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STANDING ORDERS

OF THE

LEGISLATIVE COUNCIL

OF

CANADA;

ADOPTED IN THE 3rd SESSION OF THE 2nd PROVINCIAL
PARLIAMENT, 10 & 11 VICTORIÆ, 1847.

(**VIDE JOURNAL, PAGE 132.**)

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MDCCCLI.

*In accordance with
Journal of 21 May 1857*

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REMEMBRANCES

FOR

ORDER AND DECENCY

TO BE KEPT IN THE

UPPER HOUSE

OF THE

PARLIAMENT OF CANADA.

I.

First, therefore, inasmuch as it is convenient that Members of the Legislative Council, knowing their places, may use the same without displeasure or let of this House, Members are to sit according to the Order of Precedence prescribed by the Queen's Majesty, as signified in a Despatch from Her Majesty's Secretary of State for the Colonies, to the Governor General of this Province, dated 22nd February, 1845.

Members of the Legislative Council to sit according to the Order of Precedence prescribed by Her Majesty.

For the Despatch, vide Appendix No. 4.

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II.

The Speaker
of the
House.

The Speaker, when he speaks to the House, is always to be uncovered, and is not to adjourn the House, or do anything else, as Speaker of the House, without the consent of the Members first had, excepting the ordinary things about Bills, which are of course, wherein the Members may likewise over-rule, as for preferring one Bill before another, and such like. And in case of difference amongst the Members, it is to be put to the question, and if the Speaker will speak to any thing particularly, he is to go to his own place as a Member.

III.

Proceed-
ings at the
beginning
of each
new Par-
liament,
and at the
commence-
ment of
every other
Session.

At the beginning of a Parliament, after Prayers shall have been said, and the Speaker shall have taken the Oath prescribed by Law, then all the Members of the Legislative Council present; shall in like manner make and subscribe the said Oath; after which some Bill (*pro formâ*) shall be read; which being done, the Speaker is to
report

report the Speech from the Throne ; and then a Committee of Privileges which is to consist of all the Members, then present, is to be appointed. And at the beginning of every other Session during the same Parliament, after Prayers said, some Bill (*pro formâ*) is to be read, the Speech from the Throne reported, and the Committee of Privileges appointed.

IV.

On the second Friday after the commencement of each Session, the House shall be called, and notice taken of such Members as are absent without the permission of Her Majesty, or of the Governor of this Province ; and on this occasion, the Committee of Privileges shall report 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 by any of the causes specified in the 7th section of the Act of Union.

Calling of the House on the second Friday of each Session, & Report of Committee of Privileges on the vacation of seats by death or otherwise.

V.

Journals of
the preced-
ing day to
be read af-
ter Prayers

That immediately after Prayers the Journals of the preceding day be always read.

VI.

House,
when to be
cleared of
Strangers.

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

VII.

Members,
how to
conduct
themselves
on entering
the House.

When the House is sitting, every Member that shall enter, is to give and receive Salutations from the rest, and not to sit down in his place unless he has made an Obeisance to the Throne.

VIII.

Order, how
to be pre-
served in
the House.

The Members in the Upper House are to keep their dignity and order, in sitting, as much as may be, and not remove out of their places without just cause; but, when they must needs

go across the House, they are to make Obeisance to the Throne.

IX.

That if any Member have occasion to speak with another Member while the House is sitting, they shall go together below the Bar, or else the Speaker is to stop the business under discussion.

Members not to discourse together whilst the House is sitting, and

X.

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

When speaking to address the other Members in general.

XI.

The Member who introduces the Motion or matter in debate, shall have a right to reply once, but no other Member is to speak twice to any Bill at one time of reading it, or to any proposition, unless it be to explain himself in some material point of his speech; but no new matter; and that not without leave of the House first obtained. Every Member speaks standing

No Member to speak twice except the mover of a Resolution or other Motion;

And whilst speaking to stand uncovered,

and shall not speak of the Members commonly by their names.

ing and uncovered, and names not the Members of the House commonly by their names, but "the Member that spoke last,"—"last but one,"—"last but two," &c., or some other note of distinction.

PROTESTATIONS OR DISSENTS.

XII.

Protestations or Dissents, how entered in the Clerk's Book.

That such Members as shall make Protestation, or enter their Dissents to any Votes of the House, as they have a right to do without asking leave of the House, either with or without their reasons, shall cause their Protestations or Dissents to be entered in the Clerk's Book on the next sitting day of this House, before the rising of the House, otherwise the same shall not be entered, and shall also sign the same before the rising of the House on the same day.

XIII.

Protests to be subject to the con-

That every Protest must necessarily be subject to the control of the House who

who will exercise a legal and proper discretion upon it, both as to form and matter; and that from the moment it is filed, it becomes, as in all Courts, the property of the House, and can in no case be withdrawn, or altered, or amended, but with the consent of the House previously obtained.

Control of the House.

XIV.

That no Member, absent when the question in discussion has passed the House, can be admitted to Protest at all.

Absent Members not admitted to Protest at all.

XV.

That all Orders of the Day, which by reason of any adjournment shall not have been proceeded upon, shall be considered only as postponed to the next day on which the House shall sit.

Orders of the Day not proceeded on, how disposed of.

XVI.

To prevent misunderstanding, and for

Personal, sharp, or taxing

Speeches
to be for-
borne in
debate.

for avoiding offensive Speeches when matters are debating, either in the House or at Committees, it is for honor's sake thought fit, and is so Ordered, that all personal, sharp, or taxing Speeches be forborne; and that whosoever answereth another Member's Speech, shall apply his Answer to the matter, without wrong to the person; and as nothing offensive is to be spoken, so nothing is to be ill taken, if the party that speaks it shall presently make a fair exposition, or clear denial of the words that might bear any ill construction; and if any offence be given in that kind, as the House itself will be very sensible thereof, so it will censure the offender, and give the party offended a fit reparation, and a full satisfaction.

XVII.

Mistakes,
unkindness
or other
differences,
how avoid-
ed.

That, for avoiding all mistakes, unkindness, or other differences, if any Member shall conceive himself to have received an affront, or injury, from any other member of the House, either in the Parliament House, or at any Committee,

Committee, or in any of the rooms belonging to the Legislative Council, he shall appeal to the House for his reparation; which, if he shall not do, but occasion or entertain quarrels, declining the justice of the House, then the Member that shall be found therein offending, shall undergo the severe censure of the House.

