REPORT.

PRIVATE BUSINESS.

Ordered by The House of Commons to be Printed,
21 *November* 1902.

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PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE.
BY WYMAN AND SONS, LIMITED, FETTER LANE, E.C.

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E. PONSONBY, 116 GRAFTON STREET, DUBLIN.

1902.

378 [Price 2*d.*]

REPORT

FROM THE

SELECT COMMITTEE

ON

PRIVATE BUSINESS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

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378.

PRIVATE BUSINESS.

[*Wednesday*, 28*th May* 1902]:—Private Business,—Motion made, and question proposed "That a Select Committee be appointed to enquire whether, in view of the change in the time at which Private Business is taken under the Resolution of 1st May 1902, any alterations in Standing Orders are desirable in the interests of economy, efficiency, and general convenience":—(*Mr. Balfour*:)—

Amendment made, in line 2, by leaving out the words "in view of," and inserting the words "subject to."—(*Mr. Renshaw.*)

Main Question, as amended, put, and *agreed to.*

Ordered, That a Select Committee be appointed to inquire whether, subject to the change in the time at which Private Business is taken under the Resolution of 1st May 1902, any alterations in Standing Orders are desirable in the interests of economy, efficiency, and general convenience.

[*Monday*, 16*th June* 1902]:—Private Business,—Mr. Brand, Mr. Flynn, Mr. Hobhouse, Mr. Jeffreys, Mr. Brynmor Jones, Mr. Renshaw, and Mr. Worsley-Taylor *nominated* Members of the Select Committee on Private Business.—(*Sir William Walrond.*)

[*Thursday*, 19*th June* 1902]:—Private Business,—*Ordered*, That the Select Committee on Private Business have power to send for persons, papers, and records.

Ordered,—That Three be the Quorum.—(*Sir William Walrond.*)

REPORT.

THE SELECT COMMITTEE appointed to inquire whether, in view of the time at which PRIVATE BUSINESS is taken under the RESOLUTION of 1st May 1902, any alterations in STANDING ORDERS are desirable in the interests of economy, efficiency, and general convenience:——HAVE agreed to the following REPORT:—

1. YOUR Committee has sat on nine days, and has received evidence from several Members and Officials of the House of Commons, from Officials of the House of Lords, and from professional and other representative witnesses experienced in the business of Private Bill Legislation.

2. The Order of Reference to your Committee makes it necessary that in the first place they should refer to the existing Standing Orders which regulate the course of Private Bill Legislation in the House of Commons.

3. The Standing Orders provide for publication of notices in the "Gazette" and local newspapers in the months of October and November, but not later than November 27. Notices have to be served on owners, lessees, and occupiers on or before December 15. Plans to be deposited by November 30, and in some cases notices are required by December 31, and money deposits have to be made by January 15. All Private Bills must be deposited in the House of Commons by December 21 in each year, and printed copies deposited on the same date at the Treasury and other public Departments, and provision is made by which the reports of the Departments have to be considered and reported on by the Committees of the House to whom the Bills are referred. S. O. 32 (H. C.). S. O. 33. S. O. 150 and 194 B.

4. On the 18th of January the Examiners of Petitions for Private Bills commence their sittings under regulations made by the Speaker, and certify by endorsement on each Petition whether Standing Orders have or have not been complied with. No Private Bill can be brought into the House but upon a Petition first presented, which shall have been duly deposited in the Private Bill Office and endorsed by one of the Examiners. These Petitions must be presented to the House not later than three clear days after they have been endorsed by the Examiner, or if, when the Petition is endorsed, the House is not sitting, not later than three clear days after the first sitting thereof. S. O. 69. S. O. 193. S. O. 195.

5. At the commencement of each Session the Chairman of Ways and Means and the Chairman of Committees of the House of Lords confer for the purpose of determining in which House of Parliament the respective Bills should be first considered. S. O. 79.

Private Bills, after being ordered to be brought in, are laid on the Table of the House for first reading. S. O. 196.

6. All Petitions against Private Bills must be presented not later than 10 clear days after the first reading, or in the case of Provisional Orders Confirmation Bills, not later than seven clear days after notice shall have been given of the day on which the Bill will be considered by the Examiner S. O. 107, 129 210.

S. O. 62–66. 7. Private Bills promoted by companies constituted by Act of Parliament are referred again to the Examiner after first reading, in order that the assent of a special meeting of the proprietors of such company to the Bill may be proved. No limit of time is provided for in the Standing Order between the date of the first reading and this reference to the Examiner.

S. O. 204. 8. Not less than three nor more than seven clear days after the first reading, Bills must be read a second time, unless where a Bill has been referred to the Examiners of Petitions for Private Bills, in which case such Bill shall not be read a second time later than seven clear days after the report of the Examiner or of the Select Committee on Standing Orders.

S. O. 208. 9. After second reading, Bills stand referred to the Committee of Selection or the General Committee on Railway and Canal Bills, who group the Bills for Committees.

10. In the practice of the House, however, as soon as Petitions against Bills are deposited, and the Committee of Selection and the General Committee on Railway and Canal Bills have been appointed, they proceed to the grouping of the Bills, and the fixing and appointing of the Committees.

S. O. 137. 11. Provision is made for the appointment of a Committee on Unopposed Bills. This Committee consists of the Chairman of Ways and Means, together with one of the members ordered to prepare and bring in the Bill, and one other member not locally or otherwise interested, or a referee.

S. O. 87, 88, 89. 12. Under Standing Orders 87 to 89 a Court of Referees on Private Bills is constituted, consisting of the Chairman of Ways and Means, with not less than three other persons appointed by the Speaker. The persons at present appointed are five Members of the House of Commons, the Speaker's Counsel, and the Referee. The Chairman of Ways and Means makes rules regulating the procedure and practice of the Court, which has to decide as to the rights of petitioners against Private Bills and Provisional Orders to be heard on their Petitions before Committees of the House.

S. O. 193–226. 13. The practice of the House itself with regard to Private Bills is laid down in Standing Orders 193–226. Debates may be raised on second reading, on instruction to Committees after second reading, on consideration of reports of Committees, and on third reading.

14. Fees are charged to those promoting and opposing Bills, in accordance with a Table of Fees, which was revised and made a Standing Order of the House so long ago as 1864.

15. Having thus briefly summarised the provisions of Standing Orders with regard to Private Bills, your Committee turn to the evidence which was given before them.

Chandos Leigh, 197. (A.) Sir Chandos Leigh states that in the years 1898, 1899, and 1901, 35 days elapsed between the assembling of Parliament and the sitting of the first Committee on a Private Bill; in 1900 the period was 41 days, and in 1902, 40 days. Various provisions in the Standing Orders contribute to this great loss of valuable time. Without exception the opinion was expressed that no reason exists for the 21st December being the date for depositing Bills in the House of Commons, whilst the 17th is the date in the House of Lords. There was, however, difference of opinion as to whether an earlier date, however desirable it might be, could be fixed.

Pritt, 420; Gray, 1956; Compton, 1657.

Gray, 1950; Beale, 2118; Morse, 2169. (B.) Mr. Gray, Mr. Beale, Mr. Morse and other witnesses agreed in suggesting that Petitions for leave to bring in a Private Bill to the House of Commons might be abolished. These petitions are a mere formality, and they are not required in the case of Bills originating in the House of Lords.

(C.) The evidence shows that petitions against Bills could be deposited at a fixed and earlier date than they are at present. This would avoid

considerable delay. Mr. Lowther sees no objection to the petition being deposited at a fixed date, in which opinion Mr. Pritt, Mr. Brevitt, Mr. Boyce, Mr. Baker, and Mr. Beale agree. One of these witnesses suggested 12th February as the date, another 10th February, and Mr Gray suggested that Bills should be divided into classes with a fixed date for deposit of petitions against Bills in each class in order to avoid the pressure he thought a single date might lead to. Lowther, 117. Pritt, 425 *et seq.*; Brevitt, 1294; Boyce, 1591; Baker, 1607; Beale, 2122. Bonham Carter, 1113 *et seq.* Gray, 2083.

(D.) There was practical unanimity as to the delay caused by the proceedings under Standing Orders 62–66 in connection with what are known as Wharncliffe meetings; Sir Chandos Leigh and Mr. Bonham Carter were agreed on this point and suggested the adoption of Standing Order 91 of the House of Lords, a view in which Mr Pritt concurred. Under this Standing Order second reading must take place within 14 days of first reading. Chandos Leigh, 266. Bonham Carter, 1120. Pritt, 430.

(E.) Mr. Lowther and Mr. Beale suggested a fixed date after which no second reading of a Bill originating in the House of Commons should be allowed, and Mr. Beale and Mr. Morse made the suggestion that proof of the Wharncliffe meeting should be given in Committee. Lowther, 47; Beale, 2154. Beale, 2133; Morse, 2210.

(F.) On the subject of the date at which the Examiners take up the Bills, viz., the 18th January, Mr. Campion stated that there was no reason, so far as the Examiners were concerned, why the interval between the deposit of the Bill and the sitting of the Examiner should be so long, and that an earlier date might be fixed. Campion, 1618, 1634.

(G.) Mr. Pritt suggested that the Counsel to the Speaker and the Counsel to the Chairman of Committees in the House of Lords might be empowered to determine in which House of Parliament the respective Private Bills should be first considered, and that this could be done before a Session commenced. Pritt, 640.

(H.) The evidence also showed that considerable delay arises from the difficulty in securing early reports from the Government Departments that the staff of specialists employed on them is limited, and the time between the deposit of Bills and the meeting of the House too short for overtaking the work. Mr. Boyce suggested that Bills should be grouped earlier so that the Department would know in what order they were to be taken, and Mr. Beale made the suggestion that they should be grouped according to the amount of opposition. Baber, 1799; Boyce, 1571, 1578, *et seq.*, 1918. Beale, 2129.

(I.) In regard to the Court of Referees, Mr. Parker Smith suggested that at least three members of it should be Members of the House, and that the Deputy Chairman should be made Chairman of the Court, and as a paid official of the House should devote his energies to this and other work connected with Private Bill legislation; the latter view was also expressed by Mr. Mellor. Mr. Beale considered the court expensive and unnecessary, and prefers the system in the House of Lords. Mr. Lowther considered that the eight days' notice allowed to promoters might be reduced, an opinion shared by Mr. Bonham Carter but strongly objected to by Mr. Pritt. Mr. Lowther and Sir Chandos Leigh would allow the Committee to grant costs in the cases of frivolous and vexatious objections. Mr. Parker Smith suggested that Standing Orders 133a and 135 should be amended so that persons or associations indirectly affected by Bills should be allowed a *locus standi*. P. Smith, 1345, 1368; Mellor, 769 *et seq.* Beale, 2125. Lowther, 51. Bonham Carter, 1123; Pritt, 485 and 487; Chandos Leigh, 203, 211; Lowther, 136. P. Smith, 1360, 1361.

(J.) Some evidence was given in favour of strengthening the Committee on Unopposed Bills. P. Smith, 1391; Boyce, 1914.

(K.) On the subject of discussions in the House on Private Bills, the practice of moving instructions on second reading was deprecated by Mr. Lowther and Mr. Bonham Carter. Mr. Lowther, Sir Chandos Leigh, Mr. Pritt, Mr. Beale, would limit discussion on second reading to questions of principle, and thought that the decision as to what discussions should be allowed should be decided by a Committee of the House. Mr. Pritt considered discussion should be on second reading, whilst Mr. Mellor suggested it should be limited to third reading. Mr. Beale and Mr. Morse considered that the reason for opposing the second reading of a Bill should be stated when the Bill is blocked. Lowther, 42. Bonham Carter, 1137. Lowther, 11—49; Leigh, 218; Pritt, 433—523; Beale, 2136. Pritt, 436; Mellor, 720. Beale, 2143; Morse, 2179.

Lowther, 34–91 140–146.

Pritt, 505; Baker, 1783, 1874.

(L.) A considerable amount of evidence was given on the subject of the extension of the Provisional Order system. Mr. Lowther was in favour of preventing corporation and other authorities coming by Bill for powers which they could obtain by Provisional Orders. Mr. Pritt and Mr. Baker expressed their disapproval of this; but the latter witness was in favour of rendering it possible to obtain by one Provisional Order powers which could under the existing law only be obtained by several separate Orders.

App. 6.

Beale 2149; Pritt, 459, *et seq.* Baker 1902; Pember 2463; Brevitt, 1244; the Associations represented, 1765.

(M.) The evidence in regard to the fees charged in respect of Private Bills showed that during last year the fees received in this House for Private Business amounted to 40,683*l.*, and the approximate estimate of the charges incurred in connection with the salaries of officials connected with Private Business in the House of Commons for the year ending March 31, 1902, was 11,792*l.* The scales of fees in the House of Lords and the House of Commons vary. The opinions of witnesses differed as to whether or not fees should be reduced, but there would seem to be agreement that the fees in the two Houses should be assimilated. Mr. Beale did not consider the fees too high. Mr. Pritt thought they might unduly press on local authorities. Mr. Baker and Mr. Pember expressed a like opinion with regard to Petitioners against Bills. Mr. Brevitt was in favour of reduction, and Mr Baker considers they should be reduced by one-half.

Recommendations.

16. Your Committee recommend that all Private Bills should be deposited in the House of Commons on 17th December instead of 21st December.

17. Your Committee are of opinion that the petition for leave to introduce a Bill in the House of Commons is unnecessary and should be discontinued.

18. They further recommend that the Chairman of Ways and Means and the Chairman of Committees in the House of Lords, or their Counsel, should determine before the end of January in each year, in which House the respective Bills should be first considered.

19. Your Committee recommend that the first reading stage of Private Bills in the House of Commons should be dispensed with, as being a mere formality, and that Bills should be deemed to have been read a first time on passing the Examiners on Standing Orders. The abolition of the two stages mentioned above will necessitate a re-arrangement of the House Fees, certain of which are payable at those stages. This would form part of the general revision proposed later.

20. Your Committee recommend that the date for the sitting of the Examiner should be altered to 12th January, the dates for memorials against Bills being correspondingly altered, and the date for the deposit of money under Standing Order 57 being altered to 9th January.

21. Your Committee recommend that all Petitions against Private Bills should be deposited on or before 12th February in each year.

22. The attention of your Committee has been directed to the delay which arises from the fact that no limit of time is fixed under Standing Orders 62, 63, and 66 between the first reading of a Company Bill and the reference to the Examiner, and your Committee recommend that compliance with these Standing Orders should be proved within a fixed period of five weeks from the date on which the Bill passed the Examiner on preliminary Standing Orders.

23. After investigating the total costs incurred by bringing opposed Bills before Parliament, your Committee think that a Joint Committee of the two Houses should be appointed with a view to a general revision of the scale of fees, and their being made identical in the two Houses.

24. It has been suggested that the cost of the Parliamentary Notices now required by the Standing Orders might be considerably reduced if they were assimilated to the more summary form of notices required by the Light Railway Commissioners, and in the case of a Provisional Order, your Committee believe that the public and all parties interested would be sufficiently safeguarded and at least equally well informed by a shorter form of notice.

25. Another important proposal in the interests of economy was made to us with respect to the amalgamation into one office of the Private Bill Offices of the two Houses. In such an office Bills and Petitions might be deposited once for all, economies in the staff might be effected, one set of uniform fees might be charged, and all formal proceedings connected with Bills might be simplified. There would appear to be no constitutional objection to such a reform, and your Committee think it deserves to be carefully considered by a Joint Committee, including the two Chairmen of Committees of both Houses.

26. Your Committee recommend that as soon as possible after the date fixed for the deposit of Petitions against Bills, all opposed Bills should be grouped and the order in which groups should be taken fixed, with a view to facilitate the work of the Government Departments, and they are of opinion that the Local Government Board should make its reports on Private Bills at an earlier date than hitherto.

27. Your Committee recommend that a new Standing Order should be drawn up requiring a Board of Trade Report on all proposals for supplying electrical energy. This might be modelled on Standing Order 155.

28. Your Committee are of opinion that if the General Public Health Legislation of England and Wales were brought up to date, the necessity for many of the Bills now promoted by Local Authorities for the purpose of obtaining extended powers in relation to matters of Public Health or Local Government would be removed and this class of Committee work greatly reduced.

29. Your Committee recommend that the Court of Referees should be reconstituted, and consist of the Chairman and Deputy Chairman of Ways and Means, with seven other Members of the House of Commons nominated by Mr. Speaker, with the assistance of not more than two officials of the House, acting as assessors. This Court should have power to award costs analogous to that possessed by Committees of the House, and should also have larger discretionary powers with regard to granting a *locus standi* to Petitioners who satisfy them *primâ facie* that they are likely to be injuriously affected by a Bill, but whose cases are not covered by existing Standing Orders.

30. Your Committee recommend that Standing Order 133[a] should be amended so that associations or bodies sufficiently representing interests or traffic affected by Bills other than those specified in that Order should be allowed a *locus standi*; also that Standing Order 135 which gives a *locus standi* to owners, &c. of property "in" a street through which it is proposed to construct a tramway, should be extended to owners, &c. of property, the access to which is materially dependent on the said street, also that the said Standing Order should be extended, by adding the words "or road" after the word "street."

31. Your Committee recommend that steps be taken to secure as long an interval as possible between the hearing by the Court of Referees of the objections to Petitions against a Bill, and the sitting of the Committee on the Bill; otherwise one of the main purposes of the Court fails, viz., the saving of the expense of preparing for the Committee stage in cases where the *locus standi* is disallowed.

32. Several witnesses urged that the discussion of Private Bills in the House itself should be limited to one stage only, and that instructions to Bills should not be permitted. It appears, however, from a Paper handed in

by the Chairman of Ways and Means that during the 10 years preceeding 1901, the average number of hours per annum spent on such discussion was 28, but that in 1901 it rose to 53, but during last session only 13 hours and 55 minutes were occupied in discussing the second readings of Private Bills, and that no instructions were moved. Your Committee therefore believe that the new rules of the House relating to Private Business may tend to reduce the length of the discussions on Private Bills, and are unwilling, without further experience of the new rules, to advise that the control of the House over Private Bills should be more limited than at present.

