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R U L E S

FOR THE

GUIDANCE OF PROCEEDINGS

IN THE

HOUSE OF ASSEMBLY.



YORK:

PRINTED BY ROBERT STANTON.

1832.

F1028

1832 U

SECRET

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RULES, &c.



MEETINGS AND ADJOURNMENTS OF THE HOUSE:

RESOLVED,—That this house do meet at 10 o'clock, A. M. and if, at that hour, there is not a quorum, the Speaker may take the chair and adjourn.

II.—That when the house adjourns, the members shall keep their seats until the Speaker leaves the chair.

III.—That whenever an adjournment takes place for want of a quorum, the hour at which such adjournment is made, and the names of the members present, shall be inserted in the Journals.

QUORUM.

IV.—That twenty-three members, including the Speaker, shall form a quorum.

MINUTES:

V.—That every day, immediately after the Speaker shall have taken the chair, the minutes of the preceding day shall be read by the clerk, to the end that any mistake therein may be corrected by the House.

VI.—That, during the reading of the minutes, the doors shall be closed.

SPEAKER:

VII.—That the Speaker shall preserve order and decorum, and decide questions of order, subject to an appeal to the house.

VIII.—That the Speaker shall take the chair when Black Rod is at the door.

IX.—That the Speaker shall not take part in any debate, or vote, unless the house shall be equally divided, in which case, he may give his reasons for so voting, standing uncovered.

X.—That when the Speaker is called upon to decide a point of order or practice, he shall state the rule applicable to the case.

MEMBERS:

XI.—That every member, previous to his speaking to any question or motion, shall rise from his seat, uncovered, and address himself to the Speaker.

XII.—That when two or more members rise at once, the Speaker shall name the member who is first to speak, subject to appeal to the house.

XIII.—That every member who shall be present when a question is put, shall vote thereon, un-

less the house shall excuse him, or unless he be personally interested in the question ; provided such interest is resolvable into a personal pecuniary profit, or such as is peculiar to the member, and not in common with the interest of the subject at large, in which case he shall not vote.

XIV.—When the Speaker is putting a question, no member shall walk out of, or across, the house, nor when a member is speaking, shall any other members hold discourse which may interrupt him, nor pass between him and the chair.

XV.—That a member called to order shall sit down, unless permitted to explain, and all debate on the question of order, shall take place before the decision of the Speaker.

XVI.—That no member shall speak beside the question in debate.

XVII.—That any member may of right require the question, or motion in discussion, to be read for his information, at any time during the debate, but not so as to interrupt a member speaking.

XVIII.—That no member other than the one proposing a question or motion, (who shall be permitted a reply) shall speak more than once on the same, without leave of the house, except in explanation of a material part of his speech, which

may have been mis-conceived, but then he is not to introduce new matter.

XIX.—That any member may, at any time, desire the house to be cleared of strangers, and the Speaker shall immediately give directions to the Serjeant at Arms to do so, without debate.

LEGISLATIVE COUNCIL.

XX.—That the Master in Chancery attending the Legislative Council, be received as their messenger, at the clerk's table, where he shall deliver such message as he is charged with.

XXI.—That all messages from this house to the Legislative Council be sent by two members, to be named by the Speaker, accompanied by the Serjeant at Arms.

XXII.—That when the house shall judge it necessary to request a conference with the Legislative Council, the reasons to be given by this house upon the subject of the conference shall be prepared and agreed to by the house, before the messengers shall be appointed to make the said request.

COMMITTEE.

XXIII.—That the rules of the house shall be observed in committee of the whole so far as they may be applicable, except the rule limiting the times of speaking.

XXIV.—That in forming a committee of the whole house, before leaving the chair, the Speaker shall appoint a chairman to preside, who shall immediately take the chair without argument or comment.

XXV.—That every member who shall introduce a bill, petition, or motion upon any subject which may be referred to a committee, shall be one of the committee without being named by the house, except in cases of controverted elections.

XXVI.—That of the number of 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, (except in election committees,) where the number, to form such quorum, shall not be specially fixed by the House.

XXVII.—That in a Committee of the whole house, a motion that the chairman leave the chair, shall always be in order and take precedence of every other motion, and that when the motion is made on account of any question of order or privilege arising, the Speaker shall resume the chair without discussion or vote of the committee.

XXVIII.—That in a committee of the whole house, all motions relating to the matter under consi-

—deration shall be put in the order in which they are proposed.

XXIX.—That the mode of appointing a special committee, consisting of more than five members, shall be, first, to determine the number of which it shall consist, then, each member shall write on a slip of paper the names of as many members as are to form such committee, and deliver the same to the Clerk, who shall thereupon examine the said lists, and report to the Speaker, for the information of the house, who have most voices in their favor; and if any difficulty should arise by two or more having an equal number of voices, the sense of the house shall be taken as to the preference.

YEAS AND NAYS.

XXX.—That the Yeas and Nays shall be taken and entered on the minutes at the request of any one member.

MOTIONS AND QUESTIONS.

XXXI.—That one day's notice shall be given of all motions for introducing new matter, other than matters of privilege and bringing up petitions.

XXXII.—That a motion to adjourn shall always be in order.

XXXIII.—That after a motion is read by the Speaker, it shall be deemed to be in the possession of

the house, but may be withdrawn at any time before decision, or amendment, with permission of the house.

XXXIV.—That a motion for commitment, until it is decided, shall preclude all amendment of the main question.

AID AND SUPPLY.

XXXV.—That if any motion be made for any public aid, subsidy, duty, or charge upon the people, the consideration and debate thereon shall not presently be entered upon, but adjourned till such further day as the house shall think fit to appoint, and shall be referred to a committee of the whole house, and their opinion reported before any resolution or vote of the house do pass thereupon.

