

SENATE

Senators: Appointment

I—POSITION

1. Senators are appointed by the Governor General on the recommendation of the Prime Minister which is traditionally submitted by order in council*.
2. The qualifications of a senator are set out in section 23 of the *B.N.A. Act*. Senators appointed after 2 June, 1965 retire at 75. Before that date appointment was for life.
3. The appointment is effected by the issue of the instrument* of summons under the Great Seal which is dated the day the order in council recommending appointment is approved. A senator must take the required oaths* before he can occupy his seat.
4. A senator may resign, in writing, to the Governor General or be disqualified for causes enumerated in section 31 of the *B.N.A. Act*.
5. Membership in the Senate is limited to 102 distributed geographically by divisions.
6. There is provision for an exceptional addition of four or eight senators on recommendation of the Governor General to the Queen.

SENATE

Senators: Appointment

II—BACKGROUND

1. There is no legal requirement for an order in council to recommend appointments to the Senate. Although an order in council* has been consistently used an instrument of advice* from the Prime Minister to the Governor General would suffice.
2. The qualifications for a senator are set out in section 23 of the *B.N.A. Act*. It is a special requirement for a senator from Quebec that he shall have his real property qualification in the electoral division for which he is appointed, or shall be resident in that division.
3. In 1962 a special question arose regarding the position of senators where a question was asked in the House about defeated candidates appointed by the Government to positions carrying an emolument. It was considered that a senatorship was not a position to which "an emolument is attached".¹
4. The Prime Minister normally consults in advance with intended appointees. There are several cases where it has become publicly known that the offer of a senatorship has been declined. In one case the instrument of summons was issued but the appointee declined to take the oath and refused to resign contending that the appointment was against his wishes. He was therefore carried on the roll of the Senate although he never took his seat which was subsequently declared vacant after he became disqualified for non-attendance during two sessions.
5. In the last century there were cases where senators who had resigned were subsequently reappointed to the Senate. One (Carling, 1892) resigned to contest a seat in the Commons and joined the Government. He was reappointed some time after the ministry was dissolved. Two others (Aikins, 1882; Masson, 1882) resigned to become Lieutenant-Governors and were reappointed after their terms ended. One senator (Angers, 1896) who resigned to contest a seat in the Commons was not reappointed.

¹ From a memorandum by A. M. Hill, Assistant Clerk of the Privy Council, to R. B. Bryce, Clerk of the Privy Council, dated 16 April, 1962, on P.C.O. file G-1-4(b).

SENATE

Senators: Appointment

III—PROCEDURE

1. The Prime Minister selects nominees for the Senate and informs Cabinet after consulting the intended appointee. An order in council* is passed recommending the appointment to the Governor General.
2. Some Prime Ministers sent a personal letter to each newly appointed senator transmitting a certified copy of the order in council recommending the appointment approved by the Governor General. The practice has not been consistent.
3. Letters Patent* under the Great Seal of Canada are prepared by the Registrar General summoning each new appointee to the Senate. These are dated the day the order in council is approved and are the operative document.
4. A new senator is placed on the payroll according to the date of the order in council appointing him without awaiting his swearing-in. He cannot, however, take his seat until he has subscribed to the required oaths*.

SENATE

Senators: Appointment

IV—CEREMONIAL

1. The Senate meets on the morning of the opening of Parliament to install the new Speaker and to swear in new senators. Senators appointed while Parliament is in session are sworn in whenever convenient.
2. The ceremony* takes place on the floor of the Senate Chamber. The new senator presents his summons* which is read aloud. He then takes the oath* and the Speaker invites him to take his seat.

SENATE

Senators: Appointment

APPENDICES

Order in council recommending appointment of senator from Province of Quebec

Order in council recommending appointment of senator from province other than Quebec

Letters patent summoning appointee from Province of Quebec to Senate

Letters patent summoning appointee from province other than Quebec to Senate

Draft instrument of advice recommending appointment of senator from province other than Quebec

Oaths taken by senator

Extract from official report of debates of Senate regarding introduction of new senators

SENATE

Senators: Resignation

I—POSITION

1. A senator resigns by letter* addressed to the Governor General. The seat is considered vacant on receipt of this letter by the Governor General.
2. In the case of incapacity the letter* of resignation can be signed by someone empowered to act on the senator's behalf.

SENATE

Senators: Resignation

II—BACKGROUND

1. Whereas it was at one time the practice for the Governor General to seek the Prime Minister's advice before accepting a senator's resignation, it is now regarded as operative on receipt by the Governor General.
2. Valid resignations have been signed by the committee appointed by a court over the person and estate of the senator, and by a person holding a power of attorney* in a case of incapacity. The opinion of the Attorney General was sought in each case.

SENATE

Senators: Resignation

III—PROCEDURE

1. When the Governor General receives a letter* of resignation from a senator, Government House informs the Clerk of the Senate that the seat is thereby vacant.
2. The Prime Minister is advised* by Government House that the resignation has been received and the Clerk of the Senate informed. The Clerk of the Privy Council is also informed*.
3. When the letter of resignation is not signed personally by the senator it may be referred by Government House to the Attorney General for an opinion on its validity.
4. Government House acknowledges* receipt of the resignation and advises that the Clerk of the Senate has been notified of the vacancy.