33. On the subject of Joint Committees of the two Houses, and the extension and alteration of the Provisional Order system, your Committee do not feel they can report, as these matters should form the subject of consideration for a Joint Committee of the two Houses.

34. Attention was drawn to the difficulty of getting members to sit on Private Bill Committees, but your Committee have reason to think that many members escape serving on these Committees altogether, and from a return made to the House of Commons in 1900, it appears that 275 members (omitting members of the late and present Government) never served at all on Private Bill Committees during the whole of the last Parliament.

Your Committee recommend, therefore, that the Committee of Selection should take steps to see that all Members who are available should be summoned in due turn to serve on Committees.

35. Your Committee think that steps should be taken to secure more uniformity in the decision of Committees on opposed Bills than is possible at present, when each Committee acts as an independent unit without sufficient opportunity of examining into the precedents cited to them. They see no reason why there should not be kept in the Committee Office an official record of any important decisions on points either of practice (*e.g.*, the award of costs, refusal to hear counsel) or of principle (*e.g.*, the granting of compensation to the rates in the case of large demolitions of property, the grant of any exceptional terms for loans or payment of interest, or the creation of any important powers or obligations in excess of the ordinary law). Some of these matters are, in the case of Corporation Bills by Standing Order No. 173a, required to be reported to the House, but no record is required or is kept, and a new Chairman is often at a great disadvantage in dealing with such questions. The evil would be much more serious if it were not for the careful attention given to all novel and doubtful proposals in Bills by the Chairman of the House of Lords who, by raising objection to them in an early stage, often induces the promoters to modify or withdraw them. They think that his action might well be reinforced in this House by providing the Chairmen of Committees and officials with a carefully kept record of decisions and precedents on such points as they have mentioned, as well as by the deposit of a copy of the printed Minutes of Proceedings of every Private Bill Committee of both Houses, such copy to be kept in the Committee Office, and to be available for the use of any Chairman.

36. It would also be desirable that the General Committee on Railway and Canal Bills, as well as the Chairmen of other Groups of Private Bills, should, from time to time confer together so as to secure uniformity of decision, as far as possible to deal with any new question that may arise.

37. The evidence taken goes to show that, while the composition of Committees on opposed Bills gives general satisfaction, that of Committees on unopposed Bills might well be strengthened. The duties of the Chairman of Ways and Means in the House itself have now become so exacting that it is clear that he cannot at many periods of the Session exercise adequate supervision over unopposed business. Your Committee are of opinion that a careful and thorough examination of unopposed Bills is required in the public interest, as such Bills often contain large and far-reaching powers which it may be contrary to the public advantage to grant, although it may not happen to be to the interest of any individual to

oppose them. They also often contain financial proposals of large importance which can only be sanctioned after full examination. To master the multifarious proposals of this class of Bills means in itself heavy work which cannot be expected from the Chairman of Committees even when aided by the Speaker's Counsel.

38. Your Committee therefore recommend that the Deputy Chairman should be a salaried official of the House, and should be made responsible in the absence of the Chairman for all Private Business both in and out of the House (except so far as it may be dealt with by opposed Bill Committees), and that a panel of four members should be appointed by the Committee of Selection to assist the Chairman or Deputy Chairman with the Committees on unopposed Private Bills. Any points in these Bills which affect the Public Interest or which would create new precedents, and which are not specially reported on by a Government Department, should be brought to the attention of this Committee by the Speaker's Counsel.

39. Your Committee think that if such a Committee (of which the quorum should be three) were constituted, it might be empowered to decide minor points in dispute between the parties to opposed Bills, which cannot be settled by agreement, but which are not worth taking before an opposed Bill Committee, and on which both parties are willing to accept the decision of a more summary tribunal. This power would be somewhat analogous to the power of conciliation, in case of disputes between traders in railway companies, vested in the Board of Trade, a power which has been found by experience to save time and expense.

40. Your Committee consider that the Member who introduced the Bill should (as at present) be summoned to attend the meeting of the Committee, but they recommend that neither he nor the Speaker's Counsel should be a member of the Committee.

41. Cases have occurred from time to time in which Promoters or Petitioners have been unreasonably or vexatiously subjected to expense, as for instance, by the withdrawal of Petitions or Bills at the last moment, and without due notice, when all the expenses necessary for the hearing have been incurred. Those cases are not covered by the Standing Orders and the Costs Act as they stand at present, and your Committee consider that the Standing Orders, and if necessary, the Costs Act, should be amended so as to cover them.

42. Your Committee had evidence that objections are from time to time taken successfully to Petitioners being heard on matters which they seek to raise, on the ground that they are not sufficiently specified in their Petition, with the result that they are imperfectly heard or are compelled to withdraw and oppose in the other House, whereas if an amendment of the Petition were allowed the matter might well be fully heard and a second opposition avoided.

Standing Order 128 affects to provide for amendment, but it is a dead letter.

Your Committee recommend that, after reasonable notice when practicable, powers of amendment of Petitions should be given to the Committee to whom the Bill is referred.

43. Your Committee recommend that Standing Order 110 (Road Bills) should be omitted as obsolete, and that Standing Order 208[a] be amended so as to admit of the unopposed Orders in a Provisional Order Bill proceeding, although others are opposed.

44. There are two matters relating to the procedure before Committee on Private Bills to which your Committee consider attention should be called.

Your Committee think it would materially conduce to the better guidance of a Committee on an opposed Bill if, in cases where the petitioners call no evidence, the counsel for the promoters were allowed the right to sum up his evidence before the counsel for the petitioners is heard, as is the practice in Courts of Law

The second point is the following :—

Where two or more Bills are heard together, counsel for the promoters of the second [or third] is, according to present ordinary practice, allowed to address the Committee once only, viz., either before or after calling his witnesses, as he may elect.

On several occasions during recent Sessions he has been allowed by special leave of the Committee to make a short statement, mainly in explanation of his own case, before calling his witnesses, and to address the Committee again at a later stage in support of his whole case and against that of the other Bill or Bills.

This new practice has been found of advantage to both the Committee and the parties, and your Committee recommend that it be generally adopted in place of the present one.

PROCEEDINGS OF THE COMMITTEE.

Monday, 23rd June 1902.

MEMBERS PRESENT:

Mr. Jeffreys.	Mr. Worsley Taylor.
Mr. Flynn.	Mr. Brynmor Jones.

Mr. JEFFREYS was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday, 8th July, at Half-past Eleven o'clock.

Tuesday, 8th July 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Brynmor Jones.	Mr. Worsley Taylor.
Mr. Renshaw.	Mr. Brand.
Mr. Hobhouse.	

The Right Honourable *James William Lowther*, M.P., and The Honourable Sir *Chandos Leigh*, K.C.B., K.C., were examined.

[Adjourned till Thursday next, at Half-past Eleven o'clock.

Thursday, 10th July 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Hobhouse.	Mr. Worsley Taylor.
Mr. Renshaw.	Mr. Brynmor Jones.

The Hon. Sir *Chandos Leigh*, K.C.B., K.C., was further examined.

Mr. *G. Ashby Pritt* was examined.

[Adjourned till Tuesday next, at Half-past Eleven o'clock.

Tuesday, 15*th July* 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Renshaw.	Mr. Brynmor Jones.
Mr. Hobhouse.	Mr. Arthur Brand.
Mr. Worsley Taylor.	

The Right Hon. *T. F. Halsey* (a Member of the House), the Right Hon. *J. W. Mellor*, K.C. (a Member of the House), and Mr. *W. Gibbons*, were examined.

[Adjourned till Thursday next, at Half-past Eleven o'clock.

Thursday, 17*th July* 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Renshaw.	Mr. Hobhouse.
Mr. Worsley Taylor.	

The Right Hon. *J. W. Mellor*, K.C. (a Member of the House), was further examined.

Mr. *R. W. Monro*, Mr. *A. Bonham Carter*, C.B., and Mr. *Horatio Brevitt*, were examined.

[Adjourned till Tuesday next, at Quarter-past Eleven o'clock.

Tuesday, 22*nd July* 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Hobhouse.	Mr. Worsley Taylor.
Mr. Renshaw.	Mr. Brynmor Jones.

Mr. *J. Parker Smith* (a Member of the House) and Mr. *H. E. Boyce*, were examined.

[Adjourned till Thursday next, at Half-past Eleven o'clock.

Thursday, 24*th July* 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Hobhouse.	Mr. Worsley Taylor.

Mr. *C. W. Campion* and Mr. *C. E. Baker*, were examined.

[Adjourned till Tuesday next, at Half-past Eleven o'clock.

Tuesday, 29th July 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Renshaw.	Mr. Hobhouse.
Mr. Worsley Taylor, K.C.	

Mr. *H. E. Boyce* was further examined.

Mr. *J. S. Brale* and Mr. *Sydney Morse* were examined.

[Adjourned till Tuesday next, at Half-past Eleven o'clock.

Tuesday, 5th August 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Hobhouse.	Mr. Renshaw.

Sir *Ralph Littler*, K.C., C.B., Mr. *C. E. Troup*, C.B., and Mr. *E. H. Pember*, K.C., were examined.

[Adjourned till the Autumn Sittings.

Wednesday, 12th November 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Hobhouse.	Sir C. Renshaw, Bart.
Mr. Worsley Taylor.	Mr. Brynmor Jones.

DRAFT REPORT, proposed by the *Chairman*, read the first time, as follows:—

"1. YOUR Committee has sat on nine days, and has received evidence from several Members and Officials of the House of Commons, from Officials of the House of Lords, and from professional and other representative witnesses experienced in the business of Private Bill Legislation.

"2. The Order of Reference to your Committee makes it necessary that in the first place they should refer to the existing Standing Orders which regulate the course of Private Bill Legislation in the House of Commons.

"3. The Standing Orders provide for publication of notices in the 'Gazette' and local newspapers in the months of October and November, but not later than 27th November. Notices have to be served on owners, lessees, and occupiers on or before 15th December. Plans to be deposited by 30th November, and in some cases notices are required by 31st December, and money deposits have to be made by 15th January. All private Bills must be deposited in the House of Commons by 21st December in each year, and printed copies deposited on the same date at the Treasury and other public Departments, and provision is made by which the reports of the Departments have to be considered and reported on by the Committees of the House to whom the Bills are referred. S. O. 32 (H. C.). S. O. 33. S. O. 150 and 194 B.

"4. On the 18th of January the Examiners of Petitions for Private Bills commence their sittings under regulations made by the Speaker, and certify by endorsement on each Petition whether Standing Orders have or have not been complied with. No Private Bill can be brought into the House but upon a Petition first presented, which shall have been duly deposited in the Private Bill Office and endorsed by one of the Examiners. These Petitions must be presented to the House not later than three clear days after they have been endorsed by the Examiner, or if, when the Petition is endorsed, the House is not sitting, not later than three clear days after the first sitting thereof. S. O. 69. S. O. 193. S. O. 195.

S.O. 79. " 5. At the commencement of each Session the Chairman of Ways and Means and the Chairman of Committees of the House of Lords confer for the purpose of determining in which House of Parliament the respective Bills should be first considered.

S. O. 196. " Private Bills, after being ordered to be brought in, are laid on the Table of the House for first reading.

S. O. 107, 129, 210. " 6. All Petitions against Private Bills must be presented not later than 10 clear days after the first reading, or in the case of Provisional Orders Confirmation Bills, not later than seven clear days after notice shall have been given of the day on which the Bill will be considered by the Examiner.

S. O. 62–66. " 7. Private Bills promoted by companies constituted by Act of Parliament are referred again to the Examiner after first reading, in order that the assent of a special meeting of the proprietors of such company to the Bill may be proved. No limit of time is provided for in the Standing Order between the date of the first reading and this reference to the Examiner.

S. O. 204. " 8. Not less than three nor more than seven clear days after the first reading, Bills must be read a second time, unless where a Bill has been referred to the Examiners of Petitions for Private Bills, in which case such Bill shall not be read a second time later than seven clear days after the report of the Examiner or of the Select Committee on Standing Orders.

S. O. 208. " 9. After second reading, Bills stand referred to the Committee of Selection or the General Committee on Railway and Canal Bills, who group the Bills for Committees.

" 10. In the practice of the House, however, as soon as Petitions against Bills are deposited, and the Committee of Selection and the General Committee on Railway and Canal Bills have been appointed, they proceed to the grouping of the Bills, and the fixing and appointing of the Committees.

S. O. 137. " 11. Provision is made for the appointment of a Committee on Unopposed Bills. This Committee consists of the Chairman of Committee of Ways and Means, together with one of the Members ordered to prepare and bring in the Bill, and one other Member not locally or otherwise interested, or a referee.

S. O. 87, 88, 89. " 12. Under Standing Orders 87 to 89 a Court of Referees on Private Bills is constituted. The Court consists of the Chairman of Ways and Means, with not less than three other persons. The Chairman of Ways and Means makes rules regulating the procedure and practice of the Committee, which has to decide as to the rights of petitioners against Private Bills and against Provisional Orders to be heard on these Petitions.

S.O. 193–226. " 13. The practice of the House itself with regard to Private Bills is laid down in Standing Orders 193–226. Debates may be raised on second reading, on instruction to Committees, after second reading, on report of Committee, and on third reading.

" 14. Fees are charged to those promoting and opposing Bills, in accordance with a Table of Fees, which was revised and made a Standing Order of the House so long ago as 1864.

" 15. Having thus briefly summarised the provisions of Standing Orders with regard to Private Bills, your Committee turn to the evidence which was given before them.

Chandos Leigh, 197. " (A.) Sir Chandos Leigh states that in the years 1898, 1899, and 1901, 35 days elapsed between the assembling of Parliament and the sitting of the first Committee on a Private Bill; in 1900 the period was 41 days, and in 1902, 40 days. Various provisions in the Standing Orders contribute to this great loss of valuable time. Without exception the opinion was expressed that no reason exists for the 21st December being the date for depositing Bills in the House of Commons, whilst the 17th is the date in the House of Lords. There was, however, difference of opinion as to whether an earlier date, however desirable it might be, could be fixed.

Pritt, 420; Gray, 1956; Compton, 1657.

Gray, 1950; Beale, 2118; Morse, 2169. " (B.) Mr. Gray, Mr. Beale, Mr. Morse and other witnesses agreed in suggesting that Petitions for leave to bring in a Private Bill to the House of Commons might be abolished. These petitions are a mere formality, and they are not required in the case of Bills originating in the House of Lords.

" (C.) No evidence was given in favour of retaining the first reading stage, which being a mere formality might be regarded as being complied with on the Bill passing the Examiners on Standing Orders.

Lowther, 117. Pritt, 425 *et seq.*: Brevitt, 1294; Boyce, 1591; Baker, 1607; Beale, 2122. " The evidence shows that petitions against Bills could be deposited at a fixed and earlier date than at present, which is now the cause of considerable delay. Mr. Lowther sees no objection to the petition being deposited at a fixed date, in which opinion Mr. Pritt, Mr. Brevitt, Mr. Boyce, Mr. Baker, and Mr. Beale agree. One of these witnesses suggested 12th February as the date, another 10th February, and Mr. Gray suggested that Bills should be divided into classes with a fixed date for deposit of petitions against Bills in each class in order to avoid the pressure he thought a single date might lead to.

Bonham Carter, 1113 *et seq.* Gray, 2083. Chandos Leigh, 266. Bonham Carter, 1120. Pritt, 430. " (D.) There was practical unanimity as to the delay caused by the proceedings under Standing Orders 62–66 in connection with what are known as Wharncliffe meetings; Sir Chandos Leigh and Mr. Bonham Carter were agreed on this point and suggested the adoption of Standing Order 91 of the House of Lords, a view in which Mr. Pritt concurred. Under this Standing Order second reading must take place within 14 days of first reading.

"(E.) Mr. Lowther and Mr. Beale suggested a fixed date after which no second reading of a Bill originating in the House of Commons should be allowed, and Mr. Beale and Mr. Morse made the suggestion that proof of the Wharncliffe meeting should be given in Committee. Lowther, 47; Beale, 2154. Beale, 2133; Morse, 2210.

"(F.) On the subject of the date at which the Examiners take up the Bills, viz., the 18th January, Mr. Campion stated that there was no reason that the interval between the deposit of the Bill and the sitting of the Examiner should be so long, and that an earlier date might be fixed. Campion, 1618, 1634.

"(G.) Mr. Pritt suggested that the Counsel to the Speaker and the Counsel to the Chairman of Committees in the House of Lords might be empowered to determine in which House of Parliament the respective Private Bills should be first considered, and that this could be done before a Session commenced. Pritt, 640.

"(H.) The evidence also shows that considerable delay arises from the difficulty in securing early reports for the Government Departments that the staff of specialists employed on them is limited, and the time between the deposit of Bills and the meeting of the House too short for overtaking the work. Mr. Boyce suggests that Bills should be grouped earlier so that the Department would know in what order they were to be taken, and Mr. Beale made the suggestion that they should be grouped according to the amount of opposition. Baber, 1799; Boyce, 1571, 1578 *et seq.*, 1918. Beale, 2129.

"(I.) In regard to the Court of Referees, Mr. Parker Smith suggested that at least three members of it should be Members of the House, and that the Deputy Chairman should be made Chairman of the Court, and as a paid official of the House should devote his energies to this and other work connected with Private Bill legislation; the latter view was also expressed by Mr. Mellor. Mr. Beale considers the court expensive and unnecessary, and prefers the system in the House of Lords. Mr. Lowther considers that the eight days' notice allowed to promoters might be reduced, an opinion shared by Mr. Bonham Carter but strongly objected to by Mr. Pritt. Mr. Lowther and Sir Chandos Leigh would allow the Committee to grant costs in the cases of frivolous and vexatious objections. Mr. Parker Smith suggests that Standing Orders 132a and 135 should be amended so that persons or associations indirectly affected by Bills should be allowed a *locus standi*. P. Smith, 1345, 1368; Mellor, 769 *et seq.* Beale, 2125. Lowther, 51. Bonham Carter, 1123; Pritt, 485 and 487; Chandos Leigh, 203, 211; Lowther, 136. P. Smith, 1360, 1361.

