

Journal
of the
Society of Clerks-at-the-Table
in
Empire Parliaments

EDITED BY
OWEN CLOUGH, C.M.G.

"Our Parliamentary procedure is nothing but a mass
of conventional law." -DICEY

VOL. II

FOR 1933

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* On 28th October, 1933, a *Questionnaire* Schedule, containing an enquiry as to the local practice upon each of these particular subjects, was addressed to every Member of the Society who is "Clerk of the House" in an Oversea Parliament, and the information under this head has been compiled by the Editor from the material thus received or contained in the particular Constitution, Standing Orders and local Manual of Procedure of the country concerned.

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I. EDITORIAL

Volume I.—The circumstances attending the birth of this Society and its aims and objects were given under EDITORIAL in last year's issue. The book has been well received and complimented upon, both by members of the Society and others in almost every part of the Empire where Parliamentary government is carried on. This success, however, would not have been attained without the loyal co-operation and strong moral support of our members. It is not to be expected that the sales of such a technical publication as this can be considerable, and even if every Clerk-at-the-Table assumes membership of the Society the numbers can never be large enough to raise, by subscription alone, the modest revenue required to run the Society and produce its JOURNAL. Therefore, the repetition of the grants from the Parliaments of Canada, Australia, South Africa and Southern Rhodesia is warmly appreciated, and especially welcome is the new and spontaneous grant by the Provincial Parliament of New Brunswick.

Reviews of Last Issue.—As members are aware, it was intended, in this Volume, to give Empire Press reviews of Volume I, but they are so numerous that to quote them all would take up considerable space, and to select some, no matter how prominent, would be to draw distinction. Sufficient to say, however, that they were all most favourable, and it is encouraging to know that the inauguration of this Society is also welcomed by the Press, which is so closely associated with Parliaments throughout the Empire.

Questionnaire Schedule for Volume II.—On the whole this has been well responded to, but the co-operation of the younger and smaller Legislatures is equally welcome, for it must be remembered there are many others of a like nature to which such information will not only be interesting but useful. Each type of Legislature has its own orbit. It is therefore not the older established Parliaments alone which afford valuable precedents.

In the selection of subjects for treatment in each issue of the JOURNAL, we have to be guided not only by the suggestions sent in by our members, but also by distribution of suggested subjects amongst all parts of the Empire. It is, therefore, much to be regretted that the consideration of Nos. II and VIII to XI in the above-mentioned Questionnaire has had to be postponed owing to want of space in this Volume.

Honours.—On behalf of all their fellow-members we wish to congratulate the undermentioned members of our profession who have been marks of Royal Favour during 1933:

K.C.I.E.

L. Graham, C.I.E., I.C.S.,
*Ex-Secretary of the Council of State and of the
Legislative Assembly of India.*

C.M.G.

Arthur Beausnesne, M.A., K.C., LL.D., Litt.D.,
F.R.S.C.,
Clerk of the House of Commons of Canada.

C.B.E.

W. R. Alexander,
*Clerk of the Parliaments and of the Legislative
Assembly of Victoria, Australia.*

C.I.E.

The Hon. Mr. G. H. Spence, I.C.S.,
Secretary of the Council of State of India.

I.S.O.

A. R. Grant, B.A.,
Clerk of the Parliaments of Western Australia.

Acknowledgment to Contributors.—The thanks of the Society are again due to the Clerk of the House of Commons, Sir Horace Dawkins, K.C.B., M.B.E., for his kind co-operation by the contribution of an article by Mr. O. C. Williams, M.C., a Senior Clerk in that House (and a well-known authority on

(Continued on page 8.)

Although it has only come to our notice since the last publication of the JOURNAL, we regret to announce the death of one of our foundation members, Robert Peel William Campbell, M.A., LL.B., D.C.L., K.C., the Clerk of the Legislative Council of the Province of Quebec, and our sympathies are expressed with Mr. Campbell's next of kin and relatives.

In accordance also with the practice in other Canadian Provinces, Mr. Campbell carried on his practice in addition to performing his official duties in the Quebec Provincial Parliament. He was born at St. Hilaire in that Province, on 27th August, 1853, a son of Major T. E. Campbell, Seigneur of Rouville, who came to Canada as secretary to Lord Elgin, and of Henriette Julie Anne Juchereau Campbell, daughter of Colonel J. Duchesnay, who married the daughter of Charles de Salaberry, the hero of Chateauguay. After passing with distinction through his academic career and receiving the Dufferin Gold Medal for special merit in his graduation for LL.B., he was called to the Quebec bar in 1877. His official life in Parliament began with appointment as Clerk-Assistant of the Legislative Council of that Province followed by promotion to Clerk in 1909. In this position he was custodian of all the laws of the Province. He was Clerk of the English Journal and English translator in 1883, and in 1893 became Clerk of Private Bills and Railways. Silk was conferred upon him in 1903 and the University of Bishop's College honoured him with the D.C.L. in 1907. Mr. Campbell maintained a keen interest in civic progress and public welfare in connection with which he held various prominent positions. In the athletic world he was President of the Quebec Snowshoe Club, as well as secretary and managing director of the Quebec Skating Club. He was also Chancellor of the Diocese of the English Church in Quebec, and a Delegate to its General Synod. Mr. Campbell's death occurred on the 5th September, 1929.¹

¹ We are indebted to Mr. R. C. Carr of the Royal Trust Company of Quebec for these notes, taken, for the most part, from *The Storied Province of Quebec*, by Colonel W. Wood, D.C.L., F.R.S.C.

this subject), on "The Clerks of the House of Commons." We are also grateful to Mr. Martin Herlihy, Chairman of the House of Commons Press Gallery 1933, for his most interesting and instructive article on the history and working of that institution.

The members of our Society to whom we desire to express our gratitude for their excellent contributions to this issue are Mr. Arthur Beuchesne, C.M.G., etc., the Clerk of the House of Commons of Canada, Mr. D. H. Visser, J.P., the Clerk of the Union House of Assembly, and Mr. Ba Dun, the Secretary of the Burma Legislative Council.

The Clerks Oversea.—The gratitude of the Editor is also due to all the Clerks of the Houses of the Oversea Parliaments and Legislatures, for supplying him with the information in reply to the *Questionnaire* of 28th October, 1933—the combined results of which are now embodied in Chapters XI to XVI of this issue of the JOURNAL. The Editor is also grateful for the latest amendments to the respective Standing Orders, etc., of the various Legislative Chambers and the most recent amendments to the Constitutions and other laws having special relation to Parliament.

Newfoundland.—Towards the end of 1933, a Royal Commission which had been appointed to report upon the affairs of "Britain's Oldest Colony,"¹ made recommendations² which involved the suspension for a term of years of the "Responsible Government" Constitution first granted the Colony in 1855, a Legislature having been in existence there since 1832. Newfoundland is now given the essential rest from politics for a period of years and full legislative and executive powers have been vested in the Governor-General acting on the advice of a specially created Commission of Government, as trustees for the people of Newfoundland, responsible to the Imperial Government and consisting of 3 persons chosen from Newfoundland and the United Kingdom respectively. The decisions of the Governor-in-Commission form of government are by majority, with power of independent action by the Governor-General on his own initiative in executive matters. Both Houses of the Newfoundland Dominion Parliament passed resolutions in favour of the suspension of the Constitution and an Address was duly presented to His Majesty praying that Letters Patents be issued providing for government on the lines above indicated. After rehabilitation of the credit of Newfoundland and as soon as the Island's difficulties are overcome and

¹ 1583.

² Cmd. 4480.

the country is again self-supporting, Responsible Government is to be restored on the request of the people of the Dominion. The Newfoundland Parliament was first formally prorogued, and in due course, towards the end of 1933, after 78 years of self-government, a bill¹ was passed by the Imperial Parliament putting the new form of government into force and at the same time providing for the Imperial Government to assume certain financial responsibilities² in regard to this Dominion, whose budgets had been unbalanced for over 10 years.³

Malta.—A similar fate, though on other grounds, and in this instance not at the request of the Ministry of the Island, befell the Constitution of Malta about the same time the suspension of the Newfoundland Constitution was under consideration, when, on the 2nd November, 1933, the Governor, upon instructions from the Imperial Government, dismissed the Ministry and himself assumed the entire control of the internal administration of the Island. The King's Deputy carried out this action by two proclamations, the first declaring a state of great emergency and assuming full powers under section 41 of the Constitution,⁴ and the second dissolving Parliament. The Malta Constitution is therefore again in abeyance. The Royal Commission referred to in Volume I of this JOURNAL⁵ made certain recommendations, which were embodied in the Letters Patent of 1932, limiting the teaching of languages in elementary schools to Maltese and English; recognizing both Italian and English as compulsory subjects in the secondary schools and the University; and maintaining Italian as the language of the Law Courts, while safeguarding the purely British or Maltese speaking member of the community by making the relevant language optional for oral proceedings in a criminal trial where the accused so wished. The proposed financial programme of the Ministry was also such as to give the Imperial Government concern. Although, however, the Constitution has been suspended, it has not been thought necessary to exclude reference to Maltese Parliamentary practice from the JOURNAL.

Ceylon.—Towards the end of the same year, the Board of Ministers of this Island submitted proposals summarized in the following memorandum to the Governor:

¹ 24 Geo. V. c. 2.

² Cmd. 4479, 4481 and 4497.

³ Acknowledgments are made to *The Times* for some information used in this paragraph.

⁴ Letters Patent of 1921 as amended by those of 26th June, 1930.

⁵ p. 10.

The removal of the Officers of State, and the substitution in their place of Ministers and executive committees of the Council.

The strengthening of the position of the Board of Ministers by enabling them to initiate and carry out their financial policies.

Alteration in the method of election of Ministers. (On this point only a majority are agreed, the minority holding the view that the present method needs no change.)

The reconstitution of the Public Services Commission.

The deletion of the provision for obtaining the prior sanction of the Governor in the case of bills, motions, resolutions or votes affecting officers in the public service.

The curtailment of the special powers of the Governor.¹

and it was proposed that a deputation should be sent to London to advocate these changes. Nothing further in that direction, however, appears to have transpired. The present Constitution of Ceylon, as compared with constitutions usually conferred upon Crown Colonies when emerging from a state of tutelage, is a somewhat unusual one and introduces a system which does not seem to have been put into operation in any other Colony.²

Irish Free State.—An Act³ amending the Constitution was passed during the year by the Oireachtas, or Irish Free State Parliament, its purpose being “to resume the obligation now imposed by law on Members of the Oireachtas and Ministers who are not Members of the Executive Council to take an oath.” The Article (17) of the Constitution providing for M.P.’s to take the Oath of Allegiance is therefore repealed and Article 55, in respect of the Ministers above-mentioned, consequently amended. This Act also amends the Constitution by the deletion of Article 2, which reads as follows:

All powers of government and all authority legislative, executive, and judicial in Ireland, are derived from the people of Ireland, and the same shall be exercised in the Irish Free State through the organizations established by or under, and in accord with this Constitution.

Article 50 of the Constitution, the opening words of which were: “Amendments of this Constitution *within the Terms*

¹ *The Times*, 17th November, 1933.

² Debate took place in the House of Commons on the 21st February, 1934, upon a motion introduced by a private Member suggesting that a Parliamentary Commission be appointed to proceed to the island to report upon the working of the Constitution, but at 7.30 p.m. debate thereon stood adjourned. References, however, to what took place in 1934 upon this subject will be more suitably dealt with in the next issue of the JOURNAL.

³ No. 6 of 1933.

of the *Scheduled Treaty* may be made by the Oireachtas," etc., was also amended by striking out the words given in italics.

The Oireachtas also passed an Act¹ to amend the Constitution by deleting the provisions as to the withholding by the Representative of the Crown of the King's Assent to bills and the reservation of bills for the significance of His Majesty's pleasure.

Another amendment of this Constitution during the year was an Act,² to amend Article 37 thereof by transferring from the Governor-General, "acting on the advice of the Executive Council," to the Executive Council the recommendation of the Crown for the appropriation of money. Such recommendation will in future be signed by the President of the Executive Council.

The 22nd amendment of the Constitution is Act No. 45 of 1933, amending Article 66 of the Constitution by terminating the right of appeal to His Majesty-in-Council.

Act No. 50 of 1933 amends the Oireachtas (Payment of Members) Acts³ by enacting that the payment of allowances and travelling facilities to Members elected to the Dáil commence from the date it is summoned to meet after a general election, or if the Member is not entitled to sit in Parliament on that day, the first day thereafter on which he is so entitled. In other cases such payment is to date from the day a Member becomes entitled to take his seat in the House. Provision is also made in regard to a Member of either House prevented by illness or "by some other involuntary and innocent cause" from complying with the Standing Orders in regard to him being entitled to take his seat. Free travelling facilities once to Dublin are also allowed a Member of either House for the purpose of taking his seat. In cases of dispute under the Act, the Presiding Members of the respective Houses have the final decision. Section 5 provides for this Act coming into force on the same date as Act No. 6 of 1933 above-mentioned.⁴

New South Wales, Second Chamber.—The question of bi-cameralism has received much consideration in this State during recent years, and reference⁵ was made to the subject in Volume I with the idea of giving the subject special consideration in this issue. To go into the question to the extent which its importance and interest requires, however, would take up so much space that, very reluctantly, we are compelled to treat it editorially in this Volume. The wealth

¹ No. 41 of 1933.

² Nos. 18 of 1923, 29 of 1925, and 17 of 1928.

⁴ See also JOURNAL, Vol. I, p. 101.

³ No. 40 of 1933.

⁵ JOURNAL, Vol. I, p. 9.

of information on the subject, however, which has been so courteously supplied last year by Mr. C. H. H. Calvert, the Clerk of the Parliaments, and now this year by Mr. W. R. McCourt, the Clerk of the Legislative Assembly of this State, will be held over until next year in the hope of including in Vol. III an article on the subject. Therefore it is proposed here to deal only with such legislation as has been passed on this subject by the State Parliament, during the year under review.

Taking, in the first place, the New South Wales Act No. 2 of 1933, to reform the Constitution and alter the powers of the Legislative Council (or Upper House); to reduce and limit the number of its Members and to amend the Constitution Act of 1902 and certain other Acts for purposes connected therewith (condensing its "long title"), it is not proposed here to deal with those provisions which affect disagreement between the Two Houses upon public bills, as that is referred to under Chapter XI hereof.

Under this Act the new Legislative Council is to consist of 60 Members elected by the Members of the Two Houses voting as one electoral body and recording their votes at sittings of their respective Houses, any casual vacancies being filled in a like manner. The election of its Members, whenever contested, is to be according to P.R., with the single transferable vote, except where there is only one seat to be filled, when preferential voting is to be employed. Voting is to be by secret ballot, and each voter must indicate the order of his preferences for not less than the prescribed number of candidates ("prescribed number" meaning a number equal to twice the number of seats to be filled at the election), and should the number of candidates be less than twice the number of seats to be filled, then the "prescribed number" is to be interpreted as the total number of candidates. Such elections are to be held and conducted and the votes counted and transferred as provided by law.¹ The qualifications for Membership of the Legislative Council are that he or she must be a registered elector for the Legislative Assembly; or qualified to become such; or, on the date Royal Assent was given to the Constitution Amendment (Legislative Council) Act, 1932, was a Member of such Council. Candidates must have had at least 3 years' residence in the Commonwealth of Australia and be natural-born or naturalized subjects of the King. Members of the Lower are incapable of being elected to the Upper House.

¹ Act No. 5 of 1933.

Should a Member of the Legislative Council accept an office of profit under the Crown or a pension therefrom, his seat thereupon becomes vacant, unless he is on full or half-pay, or on pension by virtue of service in any of His Majesty's Defence Forces or accepts an office of profit in any such forces; or unless he accepts the office of Vice-President of the Executive Council or any of the offices named in the Schedule to the Act, or an office of profit under the Crown created by Act of Parliament as an office of the Executive Government.

The Act of 1932 is further amended by a section providing for the procedure to be followed in the nomination of candidates, and no elector is allowed to sign more than one nomination paper.

In the first instance there are four separate elections, at each of which 15 Members are elected, but the nominations are made as if these 4 formed one election. At the first of such elections, all those nominated are candidates, and at each of the subsequent elections the candidates consist of those who were not elected at the election before. Special provision is made should the candidates number the places to be filled or when the number of candidates be fewer, in which latter case a fresh election is to take place. Subject to certain provisions, after the first election, the term of a Member of the Legislative Council is 12 years and one-fourth of the Members are elected every 3 years. The term of membership of those elected at the 4 elections above-mentioned is, for the 15 elected at the first, 12 years, and for those elected at the second, third and fourth elections, 9, 6 and 3 years respectively. A Member whose term of office is about to expire is eligible for re-election, and elections for expiration vacancies must take place 6 months beforehand. Members filling casual vacancies can only sit for the remainder of the unexpired period. In regard to disputed election returns the law for the Lower House elections is to apply. The Act also provides that the President of the Legislative Council is to be elected¹ and that he may take part in the debates of the House. Permission is also given for any Minister, who is a Member of the Lower House, with the consent of the Upper House, to sit (but not vote) there for the purpose only of explaining the provisions of any Bill relating to or connected with any department administered by them, provided not more than one such Minister may exercise the privilege at any one time.

¹ Hitherto the Upper House has been life-nominated and the President has been appointed by the Governor from amongst the Members. The President still continues only to have a casting vote. [ED.]

Under the Act of 1933 the monetary powers of the Upper House are more clearly defined than in the Act of 1902, where the only reference to the subject was that money bills must originate in the Lower House; which provision, of course, remains.¹

The Bill for the Act for the reform of the Legislative Council had by law to be submitted to a referendum of the electors for the Lower House,² at which the voting was as follows:—For the bill, 716,938; against, 676,034; informal, 18,144—Affirmative majority, 40,904.

The election for the Legislative Council under the new Act is provided for by Act No. 5 of 1933, under which the Clerk of the Parliaments is the Returning Officer.

Reform of House of Lords.—The developments which took place in 1932 in connection with this subject were reported in the last issue of the JOURNAL.³

The closing months of 1933 were prolific in constitutional problems in the British Empire, and the reform of the House of Lords was yet another issue of importance.

Towards the end of November⁴ reference was made by a Member in the House of Commons during the debate on the Address-in-Reply to the Royal Speech, to the fact that there had been no mention therein of any proposal, "for reconstituting the Second Chamber or so restoring the balance of the Constitution as to prevent the usurpation of dictatorial powers by a temporary majority in the Commons House of Parliament." Several Members took part in the debate.

A private Member's bill⁵ was introduced into the Commons during the year, proposing that public bills from the Commons not passed by the Lords within a certain time be subjected to a referendum of the members of the local authorities in the United Kingdom, as to whether it shall be directly presented for Royal Assent.

Another private Member's bill⁶ in the Commons, proposed that writs of summons should be discontinued to any temporal or spiritual peer unless he has been duly certified to have attended not less than $\frac{1}{2}$ the sittings of the House of Lords during the preceding Parliament, or to have been prevented from doing so either by ineligibility or public duties abroad or reasons of health. No such certificate, however, was to be necessary when there had been less than 50 days in

¹ See also Chapter XI. hereof.

² Vol. I, pp. 9, 10.

³ (H.C.) Bill No. 25.

⁴ Act No. 32 of 1902, section 7 A.

⁵ *The Times*, 24th November, 1933.

⁶ (H.C.) Bill No. 17.

the life of such Parliament and the Act was not to apply to Princes of the Blood Royal. Clause 2 defined a "money bill" as a public bill which in the opinion of a committee of 2 Members elected by the Commons and the Lords respectively and of a Chairman jointly elected by those 4 persons at the commencement of each Session—

contains nothing except provisions dealing solely with all or any of the following subjects, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to these subjects, or any of them. "Taxation," "public money," and "loan" does not include that raised by local authorities or bodies for local purposes.

Money bills were also to be certified before transmission to the Lords. Restrictions were placed upon the Lords in regard to public bills (not included in those above or containing provision with respect to the powers of the Lords in relation to those of the Commons or to extend the maximum duration of Parliament beyond 5 years) which if passed by the Commons in 3 successive Sessions (whether of the same Parliament or not) and sent up to the Lords at least 1 month before the end of the Session and rejected by the Lords in each of those Sessions, unless the Commons direct to the contrary, were to be presented for Royal Assent; provided 3 years have elapsed between the second reading in the first of those Sessions of the bill in the Commons and the date it passed the Commons in the third of those Sessions. A bill was to have been considered rejected by the Lords if not passed by them either without amendment or with amendments only as agreed to by Both Houses. Provision was made in this bill as to subsequent alterations in such bills necessitated by the lapse of time, etc., and sub-sections (2) and (3) of section 1 and sections 2 and 3 of the Parliament Act, 1911, were consequently to be repealed.

References continued to be made in the press towards the end of the year in regard to the reform of the Lords. The big move of the year, however, was the introduction by Lord Salisbury¹ of the Parliament (Reform) Bill² in the House of

¹ See JOURNAL, Vol. I, pp. 9, 10.

² H.L., No. 17.

Lords on the 19th December, the main provisions of which were as follows:

The Members of the proposed new Second Chamber were to be called "Lords of Parliament," which was defined in the bill as (1) 150 hereditary Peers elected by the hereditary Peers; (2) 150 persons chosen by resolution of both Houses; (3) 2 Archbishops and 3 Bishops; (4) the Law Lords; which with the Peers of the Blood Royal were to constitute the new House of Lords; writs to all other Peers were to be discontinued.¹ "Hereditary Peers" were defined as temporal Peers of the hereditary peerage of the United Kingdom, Great Britain or England, and in the case of the hereditary peerage of Scotland and Ireland meant Scottish and Irish Representative Peers. The method of election of the 150 L.P.'s by both Houses of Parliament was left for decision by a Joint Resolution. The 2 Archbishops were to be L.P.'s *ex officio* and the 3 Bishops L.P.'s to be elected by the Bishops of all the dioceses of England.

Elections under the Act were to be by P.R., with the single transferable vote and to be carried out under Regulations to be agreed upon by both Houses.

A Peer, whether hereditary or not, who was a Lord of Appeal, was to be an L.P. so long as he held such office and thereafter so long as he complied with an undertaking to be given to the Lord Chancellor to exercise judicial functions whenever requested by him so to do.

The term of office of an L.P., except where otherwise provided, was to be 12 years, such term to terminate at the end of his last Session.

One-third of the L.P.'s elected under (1) and of those elected by the Bishops were to retire after 4-year periods, the order of retirement of those first elected to be determined by ballot. Those filling casual vacancies only sat for the unexpired term of those whose places they filled. Provision was also made for cases when less than the required number is elected under (1) and (3) above and for resignations, and a Peer not an L.P., was no longer to be disqualified from sitting in the Commons.

Part II of the bill proposed the repeal of sub-sections (2) and (3) of section 1 of the Parliament Act, 1911, and proposed the following definition of a "money bill":

"(2) A Money Bill means a Public Bill which according to the certificate of the Speaker of the House of Commons contains only provisions dealing with all or any of the following subjects, namely—

¹ The strength of the House of Lords at present (July, 1934) is: 4 Peers of the Blood Royal; 2 Archbishops; 20 Dukes; 27 Marquesses; 130 Earls; 72 Viscounts; 24 Bishops; 459 Barons; 16 Representative Peers for Scotland elected for each Parliament and now only 17 Representative Peers for Ireland elected for life.

- (a) which, whatever their form, have in substance no other intention than the raising, variation or reduction of revenue through the imposition, repeal, remission, alteration, or regulation of taxation;
- (b) the imposition for the payment of debt of charges on the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges;
- (c) supply;
- (d) the appropriation, receipt, custody, issue or audit of accounts of public money;
- (e) the raising or guarantee of any loan or the repayment thereof.

In this sub-section the expressions "taxation," "public money" and "loan" respectively do not include any taxation, money, or loan raised by local authorities or bodies for local purposes.

Money bills were to continue to require certification by the Speaker before being sent up to the Lords, but the Speaker was to refer the question to a Standing Joint Committee of Both Houses, consisting of 3 Members from each House, with himself as Chairman, with a casting vote only. With this Committee was to rest the decision; provision was also made for a quorum. Sub-section (1) of section 2 of the Parliament Act was also to be amended by the adding of the following proviso:

"Provided further that where any such Bill has been rejected by the House of Lords 3 times in the same Parliament and the third rejection has been carried by an absolute majority of all the Lords of Parliament for the time being entitled to sit and vote in the House of Lords, the Bill shall not be presented to His Majesty for Royal Assent unless or until the House of Commons in the next ensuing Parliament has passed a resolution directing that the Bill shall be so presented."

After the bill had been read a first time on the 19th December, however, no further proceedings thereupon took place in 1933, owing to the indisposition of Lord Salisbury. The interesting debate which followed in the early months of the following year will be referred to in the next issue of the JOURNAL.¹

Remuneration to M.P.'s (South Australia).—The Clerk of the House of Assembly of the State Parliament of South Australia has very kindly drawn attention to an error on page 103 of the last volume of the JOURNAL, where the remuneration of £400 granted to Members of the Upper House of this

¹ The bill, however, has now been practically dropped, as the Government considered that so great a constitutional change as was proposed should be effected by the Government and not by private Members of Parliament.
[Ed.]

State Parliament should have read, "Members of Both Houses." An Act (No. 2133 of 1933) has since been passed extending for another year the operation of the Financial Emergency Act of 1931.

Ceremonial and Regalia.—We are also indebted to the Clerk of the Legislative Council of Tasmania for drawing attention to an error on page 110, line 15, of the same issue, where it is stated—"In the Upper House of Tasmania the President wears court dress without wig or gown, and the Clerk evening dress, with white bands." This should have read—"In the Upper House of Tasmania, the President wears court dress and gown without wig, and the Clerk evening dress and white bands with gown."

"Process of Suggestion."—The Clerk of the Legislative Council of Tasmania also kindly draws attention to an error on page 34, line 6, where it is stated that—"The gist of the 'compact' was the 'suggestion' referred to, which was afterwards adopted by the Parliaments of . . . Tasmania (1926) . . ." It is pointed out that this statement is a little too sweeping in regard to Tasmania, as the Legislative Council may amend all bills, including Money Bills, except Appropriation, Income Tax Rating, and Land Tax Rating Bills, to which Bills it may request the Lower House by message, to make amendments (*vide* Constitution Act, 1926). This matter was, however, correctly stated on pp. 85, 86. We are grateful for these corrections, which members of the Society can annotate in their copies of Vol. I.

Repairs to the Houses of the Imperial Parliament.—On the 24th July, the First Commissioner of Works,¹ in reply to a question, said that the cost of the erection of the Houses of Parliament was approximately £2,300,000, and that the estimated cost of the repair of the stonework² was £750,000.

Publication of Division Lists (United Kingdom).—The question as to whether the division lists of the House of Commons should be printed in the Votes as well as in *Hansard* was brought up in the Commons³ during the year, consequent upon the recommendation of a select committee⁴ that they should no longer be published in the Votes, to which the Speaker

¹ The equivalent portfolio to Minister for Public Works in Oversea Cabinets.

² These repairs are still going on, the river-side of the building and the Clock Tower being almost hidden by metal scaffolding. For almost 2 months Big Ben has been silent, but his deep, sonorous notes are announcing the hour of six as we write these words. [Ed., 13th July.]

³ 274 Com. Hans. 5, s, 1737-38. ⁴ No. 126.

replied that the practice was of such long standing—having been instituted by Resolution of the House in 1836—that he would not like to order its discontinuance unless he had the general approval of all parties in the House. For the information of the House he pointed out that, taking an average over the last 5 years, the cost of publishing such lists in the Votes was £1,690 a Session. The Speaker, at a later date, informed the House that he had failed to get agreement to the change from all the parties, and therefore the economies could not be effected.¹

Reduction of Noise in Buildings.—A short article had also been prepared on this subject in reference to an interesting report by the Building Research Board of the Imperial Department of Scientific and Industrial Research,² but lack of space has necessitated its exclusion from this Volume. The report is well worth perusal by all those responsible for the administration of Parliament buildings.

British Guiana.—It may interest those Clerks-at-the-Table responsible for Legislative Chambers in the tropics to know that 5 electric “Kingsway Magnet” ceiling fans have been installed in the Council Chamber of the above-mentioned Colony at Georgetown, which is situated in N. Lat. 6° 49' 30," and that they have in no way interfered with the acoustics of the Chamber. The Council Table seats 30 Members and the fans are suspended overhead at a distance of about 14 feet from the floor.

Parliamentary Catering.—A special report³ from the Select Committee appointed to control the Kitchen and Refreshment Rooms (House of Commons) in the department of the Serjeant-at-Arms at Westminster was issued early in 1934, in respect of the calendar year 1933. It contains information of interest to the Clerks of the Two Houses of Parliament Oversea, who are usually in charge of this work, under a corresponding or joint committee.

Many Clerks Oversea will no doubt look with envy on the sum of £26,875 19s. 6d. income from sales. Kitchen refuse, empty bottles and cases realized £54 11s. 2d., and there was even an item of income—interest from amounts placed on deposit during periods of the year when not required for immediate use. On the expenditure side of the account, in addition to the amount of £17,244 7s. 4d. for purchases, were the sums of £9,153 4s. 6d. in respect of wages, health and

¹ 275 Com. Hans. 5, s, 1783-5.

² 70.

³ Bulletin No. 14.

pension insurance; £496 9s. 9d. for expenses, laundry, postage, etc., and £390 9s. for repairs and renewals.

The deficit on the year's working, after providing free meals during the Session to all Staff, and defraying the expenditure above-given, was £351 8s. 8d., as against a deficit of £28 8s. for the 144 sitting-day Session in 1932.

During the year 1933 the House sat in Session 134 days, in comparison with 144 in the previous year, and the number of meals served (including Teas and Meals at Bars) was: Breakfasts 131; Luncheons 18,938; Dinners 35,264; Teas 72,106; Suppers 350; and Bar meals 6,770.

Of the above-mentioned amount paid in wages, etc., the amount of £2,258 6s. 5d. was paid for periods when Parliament was adjourned or prorogued.

The total membership of the House is 615, namely 492 representing England, 36 Wales and Monmouth, 74 Scotland, and 13 Northern Ireland.

Subjects for Treatment in Future Issues.— We desire to thank the Members of the Society for the many suggestions which have been made, of subjects for treatment in future issues of the JOURNAL, and any others will be gratefully received, for too many proposals of subjects for consideration cannot be put forward, as then a selection can be made each year of those more generally desired. All we ask Members to bear in mind is the importance of quick response to any requests which we may make of them for information, etc. Many thousands of miles separate Members, cables cost money, and the funds of the Society are only just sufficient to carry on with, provided each Member pulls his weight in the boat. If replies to *Questionnaires* and all the latest information in regard to Standing Order and Constitution, etc., amendments can be in the Editor's hands by Christmas each year, it will permit of a much earlier publication of the Volume. In replying to any *Questionnaire* sent out, Members who occupy the position of "Clerk of the House," are earnestly requested to bear in mind how helpful it is if each Clerk will reply in the form of memoranda, duly quoting his authorities. Delving into the Standing Orders as well as into the Constitution and perhaps also the statute law of each of the countries in the Empire under Parliamentary government in connection with every subject of research is a lengthy process, and there is always the danger of a stranger to the country not fully appreciating local conditions and practices. It is not suggested for a moment, however, that Members should discontinue to send

in the latest editions of their Standing Orders, and especially the amendment slips, but that, whenever desirable, extracts from their Journals and select committee reports, etc., should also accompany memoranda in order to give the fullest information possible. The same request applies to Constitutions and other laws and amendments thereof in their relation to Parliament.

Statement of Accounts of the Society.—Under Chapter XXII of this Volume will be found the first Statement of Account in respect of the Society. Such account covers the period 24th March, 1927, to 23rd September, 1933, and is signed and countersigned as provided in Rule 10 of the Society. The Auditors' Report is also given and this practice will be followed in each issue of the JOURNAL, in regard to the finances of the Society, for the previous year.

Conclusion.—Lastly, we beg the indulgence of our fellow-Members in consideration of our humble efforts, but, at the same time, we cordially invite their criticism. No one knows better than they who have spent many years at the Table of a House of Parliament what good results can accrue from the concentration of mental searchlights upon a subject, from every conceivable angle.

28th July, 1934.

II. THE CLERKS OF THE HOUSE OF COMMONS

BY

O. C. WILLIAMS, M.C.

A Senior Clerk in the House of Commons.

THE House of Commons Offices, as they are called in the Estimates, are not a Government Department in the sense that they carry out the orders of a Minister of the Crown, nor do they form a section of the Civil Service, though their salaries are regulated on a similar basis.

