

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

Coloured covers/
Couverture de couleur

Coloured pages/
Pages de couleur

Covers damaged/
Couverture endommagée

Pages damaged/
Pages endommagées

Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée

Pages restored and/or laminated/
Pages restaurées et/ou pelliculées

Cover title missing/
Le titre de couverture manque

Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées

Coloured maps/
Cartes géographiques en couleur

Pages detached/
Pages détachées

Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)

Showthrough/
Transparence

Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur

Quality of print varies/
Qualité inégale de l'impression

Bound with other material/
Relié avec d'autres documents

Continuous pagination/
Pagination continue

Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure

Includes index(es)/
Comprend un (des) index

Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

Title on header taken from:/
Le titre de l'en-tête provient:

Additional comments:/
Commentaires supplémentaires:

Title page of issue/
Page de titre de la livraison

Caption of issue/
Titre de départ de la livraison

Masthead/
Générique (périodiques) de la livraison

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
							✓				

136 Règlement des 6 membres (No 1)

7
REMEMBRANCES,

OR A

COLLECTION

of the

STANDING ORDERS

OF THE

LEGISLATIVE COUNCIL

OF THE

PROVINCE

OF

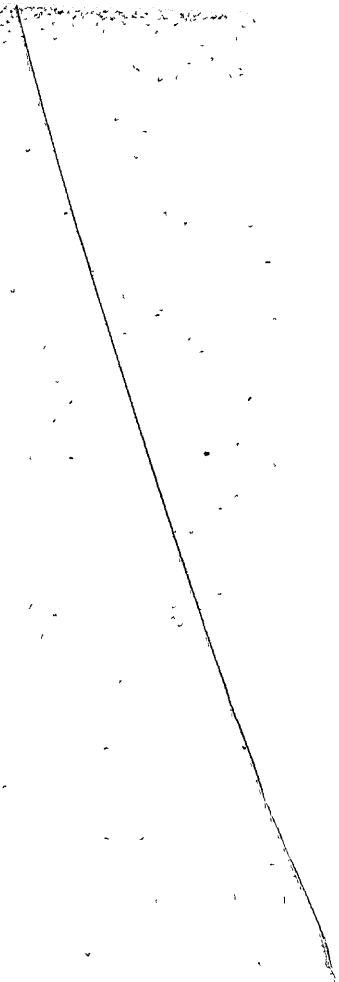
LOWER-CANADA.

QUEBEC:

PRINTED BY P. E. DESBARATS, LAW PRINTER TO THE KING'S MOST EXCELLENT
MAJESTY.

1817.

