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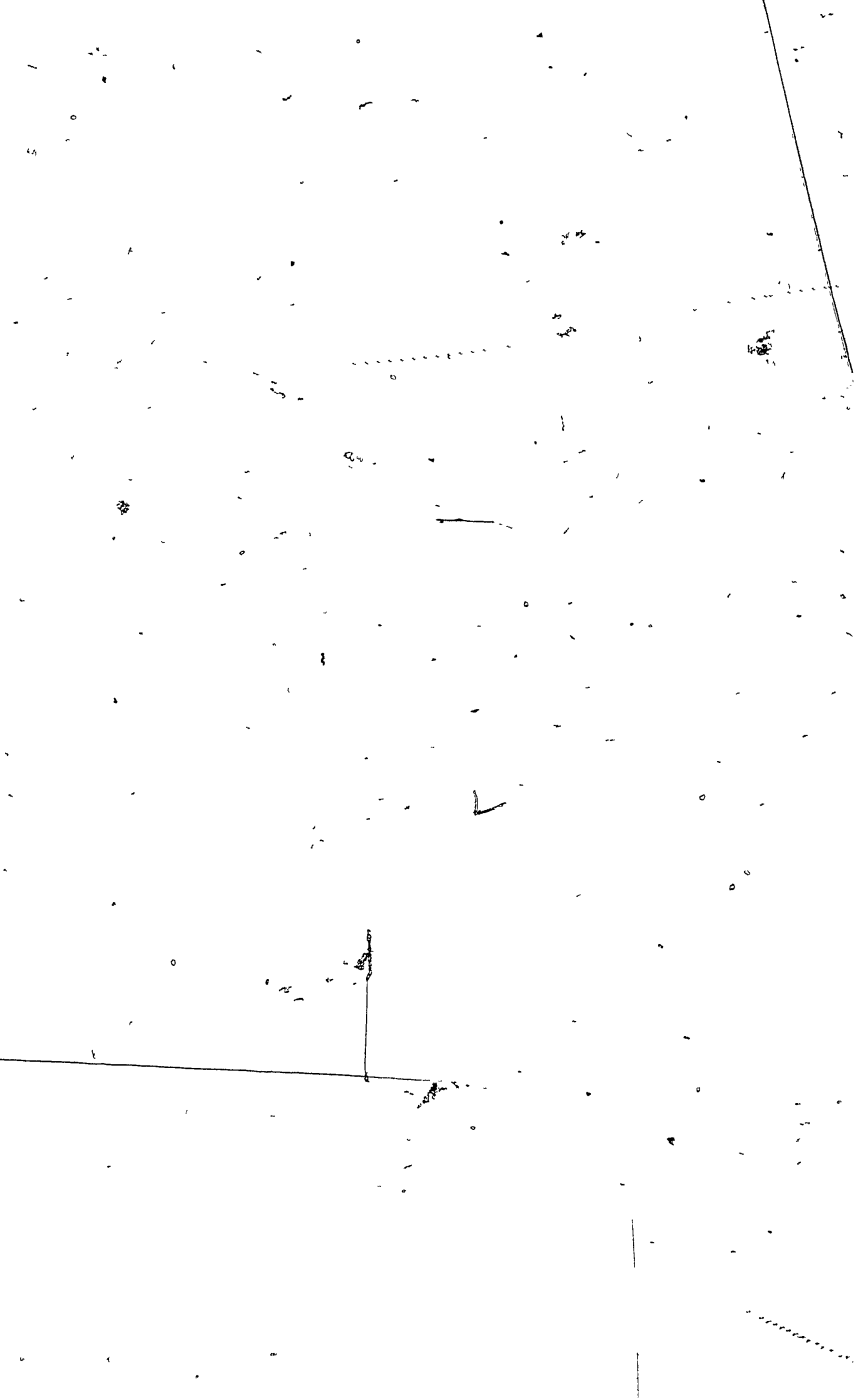


RULES, ORDERS,
AND
FORMS OF PROCEEDING
OF THE
Upper House,
OF THE
PARLIAMENT OF CANADA.

COMPILED BY
ROBERT LEMOINE, ESQ.,
Barrister at Law,
CLERK ASSISTANT OF THE UPPER HOUSE.



TORONTO:
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1858.

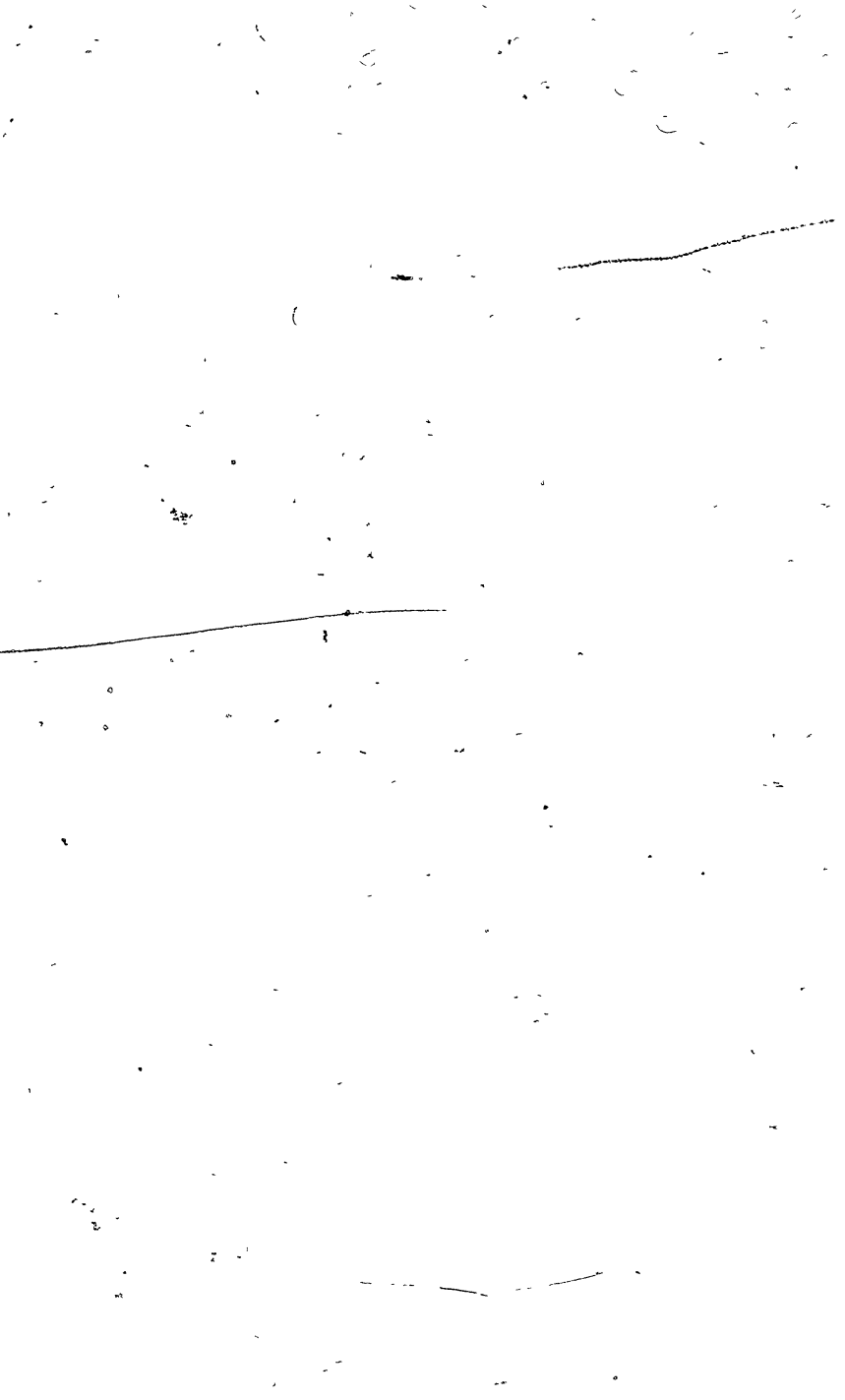


NOTE.

The following Rules are chiefly taken from the Rules and Standing Orders of the Imperial Parliament.

The Index contains references not only to the Rules, but also to May's Law of Parliament in support of each Rule, and on many other points. It embraces likewise references to such of the Imperial and Canadian Statutes as have a bearing on the constitution of the Legislative Council, as well as quotations from the Journals of both Houses, calculated to elucidate the various forms of proceeding observed in the Upper House of Parliament.

29th September, 1858.



Report of the Select Committee

APPOINTED TO EXAMINE THE

RULES AND STANDING ORDERS

OF THE

Legislative Council.

LEGISLATIVE COUNCIL,

COMMITTEE ROOM,

24th July, 1858.