There are twenty-six clerks in the House of Commons, only three of whom sit in the House itself. The remainder are divided between the three main offices situated in various parts of the building: the Public Bill Office, the Journal Office, and the Committee and Private Bill Office. The head of this body is the Clerk of the House, who sits at the Table in the seat nearest the Treasury Bench. He is in much the same position as the permanent head of a Government Department, save that he is in some ways more independent. He has, for instance, the absolute power of appointing new clerks, though he has no power to give them a salary. Again, he does not carry out the orders of a Minister responsible to the House, but when any question regarding himself or his staff arises in the House it is the Speaker who replies. The Clerk's office is held by a patent under the Great Seal, and his chief duty is to assist the Speaker and the House generally in matters of procedure. Two Clerks-Assistant also sit at the Table, who hold their appointments from the Crown. They keep minutes of the proceedings, and also advise as to procedure, particularly with regard to questions and notices of motions. The Public Bill Office, to put the matter briefly, supervises the financial provisions of Public Bills, sees them safely through all their stages, and communicates with the House of Lords. The Journal Office compiles the Votes and Proceedings, and the Journal. The Committee and Private Bill Office furnishes clerks to act as secretaries to the various Standing, Select, and Private Bill Committees, and also supervises the passage of Private Bills through the House, and acts as a kind of intelligence office to the Parliamentary agents.

The Clerk of the House of Commons makes his specific entry into history in the year 1388. In the Rolls of Parliament we find under that year that the king "granta auxint a la requeste des communes d'aider John de Scardesburgh, leur

Commune clerk." Of John Scardesburgh we hear no more, but as the "common clerk" appears in 1388 to be established in office, it is to be inferred that he existed before. Whether there were any other clerks at the time is uncertain, but the Rolls of Parliament mention the appointment each year of Triers of Petitions, a body which may be looked on in some respect as the first standing committee of the House. It is natural to suppose that some kind of clerk was in attendance upon these Triers to keep records, endorse petitions, and perform other necessary duties. In these early days, however, it is not likely that the first Clerk and his subordinates, if such there were, held very dignified positions. The Commons were still overshadowed by the Crown and the Barons, and their Clerk was a humble subordinate of the Chancellor who appointed him, probably from among his poor dependents. His position, indeed, was largely that of an amanuensis, as may be gathered from the fact that in 1601, by which time the House of Commons had fully vindicated its importance, the Clerk, Fulk Onslow, was permitted to appoint his servant, one Cadwallader Tydder,¹ to act as his deputy during indisposition. For the XIVth and XVth Centuries, however, there is no further evidence on the subject. From the single passage in the Rolls of Parliament mentioned above record is silent concerning the clerks till we come to Elizabethan times. Thenceforward we have sufficient material to form a clear general idea of the development of the clerical establishment.

The early authorities are the Commons Journals, the Journals of Sir Simonds D'Ewes and Lord Mountmorres' *Irish Parliaments*, the last of which contains an account read by one Hooker to the Irish Parliament of procedure at Westminster in the latter half of the XVIth Century. Then we get Burton's Parliamentary Diary for the XVIIth Century, and Hatsell's *Precedents and Procedure* for the XVIIIth Century. The latest authorities are the Reports of Committees from 1833 onwards, which inquired into the Establishment of the House.

The primary duty of the Clerk in the earliest times was to keep the "Clerk's book" or list of Members. He had also to keep the Bills which were before the House in his custody, and to ingross them after third reading. Hooker's narrative says: "Before the Speaker's seat is a table board, at which sitteth the clerk of the House, and thereupon layeth his books

¹ See D'Ewes's Journals, p. 623.

and writeth his records." But the researches of Professor J. E. Neale into the Parliamentary history of the Tudor period (see especially the monograph *The Commons' Journals in the Tudor Period*, Aberdeen University Press, 1920) seem to prove that no proper Journal was kept till after 1547. In 1548 John Seymour, Fulk Onslow's predecessor, succeeded Richard Ormeston, and began, as Professor Neale shows from an examination of the MS. Journal, to keep a proper record based on rough notes. Professor Neale also shows that D'Ewes's strictures on Onslow for inaccuracy are not justified, since it was from Onslow's rough notes, not his finished record, that he edited the Elizabethan journals. Both the rough notes and fair copy of these journals have long been lost, a fact easily explained when it is remembered that the Clerk was the only custodian of the Commons records, and his residence the only place of custody till the XVIIIth Century.

The Clerk also had the privilege in early times of copying Bills and extracts from the Journal for Members at the rate of ten lines a penny. It has been questioned whether any reporting of speeches was included in this keeping of the records, but the early Journals show that the Clerk conceived it to be his duty to report the heads of important speeches. The practice of reporting continued till the end of the reign of James I, but ceased soon after the beginning of Charles I's reign, owing to a desire expressed by Charles to see a speech as entered in the Journal. The House, in order to preserve its privilege, stated on 17th April, 1628, that the entry of particular Members' speeches was without warrant at all time. Another duty of the Clerk, till a regular chaplain was appointed, consisted in reading prayers,¹ a function which he probably handed over to the chaplain at the Restoration. If the Clerk's duties were miscellaneous, so also were his emoluments.

There are several references in our early authorities to the Clerk's salary, and he seems to have derived his income from various sources. The earliest payment, which probably dates from the first letters-patent, was a not very princely grant of £10 a year from the Treasury, but it is stated besides in the letters-patent that the Clerk was also entitled to "all rewards, dues, rights, profits, commodities, advantages, and emoluments whatsoever to the said office appertaining." Hooker's narrative shows that the Clerk received forty shillings on every Private Bill passed, and made what money he could by copying.

¹ C.J., 23rd March, 1603.

In these payments we see the origin of the fees on various proceedings which till 1821 continued to be the source of the Clerk's income. As late, however, as the beginning of the XVIIth Century the emoluments of the Clerk appear to have been very small, and to have been chiefly derived from a contribution levied on every Member. In 1604 the collection was made of five shillings from every knight of the shire, and two-and-sixpence from every burgess. In 1624 the collection had increased to about £1 a head, out of which the Clerk received £30, his son £10, and the Serjeant £20. The Commonwealth would permit no fees and collections, and during its existence the officials seem to have been placed on fixed salaries, as we learn from references in Burton's Diary; but these fixed payments probably ceased at the return of the easy-going monarchy, and the system of fees, which had already begun, was reverted to. The table of fees was systematized in 1731, and a full list is given in the Journal for that year, which shows that fees¹ went to the Clerk, Clerk-Assistant, Clerk of Elections, four Clerks without doors, Serjeant, House-keeper, and four Messengers. So much had the business of the House increased, that in Hatsell's time the Clerk's income rose to nearly £10,000 a year. One source of income had, however, ceased by that time—the sale of appointments to clerkships. Dyson, Clerk in 1747, bought the place of Clerk-Assistant for £6,000, but refused to accept any payment of this kind in his turn. Hatsell (Clerk, 1768-1797) was the first to profit by this act of sacrifice, and he says that no payments for promotion or appointment were ever afterwards taken. In spite of this renunciation, the Clerk was at that time enjoying the present Lord Chancellor's salary; but Hatsell was the last Clerk to enjoy this princely income, for by an Act in 1801 the Clerk's salary was fixed after Hatsell's death at £3,000 a year, and £3,500 after 5 years.²

The position and influence of the Clerk in the House in earlier times seems to have varied, and it is unfortunate that evidence is comparatively scanty on this very interesting question. The House always seems to have regarded its faithful servant with respect, and almost with affection. His position in the XIVth and XVth Centuries was a far humbler one than it is now, but it must be remembered that, though an amanuensis,

¹ These fees were paid to the Clerk of the Fees, who distributed them. The other officers were directly paid for work done by those for whom they did it—private agents in the case of Private Bills, and the Treasury in the case of public business generally.

² It is now £3,000 a year.

he is always a *clericus*, a learned man. Further, when in the course of a century or so the traditions of his office had grown, it was naturally he who guided the House and Speaker in matters of procedure. In the days, therefore, when precedents were still few and education less universal, the Clerk's voice had great authority. One of the most distinguished Clerks was Henry Elsyng, who held office during the first years of the Long Parliament.¹ Under him the Clerk's office reached a position of dignity and authority which was quite unprecedented, and the esteem in which he was held may be gathered from the notice in Wood's *Athenæ Oxonienses*:

"This (place) crowned his former labours, and by it he had opportunity to manifest his rare abilities; which in a short time became so conspicuous, especially in taking and expressing the sense of the House, that none, as it was believed, that ever sat there exceeded him. . . . His discretion also and prudence was such that though faction kept that fatal, commonly called the Long, Parliament in continual storm and disorder, yet his fair and temperate carriage made him commended and esteemed by all parties. And therefore it was that, for these his abilities and prudence, more reverence was paid to his stool than to the Speaker's² chair; who being obnoxious, timorous, and interested, was often much confused in collecting the sense of the House, and drawing the debates to a fair question."

The Clerk who succeeded Elsyng, Henry Scobell, was not so popular with the House. He seems to have been one of those unfortunate persons who, in doing what they conceive to be right, contrive to incur everybody's censure. When Cromwell imperiously dismissed the House, he dutifully inserted in the Journal for 20th April, 1653: "This day his Excellency the Lord General dissolved this Parliament." This was nothing more than fact, but was nevertheless a breach of privilege, and he was called to the bar of the House in 1659 to be rebuked, and his words were ordered to be erased as a forgery. In 1654 he appeared, as he considered himself in duty bound, as Clerk to Cromwell's second Parliament. This brought him a lecture for his presumption in appearing without summons, and though he was reappointed, he was curtly informed that the House had no liking for his patents. His most serious breach with the House was due to Cromwell's ill-advised attempt to reconstitute the House of Lords. Scobell, who was Clerk of Parliaments, an office held by the Clerk to

¹ The inexperience of Members and the peculiar difficulties of that time must have added greatly to the Clerk's prestige. The modern position of the Clerk clearly dates from those troublous days.

² The Speaker was Lenthall.

the House of Lords, went off to the Upper House and took with him the Commons' Journals, which he absolutely refused to give up, regarding himself as their proper custodian. This caused great indignation and perturbation among the Members, who held that their privileges were being invaded by the House of Lords. The dispute was satisfactorily settled, but not without many wild words.

These disturbed times ceased with the Restoration, and the Clerk's career settled down to one of faithful but less conspicuous service. However, one more individual holder of the office stands out as worthy of particular mention as being the only Clerk who, so far as we know, abandoned an administrative for a political career. Jeremiah Dyson, Clerk from 1741 till 1762, whose generosity in refusing to sell subordinate offices has been mentioned above, resigned his post in order to become a Member of Parliament. He sat for Yarmouth, Isle of Wight, till 1768, for Weymouth and Melcombe Regis till 1774 and for Horsham till he died in 1776. He was the life-long friend of Akenside, the doctor and poet, and both in their youth were advanced Liberals. On the accession of George III both changed sides, and took up the new cause with considerable zeal. It was then that Dyson resigned his post to become a politician, and, though considered at first a supporter of George Grenville, his real position was among the "King's friends." As we read in the *Dictionary of National Biography*:

"Office after office was conferred upon him, and as he brought to his side a profound knowledge of Parliamentary forms and precedents (for he was jocularly said to know the Journals of the Commons by heart), and was endowed with a subtleness of apprehension which gained him the title of the Jesuit of the House, his promotion was fully justified by his merits."

His Parliamentary diligence earned him the nickname of "Mungo," an allusion to the character of a slave in a popular opera.

Little need be said about the two Clerks-Assistant who also sit at the table. The post is an arduous one, but there is little of historical interest connected with it. The first Clerk-Assistant, according to tradition, was Rushworth, who held the Office in 1640.¹ The post of second Clerk-Assistant was

¹ Two distinguished men have held the post of Clerk-Assistant, though there is no space to go into their history. For John Rushworth readers may be referred to Professor Firth's excellent article in the *Dictionary of National Biography*. The other was John Rickman, Clerk-Assistant, 1820-1840, with whose name the taking of the first census is associated, and who was a friend of Charles Lamb. *The Life and Letters of Rickman*—by the writer of this article—is now out of print.

not created till 1801. The salaries of both these posts were fixed by Acts of Parliament in and after 1801.

For the most part, the main body of clerks, who perform their duties outside the debating chamber itself, has grown silently with the increasing business of the House, and much of its early history lies buried in obscurity, from which it can only be partially rescued by conjecture. The work of the clerks is concealed, as it should be, behind that of the Members. But there was a time when the watch-case of Westminster was thrown open and an unaccustomed light was thrown upon the Parliamentary cog-wheels. The light, it is true, lit no reflecting spark in the public interest. Hence it is that the extremely interesting evidence given before the Committee of 1833 is probably known to very few.

During Hatsell's lifetime, and even before his retirement in 1797, the attention of Parliament seems to have been called to the large income of the officers, and the Acts of 1801 and 1812 were passed. The effect of these Acts was that the salaries of 5 officers—the 3 Clerks-at-the-Table, the Serjeant-at-Arms, and the Deputy-Serjeant—were fixed by statute, to be paid out of a fee fund, thereby created and supervised by a collector of fees, who was made responsible to a body of Commissioners for the House of Commons Offices. Not only all the other clerks, but the doorkeepers and messengers, continued to be paid in the old way, by the piece, by fees, and, as will be seen, by gratuities. This state of affairs lasted till 1833, when Parliament was all aglow with the Reform movement, and the indefatigable body of Members, led by Mr. Joseph Hume, with laudable industry, raked up every item of civil expenditure and subjected it to searching criticism in the new spirit of the XIXth Century. It is not strange that some comfortable sinecures of the easy-going XVIIIth Century were put rather out of countenance before the eagle eyes of select committees. The House of Commons Offices came up with the rest, and a very large body of interesting and curious evidence was taken which is to be found in vol. xii. of *Reports of Committees for 1833*. A great many reforms were suggested in the Report, some of which were carried out at once and others at a later date. The aim was to cut down unnecessary expenditure, to abolish sinecures, and to substitute fixed for variable salaries. In 1835 and 1836 other committees sat which effected further reforms. The matter then rested till 1838, when a Select Committee inquired into the expenditure in nearly all the Government offices. The most important section of the

Report dealing with the House of Commons Offices was that which recommended the establishment of a graduated scale of salaries as in other public offices. This principle of bringing clerkships in the House into conformity, so far as possible, with other Civil Service appointments as regarded conditions of pay and promotion, was accepted by the Select Committee appointed to consider the subject in 1849. A scheme prepared by the Speaker was before them, and the regulations based upon their Report are still in force. It is unnecessary to enter into detail, but in order to appreciate the old conditions, it will be well to remember that clerks start now on a salary of £150 (plus War bonus), with the prospect (appointments at the Table apart) of rising slowly to £1,000 or £1,200 as principal Clerk of a department.¹

¹ This article is based on a monograph, *The Officials of the House of Commons*—by the writer of this article—published officially in 1909 (J. B. Nichols and Sons), which goes into greater detail especially regarding the evidence taken by the Select Committee in 1833.

III. THE PRIVATE MEMBER IN THE CANADIAN HOUSE OF COMMONS

BY

ARTHUR BEAUCHESNE, C.M.G., K.C., LL.D., M.A., LITT.D., F.R.S.C.
Clerk of the House of Commons.

It is often contended that the order of business of the House of Commons is so arranged as to prevent the private Member from putting into law measures which he thinks should be included in the statutes. This complaint seems more emphatic in late years as we get away from the traditional dual party system.

The private Member has, at least in Canada, all the scope necessary to place his views before Parliament. He enjoys complete freedom of speech and may advocate any policy or propound any principle, more particularly when the motion is made for the Speaker to leave the Chair for the Committee of Supply, or Ways and Means, and he has the right to introduce any bill which does not involve public expenditure.

Under our S.O. 65, "every (public) bill is introduced upon motion for leave," and, under S.O. 45, "48 hours' notice shall be given of a motion to present a bill." These rules apply to private Members as well as Ministers, and their application takes place under S.O. 15, which sets out the agenda for each sitting day of the week. On Monday, the following precedence has to be observed: (1) Private bills; (2) Senate amendments to public bills; (3) questions; (4) notices of motions; (5) public bills; (6) Government notices of motions; (7) Government orders. On Wednesday: (1) Questions; (2) notices of motions; (3) public bills and orders; (4) Government notices of motions; (5) Government orders. On Thursdays (for the first four weeks of the session): (1) Questions; (2) public bills and orders; (3) notices of motions; (4) Government notices of motions; (5) Government orders. These, as is easily seen, are days on which private Members' business is taken up before Government measures.

Judging by this 1934 Session, which opened on Thursday, 25th January, and can be taken as a good average, our private Members have fared very well up to the present time. On Monday, 5th February, the House took up Mr. Heaps' notice of motion respecting the reduction of hours of labour and the increase of the purchasing power of the masses of the Canadian people. A debate covering 23 printed pages of the report

took place on this motion, which was accepted by the Government and passed. Then, on the same day, came a notice of motion by Mr. Woodsworth favouring a system of co-operative production and distribution. The debate on this fills 20 pages of our *Hansard*, and it was adjourned at 11.0 o'clock, just as the House was about to rise in accordance with S.O. 7. It became a public order which could only be reached on a Thursday of the first 4 weeks of the Session; but between Monday, 5th February, and Thursday, 8th February, Wednesday, another private Members' day, intervened on which Mr. Coote made a motion, after due notice, asking that the Government give immediate consideration to the inauguration of a large-scale programme of public works. The debate on this lasted about 2 hours and 30 minutes. The question was also carried over to public bills and orders for the next Thursday. Similar notices of motions were also considered and disposed of in different ways. Those on which debate had been adjourned appeared on the order paper for Thursday, but they were all kept back by the debate on the Address in Reply to the Speech from the Throne which, not having been given precedence, was proceeded with as an ordinary private Member's motion. It will perhaps be contended that these private Members' notices were headed off, but this can hardly be the case, as nobody protested and the Members had not prepared themselves to continue the discussion. As these motions were made by Members who belong to a group of 14 only, they could not hope for much support and they were satisfied that their views had been placed before Parliament.

It was only on the 5th and 21st of March respectively that Monday and Wednesday were taken over as Government days. Out of 40 sittings, 5 Mondays, 3 Thursdays and 7 Wednesdays were allotted to private Members. Moreover, there is no ballot in our House for notices of motions which may be handed to the Clerks-at-the-Table before 6 o'clock, and, after having been printed once in an annex of the next issue of Votes and Proceedings, are placed on the order paper, on which a Member is not allowed to have more than one at a time. When a notice of motion has been twice called from the Chair and not moved, it is automatically withdrawn, but it may be restored at the foot of the list upon a motion made after notice. If then it is again called and not proceeded with, it is irremediably dropped.

Every time a motion is made for the Speaker to leave the Chair for Supply, or Ways and Means, a general discussion

on all conceivable subjects connected with public affairs may take place. Of course, if an amendment is moved, debate must be limited to its subject-matter, but the private Member finds here another opportunity to expound his own political principles. The Minister, in our House, simply moves that the House shall go into Committee of Supply, or Ways and Means. No special department is mentioned, and a private Member is perfectly free to bring up any matter that has not yet been debated in the same Session or in reference to which no notice of motion has been given.

On Tuesdays and Fridays, from 8.0 to 9.0 o'clock p.m., during the whole Session, public bills sponsored by private Members may be taken up, and there are always three or four on the order paper, but they have to be called several times before being considered. Their consideration is often postponed at the sponsors' request and sometimes they remain on the paper until prorogation. This rule almost compels a Member to go on with his bill once he has introduced it in the House, and it gives him opportunities which may sometimes prove embarrassing.

On the second reading of every Government bill, be it in respect of unemployment, banking, trade, agriculture or national defence, private Members are at liberty to move amendments in declaration of their own political theories. This again opens a wide field for discussion.

If you add the fact that private Members are free to speak as many times as they like in the Committee of Supply, or Ways and Means, and may belong to any of our Standing Committees, you must admit that, in Canada at least, they are given a fair share in the work of Parliament.

Not only does the Canadian House of Commons multiply the occasions when the private Member may air his views, but it also allows him to place on the order paper any number of questions which, if not "starred" or changed into orders for returns, are answered in writing, and the answers are printed in *Hansard*.

Debate is allowed in the House of Commons of Canada on every motion standing on the order of proceedings (except Government notices of motions for the House to go into Committee at a later date), and also on motions for concurrence in a report from a standing or special committee, for the previous question, for the second and third readings of a bill, for consideration of Senate amendments to House of Commons' bills, for a conference with the Senate, for adjournment of the

House when made for the purpose of discussing a definite matter of urgent public importance, for the appointment of a committee, for reference to a committee of a report or any return laid on the Table of the House, for the suspension of a Standing Order, and routine matters.

The greatest part of our debates reports is taken up by private Members' speeches. When one considers that with regard to money legislation, debate can take place first on the resolution when Mr. Speaker is in the Chair and afterwards in Committee of the Whole, on the second reading of the bill, in Committee on the bill, and on the third reading, there is hardly any room for complaint that Ministers monopolize the time of the House.

There are in our House 11 Standing Committees, the membership and quorum of which are fixed as follows: On Privileges and Elections, 29 members, quorum 10; on Railways, Canals and Telegraph Lines, 60 members, quorum 20; on Miscellaneous Private Bills, 50 members, quorum 15; on Banking and Commerce, 50 members, quorum 15; on Public Accounts, 50 members, quorum 15; on Agriculture and Colonization, 60 members, quorum 20; on Standing Orders, 20 members, quorum 8; on Marine and Fisheries, 35 members, quorum 10; on Mines, Forests and Waters, 35 members, quorum 10; on Industrial and International Relations, 35 members, quorum 10; on Debates, 12 members, quorum 7.

We also have the Joint Committees on Printing with 25 members of the House of Commons, and on the Library, with 21, but a sufficient number of members of these committees must be appointed so as to keep the same proportion therein as between the memberships of the House of Commons and the Senate.

These Committees afford the private Member additional opportunities for Parliamentary work. They sit quite regularly, and, whenever any important matter has been referred to them, they secure permission from the House to report their discussions *verbatim*.

Parliamentary practice is so arranged that the fullest discussion is encouraged on any question. The private Member has no grievance on that score, but he often labours under the misconception that the House, instead of being a deliberate assembly, is an executive body. He comes to Parliament with the idea that certain reforms ought to be made in our system of government or in the management of public affairs. He feels he has been elected with the mandate to see that things

should be righted and he is impatient at the fact that no bill can pass the House unless it meets with the approval of the Government. Parliamentary rules give him the same rights, scope and opportunities as the Ministers, except in relation to the introduction of money bills, which cannot be withdrawn from Government responsibility. The strongest obstacle in his way is that he must command a majority in the House in order to secure the adoption of his own measures.

IV. EXPEDITION OF FINANCIAL AND GENERAL BUSINESS IN THE UNION HOUSE OF ASSEMBLY

BY

DANL. H. VISSER, J.P.

Clerk of the House of Assembly.

At the conclusion of the budget debate in the Session of 1917 the very wide field traversed in the discussion on the motion for setting up Committee of Supply was pointedly referred to by Mr. Speaker, and during the Session of 1919 he submitted certain proposals to the Committee on Standing Rules and Orders, as a result of which a new S.O. 97 A was adopted by the House on the 29th May, 1919. This new Standing Order provided, firstly, for separate motions for Committee of Supply on the estimates of expenditure from the Consolidated Revenue Fund and Railway and Harbour Fund,¹ respectively; in other words, for two separate budgets instead of one, which had been the practice previously; and, secondly, for the limitation of Members' speeches on the budget, other than that of the Minister in charge, to 40 minutes' duration. No restriction, however, was imposed on speeches in Committee of Supply.

In dealing in my annual Report for 1920 with the effect this new Standing Order had on the budget debate, I pointed out that with the 40 minutes' restriction on the separation of the main budget debate from that on the Railway budget, 47 hours' discussion had taken place in 1920 as against 38 hours in 1919, and that in the consideration of the estimates in Committee, without any limitation, 125 hours had been occupied as against 74 hours in the previous year. I was of opinion then that not only did separate discussions have the effect of prolonging the budget debates, but that with the 40-minute limitation, debate was transferred from the budget to Committee of Supply and actually much more time was occupied.

The experience gained during the 1921 Session convincingly confirmed this view, the time occupied during budget and Committee of Supply being:

¹ The Union Railways and Harbours are state-owned systems and are required by the Constitution (section 127) to be run on business principles. So far as may be, the total earnings must not be more than are sufficient to meet the necessary outlays for working, etc.

	1919. Hours.	1920. Hours.	1921. Hours.
Budget	38	47	62
Committee of Supply ..	74	125	135
	<hr/>	<hr/>	<hr/>
Total	112	172	197

It will therefore be seen that the imposition of a time-limit to speeches delivered whilst the Speaker was in the Chair resulted in an increase in debate of over 75%. The prolonged discussion in Committee of Supply was also partly due to a practice that had sprung up in previous years of discussing the whole policy of a department on the vote containing the Minister's salary.

From the above observations it was clear that the 40-minute limitation during debate on the budget was not going to have the result of shortening discussion unless some check was also applied in the procedure in Committee of Supply, and during the Session of 1921 the Committee on Standing Rules and Orders took into consideration the advisability of imposing some restriction on debate not only in Committee of Supply but also in connection with the budget. At the request of the Committee Mr. Speaker gave the matter his consideration in the recess following the 1921 Session, and in drafting new Standing Orders to meet the desire of the Committee, Mr. Speaker also considered the wider aspect of a general restriction upon all debate with a view to a more expeditious procedure in the House. As a result, draft Standing Orders were submitted dealing with:

- I. Restriction of debate on budget.
- II. Restriction of debate in Committees of Supply and of Ways and Means.
- III. Restriction of debate generally both when Mr. Speaker is in the Chair and in Committee of the whole House.
- IV. Consequential amendment of other Standing Orders.

The first Standing Order proposed was one in substitution of the then existing S.O. 97 A, and prescribed the procedure to be followed in connection with the budget debate. It provided for only one motion for setting up Committee of Supply on the Main, and Railway and Harbour estimates, without any restriction in regard to the time occupied by Members individually in addressing the House, instead of separate motions for these two classes of estimates, with a 40-minute limit to

speeches, as had been the practice since 1920. It provided also that when the financial statement in respect of the Railways and Harbours was delivered by a Minister other than the Minister submitting the motion to go into Committee of Supply, both Ministers should be allowed a reply on the debate. While the time-limit to individual speeches was no longer to be enforced, the period of time over which the budget debate should extend was limited to 5 days, exclusive of the days on which the financial statement or statements were delivered, days on which the order for the resumption of the debate did not stand as the first business on the order paper for the day and was so taken, and days on which the replies to the debate were made.

The second Standing Order proposed (102 A) imposed a time-limit in Committee of Supply, Members (except the Minister in charge of the class of estimates under consideration) being restricted to 10-minute speeches at a time. The provision of S.O. 212 (3), permitting a Member to speak more than once to the same question, was not affected. A relaxation of the restriction upon private Members was, however, provided, to the extent that where a Minister's salary was specifically and *bonâ fide* challenged on a question of policy, and amendments (not to exceed two in respect of any vote in the main estimates or head in the Railway estimates) were proposed in respect thereof, the movers of such amendments had the right to speak for 40 minutes each in proposing their amendments.

The next Standing Order proposed (113 A) was one imposing limitation of speech in Committee of Ways and Means. Here a double restriction was imposed upon all Members save the Minister-in-Charge of the proposal to raise funds and any Member submitting an alternative proposal. Only two speeches were allowed on each question proposed from the Chair, and each speech was limited to 15 minutes.

The fourth proposed new Standing Order (67 A) imposed limitation of speech in respect of all debates not covered by the provisions of the three preceding rules: (a) with Mr. Speaker in the Chair, to 40-minute speeches; and (b) with the House in Committee, to 10-minute speeches. The provisions of the rule would not apply to Ministers or to Members in charge of bills or motions.

The fifth Standing Order proposed (83 A) was a new one providing that when the mover of a motion had replied on the debate, such reply closed the debate.

These proposals were adopted.

The second Standing Order above referred to read:

Where a Minister's salary is specifically and *bonâ fide* challenged on a question of policy, and amendments are proposed in respect thereof, the movers of such amendments shall be permitted to speak for a period not exceeding 40 minutes each: Provided that such extended periods shall not be permitted to more than two Members on any vote or head.

In actual practice this rule was found to be defective in several respects:

- (1) It led to an irregular continuation of the budget debate in Committee instead of a discussion of the details contained in the estimates.
- (2) On a Minister's salary items contained in a vote under his control but not contained in the vote before the Committee were open to discussion.
- (3) When a Minister held more than one portfolio discussion took place on the vote containing his salary irrespective of the matter discussed.
- (4) It was found almost impossible to distinguish between "questions of policy" contemplated by the rule and "questions of administration" which were apparently not contemplated.
- (5) It was found impossible to say when a question was "*bonâ fide*."
- (6) It was found impossible to prevent Members from grouping more or less unrelated questions under one head merely to obtain the advantages of speaking for more than 10 minutes.

For these reasons I recommended in 1931 that the rule should be omitted or altered to read as follows:

104. (3) The Chairman may, in respect of the vote or head of each ministerial portfolio on the main estimates of expenditure from the consolidated revenue and the railway and harbour funds, permit two speeches not exceeding 30 minutes each, provided that such speeches are relevant to the particular vote or head before the Committee. Such permission shall not be granted unless the Member desiring to avail himself of the extended period states his intention of doing so on rising to address the Chair or unless the Member subsequently obtains the unanimous consent of the Committee.

The alteration was adopted by the Standing Rules and Orders Committee, which at the same time recommended that on the motion to go into Committee of Supply speeches be limited to 40 minutes, and the whole debate limited to 4 instead of 5 days.

This report was adopted by the House on the 27th March with effect from the 13th April, 1931, and when the House went into Committee of Supply the Chairman explained the effect of the alterations in the following statement:

In view of the alterations which have been made to S.O. 104, I think I ought to summarize the procedure which will now be followed in Committee of Supply.

The alterations are designed to further the principle that discussion in Committee of Supply must be relevant to the items contained in the vote proposed from the Chair in just the same way as discussion must be relevant to the provisions of a clause in a bill.

On the Prime Minister's vote it will still be necessary to allow a certain amount of latitude because his office constitutes a separate portfolio constitutionally related to every other portfolio; but on all other votes debate will be confined to the items contained in the vote proposed from the Chair, and must not traverse services for which provision is made elsewhere.

The distinction drawn under the old rule between questions of policy and questions of administration will no longer apply, and the discussion on a vote containing a Minister's salary will be restricted to the items of the vote or such other matters as are not contained in other votes.

Under the new rule Members who wish to speak for more than 10 minutes are consequently given the opportunity of speaking for a longer period on any vote instead of on the particular vote containing the Minister's salary. This extended period will be restricted to two speeches in respect of each ministerial portfolio, so that two such speeches will be allowed for the votes falling under each of the portfolios of say "The Interior," "Public Health," and "Education," although the portfolios are held by one Minister, and two speeches will be allowed on the combined votes of "Native Affairs" and "Irrigation," because they at present fall under one ministerial portfolio. In interpreting the new rule the Chairman will bear in mind the fact that the Minister in charge of a vote is unrestricted as to the length of his speeches and that the provision for extending the time-limit of speeches in Committee of Supply is primarily designed to afford opportunities for Members who intend to criticize the Government's policy or administration.

Members who wish to speak for more than 10 minutes should state their intention of doing so when they rise to address the Chair; and they should bear in mind that it is still irregular to discuss matters involving legislation or to continue the budget debate when the House is in Committee.

The new rules have now been in operation for a number of years, and I can unhesitatingly state that their object, namely, the acceleration of business in order that a greater amount of work might be got through during the Session, was attained in actual practice, and that the effectiveness of the examination and criticism of proposals placed before the House was in no way impaired.

Further expedition in the transaction of financial business has been achieved by the discontinuance of the practice of setting up Committee of the Whole House for authorization of money clauses in bills not covered by resolutions of Committee of Supply or of Committee of Ways and Means.

The cumbersome method of procedure requiring a motion to go into Committee of the Whole House for the purpose of considering an item of incidental expenditure in a bill or in a motion involving expenditure, the consideration of such item or motion on a subsequent date, and the consideration of the report of such Committee on a future date, has been removed from the practice of the Union House of Assembly by a wholesome provision in its Standing Orders (governed by a provision in the Constitution) that the House shall not originate or pass any vote, motion, or address or bill (1) for the appropriation of any part of the public revenue or any tax or impost, or (2) for the release or compounding of any money due to the Crown, or (3) for authorizing the making or raising of a loan, unless recommended by the Governor-General during the Session in which any such proposal is made. By this provision the Executive Government has complete and exclusive power over the public purse, and unless the Government approves of any such incidental expenditure or taxation, the Governor-General's recommendation is withheld. In connection with Government measures, the recommendation is frequently announced in these terms, namely: "That His Excellency the Governor-General, having been informed of the proposed incidental expenditure or taxation in the . . . bill, recommends the same for the consideration of the House." Obviously a great amount of time is saved by this sound practice.

