

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

[465]

I N D E X.

Note.—The *Figures* refer to the pages throughout the volume; and wherever *n* is annexed, it calls attention to a note at the foot of the page.

- ABBOT**, Lord Chief Justice; his opinion in the case of Mr. J. C. Hobhouse, 57.
- ABINGDON**, Lord; fined and imprisoned in 1795 for libel in publishing a speech delivered in the House of Lords reflecting on an individual, 81.
- ACCESS TO THE CROWN**; peers, as hereditary counsellors of the Crown, privileged to free access, 47. Claimed by the commons; antiquity of the privilege, 46. How and when exercised, 47. 267.
- ACCOUNTS AND PAPERS**;
Obtained by order or by address, 309. Distinction between these classes of returns, 309, 310. When addresses have been answered, the parties within reach of an order, 310. Orders discharged, *ib.* Returns to be made forthwith, *ib.* Effect of a prorogation upon orders and addresses for papers, 311. Papers presented by command and by Act, *ib.*
Printing committee in the commons; their functions, 311. Unprinted papers, 312. Distribution of printed papers by lords and commons, *ib.* Principle of sale adopted in the commons, *ib.* Delivery to members by the Vote Office, 313. Transmission of parliamentary papers by post, *ib.* Arrangement of parliamentary papers, *ib.* Their statistical character, 313, 314. Tables of revenue, &c. prepared by the Board of Trade, 314. Improvement of statistical returns, *ib.* Mode of preparing orders for returns, 315. Blank forms, *ib.* Abstracts, 316.
- ADDRESSES TO THE CROWN**;
In answer to Queen's speech, 144. When presented by the whole house, *ib.* By the lords with white staves, *ib.* Or privy counsellors, *ib.* Her Majesty's pleasure known when she will be attended, 144. Proceedings on the death of the Duke of Saxe-Cobourg-Gotha, 145. In answer to written messages, 264. Exceptions in the commons, 264, 265. To verbal messages, 265. Subjects of addresses, 266, 267. Joint addresses of both houses, 266. Separate addresses, *ib.* Mode of presenting joint and separate address, 267, 268. Dress of peers and members, 268. Answers to addresses, *ib.*
- ADDRESSES FOR Public Money**; rules concerning, 334, 335.
- ADJOURNMENT OF THE HOUSE**; power of, solely in each house respectively, 35, 36. Adjournments at the pleasure of the Crown, *ib.* Motions for adjournment to supersede questions, 172. Analogous motions in committee, 229. Adjourned by Mr. Speaker if 40 members not present at four o'clock, 151. Unless there be a commission, *ib.* When notice taken, *ib.*; or it appears on division that 40 members are not present, *ib.* In committee, 152. On Saturday adjourned to Monday, *ib.* At other times adjourned upon question, *ib.*
- ADJOURNMENT OF DEBATE**; rules concerning; form of question, 172, 211. Committee of the whole house cannot adjourn a debate, 228. Nor adjourn its own sittings, 228, 229.
- ALEYN**, Henry; committed by the commons in 1628 for libel on Parliament, 63.
- ALFORD**, Sir W.; case of (1628), 103.
- ALIENS**; not eligible to be members of Parliament, 26. Act of 12 & 13 Will. 3, declaring the law, *ib.* And of 1 Geo. 1, stat. 2, c. 4, enforcing its provisions, *ib.*
- ALLUSIONS** to debates, irregular, 198, 199. See also DEBATE.

H H

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

466

I N D E X.

AMENDMENTS to QUESTIONS;

To evade question or alter its meaning, 175. Object and principle of an amendment, 180. Forms of amendment: to leave out words, 181. To leave out words and to insert or add others, *ib.* To insert or add words only, *ib.* When to be moved, *ib.* Restrictions in proposing, 182. Amendments to amendments explained and illustrated, 183. Moved before previous question, 184. Moved afterwards, 185. In the commons must be seconded, *ib.*

AMENDMENTS (BILLS);

In regard to public bills; to questions for second reading of bills, 277. To question for speaker leaving the chair, 279. Amendments to bills in committee, when to be offered, 280. What amendments admissible in committee, 280, 281. Authorized by instruction, 281. Amendments to preamble, *ib.* Amendments to bills on the report, 283. On the third reading, 285, 286. Proceedings upon amendments made to bills by the other house, 288. And amendment of such amendments, 288, 289. Consequential amendments, 289. Conferences when amendments disagreed to, 289, 290. Free conferences, 290.

AMIENS, Peace of; amendment of question concerning, 175.

APOLOGIES; when required of members, 205.

APPROPRIATION ACT; reserved until the end of the session, 319. How effect is given to the votes of the commons in the meantime, 320. Its enactments, 333. Presented by the speaker for the royal assent, 334.

ARREST, FREEDOM FROM;

Antiquity of this privilege, 83. Extends to members of both houses, *ib.* And formerly to their servants, *ib.* Freedom of members and their servants from liability to answer subpoenas, and to serve on juries, *ib.*; and from commitments by courts of justice, 84. Servants at present have no privilege, *ib.*

Earliest recognition of the privilege, 84, 85. Exception in the case of Mr. Speaker Thorpe, 85, 86. Vindicated in the case of George Ferrers, 1543, 86–88. Case of Smalley, the servant of a member, 88. Fitzherbert's case, *ib.* Neale's case, 89. Cases in the lords, *ib.*

Sir T. Shirley's case, 90. Statutes relating to the privilege, 90–92. Servants' privilege discontinued, 92, 93. Members, how released at present, 93. Duration of privilege, and to whom extended, 94–97.

Whether enjoyed by members in execution before their election, 97.

Privilege has not been allowed to interfere with the administration of criminal justice, 104. Causes of commitment on criminal charges must be communicated to the house, 105, 106. Commitments for contempt, 106–109. Privilege extends to all witnesses summoned to attend before either house of Parliament, and to others in personal attendance upon the business of Parliament, 110–112.

ARTICLES of Impeachment, 377.

ARUNDEL, Earl of; privilege of Parliament asserted in the case of, in staying proceedings in the Star Chamber for contempt, 108.

ASGILL, Mr. (1707); exercise of the privilege of the commons in the case of, 93.

ASHBY & WHITE; case of, in 1704, referred to, 41. 50. Outline of the proceedings, 123, 124.

ASSAULT, or Obstruction of Members punished; resolution of the commons concerning, 64, 65.

ASSISTANTS of the LORDS; enumerated; how summoned, 155. Were present in the consilium regis, 156. Their attendance and place in the House of Lords, *ib.* Occasionally employed in carrying bills to the commons, 249, 250. 287.

See also **JUDGES**.

ATHOL, Earl of, *v.* **DERBY**, Earl of, 95.

ATTAINDER, Acts of; Judicature of Parliament in passing, 38. Forms observed, 382. The highest form of parliamentary judicature, *ib.* How reversed, 445.

ATTENDANTS of the LORDS, 156. 250. 287.

ATWYLL's Case, 17 Edw. 4; 45. 85. 99.

AUBREY, Mr. (1756); privilege extended to, while promoting a bill in the house, 112.

“**AYES**” and “**NOES**” on a division, 178.

“**AYLESBURY MEN**,” The; case of, referred to, 40. 50. 116. Outline of the proceedings in the case of, 123, 124.

BAIL; the courts of law will not admit to bail persons committed by either house of Parliament, 56–59.

BALCARRAS, Earl of; summoned to attend the House of Commons, 242.

BALLOT; for notices of motion, 168. Select committees occasionally appointed by, 232. For petitions, 308. Formerly used in the appointment of election committees, 342.

- BALTINGLASSE**, Lord (1641); case of, 92.
- BAMPFIELD**, Sir William (1614); case of, 107.
- BANKRUPTS**; members found bankrupt incapable of sitting and voting for 12 months, 28. Powers given to the speaker in a recess to issue warrants for new writs, 341.
- BARNARDISTON v. SOMES** (1674); jurisdiction of the courts in matters of privilege explained by Lord Chief Justice North in, 116.
- BARONS**; inquiry into the origin of the title, 9.
- BARWELL**, Mr.; his refusal to withdraw from a committee; speaker's opinion that he ought to withdraw, 235.
- BATH**, Archdeacon of; committed by the commons, in 1640, for libel on Parliament, 63.
- BEAUMONT**, John Viscount; created by Henry 6, being the first upon whom the title was conferred, 8.
- BENEDICT ABBAS**; his mention of the commons (A. D. 1176), 16.
- BENYON v. EVELYN**; jurisdiction of the courts in matters of privilege, defined by Sir Orlando Bridgman in, 118.
- BILL OF RIGHTS**; to be considered but a declaration of the ancient law of England, 4. Extract from, declaring the suspending or dispensing with laws, without consent of Parliament, to be illegal, 4. *n.* Freedom of speech in Parliament confirmed by, 80.
- BILLS**;
Generally.—Same bill may not be offered twice in a session, 186. Evasions of the rule, 187. Bills once passed or rejected, 188. Lords' Journals inspected, and new bills ordered, 189. Bills laid aside, 190. Prorogation to renew bills, *ib.* Clauses in Acts that they may be amended, 191. Conferences and free conferences between the two houses upon bills, 255, 256. 289, 290.
See also PRIVATE BILLS.
- BILLS, PUBLIC**;
 General nature of a bill explained, 269. Ancient mode of enacting laws, *ib.* Legislation by bill and statute dates from Henry 6; 270. General similarity in the practice of both houses, *ib.* What bills must originate in either house respectively, 270, 271. Bills for a general pardon, 271. Division of public and private bills, *ib.*
- Public bills presented in the Lords, 271. In the Commons leave given to bring them in, *ib.* Motion for such leave, *ib.* Instructions to gentlemen appointed to bring them in, 272. Preliminaries to motions for bringing in bills, in certain cases, *ib.* Bills originating in committee, *ib.*; relating to religion and trade, *ib.* The grant of public money, 273; or the imposition of a charge upon the subject, *ib.* Construction of these rules, with precedents, 273-275.
- Preparing bills, 275. Blanks; italics, *ib.* Bills presented, *ib.* First reading, 276. Second reading ordered on a future day, and bill printed, *ib.* Reading bills, explained, *ib.* Ancient custom of breviate, 277.
- Second reading; forms of amendments, 277, 278. Bills rejected; and rejected and torn, 278. In what cases counsel heard, *ib.* Committees on bills, Lords and Commons, 279. Proceedings in committee, 279, 280. Amendments when to be offered, 280. Blanks filled up, *ib.* What amendments admissible, *ib.* Instructions to enable committee to consider clauses extraneous to the title, 281. Bills divided into two by instruction, &c. *ib.*
- Report of progress; and report of the bill, 281. Proceedings on report of bills, 282. Bills reprinted, 283. Clauses added, and amendments made, *ib.* Bills re-committed; again re-committed, 284. Ingrossment, 284, 285. Third reading, 285. Time of proposing new clauses, 286. Bill passed, *ib.* Title of the bill, *ib.*
- Form in which bills are communicated from lords to commons, 287. Bills sent by mistake, 288. Bills communicated from commons to lords, *ib.* Amendments of the other house, agreed to or amended, *ib.* Consequential amendments, 289. Disagreed to; conferences and free conferences, 255, 256. 289, 290. By whom and when desired, 290. Indorsement of bills, 291.
- Royal assent, 291. By commission; origin of giving royal assent by commission, 291, 292. Form of commission; form of royal assent by commission, 293. Form of words used for different classes of bills, *ib.* Form in which the royal assent is refused, *ib.* Use of the Norman French, *ib.* Royal assent by the Queen in person, 294. Ingrossment rolls, *ib.*
- Intermediate forms and stages of bills not binding, 295. Bills passed with unusual expedition, *ib.* Informalities in the agreement of both houses, 296. Pyllington's case, 297. Factories Bill of 1829, *ib.* Schoolmasters' Widows' Fund (Scotland) Bill, 1843; 298. Imperfect indorse-

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

468

I N D E X.

BILLS, PUBLIC—*continued.*

ment of bills, 298. Informalities in the royal assent, *ib.* Duke of Norfolk's attainder declared void, 299, 300.

BISHOPS;

The lords spiritual, an estate of the realm, 5. Their tenure, 5, 6. Representative bishops of Ireland, 6. Their position in Parliament, 10, 11. How introduced on taking their seats, 135. Representative bishops of Ireland not introduced, *ib.* Read prayers in the House of Lords, *ib.* Doubts whether, by law, they are required to be summoned at the trial of peers, 381. They attend, but withdraw before the vote of guilty or not guilty, with a protestation saving their rights in judicature, 381, 382.

BLACKSTONE'S Commentaries cited, 5, 16, 83, 94.

BLACKSTONE, Mr. Justice; affirmed it to be the duty of the courts to presume the orders of the commons and their execution to be according to law, 117.

BLAIR, Sir Adam; impeached of high treason, with four other commoners, 376.

BLANKS IN BILLS, explained, 274, 275. In private bills, 406.

BLOOD; restitution in, 271, 445.

BOARD OF TRADE; Assist in the examination of private bills, 386. Copies of private bills and breviate to be sent to Private Bill Office for, 406.

BOOKS AND LETTERS; not to be read by members in their places, 207.

BRACON, Judge; limits of royal prerogative as laid down by, 4.

BREACHES OF PRIVILEGE;

A contempt of the High Court of Parliament, 49. How punished, *ib.* Different modes of punishment by lords and commons, 70. Defined, 59, *et seq.* Not punished without due inquiry into alleged offence, 68. Order of the lords, 11th January 1699, *ib.* Of the Commons, 31st January 1694, and 3d January 1701, *ib.* Present practice on complaint being made, 69. Resolution 11th February 1768, discouraging frivolous complaints, *ib.* House may punish in one session offences committed in another, *ib.* Order of 4th and 14th April 1707, *ib.* Or in a former Parliament, 70. Disobedience to chairman's order for attendance of a witness, 233.

Publication of evidence and documents not reported to the house, 237, &c.

See also PRIVILEGES.

BRERETON, Mr.; Case of (1605), 107.

BREVIATES. *Of Public Bills*; ancient custom; suggestions thereon, 277.

Of Private Bills; 408. Breviate of amendments made by the committee, submitted to the chairman of ways and means, 431.

BRIBERY; special reports of election committees, 366. Proof of agency not to precede evidence of bribery, 367. Results of this law, *ib.* Writs suspended, 368. And election committees re-assembled, *ib.* When charges of bribery abandoned, *ib.* Election committees appointed to investigate charges of bribery in petitions, or when petitions have been withdrawn, *ib.*

BRIDGMAN, Sir Orlando; jurisdiction of the courts in matters of privilege defined by, 118.

BRITISH CONSTITUTION; how far within the design of this treatise, 1.

BRITISH INDIA; the government of, by the East India Company, controlled by ministers responsible to Parliament, 80.

BROUGHAM, Mr.; sat as speaker of the lords, 22d November 1830; 152.

BROWN, T.; committed by the lords for publication of debates, 61.

BRUDENELL, Lord; withdraws on question concerning him, 211.

BRYERS, J. (1626); privilege extended to, whilst attending the house as witness, 111.

BUCKINGHAM, Duke of; proceedings of, committee on charges against, in 1626; 235.

BUDGET, the; its nature described, 330.

BURDETT, Sir Francis; his case referred to, 50, 118, 119. Power of the serjeant-at-arms to break into a dwelling-house affirmed in the case of, in 1810; 52-55. Committed to the Tower by the commons in 1810 for libel on the house, 64. The power of the house to commit for libel questioned in this case, but confirmed, *ib.* Withdraws, on question concerning him, 210.