The Select Committee appointed to examine the Rules of this House and report such amendments and alterations as may be deemed necessary, beg leave to report:

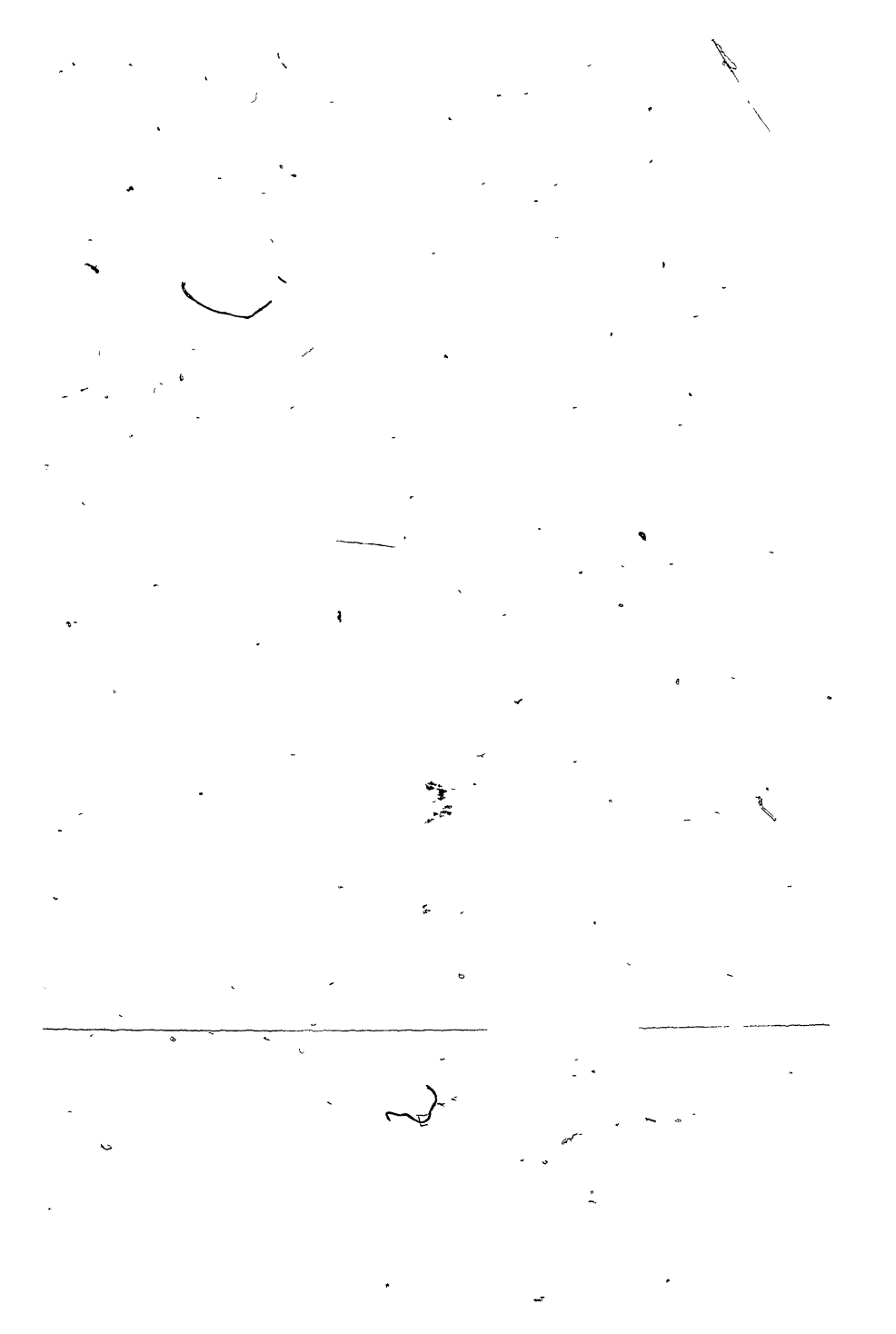
Your Committee submit herewith a Book of the Rules, Orders, and Forms of Proceeding of the Upper House of the Parliament of Canada; with an Index, embracing references to the Journals of your Honorable House and of the Legislative Assembly, as well as to the well-known Treatise of "May on the Law, Privileges, Proceedings, and Usage of Parliament."

These works have been prepared with great care and ability, by Robert Le Moine, Esquire, Deputy and Assistant Clerk of your Honorable House; and although this session is now too far advanced to admit of their being fully considered before its close, your Committee present them in the hope that such attention may be given to them during the recess, by Honorable Members, as may materially conduce to the amendment of the Rules in the course of next session.

All which is respectfully submitted.

JAS. PATTON,

Chairman.



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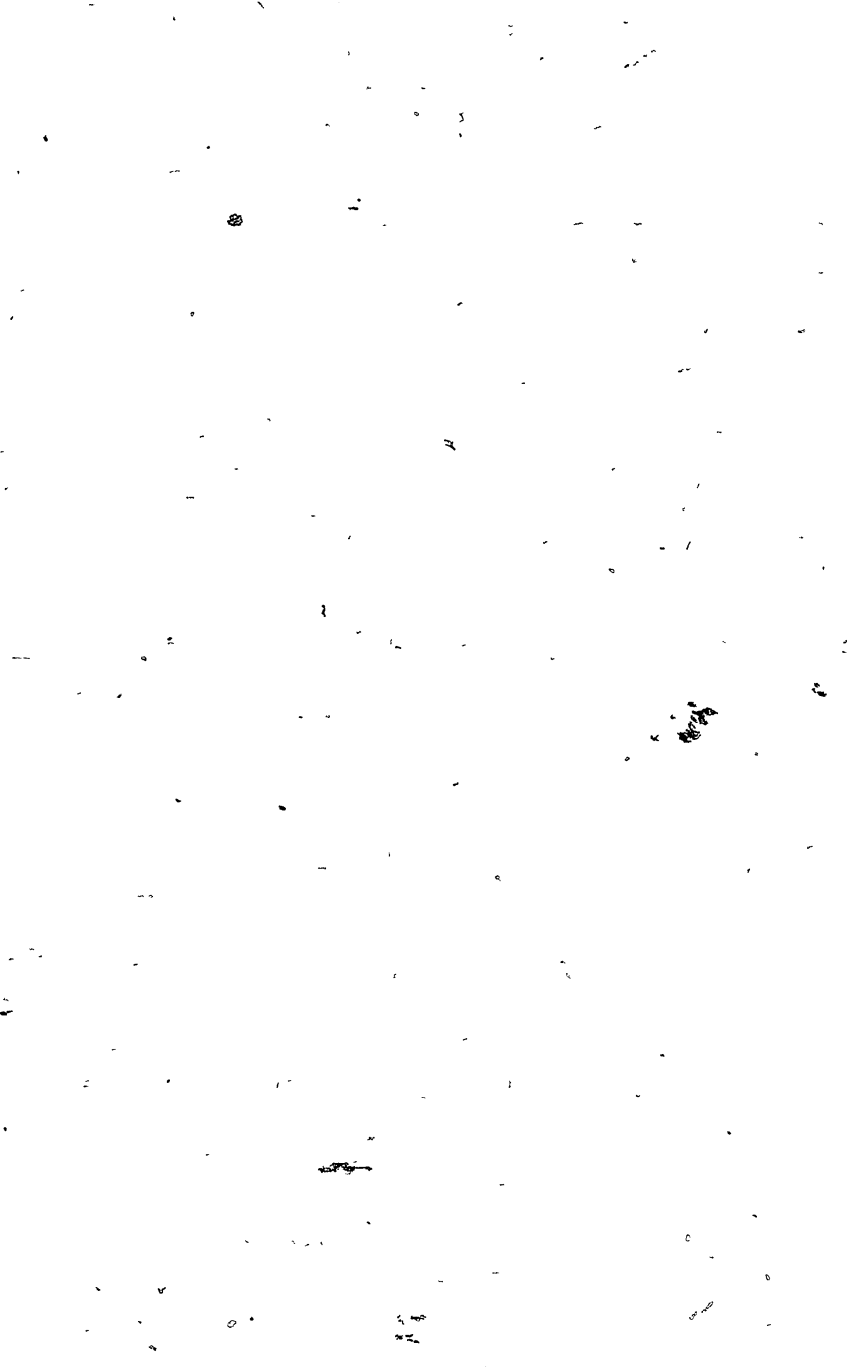
OF THE

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.

I. PROCEEDINGS ON THE OPENING OF A NEW PARLIAMENT.

1. At the beginning of a Parliament, the Members meet in the Legislative Council Chamber. Prayers are said; the Speaker and the Members present take and subscribe the oath or affirmation prescribed by law, and when a periodical election has taken place, the Clerk of the Crown in Chancery delivers to the Clerk a list of the names of the Members returned, who are introduced, and take and subscribe the oath provided by the Act 19 and 20 Vict., cap. 140.

Members convened and sworn.

2. His Excellency the Governor General, or the Administrator of the Government, being come and seated in the chair, on the Throne, the Speaker commands the Gentleman Usher of the Black Rod to let the Assembly know "it is His Excellency's pleasure they attend him immediately in this House;" who being come, are informed by the Speaker "that His Excellency does not think fit to declare the causes of his summoning Parliament until a Speaker of the Legislative Assembly is chosen," and His Excellency appoints an hour, generally the next day, when he will make the said causes known.

His Excellency comes down and commands the attendance of the Assembly.

Assembly attends and Speaker claims accustomed privileges.

3. On the day appointed, His Excellency being again seated in the chair, on the throne, the Assembly are commanded to attend; And the Speaker elect addressing His Excellency, informs him that the Assembly have elected him their Speaker, and in the name and on behalf of the Assembly, lays claim to their ancient and undoubted rights and privileges, especially freedom of speech, access to his Excellency's person, and that the most favorable construction may be put on their proceedings. The Speaker of this House addressing himself to the Speaker of the Legislative Assembly, declares that His Excellency grants, and, upon all occasions, will recognize and allow their constitutional rights and privileges. And then His Excellency opens the Session by a gracious Speech to both Houses. His Excellency having retired, some bill is read *pro formâ*; the speech from the throne is reported, and ordered to be taken into consideration on a future day, and printed.