Carte 6 - 1817



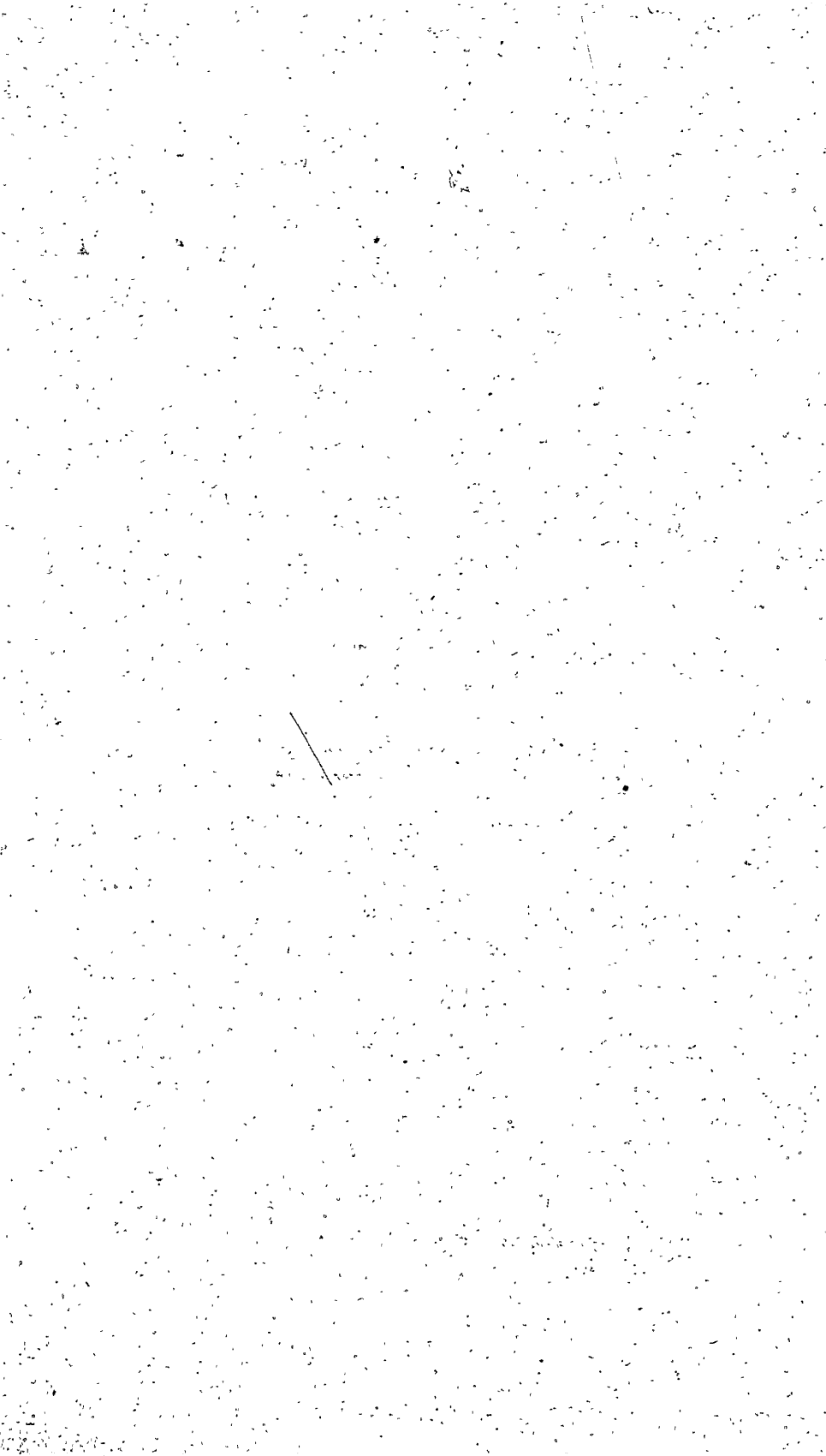
LEGISLATIVE COUNCIL,

Wednesday, 19th February, 1817.

RESOLVED, That two hundred copies of the Rules now adopted and numbered from number One to number Fifty-three inclusive, be printed in both languages, for the use of the Members of this House, together with the Royal Instructions.

(Attest.)

W^m. SMITH, C: L: C:



ROYAL INSTRUCTIONS.

(Signed)

ALURED CLARKE,

Lieutenant Governor.

Mr. Speaker of the Legislative Council,

I AM instructed by His Majesty respecting the enacting of LAWS in this Province, upon sundry points which I think fit to communicate to the Legislative Council, for their information, certain articles whereof are in the words following :

Royal Instructions to ALURED CLARKE, Esq. Lt. Governor respecting the enacting of Laws in Lower Canada.

Style in which Laws are to be enacted.

That the style of enacting all the said Laws, Statutes and Ordinances shall be, "by Us, our Heirs or Successors, by and with the advice and consent of the Legislative Council and Assembly of our Province of Lower-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, " *An Act for making more effectual provision for the government of the Province of Quebec in North America,*" and to make further provision for the government of the said Province," and that no Bill, in any other form, shall be assented to by you in our name : That each different matter be provided for by a different Law, without including in one and the same Act, such things as have no proper relation to each other.

That no clause be inserted in any Act or Ordinance which shall be foreign to what the title of it imports ; and, That no perpetual clause be part of any temporary Act.

No clause to be inserted in any Act foreign to the import of its title.

A temporary Act not to contain any perpetual clause.