BURDETT v. ABBOT; dictum of Lord Ellenborough in, as to jurisdiction of the commons, 118, 119. The authority of the house sustained and vindicated in this case, 124, 125.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

469

- BURIAL GROUNDS OR CEMETERIES**; notices required in regard to bills relating thereto, 390. Estimates and subscription contracts, *ib.* Standing order of the lords concerning, 442.
- BURTON, Mr. Christie, (1819)**; privilege when taken in execution before election; 93. 97.
- BUTLER, Daniel**; committed by the House of Commons, 1809, for arresting Sir Charles Hamilton, a member, 66.
- CALL OF THE HOUSE**; in the lords, 148. 382. In the commons, 149.
- CANADA, Lower**; the constitution of, suspended in 1838, and provisional government established by the British Parliament, 30.
- CANDIDATES, Petitioning**; eligible to Parliament, 341.
- CANDLES**; motions for bringing in, 177.
- CANNING, Mr. Secretary**, withdraws on question concerning him, 211.
- CANTERBURY, Archbishop of, 6**; privilege in the case of the servants of, (1597), 89.
- CARR, William**; fined and imprisoned by the lords in 1667, for libel on Lord Gerard of Brandon, 65.
- CAUSES OF SUMMONS**; declared, 34; Parliament not bound to consider causes of summons alone, but may proceed with other business, 34. Declared by the Queen in person, 142. By commission, 143. Bill read *pro formâ* in both houses, 143, 144.
- CHAIRMAN OF COMMITTEES OF THE WHOLE HOUSE**; performs, in committee, the duties of speaker, 225.
Lords.—Not to leave the chair without leave of the committee, 226.
Commons.—Reports progress, 227. On points of order, *ib.* Effect of motions for chairman to report progress or to leave the chair, 229.
- CHAIRMAN OF LORDS' COMMITTEES**; nominated at the commencement of each session, 224. Takes the chair, except where otherwise directed, *ib.* His duties in regard to private bills, 386. 435. 439. 453.
- CHAIRMAN OF COMMITTEE OF WAYS AND MEANS**; Usually takes the chair in committees of the whole house, 224. And carries bills and messages to the lords, 250. 288. His duties in regard to private bills, 386. 408. 414. 430.
- CHAIRMAN OF SELECT COMMITTEES**;
Lords.—Votes like other peers in the committee, 236.
Commons.—Witnesses summoned by orders signed by him, 233. Gives the casting vote when the numbers are equal, but otherwise never votes, 236. Of committees on private bills, 402. 412. 422. 426. 439. 453.
- CHAIRMAN OF A MEETING**; petition signed by, received only as his individual petition, 304.
- CHALLENGES, by Members**; how prevented and punished, 205.
- CHANDOIS, Lord (1597)**; case of the servants of, 89.
- CHAPLAIN (Mr. Speaker's)**; reads prayers daily in the house, 139.
- CHARGES UPON THE SUBJECT**; construction of rules concerning imposition of by bills, 273, 274. Rule in regard to lords' amendments, 321, 322.
See also SUPPLY AND WAYS AND MEANS.
- CHARITIES, Trustees of**; their consents how to be taken, 441.
- CHARLTON, Mr. Lechmere**; committed by the lord chancellor in 1837, for contempt, 109.
- CHATHAM, Earl of**; exception taken to words used by, 202. Misunderstanding with Duke of Richmond, 204.
- CHEDDER, Richard**; case of privilege, 84.
- CHERBURY, Lord Herbert, of**; exception taken to words used by, 203. Ordered to withdraw, 211.
- CHILTERN HUNDREDS, Stewardship of**; vacates seat in Parliament, 340.
- CHURCH DOORS**; notices of applications for private bills affixed on, 390, 391.
See also NOTICES.
- CHURCH RATES**; motion decided to be irregular, in 1840; 187.
- CHURCH TEMPORALITIES (IRELAND) BILL, 1833**; did not concern religion so as to originate in a committee, 273. Imposed a tax, and was therefore withdrawn: report of precedents, 274, 275.
- CINQUE PORTS**; the representatives of the, styled barons, 22. *n.*
- CITIES AND BOROUGHES**; state of the elective franchise, in England, 24. In Scotland, 25. In Ireland, *ib.*

H H 3

- CITIZENS AND BURGESSES**; their addition to the legislature, 15. 17. 20. Amount of their wages in the time of Edward 3; 21. Qualification of estate by Act 1 & 2 Vict. c. 48; 26.
- CLARE, BOGO DE**; case of, 18 Edw. 1; 98.
- CLARENDON, Constitutions of**; cited in reference to the voting of spiritual lords in cases of blood, 381.
- CLARENDON, Lord**; jurisdiction of the commons in matters of privilege, defined by, 116.
- CLAUSES**; added, divided, &c. in committee, 281. If added in committee, must be within the title of the bill, 280, 281. Unless authorized by instruction from the house, 281. Added on report; proceedings and rules, 283. Clauses containing rates, &c., 283, 284. Added to bills on third reading, 285. Time of proposing new clauses, 286.
How considered in committee on a private bill, 425. 440.
- CLERGYMEN**; are ineligible to seats in the House of Commons, 27. Act of 41 Geo. 3, c. 63, *ib.* Act of 10 Geo. 4, c. 7, s. 9, excluding the Roman-catholic clergy, *ib.*
- CLERK OF THE CROWN**; delivers the return book to the clerk of the House of Commons, 134. His certificate of the election of representative peers of Scotland, 135; and of Ireland, *ib.* Ordered to attend and amend returns, 42. Warrants directed to him to issue new writs, 42. 337. His duties on the royal assent being given to bills, 291. 293.
- CLERK OF THE HOUSE OF COMMONS**; appointed by letters patent, 157. Clerk assistant and second clerk assistant, *ib.* General view of his duties, 157, 158. Puts questions on the election of speaker, 136; and for adjournment, in his absence, 154. Administers oaths to members, and receives the account of their qualification, 139. Calls over names on a call of the house, 149. Clerk assistant or second clerk assistant goes to the bar of the lords on further prorogations, 166. Notices of motions entered by the latter, 168. Signs orders for attendance of witnesses, 239; and for their expenses, 248. Ordered to take down words spoken, 197. 206. Indorsement of bills by, 291; or by clerk assistant, in his absence, 291. *n.* Petitions may be read by, 307. Duties in regard to controverted elections, 351. 355. 359.
- CLERK OF THE PARLIAMENTS**; office executed by deputy; his duties, 156. Authenticates copies of Journals, 161. Receives money bills from the speaker at the bar, 165. 334. Signs orders for the attendance of witnesses, 239. Swears them at the bar, 243. Occasionally sent with messages to the commons, 250. 287. Indorses bills, 291. Waits upon the Queen when about to give royal assent to bills in person, *ib.* Signifies the royal assent, 293. Appoints taxators of costs in private bills, 458; and prepares list of charges, 459.
- CLERK OF THE PEACE**; plans, duplicates, books of reference, sections, &c., to be deposited with, 392, 393. Memorial to be indorsed by him, of the time at which they were lodged with him, &c., 392. Alterations of plans, &c., after the introduction of the bill into Parliament, 437.
- COCHRANE, Lord**; privilege not extended to, 105.
- COKE, Sir Edward**; his opinions referred to, as to the separation of the two houses, 18, 19. The authority of Parliament unlimited, according to, 31. The law of Parliament defined by, 48. Maintained the claim of the commons to be a court of record, 71. Referred to, 84. Affirmed either house of Parliament to be the only judge of its privileges, 115, 116. Moved that a bill be torn in the house, 278.
- COLEPEPPER, Thomas**; committed by the commons, in 1701, for libel on Parliament, 64.
- COLERIDGE, Mr. Justice**; duties of the courts in matters of privilege, explained by, 120.
- COLONIES**; the legislatures and laws of, subordinate to the Imperial Parliament 29, 30. Legal right of Parliament to impose taxes upon colonies for the support of the mother country, 30.
- COMMISSION for Royal Assent to Bills**; makes a house, 151. Origin of giving the royal assent by, 292. Form of commission, *ib.* Of royal assent by commission, 293. 299.
- COMMISSIONS, in the Army and Marines**; do not vacate seats in Parliament, 340.
- COMMITMENT**; the right of, for contempt, belongs equally to both houses, 49. Regarded with jealousy when exercised by the commons, *ib.* Right of commons established by immemorial usage, &c. 50. Right of the lords to commit questioned, and confirmed in cases of Earl of Shaftesbury in 1675, and of Flower in 1779, *ib.*

COMMITMENT—continued.

Causes of commitment cannot be inquired into by courts of law, 56, 58. Commitment by the lords for term beyond the session, 70, 71. Present position of the commons, 74. Imprisonment by commons concluded by prorogation, 74, 75; prisoners held longer in custody, would be discharged on writ of habeas corpus, 75.

COMMITTEES OF THE WHOLE HOUSE;1. *Generally.*2. *Lords.*3. *Commons.*

1. *Generally.*—Restrictions upon speaking removed in, 196. Conduct of business in committee, 225. In the lords, a peer addresses their lordships, *ib.* In the commons, members address the chairman, *ib.* Chairman performs the duties of speaker, *ib.* A committee can only consider the matters referred to them, *ib.* Unless enabled by instruction, *ib.* Instruction should be moved after reading the order of the day, *ib.* Motions in committee need not be seconded, *ib.* Previous question not admitted, and why, *ib.* Members may speak more than once to questions in committee, 226. To speak standing, *ib.* House resumed, 227. In cases of doubt, *ib.* On other occasions, *ib.* In case of disturbance, *ib.* Forty members a quorum in the commons, 228. Cannot adjourn a debate, or its own sittings, *ib.* Motion (in the lords) that the house be again put into committee, 229. Report of progress, *ib.* Motions that the chairman do report progress, *ib.*; or do now leave the chair, *ib.* Proceedings in committee not entered in the Lords' Journals, *ib.*; nor in the Commons' Journals until 1829, *ib.*

2. *Lords.*—The house put into a committee, 224. Chair taken by chairman of lords' committees, *ib.*

3. *Commons.*—Houses resolves itself into a committee of the whole house, 224. Speaker leaves the chair; name removed, *ib.* Chairman of ways and means the usual chairman, *ib.* If difference arises in the choice of chairman, the house decides, *ib.*

COMMITTEES, SELECT;1. *Generally.*2. *Lords.*3. *Commons.*

1. *Generally.*—Their general province and duties, 230. Can only consider the matters referred to them by the house, *ib.* Their powers extended or limited by instruction, *ib.* Petitions and documents

referred, 230. Of both houses communicating with each other, 258.

2. *Lords.*—Their appointment and constitution in the lords; three the ordinary quorum, 230, 233. Ordered to meet in the prince's lodgings, 230. Lords to speak uncovered, 231. May be attended by the judges, *ib.* Refusal of Lord Chief Justice Popham to sit, *ib.* Are not authorized by the house to send for witnesses or documentary evidence, *ib.* Attendance of witnesses enforced by order of the house, *ib.* Strangers generally excluded, 234. Lords not of the committee may be present, *ib.* Mode of deciding in case of equality of voices, "*semper præsumentur pro negante*," 236.

3. *Commons.*—Appointment and constitution in the commons, 231. The number of members, *ib.* Their attendance, *ib.* Notice of nomination, 232. List of members serving, *ib.* Their names prefixed to questions put to witnesses, *ib.* Minutes of proceedings, *ib.* Names taken down in divisions, *ib.* Peculiar modes of nomination, by ballot, &c. in special cases, *ib.* Members nominated to examine witnesses, without voting, *ib.* Members added and discharged, *ib.* Quorum of committees, 233. If no quorum named, *ib.* Proceedings when proper number are not present, *ib.* Power to send for persons, papers, and records, *ib.* Witnesses summoned by chairman's order, *ib.*; and censured by the house for disobedience, *ib.* Strangers generally allowed to be present when witnesses under examination, 234; but never while the committee are deliberating, *ib.* Members, not of the committee, ought immediately to retire when the committee are about to deliberate, *ib.* But have claimed the right of being present, *ib.* Power of the committee to exclude them, considered, *ib.* Precedents, 234, 235. Propriety of obtaining an order of the house for their exclusion in certain cases, 236. Secret committees, *ib.* Mode of dividing; casting voice of chairman, *ib.* Rule explained by the house, to rectify a mistaken view of the practice of the house, *ib.* May adjourn its sittings, *ib.*; and sometimes from place to place, *ib.* May not sit without leave during the sitting of the house, nor after adjournment, 237. Receive notice of prayers from the serjeant, *ib.* Their proceedings void after this notice, *ib.* Leave to sit till five o'clock, *ib.*; or on Saturday, *ib.* Their mode of summoning witnesses, 240. Attendance of members to be examined; how secured, 240, 241. Of members of the other house, 241.

COMMITTEES ON PRIVATE BILLS;

1. *Commons*.2. *Lords*.

1. *Commons*.—On unopposed bills, 409. On opposed bills, *ib.* Speaker's lists for committees, *ib.* Selected members, 409, 410. First meeting; notices, 410. Postponement of first meeting, 411. Constitution of committees on opposed bills, *ib.* Attendance of members: declaration, when to be signed, *ib.* Quorum, *ib.* On competing lines of railway, 413. Proceedings and duties of committees on private bills, 412, 414.

Proceedings in committee, 423. Room, when opened and cleared, *ib.* Appearance of parties, *ib.* Case opened, 424. Proof of preamble, *ib.* Parties heard against preamble, *ib.* Question upon preamble, 425. Preamble not proved, *ib.* Alterations in preamble, 426. Plan, &c. and committee-bill and clauses to be signed by chairman, *ib.* Committee to report the bill, with certain particulars, 426, 427. Special reports, 427. Brighton railway competing lines, 428. Witnesses, how to be summoned, *ib.* Evidence reported, 429. Time limited for reports, *ib.* All bills to be reported, *ib.* Adjournment of committees, 430. Committees revived, *ib.* On re-committed bills, 432.

2. *Lords*.—Standing order committee, and committees on opposed bills, 435. Notice of meeting, *ib.* Unopposed and opposed bills, 439. Open committees and committees selected, 438, 439. Sittings of committees, 440. Proceedings in committee, *ib.* Witnesses, &c., *ib.* Proof of consent, 441. Special standing orders concerning particular bills, 441–443. 453.

COMMONS, HOUSE OF;

Elected by virtue of a writ from the Crown, 5. Early history of the commons, 11–13. Under Saxon institutions, 12. The wittena-gemote, 12, 13. After the Norman Conquest, 13–18. Knights of the shire, when first summoned to Parliament, and by whom chosen, 14, 15, 17, 20. Citizens and burgesses, 15, 17, 20. Reference to the Magna Charta of King John, in connexion with the origin of representation, 16. Sittings of lords and commons originally held in one chamber, 18–20. Separation of the two houses, 20. Their practical union at present, *ib.* Number of members at different periods, 20, 21. Number of members added on the union of Scotland and Ireland, 21. Wages of members in the reign of Edward 1; *ib.* Alterations effected by the Reform Acts

of 1832; 21. Total number of members, how distributed, 23.

Right of the commons in voting supplies, and imposing burthens upon the people, 39, 40, 270, 271, 319–324. Of determining elections, 40–42, 337, *et seq.* Have no control over the eligibility of candidates, except as regards their qualifications, 42, 43. Examination into the claim of the commons to be a court of record, 71, 72, 158, 244. Impeachments by, 38, 374, *et seq.*

See also Particular Proceedings throughout the Index.

COMPETING LINES OF RAILWAY; committees on bills for, in the commons, 413.

COMYN, Lord Chief Baron; the exclusive jurisdiction of Parliament in matters of privilege affirmed by, 117.

CONFERENCES;

Subjects for a conference, 252. When to be demanded, 253. Its general purpose to be stated, *ib.* Reasons offered, 254. Time and place of meeting, *ib.* Managers appointed, *ib.* Their duty, 255. Conferences in regard to bills, *ib.* Free conference, *ib.* Forms of holding conferences, 256. Standing orders of the lords concerning, 257. Proceedings when amendments to bills disagreed to, 288, 289. Free conferences, 290. Conference, by whom desired, *ib.*

CONINGSBY, Lord; withdraws on motion concerning him, 210.

CONSENT OF THE CROWN; how and when signified, 263.

CONSENTS TO PRIVATE BILLS; standing orders requiring, 389. Proof of consents, in the commons, 415, 416. In the lords: to be personal, or an affidavit of disability, 441. Consent of trustees for charitable purposes, *ib.*

CONSEQUENTIAL AMENDMENTS; 289.

CONSOLIDATED FUND; settled charges upon by various Acts of Parliament, 327, 329, 330. Produce of all taxes carried to, 325. How applied, and by what authority, 330.

