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. III

FOR 1934

PRINTED AND PUBLISHED IN GREAT BRITAIN BY
BILLING AND SONS LTD.
GUILDFORD AND ESHER, ENGLAND
[*Registered at Stationers' Hall*]

USUAL SESSION MONTHS OF EMPIRE PARLIAMENTS

Parliament.	*Jan.*	*Feb.*	*Mar.*	*April.*	*May.*	*June.*	*July.*	*Aug.*	*Sept.*	*Oct.*	*Nov.*	*Dec.*
UNITED KINGDOM		*	*	*	*	*	*				*	*
CANADIAN DOMINION	*	*	*	*	*	*	*					
CANADIAN PROVINCIAL:												
Ontario		*	*									
Quebec	*	*	*									*
Nova Scotia			*	*								
New Brunswick		*	*	*								
Manitoba		*	*	*								
British Columbia		*	*	*								
Prince Edward Island			*	*								
Saskatchewan	*	*	*									*
Alberta		*	*	*								
AUSTRALIAN COMMONWEALTH			*		*	*	*		*	*	*	*
AUSTRALIAN STATES:												
New South Wales					*	*	*	*	*	*	*	*
Queensland							*	*	*	*	*	*
South Australia							*	*	*	*	*	*
Tasmania							*	*	*	*	*	*
Victoria							*	*	*	*	*	*
Western Australia							*	*	*	*	*	*
NEW ZEALAND							*	*	*	*		
UNION OF SOUTH AFRICA	*	*	*	*	*	*	*					
UNION PROVINCIAL:												
Cape of Good Hope		*			*				*			
Natal			*	*	*	*						
Transvaal								*	*			
Orange Free State			*				*					
SOUTH WEST AFRICA			*					*	*			
IRISH FREE STATE	*	*	*	*	*	*	*			*	*	*
SOUTHERN RHODESIA			*	*	*			*	*			
INDIAN CENTRAL		*	*	*				*	*			
INDIAN PROVINCIAL:												
Bengal			*	*				*	*			
Madras	*	*	*									
Bombay		*	*			*	*		*	*		
United Provinces		*	*			*				*		*
Punjab		*	*				*		*		*	
Bihar and Orissa	*	*	*									
Burma		*		*	*			*				
Central Provinces	*	*	*					*				
Assam			*						*			
CEYLON	*	*		*	*	*	*	*	*	*	*	*
BRITISH GUIANA										*	*	

CONTENTS

* On 28th July, 1934, 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.

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

VOL. III. FOR 1934

THE JUBILEE OF HIS MAJESTY THE KING

ALTHOUGH this volume is meant only to cover the year 1934, if reference to the celebration of the Jubilee of His Majesty's reign were left until the publication of the volume for 1935, opportunity would have passed by for us here to offer our felicitations as a Society whose members serve Legislatures of which the Crown is the ruling constituent. We therefore, on behalf of our members sitting at the Tables of the Parliaments of Canada, Australia, New Zealand, South Africa, the Irish Free State, Southern Rhodesia, the Empire of India, Ceylon, Northern Rhodesia, British Guiana, and of the Mandated Territory of South West Africa, respectfully tender to His Majesty the King, and to Her Majesty the Queen, our loyal and deep-felt congratulations upon the celebration of the Silver Jubilee of His Majesty's accession to the Throne, and we sincerely wish Their Majesties long life, health, and happiness in the discharge of their important share in the government of the peoples of the British Empire.

As a small but none the less devoted and warm tribute from all our members, the Royal Emblem in the badge of the Society on the cover of this Volume is expressed in silver, to mark our humble commemoration of the glorious event.

I. EDITORIAL

Volume III.—There have been some slight additions to the JOURNAL in this Volume which it is proposed to continue. An index to the subjects treated in previous Volumes, both under "Editorial" as well as in the numbered articles, now appears at the end of the Volume. A table has also been inserted at the back of the title-page showing the usual months when the various Parliaments of the Empire are ordinarily in Session, and members are kindly requested to correct this table as occasion requires. In each Volume of the JOURNAL, when a date is quoted without a year, it is understood that the year is that to which the particular Volume applies, and which is always quoted on the cover.

The year 1934 has been particularly rich in constitutional issues in their relation to the Parliaments or Legislatures of the British Empire. In the Union of South Africa, the Irish Free State, and in regard to India, constitutional developments of an important nature have taken place, while changes of a lesser kind have happened during the year in New Zealand, New South Wales, and Tasmania. Ceylon has been also concerned about her instruments of government, and certain of the West India Islands have been considering some form of closer Union, while the Constitutions of Newfoundland and Malta are still under suspension, the former upon her own suggestion.

Questionnaire Schedule for Volume III.—With the exception of the suggested article on the operation of "language rights," all the subjects contained in the *Questionnaire Schedule* for Volume II have now been treated, as well as those in such *Schedule* for the present Volume, with the exception also of "Privileges" and of the "Library of Parliament." As the question on the last-mentioned subject has not been replied to by one of the principal Dominions where it is a great feature, it is proposed to reserve the article for inclusion in Volume IV of the JOURNAL, but some very interesting and valuable information has been received from the other Parliaments of the Empire. The response to the enquiry for particulars in regard to the application of the "Privileges"[1] of Parliament has revealed an amount of information of the utmost interest and value which otherwise would have remained hidden away in the Journals of other Parliaments. In view of the magnitude

[1] This subject has no connection with the term "privilege" as used at Westminster and in some of the Oversea Bicameral Legislatures, to describe the rights of Lower Houses in regard to those provisions in Bills dealing with public money.

of the information received it will be impossible to deal with it in one issue of the JOURNAL, and as the inclusion of even part of it in this Volume would mean the further postponement of subjects already standing over from last Volume, it has been decided to begin with the publication of the reports of the cases of " Breach of Privileges " in Volume IV of the JOURNAL, and to continue them in succeeding volumes until all have been put on record in the JOURNAL. Thereafter, it is proposed that the same practice be followed in the JOURNAL in the cases of Privileges cases in the Oversea Parliaments as has been observed in regard to the cases which have occurred at Westminster, namely, to deal with them in the JOURNAL year by year.

We regret to announce the death, on the 18th July, 1934, of the highly esteemed and respected Clerk of the Parliaments and Clerk of the Legislative Council of New Zealand, in his 77th year, Edward William Kane, C.M.G., of Wellington, N.Z., where he was born on 2nd August, 1857. He was the son of Henry Russell Kane, and married, 1921, Rosella L., widow of I. F. E. Baume, K.C., who predeceased him in February, 1934. Mr. Kane received his education at the Catholic School, Wellington, about 1870, and at Commercial School, after which he was articled to Frank M. Olliver of Wellington, and passed the solicitor's general knowledge examination. On account of ill-health, however, he had to discontinue his studies, but in 1886 he joined the Parliamentary Staff of the Dominion, where he successively held, in the House of Representatives, the positions of Sessional Clerk, Reader, Second Clerk-Assistant, Clerk-Assistant, until he was finally appointed the Clerk of that House in 1920. On the 8th January, 1930, following precedent in the Dominion, he was translated to the position of Clerk of the Legislative Council and Clerk of Parliaments, a position he held until the day of his death. A C.M.G. was conferred upon Mr. Kane in 1931. His death is mourned by his stepchildren and his many friends and relatives both in New Zealand and Australia.

Members of the Society are nevertheless invited still to continue sending in the titles of suitable subjects for treatment in the JOURNAL, either by means of *Questionnaire Schedule* or special articles. The practices in regard to " Language rights " in Parliament will also be reserved for publication in our next issue.

Further replies to Questionnaire Schedule for Volume II.—As the replies to the above-mentioned *Questionnaire* in respect of New Zealand and Victoria were received after Volume II of the JOURNAL had gone to press, such replies, in respect of Questions XI to XVI inclusive, are given hereunder.

(a) Intercameral Difficulties in Oversea Parliaments.[1]

New Zealand.—The difficulties which arise between the Legislative Council and the House of Representatives relate in the main to the amendment of Bills which contain provisions dealing with public money, and the Standing Orders provide the machinery for settling questions which arise between the two Houses. Where, however, an amendment is made by the Council affecting an appropriation clause or any clause involving the expenditure of money the question of what is also at Westminster termed " privilege " arises. In recent years the activities of the Government have so increased that there are few Bills which do not involve expenditure by the Crown, and consequently the opportunity for an amendment in the Council has been narrowed down to an increasing extent. There are many occasions when the Council could make useful amendments improving a measure, and the Government is often quite willing to accept them, and indeed desires to make them. Since, however, they infringe the " privilege " of the Representatives they cannot be made, and the Council is asked to pass the original Bill, which is then sent back by the Governor-General under the provisions of the Constitution Act for the amendments to be made. The Council would, of course, like to get the credit for making amendments which they discover to be necessary or desirable. The same difficulty has arisen in England, and some two or three years ago the *Law Journal* had a comment on an expedient adopted in the Lords and accepted by the Commons. Though some thought has been given to the matter it is a difficult one to arrange,

[1] *See also* JOURNAL, Vol. II, p. 80.

in view of the fact that the House of Representatives jealously guards its " privilege " in respect of the voting of money. In regard to Bills originated in the Council, the matter is met by the use of antique type as set out in the Standing Orders. An attempt was made in the Legislative Council Act of 1914 to regulate the relations between the two Houses.[1]

Victoria.—The machinery for dealing with continued disagreements between the two Houses in regard to Assembly Bills is provided for by section 37 of The Constitution Act Amendment Act, 1928,[2] which (apart from machinery provisions) is as follows:

If the Assembly passes a Bill and the Council rejects or fails to pass it or passes it with amendments to which the Assembly will not agree; and if the Assembly is dissolved by the Governor by a proclamation declaring such dissolution to be granted in consequence of the disagreement between the two Houses as to such Bill; and if the Assembly again passes the Bill with or without any amendments which have been made, suggested or agreed to by the Council; and the Council rejects or fails to pass it, or passes it with amendments to which the Assembly will not agree; then the Governor may, notwithstanding anything in The Constitution Act Amendment Act, dissolve the Council and the Assembly simultaneously.

(b) Power of Chair to Deal with Disorder.[3]

(c) Speaker's Deliberative Vote in Committee.[4]

New Zealand.—It was formerly quite common for the Speaker of the House of Representatives to go into the House when in Committee and to exercise his right of voting as an ordinary Member, of which there are numerous instances on record. The last two Speakers, however, have refrained from taking part in Committee proceedings and from exercising a vote. The present Speaker feels that it would militate against his control of the House if he took part in any contentious matter, and this view seems to be accepted generally by Members, but it cannot yet be said to have become part of the unwritten law of the New Zealand Parliament.

[1] *See* JOURNAL, Vol. II, p. 85. [2] No. 3,660.
[3] This subject in regard to New Zealand and Victoria was dealt with in the JOURNAL, Vol. II, pp. 101 and 100 respectively.
[4] *See also* JOURNAL, Vol. II, p. 105.

Victoria.—Examination of the records of divisions in Committee of the Whole House of the Legislative Council shows that the early Presidents (Sir J. F. Palmer, 1856-70, and Sir W. H. F. Mitchell, 1870-84) frequently voted in Committee, as does also the present President (Sir Frank Clarke), but in the intervening period (1884-1923) the President very rarely voted in Committee. During that time, two of the Presidents voted on about half a dozen occasions, the other three either did not vote in Committee or did not vote on more than one or two occasions.

In the records of the Legislative Assembly there are numerous instances of Speakers having exercised a deliberative vote on questions in Committee of the Whole House. The present Speaker (the Hon. Maurice Blackburn), who was elected Speaker on the 11th October, 1933, votes in almost all divisions in Committee of the Whole House, and at least two other Speakers also voted regularly.

(d) Suggestions for more Rapid Transaction of Business in Oversea Parliaments.[1]

New Zealand.—As will be seen from the Standing Orders of the House of Representatives, attempts have been made to expedite business in such matters, for instance, as answers to questions, where, instead of a time being allotted each day for this purpose, they are now accumulated and replies given in print, one short period a week being given up to their discussion. In practice, the debating of replies given to the questions is sometimes delayed for several weeks. The procedure in the matter of presentation of papers and discussion of them has been systematized, but nothing has been done to limit the set debates such as the Address-in-Reply and the Budget.

(e) Procedure at Election of Presiding Officers of Legislative Houses.[2]

New Zealand.[3]

Victoria.—In the election of Presidents of the Legislative Council no difficulties have been experienced, as it is the practice for Members to hold a private meeting prior to the election of a President, and select a Member who

[1] *See also* JOURNAL, Vol. II, p. 109. [2] *Ib.*, p. 114. [3] *Ib.*, p. 119.

is afterwards proposed in the House as President and invariably elected unopposed.

In the Legislative Assembly of this State Parliament, however, an interesting procedure has been instituted in regard to the election of Speaker by a new Standing Order (No. 1A) adopted on the 17th July, 1934. Under this Standing Order the Clerk acts as Chairman and has power to decide all questions arising incidental to the election of a Speaker. This gives the Clerk greater power than he hitherto possessed, and it is thought will enable him to exercise greater control over the House.

Under the old Standing Order the Clerk had little or no control over proceedings in the House while the Speaker was being elected.

In view of the difficulties which have arisen in some of the Australian Houses of Parliament in connection with the election of Speaker, it will be of interest to give the new Standing Order verbatim:

> 1A. (*a*) At the opening of Parliament, after the Members present have been sworn, or whenever the office of Speaker becomes vacant, a Member, addressing himself to the Clerk, shall propose some Member, then present, to the House for their Speaker, and move that such Member "Do take the Chair of this House as Speaker," which motion shall be seconded. A Member when proposed and seconded shall inform the House whether he accepts nomination.
>
> (*b*) The Clerk shall then ask "Is there any further proposal?" and if, within two minutes thereafter, there is no further proposal, the Clerk shall say "The time for proposals has expired." No Member may then address the House or propose any other Member, and the Clerk shall, without question put, declare the Member so proposed and seconded to have been elected as Speaker, and such Member shall be conducted to the Chair by his proposer and seconder, and shall take the Chair of the House as Speaker.
>
> (*c*) If more than one Member is proposed as Speaker the Clerk shall, after the second proposal and after each subsequent proposal (if any) is made and seconded, ask "Is there any further proposal?" and if, within two minutes thereafter, there is no further proposal, the Clerk shall say "The time for proposals has expired." No Member may then address the House or propose any other Member, and the House shall proceed to elect a Speaker by ballot as hereinafter provided.
>
> (*d*) The Clerk shall cause the bells to be rung for two minutes, after which the doors shall be locked.
>
> The Clerk shall announce the names of the Members

proposed (hereinafter called the candidates) and shall cause each Member present to be provided with a ballot-paper certified by the Clerk, and shall also produce a ballot-box and place the same upon the Table of the House.

Upon such ballot-paper the Member receiving it shall write the name of one of the candidates. It shall be sufficient to write the surname only unless there are two or more candidates of the same surname, in which case the initials of the candidate or the name of his electoral district shall be added to the surname. Having marked his ballot-paper as provided, the Member voting shall deposit it in the ballot-box.

(*e*) The proposer of each candidate shall name some Member present to be a scrutineer. The scrutineers and one of the Clerks at the Table (to be named by the Clerk) shall when directed by the Clerk retire and ascertain the number of votes for each candidate. Before giving such direction the Clerk shall direct that the doors be unlocked. The scrutineers shall make to the Clerk a written report of the result, which report shall be read to the House by the Clerk. Unless the Clerk otherwise directs, the same scrutineers and the same Clerk at the Table shall act in respect of all subsequent ballots and of any special ballots.

(*f*) No vote shall be informal which, in the opinion of the Clerk, identifies the candidate voted for. Whenever the opinion of the Clerk is required he shall leave the Chair and shall proceed forthwith to the room where the votes are being counted, and the vote in question shall be submitted for his opinion without disclosing to him any information in regard to the number of votes received by any of the candidates.

(*g*) Any candidate, with the consent of his proposer and seconder, may at any time except when a ballot or vote is actually being taken, rise in his place and require that his name be withdrawn as a candidate, and from the time of such withdrawal shall cease to be a candidate.

(*h*) If at any ballot (not being a special ballot provided for in paragraph (*k*) or (*l*)), at which there are more than two candidates, no candidate receives an absolute majority of the votes of the Members present, another ballot shall be taken, from which shall be excluded the candidate receiving the smallest number of votes, and so from time to time when necessary until the number of candidates is reduced to two, and of such two the candidate receiving the greater number of votes of the Members present shall be declared elected as Speaker, and he shall be conducted to the Chair by his proposer and seconder, and shall take the Chair of the House as Speaker. The provisions of paragraphs (*d*), (*e*) (*f*), and (*g*) shall apply to such ballots.

(*i*) As soon as any candidate obtains an absolute majority of the votes of the Members present (whether at a ballot or in open vote), the Clerk shall, without question put, declare such candidate elected as Speaker, and he shall be

conducted to the Chair by his proposer and seconder, and shall take the Chair of the House as Speaker.

(*j*) If at any ballot (not being a special ballot provided for in paragraph (*k*) or (*l*)) the names of only two candidates are submitted to the ballot and the number of votes for each candidate is equal, a second ballot shall be held, and if at such second ballot the number of votes for each candidate is equal, the Clerk shall so declare, and may without question put, suspend the sitting and leave the Chair for such period (not exceeding two hours) as he thinks fit. The Clerk, unless one of the candidates requires that his name be withdrawn as a candidate, shall then say, "The votes being equal at the ballot, it is necessary to take an open vote to decide this question." He shall then cause the bells to be rung for two minutes, and the doors to be locked, after which he shall again inform the House of the equality of voting and of the necessity of deciding the matter by an open vote. He shall then assign a side of the House to the voters for each candidate, and shall direct each Member present to vote by taking his seat according to his choice. Each Member remaining in the House shall vote. The Clerk shall then appoint tellers for each side, and with them shall count the votes, and the candidate receiving the greater number of votes shall be declared elected as Speaker, and shall be conducted to the Chair by his proposer and seconder, and shall take the Chair of the House as Speaker.

If either of the candidates requires his name to be withdrawn from the ballot vote, the remaining candidate shall be declared elected as Speaker, and shall be conducted to the Chair by his proposer and seconder, and shall take the Chair of the House as Speaker.

(*k*) If at any ballot (other than a special ballot) it is impossible, by reason of equality votes, to determine which candidate shall be excluded in accordance with paragraph (*h*), the candidate to be excluded from the next ballot for the election of Speaker shall be determined by a special ballot, at which only the names of the candidates who received the smallest number of votes shall be submitted.

At a special ballot each Member present shall write upon his ballot-paper only the name of the candidate he wishes to retain. The candidate whose name appears on the smallest number of ballot-papers shall then be excluded, and the names of all the other candidates shall be submitted to the next ballot for the election of Speaker.

Subject to this paragraph the provisions of paragraphs (*d*), (*e*), (*f*), and (*g*) shall apply to any special ballot.

(*l*) If after any special ballot provided for in paragraph (*k*) it is impossible, by reason of equality of votes, to determine which candidate shall be excluded, a further special ballot shall be taken at which only the names of the candidates who received the smallest number of votes at the preceding special ballot shall be submitted, and if it is still

impossible by reason of equality of votes to determine which candidate shall be excluded, the Clerk shall so declare, and may without question put, suspend the sitting and leave the Chair for such period (not exceeding two hours) as he thinks fit.

The Clerk, unless one of the candidates requires that his name be withdrawn from the ballot, shall then say, "The votes being equal at the ballot, it is necessary to take an open vote to decide this question." For this purpose the procedure set out in paragraph (*j*) shall be followed and the candidate receiving the smallest number of votes shall be excluded from the next ballot for the election of Speaker.

(*m*) After the House has proceeded to the election of a Speaker, no Member shall address the House except to propose a Member as Speaker, or to second such proposal.

(*n*) Until the Speaker is elected the Clerk shall act as Chairman, and shall decide all questions arising incidentally to such election of a Speaker. Unless otherwise directed by the House, he shall preserve the ballot-papers for one month, and shall then destroy them.

(*o*) The Clerk may, whenever he thinks fit, suspend the sitting and leave the Chair for any period not exceeding two hours.

(*p*) If at any time any Member, supported by five other Members, requires that the Clerk shall put the question "That strangers be ordered to withdraw" the Clerk shall forthwith put such question without permitting any debate or amendment.

(f) Supplementary Questions to Ministers.[1]

Victoria.—No special practice has been established in either House in regard to this question. As with other questions, notice is required unless the Member has arranged for the Minister to answer the question without notice.

New South Wales.—With reference to the Editorial Note under this heading in the last issue of the JOURNAL,[2] Act No. 2 of 1933 together with Acts Nos. 32 of 1902 as amended by No. 19 of 1912, Act No. 41 of 1912, Act No. 20 of 1920, Act No. 12 of 1929, Act No. 28 of 1929, and No. 48 of 1932, have now been consolidated and printed in one Act in accordance with the provisions of the Amendments Incorporation Act, 1906, and certified on 18th May, 1934.

The Certificate of the Returning Officer at the elections in 1933 for the new Legislative Council, has been printed as a Parliamentary paper of 1934, and the results sheets showing

[1] *See also* JOURNAL, Vol. II, p. 125. [2] Vol. II, p. 11.

the various counts are of useful reference to those interested in this system of voting.

Tasmania.—A Constitution Act[1] was passed during the year by the Parliament of this State, but it was principally a consolidation measure, and apart from purely verbal amendments contains little that is new. The provisions, however, in regard to the powers of the Council and of the Assembly in regard to money bills, dealt with at some length in sections 36 to 45,[2] are of particular interest.

Western Australia.—The people of Western Australia have long been deeply concerned about their position in relation to the Commonwealth, and without referring to policy, either for or against the movement for the secession of Western Australia from the Commonwealth, a recital of the facts from official documents will not be without interest to the Clerk-at-the-Table, as a constitutional student.

Western Australia became a self-governing colony in 1890, by virtue of the Western Australia Constitution Act[3] of that year, which conferred " responsible government " upon the colony under its own Constitution Act of 1889. Each State of Australia also operates under its own Constitution. In 1900 the peoples of Western Australia, Queensland, New South Wales, Victoria, South Australia and Tasmania became united in a commonwealth under the Commonwealth of Australia Constitution Act,[4] which established a federal system of government. Although the people of Western Australia consequently became a State of the Commonwealth and subject to the said Commonwealth Act, Western Australia still claims to have retained its sovereign right as a self-governing colony with " responsible government " under its own Constitution. In view of the economic difficulties created owing to Western Australia being a country of primary productions but subject to the tariff of the Commonwealth—from the other States of which it is geographically separated by " a sea of sand "—for the purchase of secondary industrial products, the agitation for secession became so great that in the year 1932 the Parliament of Western Australia passed the Secession Referendum Act[5] under which a referendum was held upon the two following questions:

(*a*) Are you in favour of the State of Western Australia withdrawing from the Federal Commonwealth estab-

[1] 25 Geo. V. No. 94.
[2] *See also* JOURNAL, Vol. I, p. 85.
[3] Imperial Act 53 & 54 Vict. Ch. 26.
[4] Imperial Act 63 & 64 Vict. Ch. 12.
[5] No. 47 of 1932.

lished under the Commonwealth of Australia Consolidation Act (Imperial) ?

(*b*) Are you in favour of a Convention of representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such convention to be necessary ?

At the referendum, which took place on the 8th April, 1933, the voting of the Parliamentary electors was:

	Affirmative.	*Negative.*	*Informal.*	*Total.*
On (*a*)	138,653	70,706	7,921	217,280
On (*b*)	119,031	88,275	9,974	217,280

Consequent upon the referendum, the Premier moved the following motion in the State Legislative Assembly.

> In view of the result of the referendum taken under the provisions of the Secession Referendum Act, 1932, this House is of opinion that it is the indispensable duty of the Parliament on behalf of the people of Western Australia to endeavour, by a dutiful address to His Majesty and humble applications to both Houses of the Imperial Parliament, to procure such legislation by the said Imperial Parliament as may be necessary to effectuate the withdrawal of the people of the State of Western Australia from the Federal Commonwealth established under and by virtue of the provisions of the Commonwealth of Australia Constitution Act (Imperial), and that a Joint Committee of both Houses of Parliament be appointed to consider and recommend what action shall be taken in relation to the preparation, completion, and presentation of the said address and the said applications in order to give effect to this resolution.

This Resolution passed both Houses in August, 1933, and the Joint Committee prepared the Case[1] of the People of Western Australia in support of their desire to withdraw from the Commonwealth and that Western Australia be restored to its former status as a separate self-governing colony in the British Empire. The Committee also prepared the Address to His Majesty and applications to the Lords and Commons to secure such legislation by the Imperial Parliament to effectuate such withdrawal. The Address was duly adopted by the Western Australian Parliament and a Secession Act,[2] under which the Case of the People of Western Australia was published, was passed, giving confirmation to what had been decided upon.

Upon the suggestion of the Prime Minister of the Common-

[1] A blue book of 480 pp. printed by the Government Printer.
[2] 25 Geo. V. No. 1.

wealth, a Constitutional Conference with the Premiers of the several States was held on the 16th February, 1934, at Canberra in order to review the results of the first 33 years of Federation, at which objection was taken by nearly all the States to any extension of the authority of the Commonwealth, and that unless unification was to be adopted as the ultimate goal, an amendment of the Commonwealth Constitution was suggested for securing to the States adequate financial resources to put their Governments in a stable position. To this the Prime Minister made certain suggestions and counter-proposals, but the Conference closed and a committee of experts was to be appointed to investigate certain sections of the Constitution, with a view to simplification and a clearer definition of State powers.

The Western Australian Secession Act was passed on the 31st May following and a Delegation left for the United Kingdom later in the year to arrange for the presentation of the petitions to the Lords and Commons, which was duly effected on the 17th December. Thereupon the Lords and Commons appointed a Joint Committee to consider and report only as to whether the petitions presented to the Parliament of the United Kingdom by the Government, Parliament and people of Western Australia were such as could properly be received by the British Parliament.

The Joint Committee, which heard counsel on behalf of the Western Australian Secession Delegation on the one hand and of Australia on the other, in their Report[1] said they did not consider their duty limited to reporting merely on the propriety of the form of the Petition for the purpose of its reception by Parliament, for there was no question in their mind as to the undoubted and ancient right of Parliament to receive whatever petitions it thinks fit, or the historic right of the subjects of the Crown to present petitions to Parliament. The Committee, however, went on to observe—

> But these rights, like the abstract right of Parliament to legislate for the whole Empire, are only exercised, in relation to the affairs of the Dominions, in accordance with certain long established and clearly understood constitutional principles, principles to which Parliament has more recently given its formal and statutory approval in the Statute of Westminster. It is in the light of these principles that the Committee conceive it to be their duty to report for the information of Parliament whether, in their opinion, the Petition is one which it is proper for Parliament to receive. That is the full extent of the responsibility of the Committee.

[1] H.L. 75 and H.C. 88—1935.

In paragraph 7 the Committee remarked:

> It is, however, a well-established convention of the constitutional practice governing the relations between the Parliament of the United Kingdom and other Parliaments of the Empire that the Parliament of the United Kingdom should not interfere in the affairs of a Dominion or self-governing State or Colony, save at the request of the Government or Parliament of such Dominion, State, or Colony—that is to say, in effect, that interference should only take place at the request of such Dominion, State, or Colony speaking with the voice which represents it as a whole and not merely at the request of a minority. That rule was well established before 1900, and has been consistently acted upon as an undoubted Constitutional Convention. It is not necessary to refer to the numerous authoritative declarations of the principle, which must be regarded as fundamental in these matters.

The conclusions of the Committee therefore were—

> that inasmuch as the prayer of the Petition of the State of Western Australia asks for legislative action, which, in their opinion, it would be constitutionally incompetent for the Parliament of the United Kingdom to take, except upon the definite request of the Commonwealth of Australia conveying the clearly expressed wish of the Australian people as a whole, and inasmuch as this Petition is presented by the Government of Western Australia, which as a State is not concerned with the subject matter of the proposed legislation, the Petition is not proper to be received.

New Zealand.—During the year, the Parliament of the Dominion of New Zealand passed a Bill (Act No. 16 of 1934) extending, for the future, the duration of the House of Representatives, as the Lower House is called, from three to four years. The life of the present House was specially and temporarily extended to four years in order to carry over a period of economic depression.

Union of South Africa.—The constitution of the Union of South Africa is embodied in what is known as the South Africa Act, 1909, an Act passed by the Imperial Parliament in 1909 (9 Edw. VII. c. 9) for the consummation of the proposed legislative Union of the four South African colonies within the British Empire known as the Cape of Good Hope, Natal, the Transvaal and the Orange River Colony.

Although this is the Charter of constitutional government in the Union of South Africa, the Act as such has never been formally adopted as an Act of the Union Parliament. A move in that direction was made during the 1934 session by the intro-

duction of the Union Constitution Bill, which passed its First Reading on the 22nd March, 1934, but had not been further proceeded with by the time of the prorogation of Parliament, and consequently dropped. This Bill provided for the enactment of the aforementioned South Africa Act as an act of the Union Parliament. The title of the Bill was as follows:

> "Bill to adopt and enact the South Africa Act, 1909 (9 Edw. VII., c. 9), as amended from time to time, and an Afrikaans text thereof as a law of the Parliament of the Union of South Africa."

There have been many amendments of the "Act of Union," as the South Africa Act, 1909, is more commonly known in the Union of South Africa. Those enacted in 1934 were by Acts Nos. 45, 69 and 70.

Act No. 45 amended section 149 of the Act of Union by providing: (1) That Parliament shall not alter the boundaries of any Province, or divide or form a new Province, except upon petition of Provincial Council of every Province whose boundaries are affected thereby; and (2) that Parliament shall not abolish any Provincial Council or abridge the powers conferred upon such Councils under section 85 of the Act of Union, except by petition to Parliament by the Provincial Council concerned.

The Status of the Union Act (No. 69 of 1934) was a more important one, for it provided for the declaration of the Status of the Union and for the adoption of certain parts of the Statute of Westminster, 1931. The enacting provisions of this Act are preceded by the following preamble:

> Whereas the delegates of His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial Conferences holden at Westminster in the years of our Lord 1926 and 1930, did concur in making the declarations and resolutions set forth in the Reports of the said Conferences, and more particularly in defining the group of self-governing communities composed of Great Britain and the Dominions as "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations";
>
> And whereas the said resolutions and declarations in so far as they required legislative sanction on the part of the United Kingdom have been ratified, confirmed, and estab-

> lished by the Parliament of the United Kingdom in an Act entitled the Statute of Westminster, 1931 (22 Geo. V., c. 4);
>
> And whereas it is expedient that the status of the Union of South Africa as a sovereign independent state as hereinbefore defined shall be adopted and declared by the Parliament of the Union and that the South Africa Act, 1909 (9 Edw. VII., c. 9) be amended accordingly;
>
> And whereas it is expedient that the said Statute of Westminster, in so far as its provisions are applicable to the Union of South Africa, and an Afrikaans version thereof, shall be adopted as an Act of the Parliament of the Union of South Africa.