SENATE

Senators: Resignation

APPENDICES

Letter of resignation from senator to Governor General

Senator's letter of resignation signed by person holding power of attorney

Letter from Government House to senator acknowledging latter's letter of resignation

Letter from Government House to Prime Minister advising of resignation of senator

Letter from Government House to Clerk of Privy Council regarding resignation of senator

SENATE

Senators: Disqualification

I—POSITION

1. Section 31 of the *B.N.A. Act* enumerates the circumstances in which a senator would be disqualified and his place become vacant. There is no additional provision for removal.
2. The *Senate and House of Commons Act* provides pecuniary penalties for senators who are parties to contracts under which the public money of Canada is paid or who accept a fee in relation to parliamentary proceedings.
3. Section 23 of the *B.N.A. Act* sets out the qualifications required for appointment as a senator. Senators representing the Province of Quebec must have their specified real property in the electoral division for which they are appointed or be resident in that division.
4. Section 33 of the *B.N.A. Act* provides that any question respecting the qualification of a senator or a vacancy in the Senate "shall be heard and determined by the Senate".
5. Action to declare a senator disqualified is taken by the Senate on a report from the Clerk of the Senate to the Speaker, which is referred to the Senate Committee on Orders and Customs. The recommendation of that Committee is the basis of a resolution* in the Senate to declare the seat vacant or not.
6. The only ground which has been invoked to declare a seat vacant by disqualification is that of non-attendance. This has been used several times.
7. Senators have resigned in the face of allegations which might have given rise to disqualification for other causes enumerated in section 31.
8. Section 39 of the *B.N.A. Act* declares that a senator is not capable of being elected or of sitting or voting as a member of the House of Commons.

SENATE

Senators: Disqualification

APPENDICES

Senate resolution for declaration of vacancy in Senate on ground of non-attendance by senator

SENATE

Senators: Indemnity

I—POSITION

1. A sessional allowance authorized by statute is paid to each senator at the rate of \$12,000 per annum. It is calculated from the date a senator is summoned to the Senate, regardless of when he takes the senator's oath. The allowance is paid monthly and is taxable.
2. A non-taxable expense allowance is paid to each senator at the rate of \$3,000 per year, in quarterly payments.
3. Each of these allowances is subject to a deduction of \$60 for each unjustified day's absence per session in excess of 21.
4. Senators are reimbursed for their return travel expenses to Ottawa once for each session and, in addition, during the session may claim travel expenses for as many return trips to their place of residence as they find desirable. The cost of the commercial economy air fare is however the maximum which can be reimbursed in each of these cases.
5. Senators are entitled under the *Railway Act* to passes for free transportation. This privilege extends to dependents on application for each journey.
6. Certain long distance telephone facilities are provided for senators.
7. Senators are granted a franking privilege for their mail.
8. Senators appointed after 2 June, 1965 are retired at age 75. There is a compulsory contributory pension plan applying to them. It makes provision for widows. The maximum pension for a senator is \$9,000 per annum and for a widow, \$5,400 per annum.
9. There is also provision for a pension equal to two thirds of the sessional indemnity, to be paid to a senator appointed before 2 June, 1965 who retires within one year of attaining 75 years of age. There is also provision for his widow.
10. Senators may benefit from revenue from other sources not prohibited by the *Senate and House of Commons Act*.
11. There is no special medical insurance plan available to senators. They may however participate in the plan provided for the Public Service.

SENATE

Senators: Indemnity

II—BACKGROUND

1. The sessional indemnity and expense allowance of a senator are calculated from the date of the instrument summoning him to the Senate. They are not dependent on his taking the required oath as a senator.
2. The rules of the Senate determine what constitutes attendance in calculating whether the fines for absence are exigible.

SENATE

Senators: Indemnity

APPENDICES

Table showing remuneration of persons holding parliamentary office in Senate

SENATE

Speaker of Senate

I—POSITION

1. The Speaker of the Senate is appointed by the Governor General on the recommendation of the Prime Minister, transmitted by order in council*.
2. The Speaker traditionally holds office throughout a Parliament, being appointed before the opening of the first session. His term ends on the appointment of his successor.
3. The Speaker need not already be a member of the Senate but may be summoned to the Senate at the time of his appointment as Speaker.
4. There is no Deputy Speaker appointed to the Senate on a continuing basis as in the Commons. In the Speaker's absence the Senate selects an Acting Speaker.

SENATE

Speaker of Senate

II—BACKGROUND

1. The recommendation to the Governor General does not have to be by order in council*. An instrument of advice* from the Prime Minister would suffice. This form has however not been adopted. It has been advanced that the appointment being in Parliament and carrying a salary should have the sanction of Cabinet.
2. The fact that the Speaker of the Senate is appointed on the recommendation of the Government rather than being elected by the Senate probably reflects the position in England where the Speaker of the House of Lords is the Lord Chancellor, a member of the Administration. In Canada however the Speaker of the Senate is not normally a member of the Administration although exceptionally during Macdonald's 2nd Administration two successive Senate Speakers were concurrently ministers without portfolio.
3. There is no fixed term for a Speaker but by convention he holds office during a Parliament and is replaced by a new appointment being made before the opening of the first session of the following Parliament. Three Speakers have remained in office for a second successive Parliament and one served in three successive Parliaments. Speakers have resigned the office for reasons of health.
4. There is no fixed time for the appointment of a Speaker but it should be sufficiently in advance of the opening of Parliament to permit him to familiarize himself with his duties and acquire the wardrobe. The period has varied from six weeks to a few days before the opening of Parliament.
5. It is not unusual for the Speaker to be appointed from outside the Senate, being summoned to the Senate and appointed Speaker the same day.

SENATE

Speaker of Senate

III—PROCEDURE

1. The Prime Minister informs Cabinet of his selection for Speaker of the Senate and an order in council* is passed recommending his appointment by the Governor General. This recommendation could be made by instrument of advice*, but this procedure has not been adopted.
2. A commission* under the Great Seal of Canada is issued to the Speaker of the Senate.

SENATE

Speaker of Senate

IV—CEREMONIAL

1. The Prime Minister does not participate in the ceremonial* of the installation of the Speaker of the Senate.

SENATE

Speaker of Senate

APPENDICES

Order in council recommending appointment of Speaker of Senate

Draft instrument of advice recommending appointment of Speaker of Senate

Commission of appointment as Speaker of Senate

Press release regarding appointment of Speaker of Senate

Extract from official report of Senate debates regarding installation of new Speaker

List of Speakers of Senate since 1867

SENATE

Leader of Government in Senate

I—POSITION

1. The Prime Minister selects* the Leader of the Government in the Senate. The position is recognized in the *Senate and House of Commons Act* but no formalities for effecting the appointment are prescribed. The position carries an allowance.
2. The Leader may be appointed to the Privy Council and the Prime Minister may bring him into the Cabinet.
3. The appointment is at the Prime Minister's pleasure and the widely varying practice does not indicate any regular length of tenure.
4. The Leader may designate a senator to assist him as Deputy Leader and to act for him in his absence. The designation is made without formality. The position does not carry any allowance nor require any direct connection with Cabinet.
5. If the Leader and Deputy Leader are absent a senator will normally be selected to be Acting Leader.

