

The Table

BEING
THE JOURNAL OF
THE SOCIETY OF CLERKS-AT-THE-TABLE
IN COMMONWEALTH PARLIAMENTS

EDITED BY
R. S. LANKESTER AND D. DEWAR

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USUAL PARLIAMENTARY SESSION MONTHS

Parliament.		Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
CANADA	UNITED KINGDOM	•	•	•	•	•	•	•	•	•	•	•	•
	NORTHERN IRELAND	•	•	•	•	•	•	•	•	•	•	•	•
	JERSEY	•	•	•	•	•	•	•	•	•	•	•	•
	ISLE OF MAN	•	•	•	•	•	•	•	•	•	•	•	•
	FEDERAL PARLIAMENT	•	•	•	•	•	•	•	•	•	•	•	•
	Ontario	•	•	•	•	•	•	•	•	•	•	•	•
	Quebec	•	•	•	•	•	•	•	•	•	•	•	•
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The Table

BEING

THE JOURNAL OF THE SOCIETY OF CLERKS-AT-THE-TABLE IN COMMONWEALTH PARLIAMENTS

I. EDITORIAL

The retiring Editor would like to take this opportunity to apologize to all members of the Society for the very great delay that there has been in the production of this volume of **THE TABLE**, the first in which he has been concerned. He would like to make it quite clear that responsibility both for the delay and for the small size of this volume is entirely his.

Steps have, however, been taken to reorganize the editorial policy of **THE TABLE** in order to ensure for the future a greater degree of staff continuity than has been the case in the last few years. This, it is hoped, will help to ensure greater efficiency in the production of subsequent volumes.

Volume XXXV, for 1966, is already in preparation and it will make up for the omissions in this volume and will include an index for both Volume XXXIV and Volume XXXV.

The retiring editor once more expresses his most sincere apologies to all members of the Society for any annoyance and inconvenience that the late production of this volume may have caused them.

Mr. R. H. C. Loof, C.B.E., B.Comm., J.P.—On 14th August, 1965, Mr. R. H. C. Loof, Clerk of the Australian Senate, retired.

Mr. E. C. Shaw, B.A., LL.B.—On 30th June, 1966, the retirement took place of Mr. Eric Custance Shaw, Clerk Assistant of the New South Wales Legislative Council.

Before entering the service of the Council Mr. Shaw had spent some years in the legal profession and radio work following completion of his University studies. He later undertook a Library course. In World War II he saw service with the A.I.F. in the Middle East and the Pacific theatre, and on his discharge in 1945 came to the Legislative Council.

Mr. Shaw was appointed Usher of the Black Rod in March 1954 and elevated to the position of Clerk Assistant in July 1960.

He has been responsible for and taken a great interest in the compilation of the Legislative Council section of the Parliamentary Handbook and the publication of the Legislative Council Journal. He has been most assiduous in research projects in the Parliamentary field on behalf of various Universities and with his specialised knowledge has been of great assistance.

Following his retirement Mr. Shaw left for England, his birth-place, and a long-planned tour of the United Kingdom and the Continent, to include visits to many relatives and friends with whom he had corresponded over the years.

(Contributed by the Clerk of the Parliaments and Clerk of the Legislative Assembly, New South Wales.)

Mr. Edgar Charles Briggs.—On 28th July, 1965, Mr. E. C. Briggs, Clerk of the Legislative Council, Tasmania, retired after 52 years in the public service. He was Clerk Assistant of the Legislative Council from 1946 to 1953, and Clerk of the Council from 1953 until his retirement.

(Contributed by the Clerk of the Legislative Council, Tasmania.)

Mr. F. E. Islip, C.G.E., J.P.—On 30th June, 1965, Mr. Islip retired after 51 years' service in the Legislative Assembly of Western Australia; he had been a member of the Society of Clerks-at-the-Table since 1933.

The speeches which marked his retirement in the Legislative Assembly were as follows:

Mr. Brand (Premier) said—

I take this opportunity to express to Mr. Fred Islip, the Clerk of the Assembly, our very best wishes for his retirement, for he intends to retire at the end of this financial year, and therefore this will be his last session. He has been in this Parliament for some fifty years. He started as a messenger. I think he has been Clerk of this Assembly for some eighteen years, and Clerk Assistant for fifteen years. I am sure I speak for every member when I say that Mr. Islip has served us well. He has served us well inasmuch as his judgment and advice on all matters have been close to being exactly right; as right as one can get in interpreting Standing Orders. Very often this is only a matter of opinion. His advice to you, Mr. Speaker, to the Chairman of Committees of all Governments of different political complexion, and to other Speakers drawn from all parties, has been quite impartial, and was drawn up on a sound basis.

As the chief officer in this Assembly he has stood firmly for the principles and traditions of the House; he has done all he could to uphold the intention of the Standing Orders. Having served under thirteen Speakers and thirteen Premiers, starting off with the late John Scaddan, he goes out on retirement with our good wishes. We all hope that his retirement will be all that he has planned and hoped for; and we hope that he will live long with his wife and family to enjoy every day of his retirement.

Mr. Hawke (Leader of the Opposition) said—

I particularly join with the Premier in expressing the remarks which he made regarding Mr. Fred Islip. I would like to think that I have been here as long as Fred. However, he started before I did in this Parliament, and I have nothing but the highest regard for him. He has discharged his duties, as the Premier said, in the highest possible manner. His quietness of spirit and his reliability are qualities which have endeared him very much to all those who have come into contact with him in connection with the work of Parliament. I know that those who have worked with him on the staff, including several Speakers, have greatly appreciated the help from Mr. Islip. I certainly trust that both he and Mrs. Islip, and members of their family, will enjoy many happy years in future in his retirement.

Mr. Nalder (Deputy Premier) said—

I would like to say to Mr. Islip how much I have appreciated over the years the courtesy and approach he has made to any problem put to him. Members of Parliament have been assisted in many ways by the friendly attitude of the officers of the House. Mr. Islip has helped considerably with advice and information time and time again and I would like to associate myself with the best wishes already expressed to him, his wife, and his family. Our best wishes are extended to him for good health and happiness in the future.

The Speaker (Mr. Hearman) said—

I feel on this occasion it would be quite wrong of me not to make some reference to the very great debt of gratitude that I owe to the Clerk, Mr. Islip. I think it may be of interest to some members of Parliament—particularly the newer members—if I were very briefly to let you know his record.

He was appointed to the temporary staff on the 22nd July, 1915, and to the permanent staff on the 1st January, 1916. I was under six years of age then. He was promoted to Clerk of Records and Accounts on the 14th October, 1931; and then promoted to Clerk Assistant and Sub-Librarian on the 11th September, 1933. He was appointed Librarian on the 21st September, 1945, and became Clerk of the Legislative Assembly and Secretary of the Joint Printing Committee on the 1st April, 1948. On the 19th April, 1948, he was appointed a justice of the peace. During that period, in one connection or another, he has rendered assistance—as the Premier has pointed out—to no fewer than thirteen Speakers.

I think that, with the exception of the Hon. J. B. Sleeman, he has had to put up with me for longer than anyone else in this House and presumably, if I might use a simile, I am the last child that he has reared. I trust I can show due respect for the person responsible for my upbringing without wishing to visit any of my deficiencies on him. However, I must say a Speaker naturally has a particular relationship with his clerk, and I have been singularly fortunate.

I have noticed in my travels that Mr. Islip's reputation has spread far beyond Western Australia. He is looked up to by clerks of all Houses throughout Australia, including the Federal House, and I might add that in my overseas travels I had numerous people ask me if that fellow Islip was still with me and, if so, what a lucky chap I was. I think Mr. Islip has really cut out a niche for himself and the Parliament of Western Australia has been very much better for the very long and very noble service that he has rendered to it.

I might add that he has done a sterling job for us over many years as secretary of the C.P.A. In fact I believe it was largely through his efforts—and I say this without wishing in any way to detract from any work that

other people may have put in—that our branch is functioning as well as it is and the C.P.A. has come to mean as much to us as it has. I am certain the C.P.A. will go on and do even greater things for us.

I think we are also fortunate that, largely as a result of the work he has done, we have a very good staff in the Assembly; and I have no doubt that the good work he has done will live on after him, as it were, and that we will get the benefit of his work and his example for many years to come.

Now, on behalf of the staff I wish to thank the Premier, the Leader of the Opposition, and the Deputy Premier for the very kind remarks they have seen fit to pass. I thank the gentlemen concerned and I make a special effort on behalf of Mr. Islip to thank people for the very many kind things that have been said. He is, of course, completely silent on these matters so I am afraid the task falls to me to express his appreciation of the sentiments that have been expressed. I cannot very well thank myself on his behalf, but at least I thank everybody else.

On the Motion for the Adjournment the Premier said—

We might have an opportunity when Mr. Islip can speak for himself.

The Speaker said—

I am sure we will.

(*Legislative Assembly, Western Australia, Hansard*, pp. 3125-3128, 26.II.65.)

II. THE ADMINISTRATION OF THE PALACE OF WESTMINSTER

BY H. R. M. FARMER

Clerk Administrator (House of Commons Services)

The Palace of Westminster, being a royal palace, was until last year under the control of Her Majesty the Queen, exercised on her behalf by the Lord Great Chamberlain. In practice, when the House of Commons was sitting, the Lord Great Chamberlain delegated the control of that part of the Palace occupied by the Commons to the Serjeant at Arms, acting on behalf of the Speaker. This meant, however, that during Parliamentary recesses and during week-ends, control reverted to the Lord Great Chamberlain. This system was untidy, to say the least, but thanks to the good sense of all concerned it worked reasonably well, although there were odd moments of friction.

For some years Members had been agitating for the control of the Palace to be given to those who used it, and on 23rd March, 1965, the Prime Minister announced to the House of Commons that, with the gracious consent of Her Majesty, the control of the Palace was to pass to the two Houses of Parliament. Control of that part of the Palace of Westminster and its precincts now occupied by or on behalf of the House of Commons was, from 26th April, 1965, to be vested in Mr. Speaker on behalf of the House at all times whether the House was sitting or not.

It was clear that Mr. Speaker would require assistance in the new duty imposed upon him, and the House accordingly, on 27th April, 1965, appointed a select committee "to make recommendations on the control of the accommodation, powers and services in that part of the Palace of Westminster which is to be vested in Mr. Speaker on behalf of this House". A strong committee was nominated, including many senior Members, and the Leader of the House was made Chairman. It was known as the Select Committee on the Palace of Westminster.

The Committee reported on 20th July, 1965. Their Report begins with a summary of the organisation of the administration of the House of Commons. It is divided into three Departments: the Department of the Clerk of the House, the Department of the Speaker, and the Department of the Serjeant at Arms. The Department of the Clerk of the House is responsible for the conduct of the business of the House and is divided into five offices, each of

which is responsible for different aspects of the work of the House; i.e. the Public Bill Office, the Journal Office, the Committee Office, the Private Bill Office and the Table Office.

Under the Speaker's personal administration are grouped five offices, and the Library; the Speaker's Office, the Office of the Official Report (Hansard), the Fees Office, the Vote Office and the Sale Office.

The Serjeant at Arms is by statute "housekeeper of the House of Commons", and as such he is responsible for the maintenance of order in the Chamber and precincts and the allocation of accommodation and the organisation of amenities for Members.

The staff employed by all these Departments total over 300 and are recruited in various ways, according to their status. The higher staff in the Clerk's Department and the Library are recruited through the Civil Service Commission and the rest are appointed by the Heads of Departments with the help of a staff board. Their pay and conditions are settled by the Commissioners of the House of Commons, appointed under the House of Commons (Offices) Act of 1812. The Commissioners consist of the Speaker, Chancellor of the Exchequer, all Secretaries of State, and the Attorney-General and Solicitor-General, provided they are Members of the House of Commons.

This brief description of the administrative organisation shows that there was need for some form of central control and that it would have been difficult for Mr. Speaker to exercise this control without help from Members.

The Select Committee on the Palace of Westminster therefore recommended that a Select Committee, to be called the Select Committee on House of Commons (Services), should be appointed to advise Mr. Speaker. The Committee was to be composed of an equal number of members from both sides of the House, as it was considered that whatever the state of the parties the administration of the House of Commons part of the Palace of Westminster was a non-party matter. They also recommended that the Chairman of the Committee should always be the Leader of the House, that the Government and Opposition Chief Whips should be members, and that a Principal Clerk from the Clerk's Department should be appointed to act as Clerk/Administrator to the Committee.

One feature of particular interest was included in the Committee's proposals. They realised that a system of sub-committees would have to be used to deal with the various aspects of administration, but they did not want a large committee. They therefore recommended that the Committee should have power to appoint sub-committees consisting of at least two members of the Committee, but that up to five additional members should be appointed by the House, after recommendation by the Committee. Such a system of appointing sub-committees is entirely without precedent. Every

other committee, having power to appoint sub-committees, can only appoint members of the committee itself to them.

These proposals were the subject of a short debate in the House on 2nd November, 1965, and were approved. The Select Committee on House of Commons (Services) was accordingly first appointed on 7th December, 1965, "to advise Mr. Speaker on the control of the accommodation and services in that part of the Palace of Westminster and its precincts occupied by or on behalf of the House of Commons and to report thereon to this House". It consisted of seventeen members, five being the quorum. It was given power to send for persons, papers and records; to sit notwithstanding the adjournment of the House; and to report from time to time. It was also given power to appoint sub-committees, consisting of two members of the Committee, together with not more than five Members nominated by the House, after the Committee had made recommendations thereon. The quorum of the sub-committees was fixed at three and they were given similar powers of sitting and calling for evidence as the main Committee.

The Committee appointed four sub-committees on Catering, Administration, Accommodation and Housekeeping, and the Library. The Chairman and Deputy Chairman of each sub-committee were members of the main Committee, two each from the Government and Opposition. Five additional members, not members of the Committee, were appointed to each sub-committee by the House.

With the dissolution of Parliament in March the Committee of course came to an end, but in the new Parliament a new committee with similar terms of reference was appointed, but in spite of the increased Government majority the proportion of the parties on the Committee remained the same. This accorded with the view of the Palace of Westminster Committee that the administration of the House of Commons was a non-party matter. One change in respect of appointment of sub-committees was, however, made. Under the original scheme, some members of the main Committee did not serve on any sub-committee, nor was it possible for the Committee, if they so wished, to set up a sub-committee consisting entirely of members of the Committee. The power to appoint sub-committees was therefore changed "to include not more than five Members nominated by the House, after the Committee shall have made recommendations thereon". The Committee therefore, when they appointed the same four sub-committees this Session, appointed three or four members of the Committee to each sub-committee, and at the end of July they appointed a fifth sub-committee, consisting of seven members of the Committee, "to consider what accommodation should be provided in a new Parliamentary building in the Bride Street area".

During the eight months of the existence of this administrative organisation, many aspects of parliamentary life have been dealt with. The subject which affects Members more than anything is

accommodation. The Palace of Westminster is not capable of providing individual rooms for each Member, although this is the desire of the majority. Extra rooms have been built in various parts of the building and more will become available early next year when the new building in Star Court comes into use. It is therefore necessary for the available rooms to be allocated, and this task has fallen to the Accommodation and Housekeeping Sub-Committee. They are also continually investigating the better use of existing accommodation and many suggestions are continually being received from Members.

The other big subject is the extension of the size of the Library and the services it provides. The Library Sub-Committee have already recommended the addition to the Library staff of two scientific specialists and they are currently engaged in enquiring into long-term proposals for future expansion. This also impinges on accommodation as the Library is already overcrowded.

The Catering Sub-Committee have taken over the duties of the former Select Committee on Kitchen and Refreshment Rooms, and, apart from the fact that they are a smaller body and that they have to report to the main Committee instead of direct to the House, they work in the same way.

The Administration Sub-Committee are responsible for the amenities of Members and the services to them. They therefore deal with such matters as the form of the Order Paper, the provision of photographic copying machines, the services which are provided to Members by the Clerk's Department, and other multifarious matters which can help Members perform their Parliamentary duties.

All sub-committees report to the main Committee, who in turn either adopt these Reports and make them to the House as Reports of the Committee or, when the Reports deal only with minor matters of administration, advise Mr. Speaker that he should give directions that the recommendations of the sub-committees should be fulfilled. So far the Speaker has complied with the advice of the Committee in every case, and it is unlikely that he will ever refuse to accept the Committee's advice.

One important result of the institution of the new administrative organisation is that Members are now able to ask questions in the House about almost anything to do with the facilities and amenities of Members. Detailed questions on day-to-day administration or the salaries and conditions of service of the staff of the House are not answered. All questions have to be addressed to the Leader of the House, but he often asks the Chairman of the Sub-Committee responsible for supervising the activity concerned to answer on his behalf. This is an unprecedented procedure and has had the unusual effect that questions may be answered by a Member sitting on the Opposition back-benches. The system, however, is working well and no objection has been made by Members.

The new system seems to be a success, but it will probably be a year or two before all difficulties can be overcome and a final judgment can be made. Members certainly feel that they now have some control over their own affairs, at the price, perhaps, that decisions take longer than in the days when they could be taken by an individual official. On the other hand, officials now have a body of Members to whom they can refer difficult problems on which it is desirable to obtain the opinion of Members before action is taken. It is quite certain, however, that whatever changes in the present system may take place, there is no chance of the control of the Commons part of the Palace of Westminster being returned to the authority of the Lord Great Chamberlain.

Note on the Position of the House of Lords

A similar statement to that made in the Commons by the Prime Minister, concerning the future control of the Palace of Westminster, was made in the House of Lords by the Lord Privy Seal, the Earl of Longford, on 23rd March, 1965. But as far as the House of Lords was concerned the statement was to have less far-reaching consequences.

This was because the Lords had for many years looked after their own internal affairs by means of a Committee and Sub-Committees of that Committee. This Committee, known as the Offices Committee, was first appointed in 1824 to enquire into the office of Black Rod, who was the officer responsible to the House for all its "house-keeping" arrangements, and into the office of the Clerk of the Parliaments who was, as he still is, responsible for the office administration of the House. Shortly after its first appointment, and subsequent re-appointment, the Offices Committee became a revisional committee.

This is not the place to examine in detail the work of the Lord Great Chamberlain as far as the Lords were concerned, but it may be said that his main responsibility was in the area of accommodation, its allocation and maintenance. In 1876, however, the House, on report from the Offices Committee, transferred from Black Rod to the Lord Great Chamberlain, responsibility for the greater part of Black Rod's housekeeping functions. It seems clear however that the Lord Great Chamberlain exercised these functions as an agent of the House, and not by right of his office as Lord Great Chamberlain.

Subsequently, when the body of custodians was created for both Houses, the Lord Great Chamberlain assumed responsibility for this "security" force in the Palace.

The position as far as the House of Lords was concerned in 1965 was then, that the internal arrangements of the House were under the general supervision of the Offices Committee, and for such departments as the Library and the Refreshment rooms, under the more

particular control of Sub-Committees of the Offices Committee. These Sub-Committees were empowered to co-opt further members.

For the Lords the main departure indicated by the statement of 23rd March, 1965, lay in the fact that henceforth the House was to have control of the allocation and maintenance of its accommodation. The House of Lords Offices Committee considered the implications of the statement, and appointed a Sub-Committee to look into the administrative problems arising from it. On the 14th of April, 1965, the Offices Committee reported to the House as follows:

"ORDERED TO REPORT:

That the Committee have met and been attended by the Clerk of the Parliaments and the Gentleman Usher of the Black Rod.

In its Second Report, agreed to by the House on Tuesday, 30th March last, the Committee reported that it had considered the Statement on the Palace of Westminster made by the Lord Privy Seal on Tuesday, 23rd March (Hansard cols. 525 ff.), and had appointed a Sub-Committee to consider and report upon the administrative problems of the House arising out of that Statement, and to make recommendations.

The Sub-Committee has met on four occasions and has examined the "house-keeping" functions exercised by the Lord Great Chamberlain on behalf of the House and has reported and made recommendations.

Having considered the Report of the Sub-Committee the Committee recommend as follows:

1. That, notwithstanding any previous order of the House, the control of the accommodation and services in that part of the Palace and its precincts now occupied by or on behalf of the House of Lords and at present exercised by the Lord Great Chamberlain be exercised in future by the House of Lords' Offices Committee.
2. That the Offices Committee appoint a Sub-Committee, to be named the Administration Committee, to exercise on behalf of the Committee the functions of control referred to above.
3. That the Sub-Committee consist of the Chairman of Committees (as Chairman), the Chief Whips of the three main political parties, the Chairman (for the time being) of the Sub-Committees on the Refreshment Department and the Library; and up to four more members, one of whom should be a woman, to be chosen by the Offices Committee from amongst its own members; the Sub-Committee to have power to co-opt any other Peer whether a member of the Offices Committee or not.
4. That the Sub-Committee have full power to act on behalf of the Offices Committee, subject only to an obligation to refer major questions of policy to the Offices Committee for decision; the choice of such questions to be within the discretion of the Chairman; the Sub-Committee to report to the Offices Committee from time to time; the quorum of the Sub-Committee to be four.
5. That the Sub-Committee appoint an agent to carry out on its behalf the functions of control referred to in 1 above; and that Captain K. L. Mackintosh be entrusted with these duties in addition to his existing duties as Secretary to the Lord Great Chamberlain, Yeoman Usher of the Black Rod and Serjeant-at-Arms, House of Lords; and that all duties on behalf of the Sub-Committee be carried out by him as Serjeant-at-Arms.
6. That, subject to the foregoing recommendations, all existing rules and regulations governing the administration, control and custody of the House

of Lords area continue in force for the time being, unless and until altered by order of the Sub-Committee.

The Committee has considered the special position of the Custodians who in future are to be provided by the Minister of Public Building and Works. Since it is clearly essential that the House should retain in its own hands the control of access, both within and into the House of Lords area, the Committee recommend that the Custodians, like the Police, should receive their operational orders direct from the Sub-Committee through Captain Mackintosh."

[3rd Report House of Lords' Offices Committee, 1964/65, No. 95.]

This Report was agreed to by the House on 4th May, 1965 [House of Lords *Hansard*, Vol. 265, No. 69, cols. 821-824]. As has been indicated above the only new factor which emerged was the assumption of responsibility for accommodation by the House. This responsibility was transferred to the Offices Committee, which in turn appointed a Sub-Committee, the Administration Committee, to look after accommodation and those functions which the Lord Great Chamberlain had exercised for the House until 26th April, 1965.

III. NEW ACCOMMODATION FOR THE HOUSE OF COMMONS

BY H. M. BARCLAY

Clerk in the House of Commons

The "Duncan" Committee

Mr. Speaker's Committee on Accommodation sat, under the Chairmanship of Sir James Duncan, M.P., in Sessions 1951-60 and 1960-61 to consider the use to be made of the extra floor which was to be constructed over the Committee Rooms and Committee Corridor at both the North and South ends of the Palace of Westminster, and the full account of the Committee's proceedings appeared in the 1963 Volume of THE TABLE, on pages 69-72.

The Upper Committee Corridor (North)

The recommendations of the Committee were carried out exactly according to plan for the North (House of Commons) end of the new accommodation, and in 1964 the new accommodation became available. The 8,000 square feet of usable space were divided into two desk-rooms each containing accommodation for nine Private Members, fourteen rooms for individual Members, a room for Members' private secretaries, bedrooms for the Clerk Assistant and Second Clerk Assistant, and a flat for the Clerk of the House. The provision of two desk-rooms was a temporary measure to provide space for Members displaced from time to time during alterations to the central part of the Upper Committee Corridor; these alterations are now completed, and as no further temporary displacements are contemplated the two desk-rooms were partitioned to make ten individual rooms during the Summer Adjournment, 1966.

The Upper Committee Corridor (South)

The "Duncan" Committee, as was explained on page 71 of the 1963 Volume of THE TABLE, recommended that the accommodation in the South (House of Lords) end of the Upper Committee Corridor should be divided into spaces for a Fees Office, rooms for Secretaries and individual rooms for Members; and while the accommodation was being constructed the Fees Office was to be located in the premises formerly occupied by the St. Stephen's Club, on the North side of Bridge Street.

The Accommodation in the Upper Committee Corridor (South) was constructed during 1965 and became available for occupation in January 1966. As will be seen from the article on p. 11 of this issue of THE TABLE, the Select Committee on the Palace of Westminster was sitting during 1965, and following its recommendations the Select Committee on House of Commons (Services) was set up, with a Sub-Committee to recommend on accommodation matters, conveniently in time to make recommendations on the allocation of rooms in the Upper Committee Corridor (South).

The Sub-Committee carefully considered in December 1965 the proposal to locate the Fees Office in the new accommodation. In this light of experience they decided to recommend that the Fees Office should remain in the Bridge Street premises as there was no immediate prospect of their demolition, and to partition the part of the new space which had been earmarked for the Fees Office into further rooms for Private Members. As a result the 8,000 square feet in the Upper Committee Corridor (South) are partitioned into forty-two individual rooms, of which sixteen have been allocated at the Accommodation Sub-Committee's Recommendation, as a group of individual rooms for the use of the Shadow Cabinet. The remainder of the rooms in both North and South wings have been allocated as Ministers' rooms and to private Members in roughly equal proportion, with rooms allocated to the Chairmen of major Select Committees *ex officio*.

Star Chamber Court

On the initiative of the Ministry of Public Building and Works, a new block is nearing completion forming a rectangle adjacent to Westminster Hall on the Chamber side, and rising to four floors and giving some 9,000 square feet of usable floor space. In accordance with the Accommodation Sub-Committee's recommendations, this new block is to give a new Members' cloakroom and car parking at ground level, a new suite of rooms for the Chairman of Ways and Means and his associated officers and nine Ministers' Rooms on the first floor, nineteen rooms for the Shadow Cabinet on the second floor, sixteen Ministers' rooms and some press accommodation on the third floor, and five rooms for Private Members and considerable space for the press on the fourth floor. When the new accommodation becomes available early next year it is hoped to clear the whole of the Upper Committee Corridor, both North and South, of Ministers and Shadow Cabinet, leaving a very substantial block of individual rooms to be allocated entirely to Private Members. At the same time the present Ways and Means suite off the corridor near the Members' lobby will become available for re-allocation and its prospective use will form the subject of a Report from the Accommodation Sub-Committee shortly.

IV. PROCEDURAL REFORM IN THE CANADIAN HOUSE OF COMMONS

BY PHILIP LAUNDY

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INTRODUCTION

Procedural reform was one of the dominant issues of the 26th Parliament of Canada, even managing to compete for public attention with highly controversial matters such as the national flag and scandal in high places. Public interest in the subject was stimulated by the image of incompetence which the House of Commons presented to the nation throughout the marathon session of 1964-65. This session, which extended over fifteen months with only one recess, received less publicity for its achievements than for the sterile debates and interminable wrangling which continually obstructed its progress. Public confidence in the efficacy of Parliament was severely shaken, and it is against this background that the procedural changes provisionally implemented in 1964 and 1965 need to be considered.

For many years Canadian procedure had failed to keep pace with the changing requirements and growing complexity of modern parliamentary government. Although the Standing Orders made provision for such devices as the closure, the previous question, and time limits on speeches, they did not provide for an allocation of time machinery whereby the business of a session could be arranged according to a planned programme. It was, for example, impossible to predict when the estimates would finally be passed. Furthermore, the question period was virtually unregulated, and certain bad practices relating not only to questions but also to points of order and matters of privilege had become hallowed by long-standing custom and were then difficult to check. Canadian parliamentary practice thus affords extensive opportunities to Members with an inclination to obstruct.

Canadian procedure was to some extent where that of Westminster had been prior to the reforms of the 1880s and had in consequence become outpaced by the ever-increasing pressure upon parliamentary time. As if this were not handicap enough, the efficiency of the House was also impaired by a rule, highly detrimental to the authority of the Chair, permitting appeals from the floor of the House against the rulings of the Speaker and Chairman—a right, which, it need hardly be added, was invariably exercised for political purposes rather than in the interests of good procedure.

Canadian legislators had long been aware of the need to reform procedure, and the crisis of confidence which arose in 1964-65 stimulated their sense of urgency. A Special Committee had been appointed to consider the problem in the first session of the 26th Parliament but had made little progress before being overtaken by prorogation. The Committee was, however, reappointed in March 1964, and sat throughout the second session of this Parliament until the prorogation in April 1965. The Speaker was appointed its Chairman and it was given very wide terms of reference, namely "to continue, with Mr. Speaker, the consideration of procedure and organisation of this House, begun by a Special Committee at the past session, for the purpose of suggesting any changes that would assure the more expeditious despatch of public business and would strengthen Parliament and make it more effective". The Committee was thus not confined only to the consideration of procedure, and eight of the twenty reports it submitted to the House dealt with other matters such as staff organisation, Members' facilities and services, public relations, and the improvement of parliamentary publications.

The Special Committee on Procedure and Organisation, to give it its full designation, included representatives of all five parties in the House of Commons. They achieved a team spirit which was in notable contrast to the acrimonious political climate of the House itself, dedicating themselves to the formulation of a plan of procedural reform which would provide a solution to the difficulties into which the Canadian Parliament had fallen. Much of the credit for this constructive approach was due to the Speaker, Mr. Alan Macnaughton, who with infinite tact and patience strove to steer the Committee towards a unanimity of viewpoint. Most of the detailed investigation was undertaken by sub-committees, of which four were appointed, but the full Committee met regularly each week to receive and consider the proposals of the sub-committees. Differences of opinion seldom followed party lines, and a break-through was achieved in several controversial areas before the life of the Committee was terminated by prorogation. A number of reforms were implemented while the Committee was in existence, but the most significant changes were made early in the third session of the 26th Parliament when the Government introduced proposals of its own based largely on recommendations which the Committee had made but which had still been under discussion at the time of the prorogation of the second session. Considered *in toto*, the procedural changes which were accepted by the House during 1964 and 1965 were the most far-reaching reforms ever to be implemented in the Canadian House of Commons.

2. SITTINGS ON PUBLIC HOLIDAYS

All the reforms, save one, were implemented on a provisional basis, this being one of the compromises necessary to secure their

acceptance by the House. The one change embodied in the permanent Standing Orders was an amendment to S.O. 2 (Sittings of the House) providing that the House should not sit on specified public holidays unless otherwise ordered. Previously, it had been necessary for the House to resolve *not* to sit on such days, a procedure which had frequently led to difficulties. The inclusion of St. John the Baptist Day, a holiday celebrated only in the Province of Quebec, as one of the specified days resolved the problem which had previously caused the difficulties.

3. QUESTION PERIOD

By the standards of Westminster, the Canadian Question Period is conducted on highly unorthodox lines. Canadian procedure provides for two kinds of question: the written question which appears on the order paper and of which notice is given; and the oral question which may be asked before the orders of the day and of which notice is not required. Until recently, only the written question was recognised by the Standing Orders, the oral question having developed as a customary procedure. Written questions attract relatively little interest, the highlight of the parliamentary day being the oral question period. Written questions are answered orally in the House if they are starred, but only on two days a week. The Government is seldom under any great pressure to answer written questions, and many of them remain on the order paper for months.

The political barbs are usually to be found in the oral questions which are asked every day and which, until the recent reform of the question period, were not subject to any time limit. Many of the questions asked in the past have violated the basic rules relating to the questioning of ministers, in that they are frequently based on hearsay or raise matters which are not covered by ministerial responsibility. Since no notice of oral questions is required it has been found very difficult to check such abuses entirely.

Under the new rules the oral question period is limited to half an hour each day except on Mondays, when one full hour is provided. The Speaker is empowered to order, should he deem fit, that an oral question be placed on the order paper as a written question, and the following guide-lines have been laid down with regard to the admissibility of oral questions:

- (a) Such questions should
 - (i) be asked only in respect of matters of sufficient urgency and importance as to require an immediate answer;
 - (ii) not inquire whether statements made in a newspaper are correct;
 - (iii) not require an answer involving a legal opinion;
 - (iv) not be asked in respect of a matter that is sub judice;

- (v) not be of a nature requiring a lengthy and detailed answer;
 - (vi) not raise a matter of policy too large to be dealt with as an answer to a question.
- (b) Answers to questions should be as brief as possible, should deal with the matter raised and should not provoke debate.

4. ADJOURNMENT DEBATE

The practice of debating the daily adjournment motion was previously unknown in Canada, but was recently introduced as a means of enabling a Member to pursue a grievance should he feel that a question has been unsatisfactorily answered by a Minister. Provision now exists for the adjournment motion to be debated for half an hour on three days a week, namely on Mondays, Tuesdays and Thursdays. A Member wishing to raise a matter on the adjournment must give written notice of his intention to the Speaker by 5 p.m. on the same day, the Speaker being empowered to decide the order in which such matters should be taken, having regard to such factors as urgency and the fair apportionment of opportunities. Not more than ten minutes may be allotted to any one subject, thus allowing a minimum of three matters to be dealt with in the course of the half-hour. The Member raising a matter may speak for not more than seven minutes and the Minister replying is limited to three minutes.

5. ALLOCATION OF TIME

Allocation of time proved to be the most controversial area of procedural discussion both in the Committee and in the House. Nevertheless, it is a principle which figures prominently in the new procedural revision. The new Standing Order 15A represented a completely new departure in so far as Canadian practice is concerned, and provides as follows:

Standing Order 15-A

15-A. (1) There shall be a Business Committee to which the leader of each party in the House from time to time by written notice to the Speaker may appoint one member.

(2) During routine proceedings a Minister of the Crown may propose that the question of allocation of time for any item of business, unless otherwise provided for, be referred to the Business Committee, and upon such proposal being made that question shall stand referred to the Committee.

(3) The Business Committee shall report back to the House on or before the third day following such reference.

(4) If the Chairman of the Business Committee reports that the Committee has unanimously recommended an allocation of time for the item of business or stage thereof, a Minister of the Crown may without notice propose a motion, to be decided without debate or amendment, for concurrence in the

report, and, if agreed to, the motion shall have the same effect as if it were an order of the House.

(5) If the Chairman of the Business Committee reports that the committee has been unable to reach a unanimous agreement or if the committee fails to report within the time specified by Section (3) of this Standing Order, a Minister of the Crown, notwithstanding the provisions of Standing Order 41, may give notice of motion that at the next sitting of the House, provided that day is not a Wednesday, he will move that an order be made allocating the time for the item of business or stage thereof.

(6) A motion of which a Minister has given notice under Section (5) of this Standing Order shall be made during routine proceedings. Unless the debate on the motion has been previously concluded, Mr. Speaker shall at fifteen minutes before the expiry of the time provided for Government business in such sitting, interrupt the proceedings and forthwith put every question necessary to dispose of the main motion. A motion requesting allocation of time, if agreed to, shall have the same effect as if it were an order of the House.

(7) No motion made by a Minister under Sections (5) and (6) of this Standing Order shall provide for the allocation of a period of time less than two days for the second reading, two days for the committee stage, and one day for the third reading of any bill. For the purposes of this section, third reading shall be deemed to have been considered for one day provided the order for third reading is called as the first item under Government Orders on a Monday, Tuesday, Thursday or Friday, and provided it is continued, if necessary, until the normal time of adjournment on any such day. Such an order having been called on any Monday, Tuesday, Thursday or Friday, it shall have precedence over all other business until the time of adjournment on that day, unless it is disposed of earlier. Under any other circumstances, a total of five hours shall be deemed to be the equivalent of one sitting day.