"(J.) Some evidence was given in favour of strengthening the Committee on Unopposed Bills. P. Smith, 1391; Boyce, 1914.

"(K.) On the subject of discussions in the House on Private Bills, the practice of moving instructions on second reading was deprecated by Mr. Lowther and Mr. Bonham Carter. Mr. Lowther, Sir Chandos Leigh, Mr. Pritt, Mr. Beale, would limit discussion on second reading to questions of principle, and think that the decision as to what discussions should be allowed should be decided by a Committee of the House. Mr. Pritt considered discussion should be on second reading, whilst Mr. Mellor suggests it should be limited to third reading. Mr. Beale and Mr. Morse consider that the reason for opposing the second reading of a Bill should be stated when the Bill is blocked. Lowther, 42. Bonham Carter, 1137. Lowther, 11–49; Leigh, 218; Pritt, 433–523; Beale, 2136. Pritt, 436; Mellor, 720.

"(L.) A considerable amount of evidence was given on the subject of the extension of the Provisional Order system. Mr. Lowther is in favour of preventing corporation and other authorities coming by Bill for powers which they can obtain by Provisional Orders. Mr. Pritt and Mr. Baker express their disapproval of this; but the latter witness was in favour of rendering it possible to obtain by one Provisional Order powers which can under the existing law only be obtained by several separate Orders. Beale, 2143; Morse, 2179. Lowther, 34–91, 140–146. Pritt, 505; Baker, 1783, 1874.

"(M.) The evidence in regard to the fees charged in respect of Private Bills shows that during last year the fees received in this House for Private Business amounted to 40,683*l.* and the approximate estimate of the charges incurred in connection with the salaries of officials connected with Private Business in the House of Commons for the year ending 31st March 1902, was 11,792*l.* The scales of fees in the House of Lords and the House of Commons vary. The opinions of witnesses differ as to whether or not fees should be reduced, but there would seem to be agreement that the fees in the two Houses should be assimilated. Mr. Beale does not consider the fees too high. Mr. Pritt thinks they may unduly press on local authorities. Mr. Baker and Mr. Pember expressed a like opinion with regard to Petitions against Bills. Mr. Brevitt is in favour of reduction, and Mr. Baker considers they should be reduced by one-half. App. 6. Beale, 2149; Pritt, 459 *et seq.*; Baker, 1902; Pember, 2463; Brevitt, 1244; the Associations represented, 1765.

"Recommendations.

"16. Your Committee recommend that all Private Bills should be deposited in the House of Commons on 17th December instead of 21st December.

"17. Your Committee are of opinion that the petition for leave to introduce a Bill in the House of Commons is unnecessary and should be discontinued.

"18. They further recommend that the Chairman of Ways and Means and the Chairman of Committees in the House of Lords, or their Counsel, should determine before the end of January in each year, in which House the respective Bills should be first considered, and that the first reading stage in the House of Commons should be dispensed with.

"19. Your Committee recommend that the date for the sitting of the Examiner should be altered to 12th January and that all Petitions against Private Bills should be deposited on or before 12th February in each year.

"20. The attention of your Committee has been directed to the delay which arises from the fact that no limit of time is fixed under Standing Orders 62–66 between the first reading of a Company Bill and the reference to the Examiner, and your Committee recommend that compliance with these Standing Orders should be proved within a fixed period of five weeks from the date on which the Bill passed the Examiner on preliminary Standing Orders.

"21. Some witnesses thought the *House Fees* too high, but after investigating the total costs incurred by bringing opposed Bills before Parliament, it was found that the House Fees in the larger Bills bore a very small proportion to the total costs, and in the smaller cases the Fees were about one-fourth or one-fifth of the total costs. The Chairman of Ways and Means was not in favour of reducing these Fees; but your Committee think that the Chairman of the Lords and Chairman of Ways and Means, with certain officials of both Houses whom they might select, should confer together with a view of a general revision of the scale of fees, and making them identical in the two Houses.

"22. Evidence was given that if Bills of a similar character were grouped together, Government Departments might take them in order, and thus make their reports earlier to the Committees, and your Committee recommend that this should be done, and also express an opinion that the Local Government Board should endeavour to make their reports on Private Bills earlier than at present.

"23. The evidence taken shows that if the General Public Health Legislation in England were brought up to date the necessity for many of these Bills would be removed, and this class of Committee work greatly reduced in volume.

Appendix No. 9.

Parker-Smith, 1373.

Parker-Smith, 1360 and 1361.

"24. The *Court of Referees* or of *Locus Standi* is constituted under Standing Order 87, and consists of the Chairman of Ways and Means, and not less than three other persons appointed by Mr. Speaker; *your Committee therefore recommend* that the Court should be reconstituted, and consist of the Chairman and Deputy Chairman of Ways and Means, and that all its members should be Members of the House of Commons, with the addition of two officials nominated by Mr. Speaker, and that this Court should have power to award costs analogous to that possessed by Committees of the House, and also that the Court should have larger discretionary powers with regard to granting a *locus standi* to Petitioners who satisfy them *primâ facie* that they are likely to be injuriously affected by a Bill, but whose cases are not covered by existing Standing Orders, and that Standing Order 133a should be amended so that associations or persons representing interests or traffic affected by Bills other than those specified in that Order; also that Standing Order 135, which gives a *locus standi* to owners, &c. of property 'in' a street through which it is proposed to construct a tramway, should be extended to owners, &c. of property, the access to which is materially dependent on the said street; also that the word 'street' should be extended, *e.g.*, by adding such words as 'road' or place, should be allowed a *locus standi*.

Appendix No. 2.

"25. Several witnesses urged that the *discussion of Private Bills in the House* itself should be limited to one stage only, and that instructions to Bills should not be permitted; but as it appears from a Paper handed in by the Chairman of Ways and Means that during last Session only 13 hours and 55 minutes were occupied in discussing the second readings of Private Bills, and that no instructions were moved, your Committee believe that the new rules of the House relating to Private Business tend to reduce the length of the discussions on Private Bills, and are unwilling to advise that the control of the House over Private Bills should be more limited than at present.

"26. On the subject of Joint Committees of the two Houses, and the extension and alteration of the Provisional Order system, your Committee do not feel they can report, as these matters should form the subject of consideration for a Joint Committee of the two Houses.

"27. Attention was drawn to the difficulty of getting members to sit on Private Bill Committees, but your Committee have reason to think that many members escape serving on these Committees altogether, and from a return made to the House of Commons in 1900 it appears that 275 members (omitting members of the late and present Government) never served at all on Private Bill Committees during the whole of the last Parliament.

"Your Committee recommend, therefore, that more care should be taken by the Committee of Selection in summoning all members in turn to serve on Committees.

Committees on opposed Bills.

Gray, 2003.

"28. Your Committee think that steps should be taken to secure more uniformity in the decision of Committees on opposed Bills than is possible at present, when each Committee acts as an independent unit without any guidance from recorded precedents other than the *ex parte* statements of counsel. They see no reason why there should not be kept in the Committee Office an official record of any important decisions on points either of practice (*e.g.*, the award of costs, refusal to hear counsel) or of principle (*e.g.*, the granting of compensation to the rates in the case of large demolitions of property, the grant of any exceptional terms for loans or payment of interest, or of any important powers or obligations in excess of the ordinary law). Some of these matters are, in the case of Corporation Bills by Standing Order No. 173*a*, required to be reported to the House, but no record is required or is kept, and a new Chairman is often at a great disadvantage in dealing with such questions. The evil would be much more serious if it were not for the careful attention given to all novel and doubtful proposals in Bills by the Chairman of the House of Lords, who, by raising objection to them in an early stage, often induces the promoters to modify or withdraw them. They think that his action might well be reinforced in this House by providing the Chairmen of Committees and officials with a carefully kept record of decisions and precedents on such points as they have mentioned, as well as by the purchase of a copy of the Minutes of Proceedings of every Private Bill Committee of both Houses, such copy to be kept in the Private Bill or Committee Office, and to be available for the use of any Chairman.

" 29. On points of practice it might also be desirable that the General Committee on Railway and Canal Bills should from time to time confer, either among themselves or together with Chairmen of other opposed Bill Committees, so as to maintain some uniformity in their decisions, and to deal with any new questions that may arise.

" 30. Cases have occurred from time to time in which Promoters or Petitioners have been unreasonably or vexatiously subjected to expense, as, for instance, by the withdrawal of Petitions or Bills at the last moment, and without due notice, when all the expenses necessary for the hearing have been incurred. Those cases are not covered by the Standing Orders and the Costs Act as they stand at present, and your Committee consider that the Standing Orders, and if necessary the Costs Act, should be amended so as to cover them.

Smith, 572 to 512.

Pember, 2447 –50.

" 31. Your Committee had evidence that objections are from time to time taken successfully to Petitioners being heard on matters which they seek to raise, on the ground that they are not sufficiently specified in their Petition, with the result that they are imperfectly heard or are compelled to withdraw and oppose in the other House, whereas if an amendment of the Petition were allowed the matter might well be fully heard and a second opposition avoided.

S. O. 128 (Power to amend Petition).

Baker, 1906.

" Standing Order 128 affects to provide for amendment, but it is a dead letter.

" Your Committee recommend that, especially after reasonable notice when practicable, powers of amendment of Petition should be given at the Committee stage, and possibly earlier, analogous to those which exist and are freely used under Order 28 of the Rules of the Supreme Court of Judicature.

" 32. There are two matters relating to the procedure before Committee on Private Bills to which your Committee consider attention should be called.

Procedure before Committee.

" They think it would materially conduce to the better guidance of a Committee on an opposed Bill if, in cases where the petitioners call no evidence, the counsel for the promoters were allowed the right to sum up his evidence before the counsel for the petitioners is heard, as is the practice in Courts of Law.

" The second point is the following :—

" Where two or more Bills are heard together, counsel for the promoters of the second or (third) is, according to present ordinary practice, allowed to address the Committee once only, viz., either before or after calling his witnesses, as he may elect.

" On several occasions during recent Sessions he has been allowed by special leave of the Committee to make a short statement, mainly in explanation of his own case, before calling his witnesses, and to address the Committee again at a later stage in support of his whole case and against that of the other Bill or Bills.

" This new practice has been found of advantage to both the Committee and the parties, and Your Committee recommend that it be generally adopted in place of the present one."

Motion made and Question,—That the Draft Report proposed by the Chairman be read a second time paragraph by paragraph—(The *Chairman*),—put, and *agreed to.*

Paragraphs 1—11, *agreed to.*

Paragraph 12 :

Amendment proposed, in line 2, to leave out the words "The court consists," in order to insert the word "consisting "—(Mr. *Hobhouse*),—instead thereof.

Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived.*

Question, That the word "consisting" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in line 3, after the word "persons" to insert the words "appointed by Mr. Speaker "—(Mr. *Worsley Taylor*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in line 3, after the last Amendment, to insert the words "The persons at present appointed are five Members of the House of Commons, Mr. Speaker's Counsel and the Referee "—(Mr. *Worsley Taylor*).—Question, That those words be there inserted,—put, and *agreed to.*

Paragraph, as amended, *agreed to.*

Paragraph 13, amended, and *agreed to.*

Paragraph 14, *agreed to.*

Paragraph 15, *postponed.*

Paragraphs 16 and 17, *agreed to.*

Paragraph 18 :

Amendment proposed, in line 3, to leave out all the words from the word "considered" to the end of the paragraph in order to insert the words "Your Committee recommend that the first reading stage of Private Bills in the House of Commons should be dispensed with as being a mere formality, and that Bills should be deemed to be read a first time on passing the Examiner on Standing Orders "—(Mr. *Worsley Taylor*)—instead thereof.

Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived.*

Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, after the last amendment, to add the words "The abolition of the two stages mentioned above will necessitate a re-arrangement of the House fees, certain of which are payable at these stages. This would form part of the general revision proposed later"—(Mr. *Worsley Taylor*).—Question, That those words be there added,—put, and *agreed to.*

Paragraph, as amended, *agreed to.*

Paragraph 19 :

Amendment proposed, in line 2, after the word "January," to insert the words "the dates for the memorials against Bills being correspondingly altered, and the date for the deposit of money under Standing Order 57 being altered to 9th January"—(Sir *C. Renshaw*).

Question, That those words be there inserted,—put, and *agreed to.*

Question put, That the paragraph, as amended, stand part of the Report.—The Committee divided :

Ayes, 3.	Noe, 1.
Mr. Hobhouse.	Mr. Worsley-Taylor.
Mr. Brynmor Jones.	
Sir Charles Renshaw.	

Paragraph, as amended, *agreed to.*

Paragraph 20, *agreed to.*

Paragraph 21 :

Amendment proposed, in line 1, to leave out the words "Some witnesses thought the House fees too high, but"—(Mr. *Hobhouse*).—Question, That those words stand part of the paragraph,—put, and *negatived.*

Another Amendment proposed, in line 1, to leave out the words "After investigating" in order to insert the words :—

"1. As regards House fees, there seems no doubt that, considering the large increase of fee receipts in recent years, the net annual profits derived by the Exchequer from Private Bill Business (excluding any charges for the use of the Committee Rooms in the two Houses), are at least as high as the estimate adopted by the Select Committee on the Private Bill Procedure (Scotland) Bill, which sat in the year 1898, viz., 32,496*l.* The Report of that Committee ends with a strong recommendation that 'those who are responsible for fixing these fees should materially reduce them' (p. iv). In this recommendation we concur, subject to the following remarks :—

"2. While the representatives of local authorities are inclined to demand a large reduction of fees all round, we have evidence to show that the grievance is much more keenly felt in the case of small than of large undertakings, and especially where there is no opposition to the Bill. While the fees form only a small proportion of the total cost of large and keenly fought measures, brought forward mostly for the profit of their promoters, they amount to one-third or even one-half of the cost of small unopposed measures, many of which are promoted by local authorities for the public advantage. The figures we have had laid before us show that the *minimum* charge for an unopposed Private Bill not opposed in either House is estimated to be 192*l.* (80*l.* in the House of Commons, 112*l.* in the House of Lords).

"3. Several witnesses have complained of the want of uniformity of fees in the two Houses. While those of the House of Lords are not uniformly higher, they are apparently more burdensome in the earlier stages of Bills than those of the House of Commons. Subject to our subsequent suggestions for amalgamating the two Private Bill Offices, thus securing complete uniformity of fees, we recommend that the House charges be carefully revised by a Joint Committee of both Houses with a view to relieve both promoters and petitioners from what may fairly in many cases be considered excessive charges in proportion to the size and character of the undertakings"—(Mr. *Hobhouse*).

Question put, That the words proposed to be left out, stand part of the paragraph.—The Committee divided :

Ayes, 2.	Noes, 2.
Mr. Brynmor Jones.	Mr. Hobhouse.
Mr. Worsley-Taylor.	Sir Charles Renshaw.

Whereupon the *Chairman* declared himself with the Ayes.

Another amendment proposed, in line 2, to leave out all the words from the words "it was" to the word "but" in line "5," both inclusive—(Sir *C. Renshaw*).—Question, That those words stand part of the paragraph,—put, and *negatived.*

Another amendment proposed, in line 6, to leave out all the words from "the Chairman" to the word "together," in line 7, in order to insert the words "a Joint Committee of the two Houses should be appointed with a view to a general revision of the scale of fees, and to their being made identical in the two Houses"—(Mr. *Hobhouse*)—instead thereof.

Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived.*

Question, That those words be there inserted,—put, and *agreed to.*

Paragraph, as amended, *agreed to.*

Paragraphs 22 and 23, *disagreed to.*

Paragraph 24:

Amendment proposed, in line 1, to leave out all the words from the words "The Court" to the word "Speaker" in line 3—(Mr. *Hobhouse*).—Question, That those words stand part of the Report, —put, and *negatived.*

Another Amendment proposed, in line 4, to leave out all the words from the word "Means" to the word "Speaker," in line 6, in order to insert the words "with seven other Members of the House of Commons nominated by Mr. Speaker, with the assistance of not more than two Officials of the House acting as assessors."—(Mr. *Worsley Taylor.*)

Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived.*

Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in line 11, to leave out all the words from the word "Order" to the end of the paragraph—(Mr. *Hobhouse*).—Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived.*

Paragraph, as amended, *agreed to.*

[Adjourned till Tuesday next, at Half-past Eleven o'clock.

Tuesday, 18*th November* 1902.

MEMBERS PRESENT:

Mr. JEFFREYS in the Chair.

Mr. Hobhouse.	Mr. Brand.
Mr. Worsley Taylor.	Mr. Brynmor Jones.

Paragraph 25:

Amendment proposed, in line 3, after [the word "during" to insert the words "the 10 years preceding 1901 the average number of hours per annum spent on such discussion was 28, but that in 1901 it rose to 53, but during"—(Mr. *Hobhouse*).—Question, That those words be there inserted,—put, and *agreed to.*

Other Amendments made.

Paragraph, as amended, *agreed to.*

Paragraph 26, *agreed to.*

Paragraph 27:

Amendment proposed, in line 6, to leave out the words "more care should be taken"—(Mr. *Hobhouse*).—Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived.*

Another Amendment proposed, in line 7, after the word "Selection" to insert the words "should take steps to see"—(Mr *Worsley Taylor*).—Question, That those words be there inserted, —put, and *agreed to.*

Other Amendments made.

Paragraph, as amended, *agreed to.*

Paragraphs 28 and 29, amended, and *agreed to*

Paragraph 30, *agreed to.*

Paragraph 31, amended, and *agreed to.*

Paragraph 32, *agreed to.*

Amendment proposed, That the following new paragraph be inserted in the Report: "It has been suggested that the cost of the Parliamentary notices now required by the Standing Orders might be considerably reduced if they were assimilated to the more summary form of notices required by the Light Railways Commissioners, and in the case of a Provisional Order. Your Committee believe that the public and all parties interested would be sufficiently safeguarded and at least equally well informed by a shorter form of notice"—(Mr. *Hobhouse*).—Question proposed, That the proposed paragraph be inserted in the Report.

Amendment proposed, in line 6, after the word "notice," to add the words "at any rate, in the case of those inserted in the local newspapers"—(Mr. *Worsley Taylor*).—Question, That those words be there added,—put, and *agreed to*.

