

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. I

FOR 1932

---

PRINTED AND PUBLISHED IN GREAT BRITAIN BY  
BILLING AND SONS LTD.  
GUILDFORD AND ESHER, ENGLAND

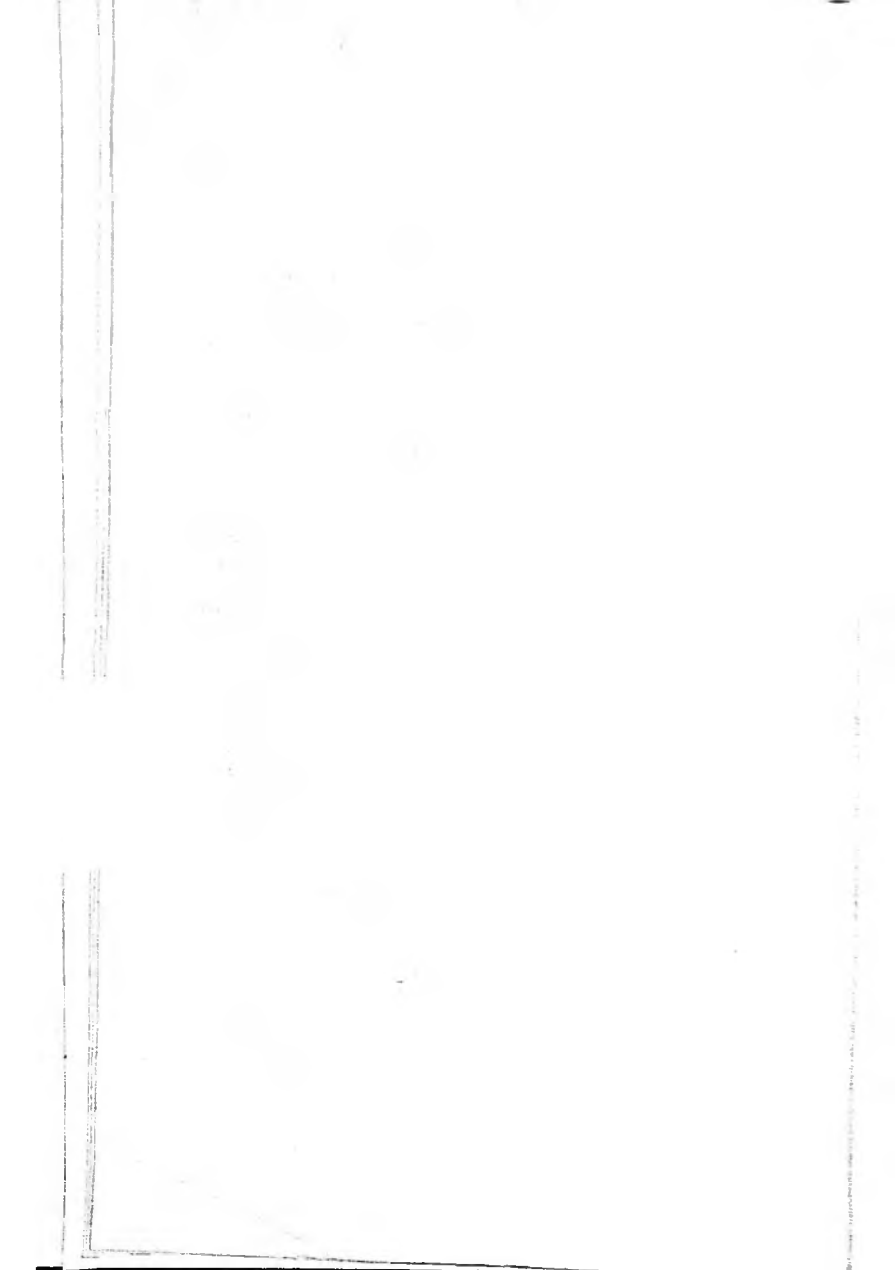
*[Registered at Stationers' Hall]*

*All communications to be addressed to the Hon. Secretary-  
Treasurer-Editor: Society of Clerks-at-the-Table in Empire  
Parliaments, Owen Clough, 59, Wynnstay Gardens,  
London, W. 8.*

# CONTENTS

	PAGE
I. EDITORIAL . . . . .	5
II. OFFICE OF CLERK OF THE PARLIAMENTS AT WESTMINSTER. BY SIR EDWARD H. ALDERSON, K.C.B., K.B.E. . . . .	15 *
III. METHODS OF CLOSURE IN THE COMMONS. BY G. F. M. CAMPION, C.B. . . . .	17 *
IV. JOINT SITTINGS IN THE UNION OF SOUTH AFRICA. BY D. H. VISSER, J.P. . . . .	25 *
V. THE "PROCESS OF SUGGESTION" . . . . .	31 *
VI. THE "CLERK OF THE HOUSE" OVERSEAS . . . . .	37 *
VII. STANDARDS FOR OVERSEAS JOURNALS . . . . .	41 *
VIII. 1932 COMMONS PROCEDURE COMMITTEE . . . . .	42 *
IX. 1932 COMMONS PUBLICATIONS AND DEBATES COMMITTEE. . . . .	45 *
X. SOME RULINGS BY THE SPEAKER AND HIS DEPUTY AT WESTMINSTER DURING THE YEAR . . . . .	47 *
XI. ACOUSTICS OF BUILDINGS . . . . .	50 *
XII. APPEAL AGAINST MR. SPEAKER'S RULING* . . . . .	53 *
XIII. CLOSURE IN OVERSEAS PARLIAMENTS* . . . . .	59 *
XIV. TIME LIMIT OF SPEECHES* . . . . .	67 *
XV. RIGHT OF MINISTERS TO SIT AND SPEAK IN BOTH HOUSES* . . . . .	76 *
XVI. PROCEDURE AT JOINT SITTINGS* . . . . .	80 *
XVII. OPERATION OF THE "REQUEST" OR "SUGGESTION"* . . . . .	81 *
XVIII. MODE OF PUTTING AMENDMENTS* . . . . .	91 *
XIX. METHODS OF TAKING DIVISIONS* . . . . .	94 *
XX. REMUNERATION AND FREE FACILITIES GRANTED M.P.'s* . . . . .	101 *
XXI. CEREMONIAL AND REGALIA* . . . . .	107 *
XXII. NUCLEUS OF OVERSEAS LIBRARY OF PARLIAMENT . . . . .	112 *
XXIII. NUCLEUS OF LIBRARY FOR OVERSEAS CLERK OF THE HOUSE . . . . .	123 *
XXIV. RULES AND LIST OF MEMBERS . . . . .	127 *
XXV. MEMBERS' RECORDS OF SERVICE . . . . .	132

\* On 9th April, 1932, an Enquiry Schedule, containing a question 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 Overseas Parliament, and the information under this head has been compiled by the Editor from the material thus received or contained in the particular Constitution, Standing Orders and local Manual of Procedure of the country concerned.



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

---

VOL. I.

FOR 1932

---

## I. EDITORIAL

**Birth of the Society.**—This is perhaps the first instance of the members of the same profession within the British Empire organizing themselves into a Society for their mutual interest and benefit. Notwithstanding the many textbooks on the subjects of Parliamentary procedure and constitutional law in its relation to the Legislature, there is much knowledge required of the "Clerk of the House" which is only obtainable either from one's own practical experience or from that of others long engaged in the same occupation.

The British House of Commons of to-day, with its highly developed procedure, its large membership and its great pressure of business, all working under the enviable elasticity of what is, practically, an unwritten Constitution, does not always afford helpful precedents in Parliamentary practice, suitable to the simpler needs of the smaller and younger Legislature Overseas. Even the Parliaments of the Dominions, often by reason of particular provisions in their Constitutions not in force in the United Kingdom, are building up their own precedents, or are being guided by those of other Dominion Parliaments where similar provisions exist. Therefore, although the wealth of precedents and age-long experience in Parliamentary practice afforded by the Mother of Parliaments, so readily accessible in textbooks, etc., will continue to be invaluable to the Overseas Clerk, the want has long been felt of some means by which he may also have a general knowledge of the working of other Overseas Parliaments.

When the writer first became "Clerk of the House" in an Overseas Legislature, in order to benefit by the experience of the operation of particular forms of procedure in other similar and Overseas Chambers, he instituted a system of correspondence with their Clerks. This went on for some years, gradually growing into a general interchange of views, until, in 1912, by which time the writer had become "Clerk of the House" under a Dominion Constitution, it occurred to him how much more useful the information thus gained could be made, if, instead of being only seen by the two correspondents concerned, it was made accessible, in printed form, to all Clerks-at-the-Table throughout the Empire. They were then circularized accordingly, and the formation of a Society, with the publication of a JOURNAL, annually, was suggested.

**Initial Difficulties.**—In the first instance, the general tenor of the replies was that, while such a Society and the publication of its JOURNAL would be of interest and usefulness to all concerned, the great distances separating the various countries, the different Constitutions under which they were governed and the inability of the members to forgather for the purpose of discussing points of mutual interest, were matters of difficulty. However, visits of Parliamentary Delegations of the Empire Parliamentary Association, to South Africa in 1924, Australia in 1926 and Canada in 1928, enabled the writer to make personal contact with almost all the Clerks in those Dominions and discuss the project with them in their own Parliament Buildings. Thereafter, the movement took shape, and the proposal to form the Society was again put forward in 1927. This time, however, owing to the small sum obtainable in subscriptions, from what must necessarily be a limited membership, the cost of the production of the JOURNAL could not be covered.

**Support by Dominion Parliaments.**—Recently, however, the Dominion Parliaments of Canada, Australia and South Africa, as well as the Parliaments of Malta and Southern Rhodesia, have agreed to make contributions towards the cost of the production of the JOURNAL, and therefore, with their kind aid, authorized by the respective Presidents and Speakers, its publication is at last an accomplished fact. When the JOURNAL has become established and its usefulness experienced, it is hoped that the long-felt want will be supplied and that this publication will be the means of the newer Parliaments in the Empire being helped along by those of greater and longer experience, as well as of keeping all Parliaments in the Empire in touch with the working of the Parliamentary machine, both at

Westminster and in the newer countries Overseas, in a manner which could not otherwise be done.

**No Hard and Fast Line.**—First let it be said that it is not an object of the Society, either through its JOURNAL or otherwise, to lay down any hard and fast line in regard to any point of Parliamentary procedure or constitutional practice. Its aim is rather to provide the bricks, so that any Parliamentary Balbus may make use of them, or such of them, and in his own way, as he may consider applicable to the special conditions of his particular country and the Constitution under which it is governed. No matter what information in regard to Parliamentary practice and constitutional law in its relation to Parliament may be made common property in the columns of this JOURNAL, there will be occasions when Overseas Clerks may desire, as in the past, confidentially to communicate both with their Brother Clerks at Westminster and with those in the capitals of the Dominions. It is, therefore, neither the object of the Society nor of its JOURNAL to place any obstacle in the way of this most useful procedure; nevertheless, it is hoped, when possible, that such lights may not, in every instance, have to be kept under a bushel.

**Launching of the Movement.**—The little ship, therefore, after having been long on the stocks, now slides calmly down the slipway for her maiden voyage, and with the assistance of those who constitute her crew, it is hoped will successfully accomplish many voyages. When once she has been under full sail for a time, we shall learn how to handle her and to know how best she can be rigged, in order, well and truly, to hold her course from voyage to voyage.

**Guide, Philosopher and Friend.**—Having made the necessary opening, the most fitting fact first to place on record in the columns of this JOURNAL—and in this the writer is confident that he will have the unanimous support of all those who have been or who still are "Clerk of the House" in Overseas Parliaments—is a general tribute to the generous and unwavering assistance which has always been so courteously extended to them by the Clerks of Both Houses at Westminster, from the time (which is as far back as few Clerks on the active list can go) when Sir Henry Graham, K.C.B., was Clerk of the Parliaments and Sir Courtenay Ilbert, G.C.B., K.C.S.I., etc., Clerk of the House of Commons, down to the present time. No matter how pressing or engaging their own duties may have been, prompt response has always been made to any request from their Brothers Overseas by those occupying the Clerks' Chairs at Westminster.

**Badge and Cover.**—As will be seen, the familiar colours of the Upper and Lower House are represented on the cover of the JOURNAL. In most Parliaments of the Empire the idea of red as the distinguishing colour of the furnishings of the Upper, and green for those of the Lower, House has become established. In fact there are advantages in having the Journals, Standing Orders and Hansards of the Two Houses bound in their respective colours. In the Union Parliament, even the Senate Message forms are printed in red, which is an additional security against error in Both Houses, especially during the inevitable rush at the end of a Session. In regard to the Badge, an explanation is due to the Joint Parliamentary Catering Committee of the Union Parliament, which uses this as the Badge for the cutlery, china, table linen, etc. in the Joint Parliamentary Dining Rooms, etc. This Badge, however, in its constituent parts, represents the three branches of Parliament under the British system of government—The King, the Reviewing Chamber, and “his Faithfull Commons.”

**Acknowledgment to Contributors.**—The thanks of the Society are due to the Clerk of the Parliaments, Sir Edward H. Alderson, K.C.B., K.B.E., and the Clerk of the House of Commons, Sir Horace Dawkins, K.C.B., M.B.E., for their kind co-operation by the contribution of articles for this issue of the JOURNAL, by themselves or by members of their respective staffs. Our gratitude, however, is especially due to Mr. G. F. M. Campion, C.B., Clerk-Assistant of the House of Commons for “vetting” any reference to the procedure of that House for which textbook authority is not obtainable. If May has been known in Dominion Parliaments as “The Clerk’s Bible” and the Manual of the House of Commons as his “Prayer Book,” Mr. Campion’s valuable “Introduction to the Procedure of the House of Commons” has surely become more than the “Bradshaw” to the procedure of what is usually spoken of in the Dominions as “The Imperial Parliament.”

**The Clerks Overseas.**—The gratitude of the Editor is also due to all the Clerks of the Houses of the Overseas Parliaments and Legislatures, great and small, first, for their patient forbearance during the long time it has taken to get the Society under way, and secondly, for supplying him with the information in reply to the *Questionnaire* of 9th April, 1932—the combined results of which are now embodied in Articles XII to XXI of this issue of the JOURNAL. The Editor is also grateful for the latest amendments to the respective Standing Orders, etc., of the various Legislative Chambers and the most recent amendments to many



of the Constitutions. The Editor also gratefully acknowledges the interesting paper in regard to the right of the Western Australian Upper House over Bills which it may not amend,<sup>1</sup> contributed by Mr. A. R. Grant, Clerk of the Parliaments in that State.

**New South Wales Second Chamber.**—Although Mr. C. H. H. Calvert, the Clerk of the Parliaments of New South Wales, has kindly sent in copies of the Hansards, Bills, etc., in connection with the movement to reform the Legislative Council of that State, the Editor regrets very much that he has not had time since its arrival to draw up an article thereon. It is hoped, however, to bring the subject up to date in the next issue of the JOURNAL, and also to give some attention to the question of Second Chambers generally.

**Reform of House of Lords.**—During the year there has been some agitation for steps to be taken to reform both the composition and constitution of the House of Lords. Efforts have also been made in the Commons to introduce Bills to amend the Parliament Act of 1911, which considerably curtailed the legislative powers of the House of Lords. One Bill<sup>2</sup> proposed to amend the definition of "Money Bills," and the other<sup>3</sup> sought to provide that when a Bill is held up by the Lords it must be submitted to a referendum in which members of local authorities would take part, and that if the referendum went in favour of the Bill it was to be presented for Royal Assent.

In regard to the movement for a reform of the House of Lords, in November a motion<sup>4</sup> was introduced in the Commons, by a Private Member, stating that a reform of the House of Lords was urgently necessary both as regards its powers and composition; the debate on the motion, however, was interrupted under the 11 o'clock rule, before a decision could be reached.

An unofficial Party Committee of Members, under the Chairmanship of Lord Salisbury, was appointed to go into the question, and in its report published in *The Times* of the 11th November, a scheme was put forward dealing with the powers and composition of the House of Lords and the powers of the Commons under the Parliament Act. The report recommended, amongst other things, greater legislative power for the Lords, a more rational definition of "Money Bills," a reduction of the hereditary element, and the election of Members by P.R. from outside. An alternative to this scheme was one of nomination

<sup>1</sup> See Article XVII.

<sup>2</sup> Bill 5.

<sup>3</sup> Bill 38.

<sup>4</sup> 272 Com. Deb. 5, s. 892-955.

by the Prime Minister of the day, and, as a transitional method, recommendation by Privy Councillors drawn from the House of Commons.

Questions were also asked of the Government in the Commons as to whether the Government intended to take any action in reforming the House of Lords,<sup>1</sup> to which the Prime Minister replied that the question had not been considered by the Government. A question<sup>2</sup> was also asked whether during this Parliament it was the intention of the Government to alter the Parliament Act of 1911 with a view to restoring the powers applicable to the House of Lords previous to the passing of the Act; and another<sup>3</sup> question was asked later in the Session; to all three questions a similar reply was given.

**Joint Sittings in South Africa.**—The Society is indebted to Mr. D. H. Visser, J.P., Clerk of the House of Assembly in the Parliament of the Union of South Africa, for a very complete Article (IV) on the procedure, etc., at Joint Sittings of the Two Houses, which sits as a separate body in regard to legislation dealing with certain entrenched provisions in the Constitution, and is also used in the case of deadlocks between the Upper and Lower House in regard to Bills originating in the latter. The principle of the Joint Sitting has been, perhaps, made more use of under this Constitution than under any other in the Empire.

**Canada.**—It is regretted that inability through illness, when the pressure of official duties did not stand in the way, has prevented Mr. Arthur Beuchesne, K.C., etc., the Clerk of the Canadian Commons, from contributing his promised article to the JOURNAL, and we wish him a complete recovery, with the hopes of an article from his ready pen in our next year's issue.

**Malta.**—An interesting article has been received from Mr. E. L. Petrocochino, Clerk of the Parliament at Valetta, but it was felt that the treatment of the subject should stand over until next year, when the system of the use of more than one language in the other Overseas Parliaments could also be dealt with. This JOURNAL has naturally no concern with any policy involved, but the assembling of ideas and information upon this subject, with a view to securing equal and efficient consideration of each official language in Parliament and its papers, would no doubt also be of interest to some of our other Parliaments.

The Malta Letters Patent, 1921 (The "Principal" Letters Patent), has been further amended by the Malta Constitution Act, 1932,<sup>4</sup> in order to remove doubts which have arisen as to the

<sup>1</sup> *Ib.* 261; 849.

<sup>2</sup> *Ib.* 270; 1285.

<sup>3</sup> *Ib.* 262; 1265.

<sup>4</sup> 22 and 23 *Geo. V. c.* 43.

validity of the amending Letters Patent and of the Order in Council and Ordinances, consequent upon the recent suspension of the Constitution in certain respects owing to the political situation in the Island. The Act provides that the Malta Legislature shall not appoint, etc., judges of the Superior Courts, or deal with the police. The Trades Union Council elects members to represent them in the Senate, and the Act makes amendment as to the qualification, etc., for such election. This legislation is consequent upon the Report of the Malta Royal Commission, 1931,<sup>1</sup> a document of particular interest to the constitutional student.

**Parliamentary Catering.**—A special report<sup>2</sup> 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 1933. It contains information of interest to the Clerks of the Two Houses of Parliament Overseas, who are usually in charge of this work, under a corresponding committee.

Many Clerks Overseas will no doubt look with envy on the deficit of only £28 8s. on the year's working, as well as on the sum of £30,912 7s. 6d. income from sales. Kitchen refuse, empty bottles and cases realized £56 19s. 5d., and there was even an item of income—interest from amounts placed on deposit during periods of the year when not required for immediate use. On the expenditure side of the account, in addition to an amount for purchases, were sums of over £10,000 in respect of wages, health and pension insurance, laundry over £500, and repairs and renewals £484; "bad debt" during the year only amounted to £2 15s. 8d.

During the year 1932 the House sat in Session 144 days, in comparison with 175 in the previous year, and the number of meals served (including Teas and Meals at Bars) was: Breakfasts —; Luncheons 21,517; Dinners 41,009; Teas 83,943; Suppers 500; and Bar meals 9,070.

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

**Election Expenses.**—An interesting Return<sup>3</sup> to an Address by the House of Commons shows the declared expenses of each candidate at the General Election of October, 1931, in Great Britain and Northern Ireland, the number of electors, legal maximum for candidates' expenses, fees paid to agents, cost of printing, etc., public meetings, hire of Committee Rooms,

<sup>1</sup> Cmd. 3993.

<sup>2</sup> Commons Paper 90 of 1933.

<sup>3</sup> 109 of 1932.

personal expenses of candidates and much other information of interest to M.P.'s in Overseas Parliaments, if made accessible in their Parliamentary Library.

**Ministers' Powers.**—A most interesting Departmental Committee Report issued during the year is the one on the powers of Ministers of the Crown,<sup>1</sup> presented to the Imperial Parliament by the Lord High Chancellor. The Report deals with that much discussed question, in many other parts of the British Empire—delegated legislation—with the practice in permitting the exercise of judicial and quasi-judicial decision by Ministers, and of judicial power by Ministerial Tribunals. The Report, etc., covers 138 pages. For those who wish to investigate more thoroughly, research can be made into the two volumes of evidence which are published separately, but these latter are rather costly.

**Fijian Mace.**—According to a report in *The Times* of the 4th October, 1932, when the Governor opened the Budget Session of the Legislative Council, he was preceded by an old Fijian Chief bearing the Mace, presented by His Majesty the King for ceremonial use in the Council. This Mace had rather an extraordinary history, for it was formerly the war club of "King" Thakombau, Paramount Chief when the Islands were ceded to Britain, who presented it to Queen Victoria, upon the abandonment of club law and the adoption of the forms and principles of civilized societies in the "God-land of Fiji."

**Indexing.**—Anyone having frequently to refer to Government statistics will acknowledge that one of the greatest obstacles is the lack of uniformity in the systems of indexing. In reference to world statistics the difference of language renders uniformity almost impossible, but in the British Empire, where the language difficulty does not present itself, English always being one of the official languages, greater uniformity of style and system could be achieved; in fact much has been done in that direction already by the larger countries of the Empire. Therefore uniformity of reference in the indices to the Manuals of Procedure and Standing Orders of Both Houses of the various Parliaments in the Empire should not be a difficult matter. If the writer may make so bold as to proffer a suggestion, the following guide words in the indices of such books may serve as easy and practical of reference; the basis of this outline is drawn from the British textbooks:

ADJOURNMENT, AMENDMENTS, ANTICIPATION, BAR OF THE HOUSE, BILLS, BUSINESS, CHAIRMAN OF COMMITTEES, CLERK OF

<sup>1</sup> Cmd. 4060.

THE HOUSE, CLOSURE, COMMITTEES, COMMUNICATIONS WITH THE OTHER HOUSE, CONTEMPT, CROWN, DEBATE, DISORDER, DIVISIONS, ESTIMATES, FINANCE, INSTRUCTIONS, INTEREST, JOURNAL, MEMBERS, MOTIONS, NOTICES, OATH, OTHER HOUSE, ORDERS OF THE DAY, PAPERS, PETITIONS, PRIVILEGE, QUESTIONS, QUORUM, SITTINGS, SPEAKER, STRANGERS, SUPPLY, TABLE, WAYS AND MEANS AND WITNESSES.

**Rulings in the House of Commons.**—It is proposed to give in each issue of the JOURNAL an index to those Rulings given by the Speaker, Deputy Speaker, etc., in the British House of Commons, during the year, which are of more general application to Overseas Parliaments, and in some measure a beginning has been made in this number. It is presumed that complete sets of the Journals and Hansards of the Imperial Parliament are included in the Libraries of Overseas Parliaments. This index will therefore serve as a guide to the more complete information thus obtainable at each seat of Parliament Overseas.

**Imperial Parliament.**—In addition to the Employment of Parliamentary messengers in the Palace of Westminster, it has been the custom to have a number of police at the entrances and in the corridors and lobbies of Both Houses. During the year, an alteration has been made by the formation of a body of men dressed in very similar uniform to that of the police, with, in place of the helmet, a cap bearing the Parliamentary Badge.<sup>1</sup> They are described as a Corps of Custodians; a small number of police are still on duty in the building.

We regret to announce the death of two Members of the Society, namely, A. F. Lowe, C.M.G., for many years the Clerk of the Parliaments in New Zealand. Mr. Lowe was an ardent supporter of our Society and foretold great usefulness for it. Mr. F. C. Loney, Clerk of the Natal Provincial Council, was also a strong believer in co-operation amongst the Clerks-at-the-Table in the Empire, to promote interest in and knowledge of Parliamentary practice. Our sympathies are expressed with their next of kin and relatives. A better appreciation of their services would have been given had particulars been available.

<sup>1</sup> The Portcullis—a favourite badge of King Henry VII—is one of the distinctions of the Royal House of Tudor, in allusion to their descent from the Beauforts.

**Subjects for Treatment in Future Issues.**—The Editor desires readers of this JOURNAL to bear in mind that the outline of its first issue has had to be laid down arbitrarily. Suggestions, however, have been helpfully sent in by Members, as to subjects for treatment in future issues, and any others will be gratefully received, for too many proposals of subjects for consideration cannot be put forward, as then a selection can be made each year of those more generally desired. All the Editor asks Members to bear in mind is the importance of quick response to any requests which he may make of them for information, etc. Many thousands of miles separate Members, cables cost money, and the funds of the Society are only just sufficient to carry on with, provided each Member pulls his weight in the boat. In replying to any *Questionnaire* sent out by the Editor to those Members who occupy the position of "Clerk of the House," therefore, they are asked to bear in mind how helpful it will be if each Clerk will reply in full. Delving into over 50 copies of Standing Orders in connection with every subject of research is a lengthy process, and there is always the danger of the latest amendment slip not having been inserted. It is not suggested for a moment, however, that Members should discontinue to send in the latest editions of their Standing Orders, and especially the amendment slips, but that, whenever desirable, extracts from their Journals should also accompany memoranda in order to give the fullest information possible. The same request applies to Constitutions and amendments thereof in their relation to Parliament.

**Statement of Accounts of the Society.**—It is not possible to print the Society's balance sheet in this issue, as the accounts cannot be completed until the copies of the JOURNAL have been despatched. A typewritten statement of account, however, will be addressed to every Member as soon as possible, and a printed Statement of Account, duly audited, will appear in next year's issue of the JOURNAL, and so on, from year to year.

**Conclusion.**—Lastly, the Editor begs the indulgence of his fellow-Members in consideration of his humble efforts, but, at the same time, he cordially invites their criticism. No one knows better than they who have spent many years at the Table of a House of Parliament what good results can accrue from the throwing of strong mental searchlights upon a subject, and from every conceivable angle.

---

23rd April, 1933.

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

*Printed Paper.*

---

# Journal

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

For 1932

*Edited by* OWEN CLOUGH

A SOCIETY has been formed by the above-mentioned Parliamentary Officials for the purpose, amongst other things, of publishing annually a JOURNAL containing articles and other matters of interest not only to such officials, but to Speakers, Chairmen of Committees, and other M.P.'s who take a special interest in Parliamentary practice and constitutional law in its relation to Parliament, as well as in all that pertains to the internal administration of a Legislative Building.

The first number of the JOURNAL (136 pp., demy 8vo.), in addition to Editorial Notes, contains articles dealing with the history of the office of Clerk of the Parliaments at Westminster; the Methods of Closure in the Imperial House of Commons; the working of the Joint Sitting system for dealing with deadlocks, as well as with legislation upon constitutionally entrenched subjects in South Africa; Acoustics of Buildings; the "Process of Suggestion" in Australia, which deals with the treatment of Money Bills by the Two Houses. In a series of ten articles, comparison is made between the practices of the various Parliaments of the Empire in regard to "Time



Limit of Speeches," the "Right of Ministers to sit and speak in both Houses"; the "Remuneration and Free Facilities granted M.P.'s," etc. A List of Books is given suggesting the Nucleus of a "Statesmen's Reference Library," as well as a collection of works suitable for those making a special study of Parliamentary Procedure.

In view of the necessarily limited number of persons eligible for membership of the Society its funds are small. It has been decided therefore to make copies of each issue of the JOURNAL available to non-members of the Society at twenty shillings\* per copy, post free, in order to help meet running expenses.

---

To Messrs. BILLING & SONS LTD.,

London Printing Works,

GUILDFORD, Surrey.

Please send post free \_\_\_\_\_ copies of the Journal of the Society of Clerks-at-the-Table in Empire Parliaments for the year 1932, for which I enclose \_\_\_\_\_ value \_\_\_\_\_

Name \_\_\_\_\_

(In block capitals)

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

\* Or \$5, or Rs. 13.

---

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Second block of faint, illegible text in the middle of the page.

Third block of faint, illegible text at the bottom of the page.

## II. OFFICE OF CLERK OF THE PARLIAMENTS AT WESTMINSTER

BY

SIR EDWARD H. ALDERSON, K.C.B., K.B.E.

*Clerk of the Parliaments.*<sup>1</sup>

THE office seems to have begun somewhat vaguely about the year 1290, when the keeping of parliamentary records appears to have been put on a more definite footing. One of the *clerici de consilio*, Gilbert of Rothbury, then appears to have had, beyond his duties as clerk of the council, certain special duties in relation to Parliament; he appears to have been responsible for parliament rolls from the Easter term, and perhaps from the Hilary term of 1290 onwards.<sup>2</sup> In 1293 there is before the King's Bench "a record from the rolls of Gilbert of Rothbury of the parliament of Hilary and Easter" of Edward's eighteenth year. An indication that some office of clerk of the parliament was in existence in 1290 is shown in a case of distraint by the Sheriffs of London on the goods of Master William of Corbridge, when they were immediately served with an order from the King's Council to release the distraint *eo quod predictus Magister Willelmus est clericus domini regis in parleamento suo* . . .<sup>3</sup>

There is no complete contemporary account of the parliament rolls in official custody in the reigns of Edward I. or Edward II. or the early years of Edward III.<sup>4</sup> But the *Modus Tenendi Parliamentum*<sup>5</sup> states that the principal clerks of parliament had to deposit their rolls in the treasury before the parliament was dismissed. The rolls were sometimes kept in the wardrobe.<sup>6</sup> The important point seems to be that there was at the time no recognized permanent office of clerk of the parliament responsible for the compiling and keeping of the parliamentary records. The clerks necessary for the record making were appointed merely for a particular parliament;<sup>7</sup> and with the dis-

<sup>1</sup> With acknowledgments also to Mr. F. G. G. Carr, Assistant Librarian, House of Lords.

<sup>2</sup> *Eng. Hist. Review*, xlvi. 540.

<sup>3</sup> *Bulletin of Inst. of Hist. Research*, vol. 5, p. 131.

<sup>4</sup> *Ib.*, vol. 6, p. 134.

<sup>5</sup> At p. 15. Probably late fourteenth century.

<sup>6</sup> *Bull. Inst. Hist. Res.*, vol. 5, pp. 136-137.

<sup>7</sup> *Eng. Hist. Review*, xlvi. 550.

solution of the parliament, the clerks' duties ceased. The same clerk might be responsible for the records of a succeeding parliament, but this was apparently not by reason of a permanent and continuous office.

In the Hilary Parliament of 1315, Robert of Ashby, a senior clerk of the Chancery, seems to have been responsible for keeping a roll of parliamentary proceedings, in succession to Rothbury. In the following year William Airmyn, also a senior clerk of the Chancery, appears to have been clerk of the parliament, and for some years afterwards.<sup>1</sup> Then for a period the records were drawn up by the receivers of petitions. But early in the reign of Edward III. rolls ceased to be written by the receivers, and the sole roll was that of the clerk of the parliament.<sup>2</sup>

In 1330, Henry of Edenstowe is officially styled Clerk of the Parliament in the Roll of Parliament kept by him.<sup>3</sup> This appears to be the earliest record in the Rolls of Parliament themselves of the office actually so called. Henry of Edenstowe seems to have been Clerk of the Parliament, while retaining his position as a Chancery clerk, probably until 1340;<sup>4</sup> from which time the office seems to have been a regular one, while a considerable amount of information is available as to the holders of the office.<sup>5</sup> It was ultimately regulated by statute, 5 George IV. c. 82; which deals with the Clerk of the Parliaments, his appointment and removal,<sup>6</sup> and with the appointment of the Clerk-Assistant and other Clerks. The Clerk of the Parliaments is by this Act required to perform his duties in person. Various other later statutes affect certain aspects of his duties.

