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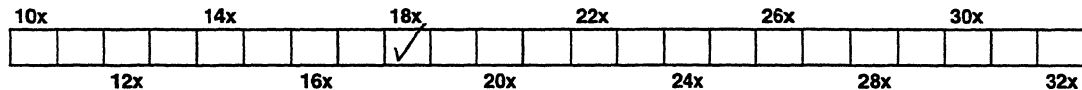
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STANDING

RULES AND REGULATIONS

OF THE

LEGISLATIVE ASSEMBLY

OF
J. B. Robinson
CANADA.

Adopted in the First Session of the First Provincial Parliament.

(With the amendments subsequently made thereto.)

J. B. Robinson

1840

MONTREAL:

PRINTED BY DERBISHIRE & DESBARATS,
Printer to the Queen's Most Excellent Majesty.

1844.

S T A N D I N G
RULES AND REGULATIONS.

MEETINGS AND ADJOURNMENTS
OF THE HOUSE.

1.

RESOLVED,—That this House do meet at three o'clock in the afternoon: and if at three o'clock there is not a QUORUM, Mr. Speaker may take the Chair and adjourn; but when the House rises on *Friday*, it shall stand adjourned to the following *Monday*.

Hour for
adjourn-
ment.

2.

That when the House adjourns, the Members shall keep their seats until the Speaker leaves the Chair.

When
members
shall leave
their seats.

3.

That whenever the Speaker is obliged to adjourn the House for want of a QUORUM,

Names to
be taken on
adjourn-

RUM,

ment for
want of a
Quorum.

RUM, the hour at which such adjournment is made, and the names of the Members then present, shall be inserted in the Journals.

QUORUM.

4.

Appear-
ance of a
Quorum.

That upon the appearance of a **QUORUM** the Speaker shall take the Chair, and the Members be called to order.

5.

Black Rod.

That the Speaker shall always take the Chair when Black Rod is at the door, whatever the number of Members then present may be.

MINUTES.

6.

Minutes,
when read;

That 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.

SPEAKER.

SPEAKER.

7.

That the Speaker shall preserve Order and Decorum, and shall decide Questions of Order, subject to an appeal to the House.

Order and decorum.

8.

That the Speaker shall not take part in any Debate or vote in any case, unless the House shall be equally divided.—He may give his reasons for so voting. He shall stand uncovered when addressing the House.

Speaker when to vote.

9.

That when the Speaker is called upon to explain a point of order or practice, he is to state the rule applicable to the case, without argument or comment.

Speaker explaining a point of order.

MEMBERS.

10.

That every Member, previous to his speaking, shall rise from his seat uncovered, and address himself to the Speaker.

Member speaking.

11.

11.

Two or more members rising at once.

That when two or more Members rise at once, the Speaker shall name the Member who is first to speak; and the other or others may appeal to the House if dissatisfied with the Speaker's decision, by the Question, "*Which Member was first up?*"

12.

When members may not vote.

That every Member who shall be present when a question is put, shall vote thereon, unless the House shall excuse him, or unless he shall be personally interested in the question; provided such interest be 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.

13.

Order when the Speaker is putting a question.

That 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 Member hold discourse

discourse to interrupt him, except to order, nor pass between him and the Chair.

14.

That a Member called to order shall sit down unless permitted to explain; and the House, if appealed to, shall decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to.

Members called to order.

15.

That no Member shall speak disrespectfully of the Queen or any of the Royal Family, or Person administering the Government of this Province; nor shall he use unmannerly or indecent language against the proceedings of this House, or against particular Members; nor shall he speak beside the question in debate.

Disrespectful, unmannerly or indecent language, &c.

16.

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

Member may demand that the question, &c. be read.

17.

17.

Limitation
of right of
speaking.

That no Member shall speak more than once on the same question, without leave of the House, except in explanation of a material part of his speech, which may have been misconceived; but then he is not to introduce new matter.

18.

On a pre-
vious ques-
tion.

That no Member shall speak more than once, without leave of the House, upon a previous question.

19.

House
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 the Sergeant at Arms to execute the order, without debate.

20.

Members
going out
during sit-
tings.

That it be recommended to every Member wishing to go out during the sittings, to inform the Sergeant at Arms of the place where he may be found, if wanted.

21.

