

1856.

NEW SOUTH WALES.

STANDING RULES AND ORDERS.

REPORT

FROM THE

STANDING ORDERS COMMITTEE

OF THE

LEGISLATIVE ASSEMBLY,

WITH

PROPOSED STANDING ORDERS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

18 *November*, 1856.

SYDNEY:

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PHILLIP STREET.

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1856.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 8, TUESDAY, 3 JUNE, 1856.

5. Standing Orders Committee :—Mr. Donaldson moved, pursuant to *amended* notice, That the Standing Orders Committee for the present Session consist of the following Members, viz.: The Speaker, Mr. Donaldson, Mr. Plunkett, Mr. Manning, Mr. Parker, Mr. James Macarthur, Mr. Nichols, Mr. Cowper, Mr. Holroyd, and Mr. Martin, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council.
Debate ensued;—
And Mr. Parkes having required that the proposed Committee be appointed by Ballot,—
Question (1)—That a standing Orders Committee be appointed for the present Session, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council—put and passed.
Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed, viz.: Mr. Donaldson, Mr. Cowper, Mr. Parker, Mr. Martin, Mr. Holroyd, The Speaker, Mr. Plunkett, Mr. Nichols, Mr. Macarthur, and Mr. Manning.

VOTES No. 12, WEDNESDAY, 6 AUGUST, 1856.

5. Standing Orders Committee :—Mr. Parker moved, pursuant to notice,—
(1.) That the Honorable S. A. Donaldson, Esquire, The Honorable G. R. Nichols, Esquire, and The Honorable James Macarthur, Esquire, be appointed Members of the Standing Orders Committee.
The Honorable The Colonial Secretary moved, That the Question be amended by adding at the end, the words “and that it be an instruction to that Committee to “prepare such Standing Rules and Orders as shall appear best adapted for the “orderly conduct of the Business of this House, and to report the same with as “little delay as possible.”
Question—That the words proposed to be added at the end of the Question, be there added—put and passed.
Whereupon Question—That The Honorable S. A. Donaldson, Esquire, The Honorable G. R. Nichols, Esquire, and The Honorable James Macarthur, Esquire, be appointed Members of the Standing Orders Committee; and that it be an instruction to that Committee to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the Business of this House, and to report the same with as little delay as possible—put and passed.

VOTES, No. 45, TUESDAY, 18 NOVEMBER, 1856.

2. Standing Orders :—Mr. Parker, on behalf of the Chairman, brought up from the Standing Orders Committee, a Report with the Draft Standing Orders prepared by that Committee pursuant to an Instruction referred to them on the 6th August last. Ordered to be printed, and considered in Committee on Friday next.
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REPORT

FROM

THE STANDING ORDERS COMMITTEE

OF THE

LEGISLATIVE ASSEMBLY.

WITH THE

PROPOSED STANDING ORDERS.

THE STANDING ORDERS COMMITTEE, to whom was referred, on the 6th of August last, an Instruction “to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the Business of this House, and to Report the same with as little delay as possible,” have agreed to the following Report:—

Your Committee, in accordance with the Instruction above recited, have prepared, and have now the honor to present to your Honorable House, the Draft of such Standing Rules and Orders as, in their opinion, ought to be adopted for the orderly conduct of the Business of your Honorable House.

DANIEL COOPER,

Chairman.

Legislative Assembly Chamber,

Sydney, 18 November, 1856.

PROPOSED

RESOLUTION RELATIVE TO THE

PROPOSED

THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF

ONTARIO

GENERAL PRINCIPLES OF

It is the duty of the Legislature to provide for the good government of the Province and to secure the most efficient administration of the public services.

The Legislature should be composed of representatives of the people of the Province, elected by the qualified electors.

The Legislature should have the power to make laws for the peace, order and good government of the Province.

The Legislature should have the power to control the Executive Council and to hold Ministers of the Crown responsible to it.

The Legislature should have the power to originate and amend bills, and to pass resolutions.

The Legislature should have the power to grant and withhold supplies to the Executive Council.