A note on another officer of the parliament might be added. By the end of the reign of Edward III., the practice had come about of the Commons themselves presenting such petitions as they were prepared to support; and to draw up these a clerk was needed. The first clerk to occupy this office, which was officially termed that of "under-clerk of the Parliament," was apparently Robert of Melton, one of the Chancery clerks, in 1363; he was succeeded in the following year by another Chancery clerk.<sup>7</sup>

<sup>1</sup> *Ib.*, xlvii. 195.

<sup>2</sup> *Ib.*, xlvii. 377.

<sup>3</sup> *Rolls of Parl.*, ii. 52.

<sup>4</sup> Wilkinson, *Chancery under Ed. III.*, 149-150.

<sup>5</sup> There is a list of references in the *Rolls of Parliament* affecting the office and functions of the Clerk of the Parliament from 1315 to 1455 in *House of Commons Papers*, 1856, li. 257.

<sup>6</sup> Clerks of the Parliament had been appointed by Letters Patent.

<sup>7</sup> *Eng. Hist. Review*, vol. xlvii., p. 396.

### III. METHODS OF CLOSURE IN THE COMMONS

BY

G. F. M. CAMPION, C.B.

*Clerk-Assistant of the House of Commons.*

MOST modern legislatures have found it necessary to adopt rules for limiting debate, whether by providing for the termination of debate at the will of the majority, or by laying down a time limit in advance, or by limiting the duration of speeches, or by some similar device. The closure is perhaps the commonest of these devices, and it is a serviceable instrument. But it does not generally stand alone. Most parliamentary bodies, certainly the House of Commons, find that for certain kinds of business other methods of restricting debate are necessary. In order to understand the working of the closure these other methods must also be considered.

The closure was adopted with great reluctance by the House of Commons, and only when it became apparent that obstruction had become unmanageable and indeed threatened to destroy parliamentary government. The story of Parnell's obstruction in 1880 and 1881, culminating in a sitting of 41½ hours, which was only terminated by the Speaker refusing to call any more members and putting the question on his own authority—the famous coup d'état of Speaker Brand—has often been told and need not be repeated here. It is important, however, to note that when the House took the necessary steps to put the matter in order, by giving the Speaker emergency powers, the procedure which he laid down not only foreshadowed the lines on which the closure was subsequently developed, but also included, besides the closure, the germ of what was afterwards known as the "guillotine." Both were essential as they fulfilled different, and to some extent complementary, functions, and both have become part of the permanent procedure of the House of Commons. Since then other instruments, such as the power given to the Chair to select amendments, have been devised; and these will have to be mentioned in order to complete the picture.

The closure Standing Order is as follows:

*Closure of Debate.*—26. (1) After a question has been proposed a member rising in his place may claim to move,

"That the question be now put," and, unless it shall appear to the chair that such motion is an abuse of the rules of the house, or an infringement of the rights of the minority, the question, "That the question be now put," shall be put forthwith, and decided without amendment or debate.

(2) When the motion "That the question be now put" has been carried, and the question consequent thereon has been decided, any further motion may be made (the assent of the chair, as aforesaid, not having been withheld) which may be requisite to bring to a decision any question already proposed from the chair; and also if a clause be then under consideration, a motion may be made (the assent of the chair, as aforesaid, not having been withheld), that the question, that certain words of the clause defined in the motion stand part of the clause, or that the clause stand part of, or be added to, the bill, be now put. Such motions shall be put forthwith, and decided without amendment or debate.

(3) Provided always that this rule shall be put in force only when the speaker or the chairman of ways and means or deputy chairman is in the chair.

It will be seen that the House of Commons has taken care to provide security against the abuse of the closure by attaching certain conditions to its exercise, which are of great importance. The first is the discretionary power given to the Chair to refuse a motion for the closure if it appears that the motion "is an abuse of the rules of the House or an infringement of the rights of the minority." How effective this restriction is will be shown later. The second limitation is that the closure can only be moved in the House when the Speaker is in the Chair, and in committee with the Chairman of Ways and Means or the Deputy Chairman in the Chair. Thirdly, the closure is not carried unless it is supported by at least 100 members.<sup>1</sup> Few will doubt that it is due to the discretionary power left in the hands of the Chair that the main object of the closure rule—the reconciliation of the claims of public business with the rights of the minority—has been successfully achieved over a long series of years.

There are three different varieties of closure contained in S.O. 26 which are worth distinguishing. The first may be called the "Simple" closure. It involves two questions, the first on the Motion that the question under debate "be now put," and secondly, if that is carried, the question under debate itself. Obviously when the question under debate at the moving of the closure is an amendment to a main question some further power is necessary to obtain a decision on the whole matter before the House. This is provided by the first

<sup>1</sup> S.O. 27.

part of paragraph (2) of S.O. 26, which lays down what may be called the "Contingent" closure (the second variety). This gives power to have any question or questions put "which may be requisite to bring to a decision any question already proposed from the Chair." Thus with the help of the "Contingent" closure a single decision "that the question be now put" covers the putting of any question back to the main question. Each of these subsequent questions is put when claimed without the need of a fresh decision from the House that it be now put. This is a natural extension of the ordinary "Simple" closure rule, without which indeed its utility would be seriously reduced.

The second part of paragraph (2) of S.O. 26 gives a further power, when a clause of a Bill is under consideration, which is quite separate from the other two, although the drafting of the rule often misleads members at first sight into thinking that it is closely connected with the "Contingent" closure and, like it, can only be moved as immediately consequent on the carrying of the "Simple" closure. This is not so. It can be moved at any time, and its effect is not to bring to a decision a question already proposed from the Chair, but to get rid of amendments which have not yet been moved. Its operation is not retrospective but prospective. Also, unlike the "Contingent" closure it requires two stages; first that the question "that the clause stand part of the Bill" (or "that certain specified words stand part of the Clause") be now put, and secondly the question itself "that the Clause stand part of the Bill" (or that certain words stand part of the Clause). Whether because of its confusing form or because its effect is felt to be too drastic, members in charge of Bills seem to be rather frightened of this type of closure, and, as will be shown later, it is seldom employed. A Select Committee on Procedure<sup>1</sup> has recently reported in favour of the abolition of this type of closure.

It might be useful to try and form some estimate of the extent to which the closure is used, and as to whether its use is increasing or diminishing. A sessional return of the House of Commons, which has been compiled regularly since 1887, provides some material for answering this question, though the resulting conclusion as to whether debate is growing more restricted or less restricted would be misleading unless checked by a consideration of the extent to which other methods of restricting debate, as *e.g.* "selection of amendments" and the "guillotine," have been growing or decreasing, and also the

<sup>1</sup> Commons Paper 129 of 1932.

extent to which the restraining influence of the closure is supplemented by the unrecorded pressure of inter-party agreements. Of the influence of the latter consideration only a vague estimate can be formed.

With regard to the closure figures themselves. For the sake of brevity it will be best to group them into three approximately equal periods, and see by a comparison of the three periods whether any definite tendency can be traced. Excluding the War, the following periods may be chosen: 1887-1899, 1900-1913, and 1919-1932. In the first period the closure was moved on an average 62 times a session, and was carried 36 times. For 1900-1913 the corresponding figures are 75 and 56, and for 1919-1932 they are 60 and 42. These figures do not seem to show any great change in the frequency of the closure, merely a certain increase during the period ending with the War and a certain falling off since. *Within* each period, however, there are considerable fluctuations. For instance, in the first period the most closed session was 1893-4 with the closure claimed 168 times and carried 73 times, the least closed 1898 with 23 claimed and 13 carried. For the second period the highest figures are for 1909 with the closure claimed 156 times and carried 124 times, while the lowest are for 1910 (28 claimed and 13 carried). For the third period the highest figures are for 1929-30 (139 claimed and 96 carried) and the lowest for 1931-32 (7 claimed and 5 carried).

In each period the figures for closures in committee of the whole house are rather greater than in the House itself; the averages for the first period being 20 (committee) and 16 (House); for the second period 31 (committee) and 25 (House) and for the last period 23 (committee) and 19 (House). A much more sparing use has been made of the closure for *Clauses*. Since 1887 it has only been used in all, 7 times in the House and 46 times in committee. Even in committee it has only been used twice since the War. In the House it has not been used since 1907.

What, it may be asked, is the explanation of the discrepancy between the average number of closures *moved* in each period and the average number *carried*? The average number not carried is, as will be seen from the figures given above, for the first period, 26 out of 62; for the second, 19 out of 75; and for the third, 18 out of 60. This discrepancy indicates, not that the closure was rejected by the House, or failed to secure the support of 100 members (instances of either of these two results might be counted on the fingers of one hand), but in almost every



case that the Speaker, exercising the discretion allowed him by the Standing Order, refused his assent. These figures by themselves indicate that the power given to the Speaker to refuse the closure is a real check on its exercise. It is true that the figures are swollen by a certain number of cases where, through impatience or ignorance, the closure is *unnecessarily* claimed—*i.e.*, when, as the Speaker rightly perceives, the House will shortly be ready to come to a decision without the closure, or when it is claimed *prematurely*—*i.e.*, when, as often happens with Private Members in charge of Bills, closure is claimed a few minutes before the time when business is automatically interrupted and refused by the Speaker because he prefers to let the debate go on to the moment of interruption.

But the safeguard against the improper use of the closure, provided by the discretionary power vested in the Chair, is more effective than any figures can indicate. The mere knowledge that the power exists prevents the closure being demanded if there is any likelihood that the Chair would refuse it. This is, of course, especially the case with Ministers. To ask for the closure and be refused it is too obvious an anticlimax, and Ministers naturally take steps to ascertain whether their request will be granted before they make it in public.

It is difficult to lay down any principles for deciding when a subject has been adequately debated, and the Speaker or Chairman no doubt often has to strike a delicate balance between various considerations in arriving at his decision in a particular case. But, speaking generally, the points to be considered may be classed in the following order—the importance of the subject in relation to the time for which it has been debated, the state of business in the House, the character of the debate (*i.e.* whether opposition has been businesslike or obstructive, and whether the majority—this is not often the case—has been unnecessarily vocal). Often special circumstances have to be taken into account. For instance, the House often works under an agreement as to time arrived at between the main parties. To prevent such a bargain being upset by a fit of bad temper or the caprice of an individual would generally be considered adequate reason for allowing the closure. Finally, there are certain times set apart by the Standing Orders for certain purposes, such as Fridays in the early part of the session for Private Members' Bills. Unless the subject of such a Bill were of disproportionate importance or complexity, the Speaker would not hesitate to grant the closure so that a decision, desired by the majority of the House and provided for by its rules, might be reached. These

observations are not, of course, to be taken as laying down rules, but merely as conveying a rough idea of the sort of considerations which may be presumed to be present to the Chair in deciding whether or not to grant a request for the closure.

In order to estimate correctly the importance of the closure in the procedure of the House of Commons, it must now be considered in relation to the other methods employed for the purpose of restricting debate. The most important of these are "Allocation of Time" Resolutions (the "guillotine" or "closure by compartments") and the power given to the Chair by S.O. 27 A to select amendments.

The "guillotine" is, as stated above, about as old as the closure, though it was at first more sparingly used. Its main object is to secure the consideration of a Bill within a specified time, and for this purpose it allots a certain amount of time to each stage of a Bill, and usually sub-divides the committee and report stages into "compartments" allotting a day or portion of a day to a clause or combination of clauses. It also generally contains a number of provisions designed to prevent the time allotted being interrupted under the Standing Orders or being wasted by dilatory motions, etc. It is an effective and elastic form of procedure, all the more effective for not being laid down by the Standing Orders but passed *ad hoc*, and specially applied to fit each particular case. On a Bill to which such a Resolution is applied there is no need for the closure; the "guillotine" is a far more efficient weapon. Now the general impression as to the greater or less freedom of debate at various periods, conveyed by the figures given above, must clearly be modified if it is found that there has been any marked variation during those periods in the use of the "guillotine." The figures are as follows. During the first period, 1887 to 1899, the "guillotine" was used twice. During 1900 to 1913, the "guillotine" was used on 25 Bills and 2 Motions. During 1919 to 1932, 12 Bills were guillotined. These figures show that the period of the most frequent use of the closure was also by far the most prolific in "guillotine" Resolutions, and that the falling off in the use of the closure since the War is more than equalled by the decline in the use of the "guillotine."

There is one consideration which goes some way—not perhaps very far—to explain the decline in the use of the guillotine since the War. Before 1919 the power of the Chair to select amendments was not a general power, but could only be exercised in virtue of its being specially conferred by the House for a specified matter of business, such as the committee or report

stage of a particular Bill. In 1919 this power was made inherent in the Chair. The rule is as follows:

*Selection of Amendments.*—27 A. In respect of any motion or any bill under consideration either in committee of the whole house or on report, Mr. Speaker, or in committee the chairman of ways and means, and the deputy chairman, shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

It has generally been held that this power is only exercisable with the Speaker in the Chair, or, in committee, with the Chairman of Ways and Means or Deputy Chairman in the Chair. Its usefulness is of course mainly in the committee or report stages of Bills. It is usually exercised silently and seldom disputed by members whose amendments are not selected. Its effectiveness cannot be checked by figures. On a general impression it is most effective on the report stage of Bills, where it is chiefly used by the Speaker to dispose of amendments which have been adequately debated in committee. In committee it is more sparingly used, generally only for amendments which are of little substance or doubtfully in order—seldom for substantial amendments. It cannot deal with obstruction on an important Bill, or be a substitute for the closure. But it is very valuable, where a Bill is being debated under the “guillotine,” in helping the House to make the best use of the time allotted by concentrating on the most important amendments.

Perhaps a few words on obstruction may be a suitable way of concluding these remarks. Obstruction has long been sporadic in the House of Commons. Burke has some claim to be its inventor, and it was used with temporary effectiveness for particular purposes by Brougham. But general, systematic, long-continued obstruction, with the object of bringing the legislative machine to a standstill, has only been practised in the House of Commons by the Irish Nationalist Party. While they remained in the House of Commons their example proved infectious to the other parties, who could not however approach them in this peculiar art. Since their disappearance, obstruction has become again sporadic and limited to particular objects. It seems generally the case that obstruction has been most effectively practised by a party composed of men who feel themselves to be aliens in a body which they dislike and would

gladly destroy. Of this type were the Czechs, whose activities just before the War had succeeded in preventing the Austrian parliament reaching the Orders of the Day for two whole sessions. Obstruction of the Irish or Czech type is impossible in the present House of Commons. The solemn and long-drawn-out farce of talking simply to prevent progress does not appeal to the British sense of humour, nor does the attempt to overrule indirectly the will of the majority for the time being recommend itself to men who look forward to being themselves in the majority in their turn.

## IV. JOINT SITTINGS IN THE UNION OF SOUTH AFRICA

BY

D. H. VISSER, J.P.

*Clerk of the House of Assembly.*

JOINT Sittings of both Houses are provided for by sections 63 and 152 of the South Africa Act, 1909<sup>1</sup> (the Constitution), while section 58 thereof prescribes that when a Joint Sitting is required it shall be convened by the Governor-General, and that at any Joint Sitting the Speaker of the House of Assembly shall preside and the rules of the House of Assembly shall as far as practicable apply.

There are two reasons for holding a Joint Sitting—namely, the one to decide in a case of disagreement between the two Houses on a Bill, and the other to pass legislation amending the Constitution in respect of certain entrenched provisions.

**Disagreement.**—Section 63 provides for the obtaining of the decision of a Joint Sitting in cases where a Bill passed by the House of Assembly is rejected or fails to be passed by the Senate or is passed by that House with amendments to which the House of Assembly will not agree. In the case of such disagreement arising in connection with a Bill dealing with the appropriation of revenue or moneys for the public service a Joint Sitting may be convened during the same session, and in the case of any other measure a Joint Sitting may be called during the next succeeding session if such measure is sent up by the House of Assembly during such next session and is again rejected or fails to be passed by the Senate or is passed by that House with amendments to which the House of Assembly will not agree. At such a Joint Sitting a majority vote of the Members of both Houses *present* at such sitting decides the question at issue.

The following Joint Sittings under the provisions of section 63 have been held:

In 1926 a Joint Sitting was convened to consider the *Mines and Works, 1911, Amendment Bill* (known as the "colour-bar" Bill), and the question "That the Bill do now pass" was agreed to upon a division by 83 votes to 67.

<sup>1</sup> 9 Edw. VII. c. 9.

During the session of 1927-1928 two Joint Sittings were convened. The first dealt with the *Precious Stones Bill*, which was disposed of in one day and was passed upon a division by 78 votes to 68. The second dealt with the *Iron and Steel Industry Bill*, which was passed upon a division by 78 votes to 50.

**Constitutional.**—Section 152 deals with Bills amending or altering the provisions of that section or of sections 33, 34, 35 and 137, and provides for such Bills originating in a Joint Sitting. For the valid passing of a Bill of this nature it is requisite that the Third Reading be agreed to by not less than two-thirds of the total number of Members of both Houses. With regard to sections 33 and 34, as the number of Members of the House of Assembly has, since the Report of the Sixth Delimitation Commission, reached 150, these sections will now fall away from the class of entrenched provisions, and Bills amending them may be introduced in the ordinary way.

Bills falling within the provisions of section 152 were before Joint Sittings during the sessions of 1918, 1925, 1929 and 1930.

In 1918 the *Electoral Divisions Redelimitation Amendment Bill*, a measure to alter temporarily and for special purposes certain provisions of section 34 of the South Africa Act, was passed at a Joint Sitting on the Third Reading by 143 votes, there being no dissentient vote.

In 1925 the *Official Languages of the Union Bill*, a Bill to remove doubts as to the meaning of the word "Dutch" in section 137 of the Constitution, was passed at its Third Reading by 142 votes, there being no voice for the "Noes" upon the question being put.

In 1929 a Joint Sitting was convened to consider the *Natives' Parliamentary Representation Bill* and the *Coloured Persons' Rights Bill*. The former measure reached the Third Reading stage, and on the division for the Third Reading 75 votes were recorded for the "Ayes" and 69 for the "Noes." Mr. Speaker thereupon stated: "Section 152 of the Constitution provides that in order to be valid this Bill must be agreed to at the Third Reading by not less than  $\frac{2}{3}$  of the total number of Members of both Houses. The total number of Members of both Houses is 175 and a full  $\frac{2}{3}$  of that number is 117. As 75 votes have been cast in favour of the Third Reading I declare that the *Natives' Parliamentary Representation Bill* has failed to pass in accordance with the requirements of section 152 of the South Africa Act." After an address to the Governor-General had been agreed to, intimating that the Bill had failed to pass, the Prime Minister announced that he did not intend to proceed

with the *Coloured Persons' Rights Bill*, the order for the Third Reading of which had been set down for the following day. The Joint Sitting was thereupon adjourned from the 25th February to the 27th May. On the 27th March Parliament was prorogued until the 30th May, and a Proclamation of the 30th April dissolved the House of Assembly, so that this Joint Sitting automatically ceased to exist. At the time of the Third Reading stage of the *Natives' Parliamentary Representation Bill* there was a vacancy in the House of Assembly, and the question arose as to whether the computation of the membership of both Houses should be based on the full potential membership or on the number of Senators and Members of the House of Assembly actually holding seats at the time of voting. Mr. Speaker, in Chambers, decided that the number of seats should be taken—namely, Senators 40, Members of the House of Assembly 135. Had the decision been otherwise, the  $\frac{2}{3}$  majority required on the Third Reading would have been 116.

In 1930 the *Natives' Parliamentary Representation Bill* again came before a Joint Sitting. After First Reading the subject of the Bill was referred to a Select Committee for enquiry and report, and the Joint Sitting adjourned from the 24th February to the 30th April. On reassembling a Message was read from the Governor-General intimating that His Excellency, having been advised by his Ministers of the expediency of submitting other and further measures which required a Joint Sitting under section 152 of the Constitution, recommended that the Joint Sitting do therein as it thought fit. On the 1st May the Prime Minister introduced the *Coloured Persons' Rights Bill*, and the following day the subject of that Bill was referred to the Select Committee on the subject of the *Natives' Parliamentary Representation Bill*. The Select Committee subsequently reported that it had been unable in the time available to reach a stage at which it could report anything definite, and suggested that during the next session of Parliament an opportunity be given for the resumption of the discussions. The two Bills were then withdrawn and an address to the Governor-General was adopted informing His Excellency of this result. At the commencement of the respective sessions of 1931 and 1931-32, a Joint Select Committee of the two Houses was appointed to consider the question of making special provision for the representation of natives and coloured persons in the Parliament and Provincial Councils of the Union and for the acquisition of land by natives. On the 18th May, 1932, both Houses adopted a recommendation of the Joint Select Committee that the

Members of the Committee be constituted a Commission during the recess to continue and complete the work.

**Rules of Procedure.**—Section 58 of the Constitution provides that the rules of the House of Assembly shall, as far as practicable, apply at any Joint Sitting. In addition special rules are framed by Mr. Speaker and submitted for adoption at the first meeting of any Joint Sitting. These rules provide for the time of meeting and for the time to suspend business or to adjourn. Provision is also made for the manner of recording the final vote. Whether or not a division is claimed, the names of all members present are recorded, the Speaker's name being specially recorded by his direction.

In 1926, the first occasion on which a Joint Sitting was convened under section 63 of the Constitution, the rules for the regulation of proceedings contained provision that notice should be given of the motion "That the Bill do now pass." Such notice was accordingly given after Mr. Speaker had submitted the *Mines and Works Act, 1911, Amendment Bill* as last proposed by the House of Assembly. At a subsequent meeting Mr. Speaker, in delivering a considered Ruling on the question of the competency of a member to move that certain petitioners should be heard by Counsel at the Bar, took the opportunity of indicating that after further consideration he had come to the conclusion that it was unnecessary to provide for notice to be given of the motion "That the Bill do now pass," and that it would have been in order for the Minister in charge of the Bill to have moved such motion forthwith after the Bill had been submitted to the Joint Sitting, inasmuch as the proposing of that motion for decision was the sole object of convening the Joint Sitting.

**General.**—At the Joint Sittings of 1918 and 1925, after Prayers had been read, Mr. Speaker welcomed Honourable Senators to the floor of the House of Assembly, but this practice was discontinued after the latter occasion.

All Joint Sittings that have so far taken place have been convened during an ordinary session of Parliament and held concurrently with that session. In 1918, 1925, 1927-1928 and 1930 the meetings of the Members of the two Houses sitting together were held in the mornings. In 1926 and 1929 there were morning meetings at the commencement and then both Houses adjourned over a period in order to enable all-day meetings of the respective Joint Sittings to be held.

The work of a Joint Sitting is attended to by the officers of the House of Assembly and the debates are recorded by the



contractors for the production of the Debates of the House of Assembly, at the expense of the latter.

At a Joint Sitting a special seat is provided in the aisle, level with the front Ministerial benches to the immediate right of Mr. Speaker, for the President of the Senate.

### Speaker's Rulings at Joint Sittings.

*Speaker's deliberative vote.*—At the first Joint Sitting, convened in 1918, the important question was raised whether the Speaker should exercise a vote at the Third Reading stage of the Bill under consideration. In the case of a decision in the House of Assembly requiring a majority to determine a question, the Speaker is specifically excluded from exercising his vote, except in the case of an equality of votes, when he must exercise a casting vote. In regard to a case falling under section 152 of the South Africa Act, providing for a question to be determined at the Third Reading by not less than two-thirds of the total number of Members of both Houses, Mr. Speaker held that in his capacity as a Member of Parliament a vote was conferred on him at the Third Reading stage, and he stated that he proposed exercising that vote when the time arrived, and did so exercise his vote. This practice has subsequently been followed.

*Preamble of Bill should be confined to citation of facts.*—In drawing attention to the preamble of the *Electoral Divisions Redelimitation Amendment Bill*, dealt with at the 1918 Joint Sitting, Mr. Speaker stated it was doubtful whether any preamble was required, but if one was considered necessary it should be confined to a citation of facts and should not be used for the legal registration of what were mere expressions of opinion on questions involving most important constitutional interpretation.

*Amendment within scope of Governor-General's Message.*—At the report stage of the *Electoral Division Redelimitation Amendment Bill* an amendment was moved having in view the insertion of a new clause in the Bill providing that the census taken during 1918 should, for the purpose of the redelimitation of electoral divisions and the allocation of Members of the House of Assembly, be regarded as the quinquennial census which should have been taken in 1916, and Mr. Speaker's Ruling was asked whether it was competent for the Joint Sitting to consider such a proposal. Mr. Speaker considered that by dealing with the amendment the Joint Sitting would not be travelling beyond the terms of the Message of the Governor-General convening the sitting. The Bill under consideration was one to amend

temporarily and for special purposes section 34 of the Constitution, and the point particularly aimed at was to ensure beyond doubt that those citizens who had proceeded on active service and had thus become members of H.M. Regular Forces on full pay should not be exposed to the disability of being excluded from the census to be taken in 1918 for the purpose of the redelimitation of electoral divisions, or from being counted as adults for the allocation of Members of the House of Assembly. Mr. Speaker considered that the amendment was covered by the title of the Bill and was in order.

*Petition for leave to be heard at Bar.*—In 1926, in connection with a notice of motion that certain petitioners be heard at the Bar of the House in opposition to the *Mines and Works Act, 1911, Amendment Bill*, Mr. Speaker stated that, although according to practice the hearing of persons at the Bar was permissible under certain circumstances, the proper time for moving in such a case was at the Second Reading stage of the Bill under consideration. In applying the rules of the House of Assembly to the Bill under consideration by the Joint Sitting it had to be taken that the Joint Sitting had reached a stage of the Bill analogous to Third Reading, and accordingly if it were a Third Reading in the House of Assembly the proposed motion would be out of order. Moreover, it seemed to Mr. Speaker that it was not competent to move for Counsel to be heard at a Joint Sitting convened under section 63 of the Constitution, and he was of opinion that that section had in contemplation that Members of both Houses would be fully acquainted with and would be in a position to deliberate and vote upon the Bill without having recourse again to all the machinery open to parties previously at the various stages of the Bill in each House of Parliament. Mr. Speaker was therefore of opinion that it was not competent to proceed with the motion in question and the notice was discharged from the Order Paper.

## V. THE "PROCESS OF SUGGESTION"

BY  
THE EDITOR

OF all the provisions contained in bicameral constitutions operating under the British system of Parliamentary government, perhaps none has caused greater controversy than the definition of what shall be a "Money Bill" in connection with the consideration of such Bills by Second Chambers.

The term "Money Bill," often so loosely used, has always been difficult to define in such a manner as to comply with the rights of the more popular Chamber, as the guardian of the public purse, and, at the same time, to allow the Upper House that consideration of legislation which it claims it should have as a constituent part of the Parliamentary machine.

There is scarcely a Parliament in the Empire where there has not been serious disagreement between the Two Houses, in connection with what should be considered the scope of the Upper House in the amendment of monetary provisions of Lower House Bills. In the Overseas Parliaments, the directly-elected Upper Houses have contended they should have greater latitude in the treatment of such provisions than nominated Second Chambers, and indeed, constitution framers have usually made provision accordingly.

Without touching upon the Parliament Act of 1911<sup>1</sup>—not without its difficulties—which regulates, in respect of Money Bills as therein defined,<sup>2</sup> the relations between the House of Commons and a Second Chamber, which has not been, either in regard to its composition or its judicial powers, reproduced in any Overseas Parliament, perhaps the simplest and best definition of what should constitute a "monetary provision" in a Public Bill is that contained in subsection (2) of section 60 of the South Africa Act, 1909,<sup>3</sup> which provides that:

(2) The Senate may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government.

The effect of the subsection is to give the Senate the right to amend any word of any Bill which cannot be interpreted as

<sup>1</sup> 1 and 2 Geo. V. c. 13. <sup>2</sup> See also May, 13th ed., 435. <sup>3</sup> 9 Edw. VII. c. 9.

coming within the restriction imposed upon the Senate by the subsection above quoted. The words "so far as," which at once do away with what is known as "tacking," permit the Senate, in its field of amendment, to approach right up to the border line of the restrictive provisions. The insertion of these three words by the South African National Convention, appointed to draw up the Constitution for the new Dominion, was due to a proposal made<sup>1</sup> by its President, the Rt. Hon. Lord de Villiers, afterwards Chief Justice of the Union and formerly occupying the same office in the Colony of the Cape of Good Hope, where he was for many years President, *ex officio*, of the Upper House of Parliament.

However, no matter how well the provisions of written constitutions, restricting the powers of the Upper House in regard to questions of public money, may be defined, cases will still arise where both Houses of Parliament, and even all parties therein, desire amendment to be made by the Upper House in a monetary provision of a Bill, already transmitted to it by the Lower House, which provision the Second Chamber is not allowed by the Constitution to amend. Sometimes such instances are consequent upon amendments made in the original Bill during its passage through the Lower Chamber, at other times, they are due to inaccuracies, or drafting flaws, which have escaped detection during consideration of the Bill in the warmer atmosphere of the more popular Chamber, or it may be, they are owing to difficulties in the interpretation of the law in regard to the particular provision.

It is in all these cases that the procedure more clearly described as the "process of suggestion" comes usefully into operation, and provides both an easy and an effective way out of the difficulty, by allowing, under constitutional authority, the Upper, to "suggest" or "request" to the Lower House, by scheduled Message, transmitting the Bill, alterations in those monetary provisions in the Lower House Bill, which the Upper House may not, under the constitution, amend. The Lower House, then, upon consideration of the Message, itself decides whether to amend such provisions in accordance with the Second Chamber's "request," whether to modify the effect of the "request," or not to entertain it at all. In the former instances, the Bill is returned to the Upper House for their concurrence in the amendment made by the Lower House upon the "suggestion" of the Upper House, and in the last instance,

<sup>1</sup> Minutes of Proceedings of the South African National Convention. Ed. G. R. Hofmeyr, C.M.G., p. 50.

the Bill is returned to the Second Chamber, with the notification that the Lower House cannot entertain the "suggestion" made by the Other House. In all cases, the power of the Lower House over public money remains intact, but the convenience is afforded both Houses of according to Parliament, the review also of monetary provisions in Bills and of ensuring the smooth working of the Constitution between the Two Chambers in regard to questions dealing with public money.

The practice of the Upper House "suggesting" amendments in the provisions of Bills transmitted from the Lower House, which provisions the former is unable, under the Constitution, to amend, was first conceived in the Parliament of South Australia. The House of Lords, it is true, has initiated the procedure of earmarking such provisions in Bills originating in their House by striking out such provisions on Third Reading and showing them printed in red ink, with a footnote, stating that they do not form part of the Bill as transmitted to the Commons for concurrence; which practice has also been adopted in some of the Dominion Parliaments.

Although the Commons have never conceded the right of the Lords to "request" or "suggest" amendments in monetary provisions of the former's Bills, yet, until 1911, the Commons have had the right in all cases to waive their "privileges" whenever they chose to do so, which is what could not be done under a written constitution prohibiting the Second Chamber from making such amendments. The right of the Commons to "waive" their privileges, however, still continues in regard to those Bills not defined as "Money Bills" under the Parliament Act of 1911, and even in regard to such type of "Money Bills" the Commons have not in any case "waived" privilege during the last two centuries at least.

Let us now consider in detail the history of the process of "suggestion" in South Australia.

When Two Houses of Parliament replaced the one Legislative Chamber in 1856, the framers of the Constitution imposed certain limitations upon the (directly elected) Upper House in regard to the initiation of certain financial measures, but made no restriction of its power to amend them. Consequently, in the First Session of the new Parliament, a violent dispute on this point arose between the Two Houses. The Lower Chamber insisted that the intention of the Constitution was that the Upper and the Lower Houses should, in money matters, stand to each other in the same relation as did the Lords and Commons. The Upper House, on the other hand, denied this

proposition and insisted that there was no analogy between itself and the House of Lords. Finally, by a compromise, a solution was found in a *modus vivendi*, known as the Compact of 1857. This agreement, though at all times dependent for its existence on the will of either House, succeeded in keeping the peace for 56 years. The gist of the "Compact" was the "suggestion" referred to, which was afterwards adopted by the Parliaments of Western Australia (1899), the Commonwealth (1900), Victoria (1903), Tasmania (1926), Malta (1921), and—in a certain measure—the Irish Free State Constitution (1922); it is now under consideration for adoption by other Overseas Parliaments. In fact, it has even found a place in an Imperial Statute, the Parliament Act of 1911, but in the last named the order is inverted, and it is the Commons who, under widely different circumstances and reasons, are empowered to suggest amendments to the Lords in certain Bills, not being Money Bills, which amendments, if agreed to by the Lords, "shall be treated as amendments made by the House of Lords and agreed to by the House of Commons."<sup>1</sup>

At length a Bill<sup>2</sup> was introduced into the South Australian Parliament to give statutory authority to the Compact of 1857, which had so well stood the test of time, the details of which are given elsewhere under Article XVII.

