

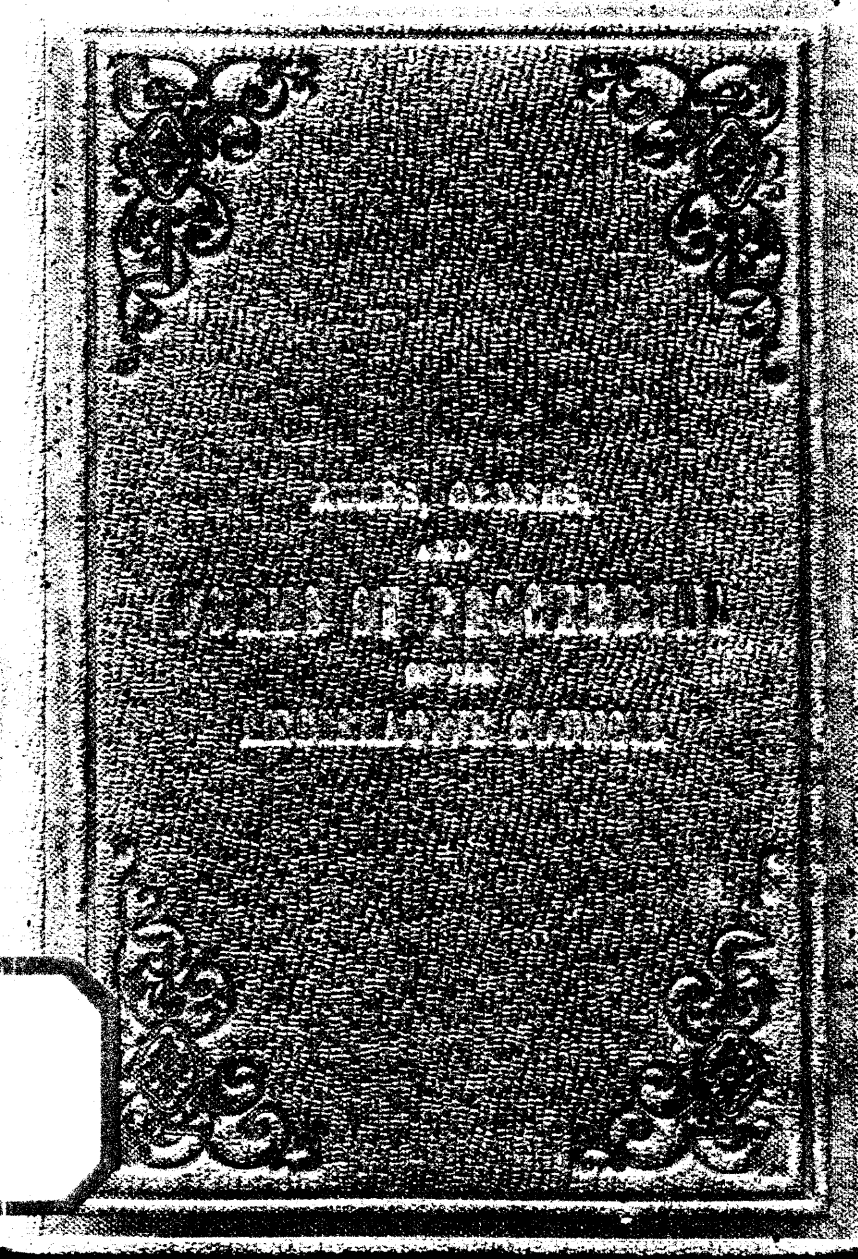
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RULES, ORDERS,

AND

FORMS OF PROCEEDING

OF THE

LEGISLATIVE COUNCIL

OF

CANADA.



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1862.



# CONTENTS

OF THE

## Rules, Orders and Forms of Proceeding

OF THE

### UPPER HOUSE OF PARLIAMENT.

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RULES, ORDERS,  
AND  
FORMS OF PROCEEDING  
OF THE  
Upper House of the Parliament of Canada.

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I.—OPENING OF PARLIAMENT AND PROCEEDINGS AT THE  
COMMENCEMENT OF A SESSION.

**1.**—On the first day of the Meeting of a New Election of Parliament, or of any subsequent Session, in case of a vacancy in the office of Speaker, the Members present proceed to the Election of a Speaker.

**2.**—Prayers being said, The Speaker and all the Members present, take and subscribe the Oath <sup>sworn.</sup> required by Law.

**3.**—His Excellency having opened the Session by a gracious Speech to both Houses, some Bill is read *pro formâ*; the Speech from The Throne is reported by The Speaker, and a Committee of Privileges, <sup>Opening of Session.</sup>

consisting of all the Members present during the Session, is appointed. At the beginning of every other Session, Prayers are said; new Members are introduced and sworn; some Bill is read *pro formâ*; the Speech from the Throne is reported, and the Committee of Privileges is appointed. -

Call of the House.