XVIII.

That when a Question is under debate, no Motion shall be received in the House, unless to Amend it, Commit it, Postpone it to a certain day, or for the Order of the Day, or to Adjourn.

Questions under debate, how disposed of.

XIX.

That all Motions deemed Special, two days' notice thereof be given to the House, and any Motion (with leave of the House) may be withdrawn any time before Amendment or decision.

The House to have two days' notice of Special Motions.

XX.

XX.

No Motion
with a
written
preamble
to be re-
ceived.

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

XXI.

No Mem-
ber to
speak after
the Ques-
tion is en-
tirely put.

That when the Question has been entirely put by the Speaker, no Member is to speak upon the Question before Voting.

XXII.

No Mem-
ber to de-
part out of
his place
after a
Question is
put, until
some other
business is
entered
upon.

That after a Question is put and the House has Voted thereon, no Member shall depart out of his place until the House shall have entered upon some other business.

XXIII.

Manner of
Voting.

That in Voting, the Contents do rise in their places, and the Non-contents continue to sit.

XXIV.

XXIV.

That the Clerk is not to enter any Order until the Speaker first demand the assent of the House; and the Clerk is to read every Order first in the House, before it be entered.

Clerk's duty as to entering Orders of the House.

XXV.

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

Each Member may demand that the Question, &c., under discussion be read.

 COMMITTEES AND CONFERENCES.

XXVI.

To have more freedom of debate, and to facilitate business, Committees are appointed, either of the Whole House, or of Individuals. Committees of the Whole House sit in the House, but

Committees of the Whole House, and other Committees.

but then the Speaker sits not in the Chair as Speaker.

XXVII.

From Committee of the Whole, how the House shall be resumed.

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

XXVIII.

In Committee of the Whole, how far the Rules of the House shall be applicable.

That in Committee of the Whole House the Rules of the House shall be observed, in so far as they may be applicable, excepting the Rule limiting the times of speaking; and that no Motion for the Previous Question, or for Adjournment, can be received; but a Member may at any time move that the Chairman do leave the Chair, or to report some progress made, and ask leave to sit again.

XXIX.

XXIX.

That Select Committees usually meet in one of the Committee Rooms, as the Members like, and choose their Chairman. The Members of the Committee speak to the rest uncovered, but may sit still if they please.

Select Committees, how conducted.

XXX.

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

How Members shall sit in Committees of the Whole.

XXXI.

On all Reports made from Committees of Amendments to Bills, the Member that makes the Report is to explain to the House the effect and coherence of each Amendment:

Amendments to Bills, how reported.

XXXII.

At any Committee, Members of the House, though not of the Committee, are not excluded from coming in and speaking, but they must not Vote: they

All Members may attend and speak at Select Committees, but

such only shall Vote. as are of the same.

they shall also give place to all that are of the Committee, and shall sit behind them.

XXXIII.

Putting the House into a Committee not to be refused.

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

XXXIV.

Members of Committees to stand whilst reporting.

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

XXXV.

Members only, to enter at Committees, unless by command.

No persons are to enter at any Committee or Conference, unless it be such as are commanded to attend, but such as are Members of the House, upon pain of being punished severely, and with example to others.

XXXVI.

No Members to speak at a Conference

None are to speak at a Conference with the Lower House but those that be

be of the Committee: and when any other than those of the Committee. thing from such conference is reported all the Members of that Committee present are to stand up.

INTERCOURSE

WITH THE

LEGISLATIVE ASSEMBLY.

XXXVII.

That no Message from the Assembly be received in this House, with a Bill or otherwise, unless the object of it be expressed verbally, and unless the Messenger be accompanied by one or more Members of that House.

Messages from the Assembly to be expressed verbally, and to be borne by more than one Member.

XXXVIII.

When notice is given to the House, by the Usher of the Black Rod, that

Messengers from the Assembly

bly, how
received by
this House.

a Message or Deputation is sent by the Legislative Assembly, the Messenger attends until the House is prepared to receive him. We being seated, he is then admitted. On coming up to the Bar, with three obeisances, the Speaker goes down to the Bar and receives the Message, uncovered; the Message is then read and delivered to the Speaker by the Messenger. On his retiring, with three obeisances to the House, the Speaker resumes the Chair, and standing, uncovered, reports the Message for the information of the Members. The House then resumes the business it had before it.

XXXIX.

Members
of this
House not
to answer
any accu-
sation in
the Legis-
lative As-
sembly.

As it might deeply intrench on the privileges of this House for any Member to answer an accusation in the Legislative Assembly, either in person or by sending his answer in writing, or by his Counsel there; upon serious consideration had thereof, and perusal of the precedents in the Upper House of the Imperial Parliament, it is ordered

ordered, that no Member of this House shall either go down to the Legislative Assembly, or send his answer in writing, or appear by Counsel to answer any accusation there, upon penalty of being committed to the Black Rod, or to Prison, during the pleasure of this House.

XL.

That no Member or Officer of this House, without leave of the House, shall by order of the Legislative Assembly, go into that House whilst the House or any Committee of the Whole House is sitting there, or appear before any Committee of that House sitting there or elsewhere.

No Member or Officer of this House shall attend an Order of the Assembly without leave.

XLI.

That the same forms and proceedings shall be required for the attendance of the Officers, Clerks or Servants of this House, upon the Assembly, a Committee of the Whole House, or a Special Committee thereof, for the purpose of giving testimony, or for

Rule for the guidance of such Members and Officers, &c., when leave is given.

other purposes as are required for the attendance of the Members, with this difference only, that when leave shall have been given by this House, for such attendance, it shall not be optional for such Officers, Clerks, or Servants to refuse.

XLII.

Accommodation to Members who may become auditors of the debates of this House.

That accommodation be furnished to the Members of the Legislative Assembly, when any of them shall see fit to become Auditors of the debates of this House.

B I L L S .

XLIII.

Any Member may bring in a Bill, and pray that it may be read.

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

XLIV.

XLIV.

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

The principle of Bills usually debated at the second reading.

XLV.

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

No argument against the principle of a Bill to be had in Committee of the Whole.

XLVI.

That no Bill shall be read twice on the same day.

No Bill shall be read twice the same day.

XLVII.