Briefly the general procedure regulating the "process of suggestion" is as follows:

A Bill, originating in the Lower House, containing monetary provisions which the Second Chamber may not amend, is transmitted to the latter House. During its consideration, preferably in Committee of the Whole House, occasion arises, owing to some cause or other, to alter such provisions. If there are no amendments of non-monetary provisions and no provision is made for the "process of suggestion," the Bill must perforce be sent back to the Lower House for certificate. However, say a motion is made at the instigation of a Member (the Chairman not *calling*, all through the consideration of the clauses, for "requests") in Committee of the Whole House for a "request" to be conveyed to the Lower House, to make an amendment in a monetary provision of the Bill, which provision the Upper House may not amend, and the "request," with or without any amendments to the non-monetary provisions of the Bill, is reported by the Chairman to the House,

<sup>1</sup> Blackmore, *The Manual of the Practice, Procedure and Usage of the Legislative Council of South Australia*, 2nd ed., 1915, pp. 244 *et seq.*

<sup>2</sup> Act No 1148 of 1913.

which, on consideration of report, may adopt such "request," negative it, or agree to it, with amendment. In any case, say that after a Third Reading, which has been found by South Australia to be the best stage to do so, a "request" is transmitted in a schedule accompanying the Message returning the Bill to the Lower House. The Lower House then sets the Message down for consideration, usually in regard to Messages on a future day, when it may deal with it in the House or in Committee, and agree to make the amendment in accordance with the request, modify it, with relevant modifications if necessary, or decide not to take action upon it at all.

In whatever manner the Lower House decides to deal with the "request," a Message is sent to the Upper House accordingly. If the "request" amendment is made, or made with modifications, the Bill is transmitted to the Upper House for concurrence in amendment. If the "requested" amendment is not made, a Message is sent informing the Upper House accordingly, and, in the observance of the usual intercameral courtesies, it would be quite in order for the Lower House to give reasons for their action, as in cases of ordinary disagreement with amendments.

In some Parliaments, provision is made for the Upper House, in cases of disagreement upon "requests," to return the Bill, "pressing" or "insisting" upon them, while in others the spirit of the "request" is preserved by the Second Chamber having no power to take any further action than is open to it when not amending a Bill transmitted to it by the Lower House.

It would seem that the simpler method would be, not so to frame the procedure in regard to the "process of suggestion" as to give the "request" any more pressure than its name implies, and for the Second Chamber to look upon it as a convenience and not in the light of a right to amend. The procedure is also simplified if only one Message is sent to the Lower House in regard to "requests" on a Bill, unless the Lower House should modify the "request" when returning the Bill to the Upper House for concurrence in amendment, and such House saw the desirability of making relevant "requests," in the sense that is used in accordance with established Parliamentary procedure in connection with amendments in Bills between the Two Houses.

It would not be in keeping with the terms of the above paragraph, therefore, for "requests" to become subjects for reference to a Joint Sitting of the Two Houses, where such provision

is made in Constitutions in connection with disagreement between the Two Houses on Bills.

The practice of not allowing "requests" to apply to taxation or annual appropriation services, etc., Bills, is also well worthy of consideration.

Speaking as one who has been the Clerk of a Dominion Second Chamber for many years, a great field of practical usefulness seems attainable by the adoption of the "process of suggestion" by Parliaments under the British model, providing it is administered in the true spirit of such constitutions, in regard to matters of public money—namely, that the Crown demands, the Lower House grants, and the Second Chamber assents.<sup>1</sup>

<sup>1</sup> See May, 13th ed., 493.



## VI. THE "CLERK OF THE HOUSE" OVERSEAS

BY  
THE EDITOR

THIS being the first issue of the JOURNAL, fellow-members will no doubt place the most favourable interpretation upon the writer's over frequent appearance in its pages, and, in view of the circumstances in which the Editor is placed, condone his ubiquity.

The office of "Clerk of the House" is both a peculiar and a responsible one, and especially in the Overseas Parliaments, where the staff is small, has the work of the Clerk of the House to be of a very general nature. The more important the country and the more numerous the House, the more onerous are the duties of its Clerk. In the Lords and Commons, where the work is on a large scale and the conditions very different from those in the Parliaments Overseas, the office of the Clerk is divided into departments. In the Dominions, to which these remarks are intended to apply, where Speakers often change with Governments and Members have not the leisure to give liberally of their time to Parliamentary life, multifarious are the duties which devolve upon the Clerk of the House. Although he is not by statute vested with any actual powers, his place in the Parliamentary machine is an important one.

In the first place he advises his Speaker, who, in the Dominions, is frequently, at the opening of a new Parliament, fresh to the work, and, in any case, is rarely a man with the time at his disposal to have previously made a study of Parliamentary procedure. The Clerk has the custody and control of the records and publications of his House; he also advises the Chairman and Members upon questions of procedure; he controls the staff; he is also club-secretary and manager in regard to the rooms in his section, etc., of the Houses of Parliament building. When the House is not sitting he must be in his office for consultation by his Members and by any of the public coming to Parliament for advice or information. Often he must also take some of the Select Committees, especially those dealing with procedure, House management, printing,

catering, report of debates, etc. He is usually responsible for the smooth running of the reporting of debates and the due performance of any contracts therefor, or in connection with Parliamentary printing or catering; he is also the accounting officer for his House vote.

The Clerk is responsible to his House, through the Speaker, for the regulation of all matters connected with the business of the House, and he has the direction and control over all officers, clerks, etc., employed by the House, subject to such orders as he may from time to time receive from the Speaker or the House. The Clerk records all minutes, or votes, of the House, prepares the Order or Notice Paper, amendment and any other papers issued in connection with the business of the House; he reads all Bills and amendments to be brought forward, in order to ensure that the correct procedure is followed regarding them; he has the custody of all records, etc., of the House, and may not take, or permit them to be taken, away from the chambers or offices without the express leave or order of the House; he is the official (and more especially is this the case where no Parliamentary draftsman is employed) who must scrutinize the checking of all public and private Bills during their passage through the House; he also supervises the work of all public and private Bill Select Committees. In addition, in the case of bilingual Parliaments, he is responsible for ensuring that whatever is originated in one language is faithfully represented in the other official language, and generally for the observance of the language rights under the Constitution.

During Recess, between the time when he has cleared up the work of the past session and begun to make preparation for that of the next, he attends to all notices of motion, public or private Bills, or other business received by him from Members, etc., which it is intended to bring before the House during the next session. It is in this interim that the Clerk can conduct research into questions of Parliamentary procedure, and examine any difficulties in the working of his Standing Orders, or questions of privilege which may have been threatened during the past session, or which are anticipated in the next; he also has the opportunity to clear up any points of procedure which offered difficulties, or which occurred to him (but did not actually present themselves for decision) in the past session, with a view to being prepared against them in the future. As most Overseas Parliamentary Libraries now contain complete sets of the Lords and Commons Journals, Imperial Hansards, and House of Commons Select Committee reports on procedure, as well as

the Parliamentary records, Hansards and statutes of the Dominions,<sup>1</sup> the Overseas Clerk, with his textbooks, can have at hand all the material necessary for full research. Therefore an active holder of the office can build up a goodly collection of valuable memoranda, which, duly indexed, and the property of the House, is available to his successors in office, and so do his best to assist preserve uniformity of practice in his House and Parliament. It is useful and in the best interests of Parliament as a whole if the Clerk discusses with his Brother in "Another Place" any points whether connected with the Constitution or Parliamentary procedure which might have a bearing upon the Other House. In the Dominions, the Upper and Lower Houses, in many respects, more closely resemble two "Houses of Commons" than they do the Lords and the "Nether House" at Westminster. In the Dominion Parliaments, the Clerk comes very closely into contact with his Members, and, in view of the freer life and less formal conditions, he is brought almost dangerously near the political arena. He has, therefore, to be very careful to avoid either expressing or disclosing his political opinion in any way, and in those Parliaments where bilingualism is in force, he must be meticulous in the regard he pays to the rights of both languages. In fact, in these last-mentioned countries, the greatest tact, consideration and urbanity are indispensable, if the confidence and trust of all his Members is to be maintained. It is only upon strictly constitutional and procedure questions that he may display any individual opinion or seek to exercise any influence, and even then the constitutional question must not be of a political nature. In fact, the greater the esteem and respect in which he is held by his Members, the more splendid the work he can do for his House and Parliament as an instrument of government.

When the writer first became a Clerk of the House, his father, who had been for many years a Member of the Commons at Westminster, gave him the following advice, which words were constantly on his office table:

"You must not expect to please everyone, for if you do your duty faithfully, you will probably have to decide matters which will not please all. In such an event consider—deciding each case upon its own merits—whether you cannot reduce annoyance (you may be forced to give by deciding rightly) by seeking a private conference with the person or persons and setting out your precedents, rules or reasons. You *may* convince their judgment, but in any case you will manifest your desire to be considerate."

<sup>1</sup> If not these can soon be obtained, on the system of mutual exchange (ED.).

The writer was Clerk of the House for 26 years, under almost every stage of constitutional development from that of a Crown Colony Legislature to full Dominion status. Never did he attend, if merely as one of the public, a political meeting, nor even a semi-political garden party. Upon a visit to England, he was enjoying one of many interesting talks with the late Sir Courtenay Ilbert, then Clerk of the House of Commons, and, in regard to this subject, Sir Courtenay remarked how very careful he was to keep absolutely clear of anything political, and that, even before he accepted an invitation to a private dinner party, he always made careful enquiries as to who were going to be there, in order to satisfy himself that the gathering was not in any sense a political one.

The Clerk of the House is, so to speak, the stage manager. Governments come and go, but he remains from Parliament to Parliament. In the exercise of any particular point of procedure, Ministers and Members naturally often look to the momentary advantage to their party, whereas the Clerk has to consider the question from the all-time aspect. In fact, the attitude of a Member in regard to a particular form of Parliamentary practice may be one thing to-day when his party is in power, and quite the opposite when he is sitting on the opposition benches. Continuity of practice and consistency in principle is what the Clerk must always have in mind. Most important of all, he must be absolutely sure of his ground, and being so, must be firm in his attitude. One thing he must not do, and that is make an error in his recommendation or decision, for his reputation amongst his Members depends greatly upon the soundness and impartiality of his opinion at all times.

The Clerk's attitude must also be in every respect the same towards all Members of all parties in the House, as well as to the Ministers of the Government of the day. In bilingual Parliaments, a good line to take, when the selection of which language to employ may be in doubt, is to give preference to that which is not the Clerk's mother tongue.

In conclusion, and with further reference to the question of political impartiality, the Standing Orders of the Volksraad of the last South African Republic had what was always an unique provision, for in the oath which the "Sekretaris" had to subscribe to upon assuming office was the undertaking that he would always carry out his duties with the utmost "onpartydigheid."<sup>1</sup>

<sup>1</sup> This is given in the original Afrikaans, as there is really no equivalent English word.

## VII. STANDARDS FOR OVERSEAS JOURNALS

BY  
THE EDITOR

A VERY useful and time-saving plan for the Clerk of an Overseas House of Parliament to adopt in connection with the preparation of the Minutes or Votes of Proceedings, as the case may be, of his House, is to provide himself with printed skeleton standards for all the normal entries in such Proceedings, which, in the Overseas Parliaments, generally stand for the Journals of the House.

The time-honoured language employed in the Journals at Westminster need not be followed meticulously in Overseas Parliaments, for, there, it is out of its setting, but it can most usefully be transposed into the language of to-day.

In bilingual Parliaments where the above-mentioned Proceedings have to be circulated in the official languages, the use of standards saves time also in translating and printing. The writer has had this system in use in two languages in the Second Chambers of the Transvaal and Union Parliaments for over 20 years, where it has proved most time-saving. It also ensures uniformity of record. Although it has never been published, a very useful collection of the standards in use in the British House of Commons was compiled in 1897 and has since been revised from time to time, but any Clerk can make his own standards, adapted from the set of the Commons' Journals in the Library of his Parliament, or—although the writer has no authority to suggest it—no doubt the present Clerk of the Union Senate would allow any Brother Clerk the loan of one of his printed sets.

The system of standards allows the Clerks-at-the-Table more time to devote to their other duties.

## VIII. 1932 COMMONS PROCEDURE COMMITTEE<sup>1</sup>

BY  
THE EDITOR

ON the 4th March, 1932, a Select Committee was appointed by the House of Commons to consider the procedure of the House in regard to the conduct of Public Business and to suggest any changes which may be desirable therein.

The Report of this Select Committee and its evidence deals with so many points of vital interest to Parliaments generally, as understood under the British system, that it should be read by all those Overseas especially concerned in the working of the Parliamentary machine.

As the Report says, the problems with which the Committee has been confronted are not new, nor are they confined to the House of Commons. They present themselves in almost every elected assembly in all countries where modern views as to the powers and duties of the State are finding expression, and where the vastly complicated social, industrial, commercial and economic questions of our time are demanding Parliamentary attention and solution. These problems made themselves felt in the House of Commons soon after the passing of the Reform Act of 1832. During last century numerous committees,<sup>2</sup> in which the most experienced parliamentarians of their day have sat, have considered the practice and procedure of the House of Commons, and alterations have regularly been made in the forms and rules of Parliament, nearly all of which have reduced the opportunities of the Private Member and increased the powers of the Executive, in order that the House of Commons might be enabled to grapple with the ever increasing volume of official business with which it is called upon to deal.

In paragraph 3, the Report goes on to say that the criticisms are two: First, those which refer to the need for relieving Parliament of part of the business which clogs its machinery; Second, those which are aimed at an actual amendment of the procedure of the House of Commons so that it may be able to do more

<sup>1</sup> Commons Paper 129 of 1932.

<sup>2</sup> For a list of the most important of these Committee Reports see Article XXIII.

legislative work in the time at its disposal, and to increase its efficiency as a critical and controlling assembly. The Committee also observed that the House of Commons was less fully reported, and the frequency of obstruction and of the use of the closure to overcome obstruction have reduced the value of the debates and affected the quality of legislation, while also lessening respect for a body which is alleged by these critics to waste time in unprofitable wrangling.

Suggestions were also made for devolving certain functions to national Parliaments other than the House of Commons, and for abolishing the power of dissolution so that that House might sit for a fixed number of years, regardless of what might happen to any particular Government during that period.

Several witnesses criticized the present procedure as not sufficiently reflecting the need to restore to some extent the independence, authority and interest of the Private Member, and the Committee realized that the principle of majority rule is a fundamental convention upon which all Parliamentary government is built, but that this must collapse in proportion as the principle of the protection of minorities begins to decay.

To continue to quote from the Committee's Report, it called attention to that of the Select Committee on Public Business of 1848, which said:

"It is not so much on any new rules, especially restrictive rules, that your Committee would desire to rely for a prompt and efficient dispatch of business by the House, but increasing business calls for increasing consideration on the part of Members in the exercise of their individual privileges. Your Committee would desire to rely on the good feeling of the House, on the forbearance of its Members, and on a general acquiescence in the enforcement by the Speaker of the established rule of the House which requires that Members should strictly confine themselves to matters immediately pertinent to the subject of debate."

The Committee<sup>1</sup> state that after consideration of all the evidence laid before them and in view of the experiences of the last 12 months, they are unanimously of opinion that the procedure of Parliament is sufficiently flexible to meet all the demands made upon it.

With reference to criticism of present procedure in general,<sup>2</sup> the Committee, referring to the evidence, remarked that the crucial deviation on this head reduced itself to a divergence of opinion as to the function of Parliament. Those who considered its primary function to be that of a national forum where

<sup>1</sup> Commons Paper 129 of 1932.

<sup>2</sup> *Ib.*, paragraph 7 (a).

great issues were debated, or should be debated, were more concerned with the revival of this function than with the increase of Parliamentary legislative efficiency; while those who considered its functions to be that of a legislative machine, or a body charged with the control of expenditure and of departmental action, were anxious to make far-reaching changes in procedure in order to improve the performance of these functions by the House.

Continuing to quote from the Committee's Report, paragraph 7 (b) refers to the grave criticisms of the working of Parliament in the evidence, many witnesses expressing dissatisfaction with the methods by which the House of Commons attempts to control expenditure; and both the Report and the evidence deal with the spheres of operation and duties of the respective Committees on the Estimates and Public Accounts, but space does not admit of them being given here.

In dealing with suggestions<sup>1</sup> for reforms of detail one witness put forward a scheme for the complete allocation of time throughout the session, many witnesses contending that shorter sessions were desirable in the interests both of the House as a whole and of individual Members.

The Committee, in other paragraphs of the Report, deal with the distribution of time spent on stages of Government Bills, with Standing Committees, Private Members' time and facilities, questions of financial detail, supervision of departmental rules and orders, questions, other opportunities of criticism, rules of debate—"guillotine," financial control, concluding with their recommendations, but it would be incomplete to give them here without the full light thrown upon all the questions by the contents of the Paper itself, which only a careful reading of the Report and the evidence can afford.

The Report also deals very fully with that most interesting British instance of delegated legislation, the legislative powers of the Church of England Assembly under their Powers Act, over which Parliament retains its right of acceptance or rejection of "Measures" (as the legislative enactments are described) passed by the Church Assembly, while still retaining the right to super-legislate. Although the status of the Church of England in England has not been reproduced in any of the Overseas Dominions, yet this system of delegated legislation might well commend itself to the treatment of other subjects in those countries, which, as they necessarily deal with questions of public policy, will not be referred to here.

<sup>1</sup> *Ib.*, paragraph 7 (c) (i).



## IX. 1932 COMMONS PUBLICATIONS AND DEBATES COMMITTEE

BY  
THE EDITOR

THE above-mentioned Select Committee was appointed on 8th December, 1931, "to assist Mr. Speaker in the arrangements for the Report of Debates and to enquire into the expenditure on stationery and printing for this House and the public services generally." The Committee consisted of 11 Members, had power to send for "persons, papers, and records," and also to report from time to time.

At present, the House of Commons, as also many Houses of Parliament Overseas, print division lists both in the Votes as well as in Hansard, and the Committee, in this Third Report,<sup>1</sup> recommend that names of Members voting should in future only be printed in Hansard, leaving Mr. Speaker to take whatever steps, which to him may seem necessary, to ensure that the lists given in the "Official" Hansard are accepted as the official record of divisions. Further economies, it was expressed by the Committee, might be secured in the printing of the short-hand record of proceedings in Standing Committees by discontinuing to print such record with regard to Private Members' Bills, unless the Chairman of the Committee, after consultation with the Minister concerned, decides that such is in the public interest. The Committee also recommended that Returns relative to Public and Private Business be not printed in future, but that typewritten copies be made available for reference, in the Library.

In regard to the above recommendations by the Committee, however, as pointed out by Sir Horace Dawkins, the Clerk of the House of Commons, in his evidence, it must be observed that under the old system, as the Hansard Report closes down between 11.15 and 11.30 p.m., no division which takes place after that hour can appear in Hansard next morning, and that quite an important division of the day may come at midnight. In the same way, only the first 10 divisions of the day appear in

<sup>1</sup> Commons Paper 126 of 1932.

next morning's Votes. Sir Horace, in his evidence, gave the average annual cost of printing the division lists in the Votes, over the last 5 years, at about £1,690 p.a. In the evidence given by the Editor of the Official Hansard, the cost of printing a page of the Standing Committee Reports of Debates was given as £1, and the all-in cost of the shorthand note, sub-editing, editing, etc., at £4 10s. per hour.

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

COMPILED BY THE EDITOR

THE following Index to some Rulings by the Speaker and Deputy-Speaker of the House of Commons given during the First Session of the Thirty-sixth Parliament of the United Kingdom of Great Britain and Northern Ireland and the Eighth of His Majesty King George V, are taken from the General Index to Volumes 259 to 271 of the House of Commons Debates, 5th series, comprising the period 3rd November, 1931, to 17th November, 1932, the respective Volume and column reference number being given against each item, thus—“(260-945)” or “(269-607, 608 and 1160).”

### Adjournment.

- urgency motion, not allowed (260-945); *ib.* (261-32); (262-1082); (264-132); (265-43, 44 and 2400); (268-1363); (269-607, 608 and 1160).

### Amendments.

- Bills, handing in of to, when Committee stage taken immediately after Second Reading (270-771).
- cannot be withdrawn if Member wishes to speak on (267-871).

### Debate.

- Cabinet proceedings confidential, not to be divulged (265-415).
- Bills
  - Third Reading, debate must be kept within scope of Bill (259-1164).
  - Third Reading, duologues not allowable (264-374).
  - consideration of Lords' amendments, Member cannot repeat arguments used in Another Place (260-1819, 1821).
- Consolidation Fund Bill, wide scope (268-362).

- “ Another Place,” in
  - arguments for or against the Bill out of order (259 - 1819).
  - too recent to quote (266 - 961).
  - discussion of what is said in, not allowable (261 - 1572).
  - disrespectful reference to, not allowable (260 - 1656).
  - unnecessary adjective, in regard to (259 - 57).
- document quoted from, must be Tabled (262 - 599).
- conversation preventing hearing what is being moved never in order (266 - 2067, etc.).
- “ tricking the electors ” phrase, not disorderly (268 - 1008).
- unsuitable remarks (260 - 632).
- unparliamentary expressions
  - “ lie down, dog ” (260 - 1911).
  - “ misleading and lying statements ” (262 - 611).
  - “ perverter of the truth ” (262 - 611).
  - “ liar ” (269 - 939).

#### Divisions.

- error in list (260 - 403).
- error in list, Mr. Speaker looks into (262 - 780).
- bell not ringing in room of House (269 - 545).

#### Interruptions.

- Members not entitled to interrupt when statement being made (267 - 666).

#### Motion.

- not precluded by question on same subject on Order Paper (260 - 454).

#### Members.

- Oath. Mr. Speaker, after first alone standing upon the upper step of the Chair, taking and subscribing to the Oath, called first upon the Government front bench, then upon the Opposition front bench and then upon Privy Councillors and ex-Members of Government and then followed with taking Members from bench to bench. On the following day, Mr. Speaker took the various benches from alternative sides of the House, beginning with the Government benches (259 - 13, 35).
- pecuniarily interested (261 - 193).
- limitation of speeches of (266 - 1340 and 270 - 514, 515).
- must not step beyond the line (266 - 752).
- reading speeches (270 - 514-5).

**Order.**

- calling upon Member not on his feet, when other Member is on his feet, in order (260 - 2263).
- unless Member in possession of House gives way, another Member not entitled to be on his feet (260 - 2284).
- Chancellor of Exchequer and Financial Secretary, presence in House or not a matter for Chancellor, no point of (262 - 1965).
- Member rising to point of, at Question time (267 - 913, 914).
- division bell not ringing in any room of the House, not a point of (269 - 545).

**Questions to Minister.**

- improper (261 - 1265).
- number, on same points (261 - 1001).
- affecting individuals (262 - 186, etc.).
- rather long (263 - 265, etc.).
- on legislation to Leader of the House (265 - 579).
- same as before (265 - 1716).
- Ministers can answer as they think fit (266 - 366, 367).
- improper statement in (267 - 1996).
- Member getting away from question on paper (261 - 591).
- Member must be satisfied with replies to (269 - 597).
- supplementary
  - must have some bearing on the question (262 - 1977, 1978).
  - already answered (260 - 1520).
  - excessive number of (259 - 503, etc.).
  - reason for, need not be given (264 - 649).
  - beyond scope of original (259 - 1013, 1019).
  - one only can be answered at a time (267 - 1101).
  - unsuitable as (268 - 600).

**Speaker, Mr.**

- Member not entitled to question Ruling of (260 - 1612).
- Member, having grievance against, not entitled to argue with, but must put motion down on Order Paper (260 - 2263).
- allocation of rooms to parties (261 - 1471).
- not be dictated to by any Member (265 - 1423).
- calling on Members to speak (266 - 1339, 1340).

## XI. ACOUSTICS OF BUILDINGS

BY

THE EDITOR

AN official publication<sup>1</sup> containing much information of particular interest to those connected with the management of Houses of Parliament buildings was published during 1932. The Report of the Building Research Board deals with many subjects which especially concern important and historic public buildings, from the weathering and cleaning of such buildings and the materials with which they are constructed, to their heating and ventilation. As its title infers, the Board consists of experts. The only section of the Report, however, to be dealt with will be that referring to acoustics.

The writer, who has visited most of the Legislative Chambers of the Empire, has been for many years particularly interested, though purely as a layman, with the acoustics of such Legislative Chambers. His first practical experience in the application of the subject to a Legislative Chamber was when the Crown Colony Legislative Council of the Transvaal, after the South African War, 1899-1902, held its sittings in the old Republican First Volksraad Chamber, where the Members' seats were arranged one bench behind the other in semicircular fashion, those of the Cabinet of the Republic being on a raised bench, somewhat resembling that used by judges in a court of law, and there was a large public gallery in an alcove of the Chamber. The acoustic properties of this Chamber were such that when a Member was speaking those behind could rarely hear what he was saying. The alcove public gallery was therefore bricked up, a Strangers' Gallery of timber was erected within and at the end of the Chamber, and the seats were arranged on both sides of the House, with a large floor space between them. This effected a wonderful improvement in the acoustics of the Chamber.

Upon the introduction of "Responsible Government" some years later, when an Upper House had to be made by breaking up rooms in another part of what was also the Old Government Buildings, the writer had an idea carried out—while doing away with alcove galleries, and substituting a gallery not jutting far out into the Chamber, the Members' benches being arranged

<sup>1</sup> *Report of the Building Research Board for 1931*, Department of Scientific and Industrial Research, London, 1932, pp. 105-106.

on either side of the House facing a large centre open floor space—of having the wall-face and ceilings so arranged that there was no part of them standing out from this face more than about four inches. The result was excellent.

The worst instance of acoustics in a Legislative Chamber which the writer has met with was in one of circular shape, with a dome roof and the seats also arranged in a circle. Notwithstanding the wiring that had been done and the curtains that had been hung, the acoustics were remarkably bad, even though the Chamber was a small one.

In the Italian Chamber of Deputies, when it was visited by the writer many years ago, the public galleries were arranged like those in an opera house, the Deputies sitting as it were in the stalls, but speaking from a tribune. The acoustics were excellent for that method of speaking. The writer's own personal opinion, again submitted purely as a layman, is that, for the British system—namely, Members speaking from their benches, the seats on either side of the House facing a centre and chamber-long open floor space is the best.

However, let us hear what the experts have to say on the subject by giving some extracts from the Report under consideration.

The Joint Architectural Acoustics Committee of the Building Research Board and the Executive Committee of the National Physical Laboratory have been advising the League of Nations Building Committee regarding the acoustic properties of designs prepared for the new League of Nations Assembly Hall. The Acoustics Committee has discussed the problems involved with the League's architects, and early this year three designs, embodying suggestions previously made by the Committee, were submitted by the League for comment. A report was prepared definitely recommending one of the three designs as being, acoustically, the best.

In November, a request to investigate the acoustic properties of the Hall of Justice in the Peace Palace at The Hague was received from the Registrar of the International Court of Justice. The hall was inspected by the officers of the Building Research Station and the National Physical Laboratory, and a joint report was prepared.

Several requests have been received by the Station for advice on the acoustic design of halls and other rooms intended for public speaking. School assembly halls, court rooms and board rooms are examples of the type of work considered. It has been found that these problems could be most easily dealt with in consultation with the architects for the buildings, and perhaps most conveniently when the design of the rooms has

reached the stage where details of the general lay-out and accommodation required have been decided. There are two main points to be considered in buildings of this kind; firstly, the shape of the room and disposition of the audience and speaker and, secondly, the properties of the room in respect of reverberation. The main objection to an excessively reverberant chamber is that, on account of multiple reflections from hard surfaces, sound may persist for an unduly long period after the original source has ceased; a reverberant condition, above certain generally recognized limits, makes it difficult, and in bad cases, almost impossible, for the audience to hear speech or music distinctly.

The Report goes on to say that the period of reverberation for any given chamber can, however, be calculated with sufficient exactitude to satisfy practical requirements, provided that the sound absorption coefficients for the various lining materials and furnishings are known. The methods of calculation of the period of reverberation, and the principal factors to be taken into account in respect of the shape of the building, have been indicated to enquirers. In certain cases modifications of the shape which was proposed for assembly halls seemed desirable. Barrel-vaulted and domical ceilings in particular may be troublesome if the centre of curvature falls at or near floor level, since there will be a tendency for sound reflected from the ceiling to be focused amongst members of the audience in such a manner as to give rise to a sharply defined echo. The period of reverberation can be adjusted by the introduction of more or less absorbent lining materials. It is not always recognized that the audience itself provides a very high proportion of the total sound absorption in many halls. As a result of this, a hall may be entirely satisfactory with a full audience, but with a small audience it may be unduly reverberant. In order to obtain satisfactory results with the minimum outlay on special absorbent materials, it is very desirable that the building owners should define their requirements as clearly as possible, especially in those cases where halls may often be expected to be used with small audiences.

A number of enquiries has been received on the subject of sound insulation of buildings. In view of the interest displayed in this subject a Bulletin is being prepared for publication. As a rough generalization it may be stated that the mass of a homogeneous floor or partition will be found to be a useful indication of the sound insulation it is likely to afford. With more complex structures of lighter materials, however, this rule cannot be rigidly applied.



## XII. APPEAL AGAINST MR. SPEAKER'S RULING

Westminster.—Although the Rulings of the Speaker of the House of Commons are practically never questioned by subsequent motion, the same practice does not prevail in all the Daughter Parliaments of the Empire. In the following review as to the custom in this respect in the Overseas Legislatures, however, it must be borne in mind that the Speaker has not always had years of experience as a Member of the House, during which to make himself thoroughly familiar with its procedure. In the House of Commons, it is not unusual for a Member, upon his elevation to the Chair, to have had fifteen years' experience, or more, first, on the Chairman's Panel for Standing, or that for temporary Chairman of Committee of the Whole House, and to have long been Chairman of such Committee.

The only formal questioning of a Ruling by the Speaker of the House of Commons, within living memory, occurred in 1925,<sup>1</sup> when the following motion was put down:

“ That, in view of the express provisions of S.O. No. 26 for the protection of the rights of minorities, this House regrets the action of Mr. Speaker on the 25th May, 1925, when, contrary to recent precedents, he granted the Closure at 11.45 p.m. on the first day's debate on the Motion for the Second Reading of the Finance Bill.”

In moving this motion, the Member argued that his action was in vindication of two great principles, the rights of the minority and free debate on taxation. The matter arose owing to the Speaker accepting the closure moved by the Government upon the Second Reading of the annual Finance Bill, voting over £800,000,000, when the debate thereon had lasted 8 hours. S.O. 26 (1) provides that the closure motion shall be put forthwith, etc., unless it shall appear to the Chair that such motion “ is an abuse of the rules of the House, or an infringement of the rights of the minority.” The supporters of the mover took their stand upon the words here quoted. It was also stated in debate that it was 12 years since the previous occasion of the closure had last been applied to a Finance Bill.

<sup>1</sup> 184 Com. Deb. 5, s. 1591 *et seq.*

The supporters claimed that 2 days should have been allowed, and that the acceptance of the closure by the Speaker on this occasion was a grave invasion of the freedom of debate in that department of Parliamentary discussion which is entitled to the greatest available latitude. The result of the division was Ayes 27, Noes 306.

The practice in regard to appeal against the Speaker's Ruling in the various Overseas Legislatures will now be given.

**Canadian Senate.**—In the House of Senate, as it is often referred to locally, the Speaker is nominated by the Governor-General by Commission under the Great Seal of the Dominion, which authority may also remove him from office and appoint another in his stead.<sup>1</sup> The Rulings of the Speaker are seldom challenged; the last occasion was 20 years ago. The authority of the Speaker is very limited. Before a Ruling is given there is usually discussion on the point in question, and after the discussion is over the Speaker may, if he desires to seek further information, reserve his decision for a future day. When the Ruling is given it may be challenged, and in that event, the Ruling would be decided by a majority of the Members. The result of the challenge does not affect the status of the Speaker in any way.

**Canadian Commons.**—Under S.O. 12, the Speaker's Rulings are subject to an appeal to the House, without debate. In explaining a point of order or practice, the Speaker must state the Standing Order or authority applicable to the case. Mr. Speaker's decision has only been twice revised in 65 years.