Paragraph amended and inserted in the Report.

Committees on unopposed Bills.
Mellor, 740, 769.
Parker Smith, 1373.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "The evidence taken goes to show that, while the composition of Committees on opposed Bills gives general satisfaction, that of Committees on unopposed Bills might well be strengthened. The duties of the Chairman of Ways and Means in the House itself have now become so exacting that it is clear that he cannot at many periods of the Session exercise adequate supervision over unopposed business. Your Committee are of opinion that a careful and thorough examination of unopposed Bills is required in the public interest, as such Bills often contain large and far-reaching powers which it may be contrary to the public advantage to grant, although it may not happen to be to the interest of any individual to oppose them. They also often contain financial proposals of large importance which should only be sanctioned after full examination. To master the multifarious proposals of this class of Bills means in itself heavy work which cannot be expected from the Chairman of Committees even when aided by the Speaker's Counsel. Your Committee, therefore, recommend that the Deputy Chairman should be a salaried official of the House, and should be made responsible, in the absence of the Chairman, for all Private Business both in and out of the House (except so far as it may be dealt with by opposed Bill Committees), and that a panel of four members should be appointed by the Committee of Selection to assist the Chairman or Deputy Chairman with the Committees on unopposed Private Bills. Any points in these Bills which affect the Public Interest or which raise new precedents, and which are not specially reported on by a Government Department, should be brought to the attention of this Committee by the Speaker's Counsel"—(Mr. *Hobhouse*).

Paragraph amended and inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee think that if such a Committee (of which the quorum should be three) were constituted, it might be empowered to decide minor points in dispute between the parties to opposed Bills, which cannot be settled by agreement, but which are not worth taking before an opposed Bill Committee, and on which both parties are willing to accept the decision of a more summary tribunal. This power would be somewhat analogous to the power of conciliation, in case of disputes between traders in railway companies, vested in the Board of Trade, a power which has been found by experience to save time and expense"—(Mr. *Hobhouse*).

Pritt, 591.

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee consider that the Member who introduced the Bill should (as at present) be summoned to attend the meeting of the Committee, but they recommend that neither he nor the Speaker's Counsel should be a member of the Committee"—(Mr. *Hobhouse*).

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee recommend, That a new Standing Order should be drawn up requiring a Board of Trade Report on all proposals for supplying electrical energy. This might be modelled on Standing Order 155"—(Mr. *Hobhouse*).

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee recommend that Standing Order 110 be omitted as obsolete."—(Mr. *Hobhouse*).

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee recommend that Standing Order 133a should be amended so that associations or bodies sufficiently representing interests or traffic affected by Bills other than those specified in that Order, should be allowed a *locus standi*, also that Standing Order 135, which gives a *locus standi* to owners, &c., of property 'in' a street through which it is proposed to construct a tramway, should be extended to owners, &c. of property, the access to which is materially dependent on the said street, also that the said Standing Order should be extended by adding the words 'or road' after the word 'street.'"—(Mr. *Worsley Taylor*).

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee recommend, That Standing Order 208a be amended so as to admit of the Unopposed Order in a Provisional Order Bill proceeding, although others are opposed."—(Mr. *Hobhouse*).

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Another important proposal in the interests of economy is that made to us with respect to the amalgamation into one office of the Private Bill Offices of the two Houses. In such an office Bills and Petitions might be deposited once for all, economies in the staff might be effected, one set of uniform fees might be charged, and all formal proceedings connected with Bills might be simplified. There would appear to be no constitutional objection to such a reform. And your Committee think it deserves to be carefully considered by a Joint Committee, including the two Chairmen of Committees, of both Houses."—(Mr. *Hobhouse*). Boyce 1946-Gray 2007.

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee recommend that steps should be taken to secure as long an interval as possible between the hearing of the Court of Referees of the objections to Petitions against a Bill, and the sitting of the Committee on it. Otherwise, one of the main purposes of the Court fails, viz., the saving of the expense of preparing for the Committee stage in cases where the *locus standi* is disallowed."—(Mr. *Worsley Taylor*).

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee recommend that as soon as possible after the date fixed for petitions against Bills all opposed Bills should be grouped, and the order in which groups should be taken fixed with a view to facilitate the work of the Government Departments, and they are of opinion that the Local Government Board should make its reports on Private Bills at an earlier date than hitherto."—(Sir *Charles Renshaw*).

Paragraph inserted in the Report.

Another Amendment proposed, That the following new paragraph be inserted in the Report: "Your Committee are of opinion that if the General Public Health Legislation for England and Wales were brought up to date, the necessity for many of the Bills now promoted by Local Authorities for the purpose of obtaining extended powers in relation to matters of Public Health or Local Government would be removed, and this class of Committee work greatly reduced).—Sir *Charles Renshaw*).

Paragraph inserted in the Report.

Postponed paragraph 15.

Amendments made.

Another Amendment proposed in line 36, after the word "fixed" to insert the words "but he stated that the fixing an earlier date might cause difficulty in preparing the cases for and against memorials, and that the bulk of the Bills are got through in about eight or nine days"—(Mr. *Worsley Taylor*).—Question put, That those words be there inserted.—The Committee divided:

Aye, 1.	Noe, 1.
Mr. Worsley Taylor.	Mr. Brynmor Jones.

Whereupon the Chairman declared himself with the Noes.

Other Amendments made.

Paragraph, as amended, *agreed to.*

Question, That the Report, as amended, be the Report of the Committee to the House,—put, and *agreed to.*

Ordered, To Report.

LIST OF WITNESSES.

MINUTES OF EVIDENCE.

Tuesday, 8th July, 1902.

MEMBERS PRESENT:

Mr. Brand.	Mr. Brynmor Jones.
Mr. Hobhouse.	Mr. Renshaw.
Mr. Jeffreys.	Mr. Worsley-Taylor.

THE RIGHT HONOURABLE A. F. JEFFREYS IN THE CHAIR.

The Right Honourable JAMES WILLIAM LOWTHER (a Member of the House), Examined.

Chairman.

1. YOU are Chairman of Commitee of Ways and Means?—Yes; I have been so since 1895.

2. You know the terms of the reference to this Committee:—"That a Select Committee be appointed to inquire whether subject to the change in the time at which private business is taken under the Resolution of 1st May 1902, any alterations in the Standing Orders are desirable in the nterests of economy, efficiency, and general convenience"?—Yes.

3. With regard to any alterations which you may think necessary, will you kindly state in the first place whether you think private business can be conducted under the new rules in a similar way to the procedure under the old rules?—So far as we have had experience of the new rules, I think they have been conducive to private business being cut down to narrower limits. It is quite possible that the fact that it has now to come on at nine o'clock acts rather as a deterrent to discussion. I have no doubt (although I have not heard so from agents), that it is not a convenient hour for the agents or parties, and therefore, wherever it is possible to arrive at an arrangement, an arrangement has been arrived at. In fact, on several occasions, since the new rules have come into operation, there have been Bills set down for nine o'clock and a discussion expected, and at the last moment arrangements have been come to and the time of the House has been saved. Therefore, so far as the new rules go, I think their working has been conducive to an economy of the public time.

4. Do you think it would be possible to get the Bills ready earlier in the Session for discussion by Committees?—That involves a number of questions, or rather it involves the alteration of a great number of dates. I do not say it would not be possible, I have no doubt it would be possible; but it would mean first of all that

Chairman—continued.

the Bills themselves should be deposited earlier. At present the date for the deposit of Private Bills is the 21st of December; then come the Christmas holidays, and it means that the officers of the House and the Government Departments cannot get to work upon the Bills before the beginning of January. Now, where there are some 250 Bills deposited, it means a great deal of time and labour for the officers of the House whose duty it is to read these Bills to get them read by the time the Session begins. It is necessary that Lord Morley and his officials in the other House, and that Sir Chandos Leigh in this House, should read the Bills carefully before we can take the first step which is required, which is to divide the Bills between this House and the other House. Until the Bills have been thoroughly read and understood and co-ordinated it is impossible to arrive at any principle under which the Bills can be grouped and divided between the two Houses. That is the first step we have to take when Parliament meets. But if the Bills were deposited a month earlier, say, in the middle of November, or the beginning of November, no doubt that work could be accomplished by Christmas, and we should then be able at once, as soon as Parliament met, the very first day, to divide the Bills, and they could go forward in ordinary course.

5. Do you think it would be any hardship upon the parties introducing Bills to make them deposit them a month earlier, say, by the 21st November?—That would entail that the preliminary notices which have to be published, should also be published a month earlier. It would also entail the draughtsmen who prepare these Bills, getting to work a month earlier, and the Parliamentary agents should set to work a month earlier; and these questions are a good

Chairman—continued.

deal mixed up with the length of the legal Long Vacation. I am not in a position to say whether between the end of the legal Long Vacation and any date the Committee might think right to fix for depositing Bills, there would be time to draft the Bills, or not. Of course there is a great deal of work to be gone through by Parliamentary agents in connection with the promotion of the Bills before they arrive at the final stage of drafting, and no doubt the actual drafting must take some time. May I also add that one of the great difficulties at present as to getting on with Bills earlier in the Session is the fact that the Standing Orders require that every private Bill should be deposited in the office of the Local Government Board. Every private Bill has to be considered by the officials of the Local Government Board, and if they think it desirable, reported on. Now it is perfectly impossible for them to report on every private Bill with any great celerity. The staff is small, the number of men in the office who know the work, who know what is required and who have the precedents at their fingers' ends, is naturally limited; and they can only get through a certain number of Bills per day. But if the Bills were deposited in the office of the Local Government Board and the other public offices at the beginning or the middle of December, there would then be very much longer time for the officials of the Department to employ themselves in drawing up their reports upon these Bills.

6. Requiring the Bills to be deposited earlier would not increase the expense at all, would it; the expense would remain exactly the same as it is now, I suppose?—I do not think the expense would be affected.

7. Must all private Bills be referred to the Local Government Board?—I think every private Bill has to be referred to the Local Government Board.

Mr. *Hobhouse.*

8. At what stage?—When it is deposited.

9. After deposit and before second reading?—At the moment of deposit, a copy of the Bill has to be deposited in the private Bill office here, and at the same time, copies have to be deposited at the office of the Local Government Board, and at the office of any other public department which may be interested in the Bill. Standing Order 33 says: "On or before the 21st day of December, a printed copy shall be deposited (1) of every private Bill at the office of His Majesty's Treasury, at the Local Government Board, and at the General Post Office."

Chairman.

10. Then you think it would certainly be for the general convenience of this House, and in the interests of greater efficiency, if private Bills could be deposited a month earlier than they are now?—I think so. My experience is that at the beginning of a session the time of honourable Members is not very fully employed. During the months of February, and March there are very few Committees sitting, if any; there is nothing particular for Members to do in the mornings, and if they could get to work upon the Committees then, it would be a great advantage to Members, who would then be able in the summer months, May, June and July, to give more of their time to the public business than they are able to do at the present moment.

11. Do you think it would be advisable to reduce the stages on which discussion could be taken upon the Bills in the House?—I have always held that the House is very seldom in a position to give a really sound judgment upon the second reading of a Bill, unless the Bill raises some definite and new principle. Upon such a Bill, of course it is right that the House should pronounce an opinion. But, as a rule, I think the discussions upon second reading are conducted upon *ex-parte* statements. I believe, and I am sorry to think it is so, that a good deal of "lobbying" goes on in respect of Bills, both for and against them, and the House has really not before it the materials to enable it to arrive at a sound judgment. Members come in and vote for all sorts of reasons, and often for no reasons at all, one way or the other, without being fully acquainted with facts which would enable them to arrive at a sound decision. The idea has passed through my mind that it might be perfectly possible to pass a Standing Order—a sort of self-denying ordinance,—by which the House should surrender its right upon second reading (and, indeed, upon every stage but one) to discussion upon Private Bills except in cases where such Bills raise novel principles.

12. Who would decide which were those cases?—My own idea is that the Standing Orders Committee might very fairly decide whether a Bill came within the definition of containing some new principle or of being of such importance that the House itself ought to pronounce an opinion upon it on the second reading. I am strongly of opinion that the House at some stage or other of every Private Bill ought to have the opportunity of pronouncing upon it; but it seems to me that the most desirable stage would be at the final stage.

13. On the third reading?—On the third reading, when the promoters of the Bill have inserted such clauses as the Committee before whom the Bill has gone consider desirable, or when the promoters have entered into such terms with their opponents as their opponents were willing to agree to. On the third reading the House would have the whole matter before it in complete form, and it might then accept the Bill or reject it.

14. Of course the only thing would be that if you had a debate on a third reading, and the Bill was rejected, all the expense incurred would be wasted?—That is quite true. I think that is a lesser evil than allowing parties to incur considerable expense and throwing out their Bill upon second reading upon insufficient grounds, and often, as I say, upon *ex parte* statements not cross-examined to, and statements which very often will not bear investigation.

14*a*. Of course if second reading debates were abolished that would accelerate the work of the Bills coming before Committees?—It would.

15. Committees often have to wait until Bills are

Chairman—continued.

are read a second time?—Yes, at the present time it very often happens that when promoters put a Bill down for second reading, objection is taken to it and in order to endeavour to arrive at an agreement with their adversaries as they hope, the second reading is put off, and then it is put off again and again, and that causes great delay. The Committee on the Bill cannot sit, of course, until the second reading is passed and so Bills get put off to a very late date. I may say at present there is one Bill which now stands for second Reading for the 24th of July.

Mr. *Brand.*

16. What chance has that Bill of getting through?—None. I think they have no right to suspend a bill in that way.

Chairman.

17. Why is it put off till the 24th of July?—I cannot tell you. It is a London County Council Bill. I have some figures here which I think might possibly be of interest to the Committee with regard to the amount of time occupied by private business during the last ten years, I ought to say that these are only approximate figures. They were given to me by the late Mr. Jenkinson last year, and I have had them brought up to date, as far as possible. In the year 1893 the amount of public time occupied by private business during the Session was 22 hours, 25 minutes; in 1894, it was 23 hours 40 minutes; in 1895 it was 24 hours 20 minutes; in 1896 it was 41 hours; in 1897 it was 26 hours, 25 minutes; in 1898 it was 23 hours, 35 minutes; in 1899 it was 24 hours, 30 minutes; in 1900 it was 45 hours, 50 minutes; in 1901 it was 53 hours, 50 minutes; and up to the 12th of June this session, 1902, it was 17 hours and 10 minutes.

18. Do you know what caused the sudden jump as between 1899 and 1900. Up to that date the average time was, approximately, 24 hours; then suddenly it got up to 45 hours and 53 hours, did it not?—Yes. I will say the greater interest taken by Members in private business, to put it as euphemistically as one can.

19. You implied just now that a good deal of the time taken up in discussion by private Members on second reading was rather—I do not like to say wasted time, but not very well employed time?—For the reason I have given: that Members are acting on *ex parte* statements, and not upon sworn evidence cross-examined to. On third reading it would be otherwise. On third reading you have the minutes of evidence given before the Committee upon oath, cross-examined to by able counsel, and in that way the truth is more likely to be arrived at than where it is merely upon statements appearing in memorials circulated by the agents representing either party.

20. Do you wish to say anything about the work done before Committees when Private Bills are brought before Committees?—I think, on the whole, the decisions of Committees give satisfaction. Of course occasionally one hears a grumble at some decision, but speaking generally, on the whole, I believe the work is well done, and gives satisfaction to the parties. The

Chairman—continued.

Committees, of course, are acting judicially; and, as this Committee is no doubt aware, every member of a Select Committee upon a Private Bill has to make a declaration to the effect that neither he nor his constituents are interested in the Bill; and he has to make another declaration, to which I attach great importance, that he will not give a decision without having heard the evidence, which is equivalent in my mind to the oath which is administered to any jury in a court of law when they are called upon to hear a case.

21. Can you tell us now something about the procedure with regard to unopposed Bills, they have to be deposited at a certain date?—Yes. The Promoters of a Bill do not know whether their Bill will be opposed or not until the Petitions are lodged against it. There may be Petitions lodged against the Bill which for a time is opposed, and then the opponents being settled with and the Petitions being withdrawn, that Bill becomes an unopposed Bill. All unopposed Bills are sent to the Unopposed Bill Committee. The Unopposed Bill Committee consists of myself, Sir Chandos Leigh, and one other Member, either a Member interested in the Bill or some other Member, very often Mr. Parker Smith.

22. You and Sir Chandos Leigh, of course, sit as officials of the House?—Yes.

23. Who nominates the third Member?—In the case of Bills originating in the House of Commons the Member whose name is on the back of the Bill attends, but in cases of Bills originating in the House of Lords we always take Mr. Parker Smith; it might be anybody, but it so happens that Mr. Parker Smith is prepared to give his time and attention to the matter, and he attends.

24. Do you appoint the third Member?—I do not know with whom the power rests, but what really happens is that my clerk, Mr. Horace West, writes to him and asks him if he would attend upon that particular occasion, so as to make a third Member of the Committee.

25. What happens after a bill is declared unopposed; does it then come before you and Sir Chandos Leigh?—What happens is this: The promoters generally come to my clerk, Mr. Horace West, and say, "We want to get on with this Bill; what day can you give us"? Mr. Horace West consults me, and I select whatever day I am free. Before that day arrives Sir Chandos Leigh reads the Bill carefully in conjunction with the reports, if any, of the Government Departments, he sends for the agent for the Bill, and he goes through all the different paragraphs of those various reports, and asks the agent to comply with them, and if the reports are not complied with he asks him the reason why he proposes not to comply. As a rule the reports are complied with, but there are cases in which the promoters have reasons, which they think good ones, for not complying with the reports of the Government Departments. Those particular points are reserved for the decision of the Unopposed Bill Committee, and when the Bill comes before us, sitting as the Unopposed Bill Committee, we then take those reserved

Chairman—continued.

points, hear the arguments of both sides and decide upon them.