CONTEMPT OF COURT; commitment of members of Parliament by courts of justice for, 106–110. Privilege maintained by commons, 107. Peers declared to have no privilege as against writs of habeas corpus, 108. Privilege not enforced in recent cases, 108–110. Process formerly for contempts against persons having privilege of Parliament, by sequestration of

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

473

- property, 109. Privilege maintained in Act 2 & 3 Will. 4, c. 93, for punishment of contempts of ecclesiastical courts, 109, 110.
- "CONTENTS" and "NOT-CONTENTS;" on a division in the Lords, 178.
- CONTRACTORS; government contractors disqualified from serving as members of Parliament by Act 22 Geo. 3; 28.
- CONTROVERTED ELECTIONS. *See* ELECTIONS, CONTROVERTED.
- CONVOCATION; voted subsidies for the clergy from Edward 1 to Charles 2; 318.
- COOK, Richard, case of (1584); 102.
- COOKSEY, Richard; imprisoned by the Lords, in 1776, for sending insulting letter to the Earl of Coventry, 65.
- COPYRIGHT OF BOOKS BILLS; not held to concern trade, 274.
- COPYRIGHT OF DESIGNS BILL; held to concern trade, 273.
- CORNWALL, Duchy of; consent of the Crown signified in regard to, 264.
- CORNWALL, Duke of; Edward the Black Prince created, being the first upon whom the title of duke was conferred, 7.
- CORONATION OATH; binds the Crown to govern according to law, 3.
- CORPORATIONS AGGREGATE; their petitions to be under their common seal, 304.
- CORRECTIONS OF EVIDENCE; by witnesses, how limited, 237.
- COSTS;
Controverted Elections.—When payable; how ascertained and recovered, 369, 370.
Private Bills.—Taxation of, lords and commons, 458, 459, 460.
- COSYN'S Case (12 Edw. 4), 98.
- COUNSEL; members not to plead before the lords on a bill depending, 223. Heard in peculiar cases against public bills, 279. On the second reading, *ib*. On other stages, 279, 281. Before election committees, 365. Before committees on private bills, 422–425, 440. Counsel to chairman of lords' committees, 439.
- COUNTIES; state of the elective franchise in: In England, 23. In Scotland, 25. In Ireland, *ib*.
- COURTS OF JUSTICE; grand committee no longer appointed, 229.
- COURTS OF LAW;
Difficulty of defining their jurisdiction in matters of privilege, 113. General principles stated, 113, 114. Legal authorities favourable to the exclusive jurisdiction of Parliament, 115–117. Authorities in support of the jurisdiction of the courts, and adverse to claims of privilege, 118–120. Judgments of courts adverse to parliamentary privilege, and proceedings of Parliament thereupon, 120–129. Present position of privilege in reference to the jurisdiction of the courts, 129.
- COURTS MARTIAL; arrest of members to be tried by military courts martial communicated by the Crown, 262. Address in answer, 265. By naval courts martial communicated by the lords of the Admiralty, 262. No address in answer, 265.
- CREEVEY, Mr.; fined 100*l*. in 1813 for libel, in having published a speech delivered in the House of Commons reflecting on an individual, 81, 82.
- CROMWELL, Henry Lord, case of (1572), 106, 107.
- CROSBIE, Sir Pierce (1640); privilege extended to, whilst attending as witness in Lord Strafford's cause, 110.
- CROSBY, Brass; his case in 1771; 50. 57. Jurisdiction of the courts in matters of privilege defined by Mr. Justice Blackstone in the case of, 117.
- CROSS BENCHES; in the lords, 145, 146.
- CROSSING THE HOUSE; rules concerning, 206, 207.
- CROWN, THE;
1. *Prerogatives*.
2. *Demise of*.
3. *Its relations to and communications with Parliament*.
4. *Acceptance of Office under*.
1. *Prerogatives*.—Hereditary, but subject to Parliament, 2–5. Oath taken at coronation, 3. Limits of its prerogatives defined by 12 & 13 Will. 3, c. 2; *ib*. Powers of Parliament to bind the Crown affirmed by 6 Anne, c. 7, *ib*. Limits of the royal prerogatives as laid down by Judge Bracton, 4; by Judge Fortescue, *ib*.; and by Sir Thomas Smyth, *ib*. Its prerogatives in connexion with the legislature, 5. Prerogatives of the Crown in reference to Parliament enumerated, 31–39.
2. *Demise of*.—Parliament meets immediately upon, 34. All the members of both houses again take the oaths, 142. Addresses of condolence on, 267.

CROWN, THE—*continued*.

3. *Its relations to and communications with Parliament*.—Queen's name not to be used in debate to influence votes, 200, 201. Queen supposed to be always present in Parliament, 259. Can only take part in its proceedings in the exercise of parliamentary prerogatives, *ib*. May be present in the House of Lords during debates, *ib*. Discontinuance of the practice, *ib*. Communicates with Parliament in person, or by commission, 260. By message under the sign manual, *ib*. Subjects of such messages, *ib*. Communicated to both houses, 261. On matters of supply, *ib*. Verbal messages when members are imprisoned, 262. To be tried by courts martial, *ib*. Queen's pleasure signified, 263. Royal recommendation or consent, *ib*. Crown places its interests at the disposal of Parliament, 264. How such communications are acknowledged, *ib*. Addresses, 264, 265, 266. Joint addresses of the two houses, 266. Separate addresses, *ib*. Modes of presenting, 267, 268. Its constitutional functions in regard to the public income and expenditure; and in connexion with the grants of the commons, 324. 326. Recommendation of the Crown to petitions, motions, &c. 325. Petitions for compounding debts due to the Crown, *ib*.

4. *Acceptance of Office under*.—Vacates seats in Parliament, 339, 340.

See also ACCESS TO THE CROWN. ADDRESSES TO THE CROWN. QUEEN.

CROWN, CHURCH or CORPORATION PROPERTY, &c.; notice to owners required in bills relating to, 390.

CUTS, CANALS, &c.; special notices and plans required, besides those applicable generally to the second class of private bills, 395.

DANBY, Earl of; reference to his impeachment, 379, 380, 381.

DAVID'S, St., case of Bishop of, 84.

DE APIBUS; this law of Edward the Confessor confirmed "by the king, the barons, and the people," 13.

DEBATE;

A peer addresses "the rest of the lords in general," 191. In the commons, a member addresses the speaker, *ib*. Members speak standing, *ib*. Exceptions in case of sickness or infirmity, *ib*. Speak sitting and covered during a division, *ib*.

Debate arises after question proposed, 171. 192. Cannot arise after question entirely put, 192. Who may speak; in

the lords, 192. In the commons, 193. When two members rise, *ib*. Members must speak to the question, 194. May not speak when no question before the house, 195. Indulgence granted in certain cases, *ib*. Members to speak once only, *ib*. Except to explain, *ib*. To reply, 196. And in committee, 196. 226. On new questions, 196.

Order in debate, 197. Words taken down, 197. 206. Rules for members in speaking; not to refer to prior debates, 198. Nor to reflect upon votes of the house, 199. Nor to allude to debates in the other house, *ib*. Queen's name not to be used to influence the decision of the house, 200–203. Offensive words against Parliament or either house to be avoided, 202. Exceptions taken to words, 203. Words against a statute, *ib*. Personal allusions against members, *ib*. Words of heat, 204, 205.

Rules to be observed by members attending to debates, to keep their places, 206. Entering and leaving the house, *ib*. Not to cross before members speaking, *ib*. Not to read books, newspapers, or letters in their places, nor to take tobacco, 206, 207. Maintaining silence; hissing, or interruption, disorderly, 207. Cries of "hear," "hear," when disorderly, 208. Interruptions in committee, 208, 209. Authority of the speaker in maintaining order in debate, in the lords, and in the commons, 209. Members withdraw when their conduct is under debate, 210. Adjournment of debates, 211. Motions, for adjournment of, 172.

Publication of Debates, declared by the lords to be a breach of privilege, 60. And by the commons, 61.

DEBTS TO THE CROWN; rule concerning petitions, 263. 325, &c.

DECLARATION; of qualification, 141; *App*. 462. Of members serving on committees on private bills, 411.

DE GREY, Chief Justice; his dictum in Brass Crossby's case in 1771; 57.

DEMISE OF THE CROWN; Parliament may meet without summons by Act 6 Anne, c. 7, on, 33. By 37 Geo. 3, c. 127, such Parliament to exist for six months only, if not dissolved in the meantime, 34. All members of both houses again sworn, 142.

DE MODO TENENDI PARLIAMENTUM; this ancient treatise referred to, 18.

DENMAN, Lord; dicta in Stockdale v. Hansard, 75. General jurisdiction of the courts in matters of privilege, defined by 119.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

475

- DEPOSITIONS, in divorce cases, from India, 452, 453. 455.
- DE TALLAGIO NON CONCEDENDO, 25 Ed. 1; the right of the commons to tax themselves acknowledged by this statute, 17. 318.
- DIGGS, James (1585); privilege of, 89.
- DISOBEDIENCE TO ORDERS; punished as breach of privilege, 60. 62.
- DISSOLUTION OF PARLIAMENT; power of the Crown to dissolve Parliament, 36. Act of Geo. 1, the Septennial Act, *ib.* Usual form of dissolution, 37. Dissolved in person by the Prince Regent, *ib.* Does not determine an impeachment, 379. Nor a divorce bill, in certain cases, 453.
- DIVISIONS;
1. *Generally.*
 2. *Lords.*
 3. *Commons.*
 4. *In Select Committees.*
1. *Generally.*—When a division arises, 178. Voices of members to determine their votes, 179. Members in, speak sitting and covered, *ib.*
2. *Lords.*—Lords who desire to vote and hold proxies must be present when question put, 212. House cleared on division, 213, 214. Not-contents within the bar; contents below the bar, 215. One teller for each party, *ib.* Proxies called for, *ib.* Vote of lord chancellor or speaker, how given; votes and proxies jointly determine question, *ib.* When voices equal the not-contents have it, *ib.* Reversal of this rule in giving judgment, *ib.* Manner of voting in the house when there is no formal division, *ib.* Rules concerning proxies, 219, 220. Protests after division, 221.
3. *Commons.*—Members must be present when question put, 212. Cases of votes being disallowed, in the commons, 212, 213. House and lobbies cleared of strangers, 213, 214. Division bell, 213. Time allowed for reaching the house, 214. Members arriving too late, *ib.* Question twice put if division not anticipated; and why, *ib.* Practice of dividing before 1836; 215. Present mode of counting members from separate lobbies, 216. Speaker appoints tellers, 216. If two tellers for each duty cannot be found, no division ensues, *ib.* Precedents, *ib.* Suggestion of a rule, *ib.* Mode of noting the names, 217. Numbers declared, *ib.* A second division in case of disagreement, *ib.* If numbers equal, speaker gives casting voice, 218. Principles upon which his vote is usually declared, *ib.* Precedents, *ib.* Publication of division lists, 219. Divisions in committee, *ib.* Practice of pairs, 221. Personal interest; when it disqualifies members from voting, 222. Votes disallowed, 222, 223.
4. *In Select Committees.*—Rules concerning divisions in select committees: of the lords, 236. Of the commons, 232, 236. On private bills, 415. 428.
- DIVORCE BILLS;
1. *Lords.*
 2. *Commons.*
1. *Lords.*—Petition for divorce bill to be presented with copy of the proceedings, &c. in the Ecclesiastical Court, 449. No bill to be received without clause prohibiting the offending parties from marrying, *ib.* Proceedings on trials, *ib.* Petitioner to attend on second reading to be examined as to collusion, *ib.* Second reading, 452. Depositions in India, *ib.* Warrant for taking depositions; how obtained, 453. Referred to committee of the whole house, 454.
2. *Commons.*—Proceedings in the commons upon divorce bills brought from the lords, 455. What evidence to be given, *ib.* When petitioner for bill to attend the committee, 456. Report, *ib.*
- DOOR-KEEPERS; lock doors on a division by order of the serjeant, 214. Delivery of printed copies of private bills to door-keepers before first reading, 406. Of amended bills before consideration of report; and certificate of delivery to be produced, 430.
- DOUGLAS, Mr. Gilbert (1742); privilege as solicitor for several bills depending in the house, 111, 112.
- DOWNING, W.; fined and imprisoned by the lords in 1688–9 for libel on Lord Grey of Wark, 65.
- DRAINAGE BILLS; standing orders to be proved and enforced in the committee on the bill in the commons, 421. In the lords, concerning deposit of purchase-money, 441.
- DUKES; origin of the title, 6.
- EALDORMEN; official but not hereditary titles amongst the Saxons, 7. Similar in character and dignity to the title of count, 8.
- EARLS; origin of the title, 7, 8.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

476

I N D E X.

- EAST INDIA JUDICATURE COMMITTEE** (1782); Mr. Barwell's refusal to withdraw, 235.
- EDWARD 3**; demand of homage from, by the Pope, laid by that monarch before his Parliament, 3, 4.
- ELECTION PROCEEDINGS COMMITTEE**; examination of witnesses not sanctioned by the house, 235.
- ELECTIONS**; how held and determined, 29. Jurisdiction of the commons in matters of election, 40-42. No control in the commons over the eligibility of candidates, except as regards their qualification, 42.
- ELECTIONS, CONTROVERTED**;
Principle of ballot in the appointment of committees superseded by that of selection, 342. Election petitions, when to be presented, 343. Members returned for two places, *ib.* Members to withdraw while their returns are in question, 343, 344. Double returns, 344. Interference of peers, *ib.* Petitions alleging bribery, 345.
Administration of the election law, 345. The petition, 345, 346. Recognizances, and sureties, 346-348. Petitions withdrawn, 348. Proceedings when seat becomes vacant, 348, 349.
General Committee of Elections.—How appointed, 349, 350. Election petitions referred, 350. Their proceedings, 351. Excuses, exemptions, and disqualifications of members from serving on election committees, 352, 353. Lists of members printed, 353. Divided into panels, 354, 355. Correction of panels, &c., 355.
Chairmen's Panel.—Its constitution and duties, 354. Proceedings of the general committee in choosing election committees, 355-359. Chairman's panel appoint a chairman, 359.
Election committees reported, and members sworn, 359. *n.* When members are not present, *ib.* Proceedings of election committees, 361-366. Special reports of bribery and agency, 366, 367. Election committees re-assembled to examine charges of bribery, 368; and sometimes specially constituted for that purpose, *ib.* Election committees not dissolved by prorogation, *ib.* Costs on frivolous and vexatious petitions, &c., 369. Costs, how ascertained and recovered, 369, 370. Recognizances estreated, 370. Commission to examine witnesses in Ireland, 370-373.
- ELECTIVE FRANCHISE**; outline of the former and present state of the, 23-25.
- Constituency of English counties, 23. Of cities and boroughs, 24. Constituency of counties, and cities, and burghs in *Scotland*, 25. In *Ireland*, *ib.* Qualification and disqualification of voters, *ib.*
- ELLENBOROUGH, Lord**; authority of the serjeant-at-arms to break open doors, affirmed by, 54. Dictum in *Burdett v. Abbot* as to jurisdiction of commons, 118, 119. His opinion on the proceedings against the judges in the case of *Jay v. Topham*, 123.
- ELLIOT, Sir John**; prosecution of, and *Denzil Hollis* and *Benjamin Valentine*, in 5 Chas. 1, for their conduct in Parliament, 79.
- ELSYNGE**; cited in reference to the sitting of lords and commons in one chamber, 18. Freedom of access to the sovereign, 46. Freedom of speech, 76.
- ENGLAND AND WALES**; alterations in the elective franchise of, effected by the Reform Act of 1832; 22. Number of representatives for, in the House of Commons, 23.
- ESTATE BILLS**; 408. 434. 445, 446-448. 451.
- ESTIMATES, Annual**; when to be presented, 327. Referred to committee of supply, 328.
- ESTIMATES OF WORKS, &c.**; to be made; subscription contract; three-fourths of subscribers, 393. Special reports concerning, on railway bills, 419.
- EVIDENCE, Minutes of**; publication of evidence taken before a select committee before being reported to the house a breach of privilege, 61, 62. Evidence before select committees taken down in short-hand, 237. Corrections by the witnesses, *ib.* May not be published before it has been reported to the house, *ib.* Evidence published, 238. From time to time, *ib.* No officer or short-hand writer to give evidence concerning proceedings or examinations at the bar or before committees, 246. Sometimes reported from committees on private bills, 429.
- EXCHEQUER BILLS**; functions of committees of supply and ways and means in regard to, 330.
- EXCUSES OF MEMBERS**; for non-attendance on a call, 150. For leave of absence, *ib.* Serving on election committees, 351-353.
- EXPLANATION**; rules concerning, 195, 196.
- EXPULSION OF MEMBERS**; power of expulsion exercised at various times by the commons, 42, 43. 81. Expulsion does not disqualify for Parliament, *ib.*