Still further time-saving measures taken from time to time to expedite the business of the Union House of Assembly are:

- (a) Debate on motion "That Mr. Speaker leave the Chair," when the House has agreed to a motion for setting up Committee of Supply, Committee of Ways and Means, Committee of Whole House on an address to the Governor-General or on a bill, has been discontinued, unless an instruction is moved to a Committee on a Bill, when debate is strictly confined to the matter of such instruction.
- (b) Members taking part in a division are not counted if less than 10 Members vote in the minority.
- (c) Notice of question is no longer read by the Member who hands it in, nor is an announcement made by a Member in respect of a petition presented by him. Questions and petitions are handed in to the Clerk-at-the-Table by Members concerned within the first half-hour of the sitting of the House.
- (d) When a bill has been read a third time no further question is put from the Chair.
- (e) Unless challenged amendments in a bill by a select committee are no longer moved in Committee of the Whole House.
- (f) Except with the unanimous consent of the House, no amendment can be moved at the report stage of a bill, unless previous notice of such amendment appears on the order paper, and no amendments to clauses of bills can be moved at the third reading stage.
- (g) Allocation of 3 sitting days a week for Government business from the commencement of the Session and 4 days after the 51st sitting day, and introduction of evening sittings after the 11th day of the Session on days on which Government business has precedence.
- (h) Allowing a bill which lapses before it reaches its final stage in one Session to be proceeded with in the following Session (provided that a general election has not taken place between such two Sessions).
- (i) Introduction of the closure.

In addition to the above measures the Government often makes use of the provision of S.O. 26 (2), which provides for adoption of a motion for the non-interruption of business under discussion at 5 minutes to 11 o'clock p.m., and in several recent Sessions the Government has moved for the suspension of

the 11 o'clock rule from a certain period during the second half of the Session to the close of the Session. Measures of this kind naturally are of great advantage in accelerating the business of the House.

The question of setting up a Grand Committee to which all bills, except financial measures and private bills, can be referred, with the object of dispensing with the Committee of the Whole House stage, is now engaging the attention of Parliamentary authorities.

V. PRACTICE AND PROCEDURE IN THE BURMA LEGISLATIVE COUNCIL¹

BY

BA DUN

Secretary of the Legislative Council.

BURMA was constituted a Governor's Province on the 2nd January, 1923, and the Burma Legislative Council was reformed in accordance with the provisions of the Government of India Act. This Council consists of 103 members of whom 80 are elected, 8 nominated non-officials, 13 nominated officials, and 2 Members of the Executive Council *ex officio*. The Governor, though not a Member of the Legislative Council, has the right of addressing it, and is empowered to call a meeting for that purpose. The legislative authority of the Council extends over the territories constituting the province of Burma, with the exception of backward tracts such as the Federated Shan States, the Kachin Hills, Chin Hills, etc.

Sessions of the Legislative Council are held when and where the Governor appoints by notification in the *Gazette*; but in respect of Sessions when it is proposed to allot days for non-official business, such notification must ordinarily be published not less than 6 weeks before the date of meeting. The Governor, before the commencement of each Session (and from time to time) allots days upon which the business of non-official Members shall have precedence.

Unless the President, with the consent of the Member in charge of the department to which the question relates, allows it to be put within a shorter time, not less than 10 days' written notice to the Secretary (as the "Clerk of the House" is called) is required, of all questions. Such notices are submitted by him to the President, and if in order, copies thereof are sent to the Governor and the departmental Secretary, for information and necessary action. The asking of questions on any subject relating to the Federated Shan States or any of the backward tracts, save with the sanction of the Governor, is prohibited.

¹ This article is an abridged account of a lecture given by the writer at Rangoon University on 10th September, 1932, in the concluding words of which he acknowledges the valuable assistance he has received from Mr. U. Sein, one of the members of his staff. Space did not permit of a full report, therefore those references to points of procedure common to most Legislatures conducted under the British system have been deleted, but without reducing the value of the article as a most lucid and able description of the procedure followed in the India Provincial Legislative Chambers. [Ed.]

In addition to the usual stipulations, as laid down in May,¹ notices of question must deal with a subject which is primarily the concern of the local Government; and must not deal with:

(i) any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor-in-Council, with any foreign State;

(ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief;

(iii) any matter which is under adjudication by a Court of law having jurisdiction in any part of His Majesty's Dominions; and

(iv) matters which are or have been the subject of controversy between the Governor-General-in-Council or the Secretary of State and the local Government, except as to matters of fact.

Notices of questions to which an oral answer is desired, are starred when submitted to the Secretary and thereafter dealt with in the customary manner. Starred questions are taken up during the first hour of every meeting.

Unless the President, with the consent of the Member of the Government in charge of the department to which the Resolution² relates, allows it to be entered on the list of those for which shorter notice may be given, not less than 15 days' written notice to the Secretary must be given of every Resolution. Notices of Resolutions are submitted by the Secretary to the President, for orders as to their admissibility, and, if in order, copies thereof are sent to the Governor, the Finance Member and the departmental Secretary for information and necessary action. The Governor has power to disallow Resolutions if detrimental to the public interest or should they relate to matters not primarily the concern of the Local Government, and no debate is permitted in respect of the disallowance, whether by the Governor or the President. Otherwise the usual practice in regard to "Resolutions" as laid down by May³ in regard to notices of motion, is followed.

When once a Resolution has been decided either in the affirmative or negative, no other Resolution raising substantially the same subject may be moved within 1 year, and when a Resolution has been withdrawn no other Resolution raising

¹ 13th ed., pp. 239-242.

² "Resolution" is specially defined by Rule 2 to mean—"a motion for the purpose of discussing a matter of general public interest."

³ 13th ed., p. 235.

substantially the same question may be moved again during the same Session. Admitted Resolutions are balloted for, according to the number of days allotted by the Governor for non-official business. Ordinarily only 5 Resolutions are set down for consideration on any day allotted to non-official business.

Sometimes, as a result of the negotiations effected among the Party Leaders or whips, Members, whose names appear on the list of business, purposely refrain from remaining in the Chamber to give preference to more important Resolutions. Amendments (except of a negative character) may not be moved to a Resolution when under discussion, unless a copy of such amendment has been delivered to the Secretary 2 clear days before the day fixed for the debate upon the Resolution, but any Member may by objection prevent the moving of an amendment, unless the President in exercise of his discretionary power allows it. No Member may, except with the permission of the President, speak longer than 15 minutes in debate upon any Resolution, but both the mover and the Member of the Government in charge of the department concerned, when speaking for the first time thereon, may continue for 30 minutes or such longer time as the President may permit. After the debate upon the Resolution is closed, the President puts the question, and the votes are taken by voices, or in such other manner as the President may direct. Any Member may claim a division if votes are taken by voices and a division takes place if the President so directs; provided that he may, in his opinion a division is claimed unnecessarily, call upon the Members who support, and who challenge his decision, successively to rise in their places, whereupon he either declares the decision of the Council or directs a division. At any time after a motion has been moved a Member may move the (simple) closure and if it appears to the President that the motion has been sufficiently discussed, he may close the discussion by calling upon the mover and the Member of the Government, after which he may put the question to the vote. The result of a division may not be challenged.

There are two kinds of bills—namely, official (Government) bills and non-official (private) bills. Government bills are usually published in the *Gazette* under the orders of the Governor and do not require to be introduced into the Council by motion for leave. Non-official bills are not usually so published. Any Member, other than a Member of the Government, desiring to move for leave to introduce a bill must give notice thereof and submit a copy together with a statement

of its objects and reasons. Should the bill require previous sanction of the Governor-General, the Member must annex to such notice a copy of such sanction. Fifteen days' notice is required of a motion for leave to introduce a bill relating to a transferred subject, and 1 month or, if the Governor so directs, a further period not exceeding in all 2 months, in the case of a bill relating to a reserved subject.

If a motion for leave to introduce a bill is opposed, the President after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who opposes the motion, may without further debate put the question thereon. When a bill has been introduced and copies thereof circulated, the Member-in-charge moves, either—

- (a) that it be taken into consideration at once or at some future day to be then given; or
- (b) that it be referred to a select committee; or
- (c) that it be circulated for the purpose of eliciting opinion thereon;

but any Member may object to any such motion, if copies of the bill have not been available to Members for 7 days, unless the President allows the motion to be made in exercise of his discretionary power. Only the principles of the bill and its general provisions may be discussed at this stage, at which no amendments to the bill may be made, but if the Member-in-charge moves that the bill—

- (a) be taken into consideration, any other Member may move, as an amendment, that the bill be referred to a select committee or be circulated for the purpose of eliciting opinion thereon before a date to be mentioned in the motion, or
- (b) be referred to a select committee, any other Member may move as an amendment, that the bill be circulated for the purpose of eliciting opinion.

Where a motion that a bill be circulated for the purpose of eliciting opinion is carried in the Council, and the bill has been circulated and opinions received thereon before the date mentioned in the motion, the Member-in-charge, if he wishes thereafter to proceed with his bill, must, unless the President in exercise of his discretionary power allows a motion to be made that the bill be taken into consideration, move that the bill be referred to a select committee, of which the Member of the Government in charge of the department to which the bill relates and the Member who introduced it, must be Members, the other Members thereof being appointed by the Council.

The select committee, unless by order of the Council required to report earlier, must report the bill as soon as possible after the close of 2 months, either from the date of reference or from its first publication in the *Gazette*, whichever is the later, and such report may be either preliminary or final. Every member of a select committee must sign the majority report. Should he desire to record his dissent upon any point, he must sign, stating that he does so subject to his dissent, and, at the same time, hand in his minute. A select committee may make a subsidiary report, provided it does so before the bill is considered by the Council. The bill, if so amended as in the opinion of the select committee to require republication, together with the report, is published in the *Gazette*. When the report is presented by the Member-in-charge of the bill, he may only make a brief statement of facts. No debate is permissible at this stage. After the presentation of the final report of the select committee on a bill, the Member-in-charge may move—

- (a) that the bill as reported by the select committee be taken into consideration (to which any Member may object if a copy of the report has not been available for the use of Members for 7 days), and such objection shall prevail unless with the consent of the President in exercise of his discretionary power; or
- (b) that the bill be recirculated either—
 - (a) without limitation, or
 - (b) with respect to particular clauses or amendments only, or
 - (c) with instructions to the select committee to make some particular or additional provision in the bill; or
 - (d) that the bill as reported by the select committee be recirculated for the purpose of obtaining further opinion thereon.

If the Member-in-charge moves that the bill be taken into consideration, any Member may move as an amendment that the bill be recommitted or recirculated for the purpose of obtaining further opinion thereon. The Council, upon the motion of any Member, and with the concurrence of the President, may direct republication of a bill which has been amended by the select committee thereon. When a motion that a bill be taken into consideration has been agreed to by the Council, any Member may propose an amendment of such bill, but any other Member may object if notice of the proposed amendment has not been delivered to the Secretary 2 clear days before the meeting of the Council at which

the bill is to be considered and such objection must prevail, unless the President in exercise of his discretionary power allows the amendment to be moved. Previous notice, however, is not necessary in the case of amendments of a purely verbal character or consequential upon or moved in respect of amendments which have been carried. If time permits, every notice of a proposed amendment is printed, and a copy thereof made available to every Member. When a motion that a bill be taken into consideration has been carried, it is at the discretion of the President to submit the bill, or any part thereof, to the Council, clause by clause. If no amendment be made when a motion that a bill be taken into consideration has been agreed to by the Council, the bill may at once be passed. If an amendment be made, any Member may object to the passing of the bill at the same meeting; and such objection shall prevail, unless the President in exercise of his discretionary power allows the motion to be put. Where the objection prevails, a motion that the bill be passed may be brought forward at a future meeting. To such a motion no amendment may be moved which is not either formal or consequential. The Member-in-charge of a bill may at any stage move that the bill be withdrawn.

The Governor may declare that he assents to or withholds his assent from a bill or returns it to the Council for reconsideration on certain points, in which case it is discussed and voted upon in the same manner as amendments to a bill. Where a dilatory motion has been carried in respect of a Government bill, or the Council refuses to take into consideration or to refer to a select committee or to pass any Government bill, the Governor can recommend that the bill be passed in a particular form. When such recommendation is made a motion for leave to introduce the bill may be moved. When a recommendation is made as a result of a dilatory motion the bill in respect of which the dilatory motion has been made is deemed to have been withdrawn. Where a bill has been introduced after a recommendation any motion may be made in respect of the bill notwithstanding that such motion raises a question substantially identical with one on which the Council has already given a decision in the same Session. A recommendation of any bill by the Governor may be made by message, and is communicated to the Council by the President and endorsement made on the bill. No dilatory motion is permitted on a recommended bill without the consent of the Member-in-charge thereof, and, if any such motion has been made but has not been carried prior

to the communication to the Council of the recommendation, such motion cannot be put to the Council. Where during the passage of a bill the Governor makes a recommendation in respect thereof, and any clause of the bill has been agreed to, or any amendment has been made, in a form inconsistent with the form recommended, the Member-in-charge of the bill may move any amendment which, if accepted, would bring the bill into the form recommended, and when the Council refuses to take a recommended bill into consideration, or makes any alteration therein which is inconsistent with the form recommended or refuses to agree to any alteration or amendment which, if accepted, would bring the bill into the form recommended, the President shall, if so requested by the Member-in-charge of the bill, endorse on the bill a certificate to the effect that the Council has failed to pass the bill in the form recommended. The ordinary procedure of the Council in regard to bills, so far as may be, applies in regard to recommended bills. Where the Legislative Council has refused leave to introduce, or has failed to pass in a form recommended by the Governor, any bill relating to a reserved subject, the Governor may certify that the passage of the bill is essential for the discharge of his responsibility for the subject and thereupon the bill shall, notwithstanding that the Council have not assented thereto, be deemed to have passed, and shall on signature by the Governor become an Act of the local legislature in the form of the bill as originally introduced or proposed to be introduced in the Council or (as the case may be) in the form recommended to the Council by the Governor. Every such Act is expressed to be made by the Governor and he forthwith sends an authentic copy thereof to the Governor-General, who reserves the Act for the signification of His Majesty's pleasure, and upon the signification of such assent by His Majesty-in-Council and the notification thereof by the Governor-General, the Act has the same force and effect as an Act passed by the local legislature and duly assented to, provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such Act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council. An Act made under this power shall, as soon as practicable thereafter, be laid before each House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have lain before each House of Parliament for not less

than 8 days on which that House has sat. If the Governor certifies that a bill or any clause of a bill or any amendment to a bill affects the safety or tranquillity of a Province or any part thereof and directs that no proceedings or no further proceedings be taken thereon, all notices of motion in connection with the subject-matter of the certificate lapse. The Governor may, for the purpose of any bill introduced or proposed to be introduced in the Legislative Council, nominate not more than two persons having special knowledge or experience of the subject-matter of the bill, and those persons shall, in relation to the bill, have for the period for which they are nominated all the rights of Members of the Council, and shall be in addition to the numbers above referred to, but it is the rule that they cannot take part in any other business than the bill for which they are nominated.

Motions other than Resolutions¹—*i.e.*, communications to the Governor on a matter of general public interest, which cannot be made by a resolution—may be made with the consent of the President and of the Member of the Government to whose department the motion relates. The Governor may, notwithstanding the consent of the President and the Member-in-charge, disallow any motion or part of a motion on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a matter which is not primarily the concern of the Local Government, and if he does so the motion is not placed on the list of business.

Provision is made in the procedure of the Council for urgency adjournment motions, subject to the usual rules, but it is the practice to hand a copy of the motion to the Leader of the House (*i.e.*, Finance Member) to enable him to explain the position or to oppose it. After hearing the Leader and, if necessary, the mover, the President gives his decision, and if he is of opinion that the matter proposed to be discussed is in order, he reads the statement to the Council and asks whether the Member has the leave of the Council. If objection is taken, the support of not less than 20 Members is required, and the motion is taken at 4 o'clock; provided it is not disallowed by the Governor. If the debate upon such motions is not concluded by 6 p.m. it is considered closed and question thereon is not put. All speeches during such debate are limited to 15 minutes.

A motion expressing want of confidence in a Minister or a motion disapproving the policy of the Minister in a particular

¹ See definition footnote to p. 44.

respect may be moved, with the consent of the President, provided leave has been asked immediately after questions and before business of the day has been entered upon, and written notice thereof has been given the Secretary before the commencement of the sitting.

If the President is of opinion that the motion is in order he reads it to the Council, and if it is supported by not less than 34 Members, the President intimates that the motion will be taken on such day as he may appoint, not being more than 10 days from the day on which leave was asked.

As soon as may be after the opening of the first Session of each Council the Finance and the Public Accounts (Standing) Committees are appointed to advise the Finance Department upon such matters as it may refer to the Committees. The Finance Committee consists of 12 Members (including the Chairman), of whom 8 are elected by the non-official Members of the Council according to the principle of P.R. (with the single transferable vote), and 4 are nominated by the Governor. The Public Accounts Committee consists of such number of Members as the Governor may direct, of whom not less than 3 are elected by the non-official Members of the Council according to P.R., the remaining Members being nominated by the Governor. The Public Accounts Committee brings to the notice of the Council every reappropriation from one grant to another and every reappropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department, etc., and in particular scrutinizes the audit and appropriation accounts of the Province, in order to satisfy itself that the money voted by the Council has been spent as granted by the Council. The proceedings of these committees are not disclosed. The Budget is dealt with by the Council in 2 stages, namely—

- (a) a general discussion;
- (b) the voting of demands for grants.

On a day to be appointed by the Governor subsequent to the day on which the Budget is presented and for such time as the Governor allots for this purpose, the Council is at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion can be moved at this stage nor may the Budget be submitted to the vote of the Council. The Finance Member has a general right of reply at the end of the discussion and the President may, if he thinks fit, prescribe a time-limit for speeches. Not more than 12 days

are allotted by the Governor for the discussion of the demands of the Local Government for grants, and of the days so allotted not more than 2 days may be allotted by the Governor to the discussion of any one demand. Demands are divided into 4 parts, namely, for the Finance, the Home and Political, the Forest, and the Education Departments moved by the 4 individual Ministers respectively. As soon as the time-limit for discussion is reached, the President forthwith puts every question necessary to dispose of the demand under discussion, and on the last day of the allotted days at 5 o'clock, the President forthwith proceeds to put every question necessary to dispose of all the outstanding matters in connection with the demands for grants. Notice of a motion popularly known as "cuts," namely, to reduce every grant, or to omit any item in a grant, must be given not less than 2 days before the day appointed for the discussion of such grant. A brief explanation should be given of the nature of the subject which the Member giving the notice proposes to submit for discussion, which must be kept within the scope of the subject. Except with the permission of the President, no speech on a motion to reduce any grant or to omit or to reduce any item of a grant may exceed 15 minutes, but the mover of the motion when moving and the Member of the Government in charge of the department concerned when speaking, for the first time, may speak for 30 minutes or such longer time as the President may permit. A motion to impose a nominal cut not exceeding Rs. 100 is necessary to raise discussion on the policy of, or to get information or assurance from, the Government. A larger cut can be moved on the ground of economy. If any cut relating to any item of a demand regarding reserved subjects is carried, the Local Government has power in respect of such demand to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, and the Governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject. In cases of emergency the Governor has power to authorize such expenditure as may be, in his opinion, necessary for the safety or tranquillity of the province, or for the carrying on of any department. A statement showing the action taken, if any, together with a copy of the certificate granted by the Governor is laid on the Table of the Council by the Finance Member. No motion may be made in regard to any such action as may be taken by the Local Government or by the Governor.

In debate a Member may not refer to any other Member by name, but as the hon'ble Member for East Rangoon, or the hon'ble and learned Member for West Rangoon. The usual rules of debate as given in May¹ are followed.

If any Member when called upon by the President does not speak, he is not entitled, except by the permission of the President, to speak to the motion at any later stage of the debate. When a motion is moved by a non-official Member, the Member of the Government to whose department the matter under discussion relates has the right of speaking after the mover, whether he has previously spoken in the debate or not. The President may address the Council at any stage before putting a question to the vote. If on the first occasion in any sitting, when it is ascertained that a quorum (20) is not present, the President suspends the sitting while the Division Bell is rung for 2 minutes, and, if at the end of that time a quorum is present, the sitting is resumed. The President adjourns a meeting of the Council either upon his own motion or upon a vote of the Council. His decision on points of order is final; but discussion on a point of order before the President has given his decision, is allowed provided he thinks fit to take the opinion of the Council thereon. The President preserves order and possesses all powers necessary to enforce his decisions upon all points of order and of dealing with disorderly Members.

The President has no deliberative vote, but he must exercise a casting vote when the votes are equal, the customary principles guiding him in this respect.²

The President puts questions in the ordinary way by calling for the "Ayes" and the "Noes," and if a division is claimed, the bells are rung for 2 minutes and the lobby system is followed in taking divisions, the votes being told by the Council clerks, assisted by the Government and Opposition whips. The division slips are handed to the Secretary, who counts them again before handing them to the President for announcement to the House.

Preceded by the Mace, the entry to, and withdrawal from, the Chamber by the President is attended by the traditional forms of ceremony. The seating arrangements of Members are made by the President; the Government Members, nominated officials and non-officials sit on the President's right.

The rules of conduct to be observed by Members present in the House during debate are those as described in May.³

¹ 13th ed., pp. 306, 307, 313, 316. ² See p. 68. ³ 13th ed., p. 333.

The ultimate authority in matters of order is the House itself, and all doubtful points are referred to it. But practice and the statutory provisions have defined the powers of the President and other occupants of the Chair with considerable detail, and in such matters there is no appeal from the decision of the Chair.

VI. "FLASH VOTING"

BY THE EDITOR

EVERY Parliament, and especially the larger ones in the Empire, must waste days if not weeks each Session in the lengthy process of taking divisions, whether by the method of "roll call"—*i.e.*, the minuting at the Table by the Clerk and his Assistants of the votes of Members; by Party Tellers recording the "Ayes" and the "Noes" after Members have walked across the floor of the House, or by the more lengthy process of passing through division lobbies. The various methods of taking divisions in Empire Parliaments have, however, already been dealt with in detail in our last issue.¹

State Government, the magazine of that important and non-political organization, the American Legislators' Association, which performs such a useful service in aiding in their work the, over 7,000 legislators spread over the United States of America, in their last February issue gave Vol. I. of our JOURNAL a highly complimentary (and quite unsolicited) review, and a most pleasant and helpful relationship has developed between this colossus and our little one-year-old Society in the "Ocean Commonwealth."

In the above-mentioned magazine the reviewer, amongst other good things, remarked: "Electrical voting devices, however, such as are used in some of the States, have yet to cross the ocean."

Knowing the time wasted by our own Legislatures, in every clime, in taking divisions, I was at once intrigued to probe the mysteries of this new device, and, soliciting the aid of Senator Henry W. Toll, the Executive Director of the American Legislators' Association, and Dr. Rodney L. Mott, the courteous and thorough-going editor of *State Government* and Research Consultant of this institution, I have been brought actually into touch with some of the Clerks of those State Legislatures of that great Federation where this wonderful voting device is in constant use. Here is what they say:

Mr. John W. Williams, Clerk, House of Delegates (100 Members) of Virginia, on the 23rd April, 1934, writes:

I have a letter from Mr. Henry W. Toll of the American Legislators' Association requesting that I give you such information as I may have concerning the electric voting system used by the General Assembly of Virginia.

¹ Vol. I, pp. 94-100.

We use the "Thompson Voting Machine" which is now constructed and sold by the American Signal Corporation, Washington, D.C. It has been in use in the House of Delegates for about 12 or 14 years and in the Senate of Virginia for about 6 years.

When the question of installing an electric voting system was first considered, a committee was appointed by the House of Delegates to make an investigation and report. This committee went fully in to the subject and after a most exhaustive investigation, reported that the Thompson system was the only system worthy of consideration.

We have given it a very complete test, and I do not hesitate to say that it has been perfectly satisfactory. In fact, if a fuse blows or some similar minor delay is caused, the House stops work until the machine is adjusted. This very rarely happens, and the House has never been delayed beyond a few minutes for new fuse or similar trouble.

Formerly, it took from 12 to 15 minutes to call and verify a roll. It now takes less than a minute to record, tabulate and announce the roll-call. But this is not the greatest advantage. I regard to absolute accuracy of the roll-call, and the removal of the possibility of error, the greater benefit.

I am not going too far to state that the General Assembly would not dispense with the electric voting machine under any condition.

Mrs. Louise Snow Phinney, Chief Clerk, House of Representatives (150 Members), State of Texas, in a letter dated 27th April, 1934, says:

Through the Interstate Reference Bureau of the American Legislators' Association I have received a request for information concerning the operation of the electric voting machine which the Texas Legislature has installed in the Hall of the House of Representatives.

In the year of 1922, the Universal Indicator Company was allowed to install such a device as an experiment. Should the device prove successful and effectively accomplish the purpose for which it was designed, then the State of Texas was to pay the company the sum of \$30,000. The machine was ready for use with the convening of the Legislature in January, 1923. It took the members several weeks to become accustomed to the swiftness of securing a record vote. With a membership of 150, to secure a record vote had theretofore required at least 15 minutes, allowing members farther down the list to come from corridors and committee rooms. The machine required members to be in their seats at all times, for even viva votes were taken on the device, for the purpose of a division. Before the end of that session a statute was passed appropriating the required amount of money.

During the 11 years of service, this machine has been most successful, and the upkeep has been practically nil. There

are several improvements that I might suggest, but I understand the new machines have remedied the situations I have in mind.

Please know that I shall be happy to be of any additional service should you care for further information.

Mr. John J. Slocum, Chief Clerk of the Assembly (100 Members), Wisconsin Legislature, in a letter from Madison, dated the same date, says:

I have received a communication from the American Legislators' Association of Chicago, Illinois, asking me to transmit to you information concerning the electric voting machine now in use in the Lower House of the Wisconsin Legislature.

The machine is used only in the Assembly, the roll-call being taken in the Senate by the Clerk. I believe the Association has informed you as to that fact. I have found the machine a very fine aid in legislative work. As I recall we took about 2,800 roll-calls during the last regular session. I would say that it takes between 30 and 40 seconds to take a vote with the machine. On the other hand, when we have what we term a "call of the house," we do not use the machine, and I call the roll by voice. In checking the time we found that it took between 6 and 8 minutes to call it in this manner. So you can readily understand the time it would take if we were without the machine. I find that the machine works very well, and I do not know of any improvement that could be made. There has been a great deal of discussion as to a means of covering the board, which in plain view, during the taking of the vote, to eliminate one member following the lead of another, but nothing has been done along this line.

I shall be very glad to send you copies of roll-calls taken by the machine if you desire them.

Mr. E. R. Stoker, Clerk of the House of Representatives (100 Members), State of Louisiana, writes from Baton Rouge on 23rd May, 1934, as follows:

At request of Mr. Henry W. Toll, of the American Legislators' Association, I take pleasure in forwarding you such information as I have available concerning our Electrical Voting Systems.

In 1922 the House Chamber of our old Capitol Building was equipped with an Electrical Voting System, which was used continuously thereafter for a period of 10 years. When our new Capitol Building was completed in 1932 the most modern and efficient voting apparatus we could find was installed in both the House and Senate¹ Chambers of the new building, at a total cost of approximately \$50,000.

By reducing the roll-call time from approximately 15 minutes to half a minute, we save several weeks of time in

¹ 39 Members.

course of a session, and of course have the advantage of indisputably correct records obtained without noise, confusion, labour, or loss of time. Incidentally, our Governor's Office is equipped with miniature vote-indicating and totalizing devices which, in conjunction with a loud-speaker system, permit the Governor to watch progress of legislation.

I regret I have no literature to send you on this subject, nor can I say whether any recent improvements have been made. Mr. Marshall F. Thompson, 4605, Davidson Drive, Washington, D.C., may be in position to furnish you with any technical information. He is designer of our equipment and engineer for the American Signal Corporation, the manufacturers.

Enclosed in a letter dated 25th May, from Dr. Rodney L. Mott, was the following excerpt from the letter dated 16th May, of C. E. Beals, Executive Secretary, League of Nebraska Municipalities, Crete, Nebraska:

Beg to advise that this roll-call by electric machine is separate in both the Lower House¹ and the Senate,² the same being installed and put into service in the 1933 Session of our State Legislature. These voting-machines have proved very effective in Nebraska, for the reason that a number of legislators would withhold their vote until they saw which way the majority was swinging, and then cast their vote, but with the electric machine, they must vote at the same time as the others. Therefore, it puts them on record and we have been getting better results by this method.

The Preliminary Report³ of the Californian Assembly Interim Committee on Legislative Procedure and Reduction of Legislative Expense, submitted to such Assembly in 1933, made the following references to electrical voting:

It is impossible for our legislative body to attain its maximum efficiency and decorum without a system of electrical voting, sometimes referred to as *flash voting*. An electrical system is noiseless, accurate, and instantaneous.

* * * * *

Each member of the California Legislature has received sufficient information of a general nature to appreciate that further delay in the installation of electrical voting equipment in our Assembly chamber would mean not only false economy but also continued unnecessary expense in conducting the Assembly. Such a system of voting will fully repay its cost during its first session of operation, and each session thereafter its use will save many thousands of dollars. Furthermore, such a system of mechanical voting eliminates the human factor of possible error and substitutes the pre-

¹ 100 Members.

² 33 Members.

³ p. 88.

cision of an electrical machine. It will also induce the membership to remain in their seats, pay more attention to the business in hand, remove confusion and increase decorum

* * * * *

During 1931 there were 74 legislative, or actual meeting days, totalling 291 hours and 55 minutes. This is an average of 3 hours and 57 minutes per meeting day. Therefore, more than 15 legislative days, or 3 calendar weeks were actually wasted by Members answering Aye or Nay, owing to the absence of a system of electrical voting. It seems incredible that nearly one-fourth of the actual meeting-time of the Assembly is being wasted and the session needlessly prolonged more than 3 weeks at an added expense to the taxpayers. This is readily shown in our legislative costs for the present two-year period, which total over \$800,000, the major portion of which is spent during the actual time in session. Also, had we not substituted 819 roll-calls by unanimous consent on uncontested matters during the last session, the calling of the roll would have consumed almost one-third of the entire time we were actually in session.

* * * * *

Our 10 seconds allowance for taking the roll mechanically is vouched for by our committee secretary, who during June, 1931, personally witnessed the Wisconsin Assembly in actual session using electrical voting. His personal timing of the roll was from 5 to 10 seconds from the time the Speaker ordered the clerk to prepare the roll, while the House was in the tumult of argument, until such time as the vote was announced by the Speaker. Our secretary has timed many rolls recorded by flash voting, and seldom did any consume over 10 seconds, and some took as little as 4 seconds.

* * * * *

The electric voting system is also used with great success in the State Legislature of Iowa and Wyoming. Complete conduits preparatory for installation of electric voting systems for the Senates and Lower Houses have been installed by West Virginia, North Dakota, and the State of Washington.

The system followed in the United States Legislatures has been to take the votes of Members by oral roll-call. None of the American Legislatures use the system of the British House of Commons. A roll-call in the Lower House of the United States Congress, with its 435 members, Dr. Mott continues to inform me, takes nearly three-quarters of an hour.

Miss Alice Kelly, of the Wisconsin Legislative Reference Library, in an article on the subject of "Flash Voting" contributed to *State Government*, in describing the system, says:

In the gallery, visible from the floor, is a large board displaying the name of each member. Before each name, a white light (Yes) or red one (No) flashes on at the touch of a button on the member's desk. A third button is used to indicate "Present." A vote may be changed and automatically subtracted from the total by pressing the alternate button, while always the progress of the vote is clearly visible to every legislator. When the Speaker announces that the vote is closed, he locks the machine and a photostatic copy is made of the reverse side of the display board, showing each name following a "Y" or an "N," and also showing the total affirmative and negative vote recorded by the adding meters.

The time consumed by this complete operation is from 20 to 45 seconds. The time spent on the vocal roll-call before 1917 was never less than 7 minutes, so that the 1,246 roll-calls of 1929, taken in the old manner, would have consumed 145 hours, or 48 days of 3-hour sessions. Allowing even 60 seconds for the average flash vote, instead of 145 hours, the new method requires a total of 20 hours—equivalent to 7 days of 3-hour sessions.