Opening of the Session

Subsequent Sessions.

4. At the beginning of every subsequent session, during the same Parliament, prayers are said and new members are introduced and sworn; some bill is likewise read *pro formâ*; and the speech from the throne is reported and ordered to be taken into consideration on a future day, and printed.

Committee of privileges appointed.

5. The Committee of privileges is appointed, consisting of all the members then present, or to be present during the session, and sits in the House, the Speaker being in the chair, at the table.

Standing Committees appointed.

6. Standing Committees are next appointed to superintend the printing of the House; to peruse and perfect the journals, and to examine and report upon the contingent accounts of the Legislative Council.

Consideration of the Speech.

7. The House, on the day appointed, proceeds to take the speech into consideration; a resolution is moved for an Address to His Excellency in answer thereto, and is adopted, with or

without amendment, the question being put on each paragraph separately. A Committee is appointed to draft an Address; they retire and presently report the address, which is adopted, ordered to be engrossed, to be signed by the Speaker, and presented by the whole House. The members of the Executive Council, being members of the House, are ordered to report the time when His Excellency will be pleased to be attended with the address.

Address reported.

8. At the opening of each session, the Librarian reports to the House, through the Speaker, the actual state of the Library.

Librarian's report.

9. The Law Clerk's report on the expiring Laws, is also laid on the table by the Speaker.

Law Clerk's Report.

10. 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 Legislative Councillors as may have died since the last session, or who may appear to have vacated their seats by absence or otherwise. (~~None~~.)

Call of the House and report of Committee of privileges.

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

Clerk's accounts.

II. PROCEEDINGS ON THE PROROGATION OF PARLIAMENT.

Prorogation. 12. When His Excellency thinks fit to prorogue Parliament, his intention so to do is signified to the House, and on the day appointed, His Excellency being seated in the chair, on the throne, the Assembly are commanded to attend. The Clerk of the Crown in Chancery reads the title of each Bill, which has not already received the Royal Assent during the session, and the Royal Assent is signified to both Houses by the Clerk of the Upper House.

Royal Assent.

Reserved Bills.

13. The Clerk of the Crown next reads the titles of the reserved Bills, and the Clerk of the House signifies to both Houses that they are reserved for the signification of Her Majesty's pleasure thereon.

Money Bills and Speaker's address.

14. Then the Speaker of the Assembly, in presenting at the Bar, the money Bills for the Royal Assent, addresses His Excellency concerning the said Bills and other important matters which may have engaged the attention of Parliament during the session, and delivers the said Bills to the Clerk to be presented for Royal Assent. After His Excellency's gracious speech to both Houses, the Speaker signifies His Excellency's will and pleasure that this Parliament be prorogued, and it is accordingly prorogued to a day named.

Further prorogations.

15. Parliament is afterwards prorogued by proclamation, every forty days, until convened for the despatch of business, which must be done within the twelve months of its last meeting, and upon sufficient notice by proclamation.

III. SITTING AND ADJOURNMENT OF THE HOUSE.

16. The time for the ordinary meeting of the House is at three o'clock, P. M., unless some other time shall have been agreed upon.

Hour of meeting.

17. Prayers are read by the Chaplain every day at the meeting of the House, before any business is entered upon, and with closed doors.

Prayers.

18. Any communication of a private nature is made to the House after prayers, and before the doors are opened.

Private communications.

19. The Speaker then orders the doors to be opened; and, if thirty minutes after the hour of meeting, ten members, including Speaker, are not present, he will take the Chair and adjourn till the next sitting day; the names of the members present are taken down by the Clerk, and the doors are always opened when the Speaker is engaged in counting the House.

Doors opened.

Quorum.

20. After the House has proceeded to business, it may continue so to do, although less than ten members be present, until notice be taken thereof.

Business may continue without a quorum.

21. If it appear, on notice being taken, that ten members are not present, the members who may be in the adjoining rooms being summoned, the Speaker adjourns the House as above, without a question first put.

Want of a quorum.

22. If it appear, on notice being taken, or on a division, or after a report from a Committee of the whole House, that ten members are not present, before the expiration of the thirty minutes from the hour of meeting, business is suspended until ten members are present; and, at the expiration of the thirty minutes, the Speaker again counts the House, when, unless ten members be present, he adjourns until the next sitting day.

On a division or after a report.

House sits till six o'clock.

23. The House sits until six o'clock, unless previously adjourned; and at six o'clock precisely (excepting during a division), notwithstanding there may be business under discussion, or the House may be in Committee, the Speaker takes the Chair, and adjourns until half-past seven o'clock, when business is resumed and continued until a regular adjournment takes place.

Business if not disposed of.

24. The business under discussion, and any business not disposed of at the time of an adjournment, stands as orders of the day for the next sitting day.

No sitting on Saturday

25. The House does not usually sit on Saturday; and, when it adjourns on Friday, it stands adjourned till the Monday following.

Exception.

26. When public business requires that there be a sitting on Saturday, it is resolved that when the House adjourns, it do stand adjourned until to-morrow, or Saturday, at an hour named.

House adjourns itself, except in certain cases.

27. Except in the cases mentioned in Nos. 19, 21, 22, 23, the Speaker is not to adjourn without leave of the House, and upon motion made and seconded.

Strangers taken into custody.

28. The Black Rod, or the Sergeant-at-Arms, are to take into their custody any stranger who shall misconduct himself, or shall not withdraw, when ordered so to do, while the House, or a Committee of the whole House, is sitting; and no person so taken into custody, is to be discharged without the special order of the House.

No member to bring strangers in reserved parts.

29. No member of the House is to presume to bring any stranger, in any part of the House appropriated to the members, while the House, or a Committee of the whole House, is sitting.

Minutes of proceedings.

30. The deliberations of the House are taken down by the Clerk, at the table, and printed daily, under the directions of the Speaker, for the use of members, as the "Minutes of Pro-

ceedings" of the House. After due revision, they are struck off and bound as the Journals of the Legislative Council.

31. Any member may, at any time, desire the House to be cleared of strangers; and the Speaker gives immediate directions for the execution of the order, without debate. House cleared.

IV. ATTENDANCE AND PLACES OF MEMBERS.

32. Every Member is bound to attend the service of the House, unless leave of absence be given by the House: or by Her Majesty or the Governor to Life Members. (Vide No. 10, ~~32~~) Members bound to attend.

33. Leave of absence is given by the House to any member, on account of his own illness, or of the illness or death of a near relation, or of urgent business, or for other sufficient cause, to be stated to the House. Leave of absence.

34. A member is excused from service in the House, or on any Committee, so long as he has leave of absence. Members excused.

35. Any member may move for a Call of the House, and the order for calling over the House on a future day, is set down as an order of the day, for the day so appointed. Motion for Call of the House.

36. The names of all members who do not answer when called, are taken down by the Clerk, and are subsequently called over a second time; when, those who answer, or afterwards attend in their places on the same day, are ordinarily excused. Absent Members.

37. A member having secured a seat at prayers, is entitled to retain the same until the final adjournment of the House, on that day. Seats secured

38. Every member sits uncovered, and when entering the House is to give and receive salutations from the rest, and before Salutations and obeisances.

sitting down, or when he must needs go across the room, he has to make an obeisance to the Throne.

Front desks
for Minis-
ters.

39. The front desks, on the right hand side of the throne, are allowed to the Executive Councillors.

Not to pass
before the
Chair.

40. No member is to pass between the Chair and any member who is speaking, nor between the Chair and the table.

Members
speaking.

41. If a member has occasion to speak with another while the House is sitting, they go below the bar, or else the Speaker stops the business under discussion.

Title of
Honorable.

42. It is Her Majesty's pleasure that the members of the Legislative Council enjoy the distinction of "Honorable."

V. ORDERS OF THE DAY AND NOTICES OF MOTIONS; MOTIONS AND QUESTIONS.

Ordinary
business.

43. The ordinary business of each day consists of Orders of the Day and Notices of Motions.

Orders of
the Day.

44. An Order of the Day is a Bill or other matter which the House has ordered to be taken into consideration on a particular day.

Their pre-
cedence.

45. The relative precedence of Orders of the Day and of Notices of Motions is prescribed by Standing Orders of the House, and by other orders made from time to time.

How dis-
posed of.

46. The Orders of the Day are to be disposed of in the order in which they stand upon the paper; the right being reserved to the Ministers of placing Government Orders in the rotation in which they desire them to be taken up, when Government days are appointed.

47. All dropped Orders of the Day are to be set down, in the order book, after the Orders of the Day for the next day on which the House shall sit. Dropped Orders.

48. The order of business of the House proceeds each day with : 1. Private business, with closed doors ; 2. Presenting and reading Petitions ; 3. Notices of Motions ; 4. Unopposed Motions ; 5. Reports from Committees ; Orders of the Day and Motions as set down in the Order Book. Order of business.

