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RULES

OF THE

Legislative Council & Legislative Assembly

OF CANADA,

IN RELATION TO

PRIVATE BILLS.

INCLUDING DIVORCE BILLS,

(AS AMENDED IN THE SESSION OF 1862.)



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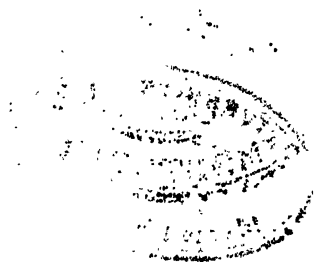
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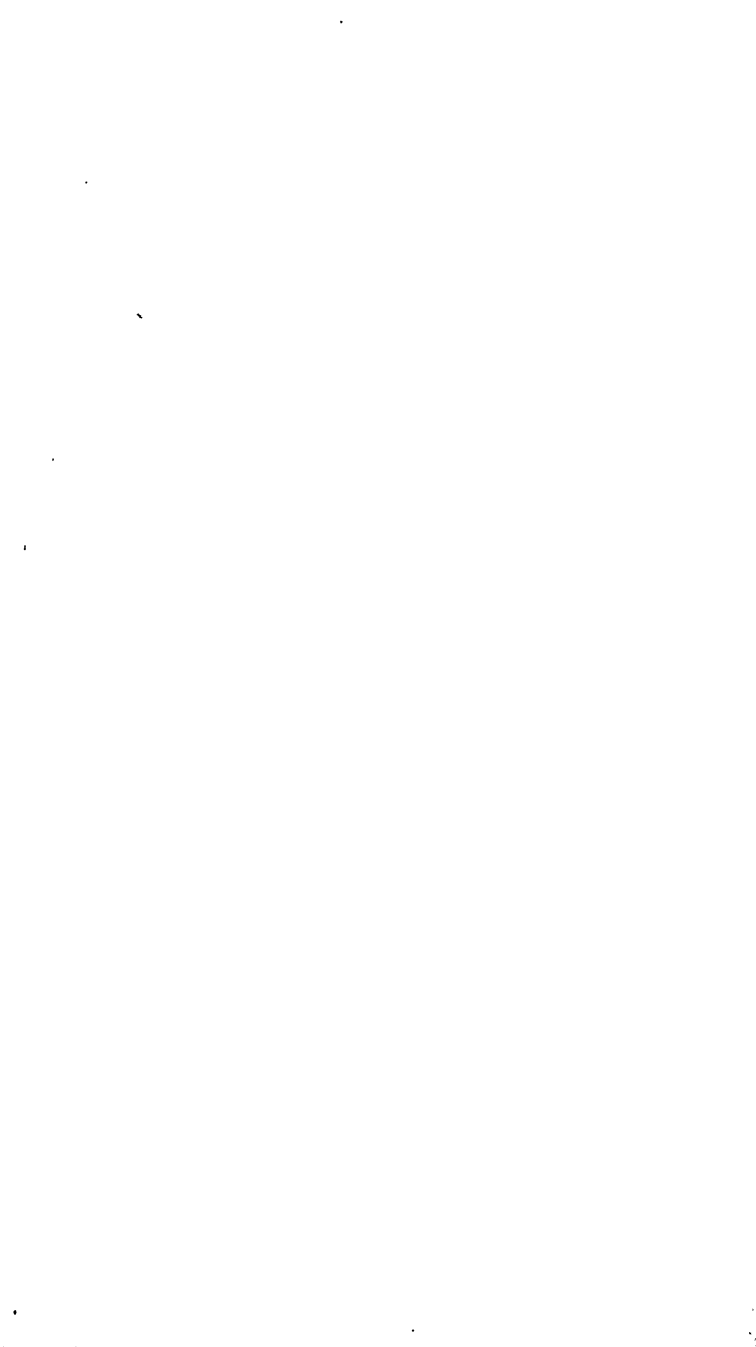
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RULES

COMMON TO BOTH HOUSES

IN RELATION TO

PRIVATE BILLS.

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

52.—The Clerk of The House shall, during each Recess of Parliament, [from and after the first day of November in each year,] ^(a) publish weekly, in the Official Gazette, the following Rules, respecting Notices of intended applications for Private Bills, and in other newspapers (English and French) the substance thereof; [and shall also, immediately

Private Bills, &c., time for receiving.

Clerk to publish Rules respecting private bills.

(a) These words occur in the Legislative Council Rule only.

after the issue of the Proclamation convening Parliament for the despatch of business, publish in the Official Gazette, and in other provincial newspapers, as aforesaid, until the opening of Parliament, the day on which the time limited for receiving petitions for private bills will expire, pursuant to the foregoing Rule;] (b) and the Clerk shall also announce, by Notice affixed in the committee rooms and lobbies of this House, by the first day of every Session, the times limited for receiving Petitions for Private Bills, and Private Bills, and Reports thereon.

Notices
for Private
Bills.

53.—All applications for Private Bills, whether for the erection of a Bridge, the making of a Railroad, Turnpike Road, or Telegraph Line; the construction or improvement of a Harbour, Canal, Lock, Dam, or Slide, or other like work; the granting of a right of Ferry; the construction of works for supplying Gas or Water; the incorporation of any particular Profession or Trade, or of any Banking or other Joint Stock Company; the incorporation of a City, Town, Village or other Municipality; the levying of any local assessment; the division of any County, for purposes other than that of Representation in Parliament, or of any Township; the removal of the site of a County Town, or of any Local Offices; the regulation of any Common; the

(b) The words in brackets do not occur in the Legislative Council Rule.

re-survey of any Township, Line, or Concession, or otherwise for granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights or property of other parties, or relate to any particular class of the community; or for making any amendment of a like nature to any former Act,—shall require a Notice, clearly and distinctly specifying the nature and object of the application, to be published as follows, viz :—

Notices
for Private
Bills.