BILLS.

XXXVI.—That when a bill or petition is read in the house, the clerk shall certify the readings, and the time, on the back thereof.

XXXVII.—That every bill shall be read twice before it is committed, and engrossed and read a third time before it is sent up to the Legislative Council for concurrence.

XXXVIII.—That when any bill shall be brought down to this house from the honorable the legislative

council, or when any bill sent up from this house to the legislative council shall be returned with amendments, such bill so brought down, or the amendments, shall undergo the same readings and formal consideration, and the same shall be committed and be subjected to the same order, form and stages, as are observed upon bills originating in this house.

XXXIX.—That every public bill shall be introduced by a motion for leave, specifying the object of the bill; or by a motion to appoint a committee to prepare and bring it in; or by an order of the house on the report of a committee: and that every private bill, shall be founded on a petition, notice of the intention of the petitioners having been inserted in the Upper Canada Gazette for the period of six months previous to the meeting of the Legislature.

XL.—That no bill brought into this house shall have more than one reading on the same day.

PETITIONS,

XLI.—That all petitions to be introduced, shall be brought in immediately after the minutes are read, and that such petitions shall be read by the clerk, after the third reading of any bills that may stand for that purpose on the order of the day; provided such petitions shall have lain on the table two days.

ORDERS OF THE DAY

XLII.—That all orders of the day which, by reason of any adjournment, shall not have been proceeded upon, shall be considered as postponed, till the next day on which the house shall sit, and shall stand first on the order of the day, after the third reading of bills and addresses and reading of petitions.

ACCOUNTS.

XLIII.—That all accounts which shall in future be presented by any individual for work or labor done, or for articles furnished for the use of this house, shall be sworn to, and the affidavit specify that the charges therein contained, are the usual charges, and the commonly received prices for such work and labour, or for such articles furnished.

PRINTING.

XLIV.—That all the printing done by order of the house shall be engaged by contract for the Session, on the lowest terms offered, and during the session, be under the superintendence of a select committee; and during the recess, under the clerk.

UNPROVIDED CASES.

XLV.—That in all unprovided cases, resort shall be had to the rules, usages and forms of the Parliament of Great Britain and Ireland.

Truly extracted from the Minutes.

JAMES FITZGIBBON,
Clerk of Assembly.

STANDING ORDERS OF THE HOUSE,

I.—That the Public Accounts laid before this House at the present Session, be printed for the use of the Members as early as practicable—and that this Resolution be a standing order of the House in future, as to the Public Accounts to be hereafter laid before the Commons House of Assembly, and that two hundred copies of each Accounts be accordingly printed for this purpose at every Session.

Journal 1824. Page 130, M. S.

II.—That in all cases of controverted elections for Counties, Towns or Ridings, in this Province, the petitioners do by themselves or by their agents, within a convenient time to be appointed by the House, deliver to the sitting members or their agents, lists of the persons intended by the Petitioners to be objected to, who voted for the sitting members, giving, in the said Lists, the se-

veral heads of objections and distinguishing the same against the names of the voters excepted to, and that the sitting members do by themselves or by their agents, within the same time, deliver the like lists on their part to the Petitioners or their agents.

Journal 1825, Page 48, M. S.

III.—That in future two hundred copies of the Journals of this House be printed as soon as may be practicable after each Session of the Provincial Legislature, under the provisions of the 46th (now 44th) rule.

Journal 1825-6, Page 367, M. S.

IV.—That whenever any item on the order of the day shall be called and the member who introduced the same, if present, shall not be prepared to proceed thereon, the said item shall be placed at the foot of the order of the day.

Journal 1829. Page 529, M. S. Copy.

V.—That the Clerk of this House, with the approbation of the Speaker and the consent of this House, shall appoint all its subordinate officers and servants, (the Sergeant at Arms excepted,) and that no officer or servant of this House shall be removed or dismissed from his office or service without its knowledge and consent. As also that this House shall from time to time determine the rate of recompense to be made to all

persons employed in its service, except in such cases as are already provided for by law.

Journal 1829. Page 46, M. S.

VI.—That no petition complaining of the election and return of any member who may be returned to serve in any future Parliament, shall be received by this House, unless it be presented during the first fourteen days of the Session next ensuing after the said election and return.

Journal 1829. Page 746, M. S. Copy.

VII.—That the Clerk, during the recess, shall allow members of this House to have access to the Journals and other records, between the hours of ten in the morning and three in the afternoon, of each day, and to take extracts or copies of such documents or records as they may consider necessary for their guidance and information.

Journal 1829. Page 747, M. S. Copy.

VIII.—That no person whatever (not a member of this House) shall be permitted to enter the Copying Clerk's Rooms.

Journal 1830. Page 129. M. S. Copy.

IX.—That the printed Edition of the Journals be disposed of as follows, viz. :—

Three copies to each Member.

One copy to each of the Members of the Legislative Council.

Six copies to the Lieutenant Governor.

Three copies to the Library.

One copy (each) to the Governors, Legislative Councils and Assemblies, of Lower Canada, New Brunswick, Nova Scotia, and Prince Edward's Island.

Three copies to the Library of the Imperial Parliament.

One copy to the Colonial Department.

Six copies to the Clerk's Office for the use of this House, and the remainder to such Members of the House of Commons of Great Britain, as the Speaker may direct.

Journal 1830. Page 194, M. S. Copy.

X.—That, in future, all notices of the intentions of members to introduce bills, motions, or resolutions, other than matters of privilege, shall be given immediately after the reading of petitions.

Journal 1831. Page 70, M. S. Copy.

Truly extracted from the Journals.

JAMES FITZGIBBON,

Clerk.