The benefits which result from rapid decision of any question, and from such a simplification of the mechanics of voting, are too obvious to be dwelt on. The wearisome prolongation of a legislative session by delays in procedure causes an inevitable dulling of attention to the business in hand, not to mention the actual inconvenience and hardship which result from the continuation of a session beyond its normal period. In twelve years of use, the Roll-Call System has never been out of order, although on occasion a member may find the wiring of his desk at fault and be obliged to vote for a day by word of mouth. The running expense, outside of electric current, consists of the salary of one electrician, who is employed during the session to operate the system. It has been claimed that on one occasion, but on one only, the machine recorded a vote inaccurately, but this claim has been strongly disputed; whereas in previous years, claims of incorrect counts were frequent, through the manifold possibilities of error in the voice and ear method. About \$1,000 is saved to the State by each day that the legislative session is shortened.

• • • • •

In Wisconsin, the legislature has at no time been less than unanimously in favour of the new system, which it regards as perhaps the greatest stride forward in modern legislative procedure.

The vote indicator board can be installed in a conspicuous place in the Legislative Chamber and/or a small replica on the Speaker's and Clerk's desks, so that when a vote has to be taken, the Presiding Member, after putting the question to the House, or Committee thereof, presses a button, which puts the electric

voting system in operation. Thereupon each Member registers his vote as already indicated. The indicator boards above-mentioned then show visually how the Members are voting, or have voted, and if any Member, after consulting the large indicator board, should desire to change his vote, he can instantly do so from his seat by pressing a button placed there for that purpose.

As soon as Members have properly voted the Clerk of the House closes a circuit which locks the voters' buttons against further operation. With the votes thus locked in the machine, the Clerk proceeds to make as many permanent records of the vote as are required. The permanent record shows by a perforation the vote of each Member, and by printed figures on the same card also the total number of "Ayes" and "Noes," as well as (which practice is allowed in the American Legislatures, but not in those of the British Dominions¹) the number of Members not voting.

It is claimed that this system permits a complete record vote to be made without noise or confusion in a fraction of a minute, and guarantees absolute accuracy. The perforated record is permanent and indisputable, and the votes are both recorded and totalized with mechanical precision, the fallible human factor being eliminated.

The system is expensive to install, but in time saved must in any busy legislature soon pay for itself over and over again. Conservatism is therefore its only opponent. I am informed that none of the Legislative Chambers where the electric voting system has been installed would ever think of displacing it.

What Government or M.P. would not like to shorten Sessions by reducing the work and saving the time of Parliament which, every year, is making increasing demands upon the time of both ?

¹ Provided they are in the House when the question, on which a division has been claimed, is put for the second time.

VII. THE PRESS GALLERY AT WESTMINSTER

BY

MARTIN HERLIHY

Chairman of the House of Commons Press Gallery, 1933.

THE past two centuries, so filled with developments in the political history of this country, have seen great changes in the reporting of Parliamentary proceedings. As the basis of government of the country has been widened, the reporting of Parliament has developed with it and has assumed an added importance.

The harassed reporters of the XVIIIth Century, who only dared to take notes by stealth and to refer to speakers by initials, have been succeeded by the Press Gallery of to-day, which, in the words of a prominent official of the House of Commons, is regarded as part of the machinery of government. Indeed, without some system for the speedy dissemination of announcements of Government policy and decisions of the Legislature, it is difficult to see how the Government of the country could be carried on in these days of high-speed legislation and legislation by reference.

So well is this recognized that a system of close co-operation exists between Ministers, Government Departments, and the Press Gallery to ensure the accuracy of Parliamentary reports. Copies of answers to questions are supplied—not always as quickly as one would wish—to the Gallery, the Official Reporters, the news agencies, and the leading newspapers. Notes of important speeches, giving the facts and figures quoted by the Minister, are often given to the Press Gallery simultaneously with their utterance in the House. The Gallery is often indebted, too, for assistance to the Opposition of the day.

The history of the Press Gallery may be briefly summed up. The hostility of Parliament to the Press was at its height in the early part of the XVIIIth Century, but had almost died down by the beginning of the XIXth. Just over a hundred years ago the Press were first officially recognized by the provision of special galleries for reporters in both Houses of Parliament.

Until 1881 membership of the Gallery was confined to representatives of the London morning papers and of the news agencies. The powerful provincial newspapers were not admitted, but had to obtain their reports either from the news agencies or from men on the staffs of the London papers. In 1881 the pressure of the provincial Press succeeded in bringing

about an enlargement of the Press Gallery to its present size and the admission of the representatives of the provincial papers.

Since that date there has been no revolutionary change in the Press Gallery, but a process of evolution has been steadily going on. The papers of last century devoted columns upon columns to long reports of Parliamentary speeches by their own staffs. Then came, for the busy reader, the Parliamentary sketch, an innovation giving a descriptive account of the proceedings. Another experiment, which is still popular with some papers, was the sketch-report, combining a description of the sitting with extracts and summaries of the speeches. While the general tendency is towards shorter reports of speeches, the experience of newspapers appears to be that readers still like a good report of Parliament and that the sketch alone, often giving only one isolated incident, is not sufficient. Of all the institutions of this country Parliament is the one which, the whole year round, provides the greatest quantity of important news and its proceedings often rise to the category of what the news editor terms supreme news.

These changes in the columns of the newspapers have been reflected in the Gallery. The days when every paper had its own corps of several reporters to do its own Parliamentary report have gone. Only one paper now has its own staff. The other papers use agency reports supplemented sometimes by reports by a journalist watching their special interests. In addition, each paper has its own sketch and its own political notes. The rise of the lobbyist has been one of the features of the present century.

The result of these changes has been that the disappearance of the large staffs has been compensated for by the larger number of papers represented by their sketch writers and lobbyists, so that the total membership of the Gallery has varied very little in the past 50 years. No foreign journalists are admitted to the Gallery owing to lack of accommodation, but seats are reserved for a number of them in the front row of the Strangers' Gallery and several are admitted to the Lobby.

Lack of accommodation inside the Chamber and bad hearing are the two main difficulties with which the members of the Gallery are every day confronted. The Gallery today is the same as in 1881, but the number of papers represented has greatly increased, and in an important debate each is represented by its sketch writer and its lobby correspondent, while the fewer number of papers of 50 years ago, despite their larger staffs, were represented in the chamber by 1 or 2 reporters.

The Gallery Committee is continually searching for some practicable way of providing more accommodation to meet this increasing pressure.

The difficulty of hearing is worst in the House of Lords where it is partly met by the provision of microphones and headphones to listen to the speeches. The microphones, however, only cover the two front benches and the Woolsack and are very little help for speakers in other parts of the Chamber. The Official Reporters in the House of Lords are also facilitated by having their seats on the floor of the House just behind the Clerks at the Table.

The House of Commons have, however, always refused to have the Official Reporters on the floor of the House. The reason is said to be that the Members do not like the prospect of having their conversations overheard and, indeed, from a reporter's point of view, the constant conversation in front or on either side while a speaker is addressing the House is one of the drawbacks of a seat on the floor of the House. The difficulty of hearing in the House of Commons would be far less if Members and Ministers would only remember to address the Speaker.

The congestion in the Gallery and the bad acoustics are particularly felt in these days when news must be got away with lightning speed. Politics are now largely an affair of economics and the decision of the Government to impose a tariff, to agree to a commodity restriction scheme, or to make some alteration in the currency laws, is of vital interest not only to the newspapers but to the stock exchanges of the world, and these announcements now reach them with the speed at which a Derby or Boat Race result is flashed.

Thanks to the authorities of the House there are to-day ample facilities for the dispatch of news. Just outside the Gallery itself are batteries of telephone boxes and not far off are the Creed machines which flash the news into every newspaper office in the country. In addition there are numerous writing-rooms. The bad old days of the 'eighties, when the reporters were herded together in 2 or 3 small rooms and there were deaths from tuberculosis and many cases of nervous breakdown, have gone. In addition to the writing-rooms, there is a reference library, a reading-room, a dining-room, and refreshment-bars, and many other facilities.

Much of the credit for these facilities is due to the Press Gallery Committee. This Committee, which consists of a Chairman and 13 other members elected annually by the

members of the Gallery, has, since its formation in 1881, sought to improve conditions in the Gallery by making reasonable requests for better facilities. It acts as the spokesman of the Gallery in all negotiations with Ministers and with the authorities. It has always refused to express an opinion as to what newspapers should be admitted to the Gallery or as to how boxes and seats in the Gallery should be allocated. Its attitude in leaving these questions to the decision of the Lord Great Chamberlain in the House of Lords and of the Speaker, acting through the Serjeant-at-Arms, in the House of Commons, has always been supported by the members of the Gallery.

The Press Gallery Committee is often consulted by similar bodies in Parliaments oversea on questions of procedure at Westminster and as to the facilities enjoyed there, and is always happy to give what information it can. The Gallery has always taken a deep interest in Parliamentary and Empire developments and is the proud possessor of two fine collections of pictures.

One is the Sidney Robinson collection of prints dealing with the history of Parliament and of Westminster. This fine collection, containing many unique historical prints, was presented to the Gallery by Mr. Sidney Robinson, M.P., and is at present hung on the walls of the Gallery premises. The other is the Press Gallery collection of Parliaments of the Empire, which contains pictures of the Parliament Houses of practically every Dominion and Colony in the Empire. The Gallery Committee is always pleased to show these collections during the Parliamentary Session to anyone interested, if application is made beforehand so that permission for their visit to the Gallery premises may be obtained.

VIII. PRIVILEGES—REFLECTION ON MEMBERS¹

COMPILED BY THE EDITOR

ON the 4th April, 1933, complaint of a breach of Privilege was made to the House of Commons by Mr. Annesley Somerville, Member for the Windsor Division of Berkshire, who moved:

That the speech of Alderman Bowles reported in the *Nottingham Journal* newspaper of 3rd April, 1933, and the speech of Alderman Huntsman reported in the *Nottingham Guardian* newspaper of the same date, be referred to the Committee of Privileges.

The facts were that last year the Nottingham Corporation Bill was referred to a select committee, of which the mover was chairman. The Bill was opposed by the Nottinghamshire County Council and the Urban and District Councils round Nottingham. There was reported in the Nottingham Press at a luncheon given by the Lord Mayor of Nottingham to the General Purposes Committee of the Corporation, and the officials of the Corporation concerned with the Bill, that Alderman Bowles, in a speech reported in the *Nottingham Journal* of the 3rd *idem*, made at such luncheon said:

"I have never been satisfied that we went before an impartial tribunal. . . . I think that Nottingham's case was unfairly dealt with. . . . I trust that there may be more safe legislation in future for the great municipalities who carry the rest of the country on their shoulders. They ought to have a fair and straight deal when they go to Parliament. We never had it."

In the *Nottingham Guardian*, Alderman Huntsman is reported as follows:

"Alderman E. Huntsman spoke of the stupid and persistent cross-examination of Sir Bernard Wright at the inquiry, and asked how long the municipalities were going to sit silent in face of 'this absurd mummery.' Here was a House of Commons' Committee, with no principles to guide them, knowing nothing of Nottingham and caring less, and yet called upon to decide the destinies of a great city. The Committee did not come down to Nottingham to have a look at it, or see where its boundaries were. . . . Mr. Huntsman further exclaimed: 'Anybody can come here if he has got money and belongs to the party which happens to be in the majority, and get elected to Parliament. When he gets there he has no weight whatever. The others are

¹ 276 Com. Hans. 5, 3, col. 1583, 1586, 2375, 2376.

round the corner, and up the back stairs. If we had anybody in Parliament representing this city, with an ounce of authority, they would have seen that our legitimate objects were recognized.' ”

The Hon. Member seconding the Motion, who was also one of the members of the Select Committee said, in the course of debate, that there were 4 Members on the Select Committee and every decision by the Committee was unanimously given, all 4 Members agreeing. He felt that it was not really fair comment.

The Prime Minister then said: In whatever circumstances the speeches were made, the House would agree that the charges made in them were serious, and that those who made them should have the opportunity provided by the Rules of the House of repeating them, of justifying them or of withdrawing them. He therefore concurred in the motion, which was put and agreed to, and it was “ Ordered accordingly.”

The Report¹ of the Committee of Privileges was brought up and read in the House on the 11th of the same month,² and was as follows:

(1) The Committee have considered the speeches of Alderman Bowles and Alderman Huntsman reported in the *Nottingham Journal* newspaper and the *Nottingham Guardian* newspaper, respectively, of Monday, 3rd April, 1933. They are of opinion that the speeches complained of contain *prima facie* reflections upon the fairness and impartiality of Members serving upon a Parliamentary Committee, and as such constitute a breach of the Privileges of the House.

(2) Alderman Bowles and Alderman Huntsman were summoned to attend before the Committee on Tuesday, 11th April, and attended accordingly.

(3) Alderman Bowles disclaimed any intention of suggesting that the Private Bill Committee of the House of Commons upon the Nottingham Corporation Bill of last Session was not impartial. He regretted the use of the words complained of, and unreservedly withdrew them. Alderman Huntsman also disclaimed any intention of making any imputation upon the Members of the Private Bill Committee and profoundly regretted that any words of his should have been so interpreted.

In view of these unconditional withdrawals and expressions of regret the Committee recommended that the House do not take any further action in the matter.

It was then ordered that the Report lie upon the Table and be printed together with the Minutes of Proceedings thereof.

¹ No. 95.

² 276 Com. Hans. 5, 3, col. 2375, 2376.

IX. SPEAKER'S CASTING VOTE AT WESTMINSTER

COMPILED BY THE EDITOR

IN accordance with a Rule of the House of Commons, when the votes on a division are equal, the Speaker must give his casting voice. In the performance of this duty, he is at liberty to vote like any other Member, according to his conscience, without assigning a reason; but, in order to avoid the least imputation upon his impartiality, it is usual for him, when practicable, to vote in such a manner as not to make the decision of the House final, and to explain his reasons which are entered in the Journal. May¹ goes on to say that the principle which guides a Speaker in giving his casting vote was thus explained by Mr. Speaker Addington. On the 12th May, 1796, on the third reading of the Succession Duty on Real Estates Bill, there having been a majority against "now" reading the bill the third time, and also against reading it that day three months, there was an equality of votes on a third question, that the bill be read the third time tomorrow, when the Speaker gave his casting vote with the "Ayes," saying—

"that upon all occasions when the question was for or against giving to any measure a further opportunity of discussion, he should always vote for the further discussion, more especially when it had advanced so far as a third reading; and that when the question turned upon the measure itself—for instance, that the bill do or do not pass—he should then vote for or against it, according to his best judgment of its merits, assigning the reasons on which such judgment would be founded."

The next instance quoted by May² is that in the proceedings taken against Lord Melville, 8th April, 1805, which resulted in his impeachment, when the numbers were equal upon the *previous question* (moved in the [old] form, "That the question be now put"), that question being the motion on which Lord Melville's impeachment was based. Mr. Speaker Abbot gave his casting vote in favour of the "previous question," on the ground that—

"the original question was now fit to be submitted to the judgment of the house."

In the first edition³ of May, the following instances occur:
1821. On a question for reading the *amendments* made by

¹ 13th ed., p. 361.

² 13th ed., p. 362.

³ p. 218. See also 92 C.J. 496; 95 *Ib.* 536; 96 *Ib.* 344; 98 *Ib.* 163.

a committee to a bill a second time, Mr. Speaker declared himself with the "Yeas"—

"upon the ground of affording a further opportunity to the House of expressing an opinion upon the bill."¹

1828. Upon the *second reading* of a bill, the numbers being equal, Mr. Speaker stated—

"that as the bill had been entertained by the house, although they were now undecided as to whether it should proceed or not, he considered that he should best discharge his duty by leaving the bill open to further consideration, and therefore gave his vote with the yeas."²

May, in his second edition,³ gives an instance which occurred in 1826 within a few days of the end of the session upon a resolution being proposed in reference to the practice of the House in cases of bribery at elections, when the *previous question* was moved, and, on a division, the numbers being equal, Mr. Speaker said—

"that it being now his duty to give his vote, and considering the proposed resolution as merely declaratory of what are the powers and what is the duty of the house, and that any inaccuracy in the wording of the resolution might be amended, when in the new Parliament it must be revoked, he should give his vote with the yeas."⁴

For the information of those Clerks of Oversea Houses who do not happen to have a set of the Commons' Journals, the following are the instances when Speakers of the House of Commons have given reasons for the exercise of their casting votes, between 1837-1838 and 1933:

1837-38. Small Debts (Scotland) Bill: On an Amendment to the question for the *second reading* of the bill: "That words proposed to be left out stand part, etc.," Mr. Speaker gave his casting vote with the "Noes," the reason being:

"In order to give the House a convenient opportunity for further considering the bill."⁵

1841. Political Offences: For an *Address* to take into consideration the cases of all persons confined in England and Wales for Political Offences, Mr. Speaker gave his casting vote with the "Noes," for the reason:

"That he considered that the Vote, if carried, would interfere with the Prerogative of the Crown."⁶

¹ 76 C.J. 439.

⁴ 81 C.J. 387.

² 83 *Ib.* 292.

⁵ 93 C.J. 631.

³ pp. 276-7.

⁶ 96 *Ib.* 344.

1846. Bridport Election (Rockett's Petition): Question proposed, that the Petition of William Rockett be referred to a select committee, which shall be appointed to enquire into all the circumstances under which Joseph Welch gave evidence before the select committee on the Bridport Election Petition, that William Rockett voted for Mr. Romilly, and whether any compromise or arrangement was entered into, to prevent the disclosure of bribery or treating; in the division on *amendment* proposed to be made to the question, by leaving out from the word "Romilly" to the end of the question; Mr. Speaker gave his casting vote with the "Noes," for the reason—

"That as the House had no better means of forming a judgment upon the question than the Election Committee, who had already declined to entertain it, and as it would still be open to any elector of the Borough, under the provisions of the Act 5 & 6 Vict. c. 102, to present a Petition to the House, praying that a Committee, having power to examine upon Oath, might be appointed to investigate the subject of Bribery and Compromise."¹

1860. Fisheries (Scotland) Bill: On *consideration* of the bill, as amended; an amendment was proposed to insert words; Mr. Speaker gave his casting vote with the "Noes," for the reason—

"That, as the House was unable to form a judgment upon the propriety of the proposed amendment, he should best perform his duty by leaving the bill in the form in which the Committee had reported it to the House."²

1861. Church Rates Abolition Bill: On question, That the word "now" stand part of the question for the *second reading* of the bill; Mr. Speaker gave his casting vote with the "Noes," for the reason—

"That if the equality of voices had arisen on an earlier stage of the bill, he should have had no difficulty in the course he should pursue, because, guided by a rule which had been established by many able men who had preceded him in that Chair, he should have desired so to vote as to give the House another opportunity of deciding the question for itself, rather than to have taken the decision into his own hands; but they had now reached the third reading of the bill, and he found that the House hesitated, and was unable to decide whether the Law should stand, or should be changed. As far as he was able to collect the opinion of the House from the course of the debate, it appeared to him that a prevailing opinion existed in favour of a settlement of the question different, in some degree, from that which was

¹ 101 *Ib.* 731.

² 115 C.J. 235.

contained in the bill; and he thought he should best discharge his duty by leaving to the future and deliberate judgment of the House to decide what change in the Law should be made (if it should be their pleasure to make a change), rather than by taking the responsibility of the change on his single vote."¹

1862. Juries Bill: On motion, That the House doth disagree with the *Lords* in an *amendment*; Mr. Speaker gave his casting vote with the "Yeas," for the reason—

"That this House having passed the bill in a certain form, and the *Lords* having made an amendment which it had been proposed to disagree to, he should support the bill as passed by this House."²

1864. Tests Abolition (Oxford) Bill: On the question, That the Bill be now read *the third time*; Mr. Speaker gave his casting vote with the "Yeas," for the reason—

"That after the votes had been taken this evening, the House would not be surprised if he desired to afford them another opportunity of deciding the question themselves; this they would be able to do on the question, 'That the bill do pass.'³

1866. For the *adjournment* of a *debate*, on the question, That Mr. Speaker do now leave the Chair, for Committee on the Transubstantiation, &c., Declaration Abolition Bill; Mr. Speaker gave his casting vote with the "Yeas," stating as his reason—

"That as at this late hour one-half the House were indisposed to proceed with the discussion of the bill, he should best discharge his duty by doing so."⁴

1867. On the question for a *resolution*, that the exclusive appropriation of certain Foundations of Trinity College, Dublin, to members of the Established Church is undesirable; Mr. Speaker gave his casting vote with the "Noes," stating as his reason—

"That this was an abstract Resolution which, if agreed to by the House, would not even form the basis of legislation; but undoubtedly the principle involved in it was one of great importance, and if affirmed by a majority of the House it would have much force; it should, however, be affirmed by a majority of the House, and not merely by the casting vote of its presiding officer, and for these reasons he declared himself with the Noes."⁵

1867-68. On an amendment to the question for *second reading* of the Married Women's Property Bill, That the word

¹ 116 *Ib.* 282.

² 117 *Ib.* 365.

³ 119 C.J. 388.

⁴ 121 *Ib.* 373.

⁵ 122 *Ib.* 395.

"now" stand part, etc.; Mr. Speaker gave his casting vote with the "Yeas," stating as his reason—

"That he should follow the wise rule usually adopted in similar cases, by giving the House a further opportunity of considering the merits of the bill at a future stage."¹

1870. On the *previous question*, proposed on the second reading of the Representation of the People Acts Amendment Bill; Mr. Speaker gave his casting vote with the "Yeas," stating as his reason—

"That the House having given leave to introduce this bill, and being now divided in opinion as to the expediency of putting the question for the second reading, it was impossible for him, by his single vote, to withhold from the House another opportunity of expressing its judgment; but that by giving his voice with the Yeas he should afford an immediate occasion for the House to reconsider its vote upon the main question."²

1878. The numbers being equal in a division on a day proposed to be appointed for a *committee* on a bill, Mr. Speaker stated as his reason for giving his casting vote—

"That the House seemed to be in doubt regarding the day on which the bill should be proceeded with; but as, in the case of the prior order of the day, the House decided upon its postponement to Tuesday next, he should follow a similar course, and accordingly declared himself with the Noes."³

1897. For the *second reading* of a bill, Mr. Speaker—

"Gave his voice with the Yeas, so to enable the House to have another opportunity of considering the bill."⁴

1905. On an *instruction* to the committee on the London County Council Tramways Bill, Mr. Speaker gave his casting vote with the "Noes," stating as his reason—

"That he did so in order that the matter might be considered by the committee on the bill, and that the House might have a further opportunity of coming to a more decisive conclusion."⁵

1910. On an *amendment* proposed to the Regency Bill on consideration as amended, Mr. Speaker gave his casting vote with the "Ayes," stating as his reason—

"That he thought he ought to vote for the bill in the form in which it was originally introduced into the House."⁶

¹ 123 *Ib.* 232.

⁴ 152 *Ib.* 219.

² 125 *Ib.* 254.

⁵ 160 *Ib.* 105.

³ 133 C.J. 423.

⁶ 165 *Ib.* 265.

X. SOME RULINGS AT WESTMINSTER DURING THE YEAR

COMPILED BY THE EDITOR

THE following Index to some Rulings by the Speaker and Deputy-Speaker of the House of Commons given during the Second Session of the Thirty-sixth Parliament of the United Kingdom of Great Britain and Northern Ireland and the Ninth of His Majesty King George V, are taken from the General Index to Volumes 272 to 282 of the House of Commons Debates, 5th series, comprising the period 22nd November, 1932, to 17th November, 1933. The Rulings given during the remainder of that year and falling within the Third Session, will be treated in Volume III of this JOURNAL, together with the remaining Rulings of that Session.

The respective volume and column reference number is given against each item, thus—“(272-910)” or “(280-922, 1002 and 1406).”

Note.—2 R.= Second Reading; 3 R.= Third Reading.

Adjournment.

- legislation cannot be discussed on motion for (274-1996).
- of debate, being in the opinion of the Chair an abuse of the Rules of the House, put forthwith (275-596).
- on questions for which some Minister is responsible may be raised in debate upon (280-2557, 2558).
- urgency motion, not allowed (277-1703, 1706); (272-1794, 1795, 1796); (277-27, 1128); (274-1014, 1015, 1601).
- urgency, motions can only be moved at the end of question time (280-2593).

Amendments.

- conflicting, out of order (278-676).
 - from Front Bench does not require a seconder (274-668).
 - irrelevant (275-862).
 - may be put down on notice paper, whether in order or not is another thing (281-179).
 - no seconder, lapses (279-716).
 - several standing together, treated as one by Chair (274-679).
- (See also Bills.)

Bills, Private.

—not the same Bill (274 - 1091, 1794).

Bills, Public.

- alteration in character of, as a result of amendments, Report stage, proper time for Chair to pronounce upon it (272 - 650).
- amendment, that *might possibly in any circumstances* have effect of imposing higher rate of taxation also ruled out (279 - 700).
- “further consideration of the Bill be now adjourned” (277 - 451).
- objects of, on 2 R. and after amendment in Committee—same Bill in amended form as original skeleton Bill on 2 R. elaboration of certain conditions still within scope of Bill (277 - 402).
- Report stage, general discussion on amendment at, not usual (280 - 1259).
 - clause cannot be moved in form amended upon notice clause (279 - 515).
 - notice must be given of proposed new clause and clause cannot be moved in amended form (279 - 515).
- two together, discussion on (278 - 594).
- 3 R.
 - debate strictly limited to what is in Bill (276 - 2014); (281 - 825, 827 and 832).
 - recommitting not in order (281 - 858, 859).

Chair.

- complaints against conduct of, must be put down as substantive motions (272 - 213, 214).
- Members must address (274 - 403, 1941); (275 - 1213); (277 - 1742).

Closure.

- not accepted (277 - 478).

Committees, Select.

- consent of nominated Member to be obtained before question put (276 - 2255).
- political activities of members of, no concern of Mr. Speaker (277 - 1017, 1018).

Debate.

- adjournment of, confined to (277 - 460).
- “Another place,”

- allusion to, in recent, not allowed (272 - 197).
- Member cannot make a point about a Bill introduced in (281 - 832).
- reference to recent debate in (276 - 1811).
- argument in, improper (272 - 210).
- aspersions on persons not M.P.'s (277 - 1225, 1226).
- bills.
 - clause, debate confined to (277 - 446, 448).
 - clause of Bill, leave detached points until clause discussed (277 - 404).
 - on two bills together (278 - 594).
 - questions not allowed in debate on Bill (272 - 1880).
 - recommittal of clause, general criticism of Bill not debated (277 - 407).
 - Report stage of Bill, must be limited to its provisions, cannot go into general questions (278 - 621).
 - general discussion on amendment at, not usual (280 - 1259).
 - Member can only speak again, by leave of House (279 - 604).
 - Members not allowed to speak more than once (279 - 1222); (280 - 1647, 1648).
- 2 R.
 - not allowed on motion "that further consideration of the bill be now adjourned" (277 - 451).
 - not proper to (275 - 1015).
 - outside bill not allowed (278 - 156).
- 3 R.
 - must be kept within scope of the bill (281 - 825, 827).
 - Member can correct inaccurate statement, but must not make another speech (274 - 906, 907).
 - Member can only deal with what is in bill and cannot make a point about a bill introduced in "Another Place" (281 - 832).
 - strictly limited to what is in bill (276 - 2014); (281 - 825, 827, 832).
- Budget, Resolutions debate on two simultaneously (277 - 697).
- business of the House, only for which some Minister is responsible may be raised on adjournment (280 - 2557, 2558).
- Heads of Governments of Empire, reference to, in, to be treated with same respect in, to that paid in Commons to Head of own Government (273 - 1019).

- interruptions (272 - 1886); (278 - 698); (279 - 414).
- legislation cannot be discussed on motion for Adjournment (274 - 1996).
- Member not giving way (275 - 483); (281 - 681).
- mover of substantive motion has right of reply (275 - 1151).
- no speech on presentation of petition (276 - 1743).
- official document
 - quoted from in, House entitled to see (277 - 1124, 1126).
 - quoted from in, House not entitled to see (273 - 1260).
- officials of the State, practice not to allow personal attacks upon (279 - 1211).
- personal explanation must come after questions (276 - 1168).
- protest not allowed
 - against Rules of house (280 - 1646).
 - in debate on bill (272 - 1880).
- same latitude in, allowed other Members than those on front benches (279 - 673).
- supply,
 - legislation proposals may not be discussed in Committee of (275 - 1837, 1887).
 - on Report stage (273 - 531, 532).
 - matters requiring legislation cannot be discussed in Committee of (273 - 993); (275 - 1837, 1887).
- trade agreement, cannot discuss details not covered by (277 - 1110).
- un-Parliamentary expressions,
 - “Order be damned” (274 - 1307).
 - reference to a Member of the Government “like a monkey on a stick,” not un-Parliamentary but not in best of taste (275 - 648).
 - “wily old bird,” only looked upon as facetious remark (276 - 2109).

Instructions.

- to Committee, not necessary (275 - 203).

Interruptions.

- constant, not allowed (278 - 698), etc.

Lords' Amendments.

- drafting amendments put *en bloc* (281 - 1181).
- finance, a charge created, but privilege waived and recorded in Journals (281 - 1169, 1170).

- finance, amendment to bill granting exemption from Stamp Duty, etc., ruled an infringement upon the (monetary) privilege of Commons; Mr. Speaker saying it was for House to say whether it would waive it or not (280 - 475).
- finance, amendment to bill involving charge on local rates, ruled an infringement upon the (monetary) privilege of Commons; question put and agreed to (280 - 2741, 2742).
- finance, hybrid, dealt with as private bill to avoid (monetary) privilege sent down from Lords under S.O. 245 (276 - 2331).

Members.

- immunity from arrest, privilege (277 - 1165, 1167).
- Joint Select Committee, political activities of, no concern of Mr. Speaker (277 - 1017, 1018).
- must not address questions directly to other Members (275 - 1036).
- “named,” and suspended (280 - 1996, 1997).
- not giving way in debate (275 - 483); (281 - 681).
- only make one speech (280 - 164, 1648).
- only speak again in debate, by leave of House (279 - 604).
- presenting petition cannot make speech (276 - 1743).
- should not accuse another of neglecting his division (277 - 506).

Mr. Speaker.

- complaints as to conduct of, must be put down as substantive motions (272 - 213, 214).
- political activities of Members of Joint Select Committee, no concern of (277 - 1017, 1018).
- powers in regard to Papers Tabled (281 - 1028, 1029).

Order.

- Not a point of (281 - 583, 728); (272 - 410); (279 - 1226); (274 - 1211); (275 - 167); (280 - 2884).

Privilege.¹

- arrest of petitioner to the House for creating disorder, no breach of (273 - 756).
- immunity of M.P. from arrest and trial does not extend to offences of nature of breach of the peace or otherwise affecting public order (277 - 1165, 1166 and 1167).

¹ See also p. 66.

Publications.

- no Parliamentary means known of, of checking publication of mischievous, misleading and unpatriotic articles (277 - 829).

Question to Ministers.

- answer to such a, cannot be given (276 - 2557).
- cannot be returned to (276 - 2372).
- continuance of discussion after next question called, Speaker must be allowed to exercise his discretion (278 - 514).
- debate arising and not allowable (273 - 756); (274 - 618); (275 - 166); (277 - 1007); (280 - 500, 742).
- different question (276 - 1574); (280 - 17).
- discussion must not be raised on (274 - 999).
- hypothetical, not allowed (278 - 2058).
- information being given (275 - 1334).
- information can be imparted by letter (276 - 1575).
- limit to supplementary (278 - 178).
- Member engaged in conversation when question called, loses opportunity (274 - 1453).
- next Member called (272 - 1419, etc.).
- not Called (274 - 608).
- not gone through a second time when House meets in morning (276 - 2730).
- not the question on the Paper (272 - 221).
- on Ireland, cannot go to Wales in supplementary (274 - 1903).
- on notification by questioner that matter is to be raised on the adjournment motion, discontinues question proceedings (273 - 493, 1225).
- opinion, matter of (273 - 514, etc.).
- private notice, when disallowed (275 - 561, 2); (274 - 16).
- private notice, two on same subjects, replied to together (276 - 993).
- reading of statement for circulation in Hansard only, a matter for the House (275 - 1595).
- references to Heads of any Governments in Empire to be treated with same respect which would be paid in Commons to Head of own Government (273 - 1019).
- repetition (274 - 618).
- replies already given (272 - 1785); (276 - 665); (279 - 766); (280 - 1984); (281 - 905).
- reply given, not in public interest (277 - 989).

