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**These Reports**

ARE, BY PERMISSION, INSCRIBED TO

THE RIGHT HONOURABLE

**CHARLES SHAW LEFEVRE,**

Speaker of the House of Commons,

BY

HIS HUMBLE AND OBLIGED SERVANT,

**ROBERT BOURKE.**





# DECISIONS

OF

THE RIGHT HONOURABLE

CHARLES SHAW LEFEVRE,

Speaker of the House of Commons,

ON

POINTS OF ORDER, RULES OF DEBATE,

AND

THE GENERAL PRACTICE OF THE HOUSE.

BY

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THE HON. ROBERT BOURKE,

OF THE INNER TEMPLE, BARRISTER AT LAW.



Second Edition,

REVISED AND CONTINUED TO THE CLOSE OF THE  
LAST SESSION.

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# PREFACE

TO THE SECOND EDITION.

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AN early Second Edition of this Volume has been rendered necessary by the retirement of the Speaker, the Dissolution of Parliament, and by several alterations recently made in the Rules and Orders of the House of Commons. The whole Work has been carefully revised and adapted to the existing practice, and the Precedents of last Session have been added in their proper places. The condensation necessary for a Summary, as well as the adaptation of the language to the special object of the Book, has precluded the possibility of a strict adherence to the text of Hansard; but a reference has been given in all cases to that authority.

It is, therefore, hoped that the Work will prove of some value, as embodying in a short and convenient form the decisions of the late distinguished Speaker.

The Editor cannot allow these pages to leave the press without expressing his deep sense of obligation

for the important assistance most willingly given to him in the preparation of this Edition by Mr. Erskine May, a gentleman whose profound and varied learning on all matters connected with the history and practice of Parliament, has made his suggestions of the utmost importance.

LAMB BUILDING, TEMPLE,  
*May, 1857.*

# P R E F A C E

TO THE FIRST EDITION.

---

IN presenting these pages to the public, the compiler has only to observe, that they are simply a collection of all the Decisions of the present Speaker on points of interest or importance. The result of the greater part of them will be found embodied in Mr. Erskine May's well-known and learned Work, but much of the Law and Practice of Parliament being unwritten, and \* "*ab omnibus quærenda, à multis ignorata, à paucis cognita,*" it has been thought that a Book of this kind would be as acceptable to Members of Parliament as a series of Reports to Lawyers.

It is unnecessary, and would be here presumptuous, to dwell on the intrinsic value of the decisions of a Speaker who has been four times elected by the House of Commons; but the authority of Sir Robert Harry Inglis may be quoted on the importance of that period of our Parliamentary History, which forms a portion of the time that these Reports embrace:—"In the last year we had 242 divisions, and the Speaker has sat not less than 13,000 hours in the discharge of his

\* 4 Inst. 14.



“duties as Speaker, since first he was elected in the  
“year 1839, to that high post of dignity and duty.  
“When I contrast the labours of former Speakers, when  
“I hear of only one Speaker filling the chair during the  
“whole reign of George the Second, . . . . I must  
“say that the Right Honourable Gentleman has com-  
“pressed into the period of his services more labour,  
“more attention, and more successful energy than any  
“one of his predecessors.”\*

By the kind permission of Mr. Hansard, the Third Series of his Parliamentary Debates has been almost exclusively used, all matters being omitted not essentially necessary to illustrate the several points decided. In the classification of the cases under each division, the chronological order has been observed, except in a few instances where a different arrangement was obviously preferable. The Rules and Orders of the House of Commons will be found in the Appendix, and a reference to any of those which bear upon the subject is given in the text.

In conclusion, the compiler wishes to acknowledge his obligations to William Henry Roberts, Esq., Recorder of Grantham, to whose labours he is much indebted, and by whom the task was originally commenced.

\* Sir R. H. Inglis, in the House of Commons, Nov. 4th, 1852.

# INDEX OF MEMBERS' NAMES.

## A.

	PAGE
<b>A'COURT, CAPT.</b>	
Athlone Election Committee .. .. .	337
<b>ADDERLEY, MR.</b>	
Postponement of debate on Colonial Bishops' Bill .. .. .	33
Presenting a petition, the genuineness of the signatures being doubted .. .. .	269
<b>AGLOINBY, MR.</b>	
Election Proceedings Committee .. .. .	31
Petition from Henry Edwards.. .. .	123
<b>ANDERSON, MR.</b>	
Duties on British Ships in the Port of Spain .. .. .	187
<b>ANSTEY, MR. C.</b>	
Adjournment of debate, Maynooth College .. .. .	10
Remarks on Sir J. Pakington's statement .. .. .	146
Charges against Lord Palmerston .. .. .	155
Divisions of the House .. .. .	175
Conduct of Lord Palmerston .. .. .	232
Expulsion of Missionaries from Austria .. .. .	233
Adjournment of the House on Alderman Salomons' case .. .. .	249
Address to the House on Alderman Salomons' case.. .. .	250
Adjournment of the debate on Alderman Salomons' case .. .. .	251
Question respecting a letter written by Alderman Salomons	252
<b>ASHLEY, LORD,</b>	
Question respecting an instruction to the Committee on the Factories Bill .. .. .	208
Petition in favour of the Mines and Collieries Bill .. .. .	275
Motion respecting the employment of children in mines .. .. .	331
<b>ATTORNEY-GENERAL, THE,</b>	
Aylesbury Election .. .. .	300
<b>ATTWOOD, MR. T.</b>	
National Petition .. .. .	260
B.	
<b>BAILLIE, MR.</b>	
Ceylon Committee .. .. .	256
<b>BALL, MR. E.</b>	
Adjournment of the House on Agricultural Statistics Bill .. .. .	27

	PAGE
<b>BALL, MR. J.</b>	
Motion respecting words used by Mr. Duffy .. ..	160
<b>BANKES, MR.</b>	
St. Alban's Election: imprisonment of Henry Edwards ..	124
Gallery of the House .. .. .	132
Bridport Election .. .. .	299
Harwich Election .. .. .	301
<b>BARING, MR. F. T.</b>	
Coal-whippers' Bill .. .. .	195
<b>BARING, MR. T.</b>	
Passing Tolls Bill .. .. .	84
<b>BARRON, SIR H. W.</b>	
Irish Fisheries .. .. .	143, 227
Poor Law (Ireland) Rate in Aid Bill .. .	185
<b>BENTINCK, LORD G.</b>	
Adjournment of debate on Protection of Life (Ireland) Bill	8
Adjournment of the House .. .. .	15
Actions for Gaming Discontinuance Bill .. .. .	263
<b>BENTINCK, MR.</b>	
Agricultural Statistics Bill .. .. .	26
<b>BERESFORD, MAJOR,</b>	
Election Proceedings Committee .. .. .	136
<b>BERKELEY, MR. C.</b>	
Speech on calling the attention of the House to petition pre- sented to him .. .. .	225
<b>BERKELEY, MR. GRANTLEY,</b>	
Sugar Duties Bill .. .. .	32
Ecclesiastical Titles Bill .. .. .	141
Poor's-rate .. .. .	328
<b>BERNAL, MR.</b>	
Chairman of Committee on the County Elections Bill ..	169
Reports Mr. F. O'Connor's conduct to the House ..	170
Divisions of the House .. .. .	177
<b>BLACKALL, MAJOR,</b>	
The late Brevet .. .. .	39
<b>BLAKE, SIR VALENTINE,</b>	
Abolition of the Oath of Supremacy .. .. .	261
<b>BLEWITT, MR.</b>	
Public Works Bill .. .. .	43
Royal Messages to the House .. .. .	335
Question as to bringing in a Bill for regulating the Employ- ment of Children in Factories .. .. .	348
<b>BOLDERO, CAPT.</b>	
Petition accusing, of misconduct .. .. .	265
<b>BONHAM, MR.</b>	
Petition accusing, of misconduct .. .. .	265

INDEX OF MEMBERS' NAMES.

xi

	PAGE
<b>BORTHWICK, MR.</b>	
Adjournment of debate on Protection of Life (Ireland) Bill	8
Moving for leave to bring in a Bill for the better Lighting of the Metropolitan Roads .. .. .	79
Count out .. .. .	119
Correspondence relative to Don Carlos .. .. .	127
Statement on behalf of C. Edwards .. .. .	299
<b>BOUVERIE, MR.</b>	
Reports Mr. Duffy's words to the House .. .. .	162
Divisions of the House .. .. .	174
Advertisement Duties .. .. .	191
Clergy Relief Bill .. .. .	223
<b>BOWRING, DR.</b>	
Distress in Bolton .. .. .	294
<b>BOWYER, MR.</b>	
Question on Recovery of Personal Liberty Bill .. .. .	47
<b>BRIGHT, MR.</b>	
Speech on an Address to the Queen .. .. .	3
Question respecting proceedings of the House .. .. .	17
Members attending Committees .. .. .	106
Peterborough Election Committee .. .. .	118
Castlewellan Outrages .. .. .	145
Government contract with Messrs. Rothschild & Co. .. .. .	236
<b>BROTHERTON, MR.</b>	
Adjournment of debate on Income Tax .. .. .	6
Question on Members addressing the House .. .. .	7
<b>BROWN, MR.</b>	
International French and English Association .. .. .	318
<b>BULLER, MR. C.</b>	
Motion that he have leave to attend the House of Lords as Counsel on a private Bill .. .. .	117
Question respecting the Bridport Election .. .. .	286
Athlone Election Committee .. .. .	337
<b>BULLER, SIR J. W.</b>	
Remarks on a Petition from the electors of Derby .. .. .	272
<b>BUTT, MR. I.</b>	
Meer Ali Moorad .. .. .	88
Alleged corruption of Irish Members .. .. .	100
Rising to speak after glass was turned .. .. .	151
C.	
<b>CARDWELL, MR.</b>	
Secunder of address .. .. .	2
<b>CAMBELL, MR.</b>	
Disclaiming certain Language he had been charged with using towards the inhabitants of Kensington .. .. .	130
<b>CAYLEY, MR.</b>	
Leasing Powers (Ireland) Bill .. .. .	96

	PAGE
<b>CHANCELLOR OF THE EXCHEQUER, THE,</b>	
Stating a precedent for motion that the House do go into Committee of Supply after an amendment is carried ..	42
Lords' Amendments to Oxford University Bill ..	71
Issue of Notes Committee .. .. .	102
Advertisement duties .. .. .	189
Opium compensation .. .. .	199
Committee on the subject of the Bank of Ireland ..	205
Motion, "That the House do go into Committee of Supply"	232
Army and Ordnance .. .. .	233
Question referring to Mr. Anstey's notice of motion on the Expulsion of Missionaries from Austria .. .. .	233
Motion that Baron Rothschild be called to the table to state his reasons for desiring to be sworn on the Old Testament	241
Remarks on a petition from the Legislative Council of New South Wales .. .. .	279
Select Committee's Resolutions on Railway Bills ..	291
<b>CHRISTIE, MR.</b>	
Actions for Gaming Discontinuance Bill .. .. .	263
Presence of strangers at debates .. .. .	337, 339
<b>CLAY, MR.</b>	
Reading extract from a speech in a debate on the Corn Laws	184
<b>CLAY, SIR W.</b>	
Sugar Duties Bill .. .. .	209
Clergy Relief Bill .. .. .	223
<b>CLERK, SIR G.</b>	
Opium compensation .. .. .	198
Question respecting petitions against the proceedings of the House .. .. .	276
<b>CLIVE, LORD,</b>	
Address .. .. .	2
<b>COBDEN, MR.</b>	
Amendment to Sugar Duties Bill .. .. .	31
Speech on the negotiations at Vienna .. .. .	167
Remarks on Sir W. Molesworth's speech to the electors of Southwark .. .. .	167
<b>COCHRANE, MR. A. B.</b>	
Attended to give evidence before Election Proceedings Com- mittee .. .. .	103
Question respecting a petition presented by Mr. Sharman Crawford .. .. .	261
International French and English Association .. .. .	317
<b>COCKBURN, SIR A. E.</b>	
Petition from the electors of Derby .. .. .	271
<b>COLQUHOUN, MR.</b>	
Amendment to Roman Catholic Relief Bill .. .. .	212
<b>CORBALLY, MR. M. E.</b>	
Ordered to attend the House in reference to the Rye Elec- tion .. .. .	109

INDEX OF MEMBERS' NAMES.

xiii

	PAGE
<b>COWAN, MR.</b>	
Billeting soldiers of the Militia .. .. .	41
Savings Banks Annuities Bill .. .. .	332
<b>CRAWFORD, MR.</b>	
Advertisement Duties .. .. .	190
Answer to Mr. Cochrane's question .. .. .	261
<b>CRIPPS, MR.</b>	
The Chartist Petition .. .. .	156
D.	
<b>DALMENY, LORD,</b>	
Poor Law (Scotland) .. .. .	308
<b>DEEDES, MR.</b>	
Passing Tolls Bill .. .. .	86
<b>DENISON, MR. BECKETT,</b>	
Eastern Union Railway Bill .. .. .	34
Mr. F. O'Connor's conduct to him .. .. .	169
<b>DENISON, MR. J. E.</b>	
Committee on the Poor Removal Bill .. .. .	213
<b>DICKSON, MR.</b>	
Landlord and Tenant (Ireland) Bill .. .. .	131
<b>DISRAELI, MR.</b>	
Adjournment of the House on Naval Administration .. .. .	19
Navigation Laws .. .. .	199
Transportation for Treason (Ireland) Bill .. .. .	268
<b>DIVETT, MR.</b>	
Motion that C. Edwards be brought to the Bar .. .. .	298
<b>DODD, MR.</b>	
Board of Trade and Croydon Railway Company .. .. .	290
<b>DRUMMOND, MR.</b>	
Leasing Powers (Ireland) Bill .. .. .	96
Ecclesiastical Titles Bill .. .. .	140
Remarks on Members voting in Sir J. Shelley's motion re- specting Chatham Election .. .. .	159
Question to Lord J. Russell on Sir James Brooke's case .. .. .	259
<b>DUFFY, MR.</b>	
Speech on Income Tax .. .. .	160
Words spoken by him ordered to be taken down .. .. .	160
Explanation of words .. .. .	164
<b>DUKE, SIR JAMES,</b>	
London Corporation Bill .. .. .	78
<b>DUNCAN, VISCOUNT,</b>	
Presenting a petition against the Window Tax .. .. .	269
<b>DUNCOMBE, MR. T.</b>	
Petitions on Hyde Park Riots .. .. .	22
Adjournment of House on Hyde Park Riots .. .. .	23
Metropolis Management Act .. .. .	24

DUNCOMBE, MR. T.— <i>continued.</i>	PAGE
Amendment to motion on Metropolis Water Supply Bill ..	46
Amendment to Sunday Trading Bill .. .. .	49
Ecclesiastical Courts Bill .. .. .	55
Remarks and motion on Leasing Powers (Ireland) Bill ..	57
Manchester Police Bill .. .. .	74
Question on Smithfield Market Removal Bill ..	81
Question on County of Waterford Election Committee ..	99
Great Marlow Election Committee .. .. .	112
Reading a newspaper report of a former Debate ..	137
Adjournment of debate on the Bishopric of Manchester Bill	155
Calling a vote of the House "a disgraceful vote" ..	155
Giving an explanation .. .. .	202
Factories Bill (No. 2) .. .. .	206
Committee on the Poor Removal Bill .. .. .	213
Settlement and Removal Bill .. .. .	215
Amendment to Lord J. Russell's motion on the Government	
Plan of Education .. .. .	226
Petitions against the proceedings of the House ..	276
Remarks thereon .. .. .	276
Presenting a remonstrance from the London National Association	
.. .. .	277
Petition from the Electors of Chippenham .. .. .	280
Petition complaining of the opening of Letters at the General Post Office .. .. .	281
Petition from John Wren respecting the Southampton Election .. .. .	283
Board of Trade and Croydon Railway Company ..	291
Norwich Election Petition .. .. .	302
Question respecting Baron Rothschild's seat in the House	305
Question respecting the inventor of the Patent War Rockets	312
The National Petition .. .. .	315
Canterbury Borough Election Petition .. .. .	356
<b>DUNDAS, MR. G.</b>	
Disturbances in Hyde Park .. .. .	166
<b>DUNGANNON, VISCOUNT,</b>	
Princess Augusta of Cambridge Annuity:—Question respecting Speeches in a different Debate .. .. .	126
<b>DUNLOP, MR.</b>	
County Elections Polls (Scotland) .. .. .	214
<b>E.</b>	
<b>EAST, MR.</b>	
Dogs' Bill .. .. .	347
<b>EASTCOURT, MR.</b>	
Motion for a new Writ for the borough of Horsham ..	354
<b>EASTHOPE, MR.</b>	
Taxes on pews and seats in the Established Church ..	192
Church rates .. .. .	306

INDEX OF MEMBERS' NAMES.

XV

	PAGE
<b>ELPHINSTONE, MR.</b>	
Motion on Probate Duty .. .. .	182
<b>ELLICE, MR. EDWARD,</b>	
St. Alban's Election Committee's report .. .. .	114
<b>ESCOTT, MR.</b>	
The Chartist trials .. .. .	314
<b>ESTCOURT, MR.</b>	
Motion that Mr. S. O'Brien be committed for contempt .. .. .	351
<b>ETWALL, MR.</b>	
Management of Andover Union .. .. .	32
<b>EVANS, SIR DE LACY,</b>	
Remarks on expressions used by Mr. Layard .. .. .	21
<b>EWART, MR.</b>	
Address in answer to the Speech .. .. .	5
Remarks on Carlow Committee .. .. .	110
Dogs' Bill .. .. .	347

F.

<b>FERRAND, MR.</b>	
Amendment to motion on Andover Union Management .. .. .	32
Declaration from Cotton-spinners .. .. .	125
Poor Law Medical Officers .. .. .	129
Poor Law Bill .. .. .	136
Speech relative to Mr. Hogg and Sir J. Graham .. .. .	142
Question to Mr. Bright respecting "The Manchester Examiner" .. .. .	154
Notice of amendment on the repeal of the Corn Laws .. .. .	230
Reading a petition .. .. .	264
Charges against Mr. Hogg and Sir J. Graham .. .. .	142, 350
<b>FITZGERALD, MR. F.</b>	
Motion for a new Writ for the county of Clare .. .. .	357
<b>FITZROY, MR.</b>	
Question to the Speaker on votes of Members .. .. .	179
<b>FLEMING, MR. J.</b>	
Refusing to answer question put to him by Counsel before Southampton Election Committee .. .. .	97
<b>FORESTER, COLONEL,</b>	
Question on a motion for a new Writ for the borough of Southampton .. .. .	356
<b>FORSTER, MR.</b>	
Question on Mr. C. Hope's motion, .. .. .	80
Holyhead Harbour Bill Committee .. .. .	232
<b>FRENCH, MR.</b>	
Railway communication (Ireland) .. .. .	1
Great Western Railway (Ireland) Bill .. .. .	77
Question respecting Mr. Grantley Berkeley's petition .. .. .	273
Poor Laws in Ireland .. .. .	297



<b>FRESHFIELD, MR.</b>		<b>PAGE</b>
Adjournment of debate, Maynooth College .. .. .	9	
Lithographed petitions .. .. .	274	
Bribery at the Cambridge Election .. .. .	285	
<b>FREWEN, MR.</b>		
Government business on Tuesday .. .. .	220, 221	
Adjournment of the debate on the St. Alban's Bribery Com- mission Bill .. .. .	221	
Building of Churches, &c. Bill .. .. .	323	
<b>G.</b>		
<b>GALWAY, VISCOUNT,</b>		
Metropolis Local Management Bill .. .. .	12	
Adjournment of the debate on Tenants Compensation (Ire- land) Bill .. .. .	12	
<b>GIBSON, MR. M.</b>		
Adjournment of the debate on Protection of Women Bill ..	17	
Question on Appropriation Bill .. .. .	50, 51	
Duties on British ships in the port of Spain .. .. .	188	
Amendment to Advertisement Duties .. .. .	190	
Question on Alderman Salomons' case .. .. .	249	
Petition from the people of Manchester respecting the Corn Bill .. .. .	274	
Public business .. .. .	287	
County Rates Expenditure Bill .. .. .	287	
The Chartist trials .. .. .	314	
<b>GISBORNE, MR.</b>		
Petition relative to Manchester and Southampton Railway	266	
<b>GLADSTONE, MR.</b>		
Remarks on Mr. Hindley's motion on Committee on Rail- ways .. .. .	93	
Coalwhippers' Bill .. .. .	195, 198	
Middle Level Drainage Bill .. .. .	217	
Suggestion relative to a petition from the Legislative Council of New South Wales .. .. .	279	
Building of Churches, &c. Bill .. .. .	324	
<b>GODSON, MR.</b>		
Southampton Election Committee .. .. .	353	
<b>GORING, MR.</b>		
Quoting a passage from a Newspaper .. .. .	138	
<b>GOULBURN, MR.</b>		
Bishopric of Christ Church (New Zealand) Bill .. .. .	11	
Affirmation Bill .. .. .	114	
Taxes on pews in the Established Church .. .. .	192	
<b>GRAHAM, SIR J.</b>		
Remarks on Mr. Mitchel's trial .. .. .	2	
Amendment to motion on Andover Union management ..	32	
Remarks on County Courts Acts Amendment Bill .. .. .	36	

	PAGE
<b>GRAHAM, SIR J.—continued.</b>	
Remarks on Sir W. Molesworth's speech to the electors of Southwark .. .. .	167
Explanation of a statement made on a former night.. ..	201
Factories Bill .. .. .	208
Roman Catholic Relief Bill .. .. .	212
Remarks on a petition for the abolition of the House of Lords	278
Remarks on a petition from the Legislative Council of New South Wales .. .. .	279
Answer to question relative to the opening of letters at the General Post Office .. .. .	281
Poor Laws in Ireland .. .. .	298
Remarks in reference to a breach of Privilege .. .. .	299
Answer to Captain Polhill's question.. .. .	308
Question respecting resolutions of Mr. Wason .. .. .	327
Employment of children in factories .. .. .	347
Charges against, by Mr. Ferrand .. .. .	142, 350
<b>GRANBY, MARQUIS OF,</b>	
Adjournment of the House .. .. .	16
<b>GRATTAN, MR.</b>	
Ecclesiastical Titles Bill .. .. .	140
<b>GREENE, MR.</b>	
Amendment to Mr. Yorke's motion on the Middle Level Drainage Bill .. .. .	216
Question relative to a breach of Privilege .. .. .	299
<b>GREGORY, MR.</b>	
Actions for Gaming Discontinuance Bill .. .. .	264
<b>GREY, SIR G.</b>	
Smithfield Market Removal Bill .. .. .	81
Government Business on Tuesdays .. .. .	220
Ecclesiastical Titles Assumption Bill .. .. .	321
<b>GROGAN, MR.</b>	
Military service .. .. .	4
Irish Poor Law Committee .. .. .	95
Attachments Courts of Record (Ireland) Bill .. .. .	332
<b>GROSVENOR, LORD ROBERT,</b>	
Sunday Trading Bill .. .. .	314
<b>H.</b>	
<b>HALFORD, SIR H.</b>	
Railway Bills .. .. .	291
<b>HALL, SIR B.</b>	
Informs the House of Mr. F. O'Connor's conduct .. ..	168
Question on the National Land Company .. .. .	203, 318
Remarks on Alderman Salomons' case .. .. .	246
<b>HAMILTON, MR. G. A.</b>	
Property Tax Bill .. .. .	188
<b>HASTIE, MR. ARCHIBALD,</b>	
Partnership Amendment Bill .. .. .	138

	PAGE
<b>HAWES, MR.</b>	
Remarks on the Joint Stock Companies Registration Bill ..	59
Motion that Mr. C. Buller have leave to attend as counsel before the House of Lords .. .. .	117
Disturbances in Canada .. .. .	143
Remarks that a Member was loose in his statements ..	153
Objections to Coalwhippers' Bill .. .. .	194, 197
Evidence before the Ceylon Committee .. .. .	257
Presenting petition accusing Captain Boldero and Mr. Bonham of misconduct .. .. .	266
<b>HAY, SIR A. L.</b>	
Question on the differences in the Church of Scotland ..	154
<b>HAYTER, MR.</b>	
Adjournment of the House on Ascension Day .. .. .	26
Motion for a new writ for the Borough of Southampton ..	356
<b>HEATHCOTE, SIR W.</b>	
Parliamentary agent .. .. .	28
<b>HENLEY, MR.</b>	
Railway Casualty Compensation Bill .. .. .	183
Baron Rothschild's case .. .. .	239
Reports that Mr. W. S. O'Brien did not attend Select Com- mittee .. .. .	351
<b>HENRY, MR.</b>	
Irish Poor Law Committee .. .. .	95
<b>HERBERT, MR. SIDNEY,</b>	
Adjournment of debate on statement by Lord Palmerston in reference to the dissolution of Parliament .. .. .	325
<b>HEYWOOD, MR.</b>	
Oxford University Bill .. .. .	59
<b>HEYWORTH, MR.</b>	
Adjournment of debate, Bishopric of Christ Church (New Zealand) Bill .. .. .	11
<b>HILDYARD, MR.</b>	
Motion that Mr. F. O'Connor be committed to custody ..	171
<b>HINDLEY, MR.</b>	
Committee on competing Railways .. .. .	93
Shut out from a division .. .. .	172
<b>HOBHOUSE, MR.</b>	
Motion on the Militia Bill .. .. .	46
Remarks on Alderman Salomons' case .. .. .	251
<b>HOGG, MR.</b>	
Charges against Mr. Ferrand .. .. .	142, 350
<b>HOPE, MR. C.</b>	
Moving for leave to bring in a bill for making a railway from Greenwich Colliery, &c. .. .. .	80

HORSMAN, MR.	PAGE
Answer to Mr. Moore's question on the Tenant's Compensation Bill .. .. .	152
Speech on the Frome Vicarage case .. .. .	168
<b>HOTHAM, LORD,</b>	
Question on the Bribery Bill .. .. .	73
<b>HOWICK, VISCOUNT,</b>	
Election Proceedings Committee .. .. .	348
<b>HUME, MR.</b>	
Amendment to address .. .. .	2
Wednesday sittings .. .. .	14
British Guiana Dispatches .. .. .	40
Amendment to motion for writ of error in <i>Howard v. Gossett</i>	45
Remarks on London Corporation Bill .. .. .	78
Remarks on Mr. C. Hope's motion .. .. .	80
Issue of Notes Committee .. .. .	102
Select Committee on Shipwrecks .. .. .	104
Old rule respecting summoning Members from committee rooms .. .. .	116
Question respecting Mr. J. Wheelton's discharge from custody .. .. .	122
Remarks on reading newspaper extracts .. .. .	133
Promotion in the navy .. .. .	147
Old rule of dividing the House .. .. .	178
Advertisement duties .. .. .	190
Coalwhippers' Bill .. .. .	197
Opium compensation treaty .. .. .	199
Question on the practice of the House as to motions .. .. .	211
Baron Rothschild's case .. .. .	242
Parliamentary papers before dissolution of Parliament .. .. .	258
Question on Sir James Brooke's case .. .. .	259
Presenting petition from Mr. Grantley Berkeley .. .. .	273
Norwich Election Petition .. .. .	304
Church Extension .. .. .	330
Copyright of Designs Bill .. .. .	345
<b>HUTT, MR.</b>	
Remarks on Mr. Redman's petition .. .. .	41

## I.

<b>INGESTRE, VISCOUNT,</b>	
Complains of Mr. Villiers exceeding justification of himself	203
Answer to Captain Plumridge's question .. .. .	316
<b>INGLIS, SIR R. H.</b>	
Amendment to motion for writ of error in <i>Howard v. Gossett</i>	45
Question on Marriage Bill .. .. .	56
Remarks on St. Alban's Election Committee .. .. .	115
Objections to expressions in Mr. Ferrand's amendment on the Repeal of the Corn Laws .. .. .	231
Giving notice of motion for another Member .. .. .	231
Remarks on a petition presented by Mr. S. Crawford .. .. .	262

	PAGE
<b>INGLIS, SIR R. H.—continued.</b>	
Remarks on a petition being presented for the Abolition of the House of Lords .. .. .	278
Question respecting Stockdale v. Hansard .. .. .	284
• The Times and Mr. Roebuck .. .. .	293
Church Extension .. .. .	330
Presence of Strangers at debates .. .. .	339
Election Proceedings Committee .. .. .	348
<b>J.</b>	
<b>JOCELYN, VISCOUNT,</b>	
Castlewellan outrages .. .. .	144
<b>JOLLIFFE, SIR W.</b>	
Question on Smithfield Market Removal Bill .. .. .	82
<b>K.</b>	
<b>KEATING, MR. H.</b>	
Naval Administration .. .. .	19
<b>KNATCHBULL, SIR E.</b>	
Motion that J. Wheelton be discharged from custody .. .. .	121
<b>L.</b>	
<b>LABOUCHERE, MR.</b>	
Question on Oxford University Bill .. .. .	60
Remarks on Railway Committees .. .. .	93
Management of railroads .. .. .	228
Customs Duties .. .. .	255
<b>LAMBTON, MR.</b>	
Southwark Improvement Bill .. .. .	229
<b>LAW, MR.</b>	
Remarks on Affirmation Bill .. .. .	88
Amendment to motion respecting J. J. Stockdale .. .. .	121
<b>LAWLESS, MR.</b>	
Committee of Ways and Means .. .. .	116
Income Tax .. .. .	160
<b>LESLIE, MR.</b>	
Salaries of medical men .. .. .	313
<b>LEWIS, MR. C.</b>	
Smithfield Market Removal Bill .. .. .	83
<b>LINCOLN, EARL OF,</b>	
Motion respecting Vancouver's Island .. .. .	119
Remarks on Count's out.. .. .	119
Question on precedence of motions .. .. .	287
<b>LINDSAY, MR.</b>	
Administrative Reform .. .. .	205
<b>LORD ADVOCATE, THE,</b>	
Marriage (Scotland) Bill .. .. .	72

INDEX OF MEMBERS' NAMES.

XXI

	PAGE
<b>LOVAINE, LORD,</b>	
Celebration of Peace, Amendment to motion for adjournment of the House .. .. .	25
<b>LOWE, MR.</b>	
Passing Tolls Bill .. .. .	87
Part of notice falling out .. .. .	237
<b>LUSHINGTON, MR.</b>	
The Chartist Petition .. .. .	157
M.	
<b>MACARTNEY, MR.</b>	
Grand Jury Laws (Ireland) Committee .. .. .	96
<b>MACKENZIE, MR. FORBES,</b>	
Adjournment of the House .. .. .	19
Marriage (Scotland) Bill .. .. .	72
County Elections Polls (Scotland) .. .. .	214
<b>MACKINNON, MR.</b>	
Question to Mr. Osborne .. .. .	129
<b>MAGAN, CAPT.</b>	
Commencing a discussion in Committee of Ways and Means	116
<b>MALINS, MR.</b>	
Adjournment of the House on Bribery Bill .. .. .	6
Addressing the House on a Wednesday at a quarter to six	150
Question respecting Speech of First Lord of the Admiralty	165
Question respecting a Breach of Privilege .. .. .	306
Clare Election .. .. .	357
<b>MANNERS, LORD JOHN,</b>	
Question respecting the felling of timber .. .. .	20
Metropolis Water Supply Bill .. .. .	46
Petition from Todmorden, complaining of the evasion of the Factory Act .. .. .	311
<b>MANNERS-SUTTON, MR.</b>	
Cambridge and Lincoln Railway Bill .. .. .	74
<b>MASSEY, MR.</b>	
Amendment to Sunday Trading Bill .. .. .	49
Question respecting Sunday Trading Bill .. .. .	314
<b>MAULE, MR. F.</b>	
Army Estimates .. .. .	39
Church of Scotland Bill .. .. .	120
County and District Constabulary Bill .. .. .	153
Drainage of Towns Bill .. .. .	181
<b>M'CULLOCH, MR. T.</b>	
Landlord and Tenant (Ireland) Bill .. .. .	131
<b>M'GREGOR, MR.</b>	
Adjournment of Debate on American Question .. .. .	13
Secretary of State for Scotland Office .. .. .	21
<b>MILES, MR.</b>	
Clare Election Committee .. .. .	357

	PAGE
<b>MOLESWORTH, SIR W.</b>	
Remarks on his Speech to the Electors of Southwark ..	167
<b>MOORE, MR. G. H.</b>	
Practice of Committees .. .. .	149
Question to Mr. Horsman on the subject of the Tenants Compensation Bill .. .. .	162
Ecclesiastical Titles Assumption Bill .. .. .	320
<b>MURPHY, MR. SERJEANT,</b>	
Question respecting count-out .. .. .	119
N.	
<b>NAAS, LORD,</b>	
Presenting petition from Legislative Council of New South Wales .. .. .	279
<b>NAPIER, SIR C.</b>	
Question on addressing the House .. .. .	7
Naval forts and arsenals .. .. .	143
Presenting a petition against the Transportation for Treason (Ireland) Bill .. .. .	268
<b>NEWDEGATE, MR.</b>	
Question to Chairman of Commercial Distress Committee ..	113
Remarks on Mr. Roebuck .. .. .	131
Error in the division on the Parliamentary Electors Bill ..	173
Speech respecting the Agents of the Anti-Corn Law League	225
<b>NORTH, COLONEL,</b>	
Military College at Sandhurst .. .. .	333
Admission of soldiers in uniform to the Debates .. .. .	340
O.	
<b>O'BRIEN, MR. W. S.</b>	
Guilty of contempt, and ordered into custody .. .. .	122
Guilty of contempt .. .. .	351
<b>O'CONNELL, MR.</b>	
Registration of arms in the County of Down .. .. .	44
<b>O'CONNELL, MR. D.</b>	
Returned for the Counties of Cork and Meath .. .. .	329
<b>O'CONNELL, MR. J.</b>	
Motion respecting Times newspaper printer .. .. .	54
Losing his turn .. .. .	219
Taxing Irish Absentees .. .. .	219
Banishment of Jesuits .. .. .	309
<b>O'CONNELL, MR. M. J.</b>	
Crime and Outrage (Ireland) Continuance Bill .. .. .	186
<b>O'CONNOR, MR. F.</b>	
The Chartist petition .. .. .	157
In custody .. .. .	158
Apology to the House for his conduct to Sir B. Hall ..	169

INDEX OF MEMBERS' NAMES.

xxiii

	PAGE
<b>O'CONNOR, MR. F.—continued.</b>	
Conduct to Mr. B. Denison .. .. .	169
In custody .. .. .	171
Discharged from custody .. .. .	172
Answer to Sir B. Hall's question relative to the National Land Company .. .. .	203, 318
<b>O'GORMAN MAHON, THE</b>	
Printing Papers .. .. .	100
<b>OSBORNE, MR. B.</b>	
Remarks on Irish Poor Law Committee .. .. .	105
Answer to Mr. Mackinnon's question .. .. .	129
Asking permission to allude to a former debate .. .. .	130
Army and Ordnance Committee .. .. .	233
Asking Mr. Speaker to administer the Oath to Baron Roths- child as the Judges administer it to Jewish witnesses .. .. .	238
Amendment to Lord J. Russell's motion for Alderman Salo- mons to withdraw .. .. .	218
<b>OTWAY, MR.</b>	
Adjournment of the House: Danubian Principalities .. .. .	28

P.

<b>PAKINGTON, SIR J.</b>	
Question to Lord J. Russell on Educational Bills .. .. .	21
Colonial Bishops Bill .. .. .	33
Motion for ballot to be repeated .. .. .	54
Remarks on alleged corruption of Irish Members Committee	100
Rye Election .. .. .	107
Question respecting King's Road, Pimlico .. .. .	145
Bribery at Elections Bill .. .. .	228
Stating the purport of a petition from the House of Assembly at Jamaica .. .. .	267
Beer Act Amendment Bill .. .. .	342
<b>PALMER, MR. G.</b>	
Committee on Shipwrecks .. .. .	104
<b>PALMER, MR. ROUNDELL,</b>	
The Chartist petition .. .. .	157
Southwark Improvement Bill .. .. .	229
<b>PALMERSTON, LORD,</b>	
Adjournment of the House .. .. .	13
Meer Ali Moorad .. .. .	39
Motion for going into Committee of Supply after Mr. Cowan's motion was carried .. .. .	41
Charges against .. .. .	155
Opium Compensation Treaty .. .. .	199
Messages to the Upper House .. .. .	220
Statement in consequence of dissolution of Parliament .. .. .	325
Employment of Children in mines .. .. .	331
Answer to Colonel North's question relative to the admission of soldiers to the gallery .. .. .	341



	PAGE
<b>PATTEN, MR. WILSON,</b>	
Remarks on Cambridge and Lincoln Railway Bill .. ..	75
Evidence before Ceylon Committee .. ..	201
Norwich Election petition .. ..	303
<b>PECHELL, SIR G.</b>	
Amendment to Eastern Union Railway Bill .. ..	3†
Presenting a petition from W. Smith, asserting that a charge made by Mr. Brooker was a libel .. ..	275
<b>PEEL, SIR R.</b>	
Speech on Income Tax .. ..	6
Remarks on Lord North's resignation .. ..	8
Adjournment of the House .. ..	13
Property and Income Tax .. ..	43
Remarks on the Appropriation Bill .. ..	50
Motion on Schoolmasters Widows Fund (Scotland) Bill .. ..	64
Question on Members attending Committees .. ..	103
Remarks on reading newspaper extracts .. ..	134
Levyng duties on corn .. ..	193
Opium Compensation Treaty mentioned in the Queen's speech .. ..	199
Remarks on the Sugar Duties Bill .. ..	210
Question relative to protests presented by Mr. Duncombe against the proceedings of the House .. ..	277
Election Proceedings Committee .. ..	348
Address to the House on the charges against Mr. Hogg and Sir J. Graham .. ..	350
Question relative to the Southampton Election Committee ..	353
<b>PERRY, SIR ERSKINE,</b>	
Petition from the son-in-law of the Nawab of Surat .. ..	283
<b>PHILLIMORE, MR. J. G.</b>	
Question on the Hyde Park Riots .. ..	22
<b>PHILLIMORE, MR. R.</b>	
Sir W. Molesworth's speech to the Electors of Southwark ..	168
<b>PLUMRIDGE, CAPTAIN,</b>	
Question relative to Captain Warner's invention .. ..	316
<b>POLHILL, CAPTAIN,</b>	
Question to Sir J. Graham .. ..	309
<b>PUSEY, MR.</b>	
Business on Wednesdays .. ..	144
Public Roads (England and North Wales) Bill .. ..	291
<b>R.</b>	
<b>REDINGTON, MR.</b>	
Southampton Election Committee .. ..	97, 349, 352
<b>REYNOLDS, MR.</b>	
Adjournment of the House on the Ecclesiastical Titles Bill	254
Adjournment of the debate on the Ecclesiastical Titles Bill	254
Ecclesiastical Titles Assumption Bill .. ..	323

INDEX OF MEMBERS' NAMES.

XXV

	PAGE
<b>RICARDO, MR. J. L.</b>	
Navigation Laws .. .. .	200
<b>ROCHE, MR.</b>	
Motion respecting Mr. W. S. O'Brien .. .. .	122
Remarks on a speech in the "Times" newspaper .. .. .	127
Transportation for Treason (Ireland) Bill .. .. .	268
<b>ROEBUCK, MR.</b>	
Election Proceedings Committee .. .. .	31
Remarks on County Courts Acts Amendment Bill .. .. .	35
London Corporation Bill .. .. .	78
Mr. Smythe's challenge .. .. .	89
Mr. J. P. Somers's challenge .. .. .	92
Election Proceedings Committee .. .. .	92
Question to Mr. Speaker in reference to Mr. Newdegate's remarks .. .. .	131
Disturbances in Canada .. .. .	144
Disturbances in Hyde Park .. .. .	166
Duties on corn .. .. .	181
Instruction to Committee on Factories Bill .. .. .	207
Remarks on Mr. Ferrand's notice of amendment for the re- peal of the Corn Laws .. .. .	230
Stating that Mr. Ferrand was reading a petition he had pre- sented .. .. .	265
Remarks thereon .. .. .	265
Breach of privilege by the "Times" newspaper .. .. .	293
Income Tax Bill .. .. .	296
Sunday Trading Bill .. .. .	314
Remarks on the National Petition .. .. .	315
Ecclesiastical Titles Assumption Bill .. .. .	321
Prosecution of the war .. .. .	329
<b>ROTHSCHILD, BARON,</b>	
Desiring to be sworn on the Old Testament—Debates thereon' .. .. .	238—244
<b>RUSSELL, LORD J.</b>	
Address on death of Princess Sophia .. .. .	2
Address in answer to the Queen's Message on War with Russia .. .. .	3
Messrs. Hansard's petition .. .. .	30
Remarks on Municipal Corporations (Ireland) .. .. .	61
Poor Relief (Ireland) Bill .. .. .	67, 69
Lords' Amendments to Oxford University Bill .. .. .	71
Bribery Bill .. .. .	73
Motion that J. J. Stockdale be committed to Newgate .. .. .	121
Remarks on reading newspaper extracts .. .. .	134
On practice in committees .. .. .	148
The Chartist petition .. .. .	157
Government plan of Education .. .. .	226
Address to the House on Alderman Salomons' case .. .. .	248
Motion that Alderman Salomons withdraw .. .. .	248
Transportation for Treason (Ireland) Bill .. .. .	268
Remarks on Harwich Election .. .. .	302

	PAGE
<b>RUSSELL, LORD J.—continued.</b>	
Question on the difference of a Resolution from a Standing Order .. .. .	326
Motion that T. B. Howard be taken in custody .. .. .	352
S.	
<b>SALOMONS, ALDERMAN,</b>	
Desiring to be sworn on the Old Testament, debate thereon .. .. .	244—253
<b>SCOTT, MR.</b>	
Question on Baron Rothschild's case .. .. .	240
<b>SCROPE, MR. POULETT,</b>	
Tenants in Ireland .. .. .	310
<b>SEYMER, MR. KER,</b>	
Canterbury Borough Election Petition .. .. .	356
<b>SHEE, SERJEANT,</b>	
The Tenants' Improvements Compensation (Ireland) Bill ..	324
<b>SHELLEY, SIR JOHN,</b>	
Speech on the Irish Judicial Bench .. .. .	139
Chatham Election .. .. .	159
<b>SIBTHORP, COLONEL,</b>	
Landlord and Tenant Bill .. .. .	57
Property Tax Bill .. .. .	188
Levying duties on corn .. .. .	193
Adjournment of the House .. .. .	227
<b>SMITH, MR. J. A.</b>	
Remarks on the facts of Baron Rothschild's case being omitted in the votes .. .. .	243
Remarks on behalf of Alderman Salomons .. .. .	250
<b>SMITH, MR. V.</b>	
Post Office Secrecy Committee .. .. .	224
<b>SMYTHE, MR.</b>	
Challenge to Mr. Roebuck .. .. .	89
<b>SOLICITOR-GENERAL, THE,</b>	
Howard v. Gossett .. .. .	45
Southampton Election Committee .. .. .	349
<b>SOMERS, MR. J. P.</b>	
Challenge to Mr. Roebuck .. .. .	92
<b>SOMERSET, LORD GRANVILLE,</b>	
Parliamentary agent .. .. .	29
Remarks on Railway Communication Committee .. .. .	111
Southwark Improvement Bill .. .. .	229
Railway Bills .. .. .	256
<b>SOMERVILLE, SIR W.</b>	
Irish Poor Law Committee .. .. .	95

	PAGE
<b>SPOONER, MR.</b>	
Adjournment of debate, Maynooth College .. .. .	10
Maynooth Inquiry .. .. .	19
Amendment on Public Revenue and Consolidated Fund	
Charges Bill .. .. .	151
Sir E. Wilmot's case .. .. .	287
<b>STAFFORD, MR.</b>	
Remarks on a motion for a new Writ for the Borough of Sligo	355
<b>STANLEY, MR. W. O.</b>	
Words used by Mr. Duffy .. .. .	163
Privileges of the House .. .. .	236
Breach of privilege .. .. .	292
<b>STUART, LORD DUDLEY,</b>	
Adjournment of the debate on the Treaty of Adrianople ..	173
<b>SUGDEN, SIR EDWARD,</b>	
Losing a turn .. .. .	218
T.	
<b>TALFOURD, SERJT.</b>	
The Copyright Bill .. .. .	346
<b>TENNENT, MR. EMERSON,</b>	
Reading a newspaper extract .. .. .	133
Copyright of Designs Bill .. .. .	343
<b>THESIGER, SIR F.</b>	
Adjournment of the House .. .. .	14
Addressing the committee on the County Elections Bill ..	169
Belfast petition .. .. .	294
<b>THOMPSON, MR. G.</b>	
The Chartist disturbances .. .. .	311
Ballast heavers of London .. .. .	346
<b>THORNLEY, MR.</b>	
Motion for Mr. Grantley Berkley's petition to lie on the	
table .. .. .	273
<b>TRENCH, SIR F.</b>	
Bude Light experiments .. .. .	330
<b>TROLLOPE, SIR JOHN,</b>	
County of Waterford Election Committee .. .. .	99
<b>TUDWAY, MR. R. C.</b>	
Ordered to attend the House in reference to the Rye Elec-	
tion .. .. .	109
<b>TUFNELL, MR.</b>	
Remarks on a motion for the issue of a new Writ for the	
Borough of Horsham .. .. .	354
<b>TYRRELL, SIR J.</b>	
Reading a letter, on the question that the resolutions of the	
Committee upon the Customs on Corn be read .. .. .	137
Parliamentary Voters (Ireland) Bill .. .. .	200

U.	
URQUHART, MR. <span style="float: right;">PAGE</span>	
Adjournment of the House .. .. .	16
Adjournment of the House on going into Committee of Supply .. .. .	232
V.	
VANCE, Mr.	
Metropolitan Police Bill .. .. .	334
VANSITTART, MR.	
Adjournment of the House on Succession Duty Bill ..	20
VILLIERS, MR.	
Asking leave to read the notice taken of a speech of Mr. Ferrand's .. .. .	135
Explanation .. .. .	202
W.	
WAKLEY, MR.	
Question to Mr. Ward .. .. .	125
Objects to Sir J. Graham explaining a Statement ..	202
Poor Law Amendment Bill .. .. .	222
Presenting Petition for the Abolition of the House of Lords	278
Question as to the Practice of keeping Seats .. .. .	334
WALCOT, ADMIRAL,	
Officers for the Honour of the Bath .. .. .	325
WALLACE, MR.	
Administration of the Law in the Supreme Court of Scotland	110
WALPOLE, MR.	
Militia Bill .. .. .	46
Remarks on Mr. F. O'Connor's Conduct to Mr. B. Denison	170
Government Contract with Messrs. Rothschild & Co. ..	236
WARBURTON, MR.	
Remarks on Great Western Railway (Ireland) Bill..	77
Beer Act Amendment Bill .. .. .	342
The Copyright Bill .. .. .	646
WARD, MR.	
Remarks respecting Mr. Wakley .. .. .	124
Amendment to the Maynooth College Bill .. .. .	211
Holyhead Harbour Bill .. .. .	94, 231
Motion for the Prosecution of Thomas Manners Sutton and his Agents for Bribery .. .. .	285
WASON, MR.	
Ipswich Election Committee .. .. .	112
Belfast Petition .. .. .	295
Resolutions relative to the Attendance of Counsel before Committee .. .. .	327

INDEX OF MEMBERS' NAMES.

XXIX

	PAGE
WHITESIDE, MR.	
Property Disposal Bill .. .. .	150
WILDE, SIR THOMAS,	
L. C. J. Denman's Charge in Stockdale v. Hansard ..	223
WILLIAMS, MR.	
Consolidated Fund (Appropriation) Bill .. .. .	50
Remarks on Sir R. H. Inglis's Speech respecting the Here- ditary Revenues of the Crown .. .. .	126
Property Tax Bill .. .. .	189
Printing Petitions .. .. .	254
Citing Orders respecting the Presence of Strangers at De- bates .. .. .	338
WILLOUGHBY, MR.	
Stamp Duties Bill .. .. .	185
Messages to the Upper House .. .. .	220
WILSON, MR.	
Explanation relating to Clause added to County Courts Acts Amendment Bill .. .. .	36
Savings Banks Annuities Bill .. .. .	332
WOOD, MR. G. W.	
Public Petitions Committee .. .. .	230
WOOD, SIR C.	
Administrative Reform .. .. .	306
WOOD, SIR M.	
Motion relative to Stockdale v. Hansard .. .. .	284
WOOD, SIR P.	
Affirmation Bill .. .. .	114
WORCESTER, MARQUIS OF,	
Resolution respecting Timber .. .. .	328
WORTLEY, MR. J. S.	
Marriage Bill .. .. .	56
Question on Smithfield Market Removal Bill .. .. .	83
Remarks on Peterborough Election Committee .. .. .	118
Words used by Mr. Duffy .. .. .	163
Remarks on the Factories Bill (No. 2) .. .. .	207
Poor Law Amendment Act .. .. .	307
Address on Charges against Sir J. Graham and Mr. Hogg ..	350
WYLD, MR.	
Adjournment of the House: the International English and French Associations .. .. .	317
WYNN, MR. C.	
Remarks and Motion on Mr. Ferrand reading a Petition ..	265

## Y.

	PAGE
YORKE, MR. E. Vote of, on the Midland Level Drainage Bill ..	.. 216
YORKE, MR. R. Browning v. Johnstone .. .. .	.. 308
YOUNG, SIR JOHN, Leasing Powers (Ireland) Bill .. .. .	.. 58
Practice of Members attending Committees ..	.. 106

## HOUSE OF COMMONS.

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### ADDRESS.

*Thursday, March 3rd, 1842.—(3 Hansard, lx. 1413—1426.)*

When the object of a Member is merely to point out a certain course to the Government, and not to ask for a grant of Money, it is not necessary to move the House into Committee.

*Mr. F. French* moved, That the House resolve itself into a committee of the whole House for the purpose of preparing an address to her Majesty; praying that she may be graciously pleased to recommend to Parliament that such measures shall be taken as may appear most likely to secure to Ireland the advantages of railway communication.

*Mr. Speaker.*—I collect from the observations of the Honourable Member that the object of his motion is to obtain a grant of public money for the purpose of constructing railways in Ireland.

*Mr. French* said his object was to call the attention of the government to the subject; but not to point out to them any means by which the object in view could be attained.

*Mr. Speaker.*—Perhaps then it would be better if the Honourable Member were to omit all that part of the



motion by which it is proposed, that the House shall resolve itself into a committee of the whole House.

See Rules and Orders, 399.

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*Thursday, Feb. 1st, 1844.—(3 Hansard, lxxii. 59.)*

In considering an Address to the Crown, an Amendment may be moved on putting the question on any paragraph.

The address in answer to the Queen's speech.

*Mr. Speaker* having read the speech,

*Lord Clive* moved an address in answer.

*Mr. Cardwell* seconded the address.

*Mr. Speaker* having read the address,

*Mr. Hume* inquired, for form's sake, whether any amendment could be moved on the second reading of the address. If not, he hoped he should not be precluded from now making a few observations.

*Mr. Speaker.*—It will be competent to the Honourable Member to move any amendment to any paragraph in the address.

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*Monday, May 29th, 1848.—(3 Hansard, xcix. 6.)*

When, upon the question of an Address to the Crown, a Member has been permitted to discuss an extraneous subject; if it appear to be the pleasure of the House, the Speaker will not interfere to prevent other Members who follow him from doing so.

*Lord John Russell* moved an address to the Queen on the death of the Princess Sophia.

*Sir James Graham* proceeded to discuss the question of the conduct of the Attorney-General in striking the

jury in Mr. Mitchel's trial, upon which Mr. Keogh had asked a question.

*Mr. Bright* was addressing the House.

*Mr. Law.*—I rise to order, Sir: there is no question before the House.

*Mr. Speaker.*—There is the address of condolence.

*Mr. Bright.*—I say, Sir, while the government have shown the power of the law and their determination—

*Mr. Law.*—I rise to order again, Sir. The Honourable Gentleman is not speaking to the question—

*Mr. Speaker.*—Members who have preceded the Honourable Gentleman have spoken upon the subject he is referring to.

*Mr. Bright* proceeded.

*Mr. E. B. Roche, Mr. Keogh, &c.* followed.

Motion agreed to *Nem. con.*

N.B. *The whole of this debate was irregular.*

*Friday, March 31st, 1854.*—(3 *Hansard*, cxxxii. 307.)

When an Address has been agreed to in answer to a Message from the Crown, a Committee is usually appointed to draw it up. An address may, however, be presented by the whole House, without being drawn up by a Committee.

*Mr. Speaker* having read the Queen's message of March 27th on the war with Russia.

*Lord J. Russell* moved an address in answer.

Agreed to.

*Lord J. Russell.*—I have to ask your advice, Sir, as to the next question. I wish to move that this address be carried up to her Majesty by the whole House. It is usual, I believe, to appoint a committee in such cases to

prepare the address; but I believe that course will not be absolutely necessary, and if we could depart from it I would at once move, that the address be presented to her Majesty by the whole House.

*Mr. Speaker.*—The Noble Lord has correctly stated the practice of the House; whenever an address has been agreed to by the House in answer to a message from the Crown, it has been usual to appoint a committee to draw up an address in conformity with the resolution of the House; but when an address from the House to the Crown has been sent up by a privy councillor, it has not been usual to appoint a committee to draw it up, though the address presented by a privy councillor is in the same form as an address presented by the whole House. The form of the address, however, can as well be drawn up by the whole House as by a committee; and if the Noble Lord will move that the address be presented to her Majesty by the whole House, I am not aware of any objection to that course.

Motion made accordingly.

See Rules and Orders, 296, 297, 298, 301—310.

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*Monday, June 16th, 1856.*—(3 *Hansard*, cxlii. 1518.)

When a Member proposes such a Motion as the following, he ought to move, “that the House do, on a future day, resolve itself,” &c., and not “that the House do now resolve itself,” &c.

*Mr. Grogan* begged to propose the motion of which he had given notice, That this House do now resolve itself into a committee to consider of an humble address to her Majesty, praying that she will be graciously pleased to direct alterations to be made in the rules of

the military service, and in the warrant of March, 1856, to the effect that the regulation value of the commissions of officers in the army who shall have died of cholera or fever in active service during the late war may be paid to their representatives, and be deemed part of their personal estate, and to assure her Majesty that this House will make good the same. The Honourable Member then went into details in support of his motion.

*Mr. Speaker.*—The motion of the Honourable Member is informal and cannot be put in the shape in which it stands.

N.B.—Mr. Grogan was permitted by consent of the House to substitute the word “to-morrow” for the word “now,” and subsequently proceeded with his motion.

See Rules and Orders, 398.

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## ADJOURNMENT.

*Wednesday, August 25th, 1841.—(3 Hansard, lix. 194.)*

Speaking on the Question of Adjournment does not preclude a Member from being heard subsequently on the main Question.

ADDRESS in answer to the speech.—Adjourned debate.

*Mr. Ewart* rose, but was met with cries of “spoke” from the opposition.

*Mr. Speaker.*—The Honourable Member, having spoken last night only on the question of adjournment, has a right to be heard.

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*Tuesday, August 8th, 1854.—(3 Hansard, cxxxv. 1428.)*

When a Motion for Adjournment is negatived, it cannot be moved again till some other Motion has intervened.

In a debate on the Bribery Bill, after several motions for the adjournment of the debate and the adjournment of the House had been negatived.

Motion made and question put—That this House do now adjourn. This motion was then negatived. Main question again proposed.

*Mr. Malins* addressed the House, and said he would move that the House do adjourn.

*Mr. Speaker.*—The Honourable and Learned Gentleman can only move that the debate be adjourned.

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### ADJOURNMENT OF DEBATE.

*Friday, April 8th, 1842.—(3 Hansard, lxii. 153, 174.)*

How far a Member is required to adhere to the Question of the Adjournment of the Debate.

*Mr. Brotherton* moved the adjournment of the debate on the Income Tax.

*Sir R. Peel* rose to address the House on the main question.

*Mr. Speaker.*—*Mr. Brotherton* has moved the adjournment of the debate.

*Sir R. Peel* asked whether he ought, in strictness, to confine himself to the question of adjournment?

*Mr. Speaker.*—Of late years it has not been deemed necessary to adhere strictly to the question of adjournment under such circumstances.

*Sir R. Peel* then addressed the House on the main question.

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*Monday, April 11th, 1842.—(3 Hansard, lxii. 219.)*

On the Motion of Adjournment of the Debate, a Member may address the House on the main Question. On the Motion of Adjournment of the House the main Question may be discussed on the ground of its importance and urgency.

*Sir C. Napier* observed that on Friday night the Right Honourable Baronet the Member for Tamworth had claimed to address the House on the main question\*—the motion actually before the House being one of adjournment. Now he wished to ask the Right Honourable Gentleman in the chair whether it would be competent to any other Member to have addressed the House on the main question, a motion of adjournment being at the time before them.

*Mr. Speaker.*—The Right Honourable Baronet was, on the occasion referred to, fully entitled to address the House on the main question, for it was included in the question of adjournment. No doubt any other Honourable Member would have been equally entitled to address the House.

*Mr. Brotherton* wished to know if it would have been equally competent to Members to speak on the main question if the motion had been for the adjournment of the House, instead of the adjournment of the question.

*Mr. Speaker.*—That is a very distinct question; but I am of opinion if an Honourable Member claimed to

\* *Ante*, April 8th, p. 6.

speak on the main question, on the ground of its importance and urgency, the Chair could not interfere.

*Sir R. Peel* remarked, that when Lord North signified his resignation of office there was a motion that the House do then adjourn, upon which *Lord North* said, "Then I rise to speak to that motion."

After a few observations from Lord J. Russell the subject dropped.

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*Friday, May 1st, 1846.—(3 Hansard, lxxxv. 1405.)*

A Member who has once spoken in Debate cannot move the Adjournment of the Debate, but he may speak when a Motion for the Adjournment of the Debate has been moved.

Protection of Life (Ireland) Bill.

*Lord George Bentinck* (who had spoken on April 6th in the same debate) said—

Mr. Speaker, in order that I may be within the forms of the House, I move the adjournment of this debate, in order that I may be enabled—

*Mr. Speaker.*—It is against the rules of the House for any Honourable Member, who has once spoken, either to move the adjournment of the debate, or to speak again on the same subject.

*Mr. Borthwick* moved, and

*Sir John Tyrrell* seconded, the adjournment of the debate.

*Lord George Bentinck* then addressed the House, and made the statement he desired.

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*Tuesday, May 25th, 1852.*—(3 *Hansard*, cxxi. 1157, 1158, 1164.)

On a Motion for adjourning the Debate, the House must first decide on the question of Adjournment, and afterwards, on the Question to what day the Debate is to be adjourned. A Debate may be adjourned till after the Orders of the Day, but it is not competent for a Member to move that it shall come on before the Notices of Motion, on a day on which by the Rules of the House Notices of Motion have precedence. Still the Notices of Motion and Orders of the Day may be postponed by agreement with those who have charge of them.

Maynooth College.

Adjourned debate.\* On amendment proposed to be made to question (11th May), That a select committee be appointed to inquire into the system of education carried on at the College of Maynooth (Mr. Spooner), and which amendment was to leave out from the word "That" to the end of the question, in order to add the words, "This House will resolve itself into a committee, for the purpose of considering of a bill for repealing the Maynooth Endowment Act, and all other acts for charging the public revenue in aid of ecclesiastical or religious purposes" (Mr. Anstey),—a debate took place.

*Mr. Freshfield* moved the adjournment of the debate.

Motion made, That the debate be now adjourned.

*Mr. Chisholm Anstey* said, the House should not divide on the question of adjournment, without they came to a clear understanding as to the day and hour to which it was proposed to adjourn.

*Mr. Speaker.*—The House must first decide whether the debate shall be adjourned or not. After that question

\* The debate had been specially fixed for this day at twelve o'clock. *Hansard*, cxxi. p. 849.



has been decided, then will come the question of fixing the time for resuming it.

Motion made, and question, "That the debate be now adjourned," put, and agreed to.

*Mr. Spooner* moved, That the debate be adjourned till after the other orders of the day, this day.

*Mr. Chisholm Anstey* moved, as an amendment, That the debate be adjourned till half-past six o'clock, then to come on before the notices of motion.

*Mr. Speaker.*—The proposition now made by the Honourable and Learned Gentleman is not consistent with the rules of the House, which has already ordered that notices of motion shall have precedence.\* The motion that this debate be adjourned till after the orders of the day is correct; but the notices of motion and orders of the day can be postponed, if the House and those who have charge of them can agree to such an arrangement, and the adjourned debate can then be resumed.

*Mr. Chisholm Anstey* moved, that the debate be resumed to-morrow.

Amendment proposed, to leave out the words "after the orders of the day, this day," in order to add the words "to-morrow," instead thereof.

Question put, "That the words proposed to be left out stand part of the question."

The House divided,—ayes 278, noes 58.

Main question put, and agreed to: debate further adjourned till after the orders of the day, this day.

See Hansard, lxxxv. 1295.

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\* See Rules and Orders, 109.

*Wednesday, June 16th, 1852.—(3 Hansard, cxxii. 813.)*

A Member who has spoken in a Debate, and rises to second a Motion for the Adjournment of the Debate, ought not to make a second speech on the principal subject under discussion.

Bishopric of Christ Church (New Zealand) Bill. Second reading.

Adjourned debate on amendment to the motion, that the bill be read a second time this day three months.

*Mr. Heyworth* moved the adjournment of the debate.

*Mr. Chisholm Anstey*, having spoken on the second reading of the bill, seconded the motion for the adjournment, and was proceeding to discuss the merits of the bill.

*Mr. Goulburn* rose to order. If the Honourable Gentleman is going into the whole discussion with respect to New Zealand, he is not going to speak to the question before the House; namely, the adjournment of the debate.

*Mr. Chisholm Anstey*, however, proceeded.

*The Chancellor of the Exchequer* rose to order. The Honourable and Learned Gentleman had apparently seconded the motion for adjournment, in order that he might use the opportunity to make a second speech on the subject of the bill. It appeared to him (the Chancellor of the Exchequer) that the proceeding, if not a direct violation of the rules of the House, was at least an evasion of them.

*Mr. Speaker.*—There is no doubt this is an evasion of the rules of the House, because, when the Honourable Member (*Mr. Heyworth*) moved the adjournment of the debate, and the Honourable and Learned Member (*Mr. Anstey*) rose to second the motion, he should have spoken

to the adjournment of the debate, whereas he has, in fact, made a second speech on the principle of the bill. I have often had occasion to call the attention of the House to this point before, to show that, unless there is a strict observance of the rules of the House, any Member of this House may, by asking a friend to move the adjournment of the House or the adjournment of the debate, make a very lengthy speech with reference to some other subject. I trust that the House, if the rules of the House continue to be so evaded, will take some steps to remedy the evil.

See Rules and Orders, 156.

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*Tuesday, June 19th, 1855.—(3 Hansard, cxxxviii. 2230.)*

Where a Member wishes to postpone the discussion of a measure which is one of the orders of the day.

The order for committee being read on "The Tenants' Compensation (Ireland) Bill."

On the question that the Speaker do leave the chair, *Viscount Galway* said, that in the absence of the Right Honourable Member for Buckinghamshire (Mr. Disraeli), he should move, That the second bill upon the paper ("The Metropolis Local Management Bill") take precedence of the bill now before the House.

*Mr. Speaker.*—As the order of the day has already been read, and the question for my leaving the chair is now under consideration, the proper course is for the Noble Lord to move that the debate be adjourned.

*Viscount Galway* accordingly moved the adjournment of the debate.

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*Tuesday, July 1st, 1856.*

A Member rising to order cannot move the Adjournment of the Debate.

During a debate upon the American question,

*Mr. John M'Gregor* rose to order, and moved the adjournment of the debate.

*Mr. Speaker.*—According to the rules of the House an Honourable Member who rises to order must speak to order, and cannot move the adjournment of the debate.

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## ADJOURNMENT OF THE HOUSE.

*Tuesday, April 6th, 1841.*—(3 *Hansard*, lvii. 936.)

The time for moving the Adjournment of the House.

*Lord Palmerston* moved, That the House at its rising do adjourn until Tuesday, the 20th instant.

*Mr. Speaker.*—If the motion be not agreed to before five o'clock, Honourable Members will be prevented from giving notices of motions for any day after the holidays.

Motion agreed to.

See post, May 18th, 1847, p. 15, and May 22nd, 1849, p. 16, Rules and Orders, 108.

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*Wednesday, April 20th, 1842.*—(3 *Hansard*, lxii. 1324.)

If a Motion be made that the House do adjourn to a distant day, it is unnecessary for a Member, who desires the House to meet the next day, to move an Amendment, in order to negative such a Motion.

*Sir R. Peel* moved, That the House at its rising adjourn to Monday.

*Mr. Thesiger* moved, That the House at its rising adjourn to twelve o'clock the next day.

*Mr. Speaker.*—It is unnecessary for the Honourable Member for Woodstock to move an amendment. It will be quite sufficient to meet with a negative the motion that the House adjourn to Monday next.

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*Friday, Feb. 19th, 1847.*—(3 *Hansard*, xc. 249.)

Although it is the rule that the Speaker shall leave the Chair at six o'clock on Wednesdays, without any question being put, yet the Adjournment cannot take place during a Division.

*Mr. Hume* wished to ask the Speaker a question for the information of the House as to the adjournments at the Wednesday sittings. During the last session and the present an order of the House directed the Speaker to leave the chair exactly as the clock struck six, without any motion of adjournment: after that hour no Member was allowed to address the House. Now, he understood that on Wednesday last a report was made to the House after six o'clock. The matter ought to be clearly understood, because, if they could deviate from the rule by five minutes, there was no reason why they should not by fifty. The time for the adjournment might unfortunately arrive in the middle of a division, and the question was, what the rule should be.

*Mr. Speaker.*—The Honourable Member is quite right in stating it to be the rule of the House that the Speaker shall leave the chair at six o'clock without any question being put; but the adjournment cannot take place during a division, as at that time the doors of the House are locked, and cannot be opened till the Speaker

has reported the numbers from the chair. Therefore it is necessary for the numbers of the division to be reported to me before I can obey the order of the House.

As to the present practice, see Rules and Orders, 64.

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*Tuesday, May 18th, 1847.—(3 Hansard, xcii. 1052.)*

Motions for the Adjournment of the House beyond the next day of sitting are generally taken early in the Evening.

*Lord G. Bentinck* rose to move, That the House at its rising do adjourn till Thursday. [Wednesday being the Derby day.]

*Mr. Hume* spoke to order. The notice of the Noble Lord stood No. 18 on the paper, and there was no reason why the Derby should have preference in the House over everything else.

*Mr. Speaker.*—It is usual to take early in the evening motions respecting the adjournment of the House.

*Mr. Hume* wished to know whether there was any Standing Order entitling an Honourable Member at any time to interrupt the business of the House by a motion respecting its adjournment at its rising.

*Mr. Speaker.*—The practice has always been to take these motions\* for the adjournment of the House early in the evening, for the convenience of Honourable Members, because they cannot otherwise tell on what day the House will sit, and cannot know for what days to fix motions.

See ante, April 6th, 1841; May 22nd, 1840; and Rules and Orders, 108.

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\* Such motions are ordinarily put down for half-past four o'clock.

*Monday, February 14th, 1848.*—(3 *Hansard*, xcvi. 628.)

When a Member has a Notice of Motion on the Paper, and the Adjournment of the House has been moved, he is at liberty to speak on the latter as well as on his own Motion.

*The Chancellor of the Exchequer* moved, That the House do go into a committee of supply.

*Mr. Urquhart* moved, The adjournment of the House.

A conversation took place, during which *The Chancellor of the Exchequer* made some remarks.

*Mr. Anstey*.—Before I speak on the question of adjournment I wish to know from you, Sir, whether that will constitute an objection to my being heard by-and-by upon my motion, because at present I wish to speak merely in reply to the Right Honourable the Chancellor of the Exchequer.

*Mr. Speaker*.—The question of adjournment is a separate question. The Honourable Member is at liberty to speak upon both questions.

*Tuesday, May 22nd.*—(3 *Hansard*, cv. 848.)

Motions for the Adjournment of the House, beyond the next day, are entertained before entering into the ordinary Motions of the day,

The Derby Day.

*The Marquis of Granby* was proceeding, pursuant to notice, to move the adjournment of the House over this day.

*Mr. Milner Gibson* begged to ask Mr. Speaker, what was the rule of the House relative to notices of motion, and whether there was anything in the Noble Marquis's motion to take it out of its turn?

*Mr. Speaker.*—It has always been the practice of the House to entertain motions for the adjournment of the House beyond the next day of sitting before entering into the ordinary motions of the day.

*The Marquis of Granby* then proceeded.

See ante, April 6th, 1841, p. 13; May 18th, 1847, p. 15; Rules and Orders, 108.

*Thursday, June 28th, 1849.*—(3 *Hansard*, cvi. 1065.)

A Member who has moved the Adjournment of the Debate cannot before that question is decided move the Adjournment of the House.

Protection of Women Bill.—Adjourned debate.

Question again proposed, "That the bill be now read a second time."

*Mr. Milner Gibson* moved the adjournment of the debate.

*Mr. Spooner* trusted Honourable Members would at once consent to the second reading.

*Mr. Milner Gibson* said, as the Honourable Member for North Warwickshire persevered, he would move the adjournment of the House.

*Mr. Speaker.*—The Right Honourable Gentleman cannot do so, as he has already spoken.

See Rules and Orders, 150.

*Friday, May 23rd, 1851.*—(3 *Hansard*, cxvi. 1328.)

The motion on Friday that the House do adjourn till Monday, may be made at any time during the sitting of the House.

*Mr. Bright* had a question to ask of the Speaker, respecting the proceedings of the House. He had noticed that the government, of late, evinced a disposition to limit



the opportunities afforded Members of asking questions, and raising incidental discussions of public interest. He understood that the Right Honourable Gentleman the Secretary of the Treasury had that evening, ten minutes after four o'clock, moved that the House at its rising adjourn to Monday next. That motion, at such an hour, and at the time usually devoted to private business, appeared very like a trick to deprive Members of the occasion the motion would afford of putting questions. He knew there were Gentlemen who had come down prepared to ask questions of importance on the motion of adjournment, and he thought the House lost by the absence of such an opportunity. He wished Mr. Speaker, therefore, to give his opinion, whether it was not more consistent with the practice and the rules of the House to make the usual motion on Fridays, that the House at its rising adjourn to Monday, when the House was full, than at ten minutes past four, which was the time set down for private business?

*Mr. Speaker.*—There is no rule of the House on the subject; the motion may be made at any time after the meeting of the House. With respect to this motion being, in practice, of late made an opportunity for Members asking questions, the Honourable Member will see that it is not a very regular practice. The Honourable Member will see the inconvenience of the practice. It is quite useless for the House to say that orders of the day shall take precedence of notices of motions on Fridays, if any motion may be made, or any discussion raised on any question, on the previous and formal motion that the House at its rising adjourn to Monday.

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*Tuesday, Feb. 27th, 1852.*—(3 *Hansard*, cxix. 932.)

On a Motion for Adjournment, it is in order, and not unusual, for a Member to address the House on some other subject.

*Mr. Forbes Mackenzie* moved, "That the House at its rising adjourn until Friday, the 12th of March."

*Mr. Spooner* addressed the House, asking for inquiry about Maynooth, and alluding to the postponement of his motion on the subject.

*Mr. C. Anstey* rose to order. He begged to ask if the Honourable Member was in order in bringing forward the question of the grant to Maynooth on the motion that the House should adjourn till the 12th of March?

*Mr. Speaker.*—It is in order, and not unusual, for an Honourable Member to address the House on a motion for adjournment.

*Tuesday, July 5th, 1853.*—(3 *Hansard*, cxxviii. 1290.)

When a Member has been called upon by the Speaker to bring forward a Motion of which he has given Notice, it is irregular for another Member to interpose with a Motion for Adjournment.

*Mr. Speaker* called upon Mr. Henry Keating to bring forward the motion of which he had given notice with respect to the naval administration of the late government, when

*Mr. Disraeli* said, the Honourable and Learned Member will perhaps allow me to interpose for a moment between him and the chair. He could hardly suppose that the Honourable and Learned Member would at that hour of the night (a quarter-past eleven) wish to make an *ex parte* statement; and, to place himself in order, concluded with the motion, "That this House do now adjourn."

After some remarks from Mr. Keating,

*Mr. Disraeli* rose again, when

*Sir John Shelley* rose to order,

*Mr. Speaker.*—The Right Honourable Gentleman (Mr. Disraeli) is not in order in making a motion for adjournment after I have called upon the Honourable and Learned Member for Reading to bring forward the motion of which he has given notice.

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*Thursday, July 14th, 1853.*—(3 *Hansard*, cxxix. 222.)

It is irregular for a Member to move the Adjournment of the House, merely for the purpose of enabling another Member to address the House a second time.

Succession Duty Bill.

Order for considering the amendments to this bill read.

Report brought up.

*Lord John Manners* wished to know, in cases of woodland tracts, where timber was occasionally felled, &c., &c.

*The Chancellor of the Exchequer* answered the question.

*Mr. Vansittart* said, he thought that the question put by the Noble Lord (Lord J. Manners) had not been sufficiently answered. In order, therefore, to give the Chancellor of the Exchequer an opportunity to reply more fully, he would move the adjournment of the House.

*Mr. Speaker* intimated to the Honourable Member that such a course, by permitting a Member to address the House several times upon the same question, tended seriously to disturb the order of debate.

Motion withdrawn.

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*Friday, June 22nd, 1855.—(3 Hansard, cxxxix. 20.)*

On the Question of the Adjournment of the House, a Member cannot make a Motion on another subject by way of Amendment to the Question before the House.

On the question that the House, at its rising, should adjourn until Monday,

*Sir De Lacy Evans* made some remarks upon certain expressions which had been used by Mr. Layard on a former occasion.

*Sir John Pakington* wished to ask the Noble Lord (Lord J. Russell) whether it was his intention to fix an early day for resuming the adjourned debate on the Education Bills? and proceeded to make some observations on the subject.

A discussion took place, in which Lord J. Russell joined, but did not answer the question put to him by Sir J. Pakington.

*Mr. Owen Stanley* then called the attention of the House to a breach of privilege. Mr. John M'Gregor said he had given notice of his intention, upon the motion for the adjournment of the House to Monday, to move, That is expedient that the office of Secretary of State for Scotland be reinstated. (Cries of order.)

*Lord Harry Vane* rose to order. He thought it desirable that there should be some definite understanding with regard to the question put by the Right Honourable Gentleman (Sir J. Pakington).

*Mr. Speaker.*—I believe the Honourable Member for Glasgow (Mr. John M'Gregor) is quite in order. But this is another proof of the inconvenience which arises from a great number of questions being discussed on that one motion for the adjournment of the House.

The Honourable Member for Glasgow is perfectly in order in rising to speak to that question.

On *Mr. M'Gregor* again rising—

*Sir John Pakington*.—I rise to order. It appears by the motions on the paper that the Honourable Gentleman does not rise to speak to the question of the adjournment of the House to Monday, but to bring forward a motion of which he has given notice, but which, I apprehend, cannot be put by way of amendment.

*Mr. Speaker*.—The Honourable Member is perfectly in order in speaking to the question of adjournment; but if, when he closes his remarks on that subject, he makes this motion by way of amendment, it will be my duty to tell him he cannot move it.

*Mr. John M'Gregor* then proceeded to address the House, but did not propose any amendment to the motion before the House.

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*Thursday, July 5th, 1855.*—(3 *Hansard*, cxxxix. 455.)

A Member is not allowed to make a Statement on presenting a Petition, unless it shows there is urgent need for immediate remedy. And Members ought not to move that the House do adjourn, for the purpose of making a Speech, which the Rules of the House prevent.

*Mr. J. G. Phillimore* wished to know whether it was intended by the government to institute any inquiry into the conduct of the police in Hyde Park on Sunday last.

*Sir George Grey* having replied in the negative,

*Mr. T. Duncombe* said he would give the government an opportunity of answering the question of the Honourable and Learned Member for Leominster (*Mr. J. G. Phillimore*), as he was about to present some petitions

which provided for immediate redress, and by the rules of the House, petitions which required immediate redress were to be taken into consideration at the time: The petitions prayed the House to grant an inquiry into the conduct of the police, and to protect the public against a repetition of such frightful violence.

*Mr. Walpole* rose to order, and said he thought it very inconvenient to get into a discussion upon petitions of this nature without notice.

*Mr. T. Duncombe* did not agree with *Mr. Walpole*.

*Mr. Speaker*.—The Honourable Member puts a very different interpretation upon the Standing Orders from that which I do. I have no doubt that these persons complain of grievances, but the question is, whether they are grievances of pressing necessity, demanding an urgent and immediate remedy. The courts of justice are open to these parties, and I think that these petitions do not come within the Standing Orders.

*Mr. T. Duncombe* having again risen.

*Mr. Speaker*.—The Honourable Member is not at liberty to make a statement upon presenting a petition, unless there is something in the petition to show there is an urgent need for some immediate remedy. There is nothing in the petition to show this, and the Honourable Member is therefore debarred from speaking upon the petition.

*Mr. T. Duncombe* then moved the adjournment of the House, and proceeded to speak on the subject of the petitions.

*Lord Palmerston* rose to order, and said, I will put it to you, Sir, whether it is not in accordance with the rules of the House, that when a Member makes a motion, he should speak to that motion? The motion made

is, that the House do now adjourn, and the Honourable Member is arguing, not for the adjournment of the House, but for the appointment of a committee, which would be impossible if the House were to adjourn.

*Mr. Roebuck* and *Mr. W. Williams* thought Lord Palmerston mistaken and out of order in his interruption.

*Mr. Speaker.*—The question before the House is, that the House do now adjourn. If, when the rules of the House preclude an Honourable Member from speaking on the presentation of a petition, he is to be allowed to move that the House do adjourn for the purpose of making a speech, it will be a question for the House to consider how far it will permit its authority and rules to be thus disregarded.

*Mr. W. Williams* again spoke on the question of order, and *Mr. T. Duncombe* addressed the House amid loud cries of "Order."

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*Friday, March 7th, 1856.*—(3 *Hansard*, cxi. 2037.)

On the Motion that the House at its rising do adjourn till Monday, it is irregular to discuss the merits of a Bill, which is the subject of one of the Orders of the Day.

On the question that the House, at its rising, do adjourn until Monday,

*Mr. T. Duncombe* called the attention of the House to a bill now before it, having for its title—"To explain and amend the Act of last Session for the better Management of the Metropolis." The Honourable Member then proceeded to discuss the merits of the bill.

*Mr. Speaker.*—I must remind the Honourable Member that the bill to which he alludes is one of the orders of the day for this night; and it is highly irregular,

therefore, for the Honourable Member to discuss it on the motion "That the House, at its rising, do adjourn until Monday next." The Honourable Member has given notice of an amendment to the motion for going into committee, and he ought to postpone his observations until that motion comes on.

*Mr. T. Duncombe* again addressed the House, and was met with cries of "Order."

*Mr. Speaker.*—The Honourable Member may put a question to any Member of her Majesty's government as to the time at which the bill is to be brought on, but it is not in order for him to discuss the merits of the bill, which is the subject of one of the orders of the day.

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*Friday, April 25th, 1856.*—(3 *Hansard*, cxli. 1541.)

On the Motion "that the House, at its rising, do adjourn till Monday," the only amendment that can be moved is, that the House do adjourn to some other day.

On the motion that the House, at its rising, do adjourn till Monday, several statements were made on different subjects by Honourable Members, amongst them one by Lord Lovaine, on the "Celebration of Peace." At the conclusion of his remarks the Noble Lord moved, as an amendment upon the motion for adjournment, "That, considering no day of Thanksgiving has been proposed for the restoration of peace," &c.

*Mr. Speaker.*—The amendment of the Noble Lord is quite irregular. On the question that the House do adjourn till Monday, Honourable Members have a right to speak on this question if they please; but the only amendment which can be moved is, that the House do adjourn to some other day than Monday.



*Wednesday, April 30th, 1856.—(3 Hansard, cxli. 1786.)*

The House always adjourns till half-past ten o'clock the following day. It is not usual for the House to meet before two o'clock on Ascension-day.

*Mr. Hayter* moved that the House, at its rising, do adjourn until to-morrow at two o'clock.

*Mr. Thornely* wished to know, if they were to begin business at two o'clock?

*Mr. Speaker.*—I must inform the Honourable Member that the House, at its rising, always adjourns till half-past ten o'clock the following forenoon. Committees are entitled to sit after that hour, but to-morrow, being Ascension Day, it is not thought desirable that they should meet before two o'clock, and hence the motion for adjourning the House till that hour.

*Mr. Thornely* understood then, that, though committees might sit at two o'clock, the House itself would not meet till four.

*Mr. Speaker.*—Precisely: but it is competent to the House now to resolve, that no committee shall sit to-morrow, being Ascension Day.

Motion, by leave, withdrawn, and in lieu thereof it was ordered, That no committees shall have leave to sit to-morrow, being Ascension Day, until two o'clock.

*Thursday, June 19th, 1856.—(3 Hansard, cxlii. 1727.)*

A Member who has once spoken in a Debate cannot move the Adjournment of the House for the purpose of speaking again. But if the Motion for the Adjournment of the House be proposed, he may speak again.

On the order for the second reading of the Agricultural Statistics Bill being read,

*Mr. Bentinck* wished to ask the Chancellor of the

Exchequer when it was the intention of government to bring forward this measure. He had understood the Right Honourable Gentleman to say that it would not be brought on that night, and that there was no probability of the bill being read a second time before that day week. Since that announcement was made the Noble Lord at the head of the government had stated that it would be brought on to-morrow. He should like to know upon which of these statements the House might rely?

*Viscount Palmerston* said, That Honourable Gentlemen who attended to the business of the House must know how impossible it was to say at what time any particular measure would come on. Things arose suddenly which frequently threw over all previous arrangements. If it could be brought on to-morrow at a time when it could be discussed it should be proposed, but if that opportunity did not then occur it would be postponed to some other time.

*Mr. Bentinck* again arose, and was met with cries of "Spoke, spoke." The Honourable Gentleman said, "Well, then, I move the adjournment of the House."

*Mr. Speaker*.—The Honourable Member, having already spoken on the question, is out of order in making such a motion.

*Mr. E. Ball* said, he would move the adjournment of the House.

*Mr. Bentinck* then addressed the House, and, after some remarks from *Lord Palmerston*,

The motion for the adjournment of the House was withdrawn, and the second reading of the bill postponed.

*Friday, July 18th, 1856.*—(3 *Hansard*, cxliii. 1040.)

On Friday, when the Question is, That the House at its rising do adjourn till Monday, it is not necessary for an Honourable Member who wishes to put a question to a Minister on another subject, to move, as an Amendment, that it adjourn till Saturday.

On the motion that the House at its rising do adjourn till Monday,

*Mr. Otway* brought under the consideration of the House a subject connected with the Danubian Principalities, and to enable the Noble Lord (Viscount Palmerston) to answer his question, he would move as an amendment, "That the House at its rising adjourn till to-morrow (Saturday)."

*Mr. Speaker.*—I must inform the Honourable Member that such an amendment is unnecessary.



### AGENT, PARLIAMENTARY.

*Tuesday, March 5th, 1844.*—(3 *Hansard*, lxxiii. 583.)

No person who has not been entered as a Parliamentary Agent can be heard as an agent by a Committee on a Private Bill.

*Sir William Heathcote* had a petition to present relating to private business, complaining that the petitioner had not been heard by his agent. The parliamentary agent did appear before the committee, but, he not being acquainted with the case, the petitioner desired to be heard through his solicitor. He, however, was of opinion, and the committee agreed with him, that a solicitor not being entered as a parliamentary agent, as every solicitor had power to be if he pleased, was not a person contem-

plated by the Standing Order, and the committee refused to hear him.

*Sir G. Grey* said his first impression was, that the refusal to hear a person not being a parliamentary agent was right.

*Lord G. Somerset* thought, that if the Standing Orders intended to prevent any person from appearing as an agent except a parliamentary agent, the word "parliamentary" would have been added. He was of opinion that an "agent" was any person duly authorized, and representing the party, and that the only person excluded would be a retained counsel.

