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M. P. Harvey

STANDING ORDERS

OF THE

LEGISLATIVE COUNCIL

OF THE

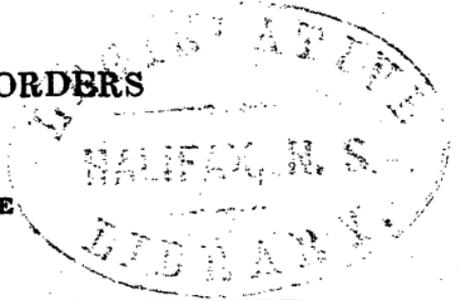
PROVINCE

OF

NOVA-SCOTIA.

PRINTED BY J. H. CROSSKILL,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1847.



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STANDING ORDERS
OF THE
LEGISLATIVE COUNCIL
OF THE
PROVINCE OF NOVA-SCOTIA.

I. That Prayers shall be read every day by the Chaplain of the Council, at the opening thereof.

II. At the beginning of a General Assembly, after Prayers shall have been said, some Bill (pro forma) shall be read: which, being done, the President is to report the Speech of His Excellency the Lieutenant-Governor—the Committee of Privileges is to be then appointed; and at the beginning of every other Session, during the same Assembly, after Prayers said, some Bill (pro forma) is to be read, the Speech reported, and the Committee of Privileges appointed.

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

IV. The President is to sit as at present, below the Chair of State, and the other Members of the Legislative Council, respectively, on the right and left of his Seat, according to the seniority in

Prayers

Committee of Privileges
H. 26

Journals read

Members seats

the order they are named in the Royal Commission, dated 9th March, 1838.

V. That such as shall hereafter be appointed to Seats, shall be introduced by two Members; and upon presenting the Royal Mandamus, and taking the necessary Oath or Oaths, or making affirmation, if he be a Quaker, his seat shall be assigned to him next below that of the then junior Member of the Council; but previously to his sitting down, he is to give and receive salutations from the rest of the Members.

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

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

VIII. The President, when he speaks, is always to be uncovered, and is not to adjourn the Council, or to do any thing else, as mouth of the Council, without the consent of the Members first had, excepting the ordinary things about Bills, which are, of course, wherein the Members may likewise overrule, 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 particularly, he is to go to his own place as a Member.

IX. That every Member, previous to his speaking to any question or motion, or other matter

*New
Members
to present*

*Make
oath &c*

*Member's
place in
Committee*

Obeisance

*President
his
place*

*Member
to rise*

before the Council, shall rise from his seat uncovered, and address himself to the Council. All imputations of improper motives shall be considered as highly disorderly, and shall receive the severe censure of the Council.

*must not
impute
motives*

X. That it shall be the duty of the President, whenever he shall conceive that a motion which he has received and read, may be contrary to the rules and privileges of the Council, to apprise the Council thereof immediately, before the question on such motion be put, and to cite the rule which is applicable to the case.

*duty of
President
on motion
received*

XI. When a question is decided by vote, the numbers of both the affirmatives and negatives shall be inserted in the Minutes, and also the Members' names, if desired by any Member.

*yes
and
noys to
be taken*

XII. When any Members speak, they address their speech to the rest of the Members in general, not to the President or Chairman.

*Members
not to
address
the President*

XIII. No Member is to speak more than 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 Council first obtained. Every Member speaks, standing uncovered, and names not Members of the Council, commonly by their names, but "the Member that spoke last," or "last but one," "last but two," or some other mode of distinction: provided, however, that the mover of any question shall be allowed the privilege of a reply.

*Members
not to
speak
more
than
twice
to the*

XIV. That for avoiding mistakes, or 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 any affront or injury from any other Member of the Council, either in the Council Chamber, or at any Committee, or in any of the rooms belonging thereto, he shall appeal to the Council for his reparation—which, if he shall not do, but occasion or entertain quarrels, declining the justice of the Council, then the Member that shall be found therein offending, shall undergo the severe censure of the Council.