- Rt. Hon. gentleman in order in putting (272 - 1793).
- should be raised on Estimates (280 - 146).
- speech must not be made (272 - 471); (274 - 781).
- speech recently made in "Another Place" cannot be quoted with view to influencing debate (276 - 1811).
- sub judice* (281 - 15).
- supplementary,
 - already answered (281 - 719).
 - already asked (280 - 2762).
 - beyond Question on Paper (277 - 96).
 - excessive (278 - 2063); (280 - 1806); (281 - 294).
 - form of (280 - 910).
 - full answer given (280 - 147).
 - irrelevant (280 - 918).
 - Member requested to get to (274 - 329).
 - must be taken as appearing on Paper (272 - 984).
 - not arising (274 - 784, 1434, 1873); (276 - 311, 322); (277 - 1522); (278 - 520); (279 - 628, 743, 749, 759); (280 - 17); (281 - 6).
 - outside scope of original question (281 - 738, 904, 916).
 - outside scope of private notice question as submitted (275 - 806).
 - subjects of original question (274 - 1439).
 - too far beyond original (275 - 377).
 - to be put down (272 - 471, 626); (275 - 1966); (281 - 916).
 - to Prime Minister, Chair no power as to presence in House; if Leader of Opposition desires his presence to address a special question to him, no doubt he will communicate with him in the ordinary way (275 - 601).

Standing Orders.

- protest against Rules of House not allowed (280 - 1646).
- unofficial committee (275 - 1783, 1785).

Supply. See Debate.

XI. INTERCAMERAL DIFFICULTIES IN OVERSEA PARLIAMENTS

COMPILED BY THE EDITOR

Canadian Dominion Parliament.

No serious difficulty has ever been experienced between the Senate and House of Commons of Canada. The practice is, when either House insists upon certain enactments being passed and the Two Houses are unable to come to agreement through the channel of messages transmitting and receiving amendments in a bill, a Conference takes place under Senate S.O. 67 and Commons S.O. 25, by which such differences are composed.

Canadian Provincial Parliaments.

Except in Quebec, where no difficulties between the two Houses have been experienced, all the Provincial Parliaments of Canada are uni-cameral.

Australian Federal Parliament.

Senate S.O. 228 and House of Representatives S.O. 196, provide that, if agreement is not reached on amendments to a bill made by either House, a conference of managers appointed by both Houses may be requested, or the bill may be laid aside. Conferences are regulated by Senate S.O. 338 to 350 and Representatives S.O. 379 to 391; and the number of managers must not be less than 5 from each House.

Provision for remedying any continued disagreement between the two Houses is contained in section 57 of the Commonwealth of Australia Constitution Act.¹ The procedure is that if the House of Representatives passes a bill and the Senate fails to pass it, or passes it with amendments to which the Representatives will not agree, and if, after 3 months, the Representatives again passes it with unacceptable amendments, the Governor-General may dissolve both Houses. If, after such dissolution, the Representatives again passes the bill and the Senate fails to pass it or passes it with amendments in which the other House will not concur, the Governor-General may convene a Joint Sitting of the Members of both Houses. At such Joint Sitting, the bill and amendments require affirmation by an absolute majority of the total number of the Members of Both Houses. Thereafter the bill is presented for Royal Assent.

¹ 63 & 64 Vict. c.12.

It cannot properly be held that so far (*i.e.* since 1900) any difficulties have been experienced in the working relationship between the Two Houses of the Federal Parliament of the Commonwealth. In only one instance has it been necessary to apply the provisions of section 57 of the Constitution, namely, in connection with the Government Preference Prohibition Bill, which was twice transmitted by the House of Representatives to the Senate for concurrence, and upon each occasion rejected by the latter. A dissolution of the Two Houses then followed under Proclamation dated 30th July, 1914, and subsequently an election for Members of both the Senate and the House of Representatives was held, the result of which was that the operation of the further constitutional provision for a Joint Sitting of the Two Houses was not necessary. So far, therefore, there has been no Joint Sitting.

Section 53 of the Constitution deals with powers of the Houses in respect of legislation, and includes provision for the "process of suggestion,"¹ which enables the Senate to "request" of the Lower House amendments to be made in monetary provisions of bills, which provisions the Senate is prohibited from amending under other provisions of this section. Under the Standing Orders² dealing with this subject, the Senate has provided for the "pressing" of such requests for amendments, a procedure which has been followed by the Senate on many occasions. But the right of the Senate to do so has been raised and debated in the House of Representatives; and in almost all cases the message returning the bill to the Senate has included a paragraph as follows:

The House of Representatives returns to the Senate the bill intituled [*"a bill for an Act relating to Duties of Customs"*], and acquaints the Senate that, having regard to the fact that the public interest demands the early enactment of [*the Tariff*], and pending the adoption of Joint Standing Orders, the House of Representatives refrained from the determination of its constitutional rights or obligations in respect of Message No. 103 received from the Senate in reference to the said bill, and resolved to consider the said Message.

Before proceeding to the consideration of such message the Senate has adopted the following resolution:

That Message No. 121 of the House of Representatives in reference to the Senate's requests on the [*Customs Tariff*] be taken into consideration forthwith, this House affirming

¹ Dealt with in Vol. I of the JOURNAL, pp. 31 and 81.—[Ed.].

² Nos. 251 to 258.

that the action of the House of Representatives in receiving and dealing with the reiterated Requests of the Senate is in compliance with the undoubted constitutional provisions and rights of the Senate.

In actual practice the Senate has not only "pressed" but further "pressed" its requests for amendments, until by compromise agreement has been reached. Up to the present, however, the House of Representatives has not determined its constitutional rights in relation to pressed requests from the Senate, and on each occasion when such a situation has arisen, has informed the Senate to that effect and then considered the Senate's message pressing its request for amendments.

Australian State Parliaments.

New South Wales.—The main difficulty experienced in the working relationship between the Two Houses has been in respect of money bills. The Legislative Assembly has, from the inception of responsible government, jealously guarded its privileges in regard to bills received from the Legislative Council, or returned by such Council with amendments. Many bills, from time to time, have been laid aside after the Speaker has called attention to the nature of the amendments made by the Council. The practice is for the Speaker to call attention to the infringement and then to leave further action to the Assembly. A collection of cases (since 1894-1895) of the description referred to, is given in a printed official paper issued in 1930, showing that the Assembly has successfully defended what it has deemed to be its rights by adopting in regard to the Council the attitude of the House of Commons before the passing of the Parliament Act, 1911. The restrictions placed upon the Council in regard to bills by the Constitution are contained in section 46 (dealing with the matters requiring recommendation of the Crown) and the proviso to section 5 (providing that all appropriation and taxation measures shall only originate in the Assembly). The Upper House, however, was reconstituted by Act No. 2 of 1933,¹ which establishes a Legislative Council of 60 Members elected by the Members of the Two Houses sitting as one electoral body. Such Act, which amends Act No. 32 of 1902, provides that if the Assembly passes any bill appropriating revenue or moneys for the ordinary annual services of the Government and the Council rejects or fails to pass it, or returns the bill to the Assembly with a message suggesting any amendment to which the Assembly does not agree, the Assembly may direct that the

¹ See Editorial.

bill, with or without any amendment suggested by the Council, be presented to the Governor for Royal Assent, the bill thereupon becoming an Act of Parliament. The Council is considered to have failed to pass any such bill if it is not returned to the Assembly within a month after its transmission to the Council during the continuance of a Session. Should a bill which appropriates revenue or moneys for the ordinary annual services of the Government so become an Act, any provision therein dealing with any matter other than such appropriation becomes of no effect.

Under the Act of 1933, in the cases of disagreement between the Two Houses upon a bill not coming within the class of the bill above-mentioned, and if after an interval of 3 months the Assembly in the same or the next Session again passes it with or without amendment which has been made or agreed to by the Council, and it rejects or fails to pass it or passes it with any amendment to which the Assembly does not agree, and if after a free conference between managers there is still disagreement between the Two Houses, the Governor may convene a Joint Sitting of the Two Houses, when the Members may deliberate upon the bill as last proposed by the Assembly and upon any amendment made by the Council with which the Assembly does not agree, but no vote can be taken at such Sitting.

After the Joint Sitting and either after any further communication with the Council in order to bring about agreement between the Two Houses, or without such communication, the Assembly may by resolution direct that the bill as last proposed by the Assembly, and either with or without any amendment subsequently agreed to by the Two Houses, shall, at any time during the life of that Parliament or at the next general election of Members of the Assembly, be submitted by referendum, as provided in the Act, to the general electors for Members of such House. If at the referendum a majority of such electors approve the bill it is presented to the Governor for Royal Assent and thereupon becomes an Act of Parliament.

The Council is considered to have failed to pass a bill, under the exercise of the above-mentioned provisions, if it has not been returned to the Assembly within 2 months after its transmission to the Council during the continuance of a Session. This substituted section 5A extends to any bill, whether it applies to section 7A¹ of the Constitution Act of 1902 or not,

¹ This section deals principally with any alteration of the powers, constitution, etc., of the Upper House.

and in the application of section 5 of Act No. 2 of 1933 to a bill to which section 7A, above-mentioned, applies, the foregoing referendum provisions are to be followed, but the day appointed for the holding of the referendum must be a day during the life of the Parliament and not sooner than 2 months after the Assembly has passed the resolution for the purposes of such referendum.

South Australia.—In the First Session of the First Parliament, a serious dispute arose between the Two Houses, as to the power of the Upper House to amend financial measures. This disagreement resulted in a compact providing for the adoption of the process of suggestion.¹ The effect of the action of the Upper House in amending Constitution bills which required their second and third readings to be passed by absolute majorities, has at times caused much concern to the Lower House. The provisions of the Australian States Constitution Act, an Imperial Act (63 & 64 Vict. c. 12), have, however, reduced the possibility of conflict between the Two Houses to one of alteration of principle. This Act amended the law relating to the reservation for His Majesty's pleasure, of bills passed by the Legislatures of the States forming part of the Commonwealth of Australia and confirmed certain Acts passed by those Legislatures.

Tasmania.—Prior to 1926 the Upper House both claimed and exercised the right to amend all money bills, provided that such amendment did not originate or increase any vote, duty, tax or impost. The exercise of this right by the Council has sometimes been the cause of disputes between the Two Houses. In 1926 a compromise was effected which was embodied in an amendment of the Constitution Act.² This Act restricts the powers of the Upper House in regard to appropriation bills, income tax rating bills, and land tax rating bills, to "requests" that the Lower House should amend such bills, the Upper House retaining the right to amend all other money bills, provided that such amendment does not impose or increase any burden on the people. The compromise has, so far, worked fairly well, the chief difficulty being due to doubt as to whether the inclusion of certain non-recurring items in the schedule of appropriation bills does not conflict with section 3 of the Constitution Act of 1926, which defines Appropriation Act as "an Act which authorizes the issue and application of any part of the revenue for the purpose of meeting the ordinary annual services of

¹ See JOURNAL, Vol. I, pp. 33 and 83.

² See JOURNAL, Vol. I, p. 85.

the Government." The present position is that, so long as no attempt is made by the Lower House to include items which are obviously not for the "ordinary annual services of the Government" in the appropriation bill, a reasonable view will be taken by the Upper House in the matter. Apart from money bills, differences between the Two Houses sometimes arise on amendments made by the Upper House to ordinary bills. To reconcile these differences Free Conferences are often resorted to as provided by the Standing Orders of the Two Houses. These Conferences usually result in a compromise which is agreed to by the Two Houses. The Constitution contains no provision for dealing with deadlocks.

New Zealand Parliament.

Provision is made in the Standing Orders of Both Houses for disagreement between them being settled by Conferences consisting of not less than 3 managers appointed by each House. It is also required that provisions in bills of a monetary nature which the Legislative Council may not amend are required to be printed in special type.¹ Joint Committees are also amply provided for.

An Act has been passed,² but has not been put into operation, providing for a directly elected Second Chamber, according to P.R. and grouped House of Representative constituencies; for Joint Sittings in cases of disagreement between the Two Houses of the General Assembly; and, for the process of suggestion, very much on the lines of the Australian Federal Constitution, but has not yet been put into force.

Union of South Africa Parliament.

Difficulties in the working relationship between the Two Houses of the Union Parliament may be divided into two classes, those occurring in connection with bills affecting public money and those concerned with other public bills. The former are governed principally by section 60 of the Constitution³ and the latter also by section 63 thereof. In both cases a Joint Sitting of the Two Houses⁴ is the final arbiter.

(a) Bills affecting Public Money.

Under section 60 of the Constitution, bills appropriating revenue or moneys or imposing taxation must originate in the House of Assembly and the Senate is precluded from amend-

¹ S.O. 203, 216. ² No. 59 of 1914. ³ 9 Edw. VII c. 9.

⁴ See JOURNAL, Vol. I, p. 25.

ing any bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government or from amending any bills so as to increase any proposed charges or burden on the people. A bill, however, is not to be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

The following are the most important cases where difficulties have arisen between the Two Houses of Parliament in regard to this type of bill:

(1) During the Session of 1910-1911 the Senate omitted the words "calculated at a rate" in Clause 3 of the High Commissioner's Bill, which originated in the Assembly, and the Speaker of that House stated that as the omission of those words could be construed as having the effect of an increase of expenditure by an allocation of the appropriation of public money, he was unable to put the amendment to the House. The Senate, in considering the message in reply, and referring to the amendment as a verbal one, was unable to agree that the amendment would possibly increase public expenditure, but for other reasons resolved not to insist upon its amendment.

(2) In the Session of 1915-1916 the Senate having amended certain Clauses of the Exchequer and Audit Act, 1911, Amendment Bill (the principal Act provided for the regulation, receipt, custody and issue of public moneys and for the audit of the accounts thereof), which originated in the Assembly, the Speaker's ruling was sought in regard to the competency of the Senate to make such amendments, when the Speaker ruled that just as a purely money bill is incapable of amendment by the Senate, so a money clause in a bill which is not a money bill is equally incapable of amendment, because if it were capable of such amendment, the Senate would, in the language of sub-section (2) of section 60 of the South Africa Act, amend the bill so far as it "appropriates revenue or moneys for the services of the Government." The Speaker remarked it was true that there was not an appropriation of an ascertained amount under the Clauses in question, but he found it impossible to hold that they did not convey a covering authority for incurring or initiating expenditure. The effect of allowing the Senate to make amendments would not only be to give it the power to amend a money clause but it would give it the far greater power of initiating expenditure.

The message accompanying the bill when it was returned to the Senate intimated that the proposed amendments constituted

a breach of the privileges of the Assembly (*i.e.*, a contravention of the said section 60 of the Constitution), and that for such House to waive its rights in the matter would establish a precedent which must be regarded as a subversion of such section, and therefore the Assembly regretted that it was unable to agree to the amendments in question. The Senate referred the message conveying the Assembly's disagreement to a select committee, which recommended that the Senate claims complete co-ordinate powers with the Assembly in regard to all legislation except as the Senate is restricted under the said section 60; that the Senate's amendments to the clauses under dispute did not infringe the said section and that under the amended clause dealing with Government contracts the Senate should have an equal right of disapproval of them, as a constituent part of Parliament, and that such contracts should also be Tabled in the Senate. The Senate's select committee report was adopted by the House and a message dispatched to the Assembly accordingly, the Senate insisting on its amendments. The matter was then referred by the Assembly to a select committee, which submitted a report upholding its Speaker's ruling, but recommending, with a view to coming to an agreement with the Senate, new clauses in place of those which were the subject of disagreement. The report of this select committee was adopted by the Assembly, and the bill returned to the Senate for concurrence with the proposed new clauses. The new clauses were accepted by the Senate.

(3) In 1912 a Native Disputes Bill, which originated in the Senate, contained a paragraph in a clause which provided that the Governor-General might make rules as to the fees of office to be imposed for services performed in and about the hearing and determination of any dispute and the issue of any order under the bill. When the bill reached the Assembly the Speaker ruled that this paragraph ought not to have formed part of the bill but should have been placed within brackets with the prescribed footnote. He recommended that the House should not waive its constitutional rights, and therefore that the bill should not be accepted in the form in which it had been received. The first reading and the order for the second reading were accordingly discharged and the bill ordered to be returned to the Senate with a request that the paragraph be either omitted or bracketed. The bill was subsequently returned by the Senate with the paragraph in question placed between brackets and a footnote attached stating that the paragraph did not form part of the bill.

(4) The Work Colonies Bill which originated in the Senate during the Session of 1919, contained a bracketed clause providing for the establishment of work colonies, which was the crux of the whole measure. Upon the bill being received by the Assembly, the Speaker, having stated the circumstances under which the practice originated of placing certain provisions subordinate to the principle of a bill within brackets when affecting money matters, observed that in this case the initiation of the bill in the Senate constituted a breach of the rights of the Assembly. The title of the bill proper, as received, purported to provide for something not contained in the bill (as bracketed), namely, the establishment of work colonies. He did not rule in the matter, but pointed out that if the Assembly waived its rights without protest a precedent would be set up which might render section 60 of the Constitution ineffective. The Minister-in-charge of the bill thereupon withdrew the measure.

(5) In the Session of 1925 the Senate omitted an item from the schedule to the Pensions (Supplementary) Bill. Upon the bill being returned to the Assembly for concurrence in amendment, the Speaker ruled that a pensions bill must be regarded as a bill which the Senate was not entitled to alter. The Senate contested the view that the bill appropriated revenue for the services of the Government, and submitted that its amendment was in order (hitherto when such pensions had been sent up to the Senate in the form of resolutions, the Senate had not been precluded by the Constitution from rejecting any of them), but in order not to jeopardize the bill, the Senate did not insist upon its amendment, and suggested the appointment during the next Session of a Joint Select Committee to consider and report upon the question, which was duly considered by the Committee on Standing Rules and Orders, with the result that all resolutions of the Assembly embodying pensions, grants, gratuities, etc., have since been transmitted to the Senate for concurrence before being embodied in the Pensions (Supplementary) Bill appropriating them (which then became a formal measure), and this procedure has since been followed.

(6) The Drought Distress Relief Act (No. 25 of 1927) provided for the purchase and supply of certain livestock, implements, seeds and fertilizers for the relief of distress caused by drought "from moneys appropriated by Parliament." In the Session of 1931-1932, on the recommendation of the Governor-General under section 62 of the Constitution, the Assembly applied these provisions for the relief of distress

caused by flood in a Flood Distress Relief Bill. The Senate amended the bill by inserting a new clause bringing "pumping-plants" within the meaning of "implements." The Speaker in communicating this amendment to the Assembly drew attention to the provisions of sub-sections (2) and (3) of section 60 of the Constitution, quoted above, and on his suggestion the Senate was informed by message that the proposed new clause must "be regarded as an amendment which the Honourable the Senate is precluded from making under section 60 of the South Africa Act," upon which the Senate asked for further reasons than those given in the message. After stating the case more fully, the Assembly concluded by pointing out that the Assembly, although directly representing the people of the Union, would itself have been precluded from making the amendment without a further recommendation from the Governor-General, since it could not assume that the original recommendation covered appropriation which was not apparent from the wording of the bill. The Senate then suggested that the Standing Orders select committees of the Two Houses be authorized to confer upon points of interpretation of section 60 of the Constitution in its application to the question at issue, but the Assembly in its reply submitted that no practical purpose would be served by further discussion "since any interpretation which would permit of the amendment being made by the Honourable the Senate would have the effect of conferring wider powers upon that House than are enjoyed by the House of Assembly in the appropriation of public moneys." At the same time it intimated that should the Senate desire to discuss the broad principle of closer co-operation between the Two Houses on bills falling under section 60, the House of Assembly would welcome a proposal for the consideration of that question by the Committees of the Two Houses conferring together.¹ The Senate then informed the House of Assembly that it would not insist on its amendment.

¹ In the 1931-1932 Session messages were exchanged between the Two Houses proposing a conference of their Standing Orders Sessional Committees to discuss the broad principle of closer co-operation on bills falling within the scope of section 60. This procedure was repeated in the 1934 Sessions and such committees met, but in the closing days of the Session each reported to their respective Houses that they had not had the opportunity to give the matter full consideration of the constitutional issues involved and that therefore after full deliberation it was felt that, owing to the advanced stage of the Session, it should stand over for next Session.

(b) Bills not affecting Public Money.

Section 63 of the Constitution makes provision for a Joint Sitting of Both Houses in cases where a bill originating in the Assembly is rejected or fails to be passed by the Senate, or is passed by that House with amendments to which the House of Assembly will not agree. In the case of disagreements between the Two Houses in connection with a bill dealing with the appropriation of revenue or moneys for the public service, a Joint Sitting may be convened during the same Session, and in the case of any other measure during the next succeeding Session, when, if such measure is sent up by the Assembly and is again rejected or fails to be passed by the Senate or is passed by that House with amendments to which the House of Assembly will not agree, a Joint Sitting may be convened. No case has yet occurred where such a Sitting has taken place owing to a disagreement on an "Appropriation" Bill, but in connection with other bills disagreements between the Two Houses have led to Joint Sittings in the following instances:

(1) In 1925 a Mines and Works Act Amendment Bill was passed by the Assembly, but in the Senate the motion "That the Bill be now read a Second Time" was negatived on a division.

Early in the following Session (1926) the bill was again passed by the Assembly but still failed to secure the concurrence of the Senate. A Joint Sitting was thereupon convened by the Governor-General under the provisions of sections 58 and 63 of the Constitution, and in that Sitting the motion "That the Bill do now pass" was agreed to on a division.

(2) In 1927, and again in the Session of 1927-1928, a Precious Stones Bill was similarly passed by the Assembly and returned by the Senate with amendments, to certain of which the Assembly did not agree. In the Session of 1927-1928 a Joint Sitting was convened and the bill was passed, after certain amendments had been agreed to, on a division.

(3) In the same Sessions (1927 and 1927-1928) an Iron and Steel Industry Bill was passed by the Assembly, and on each occasion the Senate failed to pass it, an amendment to the motion for the Second Reading, giving reasons for declining to read the bill a second time, being adopted. At the Joint Sitting convened during the Session 1927-1928 the bill was passed on a division.

Conferences have not been resorted to by the Houses of the Union Parliament.

Union Provincial Councils.

These are all uni-cameral.

Irish Free State Parliament.

Difficulties between the Two Houses of the Parliament (Oireachtas) are regulated by the following constitutional provisions.

Article 35 of the Constitution as amended by Amendment No. 12 Act, provides that the Lower House (Dáil Eireann), in relation to the subject-matter of money bills, as defined in such Article, shall have legislative authority exclusive of the Upper House (Seanad Eireann). Money bills are certified by the Chairman of the Dáil, and such certification is final unless the question is referred to a Committee of Privileges as provided for in the Article. If before whichever of the following events first occurs, namely, the expiration of 7 days from the day on which a bill so certified is sent by the Dáil to the Seanad for its recommendations under Article 38, or the return of such bill by the Seanad to the Dáil under such Article:

- (a) two-fifths of the Members of either House by notice in writing addressed to the Chairman of the House of which they are Members, so require; or,
- (b) a majority of the Members of the Seanad present and voting at a sitting thereof at which not less than 30 Members are present, so resolve,

the question whether or not it is a money bill is referred for final decision to a Committee of Privileges, constituted as provided in such Article.

Article 38, as amended by Amendment No. 13 Act, provides that every bill (other than a "money bill") originating in the Dáil and sent to the Seanad may be amended by it, which amendments must be considered by the Dáil. But every "money bill" so originating is sent to the Seanad for its recommendations and, not later than 21 days thereafter, must be returned to the Dáil, which may pass it, accepting or rejecting all or any of the recommendations of the Seanad, and as so passed, or if not returned within such period, it is deemed to have been agreed to by Both Houses.

Under Article 38A, introduced into the Constitution by Amendment No. 13 Act, whenever a bill (not being a "money

bill ") originating in the Dáil and sent to the Seanad is within the stated period defined in such Article, either rejected by it or passed by it with amendments to which the Dáil will not agree, or is neither passed (with or without amendments) nor rejected by the Seanad within the stated period, the Dáil may within 1 year thereafter, by resolution expressly passed under the Article, again send the bill to the Seanad in the form (or as specially modified) in which it was first so sent, and if the Seanad does not within 60 days thereafter, or such longer period as agreed to by Both Houses, pass such bill either without amendment or with such amendments only as are agreed to by the Dáil, such bill shall, if the Dáil so resolves after the expiration of such 60 days or longer period aforesaid, be deemed to have been passed by Both Houses at the expiration of such period or longer period, in the form in which it was last so sent by the Seanad, with such (if any) amendments as may have been made therein by the Seanad and agreed to by the Dáil.

The "stated period" begins on the day when the bill is first sent by the Dáil to the Seanad and ends at whichever of the following times is earlier, namely, the expiration of 18 months from the beginning of the period, or the date of the reassembling of Parliament after a dissolution occurring after the commencement of such period.

When a bill originating in the Seanad is passed by the Dáil, it is deemed to have been initiated in the Dáil and Article 38A of the Constitution applies to it accordingly. For the purpose of such application the stated period, in relation to such bill, begins on the day it is first sent to the Seanad after being so amended by the Dáil.

Whenever a bill has been sent by the Dáil to the Seanad under Article 38A, nothing in such Article may operate to restrict the right of the Dáil to send the bill, subsequently, to the Seanad, otherwise than under this article.

A bill sent a second time by the Dáil to the Seanad and required for the purposes of Article 38A to be in the form in which it was first so sent, may contain such (if any) modifications as may be certified by the Chairman of the Dáil to represent amendments made therein by the Seanad and agreed to by the Dáil, or to be necessary owing to the lapse of time since such bill was first sent by the Dáil to the Seanad.

Article 39 of the Constitution, as amended by Amendment No. 14 Act, provides that if a Seanad bill is amended by the Dáil it shall be considered, for the purposes of the Constitution, as a bill initiated in the Dáil.

Article 47, which provided, in certain cases, for a referendum, was repealed by Amendment No. 10 Act.

Provision is also made by the Standing Orders of Both Houses (Seanad 105, Dáil 121) for conferences between managers appointed by each House, in the case of disagreement between such Houses upon any bill.

Indian Central Legislature.

Only the Central Legislature is bi-cameral. From time to time disagreement upon bills has arisen between the Council of State and the Legislative Assembly, but nothing amounting to a difficulty can be said to have occurred. The constitutional provisions governing such disagreements are contained in section 67 (3) of the Government of India Act,¹ which provides that if any bill which has been passed by one Chamber is not, within 6 months of the passage of the bill by that Chamber, passed by the other Chamber, either without amendments or with such amendments as may be agreed to by the two Chambers, the Governor-General may, in his discretion, refer the matter for decision to a Joint Sitting of Both Chambers; but the Standing Orders made under this section may provide for meetings of Members of Both Chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between them.

Joint Sittings of the Two Chambers are convened by the Governor-General² and presided over by the President of the Council of State,³ the procedure of which, so far as practicable, applies to the proceedings at such Sittings. Rule No. 39 provides that the Members present at a Joint Sitting may deliberate and shall vote together upon the bill as last proposed by the originating Chamber and upon amendments, if any, which have been made therein by one Chamber and not agreed to by the other, and any such amendments which are affirmed by a majority of the total number of Members of the Council and Assembly present at such Sitting shall be taken to have been carried; and if the bill with the amendments, if any, is affirmed by a majority of such Members of the Council and the Assembly present at such Joint Sitting, it is deemed to have been passed by Both Chambers.

Rule No. 40 also makes provision for conferences between appointed Members of the Two Chambers, in accordance with the usual Parliamentary practice. Provision is also

¹ 5 & 6 Geo. V c. 61; 6 & 7 Geo. V c. 37; and 9 & 10 Geo. V c. 101.

² I.L. Rule No. 37.

³ *Ib.* 38.

similarly made¹ by which, upon a resolution being passed in the originating Chamber, it may be recommended that a bill be committed to a joint committee of Both Chambers; whereupon a message is sent to the Other Chamber, and, if it agrees, a motion is duly made in each Chamber nominating the Members of such committee. In such cases the usual practice is followed of requiring that the number of Members representing each Chamber on a joint committee shall be equal, and its chairman shall only have a deliberative vote, the question being decided in the negative when the voting is equal.

Malta.

Sub-section (1) of section 42 of the Constitution² provides that if the Legislative Assembly passes any proposed law and the Senate rejects or fails to pass it, or passes it with amendments to which the Assembly will not agree, it is deemed to have been rejected and may not be proposed again during the same Session. If the Assembly, in the next Session, again passes it, with or without amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects, or fails to pass it, or passes it with amendments to which the Assembly will not agree, the Governor may during that Session convene a Joint Sitting of the Two Houses, or may dissolve the Assembly, or Both Houses simultaneously, but such dissolution may not take place within 6 months before the date of expiry of the Assembly by the effluxion of time.

Sub-section (2) of such section provides that, if after such dissolution the Assembly again passes the proposed law, with or without amendments which have been made, suggested, or agreed to by the Senate, and it rejects or fails to pass it, or passes it with amendments to which the Assembly will not agree, the Governor may likewise convene a Joint Sitting.

The Members assembled at a Joint Sitting elect one of their number as President thereof.

Sub-section (3) of such section lays down that the Members present at a Joint Sitting must deliberate and vote together upon the proposed law, as last proposed by the Assembly, and upon any amendments which have been made therein by one House and not agreed to by the other, and any such amendments affirmed by $\frac{2}{3}$ of the total number of the Members of the Two Houses is taken to have been carried, and if the proposed law, with any amendments, so carried, is affirmed by $\frac{2}{3}$ of the total

¹ *Ib.* 42.

² Malta Constitution Letters Patent, 1921.

number of the Members of Both Houses, it is considered to have been passed by Parliament.

The Proviso to section 41 (6) of the above-mentioned Constitution requires bills for the amendment of the Constitution or of any other amendment of any such Order-in-Council to be affirmed by not less than $\frac{2}{3}$ of the total number of Members of each House. The Malta Constitution (Amendment) Letters Patent of 1st August, 1928, however, made a further proviso to the said section 41 (6) by which under sub-section (3) above-mentioned, only a majority of the Members present shall be necessary, the President having only a casting vote. By the Constitution Amendment of 1921, in the case of "suggestions" made by the Senate in monetary provisions of bills under section 61 of the Constitution, in case of disagreement between the Two Houses, such bills are deemed to have been passed if affirmed in each House by a majority of the Members present other than the Presiding Member, who shall have a casting vote. At a Joint Sitting upon any such bill, the affirmation need only be by a majority of the Members of the Two Houses present, the President only having a casting vote. It is further provided in the Constitution Amendment of 1921 that if the Senate omits to deal with any such bill within 1 month from the date when it was passed by the Assembly, a Joint Sitting may be convened, and the foregoing provisions in regard thereto shall comply.

Joint Sitting S.O. I to X lay down the procedure to be followed at such Sittings.

XII. POWER OF CHAIR TO DEAL WITH DISORDER

COMPILED BY THE EDITOR

Westminster.

IN event of great disorder arising in the House of Commons, the Speaker, under S.O. 21, may adjourn the House without question put, if he thinks it necessary to do so, or he may suspend the Sitting for a time to be named by him.¹

Standing Order 18 empowers the Speaker to name a Member, immediately after the commission of the offence of disregarding the authority of the Chair, or of abusing the Rules of the House by persistently and wilfully obstructing the business of the House, or otherwise. The Speaker then forthwith puts the question on motion made, no amendment, adjournment or debate being allowed—"That such Member be suspended from the service of the House." If the offence has been committed in a Committee of the Whole House, the Chairman forthwith suspends the proceedings and reports the circumstances to the House, whereupon the same motion is moved. Suspension, however, does not absolve a Member from service on a private bill select committee. Should a suspended Member refuse to obey the direction of the Speaker, when summoned under his orders by the Serjeant-at-Arms, the Speaker calls the attention of the House to the fact that recourse to force is necessary, and the Member is suspended for the remainder of the Session. These provisions, however, do not deprive the House of the power of proceeding against any Member according to ancient usages.

Under S.O. 20, the Speaker or the Chairman can order a Member whose conduct is grossly disorderly, to withdraw immediately from the House during the remainder of that day's Sitting, and the Serjeant-at-Arms acts upon such orders as he may receive from the Chair. But should the Speaker or the Chairman deem that his powers under this Standing Order are inadequate, he may name such Member in pursuance of S.O. 18, or call upon the House to adjudge upon his conduct.

In case of an outbreak of disorder in Committee of the Whole House, by which the honour and dignity of the House are affected, the Speaker is justified in resuming the Chair immediately, without waiting for the ordinary forms.²

¹ May, 13th ed., p. 220.