*Mr. Aglionby*, so far as his experience as a chairman of committees on private bills extended, was not aware of a single instance in which the term "agent" had not been construed "parliamentary agent." No doubt, solicitors from the country often attended before committees, and if they offered a suggestion it would be attended to; but they would not be allowed to advocate the case if any objections were made, or appearing as agent for the party.

*Mr. Strutt* found that his authority had been quoted, as having allowed some solicitor to appear before the committee on the Lancaster and Carlisle Railway Bill. He could only say, that there had been no decision to that effect, either by him or the committee; and that if any solicitor had appeared, it was without any knowledge on their part that he was not a parliamentary agent.

*Mr. Speaker.*—In my construction of the Standing Order I agree with the Honourable Member for Derby, Mr. Strutt. During the time that I had the honour of being Chairman of the Committee on Petitions, an

“agent” was always considered to mean a “parliamentary agent;” and I am aware of a case in which a person applied to be heard as an agent who was not a parliamentary agent, and was refused.

It ought to be understood that the parliamentary agent is responsible to the House for the fees, and therefore the House recognizes the necessity of employing those agents alone who have been enrolled as parliamentary agents; and no person ought to appear before the House by any other than a parliamentary agent.

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### AMENDMENT.

*Friday, January 17th, 1840.—(3 Hansard, li. 172.)*

When a Member has proposed a Resolution, to which an Amendment is moved, he cannot substitute another Motion until the Amendment to the original Resolution has been withdrawn.

ON the House taking into consideration the petition of Messrs. Hansard,

*Lord J. Russell* moved a resolution on the subject, to which Mr. Law moved an amendment. A debate took place, and Lord J. Russell, in reply, said, he wished to answer certain questions which had been put to him by previous speakers, and concluded by saying he would withdraw the resolution he had moved, and move another, which he then read.

*Mr. Law* rose to order, and said, the motion could not be made, as there was an amendment on the previous motion.

*Mr. Speaker.*—The resolution cannot be moved unless the Honourable Member consents to withdraw his

amendment; in that case the original motion may then be withdrawn, and this motion may be afterwards made.

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*Thursday, July 28th, 1842.*—(3 *Hansard*, lxx. 826.)

A Member may speak on an Amendment, although he has spoken on the original Question.

*Mr. Roebuck* called the attention of the House to certain resolutions founded on the report of the Election Proceedings Committee.

A debate took place in which *Mr. Aglionby* joined.

An amendment was then put, and *Mr. Aglionby*, on rising again to speak, was met by cries of "Spoke, "spoke." He said, "No, no; you have given me an opportunity of speaking again."

*Mr. Speaker.*—The Honourable Member has spoken to the original question, since which an amendment has been put on which he may now speak.

*Mr. Aglionby* then addressed the House.

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*Thursday, June 22nd, 1843.*—(3 *Hansard*, lxx. 213.)

All Amendments, except on Motions for going into Committees of Supply of Ways and Means, ought to be essentially analogous to the subject.

The order of the day being read for the House to resolve itself into a committee upon the Sugar Duties Bill,

On the question, that the Speaker do leave the Chair,

*Mr. Cobden* moved as an amendment,—“That in the opinion of this House it is not expedient that, in addition to the great expense to which the people of this country are subjected for the civil, military and naval establishments of the colonies, they should be compelled to pay

a higher price for the productions of those colonies than that at which similar commodities could be procured from other countries; and that, therefore, all protective duties in favour of colonial produce ought to be abolished."

*Mr. G. Berkeley* spoke to order. He apprehended that the amendment was irregular.

*Mr. Speaker.*—I apprehend that the amendment cannot be put in its present shape. All amendments, except on motions for going into committee of supply and ways and means, ought to be essentially analogous to the subject. The amendment of the Honourable Member relates to colonial duties generally, and goes far beyond the sugar duties, and cannot, therefore, be put.

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*Thursday, March 5th.*—(3 *Hansard*, lxxxiv. 641.)

Notice does not give priority in moving Amendments.

*Mr. Etwall* moved, That a select committee be appointed to inquire into the administration of the poor laws in the Andover Union, and into the management of the union workhouse.

*Sir J. Graham* moved as an amendment, To leave out from the word, &c., in order to add the words, &c.

*Mr. Ferrand* submitted that it was not competent to the Right Honourable Baronet to move such an amendment. He had himself given notice of an amendment at the sitting of the House, and he, therefore, claimed priority to the Right Honourable Baronet.

*Mr. Speaker.*—It is perfectly competent to the Right Honourable Baronet to move an amendment without giving notice. Having immediately followed the Honourable Member for Andover, the Right Honourable Baronet

is perfectly free to move any amendment, without reference to any priority of notice that may have been given by any other Member.

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### AMENDMENT ON AMENDMENT.

*Wednesday, May 19th, 1852.—(3 Hansard, cxxi. 761.)*

An Amendment cannot be moved upon a proposed Amendment until the latter has become a substantive Question.

#### COLONIAL Bishops Bill.

Order read for resuming adjourned debate on question (28th April) that the bill be now read a second time.

*Sir John Pakington* moved, That the House proceed to the other orders of the day.

Amendment proposed, to leave out from the words "That the," to the end of the question, in order to add the words "other orders of the day be now read" instead thereof.

*Mr. Adderley* moved the postponement of the debate to that day fortnight.

*Mr. Speaker.*—At the present stage of the proceeding it is out of order to move an amendment upon the proposed amendment. The Honourable Member must wait until the House has determined whether the words proposed to be left out shall stand part of the question.

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### AMENDMENTS TO BILLS.

*Friday, July 15th, 1853.—(3 Hansard, cxxix. 275.)*

When the Third Reading of a Bill, and an Amendment postponing the Third Reading for an indefinite Time,



have been moved, no Motion for the re-committal of the Bill can be made until the original Motion and Amendment have been withdrawn, or otherwise disposed of.

#### EASTERN Union Railway Bill.

Order for third reading read.

Motion made and question proposed, That the bill be now read a third time.

*Sir George Pechell* moved, as an amendment, that the bill be read a third time this day three months.

*Mr. Beckett Denison* said, he concurred (with *Mr. V. Smith*) in thinking that the bill should be re-committed, and the committee could then inquire into the proceedings of the meeting to which allusion had been made. He moved that the order for the third reading be discharged.

*Mr. Speaker.*—That motion cannot now be made unless both the amendment and the original motion be withdrawn.\*

*Sir George Pechell* declined to withdraw his amendment. Question put, That the word now stand part of the question.

The House divided,—ayes 82, noes 26. Majority 56.

Original question again proposed, and, by leave, withdrawn.

Order for third reading discharged. Bill re-committed to the former committee.

\* The original motion could have been negatived, and also the question for reading the bill a third time that day six months, and then the bill might have been re-committed.

*Tuesday, July 22nd, 1856.—(3 Hansard, cxliii. 1207.)*

Amendments may be inserted on the Third Reading of a Bill, without notice\*—Informal Amendments inserted in a Bill may be cancelled.

The County Courts Act Amendment Bill.

On the third reading of this bill, *Mr. Roebuck* said he had discovered that in clause 10 an amendment had been introduced, of which no notice was previously given. It related to the compensation to be made to the clerks whose business was going to be taken away. That compensation had been raised from one-fourth to one-third without any notice whatever. The House had gone through some of the forms, but not the whole. He believed that no alteration could be made in a bill on a third reading without notice.

*Mr. Speaker.*—The Honourable and Learned Gentleman is mistaken. The rule of the House is, that no clause shall be inserted on the third reading without notice; but an amendment may be made without notice.

*Sir J. Graham.*—Then has the amendment passed?

*Mr. Speaker.*—Yes.

*Sir J. Graham.*—Is it not open for the House to discuss it?

*Mr. Speaker.*—No.

*Sir J. Graham.*—Then I cannot sufficiently express my surprise and sorrow.

After some other amendments were made in the bill,

*Mr. Speaker.*—Before putting the question that the bill do pass, I wish to know whether the alteration which has been made from one-fourth to one-third in the com-

\* None but verbal Amendments can now be made on the Third Reading of a Bill. See Rules and Orders, 377.

penation to certain clerks goes beyond the charges imposed by the existing County Courts Acts, because if it does the House cannot agree to it.

*Mr. Wilson* said, that, by this bill, Parliament was repealing an act by which the clerks were entitled to a large salary. He submitted, that, whether the bill proposed to retain one-third or one-fourth of the existing salary, it would not be an increase of a charge on the public. It was a charge to be paid out of fees already imposed. The reason of the alteration from one-third to one-fourth was, that originally a discretionary power was given to the government as to the amount to be paid to these clerks; but when it was thought more advisable to fix an absolute sum without any discretion being left to the government, then it was thought that one-third would be a fair arrangement. These men had been induced to abandon their private practice in order to devote their services to the public. Supposing a clerk to be receiving now 600*l.* a year, by this bill he would only receive 200*l.* a year; and the mere possibility of his returning to his private practice was a thing more easily spoken of than accomplished.

*Sir J. Graham* was perfectly sure, from his knowledge of his Honourable Friend, that the insertion of the amendment changing the rate of compensation from one-fourth to one-third without notice was by inadvertence. By the original bill, however, it never was contemplated that a plurality of offices should be established. He (*Sir J. Graham*) took shame to himself in not having foreseen the possibility of that plurality of offices. It was contrary to the spirit, if not the letter, of the act. It was now thought desirable to buy out this abuse by compensation, and he thought compensation of one-fourth, sanctioned as it had been by the committee, was

most ample. He had that morning received an anonymous letter from Dewsbury, stating that if any argument were wanting to show the serious inconvenience arising from non-resident chief clerks, it was to be found in the fact that the clerk for the towns of Dewsbury, Pontefract and another large neighbouring town was residing in Leeds, and that the duties were delegated to a young man, the chief clerk attending only on court days. For these duties he received fees amounting to 2,200*l.*, out of which he paid about 500*l.* for salaries to clerks, retaining a net income of 1,700*l.* a year, a sum exceeding the salary of any county court judge in the kingdom. He should wait with some anxiety to hear the decision of the Speaker as to whether the advance of the amount of compensation from one-fourth to one-third was obligatory on the House or not.

*Mr. Speaker.*—My decision will have no reference whatever to the merits of the case. It will be strictly of a technical character. In ordinary cases it is not competent for any person to propose, on a subsequent stage of the bill, a greater charge on the revenue of the country than the amount which has passed the committee. The only exception to that rule is where a bill is introduced to amend an act passed in a previous session, and which has imposed a higher charge than it was intended to propose in the bill before the House. When the amendment, therefore, was moved by the Honourable Gentleman (Mr. Wilson) it was impossible for me to know whether the increased amount of compensation came within the ordinary rules of the House, or whether there was such a charge created by the previous bill as would cover the amounts proposed by the Honourable Member. But I now understand there was no charge whatever

under the old law, and if I am right in that supposition, then no proposition can be entertained on the report or third reading to exceed the limits fixed by the committee. Under these circumstances I consider the amendment which has been introduced into the clause informal, and one which ought not to have been made, and must, therefore, be cancelled.

See Rules and Orders, 377.

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### AMENDMENT TO THE ORDER OF THE DAY.

*Monday, July 21st, 1856.—(3 Hansard, cxliii. 1120.)*

On the Question that the Speaker do leave the Chair on  
 going into Committee (not one of Supply), a Motion cannot be brought forward as an Amendment, calling attention to a case of individual grievance.

THE order of the day for going into committee on the East India Company's revenue accounts being read,

On the question that the Speaker do leave the chair,

*Mr. I. Butt* rose, pursuant to notice, to propose an amendment on the subject of the confiscation by the Indian Government of the revenues and territories of His Highness Meer Ali Moorad, whose petition to that House he had presented on the 27th June. The Honourable and Learned Member contended, that, inasmuch as the original motion contemplated that the House should go into committee to consider of the revenues of the East India Company, it was legitimate to propose that, before doing so, they should inquire in committee how far the confiscated possessions of the petitioner did or did not form a portion of the revenues in question.

*Mr. Speaker.*—The motion before the House is not a motion for going into a committee of supply, and therefore the Honourable and Learned Gentleman is not in order in bringing forward a case of grievance to a particular individual.

*Mr. Butt* contended that he had a right to ask the House to consider how far the revenues of the East India Company had been derived from the property taken from the petitioner.

*Lord Palmerston* maintained that the amendment was irregular, inasmuch as relating to a matter of individual grievance, which the Honourable and Learned Member might make the subject of a substantive proposition. It had no fair affinity with the original motion.

After a brief discussion on the point of order,

*Mr. Speaker.*—The Honourable and Learned Member is certainly not in order.

Motion agreed to. House in Committee.\*

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## AMENDMENTS ON GOING INTO SUPPLY AND WAYS AND MEANS.

*Friday, March 8th, 1850.*—(3 *Hansard*, cix. 536.)

If a Motion made as an Amendment on going into Committee of Supply be put and negatived, no other Amendment can be offered.

SUPPLY.—The late Brevet.

Order for committee read.

*Mr. F. Maule* moved, That the House do go into committee of supply on the army estimates, and appealed to Major Blackall to postpone his motion on the late

\* See further as to Amendments to the Order of the Day, pp. 61, 62.

brevet, as the Honourable Member for the West Riding had a motion to make of great importance.

*Major Blackall* did not consider it quite fair to ask him to postpone his motion, because the fact of its not being of such general interest as that of the Honourable Member for the West Riding rendered it difficult for him to secure himself a hearing on any future occasion.

*Lord J. Russell* reminded the Honourable and Gallant Member that, as his motion had precedence of that of the Honourable Member for the West Riding, yet, although he should speak only for five minutes, if his motion were put and negatived, the Honourable Member for the West Riding would by the rules of the House be prevented from bringing on his motion to-night.

*Major Blackall* declined to withdraw his motion.

*Mr. Speaker*.—If the Honourable Member proceeds, I must first put the question, which is, That I do now leave the chair.

Motion made and question proposed, That *Mr. Speaker* do now leave the chair.

*Major Blackall* then proceeded.

*Monday, July 22nd, 1850.*—(3 *Hansard*, cxiii. 93.)

If one Amendment is negatived on going into Supply, no other can be moved.

Supply.

Order for committee read.

Estimates—referred.

Motion made and question proposed, That *Mr. Speaker* do now leave the chair.

*Mr. Hume* moved an address for despatches from British Guiana.

*Lord J. Russell* addressed the House.

*Mr. Hume* expressed a willingness to withdraw his motion.

*Lord J. Russell* said, it must be negatived, not withdrawn.

Question, That the words proposed to be left out stand part of the question, put and agreed to.

Question again proposed, That Mr. Speaker do leave the chair.

*Mr. Hutt* rose to call the attention of the House to the petition of Mr. Redman, presented the 12th of April last, and, after stating circumstances, was about to submit a motion for an address.

*Mr. Speaker.*—As one amendment has been already negatived on going into supply, it is not competent for the Honourable Member to submit a second.

*Monday, April 7th, 1856.*—(3 *Hansard*, cxli. 589.)

Upon the House going into Supply, when an Amendment to the Motion that the Speaker do now leave the Chair has been carried, this does not preclude the original Motion from being again put.

Order for committee of supply read.

Motion made and question proposed, That the Speaker do now leave the chair.

*Mr. Cowan* made the motion of which he had given notice, That in the opinion of this House the practice of billeting soldiers of the militia, &c.

A debate took place, and, on a division, Mr. Cowan's amendment was carried.

*Lord Palmerston.*—I understand, Sir, that it would not be at variance with precedent that I should now



move, notwithstanding that the amendment has been carried, That this House should immediately resolve itself into a committee of supply. I therefore beg to make a motion to that effect.

*Mr. Disraeli* called attention to the fact that, during the debate, ministers had led the House to understand, that if the amendment were carried the House would be precluded from going into a committee of supply.

*The Chancellor of the Exchequer* assured the House that the members of the government were fully under the impression, which he believed was shared by many members opposite, that the rules of the House were such, that when an amendment to the motion for going into committee of supply was carried, that motion itself was lost, and that it was not competent to proceed with the committee the same night. However, during the division, by the diligence of the clerk at the table, a discovery was made, very opportunely, that a precedent did exist which would enable the government to proceed with the motion for the committee of supply.

*Mr. Cumming Bruce* thought it would be satisfactory if the Chancellor of the Exchequer would state what the precedent was.

*The Chancellor of the Exchequer.*— The precedent occurred on the 8th of April, 1850, on a motion for going into committee of supply. An amendment was moved by Captain Boldero on the subject of assistant-surgeons in the navy, when, on a division being called for, the question was put, That the words proposed to be left out stand part of the question. The House divided, when the numbers were: ayes 40, noes 48. The question that the proposed words be added was put and agreed to; the main question as amended was put and agreed to; and

the question being then put, That Mr. Speaker do now leave the chair, that motion was agreed to, and the House went into committee of supply.

*Mr. Speaker.*—The original question for my leaving the chair was superseded by the amendment, which was carried; but that does not preclude the Noble Lord from proposing another motion for the House to resolve itself into a committee of supply.

*Resolved,* That this House will immediately resolve itself into a committee of supply.

*Motion made and question,* That Mr. Speaker do now leave the chair, put and agreed to.

House in committee.

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*Wednesday, March 23rd, 1842.*—(3 *Hansard*, lxi. 1118.)

On the question, that the Speaker do leave the Chair, upon going into a Committee of Ways and Means, a Motion cannot be made to take into consideration another subject.

*Sir R. Peel* moved the order of the day for the House to resolve itself into a committee of ways and means, to consider the resolution for a property and income tax.

The order of the day was read.

On the question, That the Speaker do leave the chair.

*Mr. Blewitt* thought that the proposal for an income tax was pressed forward with indecent haste, and moved, That the Public Works Bill be read a third time.

*Mr. Speaker.*—The Honourable Member cannot make that motion, because the order for the House resolving itself into a committee of ways and means has already been read, and the question now before the House is, That the Speaker do leave the chair.

*Mr. Blewitt* said, he would move, That the new tariff be taken into consideration before the income tax.

*Mr. Speaker.*—That motion also is irregular and out of time.

*Mr. Blewitt* wished to know in what respect the motion was irregular.

*Mr. Speaker.*—The tariff must be considered in a committee of the whole House; but the order of the day has been read for a committee of ways and means.

House in committee.

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*Monday, March 7th, 1842.*—(3 *Hansard*, lxi. 155.)

A Return ought to be moved for separately, and not as an Amendment to the Question of the Speaker leaving the Chair.

On the question, That the Speaker do leave the chair, on going into supply,

*Mr. O'Connell* moved for a return of the names, numbers and descriptions of persons who had registered arms in the County of Down.

A debate took place.

*Mr. Speaker.*—Such a motion ought to be proposed separately, and not by way of amendment to my leaving the chair.

Motion withdrawn; to be renewed after the House should have resumed.

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## AMENDMENTS TO OTHER MOTIONS AND QUESTIONS.

*Thursday, June 26th, 1845.*—(3 *Hansard*, lxxxi. 1233.)

When the House has decided that words which were proposed to be left out shall stand part of the Question,

no Amendment can be proposed consisting of "Resolutions," in effect rescinding the former decision of the House.

PRIVILEGE, Printed Papers.

*The Solicitor-General* moved, That a writ of error be brought upon the judgment of the Queen's Bench pronounced in the case of *Howard v. Gossett*.

*Mr. Hume* moved an amendment, That it is inexpedient to entrust the maintenance of the privilege of this House to any other authority than that of the House itself.

The House divided on the question, That the words proposed to be left out stand part of the question. Ayes 78, noes 46. Majority 32.

*Sir R. Inglis* proposed four resolutions as an amendment.

*Mr. Wynn* observed, that his Honourable Friend could not at that stage propose his resolutions as an amendment.

*Sir R. Inglis* appealed to the Speaker.

*Mr. Speaker.*—The Honourable Member cannot now propose his resolutions by way of amendment, as the House has decided on the recent amendment, that the words proposed to be left out stand part of the question.

See Rules and Orders, 140.

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*Thursday, March 25th, 1852.*—(3 *Hansard*, cxx. 79.)

To a Motion for an instruction to the Committee of Selection, an Amendment proposing to add the words, "That they have power to send for Persons, Papers, &c., and confine their inquiry to, &c.," cannot be moved. Such

a Motion ought to be put as a separate one, and requires Notice.

### Metropolis Water Supply Bill.

*Lord John Manners* moved, That it be an instruction to the committee of selection that they have power to fix the committee on the Metropolis Water Supply Bill for Thursday, the 1st day of April next.

*Mr. T. Duncombe* proposed as an amendment, To add to the end of the question the words, and that they have power to send for persons, papers and records, and confine their inquiry to the Metropolis Water Supply Bill.

*Mr. Speaker.*—The amendment of the Honourable Member for Finsbury is irregular. It must be put as a substantive motion, and notice given.

*Mr. T. Duncombe* gave notice of moving it to-morrow. See post, "NOTICE."

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*Monday, March 29th, 1852.*—(3 *Hansard*, cxx. 323.)

When leave has been given to introduce a Bill, a Motion that certain Members do prepare and bring it in, can only be met by a direct negative, or by the Amendment that some other Members be ordered to bring in the Bill.

### Militia Bill.

Order, That leave be given to bring in a bill to amend and consolidate the laws relating to the militia, read.

*Mr. Walpole* moved, "That in pursuance of the order of the 20th day of February last, That leave be given to bring in a bill to amend and consolidate the laws relating to the militia, Mr. Chancellor of the Exchequer, Mr. Secretary Walpole and Mr. Secretary at War do prepare and bring in a bill."

*Mr. T. B. Hobhouse* moved, That there be added to the motion the words this day six months.

*Mr. Speaker.*—The motion before the House is, that the bill for calling out the militia be introduced by certain Members; which can only be met by a direct negative, or by the amendment that some other Members be ordered to bring in the bill.

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*Wednesday, July 20th, 1853.*—(3 *Hansard*, cxxix. 484.)

On an Amendment to a question, if the Motion that the words proposed to be left out stand part of the Question be negatived, and the Debate be then immediately adjourned, leaving no part of the Question but the word "that," the Question for discussion is then, whether the words proposed as an Amendment shall be added to the word "that."

#### Recovery of Personal Liberty Bill.

Order read for resuming the adjourned debate on the question [22nd June], That the words, "It be referred to a select committee to consider whether any and what regulations are necessary for the better protection of the inmates of establishments of a conventual nature, and for the prevention of the exercise of undue influence in procuring the alienation of their property," be added to the word "that," in the original question. (Mr. Phinn.)

Question again proposed, That those words be there added.

*Mr. Bowyer* wished to ask the opinion of the Speaker with regard to the form of the motion as it stood on the paper. He wished to know what motion they were about to discuss. He understood that, on a former occasion, the motion, That the words proposed to be left out stand part of the question, had been negatived, and, therefore,

he understood that the second reading of the bill had been thereby negatived. Nothing remained of the original motion but the word "That;" the amendment of the Honourable and Learned Member for Bath (Mr. Phinn) did not appear on the paper at all; but an amendment of his (Mr. Bowyer's), and one of the Honourable Member for Meath, remained there.

*Mr. Speaker.*—The order of the day on the 22nd June was, that the bill be read a second time; to which an amendment was moved, to leave out all the words after the word "that," for the purpose of inserting the amendment of the Honourable and Learned Member for Bath. The House divided on the question, that the words proposed to be left out stand part of the question, and they came to the decision that the words do not stand part of the question; consequently, the word "that" stands by itself, and the question left to be decided is, whether the proposition of the Honourable and Learned Member for Bath shall be added; and that is the question now before the House.

*Mr. Bowyer.*—Then my motion, That the bill be read a second time that day six months, falls to the ground.

*Mr. Speaker.*—That motion falls to the ground, and the question cannot now be entertained.

Wednesday, June 13th, 1855.—(*Hansard*, cxxxviii. 1920.)

When a Member moves that a Bill be committed that day six months, it is not competent for another Member to move an instruction to the Committee, unless the previous Motion has not been adopted.

Upon the question that the Speaker do leave the chair on the Sunday Trading Bill, two amendments were pro-

posed; the first by Mr. Massey, That the bill be committed that day six months; the second by Mr. T. Duncombe, To extend its operations to Great Britain and Ireland.

After the discussion on Mr. Massey's amendment.

*Mr. Speaker.*—Before putting the question, I must inform the Honourable Member for Finsbury (Mr. T. Duncombe), that it is not competent for him to move an instruction to the committee as the Honourable Member for Newport (Mr. Massey) has a previous amendment on the paper which must be taken first. In case that amendment should not be adopted, it will be competent for the Honourable Member for Finsbury to move his amendment, though he may move it on the bringing up of the report or on the third reading.\*

The amendment was put and negatived. Main question put and agreed to. House in committee.

See p. 252.

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## APPROPRIATION.

*Monday, March 22nd, 1841.*—(3 *Hansard*, lvii. 458.)

A Clause of Appropriation cannot be introduced into a Bill for providing the ordinary Ways and Means of the Year before the conclusion of the Session.

THE House went into committee on the consolidated Fund (£8,000,000) Bill. It appearing that the Chancellor of the Exchequer had borrowed money belonging to the savings' banks, and funded it to the amount of more than two millions.

\* None but verbal amendments can now be made to any bill on the third reading. See Rules and Orders, 377.



*Mr. Speaker.*—The clause now before us is a clause of appropriation introduced into a bill to provide for the ordinary ways and means of the year. It is quite unusual and unprecedented to introduce a clause of appropriation into a bill of this description at this period of the session. Such clauses have always been introduced into the ordinary Appropriation Bill at the close of the session. But since the year 1762 there is not a single instance of a clause of appropriation being inserted in any other bill.

*Sir R. Peel* thought the clause should be inserted in the general Appropriation Bill, with some specific reference to it in the preamble.

Clause withdrawn.

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*Thursday, July 10th, 1856.*—(3 *Hansard*, exliiii. 558.)

Discussions on general Finance are not allowed on the consideration of the Appropriation Bill.

On the motion, that the Speaker do leave the chair to go into committee on the Consolidated Fund (Appropriation) Bill,

*Mr. Williams* called attention to a proviso in a clause of the Bill.

A discussion took place.

*Mr. M. Gibson* wished to put a question to the Right Honourable Member for Dublin University (*Mr. Napier*), relative to a bill on the table connected with finance. This bill proposed to extend the exemption from the paper duty now enjoyed by Bibles, &c., to the educational works used in Dublin University.

*Mr. Speaker.*—I must remind the Right Honourable Member that he is discussing a different order of the day than the one before the House.

*Mr. M. Gibson* proceeded, and said, that he imagined any question affecting ways and means or the income of the country was perfectly regular.

*Mr. Speaker.*—The House is now discussing a bill to appropriate the votes granted in supply, a question which has nothing to do with ways and means.

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*Friday, July 11th, 1856.*— (3 *Hansard*, cxliii. 643.)

Members have no greater privilege in raising Discussions on the stages of the Appropriation Bill, than they have on those of any other Bill.

*Mr. M. Gibson* said he was desirous of asking the Speaker a question with reference to the privileges of Members to raise discussions on the various stages of the Appropriation Bill. It was contended by some Gentlemen that Members had the same rights upon the different stages of this bill as they had on supply, inasmuch as this bill was to give legal effect to the votes in supply and the application of public money. Others contended that there was no more latitude on this bill than on any other bill which came before them. He should be glad if the Speaker would declare from the chair what the rule was. Last year the Noble Lord the Member for the City of London raised the whole question of the foreign policy of the country, and entered on a discussion of Italian affairs, on the third reading of this bill; and the Prime Minister also made a long speech on the foreign policy of the country at the same time. On a previous occasion Mr. Lucas also brought forward the question of the income tax on a stage of this bill.

*Mr. Speaker.*—In answer to the question of the Right Honourable Gentleman, I have to state, that Members

have no more privileges with respect to the Appropriation Bill than with reference to any other bill before the House, and that any observation that they may wish to make, and any amendment which they may wish to propose on this bill, ought to be strictly relevant to the question before the House. As the Right Honourable Gentleman has been kind enough to give me notice of the question which he has put to me, I have been able to refer to the report of a committee of which I had the honour to be a member in 1837, and on which also the Noble Lord the Member for London and the Right Honourable Gentleman the Member for Carlisle sat. That committee was appointed to consider the state of public business at that time, and I have no doubt it will be in the recollection of many Honourable Members that a very inconvenient and irregular practice had been introduced of moving amendments upon the orders of the day. Members claiming the right, upon the question that any order of the day be read, of moving any amendment they thought proper, and if the Right Honourable Gentleman will turn to the report of the proceedings of the House at that time, he will find that most of the amendments to which he has referred were amendments on the orders of the day. The committee, however, to which I have referred consulted the then Speaker (Mr. Abercromby) and those persons connected with the House of Commons who had had the greatest experience in Parliamentary practice, and I will read to the House a paragraph from their report bearing on this question; but I must first explain that the committee recommended that the practice of moving amendments on the orders of the day should be discontinued, and that there should only be two amendments allowed on this question—that the other

orders of the day should be read, or that some particular order should be read. The report proceeds thus:—

“Your committee have been given to understand that, according to the practice now followed, it would be considered disorderly to interpose upon this question, unless, of course, with the exceptions stated (of a committee of supply or ways and means), by interposing any question not strictly relating to the bill, which the House by its order has resolved upon considering; and they have, therefore, deemed it unnecessary to provide against the occurrence of an attempt to disturb this course of proceeding, although they wish strongly to impress upon the House the propriety of maintaining what they deem to be the established practice at present, should any attempt to interfere with it be made.”

This I take to be a clear statement of the rules of the House, and that Members have really no greater privilege with reference to the Appropriation Bill than with reference to any other bill. With respect to the speech made by the Noble Lord the Member for London last year, to which the Right Honourable Gentleman has alluded, the Noble Lord, I remember, put himself in order by referring at the commencement of his speech to certain votes in the Appropriation Bill, upon which the Noble Lord founded the observations he then made.

*Mr. Roebuck.*—Was that recommendation ever affirmed by a resolution of this House?

*Mr. Speaker.*—That report was framed after great consideration. It stated what was the rule of the House at that time. That rule has been maintained ever since,

and I shall consider it to be my duty to maintain it until the House shall otherwise order.

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### BALLOT.

*Thursday, February 12th, 1852.—(3 Hansard, cxix. 436.)*

If the Clerk at the Table is requested by a Member to put his Name on the Notice Paper for Ballot, and omits to do so, the Member cannot move that the Ballot be repeated. Members ought to write their own names on the Notice Paper.

*Sir John Pakington* begged to call the attention of the Right Honourable the Speaker to the position in which he suddenly found himself by the unintentional omission of the clerk at the table. He had given instructions to the clerk to put his name in the glass when the ballot took place for motions; but under these circumstances he would move, that the ballot be repeated.

*Mr. Speaker.*—If the Honourable Baronet wished to give notice of a motion, he should write it down on paper, and also his name, for every Member is reponsible for his own name appearing on the notice paper. If the clerk writes down the name of the Member upon the notice paper, it must be considered merely as an act of courtesy upon his part.

See Rules and Orders, 102.

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### BAR OF THE HOUSE.

*Tuesday, May 1st, 1849.—(3 Hansard, civ. 1056.)*

A Motion for calling to the Bar of the House the Printer and Proprietor of a Paper must specify his Name.

*Mr. J. O'Connell* alluded to the Sessional Order against

reporting the debates, and moved, That the printer and proprietor of the Times newspaper be called to the bar of the House.

*Mr. Speaker.*—In order to make the motion in the regular form, the Honourable and Learned Member must ascertain the name of the printer of the paper.

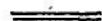
*Mr. J. O'Connell* stated the name and address.

The paper was delivered in, and the paragraph complained of read.

Motion made, and question proposed, That John Joseph Lawson do attend this House to-morrow.

Ultimately,

The motion was, by leave, withdrawn.



## BILLS.

*Friday, May 31st, 1844.*—(3 *Hansard*, lxxv. 96.)

When a Bill has been introduced in the House of Lords, its clauses cannot be quoted in debate in the House of Commons until the Bill has been brought down from the House of Lords.

ON the question that the House resolve itself into a committee on the Ecclesiastical Courts Bill,

*Mr. T. Duncombe* moved an instruction to the committee to abolish all Ecclesiastical Courts, and to transfer the jurisdiction of those courts to civil tribunals. The Honourable Member was quoting the fifth clause of a bill introduced into the other House by the Bishop of Exeter for putting down incontinency, &c.

*Mr. Speaker.*—The Honourable Member cannot quote from the bill in question, as it is not before the House.



*Monday, February, 18th, 1850.—(3 Hansard, cviii. 969.)*

When a Bill has been introduced and read a First Time, no alteration, other than a clerical one, can be made in it by an individual Member.

#### Marriage Bill.

*Sir R. H. Inglis* asked *Mr. S. Wortley* when the bill for legalizing the marriage of a widower with his late wife's sister would be delivered to Members?

*Mr. S. Wortley* said, he was responsible for the delay, being desirous of introducing a clause of great importance, similar to the one proposed last session by the Honourable and Learned Member for Plymouth.

*Sir R. H. Inglis* must now appeal to the Speaker. His Right Honourable friend said, in substance, that the printing of the bill had been delayed because he wished to frame a clause in concurrence with the views of the Honourable and Learned Member for Plymouth. He contended, that though any member, having obtained leave of the House to prepare and bring in a bill on any subject, might take days, weeks or months for the purpose, he could not, when once he had brought up such bill, and when the House had received and read it, make any alterations whatever in it. It was no longer his property any more than of any other individual Member, and could not be altered by any one: the House alone could then deal with it.

*Mr. Speaker.*—It is not competent for any Honourable Member to make any other than a clerical alteration in a bill which has once been introduced and read a first time.

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*Tuesday, 18th June, 1850.—(3 Hansard, cxii. 74.)*

Where a Bill, as amended in Committee, is under consideration, it is not competent to move its postponement.

Landlord and Tenant Bill.

Orders of the Day read.

Bill as amended, considered.

*Colonel Sibthorp* moved, That the further progress of the bill be postponed to that day six months.

*Mr. Speaker.*—It is competent to move the adjournment of the debate, but not the postponement of the bill, as the order of the day has been read, and the amendments are now under consideration.

*Colonel Sibthorp* moved the adjournment of the debate, which was negatived.

Amendments made.

Bill to be read a third time on Thursday.

See Rules and Orders, 374.

*Wednesday, June 15th, 1853.—(3 Hansard, cxxviii. 241.)*

A Bill introduced by certain Members of a Government, and having their names on the back of it, becomes, on such Members going out of office, liable to be treated as the Bill of a private Member of the House.

Leasing Powers (Ireland) Bill.

Order for committee read.

*Mr. T. Duncombe* rose to order. He begged to submit that this was a government bill to all intents and purposes, and it had, therefore, no right to take priority of the bills of independent Members. The bill had been introduced by the Attorney and Solicitor-General of the late government. Their names, together with the name of the noble Lord the Secretary for Ireland under



the late government, were on the back of the bill. He believed that the present had adopted it. He therefore maintained, that it should be postponed until the other bills of independent Members were disposed of. As he should like to have the opinion of Mr. Speaker upon the question, he should move, That the bill be postponed until the other orders of the day were disposed of.

*Sir John Young* denied that it was a government bill in the ordinary sense of the term.

*Sir George Grey* said, that as the Right Honourable Gentleman Mr. Napier (the late Attorney-General for Ireland) could not now command any of the government days, he would advise him to give up the bill altogether if he were prevented going on with it on Wednesdays.

*Mr. T. Duncombe* said, he should like to have the opinion of the Speaker as to whether this should be considered a government bill or not?

*Mr. Speaker.*—I will give the Honourable Member an answer if he puts a question directly to me. But the Honourable Member has put a question to the House in the shape of an amendment.

*Mr. T. Duncombe* said, he should prefer taking the opinion of the Right Honourable Gentleman, as to whether this was or was not a government bill.

*Mr. Speaker.*—My opinion is, that the bill, though at first introduced by a member of the late government, should now be considered as belonging to a private individual.\*

\* But if it had been adopted by the Government, and if its stages had been moved by them, it would probably have been a Government Bill.

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## BILLS, CLAUSES OF.

Wednesday, July 3rd, 1844.—(2 Hansard, lxxvi. 273.)

The Clauses of a Bill cannot be discussed before the Order of the Day for going into Committee on the Bill be read.

ON the motion, that the order of the day for going into a committee upon the Joint Stock Companies Registration and Regulation Bill be read,

*Mr. Hawes* spoke against the bill, and was alluding to the contents of the 76th clause.

*Mr. Speaker.*—The Honourable Gentleman, until the order of the day be read, cannot discuss the clauses of the bill.

Order of the day read.

See Rules and Orders, 98.

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Monday, June 26th, 1854.—(3 Hansard, cxxxiv. 694.)

A Member cannot offer a Clause to the House without due Notice, and the Clause proposed to be inserted ought to be that of which Notice has been given.

On the third reading of the Oxford University Bill,

*Mr. Heywood* moved the following clause:—From and after the first day of Michaelmas Term, 1854, it shall not be necessary for any person, upon taking the degree of Bachelor in Arts, Law or Medicine, usually conferred by the said University of Oxford, to make or subscribe any declaration, or to take any oath, save the oath of allegiance, or an equivalent declaration of allegiance, any law or statute to the contrary notwithstanding.

*Mr. Speaker* called the attention of the House to the resolution of the first day of June:—That, on a clause being offered in the committee on a bill, or on the con-

sideration of report or third reading,\* Mr. Speaker or the Chairman do desire the Member to bring up the same, whereupon it shall be read a first time, without question put, but no clause shall be offered on consideration of the report or third reading without notice. The Honourable Member's clause, as he has moved it, differs from the clause of which notice has been given; it has, in fact, been amended this very day. When an Honourable Member wishes to make a proposition, it has been generally understood that one day ought to intervene between the giving of the notice and submitting the proposition to the House; according to the rule of the House, therefore, there has not been notice given of the clause.

*Mr. Heywood* asked, whether he could amend the form of his notice, his proposition having been amended?

*Mr. Speaker.*—The Honourable Member has made a material amendment in his clause since he has given notice. If all the Members of the House consent to accept it there can be no objection to propose it. But if one Honourable Member objects, that notice will be insufficient. The proper course will be, that the further proceedings with the bill be postponed to a future day, and that the Honourable Member give a new notice.

*Mr. Labouchere* desired to know if it would be in the power of any other Member to move an amendment on that clause without notice, if he should think it would be desirable for the House to adopt such amendment; or whether the rule with respect to the alteration of a clause applied only to the Member who had given notice of it?

\* None but verbal amendments can now be made on the third reading of a bill. See Rules and Orders, 377.

*Mr. Speaker.*—I consider it perfectly clear, according to the rule of the House, that no Member can offer any clause to the House without giving due notice of it, consequently no clause can be read a second time unless notice be given of the proposition before it is offered to the House. The House reserves to itself the right of amending the clause after it is read a second time, but it has not yet arrived at that stage, nor can it arrive at it unless due notice is given of the clause according to the orders of the House.

Motion and clause, by leave, withdrawn.

Further proceeding adjourned till Thursday.

See Rules and Orders, 372, 377, and post, "NOTICE."

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## BILLS, LORDS' AMENDMENTS TO.

*Wednesday, August 7th, 1839.*—(3 *Hansard*, l. 3.)

Where the House of Lords introduce Amendments into a Bill (not being a Money Bill) beyond their power, those Amendments are not fatal to the Bill, though the House of Commons cannot consistently agree to them, but may signify the same to the House of Lords, in hopes that their Lordships will waive their Amendments.

### MUNICIPAL Corporations (Ireland).

*Lord J. Russell.*—The bill as it had passed the Commons contained clauses giving certain powers which were hitherto exercised by the grand juries in Ireland to the municipal bodies instituted or reformed by the bill. The House of Lords had struck out those clauses, whereby, in effect, those powers hitherto exercised by grand juries, which were taxing powers and powers of

levying money, was continued to those grand juries as they had by law hitherto exercised them. He should be glad to hear the opinion of the chair.

*Mr. Speaker.*—If I correctly understand the question, it has reference to those clauses in the bill which transfer certain powers of taxation held under the existing law by the grand juries of the several counties in Ireland to the newly-created councils in the proposed municipal boroughs. I do not think the House can agree to the Lords' amendments. It has always been most jealous of any interference on the part of the other House in cases of this description. It does not even allow the House of Lords to change the name of a single trustee in a turnpike bill. If a bill passes the Commons for the collection of rates, it never consents to any alterations being made by the other House respecting the body which is to have the control of these matters. The Commons have decided that their powers of taxation are hereafter to be exercised by the new municipal councils, and the House of Lords having amended the bill so as to re-transfer those powers to the grand juries of the counties of Ireland, the House of Commons cannot consistently with the proper maintenance of its privileges agree to that amendment.

*Lord J. Russell* begged further to know, whether that amendment would be at once fatal to the bill, or whether it was an amendment to which they could disagree, and ask the other House to consent to their disagreement thereon?

*Mr. Speaker.*—I do not consider it fatal to the bill, but such an amendment as the House of Commons may disagree to, and signify their intention accordingly to the House of Lords, in the hope that their Lordships may

waive their amendment and allow the clauses to stand as before.

N.B.—Had this been what is ordinarily termed a “money bill,” the amendment could not have been allowed.

See also, “Building Regulations and Borough Improvement Bills,” 3 Hans. lx. 900; and Rules and Orders, 383, 384, 394, 395.

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*Tuesday, May 16th, 1843.—(3 Hansard, lxix. 427.)*

Where a Bill had by mistake been put into the Commission, and had received the Royal Assent without certain Amendments which the House of Lords had made in it having been considered by the House of Commons, a Committee was appointed to investigate the matter.

#### Schoolmasters' Widows' Fund (Scotland) Bill.

*Mr. Speaker.*—I wish to call the attention of the House to the circumstances attending their proceedings on the “Schoolmasters' Widows' Fund (Scotland) Bill,” which passed the Commons on the 25th April last. It was returned by the Lords, with amendments, on the 2nd May. These amendments were submitted to me, and were perfectly unobjectionable. It appears from an entry in the minutes of proceedings of the House of Lords of the 5th May, that this bill was returned from the Commons on that day, with the amendments agreed to; but there is no record in the votes of the House of their having been considered; and upon an examination of the bill, it appears that it has not been signed by the clerk in the usual manner, certifying that the amendments have been agreed to. It must, therefore, have been inadvertently and by mistake taken up to the Lords, and afterwards placed in the commission, as it received the

Royal Assent on the 9th May. In 1829, a case occurred of a somewhat similar character. A bill, intituled "An Act to amend the Law relating to the Employment of Children in Cotton Mills and Factories," passed the House of Commons. The Lords made certain amendments, but did not send back the bill, and it was by mistake placed in the commission. The House of Commons, being informed of this circumstance by the Speaker, appointed a committee to search the Lords' Journals, and afterwards demanded a conference with the Lords upon the subject. The House, being satisfied with the explanation given of the transaction by the House of Lords, agreed to the amendments, and passed a bill to render valid and effectual the act which had passed by mistake. This is a matter of such deep importance that it is scarcely necessary for me to recommend it to the earnest attention of the House. The bill has now by mistake become the law of the land, and another bill will be necessary in case this House shall think fit to agree to the Lords' amendments to render it valid; and in any case it will be necessary for this House to take such steps as will prevent a recurrence of similar mistakes, by which not only the privileges of this House, but the law of Parliament may be seriously affected.

On the motion of Sir R. Peel, a committee was appointed to inquire into the circumstances, &c.\*

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*Friday, August 9th, 1844.—(3 Hansard, lxxvi. 1904.)*

The House of Lords having made amendments in a Bill, and having inadvertently omitted one, in sending them

\* The bill was subsequently made valid by another act, 6 & 7 Vict. c. lxxxvi., Local and Personal.

to the other House, desired the concurrence of the House of Commons to the Amendment so omitted. Ruled, that under the circumstances of the case, the House could not entertain the Amendment in question.

A conference was held with the Lords on the subject-matter of the amendments made by the Lords to the Merchant Seamen's Bill. The report was—

“ That the Managers had met the Lords at conference, which was managed, on the part of the Lords, by the Earl of Liverpool, who acquainted them that the Lords, being desirous at all times of maintaining a good correspondence with the Commons, have desired the conference, in order to communicate to them, that in the bill, intituled ‘An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen’ (which has been returned to the Lords, with the amendments made therein by them agreed to by the Commons), there was an omission of one amendment in the paper of amendments sent to the Commons, namely, in press 66, line 8, to leave out the words, ‘and prize money,’ which amendment was made by the Lords, in addition to those contained in the paper of amendments formerly sent down by them, but which was inadvertently omitted from the paper of amendments so sent down; to which amendment they desire the concurrence of the Commons.”

Matter communicated by the Lords at the conference was taken into consideration, and Mr. Speaker having been requested to give his opinion to the House on the point of form in respect of the proposal made by the Lords,



*Mr. Speaker.*—I am not aware of any precedent directly applicable to the present case; but I consider that it would establish a most inconvenient and dangerous one, if the House were now to entertain the amendment which has unfortunately been omitted from the Merchant Seamen's Bill when it was sent back from the Lords. Omissions and mistakes have occasionally been rectified during the progress of measures in the two Houses of Parliament; but in the present instance the Lords' amendments have been agreed to at a stage when it is no longer possible for the House to reconsider them, if they are in any degree affected by the amendment which has been omitted; and the Commons' agreement to these amendments having been indorsed upon the bill by the clerk, this proceeding ought, in my opinion, to be considered final and conclusive.

A committee was appointed to draw up reasons to be offered to the Lords at a conference for not taking into consideration the amendment now proposed by the Lords.

Reasons for not taking into consideration the amendment proposed by the Lords, reported; and the same were read, as follow:—

“The Commons express their deep regret that by any inadvertence the whole of the amendments made by their Lordships in the Merchant Seamen's Bill should not have been presented to the House of Commons before the bill was returned with the amendments agreed to by the House of Commons.

“They consider, however, that great inconvenience would result from establishing a precedent for entertaining any amendment made by either House of Parliament in bills sent down from the other House, which amendment had not been in-

serted in the bill as sent down, after the bill shall have been returned with all the amendments agreed to, which were submitted to the consideration of the Commons.

“It appears to the House of Commons very possible that an amendment, perhaps unimportant in itself, may have a material bearing upon the effect of other amendments; and as the Commons possess no power of altering the amendments to which they have agreed, and which have been returned to the Lords, it might occur that material changes in the law might be inadvertently effected, by adopting an amendment under the circumstances under which the present amendment is now sent down by their Lordships.”

A conference was held, at which these reasons were communicated to the Lords, who by a message declared,

“That they did not insist on their amendment to the Merchant Seamen's Bill.”

See Rules and Orders, 283.

As to conferences, see Rules and Order, 277—295.

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*Monday, May 31st, 1847.*—(3 *Hansard*, xcii. 1299.)

When the Lords have made Amendments in a Bill which infringe on the Privileges of the Commons, it is a question for the House of Commons to decide whether it will insist upon or waive its privileges.

Poor Relief (Ireland) Bill.      4

*Lord John Russell.*—In moving the order of the day for the consideration of the Lords' amendments on a bill, intituled “An Act to make further provision for the Destitute Poor in Ireland,” I have to state, Mr. Speaker, that

your attention has no doubt been attracted to those amendments, and likewise to what passed on the 24th of July, 1838, when your predecessor, Lord Dunfermline, occupied the chair of this House. Before proceeding further, I wish, Sir, that you would state what is the view you take of those amendments as affecting the privileges of this House, and whether you think the view stated by Mr. Abercromby the correct one?

*Mr. Speaker.*—In answer to the question of the Noble Lord, I have no hesitation in saying, that the amendments made by the House of Lords on the Poor Relief (Ireland) Bill and the Landed Property (Ireland) Bill do infringe on the privileges of this House. On former occasions, when similar questions have come before the House,—I especially allude to the cases which occurred in 1834,\* when the English Poor Law Bill was before Parliament, and in 1838,† when the Irish Poor Relief Bill was before Parliament,—the House of Commons did waive its privileges, and agreed to the amendments made by the House of Lords; and it is for the House to decide whether, so far as regards the Poor Relief (Ireland) Bill, they will adhere to the practice which existed previous to 1834, or whether they will consent to waive their privileges in the present instance. With respect to the Landed Property (Ireland) Bill, I am not aware of any precedent in regard to a bill authorizing issues from the Consolidated Fund, either by way of loan or otherwise, in which the House of Lords have been permitted to make amendments, so as to divert the funds to any other object than that approved by the House of Commons. The amendments made in the Landed Pro-

\* Hansard, xxv. 1207.

† Hansard, xliv. 575.

perty (Ireland) Bill\* stand altogether in a different position from those made in the Poor Relief (Ireland) Bill. The charges imposed by this latter bill are to be levied for local purposes, and administered by local authorities. The provisions of the former bill impose a direct charge on the public revenue. Having now stated how far the privileges of the House are affected by the amendments made by the Lords in these two bills, I must leave it to the House to decide, whether it will be expedient to insist upon them or to waive them on this occasion.

*Lord John Russell* then moved the consideration of the Lords' amendments on the Poor Relief (Ireland) Bill. Some were agreed to and others disagreed to.

See Rules and Orders, 383, 384, 394.

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*Friday, July 27th, 1849.*—(3 *Hansard*, cvii. 1040.)

The House of Lords may not make any alteration in a Bill for the Relief of the Poor, which interfere with the disposition or collection of the Rate to be levied, or with the Persons who have the control or management of the Rate.

Poor Relief (Ireland) Bill.

Order for consideration of Lords' amendments read.

*Lord J. Russell.*—Sir, I should wish the House to have the benefit of your opinion with respect to the amendments which the Lords have introduced into this bill, in as far as they affect the privileges of this House.

*Mr. Speaker.*—I know not how I can better answer

\* On the consideration of the amendments to this bill a debate took place (see *Hansard*, xcii. 1339). Some were agreed to and others disagreed to, and a committee was appointed to draw up reasons to be offered to the Lords at a conference for disagreeing to their Lordships' amendments.

the question put by the Noble Lord than by stating to the House what is the rule which governs the practice of the House with reference to amendments made by the Lords in bills of this description. The rule is this, that the Lords may amend bills for the relief of the poor, if the amendment does not in any way amount to an interference with the amount, disposition or collection of the rate to be levied, or with the persons who have the control or management of the rate. This rule has always been strictly adhered to with regard to all private bills authorizing the levying of local rates; but there have been some occasions with reference to public bills in which the House of Commons has agreed to waive the point, and not insist on a strict adherence to its privileges. The precedents which have occurred in more recent years are those of the English Poor Law Bill of 1834,\* the Irish Poor Law Bill of 1838,† the Irish Municipal Bill ‡ of the same year, and lastly, the Irish Amended Poor Law Bill of 1847.§ It is quite obvious that a large number of the amendments which have been made by the Lords in the present bill do most decidedly infringe upon the privileges of this House. The first two clauses of the bill, as it was sent up by this House, proposed a certain maximum amount of rate to be levied; first, upon the electoral divisions, and then upon the unions. By the omission of those two clauses, the Lords have increased the amount of the rates to be imposed; or rather have imposed a different amount of rate from that which the bill originally sent up to them by the Commons had declared should be imposed. It will be for

\* Hansard, xxv. 1207.

† Hansard, xlv. 871.

‡ Hansard, xlv. 575.

§ Hansard, xciv. 457.

the House to say whether they will follow the precedents to which I have alluded, and waive their privileges on this occasion; or whether they will maintain them. If the House should resolve to adhere to the latter alternative, the Lords' amendments of course must be rejected.

*Lord J. Russell* proposed, That the House do agree to the Lords' amendments.

Motion made and question proposed, That the amendments be now read a second time.

Amendment proposed to leave out the word "now," and at the end of the question to add the words "upon this day three months."

Question put, That the word "now" stand part of the question.

Ayes 111, noes 62.

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*Thursday, July 27th, 1854.*—(3 *Hansard*, cxxxv. 828.)

Upon taking into Consideration Amendments of the House of Lords, it is not competent for the House to alter any part of a Bill which those Amendments do not touch.

*Lord J. Russell* moved, That the Lords' amendments to the Oxford University Bill be taken into consideration.

*The Chancellor of the Exchequer* proposed to alter one of the Lords' amendments, which was evidently an oversight, inasmuch as it provided that the hebdomadal council should be elected on the 14th day of Michaelmas Term, whilst the congregation, which was to elect the hebdomadal council did not come into operation till the 15th day of Michaelmas Term.

*Mr. Speaker.*—It is not competent for the House to

entertain the Right Honourable Gentleman's amendment, inasmuch as it seeks to alter a part of the bill which the Lords' amendments do not touch.

*The Chancellor of the Exchequer* said, it was true that the word "fourteenth" had not been altered by the House of Lords; but the whole effect of the clause, and of the word "fourteenth," had been altered by the alteration which the Lords had made. He would therefore submit that this was a case in which the whole difficulty arose in consequence of the Lords' amendments.

*Mr. Speaker.*—Unfortunately the word "fourteenth" precedes the amendment of the Lords, to which the House is now asked to agree.

On the suggestion of Lord John Russell a verbal alteration was made in the Lords' amendments, by which the difficulty was avoided.

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*Monday July 9th, 1849.—(3 Hansard, cvii. 3.)*

When the House has made Amendments in a Bill, if a Member objects to their being considered, he may move the re-committal of the Bill. Unless some such Motion be made, the Amendments will be considered, and the next Question will be upon the Third Reading of the Bill.

Marriage (Scotland) Bill.

*The Lord Advocate* moved the consideration of the amendments to this bill.

*Mr. Forbes Machenzie* said, he should object to the consideration of the amendments.

*Mr. Speaker.*—It is not competent for the Honourable Member to make such a motion at this stage of the bill. It is competent for him to move the re-committal of the bill. If a motion of this kind be not made, the

amendments will be considered, and the next question will be upon the third reading of the bill.

Amendments agreed to.

See Rules and Orders, 370.

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*Tuesday, August 8th, 1854.*—(3 *Hansard*, cxxxv. 1411.)

Lords' Amendments are not generally taken into consideration upon the day on which they come down from the House of Lords.

*Lord J. Russell* moved, That the House should take into consideration the Lords' amendments in the Bribery Bill.

*Lord Hotham* begged to ask Mr. Speaker whether it was competent for the Noble Lord to bring the subject under their notice at that moment. There stood upon the paper a number of orders of the day, while the motion of the Noble Lord was placed upon the paper in the shape of a notice?

*Mr. Speaker.*—Previous to the establishment of a rule, to which the House has some time ago agreed to, the amendments introduced by the Lords into a bill might be taken into consideration at any time. That rule, however, has provided, that the Lords' amendments should not be taken into consideration upon the day on which they came down from the other House, but should be fixed for some subsequent day, unless the House is pleased otherwise to order. It is competent, however, for the noble Lord, having given notice of motion upon the subject, to move that those amendments be taken into consideration forthwith.

Amendments considered.

See Rules and Orders, 384.



BILLS, PRIVATE.

*Friday, August 9th, 1839.—(3 Hansard, l. 141.)*

Where a Police Bill provides, that the Constables are to be appointed by the Crown, the Bill is not a Private one.

ON the second reading of the Manchester Police Bill,

*Mr. T. Duncombe* wished to know, why this bill was not treated as a private bill. It was merely a local act. In the case of Birmingham there was a grant of the public money. But this was a local act to all intents and purposes. He hoped the Speaker would favour the House with his opinion.

*Mr. Speaker.*—If this bill had been applied for by the inhabitants of Manchester, and if they were to have the appointment of the constables, then it must have been treated as a private bill. But in this case the constables are to be appointed by the crown. It is to be compulsory on the inhabitants, and, therefore, it is not a private bill.

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*Monday, June 16th, 1845.—(3 Hansard, lxxxii. 599.)*

After the Second Reading of a Private Bill, it cannot be referred to the Committee on Standing Orders for the purpose of remedying a Non-compliance (by mistake) with the Standing Orders.

Cambridge and Lincoln Railway.

*Mr. Manners Sutton* moved, That the Cambridge and Lincoln Railway Bill be re-committed to the same committee (Group X.); and that it be an instruction to the committee that they have power to take into consideration whether the section deposited in the Private Bill Office may not be amended, without injury to public

or to private interests; and that it be a further instruction to the said committee, that they have power to amend the said section, if, on inquiry, they shall deem fit to do so.

*The Chancellor of the Exchequer.*—The hardship of this case is, that the objection was not taken before the Standing Orders Committee; if the objection had been taken then, the House would undoubtedly have permitted the parties to correct the error.

*Mr. W. Patten* was afraid, according to the regular rules of the House, that the matter could not be referred to the Standing Orders Committee. He thought it would be more advisable to refer the case to the Committee on Standing Orders. That committee would make a report, and the House would then come to a decision upon the motion. If the forms of the House would permit it, he would move an amendment to that effect.

*Mr. Speaker.*—I do not see how it is possible that such an amendment can be put consistently with the Standing Orders. The Standing Orders require that the House shall not receive any petition relating to the Standing Orders after the second reading of the bill. Now this petition has been presented after the second reading, and it does relate to the Standing Orders. Therefore, if this petition shall be received as one relating to the Standing Orders, it will be decidedly against the rule of the House. I do not think that, consistently with those Orders, it will be competent for me to put the question which the Honourable Member has suggested.

Wednesday, April 9th, 1845.—(3 Hansard, lxxix. 375.)

Where, in a Bill purporting to empower a Railway Company to make Branch Railways, a Clause was inserted to enable Owners of Mines, &c., within a certain Distance, to make Railways to the main Road, and to treat for Damages, &c. Held, that this not being within the Title of the Bill, and no intimation having been given of it in the Notices, nor Plans, Sections and Estimates deposited, the Bill should be referred back to the Committee on Petitions for Private Bills.\*

*Mr. Speaker* called the attention of the House to the bill to empower the Midland Railway Company to make certain Branch Railways from the Main Line of their Railway, and for other Purposes, in which a clause was inserted, to enable the owners of mines, &c. within five miles of the railway or branches to make railways or roads to the main line, paying or tendering satisfaction for the damage, also authorizing them to treat for the damage, and the difference, if any, to be settled by a jury.

The Right Honourable Gentleman said, the clause was not within the title of the bill, that it gave compulsory power to take lands without any intimation thereof having been given in the notices; and without the proper plans and sections and estimates having been deposited according to the Standing Orders of the House. Perhaps the House would find it the most convenient course to discharge the order for the second reading of the bill, and refer it back to the Select Committee on Petitions for Private Bills,\* by which this

\* The duties which were performed by this committee before 1846 now devolve on the Examiners of Petitions for Private Bills.

clause might be examined, and referred, if necessary, by the House to the Standing Orders Committee, in order to see whether it was conformable to the Standing Orders.

Order for the second reading discharged, and bill referred to the Committee on Petition for Private Bills.

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*Wednesday, May 7th, 1845.—(3 Hansard, lxxx. 231.)*

A Bill may be referred to the Standing Orders Committee after being read a First Time.

*Mr. F. French* moved for leave to bring in the Great Western Railway (Ireland) Bill.

*Mr. Warburton* said, that this bill was one which the Standing Orders Committee had reported against, and the Honourable Member for Roscommon had induced the House to decide against the Standing Orders Committee. It was proposed, that a select committee should be appointed to inquire how far the existing Standing Orders with respect to Irish railway bills should be dispensed with. It seemed to him, that when the Standing Orders Committee had reported against a bill, and a select committee was proposed to consider the subject, they ought to have the report of that committee before they proceeded further. He therefore moved, "That the discussion of the subject be adjourned."

After some other Members had spoken,

*Mr. Warburton* asked the Speaker if it would be allowable to refer this bill back to the Standing Orders Committee after it had been read a first time? He apprehended that it would be too late to do so, and therefore he thought it would be better to suspend the fur-

ther progress of the bill until the report should have been made.

*Mr. Speaker.*—After the bill has been read a first time it may be referred to the Standing Orders Committee.

*Mr. Warburton* withdrew his motion.

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*Monday, March 15th, 1852.*—(3 *Hansard*, cxix. 1035, 1036.)

A Bill introduced by a Corporate Body upon Petition, and affecting its own Status and Privileges, is a Private Bill; but when the Report of the Select Committee upon it has been received, it is competent for any Member to propose that the Report be referred to a Committee of the whole House.

London Corporation Bill.

*Sir James Duke* moved the second reading of this bill.

*Mr. Hume* approved of the bill. If he were correctly informed, its operation would be to greatly enlarge the municipal franchise in the City of London, and to relieve the inhabitants from taxation, to which they were now annually subject, to the amount of 6,000*l.* a year; but he objected to the principle of introducing a bill of such a character as a private measure.

*Sir James Duke* said, that the bill had been introduced on petition, and by the corporation itself; the Standing Orders of the House required that it should be treated as a private bill.

*Mr. Roebuck* concurred in the opinion that the bill ought to have been introduced as a public measure. If such a bill were to be treated as "private," he should beg to ask the Speaker, how a public bill was to be distinguished from a private one?

*Mr. Speaker.*—It cannot be questioned that the bill is, according to the Standing Orders, a private bill, inasmuch as it is brought forward on the petition of a corporate body; but the House does not lose its authority over it on that account. The bill will be referred to a select committee, and when that committee have made their report, it will be competent for any Member to propose that the report be referred to the consideration of a committee of the whole House.

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### BILLS, PARTLY PUBLIC AND PARTLY PRIVATE.

*Thursday, April 14th, 1842.*—(3 *Hansard*, lxii. 491.)

A Bill, which proposes to levy a Rate on certain Parishes for Lighting, is partly Public and partly Private, and requires Notice as for a Private Bill.

*Mr. Borthwick*, pursuant to notice, moved for leave to introduce a bill to enforce the better lighting of the metropolitan roads by the respective parishes through which they pass.

*Mr. Speaker.*—Does the Honourable Member propose to levy a rate on the several parishes?

*Mr. Borthwick.*—Undoubtedly, under the provisions of the 3 & 4 Will. IV.

*Mr. Speaker.*—The bill in that case will be partly of a public and partly of a private nature, and the Honourable Member will therefore have to give the notice required to be given in cases of private bills.

Motion withdrawn.

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*Thursday, Feb. 13th, 1845.—(3 Hansard, lxxvii. 442.)*

A Bill to enable the Commissioners of Greenwich Hospital to grant Leases of Minerals, and for making a Railway on their Estate, may be brought in on Motion, without Petition. Such a Bill, after being read a First Time, is treated according to the Routine of all other Private Bills.

*Mr. C. Hope* moved for leave to bring in a bill to enable the Commissioners of Greenwich Hospital to grant leases of coal and minerals for forty-two years, and for making a railway or tramroad from Greenwich Colliery to Berwick Bridge.

*Mr. Hume* wished to know if there was any exception in railway matters in favour of public bodies, or whether the rule applicable to private bills did not include cases such as the present. He could not understand under what rule of the House the present motion was brought forward.

*Mr. Speaker.*—I consider the proper course to take in the present instance is, to apply for leave to bring in the bill. The bill is brought in for the improvement of public property, and must necessarily, under the peculiar circumstances, be applied for by motion, and not by petition. After the bill is, however, brought in, and read a first time, it will in all future stages be treated as any other private bill.

*Mr. Forster* wished to know, whether, if referred to a committee, the bill would come under the investigation of the general committee or under a distinct committee?

*Mr. Speaker.*—After the bill shall have been read a first time, it will be referred to the Committee on Private Bills. If all the Standing Orders are complied with, the bill will then be proceeded with in the same manner

as any other private bill, and it will afterwards pass through a committee of the whole House, so that it will be perceived, no specific advantage whatever is given to it in allowing the present motion.

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*Wednesday, April 9th, 1851.—(3 Hansard, cxv. 1340.)*

Bills which are partly Public and partly Private, go through the same Forms as Private Bills, until after the Select Committee has reported on them, when they are re-committed to a Committee of the whole House, and afterwards treated as Public Bills. When the Select Committee come to the consideration of the Schedule of Tolls payable under such a Bill, parties whose interests are affected by such Tolls may be heard. In a Bill for removing a Market, the Power of a Committee to decide upon a new Site depends upon whether such a Power was comprehended in the Notice given as for a Private Bill.

Smithfield Market Removal Bill.

Order for second reading read.

*Sir George Grey* moved the second reading of this bill.

*Mr. T. Duncombe* wished to have it clearly ascertained whether this bill henceforward was to be considered a private or a public bill. Was it to go to the select committee above stairs as a private bill, and to come back as a public bill, to be considered by a committee of the whole House?

*Mr. Speaker.*—If the House will permit me, I will explain what the practice is as to bills of this kind. All bills which are partly public and partly private go through the same forms as private bills, until after the select committee has reported on them, when they are



recommitted to a committee of the whole House, and afterwards treated as public bills. The House will see at once the object of such a rule. Inasmuch as these bills affect local interests it is necessary that notice should be given to all parties concerned, in order that they may know what they have to expect, and, if necessary, be enabled to take steps for having their several claims heard before the select committee in defence of their own interests.

*Mr. Hume* said, he understood that; but as there was no schedule of tolls attached to this bill, there were no private interests to be considered.

*Mr. Speaker.*—The schedule must be fixed by the committee on the bill, and the parties concerned may be heard when the committee come to the consideration of the schedule.

*Mr. T. Duncombe* wished to know whether the owners of Smithfield Market could be heard against the bill?

*Mr. Speaker.*—Their interests are most materially affected, and they will, of course, petition against the bill; their petition will be referred to the committee, and they will be heard against it.

*Sir W. Jolliffe* asked, whether, under the circumstances in which the bill stood, the committee would have the power of deciding upon a site without reference to any notice which, in respect to other private bills, it was necessary to give?

*Mr. Speaker.*—Nothing can be done beyond what was comprehended in the notice originally given. I cannot answer the question without knowing the extent to which the notice goes. Whatever clauses may be proposed in committee, they must be such as come within the terms of the notice given.

*Wednesday, April 9th, 1851.—(3 Hansard, cxv. 1347.)*

When a Bill partly Public and partly Private is referred to a Select Committee, parties interested may be heard by Counsel.

**Smithfield Market Removal Bill.**

*Mr. C. Lewis* moved, That the bill be referred to a select committee to be nominated, and the nine members to be chosen by the committee of selection.

*Mr. J. S. Wortley* asked, whether, as the matters to be referred were partly private and partly public, the corporation would be entitled to be heard by counsel before the committee.

*Mr. Speaker.*—Most certainly, if they present their petition within the proper time.

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*Wednesday, June 11th, 1856.—(3 Hansard, cxlii. 1318.)*

Practice with regard to Bills partly Public and partly Private.

A discussion arising on the report of the Earl of Perth and Melfort's Compensation Bill being brought up,

*Mr. Speaker* was requested to explain the existing mode of proceeding on introducing bills partly public and partly private.

*Mr. Speaker.*—In the first place the promoters lodge a petition at the Private Bill Office, which is afterwards referred to the Standing Orders Committee to determine whether it is expedient that the Standing Orders shall be dispensed with, as has been done in the present instance. The Standing Orders having been suspended, the petition for a bill can still only be received by the House on the recommendation of the crown, and when that recommendation is given, the petition must be re-

ferred to a committee of the whole House, because it relates to the disposal of public money. That ordeal the present petition has already passed, and the House is now asked to receive and adopt the report, which the committee of the whole House has agreed to. Supposing the House to agree to the motion, the bill founded upon it will be introduced, and after the first reading it will be referred to the examiner of private bills to see if there are any Standing Orders which it is necessary that the promoters should comply with. If everything has been done strictly in order the bill will be read a second time as a private bill, and referred, not to an ordinary private bill committee, but to a select committee. The bill will then come back to the House in the shape of a public bill, when it will have to be referred to a committee of the whole House, and in all its subsequent stages it will be treated in the same manner as though it were essentially a public measure.

See Rules and Orders, 320, 397.

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*Friday, February 13th, 1857.—(3 Hansard, cxliv. 679.)*

When a Bill proposed to give to the Board of Trade Powers of taxing the Inhabitants of several Towns for certain Purposes, and to confer upon it Powers affecting private Rights exercised under the Authority of Acts of Parliament, it was decided that Notices were not necessary, but that all Persons whose Interests were affected by the Bill would be entitled to be heard, and that it would be convenient that they should be heard before a Select Committee.

Passing Tolls Bill.

Order for the second reading read.

Moved that the bill be now read a second time.

*Mr. T. Baring* rose to make some observations upon the statement made by the Right Honourable Gentleman (*Mr. Lowe*), in moving for leave to introduce it, with respect to Ramsgate Harbour.\*

\* See 3 Hansard, cxliv. 321. The bill proposed to abolish the levying of passing tolls. The places which had the privilege of levying these tolls were Dover, Whitby, Ramsgate and Bridlington. *At Dover*, the tolls levied on ships passing the harbour were 12,000*l.* a year. There was upon it a debt of 85,000*l.*, partly charged on these passing tolls. It was proposed that these should be abolished, and that the Harbour of Dover, with all its liabilities and debts, should be taken over by the Admiralty. *At Whitby*, the passing tolls amounted to 4,111*l.* a year, and were incumbered with a debt of 32,000*l.* It was proposed to pay off this debt out of the public funds, and to abolish the passing tolls. *At Ramsgate*, the passing tolls amounted to 14,000*l.* a year; but there was no debt. The harbour had hitherto been in the hands of trustees (London merchants). The cost of management had been about 10,000*l.* a year. The government were then spending a large sum of money in the repairs of the harbour, and about 21,000*l.* more would be required. It was proposed to put an end to the trust, and to vest the harbour, docks, houses, &c. in her Majesty, placing them under the care of the Board of Trade. The property vested in the present trustees, consisting of houses, docks and land, produced about 4,400*l.* a year. A sum of 2,000*l.* a year was produced by a tax levied by the town commissioners on all coals imported into Ramsgate. It was proposed to transfer this tax to the harbour fund. *It was also proposed to levy a tax of 3d. a ton on all ships using the harbour not for the purpose of refuge*, as well as a tax of 3*d.* on each passenger landed at the quay, and five per cent. on all salvage brought into the harbour. From these different resources a revenue of 6,000*l.* per annum would be derived, and the estimated expenses of future management was 7,500*l.* per annum. It was proposed that the surplus of expense over revenue should be paid out of the Consolidated Fund. *At Bridlington*, the amount of passing tolls collected was about 2,800*l.* a year, and there was a debt of 28,000*l.* It was proposed that the government should pay off this 28,000*l.*, and that the tolls should cease at once.

The Honourable Gentleman then commented upon the speech of Mr. Lowe.

*Mr. Deedes* wished to inform the House of the circumstances under which this somewhat extraordinary bill had been introduced. Any one who looked at the title, without examining its details, would hardly suppose that it dealt with the rights of persons who had exercised these rights under the authority of Acts of Parliament for a long series of years. The title was insufficient, and ought to be "A Bill for the Abolition of Passing Tolls, and for the levying of Taxes or Charges in certain cases." Four years ago a bill directed against the same interests was introduced by the Admiralty, when the House declared, that it was a direct attack upon private property, that notices ought to have been served on the persons interested, and that it must go to the examiner of bills and the Standing Orders Committee and take its chance. What was the result? The examiner reported the Standing Orders had not been complied with, and the committee, notwithstanding that it was a Government Bill, reported that the Standing Orders ought not to be suspended in its favour, and the bill was lost. Subsequently that identical bill was embodied in a larger bill, and again introduced, but notices were then served, and the persons interested petitioned to be heard by counsel before a select committee, and the bill was accordingly sent to a select committee; but in consequence of the early close of the Session, the petitioners had no opportunity of making out their case.

The bill had now been introduced a third time, but no notices had been served, and he believed it was the opinion of the Speaker that notices were not necessary, inasmuch as the bill operated upon several harbours in

different parts of the United Kingdom, and thereby became to a certain extent a public bill. But he also understood that the Right Honourable Gentleman, Mr. Speaker, held that the character of the bill with regard to Ramsgate, was such that it ought to be submitted to the ordeal of a select committee. He had mentioned this to the Right Honourable Gentleman the Vice-President of the Board of Trade, and had informed him (Mr. Lowe), that after the bill had been read a second time, he (Mr. Deedes) should move that it should be referred to a select committee, which, following the precedent of the Smithfield Market Bill,\* should consist of nine Members, to be nominated by the committee of selection, and that the parties petitioning should have power to appear by their counsel, agent and witnesses. He thought it contrary to all recent principles of taxation, that the Board of Trade should be allowed to tax the inhabitants of Ramsgate by means of a toll levied upon all cargoes landed, in order to maintain the harbour.

After some remarks from *Mr. James Macgregor* and *Mr. Lindsay*, *Mr. Lowe* said, he had hoped that before he replied to the Honourable Members who had addressed the House, they would have been favoured with the opinion of Mr. Speaker, but he supposed it was more in order, that the expression of that opinion should be reserved until the bill had been read a second time, and it became a question what should be done with it in its subsequent stages.

The Right Honourable Gentleman then replied at length to the objections which had been urged against

\* See p. 81.

the bill, and concluded by saying, he would bow to the decision of the Speaker on the technical point that had been raised in the discussion.

*Mr. Speaker.*—If each harbour had been dealt with by a separate bill, it would have been liable to all the Rules and Orders affecting private bills, but under the circumstances of this measure no notices are required, but the parties whose interests are affected by the bill will be entitled, by the rules of the House, to be heard, and it will be more convenient for them to be heard before a select committee.

Bill read a second time.

*Mr. Deedes* moved, that the bill be referred to a select committee of nine Members, to be nominated by the committee of selection, and that parties petitioning against the measure be heard by counsel before the select committee.

Motion agreed to.

Bill committed to a select committee consisting, &c.

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### BILLS, TITLES OF.

*Wednesday, June 6th, 1849.*—(3 *Hansard*, cv. 1253.)

If the Question as to the Title of a Bill has been inadvertently omitted to be put at the proper Time, the Title may be added before the Bill has been signed by the Clerk previous to its going to the House of Lords.

*Mr. Law* said he had been led to believe, that there had been an irregularity in the passage of the Affirmation Bill to the House of Lords. He had been informed by one of the officers of the House that the title of the bill had not been distinctly agreed to, nor put as a substantive question from the chair. The question, "That this

be the title of the bill" was necessary to be put, as he submitted, in order to perfect it.

*Mr. Speaker.*—I recollect putting the question, that the bill be carried to the House of Lords, by Mr. Wood, and my impression is, that I previously put the question relating to the title of the bill. But if not, the title of the bill may be added now, its omission will not vitiate prior proceedings.

*The Attorney-General* and other Members having left the House,

*Mr. Speaker.*—If it be admitted, that there has been some inadvertence as to putting the question as to the title of the bill, the matter will stand thus: an Honourable Member has been directed to take the bill to the Lords, but it has not yet left the house, and it has not been signed by the Clerk, therefore it is not too late to put the title to it.

*Mr. Law* observed, that he would not press the matter further.

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### CHALLENGE.

*Friday, April 26th, 1844.*—(3 *Hansard*, lxxiv. 62, 86.)

When a Member informs the House that he has received a Letter containing a Challenge from another, the Letter must be put in and read by the Clerk at the Table, and the House will call upon both Members to give an Assurance that the Matter shall go no further.

*Mr. Roebuck* said, he had received a letter couched in such terms, that he felt bound to submit it to the House. The House would recollect that the Honourable Member for Canterbury (*Mr. Smythe*) had made some remarks of a nature personal to him (*Mr. Roebuck*). Those attacks



he had answered at the time in such a manner that he thought the House would give him credit for not losing his temper. He thought the matter would then end, but he had received a letter from the Honourable Member (Mr. Smythe) that morning, and at once he wished to state that he did not intend to give the Honourable Member any offence, and if he did he should receive the most ample apology.

After some further observations,

*Mr. Roebuck* then read the letter, which called upon him to retract the remarks he had made in reply to Mr. Smythe, or to refer the matter to a "friend," to whom Mr. Smythe's "friend" could address himself. The answer he (Mr. Roebuck) gave to this letter was, "Tell Mr. Smythe he shall hear from me only in the House of Commons."

*Mr. Smythe.*—That is not the answer I received.

*Mr. Roebuck.*—That is the answer I sent, and, Sir, I am here in the House of Commons to answer anything the Honourable Member may have to put to me.

*Mr. Speaker.*—The complaint just made by the Honourable and Learned Member for Bath is, that he has received a letter, purporting to be written by another Honourable Member of this House, and containing a challenge. The proper course will be to have the letter put in and read by the Clerk at the table.

*Mr. Roebuck.*—I make no complaint, Sir. I state a fact to the House. I make no complaint. It is for the House to take what steps may be thought proper on the occasion.

*Mr. Curteis* moved, "That the letter be read by the Clerk at the table."

*Mr. Speaker.*—After what has fallen from the Ho-

nourable and Learned Member for Bath, it is impossible for the House to allow this matter to drop. And in order to found any further proceedings, the letter must be put in and read by the Clerk at the table.

Letter handed in and read.

*Mr. Smythe* then addressed the House and said, that the answer he had received from the Honourable Member for Bath was, that he should have an answer; and had therefore been expecting one from that hour till then. *Mr. Smythe* proceeded to explain other matters connected with *Mr. Roebuck's* remarks upon him, and concluded by saying, "As the Honourable Member for Bath has brought the matter before the House in a spirit different from that which I expected, that is to say, as he has brought the matter under the notice of this House in a speech characterized by mildness, and not as I expected in a speech full of his usual asperities, as he has not done so it only remains for me to most humbly and respectfully apologize to the House if I have done anything which involves a breach of its orders or privileges."

*Sir R. Peel*.—In conformity with the course usually followed on these occasions, it will be necessary to call upon both the Honourable Gentlemen to give an assurance before the House that this matter shall be carried no further.

*Mr. Roebuck*.—I most decidedly object to that course, because it supposes that I was going to pursue another course.

*Mr. Smythe*, on being appealed to by the Speaker, gave an assurance that the case should go no further.

See also DEBATE, IRREGULAR LANGUAGE.

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*Monday, June 16th, 1845.*—(3 *Hansard*, lxxxii. 603.)

It is a Breach of the Privileges of the House for one Member to send a Challenge to another for Words spoken in Debate.

*Mr. J. P. Somers* having sent a challenge to *Mr. Roebuck* for words spoken in the House, and having expressed his regret for having so done,

Resolved,—

“That *John Patrick Somers, Esq.*, having sent a challenge to a Member of this House for words spoken by that Member in his place in Parliament, is guilty of a breach of the privileges of this House.”

Agreed to.

“That in consequence of the full and ample apology offered to the House by the said *John Patrick Somers*, the House will not proceed any further in this matter.”

Agreed to.

*Mr. Speaker* on several occasions during the debate assisted the House in coming to the above resolutions.

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## COMMITTEE.

*Friday, May 13th, 1842.*—(3 *Hansard*, lxiii. 486.)

When a Member names a Committee, the Remarks of Members should be strictly confined to that Subject.

*Mr. Roebuck* named the committee on election proceedings.

*Sir J. Walsh* said, that the Honourable Member had introduced into the original motion put into the Speaker's

hands matters not contemplated by the motion as it originally stood.

*Mr. Speaker.*—If it be the intention of the Honourable Baronet to move for any alteration in the motion, he must give notice of such intention. The question now before the House is one respecting the names of those Honourable Members who shall form this committee, and to that it will be necessary for the Honourable Baronet to confine himself.

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*Friday, March 8th, 1844.*—(3 *Hansard*, lxxiii. 725.)

A Member of the House, who is not a Member of a Committee, has no Right to interfere in the Proceedings of that Committee, though he may be in the Committee Room.

*Mr. Hindley* moved, That any Member, whose constituents are locally interested in any competing lines of railways, may be permitted to sit upon the committee appointed to decide upon their respective merits, though without being allowed to vote upon any question arising thereon.

*Mr. Gladstone* said, the resolution was superfluous; there was nothing in the resolutions agreed to last Monday to prevent any Member, whose constituents were locally interested, from using the privilege which, as a Member of that House, he possessed, and appearing in the committee and making any statement he might choose.

*Mr. Labouchere* said his impression was, that a Member had no right to address a committee unless he was a Member of it. He trusted that the Speaker would state what was the law and practice of Parliament.

*Mr. Speaker.*—No Member who is not a Member of the committee has any right to interfere with the proceedings; he has no right to examine witnesses, though he may be present in the room.

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*Monday, June 7th, 1847.*—(3 *Hansard*, xciii. 184.)

The Committee on a Bill partly of a Public and partly of a Private Nature should be composed partly of Members in different public Departments, partly of Members who represent local Interests, and partly of Members chosen by the Committee of Selection under ordinary Rules followed in the Appointment of Committees.

*Mr. Ward*, pursuant to notice, rose to propose the members of the committee on the Holyhead Harbour Bill.

On the question, that *Mr. Owen Stanley* be one of the members, a discussion took place.

*Mr. T. Duncombe* objected that there were members to be named on the committee who had a direct personal interest in the report.

*Mr. Ward* had applied to the Speaker for directions how to nominate the committee. There had been two or three similar bills already before the House, and the precedents had been strictly followed in this case. He had consulted the Speaker as to the local Members to be put on the committee, and particularly as to the only point on which anything like a complaint was made, that one might be said to have a personal interest in the decision of the question. The Right Honourable Gentleman's answer was—"As he is the only representative of Anglesea we have in the House, it would not be proper, according to the regulations followed in such cases, to exclude him."

*Mr. Speaker.*—The appointment of the committee is strictly in accordance with former precedents. Whenever a bill has been before the House, partly of a public and partly of a private nature, the rule always has been that the committee appointed to report on it should be composed partly of Members in different public departments, partly of Members who represent local interests, and that the remaining Members should be chosen by the committee of selection under the ordinary rules followed in the appointment of committees.

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*Thursday, February 8th, 1849.*—(3 *Hansard*, cii. 455.)

On the Nomination of a Committee, a Member cannot move a Name in the Substitution without Notice. The proper course is to negative the Insertion of a Name, and to give Notice of moving another on a future Day.

*Sir W. Somerville* moved the following resolution, "That the select committee of the Irish Poor Law do consist of twenty-one Members, and that the following Members be Members of the said committee."

(Here followed twenty-one names.)

*Sir W. Somerville* agreed to name some additional Members. On the name of Mr. Poulett Scrope being proposed,

*Mr. Henry* repeated his notice, that when the additional Members were nominated he would move that Mr. John Bright be one of the number.

*Mr. Grogan* moved, "That Sir Lucius O'Brien be substituted in place of Mr. Poulett Scrope."

*Mr. Speaker.*—The Honourable Member not having given notice cannot now move any name in substitution;

he must confine himself at this stage to objecting to any Member nominated.

*Mr. Grogan* then moved, "That *Mr. Scrope's* name be omitted."

See also post, "NOTICE."

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*Monday, February 28th, 1853.*—(3 *Hansard*, cxxiv. 767.)

On the Question that a particular Name be placed on the Committee on a Bill, the Principle of the Bill cannot be discussed.

Leasing Powers (Ireland) Bill, &c.—committee.

Adjourned debate on question (24th February), "That Lord Naas be one other Member of the select committee on the said bills."

*Mr. Drummond* said, that there were the names of several gentlemen proposed for the committee who were entirely opposed to the principle.

*Mr. Cayley* said, that the measures referred to the committee, though nominally they affected the tenure of land in Ireland, did, in reality, affect the tenure of property throughout the whole kingdom.

The Honourable Gentleman was proceeding, when,

*Mr. Speaker* said, I must remind the Honourable Member that the question before the House relates only to the names of Members to be appointed on the committee.

Question put and agreed to.

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*Thursday, March 23rd, 1854.*—(3 *Hansard*, cxxxi. 1245.)

On a Motion to nominate a Committee, the Mover cannot argue the Question which the Committee is to investigate.

*Mr. Macartney* begged to nominate the committee to

consider the Grand Jury Laws (Ireland), and proceeded to say, that in that country all the roads and public works were made and carried on at the expense of the ratepayers; so that whilst here in the year 1851 the average county rate was not more than 5*d.* in the pound, in Ireland, during the same year, it reached to a poundage of 1*s.* 6*d.* The whole of the expenses of the gaols were also thrown on the county rate.