That

No Laws or ordinances to be suspended by general words; but the title and date thereof are to be mentioned particularly in the enacting part.

That no Law or Ordinance whatever, be suspended, altered, continued, revised or repealed, by general words; but that the title and date of such Law or Ordinance, be particularly mentioned in the enacting part.

The King's assent to be withheld from any Law or ordinance respecting private property, without a saving of the King's rights.

That in case any Law or Ordinance respecting private property, shall be passed without a saving of the right of Us, our Heirs and Successors; and of all persons or bodies politic or corporate, except such as are mentioned in the said Law or Ordinance, you shall declare, that you withhold our assent from the same, and if any such Law or Ordinance shall be passed without such saving, you shall in every such case declare, that you reserve the same for the signification of our royal pleasure thereon.

Laws enacted for a period less than two years not to be assented to, except in imminent necessity.

And whereas Laws have formerly been enacted in several of our Plantations in America, for so short a time, that Our Royal Assent or Refusal thereof could not be had, before the time for which such Laws were enacted did expire, You shall not Assent in Our name to any Law that shall be enacted for a less time than two years, except in cases of imminent necessity, or immediate temporary expediency; and you shall not declare Our Assent to any Law containing provisions which shall have been disallowed by Us, without express leave for that purpose first obtained from Us upon a full representation by You to be made to Us, by one of Our principal Secretaries of State, of the reason and necessity of passing such Law.

Laws containing provisions disallowed by the King, not to be assented to without leave first obtained from the King.

A. C.

(Signed)

(Signed)

ALURED CLARKE,
Lieutenant Governor.

Mr. Speaker of the Legislative Council,

I HAVE already stated to the Legislative Council, and House of Assembly, that I was instructed by His Majesty respecting the enacting Laws in this Province, and I have made known sundry points thereof.

Royal Instructions to ALURED CLARKE, Esquire, Lt. Governor of Lower-Canada.

I think it expedient at this time to make further communications from the Royal Instructions on the same subject, for the information of the Legislature, the articles whereof are in the words following :