XV. To prevent misunderstandings, and for avoiding offensive Speeches, when matters are debating, either in the Council or at the Committees, all personal, sharp or taxing Speeches be forborne, and 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 person 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 of that kind be given, as the Council will be very sensible thereof, it will sharply censure the offender, and give the party offended a fit reparation, and full satisfaction.

XVI. That when two or more Members rise at once, the President shall name the Member who is first to speak, and the other or others may

*Members
to appeal
if he shall
not do
affront
17. 10*

*When
offensive
speeches
are made
offender
to be
censured
by the
Council*

*President
to name
the member to speak*

appeal to the House, if dissatisfied with the President's decision, with the question " which Member was first up."

XVII. To have more freedom in Debate, and to facilitate business, a Committee is appointed of the whole Council, but then the President sits not in the Chair as President. *Committee to be appointed*

XVIII. That in a Committee of the whole, the rules of the Council, as far as they may be applicable, are to be observed, excepting the rules limiting the times of speaking, and that no motion for the previous question, or for Adjournment merely, can be received, but a Member may at any time move that the Chairman do leave the Chair, and report some progress made, and ask leave to sit again; but if any question of order arise, then, upon request, that the Chairman do leave the Chair, he is forthwith to do so without taking any question, to the end, that the Council resume, and such question be speedily determined. *Rules in Committee*

XIX. That no Member absent when the question in decision has passed the Council, can be admitted to protest at all. *Absent Member cannot protest*

XX. None are to speak at a Conference with the Lower House, but those that be of that Conference. *Conference*

XXI. That every Member who shall be present when a question is put preparatory to a division, shall vote for or against the same, unless the Council shall excuse him. *Member must vote*

*Protest
right
of
V. 2
p. 29*

XXII. That every Member present at the decision of a question, has a right to file his Protest, with reasons for his dissent within the time limited by the Standing Order of the Council, and that from the moment it is filed, it becomes the property of the Council, and can in no case be altered or amended, but with the consent of the Council previously obtained.

*Member
not to
interrupt
another*

XXIII. That when the President is putting a question, no Member shall walk out or across the Council; nor when a Member is speaking shall any Member hold discourse to interrupt him, except to order, or pass between him and the Chair.

*call to
order*

XXIV. That a Member called to order, shall immediately sit down.

*Papers
before
the Council
the
property
of*

XXV. That Papers laid before the Council, or referred to a Committee for their consideration, are of right to be read once by the President, Chairman, or Clerk, at the Table; but when once read to the Council or Committee, they are then, like every other Paper that belongs to the Council, to be moved to be read, and if objected, to be decided, by taking the sense of the Council or Committee.

*Belongs
to
Member
answerable*

XXVI. That Petitions, Memorials, and other Papers, addressed to the Council, shall be presented by a Member in his place, who shall be answerable to the Council that they do not contain improper or impertinent matter.

XXVII. That any Member may, at any time, desire the Council Chamber to be cleared of

strangers; and the President shall immediately give directions to execute the order without debate.

Strangers to withdraw

XXVIII. That if any Member have occasion to speak with another Member in the Council whilst the Council is Sitting, they are to go together below the bar, or else the President is to stop the business in agitation.

Members to go below the bar

XXIX. That such Members of the Council as shall make protestation, as they of right may do, or enter their dissents from any votes of the Council, either with or without their reasons, shall cause their protestation or dissent to be entered in the Clerk's book the next sitting day of the Council, before the rising of the Council, and shall sign the same on such day, before the rising of the Council.

Protest the right and time

V. 12

XXX. It shall be competent to divide the Council upon any Bill or question. Upon such division taking place, as upon all similar occasions, the Council is to proceed to vote, beginning with the junior Councillor present, the Clerk minuting the vote of each Member; and the President shall declare which side has the majority.

The Division how taken

XXXI. That each Member of the Council has a right to require that the question or motion in discussion be read for his information at any time of the debate.