*Mr. Speaker.*—The Honourable Member is going into the whole question of the Grand Jury system of Ireland, and is quite out of order. His motion only extending to the nomination of a committee.

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### COMMITTEE (ELECTION).

*Tuesday, April 26th, 1842.*—(3 *Hansard*, lxii. 1115.)

The Committee before which a Witness is summoned to give Evidence, is the proper Tribunal to decide upon any Objection which he may make to answer a Question.

#### SOUTHAMPTON Election Committee.

*Mr. Redington* reported from the committee, "That John Fleming, Esq., a Member of this House, in the course of examination before the committee, had refused to answer a question put to him by counsel, on the ground that it would be a betrayal of confidence, which would be improper and dishonourable on his part, and degrading to him as a gentleman, and that he could not conceive how his answer to the question could in any way affect this investigation; and that, the committee having decided that the witness could not refuse to answer the question on the grounds which he had thus assigned, the witness still persisted in his refusal." He moved, "That the Speaker do inquire of the Honourable



Member whether he persisted in refusing to answer the questions which had been put to him by the committee."

"Ordered, that John Fleming, Esq., a Member of this House, be asked by Mr. Speaker whether he persists in refusing to give evidence?"

*Mr. Fleming*, in his place, stated, that, as a man of honour and a gentleman, he must continue to object to answer.

*Mr. Speaker*.—The Honourable Member ought to withdraw.\*

*Mr. Fleming* was allowed to explain, and then left the House.

*Mr. Redington* moved, "That Mr. Fleming do attend in his place, and be informed that the legal tribunal to decide upon his obligation to answer questions is the select committee appointed under an Act of Parliament to try the merits of the petition; and that Mr. Speaker do also inform him, that any objection he has to urge must be submitted to the committee, and determined by them."

Agreed to.

*Mr. Fleming* attended in his place, when Mr. Speaker read the resolution just passed to him. Mr. F. bowed and sat down.

See post, pp. 103, 109, and Rules and Orders, 249; also Hansard, lxii. 1071.

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*Friday, February 25th, 1853.*—(3 Hansard, cxxiv. 648.)

Where a Member who had been chosen to serve on an Election Committee requested that the swearing in of the Committee might be postponed in consequence of

\* See post, "WITHDRAWAL."

his having experienced a domestic Affliction. Held, that the proper course was to discharge the Committee, and for the General Committee of Elections to choose another.

COUNTY OF WATERFORD Election Committee.

*Sir John Trollope* said, he had received a communication informing him of the decease of the brother of Colonel Vernon Harcourt, one of the Members appointed to try this petition, and asking for a week's indulgence for Colonel Vernon Harcourt before coming to be sworn at the table. In support of the letter, he held in his hand an affidavit made by Lord Hotham, who stated that he had received information of the death of the brother of Col. Vernon Harcourt. Under these circumstances he (*Sir John Trollope*) moved, that the House would be pleased to dispense with the attendance of Col. Harcourt; that the present committee be discharged, and that it be referred to the general committee of elections to choose another committee. That, he thought, would be a better course than that the committee already appointed should adjourn its sittings.

*Mr. T. Duncombe* asked, upon what clause of the Act relating to contested elections the Honourable Member rested his motion?

*Mr. Speaker.*—On the 71st clause.

Motion agreed to.

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COMMITTEE, PRINTING.

*Thursday, April 11th, 1850.*—(3 *Hansard*, cx. 183.) ..

It rests with the Printing Committee to recommend whether Papers laid on the Table shall be printed or not; but when a Member wishes to have particular Papers

printed, it is usual for him to mention it to the Printing Committee.

**DISTRESSED Unions' Advances and Repayment of Advances (Ireland) Bill.**

*The O'Gorman Mahon* asked the Speaker, whether papers moved for by a private Member must necessarily be printed by the government, without any motion for their being printed?

*Mr. Speaker.*—Papers laid upon the table are referred to the printing committee, who recommend whether they shall be printed or not; but when any Honourable Member wishes to have particular papers printed, it is usual for him to express to the printing committee his wish that such papers be printed.

See Rules and Orders, 393, and post, "PETITIONS."

## COMMITTEE OF PRIVILEGES.

*Monday, February 13th, 1854.*—(3 *Hansard*, cxxx. 531.)

The Constitution of a Committee of Privileges.

**ALLEGED Corruption of Irish Members.**

*Mr. I. Butt* rose for the purpose of nominating the committee of privileges agreed to on Tuesday last, "to whom is referred the complaint of the paragraph contained in the Times newspaper of Monday last," and moved, "That the said committee do consist of twenty Members."

*Mr. Hume* objected to so numerous a committee.

A debate took place, during which .

*Sir John Pakington* said, the House must feel that so large a number as a committee of twenty would be attended with considerable inconvenience. In a somewhat analogous case, relative to the Carlow Election, in

which the late Mr. O'Connell was concerned, the committee was, he believed, composed of eleven Members. In 1815 a committee of fifteen was appointed to examine into matters affecting the character of Members of that House. He was aware that if the Right Honourable Gentleman in the Chair would say that, in his judgment, a smaller number of Members would be consistent with recent precedents, the judgment of the House would be in favour of the smaller number.

*Mr. Speaker.*—In answer to the question put to me by the Right Honourable Gentleman (Sir John Pakington), I beg to state, that I should not venture to give an opinion as to the number of which the committee ought to consist. But the practice of this House has been, to refer matters affecting its privileges to a committee of this House called the committee of privileges, which is a standing committee appointed every session. A certain number of Members are named to serve upon this committee, but county Members and Gentlemen of the long robe may attend it, and it consists, indeed, of nearly as many Members as the House itself. But matters of privilege are not unfrequently referred to a select committee of the House appointed like other committees. In 1834 the practice was to appoint committees of twenty Members; but since that period the number of Members is very much curtailed, and there is now a Standing Order that, without special leave of the House, the number of Members upon a select committee shall not exceed fifteen. At a later period still, all those committees which were in their nature judicial committees were composed of a small number of Members, and the House insisted upon all the Members being present every day. The practice has been to appoint committees of from five

to ten Members without a quorum, whereby every Member is obliged to attend every day. That is now the ordinary practice, and as this committee is merely a select committee, and not a committee of privileges, it comes within the ordinary practice, and may have the smaller number of Members.

Other Members having addressed the House,

*Mr. I. Butt* said, if the House would permit him, he would withdraw the motion for twenty, and substitute fifteen.

*Mr. Speaker.*—It will not be necessary to resolve that fifteen shall be the number, as that is the number fixed by the Standing Orders. It is only necessary to withdraw the resolution.

Motion withdrawn.

See Rules and Orders, 219, and post, p. 104.

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### COMMITTEE, SECRET.

*Thursday, March 19th, 1840. —(3 Hansard, lii. 1251.)*

A Member is not at liberty to furnish to any Person the Evidence given before Secret Committees.

DURING a discussion on the nomination of "The Committee on the Issue of Notes,"

*The Chancellor of the Exchequer* moved, that the committee be secret. A division took place; after which,

*Mr. Hume* wished to know, how far the secrecy was meant to extend? If he wished to contradict any statements that were made, could he communicate the evidence to the person who could contradict it?

*Mr. Speaker.*—As the House has decided that this is a committee of secrecy, the Honourable Member will not

be at liberty to furnish to any person the evidence which may be brought before it.

See Rules and Orders, 232.

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### COMMITTEE, SELECT.

*Wednesday, June 29th, 1842.—(3 Hansard, lxiv. 776.)*

The House is reluctant to order a Member, against his own determination, to give Evidence before a Select Committee.

ON the motion, "That Alexander Baillie Cochrane, Esq., one of the Members for Bridport, do attend before the Select Committee on Election Proceedings, and give evidence, on Monday next,"

*Sir R. Peel* asked, what the Speaker considered to be the usage of the House of Commons with respect to Members attending committees ?

*Mr. Speaker.*—I have searched the journals within the last two or three days, and have not as yet discovered any instance where an order has been made on a Member of the House to give evidence before a select committee. I have found a case where a Committee of Grievances reported, that a Member had refused to attend them, and the House then resolved, that, in all cases where Members refuse to attend select committees when required to do so, the committee should report the name of the Member to the House; but no further proceedings were taken in that case. In 1790 a case occurred which I think it right to mention. A committee was about to be appointed on the slave trade, and it was intimated to the House, that one of its Members, Major-General Rooke, could give important information on that subject,

and the House thereupon ordered, that it be an instruction to the said committee that they should take the examination of Major-General Rooke, if he should think fit to be so examined. In 1782 another case occurred. A Member of the House (Mr. Barwell) was examined before a committee appointed on the administration of justice in Bengal, but refused to give satisfactory answers to certain questions which the committee had put to him. The committee reported the facts to the House, and informed the House that the committee were under the necessity to examine Mr. Barwell; and Mr. Barwell, being in his place, got up and consented to attend the committee and be examined; but in no case can I find that the House has made a peremptory order on a Member of the House to give evidence before a committee against his own determination.

Debate was adjourned, and on July 5th, Mr.

Cochrane said he should appear before the committee, but should only answer what questions he thought fit.

See Rules and Orders, 251 to 253.

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*Wednesday, March 1st, 1843.—(3 Hansard, lxvii. 117.)*

As a matter of course, a Select Committee consists of Fifteen Members, but the Number may be increased on special Motion.

*Mr. G. Palmer* moved, that the Select Committee on Shipwrecks consist of twenty-three.

*Mr. Hume* wished to know why in this case the usual course should be departed from, and moved, that the committee be confined to fifteen Members.

*Mr. Speaker.*—As no committee can consist of more

than fifteen Members, unless by a special order of the House, the proposed committee, if the motion be rejected, will necessarily consist of that number.

See Rules and Orders, 219, and ante, p. 102.

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*Friday, Feb. 23rd, 1849.*—(3 *Hansard*, cii. 1183.)

Any Member of the House has a Right to be present at the Sitings of a Committee, as well while it is deliberating as while it is taking Evidence, unless the Committee be Secret, but it is usual for Members not on the Committee to withdraw while the Committee is deliberating.

*Mr. Bernal Osborne* wished to put a question as to the privileges of the House. He did not know what the custom might be as to committees of the House; but he had always understood that these committees were open to the attendance of Members of Parliament, except during the time of division. There was a committee (the Irish Poor-Law Committee) in which many Members took a strong interest; and he understood that that committee had come to a resolution to prevent the attendance of all Members of Parliament. This not being a secret committee, was such a course of proceeding in conformity with the rules of Parliament?

*Mr. Speaker.*—According to the rules of the House, every Honourable Member is privileged to attend a committee, unless the committee is secret. The usual practice has been, during the deliberations of the committee, for Members not on the committee to leave the room. There have been instances where Honourable Members would not leave the room, and where, on the application of the committee, the House granted a power to exclude Honourable Members.



*Mr. B. Osborne.*—Am I to understand that they cannot turn me out of the room?

*Mr. Speaker.*—The committee have no power to exclude the Honourable Member, unless they have a definite power from the House.

*Mr. Bright* said, so far, no evidence had been taken by the committee. When the evidence came to be taken, it was agreed that any Honourable Member might be present; but during the discussion of certain resolutions, and dividing upon them, it was considered that Honourable Members had no right to be in the room.

*Sir John Young* said, it was the invariable practice of Honourable Gentlemen who were not Members of a committee to absent themselves from the committee-room while a deliberation or a division was taking place.

*Mr. Speaker.*—The Honourable Member is quite correct in his statement of the practice; but if Honourable Members persist in attending a committee, there is no power to exclude them, unless by application to the House.

See Rules and Orders, 231.

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## COMMITTEE TO INQUIRE INTO ALLEGED BRIBERY.

*Wednesday, March 16th, 1853.*—(3 *Hansard*, cxxv. 257.)

A Committee reconstituted under the 5 & 6 Vict. c. 102, has Power to examine Witnesses upon Oath, and to send for Persons, Papers and Records, but is in all other respects an ordinary Committee of the House. If, therefore, a Member of the Committee absents himself, on

the re-assembling of the Committee, within Fourteen Days, he cannot be punished by the House for doing so.

#### RYE Election.

*Sir John Pakington* said, he wished to call the attention of the House, in accordance with the notice given by him yesterday, to a difficulty which had arisen in the proceedings of the committee to inquire into alleged bribery in the Borough of Rye, under the Act 5th and 6th Victoria, c. 102, which was brought in by the Noble Lord the Member for the City of London in 1843. The House was probably aware that this was the first time that any committee had proceeded under the regulations of that Act, and as far as the Rye Committee had yet exercised it, he feared that Act would be found very defective. The House, he felt certain, would agree with him in the necessity that existed for amending the Act, and making it more effectual. That committee, on re-assembling yesterday for further inquiry, in pursuance of the Act, within fourteen days after their report had been presented to the House, found that two of their Members were absent, one Gentleman having, as he believed, gone to Ireland, and the other being in a distant part of England. He regretted, under the circumstances, that those Gentlemen had left London, aware, as they must have been, that their attendance would be required within fourteen days, without communication with him as the chairman of that committee; but in their absence it might be necessary to consider how far the committee were, under the Act in question, an election committee. Their first intention had been to proceed under the Act regulating election committees, and under the terms of that Act to have reported to the House the absence of the two Members in question. After taking, however, the best

opinion to which they had access, the committee came to the conclusion that they were, in fact, no longer an election committee, but a select committee instructed by the House to prosecute a particular inquiry. Under these circumstances, and looking to the enactment which required them to assemble within fourteen days, they had felt it necessary to apply to the House, because, if they were still an election committee under the Act, all their Members must be present before they could transact any business; while, on the other hand, if they were not an election committee, a quorum of the Members might be authorized to proceed. One of the first things they had to do was, to meet within fourteen days of the decision of the election committee, and then to adjourn until they were in a condition legally to proceed. He wished to impress upon the House distinctly that he did not think it at all desirable that such a committee should conduct such an inquiry without the whole of their Members being present; and, therefore, in the proposal which he now made to the House, that three be considered the quorum of the committee, it was only with a view of enabling them to take some action previous to the holidays; for unless the committee were enabled to adjourn before that time, their powers would inevitably lapse altogether. He would, therefore, beg to move the resolution of which he had given notice.

Motion made and question proposed, "That three be the quorum of the committee re-assembled under the Act 5 & 6 Vict. c. 102, to inquire into alleged bribery at the 1<sup>st</sup> election for the Town and Port of Rye."

*Sir George Grey* and other Members having addressed the House,

*Mr. Speaker* said, As this is a complicated case, I

have taken the opinion of the law adviser of the House, if I may so term the counsel to the Speaker. That Gentleman has looked into the Act, and is of opinion that, although it was the intention of the Act to reconstitute this as an election committee, yet, as the committee have made their report, they have only now the power of examining witnesses upon oath, and of sending for persons, papers and records. In all other respects the committee enjoy only the powers and functions of an ordinary committee of the House. It appears to follow, that if the committee should report any Members for being absent, they cannot be punished by the House, as they would be if they were Members of an election committee. The difficulty is to bring the Members of the committee together to agree upon a report, and this might be surmounted by ordering the attendance of the Members of the committee in their places on Friday next. The House may then give such orders for the sitting of the committee during the holidays as may seem desirable.

Motion, by leave, withdrawn.

Ordered, that Matthew Elias Corbally, Esquire, and Robert Charles Tudway, Esquire, do attend this House, in their places, on Friday next.

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### COMMITTEES (REPORT OF).

*Thursday, June 27th, 1830.*—(3 *Hansard*, xlviii. 993.)

A Member cannot refer to the Proceedings of an Election Committee, before they are reported to the House.

DURING a speech on the third reading of "The Removal of Electors Bill,"

*Mr. Ewart* said, it was painful to any person attending the Carlow Committee now sitting to witness the interminable disputes as to residence.

*Viscount Mahon* rose to order.

*Mr. Speaker.*—No Member is at liberty to refer to the proceedings of any election committee before it has made its report to the House.

See also *Hansard*, lxii. 1179; cvii. 1087; cxiii. 340.

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*Tuesday, July 10th, 1840.*—(3 *Hansard*, lv. 602.)

A Member is not out of Order in commenting in the House on a Question which has been put, but expunged from the Report, by a Select Committee.

On the order of the day for the House to go into Committee of Supply being moved,

*Mr. Wallace* rose, pursuant to notice, "To call the attention of the House to the report of the select committee appointed to inquire into the administration of the law in the Supreme Court of Scotland, and to move," &c. The Honourable Gentleman then proceeded to make a statement, and said that a question put by a Member of the committee had been expunged by a vote of that committee. He then began to read the question, when *Mr. Serjeant Jackson* rose to order, and submitted that it was not competent for an Honourable Member to read and discuss a question which was considered irrelevant by the committee, and was expunged by them.

*Mr. Speaker.*—If I understand the question rightly, it is whether the Honourable Member can read that part of the examination taken before the committee which was expunged, and therefore does not form part of the report. That course may be an inconvenient one; but

I am bound to say that I think the Honourable Member quite in order in adopting it.

See Rules and Orders, 367.

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*Monday, March 15th, 1841.—(3 Hansard, xc. 1338.)*

Where the Chairman of a Committee had prepared a Draft Report of his own, which was inadvertently reported with the Evidence to the House, as the Report of the Committee, having in fact never been submitted to the Members of it, held, that the Report being a nullity, the proper course would be, to re-appoint the Committee.

*Lord Granville Somerset* mentioned, that a committee had been appointed last year, at the instance of the Honourable Member for Inverness, on the subject of railway communication. A nominal report was made, and the evidence also reported. This report was only a sketch prepared by the Honourable Member for Inverness of his own opinions, and he had received no authority for preparing it from the committee.

*Mr. Speaker.*—I had my attention called to this subject early in the session, and I have ascertained from the clerk of the committee, that on the last day for which it was summoned, no other Member of the committee attended but the Honourable Member for Inverness. A report, however, was made up by the Honourable Member himself, who was the chairman of the committee; and unfortunately, owing to the inexperience of the clerk the document, with the evidence, has been reported to the House. It appears that the chairman made out a draft of the report to lay before the committee; but no report that is not first read to the Members of a committee, and agreed to by them, can be presented or

received as a report by this House. This rule has not been attended to in the present case, so that nothing can be more irregular than that this document should appear as the report of the committee. Under these circumstances it is a question for the House to consider whether the better course would not be to re-appoint the committee.

Subject at an end.

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*Wednesday, April 13th, 1842.—(3 Hansard, lxii. 572.)*

Evidence given before a Committee, and not yet reported to the House, cannot be read in the House.

*Mr. T. Duncombe* called the attention of the House to certain statements made by a Mr. Gibbons before the Great Marlow Election Committee, and would just read one question that was put to Mr. Gibbons on the last day, when his attention was called to the conflicting statements he had made. The Honourable Member was then proceeding to read from the evidence.

*Mr. Speaker.*—The Honourable Member cannot read evidence which is not yet before the House.

See Rules and Orders, 367.

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*Tuesday, April 19th, 1842.—(3 Hansard, lxii. 819.)*

A Motion, arraigning the Conduct of a Committee, cannot be made until it has made its Report, nor can any allusion be made to its Proceedings.

*Mr. Wason*, pursuant to notice, rose to call the attention of the House to the injustice practised by the majority of the Ipswich Election Committee, in the different conduct pursued by them towards the witnesses before them, as such witnesses happen to give evidence for or against the political party to which the majority belong.

*Mr. Speaker.*—The motion implies a censure upon the conduct of a committee which is still sitting. It is contrary to the rules of proceeding in this House to arraign the conduct of any committee, until after it makes its report, and it is in the highest degree irregular to allude to its proceedings in the manner proposed by the Honourable Member.

*Sir R. Inglis* thought that the words which fell from the chair ought to be recorded, or the motion ought to be expunged from the notice paper, as was the case in the year 1835.

See Rules and Orders, 367.

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*Thursday, June 29th, 1848.*—(3 *Hansard*, xcix. 1317.)

A Member cannot put a Question to the Chairman of a Committee as to any Evidence or Proceeding before the Committee, which has not been reported to the House.

*Mr. Newdegate*, seeing the Right Honourable Baronet, the Chairman of the Committee on Commercial Distress, in his place, wished to know whether it were true that the committee had refused, or intended to refuse, to examine as witnesses Mr. Alison, sheriff of Renfrewshire, and Mr. Blacker, an Irish Gentleman?

*Mr. Speaker.*—The Honourable Member's question refers to some part of the proceedings of the committee not yet reported to the House.

*Mr. Newdegate.*—One report has been made to the House.

*Mr. Speaker.*—But not the evidence.

*Mr. Newdegate* wished to know whether the refusal of



the evidence of those gentlemen was previous to that report being made?

*Mr. Speaker.*—The Honourable Gentleman cannot put the question.

See Rules and Orders, 367.

*Friday, March 30th, 1849.*—(3 *Hansard*, civ. 133.)

Where a Committee on a Bill have made no Amendments in it, and added no new Clauses to it, their Report must be received.

Affirmation Bill.

On the motion for bringing up the report on this bill, *Mr. P. Wood* said he understood that *Mr. Goulburn* intended to discuss the principle of the bill, though unopposed hitherto.

*Mr. Goulburn* hoped the present stage would be postponed to some future day.

*Mr. Speaker.*—Are there any amendments or additional clauses?

*Mr. P. Wood.*—None.

*Mr. Speaker.*—In that case, according to the new rules, the report must be received.

Report received.

See Rules and Orders, 371.

*Monday, April 14th, 1851.*—(3 *Hansard*, cxvi. 144.)

Although an Election Committee may have Adjourned without asking leave of the House, making their Report of doubtful Legality, the Report must nevertheless be entered on the Journals of the House, under 11 & 12 Vict. c. 98.

St. Alban's Election.

*Mr. Edward Ellice* brought up the report of the committee and certain resolutions.

Report ordered to be entered in the journals.

*Sir R. H. Inglis* said, that whereas the law forbade a committee on a controverted election to adjourn (except on certain specially excepted occasions) for more than twenty-four hours, without the leave of the House being first asked and obtained, the committee in this case had adjourned first, and then asked permission, whereby he understood it had been held by Honourable Gentlemen, far more able to judge in the case than himself, that the committee had ceased to exist. In order that this point might be settled before the House adopted the report of what might turn out to be a defunct committee, he should move that the report be considered to-morrow, or on any other day that would be more convenient to the House.

*Mr. Speaker.*—The Act 11th and 12th Victoria, c. 98, requires that, after a committee has made their report to the House, the House shall order the same to be entered on its journals.

*Sir G. Clerk* was of opinion that they could run no danger of having their decision questioned elsewhere, if they merely recorded upon the journals the report of a committee upon an issue which they had been specially appointed to try.

Report to lie on the table. Minutes of evidence to be laid before the House.

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*Friday, May 6th, 1853.*—(3 *Hansard*, cxxvi. 1245.)

When the Speaker has resumed the Chair to decide a Point of Order raised in Committee of Ways and Means, no Discussion can take place in the House as to what has

passed in that Committee, until it has made its Report, except with reference to the Point of Order.

Mr. Speaker having taken the chair to decide a point of order raised in Committee of Ways and Means,\* and having given his decision on that point, Mr. Magan and others commenced a discussion on another circumstance connected with the above committee.

*Mr. Lawless* rose to order.

*Mr. Speaker.*—I have no doubt whatever that the Honourable Member (Mr. Magan) cannot now raise a question in the House with reference to a matter which has passed in a committee of the House; because, until that committee has made its report, the House is not in possession of information on the subject. It is quite clear that all allusion to anything which has passed in a committee of the House, except with reference to the point of order, is decidedly irregular.

Question, that Mr. Speaker do now leave the chair, put and agreed to.

See Rules and Orders, 367.

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### COMMITTEE ROOMS (SUMMONING MEMBERS FROM).

*Friday, May 23rd, 1845.*—(3 *Hansard*, lxxx. 804.)

The old Rule respecting summoning Members from Committee Rooms, when there was no House.

*Mr. Hume* said, that respecting the motion which he had given for a call of the House, he was sorry that there was no House yesterday. In his early days the custom was, when there was not a sufficient number of

\* See page 148.

Members present, to send the Serjeant-at-Arms with the mace into the committee rooms, and to summon the Members to attend. He happened to be in a committee room yesterday at four o'clock, with six or seven Members, and if the old rule had been followed, a House might easily have been made. He thought the rule a good one, and hoped it would be carried out in future. With regard to his motion for a call of the House, he had received from the clerk of the House a statement of the number of Members serving upon public and private committees, and the number of committees which had yet to be appointed, and he had been informed by the clerk that every group had already been provided for, and that the Members required had been found. That being the case, he wished his notice for the call of the House to be dropped.

*Mr. Speaker.*—The old rule undoubtedly was to send the Serjeant for Members, when they were chosen to serve on election committees by ballot under former acts; and according to the present practice, all committees receive notice from the Serjeant, when the Speaker is at prayers.

See Rules and Orders, 51, 53, 54, 236.

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## COUNSEL.

*Monday, May 4th, 1846.*—(3 *Hansard*, lxxxvi. 93.)

A Member of the House cannot appear as Counsel before the House of Lords on a Private Bill, but he may, with the permission of the House, on a Public Bill.

*Mr. Hawes* moved, "That Mr. Charles Buller should have leave to attend as counsel before the House of Lords."

*The Chancellor of the Exchequer* objected.

*Mr. C. Buller* had at first been of opinion that he could not appear before the House of Lords as counsel on a private bill; but on inquiry, he was inclined to believe that precedents could be found for such a course with respect to bills that had passed the House of Commons, and gone to the Upper House. Leave had been given to the Honourable Member for Bath to appear on the Sudbury Bill before the House of Lords.

*Mr. Speaker.*—The bill might involve a matter of public policy or of private interest. The House has granted permission to the Honourable Member for Bath to appear as counsel before the other House of Parliament, in reference to a measure of the former class, namely, the Bill for the Disfranchisement of the Borough of Sudbury. I do not know a precedent where a party had been allowed to plead before the House of Lords on a private bill.

Motion withdrawn.

See Rules and Orders, 420, 421.

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*Monday, July 25th, 1853.*—(3 Hansard, cxxix. 759.)

When Parties have Leave to appear by Counsel before a Committee, the Counsel must be heard in the ordinary way.

The Peterborough Elections.

*Mr. Bright* moved, "That in the matter of the Peterborough Election Petitions Committee, the parties have leave to appear by themselves, their counsel or agents."

*Mr. Stuart Wortley* said, he was chairman of the committee, and he was anxious to know if the committee would have any control as to the mode in which counsel

should be heard. He apprehended, if this motion were passed, they would appear in the ordinary way. He thought they ought to be restricted to reasonable limits, and not to be allowed to take technical objections, otherwise the proceedings would be so protracted that they might not be able to report this Session.

*Mr. Speaker.*—If the motion is carried, counsel must be heard in the ordinary way.

Motion agreed to.

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### COUNT OUT.

*Wednesday, July 10th, 1844.*—(3 *Hansard*, lxxvi. 562.)

On a Motion for Counting the House, the Bell is rung before the Speaker proceeds to count the House.

*Mr. Borthwick* complained of the House being counted out on the previous night.

*Mr. Serjeant Murphy* wished to know from the Speaker, whether it were not usual to ring the bell before counting the House after the motion for counting was made.

*Mr. Speaker.*—The Honourable and Learned Member is correct as to the practice, and I have inquired and am informed that the bell was rung yesterday.

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*Wednesday, June 20th, 1849.*—(3 *Hansard*, cvi. 595.)

Remarks ought not to be made on a Count-out until there is a Question before the House.

*The Earl of Lincoln*, in giving notice of renewal of his motion with respect to Vancouver's Island, complained of the House having been counted out the night before,

through the instrumentality of persons connected with the government.

A discussion arose.

*Mr. Speaker.*—Honourable Gentlemen had better reserve any remarks until the House arrives at the dropped orders. At present there is no question before the House.

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### CROWN.

*Wednesday, June 15th, 1842.*—(3 *Hansard*, lxiii. 1585.)

A Bill, which interferes with the Patronage of the Crown, should not be introduced without the Consent of the Crown.

ON the motion, "That the Church of Scotland Bill be read a second time,"

*Mr. F. Maule* said, he understood that some technical objection existed to the mode of proceeding with the bill this evening, and must, according to the forms of the House, prevent the further progress of the bill.

*Sir R. Peel* referred to a precedent which occurred in 1833.

*Mr. Speaker.*—The bill certainly does interfere with the patronage of the Crown, and should not have been introduced without the consent of the Crown. Under these circumstances, I think the House cannot permit the measure to proceed further.

Bill put off for six months.

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CUSTODY.

*Friday, Feb. 7th, 1840.*—(3 *Hansard*, lii. 76.)

Where a Party has brought an Action against another for Printing a Document ordered by the House to be printed, the House, upon being satisfied that the Party is the Plaintiff, may at once order him to be committed to Prison for contempt.

*Lord John Russell* moved, "That John Joseph Stockdale, having commenced another action against Messrs. Hansard, in respect of a publication ordered by this House, has been guilty of a high contempt and breach of the privileges of this House."

*Mr. Law* moved as an amendment, "That J. J. Stockdale be called to the bar on Tuesday next."

*Sir Edward Sugden* asked, whether it were competent to the House to vote a man guilty of a breach of its privileges in a matter of this kind, without calling him to the bar, and without any evidence.

*Mr. Speaker*.—It is clearly competent to the House to proceed, if it be satisfied that Stockdale is the plaintiff in the action.

Ayes 132, noes 34.

*Lord John Russell* moved, "That J. J. Stockdale be committed to Newgate."

Motion agreed to.

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*Tuesday, Feb. 11th, 1840.*—(3 *Hansard*, lii. 156.)

A Party who has been ordered into Confinement by the House, and whose Health is stated to be in danger from further Confinement, may be discharged without Payment of Fees.

*Sir Edward Knatchbull* moved, "That it having been



stated by W. Broackes, Esq., medical attendant on J. Wheelton, Esq., that in his judgment Mr. Wheelton's life will be endangered by further confinement, the sheriff be forthwith discharged from the custody of the serjeant-at-arms attending this House."

Motion agreed to.

*Mr. Hume* wished to have it understood, whether the sheriff was to be discharged on payment of his fees in the usual way or otherwise.

*Mr. Speaker.*—I am of opinion, that persons in custody of the serjeant who have been ordered into confinement by the House, and whose health, it is stated, will be endangered by further confinement, ought to be at once discharged by the House, without payment of their fees.

Mr. Sheriff Wheelton was ordered to be discharged without paying his fees.\*

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*Thursday, April 30th, 1846.*—(3 *Hansard*, lxxxv. 1293.)

When the House has pronounced a Member guilty of a Contempt, he cannot, on the Question that he be committed to Custody, be heard, either in his Place or at the Bar.

Adjourned debate.

On the question, that W. S. O'Brien, Esq., having been guilty of a contempt, &c. be committed to the custody, &c.,

*Mr. E. B. Roche* moved, "That Mr. W. S. O'Brien be heard in his place."

*Mr. Speaker.*—I am not aware of any precedent that would justify the House, under present circumstances,

\* See p. 172.

in allowing the Honourable Member for Limerick to be heard in his place. The Honourable Member for Limerick had an opportunity of being heard after the report of the committee was presented to the House, and the order for his attendance had been read. The Honourable Gentleman did not avail himself of that opportunity, and the House then resolved that he had been guilty of contempt. The House having come to that conclusion, I do not remember any case which would justify them in permitting the Honourable Member for Limerick to appear in his place before they determine his punishment.

*Mr. E. B. Roche.*—Is there any reason or precedent why my Honourable Friend should not be heard at the bar of the House?

*Mr. Speaker.*—There is no precedent for any Member of the House being brought to the bar, unless he appears there, I may say, as a criminal. I am not aware of any precedent for such a proceeding.

Amendment withdrawn, and original motion read.

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*Tuesday, April 8th, 1851.—(3 Hansard, cxv. 1227.)*

A Person in Custody for a Contempt of the House, and asking for his Discharge on certain Allegations, is not entitled to be heard at the Bar.

*Mr. Aglionby* presented a petition from Henry Edwards, in custody for concealing witnesses, and moved, "That it be printed with the votes, and taken into consideration to-morrow;" and appealed to the Speaker, whether this man, being in custody, and asking for his

discharge on certain allegations, was not entitled to be heard?

*Mr. Speaker.*—He is not entitled to be heard.

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*Tuesday, June 17th, 1851.*—(3 *Hansard*, cxvii. 898.)

A Person in Custody for a Breach of the Privileges of the House, and brought to the Bar in order to be discharged, cannot be asked Questions by a Member.

St. Alban's Election; imprisonment of Henry Edwards.

Motion made and question proposed,

“That Henry Edwards be brought to the bar of this House to-morrow, in order to his being discharged, and that Mr. Speaker do issue his warrant accordingly.”

*Mr. Bankes* asked, whether in case the House should agree to the motion, it would be competent for any Honourable Member to question the prisoner at the bar of the House?

*Mr. Speaker.*—No question can be asked of the prisoner at the bar.

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## DEBATE.

*Wednesday, September 29th, 1841.*—(3 *Hansard*, lix. 1006.)

A Statement made by a Member in his Place, is considered as made upon Honour, and cannot be questioned.

ON the order of the day for bringing up the report on the Poor Law Commission Bill,

*Mr. Ward* having stated the evening before, that he

had had a conversation with a poor law guardian, in which Mr. Wakley's name had been mentioned.

*Mr. Wakley* asked Mr. Ward to state the name and address of the guardian.

*Mr. Ward* declined, but gave his word to the House that the conversation was as he had stated it.

*Mr. Wakley* then asked the name of the Union, saying, that he would go to the Board, or write to every member of it, to ask whether he was the person or not.

*Mr. Speaker.*—The rule of the House is, that when an Honourable Member states, in his place in the House, anything which has occurred to him, such a statement is considered to be made upon the honour of the Honourable Member, and is not to be questioned either in the House or out of it.

After some remarks from Mr. Ward, Mr. Wakley rose to speak, but was reminded by Mr. Speaker that he could not refer to a former debate.

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*Monday, March 7th, 1842.*—(3 Hansard, lxi. 141.)

It is out of Order to refer to anything said out of the House, in regard to a Debate which has taken place within the House.

*Mr. Ferrand* said, the Honourable Member for Wolverhampton had read in the House a declaration, signed by seventy-two cotton spinners, and had forwarded to him a copy of that declaration, to which were annexed two copies of his speech. The Honourable Member was proceeding to read the declaration, when,

*Mr. Speaker* said, it is out of order to refer to anything that has been said out of the House in regard to

a debate which has taken place within its walls, and therefore the Honourable Member must not read the statement.

See Rules and Orders, 162.

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*Thursday, June 15th, 1843.—(3 Hansard, lxi. 1573.)*

No Member ought to allude to anything that has taken place in a former Debate, but a certain degree of latitude is allowed when his allusions are relevant to the Subject under discussion.

Princess Augusta of Cambridge (Annuity).

On the motion that the resolution be read a second time,

*Mr. W. Williams.*—The Honourable Baronet, the Member for the University of Oxford (Sir R. H. Inglis), last night stated, the hereditary revenues of the crown from the year 1761 to 1837 amounted to 117,000,000*l.*, while the amount received for the purposes of the civil list was only 69,000,000*l.*, leaving a balance of 48,000,000*l.* in favour of the crown; he denied that these were the hereditary revenues of the crown, they were taxes, &c., &c.

*Viscount Dungannon* asked the Speaker whether it was competent for any Honourable Member to take up the time of the House by allusions to speeches that had been delivered in a different debate altogether from the present, and such as are totally unconnected with the matter now before them.

*Mr. Speaker.*—According to the rule of the House, it is, no doubt, irregular for any Honourable Member to allude to anything that has taken place in a former debate, but there is certainly a degree of latitude allowed

to Honourable Members when such allusions are relevant to the question immediately under discussion. It has not then been the practice to interfere, and the strict rule of the House is only adhered to when the subjects of the debates are of a totally different nature.

See Rules and Orders, 160.

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*Tuesday, July 30th, 1844.*—(3 *Hansard*, lxxvi. 1568.)

A Member can make no allusion to the Debates of the other House of Parliament.

*Mr. Borthwick*, in moving for the correspondence relative to Don Carlos, said, subsequently to this a Noble Lord in another place had thought proper, &c.

*Mr. Speaker.*—The Honourable Member must make no allusion to the other House of Parliament.

*Mr. Borthwick* did not allude to the other House of Parliament, but to some "other place," to which the forms of the House would not allow him more particularly to refer. He maintained that he was perfectly in order. In another place, in a speech made by Lord Clarendon—

*Mr. Speaker.*—The Honourable Member is out of order.

*Mr. Borthwick.*—Well, he saw by the public journals that a Noble Lord had asserted, &c.

See Rules and Orders, 164, and *Hansard*, xcix. 1180; cxxxv. 1329.

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*Friday, February 28th, 1845.*—(3 *Hansard*, lxxviii. 138.)

A Member cannot allude to what has been said in a previous Debate.

*Mr. E. B. Roche* said, that he had a question to ask

of the Honourable and Learned Member for Bath, for the purpose of asking which he had come expressly from Ireland. As this was a question referring to a matter in which he felt that his character, as a Member of that House, and as a gentleman, was concerned, he trusted he was not asking too much of the House in begging to be allowed to make a few preliminary remarks by way of explanation of the grounds on which he asked it. A very short time since, he saw with considerable astonishment a speech attributed to the Honourable Gentleman in the "Times" newspaper.

*Mr. Speaker.*—The Honourable Member is irregular in referring to a newspaper for what has been said in this House in a previous debate.

*Mr. E. B. Roche.*—Well, then, I heard of a speech which has been attributed to the Honourable and Learned Gentleman, in which I find the following words, in alluding to a large body of the Irish Members: "They have run away from their posts."

*Mr. Speaker.*—It is evident, from the Honourable Gentleman's observations, that he is referring to a speech made by the Honourable and Learned Member for Bath in a former debate; and I must inform the Honourable Member that it is quite irregular for any Honourable Gentleman to allude to a previous debate.

*Mr. E. B. Roche.*—I may be permitted, at any rate, to ask this question. Certain observations, I understand, were made, supposing that they were made.

*Mr. Speaker.*—I am sure the House will feel that it is impossible that the Honourable Member can be allowed to refer to any words spoken by another Honourable Member in a previous debate.

See Rules and Orders, 161, 162.

*Friday, July 9th, 1847.—(3 Hansard, xciv. 118.)*

A Member may allude in general Terms to a former Debate, but may not quote the particular Language used.

Poor Law Medical Officers.

*Mr. Ferrand*, being about to put a question to Sir G. Grey, said, the Honourable and Learned Gentleman (Mr. Roebuck) then made a statement, he would not say where, in this language [the Honourable Gentleman was about to read from a document in his hand].

*Mr. Speaker.*—The Honourable Gentleman may allude in general terms to what has occurred in a former debate, but not quote the particular words used.

*Monday, July 12th, 1847.—(3 Hansard, xciv. 189.)*

A Member may give a voluntary Explanation of what he has said in a former Debate with reference to an Individual, but not by way of Answer to the Question of another Member.

*Mr. Mackinnon* seeing the Honourable Member for Wycombe in his place, wished to ask him a question arising out of the Speech made by the Honourable Gentleman a few nights ago, in which he was stated to have traduced a Portuguese nobleman.

*Mr. Speaker.*—The Honourable Gentleman must not allude to a former debate of this session.

*Mr. Osborne* said, he knew what the Honourable Gentleman alluded to, and he believed he could answer the question without having it formally put to him.

*Mr. Speaker.*—If the Honourable Gentleman wishes to explain anything in his former speech having reference to an individual, he can do so, but not by way of answer to a question from another Honourable Member.

*Mr. Osborne* then gave an explanation.



*Thursday, March 7th, 1850.—(3 Hansard, cix. 461.)*

A Member may allude to a former Debate, for the purpose of explaining what he deems a Misrepresentation, but he must strictly confine himself to such Misrepresentation.

*Mr. B. Osborne* requested permission to allude to a matter which had taken place in the course of a former debate.

*Mr. Speaker.*—Comments on a former debate cannot be made without trespassing on the rules of the House; but it is quite within the province of an Honourable Gentleman to offer an explanation.

*Mr. Campbell* then disclaimed certain language which he had been charged with using towards the inhabitants of Kensington, and was proceeding to state that his sentiments with regard to the lower orders were the reverse of what had been imputed to him.

*Mr. Speaker.*—The House is always willing to extend its indulgence when an Honourable Member wishes to clear up any misrepresentation of his character, but that indulgence ought to be strictly limited to such misrepresentations, and ought not to extend to any observations other than by way of correcting the misrepresentations of which the Honourable Member complains.

See Explanation, and Rules and Orders, 157.

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*August 6th, 1850.—(3 Hansard, cxiii. 898.)*

It is not out of Order to refer to what is found in the Votes of the House of Lords.

In a debate on the Landlord and Tenant (Ireland) Bill,

*Mr. Torrens M'ulloch* said, he should have thought that the government would have chosen as the person to introduce this measure into the House of Lords some man whose antecedents, &c. were such as to win esteem.

*Mr. Dickson* rose to order. The Honourable and Learned Gentleman, he presumed, had no right thus to refer to what took place in the other House of Parliament.

*Mr. Speaker.*—The Honourable and Learned Gentleman is not out of order, if he refers to what is found in the votes of the House of Lords.

*Mr. T. M'ulloch* held in his hand a copy of the bill as it was printed by order of the House of Lords, and he found the name of the Marquis of Westmeath on the back of it.

*Thursday, May 1st, 1851.*—(3 *Hansard*, cxvi. 381.)

It is not Irregular to refer to Language used in Debates during former Sessions of Parliament.

Oath of Abjuration (Jews) Bill.

Motion made and question proposed,

That the bill be now read a second time.

*Mr. Newdegate* addressed the House, and (among other remarks) said, he did not think it was advisable that they should have sitting in that House an individual who regarded our Redeemer as an impostor. That was, no doubt, however, a fact which the Honourable and Learned Member for Sheffield would tell them they had no right to consider.

*Mr. Roebuck.*—Why do you say that?

*Mr. Newdegate* said, he had heard the Honourable

and Learned Member repeatedly contend that they had no right to appeal to a sense of religion in that House.

*Mr. Roebuck* said, he should ask the Speaker, whether this was a proper mode of dealing with a discussion in that House? The Honourable Gentleman had made reference to former debates; but if he (*Mr. Roebuck*) had said anything wrong in the course of those debates, the Speaker would, no doubt, have called him to order.

*Mr. Speaker.*—The Honourable Member for North Warwickshire has a right to refer to the language held in the course of debates in former sessions. The Honourable and Learned Member for Sheffield is irregular in his interruption; the Honourable and Learned Gentleman will have an opportunity of replying to the Honourable Member for North Warwickshire.

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*Wednesday, June 5th, 1854.*—(3 *Hansard*, cxi. 756.)

A Member may address the House from the Gallery behind the Bar, provided he speaks from that part devoted to Members.

*Mr. Bankes* said, on the occasion of their last sitting (in the new chamber), Honourable Members addressed them from the gallery; and he (*Mr. Bankes*) begged to ask if it was in conformity with the rules of the House that a Member should speak from the gallery, which was considerably behind the bar of the House?

*Mr. Speaker.*—Honourable Members sitting in the gallery, if in a place devoted to Members, have a right to be heard from it, though it is behind the bar. The gallery is to be considered within the House.

*Mr. Bankes.*—As the strangers' gallery was a portion of the same gallery in which Honourable Members sat,

might not some inconvenience arise from the difficulty of distinguishing whether it is a stranger or a Member who addresses the House?

*Mr. Speaker.*—There are many places behind the bar from which Members have a right to address the House, but Members cannot address the House unless they speak from the places devoted to Members.

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DEBATE (READING NEWSPAPERS, LETTERS, PAPERS, &c. DURING).

*Monday, March 9th, 1840.*—(3 *Hansard*, lii. 1063.)

A Member was formerly not allowed to read a Newspaper, or a Slip from a Newspaper, to the House, unless in the course of a Speech complaining of a Breach of Privilege.

*Mr. Emerson Tennent* was proceeding to read an extract cut from a copy of "The Galway Vindicator."

*Mr. Speaker.*—It is not competent to any Honourable Member to read a newspaper in the House.

*Mr. E. Tennent* replied, that he was about to read an extract from a newspaper as part of his speech that he had cut out from the paper, a slip of the portion to which he wished to call attention, and he conceived that he should not be out of order in reading it.

*Mr. Speaker.*—I am sure the Honourable Member himself must see that a slip is equivalent to a newspaper.

*Mr. Hume* thought it would have the effect of depriving the House of many facilities in the transaction of business, if they were prohibited from reading printed papers in that House, and he conceived that if they were

denied permission to read an extract from a newspaper, it amounted to a prohibition against all printed papers.

*Mr. Speaker.*—I understand the rule of the House to be, that, unless a Member gets up in his place to complain of a breach of privilege, he is not entitled to read a newspaper. It appears to me that the Honourable Member for Belfast cannot be in order when he reads to the House, as he proposes to do, the extract in question.

*Sir Robert Peel* had never heard that the reading of extracts was contrary to order.

*Lord J. Russell* read a precedent in favour of the extract being read.

*Mr. E. Tennent* resumed, and proceeded to read the extract to which he had referred.

N.B. It had been the practice for Members, when they desired to read extracts from newspapers, to have them pasted on foolscap paper, that it might appear to the House that they were reading from a manuscript. This was the first time that newspapers or slips of newspapers were allowed to be read in the House without any disguise.

See page 139.

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*Thursday, April 2nd, 1840.*—(3 *Hansard*, liii. 473.)

Speeches made in a Debate which has taken place during the same Session, cannot be read to the House.

In a debate on the Corn Laws,

*Mr. Clay* was proceeding to read an extract from a speech of *Sir Robert Peel*.

*Mr. Speaker.*—It is not in order to allude to any de-

bate which has taken place in the course of the present session.

*Mr. Clay* said, he supposed he might read what he had met with in a certain publication, and which reminded him very much of what he had heard fall from the Right Honourable Baronet on a certain occasion.

*Mr. Speaker.*—The Honourable Gentleman must be aware that he cannot allude, either directly or indirectly, to speeches made in the course of the present session, and it is a very shallow disguise under which he is now attempting to do so.

See Rules and Orders, 161, 162. See p. 139.

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*Wednesday, March 16th, 1842.*—(3 *Hansard*, lxi. 662.)

No Statement made out of the House, relative to anything said in the House, can be read in the House.

*Mr. Villiers* asked leave to read the notice taken of Mr. Ferrand's speech in the House by the woollen manufacturers residing in Yorkshire, in the place where the Honourable Member had brought his accusations, denying everything that the Honourable Member had brought against them.

*Mr. Speaker.*—Such a proceeding would be irregular. The only way in which such a denial can be made is either in moving for a committee upon the subject, or in examinations before that committee.

See Rules and Orders, 162.

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*Monday, June 20th, 1842.—(3 Hansard, lxiv. 261.)*

A Member cannot read a Letter referring to anything that has taken place in a Debate in the House.

On the question that the Speaker do leave the chair, *Mr. Ferrand* said, he held in his hand a letter from the clerk of the magistrates and board of guardians, saying, "I have read with astonishment the reply of the Right Honourable Baronet the Secretary of State for the Home Department to your speech on the second reading of the Poor Law Bill in the House of Commons, on Friday last."

*Mr. Speaker.*—The Honourable Member cannot read a letter in which a reference is made to anything which has taken place during a debate in this House.

See Rules and Orders, 162.

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*Wednesday, June 29th, 1842.—(3 Hansard, lxiv. 761.)*

A Member cannot read a Report of Words used in a former Debate.

*Major Beresford*, in a debate on the Election Proceedings Committee, had referred back to the speeches made at the commencement of their proceedings in the early part of May, and he found the Honourable Member for Bath saying—

*Mr. Speaker.*—The Honourable Member must not read from any report of words used by an Honourable Member in a former debate.

See Rules and Orders, 162.

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June 23rd, 1843.—(3 *Hansard*, lxx. 330.)

A Newspaper Report of anything which has taken place in the House during the same Session, is not allowed to be read.

Arms (Ireland) Bill.

On the question, that the Speaker do leave the Chair, *Mr. T. Duncombe* was beginning to read a newspaper report of a former debate in the House.

*Mr. Speaker*.—I am bound to tell the Honourable Member that he is out of order in referring to, or reading, any report of proceedings said to have taken place in this House in the present session.

See also *Hansard*, xciv. 529, and Rules and Orders, 162.

Monday, March 9th, 1846.—(3 *Hansard*, lxxxiv. 786.)

A Letter, which takes Notice of anything said in the House, cannot be read in the House.

On the question, that the Resolutions of the Committee upon the Customs on Corn be read,

*Sir John Tyrrell* rose to read a letter from an Essex farmer. The letter was as follows: "I see my friend, Mr. Alderman Copeland, mentioned in the House of Commons on Friday"—

*Mr. Speaker*.—It is against the rule of the House that any Honourable Member should read any letter which takes notice of any thing that is said in this House.

*Sir John Tyrrell*.—Well, then, it has been asserted by Mr. Alderman Copeland, &c. [The Honourable Baronet then read the letter.]



Wednesday, June 28th, 1848.—(3 Hansard, xcix. 1296.)

A Member cannot quote a Passage from a Newspaper speaking of "the Loyalty" of another Member as "somewhat questionable."

The order of the day having been read for going into committee on the Roman Catholic Relief Bill,

*Mr. Goring* addressed the House, and (among other remarks) stated that, the "Tablet," referring to what had fallen from another Honourable Member, said, "Mr. Newdegate's loyalty is somewhat questionable."

*Mr. Speaker*.—The Honourable Gentleman is taking a course not in accordance with the rules of the House.

Monday, July 9th, 1855.—(3 Hansard, cxxxix. 638.)

A Member may quote Extracts from a Work in support of his Views, provided they are pertinent to the Question, but in doing so a certain discretion is to be observed.

*Mr. Archibald Hastie*, in making a speech upon the Partnership Amendment Bill, read copious extracts from a pamphlet on the subject by Mr. M'Culloch, and was proceeding to read further, when,

*Mr. E. Ball* said, I rise to order, and presume that it is not usual that Gentlemen are allowed to read whole pamphlets as portions of their speeches.

*Mr. Archibald Hastie* justified the course, and was proceeding to read other portions of the pamphlet, when,

*Mr. John M'Cregor* said, I rise to order, and object to the Honourable Member reading the pamphlet of Mr. M'Culloch.

*Mr. Speaker*.—The Honourable Member for Paisley is quite in order in quoting extracts in support of his

own views, provided he confines himself to quotations which are pertinent to the question. At the same time there is a discretion to be observed in making such quotations. It is not regular to quote a whole pamphlet.

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*Thursday, February 14th, 1856.—(3 Hansard, cxi. 764.)*

It is no longer against the Rule to read from a Newspaper to the House.

*Sir John Shelley*, in a speech on the Irish judicial bench, said, To convince the House that Baron Pennefather was quite blind I shall read a passage from a newspaper which does not at all favour my side of the House. [Cries of "Order."] Well, then, I will read a document from a writer not favourable to my side of the House. [Cries of "Order."]

*Sir Frederic Thesiger* rose to order. The Honourable Baronet was out of order in reading from a newspaper. He had first said he would read from a newspaper, and on being checked by the House he had called it a document, and proceeded to read the same thing.

*Mr. Speaker.*—The Honourable and Learned Gentleman is correct as to what used to be the rule of the House; but a few years ago, when I decided that it was out of order to read an extract in the manner in which the Honourable Gentleman proposes to read one now, my decision was overruled by the House.

See ante, p. 133.

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DEBATE (FREEDOM OF).

*Thursday, March 20th, 1851.*—(3 *Hansard*, cxv. 266, 275, 276.)

A Member is entitled, in Debate, to use any phrases which he may deem necessary, provided they do not convey any personal reflection on any other Member, and are not disrespectful to the House.

**ÉCCLESIASTICAL Titles Bill** (second reading).

*Mr. Drummond* speaking of Roman Catholic nunneries. I assert, that nunneries are prisons; they have ever been either prisons or brothels.

*The Earl of Arundel and Surrey* asked, whether the Honourable Member was in order?

*Mr. Speaker*.—Nothing has fallen from the Honourable Member for Surrey inconsistent with the freedom of debate.

*Mr. Drummond* having made some further remarks in disparagement of miraculous images, relics, &c.,

*Mr. Grattan* claimed a right to move, "That *Mr. Drummond's* words be taken down."

*Mr. Speaker*.—The Honourable Member for Surrey is entitled, by the rules of debate, to use such expressions as he may think necessary, provided they do not convey any personal reflection on another Member, and are not disrespectful to the House.

See Rules and Orders, 166—169.

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*Thursday, March 27th, 1851.*—(3 *Hansard*, cxv. 636.)

If a Member uses Expressions which, though not absolutely out of Order, are offensive to the feelings of any other Member, it is always competent for the House to call upon the Speaker to desire that the Words be taken

down, and then the Sense of the House may be taken upon them.

*Mr. Grantley Berkeley*, alluding to the asperity of language which had been used in the discussion on the Ecclesiastical Titles Bill, asked the Speaker whether it be competent to the House to reconsider the resolution at present in force as to the freedom of debate, and to amend it in cases where language is insulting collectively to individuals as well as personally, as was the case in the Papal Aggression debate on Thursday last?

*Mr. Speaker*.—Honourable Members are aware that the rule of the House, with regard to freedom of debate, is part of the unwritten law of the House, and that it is a privilege which it is most important to preserve inviolate; at the same time it must be acknowledged that there are restraints which are not imposed by the actual rules of the House. Those restraints are founded upon the good feeling and courtesy of Honourable Members, which ought to prevent as much as possible any Member from wounding the feelings, and especially the religious feelings, of other Members of the House. But I beg to state, that in all cases of this description, it is quite competent for the House to pronounce an opinion at the time upon the words spoken. For if any Honourable Members are not satisfied with the decision of the chair, it is competent not for one Honourable Member but for the House to call upon the Speaker to desire the words to be taken down, and then the sense of the House may be taken upon them. I entertain, however, the greatest confidence that Honourable Members, feeling the importance, as well for the satisfactory discussion of all important subjects as for the preservation of the

dignity of the House, that those restraints to which I have alluded should be observed, and knowing that they cannot be enforced by any of the orders of the House, will see the greater necessity of not disregarding them.

See Rules and Orders, 166, 168, 169.

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*Tuesday, April 23rd, 1844.—(3 Hansard, lxxiv. 227.)*

A Member having made assertions in Speeches out of doors, relative to other Members, and having repeated them in the House: *Decided*, that the proper way of proceeding, with a view to ulterior Measures, was, for the Newspaper, containing the Expressions in question, to be read by the Clerk at the Table, and for the admission by the Member in question that he used them, to be taken in a formal manner.

*Mr. Ferrand*, having made some assertions in speeches in the manufacturing districts, which were reported in the newspapers, relative to Mr. Hogg and Sir J. Graham, and having re-asserted them in his place in the House, a debate arose.

*Mr. Speaker.*—There is no question before the House. I recommend the House in the commencement of its proceedings to follow the precedent in the case of Mr. O'Connell in 1833. To-morrow the paper will be read by the clerk at the table, and the admission of the Honourable Member for Knaresborough, that the words which form the subject-matter of complaint were spoken by him, will be taken in a formal manner. It will then be for the House to consider what step it will next take.

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DEBATE (OTHER RULES OF).

*Friday, June 13th, 1845.—(3 Hansard, lxxxi. 505.)*

On the House going into a Committee of Supply, a Member cannot speak on more than one Subject, without the permission of the House.

ON the motion\* that the order of the day be read for going into Committee of Supply, a question was asked by an Honourable Gentleman, and Sir George Cockburn explained an answer which he had given on a former occasion to a question put to him by Sir Charles Napier. Sir Charles Napier then made a few observations, and Sir H. W. Barron called the attention of the House to the state of the Irish fisheries. A debate took place, at the conclusion of which Sir C. Napier rose to bring forward the subject of the defences of the naval forts and arsenals.

*Mr. Speaker.*—The Honourable Member has lost his opportunity, having already spoken.

*Lord John Russell* thought it would be hard if his Gallant Friend were not allowed to address the House.

*Sir Charles Napier* made his statement.

N.B. This was against all rule.—Sir C. Napier could only have spoken by the indulgence of the House.

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*Wednesday, May 16th, 1849.—(Hansard, cv. 503.)*

It is quite regular to enter into a Discussion upon any Subject on a Motion that Papers relating to that Subject do lie upon the Table.

Disturbances in Canada.

*Mr. Hawes* appeared at the bar, and, by her Majesty's

\* The Clerk now reads the order of the day without any question being put. See Rules and Orders, 98.

command, presented papers relative to the affairs of Canada.

On the question that the papers do lie upon the table,

*Mr. Roebuck* entered into detail upon Canadian matters.

*Mr. Pusey* rose to order. Wednesday being devoted to the business of independent Members, inconvenience would be caused if a debate arose upon government measures before the first order of the day. This question would probably draw observations from other Honourable Members, who were at issue with his Honourable and Learned Friend, and so a discussion would spring up, which must necessarily occupy much time.

*Mr. Speaker.*—There is a question before the House, namely, whether the papers relative to the affairs of Canada shall be laid upon the table. The Honourable and Learned Member for Sheffield is, therefore, perfectly regular. The only mode of effecting the object of the Honourable Member for Berkshire (*Mr. Pusey*) is by a motion that the debate be adjourned; but such a motion cannot be made or entertained before the Honourable and Learned Gentleman has concluded his remarks.

*Mr. Roebuck* accordingly resumed.

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Friday, July 20th, 1849.—(3 *Hansard*, cvii. 743.)

When a Member has made a Statement, in consequence of Observations made upon <sup>either</sup> <sub>it</sub> <sup>or</sup> <sub>of</sub> <sup>by</sup> <sub>some</sub> <sup>one</sup> whom he represents, on a former occasion, by a Member, the latter may rejoin, though there be no Question before the House.

Outrages, Castlewellan. The Earl of Roden.

*Viscount Jocelyn* was allowed to make a statement on

this subject in consequence of observations made by Mr. Bright on the previous evening.

*Mr. Bright* addressed the House, and was asking for inquiry, when

*Captain Archdall* rose to order. There was no question before the House.

*Mr. Speaker* overruled the objection.

*Mr. Bright* proceeded.

*Mr. Hume* addressed the House.

Subject dropped.

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*Friday, April 26th, 1850.—(3 Hansard, ex. 861.)*

On going into Committee of Supply, a Member may make a Statement on what he considers to be a special grievance, but if he states his intention of concluding with a Motion, he ought not to have precedence over other Members, who have given Notice of bringing forward Motions.

On the question that the House resolve itself into a Committee of Supply,

*Sir J. Pakington* rose to put the question of which he had given notice to the Honourable and Learned Attorney-General, with regard to the part which he had taken in the differences between the trustees of the Grosvenor Place District and the Marquis of Westminster, as to the repair of the highway known by the name of the King's Road, Pimlico. The Honourable Baronet was proceeding at some length, and alluding to the Marquis of Westminster and Lord R. Grosvenor, when

*Mr. Anstey* rose to order. The Honourable Baronet is going into a long statement, which will entitle the two Noble Lords to whom he has alluded to reply, or at least to make comments on his statement. I, therefore,

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having a motion on the paper next to that of the Honourable Member for Glasgow, must certainly protest against the Honourable Baronet entering into such a statement as will prevent me from bringing forward my motion.

*Mr. Speaker.*—The Honourable and Learned Member will not be prevented from bringing forward his motion after the Honourable Baronet has proposed his question.

*Sir John Pakington* continuing,

*Mr. Anstey* again rose to order. He begged to ask, whether the argument they had been hearing for the last half-hour came within the definition of a statement?

*Mr. Speaker.*—Upon the question, that the Speaker do leave the chair on going into Committee of Supply, any Honourable Member may bring forward a question of what he considers to be a special grievance. While the Honourable Baronet is speaking on such a question, it would be very improper for me to interfere.

*Mr. Anstey* wished to ask whether, having given notice of a motion on the question of the Speaker leaving the chair, and having distinctly stated that, although the Honourable Member for Glasgow gave way, he (*Mr. Anstey*) did not, he had not a right to precedence over the Honourable Baronet?

*Mr. Speaker.*—If the Honourable Baronet had signified his intention to conclude with a motion, then no doubt the Honourable and Learned Gentleman ought to have precedence; but the Honourable Baronet having stated that he only intended to put a question, I do not think that I ought to interfere.

*Sir J. Pakington* proceeded.

See "PRECEDENCE."

*Monday, May 5th, 1851.—(3 Hansard, cxvi. 561.)*

When a Member has spoken once on the Motion, that the Speaker do leave the Chair, he is not allowed to speak again.\*

*Mr. Hume*, who had given notice of a motion on the subject of promotion in the navy, said, that on a former occasion, when he had made a few observations, he had afterwards been precluded from bringing forward a motion which he had on the paper, and begged to ask Mr. Speaker, if, should he offer a few remarks at present on the subject now before the House (official salaries), he would be precluded from bringing on the motion which stood on the paper?

*Mr. Speaker.*—When an Honourable Member has spoken once on the motion that the Speaker do leave the chair, it is against the rules of the House that he should speak again.

*Mr. Hume.*—I am precluded by a rule you lay down from bringing on my motion, if I speak at present.

*Mr. Speaker.*—I have laid down no rule on the matter. It was always the rule of the House that, on every question any Honourable Gentleman might speak once; and if he has spoken once, he cannot speak again while the same question is before the House.

See Rules and Orders, 156.

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*May 6th, 1853.—(3 Hansard, cxxvi. 1243.)*

A Member of a Committee, who is speaking when an interruption takes place, is so far in possession of the Committee after that interruption, as to be entitled to pre-

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\* This, it will be observed, is only a partial application of a general rule.

cedence, if any other Member rises at the same Time with him, but the Chairman is not bound to call upon a Member if he does not rise to address the House.

The House having taken into consideration\* the language used by Mr. Duffy on the previous evening in Committee of Ways and Means, which had caused the interruption of the debate † during the speech of the Honourable Gentleman, it was resolved, that the House do now pass to the other orders of the day.

House in Committee of Ways and Means. Mr. Bouverie in the chair. Amendment ‡ again proposed to leave out the words "United Kingdom," in order to insert the words "Great Britain," instead thereof.

*Mr. F. French* believed they were out of order in proceeding to a division when an Honourable Member (Mr. Duffy) was clearly in possession of the House, having been interrupted in his speech upon the previous occasion.

Question put, "That the words 'United Kingdom' stand part of the proposed resolution." Committee divided, ayes 286, noes 61.

*Mr. G. Moore* complained that the chairman had put the question without calling on the Honourable Member (Mr. Duffy) to speak.

*Mr. Labouchere* thought the point of order should be discussed before the Speaker.

Committee to report progress to sit again this day.

*Mr. Speaker* having taken the chair,

*Lord John Russell* said, Sir, a point of order having been raised in committee (on a complaint of Mr. G. H.

\* See p. 116.

† See p. 160.

‡ The same as that upon which Mr. Duffy had been speaking when the interruption took place. See p. 160.

Moore, that the chairman of the committee had put the question before calling on the Honourable Member for New Ross to speak), and the Honourable Gentleman who was in the chair not having long occupied that situation, it has been thought right by some Members of the House that your opinion, Sir, should be appealed to as to that point of order.

*Mr. G. H. Moore.*—Sir, to-day, on the question connected with the case of the Honourable Member for New Ross being disposed of, Mr. Bouverie was again called to the chair. It is my opinion, and also the opinion of other Honourable Members, that, according to the usual forms of the House, the Honourable Member for New Ross was virtually in possession of the committee,\* just as any Honourable Member, who is in possession of the House on a Wednesday when it adjourns at six o'clock, is still in possession on the following Thursday, when the House again meets, should the debate be continued on that day. Instead of calling on the Honourable Member, Mr. Bouverie put the question. I submit that it was the duty of Mr. Bouverie, as chairman of the committee, to have called on the Honourable Member for New Ross, he being, at the time the interruption took place, in possession of the committee.

*Mr. Bouverie* and other Members addressed the House.

*Mr. Speaker.*—The question put to me, as I understand, is this, whether the Honourable Member for New Ross, not having risen in his place to address the committee, the chairman ought to have called upon him by name before he put the question. Now, unless the Honourable Member for New Ross rose in his place

\* See p. 160.

and addressed the chairman, the chairman was at perfect liberty to put the question. According to the practice of the House, when any Honourable Member moves the adjournment of a debate, he is said to be in possession of the House; but it is not on that account that the Speaker calls on that Honourable Member, when the question is put on the resumption of the debate, because, unless he rises and addresses the chair, it is not the duty of the Speaker to call upon him. It often happens, indeed, when a Member moves the adjournment of a debate, that he does not take advantage of his privilege of opening the debate on the following night. The Speaker does not call upon that Member to address the House merely because he moved the adjournment, unless he rises in his place when the question is put. If, however, he rises in his place when the question is put, and another Member rises at the same time, he is entitled to precedence; but that depends upon the Honourable Member himself, who ought to rise in his place, if he wishes to claim any privilege.

Another point of order was then raised (See p. 116), and was decided by the Speaker. After which the House went into Committee of Ways and Means.

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*Wednesday, April 5th, 1854.*—(3 *Hansard*, cxxxii. 484.)

On Wednesdays, Debates cease at a quarter before Six o'Clock.

Property Disposal Bill.

*Mr. Whiteside* moved, "That this bill be read a second time."

After debate,

*Mr. Malins* was addressing the House.

*Mr. Speaker.*—I must inform the Honourable Member that, according to a standing order of the House, which has been framed during the present session, no debate upon a question under their consideration can be proceeded with beyond a quarter to six on Wednesday, but shall stand adjourned to another day.

Debate adjourned till to-morrow.

See Rules and Orders, 64.

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*Monday, July 3rd, 1854.*—(3 Hansard, cxxxiv. 1052.)

It is an inconvenient Practice for a Member to rise to speak after the Glass has been turned.

Public Revenue and Consolidated Fund Charges Bill.  
Order for third reading read.

*Mr. Spooner* moved an amendment.

A debate took place; at the conclusion of which, the sand-glass, which precedes the closing of the doors prior to taking a division, was turned, and had nearly run out, but before *Mr. Speaker* had put the question,

*Mr. I. Butt* rose to address the House.

*Mr. Speaker.*—Great inconvenience has arisen on previous occasions from Gentlemen allowing the glass nearly to run out, and then attempting to renew the debate. A suggestion has been made that, when the glass is once turned, the debate is to be considered as at an end; and I believe that is the general understanding of the House.

*Mr. Drummond.*—I believe the Speaker has just laid down the rule, which has been established by common consent among us, that as soon as the glass has been turned, the debate is to be considered at an end.

*Mr. Speaker.*—I did not venture to lay down a rule

of that description. I merely called the attention of the House to the circumstance, that when the glass has nearly run out, Honourable Members often rise to renew the debate, which is an inconvenient practice.

See Rules and Orders, 148, 183.

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*Thursday, June 5th, 1856.—(3 Hansard, cxlii. 1026.)*

It is not regular to discuss the Provisions of a Bill not before the House, on the Question of the Speaker leaving the Chair.

On the question, "That the Speaker do leave the chair," on going into supply, being put,

*Mr. G. Moore* put a question to the Chief Secretary for Ireland (*Mr. Horsman*), respecting an explanation made by him (*Mr. Horsman*) in the House when he (*Mr. Moore*) was not present, on the subject of the Tenants Compensation Bill.

*Mr. Horsman* entered at some length into the circumstances connected with the bill, and was alluding to its provisions, —

*Mr. Speaker.*—The Right Honourable Gentleman is rather irregular. The question is, that I leave the chair, and it is not regular to discuss the provisions of a bill which is not before the House.

*Mr. Horsman* resumed, and was again interrupted by

*Mr. Speaker*, who said, nothing can be more irregular than, on the question of going into supply to revive a discussion of a former night with regard to a measure that stands on the order paper fixed for a future day, and is not before the House.

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DEBATE (IRREGULAR LANGUAGE IN).

*Tuesday, May 28th, 1839.*—(3 *Hansard*, xlvii. 1060.)

It is out of Order to impute to a Member that he is loose in the Statements he makes to the House.

DURING a discussion on the second reading of the City of London Police Bill,

*Mr. Hawes* remarking, on some observations of an Honourable Member, said, that the Honourable Alderman was in that House very loose in his statements. ("Order, order.")

*Mr. Speaker.*—The Honourable Member is out of order in making use of an expression, imputing to the Honourable Alderman that he is very loose in the statements he makes to the House.

See Rules and Orders, 168.

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*Wednesday, July 24th, 1839.*—(3 *Hansard*, xlix. 734.)

A Member is out of Order in charging another with Voting in an improper manner.

During his speech on the County and District Constabulary Bill,

*Mr. F. Maule* said, the Honourable Member for Maidstone, who seemed by his vote of the other night to be the advocate of riot and confusion—

*An Honourable Member* rose to order.

*Mr. Speaker.*—It is certainly out of order for a Member to charge another with having voted in an improper manner.

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*Monday, February 20th, 1843.*—(3 *Hansard*, lxvi. 937.)

It is disorderly for one Member to apply the term "Discourteous" to another.

*Sir A. L. Hay* asked a question of *Sir J. Graham* relative to the differences which had arisen in the Church of Scotland.

*Sir J. Graham.*—The Honourable Gentleman had not given him notice of his question. The Honourable Member for Argyleshire had notified to him his intention of asking the same question on Thursday next, and on that day he would answer it.

*Sir A. L. Hay* considered that the conduct of the Right Honourable Baronet had been very discourteous as a Member of that House.

*Mr. Speaker.*—The Honourable Member is not in order.

*Wednesday, February 17th, 1847.*—(3 *Hansard*, xc. 49.)

When a Member has given an answer to a Question, it is disorderly to go on repeating the Question.

Factories Bill.

*Mr. Ferrand*, after speaking of the "Manchester Examiner" as Mr. Bright's paper, which Mr. Bright denied in these words: "I have nothing to do with the 'Manchester Examiner,'" was proceeding to question Mr. Bright as to whether he was a shareholder in the paper, &c.

*Mr. Bright.*—I have no connexion with it whatever.

*Mr. Ferrand.*—I consider myself quite in order in putting this question to the Honourable Member; and I will put it to the Speaker, whether I am in order or not?

*Mr. Speaker.*—The Honourable Member is not in order.\*

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*Wednesday, July 15th, 1847.*—(3 *Hansard*, xciv. 405, 408.)

A Member must not use opprobrious Terms in speaking of a Vote of the House.

After a division on going into committee on the Bishopric of Manchester Bill,

*Mr. T. S. Duncombe* moved, "That the debate be adjourned." The vote at which they had arrived was a disgraceful vote to a Liberal.

*Mr. Speaker.*—The House has pronounced a decision on the question submitted to them, and it is contrary to the respect due to the House that any one should call that a disgraceful vote.

*Mr. Duncombe* considered the vote disgraceful to gentlemen professing liberal principles.

See Rules and Orders, 163.

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*Wednesday, February 23rd, 1848.*—(3 *Hansard*, xcvi. 1206.)

A Member cannot make charges of Falsehood against a Minister, except on a Motion of a much graver character than one for the production of Papers.

Charges against Viscount Palmerston.

*Mr. Anstey*, in the course of his speech, used the following words:—"In the case of the French and Spanish marriages, where his object was to establish a ground of discord with France, the Noble Lord takes his stand upon the contrary ground, and audaciously makes the assumption of that treaty (of Vienna), being then actually in force: and on that assumption he grounds his charge

\* See post, "QUESTION."

against France, of a very gross violation of that treaty; an assumption and a charge which I have now shown to have been, to the Noble Lord's own knowledge, utterly false."

*Mr. Speaker.*—The Honourable and Learned Gentleman cannot, on a motion like this, make use of language, such as he has just now used, without irregularity. He cannot make charges upon the occasion of a simple preliminary motion for the production of papers. To entitle himself to make them, he must give notice of a motion of a much graver character against the Noble Lord, and then he may be justified in using those expressions.

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*Thursday, April 13th, 1848.*—(3 *Hansard*, xcvi. 291, 297.)

A Member cannot interrupt another while addressing the House, except for the purpose of explaining his personal Conduct; and if a Quarrel take place between Members in Debate, the House will interfere to prevent hostile Proceedings.

The Chartist Petition.

*Mr. Cripps* did not wish to throw ridicule and obloquy upon the petition, but he did throw ridicule and obloquy upon the Honourable Gentleman who presented it.

*Mr. F. O'Connor.*—I rise, Sir, to order. The Honourable Gentleman's observations require explanation.

*Mr. Speaker.*—If the Honourable Gentleman wishes to make an explanation with regard to personal conduct, though he has no absolute right to speak upon the subject, I have no doubt the House will allow him. If the Honourable Gentleman does not wish to make a personal explanation, he must not interrupt another Honourable Member when he is addressing the House.

*Mr. Cripps* then proceeded, and *Mr. F. O'Connor* spoke afterwards.

*Mr. Lushington* having taken notice that *Mr. F. O'Connor* had said he would have an explanation elsewhere,

*Mr. Roundell Palmer* thought, from the manner of the Honourable Member for Nottingham (*Mr. F. O'Connor*) in leaving the House, that he intended to take some other notice of the words used by the Honourable Member for Cirencester (*Mr. Cripps*), which the House would be anxious to prevent.

*Lord John Russell* moved, "That *Mr. O'Connor* be ordered to attend in his place forthwith."

*Mr. Speaker*.—Before putting that question, I beg to state to the House that if what fell from the Honourable Member for Nottingham had made the same impression on me as it appears to have done on the Honourable Member (*Mr. Palmer*), I should have called on the Honourable Member for Nottingham to make an explanation, and also on the Honourable Member for Cirencester to assure the House that he did not intend any personal reflection. The greatest possible reliance is placed on what falls from a Member of Parliament, and in proportion to the weight given to the words of an Honourable Member, should be his caution that what he states is strictly accurate. The Honourable Member for Nottingham, like every other Member, is responsible to the House for the petition he presents containing no disrespectful language, for its coming from the place whence it purports to emanate, and for the genuincness and propriety of the signatures to it. Of course, the Honourable Member might be imposed upon with respect to names appended to the petition, as being the

names of the parties signing it; but there are some points on which he could not be imposed upon if he took that proper precaution which he owed to the House. I hope that the Honourable Member for Cirencester will assure the House that he did not intend anything personally offensive.

*Mr. Speaker* then put the motion.

*Mr. Cripps*, having declared that he had no hostile intention towards Mr. O'Connor, said, if I used language unparliamentary I deeply regret it, and I have no more hesitation in expressing that regret to the Honourable Member for Nottingham, who is a Member of this House, than I have in expressing it to the whole House.

*Mr. Speaker*.—I understand the Honourable Member for Cirencester to say, that if he used any unparliamentary language he deeply regrets it. I am quite sure that the House will be satisfied with that explanation.

*Mr. O'Connor* was ordered to attend in his place forthwith. Not obeying the order

*Mr. O'Connor* was ordered to be taken into custody.

*Mr. O'Connor* was reported in custody, discharged, and attended in his place.

*Mr. Speaker*.—Mr. Feargus O'Connor, the House has been given to understand that an expression fell from you before you quitted this House, which has led the House to suppose it is your intention to take hostile proceedings against the Honourable Member for Cirencester (Mr. Cripps), in consequence of words spoken by him in debate. I hope, therefore, you will be able to assure the House that such was not your intention; but it is my duty to inform you that after you left the House, the Honourable Member for Cirencester has already stated his regret that an expression should have fallen

from him which is at all unparliamentary. If the expression used by you had reached me at the time, I should have felt bound to interfere, but I think it only due to you to call upon the Honourable Member for Cirencester to state in your presence what he has already stated in your absence.

*Mr. Cripps* then repeated his apology, and *Mr. F. O'Connor* accepted it.

See Rules and Orders, 173, and ante, p. 89.

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*Tuesday, May 3rd, 1853.—(3 Hansard, cxxvi. 1074.)*

If one Member use Language in the House offensive to another or to the House, exception must be taken to it at the time, if at all.

#### Chatham Election.

*Sir John Shelley* having moved, that *Mr. Attorney-General* be directed to prosecute *Sir John Mark Frederic Smith* for bribery at the last election,

*Mr. Drummond* said (among other things), that they who voted for the motion were the men who were disgraced by it, and not *Sir Frederic Smith*, and that he thought the motion discreditable to the House.

*Mr. Hume* and *Mr. Rich* having addressed the House,

*Sir John Shelley* said, he believed and hoped, there was no man in the House less quarrelsome than he was; but words had been let drop by the Honourable Gentleman near him (*Mr. Drummond*), which for the credit of that House required some explanation.

*Mr. Speaker*.—If the Honourable Baronet wished to take exception to any words spoken by the Honourable

Gentleman the Member for West Surrey, he ought to have done it at the time.

*Mr. Drummond* said, if he had used any words that were improper, he would at once withdraw them.

*Sir John Shelley*.—You said the motion was disgraceful and discreditable to the House.

See Rules and Orders, 169.

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*Thursday, May 5th, 1853.*—(3 *Hansard*, cxxvi. 1207, 1209.)

If offensive Words are spoken in Committee, which are taken down, the House only, and not the Committee, can take notice of them. The Committee therefore reports Progress, and asks leave to sit again; the Chairman reports the Words used to the Speaker, and the Speaker calls upon the offending Member to retract or explain them. Having done so, he then withdraws, and the House deliberates what course it will take.

In Committee of Ways and Means. *Mr. Bouverie* in the chair. The Income Tax.

*Mr. Lawless* moved, "That the words 'Great Britain' be substituted for 'United Kingdom.'"

Question proposed, "That the words 'United Kingdom' stand part of the proposed resolution."

A debate took place, and in the course of his speech,

*Mr. Duffy* said, I don't think, in the worst days of Walpole and the Pelhams, more scandalous corruption existed than I have seen with my own eyes practised upon Irish Members.

*Mr. J. Ball* moved, that the words used by the Honourable Member for New Ross be taken down.

*The Chairman*.—I apprehend the House only, and

not the committee, can take notice of the language which has been used by the Honourable Member for New Ross; and if the words in question are taken down, it will be my duty to report them to the House.

*Mr. J. Ball* handed a written paper to the chairman, containing the words attributed to the Honourable Member for New Ross.

*Mr. Duffy* admitted the correctness of the transcript. Other Members addressed the committee.

*The Chairman.*—I must ask the indulgence of the committee in this matter, having no precedent to guide me. As I understand the state of the case, I am now to put the question that the words, as suggested by the Honourable Member for New Ross, be taken down by the clerk; and that then the proper course, if that motion be agreed to, and the words are taken down, will be, to report progress, in order to report the words to the House. I say it is my decided opinion that the language itself was disorderly. The general rule being, that words imputing improper motives to a Member of this House are disorderly, the language of the Honourable Member for New Ross appears to come clearly under that definition. I will now, therefore, put the question, "That these words, 'that the grossest corruption ever practised in the days of Walpole and the Pelhams has been practised, under my own eyes, upon Irish Members in this House,' be taken down."

After further debate,

Question put and agreed to.

Words taken down (as above).

Words to be reported. Committee to report progress, and ask leave to sit again.



The Speaker having taken the chair.

*Mr. Bouverie.*—Sir, I have to report to the House, by direction of the committee, that Mr. Duffy, Member for New Ross, has used the following expressions:—"That the grossest corruption ever practised in the days of Walpole and the Pelhams has been practised under my own eyes upon Irish Members in this House."

*Mr. Speaker.*—It has been reported to the House that the Honourable Member for New Ross has used the following words:—"That the grossest corruption ever practised in the days of Walpole and the Pelhams has been practised, under my own eyes, upon Irish Members in this House." Has the Honourable Member anything to say in explanation or retraction of these words?

*Mr. Duffy.*—I desire to say, I am not acquainted with the forms of the House, and do not know what is aimed at in this proceeding. Will Mr. Speaker tell me what is the course I am expected to take?

*Mr. Speaker.*—It having been reported to the House that the Honourable Member has used expressions in the committee which have been considered offensive to other Honourable Members, it becomes my duty to call upon the Honourable Member to explain or retract the words which I have read to him, and which have been taken down by order of the committee. When the Honourable Member has made either his explanation or retraction, he will withdraw, and it will be for the House then to say what further course they will pursue.

*Mr. Duffy.*—It will be in the recollection of the House, that the statement I made was this,—that though I had been only a short time in the House, I believed I had observed corruption practised towards Irish Mem-

bers by the present government of a character with that corruption which had, for similar purposes, been practised by ministers whose names are familiar to the House. I am called upon for an explanation or retraction of that statement. If this House thinks proper to give me a committee, I will lay before the committee the facts that have influenced my mind in coming to that conclusion. I do not know whether it is quite reasonable to expect that in this hurried manner I should go into any statement of facts. But this I will certainly say, that the statement I made I have substantial grounds for believing; and I can only offer such proof to the committee you may appoint as influences my own mind. But as I am about to withdraw, I do not think it is quite reasonable to expect me to proceed further without notice. [The Honourable Member then withdrew.]

*Mr. Stuart Wortley* moved, "That the words used by the Honourable Member for New Ross, in committee, and reported to the House, be taken into consideration to-morrow."

*Mr. W. O. Stanley* moved, as an addition, "That the Honourable Member for New Ross be required to attend in his place at four o'clock this day."

[It was now past 12 P.M.]

Ordered, that the words spoken by the Honourable Member for New Ross, in committee, and reported to the House, be taken into consideration this day.

Ordered, that *Mr. Duffy* do attend this House, in his place, this day.

See Rules and Orders, 169, 170, 171, 172, 176, 178.

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*Friday, May 6th, 1853.—(3 Hansard, cxxvi. 1234.)*

Mr. Duffy explained the Language used by him on the previous Day.

Order for consideration of the words spoken by the Honourable Member for New Ross in committee, and reported to the House yesterday, read.

Order for attendance of Mr. Duffy in his place this day read.

*Mr. Speaker.*—Is the Honourable Member for New Ross in his place?

*Mr. Duffy* rose and bowed.

*Mr. Speaker.*—I have to remind the Honourable Member of the proceedings which took place last night. The House was informed by the Chairman of Ways and Means that exception had been taken to certain words spoken by the Honourable Member. These words were as follows:—“The grossest corruption ever practised in the days of Walpole and the Pelhams has been practised under my own eyes upon Irish Members in this House.” I have now to state to the Honourable Member, that if he has any explanation to offer, this is the time to offer it. It is scarcely necessary for me to inform the Honourable Member, that this House is always ready to extend a large share of its indulgence to any Honourable Member, who, in the heat of debate, has allowed expressions to escape him, which are calculated to offend either individual Members of the House, or the House at large. I hope, therefore, that the Honourable Member will now be prepared to offer such explanation or apology as will be satisfactory to the House.

*Mr. Duffy* explained that he did not mean to convey that money was given to secure the votes of certain of

the Irish Members, but that certain\* Irish Members had outrun anything he had ever heard or read of in the discreditable abandonment of notorious and rooted principles for the purpose of their own personal advancement. He was ready to specify the individuals, and to state what appeared to him cogent facts in support of this allegation. He had no wish to violate any rule of the House; and if he had done so, he regretted it.

*Mr. Speaker* then put the question, "that the House do now proceed to the orders of the day."

Resolved accordingly.

The House then went into Committee of Ways and Means.

Committee reported progress.

See Rules and Orders, 172; see p. 148.

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*Tuesday, June 26th, 1855.—(3 Hansard, cxxxix. 158.)*

Notice of Motion cannot be given to call the attention of the House to Statements made on a previous Night, unless those Statements were taken down at the time.

*Mr. Malins* said, he had given notice on the previous evening that "he would call the attention of the House to certain statements in the speech made by the First Lord of the Admiralty on Friday last, conveying to the House the impression that the Honourable Member for Tyne-mouth was interested in the government contract." He found that an objection was taken to the form of this notice, because it referred to what had taken place in a debate on Friday last; but unless he could so refer to that debate, it would be useless to bring this question before the House; and he, therefore, wished to ask the

Right Honourable Gentleman in the chair, whether he was at liberty to refer to the debate of Friday last.