**4.**—On the Second Friday, after the commencement of each Session, The House is called, and notice is taken of such Life Members as are absent without the permission of Her Majesty, or of the Governor of this Province, signified to The House; and on this occasion The Committee of Privileges reports to The House, the names of such Life Members as may have died since the last Session, or who may appear to have vacated their seats, by absence or other causes.

Clerk's accounts.

**5.**—At the commencement of every Session, The Clerk is to lay before The House, on the day following the appointment of the Committee on Contingent Accounts, and as often thereafter as he may require an advance of money, a detailed account of his disbursements since the last audit, with vouchers in support thereof.

Tickets of admission.

**6.**—On the days of the Opening and Prorogation of Parliament, no Stranger is admitted without a ticket of admission.



II.—SITTING OF THE HOUSE AND PLACES OF MEMBERS.

**7.**—The time for the ordinary meeting of The House is at three o'clock, in the afternoon, unless some other time shall have previously been ordered. Hours of meeting.

**8.**—If thirty minutes after the time of meeting, ten Members, including The Speaker, are not present, The Speaker will take the Chair and adjourn till the next sitting day; the names of the Members present being taken down by the Clerk. No quorum.

**9.**—When it appears, during the sitting of The House, on notice being taken, that ten Members are not present, the Members who may be in the adjoining rooms being previously summoned, The Speaker adjourns The House as above, without a question first put. Adj't for want of quorum.

**10.**—The Orders of the Day, which, by reason of any adjournment, have not been proceeded with, are considered as postponed until the next sitting day, to take precedence of the Orders of that day, unless otherwise ordered. Orders remaining.

**11.**—If at six o'clock, the business be not concluded, the Speaker leaves the Chair until half past seven. Adj't at 6 P.M.

Adj't on  
Friday.

**12.**—When The House adjourns on Friday, unless otherwise ordered, it stands adjourned until the Monday following.

The Spea-  
ker.

**13.**—The Speaker stands uncovered when speaking to The House, and if called upon to explain a point of Order or Practice, he is to state the Rule applicable to the case, and also to decide the Question, when required, subject to an appeal to The House.

Leaving  
chair.

**14.**—When the House adjourns, the Members keep their places until The Speaker has left the Chair.

Demean-  
or.

**15.**—Members sit uncovered, and when entering or crossing The House they bow to the Chair ; and if they have occasion to speak together, when The House is sitting, they go below the Bar, or else The Speaker stops the business under discussion.

Doors  
closed.

**16.**—Any Member may, at any time, desire The House to be cleared of Strangers, and The Speaker immediately gives directions to the proper officers to execute the order, without debate.

III.—RULES OF DEBATE.

**17.**—Every Member desiring to speak is to rise in his place, and address himself to the rest of the Members, and not refer to any other Member by name. Members addressing the House.

**18.**—All personal, sharp or taxing speeches are forbidden; and any Member conceiving himself offended or injured in The House, in a Committee Room, or in any of the rooms belonging to the Legislative Council, is to appeal to The House for redress. Sharp and taxing speeches.

**19.**—Any Member having used objectionable words, and not explaining or retracting the same, or offering apologies for the use thereof, to the satisfaction of The House, will be censured, or otherwise dealt with, as the House may think fit. Members censured.

**20.**—The House will interfere to prevent the prosecution of any quarrel between Members, arising out of Debates or Proceedings of The House, or any Committee thereof. Quarrels prevented.

**21.**—A Member may speak to any Question before The House; or upon a Question, or upon an Members speak to question.

Amendment to be proposed by himself; or upon a Question of Order arising out of the Debate; but not otherwise.

May not speak twice.

**22.**—No Member may speak twice to a Question before The House, except in explanation, or reply where he has made a substantive motion, or in Committee of The Whole House.

Protests.

**23.**—Any Member entering his Protest or Dissent to any votes of The House, with or without his reasons, must enter and sign the same in the Clerk's Book, on the next sitting day before the rising of The House.

Controlled by House.

**24.**—Every Protest is subject to the control of The House, and may neither be altered, nor withdrawn, without the consent of The House; nor can a Member, absent when the Question was put, be admitted to Protest.

Rules in Committees of the Whole.

**25.**—The Rules of The House are observed in a Committee of the Whole, except the Rules limiting the time of speaking; and no motion for the Previous Question, or for an Adjournment, can be received, but a Member may, at any time, move that the Chairman leave the Chair, or report progress, or ask leave to sit again.

**26.**—When The House is put into Committee, <sup>Places of</sup> every Member is to sit in his place. <sup>Members.</sup>

**27.**—Any Member may require the Question un- <sup>Question</sup>der discussion to be read at any time of the Debate, <sup>read.</sup> but not so as to interrupt any Member while speaking.

**28.**—No Member may speak to any Question after <sup>Question</sup>the same has been *put* by The Speaker, and the <sup>put.</sup> voices have been given, in the affirmative and negative thereon.