The Act declares the Union Parliament to be the sole sovereign Legislature for the Union; provides for the adoption of sections 2 to 6 of the Statute of Westminster as well as also sections 1 and 11, with certain verbal differences, which are all to be construed as part of the law of the Union; the Executive Government of the Union in regard to any aspect of its domestic or external affairs is vested in the King acting on the advice of "His Ministers of State for the Union, and may be administered by His Majesty in person or by a Governor-General as his representative," but this provision is not to affect those provisions in the Act of Union dealing with powers of the Governor-General to summon the Executive Council,[1] appoint Ministers,[2] summon Parliament or dissolve one or both Houses thereof.[3] "Heirs and successors" are defined as

> "His Majesty's heirs and successors in the sovereignty of the United Kingdom of Great Britain and Ireland as determined by the laws relating to the succession of the Crown of the United Kingdom of Great Britain and Ireland."

Those provisions of the Act of Union dealing with the qualifications for Senators and M.P.s are amended by requiring such persons to be of European descent who have acquired Union nationality, whether by: (1) birth, or (2) domicile as a British subject, or (3) by naturalization or otherwise in terms of Acts 40 of 1927 and 14 of 1932.

The oath to be taken by Members of Parliament is shortened to read:

> I (A. B.) do swear that I will be faithful and bear true allegiance to His Majesty the King or Queen (as the case may be), His (or Her) heirs and successors according to law. So help me God.

Section 64 of the Act of Union, dealing with the reservation of Bills, is repealed (together with section 66; a consequential

[1] South Africa Act, 1909, sect. 12. [2] *Ib.*, sect. 14. [3] *Ib.*, sects. 20 and 45.

amendment is made in section 67) and the following section is substituted for the said section 64:

Royal Assent to Bills. 64. When a Bill is presented to the Governor-General for the King's assent he shall declare according to his discretion, but subject to the provisions of this Act, and to such instructions as may from time to time be given in that behalf by the King, that he assents in the King's name, or that he withholds assent. The Governor-General may return to the House in which it originated any Bill so presented to him, and may transmit therewith any amendments which he may recommend, and the House may deal with the recommendation."

It is expressly stipulated in the Status of Union Act, however, that nothing therein shall affect the provisions of the Act of Union as to appeals to the King in Council, or the power to admit into the Union (1) territories administered by the British South Africa Company; and (2) native territories belonging to or under the protection of His Majesty. And, finally, section 8 of the Act of Union is, by virtue of section 4 of the Status of Union Act, repealed. It is also provided that section 65 (dealing with the disallowance of Bills) of the Act of Union is to be repealed as from a date to be fixed by proclamation.

The third Act above mentioned, Act No. 70 of 1934, the Royal Executive Functions and Seals Act, is necessitated as a consequence of the passing of the Status of Union Act, above mentioned, and provides for a great and small seal for the Union and the transfer to the Governor-General and Union officials of powers hitherto exercised by the King-in-Council or United Kingdom officials. The Prime Minister of the Union is made the Keeper of the Great Seal and the Signet. Provision is also made for wafer seals and for the Governor-General to act for the King in certain urgent cases. Lastly, certain exceptions are made in the application of this Act in view of the provisions of the Status of Union Act in regard to appeals to the King-in-Council.

Irish Free State.—On page 10 of the last issue of the JOURNAL, under this paragraph heading, it is stated that the Constitution (Removal of Oath) Act No. 6 of 1933, and the Eighteenth Amendment to the Constitution, amended the "Constitution" by the deletion of Article 2 thereof; whereas it should have read section 2 of the "Constitution Act" (No. 1 of 1922), which contains the enacting provisions of the Constitution and of which the Constitution is the First Schedule. Strictly speaking, however, this Act was not passed by the Parliament of the

Irish Free State but by the Constituent Assembly. Its British reference number is 13 Geo. V. Ch. 1.

The following movements took place in the Parliament of the Irish Free State, either in part or in completion, to amend the Constitution.

The Constitution (Amendment No. 19) Bill, 1933, which purports to reduce from 18 to 3 months the period for which the Seanad may hold Bills up, was passed by the Dáil and sent to the Seanad on the 28th June of that year. On the 11th July following the Seanad postponed consideration of the Bill pending the Report of a Joint Committee on the Constitution and powers of the Seanad, which it requested should be set up. The Dáil took no notice of this request, and the 18 months' period expired on the 27th December, 1934. To make the note on this subject complete, on the 11th April, 1935, the Bill was sent again to the Seanad, which rejected it on the 1st of May. The 60-day period expires on the 10th of June, 1935, when the Government will be able to send it to the Governor-General for his signature.

The 1934 Constitution (Amendment No. 23) Bill, to delete Article 27 of the Constitution and so abolish university representation in the Dáil, was passed by the Dáil and sent to the Seanad on 5th July, where it was rejected on the 18th *idem*. The 18-months period of suspension expires on the 4th January, 1936, after which it may again be sent to the Seanad, and if so sent will automatically become law after 60 days.

The Constitution (Amendment No. 24) Bill, to abolish the Seanad, was passed by the Dáil and sent to the Seanad on the 25th May, 1934, which rejected it on the 1st of the month following. The suspension period accordingly expires on the 24th November, 1935, and the same conditions apply. In connection with this subject, the Official Report[1] of the Seanad Debates of the 30th May to the 1st of June, 1934, are well worth a study, and especially the masterly and learned treatment of the subject by the Chairman (or Speaker) of the Seanad (Mr. Westropp-Bennett).

The Constitution (Amendment No. 25) Bill, which purports to restore the Referendum to the Constitution for the purpose of constitutional amendments, was passed by the Seanad and sent to the Dáil on the 6th June, but no date for its second reading in that House has ever been fixed. If no date is fixed, the Bill will become dead after the next dissolution.

Constitution (Amendment No. 26) Bill, 1934, which has

[1] No. 16.

become Act No. 12 of 1935, amends Article 3 of the Constitution and gives extra territoriality to the I.F.S. citizenship laws.

India.—The issue of the Report of the Joint Select Committee[1] of the Lords and Commons on Indian Constitutional Reform is one of the greatest and most important instances of the development of parliamentary government in the British Empire which has taken place for many years, affecting as it does a veritable Empire in itself, covering 1,570,000 square miles embracing a population of over 340,000,000 people. It may be said that the deliberations of the various bodies appointed to investigate and recommend a scheme for the government of this vast constellation of Provinces and States, founded upon an ancient civilization, though not according to western ideas and customs, has taken a long time. When, however, the magnitude of the task is taken into consideration, it would indeed be a case of repenting at leisure were such a great movement to be hurried through against time, when there are so many peoples, creeds, languages, and interests to be considered. Even a glance at the principal official documents[2] relating to these investigations is enough to show the colossal range of the various problems, but the careful study of at least the Joint Committee's report cannot but be of inestimable value to members of our Society, who, otherwise, can have but a narrow conception of the complexity of conditions in India.

As a writer to *The Times* truly remarked, the publication of Report, etc., of the Joint Committee " will mark the completion of the most thorough and exhaustive examination of proposed constitutional changes ever undertaken in the history of the British Empire, if not indeed of the world."

This great movement to inculcate into the Indian mind British ideas in regard to systems of government has been going on for many years, but it first received its stimulus in the Government of India Act of 1919, which authorized the Montagu-Chelmsford reforms, which Act provided that after

[1] H.L. 6; H.C. 5—1934.

[2] Report of the Indian States (" Butler ") Committee, Cmd. 3302, Session 1928-29; Report of the India Statutory (" Simon ") Commission Cmd. 3568, 3569, 3572; Indian Round Table Conference (Reports of Committees), Cmd. 3772, Session 1930-31; Indian Round Table Conference, Second Session (Proceedings), Cmd. 3997, Session 1931-32; Burma Round Table Conference (Proceedings), Cmd. 4004; Report of Federal Finance (" Percy ") Committee, Cmd. 4069; Report of Indian Franchise (" Lothian ") Committee, Cmd. 4086; Report of Indian States Enquiry (" Davidson ") Committee (Financial), Cmd. 4103; and Indian Round Table Conference, Third Session (Reports, etc.), Cmd. 4238, Session 1932-33.

10 years an enquiry should be held, in order that a decision might be come to upon the future nature of the responsible government there laid down.

As we write these lines the Government of India Bill is steadily making its passage through both Houses at Westminster, and when it has emerged therefrom and becomes law, some brief description of it will be attempted in our next issue, with the object particularly of showing some of the main differences between the working of the Legislatures under the Government of India Act and those of our Dominions. The main provisions of the Bill, which consists of 451 clauses, covering in all 323 pages, and almost constitutes a statute book in itself, are the establishment of a Government on a federal basis, with provision for the accession of Indian States (for it must be remembered that India consists of two sections constitutionally, namely, British India, comprising about 820,000 square miles with a population of about 260,000,000, and the Indian States, comprising about 700,000 square miles with a population of about 80,000,000); the Federal Executive and Legislature; and the legislative powers of the Governor-General; provisions in event of failure of constitutional machinery; the executive and legislative government of the Provinces, both " Governors' " and " Chief Commissioners'," and excluded and partially excluded areas; the administrative relations between the Federation, Provinces, and States; Part VII deals with Finance in all its bearings; Part VIII with Federal Railways; Part IX with the Judicature; Part X with the services of the Crown, defence, civil service, etc.; Part XI with the Secretary of State, his advisers and department; Part XII with miscellaneous and general matters; while Part XIII embraces the transitional provisions; and Part XIV the Constitution for Burma, which is to be separated from India. Lastly, are the 15 Schedules covering 68 pages and dealing with many both important and incidental provisions. The Federal Legislature is bicameral, as also are the Legislatures of Burma and 5 out of the 10 Provinces. It would be impossible within the narrow compass of a volume of this JOURNAL to give even a brief outline of the Joint Committee's Report and the Bill. To be understood it must be consulted direct, and such consultation will enable a Clerk-at-the-Table to answer any enquiries on the subject made by his M.P.s, and thereby enable India and her vast problems and conditions to be better understood throughout the larger Empire, of which that of India only forms a part.

Ceylon.[1]—This JOURNAL is not, of course, a channel for the advocation of or opposition to any questions of public policy in regard to any constitution of the Empire, but it is a useful object to report as colourlessly as possible any movements there may be in any part of the Empire in regard to constitutional issues.

On the 21st February of the year under review in this Volume of the JOURNAL, a debate[2] took place in the House of Commons upon the following motion, moved by a private Member:

> That this House, in view of the results of democratic government in Ceylon, is of opinion that a Parliamentary Commission should be appointed to proceed to that island to report upon the working of the Constitution.

For the reason given above it is not proposed to quote any arguments put forward either for or against the motion, but the following amendment was moved, also by a private Member:

> That this House, in view of the fact that the present Constitution in Ceylon, which was based on the report of a Special Commission appointed in 1927 by the then Secretary of State for the Colonies, did not come into force until July, 1931, is of the opinion that an insufficient period of time has elapsed in which to judge of the success of its operation, and therefore considers that it would be premature to appoint a Parliamentary Commission to proceed to the island to report upon its working.

Shortly before the automatic interruption of business at 7 o'clock, the mover of the motion moved the closure, which was negatived by 138 votes to 93, and the debate was immediately afterwards interrupted at the time quoted.

In the House of Lords on the 28th of the following month[3] a peer called attention to the grave defects that were alleged to have appeared in the present Constitution of Ceylon, and asked if His Majesty's Government proposed to take any steps in the matter and (in accordance with the procedure in that House) moved for papers, which motion, at the conclusion of a brief debate, was withdrawn.

In 1932 a protracted debate[4] took place in the State Council of the island upon the following motions moved in such Council by a nominated Member:

> 1. This Council claims the exclusive control of the Public Purse as an inalienable constitutional right of the people of Ceylon and demands the immediate repeal of Articles

[1] *See also* JOURNAL, Vol. II, p. 9.
[2] 286 H.C. Deb. 5s. 359 *et seq.*
[3] 90 Lords Deb. 5s. 1026 *et seq.*
[4] Official Debates, Pamphlets Nos. 33 to 42 inclusive of 1932 Session.

22, 61, 87 (1) and (4), and 91 of the Ceylon (State Council) Order in Council 1931, as contravening that right.

2. This Council demands the withdrawal of the requirement, under Article 87 of the Ceylon (State Council) Order in Council 1931, of the Governor's sanction for the discussion of such matters affecting Public Officers as are referred to therein as an unwarranted interference with the rights of the Legislature.
3. This Council claims the exclusive right of legislation for the peace, order, and good government of the Island [as a vested constitutional right of the people of Ceylon and declares that the inclusion of the proviso to Article 72 in the Ceylon (State Council) Order in Council 1931, is unconstitutional] and demands the deletion of the proviso to Article 72 of the Ceylon (State Council) Order in Council 1931.
4. This Council condemns the division of the subjects and functions of the Government into two classes in respect of one only of which the State Council is charged with the administration and demands the amendment of the Constitution so that all subjects and functions of Government may be placed within the administration of the State Council.
5. This Council declares that the addition of the subjects in the Royal Instructions of April 22, 1931, in respect of which the Governor's assent may be refused to legislation, except in so far as may be necessary to render discrimination against communities or religions impossible, is unnecessary and retrograde and that the same should be repealed.

   That provision for requiring the previous consent of the Governor or the Secretary of State for any class of legislation is objectionable in principle, calculated to subvert the authority of the Legislature and should be withdrawn.
6. This Council declares that the enhanced powers granted to the Governor under the Ceylon (State Council) Order in Council 1931, such as the power to enact laws himself and to suspend laws passed by the Council, are in derogation of the rights of the Legislature and reactionary in character and ought to be repealed.
7. This Council is of opinion that government by Executive Committees of the State Council leads to divided responsibility, delays in administration, is unsuited for the government of a country and recommends that the duties and responsibilities assigned to such Committees and Ministers should be assigned to Ministers responsible to the Council.

Motions Nos. 1, 2, 4, 5, and 6 were agreed to, Motion No. 3 was agreed to by the omission of the words appearing in square brackets and the addition of the words after the closing square brackets; and Motion No. 7 was negatived by 36 votes to 6.

Malta.—The question of the Constitution of Malta, which has been suspended since 1933,[1] was raised in the House of Lords on the 1st November,[2] the mover of a motion for papers, which was later withdrawn, asserting that if Dominion status or quasi-Dominion status was not practicable in a great Imperial fortress, sympathetic consideration should be given to the immediate establishment of the greatest possible measure of representative government without Ministerial responsibility. On the 23rd of the same month[3] the following motion was moved by the same Peer:

> That delay in re-establishing representative (not responsible) government in Malta may be rightly deplored by loyal Maltese as a breach of faith; and that there are grounds for censuring the Secretary of State for the Colonies for consequences of the present system.

The mover urged the Imperial Government to legalize the position and set up a round-table conference to re-establish the Crown Colony Constitution of 1887. The Government, in reply upon the debate, however, said that in circumstances which were well known, the Secretary of State for the Colonies declared in November, 1933, that a state of emergency existed in Malta, and that he was satisfied that a state of emergency still existed and therefore that in the existing circumstances it would be most inopportune, quite inappropriate and indeed improper, to enter on any consideration of what might or might not be the best form of Constitution for Malta in normal times. The motion was negatived.

West India Closer Union.—The Commission appointed to go into this question in respect of the Leeward Islands, Windward Islands, Trinidad and Tobago, in its Report[4] recommends that the first two named colonies should be united under a Governor and that the present federation of the Leeward Islands should be dissolved and each Presidency be given, in general, the same independence as that of the three islands of the Windward group, each to retain its own executive and Legislative Council under the Presidency of the Administrator, enacting its own laws and regulating its own finances. It was also recommended that the three islands of the Windward group should remain autonomous, with no unification of services at present, except those of Police and Agriculture; and that the Governor of the new Colony should take no direct part in the administration of any of the units but be the sole channel of

[1] JOURNAL, Vol. II, p. 9.
[2] 94 Lords Deb. 5s. 65 *et seq.*
[3] 95 Lords Deb. 5s. 77 *et seq.*
[4] Cmd. 4383.

communication with the Imperial Government. The Governor's assent was to be required to all Bills passed by the Island Legislatures, with retention of his limitation powers in that respect. He was also to be empowered to send Bills to the various Legislatures for consideration and in certain cases to declare that a measure, even if not passed by a majority of the Legislature, was necessary in the public interest, and to give such measure the force of law. The Governor was no longer to preside at meetings of the Executive or Legislative Council or to take any direct part in their proceedings, but to tour frequently through the islands of the group, keeping in close touch.

These recommendations were to be looked upon as only the first step towards real federation, not only of these islands but of the whole West Indies, which wider federation it was desired to keep in mind. Reference was made to the West India Conference of 1926 at which delegates from all the Islands met particularly to discuss matters of common interest. Council Paper No. 1 of 1934 of St. Lucia, which contains a statement by the Secretary of State for the Colonies including particulars of financial implications relative to the above-mentioned report, was Tabled in the Legislative Council on the 8th March in order to ascertain the views of the Legislative Council of the Leeward and Windward Islands.

Another despatch by the Secretary of State in respect of the recommendations of the Commission refers to the divergence of opinion, more particularly on grounds of increased expenses (*vide* schedule attached to the above-mentioned Paper No. 1), expressed in the debate upon the subject in the Legislative Council last-mentioned. The decision of the Secretary of State in regard to these recommendations is that it is not practicable now to proceed with the scheme of Closer Union, but that the Administration should remain as at present. He invites, however, the opinion of the local Legislatures as to some elimination of the Governor's powers and those of the official element in the Legislative Council. He therefore suggested that public unofficial expression be given on these questions by the local Legislatures of the Windward and Leeward Islands, namely, upon (1) the abolition of the official majority; (2) as to those officials whose presence is necessary to sit in Legislative Council; and (3) the creation of an unofficial majority of both elected and nominated members, subject to extended overriding powers of the Governor in certain events. The question of franchise and the application and extension of the Dominica franchise is also to be considered.

H.R.H. the Duke of Kent.—A very picturesque scene took place in the House of Lords on the 7th November, when Prince George, as Duke of Kent, was introduced and took his seat in the Peer's Chamber. The previous instance of such a proceeding was on 24th April, 1928, upon the introduction of Prince Henry as Duke of Gloucester. The Duke of Kent was introduced by his two brothers, the Prince of Wales (as Duke of Cornwall) and Prince Albert (as Duke of York). All three were robed in scarlet and ermine and were preceded in the procession by the Gentleman Usher of the Black Rod, the Garter King of Arms and the Lord Great Chamberlain. The procession passed up the House to the Woolsack, where the Lord Chancellor (who acts as Speaker of the House of Lords), robed and wearing his cocked hat, was seated waiting to receive them. The Duke, after bowing to the Lord Chancellor, handed him his writ of summons, which the latter rose to accept. The procession was then reformed, but now headed by the Prince of Wales, and proceeded to the Clerk's Table, at which the Duke of Kent, with the Duke of York on his right and the Duke of Cornwall on his left, stood while the Clerk of the Parliaments read the Royal Letters Patent appointing the Royal Prince Baron Downpatrick, Earl of St. Andrews and Duke of Kent. The Clerk then read the writ of summons of the King commanding the Duke of Kent to attend Parliament, who then took the oath as follows:

> I, George, Duke of Kent, do swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George, his heirs and successors, according to law. So help me God.

The Duke then signed the Roll, the procession was reformed, the customary obeisances were made by each member in the procession, and bows exchanged between the Princes and the Lord Chancellor, after which the new Duke was conducted to a Chair of State on the left of the Throne, which is behind the Woolsack, the latter being somewhat in the centre of the Chamber, and sat down with the Duke of Cornwall on the right and the Duke of York on the left of the Chair. The Duke of Kent then took his hat off, rose and bowed to the Lord Chancellor, who returned the compliment. After this had been done three times the Royal Duke approached the Lord Chancellor, who rose from the Woolsack and shook his hand. The proceedings were then concluded and the three Royal Dukes walked out of the Chamber. The whole ceremony presented a colourful, dignified and striking spectacle.

"Procedure of Parliament."—Owing to the courtesy of Sir Howard d'Egville, K.B.E., the Secretary of the United Kingdom Branch of the Empire Parliamentary Association, we had the pleasure of being present, on the 12th February, 1934, at the opening of the Press Gallery Collection of the Parliament Houses of the Empire, at the House of Commons, such Gallery then under the Chairmanship of Mr. Martin Herlihy, the writer of the interesting article on "The Press Gallery at Westminster" in our last issue.[1] In the course of his remarks[2] Mr. Speaker made the following interesting observations in regard to the procedure of Parliament:

> Our practices and procedure had been evolved; they had not been created. They had not been written out by a committee sitting round a table; they had grown up over a long series of years out of situations as they arose. They might need reform—all human institutions did—but he would offer one word of warning. If those rules and practices were altered they must be very careful what they put in their place. They were founded on the principle that they were the guardians of the liberties of democracies, and he ventured to say that in that respect, so far as had hitherto been devised, they were the best in the world. The fact that the Parliaments of the Empire had founded their procedure on ours was something which we not only ought to be proud of, but which we ought not to ignore or forget. Statesmen of the highest rank had referred to the fact that in England, against all factions and "isms," the greatest safeguard was the British Parliament. That was only true if at the same time the rules of procedure and the practices of Parliament—amended, if they liked, to meet new circumstances—were substantially maintained and jealously guarded. While they did not curb the rights of majorities, they undoubtedly safeguarded the rights of minorities. They were most adaptable to meet all circumstances, however changeable, which might arise. If the young ones followed the old mother's example, the old mother's ways could not be so bad as some would have them believe.

Mr. Speaker also remarked upon the value of the precedents and practices at Westminster to the Oversea Parliaments, which frequently refer to Westminster for guidance when faced with situations of strange circumstance. And we would here again[3] acknowledge the kindness and courtesy that the members of our Society throughout the Empire have invariably received, not only from the present Clerk of the Parliament and the Clerk

[1] Vol. II, p. 62.
[2] *The Times*, 13th Feb., 1934.
[3] *See also* JOURNAL, Vol. I, p. 7.

of the House of Commons, but from their predecessors in office, at all times, which spirit of helpfulness is as highly appreciated as is the warm and close co-operation of the Clerks of the Oversea Parliaments amongst one another, also in the family of Empire Parliaments. It might also here be observed that the older an Oversea Parliament becomes and the greater its pressure of business the closer its procedure tends to approach that at Westminster. On the other hand many useful practices have been instituted in Oversea Parliaments which are unknown at Westminster and to which the Mother of Parliaments may, some day, as conditions in the Old Country become more democratic, turn for precedent. When that time comes our august and deeply revered Mother can be assured her Daughters, now, many of them, mistresses in their own Homes, will only be too proud to render her all the loyalty and helpfulness in their power, if only as a small tribute of their kindness at her ever willing hands.

Election of Speaker (Commonwealth).—Somewhat unusual proceedings occurred in connection with the election of Speaker at the opening of the Fourteenth Parliament of the Commonwealth of Australia at Canberra, F.C.T., on 23rd October, 1934. After the House of Representatives had met at 10.30 a.m. and Members had been sworn, a Member duly rose to propose:

> That the honourable Member for —— do take the Chair of the House as Speaker;

which motion being seconded, the Member proposed submitted himself to the House in the customary manner. At this juncture another Member made a speech ranging over many extraneous subjects, whereupon a Member proposed that the Hon. Member "be not further heard,"[1] to which some objection was made. The Clerk of the House, in the discharge of his duties as acting Chairman, stated that the House was operating under its Standing Orders and that the motion that the Hon. Member "be not further heard" was in order. Question was then put on the motion, and a division being claimed, the bells were rung, after which the Clerk appointed tellers for the "Ayes" and the "Noes." To this proceeding a Member rose to a point of order, challenging the Clerk's authority to take such action, whereupon the Clerk stated that no point of order could be taken during a division, and the tellers for the Noes not acting,[2] the Clerk declared the question

[1] S.O. 262 C.

[2] At this point the Member in respect of whom it had been moved that "he be not further heard," nominated himself as Speaker.

resolved in the affirmative. There being no other duly nominated candidate, the Speaker-elect was then escorted to the Chair in the usual manner, against which action protest was made by other Members.

The Speaker-elect was then duly congratulated by the Prime Minister and the Leader of the Opposition, after which a Member raised as a question of privilege " the method that was adopted " to secure election, upon which the Speaker-elect ruled that as such would have to be concluded by a motion, and as no motion could be moved until Mr. Speaker had been presented to and accepted by the Governor-General, it was not competent for the Member to proceed with his question of privilege at that stage. The motion " that the Hon. Member for —— be not further heard " was then moved in regard to another Member, but negatived on a division. The proceedings upon the election of Speaker were brought to a close by the Speaker-elect returning thanks to the House for the honour which had been done him and announcing that he would proceed to the Library of Parliament to submit himself to the Governor-General, at the same time inviting any Members who might so desire to accompany him. Having returned and reported the Governor-General's congratulation to him as the choice of the House, Black Rod, bearing His Excellency's message desiring the attendance of the Members of the House of Representatives in the Senate Chamber forthwith, was announced, and the formal opening of Parliament took place upon the conclusion of the speech from the Throne.

Bars at the House of Commons.—During 1933 there had been some reference in the British Press by Mr. A. P. Herbert, the novelist, to the sale of alcoholic liquor in the refreshment-rooms, etc., of the House of Commons without a license and not subject to the Licensing Acts. On the 17th May in the year following, counsel applied, on behalf of Mr. Herbert, for process against the Members of the House of Commons' Kitchen Committee and a servant thereof, in connection with such alleged illegal sale, who stated that two written " informations " had been submitted to the Court alleging contraventions of the Licensing (Consolidation) Act, 1910, section 65. On the 22nd *idem* the application was heard by the Stipendiary Magistrate at Bow Street Police Court, who observed that

> " assuming, for the purpose of this application, that an offence may have been committed, are Members of the House of Commons, carrying out duties entrusted to them by the House, under the control of the House, in a way long

> practised and approved by the House, and within the precincts of the House, amenable in this matter to the jurisdiction of the Court? Are they not protected by the privileges of the House, and amenable only to the House, of which they are Members? . . . The point on which I desire to hear counsel is as to whether this Court has any jurisdiction in respect of acts done by Members of the House of Commons with the approval and authority of the House."

On the 25th *idem* the case was further heard and the application was refused; the Magistrate, however, suggested that there was a remedy open to the applicant by way of a writ of *mandamus*, and having regard to the fact that he might have to try this matter, he should not say more at present than that he had not been satisfied he had jurisdiction to issue the process asked for.

On the 12th December following, in the King's Bench Division of the High Court, before the Lord Chief Justice and two Justices, began the hearing of a rule *nisi* obtained at the instance of Mr. Herbert, calling upon Chief Metropolitan Magistrate to show cause why he should not hear the case. The Attorney-General showed cause against the rule and Mr. Herbert's counsel appeared in support. The hearing was continued on the 13th and 14th *idem*, when the Court discharged the rule *nisi* on the ground that there was no jurisdiction to adjudicate in the case against the Kitchen Committee or its servant. The reports of these proceedings can be seen in *The Times* of 18th, 23rd, and 26th May, and the 13th, 14th, and 15th December, and the arguments put forward and authorities quoted therein are well worth perusal.

Some years ago such sale of alcoholic liquor in the refreshment-rooms of the Union Parliament without a license and not subject to the Liquor Licensing laws, was questioned, whereupon Parliament, in order to remove any doubt there may have been there, when amending the law,[1] exempted both Parliament and the Provincial Legislatures from the operation of the Liquor Law by the insertion of the following provisions (which covered the Provincial Councils) in an exemption clause:

> (*d*) the sale of liquor in any refreshment room at the Houses of Parliament, if sold under the permission of either House of Parliament or any committee thereof,
> (*e*) the sale of liquor in any refreshment room in premises in which a Provincial Council is held if sold under the permission of the Council or any committee thereof.

[1] Union Act No. 30 of 1928, § 5 (*d*) and (*e*).

This statutory provision, in any case, definitely closed the door against such question being raised in future. The privileges, etc., of the Imperial Parliament existing at the time of the passing of the Union Constitution in 1910, are stated in section 36 of Union Act No. 19 of 1911, save as is otherwise expressly provided by such Act, to be the same as those "enjoyed and exercised by the House of Commons" at the time of the promulgation of the Union Constitution, whether "enjoyed by custom, statute, or otherwise."

Acknowledgments to Contributors.—The thanks of the Society are again due to the Clerk of the House of Assembly of the Union of South Africa, Mr. D. H. Visser, J.P., for his interesting contribution on "Precedents and Unusual Points of Procedure in the Union House of Assembly during the 1934 Session," and it would indeed be of general advantage to members of the Society throughout the Empire if we could have similar contributions from other Dominion Clerks, especially including full particulars, together with copies of select committee reports, etc., and copies of the Journals, in regard to any instances of the application of "privileges." Particular points of procedure and "privileges" occurring in any Oversea Parliament could then be made available to all.

We are also indebted to that excellent and most efficient Clerk-at-the-Table, Mr. W. R. McCourt, the Clerk of the New South Wales Legislative Assembly, for his most illuminating article on "The New South Wales Guillotine," which introduces a new principle of particular interest. Political feeling has often run high in the Parliament of this State, which always makes straining demands upon Parliamentary Procedure.

Several other articles were promised for this issue, but it is hoped that forthcoming Parliamentary Recesses will enable the kind contributors to carry out their desire in time for the next issue of the JOURNAL.

The gratitude of the Editor is also due to all those members of the Society in the position of "Clerk of the House" for supplying him with the information in reply to the *Questionnaire Schedule* of the 28th July, 1934, for this Volume. The Editor is also grateful for the latest amendments to the Standing Orders of the several Parliaments, together with any alterations in the Constitution and any laws having special bearing upon Parliament, all of which have been most religiously sent in. The care with which all this information has been prepared has considerably lightened the work of the Editor.

Lighting Failure.—On the 19th December, 1933, the light-

ing of the House of Commons failed from 10.2 to 10.15 p.m., and interrupted a Member whilst speaking. Upon another Member expressing a desire to move "That candles be brought in," Mr. Deputy-Speaker said that on a previous occasion the House was suspended until the light returned, and desired to ascertain the wishes of Members as to continuance of debate or suspension of the sitting for a time. A Member asked what would be done about the official reporter and the official record.

The writer recalls, when Clerk of the House in the enlarged Transvaal Legislative Council under Crown Colony Government, having always had a set of candles in candlesticks in reserve in an adjoining room to the Chamber. On one occasion only were they brought into use during the continuance of an important debate, which was not interrupted for more than two minutes.