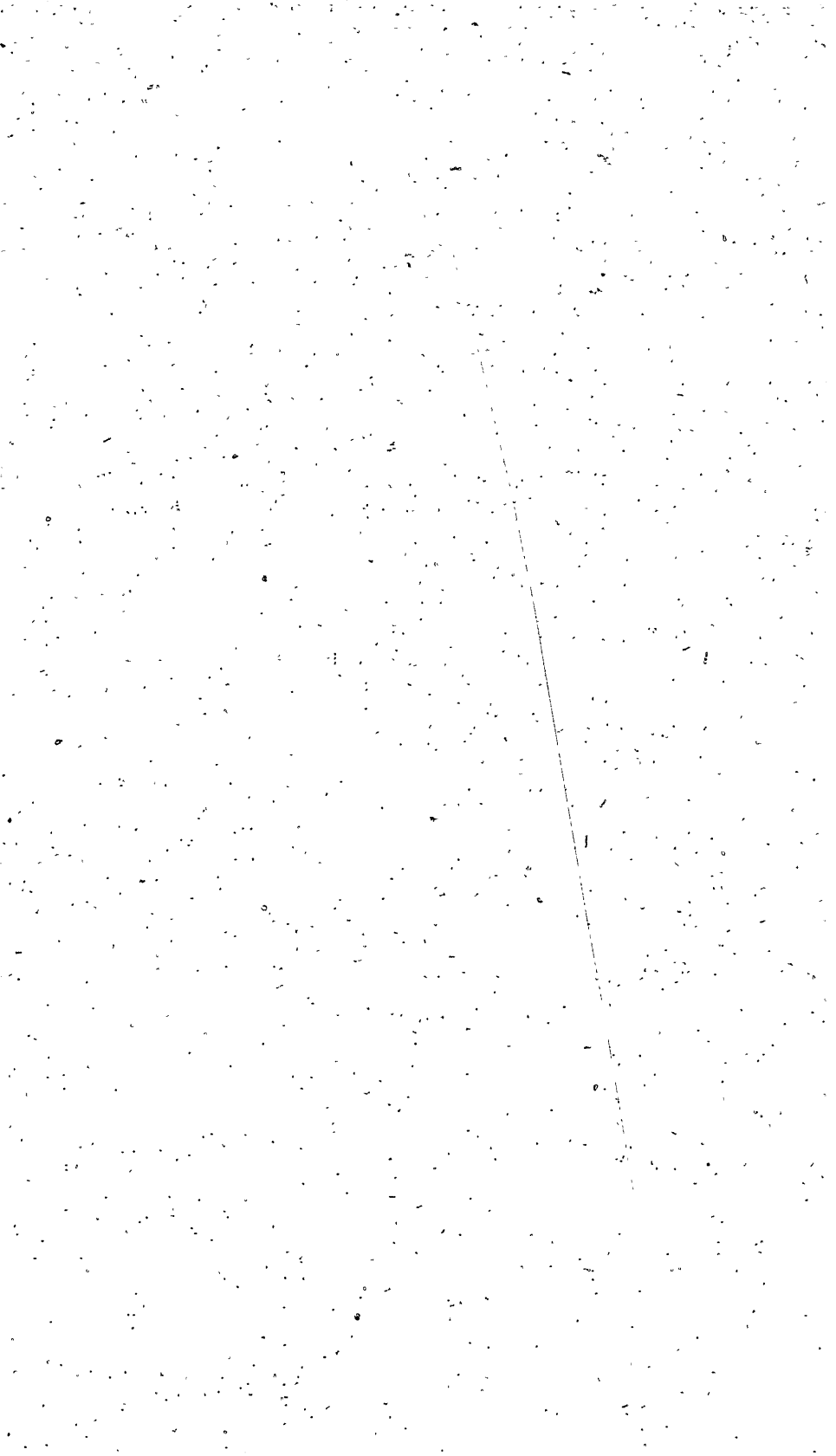
That in all Laws or Ordinances for levying money, or imposing fines, forfeitures or penalties, express mention be made that the same is granted or reserved to Us, Our Heirs and Successors, for the public uses of the said Province, and the support of the Government thereof, as by the said Laws shall be directed ; and that a clause be inserted, declaring, that the due application of such money, pursuant to the directions of such Law, shall be accounted for unto Us, through our Commissioners of our Treasury for the time being, in such manner and form as We shall direct.

In all Laws for levying money, &c. express mention to be made that the same is granted or reserved to the Crown, &c.

A clause to be inserted, declaring how the application of such money shall be accounted for.

A. C.

REMEMBRANCES



REMEMBRANCES

FOR ORDER AND DECENCY,

TO BE KEPT IN THE

UPPER HOUSE

Of the Provincial Parliament of Lower Canada.

I. **T**HE Members of the Legislative Council are to sit in the order prescribed by His Majesty.

The sitting of the Members of the Legislative Council.

II. The Speaker, when he speaks to the House, is always to be uncovered, and is not to adjourn the House, or do any thing 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 Speaker will speak to any thing particularly, he is to go to his own place as a Member.

Speaker of the House.

III. At the beginning of a Parliament, after prayers shall have been said, and the Speaker shall have taken the oath prescribed by Law, then all the Members of the Legislative Council present, shall in like manner take, make and subscribe the said oath; after which some Bill (*pro forma*) shall be read; which being done, the Speaker is to report the speech from the Throne, and then the Committee of privileges is to be appointed. And at the

Proceedings upon opening the Parliament.

the beginning of every other session during the same Parliament, after prayers said, some Bill (*pro forma*) is to be read, the speech from the Throne reported, and the Committee of privileges appointed.

Calling of the House.

IV. It is to be observed, That the first or second day after the commencement of each session, the House be called, and notice taken of such Members as are absent, not excused by the King, or by his Majesty's representative, for some time.

Excuse for absence.

V. For absence, every Member is to make his excuse by a Member of the House; and if it be allowed to be just, he is to be excused; if not, he is to be blamed by the House as the fault requires.