**29.**—In voting, the “Contents” rise in their <sup>Voting.</sup> places, and the “Non-Contents” continue to sit.

**30.**—Upon a Division in The House, the “Con- <sup>Contents</sup>tents” and “Non-Contents” are entered upon the <sup>and non-</sup>Minutes, if two Members require it, provided The <sup>contents.</sup> House has not passed to other business.

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IV.—NOTICES OF MOTIONS, AND MOTIONS.

**31.**—One intermediate day's Notice must be <sup>Notices</sup> given of all Motions deemed Special; and any Mem- <sup>and with-</sup>ber who has made a Motion, may withdraw the <sup>drawal of</sup> same by leave of The House, such leave being <sup>motions.</sup> granted without a negative voice.

**Prefaced motions.**      **32.**—No Motion prefaced by a written Preamble is received by The House.

**Making Standing Order.**      **33.**—No Motion for making any Order of this House a Standing Order can be adopted, unless the Members in attendance on the Session shall have been previously summoned to consider the same.

**Orders read before entered.**      **34.**—The Clerk is not to enter any 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 is entered.

**Motion for Printing.**      **35.**—Every Motion for printing any Paper is referred to the Standing Committee on Printing, for report.

**The question under debate.**      **36.**—When a Question is under Debate, no Motion is received, unless to amend it ; to commit it ; to postpone it to a certain day ; for the Previous Question ; for reading the orders of the day, or for the adjournment of The House.

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V.—PETITIONS.

**Petitions to be in writing.**      **37.**—Every Petition is to be fairly written, and no Printed or Lithographed Petition will be received.

**38.**—No Petition is received from any Corporation aggregate, unless it be duly authenticated by the Seal of such Corporation. Corporate Seals required.

**39.**—Petitions signed by persons purporting to represent Public Meetings, can only be received as the Petitions of the parties whose names are affixed thereto. Petitions signed by Chairmen, &c.

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VI.—PUBLIC BILLS.

**40.**—It is the right of every Member of this House to bring in a Bill. Bringing in Bills.

**41.**—The first reading of every Bill takes place immediately after the Bill is presented. 1st reading.

**42.**—The Principle of a Bill is usually debated at its second reading. Debate on principle.

**43.**—No arguments are admitted against the Principle of a Bill, in a Committee of the Whole House. Forbidden in Committee.

**44.**—Every Bill is to undergo three separate readings, each on a different day. Readings of Bills.

**45.**—Bills of an urgent nature are sometimes allowed to pass with unusual expedition through their several stages. Unusual expedition.

Re-consideration of a clause. **46.**—A Member may at any time, previous to a Bill being passed entirely, move for the re-consideration of any particular clause thereof, already passed.

Supply Bills; **47.**—To annex any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to and different from the matter of the Bill, is unparliamentary.

Must be recommended. **48.**—The House will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of The House, have been recommended by the Queen's Representative.

Bills once passed. **49.**—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.

3rd readings. **50.**—Orders of the Day for the Third Reading of Bills take precedence of all others, except Orders to which the House may have previously given priority.

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## VII.—PRIVATE BILLS.

**51.**—No Petition for any Private Bill is received by The House after the first three weeks of each Session; nor may any Private Bill be presented to The House, after the first four weeks of each Session; nor may any Report of any Standing or Select Committee upon a Private Bill be received after the first six weeks of each Session.

**52.**—The Clerk of The House, shall, during each Recess of Parliament, from and after the first day of November, in each year, publish weekly, in the Official Gazette, the following Rules, respecting Notices of intended applications for Private Bills; and in other newspapers (English and French) the substance thereof; and The Clerk shall also announce, by Notice affixed in the Committee Rooms and Lobbies of the House, by the first day of every Session, the time limited for receiving Petitions for Private Bills, and Private Bills and Reports thereon.

**53.**—All applications for Private Bills, whether for the erection of a Bridge, the making of a Railroad, Turnpike Road, or Telegraph Line; the construction or improvement of a Harbour, Canal, Lock, Dam, or Slide, or other like works; the granting of a right of Ferry; the construction of works for supplying Gas or Water; the incorporation of

any particular Profession or Trade, or of any Banking or other Joint Stock Company; the incorporation of a City, Town, Village or other Municipality; the levying of any local assessment; the division of any County, for purposes other than that of Representation in Parliament, or of any Township; the removal of the Site of a County Town, or of any Local Offices; the regulation of any Common; the re-survey of any Township, Line, or Concession, or otherwise for granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights or property of other parties, or relate to any particular class of the community; or for making any amendment of a like nature to any former Act,—shall require a Notice, clearly and distinctly specifying the nature and object of the application, to be published as follows, viz :—

In *Upper Canada*—A Notice inserted in the Official Gazette, and in one newspaper published in the County, or Union of Counties, affected, or if there be no paper published therein, then in a newspaper in the next nearest County in which a newspaper is published.