(8) During debate on any item of business or stage thereof for which an allocation of time has been made under this Standing Order, if an amendment is proposed which in the opinion of Mr. Speaker raises any issue for which in the opinion of Mr. Speaker there has not been or otherwise will not be an adequate opportunity for discussion, Mr. Speaker may announce an extension of not more than two days to the allocated period of time.

(9) When a debate on third reading of a bill is under a time allocation order, under this Standing Order, Mr. Speaker shall have the authority to extend the sitting of the final day under such allocation order for a period not to exceed four hours, provided he has received written notice, given at least one hour prior to the normal time of adjournment, from any member or members indicating their desire to speak and provided such member or members have not spoken and there is no opportunity for such member or members to speak prior to the normal time of adjournment. Any speech made in such extended time of sitting, unless it is being made by the representative of a party which had not had a speaker during the normal sitting hours, shall be limited to twenty minutes. No member shall be allowed to speak during such an extended sitting unless he has given notice as herein provided, and no member speaking during an extended sitting shall move any amendment or sub-amendment. At the request of any five members, any vote or division called for during an extended sitting shall be postponed until the next sitting day, and shall be taken as the first item under Government Orders on the said next sitting day without any further debate.

(10) The term "allocation of time", wherever used in this Standing Order, may include the allotting of time to any item of business, to any stage thereof, or to any part thereof, and may include the fixing of limits for the length of speeches.

6. SUPPLY

The principle of allotting time has also been accepted in relation to the business of supply. It is now provided that not more than thirty days should be allotted during each session to the business of supply, and that the number of supply motions (*i.e.*, debatable resolutions that the House should go into Committee of Supply) should be reduced from six to four. For the purpose of the time limitation the business of supply consists of the main estimates, interim supply, and supplementary or additional estimates, excepting supplementary or additional estimates introduced after the main estimates have been approved, and excepting always the final supplementary or additional estimates.

The detailed examination of estimates will in future be undertaken by Standing Committees each having terms of reference corresponding to the jurisdiction of one or more Government Departments (see below). The intention of the House is that debates in Committee of Supply should in the future concentrate on matters of policy, the Opposition having the right to select the Departments for discussion, and that supply debates should not traverse the detailed ground which the Standing Committees will be expected to cover. It is provided that a Special Committee of twenty-four Members should prepare and submit to the House a draft of the consequential changes to the Standing Orders which will be necessitated by the new supply procedure.

7. MONEY BILLS

The principle of allocation of time now applies also to the financial resolution preceding a bill involving expenditure. A maximum period of one full sitting day (a total of five hours being deemed to be the equivalent of a full sitting day) is allotted to the consideration of a money resolution, and during such a debate no Member may speak for longer than twenty minutes.

8. COMMITTEE STAGES OF BILLS

An amendment to S.O. 78 provides that when the first clause of a bill contains only a short title its consideration should be postponed until all the other clauses have been considered. In the past the debate on the short title clause of a bill has tended to become a repetition of the second reading debate, and this reform is designed to overcome a practice which has proved very time-consuming in the past.

9. MOTIONS FOR THE PRODUCTION OF PAPERS

Also restricted by a time limit is a debate on a motion for the production of papers. Debates on such motions, which had tended

in the past to consume a great deal of time, are now subject to an overall time limit of two hours and forty minutes. An amendment to S.O. 47 provides that the Speaker must interrupt the debate after two and a half hours, at which point a Minister of the Crown, whether or not he has already spoken, may speak for not more than five minutes, after which the mover of the motion may close the debate by speaking for not more than five minutes. Unless the motion is withdrawn the Speaker must then put the question.

IO. MINISTERIAL STATEMENTS

The right of a Minister to make a statement at the outset of business is an accepted practice in the Canadian House of Commons, and it has long been customary to allow a spokesman from each of the Opposition parties to comment upon it. There has in the past, however, been a marked tendency for these remarks to assume the character of a debate, and it has not been unknown for a Minister to include in a ministerial statement material calculated to provoke debate. While technically out of order, it has proved difficult for the Chair to curb these tendencies, and the effect of an amendment to S.O. 15 is to codify the proper practice in relation to ministerial statements. It is provided that any ministerial statement should be "limited to facts which it is deemed necessary to make known to the House and should not be designed to provoke debate at this stage. A spokesman for each of the parties in opposition to the Government may comment briefly, subject to the same limitation."

II. COMMITTEES

One of the major areas considered by the Special Committee on Procedure and Organisation was the committee system of the House of Commons, a special sub-committee being set up to consider this problem. In the most substantial report it submitted to the House, the Committee expressed the view "that the potential value of the committee system of the House of Commons is not being exploited to the full", and that "the structure of the Standing Committees tends to be cumbersome and, in some respects, archaic". The Committee stated its conviction "that a fundamental reorganisation of Standing Committees is necessary if they are to be revitalised and their effectiveness and prestige enhanced".

This report put forward some radical proposals which included a complete revision of the functions, size and nomenclature of the Standing Committees. It recommended *inter alia* that certain Standing Committees should be responsible for the detailed consideration of estimates, and that all estimates when tabled should automatically stand referred to these Standing Committees. While the Committee's recommendations were not accepted in every detail, the scheme

which it proposed formed the basis of the re-structured Standing Committee system embodied in the resolutions sponsored by the Government.

The new S.O. 65 provides as follows:

Standing Order 65

65 (1) At the commencement of each session, a special committee, consisting of seven members, shall be appointed, whose duty it shall be to prepare and report, within ten sitting days after its appointment, lists of members to compose the following standing committees of the House:

- (a) on Agriculture, Forestry, and Rural Development, to consist of 45 members;
- (b) on Broadcasting, Films and Assistance to the Arts, to consist of 24 members;
- (c) on Crown Corporations, to consist of 24 members;
- (d) on External Affairs, to consist of 24 members;
- (e) on Finance, Trade and Economic Affairs, to consist of 24 members;
- (f) on Fisheries, to consist of 24 members;
- (g) on Health and Welfare, to consist of 24 members;
- (h) on Housing, Urban Development and Public Works, to consist of 24 members;
- (i) on Indian Affairs, Human Rights and Citizenship and Immigration, to consist of 24 members;
- (j) on Industry, Research and Energy Development, to consist of 24 members;
- (k) on Justice and Legal Affairs, to consist of 24 members;
- (l) on Labour and Employment, to consist of 24 members;
- (m) on Miscellaneous Estimates, to consist of 24 members;
- (n) on Miscellaneous Private Bills, to consist of 24 members;
- (o) on National Defence, to consist of 24 members;
- (p) on Northern Affairs and National Resources, to consist of 24 members;
- (q) on Privileges and Elections, to consist of 24 members;
- (r) on Public Accounts, to consist of 24 members;
- (s) on Standing Orders, to consist of 24 members;
- (t) on Transport and Communications, to consist of 24 members; and
- (u) on Veterans Affairs, to consist of 24 members.

(2) The Special Committee shall also prepare and report with all convenient speed, lists of members to compose the following standing committees:

On Printing, to act as members on the part of this House on the Joint Committee of both Houses on the subject of the printing of Parliament, to consist of 23 members;

On the Library of Parliament, so far as the interests of this House are concerned, and to act as members of the Joint Committee of both Houses, to consist of 21 members;

Provided that a sufficient number of members of joint committees shall be appointed so as to keep the same proportion in such committees as between the memberships of the House of Commons and Senate.

(3) A majority of the members of a standing committee shall constitute a quorum unless the House otherwise orders;

Provided that, in the case of a joint committee, the numbers of members constituting a quorum shall be such as the House of Commons acting in consultation with the Senate may determine.

(4) The Standing Committees shall be severally empowered to examine and enquire into all such matters and things as may be referred to them by the

House; to report from time to time their observations and opinions thereon; to send for persons, papers and records; and to print, from day to day, such papers and evidence as may be ordered by them, and Standing Order 66 shall not apply in relation thereto.

(5) Any member of the House of Commons who is not a member of a standing committee, may, unless the House or the standing committee otherwise orders, take part in the deliberations of the standing committee, but shall not vote or move any motion or any amendment or be counted in the quorum.

12. SPEAKER'S RULINGS

Possibly the most salutary reform implemented on the initiative of the Government was the abolition of the long-standing rule which had permitted appeals from the floor of the House against the rulings of the Speaker. It is interesting to record that very few objections were voiced against this proposal, there being virtual unanimity among Members as to the undesirability of perpetuating a practice which could only undermine the authority and prestige of the Chair. The Committee had never reached the point in its deliberations where it might itself have made this recommendation, the reason being that it had commissioned an academic study of the Canadian Speakership which was completed only after the Committee had ceased to exist. It had, however, steered a course which might have led to the abolition of the appeals rule in a piecemeal fashion. For example, in recommending the extension of the Speaker's discretion in relation to questions it had provided that there should be no appeal from his ruling with regard to the admissibility of a question or its transference to the order paper. Similar provision was made in respect of the selection of matters for debate on the adjournment motion. Another rule change which had been implemented while the Committee was still in existence related to the Speaker's discretion in accepting a motion to adjourn the House for the purpose of discussing a definite matter of urgent public importance. It had long been the custom to permit Members to offer advice to the Chair from the floor of the House on the question of urgency when permission for an emergency adjournment motion was sought. S.O. 26 was amended to regularise the practice, but also to provide that having listened to argument the Speaker's decision would be final, no appeal being permitted. However, under the terms of the revised Standing Order, an appeal would have been permissible where such a motion was rejected by the Chair on grounds other than urgency.

Problems of this kind were disposed of by the total abolition of the appeals rule, and the conditions have now been created which might encourage the further removal of the Speaker from partisan involvement and the establishment of the principle of continuity in the Canadian Speakership.

Unfortunately, the right to appeal from the ruling of the Chairman in Committee of the Whole House has not been abolished, although

such appeals will be decided in the future not by the House but by the Speaker. This, in the opinion of the writer, is an important deficiency in an otherwise sound plan of reform. It places an invidious responsibility upon the Speaker and makes him the judge of rulings given in circumstances of which, technically, he knows nothing. It is equally unfair to both the Speaker and the Chairman, and the probability is that Speakers will automatically uphold the rulings of their colleagues as it will in all likelihood prove impracticable to do otherwise.

13. ORDER OF BUSINESS

S.O. 15 was revised to incorporate certain adjustments to the order of business, and an amendment to S.O. 18 provides that Government Orders may be called in such sequence as the Government may think fit, thus endorsing a long-accepted practice. An amendment to S.O. 42 provides that a motion for the adoption of a report from a Standing or Special Committee shall be transferred to and considered as the first order under Government Orders once the debate upon it has been adjourned or interrupted.

Previously, the consideration of reports from Standing and Special Committees had taken precedence over all other business including the Question Period, continuing to take precedence from day to day until finally disposed of. This anomalous procedure stemmed from the fact that such reports head the daily agenda as the first item under Routine Proceedings and no other place was provided in the order of business for their consideration since motions for their adoption were regarded neither as Government Orders nor Private Members' Orders. Under the revised procedure such orders cannot, after the first day of debate, place an indefinite obstruction in the path of other business.

14. QUESTIONS OF PRIVILEGE

A new S.O. 41A seeks to curb the frequent abuses which take place in the raising of questions of privilege by providing that unless notice of motion has been given, "any Member proposing to raise a question of privilege other than one arising out of proceedings in the Chamber during the course of a sitting shall give to the Speaker a written statement of the question at least one hour prior to raising the question in the House".

In the past, the raising of spurious matters of privilege had plagued many a sitting, and the latitude which had customarily been granted to Members in arguing the merits of a question of privilege, whether valid or not, had frequently led to a debate taking place even before the Speaker had ruled whether or not a *prima facie* case had been established.

15. SITTINGS OF THE HOUSE AND MATTERS CONSEQUENTIAL THEREON

The revision of S.O. 6 provides that the sittings of the House shall not be interrupted during meal hours. It also establishes a procedure whereby no vote may be taken between 1 p.m. and 2.30 p.m. or between 6 p.m. and 8 p.m. if five or more Members object.

A motion made without notice that the House should sit beyond the hour fixed for the automatic adjournment cannot, as in the past, be frustrated by a single objection. A new procedure now provides that such a motion shall be deemed carried unless ten or more Members object by rising in their places, no debate or formal vote being permitted. During an extended sitting no business may be called other than that which was under consideration prior to the normal hour of adjournment.

When it is provided in any Standing Order or in any order of the House that the business under consideration at the ordinary time of adjournment be forthwith disposed of or concluded, the Speaker is required not to adjourn the House until the specified proceedings be completed.

16. CONCLUSION

This outline of current Canadian procedural reform covers all the significant changes which have been implemented, disregarding only some minor adjustments, mainly of a consequential nature, which can be excluded without detriment to an understanding of the problems which the new rules have been designed to overcome. At the time of writing, the new procedures have yet to be tried in practice, the 26th Parliament having been dissolved before they could be submitted to the test of a full session. It is to be hoped, however, that the new Parliament when it meets will lose no time in reintroducing them, rather than risk its reputation by reverting to the procedural pattern of its predecessor.

V. PECUNIARY PENALTIES AND PROCEDURE

BY P. D. G. HAYTER

Clerk in the House of Lords

As soon as the House of Commons won from the Lords acknowledgement of their right to initiate bills of aid and supply, practical difficulties arose. Bills introduced in the Lords frequently required pecuniary provisions, whether in the nature of direct taxes or more commonly in the nature of fines or tolls; sometimes the drafting of the pecuniary provisions in Commons bills was unsatisfactory and needed amendment by the Lords. Such problems were by the theory of financial legislation insoluble because the Lords conceded to the elected House the right to initiate all financial provisions. In practice a safety valve was required. In the twentieth century this is usually provided by the "privilege amendment" inserted into bills by the Lords where necessary to nullify the effect of any clause by which they have originated or amended a charge on the people or public funds. Alternatively, such a clause is omitted and the Bill sent to the Commons with blanks in it. In either case, it is open to the Commons then to amend the bill again so that the financial provisions are restored. From a study of the Journals of both Houses of Parliament, it is clear that in the eighteenth century a distinct procedure was also evolved. Then, however, the financial privilege of the Commons was still in its youth and the procedural means of circumventing it was much less simple. The means adopted was that of the "new bill". Of any offending clause the Commons would take no official note. Instead, the bill was dropped and introduced by the Commons anew with the offending clause incorporated as if it had truly originated in their House.

The practice of introducing bills twice had a clearly defined life span and the regularity of its appearance after a few tentative trial runs suggests that it was an accepted procedural device. That span stretched from 1780 to 1831, when it came to an abrupt end, and the "new bill" practice has seldom been revived.¹ Not more than 25 bills were affected before 1780, but between that year and 1831 the number was over 95. These were most frequently Commons bills, amended in the Lords and dropped on their return to the Commons (though they might be dropped in the Lords or they might, in a few cases, have originated in the Lords). In each case another bill was introduced resembling the original bill in almost every detail. Since the substance was unaltered, the procedure could only have been

adopted as a formal avoidance of inter-cameral difficulties arising from the financial privilege of the Commons.

The claim of the Commons solely to originate supply or to impose financial burdens on the subject was established soon after the Restoration, and though the Lords protested, they had substantially conceded the claim by 1700. On 3rd July, 1678, the House of Commons resolved:

That all aids and supplies, and aids to his Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons and that it is the undoubted and sole right of the Commons to direct, limit and appoint, in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.²

In 1702 the complaints of the Lords about "tacking" conditions irrelevant to the object of the bill on to a supply bill stemmed from their admission that they were impotent to amend such bills. The privilege did not yet have clarified limits but when on 5th January, 1690/1, the Lords inserted a clause which inflicted a penalty of £10 into a Navigation Bill, the Commons insisted that the privilege included the condition that the Lords should not originate or amend, "pecuniary penalties". The cause was plain: once their privilege was established, then the Commons did not intend to allow the Upper House a means of evading it under the blanket of penalties.

In the case of the Navigation Bill, neither House would give way and after several conferences, the disagreement was concluded by an adjournment and then a prorogation.³ The Lords were inevitably reluctant to concede this point to the Commons, for it is apparent from Ellis on "Private Bills" (1802) to what extent the claim would curtail their power. Ellis wrote: "If the Lords shorten or extend the time, or alter the manner appointed for collecting any sum of money, or alter the manner in which such money is to be applied, or subject any person to, or exempt any from, the payment of tolls, or alter the sum to be raised or collected, or alter the names of the persons, commissioners or collectors, appointed to manage any toll or rate, or add to, or diminish from, any sum inflicted as a penalty, or alter the application or distribution of a pecuniary penalty, it seems the House of Commons cannot, consistent with its forms, proceed further in the bill."⁴ Any kind of bill was liable to include pecuniary clauses and the sacred nature of these could permeate the entire bill. There could, for example, be no amendment of the duration of a bill which incidentally imposed penalties; the qualifications of commissioners appointed to enforce the provisions of a private bill could not be reviewed.

The Lords could not give way easily to a demand that might have such extensive consequences. When disagreement was reached on the obstacle of pecuniary penalties in 1696/7 over a bill to prohibit the import of Indian silks, the Lords added an argument from their

judicial standpoint: "Their Lordships conceive that the imposing of Pecuniary Penalties of this nature is no charging of Money upon the People, because nothing can truly be called so, which is within the People's Choice not to pay if they please, as they need not do in this case unless they will wilfully break the Law; which is made for the Welfare of the State, and not for taxing of the Subject; and their Lordships cannot imagine how the imposing a Penalty in a Legislative Way can well be denied to arise properly in their House; when, according to the Law of the Land, their Lordships, in a Judicial Way, are in possession of that undoubted Right, by themselves alone." Neither House would retract and the Bill was lost.

In 1702/3 the Occasional Conformity Bill fell foul of the same obstacle. The Lords tried to reduce the danger from perjured informers by reducing the incentive held out to them; they wished that the fine for Occasional Conformity should be less and that the informer should not receive the whole of it as his reward. The Commons disagreed. The Lords accordingly ordered that the records should be searched and in support of their "undoubted Right to begin Bills with Pecuniary Penalties, and to alter and distribute Pecuniary Penalties in Bills sent up to them by the House of Commons", filled 24 pages of their journal with instances of such bills. The Commons in face of this evidence did not argue, at the conferences held between the Houses, on their right solely to originate those penalties. They would merely not agree to the Lords' attitude towards informers.

But the Commons withdrew nothing of their claim to this part of their financial privilege and the Lords soon came to acknowledge the impossibility in practice of denying it. Four years later the following explanation for disagreeing to a Lords pecuniary amendment to the Fornhill and Stony Stratford Highway Bill was given: that the Commons "decline offering any further reasons at present, hoping that these will be sufficient". The perfunctory reasons already given were of considerably less importance than the hint contained in the unnamed further reasons. On many subsequent occasions, the Commons used those words to remind the Lords of their financial privilege, and, as with the Fornhill Bill, the Lords generally took the hint and dropped their amendment. Opposition to the bulk of the Commons contention was withdrawn from this time; in 1709 (Eddystone Lighthouse Bill) and in 1719 (Customs and East India Bills) a hint was enough to make the Lords give way on an offending amendment. There were a few exceptions in the next 30 years. When the House of Lords authorised the Lord Chancellor to appoint a Record Office Keeper with fees in 1732, the Commons offered a hint, and eventually they, not the Lords, gave way. Such exceptions, however, were definitely rare.

Pecuniary penalties⁵ had been brought within the scope of the financial privilege of the Commons. Some alternative procedure

therefore had to be evolved whereby the Lords could recover part of the initiative in legislation which they had lost. One possible means was that outlined in Bramwell on Bills: ⁶

Sometimes Bills which originate in the Lords, and require money clauses, pass through the House, omitting all the money provisions, which are added by the Commons, and afterwards agreed to by the Lords.

He gives as examples the Irish Insolvent Debtors Bill, 1811, the Marquis of Lansdown's Indemnity Bill, 1797, and the Trial by Jury, Scotland, Bill, 1815. Not this, however but the "new bill" procedure was most often adopted.

The purpose of this procedure was simply that all financial clauses in an Act as finally passed should have been inserted by the Commons: they could nevertheless have been suggested by the Lords. The Lords could either send down clauses in breach of privilege in the expectation that the Commons would outwardly ignore them and reintroduce them as their own; or alternatively they might disagree at a later stage with their own amendments in the hope that the Commons would take note of the provisions contained in them; gaps might be left to encourage this taking note.

Such amendments were nevertheless minor. The Lords no longer tried to make considerable amendments which would infringe settled financial privilege. An exception, the bill to prevent corruption at parliamentary elections, 2 Geo. II, c. 24, goes far to prove the rule. The Lords, on 5th May 1729, amended the bill, making offenders liable to pecuniary penalties of £500 instead of £50, and in fact the Commons agreed to the amendment. It was understood, according to Hatsell,⁷ that the intention of the Lords was to destroy the bill by adopting this course, so plainly in contravention of privilege; the Commons, however, preferred to waive their privilege rather than to lose their bill. It is certain that the Commons would not have given up their substantial gains since the Restoration in view of the vigour with which they had pursued them. One must assume therefore that in those many cases where new bills were introduced incorporating the amendments that had been ostensibly rejected, the consequence of the amendments was not such as to offend the Commons, though it might contravene the letter of their privilege.

It is clear that the Commons did not find it hard to accept the amendments imposing pecuniary penalties if they were incorporated in a new bill. Not only did the bill pass very rapidly through all its stages, frequently with more than one stage taken on one day. There was seldom any discussion between the Houses. It would seem that the Flimwell Vent Road Bill of 1791 was the only bill to be discussed at a conference before reintroduction, and it is likely that this was an exceptional case since the Lords amendment which provoked the controversy may not eventually have been accepted.⁸ The clear alteration of pecuniary penalties in the Servants Character

Bill of 1792 led the Commons to read the precedent of the Occasional Conformity Bill before proceeding to order a new bill, but even this short expedient was unusual. So, too, was the Charitable Estates Bill (1821): the Lords amended the new bill, instead of passing it quickly through all stages. This was because the Commons had added a further amendment of their own before accepting the offending one from the Lords. The new bill was nevertheless accepted by the Commons in its amended form.

One is much handicapped in assessing the nature of amendments because the old bills when dropped in the Commons were held there and therefore destroyed in the fire of 1834; it is necessary to compare the Act, as eventually passed, with the amendments recorded in the Journals of one or other House, and this is particularly uncommunicative where amendments involved omissions. Presumably the effect of changes was more than just to correct drafting errors, because in such cases the Commons accepted them without resorting to the expedient of a new bill. They agreed to the Lords amendment to the White Herring Fishery Bill on 6th April, 1750, and ordered that the special nature of the amendment should be made clear by an entry in their Journal "that the same was agreeable to what was intended by the Commons, but had been expressed otherwise by mistake". On 6th February, 1805, a Lords amendment was agreed to in the "Bill for continuing and granting to His Majesty a Duty on Pensions, Offices, and Personal Estates" although it inserted the word "tax", because a clerical mistake had omitted it from the expression "land-tax" and left only "land". The Commons allowed the Lords to amend money bills when the passage of time made it necessary to change dates (*viz.* Corn Duty Bill, 1797). Evidently, when a new bill was thought to be necessary, the offending bill contained more than a correction of a small drafting error. But it was, as Erskine May wrote,⁹ an occasion where "the disagreement of the two houses is only partial and formal, and there is no difference in regard to the entire bill".

To overcome this formal disagreement the offending bill would be dropped in either House and in the Commons a new bill would be immediately ordered, drawn up in the same words as the bill as amended by the Lords. It would proceed through both Houses without any difficulty. Yet this procedure was employed in contravention of a Standing Order of the House of Lords of 1606 which laid down "That when a Bill hath been brought into the House, proceeded withall, and rejected, another Bill of the same Argument and Matter may not be renewed and begun again, in the same House, and in the same Session, where the former Bill was begun; but if a Bill begun in one of the Houses, and there allowed and passed, be sent unto the other House, although it be there, upon Reading thereof, disliked and refused; nevertheless, if the Matter be thought fit to be proceeded withall, and that it may be done better by a new Bill, it is

holden agreeable to the Order of the Parliament, That a new Bill of the same Matter may be drawn and begun again in that House, whereunto it was sent as aforesaid; and if a Bill begun in either of the Houses, and committed, be brought in by the Committees, and thought fit, before the Third Reading, to be renewed, in respect that the Matter may better proceed by a new Bill, it is likewise holden agreeable to good Order, in such Case, to draw a new Bill, and to bring it unto the House."

The House of Commons signified their agreement with a similar, though more concise, Order of 1610: "No Bill of the same substance to be brought in the same session." The Order had still been very much operative in 1707 when Parliament was actually prorogued for a week, so that, according to Bp. Burnet,¹⁰ a bill which had been rejected by the Lords, might be reintroduced.¹¹ But the need to obey the rule of privilege was sufficiently imperative for the Orders prohibiting the repetition of bills in a session to be disregarded. Though the new bills were not identical with the old, they were undeniably "of the same argument and matter" and "of the same substance".¹² Since the Commons did not reject the old bills in terms, but only put off considering the amendments, the operation of the Lords Order was avoided; but, except in the case of the few Lords bills, the intention of the Order was abused, because the new bills originated in the same House as they began, the Commons. It was precisely this repetition that was meant to be prohibited. The procedure moreover was clearly in breach of the Commons' Order of 1610. The Lords incapacity to originate financial clauses made it necessary to disregard this.

Relative to their total number, public bills¹³ were the chief subjects of this procedure. In absolute terms they numbered only just more than the private bills when reintroduced, but that has to be set against the preponderance of private over public legislation, which in the later eighteenth century was sometimes as great as three to one. After 1820, however, the ratio for new bills was quite different. Twenty-three private bills were reintroduced and only five public. The procedure was also modified. Prior to 1820, when public bills preponderated, the Lords generally sent back the amended bill to the Commons; the latter appointed a day for considering the amendments that was effectively beyond the end of the session, and ordered a new bill, which was frequently introduced on the same day. If the bill was private, it was not necessary for a fresh petition to be presented to secure the bill's restitution. The original petition might be re-read, but no action was called for on the part of the bill's promoters, and they were not required to pay extra fees. After 1820 the public bills were still treated in the same manner. The private bills, however, were dropped in the Lords, all but one on the Report stage, and it was therefore that House which delayed considering their own amendments until a day beyond the end of the session.

The Commons then reintroduced the bills anew, adopting the amendments that the Lords would, or rather could, not consider. Their nature was plainly within the pecuniary privilege—the application of tolls,¹⁴ the conditions of service of commissions,¹⁵ or the straightforward alteration of fines.¹⁶ In order to accommodate pecuniary privilege, a greater proportion of private bills was being allowed to waste Parliament's time.

The lengths undergone to perpetuate this charade are clear from the Fees Abolition Bill of 1830. The terms of this bill, which concerned fees payable for the retention of office on the accession of William IV, were wholly amended by the Lords, who left solely the enacting clause intact. On 23rd June, 1830, the *Parliamentary Debates* reported the Speaker under the heading "Privileges of the Commons" in the following terms:

The *Speaker*, on the House assembling, informed the House that the Bill for the Abolition of Fees had been returned from the Lords, with considerable amendments. He had carefully looked over these amendments, and had no doubt that they were such as could not be admitted. At the same time he recommended the House, as had been done on former occasions, that these amendments should be printed before they were taken into consideration. He recommended this not as doubting the inadmissibility of these amendments, but in order to make the House fully aware of their nature. They were so voluminous, and the Bill was so small, that he thought this necessary. On the motion of Mr. Hume, the Bill, with the amendments, was ordered to be printed.

The order for a new bill was soon made and it was introduced with all the "voluminous" and "inadmissible" amendments, showing a single deviation consequent on the death of George IV since the bill had left the Lords.

Merely in order to preserve the privileges of the Commons in their outward form, such procedure was an intolerably long-winded and time-consuming expedient; in the same session five private bills had also to go through all their stages twice. A relaxation of the system was manifestly necessary. Instead of one or perhaps two instances a year, Parliament had experienced six in one session; the Lords were well enough trained, 140 years after the first great disputes over "pecuniary penalties", not, in any of the six, to offend the Lower House. The Commons, given some reasonable safeguard, could afford to make concessions in this respect. A Select Committee was accordingly appointed "to consider how far it may be expedient to relax the exercise of the Privilege of this House, respecting the imposition of Pecuniary Penalties for offences". It showed its concern for the time factor in its Report, which, after reaffirming the rights of the Commons with regard to supply, as enunciated in the Resolution of 3rd July, 1678 (*viz. supra*), read:

It appears to your Committee, that without infringing in any degree on the spirit of this Resolution, it might materially conduce to the expediting of Public Business, and the affording of more time for the consideration by the

two Houses of Parliament of Bills relating to the Penal Law, if the House were to relax the exercise of this Privilege, so far as to entertain the consideration of Bills originating in either House of Parliament, by which Penalties may be imposed for the punishment or prevention of offences, and to apply the same rule to Amendments which the House of Lords may have made in Bills passed by this House for the same purpose.

Then followed the Committee's Resolution which was agreed by the House on 12th April, 1831:

That in any Bill which, having passed the House of Lords, shall be sent down to this House for their concurrence, or in any Bill, which, having passed this House, shall be returned by the Lords with Amendments, it shall appear that any Pecuniary Penalty or Forfeiture is thereby imposed, varied or taken away, the Speaker shall, before the Second Reading of such Bill, or Amendments, report to the House his opinion whether the object thereof be to impose, vary or take away any Pecuniary Charge or Burthen on the Subject, or whether the same relates only to the punishment or the prevention of offences; and the House shall thereupon determine whether it may be expedient in such particular case to insist upon the exercise of their privilege to originate all such provisions respecting Pecuniary Penalties or Forfeitures.

In 1849 the position was finally settled as it is today in a new Standing Order agreed on 24th July:

With respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House with Amendments, whereby any pecuniary penalty, forfeiture or fee shall be authorized, imposed, appropriated, regulated, varied or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases:

1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.
2. Where such fees are imposed in respect of benefit taken or service rendered under this Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the Public Revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.
3. When such Bill shall be a Private Bill for a Local or Personal Act.¹⁷

This remains among the Commons Standing Orders relating to Public Business as No. 57.

It had become unnecessary to maintain the unbending insistence on Commons rights which had prevailed when those rights were no more than claims. This survived into the nineteenth century and Hatsell, writing at the end of the eighteenth, compared his time with pre-Revolution days by saying "that the Commons did not always insist, with the same precision and exactness as they have done of late years, upon their privilege, 'That the Lords should make no amendments to Bills of Supply'." This precision in respect of pecuniary penalties had, in truth, already been partially breached by the frequency with which after 1780 the Commons adopted Lords amendments under the pretence of originating them themselves. It was only a matter of time before they conceded that in the case of innocuous changes they were prepared to waive the letter of their

privilege. Provided that the substance of the privilege was honoured, it was unnecessary to be pedantic about the form. The Lords acknowledged the validity of the Commons' claims and respected them; after a trial run of 50 years before 1831 this was evident enough to be accepted, and the Lords were saved the indignity of having their bills renewed¹⁸ in the Commons. The Resolution of 1831 adopted by the Commons made the "new bill" procedure unnecessary. It had been evolved to cope with the specific problem of innocent pecuniary amendments or legislation from the Lords, and a less tortuous way of agreeing to them, by means of the Speaker's discretion, was now introduced in the Commons. This discretion might not be very wide but it was adequate. Any controversial amendment or bill would probably have been excluded from the eighteenth century procedure at the start, and now that non-controversial matter was removed from its ambit, the "new bill" was no longer necessary. Its usefulness was taken over by the Speaker and the procedure disappeared abruptly from use.

¹ Midwives Bill 1918 is an exception. The Lords, as a result of an error, sent the Bill to the Commons in breach of privilege, and the latter House therefore reintroduced it later in the same session. Sc. Erskine May, *Parliamentary Practice*, 17th ed. (1964), p. 833 n.

² 9 Commons Journals, 509.

³ The end of the session meant the loss of the Bill and therefore the occasion for the disagreement.

⁴ C. T. Ellis: *Remarks and Precedents of Proceedings in Parliament on Private Bills*, p. 58.

⁵ Whether strictly in terms of fines or more generally in terms of tolls and rates and their administration.

⁶ G. Bramwell, *Manner of Proceeding on Bills in the House of Commons* (London, 1833), p. 3.

⁷ *Parliamentary Precedents*, iii, 134. Hatsell incorrectly gives the date 7th May; but see 23 Lords Journals, 417.

⁸ The reason for the doubt appears in the next paragraph.

⁹ May, *Parliamentary Practice*, 1st edition (1844), p. 190. This early edition of Erskine May contains some references to the new bill procedure (pp. 189-90, 322-3) but this has been whittled away to the barest bones in the modern editions. The Lords and Pecuniary Penalties are referred to in the 17th edition (1964), pp. 832, 833.

¹⁰ *History of His Own Times*, II, 467.

¹¹ From 8th to 14th April 1707. The Bill related to the importation of foreign goods into Scotland. (Hatsell ii, 127).

¹² May, *Parliamentary Practice* (1st edition, 1844), p. 189.

¹³ The distinction between public and private bills is that current today, not the more elusive one of the eighteenth and nineteenth centuries.

¹⁴ Beverley Roads Bill, 1830.

¹⁵ Sunderland Harbour Bill, 1830.

¹⁶ Barnsley Gas Bill, 1821.

¹⁷ The Standing Orders relating to Private Bills include now, as No. 191, an Order waiving privilege when tolls that are not in the nature of a tax are imposed.

¹⁸ In 1580 the Lords had taken marked exception to this, when a bill "for the fortifying of the Borders towards Scotelande" was sent back as a new bill. They had already passed it once and they entered a protest in their Journals (2 L.J. 46). In 1587 the Commons did the same with another Lords bill and the Lords refused even to read it (2 L.J. 141).

VI. A PROPOSED NEW AND PERMANENT PARLIAMENT HOUSE

BY A. G. TURNER

Clerk of the House of Representatives, Commonwealth of Australia

The building which houses the Parliament of the Commonwealth of Australia was erected as a provisional Parliament House. It was built to meet the immediate need for accommodation when the Federal Parliament moved from Melbourne to Canberra in 1927 for the establishment of a new Federal Capital City in a separate area of Federal territory acquired by the Commonwealth from the State of New South Wales in 1910. But it was always understood that the Parliament would move to a permanent monumental building at some later stage of the City's development.

Although the first world war ended five years before construction of the provisional Parliament House commenced, it played a part in the decision which was ultimately taken. In 1914, entries for a world-wide architectural competition for the design of a monumental Parliamentary building in Canberra were invited, but the outbreak of war forced a postponement. In 1916, architects were again invited to compete, but the competition was again postponed as it was found impossible for architects to undertake work of this kind while the war continued.

A Federal Capital Advisory Committee appointed in 1921 recommended that, because of the changed economic conditions since the war, the Parliamentary building should be of a temporary nature. Plans for the erection of a provisional Parliament House were prepared and were considered by a Parliamentary Committee which recommended, as alternatives, the erection of a nucleus of the permanent building or a provisional building on another site.

In 1923, the Parliament agreed to the second alternative and construction, which commenced that year, was completed in time for an official opening by the Duke of York on 9th May, 1927.

In the years which have passed since 1927, major additions and alterations have been made to meet additional accommodation requirements caused by, amongst other things, the progressive enlargement of the Ministry and the considerable increase in the number of Senators and Members. Additional wings have been constructed, rooms subdivided, small corridors and balconies adjoining the courtyards enclosed and the Library block extended. The most recent extension, following a report by a Select Committee

on House of Representatives accommodation in October, 1963, was the construction of a new wing containing sixty-two rooms on the House of Representatives side of the building.