The Legislature should have the power to create and abolish offices, and to fix the salaries of public officers.

The Legislature should have the power to create and abolish courts, and to fix the jurisdiction of the courts.

The Legislature should have the power to create and abolish public institutions, and to fix the terms of their management.

The Legislature should have the power to create and abolish public corporations, and to fix the terms of their management.

The Legislature should have the power to create and abolish public trusts, and to fix the terms of their management.

The Legislature should have the power to create and abolish public commissions, and to fix the terms of their management.

The Legislature should have the power to create and abolish public boards, and to fix the terms of their management.

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PROPOSED
STANDING RULES AND ORDERS
OF
THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES.

GENERAL CONDUCT OF BUSINESS.

1. In all cases, not specially provided for hereinafter, or by Sessional or other Orders, resort shall be had to the rules, forms, and usages of the Imperial Parliament, which shall be followed so far as the same can be applied to the proceedings of this House.

2. Whenever the House shall be informed of the unavoidable absence of the Speaker, the Chairman of Committees shall take the Chair for that day only; and in the event of the Speaker's absence continuing for more than one day, shall, if the House think fit and so order it, take the Chair in like manner on any subsequent day during such absence.

3. The Speaker shall take the Chair within half an hour after the time appointed for the meeting of the House, and if, at the expiration of such half hour, there be not a quorum of Members present, shall adjourn the House to the next sitting day.

4. If, at any time after the commencement of the business of the day, notice be taken that there is not a quorum of Members present, the Speaker shall count the House, and, if there be not a quorum present, shall, by his own authority, adjourn the House to the next day of meeting.

5. No Order for a Call of the House shall be made for any day earlier than twenty-one days from the day on which such Order shall have been made.

6. Whenever a Division shall be demanded by any Member, the Members present shall take their seats, the Ayes on the right, the Noes on the left of the Chair, respectively; and the Speaker shall appoint Tellers, two of each Party; and shall declare which has the Majority, from lists of the Members voting on each side to be handed to him by the Tellers; and, in the event of the Tellers not agreeing, the Speaker shall immediately appoint other Tellers, and so from time to time until the Tellers shall have agreed.

7. Previously to any Division, Strangers shall withdraw from the body of the House, but may remain in the Galleries unless otherwise ordered.

8. All Addresses to the Governor shall be presented by the Speaker, unless otherwise ordered by the House.

9. Whenever the Previous Question shall be proposed upon any Question consisting of a series of Resolutions, which have been brought under discussion or debate as one Motion, with the understanding that the Question be put on such Resolutions *seriatim*, the decision of the Previous Question, before putting the Question on the first of such Resolutions, shall be taken and held to be conclusive, whether in the affirmative or negative, as regards the whole of such Resolutions.

10. It shall be the duty of the Clerk to communicate to the Colonial Secretary all *Orders* for Papers made by this House; and such Papers may be laid upon the Table by any Member of this House, being also a Member of the Government.

11. At the commencement of every Session, a Select Committee on Printing shall be appointed; and to this Committee shall be referred all Petitions received, and also all Papers laid upon the Table in answer to Addresses or in Return to Orders of this House which shall not have been ordered to be printed on Motion of the Minister who shall have laid them upon the Table; and it shall be the duty of such Committee to report, from time to time, which of the Petitions and Papers referred to them ought, in their opinion, to be printed; and no other Petitions or Papers so referred to them shall be printed, unless on Special Motion upon Notice in exception to the general operation of this Rule.

12. The Clerk shall transmit to the Clerk of the Legislative Council, a sufficient number of copies of all Papers printed by order of this House, for distribution to the Members of the Legislative Council.

13. The printed Votes and Proceedings shall include, and be deemed, held, and taken to be also, the Journals of this House.

14. The custody of the Journals and Records, and of all Papers and Accounts whatsoever presented to this House, shall be in the Clerk, who shall neither take, nor permit to be taken, any of such Journals, Records, Papers, or Accounts, from the Chamber or Offices, without the express leave or order of this House.

PETITIONS.