That no Member during the Session shall absent himself for more than one sitting at a time, without an express leave of absence from the House. Members absenting themselves.

22.

That this House will not grant leave of absence to any member, (unless that there are forty-three Members present in town,) but on the most urgent and accidental business specially stated to this House. Leave of absence.

LEGISLATIVE COUNCIL.

23.

That the Master in Chancery attending the Legislative Council, be received, as their Messenger, at the Clerk's Table, the Members sitting, where he shall deliver such Message as he is charged with from the Legislative Council. Messenger of the Legislative Council.

24.

Messages
to the Legislative
Council.

That all Messages from this House to the Honorable the Legislative Council, be sent by one Member of this House.

25.

Conferen-
ces with
the Legis-
lative
Council.

That when this 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 a Messenger shall be appointed to make the said request.

26.

Messages
from the
Legislative
Council.

That Messages from the Honorable the Legislative Council, shall be received into this House as soon as announced by the Sergeant at Arms.

27.

Legislative
Council-
lors attend-
ing the de-
bates.

That Legislative Councillors, desirous of hearing the debates, may have seats without the Bar, in a space to be set apart for that purpose, withdrawing when the House is cleared.

STRANGERS.

28.

That Strangers admitted into the House during its sittings, who make a noise or behave irregularly, shall be committed to the custody of the Sergeant at Arms, to await the judgment of the House.

Strangers behaving irregularly.

JOURNALS, &c.

29.

That copies of the Journals translated into the French Language be laid on the table daily, for the use of the Members; and also Copies of Speeches from the Throne, Addresses, Messages, and Entries of other transactions and deliberations of the House when asked for by any two Members.

French copies of the Journals, &c.

30.

That a copy of the Journals of this House be delivered to His Excellency the Governor, every morning of the day after the same has been read and approved of by the House, certified by the Clerk.

Copy of the Journals for the Governor.

31.

31.

Index to
Journals.

That the Clerk do immediately make an Index to the Journals of the House, referring to the several matters therein contained, and that at the end of each Session of Parliament, he do make a like Index to the Journals.

32.

Legislative
Council
may search
Journals.

That until this House shall adopt the measure of having its proceedings printed daily, this House doth consent that the Legislative Council may cause the Journals of this House to be searched, in like manner as this House may, according to Parliamentary usage, search the Journals of the Legislative Council.

 RULES OF THE HOUSE.

33.

Rules how
applied in
Commit-
tees of the
whole.

That the Rules of the House shall be observed in a Committee of the whole House, so far as they may be applicable, except the Rule limiting the number of times of speaking.

34.

That in all unprovided cases, resort shall be had to the Rules, Usages and Forms of Parliament, which shall be followed, until this House shall think fit to make a Rule applicable to such unprovided cases.

Unprovided cases.

DIVISION OF THE HOUSE.

35.

That upon a division in the House, the names of those who vote for, and of those who vote against the question, shall be entered upon the Minutes, if two Members require it.

Names when to be taken.

MOTIONS AND QUESTIONS.

36.

That a motion to adjourn shall always be in order.

Motion to adjourn.

37.

37.

Motion
that the
Chairman
leave the
Chair.

That a motion that the Chairman leave the Chair, shall always be in order, and shall take place of any other motion.

38.

Motions
how made,
how read.

That no motion shall be debated or put, unless the same be in writing and seconded. When a motion is seconded, it shall be read in English and in French by the Speaker, if he is master of the two languages; if not, the Speaker shall read in either of the two languages most familiar to him; and the reading in the other language shall be at the table by the Clerk or his Deputy, before debate.

39.

Motion not
to be with-
drawn
without
leave.

That after a motion is read by the Speaker, it shall be deemed to be in possession of the House; but may be withdrawn at any time before decision or amendment, with permission of the House.

40.

Motions on
questions
under de-
bate.

That when a question is under debate, no motion shall be received unless to amend

amend it, or commit it, or to postpone it to a certain day, or for the previous question, or for adjournment.

41.

That the Previous Question, until it is decided, shall preclude all amendment and debate of the main question; and shall be in the following words: "*Shall the main Question be now put?*"

Previous question.

42.

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

Motions for commitment.

43.

That all questions, whether in Committee or in the House, shall be put in the order they are moved.

Order of questions.