On 3rd December, 1965,¹ the then Prime Minister (Sir Robert Menzies, K.T., C.H., Q.C., M.P.) moved for the appointment of a Joint Select Committee to inquire into proposals for the construction of a new and permanent Parliament House. The terms of reference are (in part):

- “(1) That, having in mind proposals for the erection of a new and permanent Parliament House (in this resolution referred to as ‘the Parliament building’) and in that connexion the need to examine the efficiency or otherwise of working arrangements in the present Parliament House any changes in those arrangements that may seem to be desirable, a Joint Select Committee be appointed to inquire into and report on—
- (a) the accommodation needs of—
 - (i) the Senate, the House of Representatives and the Parliamentary staff in the Parliament building;
 - (ii) members of the public visiting the Parliament building; and
 - (iii) library facilities, and catering and other facilities and services in the Parliament building for Members of the Parliament and others;
 - (b) whether, and, if so, to what extent or in what manner, the following should be accommodated in the Parliament building:
 - (i) the Executive;
 - (ii) the press; and
 - (iii) communication services; and
 - (c) matters incidental to the foregoing matters.”

The Chairman of the committee is the President of the Senate and the Deputy Chairman is the Speaker of the House of Representatives. Other members of the committee are the Prime Minister, the Leader of the Country Party, the Leader of the Opposition in the House of Representatives, the Leader of the Opposition in the Senate and thirteen other Members and Senators.

Sir Robert Menzies, in moving for the appointment of the committee, said:²

This is the first step in the direction of establishing a new and permanent Parliament House in the capital of the nation. This obviously will be a requirement of the future. We propose to establish a committee so that the first steps in that direction may be taken, on an all party basis and a basis of representation of both Houses of the Parliament. . . .

I think it is hardly necessary to point out that the terms of the motion are not inviting the Committee to design a Parliament House. We do not profess to be experts in that field; but we do have knowledge superior to that of other people of the requirements in a House, the needs in a House, and in many ways, how the various aspects of parliamentary life should be disposed of in a

geographical sense—where they are to be placed in a parliamentary building. . . .

The question of the site of the new Parliament House has not been made one of the formal terms of reference. When I remind the House of earlier Government announcements on this point and of the subsequent planning of the National Capital Development Commission I am sure this will be understood. The Leader of the Opposition has made a useful suggestion to me. I would like to say that I accept it. That is that I should make it clear in my speech that any member or members of the Committee will, in the Committee's report, be free to make such observations on the question of the site of the new Parliament House as he or they may desire.

The first meeting of the Committee was held in March, 1966, and its inquiries are continuing. . .

¹ H. of R., Votes and Proceedings 3rd December, 1965, 1964-65/495-6.

² *Hansard*, H. of R., 3rd December, 1965, pp. 3589-3594.

VII. THE SELECT COMMITTEE ON PROCEDURE, SESSION 1964-65

BY C. J. BOULTON

A Senior Clerk in the House of Commons

In an earlier article on a Select Committee on Procedure (Vol. XXXII, p. 35), H. R. M. Farmer distinguished between those Procedure Committees which were appointed to review the whole procedure in the public business of the House, those appointed to consider certain specific questions set out in the Order of Reference, and those appointed with the object of having matters referred to them from time to time as they arose. The Select Committee of 1964-65 had the doubtful distinction of possessing all three of these characteristics at the same time.

The House of Commons elected in 1964 contained many new Members; Members of all Parties committed to the idea of "modernisation", both of the nation at large and of Parliament in particular, who did not take long to discover that the House appeared to sit at all hours of the day and night, that it was difficult to get called to speak on interesting matters, and that generally speaking the institution was inefficient. To be reminded by their more experienced colleagues that efficiency was not necessarily to be equated with the speed with which Government business was completed was not enough to silence their demands for a thorough enquiry, and a Procedure Committee with unlimited terms of reference was appointed.

The Committee were instructed, however, to report first on three specific matters—the expediency of appointing a Committee to which Bills could be referred for Second Reading; the times of sittings of the House; and the expediency of deferring "Ten Minute Rule" motions to after 10 o'clock. Furthermore, during the course of the Session, various other specific points were drawn to their attention by the Leader of the House, including progress at Question Time, voting methods, the raising of privilege questions, the casting vote, and expediting the Finance Bill. By the time they came to make their Third Report, the Committee were moved to protest that they were being prevented from carrying out the kind of investigation they wished by the plethora of individual points being referred to them, and pointed out that "most of these matters cannot be dealt with in isolation from recommendations on other subjects. Your Committee therefore repeat their hope that it will be possible

for a Committee unhampered by specific instructions to be appointed at the beginning of next Session" (*Third Report, H.C. 276*, para. 2). This problem was further referred to in the debate on procedure at the end of the Session (*H.C. Deb. 718*, c. 282) and the Committee appointed in the new Session was not burdened with any Instructions.

The Select Committee made five Reports, four of them in time for a general debate on 27th October, 1965, when the Government's proposals designed to give effect to some of their proposals were also considered. The First Report (*H.C. 149*) related to the matters contained in the Instruction, and recommended, in respect of a Committee for second reading debates, a scheme expressed in the following draft Standing Order:

- (1) When any public bill has been printed, a Motion, of which not less than ten days' notice has been given, may be made by a Minister of the Crown at the commencement of public business, that the bill be referred to a Second Reading Committee, and the question thereupon shall be put forthwith and decided without amendment or debate; and if, on the Question being put, not less than twenty Members rise in their places and signify their objection thereto, Mr. Speaker shall declare that the Noes have it.
- (2) A Second Reading Committee shall be a Standing Committee consisting of not less than thirty nor more than eighty members, to be nominated by the Committee of Selection to serve on the Committee during the consideration of each bill referred to it; and in the nomination of such members the Committee of Selection shall have regard to their qualifications and to the composition of the House and shall not unreasonably reject the application of any Member to serve on the Committee.
- (3) A Second Reading Committee shall report to the House whether or not they recommend that such bills ought to be read a second time; and they shall have power to state their reasons for recommending that a bill ought not to be read a second time.
- (4) The terms of a Second Reading Committee's report shall be stated on the order paper beneath the order for the second reading of the bill; and the question for the second reading of such a bill shall be decided without amendment or debate.

The Committee attached importance to the safeguards that there should be ten days' notice of a reference; and that the reference should be made at the commencement of public business; and that twenty Members should be able to block the procedure. With the exception of what was considered to be the unworkable proposal that the Committee of Selection should "unreasonably" reject a Member's application to serve on the proposed Committee, the recommendation was wholly acceptable to the Government, and was implemented on an experimental basis. A smaller matter proved to be much more controversial—the Committee's recommendation that Ten Minute Rule Motions should be taken as the last item of business before the half-hour adjournment debate "for an experimental period". The Committee balanced the inconvenience to the House

of these motions coming at such a congested moment in the day's proceedings against the consideration that "there would on many occasions be no certainty at what time the proceedings would come on and (that) this would tend to complicate the organisation of support for, and opposition to, complicated bills". They came down in favour of the former controversy, and so did the House, but only by 128 votes to 118, and it is difficult to think that this matter is closed. On the times of sitting of the House, the First Report referred to some evidence that had been taken on the subject, but stated that it was desired to consider the implications of the evidence that was to be received on other procedural matters, such as the Select Committee system, before a recommendation was made. This is bound to be a subject that will be returned to.

The Second Report of the Committee (*H.C.* 188) was entirely devoted to the problem of progress at Question Time, which had become acute in the new Parliament, with only something over thirty questions being reached in a day and a month's notice being required for a question to have a reasonable chance of receiving an oral reply. The Committee made it clear that while they did not regard the total number of questions answered as the only test of a successful Question Hour, the very popularity of Questions and the time spent on each one were diminishing the effectiveness of the procedure. They recommended that there should be a limit of three weeks in the length of notice that could be given of a question and that a Member should be able to ask only eight oral questions in each of ten periods during the Session. The purpose of this latter restriction was not only to make Members think twice about the need to put down a question for oral as distinct from written answer, but to make them reluctant to accept questions "farmed out" to them by Members who already had their ration of two questions down for a particular day. In evidence before the Committee, Mr. Speaker Hylton-Foster had said "it is false to suppose that however tyrannous the holder of my office, he can possibly put it right on his own. . . . What we have to evoke, I think, is Members' sense of responsibility." A third recommendation of the Committee was for a resolution of the House calling on Members to restrict the length of their questions and answers and to respect the rules of order relating to supplementary questions. It went on to express support for Mr. Speaker in actions designed to increase the number of questions answered and to control the abuse of supplementary questions. The new situation created by the death of the Speaker during the Summer adjournment meant that the Government did not consider it appropriate to proceed with the Committee's recommendations as a whole when the debate was held in October. The House did agree, however, to a limit of three weeks' notice for questions for oral answer. In a statement to the House on 17th December, 1965 (*H.C. Deb.* cc. 1613-15), Mr. Speaker King reported that about fifty ques-

tions a day were being reached for oral answer and that he considered this to be "about average to aim at".

The Third Report (*H.C. 276*) was devoted to considering ways of expediting consideration of the Finance Bill. As with Question Time, this was a problem of long standing which was presenting itself in a particularly acute form that Session. The new Government proposed by means of the Bill to introduce a Corporation Tax and greatly to extend the existing Capital Gains Tax. Sixteen days were spent on the Committee stage of the Bill, which in its final form consisted of 97 clauses and 22 schedules. The Select Committee recommended as follows:

- i. That the attempt should be made to draft Finance Bills in such a manner as will take account of the desire of the House to commit as many of their provisions as possible to a Standing Committee.
- ii. That a Select Committee of the House should recommend which provisions and new Clauses of the Bill should be committed to a Standing Committee.
- iii. That the Select Committee should recommend a time-table for the consideration of the Bill.

The Committee were anxious to differentiate between this last recommendation and the guillotine procedure: "A guillotine motion is proposed on the initiative of the Government and contains a time-table which the Government feels appropriate. The function of the Select Committee would be itself to draw up a time-table for the Bill having heard representations from both sides of the House." The Committee considered that there would be advantages in knowing how much time was available for the discussion of the Bill's various Parts, and that it might well transpire that the method of recommending time-tables by a Select Committee would prove increasingly acceptable to the House and come to be applied to a wide range of measures. The Government were unable to accept any of these proposals—principally because it was held impossible to draft the Finance Bill so that it fell into "budgetary" and "administrative" elements. The reaction of the Opposition spokesman to this was, "I believe that the Treasury can do anything it tries, and I think that the Treasury has not tried very hard" (*H.C. Deb. 718, c. 204*).

The Fourth Report (*H.C. 303*) was the first which arose from the Committee's own unprompted deliberations, as opposed to the pressure of outside circumstances. It was concerned with the Select Committee system as a means of enabling Parliament "more effectively to influence, advise, scrutinise and criticise" the Executive. It accepted that there was a need to improve the House's sources of information, but it sought to avoid disturbing the relationship of Ministers to Parliament and the creation or extension of procedures which might drain away interest from the proceedings of the House as a whole. The stated object was "to provide all Members with the means to carry out their responsibilities, rather than to elevate any

Committees of the House to new positions of influence". The kernel of the problem which faced the Committee was to avoid recommending the creation of Committees which would assume policy-making functions. They considered however, that the Nationalised Industries Committee had demonstrated that it was possible to produce informative and objective Reports in politically highly sensitive fields, and that the example of that Committee could profitably be followed by Committees specialising in the activities of Government Departments. They recommended:

i. That a new Select Committee be set up, as a development of the Estimates Committee, "to examine how the departments of State carry out their responsibilities and to consider their Estimates of Expenditure and Reports".

ii. That the new Committee should function through Sub-Committees specialising in the various spheres of governmental activity.

iii. That there should be two Clerks supervising the work of the Committee and one full-time Clerk to each Sub-Committee. The Committee should be able to employ specialist assistance.

iv. That the power of Select Committees to adjourn from place to place should include the power to travel abroad, with leave of the House, when investigations require it.

The Government's attitude to the first of these recommendations was stated succinctly by the Leader of the House in the debate in October as follows: "With the best will in the world, I am afraid that once the terms of reference are widened as suggested the necessary detailed examination of Government expenditure and administration is bound to give place to policy discussions. In addition to that, we should lose a valuable part of the procedures on financial control" (*ibid.*, c. 183). There were no Government proposals, therefore, to widen the Estimates Committee's terms of reference. That the Committee remain free, however, to experiment with specialising Sub-Committees, and they are to be allowed to engage technical advisers for particular enquiries, and to ask the leave of the House to travel abroad when investigations so require. In their first Special Report of Session 1965-66 (*H.C.* 21) the Estimates Committee reported that they had decided to appoint five Sub-Committees to specialise in different aspects of Government responsibility. They regretted the decision of the Government not to enlarge their order of reference. Demands for some extension of the Select Committee system have continued for several years now,* but this was the first occasion that they had received the support of a Procedure Committee. Proposals on these lines will doubtless be examined by many such Committees in the future. In a speech in the House on 21st April, 1966 (*H.C. Deb.* 727, c. 75), the Prime Minister took the debate a stage further by promising discussions through the usual

* See e.g. THE TABLE, Vol. XXVIII (1959), p. 41.

channels " on the suggestion of establishing one or two new Parliamentary Committees to concern themselves with administration " in the fields of certain home Departments.

With the Fifth and final Report (*H.C.* 361) we return to the field of matters " requiring urgent attention " which the Committee were asked to consider. The Report relates to voting arrangements for sick Members, a subject that was dealt with in great haste in the few days after the Summer adjournment before Prorogation. There was not time for a draft Report to be considered—the Committee simply reported a Resolution, to the effect that there now seemed to be no alternative to a system of proxy voting for seriously ill Members, " unless the usual channels can agree upon an alternative acceptable method ". It may be noted that this was the only matter during the Session which produced a division on purely Party lines. The Report provided the occasion for further meetings between the usual channels, and these resulted in the announcement of a trial system of pairing of sick Members, which in the last resort would be implemented by pairing Whips with any sick Members who remained after the sick and absent Members of the opposing side had been paired.

VIII. RETIREMENT OF MEMBERS OF THE SENATE OF CANADA

BY J. GORDON DUBROY

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When the Senate of Canada was created in 1867, it was provided that appointments thereto would be for life and made by the Governor General in the sovereign's name.

Throughout intervening years, much has been said and written about the advanced age of the occupants of that Chamber and, from time to time, proposals have been advanced concerning the compulsory retirement of senators at a specified age.

It may be of interest to note that, except for a constitutional provision to the effect that money and taxation measures must be initiated in the House of Commons, and a tenet—asserted by the House but disputed at times by the Senate—to the effect that it is the right of the House of Commons to direct, limit, and appoint in all money bills the purposes, considerations, limitations, and qualifications of such grants which are not alterable by the Senate, both Houses, in theory, have similar legislative powers.

"An Act to make provision for the retirement of the members of the Senate" (Chapter 4, Statutes of Canada, 1965), assented to 2nd June, 1965, now provides for the retirement at age seventy-five of persons summoned to the Senate after the coming into force of the said Act.

The foregoing measure also brought members of the Senate under the provisions of the "Members of Parliament Retiring Allowance Act". The "Retiring Allowance Act" formerly applied only to members of the House of Commons.

In brief, any person appointed to the Senate subsequent to 2nd June, 1965, is required to contribute 6 per cent of his sessional indemnity to a retiring allowance fund. Presently, Senators receive an annual sessional indemnity of \$12,000.00 and a \$3,000.00 non-taxable annual expense allowance, resulting in an annual individual contribution of \$720.00 to the retiring allowance fund. Upon retirement at age seventy-five, a senator may become eligible for an annual retiring allowance equal to five-twelfths of the total of his contributions to the retirement fund. The maximum annual retiring allowance is \$9,000.00. A widow of any senator may become eligible for an annual allowance equal to one-quarter of the total of the contributions made by her spouse in respect of his service in the

Senate. The maximum annual allowance payable to a widow is \$5,400.00.

A former member of the House of Commons, when appointed to the Senate, may carry with him his retirement benefits with respect to his service in the House of Commons.

In brief and general terms, several options were available under the "Retiring Allowance Act" to persons who were members of the Senate prior to 2nd June, 1965.

On the one hand, a senator who was then seventy-five years of age, or who had become afflicted with some permanent infirmity disabling him from the due performance of his duties in the Senate, could resign at any time before 2nd June, 1966, and thereby become eligible for an annual retiring allowance of \$9,000.00. In due course, a widow of any such person may be eligible for an annuity of \$3,000.00 for life.

Secondly, a person who was younger than seventy-five and in the Senate prior to 2nd June, 1965, could elect to contribute to the "Retiring Allowance Act" in respect of his past service at the rate of 6 per cent of the full amount of his sessional indemnity for any such year. Under existing conditions, this would amount to an individual contribution of \$720.00 per annum. Upon retirement at seventy-five years of age, such a person may be eligible to receive an allowance equal to five-twelfths of the total of his contributions. The maximum annual allowance payable under these circumstances is \$9,000.00. A widow of any such person may become eligible for an annual allowance of one-quarter of the contributions paid by her spouse in respect of his service in the Senate. The maximum annual allowance payable to a widow is \$5,400.00.

Finally, any person in the Senate prior to 2nd June, 1965, could elect, within a period of one year, not to come under the provisions of the "Retiring Allowance Act" and, in such case, continue in office for life. No contribution is made by him to the retirement fund nor would his widow, at any time, become eligible for any allowance.

When the Act to make provision for the retirement of members of the Senate was enacted, it was suggested that many of the older senators would freely accept what is widely considered to be rather generous retiring benefits. While the period for voluntary retirement will not expire for several weeks to come, the number of retirements has not come up to the expectations of a year ago.

IX. THE CELEBRATION OF THE SEVENTH CENTENARY OF THE PARLIAMENT OF SIMON DE MONTFORT OF JANUARY, 1265*

Her Majesty Queen Elizabeth II announced in the Speech from the Throne at the Opening of Parliament on the 13th November, 1964, that the seven hundredth anniversary of Simon de Montfort's Parliament would be recorded in the coming Session. The supervision of the arrangements for this commemoration was entrusted to a Committee, including Members and Officers of both Houses of Parliament, under the Chairmanship of the late Speaker of the House of Commons, the Right Honourable Sir Harry Hylton-Foster, Q.C., M.P. This Committee arranged a programme in two stages, the first to coincide with the seventh centenary of the assembly of de Montfort's Parliament on the 20th January, 1265; the second, on a more substantial scale, to be associated with the celebrations arranged for June, 1965, in commemoration of the seven hundred and fiftieth anniversary of Magna Carta.

On the 18th January, 1965, however, the increasing gravity of the illness of the Right Honourable Sir Winston Churchill, K.G., led to the cancellation of the arrangements for the 20th January, with the exception of those for an Exhibition in the Queen's Robing Room. The outcome was, therefore, that this Exhibition alone formed the prologue for the main ceremonies of June. It was open from the 20th to the 23rd January, and was then closed from the day of Sir Winston's death to that of his State Funeral, thereafter remaining open until Saturday the 13th February.

The theme of the Exhibition was two-fold: the life and Work of Simon de Montfort; and the Evolution of Parliament from the thirteenth to the twentieth centuries. To illustrate the former, the Ministry of Public Building and Works had assembled a sequence of photographic and other display items from many sources. The most dramatic were first, the reproduction of a stained glass window from Chartres Cathedral showing a contemporary representation of what is generally held to be the figure of Simon de Montfort on horseback, banner in hand, and secondly, an equally vivid enlarge-

* This article has been compiled by Mr. D. Scott, Clerk of Standing Committees in the House of Commons, and Joint Secretary of Mr. Speaker's Committee, with the permission of the authorities of both Houses, from material published in a Commemorative Book prepared for the occasion by Mr. Maurice Bond, O.B.E., Clerk of the Records.

ment of de Montfort's Seal, showing him, again on horseback, but this time hunting, with a hound at his feet. De Montfort's Norman origins were represented by photographs of his village of Montfort l'Amaury; and his violent death on the battlefield of Evesham was illustrated from a drawing in a monastic chronicle.

The display panels which showed these and other items relating to de Montfort led to the principal feature, an exhibition case which ran the entire length of the Robing Room and contained a unique display of Parliamentary records, assembled by the House of Lords Record Office in conjunction with the Public Record Office.

HISTORICAL NOTE

The following Historical Note, which was embodied in the programme for the ceremony on 22nd June, describes the constitutional and historical significance of the events commemorated.

The word "Parliament" originally meant "conversation". By the first half of the thirteenth century it was being used to describe discussions of a solemn or important kind, and from 1236 onwards it was applied with increasing frequency to general assemblies of the King's Council, summoned to advise and assist the King. Such early Parliaments were attended by varying numbers of Archbishops and Bishops, Abbots, Earls, Barons, other lay Magnates and royal Ministers. They lacked, however, the element subsequently held essential for the meeting of a true Parliament, the presence and active participation of the Commons; that is, of representatives of a wider public, formed by local communities in the counties and towns.

The summons to Parliament in 1254 of representatives of each county, "specially elected by the county in the name of one and all", in order to grant financial aid to the King, was an early stage towards the creation of a more popular type of assembly. The Knights of the Shire, as these representatives of the counties were named, came to Parliament in 1254, then again to the Easter and Winter Parliaments of 1258, and to the Parliament which met in June, 1264, after the Battle of Lewes.

The second decisive stage in widening the representation of Parliament followed in December, 1264. Simon de Montfort, Earl of Leicester, in that month caused King Henry III, then in fact his captive, to summon to Parliament not only Magnates and Knights of the Shire, but also representatives of the Cities and Boroughs of England. Writs went out in the King's name to "the citizens of York, the citizens of Lincoln and to other boroughs of England that they should send . . . two of the more discreet, lawful and trustworthy of their citizens or burgesses", and similar writs were sent to the "barons and trustworthy men of the Cinque Ports".

The Parliament which sat between 20th January and the end of March, 1265, is thus the first known assembly in which both Knights and Burgesses took part in the same meeting. Much was still to come after 1265 in the development of the national assembly from its conciliar origins into the modern Parliament, notably the welding of the two separate groups of Knights and Burgesses into a single "House" of Commons. The essential step had, however, been taken, and de Montfort's example was followed in the succeeding years, until by 1327 the summons of both Knights and Burgesses had become an unvarying tradition.

Although the Parliament of January, 1265, had been summoned to meet in the city of London, two surviving references specify Westminster and not London as its meeting place. Firstly, as part of the work of this Parliament, an announcement was made on 14th February, 1265, "in the Chapter House at Westminster", that the King had sworn to keep the peace with the Barons. Secondly, the terms of peace between them were embodied in a charter sealed "at Westminster at the Parliament of London the 8th day of March". Afterwards, on 11th March, "before all the people in the Great Hall of Westminster", de Montfort's hostages, the King's son, Edward, and Henry of Almain, were released. In addition, the King's oath not to break the newly established peace was read aloud, and "nine Bishops, clad in their episcopal vestments, with candles burning, excommunicated all those who should venture against the charters of liberties [Magna Carta] and of the forest".

This public ceremony, which marked the conclusion of the principal work of de Montfort's Parliament, took place in the same Hall in which the ceremonies here described took place. The Hall had been built between 1097 and 1099. It was reconstructed, with its present splendid hammer-bear roof, between 1394 and 1401, and it has provided the setting for many great public and Parliamentary occasions, the most recent of which was the lying-in-state of Sir Winston Churchill, in January of this year, before the State Funeral in St. Paul's Cathedral.

THE RESOLUTION FOR AN ADDRESS IN THE HOUSE OF LORDS, 16th JUNE, 1965

The main commemoration of the seven hundredth anniversary of Simon de Montfort's Parliament began with Motions in each House for Humble Addresses to Her Majesty the Queen.

On Wednesday the 16th June in the House of Lords it was moved by the Lord Privy Seal, the Right Honourable the Earl of Longford, Leader of the House, That an Humble Address be presented to Her Majesty, as follows:

MOST GRACIOUS SOVEREIGN,

We, the Lords Spiritual and Temporal, welcome this occasion of commemorating and celebrating with Your Majesty and with Members of the House of Commons the seven hundredth anniversary of the Parliament to which were summoned for the first time to our certain knowledge the Citizens and Burgesses, as well as the Knights of the Shire, to join with the Lords in deliberation upon the needs and affairs of the Realm. The Parliament summoned to meet in January 1265 by Your Majesty's forbear, King Henry the Third, at the instance of Simon de Montfort, Earl of Leicester, thus contained all the essential elements of later Parliaments. With the civil war yet unfinished, it met in the shadow of strife, and was itself conceived as an attempt to end that strife. Then as now, one of the purposes of Parliament was to provide for the settlement of dissension by debate, by discovery of common views, and by agreement rather than by bloodshed.

The Citizens and Burgesses thus summoned added a new representative element to Parliament. The pattern then established has matured into Parliament as we know it today. The experience of seven hundred years has shown that it is the Crown in Parliament which endures; in separation, the partners fail. Together, they have provided an inspiration and a model to the world. Together they have fostered the liberty of the subject and upheld the rule of law. Those assemblies throughout the world in which men regulate their affairs in freedom have been inspired by the example of our own Parliament at Westminster, of which we recognize the germ in the Parliament of Simon de Montfort seven hundred years ago. In living demonstration of that fact, we welcome at this commemoration many Presiding Officers and Speakers, representing Houses of Parliament from every continent, and all members of the Commonwealth.

It is our hope and wish that our great institution of Parliament may grow and continue to benefit mankind all over the world, but especially this Kingdom; and that under God's providence we, the Lords Spiritual and Temporal, may loyally work in Parliament for many years to come under Your Gracious Majesty, to whom we humbly wish a long and happy reign.

The Earl of Longford said:

My Lords, this is the Address which, if Her Majesty is graciously pleased to agree, it is proposed that the Lord Chancellor, as Speaker on behalf of the whole House, should present to Her Majesty in Westminster Hall on Tuesday next, the 22nd June. The terms of the Address, which I hope the House will approve, do not, I think, require any further explanation from me. As the Address makes

clear, our purpose is to celebrate, together with our Sovereign and the Commons and with many representatives of Commonwealth Parliaments, a landmark in the development of our Parliamentary institutions.

Since this development is of significance, we believe, not only to ourselves but also to all the other peoples of the Free World, we shall especially welcome the presence of our colleagues the Presiding Officers of the Commonwealth Senates at this celebration. Arrangements have been made for them to attend Prayers with us when this House meets next Tuesday at 11 a.m., and the Queen's formal permission is being sought for them to accompany this House in attending Her Majesty in Westminster Hall.

The Motion was supported by the Right Honourable the Lord Carrington, K.C.M.G., M.C., Leader of the Opposition, who said:

My Lords, on behalf of those who sit on these Benches, I should like wholeheartedly to support the Motion which the noble Earl the Leader of the House has moved. I do not think it is necessary for me to say anything else, except that we greatly welcome the invitation given to the Presiding Officers to attend our Prayers on Tuesday next, and hope very much that they will be able to accept, because we should be greatly honoured by their presence.

The Motion was also supported by the Lord Amulree, Chief Whip of the Liberal Peers, who said:

My Lords, in the absence of my noble friend Lord Rea, I should like on behalf of the noble Lords on these Benches to associate myself with the remarks which were made by the Leader of the House and by the Leader of the Opposition.

On Question, the Motion was agreed to, *nemine dissentiente*, and it was ordered that the Address should be presented to Her Majesty by the Whole House. It was also ordered, That the Lords with White Staves do wait on Her Majesty to know when Her Majesty will be pleased to appoint to be attended with the said Address, and whether Her Majesty will be pleased to permit the invited representatives of overseas Parliaments of the Commonwealth to accompany this House in attending Her Majesty.

THE RESOLUTION FOR AN ADDRESS IN THE HOUSE OF COMMONS, 16th JUNE, 1965

On the same day, in the House of Commons, the Lord President of the Council, the Right Honourable Herbert Bowden, C.B.E., M.P.,

moved, That an Humble Address be presented to Her Majesty, as follows:

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled, humbly beg leave to offer to Your Majesty our sincere thanks for the reference to the seven hundredth anniversary of Parliament in the Gracious Speech which Your Majesty made to both Houses at the first meeting of this present Parliament.

It is fitting that the English Parliament summoned by King Henry III at the instance of Simon de Montfort, Earl of Leicester, and Steward of England, to meet in London on 20th January, 1265, should be especially recorded. It was the first known English Parliament to which representatives of the citizens and burgesses were summoned, in addition to Prelates, Lay Magnates and Knights of the Shire. There were thus present for the first time in Parliament the chosen representatives of the Communities of England—the shires, cities and boroughs—who were in later generations to constitute the House of Commons.

We rejoice that the principles of parliamentary governments have been developed and strengthened through seven centuries of history. We rejoice, moreover, that they have been established in many countries which recognise Your Majesty as Head of the Commonwealth. It is with special pleasure that we express our thanks to Your Majesty for the arrangements which have enabled us to welcome the Speakers and Presiding Officers of so many parliaments in the Commonwealth among us on this occasion.

We humbly thank Your Majesty for this opportunity to celebrate the origin and development of this institution, the Crown in Parliament, which is the foundation of our liberties under the rule of law, and trust that with God's help it may ever be preserved.

The Question was then put, and agreed to, *nemine contradicente*.

The House also agreed to the following Motions moved without notice by the Leader of the House:

That the said Address be presented to Her Majesty by the whole House.

That such Members of this House as are of Her Majesty's Most Honourable Privy Council, do humbly know Her Majesty's Pleasure when she will be attended by this House with the said Address and whether Her Majesty will be graciously pleased to permit the invited representatives of overseas Parliaments of the British Commonwealth to accompany this House in attending Her Majesty.

PROCEEDINGS IN PARLIAMENT

17th and 21st JUNE, 1965

On Thursday, the 17th June, in the House of Lords, the Lord Chamberlain, the Lord Cobbold, G.C.V.O., reported to the House:

My Lords, I have the honour to inform you that her Majesty the Queen has appointed 12 noon on Tuesday, June 22, in Westminster Hall, to be the time and place at which Her Majesty will be attended by this House to receive their Address on the occasion of the commemoration of the Simon de Montfort Parliament of 1265, and has given her permission for your Lordships to be accompanied by representatives of overseas Parliaments in the Commonwealth.

On the same day, in the House of Commons, it was Resolved, That, notwithstanding the provisions of paragraph (1) of Standing Order No. 1 (Sittings of the House), on Tuesday next this House do meet at a quarter to Eleven o'clock, and after Prayers, Mr. Speaker do suspend the Sitting until half-past two o'clock, and that at that hour the House do proceed with business as provided in paragraph (1) of Standing Order No. 1 (Sittings of the House), as if the House had met at that hour.

On Monday, the 21st June, in the House of Commons, the Lord President of the Council, the Right Honourable Herbert Bowden, C.B.E., M.P., reported to the House, as follows:

I have to inform the House that Her Majesty the Queen has appointed 12 noon on Tuesday, 22nd June, in Westminster Hall, to be the time and place at which Her Majesty will be attended by this House to receive their Address on the occasion of the commemoration of Simon de Montfort's Parliament of 1265 and has given permission for the Commons to be accompanied by representatives of overseas Parliaments of the Commonwealth.

THE PRESENTATION OF THE ADDRESSES TO
HER MAJESTY BY BOTH HOUSES IN
WESTMINSTER HALL, 22nd JUNE, 1965

The Sitting of the House of Commons

The ceremonies on Tuesday, the 22nd June, began with a sitting of each House in its own Chamber. At a quarter of an hour before eleven o'clock the Speaker entered the House of Commons, and, in

accordance with normal procedure, the sitting was opened with the traditional Prayers, read by the Speaker's Acting Chaplain, the Reverend Thomas Seymour Nevill, in the presence not only of Honourable Members, but also of strangers, who, on this occasion, contrary to the normal practice, were allowed to occupy seats in the galleries while the Prayers were said.

The form of the Prayers was that in daily use in the Chamber, supplemented by the following Prayer specially composed for use in both Houses on this day.

Almighty and Eternal God, Thou Judge of all the earth, Who hast been our refuge from one generation to another, we humbly seek Thy blessing as we meet to commemorate the Seven Hundredth Anniversary of the Parliament of Simon de Montfort.

We praise Thy name, O Lord, for the goodly heritage bequeathed to us by those who, in bygone days, have served Thee here and for the guidance of Thy Spirit throughout the ages.

Especially do we thank Thee for that Thou didst inspire the minds of our Rulers in times past to call into consultation those representatives of the Shires, Cities and Boroughs of England who, in due time, were to constitute the House of Commons.

Grant that in this place truth and justice, liberty and righteousness may ever flourish and abound, and that, as we seek to know Thy Will, we may have strength and power to fulfil it to the glory of Thy Holy Name and the good of all mankind.

All this we ask for the sake of Him who is the only sure foundation of men and of nations, even Jesus Christ, Our Lord. *Amen.*

The Sitting of the House of Lords

At eleven o'clock the Right Honourable the Lord Gardiner, Lord High Chancellor of Great Britain, entered the Chamber of the House of Lords and took his seat on the Woolsack. Prayers were then read by the Right Reverend the Lord Bishop of Manchester in accordance with the traditional form used by both Houses of Parliament, and including the prayer specially composed for use in both Houses on this day. During Prayers and the subsequent proceedings in the House, Presiding Officers from the Commonwealth occupied seats below the Bar.

The Lord Chancellor then addressed the House, as follows:

My Lords, I have to inform the House that I have received from other Legislatures of the Commonwealth messages of congratulation upon the anniversary that we are celebrating today. I propose to arrange that these messages should be placed in the Library and to convey, on behalf of the House, our cordial thanks for these expressions of good will.

May I also, on behalf of all your Lordships, welcoming the Presiding Officers of Commonwealth Senates who are present with us today, below the Bar. They come from all the five continents of the world, and I shall be proud to lead them in procession to Westminster Hall, there to present, on behalf of the House, our Humble Address to Her Majesty the Queen. This is, I believe, the first time that a Lord Chancellor has been accompanied by colleagues to a ceremony of this kind, but I hope that it may not be the last.

On behalf of all your Lordships, may I extend to them a warm welcome. I hope that their stay in this country will be a happy one and that they will have a safe return to their own homeland.

The Lord Privy Seal, the Right Honourable the Earl of Longford, Leader of the House, then moved, That the House do now proceed to Westminster Hall for the purpose of presenting the Humble Address which the House ordered on Wednesday last to be presented to Her Majesty; and that thereafter the House do adjourn during pleasure and do meet again in this Chamber at half-past two o'clock.

On Question the Motion was agreed to and it was Ordered accordingly.

The Lord Chancellor then left the House, preceded by the Mace, at ten minutes past eleven o'clock, and Members of the House proceeded individually to Westminster Hall.

Westminster Hall

The Great Hall of the Palace of Westminster, within which the Addresses were to be presented to Her Majesty, was originally constructed by order of King William II between 1097 and 1099. It had then a simpler wooden roof, supported on two lines of posts down either side of the Hall. In 1394, however, King Richard II ordered its reconstruction and the installation of the present hammer-beam roof, the largest mediaeval timber roof in Northern Europe.