Motion to be read at any time

XXXII. That any Member who brings up a Petition shall, in his place, acquaint the Council with the general purport of such Petition, and

Petition the substance of

ask leave for it to be read, which must be second-
ed before it is read.

*Members
absent* XXXIII. That when the Council is met, notice shall be taken of such Members as are absent, unless excused by the Queen, or the Governor in Chief, Lieutenant-Governor, or Officer Administering the Government in this Province, or by the Legislative Council.

*Member
absent
must be
excused* XXXIV. That for absence every Member is to make his excuse by a Member of the Council, and if allowed, he is to be excused—if not, he is to be censured, as the fault requires.

*Members
absent
without
leave* XXXV. That any Member who absents himself during one whole Session, without leave, shall be committed to the custody of the Black Rod, and shall not be discharged from such custody until he hath made satisfaction to the Council, and paid the Fees of such custody, as hereinafter provided.

*Member
absent
during
Session* XXXVI. That no Member, during the Session, shall absent himself without express leave of absence from the Council.

*leave to
Members
absent* XXXVII. That the Council will not grant leave of absence to any Member, without there be eight Members in Town, but on the most urgent and accidental business, specially stated to the Council.

*Want of
quorum
to adjourn* XXXVIII. That when there shall not be eight Members present, at the hour to which the Council stands adjourned, the President may take the Chair fifteen minutes afterwards, and adjourn to

one of the clock in the afternoon of the day following, not being on Sunday, and, in that case, to Monday.

XXXIX. That if at any time there be less than eight Members in the Council, and the Members (if there be any) may be in the adjoining Rooms or Lobbies—if no more come into the Council, the President shall, in like manner, adjourn the Council to one o'clock in the afternoon of the day following, except it be to Sunday, and, in that case, to Monday.

XL. That whenever the President is obliged to adjourn the Council for want of a quorum, the hour at which such adjournment is made, and the names of the Members then present, shall be inserted in the Journals.

XLI. The privilege of the Legislative Council is, that no Member of the said Council, during the sitting thereof, or within the usual times of privilege of Parliament, is to be imprisoned or restrained without sentence or order of the Legislative Council, unless it be for Treason or Felony, or for refusing to give security for the Peace.

XLII. As it might deeply intrench on the privilege of the Legislative Council for any Member, without the leave thereof, to answer an accusation in the House of Assembly, or otherwise to attend in the said House, or before any Committee thereof, either in person, or by sending his answer in writing, or appear by Counsel, to an-

swer any accusation there—if any Member shall do so without leave, he shall be committed to the custody of the Black Rod, during the pleasure of the Council.

Attendance of Officers to upon the House of Assembly, when leave given

XLIII. That the same Forms and Proceedings shall be required for the attendance of the Officers, Clerks, or Servants, of the Legislative Council, upon the House of Assembly, a Committee of the whole House, or a Special Committee thereof, for the purpose of giving testimony, or for other purposes, as are required for the attendance of the Members, with this difference only—that when leave shall have been given by the Legislative Council for such attendance, it shall not be optional for such Officers, Clerks, or Servants, to refuse; but the Members of the Legislative Council may refuse, although such leave shall have been given.

Resolutions for Money must be in the Appropriation Bill

XLIV. That the Council will not proceed upon any Bill or Resolution of Appropriation for Money issued, in consequence of an Address of the Assembly to the Queen's Representative, unless upon some extraordinary emergency, unforeseen at the commencement of the Session, and which unforeseen emergency will not allow of time for passing a Resolution in the usual manner, and inserting the same in the Appropriation Bill of the Session, when the Address shall have been voted.

Bill of Supply

XLV. 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, and the Legislative Council will not consider any such Bill, but reject it upon the clause or clauses being pointed out to the Council.

