

(No. 122.)



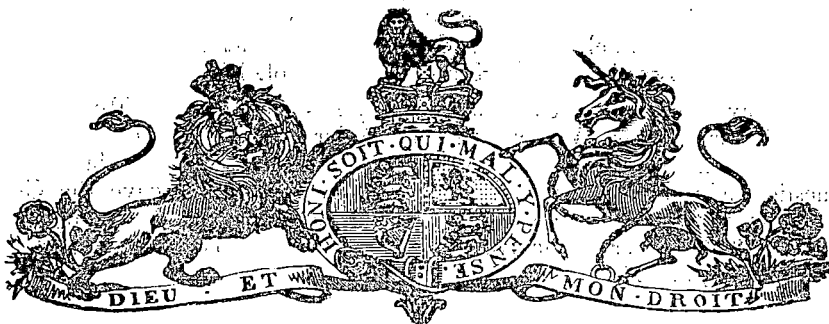
1890.

PARLIAMENT OF TASMANIA.

ORDERS OF THE DAY AND QUESTIONS FOR
ADJOURNMENT:

MEMORANDUM FROM MR. EDWIN CRADOCK NOWELL,
CLERK OF THE LEGISLATIVE COUNCIL.

Laid upon the Table by the Treasurer, and ordered by the House of Assembly to
be printed, August 23, 1890.



August 21, 1890.

MY DEAR MR. TREASURER,

As my name was brought up in yesterday's proceedings in your House, and as I have frequently been referred to on several Questions of Order which have lately been raised, especially that of moving the adjournment at that particular time, I take the liberty of enclosing some notes showing more at length than I thought necessary in my "Handbook," what the practice of the House of Commons and Parliamentary usage generally is in regard to that point.

My object in doing this is two-fold.—(1.) To throw what light I can upon the matter. (2.) To show that what is said in the "Handbook" in reference to it is strictly accurate.

You are at liberty to make what use you please of this communication.

Yours faithfully,

E. C. NOWELL.

ORDERS OF THE DAY AND MOTION FOR ADJOURNMENT.

In regard to Orders of the Day there are three stages:—

1. The Calling on.
2. The Reading.
3. Subsequent Proceedings.

1. "An Hon. Member cannot interpose in the ordinary business of the House by attempting to move the adjournment of the House when the Speaker calls on the Clerk to *read** the Orders of the Day. *Blackmore, Brand's Dec.*, p. 6. Calling on.

"The Motion for the adjournment of the House cannot be made when Mr. Speaker has directed the Clerk at the Table to proceed with [*i.e.* read] the Orders of the Day. *Ib.*

2. "When the Clerk is proceeding to read the Orders of the Day, the course of business may not be interrupted by any other business or debate, or Motion for adjournment, which Members may endeavour to interpose. So soon as an Order of the Day has been read, the business to which it relates is to be immediately proceeded with." *May*, 9 ed., p. 284. Reading.

"It was admitted that *great inconvenience would arise if resolutions which could not be otherwise interposed between the reading of the Order of the Day and the question founded upon it** were allowed," &c. *May*, p. 557.

* The italics are mine.

Subsequent proceedings.

3. "When an Order of the Day has been read, the Minister or Member having charge of the Bill or proceeding is entitled to priority in making a Motion concerning it, and no other Member will be allowed to interpose, unless with his consent." *May*, p. 285.

On Order for Second reading of a Bill, the Chancellor of the Exchequer, who rose with Mr. Ayrton, moved the Second reading. Mr. Ayrton wished to urge the postponement of the debate. The Speaker ruled that the Chancellor of the Exchequer was in possession of the House. *Hans.*, vol. 157, pp. 1301-2.

Bourke says, "When an Order of the Day has been read, a Member cannot make any other substantive Motion till that Order is disposed of." In the case referred to by him, on "resuming adjourned debate on the Ecclesiastical Titles Bill," question being again proposed, That the Speaker do now leave the Chair, a Member moves that the House at its rising do adjourn till Monday. The Speaker rules, "the Order of the Day must be disposed of before that Motion can be put." *Bourke*, p. 254.

These authorities clearly prove that according to the practice of the House of Commons, when an Order of the Day has been called on, no Motion foreign to it, or not properly arising out of it, can be entertained, until a Motion in reference to it has been made by the Member in charge, and until the question thereupon is open for debate. In other words, no foreign question can be admitted to interpose between the calling on of the Order and the Motion necessary to dispose of it; the sole exception being the presentation of petitions relating to an Order of the Day.

There is no statement, therefore, in Art. 112 of my "Handbook" which is not in strict accord with the recognised authorities on the subject.