**Canadian Provincial Parliaments.**—In the Legislative Assembly of New Brunswick, there is an appeal to the House against the Rulings of the Speaker, under S.O. 19 and 95. The same practice as in the Canadian House of Commons prevails in the Legislative Assemblies of Quebec, Ontario, Manitoba, Saskatchewan and Alberta.

**Newfoundland.**—The Canadian practice is followed in the House of Assembly.

**Australian Commonwealth Parliament.**—In the Senate, if any Senator should not be satisfied with a Ruling of Mr. President (as the Presiding Member of a Dominion Upper House is sometimes described) he may dissent therefrom in writing, and move accordingly. Such question is determined in the same manner as any other substantive motion.<sup>2</sup> It rarely happens,

<sup>1</sup> British North America Act, 1867 (30 Vict. c. 3), sec. 34.

<sup>2</sup> Senate S.O. 429.

however, that the Senate dissents from a Ruling from the Chair—but there have been instances. A motion of dissent may be moved and considered at once, or the consideration thereof adjourned. If the first course is followed, the decision of the Senate thereon governs the subsequent procedure; if the second course, the Senate proceeds in accordance with the Ruling, which is observed until the motion of dissent is decided. Subsequent procedure would be in accordance with the decision of the Senate.

In the House of Representatives, if any objection<sup>1</sup> is taken to the Ruling or decision of Mr. Speaker, such objection must be taken at once and in writing; and motion made, which, if seconded, must be proposed to the House and debate thereon forthwith adjourned to the next sitting day. No dissent motion, however, has ever been carried.

**Australian State Parliaments.**—In the State Parliaments, the practice at Canberra is followed in varying degree. The New South Wales Lower House permits, upon motion after notice, a Ruling by Mr. Speaker to be dissented from, but such motion must be set down for consideration within 3 sitting days of that on which the notice was given, with precedence on that day, and if not then moved it must lapse. After the debate thereon has exceeded 30 minutes, Mr. Speaker is entitled to put the question, and no Member may, without concurrence, speak to the question for more than 10 minutes. In the Upper House a Ruling by Mr. President may only be dissented from by motion at once made. On occasions, certain Rulings given in the Lower House have been privately canvassed and the opinion of the Speaker or Clerk of the British House of Commons obtained thereon, by correspondence.

In Queensland the practice is similar to that of the Lower House of New South Wales, except that 60 minutes is allowed in the case of the Speaker and 30 in the case of the Chairman of Committees.

In the South Australian Upper House, Rulings are open to revision, but such motions have been very rare and still more rarely successful. The motion, however, must be stated in writing and taken at once, whereupon it stands adjourned to the next sitting day, with precedence, unless the House decides to consider the question at once. In the Lower House, the motion must be taken immediately.

In the Tasmanian Upper House, since the adoption in 1926 of the Standing Order permitting a Member to challenge a

<sup>1</sup> House of Representatives, S.O. 287.

Ruling by Mr. President, by motion after notice, no ruling has been contested; previously, it was occasionally challenged, when the same procedure was followed, but no instance is recorded of any such motion having been successful in recent years. A similar practice is followed in the Lower House.

In Western Australia, the practice is the same as that of South Australia, but without precedence, but in the Lower House exception must be taken at once.

**New Zealand Parliament.**—In the Legislative Council, as the Upper House is called, the practice is similar to that of the South Australian Upper House. In the House of Representatives, a Ruling of Mr. Speaker may be overruled by motion, but it has very rarely happened that his Ruling has been called in question. On one occasion Mr. Speaker ruled that certain references to a country must be withdrawn, when a division was taken on purely Party lines. On another occasion notice was given of a motion disagreeing with the Ruling, but the notice remained on the paper and was never moved.

**Union of South Africa.**—In the Senate House there is no provision for the review of a Ruling by Mr. President, the practice being the same as that of the British House of Commons.

In the House of Assembly at Cape Town, Mr. Speaker's authority is much the same as that of the Speaker of the Imperial House of Commons. Since the advent of the Dominion Constitution in 1910, his Rulings have been directly challenged on two occasions, namely:

(a).—On the 30th January, 1914, Mr. Speaker Molteno ruled that a certain motion could not be moved as a motion for the adjournment of the House on a definite matter of urgent public importance. On the 3rd February a Member moved, after notice, that the House dissents from the Ruling. The motion was negatived, only 6 members voting for it.

(b).—On the 23rd February, 1914, Mr. Speaker Molteno ruled that a certain amendment moved on the Second Reading of a Bill was irrelevant and could not be put. On the 10th March a Member moved, after notice, that the Ruling was not in accordance with the Standing Rules and Orders and was an infringement of the rights of Members of this House. After discussion the motion was withdrawn.

In addition to the above, a Member gave notice of a motion dissenting from a Ruling given by Mr. Speaker Molteno to the effect that a Member cannot raise a general debate on a motion that the House do now adjourn, but the motion was not moved.<sup>1</sup>

<sup>1</sup> *Union, Votes, 1914, p. 54.*

On two other occasions Mr. Speaker's Rulings have been reviewed:

(c).—In 1922 Mr. Speaker Krige upheld a Ruling given by the Chairman on the scope of debate in Committee of Supply. On the following day the Leader of the Opposition sought to move without notice that the question be referred to the Committee on Standing Rules and Orders, but a Member objected. In 1923 the matter was raised during a sitting of the Committee on Standing Rules and Orders, and Mr. Speaker agreed to discuss the interpretation of the Rules of the House with the Chairman of Committees.

(d).—In 1924 Mr. Speaker was asked by a Select Committee on Miners' Phtthisis for a Ruling on "direct pecuniary interest." The Select Committee reported the Ruling in order that it might be considered by the House. On the 3rd March, the House concurred in the Ruling, but on the following day the question as to whether the Standing Orders of the House should be amended was referred to the Standing Rules and Orders Committee. The Committee reported that it was unable to recommend any change.

**Union Provincial Councils.**—There is no provision in the Standing Orders of the Provincial Councils—namely, The Cape of Good Hope, Natal, Transvaal and Orange Free State—for review of the Rulings of the Presiding Member of such Councils (who is called the Chairman). Neither has such review taken place in any of them since their creation in 1910.

**Irish Free State.**—The Cathaoirleach, as the Presiding Member of the Senate is described, is the sole judge of order in the House<sup>1</sup> and has authority to suppress disorder and to enforce prompt obedience to his Ruling. Under S.O. 39, however, in all matters of order which arise and are not provided for in the Standing Orders, "he shall rule as to him shall seem right," having regard to such precedents as may have been established and to the circumstances of the case; provided that such Ruling may, on motion made, with or without notice, on a requisition to that effect signed by not less than 15 Senators, be referred to the Committee on Procedure and Privileges for report. On receiving such report, the Senate has the decision of the question. No such review has taken place in recent years.

In the Lower House of Parliament—the Dáil Eireann—no provision is made for review of the Rulings of the Ceann Comhairle, as the Speaker is called, and S.O. 47 lays it down that he is the sole judge of order in the Dáil and has authority to suppress disorder and to enforce prompt obedience to his Ruling.

<sup>1</sup> Seanad S.O. 38.

**South-West Africa.**—The practice in the Legislative Assembly of the Union Mandated Territory in this respect would be the same as that in the Union House of Assembly, but there has not been an instance of a Ruling by the Chairman being called into question.

**Southern Rhodesia and Malta.**—In neither Parliament is it the practice to review the Rulings of Mr. Speaker, and no provision is made in the Standing Orders therefor.

**India.**—~~S.O. 58 of the Council of State, and 63 of the Legislative Assembly,~~ provide that the President shall decide all points of order as they arise and his decision shall be final.

A similar Standing Order is included in those of the Legislative Councils of Assam and Bihar and Orissa.

**Ceylon.**—By S.O. 100, Rulings of the Speaker of the State Council upon any point of order are not open to appeal and may not be reviewed by the Council, except upon a substantive motion made after notice.

As 15

the

motion

is not in

order.

### XIII. CLOSURE IN OVERSEAS PARLIAMENTS

As the methods of closure in the House of Commons have already been dealt with in a separate Article (III), this one will be confined to closure procedure, in its varying forms, in operation in the Parliaments Overseas.

**Canada.**—There is no form of closure in the Senate, but S.O. 39 of the House of Commons provides that, immediately before the Order of the Day for resuming an adjourned debate is called, or if the House be in Committee of the Whole House, or of Supply, or Ways and Means, any Minister, after notice, may move that the debate be not further adjourned, or that the further consideration of any resolution(s), clause(s), section(s), preamble(s), title(s), be the first business of the Committee and not further postponed; and in either case, such question must be decided without amendment or debate. Should it be affirmed, no Member may thereafter speak more than once, or longer than 20 minutes in any such adjourned debate, or if in Committee on any such resolution, etc.; and if such adjourned debate or postponed consideration is not resumed or concluded before 2 o'clock a.m., no Member may rise to speak after that hour, but all such questions as must be decided in order to conclude such adjourned debate or postponed consideration, must be decided forthwith.

Should a division take place during the debate on any amendment under closure before 2 o'clock a.m., a new amendment may then be proposed, but the speeches thereon are limited to one for each Member who has not already spoken and must not be longer than 20 minutes. A division may again take place on the new amendment and another one be again proposed, and so on, until 2 o'clock a.m. The Government Members, in order to prevent the Opposition from proposing such amendments, may keep up debate until 2 o'clock in the morning, when all questions connected with the main motion must be decided forthwith. If a Member has taken the floor at 1.55 o'clock, he is entitled to speak for 20 minutes, but no Member "shall rise to speak" after 2 o'clock.<sup>1</sup> A similar Standing Order to S.O. 39 of the Canadian Commons is in force in the Legislative

<sup>1</sup> Beauchesne, *Parliamentary Rules and Forms* (Canada), 2nd ed., pp. 86, 87.

Assemblies of Saskatchewan (S.O. 25) and Manitoba (S.O. 30), except that in the latter case 30 minutes is allowed for speeches in the adjourned debate.

**Australian Commonwealth Parliament.**—Debate upon any motion in the Senate may be terminated by a motion made without amendment or debate, "That the Senate do now divide"; provided that the speech of a Senator is not interrupted for that purpose, and that the motion is carried by at least 13 affirmative votes. This motion may not be repeated in Committee within 15 minutes of any similar or any dilatory motion having been negatived.<sup>1</sup> Although it is not actually called the "closure," Senate S.O. 407 B, which has been pretty generally adopted by the State Parliaments in Australia, regulates the limitation of debate on urgent Bills, which, in effect, is similar to the "guillotine" closure.

This Standing Order provides that when a motion for leave to introduce a Bill is called on, or when a Message is received from the Lower House transmitting a Bill for concurrence, or at any other stage of a Bill, a Minister may declare that it is urgent and move "That the Bill be considered an urgent Bill," which motion must be put forthwith, without debate or amendment. If it is unanimously agreed to, or carried by an affirmative vote of not less than 13 Senators, a Minister may forthwith, or at any time during the sitting of the House or Committee, but not so as to interrupt a Senator who is speaking, move a further motion or motions, specifying the time which (exclusive of any adjournment or suspension, and notwithstanding anything contained in any other Standing or Sessional Order) shall be allotted to the proceedings upon a Bill, to all or any of the following:

- (a) The initial stages thereof up to, but not inclusive of, Second Reading;
- (b) Second Reading;
- (c) Committee stage;
- (d) remaining stages;

and the order with regard to the time allotted to the Committee stage of the Bill may, out of the time allotted, apportion a certain time to a particular clause or clauses, or to any particular part or parts of the Bill.

Upon such further motion with regard to the allotment of time being moved, no debate thereon is allowed for more than 60 minutes, and in speaking thereon no Senator may exceed

<sup>1</sup> Senate S.O. 281, 431 and 433.



10 minutes. If the debate is not sooner concluded, then forthwith upon the expiration of that time, the Presiding Member puts any questions on any amendment or motion already proposed from the Chair.

For the purpose of bringing to a conclusion any proceedings under this Standing Order, the Presiding Member, at the appointed time, then puts forthwith the question on any amendment or motion already proposed from the Chair, and, in case of any Bill in Committee, puts any clauses, Government amendments, new clauses and schedules (copies of which must have been circulated amongst Senators at least 2 hours before the expiration of the allotted time) and any other question necessary to the disposal of the business under consideration. No other amendments, new clauses or schedules may be proposed. This Standing Order, however, does not apply to what are known as dilatory motions, or motions "That the Senate do now divide," or the debate be now adjourned. When the time for the commencement of any proceedings under this Standing Order has been reached, whatever other business may be then under consideration must be postponed and the urgent Bill proceeded with.

In the House of Representatives debate upon any question, whether in the House or Committee, may be interrupted at any time by the motion<sup>1</sup> "That the question be now put," which must be put without amendment or debate. When such motion has been carried and the question consequent thereupon decided, any further motion may be at once made which is necessary to bring to a decision any question already proposed from the Chair; and also, if a clause be then under consideration, a motion may be made, "That the question 'That certain words of the clause defined in the motion stand part of the clause,'" or "That the clause stand part of, or be added to, the bill be now put." Such motions must be put forthwith, without amendment or debate. An affirmative vote of not less than 24 Members is necessary to carry any motion referred to above.

A similar procedure prevails in the House of Representatives under S.O. 262 A, in regard to the limitation of debate as already outlined in Senate S.O. 407 B, except that an affirmative vote of not less than 24 Members is required, and that the Standing Order is also applied to the Estimates of Expenditure, to the reading of the Message from the Governor-General recommending an Appropriation Bill, to a Customs or Excise

<sup>1</sup> S.O. 262 B.

Tariff resolution, and to any motion. The procedure of this House also makes provision for a motion, without notice, being moved that a Member who is speaking "be not further heard," which question must be put forthwith, without amendment or debate.<sup>1</sup>

### Australian State Parliaments.

**New South Wales.**—In the Upper House, under S.O. 102 the "simple" closure is applied, but whenever such question has been decided, the mover of the matter before the House or Committee is permitted to reply (where any reply is allowed) for 30 minutes before his motion is put.

By S.O. 75 the motion "That a Member be not further heard" may be moved, as outlined under the Federal House of Representatives.

In the Legislative Assembly of this State, S.O. 175 applies a similar procedure to that outlined under S.O. 102 above. S.O. 175 A, however, provides that the closure shall only affect the last question submitted, and shall be supported by at least 30 Members.

S.O. 175 B applies the "guillotine" closure after previous notice, when moved by the Government; provided the Presiding Members (both in the House and Committee) and Party Leaders have been previously informed thereof in writing. The Presiding Member must, however, also put to the vote any amendments proposed by a Minister, which have been printed or typewritten, and circulated at least 2 hours before the expiration of the allotted time.

S.O. 142 provides for the motion "That a Member who is speaking be not further heard," subject to the conditions already given.

**Queensland.**—In the Legislative Assembly the "simple" closure is in force;<sup>2</sup> provided the support of at least 30 Members is given. The motion "That a Member be not further heard" is also in use.<sup>3</sup> S.O. 251 provides for the limitation of time for report from Committees on Bills or other matter (excepting Committee of Supply); provided previous notice has been given. Under this Standing Order, business may be interrupted on appointed days at 4 o'clock p.m., and at 10 o'clock p.m., and the Chairman must put forthwith every question, without amendment or debate, necessary to dispose of the outstanding clauses (or parts thereof) of a Bill, etc., specified in the order, whereupon he leaves the Chair and

<sup>1</sup> S.O. 262 C.

<sup>2</sup> S.O. 140.

<sup>3</sup> S.O. 105.

reports to the House. Upon receiving such report, the Speaker forthwith puts every question, without amendment or debate, necessary for the confirmation by the House of the action of the Committee so reported.

**South Australia.**—The “simple” closure is provided for by S.O. 130 and 131 of the Upper House, but it may not be moved so as to interrupt a Member whilst speaking. If negatived, however, no such motion may be made again within 15 minutes, except by the Member in charge of the Bill or other matter under discussion.

In the House of Assembly there is no actual closure, but S.O. 179 and 180 provide that the motion “That the House do now divide” shall take precedence of all other business and shall be put without amendment or debate, provided no such motion is made whilst a Member is speaking, or within 15 minutes of a similar motion which has been negatived.

S.O. 150 provides that if the Presiding Member has twice warned any Member of irrelevance, undue repetition or prolixity in debate, a motion “That such Member be not further heard” may be made, at any time, provided it is supported by not less than 7 Members, and carried, with not less than 14 Members present. If carried, this motion prohibits such Member from speaking again during the discussion of the same question, although a Member so interrupted may, on motion made, without debate, be permitted to speak on any subsequent question during that sitting, subject to a support of at least 14 Members.

**Tasmania.**—In the House of Assembly provision is made<sup>1</sup> that a Member who is speaking be not further heard, which question must be put forthwith without amendment or debate.

**Victoria.**—In the Lower House, under S.O. 78 C (a) the “simple” closure is in force, and under paragraph (b) the “contingent” closure may be applied to Bills, Resolutions in Committees of Supply and Ways and Means, but such motions if negatived may not be repeated within half an hour.

A similar procedure is also in force<sup>2</sup> as already given under Federal House of Representatives S.O. 262 A, except that a support of only 20 Members is required, and that the Standing Order does not apply to Customs or Excise Tariff resolutions. On the other hand, the Victorian Lower House S.O. 78 F (d) limits debate upon urgent motions to 60 minutes and a Member's speech to 10 minutes, but does not allow dilatory motions, instructions to Committees on Bills, postponement of

<sup>1</sup> S.O. 185.

<sup>2</sup> S.O. 78 F (a), (b), (c), (e), (g), (h).

clauses, or recommittal, in connection with such Standing Order, unless moved by a Minister, when they must be put without amendment or debate.

S.O. 78 D provides for the motion that a Member who is speaking "be not further heard."

**Western Australia.**—In the Lower House, provision is made<sup>1</sup> for the motion "That the House do now divide," which takes precedence of all other business, and must be put forthwith without debate. This motion, which also applies in Committee, may not interrupt a Member whilst speaking, and if carried, the question before the House must be put, without further debate or amendment; if negatived, the motion "That the House do now divide" may not be moved again within the next 15 minutes. S.O. 114 provides for the motion "That a Member be not now heard."

**New Zealand.**—In the Upper House, provision is made<sup>2</sup> for the motion "That the House (or Committee) do now divide," upon the second or third reading of a Bill, a motion or an amendment; or a clause, schedule or preamble of a Bill. The motion, which is subject to the decision of the Presiding Member, that it is not an abuse of the rules of the House, etc., must be put forthwith, without amendment or debate, but the support of a quorum of the House is required. If carried, the question upon which it was moved must be put without amendment or further debate.

In March, 1932, the House of Representatives adopted a Standing Order<sup>3</sup> providing for the "simple" and "contingent" closure, subject to the support of not less than 20 Members, but motions under this Standing Order must not interrupt a Member who is speaking.

**Union of South Africa.**—S.O. 145 expressly provides that it shall not be in order for what is known in the Commons House of the Parliament of the United Kingdom as the "closure procedure" to be applied to the proceedings of the Senate, except upon the question for the second or third reading of a Bill, a clause, schedule or preamble of a Bill in Committee or on report, or for a substantive motion, or an amendment (except an amendment in the passage of a Bill) before the House or Committee, when the "simple" form of closure may be used, subject to the discretion of the Chair and the support of not less than 12 Senators.

In the House of Assembly, what are known as the "simple," "contingent" and "guillotine" closure methods can be

<sup>1</sup> S.O. 160 to 163.

<sup>2</sup> S.O. 165 to 169.

<sup>3</sup> S.O. 205 A.

applied,<sup>1</sup> except upon a question already barred from debate under the Standing Orders. The motion, however, which is subject to the approval of the Chair, may only be moved when Mr. Speaker, the Chairman of Committees or the Deputy Chairman is in the Chair, either in the House or Committee.

Under S.O. 82, whenever the debate on any motion in connection with a Bill, or on any other motion, when Mr. Speaker is in the Chair, becomes unduly protracted, the Standing Orders Committee has the power, subject to confirmation by the House (moved without amendment or debate), to fix the time when such debate shall cease, when Mr. Speaker has the power to put all questions necessary to determine the decision of the House upon the original question. S.O. 26 (3) provides that the interruption of business under the Standing Orders shall not be carried into effect during the time the closure, or the proceedings thereunder, are in progress. A Member's speech may be interrupted by the closure.<sup>2</sup>

**Union Provincial Councils.**—Of the four Provincial Councils, the closure ("simple") is only in force in that of Natal. The Standing Orders of the Provincial Council of the Cape of Good Hope, the Transvaal and the Orange Free State, specially bar the closure procedure in any form.

**Irish Free State.**—In the Senate<sup>3</sup> both the "simple" and "contingent" forms are applied. Provision is also made<sup>4</sup> for the motion "That the Senate proceed to the next business" being moved (without debate) once at any stage of a debate (other than the debate on a Bill). This motion, however, cannot be made when the original question relates to the order of public business, the meeting of the Senate, to an amendment, or in Committee.

In the Dáil Eireann, both the "simple" and "contingent" forms are applied;<sup>5</sup> provided the "Ceann Comhairle" (Speaker) is in the Chair. The motion to proceed to the next business is also in force in the Dáil.<sup>6</sup>

**Malta.**—In both the Senate<sup>7</sup> and in the Legislative Assembly<sup>8</sup> the "simple" and "contingent" forms are in operation; provided the President (Speaker) or Vice-President (Deputy Speaker) is in the Chair, and in Committee, only when the Chairman is presiding.

**Southern Rhodesia.**—S.O. 81 and 82 make the same provision as S.O. 81 of the Union House of Assembly, except

<sup>1</sup> S.O. 81.<sup>2</sup> S.O. 63 (1).<sup>3</sup> S.O. 44.<sup>4</sup> S.O. 45.<sup>5</sup> S.O. 52.<sup>6</sup> S.O. 53.<sup>7</sup> S.O. 23.<sup>8</sup> S.O. 22.

that no closure motion may be moved when any Member is presiding other than the Speaker or Chairman of Committees.

**India.**—Both in the Council of State<sup>1</sup> and in the Legislative Assembly<sup>2</sup> the “simple” form may be applied. These Standing Orders (sub-orders 2) also provide that, at any time after a motion has been made in respect of a Bill promoted by a Member of the Government, he may request the President to put the question, and unless it appears to him that the request is an abuse of the Standing Orders, or an infringement of the right of a reasonable debate, the President must do so.

In the Legislative Council of Bihar and Orissa, provision is made<sup>3</sup> for the “simple” closure, provided it is carried by the votes of at least  $\frac{2}{3}$  of the Members present. In the case, however, of Bills relating to reserved subjects, the Member in charge of the Bill may request the President to put the question, subject to the discretion referred to under the Council of State and Legislative Assembly. The “closure,” however, has been disallowed when the speech of a Member is subject to the time limit. It has, however, been decided that S.O. 34, which required a majority other than a bare majority, is *ultra vires* of section 72 B (4) of the Government of India Act, 1919,<sup>4</sup> which provides that all questions in the Council shall be determined by a majority of the votes of the Members present.

In the Legislative Council of Assam, S.O. 38 applies a form of “simple” closure, subject to the support of  $\frac{2}{3}$  of the Members present, but it is not necessary to record the names of the Members who support, or oppose, a request made to the President for him to close the debate.

**Ceylon.**—In the State Council, both the “simple” and “contingent” forms of closure are in operation,<sup>5</sup> subject to the support of not less than 20 Members. The closure can also be applied in the meetings of the Standing Committees under the Constitution, subject to the support of a quorum.

<sup>1</sup> S.O. 33.

<sup>2</sup> S.O. 34.

<sup>3</sup> S.O. 34.

<sup>4</sup> 5 & 6, 6 & 7, and 9 & 10 Geo. V. c. 61, 37 and 101.

<sup>5</sup> S.O. 66.

#### XIV. TIME LIMIT OF SPEECHES

**Westminster.**—Apart from the various methods of closure, the interruption of business, etc., the only occasions upon which a time limit is placed upon the speech of a Member in the House of Commons is in regard to motions for leave to bring in Bills and for the nomination of Select Committees, at the commencement of public business, and upon the committal of Bills.<sup>1</sup> When such motions are opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who opposes the motion, puts the question thereon without further debate, or, in the case of the first two occasions above mentioned, the question that the debate be now adjourned.<sup>2</sup>

**Canada.**—In the House of Commons, under certain conditions in connection with the operation of the closure,<sup>3</sup> a Member's speech is limited, under S.O. No. 39, to 20 minutes, and no Member, except the Premier and the Leader of the Opposition, or a Minister moving a Government Order and the Member speaking in reply immediately after such Minister, or a Member moving a motion of "no confidence" in the Government and a Minister replying thereto, shall speak for more than 40 minutes at any time in any debate,<sup>4</sup> and a similar provision is made in the Legislative Assembly of Saskatchewan.<sup>5</sup>

**Australia.**—In both Houses of the Federal (as that of the Commonwealth is called) Parliament, provision is made for time limit of speeches.

*The Senate.*—In the Senate, the Standing Orders<sup>6</sup> provide that no Senator may speak for more than 60 minutes in any debate in the Senate, except upon the Address-in-Reply, the first reading of a Bill the Senate may not amend, or the second reading of a Bill, when he may speak for 90 minutes. It is open, however, for any Senator to move that the limit of 60 or 90 minutes be extended for 30 minutes, which motion must be put forthwith without debate. In cases where there is the right of reply, the Senator so speaking is allowed 30 minutes.

<sup>1</sup> S.O. 46 (2).

<sup>2</sup> May, 13th ed., p. 250.

<sup>3</sup> See Article XIII.

<sup>4</sup> S.O. 37.

<sup>5</sup> S.O. 23 (a).

<sup>6</sup> S.O. 407 A.

In Committee no Senator may speak for more than 15 minutes on any one question; provided that where the speech of a Senator is interrupted by this provision, and no other Senator rises to speak, such Senator may continue his speech for a further 15 minutes, but no longer continuously, on any one question.

Upon urgency adjournment motions, the speeches of the mover and the Minister first speaking may not exceed 30<sup>1</sup> minutes each, and those of any other Senator, or the mover in reply, not exceed 15 minutes; the entire debate on the subject is limited to 3 hours.<sup>2</sup>

*Federal House of Representatives.*—S.O. 257 B (adopted in 1931) provides, notwithstanding anything contained in the Standing Orders, the following scheduled time limit for speeches, unless otherwise ordered:

<i>Subject.</i>	<i>Minutes.</i>
(a) <i>In the House:</i>	
Address-in-Reply—each Member - -	35
Urgency adjournment motion	
—mover - - - - -	20
—Minister first speaking - - - -	20
—any other Member - - - - -	10
Closing adjournment motion—each	
Member - - - - -	15
“ No confidence ” motion	
—mover - - - - -	60
—Minister first speaking - - - -	60
—any other Member - - - - -	35
Limitation of debate (S.O. 262 A)	
—whole debate - - - - -	30
—each Member - - - - -	5
Second Reading of a Bill	
—mover - - - - -	60
—Leader of Opposition or Member deputed by him speaking first to such motion - - - - -	60
—any other Member - - - - -	45
Debates not otherwise provided for	
—mover of the motion - - - - -	45
—any other Member - - - - -	35
(b) <i>In Committee:</i>	
Member in charge of a Bill - - - -	(Periods not specified)

<sup>1</sup> S.O. 64.

<sup>2</sup> See also Article XIII.



Limitation of debate (S.O. 262 A)	
—whole debate - - - -	30
—each Member - - - -	5
Financial Statement, or Tariff	
—general debate	
—Minister in charge - - - -	(Periods not specified)
—Leader of Opposition, or Member deputed by him speaking first	60
—any other Member - - - -	45
Each question before the Chair on the Estimates or a Tariff—	
—Minister in Charge - - - -	(Periods not specified)
—each Member other than a Minister in charge—2 periods each not exceeding - - - -	30
Debates not otherwise provided for	
—each Member—2 periods each not exceeding - - - -	15

(c) *In the House or Committee:*

Extension of time—with the consent of a majority of the House or of the Committee, to be determined without debate, a Member may be allowed to continue his speech for periods each not exceeding . -	15
---	----

(d) Urgency adjournment motions may be continued for 2 hours.

**Australian State Parliaments.**

**Queensland.**—In the Legislative Assembly, it is provided<sup>1</sup> that no Member may speak in the House for more than 40 minutes, except in the Address-in-Reply or on a “No confidence” motion, when he is allowed 60 minutes. This, however, does not apply to the Member moving the Second Reading of a Bill, to the Leader of the Government or of the Opposition, or to any Member deputed by them respectively to speak first in reply on such motion, who are allowed 90 minutes. It is provided, however, notwithstanding the above, that, with the consent of a majority of the House, to be

<sup>1</sup> S.O. 107.

determined without debate, a Member may be allowed an additional 30 minutes.

In Committee of the Whole House, no Member other than the one in charge of a Bill or motion, or the Minister in charge of an Estimate, may speak more than 3 times on any one question, nor more than 15 minutes on the first and 5 minutes on the second and third occasions. A Member may, however, prolong his first or second speech, provided he does not exceed the full time allowed for any one question and he relinquishes his right to speak again on the same question, but this does not apply to a Minister delivering the Financial Statement, or to any Member debating the same. Members debating such Statement may speak for 60 minutes, but not more than once. A reply is allowed the Minister delivering such Statement, but it must not exceed 30 minutes.

Upon objection to a Ruling by the Chairman of Committees,<sup>1</sup> no Member may speak more than once on the question, nor for longer than 5 minutes. In the case of objection to a Ruling by Mr. Speaker the time limit for each Member is 10 minutes.<sup>2</sup>

In the case of debate upon urgency adjournment motions, the mover is limited to 30 minutes, and any other Member, or the mover in reply, to 20 minutes.<sup>3</sup>

In the debate on the motion for first going into Committee of Supply or Ways and Means, movers of amendments and contingent motions are limited to a speech of 10 minutes.

**South Australia.**—In the Upper<sup>4</sup> and Lower<sup>5</sup> Houses, both the mover of the motion for suspension of Standing Orders and a Minister desiring to speak to the question are limited to a speech of 10 minutes; no other discussion is allowed.

**Victoria.**—In the Lower House, no Member may speak for more than 45 minutes in any debate in the House, unless in the Address-in-Reply, or on a motion of "No confidence," when the limitation is 60 minutes. With the unanimous consent of the House, however, a Member may be allowed an extra 30 minutes. This Standing Order,<sup>6</sup> however, does not apply to a Member moving the Second Reading of a Bill, a substantive or "No confidence" motion, or to the Leader of the Government, or of the Opposition, or to any Member deputed by either of such Leaders to speak first on any such motions; when, however, such Leader so deposes his right, he is then limited in speech to the same extent as other Members.

<sup>1</sup> S.O. 116.

<sup>4</sup> S.O. 465.

<sup>2</sup> S.O. 115.

<sup>5</sup> S.O. 456.

<sup>3</sup> S.O. 135.

<sup>6</sup> S.O. 78 E.

In Committee of the Whole House, no Member, other than the one in charge of a Bill or motion, or Minister in charge of an Estimate, may speak more than twice upon any question, nor for more than 30 minutes on the first and 15 minutes on the second occasion; but the above does not apply to a Minister delivering the Financial Statement, or to the Leader of the Opposition in reply thereto, or to any Member deputed by such Leader to reply first thereto. All other Members debating such Statement, including the Leader of the Opposition when he has deputed his right to speak first in reply, may speak for not more than 60 minutes thereon, and no Member may speak more than once on the Financial Statement, except the Minister who delivered it, who is allowed a reply of 30 minutes.<sup>1</sup>

New Zealand.—In the House of Representatives of the General Assembly (as the Parliament is called) the time limit placed on speeches is as follows:

<i>(a) In the House:</i>	<i>Minutes.</i>
On the Financial Statement (S.O. 260) -	60
On any motion, except where otherwise expressly provided by Standing Orders (S.O. 126, 128 and 156) - - -	30
On motion for leave to bring in a Bill (S.O. 311) - - - - -	15
On consideration of any "Paper" (under S.O. 101) - - - - -	15
In any debate arising before the Resolution reported from the Committee of the Whole House is agreed to upon any Bill or amendment thereto by Message from the Governor-General (S.O. 311) - -	15
On the report of a Select Committee (S.O. 305) - - - - -	10
On discussion of written replies to questions (S.O. 100)	
—Minister - - - - -	10
—any other Member - - - - -	5
—whole discussion not to exceed - -	120
On an urgency adjournment motion (S.O. 131)	
—mover - - - - -	30
—Minister first speaking - - - - -	30
—any other Member - - - - -	15

<sup>1</sup> See also Article XIII.