² *Ib.*, p. 451.

Canadian Dominion Parliament.

In the Senate, the authority of the Chair is limited. In the case of disorder the Chair may reprimand those offending and if disorder continues the Chair may report the offenders to the House for such action as it may deem proper. There has been no instance of disorder in the Canadian Senate.

In the Commons, the Speaker may name a Member, whereupon the Leader of the House moves his suspension or expulsion. In the case of grave disorder the Speaker may adjourn the House without question put. Cases of disorder arising in Committee of the Whole House can only be dealt with by the Speaker upon the House receiving a report. Suspensions, on the first occasion, continue for 1 week, on the second for 2 weeks, and on a third or subsequent occasion, for a month.

Canadian Provincial Parliaments.

Quebec.—In the Legislative Assembly the Speaker has power¹ in case of great disorder, without question put, to adjourn the House, or suspend the sitting for a time specified by him. The Speaker may name a disorderly Member, after which such Member is not allowed to address the Speaker during the remainder of the sitting.² Moreover, the House may, if a motion is immediately proposed to that effect, either order the Speaker to admonish or reprimand him, or pronounce censure upon him, with or without suspension. The Standing Orders³ further provide that if a Member wilfully disobeys any lawful order of the House, he may be ordered by the House to attend in his place to answer for his conduct, and, unless his explanation is deemed satisfactory, the House may punish him, as provided for in S.O. 76, or direct the Serjeant-at-Arms temporarily to take him into custody. It is also provided⁴ in the case of a Member forbidden to speak or of any other punishment imposed upon him, that any other Member may, without notice, move that he be relieved from such prohibition or punishment. Such motions are given precedence of all other business of the day, but may not interrupt any business in progress, nor are they allowed to be debated, amended or renewed. Disorder in Committee of the Whole House may only be censured by the House.⁵

New Brunswick.—The Standing Orders⁶ provide that whenever any offensive or disorderly words have been used by a Member in debate and notice of objection is immediately

¹ S.O. 72.² *Ib.* 76.³ *Ib.* 77.⁴ *Ib.* 79.⁵ *Ib.* 280.⁶ S.O. 21.

taken, a Member asks the Chair that they be taken down, which is done by the Clerk. Should the House be in Committee the Chairman immediately reports to the Speaker, when such words are noticed before the intervention of any other business. Otherwise a Member may move at any time during the same day and before the offending Member has left the House, that he be not allowed to leave until he has given satisfaction to the House. Upon failure to do so, the Member is then subject to the censure of the House, or to such other penalty or punishment as it may determine. Disorder in Committee of the Whole may only be dealt with in the House upon the report of the Chairman.¹

British Columbia.—The Standing Orders² make similar provision as in the case of the British House of Commons (*which see above*).

Saskatchewan.—The practice laid down in Bourniot³ is followed, which provides for the naming of a Member, a motion being moved to reprimand, censure or suspend him, or such other action taken as the House may decide upon.

Australian Federal Parliament.

In the Senate similar provision is made⁴ to deal with disorderly Members as at Westminster, except that—(1) in cases of suspension, the period on the first occasion is for the remainder of that day's sitting; on the second for 1 week, and on the third or any subsequent occasion, for 14 days, during the same Session; (2) cases of disorder in Committee may only be dealt with by the House upon receiving the Chairman's report; and (3) should any Senator wilfully disobey any Order of the House, he may be ordered to attend in his place, or, if he is under suspension, at the Bar, to answer for his conduct; and unless his explanation is satisfactory the Senate may direct Black Rod to take him into custody. However, notwithstanding the foregoing method of dealing with disorderly Members, the Senate is in no way restricted⁵ in the mode in which it may exercise and uphold its powers, privileges and immunities.

Standing Orders 55 to 59 of the House of Representatives make similar provisions in such cases as those provided for in the Senate, except that on the third or any subsequent suspension, the period is 1 month. S.O. 58 of the House of Representatives, however, also empowers the Speaker to name

¹ *Ib.* 95.

⁴ S.O. 438 to 444.

² Nos. 19 to 22.

⁵ S.O. 447.

³ 4th ed.

a Member for persistently conversing aloud or making any noise or disturbance whilst any Member is speaking, or whilst any bill, order or other matter is being read or opened.

Australian State Parliaments.

New South Wales.—Except as stated below, in neither House is any particular period stipulated for the suspension of disorderly members, but cases occurring in Committee must be reported and dealt with by the House. Standing Order 392 of the Legislative Assembly, however, provides that if the Speaker or Chairman has to call a Member to order more than three times in any one sitting for gross breach of the Rules, he may order him to be removed by the Serjeant-at-Arms for the remainder of that day's sitting. There have been occasions¹ when the aid of the police has been invoked by the Serjeant-at-Arms, to assist in removing disorderly Members. As the result of matters arising out of what were known as the "Land Scandals," the following Standing Order was passed by the Assembly in 1906:

393 A. Whenever it shall have been ruled or decided (whether before or after the approval of this Standing Order) that the House may not proceed on a matter which has been initiated in the House affecting the alleged misconduct of a Member because thereby the said Member may be prejudiced in a criminal trial then pending on charges founded on such misconduct, the House may suspend such Member from the service of the House until the verdict of the jury has been returned or until it is further ordered.

The House having passed a resolution suspending the Member who was a central figure in such scandals from the service of the House, he was removed by the Serjeant-at-Arms by order of the Speaker.² The Member so removed then proceeded against the Serjeant-at-Arms, claiming damages. The Serjeant pleaded justification. To this plea the plaintiff demurred, and the Supreme Court of the State, by a majority, ordered judgment to be entered for the plaintiff. The defendant then appealed to the Privy Council, who upheld the appeal with costs, and declared the Standing Order valid.

Queensland.—The period of suspension in the uni-cameral Legislature of this State must not exceed 14 days, unless resort to force is necessary, when, without further question put, such period becomes 1 month.³

¹ *Votes, 1911-1912, pp. 33, 151, 285; and 1912, p. 153.*

² *Votes, 1906, p. 69.* ³ S.O. 124.

South Australia.—The Standing Orders¹ of the House of Assembly stipulate no special period during which a Member can be suspended; those of the Legislative Council² provide for the same periods as in the case of the Commonwealth House of Representatives.

In 1927, while the Lower House of this State was in Committee, an interjection was made from the Strangers' Gallery, and a Member asked that the Gallery be cleared, whereupon the Chairman left the Chair and reported to Speaker that a state of disorder had arisen in the precincts of the Chamber, and the Leader of the Government having drawn attention to the interjection, the Speaker ordered the galleries to be cleared.

In the following year, on the second day of the Session, an interruption by a stranger was followed by an uproar in the Strangers' Gallery. The Speaker vacated the Chair for 15 minutes, during which time the Strangers' Gallery only was cleared and remained empty for the balance of the sitting. The Speaker issued a warning to the public as to the behaviour required of visitors, but a fortnight later a person in the Strangers' Gallery was responsible for another interjection of an objectionable nature, and he was ejected. Following this episode, the Strangers' Gallery was, by order of the Speaker, closed for the greater part of the Session.

Tasmania.—Unless it is otherwise ordered in respect of the Legislative Council, the periods of suspension³ in both Houses of his State Parliament are the same as those in force in the South Australia Upper House.

Victoria.—In the Standing Orders of neither Houses of Parliament of this State is any particular period of suspension laid down.

Western Australia.—Standing Orders 413 to 419 of the Legislative Council of the Parliament of this State follow the precedence of the Commonwealth Senate, and S.O. 72 of the Legislative Assembly makes similar provision to that of S.O. 59 of the Commonwealth Lower House. The Western Australia Legislative Assembly, however, gives the Speaker or Chairman power to order a disorderly Member's withdrawal for the remainder of that day's sitting. In all the other Houses of Parliament in Australia, however, the Chairman must always report disorderly Members to be dealt with by the House.

¹ S.O. 171, 417, 163-166, and 418.

² No. 214.

³ Council S.O. 163; Assembly S.O. 183.

New Zealand Parliament.

In the Legislative Council a Member guilty of a breach of order, or who is reported therefor, by the Chairman of Committees, or of a select committee, is named by the Speaker and called upon to stand up in his place and explain or apologize. When given such opportunity, he must withdraw from the Chamber and not re-enter it until permitted to do so by the Speaker. Should a Member be censured for disorderly conduct, the Standing Orders¹ require the fact to be entered in the Journals. Such Orders² further provide that a suspended Member shall not, unless the House otherwise orders, have access to the Chamber or the precincts thereof, or to the library, committee rooms, lobbies, or to Bellamy's, save only so far as may be necessary in order to enable him to perform his duties in respect of attendance upon private bill committees. Members or other persons may also be adjudged guilty of contempt who wilfully disobey any lawful order of the House or commit a breach of privilege.

In the House of Representatives of the General Assembly (as the Parliament of this Dominion is called), a disorderly Member may be suspended upon motion made, no debate, amendment or adjournment being allowed, for periods of 1 week, 2 weeks, or 1 month, in respect of the first, second or third and subsequent occasions, respectively. Suspension, however, does not deprive the House of proceeding against him "according to ancient usages." Standing Order 77 empowers censure or suspension as above, in the case of a Member who refuses to retract, explain or apologize for objectionable words, at the demand of the Speaker or Chairman. The same disabilities apply to suspended Members of this House as already given in regard to Members of the Upper House. Cases of disorder occurring in Committee of the Whole must be reported to the House.

Union of South Africa Parliament.

In the Senate, either the President³ or the Chairman may order a Senator whose conduct is grossly disorderly to withdraw immediately from the House, for the remainder of that day's sitting, and Black Rod is required to act upon such orders as he may receive from the Chair. Such withdrawal includes absence of the Senator from the precincts of the House, except for attendance upon private bill committees. In cases where the above-mentioned powers are not deemed to be sufficient,

¹ No. 338.

² *Ib.* 339.

³ S.O. 150.

motion is made, according to the usual conditions, to suspend the Senator. On the first occasion of a breach of order the period is 3 days, on a second 2 weeks and on a third or subsequent occasion, 1 month. But the Standing Orders¹ provide that, on receiving from the Senator so suspended, a written and approved expression of regret, which is to be entered on the Minutes, and laid by the President before the House, the President shall, on motion made, put the question for the discharge of the order of suspension. Cases of disorder in Committee of the Whole can only be dealt with by the President, as above, upon the report by the Chairman to the House.

In case of great disorder arising in the House the President may adjourn the House without question put, or suspend any sitting for a time to be named by him.² If any disorder arises in Committee of the Whole, the President may resume the Chair without question put.³

The Standing Orders⁴ of the House of Assembly make the same provision, in cases of disorder as already outlined in regard to the Senate, except that the period for suspension on the first occasion is 1 week.

Union Provincial Councils.

Cape of Good Hope.—The Standing Orders⁵ of the Provincial Council make very similar provision for dealing with cases of disorder, as already given in respect of the Union House of Assembly, except that the Chairman of Committees has not the power to order the withdrawal of a disorderly Member for the remainder of that day's sitting and that cases of disorder are subject to such censure as the Council may think fit; provided that it does not exceed that of the Union House of Assembly for a similar offence.

Natal.—The Chairman of the Council may order a Member whose conduct is grossly disorderly to withdraw from the House during the remainder of that day's sitting.⁶ Disorder in Committee of the Whole can only be censured by the Council on receiving a report thereof.⁷

Transvaal.—The Presiding Member has power to order a disorderly Member to withdraw immediately from the Council Chamber for the remainder of that day's sitting, and the chief Messenger is required to act upon such orders as he may receive from the Chair.⁸ If, however, a Member is named by

¹ No. 151. ² S.O. 154. ³ S.O. 99. ⁴ S.O.'s 93, 94, 97 and 222.
⁵ Nos. 74, 76, 147. ⁶ S.O. 60. ⁷ *Ib.* 62. ⁸ S.O. 60.

the Presiding Member for disorder, then if the offence has been committed in the Council, the Chairman puts the motion, as in the Union House of Assembly, for which occasions the same periods of suspension apply,¹ and if in Committee of the Whole Council the Chairman of Committees reports to the Chairman of the Council in order that it may take the necessary action. The Chairman of the Council may also, in case of great disorder, adjourn the Council or suspend its sitting for a time named by him.²

Orange Free State.—Standing Orders 63, 64 and 67 make the same provision as in the case of the Transvaal Province.

Irish Free State Parliament.

In the Senate the Cathaoirleach, or Speaker, is supported by the customary powers in regard to the disorderly Members. He may order any such Member to withdraw for the remainder of that day's sitting,³ or, if those powers are not sufficient, he may name a Member who, upon motion made and question put, subject to the customary conditions, can be suspended for the same periods as given under the Union House of Assembly, above.⁴ Cases of disorder in Committee can only be dealt with by the House. The usual powers of adjournment and suspension are given the Chair in cases of great disorder.⁵

The same procedure as given above in regard to the Seanad is followed in the Dáil, where the Ceann Comhairle, or Speaker, is vested with the necessary powers.⁶

Malta, Southern Rhodesia, and South West Africa.

Similar procedure prevails in the Senate and Legislative Assembly of Malta and the Legislative Assemblies of Southern Rhodesia and South West Africa as in the Union House of Assembly.⁷

Indian Legislatures.

Under the Legislative Rules⁸ framed by the Governor-General-in-Council, with the sanction of the Secretary of State-in-Council, under section 129 A of the Government of India Act,⁹ the Presidents of the Council of State and of the Legislative Assembly of the Central Legislature and of the Provincial Legislatures may direct a disorderly Member to

¹ S.O. 61. ² S.O. 64. ³ S.O. 41. ⁴ S.O. 42. ⁵ S.O. 43.

⁶ S.O.'s 48, 49 and 50.

⁷ Malta Senate and Assembly S.O.'s 70, 71 and 75; Southern Rhodesia S.O.'s 94, 95 and 99; and South West Africa 50, 70, 71, 73.

⁸ No. 17.
⁹ 5 and 6 Geo. V, c. 61; 6 and 7 Geo. V, c. 37; and 9 and 10 Geo. V, c. 101.

withdraw from the Chamber for the remainder of the day's sitting. In case of any Member being so ordered to withdraw a second time in the Session, the President may direct the Member to absent himself from the meetings of the Chamber for any period not longer than the remainder of the Session. Each President may, in case of grave disorder arising in the Chamber, suspend any sitting for a time to be named by him. There is no such body as a "Committee of the Whole House" in any of the Indian Legislatures.

Ceylon.

Under S.O. 101 the Speaker of the State Council has power to name a disorderly Member, upon which the motion for suspension is proceeded with in the accustomed manner, the periods of suspension being the same as those already given under Union House of Assembly. Cases of such disorder in Committee of the Whole can only be dealt with by the Council. The Speaker has also the summary power to order the withdrawal of a Member for the remainder of that day's sitting.¹

Sierra Leone, Nigeria, British Guiana, Northern Rhodesia and Mauritius.

Under the Standing Orders² of the Legislative Council power is vested in the Chair to suspend a disorderly Member by motion in the usual manner, the period being left to be decided upon in the motion. Suspension for disorder in Committee of the Whole can only be dealt with in the Council. In addition, both the President and Chairman are vested with the power to order the withdrawal of a disorderly Member for the remainder of that day's sitting.

¹ S.O. 103.

² Sierra Leone, No. 16; Nigeria, 26; British Guiana, Nos. 31 and 32; Northern Rhodesia, No. 45.

XIII. THE SPEAKER'S DELIBERATIVE VOTE IN COMMITTEE

COMPILED BY THE EDITOR

Westminster.

IN the House of Lords, where, in case of an equality of votes, the question has to be resolved in the negative, the Speaker has a deliberative vote, and the vote of the Lord on the Woolsack or in the Chair is taken first in the House, the other Peers going into the respective "Contents" and "Not-Contents" lobbies.¹

In the Commons, although the Speaker is restrained by usage, while he is in the Chair, in the exercise of his independent judgment, he is entitled, says May, in a Committee of the Whole House, to speak and vote like any other Member. Of late years, however, he has generally abstained from the exercise of this right. May gives² the particulars in connection with the Speaker exercising this right between 1640 and 1870, upon over 17 occasions.

Canadian Dominion Parliament.

In the Senate, the procedure of which follows somewhat that of the House of Lords, and the Speaker is a Senator appointed (and removable) by the Crown, questions upon which the voices are equal are decided in the negative, the Speaker may exercise his (deliberative) vote on any question. Furthermore, the Speaker may ask any Senator to take the Chair, and from the floor of the Senate he may speak upon any question before the House. When he has finished his speech he resumes the Chair.

Bourniot remarks³ that—

"when the House (of Commons) is in Committee of the Whole, the Speaker has an opportunity, should he think proper to avail himself of it, of taking part in the debates. This is a privilege, however, which . . . he will only exercise on rare occasions and under exceptional circumstances. For instance, he will always explain when necessary, matters connected with the internal economy of the House, and may sometimes refer to matters of interest to his constituents when the estimates are under consideration. But in the Canadian as in the English House of Commons, the Speaker carefully abstains from taking part in any matter of party controversy or debate, and if at times he feels compelled to express a strong dissent from any public measure, he will confine himself to the expression of his opinion and will not enter

¹ May, 13th ed., pp. 355, 356

² *Ib.*, p. 365.

³ 3rd ed., p. 282

into any argument with others who may differ from him. He generally abstains from voting on the divisions in Committee."

Canadian Provincial Parliaments.

No instances of a Speaker exercising his deliberative vote in Committees of the Whole House have occurred within recent years in New Brunswick, and no returns have been made in regard to instances in any of the other Provinces of this Dominion.

Australian Federal Parliament.

In regard to the Senate, section 23 of the Commonwealth Constitution¹ provides—

Questions arising in the Senate shall be determined by a majority of votes, and each Senator shall have one vote. The President shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

In pursuance of this provision it is the practice for the President to vote, or at his discretion to refrain from doing so whilst in the Chair of the Senate. When the President is present in Committee of the Whole House during a division he must vote. As therefore the Constitution provides for the President to exercise a deliberative vote and not a casting vote, no question has on any occasion been raised in connection with his action in voting in Committee of the Whole House.²

In the House of Representatives, various Speakers have exercised a deliberative vote in Committee of the Whole House. On one occasion motion was made in such Committee that the Speaker's vote be disallowed. On another occasion the propriety of Mr. Speaker so voting was questioned, when the Speaker said that he was entitled to vote in such Committee and thus ensure the representation of his constituents. At other times, the Speaker's deliberative vote in Committee of the Whole House has been received without comment.

Australian State Parliaments.

New South Wales.—In the Legislative Assembly, the Speaker usually refrains from taking part in the proceedings of Committee of the Whole House, except when the estimates for "The Legislature" are being discussed in Committee of Supply; in this regard the Speaker is present to defend them,

¹ 62 & 63 Vict. c. 12.

² See also JOURNAL, Vol. I, p. 92.

if necessary, and on occasions he has voted against proposed reductions.¹

Queensland.—In the Session of 1922, when the Government's small majority had been depleted by sickness, the Speaker voted in Committee of the whole House on 77 occasions, 19 of which were for closure, and on 15 occasions, notwithstanding the Speaker giving a deliberative vote, the Chairman had to exercise his casting vote. On 2 occasions the Government was defeated in spite of the Speaker's deliberative vote in Committee. Half-way through Session a bill was passed authorizing the exercise of proxy votes by sick Members; but, notwithstanding this and the proxy votes giving the Government a small majority, the Speaker continued to vote in Committee of the Whole House. In the Session of 1930 the Speaker voted for the Closure, because it was thought that the Government had not the 30 Members available for carrying it; that was the reason given for his vote.

South Australia.—There are few instances on record in the House of Assembly where the Speaker has exercised a deliberative vote in Committee of the Whole House. His right is not challenged, but, generally, the practice is regarded with disfavour in the Parliament of this State.

Tasmania.—The President of the Legislative Council often exercises his right to vote in divisions in Committee of the Whole House, and no exception is taken to his doing so.

Western Australia.—No instances have occurred in this State.

Union of South Africa Parliament.

No instance has occurred (1910-1933) in this Parliament, of the Speaker exercising a deliberative vote in Committee of the Whole House, but in the House of Assembly of the late Colony of the Cape of Good Hope, on 2nd May, 1856, Speaker Brand spoke in such Committee on a motion for the grant of a pension to the Chief Justice, and on 30th June, 1864, the same Speaker spoke in such Committee on a motion censuring his own conduct; in neither case, however, did he vote.

Union Provincial Councils.

Natal.—It is the practice in the Council of this Province, when the Council goes into Committee of the Whole House, for the Chairman of the Council to take his seat in the Chamber, where he votes and takes part in divisions as an ordinary Member.

¹ Case 14th December, 1904.

Transvaal.—Under the Standing Orders¹ it is provided that the Presiding Member “shall have and exercise a deliberative vote only and, in case of an equality of votes the question shall lapse.” The Chairman of the Council can and does therefore take part in debate in Committee of the Whole House.

Southern Rhodesia.

The present Speaker of the Legislative Assembly is not an M.P., having been appointed from outside Parliament under section 11 (2) of the Constitution,² section 21 of which vests him with a casting vote only, to be exercised in case of an equality of votes.

India.

As there is no such body as “Committee of the Whole House” in either the Central or Provincial Legislatures, the exercise of a vote by the President of the Chamber does not arise.

¹ No. 125.

² Southern Rhodesia Letters Patent, 1923.

XIV. SUGGESTIONS FOR MORE RAPID TRANS-ACTION OF BUSINESS IN OVERSEA PARLIAMENTS

COMPILED BY THE EDITOR

AMONGST the subjects for treatment in this Volume, suggested by various members of the Society for inclusion in the Questionnaire Schedule addressed to them in October, 1933, was the one above-mentioned, and the suggestions which have been received are as follow.

Canada.

Dr. Arthur Beauchesne, C.M.G., etc., the Clerk of the House of Commons, and the author of that excellent Parliamentary manual, *Parliamentary Rules and Forms*, makes the following observations:

- (a) Too much time is wasted at the beginning of the Session when Members work leisurely thinking they have several long months ahead to do the business of the House.
- (b) The debate on the Address-in-Reply to the Speech from the Throne should be abolished.
- (c) Printed reports of debates are responsible for many long speeches and should be discontinued. The value of these reports for verifying statements is not justified by the enormous expense of publishing them. There are none in many assemblies, which get along very well. Any important speech is sure to be reported verbatim in the daily press.
- (d) Public Works and Post Office Estimates should be referred to a Select Committee before being taken up by the Committee of Supply.
- (e) Whenever a very important bill, such as the Bank Act, the revision of the Merchant Shipping Act, the Excise Act, is to be introduced, the Whips should agree as to the number of days allotted for its discussion. The same course should be followed with regard to the general discussion on the budget.
- (f) No debate should be allowed on the third reading of a bill because, at that stage, the measure has been fully discussed and passed. The House should vote then without debate or amendment.
- (g) The rule against reading written speeches should be strictly adhered to.
- (h) Interruptions under the guise of points of order should not be tolerated and the Speaker should be firm in stopping them.
- (i) Appeals from the Speaker's decisions should be abolished, as they take up time and bring no practical results—the majority always supporting the Chair.

- (j) The "kangaroo" and "guillotine" should be used as ordinary procedures. When a Minister moves the second reading of a bill, he should then announce that the debate shall be subject to one of these two classes of closure.

Canadian Provinces.

Mr. George Bidlake, the Clerk of the Legislative Assembly of the Provincial Parliament of New Brunswick, suggests that some system should be devised to do away with unnecessary speeches.

Mr. G. A. Mantle, the Clerk of the Legislative Assembly of the Provincial Parliament of Saskatchewan, draws attention to a procedure which has been introduced into that Legislature of grouping bills, in putting them through their various stages, which, if there is no debate expected, will naturally save time.

Australia.

Mr. T. Dickson, the Clerk of the Parliament (uni-cameral) of the State of Queensland, suggests: (a) The introduction of all, except "money bills," on motion for leave, thus obviating debate in the introductory stage in Committee of the Whole House. (b) Reduction of the days allotted to Committee of Supply from 16 to 12. At present provision is made in that Parliament for 16 days on the Estimates and 1 day on Resolutions.

South Africa.

Mr. Danl. H. Visser, J.P., the Clerk of the House of Assembly, suggests that a "Grand Committee" sitting in the mornings should, generally speaking, be substituted for a Committee of the Whole House on bills; and this suggestion is under consideration by the House.

India.

Mr. J. W. McKay, I.S.O., the Secretary to the Bengal Legislative Council, draws attention to a new Standing Order (No. 68 A) which was passed last Session, by which power has been given to the President, if he thinks fit, to allot the maximum limit of time which shall be available for the discussion of any non-official resolution on any day allotted for the discussion of such resolutions. As soon as the maximum limit of time for discussion is reached, the President is authorized forthwith to put every question necessary to dispose of the resolution under

discussion. Notwithstanding anything contained in S.O. 34 (4), the President may, in the case of any resolution for the discussion of which he has allotted the maximum time, as above, prescribe a time-limit for speeches shorter than that referred to in such Standing Order.

Diwan Bahadur R. V. Krishna Ayyar, B.A., M.L., Secretary of the Madras Legislative Council, draws attention to the Indian practice by which there are no Committees of the Whole House; in fact, no readings of bills, as such procedure is understood in the Parliaments in other parts of the British Empire.

Editor's Suggestions as ex-Clerk.

It might prove of service if the Editor were to add his own observations: In connection with the opening days of a Session he would like to support suggestion (b) made by Dr. Beauchesne. The writer, when Clerk of the Upper House in the new Transvaal Parliament, discouraged the adoption of the "Address-in-Reply." Neither was it introduced into the Union Parliament upon the advent of Dominion Government in South Africa in 1910 (to Both Houses of which the two Clerks of the House in the Transvaal were transferred). In pre-Union days, that of Natal was the only South African Parliament where this procedure was in use. During the 24 years' operation of the Union Constitution, no suggestion has ever been made that the "Address-in-Reply" should be introduced.

Taking the ordinary daily routine of an Oversea House of Parliament, the following suggestions for speeding up the business of Parliament might be worthy of consideration:

- (a) The laying of all Papers requiring by Statute to be Tabled and the presentation of all public petitions to be carried out by the Clerk of the House entering the fact and authority therefor on the Journals, immediately upon receiving such Papers from the Government Department concerned, under direction of the Minister and such petitions from Members.
- (b) No notices of question or motion to be read out in the House, but handed in at the Table before a certain time fixed by Standing Order, and when a Member's notice of question on the Paper is reached, Mr. Speaker should say "question Number . . .," and the Member formally rise and say, "Mr. Speaker, I beg to ask the question."
- (c) The system of "starred" and unstarred questions also saves much time of the House.

- (d) Certain days to be set apart when orders and motions respectively are given precedence, and a day set apart each week for private Members, with power to the Government to curtail or extend the privilege as the Session proceeds.
- (e) Unless specially provided for in the Constitution in regard to particular subjects no bills to be transmitted to the House by message from the Governor.
- (f) No debate to be allowed on motion for leave to introduce a public bill (whether by Government or Private Member) unless supported by a majority of votes of the Members present, and the first reading of all public bills to take place immediately after motion for leave has been agreed to, merely upon the Clerk reading out the title of the bill by direction of the Speaker, such being provided for by Standing Order. All bills from the other House to be considered as read a first time upon the Clerk so reading the title.
- (g) Except as provided for in (i), Committee of the Whole House on all but supply and taxation measures and very special bills to be done away with, and a number of standing committees each consisting of not fewer than a quorum of the House, of Members representing as mathematically as possible the same proportion as are the parties in the House, to be set up to deal with certain grouped subjects, such Committees sitting in the mornings, with power to the chairman of enforcing the closure. By this means, not only would the private Member feel that his services were being made practical use of, but it would train him into special knowledge of questions of administration and prepare good material for Ministerial portfolio as well as for Presiding Members of the House and Committee.
- (h) Except in very special cases, the Report Stage of a bill to be confined to the amendments coming from the Standing Committees or proposed by Members after notice in time to permit of their circulation amongst all other Members beforehand. No speeches to be allowed at this stage except upon such amendments and sufficient notice to be given of all new amendments to permit of them appearing for at least one day at the end of the Order Paper.
- (i) No debate to be allowed on third readings of public

bills, but only a motion (without debate, amendment or adjournment) to recommit them either as a whole or in respect of particular clauses (in this case) to the Committee of the whole House; the question for third reading thus becoming the last one in connection with the passing of a bill.

- (j) A systematized table of time-limit of speeches and all forms of closure to be introduced (both these subjects were dealt with in Volume I).
- (k) Except for Committees of Supply and Ways and Means, no monetary provisions of public bills (whether Government or private Members) to be given the preliminary stage of Committee of the Whole House, and the announcement by a Minister in the House of the Recommendation of the Crown, substituted therefor.
- (l) No reports to be taken of debates in Standing Committees.
- (m) No select committee amendments to be considered in Committee of the Whole House, and only those in connection with which notice has been given to be debated at the Report Stage.

Dr. Beauchesne suggests that *Hansard* be done away with, and as another year must elapse before the next volume of the JOURNAL is issued, opportunity might be taken of putting forward the following observations. The question will then be made a subject for the Questionnaire Schedule for Volume III.

It is readily admitted that the cost of *Hansard* in many parts of the Empire (especially where there is more than one official language) is fast becoming colossal, and there is no doubt that *Hansard* encourages a Member to speak in Parliament to his constituents. A strict time-limit table for speeches, however, should obviate much of this. But a more vital aspect of this important question is the historical record *Hansard* is, for the world at large, of the arguments put forward for and against all subjects of proposed legislation, so much of which is often of the highest value to other Parliaments of the Empire when considering bills upon similar subjects. If *Hansard* could be confined to such arguments and "personal references" eliminated, it would be, like an egg, full of meat both for the legislator as well as for the student and historian.

XV. PROCEDURE AT ELECTION OF PRESIDING OFFICERS OF LEGISLATIVE HOUSES

COMPILED BY THE EDITOR

Westminster.

THE Clerk of the House of Commons in the performance of his duties as Chairman for the purpose of the election of Speaker sits in his place at the Table of the House, the Mace being under the Table, and, when a Member addresses him, stands up, points to him and then sits down. When the motion, "That . . . do take the Chair of this House as Speaker," has been seconded by another Member, and if no other Member is proposed, the Member proposed is called by the House to the Chair, without any question being put. Should, however, another Member be so proposed, a similar motion is made and seconded in regard to him. During the debate which ensues in relation to the claims of each candidate, the Clerk continues to act the part of the Speaker, observing the same procedure in giving Members the floor, as stated above. When the debate is closed the Clerk puts to the House the question on the motion given above. If the House divides, the Clerk gives the necessary directions for a division. If the majority are in favour of the Member first proposed, he is at once conducted to the Chair, but if otherwise, the Clerk puts a similar question in relation to the other, which being resolved in the affirmative, that Member is conducted to the Chair by his proposer and seconder.¹

Canadian Dominion Parliament.

A similar procedure to that at Westminster is followed in the House of Commons of this Dominion, and if there is no opposition, the question—"That . . . do take the Chair of this House as Speaker" is resolved *Nemine contradicente*. Dr. Beauchesne, the Clerk of the House, in his *Parliamentary Rules and Forms*,² asks—What would happen if a tie vote were given on the election of Speaker? The standard authorities being silent upon the question, the Clerk of the House of Commons at Westminster was consulted, and in a letter addressed to the Clerk of the Canadian House in November, 1925, Sir Lonsdale Webster said that his personal opinion was that in the event of an equality of votes on the first question (*i.e.* on the first name) proposed from the Chair, the question

¹ May, 13th ed., pp. 154, 155.

² 2nd ed., p. 9.

should be treated as void and the question should be proposed on the second name, the Clerk naturally not having the power to vote. All that the Clerk could then do would be to wait until some other procedure is moved, such as the proposal of other names or the adjournment of the House, adding that, clearly the Clerk cannot himself adjourn the House.

Canadian Provincial Parliaments.

Section 87 of the British North America Act 1867 extends the provisions of such Act relating to the election of Speaker of the House of Commons, also to the election of the speakers of the Legislative Assemblies of the Provinces.

Australian Federal Parliament.

In the Senate of the Commonwealth, it is provided by Standing Order¹ that—

Whenever the office of President becomes vacant, whether such vacancy shall take place in terms of section 17 of the Constitution, or of the immediately preceding Standing Order, the Clerk shall act as Chairman of the Senate prior to the election of President.