*Mr. Speaker.*—The notice of motion which was given by the Honourable Member is most irregular, as it stated that it is given for the purpose of calling attention to a speech which was made on a previous night. If the Honourable Member intended to take notice of the speech, he ought to have done so on the night on which it was made, or, at all events, the part of the speech on which it was intended to found proceedings ought to have been taken down at the time; but this has not been done. The Honourable Member may, no doubt, refer to that speech in general terms, but he cannot do so in the particular way of which he had first given notice.

The subject then dropped.

See Rules and Orders, 160, 171.

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*Friday, July 6th, 1855.*—(3 *Hansard*, cxxxix. 534.)

If exception is taken to Words spoken by a Member, it must be taken immediately.

In the course of some observations in the debate upon the disturbances in Hyde Park,

*Mr. George Dundas* said, nothing will frighten a mob more than the crash upon the pavement of the trail of a six-pounder.

*Mr. Williams* then made a speech, and another subject was introduced, upon the termination of which,

*Mr. Roebuck* said, Sir, I rise to speak on a very serious matter. Words have been used in this House which ought not to be used by English Gentlemen in the House of Commons. The Honourable Member for Linlithgowshire (*Mr. G. Dundas*) has recommended to

the Secretary of State for the Home Department to use a six-pounder against the people.

*Mr. G. Dundas* explained.

*Mr. Roebuck* said, Sir, I suppose the Honourable Member will apologize for his words.

*Mr. Speaker.*—The rule of the House with regard to words spoken by any Honourable Member to which exception is taken, is, that the exception must be taken immediately. Since the Honourable Member (*Mr. G. Dundas*) has spoken, another Honourable Member has addressed the House; therefore no exception can now be taken to the words used, whatever they may have been.

*Mr. Roebuck* said, as the Speaker had decided that the words could not then be taken down, he would not press the matter further.

See Rules and Orders, 171.

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*Friday, August 3rd, 1855.*—(3 *Hansard*, cxxxix. 1844.)

A Member cannot be called to order by the Speaker, for Language used out of the House.

*Mr. Cobden*, in a debate upon the negotiations at Vienna, having animadverted on some observations made by *Sir W. Molesworth* in his speech to the electors of Southwark,

*Sir W. Molesworth* rose to reply, and at the conclusion of his remarks said, I have never expressed, either in this House or to my constituents from the hustings, any opinion which I am not prepared to re-assert at the present moment.

*Sir James Graham* remarked severely on *Sir William Molesworth's* speech to the electors of Southwark.

*Sir W. Molesworth* rose again, and was proceeding to reply to *Sir James Graham*, when

*Mr. Speaker* said, the Right Honourable Baronet is not entitled to make another speech, and is going beyond the bounds of explanation.

*Mr. R. Phillimore* hoped the Speaker would call the Right Honourable Baronet (*Sir W. Molesworth*) to order for the language he had used on the hustings.

*Mr. Speaker.*—I cannot call an Honourable Member to order for language he had used out of this House.



## DISORDER.

*Tuesday, June 8th, 1852.*—(3 *Hansard*, cxxii. 278.)

No Member is permitted to interrupt the Debates. When a Member's Conduct is disorderly, the Speaker, if he thinks it necessary, calls upon that Member by Name, and it is then a Question for the House to consider what steps it will take. When a Disturbance takes place in Committee, upon representation being made to the Chairman, *Mr. Speaker* resumes the Chair, and the Chairman reports the occurrence to *Mr. Speaker*. When a Member is accused of Misconduct, it is usual to order him to attend in his Place, in order to give him an opportunity of making any Explanation he may have to offer; but it is competent for the House to order the Member into custody of the Serjeant-at-Arms, without directing him to attend in his Place.

At the conclusion of *Mr. Horsman's* speech on the Frome Vicarage,

*Sir B. Hall* rose to order, and informed the House that, whilst he was calling on the House to divide, the Honourable Member for Nottingham had struck him on the side.

*Mr. Speaker.*—The Honourable Member for Nottingham has been so long a Member of this House, that it is unnecessary for me to remind him that no Member can be permitted to interrupt the debates; and I am sorry to say that the Honourable Member has so habitually violated the rules of the House, that if he further persists in this course, I shall feel it my painful duty to call the attention of the House to the Honourable Member by name, and it will then be for the House to take such ulterior steps as may prevent the repetition of such conduct.

*Mr. Feargus O'Connor* immediately rose, and addressed the Speaker in a most excited and incoherent manner.

*Mr. Speaker.*—I now must call on the Honourable Member by name. Mr. O'Connor, you are now called upon to apologize to the House; and if you have any apology to offer to the House, now is your time to do so.

*Mr. Feargus O'Connor.*—I beg the pardon of the Honourable Gentleman, and now I apologize to the House. I beg pardon.

Debate resumed.

See Rules and Orders, 174.

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Wednesday, June 9th, 1852.—(3 Hansard, cxxii. 307.)

House in committee on the County Elections Bill.

*The Attorney-General* (Sir F. Thesiger) was addressing the committee, but was interrupted by the disorderly and offensive conduct of Mr. Feargus O'Connor, who, on being remonstrated with by the Honourable Member for the West Riding (Mr. Beckett Denison), thrust his half-closed hand into the Honourable Member's face.



*Mr. Beckett Denison* addressed the chairman, calling the attention of the committee to the behaviour of the Honourable Member for Nottingham (*Mr. Feargus O'Connor*).

*Mr. Bernal*.—As I have been appealed to as chairman, I beg to state what I conceive to be the extent of the duty of the chairman of this House. On representation being made to me, I hold it to be my duty to report the nature of such representation to the highest authority in the House, namely, the Right Honourable Gentleman the Speaker.\* If any Honourable Gentleman considers I should report the conduct of any Honourable Member, I shall be prepared to do so accordingly.

*Mr. Walpole*.—*Mr. Bernal*, after what took place last night, I think the House had reason to expect that the interruption which then occurred would not take place again. I understand that an Honourable Member (*Mr. Beckett Denison*) has stated to you, that he has been treated in a manner disrespectful to himself and unworthy of this House, and I think it right, under the circumstances, either that an apology should be made, or that you should be instructed to report what has taken place to *Mr. Speaker*.

After some remarks from *Sir John Pakington*,

Motion. *Mr. Feargus O'Connor*, Member for Nottingham, having interrupted the proceeding of the committee by disorderly and offensive conduct towards the Member for the West Riding of the county of York, motion made on question, "That the chairman do report the same to the House," put and agreed to.

*Mr. Speaker* resumed the chair, and

\* See ante, p. 160.

*Mr. Bernal* reported, that the business of the committee having been interrupted by the disorderly conduct of Mr. Feargus O'Connor, he had been directed to report the same to the House.

*Mr. Walpole*.—I move that the Honourable Member (Mr. F. O'Connor) be ordered to attend in his place. Motion made and question proposed, "That Mr. Feargus O'Connor do attend in his place forthwith."

A debate took place as to the course which should be pursued.

*Mr. Hildyard* moved that Mr. Feargus O'Connor be committed for contempt to the custody of the serjeant-at-arms.

*Mr. Speaker*.—It is perfectly competent to the House to take the course suggested by the Honourable Member for Whitehaven (Mr. Hildyard). It is usual, when a charge of misconduct is made against an Honourable Member, to hear any explanation which that Member may offer. On that account I suggested that the Honourable Member for Nottingham should be ordered to attend in his place; but if the House should be of opinion that the offence which the Honourable Member has committed is flagrant and culpable, and admitting of no apology, it will be competent first, without directing him to attend in his place, to order him to be committed to the custody of the serjeant-at-arms.

After further debate, ordered (*nemine contradicente*), "That Mr. Feargus O'Connor, for his disorderly conduct and contempt of this House, be taken into the custody of the serjeant-at-arms attending this House, and that Mr. Speaker do issue his warrant accordingly."

See ante, p. 160; also Rules and Orders, 176.

*Monday, June 14th, 1852.*—(3 *Hansard*, cxxii. 611.)

After Committee of Supply, House resumed. Petition of Harriett Bernard Brown O'Connor, stating her belief that her brother (Mr. Feargus O'Connor) is of unsound mind, and praying that he may be discharged from custody, in order that he may immediately be placed in confinement under proper medical treatment.

Select committee appointed to inquire into the facts contained in the said petition.

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*Wednesday, June 10th, 1842.*—(3 *Hansard*, cxxii. 816.)

Report from select committee brought up and read.

Ordered, that Feargus O'Connor, Esq., be discharged out of the custody of the serjeant-at-arms attending this House without payment of his fees,\* and that Mr. Speaker do issue his warrant accordingly.

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## DIVISION.

*Wednesday, May 28th, 1845.*—(3 *Hansard*, lxxx. 1007.)

Members shut out from one Division, have a right to be admitted to another coming immediately after.

Two divisions having taken place consecutively, Mr. Hindley complained, that he and several Members, having been by accident shut out from the first division, desired the door-keeper to admit him the moment the numbers of that division were declared. The door was not opened, and they were shut out from the second division. It was very desirable that the Speaker should give his opinion on the point, whether the doors ought

\* See page 122.

to be opened to Members on a second and different division?

*Mr. Speaker.*—Although Honourable Members may be shut out from a first division, they ought to be admitted to the second.

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*Friday, July 16th, 1847.*—(3 *Hansard*, xciv. 410.)

If any Error be alleged in taking the Numbers in a Division, all the Tellers must join in a Statement that they are satisfied an Error has been committed, before it can be rectified.

*Mr. Newdegate* called the attention of the House to the fact, that there was an error in the list of the division on the second reading of the Parliamentary Electors Bill on Wednesday. The ayes in the new lobby were stated to have been 52; whereas, on an examination of the list of names, it appeared that the number should have been 53. He moved, "That the entry in the votes of the proceedings of the House of the 14th July, on the Parliamentary Electors' Bill, be now read."

*Mr. Speaker.*—All the tellers must join in a statement that they are satisfied an error has been committed before it can be rectified.

Ultimately the motion was, by leave, withdrawn.

As to speaking during a division, see Rules and Orders, 147.

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*Wednesday, March 1st, 1848.*—(3 *Hansard*, xcvii. 123.)

On a Wednesday, when the Clock stands at Six, although the Question has been put, no Division can take place.

Treaty of Adrianople.

*Lord Dudley Stuart* moved the adjournment of the debate.

*Mr. Speaker* having put the question amidst cries of "No" and "Divide,"

*Lord Dudley Stuart* said, that he should divide the House. But as the minute hand of the clock now pointed exactly to six,

*Mr. Speaker* said, it is not competent to the Noble Lord to divide.

But now see Rule 64.

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*Tuesday, March 13th, 1849.—(3 Hansard, ciii. 685.)*

When Two Divisions immediately follow one another, the Doors should be opened immediately that the Numbers of the First Division are declared, and before the Second Question is proposed.

The divisions on the Church Rate question.

*Mr. Bouverie* said, he had complained last year of an officer of the House keeping the door closed between two divisions, a proceeding, he apprehended, totally contrary to all principle, as Members, who abstained from voting in the first, might wish to take part in the second, but were prevented from doing so. The Speaker, on that occasion, called the officer to the bar, and desired that the door should be opened. The same thing had occurred this evening, and several Members were thereby excluded from voting in the second division. He submitted that the officers should have directions to open the doors on every occasion when the numbers were declared.

*Mr. Speaker.*—The doors should be opened after the numbers are declared for the first division, and before the second question is proposed.\* When there is a very

\* See New Regulations, p. 179.

small interval between the divisions, it sometimes happens that the outer door-keeper is not aware of the door of the House having been opened. The bell should also be rung when strangers are ordered to withdraw.

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*Wednesday, June 16th, 1852. — (3 Hansard, cxxii. 798.)*

The Rule that the Speaker do leave the Chair at Four o'Clock on Days other than Wednesdays, only applies where the House meets at Twelve. Every Member within the House at the time when a Question is put is compelled to Vote, but he must have heard the Question put. When the Speaker is counting the House, the Doors are not locked, but Members come in and out, and the Speaker is not bound to notice Members who may be behind his Chair.

*Mr. Chisholm Anstey* said, that, first, a few days ago the Member for Cork (*Mr. V. Scully*) was in the middle of his speech, when *Mr. Speaker*, observing that the clock had struck four, left the chair. Yesterday evening, the Chancellor of the Exchequer rose to address the House within a few minutes of four o'clock, and was allowed to go on till nearly five. Secondly, that some evenings ago, when the House was in committee of supply, three Honourable Friends of his were obliged, contrary to their wishes and judgments, to record their votes against a motion which he (*Mr. A.*) had submitted, because it was decided, upon the authority of the Right Honourable Member for the University of Cambridge (*Mr. Goulburn*), that all Members within the House, meaning all having the possibility of access, were bound to vote; and, therefore, the votes of the Honourable Gentlemen were recorded, not according to their convictions, but according to which corridor they happened

to be in. With respect to the "count out" on yesterday evening, Mr. Speaker stopped at thirty-seven, and although the Honourable Member for Montrose (Mr. Hume) called his attention to several Honourable Members who hid themselves from view behind the chair, he declined to notice them. If Honourable Members in the corridor were bound to vote as having access to the House, he should be glad to have the opinion of Mr. Speaker on these points, and also as to the power of the House to compel Members within the walls to come to the table and be counted, when an Honourable Member had moved a "count."

*Mr. Speaker.*—The first question of the Honourable and Learned Member for Youghal has reference to the proceedings of the House at twelve o'clock sittings, where, let the state of business be what it may, the Speaker invariably vacates the chair as soon as the clock strikes four. It will be in the recollection of the Honourable and Learned Member, that some time ago the House gave its sanction to a regulation to this effect, that, when the House met for the despatch of business at twelve o'clock, the Speaker should leave the chair at four o'clock, and that the House should resume business at six o'clock. This regulation, however, only applied to cases where the House met at twelve o'clock. Yesterday the House met at one o'clock, and the rule, consequently, did not hold good. With regard to the other question, as to what occurred the other evening in Committee of Supply, the facts of the case have not been explained with such accuracy as to enable me to express an opinion on the subject, but I will state what is the rule of the House with regard to voting: the practice of the House is, that no Member shall be permitted to vote

unless he is present in the House when the question is put, and has heard it put; and it is the duty of the serjeant-at-arms to clear the lobbies previous to a division. I remember one instance, where a Member was found in the lobby during the time of a division. I called him to the table and asked him whether he had heard the question put, and on his replying in the negative, I directed the serjeant-at-arms to open the door and let him out, and the Member withdrew without voting. With respect to the third question of the "count out" of last night, it is scarcely necessary that I should inform the Honourable and Learned Member that, whenever a Member takes notice that there are not forty Members present, it becomes incompetent for the House to transact business. The doors are not locked, but are kept open; and, until the Speaker begins to count, the Members are at liberty to move in and out of the House as they please. A hundred Members may be in the halls, lobbies or corridors; but the Speaker has no power to compel them to come into the House to be counted. During the count out last evening I was somewhat irregularly interrupted by the Honourable Member for Montrose, who called my attention to some Members who were standing behind the chair. In order to avoid mistakes, I counted the House twice over, and there could be no question that there were only thirty-seven Members present. No Member can be counted unless he is actually within the House, and neither the Speaker, nor the Chairman of Committees, has any power to compel the attendance of Members in order to be counted.

*Mr. Bernal* said, he collected, from what the Speaker now said, that there must be an adjunct to the condition of the Member being within the four walls; he must not



only be within the four walls of the House, but must hear the question put, and if any Gentleman within the walls and precincts had not heard the question, he should be allowed to withdraw. He was glad to hear that opinion, and should in future guide himself by it.

*Mr. Hume* said, that seeing the Speaker stop at thirty-seven, and seeing three Members in the House, he drew attention to them. Formerly they used to divide in the House, and they were counted in the benches as best they could. Then it was found convenient to go into separate lobbies; and he understood the rule was, that the doors should be locked, and all within them should vote. The rule of the old House of Commons was, that every one inside the outer doors should be obliged to vote; but this being a new House, it was not quite certain what really was in and what was out.

*Mr. Speaker.*—The Honourable Member must see, that it is impossible to apply the rules of the old House to the present House. The rules for dividing are totally different. In the old House, when Members were in committee, they divided across the floor, and when they were not in committee, the “ayes” or “noes,” as the case might be, were sent forth to the lobby. If Members were in the Speaker’s chamber they were not allowed to vote; but there was a little room behind the Speaker’s chair, in which, if Members were found, they were obliged to vote. There is no such distinction in the present House. As the lobbies in the present House are required for the purpose of dividing, I am sure the House will not suffer if it is declared to be a rule that no Member should be allowed to vote unless he were present in the House and heard the question put, and

that the serjeant-at-arms be instructed, before a division, to clear the lobby.

See Rules and Orders, 66, 67, 68, and "MORNING SITTINGS."

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*Monday, August 1st, 1853.*—(3 *Hansard*, cxxix. 1112.)

New Regulation on the Subject of taking Divisions.

Divisions of the House.

*Mr. Speaker.*—Before the House proceeds to business, I have to announce that preparations have been made for carrying out the new mode of taking divisions in this House. I propose that the following rule shall be laid down, which I hope will prove satisfactory :—  
 "When the House is about to proceed to a division, the Speaker will direct 'strangers to withdraw,' upon which the serjeant will see that the seats below the gallery, and in the front gallery, are clear; and the clerk will turn the sand-glass. As soon as the sand is run out, the clerk will inform the Speaker, who will call 'Order,' preparatory to putting the question. The serjeant will, upon the call of order, half close the door, and keep it half closed as long as there are Members in sight, approaching the door of the House. When Members are no longer in sight, the serjeant will close the door, and will lock it upon the Speaker putting the question."

See Rules and Orders, 182.

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*Thursday, July 5th, 1855.*—(3 *Hansard*, cxxxix. 487.)

A Member must be in the House, and hear the Question put, to entitle him to Vote. A Vote may be challenged before the Numbers are declared, or after the Division is over.

In answer to a question from Mr. Fitzroy,

*Mr. Speaker.*—To entitle a Member to vote, he must

have been in the House and within the folding doors, and must have heard the question put."

After some remarks from Sir George Grey,

*Mr. Speaker.*—Strictly speaking, when the question is put, every Member ought to be in his place. No Member should be standing on the floor. It is the duty of the serjeant-at-arms to clear the lobby of Members, and those Members who do not wish to vote have the liberty of retiring to the room beyond the lobby. All Members who are in the lobby ought to come into the House and vote; but they ought not to be allowed to vote, unless they are within the walls of the House, inside the folding doors.

In answer to another question from Mr. Fitzroy,

*Mr. Speaker.*—If it has been discovered that a Member is not present when the question is put, the vote of that Member may be challenged before the numbers are declared, or after the division is over.

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## DUTIES, RATES AND TAXES.

*Monday, May 24th, 1841.*—(3 *Hansard*, lviii. 725.)

Where a Bill sent from the House of Lords gave to the Commissioners of Sewers additional Powers to tax the People, it was rejected, as one which could not properly originate with the House of Lords.

ON the order of the day for the second reading of the Drainage of Towns Bill being read,

*Mr. Speaker.*—I have to inform the House that the effect of the bill will be to give to the commissioners of sewers additional powers to tax the people, and that,

therefore, it is not a bill which can properly originate with the House of Lords.

Accordingly,

*Mr. F. Maule* moved that the bill be read that day three months.

Agreed to.

See Rules and Orders, 394.

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*Monday, February 14th, 1842.—(3 Hansard, ix. 324.)*

Although it is possible to frame an abstract Resolution relative to the Duties on Corn or other Articles, so as to take the Sense of the House upon the Subject without going into Committee, yet this is not regular, and the proper course is to move, first, that the House resolve itself into a Committee of the whole House.

*Mr. Roebuck* asked the Speaker, whether it were not competent for a Member to move in the House, as distinguished from committee, such a resolution as "That this House is not prepared to adopt any plan proposing that there should be any duty on corn imported from foreign countries?"

*Mr. Speaker.*—According to the Standing Orders, the House must resolve itself into a committee of the whole House before any resolution can be considered that has reference to trade or taxation. At the same time, it is quite possible so to frame an abstract resolution on such a subject as that an Honourable Member shall be able to take the sense of the House on the general question of duty or no duty on corn. But such a course, though possible, is not regular. The regular course, as I have said, is to move, first, that the House do resolve itself into a committee of the whole House.

See Rules and Orders, 398 ; see post, p. 185.

*Tuesday, March 14th, 1844.*—(3 Hansard, lxxiii. 1052.)

No Motion for a Grant of Public Money can be put from the Chair, without the consent of the Crown. A Duty or Tax to be imposed for the Service of the Year must be proposed in a Committee of Ways and Means, and not in a Committee of the whole House; and it ought not to be proposed, unless it can be shown that the public Exigencies require it.

*Mr. Elphinstone* moved, "That this House do resolve itself into a committee of the whole House, for the purpose of taking into consideration the Acts 36 Geo. III. c. 52; 45 Geo. III. c. 28; 48 Geo. III. c. 149, and 55 Geo. III. c. 184, with the view of imposing the same amount of probate duty on real estate as is now in similar cases imposed on personal property; and, likewise, of considering the expediency of imposing a probate duty in all cases on the death of the cestui que trust (whether the trust property be realty or personalty), in order to substitute such proposed probate duty on real estate for some of those taxes which now press most heavily on the productive industry of the people.

*The Chancellor of the Exchequer* questioned whether a motion of this nature could properly be made without the consent of the Crown.

*Mr. Speaker.*—The rule of the House is, that no motion for a grant of public money can be put from the chair without the previous consent of the Crown. The proposition, however, of the Honourable Member is not of that description, but must be considered as a duty or tax to be imposed for the service of the year. Now, such a duty ought to be voted in a Committee of Ways and Means, and not in a committee of the whole House; and it ought not to be proposed, unless it can be shown

that the public exigencies required it. I cannot call to mind any precedent exactly in point. But although I am not prepared to say that I could refuse to put such a motion from the chair, it is clearly an irregular motion, and which, not being in conformity with the rules of the House, the House ought not to entertain.

A conversation took place.

*Mr. Speaker.*—I have before me the volume of the Journals of the House which contains a report of the proceedings of the House when the duty was imposed; and it appears that the probate duties imposed by the Acts of Parliament referred to in the Honourable Member's proposition were originally voted in Committee of Ways and Means. [The Right Honourable Gentleman read the resolution from the journal.] It is highly desirable that the House should pause before it establishes any new precedent with regard to motions of this description.

Motion withdrawn.

See Rules and Orders, 320, 396.

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*Friday, March 16th, 1849.*—(3 *Hansard*, ciii. 866.)

A Clause in a Bill, enabling an Insurance Company to compromise with the Stamp Office, by handing over £5 per Cent. upon their Receipts, must be sanctioned by a Committee of the whole House.

Railway Casualty Compensation Bill.

House in committee.

Resolution read,

For per centage duty of 5*l.* per cent. payable in lieu of stamp duty.

*Mr. Henley* said, it was almost without precedent that

the House should have gone into committee of the whole House for what appeared to him to be a sort of private purpose.

*The Chairman* said, the bill empowered certain parties to be incorporated for the purpose of insuring the lives and limbs of passengers by railway carriages, and of enabling the company, instead of paying separate stamp duties, to compromise with the Stamp Office, by handing over five per cent. upon their receipts. Before the bill was considered by the committee upstairs, it was necessary that the resolution now proposed should have the sanction of a committee of the whole House.

*Mr. J. O'Connell* requested the Right Honourable Gentleman the Member for Hampshire to state his views of the bill to the House.

*Mr. Speaker* said, that he was responsible for the course the promoters of the bill had pursued. In the first instance, the resolution now under consideration had stood part of the bill; but he had advised it to be struck out, and brought before a committee of the whole House. If now passed, it would be for the committee upstairs to consider whether it was for the public advantage that it should be retained; but, in any case, the House would hereafter be afforded an opportunity of considering the report, so that at present they were not committing themselves in any respect.

Resolution agreed to.

Resolution to be reported on Monday next, at the time of private business.

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*Friday, April 27th, 1849.—(3 Hansard, civ. 933.)*

A Provision to extend a Rate, or to alter its Application, cannot be moved as an Instruction to the Committee,

or proposed in Committee. Such a Provision requiring a Preliminary Resolution of a Committee of the whole House.

#### Poor Laws (Ireland) Rate in Aid Bill.

On the motion being put for the House to go into committee on this bill,

*Sir W. H. Barron* having given notice that he would move that it be an instruction to the committee that all funds raised under this bill be levied on property in Ireland which was not at present charged with poor rates,

*Mr. Speaker.*—The Honourable Member cannot, consistently with the rules of the House, move the instruction to the committee which stands in the paper against his name.

*Lord John Russell.*—I apprehend, Sir, that opinion equally applies to any such proposition in the committee?

*Mr. Speaker.*—To any proposition for increasing the rate, or extending its application; for to any such proposition a resolution of a committee of the whole House would be required.

See Rules and Orders, 398.

*Monday, April 15th, 1850.*—(3 *Hansard*, cx. 300.)

New Duties must be proposed in a Committee of the whole House, but mere Reductions of old Duties need not be so proposed.

#### Stamp Duties Bill.

On the motion, "That Mr. Speaker do leave the chair," in order to go into committee on this bill,

*Sir H. Willoughby* said, he found in the amended bill



that copyhold estates, and customary estates and manorials, were included, and that they had not existed in the original bill, or in the schedule which had passed through the committee of the whole House. He wished to inquire, whether it was competent to the House to deal with any new heads introduced into a bill of this nature, with the view of increasing the taxation of the country, without submitting them to a committee of the whole House?

*Mr. Speaker.*—If the duties are new, it will be necessary for them to be proposed in a committee of the whole House; but if they are merely reductions of old duties, that will not be necessary.

See Rules and Orders, 412.

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*Friday, August 2nd, 1850.*—(3 *Hansard*, cxiii. 699.)

A Bill for the continuance of an Act, which contained Clauses imposing a Tax, and which Clauses were introduced in a Committee of the whole House, must originate in the House of Commons, and not in the House of Lords, and be sanctioned by a Committee of the whole House in the first instance.

Crime and Outrage (Ireland) Continuance Bill.

Order for second reading read.

*Mr. M. J. O'Connell* said, he wished to take the opinion of the Speaker upon a question, whether this bill had been properly introduced? The Act which it was intended to continue provided, that the expenses of any constabulary employed under it should be defrayed out of the Consolidated Fund, and that such advances should be repaid by the district wherein the constabulary were employed. A tax was thus imposed on the public. These provisions had been introduced into

the original bill, in the usual mode in which clauses, involving taxation, were introduced, namely, through a committee of the whole House before being added to the bill. The bill then ought to have been introduced in this House, in the first instance, and not in the Lords.

*Mr. Speaker.*—My attention has only just been directed to the clauses in question, and they appear to me to sustain the view taken by the Honourable Member for Kerry. The Lords of the Treasury are authorized to issue certain sums out of the Consolidated Fund, which are to be repaid by the district. This being so, I think the bill ought to be laid aside, and another brought in.

Order for second reading read, and discharged.

. See Rules and Orders, 394.

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*Thursday, March 27th, 1851.*—(3 *Hansard*, cxv. 660.)

A Member, who seeks to increase Taxation, ought, if he intends to conclude with a Motion, to move for a Committee of the whole House; but it is not necessary that he should have the consent of the Crown. If his object is to obtain a Vote of Money, such consent is necessary.

*Mr. Anderson* rose, pursuant to notice, to call the attention of the House to the differential duties levied on British ships in the port of Spain.

*Mr. Hume* asked the Speaker whether it would not be necessary that they should go into committee of the whole House, to consider the provisions of the two Acts referred to in this motion?

*Mr. Speaker.*—That depends on whether the Honourable Member for Orkney intends to conclude with

a motion for leave to bring in a bill. If he does, then the suggestion of the Honourable Member for Montrose is a correct one; if not, it will not be necessary.

*Mr. M. Gibson.*—The Honourable Member said he wishes to increase duties; but if so ought he not, in accordance with the rules of the House, to be in a position to say, that he has the assent of the Ministers of the Crown to the introduction of the motion; that is, provided he is going to proceed by an address to the Crown?

*Mr. Speaker.*—If the Honourable Member means to propose increased taxation, that should be done in a committee of the whole House, but it is not necessary that he should have the recommendation of the Crown, but for a vote of money such a recommendation is necessary.

See Rules and Orders, 396, 398, and ante, pp. 120, 183.

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*Friday, May 2nd, 1851.*—(3 *Hansard*, cxvi. 430.)

When a Bill has originated in a Committee of Ways and Means, a Resolution to extend its Operation ought also to originate in such a Committee.

Property Tax Bill.

Order for committee read.

*Col. Sibthorpe* moved an instruction to the committee.

Motion agreed to.

*Mr. G. A. Hamilton* begged to call the attention of the Speaker to the notice of a motion given by the Honourable Member for Lambeth (Mr. W. Williams), for rendering certain classes of income in Ireland subject to the property tax; and he wished to know, whether the Honourable Member could bring forward a motion ex-

tending a tax to a class of persons not hitherto subject to it, except in a Committee of Ways and Means.

*Mr. W. Williams* rose to move, "That the provisions of the said Property Tax Bill, as far as regards the imposition of that tax on the interest of the public debt, salaries, and emoluments of public officers, pensions and sinecures, be extended to Ireland."

*Mr. Speaker*.—It is not competent for the Honourable Member to move his amendment on this occasion: it should have been brought forward in the Committee of Ways and Means.

*Mr. Williams* then addressed the House, calling attention to the subject.

House in Committee.

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*Friday, July 1st, 1853.*—(3 *Hansard*, cxxviii. 1129.)

Where, in Committee, a Resolution respecting Duties contained, as the Sum to be levied, the figure "6d." A Member, wishing to repeal the Duty, moved that instead of "6d." there be inserted a "0." On a Division, the proposition that "6d." stand part of the Question, was negatived, and the amended Resolution, with the "0" inserted in the place of 6d., was put and carried. Decided to be perfectly regular.

Advertisement Duties.

Motion made, and question proposed.

*The Chancellor of the Exchequer*.—"That from and after the 5th day of July, 1853, in lieu of the duties now payable on advertisements, there shall be paid, 'For and in respect of any advertisement contained in or published with any gazette or other newspaper, or any other periodical paper, or in or with any pamphlet or literary work 6d.'"

*Mr. M. Gibson* proposed an amendment, "To leave out the words, 'in lieu of the duties now payable on advertisements,' in order to insert the words, 'all duties now chargeable on advertisements be repealed, in accordance with a resolution of this House of the 14th day of April last,' instead thereof."

Question put, "That the words, 'in lieu of the duties now payable on advertisements,' stand part of the proposed resolution."

The committee divided. Ayes 109, noes 99. Majority 10.

*Mr. Crauford* moved, to substitute for the word sixpence the cipher 0.

Motion made and question put, "That 'sixpence' stand part of the proposed resolution."

The committee divided. Ayes 63, noes 68. Majority 5.

Question, as amended, put, "That from and after the 5th day of July, 1853, in lieu of the duties now payable on advertisements, there shall be paid, 'For or in respect of any advertisement contained in or published with any gazette or other newspaper, or any other periodical paper, or periodical literary work, 0s. 0d.'"

The committee divided. Ayes 70, noes 61. Majority 9.

House resumed, committee report progress.

*Mr. Hume* begged to ask, whether the course that had been taken was quite correct? The House had come to a division, the nature of which had better be read to the House, and he wished to ask the opinion of Mr. Speaker, whether it was competent to the House to divide on that occasion? The motion was, to negative

the proposition to reduce the advertisement duty to 6*d.*, which was carried. A motion was afterwards made to put in a "0," and a division took place, in which one party voted for "0," and the other against it, and the "0" carried it. He did not know whether this was regular, but he feared the result was likely to turn the proceedings of the House into contempt.

*Mr. Bouverie* said, that perhaps the House would allow him to state what the question really was. On the third resolution which provided, "That from and after the 5th day of July, 1853, in lieu of the duties now payable on advertisements, there shall be paid, 'For or in respect of any advertisement contained in or published with any gazette or other newspaper, or any other periodical paper, or in or with any pamphlet or literary work, 6*d.*'" An Honourable Member moved "That '6*d.*' be omitted from the proposition, and '0' inserted." He (the Chairman) put that question, and a division was taken on the question, "That '6*d.*' stand part of the resolution." This was negatived, and "6*d.*" struck out. He then put the resolution with the figure of "0" at the end of the clause, and that resolution the committee affirmed and ordered to be reported to the House.

*Mr. Speaker.*—There has been nothing informal in what has taken place. It was a perfectly proper question to propose a motion whether "6*d.*" should stand part of the resolution or not. The next decision was upon the question, whether the House would agree to the resolution without the "6*d.*" being inserted. It seems to me to be perfectly regular.

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*Tuesday, May 25th, 1841.—(3 Hansard, lviii. 783.)*

Where a Bill for abolishing Church Rates gave a Power to the Vestry in each particular Parish to levy a Tax upon Pews and Seats, for the Maintenance of the Parish Church. Held, that a previous Committee of the whole House was unnecessary, the Bill not proposing to levy a general Tax upon Pews and Seats.

*Mr. Easthope* moved for leave to bring in a bill to abolish church rates, and to empower the members of the Established Church to levy a tax on pews and seats for the maintenance of churches.

*Mr. Goulburn* objected that this bill came within the rule of the House, which required them to go into a committee of the whole House.

*Mr. Easthope* did not intend to make taxation imperative in every case, but only to give persons duly assembled in vestry, if they should think fit, a power to levy a tax on the pews and seats of their respective churches.

*Mr. Speaker.*—If it is the intention of the Honourable Member to levy a general tax upon pews and seats for the maintenance and repairs of churches, I have no doubt that the course suggested by the Right Honourable Member for the University of Cambridge will be necessary, and that the House must first resolve itself into a committee. But it appears from the explanation which has just fallen from the Honourable Member for Leicester, that it is his intention merely to give a power to the vestry in each particular parish to levy a tax upon pews and seats for the maintenance of the parish church. In such a case it is unnecessary to proceed by a committee of the whole House. For although the old rule of the House applied to all taxes, the practice of the

House has of late years been different, and the Highway Bill, Municipal Corporations Bill, Irish Poor Law Bill and Scotch Prisons Bill have all been introduced without a previous committee of the whole House, being considered bills imposing taxes of an entirely local nature. Under these circumstances, I consider that the bill may very properly be brought in by motion, and that it is not necessary for the House in the first instance to resolve itself into a committee.

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*Monday, February 28th, 1842.—(3 Hansard, lx. 1242.)*

A Motion relative to the Period when Duties are to be levied, and not purporting to increase them, may be moved in Committee on the Bill.

*Col. Sibthorp* put it to the House whether or not he should proceed with his motion at that hour relative to the period of levying the duties on corn.

*Sir R. Peel* requested the Speaker to state, whether there would be any impropriety in the Gallant Member making his motion in committee on the bill.

*Mr. Speaker.*—As the Honourable Member's motion is not to increase the duties, but refers to the period when they should be levied, namely, on importation instead of when taken out of bond, it may be moved in committee on the bill.

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*Tuesday, August 1st, 1843.—(3 Hansard, lxxi. 85.)*

Where a Clause in a Bill conferred the Power of raising a Loan on the Credit of Duties imposed by a former Act, and a subsequent Clause provided for the Repayment of this Loan, but neither Clause gave Power to continue the Duties longer than had been directed by



Parliament: Decided that it is not necessary that such a Bill should originate in a Committee of the whole House.

#### Coalwhippers.

On the question, that the Speaker do leave the Chair for the House to go into a committee on the Coalwhippers Bill,

*Mr. Hawes* objected on a point of form. The Act the 1 & 2 of William IV. c. 76, and 1 & 2 Victoria, c. 101, allowed the corporation of London to raise a duty of 1*d.* per ton upon coals for certain purposes, the duty to determine when those purposes should be accomplished. That duty was not applicable to any other purpose whatever except those specified in the Act. If the corporation continued the duty after those purposes were completed, they would act in violation of the law. By clause 15 of this bill, it was proposed to enable the corporation of London to raise a sum of 1,000*L.*, which was to be paid by the corporation out of the 1*d.* duty. [The Honourable Member read the fifteenth clause.\*] Now, the whole amount of the duty to be raised under the former Act was appropriated. The Right Honourable Gentleman, therefore, was raising a new tax under his clause. This charge also was directly at variance with the allegation in the preamble of the bill. No one could

\* That, for the purpose of providing and fitting up stations for coalwhippers under this Act, it shall be lawful for the said mayor, aldermen and commons, in common council assembled, to borrow or raise on the credit of the duty of 1*d.* per ton on coals, cinders and culm, imposed by the first hereinbefore mentioned Act of the first and second years of King William the Fourth, any sum or sums of money not exceeding in the whole 1,000*L.*, in addition to the sums required for the purposes of the said first hereinbefore mentioned Act, and thereby authorized to be raised.

suppose from reading the preamble, that it was intended that an additional tax should be imposed on coals; but, as he had shown, the provisions of clause 15 were directly against the statement in the preamble. He looked upon the borrowing of this 1,000*l.* as a new tax, and he contended that this could not be proceeded with, because it was contrary to the Standing Orders of the House.

*Mr. Gladstone* said, that the object of raising this sum was to obtain the means of fitting up an office, and of obtaining a supply of books and pens and paper, for which future provision would be made. He denied that the loan was the main feature of the bill. As to the point of form, he must admit that, if there had been an intention to impose a new tax, it ought to be mentioned in the preamble. The loan was to be raised upon a terminable tax, which would not accomplish its purpose for several years, and in the meantime the whole of this loan, which was not to be advanced out of the tax, but only on the security of the tax, would be repaid with the interest out of the means provided in the bill for carrying the provisions into effect, after the preliminary arrangements were completed, and the bill brought into operation. There was no intention whatever of imposing a tax of 1*d.* on the public.

*Mr. F. T. Baring*.—This was a new tax, and ought to have been mentioned in the preamble. The bill had already been read a second time, and committed *pro forma*. But it was admitted on all hands, that they could not vote a new tax, without going into a committee of the whole House, and obtaining a resolution. But even the continuance of a tax by this arrangement, for a longer time than it would otherwise continue, was to all intents a new tax. The Right Honourable Gentleman

said, that the loan would be repaid before the purposes of the tax were completed. But there was a possibility that it might not be, and it was the duty of the House not to disregard that possibility. He believed, under the circumstances, it was necessary to have a committee of the whole House, in which they must recommence proceedings.

*Mr. Speaker.*—My attention has been called to the subject by the Honourable Member for Lambeth. I do not see that objection on the point of form, which has been mooted by that Honourable Member, if the President of the Board of Trade be right, that the tax in question will not be increased, or diverted from the purpose for which it was intended by Parliament. Whether it does so or not is a question of law, which I am not competent to decide. The clause gives the commissioner power to raise a loan, to be repaid with interest from the fund provided by the bill. By a subsequent clause, a deduction is to be made of a farthing in each shilling from the wages of each coalwhipper, for the expenses that will be incurred. By the forty-second clause, also, it is provided that the monies received under this Act shall be paid into the City Chamber, and constitute a fund for the payment of the passing of this Act; secondly, for defraying the salaries of officers; and, thirdly, in discharge of any principal money which shall have been raised on the credit of the coal duty of 1*d.* per ton, for the purposes of this Act. This clause clearly indicated that provision was thus to be made for the payment of the 1,000*l.* I apprehend that the power to borrow under this Act does not empower any one to continue the tax longer than was directed by Parliament. If the bill go into committee, and it is found that the clause

will have the effect supposed by the Honourable Member for Lambeth, they may throw out the clause, and direct the money to be borrowed in another way. I do not think the objection fatal.

*Mr. Hume* thought there was no doubt that this would operate by a tax, and therefore the objection was fatal. A thousand pounds were proposed to be levied, and he hoped the Speaker would state whether that was not to be viewed in the light of a tax.

*Mr. Speaker.*—Undoubtedly, an additional duty ought to be imposed in a committee of the whole House, and it cannot be imposed by indirect enactment. But the question, whether or not it is a tax, is not so much one of form as of law. There is nothing informal in the present clause, inasmuch as it empowers certain commissioners appointed by the bill to borrow money out of a particular fund. The objection is not one which will delay the progress of the bill.

House went into committee.

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*Wednesday, August 9th, 1843.*—(3 *Hansard*, lxxi. 403.)

If a Clause in a Bill, not introduced in a Committee of the whole House, contains words which may be interpreted as continuing a Tax, the proper course is, on coming to the Clause in Committee, to strike out the Words which create the doubt; if the omission of them does not wholly cure the Defect, the Bill must be withdrawn, and a new one introduced.

Order of the day for a committee on the Coalwhippers Bill read.

On the motion, that the Speaker do leave the chair,

*Mr. Hawes* objected to the bill, on the ground that the plain construction of the fifteenth clause would lead

to a doubt whether it did not continue a taxation levied by a former Act.

*Mr. Gladstone* said, that the taxation of 1*d.* per ton on coals, as provided by the fifteenth clause, was to be continued by the direct enactment of another bill, until all the purposes of the fund created by the 1*d.* a ton duty should be accomplished, and no longer; but as there were certain words in the clause on which a doubt might be raised as to the continuance of the tax, he was willing that all those words should be struck out, when they came to the clause; but he would first take the opinion of the Speaker on the question of form, as to whether the irregularity referred to did not vitiate the bill, and whether it might not be necessary to bring in a new bill.

*Mr. Speaker.*—It is clear that there is an irregularity in the former bill, in the clause referred to, which might, perhaps, render it necessary to withdraw the present bill, and bring in a new one; but I would suggest, that we should proceed with the bill, until we come to the fifteenth clause, and then strike out the words which create the doubt; but if the omission should not wholly cure the defect, then let the bill be withdrawn, and a new one be introduced.

See Rules and Orders, 398.

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### ESTIMATE.

*Friday, August 4th, 1843.*—(3 *Hansard*, lxxi. 294.)

When an Estimate has been laid on the Table, the House cannot alter it so as to change the destination of the Vote.

OPPIUM Compensation. House in Committee of Supply.

*Sir George Clerk* moved, that 1,281,211*l.* be granted to certain individuals, the holders of opium, surrendered to the Chinese by her Majesty's Government in 1839, as the amount of compensation due to them, under the fourth article of the treaty.

A debate took place.

*Viscount Palmerston* suggested, that the words relating to the treaty, which might never be ratified, should be left out.

*The Chancellor of the Exchequer* could not alter an estimate submitted to Parliament.

*Mr. Speaker* (who had been referred to) came to the table, and said, When estimates have been laid on the table of the House, it is quite competent for the House to withhold or to grant any votes; but it is not competent for the House to make any alteration which will change the destination of a vote.

*Sir R. Peel* had drawn the attention of the House to the fact that the treaty was mentioned in the Queen's speech.

*Mr. Hume* wished to ask the Speaker, whether he knew of any case where a treaty was referred to in any resolution of the House, the treaty not having been laid on the table.

No answer appears to have been given.

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## EVIDENCE.

*Friday, June 9th, 1848.*—(3 *Hansard*, xcix. 631.)

Evidence taken before the House of Lords may be read in the House of Commons when communicated.

*Mr. Disraeli*, in a speech on the Navigation Laws, was

proceeding to read some extracts from Mr. Porter's evidence before the House of Lords,

*Mr. J. L. Ricardo* objected to any reference to such a document, as being out of order.

*Mr. Speaker* decided, that the Honourable Member for Buckinghamshire was in order.

*Mr. Disraeli.*—As this is the last night of the debate, I thought it but fair to refer to evidence, which, if not yet in the hands of Members, ought to have been delivered by this time.

[The Honourable Member then read some questions put to Mr. Porter, as well as his answers to them.]

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*Friday, February 22nd, 1850.—(3 Hansard, cviii. 1311.)*

Evidence taken before a Committee of the House, which Evidence the Committee have decided not to report to the House, cannot be alluded to in the House.

Parliamentary Voters (Ireland) Bill.

Order for second reading read.

*Sir J. Tyrrell.*—The government, wishing to show the social condition of Ireland, produced before the committee a Roman Catholic priest, and if the House bore with him while he read a few lines of his evidence, they would see it was not beside the question. The government influence in that committee had been able to keep out that evidence by a majority of one.

*Mr. O'Flaherty.*—The priest came forward voluntarily.

*Mr. Speaker.*—The question is, whether this evidence has been reported to the House. As I understand the Honourable Baronet, the evidence has not been reported to the House; a majority of the committee de-

cided that it should not be reported to the House, and in that case it cannot be made use of here.

*Sir J. Tyrrell* withdrew the evidence.

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*Friday, July 26th, 1850.—(3 Hansard, cxiii. 346.)*

Evidence taken before a Committee cannot be referred to the Government before it is laid on the Table, without an Order of the House. But on the Report of the Committee, the House may order the Evidence to be laid before the Government, without being made Public.

Ceylon Committee.

*Mr. J. W. Patten* asked the Speaker whether evidence, taken before a committee appointed by order of the House, could be laid before any department of the government before it was laid on the table of the House?

*Mr. Speaker.*—All the committee can do, is to report the evidence to the House; and the evidence so reported may, with the approbation of the House, be sent to the government. Or the committee may state, that it is not proper or right that the evidence should be made public, and the House may order the evidence to be referred to her Majesty's government. The committee cannot do it of themselves.

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## EXPLANATION.

*Friday, January 31st, 1840.—(3 Hansard, li. 988.)*

A Member is at liberty, in Explanation, to re-state a Speech made by him on a former occasion.

*Sir James Graham*, in explanation, repeated a statement he had made in a speech on a former night.



*Mr. Wakley* rose to order. He wished to know from the Speaker, whether, when an Honourable Member rose to explain, he was not first of all bound to state in what manner he had been misrepresented?

*Mr. Speaker.*—The Right Honourable Baronet is in order. He is merely re-stating part of a speech which he had made the other night, which appears to have been misunderstood by the Honourable Member for Halifax.

See Rules and Orders, 156, 157.

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*Friday, May 13th, 1842.*—(3 *Hansard*, lxiii. 509.)

An Explanation should be confined to a few Words.

*Mr. T. Duncombe*, in explaining at considerable length, said, he was not one of those individuals who made indirect attacks on persons in their absence, and when called upon out of the House of Commons to explain—

*Mr. Roebuck* asked the Honourable Member, when it was that he (Mr. Roebuck) shrank from any charge he had made?

*Mr. T. Duncombe* resumed, and was proceeding to repeat that he was not one of those, &c.

*Mr. Speaker.*—The rule of the House only admits of an Honourable Member saying a few words by way of explanation.

See also *Hansard*, cxiii. 630; cxxix. 460; cxl. 1707.

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*Tuesday, June 22nd, 1847.*—(3 *Hansard*, xciii. 801.)

A Member, speaking in Explanation, must confine his Remarks to a justification of himself.

*Mr. Villiers*, in explanation of something which passed

on a former night in his absence, referred to Mr. Christie, and said, that some Honourable Members, friendly to that Honourable Member, seemed to have come down on that occasion to speak favourably of him.

*Viscount Ingestre* rose to order. The Honourable Member was carrying his explanation to too great length in referring to other Members.

*Mr. Speaker.*—The Honourable Member ought certainly to confine his remarks to a justification of himself.

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*Friday, March 1st, 1850.*—(3 Hansard, cix. 235.)

In strictness, all Questions put to a Private Member of the House should relate to the Business of the House. When a Petition is presented, reflecting on the Character of a Member of the House, it is usual to indulge him in giving any Explanation, or making any Defence he may think necessary.

The National Land Company.

*Sir B. Hall*, after presenting petitions from allottees in the Minster Lovel and Snigg's End Estates complaining of the conduct of Mr. F. O'Connor in reference to the land scheme, asked Mr. F. O'Connor whether he intended to convey to the allottees the title he himself held in this property, or to take any steps to wind up the concern, either by means of a bill or otherwise, and what was the amount he calculated would be returned to each of the 7,000 shareholders?

*Mr. F. O'Connor* would first answer the Honourable Baronet's question, and then proceed to reply to the statements contained in the petition.

*Mr. Hume* rose to order. If questions as to the private affairs of Honourable Members were allowed to be put and answered in that House, what controversies and

difficulties, and what delay in the progress of public business, might not result?

*Mr. Speaker.*—It is the practice, when a petition is presented, reflecting on the character of any Honourable Member, to indulge that Member so far as to allow him to give any explanation, or to make any defence he may think necessary. Therefore a petition having been presented reflecting on the character of the Honourable and Learned Member for Nottingham, if that Honourable and Learned Member desires to enter into any defence, or give any explanation, in reference to the matters alleged against him in the petition, he is, according to the usage of the House, at liberty to do so. But with regard to the questions which have been put by the Honourable Member for Marylebone, I have great doubt whether they are strictly in order, inasmuch as they do not relate to any measure before the House, and strictly speaking, all questions put in this House to any private Member should refer to some measure before it.

*Sir B. Hall* would then confine himself to this, which, he submitted, would be strictly in order. It would be recollected, that there was a bill introduced in 1848 in reference to this land company, which bill was referred to a select committee, but was not afterwards proceeded with. He wished to know if it was the intention of the Honourable and Learned Member for Nottingham to renew any measure of that kind in the present session, or to take any steps to wind up this scheme?

*Mr. F. O'Connor* (at length) said, he would take the first opportunity of bringing in a bill.

Petitions to lie on the table.

See post, tit. "QUESTION," and Rules and Orders, 152, 155.

*Tuesday, July 10th, 1855.—(3 Hansard, cxxxix. 703.)*

A Member, having obtained the indulgence of the House to allude to matters Personal to himself, ought to confine his Remarks to those Matters.

Upon a discussion on the subject of Administrative Reform,

*Mr. Lindsay*, making some remarks on the subject before the House, begged to be allowed to allude to some remarks, personal to himself, which had occurred in a debate that had that evening been referred to, and which had no indistinct bearing on the question now before the House. In the course of this explanation, the Honourable Member referred to certain transactions in a committee of which he was a Member.

*Mr. Speaker.*—The Honourable Member is now going into a matter not personal to himself. On any matter personal to himself, the House will extend an indulgence to him; but having gone into matters not personal to himself, nor referring to the subject before the House, the Honourable Member ought not to pursue that subject.

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### INSTRUCTION.

*Thursday, July 25th, 1839.—(3 Hansard, xlix. 773.)*

It is out of Order to move, as Instruction to a Committee, those Matters which a Committee are competent to perform without such Instruction.

*The Chancellor of the Exchequer*, in moving that the order of the day for the House resolving itself into committee on the subject of the Bank of Ireland be now read, wished to ask the Honourable Gentleman

(Mr. Hume) to withdraw the motion of which he had given notice respecting an instruction to the committee. Strictly speaking, those matters only could be moved as an instruction to the committee, which the committee itself was incompetent to perform without such instruction. The Right Honourable Gentleman suggested that Mr. Hume could move in committee that which he had given notice of as an instruction.

*Mr. Hume* agreed to the proposition of the Chancellor of the Exchequer.

*Mr. Speaker*.—It will be more in order to move the resolution in committee than by way of instruction.

See Rules and Orders, 240, 242, 243; Hansard, cxxxv. 374.

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*Monday, April 22nd, 1844.*—(3 *Hansard*, lxxiv. 134.)

Where one Member has given Notice of moving an Instruction to a Committee on a Bill, and another Member of moving that the Bill be referred to a Select Committee, the proper course is, after the Order of the Day for going into Committee has been read, for the latter Member to make his Motion, and, if that be negatived, for the former Member to make his.

On the order of the day, "That the Factories Bill (No. 2) be read a second time,"

*Mr. T. Duncombe* said, it had been his intention to have moved, on the motion for the second reading of the bill, that the bill should be referred to a select committee upstairs; but he thought the most appropriate time for doing so would be when the order of the day would be moved to be read for the House going into committee on the bill.

*Mr. Stuart Wortley* thought, that the House should

not be called upon to discuss motions of this kind upon the question of reading the bill a second time. The Honourable Member for Bath had given formal notice of a motion on going into committee, and the Honourable Member for Finsbury had also given notice of his intention to move, that the bill be referred to a select committee. The Honourable Member for Sheffield had also intimated his intention of proposing an amendment on the discussion of one of the clauses. It appeared to him (Mr. Wortley) that great inconvenience would result if all these motions were discussed at the same time. Therefore, he wished to ask the Right Honourable Gentleman in the chair which motion would have precedence, that of the Honourable Member for Bath, or that of the Honourable Member for Finsbury?

*Mr. Speaker.*—According to the rules of the House, on Friday next, after the order of the day for committing the bill to a committee of the whole House has been read, it will be in the power of the Honourable Member for Finsbury to bring forward his motion, and move, that the said order be discharged in order that the bill may be referred to a select committee. Should that motion be negatived, and when it is moved, that the Speaker do leave the chair preliminary to the House going into committee, it will then be competent for any Honourable Member to move any resolution, relevant to the matter before the House.

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*Friday, April 19th, 1844.—(3 Hansard, lxxiv. 107.)*

A Member cannot move an Instruction to a Committee to do that which can be done without an Instruction.

*Mr. Roebuck* gave notice, that on the motion that the House do resolve itself into Committee on the Factories

Bill, he should move, that it be an instruction to the committee that they should not entertain any proposition for limiting the hours of labour of persons above eighteen years of age.

*Lord Ashley* asked, whether it were the opinion of the Right Honourable Gentleman in the chair, that the instruction of which the Honourable and Learned Member for Bath had just given notice could be moved consistently with the forms of the House?

*Mr. Speaker*.—The rule of the House is simply this, that no person can move an instruction to a committee to do that which can be done without an instruction. If the proposition of the Honourable and Learned Member is within the scope and title of the bill, it is quite competent to him to introduce it in committee, either by moving an amendment to some clause now in the bill, or by a new clause, and it would not be competent for the Honourable and Learned Member to move an instruction for that purpose.

*Mr. Roebuck* took the rule of the House to be, that no instruction could affirm the powers of the committee, but that it might restrict or extend those powers.

*Sir J. Graham*.—The object of an instruction to the committee was not to direct that committee to do anything, or omit to do anything, but only to give the committee power to do something which otherwise they would not be competent to do.

*Mr. Roebuck* said, his object was to prevent the committee from entertaining the question of restricting the hours of labour, and he could not attain it without a previous instruction.

*Mr. Speaker*.—It would be for the general convenience of the House, that this matter should not be fur-

ther debated upon a hypothetical case. It is better not to prolong the debate on a point of order. The question will more properly arise when the Honourable and Learned Member moves his instruction.

Subject at an end.

See Rules and Orders, 240—244; Hansard, cxxxv. 374.

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*Friday, March 14th, 1845.—(3 Hansard, lxxviii. 904.)*

On the Question that the Speaker leave the Chair, upon going into Committee on the Sugar Duties Bill: Decided that a Motion, for Compensation to Sugar Refiners for Sugar in process of Refining, cannot be brought forward after a Motion that Provision be made in the Bill for Drawback on Duty-paid Sugar remaining in Warehouses. Such a Motion cannot be made in a Committee without an Instruction, which Instruction must be founded on a preliminary Resolution of a Committee of the whole House; the proper course is, to allow the Bill to pass through Committee, and to move its recommitment.

On the question, that the Speaker do leave the chair for the House to go into a Committee on the Sugar Duties Bill,

*Sir W. Clay* said, that in the absence of his Honourable Friend, the Member for Greenock, the task devolved upon him to bring forward a motion on the subject of compensation to sugar-refiners for the sugar now in process of refining. He understood that some difficulty arose as to the form of proceeding, in consequence of the manner in which the notice had been given. He was anxious to ask the chair whether it was competent for him, after the motion of his Honourable Friend the Member for Lambeth (that provision be made in the bill



for the drawback of the amount of duty reduced on such duty-paid sugar as now remains in the Queen's warehouses) had been disposed of, to bring the question of a drawback forward, under the shape of an instruction to the committee, or whether he could bring forward his motion in the committee?

*Mr. Speaker.*—As the notice stands on the paper, the motion of the Honourable Member is intended to be made on the question, that the Speaker do leave the chair; but the Honourable Member for Lambeth has a prior notice on the paper, and when that is disposed of, it will not be competent for the Honourable Member to propose a second amendment on the same question. I apprehend also, that the motion cannot be brought forward in the committee on the bill without a previous instruction, which instruction will not be regular unless after a resolution to the same effect has been agreed to in a committee of the whole House.

*Sir Robert Peel* thought, that the best arrangement that could be adopted, and that which was most in conformity with the rules of the House, was, to allow the bill to pass through committee, and that, on the House resuming, a motion be made for the recommitment of the bill, and the discussion be taken on that motion.

With this understanding the subject dropped.

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*Thursday, April 10th, 1845.*—(3 *Hansard*, lxxix. 392.)

A Member had given notice (as an Amendment to the Question that the Maynooth College Bill be now read a Second Time) of a Resolution in favour of providing for the Catholic Establishment out of the Funds now applicable to Ecclesiastical purposes in Ireland. On a suggestion that such a Resolution could be made in

Committee on the Bill: Decided that such a Motion ought not to be made in Committee on the Bill, but might be made on the Question "that the Speaker do leave the Chair to go into Committee of the whole House," or upon the consideration of the Report.

*Mr. Hume* said, he saw upon the order book a notice given by the Honourable Member for Sheffield of his intention to move to-morrow, on the second reading of the Maynooth College Bill, "That it 'ls the opinion of this House that any provision for the purposes of the Catholic Establishment in Ireland ought to be made out of the funds at present applicable to ecclesiastical purposes in that country." He begged to ask in what way the Honourable Member meant to bring that motion before the House to-morrow?

*Mr. Ward* understood, that the course would be simply this, when he moved his amendment, the Speaker would put the question, "That the words proposed to be left out stand part of the question."

*Mr. Hume* wished to know from the chair, whether the proper course would not be an amendment on the bill of the Right Honourable Baronet (Sir R. Peel), when he came to propose from what fund the money for the grant was to be supplied?

*Mr. Speaker.*—The committee on the bill cannot entertain the proposed resolution of the Honourable Member for Sheffield (Mr. Ward), as an instruction, inasmuch as there will be another instruction to the committee in pursuance of the resolution of the committee of the whole House, assuming that that committee did agree to apply a portion of the public money out of the Consolidated Fund for the payment of the increased grant to Maynooth. The House cannot possibly entertain the two

instructions; therefore, it is quite impossible that the Honourable Member for Sheffield can propose his motion on going into committee.

*Mr. Ward* intimated that he would move it as an instruction to the first committee.

*Mr. Hume.* — That is a committee of the whole House.

*Mr. Speaker.*—It must either be made on the question, that the Speaker do leave the chair upon going into committee of the whole House, or the Honourable Member may wait until the resolution of that committee shall be reported to the House, and make his motion as an amendment upon the second reading of that resolution.

See Rules and Orders, 358.

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*Wednesday, May 6th, 1846.*—(3 *Hansard*, lxxxvi. 154.)

It requires an Instruction to authorize a Committee to divide a Bill into Two Parts, and such an Instruction cannot be moved while an Amendment for reading the Bill a Second Time this Day Six Months is under discussion.

The order of the day for going into Committee on the Roman Catholic Relief Bill was read.

On the question, "That the Speaker do leave the chair,"

*Mr. Colquhoun* moved, "That this House resolve itself into the said committee upon this day six months."

*Sir J. Graham* suggested, that the bill be divided into two.

*Mr. Speaker.*—If the bill is to be divided into two parts in committee, there must be an instruction to that

effect; and this cannot be moved, unless the Honourable Member for Newcastle (Mr. Colquhoun) withdraw his amendment.

See ante, p. 48, and post, p. 222.

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*Friday, June 5th, 1846.—(3 Hansard, lxxxvii. 42.)*

In a "Bill to consolidate and amend the Laws relating to the Removal of the Poor," Provisions for the Establishment of Union Settlements cannot be introduced without an Instruction to the Committee.

On the order of the day for Committee on the Poor Removal Bill,

*Mr. J. E. Denison* rose to move an instruction to the committee to make provision for the establishment of union settlements.

*Mr. T. Duncombe* rose to order. He had always understood that it was not competent for any Member to move an instruction to a committee when the object in view could be gained in committee, which he thought was the case in this instance. The question of the Honourable Member could be raised in committee, both as to the title and provisions of the bill. The bill was entitled, "A Bill to consolidate and amend the Laws relating to the Removal of the Poor." It proposed to repeal certain former Acts relating to the removal of the poor; and by the sixth clause it was proposed to be enacted, that every person who had become chargeable to any parish or union in which he was not settled should be liable to be removed therefrom to any parish in which he was settled; so that there would be ample opportunity for discussing the point the Honourable Member for Malton had in view.

*Mr. Speaker.*—The Honourable Member for Finsbury has quite correctly stated the practice of the House, that it is not competent for a Member to move an instruction to a committee when it is competent for the committee itself to entertain his motion; but I am of opinion that, in the present case, it is necessary for the Honourable Member for Malton to move his instruction in order to enable the committee to entertain the subject.

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*Wednesday, April 13th, 1853.*—(3 *Hansard*, cxxv. 1078.)

In a Measure for fixing the Time of Polling in Counties, a Provision as to the Time of Polling in Boroughs may be introduced by Instruction to the Committee, but the Title of the Bill must be altered.

County Elections Polls (Scotland) Bill.

Order for committee read.

*Mr. Dunlop* said, he had to move an instruction to the committee relative to elections in burghs. By the Scotch Reform Act, the time for taking the poll was confined to two days in counties, and one in boroughs. While the poll occupied two days, there was an obvious propriety in forbidding the poll to commence on a Saturday; but the time having been reduced to one day, there was no reason why it should not take place on that day.

*Mr. Forbes Mackenzie* said, he thought the proposal was beyond the scope and title of the bill.

*Mr. Speaker.*—The effect of the motion will be to give the committee power, if they think fit, to introduce boroughs. If they do so, of course the title of the bill will be altered.

Motion agreed to.

See Rules and Orders, 341.

*Friday, March 24th, 1854.—(3 Hansard, cxxxii. 1274.)*

In a Bill, entitled "To abolish in England and Wales the compulsory Removal of the Poor, on the ground of Settlement," a Clause to prevent the Removal of Irish Paupers cannot be introduced without an Instruction to the Committee.

Settlement and Removal Bill.

Order for second reading read.

Motion made and question proposed, "That the bill be now read a second time."

*Mr. T. Duncombe* begged to ask Mr. Speaker whether, as the Noble Lord the Member for London had expressed his intention to introduce clauses into the bill to prevent the removal of Irish paupers in the different unions of this country, and as the title of the bill was "A Bill to abolish in England and Wales the compulsory Removal of the Poor on the ground of Settlement," it was competent to the Noble Lord to propose the alterations he had announced, otherwise than by an instruction to the committee? The changes contemplated by the Noble Lord would entirely alter the character of the bill, and it was desirable that the House should know what the objects of the measure really were.

*Mr. Speaker.*—The Honourable Gentleman has clearly stated the rule of the House, and if the Noble Lord intends to propose the addition of the new provisions alluded to, it will be necessary to move them as an instruction to the committee.

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## INTEREST.

*Thursday, June 27th, 1844.—(3 Hansard, lxxvi. 16.)*

The Rule, that a Member cannot vote upon a Matter in which he has a direct and separate pecuniary Interest, applies as well to his Votes in Select Committees, as it does to his Votes in the House. If the only Interest of a Member in a Question is such that it cannot be separated from that of the Public, his Vote is not affected by it.

ON June 24th, the following report was made by the undermentioned committee to the House:—

“That a Member of the House now sitting in committee on the Middle Level Drainage and Navigation Bill, namely, the Honourable Eliot Yorke, one of the Members for Cambridgeshire, had received an intimation that he ought not to vote on questions arising thereon, by reason of his interest in the said bill: That the said Member has voted upon all questions coming before the committee up to the 19th day of this instant June: That the said Member has placed his situation before the committee; and at his request the committee desire the decision of the House on the following question, which fully declares the facts of the case:—Whether a Member of the House of Commons, having property within the limits of an improvement bill, which property may be affected by the passing of the bill, has such an interest as, in the judgment of the House, disqualifies him, as a Member of the House and the representative of general local interests, from voting on all questions affecting the preamble or clauses of the said bill.”

*Mr. E. Yorke* had then moved, "That the vote of *Mr. Eliot Yorke*, upon the Middle Level Drainage Bill is a good vote."

*Mr. Greene* had moved, as an amendment thereon, "That the rule and practice of this House is, that no Member shall vote upon any question in which he has a direct pecuniary interest. That where any Member has voted in violation of this rule, such vote, when challenged in the House, has been disallowed. That every rule of the House applies equally to all committees of the House. That a Member of the House of Commons, having property within the limits of an improvement bill, which property will be affected by the passing of the bill, has such an interest as disqualifies him as a Member of the House, and a representative of general local interest, from voting on all questions affecting the preamble or clauses of such bill."

Another amendment was proposed, but ultimately the motion and amendment were withdrawn.

*Mr. Gladstone* moved, "That it be an instruction to the committee, that the rule of this House, relating to the vote, upon any question in the House of a Member having an interest in the matter upon which the vote is given, applies likewise to any vote of a Member so interested in a committee."

*Mr. Speaker*.—There is no doubt that the rules of the House, so far as they apply, are equally binding on committees. It was so decided in 1836, when the question was raised, whether the chairman of a committee could give a casting vote. The Honourable Member for Oxford has referred to *Mr. Speaker Abbot's* decision in 1811, since which time there have been several decisions to the same effect. Certainly, if a Member has a direct pecu-



niary interest—a separate interest in a question before the House—his vote ought not to be allowed.

*Mr. Wakley* observed, that the Speaker's opinion applied to the printed rules of the House. The practice was different. How was it possible to decide when Members had a pecuniary interest. Suppose, with respect to the subject of opening letters in the Post Office, a vote of want of confidence should be proposed, could the Members of a government vote against a motion, the effect of which would be to deprive them of their offices? If that rule was to be observed, no Member of the government would be able to vote on such questions.

*Mr. Speaker.*—The rule does not apply to public matters. If the interest of a Member in a question is such that it cannot be separated from the interest of the public, his vote is not affected by it.

Resolution agreed to.

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## LOSING A TURN.

*Thursday, March 19th, 1840.—(3 Hansard, lii. 1247.)*

If a Member does not answer to his Name when called upon from the Chair, his turn for submitting the Motion, of which he has given Notice, is lost.

*Sir Edward Sugden* hoped, that the circumstance of his being absent from the House at the instant his name was called by the Speaker would not deprive him of submitting the motion of which he had given notice. His absence from the House was simply from a desire to escape from a division upon a question he did not under-

stand. He returned as soon as possible after the division.

*Mr. Speaker.*—The invariable rule of the House is, that if a Member is not present to answer to his name when it is called from the chair, his turn for submitting any motion he may have placed upon the paper is lost. In the present instance, I am sure the House will bear witness, that the Right Honourable Gentleman's name has not been called with any haste. After the numbers of the division were declared, I called upon the Right Honourable Gentleman twice. If the Right Honourable Gentleman was not in his place to answer to the call, I am afraid that, according to the rule of the House, the Right Honourable Gentleman has lost his turn.

Discussion dropped.

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*Thursday, December 9th, 1847.*—(3 *Hansard*, xcvi. 861.)

A Member who has given Notice of a Motion, and is not in his Place when called upon by the Speaker to make it, cannot bring it on when the House has proceeded to the Orders of the Day.

#### Crime and Outrage (Ireland) Bill.

On the question, that the order of the day for the second reading of the Crime and Outrage (Ireland) Bill be read,

*Mr. J. O'Connell*, having on the paper a notice of motion for a Committee on the expediency of Taxing Irish Absentees, objected that it was motion day.

*Mr. Speaker.*—I called on the Honourable Member in his turn; but he was not then in the House; and the motion paper having been gone through, the House has now proceeded to the orders.

## MESSAGES.

*Thursday, May 22nd, 1855.*—(3 *Hansard*, cxxxviii. 973.)

Messages from the House of Lords are to be received without interrupting Public Business.

ON the motion of *Lord Palmerston*, "That the House should agree to a resolution communicated from the Lords on Tuesday last respecting the transmission of messages, bills and papers from one House to the other."

*Sir H. Willoughby* asked, in what manner messages from the other House would be communicated to Honourable Members if this resolution were adopted?

*Mr. Speaker.*—The clerk of the House of Lords will communicate messages to the clerk of this House at the bar, and it will be his duty on receiving the message to communicate it at the earliest opportunity, without interrupting the public business, to the Speaker, by whom it will be made known to the House.

As to messages between the Houses, see Rules and Orders, 271—276.

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## MORNING SITTINGS.

*Tuesday, June 24th, 1851.*—(3 *Hansard*, cxvii. 1149.)

When the House sits specially at Noon, the special Business for which it so sits has precedence.

*Mr. Frewen* asked, if there were any precedents for government business having priority on Tuesdays?

*Sir George Grey* said, that when the House sat on the motion of government, the government business was entitled to precedence. At these morning sittings, when it met for the transaction of specific business, such busi-

ness took precedence of any order placed on the paper. He believed Mr. Speaker would concur with him in that opinion.

*Mr. Speaker.*—On Tuesdays, strictly speaking, notices of motions have precedence of orders; but when the House is invited to sit specially, as the House is this morning, at twelve o'clock, the special business has the precedence.

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*Thursday, June 26th, 1851.*—(3 *Hansard*, cxvii. 1254.)

Thursday (Twelve o'Clock Sitting). Although Government Business has precedence at Special *Morning* Sittings, this does not prevent private Members from putting down their own Bills for those Sittings, and, if put down, they come on in regular Order after Government Bills.

St. Alban's Bribery Commission Bill.

Motion made and question put, "That the bill be read a third time."

*Mr. Frewen* complained that the bill of the Honourable Member for St. Andrew's (Mr. E. Ellice), which was not a government measure, had been placed before his. He had understood from the explanation he had received last Tuesday, that these twelve o'clock sittings were merely granted for the purpose of forwarding particular government business; but here was the case of the bill of an independent Member being fixed for twelve o'clock. He moved the adjournment of the debate.

Motion made and question proposed, "That the debate be now adjourned."

*Mr. Speaker.*—The practice of the House—for no rule exists on the subject—has always been, since I have had the honour of sitting in this chair, that, at the morn-

ing sittings, the government bills take precedence over other bills; but other Honourable Members are not precluded from putting down their own bills for the morning sittings; and if they are put down, they will come on in the regular order, after the government bills, if there are any.

See Rules and Orders, 66, 58.

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### MOTION.

*Friday, March 19th, 1841.—(3 Hansard, lvii. 401.)*

A Motion for an Instruction to a Committee to divide a Bill into Two Parts, does not prevent another being afterwards made to commit the Bill that Day Six Months.

ON the question that the House resolve itself into committee on the Poor Law Amendment Bill;

*Mr. Wakley* proposed to move, "That it be an instruction to the committee, that they have the power to divide the bill into two parts;" and said, that he had been informed that the Honourable Member for Preston would not have an opportunity of taking a division on that which he was about to propose (that the bill be committed this day six months). He desired the opinion of the Speaker, whether, if he did submit his motion, it would have the effect of preventing the Honourable Member from bringing forward that of which he had given notice?

*Mr. Speaker.*—I understand the object of the motion of the Honourable Member for Finsbury to be, to divide the bill into two. If that be the case, it will not interfere with the motion of the Honourable Member for Preston.

Both motions were negatived.\*

As to precedence of Motion, see post, "PRECEDENCE."  
See also ante, "INSTRUCTION," p. 212.

*Tuesday, March 21st, 1843.*—(3 *Hansard*, lxxvii. 1161.)

Case where it was ruled irregular to make a Speech without concluding with a Motion.

*Sir Thomas Wilde* made a speech relative to reports which had appeared in the newspapers of what he had said respecting Lord Chief Justice Denman's charge in *Stockdale v. Hansard*.

*Mr. Speaker.*—The proceeding of the Honourable Member for Worcester arises from a complaint of a breach of the privileges of the House. Of course, I had supposed that the Honourable Member would have concluded with a motion. The Honourable Member, however, has not done so; it is most irregular to make a speech which is not followed by a motion, and cannot but be attended with great inconvenience.

*Sir T. Wilde* begged pardon of the House; he had been misled by the practice in the other House of Parliament.

*Wednesday, March 21st, 1849.*—(3 *Hansard*, ciii. 1075.)

A Motion to refer a Petition in favour of a Bill to the Select Committee on the Bill, cannot be made until that Committee is appointed.

*Mr. Bouverie* moved, pursuant to notice, that the Clergy Relief Bill be referred to a select committee.

*Sir W. Clay* asked, when the proper time would arrive

\* They were distinct motions, not amendments.

for presenting a petition in favour of this bill, which he wished to have referred to the select committee on the bill ?

*Mr. Speaker.*—A motion to that effect cannot be made until the committee on the bill is appointed.

Order for committee read and discharged. Bill committed to a select committee.

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*Thursday, July 18th, 1844.*—(3 *Hansard*, lxxvi. 1021.)

A Motion which has been made and negatived, cannot be proposed again during the same Session of Parliament.

*Mr. V. Smith* moved, that *Mr. T. Duncombe* be added to the Committee of Secrecy on the Post Office.

*Mr. Speaker.*—A motion was made on the 2nd of July, "That *Thomas Slingsby Duncombe, Esq.*, be one other Member of the said committee;" that question was put, and negatived upon a division. I consider it is contrary to the usage and practice of the House, that a question which has passed in the negative should be again proposed during the same session.

*Mr. Hume.*—But, Sir, may not a motion be renewed under new circumstances ?

*Mr. Speaker.*—The House having once come to a decision on a specific motion, it cannot be renewed. When a proposition is made and negatived, the House cannot again entertain one to the same effect.

Motion withdrawn.

See Rules and Orders, 130.

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*Monday, March 2nd, 1846.—(3 Hansard, lxxxiv. 381.)*

When a Member seconds a Motion, his remarks should not extend to a Subject remotely connected with that before the House.

*Mr. C. Berheley* rose to call the attention of the House to the petition presented by him on Friday last. It related to the forgery of signatures to a petition which purported to come from Cheltenham, but which had been sent from Manchester. He believed it was a breach of the privileges of the House, and he was ready to adopt any suggestion the House might think proper to make. He had letters in his pocket to show that many of those signatures were forged. He moved that the petition be referred to a select committee, to ascertain the circumstances under which and the parties by whom the signatures thereto were annexed.

*Mr. Newdegate* seconded the motion. He thought it a fitting time to call the attention of the House to the conduct of the agents of the Anti-Corn Law League in the Registration Courts. If the privileges of the House were endangered by the forgery of signatures, they were still more so by the attempt to influence unduly the election of Members for that House. He was anxious, if a committee was appointed now, that its inquiries should not be confined to the subject-matter of the petition, but that it should extend to the far more important question of the undue interference of the League in the Registration Courts. In the Registration Courts of Warwickshire, in October last, a great number of objections were served, all of them bearing the name of the same individual, an inhabitant of Coventry. In the district of Birmingham and Edgbaston alone, 710 objections were served, many of them not being delivered till after



the proper time. He understood that upwards of 30,000 objections had passed in one day through the Manchester Post Office.

*Mr. Hume* rose to order. He should be happy to hear any statement on the subject of interference with the election of Members; but the question was not before the House. He suggested that the Honourable Member should give notice of a motion on the subject.

*Mr. Newdegate* understood that the conduct of the Anti-Corn Law League had been referred to in the petition presented by the Honourable Member. He wished, in corroboration of that statement, to adduce further evidence in reference to the more direct interference with the privileges of the House.

*Mr. Speaker.*—The question now is for the appointment of a select committee to inquire into the circumstances connected with the signatures affixed to the petition presented by the Honourable and Gallant Member for Cheltenham, and whether such signatures are forgeries. Unless, therefore, the Honourable Member is prepared to bring forward statements in respect to such motion, his observations upon an entirely distinct matter are irrelevant to the motion he has risen to second.

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*Thursday, April 22nd, 1847.*—(3 Hansard, xci. 1236.)

When a Motion or Amendment has been proposed, no part of it can be withdrawn without the Leave of the House.

Government Plan of Education.

*Lord J. Russell* moved the order of the day for a Committee of Supply.

*Mr. T. Duncombe* moved an amendment.

After a debate,

*Mr. Duncombe* expressed a wish to withdraw the latter portion of his amendment, which had been construed to imply a censure, &c. on the government, &c.

*Mr. Speaker*.—The Honourable Gentleman cannot withdraw any portion of his motion without the consent of the House.

Amendment withdrawn, and the first portion of the original amendment put as an amendment.

See Rules and Orders, 121, 141.

*Thursday, May 13th, 1847.*—(3 *Hansard*, xcii. 774.)

Where a Member desired to withdraw his Motion, the House refused to allow him to do so, and the Motion was negatived on a Division.

*Sir H. W. Barron* moved, "That a select committee be appointed to inquire into the means of improving the Fisheries in Ireland, and thereby affording profitable employment."

After debate,

*Sir H. W. Barron* begged leave to withdraw his motion.—[Cries of "No."]

*Mr. Speaker*.—Is it the wish of the House to refuse permission to the Honourable Member for Waterford to withdraw his motion?—["Yes, yes;" "No, no."]

*Mr. Speaker*.—Do Honourable Members press for a division?—["Yes, yes."]

After further debate,

The House divided, and

The motion was negatived: Ayes 22, noes 73.

*Monday, March 5th, 1840.—(3 Hansard, ciii. 232.)*

A Member who has spoken and resumed his seat without making a Motion, cannot afterwards move the Adjournment of the House.

*Sir J. Pakington* moved the appointment of the select committee on the Bribery at Elections Bill.

*Col. Sibthorp* objected to the nomination at so late an hour. He hoped the Honourable Baronet would postpone his motion to another day.

*Sir John Pakington* declined.

*Col. Sibthorp.*—Then I shall move that the House do now adjourn.

*Mr. Speaker.*—As the Honourable and Gallant Gentleman has resumed his seat without making a motion, he cannot now propose it.

See ante, "ADJOURNMENT," p. 26.

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#### NOTICE.\*

*Tuesday, January 21st, 1840.—(3 Hansard, li. 420.)*

Upon a Motion for the Appointment of a Committee, the insertion of a particular Name in the List cannot be moved without Notice.

*Mr. Labouchere* moved for the appointment of a committee to inquire into the management of railroads.

*Mr. F. French* moved the insertion of the name of Mr. E. Tennent in the list.

*Mr. Speaker.*—The motion cannot be made without notice.

See Rules and Orders, 221 ; and see Hansard, cxxiii. 1209.)

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\* Where Clauses require notice, see "BILLS, CLAUSES OF."

*Tuesday, April 26th, 1842.*—(3 *Hansard*, lxii. 1113, 1114.)

Notice should be given of proposed Introduction of Clauses.

*Mr. R. Palmer* moved the resumption of the adjourned debate on the clause \* of the Southwark Improvement Bill, which he had before proposed.

Question again put, that the clause be read a second time.

*Mr. Lambton* should propose to alter a good deal of the wording of the clause.

*Mr. Speaker.*—The Honourable Member cannot now propose his amendment.

*Lord G. Somerset.*—Cannot the Honourable Member's clause be substituted for that before the House?

*Mr. Speaker.*—Notice should have been given by the Honourable Member (Mr. Lambton) of his intention to propose the clause. If the House assent to the second reading of the one now before them, it will be possible to amend it in such a manner as to make it like that proposed by the Honourable Member (Mr. Lambton), or further proceedings on the present clause may be adjourned, and another brought forward after proper notice.

*Thursday, February 9th, 1843.*—(3 *Hansard*, lxvi. 312.)

A Motion for the purpose of adding a Name to a Committee requires Notice.

On the motion for a select committee on public petitions (which was appointed),

\* The adjournment of the debate took place after the bill had been read a third time, on the motion that a clause proposed by Mr. R. Palmer be added to the bill "by way of rider." This mode of adding clauses to bills has been discontinued since 1849, and none but merely verbal amendments can now be made in a bill on the third reading. See Rules and Orders, 377.

*Mr. G. W. Wood* moved, that the name of *Mr. W. Williams* be added to the committee.

*Mr. Speaker.*—The motion cannot be put without a regular notice.

See Rules and Orders, 221 ; and ante, "COMMITTEE."

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*Thursday, February 9th, 1843.*—(3 *Hansard*, lxvi. 306.)

A Member is not allowed, under colour of giving Notice of an Amendment, to place on the Books a Notice which is not sanctioned by the Rules of the House.

*Mr. Ferrand* gave notice, that when the Honourable Member for Wolverhampton brought forward his motion for the repeal of the corn laws, he would move the following amendment.

The Honourable Gentleman then read the amendment, which was one of great length, against the repeal of the corn laws, and characterized the Manchester Commercial Bank as "The Bank of Squander," &c.

*Sir R. Inglis* objected to the expression "Bank of Squander."

*Mr. Roebuck.*—Is it in accordance with the rules of the House that, under the guise of putting a notice on the books, an Honourable Member should print a political pamphlet?

*Mr. Speaker.*—That certainly would not be in accordance with the rules of the House. I have not collected the whole of the Honourable Member's notice, but from what I have heard it appears to me that it is not the sort of notice which is sanctioned by the rules of the House, and I think the Honourable Member will act wisely if he withdraws it for the purpose of reconsidering it.

Motion withdrawn.

*Thursday, April 27th, 1843.*—(3 *Hansard*, lxxviii. 1001, 1002.)

It is irregular for One Member to give Notice of Motion for another when the latter is present.

Tahiti.

*Sir R. Inglis*, in the name of the Honourable Member for Ashton-under-Lyne, gave notice of a motion for May 11th on the subject of Tahiti.

*Mr. T. Duncombe*.—The Honourable Baronet has given notice of a motion for another Honourable Member who is in the House. I beg to ask Mr. Speaker whether that is in order?

*Sir R. Inglis* was not aware that the Honourable Member was in the House at the time.

*Mr. Speaker*.—It is not the practice for one Honourable Member to give notice for another Honourable Member when that other Member is present. If present he must act for himself, and not by another. I think it would be advisable that some rule should be adopted with a view of securing order and regularity in giving notices. I know no better plan than of Honourable Members putting down their names, and drawing lots for precedence before five o'clock.

N.B.—This is the rule at present. See Rules 102 to 107.

*Thursday, April 15th, 1847.*—(3 *Hansard*, xci. 815.)

On the Nomination of a Committee, a Member may move that a Name be omitted, but he cannot move the insertion of another Name, without previous Notice.

Holyhead Harbour.

*Mr. Ward* moved, that the following Members be nominated the Select Committee on the Holyhead Harbour Bill (naming them).

On the question that Admiral Dundas be one of the said committee,

*Mr. Forster* proposed, that the name of Admiral Dundas should be omitted, and that of Viscount Sandon substituted.

*Mr. Speaker.*—The Honourable Member may move that the name of any Member be omitted from the list; but it is not competent for him to move the insertion of a Member's name without giving previous notice.

See Rules and Orders, 221; also ante, "COMMITTEE."

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*Monday, February 14th, 1848.*—(3 *Hansard*, xcvi. 631.)

A Member who has given Notice of a Motion as an Amendment on going into Committee of Supply cannot, on such Committee being moved for, give Notice for the next Tuesday, the Orders of the Day being under consideration.

*The Chancellor of the Exchequer* moved, "That the House go into Committee of Supply."

*Mr. Urquhart* moved the adjournment of the House.

*Mr. Anstey* expressed a wish to go on with the motion, of which he had given notice (on the conduct of Lord Palmerston), to-night, Tuesday.

*Mr. Anstey.*—Mr. Speaker, I believe that at present I have the opportunity, if I choose to use it, of giving notice for this day fortnight, or for Tuesday week.

*Mr. Speaker.*—Not at present, the orders of the day are now under consideration. The Honourable Member can stand the bailot at the usual hour.

See Rules and Orders, 103.

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*Monday, February 12th, 1849.*—(3 *Hansard*, cii. 640.)

When a Member wishes to move the addition of Names to a Committee, he should give Notice of his Motion.

*The Chancellor of the Exchequer* moved the appointment of certain Members as the Select Committee on the Army and Ordnance.

*Mr. B. Osborne* wished to move the addition of the following names to the committee (naming them).