That in a Committee of the Whole House a Member may, at any time previous to a Bill being passed entirely, that is to say, all the Clauses, Preamble, and Title of the same, move to have any particular Clause thereof, that

In Committee of the Whole, before a Bill be entirely passed, a Member may move to have any

Clause
recon-
sidered.

that may have been passed, recon-
sidered.

XLVIII.

Annexing
any Clause
to a Bill of
Supply,
containing
matter
foreign to
such Bill,
unparlia-
mentary.

That to annex any Clause or Clauses
to a Bill of aid or supply, the matter
of which is foreign to, and different
from, the matter of the said Bill of
aid or supply, is unparliamentary.

XLIX.

Six months
notice of
the Official
Gazette
required for
local Bills.

That proof be required that notice
of the intention of any person or per-
sons to apply to the Legislature for
its interference, respecting any local
matter, has been publicly given in
the Official Gazette, at least once in
each month for six months preceding
the Session in which such application
is to be made.

L.

The Intro-
ducer of a
Bill, Peti-
tion, or
Motion
shall, on
reference,

That every Member who shall
introduce a Bill, Petition, or Motion,
upon any subject which may be re-
ferred to a Committee, shall be one of
the

the Committee, without being named be one of the Committee.
by the House.

LI.

That when a Bill, originating in Two Bills for the same object shall not be originated in the House during the same Session.
this House, has once passed through its final stage in this House, no new Bill for the same object can afterwards be originated in this House during the same Session.

LII.

That the Legislative Council will A Bill appropriating Public Money must be recommended by the Queen's Representative.
not proceed upon any Bill appropriating Public Money, that shall not, within the knowledge of this House, have been recommended by the Queen's Representative.

PETITIONS

AND

PRIVATE BILLS.

LIII.

No Printed
Petition
shall be re-
ceived; and
Petitions
from Cor-
porations
to be au-
thenticated
by their
Seals.

That no Printed Petition be received by this House, and that no Petition be received from any Corporation aggregate, unless it be duly authenticated by the Seal of such Corporation.

LIV.

Allegations
in Petitions
for Private
Bills to be
first refer-
red to a Se-
lect Com-
mittee.

That the allegations in every Petition for a Private Bill, meant to originate in this House, shall be first referred to a Select Committee, and the matter thereof reported upon, before the introduction of any such Bill; but this standing Order shall not be held to extend to any case in which it shall be necessary to hear proof of the allegations of a Bill at the Bar of this House.

The excep-
tion.

LV.

LV.

That when a Private Bill shall be brought from the other House, the principle of which is admitted, this House, by Message, may either request a communication of the evidence received in proof of the allegation or matter whereon the Bill is founded, or the Committee of this House, to whom it may be referred, shall examine the said allegations, and on reporting the Bill, state whether the same, or matter thereof, be founded, and whether the parties concerned in interest or property therein have given their consent, to the satisfaction of the Committee.

Private Bills, when brought up from the Assembly, how proceeded with.

LVI.

That the foregoing be considered a Standing Instruction to all Committees who shall meet upon Private Bills; and further, that they require all Persons, whose interests or property they shall consider to be affected thereby, to appear in person before them, to give their consent thereto; and

Further Instructions to all Committees on Private Bills, as to Property affected, & the giving notice of a meeting thereof.

and if they cannot personally attend, they may send their consent in writing, which shall be proved before the Committee by one or more witnesses; and that when any Committee shall be appointed on any Private Bill, notice thereof shall be set up in the lobby of this House, seven days before the meeting of the said Committee.

LVII.

Private Bills not to be proceeded with, unless upon Petition, & presentation of same limited as to time.

That this House shall not proceed upon any Private Bill, unless upon Petition addressed to the House, and that no such Petition shall be received, unless presented within thirty days after the commencement of the Session, not including Sundays and Holidays.

LVIII.

Petitions for Private Bills affecting the vested rights of others not received after a given period.

That to prevent surprise, and to afford time for proper investigation in matters that may affect the Private Rights of Individuals, it is expedient to make it a Standing Order of the Legislative

Legislative Council, that no Petition for a Private Bill, which can affect the vested right, interest, or convenience of any Person or Persons other than the Petitioner or Petitioners, shall be received after the thirtieth day of the Session, not reckoning Sundays or Holidays; and that no Private Bill of the nature above described, which may come up from the Legislative Assembly, after the fortieth day of the Session, not reckoning Sundays or Holidays, shall be proceeded upon in the Legislative Council.

The same with regard to similar Bills coming up from the Assembly.

BILLS OF DIVORCE.

LIX.

That each and every Applicant for a Bill of Divorce shall be required to give notice of his or her intention in that respect, specifying from whom and for what cause, by advertisement in the Official Gazette, during six months, and also, for a like period, in

Every Applicant to give notice of his intention in the Official Gazette & two Newspapers.

two

two Newspapers published in the District where such Applicant usually resided at the time of separation; and if there be no second Newspaper published in such District, then in one Newspaper published in an adjoining District; or if no Newspaper be published in such District, in two Newspapers published in the adjoining District or Districts.

LX.

How the
service of
such notice
is to be
made.

That a copy of such notice in writing be served, at the instance of the Applicant, upon the person from whom such Divorce is sought, if the residence of him or her can be ascertained; and proof on oath of such service adduced before this House on the reading of the petition, or of the attempts made to effect such service, for the future consideration and decision of the House.

LXI.

An Exem-
plification
required of

That in all cases, when any proceedings in any Courts of Law have taken

taken place prior to the Petition, an exemplification of all such proceedings to final judgment, duly certified, shall be presented to the House on the reading of the Petition.

all proceedings in any Courts of Law.

LXII.

That in all cases where damages have been awarded to such Applicant, proof on Oath shall be adduced to the satisfaction of the House. that such damages have been levied and retained, or such explanation afforded to the House for the neglect or inability to levy the same under a writ of execution, as may to them appear sufficient excuse for such omission.

Proof on Oath required of the payment of damages.

LXIII.

That the second reading of the Bill do not take place until fourteen days shall have elapsed from the first reading, and that a notice of such second reading shall be affixed upon the doors of this House during that period, and a copy thereof, and of the Bill, be duly served upon the party from whom the

When the Bill is to be read the 2d time.

A copy thereof to be served on the party if possible.

Divorce

Divorce is sought, and proof, on Oath, of such service adduced at the Bar of this House, before proceeding to the second reading, or sufficient proof adduced of the impossibility of complying with this Regulation.