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

477

- EYMS, Mr., Case of (1557), 102.**
- FACTORIES BILL; 1829.** Informality in passing; declared valid by Act, 297.
- FEES ON COMMITMENT; payment of, on commitment by the commons; compulsory, and forms part of the punishment in the nature of a fine, 74.** No limit to the amount, *ib.* Remitted under special circumstances, *ib.*
- FEES ON PRIVATE BILLS; payment of fees on private bills before second reading, 408.** Parliamentary agents responsible for the payment, 397. How collected and applied, 458.
- FERRERS, George; case in 1543; 51. 86-88.**
- FERRERS, Earl; decided, in the case of, that an attachment may be issued if a peer refuses obedience to a writ of habeas corpus, 108.**
- FINES; power of imposing exercised by the lords, 70.** Order of the lords of 3d April 1624; 70, 71. Power of imposing fines formerly exercised by the commons, 72-74. Payment of fees in the commons partakes of the character of a fine, 74.
- FITTON, Alexander; fined and imprisoned by the lords in 1663, for libel on Lord Gerard of Brandon, 65.**
- FITZHARRIS, Edward; impeached of high treason, but the lords left him to be tried at common law, 375.**
- FITZHERBERT'S Case (1592); claim of the commons to be a court of record, 71, 88.**
- FLOWER'S Case, in 1779; 50. 57. 65.**
- FLOYDE'S Case (1621); the claim of the commons to be a court of record maintained in, 71.** Excess of jurisdiction by the commons in, 73. And by the lords, 73, 74.
- FORGERY of petitions, or signatures, 304.**
- FORTESCUE, Judge; limits of royal prerogative, as laid down by, 4.** In Thorpe's case, 31 Hen. 6, refused, in the name of all the judges, to give an opinion on a matter of privilege, 115. His opinion concerning the validity of an informal Act of Parliament, 297.
- FREEDOM OF SPEECH; its necessity, 76.** Confirmed by the ancient law of Parliament, and by statute, 76. 80. Violations of the privilege, 77. 79. First occasion of the privilege being included in the petition of the commons to the king at the commencement of the Parliament, 78. Members liable to censure and punishment by the house for abuse of the privilege, 80, 81. Privilege does not extend to published speeches, 81, 82.
- FULLER, Mr.; called upon by the speaker, by name, 209.**
- GARDENER, Mr. J. (1678); privilege as solicitor in a cause, 111.**
- GENERAL COMMITTEE OF ELECTIONS; their appointment, constitution, and proceedings, 349-351. 355-359.**
- GENERAL ORDERS; disobedience to, a breach of privilege, 60.**
- GIBBS, Sir Vicary; his opinion as attorney-general, affirming the right of the serjeant-at-arms to break into a dwelling-house, 53, 54.**
- GLASSINGTON, T.; committed by the lords for publication of debates, 61.**
- GORDON, Lord George; his arrest communicated to the house, 106. 262.**
- GRAND COMMITTEES; their annual appointment discontinued, 229.**
- GRANT, Sir A. (a Member); taken before a committee in custody of the serjeant in 1731; 241.**
- GRENVILLE ACT; its object and principle, 341, 342.**
- GRIEVANCES GRAND COMMITTEE; its appointment discontinued, 229.**
- GROOME, Mr.; committed by the commons in 1680 for libel against a member, 66.**
- HABEAS CORPUS; the judges competent to have before them persons committed by the houses of Parliament, 56; but cannot admit them to bail, *ib.* Offenders committed by the lords cannot be discharged on, even after a prorogation, 71. All Acts for suspending the Habeas Corpus Act have contained provisions to the effect that no member of Parliament shall be arrested without consent of the house, 105, 106. Peers of Parliament have no privilege against paying obedience to writs of habeas corpus, 108.**
- HALE, Lord; his opinion as to the tenure by which lords spiritual sit in Parliament, 6. On the royal assent to bills, 291.**
- HALL, Arthur (1580); imprisoned, fined, and expelled by the commons, and declared incapable of sitting in Parliament, for libel on the house, 43. 63. 72, 73.**

- HALLAM, Mr.; his opinion as to the tenure by which bishops sat in the councils of William the Conqueror, 6. His observation in reference to the statute 15 Edw. 2 (1322) as to the constitution of Parliament, 18. Cited in reference to impeachments, 39.
- HAMILTON, Sir Charles; arrested and insulted by a sheriff's officer, 66.
- HATSELL, Mr.; certain words of his, in reference to privilege, explained, 91. *n.*; cited in regard to conferences upon bills, 290.
- HAWKINS; jurisdiction of the courts in matters of privilege explained by, 117.
- HAXEY'S Case; the privilege of freedom of speech recognized, 20 Rich. 2; 77.
- "HEAR," "HEAR," proper and improper use of, 208.
- HIGGINBOTTOM, John; committed by House of Lords to Newgate for vending and publishing proceedings, 60.
- HISSING; rules and orders against, 207.
- HOBHOUSE, Sir John Cam; his case referred to, 50. 57. 64.
- HODGES and MOORE (1626); case of, 100.
- HOGAN, William, (1601); privilege case, 89.
- HOLLIS, Mr.; a member suspended during the session in 1641; 43.
- HOLT, Lord C. J.; his opinion in Ashby & White, 40.
- HOLT, Sir Robert, (1677); privilege of freedom from arrest asserted in the case of; taken in execution before election, 92, 97.
- HOLYROOD PARK BILL; objection taken to a vote on, 179.
- HONOURS; restoration of, 271. 445.
- HOUSE;
Quorum; three lords make a house, 151. And 40 members of the commons, *ib.* Made by a commission, *ib.* Adjourned by speaker, if 40 not present, *ib.*
 See also COMMITTEES OF THE WHOLE HOUSE. DIVISIONS. SERJEANT-AT-ARMS. SPEAKER. STRANGERS, &c.
- HOWARD, Sir R.; privilege, 70.
- HOWARD *v.* GOSSET; the serjeant-at-arms is not authorized to remain in a house if the party be from home, 55. Outline of the proceedings in this case, 128, 129.
- HUNTINGDON, Earl of, (1554); complaint made by the lords of a subpoena being served upon, 101.
- IMPEACHMENT;
 Exercise of the power of impeachment by Parliament; its great importance, 38, 39. Has been rarely resorted to in modern times; formerly of frequent occurrence, 39.
 Rarity of impeachments in modern times; its constitutional causes, 374. Grounds of impeachment, 375. Doubts, in former times, whether commoners could be impeached of any capital offence, *ib.* Case of Fitzharris, *ib.* Of Chief Justice Scroggs, Sir A. Blair, and others, 376. Commencement of proceedings, *ib.* Articles of impeachment, *ib.* Accused taken into custody, 377. Managers appointed; witnesses summoned, *ib.* The trial; charges to be confined to articles, *ib.* Lords determine if the accused be guilty, 378. Commons demand judgment, *ib.* The judgment, 379. Proceedings not concluded by prorogation or dissolution, *ib.* Pardon not pleadable; but may be given afterwards, 380.
- IMPLEADING IN CIVIL ACTIONS; inquiry into privilege of not being impleaded in civil actions, 98. Writs of supersedeas issued to the justices of assize in 8 Edw. 4, *ib.* Privilege fell into disuse in reign of Edw. 4; *ib.* Enforced on 21st February, 1588; 99. Practice adopted in reign of James I; *ib.* Limitations of the privilege by statutes: by 12 & 13 Will. 3, c. 100; by 2 & 3 Anne, c. 18, *ib.*; 10 Geo. 3, c. 50, 101; 45 Geo. 3, c. 124; and 47 Geo. 3, sess. 2, c. 40, *ib.*
- INCLOSURE BILLS; standing orders specially relating thereto; enforced in committee; proof of notices and of allegations in the preamble, 421. Consent bill and statement of property to be delivered in, 420, 421. When lord of manor will not sign bill, 422. Clause for leaving open space for exercise, *ib.* Consent bill to contain names of commissioners, &c. *ib.* Disqualifications, *ib.* Clauses for settling pay of commissioners, *ib.* Lords' standing orders concerning deposit of purchase money, 441. And mode of proving consents, *ib.*
- INDORSEMENT OF BILLS, 291.
- INFORMALITIES; effect of informalities in passing bills, upon their validity as statutes, 295-300.
- INGROSSMENT OF BILLS; manner and principle of, 284, 285. Of private bills, 432. 454.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

479

- INSTRUCTIONS**; authorize committees of the whole house to consider matters not originally committed to them, 225. To committees of the whole house on bills; enable the committees to admit provisions not otherwise admissible, as being extraneous to the title of the bill, 281. Nature of instructions, *ib.*
To select committees, 230. To select committees on bills, 416. 426. 432.
- INTEREST.** See **PERSONAL INTEREST.**
- INTRODUCTION OF PEERS**; the ceremonies described, 135.
- INTRODUCTION OF MEMBERS**; new members, how introduced and sworn, 141.
- IRELAND**; Peers of; the number of Irish peers restricted to 100 by the Act of Union, 10. The power of the Crown to add to the number of, subject to limitation, *ib.* Elect 28 representatives for life from their own body to seats in the British Parliament, *ib.* Peers and peeresses of, entitled to same privileges as those of Great Britain, 94. 101. *n.* Unless representative peers, may sit in the House of Commons for any place in Great Britain, 27.
One hundred members assigned to Ireland in the House of Commons on the Union of the two kingdoms, 21. Alterations effected in the elective franchise by the Reform Act of 1832; 23. Number of representatives for, now in the house, *ib.*
- JAMAICA**; interference of the British Parliament, on the House of Assembly neglecting its functions, 30.
- JAY v. TOPHAM**; outline of the proceedings in this case; commitment of the judges, Sir F. Pemberton and Sir T. Jones, for breach of privilege, 122, 123.
- JENNINGS, H. C.**; guilty of breach of privilege in writing threatening letters to Mr. Secretary Peel, 66.
- JOINT COMMITTEES** of lords and commons, 244. 257.
- JOINT STOCK COMPANIES**; standing orders of the commons concerning bills relating to, 396. Standing orders of the lords, 450, 451.
- JOHN BULL (Newspaper)**; the author of a libel on a member in the, committed to Newgate in 1821; 66.
- JONES, Sir T.**; committed for breach of privilege, 51. 123.
- JONES v. RANDALL**; the House of Commons said by Lord Mansfield not to be a court of record, 72.
- JOURNALS**;
1. *Of both Houses.*
2. *Lords.*
3. *Commons.*
1. *Of both Houses.*—Given in evidence, 159. What they will prove, *ib.* How authenticated and given in evidence, 161, 162. Proceedings of committees of the whole house not entered in the lords, but entered since 1829 in the commons, 229.
2. *Lords.*—Formed from the minutes, after inspection by a committee, 156. A record, 158. Given in evidence, 159.
3. *Commons.*—How compiled; nature of entries now and formerly, 157, 158. Whether a record, 158. Considerations in favour, 158, 159.
- JUDGMENT OF THE HOUSE**; ancient mode of giving by the commons, 75. Resolution of 16th March 1772, defining practice, *ib.*
- JUDGES**; the English, Scotch, and Irish judges (excepting the master of the rolls in England) disqualified from sitting in the House of Commons, 27. Formerly administered oaths for the commons, 244. How examined within the bar of the commons, 247. Sent with messages to the commons in certain cases, 250. 287. Estate bills from the commons referred to, 435. Petitions for estate bills originating in the lords referred to, 445; to Scotch judges, 446; to Irish judges, 448. Their reports and proceedings, 446–448. Proceedings when report received, 451.
See also **ASSISTANTS OF THE LORDS.**
- JUDICATURE OF THE LORDS**; various kinds of judicature exercised by the lords, 37. 374–382.
- JUDICATURE OF PARLIAMENT**; in bills of attainder and pains and penalties, 38. 382. In impeachments, 38. 374.
- JURISDICTION OF COURTS OF LAW.** See **COURTS OF LAW.**
- JURORS**; privilege of members not to be summoned to serve on juries, 103, 104.
- JUSTICES OF THE PEACE (Middlesex)**; administered oaths, or examined in the most solemn manner, for the House of Commons, 244, 245.
- KENYON, Lord**; his opinion in the case of Flower, 57. Declared the House of Lords, when exercising a legislative capacity, not to be a court of record, 70. Jurisdiction of the courts in matters of privilege defined by, 117.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

480

I N D E X.

- KIDSON & WRIGHT, Messrs.;** reprimanded by the commons, in 1832, for having addressed a letter to the committee on a bill reflecting on the conduct of the members of the committee, 66, 67.
- KNIGHTS OF THE SHIRE;** supposed to have been the lesser barons, 14. How summoned to Parliament, and by whom chosen, 15. 17. 20. Amount of their wages in the time of Edward 3; 21. Present number in England and Wales, 23. In Ireland, *ib.* Qualification of estate by Act 1 & 2 Vict. c. 48; 26.
- LAKE, Sir T. (1641);** privilege while having a bill before the house, 110, 111.
- LAMBERT, Mr.;** fined and imprisoned by the lords in 1798, for libel on the house, 63.
- LARKE'S Case,** 104.
- LEAVE OF ABSENCE;** how granted, and for what causes, 150. Refused, *ib.* In regard to service upon election committees, 355.
- LE CALE, Baroness (1811);** her privilege? 93.
- LEICESTER, Lord (1585);** privilege for his servant, 89.
- LEITH DOCKS BILL;** member interested, 222.
- LESSER BARONS;** supposed to have been the first knights of the shire, 14.
- LETTERS PATENT BILLS;** name of invention to be prefixed to notices in capital letters, 397. True copy of letters patent to be annexed to the bill, 420. Special standing orders of the lords relating to, 442.
- LIBELS UPON THE HOUSE;** punished as breaches of privilege, 62. Practice of the lords, 63. Precedents in the commons, 63, 64. 72, 73.
- LIBELS UPON MEMBERS;** resented as indignities upon the house itself, 64. 67. Cases in the Lords, 64, 65. In the commons, 66, 67.
- LIBRARIAN OF THE HOUSE OF COMMONS;** to be consulted concerning orders for accounts and papers, 315.
- LITLEDALE, Mr. Justice.** General jurisdiction of the courts in matters of privilege, defined by, 119.
- LOCAL AND PERSONAL ACTS;** 457.
- LONDON AND WESTMINSTER OIL GAS COMPANY;** member interested, 223.
- LORD HIGH CHANCELLOR;** his duties on the meeting of a new Parliament described, 134. First, takes the oaths, 135. Approves the choice of speaker, 137; and confirms privileges of the commons on the part of the Queen, 138. Sits on the woolsack as speaker, 145. To write letters to absent peers on a call of the house, 148. Sits as speaker, 152. All other speakers give place to him, 153. His duties as speaker defined, *ib.* Speaks from the left of the house, *ib. n.* Limited authority as speaker, 153. 155. 209.
- LORD MAYOR: OF LONDON** examined within the bar, 247. **OF DUBLIN** presents petitions, 305.
- LORDS, House of;** component parts of, 5–11. Lords spiritual, 5, 6. Lords temporal, 6–10. Form one body, 10. Have an equal voice in Parliament, 10, 11. Total number of members at present, 11. Sittings of lords and commons originally held in one chamber, 18–20. Separation of the two houses, 20. Their practical union at present, *ib.* Different kinds of judicature exercised by the lords, 37, 38. Claim of the lords to be a court of record admitted, 70. But not when exercising a legislative capacity, *ib.*
- LORDS SPIRITUAL;** virtually appointed by the Crown, 5. How constituted, *ib.* Their tenure, 5, 6. Their number, 6. 11. Declared not to be peers but only lords of Parliament, 10. 381. But were anciently called peers, 381. Sit on trials of peers, *ib.* But do not vote on question of guilty or not guilty, 381, 382.
See also BISHOPS.
- LORDS TEMPORAL;** created by royal prerogative; number may be increased at pleasure, 5. Different degrees of rank held by, 6–9. Representative peers of *Scotland*, 9. Of *Ireland*, 10. Lords temporal, hereditary peers of the realm, 10, 11. Not permitted to sit until 21 years of age, 11. Total number at present, *ib.*
- LORDS' COMMITTEES.** *See* CHAIRMAN OF LORDS' COMMITTEES. COMMITTEES OF THE WHOLE HOUSE. COMMITTEES, SELECT. COMMITTEES UPON PRIVATE BILLS.
- LORDS' JOURNALS;** inspected by committees of the commons, 189.
See also JOURNALS.
- LOVAT, Lord;** reference to his impeachment, 379.
- LUNATICS;** ineligible as members of Parliament, 27.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