In *Lower Canada*—A Notice inserted in the Official Gazette, in the English and French languages, and in one newspaper in the English, and

one newspaper in the French language, in the District affected, or in both languages, if there be but one paper; or if there be no paper published therein, then (in both languages) in the Official Gazette, and in a paper published in an adjoining District.

Such Notices shall be continued in each case for a period of at least two months, during the interval of time between the close of the next preceding Session and the consideration of the Petition.

**54**—Before any Petition praying for leave to bring in a Private Bill for the erection of a Toll Bridge, is presented to The House, the person or persons intending to petition for such Bill, shall, upon giving the Notice prescribed by the preceding Rule, also, at the same time, and in the same manner, give notice of the rates which they intend to ask, the extent of the privilege, the height of the arches, the interval between the abutments or piers for the passage of rafts and vessels, and mentioning also whether they intend to erect a draw-bridge or not, and the dimensions of the same. Toll  
Bridge  
Bills.

**55**—Petitions for Private Bills, when received by The House, are to be taken into consideration (without special reference) by the Committee on Standing Orders; which is to report in each case, Consider-  
ation of  
Petitions,

whether the Rules with regard to Notice have been complied with ; and in every case where the Notice shall prove to have been insufficient, either as regards the Petition as a whole, or any matter therein which ought to have been specially referred to in the Notice, the Committee is to recommend to The House the course to be taken in consequence of such insufficiency of Notice.

Private  
Bills from  
Assembly.

**56**—All Private Bills from the Legislative Assembly (not being based on a Petition which has already been so reported on by the Committee) shall be first taken into consideration and reported on by the said Committee in like manner, after the First Reading of such Bills.

Suspension of  
Rules.

**57**—No Motion for the suspension of the Rules upon any Petition for a Private Bill is entertained unless the same has been reported upon by the Committee on Standing Orders.

Introduction of  
Private  
Bills.

**58**—All Private Bills are introduced on Petition, and presented to The House, after such Petition has been favorably reported on by the Committee on Standing Orders.

Letters  
Patent.

**59**—When any Bill for confirming Letters Patent is presented to The House, a true copy of such Letters Patent must be attached to it.

**60**--The expenses and costs attending on Private Bills giving any exclusive privilege, or for any object of profit, or private, corporate, or individual advantage; or for amending, extending, or enlarging any former Acts, in such manner as to confer additional powers, ought not to fall on the public; accordingly the parties seeking to obtain any such Bill, shall be required to pay into the Private Bill Office the sum of sixty dollars, immediately after the Second Reading thereof: and all such Bills shall be prepared in the English and French languages, by the parties applying for the same, and printed by the Contractor for printing the Bills of The House, and 350 copies thereof in English shall be deposited in the Private Bill Office, with 200 copies in French also, of such Bills as relate to Lower Canada, before the Second Reading; and no such Bill shall be read a Third time until a Certificate from the Queen's Printer shall have been filed with The Clerk, that the cost of printing 500 copies of the Act in English and 250 in French, for the Government, has been paid to him.

2. The Fee payable on the Second Reading of any Private Bill, is paid only in the House in which such Bill originates, but the Cost of Printing the same is paid in each House.

**61**--Every Private Bill, when read a Second

**Petitions referred.** time, is referred to The Committee on Private Bills, if any such shall have been appointed, or to some other Standing Committee of the same character; and all Petitions before the House for or against the Bill are considered as referred to such Committee.

**Sitting of Committee.** **62**—No Committee on any Private Bill originating in this House, of which Notice is required to be given, is to consider the same until after a week's notice of the Sitting of such Committee, has been first affixed in the Lobby; nor, in the case of any such Bill originating in the Legislative Assembly, until after twenty-four hours' like notice.

**Deposit of Filled-up Bill in Private Bill Office.** **63**—A copy of the Bill, containing the Amendments proposed to be submitted to the Standing Committee, is deposited in the Private Bill Office, one clear day before the meeting of the Committee thereupon.

**Consent of parties interested.** **64**—All persons whose interests or property may be affected by any Private Bill, shall, when required so to do, appear before the Standing Committee touching their consent, or may send such consent in writing, proof of which may be demanded by such Committee. And in every case, the Committee upon any Bill for incorporating a

Company, shall require proof that the persons whose names appear in the Bill as composing the Company, are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

**65**—All questions before Committees on Private Bills are decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal, the Chairman has a second or casting vote. Voting in Committees.

**66**—It is the duty of the Select Committee to which any Private Bill may be referred by The House, to call the attention of The House to any provision inserted in such Bill that does not appear to have been contemplated in the Notice for the same, as reported upon by the Committee on Standing Orders. Extraordinary provisions in Bills.

**67**—The Committee to which a Private Bill may have been referred, reports the same to The House, in every case; and when any material alteration has been made in the Preamble of the Bill, such alteration, together with the reasons for the same, are to be stated in the Report. Report of Committee.