LXIV.

Attendance of the Petitioner required at the Bar.

That the attendance of the Petitioner below the Bar of this House, at the time of the second reading, be required, with a view to his or her examination by the House generally, or as to any collusion or connivance between the parties to obtain such separation, unless the House shall think fit to dispense with such attendance or examination.

LXV.

Witnesses to be heard at the Bar : nature of the Evidence required.

That after the second reading, Witnesses in support of the Bill 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

the time of the Marriage, or by complete and satisfactory proof of the Certificate of the Officiating Minister or Authority.

LXVI.

That the Counsel for the Applicant, as well as the party from whom such 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 may be heard on the evidence, and on questions as to future support of the wife.

LXVII.

That the Witnesses shall be duly notified to attend, by a Summons, to issue under the Hand and Seal of the Speaker of this House, to be issued to the parties demanding the same, by the Clerk of the Committees, and served at the expense of the party applying for the same, by the Sergeant-at-Arms or any authorized Deputy; and each and every Witness shall be allowed his reasonable expenses, to be taxed by the House, or such Officer

Summonses on Witnesses, how to be served.

Officer thereof as may be appointed for that purpose.

LXVIII.

Witnesses refusing to obey same how to be dealt with.

That witnesses refusing to obey the said Summons shall, by Order of the House, be taken into the custody of the Sergeant-at-Arms, and not therefrom liberated except by Order of the House, and after payment of the expenses incurred by his or her default.

LXIX.

£20 Currency to be paid to the Clerk, when the Petition is presented.

That to cover the necessary expenses incurred in the preparation and progress of the said Bills through this House, a sum of twenty pounds, Currency, be deposited in the hands of the Clerk of the House, at the time of presenting the Petition; the said sum to be applied towards paying any expenses incurred in passing the said Bills through the House, and the balance to be appropriated towards the general Contingencies of the House.

LXX.

That in all unprovided cases, reference should be had, as far as practicable, to the Rules and Regulations, or decisions of the House of Lords; and for this purpose, till further Orders, the Practical Treatise on Parliamentary Divorce by JOHN McQUEEN, Esquire, Edition of 1842, shall be deemed a sufficient authority.

In all unprovided cases, reference to be made to the usages of the House of Lords.

 QUORUM AND JOURNALS.

LXXI.

That when there shall not be ten Members present at the hour to which this House shall at any time stand adjourned, the Speaker may take the Chair at thirty minutes afterwards, and adjourn to the usual hour of meeting on the next following day, not being a Sunday or Holiday; the

The House may be adjourned for want of a Quorum after waiting half an hour.

names of the Members present to be taken down by the Clerk.

LXXII.

Members may be Summoned from the adjoining Rooms, & if a Quorum cannot be found, the Speaker shall adjourn the House.

That if at any time there be less than a Quorum in the House, the Members (if any there be) who may be in the adjoining Rooms or Lobbies, shall be summoned, and if a Quorum be not thereby formed, the Speaker shall in like manner adjourn the House.

LXXIII.

The Journals to be bound in Annual Volumes,

That the Clerk be directed to cause the Journals of this House to be bound in Annual Volumes, during the Recess, with a full Index attached to each: the expense to be included in the Contingent Account at the next ensuing Session of Parliament.

LXXIV.

And copies thereof to be sent for

That a Copy of the Journals of this House shall be transmitted by the Clerk

Clerk to the Clerk of the Legislative Council and Legislative Assembly of each of the Provinces of *Nova Scotia*, *New Brunswick*, *Prince Edward Island*, and *Newfoundland*. the use of the Leg. Councils of the Lower Provinces, and

LXXV.

That one Copy of the Journals of this House, for this and every succeeding Session, plainly and uniformly bound, be transmitted by the Clerk to the Treasurer of the respective Law Societies of *Canada*, to be deposited in the Library of those Societies. The Treasurers of the Law Societies of Canada.

LXXVI.

That the Clerk be directed to make arrangements for interchanging the Laws of this Province with the several Legislative Councils of *Nova Scotia*, *New Brunswick*, *Prince Edward Island* and *Newfoundland*, for the Laws of those Provinces, respectively, for the use of this House. Interchange with the Lower Provinces of the Laws Ordered.

LXXVII.

Rescinded 30th January, 1849.—
Vide Journal, Vol. viii., page 34.

MISCELLANEOUS.

LXXVIII.

Members
to be Sum-
moned be-
fore a
Standing
Order is
made.

That for the future no Motion shall be granted for making any Order of this House a Standing Order the same day it is made, nor before the Members of this House in attendance on the Session shall be summoned to consider the said Motion.

LXXIX.

Unprovid-
ed cases,
how de-
cided.

That in all unprovided cases, resort shall be had to the Rules, usages, and forms of the Imperial Parliament.

LXXX.

Royal In-
structions
to be print-

That the Royal Instructions to the Governor of this Province, respecting the

the passing of Bills by the Provincial Parliament, which may be communicated to this House, be printed with the Standing Rules and Orders thereof, and be thereunto prefixed.

ed with the
Standing
Orders.

LXXXI.

That the hour of three P.M. be the standing hour of daily meeting, unless otherwise named by Motion at the previous adjournment.

3 P.M. the
Standing
Hour of
daily meet-
ing.

LXXXII.

That in order to prevent disturbance and interruption of the proceedings on the occasion of the Opening and Prorogation of the Sessions of the Legislature, the Door Keeper of this House be ordered, on those days, not to admit any Spectator below the Bar, except on the delivery of a Ticket of admission.

Tickets of
admission
to be deli-
vered to
the Door-
keeper.

LXXXIII.

LXXXIII.

Adopted 31st January, 1850.—
Vide Journal, Vol. ix., page 156.

Clerk to
report the
observance
of Stand-
ing Orders.

That no Private Bill be read a second time until the Clerk of the House reports that all the Standing Orders have been complied with.

APPENDIX No. 1.

ROYAL INSTRUCTIONS.

Royal In-
structions.

Relating to the Enactment of Laws by the Parliament of the Province of *Canada*. Communicated to the Legislative Council on the 16th September, 1841, by Order of His Excellency the Governor General.