49. Every member, in giving Notice of Motion, is to deliver at the table a copy of such Notice, fairly written, together with his name and the day proposed for bringing on such motion, and to allow at least one intervening day to elapse between the notice and the day fixed for the motion. Notices, how given.

50. Every Notice of Motion is printed and circulated with the Minutes of Proceedings, on the day it is given, and on the day previous to that appointed for its consideration. To be printed.

51. After a Notice of Motion has been given, the terms thereof may be altered by the member, on delivering at the table an amended notice on the day before that appointed for its consideration. Wording may be altered.

52. A Notice of Motion, or an Order of the Day, may be postponed, but ought not to be fixed for an earlier day than the one originally appointed. May be postponed only.

53. Every motion is to be read in English and in French by the Speaker, or by the Clerk, in the language the Speaker is not conversant with. Motions read in both languages.

54. An urgent motion, directly concerning the privileges of the House, will take precedence of other motions, as well as of Orders of the Day. Urgent motions take precedence.

55. A motion may be made by leave of the House, without previous notice. Made without notice.

- Dropped if not seconded.** 56. Any motion not seconded may not be further debated; but is forthwith dropped, and no entry thereof made in the minutes.
- Withdrawn.** 57. A member who has made a motion, may withdraw the same, by leave of the House, such leave being granted without any negative voice.
- Moved again.** 58. A motion which has been, by leave of the House, withdrawn, may be made again during the same session.
- Motion of adjournment when repeated.** 59. A motion for adjournment cannot be repeated unless some other motion has intervened.
- Prefaced motions.** 60. A motion prefaced by a written preamble is not received.
- Questions superseded.** 61. A question may be superseded—1. By the adjournment of the House, either on the motion of a member, "That this House do *now* adjourn;" or on notice being taken, and it appearing that ten members, including the Speaker, are not present; 2. By a motion that "the Orders of the Day be now read;" 3. By the previous question, viz., "That this question be *now* put," being proposed and negatived.
- Previous question resolved in affirmative.** 62. If the previous question be resolved in the affirmative, the original question is to be put forthwith, without any amendment or debate.
- Superseded by adjournment.** 63. A question for reading the Orders of the Day, and also "the previous question," may be superseded by the adjournment of the House.
- Debates interrupted.** 64. The debate upon a question may be interrupted—1. By a matter of privilege suddenly arising; 2. By words of heat between members; 3. By a question of Order; 4. By a special message from the Assembly; 5. By a motion for reading an Act of Parliament, an entry in the Journal, or other public document, relevant to the question before the House.

65. The House may order a complicated question to be divided. Complicated question divided.

66. So soon as the debate upon a question is concluded, the Speaker *puts* the question to the House, and repeats it, if the same be not heard. Question put.

67. A question being put, is resolved in the affirmative, or negative, by the majority of voices, "Content," or "Not content." Resolved by majority of voices.

68. The Speaker states whether, in his opinion, the "contents" or "not contents" have it, and unless his opinion be acquiesced in by the minority, the question is determined by a division. Speaker declares majority.

69. No question or amendment may be proposed which is the same in substance, as any question which, during the same session, has been resolved in the affirmative or negative. Question decided not put again.

70. A Resolution or other vote of the House may be read and rescinded. Vote rescinded.

71. An order of the House may be read and discharged. Order discharged.

72. After a question has been put, and the House has voted thereon, no member is allowed to leave his place, until the House has entered upon some other business. Members not to leave after question put.

73. In voting, the "contents" rise in their places, and the "non contents" continue to sit. Mode of voting.

74. Upon a division in the House, the names of those who vote for and of those who vote against the question, are entered upon the Minutes, if two Members require it, provided the House has not passed to other business. Yeas and nays.

75. When the Yeas and Nays are asked, the names of the members are called by the Clerk Assistant, from an alphabetical list, and each member, as his name is called, rises in his place, How taken.

and says, "content," or "not content." The Clerk takes down each vote, *pro.* or *con.*, and then declares the result of the division.

Entering orders.

76. The Clerk is not to enter any order until the Speaker first demands the assent of the House; and every order must be read before it is entered.

VI. AMENDMENTS TO QUESTIONS.

Amendments.

77. A question, having been proposed, may be amended by leaving out certain words only; by leaving out certain words, in order to insert or add other words; or by inserting or adding words.

Must be seconded.

78. Amendments proposed, but not seconded, will not be entertained by the House, nor entered in the Minutes.

Question how put.

79. When the proposed amendment is to leave out, or insert, certain words, the Speaker reads the question and says, "In amendment, it is proposed to leave out *such* words, or to insert *such* words, or to leave out *such* words and insert *such* other words;" and the question is then put on the amendment, viz: "Is it your pleasure to adopt the amendment."

When a later part has been amended.

80. No amendment may be proposed in any part of a question, after a later part has been amended, or has been proposed to be amended, unless the proposed amendment has been, by leave of the House, withdrawn.

No amendment allowed to words agreed to.

81. No amendment may be proposed to be made to any words which the House has resolved shall not be struck out, or shall be inserted in, or added to a question, except for the addition of other words thereto.

Proposed amendments withdrawn.

82. A proposed amendment may be, by leave of the House, withdrawn.

83. Amendments may be proposed to a proposed amendment, as if such amendment were an original question, but there ought to be no amendment of an amendment to an amendment.

Limitation of amendments.

84. When amendments have been made, the main question, as amended, is put.

Question, as amended, put.

85. When amendments have been proposed, but not made, the question is put as originally proposed.

Amendments proposed not made.

86. The House may not amend its own amendment or bill, when returned, unless the amendment be immediately consequent on the amendment of the other House.

House cannot amend its amendment.

VII. RULES OF DEBATE.

87. 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 address other members.

88. Members can only speak to a point of order, while the House is dividing.

Speak only to order during a division.

89. When any question has been entirely put by the Speaker, no member is to speak upon the question before voting.

Not to speak after question put.

90. When two or more members rise to speak, the Speaker calls on the member who first rose in his place.

When two members rise.

91. A motion may be made that any member who has risen "be now heard," or "do now speak."

Appeal to the House.

92. A member may speak to any question before the House, or upon a question, or amendment, to be proposed by himself, or upon a question of order arising out of the debate; but not otherwise.

Must speak to question.

93. At the time of giving Notices of Motions, questions are permitted to be put to Ministers of the Crown, relating to public

Question to ministers or others.

affairs; and to other members, relating to any Bill, Motion, or other public matter connected with the business of the House, in which such member may be concerned.

No argument allowed.

94. In putting any such question, no argument or opinion is to be offered, nor any facts stated, except so far as may be necessary to explain such question.

Nor in answering.

95. In answering any such question, a member is not to debate the matter to which the same refers.

Personal explanations.

96. By the indulgence of the House, a member may explain matters of a personal nature, although there be no question before the House; but such matters may not be debated.

Member not to speak twice.

97. No member may speak twice to a question before the House, except in explanation or reply, (*See Nos. 98, 99.*), or in Committee of the whole House, (*See No. 136.*)

When explaining not to introduce new matter.

98. A member who has spoken to a question may again be heard to explain himself, in regard to some material part of his speech; but he is not to introduce any new matter.

Reply allowed only to mover.

99. A reply is allowed to a member who has made a substantive motion to the House, but not to any member who has moved an Order of the Day, an amendment, or an instruction to a Committee.

Speaking to question of order.

100. Any member may rise to speak "to order," or upon a matter of privilege suddenly arising.

Reading extracts.

101. Any member may read extracts from newspapers referring to debates in the House.

Allusion to past debates not allowed.

102. No member is to allude to any debate of the same session, upon a question, or Bill, not being then under discussion, except by the indulgence of the House, for personal explanations.

Nor reading

103. No member may read, from a printed newspaper or

book, the report of any speech made in Parliament during the same session. report thereof.

104. No member may reflect upon any vote of the House, except for the purpose of moving that such vote be rescinded. Not to reflect on votes.

105. No member may allude to any debate in the other House of Parliament. Debates of other House.

106. No member may use Her Majesty's, or Her Representative's name irreverently in debate, nor for the purpose of influencing the House in its deliberations. Use of Her Majesty's or Governor's name.

107. No member may use offensive words against either House of Parliament, nor against any statute, unless for the purpose of moving for its repeal. Offensive words against either House.

108. No member may use offensive or unbecoming words in reference to any member of the House. Against any member.

109. When any member objects to words used in debate, and desires them to be taken down, the Speaker, if it appear to be the pleasure of the House, will direct them to be taken down by the Clerk accordingly. Words taken down.

110. In a Committee of the whole House, the Chairman, if it appear to be the pleasure of the Committee, will direct words objected to, to be taken down, in order that the same may be reported to the House. Also in committee.

111. Every such objection is to be taken at the time when such words are used, and not after any other member has spoken. Words taken down when used.

112. 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. Taxing speeches forbidden.

Member refusing to explain censured.

113. 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.

House prevents quarrels.

114. 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.

No noise or interruptions allowed.

115. No member is to presume to make any noise or disturbance whilst the House is engaged in business; and should any member persist in so doing, the Speaker is to call upon him by name, and every such member will incur the displeasure and censure of the House.

Member accused withdraws.

116. Every member against whom any charge has been made, having been heard in his place, is to withdraw, when such charge is under debate.

Debates in committees.

117. The several rules for maintaining order in debate are to be observed in every Committee of the whole House.

Order maintained by Speaker.