SENATE

Leader of Government in Senate

II—BACKGROUND

1. This position is recognized by statute and carries an allowance but the political significance of the appointment depends on the views of the Prime Minister.
2. There have been Leaders who were not members of the Privy Council and others who were called to Council but were not in the Cabinet. Others have been in the Cabinet.
3. No formalities being prescribed for effecting the appointment, varying techniques have been used. Despite the fact that the position is recognized by statute it has, nevertheless, not been the practice to issue a commission of appointment, or even to mention the appointment in any commission which might be issued at the time if the senator is made a member of the Privy Council and/or the Cabinet.
4. The appointment of a Deputy Leader is a matter of administrative convenience for the Leader. No instrument of appointment is issued. The appointment does not imply a Cabinet connection.

SENATE

Leader of Government in Senate

III—PROCEDURE

1. No formalities whatever are required to effect or make known the Prime Minister's selection* of a Leader of the Government in the Senate. The Prime Minister may choose to inform the Clerk of the Senate by letter and this should be done, particularly if no commission is to issue naming the appointee to the Cabinet.
2. The Leader's allowance is paid on the basis of evidence of his appointment judged satisfactory to the Treasury. This may be either a letter from the Prime Minister to the Clerk or a commission of appointment to the Cabinet even if that commission does not mention the appointment as Leader.
3. It is the responsibility of the Leader to appoint a Deputy as and when he sees fit and to announce his decision in the Senate. The same applies in the case of an Acting Leader. The Leader may consult the Prime Minister on these appointments.

SENATE

Leader of Government in Senate

IV—CEREMONIAL

1. In certain parliamentary ceremonies such as the opening of Parliament and the formal reception of visitors the Leader of the Government in the Senate has a place with the Prime Minister as the representative of the Government from the Upper Chamber. Nevertheless he is not recognized in the *Guide to Relative Precedence at Ottawa* in which he is given his place as senator, Privy Councillor or minister whichever is the senior.

SENATE

Leader of Government in Senate

APPENDICES

Letter from Prime Minister to Leader of Government in Senate regarding latter's appointment

List of Leaders of Government in Senate since 1867

SENATE

Leader of Opposition in Senate

I—POSITION

1. The position of Leader of the Opposition is recognized in the *Senate and House of Commons Act* which provides for an allowance of \$6,000 a year.
2. The Leader of the Opposition is selected by the Opposition caucus of the Senate.
3. Formalities have not been prescribed or adopted for effecting or announcing this appointment.

SENATE

Leader of Opposition in Senate

II—BACKGROUND

1. The Opposition caucus is recognized as being responsible for the selection of the opposition leader in the Senate. No formality attaches to the appointment which becomes known in due course, and the allowance prescribed by statute is paid.

SENATE

Additional Senators

I—POSITION

1. The provision in section 26 of the *B.N.A. Act* whereby the Queen may on the recommendation of the Governor General authorize the exceptional appointment of four or eight additional senators has never been implemented.
2. The Act does not specify any qualifications or restrictions on the use of this power.
3. The Governor General could make the required recommendation on the advice of the Prime Minister although, in keeping with the established practice for senatorial appointments, and because of its unusual character, the advice might take the form of an order in council although this would not be legally necessary.

SENATE

Additional Senators

II—BACKGROUND

1. Section 26 of the *B.N.A. Act* has been regarded as a deadlock clause introduced into the Act by the British Government to provide a means of breaking a deadlock between the Commons and the Senate.
2. In 1873-74 Mackenzie made the only serious attempt to invoke this authority but his request submitted by order in council and approved by Dufferin who recommended the appointment was turned down by the British Government.
3. Mackenzie had argued in a supporting memorandum that "the fair equilibrium" between parties agreed to at Confederation had been seriously disturbed so that the application of the counterpoise provided by the constitution was justified. He also adduced that "The new Administration should have an opportunity of seating some of the prominent supporters of its policy . . . for the purpose of having able advocates of the Government measures in the House".¹
4. The British Government refused to advise the Queen to act on the Governor General's recommendation on the ground that the power should only be used to break a deadlock and then only if its application would be an adequate remedy. In the circumstances existing in 1874 no deadlock had developed and six new senators would not have given Mackenzie a majority. Mackenzie's reasons for seeking the appointments were not acknowledged.
5. The case was debated in the Senate in 1877 when the Conservatives adopted the position of the British Government that it was exclusively a device for breaking a deadlock while the Liberals advocated a wider interpretation based on the fact that the Act conferred an unrestricted and unconditional power.
6. There are indications that both Laurier and Borden examined the possibility of invoking section 26 but decided against making a recommendation because of the expected negative reaction of the United Kingdom authorities.
7. Today the United Kingdom Government would not become involved. A recommendation from the Governor General would be put before the Queen who would be bound to accede to it.
8. The decision to invoke the clause would rest with the Prime Minister and the Government, who would be responsible for deciding whether the circumstances warranted its use. Since the Act sets no conditions it would be for

¹ See Eugene Forsey, "Alexander Mackenzie's Memoranda on the Appointment of Extra Senators, 1873-4", *The Canadian Historical Review*, Vol. XXVII (1946), pp. 189-194 at p. 194.

the Government to decide whether it should be used in other circumstances than to break a deadlock, the purpose attributed to the United Kingdom drafters of the clause.

9. It has been advanced that a Government must have representation in the Senate able and qualified to present and defend its measures and that the provision could properly be used to overcome such inadequacies.