Lord Great Chamberlain. — *The History of the Great Chamberlainship of England*, by Captain G. J. Townsend, M.B.E., of the Lord Great Chamberlain's Office (Forster Groom. 5s.). The author, in his pioneer research into historical records dealing with this subject, has afforded an interesting insight, not only into the history of one of the Great Offices of State, but into the constitutional history of England. This office is quite distinct from that of Lord Chamberlain, who is in charge of the Royal Household and also licenser and examiner of plays. The office of Lord Great Chamberlain is vested by inheritance in the three noble families of Cholmondeley, Ancaster, and Lincolnshire, who take it in turns to officiate in different reigns. It has been filled, Captain Townsend tells us in a series of most interesting biographies, by many distinguished characters in history, who have often been closely associated with the King in his rule over his people. In olden times it carried with it many pleasant and interesting perquisites. To-day the Lord Great Chamberlain has the government of the Palace[1] of Westminster (*i.e.*, the Houses of Parliament), especially that portion of it belonging to the House of Lords, and both the Gentleman and Yeoman Ushers of the Black Rod, as well as the Doorkeepers, etc., are in his command. He also discharges special functions in connection with the Coronation, the introduction of peers, and with other matters. We are told that the office can also descend through the female line, in which event a male deputy is appointed by the daughter or daughters, usually the husband (if not below the rank of

[1] It has not been used as a Royal Residence for over 400 years.

knight), to discharge the duties of the office. The present holder, Viscount Lewisham (eldest son of the Earl of Dartmouth, and therefore without a seat in the House of Lords), is such a deputy, being the husband of Lady Ruperta, third daughter of the Marquess of Lincolnshire. The first to hold the office, the author informs us, was " Robert " Malet, son of William Malet by Hesilia, his wife, great-granddaughter of Richard, first Duke of Normandy. William accompanied the Conqueror on his invasion of England and fought at the Battle of Hastings, where he was entrusted with the duty of burying Harold, the last of the Saxon Kings. The book, which has been carefully prepared and its statements amply supported by authorities, is full worth its modest sale price, and therefore might well have been complimented with a better cover.

Parliamentary Catering at Westminster.—A special report[1] 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 1935 in respect of the calendar year 1934. 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.

The total receipts from sales amounted to £28,290 17s. 5d., as against £26,933 1s. 11d. in 1933, and the total expenditure for 1934 £28,858 18s. 9d., showing a deficit of £568 1s. 4d. on the year as compared with a deficit of £351 8s. 8d. for 1933, after, in both instances, providing free meals during the Session to all Staff and defraying the expenditure of £9,719 4s. 4d. on wages, salaries, health and pension insurance; £500 14s. 11d. on expenses, laundry, postage, etc.; and £552 18s. 3d. on repairs and renewals. Purchases amounted to £18,086 1s. 3d. as against £17,244 7s. 4d. for 1933.

During the year 1934 the House sat in Session 158 days in comparison with 134 in the previous year, and the number of meals served (including teas and meals served at Bars) was: Breakfasts nil; Luncheons 19,321; Dinners 37,032; Teas 80,010; Suppers 622; and Bar meals 9,297.

The Committee point out that, although there is an increase in revenue, it is not proportionate to the greater number of days the House was in Session; taking the receipts at last year's average of £201 per day, the increase should be £4,824, whereas it was actually only £1,357 15s. 6d.

After providing for all liabilities the amount standing to the

[1] 57.

credit of Capital Account in the Balance Sheet, represented by Stock-on-hand, Cash-in-hand, and at Bank, and Sundry Creditors, is £5,057 6s.

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

1st June, 1935.

II. THE NEW SOUTH WALES GUILLOTINE

BY

W. R. McCOURT

Clerk of the Legislative Assembly.

THE concluding paragraphs of a most interesting article in the first issue of the JOURNAL, respecting the closure in the Commons, by G. F. M. Campion, C.B., Clerk-Assistant of the House of Commons, which touched mainly upon the question of obstruction, have prompted me to offer readers of our publication some detail as to the practice in regard to the closure and guillotine as it is known in this State of the Commonwealth of Australia.

In this Parliament—the oldest in the Southern Hemisphere, and therefore with a wealth of precedent—the procedure of Westminster has always been closely followed. With the demand for modernization, however, we have in latter years departed somewhat from " the deep-trod footmarks of ancient custom," and in regard to closure and guillotine have in some respects broken new ground.

It is undoubtedly an axiom in relation to Parliament the world over that a Government must be in absolute control of the elected House, in control not only of business done and votes taken, but also of the time occupied in the transaction of business. When, therefore, the obstructive and " stonewall " tactics, mentioned by Mr. Campion, grew to such an extent that it became a choice between sitting until complete exhaustion set in, or adopting some method of terminating debate, the latter expedient was adopted and the Closure, S.O. No. 175, became part of the Code. The Standing Order reads as follows:

CLOSURE—RIGHT OF REPLY.

175. At any time during the proceedings of the House, or during the proceedings of a Committee of the Whole, and whether any Member is addressing the Chair or not, any Member may move, without notice or debate, " That the Question be now put "; and such Motion shall then be put without debate, but shall not be decided in the affirmative unless no division is called for or by a vote of at least thirty Members in favour thereof, and if such Motion be carried, the Speaker or Chairman of Committees, as the case may be, shall forthwith put the Question to the vote: Provided that, whenever it is decided that any Question shall be put, the mover of the matter pending shall be permitted to speak

in reply (where any reply is allowed) for thirty minutes, except as provided in Rule 49 C.,[1] before the Question be put.

It is, as will be seen, a simple closure, requiring at least one-third of the number of Members of the House to vote in its favour before it may operate. It differs, however, from that in operation in the Commons, there being no discretionary power given to the Chair to refuse the motion if it appear that the motion is an abuse of the rules of the House, or an infringement of the rights of the minority. The Speaker or Chairman must put the question if moved. The motion may be moved even though a Member be speaking.

In the early stages of its existence, this simple closure had a salutary effect upon debate; it was rarely used, but acted, by suggestion, as a "sword of Damocles" upon the loquacity of Members. Gradually its more frequent use, coupled with a ruling, which was later incorporated in the Standing Orders, to the effect that the carrying of the closure motion only affected the last question submitted, lost to the sword much of its sharpness.

In order to make the control of the business of the House by the Government more effective, S.O. No. 175B was agreed to in 1925. In contradistinction to the closure, the operation of this Standing Order is known as "the guillotine."

The Standing Order reads as follows:

CLOSURE—ALLOCATION OF TIME FOR DISCUSSION.

175B. Whenever the Premier, or a Minister acting on his behalf, shall have intimated verbally to the House, and in writing to the Speaker, the Chairman of Committees, and the Party Leaders, on any sitting day, the determination of the Ministry to deal with any particular business up to a certain stage at a specified time at the next or a subsequent sitting, the carrying of the Question "That the Question be now put" at the time so specified, or later at the same sitting, shall be deemed to be an instruction to the Speaker or the Chairman of Committees to put to the vote every Question necessary to give effect to such determination without permitting further debate or amendment. A Member may be interrupted in his speech by the motion "That the Question be now put."

Provided that after the carrying of the Closure, the Speaker, or, in Committee, the Chairman of Committees,

[1] 49 C. On the question being proposed "That this House do now adjourn," the Mover and the Minister first speaking to the question shall not exceed 30 minutes, and any other Member, or the Mover in reply, shall not exceed 15 minutes, and every Member shall confine himself to the one subject in respect to which the Motion has been made.

> shall also put to the vote any amendments proposed by a Minister, which amendments shall have been printed or typewritten and circulated at least two hours before the expiration of the allotted time.
>
> Standing Order 175 shall not apply to any proceedings in respect of which time has been allotted in pursuance of this Standing Order.

Many advantages have been claimed for this Standing Order, which is used when dealing with contentious legislation, chief of which advantages is the fact that the House is not taken by surprise, verbal and written notice being necessary on the day prior to that upon which the guillotine is to operate, and Members are given due warning of the Government's intentions to move the guillotine. Members know definitely the hour at which the guillotine is due to fall, and have an opportunity of dividing the available time between them. Party leaders are encouraged to select as speakers men with the widest knowledge of the subject under review, and, as the Government has complete control of the business and the time expended thereon, it is contended that it is able to arrange the methodical consideration of its proposals. The words in the Standing Order, " or later at the same sitting," allow the Government, should it be considered that it is advisable that the debate should continue, to delay the action of the guillotine, if need be, after the time given in the notice.

The Guillotine Notice, if given, generally covers the Committee stage of a Bill, the other stages being dealt with, if necessary, by ordinary closure. It is customary for the Government, when drafting a Guillotine Notice, to have regard to the construction of a Bill, to its division into parts, and to the co-relation of its clauses, so that a different time may be allocated to cover the clauses of the Bill dealing with a distinct aspect of the subject covered by the Bill; the underlying idea being that the Committee will rapidly pass unimportant clauses with a view to taking advantage of the time allotted for the discussion of the important clauses.

Shortly after the inception of this practice the then Chairman of Committees ruled that, following the instruction of the Standing Order, he would, after the motion for the guillotine had been agreed to, put to the vote as one question all the remaining printed amendments, and then as one question all the remaining clauses covered by the Guillotine Notice. Motion of dissent from this ruling was negatived, and it has therefore become the practice of the House.

The operation of the Standing Order restricts the opportunities of the private Member, about whose activities in the Canadian House of Commons Mr. Arthur Beauchesne wrote such an instructive article in Volume II of the JOURNAL.[1] It will readily be seen that, after the guillotine is applied, the private Member of the House, irrespective of the Party to which he belongs, is precluded from even moving an amendment in a clause which happens to be one of the remaining clauses in a group which is put to the Committee *in globo*. He is not protected by giving written or typewritten notice of an amendment, because after the carrying of the guillotine only amendments proposed by a Minister, and which have been previously circulated, are put to the vote, and he is therefore compelled, if a Guillotine Notice on the measure is anticipated, to convince the Minister at the second reading stage that such amendment is desirable.

Undoubtedly, the guillotine has been a success in so far as the speeding-up of business is concerned, and its use has decreased the number of sittings of inordinate length.

[1] Vol. II, p. 30.

III. PRECEDENTS AND UNUSUAL POINTS OF PROCEDURE IN THE UNION HOUSE OF ASSEMBLY DURING THE 1934 SESSION

BY

D. H. VISSER, J.P.

Clerk of the House of Assembly.

THE following points of procedure occurred during the 1934 Session:

Postponement of Orders on Stages of Bills.—The usual method of postponing an Order for the stage of a Bill is for a Member to move before the Order is reached that it be discharged and set down for a future date. On the 1st February, however, after the Order for the second reading of the Mines and Works Amendment Bill had been read it was found that the Minister in charge of the Bill was unavoidably absent and another Minister formally moved the second reading. The debate was then adjourned, but when it was resumed on the following day the acting Speaker pointed out that the effect of this procedure was that only the Minister who had actually moved the second reading had the right of reply. By indulgence of the House the Minister in charge of the Bill was, however, allowed to address the House as though he were moving the second reading and was also allowed to reply.[1]

Subsequently, on the 22nd March, after the Order for the second reading of the Reformatories Amendment Bill had been read it was found that the Minister in charge of the Bill was absent. On this occasion, however, the House adopted the practice of the House of Commons, and another Minister, instead of moving "That the Bill be *now* read a Second Time," moved "That the Bill be read a Second Time *tomorrow*." When the postponed Order was reached the Minister in charge moved in the usual way that "The Bill be now read a Second Time.[2]

Select Committees Empowered to Confer and Bring up Joint Report.—The procedure adopted in 1933 to enable the Select Committees on Public Accounts and on Railways and Harbours to confer on certain questions which affected both Committees was again resorted to. The Committees brought up a joint report, but owing to the advanced stage of the session it was not considered.[3]

[1] VOTES, 1934, pp. 63, 73. [2] *Ib.*, p. 377.
[3] *Ib.*, pp. 178, 199, 533.

Voting on Questions to which Amendments have been Moved.—Twice during the 1934 Session motions have dropped owing to being left in an incomplete form after amendments had been disposed of. This is apparently due to the fact that Members do not sufficiently appreciate that, although they vote for an amendment, they are at liberty to vote against the whole question when it is finally put from the Chair in its amended form. May, 11th ed., pp. 291-292, deals fully with a similar misunderstanding which sometimes arises in the House of Commons.[1]

Public Bill Regulating Public Profession.—Early in the session a Member submitted the draft of a proposed Public Bill dealing with the profession of accountancy. It was pointed out, however, that it contained provisions which sought to establish an Institute of Accountants dealing with their own interests and property. On the 2nd March, Mr. Speaker decided that if these provisions were to be included the Bill would have to be introduced as a private measure. The provisions were then omitted and the Bill in its restricted form was introduced as a Public Bill, namely, the Accountants Bill.[2]

Amendments to Preamble of Private and Hybrid Bills Before and After Proof.—It is necessary to allow a select committee to make material alterations to a preamble after as well as before proof. This practice was commenced in connection with the Sundays River Irrigation District Adjustments (Hybrid) Bill, formal leave being obtained from the House before the report was brought up. Incidentally the form "That the preamble has been proved" was used instead of the old form "That the preamble stand part of the Bill."[3]

Members "Direct Pecuniary Interest."—In an important ruling given in the 28th March, Mr. Speaker stated for the guidance of the House that in his opinion a Member's interest is only *direct* when a measure or question before the House is actually (not possibly) to confer a personal pecuniary advantage or diminish a personal pecuniary loss; and that Members are at liberty to vote on measures imposing pecuniary disadvantages upon them. On Private Bills, he added, the rule was more strictly enforced.[4]

Select Committee given Leave to Rescind Resolutions.—On the 4th May, the House granted the Select Committee on the subject of the Workmen's Compensation Bill leave to rescind certain resolutions. Ordinarily under the practice

[1] *Ib.*, pp. 219, 363.
[2] *Ib.*, p. 276.
[3] S.C., 4, 1934, pp. vi, xviii, xix.
[4] VOTES, 1934, p. 402.

of the House the Committee could have rescinded the resolutions with the unanimous consent of all the Members of the Committee, but in this instance two Members of the Committee were absent from Cape Town.[1]

Entrenched Sections of the Constitution.—Doubts which were raised in 1931 as to whether the Statute of Westminster would enable the Union Parliament to amend entrenched sections of the South Africa Act by an ordinary majority instead of by a two-thirds majority at a Joint Sitting were again raised in connection with the introduction of a Bill to " adopt and enact " the South Africa Act. Mr. Speaker, however, in a considered ruling stated that he had come to the conclusion that " the Statute of Westminster does not in any way derogate from the entrenched sections of the South Africa Act, and that the position will not be changed by the passing of the Status Bill[2] or the Constitution Bill."[3]

Control of Taxation by House of Assembly.—On the 23rd April, the Minister of Finance gave notice of a motion to go into Committee of Ways and Means on a proposal to enable the Governor-General by proclamation in the *Gazette* to impose new or additional duties without any limitation on goods imported from countries discriminating against the commerce of the Union. In drawing attention to this proposal, Mr. Speaker said that while not prepared to say that the proposal was irregular, he should point out that it was an unwritten law of Parliament that taxation should be fixed and determined by the House itself. On the 4th May, the Acting Minister of Finance, in giving notice to limit the proposed tax and the period of operation, said he did so in deference to the Speaker's ruling, and that the Government fully appreciated the principles Mr. Speaker had laid down.[4]

Select Committee on Pensions: Recommendation Involving Charge on Quasi Private Fund.—The Second Report of the Select Committee on Pensions contained a recommendation extending to a petitioner benefits from the Railways and Harbours Sick Fund from which he was precluded by the regulations governing this Fund. As this marked a distinct departure from the practice hitherto followed by the Committee, of confining its awards to recommendations which involve payments out of general revenue (*i.e.*, the Consolidated Revenue or the Railway and Harbour Funds) or which affect payments from statutory pension funds, Mr. Speaker drew the attention

[1] *Ib.*, pp. 558, 559.
[2] *See also* EDITORIAL.
[3] VOTES, 1934, p. 506.
[4] *Ib.*, p. 533.

of the House to the fact that the Sick Fund was one financed and controlled largely by the servants of the Railways Administration, and left it to the House to consider whether the adoption of this recommendation would not create an undesirable precedent. On consideration of the Report the recommendation was referred back to the Committee for further consideration.[1]

Discovery of Error in Bill Passed by both Houses.—On the 29th May a message was received from the Senate transmitting the Liquor Amendment Bill for certificate. Before communicating the message to the House of Assembly, Mr. Speaker's attention was directed to a drafting error which had been made in an amendment moved in Committee of the Whole House. Mr. Speaker accordingly reported the error to the House under S.O. 198, and it was then dealt with as any other amendment.[2]

" Finance Bill."—During the 1930 Session, and again during the 1931-32 Session, the Treasury suggested the adoption of the House of Commons practice of combining all taxation and financial proposals (excluding the Appropriation Bill) in one measure, to be called the " Finance Bill," and the discontinuance of the Financial Adjustments (*i.e.*, the " Omnibus ") Bill. On being informed that Mr. Speaker was prepared to recommend this suggestion to the Standing Rules and Orders Committee, provided that matters not directly arising out of the Government's financial policy for the year were excluded from the proposed " Finance Bill," the Treasury did not press the suggestion. During the 1933 Session, however, the Treasury was informed that in view of the strong opposition which had been expressed in the House to the form of the Financial Adjustments Bill, he would take the first opportunity of submitting the matter to the Standing Rules and Orders Committee during the 1934 Session. The Treasury, however, stated that for the present they would prefer to continue the existing practice of introducing separate taxation measures, but undertook to confine the usual " Financial Adjustments Bill " to matters directly affecting the Consolidated Revenue Fund. In accordance with this undertaking provisions which were previously included in the " Financial Adjustments Bill " were introduced as separate measures and the remainder were included in a " Finance Bill " which corresponds with the " Miscellaneous " Chapter of the English Finance Bill.

Informal Opposition to Private Bill.—The Pretoria Waterworks Further (Private) Bill was an unopposed Private Bill promoted by the City Council of Pretoria. At the first

[1] VOTES, 1934, pp. 604, 742. [2] *Ib.*, pp. 754, 783.

meeting of the select committee on the Bill the counsel for the promoters stated that a member of the City Council had come to Cape Town to represent the views of a section of the City Council which were opposed to the Bill, and that if the Committee desired to call this representative as a witness the promoters would raise no objection. The Chairman, however, pointed out that select committees on Private Bills are not appointed with power to call witnesses, and that as there was no petition in opposition to the Bill only witnesses called by the promoters could be heard. Subsequently the Chairman felt it incumbent upon him to point out to the Committee that in deciding whether the preamble had been proved the Committee sat in a semi-judicial capacity, and that in weighing the evidence they should divorce from their minds all information or rumours from outside sources.[1]

Informal Opposition to Hybrid Bill.—When the proceedings on the Sundays River Irrigation District Adjustments Bill were resumed the parliamentary agent for the sole opponent stated that he had been given to understand that another client of his could be heard in opposition without presenting a petition in opposition or paying the prescribed fee. The parliamentary agent for the promoter, however, stated that he could not recognise such opposition, and the Chairman pointed out, as no petition had been presented by the client referred to in terms of the Order of the House setting up the Committee, the client could not be heard as an opponent.

On the same day another parliamentary agent applied for leave to be given to a client of his to appear before the Committee. As no petition had been presented the Chairman disallowed the application, and in doing so gave a considered ruling on the necessity for observing the rules, orders and practice of the House in regard to opposition to private and hybrid Bills.[2]

Application for Refund of Fee for Opposition to Hybrid Bill.—Formal application was made to the select committee on the Sundays River Irrigation District Adjustments Bill by the opponent for a refund of the fee of £20 deposited under the provisions of S.O. 39 (Private Bills). The Committee, however, was informed by the promoter of the Bill that the amount of compensation paid by the Government to the opponent included all expenses to which he was subjected in defending his rights, and the application was not recommended.[3]

[1] S.C. 5, 1934, pp. viii, xii, xiii.
[2] S.C. 4, 1934, pp. x-xii.
[3] S.C. 4, 1935, pp. v, xviii-xix, and Appendix.

Effect of Prorogation of Parliament.—In addition to the matters on the Order paper which dropped owing to prorogation, certain proposed Statutes of the University of Cape Town which were laid upon the Table on the 8th May dropped as they had not been upon the Table for the statutory period of 30 days as required by sect. 20 of Act No. 14 of 1916.

IV.—THE SPEAKER'S SEAT

BY THE EDITOR

CONTINUITY in the office of Speaker is almost as important a factor in the working of the Parliamentary machine at Westminster to-day as continuity in the Kingship is in its relation to the operation of the British Constitution.

Ever since 1802 the principle of re-electing the Speaker to the Chair at Westminster, no matter what his particular political connection may have been when he left his seat on the green benches, and irrespective of the political party in power when subsequent re-elections took place, has been one long and scarcely unbroken[1] record of re-election until either his death or retirement severed his connection with the office. A list is given at the end of this article in support of this statement.

It is remarkable, also, how faithfully has been followed the unwritten practice of not opposing the Speaker in his constituency during his tenure of office.[2]

Great and important developments have taken place in the history of the procedure of the House of Commons during the last and present century. More and more responsibility has been placed in the hands of the Speaker, and the position has been raised in the estimation of the House, not only by the masterly manner in which every holder of the office has carried out his duties, but by the unquestioned impartiality with which these onerous duties have been performed.

It is usually not until an M.P. has sat in the House for many years that he is considered as a candidate for elevation to the Chair, and even then it has generally been preceded by a steady progress through the various subordinate offices in which a special knowledge of Parliamentary procedure is required, sometimes including that of Chairman of Committees of Ways and Means in the House, carrying with it the duties and responsibilities of Deputy-Speaker. It is significant, too, how often the House in making its selection has shown preference for a Member who has not been too ardent in his political activities.

The practice of continuity in office and the non-opposition

[1] Speaker Sutton lost his re-election to the Chair in 1835 by 10 votes on account of the part he took—but not in the House—in the political counsels of his party.

[2] During the period 1802 to date, the only instance of opposition to the Speaker in his constituency was that of Speaker Gully a few months after his first election as Speaker.

of the Speaker in his constituency, which has been followed at Westminster with such remarkable success for now well over a hundred years, is one which may well commend itself to the Parliaments of the Dominions, where, as their procedure develops, the responsibilities and duties of the Speaker are demanding more and more the necessity, for all concerned, both for the party in power and the party in opposition, of having a tried, trusty and thoroughly experienced Member in the position of Parliamentary *judex*.

In the smaller Oversea Parliaments, where procedure is in its early stages, pressure of business low and membership small, it is perhaps not so difficult for a new Member to discharge the duties of the office of Speaker, but such practice demands greater reliance to be placed by him upon the Clerk of the House than the dignity of the office should permit. No matter how much such a Speaker may be posted up by the chief permanent official of the House throughout the morning of each sitting day, and no matter how the Clerk may anticipate every possibility that might arise during the course of the sitting, instances must surely arise when the Speaker will have to consult the Clerk in the House, a proceeding which cannot be too rare if the authority of the Chair is to be maintained.

Unfortunately, however, although Oversea Parliaments continue to strive after the British model, the demand for which grows stronger year by year, the general practice in such Parliaments has been to change the Speaker with the political party in power. In operation, non-continuity in the office of Speaker in Oversea Parliaments has not been a success. It has sometimes resulted in that officer displaying partiality towards the party to which he owes his election to the Chair and even in exercising his casting vote, not in the orthodox manner of keeping the question open, but in favour of the party which nominated him, which neither adds to the dignity of the Chair nor contributes towards the protection of the rights of minorities in the House. Happily, however, these cases and narrow Government majorities are not the rule.

Under the Transvaal Constitution of 6th December, 1906[1] (and also that of the adjoining Orange River Colony of 5th June, 1907),[2] with the object of obviating political complexion in the Speakership, provision was made (sections XIX and XXI respectively) rendering the seat of a Member vacant upon his election as Speaker, which consequently necessitated special

[1] Came into operation 12th January, 1907.
[2] Came into operation 1st July, 1907.

legislative steps being taken to re-furnish him with the rights of a Member of the House.

The Section in both Constitutions reads as follows:

Speaker of Legislative Assembly.

(1) The Legislative Assembly shall, on their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be Speaker of the said Assembly (subject to confirmation by the Governor) until the dissolution thereof, and in case of vacancy in the office another Speaker shall be elected in like manner and subject to such confirmation as aforesaid.

(2) The seat of a Member elected to be Speaker shall thereupon become vacant and a fresh election shall forthwith be held to fill the vacancy, and the Speaker shall not be a Member of the Legislative Assembly while he is Speaker.

The First Parliament under both ("Responsible Government") Constitutions was superseded by the advent of that of the dominion of the Union of South Africa, so that a general election never took place; but General Beyers, the exemplary Transvaal Speaker, often expressed to the writer his disapproval of this system, which, he said, made an ignominious difference in his status from that of the Members over whom he was appointed to preside, and, also, that upon an appeal to the country the Speaker would be left running round like a hen to find only nests upon which birds were already sitting. This very fact may well tend to make the Speaker more subjective to the political party to whom he owes his nomination, in order that a new seat may be found for him at a general election, for it would be associating the office too closely with politics for the Speaker to be nursing a new constituency for the next general election while still occupying the Chair.

Many years ago the writer's opinion was solicited from another part of the Empire, where a suggestion had been made to introduce a similar system, and it is remembered how unanimous in disapproval of the Transvaal system were the specially qualified South African M.P.s with whom counsel was taken before the discouraging reply was sent. The actual operation of this system did not encourage the South African National Convention to adopt it when framing the new Dominion Constitution in 1908, nor has it ever been mooted during the 24 years since.

Under the Constitution (1923) of Southern Rhodesia, which at present is unicameral, there is a provision[1] by which the

[1] Sect. 11. (2).

House may, if it so chooses, elect a non-Member as Speaker; and they have been fortunate in securing a man of great integrity, who was re-elected to that office. Upon his recent unwillingness to stand again for election, however, a Member of the House was elected to the Chair.

In order to maintain the principle of continuity in office of the Speaker, and yet not virtually disfranchise[1] the Speaker's constituency, it has been suggested that it might automatically, upon his first election to the Chair, become a two-membered one, and the second Member be elected after a political contest politically to represent the constituency in Parliament. For the purpose of the Speaker returning to his constituency for re-election as M.P., the constituency could then revert to a single-membered one, his election, under a " gentleman's agreement," being unopposed, and upon his re-election to the Chair a fresh and political election then take place for the second Member. There would, however, be a difficulty in applying this practice to a constituency represented by more than one Member.

Another suggestion might be for an informal and self-appointed unofficial committee, consisting of the Prime Minister and the Leader of the Opposition, to represent the Speaker's constituency in Parliament and also to ensure against any political activity by any party in the Speaker's constituency, whether at or between general elections, during the time the Speaker is its representative.

Parliamentary practice at Westminster, and indeed in the Dominion Parliaments also, is increasing the powers of the Speaker and continuing to add to his responsibilities. The question of effecting a complete divorcement of the Chair from governments and politics, and also ensuring continuity in office of Speaker, is therefore becoming a more and more vital one and deserving of the greatest attention in all the Parliaments of the Empire. There is no doubt that the English practice, which has been carried out with scarcely an exception for more than a hundred years, is a thoroughly sound and uncontestable one, for it leaves the Speaker, when once elected as such, unopposed in his constituency, and still clothes him, in every respect, with the same membership-status as the other Members of the House over whom he is appointed to preside.

[1] Although the specially created territories in which both Washington and Canberra are situate are permanently disfranchised under the respective Constitutions.

legislative steps being taken to re-furnish him with the rights of a Member of the House.

The Section in both Constitutions reads as follows:

Speaker of Legislative Assembly.

(1) The Legislative Assembly shall, on their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be Speaker of the said Assembly (subject to confirmation by the Governor) until the dissolution thereof, and in case of vacancy in the office another Speaker shall be elected in like manner and subject to such confirmation as aforesaid.

(2) The seat of a Member elected to be Speaker shall thereupon become vacant and a fresh election shall forthwith be held to fill the vacancy, and the Speaker shall not be a Member of the Legislative Assembly while he is Speaker.

The First Parliament under both ("Responsible Government") Constitutions was superseded by the advent of that of the dominion of the Union of South Africa, so that a general election never took place; but General Beyers, the exemplary Transvaal Speaker, often expressed to the writer his disapproval of this system, which, he said, made an ignominious difference in his status from that of the Members over whom he was appointed to preside, and, also, that upon an appeal to the country the Speaker would be left running round like a hen to find only nests upon which birds were already sitting. This very fact may well tend to make the Speaker more subjective to the political party to whom he owes his nomination, in order that a new seat may be found for him at a general election, for it would be associating the office too closely with politics for the Speaker to be nursing a new constituency for the next general election while still occupying the Chair.

Many years ago the writer's opinion was solicited from another part of the Empire, where a suggestion had been made to introduce a similar system, and it is remembered how unanimous in disapproval of the Transvaal system were the specially qualified South African M.P.s with whom counsel was taken before the discouraging reply was sent. The actual operation of this system did not encourage the South African National Convention to adopt it when framing the new Dominion Constitution in 1908, nor has it ever been mooted during the 24 years since.

Under the Constitution (1923) of Southern Rhodesia, which at present is unicameral, there is a provision[1] by which the

[1] Sect. H. (2).

House may, if it so chooses, elect a non-Member as Speaker; and they have been fortunate in securing a man of great integrity, who was re-elected to that office. Upon his recent unwillingness to stand again for election, however, a Member of the House was elected to the Chair.

In order to maintain the principle of continuity in office of the Speaker, and yet not virtually disfranchise[1] the Speaker's constituency, it has been suggested that it might automatically, upon his first election to the Chair, become a two-membered one, and the second Member be elected after a political contest politically to represent the constituency in Parliament. For the purpose of the Speaker returning to his constituency for re-election as M.P., the constituency could then revert to a single-membered one, his election, under a " gentleman's agreement," being unopposed, and upon his re-election to the Chair a fresh and political election then take place for the second Member. There would, however, be a difficulty in applying this practice to a constituency represented by more than one Member.

Another suggestion might be for an informal and self-appointed unofficial committee, consisting of the Prime Minister and the Leader of the Opposition, to represent the Speaker's constituency in Parliament and also to ensure against any political activity by any party in the Speaker's constituency, whether at or between general elections, during the time the Speaker is its representative.

Parliamentary practice at Westminster, and indeed in the Dominion Parliaments also, is increasing the powers of the Speaker and continuing to add to his responsibilities. The question of effecting a complete divorcement of the Chair from governments and politics, and also ensuring continuity in office of Speaker, is therefore becoming a more and more vital one and deserving of the greatest attention in all the Parliaments of the Empire. There is no doubt that the English practice, which has been carried out with scarcely an exception for more than a hundred years, is a thoroughly sound and uncontestable one, for it leaves the Speaker, when once elected as such, unopposed in his constituency, and still clothes him, in every respect, with the same membership-status as the other Members of the House over whom he is appointed to preside.

[1] Although the specially created territories in which both Washington and Canberra are situate are permanently disfranchised under the respective Constitutions.