26. Of course from the necessary call upon your time you are obliged to rely upon Sir Sir Chandos Leigh's reading the Bills; you have not time to read them yourself?—I do read them if they come on earlier in the session, when my time is not so fully occupied, but at this time of the session, when I am sitting from a quarter or half-past two every day until midnight, it is really more than I can undertake to do, to read the Bills through and to go through them with the reports and prepare myself in regard to them. Sir Chandos Leigh does all that work for me leaving for my decision, or rather for the decision of the Unopposed Bill Committee, such points as may still be in dispute between him and the agents after they have gone through the Bill.

27. Of course we know how occupied your time is, and we ought to apologise for calling you here this morning, but as a matter of fact you rely upon Sir Charles Leigh and the Government departments, I suppose; the Government departments have naturally read the Bill?—They have read the Bill and have made reports upon it. Those reports are sent to my office and we consider them very carefully, and we have to give reasons why we do not comply (if we do not comply) with any particular demand contained in these reports. If you look carefully through the Parliamentary papers which are circulated day by day, you will find the reports from the Unopposed Bill Committee upon all such matters as the Standing Orders require should be reported upon, with reasons given for dissenting from the Reports of the Goverment Departments, or showing (in the Appendix very often) how the Reports of the Government Departments have been met in dealing with the Bill.

28. In fact, if you had not such a reliable Counsel as Sir Chandos Leigh, many of the Bills might slip through, I suppose, without much criticism?—Certainly; if it depended solely upon myself, I am afraid I should not be equal to the whole work. I could not give the time that is now required for public business, and at the same time give such thorough attention to private business as is necessary; that is really more than one man's work. But I would like to guard myself by saying that if this Private Bill work came on earlier in the session I could do a great deal more, and when it comes on early in the session I do then read carefully through the Bills and Reports. But, of course, whatever we do, there must be a certain stream of work at this period of the session, because there are all the House of Lords Bills coming down to us; that is to say, about half the number of Bills begin to come down to us during the latter half of the session.

29. Might not that be accelerated in the same way if they were deposited earlier?—I am afraid I have not made it quite understood what happens. All Bills are deposited on the 21st December. The Promoters do not know then whether their Bill will be a House of Lords Bill or a House of Commons Bill. The first thing

Chairman—continued.

that happens in the Session is that the Lord Chairman and myself meet and we formally divide the Bills between the two Houses. A Bill then becomes either a House of Commons Bill or a House of Lords Bill. Then the Lords set to work upon their Bills and the Commons set to work upon their Bills. The Bills which have been before the Commons early in the Session go up to the Lords late in the Session, and the Bills which have been in the Lords early come down to the Commons late; therefore it is not a question of depositing Lords Bills earlier.

30. You say that Bills which have been early in the Lords come here late?—Yes, because the Lords have occupied some time considering them; they may have been two or three months, perhaps, considering them before the Bills come down to us.

31. What I asked was, if all the Bills were deposited a month earlier, would not the House of Lords Bills come down here earlier in the session, instead of creating the press of business, which you say there is now?—They would come a little earlier, but, of course, they must come after the Commons Bills.

32. Quite so; they would all be got forward with earlier in the session, I presume?—I cannot tell you whether the Committees in the Lords would be manned as readily early in the session as the Committees of the House of Commons could be; that is a matter that is entirely within Lord Morley's knowledge. I do not know whether it may be more difficult to get Peers to sit upon Private Bill Committees in the earlier months of the session, than it is to get them to sit in the summer. As to that, I could not speak, but, of course, the earlier you get to work the earlier you finish.

33. I do not know whether we ought to ask you anything about the costs of private Bills?—I can only form the same opinion, with regard to that question, as any other Member. I am strongly against making private Bill legislation cheap. I am in favour of keeping up the fees. I do not, of course, want to see parties put to excessive expense, but I am not at all in favour of making private Bill legislation cheap and easy, because I think, as it is already, there are a certain number of persons who come up and get their Bills through and then when they have got their Bills sell them; they try to make what money they can out of their Act, and I am afraid if it were made cheap and easy, it would only encourage speculators to come here a great deal more than they do now. I think the cost of getting a Private Act of Parliament is a test of *bona fides* on the part of Promoters and one which I should be rather sorry to see destroyed.

34. On the other hand, of late years a great many municipal bodies have introduced Bills for the benefit of their own boroughs; would it not be advisable to reduce the cost to them in some way?—I think municipal boroughs come here very much because they think they can get better terms out of Committees of Parliament than they can from the Government Departments. What I should like to see introduced

Chairman—continued.

duced would be a Standing Order to the effect that no body should come here to ask for powers which they can obtain by Provisional Order or which they can obtain by applying to a Government Department. I think that would relieve this House of a considerable amount of work, and it would also give a greater check upon the expenditure than now exists, because there is no doubt that the Government Departments are more easily able to check the expenditure and to compare it with the liabilities of those who come here with legislative proposals, than a Committee of the house can do; they have machinery at their disposal in the shape of engineers and financial advisers and experts whom they can send down to hold local inquiries, which a Committee of the House has not got.

35. Then you are in favour of Provisional Orders in many instances taking the place of private Bills before this House?—Yes. I have not thought the matter out quite fully yet, but I am not sure it would not be possible in the case of English private Bills to follow the same principles as are laid down in the Scotch Private Bill Legislation Act of two years ago, I do not know whether the Committee would care for me to explain the principle of that Act; they are probably well acquainted with it. The principle of it is that all legislative proposals should be deposited as Provisional Orders; that then the Lord Chairman in the other House and myself meet and consider whether those Provisional Orders should go forward as Provisional Orders, or should be treated as private Bills. Then we divide them up. With regard to those that go forward as private Bills, there is nothing more to say; they go on as private Bills in the House. With regard to those that go on as Provisional Orders, if they are opposed they are sent down to the locality to be inquired into by a Committee composed of two Peers and two Members of the House of Commons taken from a special panel; if they are not opposed, the Provisional Order is considered in the Department, and is made in the ordinary way. Then all these Orders, whether opposed or whether unopposed, have eventually to come to the House in a Confirmation Bill. Parliament, therefore, still keeps some control over these matters, but the inquiry is local. Now, so far, I believe (Mr. Renshaw will correct me if I am wrong about this), the Act has given satisfaction in Scotland; it certainly has relieved this House of some amount of work; and I do not think the demand made upon the Members or the Peers who give their time to these local inquiries has been excessive. But the only question is whether if the principle were applied on a large scale to England where there are some 200 Bills or 150 Bills in a session it would be possible to ask so many members to absent themselves as would be necessary to man the Committees which would have to sit in different parts of the country to consider these proposals.

36. Moreover is it not the fact that there would be great difficulty in getting counsel and agents to go down from London to the country to investigate these Bills instead of meeting here in London where they are all on the spot?—Yes, there is that point, of course. I remember Mr.

Chairman—continued.

Pope in some evidence which he gave before the last Committee upon Private Bill Legislation, said that he thought it would be more expensive, because the big counsel being deprived of their other work would require much bigger fees to go down, say to Newcastle, or Glamorgan, or Swansea, or anywhere at a considerable distance from London.

37. Was not this business deputed to these committees in Scotland on account of the distance of Scotland from the metropolis, and the difficulty of getting witnesses up here, and also very often of getting Scotch lawyers up here?—I think it was also founded upon the principle of saving the expense. It was thought that the expense of getting witnesses and experts and solicitors, and so forth, all up to London would be greater than getting counsel down into the locality.

38. It might be just the reverse in England? It entirely depends upon whether the parties interested would think it absolutely necessary to employ some of the leading counsel here, or whether they would be satisfied with local counsel; for I take it that in nearly every big centre in England now there are a considerable number of counsel who are practising locally who would have local knowledge, although they might not have the same knowledge of parliamentary precedents that the members of the bar practising here would have.

39. Now there is another matter which, apparently, might save a great deal of time and a great deal of money, and that is if the Bills here were referred to a Joint Committee instead of to Committees of each House; what is your opinion about that point?—I rather think that that would save some time, and I think on the whole it would be desirable. I was reading the other day the evidence given before the 1888 Committee. There was, I remember, considerable objection taken to that proposal, but on the whole I think I am favourable to it. I think it is very seldom necessary to have two hearings.

40. You think one hearing before a Joint Committee, and one discussion in each House would be sufficient?—I think so. I should like to guard myself by saying I have not a very strong opinion with regard to that, but I think on the whole, Joint Committees seem to have worked well, and I do not see why the principle should not be extended.

41. With regard to the cost of Private Bills, you said you did not see any necessity for reducing the cost; is there any reason why the House fees should vary in this House from what they are in the House of Lords?—I do not know; I fancy in the House of Lords the whole establishment is kept up out of the fees. In this House the establishment is paid for out of the Votes in Supply, and the fees are simply brought in as an appropriation in aid. But that question does not come within my department, and I do not feel able to express an opinion upon it.

42. Is there anything else that you would like to say?—There is one thing that I should like to say; that is with regard to the growing habit of moving instructions upon private Bills. The effect

Chairman—continued.

effect of the proposal which I have suggested with regard to the second reading of Bills being taken in silence, or not being taken in the House at all, would, I think, be largely destroyed if it were open to any Member to put down an instruction upon a private Bill, and raise a discussion in that way. Now, my suggestion is that instructions upon private Bills should be governed by the same rules as govern instructions upon public Bills. At the present moment it is very difficult indeed to draft an instruction upon a public Bill which is in order; they are very limited and the ground which they can cover is extremely narrow. But with regard to private Bills it appears to me you may move an instruction on almost any mortal thing.

Mr. *Brynmor Jones.*

43. It may be mandatory too, I suppose?—Yes, it may be mandatory; it may have reference to matters within the Bill, or it may have reference to matters wholly outside the Bill. Of late years since I have come into Parliament this question has grown very much; I think it is likely to develop into an abuse, and I should like very much to put it back into the same position in which instructions upon public Bills are. In the House of Lords, until last week, I do not believe that they knew what such a thing as an instruction upon a Private Bill was; but last week there was an instruction upon a private Bill carried which upset the decision of a Committee presided over by the honourable Member sitting on your right. That is the first case of the kind I believe in the House of Lords.

Chairman.

44. Who would control the right to put down instructions?—The Speaker.

45. In the same way as in public Bills?—Yes.

46. Would not that throw a great deal of additional work upon the Speaker?—I do not think so They have to be given notice of, and he would be able to consider whether the instruction came within the proper definition or not. He has to consider now all instructions; but the practice has grown so lax, that I think it might become an abuse and would nullify any such proposal as I have suggested in regard to second reading debates.

47. Is there any other evidence that you wish to give to the Committee?—I think there should be a time limit fixed for the second reading of Bills. I do not see at all why we should not have a time limit for private Bills, as we have now for Provisional Orders—No Provisional Order can be introduced into our House after, I think, the 1st of June—I do not see why it should not be possible to say that no private Bill should be read a second time after the 1st of April, or whatever time the Committee chose to fix. Of course, that Order itself could, in special circumstances, be suspended, as it is, in special circumstances only, suspended in the case of Provisional Order Confirmation Bills now.

Mr. *Brynmor Jones.*

48. That could only apply to Commons Bills?—To Commons Bills.

Chairman.

49. But how would that work if your suggestion were carried out that there should be no discussion on the second reading of a private Bill?—This is an alternative suggestion. I do not know whether I made myself clear with regard to the Standing Orders Committee suspending the new proposed Standing Order. At present the Standing Orders Committee is charged with deciding whether Standing Orders which are not complied with shall be suspended or not, and I think they would be a very proper body to consider whether a Bill should or should not go before the House for second reading.

50. You propose that that should be a matter that should be decided by the Standing Orders Committee?—Yes. It has been suggested that the power should rest with the Chairman of Ways and Means; but I do not think that is very desirable. It would be rather invidious work to throw upon one individual. The Standing Orders Committee are already constituted; they already deal with questions of the suspension of Standing Orders. This very case would really be a question of the suspension of Standing Order; therefore I think they would be the proper body to consider it. The way in which it would work would be this: the opponents to a private Bill who think that some novel principle is involved, or that the Bill is of great magnitude and ought to be discussed or who have some other reason which they consider sufficient, would memorialise the Standing Orders Committee to suspend the Standing Orders in that case, and to order the Bill for second reading. Then the Promoters of the Bill would state their case. The Standing Orders Committee would meet in ordinary course and would decide the question. They could hear the parties, if necessary, or they could simply decide upon the memorials which were presented to them. As to the class of Bills which I think ought to be considered upon second reading, I have jotted down a few. Bills like the first Electric Power Bills which were brought into this House, which started a new principle; the first Twopenny Tube Bills; the Channel Tunnel Bill; the Mono Rail Bill; the Mond Gas Bill; and there are many others of a similar description—which contain novel principles. After the House had passed one or two of those Bills the principle would no longer be novel, and it would not be necessary that such a Bill should be discussed a second time.

51. With regard to the Court of Referees, are you of opinion that it should remain as it is at the present time?—Yes, I am. I think it is very desirable to retain it. I consider it is a very useful court. It has been suggested that by an alteration of the rules of the Referees' Court we could get cases heard before that court more rapidly than they are now heard. The rule is that after the deposit of a Petition against a Bill the promoters are allowed eight days for giving notice of objection to such Petition. It has been suggested that those eight days might be cut down to four days; I do not see any objection to that and I should be prepared to do that if the Committee considered it desirable, for the power of

Chairman—continued.

of making the rules rests entirely with me, I could do that.

52. You could do it without an Order of the House?—Yes; but as a matter of fact the promoters of a Bill who want to get on with their Bill have only got to give notice the next day, or two days or three days after the deposit of the petition—they are not obliged to wait until the end of the eight days. Then the matter is ready for hearing, so that any delay in the hearing of an objection to a Petition is entirely within the control of the promoters of Bills.

Mr. *Brynmor Jones.*

53. An interval of four days might be a little short, might it not, in some cases, supposing a Sunday or a holiday intervened. These documents are printed as a general rule, they are sometimes lithographed, but it takes a little time to write them out?—Yes, no doubt. I do not know whether Sundays count as a day; I do not think they do.

54. That could be made clear by your new rule?—Yes.

Mr. *Hobhouse.*

55. As I understand, you think the division of Bills should be a matter in the hands of the Standing Orders Committee in this House, and in the hands of an analagous body in the House of Lords, I presume?—No, I did not make any suggestion in regard to the House of Lords at all. I think, as a matter of fact, it is only very very seldom that they have a discussion on private Bills at all on second reading in the House of Lords, therefore I do not think they have the same difficulty to contend with as we have. Perhaps I may add that I think Lord Morley himself is the Standing Orders Committee in the other House so that no difficulty would arise.

56–58. Then with regard to discussions on second reading, and on third reading, when necessary, in this House, do you consider it part of your duty to guide the House on those occasions?—If no particular Government Department is involved in the matter I generally consider that I ought to give some advice to the House; but if it is a matter which clearly comes within the duty of one of the Government Departments, then I generally leave it to the Minister in charge of that department.

59. I think the practice of the Chairman of Ways and Means taking a leading part in discussions in the House on private Bills has been somewhat modified of late, has it not? In the old days, in Mr. Courtney's days, for example, he used generally to take part in the discussion on a private Bill, did he not?—Yes, he did, and Mr. Mellor did also, but I think he resented very much on several occasions the House coming to a diametrically opposite conclusion to that at which he had arrived and which he had advised them to take; and then he discontinued the practice. I have not always been fortunate either in obtaining the concurrence of the House in my views.

60. You think that the Chairman of Ways and Means is in rather a difficult position with regard to these discussions, especially on second reading, when a Committee has not given any

Mr. Hobhouse—continued.

decision?—Yes, I think it is rather a delicate position to be in. Of course, one's natural bias—at least my natural bias,—is to see the Bill pass through its second reading, in order that it may be thoroughly sifted in Committee for the reasons I have already given, because I think in private Bill matters the House is acting, or ought to act, judicially.

61. Does not the weight of your other duties make it rather difficult for you to take any leading part in the discussion of private business in the House?—At certain periods of the session it does, no doubt; but, of course, at the beginning of the session, when the Address is being discussed, and when the second readings of Bills are being taken, I have a considerable amount of time which I can devote to private Bill matters.

62. That is rather an additional argument for accelerating the second reading of Bills?—Yes.

63. You suggest that an ordinary private Bill should only be discussed on third reading. I suppose you would give some opportunity for amending the Bill, if necessary; striking out clauses, or even a portion of the Bill?—I am a little doubtful about that.

64. I will put a recent case to you, that of the London Tramways Bill, upon which action was taken recently in the House of Lords, and which was also discussed in Commons on Consideration. That was really a compound Bill: it was a question not of opposition to the whole Bill, but of opposition to part of it. It would be necessary to make some provision for cases of that sort, would it not?—You might allow a re-committal; that would get over the difficulty, I think; on third reading a motion might be made to re-commit the Bill in respect of a certain clause.

65. With a mandatory instruction to strike it out?—Yes, I think that would be right.

66. If there were no mandatory instruction the Committee would have to go through all the evidence again?—Yes, quite so.

67. Would it be necessary to have a new Standing Order to enable instructions to be dealt with in the way you suggest?—I think so

68. With regard to dealing with unopposed Bills in Committee, what is the principle on which unopposed Committees are constituted; is the third Member put on as representing the locality or as being an impartial person?—As representing the locality.

69. Why does not that principle apply to Bills which originate in the House of Lords?—Because there is no person whose name is on the back of the Bill in the case of a House of Lords Bill; in the House of Lords all Bills are moved by Lord Morley and if he does not approve a Bill he does not move it.

70. But many of these Bills are distinctly of local interest; for instance, there was a Gas Bill affecting a portion of my constituency. I am not complaining in any way that I was not on the Unopposed Committee; but would there not be the same reason for putting on the Member interested in the locality in the case of a Bill which originated in the House of Lords as if his name was upon the back of the Bill?—I do not see any objection

Mr. *Hobhouse*—continued.

objection in principle. At the same time it is very desirable to have on the Unopposed Bill Committee a gentleman who is prepared to be constantly there. We have to follow the same principles very much in dealing with points which arise, and therefore I think the balance of convenience would be in favour of having the same Member always.