118. Order and decorum is maintained in the House by the Speaker, who is likewise allowed to decide questions of order, subject, in both cases, to the will and pleasure of the House.

By chairman in committee.

119. Order is maintained in a Committee of the whole House by the Chairman of such Committee; but disorder in a Committee can only be censured by the House on receiving a report.

Speaker takes no part in debates.

120. The Speaker ought not to take a part in any debate, or vote in any case, unless the House be equally divided, when he is to give a casting vote, and may also give his reasons for so voting.

Addresses the House standing.

121. The Speaker is to stand uncovered when addressing the House, and when called upon to explain any point of order, or practice, he is to state the rule applicable to the case.

122. Whenever the Speaker rises during a debate, any member then speaking, or offering to speak, is to sit down, and the House is to be silent. Speaker rising.

123. If the Speaker is absent, during his absence, or if he shall have resigned, until the appointment of his successor, the House is informed of the fact, a member is requested to take the Speaker's chair for the purpose of adjournment, and the House is so adjourned, from day to day, until there be a Speaker in the chair. Absence of Speaker.

VIII. DIVISIONS.

124. No member is entitled to vote in any division, unless he was present in the House when the question was put: and the vote of any member who was not so present will be disallowed. No member votes unless present.

125. Every member present in the House, when the question is put, will be required to vote. Members present must vote.

126. When the question has been put, and after the voices have been given, the Speaker declares whether (in his opinion) the "contents" or the "non contents" have it, which not being agreed to, he directs the Yeas and Nays to be taken. Speaker declares majority.
(See Nos. 74 and 75.)

127. No member is entitled to vote upon any question in which he has a direct pecuniary interest; and the vote of any member so interested will be disallowed, either in the House or in a Committee. Interested member not to vote.

IX. COMMITTEES OF THE WHOLE HOUSE.

- Committees appointed.** 128. A Committee of the whole House is appointed by an order "that the bill or question be referred to a Committee of the whole House."
- Amendment to question.** 129. The order of the day being read, an amendment may be moved that the House be put into Committee on a future day, or "this day three," or "six months."
- Speaker leaves the chair.** 130. When the order has been agreed to, or the Order of the Day read, the Speaker leaves the Chair, and names the member who is to take the Chair of the Committee. The House is then adjourned during pleasure and put into a Committee.
- Mace placed under table.** 131. So soon as the Speaker has left the Chair, the Mace is placed under the table, and the Chairman takes the Chair of the Committee at the table.
- Consider matters referred.** 132. A Committee is to consider such matters only as have been referred to them by the House. (*See Nos. 164 and 167.*)
- Motions not seconded.** 133. A motion made in Committee is not seconded.
- Previous question not allowed.** 134. No motion for the previous question, or for adjournment, can be made in Committee.
- Majority decide question.** 135. Every question in Committee is decided by a majority of voices; and in case of an equality of voices, the Chairman gives a casting voice.
- Speaking unlimited.** 136. In Committee, members may speak more than once to the same question; but the same order in debate is to be observed as in the House.
- Disorder arising.** 137. If any sudden disorder should arise in Committee, the Speaker will resume the Chair, without any question being put.
- Speaker decides point of order.** 138. If any doubt arise as to a point of order, or other proceeding, which ought to be decided by the House, the Chair-

man is directed to leave the Chair, report progress, and ask leave to sit again.

139. The Speaker will also resume the Chair, if the time shall have come for holding a conference with, or for receiving a Special Message from the Assembly. Takes chair for a conference.

140. If notice be taken, or it appear upon a division, in Committee, that ten members are not present, the Chairman leaves the Chair, and the Speaker resumes the Chair. Or for want of a quorum.

141. If there be ten members when the House is counted by the Speaker, the House is again adjourned during pleasure, and put into a Committee. House again committee.

142. When all the matters referred to a Committee have been considered, the Chairman is directed to report the same to the House. Report.

143. When all such matters have not been considered, the Chairman is directed to report progress and ask leave to sit again. Progress reported.

144. The House is not to be resumed without the unanimous consent of the Committee, unless upon a question put by the Chairman of such Committee. House resumed by unanimous consent.

145. A motion that the Chairman do now leave the Chair, will, if carried, supersede the proceedings of a Committee. Motion that chairman leave chair.

146. The Resolutions reported from a Committee are read a first and second time, and are agreed to, or disagreed to, by the House, or agreed to with amendments, or re-committed to the Committee, or the further consideration thereof postponed. Resolutions reported.

X. SELECT COMMITTEES.

Select committees.

147. Select Committees usually meet in one of the Committee Rooms, at the option of the members, who choose their Chairman.

Members speak uncovered.

148. The members speak uncovered, but may sit still, if they please.

Other members may attend.

149. 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.

Strangers not admitted.

150. No other persons, unless they are commanded to attend, are to enter at any committee or conference.

List of members serving.

151. Lists are to be affixed in conspicuous places, in the lobby of the House, of all members serving on each Select Committee.

Members relieved or added.

152. Members may be relieved or discharged from attending a Select Committee, and others appointed, after a day's previous notice.

Members asking questions.

153. To every question asked of a witness under examination, in the proceedings of any Select Committee, is to be prefixed, in the minutes of the evidence, the name of the member asking such question.

Members present.

154. The names of the members present each day on the sitting of any Select Committee are to be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be) and reported to the House, on the Report of such Committee.

Divisions.

155. In the event of a division taking place, in any Select Committee, the question proposed, the name of the proposer, and the respective votes thereupon of each member present, are to be entered on the Minutes of Evidence, or on the Minutes of the

Proceedings of the Committee (as the case may be) and reported to the House, on the Report of such Committee.

156. Whenever, in a Select Committee, witnesses or documentary evidence are required, the Committee Clerk is directed to send a notice to the parties to that effect. And where a positive order is thought necessary to enforce the attendance of a witness, or the production of documents, it emanates from the House itself, and is signed by the Clerk.

When witnesses or documents are required.

157. The Chairman of a Select Committee can only vote when there is an equality of voices.

Casting vote.

158. A Select Committee may adjourn from time to time.

Adjournment.

159. Except by leave of the House, no Select Committee may sit during the sitting of the House, as all its proceedings during that time, would be declared null and void.

Not to sit during sitting.

160. By leave of the House, a Committee may, from time to time, report its opinion or observations, or report the minutes of evidence only, or proceedings.

Report from time to time.

161. The Report of a Committee is brought up by the Chairman ; it is read by the Clerk, and dealt with as the House may direct.

Report brought up.

162. Every member who shall introduce a bill, petition or motion, upon any subject which may be referred to a Committee, is to be one of the Committee.

Mover to be one of committee.

163. When the Chairman of a Select Committee presents the report to the House, the other members of the Committee stand up.

Presenting report.

XI. INSTRUCTIONS TO COMMITTEES.

Effect of instructions. 164. An instruction empowers a Committee of the whole House to consider matters not otherwise referred to them.

Amendments must be relevant. 165. Committees of the whole House, to whom bills may be committed, have power to make such amendments therein as they may think fit, provided they be relevant to the subject matter of the Bill; but if they be not within the title of the Bill, the Committee are to amend the title accordingly and report the same specially to the House.

Instructions when moved. 166. An instruction should be moved after the order of the day has been read for putting the House into Committee.

Their effect. 167. An instruction to a Select Committee extends or restricts the order of reference.

XII. WITNESSES.

Witnesses how summoned. 168. Witnesses are summoned by the House in order to be examined at the Bar of the House, or before a Committee of the whole House, or a Select Committee, by orders of the House, signed by the Clerk, and if need be, are sworn at the Bar of the House by the Clerk, and are censured or punished at the pleasure of the House, when they neglect to attend.

When in custody. 169. Where a witness is in the custody of the keeper of any prison, such keeper is ordered to bring the witness in safe custody, in order to his being examined, as often as his attendance may be thought necessary; and the Speaker is ordered to issue his warrant accordingly.

Attendance of members as witnesses. 170. When the attendance of a member is desired, to be examined by the House, or a Committee of the whole House, he is ordered to attend in his place.

171. If a Committee desire the attendance of a member as a witness, the Chairman writes to request him to attend. Written to by chairman.

172. If any member of the House should refuse, upon being sent to, to come and give evidence or information, as a witness, to a Committee, the Committee ought to acquaint the House therewith, and not summon such member to attend the Committee. When they refuse to attend.

173. If any information come before any Committee, that chargeth any member of the House, the Committee ought only to direct that the House be acquainted with the matter of such information, without proceeding further thereupon. Charges against members.

174. 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 any Committee 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 grant such leave to such member, he may go if he think fit; but it is not optional for such officer, clerk or servant to refuse. Attendance of councilors before Assembly.

175. When the attendance of a member of the Assembly, or of an officer of that House, is desired, to be examined by the House, or any Committee thereof, a message is sent to the Assembly to request that they will give leave to such member or officer to attend, in order to his being examined accordingly, upon the matters stated in such message. Of members of Assembly before Council.

176. It is a high crime and misdemeanor, and the House will proceed with the utmost severity against any person who may have tampered with any witness, in respect of his evidence to be given to this House, or any Committee thereof, or directly or indirectly, hath endeavoured to deter or hinder any person from appearing or giving evidence. Tampering with witnesses.