“ And for the execution of so much
 “ of the powers vested in you by Our
 “ said Commission, and by virtue of
 “ the said Act passed in the third and
 “ fourth years of Our Reign as afore-
 “ said, as relates to the declaring that
 “ you Assent in Our name to Bills
 “ passed by the Legislative Council
 “ and House of Assembly, and that
 “ you

In Assent-
 ing to, Dis-
 allowing, or
 Reserving
 of Bills.

“ you withhold Our Assent therefrom,
 “ or that you Reserve such Bills for
 “ the signification of Our Royal Plea-
 “ sure thereon, it is Our will and
 “ pleasure that you do carefully ob-
 “ serve the following Rules, Directions
 “ and Instructions, namely: That
 “ each different matter be provided
 “ for by a different Law, without
 “ including in one and the same Act,
 “ such things as have no proper rela-
 “ tion to each other. That no Clause
 “ be inserted in any Act or Ordinance
 “ which shall be foreign to what the
 “ Title of it imports; and That no
 “ perpetual Clause be part of any
 “ temporary Law. That no Law or
 “ Ordinance whatever be suspended,
 “ altered, continued, revived, or re-
 “ pealed, in general words; but that
 “ the Title and date of such Law
 “ or Ordinance, shall be particularly
 “ mentioned in the Enacting part.”

Royal As-
 sent to be
 refused to
 Bills which
 interfere
 with Reli-
 gious Li-
 berty.

“ And you are expressly enjoined
 “ not to propose or Assent to any Act
 “ whatever, whereby any person may
 “ be impeded or hindered from cele-
 “ brating

“ brating or attending the Worship of
 “ Almighty God in a peaceable and
 “ orderly manner, although such Wor-
 “ ship may not be conducted according
 “ to the Rites and Ceremonies of the
 “ Church of *England*.”

“ And We do further enjoin you
 “ not to propose any Act whereby Our
 “ Prerogative might be diminished or
 “ in any respect infringed, without
 “ Our special permission previously
 “ obtained, and if any bill having
 “ such an effect shall be presented to
 “ you for your Assent, you shall
 “ declare that you Reserve it for the
 “ signification of our pleasure.”

Bills affect-
 ing the
 Preroga-
 tive to be
 Reserved

“ And We do further direct that
 “ you do not propose or Assent to
 “ any Act whatever, whereby Bills of
 “ Credit or other negotiable Securities
 “ of whatever nature, may be issued,
 “ in lieu of money, on the credit of
 “ the said Province, or whereby any
 “ Government Paper Currency may
 “ be established therein, or whereby
 “ any such Bills or any other Paper
 “ Currency,

The same
 with res-
 pect to the
 issue of
 Bills of
 Credit, and
 the estab-
 lishing of a
 Govern-
 ment Paper
 Currency
 in the Pro-
 vince.

“ Currency, or any Coin, save only
 “ the legal Coin of the Realm, may be
 “ made or declared to be a Legal
 “ Tender, unless a Clause be inserted
 “ therein suspending its operation
 “ until Our pleasure be known, or
 “ unless special permission from Us
 “ in that behalf have been first ob-
 “ tained.”

Royal As-
 sent to be
 withheld
 from Bills
 which au-
 thorise
 Public or
 Private
 Lotteries ;

“ And it is Our further pleasure,
 “ that you do not Propose or Assent
 “ to any Act whatever for raising
 “ money by the institution of any
 “ Public or Private Lotteries.”

The Di-
 vorce of
 Married
 Persons ;

“ And it is Our further will and
 “ pleasure, that you do not Propose or
 “ Assent to any Act whatever for the
 “ Divorce of Persons joined together
 “ in Holy Matrimony.”

The grant-
 ing Money,
 &c., to
 Governors ;

“ And We do further direct, that
 “ you do not Propose or Assent to
 “ any Act whatever, whereby any
 “ Grant of Money or Land, or other
 “ Donation or Gratuity, may be made
 “ by the said Legislative Council and
 “ Assembly to you.”

“ And

“ And We do further direct, that
 “ you do not Propose or Assent to
 “ any Private Act whereby the Pro-
 “ perty of any Individual may be
 “ affected, in which there is not a
 “ saving of the Rights of Us, Our
 “ Heirs and Successors, and of all
 “ Bodies, Politic and Corporate, and
 “ of all other Persons; excepting
 “ those at whose instance, or for
 “ whose especial benefit such Act
 “ may be passed, and those claim-
 “ ing, by, from, through, and under
 “ them.”

The inter-
 fering with
 vested
 Rights;

“ And it is Our will and pleasure,
 “ that you do not Propose or Assent
 “ to any Act whatever to which Our
 “ Assent has once been refused, with-
 “ out express leave for that purpose,
 “ first obtained from Us.”

And from
 Bills for
 Reviving
 any Acts
 that have
 once been
 refused.

“ You are to take care that in all
 “ Acts to be passed by you and the
 “ said Legislative Council and Assem-
 “ bly of Our said Province, in any
 “ case, for levying Money or imposing
 “ Fines, Forfeitures, and Penalties,
 “ express mention be made that the

Acts for
 levying
 Money, or
 imposing
 Fines, For-
 feitures, &
 Penalties,
 to declare
 the same
 granted to
 to Her
 Majesty.

“ same

“ same are granted to Us, Our Heirs,
 “ and Successors, for the Public uses
 “ of Our said Province, and for the
 “ support of the Government thereof,
 “ as by the said Act shall be di-
 “ rected.”

Every Bill
 of an extra-
 ordinary or
 unusual
 nature to be
 Reserved.

“ You are to Reserve, for the sig-
 “ nification of Our pleasure thereon,
 “ every Bill which you shall consider
 “ to be of an extraordinary or unusual
 “ nature, or requiring Our especial
 “ consideration and decision thereupon
 “ particularly such as may affect the
 “ Property, Credit, or Dealings of such
 “ of Our Subjects as are not usually
 “ resident within Our said Province,
 “ or whereby Duties shall be laid upon
 “ Shipping of the United Kingdom of
 “ *Great Britain and Ireland*, or upon
 “ the Produce or Manufactures of
 “ *Great Britain and Ireland*.”

No Bill,
 whose pro-
 visions are
 for less
 than one
 year, to be
 Assented
 to.

“ And whereas Laws have formerly
 “ been Enacted in several of Our Plan-
 “ tations in *America*, for so short a
 “ time, that our Royal Assent or
 “ Refusal thereof could not be had
 “ before the time for which such laws
 “ were

“ were enacted did expire, You shall
 “ not Assent in Our name to any Law
 “ that shall be Enacted for a less time
 “ than one year, except in cases of
 “ imminent necessity, or immediate
 “ temporary expediency.”