15. No Petition shall be presented after the House shall have proceeded to the Orders of the Day.

16. It shall be incumbent on every Member presenting a Petition, to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to any Branch of the Legislature.

17. Every Member presenting a Petition shall affix his name at the beginning thereof.

18. Every Petition must be in writing, and no printed or lithographed Petition shall be received.

19. Every Petition must contain the prayer of Petitioners at the end thereof.

20. Every Petition must be signed, by at least one person, on the skin or sheet on which the Petition is written.

21. Every Petition must be written in the English language.

22. Every Petition must be signed by the parties whose names are appended thereto, with their names or marks, written or made by themselves, and by no one else, except in cases of incapacity from sickness.

23. No letters, affidavits, or other documents shall be attached to any Petition, except a Petition for a Private Bill, to which a printed copy of the Bill must be attached.

24. No Petition shall make reference to any Debate in the House.

25. No Petition shall, either directly or indirectly, pray for a grant of public money.

26. Every Member presenting a Petition, not being a Petition for a Private Bill, or relating to a Private Bill before the House, shall confine himself to a statement of the parties from whom it comes—of the number of signatures attached to it—of the material allegations contained in it—and to the reading of the prayer thereof; and the only Question which shall be entertained by the House, on the presentation of any Petition shall be, "That the Petition be received."

NOTICES AND MOTIONS.

27. No Notice of Motion shall be received after the House shall have proceeded to the Orders of the Day.

28. No Member shall make any motion, initiating a subject for discussion, but in pursuance of Notice openly given at a previous sitting of the House, and duly entered on the Notice Paper; but it shall always be in order on the presentation of any document, except a Petition, to move, without previous notice, that it be printed, and that a day be appointed for its consideration.

29. Motions shall take precedence of Orders of the Day, and be moved in the order in which they stand on the Notice Paper, or lapse.

LAPSED QUESTIONS AND ORDERS.

30. If a Debate on any Motion, moved and seconded, be interrupted by the House being counted out, such Debate may be resumed, at the point where it was so interrupted, on Motion upon Notice.

31. If a Debate upon any Order of the Day be interrupted by the House being counted out, such Order may be restored to the Paper for a future day, on Motion upon Notice; and such Debate shall then be resumed at the point where it was so interrupted.

32. If the discussion of any Question in a Committee of the whole House be interrupted for want of a quorum, the House may order the resumption of such Committee on a future day, on Motion upon Notice; and the discussion of such Question shall then be resumed at the point where it was so interrupted.

 COMMITTEES OF THE WHOLE HOUSE.

33. In Committees of the whole House, twenty Members, exclusive of the Chairman, shall be a Quorum.

34. Lists of Divisions in Committees of the whole House shall be printed weekly.

 SELECT COMMITTEES.

35. No Select Committee shall consist of less than five or more than ten Members, unless the House shall otherwise order.

36. It shall not be compulsory on the Speaker or Chairman of Committees to serve on any Select Committee.

37. Every Member proposing a Select Committee, and every Member introducing any Bill, Petition, or Motion, upon any subject which may be referred to a Select Committee, shall be one of the Committee without being named by the House.

38. The Notice of Motion for the appointment of every Select Committee shall contain the names of the Members the Mover intends to serve with himself on such Committee.

39. If upon any Motion for a Select Committee, any Member shall require it, such Committee shall be chosen by Ballot, in the manner following, viz. :—Each Member shall give in to the Clerk a list of the Members who he intends shall serve on the Committee, not exceeding the number proposed in such Motion; and if any such list contain a larger number of names, it shall be void and rejected; and the Members who shall be reported by the Clerk to have the greatest number of votes, shall be declared by the Speaker to be, with the Member or Members entitled to serve on the Committee as of course, the Members of such Committee; and in any case of doubt, arising from two or more Members having an equality of Votes, the Speaker shall decide which shall serve on such Committee.

40. Any Notice of Motion for discharging, adding, or substituting Members of a Select Committee, shall contain the names of such Members.

41. In all Select Committees three shall be a quorum.

42. Every Select Committee, previously to the commencement of business, shall elect one of its Members to be the Chairman.