SENATE

Officers of Senate

I—POSITION

1. The Clerk of the Senate is appointed and his remuneration fixed by order in council* passed pursuant to the *Public Service Employment Act*. He holds office at pleasure.
2. Some of the Clerk's duties are stated in the *Rules of the Senate of Canada*.
3. Pursuant to the *Publication of Statutes Act* the Clerk of the Senate is also Clerk of the Parliaments. As such he has custody of original acts of Parliament and other duties in respect thereto.
4. The Assistant Clerk of the Senate and the Law Clerk and Parliamentary Counsel to the Senate are appointed and their salaries are fixed by resolution* of the Senate.
5. The Gentleman Usher of the Black Rod is appointed and his salary is fixed by order in council*. He holds office at pleasure. His duties are largely ceremonial and traditional and are not specified by statute or in the *Rules of the Senate of Canada*.

SENATE

Officers of Senate

II—BACKGROUND

1. Clerks of the Senate have had long periods in office, there having been seven incumbents* since Confederation.
2. The Clerk of the Senate is the chief officer of the Senate and takes minutes of all the proceedings of the Senate. He reads the commission for the appointment of a new Speaker and administers the oaths to new senators.
3. The Gentleman Usher of the Black Rod has responsibilities connected with the opening of Parliament. He is also responsible for the maintenance of order and for matters of security in the Senate.

SENATE

Officers of Senate

III—PROCEDURE

1. The Prime Minister recommends the order in council* appointing the Clerk and the Gentleman Usher of the Black Rod and fixing their salaries, after consultation in Cabinet if he deems it desirable. The order appointing the Clerk recognizes his concurrent position as Clerk of the Parliaments. Commissions* of appointment are issued by the Registrar General.
2. The Prime Minister would probably wish to issue a press release regarding these appointments and the Speaker announces the appointments to the Senate.
3. The Senate Committee on Internal Economy and Contingent Accounts recommends the appointment and salary of the Assistant Clerk and the Law Clerk. A resolution* of the Senate effecting the appointment follows.

SENATE

Officers of Senate

APPENDICES

Order in council for appointment of Clerk of Senate

Commission issued to Clerk of Senate

List of Clerks of Senate since 1867

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**Order in Council recommending Appointment of Senator from Province
of Quebec**

**CANADA
CONSEIL PRIVÉ**

C.P. 1966-1289

*Copie certifiée conforme au procès-verbal d'une réunion du Comité du
Conseil privé, approuvé par Son Excellence le Gouverneur général
le 8 juillet 1966.*

Sur avis conforme du très honorable Lester Bowles Pearson, Premier ministre, le Comité du Conseil privé recommande que, conformément à l'article 24 de l'Acte de l'Amérique du Nord britannique, 1867, il plaise à Votre Excellence, au nom de la Reine et par instrument sous le Grand Sceau du Canada, de mander au Sénat Monsieur J.G. Leopold Langlois, de la ville de Québec, dans la province de Québec, pour la division de Grandville, dans ladite province.

(Signé) R.G. ROBERTSON
Le Greffier du Conseil privé

**Order in Council recommending Appointment of Senator from Province
other than Quebec**

**CANADA
PRIVY COUNCIL**

P.C. 1966-376

*Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on the 24th February, 1966.*

The Committee of the Privy Council, on the recommendation of the Right Honourable Lester Bowles Pearson, the Prime Minister, advise that, pursuant to section 24 of the British North America Act, 1867, Your Excellency may be pleased, in the Queen's name, by instrument under the Great Seal of Canada, to summon Earl Adam Hastings, Esquire, of the City of Calgary, in the Province of Alberta, to the Senate.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

(Signé) Georges P. Vanier

Canada

Elisabeth Deux, par la Grâce de Dieu,
Reine du Royaume-Uni, du Canada et de ses
autres royaumes et territoires, Chef du Com-
monwealth, Défenseur de la Foi.

A Notre fidèle et bien-aimé

MONSIEUR J.-G.-LÉOPOLD LANGLOIS,
de la ville de Québec dans la province de Québec,

SALUT :

SACHEZ QUE, en raison de la confiance et de l'espoir particuliers que Nous avons mis en vous, autant que dans le dessein d'obtenir votre avis et votre aide dans toutes les affaires importantes et ardues qui peuvent intéresser l'état et la défense du Canada, Nous avons jugé à propos de vous appeler au Sénat du Canada et Nous vous désignons pour la division électorale de Grandville de Notre province de Québec, et Nous vous ordonnons de passer outre à toute difficulté ou excuse et de vous trouver en personne, aux fins susmentionnées, au Sénat du Canada en tout temps et en tout lieu où Notre Parlement pourra être convoqué et réuni, au Canada, sans y manquer de quelque façon que ce soit.

EN FOI DE QUOI, Nous avons fait émettre Nos présentes Lettres Patentes et à icelles fait apposer le Grand Sceau du Canada.

TÉMOIN :

Notre très fidèle et bien-aimé Conseiller, le général Georges P. Vanier, membre de Notre très honorable Conseil privé, Compagnon de Notre Ordre du Service distingué, à qui Nous avons décerné Notre Croix militaire et Notre Décoration des forces canadiennes, Gouverneur général et Commandant en chef du Canada.

À NOTRE HÔTEL DU GOUVERNEMENT, en Notre ville d'Ottawa, ce huitième jour de juillet en l'an de grâce mil neuf cent soixante-six et de Notre Règne le quinzième.