*Mr. Speaker.*—The Honourable Gentleman should give notice of that motion for to-morrow.

Appointment of the committee agreed to.

See Rules and Orders, 221.

*Friday, June 18th, 1852.*—(3 *Hansard*, cxxii. 959.)

A Member who has given Notice of bringing forward a Motion on a fixed Day cannot before that Day call attention to a part of the subject, neither can he bring it on upon any Day previous to the one appointed.

Expulsion of Missionaries from Austria.

*Mr. C. Anstey* said, he had given notice that on the twenty-ninth he would bring the whole subject before the House, but at present he only proposed to call the attention of the House to a small part of the question, a particular despatch written by Lord Malmesbury.

*The Chancellor of the Exchequer* rose to order, and begged to ask *Mr. Speaker*, whether it was competent for the Honourable and Learned Member, having given notice of a motion for the twenty-ninth instant, to introduce it now.

*Mr. Speaker.*—The Honourable and Learned Member having given notice of his motion for the twenty-ninth, it is against the rules of the House to bring it



forward now. Unless, therefore, the Honourable and Learned Member is about to speak on a different subject, he is out of order.

*Mr. C. Anstey* said, he would not proceed with his motion on the twenty-ninth, but would go on with it now.

*Mr. Speaker.*—The Honourable and Learned Gentleman will not put himself in order by taking that course. He has given notice of a subject for the twenty-ninth; by the rules of the House it is not possible for him to bring his question forward before the day for which he has given notice. It is not competent for the Honourable and Learned Member to say now that he will not bring it forward on that day in order to bring it forward now.

*Mr. C. Anstey* would then take the opinion of Mr. Speaker whether the question he meant now to propose was the same as that which he had given notice of for the twenty-ninth. That proposition was to this effect, that the House recognized the duty of her Majesty's government to grant letters of protection to her Majesty's subjects residing in foreign countries, and particularly to certain persons who had suffered wrong; and that the case of those persons demanded the serious attention of that House. What he proposed to do at present, was to read a despatch from Lord Malmesbury, which referred to a small portion only of the main case, but which contained the principles that Lord Malmesbury had laid down for guidance in respect to such cases.

*Mr. Speaker.*—It appears to me, as far as I can understand the Honourable and Learned Member, that he is now about to draw attention to a part of the question

which he has already given notice of for a future day. I think, under these circumstances, that the Honourable and Learned Gentleman is out of order.

See Rules and Orders, 112.

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*Friday, June 22nd, 1855.—(3 Hansard, cxxxix. 18.)*

It is irregular for a Member to put anything in the shape of Argument on the Notice Paper, and it is the Duty of the Clerk to cut out so much of a Motion as is irregular.

*Mr. Owen Stanley* rose to call the attention of the House to what he considered a great breach of privilege. He had given notice yesterday of certain questions which he intended to put to the Under Secretary for War. He laid them on the table before the clerk, who made no objection to them, and he had given a copy to the Under Secretary for War. He found that the most important part was omitted in the printed copy of the Votes, and he would take this opportunity of calling the attention of Mr. Speaker to the matter. The Honourable Member then made some remarks upon the subject-matter, of which he had given notice.

*Mr. Speaker.*—If the Honourable Member proposed to put an irregular question on the paper, that part of the question which is irregular ought to be left out of the Votes. It is irregular that any matter should appear in print in the shape of argument; and in fact all notices of questions should be made as short as possible. I am not aware of the exact terms of the notice given by the Honourable Member, but I have no doubt that, in consequence of the notice containing some matters which

were irregular, a portion of the notice was omitted by the clerk.

*Mr. Owen Stanley.*—May I ask, whether mine was an irregular or improper question to put?

*Mr. Speaker.*—If I understand the Honourable Member, he wished to put a private letter on the Votes of House. (*Mr. Stanley.* “No.”) The Honourable Member has not informed me what the notice was, and I am; therefore, unable to answer the question positively without knowing more about it.

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*Tuesday, June 26th, 1855.*—(3 *Hansard*, cxxxix. 182.)

A Member cannot name Members to sit upon a Committee without giving Notice.

It was ordered, “That the contract entered into by Messrs. Rothschild and Co. with her Majesty’s Government on the 20th day of April last for a loan of sixteen millions for the public service be referred to a select committee, and that they be directed to report their opinion whether Baron Lionel Nathan de Rothschild has vacated his seat by reason of the said contract.”

*Mr. Bright* said, he thought that it had better be decided at once whether the committee should be nominated by the Honourable Member for Finsbury (*Mr. T. Duncombe*—“I decline to do so”), or by the Attorney-General, or by the Committee of Selection.

*Mr. Walpole* suggested that Mr. T. Duncombe, conjointly with the Attorney-General, should name two Members to sit upon the committee.

*Mr. Speaker.*—The House cannot entertain that question without previous notice having been given.

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*Friday, February 1st, 1856.—(3 Hansard, cxi. 110.)*

When one Member gave Notice for another and part of the Notice was accidentally omitted :—Decided, that, as the Notice had been given in writing, it was not invalidated by the Accident.

*Mr. Lowe*, before moving that the Speaker do leave the chair, requested his opinion on a matter of order. On a previous day notice was given by his Right Honourable Friend the Member for Wells, that he (*Mr. Lowe*) should that day introduce two bills; one to amend the law of partnership; the other, for the incorporation and regulation of joint-stock companies and other associations. By some accident, a portion of the notice had fallen out, so that the bill for the amendment of the law of partnership was omitted from the notice, although the words "law of partnership" appeared as the title. He wished to know whether, under these circumstances, it would be competent for him to introduce both bills?

*Mr. Speaker*.—As the error has not been on the part of the Right Honourable Gentleman (*Mr. Lowe*), he will be entitled to proceed with both bills. It is important that notices should always be given in writing, and in the present instance that has been done.

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## OATHS.

*Friday, July 26th, 1850.—(3 Hansard, cxiii. 298—321.)*

When a Member, coming to the Table to take the Oaths, claims to be sworn in any other way than on the New

Testament, it is for the House, and not the Speaker, to decide whether he shall be so sworn.\*

ROTHSCHILD, Baron.

*The Baron Lionel Nathan de Rothschild*, returned as one of the Members for the city of London, came to the table to be sworn; and being asked by the clerk what oath he wished to take, the Protestant or the Roman Catholic, he replied, "I desire to be sworn upon the Old Testament."

The clerk having stated the circumstance to Mr. Speaker,

*Mr. Speaker* directed the Honourable Member to withdraw.

A debate took place.

*Mr. B. Osborne* asked the Speaker, whether he did not consider himself empowered to administer the oath to Baron de Rothschild in the same manner as the Judges administer it to Jewish witnesses?

*Mr. Speaker.*—The question now at issue does not depend upon any opinion of mine. It is a question for the decision of the House itself. An Honourable Member has appeared at the table, and claimed to be sworn on the Old Testament. Now, that is a perfectly novel mode of taking the oath, and it would not be right for me to permit any Member to be sworn in that way, unless I had the authority of the House for so doing, because I act only under their authority.

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*Monday, July 29th, 1850.*—(3 *Hansard*, cxiii. 397.)

\* A Member, on coming to the Table to take the Oaths, desired to be sworn on the Old Testament. Decided, that

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\* As to taking the Oaths, see Rules and Orders, 21—28.

it was not desirable, without the consent of the House, to ask the Member the reason why he required to be so sworn.\*

On the clerk proceeding to read the order of the day for resuming the adjourned debate on Sir R. Inglis's motion with reference to the request of Baron L. N. de Rothschild to be sworn on the Old Testament,

*Mr. Henley* said, before the order of the day is read, I wish, Mr. Speaker, to ask, whether to give a proper *locus standi* for the discussion which is about to be raised by the amendment put upon the notices by the Honourable and Gallant Member for Middlesex, it would not be expedient that some further question should be put to Baron Rothschild, in order to get upon the records of the House the fact that to take the oath in the way he has requested is binding upon his conscience, and the reason why he requires so to take it. I wish to know, if it is open to any Honourable Member to make a motion to this effect before the debate upon the question comes on?

*Mr. Speaker.*—The amendment is upon the order of the day. The only record upon the Journals of the House is, that Baron de Rothschild came to the table, and when asked the usual question, he said, "I demand to be sworn upon the Old Testament." Of course, that being a novel claim, it could not be admitted without the assent of the House; and I requested the Honourable Member to withdraw. With regard to the question now put to me, I do not think, unless it has the full consent of the House, it is desirable to put the question to Baron de Rothschild which has been suggested. Of course, it may be put; but otherwise, according to our ordinary

\* See post, p. 241.

rules, we must proceed with the discussion of the order of the day.

*Mr. Scott.*—I wish to ask a preliminary question. It fell from you, Sir, that the oath could not be put to the Honourable Member upon the Old Testament, without a decision of the House to that effect. Now, I wish to know whether, if the decision of the House be to that effect that he should be sworn upon the Old Testament, he could not then take his seat in this House as a Member of this House entitled to vote upon all questions?

*Mr. Speaker.*—The Honourable Member will see at once that there are two questions; first, the form of swearing; and the other, as to the oath to be taken. With regard to the form of swearing, if the House should decide that the Honourable Member for the city of London be sworn upon the Old Testament, of course it would be my duty to call him to the table to be sworn; but then comes the other question, whether he would take the oaths that are prescribed by the Act of Parliament.

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*Monday, July 29th, 1850.*—(3 *Hansard*, cxiii. 401—453.)

A Member, having demanded to be sworn upon the Old Testament, was called to the Table and asked why he had demanded to be so sworn?

After further debate,

*Mr. Speaker.*—Is it the pleasure of the House that the Honourable Gentleman (the Baron Lionel Nathaniel de Rothschild) be called in, and that I put the question to him, whether, in claiming to be sworn on the Old Testament, he does so because he considers that form of taking the oath the most binding on his conscience?

*The Chancellor of the Exchequer* moved, that the Baron Lionel Nathan de Rothschild, one of the Members for the city of London, having demanded to be sworn on the Old Testament, he be called to the table, and that Mr. Speaker do ask him why he has demanded to be sworn in that form.

*Lord H. Vane* seconded the motion.

Ordered.

Whereupon Baron Lionel Nathan de Rothschild, having come to the table, was asked by Mr. Speaker,—

“Baron de Rothschild, you have demanded to be sworn on the Old Testament, and I am directed by the House to ask you, why you have demanded to be sworn in that form?”

To which Baron de Rothschild replied,—

“Because that is the form of swearing that I declare to be most binding on my conscience.”

*Mr. Speaker* then directed the Honourable Member to withdraw.

After a debate of some length, and a division, it was ordered, that Baron L. N. de Rothschild, one of the Members for the city of London, having presented himself at the table of the House, and having, previously to taking the oaths, requested to be sworn on the Old Testament (being the form which he has declared at the table to be the most binding on his conscience), the clerk be directed to swear him in on the Old Testament accordingly.

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*Tuesday, July 30th, 1850.*—(3 *Hansard*, cxiii. 486.)

A Member, in taking the Oath of Abjuration, omitted the words “on the true faith of a Christian,” declaring



them not to be binding on his Conscience :—Decided, that he had not duly taken the Oath.

The Baron de Rothschild having come to the table, Mr. Speaker acquainted him that the House had yesterday made the following order (see above). Whereupon the clerk handed to him the Old Testament, and tendered him the oaths; and he accordingly took the oaths of allegiance and supremacy, repeating the same after the clerk; the clerk then proceeded to administer the oath of abjuration, which the Baron de Rothschild repeated after the clerk as far as the words "upon the true faith of a Christian;" but upon the clerk reading those words Baron de Rothschild said, "I omit those words as no binding on my conscience;" he then concluded with the words "So help me God" (the clerk not having read those words to him), and kissed the said Testament; Whereupon he was directed to withdraw.

*Mr. Hume* rose to order, contending that the Honourable Member had taken the oaths, and concluded by moving that the Honourable Member do take his seat.

*Mr. Speaker.*—The Honourable Member rose to order and he cannot propose that motion. I directed the Honourable Member for the city of London to retire because he did not take the words in the last oath which are prescribed by the Act of Parliament. I therefore desired the Honourable Member to withdraw, in order that the House might come to a decision upon the case.

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*Monday, August 5th, 1850.*—(3 *Hansard*, cxiii. 769.)

A Member, who had taken the Oaths of Allegiance, Supremacy and Abjuration, in the form most binding on his conscience, signed and left on the Table of the House a Paper containing the Oath of Abjuration,

omitting a Passage to which he objected, and which he had omitted on taking the Oath:—Decided, that no notice of this Paper should be taken in the Votes, the Paper not having been prepared by the Clerk of the House, and being therefore irregular.

*Mr. J. A. Smith* said, that the Honourable Member for London came to the table of the House the other day, and tendered his oaths in the form which was most binding on his conscience, and that, having done so, he signed, in accordance with the Act of Parliament, the declaration in writing, and left it upon the table of the House. Now, he wished to know why that important fact was omitted in the votes, when all the other proceedings were so minutely described?

*Mr. Speaker*.—I considered the proceeding as informal and irregular, and on that account it could not be recorded in the votes. The House will remember, that, according to its usual practice, Members, in the first place, take the oaths of allegiance, supremacy and abjuration, and then subscribe in a book prepared by the Clerk the oath of abjuration and the declaration of qualification: and that, without having signed the oath of abjuration, and the declaration of qualification, no Member can take his seat in this House. There are cases, where a Member is allowed to make an affirmation, or to take the oath in another way than that which is usually prescribed; but still the paper which is subscribed by a Member is always prepared by the clerk, or sanctioned by the Speaker. In this case I believe—for I did not see the transaction—after the Honourable Member for London had taken the oaths, he signed a paper which was not prepared by the clerk, and of the contents of which the clerk was wholly ignorant. That paper was

not formally tendered to the House, but merely laid on the table. I was not aware of its contents, nor was the clerk aware of them till after some minutes had elapsed. We then became aware that the paper contained the oath as taken by the Honourable Member, omitting the words "On the true faith of a Christian;" but as I considered that the transaction had taken place without the sanction of the House, that the taking of the oath was not perfect, and that the whole proceeding was imperfect, I felt it to be my duty not to allow it to be entered on the votes.

*Mr. Hume* asked whether, if the paper had been prepared by the clerk, and signed, as in the case of *Mr. Pease*, the Honourable Member for London would have been allowed to take his seat?

*Mr. Speaker*.—I must remind the Honourable Member that, in the case to which he has alluded, the House decided that *Mr. Pease* should be allowed to make an affirmation to the effect of the oath; whereas, in the present case, the House came to no decision whatever, except that *Baron de Rothschild* should be allowed to take the oaths in the mode most binding upon his conscience.

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*Friday; July 18th, 1851.—(3 Hansard, cxviii. 980.)*

When a Member declines to take the Oath of Abjuration in the form prescribed by Act of Parliament, and in the form in which the House has expressed its opinion it ought to be taken, he cannot be allowed to remain in the House, but must withdraw.

Salomons, Alderman.

David Salomons, Esq., returned as one of the Members for the borough of Greenwich, came to the table,

sworn; and being tendered the New Testament by the clerk, stated that he desired to be sworn on the Old Testament.

- Whereupon the clerk reported the matter to Mr. Speaker, and Mr. Speaker asked him why he desired to be sworn on the Old Testament. He answered, because he considered it binding on his conscience. Mr. Speaker then desired the clerk to swear him upon the Old Testament. The clerk handed him the Old Testament and tendered him the oaths, and he took the oaths of allegiance and supremacy, repeating the same after the clerk. The clerk proceeded to administer the oath of abjuration, which Mr. Salomons read as far as the words "upon the true faith of a Christian," which he omitted, concluding with the words "So help me God!" Mr. Salomons then read the following declaration from a paper, which he held in his hand, and then pushed over to the clerk at the table:—I have now taken the oaths in the form and with the ceremonies that I declare to be binding on my conscience, in accordance with the statute 1 & 2 Victoria, cap. 105. I now demand to subscribe the oath of abjuration, and declare to my property qualification." And the clerk having reported to Mr. Speaker that Mr. Salomons had omitted to repeat the words "upon the true faith of a Christian," Mr. Speaker desired Mr. Salomons to withdraw. He thereupon retired from the table and sat down upon one of the lower benches, upon which Mr. Speaker informed him that not having taken the oath of abjuration in the form prescribed by Act of Parliament, and in the form in which the House had upon a former occasion expressed its opinion that it ought to be taken, he could not be allowed to remain in

the House, but must withdraw. And he withdrew accordingly.

*Sir B. Hall* said he was requested by the Honourable Member for Greenwich, who had presented himself at the table for the purpose of taking the oath prescribed by the Act and the forms of the House, and had proposed to take that oath in the manner that was most binding on his conscience, to declare to the Speaker and to the House, that he withdrew from his seat in deference to the high authority of the Speaker as pronouncing the authority of the House. But I was also requested by the Honourable Member to state—

*Sir F. Thesiger* rose to order; he apprehended that the worthy Alderman had not obeyed the order of the House. He had not withdrawn, but was at present standing within the House. The Honourable Member was apparently not aware of the line which separates the space below the bar from the body of the House.

*Mr. Speaker.*—The Honourable Member must withdraw.

*Mr. Alderman Salomons* thereupon retired, and took a seat on one of the Peers' benches.

A debate then took place.

*Monday, July 21st, 1851.*—(3 *Hansard*, cxviii. 1143.)

When a Member has declined to take the Oath required by the Statute, and has been ordered to withdraw, any remarks which he may make afterwards are not recorded.

*Mr. Speaker.*—Before the clerk proceeds to read the order of the day I have to read to the House a letter

I have received from Alderman Salomons. It runs thus :—

“ 91, Great Cumberland Place,

“ July 21.

“ SIR,

“ I TAKE the liberty to call your attention to a very important omission in the record of the proceedings in the House of Commons on Friday last of all notice of my demand to subscribe the oath of abjuration, and to declare to my property qualification. Immediately after I had taken the oaths, I read from a paper which I held in my hand the following words (given above). No notice has been taken on the proceedings above referred to of my having made this demand. You will therefore, I am sure, Sir, pardon me for drawing your attention to the subject, and respectfully requesting that the minutes of the proceedings of Friday last be amended.

“ With the utmost respect,

“ I have the honour to be, Sir,

“ Your most humble and obedient servant,

“ DAVID SALOMONS.”

I ought to state to the House that the record of the proceedings was very carefully prepared. What was said by the Honourable Member was perfectly inaudible in this part of the House ; but if it had been otherwise, the statement of the Honourable Member could not have been recorded, as it was made after he had declined taking a part of the oath required by the statute, and had been ordered to withdraw.

The order of the day was read, and during the debate, *Mr. Alderman Salomons* entered within the bar and

took his seat upon the front bench below the ministerial gangway.

*Sir R. Inglis* rose, but was interrupted by

*Mr. Speaker.*—I see a Member has taken his seat without having taken the oaths required by law. I must therefore desire that the Honourable Member do withdraw.

*Lord J. Russell* rose to address the House.

*Mr. B. Osborne* stepped forward and placed a paper in Mr. Speaker's hands.

*Mr. Speaker.*—An Honourable Member (Mr. B. Osborne) has placed a motion in my hand. The question that is now before the House is on a point of order. It must have precedence of all others.

*Lord J. Russell* again rose, but was obliged to resume his seat.

*Mr. Alderman Salomons* still retained his seat.

*Mr. Speaker.*—I must explain to the House, that if the Honourable Member refuses to obey the order of the Speaker, it is for the House to support the chair, as that order can only be enforced by the vote of the House.

*Lord J. Russell* moved, "That Mr. Salomons be ordered to withdraw from this House."

*Sir R. Inglis* seconded the motion.

*Mr. B. Osborne.*—I rise to move an amendment, the purport of which I have placed in your hands; and I beg you, Sir, in order to save the time of the House, to read the amendment.

*Mr. Anstey* seconded the amendment.

*Mr. Speaker.*—The motion is, "That Mr. Salomons do now withdraw;" on which an amendment has been moved, to leave out all the words after "that," for the purpose of adding these words, "David Salomons, Esq.,

having been returned to serve in the present Parliament for the borough of Greenwich, and having taken the oaths prescribed by law, in the manner which is binding on his conscience, is entitled to take his seat in this House." The question I have to put is, "That the words proposed to be left out stand part of the question."

*Mr. Anstey* moved, "That the House adjourn."

The motion was negatived.

*Mr. Alderman Salomons* voted in this division, and afterwards occupied nearly the same seat as before.

*Mr. Speaker* then put the original question and amendment as above.

*Mr. Milner Gibson*.—I wish to ask a question before the debate commences. I understood you to say, Sir, on Friday last, and to repeat in substance this afternoon, that the Honourable Member for Greenwich must withdraw because he has not taken the oaths in the sense in which the House understands the Act. I wish to ask you, whether you can refer me to any minute of our proceedings, in which will appear the sense in which the House understands the Act? I wish to know in what form, during the present Session of Parliament, the sense of the House has been taken as to its understanding of that Act; for on that our proceedings are founded?

*Mr. Speaker*.—I made no reference whatever to any decision of the House during the present Session of Parliament. I referred to the decision of the House during the last Session of Parliament, when, under very similar circumstances, Baron Lionel Nathan de Rothschild, having been returned for the city of London, took the oaths precisely in the same way as Mr. David Salo-



mons ; and the House came to a direct vote that Baron Lionel Nathan de Rothschild was not entitled to sit in this House, not having taken the oath of abjuration as required by law.

*Mr. Milner Gibson.*—I wish to ask you, Sir, whether a resolution of the last Session, relating to one person, for what aught I know under different circumstances is binding upon us this Session in reference to another person. I also wish to ask you, Sir, whether the words of that resolution say more than that the oath must be taken in the form required by law? I wish to know whether the resolution says, that the form in which Mr. Salomons proposed to take it is not the form required by law?

*Lord John Russell.*—On a question of order, I must say, that I do not think it convenient for Honourable Members to enter into a debate with the Speaker.

*Mr. Gibson* apologized.

*Mr. Anstey* addressed the House.

*Mr. B. Osborne* attempted to address the House.

*Mr. Speaker.*—The Honourable Member for Greenwich, having taken his seat without taking the oaths, a motion was made that he do withdraw. Of course that motion had precedence of all others. It was a question of privilege. To that motion the Honourable Member for Middlesex (Mr. B. Osborne) gave in his amendment, and in so giving in that amendment he has forfeited the right to address the House on the original question.

The debate then proceeded.

*Mr. J. A. Smith* said, he had been requested by the Honourable Member for Greenwich to state, that he had voted in the first division ; but that as the division about to take place—the second division that night—

involved a question personal to himself; in obedience to the custom of the House, he would retire and not vote. At the same time his Honourable Friend respectfully requested that it might be understood that by his retirement he did not abandon one tittle of those rights which he had come there to claim.

The House then divided, and,

*Mr. Osborne's* amendment was negatived.

Question again proposed, "That Mr. Alderman Salomons do now withdraw."

*Mr. Anstey* was addressing the House, when,

*Mr. Salomons* entered the House from behind the Speaker's chair, and walked to the front bench below the gangway on the ministerial side, seating himself next to Mr. Anstey.

*Mr. Anstey* proceeded with his speech, and moved the adjournment of the debate.

*Mr. Hobhouse* said, he thought the Honourable Member for Greenwich would weaken his case if he did not rise in his place and state, however shortly, the course he meant to pursue. He had claimed the right to sit and the right to vote, but he had not claimed the right to speak in that House.

*Mr. Alderman Salomons* rose and said, that he did not appear there contumaciously, but to assert his rights and those of his constituents, and that, if the decision of the House should be against him, he should retire on the using of just enough force to make him feel that he was under coercion.

The House then divided on the question of adjournment, which was negatived.

The House then divided on the main question, "That Mr. Salomons be ordered to withdraw."

It was carried in the affirmative.

*Mr. Speaker* then informed Mr. Salomons of the decision of the House, and stated that Mr. Salomons, under the circumstances, would see the necessity for his immediately withdrawing.

*Mr. Salomons* not having withdrawn,

*Mr. Speaker* directed the serjeant-at-arms to remove the Honourable Member.

The serjeant-at-arms advanced to Mr. Salomons and tapped him on the shoulder, when Mr. Salomons stood up, and was conducted beyond the bar with the serjeant.

*Mr. Anstey* asked, whether the Honourable Member for Greenwich could remain in the place appropriated to Peers?

*Mr. Speaker.*—The Honourable Member may take his seat where Honourable Gentlemen usually take their seats before taking the oaths.

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*Tuesday, July 22nd, 1851.*—(3 *Hansard*, cxviii. 1319.)

*Mr. Anstey* inquired of the Speaker, whether the letter written by the Honourable Member for Greenwich, with regard to the omission of the words in the oath of abjuration under 1 & 2 Victoria, cap. 105, was sufficient to distinguish his case from that of the Member for the city of London, who stated that the reason of his refusing to use these words, was, that they were not binding on his conscience; and if not, whether it was competent for him to move the Honourable Member for Greenwich should come to the table and state that such was his reason for omitting them.

*Mr. Speaker.*—The letter of the Honourable Member, which I have read to the House, is the best possible record of his opinion on the subject of the oath, and of the claim which he has made; and the house will not admit of any further proceedings in the matter until the Honourable Member has been sworn in in a regular way at the table of the House.

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*Monday, July 28th, 1851.*—(3 *Hansard*, cxviii. 1319.)

*Mr. Speaker* acquainted the House that he had received the following letter from Mr. Alderman Salomons:—

“ Great Cumberland Place,  
“ Friday, July 25.

“ SIR,

“ I AM advised, that it is my duty respectfully to inform you and the House that two actions at law, under the statute, have been commenced against me for penalties alleged to be incurred by me, for having exercised on Monday last my right of sitting and voting in the House of Commons as Member for Greenwich; and that at the trial of those actions any resolution or proceedings, which the House may adopt, can be given in evidence.

“ With the greatest respect,

“ I have the honour to be, Sir,

“ Your most obedient Servant,

“ DAVID SALOMONS.

“ The Rt. Hon. the Speaker.”

## ORDER OF THE DAY.

*Friday, May 16th, 1851.*—(3 *Hansard*, cxvi. 1046.)

When the Order of the Day has been read, a Member cannot make any other substantive Motion till that Order is disposed of.

ORDER of the day read for resuming adjourned debate on the Ecclesiastical Titles Bill.

Question again proposed, that the Speaker do now leave the chair.

*Mr. Reynolds.*—I beg to move that the House at its rising do adjourn till Monday.

*Mr. Speaker.*—The order of the day must be disposed of before that motion can be put.

*Mr. Reynolds.*—Then, Sir, I beg leave to move the adjournment of the debate.

*Mr. Speaker.*—The Honourable Member cannot move that, he having already spoken.

Question put.

See Rules and Orders, 98.

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## ORDERS OF THE HOUSE.

*Tuesday, June 11th, 1839.*—(3 *Hansard*, xlvi. 144.)

Orders of the House must be complied with unless rescinded by the House.

*Mr. Williams* said, that some days ago he had presented a petition, which, upon his motion, was ordered to be printed; but that had not been done. He moved that the petition be ordered to be printed forthwith.

After a discussion,

*Mr. Speaker.*—The committee on petitions has re-

fused to order the printing of the petition, and the question now is, whether the order of the House shall be discharged. The order, having once been made, must be complied with, unless rescinded.

*Sir G. Clerk* moved, that the order be discharged.

Order discharged.

See Rules and Orders, 133.

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### PAPERS, DOCUMENTS, &c.

*Monday, May 2nd, 1842.*—(3 *Hansard*, lxii. 1407.)

Documents which have been merely brought before a Committee must not be described as having been "laid on the Table of the House."

*Mr. Labouchere*, on behalf of Lord J. Russell, moved for a statement of the differences in the resolutions of customs duties intended to be proposed by Sir R. Peel, laid on the table of the House on the 11th day of March last, and the resolutions on the same subject laid on the table on the 11th day of April last.

*Mr. Speaker*.—There is an informality in the notice of the Noble Lord. Certain papers moved for by a Right Honourable Gentleman (Mr. Baring) are referred to in the motion as having been "laid on the table of the House." These documents have not yet come before this House; they have merely been brought before a committee of the House.

Motion withdrawn.

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*Friday, April 18th, 1845.—(3 Hansard, lxxix. 938.)*

Documents not in possession of the House cannot be referred by order of the House to a Committee.

*Lord Granville Somerset* moved, that the reports of the Railway Department of the Board of Trade relating to certain groups of railway bills be referred to the committees.

*Mr. T. Duncombe* moved, that certain *statements* and documents in possession of the Board of Trade be also referred to the committees.

*Mr. Speaker.*—It is competent for the House to refer the reports of which it is in possession to the committees; but it cannot so refer the papers and documents alluded to in the Honourable Member's amendment, which are not in the possession of the House.

Motion to refer the reports of the Board of Trade to the committees agreed to,

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*Tuesday, February 11th, 1851.—(3 Hansard, cxiv. 373.)*

If a Document has been formally laid before a Committee of the House, and entered upon its Minutes, it is in the possession of the House, and it is a breach of privilege for any Person or Department to withhold it. A Member who claims the production of Papers for his own justification is not entitled to them as a matter of privilege, but the Question is one which the House must determine for itself on Motion.

The evidence before the Ceylon Committee.

*Mr. Baillie* asked, whether the government intended to lay on the table of the House the report of the royal commission which was sent to Ceylon, in consequence of an address from the House of Commons in the last Ses-

sion of Parliament, as well as the evidence taken before the commissioners?

*Mr. Hawes* said, there were papers which ought not, at present, to be laid on the table of the House, inasmuch as a gallant officer was about to be subjected to a court martial, and the subject-matter of those papers formed part of the case.

*Mr. Baillie* said, the report having been already submitted to the Ceylon Committee, he wished to know whether the document, having been submitted to a committee of the House, it was not virtually in the possession of the House, and whether it was not a breach of privilege to refuse the production of the document? He also wished to ask, whether, as a Member of the House, whose character had been impugned, he had not a right, as a question of privilege, to ask for the production of this document?

*Mr. Speaker*.—My answer to the Honourable Member's question must depend upon what took place before the committee of last Session. If the document was formally laid before the committee, and regularly entered upon the minutes, it would be, of course, in the possession of the House, and not in the possession of any government department; and in that case, it would be a breach of privilege to withhold it; but if the document was not formally laid before the committee, the House has no control over it, and the government department, in whose possession it now is, are justified in withholding it, until the House has determined that it shall be produced. There is no question of privilege involved in the second question. The Honourable Gentleman seeks to justify himself as a Member of the House, and on that account claims to be entitled to the production



of those papers. That is not a question of privilege, but one which the House must decide for itself upon a motion.

*Thursday, July 1st, 1852.—(3 Hansard, cxxii. 1 ...)*

When Papers which have been ordered to be printed and not been delivered to Members before the dissolution of Parliament, their delivery does not take place at the meeting of the New Parliament.

On the last day of the Session of Parliament it was about to be dissolved,

*Mr. Hume* said, he had been informed that no parliamentary papers would be delivered after Parliament separated to-day. Now, he hoped that all those papers which had been ordered to be printed, would be delivered and sent to the Members of the present Parliament. He wished to know from *Mr. Speaker*, whether by his order, this course could not be adopted.

*Mr. Speaker*.—My authority will cease in a few hours. The usual practice has been after a dissolution of Parliament, that no further papers shall be delivered, and if that practice is departed from in the present instance, it can only be by the courtesy of the Ministers of the government.

*Mr. Hume*, in compliance with a suggestion made by the Chancellor of the Exchequer, said, he would deliver an address to the Crown on the subject.

Resolved, that an humble address be presented to Her Majesty praying that she will be graciously pleased to give directions that all papers presented to the House and ordered to be printed shall, notwithstanding the dissolution, be delivered to the Members of the House of Commons.

*Tuesday, August 2nd, 1853. — (3 Hansard cxxix. 1161.)*

If a Document sent privately to the Speaker for distribution among Members contains libellous Matter, the Speaker will not distribute it, nor will he allow a Motion for printing it to proceed without first calling the attention of the House to the circumstance.

Sir James Brooke.

*Mr. Drummond* asked a question of Lord J. Russell.

*Mr. Hume* begged to ask Mr. Speaker a question in connection with this subject. It would be recollected that a despatch has been laid on the table containing a letter addressed by Sir James Brooke to the judges at Singapore, in which he attacked one of the officials connected with the court there, calling him a blackguard and a scoundrel, and heaping upon him all the odious epithets he could find. The gentleman thus attacked subsequently addressed a communication, by way of reply, to the Honourable Member (Mr. Baillie) who had moved for the production of the despatch; and that document, on the motion of the Honourable Member for Invernessshire, was laid before the House in the present Session. He understood, moreover, that several hundred printed copies had been sent to Mr. Speaker, in order that they might be distributed. This had not been done, and he wished to know why the reply of the official at Singapore to the coarse attack of Sir James Brooke had been withheld from publication.

*Mr. Speaker.*—I have abstained from distributing it for the simple reason that I thought it was a libel from beginning to end. The Honourable Gentleman is wrong in supposing that the document is printed. A printed copy was presented at the Foreign Office, but the one sent to me was in manuscript; and indeed it was so full

of libellous matter, that had any Honourable Member proposed to have it printed, I should have considered it my duty not to allow the motion to proceed without making the House acquainted, in the first place, with all the circumstances of the case.

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### PETITIONS.

*Friday, June 14th, 1839.*—(3 *Hansard*, xlviii. 226.)

A Member has no right to speak at length on presenting a Petition. *Seemle*, the House will, however, under peculiar circumstances, allow a Member to make a Statement.

*Mr. T. Attwood* said, in rising to present this very extraordinary and important petition (The National Petition), he was aware that the rules of the House would not allow him to enter upon any general statements on the subject to which it referred, but requested to be permitted to say a few words in explanation of the circumstances as regarded his own personal position in connection with the petition. The Honourable Member then proceeded at great length to state and comment upon the contents of the petition.

*Sir G. H. Smyth* rose to order, and said, it was a distinct rule that no Member should make a speech on presenting a petition.

*Mr. Speaker.*—As the Honourable Member has appealed to me, I must say that no Member has a right to speak at any length on presenting a petition. But when the House considers the circumstances of the case, and the position in which the Honourable Member is placed, perhaps they will see there are grounds for granting some indulgence in the matter.

*Mr. Attwood* was allowed to proceed with his statement.

See also *Hansard*, lx. 100; cxiii. 630; cxxix. 460; cxl. 1707.

NOTE.—The petition had 1,280,000 signatures, and from its great size was rolled into the House.

See Rules and Orders, 335, 336.

*Monday, August 30th, 1841.*—(3 *Hansard*, lix. 476.)

A Member may Petition the House, but his Petition should be presented by another Member.

*Sir Valentine Blake* rose to present a petition upon the subject of the Bill to abolish the Oath of Supremacy, for the introduction of which he intended to ask leave of the House that evening.

*Mr. Speaker.*—The Honourable Member cannot move the petition without notice, but the clerk informs me it is signed by the Honourable Member himself, and by no other person. It is quite competent to any Honourable Member to petition the House; but then his petition ought to be presented by another Member.

*Monday, May 6th, 1844.*—(3 *Hansard*, lxxiv. 714.)

Members ought to write their Names on the Petitions which they present.

*Mr. B. Cochrane* asked *Mr. Sharman Crawford* respecting a petition presented by him to the House, purporting to be the petition of certain persons residing in the borough of Bridport, and which, in some of its terms, was of a very libellous tendency. The signatures were disavowed by those whose names they bore, and he now wished to ask the Honourable Member whether he could

inform the House by what means those signatures were obtained, and who were the parties who promoted the petition.

*Mr. S. Crawford* declared his inability to do so.

*Sir R. Inglis* was of opinion that the question involved a breach of the privileges of the House.

*Mr. Speaker.*—At present there is no question before the House.

*Mr. Hume* said, a rule had been laid down by the House, and a circular was sent to the Members every year, requiring them to write their names on the petitions presented by them. In his opinion the clerk at the table should look at every petition to see that the Member's name was there.

*Mr. Speaker.*—The resolution which the Honourable Member refers to was sent round to all the Members cautioning them to sign their names to the petitions, but unfortunately Members neglected to do this, and unless the House agrees to a resolution that no petition shall be received unless signed by the Member, I know not how the evil can be remedied.

Matter dropped.

See Rules and Orders, 323.

*Wednesday, July 10th, 1844.*—(3 *Hansard*, lxxvi. 574.)

When a Person petitions to be heard by Counsel against a Bill, the usual course is to refer the Petition to a Committee, who can inquire what interest he has in the Matter, before they allow him to be heard by Counsel.

The order of the day for the House to go into committee on the Actions for Gaming Discontinuance Bill (No. 2) having been read,

*Mr. Christie* moved, that Charles Henry Russell might be heard by counsel at the bar of the House against the bill.

In answer to a question,

*Mr. Christie* said, he believed that the petitioner was not the only party interested in the result. He was, however, the legal plaintiff, liable for the costs. The solicitor who brought the actions was in the lobby.

*Mr. Milner Gibson* suggested, that the solicitor, who was in attendance, should be called in to be examined.

*Mr. Christie* asked the Speaker, whether it would be in order for him to withdraw his own proposition, in order that the motion suggested by the Honourable Member for Manchester might be put.

*Mr. Speaker.*—The amendment of the Honourable Member cannot be withdrawn without the leave of the House. The usual mode of proceeding is, to refer the petition of the party to a committee, and then the committee may inquire what interest the petitioner has before it allows him to be heard by counsel.

The House divided on the question, that the petition be referred to the committee on the bill, and that the petitioner be heard against the bill by his counsel upon his petition, if he think fit. Ayes 14, noes 30.

An objection was taken to the vote of Lord George Bentinck, Member for Lynn, on the ground that he was a defendant in some of the actions about to be suspended by the bill. Motion made, and question proposed, "That the vote of Lord George Bentinck be disallowed."

Whereupon *Lord George Bentinck* declared, that it was not his intention to take advantage of the provisions of the bill, and plead the same in bar of such actions.

Motion, by leave, withdrawn.

An objection was taken to the vote of Mr. Gregory, Member for Dublin, on the ground that he was a defendant in some of the actions which are about to be suspended by the bill. Motion made, and question proposed, "That the vote of Mr. Gregory be disallowed."

Whereupon *Mr. Gregory* stated, he had not been served with any process in any of the said actions.

Motion, by leave, withdrawn.

Whereupon *Mr. Speaker* reported the numbers on the division. Ayes 14, noes 30.

*Friday, April 11th, 1845.—(3 Hansard, lxxix. 496.)*

A Member may not read a Petition, but if he has made Notes of the Substance of it, he may read from them to the House. Although no Debate is permitted on presenting a Petition, this rule does not apply to a Discussion on the point of order, whether it shall be received or not.

*Mr. Ferrand* presented a petition, and was said by Mr. Roebuck to be reading it, under pretence of stating its substance.

*Mr. Speaker.*—If the Honourable Member is reading the petition, he is certainly out of order; he must merely state its substance. The Honourable Member may have made notes of the substance, and he may read from those notes; but it is against the orders of the House to read the petition.

The Right Honourable Gentleman also said, that if the Honourable Member wished the petition read at length, he should move that it be so read by the clerk at the table.

On the question, that the petition do lie on the table,  
*Mr. C. Wynn* rose to negative that proposition.

*Sir R. Peel* having supported the original motion,

*Mr. Roebuck* observed, that there had now arisen a debate on the presentation of a petition, and hereafter he should not think it out of order to raise a debate on any petition that might be presented.

*Mr. Speaker*.—The debate has arisen on a point of order, and not on the petition. I should have felt it my duty to interfere, if an Honourable Member had risen for the purpose of debating the petition. But the Right Honourable Gentleman spoke on a point of order, whether the petition should be received or not.

*Mr. C. W. Wynn*.—The question is, that the petition shall now lie on the table, which I conceive myself at liberty to oppose.

*Mr. Roebuck*.—Yes; then I am not wrong. The Right Honourable Gentleman has distinctly made a motion, and raised a debate.

*Mr. Speaker* referred the Honourable Member to the Standing Order of the House, and explained that the rule was, that there should be no debate upon the presentation of a petition, unless it had reference to a breach of the privileges of the House.

*Mr. Wynn* withdrew his amendment.

Petition laid on the table, and ordered to be printed.

See Rules and Orders, 335, 336, and Hansard, cxi. 891; cxii. 1100; cxiii. 719.

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*Thursday, June 26th, 1845.*—(3 *Hansard*, lxxxii. 1304.)

When a Petition is presented impugning the Conduct of a Member, it is usual to ask him whether he objects to



the printing of the Petition, until he has had an opportunity of explanation.

Kentish Railways.

*Mr. Hawes* presented a petition accusing Captain Bol-  
dero and Mr. Bonham of misconduct, and moved that it  
be printed.

*Mr. Speaker.*—When the conduct of a Member of  
this House is impugned it is the rule to ask the Ho-  
nourable Member, whether he objects to the printing of  
the petition until an opportunity has been afforded him  
of explanation.

See ante, "EXPLANATION," p. 203.

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*Thursday, February 5th, 1846.*—(3 *Hansard*, lxxxiii. 487.)

No portion of a Petition is valid except that which has  
been actually presented, although part of it may have  
been accidentally omitted.

*Mr. Gisborne* called the attention of the House to a  
petition relative to the Manchester and Southampton  
Railway. It appeared that after the petition had been  
presented, a sheet, which was omitted by mistake by the  
law stationer who copied the petition, was taken to the  
office of the clerk of the House and placed in its proper  
place. Although the Honourable Member had no wish  
to punish the parties, as there was no fraud attempted,  
he thought that it was so serious a matter it became the  
House to see to it. He apprehended that the omitted  
sheet could not be considered as presented.

*Mr. Speaker.*—I have no hesitation in stating to the  
Honourable Member and to the House, that the petition  
will only be valid with reference to those parts of it which  
have actually been presented, and that those parts which

have not been presented cannot be properly referred to the committee. If the House will leave the matter in my hands I will attend to it.

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*Friday, June 15th, 1840.*—(3 *Hansard*, cvi. 300.)

A Member, in presenting a Petition, is at liberty to state the purport of the Petition and its Prayer.

*Sir J. Pakington* rose to present a petition from the House of Assembly of Jamaica, and also a petition from the West India body in this country, complaining of the present position of the colony, owing to the colonial legislation and the British Parliament. The Honourable Gentleman was stating the purport of the petition, which alleged that the petitioners were under risk of utter ruin, when he was interrupted by cries of "Order" (the rule on presenting petitions being that Members may state the purport and the prayer of the petitioners). If he were not allowed to take the usual course, he should move the suspension of the Standing Order, which prohibited unrestricted speaking on the presentation of petitions. [*Mr. Roebuck*.—"You cannot do that without notice."] He said he should, then, if further interrupted, move that the petition be read by the clerk at the table; and as it was very long, he thought the House had better permit him to state the purport of it.

*Mr. Speaker* referred to the rule, and intimated that the Honourable Member might take that course.

*Sir J. Pakington* then stated the purport of the petition.

See Rules and Orders, 335.

*Monday, June 18th, 1849.—(3 Hansard, cvi. 389.)*

A Petition being presented from Persons attainted of High Treason:—Decided, that, there being no precedent against its reception, the House must determine whether it be received or not.

Transportation for Treason (Ireland) Bill.

Order for second reading read.

*Mr. Napier* rose to present a petition from Messrs. Smith O'Brien, Meagher, M'Manus and O'Donohue, praying to be heard by counsel, agents and witnesses against the bill. The Honourable and Learned Member was proceeding to read the contents of the petition, when,

*Lord J. Russell* rose, and said, I wish to submit to you, Sir, the Honourable and Learned Gentleman having read the names of these petitioners, persons who have been attainted of high treason, whether this House can receive that petition?

*Mr. Speaker.*—One petition has already been presented, but I cannot at the moment call to mind whether any petition of this kind has been refused by Parliament or not.

*Mr. Napier* was again proceeding to read the petition, when,

*Mr. Disraeli* recommended that the Attorney-General should be consulted on the point.

*Mr. E. B. Roche* would submit, that, the Speaker having decided the matter, his decision ought to be final on the point.

*Mr. Speaker.*—I cannot give an opinion founded on my recollection of any similar case; and it is for the House to decide any question of this kind, whether they will receive the petition or not.

Wednesday, February 19th, 1851.—(3 Hansard, cxiv. 820.)

A Petition on the subject of a Measure which has been merely announced in Debate cannot be received; but when a Measure has been introduced, and its introduction forms part of the proceedings of the House, it may be noticed in Petitions.\*

*Viscount Duncan* presented a petition from the parish of St. James, Bath, against the measure proposed by her Majesty's government for the modification of the window-tax. The petitioners prayed that the House would repeal the window-tax unconditionally, without the substitution of any other tax.

*Mr. Speaker*.—The petition is informal, and cannot be received.

*Mr. Wakley* begged Mr. Speaker would let them know precisely the regulations of the House on the subject.

*Mr. Speaker*.—The rule is, that no person shall allude to what takes place in a debate in this House by petition or in any other manner; but if a proposition be once submitted to the House for an alteration in the window-tax, and that proposition forms part of your proceedings, then the public arrive at the information in a legitimate manner, and may petition the House against it. But it is not competent for parties to petition against a matter that can only have come to their knowledge from having been mentioned in debates in this House.

Wednesday, June 4th, 1851.—(3 Hansard, cxvii. 399.)

A Member who is himself satisfied of the genuineness of the Signatures to a Petition is justified in presenting it, although doubts have been thrown on their genuineness.

*Mr. Adderley* said he had several petitions to present

\* But see recent rule, Rules and Orders, 339.

from ten different municipalities in South Africa. He wished, before doing so, to have the opinion of Mr. Speaker, as to whether he could properly present these petitions under circumstances which had arisen. Papers had been recently laid on the table containing a despatch from the governor of the Cape of Good Hope, in which despatch it was stated that the signatures to these petitions were mostly fictitious. He believed he could prove that these petitions were genuine by evidence now in London, provided a committee was appointed for the purpose.

*Mr. Speaker.*—The Honourable Gentleman is quite right in calling attention to the circumstance that there is some question as to the authenticity of the signatures; but if he has made inquiries, and is satisfied himself that the signatures are genuine, he will be perfectly justified in presenting the petitions.

*Mr. Adderley* said he had satisfied himself that the signatures were genuine.

The Honourable Gentleman then presented the petitions.

See Rules and Orders, 323, 324.

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## PETITIONS, ELECTION.

*Friday, November 19th, 1852.*—(3 *Hansard*, cxxiii. 254.)

A Petition containing an Allegation that the return of an Honourable Member "was procured by illegal and corrupt means, and by an organized system of Bribery," and a Prayer that the House would "institute a full and searching inquiry into the Allegations" of the Petition, is an Election Petition within the meaning of the 11 & 12 Vict., although the Bribery is not

stated to have been committed by the Sitting Member, nor the Prayer of the Petition, to make void the Return. No Election Petition can be received unless it is indorsed by the Officer of Election Recognizances.

*Sir Alexander Cockburn* was about to rise to bring under the consideration of the House the petition of the electors of the borough of Derby.

*Mr. Speaker.*—I think it right to direct the attention of the House to what I consider an informality in this petition, and if the House shall be of the same opinion it will not be competent for the Honourable and Learned Member for Southampton (*Sir A. Cockburn*) to proceed with his motion. I wish, in the first instance, to call its attention to a clause in the 11th & 12th Victoria, which declares what shall be deemed an election petition. This clause enacts, that every petition presented to the House of Commons within the time from time to time allowed by the House for receiving election petitions, complaining of any undue election and return of any Member of Parliament, or that no return has been made, and which petition shall be signed by some person who has voted, or had a right to vote at the election to which it related, shall be deemed an election petition. Now this petition begins by stating—

“That your petitioners are electors of the borough of Derby, and voted at the last election of Members to serve in this present Parliament for the said borough.”

It contains another allegation, namely—

“That the return of the said *Thomas Berry Hörsfall* was procured by illegal and corrupt means, and by an organised system of bribery, which was resorted to and successfully carried out for the

purpose of procuring, and which did procure the said return."

And the prayer of the petition is as follows:—

"Your petitioners therefore humbly pray your Honourable House to institute a full and searching inquiry into the allegations of this petition, and into the proceedings of the said Right Honourable William Beresford, with reference to the last election for the borough of Derby."

Now the question is whether this allegation—

"That the return of the said Thomas Berry Horsfall was procured by illegal," &c.

should not be considered as an allegation complaining of an undue return for the borough of Derby, in which case the petition would be an election petition, as defined by the statute.

*Sir Alexander Cockburn* suggested, that "inasmuch as the prayer of the petition was not to make void the return, and inasmuch as the bribery that was alleged was not stated to have been committed by the sitting Member or by any person for whose acts the sitting Member would be responsible, this petition did not come within the clause of the Act." He would not, however, press his motion against the Speaker's opinion.

*Sir John Yarde Buller*, on behalf of the Right Honourable W. Beresford, was quite prepared to go into the case then.

*Mr. Speaker.*—If the House allows the debate to proceed on this petition, it will really have received a petition which it ought not to have received at all; because the Act declares that no election petitions can be received by the House unless they are indorsed by the officer of election recognizances, who must state that the recog-

nizances have been properly entered. Now if this petition comes within the definition given in the Act, of an election petition, then it ought to have been indorsed by the officer of election recognizances, and as it has not been so indorsed, I do not think it ought to have been received, and I am of opinion that the House cannot proceed with the debate.

Order, that the petition do lie upon the table, read and discharged.

Petition withdrawn.

See Rules and Orders, 326.

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*Monday, December 6th, 1852.—(3 Hansard, cxliii. 978.)*

A Petition in the nature of an Election Petition ought not to be received after the Time for receiving Election Petitions has expired.

*Mr. Thornely* said, on Thursday last, the Honourable Member for Montrose (*Mr. Hume*) presented a petition from *Mr. Grantley Berkeley*, a candidate at the late election for West Gloucestershire. That petition had been read before the Committee on Public Petitions, and they were unanimously of opinion, that it was an election petition. He, therefore, moved that the order of the 2nd of December, that the petition do lie on the table, be discharged for the purpose of the petition being withdrawn.

After some remarks from *Mr. Hume*,

*Mr. F. French* begged to inquire, whether this petition was not something of the same nature with that which had been presented respecting the election for Cork, and which had been ordered to be printed with the votes.



*Mr. Speaker.*—Since the petition referred to by the Honourable Member for Roscommon has been printed, I have read it, and have no doubt that it is in the nature of an election petition, and having been presented after the time for receiving election petitions, ought not to have been received.

See also Hansard, cxxiii. 1152.

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### PETITIONS, INFORMAL.

*Wednesday, February 12th, 1840.*—(3 *Hansard*, lii. 158.)

Lithographed Petitions are to be considered Printed Petitions, and cannot be received.

*Mr. Speaker.*—I wish to call the attention of the House to the fact, that a petition which has been presented is lithographed. Now it is against the orders of the House that any printed petitions shall be presented, and I wish to draw the attention of the House to this circumstance, as I understand that of late several lithographed petitions have been presented.

*Mr. Freshfield* suggested, that the House should direct the committee not to report on lithographed petitions.

*Mr. Speaker.*—I think it will be better that it be distinctly understood, that the House will consider lithographed petitions to be printed petitions.

See Rules and Orders, 311.

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<sup>1</sup> *Friday, February 18th, 1842.*—(3 *Hansard*, lx. 640.)

A Declaration, not in the nature of a Petition, cannot be received.

*Mr. Milner Gibson* asked leave to present a declara-

tion from the people of Manchester, stating what their feelings were respecting the present Corn Bill of her Majesty's government.

*Mr. Speaker.*—The House cannot receive any declaration that is not in the nature of a petition.

See Rules and Orders, 312.

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*Thursday, May 5th, 1842.*—(3 *Hansard*, lxiii. 192.)

A Petition relating to Matter spoken in the House cannot be received.

*Captain Pechell* presented a petition from William Smith of Wilmington, asserting the truth of certain depositions contained in a pamphlet by a Mr. Brooker. The Honourable Member for East Sussex having stated that the charge made by Mr. Brooker was a libel, he, Captain Pechell, now presented a petition from the man who had suffered, and who therein stated his willingness to prove his allegations upon oath.

*Mr. Speaker.*—The petition is informal, as it relates to matter spoken by an Honourable Member of this House, in the debates of the House. It must therefore be withdrawn.

Petition withdrawn.

See Rules and Orders, 319.

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*Wednesday, June 22nd, 1842.*—(3 *Hansard*, lxiv. 423.)

Addresses, not in the form of Petitions, cannot be received.

*Lord Ashley*, in presenting a petition in favour of the Mines and Collieries Bill, said, he had a very interesting document, which he would, with the permission of the House, read. It was an address of thanks to the House

for their prompt and humane interference for the relief of the oppressed children and females employed in mines, from the wives and daughters of the colliers of Barnsley and the neighbourhood. Not one of the petitioners could write, and the address was numerously signed with crosses.

*Mr. Speaker.*—It cannot be received.

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*Wednesday, August 10th, 1842.—(3 Hansard, lxx. 1227.)*

All Remonstrances must be coupled with a Prayer to entitle them to be presented, and can only be received by permission of the House.

*Mr. T. Duncombe* begged to present to the House fourteen documents, which, strictly speaking, were not petitions, but remonstrances or protests against the proceedings of the House, and, after stating the substance of them, proposed to bring them up, and to have one of them read at length by the clerk at the table.

*Sir G. Clerk.*—Do these documents contain any prayer?

*Mr. T. Duncombe.*—No; I am aware that documents of this nature cannot be received as petitions; but protests of a similar kind have at different times been read at the table, and the House has then determined whether it would receive them or not.

*Sir G. Clerk* asked the opinion of the Speaker.

*Mr. Speaker.*—The custom is this, that whenever remonstrances are presented to the House coupled with a prayer, they are received as petitions; but when they are offered without a prayer, the rule is to refuse them. I apprehend that, in the present instance, the Honourable Member for Finsbury has not proposed to bring up

these documents as a matter of course. Whether they can be received or not is a question upon which the House must decide. They cannot be brought up, nor be read by the clerk at the table, unless the House first assents.

*Sir R. Peel* again asked the opinion of the Speaker.

*Mr. Speaker.*—The usage of the House certainly has been, not to receive any remonstrance unless it concludes with a prayer. There is a Standing Order requiring that the prayer of every petition shall be stated by the Member presenting it.

Motion withdrawn.

See Rules and Orders, 312.

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*Friday, July 7th, 1843.*—(3 *Hansard*, lxx. 745.)

A Document entered as a Remonstrance only cannot be received, although it concludes with a Prayer.

*Mr. T. Duncombe* had a document to present, to which, he believed, no objection as to form would be made, inasmuch as it concluded with a prayer, though it was headed a national remonstrance, and emanated from the London National Association, complaining of the grievances and sufferings of the working classes, praying for a better system of representation. He moved that it be brought up.

*Mr. Speaker.*—The document, as a remonstrance only, will not be received.

*Mr. T. Duncombe.*—As the document concludes with a prayer, it is not out of form. I will take the sense of the House upon its reception.

*Mr. Speaker.*—If the document had been headed a petition, it could not be objected to, though it contains a

remonstrance; but it appears to be a remonstrance only.

Debate adjourned.

Motion and remonstrance withdrawn.

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*Tuesday, March 28th, 1848.—(3 Hansard, xcvi. 1055.)*

A Petition praying for the Abolition of the House of Lords was allowed to lie on the Table.

*Mr. Wakley* presented a petition from one John Beale, praying, among other things, for the abolition of the House of Lords.

*Sir R. Inglis* opposed the bringing up of the petition.

*Mr. Hume* believed that no Honourable Member could object to a petition being brought up. He might object to its reception.

*Mr. Speaker* read the order of the House referring to the presentation of petitions. He supposed the Honourable Member for the University of Oxford opposed the bringing up of the petition on some such grounds.

*Sir R. Inglis* contended that a petition could no more be presented to that House for the abolition of the House of Lords than for the abolition of the monarchy.

*Sir J. Graham* said, the question was really one for the House, and not the Speaker, to decide; and in order that they might be enabled to come to a decision fairly, it would be necessary that the Honourable Member for Finsbury should state the precise nature and force of the petition. It would then be for the House to determine what course should be pursued.

The petition was read by the clerk, and, after a debate, it was ordered to lie on the table.

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Thursday, June 17th, 1852.—(3 Hansard, cxxii. 863.)

A Petition containing Language disrespectful to the Queen ought not to be received.

*Lord Naas* presented a petition from the legislative council of New South Wales, remonstrating against the restrictions imposed on the colonial legislature by the stat. 13 & 14 Vict., establishing a new constitution in that colony.

*Mr. Gladstone* suggested, that the petition should be read by the clerk, being a document of much historical importance.

Petition read.

On the question that the petition be laid on the table, *The Chancellor of the Exchequer* said, it struck him, in listening to the petition, that there were many expressions in it which appeared not to be very dutiful or proper. Thus, her Majesty was described as being only the "trustee" of what were her own dominions, and there were several other expressions which appeared very equivocal; therefore, he would rather postpone the question, in order that they might have an opportunity of considering the petition and the phrases alluded to.

*Sir James Graham* considered the petition one of great importance. It had been presented by the Noble Lord, the Chief Secretary for Ireland (*Lord Naas*), and if there was any irregularity about it, he conceived the Noble Lord before he presented it would have consulted his colleagues. However, so far as he saw, he was not aware of any impropriety about the phrases of the petition.

*Mr. Speaker*.—If the petition contains any expression disrespectful to the Queen, it ought not to be brought

up. As it has not been received, it may be postponed till to-morrow, to see if that is the case.

After some discussion, the petition was ordered to lie on the table.

See Rules and Orders, 325.

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### PETITIONS REQUIRING IMMEDIATE REDRESS.

*Thursday, October 7th, 1841.—(3 Hansard, lix. 1156.)*

A Member cannot make a Speech on presenting a Petition, unless it is one praying for Immediate Redress. A Motion that a Petition be printed with the Votes requires Notice.

*Mr. T. Duncombe* presented a petition from certain electors of Chippenham, complaining of *Mr. Neeld* having given them notice to quit for having voted against him, and alleging that it was a breach of privilege and violation of the freedom of election. The Honourable Member was making some observations.

*Mr. Speaker.*—The petition is not one that prays for immediate redress, and, therefore, the Honourable Member is irregular.

*Mr. Duncombe* then read the prayer of the petition, and moved that the petition be printed with the votes.

*Mr. Speaker.*—It is necessary for the Honourable Member to give notice of such a motion.

After discussion, the petition was laid on the table.

See Rules and Orders, 336.

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*Friday, June 14th, 1844.—(3 Hansard, lxxv. 894.)*

A Petition complaining of Letters being opened under a Warrant from the Secretary of State, which Warrant is stated by him to have been withdrawn, is not such a personal Grievance requiring Immediate Redress, under the Standing Order, as to entitle the Member presenting the Petition to speak upon it.

*Mr. T. Duncombe* presented a petition complaining of a personal grievance, the opening of letters at the Post Office, under a warrant from the Secretary of State, and asked Sir J. Graham a question on the subject.

*Sir James Graham* answered the question.

*Mr. T. Duncombe* was proceeding to speak on the subject, when,

*Mr. T. Egerton* rose to order. The Honourable Member for Finsbury could not speak any further on the petition.

*Mr. T. Duncombe* said, that, before the Honourable Member opposite called him to order, he ought to take the trouble to read the Standing Orders of the House. On the very point in question, the Fourth Standing Order, as to the presentation of petitions, was completely applicable. It provided that, in cases of personal grievances requiring immediate redress, petitions might be discussed upon the presentation thereof.

*Sir J. Graham* had just stated that there was now no warrant in force against letters of even the one petitioner, with reference to whom a warrant, the only one, had been issued. He did not understand what grievance there was which came within the Standing Order, as requiring the application of an immediate remedy.

*Mr. Shaw* rose to order.

*Mr. Speaker.*—The order of the House under which



the Honourable Member for Finsbury asks for permission to speak in the present case is, that, if any petition is presented complaining of a present personal grievance, for which there is a necessity of providing an immediate remedy, the matter may be brought under discussion upon the presentation thereof. Now, I have some difficulty in deciding the point. The House will bear in mind that, on all occasions when a question of privilege arises, it is discussed immediately; but whenever an adjourned debate takes place, or a notice has been given on a question of privilege, Members lose the right to discuss the case in preference to other business. The Honourable Member for Finsbury has given notice of his intention with respect to this petition, and having given that notice, he has shown that this is not such a case of urgent necessity for an immediate remedy as was contemplated by the Standing Order.

*Mr. T. Duncombe* said, he had not an opportunity of bringing forward the discussion yesterday, as he had not then ascertained what the wishes of the petitioners were on the subject. As to the withdrawal of the warrant, the Right Honourable Baronet might have done that half-an-hour ago, in consequence of this very notice. If nothing were done in the matter now, there was no knowing but the warrant might be issued again to-morrow morning.

*Mr. Speaker.*—I think the point is one which the House ought to decide. It is the first instance in which the rule has been applied since these Standing Orders have been framed, and will form a precedent hereafter. The question is, whether this is a case of present personal grievance. I conceive, that, as the warrant is

stated to have been withdrawn, it is not such a case, and that it ought to be brought forward in the usual way.

*Mr. T. Duncombe*, to bring himself in order, moved that the House do adjourn, and spoke to the main question.

See Rules and Orders, 337.

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### PETITIONS, PRINTING OF.

*Monday, May 30th, 1842.*—(3 *Hansard*, lxiii. 979.)

Ordinary Petitions are to be referred to Committee on Public Petitions, and are printed by their Order if they shall think fit.

#### SOUTHAMPTON Election.

*Mr. T. Duncombe* presented a petition from John Wren, a witness who had been in custody, in consequence of what had passed before the election committee, stating a variety of circumstances, and pressing upon the House the necessity of a further inquiry into the scandalous corruption which had taken place. He moved that the petition be printed with the votes.

*Mr. Speaker.*—It is not in accordance with the practice of the House that a petition, being thus presented, should be printed with the votes, but the petition must be referred to the Committee on Public Petitions.

See Rules and Orders, 338.

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*Tuesday, February 19th, 1856.*—(3 *Hansard*, cxl. 980.)

No Motion to print a Petition is allowed until the Committee on Public Petitions refuse to print it.

*Sir Erskine Perry* had given notice, that he intended

to present a petition from the son-in-law of the late Nawab of Surat. He wanted to know if (since the subject-matter of the petition was about to come before the House) he might give notice of motion that the petition be printed.

*Mr. Speaker.*—By the rule of the House, as last amended, no Member is entitled to move that a petition be printed, unless the Committee on Public Petitions refuse to print it.

Petition to lie on the table.

See Rules and Orders, 338.

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## PRECEDENCE.

*Thursday, February 13th, 1840.*—(3 *Hansard*, lii. 236.)

When a Motion has been proposed and seconded, it is too late to inquire whether it is entitled to Precedence.

*Sir M. Wood* moved, that *Mr. Speaker* be directed to order *William Prevot* and *Thomas Chamberlayne* not to sign any writ of inquiry in a cause now pending of *Stockdale v. Hansard*, and that *John Pimlott* be directed not to seal any writ of inquiry in the case of *Stockdale v. Hansard*.

The motion was seconded.

*Sir R. Inglis* appealed to the *Speaker*, whether this was a matter of privilege so as to be entitled to precedence of motions on the paper.

*Mr. Speaker:*—The motion has already been made and seconded.

Motion negatived.

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*Friday, June 11th, 1841.—(3 Hansard, lviii. 1461.)*

A Motion for prosecuting a Candidate and his Agents for Bribery is not a matter of Privilege, and, therefore, not entitled to precedence over the Orders of the Day. But Matters arising out of Election Committees are generally allowed precedence.

On the order of the day being moved,

*Mr. Freshfield* called attention to a notice on the paper of *Mr. Ward*:—

- “1. To move, that a committee of the House of Commons having reported that the Honourable Henry Thomas Manners Sutton was by his agents guilty of bribery and treating at the election for the Borough of Cambridge, Mr. Attorney-General be directed to prosecute William Swan and Samuel Long, the principal agents of the Honourable Henry Thomas Manners Sutton, for bribery.
- “2. That Mr. Attorney-General be directed to prosecute the Honourable Henry Manners Sutton for bribery at the election for the Borough of Cambridge.”

The Honourable Member for Sheffield had, no doubt, given this notice under a supposition that the motion to which it referred was a matter of privilege. He, however, contended that it was not a matter of privilege, and consequently that it would have no claim whatever to take precedence of the orders of the day.

*Mr. Speaker*.—I have no hesitation in declaring that the subject is in no way a matter of privilege. It has, however, been the general, though not the uniform, practice of the House to give precedence to matters growing out of election committees.

See Rules and Orders, 116.

*Friday, May 20th, 1842.—(3 Hansard, lxiii. 561.)*

When a Question of Privilege has been adjourned, on its renewal it is not entitled to precedence. Subjects ought not to be introduced as "Privilege" which can be discussed without inconvenience in the ordinary manner on a future Day.

Bridport Election.

On the order of the day for a Committee of Supply, *Mr. C. Buller* asked, whether he could not bring on the question relating to the Borough of Bridport, and the petition he had presented from *Mr. Warburton*, as a matter of privilege?

A discussion took place.

*Mr. Speaker.*—It certainly is not such a matter of privilege as entitles it to precedence. I will remind the House of the relative strictness with which the rule as to privilege is enforced. If a debate on a question of undoubted privilege be adjourned, on its renewal it is not entitled to precedence. I am, therefore, of opinion that, according to the letter and spirit of the rule applied to such cases, the consideration of the petition regarding Bridport is not to be held a matter of privilege. It appears to me that the House ought not to allow subjects to be introduced as of privilege, of which notice for a future day can without inconvenience be given.

The order of the day was read after some remarks from *Sir R. Peel* and other Honourable Members.

As to Questions of Privilege, see post, "PRIVILEGE," and Rules and Orders, 116, 125.

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*Tuesday, June 1st, 1847.—(3 Hansard, xcii. 1368.)*

When a Member waives his precedence on the Notice Paper in favour of another, he, and all those who also

had Motions before the one taken out of its turn, are entitled to be heard, afterwards in the order in which their Motions originally stood on the Notice Paper.

*Mr. Spooner* asked the Earl of Lincoln, who had a notice of motion on the paper, to give him precedence for the case of Sir E. Wilmot.

*The Earl of Lincoln* said, there were several notices after that of Mr. Spooner. Even if precedence were given to the Honourable Gentleman by himself and all those whose motions intervened, would those who followed the Honourable Gentleman in the order of the motions on the paper, have precedence of those who had yielded their precedence in favour of the Honourable Gentleman?

*Mr. Speaker.*—The general understanding of the House seems to be in favour of giving precedence to the Honourable Member for Birmingham; and when the Honourable Member for Birmingham has concluded, the course which I apprehend I shall have to take will be to call upon the Noble Lord (the Earl of Lincoln).

See Rules and Orders, 115.

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*Friday, May 13th, 1853.*—(3 *Hansard*, cxxvii. 320.)

Government Bills have precedence on Mondays and Fridays by ancient usage. Government Orders are entitled to precedence whenever the House has decided that Orders of the Day shall have priority over Notices of Motion on other days than Mondays and Fridays.

Public business.

*Mr. Milner Gibson* said, he must beg to ask a question in reference to the orders of the House, relative to the course in which business was to be taken on the Thursdays. By a Standing Order, passed at the begin-

ning of every Session, it was stated that "the orders of the day shall be disposed of in the order in which they stand on the Paper, the right being reserved to her Majesty's Ministers of placing Government Orders at the head of the list, in the rotation in which they are to be taken upon the days on which Government Bills have precedence." He wished to ask the Speaker where was the authority for Government Bills having precedence upon a Thursday? He believed that by ancient usage they had precedence upon Mondays and Fridays, and that upon those days, therefore, the government might place their own orders at the head of the list. The House had passed an order recently, that upon Thursdays the orders of the day should take precedence of motions; but he was not aware that they went further, or that the government should have the power of placing their orders in precedence of the other orders. He asked this question with the view of guiding his own course with respect to the County Rates Expenditure Bill. He saw nothing in the words of the orders which precluded him from asking the House to consider that bill in its turn upon a Thursday. He begged to submit this question for the opinion of Mr. Speaker.

*Mr. Speaker.*—The Right Honourable Gentleman having been good enough to give me notice of his question, I will endeavour to state precisely what has been the rule of the House in this respect. The order is as the Right Honourable Gentleman has quoted it; and there is nothing in that order which states that the government business shall have precedence on Thursdays. I can, therefore, only interpret the order by the usage and practice of the House in this respect. The rule was first made in 1848, since which it has been re-

newed every Session until last Session, when, from being a Sessional Order, it was converted into a Standing Order. In 1850, I find there were several motions made giving orders of the day precedence upon alternate Thursdays, without giving priority to the bills introduced by the government. The government have been in the habit of claiming precedence for their own orders on Thursdays whenever the orders of the day have precedence, except in cases where the contrary has been expressed to be the intention of the House. Under these circumstances, merely interpreting the rules of the House by its own practice, I think, unless a special exception is made, the Government Orders are entitled to precedence whenever the House has decided that orders of the day shall have precedence over notices of motion on other days than Mondays and Fridays.

*Mr. Milner Gibson* begged to remark with all respect, that if the government were entitled to priority on Thursdays unless shut out by special enactment, they would, by the same rule, be entitled to priority on Wednesdays. He, of course, knew what the understanding on the matter was, and he had no wish to interfere with any understanding which had been come to; but he respectfully submitted that if the House intended, not only that orders of the day should have precedence over motions, but that government should also have precedence, they had better say so by a distinct resolution, in order that there might be no mistake; because, if the doctrine were to be held, that unless they barred the claim of government to priority, the government would necessarily have precedence, the result would be that government would practically have the priority on Mondays, Wednesdays, Thursdays and Fridays, and there



would actually be left no possible day for an Independent Member to conduct a bill through the House.

*Mr. Speaker.*—I beg to remind the Right Honourable Gentleman, that long before the rule was enacted to which I have referred, Wednesday was always considered a Supply day; and it has been only of late years that it has been given up to the consideration of bills brought in by Members unconnected with the government.

See "MORNING SITTINGS," and Rules and Orders, 47, 98, 99, 109.

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### PRIVATE BUSINESS.

*Thursday, April 3rd, 1845.*—(3 *Hansard*, lxxix. 10.)

A Motion that a Report of the Board of Trade against a Railway Bill be referred back for re-consideration, is one in the nature of Public Business, and must not be brought on at the time of Private Business.

*Mr. Dodd* rose to bring forward (at the time of private business) the motion of which he had given notice, "That the Report of the Board of Trade against the bill, intended to be brought in by the Croydon Railway Company, to authorize the construction of a railway to Ashford, be referred back to the Board of Trade for re-consideration."

*Mr. Speaker.*—Before the Honourable Member goes on, it may be necessary for the House to consider whether the motion be one which should be brought on at the time of private business. It is a question relating to a certain matter which has come before the Board of Trade, and the motion is, that the decision of that board against a particular railway should be referred back to it for consi-

deration. It will be for the House to decide whether that comes under the head of public business, and if it does, it will be a question whether it ought to take precedence of all the other public business of the day. In my opinion, it ought not to be considered as private business. The question is a novel one, such as has not yet come under the consideration of the House, relating to certain public Acts of a public department, and it will be for the House to decide whether it ought not to come under the head of public business, and if it came under that head, it was clearly not entitled to have precedence of all other business.

A debate took place, and

*Mr. T. Duncombe* moved, "That *Mr. Dodd*, the Member for Maidstone, be now heard in support of the motion intended to be made by him, and that the question be proposed to the House."

The House divided. Ayes 78, noes 123.

See *Mr. May's Remarks on this Case, May's Parl. Pract.* p. 538.

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*Wednesday, June 9th, 1847.—(3 Hansard, xciii. 257.)*

Resolutions of a Select Committee on Railway Bills come under the description of Private Business.

*The Chancellor of the Exchequer* rose to move the resolutions agreed to by the Select Committee on Railway Bills.

*Sir H. Halford* rose to order. The resolutions about to be proposed by the Right Honourable Gentleman were really not properly "private business," and ought not to take precedence as such.

*Mr. Speaker.*—As the resolutions relate to railway

bills, and railway bills are private bills, this is a part of private business.

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PRIVILEGE.

*Thursday, July 10th, 1840.—(3 Hansard, lv. 760.)*

It is not a Breach of Privilege to sign a Petition which alludes to another Petition being "presented to Parliament," but which has not been presented to the House of Commons.

*Mr. W. O. Stanley* rose to call the attention of the House to what he considered to be a breach of privilege. It consisted of an extract from a petition which had been presented to the House, and signed by certain Members of the House.

The Honourable Gentleman then read the petition, which stated that "Early in the present Session a petition was presented to Parliament, entitled," &c.

He (Mr. Stanley) had made inquiry, and found that no such petition had been presented to that House, although such a one had been presented to the House of Lords. He held it therefore to be a breach of privilege to allude to a petition which had not been presented. He also complained that a petition, which alluded to him by name, had been presented without his receiving any notice of it.

*Lord J. Russell* could not see in what way a breach of privilege had been committed, and requested the opinion of the Speaker.

*Mr. Speaker.*—I have no hesitation in stating that I do not understand the petition in any way to involve a breach of privilege. The words referred to by the Ho-

nourable Gentleman can only be taken as part of a petition that has been presented to this House. The petition certainly reflects upon the conduct of persons employed by the government and of Members of this House; but it refers to them in their private capacity, and not to their conduct as Members of this House. If any breach of privilege has been committed, it has been a breach of the privileges of the House of Lords.

Subject at an end.

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*Wednesday, September 8th, 1841.—(3 Hansard, lix. 507.)*

A Member who makes a complaint of a Newspaper Article must conclude with a Motion. The proper course is to move, that the Article referred to be read by the Clerk at the Table; then, that it is a Breach of Privilege; and then, that the Printer be called to the Bar.

*Mr. Roebuck* called the attention of the House to an article in the Times reflecting on his character, which he deemed to be a breach of the privileges of the House.

During his speech he was interrupted by

*Sir R. Inglis*, who asked, does the Honourable Member intend to conclude with any motion?

*Mr. Roebuck*.—I shall not make any motion.

*Mr. Speaker*.—It is irregular for any Honourable Member to complain of a newspaper article, unless he intends to follow it up with a motion. The more regular course is, for the Honourable Member to move that it be read by the clerk, and that it is a breach of privilege, and then to move, that the printer be called to the bar.

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*Thursday, September 30th, 1841.—(3 Hansard, lix. 1025.)*

A Motion for a Report of a Commissioner sent to inquire into alleged cases of Destitution and Death, *referred to in the Debates in Parliament* during the present Session, cannot be granted on account of its invading the Privileges of the House.

*Dr. Bowring* moved for copies of correspondence between the Home Office and the poor law commissioners on the subject of distress in Bolton, with the report of the assistant commissioner, sent by her Majesty's government to inquire into alleged cases of destitution and death referred to in the debates in Parliament during the present session.

*Mr. Speaker.*—The granting of the latter portion of the motion will be a breach of the privileges of the House.

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*Wednesday, February 10th, 1842.—(3 Hansard, lx. 531.)*

Whether Petitions in Breach of the Privileges of the House may be referred to the General Committee of Elections.

The General Committee of Elections was sworn at the table.

*Mr. Speaker* read over the list of election petitions to be referred to the committee. On the Right Honourable Gentleman coming to the Belfast petition,

*Mr. Thesiger*, in pursuance of a motion he had given on the subject, rose to call the attention of the House to a subject respecting the right of a Peer to interfere with the return of a Member to that House. (The Petition was then read; also the sessional order relating to Peers not interfering with elections.) It appeared that the petitioner (Lord Belfast) had been the unsuccessful candidate at the late election at Belfast. Since that time,

and before any election petition had been presented, he had been called to the House of Peers by the title of Baron Ennishowen; and the Honourable Gentleman had little doubt that, now the Noble Lord had become a Peer of Parliament, he could not present a petition against the return of a Member. He moved that the petition of Lord Ennishowen should not be referred to the General Committee of Elections.

*Mr. Rigby Wason* thought that this was peculiarly a case for the determination of the general committee. If the House were to take up questions of that kind, its time would be too much occupied to attend to other business.

A discussion then took place, at the conclusion of which

*An Honourable Member* wished to put it to the Speaker, whether the point at issue might not be decided by the committee?

*Mr. Speaker.*—The question for the House to decide is, whether the petition of Lord Ennishowen and Carrickfergus is such a breach of the privileges of the House as to prevent its being received. I apprehend this, being a question of privilege, must be decided by the House before the petition can be referred to a committee.

Debate adjourned.

And the House on Friday, the 18th of February, decided, that, by the terms of the Act 4 & 5 Vict. c. 58, it was obliged to refer the petition to the election committee.

Motion withdrawn.

As to Peers being concerned in Elections, see Rules and Orders, 417.

*Friday, May 6th, 1842.—(3 Hansard, lxiii. 215.)*

If it be desired to show that any Member of the House has committed a Breach of Privilege, the proper course is first to move that he attend in his place, and then, that the matter be referred to a Committee of Privileges.

On the order of the day being moved for Committee on the Income Tax Bill,

*Mr. Roebuck* moved for a committee to inquire whether certain parties, connected with the trial of election petitions presented to this House, were not guilty of a gross breach of its privileges.

*Mr. Speaker.*—If the Honourable Member desires to show that any Members of this House have committed any breach of privilege, the proper course for him to take is to move that those Honourable Members do attend in their places; that being agreed to, and the Honourable Gentlemen accused being present, then, if it appear that they have been guilty of conduct which amounts to a breach of privilege, he ought to move that the matter be referred to a Committee of Privileges; but if he merely intends to move for a Select Committee to inquire whether or not “a gross breach of privilege” has been committed by some Members of this House, I do not think that that is such a motion as the Honourable Member is entitled to bring forward as a matter of privilege.

*Mr. Roebuck.*—I am prepared now to state the accusations which I mean to prefer; they amount to a gross breach of privilege; on those statements, so made, I think I am justified in moving for a Committee of Inquiry.

*Mr. Speaker.*—Certainly, if the Honourable and Learned Member states the case he proposes to bring before the House, I consider that he would be in order.

But at present the House is in this position :—A motion has been made, that the order of the day for the Committee on the Property Tax Bill be now read, and it will not be competent to the Honourable and Learned Member to make his motion, unless that motion be first withdrawn.

(Motion for order of the day withdrawn.)

*Mr. Roebuck* then moved, "That a Select Committee be appointed to inquire whether certain charges made of corrupt proceedings on the trial of certain election petitions, before Election Committees lately appointed to try the same, and which proceedings are charged as a gross breach of the privileges of this House, be true."

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*Monday, March 25th, 1844.*—(3 *Hansard*, lxxiii. 1525.)

Before making a Complaint against any functionary for omitting to furnish Returns, as a Breach of Privilege, the proper course is, to move that the Returns be furnished forthwith.

*Mr. French* complained that certain returns, regarding the operation of the poor laws in Ireland, for which he had formerly moved, had not been made by the poor law commissioner. He observed that he might have claimed precedence on the question, on the ground that it related to a breach of privilege.

*Mr. Speaker.*—The usual practice before making such a complaint is to move that the returns be furnished forthwith, and if that be not done, then to proceed as the Honourable Member suggests.

Order of the day read for the Committee on the Mutiny Bill.

*Mr. French* then stated facts relative to the conduct of



the poor law commissioners and the delay of the returns in question, and concluded by requesting Sir J. Graham to furnish the returns forthwith.

*Sir James Graham* said, that the orders referred to by the Honourable Member, of an antecedent Session, were dropped orders, and it would be necessary for the Honourable Gentleman to renew them; that the Irish Members had better move for a Committee of inquiry into the operation of the poor law in Ireland; and as to the other returns, he assured the Honourable Member that no unnecessary delay should take place in producing them.

*Mr. Speaker.*—I did not interrupt the Honourable Member for Roscommon in his statement, because I presumed that he would conclude by moving some amendment to the question before the House. Now, however, that the Honourable Member has sat down, without proposing any amendment, I would suggest to him that he cannot enter upon the subject of the Irish poor law when the House is discussing the Mutiny Bill.

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*Monday, July 7th, 1845.—(3 Hansard, lxxxii. 99.)*

A Party who has committed a Breach of the Privileges of the House may be discharged on appearing at the Bar and making a Submission, without presenting a Petition.

David Phillips having brought an action by Charles Edwards, his attorney, against Jasper Parrott, partly for a statement made by J. P. before a committee of the House,

*Mr. Divett* moved, that Charles Edwards, &c. be brought to the bar to-morrow.

*Mr. Borthwick* said, that he was authorized to say, on behalf of the parties, that if they had committed any breach of the privileges of the House, they were sorry for having done so.

*Mr. Greene* wished to ask the Speaker a question. He apprehended, that a party standing at the bar, and there stating, in the presence of the House, that he regretted the course he had taken, and praying the indulgence of the House, would adopt a course sufficient to maintain the privileges of the House, without being called upon to petition.

*Sir J. Graham* reminded the Speaker, that, on the first appearance of Howard at the bar of the House, submission was made verbally, and not by petition.

*Mr. Speaker.*—If the parties appear and submit themselves at the bar of the House, that, I apprehend, will be sufficient.

[The parties subsequently presented a petition, and were discharged.]

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*Friday, May 11th, 1846.*—(3 *Hansard*, lxxxvi. 328.)

When a Petition complaining of a Breach of Privilege is presented, the regular course is to move that the Petition be printed, and to give Notice of calling the attention of the House to the Subject.

Bridport Election.

*Mr. Bankes*, on presenting a petition from a voter of Bridport, stated that it contained a question of privilege, and was entering into some particulars.

*Mr. Speaker.*—If the Honourable Member is stating the substance of the petition, he is in order; but if he is reading the petition, and addressing the House on a

question of privilege, he is not in order, for his purpose is to object to the decision of an Election Committee, which the House has decided shall be conclusive.

*Mr. Bankes* read the substance of the petition, stating the petitioner had tendered his vote and voted at the last election for Mr. Cochrane, but that his vote had been transferred by the committee to Mr. Romilly, and praying to be heard at the bar. He (Mr. Bankes) found a difficulty in promoting the petitioner's wishes, otherwise than by bringing the case under the notice of the House as a question of privilege, and on that ground moving that the petitioner be heard at the bar.

*Mr. Speaker.*—The regular course is for the Honourable Member to move that the petition be printed, and to give notice that he will call the attention of the House to it.

See ante, pp. 281, 285.

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*Tuesday, June 17th, 1851.*—(3 *Hansard*, cxvii. 885.)

It is a Breach of the Privileges of the House to affix a Person's Signature to a Petition without his authority.

#### Aylesbury Election.

*The Attorney-General* moved, that the report of the Select Committee on the petition of Thomas Hugh Bradford and John Strutt be brought up. He said there could not be the slightest doubt that it was a breach of the privileges of the House, inasmuch as by resolutions of the House, in 1689 and 1774, persons were forbidden to sign the names of others to petitions.

Report agreed to. It reported that J. Strutt and C. Cunningham did unwarrantably affix the name of Charles Bradford to a petition against the return of R. Bethell.

J. Strutt and Charles Cunningham were then brought to the bar, reprimanded by the Speaker, and discharged.

See Rules and Orders, 315, 316.

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*Wednesday, July 16th, 1851.*—(3 *Hansard*, cxviii. 835.)

A Petition, complaining of undue influence at an Election, may be brought forward as a matter of Privilege. If Signatures are stated to be attached to a Petition, as "by authority," such Names are considered Null and Void; but this does not render other Signatures attached to the same Petition invalid, and such Petition may be received by the House.

Harwich Election.

*Mr. Bankes* said that, some weeks ago, he had presented a petition to the House, signed by several electors of the Borough of Harwich, complaining of government interference at the last election for that borough. He had intended then to have moved for a select committee to inquire into the allegations contained in that petition, but he was informed that that would not have been a convenient opportunity for doing so, as an election committee was at that time trying a petition complaining of an undue return for Harwich. He had then deferred to the general opinion of the House, and postponed the motion he wished to introduce on the subject; and as the election committee had since concluded its labours, and declared that the last election was void, he was now anxious to proceed with his motion. He, therefore, wished to know from the Speaker whether he could do so at once, by bringing forward the question as one of privilege, or whether he must give notice of a motion on the subject?