43. At the request of any Member, or in his own discretion, the Chairman of any Select Committee shall order the withdrawal of strangers at any time.

44. The Chairman of a Select Committee may summon or direct the Clerk of the House to summon the witnesses to be examined before such Committee.

45. Every Select Committee shall have power to award payment to any professional or other witnesses they may deem it necessary to employ in furtherance of the inquiry with which the Committee is charged; and the production of the Chairman's certificate by any such witness, with a copy of such award signed by the Clerk of Select Committees, shall entitle him to the Speaker's written order to the Clerk for payment of such sum

as may be therein stated to be due to him for the special service to be therein named ; and such order, with the Chairman's certificate and the copy of the award thereto appended, shall be sufficient authority and discharge to the Clerk for making such payment out of any public moneys in his hands, or by the ordinary course of public payments through the Colonial Treasury ; and every such award, with the sum awarded, the particulars of the service rendered, and the name of the party in whose favor made, shall be entered on the Minutes of the Proceedings of the Committee.

46. Every Report of a Select Committee shall be signed by the Chairman thereof.

PUBLIC BILLS.

47. Every Bill for the paving, lighting, or cleansing of any City or Town, shall be deemed and taken to be a Public Bill.

48. Amendments merely of a verbal or formal nature may be made on motion in any part of a Bill at any time during its progress through the House, or in Committee of the whole House.

49. Clerical and typographical errors may be corrected in any part of a Bill, by the Chairman of Committees, before it is sent to the Legislative Council for its concurrence.

50. No clause, schedule, or amendment in substance, shall be offered to be added to or made in any Bill in possession of this House, except in a Committee of the whole House.

51. Before putting the question, "That this Bill do now pass?" the Speaker shall in every case report that the Chairman of Committees has certified that it is in accordance with the Bill as passed through all its previous stages in this House.

52. When a Bill, originated in this House, shall have passed, the Clerk shall forthwith certify at the top of the first page, "That this Public (or Private) Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence."

53. After a Bill shall be so certified by the Clerk, it shall be sent with a Message desiring the concurrence of the Legislative Council.

54. The consideration of all amendments in Bills which shall have first passed this House, and of all amendments upon amendments which shall have been made by this House in any Bill which shall have first passed the Legislative Council, shall be in a Committee of the whole House ; and in every case where this House shall agree to such amendments, or amendments upon their amendments, with or without amendments or further amendments of their own, the Clerk shall certify accordingly at the top of the first page of the Bill.

55. Every Bill originated in and passed by this House which shall pass the Legislative Council without amendment, and every such Bill which shall be returned to this House with amendments by the Legislative Council to which this House shall finally agree, shall be fair printed on Vellum or Parchment, and be by the Speaker presented to the Governor for Her Majesty's Assent, provided the Chairman of Committees shall have certified, in writing, on the Bill, that he has examined such fair print and found it to correspond in all respects with the Bill as finally passed by both Houses, and that at the top of the first page of such fair print the Clerk of this House shall have certified to its having finally passed both Houses.

56. Public Bills coming to this House the first time from the Legislative Council, shall be proceeded with, in all respects, as similar Bills presented in pursuance of Orders of this House ; and Private Bills so coming, if accompanied by printed copies of the Reports and Proceedings of the Select Committees of the Legislative Council to whom they may have been referred, shall be proceeded with in like manner, unless the House shall otherwise order ; and every such Bill as shall finally pass this House shall be returned by Message to the Legislative Council, with the Clerk's Certificate at the top, that "the Legislative Assembly have this day agreed to such Bill," "with" or "without amendment," as the case may require.

57. Every Public Bill, which shall have passed both Houses, and received Her Majesty's Assent, or been reserved for the signification of Her Majesty's pleasure thereon, shall be numbered at the top, by the proper Officer, in the order in which it shall

shall have received such Assent, or been so reserved; and shall have the date of such Assent or Reservation following the words "*Assented to*," or "*Reserved*," (as the case may be) within parenthesis, immediately after the Title.