The time limit on any amendment, or amendment thereto, is the same as on the original question, unless either amendment is treated as a "No confidence" motion, when the time limit is not less than (S.O. 127, 143 and 157) - 30

- (b) *In Committee of the Whole House* (S.O. 233):
- |   |    |
|---|----|
| On the short title clause of a Bill—4 speeches, each of - - - -       | 10 |
| On any amendment to such short title clause—4 speeches, each of - - - | 10 |
| On any other question before the Committee—4 speeches, each of - - -  | 5  |

These limitations in Committee, however, do not apply to:

- (a) A Minister delivering the Financial Statement in Committee of Supply or Ways and Means.
- (b) A Member in charge of a Bill.
- (c) A Minister in charge of a class of the Estimates, so far as regards the number of his speeches.

**Union of South Africa.**—In the House of Assembly, the following time limits of speeches are laid down, and a buzzer can be operated by the Presiding Member should it be necessary to draw a Member's attention to the fact that he has exceeded the time allowed under the particular Standing Order:

- (a) *In the House:* *Minutes.*
- |                                    |    |
|------------------------------------|----|
| Any Member to any question - - - - | 40 |
|------------------------------------|----|
- (*Exceptions:* (i) The Ministers of Finance and Railways and Harbours on motion to go into Committee of Supply on the annual Estimates for the Consolidated Revenue and Railway and Harbour Funds, and (ii) Members in charge of Bills or motions [S.O. 64 (1).])
- (b) *In Committee:*
- |   |    |
|---|----|
| Any Member upon the debate on a Bill, Address, etc. - - - - - | 10 |
|---|----|
- (*Exception:* Ministers and Members in charge of Bills or motions [S.O. 64 (2).]) (at a time)

—of Supply	
—any Member, on a vote - - -	10 (at a time)
<i>(Exception: Minister in charge of vote.)</i>	
—any Member on main vote of each Ministerial Division from C.R. and R. and H. Funds, 2 speeches, with consent upon notification to Chair, or with unanimous consent of the Committee (S.O. 104) - - -	30 (each)
—of Ways and Means	
—every Member is limited to 2 speeches, each of - - - - -	15
<i>(Exceptions: Minister - in - Charge ; Member making alternative proposal.)</i>	
Should an amendment be proposed which in the opinion of the Chairman is merely for the purpose of raising debate and evading the Standing Order, he may put the question without debate, whether such amendment shall be allowed (S.O. 117).	

Malta.—In the Legislative Assembly, the following provision is made by S.O. 55 in regard to the limitation of speeches:

<i>In the House:</i>	<i>Minutes.</i>
Any Member in any debate (except "No confidence" motion) - - - - -	40
Any Member on "No confidence" motion -	60
<i>Exceptions.:</i>	
—(i) Minister delivering Financial Statement, Leader of Opposition, or any Member deputed by him to speak first in reply to such Statement - - - - -	90
—(ii) Reply by Minister to such Statement	30
—(iii) Member moving Second Reading of a Bill, the Head of the Ministry, Leader of the Opposition, or any Member deputed by them respectively to speak first in reply to such motion - - - - -	90

—(iv) Member in reply on Second Reading of a Bill - - -	30
—(v) With the consent of the majority of the House, to be determined without debate, any Member may be further heard for - - -	30

**Irish Free State.**—In the Committee of the Seanad a Senator may not speak more than 3 times upon any one matter, except to close the debate on a motion or amendment of which he was the proposer; this limitation, however, does not apply to the Senator in charge of a Bill (S.O. 51).

**Southern Rhodesia.**—In the Legislative Assembly,<sup>1</sup> the following provision is made for the time limitation of speeches:

<i>(a) In the House:</i>	<i>Minutes.</i>
Any Member to any question - - -	40
<i>(Exceptions: Minister and Members moving the Second Reading of a Bill or a motion, and in reply thereon; and Members speaking in the debate on going into Committee of Supply.)</i>	
 <i>(b) In Committee:</i>	
Any Member, on a Bill, Instruction, Address or other matter - - -	15 (at a time)
<i>(Exception: Ministers or Members in charge of Bills or motions (S.O. 67).)</i>	
—of Supply (S.O. 106)	
—any Member - - - - -	10 (at a time)
<i>(Exception: Minister in charge of class of Estimates under consideration.)</i>	
—any Member specifically challenging Minister's salary (limited to 2 Members on any vote or head)	40
—of Ways and Means (S.O. 118)	
—any Member, etc. ( <i>See Union of South Africa</i> ) - - - - -	15

<sup>1</sup> Although there is provision therefor (Southern Rhodesia Constitution Letters Patent. 1923, sec. 2) an Upper House has not yet been constituted.

India.—In both the Council of State and the Legislative Assembly, the following time limit is placed upon Member's speeches by Standing Order:

*Minutes.*

- |   |    |
|---|----|
| (a) Urgency adjournment motions (Co. S.O. 23; Assem. S.O. 24) - - -   | 15 |
| (Debate must terminate, whether the question be put or not, in the Council within 2 hours and in the Assembly before 6 p.m.)  |    |
| (b) Resolutions (Co. S.O. 61; Assem. S.O. 62)   | 15 |
| <i>(Exceptions:</i> With permission of the President, the mover and the Member of the Government in reply are allowed 30 minutes, or such longer time as the President may permit.) |    |
| (c) Budget debate: the President may, if he thinks fit, prescribe a time limit for speeches (Co. S.O. 70; Assem. R. 154).   |    |

In the Legislative Council of Assam, paragraph (a) is applied (S.O. 24), and in both the Legislative Councils of Assam and Bihar and Orissa, paragraph (c) is applied by Rules 28 and paragraph (b), by S.O. 33 and 64 respectively.

## XV. RIGHT OF MINISTERS TO SIT AND SPEAK IN BOTH HOUSES

THE right of a Minister of the Crown to sit and speak in both Houses of Parliament, but only to vote in that House of which he is a Member, has never been adopted in the Imperial Parliament.

**Union of South Africa.**—As a matter of fact, South Africa can perhaps claim to have given birth to this practice in the British Empire, for it was allowed under the "Responsible Government" Constitutions of the Cape of Good Hope<sup>1</sup> and Natal,<sup>2</sup> as well as under those of the other two South African Colonies now also Provinces of the Union. Since their unification, under the Dominion Constitution of 1910, the practice has also been followed in both Houses of the Union Parliament with conspicuous success and without any incident to break its record of smooth and useful working. The section of the South Africa Act, 1909,<sup>3</sup> under which this right is exercised, reads:

52. A member of either House of Parliament shall be incapable of being chosen or of sitting as a member of the other House: Provided that every Minister of State who is a member of either House of Parliament shall have the right to sit and speak in the Senate and the House of Assembly, but shall vote only in the House of which he is a member.

"Minister of State," however, means one administering a Department of State.<sup>4</sup> A Minister without Portfolio, therefore, cannot exercise this right. Those Ministers, however, entitled to make use of it may not claim a division in the other House, neither can they be included in its quorum, but they are in regard to the proceedings of the other House equally subject to its Standing Orders and authority.

The provision is an excellent one, for it enables a Minister to answer his Departmental questions in whichever House they are asked, as well as pilot his own Bills through both Houses, a most useful and time-saving procedure.

S.O. 203 (h) of the Senate further provides that—

The term "Senator" as used in these standing orders shall, unless the context otherwise requires, be deemed to

<sup>1</sup> Cape Act No. 1 of 1872, sec. 4.

<sup>2</sup> Natal Law No. 14 of 1893, sec. 10.

<sup>3</sup> 9 Edw. VII. c. 9.

<sup>4</sup> *Ib.*, sec. 14.



include any Minister of the Crown not being a member of this House, who is present in this House or any committee thereof; provided that this standing order shall have no application to any provision of these Standing Orders relating to voting, quorums or divisions in the House, or in any committee thereof.

and the Standing Orders of both Houses provide (Senate S.O. 104 and Assembly S.O. 226) that no Minister who is a member of the other House may be appointed a member of either the Sessional Committee on Standing Orders or Internal Arrangements, and that when any such Minister is appointed to any other Sessional or Select Committee of the other House, he shall not have any further powers thereon than he has in the House itself.

**Australia.**—The right of a Minister to sit and speak in both Houses of Parliament has never been conceded either in Canada or New Zealand, and it is only in the State Parliament of Victoria that it has been in practice in Australia.<sup>1</sup> The Joint Standing Order of that Parliament reads:

7 A. Any responsible Minister of the Crown who, under the provisions of section nine of the Constitution Act, 1903, may sit in the House of Parliament of which he is not a member, shall while doing so be subject to the Standing Orders of that House and to the law and practice of Parliament which is applicable to it.

Attempts have been made to introduce this practice into other Parliaments in the Commonwealth, namely into the Federal Parliament as well as into the State Parliaments of Tasmania and New South Wales. On the 13th May, 1920, the Speaker of the Federal House of Representatives announced the receipt of the following Message from the Senate:

MR. SPEAKER.

Message No. 21.

The Senate transmits to the House of Representatives the following Resolution which has been agreed to by the Senate, and requests the concurrence of the House of Representatives therein, viz.:

"That the Standing Orders Committees of the Senate and the House of Representatives be requested to consider the question of preparing Standing Orders providing that a Minister in either House may attend and explain and pilot through the other House any Bill of which he has had charge in his own House."

THOS. GIVENS,  
*President.*

THE SENATE, MELBOURNE.  
13th May, 1920.

<sup>1</sup> Constitution Act 1903, sec. 9.

The Message, however, although originally set down for consideration on a certain day, was never considered.

On several occasions in Tasmania, a Bill embodying this principle has been passed by the Lower House, but has not been concurred in by the Legislative Council. The last occasion was in 1926, when the Parliamentary Privilege Bill—introduced by the Attorney-General—was passed by the Lower House, clause 2 whereof reads:

2. (1) Any Minister of the Crown may sit in the House of Parliament of which he is not a member for the purposes of explaining any Bill introduced, whether in such House or not, by a Minister of the Crown as such, and of taking part in any discussion or debate thereon, in any case in which such House has passed a resolution for that purpose.

(2) This section shall not authorize more than one such Minister to so sit in such House at the same time, and no Minister so sitting shall be entitled to vote on any question before such House.

More recently, however, this question has been raised in Australia, in the Constitution (Amendment) Legislative Council Bill now before the New South Wales Parliament, section 5 (3) of which reads:

(1) Notwithstanding anything contained in this Act, any executive councillor who is a Member of the Legislative Assembly may, at any time, with the consent of the Legislative Council, sit in the Legislative Council for the purpose only of explaining the provisions of any Bill relating to or connected with any department administered by him, and may take part in any debate or discussion in the Legislative Council on such Bill, but he shall not vote in the Legislative Council.

(2) It shall not be lawful at any one time for more than one executive councillor under the authority of this section to sit in the Legislative Council.

**Malta.**—Section 54 (4) of the Constitution of Malta provides that—

Every Minister shall have the right to sit and speak both in the Senate and Legislative Assembly, but shall vote only in the House of which he is a Member.

Senate S.O. 167 reads:

Ministers who have the right to sit and speak in the Senate without being Members thereof shall not make motions relating to the election of officers of the Senate, the making of Rules, the upholding of privileges, the censuring of Members and the fixing of the date of the adjournment, of the place of meeting and of the Orders of the Day.

S.O. 189 of the Legislative Assembly of the Island further provides that:

Ministers who have the right to sit and speak in the House without being Members thereof shall not make motions relating to the election of officers of the House, the making of Rules, the upholding of privileges, the censuring of Members and the fixing of the date of adjournment, of the place of meeting and of the Orders of the Day.

**Irish Free State.**—Article 57 of the Constitution allows that—

Every Minister shall have the right to attend and be heard in Seanad Eireann and in Dáil Eireann.<sup>1</sup>

S.O. 46 of the Senate also provides that—

A Parliamentary Secretary who is not a member of the Seanad may, by leave of the Cathaoirleach,<sup>2</sup> attend and be heard during the different stages of any Bill or the debate on any other matter in which the Department of the Minister to whom he is assigned is concerned.

Speaking with the experience of a Clerk of an Upper House for 23 years, where the principle of a Minister sitting and speaking in the "other" House has been made full use of, the writer can testify that it has, upon all occasions, worked smoothly and well, and also that it has been the means of an Upper House obtaining, first hand, the fullest information upon the provisions of the particular Bill sent up to the reviewing Chamber.

**India.**—Under the provisions of the Government of India Act (Sec. 63 E [4]) every member of the Governor-General's Executive Council must be nominated as a member of one Chamber of the Indian Legislature, and has the right of attending in and addressing the other Chamber, but may not be a member of both the Council of State and the Legislative Assembly.

**Southern Rhodesia.**—Although an Upper House, for which there is provision in the Constitution,<sup>3</sup> has not yet been created, Section 37 (5) thereof provides that—

Every Minister shall have the right to sit and speak both in the Legislative Council and Legislative Assembly, but shall vote only in the House of which he is a Member.

<sup>1</sup> The words in italics were added by the Constitution (Amendment No. 15) Act No. 9 of 1929.

<sup>2</sup> The Presiding Senator.

<sup>3</sup> Southern Rhodesia Constitution Letters Patent. 1923, sec. 2.

## XVI. PROCEDURE AT JOINT SITTINGS

ALTHOUGH Section 57 of the Commonwealth Constitution<sup>1</sup> provides for a Joint Sitting of Both Houses of Parliament in case of disagreement between them upon Bills, there has never yet been occasion for resorting to such procedure during the 30 years the Constitution has been in operation. Such Constitution also provides<sup>2</sup> for a Joint Sitting of the Two Houses of a State Parliament for the purpose of selecting a person to fill a casual vacancy in the Federal Senate, and the Senate Elections Act, 1903-1922, makes further provision in this respect.

Article 38 of the Constitution Act of the Irish Free State did make provision for a Joint Sitting of the Seanad and the Dáil being convened for the purpose of debating, but not voting upon, the proposals of the Bill, or any amendment thereof. Amendment No. 13 (Act No. 14 of 1928), however, did away with the provision.

Section 42 of the Malta Constitution<sup>3</sup> provides for Joint Sittings of the Two Houses in case of disagreement upon Bills.

Joint Sittings of the Council of State and the Legislative Assembly of India, in case of disagreement upon Bills, take place under section 67 (3) of the Government of India Act,<sup>4</sup> and India Legislative Rule 40 lays down the procedure upon Conferences between Members representing the Two Chambers, for the purpose of discussing a difference of opinion which has arisen between them.

It is, however, in the Union of South Africa where the principle of Joint Sitting has been most developed, for this method is not only used to settle disagreement upon Bills between the Two Houses, but to legislate *ab ovo* in connection with certain entrenched provisions in the Constitution. In such latter case Both Houses sit as a separate legislative chamber, quite distinct from the Union Houses of Parliament, although its Senators and M.P.'s also compose the Joint Sitting Legislature. However, a separate article has been contributed to the JOURNAL upon the Joint Sitting in its relation to the South Africa Act, 1909.<sup>5</sup>

<sup>1</sup> 63 & 64 Vict. c. 12.

<sup>2</sup> *Ib.*, sec. 15.

<sup>3</sup> The Malta Constitution Letters Patent. 1921.

<sup>4</sup> 5 & 6, 6 & 7, and 9 & 10 Geo. V. c. 61, 37 and 101. <sup>5</sup> See Article IV.

## XVII. OPERATION OF THE "REQUEST" OR "SUGGESTION"

THE right of an Upper House to "request," or "suggest," to the Lower House, alterations in monetary provisions of the latter's Bills, which provisions the Upper House is prohibited by the Constitution from amending, exists in some of the under-mentioned Overseas Parliaments, and as the adoption of the "process of suggestion" is now being considered by others, the terms of the respective Standing Orders will be given somewhat in detail.

### Australia.

*Federal Parliament.*—Section 53 of the Commonwealth of Australia Constitution Act,<sup>2</sup> amongst other things, provides that—

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Senate S.O. 252 to 258 lay down the following procedure.

"Requests" may be made in the Senate, at all or any of the following stages of a Lower House Bill:

- (1) Upon the motion for the First Reading;
- (2) in Committee after Second Reading;
- (3) on consideration of a Message from the Lower House in reference to such Bill; or
- (4) on Third Reading.

The Committee of the Whole Senate may recommend the making, pressing, modifying, and generally the dealing with "requests" on Bills. The Chairman, unless otherwise ordered, when calling each clause or item, asks if any Senator has a "request" to move thereon, and if no motion therefor is moved, or is moved and negatived, the Chairman declares the clause or item passed. If motions for "request(s)" are passed, the Chairman declares the clause or item passed, subject to the

<sup>1</sup> See also Article V.

<sup>2</sup> 63 & 64 Vict. c. 12.

"request(s)" being complied with. At the request of any Senator any clause or item may be divided. Upon the adoption of a "request" at any of the 4 stages above mentioned, a Message is sent to the Lower House, returning the Bill, "requesting" the Lower House to make the amendments accordingly. All Messages from the Lower House in reference to such Bills not complying with the "requests" of the Senate (as originally made or modified) are (unless otherwise ordered) referred to Committee of the Whole House.

Should, on the other hand, the Bill be returned to the Senate by the House of Representatives with any "request" not agreed to, or agreed to with modifications, any of the following motions may be moved in the Senate:

- (1) That the "request" be pressed, or be not pressed.
- (2) That the modification be agreed to, or be not agreed to.
- (3) That some other modification of the original "request" be made; or
- (4) That the "request" be not pressed, or agreed to as modified, subject to a "request" as to some other clause or item which the Committee may order to be reconsidered, being complied with.

The Standing Orders require all resolutions of the Committee to be reported to the Senate.

If a Message is returned from the Lower House complying with the "requests" of the Senate as originally made or modified, the Bill, as altered, is proceeded with in the usual way.

The right of the Senate to "request" the House of Representatives to make amendments in proposed laws has been exercised on many occasions. Not only has the Senate done this, but it has also repeated (or "pressed") a "requested" amendment.

The right of the Senate to "press" a "requested" amendment has been raised in debate, but, so far, no action has been taken in either House to abrogate or limit such right.

**New South Wales.**—In the new Bill to reform the constitution and alter the powers of the Legislative Council, provision is made in clause 5 for the amendment of the Principal Act<sup>1</sup> by the insertion of a new section (5 A), sub-sections (1) and (2) of which read as follows:

(1) If the Legislative Assembly passes any bill appropriating revenue or moneys for the ordinary annual services

<sup>1</sup> 32 of 1902.

of the Government and the Legislative Council rejects or fails to pass it, or returns the bill to the Legislative Assembly with a message suggesting any amendment to which the Legislative Assembly does not agree, the Legislative Assembly may direct that the bill with or without any amendments suggested by the Legislative Council be presented to the Governor for the signification of His Majesty's pleasure thereon, and shall become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the bill.

(2) The Legislative Council shall be taken to have failed to pass any such bill, if the bill is not returned to the Legislative Assembly within one month after its transmission to the Legislative Council and the Session continues during such period.

**South Australia.**—As the "request," or "process of suggestion," had its birth in the Parliament of this State, where it has been in practice for almost 80 years, the procedure in regard to the subject, laid down by such Parliament, both as amended by the Constitution Further Amendment Act of 1913, and by the revised Standing Orders, will be of particular interest.

Part IV of such Act contains the following provisions:

"Money Bill" means a bill for appropriating revenue or other public money, or for dealing with taxation, or for raising or guaranteeing any loan, or for providing for the repayment of any loan:

"Money clause" means a clause of a bill, which clause appropriates revenue or other public money, or deals with taxation, or provides for raising or guaranteeing any loan, or for the repayment of any loan:

"Previously authorized purpose" means—

(a) a purpose which has been previously authorized by Act of Parliament or by resolution passed by both Houses of Parliament; or

(b) a purpose for which any provision has been made in the votes of the Committee of Supply whereon an appropriation bill previously passed was founded.

The Act, after, by section 23, enacting that a money Bill or a money clause shall originate only in the Lower House, further provides, by section 24, as follows:

24. (1) The Legislative Council may not amend any money clause.

(2) Subject to subsection (3) of this section, the Council may return to the House of Assembly any bill containing a money clause with a suggestion to omit or amend such clause or to insert additional money clauses, or may send to the Assembly a bill containing suggested money clauses requesting, by message, that effect be given to the suggestion;

and the Assembly may, if it thinks fit, make any omission or amendment, or insertion so suggested, with or without modifications.

(3) Subsection (2) of this section applies to a money clause contained in an appropriation bill only when such clause contains some provision appropriating revenue or other public money for some purpose other than a previously authorized purpose or dealing with some matter other than the appropriation of revenue or other public money.

(4) When, under subsection (2) of this section, the Council sends to the Assembly a bill containing suggested money clauses, such clauses shall be printed in erased type, and shall not be deemed to form part of the bill.

S.O. 345 of the Legislative Council lays down that whenever the Council desires to make a "suggested" amendment in an Assembly Bill, as authorized under the section 24 above quoted, or to insert any such additional money clause, the ordinary procedure relating to Bills shall be varied as follows:

(a) *In Committee.*—When a motion—that it be a suggestion to the House of Assembly to amend any clause—has been carried, the Chairman shall put a question—that the clause as suggested to be amended, be agreed to.

(b) *On Report.*—The Chairman reports that the Committee has gone through the Bill and agreed to the same with certain suggested amendments. The reported Bill when reprinted shows all suggested amendments in italics.

(c) *Third Reading.*—The question first proposed at third reading is: "That the Bill with the suggested amendments be now read a third time and passed."

(d) *Returned to Lower House.*—The Bill is then returned to the Lower House with a schedule of the suggested amendments and the following Message: "The Legislative Council has agreed to the Bill returned herewith intituled . . . with the suggested amendments indicated by the annexed schedule, which amendments the Legislative Council requests the House of Assembly to make to the said Bill."

(e) *Returned by the Lower to the Upper House.*—If the House of Assembly does not agree to make the suggested amendments, or agrees to make some and not others, or agrees to them with amendment, and returns the Bill to the Legislative Council with a Message to that effect, together with reasons for the action of that House, the Council may then insist, or not insist, on its suggested amendments, or agree, or not agree, to the Assembly's amendment. But should the Council so insist or not agree, then it either requests a Conference, or lays the Bill aside.



The revised<sup>1</sup> Standing Orders of the Lower House in regard to this procedure are as follows:

350. If a Bill shall be returned from the Legislative Council with suggested amendments, the Message with such suggested amendments shall, unless otherwise ordered, be considered in Committee of the Whole House forthwith, or at such time as the House may order.

351. The amendments suggested by the Legislative Council shall be agreed to either with or without amendments, and shall be made by the Chairman in the Committee Bill accordingly; or disagreed to; or postponed for six months.

352. When amendments suggested by the Legislative Council shall have been so agreed to by the Assembly without amendments, a Message shall be sent informing the Legislative Council thereof; and if they shall have been agreed to with amendments, the Bill shall be returned with a schedule of such amendments, in a Message desiring the concurrence of the Legislative Council therein; and if they shall have been disagreed to, the Bill shall be returned to the Legislative Council with a Message desiring its reconsideration, or it shall be ordered to be laid aside.

353. In the event of a Conference being requested by the Legislative Council and granted by the House of Assembly, the procedure thereat shall be as provided in the Standing Orders referring to Conferences.

354. In any case, when a Bill is returned to the Legislative Council with any of the amendments suggested by the Council amended or disagreed to, the Message containing such Bill shall also contain written reasons for the Assembly amending or disagreeing to the amendments suggested by the Legislative Council; and such reasons shall be drawn up by a Committee of three members to be appointed for that purpose when the House adopts the report of the Committee of the Whole House amending or disagreeing to the suggested amendments in question.

**Tasmania.**—The Legislative Council up till 1924 both claimed and exercised the right to amend all Bills, including Money Bills. As the result of this right being disputed by the House of Assembly a Joint Committee of both Houses was appointed in 1925, which brought up a report containing recommendations which were embodied in the Constitution Amendment Act, 1926, which received the Royal Assent in August, 1926. Under the provisions of this Act the Council may not amend a Bill for an Appropriation Act, a Bill for an Income Tax Rating Act, or a Bill for a Land Rating Act, but may return such Bill to the Assembly requesting, by Message, the amendment of such Bill. The Council may amend all Bills other than those above mentioned, provided that it may not by any amendment to such Bill—

<sup>1</sup> 1914 ed.

- (a) insert any provision therein for the appropriation of money; or  
 (b) impose or increase any burden on the people.

In the Tasmanian State Parliament, the "request" procedure is regulated by Legislative Council S.O. 353 A to K, and House of Assembly S.O. 277 A to G. The procedure is very much the same as that in South Australia. If motions for "requests" in Committee of the Whole, in the Upper House, are agreed to, the Chairman declares the clause, etc., adopted, subject to the "requests" being complied with. "Requests" may be made in Committee to strike out, amend, add to, or insert, any item or provision, and a "request" may be dealt with at the report stage of the Bill as in the case of an amendment. Reasons for the Upper House's action in pressing a "request" or the Lower House disagreeing with a "request" are drawn up by a Committee specially appointed for the purpose, with leave to sit during sittings of the respective House.

**Western Australia.**—The "request" is now provided for by section 46 of the Constitution Acts Amendment, which section is on the lines of section 53 of the Commonwealth Constitution Act already referred to, and S.O. 235 to 241 of the Upper House dealing with the "request" are similar to those already quoted under the Commonwealth Senate. The following information has been kindly supplied by Mr. A. R. Grant, Clerk of the Parliaments in regard to the right of the West Australian Upper House over Bills which it may not amend.

This question has caused many discussions in the 37 years for which the Parliament of Western Australia has existed. It is noteworthy that our original Constitution Act, 1889, contained no provision preventing the Council from amending Money Bills. On the contrary, it expressly states, after the usual provision, that Bills of taxation and appropriation must originate in the Assembly, that in all other respects the Council has equal rights over Bills with the Assembly. But, in spite of this fact, the debates of early years show that it was claimed that the Council could not amend Money Bills.<sup>1</sup> It is unnecessary to discuss the merits of the contention, for in 1893 a clause was inserted on the motion of a Member of the Council in the first amendment of the Constitution Act in these words:

"In the case of a proposed bill which according to law must have originated in the Legislative Assembly, the Legislative Council may at any stage return it to the Legis-

<sup>1</sup> Todd, *Parliamentary Government in the Colonies*, 2nd ed., p. 709.

lative Assembly with a message requesting the omission or amendment of any items or provisions therein; and the Legislative Assembly may, if it thinks fit, make such omissions or amendments, or any of them, with or without modifications."

The speech of the mover of the clause shows that the position he contemplated was of some expenditure in the Appropriation Bill to which the Council objected so strongly, that it would rather reject the Bill and produce a deadlock than agree to it, while the Assembly would gladly abandon it if it had the power.

To quote some of his words:

"The clause I propose, really does nothing more than provide machinery. It introduces no new principle or set of principles. It does not ask that this House shall have the right to amend Money Bills."

The new clause was accepted, and remained on the Statute Book till 1921.

For several years after its adoption, the new procedure attracted very little attention, except that on one occasion the Speaker denied the right of the Council to return a Bill with requests for further amendments, but, in 1906, the Council returned a Bill with a Message "insisting on" its request for an amendment. This was, obviously, a contradiction in terms, and the procedure was not repeated, but, soon afterwards, the Council adopted *en bloc* the Standing Orders passed by the Federal Senate,<sup>1</sup> in which the term "press" is used in place of "insist on." The Assembly, in accordance with a report of its Standing Orders Committee, resolved that it would not take into consideration any Message in which a request was pressed, or insisted upon, or even repeated.

The point at issue was, of course, whether the words "at any stage" convey the right to repeat a request, and on this point, which carries consequences more than would at first sight appear, the two Houses could not agree. But the difficulty was greatly extended by a drafting error in the clause quoted, which should naturally have begun with—"In Bills which the Council may not amend"—but, in want of any authority in the Act for such a preface, the following words were substituted—"In proposed Bills which must by law have originated in the Legislative Assembly." The consequence was that the new procedure was extended to every Bill containing a financial clause, and the disputes continued for several years until they became intolerable. At last, in 1915, a Joint Committee submitted the

<sup>1</sup> See pp. 81, 82

draft of an amending Bill, which followed the Federal Constitution Act in confining the procedure of requested amendments to Bills imposing taxation or Bills appropriating revenue or moneys for the ordinary annual services of the Government, and giving the Council full rights over all other Bills. The draft Bill departed from the Federal model in providing that requests should neither be pressed nor repeated.

For one reason and another the Bill did not become law till 1921, and the Council then insisted on the omission of the paragraph forbidding repetition. It was then realized that if it is permissible to the Council to repeat a request for an amendment, it is also permissible to the Assembly to repeat its request for concurrence in the Bill. Consequently, when the Council presses a request which the Assembly refuses to grant, a Message is sent to the effect that the Assembly again presents the Bill for concurrence. This in turn has recently been met by a request for a Conference, to which the Assembly has, in spite of objections, agreed.

As to the utility of the procedure of requested amendments, which our Parliament adopted from South Australia, its success with us has been very doubtful. One may doubt, indeed, whether any half-way house between amendment and not amending is possible. If a request may not be repeated, it is ignored: if it is repeated, or pressed, it is made a condition, just as if the amendment were made. The position contemplated at the introduction of the procedure, in which the Assembly would defer to the wishes of the Council when an error had been pointed out, has never arisen. An amendment requested differs from an amendment made only in this—that it throws the responsibility of the rejection of the Bill, if the request is not complied with, on the Council instead of the Assembly. If the Council agrees to a Bill subject to amendments in which it asks concurrence, it places the responsibility for the loss of the Bill on the House which refuses to concur. But the difference is too slight and obscure to be generally understood. It is true, though, that a Member of the Council would vote for insisting on an amendment when he would shrink from the responsibilities of rejecting an Appropriation Bill.

Again, it is often asked why the Council should not amend an Appropriation Bill as much as any other Bill. The answers given have been based on May's familiar maxim—The Crown demands, the Commons grant, and the Lords assent to the grant. The historical clause, in resolutions of the Commons, is well known, but the modern and practical justification is in the fact

that the Assembly alone makes and unmakes Ministries, which wield the executive powers theoretically vested in the Crown. If the Estimates are seriously reduced in the Assembly, the Ministry retires, and a new Ministry takes its place, but if a similar reduction is made in the Council, a Ministry is left in office with funds which it has declared to be insufficient. Again, an ordinary Bill is seriously altered in the Council; the Ministry may put up with the alteration, thinking to put things right next session, or perhaps put off the whole thing to a more convenient season. An Appropriation Bill, on the contrary, must be completed at once. However, it must be admitted, in this State Parliament, that no amendment has ever been requested in a Bill appropriating moneys for the ordinary annual services of the Government.

**New Zealand.**—Provision for the introduction of the "suggestion" into this Parliament has been embodied in an Act for reforming the Upper House,<sup>1</sup> but the Act does not appear to have yet been put into operation.

**Union of South Africa.**—Although there is no provision for the "request," either in the Constitution or the Standing Orders of Parliament, the adoption of such procedure was recommended by the Speaker's Conference appointed in 1920, in connection with the re-constitution of the Senate, but the Report from the Conference was never acted upon. In the Fourth Session of the Sixth Union Parliament (1932), however, the question of the adoption of the "process of suggestion" has been the subject of Messages between the two Houses, with a view to its consideration in the Session of (January-March) 1933. Owing, however, to such Session having prematurely come to an end upon the proposal to form a Coalition Government and make an early appeal to the country, a Message was sent by the Senate to the House of Assembly on the 1st March, 1933<sup>2</sup> upon the adoption of a Report<sup>3</sup> from the Senate Standing Orders Sessional Committee suggesting that the consideration of the question by a Conference between the Standing Orders Committees of both Houses be postponed until the First Session of the new Parliament.

**Irish Free State.**—The Constitution Act makes no actual provision for the "request," but sections 35 and 38 thereof, as amended by Constitution Amendment Act No. 12,<sup>4</sup> do provide for the Seanad making "recommendations" in a certified Money Bill; provided such Bill is returned to the Dáil not later

<sup>1</sup> Act 59 of 1914 (5 Geo. V.), sec. 5.

<sup>2</sup> S.C. I, 1933.