**68**—When the Committee on any Private Bill report to The House that the Preamble of the Bill is not proved. Preamble when not proved.

such Bill has not been proved to their satisfaction, they must also state the grounds upon which they have arrived at such a decision; and no Bill so reported on shall be placed upon the Orders of the Day, unless by special order of The House.

Chairman  
to sign  
Bill and  
amend-  
ments.

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

Notice of  
Amend-  
ments.

**70**—No important Amendment may be proposed to any Private Bill, in a Committee of the Whole House, or at the Third Reading of the Bill, unless one day's Notice of the same shall have been given.

Bills  
amended  
by Legis-  
lative  
Assembly.

**71**—When any Private Bill is returned from the Legislative Assembly with amendments, the same not being merely verbal or unimportant, such amendments are, previous to the Second Reading, referred to a Committee of the Whole House, or to the Standing Committee to which such Bill was originally referred.



**72**—Except in cases of urgent and pressing necessity, no Motion may be made to dispense with any Standing Order relative to Private Bills, without due notice thereof. Dispensing with Standing Orders.

**73**—A Book, to be called the “Private Bill Register,” shall be kept in a room to be called the “Private Bill Office,” in which Book shall be entered, by the Clerk appointed for the business of that Office, the name, description and place of residence, of the parties applying for the Bill, or of their agent, and all the proceedings thereon, from the Petition to the passing of the Bill; such entry to specify briefly each proceeding in The House, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book to be open to public inspection daily, during Office hours. Private Bill Register.

**74**—The Clerk of the Private Bill Office shall prepare, daily, lists of all Private Bills, and Petitions for such Bills upon which any Committee is appointed to sit, specifying the time of meeting, and the room where the Committee shall sit; and the same shall be hung up in the Lobby. Private Bill Committees.

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## VIII.—BILLS OF DIVORCE.

**75**—Every Applicant for a Bill of Divorce is required to give Notice of his intention so to do, and to specify from whom and for what cause, by advertisement during six months, in the Official Gazette, and in two newspapers published in the District, in Lower Canada, or County, or Union of Counties in Upper Canada, where such Applicant usually resided, at the time of the separation, or in the adjoining District, if the requisite number of papers cannot be found in the first District, or County or union of Counties.

**76**—A copy of the Notice, in writing, is to be served, at the instance of the Applicant, upon the person from whom the Divorce is sought, if the residence of such person can be ascertained; and proof on Oath of such Service, or of the attempts made to effect it, to the satisfaction of The House, is to be adduced before The House on the reading of the Petition.

**77**—When Proceedings in any Courts of Law have taken place prior to the Petition, an Exemplification of such Proceedings to final judgment, duly certified, is to be presented to The House on the reading of the Petition.

Divorce  
notices  
published.

And serv-  
ed on ad-  
verse par-  
ty.

Proceed-  
ings in  
Courts  
fyled.

**78**—In cases where damages have been awarded to the Applicant, proof on Oath must be adduced, to the satisfaction of The House, that such damages have been levied and retained, or explanation given to The House for the neglect or inability to levy the same, under a writ of execution, as they may deem a sufficient excuse for such omission. Damages levied.

**79**—The Second Reading of the Bill is not to take place until fourteen days after the first reading, and Notice of such second reading is to be affixed upon the Doors of the House during that period, and a copy thereof, and of the Bill duly served upon the party from whom the Divorce is sought; and proof, on Oath, of such Service, adduced at the Bar of The House, before proceeding to the second reading, or sufficient proof adduced of the impossibility of complying with this regulation. Formalities before 2nd reading.

**80**—The Petitioner is to appear below the Bar of The House, at the second reading, to be examined by The House, generally, or as to any collusion or connivance between the parties to obtain such separation, unless The House think fit to dispense therewith. Petitioner to appear.

**81**—After the Second Reading, Witnesses are to be heard, at the Bar of The House, on Oath; the Evidence of celebra-

tion of  
marriage.

preliminary evidence being that of the due celebration of the marriage between the parties, by legitimate testimony, either by witnesses present at the time of the marriage, or by complete and satisfactory proof of the certificate of the officiating minister or authority.

Counsel  
heard.

**82**—The Counsel for the Applicant, as well as the party from whom the Divorce is sought, may be heard at the Bar of The House, as well on the evidence adduced, as on the provisions for the future support of the wife, if deemed necessary.

Witnesses,  
how sum-  
moned.

**83**—The Witnesses are notified to attend by a Summons, to issue under the hand and seal of The Speaker, to the parties applying for the same, on application to The Clerk of the House, and served at the expense of the said parties, by the Sergeant-at-Arms, or his authorized Deputy; and every Witness is allowed his reasonable expenses, to be taxed by The House, or any Officer thereof, appointed for that purpose.

When re-  
fusing to  
attend.

**84**—Witnesses refusing to obey the Summons are, by Order of The House, taken into the custody of the Sergeant-at-Arms, and not liberated therefrom, except by Order of The House, and after payment of the expenses incurred.