71. But might not you have the same Member sitting as a judicial person, and also have the Member who may be specially interested in the locality; would not that form a more satisfactory tribunal?—I do not see any objection to that. It would increase the size of the Committee.

72. What points do you go into on the examination of unopposed Bills; would they be only the points which are brought to your notice by a Government Department?—Yes.

73. Or by the Speaker's counsel?—Yes.

74. You go into such questions as finance, do you not, and questions of the length of the terms of loans, and questions of borrowing powers and the like?—Yes.

75. Do you consider it your business to go into a question of this kind: I remember a case of an unopposed Bill in which there was a new tax placed by a railway company, who owned a pier, upon every passenger landing in England. That was a question that never came before the House of Commons, I believe, and yet it was a question of very general interest. How would you consider that a question like that ought to be dealt with?—If it was of sufficient importance I think I should deal with that question by informing the House that in my opinion that Bill though unopposed should be dealt with as an opposed Bill. I have that power and I have on occasions exercised it. If any Bill contains questions of such magnitude as appear to me to be beyond the proper duties of the unopposed Bill Committee to consider, I then can inform the House that I am of opinion that the Bill ought to be treated as an opposed Bill and it goes to an Opposed Bill Committee.

76. That power you consider sufficient for dealing with the cases?—I think so. I think if any very important matter came up I should certainly treat it in that way.

77. Otherwise there is danger, is there not, that an important proposal may be put into a private Bill which was not opposed by any person interested, which may possibly escape the notice of the House generally?—That is so.

78. In fact it entirely depends upon you in the one House and Lord Morley in the other to call public attention to such proposals?—Yes.

79. I think Lord Morley's criticisms on Bills are often acted upon before the Bills come before this House?—Yes. Very often what happens is that a Bill, although in this House, is submitted to Lord Morley for his views, and the amendments which he would suggest are made in this House, and thereby it saves amendments being made in the other House and the Bill coming back here It saves costs being incurred and it also saves time.

80. Do you consider that a Committee sitting in this House has a free hand to act or not to act on Lord Morley's suggestion in a case of that sort?—Certainly. We differ occasionally

Mr. *Hobhouse*—continued.

from the conclusions at which Lord Morley arrives, and he differs from our conclusions at times; but still, on minor matters it is convenient that before the Bill comes before us we should have Lord Morley's suggestions, and then, as I say, the alterations are made here, and the Bill goes through this House with the Amendments, and in the other House it goes through without Amendments; that saves time and money.

81. I think you told us just now that in the Unopposed Bill Committee you heard the argument on both sides; how are both sides represented before the Committee?—Sometimes we invite a representative of the Government Department to be present.

82. That is what you meant by both sides or both parties being heard?—Yes; perhaps my statement was a little too wide. Of course, we hear the Promoters, and we have in our hands the Report of the Government Department. If some matter arises which I foresee will be difficult to settle, I generally invite a representative of the Government to be present. He comes, and he urges the view of the Government Department, and then, after hearing the representative of the Government Department and the Promoters, we decide the question.

83. Would it be within your power to hear a Member who was locally interested in the matter if he wishes to give evidence?—Technically, no, but practically there have been cases in which I have informed a Member that I would be glad to hear anything he has to say, although I cannot really officially consider him as being a party to the case.

84. You have not given us the number of unopposed Bills every year; I suppose Sir Chandos Leigh will give us that information?—I have the figures somewhere. Sir Chandos Leigh will be prepared with that information

85. I want to put a general question to you. Do you consider, in view of the large amount of private business, the large number of Bills that have come before your Unopposed Bill Committee and the very heavy work you have now in the House itself, that any new arrangements are required for dealing with private business?—I do not wish it to be thought for a moment that I am in the least complaining of the amount of work I have to do. As I say, it entirely depends upon the time of the session when it comes. In some sessions it has been comparatively easy because the Public Bill work came early and the Private Bill work came late; in other sessions it has been comparatively easy because the Private Bill work came early and the Public Bill work came late. But in any session in which the two come at the same time there is a tremendous rush, and I think it really imposes more of a strain upon the Chairman of Ways and Means to get through his work than he ought to bear. But, of course, now that I have the assistance of the right honourable gentleman in the Chair, it relieves me very much, at all events as to one or two days in the week, which I can give and do give, to the questions of my Private Bill work.

86. Do you consider it part of the official duties now of the deputy chairman to take the Private

Mr. *Hobhouse*—continued.

Private Bill business so far as you cannot deal with it?—He is kind enough to do so when I ask him to do so. Of course, during the time when I was unfortunately absent for some three months at the beginning of the session, he very kindly undertook all my work in that respect and carried it through with great satisfaction to the parties; but in ordinary circumstances I should not think of asking him to do that.

87. You would not regard it as part of his official duties, under the Standing Order appointing him?—No, I think not; I think he would be entitled to do it. No objection could be raised to his doing it, but I should not personally for a moment desire to put it upon him, unless I was unfortunately prevented by illness from doing it myself, when, of course, somebody would have to do it, so that the parties should not be delayed.

88. Provided you were not incapacitated by illness, you would not consider there was the same obligation upon him to deal with unopposed Bills in Committee, we will say, as there is upon you as Chairman of Ways and Means?—No.

89. That is to say, his appointment as your deputy must be regarded as a limited one, and, I think, was rather made with a view to the conduct of business in the House itself, than with a view to private business?—I think so; I think that was the idea with which the Standing Order was passed.

90. Now, I want to ask a question or two in regard to opposed Bills. Many of the Bills which come before opposed Committees, Gas and Water Bills, or instance, involve comparatively small questions, do they not?—Yes, very small sometimes. They are questions of extension of time and very small questions.

91. You would be of opinion that they could be dealt with, as a rule, better by means of Provisional Order inquiries conducted locally?—Yes, I think so, as regards a great number of them.

92. There is no need, is there, to employ very leading counsel in such cases as that?—No.

93. The tendency of the work before opposed Bill Committees in Parliament has been, has it not, rather to concentrate the work in the hands of a few very clever men, who are paid accordingly?—My knowledge of the work of Parliamentary Committees, I am afraid, is not very recent. I do not sit on Private Bill Committees now, of course, and I do not very often go into the rooms, so that I do not know very much about the practice recently; but there is no doubt that a few good men get the bulk of the work.

94. Whereas it would be possible to deal with many of these minor Bills with the aid of local counsel or juniors, who might be sent down, who would be quite competent to deal with the matter?—I think so.

95. Have you paid any attention to a possible extension of the Provisional Order system?—You mean to other subjects than those which may be dealt with now? I am afraid I cannot say anything that would be really of any assistance to you upon that point.

96. Have you paid any attention to this question: The desirability of securing some uniformity of decision between the chairmen of different Opposed Committees, on what I may call technical questions? Let me mention one or two points within my own experience; questions of the terms of loans, questions of compensation to the rates where property is taken; also questions of practice, as, for instance, as to the right of counsel to speak in certain cases and the right of raising certain points; would not it be a great advantage in the conduct of this business if the Committee of Chairmen, the Railway and Canal Committee, I think it is called, were occasionally to consult together on such questions and try to lay down some general rule of practice?—I think it might. Care would have to be taken that a certain amount of elasticity was preserved, but certainly on all questions of practice I think it would be very desirable that the practice should be the same. I was not aware that there was really any serious difference.

97. Chairmen, as you will understand, are often put into a difficult position by counsel quoting precedents which they cannot check. A precedent can be cited for everything, so far as my experience goes, at the Parliamentary Bar, but the Chairman have no record of former decisions to which they can refer, and they have no common rules of action; would it not, in your opinion, be of advantage if there was some means of securing what I may call a code (without suggesting anything that is not elastic) giving some common directions to Chairmen of Private Bill Committees?—Yes, I see no objection to that; I think that would be desirable.

98. Otherwise different Bills may be dealt with in very different ways, though they raise the same principle?—Yes.

99. With regard to a possible Joint Inquiry on Bills, would there not be some advantage in having a Joint Committee stronger than any individual Committee that could be appointed in this House; I mean stronger in numbers, and to a certain extent in experience. Could you not man a Joint Committee of six or seven members?—I do not incline to increasing the size of the Committee. I think a small Committee will attend more regularly; they will feel the responsibility greater, and they will give more attention to the matter than a larger one. I should be against increasing the number beyond four.

100. Do you consider that a Committee of four is better than a Committee of five, as they have in the House of Lords. I will put it to you in this way: The Chairman has his vote and also his casting vote; and it may happen on the Committee, and does happen sometimes, that there are two Members one way and two Members the other. In that case the Chairman has the case entirely in his hands, if he can get one member of the Committee to agree with him?—Yes.

101. Would there not be an advantage in having a Committee of five in cases like that?—No, I am against overruling the Chairman: I think the Chairman is the man who really gives the greatest amount of attention, and upon him the matter really devolves, and I think

Mr. *Hobhouse*—continued.

I think he ought to have the responsibility and the power.

Mr. *Brynmor Jones.*

102. I only wish to ask you one or two questions on one topic only. Under the new rule, I think you have to decide when the second reading of a private Bill is to be put down in case it is opposed?—Yes.

103. Have you found any difficulty in arranging for the discussion of such second reading?—I have not for the present; but I am beginning to see that I shall have difficulty. I shall have difficulty, for instance, this week. I had arranged to put all the Twopenny Tube Bills down for next Thursday; they will, no doubt, occupy a considerable amount of time, and those who are hoping to use Thursday evening for other purposes are, of course, annoyed at finding that their time will be occupied for private business, and I think I shall have to endeavour to make some other arrangement.

104. Has objection been taken to putting down Private Bill business on Thursday nights, on Supply nights?—Not until yesterday, when objection was taken by Mr. John Redmond; I heard him ask a question about it yesterday. May I add that possibly it may cause delay, and I think that it will cause delay. Under the old rules the promoters put down their Private Bills for whatever day suited them, quite regardless of the public interest; however important the public matter that was coming on was going to be they did not care a rap about that, they put their private Bill down first, and it had to take precedence, and the discussion lasted one, two, or three hours, according to the nature of the objection. Now I think it would be necessary in some cases to delay these Bills a little, by finding a suitable evening for their discussion.

105. It seems to me that the rights of private Members may be still further curtailed under this system if you should find it necessary to put down private Bills on a Friday for instance?—I cannot put Bills down for a Friday. The Standing Order says that no opposed Bills shall be put down on Friday at all.

Mr. *Brand.*

106. In your remarks about the possibility of assimilation of the English Private Bill practise to the Scotch practise, would be possible in the case of such a small Bill as was mentioned by Mr. Hobhouse, a gas Bill or a corporation Bill for the extension of boundaries and so on, that a local inquiry should take place without any great inconvenience; could not any machinery be devised by which these small Bills should be sent down for local inquiry which would not involve the difficulties of big counsel going down, and so on?—Yes, I think it is possible that the line might be drawn differently in any future English Act from what it is in the Scotch Act. In the Scotch Act we have to decide whether the Order does or does not "relate wholly or mainly to Scotland" or whether it is "of such a character or magnitude or raises any such question of policy or principle" that it ought to be dealt with by Private Bill and not by Provisional Order. Those words might be altered and they might be narrowed in the case of England, so as to say that only matters of comparative unimportance should be sent into the country for decision, and that matters of importance should be retained here.

Mr. *Brand*—continued.

107. Exactly. There would be a good deal of advantage in a Bill that comes before your Police and Sanitary Committee, being inquired into locally, and a large saving of expense, would there not?—Well, there is another side to that question. I think if the inquiry is held locally the power of the corporation makes itself more strongly felt at a local inquiry than it does here; and it is very undesirable, I think, that a great number of the clauses which are now contained in corporation improvement Bills should become law; they often go a great deal beyond the ordinary law of the land, and I think it is very desirable that they should be dealt with, if possible, here, upon some general principles.

108. That remark does not apply, of course, to Gas Bills?—No.

109. Now just a word about the Joint Committees to which you gave, may I say, a qualified approval. Do you think the parties would be satisfied with one inquiry. Should there not be some machinery for an appeal to a Judge in Chambers?—The successful parties would be satisfied, no doubt; the unsuccessful parties would not. I am afraid that is all I can say upon the matter; half would and half would not.

110. You would not suggest an appeal of any kind whatever from the Joint Committee?—I do not myself believe that so much injustice is done by Committees as to make an appeal absolutely necessary. I think sometimes possibly a Committee may make a mistake, but it is not beyond the power of being remedied, because the next year a fresh Bill could be introduced.

111. Now with regard to acceleration, you do not think that much advantage can be gained by altering the dates on which Bills can be deposited?—Yes, I should be in favour of altering the date. I should put it a month earlier at least.

112. You stated at the beginning of your evidence that the number of hours this session up to the present moment employed in private business in the House is 17?—I think that was up to the 12th of June.

113. That, I presume, is a good deal in consequence of the new Standing Orders?—I think partly, no doubt.

Mr. *Worsley Taylor.*

114. I think I understood from you that your view was that there could be no material improvent in the distribution of business unless the dates for deposit were altered and made earlier. You see none consistent with the maintenance of the existing dates of deposit?—I think, with the dates as they are at present, it becomes very difficult to get the committees to work earlier, for the reasons which I have detailed, namely, the necessity of carefully reading on the part of officials of this House and the other, and the necessity of the Government Departments considering the Bills and drawing their reports.

115. So that an alteration in the time of deposit is essential?—I think so.

116. Now, would earlier deposit of petitions be

Mr. *Worsley Taylor*—continued.

be of any assistance in any subsequent consideration of the Bills?—I think it would. I see no reason why petitions should not be deposited within a certain number of days after the deposit of the Bills, instead of waiting for the first or second reading.

116*. If I remember aright the present date is ten days after first reading, is it not?—Yes.

117. And you would see no objection to their being deposited at a given interval after, say, they have deposited the Bill?—After the deposit of the Bill on a fixed date.

118. You would then, I take it, know at a much earlier stage what Bills were opposed and what were not; and therefore you would know earlier how you could best accelerate them?—Yes, I think there would be that advantage. I may say that that is the system which obtains now with regard to Scotch Provisional Orders. Lord Morley and I do not meet now to decide whether the Scotch Provisional Orders shall go on as Orders or as Bills until the petitions have been deposited; so that when we have them before us we know the nature of the Orders and we also know the number and nature of the different petitions against each Order.

119. Has any reason suggested itself to you why, in the interest of the parties, petitions should not be deposited earlier?—There may be some question of expense.

120. Perhaps that might be rather a matter for the agents?—Yes.

Mr. *Renshaw.*

121. Perhaps I might ask you whether the practice under the Scotch procedure is different from the English practice in this respect, that in the Scotch practice the petition is addressed to Parliament as a whole, whereas in the English practice the petition is addressed to each House?—That is perfectly true. Of course, the petitions we get in this House are petitions to the House of Commons, and in the other House the petitions are petitions to the House of Lords; but there is no reason, I think, why the petitions should not all be petitions to Parliament, and it would only be a matter of depositing one copy in this House and one copy in the other. They are all printed and it would only require altering the heading, "Petition to Parliament" would be sufficient, and probably the one heading would be enough.

Mr. *Worsley Taylor.*

122. Does any earlier date suggest itself to you for the presentation of petitions. I do not know whether you have considered that sufficiently?—No, I have not considered it very carefully; I have not got any view upon it.

123. Anyhow you would be in favour of an earlier deposit?—Yes, I see no objection to that; and I see an advantage from our point of view, from the point of view of the House itself I see an advantage; there may be objections on the part of promoters and Parliamentary agents, but I am not aware of them, but from the point of view of Members of the House I think it would be an advantage.

124. And you would be able to get Committees to work earlier?—Yes.

Mr. *Worsley Taylor*—continued.

125. Rather connected with that question, I do not know whether you have gone into the question of the Court of Referees. I suppose the object of that court is a double one, partly to save the time of committees not having to discuss questions of *locus standi*, as is done in the other House; and, secondly, to save the costs to the parties in this sense, that if a petitioner is told in time that he is not to have a *locus standi*, he is thereby saved the expense of getting up his brief and getting his witnesses and so on?—Yes.

126. In order that it may fulfil the second condition, I take it, it is necessary that the decision should be given sufficiently early to prevent his taking those steps?—Yes.

127. If the petitions were put in earlier, then, I take it, the Court of Referees also, as well as the Committees, would be able to deal with them earlier?—They could sit the very first day Parliament met, so far as that goes.

128. So that the accelerating of the date of petitioning would benefit not only the general procedure, but also the particular one of the Court of Referees?—Very much so.

129. Is there any rule now as to to the relative stage of a Bill at which the Court of Referees sit—is there so much time before the meeting of the Committee or anything of that kind, or is there any rule of practice?—No, I think the rule is that the promoters of any private Bill who intend to object to the right of petitioners to be heard, shall give notice not later than the eighth day after the day on which the petition has been deposited in the Private Bill Office.

130. Then there is no rule and no fixed practice of the Court of Referees to prevent their entertaining disputed questions of *locus* at the earliest possible date?—No.

131. And I suppose it would be desirable that they should do that?—Yes. I believe at present if promoters give notice of objection within the eight days, that they want their case to come on, they are called upon by the Clerk to the Referees or by the proper authorities, to give an undertaking that they will not object to other petitioners as well. I do not know if the honourable Member follows me. Supposing the promoters of a Bill were to give notice one day after the deposit of the Petition, their case might come on in three days, and they might then say, "Well, we have got eight days, and there are only four days elapsed; we will try and deposit objections to other petitioners." That has been thought to be undesirable, and therefore wherever Promoters have given notice within the eight days that they wanted to go on with their Bill, they have also had to give a guarantee that they would not object to other petitioners; and when they have done that, their case has been heard at once.

132. I suppose it is a fact within your knowledge now, that for one reason or another, objections to *locus standi* are frequently heard on the very eve of the Committee sitting?—Yes; I think that is so.

133. So that the advantage which is to be expected from that court is lost to that extent, for that reason?—Yes.

Mr. *Worsley Taylor*—continued.

134. And you think it would be very desirable to alter that?—Yes.

135. I think at present the Court of Referees have no power to award costs?—No.

136. Do you see any reason why they should not in the case of frivolous objections on petitions, just as much as in the case of petitions against Bills?—I think there would have to be some limiting words, "frivolous or vexatious."