PAR ORDRE,

(Signé) Judy Lamarsh
SECRÉTAIRE D'ÉTAT DU CANADA

Letters Patent summoning Senator from Province other than Quebec

Canada

(Sgd.) Georges P. Vanier

*Elizabeth the Second, by the Grace of God of
the United Kingdom, Canada and Her other Realms
and Territories QUEEN, Head of the Commonwealth,
Defender of the Faith.*

TO

Our Trusty and Well-beloved

EARL ADAM HASTINGS,

Esquire,

of the City of Calgary, in the Province of Alberta,

GREETING:

KNOW YOU, that as well for the especial trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs which may the State and Defence of Canada concern, We have thought fit to summon you to the Senate of Canada; and We do command you, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, in the Senate of Canada at all times whensoever and wheresoever Our Parliament may be in Canada convoked and holden; and this you are in no wise to omit.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS: Our Right Trusty and Well-beloved Counsellor, General Georges P. Vanier, a member of Our Most Honourable Privy Council, Companion of Our Distinguished Service Order upon whom We have conferred Our Military Cross and Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this twenty-fourth day of February, in the year of Our Lord one thousand nine hundred and sixty-six and in the fifteenth year of Our Reign.

BY COMMAND,

(Sgd.) Judy Lamarsh
SECRETARY OF STATE OF CANADA

**Draft Instrument of Advice recommending Appointment of
Senator from Province other than Quebec**

PRIME MINISTER - PREMIER MINISTRE

His Excellency.

Governor General and Commander-in-Chief of Canada.

Your Excellency:

The undersigned recommends that, pursuant to section 24 of the B.N.A. Act, 1867, Your Excellency may be pleased, in the Queen's name, by Instrument under the Great Seal of Canada, to summon of the City of, in the Province of (province other than Québec), to the Senate.

.
Prime Minister

Ottawa,19 . . .

Oaths taken by Senator

Oath of Allegiance

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

Note.—The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the Time being is to be substituted from Time to Time, with Proper Terms of Reference thereto.

Declaration of Qualification¹

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

¹ This declaration is renewed by each senator at the beginning of each new Parliament.

**Extract from Official Report of Debates of Senate
regarding Introduction of New Senators
(18 January, 1966)**

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Secretary of State of Canada showing that the following persons, respectively, have been summoned to the Senate:

Hon. William Moore Benidickson, P.C.

Hon. Alexander Hamilton McDonald

NEW SENATORS INTRODUCED

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons, which were read by the Clerk; took the legally prescribed oath, which was administered by the Clerk, and were seated:

Hon. William Moore Benidickson, P.C., of Kenora, Ontario, introduced between Hon. Mr. Vaillancourt and Hon. Mr. Roebuck.

Hon. Alexander Hamilton McDonald, of Regina, Saskatchewan, introduced between Hon. Mr. Vaillancourt and Hon. Mr. Boucher.

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the British North America Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

At 10.45 a.m. the Senate adjourned during pleasure.

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Letter of Resignation from Senator to Governor General

THE SENATE
CANADA

Oct. 14, 1967.

His Excellency,
The Right Honourable Roland Michener,
Governor General of Canada,
Government House,
Ottawa, Ontario.

Your Excellency,

Having become afflicted with a permanent infirmity disabling me from the due performance of my duties in the Senate, I hereby resign my place in the Senate pursuant to the provisions of an Act to make provision for the retirement of members of the Senate, Chapter 4 of the statutes of 1965, and I respectfully request that I be granted an annuity as provided for in the said Act.

I have the honour to be

Sir,

Your obedient servant,

(Sgd.) THOMAS REID

Enclosure. [Enclosed medical certificate not included.]

**Senator's Letter of Resignation signed by Person holding
Power of Attorney**

**THE SENATE
CANADA**

His Excellency
Major General Georges P. Vanier, D.S.O., M.C., C.D.,
Governor General of Canada,
Ottawa.

Your Excellency:

I hereby resign my place and seat in the Senate of Canada effective September 27th, 1962.

I have the honour to be Your Excellency's
Humble and Obedient Servant,

Thomas Farquhar
"By His attorney Stan Farquhar
Sept. 3/62"

**Letter from Governor General's Assistant Secretary to Senator
acknowledging Latter's Letter of Resignation**

October 18th, 1967.

My dear Senator,

The Governor General has asked me to acknowledge your letter of October 14th from which he learns with regret that your state of health no longer permits you to perform your duties in the Senate where you have served since September 1949, and as a result of which you tender the resignation of your place in the Senate and request that you be granted an annuity as provided for in the Act making provision for the retirement of members of the Senate.

His Excellency has directed me to inform the Clerk of the Senate of the vacancy created as a result of your resignation and to refer to the appropriate authorities your request for the grant of an annuity.

Yours sincerely,

(Sgd.) A.G. CHERRIER
Assistant Secretary
to the Governor General.

The Hon. Thomas Reid,
The Senate,
Ottawa 4.

**Letter from Governor General's Assistant Secretary to Prime Minister
advising of Resignation of Senator**

GOVERNMENT HOUSE
OTTAWA

October 18th, 1967.

My dear Prime Minister,

The Governor General received today a letter from the Hon. Thomas Reid together with a Medical Certificate attached thereto, tendering the resignation of his place in the Senate. Copies of the letter and Medical Certificate are enclosed.¹

I have acknowledged Senator Reid's letter and informed him that I have written to the Clerk of Senate advising him of the vacancy created as a result of his resignation, and that his request for an annuity has been referred to the appropriate authorities.

Yours sincerely,

(Sgd.) A.G. CHERRIER
Assistant Secretary
to the Governor General.

The Right Hon. Lester B. Pearson, OBE, LL.D.,
Prime Minister of Canada.

[¹Not included.]

**Letter from Government House to Clerk of Privy Council
regarding Resignation of Senator**

GOVERNMENT HOUSE
OTTAWA

January 10th, 1966.

Dear Mr. Robertson,

I enclose for your information a copy of a letter¹ from the Hon. J.-W. Comeau tendering the resignation of his place in the Senate of Canada, received by His Excellency today.

I have written to Senator Comeau informing him that the Clerk of the Senate has been advised of the vacancy created as a result of his resignation, and am also advising the Office of the Prime Minister of this.

With reference to Senator Comeau's request for the grant of an annuity, I have informed him that this was being referred to the appropriate authorities, and presume that your Office will ensure that this matter is attended to.