For the presentation of the Humble Addresses to Her Majesty the Queen by both Houses of Parliament on Tuesday, the 22nd June, 1965, Westminster Hall had been richly furnished and brilliantly illuminated. At the North Door of the Hall and at St. Stephen's Porch Annexes had been erected, hung with blue and white awnings. The entire floor of the Hall was covered with felted cloth on which gilt chairs had been placed for Members of both Houses and invited Guests. Stands, with seats for the Speakers and Presiding Officers, had been erected at the South end, and between them stretched the upper and lower dais, formed by the break in the flight of steps leading from the floor of the Hall to the base of the South Arch. The fronts of the lower stands were covered with beige cloth, edged with gold braid, and the fronts of the two stands on either side of the upper dais, with blue velour and gold braid. Upon the upper dais

two chairs of state with gilt frames and high backs in the style of Louis XVI, upholstered in crimson damask, were set for the Queen and the Duke of Edinburgh. Seven smaller chairs for the other Members of the Royal Family were placed on the right-hand side of the upper dais, and chairs for the Members of the Royal Households in attendance were placed upon the left. To the right and left of the lower dais were seats, on the right hand for the Lord Chancellor and his Train, and on the left for the Speaker and his train. Tables for the support of the Maces of the House of Lords and the House of Commons were set in front of the chairs for the Lord Chancellor and the Speaker.

The Presentation of the Addresses in Westminster Hall

At eleven o'clock the Band of Her Majesty's Grenadier Guards, who were stationed at the north end of the Hall, began to play a programme of music under the direction of Captain R. B. Bashford, L.R.A.M., A.R.C.M., p.s.m., the Director of Music.

During the playing of the first part of this programme of music, Members of both Houses began to assemble in the body of the Hall, the Peers sitting east of the aisle which ran down its centre, the Commons west. High Commissioners representing Commonwealth Countries had seats to the north of the Hall. Among the other guests attending the ceremonies were Their Excellencies the Ambassadors of the United States of America, of France and of the Republic of Ireland; Members of Her Majesty's Supreme Court of Judicature; the Right Honourable the Lord Mayor of London; the Right Honourable the Chairman of the Greater London Council; and the Worshipful the Mayor of Westminster, together with the wives of Members of both Houses of Parliament. In all, some one thousand seven hundred and seventy-five persons were present in Westminster Hall to celebrate the seventh centenary of Simon de Montfort's Parliament.

At twenty minutes past eleven o'clock, Presidents, Prime Ministers and other representatives of the Governments of Commonwealth countries arrived at the North Door Annexe of Westminster Hall and were each, severally, greeted by the Right Honourable Harold Wilson, Prime Minister. They were then led by Mr. Wilson to seats in the front of the stands on the east and west sides at the south end of the Hall. The Presidents, Prime Ministers and Ministers thus attending the ceremony were from:

Canada, the Right Honourable Lester B. Pearson, O.B.E.; *the Commonwealth of Australia*, the Right Honourable Sir Robert Menzies, K.T., C.H., Q.C., M.P.; *New Zealand*, the Right Honourable K. J. Holyoake, C.H.; *India*, Shri Lal Bahadur Shastri; *Pakistan*, His Excellency Field Marshal Mohammed Ayub Khan, G.C.M.G., N.Pk., H.J.; *Ceylon*, Senator the Honourable A. F. Wijemanne;

Malaysia, Dato Donald Stephens; *the Federal Republic of Nigeria*, Alhaji the Right Honourable Sir Abubakar Tafawa Balewa, K.B.E., M.P.; *Cyprus*, Mr. Spyros Kyprianou; *Sierra Leone*, the Honourable Sir Albert Margai; *the United Republic of Tanzania*, the Honourable Mwalimu Julius Kambarage Nyerere; *Jamaica*, the Honourable D. B. Sangster; *Trinidad and Tobago*, Doctor the Right Honourable Eric Williams; *Uganda*, Doctor the Honourable A. Milton Obote; *Kenya*, the Honourable Joseph Murumbi, M.P.; *Malawi*, Doctor the Honourable H. K. Banda; *Malta*, Doctor the Honourable G. Bork Olivier; *Zambia*, His Excellency Doctor K. D. Kaunda; and from *The Gambia*, the Honourable D. K. Jawara.

At twenty-six minutes before noon the Speaker resumed his seat in the Chamber of the House of Commons. He then left the Chamber in Procession, being joined in the Commons Lobby by Speakers of Parliaments and others holding equivalent office in the countries of the Commonwealth. At twenty-two minutes before noon the Procession entered Westminster Hall by the East Door, announced by a short fanfare of trumpets. The order of the procession was as follows:

BAR DOORKEEPER

Mr. M. G. Evans

BAR DOORKEEPER

Mr. E. J. Blake

ASSISTANT SERJEANT AT ARMS

Commander D. Swanston,
D.S.O., D.S.G., R.N. (retired)

DEPUTY SERJEANT AT ARMS

Lieutenant-Colonel P. F. Thorne

SERJEANT AT ARMS

Rear-Admiral A. H. C. Gordon Lennox, C.B., D.S.O.
carrying the Mace

MR. SPEAKER

The Right Honourable Sir Harry Hylton-Foster, Q.C., M.P.

SPEAKER'S TRAINBEARER

Mr. W. J. Betts, M.B.E.

SPEAKER'S SECRETARY

Brigadier Sir Francis Reid, C.B.E.

SPEAKER'S ACTING CHAPLAIN

The Reverend T. S. Nevill

CLERK OF THE
HOUSE OF COMMONS

Sir Barnett Cocks, K.C.B., O.B.E.

SECOND CLERK ASSISTANT

Mr. D. Barlas, O.B.E.

CLERK ASSISTANT

Mr. D. W. S. Lidderdale, C.B.

FOURTH CLERK AT THE TABLE

Mr. C. A. S. Gordon

SPEAKERS FROM COMMONWEALTH COUNTRIES

The Honourable
Sir John McLeay, K.C.M.G.,
M.M., M.P.,
Speaker of the House of
Representatives, Australia

The Honourable
Sardar Hukam Singh, M.P.,
Speaker of the Lok Sabha, India

Mr. K. A. Ofori-Atta,
Speaker of the National Assembly,
Ghana

Alhaji the Honourable
Ibrahim Jalo Waziri, M.P.,
Speaker of the House of
Representatives, Nigeria

The Honourable Banja Tejan-Sie,
Speaker of the House of
Representatives, Sierra Leone

The Honourable
C. A. Thomasos, M.P.,
Speaker of the House of
Representatives, Trinidad and
Tobago

The Honourable
Humphrey Slade, M.P.,
Speaker of the House of
Representatives, Kenya

The Honourable P. Pace, M.P.,
Speaker of the House of
Representatives, Malta

The Honourable A. S. Jack, M.P.,
Speaker of the House of
Representatives, The Gambia

The Honourable
A. R. W. Stumbles,
Speaker of the Legislative
Assembly, Southern Rhodesia

The Honourable
A. A. Macnaughton, Q.C., M.P.,
Speaker of the House of Commons,
Canada

The Honourable
Sir Ronald Algie, M.P.,
Speaker of the House of
Representatives, New Zealand

The Honourable
Sir Albert Peries, K.B.E., M.P.,
Speaker of the House of
Representatives, Ceylon

The Honourable Dato' Chik
Mohamed Yusuf bin
Sheikh Abdul Rahman,
S.P.M.P., O.B.E., J.P., M.P.,
Speaker of the House of
Representatives, Malaysia

Mr. Glafkos Clerides,
President of the House of
Representatives, Cyprus

The Honourable T. C. Golding, M.P.,
Speaker of the House of
Representatives, Jamaica

The Honourable
Narendra Patel, M.P.,
Speaker of the National Assembly,
Uganda

The Honourable I. K. Surtee, M.P.,
Speaker of Parliament, Malawi

The Honourable
W. P. Nyirenda, M.P.,
Speaker of the National Assembly,
Zambia

The Right Honourable
Sir Norman Stronge, Baronet,
H.M.L., M.C., M.P.,
Speaker of the House of Commons
Northern Ireland

The Honourable
R. H. Symonette, M.H.A.,
Speaker of the House of
Assembly, Bahamas

The Honourable H. R. Vaghjee,
Speaker of the Legislative
Assembly, Mauritius

The Honourable
A. P. Alleyne, M.H.A.,
Speaker of the House of
Assembly, British Guiana

The Honourable
F. J. Archibald, J.P., M.L.C.,
Speaker of the Legislative
Council, Grenada

The Honourable
L. Cools-Lartigue, O.B.E., M.L.C.,
Speaker of the Legislative
Council, Dominica

Mr. R. H. Le Masurier, D.S.C.,
President of the States, Jersey

The Honourable
M. P. Allen, O.B.E., J.P., M.L.C.,
Speaker of the Legislative Council,
St. Christopher-Nevis-Anguilla

The Honourable
W. Thomson, O.B.E., J.P.,
Speaker of the Legislative
Council, Gibraltar

The Honourable
H. Maurice Scott,
C.B.E., D.F.C., M.L.C.,
Speaker of the Legislative
Council, Fiji

Doctor the Honourable
A. M. Merriweather,
O.B.E., M.L.A.,
Speaker of the Legislative
Assembly, Bechuanaland

The Honourable J. D. A. Germond, C.B.E., M.L.C.,
Speaker of the Legislative Council, Swaziland

Mr. P. G. Molloy, M.C.,
Secretary, United Kingdom Branch,
Commonwealth Parliamentary Association

The Honourable
Sir John Cox, C.B.E., M.H.A.,
Speaker of the House of Assembly,
Bermuda

The Honourable
J. E. T. Brancker, Q.C., M.P.,
Speaker of the House of Assembly,
Barbados

The Honourable
H. C. Kerruish,
O.B.E., C.P., M.H.K.,
Speaker of the House of Keys,
Isle of Man

Doctor the Honourable
F. J. Clarke, M.L.C.,
Speaker of the Legislative
Council, St. Lucia

The Honourable E. F. Adams,
M.L.C.,
Speaker of the Legislative
Council, St. Vincent

The Honourable
W. H. Courtenay, O.B.E., M.H.R.,
Speaker of the House of
Representatives, British Honduras

The Honourable D. W. Hurst,
M.L.C.,
Speaker of the Legislative
Council, Antigua

The Honourable
Sir Arthur Charles, C.B.E.,
Speaker of the Legislative
Council, Aden

Sir William Arnold, C.B.E., C.St.J.,
President of the States, Guernsey

Mr. W. P. Stanford, C.B.E., D.F.C.,
Speaker of the National Assembly,
Basutoland

On arriving at the foot of the steps at the south end of the Hall, the procession broke up, the Speaker moving to his chair before a table on the west side of the lower dais, and the Speakers from Commonwealth countries proceeding to their seats in the stands reserved for them on either side of the upper dais. The Mace was laid on the table before the Speaker.

At thirteen minutes before noon the procession of the Lord Chancellor, in which he was accompanied by the visiting Presiding Officers and those holding equivalent office, entered Westminster Hall, announced by a short fanfare of trumpets. The order of the procession was as follows:

SUPERINTENDENT OF CUSTODIANS

Lieutenant-Commander S. E. Glover, M.B.E., D.S.C.

PRINCIPAL DOORKEEPER

Mr. W. Day, B.E.M.

PERMANENT SECRETARY TO THE LORD CHANCELLOR

Sir George Coldstream, K.C.B., Q.C.

SERJEANT-AT-ARMS

Captain K. L. Mackintosh, R.N.,
carrying the Mace

PURSE BEARER

Mr. B. Goddard

THE LORD CHANCELLOR

The Right Honourable the Lord Gardiner

TRAIN BEARER

Mr. H. Broadbelt

PRIVATE SECRETARY TO THE LORD CHANCELLOR

Mr. T. S. Legg

READING CLERK

Mr. P. G. Henderson

CLERK ASSISTANT

Mr. R. W. Perceval

CLERK OF THE PARLIAMENTS

Sir David Stephens, K.C.B., C.V.O.

GENTLEMAN USHER OF THE BLACK ROD

Air Chief Marshal Sir George H. Mills, G.C.B., D.F.C.

PRESIDING OFFICERS FROM COMMONWEALTH COUNTRIES

Senator the Honourable
T. Amarasuriya, O.B.E.,
President of the Senate, Ceylon

Senator the Honourable
Sir Alister McMullin, K.C.M.G.,
President of the Senate, Australia

Senator Doctor the Honourable
Nwafor Orizu,
President of the Senate, Nigeria

The Honourable Dato'Haji Abdul
Rahman bin Mohamed Yasin,
S.P.M.J., P.I.S., J.P.,
President of the Senate, Malaysia

Senator the Honourable
J. H. Maurice,
President of the Senate,
Trinidad and Tobago

Senator the Honourable
Doctor F. R. Duhaney,
President of the Senate, Jamaica

Colonel the Right Honourable
the Lord Glentoran, H.M.L.,
Speaker of the Senate,
Northern Ireland

Senator the Honourable
T. M. C. Chokwe,
Speaker of the Senate, Kenya

Senator the Honourable
E. W. Francis,
President of the Senate,
British Honduras

Senator the Honourable
L. J. Knowles, C.B.E.,
President of the Senate, Bahamas

Senator the Honourable Doctor S. P. Makotoko,
President of the Senate, Basutoland

Mr. James Batten, M.V.O.,
Assistant Secretary,
United Kingdom Branch,
Commonwealth Parliamentary
Association

Chief Clerk, House of Lords
Mr. J. V. D. Webb,

Before taking his seat, the Lord Chancellor returned the salutation of the Speaker, who had risen on his entrance and bowed. The Mace was laid on the table before the Lord Chancellor.

At eleven minutes before noon, Her Majesty's Bodyguard of the Honourable Corps of Gentlemen-at-Arms and The Queen's Bodyguard of the Yeoman of the Guard entered Westminster Hall by the East Door and proceeded to their appointed places at the south end of the Hall.

At seven minutes before noon, Her Majesty Queen Elizabeth the Queen Mother; Her Royal Highness the Princess Margaret, Countess of Snowdon, and the Earl of Snowdon; His Royal Highness the Duke of Gloucester; Her Royal Highness Princess Marina, Duchess of Kent; Her Royal Highness Princess Alexandra, the Honourable Mrs. Angus Ogilvy, and the Honourable Angus Ogilvy were received at St. Stephen's Porch by the Lord Great Chamberlain, the Most Honourable the Marquess of Cholmondeley, G.C.V.O., and the Minister of Public Building and Works, the Right Honourable Charles Pannell, M.P. The Members of the Royal Family, whose arrival was announced by a short fanfare of trumpets, were conducted by Members of the Royal Households to chairs on the right of the chairs of state.

At five minutes before noon, Her Majesty the Queen Elizabeth II, accompanied by His Royal Highness the Prince Philip, Duke of

Edinburgh, entered Westminster Hall through St. Stephen's Porch to a full fanfare of trumpets. They were conducted to their chairs of state on the dais by the Lord Great Chamberlain and the Minister of Public Building and Works. On the arrival of the Sovereign the Maces were covered, that of the Lord Chancellor with a cloth of crimson velvet, and that of the Speaker with a cloth of green velvet.

On reaching the upper dais, Her Majesty the Queen and His Royal Highness the Duke of Edinburgh stood before the chairs of state while a verse of the National Anthem was played. The Queen sat down and the assembled company was then seated. The Clerk of the Parliaments, Sir David Stephens, handed to the Lord Chancellor the Address which the House of Lords had resolved to present to Her Majesty. The Lord Chancellor read the Address agreed to by the Peers.

The Lord Chancellor advanced up the steps from the lower to the upper dais carrying the Address of the House of Lords. He knelt and handed the Address to Her Majesty, then withdrawing down the steps to his seat behind the Mace.

Sir Barnett Cocks, Clerk of the House of Commons, handed the Address of the House of Commons to the Speaker, who then read it.

The Speaker ascended the steps to the upper dais, and, kneeling, presented the Address to Her Majesty; he then withdrew to his seat behind the Mace.

Her Majesty was graciously pleased to reply to the Addresses of the House of Lords and the House of Commons in the following words:

My Lords and Members of the House of Commons

I thank you for the loyal and dutiful Addresses which on your behalf the Lord Chancellor and Mr. Speaker have presented to me.

The event, whose Seven Hundredth anniversary we are celebrating today, occupies a most important and distinguished place in the history of our country, of the Commonwealth, and of free institutions throughout the world. In the manner of constitutional developments in this country, what was at the time little more than an expedient devised from earlier practice, became first an example and then a convention. It is now memorable as the prototype of our Parliamentary system which has, itself, served as a model for many others.

Today we celebrate more than the event itself. We are here to commemorate together the long and often troubled evolution of Parliamentary processes which stemmed from that first meeting, to which, in the course of time, the customs and traditions of Scotland and Ireland have so fruitfully contributed, and which now forms a common legacy cherished by the sister nations of the Commonwealth, whose Parliamentary Representatives it gives me particular pleasure to welcome today.

It is a legacy of practice and also a legacy of intent. The evolution of our system owes much to the mixture of shrewdness and caution which prompted our predecessors throughout the centuries not hastily to devise and then to discard new forms of Government, but always where possible to adapt old forms to new needs; and to their ability to recognise the forms and precedents most suitable to that purpose.

The Parliament of 1265 has a particular significance in relation to the events of the time, but its importance to us today is that it stumbled upon and gave expression to ideas and principles which have been recognised and maintained with growing conviction ever since.

The combination of Knights and Burgesses, strengthened and confirmed in the following century by the convention that the Knights should sit in the same House as the Burgesses and not with the greater nobility, was the growing point of our Parliamentary Institutions. They were to be fashioned and adapted during the succeeding centuries, at first with the encouragement of the Crown, later in conflict with it, and finally in happy union; but all the time expressing more surely the aspirations of the people as a whole.

No one would claim that Parliament has maintained an unblemished record in its evolution, but never has it abandoned its care for the liberties of this Kingdom, as succeeding generations have conceived them. The fulfilment of those liberties has been its greatest glory. Nor can this task ever be at an end; for each generation must still interpret and assert its liberties anew.

Whatever mistakes may have been made in these seven hundred years, the persistent attachment to the great guiding principles of our way of life has served again and again to evoke that idealism and spirit of self-sacrifice that is interwoven in the normal sober and pragmatic character of our peoples.

This combination of idealism and pragmatism has never been more needed than today when we are called to adjust ourselves to rapid changes of world influence, to new social forces and to unprecedented advances of science and technology. We are proud to say that never has Parliament failed in these qualities. Had it been otherwise, then what happened seven hundred years ago would be remembered now only as a discarded constitutional curiosity, and there would be no cause to which to rededicate ourselves today.

We are glad to meet here in the Great Hall of Westminster. We do not know for certain whether the Parliament of 1265 met here or not, though it seems that the conclusions of that Parliament were proclaimed here. But this Hall has been the scene of so many events, splendid or sombre, which have marked the course of our history, that it is for ever associated in men's minds with those great principles for which Parliament has constantly striven. It is from that magnificent past, enshrined in the shadows of this Hall, that we can most surely look towards what the future may hold.

A verse of the National Anthem was played, and the Queen then walked in procession down the length of the Hall, accompanied by the Duke of Edinburgh, the other Members of the Royal Family, and Members of the Royal Households, and preceded by the Lord Great Chamberlain and the Minister of Public Building and Works. The Royal Procession left the Hall by the North Door to a full fanfare of trumpets. As Her Majesty left the Hall, the Serjeants at Arms uncovered the Maces. The Lord Chancellor with the Commonwealth Presiding Officers, and the Speaker of the House of Commons with the Commonwealth Speakers, then left the Hall by the East Door. At twenty-four minutes past noon the Mace was replaced on the Woolsack in the House of Lords, and in the House of Commons the Mace was replaced on the Table. So were concluded the ceremonies held within the Palace of Westminster in Commemoration of Simon de Montfort's Parliament of 1265.

In due course, in accordance with the recommendation of Mr. Speaker's Committee, a bronze tablet was let into the landing of the steps in Westminster Hall where the Queen received the Addresses, bearing the following inscription:

QUEEN ELIZABETH II

HERE REPLIED TO ADDRESSES PRESENTED BY BOTH HOUSES
OF PARLIAMENT ON 22ND JUNE 1965 COMMEMORATING
THE MEETING OF THE PARLIAMENT OF 1265 TO WHICH
SIMON DE MONTFORT EARL OF LEICESTER CAUSED TO BE
SUMMONED IN THE NAME OF KING HENRY III NOT ONLY
PRELATES LAY MAGNATES AND KNIGHTS OF THE SHIRE
BUT ALSO REPRESENTATIVES OF CITIES AND BOROUGHES

X. VERBATIM RECORDS OF DEBATES

ANSWERS TO QUESTIONNAIRE

The questionnaire for Volume XXXIV asked the following questions:

1. What means are used to record debates
 - (a) in the House?
 - (b) in Committee?
2. How soon after a sitting are copies of the Official Report in both cases available to Members?
3. What corrections may be made to the Report and by whom?
4. Is any change in the present methods of recording debate presently under consideration? Please indicate proposals.

Certain Legislatures make no records of their debates; and these are set out before the answers received to the questionnaire. From the replies received to the questions the most useful method of dealing with the other legislatures' replies will be to set them out country by country.

It will be seen that, while the means used in question 1 do not vary significantly, the period of availability of copies of the Official Report is often very different. On the other hand, the replies to question 3 show a marked similarity of practice, particularly as far as the degree of correction which is permissible is concerned.

If no change is contemplated under question 4 no answer is recorded, only details of proposed changes are set out.

The following legislatures make no record of their debates:

Jersey

No verbatim records of debates are made and no change is at present contemplated.

British Columbia

No verbatim records of debates are made and no change is at present contemplated.

Tasmania

Debates are not recorded. On several occasions over the years consideration has been given to the establishment of a Hansard

system, but it has been rejected. There is no present indication that the question will be revived.

Bermuda

No verbatim records of debates are made and no change is at present contemplated.

The answers received from legislatures recording their proceedings are as follows :

United Kingdom : House of Lords

A team of Hansard shorthand writers cover debates in the House and in Committee of the Whole House. A tape recording of the proceedings is made, but this is only used for checking uncertain passages. In all other Committees a verbatim shorthand record is made, by the official shorthand writer to the House; either if the Committee is hearing evidence or if it is felt desirable that a verbatim record of the proceedings should be kept. In some Committees the Clerk takes down notes, fuller than formal minutes (which are kept of all Committee proceedings) and which are circulated to members of the Committee.

The Official Report of proceedings in the House is available the next morning, and a typewritten transcript of Committee proceedings is likewise available the next day.

Peers are allowed to make verbal corrections in the reports of their speeches, but only if those corrections do not substantially alter the meaning of what was said in the House.

United Kingdom : House of Commons

Proceedings in the House are recorded by Hansard shorthand writers, but in Committees tape recordings are made in some cases. The Official Report is available the next morning, and a transcription of Committee proceedings is likewise available to the Committee the next day.

Members are allowed to make verbal corrections in the reports of their speeches in the Daily Part for reproduction in the Bound Volume, but only if, in the opinion of the Editor, those corrections do not alter substantially the meaning of anything that was said in the House.

The typescript report of the Daily Part is not sent to Members for correction before being sent to the printer, but Members may correct the typescript report of their speeches in the Reporters' Room, such corrections also being subject to the same rule as stated above.

Following experiments in Standing Committees, it is proposed to use a tape recording (without reporters) for the recording of debates in three Standing Committees. The debates in the remainder of the

Standing Committees and in the House itself will continue to be reported by reporters.

Isle of Man

Tynwald and *House of Keys*: A verbatim record is kept by means of tape recorders, both in the House and in Committee. The Official Report is made available to Members within a fortnight. The responsibility for editing the report rests with the Clerk of Tynwald and Secretary of the House of Keys.

Canada: House of Commons

In the Chamber of the House of Commons of Canada, debates are recorded in English and in French by shorthand writers, by stenotype (Palantype) and by tape recorders for back-up and emergency use.

In Committee Rooms of the House of Commons of Canada, debates are recorded by tape recorders from which all French discussions are transcribed as well as the majority of the discussions conducted in English. A few of the English discussions are still occasionally recorded and transcribed from shorthand notes or stenotype.

The printed official reports of the debates of the House of Commons of Canada in each of the two official languages (English and French) are both distributed between 9 a.m. and 10 a.m. the following morning. In addition, unofficial copies of typed transcripts of speeches are available to Ministers of the Crown, Members of Parliament and members of the Parliamentary Press Gallery in the language used within thirty minutes to one hour after such speeches have been delivered on the floor of the House.

The printed reports of Committees of the House of Commons of Canada are also published in English and in French, but distribution depends upon the amount of translation that will be required from French into English for the English edition, and from English into French for the French edition. Generally speaking, the English printed edition is normally available within a week, but the French edition may require a month or more (in earlier sessions they have not been available until the next session started), the reason being that considerably more translation is required for the French edition. (French speeches seldom exceed 10 per cent on the average.)

Copies of the typewritten transcripts of discussions in Committees of the House of Commons of Canada are normally available for reference the same day or the following morning. In addition, the "floor" language as well as simultaneous translation of such discussions are both recorded on separate tracks of the same tape and these are available for immediate playback in a matter of minutes.

In the House of Commons of Canada, Hansard Reporters and Hansard Editors of the Official Reports of debates make changes in

the transcript to improve the contents with respect to grammar and composition but not as to substance. The Member making the speech may also make such corrections provided he does so within three hours after he has spoken. Following publication of the daily edition, proofs are sent to Members for changes desired to be included in the reprints of the subsequent bound volumes of the Official Reports of debates also republished separately in the English and French language. These changes must be confined to correction of errors and essential minor alterations. The corrected proofs must be returned to the Debates Office within eight days of the date on which the speech was made. Members also may seek permission of the House to make a change in their speeches for the bound editions, particularly if related to a matter of substance, and this request is published as a preface in that day's daily edition.

Changes in the present methods of recording debates have been under consideration at different times, particularly since 1954. The background of events leading to the today's situation can be traced in detail by an examination of the following references:

(1) Commons Debates of Canada dated 7th April, 1954, page 3845;

(2) Standing Committee on Debates of the House of Commons of Canada (Minutes of Proceedings and Evidence Nos. 1 and 2) tabled 20th December, 1953, with its Fourth Report to the House. The Minutes of Evidence (No. 1) also included the text of a "Report of a Survey of the Debates Reporting Branch of the House of Commons" of Canada made by the Federal Civil Service Commission's Management Analysis Division;

(3) Special Committee on Procedure and Organisation of the House of Commons of Canada, Seventh Report, concurred in by the House on 20th May, 1964, which authorised as follows:

"Your Committee has given consideration to the urgent problem of French reporting in House of Commons Committees. In this connection, your Committee has considered the Third Report of the Standing Committee on Debates made to the House on 20th December, 1963. In view of the pressing necessity to find some immediate solution to the problem, your Committee recommends that satisfactory electronic recording apparatus be installed at the earliest possible date, to be used on a trial basis in selected committee rooms."

(4) Special Committee on Procedure and Organisation of the House of Commons, 20th Report, concurred in by the House on 2nd April, 1965, which authorised as follows:

"1. Your Committee has had under observation the progress being made with the trial use of electronic recording apparatus in selected committee rooms as authorised by the House on 20th May,

1964. (This experiment was recommended in your Committee's Seventh Report presented and concurred in on that date.) Your Committee finds that this apparatus has provided the solution to the problem that was drawn to the attention of the House at that time. It is also the finding of your Committee that the use of such apparatus is not only the solution to providing bilingual reporting services but can be utilised to provide an immediate transcription of simultaneous interpretation and will be the only means available for covering multilingual proceedings of conferences of international parliamentary bodies that are scheduled to meet in this House and in its committee rooms later this year.

"2. Accordingly, your Committee recommends that Mr. Speaker arrange, as soon as possible, for the installation, operation and control of satisfactory electronic recording-transcribing apparatus and procedures, together with compatible sound amplification and simultaneous interpretation equipment and facilities, for the purpose of:

- (1) providing back-up aid or alternative verbatim reporting service in any room designated for committee meetings; and
- (2) providing coverage in the Chamber of the House of Commons for:
 - (i) proceedings of multilingual international or national parliamentary or other public bodies assembled in the Chamber of the House of Commons or its committee rooms, whenever approved by Mr. Speaker; and
 - (ii) English and French proceedings of the House in session on an experimental basis, including use for back-up or emergencies."

(5) In August, 1965, a contract was entered into jointly with Tannoy (Canada) Ltd. and E.M.I. Cossor Electronics to develop and install the necessary apparatus in accordance with specifications designed by the National Research Council to the requirements and procedures devised by staff of the House during the previous year's trials with experimental apparatus.

(6) The situation as at June, 1966, is that the system of tape-recorded debates supplies the requirements needed to cover the entire proceedings for English and French of all Committees including those that travel. The French debates in the House of Commons Chamber are presently in the state of being converted to this system also, due to the unavailability of shorthand reporters to fill these positions as they become vacant. As and when English shorthand reporters cannot be obtained to fill vacant positions, the same conversion process will be applied in that area.

Canada : Ontario Legislative Assembly

Reports of debates in the House are produced by means of a transcription from tape recordings of the proceedings, which is then edited.

There are no verbatim reports in Standing Committees, but in the case of Select Committees it is left in the discretion of the Committee as to whether or not it requires verbatim reporting. If so it is usually done by private companies, the recording being by shorthand writers in some instances and by tape recorders in others. A few years ago it seemed to be the fashion to have verbatim reports for these Committees, but this seems to be changing in the last few years.

Copies of the Official Report are, in both cases, made available to Members in about three days. Members are allowed to make corrections to the report, but only to small errors such as slips of the tongue and errors in transcription.

New Brunswick

A combination system of tape recordings and shorthand writers is in use. The time for producing the Official Report varies from one day to several, depending on the duration of the sitting.

Saskatchewan

Debates in the Assembly are recorded. The equipment used is a Tannoy sound reinforcement system to which is linked a dictaphone belt recorder. No record is made of proceedings in Committee.

Copies of the transcript are available within two to three days after a speech is made. Seven copies are made and distributed to (1) Premier's Office, (2) Official Opposition Office, (3) Second Opposition Party Office, (4) Legislative Library, (5) Government Whip, (6) Legislative Assembly Office, and (7) the Member speaking. The complete report of debates is published in several volumes some two months after the end of the session.

The transcripts are edited by the individual Member who may not, however, make alterations of substance to the text. The revised text is checked by the Editor of Debates and at the end of the session that whole set of revised transcripts is edited by the Clerk before re-typing.

Changes: some form of recording is likely to be extended next session to the Public Accounts Committee which is being reorganised to operate in much the same way as the Public Accounts Committees at Ottawa and Westminster.

Newfoundland : House of Assembly

Debates, both in House and in Committee, are recorded by means of a stenotypist and tape recording. The last publication of the

House took place in 1957. Editing corrections are made by the Editor of Debates.

Australia: Senate

Members of the Parliamentary Reporting Staff take shorthand notes of the proceedings in both the Senate and in Committee. The daily Hansard is circulated each morning, recording the previous day's debates.

The daily Hansard is a proof issue. As such, it is subject to correction; it is not offered for sale; and its circulation is restricted to members of the Parliament and their nominees up to ten to each member, Commonwealth departments and authorities, diplomatic missions and newspapers. Senators and Members are afforded opportunity to make corrections in typescript from which the daily issue is produced. Omission to take advantage of that opportunity does not deprive them of the right to make corrections to the report of their remarks for inclusion in the weekly edition which is the final, corrected version from which the permanent volumes are compiled.

Australia: House of Representatives

The verbatim records of debates in the House and in Committee of the Whole are made by shorthand writers. Some Members are so placed in the Chamber that, at times, their words are difficult to hear at The Table where the reporters are situated and, in consequence, certain speeches are taped for the assistance of the reporters.

Proceedings in the House and in Committee are published as a running record in the same issue of Hansard. Copies are circulated about 9.30 a.m. the next day.

A Member is given the opportunity to read and correct a copy of his speech before it is despatched to the Government Printer. The Hansard report is based on the definition given in *May*: "It is a full report, in the first person, of all speakers alike, a full report being one 'which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which, on the other hand, leaves out nothing that adds to the meaning of the speech or illustrates the argument'." Therefore, alterations of sense and the introduction of new matter are not permissible. A Member may not correct a passage if a later speaker has drawn attention to the error. He may clarify the position by way of a personal explanation.

New South Wales: Legislative Council

A team of four male reporters covers each House, working in ten-minute turns in the Chamber, and then dictating to a typist and editing for thirty minutes. Microphones are suspended in the body of the Chamber and are connected to headphones in the Hansard Gallery.

Edited pulls are available the morning following a sitting; stapled and indexed pamphlets, incorporating corrections, are supplied in from three to five days depending on the intervention of a week-end.

Corrections—typographical or grammatical—may be made by any Member in his own reported speech, and copies of pulls are forwarded for this purpose. Every care is taken to see that this is done promptly, as otherwise the appearance of the pamphlet could be delayed. The Editor of Debates makes the final decision on what to allow, include or exclude.

Mechanical means of recording debates have been considered, but no changes are contemplated at present.

New South Wales : Legislative Assembly

Manual reporting in House and Committee is by Hansard staff, who all write Pitman's shorthand. Printed proof copies, in "galley" form, are available to Members at 9 a.m. the following morning. Daily Pamphlets are available for distribution two days after debate.

Editorial corrections are made by the Hansard staff. Corrections made by Members are limited to any inaccuracy in the report. Alterations of phraseology and the introduction of new matter are not permissible.

No changes are contemplated. It should however be noted that the Legislative Council and the Legislative Assembly share a common reporting staff under the control of the President of Council and the Speaker of Assembly.

Queensland : Legislative Assembly

Hansard reporters are used for proceedings in the House and in Committee. All printing is done by the Government Printing Office.

Proofs are available the following morning at 9 o'clock. Corrected report in Hansard pamphlet form supplied to Members and subscribers approximately seven days later.

Only minor alterations are allowed by the Chief Reporter. The Member confers with the Chief Reporter in regard to any correction he desires in his speech. The Chief Reporter then refers the matter to Mr. Speaker for approval or otherwise.

Victoria : Legislative Council

Hansard shorthand writers are used in the House and in Committee, and proofs of the Official Report are available the next day. A Member is permitted to make verbal corrections to his speech.

Western Australia : Legislative Assembly and Legislative Council

Reporting is carried out by a team of Hansard reporters, both for debates in the House and in Committee. The Member concerned

receives a proof copy of his speech one hour after delivery, and proof copies of other Members' speeches from mid-day after their delivery. Corrections may only be made by the Member concerned and no substantial alterations are allowed.

Northern Territory : Legislative Council

All debates are recorded electrically, on tape recorders. A privileged copy (partly edited, typewritten and duplicated) from this recording is made available, for Members only, next day. An edited and printed copy is available for distribution in approximately one month.

Members are given the opportunity to indicate corrections they would like made. The Editor of Hansard may accept these if no material change is made to the speech, and, in the event of a dispute, the President makes a final decision.

The present method is both cheaper and more satisfactory than using shorthand writers.

India : West Bengal Legislative Assembly and Legislative Council

Debates in the House are recorded by a mixed system of shorthand writers and tape recorder. Committee proceedings are not recorded unless evidence is taken; otherwise the notes of the Secretary to the Committee constitute the Record.

Cyclostyled copies of the Record are made available two days after the proceedings, but the production of the printed report takes time.

Members may make verbal corrections which do not substantially alter the sense. The expunction of vulgar and indecent words is ordered by the Speaker under rule 355 (1) of the West Bengal Legislative Assembly Procedure Rules and by the Chairman under rule 236 of the West Bengal Legislative Council Procedure Rules. Editorial emendations are made on the suggestions of the Editor of Debates.