In the Oversea Parliaments there is undoubtedly a growing desire for the independence of judgment and action in the Speakership (the Union of South Africa Lower House has quite recently re-elected a former Speaker to the Chair), secured by his unopposed return in representation of a constituency on the same footing as other M.P.s, and his consequent re-election to the Chair in each succeeding Parliament, no matter what party may have originally appointed him Speaker. This practice is unquestionably in the best interests of all political parties as well as of Parliament as a whole. At Westminster it has resulted in the establishment of a wealth of sound precedent of infinite value and usefulness, not only to the House of Commons but to all the Oversea Parliaments, which so often turn to the parent Parliament for guidance.

SPEAKERS OF THE HOUSE OF COMMONS, 1802-1934

Date.	*Name.*	*Constituency.*	*Date of Election to Chair.*
1802	Abbot	(Helston)	Feb. 10.
• 1802	Abbot	(*again*)	Nov. 16.
• 1806	Abbot	(*again*)	Dec. 15.
1807	Abbot	(*again*)	June 22.
• 1812	Abbot	(*again*)	Nov. 24.
1817	Sutton	(Scarborough)	June 2.
• 1819	Sutton	(*again*)	Jan. 15.
• 1820	Sutton	(*again*)	April 22.
• 1826	Sutton	(*again*)	Nov. 15.
• 1830	Sutton	(*again*)	Oct. 26.
• 1831	Sutton	(*again*)	June 11.
• 1833	Sutton	(Camb. Univ.)	Jan. 29.
• 1835	Abercromby	(Edin. City)	Feb. 19.
• 1837	Abercromby	(*again*)	Nov. 15.
1839	Lefevre	(Hants. N.)	May 27.
• 1841	Lefevre	(*again*)	Aug. 19.
• 1847	Lefevre	(*again*)	Nov. 18.
• 1852	Lefevre	(*again*)	Nov. 4.
• 1857	Denison	(Notts. N.)	April 30.
• 1859	Denison	(*again*)	May 31.
• 1866	Denison	(*again*)	Feb. 1.
• 1868	Denison	(*again*)	Dec. 10.
1872	Brand	(Camb.)	Feb. 9.
• 1874	Brand	(*again*)	March 5.
• 1880	Brand	(*again*)	April 29.
1884	Peel	(Warwick)	Feb. 26.
• 1886	Peel	(Warwick and Leamington)	Jan. 21. ? 1885
• 1886	Peel	(*again*)	Aug. 5.
• 1892	Peel	(*again*)	Aug. 4.
1895	Gully	(Carlisle)	April 10.
• 1895	Gully	(*again*)	Aug. 12.
• 1900	Gully	(*again*)	Dec. 3.
1905	Lowther	(Penrith)	June 8.
• 1906	Lowther	(*again*)	Feb. 13.
• 1910	Lowther	(*again*)	Feb. 15.
• 1911	Lowther	(*again*)	Jan. 31.
• 1919	Lowther	(*again*)	Feb. 4.
1921	Whitley	(Halifax)	April 27.
• 1922	Whitley	(*again*)	Nov. 20.
• 1924	Whitley	(*again*)	Dec. 2.
1928	FitzRoy	(Daventry)	June 20.
• 1929	FitzRoy	(*again*)	June 25.
• 1931	FitzRoy	(*again*)	Nov. 3.

• New Parliaments following a general election. The Parliaments respectively summoned after the deaths of Queen Victoria in 1901 and King Edward in 1909 were new, without another general election having taken place.

V. CONFERENCES

COMPILED BY THE EDITOR

Westminster.

THE practice of conferences, both ordinary and free, between Members appointed Managers by both Houses of Parliament has practically fallen into desuetude; the other forms of intercameral communication between the two Houses, namely, by message, joint committee, and by select committees of both Houses communicating with one another, being more commonly used. The subjects upon which conferences may be demanded by either House, together with the practice and procedure thereon, will be found in May.[1] If conferences are rare, free conferences are rarer still, for until 1836 no free conference had been held since 1740, nor has there been any subsequent example.

Canadian Dominion Parliament.

In this Parliament the practice is that a system of conferences[2] is resorted to whenever there is a disagreement between the two Houses with respect to amendments of Bills. Either House may by message ask for a conference. If the House receiving the message is of opinion that a conference is advisable, the reply will be by way of a message, and in that message the names of those who are to be members of the conference, and the hour and place of meeting, will be given.

In most instances those conferences agree upon some plan for submission to their respective Houses. In general practice one or two leading Members from each House meet privately and, after a discussion of the question in dispute, decide upon some plan for submission to the conference. Occasionally conferences do not agree, and in that event the leaders report to their respective Houses accordingly. If either House continues to insist upon disagreement the legislation fails. They usually come to an understanding.

Canadian Provincial Parliaments.

Quebec.—The only bicameral Legislature in the Canadian Provinces is that of Quebec. The Standing Orders of the Legislative Council[3] provide that none are to speak at a conference with the Lower House but those of the Committee. The

[1] 13th ed.
[2] *See* Bourinot, 3rd ed., 397 *et seq.*, and Beauchesne's *Manual*, 2nd ed.
[3] No. 83.

Assembly, however, makes elaborate provision therefor in their Rules.[1] It is not known, however, whether there have been instances of this practice.

Australian Federal Parliament.

The system of conferences is provided for under the Standing Orders[2] of both Houses of the Federal Parliament, and the only instances, so far, have been in connection with the proceedings on Bills—*e.g.*, (1) The Commonwealth Conciliation and Arbitration Bill, 1930, the result of which was that some of the Senate's amendments were agreed to, and others not agreed to or modified. The Report of the conference was adopted by both Houses and the Bill amended in accordance therewith;[3] (2) the Northern Territory (Administration) Bill, 1931, when certain Senate's amendments were not agreed to, but others were made by the Representatives in other proposed clauses of the Bill. In this case the Senate refused to agree to the recommendations of the conference and insisted on its amendments, which were incorporated in the Bill as finally passed.[4] In each of the instances the conference resulted in a compromise on the subjects under dispute between the two Houses.

Australian State Parliaments.

New South Wales.—The free conference is still in practice in this Parliament, though its use is infrequent; it is, however, one of the recognized steps laid down and in use leading up to an agreement between the two Houses.

The most notable case of recent years was the free conference between Managers from both Houses during the Session of 1926-27 on the Industrial Arbitration (Living Wage Declaration) Bill. At the time of that conference there was also in dispute a Family Endowment Bill, and, as the two Bills hinged one upon the other, the consideration of the question of Family Endowment was referred as an instruction to the Assembly Managers at the conference on the Industrial Arbitration (Living Wage Declaration) Bill. The free conference was successful in that agreement was reached and both Bills were passed.

South Australia.—Conferences between the two Houses have been very frequent (from 2 to 6 each Session). In almost every

[1] 647-660.
[2] Senate S.O. 228, 338-350; Representatives S.O. 196, 379-391.
[3] Senate J. 1929-31, p. 175; Rep. Votes, 1929-30.
[4] *Ib.*, 1929-31, pp. 270 *et seq.*; Rep. Votes, 1930-31.

case the points of disagreement have been satisfactorily settled by consequential mutual concessions.

Tasmania.—The free conference is the only form of conference used by the Tasmanian Parliament. Joint Standing Orders were agreed to by both Houses in 1908 for regulating the appointment and procedure of free conferences.[1] Under S.O. 289 of the Council, "the managers on the part of both Houses having met at the time and place appointed, shall confer freely with one another upon the Bill, motion, resolution, or other matter before the conference, and endeavour to reconcile all differences or effect a compromise between the Houses in regard to any such Bill or other matter as aforesaid, so that if possible an agreement between the Houses may be brought about."

Free conferences are of frequent occurrence in the Parliament of this State, and in many instances have resulted in effecting a compromise between the two Houses.

The following will serve as examples:

In the Session of 1921-22 the Council made a number of amendments to a Public Works Execution Bill, reducing a number of items in the Schedule and striking out others; the Assembly disagreed to some of these amendments, the Council insisted on its amendments, and a free conference was requested by the Assembly and agreed to. The conference recommended a compromise which was agreed to by both Houses.

In the Session 1924-25 the Council amended a Closer Settlement Bill by striking out provisions dealing with the disposal of profits and losses in connection with the fund established under the main Act. The Assembly disagreed to the amendments of the Council, the Council insisted on its amendments, and a free conference was requested by the Assembly and agreed to, which conference recommended that the Council should not insist on its amendments, and this recommendation was subsequently accepted by the Council.

In the Shops Bill, 1925, the Council made certain amendments, all of which were agreed to by the Assembly or not insisted on by the Council with the exception of an amendment to a clause defining small shops and regulating the conditions under which shops would be registered. This clause, as it was in the Bill which came from the Assembly, provided that only one assistant would be registered for a small shop. The Council amended the clause to provide for two assistants, to

[1] *See* Council S.O. 283-291.

which amendment the Assembly disagreed, the Council insisted on its amendment, giving reasons, and the Assembly requested a free conference, which was agreed to by the Council. The conference recommended that the Council's amendment be agreed to, with the further amendment providing that one of such assistants should not be over the age of 18 years. This recommendation was agreed to by both Houses.

In Session II of 1927 the Council made a number of amendments to the Officers of Parliament Salaries Bill in the direction of reducing the salaries of certain officers set out in the Schedule. The Assembly disagreed to these amendments, which were insisted on by the Council. A free conference was requested by the Assembly and agreed to by the Council, and the conference recommended a compromise which was agreed to by both Houses.

Victoria.—Differences between the two Houses are often settled by conferences. In Session 1929 the Council suggested several amendments reducing the rates of Income Tax contained in the Income Tax Bill as passed by the Assembly and sent to the Council. The Assembly refused to make the suggested amendments and a free conference was held. The conference discussed not only the Income Tax Bill but the points of difference between the two Houses regarding the means for raising additional revenue, together with every alternative proposition. As a result, agreement was reached on the Income Tax Bill as well as in regard to other methods of raising revenue, and Bills to give effect to the agreement were transmitted to and passed by the Legislative Council.

In Session 1930 a free conference was held on the subject-matter of the amendments suggested by the Council in the following Bills:

Special and Other Appropriations Reduction Bill.
Public Service Payments Reduction Bill.
Unemployment Relief Amendment Bill.

At this conference agreement was reached in regard to the three Bills referred to. On the other hand, in Session 1931 a free conference which was held on the subject-matter of amendments suggested by the Council in the Unemployment Relief Amendment Bill was unable to arrive at an agreement.

Western Australia.—The only conferences authorized under the Standing Orders are " free " conferences. Conference came into general use in this Parliament in 1913, and it has become customary to refer almost every Bill, on which there is a

dispute, to a conference. Since that date at least one conference is held every session. Many occasions have arisen of the Council "engineering" for a conference—that is, insisting on amendments to such an extent that the Assembly has been forced, in order to save the Bill in dispute, to ask for a conference. On one occasion a conference, on the Industrial Arbitration Act, lasted for eighteen hours, due to the managers of the Council sitting tight on amendments "insisted upon" by their House. That House has also forced the hands of the Assembly to agree to a conference on a Bill that they had no power to amend, but on that occasion, though the Assembly agreed to a conference, it limited the powers of its managers to hearing arguments. The usual procedure is that the managers' report is adopted, although objection has been taken to this course, and it has been claimed that the message should be re-committed and the amendments put separately.

Conferences have saved Bills, but have increased the powers of the Council.

New Zealand Parliament.

Conferences between the two Houses are quite common usually in connection with amendments made to Bills. A reference to Standing Orders[1] will show the procedure. Almost every session conferences take place over some point in a Bill, and usually a compromise is effected, though sometimes, if no agreement is reached, the Bill has been abandoned. Differences are not so frequent now on Government measures. It is frequently found more convenient, if some amendment is necessary, that it should be introduced by way of an amendment from the Governor-General under the Constitution Act, the Bill being returned for that purpose after having been assented to by both Houses. This is necessary if the amendment involves expenditure of public moneys.

Union of South Africa Parliament.

The Standing Orders[2] of the Union Senate provide that "Communication with the House of Assembly may be by message, joint sitting as provided for in section *sixty-three* of the South Africa Act, 1909, *by conference*, or by Sessional or Select Committee having power to confer with a similar committee of the House of Assembly or as a joint committee."

Apart from "Joint Sittings,"[3] as provided for in the Constitu-

[1] Co. 285-292; Rep. 414 *et seq.* [2] No. 179.
[3] *See* JOURNAL, Vol. I, p. 25. *Assembly*. Standing Orders 134 *et seq.* deal with this subject.

tion, no conference between the two Houses as a whole has yet been held. Sessional committees which deal with "House" and "Internal arrangements" matters have power to confer, and do confer, almost every session. A joint sessional committee controls the catering arrangements of the two Houses. Intercameral differences in regard to the interpretation of section 60 (money bills) of the South Africa Act, 1909, have resulted in authority being granted to the sessional committees of the two Houses on Standing Orders to confer on the broad principle of closer co-operation between the two Houses on Bills falling under the provisions of the above-mentioned section. It is anticipated that such conferring will take place during the ensuing Session. A joint select committee on the question of the representation of natives and coloured persons in Parliament and Provincial Councils, and of the acquisition of land by natives, has met in recent sessions. In 1925 a joint committee was appointed on the use of Afrikaans instead of Nederlands in Parliamentary documents.

A Speaker's Conference.—In 1920 the Prime Minister announced in both Houses the appointment of a "Speaker's Conference" on the future constitution of the Senate, to consist of Mr. Speaker and twenty members from both Houses of Parliament. The Conference duly met and submitted its recommendations.

Irish Free State Parliament.

Provision is made by Standing Order,[1] but no conference has been arranged between the Seanad and the Dáil.

South Rhodesia Parliament.

Although there is provision in the Constitution[2] for a Second Chamber none has yet been created.

India Central Legislature.

Rule 40 of the Indian Legislative Rules provides that "If both Chambers agree to a meeting of Members for the purpose of discussing a difference of opinion which has arisen between the two Chambers, a conference shall be held," and that at such conference each Chamber will be represented by an equal number of Members. No occasion has, however, arisen so far for such a conference between the Council of State and the Legislative Assembly.

[1] Seanad S.O. 105; Dáil 121. [2] Letter Patent, 1923, sections 1 and 2.

VI. DISPUTED ELECTION RETURNS

COMPILED BY THE EDITOR

Westminster.

Before 1770, controverted elections were tried and determined by the whole House of Commons, as mere party questions, upon which the strength of contending factions might be tested.[1] Later, the House transferred its privilege to tribunals constituted by law, though composed of its own Members, until, in 1868, the jurisdiction of the House in the trial of controverted elections was transferred by statute to the courts of law. Under the laws[2] dealing with this subject such cases are confided to two judges selected from the King's Bench, the Court of Sessions or the High Court of Northern Ireland, as regards England, Scotland and the last-mentioned part of the United Kingdom, respectively. Petitions are presented to those courts within the prescribed period. The House has no knowledge of these proceedings until their termination, when the judges certify their determination in writing to the Speaker, which is final to all intents and purposes. All certificates and reports from the judges are communicated to the House by the Speaker and are treated like the reports of election committees under the former system. They are entered in the journals, and orders are made for carrying the determination of the judges into execution. Under the procedure in force before the Act of 1868,[2] when returns were questioned by petition, the matter was determined by the statutory tribunal; otherwise the House uniformly exercised its constitutional jurisdiction. This continues to be the position of the House, although the judicature of its election committees has been transferred to the judges.

Canadian Dominion Parliament.

The Senate is life-nominated. The decision of disputes about elections for the Commons is governed by the Dominion Controverted Elections Act, under which all cases of disputed returns are referred to the High Courts of the different provinces, two judges of which hold trials in the ordinary way. These judges determine whether the Member was elected or the election void and they forward their report to the Speaker;

[1] May, 13th ed., pp. 641 *et seq.*

[2] Parliamentary Elections Act, 1868; Parliamentary Elections and Corrupt Practices Act, 1879; Supreme Court of Judicature Act, 1881; and the Election Commissioners Act, 1852.

they also make a report as to any matter arising in the course of the trial which ought, in their opinion, to be submitted to the House of Commons. The reports are laid upon the Table of the House by the Speaker.

Canadian Provincial Parliaments.

In the Quebec Legislative Assembly (by S.O. 44) and in that of Ontario (by S.O. 114 [*a*]) and Saskatchewan (by S.O. 63) it is provided that in the case of double returns, the House determines who shall have the seat. Standing Order 115 of the Legislative Assembly of Ontario provides that in the event of anyone being returned thereto by bribery, etc., the House "will proceed with the utmost severity against all persons wilfully concerned therein." In the Provinces of New Brunswick, British Columbia and Saskatchewan the practice in regard to disputed election returns is the same as that of the Canadian Commons.

Australian Federal Parliament.

The Senate under S.O. 38 provides for the appointment of a Standing Committee to be called "The Committee of Disputed Returns and Qualifications," to inquire into and report upon all questions as to the qualification of a Senator chosen or appointed in accordance with section 15 of the Constitution or as to the validity of such choice or appointment, and as to the vacation of his seat by any Senator. Section 15 of the Constitution also relates to casual vacancies.

A Committee of Disputed Returns and Qualifications has accordingly been appointed at the commencement of each Session. It has, however, functioned on two occasions only—1901 and 1907. In 1901 the Committee considered a petition against the election of a certain Senator for the State of Western Australia. After several weeks of deliberations, and having taken evidence and heard counsel on both sides, the Committee reported to the Senate that one-half of the Committee held one opinion, while the other half held a contrary opinion. When the Report was considered by the Senate a motion was carried to the following effect—"That the Petition against the return of . . . be not further entertained."

In 1907 the Committee considered a petition against the choice by the Houses of the Parliament of South Australia of a certain Senator for that State. After deliberating for several weeks the Committee reported to the Senate. After considerable debate the Senate passed the following motion—"That in

the opinion of the Senate, as the question involved in the petition of . . . against the choice of . . . as a Senator for the State of South Australia is a difficult point of constitutional law which any decision of the Senate will not finally settle, it is a proper one to refer to the High Court; and that the Government be requested to introduce legislation for this purpose at the earliest opportunity."

As a result, the Commonwealth Electoral Act, which already contained provisions for a Court of Disputed Returns, was amended in 1907 to provide that the choice of a Senator under section 15 of the Constitution shall be deemed to be an election within the meaning of section 183 of the Electoral Act dealing with Disputed Returns.

Since then the Committee of Disputed Returns and Qualifications has not met, although it is appointed each Session and there are Standing Orders of the Senate[1] providing that any question against the choice or appointment of a Senator which cannot, under the provisions of the Commonwealth Electoral Act, be brought before the Court of Disputed Returns, may be brought before the Senate by Petition, which Petition (after certain conditions have been complied with) shall be referred to the Committee of Disputed Returns and Qualifications.

It may therefore be said that the matter of disputed election returns has been handed over almost entirely to the Courts.

Under the Commonwealth of Australia Constitution Act, section 47, and the Commonwealth Electoral Act, 1918-34, sections 183-208, the House of Representatives has no authority in cases of disputed election returns. The validity of any election or return can be disputed only by petition addressed to the Court of Disputed Returns. The High Court of Australia is the Court of Disputed Returns, and it has jurisdiction to try the petition or to refer it for trial to the Supreme Court of the State in which the election was held or the return made. Jurisdiction may be exercised by a single Justice or Judge.

The Court of Disputed Returns has, *inter alia*, power: (*a*) to declare that any person who was returned as elected was not duly elected; (*b*) to declare any candidate duly elected who was not returned as elected; and (*c*) to declare any election absolutely void.

The Court must sit as an open Court and be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities. All decisions of the Court are final and conclusive and without appeal, and cannot be questioned in any way.

[1] Nos. 324-327.

Australian State Parliaments.

New South Wales.—Before 1928, election disputes were dealt with by a committee known as the " Committee of Elections and Qualifications," to whom were referred by the House all petitions received against the return of Members in cases of dissatisfaction.

By the passing of the Parliamentary Electorates and Elections Act, No. 55 of 1928, however, the hearing of such disputes was vested in the Supreme Court sitting as a " Court of Disputed Returns." The nature of the Court, its powers, functions, etc., are set out in Part VI of the Act.

No case of a disputed election has yet come before the Court, although, prior to 1928, hearings before the Committee of Elections and Qualifications were fairly common.

Queensland.—Under the Elections Acts, 1915-30, Part VIII, sections 101-138, disputed election returns are dealt with by an Elections Tribunal, which is constituted by a Judge of the Supreme Court sitting alone. This Tribunal was empowered to inquire into election petitions and all questions referred to it by the Assembly in regard to the validity of an election, whether relating to error in return by Returning Officer or to bribery or corruption; or into the qualification or disqualification of any person returned as a Member.

An election petition from an elector or a candidate complaining of the undue election or return of a Member must be presented to the Supreme Court of Queensland within eight weeks after return of writ, to be accompanied with deposit of £200, which will be applied towards costs, or returned to petitioner as the Judge directs.

Petition to be published and served on sitting Member.

Proceedings of Tribunal to be public and case conducted in same manner as civil action in the Supreme Court.

At conclusion of the trial the Judge certifies the determination of the case to the Speaker, and also forwards a copy of evidence.

Provision is made for an appeal to the full Court.

The Assembly on being informed of the Judge's determination takes necessary action.

If upon trial the Judge reports that the candidate is personally guilty of corrupt practices, he is to be declared incapable of being elected to the Assembly for a period of three years, and his election is to be declared void.

South Australia.—The question of the validity of any return of Members to serve in the House of Assembly, whether the

validity is disputed out of an alleged error in the return of the Returning Officer, or out of the allegation of bribery or corruption against any person concerned in any election, or out of any other allegation calculated to affect the validity of the return, is referred by the House to a Court, which is known as "The Court of Disputed Returns."[1] It consists of four Members of the House chosen by ballot on the first day of the first session after a general election of Members, together with the Junior or Sole Acting Judge of the Supreme Court, as President. Vacancies in such Court, from whatever cause arising, must be filled by the House within one week. If the House fail to elect or to fill any such vacancies within the time specified, the duty devolves upon the Speaker. Such vacancies may be caused by death, resignation, refusal to act, or loss of seat.

The Court is convened only by order of the House, and the following declaration is subscribed by each Member:

> "I, ——, being a Member of the Court of Disputed Returns, do solemnly promise that I will, to the best of my ability, do justice in all matters brought before this Court."

The Court has power to inquire into such cases as are brought before it by the House relating to disputed returns, and also *re* the failure of candidates to file certain returns. The Court is guided by the substantial merits and good conscience of each case, and is not bound by the strict legal rules of practice or evidence. It may compel attendance of witnesses and the production of documents, and may punish any contempt of its authority by fine or imprisonment and, in addition, can examine upon oath. The Court is an open Court and may adjourn. The decision is without appeal, and it is attended by one of the officers of the House, who records the proceedings, which are laid before the House. The inquiry by the Court, so far as rolls and voting are concerned, assumes the electoral roll and the nomination to be correct, and is limited to the identity of voters and the propriety of the admission or rejection of their votes.

Complaint of undue return is made by petition only. No petition can be noticed, or any proceedings had thereon, unless it has first been presented to the House or left with the Clerk and is signed by a candidate at the election, or by a person who was qualified to vote at the election, the petitioner's

[1] 20 Geo. V, No. 1929.

signature being attested by two witnesses whose occupations and addresses are stated, nor unless a sum of £50 has been lodged with the Clerk of the House as security for costs.

A petition must be thus presented or left within twenty-eight days from the declaration of the poll, and must be referred by the House to the Court within ten days after being received, if the House is then in session, but otherwise within ten days after the commencement of the next meeting of the House.

The Court may:

(i.) Unseat the sitting Member whose return is challenged, declaring that he was not duly elected;
(ii.) Declare a candidate who was not returned to have been duly elected; or
(iii.) Declare the election void.

In the case of (1) the seat of the ousted Member is thereby vacated, and (2) the candidate declared to be elected takes the vacant seat, (3) a writ is issued for a new election.

The Court may award costs at discretion. The Speaker, by order under his hand, directs the whole deposit, or so much thereof as suffices, to be paid to the party entitled to costs. If the costs exceed the deposit they are recoverable under an order of the President of the Court, as if such order were a judgment of the Supreme Court. If the deposit is more than sufficient to meet the costs the balance is repaid to the petitioner.

In respect of returns of electoral expenditure required from candidates, the Court has power to exonerate a candidate from liability where he has either failed to make the return or has made a faulty one. The process by which the Court is set in action is by petition to the Court through the House. Numerous cases occurred up to 1899, and there were instances in 1921, 1927, and 1933. Judgments are recorded in the Votes and Proceedings of the House.

Tasmania.—Disputed election returns in this State are dealt with under the Electoral Act, 1907 (7 Ed. VII, No. 6), by petition to the Supreme Court, the registrar of which forwards a copy of the petition to the Clerk of that House affected by the petition, and also, after trial of the petition, a copy of the Order of Court.

Victoria. *Legislative Council.*—A Bill to constitute the Supreme Court of Victoria as a " Court of Disputed Returns," to determine all questions relating to disputed election returns for the Legislative Council and the Legislative Assembly of Victoria, was introduced last Session, but the Legislative

Council amended the Bill by striking out the provisions applying to the Legislative Council, and the Bill as passed into law applies to the Legislative Assembly only.

The position, therefore, is that the Legislative Council retains the exclusive power which it has always possessed to deal with all questions of the validity of Legislative Council elections or returns.

The procedure adopted is to refer such questions to the Elections and Qualifications Committee, which is provided for in sections 349 to 366 of The Constitution Act Amendment Act, 1928. Several cases have been dealt with in recent years.

Legislative Assembly.—Under the above-mentioned Bill, which became Act No. 4278, assented to on the 16th October, 1934, it is provided that the Supreme Court shall be the Court of Disputed Returns, and that the validity of any election or return may be disputed by petition addressed thereto:

> "All decisions of the Court shall be final and conclusive and without appeal, and shall not be questioned in any way.
>
> Any question respecting the qualification of a Member of or respecting a vacancy in the Assembly may be referred by resolution of the Assembly to the Court of Disputed Returns and the Court of Disputed Returns shall thereupon have jurisdiction to hear and determine the question."

Prior to the passing of this Act election petitions and returns were dealt with by the Elections and Qualifications Committee of the Assembly. This Committee does not now exist so far as the Assembly is concerned.

Western Australia.—The subject of disputed election returns has been handed over entirely to the Court of Disputed Returns, a Judge of the Supreme Court. Sections 155 to 171 of "The Electoral Act, 1907," provides the machinery for hearing cases of disputed returns. The Court has power to (*a*) declare that any person who was returned as elected was not duly elected; (*b*) declare any candidate duly elected who was not returned as elected; (*c*) declare any election absolutely void; (*d*) dismiss or uphold any petition, in whole or in part; (*e*) award costs; (*f*) punish any contempt of its authority by fine or imprisonment.

New Zealand Parliament.

Legislative Council.—The Upper House is term-nominated.

House of Representatives.—This House does not exercise any authority in cases of disputed election returns. The matter is governed by the Electoral Act, 1927, Part 5. Proceedings

are by way of petition, and an Election Court of two Judges is constituted. The report of the Court is to the Speaker of the House.

Union of South Africa Parliament.

The Senate consists of 40 members, 32 of whom are elected according P.R. with the single transferable vote, under Regulations authorized by section 25 of the Constitution. The electorate consists of the Members of the Union Lower House and the Council of each of the four Provinces of the Union respectively, sitting together as an electoral college. Number 18 (2) and (3) of the Regulations issued under the said section provide that:

> (2) If either of the assessors is for any reason dissatisfied with the conduct of the election, he shall report his opinion with the reasons therefor in writing to the Governor-General who may, if he considers it necessary, order a recount to be made, in which case the returning officer shall act accordingly.
>
> (3) The returning officer shall transmit to the Minister of the Interior separate sealed packets containing the nomination papers, the used ballot papers, and the counterfoils, which shall be retained for a year and then be destroyed. The packets of used ballot papers and counterfoils shall not be opened except under an order of the Supreme Court.

In the absence of any special provision therefor, disputed election petitions would no doubt have to be dealt with by the Senate itself, but no instance has yet arisen.

House of Assembly.—In regard to disputed elections the Supreme Court has sole jurisdiction under the Electoral Act, No. 12 of 1918, as amended by Act No. 11 of 1926. In the event of an election being upset a certificate to that effect is forwarded to the Speaker together with a verbatim report of the evidence taken at the hearing.

Union Provincial Councils.

The Acts mentioned above govern also disputed elections for the four Provincial Councils.

South West Africa.

In terms of paragraph 61 of the Schedule to the South West Africa Constitution Act, 1925, the trial of election petitions (referred to in paragraph 50 of the Schedule) takes place before

the High Court, which for that purpose shall consist of the Judge thereof and two Magistrates elected by him.

Irish Free State Parliament.

The Senate exercises no authority in regard to disputed election returns. This matter is governed by Section 14 (1) of the Seanad Electoral Act, 1928 (No. 29 of 1928), whereby these questions are left to the Courts. The law on the subject is contained in this section, which implements the Parliamentary Elections Act, 1868. See also Section 59 of the Electoral Act, 1923 (No. 12 of 1923), and Section 23 of the Courts of Justice Act, 1924 (No. 10 of 1924). Actually there has never been a disputed election. The chances of a dispute are reduced to a minimum by a system of proportional representation.

Southern Rhodesia.

The High Court of the Colony has sole jurisdiction with reference to election petitions. If the Court determines that some other person has been elected, it certifies both to the Governor, for the purpose of a fresh declaration, and to the Speaker of the Legislative Assembly. Should a seat be declared vacant the Court certifies its determination to the Speaker, who, if satisfied that no appeal is being prosecuted against such determination, or that such appeal has failed, notifies the Governor of such vacancy for the purpose of a fresh election. Disputed election returns are governed by the Electoral Act (No. 23 of 1928).

Indian Central Legislature.

Neither House has any jurisdiction in the matter. Election petitions are required by the Electoral Rules to be heard by three Commissioners appointed by the Governor-General from among persons who are or have been or are eligible to be appointed Judges of a High Court.

Indian Provincial Legislatures.

The Legislative Councils of the Indian Provinces cannot exercise any authority in cases of " Disputed Elections Returns." Such cases are decided by a Special Tribunal appointed by the Governor, and consists of three Commissioners who are or have been or are eligible to be appointed Judges of the High Court, and one of the Commissioners is appointed as President of the Tribunal. The Commissioners inquire into the election petition

in accordance with the procedure applicable under the Code of Civil Procedure. At the conclusion of the inquiry the Commissioners have to report whether the returned candidate, or any other party to the petition who has claimed the seat, has been duly elected.

The report has further to include a recommendation by the Commissioners as to the total amount of costs which are payable and the persons by and to whom such costs should be paid. The report is forwarded by the Commissioner to the Governor, who on receipt thereof issues orders in accordance with the report, and the orders of the Governor are final.

Ceylon.

Petitions in dispute of election returns must be presented to the Supreme Court within the time prescribed by section 81 of the Ceylon (State Council Elections) Order-in-Council, 1931, and such cases are tried by the Chief Justice of the Supreme Court or by a Judge of that Court nominated by him. The report of the Judge is made to the Governor and published in the *Government Gazette*. Section 82 (4) of the Order-in-Council provides that if any matter of procedure or practice on an election petition arises which is not provided for by the Order, or the rules thereunder, the procedure or practice followed in England in the same matter shall apply, so far as it is not inconsistent with such Orders, etc., and " is suitable for application to the Island."