“ You shall take care that all Laws
 “ Assented to by you in Our name, or
 “ Reserved for the signification of Our
 “ Royal Pleasure thereon, shall, when
 “ transmitted by you, be fairly ab-
 “ stracted in the Margins, and accom-
 “ panied with observations upon each
 “ of them, that is to say, whether the
 “ same is introductory to a new Law,
 “ declaratory of a former Law, or does
 “ Repeal a Law then before in being ;
 “ and you are also to transmit the
 “ reasons and occasions for proposing
 “ such Laws, together with fair Copies
 “ of the Journals, and Minutes of the
 “ Proceedings of the said Legislative
 “ Council and Assembly, which you
 “ are to require from the Clerks, or
 “ other proper Officers in that behalf,
 “ of the said Legislative Council and
 “ Assembly.”

Bills either
 Assented
 to or Re-
 served to
 be accom-
 panied with
 certain ob-
 servations
 of the Go-
 vernor, and
 transmitted
 together
 with

Fair Copies
 of the Jour-
 nals of the
 Legislative
 Council &
 Assembly.

APPENDIX No. 2.

Extracts
from the
Act of Re-
Union, viz.

EXTRACTS from the Imperial Statute of the 3rd and 4th *Victoria*, 1840, intituled, "An Act to Re-unite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*."

Composi-
tion and
Powers of
Legisla-
ture.

III. And be it enacted, That from and after the Re-union of the said two Provinces, there shall be, within the Province of *Canada*, one Legislative Council and one Assembly, to be severally constituted and composed in the manner hereinafter prescribed, which shall be called, "The Legislative Council and Assembly of *Canada*;" and that within the Province of *Canada* Her Majesty shall have power, by and with the advice and consent of the said Legislative Council and Assembly, to make Laws for the Peace, Welfare, and good Government of the Province of *Canada*, such Laws not being repugnant to this Act, or to such parts of the said Act passed in the thirty-first year of the Reign of His said late Majesty, as are not hereby

hereby repealed, or to any Act of Parliament, made or to be made, and not hereby repealed, which does or shall, by express Enactment or by necessary Intendment, extend to the Provinces of *Upper* and *Lower Canada*, or to either of them, or to the Province of *Canada*; and that all such Laws being passed by the said Legislative Council and Assembly, and Assented to by Her Majesty, or Assented to in Her Majesty's Name, by the Governor of the Province of *Canada*, shall be valid and binding to all intents and purposes within the Province of *Canada*.

IV. And be it enacted, That for the purpose of composing the Legislative Council of the Province of *Canada*, it shall be Lawful for Her Majesty, before the time to be appointed for the first Meeting of the said Legislative Council and Assembly, by an Instrument under the Sign Manual, to authorise the Governor, in Her Majesty's name, by an Instrument under the Great Seal of the said Province, to Summon to the said

Appoint-
ment of
Legislative
Council-
lors.

Legislative

Legislative Council of the said Province, such Persons being not fewer than twenty, as Her Majesty shall think fit; and that it shall also be Lawful for Her Majesty, from time to time, to authorise the Governor, in like manner, to summon to the said Legislative Council such other Person or Persons as Her Majesty shall think fit, and that every Person who shall be so Summoned shall thereby become a Member of the Legislative Council of the Province of *Canada*: Provided always, that no Person shall be Summoned to the said Legislative Council of the Province of *Canada*, who shall not be of the full age of twenty-one years, and a Natural-born Subject of Her Majesty, or a Subject of Her Majesty Naturalized by Act of the Parliament of *Great Britain*, or by Act of the Parliament of the United Kingdom of *Great Britain and Ireland*, or by an Act of the Legislature of either of the Provinces of *Upper* or *Lower Canada*, or by an Act of the Legislature of the Province of *Canada*.

V. And be it Enacted, That every Member of the Legislative Council of the Province of *Canada* shall hold his Seat therein for the term of his Life, but subject, nevertheless, to the Provisions hereinafter contained for vacating the same.

Tenure of
Office of
Councillor.

VI. And be it Enacted, That it shall be lawful for any Member of the Legislative Council of the Province of *Canada*, to resign his Seat in the said Legislative Council, and upon such Resignation, the seat of such Legislative Councillor shall become vacant.

Resigna-
tion of
Legisla-
tive
Councillor.

VII. And be it Enacted, That if any Legislative Councillor of the Province of *Canada* shall, for two successive Sessions of the Legislature of the said Province, fail to give his Attendance in the said Legislative Council, without the Permission of Her Majesty, or of the Governor of the said Province, signified by the said Governor to the Legislative Council, or shall take any Oath, or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince

Vacating
Seat by
Absence.

Prince or Power, or shall do, concur, in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or whereby he may become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become Bankrupt, or take the Benefit of any Law relating to Insolvent Debtors, or become a Public Defaulter, or be attainted of Treason, or be convicted of Felony, or of any infamous Crime, his Seat in such Council shall thereby become vacant.

Trial of
Questions.

VIII. And be it Enacted, That any Question which shall arise respecting any Vacancy in the Legislative Council of the Province of *Canada*, on occasion of any of the Matters aforesaid, shall be referred by the Governor of the Province of *Canada* to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful, either for the Person respecting whose Seat such Question shall have arisen, or for Her Majesty's Attorney General for the said Province,

vince, on Her Majesty's Behalf, to Appeal from the Determination of the said Council in such case to Her Majesty, and that the Judgment of Her Majesty, given with the Advice of Her Privy Council thereon, shall be final and conclusive to all Intents and Purposes.

IX. And be it Enacted, That the Governor of the Province of *Canada* shall have Power and Authority from time to time, by an Instrument under the Great Seal of the said Province, to appoint One Member of the said Legislative Council to be Speaker of the said Legislative Council, and to remove him and appoint another in his stead.

Appoint-
ment of
Speaker.

X. And be it Enacted, That the Presence of at least Ten Members of the said Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers; and that all Questions which shall arise in the said Legislative Council, shall be decided by a Majority of Voices of the Members present,

Quorum.
Division.

D 2

Casting
Vote.

present, other than the Speaker, and when the Voices shall be equal, the Speaker shall have the Casting Vote.