Yours sincerely,

(Sgd.) A.G. CHERRIER
Assistant Secretary
to the Governor-General.

R.G. Robertson, Esq.,
Clerk of the Privy Council and
Secretary to the Cabinet,
Privy Council Office,
Ottawa.

[¹ Not included.]

SENATE

Senators: Disqualification

PAGE

Senate resolution for declaration of vacancy in Senate on ground of non-attendance by senator 787



**Senate Resolution for Declaration of Vacancy in Senate
on Ground of Non-Attendance by Senator
(29 November, 1912)**

On motion of the Honourable Mr. Lougheed, seconded by the Honourable Mr. Kirchhoffer, it was

Resolved, That inasmuch as it has been established to the satisfaction of the Senate, that the Honourable Michael Sullivan, a Member thereof and a Senator for the Province of Ontario, has failed to give his attendance in the Senate during two consecutive sessions of Parliament, his place therein is hereby declared to have become vacant in accordance with the provisions contained in paragraph 1 of Section 31 and in Section 33 of *The British North America Act, 1867*.

On motion of the Honourable Mr. Lougheed, seconded by the Honourable Mr. Kirchhoffer, it was

Ordered, That a copy of said Resolution be presented to His Royal Highness the Governor General by such Members of this House as are Members of the Privy Council.

SENATE

Senators: Indemnity

PAGE

Table showing remuneration of persons holding parliamentary office in Senate 791

Office	Salary	Sessional Indemnity	Expense Allowance ¹	Motor Vehicle Allowance ¹	Residence Allowance	Special Allowance	Total Remuneration ²
Speaker	\$9,000	\$12,000	\$3,000	\$1,000	\$3,000		\$28,000
Leader of the Government in the Senate		\$12,000	\$3,000			\$10,000 ³	\$25,000
Leader of the Opposition in the Senate		\$12,000	\$3,000			\$ 6,000	\$21,000
Senators		\$12,000	\$3,000				\$15,000

Source: *Senate and House of Commons Act* (R.S. 1952, c. 249) – except for the Residence Allowance of the Speaker which is provided for by a vote in the estimates.

¹ The Expense Allowance and the Motor Vehicle Allowance are non-taxable. All other remuneration is taxable.

² In addition to the specific sums payable to senators, each senator is allowed, for each session of Parliament, such actual moving or transportation or travelling expenses between his place of residence and Ottawa, and such actual telecommunication expenses incurred while in Ottawa, as the Senate may by order prescribe for its members (*Senate and House of Commons Act*, Section 44(1)).

³ If the Leader of the Government in the Senate is in receipt of a salary under the *Salaries Act* this allowance is not paid (*Senate and House of Commons Act*, Section 43). If he is appointed to be a Minister without Portfolio he must choose to receive either the salary for this last office or the allowance as Leader of the Government in the Senate. He cannot receive both.

NOVEMBER 1967



SENATE

Speaker of Senate	PAGE
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Order in Council recommending Appointment of Speaker of Senate

CANADA
PRIVY COUNCIL

P.C. 1966-44

*Certified to be a true copy of a Minute of a Meeting of the
Committee of the Privy Council, approved by His Excel-
lency the Governor General on the 7th January, 1966.*

The Committee of the Privy Council, on the recommendation of the Right Honourable Lester Bowles Pearson, the Prime Minister, advise that, pursuant to section 34 of the British North America Act, 1867, Your Excellency may be pleased, by Instrument under the Great Seal of Canada, to appoint the Honourable Sydney John Smith, a Member of the Senate, to be Speaker of the Senate.

(Sgd.) R. G. ROBERTSON
Clerk of the Privy Council

**Draft Instrument of Advice recommending Appointment of
Speaker of Senate**

PRIME MINISTER - PREMIER MINISTRE

His Excellency.

Governor General and Commander-in-Chief of Canada.

Your Excellency:

The undersigned recommends that, pursuant to section 34 of
the B.N.A. Act, 1867, Your Excellency may be pleased, by Instrument
under the Great Seal of Canada, to appoint the Honourable
....., a member of the Senate, to be Speaker of the Senate.

.....
Prime Minister

Ottawa, 19. . .

Commission of Appointment as Speaker of Senate

(Sgd.) Georges P. Vanier

Canada

*Elizabeth the Second, by the Grace
of God of the United Kingdom, Canada and
Her other Realms and Territories QUEEN, Head
of the Commonwealth, Defender of the Faith.*

TO

THE HONOURABLE SYDNEY JOHN SMITH,

a Member of the Senate,

GREETING:

*KNOW YOU, that reposing special trust and confidence in your loyalty, integrity, and ability,
We have constituted and appointed, and We do hereby constitute and appoint you the said Sydney
John Smith to be*

SPEAKER OF THE SENATE.

*TO HAVE, hold, exercise and enjoy the said office of Speaker of the Senate, unto you the said
Sydney John Smith, with all and every the powers, rights, authority, privileges, profits, emoluments
and advantages unto the said office of right and by Law appertaining during Our Pleasure.*

*IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the
Great Seal of Canada to be hereunto affixed.*

*WITNESS: Our Right Trusty and Well-beloved Counsellor, General Georges P. Vanier,
a member of Our Most Honourable Privy Council, Companion of Our
Distinguished Service Order upon whom We have conferred Our Military
Cross and Our Canadian Forces' Decoration, Governor General and
Commander-in-Chief of Canada.*

*AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this seventh day of January in the
year of Our Lord one thousand nine hundred and sixty-six and in the fourteenth year of Our Reign.*

BY COMMAND,

(Sgd.) Lucien Cardin
ATTORNEY GENERAL
OF CANADA

(Sgd.) Judy Lamarsh
SECRETARY OF STATE OF CANADA

Press Release regarding Appointment of Speaker of Senate

OFFICE OF THE PRIME MINISTER

CABINET DU PREMIER MINISTRE

PRESS RELEASE

COMMUNIQUÉ

Date: January 12, 1966

For Release: Immediate

Pour Publication:

The Acting Prime Minister, Honourable Paul Martin, announces that HONOURABLE SYDNEY J. SMITH of Kamloops has been nominated Speaker of the Senate.