British Guiana.

Article 39 of the British Guiana (Constitution) Order in Council, 1928, provides the practice for the settlement of disputed election returns on a petition of complaint which is tried and determined in the Supreme Court.

VII. " STRANGERS "

COMPILED BY THE EDITOR

Westminster.

WITHIN the meaning of the word as interpreted in the working of Houses of Parliament under the British model, " Strangers " includes all those present in a Legislative Chamber who are neither Members nor officers thereof. Each House exercises considerable power over the presence of " Strangers " in the Parliamentary precincts. The Serjeant-at-Arms may take into custody " Strangers " who introduce themselves into the House or otherwise misconduct themselves, in virtue of the general orders of the House[1] and without any specific instructions.

The House of Lords attach and commit persons by Order without any warrant. The Order is signed by the Clerk of the Parliaments, and is the authority under which the officers of the House and others execute their duty.[2]

May, which is to be referred[3] to for all further information on this subject in regard to the practice at Westminster, says: By the ancient custom of Parliament and by Orders of both Houses, " Strangers " are supposed not to be admitted while the Houses are sitting. " Strangers," however, are regularly admitted below the Bar and in the Galleries of the Lords; but the Standing Order[4] may at any time be enforced.

The practice in the Commons since 1924 is given in the *Commons Manual*,[5] but there have been no instances of the ordering of the withdrawal of " Strangers " from the Commons since the occasions, during the Great War, when the House sat in secret session, of which May[6] gives also the particulars of the Order in Council subsequently issued, making a Regulation under the Defence of the Realm Consolidation Act, 1914, forbidding the publication of any report of the proceedings at a Secret Session, except such as are officially issued.

The Standing Orders of most of the Oversea Houses of Parliament require the Presiding Member, whenever any Member takes notice that " Strangers " are present, forthwith to put the question, " That strangers be ordered to withdraw," without permitting any amendment or debate, but the Presiding Member may, whenever he thinks fit, order the withdrawal of Strangers from any part of the House. It is therefore not proposed to quote such Standing Orders throughout this

[1] May, 13th ed., p. 80.
[2] *Ib.*, p. 81.
[3] *Ib.*, pp. 202-206, 359, 475, 782.
[4] No. 80.
[5] 1934 ed., pp. 89, 97, 249-251.
[6] 13th ed., p. 205, *n.*

article, but to confine it to the type of instances when the withdrawal of " Strangers " has been carried out.

Canadian Dominion Parliament.

No occasion has yet arisen, either in the Senate or the Commons, when " Strangers " have been ordered out.

Canadian Provincial Parliaments.

The Standing Orders[1] of the Legislative Assembly of Ontario need the support of five Members to require the House to be cleared of " Strangers." No information has been given as to any instances having occurred in Canada requiring the withdrawal of " Strangers " from the House.

Australian Federal Parliament.

No instances have occurred in the Senate, but in the House of Representatives on the 14th July, 1920,[2] a disturbance occurred in the Galleries, and Mr. Speaker ordered the withdrawal of " Strangers " from certain parts of the Chamber.

Australian State Parliaments.

New South Wales.—The question of " Strangers," their admission to the House, both to the rooms set apart for them and to the Lobbies and Galleries, is a live one in this Parliament, and one with which it has not been found easy to deal. The admission of " Strangers " to the Galleries is controlled, in the customary manner, by the Serjeant-at-Arms, at Mr. Speaker's direction, but owing to the intense public interest evinced by the public in political matters from time to time, the Serjeant has often great difficulty in allotting the seating accommodation.

Mr. W. R. McCourt, the Clerk of the Legislative Assembly, has transmitted an opinion obtained in 1894 by their Mr. Speaker Abbott as to the power of the House or the Chair to deal with " Strangers," which is given below, as of special interest.

Mr. McCourt also remarks that the most salutary action has no doubt been that of the Speaker or Chairman of Committees ordering, on his own initiative, the removal of " Strangers." This has been done on many occasions, and in some cases the Gallery has been closed for a period, notably in 1905 and 1927, in the latter case the " Ladies' " Gallery being the one affected.

[1] No. 7.

[2] VOTES, 1920-21, p. 205.

The Standing Orders,[1] however, provide that the Parliamentary Reporting Staff shall not be deemed to be " Strangers " unless Mr. Speaker or the Chairman of Committees shall so direct.

PUNISHMENT OF STRANGERS FOR CONTEMPT.

(COUNSEL'S OPINION ON THE VALIDITY OF THE 107TH STANDING ORDER RESPECTING.)

Ordered by the Legislative Assembly to be printed, 30th January, 1894.

CASE.

THE 35th section of the Constitution Act of New South Wales gives power to the Legislative Assembly to " prepare and adopt such Standing Rules and Orders as shall appear to the said Assembly best adapted for the orderly conduct of such Council and Assembly respectively." In pursuance of that provision, the Legislative Assembly, on the 15th March, 1870, adopted *inter alia* the following Standing Order:—

> " Any person, not being a Member, who wilfully or vexatiously shall interrupt the orderly conduct of the business of the House, or obstruct the approaches of the House, or occasion a disturbance within the precincts of the House, shall be, by the warrant of the Speaker, committed to the custody of the Serjeant-at-Arms, and shall, by the Serjeant-at-Arms, be detained in custody until discharged by an order of the House."

The validity of this order is doubted, because it enables the Speaker to cause a stranger, for the reasons therein stated, to be arrested by his warrant, and to be detained in custody until discharged by an order of this House. This practically enables both the Speaker to take into custody, and the House to imprison, a person who is not one of its members. The arrest may be for any of the following reasons:—

1. For interrupting the conduct of the business of the House.
2. For obstructing the approaches to the House.
3. For creating a disturbance within the precincts of the House.

In asking Counsel to advise whether such a Standing Order as that referred to, No. 107, is valid, attention is directed to the case of Taylor *v.* Barton, in which judgment was delivered by the Privy Council on the 6th March, 1886. In that case their Lordships referred to the cases of Keilly *v.* Carson, 4 Moore, P.C. 63, and Doyle *v.* Falconer, 1 L.R., P.C. 329. In the case of Keilly *v.* Carson and others the House arrested a stranger for a contempt of its

[1] No. 60.

privileges, claiming an inherent right to do so, and not under the provisions of any Standing Order, and the questions raised before the Privy Council were three:—

1. Whether the House had power to commit for a breach of privilege as incident to the House as a legislative body.
2. Was the power rightly exercised in this case?
3. Were the pleas a justification?

Upon the argument it was submitted that if the power did exist it could only be exercised by the House against its own Members, and not against strangers, for alleged contempt committed out of doors. In this case their Lordships say, " The question, therefore, whether the House could commit by way of punishment for a contempt, in the face of it, does not arise in this case." But their Lordships say that " The House of Assembly did not possess the power of arrest with a view to adjudication of a complaint committed out of its doors." Of course the judgment in this case rests upon the question of what powers are inherent to a Colonial Legislature, and not what powers are conferred upon it by statute. The case of Fenton *v.* Hampton, 2 Moore's Reports, 347, endorses the judgment in Keilly *v.* Carson. This was in 1858, and again in 1862, Boyle *v.* Falconer, Moore's Reports, N.S., page 203, supports the other cases. The question now submitted:—

1. Is the 107th Standing Order of the Legislative Assembly in accordance with the powers conferred upon that body by the 35th section of the Constitution Act?
2. Has the Legislative Assembly power to make the Standing Order so far as it relates " to the interruption of the orderly conduct of the business of the House "? and if bad in other respects, is it good to that extent?
3. Counsel will please advise generally and fully.

COPE AND KING,
Solicitors, Castlereagh-street, Sydney.

Ex parte The Speaker of the Legislative Assembly.

JOINT OPINION.

We are of opinion that the question of the validity of the Standing Order, about which we are consulted, is really decided by the judgments in the cases before the Privy Council of Keilly and Carson, 4 Moore, P.C. 63; and Doyle and Falconer, J.R., 1 P.C. 392. In these cases the Privy Council held that a Colonial Legislature has an inherent power to remove any obstruction offered to the deliberations or proper action of a legislative body during its sitting. Any Member therefore guilty of disorderly conduct in the House whilst sitting may be removed, excluded for a time,

or possibly in an extreme case even expelled. This power is deemed to be inherent in every House of Colonial Legislature, being necessary for its self-preservation, and it may be exercised whether the obstruction comes from a Member or from a stranger. But these authorities point out the difference which exists between exercising such a power and inflicting punishment upon the offender. There is no power to inflict punishment inherent in a Colonial Legislature. It can only be conferred by an express enactment. *A fortiori* there is no power to punish in respect of contempts or misconduct committed beyond the walls of the Legislative Chamber. The Standing Order in question, in providing that an offender may be committed to the custody of the Sergeant-at-Arms, and detained in custody until discharged by an order of the House, obviously aims at punishing the offence by an imprisonment, the duration of which depends upon the pleasure of the House. The authorities we have mentioned are sufficient to show that this Standing Order is *ultra vires* unless it is legalized (that is authorized) by some statute. We have considered the 35th section of the Constitution Act, which authorizes the preparing and adapting of such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the Council and Assembly respectively. We are of opinion that this section is intended to regulate the mode of transacting the business of Parliament and the conduct of its Members, and that it cannot be extended so as to include the case of strangers, who may be guilty of obstructing or interrupting the business of the House, or of such other misconduct as is mentioned in the order. We think this view is apparent from reading the whole of the section, as it deals only with the mode in which the business of the Council and the Assembly is to be conducted.

In our opinion, therefore, the Assembly can only authorize the removal of a stranger who creates a disturbance in the House, and neither the Speaker nor the Assembly can legally interfere with his liberty longer than may be necessary for that purpose. Should the power of dealing with offenders by imprisonment be considered necessary or desirable, it can only be conferred by statute.

JULIAN E. SALOMONS.
CECIL B. STEPHEN.

CHAMBERS, *27th November*, 1893.

Queensland.—Only one instance of the ordering of the withdrawal of " Strangers " has occurred in Queensland, namely, in January, 1872, when the Galleries and Lobbies were cleared, and the proceedings for half-an-hour were conducted with closed doors. The Press next day purported to contain an account of what was supposed to have happened during that time.

South Australia.

The order for the withdrawal of " Strangers " has been exercised in the House of Assembly with advantage during the discussion of certain Bills—*i.e.*, Contagious Diseases and Social Purity.[1]

In 1927, while the House was in Committee of the whole, 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 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 fifteen 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.

The principal difficulty encountered is that of shutting out numbers of genuinely interested persons.

Tasmania.—No instance.

Victoria.—In the Legislative Council there have been no instances in recent years when the withdrawal of " Strangers " from the House has been ordered, and in the Legislative Assembly only three cases in the last twenty years.

Western Australia.—The only instance of the " ordering " of the withdrawal of " Strangers " from the Assembly occurred in 1903.

New Zealand Parliament.

It is long since the power of ordering the exclusion of " Strangers " has been exercised and the tendency is to encourage publicity, proposals even being made for broadcasting. There has been a change, too, in the attitude towards what were considered indelicate subjects. There is much more frankness to-day as regards both sexes. The provisions might usefully be employed if a secret session on some occasion of national importance were desired.

[1] Assem. Hans., 1883, p. 1018 *et seq.*

On 1st June, 1888, before proceeding to debate the Contagious Diseases Repeal Bill, a Member, in the interests of common decency, moved the motion and it was carried. This involved the exclusion of *Hansard* Reporters. Again, in July, 1888, the motion was carried. The order for excluding does not apply to the Ladies' Gallery. In 1906, on a Quackery Prevention Bill, a Member raised the question of the non-presence of ladies. The Speaker informed the House that being told by a Member introducing the Bill that he wished to speak freely, he had directed that ladies be informed that it was undesirable they should be present. No order of exclusion was, however, made.

Union of South Africa Parliament.

Only on three occasions in the Union Assembly has resort been made to the powers granted under the Standing Orders in regard to the ordering of the withdrawal of " Strangers," but on none of these occasions did Mr. Speaker avail himself of the right to order withdrawal of such " Strangers," electing the alternative of putting the question, " That ' Strangers ' be ordered to withdraw," and leaving it to the House to decide. On each occasion the question was negatived. The circumstances are as follows:

(1) On the 16th March, 1922, on the motion for the Second Reading of the Girls and Mentally Defective Women's Protection Act, 1916, Amendment Bill, a Member took notice in terms of the Standing Orders[1] " That ' Strangers ' were present in the public galleries." Mr. Speaker thereupon put the question, " That ' Strangers,' excluding the occupants of the Press Gallery, be ordered to withdraw." Owing to the form in which notice was taken and the question put, Mr. Speaker's ruling was asked as to whether it was competent to discriminate between the occupants of the Press Gallery and " Strangers " in the public galleries. Mr. Speaker stated that as Standing Order No. 256 had been interpreted in practice as empowering the presiding Member to order " Strangers " to withdraw from any part of the House, and as he was not prepared, in that instance, to take the responsibility of ordering Strangers in the public galleries to withdraw, he considered that the presiding Member was justified under S.O. No. 258 in putting the question in the form adopted. The question was then put and negatived without division.

(2) The second occasion was on the 6th April, 1922, when

[1] No. 258.

the House was in Committee on the above Bill. The same Member took notice " that Strangers were present in the public galleries," and the Chairman put the question in the same form employed by the Speaker on the previous occasion, which was negatived on a division.

(3) The third occasion was on the 3rd March, 1926, on the Order being read for the Second Reading of the Immorality Bill. Notice of the presence of " Strangers " was taken and the question put in similar terms as above. The question was negatived without a division.

Union Provincial Councils.

Only one instance of ordering the withdrawal of " Strangers " from the sittings of any of the Provincial Councils has been reported, namely, in that of Natal, where, in the course of a debate on an unsavoury subject, a Member, observing ladies in the Gallery, drew attention to the presence of " Strangers," and the Chief Messenger was instructed to ask them to withdraw during the remainder of the debate.

Irish Free State Parliament.

Only one instance is reported.

Indian Central Legislature.

Although not dealing actually with the ordering of " Strangers " to withdraw from the House, the *Hansard* of the Legislative Assembly[1] affords an interesting illustration of the President upholding the " Privileges of Parliament " in his insistence upon discharging his duties in the protection of the Assembly Chamber and its precincts.

Indian Provincial Legislatures.

In the Legislative Council of Madras, when, during the discussion of a motion of no-confidence in the Ministers, there were cries of " Shame, shame," from " Strangers " in the Visitors' Gallery, Mr. President ordered the Gallery to be cleared. Again, during the discussion of a motion disapproving of the appointment of the Indian Statutory Commission, there was loud cheering by some occupants of the President's Gallery, upon which Mr. President ordered that the gentlemen who applauded should retire at once, and as no one responded the President ordered the entire Gallery to be cleared.

[1] ~~27th Nov., 1933.~~ Vol. I, 1930, pp. 1, 750, 844. 25th Jan., 1928.

VIII. THE SEATING OF MEMBERS

COMPILED BY THE EDITOR

MANY enquiries have been received from members of the Society about the practice in the Oversea Parliaments as to the systems followed in regard to the seats occupied by M.P.s in the Legislative Chamber.

Westminster.—Members of the House of Lords number 770, but only a small fraction of that number regularly attend the House. In the House of Commons, however, there is not seating accommodation for anything like the total number of 615. In neither House are desks provided, as is generally the case in the Oversea Parliaments. To retain a seat in the Commons during a sitting, a Member must obtain from the attendant in the Chamber a white card, which he places on a seat, to signify his intention of being present at prayers. He attends at prayers and then puts the card into the slot behind the seat, by which he secures a right to it throughout the sitting only. Absence at prayers forfeits such rights. Special privileges are allowed M.P.s who are serving on select, departmental, private Bill or standing committees which happen to be meeting in the afternoon, and such Members, by obtaining a pink card after 8 a.m. and at once placing it in a slot behind the seat, secure the right to such seat for that sitting day without attendance at prayers.[1] The Standing Orders[2] and May,[3] however, give fuller information in regard to this subject, including the seats reserved to Members by usage or courtesy.

Canadian Dominion Parliament.

Senate.—There are no desks, and Senators sit on the red-leather benches as in the House of Lords, but the seats of Senators are arranged by the party whips.

Commons.—Every Member is provided with a seat and desk to which is affixed a card with the name of the occupant to whom it has been allotted. Ministers and Members supporting the administration of the day occupy places to the right of the Speaker as far as they can be accommodated, and the Members of the Opposition to the left. The oldest Members are usually given preference in the choice of seats. The location of seats is arranged by the whips and the leaders of the political parties.

[1] *Commons Manual*, 6th ed., 1934, pp. 147-148.
[2] Nos. 81 and 82.
[3] 13th ed., p. 176.

Canadian Provincial Parliaments.

In the Legislative Assembly of New Brunswick the seating of Members is arranged by the Serjeant-at-Arms, but at the assembling of a new House, Members are permitted to bespeak any particular seat that an ordinary Member may occupy. In Saskatchewan, the seating of Members is arranged for by Mr. Speaker, while in British Columbia such is generally dealt with by the Provincial Secretary's Department subject to the approval of the Premier and his Ministers.

Australian Federal Parliament.

Senate.—The seating in the Senate is governed by the Standing Orders,[1] which provide that the front seats nearest to the right hand of the President are reserved for Ministers, and that whenever a change of Minister takes place, the outgoing Minister is entitled to take the seat vacated by his successor. As the Senators retire by rotation, there is never an entirely new House, and any question in regard to the seats to be occupied by new Senators is determined by the President. Senators are entitled to retain these seats so long as they continue Senators without re-election.

House of Representatives.—A similar practice to that of the Senate is regulated also by Standing Orders[2] in the Lower House.

Australian State Parliaments.

New South Wales.—In the Legislative Assembly the question of the seating of individual Members is left to their discretion, except that Members supporting the Government sit upon the Speaker's right hand, and the Opposition on his left. The Standing Orders,[3] however, provide that the front bench on the right hand of the Chair is reserved for Ministers. There are no desks in the Chamber, and therefore no definite seats, but Members who at the commencement of a Parliament take their seats in a particular position are by courtesy allowed that position during the continuance of the Parliament.

Queensland.—In the unicameral Parliament of this State, seats are arranged for by the Members themselves.

South Australia.—A similar practice to that in Queensland is observed in both Houses in this State, but in cases of dispute the decision rests with the Chair.

[1] Nos. 45-48. [2] Nos. 48-50. [3] No. 70.

Tasmania.—In the Legislative Council, with the exception of the allotment of seats for Ministers and the Chairmen of Committees, the selection of seats is left to the Members themselves.

Victoria.—As there are in both Houses more seats than there are Members, no difficulty arises in regard to their seating.

Western Australia.—In both Houses at the beginning of every Parliament, Members mark off their seats, which they retain during the tenure of that Parliament.

New Zealand Parliament.

In the House of Representatives the seating of Members, as a rule, is arranged by the party whips. Should any difficulty arise, the Standing Orders[1] provide that it shall be settled by Mr. Speaker.

Union of South Africa.

Senate.—The benches on the immediate right of Mr. President's chair are reserved for members of the Cabinet and the Deputy-President. The seating of Senators rests in their own hands, but the present practice is that the party whips allot the seats. In a new Senate the claims of re-elected Senators to retain their old seats are respected. It is possible that the question as to who shall occupy front benches is decided in party caucus. Since Union, the Labour Party has had few representatives in the Senate, and ample accommodation has been found for them on the cross-benches near the Bar of the House.

House of Assembly.—The seating of Members in the House is arranged by the Members in consultation with the whips of the parties, and the Member's name is affixed to the seat allocated to him by means of a card. In both Houses the Members have desks in front of their seats. With the exception of the Treasury Bench in each House, the Members' seats are arranged in " twos," so that every Member has a gangway seat.

Union Provincial Councils.

In Natal the seating of Members is arranged by the Clerk when a new Council takes office, and the Members are then expected to retain the seats allotted to them for the remainder of their period of membership. In all four Provincial Councils Members have desks.

[1] No. 69.

South West Africa.

The seating of Members in the Legislative Assembly is arranged by the Clerk in consultation with the party leaders.

Irish Free State.

In the Seanad, the Chairman of the House is regarded as the person in whose hands the seating of Senators rests. After each triennial election (when the personnel of the House changes), the Clerk calls a meeting of the whips of the various parties, and the system works very well.

Southern Rhodesia.

The seats are arranged in divisions. Each party is allotted its own division. At the request of the Clerk of the House, Members attend at 9 o'clock a.m. on the opening day of a new Parliament for the purpose of selecting seats. Cards, with the Members' names on them, are then placed on the desks, reserving the seats selected. These reservations stand for the duration of that Parliament.

Indian Central Legislature.

Council of State.—The seating of Members is by Standing Order[1] vested in the President, who decides the order in which the Members shall sit.

Legislative Assembly.—By Standing Order[2] the President is vested with the same power in regard to the seating of his Members as given the President of the Council of State. Ordinarily, however, in the Assembly the bloc of seats immediately to the right of the President is allotted to the official Members and the first seat on the President's left to the Deputy-President. It has been the practice for the President to allot blocs of seats to the various "parties," leaving it to the party organisation to allot the individual seats within that bloc to its various Members. The party which is numerically the greatest is given the first bloc of seats on the left, the next being given to the second greatest, and so on.

Indian Provincial Legislatures.

The practice generally in the Legislative Councils of the Provinces is to leave the seating of Members in the hands of the President of the Council, frequently vesting such authority in him by Standing Order, as in the case of the Central Legislature.

[1] Council S.O. 25. [2] No. 26.

Ceylon.

The Indian practice also prevails in the State Council of Ceylon.

British Guiana.

The seating of the Members in the Legislative Council is determined by the precedence of the Members, a practice which prevails in similar Legislatures in other parts of the Empire.

IX. PARLIAMENTARY RUNNING COSTS

COMPILED BY THE EDITOR

IT was suggested that enquiry be made in the *Questionnaire Schedule* for this Volume of the JOURNAL with a view to obtaining a comparative table of what it costs annually to maintain the several Parliaments of the Empire. Unfortunately many of such Parliaments, or Legislatures, have not responded by supplying the necessary information, while in other instances, principally the subordinate Legislatures, their running costs are merged with those of the Government administration. However, such returns as have been made are given below as conveying a general idea, with the prospect of a more complete record in a future issue. In many cases the most recent annual figures are given.

Those of the Lords and Commons for 1934 are taken from the 1935-36 estimates.[1]

Name of House and Country.	*No. of Members.*	*Total Vote in Current Estimates.*	*Total Cost of Printing by the House.*	*Total Cost of Hansard.*
UNITED KINGDOM:				
House of Lords ..	770	£50,990	£64,750[2]	£42,195[3]
House of Commons	615	£338,518		
CANADA:				
Senate	96	$514,622	$8,500	$40,000[4]
House of Commons	245	$1,840,651	$86,500	$171,757
CANADIAN PROVINCIAL LEGISLATIVE ASSEMBLIES:				
New Brunswick ..	48	—	$8,000	$4,200
Quebec	114	—	$150,000	None
Saskatchewan ..	63	$142,890	$13,500	None
AUSTRALIA:				
(Federal Parliament)				
Senate	36	£9,282	£22,404	£3,586[5]
House of Representatives.	76	£14,110		£6,700[5]
STATE PARLIAMENTS:				
New South Wales:				
Legislative Council	60	£14,395	£6,630	£5,500
Legislative Assembly	90			
Queensland:				
Legislative Assembly	62	£29,137	£4,605	£3,310
South Australia:				
Legislative Council	20	£38,500	£4,750	£8,000
House of Assembly	46			

[1] H.C., Paper 50.

[2] Inclusive of *Hansard*.

[3] This figure is made up approximately as follows: £30,000 for printing and binding the *Hansard* of both the Lords and Commons; and £2,509 and £9,686, the cost of the *Hansard* reporting staffs respectively of the Lords and Commons.

[4] This amount is included in the total vote sum.

[5] The Parliamentary Reporting Staff cost about £10,000 per annum.

Name of House and Country.	*No. of Members.*	*Total Vote in Current Estimates.*	*Total Cost of Printing by the House.*	*Total Cost of Hansard.*
Tasmania :				
Legislative Council	18	£1,482[1]	£2,500	None
House of Assembly	30	—		None
Victoria :				
Legislative Council	34	£10,063	£1,914	£9,533
Legislative Assembly	65	£40,788[2]		
Western Australia :				
Legislative Council	30	£1,442	£4,642	£2,016
Legislative Assembly	50	£2,356		
NEW ZEALAND:				
Legislative Council	30	£81,258 (Legislative Vote only)	£14,050[3]	£10,408
House of Representatives	80			
UNION OF SOUTH AFRICA:				
Senate	40	£39,200	£1,435	£3,000
House of Assembly	150	£137,941	£11,711[4]	£13,856
PROVINCIAL COUNCILS:				
Cape of Good Hope ..	—	—	—	—
Natal	25	—[5]	—[5]	None
SOUTH-WEST AFRICA:				
Legislative Assembly	18	£7,125	£250	None
IRISH FREE STATE:				
Seanad	60	£112,611	£7,000	£6,500
Dáil	153			
SOUTHERN RHODESIA:				
Legislative Assembly	30	£14,250 42	£3,500	£1,500
INDIA:				
Council of State ..	60	Rs. ~~3,05,000~~ 1,30,000	—[6]	—[6]
Legislative Assembly	145	Rs. 7,65,000	—[6]	—[6]
PROVINCIAL LEGISLATURES:				
Assam .. .. (Legislative Council)	53	Rs. 37,300	—[6]	—[6]
Bombay .. .. (Legislative Council)	112	Rs. 1,52,800	—[6]	—[6]
Madras .. .. (Legislative Council)	132	Rs. 2,06,400	—[6]	—[6]
Punjab .. .. (Legislative Council)	94	Rs. 1,46,900	—[6]	—[6]
United Provinces .. (Legislative Council)	123	—[7]	—[7]	—[7]
CEYLON:				
State Council ..	61	Rs. 4,72,997	Rs. 9,000	Rs. 3,253[8]
BRITISH GUIANA:				
Legislative Council	30	8,355	—[9]	$1,000

[1] Not including payment of Members.
[2] Including Joint Expenses.
[3] Includes £6,000 for printing *Hansard*.
[4] Average over 13 years.
[5] Included in other votes.
[6] These do not fall in House's Vote.
[7] No separate records.
[8] For period 18.8.1933 to 17.8.1934. The cost of printing *Hansard* from 1.10.1932 to 30.9.1933 was Rs. 29.111.
[9] Not included in House Vote.

X. " HANSARD "

COMPILED BY THE EDITOR

INCLUDED amongst the items in the *Questionnaire Schedule* for this Volume of the JOURNAL was an enquiry of each " Clerk of the House " in the Oversea Parliaments as to the general view in regard to the continuance, or discontinuance, of the reporting of the debates of Parliament.

Canada and Australia.

The Parliament of the Dominion of Canada favours continuance of " Hansard," as do also the Parliaments of the Commonwealth and of all the Australian States. In that of Tasmania there is no " Hansard," a local newspaper giving a résumé of the debates and proceedings, and for a small subsidy copies of these reports of debates are supplied M.P.s and some Government departments. In New South Wales, frequent reference has been made from the floor of the House to the assistance the Reporting Staff has been to Members, and the arrangement by which they are enabled to obtain a limited number of " pulls " of their speeches is widely availed of, and is most popular as being a ready method of keeping the Members' principal constituents informed.

Union of South Africa.

In regard to the question as it concerns the Parliament of the Union of South Africa, where the English and Afrikaans languages are given equal rights under the Constitution, and where there is therefore no interpretation of speeches, the Clerk of the House of Assembly has supplied the following observations, which are of special value in view of the various systems which have been tried.

In order to give a better conception of the feeling in the Union House of Assembly in regard to *Hansard*, it may be as well briefly to traverse the various vicissitudes through which the question has passed. During the first session of the Union Parliament in 1910-11 a Select Committee was appointed, with leave to confer with a similar Committee of the Senate, to consider and report upon the question of arranging for the production of an official *Hansard* for the House. This Committee enquired into alternative schemes—namely, by contract with the Press, or by the employment of an official staff. The report recommended the acceptance of certain tenders the

Committee had obtained from Dutch and English sections of the Press, and that the Government be requested, during the recess, in consultation with Mr. President and Mr. Speaker, to make the necessary arrangements for the production of *Hansard* for both Houses of Parliament, if possible by contract with the newspapers, but failing that by employment of an official staff. This report was adopted by the House, and as a result the necessary arrangements were entered into by means of a subsidy to the Press for supplying a fair abstract of the debates. Although the principle of reporting the debates was favourably viewed, the system adopted did not give satisfaction and there were numerous complaints by Members as to the inaccuracy of the reports. As early as 1912 the contractors were warned of the consequences of unsatisfactory work, and eventually on the 24th April, 1915, the House adopted a report of the Select Committee on Internal Arrangements that the contract be not renewed. The underlying motive for the discontinuance was not, however, due so much to the dissatisfaction of Members with the accuracy and fairness of the reports, as to the feeling that during the depressed financial period of the war the expense was not justified. Thus ended the first *Hansard* of the Union Parliament, and an interregnum followed until 1924. During this period a record was kept of the debates as printed in the daily Press, but the question of having an unbiassed *Hansard* was never lost sight of.[1] In 1917 the matter was again referred to the Select Committee on Internal Arrangements, which recommended a revival of the system which obtained during 1910-1915, but that the matter be left in abeyance during the war or until the return to normal conditions. This report did not reach the stage of consideration by the House, and during the next session of 1918 was referred to the Select Committee on Standing Rules and Orders, which reported recommending that tenders be called for from newspapers for reporting the debates under the system adopted in 1910-15, together with provision for more efficient control by the House. This was not considered before the last day of the session and after a brief discussion the debate was adjourned and the matter dropped once again. During the next session—1919—the question of arranging for an official *Hansard* was again referred to the Committee on Standing Rules and Orders, which agreed to a motion that the debates and proceedings be reported by a permanent official staff to be appointed by Mr.

[1] In the Senate, however, a type-written *Hansard*, in six copies, was kept by contract, the speeches appearing in the delivery language only.

Speaker; that speeches be reported and printed only in the language in which they are delivered, and that the Speaker be authorized to make the necessary arrangements to give effect to this recommendation from the next ensuing session. When the report was considered in the House certain amendments moved were negatived on divisions, as also the motion that the report be adopted.