XLVI. That the Black Rod do not permit any person to come within the House while it is sitting, except the Members and Officers attending ; but the Members of the Executive Council and Members of the House of Assembly shall be admitted as Auditors of the Debates of the Council, in the space immediately below the Bar, except when strangers are ordered to withdraw, when they shall also retire ; the public also shall be admitted as such Auditors, immediately below the said space ; and that it is the duty of the Black Rod to take notice of any other persons who may be immediately below the Bar, and cause them to retire, unless they produce the written order of the President of the Council, to be given upon motion only, made for permitting such other person to remain.

XLVII. When a Member of the Council is committed to Prison, or to the Black Rod, he shall not be discharged from custody until he has paid the following Fee, viz :

To the Clerk of the Council, upon his commitment, One Pound ; and upon his discharge therefrom, One Pound.

To the Gentleman Usher of the Black Rod, upon his commitment, One Pound ; each day, until he be discharged, Ten Shillings ; upon his

*Admission
of
Strangers*

*Space
below
the
Bar*

*Member
in
Custody*

Fees

discharge therefrom, One Pound ; and the receipt of the Officers for such Fees shall be filed with the Clerk ; and until such receipt is filed, and he be so discharged, he shall be incapable of sitting or voting, or taking any part in the proceedings of the Council.

clerk
he
shall

XLVIII. The Clerk shall keep the Journals of the Proceedings of the Council ; he shall read all Bills, Resolutions, and other Proceedings, and do all other duties which appertain to his Office, as shall from time to time be prescribed by the Council.

idem

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

Law
Clerk
he
shall

L. That the Law Clerk of the Council, and of the Parliament, shall examine all Bills which come up from the House of Assembly, and which are introduced into the Council, and report any errors, technical or otherwise, which he may discover therein. He shall report what existing Laws are affected, and how affected, by the said Bills, and whether they are conformable to the Standing Orders ; he shall be responsible that they, on their final passing into Law, contain no technical or verbal errors, unless he shall previously have pointed them out to the Council ; he shall draft any Bills which any Member shall direct him to prepare ; he shall be daily in attendance during the Session while the Council is

sitting, except Sundays and Holidays ; he shall also have charge of the Library ; and in order to afford the public facility of access thereto, he shall, during the vacation, attend as directed by the Council ; he shall make accurate copies of all such Laws as are enacted for the Queen's Printer ; he shall superintend the Printing, and prepare the Marginal Notes, and be responsible for the accuracy thereof, and for the safe deposit of the original Laws in the custody of the Provincial Secretary ; and generally, he shall do such other duties as he shall from time to time be directed to perform.

LI. Messages shall be sent to, and received from, the House of Assembly, in the manner heretofore accustomed. Conferences of Committees of both Houses shall be asked and granted, and held in the place and manner heretofore accustomed, and according to the usages of the Imperial Parliament.

*Messages
to and
from
the H^{of}
Assembly*

LII. That every motion, when seconded, ought to be received and read by the President, except in the cases provided for in the rules of the Council.

*Motion
seconded
must be
received*

LIII. That no motion to rescind any Vote or Resolution, or Proceeding, shall be received, unless the same shall be made upon reading the Journals the day following the passing such Vote or other Proceeding, nor unless notice of such motion be made and filed with the Clerk, or a memorandum thereof be made by him the same day that the Vote or Resolution passed.

*Motion
to
rescind*

*No Bill
to be
sustained
unless
with
documents* LIV. That no Bill, Resolution, or other Proceeding, (except for granting Money, in which case the usage that has heretofore obtained shall prevail until the Council shall make further order thereon,) founded upon any application addressed to the House of Assembly, be sustained by the Council, unless an application to the same effect, with such Documents as may accompany the same, be also presented to the Council in General Assembly.

*Bills
private* LV. That when a private Bill is brought from the other House, the principle of which is admitted, the Council, 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 the Council to whom it may be referred, shall examine the said allegations, and, on reporting the Bill, state whether the same, or matter thereof, be well founded, and whether the parties concerned in the interest or property therein have given their consents to the satisfaction of the Committee.

*Bills
private
v. 71* LVI. That the foregoing be considered as a Standing-Instruction to 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 assent 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 the Council seven days before the meeting of the said Committee.