481

- MACE**; speaker attended by, commits persons, 67. Borne before the speaker by the serjeant, 162. Removed from the table when house in committee, 224. Effect of its absence from the table upon the rules for examining witnesses, 246, 247.
- MACLEOD**, Allan; committed by House of Lords to Newgate for publishing proceedings, 60.
- MAGNA CHARTA**, of King John; light thrown upon the constitution of Parliament by, 16. Obscure, nevertheless, as to the origin of the representative system, *ib.* Referred to in connexion with the progressive influence of the commons in granting supplies, 317.
- MANAGERS**; of a conference, 254, 255. Of a free conference, 256. Of an impeachment, 377.
- MANSFIELD**, Lord, said, in *Jones v. Randall*, that the House of Commons was not a court of record, 72. Jurisdiction of the courts in matters of privilege defined by, 118. Dictum respecting the Journals, 159.
- MARINE INSURANCE BILL**; proceedings on; member interested, 222.
- MARLBOROUGH**, Duke of; proceedings on clause concerning pension of, 188.
- MARQUESSSES**; origin of the title, 7.
- MARTIN**, Mr. (1586); question of duration of privilege raised in the case of, 96.
- MASTERS IN CHANCERY**; attendants of the lords, 156. The ordinary messengers from the lords to the commons, 250, 287. Proceedings in their absence, *ib.* How received by the commons, 251.
- MEETING OF THE HOUSE**; time of meeting, lords and commons, 151.
- MEETING OF PARLIAMENT**; proceedings on the meeting of a new Parliament, 133, 134.
- MELLOTT**, James; committed by the commons in 1704 for libel upon members, 66.
- MEMBERS OF THE HOUSE OF COMMONS**;
Property qualification of, 26. Other qualifications and disqualifications, *ib.* Aliens not eligible, *ib.* Must be of age, 27. Mental imbecility a disqualification, *ib.* English and Scotch peers ineligible to the House of Commons, *ib.* Irish peers, unless representative peers, may sit for any place in Great Britain, *ib.* Clergymen ineligible, *ib.* Class of offices under the Crown excluded by 6th of Anne, c. 7, *ib.* The judges (excepting the master of the rolls in England) disqualified, *ib.* Government contractors disqualified from serving, 28. Bankrupts incapable of sitting and voting for 12 months, unless the commission be superseded or creditors be paid in full, *ib.*
Duly to attend their service in Parliament, 147. How enforced, 148. On a call, 148, 149. Excused for non-attendance, 149. Leave of absence, 150. Excuses offered, *ib.* To withdraw while their conduct is under debate, 210.
Not present when question put, cannot vote; precedents, 212. Their votes disallowed, 212, 213. Notice received by them of a division, 213. Too late for a division, 214. All sent into the lobbies on a division, 216. How counted, and their names recorded, 217; and published, 219. In committee five required to enforce a division in the lobbies, *ib.*
Not to plead on bills depending in the lords before they have come down, 223. Their attendance before select committees, how secured, 240, 241. Their attendance in the lords, how required, 242. Imprisonment of, messages concerning, 262. How acknowledged, 265.
- MESSAGES**;
1. *From the Crown.*
2. *Between the two Houses.*
3. *To the Royal Family.*
1. *From the Crown.*—Under the sign manual, 260. Subjects of such messages, *ib.* Should be communicated to both houses, 261. On matters of supply, *ib.* Addresses in answer, 264. Exceptions in the commons, 265. Verbal messages; members being imprisoned, 262. Addresses in answer, 265. Exception in regard to naval courts-martial, *ib.*
2. *Between the two Houses.*—May interrupt debates, 176. From the lords to the commons, 249. By the judges, 250. By masters in chancery and others, *ib.* Messages irregularly sent, *ib.* From the commons to the lords by members, 251. Messages, how received in both houses, *ib.* Answers to messages, 252. Form of message in communicating bills from one house to another; proceedings thereupon, 287, 288. Must be taken by not less than eight members, 288. Case in 1588, *ib.*
3. *To the Royal Family*; and communications from them, 268.
- MILLS**, Mr. (1807); privilege of freedom from arrest, 93.
- MINORS**; ineligible as members, 27.

- MINUTES OF EVIDENCE. *See* EVIDENCE, MINUTES OF. WITNESSES.
- MINUTES OF PROCEEDINGS; *Lords*.—How compiled, 156. Afterwards become the Journals, *ib*. Of committees on private bills, 427.
- MISUNDERSTANDING BETWEEN MEMBERS; means taken to prevent, 204, 205.
- MODEL CLAUSES; inserted in private bills, 417.
- MONEY BILLS; may not be amended in the lords, 321. Verbal amendments agreed to, with special entries in the Journal, 321, 322. Presented by the speaker for the royal assent, 165. 291. 334.
- MONTAGUE, Lord (1648); privilege of his tenants, 92.
- MONTFORT, Peter de; signed an answer of Parliament in the 44th Henry 3, “*vice totius communitatis*,” 19.
- MONTFORT, Simon de, Earl of Leicester; writs issued by (A. D. 1265) for the return of knights, citizens and burgesses to serve in Parliament, 17.
- MORLEY, Thomas; fined and imprisoned by the lords in 1623, for libel on the lord keeper, 64, 65.
- MORNING SITTINGS; proceedings in 1833, 151.
- MOTIONS; notices of, 166–169. Without notice, 169. Leave to make motions, 170. In the lords need not be seconded, 171. But drop, if not seconded, in the commons, *ib*. By leave withdrawn, *ib*. In committee need not be seconded, 225. Superseded by the chairman being ordered to leave the chair, 229.
See also QUESTIONS.
- MURRAY, Mr.; case of in 1751; 50. 57. 69.
- NAPIER, Sir Charles; proceedings on vote of thanks to, 170.
- NATURALIZATION BILLS; no bill to be read a second time, without a certificate from the secretary of state, 450.
- NEALE, Mr.; the privilege of the commons to freedom from arrest vindicated in the case of, 89.
- NEILE, Dr.; words used by, excepted to by the commons, 202.
- NEWSPAPERS; rule as to reading speeches from, 199. Not to be read by members in their places, 207. Publication of evidence in a Dublin newspaper, 238. Proprietor committed, *ib*.
- NOBLE, William; committed by the commons in 1773, for libel on a member, 66.
- NORFOLK, Duke of; his attainder declared void, 299, 300.
- NORMAN CONQUEST; its effect upon the Saxon institutions, 1.
- NORTH, Lord Chief Justice; jurisdiction of the courts in matters of privilege, defined by, 116.
- NOTICES (PRIVATE BILLS);
1. *Preliminary Notices before Bills are introduced.*
 2. *During the progress of Private Bills in the Commons.*
 3. *In the Lords.*
 1. *Preliminary Notices before Bills are introduced.*—Three classes of bills in regard to which preliminary notices are required, 388. Notices how and when published, 388, 389. Receipt of printer, 389. Intention to levy or alter tolls to be stated, *ib*. Application to owners, &c., *ib*.
First Class of Bills: Notices on church doors, 390. Crown, church, or corporation property; notice to owners, *ib*. Burial grounds; notices, *ib*.
Second Class of Bills: Various notices required, 391. When public works are to be relinquished, 395. When water is to be diverted from one cut, canal, &c. into another, *ib*. Proof of, in England, Scotland, and Ireland, 403, 404.
Third Class of Bills: 396.
 2. *During the progress of Private Bills in the Commons.*—Always given by the agent soliciting the bill, in the Private Bill Office, 399. At what hours, *ib*. Published with the Votes, *ib*. Of first meeting of sub-committee on petitions, 402. If postponed, 403. Of second reading, 407. Of first meeting of committee on bill, 410, 415. If postponed, 411. Of report and further consideration, 431. Of clause proposed to be added, 431, 432. Of third reading, 433.
 3. *In the Lords.*—Of meeting of standing order committee, 435. Before meeting of committee on the bill, *ib*.
- NOTICES OF MOTIONS; rules in regard to, 166, 167. How and when given, 168, 169. Motions without notice, 169. Expunged from notice paper, 170. Proposed by the speaker, 171. When debate arises, *ib*. Question put, *ib*. One member may give notice for another, 169.
See also MOTIONS. QUESTIONS.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

483

OATHS;

1. *Taken by Members.*2. *Administration of Oaths by Parliament.*

1. *Taken by Members.*—First taken in the lords by the lord chancellor, 135; in the commons by the speaker, 139. Oaths taken, 135. *n.*; *App.* 461. By Roman-catholics, 462. Consequence of members refusing to take the oaths, 139, 140. Case of Mr. O'Connell, 140. Declarations or affirmations by Quakers and others in lieu of oaths, *ib.* Penalties for omitting to take oaths, *ib.* Time for taking the oaths in both houses, 140, 141. New members sworn, 141. Taken again on demise of the Crown, 142. Oath on being appointed to serve on election committees, 359.

2. *Administration of Oaths by Parliament.*—Administration of, by the lords, 243. This power not claimed by the commons, 244. Expedients to attain the same end, *ib.* To examine in the most solemn manner, 245. Evidence taken upon oath before joint committees of lords and commons, 244, 257. Oaths administered by election committees, 363, 364. *See also* WITNESSES.

OBSTRUCTIONS IN THE STREETS; sessional order of both houses, 151.

O'CONNELL, Mr.; withdraws on debate concerning himself, 211.

OFFER OF MONEY TO A MEMBER; a high crime and misdemeanor, 223.

OFFICES UNDER THE CROWN; Acceptance of, vacates seats in Parliament, 339, 340. Chiltern hundreds, &c., 340.

OFFICERS OF PARLIAMENT; authority of, in executing orders, 50. Resistance to, treated as contempt, 51. Instances of the civil power being called upon to assist them, 51, 52. Serjeant-at-arms may force an entrance, 52–55; but may not remain to await return of party, if from home, 55. Messages for their attendance in the other house to be examined as witnesses, 242.

OFFICERS; *of the House of Lords*; clerk of the Parliaments, 156. Gentleman and yeoman usher of the black rod and serjeant-at-arms, 156. *Of the House of Commons*, 154, 157, 162.

OLIVER, Alderman; committed, together with the lord mayor, in 1771, to the Tower, for obstruction to the orders of the House of Commons, 50, 51.

ONSLow, Mr. Speaker; ordered a man into custody, 67.

ORDER BOOK; regulations concerning, in the House of Commons, 166–169. Notice expunged from, 170.

ORDER IN DEBATE; enforced in the lords by the house; in the commons by the speaker, in the first instance, 197. Cries of “order” remarked upon, *ib.* *See also* DEBATE.

ORDER; questions of, may interrupt debates, 176.

ORDERS OF THE DAY; when they have precedence of notices, 167. Motion for reading, to supersede questions, 173.

ORDERS AND RESOLUTIONS; concluded by a prorogation; but afterwards acted upon, as declaratory of practice, 133.

ORDNANCE; master-general or lieutenant-general, if an officer in the army, does not vacate his seat, 340.

ORDNANCE ESTIMATES; when to be laid before Parliament, 327.

PAINS AND PENALTIES, BILLS OF; judicature of Parliament in passing, 38, 382.

PAIRS; practice of neutralizing votes, 221.

PANELS. *See* ELECTIONS, CONTROLLED.

PARDON; not pleadable in bar of impeachment, 379. But may be given afterwards, 380.

PARLIAMENT;

The present constitution of, to be traced back to the free councils of our Saxon ancestors, 1. General constitution of, 2, 5–29. Its collective power over the Crown, 2–5, 18. Its legislative authority collectively, 29. Prerogatives of the Crown in reference to Parliament, 31–39. Summons, 31, 33, 34. Ancient laws concerning the annual meeting of Parliament, 32, 33. Meets on the demise of the Crown, 33. Prorogation, how accomplished; its effect, 35. Adjournment solely in the power of each house respectively, 35, 36. Adjournments at the pleasure of the Crown, *ib.* Dissolution, 36, 37.

Different kinds of judicature exercised by, 37, 38. Judicature of the entire Parliament in passing Acts of attainder, and bills of pains and penalties, 38. And in impeachments, 38, 39.

Proceedings upon its first meeting, 133. Queen always supposed to be in the high court of, 259.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

484

I N D E X.

- PARLIAMENTARY AGENCY**; no member to be engaged in, 223, 399. Privilege of freedom from arrest and molestation extended to agents whilst attending the house in prosecution of business, 111, 112.
- PARLIAMENTARY AGENTS**; *in the Commons*, personally responsible for observance of rules, &c., 397. Declaration and registry, *ib.* Appearance to be entered upon bills, and petitions against bills, 398. A fresh appearance on change of agent, *ib.* Speaker may prohibit an agent from practising, *ib.* Registry of their names and addresses in the Private Bill Register in the Private Bill Office, *ib.* Members not to be agents, 399. Nor officers of the house, *ib.*
See also NOTICES.
- PARLIAMENTARY PAPERS.** *See* ACCOUNTS AND PAPERS.
- PATSON, Mr. Justice**; jurisdiction of the courts in matters of privilege, defined by, 120.
- PEEL, Sir Robert**; announces the death of the Duke of Saxe Cobourg-Gotha, 145. Use of Queen's name by, 201. Objection taken and overruled, *ib.*
- PEERS**; how introduced on taking their seats, 135. Their attendance to be examined as witnesses, by the lords, 239. By the commons, how secured, 241. Peers not being lords of Parliament, 242. Standing orders of the lords regarding their attendance in the commons, 241, 242 *n.* How examined by the lords, 243. By the commons, within the bar, 247. And before select committees, *ib.*
- PEERS, TRIALS OF**; crimes for which peers are tried by their peers, 380. What trials to be in full Parliament, 381. All peers to be summoned, *ib.* Apparent exclusion of bishops from the right of being summoned; their practical admission to trials, *ib.* Withdraw before question put of guilty or not guilty, 381, 382. Protestation saving their rights in judicature, 382.—*See also* IMPEACHMENTS.
- PEERS' NAMES**; not to be in private bills as commissioners, &c., 407.
- PEERESSES**; are entitled to same privileges as peers, 94. By marriage, forfeit their privileges on intermarrying with commoners, *ib.*
- PEMBERTON (Serjeant-at-arms)**, 67.
- PEMBERTON, Sir F.**; committed, 51, 123.
- PENALTIES**; rule respecting the agreement to lords' amendments imposing, 322, 323.
- PENSIONS DUTIES BILL (1836)**; clause added on report, but negatived on third reading, 188.
- PERJURY**; false evidence before the lords, liable to the penalties of, 243. Before the commons, a breach of privilege, 245. Before election committees, perjury, 246.
- PERRY, Mr.**; fined and imprisoned by the lords in 1798, for libel on the house, 63.
- PERSONAL INTEREST**; rule in the lords, 222. Votes disallowed in the commons on account of personal interest, *ib.* Nature of the interest to be direct and peculiar, *ib.* Precedents, 222, 223.
- PETITIONS, PUBLIC**;
Right of petitioning, 300. Ancient mode of petitioning, *ib.* Earliest petitions extant, 301. To whom addressed from Edw. 1 to Hen. 4, *ib.* Receivers and triers of petitions, how constituted; their functions, *ib.* The form of their appointment still continued, 302. Petitions to the commons in the reign of Hen. 4, *ib.* Origin of private bills, *ib.* Changes in the system of dealing with petitions, *ib.*
Modern system explained, 303. Form of petitions, *ib.* Remonstrances, when received, *ib.* Rules in regard to the signature of petitions, 303, 304. Forgery of signatures, 304. Character and substance of petitions, *ib.* Decorous language, *ib.* Allusion to debates, 304, 305. Petitions for advance of public money or compounding debts to the Crown, 305. For compensation, *ib.* In the nature of election petitions, *ib.*
Mode of presenting petitions: by members, 305; by the sheriffs at the bar, *ib.*; or lord mayor of Dublin, *ib.* Transmission by post, *ib.* Members to read petitions, and take care that they are not in violation of the rules of the house, *ib.*
Mode of presenting and discussing petitions in the lords, 305. Limited publicity given to them, 306. Necessity of limiting discussion of petitions in the commons, *ib.* Number presented at different times, 306, *n.* Rules now in force: petitions to be opened by members, 307. May be read by the clerk, *ib.* In some cases printed with the Votes, *ib.* Urgent cases discussed, *ib.* All petitions referred to a committee, *ib.* May be received against taxes proposed for the service of the year, *ib.* Debates upon petitions not introductory to legislation, *ib.*
Petitions classified, analysed, printed, and published at a cheap rate, 308. Members to affix their names to petitions presented by them, *ib.* Time of presenting them in the commons, *ib.* Ballot for precedence, *ib.* Petitions concerning any