This did not, however, discourage Members, because early in the next session the Committee on Internal Arrangements was instructed to bring up a report within a specified time on the desirability or otherwise of the compilation and publication of an official *Hansard*. On the invitation of Mr. Speaker representatives of the local newspapers attended the discussions of the Committee in order to be of assistance in suggesting ways and means. The resulting report to the House recommended the appointment of an official staff of reporters under a Director. To the motion for the adoption of the report an amendment was moved to the effect that Mr. Speaker make enquiries during the recess with a view to arranging with one English and one Dutch paper for the issue of a supplement with each daily issue of such papers giving a report of the proceedings of Parliament. Unfortunately, as happened previously, the consideration of the report was put off until the last day of the session, and before the question was put a motion for the adjournment of the debate was carried, and the matter dropped again. However, in 1921 the question was revived on the Committee on Standing Rules and Orders and a resolution was agreed to " That Mr. Speaker be requested to confer with Mr. President during the recess with a view to submitting proposals to the Committee at the next session for the setting up of *Hansard* for both Houses." In 1922 the question received further consideration by this Committee, which reported that in its opinion the setting up of an official *Hansard* was essential, and recommended that power be given to Mr. Speaker to take the necessary steps for the establishment of such a *Hansard* in which all speeches will be reported in the language in which they are delivered.

This report was adopted by the House, and the necessary steps were taken by Mr. Speaker during the recess. On communicating with the Treasury, however, with regard to financial provision, Mr. Speaker was asked to defer taking any action owing to the lack of funds. The matter was mentioned in the House during the following session, certain members charging the Government with contempt of Parliament for

obstructing the fulfilment of the instruction to Mr. Speaker. Meanwhile negotiations were proceeding, and in 1924 *Hansard* once more made its appearance. On this occasion the contract was given to a private reporting agency and speeches were reported only in the language in which they were delivered. The undertaking, however, did not prove successful. Right from its inception onwards there were complaints by Members as to inaccuracy of the reports, and eventually the contractor found himself in the doldrums financially and asked to be relieved of the contract. Fresh tenders were immediately called for and the work was finally entrusted to sections of the English and Afrikaans Press for reporting and printing the debates and proceedings in both languages. This system, which came into force during the next sitting of Parliament, has prevailed ever since, and given general satisfaction.

The general feeling in the House all through the foregoing difficulties was that the preservation of a proper and accurate record of the proceedings in the House was essential. The initial system of an abstract supplied by the Press was not satisfactory. The reports were not free from political partisanship. When this contract terminated Members recognized more and more the necessity of introducing some suitable method for recording the proceedings in the House. They wished to have their speeches correctly placed before their constituents and considered it derogatory to the dignity of the House to be without *Hansard*. It is true that there was opposition from some quarters, even to the extent of moving in Committee of Supply the deletion of the item from the Vote of the House, but this was mainly based on financial considerations. This was also the chief factor all through which, together with the dual language problem and the uncertainty as to what system to adopt, created insuperable obstacles in arranging for a suitable *Hansard* prior to 1924. Since that year, however, there has been an officially reported *Hansard* for both Houses, under contract with the Clerks of the respective Houses. At one time a well was made in the Table of the House of Assembly between the Clerks-at-the-Table and the Mace (the official reporters wearing gowns but not wigs), but this arrangement was subsequently done away with and the *Hansard* reporters given accommodation in the Press Gallery. The Senate, however, has continued the arrangement of such reporters sitting, facing the House, between the desk of the Clerks-at-the-Table and the Table of the House proper. These reporters, being on the floor of the House, wear gowns.

Members of both Houses receive the bound volumes of the debates at the close of each session in addition to the weekly session pamphlets.

South West Africa.

In the Legislative Assembly the question of keeping *Hansard* has been under consideration, but in view of the expense connected with it, more so bearing in mind the fact that three languages, English, Afrikaans, and German, are freely used in debates, the matter has been left in abeyance.

Irish Free State.

The question of the continuance or discontinuance of the publication of the reports of the debates of the Seanad and the Dáil has never arisen.

Southern Rhodesia.

All members are in favour of the continuance of *Hansard.* The daily edition, which is sold at 3d. per copy, is in great demand, and numbers of copies are sold to the public. Members are allowed four copies free of charge; any additional copies required are paid for at the usual rate. The daily requirements amount to 500 copies.

India.

In neither the Central Legislature of India, nor in those of the Provinces, has the question of either the continuance or discontinuance of *Hansard* arisen.

General.

It might be said in conclusion that apart from the usefulness to legislators of a properly indexed and published printed report of the debates, such a publication not only has a historical value, but places on record the arguments used both for and against the provisions of Bills. To the Clerks-at-the-Table, however, *Hansard* has an added value, for it records the proceedings in connection with Rulings from the Chair. The special indexing of such proceedings is quite a feature of the official reports of debates at Westminster, which makes a set of the debates of the Imperial Parliament an absolute necessity to those responsible for the procedure of the principal Oversea Parliaments. It is difficult, therefore, to see how the

Parliament of an important country can do without a record of what is said in the Forum of the Nation. Experience points to a verbatim report, both officially reported and printed, all under the control of a Joint Committee of the two Houses and administered by the Clerks of the two Houses, as the most successful system, of which that at Westminster is a striking example. Such a system, of course, is expensive, but it gives satisfaction.

XI. PARLIAMENTARY CATERING SERVICES

COMPILED BY THE EDITOR

IT was suggested that the *Questionnaire Schedule* for Volume III of the JOURNAL should call for particulars in regard to the practice in the Oversea Parliaments as to the catering services for Members, and the following are the details obtained. Particulars in regard to the House of Commons' catering services for each year are given under EDITORIAL.

Canadian Dominion Parliament.

The Parliamentary dining room is under the administration of a Joint Committee of the two Houses. This Committee is appointed each session and makes rules and regulations for the operation of the dining room, where meals are served at about the same prices as prevail at City restaurants. The dining room is open during sessions only—four to five months each year. The dining room is for the use of Members and Officials of Parliament and certain Government Officials. Guests may be invited. As the operation is seasonal and the patronage is limited, it has been necessary for Parliament to provide about $15,000 each year as a supplement to the usual revenue from the dining room in order to meet all expenses, which revenue does not go to the credit of the Consolidated Revenue Fund.

Canadian Provincial Parliaments.

In most of these Parliaments, all of which are unicameral, except that of Quebec, there is no provision for Parliamentary catering. In Quebec a Parliamentary restaurant is operated during session by a keeper under the direction of the Minister of Public Works. The keeper is paid a commission on the receipts and the department meets the losses given in the schedule.

Australian Federal Parliament.

The system followed in the administration of the Parliamentary dining room and refreshment rooms at Canberra is that they are controlled by the President and Speaker, with the advice of the Joint House Committee, to which a Parliamentary Officer (usually the Clerk-Assistant of the Senate), acts as Secretary. The Staff, which is under the Secretary of the Joint House Department, consists of:

Position.	*Salary Range.*
Steward	£396–468
Assistant Steward	£324–360
Barman	£268–284
2 Waiters	£252–260
Principal Cook	£348–396
Assistant Cook	£300–324
Kitchen Assistant	£252–260
Cleaner	£252–260

(Salaries are subject to reduction under the Financial Emergency legislation.)

In addition, a sessional staff of about fourteen waiters and kitchen assistants is employed.

Breakfast is only supplied after all-night sittings.

Meals are supplied to the following:

(1) Members of both Houses, ex-Members of the Federal Parliament, and any Members of the State Parliaments who may visit the Capital from time to time;
(2) Officers of Parliament and members of the staffs of the Parliament;
(3) Officers of the Public Service in attendance on Ministers during the sittings of Parliament;
(4) Press Representatives on duty in Parliament House.

In addition, accommodation is provided for the entertainment of guests by Members.

During recess the main dining room is closed, and only light refreshments and liquors are served. The accounts of the refreshment rooms are audited periodically by officers of the Auditor-General's Department.

Australian State Parliaments.

New South Wales.—The staff of the dining room, whose salaries are paid by the Government, is subject to the joint control of the President and the Speaker, but the management, so far as the provision of food and drink, prices charged, etc., are concerned, is in the hands of a Joint House Committee consisting of ten Members from each House, with the President and Speaker. The room is conducted by the Committee without any assistance from the Government beyond a small amount of £52 per annum covering "Board of the Steward," and by careful management a reserve fund has accumulated sufficient to tide over lean periods. Prices are reasonable, and a small profit has been shown each year. The House Secretary, who lives on the premises, and who is also Clerk-Assistant of the Legislative Council, is responsible to the Committee for the keeping of accounts and detailed management of the room.

Queensland.—The Parliamentary refreshment rooms are

administered by a Committee, of which Mr. Speaker (the Legislature being unicameral) is Chairman and who takes an active part in its administration. The rooms are well patronized by Members during the session, but in the recess, which in Queensland extends from December to July, this patronage is much lessened. An amount varying from £1,000 to £1,200 is annually voted by Parliament for its upkeep, and to make up for the loss occasioned by its running. The loss for the year 1932-33 was £984.

South Australia.—The particulars kindly furnished by the Clerks of the two Houses is so excellent and informative that it will be given in detail.

The present catering arrangements at Parliament House date from 1926. Prior to then an officer styled the " Office-keeper and Caterer " undertook as a private business the supplying of meals and refreshments to Members, and such expenses as wages of staff, fuel, water, lighting, etc., and napery, china, and glassware, cutlery and silverware were defrayed by the Government. In the year mentioned the Joint House Committee, which is appointed at the beginning of each session and of which the Speaker acts as Chairman, took over the control of the catering department, the overhead expenses continuing to be paid from amounts voted on the estimates. The staff, which is under the general direction of the Clerk of the House of Assembly, consists of the caterer (female), cook, kitchen-maid, three waitresses, two general maids, and a man. Their duties include attention to lavatories, bathrooms, etc., as well as the actual refreshment rooms. Their salaries, which are a State liability, are fixed on the recommendation of the Joint House Committee, and they are members of the Superannuation Fund. With the exception of the man, these employees are provided with quarters and board on the premises; the cost of their board, which is at present assessed at 12s. 6d. per week, is recouped by the Government. The caterer is responsible for the oversight of the work of the staff and for the daily buying of commodities for the dining room and the maintenance of supplies in the cellar, although the actual ordering of the latter is in the hands of the office clerk of the House of Assembly. This officer, who acts as Secretary to the House Committee, keeps all the necessary books of account. Accounts are paid monthly after being passed by a finance sub-committee of the Joint House Committee, the cheques being signed by a Member of the Committee and counter-signed by the Clerk of the Assembly.

Regulations relating to the refreshment rooms were framed and have from time to time been amended by the Joint House Committee. Directions as to lines to be stocked and business hours to be patronized are given by either the full Committee or the Finance Committee. The latter fixes the scale of charges for refreshments, which are generally based on cost plus 7½ per cent. The ordinary dining room tariff is 1s. 6d. for a three-course meal, or 1s. 3d. if sweets are not ordered; this includes pot of tea and bread and butter. There are 66 State Members and, excluding visitors, the approximate average attendance in session is 40 on sitting days and 23 on non-sitting days, and in recess 21. Luncheon is available on five days per week and dinner when either House is sitting late. It is a rule on sitting days that only Members (including Federal Members) may use the main dining room, and those who wish to entertain guests on those days must do so in a smaller room adjoining, but in practice visitors are practically always accommodated in the latter room. Morning and afternoon tea are provided at moderate rates, and Government luncheons and dinners and party functions are also catered for. All transactions are on a cash basis, and the business is carried on at a profit, from which each year various allocations may be made. These have been for installation of new plant or purchase of additional silverware, etc. (the vote for the department has been considerably reduced owing to the State's financial position), renovations to billiard-tables, grants to the local branch of the Empire Parliamentary Association and the Sports Club, bonuses to the staff, and other purposes.

The following particulars are supplied in regard to the operations of the department since the present system of management has been in force:

OFFICIAL EXPENDITURE

	Salaries and Wages.[1]	*Board of Staff.*[1]	*Contingencies.*[2]	*Total.*
1926–27 ..	£1,267	£316	£224	£1,807
1927–28 ..	1,227	294	310	1,831
1928–29 ..	1,227	288	275	1,790
1929–30 ..	1,237	292	215	1,744
1930–31 ..	1,229	291	174	1,694
1931–32 ..	1,197	250	160	1,607
1932–33 ..	1,186	253	159	1,598

[1] Exclusive of caretaker and charwomen.

[2] Printing, drapery, chinaware, glassware, brushware, cutlery, silverware, laundry supplies, insurance (Workmen's Compensation Act), etc.

The figures relating to electric light and power, gas, fuel, and water and sewers rates apply to the whole of the Parliamentary buildings and cannot be segregated.

TRADING AND PROFIT AND LOSS ACCOUNT

Dining Room

	Purchases.	*Meals and Teas.*	*Official Luncheons, Board of Staff, etc.*	*Net Profit, Prior to Appropriations.*
	£	£	£	£
1926[1] ..	1,001	682	400	98
1927 ..	1,178	812	484	114
1928 ..	1,071	707	441	81
1929 ..	1,125	779	399	62
1930 ..	1,008	771	369	119
1931 ..	887	747	334	182
1932 ..	763	612	310	168

In 1927, the peak year as regards turnover, approximately 8,540 meals were served. In 1932 the number dropped to 7,080.

Commodity prices have declined considerably since 1930.

TRADING AND PROFIT AND LOSS ACCOUNT

Refreshment Bar

	Net Purchases.	*Sales.*	*Official Luncheons, etc.*	*Net Profit Prior to Appropriations.*
	£	£	£	£
1926[1]	1,301	1,206	68	186
1927	1,082	1,205	104	197
1928	999	1,035	109	195
1929	1,188	1,170	68	223
1930	1,145	1,284	25	179
1931	1,310	1,481	17	193
1932	1,482	1,544	22	231

Prices of imported spirits, etc., have been increased from time to time owing to higher customs duties.

Tasmania.—At the beginning of every session a Joint Committee of the two Houses is appointed to regulate the use of the refreshment rooms. This Committee enters into an arrangement with a caterer, who contracts to supply a meal at 6 o'clock each evening on days on which one or both Houses is sitting at the rate of one shilling. He also has to supply on sitting days afternoon tea, liquor, and other light refreshments at fixed rates. The caterer receives a subsidy of £8 a week during the time either House is sitting, and £2 for every adjournment over 14 days, as a retaining fee. The subsidy ceases to operate when Parliament adjourns with a view to

[1] Eleven months.

prorogation. The average cost of the subsidy over the last few years is £147 10s. for each session.

Victoria.—The Victorian Constitution Act Amendment Act provides for the appointment of a Joint House Committee, which, among other functions, has the management of the refreshment rooms. The manager is a permanent officer of Parliament and is subordinate to the Secretary to the Committee. The head waiter is also a permanent officer. The remainder of the staff are temporary employees and engaged only as occasion requires.

During the financial year 1932-33 an amount of £1,406 was expended out of the moneys voted for the refreshment rooms, including the salaries of the manager and head waiter. This sum represents the total cost of the rooms to the State. "Takings" are not paid into the Consolidated Revenue, but are paid into the bank to the credit of a refreshment rooms account. If the amount standing to the credit of this account is not sufficient to meet wages, tradesmen's accounts, etc., the amount voted is drawn on from time to time and paid into the refreshment rooms account in the bank. The sum expended from votes, therefore, represents approximately the annual loss on the rooms. The duties of Secretary to the Committee are carried out by the Usher of the Legislative Council without any allowance.

In addition to the Members' dining room there is a "Strangers'" dining room, where Members may entertain visitors. This room is also used by the Parliamentary staff and the Press. The Table Officers are permitted the use of the Members' dining room.

Lunch and light refreshments are available daily throughout the year except on Sundays and Public Holidays. On days that Parliament meets dinner is served each evening, and light refreshments may be obtained until the rising of both Houses.

The rooms are freely patronized by Members and other persons privileged to use them. It is customary for dinners and luncheons given by the Government to be served in the Parliamentary refreshment rooms.

Western Australia.—The system in administration of the refreshment rooms is that a controller is appointed by the Joint House Committee to manage the refreshment rooms and ensure the cleaning and maintenance of the building; the cleaning staff of four doing duty as waiters at meal times.

An amount of £1,600 is provided on the estimates for wages, and from an Incidental Vote of £1,045 linen, crockery, glassware, firewood, laundry, water, etc., are purchased. Furniture

and items for the upkeep of the building are also a charge against this item. The receipts from the dining room and bar are banked to the credit of the Parliamentary refreshment rooms, and from that money the merchants' and tradesmen's accounts are paid. Also from that account an annual Xmas bonus of £60 is given to the staff; and when the surplus was sufficient disbursements as follows have been made during the past few years: £50 to the Library, £300 for furniture, about £650 for refrigerating plant, £125 for wages, and other smaller items. At the present time there is a credit balance of about £800. 1s. 6d. is charged for a three-course meal, and, with the fluctuating attendances, the dining room shows a loss, but profit from the bar more than covers this.

Banquets, etc., given by the Government in honour of distinguished visitors are carried out by the Parliamentary refreshment rooms staff.

An audit is made periodically by the Government Auditors, but, owing to the complicated nature of the transactions, and the interchange of work and payments between the departmental and refreshment rooms business under the Joint House Committee, a balance sheet is not prepared. In addition to Members of both Houses, Members of the Federal Parliament and ex-Members who have served six years have the privilege of using the refreshment rooms.

New Zealand Parliament.

In New Zealand the Parliamentary dining room goes by the " traditional " name of " Bellamy's," and includes provision for married Members and for certain members of the staff, and the bar. Provision is also made for afternoon tea and supper, and trays may be ordered by certain persons. These arrangements are under the manager of " Bellamy's," who is also Officer-in-Charge of the buildings. As manager, however, he is under the direction of a Joint House Committee, which is set up by each House to look after the comfort of Members and acts jointly. A separate account is run by " Bellamy's " and is not subject to Government audit, but runs entirely separately from the public funds, with a private auditor. No balance sheet is published. The Government assists and provides free quarters, lighting, etc., the payment of all wages and salaries, including the cost of free meals supplied to the staff. It also provides necessary linen, glassware, silverware, etc. Last year the sum paid by the Government in the above directions was about £4,000.

Union of South Africa Parliament.

The administration of the dining room of the Union Parliament is under the direction of the Joint Catering Committee of both Houses of Parliament, while financial provision for the service is made annually under the Senate Vote as a distinct Subhead H of Vote 2, amounting to £1,000. Since the original equipment of the dining room at Union, this provision has generally proved ample to meet all losses and expenditure, such as replacement of crockery, etc.

The actual catering service has for some years been undertaken by the Administration of the South African Railways and Harbours (a Department of State) on the basis that Parliament takes the profit and loss risk. Stock is bought from or through the Railway Administration, and besides other expenses, such as wages, fuel, laundry, clothing, breakages, etc., the Administration is paid a supervision fee of 5 per cent. on the total revenue.

The dining room operates only on sitting days from the opening to the close of a session; a table d'hôte luncheon is served for 3s., while, in the evening, grills are prepared to order. The best South African fruit obtainable is provided at luncheons. In addition there is a bar for the sale of liquors, and also a coffee lounge. A feature is made of the service of afternoon teas for guests of Members and their wives.

The opening of a sandwich lounge beginning with the 1934 Session is proving popular.

About 1,500 luncheons are prepared per month, and of these about 70 per cent. are served; payment is by cash (coupons), and the loss—which is the rule—amounts to rather more than £100 per month and to between £600 and £700 per session of ordinary length.

Union Provincial Councils.

Natal.—The "Refectory," as the Parliamentary dining room is called, is not used for ordinary meals to any great extent. Occasionally Members have lunch or dinner on the premises and notify the caterer accordingly. There is usually a break during the morning sessions at 11, during the afternoons at 4, and during the evenings at 9.30. No liquors are available, the caterer only providing tea, coffee, cocoa, etc., with cakes and scones. The tariff is fixed by the Sessional Committee at 6d. per cup, with cakes or scones, which the caterer collects and receives.

The only cost to the Administration is the salary paid to the caterer of £15 for the session in addition to an allowance of 5s. per day for a waitress. The caterer has the use of the electric stove and all equipment. She buys her own stores and makes all eatables on the premises.

Transvaal.—A firm of caterers contracts to supply refreshments while the Council is in session, and is paid a subsidy of £4 *p.d.*, plus £1 when the Council sits after 8 p.m. The refreshment room is well patronized.

Irish Free State Parliament.

The Parliamentary dining room is run by the Joint Restaurant Committee. Their Statement of Accounts for 1931 showed a profit of £400 1s. 8d., a result only once previously surpassed, and in view of this favourable financial situation the Committee recommended a payment to the Department of Finance of £300, being a further instalment on account of loans made by that Department to the Committee during earlier years.

Southern Rhodesia.

There is no dining room. Afternoon teas are served to Members and their guests, the cost of which is debited to the Parliamentary Vote.

Indian Central Legislature.

As neither Chamber sits at night, dinners are not served in the Council building. There is a lunch room where lunches and teas are served by a contractor. No expenditure is incurred and no income received by the Council.

Indian Provincial Legislatures.

Madras.—Separate private caterers are engaged for supplying lunch to Members on payment by the Members direct to the caterers the charges fixed by the caterers. As the supply of luncheon is not carried out departmentally the question of profit or loss does not arise.

Bengal.—There is a tea room, with kitchen arrangements, allotted as refreshment room for Members. At present an outside caterer provides teas, luncheons, and " soft " drinks at fixed prices. The caterer is under the orders of the Secretary to the Council, under the control of the President.

Ceylon.—No State liability. Members make their own arrangements with a caterer for the supply of teas, etc., for

which they pay. The caterer's bill is paid by the Treasury every month, but recovered from the Members' allowances quarterly.

NOTE.—The 5 columns in the following table indicate respectively: luncheons, dinners, teas, suppers, and bar meals served per annum.

Name of Parliament and Country.	*No. of Members.*	*No. of Sitting Days p.a.*	1.	2.	3.	4.	5.	*Receipts p.a.*	*Expenditure p.a.*
CANADA:									
Dominion Parliament (officials)	341 229	160	8,566	15,443	2,730[1]	*nil*	*nil*	$39,128 (*Including Cafeteria receipts*, $12,268)	$51,082[2]
CANADIAN PROVINCES:									
Legislative Assemblies:									
Quebec ..	114	—	—	—	—	—	—	—	*Average State loss per Session*, $13,000
Saskatchewan		*Only a Public Service Restaurant*							
AUSTRALIA:									
Federal Parliament	112	66	4,642[3]	3,583	3,674	—[4]		£8,022	£8,022 (*loss of* £3,860)
Staff ..	—	—	—	3,597	—	—	—		
AUSTRALIAN STATES:									
New South Wales	150	—	—	—	—	—	—	—	—[5]
Queensland ..	62	—	—	—	—	—	—	—	*No record kept*
South Australia	66	53	6,300	1,100	4,000	200	1,000	£2,357	£2,002[6]
Tasmania ..	48	—	—	—	—	—	—	—	—[7]
Victoria ..	99	43	15,954 *meals*					£4,183[8]	£4,183
Western Australia	110	82	5,032	4,682	—	164	—	£2,745	£2,565

[1] Breakfasts.
[2] State liability $15,000.
[3] Including light luncheons.
[4] Included in No. 3.
[5] Parliament Refreshment Room and Bar run by Joint Committee at small profit.
[6] A State liability.
[7] A subsidy of £8 per week is paid and during adjournments over 14 days a retaining fee of £2.
[8] Of which £150 is voted.

Name of Parliament and Country.	*No. of Members.*	*No. of Sitting Days p.a.*	1.	2.	3.	4.	5.	*Receipts p.a.*	*Expenditure p.a.*
NEW ZEALAND: (Parliament)	110	—	—	—	—	—	—	—	—[1]
UNION OF SOUTH AFRICA (Parliament)	190	85	6,110	—	17,000	210	1,075	£2,770	£3,470
UNION PROVINCIAL COUNCILS:									
Natal ..	25	20	—	—	—	—	—	—	*Subsidy of £15 15s. for Session plus 5s. p.d. for waitress*
Transvaal ..	57	30	—	—	—	—	—	—	*Subsidy of £4 p.d. plus £1 after 8 p.m.*
IRISH FREE STATE: (Parliament)	213	82	10,622	—	9,814	—	—	£5,030	£5,030
SOUTHERN RHODESIA: (Parliament)	30	44	—	—	2,640	—	—	—	£66
INDIA:									
Central Legislature	145	90	—	—	—	—	—	—	—[1]
INDIAN PROVINCES:									
Provincial Legislatures:									
Punjab ..	94	40	—	—	Rs. 1,12 *p.d.*	—	—	*No State liability*	—
United Provinces	123	50	—	—	—	—	—	*No State liability*	—
Madras ..	132	43	—	—	—	—	—	*Rs.* 500	
Bengal ..	140	—	—	—	—	—	—	*No State liability*	
CEYLON ..	61	65	—	—	—	—	—	—	*Rs.* 3,978[1]

[1] See paragraph above.

XII. NEW EDITION OF COMMONS MANUAL[1]

BY THE EDITOR.

THE Sixth Edition of the *Manual of Procedure in Public Business* was recently issued, embodying (together with a loose pamphlet included therewith, containing those amendments to the Standing Orders of the House of Commons passed by them on 15th November, 1934) all the amendments made since the issue of the Fifth Edition in 1924. This Manual is an indispensable reference book for Clerks-at-the-Table in Oversea Legislatures under whatever grade of Constitution they may operate. In a Schedule at the end of this article is given the dates of the various editions of Erskine May, together with the editions of the present series of the Manual to which they apply. The First, Second, Third and Fourth Editions bear the initials C. P. I., as being edited by the then Clerk—Sir Courtenay Ilbert, G.C.B., etc., the Fifth Edition those of T. L. W., namely, his successor, Sir T. Lonsdale Webster, K.C.B., and the Sixth Edition those of H. D. D., being those of the present Clerk, Sir Horace Dawkins. Previous to 1893 this book is represented by 11 Editions of a similar work, the second edition of which was published in 1747, and last in 1896.

A complete set of the books given in the Schedule hereto should be got together and kept for record in the Clerk's Library in every principal Oversea Parliament before they become unprocurable, for they are useful in dealing with points of procedure occurring at Westminster in the early days of procedure reforms to which the conditions in Oversea Parliaments to-day so often make closer comparison.

In 1931 a Select Committee on Procedure was appointed by the Government, but it had not concluded its labours when a General Election took place. The Committee was therefore again set up in March, 1932. This Committee was referred to in an Article in the JOURNAL,[2] and among other things they suggested the appointment of a small technical committee, nominated by Mr. Speaker, for the purpose of going through the Standing Orders to see if they had fallen into desuetude, whether any alterations in them would make them simpler and bring them more up to date.

On the 14th March, 1933,[3] a Member asked Mr. Speaker a question of which he had given notice, as to whether he had

[1] *Manual of Procedure in Public Business*, 6th ed., 1934 (H.M.S.O. 6s.).
[2] JOURNAL, Vol. I, p. 42. [3] 275 H.C. Deb. 5. s. 1783-5.

any announcement to make to the House about the recommendation made by the Select Committee on Procedure[1] that a technical Committee should be appointed to revise the Standing Orders. Mr. Speaker replied that in accordance with the terms of such Committee he had appointed a small technical Committee, and gave the names of the Members thereof, the terms of reference being:

> to examine the Standing Orders relating to Public Business, and to make such suggestions as they may think fit for the removal of antiquities, for the repeal of those Orders that are found to be obsolete and for the amending of others to bring them into conformity with present practice.

On the 14th November in the same year, the amendments set out in *Hansard*[2] were brought forward and agreed to.

On Thursday the 15th November, 1934,[3] a Schedule of amendments to the Public Business Standing Orders recommended by the Committee were considered, and the following alterations were adopted and have since been embodied in the new Edition:[4]

> *Business of Supply.*—S.O. 14 (4), line 2, an amendment was made to insert, after "supply," the words, "and the consideration of the reports of the Committee of Public Accounts and the Select Committee on Estimates."

The mover (the Lord President of the Council), in his remarks to the House, explained that the amendment would permit the House to discuss matters of importance and interest connected with the work of the Public Accounts Committee, for which there was no facility for doing at present unless they were brought down by some special motion in the House, in connection with which there was often considerable difficulty in finding time when Supply Days came along. It was well known that a great deal of the work of the Public Accounts Committee was of a technical character involving the examination of details of the accounts of the various services, and it might well be that a session might pass in which no matters were of such general public interest that anyone would desire to bring them forward in the House. It was therefore thought preferable for the House to have the option of debating these subjects if it so desired. The Opposition had the call on the subject on Supply Days. It would therefore always be open to them, if there was any subject which the Public Accounts Committee repre-

[1] Com. Paper 129 of 1932.
[2] 293 H.C. Deb. 5. s. 2169.
[3] 281 H.C. Deb. 5. s. 863-876.
[4] Commons Paper, No. 133 of 1935.

sented to them as deserving further debate in the House, to ask for such a discussion.

Committee of Public Accounts.—S.O. 74, line 5, an amendment was made after " expenditure " to insert

> " and of such other accounts laid before Parliament as the Committee may think fit."

The mover, in putting forward the amendment, said it was recommended in reply to a unanimous request in a special report of the Public Accounts Committee.[1] If the terms of reference of such Committee were strictly interpreted they had no power to deal with any other accounts than those for the Navy, Army and Air Force, Civil Services and Consolidated Fund accounts. In practice, however, this Committee had been in the habit of investigating for many years such accounts as the Greenwich Hospital, National Health Insurance, Unemployment Insurance, Road, Miners' Welfare, and Wheat Funds. The amendment would make such practice regular.

Standing Committees.—S.O. 47 (5), line 11, to add, " and under Standing Order No. 28 (as to selection of amendments)." To omit S.O. 49, dealing with the nomination, by the committee of selection, of a Chairmen's Panel, which appointed from among themselves the Chairman of each Standing Committee and could change them from time to time. S.O. 80 (Deputy Speaker and Deputy Chairman) was amended by omitting all words after " House " in line 5 to the end of the Standing Order and adding the following new paragraph:

> Mr. Speaker shall nominate, at the commencement of every session, a Chairmen's panel of not less than ten Members to act as temporary Chairmen of Committees when requested by the Chairman of ways and means. From this panel, of whom the Chairman of ways and means and the deputy Chairman shall be ex-officio Members, Mr. Speaker shall appoint the Chairman of each standing Committee and may change the Chairman so appointed from time to time. The Chairmen's panel, of whom three shall be a quorum, shall have power to report their resolutions on matters of procedure relating to standing Committees from time to time to the House.

The mover, in presenting these amendments, referred to the heavy responsibility thrown upon the Chairman in the exercise of his power of selecting amendments. These amendments increased the panel of Chairmen's Panel from 5 to 10 and empowered Mr. Speaker to make the nominations of those Members who were to act as temporary Chairmen of Com-

[1] H.C. 97-1934.

mittees in the House when requested by the Chairman of Ways and Means. The power to select the Chairman of Standing Committees was transferred from the Committee of Selection to Mr. Speaker, who would in future appoint or remove them from the above-mentioned panel, which would continue, as in the case of the old panel, to have power to report their resolutions on matters of procedure relating to Standing Committees to the House. The Chairman and Deputy Chairman of Ways and Means remained *ex officio* members of the Chairmen's Panel, the members of which would be interchangeable between the Committee of the whole House and the Standing Committees, thus affording experience in the House to members of the panel for the discharge of their duties as Chairmen of Standing Committees. The mover, at the close of his speech, remarked, "A panel of that kind is the nursery of those whom we hope in long years to come may succeed in that historic Chair."[1] The debate upon this question occupies nearly 50 pages of *Hansard*[1] and is well worth perusal.

