



THE
RULES AND STANDING ORDERS
OF THE
LEGISLATIVE COUNCIL

RELATING TO

PRIVATE BILLS.

(As amended by order of the House.)

QUEBEC :

PRINTED BY LEGER BROUSSEAU,
BUADE STREET.

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REPORT

Of the Select Committee recommending the adoption of the Rules on Private Bills, sent up from the Legislative Assembly.

LEGISLATIVE COUNCIL,
COMMITTEE ROOM,

Tuesday, 16th April, 1861.

The Select Committee to whom was referred the subject matter of the Paper delivered by the managers on the part of the Legislative Assembly, to the managers on the part of this House, at a conference held yesterday, on the subject of the Rules relating to Private Bills, with a view to uniformity in the practice and proceedings of both Houses, in relation thereto, have the honor to report :

That they have examined and gone through the several Rules of the Legislative Assembly, relating to Private Bills, numbered severally as follows: 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72 et 73, contained in a Book accompanying the said Paper, and are of opinion that the said Rules of the Legislative Assembly ought to be adopted, and the Rules of Your Honorable House, on the same subject, amended, in

Journals
of 1861,
page 98.
Report
adopted
page 104.

order that the Rules of both Houses be assimilated in regard to the proceedings on Private Bills; the said Rules to be in force from and after the end of the present session.

As this modification of the Rules of the House will necessitate the appointment of at least one Committee on Standing Orders and on Private Bills, your Committee have left it to Your Honorable House to determine, whether the practice of the House of Lords is to be followed, and two Committees appointed, or whether one Committee will be sufficient for both purposes.

The whole respectfully submitted,

Signed, JOHN ROSS,
Chairman.

WEDNESDAY, 17th April, 1861.

The House, according to order, proceeded to the consideration of the above Report, and the same being again read by the Clerk,

On motion of the Honorable Mr. Ross, seconded by the Honorable Mr. VanKoughnet, it was

REPORT.

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Ordered—That the said Report be adopted, and that the Legislative Assembly be informed thereof, by one of the Masters in Chancery.

Attest,

J. F. TAYLOR,
Clerk Legislative Council.

NOTA.

The following are the Rules and Standing Orders of the Legislative Council relating to Private Bills, as amended in obedience to the accompanying Report, and printed by order of the Honorable the Speaker, Sir N. F. Belleau, for the use of Members.

The figures at the end of each Rule, following L. C. and L. A. indicate the numbers of the Rules of the Council and Assembly, corresponding to the Amended Rules, or containing provisions of a like nature.

THE
RULES AND STANDING ORDERS
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LEGISLATIVE COUNCIL
RELATING TO
PRIVATE BILLS.

1—No Petition for any Private Bill, shall be received by The House after the first three weeks of each Session ; nor shall any Private Bill be presented to The House after the first four weeks of each Session ; nor shall any Report of any Standing or Select Committee upon a Private Bill be received after the first six weeks of each Session. (L. C. 57. 58.) (L. A. 49.)

2—The Clerk of The House shall, during each recess of Parliament weekly in the Official Gazette, the following Rules, respecting notices of intended applications for Private Bills, and in other newspapers (English and French) the sub-

Private Bills, &c., time for receiving.

Clerk to publish Rules respecting.

stance thereof; and shall also, immediately after the issue of the Proclamation convening Parliament for the dispatch 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, 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. (L. C. 83.) (L. A. 50.)

Notices
for Private
Bills.

§—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 Town:

ship ; the removal of the site of a County Town, or of any local offices ; the regulation of any Common ; the 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 the following notice to be published, viz :

In *Upper Canada*—A notice inserted in the Official Gazette, and in one newspaper published in the County, or union of Counties, affected, or if there be no paper published therein, then in a newspaper 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. (L. C. 49.) (L. A. 51.)

Toll Bridge
Bills.

4—Before any Petition praying for leave to bring in a Private Bill for the erection 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 drawbridge or not, and the dimensions of the same. (L. C. 49.) (L. A. 52.)

Petitions
for Private
Bills.

5—Petitions for Private Bills, when received by The House, shall be taken into consideration (without special reference) by the Committee on Standing Orders; which shall report in each case, whether the Rules with regard to Notice have been complied with. (L. C.—) (L. A. 53.)

6—And all Private Bills from the Legislative Assembly (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. (L. C.—) (L. A. 54.)

7—All Private Bills shall be introduced on Petition, and may be presented upon a motion for leave, after such petition shall have been favorably reported on by the Committee on Standing Orders. (L. C. 57.) (L. A. 56.)

8—When any Bill for confirming Letters Patent shall be presented to the House, a true copy of such Letters Patent shall be attached thereto. (L. C. 85.) (L. A. 57.)

9—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; 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. (L. C. 84.) (L. A. 58.)

Fee, and
cost of
printing,
where
paid.

10—The Fee payable on the Second Reading of any Private Bill, shall be paid only in the House in which such Bill originates, but the cost of printing the same shall be paid in each House. (L. C. 49.) (L. A. 59.)

Bills and
petitions
referred.

11—Every Private Bill, when read a Second time, shall be referred to the Standing 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 shall be considered as referred to such Committee. (L. C.—) (L. A. 60.)

12—No Committee on any Private Bill of which notice is required to be given, shall consider the same until after a week's notice of the Sitting of such Committee has been first affixed in the Lobby. (L. C. 56.) (L. A. 61.)

13—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. (L. C.—) L. A. 62.)

14—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 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. (L. C. 56. 86.) L. A. 63.)

Voting in
Commit-
tees.

15—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. (L. C.—) L. A. 64.)

Extraordi-
nary pro-
visions in
Bills.

16—It shall be 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. (L. C.—) (L. A. 65.)

Report of
Commit-
tee.

17—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 shall have been made in the Preamble of the Bill, such alteration, together with the reasons for the same, shall be stated in the Report. (L. C. 87.) (L. A. 66.)

Preamble
not pro-
ved.

18—When the Committee on any Private Bill shall report to The House that the Preamble of such Bill has not been proved to their satisfaction, they shall also state the grounds upon which they have arrived

at such a decision; and no Bill which shall have been so reported on shall be placed upon the Orders of the Day, unless by special order of The House. (L. C. 88.) (L. A. 67.)

19—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. (L. C. 89.) (L. A. 68.)

20—When any Private Bill is returned from the Legislative Assembly with amendments, the same not being merely technical, such amendments shall, previous to the Second Reading, be referred to the Standing Committee to which such Bill was originally referred. (L. C.—) (L. A. 69.)

21—Except in cases of urgent and pressing necessity, no motion shall be made to dispense with any Standing Order relative to Private Bills, without due notice thereof. (L. C.—) (L. A. 70.)

Private
Bill Register.

22—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. (L. C.—) (L. A. 71.)

Private
Bill Committees.

23—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. (L. C.—) (L. A. 72.)

Parliamentary
Agents.

24—Every Parliamentary Agent conducting proceedings before the Legislative Council shall be personally responsible to The House and to The Speaker for the observance of the Rules, Orders, and Prac-

tice 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. (L. C.—) (L. A. 73.)



MEMORANDUM.

The Legislative Assembly have 26 Rules relating to Private Bills, being two more than the Legislative Council. The following are the two Rules which were not sent up to the Legislative Council for their concurrence.

55—No motion for a suspension of the Rules upon any Petition for a Private Bill shall be entertained, until the same shall have been reported upon by the Standing Committee on Standing Orders. Suspension of Rules.

74—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. Agent violating Rules liable to suspension.