Should 2 candidates be proposed and seconded as President, each Senator delivers to the Clerk of the House a ballot paper in writing, containing the name of the candidate for whom he votes, and the candidate with the greater number of votes is declared by the Clerk to be elected.²

Should there be more than 2 candidates, the votes are taken in a like manner and that candidate with the greatest number of votes is declared elected, provided he has also a majority of the votes of the Senators present. Should, however, no candidate possess such majority, the name of the candidate with the smallest number of votes is withdrawn and a fresh ballot taken, and so on, until a candidate is declared elected by such majority.³ In event of an equality of votes, the Clerk declares such to be the case, and the votes are again taken, when, if there is again a tie, the Clerk determines by lot which of the candidates, having the same number of votes, shall be withdrawn, "as if he had obtained the lesser number of votes."⁴

On the occasion of the last election of President, the Clerk was asked for and gave a ruling on a question of order—no question being raised of his right to do so. In the opinion of some Senators, it was thought that the position might become

¹ No. 16.

² S.O. 20.

³ S.O. 21.

⁴ S.O. 22.

an embarrassing one for the Clerk, and suggestions were put forward for some change in the procedure; the subject is at present under reference to the Standing Orders Committee. Ballot papers are used in the election for President.

In the Commonwealth House of Representatives, it is reported that hitherto the Clerk of the House has not applied the rule of relevancy during the debate on the election of Speaker and the question has not been raised in the House; nor has he been called upon to limit a Member speaking, to the time fixed by the Standing Orders.

Australian State Parliaments.

New South Wales.—Under the Standing Orders of the Legislative Assembly¹ the Clerk does not possess the powers of Chairman upon the election of Speaker, and it is reported that the Clerks of this House have not at any time desired to exercise powers which might adversely affect their position as neutral officers.

Two interesting instances in the election of Speaker have occurred in the Lower House of this State. In the Session of 1911-1912 the House was summoned by Proclamation for the despatch of business at Noon, on 23rd August, 1911, and the former Speaker having resigned during the Recess, the House proceeded to the election of a Speaker. Only 1 Member was proposed and seconded, and an acrimonious discussion lasted throughout the night, and concluded at about 7.30 a.m. the following morning. The Member proposed was hurried into the Chair amidst a scene of grave disorder. It was considered doubtful whether the Lieut.-Governor would receive the Speaker so elected, but, after an interview with the Acting Clerk, and, it was also stated, having heard other views, he at length agreed to receive the Speaker as the choice of the House.

In the Session of 1932, on the 23rd June, a new Parliament met and, after the House had attended in the Legislative Council Chamber to hear read the Commission for the opening of Parliament, and Members had been sworn by the Commissioners, the House proceeded to the election of a Speaker. Only 1 Member was proposed and seconded, and a debate which began at 1.15 p.m. lasted until 12.30 a.m., when the Speaker elect was conducted to the Chair in the usual manner.

It is reported from this State that the principal difficulty

¹ Nos. 8-14.

associated with the election of Speaker has been the control of the debate. Up to the present, the Clerk has not been directed by the House to put the question—"That the question be now put," though in other Houses cases have occurred where the Clerk, by direction of the House, has put such question.

Queensland.—In event of there being 2 or more candidates for election as Speaker, the Standing Orders¹ provide for a similar procedure being followed to that given in respect of Tasmania (see below), except that length of membership is not taken into consideration.

South Australia.—In the House of Assembly, no real difficulties have been experienced in the election of Speaker. It is a long-established custom for the Clerk of the House to call a preliminary meeting of Members for the purpose of making arrangements for the election of Speaker. In that way Members agree as to their future Speaker, and the choice, when the formal election takes place, appears a unanimous one. Standing Order 13 of this House, in the event of there being more than 1 Member proposed and seconded as Speaker, provides that each Member of the House shall deliver to the Clerk, in writing, the name of the candidate whom he considers the most fit and proper to be Speaker, and that candidate with the greatest number of votes is duly elected; provided he has also an absolute majority of the votes of the Members present. If, however, no candidate has such majority, the name of the candidate having the smallest number of votes is withdrawn and a fresh ballot takes place. This is done as often as necessary until 1 candidate is declared elected as Speaker by such absolute majority, whereupon he is conducted to the Chair.

Tasmania.—In the Legislative Council by S.O. 12 and in the House of Assembly by S.O. 8, when 2 or more Members are proposed as President or Speaker, as the case may be, the Clerk of the House announces that a ballot will be taken, as provided for by such Standing Order, and if no Member rises to speak, the division bells are rung, after which no other Member may be proposed. After the bells have rung for 2 minutes, the doors are closed and the Clerk calls upon 2 Members to act as scrutineers. He then initials and delivers to each Member present a list of all the Members of the House, checking the names of the Members to whom lists are given. Each Member records his vote by placing a cross opposite the Member of his choice. Should any ballot paper contain any other marks than the cross, it becomes informal, and a ballot paper containing a

¹ Nos. 6 and 7.

vote for a Member who has not been proposed is invalid. Then, when a Member has marked his ballot paper, after folding it, he places it in some receptacle placed on the Table for that purpose. When all the ballot papers have been so deposited, the Clerk, assisted by the scrutineers, counts the votes and declares the numbers to the House.

This Standing Order further provides that in the event of there being 2 Members proposed and seconded as President or Speaker, as the case may be, the Member who has received the greater number of votes shall be declared by the Clerk to be elected.

Should more than 2 Members have been proposed and seconded, the vote is taken as described above, and he who receives the greatest number of votes is declared elected, provided he has received a majority of the votes cast. If, however, no Member has received such majority, the name of the one receiving the smallest number of votes is withdrawn and the votes are taken again in respect of the remaining candidates, and so on, until one obtains a majority, when he is declared by the Clerk to be elected.

In the event of there being an equality of votes between Members having the smallest number of votes, after the Clerk declaring such to be the case, the votes are again taken in order to determine which Member is to be withdrawn. In this case Members must place a cross opposite the name they desire to retain for further ballot, and if there is again an equality of votes, that Member who has belonged to the House continuously for the longest period is retained for further ballot. But should both such Members have the same qualifying period, the Clerk determines by lot which of the 2 Members is to be retained for further ballot. This procedure is also applied to other instances arising under the above-mentioned provisions, until eventually, the result of election is declared by the Clerk and the Member elected is called to the Chair.

Western Australia.—The practice in the Legislative Council in this respect is similar to that already given under the Commonwealth Senate,¹ but that of the Legislative Assembly provides for a written ballot in event of there being more than one candidate, and that the majority must be absolute; should no candidate have such majority, the name of the candidate with the smallest number of votes must be withdrawn and a fresh ballot taken, and so on, until one has an absolute majority. There is no decision by lot.²

¹ S.O.'s 20, 21 and 22.

² S.O. 13.

New Zealand Parliament.

In the Legislative Council the Standing Orders¹ provide that on the day appointed the Order of the Day for the election of a Speaker is read by the Clerk, strangers are directed to withdraw, the division bell is rung and the doors are locked, whereupon the Clerk calls upon the House to elect a Speaker. Ballot papers are then handed to every Member present, who must indicate thereon 3 Members who are present (or, if absent, have lodged written consent to nomination with the Clerk), whom he nominates for the office of Speaker by making a cross against the name of each. Ballot papers are then handed in at the Table and the Clerk and Clerk-Assistant examine them, disallowing those not in order, after which such officials make and exhibit a list of the Members so nominated. At this stage any Member so nominated may rise in his place and require his name to be withdrawn from the list, and all Members whose names then remain are deemed to be "candidates." If there is only one candidate the Clerk, still acting as Chairman, declares him to have been elected, and if there are 2 or more candidates a vote of the House is taken by ballot paper, every Member present placing a cross against the name of the candidate of his choice, the Clerk disallowing all papers improperly marked. Should a candidate not have received a majority of the votes of the Members present, the name of the one with the least number of votes is withdrawn, and the votes of the Members present are taken as regards the remaining candidates, and so on, until the number of candidates is reduced to 2, and of such, he receiving the greater number of votes is declared elected. If in any ballot in which no candidate has received a majority of votes, there is a tie, the Clerk declares the number of votes received by each candidate and the votes of the Members present are taken as regards the candidates. Should there then still be a tie, the Clerk and Clerk-Assistant determine by lot which of the 2 shall be Speaker, the doors are unlocked and the Speaker-elect is conducted to the Chair in the customary manner. A candidate may at any time, except when a ballot is actually in progress, require his name to be withdrawn. Unless the House especially orders otherwise, the Clerk and Clerk-Assistant must burn all ballot papers immediately after the rising of the House, and they are also required to maintain secrecy as to their contents.

In the House of Representatives, S.O. 14 provides for a

¹ Nos. 54-62.

secret ballot only when the voting in any division or upon any vote connected with the election of Speaker is equal; the ballot being conducted by the Clerk of the House.

Union of South Africa Parliament.

In the Senate, upon the election of a President, who, should the Senate sit for its full duration, is elected for 10 years, the procedure is the same as that at Westminster, except that in the case of an equality of votes, the question is decided by lot.¹

In the House of Assembly the Westminster practice is followed, except that should there be an equality of votes, the question is resolved in the negative.²

Union Provincial Councils.

In the Province of the Cape of Good Hope, the question for the election of a Chairman (as the Presiding Member of the Council is called) must be resolved either in the affirmative or negative.³

In the Transvaal⁴ and Orange Free State⁵ Provinces, the practice of the Union Senate is followed, which is that of the Transvaal Parliament before the advent of Union.

South West Africa.

In the Legislative Assembly of this Territory, the Administrator who presides until the Chairman of the House has been elected, has a casting vote in case of an equality of votes in the election of a Member to the Chair. As the Administrator has not a vote in the House, this power to exercise a casting vote is conferred on him by section 22 (2) of the South West Africa Constitution.⁶

Irish Free State Parliament.

In the Senate, or Seanad, the election of Cathaoirleach, as the Presiding Senator is called, must be decided without debate, and the Standing Orders⁷ provide that the senior elected Senator (instead of the Clerk) shall act as Chairman until the Presiding Member has been elected. Should more than 2 Senators be proposed, the Tellers having been appointed by the Senator in the Chair, their names are submitted to a preliminary vote, each Senator voting for not more than 2 candidates by delivering to the Clerk a voting paper signed by him,

¹ S.O. 8.

⁵ S.O. 4 (c).

² S.O. 6.

⁶ Union Act No. 42 of 1925.

³ S.O. 4 (3).

⁴ S.O. 3 (c).

⁷ S.O. 5 (2).

on which he has written the name or names of the candidate or candidates for whom he votes. In case of an equality of votes between 2 or more candidates, the Senior Senator exercises a casting vote or votes, as may be necessary to bring the matter to a decision. Should the senior elected Senator be a candidate, the Chair must be taken by the senior elected Senator present who is not a candidate.¹

In the Dáil, or Lower House, the Clerk acts as Chairman, and in the event of an equality of votes the question of the election of a Deputy as Ceann Comhairle, as the Speaker is described, is decided in the negative. In case of the absence of the Ceann Comhairle-elect, the House may by motion without notice appoint any Deputy to act for the time being, and until such Deputy is appointed, the Clerk continues to act.²

Malta and Southern Rhodesia.

In both the Senate and Legislative Assembly of Malta³ and the Legislative Assembly of Southern Rhodesia, the Westminster practice is followed both in the election of the President and Speaker, except that in the latter Colony, should there be an equality of votes, the procedure laid down for the Union Assembly is taken.⁴

India.

In the Council of State the President is appointed by the Governor-General. In the other House of the Central Legislature the President is elected, and a Member is appointed Chairman for that purpose by the Governor-General.⁵ Should more than one Member be nominated, such election is conducted by ballot, and if there are over 2 candidates, and at the first ballot no candidate obtains more than the aggregate votes of the other candidates, he with the smallest number is excluded and balloting proceeds, and so on, until one candidate obtains more votes than the remaining candidate, or than the aggregate votes of the remaining candidates, as the case may be. In case of an equality of votes drawing by lot is resorted to.⁶ In the first instance, under section 63 C of the Government of India Act the President of the Assembly had to be a person appointed by the Governor-General for 4 years, and thereafter to be a Member and approved in his election by the Governor-General, who also has the power to remove him from office. Under section 72 C of the Government of India Act, a similar

¹ S.O. 5. ² S.O.'s 5 and 6. ³ Senate and Assembly S.O.'s 4-7.

⁴ S.O.'s 3-6. ⁵ Indian Legislative, Rule 3 ⁶ *Ib.* 5.

provision is made in regard to the office of President of the Legislative Councils in the Provinces as that given above in regard to the Legislative Assembly.

Ceylon.

The Clerk presides as Chairman until the election of a Member as Speaker of the State Council and no debate is allowed upon the motion. If more than one Member is proposed and seconded the election is by ballot, each Member, except the Officers of State, writing the name of the Member for whom he desires to vote on the ballot paper, which must not be signed by the Member, and is then folded so that the name cannot be seen. These papers are then collected by the Clerk of the Council, or some officer deputed by him, and counted by the Clerk at the Table of the House in the presence of 2 of the Officers of State.¹ Where more than 2 candidates have been proposed and at the first ballot no candidate obtains more than the aggregate votes of the other candidates, he with the smallest number is excluded and the ballot proceeds, the same practice continuing to be followed until one candidate obtains more votes than the remaining candidate or the aggregate votes of the remainder, as the case may be. Where at any ballot among 3 or more candidates 2 or more obtain an equal number of votes and one has to be excluded, as above, the decision is by lot, drawn in such manner as the Clerk may determine. If at any ballot between 2 candidates the votes are equal, another ballot must take place.²

British Guiana, Northern Rhodesia, and Sierra Leone.

The replies to the Questionnaire Schedule, from the Clerk of the Councils, show that, under section 60 of the British Guiana (Constitution) Order-in-Council of 1928, the Governor, if present, presides at meetings of the Legislature, or in his absence any Member of the Council appointed by him in writing, or in default of such appointment, or in the absence of the Member so appointed, the Member present who stands first in order of precedence. The same procedure prevails also under S.O. 2 (1) in the Legislative Council of Sierra Leone and under S.O. 3 in that of Northern Rhodesia and under Article 26 of the Royal Instructions to the Governor dated 27th February, 1915, in respect of the Gambia.

¹ *i.e.* the following are the 3 *ex-officio* Members of the State Council: the Chief, Legal and Financial Secretaries.

² S.O. 5.

The Editor might here remark that it is owing to difficulties which have occurred in some of the Australian Parliaments in the election of Speaker, that request has been made for this subject to be included amongst those for treatment in the Questionnaire Schedule for this Volume, but it would seem that the difficulties may themselves be created by the systems adopted. For instance, the distribution of ballot papers amongst Members and secret voting may well tend to increase the number of candidates and complicate the election. A practice known followed with great success in the selection of proposed candidates for the Chair in Oversea Parliaments, is for the respective Party caucuses to thrash out their selection before the actual opening of Parliament. This can be followed by an unofficial meeting of the Members of all parties, with, say, the Clerk of the House in the Chair, to see if common agreement cannot be arrived at so that only one, or at the most 2 candidates, are actually proposed in the House.

It is not in the best interests of the House, whether in respect of the majority or in protection of the rights of minorities, for the position of President or Speaker to be made one of political patronage. Important factors in the selection of a Member for this high and important office are length of Membership, experience, and knowledge of Parliamentary procedure, integrity of character, and public reputation. A "hot-gospeller" politician would not necessarily be a better candidate than a Member who had always been known for his moderate political views. The political party from which he is drawn should be the least important consideration. Neither is it necessary for the candidate to be drawn from the legal profession.

Perhaps the most important factor in securing a successful Speaker is continuity of office. There is everything to be said for the "gentleman's agreement" so long observed in the United Kingdom, by which the seat of the Speaker, upon going to the country at a general election, is by tacit consent of all parties, uncontested. This practice might well be extended to political party activity in the Speaker's constituency being also discontinued in between general elections.

Usually the Speaker is well able to look after the interests of *all* his constituents, but if it is desired to relieve him of this duty an unofficial and self-appointed committee consisting, say, of the Prime Minister and the Leader of the Opposition, as well as the Leader of any other political party in the House, could be appointed, also under a "gentleman's agreement," to look after the interests of the Speaker's constituents.

The more important the Parliament and the greater the volume of its work, the more necessary it is to have a tried and trusted M.P. in the Chair. After all, great care is taken in the selection of members of the Bar for elevation to the Bench, and there is much in the nature of the *judex* of the House, in the office of President or Speaker. A good Speaker can also speed up the dispatch of business, make the Parliamentary machine run smoothly, remove little personal frictions and still leave the warriors of the several political parties full scope for the exercise of their tactical warfare.

Criticism, it is understood, has also been made in some parts of Australia, of the Clerk of the House acting as Chairman during the election of Speaker, and some Clerks themselves have even expressed a desire to be relieved from an atmosphere which might draw them into the political arena. No such criticism, however, has arisen in the United Kingdom, Canada, or South Africa. As a matter of fact, of all those connected with Parliament, who could be a more appropriate person to take charge of what should be a purely non-political proceeding than the Clerk, the Chief Permanent Official of the House and a non-politician, who has to serve with impartial consideration, M.P.'s in whichever benches in the House they may sit; and in any case, if the suggestions above-mentioned are carried out, these proceedings should rarely, if ever, resolve themselves into anything more than an automatic choice between 2 candidates.

XVI. SUPPLEMENTARY QUESTIONS TO MINISTERS

COMPILED BY THE EDITOR

Westminster.

THIS feature in Parliamentary life has become almost an art in the House of Commons of later years, and the article¹ given in the JOURNAL as an index to some of the Rulings by the Speaker at Westminster affords some instance of the limit to which supplementary questions are allowed to Ministers. In further reference to this ever-increasing practice May says²:

An answer should be confined to the points contained in the question, with such explanation only as renders the answer intelligible, though a certain latitude is permitted to Ministers of the Crown; and further questions, without debate or comment, may, within due limits, be addressed to them, which are necessary for the elucidation of the answers that they have given. The Speaker has called the attention of the House to the inconvenience that arises from an excessive demand for further replies, and, to hinder the practice, he has occasionally felt it necessary to call upon the Member in whose name the next question stands upon the notice paper, to put his question, and has for the same reason asked Members not to ask supplementary questions, and has suggested that lengthy answers should be circulated with the official report instead of being given orally. The Speaker has also requested that questions on purely local matters or dealing with individual cases should not be put down for oral answer.

There is, however, a wealth of information given in the footnotes to the pages from which this quotation is taken, which, with the aid of the Commons' Journals and Imperial Hansards in the library of each Oversea Parliament, well affords valuable research by a Clerk of the House.

Canadian Dominion Parliament.

No supplementary questions are allowed in the House of Commons.

Australian Federal Parliament.

In the Senate it is the practice for the President to allow questions supplementary to those put to Ministers, subject to his discretion to permit them only where such are necessary to elucidate some point in the reply.

¹ See JOURNAL, Vol. i. 47; and p. 79 hereof.

² 13th ed., pp. 245, 246.

Australian State Parliaments.

New South Wales.—In the Legislative Assembly when a question is asked upon a definite subject, *one* further question is allowed on that subject before the Minister replies.

Queensland.—The asking of supplementary questions is not practised.

Tasmania.—Supplementary questions may be asked in the Legislative Council, "with leave of the House."

Western Australia.—Supplementary questions are not allowed in the Legislative Assembly.

New Zealand Parliament.

Standing Order 111 of the Legislative Council permits a Member who has asked a question of which he has given notice, asking a further question (without notice), provided it arises out of, and is relevant to, the reply.

Union of South African Parliament.

In the House of Assembly supplementary questions are allowed within due limits, but if the Minister states that he is not prepared to answer such or further supplementary questions, the Speaker does not allow them without notice.¹

Irish Free State Parliament.

Standing Order 35 of the Dáil allows supplementary questions only for the purpose of further elucidation of the information requested and subject to the Ruling of the Ceann Comhairle, both as to relevance and number.

Malta.

Standing Orders 34 of the Senate and Legislative Assembly respectively, empowers the President and Speaker to disallow a question which in his opinion abuses the right of questioning, and S.O. 36 limits the number of oral questions after notice, to 6 by the same Member for the same day, but with the proviso in the case of the Lower House, that should any question be left unanswered through no fault of the questioning Member, he is not thereby debarred from giving 6 other notices of questions for the same day to which his previous notices of questions shall have been postponed.

¹ *Votes, 1927-1928, p. 486; and 1931, p. 94.*

Southern Rhodesia.

A little latitude is allowed to ask supplementary questions provided such is done to elucidate the reply to the original question; and provided supplementary questions do not develop into a cross-examination or ask for information which could have been sought in the original question.

India Central Legislature.

The Indian Legislative Rules¹ permit, in the Council of State and the Legislative Council, supplementary questions for the purpose of further elucidating any matter of fact regarding which an answer has been given, but the President must disallow any supplementary question which in his opinion infringes the Rules as to the subject-matter of questions.²

Indian Provincial Legislatures.

The same procedure is followed in the Legislative Councils of Assam, Bihar and Orissa, Bombay, Burma, Madras, Punjab and Bengal. In Madras the Standing Orders³ make special provision that a Member of whom a supplementary question is asked may decline to answer it without notice.

Ceylon.

By S.O. 50 similar provision is made in regard to supplementary questions in the Council of State as in the case of the Indian Legislatures.

British Guiana.

Supplementary questions are by Standing Order⁴ put to Members and admitted by the President, who has power to decide as to whether they are in order and are not irrelevant or beyond the scope of the original question.

¹ No. 10.

² L.C., Rule 10.

³ No. 17.

⁴ No. 15.

Indian Legislature

XVII. PARLIAMENTARY INDEXING

BY THE EDITOR

INDEXING is to the Officer of Parliament what the finger-post is to the user of the road, it shows him the way, and it should show him the quickest way.

Many hours, if not days, are wasted every year by officials and others, owing to the bad or insufficient indexing of Government publications. As Parliamentary officials, we have no direct concern in these, but we can use our influence with the powers that be to obtain their improvement. There is, however, both a lack of uniformity and of system in regard to Parliamentary indexing in the British Empire which could well, and easily, be remedied by those in the position of members of our Society. Research into Government publications, for all sorts of purposes in connection with his work, is one of the multitudinous duties of a Clerk-at-the-Table, and he can set a good example by seeing first that his own house is in order. It would also be a great aid to a Clerk-at-the-Table in his research into the working of other Empire Parliaments, were there uniformity in Parliamentary indexing.

The three principal books in connection with the working of a House of Parliament are the Standing Orders (on Public Business), the Minutes¹ or Votes¹ and Proceedings (as the Journals are often described in the Oversea Parliaments), and the *Hansard*, or reports of debates. As in many other directions, the Clerk-at-the-Table turns to the practice at Westminster, with its centuries-long practical operation, to benefit by their experience in regard to indexing, and when he does so, he will see what a fine art it has become. In this, as in many other directions, however, it is found that, in trying to take over the Westminster system, some adaptation is necessary to suit local conditions.

The three books above-mentioned serve different purposes, although their objectives are interdependent. The Standing Orders are the local regulations in regard to Parliamentary procedure, the Minutes or Votes, and Proceedings, record what is done in the House, and *Hansard* reports what is said there. In regard to the last two, some economy can be effected by publishing certain records only in one. For instance, the

¹ The former in application to Upper and the latter to Lower Houses, for, such Parliaments do not have both a Votes and Proceedings and a Journal, as is the case in the House of Commons, but merge the nature of the two into one record which is printed and on the legislator's breakfast-table the next day. [Ed.]

Papers Tabled need not be repeated also in *Hansard*, neither need be formal proceedings, amendments upon which there is no debate, reports of select committees, messages, petitions, etc. On the other hand, in *Hansard* only, should be found Ministerial statements, replies to questions, and detailed divisions. The Session volume of the daily Journal of the House can more economically show voting in divisions, the detail of petitions, select committees, the closure and the progress sheet upon bills, etc., amongst the tables at the end of the book.

In regard to procedure record and research, however, the Journals and the *Hansard* can often be most usefully consulted together. Although there should be greater similarity in the system of indexing, between the Standing Orders and the Journals, the *Hansard* index requires to be upon an entirely different system in order to attain its objective as a book of reference, for individual subject headings should be the feature of this index, with the speeches of every Minister and Member minutely entered under his personal name, and every paper, motion, question, bill, etc., under its subject name, with good use of cross-references.

In the last Editorial¹ the question of indexing of Parliamentary records was referred to and an example of a Standing Orders index was given. On p. 131 will be found, side by side, the suggested systems of main headings or guide words, for the index of the three books, which should be shown in block capitals. The subheadings, and in turn their individual subheadings, can be filled in alphabetically.

In the index to the Journals, under the respective heading of "BILLS," should be given, under the subject-name of each bill, its bill and finally its Act number, as well as the page upon which every stage and movement in connection with it is recorded. The same can also be said of all the other main headings.

At the head of the Journals and *Hansard* indices should be an explanation of abbreviations—e.g. 1 R.; 2 R.; 3 R. for the Readings; Com. for Committee of the Whole House; Re-com. for Re-committed; Cons. for Consideration of a Bill or Report; Rep. for Report, etc.

The *Hansard* should give at the opening of each volume a list of Ministers, with their portfolios, a list of all Members and their constituencies, and a list of the Officers of the House. *Hansard* should be set up in type easily readable by middle-

¹ See JOURNAL, Vol. i, p. 12.

aged men, and it should have 2 columns on each page, each column with a number, and page numbers dispensed with. At the top of each column should be, in as few words as possible, indication of the subject dealt with therein, with the name of the House in the middle in brackets on the left-hand page and the date of the sitting in the same position on the right-hand page.

It will be found to be a great convenience if the Standing Orders, the Journals and the *Hansards* of the Upper Houses are bound in red and those of Lower Houses also in their standard colour, green.¹ Except in the case of Library, House and Members' copies, which are generally bound in whole calf, a whole cloth binding is sufficient for the Standing Orders. Only the House and Library copies of the Journals volumes need be in half-calf, cloth or cloth and board being quite useful for the other copies. It is more practical to bind all copies of *Hansard* in half-calf.

Lastly and most important of all, is the question of economy in printing, and it is astonishing, with the exercise of a little trouble and ingenuity, how much money can be saved in the setting-up of a book, the full use of space, and the selection of paper and binding.²

¹ See JOURNAL, Vol. i, p. 8.

² There is further opportunity for economy in the printing of this book, which it is hoped to effect in Volume III. [ED.]

STANDING ORDERS.

JOURNALS.

HANSARD.

ABSENCE.		
ABUSE OF RULES.		
ADDRESSES.	ADDRESSES.	
ADJOURNMENT.	ADJOURNMENT.	
ADJOURNMENT (URGENCY).	ADJOURNMENT (URGENCY).	
AMENDMENTS.		
ANTICIPATION.		
BAR OF THE HOUSE.		
BILLS, HYBRID.	BILLS, HYBRID.	
PRIVATE.	PRIVATE.	
PUBLIC.	PUBLIC.	
BUSINESS, PRIVATE.	BUSINESS, PRIVATE.	
PUBLIC.	PUBLIC.	
CHAIRMAN OF COMMITTEES.	CHAIRMAN OF COMMITTEES.	CHAIRMAN OF COMMITTEES AND DEPUTY'S RULINGS.
CLERK OF THE HOUSE.	CLERK OF THE HOUSE.	
CLOSURE.	CLOSURE.	CLOSURE.
COMMITTEES, JOINT.	COMMITTEES, JOINT.	
SELECT.	SELECT.	
SESSIONAL.	SESSIONAL.	
STANDING.	STANDING.	
OF WHOLE HOUSE.	OF WHOLE HOUSE.	
CROWN.	CONDOLENCE.	CONDOLENCE.
DEBATE.	CROWN.	CROWN.
DISORDER.		
DIVISIONS.	DIVISIONS.	DIVISIONS.
		ESTIMATES.
FINANCE.	FINANCE.	
	GOVERNMENT DEPARTMENTS (for papers).	
INSTRUCTIONS.		
INTEREST.		
JOURNAL.		
MEMBERS.	LEAGUE OF NATIONS (for papers).	LEAGUE OF NATIONS (for papers).
MINISTERS.	MEMBERS.	
		MINISTERIAL STATEMENTS.
MOTIONS.	MOTIONS.	
NOTICES.		
	NO QUORUM.	
OATH.		
OPENING OF PARLIAMENT.		
ORDERS AND NOTICE PAPER.		
OTHER HOUSE.	OTHER HOUSE.	OTHER HOUSE.
PAPERS.	PAPERS.	
	PARLIAMENT.	PARLIAMENT.
PETITIONS.	PETITIONS.	PETITIONS.
	PRESIDENT OR SPEAKER AND DEPUTY.	
	PRIVILEGE.	PRIVILEGE.
PRIVILEGE.	PROCEDURE.	PROCEDURE.
	PROVINCES OR STATES.	
QUESTIONS TO MINISTERS.	QUESTIONS TO MINISTERS.	
PUTTING OF.		
QUORUM.		
SITTINGS.	SITTINGS.	
SPEAKER OR PRESIDENT AND DEPUTY.		SPEAKER AND DEPUTY'S RULINGS.
		STANDING ORDERS.
STANDING ORDERS.	STANDING ORDERS.	
STRANGERS.		
		SUPPLY.
TABLE.		
WITNESSES.		TAXATION.

XVIII. LIBRARY OF PARLIAMENT

BY THE EDITOR

VOL. I of the JOURNAL contained¹ a list of books suggested as the nucleus of a Statesman's Reference Collection in the Library of an Oversea Parliament. Below is given a list of books on economic, legal, political, and sociological questions of major importance, which have been published during the year covered by Vol. II of the JOURNAL. This list has been obtained from the Literary Supplements to *The Times*, and includes those works on the above-mentioned subjects which have received specially favourable reviews in such newspaper. Biographies, historical works and books of travel and fiction have been omitted, as well as books on subjects of more individual application to any particular country of the British Empire. Library additions can therefore be selected from the list of 113 books given below, to suit the taste and interests of M.P.'s of the Parliament concerned.

A good library available to Members of Both Houses of Parliament during Session, and by a system of postal delivery (with the exception of standard works of reference), also during Recess, is a great asset. The Library is usually placed in charge of a qualified Librarian, and in most of the Oversea Parliaments is administered by a Joint Committee of Both Houses under certain Rules. It was intended to have dealt in this issue with the lines on which such Rules are framed in the various Parliaments of the Empire, but lack of space has not permitted of such being done. It will, however, be included amongst the subjects to be treated in Vol. III. The great objective should be to confine the Library to good material; shelves soon get filled, and there are usually Public Libraries accessible where lighter literature can be obtained. By a system of mutual exchange, the Statutes, Journals and Hansards of the other Parliaments in the Empire can easily be procured. Such records are of great value in obtaining information in regard to the framing and operation of legislation in other parts of the Empire.

Adams, C. C.—Islam and Modernism in Egypt. (Milford. 7s. 6d.)

Alston, Leonard.—The Functions of Money. (Macmillan. 5s.)

Beadon, Col. R. H.—Some Memories of the Peace Conference. (Lincoln Williams. 12s. 6d.)

Bentwick, N.—The Religious Foundations of Internationalism: A Study in International Relations throughout the Ages. (Allen and Unwin. 10s. 6d.)