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

In *Lower Canada*—A Notice inserted in the Official Gazette, in the English and French languages, and in one newspaper in the English, and one newspaper in the French language, in the District affected, or in both languages if there be but one paper; or if there be no paper published therein, then (in both languages) in the Official Gazette, and in a paper published in an adjoining District.

Such Notices shall be continued in each case for

a period of at least two months, during the interval of time between the close of the next preceding Session and the consideration of the Petition.

Toll
Bridge
Bills.

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

Petitions
for priv-
ate bills.

55.—Petitions for Private Bills, when received by The House, are to be taken into consideration (without special reference) by the Committee on Standing Orders; which is to report in each case, whether the Rules with regard to Notice have been complied with; and in every case where the Notice shall prove to have been insufficient, either as regards the Petition as a whole, or any matter therein which ought to have been specially referred to in the Notice, the Committee is to recommend to The House the course to be taken in consequence of such insufficiency of Notice.

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

Private Bills from the other House.

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

Suspension of Rules.

58.—All Private Bills are introduced on Petition, and presented to The House [upon a motion for leave], (c) after such Petition has been favorably reported on by the Committee on Standing Orders.

Introduction of Private Bills.

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

Letters Patent.

60.—The expenses and costs attending on Private Bills giving any exclusive privilege, or for any object of profit, or private, corporate, or individual advantage; or for amending, extending, or enlarging any former Acts, in such manner as to confer additional powers, ought not to fall on the public;

Fees and cost of preparing and printing Private Bills.

(c) The words in brackets do not occur in the Legislative Council Rule.

accordingly the parties seeking to obtain any such Bill, shall be required to pay into the Private Bill Office the sum of sixty dollars, immediately after the Second Reading thereof: and all such Bills shall be prepared in the English and French languages, by the parties applying for the same, and printed by the Contractor for printing the Bills of The House, and 350 copies thereof in English shall be deposited in the Private Bill Office, with 200 copies in French also, of such Bills as relate to Lower Canada, before the Second Reading; and no such Bill shall be read a Third time until a Certificate from the Queen's Printer shall have been filed with The Clerk, that the cost of printing 500 copies of the Act in English and 250 in French, for the Government, has been paid to him.

Fee and
cost of
printing,
where
paid.

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

Bills and
petitions
referred.

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

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

Notice of sitting of Committee.

63.—A copy of the Bill, containing the Amendments proposed to be submitted to the Standing Committee, shall be deposited in the Private Bill Office, one clear day before the meeting of the Committee thereupon.

Deposit of filled-up Bill in Private Bill Office.

64.—All persons whose interests or property may be affected by any Private Bill, shall, when required so to do, appear before the Standing Committee touching their consent, or may send such consent in writing, proof of which may be demanded by such Committee. And in every case, the Committee upon any Bill for incorporating a Company, may (d) require proof that the persons whose names appear in the Bill as composing the Company, are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

Consent of parties interested.

(d) In the Legislative Council Rule, the word "shall" is inserted here, in place of "may."

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

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

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

Preamble not proved. 68.—When the Committee on any Private Bill report to The House that the Preamble of such Bill has not been proved to their satisfaction, they must also state the grounds upon which they have arrived at such a decision; and no Bill so reported on shall be placed upon the Orders of the Day, unless by special order of The House.

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

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

71.—When any Private Bill is returned from the the Legislative Assembly (Council) with amendments, the same not being merely verbal or unimportant, such amendments are, previous to the second reading, referred to [a committee of the whole House, or to] (e) the Standing Committee to which such Bill was originally referred.

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

(e) These words occur in the Legislative Council Rule only.

Private
Bill Regis-
ter.

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

Private
Bill Com-
mittees.

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

(Legislative Council only.)

Unprovid-
ed cases,
L. C.

116.—In all unprovided cases, the rules, usages, and forms of the House of Lords are to be followed.

(Legislative Assembly only.)

49.—Every Parliamentary Agent conducting proceedings before the Legislative Assembly, shall be personally responsible to the House and to the Speaker, for the observance of the Rules, Orders, and practice of Parliament, and Rules prescribed by the Speaker, and also for the payment of all fees and charges; and he shall not act as Parliamentary Agent until he shall have received the express sanction and authority of the Speaker.

50.—Any Agent who shall wilfully act in violation of the Rules and practice of Parliament, or any Rules to be prescribed by the Speaker, or who shall wilfully misconduct himself in prosecuting any proceedings before Parliament, shall be liable to an absolute or temporary prohibition to practise as a Parliamentary Agent, at the pleasure of the Speaker; provided that upon the application of such Agent, the Speaker shall state in writing the ground for such prohibition.

116.—In all unprovided cases, the Rules, usages, and forms of the House of Commons shall be followed.

Parliamentary Agents.

Agents violating Rules liable to suspension.

Unprovided cases, L. A.

R U L E S
OF THE
LEGISLATIVE COUNCIL
CONCERNING
BILLS OF DIVORCE.

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

And served on adverse party. 76.—A copy of the Notice, in writing, is to be served, at the instance of the Applicant, upon the person from whom the Divorce is sought, if the residence of such person can be ascertained; and proof on Oath of such Service, or of the attempts

made to effect it, to the satisfaction of The House, is to be adduced before The House on the reading of the Petition.

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

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

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

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

Evidence of celebration of marriage. 81.—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.

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

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

The House, or any Officer thereof, appointed for that purpose.

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

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

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

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