<sup>3</sup> MINUTES, p. 33.

<sup>4</sup> 5 of 1930.

than 21 days after the Seanad's receipt of such Bill, after which it shall be the Dáil which may pass it, accepting or rejecting all or any of such recommendations, and as so passed, or if not returned within such period, it shall be deemed to have been passed by both Houses.

**Malta.**—Section 61 of the Constitution prohibits the Senate from altering any Money Bill passed by the Legislative Assembly, but the Senate may return to the Assembly any such Bill, transmitting therewith any amendments which they "recommend," and the Assembly shall consider and deal with such "recommendation"; thereafter the Senate is deemed to accept such Bill, and it is taken to have been duly passed by Parliament.

## XVIII. MODE OF PUTTING AMENDMENTS

THE object of including the above-mentioned subject amongst the items contained in the enquiry schedule circulated to those Members of our Society who occupy the positions of " Clerk of the House " in the Overseas Parliaments, was to ascertain to what extent the practice at Westminster of using the form—" That the words proposed to be left out stand part of the question (or clause)," when desiring to omit words, is in use in those Parliaments.

Without quoting the practice in each individual instance, and from the information which is available, it seems that the Westminster form, above quoted, although not always in those actual words, is followed in most of the Parliaments in Australia, in New Zealand, the Union of South Africa, Southern Rhodesia and in the Dáil Eireann of the Irish Free State. In the Legislative Assembly of British Columbia it is used in the following form: " Shall the words proposed to be struck out stand part of the question."

In many of the Overseas Parliaments, when it is desired to omit words, the question is put in the same way as in the case of insertion or addition—namely, by calling for the voices (or votes) of those for and against; or, when it is proposed to leave out words for the purpose of substituting others, also to put the two actions to the vote in one operation.

In the Australian Senate, which is composed entirely of an equal number of Senators elected by each of the 6 States which constitute the Commonwealth, of which the President of the Senate is also one of the State representatives, he has a deliberative,<sup>1</sup> but not a casting vote, and the vote, both of the President and the Chairman of Committees of the Whole House, is optional and not mandatory. According to Senate S.O. 141, when the amendment is to leave out certain words, the question which has to be put, is—" That the words proposed to be left out, be left out," and, when it is proposed to substitute other words, then the question here quoted, if negatived,<sup>2</sup> disposes of the amendment; but, if the question is affirmed, another question must be put, namely: " That the words of the amendment

<sup>1</sup> 63 & 64 Vict. c. 12, sec. 23.

<sup>2</sup> S.O. 143.

be inserted, or added, instead of the words which are left out." This procedure varies in some respects from that generally followed. It was adopted to meet the position arising from the provisions of section 23 of the Constitution :

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

From such information as it is possible to obtain, the only Houses of Parliament in the British Empire where the Presiding Member has only a deliberative vote and, in case of an equality of votes, the question is decided in the negative, are the House of Lords, the Senates of Canada and Australia.

In the Commonwealth Senate the question upon any amendment is put in a direct form, "to add," "to insert," or "to leave out" words, and to be carried must receive a majority of votes cast. In the ultimate, therefore, no amendment can be effected unless approved by a majority of the Senators voting. As neither the President nor the Chairman of Committees has a casting vote, it will be seen that a peculiar position would arise should the usual practice of stating such an amendment be followed. For example, say the question was put in the Commonwealth Senate, in the Westminster form, and there was equal voting, then it would be decided in the negative and the words left out. A further question would then be put—"That the words proposed to be inserted, be there inserted." Should Senators not in favour of the amendment vote consistently, there would again be an equality of votes and the question would again pass in the negative, with the result that the words proposed to be substituted would not be inserted. Thus a blank would be created and no final determination would be come to on the amendment. The form adopted by the Senate overcomes this difficulty and has been found in practice to work satisfactorily.<sup>1</sup> The Commonwealth Senate, it would appear, is the only Second Chamber in the Empire which consists entirely of Members representing the component States in equal numbers.

There is no question as to the practical usefulness of the Westminster form, for it can successfully and, without confusion, withstand the most complicated instance of innumerable amendments, at the same time, before the House or Committee.

<sup>1</sup> Quoted from a Memorandum by G. H. Monahan, C.M.G., Clerk of the Australian Senate.



It is, however, hopeless to adopt the Westminster form unless it is used in *every* instance of striking out words. Nothing confuses Members more than to follow the practice of, in some instances, say when no division appears to be in sight, putting omissions in the ordinary way, and on other occasions using the Westminster form, for then Members very naturally do not know where they stand. To be successful, it is essential that the Westminster form is used consistently.

## XIX. METHODS OF TAKING DIVISIONS

**Westminster.**—It is not proposed to deal here with any question which may arise in connection with a division, but only with the particular method employed in recording the votes of the individual Members and the report of the combined result to the House.

According to May,<sup>1</sup> when the Commons sat in St. Stephen's Chapel, the separation of the "Ayes" and "Noes" for the purpose of a division was effected by the retention of one party within the House, to be counted there, and by the withdrawal into the lobby of the other party, who were counted on their return into the House. This practice continued until 1836, when the present practice was adopted of two lobbies, the House being entirely cleared, one party being sent into each lobby. The same authority informs us that, until 1857, a division in the Lords was effected by the "Not-Contents" remaining within the Bar, and the "Contents" going below it. In that year, however, they adopted very similar arrangements to those in use in the Commons between 1836 and 1906, which are briefly as follows: When a division is claimed, the Presiding Peer directs strangers to withdraw by saying "Clear the Bar." Upon this order being given, the Clerk at the Table turns a two-minute sandglass, and 2 Peers are appointed tellers for each party; the doors are locked at the expiration of that time as indicated by the sandglass, or after such shorter time as the tellers for both sides may agree to, and the question is again put. The "Contents" then go into the right lobby and the "Not-Contents" into the left lobby, where they are counted by the tellers and their names recorded by the clerks. The vote of the peer on the Woolsack, or in the Chair, is taken first in the House. The tellers, having counted the peers voting in the lobbies, return to the House and announce the numbers (which include the votes of the tellers) to the Presiding Peer, who reads them to the House, adding, "And so the Contents (Not-Contents) have it." Voting in judicial cases is not here dealt with, as no Dominion Upper House is vested with such powers.

Continuing to quote from the same authority,<sup>2</sup> the present

<sup>1</sup> 13th ed., p. 355.

<sup>2</sup> May, 13th ed., p. 357.

method of taking divisions in the House of Commons has been in use since 1906. On a division being called, the Presiding Member gives the order "Clear the lobby," and the tellers' doors in both lobbies are locked. After the lapse of 2 minutes from this direction the Presiding Member again puts the question, and the "Ayes" and the "Noes" respectively declare themselves. If his opinion is again challenged, the Presiding Member directs the "Ayes" to go into the right lobby and the "Noes" into the left lobby, and then appoints 2 tellers for each party (a member is bound to act as teller for that party with whom he has declared himself when appointed by the Speaker) of whom one for the "Ayes" and another for the "Noes" are associated, to check each other in the telling. The topography of the lobby, which it is necessary to know to follow the method accurately, and more detailed information in regard to the taking of divisions in the Commons, are given in Mr. Champion's valuable work.<sup>1</sup>

If 2 tellers cannot be found for one of the parties, the division cannot take place; and the Speaker forthwith announces the decision to the House. Should there be no tellers or only one for the "Ayes," the Speaker declares that the "Noes have it." When there are 2 tellers for each party they proceed at once to their doors leading from the lobbies, which are then unlocked, and the counting begins. At the expiration of 6 minutes from the time at which the lobby was ordered to be cleared, the Presiding Member directs the doors leading from the House to the division lobbies to be locked, and so they remain until the announcement of the numbers from the Chair.

When both parties have returned into the House, the tellers state the numbers in a division to a Clerk at the Table, to be entered upon the division paper; they then come up to the Table (the tellers for the majority being on the right), and one of these two reports the numbers. The division paper is handed to the Presiding Member, who announces the numbers and states the determination of the House.

In both the Lords and Commons, Members disabled by infirmity are told in the House.

In the Overseas Parliaments, however, where the numbers of Members are few, a more direct, expeditious, and a simpler method can be adopted.

**Canada.**—The Senate numbers 96 Members. Two may demand a division; upon which the division bells are rung for

<sup>1</sup> *An Introduction to the Procedure of the House of Commons*, 1st ed., p. 153, by G. F. M. Champion, C.B.

5 minutes, when the doors of the Chamber are closed. The Presiding Member then states the question before the House, asking those in favour of the motion to rise. The Clerk at the Table calls the name of the Senator rising, and the Clerk-Assistant writes the name of each Senator on a division list, which is handed to the Presiding Member, who declares the result of the division and announces the decision of the House. Those voting are described as "Contents" and "Non-Contents."

The Canadian Commons numbers 245 Members, and those voting are known as "Yeas" and "Nays." S.O. 9 provides that the "Yeas" and "Nays" shall not be entered upon the Minutes unless demanded by 5 Members. If at least that number rise when the Presiding Member has put the question, he says, "Call in the Members," and the Serjeant-at-Arms immediately sees that all the bells are rung and that other steps are taken to bring in all the Members from the lobbies and adjacent rooms. The Whips gather their co-partisans who may be in the neighbourhood. There is no special time limit fixed. It generally takes 10 or 15 minutes to get them, the Speaker remaining in the Chair, although order is not strictly maintained. The signal for taking the vote is the return of the Serjeant-at-Arms, who comes in and announces the performance of his duty by an obeisance to the Speaker, who then calls the House to order, rises and reads the question and says: "Those who are in favour of the motion (or amendment) will please rise." Members, starting from the front benches, rise separately, and the Clerk-Assistant, standing, calls out their names, the Clerk recording their votes on a printed list, repeating each name as he places a mark against it. The Members should only sit down as they hear their names distinctly repeated by the Clerk. Members are taken in rows, and the Leaders of the Government and Opposition, wherever they sit, are called out first as a matter of courtesy. When all the "Yeas" have voted, the Speaker says: "Those who are opposed to the motion (or amendment) will please rise," and the votes are recorded as above. When the "Yeas" and "Nays" have been taken down and counted, the Clerk rises, bows to the Speaker, and declares the number of votes in both official languages: "Yeas, *Pour . . .*"; "Nays, *Contre . . .*" The Speaker then declares the decision of the House.<sup>1</sup>

In both Houses, divisions in Committee of the Whole House

<sup>1</sup> *Parliamentary Rules and Forms* (Canada), by Arthur Beauchesne, K.C., etc., 2nd ed., 1927, p. 23 *et seq.*

are by standing vote—no names are registered, only the numbers. In the Provincial Parliaments of Canada, the method of telling the votes of Members at divisions is very similar to that prevailing at Ottawa, with certain variations; for instance, two is usually the number of Members required to claim a division. In the Parliament of New Brunswick, S.O. 64 provides that all Members present who do not rise when the "Yeas" are called, shall be counted as voting in the negative, and that for greater accuracy Mr. Speaker may call upon the "Nays" to rise, after the votes in the affirmative have been counted.

**Australia.**—In the Commonwealth Senate, the motion "That the Senate (or the Committee) do now divide," which is not open to debate, must be carried by at least 13 affirmative votes. After such motion has been passed, the division bells are then rung for 2 minutes (recorded by a sandglass on the Clerk's Table), at the expiration of which time the doors of the Chamber are locked. After the question has been again put from the Chair, the Presiding Member directs the "Ayes" to the seats on the right, and the "Noes" to those on the left, of the Chair; a Senator is then appointed as teller for each side, an "Aye" Senator for those in favour of the motion and a "No" Senator to tell the votes of those voting against the motion. The tellers then come to the Table and, standing by the Clerk of the Senate on the one side and the Clerk-Assistant on the other side, call to the Clerks the names of the Senators on the respective sides. The names having been taken down by the Clerks and a check count made, the lists are signed by the respective tellers and handed to the Presiding Member, who declares the result to the House. In the Commonwealth House of Representatives, the practice is similar to that given above, except that no motion is necessary to claim a division and that more than one voice must be given for the "Ayes" and likewise for the "Noes." The names of the Members voting, however, are taken down by the tellers, who each sign their respective list and present it to the Presiding Member, who declares the result to the House, or Committee, as the case may be.

In the Parliaments of the 6 States of the Commonwealth, the method of taking divisions is very similar to that followed in the Federal House of Representatives, but only one teller is appointed for each side, except in both Houses of the Victorian Parliament, where the number is two, and that, in the Lower House thereof, Members are required to go into the lobbies, the name of each Member being taken down by the tellers of his side upon his return to the House from his lobby. In such

House, however, there is a Standing Order,<sup>1</sup> adopted in 1919, requiring that the lists of Members pairing on any division, duly signed by the Whips of the respective parties, must be handed, in duplicate, to the Clerk of the House, who enters one list in the Journals, immediately following the entry of the division, and who must hand the other list to the Press.

In the Lower House of Western Australia, the votes are recorded by the Clerks and the numbers certified by the tellers.

**New Zealand.**—In the Upper House one Member may claim a division, and a two-minute sandglass is used; when this time has expired and the Members are in their places, the Presiding Member, as usual, puts the question again. If, however, it is then acquiesced in, it is deemed to be resolved accordingly. Should a division be again called for, the Clerk, reading from a list of Members, calls upon every Member present to vote, "Aye" or "No," as the case may be. The list is then signed by the Clerk and handed to the Presiding Member, who declares the result to the House.

In the House of Representatives a three-minute sandglass is used, otherwise the method is the same as in the Legislative Council, except that the Presiding Member appoints two tellers for each side. The tellers then sign their respective lists, come up to the Table and hand them to the Presiding Member, who declares the result to the House.

S.O. 218 of this House, however, provides that, although the House takes no official notice of "pairs," that a "pair" may be recorded in Hansard; provided the names are submitted to the Clerk of the House within 3 days from the date of the division in respect of which such "pairs" were made, together with such evidence as the Clerk may require, that the Members named in such "pair" have agreed to be so "paired," and provided that, if any dispute or difficulty arises, the matter may be referred to Mr. Speaker, whose decision shall be final.

In the case of a division upon motions for the adjournment of the debate, or that the Chairman of Committees report progress and ask leave to sit again, or do leave the Chair, if, after the doors have been locked, the decision of the Presiding Member is challenged, he may call upon the Members so challenging it to rise in their places, and if they are less than 5 in a House of 20 Members or upwards, he may forthwith declare the determination of the House, or Committee, as the case may be. The names of the challenging Members are recorded, if required.

<sup>1</sup> S.O. 195 A.

**Union of South Africa.**—In the Upper House of the Union Parliament, one Senator may claim a division, whereupon the Senate division bells (which are of a different tone from those of the Lower House and are situated also in all parts of the building of the Houses of Parliament frequented by the Members of the respective Houses) are set in motion by the Clerk of the House, the electric switch being behind his chair, and all doors to the House are opened wide by the Messengers on duty. When the two-minute sandglass on the Clerk's Table has run out, which the Presiding Member can also see, the Clerk stops the ringing of the bells, all the doors to the Chamber are locked, the Bar of the House is drawn, Black Rod standing within the Bar bearing his emblem of office, and the Presiding Member again puts the question, after which he asks first the "Contents"—"*Tevre-dene*"—to rise in their places, and the Clerk calls the name of each Senator to the Clerk-Assistant, who records the votes on the printed list. This being done and so indicated by the Clerk to the Presiding Member, he requests all the "Contents" to be seated, and then calls upon the "Not-Contents"—"*Niet-Tevre-dene*"—to rise, whereupon the procedure is repeated. After this has been completed and all the "Not-Contents" have resumed their seats, the Clerk, with a bow, hands the two division lists to the Presiding Member, who declares the result to the House, or Committee, as the case may be, and announces its decision. All words spoken by the Presiding Member, as such, are said in both official languages (Afrikaans and English), in accordance with the Constitution, the Presiding Member selecting which language he shall first employ.

In the House of Assembly the procedure of the Senate is followed, except that, upon any Member claiming a division, the bells are rung by the Serjeant-at-Arms, and when the doors have been locked, the Presiding Member directs the "Ayes"<sup>1</sup> to the seats on the right of the Chair, and the "Noes"<sup>1</sup> to those on the left, whereupon he appoints two tellers for each side. After the lapse of 2 minutes the Presiding Member may again put the question and declare afresh whether in his opinion the "Ayes" or the "Noes" have it, in which case a division takes place only if such fresh declaration is challenged. When, however, on a division taking place, fewer than 10 members appear on one side, the Presiding Member must forthwith declare the resolution of the House, or Committee, as the case may be, but the names of those voting in the minority

<sup>1</sup> As in the case of the "Speaker," the English words are also used in the African-Dutch.

are recorded in the Votes and Proceedings of the House. The tellers sign their division lists before handing them to the Presiding Member, who declares the numbers to the House or Committee, and announces its decision.

In the Provincial Councils of the Transvaal and Orange Free State, the method is similar to that in the Senate, except that the Clerk calls each Member's name and records his vote, "Aye" or "No." In the Transvaal, the Clerk-Assistant takes a check division list. In that of the Cape of Good Hope the practice of the Union House of Assembly is followed, but the required minority is 5 in place of 10. In the Natal Provincial Council a half-minute sandglass is used and the "Ayes" stand behind their chairs, the "Noes" remaining seated; the votes are minuted by the Clerk.

**Irish Free State.**—In the Seanad the bells are rung for 5 minutes, the required minority is 5, and 2 tellers are appointed for each side. In the Dáil, the time is 3 minutes, after which the Presiding Member may again put the question, and a division only takes place if such fresh declaration is challenged. The minority required and the number of tellers are the same as in the Seanad. In both Houses, "*Tá*" signifies those voting for, and "*Níl*," those voting against a question.

**Newfoundland, Malta, Southern Rhodesia, India, etc.**—In the Legislatures of the above-mentioned countries no procedure is adopted in the taking of divisions which has not been already instanced, except that in India votes may be taken by voices, or division should any Member so desire, in which latter case the President determines the method of taking votes, but if any Member so desires, the names of the Members voting on either side must be recorded. In Malta the "Ayes" and "Noes" are respectively described as "*Favorevoli*" and "*Contrari*," and in the Legislative Council of Bihar and Orissa as "For" and "Against"; divisions can also be taken by a show of hands. In the Crown Colony Legislative Council of Kenya, the names of Members are read out in alphabetical order by the Clerk, Members replying "Aye" or "No," or they may say "Not voting." In the Legislative Council of the Mandated Territory of Tanganyika, if a division is called, Members give their vote upon being called by the Clerk, according to the order of precedence, commencing with the junior Member.



## XX. REMUNERATION AND FREE FACILITIES GRANTED M.P.'S

**Westminster.**—It is only in recent years that the British House of Commons has returned to the practice of the payment of Members. In regard to this subject May,<sup>1</sup> says that constituencies were liable from the earliest times for the expense of maintaining their Members during their attendance upon Parliament, but that the practice had disappeared by the beginning of the seventeenth century, save in a few isolated cases, but the legal liability of the constituencies for these payments to their Members has never been removed. The present salary of £400 a year was authorized in 1911, which now includes £100 allowance for expenses, such £100 not being liable to income tax. There is, however, at present an economy cut of 10 per cent. on such £400.

The salary of a Member becomes payable when he takes the Oath or makes the affirmation required by law, and begins from the day on which the Clerk of the Crown intimates that all the returns have been received by him, or, when Parliament assembles on an earlier date, from such date, in respect of Members then returned, and in respect of other Members, from the day on which their return reaches the Clerk of the Crown. In the case of a by-election, the remuneration operates from the day on which the Member's return is certified by the Clerk of the Crown. Members are also entitled to first class railway or steamer tickets between London and their constituencies, free stationery in the House, and receipt of the usual Parliamentary papers.

**Overseas.**—In the Overseas Parliaments, M.P.'s have received Parliamentary allowances or remuneration, in many cases, ever since the inception of their Parliamentary institutions. In fact, owing no doubt to the absence of leisured classes in the Dominions, free facilities granted M.P.'s have tended in recent years to increase rather than diminish, and, especially in those Dominions having State-owned railway systems, do these facilities include free passes over their lines. The practice in regard to free services to M.P.'s varies so much in the Parliaments of the Empire that a comparison of the various instances in this regard may be of interest.

<sup>1</sup> 13th ed., pp. 23, 24 and *note*.

**Canada.**—Members of both the Senate and House of Commons receive an allowance, as such, of \$4,000 per Session, and if they live within 400 miles of the seat of Parliament, actual travelling expenses from their home to Ottawa and return, once each way. Members living beyond that distance are allowed \$15 a day for such expenses. Members, with their baggage, also receive free transportation over railways in the Dominion, which include both State and private-owned systems. During Session, Members are given the privilege of free postage upon all mailable matter sent to or from Parliament Buildings and are allowed a reasonable amount of stationery. During Session they are also provided, while in Ottawa, with stenographic service.

However, the Member is not entitled to the Sessional allowance of \$4,000 unless he attends a sitting of the House on at least  $\frac{2}{3}$  of the days upon which the House sits, but the allowance for any less number of days is \$25 for each day's attendance. A deduction at the rate of that sum a day is made from the Sessional allowance for every day beyond 15 on which the Member does not attend a sitting of the House, if the House sits on such days, but in the case of a Member elected after the beginning of a Session, no day of the Session previous to such election is reckoned as one of the 15 days; the deduction, however, is made for every day of non-attendance during the last 2 weeks of any Session. Each day the Member is in the place where the Session is held, or within 10 miles thereof, but is unable, on account of illness, to attend, is considered to be attendance for the purpose of the allowance. Except for calculating the number of attendance days, each day during the Session, when there has been no sitting in consequence of an adjournment over such day, counts as a day of attendance.

Whenever a Member has attended a sitting on  $\frac{2}{3}$  of the sitting days during a Session, if only a Member for part of the time, he is entitled to the Sessional allowance, subject to the deductions for non-attendance and also to a deduction of \$25 for each sitting day of such Session before he was elected, or after he ceased to be a Member, as the case may be. Should the period for which he has been a Member include less than  $\frac{2}{3}$  of the days of the Session upon which the House has sat, he is only entitled to \$25 for each such day's attendance.

In every Session of less than 50 days' duration, each Member is allowed \$25 a day.<sup>1</sup>

<sup>1</sup> *Parliamentary Rules and Forms* (Canada), by Arthur Beauchesne, K.C., 2nd ed., p. 18.

**Canadian Provincial Parliaments.**—In the Province of New Brunswick, Members of the Provincial Parliament are allowed \$1,000, plus \$75 for contingencies, and postage and stationery are free. In Saskatchewan the allowance is \$2,000, with free long distance telephone service and postage. Remuneration is made M.P.'s in other Provinces also, as well as free railway transit in the Province, free stationery, postal and stenographic service.

**Australia.**—By sec. 3 of the Parliamentary Allowances Act, 1920, every Senator and Member of the House of Representatives of the Commonwealth Parliament receives an allowance of £1,000 p.a., unless he is a Minister of State, President of the Senate, Speaker of the House of Representatives, or Chairman of Committees of either House, when the Parliamentary allowance is £800 p.a. in addition to the emoluments of office. Each Member of either House is also granted a free pass over all railways in the Commonwealth, and the wives of Members are entitled to free railway passes from their home towns in order to visit Canberra during a Session. "O.S." postage stamps are allowed each such Member, to the value of £4 p.m. Typists are allotted to each Party to assist Members with official correspondence. Rooms containing copies of "Hansard," stationery, etc., are available in the capital of each State for the use of Members of the Commonwealth Parliament.

**Australian State Parliaments.**—In these Parliaments the following are the allowances and free facilities granted. In New South Wales the allowance is £705 p.a.<sup>1</sup> Stamps to the value of £30 p.a. are also allowed, and free railway and tramway passes. Stationery is also free, and meals are provided in the Parliamentary Building at rates sufficient to enable the Parliamentary Refreshment Rooms to be run without a grant from public funds.

In the Parliament of South Australia, Members of the Upper House receive £400 p.a. with Commonwealth free railway privileges and free passes over the Adelaide and Suburban Tramways, as well as for the motor-buses run by such railway and tramway companies. Two free passes annually are granted for a Member's wife or relative over the railways in the Commonwealth. Free stationery, telegraph and telephone facilities are also given to all parts of the Commonwealth. The Parliamentary allowances of Members were, however, reduced for one year to £380 and for another to £360, but they auto-

<sup>1</sup> A Bill is under consideration by which the allowance will, for the present, be reduced to £670 p.a.

amend to  
"B.M."  
W.P.

matically revert on a certain date to £400 unless amending legislation is passed.

In Tasmania, Members of either House receive an allowance of £370 to £500 p.a. in accordance with the distance of their constituency from the capital of the State—Hobart; the Members therefor, only receiving the minimum sum. At present, however, these allowances are subject to a 25 per cent. reduction. Members also receive free passes over the railways of the Island as well as over those on the Continent of Australia.

In Western Australia, the allowance for Members of both Houses is £600 p.a., with a free pass over the State railways and the tramways; an amount of £10 p.a. is allowed for postage.

**New Zealand.**—Formerly Members of Parliament received £500 p.a. Parliamentary allowance, but this has been reduced by successive cuts necessitated by the financial depression, to £364 10s. p.a. In addition Members receive a free pass over the Dominion railways for themselves and their wives. Members are granted the right to travel between the North and South Islands by steamer, for which the Government pays the shipping company an annual sum. If a Member lives in a district not served by a railway, he is granted free travel facilities between his home and Wellington, the seat of Parliament, whether by service-car or steamer; his wife receives limited facilities in this respect. During Session Members' correspondence is franked, while throughout the year they are granted £2 worth of stamps per month; they are also given the right to send telegrams at a cheaper rate.

**Union of South Africa.**—Members of Both Houses of the Dominion Parliament receive £700 p.a. Parliamentary allowance, payable monthly (subject at present to a 10 per cent. temporary reduction), and a deduction at the rate of £2 per day is made in respect of any absence from a sitting of the House (or a Committee thereof) of which he is a Member, in excess of 30 days.<sup>1</sup> A Member is also granted a free pass over the State railways and free conveyance to and from Cape Town, the seat of Parliament, once in respect of every Session, for members of his household who are living with and are dependent upon him, with free transport for their baggage and one servant travelling with them. A Member certifying that postal correspondence is of a public nature may have such franked and posted by the Clerk of his House, during Session. Members are also allowed free non-trunk telephone calls from the Parliament Post Office or other instrument in the Parliament Buildings.

<sup>1</sup> *Vide* Act 31 of 1932, sec. 4.

**Union Provincial Councils.**—Members receive a Parliamentary allowance of £120 p.a., payable monthly, subject to deductions for absences, under certain conditions, which differ somewhat in the several Provinces; a free pass over the State railways in their Province and free telephone service during Session are also allowed them.

**Irish Free State.**—Senators and Deputies of the Dáil (the Lower House) are allowed £30 per month expenses, and, by regulations issued under the Oireachtas (Payment of Members) Acts of 1923 and 1928, each Member is provided with travelling warrants exchangeable for railway tickets upon presentation by Members at railway stations. These warrants are issued by the Clerk of each House to his Members. Repayment of fares by tram, bus, charabanc, etc., may also be made, as also motor-car mileage rates, subject to certain equivalent stipulations. Travelling facilities, on duty, in the case of a Senator, apply between Dublin and his usual place of residence in the Irish Free State, and in the case of a Deputy between that city and any place in the constituency he represents. All journeys must be taken by the cheapest and shortest routes available. Claims for refunds must be made within one month thereof, and the Clerks of each House are responsible for the operation of the Acts and regulations in regard to their respective Members.

**Malta.**—Members of the Senate receive a Parliamentary allowance of £100 p.a. and those of the Legislative Assembly £150 p.a.

**Southern Rhodesia.**—Members of the Legislative Assembly receive an allowance of £300 p.a. and are granted free passes over the Rhodesian railways when travelling on State or political business.

**India.**—Members of both the Council of State and the Legislative Assembly of India receive Rs. 20 a day while attending Delhi or Simla for the Sessions. Such Members when proceeding to Simla or Delhi for the work of the Session and when returning home receive the same travelling allowance as Government officials of the first class, approximately  $1\frac{3}{5}$  first class fare. When going to Delhi, Members are also allowed the cost of conveying a motor-car; if they do not avail themselves of these privileges they are allowed a small sum for conveyance, approximately Rs. 50 a month if they are living in New Delhi. ~~Rs. 75 should they be living in Old Delhi.~~ Motor-cars are not allowed in Simla, and consequently when the Legislature meets there, conveyance of motor-cars does not come into question.

*For members living in Old Delhi  
the allowance is Rs. 150 p.m.  
and if he does*

$\frac{3}{5}$   
Delhi  
and cost  
claim  
haulage  
his car,  
should he do  
then he gets  
personal allowance of  
Rs. 75

Members are entitled to free stationery in the Legislative Buildings. They are not allowed to frank private correspondence.

In Bihar and Orissa and the other Provinces, no remuneration is paid to Members. They are, however, granted travelling allowances to and from their places of residence to the place of meeting, in accordance with the scale usually allowed Government Service of the first grade:  $1\frac{3}{4}$  first class fare for journeys performed by rail and 8 annas a mile for journeys performed by road and Rs. 10 for each day of their residence at the place of meeting. Furnished houses are provided by Government for the accommodation of Members during Session, for which they are required to pay rent. Notepaper and stationery are supplied free of charge.

**South-West Africa, Northern Rhodesia, Kenya and Ceylon.**—A Member of the Legislative Assembly in S.W. Africa receives £120 p.a. plus free transport when attending Sessions or sittings, together with free railway travelling in the Territory and in the Union of South Africa throughout the year. Members of the Legislative Council of Northern Rhodesia receive free travelling to and from sessional attendance and a daily allowance of £3 3s. during Session. In Kenya they receive travelling and subsistence allowance only. In Ceylon a Member's allowance is Rs. 400 per month and, in addition, he receives a free first class "all stations" railway pass for himself and a third class pass for his servant, as well as free conveyance of his car and chauffeur by rail when travelling on Council business. Free postal, telegraph and telephone facilities for official business are also granted.

## XXI. CEREMONIAL AND REGALIA

Ceremonial is inherent in Parliament. It lends dignity to its proceedings and preserves respect for its authority. The very bow made by a Member to the Chair is an acknowledgment by him to the House in which he is a representative. Ceremonial adds to, and does not detract from, the authority of the Chair, the occupant of which is, after all, the direct choice of the Assembly over which he presides. Therefore, in according respect to the President or Speaker, a Member is according respect to himself.

There is no body in the State from which Parliament takes its example, because it is itself the model for the domain over which it rules. Therefore, it is in the interest of the country itself to see that the National Assembly is a fitting complement to the nation. Ceremonial in connection with Parliament, from its Opening and throughout each Session, should be quietly and unconcernedly carried through. All the pomp and glory of the Opening Ceremony at Westminster cannot, of course, be transplanted to the Dominions, but there is much both impressive and interesting which can well be used in connection with such Ceremony Overseas.

The use of a Black Rod in the Upper House and the Mace in the Lower House both contribute to the dignity of the House and the status of Parliament. Neither the Black Rod nor the Mace need be, nor should they be, a slavish replica of those used at Westminster; interwoven with the emblems of the King should be the national flower, arms and emblems of the Dominion, as represented in the history of its people. These two articles of regalia are symbols of authority, bound up by long association with the history of Parliamentary institutions as we know them. In fact they are part and parcel of every Parliament constituted under the system as it has grown up in the British Empire.

The wearing of the wig and gown by the President and Speaker, and the Clerks at the Table of the House, and of the traditional Parliamentary uniform also by the Black Rod and Serjeant-at-Arms, adds to the dignity of a legislative chamber. These forms of dress also contribute towards the authority of the Chair and the order of the proceedings. What public

institution worthy of the name has ever achieved any status or distinction without tradition? If the glory of a regiment or the renown of a school depends largely upon its tradition, then the supreme legislature of a country needs something more distinctive than the general and commonplace atmosphere of an ordinary public meeting, for is it not the ruling authority in the country, the moulder of its laws, the guardian of its rights and liberties and the hopeful arbiter of its future progress and prosperity?

Indirectly the observance of ceremonial and the use of regalia tend to introduce into Overseas Parliaments that atmosphere of authority which has always been such a distinguishing feature of the Mother Parliament at Westminster and to reflect some of her age-long tradition and history. In time, the Overseas Parliament, with a succession of able Presidents, Speakers, efficient Clerks and Honourable Members interested in the subject of Parliamentary Procedure, builds up a tradition and precedents of her own, and it is important that they should be constructed upon sound lines.