West Pakistan

The debates are recorded verbatim by the reporters and are also tape-recorded. Debates in Committees are not recorded; only minutes of the meetings are recorded.

Copies of the proceedings in the House are normally made available to the Members concerned for approval the next day. Printed copies of the debates are normally supplied in about three months. Minutes of the meetings of the Committees are made available to Members within a couple of days.

Members can make verbal corrections not changing the sense of what was said. These corrections to the debates are made by the Printing Office, with the approval of the Speaker, before the debates are printed.

Sarawak

Proceedings of the House are recorded by stenographers on loan for each meeting from various Government Departments. The proceedings are also recorded on tapes and the stenographers can check their shorthand notes against the tapes.

Proceedings of the Committee are recorded in the same way as above.

Although Members can get extracts of, or refer to, the relevant parts of their speeches one to two weeks after a sitting, the printed copies of the Official Reports are not normally available until six months to one year after a meeting of the House or Committee. This delay is largely due to the Clerk's Office (Department of Legislature) being very much under-staffed, there being only the Clerk himself on the establishment and he has to share a common supporting staff (typists, etc.) with another office. The use of stenographers from outside the Clerk's Office also accounts for this delay since, besides recording the proceedings of the House or Committee, the stenographers have their own duties to attend to in their respective departments. However, the Department of Legislature is trying to get a Deputy Clerk and it is hoped that with his appointment there will be some improvement in the production of the Official Report.

Only corrections in respect of grammar and minor points of fact may be allowed; no alterations of the main points of the speeches actually made in the House or Committee are permissible. Corrections and vetting are first made by Members and later by the Clerk who compiles the scripts from various stenographers into Official Report form.

Trinidad and Tobago

Debates in the House and in Committee are recorded by note-takers and on tape-recording machines from which checks are made if necessary.

Corrections of grammatical mistakes and arrangement of sentences are permitted to be made by Members. A Member is not permitted, however, to delete passages which have been included in speeches of the House, nor to include passages for purposes of completion of ideas improperly expressed. The Hansard Editor is also permitted to make corrections of obvious mistakes in grammar and arrangement.

Aden

Debates are recorded, both in House and in Committee, by tape recorders, and the Official Report is not ready for a month at the earliest. Corrections, which may only be of printing, spelling or grammar, are made, with the consent of the Member concerned, by the Speaker/Clerk.

Guyana

The recording of debates, both in House and in Committee, is performed by four official reporters, three using shorthand, and the fourth using a Palantype machine.

Unrevised typescript copies are available within two to four weeks, but printed Hansards are not available for approximately six to twelve months, both depending on the number of Sittings of the Assembly and the length of each Sitting.

Minor corrections may be made by Members, provided they do not change the sense or meaning of the typescript copy, *i.e.* what was recorded by the official reporter.

Other corrections may be made on representation to Mr. Speaker, whose decision is final.

However, every endeavour is made to follow the definition of Hansard Report, *viz.*: "a report which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which, on the other hand, leaves out nothing that adds to the meaning of the speech".

Gibraltar

Debates in the House and in Committee are recorded by means of a tape recorder. A stenographer is also in attendance.

The time of production of the Official Report depends on the pressure of other work on the Clerk, who edits the report. Under normal conditions, and if the report is not excessively lengthy, it is made available to members within ten days or a fortnight after the meeting. It is not always possible to achieve this, but items of special interest or parts of the report urgently required by Members are occasionally provided separately within a day or two of the meeting.

All Members are entitled to send in corrections to the report. These are normally minor alterations. Tapes are kept available for checking alterations if necessary, although the need to refer to the tapes for this purpose has not yet arisen as far as can be remembered.

New microphones, recording equipment and loudspeakers were installed during 1965. The method of recording, however, remains basically the same.

New Zealand

Proceedings in the House are recorded by a staff of nine shorthand writers who dictate from their shorthand notes to typists. Tape recordings are also made of the proceedings as an occasional aid to the shorthand writers and as a check for accuracy.

In the Committee of the Whole House on the introduction of Bills the debates are reported in full. In Committee of Supply on the

estimates and in the Committee stage of Customs Bills the debates are reported in third person, condensed. In the Committee stage on Bills the debates are not reported, the only record made being of amendments and divisions.

There is at present no target date for the production of the Official Report. The period within which it is made available to Members varies usually from about nine to twenty-four days according to the demand upon the printing facilities for other urgent work.

Over the past year, because of the acute shortage in New Zealand of skilled typesetting operatives, serious delays have occurred in the production of the official report. Discussions are at present being held with the Government Printer with a view to considering the possibility of introducing automatic typesetting equipment as a means of solving this difficulty. Under this system, three touch typists, under the control of the Editor of Debates, would be trained in the use of perforating machines, a typewriter-like machine which reproduces the copy in the form of perforations in paper tape. The coded tape would be transmitted to the Government Printer, along with the original copy, to be fed into automatic linecasting machines which sense the tape and translate the coded combinations into mechanical action to produce lines of type automatically at almost twice the speed of a manual operator. A computer with a memory bank may be introduced into the system to handle justification and other end-of-line decisions. Investigations to date indicate that such a system could result in a 50 per cent increase in production at reduced cost.

The typescript of reports of speeches is sent out to Members for revision and return within twenty-four hours. A Member may make minor or grammatical alterations to the report of his speech, but unless it can be demonstrated that he has been misreported, alterations of meaning or substance are not allowed.

No change in the present methods of recording debates is at present contemplated. Owing to the difficulty experienced in recruiting competent shorthand writers consideration has been given to the use of tape recordings monitored and transcribed by less highly qualified personnel, but experiments indicate that, having regard to cost, efficiency, and reliability, this would not be a satisfactory alternative means of recording parliamentary debates. Efforts therefore continue to be directed towards the recruitment of competent shorthand reporters, using tape recordings only as an occasional aid and as a check for accuracy.

Ceylon: Senate

In the House as well as in Committee speeches are taken down in shorthand by the Hansard reporters and the transcript printed. At present tape recorders are used to record speeches as an aid to the Hansard reporters. This forms the Senate Hansard. Uncorrected

copies of the Hansard are generally available the following morning. Verbal corrections, provided, in the opinion of the Editor, they do not alter substantially the meaning of anything said in the House, may be made by the Member or the Editor.

India : Lok Sabha

The debates of the Lok Sabha are recorded verbatim in shorthand by the Parliamentary Reporters and transcribed into longhand and stencilled for circulation to Members concerned for confirmation.

In the case of the Committees, generally no verbatim record of proceedings is kept except where evidence is recorded.

Stencilled proceedings of Lok Sabha or of the Committees are sent to the Members for confirmation as they are processed. This may take till the morning or later, depending upon the amount.

Members may make corrections in their own speeches when they are sent to them for confirmation. However, the scope of corrections is limited to correction of inaccuracies which may have occurred in the process of reporting, as the official report has to be a correct reproduction of the proceedings in the House. Only minor corrections, viz., those in respect of quotations, figures, names, etc., are allowed and any improvement of literary form or alteration of substance by additions or deletions is disallowed.

Corrected speeches are required to be returned by the Members by 15 hours on the next day in the case of Questions and Answers and by noon on the third day in case of other proceedings. Corrections which are not received within the specified time limit are not included in the manuscripts of the debates and the reported version alone is utilised.

India : Andhra Pradesh

The proceedings of both the Houses of the Andhra Pradesh Legislature and their Committees are recorded by the official reporters in the respective languages, namely Telugu, English, Urdu and Hindi.

As regards the sittings of the two Houses manuscript copies of the speeches are made available to the Members concerned within ten days.

As regards the Committees, copies of the proceedings are supplied to the Members within two days.

The Editing Section edits the proceedings and only grammatical and patent errors are corrected. The Members are also given the opportunity to correct any inaccuracies which may have occurred in the process of reporting, but not for the purpose of improving their literary form or of any altering or adding to their substance.

India : Maharashtra

Official reporters record the debates in shorthand and transcribe them, both in the House, and in the Committee. Reports become available generally between four to seven days after a sitting.

Only minor verbal, grammatical or idiomatic changes may be made to the report, but no new argument, fact or figure can be added by way of correction by the Member for whose approval the copy is sent.

A proposal to have tape recorders in addition to official reporters, who record the debates, is under consideration.

India : Orissa Legislative Assembly

Debates, both in the House and in Committee, are taken down in shorthand. The Official Report of debates in the House is available to Members the next day, and the Report of proceedings in Committee becomes available within a fortnight.

Members are allowed to make minor corrections, and the Chairman of a Committee may correct the report of that Committee.

India : Rajasthan

Proceedings of the Assembly, both in House and in Committee, are taken down by verbatim reporters. Typed copies of the proceedings of the House are available to Members the following day in the library. The official printed copies are available within a period of from two to three months.

Members concerned are sent copies of their speeches for confirmation, and Members may make corrections of a formal or a verbal nature to them.

India : Madhya Pradesh Vidhan Sabha

Official reporters take down the proceedings both in House and in Committee.

As soon as printed copies of the proceedings of the House are received from the Government Press, they are made available to all the Members of the House. So far as Committees are concerned, the verbatim records of debates are not supplied to the members.

One copy of the proceedings of the House is made available to each concerning Member. When the same is returned with the corrections, the additions and alterations which are not objectionable are carried out by the office of the Secretariat.

India : Gujarat

Reporters take down verbatim proceedings of the business of the House. In addition, arrangements for tape-recording machines are in existence to solve the discrepancy or ambiguity, if any, in the speeches. In case of speeches delivered at high speed or in case of disorder in the House, the transcript is compared with the tape before it is finalised.

Reporters take down the proceedings of the meetings of the Committees appointed by the Legislature. Arrangement for a tape recording is made only in the meeting of the Public Accounts Commit-

tee when witnesses are examined, and the transcript of the proceedings is compared with the tape in case of any doubt.

Printed copies of Official Reports are sent to the Members within a period of three months after the Session is prorogued. None of the proceedings of any of the Committees are printed at present.

A copy of the speech made by a Member in the House as well as in the meeting of the Public Accounts Committee is sent to him for his approval. Scope of corrections is, however, very limited, e.g. verbal corrections, omitting repetitions and grammatical and other obvious mistakes. A correction which alters substantially the meaning of anything which was said in the House or Committee or an addition of something which was not said at all in the House or Committee is not allowed.

India : Punjab Legislative Council

The notes are taken by the reporters in shorthand in English, Hindi and Punjabi, depending upon the language used by the Members, and then transcribed by the reporters.

Ordinarily debates in Committee meetings are not recorded verbatim, except however when representatives of Government Departments or other witnesses are examined by a Committee.

Since the Punjab State Legislature does not have a press of its own, the work of printing of Official Reports is entrusted to the Controller, Printing and Stationery, Punjab. The reports are made available to the Members as soon as possible, depending upon the work load with the Press.

The transcribed copies of the speeches are sent to the Members with the request that these be returned to the Council Secretariat within twenty-four hours. The corrections, if any, made by the Members are checked by the Secretariat before carrying them out in the final Press copy of the Official Report.

Other minor corrections/improvements are made at the time of the revision and editing of the Official Report.

India : Uttar Pradesh Legislative Council

The proceedings of the Uttar Pradesh Legislative Council are recorded verbatim by ten official reporters who are appointed by the Secretariat on a permanent basis. Proceedings of meetings of a Committee of the House are also recorded by the official reporters.

A copy of the manuscript speeches at a sitting of the House becomes available after two or three days for the Members in the Legislative Council Secretariat, but copies of the printed Official Report are supplied to the Members by the Government Press direct only after about a year or so. The verbatim proceedings of the meetings of a Committee are not published and as such the question of their supply to the Members does not arise. But a record of the

proceedings can be seen by the members of the Committee in the office after two or three days.

The manuscript record of speeches delivered by the Members in the House are sent to respective members after about four days for correction. After receipt of the corrected MSS from Members they are incorporated in the proceedings. The Members are allowed to correct grammatical or typing errors only and no substantive alteration can be made by them in the MSS. In addition to this, if the Chairman of the Legislative Council is of the opinion that a word or words used in debate are defamatory or indecent or unparliamentary or undignified he may, in his discretion, order that such word or words be expunged from the Proceedings of the Council.

Malta

Standing Order 173 provides that:

“ All debates and discussions in the House of Representatives shall be taken down by officers appointed to this effect, and after having been perused and signed by the Clerk and by the Speaker, shall be printed and shall constitute the journals of the House.

“ In the case, however, of sittings held behind closed doors, the House may order that the debates and discussions be not taken down, or alternatively, although taken down as stated above, be not printed or reproduced in the journals of the House.”

These officers, who are styled Shorthand Writers and Clerks, take down in shorthand the discussions in the House and in Committee. They are Government officers appointed after a competitive examination. They have to be very proficient in reporting the Maltese and English languages which are both official. Their full complement is eight and they take turns of ten minutes each.

The Shorthand Writers transcribe their notes and type direct on Multilith Masters which are sent to the printing office for publication. The unrevised report is published from eight to ten days after the sitting.

A copy of the unrevised report is sent to all Members, who are allowed to make changes in their speeches and correct any mistakes appearing therein, but such changes and corrections should not alter the meaning or give rise to a different interpretation of the speech.

The revised report is published many months later.

No change in the method of recording debates is presently under consideration; however, if the situation in the recruitment of Shorthand Writers does not improve, consideration would have to be given to some alternative method. Shorthand Writers are very difficult to find. The system of tape recording was tried once, but it was found that it did not help very much. The human element is considered indispensable for reporting the debates.

Grenada

For debates in the House a staff of shorthand writers work in fifteen-minute shifts, and tape recording is also used. In Committee a shorthand writer records the proceedings when the Committee is hearing evidence. The Official Reports are ready in approximately two weeks.

Grammatical or spelling errors may be corrected either by Members or by the Clerk who acts as editor.

XI. APPLICATIONS OF PRIVILEGE, 1965

AT WESTMINSTER

Reflections on conduct of Members.—On 15th February, 1965, Sir Herbert Butcher, Member for Holland-with-Boston, complained of expressions reported in the *Sunday Express* newspaper of 14th February, 1965, as having been used by Mr. Duffy, Member for Colne Valley, on Friday, 12th February, at a meeting at Saddleworth.

A copy of the said newspaper was delivered in, and the passage complained of read by the Clerk, as follows:

“ Sensational Attack on Tory M.P.s
A Labour M.P. says ‘ Some were half-drunk in debates ’
(*Sunday Express Reporter*)

A Labour M.P., Mr. Patrick Duffy, has made a sensational attack on Tory members of Parliament. He is reported to have said that some Tory M.P.s were ‘ half-drunk ’ and ‘ disgusting to look at ’ during recent censure debates in the Commons.

Tories, told of the accusations last night, were enraged. A tremendous row is inevitable.

It was on Friday, at the annual social of Saddleworth (Yorkshire) Labour Party, that Mr. Duffy, who is M.P. for Colne Valley, raised this explosive issue.

He is reported to have told the 80 people who had paid 7s. 6d. each for their tickets: ‘ Some of the Tories were half-drunk during the debates.

It was disgusting to look at them, and I only wish some of their constituents knew about this. Their condition not only hindered the debate but also threatened the whole purpose of having a Parliament.’

When Mr. Duffy was interviewed by the *Sunday Express* yesterday at his political ‘ surgery ’ in Uppermill, near Oldham, Lancashire, he said: ‘ I stand by everything I said last night.

One had only to look at the other side of the House to see that some of the members—I refuse to name them—were not themselves but had clearly wine and dined very well.’

Shut the Bar.

The deliberate and insistent obstruction, involving synthetic points of order and the baying, to prevent Government Front Benchers from being heard, was due to the fact that some of the Opposition members came straight from the bar and created virtual chaos.

Some Tories have always looked upon the House of Commons as one of the best clubs in London because of the bar facilities which are often available until the early hours during a long debate.’ ”

Mr. Speaker stated that he would consider the complaint and give his ruling the next day. In the meantime he refused to entertain submissions by other Members.*

* *Com. Hans.*, Vol. 706, cc. 855-7.

The next day he ruled that the complaint did raise a *prima facie* breach of privilege. Mr. Duffy did not avail himself of the right to address the House, and withdrew. On the motion of the Leader of the House, the matter was referred to the Committee of Privileges.*

The Committee held three meetings on this subject, and received a memorandum from the Clerk of the House which dealt with the precedents. A passage in another newspaper, the *Daily Telegraph* of 15th February, was also brought to their attention. It alleged that Mr. Duffy had said that

“ the last censure debate . . . was reduced to a farce by Opposition Members coming in straight from the bar and creating virtual chaos with synthetic points of order and baying . . . ” In the opinion of Your Committee, this remark could mean that the Members who raised points of order were the worse for drink and, as their names were recorded in Hansard, they could be identified.

Mr. Bowden, Leader of the House and Chairman of the Committee, wrote to Mr. Duffy and asked if these two reports were an accurate version of what he had said.

Mr. Duffy, in reply, agreed that the report in the *Sunday Express* was accurate, though incomplete. In regard to the quotation from the *Daily Telegraph*, he claimed that the remarks he made had been “ telescoped ”. The “ synthetic points of order ” referred to the early part of the debate, and the phrase “ coming in straight from the bar ” referred to the later part. He further stated that he certainly contemplated no personal imputations and no breach of privilege was intended, and that he was only anxious to uphold the prestige of Parliament and to this end he unreservedly withdrew any remarks which might be construed to the contrary. He declined an invitation to give evidence to the Committee.

The Committee reported their findings to the House on 8th March as follows:

Your Committee have carefully considered the precedents of this type of complaint. In 1701 the House of Commons resolved that “ to print or publish any books or libels, reflecting upon the proceedings of the House of Commons, or any Member thereof, for, or relating to, his service therein, is a high violation of the rights and privileges of the House of Commons ” (C.J., 1699-1702, 767). Since then, words or writings reflecting on the House, and on Members of the House, have constantly been punished upon the principle that such acts tend to obstruct the House in the performance of its duties by diminishing the respect due to it. The precedents of similar cases to this one, quoted in the memorandum of the Clerk of the House, show that the House has always regarded allegations of drunkenness as a gross libel on the House and a breach of its privileges.

Your Committee find that the words spoken by Mr. Duffy constitute a gross contempt of the House and a breach of its privileges. Your Committee, however, having had regard to the terms of Mr. Duffy's letter, recommend that the House should take no further action in the matter. †

* *Ibid.*, cc. 1011-12.

† H.C. 1964-65, No. 129.

Alleged defamations seeking to deter Member from carrying out his duties.—On 22nd February, 1965, Mr. Warbey, Member for Ashfield, complained of various articles, one from the *Spectator*, a journal then edited by Mr. Ian Macleod, Member for Enfield, and one from the *Daily Telegraph*. He read to the House:

“ The *Spectator*, February 19, 1965.

Views of the Week
Warbey's Wanderings

On January 4, Mr. William Warbey, Labour M.P. for Ashfield, and his wife arrived in Hanoi, the capital of North Vietnam where they were greeted at Gia-lam airport by Mr. Tran Xuan Bach, Secretary-General of the Central Committee of the Vietnam Fatherland Front, and other members of that body.

For the next ten days they stayed at the Thong Nhat Hotel as guests of the Front. In the course of a television programme (*Dateline*, February 9), Mr. Warbey himself confirmed that his hotel expenses had been paid by the Vietnam Fatherland Front.

Now, the Vietnam Fatherland Front is a Communist 'front' organisation formed and financed by the Communist régime in North Vietnam, so that it is hard to understand how Mr. Warbey can reconcile his membership of the British Labour Party with his acceptance of the hospitality of such a body. His trip appears more puzzling still in view of the fact that North Vietnam is, at the present time, directing and supplying armed aggression against a friendly state, South Vietnam, and is responsible for the killing of both South Vietnamese and Americans. Moreover, North Vietnam has repeatedly expressed its wholehearted support for Indonesian aggression against a Commonwealth country, Malaysia, in a war in which British soldiers are being killed.

Mr. Warbey brought back to this country in his baggage a Vietnamese Communist propaganda film, part of which has already been shown on B.B.C. Television (*Tonight*, February 8). He himself has not been idle since his arrival in London, for he has published a long letter to *The Times* and two articles in *The Guardian* about Vietnam. In addition, he has appeared in three television programmes (*Panorama*, February 8; *Dateline*, February 9; and *Arena*, February 11) and has spoken in sound broadcasts in the B.B.C. General Overseas Service. He is among the Labour M.P.s who tabled a motion in the House of Commons on February 10 to bring pressure on their leaders to change present British policy on Vietnam.”

The other passage which I would wish to submit in evidence is from today's issue of the *Daily Telegraph*, 22nd February, 1965:

“ ‘ Privilege ’ Issue in B.B.C. Dispute
Daily Telegraph TV and Radio Staff

Mr. William Warbey, Labour M.P. for Ashfield, Nottingham, refused to comment last night on a controversy over a radio programme on Vietnam as it was 'connected with a subject which might be raised today as a matter of Parliamentary privilege'.”

Later, the same article states:

“ Mr. Crozier said yesterday: ‘ I was not surprised when I heard that Mr. Warbey would not appear with me in view of what happened in a *Dateline* programme the previous night, when I asked him who had paid his hotel bill at Hanoi. He said it was the Vietnam Fatherland Front. This is a Communist organisation. Several M.P.s have been their guest in the past. I

accept the view that the programme the B.B.C. put on was not unfair, but the fact is that two experts on Vietnam were kept out because of Mr. Warbey's objections.'"

Mr. Warbey continued:

The passages which I complain of, by innuendo and insinuation and the false association of ideas, are likely to convey the impression, and appear intended to convey the impression, that because I have received hospitality from a foreign Government or political organisation in the course of travelling abroad to obtain information for use in Parliamentary debates I am not a witness of truth, but a bribed spokesman of a foreign organisation. There are also reflections upon my loyalty to my Parliamentary oath and the political party which promoted my election to Parliament.

The references in the *Spectator* article to a Motion tabled for debate in the House and in the *Daily Telegraph* to other Members of Parliament who have been the guests of foreign organisations in the past constitute, in my submission, a reflection on the conduct of several, and perhaps of all, Members of Parliament. If this kind of thing is persisted in it may well have the effect of deterring Members of Parliament in general from travelling abroad in search of information for use in future Parliamentary debates or from giving the House a faithful and honest account of what they have seen and heard.

I ask you to rule, Sir, that a *prima facie* case has been made out.

*Copies of newspapers handed in.**

The next day Mr. Speaker ruled that Mr. Warbey's complaint did not disclose a *prima facie* breach of privilege. Mr. Warbey then complained of a postcard he had received as follows:

"Dear Mr. Warbey,

Listening to your comments on TV, I formed the opinion that you are only in the Labour Party to further the Communist cause.

Be good enough to admit this and change your party!"

and the signature is, "Realist".

I think that the reaction of a large number of hon. Members on the other side of the House to my reading of the words in this communication is a sufficient indication of my complaint that the purpose of this communication is to intimidate me from expressing my rights of free speech in this House and from my right to have those expressions listened to by other hon. Members of the House as honest expressions of my own opinions.

Postcard handed in.†

This also, Mr. Speaker the next day ruled, did not disclose a breach of privilege.‡

Certain Members were not content to leave the matter there and put down a motion

That, in the opinion of this House, the publications of which the hon. Member for Ashfield complained on Monday, 22nd February, 1965, are a deliberate and unequivocal direct attack upon the hon. Member's honour, good faith, integrity and loyalty in the discharge of his parliamentary duties, and by implication also upon those of the many hon. Members on all sides of the House who have from time to time paid visits to foreign countries, some of them not recognised by Her Majesty's Government, in pursuit of their

* *Com. Hans.*, Vol. 707, cc. 42-4.

† *Ibid.*, cc. 240-2.

‡ *Ibid.*, cc. 407-8.

duties and obligations as Members and that this House therefore considers that the question whether the said publications do in fact constitute a contempt of Parliament should be considered and reported upon by the Committee of Privileges.

The Leader of the House agreed to find time to debate it, since

" I think that the House has a right, as my hon. Friend is of opinion that his honour and integrity have been impugned, to voice its opinion on this and to decide whether it feels that the matter should be referred to the Committee of Privileges."*

The matter finally came before the House on 24th March, when Mr. Sydney Silverman, Member for Nelson and Colne moved:

" That the complaint made by the hon. Member for Ashfield on 22nd February, 1965, regarding certain publications be referred to the Committee of Privileges."

He had changed the form because it was brought to his attention that some Members thought the terms of his original motion begged the question. He accepted that public figures should be subject to criticism. Free speech, however, was subject to certain conditions if it was to be truly free. One was, that comment should not " except for very adequate reasons indeed impugn the good faith, impugn the honour, or impugn the integrity of the person who has been attached and criticised ". There was, in the articles complained of, the imputation that the Member for Ashfield had been corruptly influenced by hospitality received, and, among other things, when signing the Motion of 10th February which sought to bring pressure to bear on the Government to change British policy on Vietnam. The matter should be investigated by the Committee of Privileges.

Mr. Selwyn Lloyd, Member for the Wirral, agreed that the House should " very much beware of seeking to extend (their) privileges or to widen the interpretation of them. He recalled the Speaker's ruling of 1887—

" The rule is that when imputations are made, in order to raise a case of privilege the imputations must refer to the actions of hon. Members in the discharge of their duties in the actual transaction of the business of the House."

Moreover while the House was rightly sensitive about imputations against unnamed Members, it ought to be rather stricter where a named Member was concerned, since he would have other remedies. He cited the findings of the Committee of Privileges on the Hogg case,[†] and urged the House to negative the motion.

In the debate, which lasted three hours, various Members in support of the motion relied on the unfair nature of the attack on Mr. Warbey and his inability to get equal publicity for his reply to the attack. The Solicitor General, who intervened, sympathised with

* *Ibid.*, cc. 618-19.

† See THE TABLE, Vol. XXXIII, pp. 125-6.

Mr. Warbey as the object of a clear innuendo of having been influenced in his public conduct by hospitality received in North Vietnam. He advised the House, however, that in his view this did not amount to a breach of privilege. He, like many other Speakers, stressed the need to confine privilege within the narrowest possible limits.

The motion was defeated by 159 votes to 114.*

Letter to Members containing threat.—On 12th May, 1965, Mr. Allaun, Member for Salford East, raised the following matter of privilege:

This afternoon many hon. Members in the House received two leaflets and a letter. The leaflets bear the Swastika and a photograph of Hitler, and are so deliberately intended to raise hatred towards coloured and Jewish people that I do not intend to spread this poison by repeating them.

The letter is more serious. It is headed: "To Members of the House of Commons", and I wish to read only the following two sentences from it:

"The toleration and encouragement by Parliament of the coloured invasion and Jewish domination of Britain and the Racial Relations Bill designed to facilitate this constitutes an act of treason"—

and the word "treason" is underlined—

"against the British nation. We give notice that it will be treated as such in the National Socialist Britain of the future, and those of you primarily responsible will then be brought to trial for this crime."

I should like to make it clear, if it needs to be made clear, that this movement has no connection with any Socialist movement, and merely uses that name. The name and address of the organisation are on the letter, so that its authors are known. For these reasons, I suggest that there is a breach of Parliamentary privilege. †

The next day, Mr. Speaker ruled that a *prima facie* breach of privilege had been disclosed and at the instance of the Leader of the House the matter of the complaint was referred to the Committee of Privileges. ‡

The Committee held two meetings and heard evidence from the Clerk of the House. They reported to the House on 27th May in the following terms:

1. Your Committee have carefully considered the passages of the letter to Members which was the subject of the complaint.

2. Your Committee are of opinion that the document constitutes a breach of privilege in attempting by improper means to influence Members of Parliament in their Parliamentary conduct. Nevertheless, in view of the improbability that any Member would be in the slightest degree influenced by its terms, they are of opinion that the dignity of the House will be best maintained by its taking no further action in regard to this offence. §

Misreporting by a newspaper.—On 21st June, Mr. Raymond Fletcher, Member for Ilkeston, complained of a newspaper report in the *Sun* of 19th June, which he read to the House:

* *Com. Hans.*, Vol. 709, cc. 576-640.

† *Ibid.*, c. 1924.

‡ *Com. Hans.*, Vol. 712, ci. 1671-2.

§ *H.C.* 1964-65, No. 228.

" No night sittings for me—M.P."

" A Labour M.P. who was ordered by doctors to rest after Wednesday night's marathon House of Commons sitting said yesterday:

' These all-night debates are a completely needless bore. I do not intend to take part in any more of them.' The M.P., 43-year-old Mr. Raymond Fletcher, was taken ill during the 21 hr. 38 min. sitting that ended at noon on Thursday. Doctors later told him that he must rest for an indefinite period."

" Mr. Fletcher, M.P. for Ilkeston, Derbyshire, said: ' In future I shall only go to the Commons during the day. All-night sittings will be out of the question.' "

Mr. Fletcher complained that in misreporting what he had said, the *Sun* had made it appear that he had made an arrogant statement which treated the House with contempt and that he was therefore in contempt of the House.

The following day Mr. Speaker ruled that the complaint did not disclose a *prima facie* breach of privilege. †

Offensive reference to Members.—On 5th July, 1965, Sir Robert Cary, Member for Withington, complained of words spoken by the Chancellor of the Exchequer in a speech at Swansea. These words were reported in that day's *Daily Telegraph* and read by Sir Robert to the House in the following terms:

In referring to some hon. Members of the House, the Chancellor said:

" he did not think of them as the honourable Member for X, or Y or Z.

" " I look at them and say " Investment trusts ", " Capital speculators " or " That is the fellow who is the Stock Exchange man who makes profit on Gilt Edge ".

I have almost forgotten their constituencies, but I shall never forget their interests.' " †

The next day, Mr. Speaker ruled that the complaint disclosed a *prima facie* breach of privilege.

The Chancellor of the Exchequer thereupon assured the House that " nothing in my speech at Swansea was designed, intended or meant to reflect upon the House of Commons ", and withdrew.

The Leader of the House then moved the customary motion to refer the matter to the Committee of Privileges, which both front benches hoped would be agreed to without further comment at that time.

The back benches, however, took a different view, and a debate lasting over half an hour ensued. The complaint that the House was over-sensitive about its privileges was voiced by several Members. Mr. Michael Foot, Labour Member for Ebbw Vale, said:

Moreover, when I look at the statement that has been made by the Chancellor of the Exchequer, I think that those who say that this constitutes a *prima facie* breach of privilege, and who claim that they are injured, are showing themselves extremely thin-skinned, and that if such matters were referred to the Committee of Privileges, and, even worse, if they were auto-

* *Com. Hans.*, Vol. 714, c. 1200-2.

† *Ibid.*, c. 1471.

‡ *Com. Hans.*, Vol. 715, cc. 1134-35.

matically referred to the Committee of Privileges without any debate, it might injure the whole process of free speech both within this House and outside it.

Mr. Hooson, Liberal Member for Montgomery, echoed thus:

I think that the House is far too sensitive about these matters. Far too many matters are being referred to the Committee of Privileges. It is incumbent upon the House to take a far more robust view and to have competition in invective, and so on, as the hon. Member suggested.

and Mr. Biggs-Davison, Conservative Member for Chigwell, agreed that the privileges of the House were "certainly overdue for reform" and hoped that from the debate would come a new impetus towards reform.*

The motion to refer the matter to the Committee of Privileges was carried only by 254 votes to 248.

The Committee received a memorandum from the Clerk of the House and exchanged letters with the Chancellor of the Exchequer. The findings of their report† were—

The Committee of last Session, in their Report on the Hogg case, stated:

"It has long been accepted that neither House of Parliament has any power to create new privileges. Your Committee believe that it would be contrary to the interest of the House and of the public to widen the interpretation of its privileges especially in matters affecting freedom of speech. Your Committee and the House are not concerned with setting standards for political controversy or for the propriety, accuracy or taste of speeches made on public platforms outside Parliament. They are concerned only with the protection of the reputation, the character and the good name of the House itself. It is in that respect only and for that limited purpose that they are concerned with imputations against the conduct of individual Members."‡
(H.C. 247, para. 8 (1963-64.))

Following the mounting disquiet on the bounds of privilege in recent years, a Select Committee on Parliamentary Privilege was set up on 5th July, 1966. to—

"review the law of Parliamentary Privilege as it affects this House and the procedure by which cases of privilege are raised and dealt with in this House and to report whether any changes in the law of privilege or practice of the House are desirable".

Its findings will be reported in a later issue of THE TABLE.

AUSTRALIA: HOUSE OF REPRESENTATIVES

Contributed by the Clerk

Misuse of a photograph of the House for advertising purposes.—
On 18th August, 1965, the Honourable A. A. Calwell, Leader of the Opposition, raised a matter of privilege§ based upon an advertise-

* *Ibid.*, cc. 1349-64.

† H.C. 1964-5, No. 269.

‡ See THE TABLE, Vol. XXXIII, pp. 123-6.

§ V. & P. 1964-65, p. 347; H. of R. *Hans.*, 18th August, 1965, pp. 149-50.

ment containing a photograph of the House of Representatives in session which had been published in certain prominent Australian daily newspapers that day.

The photograph showed the Leader of the Opposition standing in his place at The Table and, by means of an artist's "balloon", appearing to use certain words advertising a particular make of motor vehicle.

Mr. Calwell stated that the advertisement held up the House to ridicule and "that any honorable Member could be put in the position of appearing, in the minds of the public of Australia, to abuse his rights and privileges in this Parliament either for his own gain or for the benefit of his friends".

Mr. Calwell moved, That the matter be referred to the Committee of Privileges.

Sir Robert Menzies, Prime Minister, in seconding the motion, strongly supported the remarks of the Leader of the Opposition and informed the House of his own feelings in the matter when he said, "and I can assure the honourable the Leader of the Opposition that if he had not moved this motion I should have done it myself".

The Committee met on eight occasions and called nineteen witnesses who were examined on oath.

Prepared notes on the law of Parliamentary Privilege having particular application to the case under investigation were submitted to the Committee by the Clerk of the House and were amplified in subsequent oral evidence.

The Committee was also assisted by the appearance before it of the Solicitor-General of the Commonwealth (Mr. A. F. Mason, Q.C.).

It was established that the photograph used in the advertisement was copied from an official photograph of the House sitting. It was purchased in the normal way from the News and Information Bureau by the artist who had been commissioned by the advertising agency to prepare a "topical" budget advertisement to be published on the day following the presentation of the 1965 Budget.

The advertising material was received by the newspapers concerned only a matter of hours before going to press. It was not normal for the staff of the newspapers involved to scrutinise very closely advertising material emanating from reputable and well-known national agencies.

Two of the newspapers concerned withdrew the advertisement after the first edition. Subsequently, others offered apologies, either by letter or in the press.

As far as the Committee could ascertain, there had been no previous complaint in Australia or in other Commonwealth countries based upon the use of a photograph of a legislature in session.

Section 49 of the Constitution states that—

"The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members of the committees of each House, shall

be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees at the establishment of the Commonwealth."

The Parliament has not so declared except in relation to several minor powers, viz.: Parliamentary Papers Act (protection of Printer), Broadcasting of Parliamentary Proceedings Act (protection of the Australian Broadcasting Commission) and Public Accounts Committee Act and Public Works Committee Act (provisions respecting witnesses before these committees).

The Committee therefore had recourse to the precedents and practice of the House of Commons.

The privilege position, if there is no exact precedent, is dealt with in the following extract from May's *Parliamentary Practice*, 17th ed., p. 109:

"It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no *precedent* of the offence."