LVII. That in all Messages from the Assembly to the Council, with a Bill or otherwise, the same cannot be received, unless the object of it be expressed verbally, as hath hitherto been the practice.

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

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

LX. That no Bill of a local nature shall be sustained by the Council, unless such Bill has been previously read at some General Sessions of the Peace for the County to which such Bill may relate, and it be made to appear by the certificate of the Clerk of the Peace, that the same was read in open Court; provided, if the same shall have been published four successive weeks in the Royal Gazette, or notice thereof shall have been posted up in three or four places in the Town or Settlement previously to the first day of the Session, at which it is intended to bring it in—in this case, such publications shall be deemed of the

W

Messages from the Assembly

Bills debated

Bills cannot be originated but once

Bills Local

N. 67

same effect as if such Bill had been read at any General Session.

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

Bill in select Committee LXII. That when any Bill shall be sent by the Council to a Committee, such Committee shall examine, in the first place, whether the Standing Orders of the Council have or have not been complied with, and shall report the same to the Council.

Bill in Committee may be reconsidered LXIII. That, in a Committee of the whole Council, 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 or clauses thereof, that may have been passed, reconsidered.

Bill reported from Committee may be debated LXIV. That all amendments shall be reported to the Council, by the Chairman, standing in his place. After report, the Bill shall be subject to debate and amendments in the Council, before the question to engross it shall be put.

clerk to certify LXV. That when a Bill is read in the Council, the Clerk shall certify the readings and the time on the back.

the same LXVI. That when a Bill passes the Council, the Clerk shall certify the same, with the date thereof, at the foot of the Bill.

Bills originating in House of Assembly LXVII. That a similar mode of proceeding shall be observed with Bills which have originated and passed the House of Assembly, as with Bills originating in the Council.

v.
59

LXVIII. That Bills of a private nature shall be introduced by a Petition, to be presented by a Member, and seconded.

Bills private presented with petition

LXIX. That whenever any Petition or Bill presented to the Council shall have been referred to a Committee to examine the matter thereof, and report the same, the Council will not admit any Petitions to be heard by themselves or Counsel, against such Petition or Bill, until the matter thereof shall have been first reported to the Council.

of one referred by Committee

LXX. That the Chairman of the Committee for any private Bill do not sit thereupon, without giving reasonable notice thereof, set up in the Lobby.

Notice of Committee in private Bill

LXXI. That all persons whose interest or property may be affected by any private Bill shall appear in person, to give their consent; and if they cannot personally appear, they may send their consent in writing, which shall be proved before the Committee, by one or more witnesses, or otherwise to the satisfaction of the Committee.

v. No 56

Bills private persons to appear

LXXII. That no Bill shall be read twice in the same day; nor shall a Committee of the whole Council proceed on any Bill on the same day in which the Bill is committed, unless upon special cause to be entered in the Journals, by the unanimous consent of the Members present.

No Bill to be read twice in the same day

LXXIII. That no Bill shall be committed or amended, until it shall have been twice read.

Bill to be twice read

LXXIV. That in forming a Committee of the

how read

Committee of the whole President leaves the Chair whole Council, the President shall leave the Chair, previously appointing a Chairman, subject to appeal to the Council, who shall have the same authority in the Chair of the Committee as the President in the Chair of the Council, and so in other Committees.

Committee the quorum LXXV. That of the Members appointed to compose a Committee, such number thereof as shall be equal to a majority of the whole number chosen, shall be a quorum, competent to proceed to business in all cases where the number to form such quorum shall not be specially fixed in the motion of appointment.

Committee without a quorum LXXVI. That when any order or orders shall be lost by a Committee of the whole Council, breaking up for want of a quorum, or by the Council adjourning for want of a quorum, the order or orders, so lost, shall be taken up in succession, as the first business to be proceeded on at the next meeting of the Council, unless upon a special motion made the Council shall order otherwise.