SENATOR SMITH, who was born in Ottawa on September 23, 1892, was educated in Ottawa and at Regina, Saskatchewan.

A farmer and automobile dealer, Senator Smith was a member of the B.C. Legislature from 1949-1952.

He was summoned to the Senate on January 3, 1957.

**Extract from Official Report of Senate Debates
regarding Installation of New Speaker**

Tuesday, January 18, 1966

**OPENING OF FIRST SESSION
TWENTY-SEVENTH PARLIAMENT**

Parliament having been summoned by Proclamation to meet this day for the dispatch of business:

The Senate met at 10 a.m.

SPEAKER OF THE SENATE

**READING OF COMMISSION APPOINTING
HON. SYDNEY J. SMITH**

Hon. Sydney J. Smith, having taken the Clerk's chair, rose and said: Honourable senators, I have the honour to inform you that a Commission has been issued under the Great Seal, appointing me Speaker of the Senate.

The said Commission was then read by the Clerk.

The Hon. the Speaker then took the Chair at the foot of the Throne, to which he was conducted by Hon. Cyrille Vaillancourt and Hon. A.J. Brooks, P.C., the Gentleman Usher of the Black Rod preceding.

Speakers of the Senate 1867-1967

Name	Parliament	Political Affiliation ¹	Ministries
J.E. Cauchon (1867 – 1872)	1st	Conservative	1st Liberal-Conservative (Macdonald)
P.J. Chauveau (1873 – 1874)	2nd	Conservative	1st Liberal-Conservative (Macdonald) 2nd Liberal (Mackenzie)
D. Christie (1874 – 1878)	3rd	Liberal	2nd Liberal (Mackenzie)
R.D. Wilmot (1878 – 1880)	4th	Conservative	3rd Liberal-Conservative (Macdonald)
Sir D.L. Macpherson (1880 – 1883) ²	4th & 5th	Conservative	3rd Liberal-Conservative (Macdonald)
A.R. Botsford (1880) ³	4th	Conservative	3rd Liberal-Conservative (Macdonald)
W. Miller (1883 – 1887) ³	5th	Liberal-Conservative	3rd Liberal-Conservative (Macdonald)
J.B. Plumb (1887 – 1888)	6th	Conservative	3rd Liberal-Conservative (Macdonald)
G.W. Allan (1888 – 1891) ³	6th	Conservative	3rd Liberal-Conservative (Macdonald)
A. Lacoste (1891)	7th	Conservative	3rd Liberal-Conservative (Macdonald) 4th Liberal-Conservative (Abbott)
J.J. Ross (1891 – 1896) ³	7th	Conservative	4th Liberal-Conservative (Abbott) 5th Liberal-Conservative (Thompson) 6th Liberal-Conservative (Bowell) 7th Liberal-Conservative (Tupper)
Sir C.A. Pelletier (1896 – 1901)	8th	Liberal	8th Liberal (Laurier)
L.G. Power (1901 – 1905)	9th	Liberal	8th Liberal (Laurier)
R. Dandurand (1905 – 1909)	10th	Liberal	8th Liberal (Laurier)
J.K. Kerr (1909 – 1911)	11th	Liberal	8th Liberal (Laurier)
Col. C.P. Landry (1911 – 1916)	12th	Conservative	9th Conservative (Borden)
J. Bolduc (1916 – 1922) ³	12th & 13th	Conservative-Unionist	9th Conservative (Borden) 10th Unionist (Borden) 11th Unionist (Meighen)
A. Bostock (1922 – 1930)	14th, 15th & 16th	Liberal	12th Liberal (King) 13th Conservative (Meighen) 14th Liberal (King)
A.C. Hardy (1930) ³	16th	Liberal	14th Liberal (King)

Name	Parliament	Political Affiliation ¹	Ministries
P.E. Blondin (1930 – 1936)	17th	Conservative	15th Conservative (Bennett)
W.E. Foster (1936 – 1940)	18th	Liberal	16th Liberal (King)
G. Parent (1940 – 1942)	19th	Liberal	16th Liberal (King)
T. Vien (1943 – 1945) ³	19th	Liberal	16th Liberal (King)
J.H. King (1945 – 1949)	20th	Liberal	16th Liberal (King) 17th Liberal (St. Laurent)
E. Beauregard (1949 – 1953)	21st	Liberal	17th Liberal (St. Laurent)
W.M. Robertson (1953 – 1957)	22nd	Liberal	17th Liberal (St. Laurent)
M. Drouin (1957 – 1962)	23rd & 24th	Progressive-Conservative	18th Progressive-Conservative (Diefenbaker)
G.S. White (1962 – 1963)	25th	Progressive-Conservative	18th Progressive-Conservative (Diefenbaker)
M. Bourget (1963 – 1966)	26th	Liberal	19th Liberal (Pearson)
S.J. Smith (1966 –)	27th	Liberal	19th Liberal (Pearson)

¹ There are only two cases (1873, 1926) of a Speaker of the Senate serving in that office while not being a supporter of the Government. Both these cases were occasioned by the resignation of the Government which had appointed the Speaker and the immediate formation, without a general election, of a new Government by the Opposition. In each case the Speaker continued in office under the new Government until the end of the Parliament for which he was appointed.

The first instance was in 1873 when the Liberal-Conservative Government of Sir John A. Macdonald resigned during the Second Parliament and was immediately succeeded by a Government formed from the Liberal Opposition and under the leadership of Alexander Mackenzie. P.J. Chauveau, who was a supporter of Macdonald and who had been chosen to be Speaker by him, continued in office for the remainder of the Second Parliament.