137. Clearly. But do you see any reason why in principle they should not have an analagous power?—No. Personally I should be prepared to go further in allowing Committees to award costs.

138. You would widen the limiting words?—Yes, I think I should.

139. But you would be in favour of the Court of Referees having an analogous power?—Yes, I see no objection to that.

140. With regard to what is called the extension of the Provisional Order system and also the matter of a Joint Committee, I take it that the other House would have to concur in regard to both of those matters?—It would be desirable to get the other House to concur, but I do not know that it would be absolutely necessary. Supposing this House were to pass a Standing Order to the effect that they would not entertain any Bill which contained matters which could be obtained by a Provisional Order, that would not concern the other House; but it would be practically applicable to all Bills, because promoters even, if they started in the other House, would know that they would be met with that Standing Order here.

141. Would you allow, for instance, a Bill to originate in the other House go through its stages there, and then come down here and be subject to that?—Yes, I should make them subject to that; they would do it at their risk; they would be aware of it.

142. Do you mean by extending the system of Provisional Order, not the Provisional Order as we understand it at present, but what we may call the Scotch procedure system?—That would certainly require an Act of Parliament, and it would require the assent of the other House.

143. If I followed you, what you had in your mind was, not an extension of existing Provisional Order system as we know it under that name that is to say, a local inquiry, say, by an officer of the Board of Trade or the Local Government Board?—I throw it out for the consideration of the Committee whether it would be possible to save the time of Parliament in that way.

144. Then if I followed you, your suggestion was a two-fold one, coming under the head of the extension of the Provisional Order system. First you suggest an extension of the Provisional Order system as we know it now, that is, a local inquiry followed by a confirming Bill in Parliament?—Yes.

145. Do you mean, then, that you would suggest an extension on the existing lines, that is, a local inquiry followed by a confirming Bill which may be opposed in the House?—Yes, I think that would be desirable, or the other. Of course, if the Committee approved of the other, and if Parliament approved of the other, namely, what I will call the Scotch principle, then the

Mr. *Worsley Taylor*—continued.

first one to which I have referred would be unnecessary; but if the Committee did not see its way to recommending the Scotch principle, I think the other would be desirable. There are at the present time, I have no doubt, many matters which are included in Private Bills which might be dealt with by Provisional Orders.

146. I was just going to ask you what class of Bills have you in your mind now?—There are Bills promoted by corporations which are a sort of omnibus Bills. Corporations come here and they include in their Bills every sort of thing, tramways, gas, extension of time for one thing and another and other matters, which I believe could be dealt with by Provisional Order; and their excuse is, "Ah, well, we had our Bill before Parliament, and therefore we thought it was better to put every thing into it." "We had our Omnibus Bill and therefore we put all these things in."

147. That was one of the points that I had in my mind. I am glad you mentioned it. How would you deal with the case of an omnibus Bill where certain objects in your view and in the view of Parliament were apt for Provisional Order and certain others were not but such as ought to go to the Committee of the House?—We should deal with them in the same way as we do under the Scotch Acts. You mean supposing the Scotch principle were applied?

148. I was following out at present, the first suggestion, viz,, an extension on the present system of Provisional Order. Supposing you found an omnibus Bill and came to the conclusion that certain matters in it might well be dealt with on the Provisional Order basis and certain others ought to be referred to a Committee, how would you deal with the Bill then?—We should sever it in two and part would go on as a Provisional Order and part would come here as a private Bill.

149. So that you would have as to part of the Bill, first a local inquiry and then the right to oppose in the House, and as to the other the present right to oppose in the House?—Yes, that is so under the Scotch Act. If any of these Provisional Orders contain matters, part of which should go on as a Bill and part as a Provisional Order, we report accordingly and they are divided; they are split; a portion goes on as a private Bill and a portion goes on as a Provisional Order.

150. Then as regards a Joint Committee. I take it clearly that the other House would have to concur in that?—Yes.

151. So that no alteration of the standing orders of this House alone could bring that about?—No.

152. I suppose in your experience there have been many cases in which the decision of one House has, as a fact, been reversed by the other?—Yes, both ways.

153. And there have been proceedings time after time on the same matter where it has been an important Bill?—Yes.

154. And the Bill has been rejected?—Yes. Very often fresh evidence is obtained. The petitioners in the first House find out what their weak points are, and they fortify themselves and strengthen their case upon that, and they

Mr. *Worsley Taylor*—continued.

they are able to present a better case in the second House than they could in the first.

155. With the result that a Bill that has been passed in the first House because of their want of knowledge has been rejected in the second by the light of fuller knowledge?—Yes.

156. And I suppose the practice before Committees is peculiarly liable to that, in that there being no pleadings the petitioners do not know fully the case against them until they hear it in Committee?—That is so.

157. And I suppose there are cases in which the interests of third parties are affected by the proceedings in one House?—Yes.

158. And in consequence of that, it being behind their backs, they have no possibility of appearing in the first House and their only remedy is to appear in the second House?—Yes.

159. Have you, in the analyses that you gave us of the time occupied in different sessions by the debates on second or third reading, how much was on second reading and how many were on third?—I could work it out, but I have not got it analysed.

160. Or how many Bills, as a matter of fact, out of the total number opposed, were rejected by the House, or in how many cases instructions were carried?—I am afraid I have not got that.

Mr. *Renshaw.*

161. In your opinion the result of the new rules and the earlier meeting of the House will act very prejudicially with regard to the time available for the work in the Committees of the House when the second reading stage is passed and the House is in Committee; when the House has gone into Committee upon Bills, Members' time will be much less available for sitting in Committee on private Bills, now that the House meets at 2 o'clock, than before?—Yes, I think so, because their attendance is sooner required. I have, for instance frequently been in the chair on the Committee stage of the Education Bill before half-past 2, and Members, in theory at all events, ought to be present when the Committee begins to sit.

162. And you, therefore, regard the earlier portion of the session as much more valuable now for the purpose of getting forward private Bill legislation than it has been up to the time of passing the new rules?—Yes, I think they have made a difference, and also for the general convenience of Members. There is no doubt that in the summer months, Members do not want to spend their whole time down here in the mornings—it is asking too much of them.

163. Might I ask you whether you could have a paper prepared and put in, which would show the dates at which Committees on private Bills have sat, say the earliest six Committees in each session for the last six years?—I think we could get it from the Committee Clerks' office.

164. Could you tell the Committee to-day generally, not with any particular date what the ordinary time is which has elapsed between the meeting of Parliament and the date that Committees generally begin to sit?—I should think there will be about a month or six weeks.

Mr. *Renshaw*—continued.

165. More often six weeks than a month?—Well, it depends very much upon when Easter comes. If Easter comes early there is a tendency to put all Committees off until after Easter; if the House meets late and Easter comes early there is practically nothing done before Easter.

166. You have already given the Committee your views with regard to the desirability of starting the procedure earlier than at present, but could you tell the Committee whether it would be possible for the Chairman of Committees of the House of Lords and yourself to meet prior to the meeting of Parliament for the purpose of deciding what course should be taken with regard to Bills?—I would not like to say without looking at the Standing Order whether we could do it There is nothing physical to prevent it.

167. It would almost seem to follow necessarily, that if the House is to be in a position to deal with Bills and refer them to Committees at the very beginning of the sitting of the House, the two chairmen must be set in motion earlier than they are at present; that is to say, before the meeting of the House?—Yes.

168. You see no difficulty in that?—No. What delays us in coming together is that Lord Morley and Sir Chandos Leigh have not had time to master this great detail of Bills. As soon as they have got the Bills read and annotated, and carefully co-ordinated and arranged, then we can meet and go forward; but until that period is reached it is no use meeting

169. Then I think you told the Committee that your view was that the interval at present existing for petitioning could be done away with, that is to say, the 10 days which elapse now after the first reading of a Bill, could be shortened under any circumstances?—Not that the interval could be done away with but that the time might be hung on to an earlier date. It might be dependent upon an earlier date; it might be made dependent upon the date of deposit, and not upon the date of first reading.

170. There is no reason under the existing arrangement why the 10 days should be continued, is there; because, as a matter of practice, is it not the object of petitioners always to delay their petition to the last of the 10 days?—Yes, I think they do. I do not quite know why they do it, but I have no doubt there is some good reason for it.

171. I have only one or two other questions connected with the procedure to which you referred; you have given the Committee your evidence with regard to *locus standi*, and I understand that that evidence is generally in favour of the continuance of the existing system of having a *locus standi* court?—Yes.

172. Has the expense of Bills in Parliament, do you think, been increased or reduced by the existence of the *locus standi* court since 1865?—I am afraid my experience does not go back far enough to say of my own knowledge, and it is not a question that I have studied.

173. Nothing of the kind exists in the House of

Mr. *Renshaw*—continued.

of Lords?—No; each Committee decides the question of *locus standi* for itself.

174. And on the Scottish Private Bill Procedure nothing of the kind has been proposed; each Committee decides questions of *locus standi* for itself?—Yes.

175. And if that system were applied to England, you would suggest that the Committee should deal with all questions of *locus standi*?—I should like some more time to consider this matter.

176. With regard to the question of a re-hearing, I should like to call your attention to one of the clauses of that Act with regard to procedure on Confirmation Bills. Clause 9 provides that it shall be lawful "if before the expiration of seven days after the introduction of a Confirmation Bill under the immediately preceding section in the House in which it originates, a petition be presented against any order comprised in the Bill, it shall be lawful for any Member to give notice that he intends to move that the Bill shall be referred to a Joint Committee of both Houses of Parliament." That is a re-hearing by a joint committee?—Yes.

177. "And in that case such motion may be moved immediately after the Bill is read a second time, and if carried, then the Bill shall stand referred to a joint committee of both Houses of Parliament," and so on?—Yes.

178. What I want to ask you is this: That clause as it is in the Act at present differs from the clause introduced into the Bill, by which the re-hearing was to be given on petition subject to the petitioners running the risk of being cast in costs by a bare majority. Do you think that would be a greater protection to those who are petitioning Parliament than the clause of the Act as it now stands, which provides that you must set the House in motion before you can get a re-hearing. I do not want to refer to specific cases that have occurred in the House?—I am afraid I have not formed an opinion with regard to that.

179. It is rather a serious matter to say that you are to have no re-hearing except upon a vote of the House, is it not?—Yes. I remember there was a case in which the whole matter was gone into, and generally the opinion, I think, of the House was, that it was very undesirable to re-open what had been done in the country, or to re-hear unless there was some new fact or fresh evidence.

180. And you think on the whole that one hearing would be sufficient?—I have no reason to suppose otherwise, so far as the Act has worked at present. I have not heard any complaints.

Chairman.

181. Did I correctly understand you in answer to a question just now to say that you thought one evening a week ought to be allowed to private Bills?—No.

182. It was in answer to Mr. Brynmor Jones; I did not quite catch it. You said that there would be some difficulty in getting in all the private Bills?—What I mean is that there will

Chairman—continued.

be some delay. Take the case of these Twopenny Tube Bills, for instance, which is a case in point. I have no doubt that the promoters would like very much to put them down for this evening, and if they were down for this evening what would become of the prospects of the Education Bill? If they were not completed this evening the promoters would like to put them down for to-morrow evening. If so, what would happen to the Education Bill? And so on. They may be used as instruments of obstruction. I put it perfectly frankly before the Committee. I can quite conceive of circumstances arising under which private Bills may be used for the purposes of obstruction. In order to avoid and guard against that it may become necessary that a certain amount of delay should be interposed, and that instead of the Bills being taken, as it were, to-day or to-morrow, I may have to put them possibly for Wednesday of next week or Thursday next week, so as to avoid their being used for those purposes. That is where the delay would occur.

183. Have you considered whether it is desirable in the interests of promoters and other parties to private Bills, to have one evening a week set aside?—The difficulty is the uncertainty. You might set aside one evening a week and in some cases it would not be enough, while in other cases it would be a great deal too much; possibly there might be nothing at all, or the discussion might take five or 10 minutes, and then there is always the uncertainty of what would follow. In another case, if you have an accumulation of Private Bill questions, one evening a week of three hours might be quite insufficient.

Mr. *Renshaw.*

184. On that point, might I ask you whether you have ever considered the question of second reading and discussions in regard to Private Bills being referred to a Standing Committee to be appointed like the Grand Committee on Trade or on Law?—I think my suggestion is a better one, that the established Standing Orders Committee should decide whether the Bill is to have a second reading debate or not.

185. But that debate in that case would have to take place in the House?—Yes.

186. If a Grand Committee were established it could take place before the Grand Committee?—I do not think the House would be prepared to divest itself of its power.

Chairman.

187. Only one other question with regard to Private Bill Committees: do you think it would be advisable to give them greater powers towards awarding costs in frivolous cases?—Yes, I rather incline that way.

188. You think it would be advisable to increase their powers?—Yes.

189. Could you say what you would suggest with regard to the greater powers of awarding costs?—I have not considered the words carefully, but, as a general principle, I think the Committee sits, or ought to sit, as a judicial tribunal and my endeavour always is to make it as judicial as possible; and that being so, I see no objection

8 *July* 1902.] The Right Hon. J. W. Lowther (a Member of the House). [*Continued.*

Chairman—continued.

objection to their having a greater power of awarding costs. I limit myself to that. I will just hand in here a paper giving the number of private Bills unopposed, and also Provisional Order confirming Bills, from the year 1891 to 1901, which may be useful.

Chairman—continued.

The same was handed in, and is as follows:—

Number of Private Bills—Unopposed and Referred to the Chairman of Ways and Means; also Provisional Orders.

1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.
			Total number of Bills introduced.							
72	219	175	161	153	216	262	228	249	258	223
			Unopposed Bills.							
95	115	107	100	18	41	71	127	145	122	123
				Provisional Orders.						
56	43	51	54	57	63	57	49	53	47	52
				Total.						
151	158	158	154	75	104	128	176	198	169	175

The Honourable Sir E. Chandos Leigh, K.C.B., K.C., Examined.

Chairman.

190. You have been Speaker's Counsel for some years?—Since 1884.

191. And you have had of course a great experience both of Opposed and Unopposed Private Bills?—I have.

192. I dare say you have heard part of the evidence which Mr. Lowther has just given?—I have been trying to take a note of what Mr. Lowther said, and perhaps I had better deal with it while it is fresh in my mind. I agree with him on some points, but I do not agree with him in all. The first question of which I have made a note is the division of Bills. I get my Bills on the 21st of December. This year there were 236, or some such number.

193. Do you mean 236 Bills in the House of Commons or 236 in all?—I mean about 236 Bills in all; I have to read them all, and owing to Parliament meeting on the 16th of January they had to be read between the 21st of December and the 16th of January. The result was that the moment those Bills were read through cursorily, I made an appointment with Mr. Albert Grey. That is following out an idea of Sir Joseph Warner's and mine. In old days my predecessor never saw the counsel to the Lord Chairman of Committees, and the Bills were divided when Lord Redesdale and Sir George Rickards and the Chairman of Ways and Means of that date saw the Parliamentary agents; but afterwards Sir Joseph Warner and I always met, because there were certain Bills which we thought ought to go necessarily to the House of Commons, and certain Bills which ought to go necessarily to the House of Lords. At that meeting Mr. Grey and I now divide the Bills carefully, and we give notice to the agents how we have divided the Bills, two or three days before they are seen by Lord Morley and Mr. Lowther; so that if they say, "Please let this Bill go to

Chairman—continued.

Chairman—continued.

to the House of Commons," or *vice versa*, "Please let this Bill go to the House of Lords." If we find their reason a valid and substantial one, we agree to it. The consequence is that when Lord Morley and Mr. Lowther meet them there is hardly any objection to our division; all the agents are pleased, and I know of very few instances in which there is any objection taken to the division which Mr. Grey and myself have set before Lord Morley and Mr. Lowther.

194. How soon can you get the Bills; immediately after the 21st of December?—I get the Bills on the 21st of December. The House of Lords gets them on the 17th of December.

195. As a matter of fact, when do you get them to go through?—I get them on the 21st.

196. You begin to read them then?—I read them the moment I get them. The House of Lords, as I say, gets them on the 17th of December.

197. And does Mr. Grey begin them then?—Yes, he begins them then. I think it would be a most convenient thing if Bills were deposited in both houses on the 17th of December instead of in the House of Commons on the 21st, and I can see no reason why they should not be. There may of course, be difficulties which the Parliamentary agents will have to deal with in their evidence, in depositing them earlier. Perhaps the Committee would like to know what the dates are with reference to these Bills. They have to be advertised, and the last advertisement is on the 27th of November. Then there are the plans which have to be deposited, and that is by the 30th of November. Then there are the notices which are given to landowners who are affected, and that is by the 15th of December; so that the print of the Bill would be deposited two days afterwards in the House of Lords, and on the 21st of December in the House of Commons. I have given you the number this year, as I think, 236. These Bills were read by me before the 16th of January, and owing to Parliament meeting so early these Bills were not divided by Lord Morley and Mr. Lowther until the 30th of January. As a rule, when Parliament meets in February, the Bills are generally divided two or three days afterwards. We try to do it as quickly as we can, but Parliament meeting so early, we thought there was no absolute necessity. An honourable Member on my left asked Mr. Lowther a question which he was not prepared to answer, namely, as to the dates when Committees first met during the last four or five years. I have got a paper here which gives that information, which I will hand in. If you notice, this year Parliament meeting on the 16th of January, Petitions became due on the 11th of February, and Committees met on the 25th of February; that is far the earliest of any year. Possibly Mr. Ashby Pritt, who I believe is coming to give evidence, will have some further explanation to give.

Chairman—continued.

The Paper is handed in, and is as follows:—

Session.	Parliament Met	House of Commons.		House of Lords.	
		Petitions Due.	Committees Met.	Petitions Due.	Committees Met.
1898 - - - -	8 Feb.	26 Feb.	15 Mar.	28 Feb.	15 Mar.
1899 - - - -	7 Feb.	25 Feb.	14 Mar.	27 Feb.	14 Mar.
1900 - - - -	30 Jan.	23 Feb.	13 Mar.	23 Feb.	13 Mar.
1901 - - - -	14 Feb.	8 Mar.	21 Mar.	8 Mar.	19 Mar.
1902 - - - -	16 Jan.	11 Feb.	25 Feb.	11 Feb.	4 Mar.

