

James Stone

RULES

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AND

REGULATIONS

TO BE OBSERVED IN

The Legislative Council

OF

NEWFOUNDLAND

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RULES and REGULATIONS

TO BE OBSERVED IN

THE LEGISLATIVE COUNCIL

OF

NEWFOUNDLAND.

I.

The Members of the Legislative Council are to sit in the order prescribed by Her Majesty.

II.

The President, when he speaks to the House, is always to be uncovered, and is not to adjourn the House, or do anything else as mouth of the House, without the consent of the members first had, excepting the ordinary things about Bills which are of course, wherein the Members may likewise over-rule, as for preferring one Bill before another, and such like. And in case of difference among the Members, it is to be put to the question; and if the President will speak to any thing particular, he is to go to his own place as a Member.

III.

That immediately after the President shall have taken the Chair, the doors shall be closed, and the Journals of the preceding day be always read.

IV.

That any Member may at any time desire the House to be cleared of strangers, and the President shall immediately give directions to execute the order, without debate.

V.

When the House is sitting, every Member that shall enter, is to give and receive salutations from the rest, and not to sit down in his place unless he has made his obeisance.

VI.

The Members in the House are to keep their dignity and order, in sitting, as much as may be, and not remove out of their places without just cause ; but when they must needs go across the House, they are to make obeisance to the Chair.

VII.

When any Members speak, they address their speech to the rest of the Members in general.

VIII.

No Member is to speak twice to any Bill at any one time of reading it, or to any other proposition, unless it be to explain himself in some material point of his speech, but no new matter, and that not without leave of the House first obtained. Every Member speaks standing and uncovered, and names not the Members of the House commonly by their names, but "the Member that spoke last"—"last but two," etc.—or some other note of distinction.

IX.

That such Members as shall make protestations, or enter their dissents to any votes of the House, as they have a right to do, without asking leave of the House, either with or without their reasons, shall cause their protestations or dissents to be entered in the Clerk's book on the next sitting day of this House, before the rising of the House, otherwise the same shall not be entered ; and shall also sign the same before the rising of the House on the same day.

X.

That all orders of the day, which by reason of any adjournment shall not have been proceeded upon, shall be considered only as postponed to the next day on which the House shall sit.

XI.

To prevent misunderstanding, and for avoiding offensive speeches when matters are debating, either in the House or at Committees, it is for honor's sake thought fit, and is so ordered, that all personal, sharp, or taxing speeches be forborne, and that whosoever answereth another man's speech shall apply his answer to the matter without wrong to the person; and as nothing offensive is to be spoken, so nothing is to be ill-taken, if the party that speaks it shall presently make a fair exposition or clear denial of the words that might bear any ill construction; and if any offence be given in that kind, as the House itself will be very sensible thereof, so it will censure the offender, and give the party offended a fit reparation and a full satisfaction.

XII.

That for avoiding all mistakes, unkindness, or other differences, which may grow to quarrels tending to the breach of the Peace, if any Member shall conceive himself to have received an affront or injury from any other Member of the House, either in the House, or at a Committee, or in any of the rooms belonging to the Legislative Council, he shall appeal to the House for his reparation; which if he shall not do, but occasion or entertain quarrels, declining the justice of the House, then the Member that shall be found therein offending shall undergo the severe censure of the House.

XIII.

That when a question is under debate, no motion shall be received in the House, unless to amend it, commit it, postpone it to a certain day, or for the order of the day, or to adjourn.

XIV.

That two day's notice of all motions, deemed special, be given to the House; and any motion (with leave of the House) may be withdrawn at any time before amendment or decision.

XV.

That no motion prefaced by a written preamble, shall be received by this House.

XVI.

That when the question hath been entirely put by the President, no Member is to speak upon the question before voting.

XVII.

That after a question is put, and the House hath voted thereon, no Member shall depart out of his place until the House hath entered upon some other business.

XVIII.

That at votes, the contents do rise in their places, and the non-contents continue to sit; and that the contents and non-contents shall be taken and entered on the minutes at the request of any one Member.

XIX.

That the Clerk is to enter no order until the President first demand the assent of the House; and the Clerk is to read every order first in the House, before it be entered.

XX.

That each Member has a right to require that the

question, or motion, in discussion, be read for his information, at any time of the debate.

XXI.

To have more freedom of debate, and to facilitate business, Committees are appointed, either of the whole House, or of individuals; Committees of the whole House sit in the House, but then the President sits not in the Chair.

XXII.

That in a Committee of the whole House, the Rules of the House shall be observed in so far as they may be applicable, excepting the Rule limiting the times of speaking; and that no motion for the previous question, or for adjournment, can be received, but a Member may at any time move that the Chairman do leave the Chair, or report some progress made, and ask leave to sit again.

XXIII.

That Select Committees usually meet in one of the Committee Rooms, as the Members like. The Members of the Committee speak to the rest uncovered, but may sit still if they please.

XXIV.

Every Member to sit in his due place when the House is put into a Committee.

XXV.