Reading of the Journals.

VI. Ordered, That immediately after prayers, the journals of the preceding day be always read.

House to be cleared of strangers.

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

House sitting.

VIII. 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 an obeisance to the Cloth of State.

Order in the House.

IX. The Members in the Upper 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, to the hindrance of others that sit near them, and disorder of the House; but when they must needs go across the House, they are to make obeisance to the Cloth of State.

Members not to discourse together whilst the House is sitting.

X. Ordered, That if any Member have occasion to speak with another Member of this House, while

while the House is sitting, they shall go together below the bar, or else the Speaker is to stop the business in agitation.

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

Speech in the House.

XII. No Member is to speak twice to any Bill at 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 one” — “last but two,” &c. or some other note of distinction.

No Member to speak twice to one matter without leave.

XIII. Ordered, That such Members as shall make protestation, or enter their dissents to any votes of this 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.

Protestation or dissent.

XIV. 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.

Postponement of the Orders of the Day.

XV. 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

Asperity of Speech.

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.

Quarrels to prevent.

XVI. Ordered, for avoiding all mistakes, unkindnesses, or other differences, which may grow to quarrels tending to the breach of the peace, that if any Member shall conceive himself to have received any affront or injury from any other Member of the House, either in the Parliament House, or at any 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 delinquent, shall undergo the severe censure of the House.

Question under debate.

XVII. 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.

Motion how to be withdrawn.

XVIII. That any motion (with leave of the House) may be withdrawn any time before amendment or decision.

No motion with a written Preamble to be received.

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

XX. Ordered and declared, That when the question

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

No Member to speak after the question is entirely put.

XXI. Ordered, 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.

After a question is put, no Member to depart out of his place until some other business is entered upon.

XXII. Ordered, That at votes the contents do rise in their places, and the non-contents continue to sit.

Manner of voting.

XXIII. The Clerk is to enter no order until the Speaker first demand the assent of the House; and the Clerk is to read every order first in the House before it be entered.

Orders to be read before entered.

XXIV. Ordered, That the Clerks of this House give attendance in the Clerk's office during the session, between the hours of ten and twelve in the forenoon, and between the hours of two and four in the afternoon, Sundays excepted.

Attendance of the Clerks.

XXV. To have more freedom of speech and that arguments may be used, (*pro* and *contra*.) Committees are appointed, sometimes for Bills, sometimes to facilitate and agree of great business, either of the whole House or of particulars; Committees of the whole House sit in the House, but then the Speaker sits not in the Chair as Speaker.

Appointment of Committees of the whole House.

XXVI. Ordered, That when the House shall be put into a Committee of the whole House, the House be not resumed without the unanimous consent of the Committee, unless upon a question put by the Member who shall be in the Chair of such Committee.

House when in a Committee of the whole House not to be resumed without the unanimous consent of the said Committee.

XXVII.

No motion for the previous question, or for adjournment, to be received in a Committee of the whole House.

XXVII. 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 to report; or to report some progress made, and ask leave to sit again.

Select Committees.

XXVIII. If they be a select Committee, they usually meet in one of the Committee rooms, as the Members like. Any of the Members of the Committee speak to the rest uncovered, but may sit still if he please.

Places in Committees.

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

All Members though not of a Committee may attend the same, but not to vote.

XXX. At any Committee of our own, any Member of our House, though not of the Committee, is not excluded from coming in and speaking; but he must not vote: he shall also give place to all that are of the Committee, and shall sit behind them. The same order is also observed at a Conference with the Assembly.

Motion for a Committee of the whole House not to be refused.

XXXI. If it be desired by any Member that the House be put into a Committee, it ought not to be refused.

Manner of reporting from Committees.

XXXII. When any thing that hath been committed is reported, the Members of the Committee stand up.

No strangers to be at a Conference or Committee.

XXXIII. 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.

XXXIV.

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

The object of Messages from the Assembly to be expressed verbally in both languages.