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

485

- PETITIONS, PUBLIC**—*continued*.
notice or bill set down in the order book, 308. Election petitions, 345, 346. With drawn, 348.
- PETITIONS (PRIVATE BILLS)**;
Petitions for private bills; rules concerning, 401. Appearance to be entered on, 398. Time limited for presenting, 401. Petitions for leave to present petitions for bills, after time limited, *ib*. Referred to committee on petitions for bills, &c., 402. Functions of that committee, 402, 403. Report on petitions, 404. Petitions complaining of non-compliance with standing orders, 403, 413. Petitions against bills, 409, 413. When to be presented, 413. Grounds of objection to be specified, 414. Appearance to be entered on, 398. For leave to proceed, 405. Petitioners heard against preamble or other parts of bills; in the commons, 423, 424; in the Lords, 440.
See also PRIVATE BILLS.
- PETRIE, Mr. (1793)**; privilege during his attendance before committee, as petitioner, in a controverted election, 112.
- PHYSICIANS of GEORGE 3**; no members allowed to be present at that committee, 235.
- PIERPOINT, Lord**; exception taken to words used by, 203. Ordered to withdraw, 211.
- PITT, Mr.**; amendment of question concerning, 175, 176.
- PLACES OF MEMBERS**;
1. *Lords*.
2. *Commons*.
1. *Lords*.—The lords to sit in the order prescribed by 31 Hen. 8, c. 10; 145. How far observed in practice, *ib*. Places of peers, bishops, &c., *ib*. Occasional enforcement of the order, 146. Rules in going to and leaving, 206.
2. *Commons*.—Treasury and opposition benches, 146. Members for the city of London, *ib*. Members who have received the thanks of the house, *ib*. Secured by being present at prayers, *ib*. Lost by a division, or commission, 147. How kept, *ib*. Rules in going to and leaving them, 206.
- PLANS, SECTIONS, AND BOOKS OF REFERENCE**; to be deposited with the clerk of the peace, 391, 392. With parish clerk, 393. Scotch schoolmaster, *ib*. Or Irish postmaster, *ib*. Lords' standing orders to be deposited with them at the same time, *ib*. Deposit in the houses of Parliament, *ib*.
Lords.—Alterations made after the introduction of the bill into Parliament to be deposited, and notices given, and consents obtained, 437, 438.
- PLEDALL, Gabriel (1555)**; question of duration of privilege raised in the case of, 95, 96.
- PLINY, the younger**; quoted, 178. *n.* 184. *n.*
- POLL BILL (1691)**; protest concerning, 188.
- POMFRET, Earl of**; challenge sent by to Duke of Grafton, 205.
- POST-OFFICE**; transmission of petitions by, 305. Of Parliamentary papers, 313.
- POWELL, Mr. Justice**; jurisdiction of the courts in matters of privilege defined by, 116, 117.
- PRACTICE OF PARLIAMENT**; how defined and understood, 131.
- PRAYERS**; read daily in the lords by a bishop or peer in holy orders, 135. In the commons by the speaker's chaplain, 139. Members present at, may secure places, 147. House counted after, 151. Notice given to all select committees when the house is going to prayers, 237. Proceedings void after this notice, *ib*. Caution to committees to adjourn regularly, 429.
- PREAMBLES OF BILLS**; in *public bills*, preamble postponed in committee, 280; and considered last, 281; and amended if necessary, *ib*. In *private bills*, preamble first proved, 424. Petitioners against heard, *ib*. Question upon proof of preamble, 425. Preamble not proved, 426. Special reports on, *ib*. Alterations in preamble, *ib*.
- PREROGATIVE**; proceedings of Parliament sometimes governed by, 133. Taxes raised by; ceased at the Revolution, 319.
See also CROWN.
- PREVIOUS QUESTION**; explained, 173, 174. Not admissible in committee, 225. Cases in the committee on the Reform Bill partaking of the nature of previous questions, 281.
- PRINTING**; of accounts and papers, 311, 312. Rules in regard to the printing of petitions, 306, 307, 308.
- PRINTING PRIVATE BILLS**; every bill except name and naturalization bills, to be printed, &c. before first reading in the commons, 406. Bill as amended by the committee to be printed and delivered, and breviates prepared, 431. In the lords before second reading, and delivered before meeting of committee, 438. Amended railway bills to be reprinted before third reading, 444.

PRINTING PUBLIC BILLS; before second reading, 276. On report, 283.

PRINTING COMMITTEE (Commons); its functions, 311.

PRISONS, Keepers of; to bring up witnesses in their custody; lords, 238. Commons, 239.

PRIVATE BILL OFFICE (House of Commons); plans, &c. to be deposited in, 393. Registry of parliamentary agents, 398. Notices of private business given in, 399, 400, &c.—See also NOTICES. PLANS, &c.

PRIVATE BILLS;

1. *Their Origin and Distinctive Character.*

2. *Preliminary Conditions.*

3. *Proceedings of the Commons upon Bills brought into that House.*

4. *Proceedings in the Lords upon Bills from the Commons.*

5. *Private Bills originating in the Lords.*

1. *Their Origin and Distinctive Character.*—Reference to the origin of private bills, 302. Their distinctive character explained, 383. Their origin adverted to, 383, 384. Proceedings of Parliament in passing them of a mixed judicial and legislative character, 384, 385. Principles by which Parliament is guided in passing them, 385. They pass through the same stages as public bills, in the house, 386. Proposed plan of treating the progress of private bills through both houses, 386, 387.

2. *Preliminary Conditions.*—Preliminary conditions required by both houses before private bills are introduced, 387. Notices required for the three classes of bills, 388. How and when published, 388, 389. Matters to be stated, 389. Orders specially relating to bills of the first class, 390. To bills of the second class, 391–396. To bills of the third class, 396.

3. *Proceedings in the House of Commons upon Bills brought into that House.*—Proceedings upon, in the House of Commons, commenced immediately after the meeting of the house, 400. Conduct of private bills by members, *ib.* Entry of all proceedings in the Votes, and in the Private Bill Register, *ib.* Petition for the bill, 401. Time limited for presenting, *ib.* Petition for leave to present petition for bill, after time limited, *ib.* All private bills to be brought in upon petition, 401, 402. Petition for additional provision, 402.

Committee on petitions for private bills, 402. Notice of meeting of sub-committee, 402, 403. *n.* Their duties, 403. Proof of notices, in England, Scotland, and Ireland, *ib.* Report on petition, 404. Standing orders committee, *ib.* Report of that committee; leave to proceed, *ib.* Standing orders not to be dispensed with, 405. Petitions for leave to proceed; bill presented; its form and title, 406. Rates and tolls in italics, *ib.* First reading; copies of bill delivered to door-keepers, *ib.* To Public and Private Bill Offices, *ib.* Time limited for first reading, 407. Proceedings before second reading, *ib.* Bill examined in Private Bill Office, *ib.* Withdrawn if informal, *ib.* Peers' names, *ib.* Interval between notices and second reading, *ib.* Breviates, 408. Payment of fees, *ib.* Second reading, *ib.* Commitment, *ib.* Constitution of committee of selection, *ib.* Committees on unopposed bills, 409. On opposed bills, *ib.* Petitions against, *ib.* Speaker's lists for committees, *ib.* Selected members, *ib.* Members sometimes added by the house, 410. First meeting of committee on bill; notices, *ib.* Postponement of first meeting, 411.

Constitution of committees on opposed bills, 411. Attendance of members; declaration when to be signed, *ib.* Quorum, 412. Proceedings commenced, *ib.* Chairman appointed, *ib.* His duties, *ib.* Absence of members, 413. Committees on bills for competing lines of railway, *ib.* Petitions against bills; when to be presented, *ib.* Complaining of non-compliance with the standing orders, 414. Grounds of objection to be specified, *ib.*

Special orders and rules relating to committees on unopposed private bills, 414. Duties of the committee, *ib.* Orders relating to all committees on bills, whether opposed or unopposed, 415. Names of members entered on minutes, 416. What standing orders to be inquired into, *ib.* Proof of orders and consents in Scotland and Ireland, *ib.* Proof of consents in English bills, *ib.* Provisions which the committee are bound to see included in bills, 417–422. Proceedings of the committee on the bill, 423–429. On report and further consideration of report, 430, 431. Re-commitment, 432. Entry of amendments on report and third reading, 433. Ingrossment, *ib.* Notice of third bill reading, *ib.* Third reading, *ib.* No to pass through more than one stage in a day; motion for dispensing with standing orders not to be made without notice, *ib.*

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

487

PRIVATE BILLS—*continued*.

4. *Proceedings in the Lords upon Bills from the Commons*.—Course of proceedings in the lords upon bills brought up from the commons, 434. Estate bills referred to the judges, *ib*. Committee for standing orders, 435. Private bills referred to them, *ib*. Notice of meeting, *ib*. Petitions complaining of non-compliance with standing orders, *ib*. What matters to be reported, *ib*. What bills referred, *ib*. What standing orders provided, 436.

Standing Orders peculiar to the Lords:

When new works are applied for, special meeting of proprietors, 436. Alterations of plans, sections, &c. to be deposited, 437. Notices to be given of alterations; personal application to owners, and consents, *ib*. Deposit of plans of alterations in the House of Lords, *ib*. Maps, &c. annexed to bills of the second class, 438.

Private bills to be printed before second reading, and delivered to parties before meeting of committee, 438. Not to be read before the hearing of causes, *ib*. Second reading and commitment, *ib*. Unopposed bills referred to open committees, *ib*. Counsel to chairman of committees, 439. Unopposed bills, when treated as opposed, *ib*. Committees on opposed bills, *ib*. Committee of selection, *ib*. Sittings of committees on bills, 440. Proceedings of committees on bills, *ib*. Witnesses on oath, *ib*. Special standing orders to be proved or enforced, 441.

Payment of purchase-money into the bank, &c., 441. Inclosure and drainage bills, *ib*. Consents to private bills to be personal, or an affidavit of disability made, *ib*. How consent of trustees for charitable purposes to be signified, *ib*.

Letters-Patent Bills: Special orders, 442. Cemetery or burial-ground, *ib*. Levels of roads, &c., *ib*. Time limited for completing works, *ib*.

Railway Bills: Special reports, 443. Provisions required to be inserted, *ib*. Amended railway bills to be reprinted, 444.

5. *Private Bills originating in the Lords*.—Petitions for bills, 445. Bills for reversing attainders, &c., *ib*.

Estate Bills: When referred to two of the judges, 445. Judges' report, 446. Petitions for Scotch estate bills; consents to such bills, *ib*. Consents of heirs of entail, 447. Proportion of consents necessary, *ib*. Estate bills generally, *ib*. Concerning bills for selling lands and purchasing others in *Scotland*, 448. Mode of referring petitions for pri-

vate bills relative to estates in *Ireland*, 448. Consents to Irish estate bills, *ib*.

Proceedings upon *divorce bills*, 449. 452, 453, 454. *Naturalization bills*, 450. Bills for regulation of *trade*, and respecting *joint-stock companies*, 450, 451.

When judges' report received, 451. Second reading, *ib*. Commitment, 453. Report, 454. Third reading, *ib*. Lords' amendments, *ib*.

Proceedings of the commons upon bills from the lords, 454, 455. *Divorce bills*, 455, 456. Generally, 456, 457.

PRIVATE BILL REGISTER; names of agents for and against private bills entered in, and open to inspection, 398. All proceedings upon private bills entered there, 400.

PRIVILEGES OF PARLIAMENT;

General view of the privileges of Parliament, 44–49. Speaker's petition, 44–46. Freedom of access for the commons to Her Majesty, 46, 47. Free access for peers, 47. Favourable construction of commons' proceedings, *ib*.

Privileges of each house collectively, 47, 48. The law and custom of Parliament defined, 48. New privileges may not be created, 48, 49. Breach of privilege a contempt of the High Court of Parliament, 49.

Power of commitment exercised by both houses, 49–59. Causes of commitment cannot be inquired into by the courts of law, 56–58. Acts construed as breaches of privilege defined, 59–67. Persons committed by the speaker, 67. Inquiry into alleged breaches of privilege, 68. Different punishments inflicted by the two houses, 70–75.

Freedom of speech; chapter on, 76. Freedom from arrest or molestation of members and their servants, 83–97. And of witnesses and others in attendance on Parliament, 110–112. Privilege of not being impleaded in civil actions, 98–101. Of not being liable to be summoned by subpoena or to serve on juries, 101–104. Commitment of members by courts of justice for contempt, 106–110. Chapter on the jurisdiction of courts of law in matters of privilege, 113. Questions of privilege have precedence, 169. May interrupt debates, 176.

See also ARREST, FREEDOM FROM. BREACHES OF PRIVILEGE. COMMITMENT. COURTS OF LAW. FREEDOM OF SPEECH. HABEAS CORPUS. IMPLEADING IN CIVIL ACTIONS. PROCEEDINGS IN PARLIAMENT. WITNESSES, &c.

I I 4

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

488

I N D E X.