177. If it shall appear that any person hath given false evidence. False evidence.

dence in any case before the House, or any Committee thereof, the House will proceed with the utmost severity against such offender.

Protection
to wit-
nesses.

178. All witnesses examined before the House, or any Committee thereof, are entitled to the protection of the House, in respect of any thing that may be said by them in their evidence.

Officers, &c.,
attending
before
Assembly.

179. No officer or clerk of the House, or short-hand writer, employed to take minutes of evidence before this House, or any Committee thereof, may give evidence elsewhere in respect of any proceedings, or examination had at the Bar, or before any Committee of the House, without the special leave of the House.

Witnesses
examined
at the bar.

180. When a witness is examined by the House, or a Committee of the whole House, the bar is kept down.

Questions
put by
Speaker.

181. The Speaker examines the witness, the mace being on the table; and the members, or the counsels, are not to put any questions otherwise than through the Speaker.

And
reduced to
writing.

182. Each question is reduced to writing, and is read to the witness by the Clerk Assistant; the answers are taken down by the Clerk of Committees.

Witness
withdraws.

183. If any question is objected to, or other matter arise, the witness is ordered to withdraw, while the same is under discussion.

Examina-
tion of
councillors.

184. A member of the House is examined in his place.

Of members
or judges.

185. A member of the Assembly, or a Judge, are introduced by the Gentleman Usher, and have chairs placed for them within the bar.

XIII. MESSAGES BETWEEN THE TWO HOUSES.

186. With regard to messages between the Houses, one of the Clerks of either House may be bearer of messages from one House to the other. Messages carried by clerk.

187. Messages so sent are received at the bar by one of the Clerks of the House to which they are sent, at any time whilst it is sitting, or in Committee, without interrupting the business then proceeding. Are received at the bar.

188. 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 is required, the messengers are called in and informed that an answer will be sent by a messenger of the Legislative Council. Messages brought up by members.

189. Answers to messages are to be in writing, and are sent and received as messages. Answers thereto.

XIV. MESSAGES FROM HIS EXCELLENCY.

190. A message from His Excellency, under his sign manual, is brought in by a member of the House, being a minister. The Speaker reads the message at length, and it is again read at the table. How brought.

191. A verbal message from His Excellency is also communicated to the House by a member of the House, being a Minister. Verbal messages.

XV. CONFERENCES.

- Conferences.** 192. The House may communicate matters to the Assembly, or have matters communicated by them, at a conference.
- How desired.** 193. A conference is desired by message, stating the subject matter thereof.
- Not asked for matters depending in other House.** 194. No conference is to be desired concerning any bill or other matter depending in the other House, but is to be required by the House in possession of the bill.
- Reasons communicated by message.** 195. In cases in which the Assembly disagree to any amendments made by this House, or insist upon any amendments to which this House hath disagreed, this House is willing to receive the reasons of the Assembly for their disagreeing or insisting (as the case may be) by message, without a conference, unless at any time the Assembly should desire to communicate the same at a conference.
- Conference agreed to.** 196. When a conference is agreed to, such agreement is communicated by message.
- Time appointed.** 197. This House appoints the time and place for every conference.
- Managers.** 198. The managers are named by the House.
- Number appointed.** 199. The number of members of the Assembly named for a conference is always double to those of this House.
- Duties of Managers.** 200. It is the sole duty of the managers to read and deliver to the managers of the other House, the resolutions of the House, or bills, with reasons for insisting upon amendments, or disagreement to amendments, or otherwise.
- Amendments not insisted upon.** 201. If either House should not insist upon its amendments, or its disagreements to amendments to any bill, after a conference, such resolution is communicated by a message.

202. After two conferences, a free conference may be desired, at which the difference between the two Houses may be discussed.

Free conference.

203. The time for holding a conference being come, the names of the managers are called over, and the Speaker adjourns the House without any question put, and the managers repair to the conference chamber.

Hour of conference.

204. The managers of the Assembly come first to the conference, and remain standing and uncovered.

Assembly's managers.

XVI. ADDRESSES TO THE CROWN OR ITS REPRESENTATIVE.

205. Addresses to His Excellency are presented by the whole House; by such members of the House as are members of the Executive Council; or by such members as the House may name for that purpose.

By whom presented.

206. When an Address is presented by the whole House, the Speaker, with the House, and the principal officers in their robes, proceed to the residence of His Excellency, who being seated and surrounded by his staff, the Speaker reads the Address, and His Excellency having replied thereto, the House withdraws.

By the whole House.

207. Either House desiring the concurrence of the other to an Address, communicates the said Address by Message, leaving a blank for the insertion of the words "Legislative Council" or "Legislative Assembly" as the case may be.

Either House desire concurrence.

208. The concurrence of one House in an Address communicated by the other, is likewise signified by Message.

How communicated.

209. Joint Addresses of both Houses to Her Majesty are presented to His Excellency by both Houses; by the two Speak-

Joint Address.

ers; or by two members of the House and four members of the Assembly, or in such other manner as may be agreed upon.

Address to
His Excellency.

210. An Address to His Excellency is next adopted, praying His Excellency to transmit the Address to Her Majesty, and is sent down to the Assembly for concurrence.

This House
learns His
Excellency's
pleasure.

211. This House then learns His Excellency's pleasure when he will be attended with the Joint Addresses, and communicates the same to the Assembly.

Joint Ad-
dresses, how
presented.

212. When a Joint Address is presented by both Houses, the Speaker and the members of this House, and the Speaker with the members of the Assembly, proceed to His Excellency's residence and being admitted, the Speaker, with the Speaker of the Assembly on his left hand, reads the address in one language, and the Speaker of the Assembly reads the other version of the Address.

His Excel-
lency's
answer.

213. His Excellency's answer to an Address presented by both Houses, or by the whole House, is reported by the Speaker and then read at the table.

How
reported.

214. An answer to an Address presented in any other manner, is reported by one of the members who have attended with the same.

Address for
papers.

215. When an Address is adopted by the House, praying His Excellency to communicate certain papers or information, a copy of the Resolution for the Address is alone presented.

XVII. PUBLIC PETITIONS.

- 216.** Petitions may be written or printed. Petitions.
- 217.** Every Petition intended for this House, should be addressed thus :—“To the Honorable the Legislative Council of Canada in Parliament assembled.” “The Petition of (inserting the name and designation) Humbly sheweth” and end in a prayer, with the words “And Your Petitioners, as in duty bound, “will ever pray.” How addressed.
- 218.** Every Petition when written is required to be signed by at least one person, and when printed, by at least three persons, on the skin or sheet on which the Petition is written or printed. How signed.
- 219.** Petitions of Corporations aggregate are required to be under their common seal, unless they are not bound by their Charters to have a seal. Corporate seals.
- 220.** No letters, affidavits or other documents may be attached to any Petition. No letters, &c. attached
- 221.** No reference may be made in a Petition to any debate in Parliament, nor to any intended motion. Not to refer to debate.
- 222.** Every member presenting a Petition is to affix his name at the beginning thereof. To bear member's name.
- 223.** Every member presenting a Petition is to take care that the same is in conformity with the rules and orders of the House, and respectful and temperate in its language. Member to peruse them.
- 224.** Petitions in the nature of Election Petitions will not be received, unless the forms required by the Election Petitions Act have been complied with, the same being certified by the proper officer. Election petitions.
- 225.** Petitions can only [be presented to the House by a member. Presented by Member only.

Petitions
from mem-
bers.

226. A member cannot present a Petition from himself.

Presenting
petitions.

227. Every member offering to present a Petition, not being for a private bill, or relating to a private bill before the House, is to confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer thereof.

When re-
ceived and
read.

228. Every such Petition, not containing matter in breach of the privileges of this House, or against the rules or usual practice of the House, is brought to the table and read and received on the next sitting day but one after.

No debate
or speech
allowed.

229. The Speaker cannot allow any debate, or any member to speak upon or in relation to a Petition; but it may be read by the clerk at the table, if required.

Petition on
personal
grievance.

230. If such Petition complain of some present personal grievance, requiring immediate remedy, the matter contained in such Petition may be brought into discussion on the presentation thereof.

XVIII. PETITIONS FOR PRIVATE BILLS.

For private
bills.

231. Every Petition for a private bill is received and read as a public petition (See Nos. 217 and seq.); and it must be presented within thirty days after the commencement of the Session, not including Sundays and holidays: after which it cannot be received, except by special leave of the House.

For bill
affecting
private
rights.

232. No Petition for a private bill affecting the vested rights, interest, or convenience of any person other than the Petitioner, can be received after the thirtieth day.

Time
extended.

233. The House may extend the time for receiving Petitions for private bills, upon motion, of which due notice shall have been given.

234. Every Petition for a private bill meant to originate in this House, must be referred to a Select Committee and the matter thereof reported upon, before the introduction of the bill, except in cases in which it shall be necessary to hear proof of the allegations of a bill at the bar. (See No. 168.)

Petitions referred.

235. A Petition is to be presented by every applicant for a bill of divorce, and the said Petition will not be received after the thirtieth day of the Session.

Petition for a bill of divorce.

XIX. PUBLIC BILLS.

236. No Bill whereby any person may be impeded or hindered from celebrating or attending the worship of Almighty God, in a peaceful and orderly manner, is to be brought in this House.

Impeding worship of God.