44.

That no Motion prefaced by any preamble, shall be admitted in this House.

No motion to have a preamble.

45.

Reception
of motions.

That every motion when seconded, ought to be received and read by the Speaker, except in the cases provided for by the Rules of this House.

46.

Motions
contrary to
rules or pri-
vileges.

That it shall be the duty of the Speaker, whenever he shall conceive that a motion which he has received and read, may be contrary to the Rules or Privileges of this House, to apprise the House thereof immediately, before the question on such motion is put, and to cite the Rule which is applicable to the case.

 AID AND SUPPLY.

47.

Motions
concerning
aid and
supply,
when and
how to be
considered.

That if any motion be made in the House for any Public Aid, Subsidy, Duty or Charge upon the people, the consideration and debate thereof shall not presently be entered upon, but adjourned till such further day as the House shall think fit to appoint; and then it shall be referred
to

to a Committee of the whole House, and their opinion to be reported before any Resolution or Vote of the House do pass thereupon.

48.

That all Aids and Supplies granted to Her Majesty by the Legislature of Canada, are the sole gift of the Assembly of this Province, and all Bills for granting such Aids and Supplies ought to begin with the Assembly, as it is the undoubted right of the Assembly to direct, limit, and appoint in all such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such Grants, which are not alterable by the Legislative Council.

Rights of the House touching Aids and Supplies

49.

That in order to expedite the business of the Legislature, the House should not insist on the privilege claimed and exercised by them, of laying aside Bills sent from the Legislative Council, because they impose pecuniary penalties; nor of laying aside amendments made by the Legislative Council, because they introduce

Its strict rights waived in certain cases.

duce into or alter pecuniary penalties in Bills sent to them by this House ; provided that all such penalties thereby imposed, are only to punish or prevent crimes and offences, and do not tend to lay a burthen on the subject, either as Aid and Supply to Her Majesty, or for any general or special purposes, by Rates, Tolls, Assessments or otherwise.

PUBLIC BILLS.

50.

Mode of
introduc-
ing Bills.

That every Public Bill shall be introduced by a motion for leave, specifying the title 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.

51.

Two read-
ings.

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

52.

That all amendments shall be reported to the House by the Chairman standing in his place. After report, the Bill shall be subjected to debate and amendment in the House, before the question to engross it shall be put.

Amendments reported by Committees.

53.

That every Bill shall receive three several readings, each on different days, previous to its being passed, except in urgent and extraordinary occasions, when it may be read twice or thrice in one day.

Three readings on different days, exception.

54.

That when a Bill is read in the House, the Clerk shall certify the readings and the time on the back.

Readings how certified.

55.

That Bills committed to a Committee of the whole House, shall first be read throughout by the Clerk, and then read by the Chairman and debated by clauses, leaving the Preamble and Title to be last considered.

Bills how read in Committee of the whole.

56.

56.

Bills passed
by the
House.

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

57.

Bills origi-
nating in
Legislative
Council.

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

58.

Certain du-
ties assign-
ed to the
Law Clerk.

That it shall be the duty of the Law-Clerk of this House, to revise all Public Bills after the first reading, and that after such revision, he do mark his initials and certify on the indorsement of the said Bills, in red ink, that the same are correct; and that the said Law-Clerk be held responsible for the due performance of such duty, in obedience to this Resolution, and in order that he may be regularly apprized of the Bills that shall have been read for the first time, it shall be the duty of the senior Clerk of the Committees of this House, to provide him daily during the
Session,

Session, with a List of the Bills that shall have been read for the first time, and of the day on which they shall be fixed for the second reading; and that in every succeeding stage of such Bills, the said Law-Clerk shall be also held responsible for the correctness of the said Bills, should amendments be made thereto, and he shall make a Breviat of every such Bill previous to the second reading thereof.

59.

That all Bills, Public and Private, and Breviats and Abridgements thereof, be printed before the second reading, for the use of the Members of the Legislature, unless the House in certain cases dispense with such printing, with the exception nevertheless of certain Bills to continue the Acts or Bills of Reimbursements, or other short Bills, not introducing any important innovation, with the printing whereof the Speaker may dispense.

Bills and
Breviats to
be printed
—except-
tion.

PRIVATE BILLS.

60.

Introduc-
tion of pri-
vate bills.