Bill pre-

**85**—Every Bill of Divorce is to be prepared by

the party applying for the same, and printed by the Contractor for the Sessional Printing of The House, at the expense of the party; and three hundred and fifty copies thereof, in English, and two hundred copies in French, must be deposited in the office of the Clerk of The House, and no such Bill is to be read a third time until a certificate from the Queen's Printer shall have been filed with The Clerk, that the cost of printing 500 copies of the Act in English, and 250 copies in French for the Government, has been paid to him.

**86**—Every Applicant for a Bill of Divorce, at the time of presenting the Petition, is to pay into the hands of the Clerk of The House, a sum of eighty dollars, to cover the expenses which may be incurred by The House during the progress of the Bill.

**87**—In all unprovided cases, reference should be had to the Rules and Decisions of The House of Lords.

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IX.—COMMITTEES OF THE WHOLE HOUSE.

**88**—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 Speaker sits not in the Chair as Speaker.

**House may be put in Committee.** **89**—If it be desired by any Member that The House be put into Committee, it ought not to be refused.

**How resumed.** **90**—When The House is put into a Committee of the Whole House, The House is 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.

---

#### X.—STANDING AND SELECT COMMITTEES.

**Meeting of Committees.** **91**—Select Committees usually meet in one of the Committee Rooms, at the option of the Members, who choose their Chairman, and the majority of the Members appointed on each Committee constitute a Quorum.

**Speaking.** **92**—The Members speak uncovered, but may remain seated, if they please.

**Members admitted.** **93**—Members of the House, though not of the Committee, are not excluded from coming in and speaking, but they must not vote; they sit behind those that are of the Committee.

**Others,** **94**—No other persons, unless they are command-

ed to attend, are to enter at any Committee of the House, or at a Conference. only when ordered.

**95.**—Every Member on whose motion any Bill, Petition or Question shall have been referred to a Select Committee, shall be one of the Committee. Mover to be one of the Committee.

**96.**—On all Reports made from Committees of amendments to Bills, the Member presenting the report is to explain to The House the effect of each amendment. Presenting Reports.

**97.**—When the Chairman of a Select Committee presents the Report to the House, the other Members of the Committee stand up. Members stand up.

**98.**—It is the duty of The Clerk to cause to be affixed in some conspicuous part of the House, a List of the several Standing and Select Committees appointed during the Session. List of Committees.

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XI.—MESSAGES, CONFERENCES, &c., BETWEEN THE TWO HOUSES.

**99.**—With regard to Messages, one of the Clerks of either House may be bearer of Messages from one House to the other. Bearers of Messages.

**100.**—Messages so sent are received at the Bar by one of the Clerks of the House to which they are received. By whom received.

sent, at any time whilst The House is sitting, or in Committee, without interrupting the business then proceeding.

When brought by Members.

**101.**—Messages are occasionally brought up by two or more Members of the Assembly. The Speaker takes the Chair, if The House be in Committee, and one of the Messengers reads the Message at the Bar and delivers it to The Speaker, who reports the same to The House; and if an Answer be required, the Messengers are called in and informed that an answer will be sent by a Messenger of the Legislative Council.

Who may speak at a conference.

**102.**—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, the Members of the Committee are to stand up.

Seats for Members of Assembly.

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Messages for Members, Of-

**104.**—When the attendance of a Member of this House, or of any of its Officers, Clerks, or Servants is desired, to be examined by the Assembly, or to appear before any Committees thereof, a Message is sent by the Assembly, to request that this House will give leave to such Member, Officer,



Clerk or Servant to attend; and if this House doth <sup>Officers,</sup> grant such leave to such Member, he may go if <sup>Clerks, &c.</sup> he think fit; but it is not optional for such Officer, Clerk or Servant to refuse. And without such leave, no Member, Officer, Clerk or Servant of this House shall, on any account, either go down to the Legislative 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 The House.

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 XII.—JOURNALS.

**105.**—A copy of the Journals, or Minutes of Proceedings, certified by the Clerk, is to be transmitted <sup>Sent to Governor.</sup> daily to His Excellency the Governor General.

**106.**—The Journals are to be bound in annual <sup>Bound annually.</sup> volumes, as soon as may be after each Session, with a full Index.

**107.**—The Clerk is to transmit annually, through <sup>To whom transmitted.</sup> the Librarian, copies of the Journals to the Colonial Office, to the Houses of Lords and Commons, and to the Legislatures of the various British Colonies.

**Laws exchanged.** **108.**—The Clerk is to make arrangements for exchanging the Laws of Canada for those of the Imperial Parliament and of the Colonial Legislatures.

**Reports, &c., for American States.** **109.**—The Clerk is to furnish the Librarian with sufficient copies of the Journals and of all Reports from Heads of Public Departments, or concerning any Public Institution, as they may be received, to be despatched to the several States of the American Union with whom this House may exchange official publications.

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XIII.—LIBRARY.