No Mem-
ber to sit
or vote un-
til he has
taken the
following
Oath of
Allegiance.

XXXV. And be it Enacted, That no Member, either of the Legislative Council, or of the Legislative Assembly of the Province of *Canada*, shall be permitted to sit or vote therein, until he shall have taken and subscribed the following Oath before the Governor of the said Province, or before some Person or Persons authorized by such Governor to administer such Oath :—

Oath of
Allegiance.

“ 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 ;

“ Dignity; and that I will do my ut-
 “ most endeavour to disclose and make
 “ known to Her Majesty, Her Heirs
 “ and Successors, all Treasons and
 “ Traitorous Conspiracies and At-
 “ tempts which I shall know to be
 “ against Her, or any of them; and
 “ all this I do swear without any Equi-
 “ vocation, mental Evasion, or secret
 “ Reservation, and renouncing all Par-
 “ dons and Dispensations from any
 “ Person or Persons whatever to the
 “ contrary.—So help me God.”

XXXVI. And be it Enacted, That Affirma-
 tion instead
 of Oath. every Person authorized by Law to
 make an Affirmation instead of taking
 an Oath, may make such Affirmation
 in every case in which an Oath is
 hereinbefore required to be taken.

APPENDIX No. 3.

Table of
Precedency
for Her
Majesty's
Colonial
Posses-
sions.

The following Table of Precedency is to be observed in Her Majesty's Colonial Possessions:—

1. The Governor or Lieutenant Governor, or Officer Administering the Government.

2. The Lieutenant Governor (not Administering the Government), or the Senior Officer in Command of the Troops, if he is to succeed to the Administration of the Government, in case of the death or absence of the Governor, Lieutenant Governor, or Officer Administering the Government.

In the event of hostilities, the Senior Officer in Command of the Troops will take this Precedency under any circumstances.

In those Settlements, at a distance from the Seat of the Colonial Government, which are under the immediate authority of a Superintendent, that Officer within the Settlement pre-
cedes all Persons, except the Officer
in

in the Administration of the Government of the Colony.

3. The Bishop.

4. The Chief Justice.

5. The Members of the Executive Council. Their relative Precedency amongst themselves is established in each case by Her Majesty's "Instructions" to the Governors of Colonies.

6. The President of the Legislative Council.

7. The Members of the Legislative Council.

8. The Speaker of the House of Assembly.

9. The Puisne Judges.

10. The Members of the House of Assembly.

11. The Colonial Secretary (not being in the Executive Council.)

12. The Commissioners or Government Agents of Provinces or Districts.

13. The

13. The Attorney General.

14. The Solicitor General.

15. The Senior Officer in Command of the Troops, except in the cases already provided for.

16. The Archdeacon.

17. The Treasurer, Paymaster General, or Collector of Internal Revenue.

18. The Auditor General, or Inspector General of Accounts.

19. The Commissioner of Crown Lands.

20. The Collector of Customs.

21. The Comptroller of Customs.

22. The Surveyor General.

Not being Members of Executive Council.

23. The

23. The Clerk of the Executive Council.

24. The Clerk of the Legislative Council.

25. The Clerk of the House of Assembly.

&c. &c. &c.

26. In Courts for the Trial of Piracy, the Members to take rank according to the Order in which they are designated in Her Majesty's Commission; except in the case of the Naval Commander-in-Chief (where there is one) to whom, as a matter of courtesy, the Chair on the right of the President of the Court is assigned.

APPENDIX No. 4.

Despatch
prescribing
the Order
in which
the Mem-
bers of the
Legislative
Council are
to sit.

(Copy.)
No. 348.

Downing Street,
22nd February, 1845.

MY LORD,

I have to acknowledge the receipt of Your Lordship's Despatch of the 31st December, No. 199, in which you enclose an Address to the Queen from the Legislative Council of *Canada*, praying that Her Majesty would signify Her Pleasure upon certain questions which have arisen regarding the Precedence of the Members of the Legislative Council, and the propriety of conferring the title of "Honorable" on the Members of that Board.

I have submitted this Address to the Queen, and I have to acquaint Your Lordship that Her Majesty has commanded me to instruct you to signify to the Legislative Council Her Majesty's Pleasure, that henceforth the Members of that Board should take Precedence amongst themselves

themselves according to the date of the Instrument by which each Member may have been Summoned to take his Seat there.

It is further the Pleasure of Her Majesty, that the Members of the Executive Council who are also Legislative Councillors, should not, in virtue of their Seats in the Executive Council, take Precedence at the Legislative Council over Members of that House.

I am further commanded to signify to Your Lordship, Her Majesty's Pleasure, that every Member of the Legislative Council should be entitled to the Titular designation of "Honorable," and should be so described in all Acts and Instruments which may be issued under Your Authority.

I have, &c.,

(Signed)

STANLEY.

The Right Honorable
The Lord *Metcalfe*,
&c. &c. &c.

APPENDIX

APPENDIX No. 5.

Prayers for
the Parlia-
ment.

PRAYERS FOR THE PARLIAMENT.

PSALM LXVII.

GOD be merciful unto us, and bless
us : and show us the light of His
countenance, and be merciful unto us.

That thy way may be known upon
earth : thy saving health among all
nations.

Let the people praise thee, O God :
yea, let all the people praise thee.

O let the nations rejoice and be
glad : for thou shalt judge the folk
righteously, and govern the nations
upon earth.

Let the people praise thee, O God :
yea, let all the people praise thee.

Then shall the earth bring forth
her increase : and God, even our own
God, shall give us His blessing.

God shall bless us : and all the ends
of the world shall fear him.

¶ *After*

¶ *After the Psalm, these Suffrages, and the Prayers following, shall be used.*

THE Lord be with you.
Answer.—And with thy Spirit.

Let us pray.

Lord have mercy upon us.

Christ have mercy upon us.