SCHEDULE

Erskine May.		Corresponding Edition of Commons Manual. (*The names of the Clerks of the House of Commons editing the respective Editions are given in the footnotes.*)	
Edition.	*Year.*		
1st	1844 ..	1st ed. 1747 2nd ed. 1756	Rules, Orders, and Proceeding of the House of Commons relating to Public Business.[2]
2nd	1851 ..	1854 ed.	
3rd	1855 ..	1857 ed.	
4th	1859		
5th	1863		
6th	1868 ..	1869 ed.	
7th	1873		
8th	1879 ..	1883 ed.	
9th	1883 ..	8th ed. 1886 9th ed. 1891[3]	
		10th ed. 1892[3]	
10th	1893 ..	11th ed. 1896[3]	
		1st ed. 1904[4]	Manual of Procedure in the Public Business.
11th	1906 ..	2nd ed. 1908[4]	
		3rd ed. 1912[4]	
12th	1917 ..	4th ed. 1919[4]	
13th	1924 ..	5th ed. 1924[5]	
		6th ed. 1934[6]	

[1] 293 H.C. Deb. 5. s. 2169-2247.
[2] Many of these early editions are printed by Henry Hansard, and the title is not always uniform.
[3] Sir R. F. D. Palgrave.
[4] Sir C. P. Ilbert.
[5] Sir T. L. Webster.
[6] Sir H. D. Dawkins.

XIII. PRIVILEGES—ALLEGED TAMPERING WITH WITNESSES

BY THE EDITOR

ON the 16th April complaint[1] was made by Mr. Churchill, M.P., that the action of the Secretary of State for India, Sir Samuel Hoare, and of the Earl of Derby (a Member of the House of Lords), Members of the Joint Committee on Indian Constitutional Reform, in influencing the Manchester Chamber of Commerce, or any branch of it, to withdraw the evidence they had already submitted to the said Joint Committee and to substitute other altered evidence, constituted a breach of privilege. At the conclusion of Mr. Churchill's speech, Mr. Speaker having ruled that a *prima facie* case[2] had been made out for a breach of Privilege, it was resolved, on the motion of the complaining Member:

> That the alleged action of Secretary Sir Samuel Hoare and the Earl of Derby, Members of the Joint Committee on Indian Constitutional Reform, in influencing the Manchester Chamber of Commerce or any branch of it to withdraw the evidence they had already submitted to the said Joint Committee and to substitute other altered evidence be referred to the Committee of Privileges.

On the 25th *idem* a message was sent to the House of Lords requesting that their Lordships would be pleased to give leave to the Rt. Hon. the Earl of Derby, K.G., etc., to attend to be examined as a witness before the Committee of Privileges, to which the Commons duly received a reply message giving Lord Derby leave to attend, etc., his Lordship (in his place) consenting.

On the 30th *idem* the Commons sent a similar message in respect of the Clerk (a Lords' official) attending the Joint Committee for the same purpose, to which a similar reply was received, and messages were also exchanged on the 2nd May in respect of the Marquess of Linlithgow.

The Commons Committee of Privileges first met on the 19th April, and sat 16 times, during which they examined 19 witnesses. Their Report,[3] which consists of 27 paragraphs, was agreed to by the Committee on the 6th of June (their last sitting day). A number of other representatives than witnesses were present at the meetings of the Committee during the

[1] 288 H.C. Deb. 5. s. 714.
[2] *Ib.* 722.
[3] Commons Paper, 90 of 1934. Price 6d.

hearing of the evidence of the witnesses from Lancashire, and were given an opportunity of adding any observations they desired. The Committee had all sorts of documentary evidence placed before them.

At their third meeting the Committee caused the following decisions as to procedure to be sent to Mr. Churchill, Sir Samuel Hoare and Lord Derby, who were at the same time informed that one copy of each day's evidence, which included any papers handed in, would be forwarded to them:

(1) Witnesses will be heard in private, and except where witnesses are called jointly, the evidence delivered by one witness will not be heard by another. At their discretion the Committee will direct the Clerk to send to witnesses transcripts of evidence already given. These to be regarded as confidential documents.
(2) No witness will have facilities to examine or cross-examine another witness.
(3) The Committee will decide what evidence they desire to hear. It is open to any witness to bring to the attention of the Committee the names of any persons whom he suggests should be called to give evidence.
(4) It is not intended to ask leave of the House to hear Counsel.
(5) The Committee do not intend to examine witnesses on oath; but if at any moment they consider that examination of witnesses on oath is necessary, they will act accordingly.
(6) The Committee have power to send for any documents that they desire to see, and they will exercise this power.

When, in the opinion of the Committee, all the necessary witnesses had been examined, the Clerk to the Committee was instructed to send the following letter to Mr. Churchill, Sir Samuel Hoare and the Earl of Derby:

8th May, 1934.

I am directed by the Chairman of the Committee of Privileges to enquire whether, having seen all the evidence given before the Committee, you wish to make any further statement to the Committee either verbally or in writing.

I am further to say that unless you desire to appear before them again they do not think it necessary, on their part, to invite you to do so. In the event of your wishing to submit a further written statement, I am to request that you would forward to me, as soon as possible, twenty copies, so that it may be circulated to the Committee without delay.

In reply to this invitation further written memoranda were submitted by Mr. Churchill and Sir Samuel Hoare. These official memoranda were circulated to members of the Committee only and were considered in relation to the evidence.

Paragraphs 6 to 20 of the Report set out in some detail an account of the events in connection with the case. It was remarked in paragraph 10 of the Committee's Report that the usual practice was not to distribute memoranda of evidence until 5 or 6 days before the witnesses concerned were summoned.

In paragraph 21 of their report the Committee stated they are not in the ordinary sense a judicial body. They were concerned with questions partly of policy and expediency and partly of constitutional theory and practice.

The Committee, in stating that they were not in the ordinary sense a judicial body although they exercised judicial functions, went into this aspect of their authority in very interesting and informative detail. The Committee also considered the position of witnesses before the Joint Committee in comparison with the rules in regard to the giving of evidence before judicial tribunals. The Committee were of opinion that the provisions of the Sessional Order of 1700 had only a very limited application to the circumstances they had to consider. Such Order reads as follows:

> WITNESSES. *Resolved*, that if it shall appear that any person hath been tampering with any witness, in respect of his evidence to be given to this House, or any Committee thereof, or directly or indirectly hath endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime or misdemeanour; and this House will proceed with the utmost severity against such offender.

The Committee dealt at some length with the position of witnesses before a legislative or administrative committee in comparison with those appearing before a judicial committee.

In their conclusions they considered there was nothing dishonest or corrupt in a witness being advised as to the evidence he was to give on matters of opinion, particularly when the witness had invited the advice. They were satisfied, therefore, that neither Sir Samuel Hoare nor the Earl of Derby had behaved in such a way that they should be held to have tampered with any witness or to have attempted to have brought about improperly the alteration of any evidence to be given on behalf of the Manchester Chamber of Commerce and other bodies. The Committee came unanimously to the conclusion that the advice given at no time took the form of pressure or intimidation or interference of any kind with the freedom of the Chamber of Commerce and other bodies associated with them to form

and express their own opinions honestly in the light of all the facts that were known to them.

The Committee further stated that they had carefully consulted such precedents as had been brought to their notice, and that they had further directed their attention to two considerations which seemed to them of crucial importance:

> First, there is not even an allegation or suspicion of corruption or intimidation or of any appeal direct or indirect to greed or fear; secondly, the function of the Joint Committee is to advise Parliament about questions of legislative policy and to that end to listen to the opinion of such witnesses as can assist the enquiry, and not to exercise jurisdiction or to determine any issue of fact or of law affecting the rights, property, conduct, or character of any person.

In the light of these considerations, said the Committee, the unanimous judgment of the Committee was that Sir Samuel Hoare and Lord Derby had committed no breach of privilege.

One of the members of the Committee asked the question: Ought there to be any limits (beyond those of honesty and truthfulness) to the action and influence of an adviser to a witness before a Select Committee charged with a legislative or administrative task? It was remarked that such an adviser might help a witness to present to the best advantage the evidence the witness wished to give; he might discuss its subject-matter with him; he might even tell the witness that he was making a mistake and should change his mind or the expression of it. Such persuasion must, of course, be perfectly fair and not in the least tainted by bribery or menace. But, asked the Committee, was there no other limit to the use of persuasion by the adviser of a witness? The Member suggested that, as a matter of expediency and helpfulness to a Select Committee, there should be a limit even to the cleanest and most honourable persuasion.

The Committee continued to observe, we commonly spoke of "over-persuading," of "persuading a man against his better judgment," of "talking a man into an opinion," and the like. What was meant by these phrases, the Committee remarked, was that the adviser's mind and opinions were, in effect, substituted for those of the persons advised; or, at the best, that the latter's opinions were affected and coloured and ceased to be spontaneous. There was, of course, nothing in the least dishonourable or discreditable in the process; but applied to a witness before a Committee, it did, remarked the

Committee, by destroying the spontaneity of the witness' opinion, destroy what might be a notable element in its value to the Committee. It was also remarked that over-persuasion was a real danger . . . if it should rise to the point of actually substituting the opinion of an adviser for the spontaneous evidence of a witness, harm would be done; and one member of the Committee desired to record this caution, lest in the future the free use of persuasion of witnesses in the present case should come to be regarded as a guiding precedent. In conclusion, the Committee remarked that, on the facts of the case, they were clearly of opinion that the Manchester Chamber of Commerce were, in fact, not over-persuaded or talked into an opinion which they did not honestly form. The Committee were further satisfied that, whilst the earlier memorandum correctly represented the views of the majority at the time at which it was prepared and when it was sent to the Joint Committee, a genuine change of opinion took place in the interval before the evidence was heard, and that the second memorandum gave a true expression of the majority at the time it was tendered in evidence.

The Committee did not append to their Report the documents and evidence given before them. Many of the documents and the evidence as a whole were of a confidential nature, and the Committee were unanimously and emphatically of opinion that their publication would be harmful to the public interest.

On the 4th June a question was asked[1] in the Commons if adequate time would be allowed for its consideration by Members before the House proceeded to the debate thereon, to which the Prime Minister replied.

The Report of the Committee of Privileges was brought up two days later, and on the following day the Prime Minister informed Members,[2] when the arrangement of public business was being discussed, of the special arrangements that had been made to enable the Report to be distributed to Members as soon as possible and in order to give them an opportunity of reading the Report over the week-end.

On the 13th of the same month the motion, "That this House doth agree with the Report of the Committee of Privileges" was moved by the Prime Minister, after a most interesting debate[3] well worthy of careful reading by members of the Society. During this debate, which concluded with the approval by the House (without a division) of the Committee of Privileges' decision that no breach of privilege had

[1] 290 H.C. Deb. 5. s. 570. [2] *Ib.* 1083, 1084. [3] *Ib.* 1711-1808.

been committed, a number of interesting observations were made by Members, of which the following are cited:

Mr. Churchill:

> but it is when we come to these issues which are raised of advice, influence and pressure that we need much fuller details and a clearer account. Where, I would ask, does advice end and pressure begin? I can conceive that one of the answers which may be made to that is that advice becomes pressure when it is offered to a witness by a member of the tribunal before whom that witness is to plead his case.[1]

Mr. Amery:

> * * * * *
>
> the other instances in which privilege was claimed all involved, if not corruption, at any rate intimidation or victimization.[2]

Lord Hugh Cecil:

> If you take the view . . . that it (the Committee of Privileges) was a judicial body which ought to behave like judges in the King's Bench, I have no doubt you could have found a technical breach of privilege.[3]
>
> * * * * *
>
> We were faced with a new question, so far as we could discover, which never had been brought to the notice of a Committee examining a privilege before. The particular point at issue had never been raised. Only in the sense that you make law when you come to a decision we had to make law, and not only law; we had to make what must be rational law, which could be carried out in accordance with the great common sense of this House and of the public. Not in this instance only, but in countless instances before select committees, people have been advised as to how their evidence was to be given, assistance has been given them to draw it up, and the like has been done.[4]
>
> * * * * *
>
> There is no doubt what people were thinking in 1700—they were thinking about corruption. Sir, five years before then, one of your predecessors in the Chair had had to put the question as to whether he had been guilty of corrupt practices, and he had to say that the Ayes had it because not a single voice had been raised for the Noes; and a Lord President of the Council . . . was driven out of office by a similar accusation of corruption. There is not the least doubt about what they meant in 1700. They meant corrupt tampering, and that they would be quite ready to impeach

[1] *Ib.* 1720.
[2] 290 H.C. Deb. 5. s. 1742.
[3] *Ib.* 1749.
[4] 290 H.C. Deb. 5. s. 1750-51.

before the House of Lords anyone who so tampered with witnesses.[1]

* * * * *

In the paragraph[2] for which I am myself responsible, I draw attention to something which would not constitute in the least degree a Parliamentary offence, or the least breach of Privilege, but would destroy the usefulness of a Parliamentary enquiry if persuasion got beyond a certain point. It is true that what you want when you hold an enquiry into someone's opinion is that he should give you his own opinion, and not that which someone else has persuaded him for the moment to hold. Spontaneity of opinion is what is of importance—not correctness, not wisdom, but that that man, possibly that fool, should express his own opinion. I thought it necessary to add a word of caution lest Committees should in the future allow any degree of persuasion which would not, indeed, be a breach of Privilege, but which would largely destroy the utility of their enquiry.[3]

* * * * *

We have added, I must not say a chapter, but perhaps a page, perhaps a mere footnote, to that memorable work on Parliamentary practice by Sir Erskine May.[4]

* * * * *

Mr. Attlee:

The whole question really is whether the work that is done for this House by a Joint Select Committee is of the nature of a judicial tribunal or is part of the legislative process. In common with my colleagues, I came to the conclusion that it was part of the legislative process.[5]

* * * * *

Vice-Admiral Taylor:

I wish to ask the Government whether the procedure that is allowed is as follows: That any member of the Joint Select Committee can go to any witness coming before that Select Committee and advise that witness as to what evidence he should give, have a discussion with that witness on the evidence which he intends to give, and if he does not like it endeavour to persuade him to alter that evidence and give some other evidence.[6]

* * * * *

It is to me a very serious matter if he, as a Member of the Committee, is permitted to interfere with evidence which is to be given before the Committee, and of which he is to be the judge.[7]

[1] *Ib.* 1751, 1752. [2] 24. [3] 290 H.C. Deb. 5s. 1752.
[4] *Ib.* 1754. [5] *Ib.* 1756. [6] 290 H.C. Deb. 5s. 1795.
[7] *Ib.* 1797.

Mr. Emmott:

I readily agree that the procedure of the Joint Committee is not to be governed by all the rules that apply to courts of justice, but however you relax the severity of those rules the relation of the Committee to the witnesses who appear before it is of a judicial nature. The precedents, so far as I have been able to examine them, suggest no other principle.[1]

• • • • •

Advice and persuasion are admitted in the report of the Committee of Privileges itself. The question I ask is this—Are advice and persuasion compatible with the exercise by the Committee of judicial or quasi-judicial functions? I suggest they are not.[2]

• • • • •

It is now laid down, so far as I know for the first time, that a member of a Joint Committee commits no breach of Privilege in giving advice or attempting to persuade a person who comes to give evidence before the Committee. Even so, the question of expediency is expressly reserved in the 21st paragraph of the Report. But the limits of the principle are not indicated. Is the principle to apply to all the members of the Committee, and is it to apply to all Committees? I believe that to admit this principle is to open wide the door to great abuses, abuses involving the greatest injury to our Parliamentary institutions.[3]

The Attorney-General:

We arrived at the conclusion that there had been no breach of Privilege, largely, or at any rate partly, because we could not regard this Committee as a court of law or a judicial tribunal in the ordinary sense of the term.[4]

• • • • •

As nobody pretended that there was any corruption, nobody pretended that there was any bribery, nobody pretended that there was any intimidation, it is obvious that the provisions of the Sessional Order had very little importance in regard to the facts of this particular case.[5]

• • • • •

I commend this report to the House as a report which is confined to the circumstances of this case, and is absolutely conclusive as to the total absence of any impropriety of conduct on the part of my right hon. Friend the Secretary of State for India or of Lord Derby.[6]

• • • • •

[1] *Ib.* 1799. [2] 290 H.C. Deb. 5. s. 1800. [3] *Ib.* 1801.
[4] 290 H.C. Deb. 5. s. 1804. [5] *Ib.* 1805. [6] *Ib.* 1807.

I venture to think that the conclusions of the Committee, the character of their proceedings, and the dispassionate character of the Report which they have presented to the House, will confirm the House in the estimation which I believe it enjoys, not only in this country, but in other countries which sometimes would like to have a legislative assembly of the same impartial character as our own.

XIV. SOME RULINGS BY THE SPEAKER AND HIS DEPUTY AT WESTMINSTER DURING THE YEAR

COMPILED BY THE EDITOR

THE following Index to some points of Parliamentary Procedure as well as Rulings by the Speaker and Deputy-Speaker of the House of Commons given during the Third Session of the Thirty-sixth Parliament of the United Kingdom of Great Britain and Northern Ireland and the Tenth of His Majesty King George V, are taken from the General Index to Volumes 283 to 293 of the House of Commons Debates (Official Report), 5th series, comprising the period 21st November, 1933, to 16th November, 1934. The Rulings, etc., given during the remainder of 1934 and falling within the Eleventh Session will be treated in Volume IV of this JOURNAL.

The respective volume and column reference number is given against each item, thus—" (283 – 945) " or (" 284 – 607, 608 and 1160)." The items marked with an asterisk are indexed in the Commons *Hansard* under the heading " Parliamentary Procedure."

Note.—1 R., 2 R., 3 R. = Bills read *First*, *Second* or *Third* time. *Amdt.* = Amendment. *Com.* = Committee. *Cons.* = Consideration. *Rep.* = Report. C.W.H. = Committee of the Whole House.

Adjournment.

—legislation cannot be ordered on motion for (287 – 2175 to 2177).
—legislation cannot be debated upon motion for (287 – 1778).
—motion for, is to consider questions for which Minister himself is responsible (287 – 1778).

Amendment(s).

*—Government, can be moved by any Member thereof (285 – 884).
*—question of acceptance of manuscript entirely within discretion of Chair (284 – 741).
*—selection of, in discretion of Chair (286 – 803, etc.).
*—cannot be withdrawn if any Member speaks upon it (287 – 487, etc.).

Bills, Public.

—printer's correction (293 – 1870, 1871 and 1872).
—*amdt.* antedating operation of a duty (288 – 1947).

—House ignorant of what takes place in *Com.*, unless reported to House (285 – 2025).
—Speaker's selection of *amdt.* (286 – 375, 376); (286 – 1603).
—debate on motion for leave (292 – 1657).
—*amdts.* too late (289 – 628).
—considerable *amdts.* on *Rep.* (289 – 628, 629).
—Finance Bill, effect of clause removing an exemption (291 – 23, 24, 25).
—*amdts.* outside scope of (290 – 2105); (289 – 2036).
*—new clause cannot be moved for absent Member (290 – 1434).
*—question of committal of, to C.W.H. must be decided without *amdt.* or debate (284 – 309, 310).

Business of the House.

—Mr. Speaker nothing to do with allotment of time for (285 – 201, 202).

Chair.

*—discussion of conduct of, in selection of *amdts.* not allowed (286 – 803, 804).
*—Member must not criticize action of (284 – 800), etc.
*—Member must not reflect upon decisions given by (288 – 1766).
*—for Chairman and not for Member to decide what in order or not (285 – 1620, 1627).
*—conduct of, in accepting closure cannot be questioned or criticized (284 – 800).
*—Members should address the (285 – 125), etc.

Closure.

*—acceptance of, on clause of which no *amdt.* (284 – 799, 800).
*—conduct of Chair, in accepting, cannot be questioned or criticized (284 – 800).
*—questioning of, or of passing of, not in order (284 – 688, 690).
*—dilatory motion on " guillotine " can only be received if moved by Government (285 – 1674, 1679).

Debate.

—" another place," debate in, may not be referred to (283 – 1006, 1007, 1017, and 1018); (284 – 460); (292 – 2362).
—interruptions in (293 – 1300); (298 – 1354).
—irrelevance in (293 – 446).

—exhausted right of speech (293 – 1568).
—adjournment of, not acceptable, on Order of Day read (293 – 1781).
—budget speech not allowable in *Com.* of Supply (288 – 1978).
—budget resolutions on *Rep.* (288 – 1990, 1999, and 2000).
—Members address the Chair (283 – 1248).
—of same session, may not be referred to (283 – 1258, 1259, 1260).
—2 R., not allowed on 3 R. (291 – 735).
—accusations must not be made by M.P.s against present House of Commons (285 – 1525 to 1529).
—matters *sub judice* may not be referred to, in (293 – 246).
—criticism in, allowed of Indian Provincial Governors but not of Viceroy (286 – 1421).
—Members' reference to notes in (283 – 910).
—interruptions in, not allowed unless Member gives way (283 – 2001).
•—back-benchers, suggested consideration of (285 – 979).
•—adjournment of, cannot be withdrawn if Member persists in speaking (287 – 327).
•—budget resolutions, *Rep.* stage, limited specifically to resolution before House (288 – 1990).
•—improper remark to reflect upon decision of a court of law (287 – 28).
•—interruptions under guise of raising point of order, when no such point (286 – 777).
•—interruptions in order if Member gives way (288 – 1354).
•—Member exhausted right to speak (286 – 2152), etc.
•—Member exhausted right to speak but can ask questions (289 – 581).
•—responsibility of Ministers to House (286 – 214, 215).
•—out of order to say that a Member is obstructing (284 – 766).
•—official documents quoted from, must be tabled (290 – 654).
—personal recriminations (289 – 435).
—proceedings before *Com.* upstairs, no objection and no rule known against referring to or quoting (293 – 667).
—progress, motion to report, acceptance or not, within discretion of the Chair (284 – 815).
—repetition of arguments (288 – 1567).
—repetition of arguments used in previous debate in same session on a different matter not in order (284 – 751).
—Royal Commission not a judicial body and not protected from criticism, question a matter of taste on part of Members (293 – 982).

—Royal Family, not in order to refer to member of, in debate, to influence debate (292 – 1801, 1802).

—Bills:

—merits of, no, on *Cons.* (293 – 1640).

—3 R. speech not allowed on *Cons.* (293 – 1670, 1724).

—*amdts.*, selection and discussion of (293 – 1683, 1684).

amdt. to *amdt.* (293 – 1688).

adjournment of, not accepted on *Cons.* (293 – 1698, 1699).

—reference to debate in *Com.* (286 – 1752, 1753).

—*Cons.* on, " That the Debate be now adjourned " not allowed, but " that further consideration of the Bill be now adjourned " (293 – 158).

—*Rep.* stage, confined to *amdt.* (293 – 291).

—3 R. not entitled on, to argue *amdt.* not in order on *Cons.* (290 – 132, 133).

—not allowed on another (283 – 2002).

*—*Com.* stage, contrary to practice to debate on Q. " that clause stand part," a subject already debated (293 – 1162, 1164).

*—Member reading from extensive note on motion for leave (292 – 1657).

—*Rep.* stage, 3 R. speech (293 – 233, 234), etc.

—2 R., second speech on, must be confined to personal explanation (283 – 1340).

—3 R., only matters in the Bill can be discussed (284 – 934, 963), etc.

—unparliamentary expressions:

*—" behaving like a jackass " (291 – 2097).

*—Member must not accuse other Member of lying (289 – 1566).

Division.

—Speaker prepared to call a, if any Member said " No " (293 – 1708).

Estimates.

—arrangement of, matter for Government (286 – 1685).

Instructions.

—to divide a Bill into two (291 – 977, 978).

Lords' Amendments.

—put together (291 – 1103).
—not a second reading debate (288 – 2021).
—consideration of, at end session, when not printed, if general agreement (284 – 1448, 1449).

Members.

—bringing into House of Hyde Park railing by, to be discouraged (290 – 2016).
—accusation against, should be withdrawn, if denied (286 – 422).
—must not accuse other Members of lying (289 – 1566).
—must not accuse Mr. Speaker of being funny (283 – 1248).
—must conduct himself properly (284 – 1607).
—exhausted right to speak (286 – 2152), etc.
—exhausted right to speak, but can ask question (289 – 581).
—grave accusations against, must not be made unless prepared to prove them by evidence (285 – 1526, 1528).
—must not interrupt others in debate (283 – 230, 1211).
—must not interrupt when Chairman dealing with *amdts.* (284 – 57).
—cannot interrupt unless Member in possession chooses to give way (283 – 1109), etc.
—must respect Chairman's ruling (287 – 1692, etc.).
—responsible for accuracy of their own statements (285 – 1506).
—must not accuse other Members of obstructing (284 – 766).

Motions.

—dealing with two at same time (291 – 1263).
—to report progress on guillotine not accepted unless moved by Government (285 – 1658, etc.)
*—anticipation of discussion on, not in order (283 – 1684).
*—cannot be withdrawn if Member insists on speaking (288 — 1498).

Newspapers.

—must not be read in the House (287 – 809).

Notices of Motion and Bills.

—ballot for (282 — 88).
—ballot for *Com.* of supply (285 – 553).

Order.

—not a point of (292 – 1703); (289 – 647); (284 – 62).
—out of, to say that Member is obstructing (284 – 766).
—point of, should be addressed to Mr. Speaker, not to Member (285 – 2025).
*—cannot be argued (290 – 1125).
—a matter for Mr. Speaker (286 – 8).
—not a point of, to correct another Member on his argument (292 – 1703).

Orders of the Day.

—four of similar nature taken together (290 – 1313); (293 – 1470).

Petitions.

—calling for withdrawal of prosecution pending in courts (291 – 1884).

Privilege, Question of.

—Joint S/C on Indian Constitutional Reform.
—proceedings of certain Members (288 — 714 to 729).
—message of Clerk to attend (289 – 36).
—report (290 – 939 to 940).
—discussion, etc. (290 – 570, 1083, 1084); (290 – 1711 to 1808).
—purposes of (290 – 569, 570).
—photographs (289 – 2040).
—Address, presentation of (285 – 1313 to 1316, 1590, 1591).

Publications.

—simultaneous publication of Joint *Com. Rep.* on Indian Constitutional Reform, in U.K. and India (293 – 405).

Questions to Ministers.

—rule under which House acts in regard to conduct of judges not disregarded by (293 – 632).
—absence of Members, putting down (287 – 1208, 1209).
—not allowed to be put on Paper or put as supplementary (289 – 1920).
—argument matter of (286 – 1099).
—cannot be asked on what appears in the papers (291 – 1546).
—private notice of, not allowed (290 – 924 to 927), etc.
—called but not asked (283 – 1300, 1301).

—debate not allowable (283 – 489), etc.
—debate developing and matter might be raised on estimate (285 – 540).
—debate, matter for (285 – 353).
—discussion must not be continued (290 – 333).
—certain foreign language not allowed in (287 – 195).
—guidance, not the time for giving (290 – 1686).
—hypothetical (284 – 1468), etc.
—information being given in place of question being asked (284 – 916), etc.
—judicial minds of justices cannot be gone into (293 – 649).
—legal question (286 – 760).
—not a matter for the Minister (285 – 790).
—matter to be raised on adjournment (289 – 24).
—Member must ask question (285 – 193).
—Member may not have more than 3 questions on Paper on same day (291 – 1557).
—Member has another subject in mind (293 – 1262).
—proper method of dealing with, to hand them in at Table (290 – 926).
—Minister can only answer one at a time (290 – 353).
—Minister not responsible for Spain (287 – 7).
—next question (283 – 1300, 1301), etc.
—notice required and question to be put down (283 – 240, 517, 860), etc.
—large number on Paper (293 – 324).
—opinion being asked for (284 – 1102).
—matter of (285 – 201), etc.
—not in order (285 – 1572).
—dealing with policy of another country, doubt as to whether in order, and cannot be debated (285 – 1762).
—progress must be made (289 – 723).
—not a proper question (283 – 487).
—cannot be answered without notice (293 – 1277).
—cannot be argued (293 – 1748).
—cannot be gone into (284 – 373).
—replies,
  —replies given (286 – 1626), etc.
  —given and not considered impudent (289 – 1608).
  —already given that, could not be replied to without notice (291 – 175).
  —no inclination shewn to give (289 – 1235).
  —nothing to add to (291 – 1903).
  —position as to Minister giving (290 – 926, 927).

cornice tend to be noisier than the ground floor, owing to reflection from opposite buildings and the road paving.

Three ways are given for the transmission of noise through parts of a building, against which provision should be made, namely—

(*a*) Percolation of air-borne noises through interstices of the fabric or through openings;
(*b*) transmission due to a diaphragm action of walls, floors, doors and windows; and
(*c*) transmission due to structure-borne vibration whether communicated to the parts of a building through the air, or by direct impact upon the fabric, or through the ground.

The report deals with the various methods of combating these. Windows illustrate the great influence of the membrane factor and the heavier and more rigid their frames and the thicker and smaller the panes, the less will the membrane effect operate. Generally speaking, it is further stated in the Report, buildings protect against noise in proportion to their solidity.

Paragraph No. 5 of the Report deals with the minimization of equipment noises and No. 6 with the prevention of internal noises, which should include the planning of an engine house in the basement of a building and the use of single-phase alternating current electric, in place of direct current motors. Neither should elevators be placed on party walls. A table of sound reductions is given. Sounds are compared by means of their intensity ratios and the result expressed in logarithmic units of bels or decibels; the least difference in loudness which the ear can appreciate is about 1 decibel.

Figure I of the Report gives the decibel scale of standard noises and localities, sometimes called the " sensation " scale, showing the intensity above the threshold in decibels, ranging in respect of standard rooms and localities from a " very quiet room " (30) to an aeroplane cabin (110), and in respect of " common noises " from the " threshold of audibility " (0) to the " threshold of feeling " (120). The Report concludes with a very comprehensive set of tables of sound reductions and collected test-data in a form convenient for the practising architect.

This Report is well worth study by all those concerned with the administration of Houses of Parliament buildings.

XVI. UNI- v. BI-CAMERALISM—AN UNOFFICIAL U.S.A. POLL.

WE are indebted to *State Government*, that interesting Journal of the American Legislators Association, with whom we exchange publications, for the following extract from their October, 1934, issue.

A postcard inquiry was sent to the following groups: all members of Congress; all of the 1900 State Senators, and an equal number of State Representatives, evenly distributed among the States, but including all Members of the Nebraska House of Representatives; 300 newspaper editors; about one-third of the Members of the American Political Science Association—the first 500, selected alphabetically; the first 200 names on a list of business executives compiled by the United States Chamber of Commerce; the first 200 names on the membership list of the American Bar Association; the first 200 names on a list of bankers supplied by the American Bankers Association; 200 directors of governmental research bureaus; the first 200 names on a membership list of the American Association of University Women; the first 200 Members on a list of American Federation of Labour delegates; and a list of 200 Members of the National League of Women Voters supplied by the League.