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**112.**—No person shall be entitled to resort to the **Library** during a Session of Parliament, except the **Governor of the Province, the Members of the Executive and Legislative Councils and Legislative Assembly, and the Officers of both Houses, and such other persons as may receive a written order of admission from The Speaker of either House. Members may personally introduce Strangers to the Library during the day time, but not after the hour of seven o'clock, P. M.** Admittance to Library.

**113.**—During a Session of Parliament, no **Books belonging to the Library may be taken out of the Building, except by the authority of The Speaker, or upon receipts given by a Member of either House.** Taking out Books.

**114.**—During the Recess of Parliament, the **Library and Reading Room remain open every day in each week, Sundays and Holidays excepted, from the hour of ten in the morning, until three in the afternoon; and access to the Library is permitted to persons introduced by a Member of the Legislature, or admitted at the discretion of The Clerk or Librarian; subject to such regulations as may be deemed necessary for the security and preservation of the collection; but no one is** Library, during recess.

allowed to take any Book out of the Library, except Members of the Legislature, and such others as may be authorized by The Speaker of either House.

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# ROYAL INSTRUCTIONS

TO

His Excellency the Governor General.

---

VICTORIA R.

[L. S.]

---

INSTRUCTIONS to Our Right Trusty and Well-Beloved Cousin CHARLES STANLEY, VISCOUNT MONCK, Our Captain General and Governor in Chief in and over Our Province of Canada, or, in his absence, to our Lieutenant Governor or the Officer administering the Government of Our said Province, for the time being.;

GIVEN at Our Court, at Windsor, this Second day of November, 1861, in the Twenty-fifth year of Our Reign.

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FIRST.—Whereas by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We have constituted and appointed you the said CHARLES STANLEY, VISCOUNT MONCK,

to be, during Our pleasure, Our Captain General and Governor in Chief in and over Our Province of Canada: And whereas We have thereby authorized, empowered, required and commanded you, in due manner, to do and execute all things that shall belong to your said Command and the trust we have reposed in you, according to the several powers, provisions and directions granted or appointed you by virtue of Our said Commission; and of a certain Act of Parliament made and passed in the Fourth year of Our Reign, intituled: "An Act to re-unite the Provinces of "Upper and Lower Canada, and for the Government of "Canada," and according to such Instructions as should be therewith given to you, and according to such other Instructions and Laws, as therein are mentioned. And whereas it is by the said recited Act, amongst other things enacted, that all powers and authorities expressed therein to be given to the Governor of the Province of Canada, shall be exercised by such Governor in conformity with, and subject to such orders, instructions and directions as We shall from time to time see fit to make or issue.

NOW THEREFORE, We do hereby, in pursuance of the said Act of Parliament, and of all other powers in Us in that behalf vested, make and issue these Our Instructions for your guidance, in the exercise of the powers and authorities vested in you by the said Act of Parliament, and by Our said Commission.

By these Our Instructions, under Our Sign Manuel and Signet, so referred to in and accompanying Our said Commission, We do declare Our will and pleasure to be, that you, as soon as may be after the publication of Our said Commission, do take the Oath appointed to be taken by an Act passed in the twenty-first and twenty-second years of Our

Reign, intituled : “ An Act to substitute one Oath for the “ Oaths of Allegiance, Supremacy, and Abjuration, and for “ the relief of Her Majesty’s Subjects professing the Jewish “ Religion ;” and likewise that you take the usual Oath for the due execution and performance of the office and trust of Our Captain General and Governor in Chief of Our said Province of Canada, and for the due and impartial Administration of Justice ; which said Oaths the Chief Justices and Puisné Judges of Our Supreme Courts of Record of Upper and Lower Canada, or any three or more of them, have hereby full power and authority, and are required to tender and administer unto you.

SECOND.—And We hereby give and grant unto you full power and authority from time to time and at any time hereafter, by yourself or by any other person to be authorized by you in that behalf, to administer to all and every person or persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Province of Canada, or who shall be resident or abiding therein, the Oath commonly called the Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Laws or Statutes in that behalf made and provided.

THIRD.—And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our Service, you are to communicate to them these Our Instructions, and any additional instructions which may be in like manner hereafter given to you by Us.

FOURTH.—And we do hereby declare, that it is Our pleasure, that Our said Council shall not proceed to the despatch of business unless duly summoned by your authority,

nor unless one third of the Members of the said Council be present and assisting at any Meetings at which any such business shall be despatched. And We do further direct, that if in any case you see sufficient cause to dissent from the opinion of the major part, or of the whole of Our said Executive Council, upon any question brought by you under their consideration, it shall be competent to you upon any such occasion, to execute the powers and authorities vested in you by Our said Commission, and by these Our Instructions, in opposition to such their opinions ; it being, nevertheless, Our pleasure that in every case it shall be competent to any Member of Our said Council to record at length, on the Minutes of Our said Council, the grounds and reasons of any advice or opinion he may give upon any question brought under the consideration of such Council.