At any Committee, Members of the House, though not of the Committee, are not excluded from coming in and speaking, but they must not vote; they shall also give place to all that are of the Committee, and shall sit behind them.

XXVI.

When anything that hath been committed is reported, the Members of the Committee stand up.

XXVII.

No man is to enter at any Committee or Conference, unless it be such as are commanded to attend, but such as are Members of the House, upon pain of being punished severely, with example to others.

XXVIII.

That no Message from the Assembly be received in this House, with a Bill or otherwise, unless the object of it be expressed verbally, as hath hitherto been practised.

XXIX.

When notice is given to the House by the Usher of the Black Rod, that a Message or Deputation is sent by the House of Assembly, they attend until the House is prepared to receive them ; he being seated, they are then admitted. On their coming up to the Bar with three obeisances, the President goes down to the Bar, and receives their Message uncovered ; the Message is then read and delivered to the President by one of the Members of the Deputation : on their retiring with three obeisances to the House, the President resumes the Chair, and standing uncovered, reports the Message for the information of the Members : the House then resumes the business it had before it.

XXX.

None are to speak at a Conference with the Lower House, but those that be of the Committee ; and when any thing from such Conference is reported, all the Members of that Committee present are to stand up.

XXXI.

As it might deeply intrench on the privileges of this House for any Member to answer an accusation in the House of Assembly, either in person or by sending his answer in writing, or by his Counsel there, upon serious

consideration had thereof, and perusal of the precedents in the Upper House of the Imperial Parliament, it is ordered, that no Member of this House shall either go down to the House of Assembly, 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 this House.

XXXII.

That no Member or Officer of this House, without leave of this House, shall, by order of the Assembly, go into that House whilst the House or any Committee of the whole House is sitting there; or appear before any Committee of that House sitting there or elsewhere.

XXXIII.

That the Members of the Assembly be admitted as auditors of the debate of this House, or any other persons introduced by a Member of this House.

XXXIV.

That it is the right of every Member of this House to bring in a Bill, and pray that it may be read.

XXXV.

Bills are seldom opposed at the first reading, but are generally committed, upon motion at the second reading, at which time the principle is usually debated.

XXXVI.

That no arguments against the principle of a Bill shall be had or admitted in any Committee of the whole House upon such Bill.

XXXVII.

That no Bill shall be read twice on the same day; that no Committee of the whole House shall proceed on any Bill on the same day in which the Bill is com-

mitted, unless the House, upon motion, shall see special cause for the common utility to change the same course in any particular instance.

XXXVIII.

That in a Committee of the whole House, a Member may, at any time previous to a Bill being passed entirely, that is to say, all the clauses, preamble and title of the same, move to have any particular clause thereof, that may have been passed, re-considered.

XXXIX.

That 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 said Bill of Aid or Supply, is unparliamentary.

XL.

That proof be required that a public notification of the intention of any person or persons to apply to the Legislature for its interference respecting any local matter, had been affixed to the doors of the several Churches, Chapels, or Places of Public Worship of the town or place to be affected, or where the premises in question shall lie, for three successive Sundays, before such application shall be made: Provided, that as to any such application with reference to any local matter in the District of St. John's, publication of such notification shall be also given in the Newfoundland *Royal Gazette* for three successive weeks immediately preceding such application.

XLL

That every Petition which is brought up shall lay on the table two days before it is read.

XLII.

That the allegations in every Petition for a Private

Bill; meant to originate in this House, shall be first referred to a Select Committee, and the matter thereof reported upon, before the introduction of any such Bill.

XLIII.

That every Member who shall introduce a Bill, Petition, or Motion, upon any subject which may be referred to a Committee, shall be one of the Committee without being named by the House.

XLIV.

That when a Private Bill is brought from the other House, the principle of which is admitted, this House, by Message, may either request a communication of the evidence received in proof of the allegations or matter whereon the Bill is founded, or the Committee of this House to whom it may be referred shall examine the said allegations, and on reporting the Bill, state whether the same or matter thereof be founded, and whether the parties concerned in interest or property therein, have given the consents to the satisfaction of the Committee.

XLV.

That the foregoing be considered a standing instruction at all Committees who shall meet upon Private Bills; and further, that they require all Persons, whose interest or property they shall consider to be affected thereby, to appear in person before them, to give their consent thereto: and if they cannot personally attend, they may send their consent in writing, which shall be proved to the satisfaction of the Committee; and that when any Committee shall be appointed on a Private Bill, notice thereof shall be set up in the lobby of this House seven days before the meeting of the said Committee.

XLVI.

That when a Bill originating in this House, has once passed through its final stage in this House, no new Bill for the same object can afterwards be originated in this House during the same Session.

XLVII.

That for the future no motion shall be granted for making any order of this House a standing order, or for dispensing with a standing order, the same day it is made, nor before the Members of this House in town shall be summoned to consider of the said motion.

XLVIII.

That Three Members shall constitute a Quorum.

XLIX.

That any Member of this House being desirous to introduce any Bill, shall be at liberty to call upon the Master-in-Chancery, attendant upon this House, to digest and draft the same.