*Mr. Speaker.*—If the electors complain of undue in-

fluence at the election, the Honourable Gentleman can bring the matter forward at once as a question of privilege.

*Lord John Russell* said, he wished to call the attention of Mr. Speaker to the fact that some of the signatures to the petition were stated to have been subscribed "by authority." He, therefore, submitted to Mr. Speaker whether these could be received as the legal signatures of the parties?

*Mr. Speaker.*—These names must be considered as if they had never been attached to the petition at all. Those signatures only are valid which the parties have attached in their own handwriting.

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*Thursday, February 24th, 1853.*—(3 Hansard, cxxiv. 550.)

The withdrawal of an Election Petition, without authority, by a Party acting as the Agent of a Petitioner, is not a Breach of the Privileges of the House.

The Norwich Election Petition.

*Mr. T. Duncombe* said that, before proceeding to call the attention of the House to the subject of which he had given notice, he had a petition to present from Col. Dickson, a candidate for the representation of Norwich. He would move that it be read by the clerk.

[The petition of Col. Dickson was then read. It complained of the injustice which the petitioner had suffered by the unauthorized withdrawal of the petition by Mr. Henry Brown, the Parliamentary Agent, and concluded with a prayer to be heard at the bar of the House.]

*Mr. T. Duncombe* said, he now rose to call the attention of the House to a breach of its privileges by the

unauthorized withdrawal of the petition presented against the return of the sitting Members for the City of Norwich. \*If the House agreed to the motion with which he would conclude, and called Col. Dickson, the petitioner, and certain other parties to the bar, it would appear, he believed, that a breach of privilege and a contempt of the House had been committed.

*Mr. Wilson Patten* rose to order. He wished to take Mr. Speaker's opinion whether this question really involved a breach of privilege?

*Mr. T. Duncombe* said, he also rose to order, because it was impossible to tell whether there had been a breach of privilege until he had made his statement. He undertook to prove, by witnesses at the bar of the House, that not only a breach of its privileges, but a gross fraud had been committed by a Parliamentary Agent, a person appointed by the House itself, and if he succeeded in proving that, if the House wished to retain one particle of public respect, the House must not only visit with its displeasure the guilty parties, but must grant redress to those who, in the most constitutional manner, by petition, had laid their grievance before the House, and claimed protection at its hands. He, therefore, appealed to the Chair to know whether he was to be allowed to proceed with his statement?

*Mr. Speaker.*—I must say, on the point of order, that if the petition of the parties, which has been read by the clerk at the table, contains all the facts of the case, a breach of the privileges of the House is not involved in its allegations, although, no doubt, it alleges that the agent has acted most improperly in withdrawing the original petition. If, however, the Honourable Member for Finsbury has any further facts to adduce, of course I

cannot say whether they may not involve a breach of the privileges of the House.

*Mr. T. Duncombe.*—The petition did not contain all he meant to bring before the House. The House was aware that the Act of Parliament allowed election petitions to be withdrawn, provided notice was given under the hand and signature either of the petitioners themselves or their agent. Now, he found by the votes that, on the 14th inst., Mr. Speaker announced to the House that he had received notice from Messrs. Thompson, Debenham & Co. that the petition against the return for the City of Norwich was not intended to be proceeded with, and consequently the order was discharged. Now, he (Mr. Duncombe) asserted that Mr. Brown was no agent at all; and was it to be permitted that any person could write to the Speaker of the House of Commons and say that a petition was to be withdrawn, without the knowledge or consent of the petitioners, and then go and boast that he had done a good turn for the Members of West Norfolk, by the withdrawal of the election petition for the City of Norwich, and that they had thrown over Dickson? If this had been done, had no fraud been committed; had no contempt and breach of the privileges of the House been perpetrated, and ought no redress to be granted to the petitioner? He, therefore, wished to have Col. Dickson and Mr. Brown examined by the House on the subject, and he would now move, as a first step, that Col. Dickson be called to the Bar.

*Mr. Hume* suggested to postpone the consideration of the subject till to-morrow; and that the Honourable Member for Finsbury should move that the petition be printed with the votes, in order that the House might learn the facts of the case.

*Mr. Wilson Patten* said, the case was clearly not a breach of privilege.

*Mr. Speaker.*—I think it would be establishing a very inconvenient precedent if a motion of this kind were to be brought on as a question of privilege, merely because an Honourable Member thinks it a question of privilege. From the petition, as it has been read, it appears to me that Col. Dickson complains that the party who acted as his agent has withdrawn, without his knowledge or consent, his petition against an undue return for the City of Norwich. It frequently occurs that petitions are withdrawn by the parties and their agents, and of course the party is bound by the act of his agent; and although it may be a very proper subject of inquiry whether the agent has acted without authority, still I do not think that any privilege of the House has been interfered with in the matter.

*Mr. T. Duncombe* withdrew his motion, and moved that the petition be printed with the votes.

Agreed to.

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*Monday, June 25th, 1855.*—(3 *Hansard*, cxxxix. 74.)

Anything affecting a Seat in the House is a Question of Privilege.

Upon a discussion commenced by

*Mr. T. Duncombe*, asking the Attorney-General, if he thought Baron Rothschild's seat was affected by his having entered into a contract with the Lords Commissioners of her Majesty's Treasury for a loan of 16,000,000*l.*?

*Mr. Malins* remarked, that, during a discussion on Administrative Reform, the First Lord of the Admiralty



(Sir Charles Wood) had charged another Member of that House (Mr. Lindsay) with being interested in government contracts, and wished to know if Sir Charles Wood had any reason for making that statement.

*Sir Charles Wood* explained the statement he had before made, and after a remark from Mr. T. Duncombe,

*Mr. Malins* said, he would ask the Right Honourable Gentleman in the chair, whether the subject was a question of privilege? If it were so, he should give notice to the Honourable Member for Tynemouth (Mr. Lindsay) of his intention to bring it before the House.

*Mr. Speaker.*—Anything affecting the seat of a Member of this House is a question of privilege.

*Mr. Malins* said, he would bring forward the motion the next day.

## QUESTIONS.

*Tuesday, July 7th, 1840.*—(3 *Hansard*, lv. 553.)

Questions which are substantially the same cannot be twice entertained in the same Session.

*Mr. Easthope* addressed the House, and concluded by moving, "That leave be given to bring in a bill to relieve Dissenters from the Established Church of England from the payment of church rates."

*Mr. Gillon* seconded the motion.

*Mr. Speaker.*—Before I put the question, I feel it my duty to call the attention of the House to what seems to me to be an objection in point of form. On the 12th of February last, in the present Session of Parliament, a motion was made, and the question put upon it, for leave to bring in a bill to relieve from the payment of church

rates that portion of her Majesty's subjects who conscientiously dissent from the Established Church. That motion was negatived, and I have now put into my hands a motion for leave to bring in a bill to relieve dissenters from the Established Church from the payment of church rates. Now, it appears to me, that these two questions are substantially the same; and as the House is aware that, according to its rules, the same question cannot be twice entertained in the same Session, I apprehend that they will be of opinion that I cannot now put this question.

Motion dropped.

See Rules and Orders, 130.

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*Monday, February 7th, 1842.*—(3 *Hansard*, lx. 100.)

In asking Questions a Member must not make a Statement.

*Mr. S. Wortley* rose to ask a question relative to the revision of the Poor Law Amendment Act and the regulation of factory labour. His reasons for putting these questions at the present time was, that, with regard to the poor law, no reference was made to it in her Majesty's speech, and this omission—

*Mr. Speaker.*—The Honourable Gentleman must confine himself to the question he desires to put.

The Honourable Gentleman then asked both questions.

See Rules and Orders, 153; also *Hansard*, xcvi. 4; xcix. 1310; cxv. 513; cxl. 453.

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Wednesday, August 10th, 1842.—(3 Hansard, lxxv. 1228.)

It is irregular to put a Question in a form which may lead to a Discussion.

*Mr. R. Yorke* alluded to the recently tried case of *Browning v. Johnstone*, and asked, whether it was to be understood as a recognized principle that the Home Secretary shall be empowered, upon *ex parte* statements, to release prisoners from confinement, for a consideration in money, where a sentence of imprisonment has been pronounced by a judge presiding in a court of justice?

*Mr. Speaker*.—The question, as the Honourable Gentleman is putting it, may lead to a discussion, and is therefore irregular.

*Mr. R. Yorke* trusted then that he might be allowed to put the question in another form. He wished to know, whether the Home Secretary was empowered to recommend a commutation of the punishment of imprisonment for a consideration in money, especially when the evidence upon which that imprisonment had been ordered by the judge had not been in any material respect impugned?

*The Home Secretary* answered the question.

Tuesday, February 11th, 1845.—(3 Hansard, lxxvii. 245.)

No argument is allowed upon asking a Question.

Poor Law (Scotland).

*Lord Dalmeny* rose to put a question on this subject to the government, and was proceeding to remark upon the report of a committee laid on the table last Session.

*Mr. Speaker*.—The Noble Lord is not at liberty to

enter into an argument on the subject, on his notice to ask a question.

See Rules and Orders, 153; also Hansard, xcvi. 10.

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*Wednesday, May 7th, 1845.*—(3 *Hansard*, lxxx. 234.)

A Member who has asked a Question, and has been answered, cannot add any Remarks upon it.

*Captain Polhill* put a question to Sir J. Graham.

*Sir J. Graham* having answered it at some length,

*Captain Polhill* thanked the Right Honourable Baronet for the explanation he had given. He was anxious to say a few words. ["Order."]

*Mr. Speaker* decided, that, as the question had been answered, the Honourable and Gallant Member could not further address the House upon it.

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*Monday, December 13th, 1847.*—(3 *Hansard*, xc. 969.)

A Question, the Answer to which involves an expression of opinion, cannot be put.

*Mr. J. O'Connell* had given notice of asking Lord Palmerston, whether, considering the decrees of the provisional governments of Fribourg and Lucerne, banishing the Jesuits, &c. &c., and of the enormous demands made upon the Cantons of the Sonderbund for the expenses of the war, &c., an urgent case had not arisen for the intervention of the Powers who, in 1815, guaranteed the cantonal independence of Switzerland?

*Mr. Speaker.*—As the question is one which involves the expression of an opinion, it is not competent for the Honourable Member to put it.

*Mr. J. O'Connell* moved, that the House do adjourn,

and asked the question in the course of his speech, and *Lord Palmerston* answered it.

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*Wednesday, March 22nd, 1848.—(3 Hansard, xcvi. 857.)*

When a Member asks a Question, he must confine his Observations to those which are absolutely necessary to make the Question intelligible.

*Mr. Poulett Scrope*, having given notice of his intention to put a question on the subject of ejection of tenants in Ireland, read part of a letter from a poor law inspector; after which he said he would read another extract from a letter of the poor law inspector of the Milford union. ["Order, order."] He only intended to read some extracts from the poor law papers issued yesterday.

*Mr. Speaker.*—I consider the Honourable Member is not in order. He has given notice of his intention to put a question, and in doing so he has no right to make a statement beyond what is absolutely necessary to explain the question. The Honourable Gentleman is not justified in going into circumstances which would give rise to discussion.

*Mr. Poulett Scrope* then began to read a statement of Major McKie, who had been requested by the poor law commissioners to make inquiries as to the ejections which had taken place; it was, he said, at page 466 of the Blue Book.

*Sir Arthur Brooke* rose to order.

*Mr. Speaker.*—I must declare that the Honourable Gentleman has exceeded the limits necessary for putting a question.

*crope* then simply put the question.

Rules and Orders, 153; Hansard, xviii. 4; xcix. 310; cxv. 513; cxl. 453, 1407, &c.

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*Monday, June 8th, 1848.*—(3 *Hansard*, xcix. 502.)

Member, on putting a Question, may be allowed to state the information he has received respecting it.

**The Chartist Disturbances.**

*L. G. Thompson* rose to put to the Right Honourable Baronet the Secretary of State for the Home Department the question of which he had given notice. He craved the indulgence of the House for one or two minutes while he stated distinctly his reasons for putting the question which he should presently put to the Right Honourable Gentleman, and explained the nature of that question.

*Minister.*—The Honourable Gentleman must confine himself to the question.

*L. G. Thompson* then put the question, but stated the information he had received, and

*Sir George Grey* made a statement in answer.

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*Monday, February 28th, 1853.*—(3 *Hansard*, cxxiv. 738, 739.)

There is no objection to reading an Extract from a Report as a Preface to a Question on the same Subject.

*Mr. John Manners*, in presenting a petition from the County of Devon, complaining of the evasion of the provisions of the Factory Act by certain master manufacturers, he would avail himself of that opportunity to put to the Noble Lord the Secretary of State for the Home Department the question of which he had given

notice. He regretted to see from the last half-yearly Report of the Factory Inspectors, that the evasion of the law in some parts of Lancashire and Yorkshire had lately been most systematic; and he regretted to add with perfect impunity. Mr. Horner in his report said &c., &c.

*Mr. Hume* rose to order, because, if this question the Noble Lord was to merge into a statement of the case, he should ask permission to be allowed to answer.

*Mr. Speaker*.—I understand the Noble Lord to be only reading an extract from a report.

*Lord John Manners* said, he was merely clearing the way so as to make the question intelligible.

The Noble Lord then proceeded to read the report.

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*Thursday, May 5th, 1853.*—(3 *Hansard*, cxxvi. 1160.)

When a Minister has answered a Question, of which Notice has been given, it is irregular for him, although questioned, to speak again on the same Subject.

*Mr. T. Duncombe*, in pursuance of notice, asked Lord Palmerston whether the Crown intended to proceed with the second information against William Hale, inventor and manufacturer of the patent war-rocket?

*Lord Palmerston* gave an answer at some length.

Other Members having addressed the House,

*Mr. Cobden* rose to put another question to Lord Palmerston.

*Mr. Speaker*.—The Noble Lord the Member for Tiverton has already spoken twice, and is not entitled to speak again on this question.

*Mr. Cobden*.—I suppose, Sir, you are the authority

without appeal, on all points of order; but if it be the rule of this House, that the Minister for the Home Department can only be allowed to answer one question on such an occasion, and on such a subject as we have been discussing, I think it would be well to consider whether it would not be well to relax it in order to promote the despatch of business.

The Honourable Member then addressed his question to another Member of the government (Lord John Russell), who answered it.

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*Tuesday, March 13th, 1855.—(3 Hansard, cxxxvii. 486.)*

In putting a Question, a Member cannot state an Opinion.

*Mr. Leslie* begged to put the following questions to the Under Secretary for War, that as medical men civilians were now being sent out by the government at fabulous salaries, he begged to ask—

*Mr. Speaker.*—The Honourable Gentleman in putting a question, must not state an opinion or such words as “fabulous” salaries.

*Mr. Leslie* then begged to ask whether it was the intention of government to raise the salaries of the army surgeons that are employed in the army in the East and Hospitals at Scutari?

See Rules and Orders, 153.

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*Tuesday, June 26th, 1855.—(3 Hansard, cx-xix. 160.)*

In reply to a Question, a Member is irregular in accompanying that Reply with a Statement or Argument.

*Mr. Massey* said, he wished to inquire if the Noble



Lord the Member for Middlesex intended to proceed with his Sunday Trading Bill.

*Lord Robert Grosvenor* said, he had no objection to answer the question, but he hoped the House would indulge him by allowing him to do so at some length. He supposed that the Honourable Gentleman had put the question in consequence of what had passed in Hyde Park on Sunday last (the Noble Lord was then proceeding to state reasons for pressing the bill).

*Mr. Roebuck* wished to know, whether an Honourable Member in replying to a question was allowed to make use of arguments which ought to be answered at the time they were used.

*Mr. Speaker.*—The Noble Lord is certainly not in order, but he appealed, in commencing his reply, to the indulgence of the House. An Honourable Member, however, having taken objection to the Noble Lord's proceeding, I shall suggest to the Noble Lord to postpone his observations till the bill comes before the House.

See Rules and Orders, 154.

*Monday, March 13th, 1843.*—(3 Hansard, lxvii. 751.)

- On the House going into a Committee of Ways and Means, a Member may ask a Question on another matter.

On the order of the day being read, for the House to resolve itself into a Committee of Ways and Means,

*Mr. Milner Gibson* said, he wished to put a question to Sir J. Graham with respect to certain proceedings which had taken place at the recent Chartist trials at Lancaster. He was stating different matters when,

*Mr. B. Escott* wished to know, whether the Honour-

able Member for Manchester was in order in thus introducing a question arising upon a trial which took place in a distant part of the country?

*Mr. Speaker.*—The Honourable Member for Manchester is in order, there being now a question before the House.

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### QUESTIONS TO PRIVATE MEMBERS.

*Wednesday, May 11th, 1842.*—(3 *Hansard*, lxiii. 424.)

#### Irregular Questions.

*Mr. T. Duncombe* said, that on his bringing under the consideration of the House the National Petition, Mr. Roebuck had stated to the House that the petition had been drawn up by a cowardly and malignant demagogue; and that he would name that individual were not the reptile beneath his contempt. Now he wished to ask the Honourable and Learned Gentleman, whether he had ascertained the real authors of that petition, and if he had, whether he intended those terms to apply to those individuals?

*Mr. Speaker.*—I think the question most irregular.

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*Friday, May 13th, 1842.*—(3 *Hansard*, lxiii. 491.)

The strict Practice formerly was, that Questions put by one Private Member to another should be confined to the Orders of the Day, but that Rule has of late been relaxed.

*An Honourable Member* said, as one of the Members lately returned to the House, he wished to ask the Speaker whether the system of putting questions to Honourable

Members not connected with the government was strictly in order ?

*Mr. Speaker.*—The strict practice of the House formerly was, that questions should be confined to the orders of the day. The rule with regard to answering questions of late has been considerably relaxed, and questions are now put to the Members of the government with respect to the general policy of the government, and to Honourable Members with respect to particular measures with which they are connected. Further than that, I never knew the rule to be relaxed until the Honourable Member for Bath lately put certain questions to Honourable Members.\*

See Rules and Orders, 152.

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*Monday, July 22nd, 1844.*—(3 *Hansard*, lxxvi. 1177.)

A Member, not holding an Official Position in the Government, is not called upon to answer any Question involving the expression of Opinion.

Captain Warner's Invention.

*Captain Plumridge* asked Lord Ingestre if he had any objection to state what his opinion, as a naval officer, was with respect to the recent experiment tried by Captain Warner off the coast at Brighton ?

*Mr. Speaker* interposed, and reminded the Honourable and Gallant Member, that the Noble Lord, not holding any official position in her Majesty's government, was not called upon to answer any question of the nature put to him, unless it pleased him to do so.

*Lord Ingestre* then gave an answer to the question.

\* See *Hansard*, May 6th, 1842, and post, 318.

Thursday, February 22nd, 1849.—(3 Hansard, cii. 1098.)

It is against the Rules of the House to put Questions to Individual Members on Matters not connected with the Business of the House.

*Mr. Baillie Cochrane* rose to put a question to the Honourable Member for Tewkesbury, the Honourable Member for the Tower Hamlets, the Honourable Member for Bodmin, the Honourable Member for Macclesfield, and the Honourable Member for Southampton, respecting the international English and French association, whose proceedings involve the dignity and character of the House of Commons.

*Mr. Speaker.*—The Honourable Member cannot be permitted to put such a question to any Honourable Member.

*Mr. Baillie Cochrane* then said, he would put the question to the only Member of the government present, the Under-Secretary for the Home Department; promising that a prospectus had been issued, headed, &c., and having attached to it, the names of the five Honourable Members he had mentioned. (The Honourable Member here read extracts from the prospectus.) He asked the Honourable Under-Secretary, as it purported to be “registered under Act of Parliament,” whether he was aware if this was the case, or whether, as might be reasonably supposed, the whole affair was a hoax?

*Mr. Cornwall Lewis* answered the question.

*Mr. Brown.*—As I am one of the Members—(Cries of “Order.”)

*Mr. Wyld* said, in order to have an opportunity of explaining the matter, I will move the adjournment of the House.

*Mr. Brown* seconded the motion.

*Mr. Speaker.*—If the Honourable Member move the adjournment of the House, he ought to show good cause why the House should adjourn.

*Mr. Wylde* trusted, that, under the circumstances, the House would excuse him for a moment.

*Mr. Speaker.*—The Honourable Member must remark that I would not allow the Honourable Member for Bridport (Mr. B. Cochrane) to put his question to individual Members. I could not prevent him putting his question to a Minister; but it is against the rules of Parliament to put questions to individual Members not connected with the business of this House.

See Hansard, cxxviii. 1346; and Rules and Orders, 152.

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*Thursday April 18th, 1850.*—(3 *Hansard*, cx. 406.)

*Friday, April 19th, 1850.*—(3 *Hansard*, cx. 553.)

One Member ought not to question another upon a Matter which is not within the Cognizance of the House.

The National Land Company.

*Sir B. Hall* asked Mr. F. O'Connor whether he now intended to introduce a bill for the purpose of winding up the affairs of the National Land Company, and if so, whether in the shape of a public or a private bill?

*Mr. F. O'Connor* said, he had made an appointment for a consultation to-morrow with Mr. Walmsley, of Parliament Street, upon the best mode of accomplishing the object. But he (Mr. O'Connor) had also a question to put to the Honourable Baronet, whether it was true that the Honourable Baronet had once been the trustee of funds belonging to some poor persons of his neighbourhood?

*Mr. Speaker* called the Honourable and Learned Member to order.

*Sir B. Hall* begged to say one word on what had fallen from the Honourable and Learned Member for Nottingham—

*Mr. Speaker.*—The Honourable Member had better take some other opportunity. The first order of the day relates to the Larceny Summary Jurisdiction Bill, and the question before the House is, that I do now leave the chair. The Honourable Member must, therefore, speak to that point.

*Sir B. Hall* said he should have an opportunity of advertising to the subject to-morrow, on the motion for the adjournment of the House.

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*Sir B. Hall* rose, pursuant to the notice he had given on the preceding evening, to call upon the Honourable and Learned Member for Nottingham for an explanation of the allusion he had then made to him (*Sir B. Hall*).

*Mr. F. O'Connor* rose, but,

*Mr. Speaker* said, I thought it right to interfere on the last occasion, when I heard that the question about to be asked by the Honourable and Learned Member related to a private and not a public matter, and that being so, it is not within the cognizance of the House.

*Mr. F. O'Connor* said, the only explanation he could give was, that what he had said had arisen from a letter he had received, and which he now had with him. It appeared that the Honourable Baronet was allowed to put questions to him (*Mr. O'Connor*), but that he was not permitted to ask any in return. However, he bowed to the decision of the chair.

*Mr. Speaker.*—I am not aware that the Honourable Baronet has put any questions to the Honourable and Learned Member which are not strictly in accordance with the rules of the House. The question which the Honourable Baronet has asked relates to the decision of a committee in regard to a bill to be brought before the House: while the question put by the Honourable and Learned Member does not relate to a matter in the cognizance of the House.

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## RELIGION.

*Monday, May 12th, 1851.*—(3 *Hansard*, cxvi. 863, 873.)

The Ecclesiastical Titles Assumption Bill, 1851, is not such a Bill relating to Religion or the alteration of the Laws concerning Religion, as is required to be considered previously in a Committee of the whole House.

**ECCLESIASTICAL Titles Assumption Bill.**

Order read for resuming adjourned debate on the question, "That Mr. Speaker do now leave the chair."

*Mr. Moore* said, that the bill had been first introduced into the House without the preliminary form of a committee under the sanction of Mr. Speaker. This had been owing to an unintentional misrepresentation of the scope and purport of the bill; by which Mr. Speaker was induced to suppose that the form of a committee was not necessary. Assuming that these data were correct, and the facts well founded, he (Mr. Moore) entirely concurred in the Speaker's decision: but he was prepared to prove that these data were entirely incorrect, and the facts without the slightest foundation. According to the Standing Order of that House, it was provided, that

“No bill relating to religion, or the alteration of the laws concerning religion, be brought into this House, until the proposition shall have been considered in a committee of the whole House, and agreed unto by the whole House.” The Honourable Member then quoted several opinions, showing that this was a bill interfering with the religious acts of the Roman Catholic Church, and the legal status of its priests, and moved, that the Standing Order, which requires that bills concerning religion, should be first considered in a committee of the whole House be read, and the order for the committee upon the Ecclesiastical Titles Bill be discharged.

*Sir George Grey* and *Mr. Roebuck* having addressed the House.

*Mr. Speaker.*—I have been appealed to by the Honourable Member for Mayo, by the Right Honourable Gentleman the Secretary of State for the Home Department, and by the Honourable and Learned Gentleman the Member for Sheffield, to state my opinion in reference to this matter; and the House will, I trust, allow me to express it as briefly as I can, and to quote one or two precedents which appear to me to bear upon the point. There is no authorized definition by the House of the meaning of the term “Bills relating to religion” used in the Standing Order; but so far as I have been able to collect from the interpretations that have been given to that term in the House, and the course that has been followed on various bills relating, in different degrees, to religion, I incline to think that it is not necessary for any bill to go before a committee of the whole House, unless that bill relates to the spiritualities of religion. The Church Temporalities Bill, which the Honourable and Learned Gentleman (*Mr. Roebuck*) has



quoted just now, was introduced, as he has stated, without a committee of the whole House, and went through a few stages, and then an objection was raised by an Honourable Gentleman, not now a Member of this House (the late Mr. Charles Wynn), on the ground that it related to religion, and also that it was a measure in the nature of a tax-bill. That bill was referred to a committee, to search for precedents bearing upon it, and the committee reported, that the bill, being in the nature of a tax-bill, should have been commenced in a committee of the whole House. It was thus shown that the bill was not considered to have reference to religion, and was not within the meaning of the Standing Order; and the House went into a committee of the whole House upon it, as they would on an ordinary bill relating to taxation, and the Standing Order relating to religion was not referred to. That bill went through all the ordinary forms that an ordinary tax-bill goes through, without any reference to the question of religion; therefore, so far as the Church Temporalities Bill may be taken as a precedent, the interpretation I have given of the Standing Order is proved to be correct. Then came the bill which was founded upon a report of the Ecclesiastical Commission. That bill was not introduced in a committee of the whole House; it was supposed to refer to ecclesiastical matters, and not to spiritualities, and, therefore, did not come under the Standing Order. Then there was the precedent alluded to with regard to the bill legalizing Roman Catholic marriages. That was introduced without going before a committee of the whole House. Under these circumstances I considered that the bill now before the House is not one which it was necessary to introduce in a committee of the whole

House. I was consulted by the Right Honourable Gentleman (Sir George Grey) before the bill was introduced, without then knowing the tenor of the different provisions which are now in the bill; but having since carefully considered all those provisions, especially the second clause, and the clauses pointed out by the Honourable Member for Mayo (Mr. Moore), I adhere to the opinion, formerly expressed, that the bill is not of that nature which requires it to be introduced in a committee of the whole House.

*Mr. Reynolds* said, he understood the Right Honourable Member for Manchester to suggest the appointment of a select committee.

*Mr. Speaker.*—The question before the House is, that I do now leave the chair. If the House is of opinion that a select committee should be appointed, they must negative the motion that I now leave the chair.

See Rules and Orders, 344.

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Wednesday, April 21st, 1852.—(3 Hansard, cxx. 962.)

*Semble*, a Clause in a Bill which alters the Act of Uniformity requires the sanction of a Preliminary Committee of the whole House.

Building of Churches, &c. Bill.

*Mr. Frewen* moved the second reading of this bill, and, in explaining its provisions, said, that the second clause provided for the erection of private chapels.

*Mr. Speaker.*—I beg to call the attention of the Honourable Member to the fact, that the second clause of the bill, relating to private chapels, is not within the title of the bill.

*Mr. Frewen.*—It appears to me that a clause of a

similar nature has been introduced into the 1st and 2nd Victoria.

*Mr. Speaker.*—The Honourable Gentleman may on the report, or on the third reading, bring up such a clause, and it may then be inserted; but the Honourable Member cannot introduce a bill containing such a clause as that to which I have called his attention.

*Mr. Gladstone.*—Sir, you will see that the fourth clause is also beyond the title of the bill. It is a clause with respect to non-residence. With regard to the second clause, the Honourable Member should have moved for a preliminary committee. It is a clause relating to religion, altering the Act of Uniformity, and requires a preliminary committee by the rules of this House.

*Mr. Speaker.*—Certainly the fourth clause of the bill is also beyond its title.

See Rules and Orders, 344.



## REPLY.

*Friday, May 4th, 1855.*—(3 *Hansard*, cxxxviii. 173.)

The Mover of the Second Reading of a Bill is not entitled to reply when no Amendments have been moved to the Question for the Second Reading.

DURING the debate on the second reading of "The Tenants' Improvements Compensations (Ireland) Bill,"

*Serjeant Shee*, who had moved the second reading, was proceeding to reply, when

*Mr. Speaker* said, the Honourable and Learned Gentleman has no right to reply, no amendments having been moved to the question for the second reading.

See Rules and Orders, 158.

*Monday, July 30th, 1855.—(3 Hansard, cxxxix. 1531.)*

When a Member makes a Motion on going into Supply, he is not entitled to a Reply.

On going into Committee of Supply,

*Admiral Walcot* moved for a copy of a minute by the Board of Admiralty relating to the claims of certain officers to be recommended to the gracious consideration of her Majesty for the Honour of the Bath.

*The First Lord of the Admiralty* having answered *Admiral Walcot*, the latter was proceeding to reply, when

*Mr. Speaker* said, the Honourable and Gallant Admiral is not entitled to reply.

*Thursday, March 5th, 1857.—(3 Hansard, cxliv. 1906.)*

A Member moving that this House do now adjourn, for the purpose of making a Statement on an extraneous Subject, has a right of Reply.

The House having, on the preceding Tuesday, given a vote on the War in China hostile to the government, *Lord Palmerston* rose to announce the course the government intended to take, and to explain their financial plans consequent upon the dissolution of Parliament, and concluded his remarks with a motion, "That this House do now adjourn."

A debate took place, in the course of which *Mr. Sidney Herbert* said, I wish to know, therefore, whether the government, during the long period which must elapse before Parliament can be re-assembled, are about to continue the war for the same objects as that for which it was begun—the introduction into Canton of Sir John

Bowring? and is the conduct of affairs, whether for peace or for war, to be left in the hands of the man who, in the opinion of the House of Commons, has by his want of judgment and capacity brought about a state of things so detrimental to British interests and British honour? I hope some member of the government will answer that question. I should prefer that it should be the Noble Lord himself; and, in order to give him the opportunity, I will move, "That this debate be now adjourned."

*Mr. Speaker.*—That would be out of order, but the Noble Lord has the right of reply.

See Rules and Orders, 158.

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## RESOLUTION.

*Tuesday, April 12th, 1842.*—(3 *Hansard*, lxii. 303.)

A Resolution differs from a Standing Order in being only binding throughout the Session of Parliament in which it is passed, whereas a Standing Order is binding on all future Parliaments until repealed or altered.

*Lord John Russell* said, it might be for the advantage of the House, that the Speaker should state the difference between a resolution of the House and a Standing Order to the same effect.

*Mr. Speaker.*—The distinction between a resolution and a Standing Order is this—that the resolution is binding only throughout the then present Session of Parliament in which it is passed, and therefore, during the present Session it cannot be questioned, though it may be during any other Session of Parliament; but a Standing Order is held to be binding upon all future Parliaments until it is repealed or altered.

*Tuesday, April 12th, 1842.—(3 Hansard, lxii. 312.)*

When a Resolution is proposed which would in effect alter a Standing Order, that Order must be rescinded before the Resolution is moved.

*Mr. Wason* moved the following resolutions:—

1. "That parties attending any committee of this House, and having liberty to appear by counsel, do at the first sitting of the committee deliver to the chairman the names of the counsel retained, which shall be inserted in the minutes of the committee.

2. "That upon no account shall any counsel appear before two committees on the same day, unless one of them shall have previously closed its proceedings."

The Standing Order of the House, relating to the hearing of counsel in committees, was read by the clerk at the table, after which

*Sir J. Graham* asked the Speaker, whether it was competent for the Honourable Member to proceed with his two resolutions before the Standing Order which had just been read was formally rescinded?

*Mr. Speaker.*—I think it is necessary first to rescind the resolution of the House, before the motion can be put from the chair.

*Mr. Wason* said, that it was not his object to interfere with the present Standing Order. He wished only to make an addition to it.

*Mr. Speaker.*—I had understood the Honourable Member to state that it was his object to confine one counsel to one election committee.

*Mr. Wason.*—That is not the purport of my resolution. I have been misunderstood.

Motion withdrawn.

See also *Hansard*, lx. 1010.

*Friday, March 20th, 1846.—(3 Hansard, lxxxiv. 1236.)*

If a Member wishes to oppose a Resolution, his proper course is simply to negative it.

The order of the day for resuming the adjourned debate on the question, that the House do agree with the committee on the resolution respecting timber, be read.

*The Marquis of Worcester* addressed the House, and moved, "that the words of the present resolution be omitted."

*Mr. Speaker.*—The question before the House is, whether the House will agree to the proposed resolution. If the Noble Lord intends to oppose the resolution, his proper course will be, simply to negative the resolution.

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*Tuesday, May 6th, 1851.—(3 Hansard, cxvi. 596.)*

If a Resolution is put in a different Form from that in which Notice has been given on the Paper, the House cannot entertain the Proposition.

*Mr. Grantley Berkeley* rose to move, that the House should resolve itself into a committee to consider the following resolution, "That, to alleviate a portion of the burthens from which the agricultural interest is at present suffering, through the payment of parochial poor rates, varying in many instances from 6s., 7s., 8s., 9s. to 13s. 10d. in the pound, there be levied an equalized poors-rate in England and Wales not exceeding 1s. 6d. in the pound, and subject to local government."

*Mr. Speaker.*—The Honourable Gentleman has put his resolution in a different form from that in which it appeared on the paper, and the House cannot at once proceed to entertain his proposition in a committee of the whole House.

*Mr. Grantley Berkeley* then proposed to go into committee on that day week.

See ante, p. 4.

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*Friday, May 25th, 1855.*—(3 *Hansard*, cxxxviii. 1307.)

It is not competent for the House to rescind a Resolution which it has come to on the same Night.

The House having agreed to adjourn for ten days, after a debate, not concluded, on the prosecution of the war,

*Mr. Roebuck* thought that the House must be conscious that they had acted injudiciously in consenting to adjourn for the holidays, and he appealed to the House to get itself out of the difficulty. Could the Speaker inform them whether it would not be competent to adjourn for a shorter period than ten days?

*Mr. Speaker* said, it is not competent for the House to rescind a resolution which it has come to on the same night.

Debate adjourned till Monday, the 10th of June.

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## RETURN.

*Wednesday, September 8th, 1841.*—(3 *Hansard*, lix. 503.)

Where a Member has been returned for Two Places, and a Petition is presented against one Return, he cannot make his Election for which he will sit.

*Mr. Speaker* informed the House, that he had received the following letter from Daniel O'Connell, Esq., returned for the counties of Cork and Meath, making his election for the county of Cork. (Letter read.) Where-



upon Mr. Speaker stated, that, since the date of Mr. O'Connell's letter, a petition complaining of his election and return for the county of Cork had been presented to the House, and the Honourable Member was consequently prevented from making his election.

Order (of 24th August) read.

Subject at an end.

See Rules and Orders, 414.

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## REVENUE.

*Monday, August 9th, 1839.*—(3 *Hansard*, l. 420.)

A Resolution, proposing that certain Expenses shall be incurred by the Treasury, cannot be moved without the Consent of the Crown.

*Sir F. Trench* moved, "That it is the opinion, &c., that the expenses of the Bude Light experiments made, &c., ought to be paid by the Treasury, &c."

*Mr. Speaker.*—The resolution of the Right Honourable Baronet is informal: the subject cannot be gone into without the consent of the Crown.

See ante, p. 4; and Rules and Orders, 396, &c.

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*Thursday, May 21st, 1840.*—(3 *Hansard*, liv. 487.)

The House will not proceed on any Motion to address the Crown for Money, or to incur Expense, except in Committee of the whole House.

*Sir R. H. Inglis* said he had received a communication which would oblige him to postpone the motion he had given notice of on the subject of Church Extension

—that communication was, that he must proceed by committee.

*Mr. Hume* inquired whether it were impossible that any question respecting religion could be entered into without previous notice.

*Mr. Speaker.*—The Standing Order of the House is, That this House shall not proceed on any motion for addressing the Crown for any money to be issued or expense incurred, unless in a committee of the whole House, which must be set up on a previous day.

See Rules and Orders, 399.

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*Thursday, August 4th, 1842.*—(3 *Hansard*, lxx. 1058.)

A Resolution, proposing that Expense shall be incurred, must be moved in Committee of the whole House.

*Lord Ashley* having moved, that an address be presented to her Majesty, praying that certain commissioners for inquiring into the employment of children in mines, &c. be directed to make further inquiry as to the number and ages of children, &c. employed as apprentices to miners, &c. &c.

*Viscount Palmerston* proposed to add to the motion the words, “that this House will make good the expense of such inquiry.”

*Mr. Speaker.*—The intervention of a committee of the whole House will, in that case, be necessary.

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*Friday, May 11th, 1849.*—(3 *Hansard*, cv. 363.)

A Motion for Compensation for Loss of Office cannot be made while the Speaker is in the Chair.

Attachments Courts of Record (Ireland) Bill.

Report considered.

*Mr. Grogan* rose to propose a clause, which would give compensation for the loss of their offices to *Mr. Butler*, the marshal of the Record Court, and three serjeants-at-mace, who had held their offices, the youngest for fourteen and the eldest for thirty-two years. They had all been duly, legally and regularly elected by the corporation of Dublin, and therefore they were entitled to compensation. In proof of this, he was proceeding to cite the analogous cases provided for in the County Courts Act.

*Mr. Speaker.*—The Honourable Gentleman should recollect that a motion for compensation cannot be made when the Speaker is in the chair.

*Mr. Grogan* then moved, that the bill be recommitted for the purpose of proposing his clause.

See Rules and Orders, 399.

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*Monday, July 4th, 1853.*—(3 *Hansard*, cxxviii. 1198—1200.)

A Bill, imposing a Charge on the Consolidated Fund, must originate in a Committee of the whole House.

Savings Banks Annuities Bill.

Order for third reading read:

Motion made, and question proposed, "That the bill be now read a third time."

*Mr. Cowan* said, that clause 10 gave power to the Commissioners for the Reduction of the National Debt to contract with any such person or persons as those named in other parts of the bill for the payment of a sum of money at his or her death—the bill proposed to make a charge on the Consolidated Fund. He moved, that it be read a third time this day three months.

*Mr. J. Wilson* said, the only object of the bill was to

confer on the Commissioners for the Reduction of the National Debt power to convert deposits in Savings Banks into annuities.

*Mr. Cowan* said, the explanation of the Honourable Gentleman had not removed his objection to the bill, and requested the Speaker's opinion.

*Mr. Speaker.*—Undoubtedly, if the bill imposes a charge on the Consolidated Fund, it ought to have originated in a committee of the whole House.

*Mr. Cowan* would beg to call the attention of the Speaker to the 12th clause.

*Mr. Speaker*, having looked at the clause, said he apprehended the bill did not impose any additional charge upon the Consolidated Fund beyond that which the law already sanctioned.

See Rules and Orders, 398.

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Wednesday, February 21st, 1855.—(3 *Hansard*, cxxxvi. 1728.)

No Charge on the Revenue can be voted except in Committee of the whole House.

*Col. North* brought under consideration the regulations of the Royal Military College at Sandhurst respecting the admission of the orphan sons of military and naval officers, and moved certain resolutions, proposing that a larger number of cadets should be educated at the expense of the country in that establishment than were then so educated.

*Col. Knox* seconded the motion.

*Mr. Speaker.*—There is an irregularity in the resolutions, which must prevent my putting them to the House. No charge on the revenue can be voted except in com-

mittee of the whole House, and therefore I am precluded from putting the resolutions.

*Col. North* said, that, under these circumstances, he would withdraw the resolutions.

Motion, by leave, withdrawn.

See Rules and Orders, 398.

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*Monday, June 9th, 1856.*—(3 *Hansard*, cxlii. 1215.)

When a Bill provides Compensation for certain Charges on the Annual Estimates, it need not originate in a Preliminary Committee of the whole House.

On the order for the second reading of the Dublin Metropolitan Police Bill being read,

*Mr. Vance* objected to the bill on a point of form, as it proposed to give certain compensation charged on the Consolidated Fund, and therefore should have been introduced in a committee of the whole House.

*Mr. Speaker.*—The Honourable Member raised the same objection a few nights ago. I have examined the question, and find that the 17 & 18 Victoria, cap. 94, has removed these charges from the Consolidated Fund to the annual estimates. The bill, therefore, is correct in point of form.

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### SITTINGS IN THE HOUSE.

*Thursday, April 14th, 1842.*—(3 *Hansard*, lxii. 489.)

A Member having been at Prayers has a Right to the Seat when occupied until a Division takes place; but a Member who has not been at Prayers forfeits his Seat by leaving the House.

*Mr. Wakley* asked the Speaker, what the practice was as to keeping seats?

*Mr. Speaker.*—The rule of the House is, that any Member being at prayers has a right to the seat he then occupied, until a division takes place. But if a Member who was not at prayers leaves his seat, and goes out of the House, any Honourable Member may take it, and if it is given up, it is a matter of courtesy, not of right.

As to securing places in the House, see Rules 85—88.

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### SOVEREIGN.

*Friday, May 19th, 1843.*—(3 *Hansard*, lxix. 574.)

It is not absolutely forbidden to use the Name of the Sovereign in Debate; but it ought not to be used in order to influence the Decision of the House or any of its Members on a Question under Consideration.

*Mr. Blewitt* rose, pursuant to notice, to call the attention of the House to the irregular manner in which certain royal declarations or messages relating to Ireland were lately communicated to the House by Sir Robert Peel, and to take the opinion of Mr. Speaker and the House thereon. The Honourable Member wished to know whether he were at liberty to explain the subject upon which he wished to put his question.

*Mr. Speaker.*—The Honourable Member has undoubtedly a right to give such explanation as may make his question intelligible to the House.

*Mr. Blewitt* quoted Sir R. Peel, as saying in 1831:—

“ I would ask why the name of the King has been introduced into this discussion? When a measure like this is introduced, to which it is to be presumed that the King's consent has been given,—when that fact is not called in question,—is it

necessary to state, both in the House and through the public press that the measure possesses the approbation of his Majesty?"

The Noble Lord the Member for Lyme Regis on the 10th May last, put a question to the Right Honourable Baronet as to whether government was aware that terrible excitement prevailed in Ireland, and whether they were prepared to take measures with a view to its suppression. The Right Honourable Baronet mixed up with his reply the name of her Majesty in a manner in which he (Mr. Blewitt) considered the Right Honourable Baronet was not entitled to use by the rules of the House. If it was not decent, on the part of the Noble Lord alluded to, to endeavour to transfer to the Sovereign the odium and suspicion of disfranchisement, how much more unbecoming was it on the part of the Right Honourable Baronet to attempt to transfer to her Majesty the odium of the threats which he had uttered against the Irish people.

*Mr. Speaker.*—The Honourable Member himself is irregular, in the course he has pursued in referring to words spoken in debate on a former evening. If the Honourable Member was of opinion that anything said by the Right Honourable Baronet, the First Lord of the Treasury, was irregular, he ought to have taken exception to it at the time, and not to have allowed many days to elapse before calling the attention of the House to it. My opinion is, that there is nothing inconsistent with the practice of the House in using the name of the Sovereign in the manner in which the Right Honourable Baronet has used it. It is quite true that it would be highly out of order to use the name of the Sovereign in this House so as to endeavour to influence its decision or that of any of its Members, upon any question under

its consideration; but I apprehend, that no expression which has fallen from the Right Honourable Gentleman can be supposed to bear such a construction.

See Rules and Orders, 165.

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SPEAKER.

*Tuesday, March 21st, 1843.—(3 Hansard, lxxvii. 1153.)*

Mr. Speaker ought not to be called upon to answer Questions of Law.

*Mr. C. Buller* reported (among other matters) from the Athlone Election Committee, "that the committee are of opinion, that a notice of four clear days is required by the Act 1 Geo. IV. c. 11, the Act by which elections in Ireland are regulated, and that such notice was not given in this case," &c.

*Captain A'Court* said, that, as a Member of the Committee, he wished for the Speaker's opinion upon this point: supposing the statute required three days' notice to be given, if no notice were given, would it be a valid election?

*Mr. Speaker.*—That is a pure question of law, upon which, probably, the House and the Honourable Member, on reflection, will not expect me to give an opinion.

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STRANGERS.

*Monday, February 12th, 1844.—(3 Hansard, lxxii. 599.)*

The Sessional Order for the Exclusion of Strangers held to relate to that part of the House only appropriated to Members.

*Mr. Christie* moved for a select committee to consider



the expediency of recognizing the presence of strangers at debates, and the publication of debates, under the pleasure of the House, and to consider and report what regulations may be necessary.

*Mr. W. Williams* cited two orders:—

“Ordered, that no member of this House do presume to bring any stranger or strangers to the House or the gallery while the House is sitting.”

“Ordered, that the serjeant-at-arms attending this House do, from time to time, take into his custody any stranger or strangers that he shall see, or be informed of to be, in the House or gallery, while the House or a committee of the whole House is sitting.”

*Mr. Christie* appealed to the Speaker to give an interpretation to the Standing Order.

*Mr. Speaker.*—This Standing Order is to be interpreted in connection with the usage and practice of the House. The rule of the House is, to exclude strangers. The practice is, that a Member, on observing a stranger present, calls the attention of the chair to it, and the Speaker, without debate, orders the exclusion of all strangers. This does not depend on the Sessional Order, but is a right inherent in the House. If not, it would not be possible on many occasions at the beginning of a Session to clear the gallery for a division, as the Sessional Order is frequently not passed for two or three days after the commencement of the Session. According to my conviction, the Sessional Order relates only to that part of the House appropriated to Members.

See Rules and Orders, 71.

As to the present rule adopting this interpretation, see Rules and Orders, 182.

*Thursday, February 5th, 1845.—(3 Hansard, lxxvii. 138.)*

The right possessed by each Member of the House of having the Gallery cleared upon mentioning that Strangers are present, does not depend upon the Sessional Orders, but is an inherent right arising out of the ancient usage and practice of the House; and, on any Member taking notice of the presence of Strangers, the Speaker orders the Gallery to be cleared without Motion being made or Question put.

*Mr. Christie* said, he believed he was at liberty to state that the amendment he was about to propose to the order relative to admission of strangers was sanctioned by the Speaker, he moved, "That the serjeant-at-arms attending the House do, from time to time, take into his custody any stranger whom he may see, or who may be reported to him to be in any part of the House or gallery appropriated to the Members of this House, and also any stranger who, having been admitted into any other part of the House or gallery, shall misconduct himself, or shall not withdraw when strangers are directed to withdraw, while the House or any committee of the whole House is sitting, and that no person so taken into custody be discharged out of custody without the special order of the House. That no Member of this House do presume to bring any stranger into any part of the House or gallery appropriated to the Members of this House, while the House or a committee of the whole House is sitting. That the above resolutions be Standing Orders."

*Sir R. H. Inglis* wished to put a question to the Speaker bearing upon the exclusion of ~~strangers~~. Hitherto it has only been necessary for an Honourable Member to observe that strangers were present, and the

Speaker immediately requested their withdrawal, without the question being put, as in other instances, to the vote of the House. Now, he wished to be informed whether, looking at the construction of one of the Sessional Orders, it was not necessary that the question should be decided by a majority, and not absolutely by an individual Member. Ought not a debate and a division to take place on the question?

*Mr. Speaker.*—When the Honourable and Learned Gentleman consulted me about the amendment, I told him there could be no objection to it, as it made the resolution more in conformity with the practice of the House. With respect to the question of the Honourable Baronet, the right possessed by individual Members, of having the gallery cleared upon mentioning that strangers were present, did not depend upon the Sessional Orders. It was an inherent right arising out of the ancient usage and practice of the House, and analogous to the right also enjoyed by Members of calling the attention of the chair to the absence of forty Members, upon which the Speaker is required to ascertain whether that number of Members are present, and, if such is not the case, to adjourn the House.

Resolution, as amended, agreed to.

See Rules and Orders, 71, 182.

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*Friday, August 3rd, 1855.*—(3 *Hansard*, cxxxix. 1749.)

• Solicitors are permitted to appear in Uniform unarmed in the Strangers' Gallery of the House of Commons.

*Colonel North* begged to ask the Noble Lord at the head of the government, whether there was any rule to

prevent soldiers being admitted into the gallery of the House of Commons, as he and another Honourable Member had given two soldiers orders on the previous evening, and they had been refused admission on the ground that they were in uniform.

*Lord Palmerston* thought it never could have been intended to debar soldiers in uniform from the privilege allowed to all other members of the community, in regard to admission into the strangers' gallery of the House of Commons. He was not, however, aware of the rule on the subject, and begged for the opinion of the Speaker on the point.

*Mr. Speaker.*—There is no rule of the House recorded in the journals which would exclude soldiers from the strangers' gallery, nor do I at all see why they should be excluded. But very many years ago, exception was taken to soldiers appearing in uniform in the gallery, and some conversation occurred in the House, in consequence of which it was understood that they should not be admitted except in plain clothes. That practice has prevailed for some years, and of course the officers of the House feel it their duty to carry it out until they receive contrary directions. There can be no objection to the admission of soldiers in uniform unarmed, and I will give directions in accordance with what appears to be the wish of the House in this respect.

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## TRADE.

*Wednesday, February 19th, 1840.—(3 Hansard, lii. 399.)*

A Bill for the Amendment of the Act for the Sale of Beer ought to be founded on Resolutions passed in a Committee of the whole House.

## BEER Bills.

*Mr. Pakington* moved the second reading of the Sale of Beer Act Amendment Bill.

*Mr. Warburton* moved, as an amendment, that the present bill be withdrawn, as it proposes to alter a law relating to trade, and has not been considered in a committee of the whole House, as required by the Standing Order of the 9th of April, 1772.

The chair was appealed to.

*Mr. Speaker.*—I think that in the case of any Standing Order of the House, we should put a literal construction on the words of it with respect to the introduction of a bill. The question now is, whether this bill comes within the common course of legislation, or whether it comes within the range of the Standing Order of the House respecting measures regulating trade; and if the latter is the case, whether the measure should not have commenced in a committee of the whole House? There were certain recent precedents which have been referred to. In 1830, a bill on the same subject was introduced without having originated in a committee of the whole House, but the circumstances connected with that bill have been explained by the Right Honourable Gentleman the Member for the University of Cambridge. Two measures have been referred to as having occurred in 1772, the first of which was introduced and afterwards withdrawn by Lord Althorp, and again originated in a

committee of the whole House ; and the second measure, which also related to the sale of beer, was founded on resolutions. If I am called upon to give my interpretation of the rule of proceeding, and its application in this case, I feel bound to say, that I think that the measure should have originated in resolutions proposed in a committee of the whole House, and that the bill should have been founded on those resolutions.

Bill withdrawn.

At to bills relating to trade, see *Hansard*, lvi. 742 ; and cxx. 784 ; and Rules and Orders, 345.

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*Friday, March 13th, 1840.*—(3 *Hansard*, lii. 1191.)

A Bill for the Extension of the Time of the Copyright in Designs is one affecting Trade, and which ought to originate in a Committee of the whole House.

*Mr. Emerson Tennent* asked the Speaker's opinion whether the Copyright of Designs Bill, which was for the extension of the time of the copyright in designs, was one which came within the Standing Orders for the regulation of bills affecting trade.

*Mr. Speaker.*—The question is not, whether this bill affects the revenue, but whether it comes within the Standing Order, that bills relating to trade shall commence in a committee of the whole House. Since the question has been raised upon the bill, I have given a good deal of attention to the subject. The original Standing Order was made in 1703, when a committee of the whole House was substituted for the *grac.*<sup>d</sup> Committee of Trade. In 1771, the order of 1703 was renewed, and it remains a Standing Order to this day. Of late years the practice has been to apply the order merely to bills

relating to foreign trade ; but the practice is not uniform. I have looked into all the Acts between 1800 and 1814, and find that, though a great majority of bills relating to trade have been ordered to be brought in by the House itself, still a certain number have originated in committee. So long as the Standing Order remains on the journals, I think the House ought to adhere to it literally. But the difficulty in this case is, whether the present bill does so far relate to trade as to come within the Standing Order. I have no doubt in the case of the Copyright Bill that it does not, because it affects trade only indirectly ; and the old Copyright Bill was brought in by the order of the House itself. But a certain number of bills have been commenced in a committee of the whole House, so like the present bill, that I think the safer course will be to commence in a committee of the whole House.

*Mr. E. Tennent* said he would withdraw the bill for the present.

Order for referring the bill to a select committee discharged.

See Rules and Orders, 345 ; and Hansard, lvi. 742 ; cxx. 784.

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*Wednesday, March 24th, 1841.*—(3 Hansard, lvii. 587.)

When a Resolution is proposed in a Committee of the whole House in order to introduce a Bill relating to Trade, all the Articles intended to be embraced in the Bill should be mentioned in the Resolution. But although some Articles not mentioned in the Resolution are afterwards introduced into the Bill, this will not prevent the House from considering the Clauses relating to those mentioned in the Resolution.

On the order of the day for the further consideration of the report on the Copyright of Designs Bill,



*Mr. Hume.*—The bill which the Honourable Member (Mr. E. Tennent) obtained leave to bring in was to regulate the law as to copyright of designs on woven fabrics of cottons, &c. But the bill now before the House extended its provisions to designs of metals, glass, &c. Each of the articles ought to have been proposed in a committee of the whole House, and there enumerated.

*Mr. Speaker.*—Nothing can be more regular than the manner in which the bill was originally introduced, but at a subsequent period an instruction was given to the committee to insert clauses relating to certain other articles of trade, not stated in the original resolution of the committee on which the bill was founded. Now, there can be no doubt that if any change of the law as to any one of those articles of trade be proposed, such alteration should be founded on a resolution passed in a committee of the whole House to consider the Act relating to those particular articles. I apprehend, however, that there can be no objection to going into committee for the purpose of considering the other clauses of the bill. If the instruction only contemplated a consolidation of the existing laws, no previous resolution, I apprehend, would be necessary; but if it be intended to alter those laws, there can be no doubt that such a resolution must be taken.

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*Tuesday, April 6th, 1852.—(3 Hansard, cxx. 784.)*

A Bill for establishing a Registration Office for Ballast-Heavers, with Regulations as to the mode of Hiring and Paying them, is a Bill relating to Trade, and must be sanctioned by a Preliminary Committee of the whole House.

*Mr. G. Thompson* moved for leave to bring in a bill



for establishing an office for the benefit of the ballast-heavers of the Port of London. By this bill he proposed that there should be established a registration office for ballast-heavers; that every man who chose should be at liberty, on the payment of a very small fee, or no fee at all, to enter his name; that the names should be taken in rotation; that the masters should offer their own price for the ballast-heaving; that the men should have the option of accepting or refusing the price; and that, in the event of the men refusing it, the master should have a right to go wherever else he pleased for labourers. The bill contained no other provisions than those which were in the Coalwhippers' Bill.

*Mr. Speaker.*—As the matter is one relating to trade, it is necessary for the Honourable Member first to move that the House go into committee.

*Mr. G. Thompson* then moved, "That this House will immediately resolve itself into a committee, to consider the expediency of establishing an office for the benefit of the ballast-heavers of the Port of London."

House went into committee.

See Rules and Orders, 345.

#### CASES WHERE A PRELIMINARY COMMITTEE OF THE WHOLE HOUSE WAS HELD TO BE UNNECESSARY.

*Wednesday, February 19th, 1840.*—(3 *Hansard*, lii. 402.)

A Copyright Bill, having only an indirect Application to Trade, need not originate in a Committee of the whole House.

*Mr. Serjeant Talfourd* moved the second reading of the Copyright Bill.

*Mr. Warburton* moved that the bill, being one which proposed to alter a law relating to trade, and not having

been considered in a committee of the whole House, be withdrawn.

*Sir James Graham* opposed Mr. Warburton's objection.

*Mr. Speaker.*—The Standing Orders of the House are intended to have a direct, and not an indirect, application. The bill before the House is not of the former character, and I think that the Standing Order does not apply in the present instance.

Debate proceeded.

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*Wednesday, March 22nd, 1843.*—(3 *Hansard*, lxvii. 1287.)

A Bill relating to Dogs employed in drawing does not affect Trade, so as to make it necessary that it should originate in a Committee of the whole House.

Dogs employed in drawing.

*Mr. East* moved the further consideration of the report on the Dogs' Bill.

*Mr. Ewart* believed that all bills affecting trade should originate in a committee of the whole House. As that necessary rule had not been complied with in the present case, he suggested that the bill could not proceed.

*Mr. Speaker.*—This measure is not one of that nature contemplated by the rule, which requires bills affecting trade to be founded upon a resolution in committee of the whole House.

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*Tuesday, February 6th, 1844.*—(3 *Hansard*, lxxii. 286.)

A Bill for regulating the Employment of Children in Factories, is not such a Bill relating to Trade as to require it to originate in a Committee of the whole House.

*Sir James Graham* moved for leave to bring in a bill for regulating the employment of children in factories.

A debate took place.

*Mr. Blewitt* asked the Speaker whether this was not one of those bills which came within the Standing Order of the House which prohibited the entertaining any bill relating to trade, religion, &c. until such bill had been considered in a committee of the whole House?

*Mr. Speaker.*—This bill does not come within the Standing Order referred to.

Leave given to bring in the bill.

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### VOICE.

*Tuesday, June 28th, 1842.*—(3 *Hansard*, lxiv. 710.)

A Question having been put from the Chair, a Member has no Right to speak after the Voices have been given.

ELECTION Proceedings Committee.

Moved, that Mr. Walter do attend the committee, and give evidence, to-morrow at eleven o'clock.

*Mr. Speaker* put the question, which was received by a loud cry of "No" from several Members.

*Viscount Howick* rose and spoke on the question.

*Sir R. Peel* also made observations.

*Sir R. Inglis.*—I wish, Sir, you would state whether the question has not been already put by you? I believe it has.

*Mr. Speaker.*—If the Noble Lord the Member for Sunderland rose before the voices were given in the negative, of course he had a right to speak upon the question. If not, he has no right to speak. My impression is, that the Noble Lord rose after the question had received a negative. The noes have it.

The House divided.

As to the mode of dividing, see p. 179.

WARRANT.

*Thursday, April 28th, 1842.—(3 Hansard, lxii. 1181.)*

A Summons for the Attendance of a Witness before a Committee, served in one Session, continues obligatory in another Session of the same Parliament.

SOUTHAMPTON Election Committee.

*Mr. Redington* moved, that the clerk attending the Southampton Election Committee do produce Mr. Speaker's warrant for the attendance of William Rouse Mabson. Agreed to.

[Warrant read.]

*Mr. Redington* moved, that William R. Mabson be brought to the bar.

*The Solicitor-General* expressed a doubt as to the regularity of the summons. It was dated the 10th of September, 1841. Was it regular that a summons served in one session should have effect in another session?

*Mr. Speaker.*—My attention was drawn to the point towards the close of the last session, and I then endeavoured, the case being quite a new one, to procure the best advice I could obtain upon it. I accordingly consulted with the law officer appointed by the House to assist the Speaker, and that officer assured me that the warrants were regular. Upon that assurance I have acted.

Motion agreed to.

See Rules and Orders, 249.

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WITHDRAWAL.

*Friday, April 26th, 1844.—(3 Hansard, lxxiv. 298.)*

When the House proceeds to discuss the conduct of a Member, after he has been heard in his Place, he ought to withdraw while the House deliberates.

ON the motion of Sir R. Peel, the order of the day for proceeding with the matter of the complaint of Mr. Hogg and Sir J. Graham was read.

*Mr. Speaker.*—Is William Busfield Ferrand, Esq., in his place?

*Mr. Ferrand.*—I am, Sir.

The clerk at the table read an extract from the report of a speech delivered by Mr. Ferrand at a public meeting at Leeds.

*Mr. Ferrand* protested against the proceedings.

*Sir J. Graham* addressed the House.

*Mr. James S. Wortley* addressed the House.

*Sir R. Peel.*—I infer it is not the Honourable Member's intention to make any other explanation beyond that he has already addressed to the House.

*Mr. Ferrand.*—Not in this House.

*Sir R. Peel* was proceeding.

*Mr. Speaker.*—According to the established usage of the House, it is necessary that the Honourable Member for Knaresborough should withdraw.

*Mr. Ferrand* withdrew.

After debate,

The House resolved, that the charges were unfounded and calumnious.

See Rules and Orders, 178.

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*Tuesday, April 28th, 1846.—(3 Hansard, lxxxv. 1153, 1198.)*

When a Debate has once arisen on a Motion to commit a Member for Contempt it is proper for him to absent himself from his Place until the Debate shall have terminated, although it may have been adjourned.

*Mr. Henley* reported from a Select Committee, that *Mr. Smith O'Brien*, one of the Members of that committee, did not that day attend the committee.

*Mr. Estcourt* moved, "That *William Smith O'Brien*, Esquire, having been guilty of a contempt of this House, he be, for his said offence, committed to the custody of the serjeant-at-arms attending this House, during the pleasure of the House, and that *Mr. Speaker* do issue his warrant accordingly."

(*Mr. W. S. O'Brien* bowed to the Speaker and left the House.)

A debate took place, which was adjourned.

A short time afterwards, when the House had proceeded to other business,

*Mr. Speaker* took notice that *Mr. Smith O'Brien* had returned to the House, and said, seeing that the Honourable Member for Limerick has returned to his seat, I should state that it is an unusual course to do so; it would be advisable that the Honourable Member should retire till the adjourned debate fixed for Thursday next shall have terminated.

*Mr. S. O'Brien.*—I bow, Sir, to your authority. I should not have felt justified in withdrawing myself voluntarily, inasmuch as I have several notices on the paper for this evening, which I should have felt it my duty to have brought forward.—*Mr. O'Brien* then left the House.

See Rules and Orders, 178; ante, p. 122.

WITNESS.

*Tuesday, February 4th, 1840.—(3 Hansard, li. 1222.)*

A Witness, who attempts to evade the Order of the House by absconding, may be apprehended by the Serjeant-at-Arms under a Warrant from the Speaker.

THOMAS Burton Howard, a witness, having absconded, Lord John Russell moved, " That Thomas Burton Howard be taken into the custody of the serjeant-at-arms and brought to the bar of the House, and that Mr. Speaker do issue his warrant for the apprehension of Thomas Burton Howard accordingly.

*Mr. Speaker.*—There is a precedent for the course now proposed, to be found in the journals for the 30th of March, 1831.

Motion carried.

As to the neglect or refusal of witnesses to attend in obedience to an Order of the House, see Rules and Orders, 248—250.

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*Monday, April 25th, 1842.—(3 Hansard, lxii. 1057—1067.)*

A Witness, refusing to give Evidence before an Election Committee, may be committed to the Custody of the Serjeant-at-Arms for not more than Twenty-four Hours, when the House is sitting; and when the House is not sitting, he may be committed for not more than Twenty-four Hours after the Hour to which the House shall have adjourned; and when discharged, he must be again summoned by the Committee if wanted to attend.

Southampton Election Committee.

*Mr. Redington* reported from the committee, that John Wren had been guilty of refusing to give evidence, &c., and moved that he be brought to the bar.

*Mr. Godson*, a member of the committee, was proceeding to make a statement of what had transpired before the committee.

*Mr. Speaker.*—The committee has not yet made its report, and it is contrary to the rules of the House for the proceeding of a committee to be referred to until its report has been laid upon the table.

*Sir R. Peel* asked, whether, by discharging the witness from the custody of the serjeant-at-arms, they were relieving him from any legal necessity of appearing before the committee again.

*Mr. Speaker.*—By the Act of Parliament, any witness refusing to give evidence before a committee may be committed to the custody of the serjeant-at-arms for any time not exceeding twenty-four hours, if the House be sitting, and if not, then for any time not exceeding twenty-four hours after the hour to which the House shall then have adjourned. I apprehend, that the House having been adjourned over to this day, the witness will remain in custody for twenty-four hours after the House again meets. In that case he will be forthcoming at any time to answer any questions put to him by the committee, if the committee wish him to be re-examined. I am assuming, that, if the House orders the witness to be discharged, he will be discharged at once out of custody; then it will be necessary for the committee to summon him again.

As to the attendance of witnesses, see Rules and Orders, 248, 249.

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## WRIT.

*Friday, April 26th, 1844.—(3 Hansard, lxxiv. 283.)*

When a Vacancy in the House of Commons has been caused by the Death of a Peer, a New Writ ought not to issue until the Writ of Summons has been sent to the New Peer.

*Mr. Eastcourt* moved for a new writ for the borough of Horsham, in consequence of the Honourable Mr. Scarlett becoming Lord Abinger.

*Mr. Tufnell* called the attention of the House to the circumstances under which this writ was moved for, and complained of the delay which had taken place in moving for it. There might be cases in which a person would cause the suspension of the writ for an indefinite time, if the practice of waiting for the writ of summons to the Peers before the issue of a writ for a new election were allowed. In the present instance a delay of three weeks had taken place. On the eldest son of a Peer taking his seat he qualified as such, no property qualification being necessary; the House should take the notoriety of his father's death as sufficient ground for considering the seat at once vacant, and issue the writ without further delay.

*Mr. Speaker.*—As regards the issue of a writ in the case referred to by the Honourable Member, the only course for the House to pursue has been laid down by Lord Dunfermline, at the time when he filled the chair of this House. It is true, that when a Peer of the realm dies, his eldest son ceases to be a Member of the House of Commons. But the House has no means of knowing whether a claim made by one of its Members to a Peerage is bonâ fide or not, and therefore the only safe course

for it to adopt, is to wait for the writ of summons. With respect to the observation of the Honourable Member, that the Member for Horsham, as the eldest son of a Peer, has been admitted into the House without a property qualification, it is perfectly true that such is the case, but it is possible that such a claim may be founded on error. The House will recollect a recent case in which an Honourable Member qualified as eldest son of a Peer, and it at last turned out that he was not so. Unless on some special emergency, the safest course for the House to pursue is to wait for the writ of summons before issuing a writ for a new election, when the vacancy is caused by the death of a Peer.

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*Wednesday, June 28th, 1848.—(3 Hansard, xcix. 1289.)*

A Motion for a New Writ is entitled to Precedence as a matter of Privilege.

In answer to some observations of Mr. Stafford, with respect to the borough of Sligo,

*Mr. Speaker.*—All motions for new writs are matters of privilege, and therefore have precedence of any other business; but the House has restricted that privilege, during the present Session, by requiring a previous notice of any motion\* founded on a special report by an election committee.

\* N.B.—In 1853 and 1854, it was ordered that no such motion should be made without seven days' previous notice in the Votes.—*May's Parl. Pract.* p. 454.

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*Wednesday, December 29th, 1852.—(3 Hansard, cxxiii. 1742.)*

When an Election Petition claims the Seat for another Person, it is not competent for the House to order a New Writ to issue pending the Trial of such Petition.

*Mr. Hayter* moved, that a new writ be issued for the borough of Southampton, in the room of Sir Alexander Cockburn, who, since his election, had accepted the office of her Majesty's Attorney-General.

*Colonel Forester* should like to know whether a new writ could be issued for Southampton, pending the petition against the former return of Sir Alexander Cockburn, on the ground of bribery?

*Mr. Speaker.*—In the case of an election petition having been presented, complaining of an undue return, or of the return of a Member in consequence of bribery, but not claiming the seat for another person, it is competent for the House to order a new writ to issue; but in the case of a petition, complaining of the undue return of a Member, and claiming the seat for another person, it is not competent for the House to order a new writ to issue, inasmuch as the House in that case cannot know which of the two persons claiming the seat had been duly elected.

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*Monday, February 21st, 1853.—(3 Hansard, cxxiv. 348.)*

A Motion to Suspend the issue of a Writ cannot be made without Notice.

*Mr. Ker Seymer* brought up the report of the Select Committee on the Canterbury Borough Election Petition. Members unseated, &c. He would take that opportunity of giving notice, that, as soon as the evidence should be

in the hands of Honourable Members, he should move a humble address to her Majesty, that a commission be appointed to inquire into the practices at the elections for the borough of Canterbury.

*Mr. T. Duncombe* said, he thought, after the report which the House had heard, that no new writ ought to be issued for the borough of Canterbury pending the inquiry proposed to be instituted. He should, therefore, move that the writ be suspended.

*Mr. Speaker.*—The Honourable Member must give notice of his motion.

*Mr. Ker Seymer* said, he would now give notice, as he had intended originally to do, that to-morrow he should move that the issuing of the writ for the borough of Canterbury be suspended.

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*Thursday, June 9th, 1853.*—(3 *Hansard*, cxxvii. 1298.)

The Seven Days' Notice (which was necessary) of a Motion for a New Writ, upon an Election being declared Void, was only required where Bribery or Treating had been proved. Where Intimidation only had been proved, Notice was not necessary.

Clare Election Committee.

*Mr. Miles* presented the report of the Clare election committee, declaring Sir John F. Fitzgerald and Cornelius O'Brien, Esq., not duly elected, and that the election was a void election; and also proposed some resolutions respecting the intimidation there practised.

*Mr. J. Fitzgerald* moved, that a new writ should be issued for the county of Clare.

*Mr. Malins* inquired whether seven days' notice of this motion ought not to be given.

*Mr. Speaker* read the order of the House, which provided, that where any seat had been rendered void by reason of bribery or treating, no motion for the issuing of a new writ could be made unless seven days' previous notice had been given. Neither bribery nor treating had been proved in this instance.

New writ ordered.

## Appendix.

RULES, ORDERS,  
AND  
FORMS OF PROCEEDING  
OF  
THE HOUSE OF COMMONS,  
RELATING TO  
PUBLIC BUSINESS.

I. *Proceedings on the Opening of a New Parliament.*

1. On the first day of the meeting of a new Parliament for the despatch of business, pursuant to a Royal Proclamation, the Clerk of the Crown in Chancery in Great Britain delivers to the Clerk of the House a List of the names of the Members returned to serve in such Parliament.

List of Members delivered to the Clerk of the House.

2. Members assemble in the House and await a Message from the Lords Commissioners.

Members assemble in the House.

3. On receiving such Message, delivered by the Usher of the Black Rod, The House goes up to the House of Peers.

House goes up to House of Peers.

4. Her Majesty's pleasure having been signified by the Lords Commissioners, that the Members of the House shall proceed to the choice of some proper person to be their Speaker, and present such person on the following day for Her Majesty's Royal approbation, The House returns.

Her Majesty's pleasure signified that The House elect their Speaker.

5. The House forthwith proceeds to the election of a Speaker.

House proceeds to elect Speaker.

6. A Member addressing himself to the Clerk (who, standing up, points to him and then sits down) proposes another Member, then present, to The House for their Speaker, and moves that such Member "do take the chair of this House as Speaker."

A Member proposed as Speaker.

When unopposed, such Member called to the Chair.

7. Such motion being seconded and supported, if no other Member be proposed as Speaker, the Member so proposed is called by The House to the Chair without any question being put.

He submits himself to The House,

8. The Member, on being called to the Chair, stands up in his place and expresses his sense of the honour proposed to be conferred upon him, and submits himself to The House.

And is conducted to the Chair.

9. Being again unanimously called to the Chair, he is taken out of his place by the Members who proposed and seconded him, and by them conducted to the Chair.

When Election of Speaker is opposed.

10. If more than one Member be proposed as Speaker, a Motion is made and seconded regarding each such Member, "That he do take the Chair of this House as Speaker;" and each Member so proposed addresses himself to The House.

Question that the Member first proposed do take the Chair.

11. A Question is then put by the Clerk that the Member first proposed "do take the Chair of this House as Speaker," which is resolved in the affirmative or negative like other Questions.

Question that the Member next proposed do take the Chair.

12. If the Question be resolved in the affirmative, the Member is conducted to the Chair (*see* No. 9); but if in the negative, a Question is then put by the Clerk that the Member next proposed "do take the Chair of this House as Speaker," and if it be resolved in the affirmative, the Member is conducted to the Chair.

Mr. Speaker elect takes the Chair, and the Mace is laid upon the Table.

13. Having been conducted to the Chair, the Member so elected, standing on the upper step, returns his humble acknowledgments to The House for the great honour they have been pleased to confer upon him, and thereupon sits down in the Chair; and then the Mace (which before lay under the Table) is laid upon the Table.

Mr. Speaker elect is congratulated, and The House adjourns.

14. A Member having then congratulated Mr. Speaker elect, moves that The House do now adjourn, and the House accordingly adjourns till tomorrow.

Attendance of The House de-

15. On the following day, The House being met; and Mr. Speaker elect having taken the Chair, a

Message from the Lords Commissioners is delivered by the Usher of the Black Rod, desiring the immediate attendance of The House in the House of Peers.

sired in the House of Peers.

16. Accordingly, Mr. Speaker elect, with The House, goes up to the House of Peers, where he is presented to the Lords Commissioners for Her Majesty's Royal approbation; and one of the Lords Commissioners signifies Her Majesty's approbation of Mr. Speaker elect.

Her Majesty's approbation signified by the Lords Commissioners.

17. Mr. Speaker then, in the name and on the behalf of the Commons of the United Kingdom, lays claim to their ancient and undoubted rights and privileges; and especially to freedom from arrest and molestation for their persons and servants; to freedom of speech in debate; and to free access to Her Majesty whenever occasion may require it; and that the most favourable construction may be put on all their proceedings.

Mr. Speaker lays claim to the Privileges of the Commons.

18. The House being returned, Mr. Speaker reports that the House had been in the House of Peers; where Her Majesty was pleased, by Her Commissioners, to approve of the choice The House had made of him to be their Speaker; and that he had, in their name and on their behalf, by humble Petition to Her Majesty, laid claim to all their ancient rights and privileges, which Her Majesty had confirmed to them in as full and ample manner as they have been heretofore granted or allowed by Her Majesty or any of Her Royal Predecessors.

Mr. Speaker reports his approval, and his claim of Privileges for the Commons.

19. Mr. Speaker then repeats his most respectful acknowledgments to The House for the high honour they had done him; and puts The House in mind, that the first thing to be done is to take and subscribe the Oaths by law required.

Mr. Speaker repeats his acknowledgments, &c.

20. And thereupon Mr. Speaker, first alone, standing upon the upper step of the Chair, takes the Oaths of Allegiance and Supremacy, and takes and subscribes the Oath of Abjuration, and delivers to the Clerk of the House an account of his qualification; and makes and subscribes a declaration that he is duly qualified.

Mr. Speaker first takes the Oath.



Members take the Oaths.

21. Then several Members take the Oaths of Allegiance and Supremacy, and take and subscribe the Oath of Abjuration, and deliver to the Clerk of the House an account of their qualification; and make and subscribe a declaration that they are duly qualified.

Roman-Catholic Members take the Oath provided by 10 Geo. 4, c. 7.

22. Members, being Roman Catholics, take and subscribe the oath provided by the 10 Geo. 4, c. 7, in lieu of the Oaths of Allegiance, Supremacy and Abjuration.

Quakers, &c., make affirmations.

23. The people called Quakers, Moravians, Separatists, and others, make and subscribe affirmations in lieu of oaths, according to law. (3 & 4 Will. 4, cc. 49, 82; 1 & 2 Vict. c. 105.)

Oaths not taken after 4 o'clock.

24. No Member can take the Oaths after 4 o'clock, P.M. (30 Chas. 2, stat. 2; 13 Will. 3, c. 6.)

Business interrupted to enable Members to take the Oaths.

25. If any Member desire to take the Oaths, before 4 o'clock, a debate or other business is interrupted, and he is called to the Table for that purpose.

New Members introduced.

26. A new Member returned after a general election is introduced to the Table between two Members, making their obeisances as they go up, that they may be the better known to The House. (Resolution, 23rd February, 1688.)

But not if seated on Petition.

27. Members seated on Petition are not to be introduced.

New Member to bring Certificate of his Return.

28. Every new Member returned after a general election, on coming to the Table to be sworn, is to produce a Certificate that his return has been certified by the Clerk of the Crown to the Clerk of this House.

Vacancy in the office of Speaker during a Session.

29. When the office of Speaker becomes vacant during a Session of Parliament, The House, on being acquainted by a Minister of the Crown that Her Majesty gives leave to The House to proceed forthwith to the choice of a new Speaker, proceeds to the election of a Speaker, according to the accustomed forms. (See Nos. 6—16.)

30. When the Speaker so elected is presented for the Royal approbation, he does not lay claim to the Privileges of the House. (See Nos. 17, 18.)

When Speaker does not claim Privileges.

31. By Standing Order, 20th July, 1855, whenever The House shall be informed by the Clerk at the Table of the unavoidable Absence of Mr. Speaker, the Chairman of the Committee of Ways and Means do perform the duties and exercise the authority of Speaker in relation to all proceedings of this House, as Deputy Speaker, until the next meeting of The House, and so on from day to day, on the like information being given to The House, until The House shall otherwise order; provided that if The House shall adjourn for more than twenty-four hours, the Deputy Speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only after such Adjournment. (See Act 18 & 19 Vict. c. 84.)

Unavoidable absence of Speaker.

II. *Opening of Parliament.*

32. On being summoned by the Usher of the Black Rod, to attend Her Majesty or the Lords Commissioners, Mr. Speaker, with the House, goes up to the Bar of The House of Peers to hear the Royal Speech read.

Mr. Speaker, with The House, goes up to the House of Peers.

33. Mr. Speaker and The House then retire from the Bar of the House of Lords; and returning to the House, pass through the same (the Serjeant placing the Mace upon the table); and Mr. Speaker resumes the Chair at a quarter before Four o'clock.

House re-assembles at a later hour.

34. Before Her Majesty's Speech is reported some Bill is read a first time *pro formâ*.

A Bill read *pro formâ*.

35. Mr. Speaker reports that The House had this day attended Her Majesty [or had been at the House of Peers at the desire of the Lords Commissioners appointed under the Great Seal for holding this present Parliament], and that Her Majesty was pleased to make a most gracious Speech from the Throne to both Houses of Parliament [or that the Lord Chancellor, being one of the said Com-

Mr. Speaker reports the Royal Speech.

missioners made a Speech to both Houses of Parliament], of which Mr. Speaker says he had, for greater accuracy obtained a copy, which he reads to The House.

Motion for an Address in answer.

36. The said Speech having been read, a Motion for an Address to Her Majesty is made and seconded.

Proposer and Seconder in full dress.

37. The Proposer and Seconder of such Motion attend in their places in uniform or full dress.

Select Committee appointed to draw up the Address.

38. The Resolution for presenting such Address having being agreed to by The House, with or without amendments, a Select Committee is appointed to draw up an address to be presented to Her Majesty upon the said Resolution; and Her Majesty's most gracious Speech is referred to the said Committee.

Address reported and agreed to.

39. On the Address being reported by the said Committee, The House resolves to agree to the same, with or without amendment.

Address to be presented by the whole House.

40. When Her Majesty has been pleased to make a Speech from the Throne, the Address is ordered to be presented by the whole House, unless Her Majesty shall then be in the country. (See Nos. 301, 302.)

Or by Privy Councillors.

41. In case Her Majesty shall be in the country, or in case the Speech shall have been made by the Lords Commissioners, the Address is ordered to be presented by such Members of this House as are of Her Majesty's most Honourable Privy Council.

Queen's Speech to be taken into consideration.

42. Her Majesty's most gracious Speech [or the Speech of the Lords Commissioners] is ordered to be taken into consideration at the next Sitting of The House.

Queen's Speech considered and

43. The House, at its next Sitting, according to order, proceeds to take the said Speech into consideration; and so much of the same as was addressed to the Members of the House of Commons is again read by Mr. Speaker; and a Motion being made that a Supply be granted to Her Majesty, a Resolution is agreed to, that the House will to-morrow,

Motion made, that a Supply be granted to Her Majesty.

or on a future day, resolve itself into a Committee to consider that Motion. (*See Nos. 401—404.*)

—◆—

### III. *Proceedings on the Prorogation and further Prorogation of Parliament.*

44. When Her Majesty has been pleased to declare, by Order in Council, that a New Parliament shall be prorogued by Writ, on the day on which the Writ of Summons is returnable, any Members of the House of Commons who appear, proceed directly, without going into the House of Commons, or expecting any Message from the Lords, up to the door of the House of Peers; and after a short stay there, the Usher of the Black Rod opening the door, they with the Clerk-assistant go up to the Bar of the House; and, they being there, the Lord Chancellor, standing up uncovered, declares that there is a Writ issued, under the great Seal, for proroguing the Parliament; which is read by the Clerk, whereupon Parliament is accordingly prorogued.

Prorogation  
by writ.

45. The same forms are observed when Parliament is further prorogued by Writ, before its first meeting for the despatch of business.

Further Pro-  
rogation by  
Writ.

46. When Parliament is to be prorogued by Her Majesty, after a Session for despatch of business, a Message is brought from Her Majesty, commanding the immediate attendance of The House in the House of Peers. Accordingly, Mr. Speaker, with The House, goes up to the House of Peers; and if there be any Money Bills awaiting the Royal Assent, Mr. Speaker, in presenting the same at the Bar, addresses Her Majesty concerning the Bills passed during the Session; after which the Royal Assent is signified to such Money Bills, and to any other Bills which have not yet received the Royal Assent; and after a most gracious Speech from Her Majesty to both Houses of Parliament, the Lord Chancellor, by Her Majesty's command, signifies Her Majesty's Royal Will and Pleasure that this

Prorogation  
by the Queen  
in person.

Parliament be prorogued; and Parliament is accordingly prorogued to a day named.

Prorogation  
by Commission.

47. When Parliament is to be prorogued by Commission, after a Session for despatch of business, a Message is brought by the Usher of the Black Rod, that the Lords authorized by virtue of Her Majesty's Commission for declaring Her Royal Assent to several Acts agreed upon by both Houses, and for proroguing the present Parliament, desire the immediate attendance of The House in the House of Peers to hear the Commission read; and accordingly Mr. Speaker, with The House, goes up to the House of Peers, where the Commission is read, and the Royal Assent is declared to such Acts by the Lords Commissioners (beginning with the Money Bills taken up by Mr. Speaker); after which a Speech of the Lords Commissioners is delivered to both Houses; and another Commission is then read for proroguing the Parliament; and the Parliament is accordingly prorogued.

Further Pro-  
rogation by  
Commission.

48. The House being met, pursuant to the last prorogation, and Mr. Speaker being in the country, a Message is brought by the Usher of the Black Rod, that the Lords authorized by virtue of Her Majesty's Commission desire the immediate attendance of The House in the House of Peers, to hear the Commission read; and, accordingly, The House, with the Clerk, Clerk-assistant, or second Clerk-assistant, goes up to the House of Peers, where the Commission is read for the further proroguing of the Parliament, and the Parliament is accordingly prorogued.

#### IV. *Sitting and Adjournment of the House.*

House ordi-  
narily meets  
at a quarter  
before four.

49. The time for the Ordinary Meeting of The House (except on Wednesday) is at a quarter before *Four* o'clock, unless some other time shall have been agreed upon.

Prayers.

50. Prayers are read by Mr. Speaker's Chaplain, every day at the Meeting of The House, before any business is entered upon.

51. By Standing Order, 25th June, 1852, the Serjeant-at-Arms attending this House is, from time to time, when The House is going to Prayers, to give notice thereof to all Committees; and all proceedings of Committees, after such notice, are declared to be null and void. (*See also No. 236 A.*)

Notice of Prayers given to Committees.

52. The doors of the House are closed during Prayers.

Doors closed during Prayers.

53. After Prayers, Mr. Speaker counts The House, and if 40 Members be present, he takes the Chair.

House counted.

54. If 40 Members be not present, Mr. Speaker, at *Four* o'clock, standing on the upper step of the chair, again counts The House; and if 40 Members be not then present, he adjourns the House without a question first put, till the next sitting day.