237. No Bill relating to religion, or the alteration of the laws concerning religion, is to be brought into the House, until the proposition shall have been first considered in a Committee of the whole House, and agreed to by the House.

Relating to Religion.

238. No Bill which might diminish or in any way infringe the Royal Prerogative, is to be brought into the House without Her Majesty's special permission previously obtained.

Affecting Prerogative.

239. No Bill relating to trade, or the alteration of the laws concerning trade, is to be brought into the House, until the proposition shall have been first considered in a Committee of the whole House, and agreed to by the House.

Relating to trade.

240. Every Bill not prepared according to the Rules and Orders of the House, will be ordered to be withdrawn.

Preparation of Bills.

241. Every Bill is to undergo three separate readings, each on a different day. (See No. 276.)

Three readings.

- Bringing in bills.** **242.** It is the right of every member of this House to bring in a Bill. (But see No. 282.)
- First reading.** **243.** The first reading of every Bill takes place immediately after the Bill is presented.
- Motion decided without amendment.** **244.** When a Bill shall have been presented by a member, or brought from the Assembly, the question "That this Bill be *now* read a first time," and "That this Bill be printed," ought to be decided without amendment or debate.
- Second reading.** **245.** A Bill having been read a first time, is ordered to be read a second time on a future day.
- Bills in blank.** **246.** No Bill is to be introduced either in blank, or only in part completed.
- Debate on principle.** **247.** The principle of a Bill is usually debated at its second reading.
- Question for 2nd reading.** **248.** On the Order of the Day being read for the second reading of a Bill, a question is put, "That the Bill be *now* read a second time."
- Amendments thereto.** **249.** Amendments may be moved to such question by leaving out "now," and inserting at the end thereof "this day three" or "six months," or any other time; or by moving that the Bill be rejected.
- Restriction of amendments.** **250.** No other amendment may be moved to such question, unless the same be strictly relevant to the Bill.
- Bills to be committed.** **251.** A Bill having been read a second time, is ordered to be committed to a Committee of the whole House, or to a Select Committee.
- No arguments against principle.** **252.** No arguments are admitted against the principle of a Bill, in a Committee of the whole House.
- Order for** **253.** On the Order of the Day being read for the Committee

on a Bill, the Speaker leaves the chair and names the member who is to take the chair of the Committee. going into Committee.

254. The House is then adjourned during pleasure, and put into a Committee on the Bill. House adjourns during pleasure.

255. No Bill is to be referred to a Committee of the whole House, or to a Select Committee, or amended, unless it shall have been read a second time. What bills are referred.

256. An instruction may be moved to the Committee on the Bill, but ought not to be moved by way of amendment. Instructions—how moved.

257. Bills which may be fixed for consideration in Committee on the same day, whether in progress or otherwise, may be referred together to a Committee of the whole House, which may consider, on the same day, all the Bills so referred to it, without the Chairman leaving the chair on each separate Bill; but with respect to any Bill not in progress, if any member shall raise an objection to its consideration, such Bill is to be postponed. Referring several Bills together.

258. Every clause is considered by the Committee *seriatim* beginning by the first clause; the preamble is next considered, and then the title. Clauses considered seriatim.

259. Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill, or pursuant to an instruction, and it be otherwise in conformity with the Rules and Orders of the House: but if any amendment be not within the title of the Bill, the Committee are to amend the title accordingly, and report the same specially to the House. Amendments to be relevant.

260. A question is put that each "clause stand part of the Bill," or "as amended, stand part of the Bill." Question put.

261. In going through a Bill, no questions are to be put for the insertion of words already printed in *italics*, and commonly called "blanks," unless exception be taken thereto; and if no Blanks or italics.

alterations have been made in the words so printed in *italics*, the bill is to be reported without amendments, unless other amendments have been made thereto.

Clauses postponed.

262. Any clause may be postponed for consideration, unless the same shall have been considered and amended.

Preamble of a bill.

263. After every clause and schedule have been agreed to, the preamble and title being severally read, a question is put "That this be the preamble (or title) of the Bill.

No notice of proceedings until reported.

264. No notice may be taken of any proceeding in a Committee of the whole House, or in a Select Committee on a Bill, until such Bill has been reported.

Report of progress.

265. When all the clauses of a Bill have not been considered, the Chairman is directed to report progress, and ask leave to sit again.

Bill reported.

266. The Bill having been fully considered, the Chairman is directed to report the Bill, (or the Bill with amendments) to the House; and when amendments have been made thereto, they are to be received without debate, and a day appointed for taking the same into consideration.

Without amendment.

267. A Bill reported without any amendment, is ordered to be read a third time, at such time as may be appointed by the House.

Clauses offered.

268. On a clause being offered in Committee, or on the consideration of the report, or at the third reading of a Bill, it is read a first time without question put.

Notice required.

269. No clause is to be offered on consideration of the report, or on (or after) the third reading of the bill, without notice.

Bill recommitted.

270. On consideration of the Bill, as amended, the Bill may be ordered to be recommitted to a Committee of the whole House, or to a Select Committee.

271. The order for the third reading of a Bill may be read and discharged, and the Bill ordered to be recommitted. Order for 3rd reading.

272. The Order of the Day being read for the third reading of a Bill, a question is put, "That the Bill be now read a third time," to which amendments may be moved, as on the second reading. (See Nos. 249 and 250). Amendments moved.

273. A Bill having been read a third time, clauses may be read three times and added to the Bill, and other amendments made. (See No. 269.) Clauses added.

274. After the third reading, and further proceedings thereon, a question is put "That this Bill do pass." Bill passed.

275. The further proceedings on a third reading may be adjourned to a future day. Proceedings adjourned.

276. Bills of an urgent nature are sometimes passed with unusual expedition through their several stages. Unusual expedition.

277. The precise duration of a temporary law is to be expressed in a distinct clause at the end of the Bill. Duration of a Law.

278. When all the proceedings on a Bill have been concluded, "the Clerk is ordered to go down to the Assembly with the Bill and desire their concurrence;" or when the Bill has been brought from the Assembly, "to acquaint them that the House hath agreed to the same without any amendment," or "with amendments," to which this House desires the concurrence of the Assembly. (See *Messages, Conferences*). Bill sent to Assembly.

279. When a Bill is returned from the Assembly with amendments, they are twice read, and agreed to, or agreed to with amendments, or disagreed to, or the further consideration thereof put off for three or six months, or the Bill ordered to be laid aside. Returned with amendments.

280. When a Bill originating in this House, has once passed through its final stage in this House, no new Bill for the same Originating in Council.

object can afterwards be originated in this House during the same Session.

Clerk's certificate.

281. The Clerk is to certify on the back of every Bill, the time of each reading and of its passing, and he is to certify in like manner the several readings and the passing of any amendments brought up from the other House for concurrence.

XX. PRIVATE BILLS.

Private bills.

282. A private Bill cannot be brought in unless upon a petition addressed to the House.

Observance of S. Orders.

283. No private Bill is to be read a second time until the clerk reports that all the standing orders have been complied with.

Preparing and printing of bill.

284. Every private Bill intended to originate in this House must be prepared by the parties applying for the same, and printed by the contractor for the sessional printing of the House, at the expense of the parties; and five hundred copies thereof in English, and three hundred in French, must be deposited in the office of the Clerk before the second reading.

Fee payable.

285. Every party seeking to obtain a Bill giving any exclusive privilege or advantage, whether for the erection of a bridge, or the construction of a railroad, turnpike road, telegraph line, harbor, canal, lock, slide, dam, or other like work, or for the incorporation of banking or commercial companies, cemetery companies, or companies for the construction of gas or water works, or for any other objects of profit, or private or individual advantage, or for amending, extending, or enlarging any former acts in such manner as to confer additional powers, are required, for the purpose of defraying the expenses and costs attending the same, to pay into the Legislative Council office the sum of sixty dollars immediately after the second reading thereof; and

no such Bill will 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 300 copies of the Act, in each language, for Government, has been paid to him.

286. Every private Bill brought into this House for confirming letters patent, is to have a copy of such letters patent attached to it. Bills confirming letters patent.

287. Every private Bill, after its second reading, is referred to a Select Committee. Bills referred.

288. A Committee on a Bill for incorporating a company must in every case require proof that the persons, whose names appear in the Bill as composing the said company, are of full age, in a position to effect the objects contemplated by the Bill, and have personally consented to become so incorporated. Proofs required before Committee.

289. A Committee to whom a Bill has been referred, whether they have agreed or not to the preamble, or gone through the clauses, are to report the Bill to the House, and when any alterations have been made to the preamble, the alterations and reasons therefor are stated specially in the report. Report of Bill.

290. When the Committee report that the preamble has not been proved, they are also to give their reasons. Preamble not proved.

291. The Chairman of the Committee reporting favorably on a private Bill, is to sign with his name at length a printed copy of the Bill, and authenticate with his initials any amendments to the same, fairly written on the copy of the Bill, and explain the nature of the said amendments on the day they are appointed to be considered. Chairman signs printed copy.

292. No private Bill affecting the vested right, interest or convenience of any person, other than the petitioner, which may come up from the Assembly after the fortieth day of the session, shall be proceeded upon in this House. Bills affecting vested rights.

Assembly
requested to
communicate evi-
dence.

