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Thomas Erskine May

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'Erskine May', like 'Hansard', is a book recognised by its author's name much more readily than by its title; and, also like Hansard, it is closely connected to the work of the British Houses of Parliament. Thomas Erskine May (1815–86), clerk to the House of Commons, began his working life as assistant in the House of Commons library, and familiarised himself with constitutional history and parliamentary procedure during a long and distinguished career. This 1844 book describes the workings of Parliament, including its constitution, powers and privileges, practice and proceedings, and private bills. The history and traditions of the institution are examined, and current practice explained in detail. It went into several subsequent editions, and was translated into many languages. Erskine May was also a cautious but efficient reformer, streamlining procedures in order to manage much greater amounts of parliamentary business: his work is still consulted on procedural matters.

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A T R E A T I S E

U P O N T H E

L A W, P R I V I L E G E S, P R O C E E D I N G S

A N D U S A G E

O F

P A R L I A M E N T.

By THOMAS ERSKINE MAY, Esq.
BARRISTER AT LAW;
ASSISTANT LIBRARIAN OF THE HOUSE OF COMMONS.

L O N D O N :

CHARLES KNIGHT & CO. LUDGATE-STREET.

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TO

THE RIGHT HONOURABLE

CHARLES SHAW LEFEVRE,

SPEAKER OF THE HOUSE OF COMMONS,

&c. &c. &c.

THIS TREATISE

IS, WITH THE HIGHEST RESPECT,

INSCRIBED BY

THE AUTHOR.

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P R E F A C E.

It is the object of the following pages to describe the various functions and proceedings of Parliament in a form adapted, as well to purposes of reference, as to a methodical treatment of the subject. The well-known work of Mr. Hatsell abounds with Parliamentary learning, and, except where changes have arisen in the practice of later years, is deservedly regarded as an authority upon all the matters of which it treats. Other works have also appeared, upon particular branches of Parliamentary practice ; or with an incidental rather than direct bearing upon all of them : but no general view of the proceedings of both houses of Parliament, at the present time, has yet been published ; and it is in the hope of supplying some part of this acknowledged deficiency, that the present Treatise has been written.

A theme so extensive has only been confined within the limits of a single volume, by excluding

or rapidly passing over such points of constitutional law and history as are not essential to the explanation of proceedings in Parliament; and by preferring brief statements of the general result of precedents to a lengthened enumeration of the precedents themselves. Copious references are given, throughout the work, to the Journals of both houses, and to other original sources of information: but quotations have been restricted to resolutions and standing orders, to pointed authorities, and to precedents which serve to elucidate any principle or rule of practice better than a more general statement in the text.

The arrangement of the work has been designed with a view to advance from the more general to the particular and distinct proceedings of Parliament, to avoid repetition, and to prevent any confusion of separate classes of proceedings: and each subject has been treated, by itself, so as to present, first, the rules or principles; secondly, the authorities, if any be applicable; and, thirdly, the particular precedents in illustration of the practice.

As the last edition of Mr. Hatsell's work was published in 1818, the precedents of proceedings in the House of Commons have generally been

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selected from the Journals of the last five and twenty years, except where those of an earlier date were obviously more appropriate. But as the precedents of the House of Lords had not been collected in any previous work, no limitation has been observed in their selection.

It only remains to acknowledge the kind assistance which has been rendered by many gentlemen, who have communicated their knowledge of the practice of Parliament, in their several official departments, with the utmost courtesy: while the Author is under peculiar obligations to Mr. Speaker, with whose encouragement the work was undertaken, and by whose valuable suggestions it has been incalculably improved.

House of Commons,
May 2d, 1844.

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ABBREVIATIONS

USED IN THE REFERENCES.

Rot. Parl.—Rotuli Parliamentorum, or Rolls of Parliament, printed by the House of Lords.

Lords' J.—Lords' Journals.

Com. J.—Commons' Journals.

Lords' S. O. No. 1, &c.—Lords' Standing Orders, as collected and published.

Com. S. O. No. 1, &c.—The Commons' published Standing Orders relating to Private Bills. 1843.

Hats.—Hatsell's Precedents; edition of 1818.

Hans. Parl. Hist.—Hansard's Parliamentary History.

Hans. Deb.—Hansard's Parliamentary Debates.

Parl. Rep. or Sess. Paper, 1843 (180); refers to the Sessional Number by which any Parliamentary Report or Paper is distinguished.

The number preceding the reference invariably refers to the volume, and the figures which follow it denote the page, except where it is otherwise designated; as in the Standing Orders of the two Houses, which are distinguished by separate numbers.

All other works are either named at length, or the abbreviations are so partial as to require no explanation.