When the writer had preparation to make for the Transvaal Parliament in 1906, the Black Rod, Mace, Messengers' Badges, etc., were ordered in England, and His Majesty (King Edward VII) took the greatest interest in their preparation.

A review will now be made of the practice in the several Parliaments of the Empire in regard to ceremonial and regalia.

**Westminster.**—Apart from the uniform which officers of the Lords and Commons wear at Court or at State functions without the precincts of Parliament, the following are the uniforms worn by such officers in Parliament.

*Lord Chancellor and Speaker.*—At the Opening of Parliament they wear their state robes of black satin damask trimmed with gold over the court suit of black velour, with full-bottomed wig, beaver three-cornered hat and white gloves. For everyday use in the House, they wear the court suit of black cloth with white cambric necktie or bands; over all, a black silk robe with train, full-bottomed wig and three-cornered hat. The Speaker only actually wears the three-cornered hat when admonishing an offender brought up at the Bar of the House. When the Court is in mourning these officers wear, in the House, a black parametta gown with broad-hemmed frill and ruffles, instead of lace, lawn bands, weepers on coat, black shoe and knee buckles.

*Black Rod.*—At the Opening of Parliament by the King, Black Rod wears the same dress as at Court, but with badge and chain, and carries the Black Rod. For everyday use in the



House, court suit of black cloth, but with black-hilted sword, black cloth-covered buttons, and black knee and shoe buckles, and carries a Peer's cocked hat. No medals or ribbons are worn with the everyday uniform. When summoning the Commons, he wears, in addition, his chain and badge of office, and carries the Black Rod. When the Court is in mourning, he wears broad-hemmed frill and ruffles, instead of lace.

*Serjeant-at-Arms.*—In Parliament, he wears a similar suit to that of Black Rod, but with a silver-hilted sword, knee and shoe buckles. The silver collar of office is only worn at the Opening of Parliament. For mourning, a black sword and mountings, and black knee and shoe buckles, also a broad-hemmed frill and ruffles, instead of lace.

*The Clerks-at-the-Table.*—In both Houses they wear the same black cloth Parliamentary uniform, the coat and waistcoat being similar to that worn by K.C.'s with wig and gown,<sup>1</sup> except that the wig worn by the Clerk of the Parliaments is what is known technically as a friz tye wig, the same as worn in England by High Court judges on the Bench.

*Canada.*—No wigs are worn by the Speakers or Clerks in either House, but they appear in the House in the customary black Parliamentary uniform with wig bag and gown. The Speakers also have a three-cornered beaver hat, which they put on when giving a Ruling, putting a question or reading any paper to the House. The Gentleman Usher of the Black Rod and the Serjeant-at-Arms wear similar uniforms to those of the corresponding officers on ordinary sitting days at Westminster. A Black Rod is carried by that officer in the Senate and Maces are used in both Houses.

*Canadian Provincial Parliaments.*—The Speaker usually wears the black gown (with bands) and hat, but the hat is not worn by the Clerks. Maces are only in use in some of these Parliaments, but there is usually a Serjeant-at-Arms, and in the only remaining Provincial Upper House, namely that of Quebec, there is a Black Rod.

*Australia.*—On ceremonial occasions, both the President of the Senate and the Speaker of the House of Representatives, of the Federal Parliament wear court dress, with full-bottomed wig and black silk gown, with train. Upon ordinary sitting days, they wear the Parliamentary uniform with wig and gown. Wigs, gowns and uniform are worn by the Clerks-at-the-Table in both Houses. Black Rod wears the usual Parliamentary uniform, but on ordinary occasions discards the knee breeches,

<sup>1</sup> Dress and Insignia worn at H.M. Court, 1929.

etc., for black trousers. The symbol of office is surmounted by the Australian coat-of-arms and the Crown. The Mace in the Lower House is used in the same manner as in the Imperial House of Commons and is carried by the Serjeant-at-Arms, dressed in the customary uniform.

**Australian State Parliaments.**—The practice in regard to wearing the uniform and the use of the regalia varies. In the Parliament of New South Wales, wigs and gowns are worn on ceremonial occasions only, and no Mace is used; there is, however, a Black Rod and a Serjeant-at-Arms both in this Parliament and that of Victoria. In the unicameral Parliament of Queensland there is a Serjeant-at-Arms. In South Australia gowns are worn without the wig and there is a Serjeant-at-Arms in each House, but there is no symbol of office in either case. In the Upper House of Tasmania, the President wears court dress, without wig or gown, and the Clerk evening dress, with white bands. A Black Rod is carried by that officer. In Western Australia both wigs and gowns are worn by the Presiding Officers and Clerks in both Houses, the Black Rod and Serjeant-at-Arms wearing the usual uniform and being in charge of their respective emblems of authority.

**New Zealand.**—In this Parliament there is both a Black Rod and a Serjeant-at-Arms, the Mace being a replica of the one used at Westminster. The official dress of the Clerks is evening dress with clerical collar, gown and bands; a wig is worn should a Clerk be a barrister.

**Union of South Africa.**—In the Parliament of the Union, the uniform and emblems in use in the Imperial Parliament are closely followed. Both the President and the Speaker wear the Parliamentary uniform, with white cambric tie, gown and full-bottomed wig, though the President usually discards the wig except upon ceremonial occasions. During the Session the Speaker always wears the wig when he enters the House, though he may sometimes resume the Chair without it, during a sitting, especially in the warmer weather. At the Opening of Parliament, however, the Speaker wears court dress, with lace and ruffles, full-bottomed wig and the state robe of black satin damask trimmed with gold. The Clerks-at-the-Table in both Houses wear the traditional Parliamentary uniform,<sup>1</sup> with wigs (of a light pattern), gowns and white cambric ties. The black Rod carried by the Gentleman Usher is a replica of the one used in the House of Lords and the uniform the same. During the

<sup>1</sup> The writer found a K.C.'s coat and waistcoat made of silk alpaca very cool when Parliament was in Session during the hot season.

sittings of the Senate the Black Rod itself is placed upright in a stand at the arm of that officer's chair, which is situated near the Bar of the House. The Mace in use in the House of Assembly is a replica of the one used in the British House of Commons. The uniform of the Serjeant-at-Arms faithfully follows that of his opposite number at Westminster.

**Union Provincial Councils.**—No wigs are worn, but the Chairman of the Council wears a K.C.'s gown and Clerks those used by advocates, generally with bands. There are no Serjeants-at-Arms.

**Irish Free State.**—Neither in the Senate (Seanad) nor in the Chamber of Deputies (Dáil) are uniforms, gowns or wigs worn; there is neither Black Rod nor Mace.

**Newfoundland, Malta, Southern Rhodesia, India, etc.**—In the Parliament of the first-named there are both a Black Rod and a Serjeant-at-Arms, with Mace. Neither gowns nor wigs are worn in the Parliaments of Malta. In the Legislative Assembly of Southern Rhodesia, wigs and gowns are worn by the Speaker and Clerks upon all ceremonial occasions. There is also a Serjeant-at-Arms and Mace. In the Legislative Council of Bihar and Orissa, the President wears a black gown, but the Secretary and his Assistant only ordinary morning dress. There is no Serjeant-at-Arms or regalia. Neither the Council of State nor the Legislative Assembly of India possess regalia, but the President of the latter body wears a wig and gown when presiding over its proceedings, ~~but not the secretaries to the Chamber who are~~ officials belonging to the Legislative Department. There is no Serjeant-at-Arms, but a corresponding officer, named a Marshal. In the Legislative Assembly of South-West Africa wigs are not worn, but the Chairman (as the Presiding Member is called) wears a K.C.'s gown, and the Clerks, those worn by advocates. In the Crown Colony of Kenya, should the official holding the office of Clerk of the Legislative Council be a barrister, he wears his wig and gown; the President of these Councils is usually the Governor, who on ceremonial occasions is dressed in full dress of either naval, military or official uniform. In Ceylon the Speaker wears wig and gown.

*former*  
*Only the*  
*Secretary*

## XXII. NUCLEUS OF OVERSEAS LIBRARY OF PARLIAMENT

BY  
THE EDITOR.

Previous to the grant of "Responsible Government" in the Transvaal, the writer sought the aid of distinguished authorities, both in Great Britain and South Africa, upon the class of work proper to a "Statesmen's Reference Library," with the idea of forming the nucleus of a Library of Parliament for the purpose of aiding Legislators in their Parliamentary duties. This list, originally agreed to by such authorities, has naturally become somewhat out of date; but that given below, while containing many of the works originally recommended, has been reviewed in the light of superseding publications. A good library available to M.P.'s 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 Overseas Parliaments is administered by a Joint Committee of Both Houses under certain Rules. In the next issue of the JOURNAL it is proposed to deal with the lines on which such Rules are framed in the various Parliaments of the Empire, based as they are upon practical experience in the countries concerned. The great objective should be to confine the Library to good material; shelves soon get filled, and there are usually Public Libraries accessible where lighter literature can be obtained. By a system of mutual exchange, the Statutes, Journals and Hansards of the other Parliaments in the Empire can easily be procured. Such records are of great value in obtaining information in regard to the framing and operation of legislation in other parts of the Empire. It is proposed in each issue of the JOURNAL to give the titles of books published during the year, which are likely to prove useful additions to, or substitutions for, those given on pages 113-122.

**BOOKS SUGGESTED AS THE NUCLEUS OF A "STATES-  
MEN'S REFERENCE LIBRARY"**

- Abbott, E.*—Life of Pericles.  
*Adams, Sir F. O.*—The Swiss Confederation.  
*Adams and Stephens.*—Select Documents on English Constitutional History.  
*Ameer Ali, Syed.*—The Life and Teachings of Mohammed: or, The Spirit of Islam. 1891.  
*Andréadés, A.*—History of the Bank of England.  
*Annual Register.*—1758—current.  
*Armstrong, E.*—Life of Lorenzo de Medici.  
*Ashley.*—Life and Correspondence of Lord Palmerston.  
*Ashley, W. T.*—Economic History. 2 vols.  
*Atlay, J. B.*—Wheaton's International Law.  
*Austin, John.*—Jurisprudence. 2 vols.  
 —Student's Jurisprudence.  
*Avebury, Lord.*—Municipal Trading.  
  
*Bagehot, W.*—Economic Studies.  
 —The English Constitution.  
 —Lombard Street.  
*Bain, R. N.*—Life of Charles XII.  
*Bartlet, J.*—Concordance to Shakespeare.  
 —Familiar Quotations.  
*Bastable, C. F.*—Public Finance.  
*Beazley, C. R.*—Life of Prince Henry the Navigator.  
*Beesly, E. S.*—Life of Queen Elizabeth.  
*Benn.*—Confessions of a Capitalist.  
*Benson and Buckle.*—Queen Victoria's Letters. 9 vols.  
*Bentham, J.*—Works. 11 vols.  
*Bisset, A.*—Short History of the English Parliament.  
*Black, C.*—Sweated Industry.  
*Blackstone.*—Commentaries on the Laws of England. 1876.  
*Boggart.*—Economic History of the United States.  
*Borgeaud, C.*—Adoption and Amendment of Constitutions.  
*Bourinot, J. G.*—Federal Government in Canada.  
*Bourne, H. R. F.*—Biography of Sir Philip Sidney.  
*Bradley, A. G.*—Canada in the Twentieth Century.  
 —Life of Wolfe.  
*Brayley and Britton.*—History of the Ancient Palace of Westminster. 1836.  
*Brewer, E. C.*—Dictionary of Phrase and Fable.  
 —Reader's Handbook.  
*Brooks, Noah.*—Life of Abraham Lincoln.  
*Broom.*—Constitutional Law.  
*Brougham, Lord.*—The British Constitution.  
*Brown.*—Cases in Parliament, 1702—1800.  
*Bryce, J.*—The American Commonwealth. 2 vols. 1911.  
*Buckle, H. T.*—History of Civilization in England. 3 vols.  
*Burke.*—Works. 12 vols.

- Burnet (Bishop)*.—History of the Reformation.  
—History of his own Time. 2nd ed. 1833.
- Burton*.—Diary. 4 vols. 1828.
- Bury, J. B.*—Students' Roman Empire.
- Butler, Sir W.*—Life of Gordon.  
—Life of Sir Charles Napier.
- Buxton, Sydney*.—Political Questions of the Day.
- Byrne, J. C.*—Twelve Years in the British Colonies, 1835-47. 2 vols.
- Campbell*.—Lives of the Lord Chancellors. 10 vols.
- Cannan, Prof.*—Modern Currency.  
—History of Local Rates.
- Carlyle, T.*—Critical and Miscellaneous Essays. 5 vols.  
—Life of Frederick the Great. 3 vols.  
—Letters and Speeches of Oliver Cromwell. 4 vols.  
—Sartor Resartus.
- Cecil, A.*—British Foreign Secretaries.  
—Metternich.
- Cecil, Lady G.*—Lord Salisbury.
- Charnwood, Lord*.—Abraham Lincoln.
- Church, A. J.*—Life of Henry V.
- Church, W. C.*—Life of Ulysses Grant.
- Churchill, W. S.*—Lord Randolph Churchill.
- Clarendon*.—History of the Rebellion. 1849.
- Clarke, H. B.*—Life of the Cid Campeador.
- Clarke, V. S.*—Labour Movement in Australasia.
- Clodd, E.*—Pioneers of Evolution.
- Cohen*.—Book of 1868 re Leader of the House.
- Coke*.—Fourth Institute (of the Laws of England). 1797.
- Colchester*.—Diary and Correspondence. 1861. 3 vols.
- Corbett, J.*—Life of Drake.  
—Life of Monk.
- Courtenay, L.*—Working Constitution of the United Kingdom.
- Cox, H.*—Land Nationalization.  
—Whig and Tory Administration.
- Craik, H.*—The State in Relation to Education.
- Creasy, Sir E.*—Decisive Battles of the World.  
—History of the English Constitution.
- Creighton*.—Study of Queen Elizabeth.
- Creighton, M.*—Life of Cardinal Wolsey.
- Crewe*.—Lord Rosebery.
- Cunningham, W.*—The Growth of English Industry and Commerce—  
Early Middle Ages.  
—English History and Commerce.
- Curzon, Hon. G. N.*—Problems of the Far East.
- Cromer, Lord*.—Egypt.  
—Abbas II.
- Dampier, W.*—Voyages. 2 vols.
- Dasent*.—Speakers of the House of Commons. 1911.
- Davenport*.—Parliament and the Taxpayer. 1918.
- Davitt, M.*—The Fall of Feudalism in Ireland.
- Denison, Louisa*.—Notes from my Journal (Right Hon. J. E. Denison, Speaker). 1900.

- Depløige*.—The Referendum in Switzerland.
- Dilke, Sir C.*—Greater Britain.  
—Problems of Greater Britain.
- Dilke, Wilkinson, and Spencer*.—Imperial Defence.
- Dowell, S.*—Stamp Duties and Stamp Laws.  
—History of Taxation. 4 vols.
- Duncan*.—Life of Joseph Cowen.
- Earle, J. C.*—English Premiers. 2 vols.
- Egerton and Grant*.—Canadian Constitution Development.  
—Selected Speeches and Despatches relating to Canadian Constitutional History. 1907.
- Elliot, Hon. A.*—The State and the Church.
- Ellis, C. T.*—Practical Remarks and Precedents of Proceedings in Parliament, 1802.
- Emerson*.—English Traits.
- Farrer, T. H.*—The State in its Relation to Trade.
- Fawcett, H.*—Free Trade and Protection.  
—Manual of Political Economy.
- Fitzgerald*.—The Life and Times of John Wilkes, M.P. 1888.
- Fitzgerald, P.*—The Lives of the Sheridans. 2 vols.
- Fletcher, C. R. L.*—Life of Gustavus Adolphus.
- Follett*.—The Speaker of the House of Representatives, N.Y. 1896.
- Forbes, A.*—Life of Colin Campbell.  
—Life of Havelock.
- Fortescue*.—On the Governance of England.
- Fortescue, G. K.*—Subject Index to Modern Works. 3 vols.
- Fortescue, Hon. J. W.*—Life of Dundonald.
- Foster*.—Crown Cases, 1743-1760.
- Foster, Sir W.*—John Company. 1926.
- Fowle, T. W.*—The Poor Law.
- Fowler, W.*—Life of Julius Cæsar.
- Freeman, E. A.*—General Sketch of European History.  
—Growth of the English Constitution.  
—Historical Geography of Europe (with Atlas). 2 vols.  
—History of Federal Government in Greece and Italy.  
—The Norman Conquest.  
—Life of William the Conqueror.
- Froude*.—History of England (Wolsey—Elizabeth). 1893.
- Froude, J. A.*—Life of Cæsar.  
—Short Studies on Great Subjects. 4 vols.
- Fyffe, C. A.*—History of Modern Europe.
- Gairdner, J.*—History of Richard III.  
—Biography of Henry VII.
- Gardiner, S. R.*—History of England, 1603-42. 10 vols.  
—History of the Great Civil War, 1643-49. 4 vols.  
—The Commonwealth and Protectorate. 4 vols.  
—Oliver Cromwell. 1 vol.  
—Constitutional Documents of the Puritan Revolution, 1625-60.
- Gardner, A.*—Life of Julian.
- George, D. L.*—The People's Budget.
- Gibbon, E.*—Decline and Fall of the Roman Empire. 7 vols.

- Gladstone*.—Gleanings of Past Years.  
*Godkin, E. L.*—Problems of Modern Democracy.  
*Gooch, G. P.*—Annals of Politics and Culture.  
 —History of Modern Europe.  
*Goodnow, F. J.*—Municipal Problems.  
*Goschen, Right Hon. Viscount*.—Theory of Foreign Exchanges.  
*Green, J. R.*—History of the English People. 8 vols.  
 —Short History of the English People.  
*Green, Mrs. J. R.*—Life of Henry II.  
*Greswell, Rev. W. P.*—The British Colonies, 1837-97.  
*Greville, C. C. F.*—The Greville Memoirs. 8 vols.  
*Grey, Earl*.—The Colonial Policy of the Administration of Lord J. Russell. 2 vols.  
*Grey, Viscount*.—Twenty-Five Years, 1892-1916. 2 vols. 1925.  
*Grote, G.*—History of Greece. 10 vols.  
*Guizot, M.*—Representative Government.
- Hakluyt, R.*—Voyages. 12 vols.  
*Hale, E. E.*—Life of George Washington.  
*Hall, W. E.*—International Law.  
*Hallam*.—Constitutional History of England. 7th ed. 3 vols. 1854.  
 —Middle Ages. 3 vols.  
*Halsbury, The Earl of*.—Laws of England.  
*Hamilton, A.*—The Federalist.  
*Hamilton, W. G.*—Parliamentary Logick. 1808.  
*Hannay, D.*—Life of Rodney.  
*Hansard (U.K.)*.—Parliamentary History from the Norman Conquest to 1803 (Corbett).  
 —Parliamentary History, 1803-1892.  
 —Oxford Debates (Commons), 1620-1621. 2 vols. 1766.  
 —Grey's Debates (Commons), 1667-1694. 10 vols. 1769.  
 —Chandler's Debates (Commons), 1670-1743.  
 —Cavendish's Debates (Commons), 1768-1774.  
 —Hansard Debates. 1st series: 1803-1820. 41 vols.  
 —Hansard Debates. 2nd series: 1820-1830. 25 vols.  
 —Hansard Debates. 3rd series: 1830-1891. 256 vols.  
 —Parliamentary Debates. 4th series: 1892-1909. 199 vols.  
 —Lords Debates. 5th series: 1909-current.  
 —Commons Debates. 5th series: 1909-current.
- Harbottle, T. B.*—Dictionary of Classical Quotations.  
*Hardy*.—Modus tenendi Parliamentum. 1846.  
*Hare, T.*—Election of Representatives.  
*Harris, W.*—History of Radical Party in Parliament.  
*Harrison, F.*—Life of Chatham.  
 —Life of Oliver Cromwell.  
*Hasbach*.—History of the English Labourer.  
*Hassall, A.*—Life of Louis XIV.  
*Hayward, A.*—Selected Essays. 2 vols.  
*Hearn, W. E.*—The Government of England.  
*Henderson, C. R.*—Modern Methods of Charity.  
*Henderson, E. F.*—Sidelights on English History.  
*Henderson, Lt.-Col. G. F. R.*—Life of Stonewall Jackson. 2 vols.  
*Hewart, Lord*.—The New Despotism. 1929.  
*Hill*.—Liberty Documents.



- Hoare, B.*—Preferential Trade.  
*Hobson.*—Problems of the Unemployed.  
*Hodgkin, T.*—Life of Theodoric the Goth.  
*Hoffman, F. L.*—Race Traits and Tendencies of the American Negro.  
*Holland, B.*—Imperium et Libertas.  
*Hollis, D. L.*—Jurisdiction of the House of Peers.  
*Holyoake.*—Co-operative Movement of To-day.  
*Hooper, G.*—Life of Wellington.  
*Hope, C. D.*—Our Place in History.  
*Hopkins, J. C.*—Chronology of Canadian History.  
*Howell, G.*—Trade Unionism.  
*Howell, T. B., and T. J.*—State Trials. 33 vols. and Index.  
*Hughes.*—History of England. 1750-1835.  
*Hughes, T.*—Life of Livingstone.  
*Hunter, Sir W. W.*—The Indian Empire.  
 —Imperial Gazetteer of India. 14 vols.
- Ilbert, Sir C.*—The Government of India.  
*Irving, W.*—Biography of Christopher Columbus.
- Jenks.*—Parliamentary England. 1903.  
*Jenkyns, Sir H.*—British Rule and Jurisdiction beyond the Seas.  
*Jennings, G. H.*—Anecdotal History of the British Parliament.  
*Jevons, W. S.*—Money and the Mechanism of Exchange.  
 —The State in Relation to Labour.  
*Johnston, Sir H. H.*—Life of Livingstone.  
*Journals* of the Lords and of the Commons, with the 10 yearly index volumes. These Journals in their present form date, for the House of Commons from 1547 and for the Lords from 1509.
- Kent, R.*—The English Radicals.  
*Kidd, B.*—Social Evolution.  
*King, J.*—Electoral Reform.  
*Kitson.*—Life of Cook.
- Laughton, Sir J. K.*—Life of Nelson.  
*Lecky, W. E. H.*—History of England in the Eighteenth Century.  
 7 vols.  
 —The Rise and Influence of Rationalism in Europe. 2 vols.  
*Lee, S.*—Life of Queen Victoria.  
 —Dictionary of National Biography. Thin paper ed. 25 vols.  
*Lely, J. M.*—Wharton's Law Lexicon.  
*Lewis, Right Hon. Sir G. C.*—Use and Abuse of some Political Terms.  
 —An Essay on the Influence of Authority in Matters of Opinion.  
 1875.  
 —Government of Dependencies.
- Lloyd, Lord.* Egypt since Cromer.  
*Longman.*—Gazetteer of the World.  
 —Governments of Europe.  
 —Greater European Governments.
- Lubbock, Sir J.*—Representation.  
*Lucas.*—Historical Geography of the British Colonies.  
*Lummis.*—The Speaker's Chair. 1900.

*Lushington, S. G.*—Practice at Parliamentary Elections.

*Lyall, Sir A.*—Life of Warren Hastings.

*Macaulay, Lord.*—History of England. 2 vols.

*M'Culloch, J. R.*—Political Economy.

*Macdonagh.*—Parliament, its Romance, its Comedy, its Pathos. 1902.

—Book of Parliaments.

*Mackay, T.*—The State and Charity.

*Macmaster.*—History of the United States. 8 vols.

*McCalmont, F. H.*—The Parliamentary Poll Book.

*McCarthy, Justin.*—A History of Our Own Times. 7 vols.

*Mahan, Capt. A. T.*—Influence of Sea Power upon the French Revolution and Empire. 2 vols.

—Life of Nelson. 2 vols.

—Sea Power and History.

—Sea Power and the French Revolution. 2 vols.

*Mahon, Lord.*—Historical Essays.

*Maine, Sir H. S.*—Ancient Law.

—Early Constitutions.

—Popular Government.

*Maitland and Pollock.*—History of English Law. 2 vols.

*Malthus, Prof. T. R.*—An Essay on the Principle of Population.

*Manning, T. A.*—Lives of the Speakers of the House of Commons.

*Marriott, J. A. R.*—The Mechanism of the Modern State.

—English Political Institutions.

—The Crisis of English Liberty.

—How we are Governed.

—How we Live.

—Empire Settlement.

—The European Commonwealth.

—The Evolution of Prussia.

—The Makers of Modern Italy.

—England since Waterloo.

—Economics and Ethics.

—The Remaking of Modern Europe.

—Europe and Beyond.

—A History of Europe, 1815–1923.

—The Evolution of Modern Europe, 1453–1932.

*Marshall, A.*—Economics of Industry.

—Principles of Economics.

*Masterman.*—The House of Commons—its Place in National History. 1908.

*Maxwell.*—Lord Clarendon.

—The Life and Times of the Rt. Hon. W. H. Smith. 1895.

*May, Thomas.*—History of the Long Parliament.

*May, T. E.*—Constitutional History of England. 3 vols.

—Law, Privileges, Proceedings and Usage of Parliament. 13th ed. 1924.

*Merivale, H.*—Colonization and Colonies.

*Mill, J. S.*—Considerations on Representative Government.

—Principles of Political Economy.

*Mill and Wilson, H. H.*—History of British India. 9 vols. 1840–45.

*Milner, A.*—England in Egypt.

*Molesworth.*—History of the Reform Bill.

- Mommsen, T.*—The History of Rome. 5 vols.  
*Monypenny and Buckle.*—Disraeli. 2 vols.  
*Moore, J. W.*—The American Congress, 1774–1895.  
*Morley, J.*—Life of Richard Cobden. 2 vols.  
 —Life of W. E. Gladstone. 3 vols.  
 —Life of Rousseau. 2 vols.  
 —Life of Walpole.  
 —Oliver Cromwell.  
*Mowbray.*—Seventy Years at Westminster. 1900.  
*Mulhall, M. G.*—Dictionary of Statistics.  
  
*Napier, Col. C. J.*—Colonization.  
*Newton.*—Lord Lansdowne.  
*Nicholson, J. S.*—Principles of Political Economy. 3 vols.  
*Nicoll.*—Handbook of Commercial Treaties, etc., with Foreign Powers.  
 4th ed. 1931.  
*Nicolson.*—Lord Carnock.  
  
*O'Brien.*—Life and Letters of Charles Stewart Parnell.  
*Odgers, W. B.*—Local Government.  
*Oldfield.*—Representative History. 1816.  
*Oliver, F. S.*—Hamilton—An Essay on American Union.  
*Oman, C. W.*—History of England. 7 vols.  
*Oppenheim, L.*—International Law:  
 —Vol. I (Peace).  
 —Vol. II (War and Neutrality).  
*Ostrogorski.*—Democracy and the Organization of Political Parties.  
  
*Palgrave.*—Rise and Progress of the English Commonwealth. 1832.  
*Palgrave, R. F. D.*—Oliver Cromwell (The Protector).  
*Parker, C. S.*—Life of Sir R. Peel. 3 vols.  
*Parry, C. H.*—Parliaments and Councils of England.  
*Paul, H.*—History of Modern England. 5 vols.  
*Pearson, C. H.*—National Life and Character.  
*Pellew, Hon. G.*—Life of Lord Sidmouth. 3 vols.  
*Pepys.*—Diary. 4 vols.  
*Pike, L. O.*—Constitutional History of the House of Lords.  
*Pitt.*—Speeches (Hathaway). 4 vols.  
*Ploetz, C.*—Epitome of History, Ancient, Medieval and Modern.  
*Plunkett, Sir H.*—Ireland in the New Century.  
*Pollock, F.*—History of the Science of Politics.  
 —The Land Laws.  
*Pollock and Maitland.*—History of English Law. 2 vols.  
*Power, J. O'C.*—The Making of an Orator.  
*Prescott, W. H.*—Conquest of Mexico. 2 vols.  
 —Conquest of Peru. 2 vols.  
 —Ferdinand and Isabella. 2 vols.  
 —Reign of Philip II. 3 vols.  
*Prescott, W. H., and Robertson, W.*—History of the Reign of Charles V.  
 2 vols.  
*Prynne.*—Sovereign Power of Parliaments and Kingdoms, 1643.  
  
*Raleigh, Sir W.*—Prerogative of Parliaments.  
*Ralph.*—Use and Abuse of Parliaments.

- Ramsey*.—Sir Robert Peel.
- Ransome, C.*—Rise of Constitutional Government in England.
- Raven, J.*—Parliamentary History of England, 1832.
- Redlich and Hirst*.—Local Government in England. 2 vols.
- Rees, W. L.*—Life and Times of Sir George Grey. 2 vols.
- Reeves, W. P.*—State Experiments in Australia and New Zealand. 2 vols.
- Reich, E.*—Foundations of Modern Europe.
- Robertson*.—Select Statutes, Cases and Documents.
- Robinson, H. J.*—Colonial Chronology.
- Rodd, Sir R.*—Life of Sir Walter Raleigh.
- Rogers*.—On Elections. Vol. i: 1909; vol. ii: 1922.
- Rogers, J. E. T.*—Industrial and Commercial History of England.  
—Six Centuries of Work and Wages.  
—History of Agricultural Prices. 6 vols.
- Ronaldshay, Curzon*.
- Roosevelt, T.*—American Ideals and other Essays.
- Roscoe*.—Robert Harley, Earl of Oxford.
- Rose, J. H.*—Life of Napoleon. 2 vols.
- Rosebery, Earl of*.—Life of Pitt.
- Rushworth, J.*—Historical Collections. 7 vols.  
—Trial of the Earl of Strafford.
- Russell*.—Memorials and Correspondence of Charles James Fox. 1853.
- R. C.*—Arcana Parliamentaria: or, Precedents concerning, etc. Parliament (Middle Temple, London). 1685.
- Salomon*.—William Pitt.
- Seeley, Sir J. R.*—The Expansion of England.  
—Introduction to Political Science.
- Seignobos*.—Political History of Contemporary Europe since 1814, (Trans.) 1901.
- Sergi, G.*—The Mediterranean Race: A Study of the Origin of European Peoples.
- Sheridan, R. B.*—Works.
- Sichel, W.*—Life of Bolingbroke. 2 vols.
- Sidgwick, H.*—The Elements of Politics.
- Smart, C.*—Economics of the Coal Industry.
- Smith, Adam*.—Wealth of Nations. 2 vols.
- Smith, B. E.*—The Century Cyclopædia of Names.
- Smith, G.*—The United Kingdom. 2 vols.
- Smith, N. Skene*.—Economic Control in Australia.
- Smith, R. B.*—Mohammed and Mohammedanism. 1889.
- Spelman, H.*—Spelman's Works.
- Stephen, Judge*.—Commentaries on the Laws of England. 4 vols.
- Stubbs*.—Seventeen Lectures on the Study of Mediæval and Modern History. 1900.  
—Lectures on Mediæval and Modern History.
- Tarring, C. J.*—Law relating to the Colonies.
- Temple*.—Life in Parliament, 1886–1892. 1893.  
—The House of Commons. 1899.
- Temple, Sir R.*—Life of Lord Lawrence.
- Therry, R.*—Canning's Speeches. 6 vols.

- Todd, A.*—Parliamentary Government in England. 2 vols. 2nd ed. 1892.
- Tout, T. F.*—Life of Edward I.
- Townsend.*—History of the House of Commons, 1688–1832.
- Tooke.*—History of Prices, 1792–1856. 4 vols.
- Traill, H. D.*—Life of Strafford.  
—Life of William III.
- Trevelyan, Sir G. O.*—Early History of Charles James Fox.
- Urwick, E.*—Luxury and Waste of Life.
- Verney Papers.*—Notes and Proceedings in the Long Parliament (Camden Society. 1845).
- Vincent, B.*—Dictionary of Biography.
- Von Gneist, R.*—History of the English Parliament.
- Von Hübner, Baron.*—Through the British Empire. 2 vols.
- Wakefield, E. G.*—Art of Colonization.
- Walker, F. A.*—Political Economy.
- Wallace, A. R.*—Land Nationalization.  
—Studies, Scientific and Social. 2 vols.
- Wallas, G.*—Human Nature in Politics.
- Walpole, Spencer.*—The Electorate and Legislature.  
—History of England. 6 vols.  
—History of 25 Years (England), 1856–70. 2 vols.
- Ward.*—Practice at Parliamentary Elections.
- Webb, S.*—History of Trade Unionism.
- Webster.*—Castlereagh.
- Wheaton.*—International Law.
- White.*—The Inner Life of the House of Commons. 1904. (Ed. by J. McCarthy.)
- White, H. A.*—Life of Robert E. Lee.
- Whitty, E. M.*—St. Stephens in the Fifties.
- Willson, B.*—The Great Company, 1667–1871. 2 vols.
- Wilson, Sir C.*—Life of Clive.
- Wilson, W.*—Congressional Government.
- Withers, Hartley.*—The Meaning of Money. 1909.  
—Stocks and Shares. 1910.  
—Money-Changing. 1913.  
—Poverty and Waste. 1914.  
—War and Lombard St. 1915.  
—International Finance. 1916.  
—Our Money and the State. 1917.  
—The Business of Finance. 1918.  
—War-time Financial Problems. 1919.  
—The Case for Capitalism. 1920.  
—Bankers and Credit. 1924.  
—Hints about Investments. 1926.  
—Money. 1927.  
—Quicksands of the City. 1930.  
—Everybody's Business. 1931.  
—Money in the Melting Pot. 1932.
- Wolff, H. W.*—People's Banks.