293. When a private Bill is brought from the Assembly, and the principle admitted, this House may, by message, request a communication of the evidence received in proof of the allegations of the Bill; or the Committee to whom it may be referred will have to examine the allegations, and, in their report, state whether they are founded, and whether the parties concerned in interest or property, have given their consent to the satisfaction of the Committee.

Parties
required to
appear.

294. Every Committee on a private Bill is to require all persons, whose interest or property they shall consider affected, to appear before them in person, to give their consent thereto; and if unable to attend personally, they may send their consent in writing, to be proved before the Committee by one or more witnesses.

Appoint-
ment of
Committee.

295. Notice of the appointment of a Committee on a private Bill is to be set up in the lobby of the House seven days before the meeting of the Committee.

Notices re-
quired
respecting
private bills.

296. All applications for Private and Local Bills for granting to any individual, or individuals, any exclusive or peculiar rights or privileges whatsoever, or for doing any matter or thing, which, in its operation, would affect the rights or property of other parties, or for making any amendment of a like nature to any former Act require the following notice to be published, 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 published 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. Notices required.

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 presentation of the petition.

2. Before any petition praying for leave to bring in a Private Bill for the erection of a toll bridge, is presented to this House, the person or persons purposing 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 a notice in writing, stating 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 purpose to erect a draw-bridge or not, and the dimensions of such draw-bridge. Toll Bridge.

3. The fee payable on the second reading of any Private or Local Bill, shall be paid only in the House in which such Bill originates, but the disbursement for printing such Bill shall be paid in each House. Fees.

4. It shall be the duty of parties seeking the interference of the Legislature in any private or local matter, to file with the Clerk of each House, the evidence of their having complied with the Rules and Standing Orders thereof; and in default of such proof being so furnished as aforesaid, it shall be competent to the Clerk to report in regard to such matters, "that the Rules and Standing Orders have not been complied with." Evidence.

297. The foregoing Rules are to be published in both languages, in the Official Gazette, over the signature of the Clerk of the House, weekly, during each recess of Parliament. Rules published in both languages.

XXI. BILLS OF DIVORCE.

Divorce notices published.

298. 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 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.

And served on adverse party.

299. 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 adduced before the House on the reading of the Petition, or of the attempts made to effect it, to the satisfaction of the House.

Proceedings in Courts filed.

300. When proceedings in any Courts of Law have taken place prior to the Petition, an exemplification of such proceedings to final judgment, duly certified, are to be presented to the House on the reading of the Petition.

Damages levied.

301. 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 explanations 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.

Formalities before 2nd reading.

302. 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.

303. 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.

304. After the second reading, witnesses are to be heard, at the Bar of the House, on oath, the 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. Evidence of celebration of marriage.

305. 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. Counsel heard.

306. The witnesses are notified to attend by a summons, to issue under the hand and seal of the Speaker, issued to the parties applying for the same, by the Clerk of the Committees, 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. Witnesses, how summoned.

307. 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. When refusing to attend.

308. 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; Bill prepared and printed by Petitioner.

and three hundred and fifty copies thereof, in each language, 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 300 copies of the Act, in each language, for Government, has been paid to him.

Amount to
be paid.

309. Every applicant for a Bill of Divorce, at the time of presenting the petition, (see No. 235,) 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.

Unprovided
cases.

310. In all unprovided cases, reference should be had to the rules and decisions of the House of Lords; and for this purpose, McQueen's Treatise on Parliamentary Divorce, edition of 1842, is deemed a sufficient authority.

XXII. ACCOUNTS AND PAPERS.

Accounts,
&c., laid
before the
House.

311. Accounts and papers are Ordered to be laid before the House.

Prerogative
concerned.

312. When Her Majesty's prerogative is concerned in any account or paper, an Address is presented, praying that the same may be laid before the House.

Presented
by com-
mand.

313. Other papers are presented by command of His Excellency.

Annual Ac-
counts, &c.

314. Accounts and papers required to be laid before this House by any Act of Parliament, or by any order of the House, may be deposited in the office of the Clerk of the House, to be laid on the table.

315. Every Account and paper is ordered to lie upon the table. Lie on the table.

316. Accounts and papers are ordered to be printed, when-
ever it is expedient. Are printed.

317. The Select Committee on Printing, appointed at the commencement of each Session, is to assist the Speaker in all matters which relate to the Printing executed by order of the House. Committee on printing.

318. When notice of motion is given for printing an account or paper, the account or paper is submitted to the Committee on Printing for report, before the motion is made in the House for printing the same. Documents referred.

XXIII. SUPPLY AND WAYS AND MEANS.

319. 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. Clauses foreign to bills.

320. 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 not recommended.

XXIV. MISCELLANEOUS.

Minutes
transmitted
to Governor.

321. A copy of the Journals, or Minutes of Proceedings, certified by the Clerk, is to be transmitted daily to His Excellency the Governor General.

Journals to
be bound.

322. The Journals are to be bound in annual volumes, as soon as may be after each Session, with a full Index.

To whom
transmit-
ted.

323. The Clerk is to transmit annually a copy of the Journals to each of the Clerks of the Houses of Lords and Commons, of the Legislative Councils and Assemblies of Nova Scotia, New Brunswick, Prince Edward's Island, Newfoundland, and Jamaica; to the Judges of all Courts of law and equity, and to the Law Societies of Canada.

Laws ex-
changed.

324. The Clerk is to make arrangements for exchanging the Laws of Canada for those of the above named Provinces.

Also public
documents.

325. The Clerk is to furnish the Librarians with sufficient copies of all reports from heads of Public Departments, or concerning any of our public institutions, as they may be received, to be despatched to the several States of the American Union with whom this House may exchange official publications.

Catalogue of
Books.

326. A proper catalogue of the books belonging to the Library is to be kept by the Librarian, who is responsible for their safe custody.

Members of
Assembly's
seats.

327. Seats are reserved in the Legislative Council Chamber for the members of the Legislative Assembly who may be desirous of hearing the debates.

CONSTITUTION OF THE HOUSE AND ELECTORAL DIVISIONS.

328. This House was constituted in virtue of the Imperial Constitu-
tion. Act 3 & 4 Vict., ch. 35, and rendered elective by the Canada Act 19 & 20 Vict., ch. 140. (See Index, v. "*Constitution.*")

329. The oath required of members by the Constitutional The Oath. Acts, when they take their seats, or at the opening of a new Parliament, is as follows :

" I, A. B., do sincerely promise and swear, that I will be faithful and bear true Allegiance to Her Majesty Queen *Victoria*, as lawful Sovereign of the United Kingdom of *Great Britain* and *Ireland*, and of this Province of *Canada* dependent on and belonging to the said United Kingdom ; and that I will defend Her to the utmost of my Power against all Traitorous Conspiracies and attempts whatever, which shall be made against Her Person, Crown and Dignity ; that I will do my utmost endeavor to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and Traitorous Conspiracies and attempts, which I shall know to be against Her, or any of them ; and all this I do swear without any Equivocation, mental Evasion or secret Reservation, and renouncing all Pardons and Dispensations from any Person or Persons whatever to the contrary. —So help me God."

330. The Electoral Divisions for the purposes of the periodical elections, are grouped in the following order, viz. : Electoral
Divisions.

First Drawing. Lauzon, Laurentides, Wellington, Mille-Isles,
Issue of Writs on Rougemont, De Salaberry, Western, Saugeen,
or before 1st Sep., Burlington, Queen's, Trent, Rideau.
1856.

Second Drawing. Gulf, La Salle, Saurel, Repentigny, Montarville, Alma, Tecumseth, Gore, Erie, York, Cataraque, St. Lawrence.
 Issue of Writs on or before 1st Sep., 1858.

Third Drawing. Grandville, Stadacona, De La Vallière, Inkerman, Bedford, Rigaud, St. Clair, Brock, Niagara, King's, Newcastle, Bathurst.
 Issue of Writs on or before 1st Sep., 1860.

Fourth Drawing. De la Durantaye, Chawinegan, Kennebec, De Lanaudière, De Lorimier, Victoria, Malahide, Thames, Home, Midland, Quinte, Eastern.
 Issue of Writs on or before 1st Sep., 1862.

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TO RULES AND ORDERS.

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COMPILED BY ROBERT LEMOINE.  
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Constitution of the Upper House :

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Canadian Parliament changed the constitution of this House, by the Act of 1856, 19 and 20 V., c. 140.

By the Union Act the Council was to consist of not less than twenty members, being of full age of twenty-one years, and subjects of Her Majesty, s. 4. Appointed for life, s. 5, with liberty to resign their seats, s. 6. Which are vacated by absence, without leave, for two successive Sessions; by ceasing to be British subjects; by becoming bankrupts, attainted with treason or convicted of felony, or other crime, s. 7. The question of vacancy to be determined by Council, s. 8. (Proceedings thereon, 15 J. C. 66, 67, 80, 81, 90.)

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According to the above Act of 1856, the Legislative Council is now composed of the Life Members, and of forty-eight Elective Members, s. 1, 2. Elected for eight years, s. 3. They are to be British subjects, resident in Canada, of the full age of thirty years, and possessed of a property of the clear value of two thousand pounds, and resident in the electoral division, or having their property therein, s. 4, and neither defaulters, convicted of felony, or other crime, s. 5; nor Member of the other House, s. 6. They vacate their seats, if they become defaulters, insolvent, bankrupts, or cease to hold their property qualification, s. 7.

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