PRIVATE BILLS.

58. Notice of the intention to apply for every private Bill shall be published once a week, for four consecutive weeks, in the *Government Gazette*, in one or more public newspapers published in Sydney, and in one or more public newspapers published in or nearest to the District affected by the Bill, which notice shall contain a true statement of the general objects of the Bill.

59. No Private Bill shall be initiated in this House but upon a Petition first presented and received, with a printed copy of the proposed Bill annexed; and such Petition shall be signed by one or more of the parties applying for the Bill.

60. All Petitions for Private Bills to be initiated in this House, shall be presented within thirty days from the commencement of the Session.

61. Every Petition for a Private Bill shall commence by setting forth, that within the three months previously to its presentation to the House, the Public Notice required by Section 58 has been duly given of the general objects of and the intention to apply for such Bill, and shall conclude with a true statement of the general objects of the Bill, and a prayer for leave to introduce it; and the production of the numbers of the Gazette and Newspaper or Newspapers containing such Notice, shall be sufficient proof of such Notice.

62. When the Petition shall have been received, Notice of Motion for leave to bring in the Bill shall be given, as in the case of Public Bills.

63. When leave to bring in a Private Bill shall have been obtained, and before it shall be read a first time, it shall be printed, at the expense of the parties applying for it, in the same form as Public Bills, and a sufficient number of copies of it shall be delivered to the Clerk, for the use of the House.

64. Before a Private Bill shall be read a first time, the sum of twenty-five pounds, to meet the expenses attendant on such Bill, shall be paid to the credit of the Consolidated Revenues of the Colony, and a Certificate of such payment shall be produced by the Member having charge of the Bill.

65. When a Private Bill shall have been read a first time, it shall be referred to a Select Committee, to be appointed on Motion upon Notice, and such Committee shall require proof of the allegations contained in the Preamble.

66. Every Petition in opposition to a Private Bill, shall distinctly specify the grounds of such opposition; and, if received, shall be referred to the Select Committee on the Bill.

67. Every Select Committee on a Private Bill may, in its discretion, hear Counsel if it be desired; and may also take such oral or other evidence as it may think requisite; and may decide on matters in issue between the persons conducting and opposing the Bill; after which, the Question shall be put from the Chair, "That this Preamble stand part of the Bill?": And if the Question pass in the negative, it shall be fatal to the Bill, and the Committee shall report accordingly; but if the Question pass in the affirmative, the several clauses of the Bill shall next be proceeded with, and the Amendments, if any, carefully noted for report to the House, care being taken that no clause be inserted, or Amendment made in the Bill, which shall be foreign to the import of the Notice required under Section 58 to be given by the party or parties applying for it.

68. When a Select Committee shall have reported in favor of a Private Bill, such Bill shall be proceeded with as in the case of Public Bills, and a future day, subsequent to the distribution of the printed Report and Evidence, shall be appointed for the second reading.

69. No Number shall be given to any Private Bill which shall have passed both Houses and received Her Majesty's Assent.

MESSAGES FROM THE GOVERNOR.

70. Whenever the House shall be informed that there is a Message from the Governor, the business under discussion shall forthwith be suspended, and the bearer of the Message, if a Member, shall deliver it to the Speaker, and if not a Member, shall be admitted and conducted to the Speaker, to whom he shall deliver it, and then withdraw: The Speaker shall then immediately read the Message, and, if necessary, the House shall fix a future day for taking, or forthwith take the same into consideration.

JOINT ADDRESSES TO THE GOVERNOR.

71. Joint Addresses to the Governor, originating in this House, which shall not be ordered to be presented by both Houses, shall be borne by some Member of this House, to be named by the Speaker, who shall also report to this House the Answer, if any be given.

COMMUNICATIONS WITH THE LEGISLATIVE COUNCIL.

72. The modes of communication with the Legislative Council shall be—

1. By Message,
2. By Conference,
3. By Joint Committees of the Legislative Council and Assembly, and
4. By Select Committees communicating with each other.

BY MESSAGE.