If forty Members not present at four o'clock, Speaker adjourns the House.

55. When The House meets before the ordinary time, and 40 Members are not present, no business is entered upon until such number are present; but Mr. Speaker does not adjourn The House until four o'clock.

When 40 Members not present at a morning sitting.

56. When the attendance of The House in the House of Peers has been desired by Her Majesty, or the Lords Commissioners, The House, on its return, proceeds with business, although less than 40 Members be present, until notice be taken thereof.

A Commission makes a House.

57. If it appear on notice being taken, or on the report of a division of The House by the Tellers, after *Four* o'clock, that 40 Members are not present, Mr. Speaker adjourns The House, without a question first put, till the next sitting day.

When 40 Members not present during a sitting after 4 o'clock.

58. If the Chairman of a Committee of the whole House reports to The House after *Four* o'clock that 40 Members are not present (*see infra*, Nos. 211, 212), Mr. Speaker counts The House, and if 40 Members be not present, he adjourns The House, without a question first put, till the next sitting day.

When Chairman of a Committee reports that 40 Members are not present.

59. If it appear, on notice being taken, or on a division or after a Report from a Committee of the whole House, that 40 Members are not present be-

When 40 Members not present during a

- morning sitting. fore *Four* o'clock, business is suspended until 40 Members are present, and at four o'clock Mr. Speaker again counts The House, when, unless 40 Members be present, he adjourns The House, without a question first put, until the next sitting day.
- Doors open while House is counted. 60. The doors of The House are unlocked whenever Mr. Speaker is engaged in counting The House.
- 
- House sits on Wednesdays from 12 till 6. 61. By Standing Orders of the 5th August, 1853 (amended 19th July, 1854), The House meets every Wednesday, at Twelve o'clock at noon, for Private Business, Petitions, Orders of the Day and Notices of Motions, and continues to sit until Six o'clock, unless previously adjourned.
- Speaker adjourns The House at 6. 62. When such business has been disposed of, or at Six o'clock precisely, notwithstanding there may be business under discussion, Mr. Speaker adjourns The House without putting any Question.
- Business not disposed of. 63. The business under discussion and any business not disposed of at the time of such Adjournment stand as Orders of the Day for the next day on which The House shall sit.
- Business under discussion at a quarter before 6 o'clock. 64. At a quarter before Six o'clock on Wednesday, the debate on any business then under discussion, stands adjourned to the next day on which the House shall sit; after which no opposed business is to be proceeded with.
- When House in Committee at a quarter before 6. 65. Whenever The House is in Committee on Wednesday, at a quarter before Six o'clock, the Chairman is immediately to report Progress, and Mr. Speaker to resume the Chair.
- Other morning sittings. 66. Whenever The House meets for despatch of business, before Two o'clock, except on Wednesday and Saturday, unless The House shall otherwise order, The House resumes its sitting at Six o'clock; and when business has not been disposed of at Ten Minutes before Four o'clock, unless The House shall otherwise order, Mr. Speaker adjourns the debate on any business then under discussion, or the Chairman reports progress, as the case may be,

and no opposed business is then to be proceeded with.

67. Whensuch business has not been disposed of at Four o'clock, unless The Houseshall otherwise order, Mr. Speaker (or the Chairman, in case The House shall be in Committee) is to leave the Chair, and The House will resume its sitting at Six o'clock, when the Orders of the Day not disposed of at the morning sitting, and any motion which was under discussion at Ten Minutes to Four o'clock, are set down in the Order Book after the other Orders of the Day.

Mr. Speaker or Chairman to leave the Chair at 4 o'clock.

68. Whenever The House is in Committee at Four o'clock, the Chairman is to report Progress when The House resumes its sitting.

The Chairman to report progress at 6.

69. The House does not ordinarily sit on Saturday, but on Friday resolves, "That this House will, at the rising of The House this day, adjourn till Monday next."

On Friday House resolves to adjourn till Monday.

70. Except in the cases mentioned in Nos. 54, 57, 58, 59, 62, when Mr. Speaker adjourns The House without putting any Question, the House can only be adjourned by its own Resolution.

House adjourns itself, except in certain cases.

71. By Standing Orders, 5th February, 1845, the Serjeant-at-Arms attending this House is, from time to time, to take into his custody any Stranger whom he may see, or who may be reported to him to be, in any part of the House or Gallery appropriated to the Members of this House, and also any Stranger who, having been admitted into any other part of the House or Gallery, shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while The House or any Committee of the whole House, is sitting; and no person so taken into custody is to be discharged out of custody without the special order of The House.

Strangers to be taken into custody, if in parts of the House appropriated to Members.

72. No Member of this House is to presume to bring any Stranger into any part of the House or Gallery appropriated to the Members of this

No Member to bring a Stranger into such parts of the House.



House, while The House, or a Committee of the whole House is sitting.

Votes and Proceedings.

73. Every Vote and Proceeding of the House is entered by the Clerks at the Table, and at the commencement of each Session it is "Ordered that the Votes and Proceedings of this House be printed, being first perused by Mr. Speaker; and that he do appoint the printing thereof; and that no person but such as he shall appoint do presume to print the same."

Journals.

74. The Journals of The House are compiled from the Votes and Proceedings, and are also ordered to be printed.

#### V. Attendance and Places of Members.

Every Member to attend the Service of The House.

75. Every Member is bound to attend the service of The House, unless leave of absence be given to him by The House.

Leave of absence.

76. Leave of absence is given by The House to any Member, on account of his own illness, or of the illness or death of a near relation, or of urgent business, or for other sufficient cause, to be stated to The House.

Notice to be given of Motions for leave of absence.

77. Notice is to be given of a Motion for giving leave of absence to any Member, stating the cause and period of absence.

Members having leave of absence excused from service.

78. A Member is excused from service in the House or on any Committee, so long as he has leave of absence.

Leave of absence forfeited.

79. Any Member having leave of absence, forfeits the same by attending the service of The House, before the expiration of such leave.

Calls of The House.

80. When an Order is made that this House be called over on a future day, it is resolved that such Members as shall not then attend, be sent for in custody of the Serjeant-at-Arms.

Call of The House, an Order of the Day.

81. The Order for calling over The House on a future day, is set down as an Order of the Day, for the day so appointed.

82. When the Order of the Day, for calling over The House is read, unless the same be postponed or discharged, the names of the Members are called over by the Clerk from the Return Book, in the following order, viz. :—

1. Counties, England and Wales ;
2. Counties, Scotland ;
3. Counties, Ireland ;

arranged alphabetically, and beginning with the Members for each county, and proceeding to the Members for each city, borough, or place within such county.

83. The names of all Members who do not answer when called are taken down by the Clerk ; and are subsequently called over a second time ; when those who answer, or afterwards attend in their places on the same day, are ordinarily excused.

84. Members not attending in their places on the same day, are usually ordered to attend on a future day ; when, unless they attend, or a reasonable excuse be offered for their absence, they will be dealt with, for their default, as The House may think fit.

85. Any Member present in the House at Prayers is entitled to secure a place by affixing his name to a seat.

86. By Standing Order, 6th April, 1835, no Member's name may be affixed to any seat in the House before the hour of Prayers ; and The Speaker is to give directions to the doorkeepers accordingly.

87. A Member having secured a seat at Prayers, is entitled to retain the same until the rising of The House, unless there shall be a division, or Mr. Speaker, with The House shall go up to the House of Peers.

88. A member not having been present at Prayers, is not entitled to retain any seat during his absence ; but he is generally permitted, by courtesy, to secure it by leaving upon it a book, hat or glove.

Order in which names are called.

Members not present, but subsequently attending.

Members not attending during the day.

Members' places secured at Prayers.

But not before Prayers.

A Member at Prayers secures his seat for the night.

A Member not at Prayers cannot secure a seat, except by courtesy.

Entering and leaving the House.

89. Every Member is to be uncovered when he enters or leaves the House, or moves to any other part of the House during a Debate, and is to make an obeisance to the Chair in passing to or from his seat.

Privy Coun-  
cillors' bench.

90. The front bench, on the right hand of the Chair, is reserved for Members holding office under the Crown; and the front bench, on the left hand of the Chair, is ordinarily occupied by Privy Coun-  
cillors and other Members, who have held office under the Crown.

Members leaving their seats.

91. No Member is to pass between the Chair and any Member who is speaking; nor between the Chair and the Table; nor between the Chair and the Mace when the Mace has been taken off the Table by the Serjeant.

Entering and leaving the House.

92. Every Member of this House, when he comes into the House, is to take his place, and not to stand in any of the passages or gangways. [See Order 10th February, 1698.]

Members not to read newspaper, &c.

93. No Member is to read any newspaper, book or letter in his place.



#### VI. *Orders of the Day, and Notices of Motions : Motions and Questions.*

Orders of the Day, and Notices of Motions.

94. The ordinary business of each day consists of Orders of the Day and Notices of Motions.

Orders of the Day defined.

95. An Order of the Day is a Bill or other matter which The House has ordered to be taken into consideration on a particular day.

Precedence of Orders of the Day, and Notices of Motions.

96. The relative precedence of Orders of the Day and of Notices of Motions is prescribed by Standing Orders of The House, and by other Orders made from time to time.

Orders of the Day on Monday, Wednesday and Friday.

97. By Standing Orders, 25th June, 1852, unless The House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays and Fridays, are to be disposed of

before The House will proceed upon any Motions of which Notices shall have been given.

98. At the time fixed for the commencement of Public Business on days on which Orders have precedence of Notices of Motions, and after the Notices of Motions have been disposed of on all other days, Mr. Speaker is to direct the Clerk at the Table to read the Orders of the Day, without any Question being put,

Clerk to read the Orders of the Day without any Question being put.

99. The Orders of the Day are to be disposed of in the order in which they stand upon the Paper; the right being reserved to Her Majesty's Ministers of placing Government Orders at the head of the List, in the rotation in which they are to be taken on the days on which Government Bills have precedence.

Government Orders to have precedence on certain days.

100. All dropped Orders of the Day are to be set down, in the Order Book, after the Orders of the Day for the next day on which The House shall sit.

Dropped Orders.

101. The House proceeds each day with, 1. Private Business; 2. Public Petitions; 3. Giving Notices of Motions; 4. Motions for leave of Absence; 5. Questions, and Unopposed Motions for Returns; 6. Orders of the Day and Notices of Motions, as set down in the Order Book.

Order of Business.

102. Any Member desiring to give Notice of a Motion, may enter his Name on the Notice Paper, which is placed upon the Table of the House after Prayers.

Notices of Motions. Notice Paper.

103. At the time for giving Notices of Motions, the precedence of each Member whose Name is on the Notice Paper is determined by Ballot, and his Name is called by Mr. Speaker accordingly.

Ballot for precedence.

104. A Member, when his Name is called from the Notice Paper, may not give more than one Notice of Motion.

A Member not to give two Notices when his Name is called.

105. After all the Names have been called from the Notice Paper, Members who have already given

Notices given after the Ballot.

a Notice, as well as other Members, may give Notices of Motions.

Every Notice to be in writing, and delivered at the Table. 106. Every Member in giving Notice of a Motion is to deliver at the Table a copy of such Notice, fairly written, together with his Name and the day proposed for bringing on such Motion.

Notices may be given for absent Members. 107. A Member may give Notice for any other Member, not then present, by putting the Name of such Member on the Notice Paper, and answering for him when his Name is called.

Restriction upon giving Notices. 108. By Standing Order, 25th June, 1852, no Notice may be given beyond the period which shall include the four days next following on which Notices are entitled to precedence; due allowance being made for any intervening Adjournment of The House, and the period being, in that case, so far extended as to include four Notice Days falling during the sitting of The House.

Notices to have precedence on Tuesday and Thursday. 109. Notices of Motions take precedence of Orders of the Day on Tuesdays and Thursdays, unless The House shall have otherwise directed.

Notices printed. 110. Every Notice of Motion is printed and circulated with the Votes.

Notices may be expunged. 111. Any Notice containing unbecoming expressions will be liable to be expunged from the Notice Paper by Order of the House.

Notices postponed. 112. A Member desiring to change the day for bringing on a Motion, may give Notice of such Motion for any day subsequent to that first named, subject to the same rules as other Notices of Motions.

The terms may be altered. 113. After a Notice of Motion has been given, the terms thereof may be altered by the Member, on delivering at the Table an amended Notice.

Motions for unopposed Returns. 114. A Member desiring to move for any unopposed Return may enter his Name on the Notice Paper for unopposed Returns, and his Name will be called by Mr. Speaker at a convenient time.

115. Motions will have precedence on each day, according to the order in which the Notices for the same were given. Precedence of Motions.

116. An urgent Motion, directly concerning the Privileges of The House, will take precedence of other Motions as well as of Orders of the Day. Questions of Privilege.

117. Precedence is ordinarily given by courtesy to a Motion for a Vote of the Thanks of The House. Votes of Thanks.

118. A Motion may be made, by leave of The House, without previous notice. Motions without Notice.

119. When a Motion has been made and seconded, a Question thereupon is proposed to The House by Mr. Speaker. Questions proposed.

120. Any Motion not seconded may not be further debated, but is forthwith dropped, and no entry thereof is made in the Votes. Motions not seconded.

121. A Member who has made a Motion may withdraw the same by leave of The House, such leave being granted without any negative voice. Motions withdrawn.

122. A question may be superseded, 1. By the Adjournment of the House, either on the Motion of a Member, "That this House do *now* adjourn;" or on notice being taken, and it appearing that 40 Members are not present. 2. By a Motion that "the Orders of the Day be now read;" which Motion, however, is restricted to days on which Notices have precedence of Orders of the Day. 3. By the previous Question, viz., "That this Question be now put," being proposed and negatived. Questions superseded:  
1. By Adjournment.  
2. By reading the Orders of the Day.  
3. By Previous Question.

123. If the previous Question be resolved in the affirmative, the original Question is to be put forthwith, without any amendment or debate. Previous Question resolved in the affirmative.

124. A Question for reading the Orders of the Day, and also "the previous Question," may be superseded by the adjournment of The House. Previous Question, &c. superseded by adjournment.

125. The Debate upon a Question may be interrupted: 1. By a matter of privilege suddenly arising; 2. By words of heat between Members; 3. By a Question of Order; 4. By a Message from Debates interrupted.

the Lords; 5. By a Motion for reading an Act of Parliament, an entry in the Journal, or other public document, relevant to the Question before The House.

Complicated Questions may be divided. Question put and again stated.

126. The House may order a complicated Question to be divided.

127. So soon as the Debate upon a Question is concluded, Mr. Speaker *puts* the Question to The House; and if the same should not be heard, will again state it to The House.

Question determined by majority of voices.

128. A Question being put, is resolved in the affirmative or negative by the majority of voices, "Aye" or "No."

Mr. Speaker states whether "Ayes" or "Noes" "have it."

129. Mr. Speaker states whether, in his opinion, the "Ayes" or the "Noes" "have it;" and unless his opinion be acquiesced in by the minority, the Question is determined by a division. [See Nos. 182—195.]

The same Question not to be again proposed.

130. No Question or Amendment may be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the affirmative or negative.

A Motion withdrawn may be made again.

131. A Motion which has been, by leave of The House, withdrawn, may be made again during the same Session.

Resolution or Vote rescinded.

132. A Resolution or other Vote of The House may be read and rescinded.

An Order discharged.

133. An Order of The House may be discharged.

## VII. Amendments to Questions.

Different forms of Amendment.

134. A Question having been proposed, may be amended by leaving out certain words only; by leaving out certain words in order to insert or add other words; or by inserting or adding words.

Amendments to be seconded.

135. An Amendment proposed, but not seconded, will not be entertained by The House, nor entered in the Votes.

136. When the proposed Amendment is to leave out certain words, Mr. Speaker puts a Question, "That the words proposed to be left out stand part of the Question," which is resolved by The House in the affirmative or negative, as the case may be. -

Amendment to leave out words.

137. When the proposed Amendment is to leave out certain words, in order to insert or add other words, Mr. Speaker puts a Question, that the words proposed to be left out stand part of the Question; which, if resolved in the affirmative, disposes of the Amendment; but if in the negative, another Question is put, that the words of the Amendment be inserted or added instead thereof, which is resolved in the affirmative or negative, as the case may be.

Amendment to leave out words, and insert or add others.

138. When the proposed Amendment is to insert or add certain words, Mr. Speaker puts a Question that such words be inserted or added, which is resolved in the affirmative or negative, as the case may be.

Amendment to insert or add words.

139. No Amendment may be proposed in any part of a Question, after a later part has been amended or has been proposed to be amended, unless a proposed Amendment has been, by leave of The House, withdrawn.

When later part of a Question has been amended, or proposed to be amended.

140. No Amendment may be proposed to be made to any words which The House has resolved shall stand part of a Question, or shall be inserted or added to, a Question, except the addition of other words thereto.

No Amendment to be made to words already agreed to.

141. A proposed Amendment may be, by leave of The House, withdrawn.

Proposed Amendment withdrawn.

142. Amendments may be proposed to a proposed Amendment whenever it comes to a Question whether the House shall agree to such proposed Amendment. [See Nos. 136—138.]

Amendments to proposed Amendments.

143. When Amendments have been made, the main Question, as amended, is put.

Question, as amended, put.

144. When Amendments have been proposed, but not made, the Question is put as originally proposed.

When Amendments proposed, but not made.



VIII. *Rules of Debate.*

- Members to address Mr. Speaker. 145. Every Member desiring to speak is to rise in his place uncovered, and to address himself to Mr. Speaker.
- Indulgence to Members unable to stand. 146. By the special indulgence of the House, a Member, unable conveniently to stand, by reason of sickness or infirmity, will be permitted to speak sitting and uncovered.
- Speaking to order during a Division. 147. Members can only speak to a point of order while The House is dividing by permission of the Speaker, and while speaking are to sit covered.
- No Member to speak after a Question has been put. 148. No Member may speak to any Question after the same has been *put* by Mr. Speaker, and the voices have been given in the affirmative and negative thereon.
- Mr. Speaker calls upon Members to speak. 149. When two or more Members rise to speak, Mr. Speaker calls upon the Member who first rose in his place.
- \* Motion that a Member "be now heard."  
Members to speak to the Question. 150. A Motion may be made that any Member who has risen "be now heard," or "do now speak."
151. A Member may speak to any Question before The House, or upon a Question or Amendment to be proposed by himself, or upon a Question of Order arising out of the Debate; but not otherwise.
- Questions to Ministers or other Members. 152. Before the Public Business is entered upon, Questions are permitted to be put to Ministers of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of The House, in which such Members may be concerned.
- Such Questions not to involve argument. 153. In putting any such Question, no argument or opinion is to be offered, nor any fact stated, except so far as may be necessary to explain such Question.
- In answering a Question, the matter not to be debated. 154. In answering any such Question a Member is not to debate the matter to which the same refers.

155. By the indulgence of The House a Member may explain matters of a personal nature, although there be no Question before The House; but such matters may not be debated. Personal explanation.

156. No Member may speak twice to a Question before The House, except in explanation or reply (*see* Nos. 157, 158); or in Committees of the whole House (*see* No. 207). No Member to speak twice.

157. A Member who has spoken to a Question may again be heard to explain himself, in regard to some material part of his Speech; but is not to introduce any new matter. Except to explain his words.

158. A reply is allowed to a Member who has made a substantive Motion to The House, but not to any Member who has moved an Order of the Day, an Amendment, or an Instruction to a Committee. Or to reply in certain cases.

159. Any Member may rise to speak "to Order," or upon a matter of Privilege suddenly arising. Speaking "to Order."

160. No Member is to allude to any Debate of the same Session, upon a Question or Bill not being then under discussion, except by the indulgence of The House, for personal explanations. Debates of same Session not to be alluded to.

161. No Member may read from a printed Newspaper or Book the report of any Speech made in Parliament during the same Session. Reports of Speeches of same Session not to be read.

162. No Member may read Extracts from Newspapers or other Documents referring to Debates in the House. Extracts referring to Debates not to be read.

163. No Member may reflect upon any Vote of The House except for the purpose of moving that such Vote be rescinded. Reflections upon Votes of The House.

164. No Member may allude to any Debate in the other House of Parliament. Allusions to Debates in the other House.

165. No Member may use Her Majesty's Name irreverently in debate, nor for the purpose of influencing The House in its deliberations. Use of the Queen's Name.

166. No Member may use offensive words against either House of Parliament, nor against any Statute, unless for the purpose of moving for its repeal. Offensive words against either House.

167. No Member may refer to any other Member by *Name*.
- No Member to be referred to by *Name*.
168. No Member may use offensive or unbecoming words in reference to any Member of The House.
- Offensive words against a Member.
169. When any Member objects to words used in debate, and desires them to be taken down, Mr. Speaker, if it appear to be the pleasure of The House, will direct them to be taken down by the Clerk accordingly.
- Words taken down by direction of Mr. Speaker.
170. In a Committee of the whole House the Chairman, if it appear to be the pleasure of the Committee, will direct words objected to to be taken down, in order that the same may be reported to The House.
- Words taken down in Committee.
171. Every such objection is to be taken at the time when such words are used, and not after any other Member has spoken.
- Words to be objected to when used.
172. Any Member having used objectionable words, and not explaining or retracting the same, or offering apologies for the use thereof to the satisfaction of The House, will be censured, or otherwise dealt with, as The House may think fit.
- Members not explaining or retracting.
173. The House will interfere to prevent the prosecution of any quarrel between Members arising out of Debates or Proceedings of The House, or any Committee thereof.
- House will prevent quarrels.
174. By Order, 22nd January, 1697, to the end that all the Debates in this House should be grave and orderly, as becomes so great an Assembly, and that all interruptions should be prevented, no Member of this House is to presume to make any noise or disturbance whilst any Member is orderly debating, or whilst any Bill, Order, or other matter is being read or opened; and in case of such noise or disturbance, Mr. Speaker is to call upon the Member, by name, making such disturbance; and every such person will incur the displeasure and censure of The House.
- No noise or interruption to be allowed during a Debate.

175. The several Rules for maintaining order in Debate are to be observed in every Committee of the whole House.

Rules of Debate in Committee.

176. Order is maintained in the House by Mr. Speaker, and in a Committee of the whole House by the Chairman of such Committee; but disorder in a Committee can only be censured by The House on receiving a Report thereof.

Order maintained by Mr. Speaker and Chairman of Committee.

177. Whenever Mr. Speaker rises during a Debate, any Member then speaking, or offering to speak, is to sit down, and the House is to be silent, so that Mr. Speaker may be heard without interruption.

When Mr. Speaker rises, House to be silent.

178. Every Member against whom any charge has been made, having been heard in his place, is to withdraw while such charge is under debate.

Member to withdraw while his conduct is under debate.

IX. Divisions.

179. No Member is entitled to vote in any Division, unless he was present in the House when the Question was put; and the Vote of any Member who was not so present will be disallowed.

No Member to Vote unless present when the Question put.

180. Every Member present in the House when the Question is put, will be required to vote.

Every Member then present must vote.

181. When Strangers have withdrawn (*see* No. 182) in obedience to Mr. Speaker's directions, the doors are locked, and no Member can either enter or leave the House until after the Division.

When Strangers have withdrawn, doors locked.

182. By Standing Orders, 19th July, 1854, except when Mr. Speaker, or the Chairman of a Committee of the whole House, shall otherwise direct, his order for the withdrawal of strangers during a Division is understood to apply to strangers occupying seats below the Bar, and in the Front Gallery, and will be enforced by the Serjeant-at-Arms accordingly.

To whom order for withdrawal of strangers shall apply.

183. So soon as the voices have been taken, the Clerk is to turn a two-minute sand-glass, kept on the Table for that purpose, and the doors are not

Clerk to turn sand-glass.

to be closed until after the lapse of two minutes, as indicated by such sand-glass.

Doors closed after lapse of two minutes.

184. The doors are to be closed so soon after the lapse of two minutes as the Speaker, or the Chairman of a Committee of the whole House, shall think proper to direct.

Question put, and "Ayes" and "Noes" divide into the Lobbies.

185. When the doors have been locked, and all the Members are in their places, Mr. Speaker puts the Question, and after the voices have been given, declares whether, in his opinion, the "Ayes" or the "Noes" "have it;" which, not being agreed to, he directs the "Ayes" to go into the right Lobby and the "Noes" into the left Lobby, and appoints two Tellers for each party.

If not two Tellers, no Division allowed.

186. In case there should not be two Tellers for one of the parties, Mr. Speaker forthwith declares the Resolution of the House.

Members counted, and their Names taken down.

187. In returning from either Lobby, every Member is counted by the Tellers, and his name is also taken down by the Division Clerks.

Tellers report the numbers.

188. When all the Members have resumed their places, the Tellers on either side, come to the Table, and report the numbers to Mr. Speaker, who declares them to The House.

In case of error, House again divides.

189. In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected, The House will proceed to a second Division.

Mistakes corrected in Journal.

190. If the numbers have been inaccurately reported, The House, on being afterwards informed thereof will order the Journal to be corrected.

Where Votes equal, Mr. Speaker gives casting Voice.

191. In case of an equality of Votes, Mr. Speaker gives a casting voice, and any reasons stated by him are entered in the Journal.

Division Lists printed with the Votes.

192. The names of Members who have voted on Divisions, are printed in alphabetical order, and delivered daily to Members with the Votes and Proceedings.

193. Divisions are taken in a Committee of the whole House, in the same manner as in the House itself. Divisions in Committee.

194. No Member is entitled to vote upon any question in which he has a direct pecuniary interest; and the vote of any Member so interested will be disallowed. No Member to vote, if personally interested;

195. The Rule of this House, relating to the vote, upon any question in the House, of a Member having an interest in the matter upon which the vote is given, applies likewise to any vote of a Member so interested, in a Committee. — (Instruction, 27th June, 1844.) Nor in a Select Committee.

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*X. Committees of the Whole House.*

196. A Committee of the whole House is appointed by a Resolution, "That this House will resolve itself into a Committee of the whole House." House resolves itself into a Committee.

197. When such a Resolution has been agreed to, or an Order of the Day read for The House to resolve itself into Committee, Mr. Speaker puts a Question, "That I do now leave the Chair," which being agreed to, he leaves the Chair accordingly. Mr. Speaker leaves the Chair.

198. By Standing Order, 25th June, 1852, when a Bill or other matter (except Supply or Ways and Means) has been partly considered in Committee, and the Chairman has been directed to report Progress and ask leave to sit again, and The House has ordered that the Committee shall sit again on a particular day, the Speaker, when the Order for the Committee has been read, is forthwith to leave the Chair without putting any Question, and The House thereupon resolves itself into such Committee." When Committee has reported Progress.

199. So soon as Mr. Speaker has left the Chair, the Mace is placed under the Table, and the Chairman takes the Chair of the Committee at the Table: The Mace is placed under the Table.

200. The Chair is ordinarily taken by the Chairman of the Committee of Ways and Means. Chair taken by Chairman of Ways and Means.

- In case of difference, House appoints Chairman.** 201. If any difference should arise in Committee concerning the election of a Chairman, Mr. Speaker resumes the Chair and a Chairman is appointed by The House.
- Committee to consider matters referred.** 202. A Committee may consider such matters only as have been referred to them by The House. [See also Nos. 240—244.]
- Questions decided by a majority.** 203. Every Question in Committee is decided by a majority of voices; and in case of an equality of voices, the Chairman gives a casting voice.
- A Motion is not seconded.** 204. A Motion made in Committee is not seconded.
- No previous Question allowed.** 205. No Motion for the previous Question can be made in Committee.
- Greater and lesser sum; or longer or shorter time.** 206. When there comes a Question between the greater and lesser sum, or the longer or shorter time, the least sum and the longest time ought first to be put to the Question.—(Ancient Order declared, 3 Nov. 1675.)
- Members may speak more than once.** 207. In Committee, Members may speak more than once to the same Question.
- Order in debate.** 208. The same order in debate is to be observed as in the House itself.
- Disorder arising.** 209. If any sudden disorder should arise in Committee, Mr. Speaker will resume the Chair without any Question being put.
- Mr. Speaker resumes the Chair in certain cases.** 210. Mr. Speaker will also resume the Chair when the time be come for holding a Conference with the Lords, or if a Message be brought to attend Her Majesty or the Lords Commissioners in the House of Peers.
- When 40 Members not present.** 211. If notice be taken, or it appear upon a Division in Committee, that 40 Members are not present, the Chairman leaves the Chair and Mr. Speaker resumes the Chair.
- House counted by Mr. Speaker.** 212. If there be 40 Members when The House is counted by Mr. Speaker, The House again resolves itself into the Committee of the whole House.

213. When all the matters referred to a Committee have been considered, the Chairman is directed to report the same to The House. Report.

214. When all such matters have not been considered, the Chairman is reported to report Progress and ask leave to sit again. Report of Progress.

215. A Motion may be made during the proceedings of a Committee that the Chairman do report Progress, and ask leave to sit again. Motion to report Progress.

216. A Motion that the Chairman do now leave the Chair will, if carried, supersede the proceedings of a Committee. Motion that the Chairman do now leave the Chair.

217. By Standing Order, 19th July, 1854, every Report from a Committee of the whole House is to be brought up without any question being put. Report to be brought up without question.

218. The Resolutions reported from a Committee are read a first and second time, and are agreed to or disagreed to by The House, or agreed to with Amendments, or recommitted to the Committee, or the further consideration thereof postponed. Resolutions of Committee.

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### XI. *Select Committees.*

219. By Standing Orders, 25th June 1852, no Select Committee may, without leave of The House, consist of more than Fifteen Members; such leave cannot be moved for without Notice; and in the case of Members proposed to be added or substituted after the first appointment of the Committee, the Notice is to include the Names of the Members proposed to be added or substituted. Committees to consist of 15 Members.

220. Every Member intending to move for the appointment of a Select Committee, is to endeavour to ascertain previously, whether each Member proposed to be named by him, on such Committee, will give his attendance thereupon. Willingness of Members to attend, to be ascertained.

221. Every Member intending to move for the appointment of a Select Committee, is required, One day next before the nomination of such Committee, to place on the Notices the Names of the Notice of nomination to be given.



Members intended to be proposed by him, to be Members of such Committee.

Lists of Members serving.

222. Lists are to be affixed in some conspicuous place in the Committee Clerk's Office, and in the Lobby of the House, of all Members serving on each Select Committee.

Names of Members asking Questions to be entered in Minutes.

223. To every Question asked of a Witness under examination, in the Proceedings of any Select Committee, is to be prefixed in the Minutes of the Evidence the Name of the Member asking such Question.

Names of Members present to be entered.

224. The Names of the Members present each day on the sitting of any Select Committee, are to be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to The House on the Report of such Committee.

Divisions to be entered.

225. In the event of any Division taking place in any Select Committee, the Question proposed, the Name of the Proposer, and the respective Votes thereupon of each Member present, are to be entered on the Minutes of Evidence, or on the Minutes of the proceedings of the Committee (as the case may be), and reported to The House on the Report of such Committee.

When Quorum not present.

226. If, at any time during the sitting of a Select Committee of this House, the Quorum of Members fixed by The House be not present, the Clerk of the Committee is to call the attention of the Chairman to the fact, who is thereupon to suspend the Proceedings of the Committee until a Quorum be present, or to adjourn the Committee to some future day.

Members discharged and added.

227. Members may be afterwards discharged from attending a Select Committee; and other Members appointed, after previous notice given in the Votes.

Quorum appointed by House.

228. The House appoints the Quorum of each Committee; and where no Quorum is appointed, all the Members are to attend.

229. Whenever it may be necessary, The House gives a Committee power to send for Persons, Papers, and Records. Power to send for Persons, Papers and Records.

230. When a Committee is examining Witnesses, it admits or excludes Strangers at its pleasure; but always excludes them when deliberating. Admission of Strangers to Committees.

231. Members of The House may be present when a Committee is examining Witnesses; but withdraw, by courtesy, when the Committee is deliberating. When Members of The House may be present.

232. No Strangers or Members, not being of the Committee, are admitted, at any time, to a Secret Committee. Secret Committee.

233. According to the established Rules of Parliament, the Chairman of a Select Committee can only Vote when there is an equality of voices. Chairman can only vote when Voices equal.  
(Resolution, 25th March, 1836.)

234. A Select Committee may adjourn from time to time; and by leave of The House, from place to place. Committee adjourns.

235. Except by leave of The House, no Select Committee may sit during the sitting of the House, or on any day on which The House itself is not appointed to sit. Not to sit during sitting or adjournment of The House, without leave.

236. By Standing Order, 25th June, 1852, the Serjeant-at-Arms attending this House is from time to time, when The House is going to Prayers, to give notice thereof to all Committees; and all Proceedings of Committees, after such Notice, are declared to be null and void. All Proceedings void after Notice of Prayers.

236A. By Standing Order, 21st July, 1856, on Wednesdays and other Morning Sitzings of The House, all Committees shall have leave to sit, except while The House is at Prayers, during the Sitting, and notwithstanding any Adjournment of The House. At Morning Sitzings Committees may sit, except during Prayers.

237. According to the undoubted Privileges of this House, and for the due protection of the public interest, the Evidence taken by any Select Committee of this House, and Documents presented to Evidence, &c., not to be published until reported.

such Committee, and which have not been reported to this House, ought not to be published by any Member of such Committee, nor by any other person. (Resolution, 21st April, 1837.)

Report from time to time.

238. By leave of The House, a Committee may Report its opinion or observations from time to time, or Report the Minutes of Evidence only, or Proceedings, from time to time.

Report brought up.

239. The Report of a Committee is brought up by the Chairman, and is ordered to lie upon the Table, or is otherwise dealt with as The House may direct.

## XII. *Instructions to Committees.*

Effect of an Instruction.

240. An Instruction empowers a Committee of the whole House to consider matters not otherwise referred to them.

Committees on Bills to make Amendments relevant to subject matter.

241. By Standing Order 19th July, 1854, it is an Instruction to all Committees of the whole House to whom Bills may be committed, that they have power to make such Amendments therein as they shall think fit, provided they be relevant to the subject matter of the Bill; but that if any such Amendments shall not be within the title of the Bill, they do amend the Title accordingly, and do report the same specially to The House.

What Instructions may not be moved.

242. No Instruction may be moved to order a Committee to make provision in a Bill; nor to empower a Committee to make provision, if they already have power to make such provision.

When to be moved.

243. An Instruction should be moved after the Order of the Day has been read, and not as an Amendment to the Question, that Mr. Speaker do now leave the Chair.

Instruction to a Select Committee.

244. An Instruction to a Select Committee extends or restricts the Order of Reference.

XIII. *Witnesses.*

245. Witnesses are summoned by the House in order to be examined at the Bar of the House, or before a Committee of the whole House, or a Select Committee, by Orders of The House, signed by the Clerk. Summoned by Order of The House.

246. Where a Witness is in the custody of the Keeper of any Prison, such Keeper is ordered to bring the Witness, in safe custody, in order to his being examined, and so from time to time as often as his attendance shall be thought necessary; and Mr. Speaker is ordered to issue his Warrant accordingly. Witnesses in custody.

247. A Committee having power to send for Persons, Papers, and Records, summons Witnesses by its own Orders, signed by the Chairman. Summoned by Committees.

248. If any Witness should not attend pursuant to the Order of a Committee his absence is reported, and The House orders him to attend The House; but such Order is usually discharged in case the Witness shall have attended the Committee, before the time appointed for his attending The House. When Witness does not attend a Committee.

249. Witnesses are summoned to attend an Election Committee by Mr. Speaker's Warrants, before the meeting of such Committee; and afterwards, by Orders of the Committee signed by the Chairman thereof. Summoned to attend Election Committees.

250. In any case, the neglect or refusal of a Witness to attend, in obedience to an Order of The House, or of a Committee having power to summon Witnesses, or in obedience to a Warrant of Mr. Speaker, will be censured, or otherwise punished at the pleasure of The House. Neglect or refusal to attend.

251. When the attendance of a Member is desired, to be examined by The House or a Committee of the whole House, he is ordered to attend in his place. Attendance of Members to be examined.

252. If a Committee desire the attendance of a Member, as a Witness, the Chairman writes to request him to attend. By a Committee.

If Member  
refuse to  
attend.

253. If any Member of The House refuse, upon being sent to, to come to give evidence or information as a Witness to a Committee, the Committee ought to acquaint The House therewith, and not summon such Member to attend the Committee. (Resolution 16th March, 1688.)

Committee  
to acquaint  
House of  
charges  
against  
Members.

254. If any information come before any Committee, that chargeth any Member of The House, the Committee ought only to direct that The House be acquainted with the matter of such information, without proceeding further thereupon. (Resolution, 16th March, 1688.)

Message for  
attendance  
of Peers.

255. When the attendance of a Lord of Parliament, or of an Officer of the House of Peers, is desired, to be examined by The House, or any Committee thereof (not being a Committee on a Private Bill), a Message is sent to the Lords to request that their Lordships will give leave to such Lord or Officer to attend, in order to his being examined accordingly upon the matters stated in such Message.

Witnesses  
not exam-  
ined on  
oath.

256. Witnesses are not examined upon oath by The House, or any Committee thereof, except in cases provided for by Statute.

Tampering  
with Wit-  
nesses.

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

False evi-  
dence.

258. If it shall appear that any person hath given false evidence in any case before this House or any Committee thereof, this House will proceed with the utmost severity against such offender.

Witnesses  
entitled to  
protection.

259. All Witnesses examined before this House, or any Committee thereof, are entitled to the protection of this House, in respect of anything that

may be said by them in their evidence. (Resolution, 26th May, 1818.)

260. No clerk or officer of this House, or short-hand writer employed to take Minutes of Evidence before this House, or any Committee thereof, may give evidence elsewhere, in respect of any proceedings or examination had at the Bar, or before any Committee of this House, without the special leave of The House. (Resolution, 26th May, 1818.)

Evidence of proceedings not to be given without leave.

261. When a Witness is examined by The House, or a Committee of the Whole House, the Bar is kept down.

Witness at the Bar.

262. Mr. Speaker examines the Witness, the Mace being on the Table; and Members are not to put any questions otherwise than through Mr. Speaker.

Examined by Mr. Speaker.

263. In Committee of the whole House, any Member may put questions to the Witness.

In Committee of the whole House.

264. When a Witness is in custody at the Bar, the Mace being on the Serjeant's shoulder, he is examined by Mr. Speaker alone, and no Member is to speak.

Witness in custody at the Bar.

265. If any question be objected to, or other matter arise, the Witness is ordered to withdraw, while the same is under discussion.

Witness withdraws, if question objected to.

266. A Member of The House is examined in his place.

Member examined in his place.

267. A Peer or Lord of Parliament, a Judge, and the Lord Mayor of London, are introduced by the Serjeant, and have chairs placed for them within the Bar.

A Peer or Judge, &c., how examined.

268. A Peer or Lord of Parliament sits down covered, but rises to answer every question uncovered.

A Peer sits covered.

269. A Judge or the Lord Mayor of London stands uncovered, resting his hand upon the chair-back.

A Judge stands uncovered.

270. A Peer or Lord of Parliament examined by a Select Committee is ordinarily placed on the right hand of the Chairman, and may sit covered.

A Peer examined by a Select Committee.

XIV. *Messages between the Two Houses.*

Clerks of either House to be bearers of Messages.

271—273. On the 24th May, 1855, both Houses agreed to Resolutions communicated at a Conference:—"That in addition to the present practice with regard to Messages between the Houses, one of the Clerks of either House may be the bearer of Messages from one to the other : .

Messages to be received at the Bar.

274. And that Messages so sent, be received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst it is sitting or in Committee, without interrupting the Business then proceeding."

Lords' Messages communicated by the Speaker.

275. So soon as any Business, proceeding when a Message from the Lords is received, has been disposed of, Mr. Speaker communicates such Message to the House.

Former practice may be reverted to.

276. The former practice of sending and receiving Messages not having been abolished, either House may revert to it, in any case, if they shall think fit.

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 XV. *Conferences.*

Matters communicated at a Conference.

277. The House may communicate matters to the Lords, or have matters communicated by them at a Conference.

Conference desired by Message.

278. A Conference is desired by Message.

Subject to be stated.

279. In desiring a Conference, the subject-matter thereof is to be stated.

If Bill pending in the other House.

280. No Conference is to be desired concerning any Bill or other Matter depending in the other House.

By which House Conference to be demanded.

281. According to the ancient Liberties and Privileges of this House, Conference is to be required by that Court which, at the time of the Conference demanded, shall be possessed of the Bill, and not of any other Court. (Resolution, 13th March, 1575.)

Reasons may be communicated by Message.

282. By Resolutions of Lords and Commons, agreed to at Conferences, 12th and 15th May, 1851,

in cases in which the Commons disagree to any Amendments made by the Lords, or insist upon any Amendments to which the Lords have disagreed, the Lords are willing to receive the reasons of the Commons for their disagreeing or insisting (as the case may be) by Message, without a Conference, unless at any time the Commons should desire to communicate the same at a Conference.

283. In cases in which the Lords disagree to any Amendments made by the Commons, or insist upon any Amendments to which the Commons have disagreed, the Commons are willing to receive the reasons of the Lords for their disagreement or insisting (as the case may be) by Message, without a Conference, unless at any time the Lords should desire to communicate the same at a Conference.

Reasons will be received by Message.

284. When a Conference is agreed to, such Agreement is communicated by Message.

Conference agreed to.

285. The Lords appoint the time and place for every Conference.

Lords appoint time and place.

286. The Managers are named by The House.

Managers.

287. It is "an ancient rule that the number of the Commons named for a Conference are always double to those of the Lords."

Double the number of the Lords.

288. It is the sole duty of the Managers to read and deliver to the Managers of the other House the Resolutions of The House, or bills, with reasons for insisting upon Amendments, or disagreement to Amendments, or otherwise.

Duty of Managers.

289. If either House should not insist upon its Amendments, or its disagreement to Amendments to any Bill, after a Conference, such Resolution is communicated by a Message.

When House does not insist upon Amendments.

290. After two Conferences a Free Conference may be desired, at which the differences between the two Houses may be discussed.

Free Conference.

291. The time for holding a Conference being come, the names of the Managers are called over, and they repair to the Conference Chamber.

Forms of holding.



- No Member to go out before the Managers. 292. By Order, 16th January, 1782, no Member is to presume to go out of the House till the Managers are gone and Mr. Speaker leaves the House.
- Commons come first to the Conference. 293. The Commons come first to the Conference, and remain standing and uncovered.
- None but Managers to be within the Bar. 294. By Order, 16th January, 1702, no Member is to presume to stand within the Bar at the Table in the Conference Chamber,\* but such as are appointed Managers.
- Lords enter the Conference Chamber. 295. The Lords enter the Conference Chamber covered; but proceed uncovered to their places, where they sit covered.

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### XVI. *Messages from the Crown.*

- Message under the Sign Manual. 296. A Message from Her Majesty under the Royal Sign Manual is brought to the House by a Minister of the Crown, or one of Her Majesty's Household, being a Member, who appears with it at the Bar,† and being desired by Mr. Speaker to bring it up, presents it at the Table.
- Message read. 297. Mr. Speaker reads the Message to The House, all the Members being uncovered.
- Verbal Message. 298. A verbal Message from Her Majesty is communicated to The House by a Minister of the Crown, being a Member.
- Recommendation or consent of the Crown. 299. The recommendation or consent of Her Majesty to any Motion or Bill is signified to The House by a Minister of the Crown, being a Member.
- Interests of the Crown placed at disposal of Parliament. 300. A Minister of the Crown signifies to The House when the Crown places its interests at the disposal of Parliament.

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### XVII. *Addresses to the Crown.*

- Addresses, how presented. 301. Addresses to Her Majesty are presented by the whole House, by such Members as are of Her Majesty's most Honourable Privy Council, or by such Members as The House may name for that purpose.

\* The Order is "Painted Chamber."

† If he be of the Household, he appears in uniform.

302. When an Address is presented by the whole House, Mr. Speaker, with The House, proceeds to the Palace, and being admitted to the Throne Room, Mr. Speaker reads the Address to Her Majesty, the Members, who moved and seconded such Address, being on his left hand.

By the whole House.

303. The concurrence of the Lords in any Address to Her Majesty, is desired at a Conference, at which the Address is communicated, with a blank for the insertion of "the Lords spiritual and Temporal."

Concurrence of the Lords desired.

304. The concurrence of this House in any Address to Her Majesty is desired by the Lords in the same manner.

Concurrence of the Commons desired.

305. The concurrence of one House in an Address communicated by the other, is signified by Message.

Concurrence signified.

306. Joint Addresses of both Houses are presented to Her Majesty by both Houses, or by two Peers and four Members of this House, or in such other manner as may be agreed upon.

Joint Address presented.

307. The Lords learn Her Majesty's pleasure when she will be attended with a joint Address, and communicate the same to this House.

Lords learn Her Majesty's pleasure.

308. When a joint Address is presented to Her Majesty by both Houses, the Lord Chancellor and the House of Peers, and Mr. Speaker, with this House, proceed to the Palace, and being admitted to the Throne Room, the Lord Chancellor (with Mr. Speaker on his left hand) reads the Address to Her Majesty.

Address presented by both Houses.

309. Her Majesty's Answer to any Address presented by the whole House is reported by Mr. Speaker.

Her Majesty's Answer to Address presented by The House.

310. Her Majesty's Answer to any Address presented by Privy Councillors is reported by one of such Privy Councillors who has attended with the Address; or by one of Her Majesty's Household, at the Bar, in uniform.

To Address presented by Privy Councillors.



XVIII. *Public Petitions.*

- Petitions to be in writing. 311. Every Petition is to be fairly written; and no printed or lithographed Petition will be received.
- To contain a prayer. 312. Every Petition is required to contain a prayer.
- To be signed on the same skin. 313. Every Petition is required to be signed by at least one person, on the skin or sheet on which the Petition is written.
- To be in English, or with a certified translation. 314. Every Petition is required to be written in the English language, or to be accompanied by a translation, certified by the Member who presents it.
- To be signed by the parties. 315. Every Petition is required to be signed by the parties whose names are appended thereto, by their names or marks, and by no one else, except in case of incapacity by sickness.
- Not to be transferred. 316. The signatures are required to be written upon the Petition itself, and not pasted upon, or otherwise transferred thereto.
- Common seals of corporations. 317. Petitions of corporations aggregate are required to be under their common seal.
- No letters, affidavits, &c. to be attached. 318. No letters, affidavits, or other documents, may be attached to any Petition.
- Debates not to be referred to. 319. No reference may be made in a Petition to any Debate in Parliament, nor to any intended Motion.
- No application for public money. 320. No application may be made by a Petition for any grant of Public money, or for compounding any debts due to the Crown, or for the remission of duties payable by any person, unless it be recommended by the Crown.
- Petitions for compounding debts to the Crown. 321. By Standing Order, 25th March, 1715, this House will not receive any Petition for compounding any sum of money owing to the Crown, upon any branch of the revenue, without a certificate from the proper officer or officers annexed to the said Petition, stating the debt, what prosecutions have been made for the recovery of such debt, and setting

forth how much the Petitioner and his security are able to satisfy thereof.

322. By Resolution, 2nd June, 1774, it is highly unwarrantable, and a breach of the privilege of this House, for any person to set the name of any other person to any Petition to be presented to this House.

Forgery of signatures.

323. By Order, 20th March, 1833, every Member presenting a Petition to The House is to affix his name at the beginning thereof.

Members to affix their names.

324. Every Member presenting a Petition is to take care that the same is in conformity with the Rules and Orders of the House.

Members to peruse Petitions.

325. Every Petition is to be respectful, decorous, and temperate in its language.

Petitions to be respectful.

326. Petitions in the nature of Election Petitions will not be received, unless the forms required by the Election Petitions Act have been complied with, the same being certified by the proper officer.

Petitions of the nature of Election Petitions.

327. Petitions can only be presented to the House by a Member, except Petitions from the Corporations of the Cities of London and Dublin.

Petitions presented by Members.

328. Members desiring to ballot for precedence in presenting Petitions, attend at the Table for that purpose, a quarter of an hour before the time appointed for Mr. Speaker to take the Chair.

Ballot for precedence.

329. At the time for presenting Public Petitions, the names of Members are called by Mr. Speaker, in the order in which they stand in the list prepared after such ballot.

Names of Members called.

329A. Petitions are not received after Five o'clock, unless they relate to any Order of the Day, in which case they may be presented, when such Order of the Day is read.

Petitions not received after five o'clock.

330. A Member cannot present a Petition from himself.

Petitions from Members.

331. A Petition from the Corporation of London is presented by the Sheriffs, at the Bar, being introduced by the Serjeant-at-Arms, with the mace.

Petitions from the Corporation of London by the Sheriffs.

Or, in certain cases, by one Sheriff. 332. If one of the Sheriffs be a Member of The House, or unavoidably absent, a Petition from the Corporation of London may be presented, at the Bar, by one Sheriff.

Petitions from Corporation of Dublin. 333. A Petition from the Corporation of Dublin is presented by their Lord Mayor, at the Bar.

If Lord Mayor be a Member. 334. If the Lord Mayor be a Member of The House, he is to present such Petition in his place.

Members confined to statement of certain facts. 335. By Standing Orders, 14th April, 1842, amended 5th August, 1853, every Member offering to present a Petition to The House, not being a Petition for a Private Bill, or relating to a Private Bill before the House, is to confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer of such Petition.

Not to be debated. 336. Every such Petition not containing matter in breach of the privileges of this House, and which, according to the rules or usual practice of this House, can be received, is brought to the Table by the direction of the Speaker, who cannot allow any debate, or any Member to speak upon, or in relation to, such Petition; but it may be read by the Clerk at the Table, if required.

Petitions complaining of grievances. 337. In the case of such Petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such Petition may be brought into discussion on the presentation thereof.

Petitions referred to Committee on Public Petitions, and in certain cases Ordered to be Printed. 338. All other such Petitions after they shall have been ordered to lie on the Table, are referred to the Committee on Public Petitions, without any question being put; but if any such Petition relate to any matter or subject, with respect to which the Member presenting it has given notice of a motion, and the said Petition has not been ordered to be printed by the Committee, such Member may, after

notice given, move that such Petition be printed with the Votes.

339. Subject to the above regulations, Petitions against any Resolution or Bill imposing a tax or duty for the current service of the year, may be received, and the usage under which The House has refused to entertain such Petitions is discontinued.

Petitions  
against  
taxes.

### XIX. *Public Bills.*

340. Every Bill is ordered to be brought in upon motion made and question put, that leave be given to bring in such Bill.

Bills or-  
dered.

341. Every Bill is ordered to be prepared and brought in by certain Members named by The House.

Members ap-  
pointed to  
bring in Bills.

342. Members may be added to those originally ordered to prepare and bring in a Bill.

Members  
added.

343. Instructions may be given to such Members to make further provision in any such Bill, before the same is brought in.

Instructions.

344. By Standing Order, 30th April, 1772, no Bill relating to Religion, or the alteration of the Laws concerning Religion, is to be brought into this House, until the proposition shall have been first considered in a Committee of the whole House, and agreed unto by The House.

Bills relating  
to Religion.

345. By Standing Order, 9th April, 1772, no Bill relating to Trade, or the alteration of the Laws concerning Trade, is to be brought into the House, until the proposition shall have been first considered in a Committee of the whole House, and agreed unto by The House.

Bills relating  
to Trade.

346. By Standing Order, 29th March, 1707, The House will not proceed upon any Petition, Motion or Bill, for granting any money, or for releasing or compounding any Sum of Money owing to The Crown, except in a Committee of the whole House.

Grants of  
money.

- Bills ordered to be withdrawn.** 347. Every Bill not prepared pursuant to the Order of Leave, or according to the Rules and orders of The House, will be ordered to be withdrawn.
- Bill presented.** 348. A Bill is presented by one of the Members ordered to prepare and bring in the same, who appears at the Bar for that purpose, and is desired by Mr. Speaker to bring it up.
- First reading.** 349. The First Reading of every Bill is proposed, immediately after the same has been presented.
- First reading and printing without debate.** 350. By Standing Order, 25th June, 1852, when any Bill shall be presented by a Member, in pursuance of an Order of this House, or shall be brought from the Lords, the Questions, "That this Bill be *now* read a first time," and "That this Bill be printed," are to be decided without amendment or debate.
- Bill ordered to be read a second time.** 351. A Bill having been read a first time, is ordered to be read a second time on a future day.
- Second reading.** 352. On the Order of the Day being read, for the Second Reading of a Bill, a Question is put, "That the Bill be *now* read a second time."
- Amendments to Question for Second Reading.** 353. Amendments may be moved to such Question by leaving out "now," and at the end of the Question adding, "Three months," "Six months," or any other time; or that the Bill be rejected.
- Amendments to be relevant.** 354. No other Amendment may be moved to such Question, unless the same be strictly relevant to the Bill.
- Bill committed.** 355. A Bill having been read a second time, is ordered to be committed to a Committee of the whole House; or, in certain cases, to a select Committee.
- Committee of the whole House on the Bill.** 356. On the Order of the Day being read for the Committee on a Bill, Mr. Speaker puts the Question, "That I do now leave the Chair;" which being resolved in the affirmative, The House resolves itself into a Committee of the whole House on the Bill; but where the committee has reported pro-

gress, the Speaker leaves the Chair without putting any Question. [See No. 198.]

357. Amendments may be moved to the Question for Mr. Speaker to leave the Chair, by leaving out all the words after the word "that," in order to add the words "this House will on this day Three months (or Six months), (or other time), resolve itself into the said Committee." Amendments on Mr. Speaker leaving the Chair.

358. An Instruction may be moved to the Committee on the Bill, but ought not to be moved by way of Amendment. [See Instructions, Nos. 240—244.] Instructions to Committee.

359. By Standing Order, 19th July, 1854, amended 21st July, 1856, Bills which may be fixed for consideration in Committee on the same day, whether in progress or otherwise, may be referred together to a Committee of the whole House, which may consider on the same day all the Bills so referred to it, without the Chairman leaving the Chair on each separate Bill: Provided that with respect to any Bill not in progress, if any Member shall object to its consideration together with other Bills, the Order of the Day for the Committee on such Bill is to be postponed. Bills may be considered in Committee together.

360. By Standing Order, 19th July, 1854, the Questions for reading a Bill a first and second time, in a Committee of the whole House, are discontinued. Proceedings in Committee.

361. The Chairman puts a question, "That the Preamble be postponed," which being agreed to, every Clause is considered by the Committee *se-riatim*. Preamble postponed.

362. Any Amendment may be made to a Clause, provided the same be relevant to the subject-matter of the Bill, or pursuant to any Instruction, and be otherwise in conformity with the Rules and Orders of The House; but if any amendment shall not be within the title of the Bill, the Committee are to amend the title accordingly, and report the same specially to the House. (Standing Order, 19th July, 1854.) Amendments to Clauses.



Clauses to stand part of Bill.

363. A Question is put that each "Clause stand part of the Bill," or "as amended stand part of the Bill."

Proceedings upon Blanks.

364. By Standing Order, 19th July, 1854, in going through a Bill, no questions are to be put for the filling up of words already printed in *italics*, and commonly called "blanks," unless exception be taken thereto; and if no alterations have been made in the words so printed in *italics*, the Bill is to be reported without amendments, unless other amendments have been made thereto.

Clauses postponed.

365. Any Clause may be postponed, unless the same have already been considered and amended.

Preamble agreed to.

366. After every Clause and Schedule has been agreed to, and any Clauses added which are relevant to the subject-matter of the Bill, or pursuant to any Instruction, the preamble is considered, and, if necessary, amended; and a Question is put, "That this be the Preamble of the Bill."

Proceedings in Committee not to be noticed until Report.

367. No notice may be taken of any Proceedings in a Committee of the whole House, or a Select Committee on a Bill, until such Bill has been reported.

Report of Progress.

368. When all the Clauses of a Bill have not been considered, the Chairman is directed to report Progress, and ask leave to sit again.

Bill reported.

369. The Bill having been fully considered, the Chairman is directed to Report the Bill, or Report the Bill with the Amendments, to The House.

Bill, as amended, to be considered.

370. By Standing Order 25th June, 1852, at the close of the proceedings of a Committee of the whole House on a Bill, the Chairman is to Report the Bill forthwith to The House, and when Amendments have been made thereto, the same are to be received without debate, and a time appointed for taking the same into consideration.

Bill reported without Amendments.

371. A Bill being Reported without Amendment is ordered to be read a Third time, at such time as may be appointed by The House.

372. By Standing Order, 19th July, 1854, amended 21st July, 1856, on a Clause being offered in Committee, or on the consideration of Report, Mr. Speaker or the Chairman is to desire the Member to bring up the same, whereupon it is to be read a First time without Question put; but no Clause is to be offered on consideration of Report, without notice.

Clauses offered in Committee or on consideration of Report.

373. A Clause containing any Rates, Penalties, or other blank, after having been read a Second time, is also to be considered in Committee before it is made part of the Bill; and if any such Clause be for increasing any burthen upon the people, the Bill is re-committed, and the Clause proposed in Committee on the Bill.

A Clause with Penalties.

374. On consideration of the Bill as amended, the Bill may be ordered to be recommitted to a Committee of the whole House, or to a Select Committee.

Bills re-committed.

375. The Order for the Third Reading of a Bill may be read and discharged, and the Bill ordered to be re-committed.

Order for Third Reading discharged.

376. The Order of the Day being read for the Third Reading of a Bill, a Question is put, That the Bill be *now* read a Third time, to which Amendments may be moved, as on the Second Reading. [See Nos 353, 354.]

Third Reading.

377. By Standing Order, 21st July, 1856, no Amendments, not being merely verbal, shall be made to any Bill on the Third Reading.

Amendments on Third Reading.

378. After the Third Reading, and further proceedings thereon, a Question is put, "That this Bill do pass;" after which, the Title of the Bill is agreed to, or amended and agreed to.

Bill passed, and Title agreed to.

379. The further proceedings on a Third Reading may be adjourned to a future day.

Further proceedings on Third Reading adjourned.

380. Bills of an urgent nature are sometimes passed with unusual expedition through their several stages.

Bills passed with unusual expedition.

- Temporary Laws.** 381. By Standing Order, 24th July, 1849, the precise duration of every temporary Law is to be expressed in a distinct Clause at the end of the Bill.
- Bill sent to the Lords.** 382. When all the proceedings on a Bill have been concluded, the Clerk is ordered "to carry the Bill to the Lords, and desire their concurrence;" or when such Bill has been brought from the Lords, "to acquaint them that this House hath agreed to the same without Amendment," or "with Amendments; to which Amendments this House doth desire the concurrence of their Lordships." [See *Messages, Conferences.*]
- Bills returned from the Lords.** 383. When a Bill is returned from the Lords with Amendments, such Amendments are Twice read and agreed to, or agreed to with Amendments, or disagreed to, or the further consideration thereof put off for Three or Six months, or the Bill ordered to be laid aside. [See *Messages, Conferences.*]
- Notice of Lords' Amendments.** 384. By Standing Order, 19th July, 1854, Lords' Amendments to Public Bills are to be appointed to be considered on a future day, unless the House shall order them to be considered forthwith.
- Royal Assent.** 385. The Royal Assent is signified to every Bill by Her Majesty, in person, or by Commission, the attendance of the Commons in the House of Peers having been desired for that purpose.

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### XX. *Accounts and Papers.*

- Accounts, &c., ordered.** 386. Accounts and Papers are *ordered* to be laid before the House.
- Addresses for Papers.** 387. When Her Majesty's prerogative is concerned in any Account or Paper, an Address is presented, praying that the same may be laid before The House.
- Papers presented by Command.** 388. Other Papers are presented by Command of Her Majesty.
- Presented by Members.** 389. When any Account or Paper is presented by a Member, he brings it up from the Bar, on

being desired by Mr. Speaker, and delivers it to the Clerk of The House.

390. By Order, 7th April, 1851, accounts and other Papers which shall be required to be laid before this House by any Act of Parliament, or by any Order of the House, may be deposited in the office of the Clerk of this House, and the same will be laid on the Table, and a List of such Accounts and Papers read by the Clerk.

Deposited with the Clerk of the House.

391. Every Account and Paper is ordered to lie upon the Table.

Accounts to lie upon the Table.

392. Accounts and Papers are ordered to be printed whenever it is expedient.

Ordered to be printed.

393. At the commencement of each Session a Select Committee is appointed to assist Mr. Speaker in all matters which relate to the Printing executed by Order of The House; and for the purpose of selecting and arranging for printing Returns and Papers presented in pursuance of Motions made by Members.

Printing Committee.

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XXI. *Supply and Ways and Means.*

394. By Resolution, 3rd July, 1678, all Aids and Supplies and Aids to His Majesty in Parliament are the sole gift of the Commons; and all Bills for the granting of any such Aids and Supplies are to begin with the Commons; and it is the undoubted and sole right of the Commons to direct, limit and appoint in such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants; which may not be changed or altered by the House of Lords.

Aids and Supplies not to be altered by the Lords.

395. By Standing Order, 24th July, 1849, with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with Amendments, whereby any pecuniary penalty, forfeiture or fee shall be authorized, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases:

Penalties, forfeitures and fees.

1. When the object of such pecuniary

penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.

2. Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the Public Revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.

3. When such Bill shall be a Private Bill for a Local or Personal Act.

Applications  
for Public  
Money.

396. By Standing Order, 25th June, 1852, This House will receive no Petition for any Sum of Money, relating to Public Service, or proceed upon any Motion for granting any Money, but what is recommended from The Crown.

Revenues of  
India.

396 A. By Standing Order, 21st July, 1856, This House will not receive any Petition, or proceed upon any Motion for a Charge upon the Revenues of India, but what is recommended by the Crown.

Grant of  
Money.

397. By Standing Order, 29th March, 1707, This House will not proceed upon any Petition, Motion or Bill, for granting any Money, or for releasing or compounding any Sum of Money owing to The Crown, but in a Committee of the whole House.

Motions not  
to be pre-  
sently en-  
tered upon.

398. By Standing Order, 25th June, 1852, if any Motion be made in the House for any Public Aid, or Charge upon the people, the consideration and debate thereof may not be presently entered upon, but is to be adjourned till such further day as The House shall think fit to appoint, and then it is to be referred to a Committee of the whole House before any Resolution or Vote of The House do pass therein. [See also PETITIONS.]

Address for  
Money.

399. By Standing Order, 22nd February, 1821, The House will not proceed upon any Motion for an Address to The Crown, praying that any Money

may be issued, or that any expense may be incurred, except in a Committee of the whole House.

400. On The House proceeding to take into consideration Her Majesty's Speech, according to Order, <sup>Her Majesty's Speech considered.</sup> so much of the same as was addressed to the House of Commons is again read by Mr. Speaker, and a Motion being made, "That a Supply be granted to Her Majesty," The House resolves that it will, tomorrow, or on a future day, resolve itself into a Committee to consider that Motion.

401. The Order of the Day being read for The House to resolve itself into a Committee to consider the Motion, that a Supply be granted to her Majesty, Her Majesty's most gracious Speech to both Houses of Parliament is ordered to be referred to the Committee. Then The House resolves itself into the Committee, and The Queen's Speech being read, the Committee resolves that a Supply be granted to Her Majesty, which Resolution is ordered to be Reported, <sup>Committee on Motion for Supply.</sup>

402. Mr. Speaker resumes the Chair, and the Chairman reports that the Committee had come to a Resolution; and the Report is ordered to be received on a future day. <sup>Report from Committee.</sup>

403. The said Resolution, on being reported, is read, and being read a second time, The House resolves "*nemine contradicente*, that this House doth agree with the Committee in the said Resolution, that a Supply be granted to Her Majesty," and that this House will, upon a future day, resolve itself into a Committee, to consider the Supply granted to Her Majesty; which Committee is the Committee of Supply. <sup>Supply granted.</sup>

404. The Order of the Day being read for the Committee of Supply, Accounts and Estimates are referred, and The House resolves itself into the Committee, and the Committee proceeds to consider the matters to them referred. <sup>Committee of Supply.</sup>

405. Any Report of Resolutions from the Committees of Supply, and Ways and Means, is ordered to be received on a future day. <sup>Reports from Committee of Supply, and Ways and Means.</sup>

406. The Chairman acquaints The House that he was directed to move, that the Committee may have leave to sit again; and The House appoints a day accordingly.
407. When the first Resolutions of the Committee of Supply have been read a second time and agreed to, it is resolved, "That this House will, on a future day resolve itself into a Committee, to consider of Ways and Means for raising the Supply granted to Her Majesty;" which Committee is the Committee of Ways and Means.
408. By Standing Order, 25th June, 1852, the Committees of Supply and Ways and Means shall be fixed for Monday, Wednesday and Friday, and for any other day on which Orders of the Day shall have precedence of Notices of Motions.
409. The Chairman first called to the Chair of the Committee of Supply, in a new Parliament continues to take the Chair of that Committee and of the Committee of Ways and Means, until the Parliament shall be dissolved, and is called the Chairman of the Committee of Ways and Means.
410. In case any difference should arise in electing a Chairman, Mr. Speaker resumes the Chair, and The House appoints a Member to take the Chair of the Committee.
411. Resolutions of the Committees of Supply, and Ways and Means, reported to The House, are read a first and second time, and agreed to; or may be amended, postponed, re-committed, or disagreed to.
412. No Amendment, whereby the charge upon the people will be increased, may be made to any such Resolution, unless such charge so increased shall not exceed the charge already existing by virtue of any Act of Parliament.

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## XXII. Elections.

413. By Sessional Orders and Resolutions, all persons who will question any Returns of Member

to serve in Parliament for any county, city, borough or place in the United Kingdom, are to question the same within Fourteen days next, and so within Fourteen days next after any new Return shall be brought in.

Fourteen days.

414. All Members who are returned for two or more places in any part of the United Kingdom are to make their election for which of the places they will serve within one week from and after the expiration of the Fourteen days before limited for presenting Petitions, provided there be no question upon the Return for that place; and if anything shall come in question touching the Return or Election of any Member, he is to withdraw during the time the matter is in debate; and all Members returned upon double Returns are to withdraw till their Returns are determined.

Members returned for two or more places to make their election within Fourteen days.

415. All persons who shall question any Return of Members upon any allegation of bribery and corruption, and who shall in their Petition specifically allege any payment of money or other reward to have been made by any Member, or on his account, or with his privity, since the time of such Return, in pursuance or in furtherance of such bribery or corruption, may question the same at any time within twenty-eight days after the date of such payment; or, if this House be not sitting at the expiration of the said twenty-eight days, then within Fourteen days after the day when The House shall next meet.

Returns may be questioned on the ground of Bribery within Twenty-eight days.

416. No Peer of the Realm, except such Peers of Ireland as shall for the time being be actually elected, and shall not have declined to serve, for any county, city or borough of Great Britain, hath any right to give his vote in the Election of any Member to serve in Parliament.

Peers not to vote.

417. It is a high infringement of the liberties and privileges of the Commons of the United Kingdom for any Lord of Parliament, or other Peer or Prelate, not being a Peer of Ireland at the time elected, and not having declined to serve for any county, city or borough of Great Britain, to concern him-

Peers, &c., not to be concerned in Elections.



self in the Election of Members to serve for the Commons in Parliament, except only any Peer of Ireland, at such Elections in Great Britain respectively, where such Peer shall appear as a Candidate, or by himself, or any others, be proposed to be elected; or for any Lord Lieutenant or Governor of any county to avail himself of any authority derived from his Commission to influence the Election of any Member to serve for the Commons in Parliament.

Persons returned by Bribery will be proceeded against.

418. If it shall appear that any person hath been elected or returned a Member of this House, or endeavoured so to be, by bribery, or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

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### XXIII. *Miscellaneous.*

Offer of Money to any Member.

419. By Resolution, 2nd May, 1695, the offer of any money or other advantage to any Member of Parliament for the promoting of any matter whatsoever depending or to be transacted in Parliament is a high crime and misdemeanor, and tends to the subversion of the English Constitution.

Members not to be counsel for or against Bill pending in the Lords.

420. By Order, 6th November, 1666, such Members of this House as are of the Long Robe are not to be Counsel on either side in any Bill depending in the House of Lords before such Bill shall come down to this House.

Members not to engage in the management of Private Bills.

421. By Resolution, 26th February, 1830, it is contrary to the law and usage of Parliament that any Member of this House should be permitted to engage, either by himself or any partner, in the management of Private Bills, before this or the other House of Parliament, for pecuniary reward.

I N D E X  
TO  
THE RULES AND ORDERS.

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[*N.B.*—In this INDEX the Figures refer to the Numbers of the RULES and ORDERS.]

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*Abjuration, Oath of.* See *Allegiance, &c., Oaths of.*

*Absence of Members.* Notices of motion may be given by a Member for any other Member being absent, 107.

• See also *Leave of Absence.*

*Absence of Speaker.* Chairman of Committee of Way and Means to perform his duties, 31.

*Access to the Crown.* Privilege of free access to the Queen, 17.

*Accounts and Papers :*

Ordered to be laid before The House, 386—When Addresses presented for them, 387—Papers presented by Command, 888—Form observed when presented by Members, 389—In what cases deposited with the Clerk of the House, 390—Accounts and Papers ordered to lie upon the Table, 391—Ordered to be printed when expedient, 392—Printing Committee; its functions, 393—Accounts and Estimates referred to the Committee of Supply, 404.

*Addresses :*

Modes of presenting, 301—Form when presented by the whole House, 302—Concurrence of the Lords in a joint Address; how desired, 303—The like of the Commons, 304—How such concurrence signified, 305—Form of presenting joint Address, 306, 308—Lords learn Her Majesty's pleasure when She will be attended, 307—Royal Answer to Address presented by whole House; how reported, 309—The like, to Address presented by Privy Councillors, 310.

Motion for Address in answer to the Royal Speech made and seconded, 36—Costume of Mover and Seconder, 37—Resolution for Address agreed to, with or without Amendment, 38—Select Committee appointed to draw up the Address; Speech referred, *ib.*—Address reported and agreed to, 39—When presented by the whole House, 40—And when by Members who are Privy Councillors, 41.

*Addresses—continued.*

In what cases Accounts and Papers are procured by Address, 387—Motion for an Address to the Crown for the issue of public money not entertained, except in *Committee* of the whole House, 399.

*Adjournment of the House.* After choice of Speaker, 14—Rules and Orders relative to the Sitting and Adjournment of the House, 49-74—Except in cases mentioned, the House can only be adjourned by its own Resolution, 70—Questions superseded by adjournment of the House, 122, 124.

*Adjournment of Select Committees.* May adjourn from time to time, 234—And (by leave) from place to place, *ib.*

*Allegiance, &c., Oaths of.* The Oaths of Allegiance and Supremacy and of Abjuration first taken by Mr. Speaker alone, 20—And afterwards by Members, 21—Oath in lieu thereof taken by Roman Catholic Members, 22.

*Amendments to Bills.* See *Bills, Public.*

*Amendments to Questions :*

Different forms of amendment, 134—If not seconded, will not be entertained, 135—Amendment to leave out certain words, 136—To leave out words, and insert or add others, 137—To insert or add words, 138—Amendments to the former part of a question may not be proposed after a later part has been amended, 139—No Amendment to be made to words already agreed to, 140—Proposed Amendment may, by leave, be withdrawn, 141—Amendments to proposed Amendments, 142—When Amendments made, main question as amended is put, 143—When Amendments proposed, but not made, the question originally as proposed, is put, 144.

*Applications for Public Money.* Will not be entertained unless recommended by the Crown, 396—Nor proceeded upon except in a *Committee* of the whole House, 397.

*Arrest.* Privilege of freedom from arrest, and molestation for Members, their servants and estates, 17.

*Attendance of Members.* Rules and Orders regulating the same, 75—93.

*“Ayes” and “Noes.”* Questions determined by majority of voices. “Aye” or “No,” 128—Speaker states which has it; if his opinion not acquiesced in, a *Division* ensues, 129. See also *Divisions.*

*Ballot.* Precedence of Members in giving notices of Motion determined by, 103—Ballot for precedence in presenting Petitions, 328.

*Bar of the House.* Is kept down when a witness is examined, 261—Practice when witness in custody at the Bar is examined, 264—Chairs placed for Peers, &c., within the Bar, 267.

*Bar of the House of Peers.* Speaker and The House go up to, to hear the Royal Speech, 32—Retire therefrom, 33.

*Bills, Public :*

How ordered to be brought in, 340—Certain Members named to prepare and bring in each Bill, 341—Members added to those originally named, 342—Instructions to make provision, 343—Bills

*Bills, Public*—continued.

relating to Religion, 344—To Trade, 345—For granting money, or releasing or compounding any sum of money owing to the Crown, 346—If not prepared pursuant to Order, or to the Rules of The House, will be ordered to be withdrawn, 347.

Manner of presenting a Bill, 348—First Reading, 349—Questions for First Reading and Printing to be decided without Amendment or Debate, 350—Ordered to be read a Second Time, 351—Question for Second Reading put, 352—Amendments to Question for Second Reading, 353—Amendments to be strictly relevant, 354—Commitment, 355—Question put for Speaker to leave the Chair, 356—When Committee has reported Progress, Speaker leaves the Chair without putting any question, *ib.*—Amendments to Question for Speaker to leave the Chair, 357.

Instructions to Committee on the Bill; not to be moved by way of Amendment, 358—Several Bills may be considered together, on the same day, without the Chairman leaving the Chair on each separate Bill, 359—Questions for First and Second Reading in Committee discontinued, 360—Preamble postponed; every clause considered *seriatim*, 361—Amendments to clauses; limitations thereto, 362—Question put on each clause, that it stand part of the Bill, 363—Proceedings in regard to filling up blanks, 364—Clauses postponed, 365—When Preamble considered and agreed to, 366.

No notice taken of Proceedings in Committee until Report, 367—Report of Progress and leave asked to sit again, 368—Bill reported, 369—Report to be received without debate, and a time appointed for considering same, 370—Where Bill reported without Amendment, 371—Clauses offered in Committee, or on consideration of Report, 372—Notice required in certain cases, *ib.*—Course pursued with Clauses containing Rates, Penalties, or other blank, 373—Bills re-committed, 374—Order for Third Reading discharged, and Bill re-committed, 375.

Third Reading; Amendments to Questions for, 376—Amendments on Third Reading to be merely verbal, 377—Bill passed and Title agreed to, 378—Further proceedings on Third Reading adjourned to a future day, 379—Unusual Expedition, 380—Duration of Temporary Laws to be expressed, 381—Bills sent to Lords with a Message, 382—Returned from the Lords with Amendments; and the same considered and agreed to, or disagreed to, &c., 383—Day to be appointed for considering Lords' Amendments, 384—Royal Assent, 385.

*Black Rod, Usher of the.* Message from Lords Commissioners on Opening of Parliament, brought by, 3, 32—On Prorogation, or further Prorogation, 47, 48—Opens the door of the House of Peers to admit Members and the Clerk Assistant on their going up to attend Prorogation of a New Parliament by Writ, 44—Messengers of this House introduced by Black Rod at the Bar of the House of Peers, 273.

*Blanks (Public Bills).* Course pursued in regard to filling up, in Committee, 364.

*Bribery and Corruption.* Returns may be questioned on the ground of bribery within 28 day, 415—Or, if The House be not sitting, within 14 days after The House next meets, *ib.*—Persons returned by bribery or other corrupt practices will be proceeded against, 418.

*Bribery of Members.* See *Offer of Money to Members.*

*Business of The House.* Of what the Ordinary business of each day consists, 94—Order in which taken, 101.

See also *Bills, Public. Notices of Motions. Orders of the Day.*

*Call of The House :*

When Order for a Call made, it is resolved that Members not then attending be sent for in custody, 80—The Order for a Call set down as an Order of the Day, 81—Manner in which the Call is proceeded with, 82—Members not at first present, but subsequently attending, 83—Members not attending at all during the day, 84.

*Casting Votes.* In case of Equality of Votes (on a Division), Speaker gives a casting voice, 191—Any reasons stated by him being entered in Journal, *ib.*—In Committee of whole House, Chairman gives a casting vote, 203—The Chairman of a Select Committee can only vote when there is an equality of voices, 233.

*Certificate of Return.* Brought by Member returned after a General Election, 28.

*Chair.* Member, when elected Speaker, conducted to the Chair, 9, 12, 13—Speaker Elect takes the Chair on the day following, awaiting Message from Lords Commissioners, 15—Speaker counts The House before taking the Chair, 53—If 40 Members be not present at Four o'clock, Mr. Speaker standing on the upper step of the Chair, again counts The House, 54.

*Chairman of the Committee of Ways and Means.* To perform the duties of Speaker on unavoidable absence of Speaker, 31—Manner of appointment of Chairman, 409—Course pursued if difference arise in the Election, 410.

*Chairman of Committees of the Whole House :*

When House is in Committee on Wednesdays at a Quarter before Six, Chairman is immediately to report Progress, 65—When morning sittings on other days, Chairman, at Four o'clock, is to leave the Chair, and The House will resume its sitting at Six, 67—And Chairman to report Progress when House resumes, 68—To direct objectionable words used in debate to be taken down, 170—Order in Committee is maintained by the Chairman, 176—But disorder can only be censured by the House, *ib.*—The Chair of Committees of the Whole House is ordinarily taken by Chairman of the Committees of Ways and Means, 200—If difference arise in Committee concerning election of Chairman, he is appointed by the House, 201—Chairman leaves the Chair if 40 Members not present, 211—Chairman directed to report, 213—To report Progress, 214, 215—Motion that Chairman do now leave the Chair; its effect, 215.

*Chairman of Select Committees.* The Chairman can only vote when there is an equality of voices, 233.

- Chaplain.* Prayers read daily by Mr. Speaker's Chaplain, 50.
- Charges upon the People.* See *Supply and Ways and Means.*
- Claim of Privileges.* Made by Speaker, 17—His report thereof, 18.
- Clauses.* See *Bills, Public.*
- Clerk Assistant (House of Commons).* Goes up to the House of Peers with Members, on Prorogation of a new Parliament by Writ, 44—Clerk Assistant, or Second Clerk Assistant, with the House, goes up on further Prorogations, 48.
- Clerk at the Table.* To read the Orders of the Day (after notices have been disposed of) without any Question put, 98.
- Clerk of the Crown in Chancery.* Delivers to Clerk of the House a List of Members returned, 1—His certificate, in the case of a Member, returned after a General Election, 28.
- Clerk of the House :*  
List of Members delivered to, on the opening of a new Parliament, 1—Clerk addressed by Members when House proceeds to choice of Speaker, 6—Puts Question on choice of Speaker, 11, 12—Members deliver to the Clerk an account of their qualification, 20, 21—The names of Members called over by the Clerk from the Return Book, on a Call of The House, 82—Names of those not answering taken down by the Clerk, 83—Clerk to take down words objected to, when directed by Speaker, 169—On a division, turns a two-minute sand-glass, 183—Clerk signs Orders of The House for the attendance of Witnesses, 245—To read Petitions, when presented, if required, 336—Accounts and Papers deposited with the Clerk of the House, 390.
- Commission for Opening Parliament.* Course of proceeding, 2 *et seq.*
- Commission for Proroguing Parliament.* Course pursued in regard to, 47—And for further prorogations, 48.
- Commission for giving Royal Assent to Bills.* A Commission makes a House, though 40 Members be not present, 56.
- Commitment of Public Bills :*  
After Second Reading to a Committee of the whole House, or to a Select Committee, 355—Committee of the whole House; Question put for Speaker to leave the Chair, 356—When the Committee has reported progress, Speaker leaves the Chair without any Question, *ib.*—Amendments that may be made to Question for Speaker to leave the Chair, 357—Instructions to Committee on the Bill, 358—Several Bills may be considered together on the same day, without the Chairman leaving the Chair on each separate Bill, 359.
- Committees on Public Bills :*  
Reading a Bill first and second time in Committee now discontinued, 360—Preamble postponed; clauses considered *seriatim*, 361—Amendments to clauses, 362—Question put on each clause, that it stand part of the Bill, 363—Proceedings in regard to blanks, 364—Clauses postponed, 365—Preamble considered and agreed to, 366—No notice to be taken of Proceedings in Committee until Report, 367—Report of Progress, and leave asked to sit again, 368—Bill reported, 369—371.

*Committee on Public Petitions.* All Petitions referred to, without Question put, 336.

*Committees, Select :*

Number of Members of which composed, 219—Willingness of Members to attend to be previously ascertained, 220—Notice of nomination required to be given, 221—Lists of Members serving on Select Committees posted up, 222—Names of Members asking questions of witnesses prefixed thereto in the Minutes, 223—Names of Members present each day to be entered, 224—Particulars in regard to Divisions required to be entered, 225—When Quorum not present, 226.

Members discharged from attendance, and others added, 227—Quorum appointed by House, 228—But if no Quorum fixed all to attend, *ib.*—Power to send for persons, papers and records, 229—Admission of strangers to Committees, 230—When Members of the House may be present, 231—Secret Committee, 232—Chairman only votes when voices are equal, 233.

Adjournments of Committees, 234—Not to sit during sitting or during adjournment of the House without leave, 235—Proceedings void after notice of House going to Prayers, 51, 236—But Committees may sit during Morning Sittings of the House, 236, *a.*—Evidence taken and documents produced before any Committee not to be published, 237—Report from time to time, 238—Report brought up and laid on the Table, 239—Instructions to Committees, 242-244—Power of Committees to summon witnesses, 247—Course pursued when a witness does not attend a Committee, 248.

*Committee of the Whole House :*

When Forty Members not present the Chairman reports same to the House, 58—When House in Committee on Wednesday at quarter to Six the Chairman is immediately to report progress, 65—When on other morning sittings Chairman is to leave the Chair at Four o'clock, 67—And to report Progress when the House resumes its sitting (at Six o'clock), 68—Words used in Committee to which objection is made will be taken down, 170—Rules of Debate in Committee, 175—Disorder in Committee can only be censured by the House, 176—Divisions in Committee taken in the same way as in the House itself, 193.

Form of appointing a Committee of the whole House, 196—House resolves itself into Committee, 197—When Committee, after reporting Progress, is ordered to sit again on a particular day, Speaker, when Order for the Committee read, is to leave the Chair without a Question put, 198—The Mace placed under the Table when Speaker leaves the Chair, 199—Chair taken by the Chairman of Ways and Means, 200—If difference in Committee concerning Chairman Speaker resumes, and Chairman appointed by House, 201.

Committee is to consider only such matters as are referred to them, 202—Every Question decided by majority of voices, 203—When equality of voices Chairman gives casting vote, *ib.*—A Motion in Committee is not seconded, 204—Motion for previous Question cannot be made, 205—Greater and lesser sum, or longer and shorter time, 206—Members may speak more than once, 207—Order observed in Debate same as in the House, 208.

*Committee of the Whole House*—continued.

If sudden disorder arise, Speaker will resume the Chair, 209—Speaker also resumes the Chair in other cases, 210—If Forty Members not present Speaker resumes the Chair, 211—If Forty present when the House is counted the House again resolves itself into Committee, 212—Report made when all the matters referred have been considered, 213—Report of Progress, 214—Motion made during Committee to report Progress, and ask leave to sit again, 215.

Motion that Chairman do now leave the Chair will supersede proceedings of Committee, 216—Report brought up without Question, 217—Proceedings in the House on Resolutions from a Committee, 218—When witness examined before a Committee of the whole House any Member may put questions, 263.

*Complicated Questions.* House may order them to be divided, 126.

*Conferences :*

Matters communicated at Conferences, 277—How a Conference is desired, 278, 279—Conference cannot be desired concerning Bill or other matter depending in the other House, 280—By which House Conference is to be demanded, 281—Reasons for disagreeing to Amendments, &c., may be communicated by Message instead of at a Conference, 282, 283.

When Conference agreed to, 284—Lords appoint time and place, 285—Nomination of Managers, 286—Commons' Managers double the number of the Lords, 287—Duty of Managers, 288—If either House does not insist upon its Amendments, &c., after a Conference had, such Resolution may be communicated by Message, 289—Free Conferences held, 290—Forms of holding Conferences, 291-295.

*Consent of the Crown.* To any Motion or Bill, how signified, 299.

See also *Grants of Public Money.*

*Corrupt Practices at Elections.* See *Bribery and Corruption.*

*Counsel.* Members not to be Counsel on either side in any Bill depending in the Lords before it comes down to this House, 420.