The second instance was in 1926 when the Liberal Government of Mackenzie King resigned during the Fifteenth Parliament and was immediately succeeded by a Government formed from the Conservative Opposition and under the leadership of Arthur Meighen. A. Bostock, who was a supporter of King and who had been chosen to be Speaker by him, continued in office for the remainder of the Fifteenth Parliament. In the subsequent general election of 1926 the Liberal Party under King was returned to power and Mr. Bostock continued to be Speaker of the Senate during the Sixteenth Parliament.

² Sir D.L. Macpherson was appointed to replace his predecessor between two sessions of a Parliament for the following sessions of that Parliament. However, because of ill health Macpherson was replaced as Speaker by A.E. Botsford on 16th February, 1880, but was reappointed on 19th April of that year.

³ These Speakers were appointed to replace their predecessor during a Parliament. In these cases the new Speaker normally continued in office until the end of that Parliament.

APRIL 1968

SENATE

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**Letter from Prime Minister to Leader of Government in Senate
regarding Latter's Appointment**

Ottawa, May 20, 1958.

My dear Senator:

This is to confirm our conversation last week when I asked you to assume the position of Leader of the Government in the Senate. The effective date is May 12th, when the resignation of the Honourable John T. Haig became effective.

With kind regards,

I am,

Yours sincerely,

(Sgd.) JOHN G. Diefenbaker

The Honourable Walter M. Aseltine, Q.C.,
The Senate,
Ottawa, Ontario.

Leaders of the Government in the Senate

The Honourable

1867-1873 — Sir Alexander Campbell
1873-1874 — Luc Letellier de St. Just
1874-1878 — Richard W. Scott
1878-1887 — Sir Alexander Campbell
1887-1892 — Sir John J. C. Abbott
1893-1896 — Sir Mackenzie Bowell
1896-1897 — Sir Oliver Mowat
1897-1902 — David Mills
1902-1908 — Richard W. Scott
1909-1911 — Sir Richard J. Cartwright
1911-1921 — Sir James A. Lougheed
1921-1930 — Raoul Dandurand
1930-1932 — Wellington B. Willoughby
1932-1935 — Arthur Meighen
1935-1942 — Raoul Dandurand
1942-1945 — James H. King
1945-1953 — Wishart McL. Robertson
1953-1957 — William Ross Macdonald
1957-1958 — John T. Haig
1958-1962 — Walter M. Aseltine
1962-1963 — Alfred J. Brooks
1963-1964 — William Ross Macdonald
1964-1968 — John J. Connolly
1968 — Paul Martin

NOVEMBER 1968

SENATE

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Order in Council for Appointment of Clerk of Senate

**CANADA
PRIVY COUNCIL**

P.C. 1968-124

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of JANUARY, 1968

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

His Excellency the Governor General in Council, on the recommendation of the Prime Minister, is pleased hereby to appoint Robert Fortier, Q.C.,

- (a) pursuant to section 38 of the Public Service Employment Act, to be Clerk of the Senate and to fix his remuneration at \$26,500 per annum and
 - (b) to be Clerk of the Parliaments,
- effective February 1, 1968, vice J.F. MacNeill.

Certified to be a true copy

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

Canada

(Sgd.) Vincent Massey

Elizabeth the Second, *by the Grace
of God of the United Kingdom, Canada and
Her other Realms and Territories QUEEN, Head
of the Commonwealth, Defender of the Faith.*

TO

JOHN FORBES MacNEILL,

Esquire,

*one of Our Counsel learned in the law, Law Clerk and Parliamentary Counsel of the Senate,
of the City of Ottawa, in the Province of Ontario,*

GREETING:

*KNOW YOU, that reposing special trust and confidence in your loyalty, integrity, and ability,
We have constituted and appointed, and We do hereby constitute and appoint you the said John
Forbes MacNeill to be*

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS.

*TO HAVE, hold, exercise and enjoy the said office of Clerk of the Senate and Clerk of the
Parliaments unto you the said John Forbes MacNeill with all and every the powers, rights, authority,
privileges, profits, emoluments and advantages unto the said office of right and by Law appertaining
during Our pleasure.*

*IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the
Great Seal of Canada to be hereunto affixed.*

WITNESS: *Our Right Trusty and Well-beloved Counsellor, Vincent Massey, Member of
Our Order of the Companions of Honour, Governor General and Commander-
in-Chief of Canada.*

*AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Twenty-second day of October
in the year of Our Lord One thousand nine hundred and fifty-five and in the Fourth year of Our
Reign.*

BY COMMAND,

(Sgd.) F.P. Varcoe
DEPUTY ATTORNEY GENERAL,
CANADA

(Sgd.) C. Stein
UNDER SECRETARY OF STATE

Clerks of the Senate

<u>NAME</u>	<u>DATE OF APPOINTMENT</u>
J.F. Taylor Sr.	November 2, 1867
R. LeMoine	January 28, 1871
E.J. Langevin	January 25, 1883
S.E. Chapleau	January 27, 1900
A.E. Blount	February 20, 1917
L.C. Meyer	December 20, 1938
J.F. MacNeill	October 22, 1955
R. Fortier	February 1, 1968

February 1968.

Order in Council for Appointment of Gentleman Usher of the Black Rod

**CANADA
PRIVY COUNCIL**

P.C. 180

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 14th January, 1947.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that Major C.R. Lamoureux, of the City of Montreal, in the Province of Quebec, be appointed Gentleman Usher of the Black Rod.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

**Resolution of Senate for Appointment of Law Clerk and Parliamentary
Counsel to Senate (11 January, 1956)**

Hon. W. Ross Macdonald: Honourable senators, Mr. MacNeill having given up the position of Law Clerk and Parliamentary Counsel of the Senate, it becomes the duty of this house to appoint his successor, and under the rules the vacancy is to be filled by a resolution of the Senate.

. . .

With leave of the Senate I now move:

That Edward Russell Hopkins, B.A., LL.B., be appointed Law Clerk and Parliamentary Counsel of the Senate and that he be paid a salary of \$11,000 per annum as of and from 10th January, 1956.

Hon. John T. Haig: Honourable senators, I take great pleasure in seconding the motion.

. . .