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

61.

To be pre-
ceded in
certain
cases by re-
port of a
Commit-
tee.

That no Bill be ordered or permitted to be brought in, or any Petition for any work proposed to be carried on by tolls or duties to be levied, by subjecting of particular places to the same, until such petition has been referred to a Committee, and they have examined the matter thereof, and reported the same to the House.

62.

Petitioners
not to be
heard until
after such
Report.

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

63.

63.

That the Chairman of the Committee for any private Bill do not sit thereupon, without giving a week's notice thereof, set up in the lobby.

Sitting of any such Committee to be notified.

64.

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

And persons interested to be heard before it.

65.

That when any Bill shall be brought into the House for confirming Letters Patent, there shall be a true copy of such Letters Patent annexed to the Bill.

Bills for confirming Letters Patent.

66.

That before any Petition is presented to this House, for leave to bring in a private Bill, whether for the erection of a Bridge

Petitions for Bills granting exclusive

rights to be
preceded
by certain
public no-
tice.

Bridge or Bridges, for the regulation of a Common, for the making of any Turnpike Road, or for granting to any individual or individuals any exclusive rights or privileges whatsoever, or for the alteration or renewing of any Act of the Provincial Parliament, for the like purpose; notice of such application shall be given in one of the newspapers of the District, published in the English, and one in the French language, if any is published therein; and also by a notice affixed on the Church-doors of the Parishes or Townships that such application may affect, or in the most public place, where there is no Church, during two months at least before such Petition is presented.

67.

Time for
receiving
Petitions
for private
Bills.

That hereafter this House will not receive any Petitions for private Bills after the first fifteen days of each Session.

68.

Time for
receiving
private
Bills.

That this House will not receive any private Bills except in the first twenty-four days of each Session.

69.

69.

That this House will not receive any Report of a Special Committee upon any such Private Bills, except within the first forty days of each Session.

Time for receiving reports on private Bills.

70.

That before any Petition praying 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 sixty-sixth Rule, also at same time, and in the same manner, give a Notice, 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 whether they purpose to erect a Draw-Bridge or not, and the dimensions of such Draw-Bridge.

Notices (under rule No. 66.) relating to petitions for bridge Bills, to contain certain particulars.

71.

That all the expenses and costs attending on private Bills giving any exclusive privilege or advantage, and the relative proceedings

A certain sum to be deposited, before the

second
reading of
a private
Bill.

proceedings in this House thereon, ought not to fall upon the Public, and that it is just and reasonable that part of such expenses and costs should be supported by those who apply for the said Bills; and that a sum not less than £20 be deposited in the hands of the Clerk of this House by the Petitioners before the second reading of any such Bills.

72.

Clerk to
give notice
of the time
for receiving
petitions, for
private
bills, and
reports, &c.
thereon.

That the Clerk of this House be held, immediately after the issuing of the Proclamation convoking the Provincial Parliament for the dispatch of business, to announce in the Quebec Gazette and other Newspapers published in this Province, until the opening of Parliament, the day on which the time limited for receiving Petitions for Private Bills will expire, according to the Rules of this House; and that the said Clerk be also held to announce, by notice set up in the Special Committee Rooms, and in the Lobby of this House, by the first day of every Session, the days on which, according to the Rules of this House, the time for receiving

ing Petitions for private Bills, Reports on those Petitions, and Reports on the Bills upon those Petitions, are to expire.

PETITIONS, &c.

73.

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

Petitions how presented.

74.

That whenever a Petition tending to incorporate any number of persons to carry on any commerce or trade, is presented to this House, such of the Members of this House who are to become incorporated in consequence of such Petition to carry on such commerce or trade, are personally interested in all questions that may arise upon such Petition, and in any after proceedings that may take place upon it.

Members interested in petitions for certain corporate powers.

See also BILLS PRIVATE, Rules 63, 66, 67, 68, 69.

PAPERS LAID BEFORE THE HOUSE.

FORM OF READING.

75.

Papers before the House or a Committee, how to be read.

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

 COMMITTEES.

76.

Committee of the whole House, how formed.

That in forming a Committee of the whole House, the Speaker shall leave the Chair, and shall before leaving the same appoint a Chairman to preside, who shall have the same authority in the Chair of the Committee as the Speaker in the Chair of the House, and in other Committees the Chairman shall have the same authority.