This reference in May stems from a complaint in the Commons on the 29th June, 1938, which was referred to the Committee of Privileges, and is known as 'The Sandys Case'. The Committee reported that they had not been able to find any precise precedents for the circumstances of the case but that taking all the circumstances into consideration, they found that a breach of privilege had been committed."

The Australian Committee concluded that, although no precise precedent could be found, publication of the photograph was within the scope of the law of privilege as defined in May's *Parliamentary Practice*, 17 ed., pp. 117-26:

"In 1701 the House of Commons resolved that to print or publish any books or libels reflecting on the proceedings of the House is a high violation of the rights and privileges of the House, and indignities offered to their House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing *the respect due to them*.

Reflections upon Members, the particular individuals not being named or otherwise indicated, are equivalent to reflections on the House.' (p. 117.)

'Analogous to the publication of libels upon either House is the publication of false or perverted, or of partial and injurious reports of debates or proceedings of either House or committees of either House or misrepresentations of the speeches of particular Members.' (p. 118.)

'Publishing scandalous misrepresentation of what had passed in either House or what had been said in debate' and 'Publishing gross or wilful misrepresentations of particular Members' speeches' are instances of breaches cited on p. 119.

'Other acts besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to

obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority may constitute contempts.' (p. 120.)

'Wilful misrepresentation of the proceedings of Members is an offence of the same character as a libel.' (p. 126.)"

The Committee found that publication of the photograph was a breach of privilege and that responsibility for the publication lay with ten persons who were named. These were variously the chairman of directors, managing director, manager or editor of the motor corporation, advertising agency, and newspapers concerned.

The Committee also found that the publication was without malice towards the House or any Member or intent to libel and was the result of negligence and a lack of appreciation of what was involved.

The Report of the Committee was presented to the House on 16th September, 1965, and was ordered to be printed. Consideration of the Report was made an order of the day for the next sitting.*

On the 23rd September, the Order of the Day was called on; † the first speaker being the Prime Minister who said that the Government agreed with the view of the Committee. He went on to say that this was not a case for the imposition of penalties, but that the House should place on record its own belief in the matter.

The Prime Minister then moved—

"That the House agrees with the Committee that the advertisement in question involved a breach of parliamentary privilege.

That in the opinion of the House the said advertisement was also defamatory of the Honourable the Leader of the Opposition, in that it falsely represented him as using his parliamentary position to advertise a commercial product.

That while the House accepts the Committee's finding that the advertisement was published without malice, and recognises that most of those concerned with its publication have made suitable apologies, it is of opinion that it should record its censure of the advertisement and its reprimand to those concerned in its publication, namely—(*here were set out the names of the ten persons referred to earlier in this Article*)."

The motion was seconded by the Leader of the Opposition who spoke briefly.

A member of the Privileges Committee, Mr. A. D. Fraser, was the only other Member to speak, following which the motion was carried.

Mr. Speaker informed the House that he would transmit the resolution to the offenders. This he did the same day.

Subsequently, replies were received from the parties concerned advising their compliance with the resolution of the House.

* V. & P. 1964-65, p. 373; Parl. Paper 1964-65, No. 210.

† V. & P. 1964-65, p. 386; H. of R. *Hans.*, 23rd September, 1965, pp. 1210-13.

TASMANIA: HOUSE OF ASSEMBLY

Contributed by the Clerk of the House of Assembly

Removal of the Speaker's Chair.—On the 12th May the Speaker's Chair was removed from the Chamber of the House of Assembly, it was however recovered, and returned to the House on the same day. The following extracts from the Assembly's Votes and Proceedings set out the subsequent developments:

Wednesday the 12th of May, 1965, Mr. Speaker said: "I have to bring to the attention of the House a serious incident which occurred early this morning. The Officekeeper (Mr. C. B. Kelly) was aroused from his bed and informed by a Police Officer that an anonymous call had been received at Police Headquarters that the Speaker's Chair had been stolen from this Chamber. Immediate investigations disclosed that this was true and the Police commenced enquiries with a view to ascertaining the circumstances under which it was stolen and the recovery of the Chair as quickly as possible. The Chair was recovered in Cat and Fiddle Alley, Hobart, shortly before midday and returned to the House.

I have received from the Police Department a report covering this incident which shows that the Chair was in the possession of some students of the University of Tasmania when recovered, and that they were guilty of breaking and entering this building for the purpose of removing the Chair.

In my view, the incident itself and the circumstances surrounding it not only constitute a grave breach of the law, but also are in contempt of Parliament, and as such a grave breach of the privilege of this House.

While I am sure all Members of the House would agree with me that reasonable allowance should be made for the high spirits and exuberance of youth, offences of this character cannot be overlooked and must be dealt with with due regard to the gravity of the offence. I do not wish to say any more at this stage except to recommend to the House that the incident and all its circumstances be referred to the Committee of Privileges with a view to obtaining from that Committee after full enquiry a recommendation as to the steps which should be taken to deal with those persons responsible for the removal of the Chair, and I invite the Honourable the Premier to move accordingly."

Mr. Premier rising in his place expressed his appreciation to Mr. Speaker for informing the House of the incident and the invitation to move to refer the matter to the Committee of Privileges. However, having insufficient information on which to move such a Motion at this time, he asked Mr. Speaker if he could have more time to consider the matter; a request with which Mr. Speaker concurred.*

Thursday the 13th of May.—The Honourable the Leader of the Opposition (Mr. Bethune), rising on a question of Privilege, inquired whether Mr. Premier had yet decided any positive course of action in relation to the removal of the Speaker's Chair yesterday;

And Mr. Premier having replied in the Negative;

Motion made and Question proposed—That the incident which occurred early yesterday morning, which resulted in the removal of the Speaker's Chair from this House be referred to the Committee of Privilege for investigation and report to the House, together with such recommendations as the Committee may think fit as to what, if any, action should be taken in the matter. (Mr. Bethune.)

A Debate arose thereupon;

* House of Assembly, Votes and Proceedings No. 7, p. 35.

Ordered, That the Debate be adjourned until a later hour. (Mr. Minister for Education.)*

Then the Order of the Day being read for the resumption of the Debate on the Question proposed earlier today, relating to the removal of the Speaker's Chair. Mr. Speaker made the following statement:

"Since the Debate on this subject was adjourned this afternoon, I have received the Police report on the incident involving the removal of the Speaker's Chair from this Chamber. In view of the trend of the Debate, I find myself in something of a quandary as to the action I should take in regard to this matter.

The report discloses that four University students were involved in the incident. If they are to be charged in the Court for the offence, it would be quite improper for me to disclose the details of the Police investigation at this stage. I propose, therefore to await the decision of the House on the Question before the Chair."

And the Question being again proposed;

The House resumed the said adjourned Debate.

And the House having continued to sit after Twelve o'clock midnight;

FRIDAY MAY 14, 1965.

And the Question being put;

The House divided:

So it passed in the Negative.

Mr. Speaker said: "In view of the decision now taken by the House, I am left in the position of making my own decision without the advice of the Privileges Committee. I may seek the Solicitor-General's opinion, but in any case I would like to assure the House that the decision I shall make will be to the best of my ability in the interests of justice, with due regard to the privileges of this House."†

On Tuesday the 18th of May, Mr. Speaker said: "Further to my statement to the House on Thursday last concerning the removal from the House by certain University students of the Speaker's Chair, I wish to say that as the House has already resolved that this matter should not be referred to the Committee of Privileges it has been left to me as Speaker to decide what action, if any, is required to be taken. I am prepared to accept that responsibility, but on the legal aspects surrounding the case I have consulted the Solicitor-General (Mr. D. M. Chambers, Q.C.). At the outset I wish to say that I am advised that the evidence does not support a charge of breaking and entering. The breaking and entering must be done with an intent to commit a crime, which in this case would be the crime of stealing, but there would be no stealing unless the offenders, at the time of removing the Chair, intended permanently to deprive the House of it. The evidence shows that their intention was merely to make it the object of a 'mock auction' for the purpose of raising money for charity and then return it.

I can assure the House that the incident has been fully investigated by the police and all the relevant facts have been ascertained. In the result, I am advised that the only charge which could be brought against the offenders is one under the Trespass to Lands Act 1862, a breach of which carries a penalty of a small fine. In deciding whether I should request the police to lay charges of trespass I have taken into account the following factors:

- (1) The Chair was removed as a prank by certain irresponsible students who, nevertheless, should have known better than to have done what they did.
- (2) Care was obviously taken to see that the Chair was not damaged and it was returned without damage of any sort.

* *Ibid.*, No. 8, p. 41.

† *Ibid.*, p. 45.

- (3) Each of the four students concerned in the removal of the Chair has made a written statement in which he has apologised to the Parliament and to the Speaker for what was done, and further, I have received from the President of the Tasmanian University Union a letter in which he extends the apologies of the Tasmanian University Union for the removal of the Chair and makes it clear that its removal was not authorised by the Students' Representative Council of the Union. He also emphasised that no disrespect was intended either to me as Speaker or to the House in connection with the incident.
- (4) The police file reports that each of the students is faced with the prospect of disciplinary action by the University authorities or the Students' Representative Council.
- (5) With the sole motive of regaining the Chair undamaged as early as possible so that it might be restored to Parliament, a senior officer of police apparently gave an undertaking that if the Chair was returned promptly in an undamaged state, no police action would be taken against the offenders. The officer concerned may have exceeded his authority, but it was done in good faith and it resulted in the restoration of the Chair within the hour.

Having regard to all these circumstances, I do not feel that a prosecution is warranted and accordingly I do not propose to request any further action by the police.

In conclusion, I would like to say that I hope that the four young men concerned with the removal of the Chair will clearly understand that any acts of this nature committed in the future will be much more severely dealt with."*

LOK SABHA

Contributed by the Secretary of the Lok Sabha

Alleged misreporting of the Prime Minister's speech in the House by a newspaper.—On the 5th March, 1965, Shri Mani Ram Bagri, a Member, sought* to raise a question of privilege that on the 2nd March, 1965, in reply to a question from Dr. Ram Manohar Lohia, another Member, the Prime Minister stated,† “At present I am speaking in English and will continue to speak in English. But in future I will speak in Hindi”, but those remarks had been misreported in the *Statesman*, dated the 3rd March, 1965, which stated “Mr. Shastri said he would continue in English but would in future speak in Hindi too”. Shri Bagri contended that the addition of the word “too” in the newsreport had changed the meaning of the Prime Minister's remarks.

The Prime Minister (Shri Lal Bahadur Shastri) explained that it was never his intention that he would not speak in English in future.

The Speaker (Sardar Hukam Singh) then ruled‡ *inter alia*:

“If the newspaper has added the word ‘too’ it is not of such an importance that the privilege of the House has been violated and the House should not take notice of such a trivial matter. . . . Regarding the question of misreporting by the newspaper, if the word ‘too’ is written there, it does not

* *Ibid.*, pp. 52 and 53.

† *L.S. Deb.*, 5.3.1965, cc. 1739-47.

‡ Original in Hindi.

mean that it has been done *mala fide* and we cannot conclude from this that it was done with malice to project something else. Shri Shastri has also explained. Apart from Shri Shastri's explanation, I feel that if they have written this, there was no *mala fide* or prejudice on their part and the House should not take notice of this. I do not give my consent to raise the matter."

Making of an important statement by the Congress President when the House was in Session.—On the 14th April, 1965, Shri Bade, a Member, sought* to raise a question of privilege arising out of the statement reported to have been made by Shri Kamraj, the President of the Congress Party, regarding the Cabinet decision to amend the Official Languages Act, when the House was in session.

Refusing his consent to raise the matter, the Speaker (Sardar Hukam Singh) ruled *inter alia*:

"... Parliament is not being directed or controlled by anybody outside. Any statement that any one makes there, however eminent he might be, does not matter much so far as we are concerned. He may have his own capacity or his own position, I do not know that. I have already held and told the Members that this is no breach of privilege. Even if a Minister makes any statement outside, I have held it so many times that there is no question of any breach of privilege at all. It is only a courtesy that must be shown to the House. There may be some impropriety about that. . . . There is no question of any breach of privilege. . . . If it had been made by a member of the Government, the question of impropriety would arise, not if somebody makes it."

Casting reflection on the report of a Parliamentary Committee.—On the 19th April, 1965, Sarvashri Brij Raj Singh and Ram Sewak Yadav, members, sought† to raise a question of privilege arising out of a statement given to the Press by a spokesman of Bharat Sewak Samaj which appeared to be a rejoinder to the report of the Public Accounts Committee on the Bharat Sewak Samaj and certain remarks alleged to have been made by Shri B. K. Chandiwala, Chairman, Delhi Pradesh Bharat Sewak Samaj, at a public function to the effect that the Public Accounts Committee's Report was like Miss Mayo's report.

The Speaker (Sardar Hukam Singh) informed the House that he had received a letter of apology from Shri Chandiwala which stated *inter alia*:

"I am informed that some of my remarks are liable to be construed as being disrespectful towards Parliament. I have never been in Parliament and I do not know the intricacies and technicalities of Parliamentary practice and procedure. . . .

I have, however, been all my working life a social worker and a humble follower of Gandiji. . . .

I, therefore, respect freedom and democracy and nothing could be farther from my mind than to say anything which is inconsistent with the dignity and prestige of parliamentary institution. . . .

* *L.S. Deb.*, 14.4.1965, cc. 9200-04.

† *L.S. Deb.*, 19.4.1965, cc. 9715-37.

I never intended to cast any aspersions on the conduct of the Public Accounts Committee or its Members. My whole reference was to the summary as has appeared in the press. Still, I take this opportunity of stating that I should have been more careful in choosing my expression, and I have no hesitation in tendering my sincerest regret and apology for the same."

During the debate, the Minister of Law and Social Security (Shri A. K. Sen) stated that Shri Chandiwala's remarks characterising the Public Accounts Committee's Report as like Miss Mayo's Report, which had a particular innuendo, did amount to casting a reflection on the Public Accounts Committee, but he felt that the letter of apology made sufficient amends and the House should accept it. With regard to the Press statement of the *Spokesman* of B.S.S. Shri Sen was of the view that so long as motives were not imputed, so long as reflections were not cast on the conduct either of Parliament or of Members of Parliament or of any Committee of Parliament, any citizen had a right to place such reports as he wanted to place in answer to criticism which were made against the conduct or management of any institution with which he was connected, so long as such expression did not amount to any reflection on the conduct of Committees or Parliament or its Members.

After some debate, the Speaker ruled *inter alia*:

"... The Committees of the House are entitled to the same respect as this House is. Every section is represented there. We do not discuss even the reports because we presume that they have the sanctity of the unanimous decisions of the House when all the sections are represented there. They come to decisions that are unanimous; they have so far been unanimous and the dignity lies in that fact all the more. Therefore, if anybody cast any reflection on the decisions or conduct of the Committee really that is a breach of privilege. There is no doubt. There are two notices. One is a statement by the official. It was no business of any official to come out with a statement immediately after the report had been published. I will request the Government that some action should be taken against him if he has done it. He should realise that it is not his job. When the report of the Committee comes before the House, then if the Government wishes to say anything and contest any finding or conclusion or recommendation of the Committee, it has every right to put up its own case and send it on to me and I will forward it to the Chairman of the Public Accounts Committee. The Committee shall again have a look into those facts and defences and arguments and then if they could not agree among themselves, both the statements shall be laid on the Table of the House. That is the procedure that is to be followed. It is very unfortunate that one official went to the Press immediately after this report had been presented and wanted to justify all those in the absence of sending them to the Committee itself. . . .

Therefore, I will ask the hon. Minister who might be having those people to deal with them that they must explain to them. So far as the explanation is concerned, that might be left here. There is nothing to be done further except the request that I have made to the Government that they should make all the Officers and all those connected with these societies also take care; they must take care that the recommendations of the Committee are not to be criticised in this public manner as has been done just now. . . .

The second thing is about the remarks of Mr. Chandiwala. I was present with the hon. Prime Minister. The whole House has agreed that this is a

clear breach of privilege; there is no doubt about it. I do not think that anybody can put a defence there. He has tried to explain that . . . he offers an apology at the end and says: 'if I have committed any disrespect, I am sorry for it and offer apologies for that'. I think the House would be adding to its dignity if it allowed the matter to rest there. I hope that if this House has not taken any action at this moment this should not be considered that it would not take any action in future if anything of that sort is repeated. It is a serious matter and everybody concerned should take note of this."

Alleged intimidation of the Chairman of a Parliamentary Committee by a Minister in the Lobby.—On the 21st April, 1965, Shri Ram Sewak Yadav, a Member, complained* that on the 19th April, 1965, Shri J. B. Kripalani, another member, said in the House that Shri G. L. Nanda, the Minister of Home Affairs, had told Shri R. R. Morarka, Chairman, Public Accounts Committee, before several members in the Lobby that the Public Accounts Committee Report on Bharat Sewak Samaj was prejudicial and that he (Shri Morarka) was working against the interest of the Congress. Shri Yadav contended that as this allegation had not been contradicted either by Shri Nanda or by Shri Morarka, although both were present in the House when Shri Kripalani mentioned it, Shri Nanda's statement was a serious breach of privilege of the House and of its Committee.

During the discussion, Shri Khadilkar raised a question whether a private conversation between two Members, overheard and reported to the House, could form a subject matter of breach of privilege.

The Speaker (Sardar Hukam Singh) then informed the House that Shri Nanda had written to him a letter stating:

"I had a purely private conversation with Shri R. R. Morarka in the Lobby of Lok Sabha. It could not have been my intention to say anything derogatory to the Public Accounts Committee or its Chairman. I am sorry if a contrary impression has been created."

Shri Morarka stated that Shri Nanda did tell him that it was a private conversation between them.

After some debate, the Speaker ruled *inter alia*:

". . . So far as this question is concerned, if any intimidation is caused, or is intended or is likely to be caused, to the Chairman of any Parliamentary Committee, certainly it is a breach of privilege. . . .

. . . there is a . . . category, as has happened in the present case, of some conversation taking place in the lobbies. The other day Shri Mukerjee, and today Shri Khadilkar, Shri Azad and Shrimati Renu Chakravartty have pleaded that if the same rules which are applied to the House are applied to the conversation that takes place in the lobbies, there would be no freedom left for any Members there.

It has been said by Dr. Lohia and repeated by Shri Kripalani, that if the talk takes place between ordinary persons, that does not matter but if it is by people in authority then it should be taken in a different light.

. . . if the language is intended or is likely to cause coercion or intimidation, or any offensive language is used, even if it is outside the House, in the lobby, certainly it is a breach of privilege, it comes under the discipline of the

* L.S. Deb., 21.4.1965, cc. 10238-75.

Speaker of this House, and this House can always take action against that. But the question boils down to this. Shri Nanda has said, as I have read now, that he wanted to convey it to a member of his own party and it cannot be said that because he is the Chairman of a Committee, he is not a party member. Shrimati Renu Chakravartty has said that the moment he becomes a Chairman he ceases to be a member of the Congress. Yet, we have to function on party lines. There might be some meetings held inside the Central Hall. There are some rooms where the parties also hold their meetings. If they sit down and criticise each other, if some member overhears it and brings it up here, of course, that would not be a subject of breach of privilege.

I am inclined to hold that if such an incident occurred in the lobby, then the person aggrieved is actually the one who has been intimidated or coerced, or against whom such language had been used.

If he brings a complaint then the House should take notice of it; not if it is brought by other Members who overhear him or who happen to be present there at that time. I have to safeguard the freedom of the members to talk freely inside the lobbies. That must be reconciled with the breach of privilege that might be committed. Both things have to be taken together.

In view of what Shri Nanda has written, that he is sorry that such an impression has been created, the matter is closed and there is nothing more that is required to be done by me."

Removal of a member from the precincts of the House after the rising of Lok Sabha under orders of Speaker.—On the 28th April, 1965, Shri Mani Ram Bagri, a Member, sought* to raise a question of privilege regarding the alleged forcible removal of Swami Ramshwaranand, another Member, from the precincts of the House on the previous day by the Watch and Ward Staff.

Disallowing the question of privilege, the Speaker (Sardar Hukam Singh) ruled† *inter alia*:

"... I cannot allow any demonstrations, etc., within the precincts of the House. I myself had ordered that so long as the House was sitting Swamiji could sit or move about anywhere within the precincts of the House. But if he wished to stay after one hour of the rising of the House, he had to obtain my permission. In this case when Swamiji stayed beyond one hour of the rising of the House, he was requested to go out. Swamiji said that he would not go out of his own accord but would prefer to be carried away. I have learnt that Swamiji was not dragged but was taken away by the Staff on their shoulders. Therefore, there is no question of breach of privilege in the matter."

Misreporting of the Proceedings of the House by a newspaper.—On the 7th May, 1965, Shri Kishen Pattnayak, a Member, sought‡ to raise a question of privilege arising out of a newsreport appearing in the *Times of India*, dated the 5th May, 1965. Shri Pattnayak complained that during the discussion on the Finance Bill, 1965, Dr. Ram Manohar Lohia and Shri Bishen Chander Seth, members, had made certain allegations against the Minister of Finance, Shri T. T. Krishnamachari, and the latter, in his reply on the 4th May, 1965,

* L.S. Deb., 28.4.1965, cc. 11572-76.

† Original in Hindi.

‡ L.S. Deb., 7.5.1965, cc. 13779-82.

while obviously referring to Shri Seth said "He seems to be an innocuous person—I think a very tame and innocuous person. Somebody must have put him to do it." the *Times of India* had misreported it as, "the fact that neither Dr. Lohia nor Mr. Bishen Chander Seth, both of whom had made personal references to the Finance Minister, was present in the House to hear his reply could mean that somebody must have put them up to do it".

The Speaker (Sardar Hukam Singh) then informed the House that the Editor, *Times of India* who was asked to explain, had stated:

"The Finance Minister did not refer to anybody by name, but the two persons who had made personal references to him were Dr. Lohia and Mr. Bishen Chander Seth. Our Parliamentary Correspondent wrote his impressions of the proceedings in the *bona fide* belief that he was being objective. In any case, we have no hesitation in offering our sincere regret which may kindly be accepted."

The Speaker added that in view of the regret expressed by the newspaper, the matter might be treated as closed.

Publication of a newsreport containing comments on the Report of a Parliamentary Committee.—On the 6th May, 1965, Shri S. M. Banerjee, a Member, raised* a question of privilege regarding publication of a news report in the *Indian Nation*, Patna, dated the 17th April, 1965, and in the *Hindu Madras* dated the 19th April, 1965, containing certain remarks allegedly made by the Minister of Home Affairs (Shri G. L. Nanda) in a public speech at Arrah (Bihar) about the Report of the Public Accounts Committee of Lok Sabha on Bharat Sewak Samaj, which he had subsequently denied in a press report.

The Speaker (S. Hukam Singh) then ruled *inter alia*:

"We had sent that notice to the newspapers concerned, the *Indian Nation* and the *Hindu*. We had asked then if they had to say anything in this respect. We did get a very prompt reply from the *Hindu*, which has expressed regret. It says:

'The original report of Mr. Nanda's speech in Arrah was received by us from the United Press of India and published in the usual course. In the light of Mr. Nanda's denial of any reference to the PAC report on BSS, we have already asked the news agency concerned as to how the wrong report was issued by it to its newspaper subscribers. Meanwhile, we have published the Minister's contradiction and can only express regret for having, inadvertently but *bona fide*, attributed to the Minister remarks which, it transpires, he never made. We would also ask you to convey to the hon. Speaker our assurance that it was not our intention to commit a breach of privilege of the Lok Sabha or its Public Accounts Committee.'

I think that regret is sufficient so far as this is concerned.

So far as the second one is concerned—the *Indian Nation*—we wrote a letter to the *Indian Nation* on the 23rd April, 1965. But it has not shown even the courtesy of acknowledging the letter or sending any reply to us. Under these circumstances, I think the House would like to refer this matter to the Privileges Committee so far as this is concerned."

* *L.S. Deb.*, 6.5.1965, cc. 13492-97.

The House thereafter referred the matter to the Committee of Privileges.

Report and findings of the Committee.—The Committee of Privileges, in their First Report (Third Lok Sabha) presented to the House on the 19th August, 1965, reported *inter alia* as follows:

- “ (i) At the first sitting held on the 10th May, 1965, the Committee noted that the Editor of the *Indian Nation* had since by a letter dated the 5th May, 1965, received in the Lok Sabha Secretariat on the 7th May, 1965, expressed regret for the publication of ‘an inaccurate report regarding certain remarks of the Minister of Home Affairs at a public function at Arrah’ and had assured that ‘it was far from our intention to cast any reflection on the Public Accounts Committee of Lok Sabha on B.S.S.’
- (ii) The Committee also noted that a press report containing the denial issued by the Minister of Home Affairs was promptly published in the *Indian Nation* dated the 23rd April, 1965.
- (iii) The Speaker, before giving his consent to Shri S. M. Banerjee, M.P., to raise the question of privilege in the House on the 6th May, 1965, had in accordance with the established practice given an opportunity to the Editor of the *Indian Nation*, Patna, to state for the consideration of the Speaker what he had to say in the matter. A registered (Acknowledgement Due) letter to this effect was sent to the Editor of the *Indian Nation* on the 23rd April, 1965, which was received by him on the 26th April, 1965. The reply from the Editor, *Indian Nation*, was, however, received only on the 7th May, 1965.
- (iv) The Committee feel that if the Editor of the newspaper had replied earlier or even sent an interim reply, the House and the Committee would have been saved of the time and vexation in considering this matter.
- (v) The Committee recommend that the regret expressed by the Editor, *Indian Nation*, be accepted and that no further action be taken by the House in the matter.
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No further action was taken by the House.

Request for permission to examine an official of the House on Commission and also to examine certain records of the House in connection with a case pending in court.—Shri Om Prakash Sharma, Local Commissioner, Punjab High Court, wrote to the Lok Sabha Secretariat that he had been appointed a Local Commissioner by the District and Sessions Judge, Delhi, to examine the Secretary, Lok Sabha, on Commission as a witness and also to examine certain records of Lok Sabha, in a case styled as *Jagannath Bajaj vs. Firm Jamuna Devi*, pending in the Court of the District and Sessions Judge, Bikaner.

The factual information regarding the case, as furnished by the Local Commissioner, in his letter dated the 6th August, 1965, is reproduced below:

“ Shri Jagannath Bajaj Plaintiff filed a suit No. 10 of 1960 for the recovery of Rs. 27,440/-35 Paise against Smt. Jamuna-Devi daughter of Shri Pannalal Barupal, M.P., and others on the basis of a promissory note and a receipt

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dated 11.4.60 alleged to be executed by Smt. Jamuna Devi. Smt. Jamunadevi filed the written statement denying the execution of the said promissory note and the receipt of money. The plaintiff produced witnesses to prove his allegations. The witnesses stated that the promissory note and receipts were written and signed by Smt. Jamunadevi in the presence of Shri Pannalal Barupal on 11.4.60. One witness Shri Kodanath stated that he attested the alleged receipt on 11.4.60 on being called by Shri Pannalal Barupal. Smt. Jamunadevi filed an affidavit stating that Shri Pannalal was not present on 11.4.60 in Bikaner and he attended Lok Sabha on 11.4.60 and signed the attendance register maintained in the Lok Sabha. He got daily allowance for 11.4.60 from Lok Sabha. In support of these allegations she filed the letters* dated 17.9.64 and 6.10.64 from the Deputy Secretary of the Lok Sabha. Smt. Jamunadevi wants to rebut the evidence of the plaintiff by proving that Shri Pannalal Barupal was not present in Bikaner on 11.4.60. In this connection she has requested the court to examine the Secretary, Lok Sabha, on Commission for the purpose as stated above and to have the documents produced.

The documents are required to be produced in rebuttal to show that Shri Pannalal Barupal was present on 11.4.60 in the Lok Sabha, New Delhi."

From the copy of the interrogatories (issued by the District Judge, Bikaner to examine the Secretary, Lok Sabha) furnished by the Local Commissioner, it appeared that the following records of Lok Sabha were required to be produced before the Local Commissioner:

- (1) Attendance Register of Members of Lok Sabha in which the attendance of the Members on the 11th and 12th April, 1960, was marked and signed by the individual members of Lok Sabha.
- (2) The register and records showing the daily allowance given to Shri Pannalal Barupal, M.P., for 11th and 12th April, 1960.

On the 11th August, 1965, the Speaker (S. Hukam Singh) referred the matter to the Committee of Privileges.

Report and Recommendation of the Committee.—The Committee of Privileges, in their Second Report (Third Lok Sabha), laid on the Table of the House on the 30th August, 1965, reported *inter alia* as follows:

"The Committee of Privileges in para. 10 of their First Report (Second Lok Sabha), adopted by the House on the 13th September, 1957, had recommended that:

'When a request is received during sessions for producing in a Court of Law, a document connected with the proceedings of the House or Committees or which is in the custody of the Secretary of the House, the case may be referred by the Speaker to the Committee of Privileges. On a report from the Committee, a motion may be moved in the House by the Chairman or a member of the Committee to the effect that the House agrees with the report and further action should be taken in accordance with the decision of the House.'

* The letters were to the effect that Shri Barupal signed the attendance Register of Members on the 11th and 12th April, 1960, and that he was paid daily allowance for 10th to 12th April, 1960.

The Committee recommend that in the present case, the Speaker may, with the permission of the House, authorise the Secretary to designate an Officer/Officers of the Lok Sabha Secretariat, to produce the records of Lok Sabha mentioned in para. 8 above (see para. 3 above) and to give certified copies of the relevant extracts thereof, if so required, and also to answer relevant interrogatories, before the Local Commissioner appointed by the Court in the case, in a room in the Parliament House."

On the 1st September, 1965, the House adopted the following motion moved by the Chairman of the Committee of Privileges (Shri S. V. Krishnamoorthy Rao):

"That this House agrees with the Second Report of the Committee of Privileges laid on the Table on the 30th August, 1965."

Alleged seizure of printed forms of a petition addressed to Lok Sabha, by a Sub-Inspector of Police at Indore while arresting a person under Section 151, Criminal Procedure Code.—On the 24th August, 1965, Shri Homi F. Daji, M.P., raised a question of privilege in Lok Sabha in the following terms:

"Shri Bhadoria, sub-inspector of Police, attached to the Sarafa Police Station, Indore City, arrested one Shri Santosh Kharade, under section 151 Cr. P.C. and started proceedings under section 107 Cr. P.C. against him and seized two forms of petitions addressed to the Lok Sabha demanding release of the students and reopening of the colleges at Indore. Shri Bhadoria was clearly informed that these forms were to be submitted to the Lok Sabha through the Member of Parliament from Indore. The printed forms seized were themselves self-explanatory. Nevertheless he took the aforesaid action with a view to preventing Shri Kharade from collecting signatures and to terrorise others from doing the same.

To petition the Lok Sabha is a constitutional right of a citizen, and Shri Bhadoria's action was aimed at preventing communication from the citizens of Indore to their Member of Parliament to raise the issue before Lok Sabha and was, therefore, clear and palpable breach of privilege of the House. A copy of the petition has been enclosed herewith.

I, therefore, move that Shri Bhadoria, S.I. Police, Sarafa Police Station, Indore, be summoned before the House and be committed for the breach of privilege of the House and be punished for the same as the circumstances of the case require."

During the discussion on the question of privilege, Shri Homi F. Daji said that his motion was "not based so much on the arrest" of Shri Santosh Karade. He added:

"My motion is specifically on this point, that two forms have been seized by the police from the custody and house of this person, forms which were addressed to the Lok Sabha. If your own forms addressed to the Lok Sabha are seized even after the Inspector was told that they were to be sent to a Member of Parliament to be presented to the Lok Sabha, it constitutes contempt without any further ascertainment of facts."

The Minister of Home Affairs (Shri G. L. Nanda) said that he would ascertain the facts of the case as early as possible which might show "that there was absolutely no case in support of the Motion".

The Speaker observed that he would wait for the facts to be ascertained by the Minister of Home Affairs.

On the 27th August, 1965, the Minister of Home Affairs (Shri G. L. Nanda) informed the House that the facts of the case as ascertained by him through the District authorities were as under :

" It would appear that one Santosh, son of Basant Kharade, was arrested under Section 151 Cr. P.C. on the 15th August, 1965, at about 8 p.m. While effecting the arrest, three documents were seized, one of them being a printed form of petition addressed to the Lok Sabha in which some space had been left blank for signatures. This form, however, did not contain even a single signature. The arrest was in no way connected with the obtaining of the signatures on the petition meant to be presented to the Lok Sabha. Santosh Kharade was released on bail at 11 p.m. the same day. Proceedings have been initiated against him under sections 107 and 112 of the Criminal Procedure Code on the 16th August, 1965, before the Sub-Divisional Magistrate, Indore. The printed form which was seized at the time of his arrest is now part of the court records."

The Speaker asked Shri Daji whether he accepted the facts as stated by the Minister of Home Affairs. Shri Daji replied that " these facts have already been accepted excepting this, that the form was seized not from the person who was arrested but from his residence ".

Shri Daji added :

" There were two forms in the petition. One was blank, one was signed. Now it appears from the Home Minister's statement that the signed form has been whisked away, and only the unsigned form has been taken to the court. The original petition contained two forms."

The Speaker, thereupon, observed :

" He was arrested first, and then his house was searched and a form was also found in his house which was blank. There were no signature on it, and among other papers that was also taken away. . . . In the course of that search one document was found, a printed form of a petition that can be addressed to the Lok Sabha. No signatures had yet been obtained.

Then the only question for determination is this: if the police is searching in the discharge of its duties and if there is some form also, an application that can be and is intended to be used for a petition to Parliament, whether taking possession of that also is a breach of privilege. This much I will send to the Committee to see on that limited point whether this case really forms a breach of privilege."

Report and Findings of the Committee.—The Committee of Privileges, in their Third Report presented to the House on the 20th September, 1965, reported as follows:

" The position obtaining in the House of Commons, U.K., regarding obstruction of, or interference with, the petitioners, etc., in the exercise of their rights, has been described by May as follows: *

' Petitioners and other persons soliciting business before either House or its committees, e.g. counsel, agents and solicitors, are considered as under the protection of the High Court of Parliament, and obstruction of, or interference

* *May's Parliamentary Practice*, 17th ed., pp. 131-32.

with, such persons in the exercise of their rights or the discharge of their duties, or conduct calculated to deter them or other persons from preferring or prosecuting petitions or bills or from discharging their duties, may be treated as a breach of privilege.

The following are instances of this type of contempt:

Causing or effecting the arrest on civil process of petitioners or others soliciting business before either House, knowing them to be such, during the continuance of their privilege from arrest *eundo, morando et redeundo*.

Assaulting, insulting, or threatening persons attending to prefer petitions or others soliciting business before either House within the precincts of the House.

Speaking scandalous and reproachful words against petitioners whose petition is appointed to be heard.

Bringing an action against petitioners for a libel alleged to be contained in a petition presented by them to the House of Commons.

Casting aspersions on persons for having petitioned the House of Commons.'

The instances of breach of privilege cited in *May's Parliamentary Practice* on the subject do not thus include a case of seizure of petition forms addressed to Parliament from a person arrested by the Police on a criminal charge.

As regards communication of information by a citizen to his Member of Parliament for raising a matter in the House based on that information, the position has been described by May thus:

'While witnesses have been protected from the consequences of evidence given before the House or one of its committees, no such protection has been given to informants including constituents who provide information voluntarily to Members in their personal capacity, the question whether such information is subsequently used in proceedings in Parliament being immaterial. But while it appears unlikely that any question of an actual or constructive breach of parliamentary privilege could arise in these cases, the special position of a person providing information to a Member for the exercise of his parliamentary duties has been regarded by the courts as enjoying qualified privilege at law. . . .