XXXV. For our meeting with any of the Lower House, it is either upon occasion of Messages which they send up unto us, or upon conference. When they come up unto us, the manner is thus:—After we have notice given us by our Usher, that they have sent unto us, they attend until we have put that business to some end wherein we are, and then we (sitting) send for them in, who stand all at the lowest end of the room; and then the Speaker, with such as please, riseth, and goeth down to the middle of the Bar; then the chief of the Committee in the midst, and the rest about him, come up to the Bar with three obeisances, and deliver the Message to him, who after he hath received it, retires himself to his former place; and the House being cleared and settled, he reports it to the Members, who do help his memory, if any thing be mistaken. And after the Members have taken resolution (if the business require any answer) they are either called for in, and approaching to the bar with three obeisances (as before) and the House sitting in order, as before, the Speaker in his seat covered, doth give them their answer in the name of the House; or else if the resolution be not so speedy, we send for them in, and the Speaker informs them, that they shall not need to stay for the answer, but we will send it by some express Messenger of our own.

Messages from the Lower House, how received.

XXXVI. 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 are to stand up.

At a Conference, none to speak but the Members of the Committee.

XXXVII.

Privilege of the Members.

XXXVII. The privilege of the House is, That no Member of the Legislative Council sitting in any session, or within the usual time of privilege of Parliament, is to be imprisoned or restrained without sentence or order of the House, unless it be for treason or felony, breach of the peace, or for refusing to give security for the Peace.

Members not to answer accusations in the House of Assembly.

XXXVIII. As it might deeply intrench on the privileges of this House, for any Member of this House 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.

No Member or Officer of this House to go without leave into the House of Assembly by order of the same.

XXXIX. Ordered, That no Member or Officer of this House, without the leave of this House first had, 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.

Members of the Assembly admitted as auditors.

XL. Resolved, That the Members of the Assembly be admitted as auditors of the Debates of this House.

Right to bring in Bills.

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

Proceedings on Bills.

XLII. Bills are seldom opposed at the first reading, and are commonly committed upon motion

tion at the second reading, at which time the principle is usually debated.

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

The principle of a Bill not to be debated in a Committee of the whole House.

XLIV. Ordered and declared, 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 committed; That no report shall be received from any Committee of the whole House on the same day in which such Committee goes through the Bill, when any amendments are made to such Bill; and that no Bill shall be read the third time on the same day in which it is reported from a Committee, unless the House upon motion shall see special cause for the common utility to change the same course in any particular instances.

Bills not to be read twice in a Day.

XLV. 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.

In a Committee of the whole House, a motion may be made to re-consider a clause of a Bill previous to its being entirely passed.

XLVI. Resolved, That the annexing of 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, and tends to the destruction of the constitution of this Government.

No clause to be annexed to a Money Bill, foreign to the matter.

XLVII. 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.

Petitions for private Bills to be referred to a Special Committee.

Private Bills brought up from the Assembly, how to be proceeded upon.

XLVIII. That when a private Bill shall be 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 their consents to the satisfaction of the Committee.

Standing-Instructions to Committees on private Bills.

XLIX. That the foregoing be considered a standing instruction to all Committees who shall meet upon private Bills; and further, that they require all persons whose interests 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 before the Committee by one or more witnesses; 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.

A Bill originating in this House and having passed, no new Bill for the same object to be originated in the same session.

L. Resolved, 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.

No motion to be granted for making a standing order, or dispensing therewith the same day made, nor before the calling of members in town.

LI. Ordered, 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.

LII. Resolved, That in all unprovided cases, resort shall be had to the Rules, usages, and forms of Parliament, which shall be followed until this House shall think fit to make a rule applicable to such unprovided cases.

Course in all unprovided cases.

LIII. That the Royal Instructions to the Governors, Lieutenant Governors, and persons administering the Government of this Province, respecting the passing of Bills by the Provincial Parliament, which have been, or shall be communicated to this House, be printed, with the standing Rules and Orders thereof, and be thereunto prefixed.

Royal Instructions to the Gov. &c. respecting the passing of Bills, to be printed &c.