73. A Message to the Legislative Council shall be by two or more Members of this House, to be named by the Speaker, ordinarily from among those Members who have taken the most prominent interest in the Bill or subject to be communicated.

74. This House will receive a Message from the Legislative Council by two or more of its Members.

75. Every Message shall be in writing, and entered upon the Journals, with the answer thereto if any be given.

76. It shall be in order, at any time to move, without previous notice, that any passed Bill or Vote be communicated by Message to the Legislative Council.

77. This House will receive from the Legislative Council, in one Message, all Bills first communicated, all Bills returned without amendment, and all Bills with the amendments of this House upon the Legislative Council's amendments agreed to without amendment; a list of such Bills, with a statement of the assent of the Legislative Council thereto, being delivered together with such Message and Bills.

BY CONFERENCE.

78. The Members appointed by this House to represent it at conferences with the Legislative Council, shall, in number, never be fewer than five at an ordinary conference, and ten at a free conference.

79. Every demand for a conference with the Legislative Council shall be accompanied by a statement of the general objects of the conference demanded; and no such demand shall be made in reference to any subject matter at that time in possession of the Legislative Council.

80. In every Message communicating to the Legislative Council a demand for a conference, this House will state the number of Members it will appoint as its Managers at such Conference.

81. This House will name the time and place of holding every conference demanded of it by the Legislative Council.

By

BY JOINT COMMITTEES.

82. In every Message proposing to the Legislative Council the appointment of a Joint Committee, this House will state the number of Members it will appoint to serve on such Committee.

83. Whenever the Legislative Council shall agree to a proposal from this House for the appointment of a Joint Committee, the first meeting of such Committee shall be held at such time and place as shall be named by the Legislative Council; and in every Message agreeing to a proposal by the Legislative Council for the appointment of a Joint Committee, this House will name the time and place for the first meeting of such Committee.

84. The presence of at least three of the Members appointed by this House to serve on a Joint Committee, shall be necessary at every meeting of such Committee for the dispatch of Business.

85. The proceedings of every Joint Committee shall be reported to this House by the Members it shall have appointed to serve on such Committee.

BY SELECT COMMITTEES COMMUNICATING WITH EACH OTHER.

86. The Report of every Select Committee of this House, put in communication with a Select Committee of the Legislative Council, shall contain a clear statement of every matter intercommunicated, and of the action of the Committee thereupon.

STRANGERS.

87. The Speaker only shall have the privilege of admitting Strangers to the body of the House, but every Member shall have the privilege of admitting, by orders, not transferable, three Strangers to the Gallery.

88. On the request of any Member, or in his own discretion, the Speaker shall and may at any time order Strangers to withdraw, and such Strangers shall immediately withdraw accordingly.

CONTEMPT.

89. Any Member not attending in compliance with an Order for a Call of the House, without reasonable excuse, shall be held guilty of contempt.

90. No Member shall absent himself during the Session, for more than fourteen days at a time, without express leave of the House; and any Member wilfully infringing this Order shall be held guilty of contempt.

91. Any Member who shall wilfully disobey any lawful Order of the House, and any Member or other person who shall wilfully or vexatiously interrupt the orderly conduct of the business of the House, shall be guilty of contempt.

92. Every Member or other person adjudged by the House, for any of the causes hereinbefore mentioned, guilty of contempt, shall be fined in a penalty, at the discretion of the House, not exceeding twenty pounds, and in default of immediate payment, shall be committed, by the Warrant of the Speaker, to the custody of the Sergeant-at-Arms for a period not exceeding fourteen days; and it shall be lawful for the Sergeant-at-Arms to detain such Member or person in his custody for the period directed by the House, unless sooner discharged by order of the House, or unless the amount of fine imposed shall be sooner paid.

SUSPENSION OF STANDING RULES AND ORDERS.

93. Except in cases of urgent and pressing necessity, no Motion shall be made to dispense with any Sessional or Standing Order of this House without due notice thereof.

REPORT

THE STANDING ORDERS COMMITTEE

TRANSMISSION OF MESSAGES BETWEEN THE TWO HOUSES