*Counting the House :*

House counted after Prayers, 53—If Forty Members not present at 4 o'clock House adjourned till the next sitting day, 54, 57—When House meets before the ordinary time, and Forty Members not present, House not adjourned until Four o'clock, 55, 59—A Commission makes a House, which, on its return, proceeds with business, unless notice be taken, 56—When Chairman of Committee of the whole House reports that Forty Members are not present Speaker counts House and adjourns, 58—Doors unlocked while Speaker is counting, 60.

*Crown.* Interests of the, placed at the disposal of Parliament, 300.

See also *Queen.*

*Debates :*

Privilege of freedom of speech in Debate, 17—How Debates may be interrupted, 125—Every Member speaking is to address Mr. Speaker standing and uncovered, 145—Indulgence extended to Members unable to stand, 146—Speaking to order during a Division sitting and covered, 147—No Member to speak after a Question put and



*Debates*—continued.

voices given, 148—Speaker calls upon Members to speak, 149—Motion that a Member “be now heard,” or “do now speak,” 150—Members to speak to the Question, 151—Questions allowed to be put to Ministers of the Crown, &c., 152—Such questions not to involve argument, 153—In answering any question the matter to which it refers not to be debated, 154.

Explanation of personal matters, 155—No Member may speak twice, except in explanation or reply, 156-158—Speaking “to order,” or upon a matter of privilege, 159—Debates of same Session may not be alluded to, except by indulgence, for personal explanations, 160—Reports of speeches of same Session may not be read, 161—Extracts referring to Debates not to be read, 162—Reflections upon Votes of The House not allowed, except for rescinding such Vote, 163—Allusions to Debates in the other House not allowed, 164—Use of the Queen’s name, 165.

Offensive words against either House, or any Statute, not allowed, 166—One Member not to refer to another by name, 167—Not to use offensive words in reference to another, 168—Words taken down, 169-171—Members not explaining or retracting, censured, 172—Interference of House to prevent quarrels, 173—No noise or interruption to be allowed during a Debate, 174—Rules of Debate in Committee of the whole House, 175, 208—Means of maintaining order in the House, and in Committee of the whole House, 176—House to be silent when Mr. Speaker rises, 177—Member to withdraw whilst his conduct is under Debate, 178—In Committee Members may speak more than once, 207.

*Debts due to the Crown.* Petitions for compounding, not received unless recommended by the Crown, 320—Certificate required to be annexed to Petition, 321.

*Declarations.* Of Members, that they are duly qualified, 20, 21.

*Disallowance of Votes* (on Divisions). If Member not present when Question is put, 179—If personally interested, 194, 195.

*Discharge of Orders.* An order of The House may be read and discharged, 133.

*Disorder.* If sudden disorder arise in Committee of the whole House, Speaker will resume the Chair, 209.

*See also Noise and Disturbance.*

*Divisions :*

If the Speaker’s opinion that the “Ayes” or the “Noes” “have it,” be not acquiesced in, a Division ensues, 129—Members speaking to a point of order during a Division, 147—To sit covered whilst speaking, 148—No Member entitled to Vote, unless present when the Question was put, 179—Every Member then present must vote, 180—When strangers withdrawn and doors locked, no Member can enter or leave until after Division, 181—To whom order for withdrawal of strangers shall apply, 182.

Doors not closed till after two minutes, as indicated by sand-glass, 183—Doors closed after lapse of two minutes, 184—Question then put, and the “Ayes” and “Noes” go into the respective Lobbies,

*Divisions—continued.*

and Tellers appointed, 185—If not two Tellers for one of the parties, no Division allowed, 186—Every Member counted, and names taken down by Division Clerks, 187.

Tellers report the numbers to Mr. Speaker, who declares them to The House, 188—In case of confusion or error, House again divides, 189—Numbers inaccurately reported, corrected in Journal, 190—On equality of Votes, Speaker gives casting voice, 191—Any reason stated by him being entered in the Journal, *ib.*—Division Lists printed with the Votes and Proceedings, 192, Member not entitled to vote if personally interested, 194, 195.

Divisions in Committee of the Whole House taken in the same manner as in the House itself, 193.

Manner of taking Divisions in Select Committees; entry made in the Minutes, 225.

*Doorkeepers.* To prevent Members' names being affixed to seats in the House before Prayers, 86.

*Doors of the House.* Closed during Prayers, 52—The doors unlocked whenever House is being counted, 60—Doors locked during Divisions, 181—But not to be closed until after the lapse of two minutes, 183, 184.

*Double Returns.* Members returned for two or more places to make their election for which place they will serve within 14 days, 414—Members returned upon Double Returns to withdraw till their Returns are determined, *ib.*

*Dropped Motions.* A Motion not seconded is forthwith dropped, and no entry made in the Votes, 120.

*Dropped Orders of the Day.* To be set down in the Order Book, after the Orders of the Day for the next day on which the House sits, 100.

*Dublin Corporation.* How Petitions from, presented, 333, 334.

*Duties.* See *Taxes or Duties.*

*Election Committees.* How Witnesses are summoned to attend Election Committees, 249.

*Election Petitions.* Petitions in the nature of, not received, unless the requirements of the Election Petitions Act complied with, 326.

*Elections:*

Returns of Members to serve in Parliament to be questioned within 14 days, 413—Members returned for two or more places, to make their election for which of the places they will serve, within 14 days, 414—Members to withdraw during the time any matter touching their Election is in debate, *ib.*—Members returned upon double Returns to withdraw till their Returns are determined, *ib.*

Returns may be questioned, on the ground of Bribery since the time of Return, within 28 days, 415—And if House be not sitting, then within 14 days after the next meeting of The House, *ib.*—Peers, except certain Irish Peers, disqualified from voting, 416—Interference of Peers, or Lord Lieutenants of Counties, a high infringement of Privilege, 417—Persons returned by bribery, or other corrupt practices, will be proceeded against, 418.

*Entering and Leaving the House.* Members to be uncovered; or when moving to any other part of the House, 89—And to make an obeisance to the Chair, *ib.*—Every Member to take his place when he comes into the House, 92.

*Equality of Votes.* See *Casting Votes.*

*Estates of Members.* See *Arrest. Qualification.*

*Evidence.* Taken before a Select Committee not to be published until reported, 237.

See also *False Evidence. Officers of the House. Tampering with Witnesses. Witnesses.*

*Explanation of Words.* A Member, who has already spoken may be again heard, to explain his words, 157.

See also *Personal Explanations.*

*False Evidence.* Penalty for giving false Evidence to The House or Committees, 258.

*First Reading of Public Bills:*

Is proposed immediately after presentation, 349—Questions for first Reading and Printing to be decided without amendment or debate, 350—The Question for reading a Bill a First Time in Committee of the whole House now discontinued, 360.

*Forgery of Signatures to Petitions—*A Breach of Privilege, 322.

*Forty Members.* See *Counting The House.*

*Freedom of Speech.* Privilege of Freedom of Speech in debate, 17.

*Friday Adjournments.* Resolution on Friday, to adjourn till Monday, 69.

*Fridays.* Orders of the Day, set down in the Order Book for Fridays, to be disposed of before proceeding upon Notices, 97. See also *Monday, Wednesday, &c.*

*Full Dress.* Proposer and seconder of Address in answer to the Royal Speech, attend in their places in uniform or full dress, 37—Message from Her Majesty, brought by one of the Household in uniform, 296 n.—Royal Answer to Address reported by one of the Household in uniform, 310.

*Further Prorogations.* Of a New Parliament by Writ, 45—After a Session by Commission, 48.

*Government Orders.* Right reserved to the Government to place Orders at the head of the List of Orders of the Day, on days on which the Government have precedence, 99.

*Grants of Public Money:*

Applications for, not entertained, unless recommended by the Crown, 320, 396—Nor proceeded upon, except in a Committee of the whole House, 346, 397—Motions not to be presently entered upon, but adjourned to a further day, 398—Address to the Crown for issue of Money, not proceeded upon except in Committee, 399—Charges upon the revenues of India, 396 A.

*Greater or Lesser Sum.* Order as to, 206.

*House of Lords.* See *Conferences.* *Joint Addresses.* *Lords, House of Messages.*

*India.* Charges upon the Revenues of, to be recommended by the Crown, 396 A.

*Instructions :*

*To Committees of the Whole House :*

Effect of an instruction to a Committee of the whole House, 240—General Instruction to Committees on Bills to make, relevant to the subject matter of the Bill, 241—But if Amendments not within the Title of the Bill, to make special Report, *ib.*—When Instructions may not be moved, 242—How and when an Instruction should be moved, 243.

*Select Committees :*

Effect of an Instruction to a Select Committee, 244.

*On other Matters :*

To Members appointed to prepare and bring in Bills, 343—Instructions to the Committee on a Bill, 358—Ought not to be moved by way of Amendment, *ib.*

*Interruption of Debates.* See *Debates.*

*Introduction of Members.* Form of, when returned after a General Election, 26—Not introduced when seated on Petition, 27.

*Irish Peers.* May be elected to serve as Members in the Commons House, 416, 417.

*Joint Addresses.* Concurrence of the Lords in a joint Address now desired, 303—The like of the Commons, 304—How such concurrence signified, 305—Mode of presenting joint Address, 306—308.

*Journals.* Are compiled from the Votes and Proceedings; are printed, 74.

*Judges.* Manner in which examined at the Bar, 267, 269.

*Keepers of Prisons.* When a Witness is in the custody of a Keeper of a Prison, how brought up, 246.

*Leave of Absence.* For what reasons given to Members, 76—Notice to be given of Motions for leave of Absence, 77—Members having leave excused from all service during such leave, 78—Leave forfeited by attendance before the expiration of such leave, 79.

*London Corporation.* Petitions from, presented by the Sheriffs, 331, 332.

*Longer or Shorter Time.* Order respecting, 206.

*Lord Chancellor.* Part taken by, on Prorogation of a New Parliament by Writ, 44, 45—Signifies Her Majesty's pleasure that Parliament be prorogued, 46—When a joint Address presented, the Lord Chancellor (with Speaker on his left) reads Address, 308.

*Lord Lieutenant of County.* Interference in Elections a high infringement of Privilege, 417.

*Lord Mayor of Dublin.* Presents Petitions from the Corporation of Dublin at the Bar, 333—If a Member, then in his place, 334.

*Lord Mayor of London.* Manner in which examined at the Bar, 267, 269.

*Lords' Amendments to Bills.* Proceedings on, 383, 384—Lords not to amend Bills for the granting of any Aids or Supplies, 391—Cases in which the Commons will not insist on its Privileges, 395.

*Lords Commissioners.* Signify the Royal Pleasure that the House proceed to elect their Speaker, 4—Signify Her Majesty's approbation of Speaker Elect, 16—Prorogation and further Prorogation of Parliament by Lords Commissioners, 47—Royal Assent to Bills signified by Lords Commissioners, 385.

*Lords, House of.* Allusion to Debates in, not allowed, 164.

*Lords of Parliament.* See *Peers*.

*Mace.* Laid on the Table when Speaker chosen, 13—Placed on the Table by the Serjeant, on Speaker and the House returning from the Lords after hearing Royal Speech, 33—No Member to pass between the Chair and the Mace, when the latter taken off the Table by the Serjeant, 91—Is placed under the Table when House is in Committee, 199—Mace on the Serjeant's shoulder when Witness is in custody at the Bar, 264—Use made of Mace when Messages brought from Lords, 275, 276.

*Managers of Conferences.* Nomination of Managers, 286—Commons' Managers double the number of the Lords', 287—Duty of Managers, 288, 291—295.

*Masters in Chancery.* Bring Messages from the Lords, 272.

*Meeting of the House.* Quarter to Four the time for the ordinary meeting of the House, 49—At Twelve on Wednesday, 61—Other Morning Sitings, 66.

*Members :*

List of, delivered to the Clerk on the Opening of a New Parliament, 1—Members assemble in the House awaiting Message, 2—Members not to bring strangers in, 72—Rules and Orders regulating the attendance and places of Members, 75-93—Member against whom a charge is made to withdraw while his conduct is under debate, 178.

How the attendance of a Member to be examined as a witness is to be secured, 251, 252—Course pursued if Member refuse to attend, 253—If any information come before a Committee charging any Member, the Committee is to acquaint the House, 254—A Member is examined in his place, 266—Members uncovered when Message from the Crown read, 297.

A Member not to present a Petition from himself, 330—To withdraw whilst their Return or Election is in debate, 414—The offer of money or other advantage to any Member a high crime and misdemeanor, 419—Members not to be counsel on either side in any bill depending in the Lords before it comes down to this House, 420—No Member to engage by himself or partner in the management of Private Bills for pecuniary reward, 421.

See also *Elections*.

*Messages:**From the Crown:*

Message under the Sign Manual, how brought, 296—Read by Speaker, Members being uncovered, 297—Verbal Messages, how communicated, 298—Recommendation or Consent of the Crown, how signified, 299—Interests of the Crown placed at the disposal of Parliament, 300.

*Lords Commissioners:*

From Lords Commissioners on opening of a New Parliament brought by Black Rod, 3—No Message sent to the Commons when a New Parliament prorogued by Writ, 44.

*Between the Two Houses:*

One of the Clerks of either House may be the bearer of Messages, 271-273—Messages to be received by the Clerk, at the Bar, without interrupting the Business, 274—Message communicated to The House by Mr. Speaker, 275—Either House may revert to ancient practice of sending and receiving Messages, 276.

Reasons for disagreeing to Amendments, &c., may be communicated by either House to the other, by Message instead of Conference, 282, 283, 289.

*Minutes of Evidence and Minutes of Proceedings* (Select Committees). What required to be entered therein, 223-225.

*Monday, Wednesday and Friday.* Orders of the Day set down in the Order Book for Mondays to be disposed of before proceeding upon Notices, 97—Sittings of the Committees of Supply and Ways and Means fixed for these and certain other days, 408.

*Money Bills.* Any such awaiting the Royal Assent at the end of the Session presented by Mr. Speaker, who addresses Her Majesty, 46. See also *Supply and Ways and Means*.

*Moravians.* Members being, make Affirmations in lieu of Oaths, 23.

*Morning Sittings:*

House meets on Wednesdays at Twelve, and sits till Six o'clock, 61—Speaker adjourns House at Six, without Question put, notwithstanding there may be business under discussion, 62—Matters not disposed of stand as Orders of the Day for the next sitting day, 63—Business under discussion at a Quarter before Six o'clock, adjourned to the next sitting day, 64—When House in Committee at a Quarter before Six, Chairman reports Progress, 65—Course of Proceeding when House sits in the morning on other days than Wednesdays, 66-68—Committees may sit, except during Prayers, 236 A.

*Motions:*

Rules and Orders regulating the giving Notices of Motions, 102-114—Precedence of Motions, 115—Urgent Motions concerning Privileges, 116—Motions for Votes of Thanks, 117—Motions made by leave, without notice, 118—Question proposed when Motion made and seconded, 119—Any Motion not seconded, dropped, and no entry made in the Votes, 120—Motions may be withdrawn by leave,

121—A Motion withdrawn by leave may be made again during the same Session, 131—A Motion in Committee of the whole House is not seconded, 204.

*Names of Members.* No Member to refer to another by name, 167—Members disorderly called upon by Speaker by name, 174.

*See also Call of the House.*

*New Members.* How introduced, when returned after a General Election, 26—Not introduced when seated on Petition, 27—On coming to be sworn, to produce certificate of his Return, 28.

*New Parliaments.* Proceedings on the opening of a new Parliament, 1-31—Form of Prorogation, and of further Prorogation of a new Parliament by Writ, 44, 45.

*Newspapers.* No Member to read any newspaper, book or letter in his place, 93—Extracts from, referring to Debates, not to be read in The House, 161, 162.

"Noes." *See* "Ayes" and "Noes."

*Noise and Disturbance.* Not allowed during a debate, 174.

*See also Disorder.*

*Notice.* Notice required to be given of Motions for leave of absence, 77—Notice required to be given when a Committee is to consist of more than fifteen Members, 219—Also of the names of the Members proposed to be placed on the Committee, 221—Notice of considering Lords' Amendments to Bills, 384.

*Notice Paper.* Is placed upon the Table after Prayers, 102.

*See also Notices of Motions.*

*Notices of Motions :*

Relative precedence of Orders of the Day and Notices of Motions, 96, 109—Mode of giving Notices, 102—Ballot for precedence, 103—A Member, when his name is called, may not give more than one Notice, 104—Notices given after all the names have been called from the Notice Paper, 105—Every Notice to be in writing, and delivered at the Table, 106—One Member may give Notice for another who is absent, 107—Restrictions imposed upon giving Notices, 108—Notices take precedence of Orders of the Day on Tuesdays and Thursdays, 109.

Every Notice printed and circulated, 110—Notices containing unbecoming expressions expunged, 111—Postponement of Notices, 112—Alteration of the terms of Notices, 113—Motions for unopposed Returns, 114—Precedence of Motions according to the order in which the Notices were given, 115—Motions may be made by leave without Notice, 118.

*See also Motions.*

*Oaths.* House put in mind by Speaker to take the Oaths, 19—Speaker first takes the Oaths alone, 20—Members then take the Oaths, 21—Oaths taken by Roman Catholic Members, 22—Affirmations made by Quakers, Moravians, Separatists and others, 23—Oaths cannot be taken after Four o'clock, 24—Business before Four o'clock may be interrupted to enable Member to take Oaths, 25.

Witnesses are not examined upon Oath, except in cases provided for by Statute, 256.

*Obeisances.* Made by Members to the Chair in passing to or from their seats, 89.

*Offensive Words.* Against either House, or any Statute, not permitted, 166—Nor offensive or unbecoming words in reference to any Member, 168—If words used in debate be objected to, the Speaker will direct them to be taken down by the Clerk, 169—The like in regard to a Committee of the whole House, 170—Objection to words to be taken at the time such words are used, 171—Members not explaining or retracting, censured or otherwise dealt with, 172.

*Offer of Money to Members.* A high crime and misdemeanor, 419.

*Officers of the House.* No Clerk, or Officer or Short-hand Writer, employed to take Minutes of Evidence, may give evidence elsewhere in respect of any proceedings, &c., without leave, 260.

See also *Clerk Assistant (House of Commons)*, *Clerk of the House*.

*Opening of Parliament.* Proceedings on the opening of a new Parliament, 1-31—The like, when not a new Parliament, 32-43.

"*Order.*" Any Member may rise to speak "to Order," 157—A question of Order may interrupt Debates, 125.

*Orders of the Day:*

Defined, 95—Relative precedence of Orders and Notices, 96, 109—Orders of the Day have precedence on Monday, Wednesday and Friday, 97—Speaker to direct the Clerk to read the Orders of the Day without any Question put, 98—Orders are disposed of in the order in which they stand upon the Paper, 99—Government Orders to have precedence on certain days, *ib.*—Dropped Orders, how provided for, 100.

Notices take precedence of Orders on Tuesdays and Thursdays, unless House otherwise directs, 109—Questions superseded by Motion for now reading the Orders of the Day, 122—This, however, restricted to days on which Notices have precedence, *ib.*—The Question for reading the Orders of the Day may be superseded by the Adjournment of the House, 124.

*Orders of the House.* May be read and discharged, 133.

*Passages and Gangways of the House.* Members not to stand in, 92.

*Peers.* Means by which their attendance for examination by the House or Committees is secured, 255—Manner of examining a Peer, or Lord of Parliament, at the Bar, 267, 268—At a Select Committee, 270—No Peer, except certain Irish Peers, to vote at Elections, 416—Their interference in Elections, a high infringement of privilege, 417.

See also *Lords, House of*.

*Penalties, Forfeitures and Fees.* Lords' Amendments to Bills relating to; in what cases the Commons waive their privileges, 395.

*Personal Explanations.* Members allowed to make, although no Question before the House, 155, 160—But such matters not debated, 155.

See also *Explanation of Words*.

*Personal Interest.* Disentitles a Member to vote, 194, 195.



*Persons, Papers and Records.* Power given to Select Committees to send for, 229.

*Petitions, Public :*

To be fairly written; none printed or lithographed received, 311—Every Petition to contain a Prayer, 312—To be signed on the same skin on which Petition is written, 313—To be in English, 314—Or accompanied by a certified translation, *ib.*—To be signed by the parties, and no one else, except in case of incapacity, 315—Signatures to be on the Petition itself, and not pasted upon or otherwise transferred, 316—Common seals of Corporations, 317—No letters, affidavits, &c., to be attached, 318—Debates, or any intended Motion, not to be referred to, 319.

Applications for grants of public money, &c., not to be made unless recommended by the Crown, 320—Petitions for compounding debts due to the Crown; certificate required, 321—Forgery of Signatures, 322—Members presenting Petitions, to affix their names at the beginning thereof, 323—And to take care they are in conformity with the Rules of the House, 324—Language of Petitions to be respectful and decorous, 325.

Petitions in the nature of Election Petitions, 326—Petitions to be presented by members only, 327—Except those from Corporations of London and Dublin, *ib.*—Ballot for precedence in presenting Petitions, 328—Names of Members called by Mr. Speaker, 329—Petitions not received after Five o'clock, 329 A—A member not to present a Petition from himself, 330—Petitions from the Corporation of London presented by the Sheriffs at the Bar, 331—Or in certain cases by one Sheriff, 332—Petition from the Corporation of Dublin presented by their Lord Mayor at the Bar, 333—But if he be a Member, in his place, 334.

Members presenting Petitions, confined to statement of certain facts, 335—No debate allowed, 336—But Petition may be read by Clerk, if required, *ib.*—Exceptions in favour of Petitions, complaining of personal grievances urgently requiring immediate remedy, 337—Petitions referred to the Committee on Public Petitions, 338—In certain cases ordered to be printed, *ib.*—Petitions against taxes may be received, 339.

*Places of Members.* Rules and Orders regulating the same, 85-93.

*Prayers :*

Read daily by the Chaplain, 50—Notice thereof given by Serjeant to all Committees, 51, 236—Their proceedings after such Notice void, *ib.*—Except at Morning Sittings, 236 A—Doors of the House closed during, 52—House counted after, 53—Any Member present at Prayers entitled to a place by affixing his name, 85—No name to be affixed before the hour of Prayers, 86—A Member at Prayers secures his seat for the night, unless there be a Division, or The House go up to the House of Peers, 87—A Member not at Prayers cannot secure a seat except by courtesy, 88.

*Preamble (Public Bills).* Consideration thereof in Committee postponed to the last, 361—Considered, and if necessary amended, and agreed to, 366.

- Previous Question.* Questions superseded by the, 122—The Question for the Previous Question may be superseded by the adjournment of The House, 124—If Previous Question resolved in the affirmative, 123—Motion for the Previous Question cannot be made in Committee of the Whole House, 205.
- Printing Committee.* Appointed at the commencement of each Session; its functions, 393.
- Private Bills.* Waiver by the Commons of their Privileges in regard to Lords' Amendments affecting penalties, forfeitures and fees, 395—No member to engage by himself or partner in the management of Private Bills for pecuniary reward, 421.
- Privileges.* Speaker lays claim to Privileges: their nature, 17—Reports his making such claim, 18—When Speaker elected on a vacancy during a Session, he does not claim privileges, 30—Motions concerning Privilege take precedence of other Motions, as well as of other Orders of the Day, 116—A matter of Privilege may interrupt a Debate, 125.
- Privy Councilors (Members).* Addresses presented by, 41, 301, 310—The front bench on each side of the Chair occupied by, 90.
- Prorogation of Parliament:*  
Form of prorogation, and of further prorogation of a New Parliament by Writ, 44, 45—Prorogation by the Queen in person, after a Session, 46—The like by Commission, 47—Further prorogation by Commission, 48.
- Protection of Witnesses.* Rule as to, 259.
- Public Bills.* Rules and Orders relating to, 340-384.  
*See also Bills, Public.*
- Public Petitions.* *see Petitions, Public.*
- Quakers.* Members being, make affirmations in lieu of oaths, 23.
- Qualification.* Members deliver in an account of their qualification, 20, 21—And make and subscribe a declaration that they are duly qualified, *ib.*
- Quarrels.* House will interfere to prevent quarrels between Members, 173.
- Queen, Her Majesty The:*  
Her Majesty's pleasure signified that The House elect their Speaker, on the opening of a New Parliament, 4—On a vacancy during a Session, 29—Her Majesty's approbation of Speaker signified by the Lords Commissioners, 16—Privilege of free access to Her Majesty, 17—Prorogation of Parliament by the Queen in person, 46—Her Majesty addressed by Mr. Speaker concerning the Bills passed during the Session, *ib.*—Her Majesty's name not to be used irreverently, &c., in debate, 165—Accounts and Papers presented by command of Her Majesty, 388.  
*See also Addresses. Messages. Royal Assent to Bills. Royal Speech. Supply and Ways and Means.*

*Questions :*

When Member proposed for Speaker is unopposed, he is called to the Chair without any Question put, 7—Questions on the choice of Speaker, how and by whom put, 11, 12—Question proposed when a Motion has been made and seconded, 119—No Member to speak to a Question after the same has been *put* and voices taken, 148—Members must always speak to the Question, 151—No Member to speak twice to the same Question, 156.

*Questions superseded, viz. :* By adjournment, 122, 124—By reading the Orders of the Day, 122—By the Previous Question, *ib.*—Course pursued if Previous Question resolved in affirmative, 123—Debates on Questions interrupted, and how, 125—Complicated Questions ordered to be divided, 126—Question put by Mr. Speaker when Debate is ended, 127—If Question not heard Speaker will state it again, *ib.*—Question determined by the majority of voices, 128—Speaker states whether "Ayes" or "Noes" have it; but if this not acquiesced in a division ensues, 129—The same Question may not be proposed twice in the same Session, 130.

*Amendments to Questions.* Different forms of amendment to Questions, 134—If Amendments not seconded they will not be entertained, 135—Amendment to leave out words, 136—To leave out words and insert or add others, 137—To insert or add words, 138—When a latter part of a Question has been amended no Amendment can be proposed to a former part, 139—No Amendment to be made to words already agreed to, 140—Proposed Amendments may, by leave, be withdrawn, 141—Amendments to proposed Amendments, 142—Question as amended put, 143—When Amendments proposed, but not made, 144.

*Questions put by Members.* Rules as to Questions put to Ministers of the Crown and others, 152-154.

*Quorum :*

*House, and Committees of the Whole House.* House counted after Prayers, when, if 40 Members present, Speaker takes the Chair, 53—If 40 not present, Speaker, at Four o'clock, again counts the House, and if 40 not then present, adjourns House till next sitting-day, 54—When 40 Members not present at a morning sitting no business entered upon until they are; but no adjournment until Four o'clock, 55—A Commission makes a House, 56—When 40 found not to be present during a sitting after Four o'clock Speaker adjourns House till next sitting-day, 57—When Chairman of a Committee of the whole House reports after Four that 40 are not present Speaker counts House, and adjourns till next sitting-day, 58—When 40 not present during a morning sitting business suspended until they are; and at Four House counted, and unless 40 be present adjourned, 59—If 40 Members not present in Committee of the whole House Speaker resumes the Chair, 211—If there be 40 when counted by Speaker, the House again resolves itself into Committee, 212.

*Select Committees.*—Course to be pursued when Quorum not present, 226—The Quorum of each Committee appointed by the House, 228—When no Quorum appointed all are to attend, *ib.*

- Reading.* Members not to read newspapers, books or letters when in their places, 93.
- Recommendation of the Crown.* To any Motion or Bill, how signified, 299.
- Religion.* Order as to Bills relating to, 344.
- Replies (in Debate).* Permitted in certain cases, 158.
- Reports of Bills (Public Bills).* Proceedings in Committee not to be noticed until Report, 367—Report of Progress, and leave asked to sit again, 368—Bill reported, and Proceedings thereon, 369-372.
- Reports from Select Committees.* Powers of reporting given to Select Committees, 238—Manner in which Report is brought up, 239.
- Reports of Speeches.* Of the same Session, may not be read in debate, 161.
- Reports from Committees of Supply and Ways and Means.* How made and dealt with, 401, 402, 405, 411.
- Reports from Committees of the Whole House.* Every Report to be brought up, without Question put, 217.
- Resolutions of Committees of Supply and Ways and Means.* Reported: how dealt with, 401, 402, 405, 411.
- Resolutions rescinded.* A Resolution, or other Vote, may be rescinded, 132.
- Returns.* Motions for unopposed Returns, how made, 114—Rules and Orders relating to Accounts and Papers, 386—393.  
See also *Accounts and Papers. Elections.*
- Roman Catholic Members.* Oath taken by, 22.
- Royal Assent to Bills.* How signified, 385.
- Royal Speech:*  
Speaker, with The House, goes up to the House of Peers to hear the Royal Speech, 32—A Bill read *pro forma* before Speech is reported, 34—Speaker reports Royal Speech, 35—Address in answer, how prepared and presented, 36-41—Speech ordered to be taken into consideration, 42—Considered accordingly, 43—And Motion that a Supply be granted to Her Majesty, *ib.*
- Sand Glass.* Used on Divisions, 183.
- Saturday.* The House does not ordinarily sit on, 69.
- Seats in the House.* See *Places of Members.*
- Second Clerk Assistant.* Goes up to the House of Peers, on a further Prorogation, 48.
- Second Reading of Public Bills:*  
Bills ordered to be read a Second Time on a future day, 351—Question for Second Reading put, 352—Amendments to such Question, 353, 354—Read a Second Time, and afterwards committed, 355—The question for reading a Bill a Second Time, in Committee of the whole House, now discontinued, 360.
- Secret Committees.* No strangers or Members admitted to, at any time, 232.
- Select Committees.* See *Committees, Select.*

*Separatists.* Members being, make Affirmations in lieu of Oaths, 23.

*Serjeant at Arms :*

Places the Mace on the Table on return of The House from the Lords, after hearing the Royal Speech, 33—Gives notice of House going to Prayers, to all Committees, 51, 236—To take strangers into custody if in parts of the House appropriated to Members, 71—Members not attending at calls of the House to be taken into custody of the Serjeant, 80—To enforce the withdrawal of Strangers from certain parts of the House during a Division, 182—Introduces Peers, &c. when attending to be examined, 267—Duties of Serjeant in introducing, &c., Lords' Messengers, 275, 276—Introduces the Sheriffs of London with the Mace when attending to present a Petition, 331.

*Servants of Members.* See *Arrest.*

*Service of the House.* Every Member bound to attend, unless leave of absence be given, 75, 78.

See also *Attendance of Members.* *Leave of Absence.*

*Sheriffs of London.* Present Petitions at the Bar, 331, 332.

*Short-hand Writers.* See *Officers of the House.*

*Sickness or Infirmary.* Members unable to stand from, allowed to speak sitting, 146.

*Sign Manual.* See *Messages.*

*Signatures to Petitions.* See *Petitions, Public.*

*Sitting of the House.* Rules and Orders relative to the sitting and adjournment of the House, 49-74.

*Speaker :*

*Absence of Speaker.*—On unavoidable absence of Speaker, the Chairman of Ways and Means to perform his duties, 31.

*Addresses.*—Duty of Speaker, when Address presented by whole House, 302, 308, 309.

*Business of the House.*—Speaker, after Notices of Motions have been disposed of, to direct Clerk to read the Orders of the Day, without any question put, 98—Calls names of Members at the time of giving Notices of Motions, 103—Calls names of Members presenting Petitions, 329—Desires Members appearing at the Bar with Bills to bring them up, 348.

*Committees of the Whole House.*—Leaves the Chair on House going into Committee, 197, 198—The Mace then put under the Table, 199—Resumes the Chair in certain cases, 201, 209-211—Puts Question for leaving the Chair, on House going into Committee on a Bill, 356—Amendments that may be moved to such Question, 357—Resumes the Chair when difference arises in election of Chairman of Committee of Ways and Means, 410.

*Counts and adjourns House.*—Speaker counts The House after Prayers; if Forty be present, he takes the Chair, 53—If Forty not present, Speaker, at Four o'clock, standing on the upper step of the Chair, counts the House, 54—And adjourns House till next sitting-day, *ib.*—But if House meets before the ordinary time, does not adjourn the House until Four o'clock, 55—When Forty not present during a sitting after Four o'clock, Speaker adjourns The House till the

*Separatists.* Members being, make Affirmations in lieu of Oaths, 23.

*Serjeant at Arms :*

Places the Mace on the Table on return of The House from the Lords, after hearing the Royal Speech, 33—Gives notice of House going to Prayers, to all Committees, 51, 236—To take strangers into custody if in parts of the House appropriated to Members, 71—Members not attending at calls of the House to be taken into custody of the Serjeant, 80—To enforce the withdrawal of Strangers from certain parts of the House during a Division, 182—Introduces Peers, &c. when attending to be examined, 267—Duties of Serjeant in introducing, &c., Lords' Messengers, 275, 276—Introduces the Sheriffs of London with the Mace when attending to present a Petition, 331.

*Servants of Members.* See *Arrest.*

*Service of the House.* Every Member bound to attend, unless leave of absence be given, 75, 78.

See also *Attendance of Members.* *Leave of Absence.*

*Sheriffs of London.* Present Petitions at the Bar, 331, 332.

*Short-hand Writers.* See *Officers of the House.*

*Sickness or Infirmary.* Members unable to stand from, allowed to speak sitting, 146.

*Sign Manual.* See *Messages.*

*Signatures to Petitions.* See *Petitions, Public.*

*Sitting of the House.* Rules and Orders relative to the sitting and adjournment of the House, 49-74.

*Speaker :*

*Absence of Speaker.*—On unavoidable absence of Speaker, the Chairman of Ways and Means to perform his duties, 31.

*Addresses.*—Duty of Speaker, when Address presented by whole House, 302, 308, 309.

*Business of the House.*—Speaker, after Notices of Motions have been disposed of, to direct Clerk to read the Orders of the Day, without any question put, 98—Calls names of Members at the time of giving Notices of Motions, 103—Calls names of Members presenting Petitions, 329—Desires Members appearing at the Bar with Bills to bring them up, 348.

*Committees of the Whole House.*—Leaves the Chair on House going into Committee, 197, 198—The Mace then put under the Table, 199—Resumes the Chair in certain cases, 201, 209-211—Puts Question for leaving the Chair, on House going into Committee on a Bill, 356—Amendments that may be moved to such Question, 357—Resumes the Chair when difference arises in election of Chairman of Committee of Ways and Means, 410.

*Counts and adjourns House.*—Speaker counts The House after Prayers; if Forty be present, he takes the Chair, 53—If Forty not present, Speaker, at Four o'clock, standing on the upper step of the Chair, counts the House, 54—And adjourns House till next sitting-day, *ib.*—But if House meets before the ordinary time, does not adjourn the House until Four o'clock, 55—When Forty not present during a sitting after Four o'clock, Speaker adjourns The House till the

*Separatists.* Members being, make Affirmations in lieu of Oaths, 23.

*Serjeant at Arms :*

Places the Mace on the Table on return of The House from the Lords, after hearing the Royal Speech, 33—Gives notice of House going to Prayers, to all Committees, 51, 236—To take strangers into custody if in parts of the House appropriated to Members, 71—Members not attending at calls of the House to be taken into custody of the Serjeant, 80—To enforce the withdrawal of Strangers from certain parts of the House during a Division, 182—Introduces Peers, &c. when attending to be examined, 267—Duties of Serjeant in introducing, &c., Lords' Messengers, 275, 276—Introduces the Sheriffs of London with the Mace when attending to present a Petition, 331.

*Servants of Members.* See *Arrest.*

*Service of the House.* Every Member bound to attend, unless leave of absence be given, 75, 78.

See also *Attendance of Members.* *Leave of Absence.*

*Sheriffs of London.* Present Petitions at the Bar, 331, 332.

*Short-hand Writers.* See *Officers of the House.*

*Sickness or Infirmary.* Members unable to stand from, allowed to speak sitting, 146.

*Sign Manual.* See *Messages.*

*Signatures to Petitions.* See *Petitions, Public.*

*Sitting of the House.* Rules and Orders relative to the sitting and adjournment of the House, 49-74.

*Speaker :*

*Absence of Speaker.*—On unavoidable absence of Speaker, the Chairman of Ways and Means to perform his duties, 31.

*Addresses.*—Duty of Speaker, when Address presented by whole House, 302, 308, 309.

*Business of the House.*—Speaker, after Notices of Motions have been disposed of, to direct Clerk to read the Orders of the Day, without any question put, 98—Calls names of Members at the time of giving Notices of Motions, 103—Calls names of Members presenting Petitions, 329—Desires Members appearing at the Bar with Bills to bring them up, 348.

*Committees of the Whole House.*—Leaves the Chair on House going into Committee, 197, 198—The Mace then put under the Table, 199—Resumes the Chair in certain cases, 201, 209-211—Puts Question for leaving the Chair, on House going into Committee on a Bill, 356—Amendments that may be moved to such Question, 357—Resumes the Chair when difference arises in election of Chairman of Committee of Ways and Means, 410.

*Counts and adjourns House.*—Speaker counts The House after Prayers; if Forty be present, he takes the Chair, 53—If Forty not present, Speaker, at Four o'clock, standing on the upper step of the Chair, counts the House, 54—And adjourns House till next sitting-day, *ib.*—But if House meets before the ordinary time, does not adjourn the House until Four o'clock, 55—When Forty not present during a sitting after Four o'clock, Speaker adjourns The House till the

*Temporary Laws.* The precise duration thereof to be expressed in a distinct clause, 381.

*Thanks of the House.* Precedence given to Motions for, 117.

*Third Reading of Public Bills :*

Proceedings thereon, 371, 375—378—Further proceedings on Third Reading may be adjourned to a future day, 379.

*Thursdays.* Notices take precedence of Orders on Thursdays, 109.

*Titles of Bills.* Settled and agreed to, after Bill read Third Time and passed, 378.

*Trade.* Order as to Bills relating to, 345.

*Tuesdays.* Notices have precedence of Orders on Tuesdays, 109.

*Uniform.* See *Full Dress.*

*Unopposed Returns.* Motions for, how made, 114.

*Unusual Expedition.* Bills passed with, 380.

*Usher of the Black Rod.* See *Black Rod, Usher of the.*

*Verbal Messages from the Crown.* How communicated to The House, 298.

*Voices.* Questions determined by majority of voices, "Aye" or "No," 128—Speaker states which has it; if his opinion not acquiesced in, a division ensues, 129.

*Votes and Proceedings :*

Every Vote and Proceeding entered by the Clerks at the Table, 73—The Votes ordered to be printed, being first perused by Mr. Speaker, who is to appoint the printing thereof, *ib*—The Journals compiled from the Votes, 74.

A Motion not seconded is dropped, and no entry is made in the Votes, 120—An Amendment to any Question not seconded will not be entered in the Votes, 135—Petitions in certain cases printed with the Votes, 339.

*Votes (Resolutions) of the House.* Reflections on any Vote not allowed, except in moving that such be rescinded, 163—See also *Resolutions rescinded.*

*Votes of Thanks.* Precedence given to Motions for, 117.

*Warrants.* Speaker issues Warrants for bringing up witnesses in custody of the Keeper of any Prison, 246.

*Ways and Means, Committee of.* Rules and Orders relating thereto, 394—412.

See also *Chairman of the Committee of Ways and Means.*  
*Supply and Ways and Means.*

*Wednesday Sitzings :*

House meets on Wednesdays at Twelve, and sits till Six, unless previously adjourned, 61—Speaker adjourns House at Six precisely, 62—Business not disposed of at the time of Adjournment, 63—Business under discussion at a quarter before Six, 64—When House is in Committee at a quarter before Six, 65—Orders of the Day



*Wednesday Sittings*—continued.

set down in the Order Book for Wednesday, to be disposed of before proceeding upon Notices, 97—See also *Monday, Wednesday, &c.*

*Withdrawal of Motions.* Is permitted, if leave be granted, without any negative Voice, 121.

*Witnesses :*

How summoned, 245—How brought up when in the custody of the Keeper of any Prison, 246—How summoned by Committees, 247—Course pursued when a witness does not attend a Committee, 248—How summoned to attend Election Committees, 249—Penalty for neglect or refusal to attend, 250—Attendance of Members to be examined, 251, 252—If Member refuse to attend, 253—Message sent to Lords when the attendance of a Peer or Officer of that House is desired, 255.

Witnesses not examined on oath, except in cases provided for by Statute, 256—Punishments for tampering with witnesses, 257—And for false evidence, 258—Protection extended to witnesses, 252—Evidence of any proceedings or examination at the Bar, or before any Committee, not to be given elsewhere without leave, 260—Mode of conducting an examination at the Bar, 261-265—Members are examined in their place, 266—Peers, Judges, &c., how examined in The House, 267-269—Peers, how examined before Committees, 270.

*Words of Heat.* Debates interrupted by, 125.

*Words taken down.* See *Offensive Words.*

*Writs of Prorogation.* Of a new Parliament, 44—Further Prorogation by Writ, 45.

## GENERAL INDEX.

### A.

#### ABJURATION,

No Member can take his seat without having signed the oath of, 244.

#### ABSCONDING OF A WITNESS, 352.

#### ADDRESS,

May be presented by the whole House, 3.

A Member proposing that public expense should be incurred, ought to move that the House do go into committee on a future day, to consider of an address, 4. See also "REVENUE."

When the object of a Member is merely to point out a certain course to the Government, and not to ask for a grant of money, it is not necessary to move the House into committee, 1. See also "REVENUE."

In considering an address to the Crown, an amendment may be moved on putting the question on any paragraph, 2.

If, on the question of an address to the Crown, a member has been permitted to discuss an extraneous subject, 2.

When an address has been agreed to in answer to a message from the Crown, a committee is usually appointed to draw it up, 3.

But may be drawn up by the whole House, 3.

When papers, which have been ordered to be printed, have not been delivered to members before a dissolution of Parliament, their delivery does not take place without an address to the Crown, 258.

Addresses, not in the form of petitions, cannot be received, 275.

#### ADJOURNMENT,

Speaking on the question of adjournment, does not preclude a Member from being heard subsequently on the main question, 5.

When a motion for adjournment is negatived, it cannot be moved again till some other motion has intervened, 5.

#### ADJOURNMENT OF DEBATE,

On the motion of adjournment of the debate, a Member may address the House on the main question, 7.

On the motion of adjournment of the House, the main question may be discussed, on the ground of its importance, 7.

How far a Member is required to adhere to the question of the adjournment of debate, 6.

A Member who has already spoken in the debate, and rises to second

ADJOURNMENT OF DEBATE—*continued.*

- a motion for its adjournment, ought not to make a second speech on the main question, 11.
- A Member who has once spoken in a debate cannot move its adjournment, 8.
- But he may speak when a motion for the adjournment of the debate has been moved, 8.
- A Member rising to order cannot move the adjournment of the debate, 13.
- On a motion for adjourning a debate, the House must first decide on the question of adjournment, and afterwards on the question to what day the debate is to be adjourned. The debate may be adjourned till after the orders of the day, but it is not competent for a Member to move that it shall come on before the notices of motion on a day on which, by the rules of the House, notices of motion have precedence, 9.
- A Member who has moved the adjournment of the debate cannot, before that question is decided, move the adjournment of the House, 17.
- When a Member wishes to postpone the discussion of a measure which is one of the orders of the day, 12.

## ADJOURNMENT OF THE HOUSE,

- The time for moving, 13.
- The House always adjourns till half-past ten o'clock the following day, 26.
- Motions for the adjournment of the House are taken early in the evening, 15.
- Motions for the adjournment of the House beyond the next day of sitting are entertained before the ordinary motions of the day, 16.
- On Friday, the motion that the House do adjourn till Monday, may be made at any time during the sitting of the House, 17.
- On this motion it is irregular to discuss the merits of a bill which is the subject of one of the orders of the day, 24.
- The only amendment that can be moved to this motion is, that the House do adjourn to some other day than Monday, 25.
- A Member may speak on another subject upon this motion, 28.
- When the House meets at twelve o'clock it adjourns at four, 176.
- If a motion be made that the House do adjourn to a distant day, it is unnecessary to move an amendment in order to negative it, 13.
- A Member who has moved the adjournment of the debate cannot, before that question is decided, move the adjournment of the House, 17.
- On a motion for adjournment it is not unusual for a Member to address the House on some other subject, 19.
- A Member who has once spoken in the debate cannot move the adjournment of the House, 26, 228.
- But he may speak again if the adjournment of the House is proposed, 26.
- It is irregular to move the adjournment of the House, merely for the purpose of enabling another Member to address the House a second time, 20.
- A Member ought not to move that the House do adjourn, for the

*Separatists.* Members being, make Affirmations in lieu of Oaths, 23.

*Serjeant at Arms :*

Places the Mace on the Table on return of The House from the Lords, after hearing the Royal Speech, 33—Gives notice of House going to Prayers, to all Committees, 51, 236—To take strangers into custody if in parts of the House appropriated to Members, 71—Members not attending at calls of the House to be taken into custody of the Serjeant, 80—To enforce the withdrawal of Strangers from certain parts of the House during a Division, 182—Introduces Peers, &c. when attending to be examined, 267—Duties of Serjeant in introducing, &c., Lords' Messengers, 275, 276—Introduces the Sheriffs of London with the Mace when attending to present a Petition, 331.

*Servants of Members.* See *Arrest.*

*Service of the House.* Every Member bound to attend, unless leave of absence be given, 75, 78.

See also *Attendance of Members.* *Leave of Absence.*

*Sheriffs of London.* Present Petitions at the Bar, 331, 332.

*Short-hand Writers.* See *Officers of the House.*

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**BALLOT,**

Members ought to write their own names on the voting paper for ballot, 53.

When a mistake occurs by the clerk doing so, at the request of a Member, 54.

**BAR OF THE HOUSE.** See "CUSTODY."

A motion, to call to the bar of the House the printer and proprietor of a paper, must specify his name, 54.

A person in custody for contempt is not entitled to be heard at the, 122, 123.

And cannot be questioned by Members at the, 124.

**BEER,**

A bill for the amendment of an Act for the sale of, ought to be founded on resolutions of a committee of the whole House, 342.

**BELFAST, LORD,**

petition of, 294.

**BELL,**

Rung before counting the House, 119.

**BILLETING SOLDIERS,**

Mr. Cowan's motion, 41.

**BILLS,**

Amendments to bills. See "AMENDMENTS."

Material alterations in a bill cannot be made by an individual Member after it has been read a first time, 56.

A bill introduced by Members of a government is liable on such Members going out of office to be treated as a bill of a private Member, 57.

When a bill has been put into the commission, and received the royal assent by mistake, 64.

A bill before the House of Lords only, cannot be quoted in the House of Commons, 55.

When a bill as amended in committee is under consideration, it is not competent to move its postponement, 57.

**BILLS, CLAUSES OF,**

Clauses of appropriation, 49. See "APPROPRIATION."

When clauses of a bill are to be discussed, 59.

Cannot be offered without due notice, 59.

Clause ought to be that of which notice has been given, 59.

Clauses which ought to originate in a committee of the whole House, struck out if they have not passed through that ordeal, 197.

**BILLS, LORDS' AMENDMENTS TO,**

The time for considering, 73.

The House cannot at that stage alter any part of the bill which those amendments do not touch, 71.

When the House of Lords introduce amendments beyond their power, 61.

The House may insist upon or waive its privileges, 61, 69, 71.

**BILLS, LORDS' AMENDMENTS TO—continued.**

Municipal Corporations (Ireland) Bill, 61.

Poor Relief (Ireland) Bill, 69.

Conferences held on the amendments to the Merchant Seamen's Bill, 66.

When the royal assent had been by mistake given to a bill containing Lords' amendments, which the Commons had not considered, 63.

When one of the Lords' amendments to a bill had been by mistake omitted from the paper of amendments sent to the House of Commons, 64.

**BILLS, PRIVATE,**

A bill may be referred to the Standing Orders Committee after being read a first time, 77.

But not after it has been read a second time, in order to remedy a non-compliance with the Standing Orders, 74.

Where clauses are inserted not within the title of the bill, 76, 328.

When a Police Bill provides that the constables are to be appointed by the Crown, it is not a private bill, 74.

When a report of a select committee on a private bill may be referred to a committee of the whole House, 78.

Bills considered private,

London Corporation Bill, 78.

Manchester Police Bill, 74.

**BILLS PARTLY PUBLIC PARTLY PRIVATE,**

When they require notice as for private bills, 81.

Mode of treating bills partly public partly private, 81, 83, 85.

Bills which propose to levy rates, 79.

Lighting of metropolitan roads, 79.

Greenwich Colliery Railway, 80.

Smithfield Market, 81, 83.

Earl of Perth and Melfort's Compensation, 83.

Passing Tolls Bill, 84.

Committees on bills partly public partly private, 94.

**BILLS RELATING TO RELIGION OR TRADE. See "RELIGION." "TRADE."****BILLS, SCHEDULE TO,**

When amendments to schedule are to be made, 82.

**BILLS, TITLES TO,**

When the question as to the title of a bill has not been put at the proper time, 88.

When clauses are inserted which are not within the title, 76, 328.

**BOARD OF TRADE,**

Report of, referred back, 290.

**BREVET,**

Mr. Blackall's motion, 40.

*Separatists.* Members being, make Affirmations in lieu of Oaths, 23.

*Serjeant at Arms :*

Places the Mace on the Table on return of The House from the Lords, after hearing the Royal Speech, 33—Gives notice of House going to Prayers, to all Committees, 51, 236—To take strangers into custody if in parts of the House appropriated to Members, 71—Members not attending at calls of the House to be taken into custody of the Serjeant, 80—To enforce the withdrawal of Strangers from certain parts of the House during a Division, 182—Introduces Peers, &c. when attending to be examined, 267—Duties of Serjeant in introducing, &c., Lords' Messengers, 275, 276—Introduces the Sheriffs of London with the Mace when attending to present a Petition, 331.

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## COMMITTEE OF THE WHOLE HOUSE,

Subjects which require the consideration of a preliminary committee of the whole House. See "ADDRESS"—"DUTIES, RATES AND TAXES"—"RELIGION"—"REVENUE"—"TRADE."

## COMPENSATION,

Mr. Grogan's motion relative to the Attachments Courts, 332.

## COMPLAINTS AGAINST FUNCTIONARIES,

The proper course to pursue, 297.

## CONFERENCE BETWEEN THE HOUSES HELD, 66.

## CONTEMPT,

Mr. O'Brien in custody for, 122.

Mr. Henry Edwards in custody for, 124.

See also "CUSTODY."

## CONTRACTORS, GOVERNMENT, 236, 305.

## COPYRIGHT BILL, 346. See "TRADE."

## COPYRIGHT IN DESIGNS BILL, 342. See "TRADE."

## CORN,

Duties on, 193.

Mr. Ferrand's motion, 230.

## CORRUPTION (ALLEGED) OF IRISH MEMBERS, 100, 160.

## COUNSEL,

A Member cannot appear before the House of Lords on a private bill, but he may, with the permission of the House, on a public bill, 117.

Mode of hearing counsel, 118.

Mr. Wason's resolutions respecting the hearing of counsel, 327.

## COUNT-OUT,

On a motion for, the bell is rung before the Speaker proceeds to count, 119.

When remarks are made on a count-out, 119.

Counting of Members formerly in their places, 178.

## COUNTY COURTS ACT AMENDMENT, 35.

## CRIME AND OUTRAGE (IRELAND) BILL,

Mr. M. O'Connell's motion, 186.

Mr. J. O'Connell's motion, 219.

## CROWN,

A bill which interferes with the patronage of the Crown, should not be introduced without the consent of, 120.

A motion for a grant of public money cannot be put from the chair without the consent of the Crown, 182.

But consent of the Crown not necessary for a motion to increase taxation, 188.

## CUSTODY,

- A party may be given into the custody of the Serjeant-at-arms without calling him to the bar, 121.
- A party in custody, whose health is in danger, may be discharged without payment of fees, 121.
- A party in custody for contempt, and asking for his discharge, is not entitled to be heard at the bar, 122, 123.
- A party in custody for breach of privilege cannot be questioned at the bar by a Member, 124.
- A Member behaving in a disorderly manner ordered into the custody of Serjeant-at-arms, 171. See "DISORDER."

## D.

## DANUBIAN PRINCIPALITIES, 28.

## DEBATE,

- A Member can make no allusion to the debates of the House of Lords, 127.
- But a Member may refer to what is found in the votes of the House of Lords, 130.
- A Member cannot allude to what has passed in a previous debate of the same Session, 127, 336.
- Except in general terms, 128.
- Or for the purpose of explanation, 129.
- A Member cannot allude to a former debate of the same Session by way of answer to the question of another Member, 129.
- A certain latitude is allowed when the allusions are connected with the subject under discussion, 126.
- But a Member may refer to language used in debates of former Sessions, 131.
- A Member ought not to refer to anything said out of the House on the subject of what has taken place within the House, 125.
- A statement made by a Member is considered as made upon honour, and cannot be questioned, 124.
- A Member may address the House from that part of the gallery devoted to Members, 132.

## DEBATE, FREEDOM OF,

- A Member may use any phrases he thinks necessary, provided they do not convey any personal reflection on another Member, and are not disrespectful to the House, 140, 154.
- When a Member uses expressions offensive to other Members, the House may call upon the Speaker to take them down, 141.
- When a Member makes assertions relative to other Members out of doors, and repeats them in the House, the proper course to pursue, 142.

## DEBATE, IRREGULAR LANGUAGE IN,

- It is out of order to impute to a Member that he is loose in the statements he makes to the House, 153.
- Or to charge another with voting in an improper manner, 153.
- Or to apply the term "discourteous" to another, 153.

DEBATE, IRREGULAR LANGUAGE IN—*continued.*

Or to use opprobrious terms in speaking of a vote of the House, 155.

If a Member has given an answer to a question, it is disorderly to go on repeating it, 154.

A Member cannot make charges of falsehood against another on a mere motion for production of papers, 155.

A Member cannot interrupt another while addressing the House, except for explanation, 156.

If a Member use offensive language, exception ought to be taken to it at the time, 159, 166.

Notice of motion cannot be given to call the attention of the House to statements made on a former night, unless they were taken down at the time, 165.

When offensive words are spoken in committee, the House, and not the committee, takes notice of them, 160.

Course pursued then, 160.

A Member cannot be called to order by the Speaker for language used out of the House, 167.

## DEBATE, READING LETTERS, NEWSPAPERS, &amp;c., DURING, Speeches made in debate of the same Session cannot be read to the House, 134, 136.

Members formerly not allowed to read from a newspaper, 133.

It is not now against the rule to read from a newspaper, 139.

Statement made out of the House, relative to anything said in the House, cannot be read, 135.

Nor letters referring to anything said in the House, 135, 137.

And a Member may quote extracts from a work, 138.

But in doing so a certain discretion is to be observed, 138.

A Member cannot read a passage from a newspaper containing language disrespectful to another, 138.

## DEBATE, OTHER RULES OF,

On the House going into Supply, a Member cannot speak upon more than one subject, 143.

On a motion for papers, it is not irregular to discuss the subject to which they relate, 143.

Although there be no question before the House when a statement has been made by one Member relative to another, the latter is allowed to answer, 144.

When a Member's character is attacked by another elsewhere, 142, 145.

On going into Supply, a Member may make a statement on a special grievance, 145.

A Member's precedence who is speaking in committee when an interruption takes place, 148.

On Wednesdays debates cease at a quarter before six, 150.

A Member ought not to rise to speak after the glass has been turned, 151.

A Member who has spoken once on the question, "What the Speaker do leave the chair," cannot speak again, 147.

On the question that the Speaker do leave the chair, the provisions of a bill not before the House cannot be discussed, 152.

## DECLARATIONS IN THE FORM OF PETITIONS, 274.

## DERBY,

Petition from the electors of, 271.

## DERBY DAY,

Adjournment of the House on, 15, 16.

## DISORDER,

When a Member's conduct is disorderly, the course pursued, 168.

When a Member is accused of misconduct, it is usual to order him to attend in his place, 171.

May be ordered into the custody of the Serjeant-at-arms without being heard in his place, 171.

When disorder arises in committee, 160, 170.

## DISSOLUTION OF PARLIAMENT,

When papers ordered to be printed have not been delivered before, 258.

## DISTRESSED UNION ADVANCES BILL, 100.

## DIVISION,

Adjournment of the House cannot take place during a division, 14.

A Member must be in the House and hear the question put to entitle him to vote, 175, 179.

New regulation on the subject of taking divisions, 179.

When two divisions immediately follow one another, 174.

Members shut out from one division have a right to be admitted to one coming immediately afterwards, 172, 174.

If an error be alleged in taking the numbers of a division, all the tellers must join in a statement that they are satisfied an error has been committed before it can be rectified, 173.

Duty of the Serjeant-at-arms to clear the lobby previous to a division, 177.

When a Member is found in the lobby during a division, 177.

Neither the Speaker nor the Chairman of Committees has power to compel the attendance of a Member to vote, 177.

A Member who has been at prayers has a right to the seat he then occupied until a division takes place, 334.

On Wednesday no division can take place when the hour of adjournment has arrived, although the question may have been put, 173.

## DOCUMENTS. See "PAPERS."

## DOGS BILL,

Relating to dogs employed in drawing, 347.

## DOORS OF THE HOUSE. See "DIVISION."

## DOUBLE RETURN, 329.

## DRAINAGE OF TOWNS BILL, 180.

## DUBLIN METROPOLITAN POLICE BILL, 334.

## DUTIES, RATES AND TAXES,

- A preliminary committee of the whole House held to be necessary in the following cases:—
- When a clause in a bill continued a tax, 186.
  - When a resolution relative to duties on corn, &c. is proposed, 181.
  - When a Member seeks to increase or extend taxation, 187, 188.
  - Where a bill enabled an insurance company to compromise with the stamp office, 183.
  - Where the object was to extend or alter a rate, 185.
  - Where a bill proposed new duties, 185.
  - Where a bill for continuing an Act contained clauses originally introduced in a committee of the whole House, 186.
- A preliminary committee of the whole House held unnecessary in the following cases:—
- Where a bill gave vestry power to levy tax upon pews, &c., 192.
  - Where a motion was made relating to the time when duties are to be levied, 193.
  - Where clauses empowered a loan on the credit of duties imposed by a former Act, 193.
  - Reductions of old duties need not be sanctioned by a committee of the whole House, 185.
  - Where a resolution respecting duties contained the figure *6d.*, a Member, to repeal the duty, moved that *0d.* be inserted, 189.
  - It is possible to frame an abstract resolution relative to duties, &c., so as to take the sense of the House upon it as distinguished from committee, 181.
  - Where a bill giving powers to commissioners to tax the people originated in the House of Lords: Held, that such a bill could not originate in the Upper House, 180.
  - A duty or tax to be imposed for the service of the year must be proposed in a Committee of Ways and Means, and not in a committee of the whole House, 182, 188.
  - Property Tax Bill, resolution respecting, ought to be brought forward in Committee of Ways and Means, 189.
  - When a bill contains clauses which ought to have been introduced in a committee of the whole House, 197.

## E.

EASTERN UNION RAILWAY BILL, 33.

## ECCLESIASTICAL TITLES BILL,

- Mr. Drummond's speech on, 140.
- Mr. Berkeley's speech on, 141.
- Mr. Moore's question on, 320.

## EJECTION OF TENANTS,

- M. P. Scrope's question on, 310.

ELECTION COMMITTEE. See "COMMITTEE."

ELECTION PETITIONS. See "PETITIONS."

## EMPLOYMENT OF CHILDREN IN MINES,

- Lord Ashley's motion, 331.

## ESTIMATES,

When laid on the table. The House may withhold or grant them, but cannot change the destination of the vote, 198.

## EVIDENCE,

Taken before the House of Lords may be read in the House of Commons, 199.

Taken before a committee, but decided by the committee not to be reported to the House, cannot be alluded to, 200.

Taken before a committee cannot be referred to government before laid on the table, 201.

But the House may order evidence to be laid before government without being made public, 201.

Taken before a committee, but not yet reported to the House, cannot be alluded to, 112.

A witness refusing to give evidence before an election committee, 352.

See also "COMMITTEE, REPORT OF."

## EXCEPTION,

If a Member takes exception to words spoken in debate he ought to do so at the time, 159, 166, 336.

## EXPLANATION,

A Member can re-state a speech in explanation, 201.

But explanation ought to be confined to a few words, 202.

A Member speaking in explanation must confine himself to justification, 202, 205.

When a petition is presented, reflecting on the character of a Member, he is indulged in giving an explanation, 203.

A Member may explain what he has said in a former debate with reference to an individual, 129.

And what he deems a misrepresentation, 130.

A Member may interrupt another for the purpose of explanation, 156.

When a Member is accused of misconduct, it is usual to order him to attend in his place to give him an opportunity of explanation, 168.

## EXPRESSIONS. See "DEBATE, IRREGULAR LANGUAGE IN."

Mr. Ferrand's, respecting Mr. Hogg and Sir J. Graham, 142, 350.

It is out of order to impute to a Member that he is loose in the statements he makes to the House, 153.

Mr. Cripp's, to Mr. F. O'Connor, 157.

Expressions objected to must be objected to when used, 159, 165, 166, 336.

## F.

## FACTORIES BILL,

Mr. Ferrand's remarks on, 154.

Petition from Todmorden, 311.

Children employed in, Sir J. Graham's bill, 347.



*Separatists.* Members being, make Affirmations in lieu of Oaths, 23.

*Serjeant at Arms :*

Places the Mace on the Table on return of The House from the Lords, after hearing the Royal Speech, 33—Gives notice of House going to Prayers, to all Committees, 51, 236—To take strangers into custody if in parts of the House appropriated to Members, 71—Members not attending at calls of the House to be taken into custody of the Serjeant, 80—To enforce the withdrawal of Strangers from certain parts of the House during a Division, 182—Introduces Peers, &c. when attending to be examined, 267—Duties of Serjeant in introducing, &c., Lords' Messengers, 275, 276—Introduces the Sheriffs of London with the Mace when attending to present a Petition, 331.

*Servants of Members.* See *Arrest.*

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## I.

## INCOME TAX,

Mr. Brotherton's motion of adjournment on, 6.

Mr. Magan on the Irish Income Tax, 115.

## INSTRUCTION,

To a committee cannot be moved to do that which the committee can do without an instruction, 205, 207.

When one Member has given notice of moving an instruction to a committee, and another of his intention to move that the bill be referred to a Select Committee, the proper course to pursue, 206.

An instruction which ought to be founded on a preliminary committee of the whole House, 209.

An instruction which a committee cannot entertain in consequence of being obliged to consider another, in pursuance of a resolution of a committee of the whole House, 210.

Provisions for the establishment of union settlements cannot be introduced into a bill for the consolidation of the laws relating to the removal of the poor without an instruction, 213.

A provision to prevent the removal of Irish paupers cannot be introduced into a bill, "to abolish in England and Wales the compulsory removal of the poor on the ground of settlement," without an instruction, 215.

An instruction to a committee is necessary to authorize the division of a bill into two parts, 212.

While the motion under discussion is, that the House go into committee that day six months, an instruction to divide the bill into two parts cannot be entertained unless the former motion has not been adopted, 212.

A motion that it be an instruction to a committee to divide a bill into two parts does not prevent another being afterwards made to commit the bill that day six months, 222.

Where an instruction to a committee necessitates the alteration of a title to a bill, 214.

Where a motion ought not to be put as an instruction, 45.

## INTEREST,

A Member cannot vote on any matter in which he has a separate pecuniary interest, 216.

Either in committee or in the House, 216.

But if his interest cannot be separated from that of the public his vote is not affected, 216.

When a person petitions to be heard by counsel against a bill, it is usual to refer his petition to a committee to inquire what interest he has in the matter, 262.

INTERNATIONAL ENGLISH AND FRENCH ASSOCIATION,  
317.

## INTERRUPTION,

A Member cannot interrupt another while addressing the House, 156.

When, takes place in committee, 148.

Chairman to report to the Speaker 160—168.

IPSWICH ELECTION COMMITTEE, 112.

IRISH MEMBERS,

Mr. I. Butt's motion that a committee consist of twenty Members, 100.

Mr. Duffy's remarks on, 160.

Mr. Roche's question to Mr. Roebuck, 127.

ISSUE OF NOTES COMMITTEE, 102.

J.

JAMAICA,

Petition from the House of Assembly of, 267.

L.

LANGUAGE, OFFENSIVE. See "DEBATE, IRREGULAR LANGUAGE IN."

A Member cannot be called to order for language used out of the House, 167.

LETTER. See "DEBATE, READING NEWSPAPERS, &C. IN."

LETTERS, OPENING,

Petition concerning, 281.

LIBELLOUS DOCUMENTS SENT TO THE SPEAKER, 259.

LITHOGRAPHED PETITIONS, 274.

LOBBY. See "DIVISION."

LONDON CORPORATION BILL, 78.

LORDS' AMENDMENTS. See "BILLS, AMENDMENTS TO."

LORDS, HOUSE OF,

Petition for the abolition of, 278.

LOSING A TURN,

If a Member does not answer to his name when called upon from the chair, he loses his turn, 218.

And cannot bring on a motion of which he has given notice when the House has proceeded to the orders of the day, 219.

M.

MANCHESTER POLICE BILL, 74.

MANCHESTER AND SOUTHAMPTON RAILWAY, 266.

MANNERS SUTTON, Mr.,

Mr. Ward's motion concerning, 285.

MARRIAGE (SCOTLAND) BILL, 72.

**MAYNOOTH COLLEGE,**

Mr. Anstey's motion, 9.

Mr. Spooner's speech on, 19.

**MEDICAL MEN IN THE EAST,**

Mr. Leslie's question concerning, 313.

**MEER ALI MOORAD,**

Petition of, 38.

**MESSAGES,**

Between the Houses received without interrupting public business, 219.

**METROPOLIS LIGHTING BILL, 79.****METROPOLIS MANAGEMENT BILL,**

Mr. Duncombe's motion on, 24.

**METROPOLIS WATER SUPPLY, 46.****MIDLAND RAILWAY BILL, 76.****MILITIA BILL, 46.****MISSIONARIES,**

Expulsion of, from Austria, 233.

**MITCHEL'S, MR., TRIAL,**

Sir James Graham's remarks on, 3.

**ORNING SITTINGS,**

When the House sits specially at noon, the special business for which it sits has precedence, 220.

Government business has precedence at these sittings, 221.

But private members may put down their own bills for these sittings, 221.

They will then come on after the government bills, 221.

**MOTION,**

When it is irregular to make a speech without concluding with a motion, 223.

A motion which has been made and negatived cannot be proposed again during the same session, 224.

If a Member seconds a motion, his remarks ought not to extend to a subject remotely connected with that under discussion, 224.

A Member who has spoken and resumed his seat without making a motion, cannot afterwards move the adjournment of the House, 228.

When a motion has been proposed, no part of it can be withdrawn without leave of the House, 226.

A Member, desiring to withdraw a motion, was not allowed by the House to do so, 227.

When a motion has been made and seconded, it is too late to inquire whether it is entitled to precedence, 284.

A motion that it be an instruction to a committee to divide a bill

**MOTION—continued.**

into two parts, does not prevent another being afterwards made to commit the bill that day six months, 222.

A motion to refer a petition in favour of a bill to the Select Committee on the bill cannot be made till the Select Committee is appointed, 223.

## N.

**NATIONAL LAND COMPANY,**

Sir B. Hall's question to Mr. O'Connor, 318.

**NATIONAL PETITION,**

Mr. Attwood presents, 260.

Mr. T. Duncombe's question to Mr. Roebuck, 315.

**NAVAL ADMINISTRATION,**

Mr. Keating's motion, 19.

**NAWAB OF SURAT, 284.****NEWSPAPER,**

A newspaper report of a debate of the same session cannot be read to the House, 134—137.

Quotations from newspapers, 138.

Formerly against the rule to read a newspaper to the House, 133.

No longer against the rule, 139.

When one Member complains of expressions used by another and reported in a newspaper, 142.

A Member who complains of a newspaper article, 293. See also "DEBATE; READING LETTERS IN."

**NEW ZEALAND, BISHOPRIC OF,**

Mr. Anstey's speech on, 11.

**NORWICH ELECTION PETITION, 302.****NOTICE,**

Notices of motion may be postponed, 9.

It is irregular for one Member to give notice of motion for another when the latter is present, 231.

When one Member gave notice for another, and part of the notice fell out, 237.

It is irregular for a Member to put anything in the shape of argument on the notice paper, 235.

A Member, who has given notice of motion, cannot bring it forward on a day previous to that mentioned in the notice, 233.

Nor any part of it, 233.

A motion for the purpose of adding a name to a committee requires notice, 228, 229, 233, 236.

But a Member may move that a name be omitted from a committee without notice, 231.

Notice should be given of proposed introduction of clauses, 229.

Amendments in bills may be inserted on the third reading without notice, 231.

NOTICE—*continued.*

- A motion for suspending the issue of a new writ requires notice, 356.  
 Seven days' notice necessary of a motion for a new writ in certain cases, 357.  
 Notice is necessary for a motion to print a petition with the votes, 280.  
 An exception to this rule, 285.  
 A Member is not allowed, under colour of giving notice of an amendment, to place on the books a notice which is not sanctioned by the Rules of the House, 230.  
 A Member, who has given notice of a motion on going into Supply, cannot, on that committee being moved for, give notice for a future day, the orders of the day being under consideration, 232.  
 If a Member has a notice on the paper, and the adjournment of the House has been moved, he may speak on both motions, 16.  
 Notice of Amendments does not affect their priority, 32.  
 When a Member makes a statement on a special grievance, and concludes with a motion, he has not precedence over those who have notices on the paper, 145.

## O.

## OATHS,

- It is for the House and not the Speaker to decide according to what form a Member shall be sworn, 238.  
 Baron Rothschild came to the table to be sworn, 238.  
 Desired to be sworn on the Old Testament, 238.  
 Baron Rothschild was directed to withdraw, 238.  
 Called to the table, and asked why he demanded to be sworn on the Old Testament, 241.  
 Ordered that he be sworn on the Old Testament, 241.  
 Took the oaths of allegiance and supremacy, 242.  
 But in taking the oath of abjuration omitted the words, "Upon the true faith of a Christian," 242.  
 Decided that he had not taken the oaths, 242.  
 And ordered to withdraw, 242.  
 The proceeding being thought irregular was not entered on the votes, 243.  
 Alderman Salomons came to the table to be sworn, 244.  
 Desired to be sworn on the Old Testament, 245.  
 The clerk reported the matter to the Speaker, 245.  
 Asked by the Speaker why he desired to be sworn on the Old Testament, 245.  
 The Old Testament handed to him, 245.  
 Took the oaths of allegiance and supremacy, 245.  
 But in taking the oath of abjuration omitted the words "Upon the true faith of a Christian," 246.  
 Read a declaration, 245.  
 The clerk having reported to the Speaker, the Honourable Member was desired to withdraw, 245.  
 Retired from the table, and sat down on one of the lower benches, 245.  
 Informed by the Speaker that he must withdraw from the House, 245.

**OATHS—continued.**

Withdrawn accordingly, 246.

But a Member having drawn the attention of the Speaker to the fact that the Alderman was still within the bar, the Speaker again directed him to withdraw, 246.

The Speaker read a letter from Alderman Salomons, 247.

Statement made after he was ordered to withdraw not entered on the votes, 247.

Alderman Salomons, having entered the House during a debate, was directed by the Speaker to withdraw, 248.

Mr. Salomons still retained his seat, 248.

Mr. Speaker appealed to the House to support the chair, 248.

Motion made that Mr. Salomons be ordered to withdraw, 248.

Mr. B. Osborne's amendment, 249.

Mr. Anstey's motion of Adjournment, 249.

Mr. Salomons voted on this motion, 249.

Said that he would retire on using force enough to make him feel he was under coercion, 251.

The motion for his withdrawal put and carried, 252.

Mr. Speaker directed the Serjeant-at-Arms to remove him, 252.

The Serjeant-at-Arms tapped the Honourable Member on the shoulder, and conducted him beyond the bar, 252.

Mr. Speaker read a letter from Mr. Salomons informing him that two actions had been commenced against him, 253.

**OFFICERS,**

Mr. Grogan's motion respecting, 4.

**OPINION,**

A Member must not state an opinion in putting a question, 313.

A question, the answer to which involves an expression of opinion, cannot be put, 309.

A Member is not called upon to answer a question involving an expression of opinion, 316.

**ORDER,**

On a question of order it was not thought convenient to enter into debate with the Speaker, 250.

Motions on points of order have precedence over others, 248.

**ORDER OF THE DAY,**

When the order of the day has been read a Member cannot make any substantive motion till that order is disposed of, 254.

**ORDERS OF THE HOUSE,**

Must be complied with unless rescinded, 255.

**OXFORD UNIVERSITY BILL,**

Lord's amendments, 71.

**P.****PAPERS, DOCUMENTS, &c.,**

Laid formally before a Committee are in the possession of the House, 256.

*Separatists.* Members being, make Affirmations in lieu of Oaths, 23.

*Serjeant at Arms :*

Places the Mace on the Table on return of The House from the Lords, after hearing the Royal Speech, 33—Gives notice of House going to Prayers, to all Committees, 51, 236—To take strangers into custody if in parts of the House appropriated to Members, 71—Members not attending at calls of the House to be taken into custody of the Serjeant, 80—To enforce the withdrawal of Strangers from certain parts of the House during a Division, 182—Introduces Peers, &c. when attending to be examined, 267—Duties of Serjeant in introducing, &c., Lords' Messengers, 275, 276—Introduces the Sheriffs of London with the Mace when attending to present a Petition, 331.

*Servants of Members.* See *Arrest.*

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*Short-hand Writers.* See *Officers of the House.*

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Places the Mace on the Table on return of The House from the Lords, after hearing the Royal Speech, 33—Gives notice of House going to Prayers, to all Committees, 51, 236—To take strangers into custody if in parts of the House appropriated to Members, 71—Members not attending at calls of the House to be taken into custody of the Serjeant, 80—To enforce the withdrawal of Strangers from certain parts of the House during a Division, 182—Introduces Peers, &c. when attending to be examined, 267—Duties of Serjeant in introducing, &c., Lords' Messengers, 275, 276—Introduces the Sheriffs of London with the Mace when attending to present a Petition, 331.

*Servants of Members.* See *Arrest.*

*Service of the House.* Every Member bound to attend, unless leave of absence be given, 75, 78.

See also *Attendance of Members.* *Leave of Absence.*

*Sheriffs of London.* Present Petitions at the Bar, 331, 332.

*Short-hand Writers.* See *Officers of the House.*

*Sickness or Infirmary.* Members unable to stand from, allowed to speak sitting, 146.

*Sign Manual.* See *Messages.*

*Signatures to Petitions.* See *Petitions, Public.*

*Sitting of the House.* Rules and Orders relative to the sitting and adjournment of the House, 49-74.

*Speaker :*

*Absence of Speaker.*—On unavoidable absence of Speaker, the Chairman of Ways and Means to perform his duties, 31.

*Addresses.*—Duty of Speaker, when Address presented by whole House, 302, 308, 309.

*Business of the House.*—Speaker, after Notices of Motions have been disposed of, to direct Clerk to read the Orders of the Day, without any question put, 98—Calls names of Members at the time of giving Notices of Motions, 103—Calls names of Members presenting Petitions, 329—Desires Members appearing at the Bar with Bills to bring them up, 348.

*Committees of the Whole House.*—Leaves the Chair on House going into Committee, 197, 198—The Mace then put under the Table, 199—Resumes the Chair in certain cases, 201, 209-211—Puts Question for leaving the Chair, on House going into Committee on a Bill, 356—Amendments that may be moved to such Question, 357—Resumes the Chair when difference arises in election of Chairman of Committee of Ways and Means, 410.

*Counts and adjourns House.*—Speaker counts The House after Prayers; if Forty be present, he takes the Chair, 53—If Forty not present, Speaker, at Four o'clock, standing on the upper step of the Chair, counts the House, 54—And adjourns House till next sitting-day, *ib.*—But if House meets before the ordinary time, does not adjourn the House until Four o'clock, 55—When Forty not present during a sitting after Four o'clock, Speaker adjourns The House till the

REVENUE—*continued.*

So a motion to address the Crown for money, 330. See also "ADDRESS."

So a motion for compensation for loss of office, 331.

But a bill providing compensation for certain charges on the Consolidated Fund need not originate in a committee of the whole House, 334.

## ROTHSCHILD, BARON,

Contract with government, 236.

Desires to be sworn on the Old Testament. See "OATHS."

## RYE ELECTION,

Sir John Pakington's remarks on, 107.

## S.

SALOMONS, ALDERMAN. See "OATHS."

## SANDHURST COLLEGE,

Colonel North's motion, 333.

## SAVINGS BANK ANNUITIES BILL,

Mr. Cowan's motion on, 332.

## SCHEDULES;

Amendment to, 81.

## SECRETARY OF STATE FOR SCOTLAND,

Mr. M'Gregor's motion, 21.

## SERJEANT-AT-ARMS,

Mr. Wheelton discharged from the custody of, 122.

Mr. Feargus O'Connor taken into custody by, 171.

Mr. S. O'Brien in custody of, 122.

To take into custody strangers in places appropriated to Members, 338.

Mr. T. B. Howard ordered to be taken into custody by, 352.

See also "WARRANT," "WITNESS."

## SHIPWRECK,

Committee on, 104.

## SIGNATURES,

Of petitions, 300, 301.

## SITTINGS IN THE HOUSE,

A Member who has been at prayers has a right to the seat he then occupied, until a division takes place, 334.

But a Member who has not been at prayers forfeits his seat by leaving the House, 334.

## SLIGO,

New writ moved, 360.



SMITHFIELD MARKET REMOVAL BILL, 81-83.

SOLDIERS. See "STRANGERS."

SOUTHAMPTON ELECTION, 97.

Petition from John Wren, 283.

Mr. Redington's motion relating to W. Mabson, 349.

Relating to John Wren, 352.

New writ moved for, 356.

SOVEREIGN,

It is not absolutely forbidden to use the name of, in debate, 335.

But it ought not to be used in order to influence the decision of the House, 335.

SPEAKER,

When the Speaker has called upon a Member to bring forward a motion, it is irregular for another to interpose, 19.

When the Speaker calls a Member by name. See "DISORDER."

Ought not to be called upon to answer questions of law, 197, 337.

It is not convenient to debate a question of order with the Speaker, 250.

SPEECHES. See "DEBATE."

ST. ALBANS ELECTION,

Sir R. H. Inglis's remarks on, 114.

STAMP DUTIES BILL, 185.

STANDING ORDER,

Distinction between a Resolution and, 326.

STATEMENTS,

Made out of the House relative to anything said in the House, 135.

STOCKDALE, J. J.,

Lord J. Russell's motion respecting, 121.

Sir T. Wilde's speech respecting, 223.

Sir M. Wood's motion, 234.

STRANGERS,

The sessional order relating to the exclusion of strangers relates only to that part of the House appropriated to Members, 337.

The right possessed by each Member of having the gallery cleared upon mentioning that strangers are present, does not depend on the sessional orders, 339.

But is a right arising out of ancient usage, 339.

Soldiers may appear, unarmed, in uniform in the strangers' gallery, 340.

SUCCESSION DUTY BILL,

Mr. Vansittart's motion, 20.

## SUDBURY,

Disfranchisement of borough, 118.

## SUGAR DUTIES BILL,

Mr. Cobden's amendment, 31.

## SUMMONS,

A summons for the attendance of a witness before a committee, served one Session continues obligatory in another, 349.  
See "WITNESSES."

## SUNDAY TRADING BILL,

Mr. Massey's amendment, 48.

Mr. Massey's question to Lord R. Grosvenor, 314.

## SUPPLY. See "AMENDMENTS."

On going into supply, a Member cannot speak on more than one subject, 143.

Or may make a statement on a special grievance, 145.

## SUPPLY. See "AMENDMENTS ON GOING INTO."

## SUPREMACY, OATH OF,

Sir V. Blake's motion, 261.

## SWITZERLAND,

Mr. J. O'Connell's question on the affairs of, 309.

## T.

## TAXES. See "DUTIES."

## TENANTS' COMPENSATION (IRELAND) BILL,

Lord Galway's motion on, 12.

## THIRD READING,

Amendments on the third reading of bills, 35.

Clauses added on. See "BILLS, CLAUSES OF."

## TITLES TO BILLS. See "BILLS," 88.

## TITLES, PASSING, BILL, 81.

## TRADE,

Bills relating to, should be founded on preliminary resolutions of a committee of the whole House, 342, 343.

Thus, a bill for the amendment of an Act for the Sale of Beer, 342.

And a bill for the extension of the time of the Copyright in Designs, 343.

And a bill establishing a registration office for Ballast-heavers, 345.

And such resolutions ought to contain all the articles intended to be included in the bill, 343.

If the bill contains articles not mentioned in the resolutions, 344.



TRADE—*continued.*

- Cases where a preliminary committee was held to be unnecessary,  
Copyright Bill, 346.  
A bill relating to Dogs employed in drawing, 347.  
A bill regulating the Employment of Children in Factories,  
347.

## TRANSPORTATION FOR TREASON (IRELAND) BILL, 268.

## V.

## VANCOUVER'S ISLAND,

- Lord Lincoln's motion, 119.

## VIENNA NEGOTIATIONS,

- Mr. Cobden's remarks on Sir W. Molesworth's speech, 167.

## VOICE,

- A Member has no right to speak after the voice has been given, 348.

## VOTES. See "DIVISION."

- A Member may refer in debate to what he finds in the votes of the  
House of Lords, 130.  
A Member must not call a vote of the House disgraceful, 155.  
A Member must hear the question put to entitle him to vote, 179.  
When a vote may be challenged, 179.  
Irregular proceedings are not entered on the votes, 243.  
Nor statements of Members after they have declined to take the  
oaths and have been ordered to withdraw, 246.  
Notice is necessary for a motion to point a petition with the votes,  
283.  
Votes of Members having a separate pecuniary interest. See  
"INTEREST."

## W.

## WAR WITH RUSSIA,

- Address to the Crown on, 3.

## WARNER'S CAPTAIN, INVENTION,

- Captain Plumridge's question to Lord Ingestre, 316.

## WARRANT FOR THE ATTENDANCE OF WITNESSES,

- A witness who evades the order of the House may be apprehended  
under the Speaker's warrant, 352.  
Summons under Speaker's warrant, 349.

## WATERFORD ELECTION COMMITTEE, 99.

## WEDNESDAY,

- Adjournment of the House, 14.  
Debate ceases at quarter before six on, 150.  
No division can take place when the clock stands at six, 173.  
Precedence of motions on, 289.

**WHEELTON, Mr.,**

Ordered to be discharged from the custody of the Serjeant at-Arms, 122.

**WINDOW TAX,**

Petition against, 269.

**WITHDRAW,**

A Member whose conduct is under discussion ought to withdraw, 350.

Until the debate is terminated, 351.

Although it be adjourned, 351.

Baron Rothschild ordered to withdraw, 241, 242.

Alderman Salomons, 251.

Mr. Ferrand, 150.

**WITHDRAWAL OF ELECTION PETITIONS, 302.****WITNESS,**

A summons for the attendance of a witness. See "SUMMONS."

A witness who attempts to evade the order of the House, 352.

May be apprehended by the Serjeant-at-Arms, 352.

Under the Speaker's warrant, 352.

A witness refusing to give evidence before an election committee, 352.

May be committed to the custody of the Serjeant-at-Arms, 352.

When a witness refuses to answer a question in a committee, 97.

The House is reluctant to compel a Member to appear as a witness before a committee, 105.

Committees empowered to examine witnesses on oath, 107.

**WORDS TAKEN DOWN,**

When offensive expressions are used, the House may call upon the Speaker to desire that the words be taken down, 111.

**WRIT,**

A motion for a new writ is entitled to precedence, 355.

A motion for suspending the issue of a new writ requires notice, 356.

Seven days' notice necessary where bribery or treating proved, 357.

But not where intimidation only has been proved, 357.

Pending the trial of a petition, a new writ cannot issue if the petition claims the seat for another person, 356.

But if the petition does not claim the seat for another person, a new writ may issue pending the trial of the petition, 356.

When a vacancy takes place by the death of a Peer, a new writ ought not to issue until the writ of summons has been sent to the new Peer, 354.

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