Administrative action has also been taken to preserve the liberty of the electorate in communicating with Members of Parliament.' (*May*, 17th ed., pp. 132-3.)

The Committee have not come across any case, either in the U.K. or in India, where seizure of a petition form addressed to the House and intended to be presented to it through a Member of Parliament, by the Police, on arresting a person on a criminal charge, was raised as involving a question of breach or privilege or contempt of the House."

Recommendation of the Committee of Privileges.—The Committee were of the view that in the context of their terms of reference, no question of breach of privilege or contempt of the House was involved in the matter.

The Committee recommended that no further action be taken by the House in the matter.

No further action was taken by the House.

Comments on the Report of a Parliamentary Committee by an official in newspapers.—On the 16th August, 1965, the Speaker (S.

Hukam Singh) informed* the House that his attention was drawn to a letter to the editor under the caption "Khadi Commission" published in the *Times of India*, New Delhi, dated the 26th May, 1965, an article under the caption "Working of Khadi and Village Industries Commission" which appeared in the *Economic Times*, Bombay, dated the 21st May, 1965, and an article under the caption "Public Accounts Committee and the Commission" published in the *Jagriti*, Bombay, dated the 20th May, 1965. The letter to the editor and the articles, written by the Director of Publicity, Khadi and Village Industries Commission, Bombay, contained comments on the recommendations and observations made by the Public Accounts Committee of Lok Sabha in their 38th Report regarding the Khadi and Village Industries Commission.

The Speaker added that the matter was taken up with the Department of Social Security for suitable action in the light of the ruling given by him on the 19th April, 1965, in the case of Bharat Sewak Samaj, that the findings and recommendations of a Parliamentary Committee should not be contested or commented upon in a public statement or in the Press by any official or spokesman of a body whose working has been examined by the Committee.

In reply, the Department of Social Security forwarded a copy of the letter from the Chief Executive Officer of the Khadi and Village Industries Commission, which stated, *inter alia*:

"The Director of Publicity of the Commission issued a letter to the Press, which appeared in the *Times of India*, Bombay, in the *Economic Times*, Bombay, and also in the *Jagriti*. This letter was written solely as a reply to the comments and criticism of the Press about the working of the Commission.

There was neither the intention nor an effort to call into question publicly any of the observations of that august body. The Commission begs to assure the P.A.C. that neither the Director of Publicity nor the Commission did have, has, or can have any intention or desire to disrespect the P.A.C.

The Commission as well as the Director of Publicity feel sorry that they have been responsible for creating a feeling of dissatisfaction in the mind of the P.A.C. If there is anything in the article, however, to which exception can be taken, both the Commission and the Director of Publicity feel sorry for it and apologise."

In view of the explanation and apology tendered by the Chief Executive Officer of the Khadi and Village Industries Commission, the matter was closed.

Casting aspersions on a Parliamentary Committee by a newspaper. On the 16th August, 1965, the Speaker (S. Hukam Singh) informed the House that his attention was drawn to an article under the heading "Service or Slander?" published in the *Bharat Jyoti*, Bombay, in its issue dated the 16th May, 1965, which allegedly contained aspersions on the Public Accounts Committee of Lok Sabha. The article stated *inter alia*:

* L.S. Deb., 16.8.1965, cc.

" The Reports of the PAC are becoming increasingly audit reports, similar to those of the Auditor-General, rather than review reports; and are thus becoming increasingly superfluous where they are not positively mischievous in their impact and incidence."

The article had also used in relation to the Public Accounts Committee the phrases " absence of understanding of the underlying social objectives to public undertakings " and " the P.A.C. does not appear to understand that loans in most commercial transactions . . . are in fact continuously repaid and equally continuously renewed, . . . ".

The Speaker added that under his direction a letter was addressed to the Editor of the *Bharat Jyoti*, Bombay, asking him to state what he had to say in the matter.

The editor in his reply had stated *inter alia* :

" . . . It was not meant even remotely to be disrespectful to the Parliamentary Committees.

I am sorry that any such impression should have been created. . . . Let me assure you that the article could be interpreted in the manner stated by you had not even remotely occurred to me in publishing it.

I trust that this explanation will make the position clear and satisfy the Speaker that the purpose of this article was not, is not, and never intended to cast aspersions or to show any disrespect to Parliamentary Committee.

Criticism of the Public Accounts Committee is made in good faith and in a constructive spirit and I hope it would be taken in the same spirit. . . .

If any disrespect to, or aspersions on, the Public Accounts Committee of the Lok Sabha is read into the article in question, I am really very sorry."

In view of the explanation and the expression of regret made by the editor, the matter was closed.

MAHARASHTRA

Contributed by the Secretary of the Maharashtra Legislative Department

Reflections on Members.—On 1st February, 1965, Shri A. H. Mamdani, a Member of the Maharashtra Legislative Assembly, gave notice of breach of privilege arising out of a news-item published in a local newspaper.* The allegations made in the news-item were briefly as follows:

In 1961 Shri Mamdani took a loan of Rs. 10,000/- from the Director of Cottage Industries for starting a printing press. He did not utilise the loan for the purpose for which it was taken. Nor did he return the amount to Government. It was also alleged that the security given by Shri Mamdani for the loan was false. The news-item further alleged that Shri Mamdani tried to obtain another loan of Rs. 30,000/- from the State Finance Corporation for expansion of his non-existing printing press. The newspaper therefore desired that an inquiry may be instituted against Shri Mamdani and prosecution launched against him for cheating the Government.

* *L.S. Deb.*, 16.8.1965.

In his notice the Member had contended that all the allegations contained in the news-item were false and that it would not be possible for him to perform his duties as a member of the Legislative Assembly under the shadow of such false and defamatory allegations.

The Speaker having granted his consent to raise the matter in the House, the matter was raised in the House on 30th March, 1965. After the House had granted leave, the matter was referred to the Committee of Privileges on the same day, for examination and report.

After an exhaustive review of the precedents both English and Indian, the Committee came to the conclusion that no breach of privilege was involved in the matter as the allegations made in the news-item related to the private conduct of the Member and had nothing to do with his character or conduct as a member of the Legislative Assembly.

Giving of evidence touching the proceedings of the House.—On 29th June, 1965, Dr. P. V. Mandlik, a member of the Maharashtra Legislative Assembly, gave notice of breach of privilege arising out of giving of evidence in a Court of Law by the Secretary to the Maharashtra Legislative Assembly, pertaining to the proceedings of the Legislative Assembly. The contention of the Member was that following the practice obtaining in the House of Commons, the Secretary should have obtained the previous permission of the House before he gave evidence in the Court.

As the House was not in Session at that time, the Secretary had obtained permission of the Speaker to give evidence in the Court. Besides, the evidence did not relate to the proceedings of the House, but it related to certain offences alleged to be committed by a Member in the House, the prosecution of which was ordered by the Speaker. The notice was therefore considered as misconceived and the Speaker refused to give his consent to raise the matter in the House. The orders of the Speaker were passed in the Chamber.

Asking the Speaker to tender apology.—On 10th August, 1965, the Speaker had ordered the suspension of a number of members of the Opposition for the remainder of the Session, as they were bent upon disturbing the proceedings of the House. On 12th August, 1965, a firm of solicitors wrote a letter to the Speaker on behalf of one of the members of the Legislative Assembly (Shri P. K. Atre, M.L.A.) challenging the right of the Speaker to suspend the Members of the Assembly. Paragraphs 9 and 10 of the letter which were particularly objectionable ran as follows:

“(9) We are instructed to state that such orders and directions are arbitrary, capricious, unconstitutional, ineffective and not binding on our client

and that despite the said suspension our client at all times had the right to enter the Council Hall Premises.

10. We are therefore instructed to state that our client is entitled to an unconditional apology from you, Sir, for having wrongfully prevented our client from entering the Council Hall Premises on the days aforementioned. Please let me know whether the Police who were responsible for preventing our client from entering the Council Hall Premises on the days aforementioned were acting under your orders and directions. If not, please furnish us with the names of the officers of the Police Force in charge on the days aforementioned, so that our client can take necessary and appropriate action against them as he may be advised. Your immediate attention to the above matter will be very much appreciated."

In view of the above paragraphs, the solicitors were informed that writing such a letter to the Speaker and calling upon him to tender an unconditional apology constitutes a breach of privilege and contempt of the Speaker and of the House. The solicitors were also called upon to state why action should not be taken against them for breach of privilege and contempt of the House. A letter on the similar lines was also issued to Shri P. K. Atre, M.L.A.

Both the solicitors and Shri P. K. Atre, M.L.A., apologised and the matter was closed.

Publishing a wrong and misleading report of the proceedings of the Legislative Assembly.—The Secretariat referred this apparent case of breach of privilege to the Privileges Committee. After carefully considering the whole issue and on perusal of the news-item as appearing in the newspaper, as also the official report of the proceedings, the Committee came to the conclusion that the proceedings as reported in the newspaper were wrong and misleading in material particulars. The Committee therefore held Shri P. K. Atre, the editor, printer and publisher of the newspaper, guilty of breach of privilege and recommended that he should be admonished.

The Report of the Committee was presented to the House on 29th March, 1966. During the course of the hearing of the matter before the Committee, Shri Atre desired that he should be permitted to examine witnesses and also to lead documentary evidence to prove his version of the proceedings as reported in his newspaper. The matter was referred to the Speaker and the Speaker ruled that no evidence could be permitted to be led to challenge the version of the Assembly proceedings as officially recorded under the Rules.

Publishing a wrong and misleading report of the proceedings of the Legislative Assembly.—On 14th August, 1964, Shri A. H. Mamdani, M.L.A., gave notice of a breach of privilege arising out of a wrong and misleading report of the proceedings of the Legislative Assembly, published in *Maratha* (a local daily), dated the 13th August, 1964. After calling for an explanation from the editor, printer and publisher of the newspaper concerned, the Speaker gave

his consent to the raising of the matter in the House. The matter was accordingly raised in the House on the 3rd December, 1964, and was referred to the Committee of Privileges for examination and report. The matter is at present under consideration by the Privileges Committee.

ORISSA

Contributed by the Secretary of the Orissa Legislative Assembly

Alleged reflection on the Public Accounts Committee.—On 2nd February, 1965, Shri Nityananda Mahapatra and five other members of the Opposition gave notice of a question of a breach of privilege arising out of a statement made by Shri Patnaik, a member of the Assembly, at a Press Conference in Delhi on the 5th February, 1965, which was published in the *Amrit Bazar Patrika* and the *Kalinga* (an Orissa daily) dated the 7th February, 1965.

It was alleged that the Member by making a false and misleading statement at the Press Conference had cast reflections on the Public Accounts Committee, a Committee of the House, and thereby the position and dignity of the Committee and the House had been compromised and the work of the Committee would thereby be obstructed and impeded.

The Speaker ruled that no *prima facie* case of breach of privilege existed. (*Orissa Legislative Assembly Debates*, Vol. VIII, No. 3, Part II, pp. 2-3.)

Casting reflection on a member of the House.—On 31st March, 1965, Shri Bijoy Krushna De gave notice of question of breach of privilege arising out of a publication of proceedings of the House in the issue of the *Prajatantra* (an Orissa daily) dated the 31st March, 1965, casting aspersions on a member of the House. The contention was that such publication lowered the prestige of the Member in the estimation of the public.

The Speaker held that there was a *prima facie* case and the House granted leave to raise the question.

On the 5th April, 1965, the Leader of the House moved that the Assembly would best consult its own dignity by taking no further notice of the question.

The motion was adopted and the matter was dropped. (*Orissa Legislative Assembly Debates*, Vol. VII, No. 28, Part II, pp. 1-9.)

Alleged misleading statement by Minister.—On the 18th September, 1965, Shri Nityananda Mahapatra gave notice of a question of breach of privilege alleging that the Minister, L.S.G., Orissa, by giving an incorrect reply to a question, had misled the House and as such committed a breach of privilege of the House.

The Speaker did not give his consent for raising of the question and held that no breach of privilege was involved in the question.

(Orissa Legislative Assembly Debates, Vol. III, No. 2, Part II, 21.9.65, pp. 2-9.)

Arrest and detention of a Member for Civil Liability.—On the 22nd September, 1965, Shri R. N. Singh Deo, M.L.A., raised a question of breach of privilege arising out of the arrest and detention of Shri Maheswar Nayak, M.L.A., for a civil liability.

The question was referred to the Committee of Privileges who held that it was a breach of privilege of the House as the arrest of the Member was within a period of forty days prior to the meeting of the Assembly and also the meeting of the Committee on Assurance of which Shri Nayak was a member. The Officer in effecting the arrest had committed a breach of privilege of the House and contempt of the Legislature.

The Officer concerned expressed sincere regret and tendered unqualified apology. The Committee recommended that the matter may not be pursued further and the apology may be considered sufficient by the House.

The House after considering the Report of the Committee of Privileges adopted the following motion:

“ That having considered the Report of the Committee of Privileges the House directs the contemner to write a letter to Shri Maheswar Nayak, M.L.A., expressing his regret and unqualified apology and to send a copy of the said letter to the Speaker.”

Accordingly the Officer sent a letter to Shri Nayak expressing regret for causing arrest. (Orissa Legislative Assembly Debates, Part II, 3.3.66.)

Casting reflection on the Public Accounts Committee.—On the 29th November, 1965, Shri R. N. Singh Deo and two other members of the Opposition gave notice of a question of breach of privilege arising out of publications of news items in the *Hindustani Standard* and the *Amrit Bazar Patrika* dated the 31st October, 1965, relating to a letter written by the Chief Minister of Orissa to the Union Home Minister, Shri Nanda, casting reflections on the members of the Public Accounts Committee. It was alleged that the expressions used in the letter as published were intimidatory in nature and had a tendency to impair the independence of the Committee in the future performance of their duties.

The Speaker refused his consent to the raising of the question. (Orissa Legislative Assembly Debates, Vol. VIII, No. 10, Part II, p. 1.)

Casting reflections on the Chairman of the Public Accounts Committee.—On the 29th November, 1965, Shri B. K. Deo, M.L.A., and four others of the Opposition gave notice of a question of breach of privilege against the *Kalinga* (an Orissa daily) dated the 13th

November, 1965, for publishing a news item and thereby casting reflections on the Chairman of the Public Accounts Committee. The Speaker held that there was a *prima facie* case of breach of privilege and gave his consent to the raising of the question.

The leave of the House was sought under Rule 142 of the Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly, and since only one Member stood up the Speaker informed the House that the Member had not the leave of the Assembly. (*Orissa Legislative Assembly Debates*, Vol. VIII, No. 10, Part II.)

Casting reflections on the members of the Public Accounts Committee.—On the 29th November, 1965, Shri Pratap Chandra Mohanty gave notice of a question of breach of privilege against Shri Nityananda Mahapatra, a member of the Assembly, for making a statement as reported in the *Prajatantra* (an Orissa daily) dated the 31st October, 1965, and thereby casting reflections on the conduct of the members of the Public Accounts Committee in the discharge of their duties as such members.

The Speaker did not allow this question to be raised as the notice was out of time. (*Orissa Legislative Assembly Debates*, Vol. VIII, No. 11, Part II, p. 1.)

Misleading and distorted report of the proceedings of the House.—On the 22nd December, 1965, Shri Rajballav Mishra and three others of the Opposition gave notice of a question of breach of privilege arising out of a publication of a news item in the *Kalinga* (an Orissa daily) dated the 22nd December, 1965, relating to the proceedings of the House. It was alleged that the said news item was a misleading and distorted report of the proceedings of the House.

The Deputy Speaker held that there was a *prima facie* case and the question was referred to the Committee of Privileges. The question is now under the consideration of the Committee. (*Orissa Legislative Assembly Debates*, Vol. III, No. 26, Part II, 23.12.65, pp. 1-6.)

UTTAR PRADESH

Contributed by the Secretary of the Legislative Assembly

Intimidation of a Member.—On 25th February, 1965, Smt. Savitri Shyam, M.L.C., under Rule 223 of the Rules of Procedure and Conduct of Business of the Uttar Pradesh Legislative Council, raised a question of privilege in the following terms:

"I want to raise a question of breach of privilege.

I received a letter from the authorities of the City Montessori School, Lucknow, in which they, while commenting on my speech delivered by me on the budget on 18th February, 1965, threatened me to tender an apology within three days, through newspapers, or on the floor of the House, other-

wise they would distribute copies of the letter to all the members of the House.

I am opposed to this action which is a gross breach of my privilege, and the words used in the letter are also objectionable.”*

Smt. Savitri Shyam on 18th February, 1965, while discussing the budget had made some observations about the City Montessori School as a consequence of which the school authorities had sent to her the above letter. The Chairman held the letter to be a *prima facie* breach of privilege of the House and the matter was referred to the Committee of Privileges by the House.

The Committee took the evidence of Km. Lata Phadhan, Km. Usha Kumari, Km. Amarjit Walia, Sri Yamuna Prasad Tripathi and Sri Jagdish Gandhi, the signatories of the letter in question. On 25th March, 1965, Km. Lata Phadhan, Km. Usha Kumari and Km. Amarjit Walia tendered apology for the threat contained in the letter. Sri Tripathi, however, asserted before the Committee that he had done the right thing and he was not at all sorry for writing the letter. But he said that if the letter had caused a breach of privilege of the House, he was sorry for it. A similar attitude was taken by Sri Jagdish Gandhi also. The Committee offered another chance to Sarvasri Tripathi and Gandhi to reconsider their attitudes and asked them to let the Committee know in writing if they wished to add anything to their statements. They submitted a letter to the Committee accordingly which the Committee thought had aggravated the contempt.

The Committee recommended to the House that Km. Lata Pradhan, Km. Usha Kumari, Km. Amarjit Walia, Sri Yamuna Prasad Tripathi and Sri Jagdish Gandhi were guilty of breach of the privileges of the House, but as the first three signatories had tendered their apologies, no further action should be taken in regard to them. But as Sarvasri Tripathi and Gandhi had not shown any contrition for their action, they should be reprimanded. The House agreed with the recommendations of the Committee on 17th September, 1965. Sarvasri Tripathi and Gandhi were asked to present themselves at the bar of the House on 30th September, 1965, but they did not attend on that day. On 30th September, 1965, the House ordered that both Sri Yamuna Prasad Tripathi and Sri Jagdish Gandhi be taken into the custody of the Marshal of the House and produced before the bar of the House on 13th October, 1965. Both of them could not be taken into custody by the Marshal by that date. Thereupon, the House on 13th October, 1965, ordered that they be both taken into custody by the Marshal of the House and produced before the House on a date to be appointed by the Chairman. Sri Yamuna Prasad Tripathi absconded and could not be taken into custody by the Marshal. Sri Jagdish Gandhi was taken into custody by the Marshal on 15th October, 1965, and produced before the

* English translation from Hindi text.

Chairman of the U.P. Legislative Council in his Chamber. Sri Chairman asked Sri Gandhi whether he could give an undertaking that he would present himself before the House on a date to be fixed later by the Chairman, so that he might be set free, but Sri Gandhi did not give any such undertaking. Consequently Sri Gandhi was kept in the District Jail in the custody of the Marshal, and was brought to the bar of the House under the custody of the Marshal on the 27th October, 1965, to be reprimanded. Instead of replying to the questions put to him by the Chair, however, Sri Gandhi started making a statement. On this the Chair ordered the Marshal to remove Sri Gandhi from the House and keep him in custody till further orders of the House. Soon after the House ordered that Sri Gandhi be committed to the District Jail during the pleasure of the House. Next day the House ordered that commitment of Sri Gandhi till 10 a.m. on 30th October, 1965, would be an adequate punishment for his offence and thereafter he might be set free. He was accordingly set free on 30th October, 1965, at 10 a.m.

The Marshal ultimately took Sri Tripathi, the other offender, into his custody on 3rd February, 1966, and made a report to that effect to the House. The House thereupon ordered that Sri Tripathi be committed to the District Jail for five days and thereafter set free. Accordingly Sri Tripathi was committed for five days and then set free.

MALTA

Contributed by the Clerk of the House of Representatives

One Member insulting another after the adjournment of the House.—During the Sitting of the 7th April, 1965, Dr. J. F. Cassar Galea, M.P., brought to the notice of the House that on the 2nd April when the House had adjourned and he was in the lobby on his way out, he was accosted by Mr. L. Sant, M.P., who addressed to him insulting words. Dr. Cassar Galea asked the Speaker to declare that such action on the part of Mr. Sant constituted *prima facie* a breach of the privileges of the House. The Speaker, as is usual in such cases, deferred his ruling until the following sitting. When the House met five days later, the Speaker ruled that there was a *prima facie* case of breach of privilege in terms of Sec. 11 (1) (e) of the Privileges Ordinance, which states:

11. (1) The House shall have the power to punish with a reprimand or with imprisonment for a period not exceeding sixty days or with a fine not exceeding one hundred pounds or with both such fine and such imprisonment, any person, whether a Member of the House or not, guilty of any of the following acts. . . .

(e) any assault upon, obstruction or insult of a Member while on his way to or from the House or on account of his conduct in the House, or any endeavour to compel a Member by force, insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the House;

At the Sitting of the 14th April, Dr. Cassar Galea moved the following motion:

That it be declared by the House that the action of the Hon. L. Sant, when on the 2nd April, 1965, after the adjournment of the House he addressed unparliamentary words to the Hon. Dr. J. F. Cassar Galea, constitutes a breach of privilege of the House.

In view of the absence of Mr. Sant at that sitting, the debate was adjourned at the request of Dr. Cassar Galea. When the House met on the 26th April, the motion was given precedence and after a full-dress debate it was carried on a division. A motion by the Prime Minister, as leader of the House, was then moved and carried and Mr. Sant was reprimanded for committing a breach of privilege.

XII. MISCELLANEOUS NOTES

CEREMONIAL

Death of Sir Winston Churchill.—When on Monday, 25th January, 1965, the Lords and Commons first met after Churchill's death, messages from the Queen were delivered to each House.

In the Commons, the Prime Minister at the bar acquainted the House that he had a Message from Her Majesty the Queen to this House, signed by Her Majesty's own hand. And he presented the same to the House, and it was read by Mr. Speaker (*all the Members of the House being uncovered*), as follows:

I know that it will be the wish of all my people that the loss which we have sustained by the death of the Right Honourable Sir Winston Churchill, K.G., should be met in the most fitting manner and that they should have an opportunity of expressing their sorrow at the loss and their veneration of the memory of that outstanding man who in war and peace served his country unflinchingly for more than fifty years and in the hours of our greatest danger was the inspiring leader who strengthened and supported us all. Confident that I can rely upon the support of my faithful Commons and upon their liberality in making suitable provision for the proper discharge of our debt of gratitude and tribute of national sorrow, I have directed that Sir Winston's body shall lie in state in Westminster Hall and that thereafter the Funeral Service shall be held in the Cathedral Church of St. Paul.

ELIZABETH REGINA.

The Prime Minister then moved that Her Majesty's Most Gracious Message be taken into immediate consideration.

Question put and agreed to.

The Prime Minister next moved that an humble Address be presented to Her Majesty humbly to thank Her Majesty for having given directions for the body of the Rt. Hon. Sir Winston Churchill, K.G., to lie in state in Westminster Hall and for the funeral service to be held in the Cathedral Church of St. Paul and assuring Her Majesty of our cordial aid and concurrence in these measures for expressing the affection and admiration in which the memory of this great man is held by the House and all Her Majesty's faithful subjects.*

Sir Alec Douglas Home, the Leader of the Opposition, Mr. Grimond, the leader of the Liberal Party, and Mr. Turton, the Father of the House, supported the motion which was carried *nemine contradicente*.

The Lords responded likewise to this message resolving:

“That an humble Address be presented to Her Majesty thanking Her Majesty for having given directions for the funeral service of the late Right Honourable Sir Winston Churchill, Knight of the Garter, to be held in the

* *Com. Hans.*, Vol. 705, c. 667-79.

Cathedral Church of St. Paul, and assuring Her Majesty of our warm concurrence and support for these measures for expressing the affection and admiration in which the memory of this great man is held by this House and all Her Majesty's faithful subjects.'*†

Both Houses forthwith adjourned.

The following day, the Speaker acquainted the Commons of the many messages of respect which he had received. No questions were asked. Only formal business was transacted, and on the motion of the Prime Minister, the House resolved, at its rising, to adjourn until Monday next.

The House also resolved

That this House will attend the Funeral of the Right honourable Sir Winston Churchill in the Cathedral Church of Saint Paul on Saturday.—[*The Prime Minister.*]‡

Both Houses of Parliament duly attended the State funeral. At St. Paul's, the Lord Chancellor, Lord Gardiner, attended in state, with the Permanent Secretary, Sir George Coldstream, Q.C., Captain K. L. Mackintosh, R.N., and other officers. The Speaker of the House of Commons, Sir Harry Hylton-Foster, also attended in state with the Serjeant-at-Arms (Rear-Admiral A. H. C. Gordon Lennox), the Speaker's Secretary (Brigadier Sir Francis Reid) and the Speaker's Chaplain, Canon M. S. Stancliffe).

Officers of both Houses acted as ushers.

Later in the session, on 21st July, the Commons resolved:

That an humble Address be presented to Her Majesty, praying that Her Majesty will direct that memorials be constructed to the memory of the late right honourable Sir Winston Churchill, K.G., and to assure Her Majesty that this House will make good the expense attending the same.‡

GENERAL PARLIAMENTARY USAGE

House of Commons (Transfer of Questions).—On 24th November, 1964, the following exchange took place during Question time:

Mr. Bessell asked the Minister of Housing and Local Government if he will take steps to issue an instruction to local authorities that physical inspection of hereditaments shall be required before rateable values are determined.

The Joint Parliamentary Secretary to the Ministry of Housing and Local Government (Mr. James MacColl): No, Sir. Local authorities are not responsible for assessing property for rates.

Mr. Bessell: I thank the hon. Gentleman for that reply. Would he consider issuing a directive to superintendent valuers instructing them to give information as to how valuation rates were arrived at through local authorities or ratepayers' associations in those areas where large numbers of successful appeals indicate a considerable measure of error?

* *Lords Hansard*, Vol. 262, c. 1060.

† *Com. Hans.*, Vol. 705, c. 91.

‡ *C.J.*, Vol. 220, p. 377.

Mr. MacColl: Responsibility for the control of valuation belongs to my right hon. Friend the Chancellor of the Exchequer.*

The following day, Mr. Thorpe, the Member for Devon North, raised the matter on a point of order and:

When the Minister sought to reply to the Question, the effect of his reply was that this was a matter which really touched upon the responsibilities of the Chancellor of the Exchequer, thereby indicating that it was his view that it should have been more properly directed to another Department. I appreciate that whether or not there has been lack of courtesy in failing to indicate this in advance, these are not matters within the Orders of the House and, therefore, not something on which the Chair should be asked to rule.

This matter was raised, in the most apposite way, by a former Member for Plymouth, Devonport, Mr. Leslie Hore-Belisha, in November, 1929. He had suffered a not dissimilar experience. Mr. Speaker Fitzroy then said:

"The rule is that Questions should be addressed to the Department with which they are concerned, and, though I would not venture to dictate to the Departments what they should do, it would be convenient if they would give notice to the Member that his Question should be transferred to another Department. I think that that would remove any grievance that the hon. Member may have on this particular question." [OFFICIAL REPORT, 4th November, 1929; Vol. 231, c. 614.]

In my submission, two effects flow from what happened yesterday. First my hon. Friend the Member for Bodmin is prevented from asking this Question again for the rest of the Session. Secondly, if this is a procedure which, however innocently, is indulged in by Ministers with any degree of regularity, hon. Members will find it very difficult to receive Answers to Questions which they table, and the business of the House will thereby be impaired.

I should, therefore, like to ask whether you feel able, Mr. Deputy-Speaker, to give the same advice which Mr. Speaker Fitzroy gave in 1929, so that not only will my hon. Friend be protected from this happening again, but so that it will not occur to any other hon. or right hon. Gentleman in future.

The Deputy Speaker (Dr. Horace King) replied:

I have looked up the precedent which the hon. Gentleman has mentioned. In that case, Mr. Speaker's Ruling was on a Question which had been transferred. The issue was whether, having transferred it, the Minister who had transferred ought not to have informed the hon. Member concerned as a matter of courtesy. This problem is different. The hon. Gentleman's complaint is about a Question, asked on Tuesday, which he thought ought to have been transferred as a matter of courtesy, and, the Question having been transferred, his hon. Friend informed. It was not transferred.

As I said last week, the Chair can rule only on points of order. No point of order arises here, or in the precedent which the hon. Gentleman quoted. All that my predecessor in the Chair did was to suggest what would be convenient if a Question had been transferred by a Minister.

I understand that when a Question is transferred by one Minister to another it is now the invariable custom to follow the recommendation which Mr. Speaker Fitzroy made on that occasion, and to inform the hon. Member. Nevertheless, the transference of Questions and the way in which a Minister replies are not matters for the Chair. The responsibility is absolutely the Minister's and the Chair cannot interfere.

* *Com. Hans.*, Vol. 702, c. 1057.

I have some sympathy about the matter raised by the hon. Gentleman, but I suggest that his only course, if he feels that he has a grievance, is to take it up with the Minister. It is not a matter for me.

Mr. MacColl, the Minister who had answered Mr. Bessell's question, added:

I do not want to intervene on a point of order, but to make it clear that it was I who answered the Question, in case it is thought that there was any discourtesy on the part of my right hon. Friend.

The difficulty about transfer was that the Question was badly conceived in two ways. It asked my right hon. Friend to do something through local authorities and not through valuation officers. If my right hon. Friend had transferred the Question to the Chancellor of the Exchequer, it would still have been out of order, because it would then have asked the Chancellor of the Exchequer to direct local authorities, which he has no power to do. Therefore, it would have had to be not only a transferred, but a rewritten Question.

My right hon. Friend and I, although we would be anxious to help any hon. Member to deal with a matter if we were approached, did not feel that it was our business to go out of our way and rewrite a Question which an hon. Member had put on the Order Paper.*

Practice in half-hourly Adjournment Debates.—On 12th November, 1964, Dame Irene Ward, Member for Tynemouth, initiated an adjournment debate on security. Dr. Kaldor's appointment as economic advisor to the Government was one of the matters raised by her. Mr. MacDermot, the Minister who replied to the Debate, took the opportunity to reply to references to Dr. Kaldor, not of a security nature, by, *inter alia*, the Leader of the Opposition.†

On 19th November, Dame Irene Ward addressed the Deputy Speaker on a point of order:

I should like to know whether there has been any alteration in the procedure governing the Adjournments of the House. Ever since I have been a Member, Adjournment debates have been very much prized and valued by back-bench Members, and, as I understand it, it has always been the policy that the Adjournment belongs to the Member fortunate enough to have the opportunity to raise a matter on such occasions. Moreover, the Member concerned has the right to speak for as long or as short a time as he or she likes, and, possibly, by courteous agreement, many Ministers will inform the Member how long they would like in the Adjournment debate for the purpose of answering questions which are put. I assume that there has been no alteration in this procedure.

Last Thursday evening, I had the Adjournment and I raised the subject of security. I made a very short speech because my hon. and gallant Friend the Member for Harrow, East (Commander Courtney) asked me whether I could find time for him to make a short intervention, which I gladly did. The Financial Secretary to the Treasury was given a very reasonable time in which to reply, as both my hon. and gallant Friend and I spoke fairly shortly.

The Financial Secretary gave his answer, and then, to my consternation, he announced that he had given notice to my right hon. Friend the Member for Bexley (Mr. Heath) that he intended to deal with a matter which my

* *Ibid.*, cc. 1291-6.

† *Com. Hans.*, Vol. 701, cc. 1329-40.

right hon. Friend had raised in the general debate two days before my Adjournment.

I had been given no notice of this, Mr. Deputy-Speaker, in spite of the fact that my right hon. Friend the Member for Bexley had had this notification from the Treasury Minister. It caused me tremendous surprise, and I thought it very discourteous—I am not now arguing about procedure—because, had I known that he wanted this additional time to deal with my right hon. Friend's comments on the previous occasion, I should have made a longer speech, as would have been my right and privilege.

Is it in order for an alteration in the Adjournment procedure, as I understand it, to be put in motion by a Treasury Minister without discussion with the House? In all the years I have been here, I have never known a Minister answering an Adjournment debate to take part of the time to answer a full debate on another occasion which really had nothing whatever to do with the Adjournment subject which the hon. Member had raised.

All I want to know, Mr. Deputy-Speaker, is whether we are having an alteration in procedure, and, if so, whether we could debate the alteration in the House, or whether we are to accept the normal procedure, which is that an Adjournment debate is a matter for the Member concerned, who can speak for as long or as short a time as he or she likes.

Mr. Deputy-Speaker in reply said:

I am grateful to the hon. Lady the Member for Tynemouth (Dame Irene Ward) for writing to me yesterday. Perhaps I might say, first, that I should have been glad to talk to her about this matter privately. I have given some consideration to the points she raises. I would point out that the Chair has no power to judge on matters of taste, judgment or argument. It merely rules on points of order and on preserving the traditions of the House as the servant of the House.

The hon. Lady's submission has placed the Chair in a position of considerable embarrassment. The time of the House is precious, and it is quite wrong for the Chair to listen to and to answer points of order not immediately arising out of the business of the House.

I have studied the debate to which the hon. Lady has referred, and the Rulings then given. I myself was in the Chair. Nothing happened in that debate which was out of order. The Minister who answered the debate was, as I ruled in the Adjournment debate, not out of order, and I could only have intervened in the disagreement between the hon. Lady and the Minister at the risk of myself taking sides in the debate. For this reason, I cannot this afternoon give the hon. Lady any further satisfaction than to say that nothing that happened in the debate was out of order and nothing that happened in the debate was against the traditions of the House.

There are many legitimate opportunities to raise grievances. Many hon. Members are sometimes dissatisfied with the replies of Ministers. This is not a rare occurrence in the history of Parliament. However, I hope that hon. Members will not raise grievances as points of order and take the time of the House in this way. I am always glad to receive private representations from hon. Members on any occasion, and to advise them to the best of my ability.*

ELECTORAL

House of Commons.—On 12th May, 1965, Mr. Speaker made the following statement to the House:

* *Ibid.*, Vol. 702, cc. 639-41.

The Prime Minister, in reply to Parliamentary Questions on 10th November and 2nd February last, indicated that discussions were in progress with a view to possible changes in electoral law and procedure. I understand that it has now been agreed that it would be useful if this review—at any rate so far as concerns the more important questions of policy—were to be undertaken, following the precedents of 1916 and 1944, by a conference over which I should preside. The Prime Minister has invited me to preside over such a conference, and I have readily agreed to do so.

The terms of reference of the conference will be as follows:

To examine and, if possible, to submit agreed resolutions on the following matters relating to parliamentary elections:

(a) Reform of the franchise, with particular reference to the minimum age for voting and registration procedure generally.

(b) Methods of election, with particular reference to preferential voting.

(c) Conduct of elections, with particular reference to:

(i) The problem of absent voting generally.

(ii) use of the official mark on ballot papers and of electoral numbers on counterfoils.

(iii) polling hours.

(iv) appointment of polling day as a public holiday.

(v) provisions relating to undue influence.

(vi) returning officers for county constituencies.