*Wolseley, Gen. Viscount.*—Life of John Churchill, Duke of Marlborough. 2 vols.

*Wright, J.*—Speeches by Charles Fox. 6 vols.

*Zetland.*—Cromer.

*The following books appertaining to the Territory:—*

Statutes.

Bluebooks.

Parliamentary Debates.

Journals and publications of Parliament.

All histories and biographies.

Principal newspapers and periodicals.

Books of Reference.

Books of Travel, etc.,

Colonial Office List (current).

Commons Journals, 1547-current.

Lords Journals, 1509-current.

"Who's Who" (English and Local).

Whitaker's Almanack (current).

Burke's Peerage.

Concise Oxford Dictionary. 2 vols.

Statesman's Year Book (current).

Haydn's Dictionary of Dates, 1910.

## XXIII. NUCLEUS OF LIBRARY FOR OVERSEAS CLERK OF THE HOUSE

BY  
THE EDITOR

THE Clerk of either House of Parliament, as, so to speak, the "Permanent Head of his Department" and the technical adviser to successive Presidents, Speakers and Chairmen of Committees, 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 the Library of Parliament. The same applies also to many other works of more historical interest. The list given below, therefore, is meant to include those books which the Clerk can turn to in his daily work and have available also during Recess, when he usually has leisure to conduct research into such problems in Parliamentary practice as have actually arisen or occurred to him during Session, or which are likely to present themselves for decision in the future.

It is proposed in each issue of the JOURNAL to give the titles of books and Procedure Committee Reports, published during the year, which are likely to prove useful additions to, or substitutions for, those in the Clerk's Library as given below.

### BOOKS SUGGESTED AS THE NUCLEUS OF AN OVERSEAS CLERKS' LIBRARY

- Anson*.—Law and Custom of the Constitution. Vol. i. 1922.  
(Vols. ii and iii in preparation.)
- Bagehot*.—The English Constitution. 1920.
- Blackmore*.—Speakers' Decisions (U.K.), 1857-1884. 1892.  
—Speakers' Decisions (U.K.), 1884-1895. 1900.
- Blauvelt*.—The Development of Cabinet Government in England  
(New York). 1902.
- Bourinot*.—Parliamentary Procedure. 4th ed. Pub. Toronto.
- Bourke*.—Parliamentary Precedents (Speakers' Decisions, U.K., 1839-  
1857). 2nd ed. 1857.
- Boutmy*.—The English Constitution (Trans. Eaden). 1891.
- Boydell*.—Practice and Procedure on Money Bills (Australia Senate)  
1901-1910.
- Brown*.—Constitutional Law reviewed in Relation to Common Law  
and exemplified by Cases. 2nd ed. 1885.
- Campion*.—An Introduction to the Procedure of the House of Com-  
mons. 1929.

- Carr.*—Delegated Legislation. 1921.
- Clifford.*—History of Private Bill Legislation. 1885–1887. 2 vols.
- Clifford and Rickard.*—Locus Standi Reports. 1873–1884.
- Clifford and Stephens.*—Locus Standi Reports. 1867–1872.
- Commons.*—Proportional Representation. 2nd ed. 1907.
- Courtney.*—The Working Constitution of the United Kingdom. 1901.
- Cushing.*—Law and Practice of Legislative Assemblies. 9th ed. 1899.
- Dasent.*—Lives of the Speakers. 1911.
- D'Ewes.*—Journal, Queen Elizabeth's Reign. 1682.
- Dicey.*—Introduction to Study of the Law of the Constitution. 1920.
- Dickinson.*—The Development of Parliament during the Nineteenth Century. 1895.
- Durell.*—Parliamentary Grants. 1917.
- Elsynge.*—Manner of Holding Parliaments in England. 1768.
- Gneist.*—History of the English Constitution. 2 vols. 1886.
- Hakewel.*—Modus Tenendi Parliamentum. 1660.
- Halcomb, J.*—A Practical Treatise of Passing Private Bills. 1836.
- Hale.*—Jurisdiction of the Lords House of Parliament. 1796.
- Hale, Judge.*—Original Institution, Powers and Jurisdiction of Parliaments. 1707.
- Hatsell.*—Precedents of Proceedings in the House of Commons. 4th ed. 1818.
- Higgs and Morison.*—The Financial System of the United Kingdom. 1914.
- Hill.*—Finance of Government. 1925.
- Hilton-Young, E., and Young, N. E.*—System of National Finance. 2nd ed. 1924.
- Humphrey.*—Proportional Representation. 1911.
- Ilbert.*—Legislative Methods and Forms. 1901.
- Jefferson.*—Manual of Parliamentary Practice (U.S.A.). 1797.
- Keith.*—Constitutional Administration and Laws of the Empire. 1927.
- Constitutional Law of the British Dominions. 1932.
  - Dominion Autonomy in Practice. 1929.
  - Responsible Government in the Dominions. 2 vols. 1928.
  - Sovereignty of the British Dominions. 1929.
- Lees-Smith.*—Guide to Parliamentary and Official Papers. 1924.
- Second Chambers in Theory and Practice. 1923.
- Lowell.*—Government of England. 1912. 2 vols.
- Government and Parties in Continental Europe. 1912.
  - Greater European Governments. 1928.
- McIlwan.*—High Court of Parliament and its Supremacy. 1910.
- Maitland.*—Constitutional History of England. 1926.
- Manual (British).*—Manual of Procedure in the Public Business of the House of Commons. (Ilbert.) (Rev. ed., Webster.) 1924.
- Manual (Canadian).*—Parliamentary Rules and Forms of the House of Commons of Canada, 2nd ed. 1927. (Beauchesne.)
- Manual (South African).*—Parliamentary. 1909. (Clough.)
- Manual (South Australian).*—Manual of the Practice, Procedure and Usage of the Legislative Council. (Blackmore.) 1915.
- Manual (S. Australian).*—Manual of the Practice, Procedure and Usage of the House of Assembly. (Blackmore.) 1885.
- Manual.*—Notes in Connection with Procedure in Committee of the Whole. (New Zealand.) (Otterson.) 1906.



- Manual (New South Wales).*—Procedure in Committee of the Whole. (Boydell.) 1930.
- Marriott.*—Second Chambers. 1927.
- May.*—Constitutional History of England. 4 vols. 1912.  
—Law, Privileges, Proceedings and Usages of Parliament. 13th ed. 1924.
- Ministers' Powers,* Committee on Cmd. 4060 of 1932.
- More.*—Notes of Debates in the Long Parliament. 14th April, 1641.
- Munro.*—The Constitution of Canada. 1889.
- Notestein.*—The Winning of the Initiative by the House of Commons. 1926.
- Nowell.*—History of the Relations between the Two Houses of Parliament in Tasmania and S. Australia. 1890.
- Observations,* Rules and Orders, collected out of divers Journals of the House of Commons. 1717.
- Orders,* Proceedings, Punishments and Privileges of the Commons House in England. 1641. (Harl. Misc., vol. v., pp. 258-267.)
- Palgrave.*—The House of Commons: Illustrations of its History and Practice. 1878.
- Petyt.*—Lex Parliamentaria. 2nd ed.  
—Jus Parliamentarium, 1739.
- Pike.*—Constitutional History of the House of Lords. 1894.
- Pollard.*—Evolution of Parliament. 1926.
- Porritt.*—The Unreformed House of Commons.
- Procedure of the House of Commons in Relation to the Progress of Legislation.* 1871.
- Procedure, Select Committee Reports (House of Commons).<sup>1</sup>*
- Accounts (No. 618). 1822.
  - Business of the House (No. 298). 1890.
  - Business of the House (No. 173). 1861.
  - Business of the House (No. 137). 1871
  - Business of the House (No. 173). 1871.
  - Chairmen's Panel (No. 261). 1905.
  - Committee Rooms and Private Papers (Nos. 496, 515, 16). 1825.
  - Despatch of Business in Parliament (No. 386). 1868-9. 1869.
  - Estimates, Procedure (Grants of Supply) (No. 281). 1888.
  - Expenditure, National (No. 387). 1902.
  - Expenditure, National (No. 242). 1903. \_\_\_\_\_ ?
  - Imprisonment of Members (Nos. 245 and 309). 1902.
  - National Expenditure (No. 242). 1903. \_\_\_\_\_ ?
  - Parliamentary Debates (No. 239). 1907.
  - Parliamentary Reporting (No. 327). 1878.
  - Parliamentary Reporting (No. 203). 1879.
  - Parliamentary Reporting (No. 284). 1888. (No. 213, 1893.)
  - Permanent Staff (No. 286). 1899.
  - Printed Papers (Nos. 61, 393, 606). 1835.
  - Printed Papers (No. 130). 1840.
  - Printing (No. 520). 1828.
  - Printing (No. 181). 1841.
  - Printing (Nos. 657 and 710). 1848.
  - Private Bill Legislation (No. 385). 1863.
  - Private Bill Legislation (Joint) (No. 276). 1888.
  - Private Business (No. 56 and No. 463 and No. 503). 1840.

<sup>1</sup> It is proposed to amplify this list in the next issue of the JOURNAL.

- Private Business (No. 378). 1902.
- Procedure (No. 212). 1854.
- Procedure (No. 186). 1886.
- Procedure (Nos. 89 and 181). 1906.
- Procedure (No. 161). 1931.
- Procedure (No. 129). 1932.
- Public and Private Business (No. 517). 1837.
- Publication of Printed Papers (No. 286). 1837.
- Public Business (No. 644). 1848. (August 14.)
- Public Business (May's remarks) (No. 525). 1849. *or see* 1848.
- Public Business (House of Lords) (No. 321). 1861.
- Public Business (Joint Com.) (No. 386). 1869.
- Public Business (No. 268). 1878.
- Public Documents (Nos. 44 and 717). 1833.
- Public Moneys (No. 375). 1856. (No. 279), 1857.
- Sovereign's Presence in Parliament (Joint) (No. 212). 1901.
- Speaker, Office of (No. 478). 1853.
- Strangers, Admission of (No. 132). 1888.
- Prothero*.—Select Statutes and other Constitutional Documents illustrative of the Reigns of Elizabeth and James I. 1898.
- Quick and Garran*.—Annotated Constitution of the Australian Parliament. 1901. Pub. Sydney.
- Redlich*.—Procedure of the House of Commons. 3 vols. (Trans. by Steinthal.) 1908.
- Rickards and Michael*.—Locus Standi Reports. 1885–1889.
- Rickards and Saunders*.—Locus Standi Reports. 1890–1894.
- Robertson*.—Select Statutes, Lines and Documents, English Constitutional History, 1660–1832 and 1832–1894. 1904.
- Ross*.—The Senate of Canada. 1914.
- Saunders and Austin*.—Locus Standi Reports. 1895–1904.
- Saunders and Bidders*.—Locus Standi Reports. 1905–current.
- Scobel*.—Memorials of the Manner of Passing Bills (in Miscellanea Parliamentaria). 1685.
- Smethurst*.—Treatise on Locus Standi. 2nd ed. 1867.
- Smith*.—De Republica Anglorum. 1583.
- Storey*.—Commentaries on the Constitution of the United States. 3rd ed. 1858.
- Stubbs*.—Constitutional History of England. 3 vols. 1891–1903.  
—Select Charters, etc. 1913.
- Taswell-Langmead*.—English Constitutional History. 1919.
- Taylor*.—The Origin and Growth of the English Constitution. 1911.
- Timberland*.—History and Proceedings of the House of Lords, 1660–1742.
- Temperley*.—Senates and Upper Chambers.
- Thring*.—Practical Legislation.
- Todd*.—Parliamentary Government in England. 2nd ed. 1892.  
—Parliamentary Government in British Colonies. 1880.
- Torrens*.—Reform of Procedure in Parliament. 1882.
- Usher*.—The Institutional History of the House of Commons. 1924. (Vol. xi, Washington University Studies.)
- Willoughby, Willoughby and Lindsay*.—The Financial Administration of Great Britain (U.S. Institute of Government Research). 1917.
- Woodrow Wilson*.—Congressional Government. 1896.
- Wright and Smith*.—Parliament Past and Present. 2 vols.

## XXIV. RULES AND LIST OF MEMBERS

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

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

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

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

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

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

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

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

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

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

**Officers.**—6. That two Members be appointed each year as Joint Presidents of the Society who shall hold office for one year from the date of publication of the annual issue of the *JOURNAL*, and that the Clerk of the House of Lords and the Clerk of the House of Commons be invited to hold these offices for the first year, of the Senate and House of Commons of the Dominion of Canada for the second year, the Senate and House of Representatives of the Commonwealth of Australia the next year, and thereafter those of New Zealand, the Union of South Africa, Irish Free State, Newfoundland and so on, until the Clerk of the House of every Legislature of the Empire who is Member of the Society has held office, when the procedure will be repeated.

**Records of Service.**—7. That in order better to acquaint the Members with one another and in view of the difficulty in calling a meeting of the Society on account of the great distances which separate Members, there be published in the *JOURNAL* from time to time, as space permits, a short biographical record (on the lines of a Who's Who) of every Member.

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

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

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

LONDON,  
9th April, 1932.

## MEMBERS.

### Dominion of Canada.

- A. E. Blount, C.M.G., Clerk of the Senate, Ottawa, Ont.
- Arthur Beuchesne, K.C., M.A., LL.D., Litt.D., F.R.S.C.,  
Clerk of the House of Commons, Ottawa, Ont.
- Alex. C. Lewis, Clerk of the Legislative Assembly, Toronto,  
Ont.

- ② L. P. Geoffrion, K.C., Clerk of the Legislative Assembly, Quebec.
- C. A. Fournier, Clerk-Assistant of the Legislative Assembly, Quebec.
- ④ Geo. Bidlake, Clerk of the Legislative Assembly, Fredericton, New Brunswick.
- G. A. Mantle, Clerk of the Legislative Assembly, Regina, Saskatchewan.
- R. A. Anderson, Clerk of the Legislative Assembly, Edmonton, Alberta.
- H.H. Johnson*  
*W.H. Young*      *Winnipeg, Man.*  
*Victoria, B.C.*
- Commonwealth of Australia.
- G. H. Monahan, C.M.G., Clerk of the Senate, Canberra, F.C.T.
- A. B. Borsowski*  
F. U'Ren, Clerk-Assistant of the Senate, Canberra, F.C.T.
- E. W. Parkes, Clerk of the House of Representatives, Canberra, F.C.T.
- F. C. Green, Clerk-Assistant of the House of Representatives, Canberra, F.C.T.
- W. R. McCourt, Clerk of the Legislative Assembly, Sydney, New South Wales.
- F. B. Langley, Clerk-Assistant of the Legislative Assembly, Sydney, New South Wales.
- G. A. Bernays, I.S.O., Clerk of the Legislative Assembly, Brisbane, Queensland.
- J. P. Morice, Clerk of the Parliaments, Adelaide, South Australia.
- Captain F. L. Parker, Clerk of the House of Assembly, Adelaide, South Australia.
- C. H. D. Chepmell, Clerk of the Legislative Council, Hobart, Tasmania.
- C. I. Clark, Clerk-Assistant of the Legislative Council, Hobart, Tasmania.
- P. T. Pook, Clerk of the Legislative Council, Melbourne, Victoria.
- H. B. Jamieson, Clerk-Assistant of the Legislative Council, Melbourne, Victoria.
- W. R. Alexander, Clerk of the Parliaments and Clerk of the Legislative Assembly, Melbourne, Victoria.
- F. E. Wanke, Clerk-Assistant and Serjeant-at-Arms of the Legislative Assembly, Melbourne, Victoria.
- A. R. Grant, Clerk of the Parliaments, Perth, Western Australia.
- F. G. Steere, Clerk of the Legislative Assembly, Perth, Western Australia.
- F. L. 1814, Clerk-Assistant, Legislative Assembly, Perth, Western Australia*

(3)

CBS

150

**Dominion of New Zealand.**

- 9.F. Bothamley*
- check G.F. Bothamley*
- E. W. Kane, C.M.G., Clerk of the Parliaments, Wellington. •
- ~~B. E. S. Stocker, M.A., Clerk-Assistant of the Legislative Council, Wellington. •~~
- GF.* — C. M. Bothamley, Second Clerk-Assistant ~~and Black Rod,~~ Legislative Council, Wellington. •
- T. D. H. Hall, LL.B., Clerk of the House of Representatives, Wellington. •
- ~~W. E. Dacent, Clerk-Assistant of the House of Representatives, Wellington. •~~
- check* — W. Collings, Second Clerk-Assistant of the House of Representatives, Wellington. •

**Union of South Africa.**

- Commander M. J. Green, V.D., R.N.V.R., Clerk of the Senate, Cape Town.
- S. du Toit, LL.B., Clerk-Assistant of the Senate, Cape Town.
- Danl. H. Visser, J.P., Clerk of the House of Assembly, Cape Town.
- R. Kilpin, Clerk-Assistant of the House of Assembly, Cape Town.
- ~~C. Wyndham,~~ *J.F. Russell* Second Clerk-Assistant of the House of Assembly, Cape Town.
- A. E. Marks, Clerk of the Provincial Council, Cape Town, Cape of Good Hope. •
- A.B. Peck* — G. H. C. Hannan, Clerk of the Provincial Council, Pretoria, Transvaal. •
- Nabal, Maritzburg*

**South-West Africa.**

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

**Irish Free State.**

- D. J. O'Sullivan, B.L., Clerk of the Senate, Dublin.
- Diamid Coffey, B.L., Clerk-Assistant of the Senate, Dublin.
- Colin O'Murchadha, Clerk of the Dáil Eireann, Dublin. •
- Gerald McGarm, Clerk-Assistant of the Dáil Eireann, Dublin. •

**Southern Rhodesia.**

- J. G. Jearey, Clerk of the Legislative Assembly, Salisbury. •
- C. J. A. Ferris, Clerk-Assistant of the Legislative Assembly, Salisbury. •
- H.C.D. 9*

S. Amwar Yusuf, *Secretary of the Legislative Council, Bihar, Bihar, India*

**RULES AND LIST OF MEMBERS. 131**

J. W. McKay, *Secretary of the Legislative Council, Calcutta, Bengal*  
Malta.

E. L. Petrocochino, *Clerk of the Senate and of the Legislative Assembly, Malta.*

**India.**

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

S. C. Gupta, *C.I.E., Assistant-Secretary of the Council of State and of the Legislative Assembly, Delhi.*

G. H. Spence, *I.C.S., Assistant-Secretary of the Council of State and of the Legislative Assembly, Delhi.*

N. N. Rau, *I.C.S., Secretary of the Legislative Council, Shillong, Assam.*

N. J. Wadia, *I.C.S., Secretary of the Legislative Council of the Government of Bombay, Bombay.*

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

Bao Bahadur R. O. Krishna, *B.A., M.L., Secretary of the Legislative Council, Madras.*

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

*Cylin.* E. W. KANNANGARA, *CCS Clerk of the State Council, Northern Rhodesia.*

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

*The Chairman*  
Ex Clerks-at-the-Table.

S. G. Boydell, *Clerk of the Legislative Assembly, New South Wales.*

Thalés Cababé, *Clerk of the Legislative Council, Cyprus.*

J. R. Campbell, *K.C., D.C.L., Clerk of the Legislative Council, Quebec.*

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

J. W. Fleming, *Clerk of the Legislative Assembly, Manitoba.*

F. C. Loney, *Clerk of the Provincial Council of Natal Union of South Africa.*

A. F. Lowe, *C.M.G., Clerk of the Parliaments, New Zealand.*

J. J. Malherbe, *B.A., Clerk-Assistant of the Provincial Council, Transvaal.*

J. F. Samuel, *Secretary of the Legislative Council, Bihar and Orissa.*

**Honorary Secretary-Treasurer and Editor.**

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

*Sienna House* <sup>1</sup> Deceased, see Editorial.

J. L. J. *Chairman of the Legislative Council, Union of South Africa.*

*British Guiana.*

*Clerk of the Legislative Council.*

*C. W. H. <sup>Chairman</sup> Clerk of the Legislative Council.*

## XXV. 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.*

**Bense, H. W. B.**—Clerk of the Legislative Assembly; Clerk of the Executive Committee, and Clerk to the Advisory Council, South-West Africa, since 1926; *b.* Port Shepstone, Natal, 1890; served with Union Forces in the Union and South-West Africa, 1914-1915; Union Public Service, Administrator's Office, Windhoek, 1915; Clerk to the Advisory Council, 1921-1926; Private Secretary to the Administrator, 1923-1926; accompanied Administrator on official visit to Geneva, 1924.

**Chepmell, C. H. D.**—Clerk of the Legislative Council, Tasmania, since 1911; Clerk-Assistant, House of Assembly, 1896.

**Clark, C. I.**—Clerk-Assistant of the Legislative Council of Tasmania since 1919; Acting-Clerk-Assistant of the House of Assembly, 1915; Acting Serjeant-at-Arms, House of Assembly, 1917.

**Ferris, C. C. D.**—Clerk-Assistant of the Legislative Assembly, Southern Rhodesia, since 1926; *b.* 1890 at Douglas, Cape Colony; youngest *s.* of the late Robert Charles Ferris, Civil Commissioner and Resident Magistrate; *m.* Estella Blanche, youngest *d.* of the late Egerton Griffiths of Aliwal North, Cape Colony; 4 *c.*; *ed.* Diocesan College, Rondebosch, Cape Colony; entered the Southern Rhodesian Civil Service, 1911; Clerk in the Mines Department, Salisbury; Acting Accountant, Mines and Works Department, 1920; Acting Registrar of Claims, 1921; transferred to the Treasury, 1922; seconded to the Legislative Assembly, 1924; transferred to the Premier's Office, 1926; Acting Clerk of the Legislative Assembly and Secretary to the Premier, July-September, 1926, January-March, 1927, and



from September, 1929 to February, 1930; served in South African Rebellion and German South-West Africa with the First Rhodesian Regiment, 1914-1915; in France with the Royal Field Artillery, 1916-1918, with rank of Captain.

**Freeston, W. G.**—Clerk of the Executive and Legislative Councils, Northern Rhodesia; *b.* 1892; Senior Clerk, Secretariat, Northern Rhodesia, 1920; Chief Clerk, 1927; Establishment Officer, 1929; Clerk of the Legislative Council, 1929; Clerk of the Executive Council, 1932.

**Green, Commander M. J., V.D., R.N.V.R.**—Clerk of the Senate, Union of South Africa, since 1930; Assistant Clerk of Papers, Cape House of Assembly, 1896; Clerk of Papers, 1897; Chief Committee Clerk, Cape Legislative Council, 1904, and Union Senate, 1910; Gentleman Usher of the Black Rod, 1916; Clerk-Assistant of the Senate, 1926; Sworn Translator (English-Dutch); Secretary and Shorthand-Writer various Government Commissions; Assistant Secretary, Speaker's Conference on future constitution of the Senate; served in Western Province Mounted Rifles during Anglo-Boer War; during Great War served in South-West Africa as Naval Transport Officer, and in North Sea in Harwich Light Cruiser Squadron; was temporarily detached for service in War Cabinet Secretariat; at present in command of the South African Division, Royal Naval Volunteer Reserve; Vice-Chairman of the Public Service Medical Benefit Association; a member of the South African Rugby Board; and Hon. Secretary, Empire Parliamentary Association (Union of South Africa Branch).

**Hall, T. D. H., LL.B.**—Clerk of the House of Representatives, Dominion of New Zealand, since 1930; graduate of the University of New Zealand and a barrister of the Supreme Court of that Dominion; 32 years' service in the Government of New Zealand, of which nearly 21 years was in the Department of Agriculture; and for 8 years one of the Law Draftsmen on the Staff of Parliament.

**Hannan, G. H. C.**—Clerk of the Provincial Council and Executive Committee, Transvaal, since 1917; *b.* 1879; *ed.* Mercers' School, London; served in South African War, 1900-1902 (2 medals, 5 clasps); 2nd Class Clerk, Executive and Legislative Councils, Transvaal, 1902; 1st Class Clerk since 1903; Gentleman Usher of the Black Rod, Legislative Council, Transvaal, 1907; Clerk-Assistant, Provincial Council, Transvaal, 1910.

**Jearey, J. G.**—Clerk of the Legislative Assembly, Southern Rhodesia, since 1924; *b.* 1877 at Cape Town; eldest *s.* of the late D. J. Jearey of Cape Town; *m.* in 1902 Louise Isabel, *d.* of the late J. G. Stegmen of Simonstown; 4 *c.*; appointed Clerk in the Administrator's Office, Salisbury, Southern Rhodesia, 1897; Acting-Clerk-Assistant of the Legislative Council, 1916; Clerk-Assistant, 1920; Secretary to the Premier, 1923; Acting-Clerk of the Legislative Assembly, 1923-1924; Hon. Secretary-Treasurer, Empire Parliamentary Association (Southern Rhodesia (Affiliated) Branch); served in the Bechuanaland Rebellion, 1897, and with the South African Infantry in the Great War, 1918.

**Kilpin, R.**—Clerk-Assistant, House of Assembly, Union of South Africa, since 1920; *b.* 1887, at Rondebosch, Cape; *s.* of the late Sir Ernest Kilpin, K.C.M.G.; *ed.* at Diocesan College; *m.* in 1914 Hilda, *d.* of G. M. Robinson; Clerk of Papers, Cape House of Assembly, 1905; and of Union House of Assembly, 1910; Second-Clerk-Assistant, 1917; Sworn Translator (English-Dutch), Supreme Court of South Africa, 1912; active service 7th S.A. Infantry, East Africa, 1916-1917; drafted rules for Legislative Assembly, South-West Africa, adopted, 1926; since 1911 Assessor appointed by Administrator and Speaker, respectively, at Cape Provincial Executive Committee elections and at elections of Senators for the Cape Province under system of proportional representation; author of "The Old Cape House" and "The Romance of a Colonial Parliament."

**McCourt, W. R.**—Clerk of the Legislative Assembly, New South Wales, since 1930; joined the Clerk's Staff, 1901, and passed through all the offices until appointment as Clerk of the House; served during the Great War with 17th Australian Infantry Battalion and, whilst awaiting repatriation on demobilization, by the courtesy of Sir Courtenay Ilbert, then Clerk of the British House of Commons, was for some months on his staff at Westminster.

**Monahan, G. H., C.M.G.**—Clerk of the Senate, Commonwealth of Australia, since 1920; clerical staff, Legislative Assembly, New South Wales, 1890; Clerk of the Papers and Accountant of the Senate, 1901; Usher of the Black Rod, Clerk of Select Committees, and Secretary of Joint House Committee, 1908; Acting-Clerk-Assistant of the Senate during portion of the Sessions of 1909 and 1910; Clerk-Assistant of the Senate and Secretary of the Joint House Committee, 1915; Hon. Secretary Empire Parliamentary Association (Commonwealth Branch).

**Morice, J. P.**—Clerk of the Parliaments, South Australia, since 1925, and Clerk of the Legislative Council since 1920; Parliamentary Librarian, 1886-1900; Clerk-Assistant of the Legislative Council and Parliamentary Librarian, 1901-1918 (for 2 Sessions, 1904 and 1905, was transferred to the House of Assembly as Acting-Clerk-Assistant); Clerk-Assistant of Assembly, 1918-1920.

**Parker, Captain F. L.**—Clerk of the House of Assembly, South Australia, since 1925; Chief Secretary's Dept., 1901; Chief Clerk, 1915; Chief Clerk and Accountant, Premier's Dept., 1917, and Police Dept., 1917-1918; Office Clerk, House of Assembly, Accountant to Parliament and Controller of Accounts, 1918; Clerk-Assistant and Serjeant-at-Arms, House of Assembly; Lieut. Australian Military Forces, 1909; Captain, 1913; served with Australian Imperial Forces, 1914-1916, in Egypt, Gallipoli and Sinai Peninsulas; Hon. Secretary, Empire Parliamentary Association (South Australia Branch), since 1926, and of Royal Geographical Society of Australasia (South Australia Branch) since 1922.

**Parkes, E. W.**—Clerk of the House of Representatives, Commonwealth of Australia, since 1927; *b.* 1873 at Melbourne, Victoria; Government Printing Office, 1887; Legislative Council (Victoria) staff, 1895; original staff, Commonwealth House of Representatives, 1901.

**Petrocochino, E. L.**—Clerk of the Parliament, Malta, since 1924; *b.* Alexandria, Egypt, 1884; *ed.* in Alexandria and Malta; Matric. Malta University, 1903; entered Malta Civil Service, 1903; Clerk in Customs Dept., 1903; during the Great War acted as Interpreter and Censor for Greek with the Naval and Military Authorities and was Head of the Commercial Branch of the Food Control Board; Estimates Clerk in the Lieut.-Governor's Office, 1918; in 1921, on the grant of Self-Government to Malta, was appointed Clerk-Assistant in the Senate and Legislative Assembly.

**Schreve, K. W.**—Clerk-Assistant of the Legislative Assembly, South-West Africa, since 1927; *b.* at Mamre, Cape Province, 1902; appointed to Union Public Service, 1923; first appointment, Magistrate's Clerk at Maltahohe, South-West Africa; seconded to the Legislative Assembly as Clerk-Assistant, 1926.

**Steele, F. G.**—Clerk of the Legislative Assembly and Librarian, Western Australia, since 1931; Assistant-Messenger, Legis-

lative Assembly, 1902; Chief Messenger, 1907; Clerk-Assistant and Sub-Librarian, 1911.

**Visser, D. H., J.P.**—Clerk of the House of Assembly, Union of South Africa, since 1920; *b.* 1877; Cape Civil Service Law Cert., 1899; entered Magisterial Branch of Department of Justice, and served: Wellington, 1894; Richmond, 1896; Hope Town, 1896; Stellenbosch, 1896; Aliwal North, 1897; Philipstown, 1898; Kimberley, 1898; Taungs, 1898; Peddie, 1899; Alexandria, 1900; Queenstown, 1900; Upington, 1900; Somerset West, 1901; Hope Town (Assistant Magistrate), 1902; acted as Civil Com. and Magistrate, Hope Town, 1903; Worcester (Assistant Magistrate), 1905; Revenue Clerk, Cape, 1905; Clerk-Assistant, House of Assembly, Cape Colony, 1907; Clerk-Assistant, Union House of Assembly, 1910.

**Wilkinson, N. C.**—Clerk-Assistant and Sub-Librarian, Legislative Assembly, Western Australia, since 1931; Assistant-Messenger, 1915; Chief Messenger and Office Clerk, 1919.

**Wyndham, C.**—*b.* 1871, at Melbourne, Victoria; *ed.* St. Kilda's College School, Melbourne, and All Saints' School, Clifton, England; went to South Africa, 1892; *m.* 1898 Maria Elizabeth, *d.* of the late R. A. Scott, of Barkly East; formerly Journalist; Editor, "Barkly East Reporter," 1897-1899; War Correspondent, Anglo-Boer War, 1899-1900, representing (London) "Daily Mail"; Official Shorthand-Writer to numerous Government Commissions, Cape, Southern Rhodesia and Union, 1903-1925; Sworn Translator (English-Dutch), Supreme Court of South Africa, 1910; Committee Clerk, Cape Provincial Council, 1911; Clerk-Assistant, 1912; Assistant Committee Clerk, House of Assembly, 1914; Second-Clerk-Assistant, 1920; Joint-Editor (with Adv. T. G. Duncan) of Juta's Revised Cape Ordinances, 1911-1929.

*Wyndham, C. 1871-1929*