How did they vote?

The question was stated as follows:

> " Do you think that one-House State legislatures would or would not be preferable to two-House legislatures?"

The ballots were not accompanied by any arguments pro or con, nor by any explanatory information which might have tended to influence the voters.

The spectacular feature of the vote—as shewn below—is this: Every group of individuals who have had actual legislative experience votes " No " by a heavy majority. United States Senators and Representatives vote " No " by nearly 3 to 1; State Representatives 2 to 1; State Senators 3 to 1; Nebraska legislators 3 to 1. But professors of government and other persons engaged in governmental research vote " Yes " by an even heavier majority—4 to 1 or 5 to 1. The combined totals of all groups showed a vote against one-house legislatures of 3 to 2.

The results of the poll in percentages were:

Group.	*For One-House Legislatures. Per cent.*	*Against One-House Legislatures. Per cent.*
United States Representatives ..	24	76
United States Senators	31	69
State Representatives	34	66
State Senators	24	76
Nebraska Representatives ..	20	80
Nebraska Senators	38	62
American Bankers Association ..	31	69
Business executives	45	55
Newspaper editors	41	59
American Bar Association ..	34	66
Governmental Research Association	82	18
American Political Science Association	85	15
American Federation of Labour	64	36
League of Women Voters ..	73	27
American Association of University Women	52	48
Total votes cast	41	59

Legislators: "No." Academicians: "Yes."

XVII. LIBRARY OF PARLIAMENT

BY THE EDITOR

VOL. I of the JOURNAL contained[1] a list of books suggested as the nucleus of a Statesman's Reference Collection in the Library of an Oversea Parliament. Vol. II[2] gave a list of books on economic, legal, political, and sociological questions of major importance, which have been published during the year 1933. The list of books given below applies to the works of such nature published during the year under review. 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 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. Some interesting information has been sent in in regard to the working of Oversea Parliamentary Libraries, but it has had to be reserved for the next issue of the JOURNAL. The main 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.

Abbott, A.—Education for Industry and Commerce in England. (Milford. 5*s.*)

Adarkar, B. P.—The Principles and Problems of Federal Finance. (P. S. King. 12*s.* 6*d.*)

Andrews, C. M.—Our Earliest Colonial Settlements, their Diversities of Origin and Later Characteristics. (Milford. 10*s.* 6*d.*)

[1] p. 112 *et seq.* [2] p. 132 *et seq.*

Baker, A.—The Control of Prices. (Dent. 5*s.*)
Banse, E.—Germany, Prepare for War (Translation). (Lovat Dickson. 10*s.* 6*d.*)
Barratt Broune, A.—The Machine and the Worker. (Ivor Nicholson and Watson. 4*s.* 6*d.*)
Barton, Sir W.[1]—The Princes of India. (Nisbet. 15*s.*)
Beals, C.—The Crime of Cuba. (Lippincott. 12*s.* 6*d.*)
Bentwich, N.—Palestine. (Benn. 21*s.*)
Blacker, C. B.—The Chances of Morbid Inheritance. (Lewis. 15*s.*)
Bland, F. A.—Planning the Modern State. (Australian Book Co., London. 4*s.* 6*d.*)
Brady, R. A.—The Rationalization Movement in German Industry (Cambridge University Press. 22*s.* 6*d.*)
Brockway, A. F.—Will Roosevelt Succeed ? (Routledge. 6*s.*)
Brookes, E. H.—The Colour Problems of South Africa. (Kegan Paul. 4*s.* 6*d.*)
Buchan, John.[1]—Oliver Cromwell. (Hodder and Stoughton. 21*s.*)
Burge Memorial Lectures, 1927-1933. (Milford. 10*s.*)
Butler, N. M.—Between Two Worlds. (Scribner. 10*s.* 6*d.*)
Bywater, H. C.—Sea-Power in the Pacific. (Constable. 10*s.*)

Calder, R.—The Birth of the Future. (Arthur Barker. 10*s.* 6*d.*)
Christie, O. F.—The Transition to Democracy, 1867-1914. (Routledge. 12*s.* 6*d.*)
Consultation and Corporation in the British Commonwealth, compiled by G. E. H. Palmer. (Milford. 12*s.* 6*d.*)
Copland, D.—Australia in the World Crisis. (Cambridge University Press. 9*s.*)
Croce, B.—History of Europe in the Nineteenth Century (Translation). (Allen and Unwin. 10*s.* 6*d.*)
Curtis, L.—Civitas Dei. (Macmillan. 10*s.* 6*d.*)

Dafoe, W., and others.—Public Opinion and World Politics. (Cambridge University Press. 13*s.* 6*d.*)
Dalton, H. and others.—Unbalanced Budgets. (Routledge. 15*s.*)
Davies, Lord.—Force. (Benn. 21*s.*)
Davis, J. M.—Industry and the African. (Macmillan. 12*s.* 6*d.*)
Dell, R.—Germany Unmasked. (Martin Hopkinson. 5*s.*)
Documents on International Affairs, edited by J. W. Wheeler Bennett and S. A. Heald. (Milford. 25*s.*)
Dodwell, D. W.—Treasuries and Central Banks, especially in England and the United States. (P. S. King. 10*s.* 6*d.*)
Drennan, J.—B. W. F. Oswald Mosley and British Fascism. (Murray. 7*s.* 6*d.*)
Duggan, S.—The Two Americas. (Scribner. 7*s.* 6*s.*)
Dysinger, W. S. and Ruckwick, C. A.—The Emotional Responses of Children to the Motion Picture Situation. (The Macmillan Co., 5*s.*)

Edgeworth, Lt.-Col. K. E.—The Industrial Crisis. (Allen and Unwin. 5*s.*)
—The Trade Balance. (Allen and Unwin. 3*s.* 6*d.*)

[1] This book also contains much matter of constitutional interest.

Einzig, P.—Germany's Default. (Macmillan. 7*s.* 6*d.*)
Ellison, M.—Sparks beneath the Ashes (Experiences of a London Probationary Officer). (John Murray. 6*s.*)
Elwyn, W.—Fascism at Work. (Hopkinson. 10*s.* 6*d.*)
Emden, P. H.—Behind the Throne. (Hodder and Stoughton. 15*s.*)
Essays presented to C. G. Seligman, edited by E. E. Evans-Pritchard. (Kegan Paul. 21*s.*)
Evans, I. L.—Native Policy in Southern Africa. (Cambridge University Press. 6*s.*)

Fay, C. R.—Imperial Economy and its Place in the Formation of Economic Doctrine, 1600-1932. (Milford. 6*s.*)
Finer, H.—English Local Government. (Methuen. 21*s.*)
Firth, M. and Hopkinson, A.—The Tolpuddle Martyrs. (Martin Hopkinson. 3*s.* 6*d.*)
Fuller, Major-General J. F. C.—Empire Unity and Defence. (Arrowsmith. 10*s.* 6*d.*)

Gathorne-Hardy, G. M.—A Short History of International Affairs, 1920-1934. (Milford. 7*s.* 6*d.*)
Geneva Institute of International Relations. Problems of Peace. (Allen and Unwin. 8*s.* 6*d.*)
Ghosh, P. C.—The Theory of Profits. (The Calcutta University.)
Goldman, B.—Red Road Through Asia. (Methuen. 12*s.* 6*d.*)
Goldschmidt, R. W.—The Changing Structure of American Banking. (Routledge. 12*s.* 6*d.*)
Goodall, E. W.—A Short History of the Epidemic Infectious Diseases. (Bale, Sons and Danielsson. 3*s.* 6*d.*)
Grant, M.—The Conquest of a Continent, or the Expansion of Races in America. (Scribner. 12*s.* 6*d.*)
Greenwood, H. P.—The German Revolution. (Routledge. 12*s.* 6*d.*)
Gregory, T. E.—The Gold Standard and its Future. 3rd Ed. (Methuen. 6*s.*)
Gwynn, Major-Gen. Sir C. W.—Imperial Policing. (Macmillan. 10*s.* 6*d.*)

Hall, H. L.—Australia and England: A Study on Imperial Relations. (Longmans. 12*s.* 6*d.*)
Haller, W.—Tracts on Liberty in the Puritan Revolution, 1638-1647. 3 vols. (Milford. 63*s.*)
Harris, S. E.—Twenty Years of Federal Reserve Policy. (2 vols. Milford. 37*s.*)
Hart, Sir W. E. and W. O.—An Introduction to the Law of Local Government and Administration. (Butterworth. 21*s.*)
Holland, Sir T. E.—Lectures on International Law. (Sweet and Maxwell. 30*s.*)
Holmstrom, J. E.—Railways and Roads in Pioneer Development Overseas. (P. S. King. 15*s.*)
Holt, W. S.—Treaties defeated by the Senate. (Milford. 13*s.* 6*d.*)
Hudson, M. O.—The Permanent Court of International Justice. (Macmillan. 21*s.*)

Isles, K. S.—Wages Policy and Price Level. (P. S. King. 9*s.*)

Jauncey, L. C.—Australia's Government Bank. (Crauley and Day. 7*s.* 6*d.*)
Johnston, R. F.—Confucianism and Modern China. (Gollancz. 8*s.* 6*d.*)
Jones, H. A.—From Wants to Satisfaction (an outline of Economics). (Edward Arnold. 2*s.* 6*d.*)

Keen, F. N.—A Better League of Nations. (Allen and Unwin. 5*s.*)
Kemmerer, E. W.—Kemmerer on Money. (Routledge. 6*s.*)
Klotz, Dr. H.—Germany's Secret Armaments (Translation). (Jarrolds. 5*s.*)
Kotinsky, R.—Adult Education and the Social Scene. (Appleton Century Co. 7*s.* 6*d.*)
Krishnaswami, A.—The New Indian Constitution. (Williams and Norgate. 10*s.* 6*d.*)

Lautespacht, H.—The Development of International Law by the Permanent Court of International Justice. (Longmans. 6*s.* 6*d.*)
Lectures in Honour of Gustav Cassel. (Allen and Unwin. 30*s.*)
Lippmann, W.—The Method of Freedom. (Allen and Unwin. 4*s.* 6*d.*)
Loewenstein, Prince H.—The Tragedy of a Nation: Germany, 1918-1934. (Faber and Faber. 7*s.* 6*d.*)
—After Hitler's Fall: Germany's Coming Reich. (Faber and Faber. 7*s.* 6*d.*)
Lyall, L. A.—China. (Benn. 21*s.*)

Macadam, E.—The New Philanthropy. (Allen and Unwin. 7*s.* 6*d.*)
Macartney, C. A.—National States and National Minorities. (Milford. 18*s.*)
Maini, A. N. and others.—India Analyzed. (Vol. III. Economic Issues.) (Gollanz. 5*s.*)
Malony, W. O. S.—Nationality and the Peace Treaties. (Allen and Unwin. 7*s.* 6*d.*)
Manning, H. T.—British Colonial Government after the American Revolution. (Milford. 18*s.*)
Marriott, Sir J.—Modern England, 1885-1932. (Methuen. 16*s.*)
Maternal Mortality in New York City (New York Academy of Medicine). (Milford. 8*s.* 6*d.*)
Meade, J. E.—The Rate of Interest in a Progressive State. (Macmillan. 7*s.* 6*d.*)
Millin, S. G.—The South Africans. (New Ed. Constable. 7*s.* 6*d.*)
Milne, A. A.—Peace with Honour. (Methuen. 5*s.*)
Milner, G.—The Threshold of the Victorian Age. (Williams and Norgate. 10*s.* 6*d.*)
Mitrany, D.—The Progress of International Government. (Allen and Unwin. 5*s.*)
Muir, Ramsey.—A Brief History of our Own Times. (George Philip. 5*s.*)
Mumford, L.—Technics and Civilization. (Routledge. 18*s.*)
Mund, V. A.—Monopoly. (Milford. 13*s.* 6*d.*)

Nielson, F.—Control from the Top. (Putnam. 7*s.* 6*d.*)

Owen, D. E.—British Opium Policy in China and India. (Milford. 18*s.*)

Pack, A. N.—Forestry: an Economic Challenge. (The Macmillan Co. 6*s.*)
Papi, G. U.—Escape from Stagnation. (P. S. King. 6*s.*)
Pasvolsky, L.—Current Monetary Issues. (Faber and Faber. 7*s.* 6*d.*)
Percy, Lord Eustace.—Government in Transition. (Methuen. 7*s.* 6*d.*)
Puxley, H. L.—A Critique of the Gold Standard. (Allen and Unwin. 10*s.* 6*d.*)

Radin, P.—The Racial Myth. (McGraw-Hill. 6*s.*)
Rasmussen, O. D.—The Reconquest of Asia. (Hamish Hamilton. 10*s.* 6*d.*)
Ratzlaff, C. J.—The Scandinavian Unemployment Program. (Milford. 8*s.* 6*d.*)
Rawson, W.—A New World in the Making in an International Survey of the New Education. (New Education Fellowship. 7*s.* 6*d.*)
Ray, P.—India's Foreign Trade since 1870. (Routledge. 12*s.* 6*d.*)
Riches, C. A.—The Unanimity Rule and the League of Nations. (Milford. 10*s.* 6*d.*)
Robertson, H. M.—Aspects of the Rise of Economic Individualism. (Cambridge University Press. 10*s.* 6*d.*)
Roll, E.—About Money. (Faber and Faber. 7*s.* 6*d.*)
Roosevelt, F. D.—On Our Way. (Faber and Faber. 7*s.* 6*d.*)
Ruppin, A.—The Jews in the Modern World. (Macmillan. 16*s.*)
Russell, B.—Freedom and Organization, 1814-1911. (Allen and Unwin. 15*s.*)

Salcombe, G.—Crisis in Europe. (Selwyn and Blount. 10*s.* 6*d.*)
Seidler, F.—The Bloodless Pogram. (Gollancz. 5*s.*)
Seligman, C. G.—Egypt and Negro Africa. (Routledge. 3*s.* 6*d.*)
Seymour, S.—American Diplomacy during the World War. (Milford. 13*s.* 6*d.*)
Simmonds, F. H.—America and the Next War. (Hamish Hamilton. 3*s.* 6*d.*)
Simpson, K.—Introduction to World Economics. (Allen and Unwin. 10*s.* 6*d.*)
Smith, A. N.—Thirty Years: The Commonwealth of Australia, 1901-1931. (Melbourne: Brown and Prior.)
Souter, R. W.—Prolegomena to Relativity Economics. (P. S. King. 12*s.* 6*d.*)
Spender, J. A.—A Short History of Our Times. (Cassell. 10*s.* 6*d.*)
—These Times. (Cassell. 5*s.*)
Stafford, J.—Essays on Monetary Management. (P. S. King. 7*s.* 6*d.*)
Steed, Wickham.—A Way to Social Peace. (Allen and Unwin. 4*s.* 6*d.*)
—Hitler and Hitlerism. (Nisbet. 3*s.* 6*d.*)
—The Meaning of Hitlerism. (Nisbet. 5*s.*)

Thomas, I.—Coal in the New Era. (Putnam. 5*s.*)
Townsend, R.—Ways that are Dark. (Putnam. 12*s.* 6*d.*)

Toynbee, A. J.—A Study of History. (Milford. 52*s.* 6*d.* for 3 vols.)
—Survey of International Affairs, 1933. (Milford. 24*s.*)
—Survey of International Affairs, 1932. (Milford. 24*s.*)
Trevelyan, G. M.—England under Queen Anne. (Longmans. 21*s.*)

van der Poel, J.—Railway and Customs Policies in South Africa, 1885-1910. (Longmans. 7*s.* 6*d.*)
van Dillen, J. G.—History of the Principal Public Banks. (The Hague: Martinus Nijhoff. *Gld.* 12.)

Waldman, M.—Goethe and the Jews: A Challenge to Hitlerism. (Putnam. 10*s.* 6*d.*)
Wattal, P. K.—The Population Problem in India. (Bombay: Bennett Coleman and Co. *Rs.* 3.8.)
Westermann, D.—The African To-day. (Milford. 7*s.* 6*d.*)
Wheeler-Bennett, J. W.—Documents on International Affairs, 1932. (Milford. 20*s.*)
—The Disarmament Deadlock. (Routledge. 15*s.*)
Wolf, L.—Essays in Jewish History. (Jewish Historical Society of England. 10*s.* 6*d.*)
Wootton, B.—Plan or No Plan. (Gollancz. 5*s.*)

Zappa, P.—Unclean ! Unclean ! (Lovat Dickson. 7*s.* 6*d.*)
Zurcher, A. J.—The Experiment with Democracy in Central Europe. (Milford. 10*s.* 6*d.*)

XVIII. LIBRARY OF "THE CLERK OF THE HOUSE"

BY THE EDITOR

THE Clerk of either House of Parliament, as 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[1] 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.

A list of works suitable for a Clerk's Library, published in 1933, will be found in Volume II.[2] The works published in the year under review are given below:

Heneman, H. J.—The Growth of Executive Power in Germany. (The Voyageur Press. $2.50.)

Jennings, W. I.—The Law and the Constitution. (University of London Press. 6*s.* 6*d.*)

Mansergh, N.—The Irish Free State: Its Government and Politics. (Allen and Unwin. 12*s.* 6*d.*)

Sixth Edition House of Commons Manual of Procedure in the Public Business, 1934. (H.M. Stationery Office, London. 6*s.*)

[*John Buchan's* "Oliver Cromwell" (Hodder and Stoughton, 21*s.*), and *Sir W. Barton's* "Princes of India," also contain much matter of interest to the constitutional student.]

Townsend, Capt. G. J.—History of the Great Chamberlainship of England. (Forster Groom. 5*s.*)

Wheare, K. C.—The Statute of Westminster, 1931. (Milford. 6*s.*)

Williams, J. F.—Some Aspects of the Covenant of the League of Nations. (Milford. 10*s.* 6*d.*)

[1] p. 123 *et seq.*

[2] p. 137 *et seq.*

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.

MEMBERS.

Dominion of Canada.

A. E. Blount, Esq., C.M.G., Clerk of the Senate, Ottawa, Ont.

Arthur Beauchesne, Esq.,* C.M.G., K.C., M.A., LL.D., Litt.D., F.R.S.C., Clerk of the House of Commons, Ottawa, Ont.

Major Alex. C. Lewis, Clerk of the Legislative Assembly, Toronto, Ont.

C. A. Fournier, Esq., Clerk-Assistant of the Legislative Assembly, Quebec.

~~Geo. Bidlake~~, Esq., Clerk of the Legislative Assembly, Fredericton, N.B.

* Barrister-at-law or Advocate.

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

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

R. A. Andison, Esq., Clerk of the Legislative Assembly, Edmonton, Alta.

Commonwealth of Australia.

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

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

E. W. Parkes, Esq., C.M.G., Clerk of the House of Representatives, Canberra, F.C.T.

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

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

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

H. Robbins, Esq., M.C., Second-Clerk-Assistant of the Legislative Assembly, Sydney, New South Wales.

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

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

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

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

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

P. T. Pook, Esq., B.A., LL.M., J.P., Clerk of the Legislative Council, Melbourne, Victoria.

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

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

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

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

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

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

Dominion of New Zealand.

C. M. Bothamley, Esq., Clerk of the Parliaments, Wellington.

B T. D. Hall, Esq.,* LL.B., Clerk of the House of Representatives, Wellington.

RS Lt.-Comdr. G. F. Bothamley, R.N.V.R., Clerk-Assistant of the House of Representatives, Wellington.

Union of South Africa.

RS Captain M. J. Green, V.D., R.N.V.R. (rtd.), Clerk of the Senate, Cape Town.

S. F. du Toit, Esq.,* LL.B., Clerk-Assistant of the Senate, Cape Town.

RS Danl. H. Visser, Esq., J.P., Clerk of the House of Assembly, Cape Town.

RS R. Kilpin, Esq., Clerk-Assistant of the House of Assembly, Cape Town.

RS J. F. Knoll, Esq., Second Clerk-Assistant of the House of Assembly, Cape Town.

RS C. A. B. Peck, Esq., Clerk of the Provincial Council, Maritzburg.

RS G. H. C. Hannan, Esq., Clerk of the Provincial Council, Pretoria.

South West Africa.

RS H. Bense, Esq., Clerk of the Legislative Assembly, Windhoek.

E RS G. H. H. Blohm, Esq., Clerk-Assistant of the Legislative Assembly, Windhoek.

Irish Free State.

D. J. O'Sullivan, Esq.,* B.L., Clerk of the Seanad, Dublin.

Colm O'Murchadha, Esq., Clerk of the Dáil, Dublin.

Gerald McGann, Esq., Clerk-Assistant of the Dáil, Dublin.

Southern Rhodesia.

RS J. G. Jearey, Esq., Clerk of the Legislative Assembly, Salisbury.

RS C. C. D. Ferris, Esq., Clerk-Assistant of the Legislative Assembly, Salisbury.

* Barrister-at-law or Advocate.

Indian Empire.

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

RS Mian Muhammad Rafi,* B.A., Secretary of the Legislative Assembly, New Delhi.

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

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

K. Ali Afzal, Esq., Assistant-Secretary of the Legislative Council, Calcutta, Bengal.

RS G. S. K. Hydrie, Esq.,* B.A., LL.B., Secretary of the Legislative Council, Lucknow, United Provinces.

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

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

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

• RS U. Ba Dun, Esq.,* Secretary of the Legislative Council, Rangoon, Burma.

Ceylon.

RS • E. W. Kannangara, Esq., B.A., C.C.S., Clerk of the State Council, Colombo.

Northern Rhodesia.

RS • Officiating-Clerk of the Legislative Council, ~~Livingstone~~ Lusaka.

— • **British Guiana.**

RS ~~C. W. H. Collier~~, Esq., Clerk of the Legislative Council.

Ex Clerks-at-the-Table.

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

Honorary Secretary-Treasurer and Editor.

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

• Barrister-at-law or Advocate.

XX. 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.*

Alexander, W. R., C.B.E., J.P.—Clerk of the Legislative Assembly, Victoria, Australia, since 1924, and Clerk of the Parliaments since 1927; *b.* 1871 at Romsey, Victoria; first appointed to the Public Service as a clerk in the Registrar-General's office, 1889; appointed to the *Hansard* staff, 1896; Clerk, Parliamentary Standing Committee on Railways, 1900; Acting Secretary, Parliamentary Standing Committee on Railways, 1902; Serjeant-at-Arms and Clerk of Committees of the Legislative Assembly, and Comptroller of the Refreshment Rooms, 1902; Clerk-Assistant, 1910.

Ba Dun, U.—Secretary, Legislative Council (Burma), and Deputy Government Advocate, Burma, since 1926; *b.* 21st June, 1884; *ed.* Government High School, Rangoon, and Rangoon College (now University College), Rangoon; called to the Bar from Lincoln's Inn, 1910, and practised in the High Court of Judicature at Rangoon till 1926; *m.* Ma Ma, daughter of U Ba Bwa, A.T.M., 1915; five sons; elected member of the Rangoon Corporation, 1915 to 1926; elected Chairman of Roads and Buildings Committee, Water and Sewage Committee, and Rangoon Education Board, Corporation of Rangoon, 1920 to 1926; Hon. Secretary of the Y.M.B.A., Old Rangoon Collegians Association, and General Council of Burmese Associations, 1911 to 1916; elected Member of the Legislative Council, 1922, representing West Rangoon Constituency; Chairman, Burma Arts, Crafts and Industrial Exhibition Committee since 1933.

Blohm, E.G.H.H.—*b.* 23rd December, 1912, at Windhoek, S.W.A.; Clerk in the Land and Agricultural Bank, Sept., 1931-Dec., 1932; Magistrate's Clerk, Okahandja, Dec., 1932-Oct., 1934; Clerk-Assistant of the Legislative Assembly, S.W.A., from 1st November, 1934.

Bothamley, G. F., Lieut-Commander, R.N.V.R.—Clerk-Assistant of the House of Representatives of New Zealand since 1934; *b.* Wellington, N.Z., 1880; Committee Clerk, House of Representatives, 1907-1913; Reader and Clerk of Bills and Papers 1913-1931; Second Clerk-Assistant, 1931-1934; Acting Serjeant-at-Arms, 1931; during the Great War served in the Auxiliary Patrol, Scapa Flow and Firth of Forth.

Dhurandhar, J. R., LL.B.—Secretary of the Legislative Council to the Governor of Bombay; acted for some time as such Secretary in 1930, and also held office of the Deputy-Secretary to the Government, Legal Department, during that time; appointed to the present position in April, 1934, and also to the office of Deputy Secretary to the Government, Legal Department.

Hydrie, G. S. K., B.A., LL.B.—Secretary to the Legislative Council, United Provinces, India, since 1st February, 1934; *b.* 26th January, 1892; *ed.* the M.A.-O. College, Aligarh, and the University School of Law, Allahabad; held previous appointments under the Government in the Judicial and Legislative departments in the United Provinces Secretariat before proceeding to England in 1925; called to the Bar (Lincoln's Inn), 1927; *m.* in 1928 Marjorie Ritchie, daughter of H. Dolbear, Esq., of Woking, Surrey. Appointed Superintendent of the Legislative Council, United Provinces, 2nd January, 1929, and Secretary to the Council.

Jamieson, H. B.—Clerk-Assistant, Usher, and Clerk of Committees of the Legislative Council, Victoria, Australia, since 1931; *b.* at Melbourne, 1899; appointed to the public service as Clerk to the Crown Solicitor, 1916; on active service with the Australian Imperial Forces, 1918-1919; Associate to His Honour Mr. Justice McArthur of the Victorian Supreme Court, 1924; Clerk of the Records, Legislative Council, 1926; Usher of the Legislative Council, 1928.

Knoll, J. F.—Second Clerk-Assistant, House of Assembly, Union of South Africa; *b.* December, 1889; *ed.* Boys' High School, Pretoria, and privately; appointed as temporary Junior Clerk, Transvaal Public Service, February, 1906, permanent establishment in office of Commissioner of Police, February, 1908, Dept. of Justice, October, 1912; junior Committee Clerk, Union House of Assembly, September, 1916, Chief Committee Clerk, October, 1930; Secretary and shorthand-writer to various Government Commissions.

Langley, F. B.—Clerk-Assistant, Legislative Assembly, New South Wales; *b.* Sydney, 1883; *ed.* Barker College, Sydney, and Sydney University; joined Parliamentary Clerical Staff, 1904; served in Great War with 38th Australian Infantry Battalion; mentioned in despatches; attached House of Commons Staff some months during 1919, whilst awaiting repatriation.

Pook, P. T., B.A., LL.M., J.P.—Clerk of the Legislative Council, Victoria, Australia, since 1928; *b.* 1882, at Tennyson, Victoria; on Teaching Staff, Education Department, 1900-1908; in Chief Secretary's Office from 1908-1911; appointed Clerk of the Papers, Legislative Council, 1911; Clerk of the Records, 1917; Usher, Clerk of Committees, and Accountant, 1926.

Rafi, Mian Muhammad, B.A. (Oxon).—Secretary to the Government of India, Legislative Assembly Department and Secretary of the Legislative Assembly, India, since 1933; son of the late Mian Sir Muhammad Shafi; belongs to the "Mian Family" of Baghbanpura near Lahore (Punjab); *b.* 1889; *ed.* Government Central Model School and Forman Christian College, Lahore, and then at Wadham College, Oxford—Honour School of General Modern History; called to the Bar (Middle Temple) January, 1913; practised in the High Court of Judicature at Lahore till July, 1931; several times examiner in History, Law of Evidence, and Constitutional Law, Punjab University; Examiner in the Punjab Land Laws and Customary Laws, Delhi University; Publication—(1916) Commentary on the Provincial Small Causes Courts Act, 1887; appointed Deputy Secretary to the Government of India, Legislative Assembly Department and Deputy Secretary of the Legislative Assembly, 1931.

Robbins, H., M.C.—Second Clerk-Assistant, Legislative Assembly, New South Wales; *b.* Melbourne, 1896; *ed.* Pub. School, Ballarat, Austral College, Melbourne, and Melbourne University; joined Parliamentary Clerical Staff, 1920; served in Great War as Adjutant, 38th Australian Infantry Battalion; Military Cross.

XXI. STATEMENT OF ACCOUNT AND AUDITORS' REPORT, 1933-1934

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 Volume II.

The Statement of Account covers a period from the 24th September, 1933, to 29th October, 1934. All the amounts received during the period have been banked with the Standard Bank of South Africa Ltd., West End Branch, 9, Northumberland Avenue, W.C. 2.

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 Book with the Standard Bank Pass Book in detail and have obtained a certificate 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 Volume III for 1934 have been excluded from the Revenue and Expenditure Account.

WILDE, FERGUSON-DAVIE AND MILLER,
Chartered Accountants.

61½, Fore Street,
London, E.C. 2.
2nd November, 1934.

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

STATEMENT OF ACCOUNT IN RESPECT OF VOLUME II FOR 1933 FOR THE PERIOD FROM 24TH SEPTEMBER, 1933, TO 11TH OCTOBER, 1934

REVENUE.	£ s. d.	£ s. d.
Balance as at 23rd September, 1933, being Excess of Income over Expenditure at that date ..		5 17 10
Parliamentary Grants:		
1934 Dominion Parliament of Canada	9 19 10	
Federal Parliament of Australia	10 0 0	
New Zealand	10 0 0	
Union of South Africa ..	10 0 0	
Southern Rhodesia	5 0 0	
Provincial Parliament of New Brunswick	5 0 0	
		49 19 10
Subscriptions—Volume II ..		47 1 2
Advertisements		10 0 0
Sales—Volume I		26 2 6
		139 1 4

OWEN CLOUGH
Honorary Secretary, Treasurer and Editor.

Countersigned:
H. J. F. BADELEY,
Clerk of the Parliaments.
HORACE C. DAWKINS,
Clerk of the House of Commons.

EXPENDITURE.	£ s. d.	£ s. d.
Volume II for 1933:		
Postage	8 10 11	
Bank Charges	9 5	
Cables	2 13 0	
Telephone	3 12 0	
Publications	1 10 1	
Typing and Clerical Assistance ..	26 17 11	
Roneoing	5 1 6	
Printing and Publishing Volume II, 1933	62 15 1	
Stationery	5 10 7	
Travelling Expenses and Carriage ..	4 7 1	
Registration Fee—Stationers' Hall ..	10 2	
Gratuities to Messengers	2 10 0	
Audit Fee	3 3 0	
		127 10 9
Cash Balance, being Excess of Income over Expenditure		11 10 7
		139 1 4

Audited and certified correct:

WILDE, FERGUSON-DAVIE AND MILLER,
Chartered Accountants,
61½, Fore Street,
London, E.C. 2.
2nd November, 1934.

INDEX TO SUBJECTS DEALT WITH IN EARLIER VOLUMES

NOTE.—*The Roman numeral gives the Volume and the Arabic numeral the Page.*