Lord have mercy upon us

OUR Father which art in Heaven, Hallowed be thy Name. Thy Kingdom come. Thy will be done in Earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil; for thine is the Kingdom, and the Power, and the Glory, for ever and ever.—*Amen.*

O LORD

O LORD our Heavenly Father, high and mighty, King of kings, Lord of lords, the only Ruler of princes, who dost from thy throne behold all the dwellers upon earth: Most heartily we beseech thee with thy favor to behold our most gracious Sovereign Lady Queen VICTORIA, and so replenish her with the grace of thy Holy Spirit, that she may always incline to thy will and walk in thy way: Endue her plenteously with Heavenly gifts; grant her in health and wealth long to live; strengthen her that she may vanquish and overcome all her enemies; and finally, after this life, she may attain everlasting joy and felicity, through Jesus Christ our Lord.—*Amen.*

ALMIGHTY God, the Fountain of all Goodness, we humbly beseech thee to bless the Prince ALBERT, ALBERT, Prince of Wales, and all the Royal Family: Endue them with thy Holy Spirit; enrich them with thy Heavenly Grace; prosper them with all
Happiness;

Happiness ; and bring them to thine everlasting Kingdom, through Jesus Christ our Lord.—*Amen.*

MOST Gracious God, we humbly beseech thee, as for the United Kingdom of Great Britain and Ireland, and Her Majesty's other Dominions in general, so especially for this Province, and herein more particularly for the Governor General, the Legislative Council, and the House of Assembly, in their legislative capacity at this time assembled ; that Thou wouldest be pleased to direct and prosper all their consultations, to the advancement of thy glory, the good of thy Church, the safety, honor, and welfare of our Sovereign and Her Dominions, that all things may be so ordered and settled by their endeavours, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. These, and all other necessaries for them, for us, and thy whole Church, we humbly beg in
the

the name, and through the mediation of Jesus Christ, our Most blessed Lord and Saviour.—*Amen.*

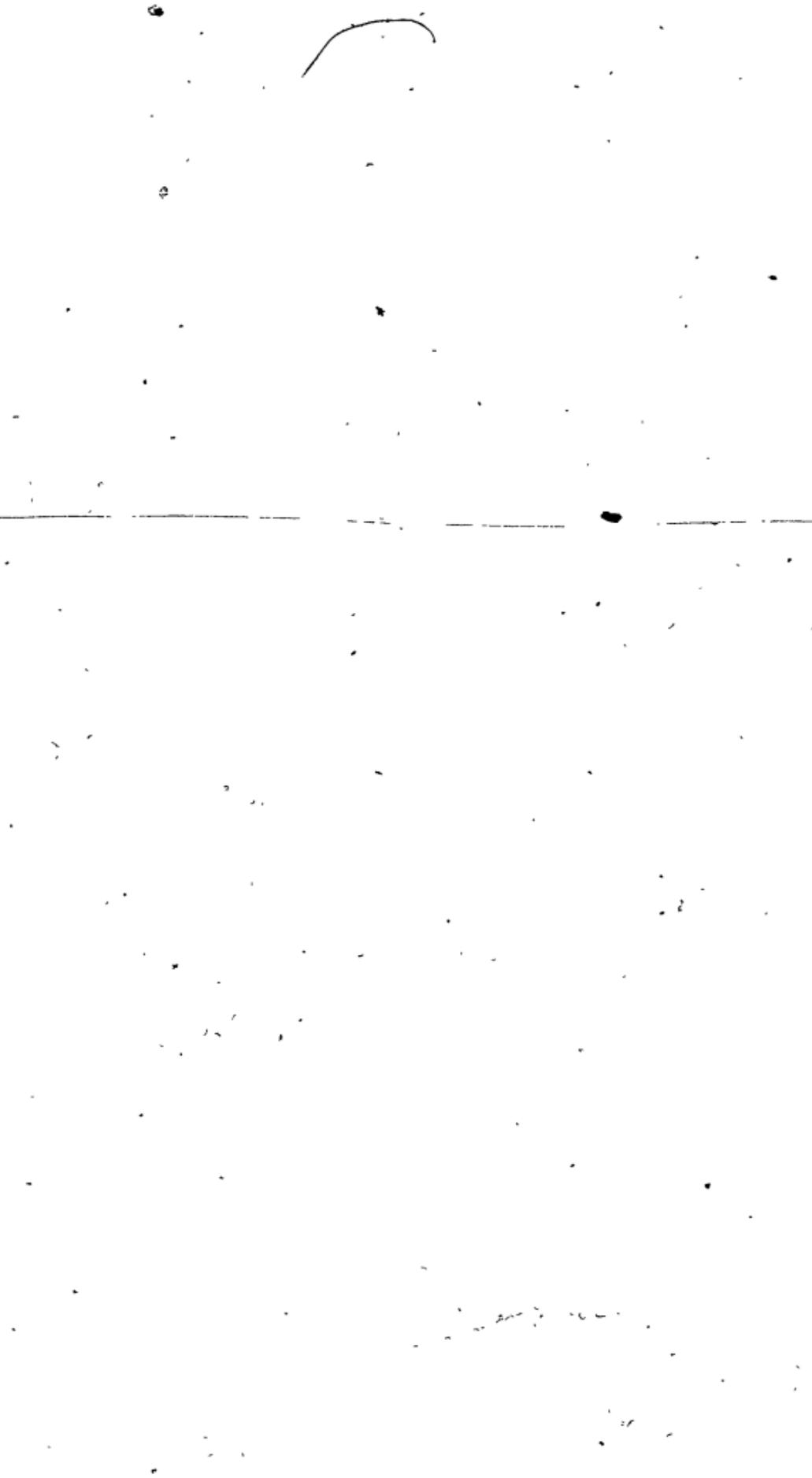
ALMIGHTY God, by whom alone Kings reign, and Princes decree justice; and from whom alone cometh all counsel, wisdom, and understanding: We, thine unworthy servants, here gathered together in thy name, do most humbly beseech thee to send down thy Heavenly wisdom from above, to direct and guide us in all our consultations: And grant that, we having thy fear always before our eyes, and laying aside all private interests, prejudices, and partial affections, the result of all our counsels may be to the glory of thy blessed Name, the maintenance of true Religion and Justice, the safety, honor, and happiness of the Queen the public wealth, peace, and tranquillity of the Realm, and the uniting and knitting together of the hearts of all persons and estates within the same, in true Christian Love and Charity one towards another, through Jesus Christ our Lord and Saviour.—*Amen.*

PREVENT

PREVENT us, O Lord, in all our doings, with thy most gracious favour, and further us with thy continual help, that in all our works begun, continued, and ended in thee, we may glorify thy Holy Name, and finally, by thy mercy, obtain everlasting Life, through Jesus Christ our Lord.—*Amen.*

2 COR. xiii. 14.

THE grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost, be with us all evermore.—*Amen.*



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