- PRIVILEGES, Committee of (Commons);** still appointed, but no members nominated, 89.
- PROCEEDINGS IN PARLIAMENT;** privilege of a favourable construction of, by the Crown, claimed by the commons, 47. Not a constitutional right but a personal courtesy, *ib.* Wilful misrepresentation of proceedings, a breach of privilege, 67. Debates and proceedings in, not to be questioned elsewhere, 89.
- PROCLAMATIONS;** addresses for proclamations for the apprehension of absconding witnesses; lords, 239. Commons, 240.
- PROPRIETORS;** special meeting of proprietors required by the lords, to authorize application for new works, 436.
- PROROGATION OF PARLIAMENT;** how accomplished; its effect, 35. Its effect in regard to orders and addresses for returns, 310. Before its first meeting, 164. After its first meeting; proceedings, 165. Further prorogations, *ib.* Cases of prorogation to renew bills, 190. Does not conclude proceedings upon an impeachment, 379. Nor of an election committee, 368. Nor on a divorce bill in certain cases, 453.
- PROTESTS;** rules concerning, 221. When to be entered, *ib.* Peers may sign for all or any reasons stated in the protests, 222. May be expunged, *ib.*
- PROXIES;**
Lords who hold proxies must be present when the question is put, 212. Proxies how declared in a division, 215. Joint majority of votes and proxies decide questions, *ib.* Rules concerning, 219. No lord to have more than two, *ib.* Proxies vacated upon lords' return, 220. New proxies, *ib.* Proxies not to be used in judicial cases, though by bill, *ib.* Nor in controverted elections of representative peers of Scotland, *ib.* Nor in committee, *ib.* Lords who vote ought to vote also for their proxies, *ib.* Proxies when to be entered, *ib.* Peers and their proxies need not vote alike, *ib.*
- PRYNNE;** referred to, 96. His opinion that the persons of peers are attachable only in cases of breach of peace and contempts with force, 106, 107.
- PUBLIC BILL OFFICE;** eight copies of private bills and amended breviate to be delivered there, 406.
- PUBLIC MONEY;** grants of, how embodied in bills, 273, 274.—*See also SUPPLY.*
- PUBLICATION OF DEBATES.** *See DEBATE.*
- PUBLICATION OF PAPERS;** contests arising out of the publication of papers by Parliament containing reflections upon individuals; legality of such publication now affirmed by statute, 125–128.
- PURCHASE-MONEY;** standing orders of the lords concerning, 441.
- PYLKINGTON'S Case,** 297.
- QUAKERS, MORAVIANS, &c.;** make affirmations instead of oaths, 140.
- QUALIFICATION OF ESTATE;** what, 26. Declarations of, to be made, 141. Want of, admitted by Mr. Southey, and new writ issued, 340.
- QUEEN;**
Proceedings when her Majesty opens Parliament in person, 142; and by commission, 143. Her speech delivered, 142. Reported in one house by the lord chancellor, and in the other by the speaker, 143. Addresses agreed upon in both houses, 144. Her Majesty's pleasure made known when she will be attended, *ib.* Addresses when presented by the whole house, and by members of the royal household, or privy councillors, *ib.* Proceedings on the death of the Duke of Saxe Cobourg-Gotha, 145. Prorogues Parliament in person; ceremonies described, 165. By commission, *ib.*
See also CROWN.
- QUEEN CAROLINE;** enforcement of the attendance of peers on her trial, 148.
- QUESTION, Cries of;** when disorderly, 194.
- QUESTIONS;**
Every matter determined upon question, 166. How proposed, *ib.* Of privilege take precedence, 169. Superseded or evaded by adjournment, 172. By reading the orders of the day, 173. By the previous question, *ib.* By amendments, 175. Complicated, 177. Questions put, *ib.* Again stated, 178. Voices in the house determine the question, and not the votes, 179. Various forms of amendment, 180–185. Same question not to be twice offered in a session, 186. Exceptions, *ib.* Votes rescinded, *ib.* Evasions of the rule, 187. Rule as applied to the different stages of bills, *ib.*
Members must speak to the question, 195. Rule when no question is before the house, *ib.* Questions put to other members, *ib.* Personal explanation, *ib.*
No member can vote if not present when question put, 212. Various precedents, 212, 213. Votes disallowed, 213. Twice put when division not anticipated, 214.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

489

- RAILWAY BILLS**; plans and sections required, besides those applicable generally to the second class of private bills, 395. To show embankments and cuttings, *ib.* Line of railway on section to correspond with upper surface of rails, *ib.* Vertical measures to be marked at change of gradients, *ib.* Height of railway over or under surface to be marked at every crossing of a road, &c., 396. Tunnelling and archway to be marked, *ib.* Constitution of committees on bills for competing lines of railway, 413.
Provisions therein; for restriction of mortgages, level of roads, fence to bridges, crossing turnpike roads on a level; not to be proceeded with till after deposit of amended plans, 418. Limiting deviations and alteration of curves, *ib.* Special reports on railway bills, 419, 420. Consideration of reports on Tuesdays, 433.
Lords.—Special reports; provisions to be inserted, 443. Amended bills to be reprinted, 444.
- RAINSFORD**, Lord Chief Justice; refused to admit Lord Shaftesbury to bail when committed in 1675, by House of Lords, for contempt, 57.
- RATCLIFFE**, Sir G.; the civil power called on by the commons, in 1641, to aid in the apprehension of, 57.
- RECEIVERS AND TRIERS OF PETITIONS**; their ancient constitution and functions, 301. Their appointment still continued by the House of Lords, 302.
- RECOGNIZANCES**; on election petitions, 346-348.
- RECOMMENDATION** of the Crown; how and when signified, 263.
- RECOMMITMENT**; of public bills, 284; of private bills, 432.
- REFORM ACTS** (1832); alterations in the elective franchise effected by, 21, 23, 24, 25. Registration of voters, 24.
- RELIGION**, Grand Committee; discontinuance of its appointment, 229.
- RELIGION**; construction of rule concerning bills relating to, 272, 273.
- REMONSTRANCES**; under what circumstances received or rejected, 303.
- REPLY**; rules concerning; to what cases limited, 196.
- REPORT**; of a committee of the whole house, 229. Chairman instructed to move for leave to bring in bills, *ib.* Of select committees, 237, 238.
- REPORT OF BILLS**; proceedings on, 282. Bills reprinted, 283. Clauses added, and amendments made, *ib.*
- REPORT OF PRIVATE BILLS**;
Commons.—Proceedings thereon; printing and delivering of amended bill; brevities; notice of report, 430. Consideration of report; clauses and amendments referred to standing orders committee, 431. Recommitment, 432. Consideration of reports of railway bills, 433.
Lords.—Report of private bills, 443. Special reports, *ib.* Amended railway bills to be reprinted, 444.
- REPRESENTATIVE PEERS OF IRELAND**; law concerning; how elected, &c., 10. Certificate of clerk of the Crown, &c., 135.
- REPRESENTATIVE PEERS OF SCOTLAND**; how elected, 9. Certificate of the clerk of the Crown, 135.
- RETURN BOOK**; delivered by the clerk of the Crown to the clerk of the House of Commons, 134. Subscribed by each member, 141.
- RETURNS**; amended by clerk of the Crown, 142.
See also ACCOUNTS AND PAPERS.
- REVOLUTION OF 1688, THE**; only defined the constitutional prerogatives of the Crown, 4. No taxes raised by prerogatives since, 319.
- REX v. WRIGHT**; refusal of the court to regard a proceeding of either house of Parliament as a libel in this case, 82. Jurisdiction of the courts in matters of privilege defined by Lord Kenyon in, 117.
- RICH**, Lord (1646); 92.
- RICH**, Peter; 66.
- ROMAN-CATHOLIC RELIEF BILL**; founded upon the resolution of a committee, 273. Oath established by, *App.* 462.
- ROMAN SENATE**; mode of putting the question in, 178. *n.* Amendments to amendments not understood by, 184. *n.*
- ROSCOMMON**, Lord; case of (1829), 109.
- ROYAL ASSENT TO BILLS**;
Bills passed by both houses cannot be withheld from, 291. Custody of, in the meantime, *ib.* Royal assent by commission; its origin, 291, 292. Form of commission, 292. Form of giving royal assent by commission, 293. Form of royal assent to money bills, 165, 293, 334; to public bills, *ib.*; to private bills, 293; to acts of grace or pardon, *ib.* Form of refusing royal assent, *ib.* Use of the Norman French,

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

490

I N D E X.

ROYAL ASSENT TO BILLS—continued.

293, 294. Royal assent by the Queen in person, 294. Effect of informalities in the royal assent, 299. Case of the Duke of Norfolk's attainder, 299, 300.

ROYAL FAMILY; messages for provision for the royal family, 261. Messages to the royal family, 268. How communicated, *ib.* Communications from members of the royal family, *ib.*

SAXE-COBOURG-GOTHA, Duke of; proceedings on the death of, 145.

SAXON INSTITUTIONS; subverted by the Conquest, 1. Adverted to in reference to the origin of representation, 12, 13.

SCHOOLMASTERS' WIDOWS' FUND (SCOTLAND) BILL; informality in agreement of the two houses cured by an Act, 298.

SCOTLAND; Peers of, not admitted on the Union in 1707, as a body, to seats in the British Parliament, 9. Elect 16 representatives from their own body for each Parliament, *ib.* Ineligible to the House of Commons, 27. Entitled to all privileges of peerage, 94.

Forty-five members assigned to Scotland in the British House of Commons on the Union, 21. Antiquity of the representative system in Scotland, 21. *n.* Act of 1425, c. 52, requiring all freeholders to attend personally in Parliament, *ib.*; and of 1427, c. 102, defining the constitution of the House of Commons, *ib.* Alterations in the elective franchise of, effected by the Reform Act of 1832; 23. Number of representatives for, now in the house, *ib.*

SCROGGS, Chief Justice; impeached, 376.

SECOND READING, of public bills, 276–279; of private bills, 407, 408. 438. 451; of divorce bills in the lords, 449.

SECRET COMMITTEES; their inquiries conducted with closed doors; exclusion of members of the house, 236. Of both houses communicating with each other, 258.

SELDEN; the bishops brought under the tenure by barony by William the Conqueror, according to, 5. Declared a breach of privilege in one Parliament punishable in another, 70.

SELECTION, Committee of; its duties, 409–411. In the lords, 439.

SERJEANT-AT-ARMS (Lords); his duties, 157.

SERJEANT-AT-ARMS (Commons); appointed by the Crown, but a servant of the house,

162. Enumeration of his duties, *ib.* Introduces messengers from the lords, &c. 251. Orders all doors to be locked on a division, 214. Gives notice of prayers to all select committees, 237. Ordered by the speaker to do his duty in taking a disorderly member into custody, 228. Orders for the attendance of witnesses forwarded by, or served by his officers, 239. Ordered to take witnesses absconding into custody, *ib.*

See also PRIVILEGES.

SERVANTS OF MEMBERS; formerly free from arrest on mesne process and in execution, 83. Have no privileges at present, 84. 92, 93.

SERVICE OF PARLIAMENT;

Duty of members to attend, 147. Licence to lords to be absent, and appoint proxies, *ib.* Act 6 Hen. 8, forbidding members of the commons to be absent without licence, *ib.* Means taken to secure the attendance of the lords, 148. Lords summoned, 149. Their names recorded on the Journals each day, 148. Call of the House of Lords, *ib.* Strictly enforced on the trial of Queen Caroline, *ib.* And on other occasions, *ib. n.* Call of the House of Commons; proceedings thereon, 149.

SESSIONAL ORDERS; their character and operation, 133.

SESSION HOUSE; certain notices of private bills required to be affixed to, 391.

See also NOTICES.

SEYMOUR, Sir Edward; seized the serjeant-at-arms, 67.

SHAFTESBURY, Earl of; case of, in 1675; 50. 57. Doubts expressed of power of the lords to imprison for a term after determination of session, 71.

SHAFTESBURY, Countess of; case of, 109.

SHERIDAN'S Case, 56.

SHERIFF OF MIDDLESEX; case of, in 1840; 50. 57–59.

SHIRE-GEMOTE; its character and functions under the Saxon kings, 12.

SHIRLEY, Sir Thomas (1603); privilege case, 90.

SHORT-HAND WRITERS (Commons); their notes printed for the use of committees, 237. How to be corrected by witnesses, *ib.* Not to be produced on trials without leave, 246.

SIGNATURES TO PETITIONS; rules in regard to, 304.

SILENCE; to be observed in debate, 207.

SLAVERY; abolished by Act of Parliament, in 1833, throughout all British possessions, whether having local legislatures or not, 30.

SMALLEY'S Case (1575); fine imposed by the commons in, 72. The privilege of servants asserted in, 88.

SMELT, Christopher; committed by the commons, in 1689, for libel against Peter Rich, a member, 66.

SMYTH, Sir Thomas; powers of Parliament; and limits of prerogative as laid down by, 4.

SODOR AND MAN, Bishop of; has no seat in Parliament, 6. *n.*

SOMERSET, John, Earl of; created Marquess of Dublin in the reign of Rich. 2; 7.

SOUTH SEA COMPANY; prorogation to allow new bills concerning to be brought in, 190.

SOUTHEY, Mr.; his seat vacated for want of qualification of estate, 340.

SOVEREIGN, The; name of, not to be used in debate to influence votes, 200.

SPEAKER;

I. OF THE HOUSE OF LORDS.

II. SPEAKER OF THE HOUSE OF COMMONS;

1. *Generally*.

2. *Choice of Speaker*.

3. *His Duties and Authority*.

I. OF THE HOUSE OF LORDS:

General view of the office, 152. The lord chancellor, or lord-keeper, *ib.* Not necessarily a peer, *ib.* Mr. Brougham sat as speaker, *ib.* When great seal in commission, 153. Deputy speakers, *ib.* Speaker *pro tempore*, *ib.* Duties of speaker explained by standing order, *ib.* Proceedings of the house not suspended by the absence of the speaker, 155. Case in 1831, *ib.* Effect of his limited authority, upon the conduct of debates, 192. 209. Votes on every question, but does not leave the woollack, 215.

Reads messages under the royal sign manual, 261. Lord chancellor signifies the royal pleasure that Parliament should be prorogued, 263. Reads joint addresses of both houses, 267. The speaker of the House of Commons on his left hand, *ib.*

II. SPEAKER OF THE HOUSE OF COMMONS;

1. *Generally*:

Earliest mention of the office, 19. May have existed long before, *ib.* His rank

above all commoners, 154. When accompanied by the mace, can commit without previous order of the house 67. Never adjourns the house but upon question; except for want of 40 members, 152.

2. *Choice of Speaker*:

Commons desired to choose a speaker, at the commencement of a new Parliament, and to present him for royal approbation, 134. Election of a speaker described, 136, 137. Royal approbation of the speaker elect, *ib.* Lays claim to the privileges of the commons, 137, 138. Retains the office for the whole Parliament, 138. Forms observed in the election of a speaker, on a vacancy occurring during a session, *ib.* Exceptions to the forms observed in electing a speaker, 138. Royal approbation refused, 139. First, takes the oaths required by law, *ib.*

3. *His Duties and Authority*:

Counts the house after prayers, 151. Again counts it at four o'clock, *ib.* Adjourns the house without question first put, *ib.* Tells the house if notice taken, or it appears on division that 40 members are not present, 151, 152. General view of his duties, 154. No provision for supplying his place when absent, *ib.* House adjourns, *ib.* Another speaker elected, 155. Effect of the different character of the office of speaker in the two houses upon their sittings. *ib.*

Questions; proposed by him, 171. Put by him, after the close of a debate, 173. But this act intercepted by the previous question being negatived, *ib.* Mode of putting questions, 177; and collecting voices, 178. Questions again stated by, *ib.* Rules that a member's voice determines his vote, 179.

Every member addresses him, 191. Members may not speak after question entirely put by him, 192. Calls upon member first in his eye, to speak, 193. How far his call may be disputed, *ib.* When two members rise, *ib.* Acquaints members that they must speak to the question, 194. Maintains order in debate, 197, 209. To call upon members by name who are disorderly, 207, 209. His authority in enforcing rules of the house, 209. In doubtful cases, 210. Is always to be heard when he rises to speak, *ib.*

Divisions.—Calls attention to his having caused a member to vote, who was not present when question put, 212. Puts it to a member whether he was in the house, *ib.* Desires members who were not in the house to signify the same, *ib.* Reports

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)**SPEAKER—continued.**

the numbers to the house, 212. Informs a member that he could not be permitted to vote, 213. Desires strangers to withdraw on a division, *ib.*

Puts the question, 214. Twice, when a division is not expected, *ib.* Directs the ayes to go into one lobby and the noes into the other, 216. If two tellers not found, stops the division; cases, 216. suggestion that he should require 12 to divide the house, 216, 217. Declares the numbers on a division, 217. Gives the casting voice, 218. Principles by which he is usually guided in his vote: precedents, *ib.*

Resumes the Chair.—On a doubt arising as to the mode of dividing in committee, 227. Gives his opinion, and the house again resolves itself into committee, *ib.* Speaker resumes the chair, on the house being summoned by black rod, *ib.* Or the time for a conference being come, *ib.* Or if sudden disorder arise in committee, 227, 228. When 40 members are not present in committee, 228. Tells the house, and adjourns it, if 40 be not then present, *ib.*

Witnesses.—Issues warrants to keepers of prisons to bring up witnesses in their custody, 239. Issues warrants for the attendance of witnesses, before the meeting of an election committee, *ib.* Disobedience punished, 240. Grants leave to short-hand writers to attend trials in the recess, 246. Rules concerning the examination of witnesses and prisoners at the bar by him, 246, 247.