Committee of three Members their powers LXXVII. That Committees may be appointed of not less than three Members, with power to send for persons, papers and records, for the purpose of taking into consideration the matters referred to the said Committees respectively.

Orders of the day LXXVIII. 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 Council shall sit.

V.
82

LXXIX. That when a question is under Debate, no motion shall be received in the Council unless for the purpose of amending, committing, or postponing it to a certain day, or for the Order of the Day, or to adjourn, or for the previous question. That in all motions which may be deemed special, two days notice thereof shall be given to the Council, and that any motion, with leave of the Council, may be withdrawn any time before amendment or decision.

Question
under
debate
how
disposed
of

LXXX. That no motion shall be granted for making any order of the Council a Standing Order, dispensing with a Standing Order the same day it is made, nor before the Members of the Council, in Town, shall be summoned to consider of the same motion.

Standing
order

LXXXI. That a motion to adjourn shall always be in order.

Motion
to adjourn

V.
77

LXXXII. That no motion shall be debated or put, unless the same be in writing, and seconded and read by the President. That after a motion is read by the President, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment, with permission of the Council. That when a question is under Debate, no motion shall be made, unless to commit, amend or postpone, to a certain day, or for the previous question, or for adjournment, or to proceed to the Order of the Day.

Motion
must
be in
writing
how
disposed
of

LXXXIII. That the previous question, until it is decided, shall preclude all amendment and De-

Previous
question

may be debated bate of the main question, but the previous question may be debated.

Questions how put LXXXIV. That all questions, whether in Committee or in the Council, shall be put in the order they are moved.

Privilege matters of LXXXV. That whenever any matter of privilege arises, it shall immediately be taken into consideration.

Reference to precedents unprovided LXXXVI. That in all unprovided cases, resort shall be had to the rules, usages, and forms of Parliament, until the Council shall think fit to make a rule applicable to such unprovided cases.

Journals LXXXVII. That the Journals of this and each succeeding Session be disposed of as follows :—

Disposition of DURING THE SESSION:

One copy to His Excellency the Lieutenant-Governor.

One copy to each Member of the Legislative Council.

Twelve copies to the House of Assembly.

AT THE END OF THE SESSION.

One copy to the Lieutenant-Governor.

Six copies to the Legislative Council.

Two copies to the Executive Council.

One copy to each Member of the Legislative Council.

One copy to each Member of the Executive Council.

One copy to the Chief Justice.

One copy to the Master of the Rolls.

One copy to each of the Judges of the Supreme Court.

One copy to the Judge of the Admiralty.

One copy to the Attorney-General.

One copy to the Solicitor-General.

Two copies to the Provincial Secretary.

Four copies to the Clerk of the Legislative Council.

Four copies to the Law Clerk of the Legislative Council.

Four copies to the House of Assembly.

One copy to each Member of the Assembly.

Four copies to the House of Lords.

Four copies to the House of Commons.

Two copies to the Principal Secretary of State for the Colonies.

One copy to the Governor-General of the North American Provinces.

One copy to the Governor, one copy to the L. Council, one copy to the H. of Assembly—of Lower Canada, Upper Canada, New-Brunswick, Prince Edward Island, Newfoundland, Jamaica, and Bermuda.

That a Catalogue of the Books belonging to the Legislative Council, in which shall be inserted the names and descriptions of those recently bestowed upon this Province by His late Majesty King William the Fourth, now in the Committee Room thereof, be prepared by the Law Clerk, on whom the care and responsibility thereof shall be vested. That the same shall be ac-

cessible to the Members, Officers of the Legislative Council, and of the Executive Council—the Members of the House of Assembly, the Chief Justice, the Master of the Rolls, the Judges of the Supreme Court, and to any person who may produce to the Law Clerk a written permission from either of the aforesaid persons. That access may be had to the Books on the first Tuesday in each Month, between the hours of ten and two o'clock, upon which day the said Law Clerk shall be in attendance, for the purpose of affording facility to persons who may be desirous of consulting the said Books.