77.

That the mode of appointing a Special Committee, shall be first to determine the number it shall consist of, then each Member naming one, which shall be written down by the Clerk ; those who have most voices shall be taken successively, until that the number is completed ; 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 ; but it shall be always understood, that no Member who declares himself or divides against the body or substance of the Bill, motion or matter to be committed, upon any of the Readings thereof, can be nominated to be of a Committee upon such Bill, motion or matter ; or the mover may submit the names of the Members to form the Committee, and if not objected to by the House, the Members so nominated shall compose the Committee.

Special
Commit-
tees, mode
of appoint-
ing.

78.

That every Member who shall introduce a Bill, Petition, or Motion upon any object which

Member
introduc-
ing the

matter referred, to be one of the Committee.

which may be referred to a Committee, shall be one of the Committee without being named by the House.

79.

Quorum of a Special Committee.

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 in all cases, where the number to form such QUORUM shall not be specially fixed in the motion of appointment.

 MESSENGERS.

80.

Mode of appointing Messengers.

That the Speaker of this House shall appoint all Messengers; but it shall be always understood, that the Member who moves for the Message shall of right be one of the number of Messengers, and that any Member who shall declare himself, or divides against the said Message, or against the subject thereof, cannot be appointed to be one of the Messengers.

ORDERS OF THE DAY.

81.

That the Order of the Day shall have preference to any motion before the House. To have preference to motions.

82.

That it be a Standing Rule of this House, that when any Order or Orders of the Day shall be lost by a Committee of the whole House breaking up for want of a QUORUM, or by the House adjourning for want of a QUORUM, the Order or Orders so lost, shall be taken up in succession, as the first business to be proceeded on, at the next meeting of the House. Orders lost for want of a quorum.

PRIVILEGES.

83.

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

LIBRARY.

84.

Catalogue
to be made.

That a Catalogue of the titles, editions, classes, cost and charges of the Books, be kept by the Clerk of the House, in whom the custody and responsibility thereof shall be vested.

85.

Place for
the Lib-
rary.

That the Library be deposited in the Committee Room, or Clerk's Office, or such other part of this House as may hereafter appear to Mr. Speaker to be most convenient.

86.

Access to
the Lib-
rary. Who
may take
books from
it.

That no person whatsoever shall be entitled to resort to the Books except the Governor, Lieutenant-Governor, or Person administering the Government, the Members of the Executive and Legislative Councils and House of Assembly, and the Officers of the two Houses for the time being; that access may be had to the books at all hours during the sitting of the Legislature, and on every Tuesday of each

each week, from the hour of ten in the morning to three in the afternoon, during the prorogations; but on no pretence whatever ought any person, the Governor, Lieutenant-Governor or Person administering the Government excepted, to be permitted to carry any of them out of the building.

87.

That the Clerk shall report regularly to the House, through Mr. Speaker, at the opening of each Session, the actual state of the Library. Clerk to report on the Library.

88.

That the Clerk of this House be authorized to import annually the continuation of the Periodical Works in the Library of this House. Periodical works.

OFFICE HOURS.

89.

That the hours of attendance of the respective Officers of this House and the Hours of office.
Extra

Extra Clerks employed during the Session, be from nine in the forenoon until noon, and from one in the afternoon until eight o'clock, and from thence until the business of the day be completed.

VACANCIES IN THE OFFICES.

90.

Inquiry
previous to
filling any
vacancy.

That before filling any vacancy in the Offices of this House, enquiry be made touching the necessity of such Office, the amount of the salary and emoluments thereunto annexed, and the fixing such salary *de novo* at every change.

IMPORTS AND EXPORTS.

91.

Tables of
Imports
and Ex-
ports to be
prepared
by the
Clerk and
printed.

That the Clerk of this House do lay before this House in the course of each Session, a general table of the Imports and Exports of this Province, taken from the returns which may be laid before this House by order of His Excellency the Governor in Chief; that the said Clerk do

do also lay before this House next Session a similar table for the seven last years, and that he do cause the said table to be printed, in order that the same be added to the Appendix to the Journals of next year, and that in each succeeding year he do cause to be printed a similar table, to be in like manner inserted in the Appendix to the Journals of those periods.

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