Messages and Addresses, &c.—Reads written messages from the Crown at length, 260. Speaker's state coach approaches the palace by the central mall in St. James's Park, 267. Advances to the throne on the left hand of the lord chancellor, on presenting joint addresses, *ib.* Reads addresses of the commons, 268. Mover and seconder on his left hand, *ib.* Reports answers to addresses presented by the whole house, *ib.* Communications from the royal family addressed to him, *ib.*

Elections and Writs.—Issues warrants for new writs, by order of the house, during a session, 338. And a supersedeas of writs in certain cases, *ib.* Issues warrants for new writs during a recess, under statutes 24 Geo. 3 and 52 Geo. 3; 338, 339; *App.* 463. His appointment of members to execute these duties, in case of his own death, &c., 339. Ordered not to issue his warrant for new writs, 368.

SPEAKING; rules in regard to. *See DEBATE.*

SPEECH, FREEDOM OF. *See FREEDOM OF SPEECH.*

SPIRITUAL LORDS. *See BISHOPS. LORDS SPIRITUAL.*

STANDING ORDERS; their character and operation, 132. Collected by the lords; but not by the commons, *ib.*

STANDING ORDERS CONCERNING PRIVATE BILLS; motions for dispensing with not to be made without notice, 433.

See also PRIVATE BILLS, and the several classes of Bills to which they relate.

STANDING ORDERS COMMITTEE;

1. *Commons.*

2. *Lords.*

1. *Commons.*—Its functions; reports for leave to proceed, 404. That standing orders ought not to be dispensed with, 405. Clauses and amendments proposed on report, and third reading of private bills referred to, 432.

2. *Lords.*—Standing order committee (lords), 435, 436.

STATISTICS; statistical value of parliamentary accounts, 313, 315.

STATUTES; proceedings of Parliament sometimes governed by statute, 133. Informalities in passing, 296–300.

See also BILLS, PUBLIC.

STOCKDALE v. HANSARD; case referred to, 75. Expositions of the judges in reference to the general jurisdiction of the courts in matters of privilege, 119, 120. Outline of the proceedings in this case, 125–127.

STRANGERS; order for their exclusion from the lords not enforced, 163; nor in the commons, *ib.* Interpretation of the order, 164. Strangers only present upon sufferance and may be excluded by notice being taken of their presence, *ib.* Excluded on a division, 213.

STRODE'S Case; the privilege of freedom of speech by the commons violated in, in 1512; 77, 78.

STUART, Peter; committed by the commons in 1805 for libel on the house, 64.

SUBPŒNAS; claims of Parliament to privilege of not being summoned by subpœna, 101. Claim not now enforced, 102. Members of one house not allowed to be summoned by the other without message desiring attendance, 102.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and

Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

493

- SUBSCRIBERS TO UNDERTAKINGS**; their votes disallowed, 222.
- SUBSCRIPTION CONTRACTS**; to three-fourths the amount of the estimate, 393. When declaration, or declaration and estimate of rates, may be substituted *ib.* Contract to contain christian and surnames of parties, &c., 394. Amount of deposit required thereon, *ib.* Not valid unless entered into before close of previous session, *ib.* Printing and delivery of, *ib.*
- SUBSIDIES**; early period at which the people had a share in granting, 17.
See also SUPPLY AND WAYS AND MEANS.
- SUGAR DUTIES, ANNUAL**; voted in committee of ways and means, 336.
- SUMMONS**; Parliament can be assembled by the act of the Crown alone, 31. Instances of the lords and commons meeting by their own authority, *ib.* Manner of summoning Parliament by writ of summons, 33. Parliament may meet without summons, by Act 6 Anne, c. 7, on demise of the Crown, *ib.* By 37 Geo. 3, c. 127, such Parliament to exist for six months only, if not dissolved in the meantime, 34.
- SUMS, Greater and Lesser**; the least sum and the longest time to be first put, 226. 280. 331.
- SUPPLY, AND WAYS AND MEANS**;
Right of the commons in voting supplies, 39, 40. Feudal origin of Parliamentary taxation, 316. Increase of the wealth and political influence of the commons, 317. Growth of the commons' right of supply, 318. Statute *De tallagio non concedendo*, *ib.* Taxation of the clergy in convocation from Edward 1 to Charles 2, *ib.*
Commons' right to originate grants acknowledged, Henry 4; 319. Supply bills then presented by the speaker, *ib.* All imposts levied by prerogative ceased at the Revolution, *ib.* Recognition of the exclusive right of the commons to grant supplies, *ib.* Legal effect given to their grants before the Appropriation Act, *ib.*; but liable to be regarded with jealousy, 319, 320. *n.* Immediate effect given to votes of the commons, 320. Irregularity of proroguing or dissolving Parliament without an Appropriation Act, *ib.*
Exclusion of the lords from altering supply bills, 321. Rates and charges not to be altered by the lords, *ib.* Special entries in the Journal on agreeing to amendments, 321, 322.
- Rule regarding pecuniary penalties, 322. Tacks to bills of supply, 323. Constitutional principle of supply explained, 324. Recommendation of the Crown prior to grants of money, 325; or the offer of petitions, reports, or motions, suggesting such grants, *ib.* Petitions for compounding debts due to the Crown, *ib.* Motions for grants not to be presently entered upon, 326.
Royal speech at the commencement of the session, 326. Supply granted, *ib.* Committee of supply, 327. Estimates, when presented, *ib.* Nature and amount of annual grants described, *ib.* Payments secured by Act of Parliament, *ib.*
Sittings of committee of supply, 328. Estimates proposed, *ib.* Chairman of committees of supply and ways and means, *ib.* Committee of ways and means sit after first report of committee of supply, 328, 329. Functions of these committees distinguished, 329.
Services provided for by the committee of supply, 329. Charges upon the Consolidated Fund beyond their control, 330. Exchequer bills; proceedings of both committees thereon, *ib.*
Proceedings in committee of *ways and means*, 331, 332. Annual budget, 331. Report of supply and ways and means, 332. Propositions for reducing charges upon the people, 333. Appropriation Act, 333, 334. Grants otherwise than in committee of supply, 334. Addresses for public money, 335. Taxes imposed otherwise than in committee of ways and means, *ib.* Taxes for revenue purposes in committee of ways and means; for fiscal regulation in other committees, 336.
- SURETIES**, on election petitions, 346-348.
- SWIFT, Mr.**; committed by the commons, for challenging Sir J. Wrottesley, a member, 65, 66.
- TACKS to Money Bills**, 323, 324.
- TAYLOR, Mr.**; expelled the House of Commons in 1641, and declared for ever incapable of sitting, 43.
- TAXATION**; feudal origin of parliamentary taxation, 316, 317. Cessation of all taxes by prerogative after the Revolution in 1688; 319.
See also SUPPLY.
- TAXES**; petitions against proposed taxes for the service of the year may now be received, 307.
- TEIGNMOUTH, Lord**; difference between lords and commons concerning the proper mode of summoning him, 242, 243.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

494

I N D E X.

- TELLERS**;
Lords.—One teller for each party, 215.
Commons.—Two for each party in a division, 216. If two not found, no division takes place, *ib*. If they differ, another division necessary, 217.
See also DIVISIONS.
- TEMPLE, MASTER OF THE**; case of, 19 Edw. 1; 85.
- THANKS OF THE HOUSE**; entitle a member, by courtesy, to his place, 146. Motions for entitled, by courtesy, to precedence, 170.
- THIRD READING**; of public bills, 285, 286; of private bills, 433, 454.
- THORPE, Mr. Speaker**; extraordinary case of privilege; the privilege of freedom from arrest admitted, but held to be overruled by the law in the case of, 85, 86, 97, 104, 115.
- TROWER, William**; committed by the commons, in 1559, for contempt, in words, against the dignity of the house, 63.
- TITHES COMMUTATION BILLS**; did not concern religion so as to originate in committee, 273.
- TITLES OF BILLS**; when altered in the lords, 286. Settled in the commons after bill passed, *ib*. Binds the committee not to introduce clauses or amendments foreign to it, 280, 281. Unless authorized by instruction, 281. Of private bills, may not be changed without leave of the house, 406.
- TITLES OF HONOUR**; all titles of honour the gift of the Crown, 5.
- TITUS OATES**; case of, 160.
- TOPHAM'S Case**, 51.
- TRACEY, Sir J. (1597)**; case of, 103.
- TRADE GRAND COMMITTEE**; its appointment discontinued since 1831; 229.
- TRADE**; construction of rule concerning bills relating to, 272, 273. Standing order of the lords concerning bills for regulating, 450.
- TREASURY BENCH**; 145, 146.
- TRENCH, Sir F.**; words of heat between him and Mr. Rigby Wason, 205.
- TRIEHS OF PETITIONS**; their ancient constitution and functions, 301. Still appointed by the lords, 302.
See also PETITIONS.
- TROUBRIDGE, Sir T.**; withdraws, 210.
- TURNER, Sharon**; Extracts from his History of the Anglo-Saxons on the character and functions of the Wittena-gemote, 12, 13.
- UNIFORMITY, ACT OF, 1 Eliz. c. 2**; passed by the queen, the lords temporal and the commons, 10.
- UNIVERSITIES OF OXFORD AND CAMBRIDGE**, the members for the, denominated burgesses, 22. *n*.
- UNOPPOSED RETURNS**; notices for, 169.
- USAGE OF PARLIAMENT**; how collected, 131.
- USHER OF THE BLACK ROD: GENTLEMAN AND YEOMAN USHER**; their duties, 157. Orders doors to be locked on a division, 214. Commands the attendance of the commons in the house of peers, when Queen present, 142, 165. Desires their attendance, when lords commissioners present, 143, 165.
- VAUGHAN'S Case**, 89.
- VAUX, Lord**; case of (1625), 107.
- VERE, Robert de, Earl of Oxford**; created Marquess of Dublin by Richard 2, being the first upon whom the title was conferred, 7.
- VISCOUNTS**; origin of the title, 8.
- VOTE OFFICE, House of Commons**; distribution of parliamentary papers by, 312.
- VOTE OF THANKS**; allowed precedence by courtesy, 169. When precedence should be claimed, *ib*.
- VOTES OF THE HOUSE**; rescinded, 187. Reflections upon, disorderly, 198.
- VOTES AND PROCEEDINGS (House of Commons)**; how compiled; nature of the entries, 157. The Journal prepared from them, *ib*.
- WAGES OF MEMBERS**; amount of, in time of Edward 3; 21. The charge considered a burthen on small and poor communities, *ib*.
- WALPOLE, Sir Robert**; use of king's name by, 201. Resigned after an adverse vote on the Chippenham election petition, 341.
- WAYS AND MEANS, Committee of**; its functions explained, 329–332, 335, 336.
See also SUPPLY AND WAYS AND MEANS.
- WALSH'S Case (12 Edward 4)**, 98.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

I N D E X.

495

- WARWICK, Earl of (1628)**; privilege of servants, 92.
- WELLESLEY, Mr. Long**; refusal of privilege to, committed by Lord Chancellor Brougham in 1831 for contempt, 108.
- WHITE, Thomas (1666)**; fined by the commons for absconding from custody of serjeant-at-arms, 74.
- WILKES, John**; proceedings in reference to his expulsion and re-election, 42.
- WILLES, Lord Chief Justice**; the power of a party to bring an action at common law, notwithstanding any order of the House of Commons, affirmed by, 118.
- WILLIAM THE CONQUEROR**; change in the tenure under which spiritual lords sat in Parliament, effected by, 5. Styled himself Earl of Normandy, 8. His charter adverted to, 316.
- WILLIAMS, Sir William**; outline of the proceedings against in 1684, for the publication of Dangerfield's Narrative, by order of the house, 122.
- WINTON, Earl of**; reference to his impeachment, 378.
- WITNESSES**;
1. *Generally; Privilege of Witnesses.*
 2. *How summoned and examined by the Lords.*
 3. *By the Commons.*
 1. *Generally; Privilege of Witnesses.*—Privilege of freedom from arrest and molestation enjoyed by, in attendance on either house of Parliament, 110–112. False evidence in the lords, perjury, 243. In the commons, a breach of privilege, 245. Before election committees, 364.
 2. *How summoned and examined by the Lords.*—Ordered to attend at the bar to be sworn, 238. Keepers of prisons ordered to bring them up in custody, *ib.* Service of the order when a witness absconds, *ib.* Ordered into custody, *ib.* Execution of this order stayed, 239. Address to the Crown for a proclamation, with reward, *ib.* Peers and peeresses, how summoned, *ib.*
Sworn at the bar, 243. 440. Examined at the bar, 243. By select committees, *ib.* Peers, how examined, 243. 247. And members of the House of Commons, *ib.*
 3. *By the Commons.*—How summoned, to be examined at the bar, 239. Order how served, *ib.* Speaker's warrants to keepers of prisons to bring up witnesses in their custody, 239. Witnesses not attending, ordered into custody, *ib.* And also persons aiding them, *ib.* Sent to Newgate when apprehended, *ib.* If not apprehended, addresses for proclamation, with reward, 240. Modes of examining them at the bar, 246, 247. If lords of Parliament, judges, or the lord mayor, 247.
- Election Committees.*—Before meeting of the committee, summoned by speaker's warrant, 239; afterwards by chairman's order, 240. Examined upon oath by election committees; how summoned, 363. Punishment of misconduct, *ib.* May be committed by warrant from the chairman, *ib.* False evidence, perjury, 364. Prosecuted by the attorney-general, *ib.* Excluded from the committee room, 365. Commission to examine witnesses in Ireland, 370–373.
- Select Committees.*—Rules for correcting the minutes of their evidence, 237. Summoned by order from chairman of select committee, 233. Their attendance generally secured by chairman's order, 240; if not, an order of the house for his attendance, *ib.* Before a committee on a private bill can only be enforced by the house, 240. Proper form of application, 428. Their expenses, when allowed and under what regulations, 247, 248.
How summoned in impeachments, 377.
- WITTENA-GEMOTE**; its character and functions under the Saxon kings, 12, 13. Presence of the people at its deliberations; difficult to ascertain in what capacity, 13. Great council held at Winchester in the reign of Ethelwolf, A.D. 855, at which the people attended, *ib.* Similar council held in the fifth year of the reign of Canute, *ib.*
- WOODFALL, H. S.**; committed by the commons, in 1774, for publishing libel on the speaker, 66.
- WOOLSACKS**; lords withdrawing there, not told in a division, 214.
- WORDS**; ordered to be taken down, 197; but objection must be made immediately, 206. Various rules concerning objectionable words in debate, 198–202. Exceptions taken to words, 202, 203. Words of heat, 204, 205. May interrupt debates, 176.
- WRIGHT, Mr. Justice**; refused to admit Mr. Murray to bail, committed in 1751, by the commons for contempt, 57.

Cambridge University Press

978-1-108-07873-3 - A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament

Thomas Erskine May

Index

[More information](#)

496

I N D E X.

- WRITS**; issue of writs by the House of Commons, on vacancies during a session, 337. Supersedeas of writs, 338. Speaker issues warrants during the recess, in cases of death and elevation to the peerage, *ib.* Speaker's appointment of members, 339. Form of certificate, *App.* 463. In cases of bankruptcy, *ib.* Acceptance of offices under the Crown, *ib.*; or lord lieutenant, *ib.* Chiltern Hundreds, 340. Other occasions for issuing writs, *ib.* Issue of, suspended on report of election committees, 368.
- WRITS OF SUMMONS**; summons to peers to attend Parliament, formerly dependent on the royal will, 5. House of Commons elected by virtue of a writ from the Crown, *ib.*—*See* also **SUMMONS**.
- WROTTESELEY**, Sir J.; challenged, 65.
- WYNDHAM**, Sir W.; ordered to withdraw, 211.
- YARINGTON**, Mr.; committed by the commons in 1680, for libel against a member, 66.

 LONDON:

 Printed by James & Luke J. Hansard,
 near Lincoln's-Inn Fields.