(d) Election expenses generally.

(e) Use of broadcasting.

(f) Cost of election petitions and applications for relief.

I will acquaint the House as soon as possible of the names of those who have accepted my invitation to serve as members of the conference and also of the names of the secretaries. When this has been done, it will be open to hon. Members, party organisations and other bodies concerned to submit representations to the conference on matters falling within the terms of reference. Such representations should be sent to the secretaries at the Committee Office, House of Commons.

The Home Secretary has asked me to say that, simultaneously with the setting up of the Conference on Electoral Law under my chairmanship, he will, in agreement with the Secretary of State for Scotland, be convening his Electoral Advisory Conference—a body consisting of representatives of Government Departments, registration officers and acting returning officers and the political parties.*

The Electoral Advisory Conference will be invited to consider detailed questions of election procedure which fall more properly within its scope than within that of the conference over which I shall preside.

* *Com. Hans.*, Vol. 712, cc. 520-2.

XIII. SOME RULINGS BY THE CHAIR IN THE HOUSE OF COMMONS, 1964-65

The following index to some points of parliamentary procedure, as well as rulings by the Chair, given in the House of Commons during the First Session of the Forty-third Parliament of the United Kingdom is taken from Volumes 701 to 718 of the *Commons Hansard*, 5th Series, covering the period from 27th October, 1964, to 8th November, 1965.

The respective volume and column number is given against each item, the figures in square brackets representing the number of the volume. The reference marked by an asterisk are rulings given in Committee of the whole House.

Minor points of procedure, or points to which reference is continually made (*e.g.*, that Members should address the Chair), are not included, nor are isolated remarks by the Chair or rulings having reference solely to the text of individual Bills. It must be remembered that this is an index, and that full reference to the text of *Hansard* itself is generally advisable if the ruling is to be quoted as an authority.

Adjournment

- of House, motion for
 - “ half hour ”, can always run full 30 minutes [714] 1154
 - “ half hour ” raising of matters on, without informing Minister responsible, or the Chair, deprecated [715] 1980
 - may be moved between orders of the day, but not during one [714] 979
 - notice of, to be given by traditional formula [701] 640, 658, etc.
- under S.O. No. 9 (*Urgency Subjects; refused, with reason for refusal*)
 - danger to sterling by Government statement on special bank deposits. (Not within the Standing Order) [711] 637
 - effect of partial failure of nation's hay and cereal crops, (Not within the Standing Order) [716] 1585
 - failure of H.M.G. to withdraw recognition of and support for Government of the Republic of Vietnam. (Could not accede to request) [715] 1133
 - failure of H.M.G. to take immediate action through U.N. to stop new acts of war in Vietnam by U.S. Government. (Not within the Standing Order) [714] 249-53
 - immediate danger to sterling implied by statement on special bank deposits. (Not within the Standing Order) [711] 636-7
 - impact on employment in the tobacco industry of effects of ban on T.V. advertising of cigarettes. (Could not accede to application) [706] 46

- need for H.M.G. to take immediate steps to secure safety of British subjects in Congo. (Not within the Standing Order) [703] 36
- situation in Rhodesia and appointment of Royal Commission to consult Rhodesian people on independence based on 1961 constitution. (Hypothetical, not definite and not within the Standing Order) [718] 1036-7
- suspension of certain rail services on Southern Region on next day. (Not within the Standing Order) [716] 793
- widespread concern in aircraft industry from danger of cancellation of military projects. (Not within the Standing Order) [705] 35-6
- Under S.O. No. 9 not permissible on a Friday [715] 1992

Amendments

- *cannot be withdrawn, after objection taken [702] 397
- must be made at place where they occur in Bill [711] 330
- *to be taken as they appear on the Order Paper [709] 532

Bills, public

- *report from Committee of whole House, debate on motion to, deprecated [703] 1900
- “ten minute” motions for leave to introduce, interventions not permitted in [706] 211

Chair

- in House, must be addressed as the Chair and not by name of occupant [714] 920
- reflections on, only permissible by substantive motion [715] 1990

Consolidated Fund Bill

- discussion on, limited to administrative policy, based on supply [709] 888, 1014, 1038

Count of the House

- *not possible to raise point of order during [710] 437
- not possible if it would not be completed before start of proscribed time [714] 2157
- *permissible immediately House resolves itself into Committee [711] 1279

Debate

- *Chair not to be prayed in aid for or against any Question [714] 1781
- incapacitated Member may sit to address House [702] 849
- *in Committee of Supply and Ways and Means, Member having the floor when Committee report progress, no prescriptive right to be called first on the next Committee day [710] 962
- interventions in, limited to purpose of clarification [703] 1173, [706] 1868
- interventions upon intervention not allowed [707] 1762
- maiden speakers given preference in [702] 975
- *member yielding to intervention must let intervention be made [714] 1338
- not in order to seek to catch eye of Chair by waving papers [702] 504
- *quotations in, not to be too lengthy [716] 2052
- selection of speakers in, cannot be challenged [701] 937, *[703] 328, etc.

Division

- *bells, failure of, does not invalidate [712] 482-4
- *casting vote in, to retain words in the Bill [713] 1867

Judiciary

- criticism of, out of order except on substantive motion [716] 30, *2048

Lords, House of

- debates in, should not be criticised [708] 1019
- no discourtesy to permitted [711] 1118
- references to members of, must be respectful [701] 282

Members

- accusations of racist activities against, out of order [714] 241-7
- conduct of, or accusations of dishonesty against, can be criticised only on a motion [709] 743, [711] 229
- having personal interest in subject under discussion, should declare it [702] 1111
- having personal interest, not required to declare in Questions [715] 1574, [716] 1096
- personal statements by, must follow normal procedure [707] 1127

Ministers

- statements by, cannot be refused, and content not controlled, by the Chair [707] 233, 237

Order

- corrections of statements of fact alleged to be inaccurate, not point of [710] 1179
- desirable to ignore persons outside Chamber [709] 1634
- House to be addressed in English [709] 713
- Member speaking should address the Chair [701] 712; should not turn back on the Chair [701] 314
- Members must not pass between Member speaking and the Chair [701] 707, 760
- *Members outside the bar must not intervene [703] 641
- Member speaking to indicate to whom he gives way [709] 1589
- newspapers, reading of, permissible only if Members studying business of the moment [710] 1641
- not permissible to raise grievances as points of [702] 641
- *out of, to impute false motives against a Member [703] 374-5 or that amendment not an honest one [703] 803
- out of, to discuss the conduct of a Standing Committee in the House [707] 1707, 1729, and of the Committee of Selection [707] 1712
- *out of, to quote from debates of same session unless from another stage of same Bill [708] 1004
- points of, raising in order to intervene when Member speaking does not give way, deplored [701] 676
- *points of, must be raised at the time of act complained of [708] 426
- points of, cannot be raised while Question being put [714] 448
- questions to other Members in debate, must be put through the Chair [701] 706

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- rising to false points of order on abuse, which, if necessary, will require disciplinary steps [710] 109, 460
- Speaker not responsible for Committee proceedings [708] 243
- Welsh, quotations in, to be translated by Member reading [702] 631

Personal Statements

- not made in Committee [713] 241

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- abusive answer to, to be withdrawn [713] 1172
- by private notice, reasons for refusing not disclosed [705] 1289
- business, abrasive remarks out of order on [714] 1949
- hypothetical, out of order [710] 1158 etc.
- Minister not responsible for accepting or contradicting a newspaper report [701] 834
- Minister may answer in whatever way he chooses [702] 8
- on order paper for that day, can be answered by Minister if he desires [701] 840
- out of order for Ministers to ask Questions of Members [707] 1130, 1314
- out of order to make speeches under guise of supplementary [707] 1520
- supplementary
 - must not be statements [702] 35
 - quotations in, out of order [702] 621, [704] 1046
 - must relate to answer [702] 1451
 - no right to ask [707] 1538
- written, may be answered orally, with leave of Chair [702] 624

“Sub judice” Rule

- document subject to court proceedings cannot be referred to [715] 1081

XIV. EXPRESSIONS IN PARLIAMENT, 1965

The following is a list of examples occurring in 1965 of expressions which have been allowed and disallowed in debate. Expressions in languages other than English are translated where this may succinctly be done, in other instances the vernacular expression is used, with a translation appended. The Editors have excluded a number of instances submitted to them where an expression has been used of which the offensive implications appear to depend entirely on the context. Unless any other explanation is offered the expressions used normally refer to Members or their speeches.

Allowed

- "character assassination". (*New Zealand Hans.*, p. 1568.)
- "chesta" (fun or joke). (*Maharashtra Leg. Ass. Deb.*, Vol. XVI, Part II, 1.3.65.)
- "deplore that I have to associate with individuals such as I have named". (*New Zealand Hans.*, p. 2304.)
- "swapanagami" (dwelling in dreamland). (*Gujarat*, Vol. 15, Part II, No. 1, p. 20, 15.11.65.)
- "persistently obstructed" (of conduct of Members). (*Com. Hans.*, Vol. 703, c. 1753.)
- "planted" (of a Question). (*Com. Hans.*, Vol. 704, c. 564.)
- "obstructive and filibustering" (of Members). (*Com. Hans.*, Vol. 707, c. 1708.)

Disallowed

- "A National Party lie". (*New Zealand Hans.*, p. 3731.)
- "adambar" (vanity or show). (*Gujarat*, Part II, p. 1738, 8.4.65.)
- "adapala" (pranks). (*Gujarat*, Vol. 13, Part II, No. 10, p. 367, 26.2.65.)
- "adnartal" (irrelevant). (*Gujarat*, Vol. 15, Part II, No. 7, p. 332, 23.11.65.)
- "angutha chhap" (thumb impression type). (*Gujarat*, Vol. 13, Part II, No. 6, p. 233, 22.6.65.)
- "as long as the rule applies to both sides". (*New Zealand Hans.*, c. 2304.)
- "aspersions cast on the sons of a Chief Minister". (*Lok Sabha Debts.*, Vol. XLIII, No. 53, c. 13358, 5.5.65.)

- “baseless decision”. (*Vidhan Sabha* 268, II.2.65.)
- “befooling the House”. (*Gujarat*, Vol. 15, Part II, No. 10, p. 446, 28.II.65.)
- “Beokufi” (foolishness). (*Gujarat*, Vol. 13, Part II, No. 13, p. 490, 4.3.65.)
- “Bhikh Magata Hata” (were begging) (referring to Members). (*Gujarat*, Vol. 13, Part II, No. 37, p. 1731, 8.4.65.)
- “Buddhi Purvaka Vichar Karyo Hot to Nukshan na that” (there would have been no less had some sense been exercised). (*Gujarat*, Vol. 15, Part II, No. 30, p. 143, 17.II.65.)
- “Chalbaji” (cunning) (referring to Minister). (*Gujarat*, Vol. 13, Part II, No. 30, p. 1409, 30.3.65.)
- “changrami” (acts constituting childishness). (*West Bengal Leg. Ass.*, 2.4.65.)
- “characterless” (in relation to a Minister). (*Vidhan Sabha*, 4.3.65.)
- “cheat”. (*Orissa Leg. Ass. Deb.*, Vol. VII, Part II, No. 36, p. 1, 19.4.65.)
- “cheating”. (*Gujarat*, Vol. 13, Part II, No. 14, p. 540, 5.3.65.)
- “Chhablami” (acts constituting lack of sense of proportion). (*West Bengal Leg. Ass.*, 15.3.65.)
- “Chiner Dala” (agent of China). (*West Bengal Leg. Ass.*, 5.3.65.)
- “climb out of the gutter”. (*New Zealand Hans.*, p. 2518.)
- “clown”. (*New Zealand Hans.*, p. 785.)
- “complete lie”. (*South Australian Hans.*, p. 3131.)
- “crooks” (of Members). (*Com. Hans.*, Vol. 708, c. 564.)
- “cross-road speeches”. (*Vidhan Sabha*, II.9.65.)
- “culprit”. (*Maharashtra Leg. Ass. Deb.*, Vol. 17, Part II, 8.12.65.)
- “cut out the filth”. (*New Zealand Hans.*, p. 524.)
- “Dambh” (hypocrisy). (*Gujarat*, Vol. 13, Part II, No. 32, p. 1511, 1.4.65.)
- “Dan Dakshina” (alms and doles). (*Gujarat*, Vol. 13, Part II, No. 36, p. 1697, 7.4.65.)
- “deliberate deception”. (*Com. Hans.*, Vol. 709, c. 1158.)
- “depraved”. (*House of Keys*, 2.2.65.)
- “Deshdroh Karne” (to commit treason). (*Maharashtra Leg. Ass. Deb.*, Vol. 15, Part II, 1.3.65.)
- “Dhake! Pancha Doduaso” (meanly shirking responsibility). (*Gujarat*, Vol. 13, Part II, No. 17, p. 705, 10.3.65.)
- “dirty” (applied to Members of the Assembly). (*Saskatchewan Leg. Ass. Debs.*, pp. 1439-40.)
- “dirty Tory”. (*New Zealand Hans.*, p. 3692.)
- “dishonest” (of a Member). (*Com. Hans.*, Vol. 702, c. 1123.)
- “disregard for the truth”. (*New Zealand Hans.*, p. 101.)

- "dogging" (he is dogging his borders at Delhi). (*Orissa Leg. Ass. Deb.*, Vol. VII, Part II, No. 38, p. 71, 21.4.65.)
- "dolt" (zmagat). (*Malta*, s. 31, 15.2.65.)
- "false". (*Maharashtra Leg. Council Deb.*, Vol. 16, Part I, 16.7.65.)
- "false statement". (*New Zealand Hans.*, p. 3082.)
- "filthy" (applied to Members of the Assembly). (*Saskatchewan Leg. Ass. Debs.*, pp. 1419-20.)
- "filthy liar". (*Queensland Hansard*, p. 1010.)
- "filthy lie". (*Queensland Hansard*, p. 1011.)
- "Garbhasrab" (product of abortion) (of a Member). (*W. Bengal Leg. Ass.*, 2.4.65.)
- "Ghoda Anne Gadhedani Anlad mathi khachar thai chhe" (mules are a product of cross breeding of horses and donkeys). (*Gujarat*, Vol. 13, Part II, No. 15, p. 618, 8.3.65.)
- "giddieb" (liar). (*Malta*, s. 48, 12.4.65.)
- "Golmal" (embezzlement). (*Gujarat*, Vol. 13, Part II, No. 16/17, p. 631/702, 9/10.3.65.)
- "Gundao Pan congress na mat appe ta mate aa Bill Aagu chhe" (this Bill has been introduced so that even ruffians may vote for congress). (*Gujarat*, Vol. 14, Part II, No. 5, p. 195, 6.9.65.)
- "Hadhadtu Juthu" (downright lie). (*Gujarat*, Vol. 13, Part II, No. 40, p. 1832, 4.5.65.)
- "He continues to make untruthful statements". (*New Zealand Hans.*, p. 1717.)
- "He has not got any" (character). (*New Zealand Hans.*, p. 2724.)
- "He's a rat". (*New Zealand Hans.*, p. 2730.)
- "He's terrible". (*New Zealand Hans.*, p. 2539.)
- "humbug". (*Com. Hans.*, Vol. 713, c. 785.)
- "hypocrites". (*Com. Hans.*, Vol. 703, c. 1739.)
- "insincere". (*New Zealand Hans.*, p. 866.)
- "Is the Minister merely for clapping?" (in retort to Minister's expression of helplessness regarding delay in finalisation of compensation award). (*Vidhan Sabha*, 26.2.65.)
- "It's pretty tough when a man has to rat to get into this House". (*New Zealand Hans.*, p. 941.)
- "It was all right in the debate last night" (sneering). (*New Zealand Hans.*, p. 941.)
- "jargon". (*Gujarat*, Vol. 13, Part II, No. 31, p. 1451, 31.3.65.)
- "Je Amathi Sahakari Tantrane Pag Zahapthi Kadhwarna Awa to sarun thesha" (it is time the co-operatives are up-rooted from here). (*Gujarat*, Vol. 14, Part II, No. 9, p. 376, 10.9.65.)
- "Kangal Smaranshakti" (poor memory). (*Gujarat*, Vol. 14, Part II, No. 10, p. 424, 15.9.65.)
- "Khota Akshepo" (false allegations). (*Gujarat*, Vol. 13, Part I, No. 30, p. 1402, 30.3.65.)

- “Khotu Bolwani Chhut Chhe” (telling lies is allowed in the House). (*Gujarat*, Vol. 15, Part II, No. 4, p. 155, 18.11.65.)
- “Khotu Vidhan” (wrong statement). (*Gujarat*, Vol. 13, Part II, No. 40, p. 1813, 4.5.65.)
- “Lafru” (nuisance, reference to working of Government). (*Gujarat*, Vol. 14, Part II, No. 9, p. 376, 10.9.65.)
- “Lalgola Baitak-Khana” (parlour of Lalgola) (Lalgola being the residence of a Member). (*West Bengal Leg. Ass.*, 2.4.65.)
- “liar”. (*New Zealand Hans.*, p. 488.)
- “lie”. (*Orissa Leg. Ass. Deb.*, Vol. VIII, Part II, No. 23, pp. 46 and 47, 27.3.65.)
- “lie”. (*Vidhan Sabha*, 26.2.65.)
- “liar”. (*Com. Hans.*, Vol. 716, c. 433.)
- “lie”. (*Com. Hans.*, Vol. 710, c. 1178.)
- “like a pack of yelping dogs”. (*New Zealand Hans.*, p. 2319.)
- “Mananiya Mantrishi knisha Kapi Rahya Chhe” (the Hon. Minister is picking pockets). (*Gujarat*, Vol. 15, Part II, No. 7, p. 311, 23.11.65.)
- “Manashwipani” (self-willed) (referring to Government procedure). (*Gujarat*, Vol. 14, Part II, No. 11, p. 482, 26.9.65.)
- “Mantrishri Garaja Chhe Tetla varsata nalhi” (the Minister merely thunders, he does not rain). (*Gujarat*, Vol. 13, Part II, No. 22, p. 980, 18.3.65.)
- “Mantrishrina Vakiloun Praman Vadnatu Jai Chhe” (the Hon. Minister’s advocates are increasing in number). (*Gujarat*, Vol. 15, Part II, No. 16, p. 629, 9.3.65.)
- “Matdaroue Khus Karva Mate boli Rahya Chhe” (they are speaking to please the electorate), ref. to Members of Opposition. (*Gujarat*, Vol. 13, Part II, No. 14, p. 563, 5.3.65.)
- “Mithyabadi” (liar). (*West Bengal Leg. Ass.*, 3.3.65, 5.11.65.)
- “Morarjini Masti” (Morarji’s mischief). (*Gujarat*, Vol. 13, Part II, No. 16, p. 629, 9.3.65.)
- “morou”. (*Tynwald*, 20.1.65.)
- “ought to be ashamed of himself”. (*New Zealand Hans.*, p. 2282.)
- “Parlandi” (notorious). (*Orissa Leg. Ass. Deb.*, Vol. VII, Part II, No. 35, p. 7, 17.4.65.)
- “Personal attack and insinuation against a Minister”. (*Lok Sabha Debs.*, Vol. XLIII, No. 53, c. 13353, 5.5.65.)
- “Radhiyar” (drab or dull, used with reference to the debates of the House). (*Gujarat*, Vol. 13, Part II, No. 8, p. 325, 24.2.65.)
- “Ragashyu Gadu” (slow-moving cart). (*Gujarat*, Vol. 13, Part II, No. 10, p. 403, 26.2.65.)
- “Rat”. (*New Zealand Hans.*, p. 1811.)
- “rigged free vote”. (*New Zealand Hans.*, p. 3762.)
- “Rosha” (wrath) (reference to Government policy). (*Gujarat*, Vol. 14, Part II, No. 11, p. 482.)

- “rotten liar”. (*Queensland Hans.*, p. 338.)
- “rudely interrupted” (by Member calling for count). (*Com. Hans.*, Vol. 709, c. 993.)
- “Sadamtar Juthu” (absolute lie). (*Gujarat*, Vol. 13, Part II, No. 30, p. 1399.)
- “Saramjanak” (shameful). (*Gujarat*, Vol. 13, Part II, No. 22, p. 993, 18.3.65.)
- “scoundrel”. (*W. Bengal Leg. Ass.*, 5.3.65.)
- “secret committee upstairs” (of a Standing Committee). (*Com. Hans.*, Vol. 707, c. 1714.)
- “shameless buffoon”. (*West Bengal Leg. Ass.*, 8.11.65.)
- “sheer concentrated humbug”. (*Com. Hans.*, Vol. 709, c. 1129.)
- “should be truthful”. (*New Zealand Hans.*, p. 1637.)
- “sneer”. (*New Zealand Hans.*, p. 768.)
- “sneering”. (*New Zealand Hans.*, p. 2498.)
- “snide”. (*Queensland Hansard*, p. 481.)
- “snigger”. (*New Zealand Hans.*, p. 768.)
- “son of a bitch”. (*West Bengal Leg. Ass.*, 5.3.65.)
- “speaker galpa korchhileu” (speaker was gossiping). (*West Bengal Leg. Ass.*, 31.3.65.)
- “stick to the truth”. (*New Zealand Hans.*, p. 557.)
- “stupid”. (*New Zealand Hans.*, p. 2498.)
- “supreme court be hanged”. (*Lok Sabha Debs.*, Vol. XXXIX, No. 13, c. 2578, 4.3.65.)
- “swine”. (*West Bengal Leg. Ass.*, 5.3.65.)
- “Tadan khotu” (absolutely wrong). (*Gujarat*, Vol. 13, Part II, No. 6, p. 246, 22.2.65.)
- “Tahomatnama” (Charge Sheet). (*Gujarat*, Vol. 13, Part II, No. 33, p. 1547, 2.4.65.)
- “Takwadi” (opportunist). (*Gujarat*, Vol. 13, No. 4, Part II, p. 122, 18.2.65.)
- “tell the truth”. (*New Zealand Hans.*, p. 3941.)
- “that is a lie”. (*New Zealand Hans.*, p. 4060.)
- “the Labour Party commenced this session by aligning itself with the enemies of New Zealand”. (*New Zealand Hans.*, p. 3752.)
- “the words of a Welsher”. (*New Zealand Hans.*, p. 2721.)
- “trickery”. (*New Zealand Hans.*, p. 1311.)
- “Tum Bakte Ho Ham Sunate Hai” (you go on barking we will keep on listening). (*Gujarat*, Vol. 13, No. 4, Part II, p. 106, 18.2.65.)
- “twisting words”. (*New Zealand Hans.*, p. 987.)
- “unfaithful women” (describing certain women in the context of Gram Panchayat Elections). (*Vidhan Sabha*, p. 100, 9.2.65.)
- “untrue”. (*New Zealand Hans.*, p. 524.)
- “Vahiyat” (meaningless or nonsensical). (*Gujarat*, Vol. 13, Part II, No. 4, p. 133.)

Borderline

- “ Chhabla ” (devoid of sense of proportion) (though not unparliamentary, should not be used). (*West Bengal Leg. Ass.*, 5.3.65.)
- “ mercenaries ” (of Members). (*Com. Hans.*, Vol. 703, c. 658.)
- “ sharp practice ” (depends on how used). (*Com. Hans.*, Vol. 708, c. 1571.)

XV. REVIEWS

English Constitutional Theory and the House of Lords. By C. C. Weston. (Routledge & Kegan Paul, 40s.)

Dr. Weston in her book seeks to show why the House of Lords was not subjected to proposals for reform or abolition from 1556 right up until 1832, and puts forward as her explanation the general acceptance of a theory of "mixed monarchy", by which she means a blend of the three Aristotelian forms of government—monarchy, aristocracy and democracy, corresponding to the Three Estates of the Realm—king, lords and commons. The wide acceptance of this view, and the catastrophic political failure of the brief period during which it was abandoned (1649-1660), prevented reformers from turning their attention to the Lords during the eighteenth century, until after 1832. But the Great Reform Bill effectively put an end to a state of affairs in which the theory of "mixed monarchy" could be believed in, and necessitated the formulation of new principles of British political life, which were first clearly adumbrated by Bagehot in *The British Constitution* (published in 1867) in which the effective position of the House of Lords as a check or balance, representing the political good of "aristocracy", was abandoned. Thereafter the Lords could be judged by their deeds alone; and presumably were found by 1911 wanting.

In the "classical" age of the British constitution in the eighteenth century (according to Dr. Weston), writers both in England and in Europe were united in praising the "system" of checks and balances which gave to the King the power of administration—choosing his ministers, summoning and dissolving parliament, creating peers, and so on; to the Lords the supreme judicial power, and that of a "screen and bank" between king and people; and to the Commons the power of supply, and of initiating impeachments. Political writers in the eighteenth century considered that the role of the House of Lords was a fundamental one in the maintenance of an equilibrium in the constitution.

The basis of this theory of "mixed monarchy" was the Answer to the Nineteen Propositions, issued in June 1642 by Charles I, and drafted by his ministers Falkland and Colepeper. This document adopted an attitude of extreme constitutional moderation (very little in accord with the views which either Charles I before 1640, or James his father had held), and argued that "the Constitution of the Government of the Realm" was by "the experience and wisdom of

your Ancestors" moulded to give "the conveniences of all three (i.e. Monarchy, Aristocracy, and Democracy), without the inconvenience of any one, as long as the Balance hangs between the three Estates". This of course meant that Charles I equated the Three Estates with King, Lords and Commons; rather than with the Lords Spiritual, Lords Temporal, and Commons, which had been considered earlier to constitute the Three Estates; and inevitably it brought the Sovereign into a position of quasi "equality" with the two Houses of Parliament which royalists were later in the century much to deprecate. Hyde, by 1642 a royalist minister, tried to have the Answer reworded but was overruled. In his view, like that of the royalist Sir Philip Warwick, the document "rather wounded the regality, than convinced the refractory". Dr. Weston therefore comes to the conclusion "that Charles I must be placed side by side with John Locke in any account of the theory of the constitution that underlay the Glorious Revolution".

A good deal of the middle section of the book is given to an examination of the literature, both in books and in political tracts in the period after 1660, and to trying to show that the theory of "mixed monarchy"—which certainly did become that usually accepted by the eighteenth century—was due to the influence of the "Answer to the Nineteen Propositions". One certain example was in 1679, when the two Houses of Parliament were at loggerheads whether to proceed first with the impeachment of Danby or the six "Catholic" lords.

In the *Reasons and Narrative of Proceedings Betwixt the Two Houses; which was delivered by the House of Commons, to the Lords at the Conference Touching the Tryal of the Lords in the Tower* (1679), the Whig-dominated committee set up to answer the Lords specifically made use of "the declaration which that excellent prince, King Charles the first, of blessed memory, made . . . in his answer to the nineteen propositions of both Houses of Parliament". The *Narrative and Reasons* . . . was given a wide publicity, and ran into several editions (for the reason that the highly organised political party led by Shaftesbury wished it to be given the widest possible currency).

There are, as well, examples in the very copious literature of political tracts in this period (1660-1714) which show clearly the influence of King Charles I's "Answer to the Nineteen Propositions". Dr. Weston shows herself very well acquainted with these tracts, indeed rather more so than with the ordinary "straight" political history of the period in which the captious eye of the reviewer detected a number of small slips.

The latter part of the book traces the influence of the theory of "mixed monarchy" on political thought and on the political reformers of the eighteenth century and down to 1832. Until the 1820s, and effectively until after 1832, the classical theorists, Mon-

tesquieu Blackstone, De Lolme, Paley and Burke were not subjected to any challenge at all by the majority of the "reforming" political thinkers of the late eighteenth century and early nineteenth century. Neither Christopher Wyvill nor the Yorkshire Association, Major Cartwright (save from 1822), Wilkes, nor Tooke directed their criticisms against the House of Lords; they reserved their vehement shafts for reform of the House of Commons.

For this reason the only criticism of the Lords came from those who conceived—probably correctly—that it was not strong enough to fill its function as the second of three equal "Estates"; and they sought to make it both stronger and more independent of the Crown. The most famous of these attempts was the Peerage Bill of 1719 which in part at least reflected the feeling that the creation of the twelve Tory Lords in the reign of Queen Anne in order to force the Treaty of Utrecht through the Lords had been an abuse of the "constitution".

David Hume, the philosopher-historian, had theories for the reform and strengthening of the Lords (there seems no evidence that anybody took them very seriously), and at the end of the period the antiquarian N. H. Nicolas in his *Letter to the Duke of Wellington on Creating Peers for Life* (1830) suggested the creation of life peers to allow those without great wealth to be elevated to the Lords so as to make a House richer in talent, and to strengthen the legal side (on this subject see the interesting recent article by Professor Stevens in the *Law Quarterly Review*).

The only political thinkers of this period who were out-and-out "democrats" and would therefore have liked to see King and Lords abolished were Priestley, Paine and Godwin. Writing as they did at the time of the French Revolution and the great wars with France, their views met with very little acceptance, at any rate in the ruling classes, and Godwin's book *Political Justice* (1793) was supposedly not the subject of prosecution because Pitt felt that a "three guinea book could never do much harm among those who had not three shillings to spare". It is reassuring to find this reasoning has been so constantly in the minds of those in charge of bringing prosecutions (it was one of the causes of the prosecution of *Lady Chatterley's Lover* only a few years since). These three democrats were united in feeling that "that government was best that governed least".

If only at the end of the period was a start made in suggestions that the Lords also needed reform or abolition (Cartwright and Bentham were both convinced of this at the end of their long lives); why was this so? Firstly it may be suggested that the reformers may not have been quite so guileless as they seemed. With the exception of the three (Paine, Priestley and Godwin) they all wished to see their ideas put into action; and clearly to be anti-monarchic, even more than being anti-Lords, would have put them right out of

the running at once. The famous political trials of 1794 would doubtless have gone otherwise if the defendants had been declared democratic republicans, and one can, perhaps, take leave to doubt some of the witnesses for the defence when they declared that the accused had been so very politically *bien-pensant*!

However, as Dr. Weston herself admits, "the democratic writings of Priestley, Paine, Godwin, Cartwright and Bentham had nevertheless surprisingly little effect before 1832 on the supremacy of the theory of mixed government". In fact, the beginnings of any real disillusion with the House of Lords as a member of the Holy Trinity of the Three Estates only dates from 1831-2, and the part played by that assembly in trying—with pitifully little success—to stem the rising tide of agitation for "reform".

As Dr. Weston admits, "the agitation against the House of Lords after 1832 was traceable to the manner in which the Reform Bill passed and to its subsequent effects rather than to the establishment of any considerable amount of support before 1832 for the democratic dogma of Paine and company". The opposition in effect flowed from the ineffectual resistance of the Lords to the Bill itself, coupled with its measures to render ineffective the Whig ministry's legislative programme in the years following 1832. Wellington and Peel were both entirely clear in their realisation of what had happened; indeed they had foreseen it before the passing of the bill. After 1832 Wellington, as stated in a celebrated letter to Lord Derby in 1846, had steered the House of Lords so that it avoided any collision on any important matter between the two Houses. Paradoxically the Whigs were for a long time, especially as they continued to have "old style" Whig leaders such as Palmerston and Russell, until 1865—less aware of the change that had taken place than their Tory opponents. Disraeli remarked that Peel's policy was the "conservatism of the independence of the House of Lords provided it is not asserted"—and it was only the forgetting of this principle by the Conservative leaders of 1906-11, especially the leader of the Tory peers, Lord Lansdowne, which led to the Parliament Act of 1911.

This conclusion will meet with general agreement; but it provokes thought about the basic thesis of the book. For if it was the theory of "mixed monarchy"—adapted from Charles I's *Answer to the Nineteen Propositions* which prevented the House of Lords from being attacked up till 1832, why did it not thereafter? Blackstone and Burke were not displaced from their posts as oracles and High Priests of the constitution until 1867 (Bagehot) even though they had long been out of date. It could be suggested that the reformers were indeed right to consider that the reform of the Commons was the vital matter which was politically necessary. Similarly the determination to reduce the number of "placemen" in the Commons in the later eighteenth century did in fact in part lead to that reduction of the

power of the Crown that Burke had hoped for. Perhaps it is nearer the truth to say that the English "constitution" has never been altered as a result of theoretical writings, but rather of "political necessities". By seeming to recognise that it was not Bentham or the other radicals to whom the agitation against the Lords was due after 1832, Dr. Weston in some measure destroys the thesis of her book (it was indeed a doctoral dissertation, though apparently modified). It may be that in the seventeenth century the theoretic arguments were a great deal more powerful than they are today; linked as they were with the awful power of religion. But in this very thoughtful book it is perhaps a little sad that the author shows less mastery—very markedly so—of the historical than of the, so to say, theoretical political-scientific sources. To carry through the study which Dr. Weston has attempted perhaps one would need to be the master of two academic disciplines. A castle of cards based on political theory and the writings of pamphleteers (it would be interesting to know how many copies were sold of each tract—clearly knowing how many people read them would help to determine their importance) would seem to be endangered by the faintest breath of wind coming from the cold North of political fact.

(Contributed by M. A. J. Wheeler-Booth.)

Government and Parliament—A Survey from the Inside. By Lord Morrison of Lambeth. (O.U. Paperbacks, 10s. 6d.)

This is a cheap reprint of a work which has, since its publication in 1954, established itself as the most authoritative work on the present-day workings of British Government and Parliament, and in particular how far the Executive are controlled by, and in their turn control, Parliament; and also on the relationships between Parliament, the Cabinet and Ministers with the Civil Service. The chapters on the cabinet and the cabinet committees are of particular interest as so much of this governmental machinery only came into being in the post-war period and was in part the work of the late Lord Morrison who then was Lord President of the Council and Leader of the House of Commons. Another particularly valuable section of the book is that concerned with the planning of the legislative programme and the changes made in procedure in the House of Commons to allow the exceptionally heavy legislative programme of the Labour party in 1945 to be translated into law.

The author uses the book also to convey a kind of *apologia*, both for the part he himself played in government and especially in the changes which were made between 1945-51, and for the whole achievement of the Labour Government in the post-war years. But these *aperçus* are never disguised as anything but his own private views and they provide often the most interesting and alive sections

of the word. An interesting example is Morrison's moderate but nevertheless emphatic condemnation of George V for the part he played in the 1931 Crisis and the setting up of the National Government. The chapters on the Monarchy, and on the House of Lords (of which he was an active Member for the last years of his life), are notably fair and unpartisan in tone.

It is very sad that the death of Lord Morrison makes the likelihood of a real revision of this work less likely. It already needs a number of changes, for instance on the increase of the Ministry in the Commons on the formation of Mr. Harold Wilson's Cabinet (p. 74), and on the mode of election of the Leader of the Conservative Party (p. 145).

This work should be already in every Library of every Parliamentary Assembly; the paper-covered edition will make it possible for many Members to possess it as well.

XVI. RULES AND LIST OF MEMBERS

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- (iii) to publish annually a JOURNAL containing articles (supplied by or through the Clerk or Secretary of any such Legislature to the Joint-Editors) upon Parliamentary procedure, privilege and constitutional law in its relation to Parliament.

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6. In order better to acquaint the Members with one another and in view of the difficulty in calling a meeting of the Society on account of the great distances which separate Members, there shall be published in the JOURNAL from time to time, as space permits, a short biographical record of every Member. Details of changes or additions should be sent as soon as possible to the Joint-Editors.

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7. One copy of every publication of the JOURNAL shall be issued free to each Member. The cost of any additional copies supplied to him or any other person shall be 35s. a copy, post free.

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