FIFTH.—And it is Our pleasure, and you are hereby authorized to appoint, by an Instrument under the Great Seal of the Province, One Member of Our said Executive Council to preside in your absence, and to remove him and appoint another in his stead. And if, during your absence, the Member so appointed shall also be absent, then the Senior Member of the Council actually present shall preside, the Seniority of the Members of the said Council being regulated according to the order of their respective appointments.

SIXTH.—And We do further direct and command that a full and exact Journal or Minute be kept of all the deliberations, acts, proceedings, votes and resolutions of Our said Executive Council, and that at each Meeting of the said Council the Minutes of the last preceding Meeting shall be read over, confirmed or amended, as the case may require, before proceeding to the despatch of any other business.

SEVENTH.—And for the execution of so much of the powers vested in you by Our said Commission, and by virtue of the said Act passed in the fourth year of Our Reign as aforesaid, as relates to the declaring that you assent in Our name to Bills passed by the Legislative Council and House of Assembly, or that you withhold Our assent therefrom, or that you reserve such Bills for the signification of Our Royal pleasure thereon, it is Our will and pleasure that you do carefully observe the following rules, directions and instructions, viz: 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 which shall be foreign to what the title of it imports; and that no perpetual clause be part of any temporary law.

EIGHTH.—When any Bill is presented to you for Our Assent, of either of the classes hereinafter specified, you shall (unless you shall think proper to withhold Our assent from the same) reserve the same for the signification of Our pleasure thereon; subject nevertheless to your discretion, in case you should be of opinion that an urgent necessity exists, requiring that such Bill be brought into immediate operation; in which case you are authorized to assent to such Bill in Our name, transmitting to Us, by the earliest opportunity, the Bill so assented to, together with your reasons for assenting thereto, that is to say:—

1. Any Bill for the divorce of persons joined together in holy matrimony;
2. Any Bill whereby any grant of land, or money, or other donation or gratuity, may be made to yourself;
3. Any Bill whereby any paper or other currency may be made a legal tender, except the coin of the realm or other gold or silver coin;

4. Any Bill imposing differential duties ;
5. Any Bill, the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.
6. Any Bill interfering with the discipline or control of Our forces, in Our said Province, by land and sea ;
7. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our Subjects not residing in Our said Province, or the trade and shipping of the United Kingdom and its dependencies may be prejudiced ;
8. Any Bill containing provisions to which Our assent has been once refused, or which has been disallowed by Us.

**NINTH.**—You shall take care that all laws assented to by you in Our name, or reserved for the signification of Our Royal pleasure thereon, shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with explanatory observations upon each of them, and you are also to transmit the reasons and occasion for proposing each law, together with fair copies of the Journals and Minutes of the proceedings of the said Legislative Council and Assembly, which you are to require from the Clerks or other proper Officers in that behalf, of the said Legislative Council and Assembly.

**TENTH.**—And whereas We have by Our said Commission given and granted unto you full power and authority, when you shall see cause, to pardon offenders convicted of any crime, and to remit fines, penalties, and forfeitures : Now We do hereby require and enjoin you to call upon the Judge presiding at the trial of any offenders to make to you a written report of the cases of all persons who may from time to time be condemned to suffer death by the sentence of any Court within Our said Province, and such re-



ports of the said Judge shall by you be taken into consideration at the first meeting thereafter which may be conveniently held, of Our said Executive Council, at which meeting the said Judge shall be specially summoned to attend, and you shall not pardon any such offender unless it shall appear to you expedient so to do, upon receiving the advice of Our said Executive Council therein, but in all such cases you are to decide whether to extend or withhold a pardon, according to your own deliberate judgment, whether the Members of Our said Executive Council concur therein or otherwise, entering, nevertheless, on the Minutes of the said Council, a Minute of your reasons at length, in case you should decide any such question in opposition to the judgment of the majority of Members thereof.

**ELEVENTH.**—It is Our further will and pleasure that all Commissions to be granted by you to any person or persons, to be Judge, Justice of the Peace, or other necessary officer, unless otherwise provided by law, be granted during Our pleasure only.

**TWELFTH.**—It is Our will and pleasure to reserve to you the granting of licenses for marriages, letters of administration and probates of Wills, as heretofore exercised by your predecessors.

**THIRTEENTH.**—And whereas you will receive through one of Our Principal Secretaries of State a book of tables in blank (commonly called the "Blue Book") to be annually filled up with certain Returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures and other matters in the said "Blue Book"

more particularly specified, with reference to the state and condition of Our said Province of Canada; Now We do hereby signify Our pleasure that all such Returns be accurately prepared and punctually transmitted to Us through one of Our Principal Secretaries of State.

FOURTEENTH.—And whereas great prejudice may happen to Our Service, and to the Security of Our said Province by the absence of the Governor, you shall not, upon any pretence whatever, quit the said Colony without having first obtained leave from Us for so doing, under Our Sign Manuel and Signet, or through one of Our Principal Secretaries of State.

VISCOUNT MONCK,  
Instructions,  
Canada.

V. R.