¹ p. 112 *et seq.*

- Berdyaev, Nicholas*.—The End of Our Time. (Sheed and Ward. 6s.)
Blackham, R. J.—Incomparable India. (Sampson Low. 12s. 6d.)
Brogan, D. W.—The American Political System. (Hamish Hamilton. 18s.)
- Cahill, M. C.*—Shorter Hours. (P. S. King. 22s. 6d.)
Galvert, E. R. and T.—The Lawbreaker. (Routledge. 7s. 6d.)
Cambray, P. G.—The Game of Politics. (Murray. 3s. 6d.)
Caroll, E. M.—French Public Opinion and Foreign Affairs. (Appleton. 15s.)
- Carter, Henry*.—Business under the Recovery Act. (Epworth. 5s.)
Cohen, Victor.—Economic Society. (Heinemann. 5s.)
Cohen-Portheim, P. (Tr.).—The Spirit of France. (Duckworth. 8s. 6d.)
- Cole, G. D. H. (Editor)*.—What Everybody Wants to Know About Money. (Gollancz. 5s.)
Conolly, Violet.—Soviet Economic Policy in the East. (Milford. 6s. 6d.)
- Corbach, Otto*.—The Open Door. (Cape. 12s. 6d.)
Goyajee, Sir J. C.—India and the League of Nations. (5s.)
- Dalles, E. L.*—The Bank of International Settlements at Work. (Macmillan. 25s.)
- Daubam, C. Y. G.*—Progress and Prosperity. (Longsman. 7s. 6d.)
Dawson, W. H.—Germany under the Treaty. (Allen and Unwin. 10s. 6d.)
- Dey, Hirendra Lal*.—The Indian Tariff Problem in Relation to Industry and Taxation. (Allen and Unwin. 16s.)
- Douglas, C. H.*—Social Credit. (Eyre and Spottiswoode. 3s. 6d.)
Duckham, A. N.—Animal Industry in the British Empire. (Milford. 15s.)
- Durban, E. F. M.*—Purchasing Power and Trade Depression. (Cape. 6s.)
- Edwards, D. S.*—A Critical Study of Gold Reserves and the Monetary Standard. (P. S. King. 5s.)
- Eggleston, F. W.*—State Socialism in Victoria. (P. S. King. 15s.)
Einstein, Albert, and Freud, Sigmund.—Why War? (Allen and Unwin. 6s.)
- Eisler, Robert*.—Stable Money. (Search Pub. Co. 15s.)
Emden, C. S.—The People and the Constitution. (Milford. 15s.)
Etherton, Col. P. T., and Tiltman, H. H.—Japan Mistress of the Pacific. (Jarrolds. 16s.)
- Fachiri, A. P.*—The Permanent Court of International Justice. (Milford. 21s.)
- Fayle, C. E.*—A Short History of the World's Shipping Industry. (Allen and Unwin. 12s. 6d.)
- Finer, Herman*.—The Theory and Practice of Modern Government. (Methuen. 42s.)
- Fisher, I.*—Booms and Depressions. (Allen and Unwin. 8s. 6d.)
 —Inflation? (Allen and Unwin. 3s. 6d.)
- Friedman, E. M.*—Russia in Transition. (Allen and Unwin. 21s.)
- Gibberd, Kathleen*.—The League in Our Time. (Blackwell. 3s. 6d.)

- Transactions of the Grotius Society: Vol. 18, Problems of Peace and War. (Sweet and Maxwell. 10s.)
- Gregory, T. E.—Gold, Unemployment and Capitalism. (P. S. King. 12s.)
- Gundona, L. St. C.—Britons in Partnership. (Lovat Dickson. 3s. 6d.)
- 30-32.—High Low Washington. (Lippincott. 10s. 6d.)
- Harrod, R. F.—International Economics. (Camb. Univ. Press. 5s.)
- Hausliter, L.—The Machine Unchained. (Routledge. 12s. 6d.)
- Hawtreay, R. G.—The Gold Standard in Theory and Practice. 3rd ed. (Longmans. 5s.)
- Trade Depression and the Way Out. (Longmans. 7s. 6d.)
- Hayek, F. A.—Monetary Theory and the Trade Cycle. (Cape. 6s.)
- Hodson, H. V.—Economics of a Changing World. (Faber and Faber. 7s. 6d.)
- Huddleston, S.—War Unless—. (Gollancz. 5s.)
- Jackson, S.—A Manual of International Law. (Sweet and Maxwell. 5s.)
- Jain, L. C.—The Monetary Problems of India. (Macmillan. 10s. 6d.)
- Janowsky, O. I.—The Jews and Minority Rights, 1898 to 1919. (P. S. King. 19s.)
- Laughlin, J. L.—The Federal Reserve Act: Its Origin and Problems. (Macmillan. 18s.)
- Lauterpacht, H.—The Function of Law in the International Community. (Milford. 25s.)
- Lawrence, F. W. Pethick.—The Money Muddle and the Way Out. (Allen and Unwin. 2s. 6d.)
- Lengyel, Emil.—The Cauldron Boils. (Grayson and Grayson. 8s. 6d.)
- Lippmann, W.—The United States in World Affairs. (Harper. 15s.)
- Lloyd, Lord.—Egypt since Cromer. (Macmillan. 21s.)
- Loewenthal, M.—A World Passed By. (Harper. 12s. 6d.)
- Mallet, B., and George, C. O.—British Budgets (3rd Series), 1921-2—1932-3. (Macmillan. 30s.)
- McCabe, Joseph.—Can We Save Civilization? (Search Pub. Co. 6s.)
- McClure, Wallace.—World Prosperity as Sought Through the Economic Work of the League of Nations. (Macmillan. 20s.)
- McCulloch, J. R.—Old and Scarce Tracts on Money. (P. S. King. 15s.)
- Meyers, D. P.—World Disarmament, its Problems and Prospects. (Boston World-Peace Foundation. \$2.50.)
- Michael, J., and Adler, M. J.—Crime Law and Social Science. (Kegan Paul. 15s.)
- Mills, L. A.—Ceylon under British Rule, 1795-1932. (Milford. 15s.)
- Mourer, A.—Germany puts the Clock Back. (John Lane. 7s. 6d.)
- Mowat, R. B.—Problems of the Nations. (Arrowsmith. 3s. 6d.)
- Myers, C. S.—A Psychological Point of View. (Heinemann. 7s. 6d.)
- Myers, M. G., etc.—The New York Money Market. (4 vols. Milford. 33s. 6d. each.)
- Myerson, A., and Goldberg, I.—The German Jew—His Share in Modern Culture. (Martin Hopkinson. 3s. 6d.)

- Nicolson, H.*—Peacemaking. (Constable. 18s.)
- Omond, Lt.-Col. J. S.*—Parliament and the Army, 1642-1904. (Camb. Univ. Press. 10s. 6d.)
- Perkins, D.*—The Monroe Doctrine. (Milford. 20s.)
- Piotrowski, Dr. R.*—Cartels and Trusts. (Allen and Unwin. 15s.)
- The Horace Plunket Foundation.*—Digest of Corporative Law at Home and Abroad. (P. S. King. 7s. 6d.)
- Plutynski, A.*—The German Paradox. (Wishart. 6s.)
- Raymond, Harold.*—Technocracy. (McGraw-Hill. 6s.)
- Rees, J. F.*—A Survey of Economic Development. (Pitman. 7s. 6d.)
- Robinson, Joan.*—Imperfect Competition. (Macmillan. 18s.)
- Roll, Erich.*—Spotlight on Germany. (Faber and Faber. 7s. 6d.)
- Rose, J. Holland.*—Roman Sea Power. (Camb. Univ. Press. 8s. 6d.)
- Ruthnaswamy, M.*—The Making of the State. (Williams and Norgate. 21s.)
- Salter, Sir Arthur.*—Recovery. (G. Bell. 5s.)
- The United States of Europe and Other Papers. (Allen and Unwin. 7s. 6d.)
- Scott, Howard, and others.*—Introduction to Technocracy. (John Lane. 2s.)
- Sham, E. D. G., and Copland, D. B.*—The Australian Price Structure, 1932. (Aust. Book Co. 5s.)
- Simonds, F. H.*—Can America Stay at Home? (Hamish Hamilton. 10s. 6d.)
- Sokolsky, G. E.*—The Tinder-Box of Asia. (Allen and Unwin. 10s.)
- Steed, H. W.*—The Antecedents of Post-War Europe. (Milford. 7s. 6d.)
- Strachey, John.*—The Coming Struggle for Power. (Gollancz. 9s.)
- Sykes, J.*—British Public Expenditure. (P. S. King. 15s.)
- Taussig, F. W.*—Wages and Capital. (London School of Economics. 7s. 6d.)
- Teeling, W.*—The Near-by Thing. (Herbert Jenkins. 3s. 6d.)
- Thomson, S. C.*—The Case for China. (Allen and Unwin. 10s. 6d.)
- Turner, E. R.*—The Cabinet Council of England in the XVIIth and XVIIIth Centuries, 1622-1784. Vol. II. (Milford. 47s.)
- Viljoen, Stephan.*—The Economic Tendencies of To-day. (P. S. King. 10s. 6d.)
- Viteles, M. S.*—Industrial Psychology. (Cape. 21s.)
- Walker, E. R.*—Australia in the World Depression. (P. S. King. 10s. 6d.)
- Wambaugh, Sarah.*—Plebiscites since the World-War. (2 vols. Carnegie Endowment for International Peace. \$5.)
- Wantoch, Hans.*—Magnificent Money-Makers. (Desmond Harmsworth. 21s.)
- Webster, C. R.*—The League of Nations in Theory and Practice. (Allen and Unwin. 10s.)
- Wedel, D. H.*—Austro-German Relations, 1908-1914. (Milford. 18s.)

- Williams, E. T.*—China, Yesterday and To-day. (Harrap. 18s.)
- Wilson, R. McN.*—Monarchy or Money Power. (Eyre and Spottiswoode. 6s.)
- Wilson, Lt.-Col. Sir A. T.*—The Suez Canal: its Past, Present and Future. (Milford. 15s.)
- Windett, Nancy.*—Australia as Producer and Trader, 1920-1932. (Milford. 15s.)
- Withers, W.*—Retirement of National Debts. (P. S. King. 25s.)
- Woolf, L. (Editor).*—The Intelligent Man's Way to Prevent War. (Gollancz. 5s.)
- Woolf, Leonard, and Adams, May (Editor).*—The Modern State. (Allen and Unwin. 7s. 6d.)
- Wyndham, Hon. H.*—Native Education. (Milford. 10s. 6d.)
- Young, A. P.*—Forward from Chaos. (Nisbet. 6s.)

XIX. LIBRARY OF "THE CLERK OF THE HOUSE"

BY THE EDITOR

THE Clerk of either House of Parliament, as, so to speak, the "Permanent Head of his Department" and the technical adviser to successive Presidents, Speakers and Chairmen of Committees and Members of Parliament generally, naturally requires an easy and rapid access to those books and records more closely connected with his work. Some of his works of reference, such as a complete set of the Journals of the Lords and Commons, the Reports of the Debates and the Statutes of the Imperial Parliament, are usually more conveniently situated for reference by both Houses if they are contained in a central Library of Parliament. The same applies also to many other works of more historical interest. The list given in Vol. I of the JOURNAL, therefore, included books of more particular usefulness to the Clerk in the course of his work and which could also be available during Recess, when he usually has leisure to conduct research into such problems in Parliamentary practice as have actually arisen or occurred to him during Session, or which are likely to present themselves for decision in the future.

It is proposed in each issue of the JOURNAL to give the titles of books, etc., published during the year, which are likely to prove useful additions to the Library of the Clerk of the House, and the following are therefore suggested:

- Bailey, K. H., and others.* Ed. by *Portus, G. V.*—Studies in the Australian Constitution. (Aust. Book Co. 5s.)
- Brogan, D. W.*—The American Political System. (Hamish Hamilton. 18s.)
- Dangerfield, R. J.*—In Defence of the Senate: A Study in Treaty-Making.
- Keith, A. B.*—The Constitutional Law of the British Dominions. (Macmillan. 18s.)
- Kohn, Leo.*—The Constitution of the Irish Free State. (Allen and Unwin. 16s.)
- Quekett, Sir A. S.*—The Constitution of Northern Ireland. (In 2 Parts.) (H.M.S.O. 3rs. 6d.)

The following list of works on Canadian constitutional questions is recommended by Dr. Arthur Beauchesne, the Clerk of the Canadian House of Commons, to those members of the Society wishing to study the Constitution of Canada:¹

¹ It is hoped in succeeding issues of the JOURNAL to give similar lists in regard to the study of the Constitutions of other parts of the British Empire. [Ed.]

- Beauchesne, A.*—Parliamentary Rules and Forms. 1927.
- Borden, Right Hon. Sir Robert Laird.*—Canadian Constitutional Studies. 1922.
- Bourinot, J. G.*—How Canada is Governed. 1895.
—Parliamentary Procedure. 1916.
- Cameron, Edward Robert.*—The Canadian Constitution and the Judicial Committee. 1915.
- Clement, Hon. W. H. P.*—The Law of the Canadian Constitution. 1916.
- Corbett-Smith.*—Canada and World Politics. 1926.
- Dawson, Robert MacGregor.*—Constitutional Issues in Canada. 1900-1931. 1933.
—The Principle of Official Independence (with particular reference to the political history of Canada). 1922.
- Documents Relating to the Constitutional History of Canada. (Public Archives. 1914.)
- Doutre, Joseph.*—Constitution of Canada. 1880.
- Ewart.*—Independence Papers.
- Hassard, A. R.*—Canadian Constitutional History and Law. 1900.
- Keith, Arthur Berriedale.*—Responsible Government in the Dominions. 1912.
- Kennedy, W. P. M.*—The Constitution of Canada. 1922.
—Statutes, Treaties and Documents of the Canadian Constitution. 1930.
—Some Aspects of the Theories and Workings of Constitutional Law. 1932.
- Langstone, Rosa W.*—Responsible Government in Canada. 1931.
- Lefroy, A. H. F.*—A Short Treatise on Canadian Constitutional Law. 1918.
—Canada's Federal System. 1913.
—Leading Cases in Canadian Constitutional Law. 1920.
—Legislative Power in Canada. 1897.
- Loranger, T. J. J.*—Lettres sur l'interprétation de la Constitution fédérale. 1883.
- Maurice, Faucher de Saint.*—Parliamentary Procedure. 1885.
- Mignault, P. B.*—Manuel de Droit parlementaire. 1889.
- Munro, J. E. C.*—The Constitution of Canada. 1889.
- Ollivier, Maurice.*—Le Statut de Westminster. 1933.
- O'Sullivan, D. A.*—Government in Canada. 1887.
- Poley, Arthur P.*—The Federal Systems of the United States and the British Empire. 1913.
- Pope, Joseph.*—Confederation Documents. 1895.
- Riddell, William Renwick.*—The Constitution of Canada. 1917.
- Ross, Sir George.*—The Senate of Canada. 1914.
- Scott, Walter S.*—Canadian Constitution Historically Explained. 1918.
- Todd.*—Parliamentary Government in the British Colonies. 1894.
- Wheeler, Gerald John.*—Confederation Law of Canada. 1896.

XX. RULES AND LIST OF MEMBERS

The Society of Clerks-at-the-Table in Empire Parliaments.

Name.—1. That a Society be formed, called "The Society of Clerks-at-the-Table in Empire Parliaments."

Membership.—2. That any Parliamentary Official having duties at the Table of any Legislature of the British Empire as the Clerk, or a Clerk-Assistant, or any such Officer retired, be eligible for membership of the Society upon payment of the annual subscription.

Objects.—3. That the objects of the Society be:

(a) to provide a means by which the Parliamentary practice of the various Legislative Chambers of the British Empire be made more accessible to those having recourse to the subject in the exercise of their professional duties as Clerks-at-the-Table in any such Chamber;

(b) to foster a mutual interest in the duties, rights and privileges of Officers of Parliament;

(c) to publish annually a JOURNAL containing articles (supplied by or through the "Clerk of the House" of any such Legislature to the Editor) upon questions of Parliamentary procedure, privilege and constitutional law in its relation to Parliament;

(d) it shall not, however, be an object of the Society, either through its JOURNAL or otherwise, to lay down any particular principle of Parliamentary procedure or constitutional law for general application; but rather to give, in the JOURNAL, information upon those subjects, which any Member, in his own particular part of the Empire, may make use of, or not, as he may think fit.

Subscription.—4. That the annual subscription of each Member be £1 (payable in advance).

List of Members.—5. That a list of Members (with official designation and address) be published in each issue of the JOURNAL.

Officers.—6. That two Members be appointed each year as Joint Presidents of the Society who shall hold office for one year from the date of publication of the annual issue of the JOURNAL, and that the Clerk of the House of Lords and the Clerk of the House of Commons be invited to hold these offices for the first

year, of the Senate and House of Commons of the Dominion of Canada for the second year, the Senate and House of Representatives of the Commonwealth of Australia the next year, and thereafter those of New Zealand, the Union of South Africa, Irish Free State, Newfoundland and so on, until the Clerk of the House of every Legislature of the Empire who is Member of the Society has held office, when the procedure will be repeated.

Records of Service.—7. That 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 be published in the JOURNAL from time to time, as space permits, a short biographical record (on the lines of a Who's Who) of every Member.

Journal.—8. That two copies of every publication of the JOURNAL be issued free to each Member. The cost of any additional copies supplied him or any other person to be at 20s. a copy, post free.

Honorary Secretary-Treasurer and Editor.—9. That the work of Secretary-Treasurer and Editor be honorary and that the office may be held, either by an Officer, or retired Officer of Parliament, being a Member of the Society.

Accounts.—10. Authority is hereby given the Honorary Secretary-Treasurer and Editor to open a banking account in the name of the Society and to operate upon it, under his signature, a statement of account, duly audited, and countersigned by the Clerks of the Two Houses of Parliament in that part of the Empire in which the JOURNAL is printed, being published in each annual issue of the JOURNAL.

LONDON,
9th April, 1932.

CANADA

MEMBERS.

Dominion of Canada.

- A. E. Blount, C.M.G., Clerk of the Senate, Ottawa, Ont.
 SA Arthur Beuchesne, C.M.G., K.C., M.A., LL.D., Litt.D.,
 F.R.S.C., Clerk of the House of Commons, Ottawa, Ont.
 Alex. C. Lewis, Clerk of the Legislative Assembly, Toronto,
 Ont.
 C. A. Fournier, Clerk-Assistant of the Legislative Assembly,
 Quebec.
 Geo. Bidlake, Clerk of the Legislative Assembly, Fredericton,
 N.B.

H. H. Dunwoody, Clerk of the Legislative Assembly, Winnipeg, Man.

Major W. H. Langley, Clerk of the Legislative Assembly, Victoria, B.C.

R. A. Anderson, Clerk of the Legislative Assembly, Edmonton, Alta.

Commonwealth of Australia.

G. H. Monahan, C.M.G., Clerk of the Senate, Canberra, F.C.T.

R. A. Broinowski, Clerk-Assistant of the Senate, Canberra, F.C.T.

54 E. W. Parkes, Clerk of the House of Representatives, Canberra, F.C.T.

F. C. Green, Clerk-Assistant of the House of Representatives, Canberra, F.C.T.

54 W. R. McCourt, Clerk of the Legislative Assembly, Sydney, New South Wales.

F. B. Langley, Clerk-Assistant of the Legislative Assembly, Sydney, New South Wales.

T. Dickson, Clerk of the Legislative Assembly, Brisbane, Queensland.

J. P. Morice, Clerk of the Parliaments, Adelaide, South Australia.

54 Captain F. L. Parker, Clerk of the House of Assembly, Adelaide, South Australia.

C. H. D. Chepmell, Clerk of the Legislative Council, Hobart, Tasmania.

C. I. Clark, Clerk-Assistant of the Legislative Council, Hobart, Tasmania.

P. T. Pook, Clerk of the Legislative Council, Melbourne, Victoria. *B. 17, L. C. 11*

H. B. Jamieson, Clerk-Assistant of the Legislative Council, Melbourne, Victoria.

54 W. R. Alexander, C.B.E., Clerk of the Parliaments and Clerk of the Legislative Assembly, Melbourne, Victoria.

F. E. Wanke, Clerk-Assistant and Serjeant-at-Arms of the Legislative Assembly, Melbourne, Victoria.

A. R. Grant, I.S.O., Clerk of the Parliaments, Perth, Western Australia.

F. G. Steere, Clerk of the Legislative Assembly, Perth, Western Australia.

F. E. Islip, Clerk-Assistant of the Legislative Assembly, Perth, Western Australia.

Dominion of New Zealand.

- E. W. Kane, C.M.G., Clerk of the Parliaments, Wellington.
 C. M. Bothamley, Clerk-Assistant of the Legislative Council,
 Wellington.
 SA T. D. H. Hall, LL.B., Clerk of the House of Representatives,
 Wellington.
 G. F. Bothamley, Clerk-Assistant of the House of Representa-
 tives, Wellington.

Union of South Africa.

- Commander M. J. Green, V.D., R.N.V.R., Clerk of the Senate,
 Cape Town.
 S. F. du Toit, LL.B., Clerk-Assistant of the Senate, Cape Town.
 SA Danl. H. Visser, J.P., Clerk of the House of Assembly, Cape
 Town.
 R. Kilpin, Clerk-Assistant of the House of Assembly, Cape
 Town.
 J. F. Knoll, Second Clerk-Assistant of the House of Assembly,
 Cape Town.
 A. E. Marks, Clerk of the Provincial Council, Cape Town, C.P.
 C. A. B. Peck, Clerk of the Provincial Council, Maritzburg, N.P.
 G. H. C. Hannan, Clerk of the Provincial Council, Pretoria,
 T.P.

South West Africa.

- H. Bense, Clerk of the Legislative Assembly, Windhoek.
 K. W. Schreve, Clerk-Assistant of the Legislative Assembly,
 Windhoek.

Irish Free State.

- SA D. J. O'Sullivan, B.L., Clerk of the ^{Senate} Senate, Dublin.
 Diarmid Coffey, B.L., Clerk-Assistant of the ~~Senate~~ Senate, Dublin.
 Colm O'Murchadha, Clerk of the Dáil Eireann, Dublin.
 Gerald McGarr, Clerk-Assistant of the Dáil Eireann, Dublin.

Malta.

- E. L. Petrocchino, Clerk of the Senate and of the Legislative
 Assembly, Malta.

Southern Rhodesia.

- J. G. Jearey, Clerk of the Legislative Assembly, Salisbury.
 C. C. D. Ferris, Clerk-Assistant of the Legislative Assembly,
 Salisbury.

India.

The Honble. Mr. G. H. Spence, C.I.E., I.C.S., Secretary of the Council of State, New Delhi.

Mian Muhammad Rafi, I.C.S., Secretary of the Legislative Assembly, New Delhi.

Rai Bahadur D. Dutt, Assistant-Secretary of the Legislative Assembly, New Delhi.

The Officiating Secretary of the Legislative Council, Shillong, Assam.

S. Anwar Yusoof, Secretary of the Legislative Council, Patna, Bihar and Orissa.

The Officiating Secretary of the Legislative Council, Poona, Bombay.

Ba Dun, Secretary of the Legislative Council, Rangoon, Burma.

Sardar Abnasha Singh, Secretary of the Legislative Council, Lahore, Punjab.

J. W. McKay, I.S.O., Secretary of the Legislative Council, Calcutta, Bengal.

The Assistant-Secretary of the Legislative Council, Calcutta, Bengal.

q.s.k. Hydrie B.A., LL.B. Secy of the U.P. Legislature, United Provinces.

Ceylon.

British Guiana.

C. W. H. Collier, Clerk of the Legislative Council.

Sierra Leone.

J. L. John, Clerk of the Legislative Council, Bathurst. ?

The Gambia.

The Officiating Clerk of the Legislative Council, Bathurst. *Revised, 4 11 34*

Northern Rhodesia.

W. C. Freeston, Clerk of the Legislative Council, Livingstone.

Ex Clerks-at-the-Table.

E. M. O. Clough, Clerk of the Senate, Union of South Africa.

Honorary Secretary-Treasurer and Editor.

E. M. O. Clough, C.M.G.

XXI. MEMBERS' RECORDS OF SERVICE

Note.—*b.*=born; *ed.*=educated; *m.*=married; *s.*=son(s);
d.=daughter(s); *c.*=children.

Members who have not sent in their Records of Service are invited to do so, thereby giving other Members the opportunity of knowing something about them. It is not proposed to repeat these records in subsequent issues of the JOURNAL, except upon promotion, transfer or retirement, when it is requested that an amended record be sent in.

Bidlake, George.—Clerk of the Legislative Assembly, New Brunswick. Admitted an English Solicitor, 1884. Came to Canada in 1905; in 1906 joined the staff of the Official (Hansard) Reporter, filling up his spare time with journalism; also employed by the Attorney-General's Department on several occasions, compiling amongst other things a copious Index to the Provincial Statutes; Chief of the Engrossing Dept., 1918; acting Clerk, 1919; appointed to his present office in 1925.

Collier, C. W. H.—Clerk of the Executive and Legislative Councils of British Guiana; *b.* 1892; *ed.* Queen's Coll., British Guiana; joined Immigration Department, British Guiana, 1909; passed Higher Grade Examination in Hindi, 1912; Secretary to various Colony Committees; gradual promotion to First Class Officer, 1920; appointed Immigration Agent, 1926; Senior Immigration Agent, 1928. Acted Immigration Agent-General, 1929; appointed Senior Clerk, Colonial Secretary's Office, 1930; Principal Clerk and Clerk of Executive and Legislative Councils, 1932; and Assistant Colonial Secretary and Clerk of the Councils, 1934.

Grant, A. R., I.S.O., B.A.(Cantab).—Clerk of the Parliaments, Western Australia; *b.* February, 1861; *ed.* Aldeburgh, 1871-1874, Charterhouse, 1874-1878, Corpus Christi Coll., 1880-1883. B.A. in second-class classical honours; Clerk-Assistant, Legislative Assembly, Western Australia, 1895; Clerk of such Legislative Assembly, 1911-1931; Clerk of the Legislative Council and Clerk of the Parliaments since 1931.

Dickson, T.—Clerk of the Legislative Assembly and Clerk of the Parliament of Queensland since 1933; *b.* Brisbane, Queensland, 1888; only son of the late Isaac Dickson of Brisbane; *m.* in 1916, Catherine Isabel, *d.* of D. W. Munro of Ipswich. Appointed Clerk, Legislative Assembly Office, 1908; Second

Clerk-Assistant Legislative Assembly, 1912; Clerk-Assistant of the Legislative Council, Usher of the Black Rod, and Clerk in Charge of Select Committees, 1915; Clerk-Assistant and Serjeant-at-Arms, Legislative Assembly, 1920.

Islip, F. E.—Clerk-Assistant and Sub-Librarian of the Legislative Assembly, Western Australia, since 1933; *b.* 1899; joined Messenger staff, 1915; Assistant Messenger, 1919; Clerk of the Records and Accounts, 1931; Clerk-Assistant and Sub-Librarian, 1933.

McKay, J. W., I.S.O.—Secretary, Legislative Council (Bengal), 19th August, 1883; I.C.S., 9th February, 1904. Held several appointments in Government service up to 1920, during which he rendered military service in the Army in India; Reserve of Officers from 1st March, 1918, to 17th April, 1919; demobilized in 1919 with the acting rank of Captain—4/30th Punjabis. At present holds the rank of Major in the Army in India Reserve of Officers; Registrar to the Council, 1920; acted as Assistant-Secretary to the Council on several occasions; appointed to his present position, 1932.

Kannangarra, E. W., B.A., Lond.—Clerk of the State Council and Secretary Board of Ministers (Ceylon); *b.* 16th February, 1894; Assistant Lecturer Government Training College, 1917-1919; Cadet attached to the Kandy Kachcheri, 1919, and to the Batticaloa Kachcheri, 1920; acting Additional Police Magistrate, Colombo, Negombo, and Avissawella, 1921; Police Magistrate, Avissawella, 1923; Police Magistrate, Jaffna, 1924; 20th April, 1925, passed Second Examination under the Regulations dated 11th January, 1924; Police Magistrate, Balapitiya, 1926; Assistant-Commissioner of Stamps, 1929; Additional Assistant Government Agent, Colombo, 1930; Secretary to the Minister for Agriculture and Lands, 1931; Officer of Class II, 1932; appointed to present office, 1933.

Langley, W. H.—Clerk of the Legislative Assembly, Province of British Columbia, since 1922; served during Great War as Major with Canadian Expeditionary Force, 1915-1919, with 1st Canadian Division, Flanders and France, 1916-1917.

Peck, C. A. B.—Clerk of the Provincial Council and Clerk to the Executive Committee, Natal Province; *b.* Pietermaritzburg, 1883; *ed.* Boys' Model School, Pietermaritzburg; appointed Prime Minister's Office (Natal Colony), 1902; served on S.A. National Convention Staff as Clerk to Chief Secretary, 1908-1909, at Durban, Capetown and Bloemfontein; Priv. Sec. to

Administrators, 1911-1927; also Clerk-Assistant Provincial Council, 1913-1927; appointed Clerk to the Executive Committee, 1918; and to his present combined office, 1927; Secretary to numerous Commissions and Committees of Enquiry; *m.* Annie Linstead, eldest daughter of W. Lancelot Nash; *2 s.* and *2 d.*

Rajadhyaksha, G. S., I.C.S.—Secretary of the Legislative Council (Bombay) since 1928; has also held the offices of Deputy Secretary to the Government, Legal Dept.

Spence, The Honourable Mr. G. H., C.I.E., I.C.S.—Deputy Secretary in the Government of India, Legislative Department, and Secretary of the Council of State; *b.* 6th November, 1888; joined the Indian Civil Service, 24th October, 1912.

Yusooif, S. Anwar.—Secretary of the Legislative Council of the Province of Bihar and Orissa since 1930; called to the Bar (Middle Temple) 1912 and practised in the High Court at Fort William, Bengal, and the High Court at Patna; 1924, Assistant Secretary to the Bihar and Orissa Legislative Council and Assistant Secretary to the Government in the Legislative Department; 1926 and 1928, acted as Secretary to such Council and Deputy Secretary to the Government in the Legislative Department; 1929 served on a Deputation to India in the Legislative Department; 1931, also officiated as Deputy Secretary to the Government in such Department.

XXII. STATEMENT OF ACCOUNT AND AUDITORS'
REPORT, 1927-1933

We beg to report that we have audited the Statement of Account of " The Society of Clerks-at-the-Table in Empire Parliaments " in respect of Vol. I for 1932.

The Statement of Account covered a period from 24th March, 1927, to the 23rd September, 1933. All amounts received during the years 1927 and 1928 were deposited with the Cape of Good Hope Savings Bank Society at Cape Town. The Savings Bank Account was closed on the 20th July, 1930, and the balance of £79 16s. 3d. transferred to Barclays Bank (Dominions, Colonial and Overseas), Cape Town, from which a balance of £82 16s. 3d. was transferred to Barclays Bank, 27, Regent Street, London, on the 24th March, 1930.

Receipts were duly produced for all payments for which such were obtainable, including remuneration to persons for typing and clerical assistance and roneoing, and postages were recorded in the fullest detail in the Petty Cash Book.

We have checked the Cash Account with the Cape of Good Hope Savings Bank Book, Bank Statement of Barclays Bank (D.C. & O.), Cape Town and Bank Pass Book of Barclays Bank, London, in detail. We have obtained a certificate from Barclays Bank verifying the Balance at the Bank.

The Petty Cash Book has been checked to the Cash Account for amounts paid to the Editor to reimburse himself for money spent by him on postages and other expenses of a small nature. Amounts received and paid for Vol. II for 1933 have been excluded from the Revenue and Expenditure Account.

WILDE, FERGUSON-DAVIE, AND MILLER.
Chartered Accountants.

61½, FORE STREET,
LONDON, E.C. 2.
25th September, 1933.

Journal of the Society of Clerks-at-the-Table in Empire Parliaments

STATEMENT OF ACCOUNT IN RESPECT OF VOLUME I FOR 1932 FOR THE PERIOD FROM 24TH MARCH, 1927, TO 23RD SEPTEMBER, 1933

EXPENDITURE.

	£	s.	d.	£	s.	d.
Volume I for 1932:						
Postage	7	4	2½			
Bank Charges	1	2	8			
Cables	3	4	4½			
Telephone			14	0		
Publications	1	8	11			
Typing and Clerical Assistance	22	9	0			
Reneoing	5	3	6			
Printing and Publishing Volume I, 1932	70	17	2			
Stationery	5	10	4			
Travelling Expenses and Carriage	3	18	9			
Registration Fee: Stationers' Hall	10	2	0			
Gratuities to Messengers	2	10	0			
Audit Fee	3	3	0			
				127	16	1
Prospectus: Printing	2	10	6			
Postage	1	14	1			
Cash Balance being Excess of Income over Expenditure				4	4	7
				5	17	10

REVENUE.

	£	s.	d.	£	s.	d.
Parliamentary Grants:						
Federal Parliament of Australia	10	0	0			
1931 Dominion Parliament of Canada	10	0	0			
1933 Malta	5	0	0			
1933 Union of South Africa	10	0	0			
1933 Southern Rhodesia	5	0	0			
				40	0	0
1927/33 Subscriptions for the period from 1927 to date	69	7	8			
Advertisements	20	0	0			
Sales: Pre-Sale of Volume I	1	0	0			
Interest on Deposits:						
1927	6	4				
1928	2	7	10			
1929	3	5	4			
1930	6	6	7			
				6	6	1
Profit on Exchange remittances:						
1927/8 Irish Free State	2	6				
1931 Canada	1	2	3			
				1	4	9
				137	18	6

Countersigned:

EDWARD H. ALDERSON,
Clerk of the Parliaments.
HORACE C. DAWKINS,
Clerk of the House of Commons.

OWEN CLOUGH,
Honorary Secretary, Treasurer and Editor.

Audited and certified correct:

WILDE, FERGUSON-DAVE AND MILLER,
Chartered Accountants,
61½, Fore Street,
London, E.C. 2.

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