Mr. *Hobhouse.*

198. Is the date at which petitions are put in regulated by the meeting of Parliament?—Petitions against necessarily came in earlier this year.

199. By what date have they to be deposited?—Within 10 days after the first reading.

Chairman.

200. You heard what Mr. Lowther suggested about the Bills being deposited earlier. What do you say to that?—I am afraid there would be a great difficulty; I have given you the dates.

201. Why should they not all be put back?—That is a question which I must leave to the Parliamentary agents to answer; I do not think I can say anything upon it. My own idea is that I certainly ought to get my Bills on the 17th of December instead of the 21st.

Chairman—continued.

202. You ought to get them on the same day as the House of Lords get them?—Yes, that is all I can say.

203. You do not know why you do not?—I am going back to the dark ages, but I believe originally they were all deposited in the House of Lords and in the House of Commons on the 21st of December. Then Lord Redesdale, I believe, wanted to read his Bills a little earlier, and so in favour of the House of Lords the date was changed to the 17th. Then, just running through Mr. Lowther's evidence, the next point which he was asked was with reference to the second reading of a bill which was put down

Chairman—continued.

down for the 24th of July. I think one ought to mention what that bill is. It is the London County Council (Water Purchase) Bill, and the reason why it was put down so late was in order to see whether the Government London Water Bill was safe, with the view that when it was safe, that Bill would be withdrawn; and it will be withdrawn in that event. That is the history of that. Then the next point that I think you asked him about was unopposed Bills. Mr. Lowther was asked who were the Members who were summoned on the Unopposed Bills Committee, I wish to say that the reason why Mr. Parker Smith is so generally summoned is because he sits on all railway Bills, and he sits on all Bills which come down from the House of Lords.

204. But the question I asked Mr. Lowther was, why does he sit?—Because it has been a sort of custom to ask a particular Member if he has any objection to attend in the case of all House of Lords Bills; the custom emanates from the Chairman of Ways and Means, and I thought Mr. Lowther would have answered it himself,—but that really is the explanation.

Mr. *Brand.*

205. Who sat before Mr. Parker Smith?—Mr. Wodehouse.

Chairman.

206. The object of summoning a third member being to secure a quorum?—Yes, it is a mere matter of form, but it is very important because it is of the greatest advantage to us if we have a difficult railway Bill, or if we have a difficult House of Lords Bill. In fact I think when you, sir, were sitting we asked Mr. Parker Smith once or twice to come, so as to have a second Member and a second Member of such experience and who happenes to be also acting as Chairman of the Court of Referees. I should really suggest myself, that the Unopposed Bills Committee would be considerably strengthened if instead of asking, as we do now, as a matter of form, the Member whose name is on the back of the Bill to attend, and who very rarely attends; sometimes his constituents wish him to come and watch a local bill; we could have some permanent second Member like Mr. Parker Smith on all the Committees. I have often felt that.

207. In addition to the Chairman of Ways and Means and yourself?—Yes. Things are now, of course, very considerably altered. When I first came here there were hardly any departmental reports at all. The Board of Trade used to send a written report, the Local Government Board had just begun to send reports, the Home Office never sent reports, and the Board of Agriculture was not in existence. Now we get voluminous reports, especially from the Local Government Board; and as you, sir, in your experience, find very often difficult questions arise in dealing with these reports, such as the repayment of local loans, and consequently it is advantageous that the Chairman of the Committee, whether it be the Chairman of Ways and Means, or the Deputy Chairman, should have the assistance of an experienced Member to back his

Chairman—continued.

opinion. Then I think a question was asked of Mr. Lowther with reference to costs, and whether he was inclined to diminish the fees that are at present charged. Upon that I agree with Mr. Lowther. I do not think that the fees should be reduced. It is a curious thing but we certainly have not found that the large amount of fees which are supposed to be paid have in any way diminished the number of Bills promoted by local authorities; because in the first year that I was Speaker's Counsel there were 16 Bills promoted by corporations and this year there are 55; and there is no doubt that many municipalities now bring in Bills to compulsorily acquire gas and water undertakings, which in former days was not the case. In former days gas Bills and water Bills were especially in the hands of companies, but now even although the companies are doing their work admirably well, the local authorities promote Bills to secure for themselves against their will and without their consent, the undertakings of gas companies and water companies; and that is spreading all over the place. You, Sir, may remember a Bill (I certainly shall not mention names) which came before you in which a company promoted a Bill for waterworks and that company could not raise its capital or anything. This year the same agents brought forward a Bill to enable that district and a neighbouring rather big place to join together and constitute a Water Board. That Bill came before us unopposed, and there was this very curious phase in the Bill: that the Joint Board was to pay the expenses of the Water Company's undertaking which had been promoted five years before. Naturally you asked the question: "But do you mean to say that they have agreed to that?"—to which the Clerk to the Local Board said—"Certainly we have, and we must stand by our agreement." That only shows the way in which these things are spreading. I have here a very valuable note from Mr. Bonham Carter which he gave me when I was examined before the Committee on Repayment of Local Loans, I do not think I need go into it now, to show the growth and progress of these compulsory acquisitions of gas and water undertakings by municipalities all over the country.

208. Is that a tabular statement from year to year?—It shows the rise and progress of the movement. Possibly you may have to call Mr. Bonham Carter on two points if the Committee think well. One point is that he is what I call rather the guardian of the Court of Referees, and is in a better position to answer questions about the Court of Referees than either the Chairman of Ways and Means or myself; and in addition to that, on all questions of periods and intervals about which you may wish to ask me some questions, and have asked Mr. Lowther some, Mr. Bonham Carter having brought out the last edition of "May's Parliamentary Practice," would probably be able to give you better information than either of us.

209. Before we leave the question of the Court of Referees, let me ask you this: although the Chairman of Ways and Means is nominally

Chairman—continued.

Chairman of the Court of Referees, he very seldom sits in it?—Very seldom.

210. In fact, he has not time to attend to all these multitudinous duties?—No; our permanent chairman is Mr. Parker Smith.

211. Rather your permanent chairman is the Chairman of Ways and Means?—He is ex-officio; but I mean the actual chairman. Perhaps I had better deal now, while we are on the subject of the Court of Referees, with the matter of costs. We are not a committee, we are a court; we cannot award costs and the chairman has no casting vote. The costs in a committee are given under a public Act, and a casting vote is given to the chairman of a committee by the standing order. I remember perfectly well a case in which the Court of Referees were equally divided and we had to re-hear the case in order to get an unequal number. With reference to costs I am very much inclined to agree with Mr. Lowther; I think if the Court of Referees could give costs it would not be at all a bad thing. There is one thing which I ought to mention with reference to the Court of Referees which was alluded to by Mr. Lowther, and that is about the eight days' notices of objection. My own idea is that promoters could give notice in a shorter time; I should have allowed them four days for giving their notices of objection instead of eight; but I believe the Parliamentary agent who will be called before you will show that there would be difficulties about it and will give you the reasons for that. But I cannot see any reason why we should sit so late. It is perfectly possible for us to sit immediately after the second reading, or certainly a week or so before the Committees are grouped. As a matter of fact and as a matter of practice, a Committee, we will say, is fixed for next Thursday, and we happen to be sitting to-day to dispose of the objections. I do not think we need wait so long.

Mr. *Brand.*

212. That is a very short interval?—But it perpetually happens. I do not see why we should not have sat a week or two ago.

Chairman.

213. Who can alter that?—It is a matter of practice and I think it might be altered in the Chairman of Ways and Means Rules which he is supposed to frame. I see no difficulty in the Court of Referees meeting earlier.

214. Then that could be altered by the Chairman of Ways and Means without reference to the House?—I think it could, but I will ask you to ask Mr. Bonham-Carter upon that; I will not pledge myself to that. Then I think you were asking about second readings in the House of Lords. In the House of Lords, of course, the Chairman of Committees stands in a totally different position. We do not get oppositions on second reading in the House of Lords, because Lord Morley can stop a Bill on second reading.

215. He has to propose the second reading?—He has to move it, and he sends for the agent and says, "I cannot move this Bill; I do not intend to do it. You may get any private Peer to move it you like." But what is the use of that? So that very often, I am bound to say, when I get a very doubtful Bill which I do not think ought to go on, in dividing the Bills I say to Lord Morley, "Will you take this Bill?" Both this year and last year I knew of two Bills in which I said, "Will you take this Bill?" and he said, "Yes, I will;" and he stopped it on second reading, and the Bill has gone. He is autocratic in that way.

Chairman—continued.

216. That is to say, virtually he is autocratic, but any private Peer might move the second reading, just as a private Member may in the House of Commons?—Yes; but what would be the use of that?

Mr. *Brynmor Jones.*

217. You do not recommend that practice in the House of Commons, do you?—I do not think the House of Commons would tolerate it; they have constituents to think of.

Chairman.

218. Have you anything to say on the subject of second reading debates?—I have a little paper here which may be useful. I have here the number of Bills which have been opposed on second reading, beginning with the year 1886; I have the number of Bills as to which notices of instruction were given, beginning with the same year; they are not exactly carried down from year to year; but I had better hand in the paper. Without going through them all, in 1886 there were 17 Bills opposed on second reading; I cannot say how many were successfully opposed and how many were not; and notices of instruction were given on six others. Now I find that in 1893 there were 29 Bills opposed on second reading and six notices of instruction given; in 1897—I am taking the largest—there were 37 Bills opposed on second reading, and seven notices of instruction given; and in 1899 there were 43 Bills opposed on second reading, and 13 notices of instruction given.

The paper was handed in and is as follows:—

YEAR.	Number of Bills Opposed on Second Reading.	Number of Bills as to which "Notices of Instruction" were given.
1886 - - -	17	6
1891 - - -	10	12
1892 - - -	14	16
1893 - - -	29	6
1894 - - -	16	13
1895 - - -	19	6
1896 - - -	22	—
1897 - - -	37	7
1 98 - - -	20	10
1999 - - -	43	13
1900 - - -	34	13
1901 - - -	25	16

219. You do not know how many of those oppositions were successful?—No, I cannot say.

220. Not

Chairman—continued.

220. Not many?—Certainly not many; the proportion would not be more than 8 or 9 per cent.

221. On that particular point do you think from your experience that it would be sufficient to have one discussion in the House instead of two that we are liable to now?—I cannot say that I altogether agree with Mr. Lowther about the third reading. There is first of all the point that you put to him, namely, the question of expense. You must remember that the Bill on third reading has been through all the Committee stage, it has been through every stage of consideration and report, and then at the very last stage all the trouble and expense may be thrown away; whereas although I do not approve of these oppositions on second reading as a rule, very often when there is notice of opposition on second reading the Parliamentary agents are able to agree upon amendments; and in several cases (and this bears upon the question you asked me just now, namely, how many of these oppositions to second reading were successful) having agreed to amendments, the objections are dropped and the bill disappears from the notice paper, and passes second reading without objection. If Mr. Lowther's plan were adopted there would be first of all, all the expense; secondly, no amendments could be agreed upon, and further, the result would be that at the very last stage no objections could be dropped, and the Bill would either go out or would pass. On the whole, therefore, I cannot agree with Mr. Lowther as to that.

222. But do you agree that there should be only one discussion taken either on second reading or on third reading?—If there is a discussion taken at all, then I have always been of opinion that some tribunal ought to adjudicate whether that discussion is a fair one upon a question of principle, and if it is a fair one it ought to be allowed. But if it is a mere unimportant or frivolous one, then the Committee or whatever body you refer it to, ought to say we shall not allow this to go on.

223. Then do you agree with Mr. Lowther when he said that he thought the Standing Orders Committee ought to decide that?—I have not always held that opinion. The Standing Orders Committee is a committee with a quorum of five, and I think it would be difficult to get them together. If the Standing Orders Committee is to decide, then I think a standing order ought to be framed allowing their quorum to be reduced to three for that particular purpose. I think it is putting a certain amount upon the Standing Orders Committee, but that is a minor point. I was of opinion that the best tribunal would be the Chairman of Ways and Means, with you, sir, as the deputy chairman, and with myself sitting as an assessor; I thought that would make a fairly strong body to decide upon a point like that. But I know that Mr. Lowther entertains a very strong opinion about the Standing Orders Committee, and I do not want to differ from him.

224. Then the outcome of what you say is that if there should be one debate at all it ought

Chairman—continued.

to be on second reading in preference to third reading?—Yes, I think so.

225. You think so decidedly?—Yes, I prefer it on second reading; but with that qualification which I have given you, that leave ought to be given.

226. But you will not advocate one body more than another to give that leave?—No; I am quite content to accept what Mr. Lowther said on that point. My plan would be putting a great burden upon Mr. Lowther and yourself, no doubt, and perhaps I ought not to stick to my old opinion. Now, there was a question raised in another Committee, before which I have been examined, which seemed rather to permeate their minds, and the idea was put to Mr. Lowther to-day; there seemed to be a sort of idea that whatever Lord Morley did in the Upper House was neccessarily accepted by us here. I beg altogether to differ from that. It is true that Lord Morley goes most carefully into the Bills with Mr. Albert Grey, but you, sir, yourself, on two occasions this year altered the period for repayment of loans as it came down settled by the House of Lords, and I think Mr. Lowther has altered it on two more, shortening the period allowed for the repayment of the loan. I merely give that as an instance to show that we do not necessarily acquiesce in what the House of Lords has done before us.

227. And were those alterations approved by the House of Lords when the Bills went back?—Yes, they were accepted; but I am bound to say I generally make a point of going over to Mr. Grey and saying, "We have done this; I hope there will be no friction about it"—and I give him my reasons for doing it. And I have never had one single instance of friction in that matter between ourselves and the House of Lords.

Mr. *Renshaw.*

228. That is in the case of unopposed Bills?—Yes; but I go further. I have now and then suggested to the honourable chairman of a committee on an opposed Bill that I thought the period was too long, which had been approved by the House of Lords. I see one honourable chairman here who has condescended more than once to come and have a talk with me about these matters, and I have always given him the best advice I could in the matter, and I think once or twice in his experience we have changed the periods, which have been approved.

229. We need not go into the periods of repayment, because that is being dealt with by another Committee; but there ought to be some uniform principle with regard to that, no doubt?—Yes.

230. But that is beyond the scope of our inquiry?—Yes. Do you wish me to say anything about Joint Committees?

231. Yes, if you please?—Of course the passing of the Scotch Private Bill Procedure Act has considerably altered the position with regard to Joint Committees, because virtually, all the Scotch Bills now go to a *quasi* Joint Commiteee, and the only thing is this: Is it altogether certain that a Joint Committee is not disadvan-

Mr. *Renshaw*—continued.

tageous to opponents who ought to be considered and protected? Several cases arise in my mind where the injurious features of a Bill were not ascertained until the Bill was in or through Committee in the First House, where the Petitioners entirely failed to obtain protection, and yet secured all they asked for in the Second House. That is one of my objections to a Joint Committee. An honourable Member on my left, I think it was, asked about an appeal. I remember, as far back as 1888, I gave evidence on this very point before a Joint Committee of both Houses, where I said they ought to have an appeal; but that is not only my view, it is the view, I understand, of every experienced Parliamentary agent. But there is another objection that I have to Joint Committees, and that is, that if you have Joint Committees you must have them for all Bills; but of late years we have been rather in the habit of referring to Joint Committees some very big Bills, one very big Irish Bill I remember; and there has been this London Water Bill, which it is true is a Government Bill, and I could mention three or four more, the Dublin Corporation Bill was another. You are thus giving these enormous undertakings only one chance, while small gas and water companies and small railway undertakings get a double chance. If there is to be a Joint Committee I am strongly of opinion that it ought to extend to all Bills. I do not like myself, although I have been a party to it, exceptional cases going to a Joint Committee. I have rather altered my opinion in that matter; I was rather in favour of it.

Mr. *Renshaw*—continued.

232. Then on the whole would you advocate one Joint Committee instead of two separate Committees of the two Houses, as we have now? —No, I would sooner really stick to two Committees, as at present.

Mr. *Brand.*

233. It stands to reason that the Parliamentary agents and counsel would be benefited? —Yes, on the question of expense, but I do not enter into that.

Chairman.

234. Upon that we will ask the agents what their views are; but we are asking you as an official of the House?—Certainly. I do not see my way to these joint Committees at present; I go no further than that.

Mr. *Hobhouse.*

235. Can you give us a statement of the cost of private Bills, showing the amount of fees paid in each year?—I think you had better ask Mr. Gibbons, the head of the Public Bill Department; he will tell you all about fees. I have a few remarks to make about fees but not bearing upon the subject which you indicate.

Thursday, 10th July, 1902.

MEMBERS PRESENT:

Mr. Brand.
Mr. Hobhouse.
Mr. Jeffreys.
Mr. Brynmor Jones.
Mr. Renshaw.
Mr. Worsley-Taylor.

THE RIGHT HONOURABLE A. F. JEFFREYS IN THE CHAIR.

The Honourable Sir E. CHANDOS LEIGH, K.C.B., K.C., further Examined.

Chairman.

236. WHAT is your opinion with regard to procedure by Provisional Orders as compared with Private Bills?—In certain cases Provisional Orders cannot be obtained.

237. Will you state shortly what those cases are?—The principal case is that of compulsory water rights. I believe in Scotland compulsory water rights may be obtained by Provisional Order; I am not sure as to Ireland, but certainly they cannot in England.

238. Do you mean that if you want compulsory powers for the purchase of land or undertakings you must have a Bill?—Not necessarily; but as regards water rights you cannot obtain compulsory water rights in England at all events by Provisional Order. I will not speak positively as to Scotland, perhaps Mr. Pritt will be able to give information as to that. As regards the question you were asking, as to whether compulsory powers to take land can be obtained by Provisional Order, I may say that in Local Government Board Orders they can be obtained in certain cases, viz., first of all, for houses for the labouring classes, secondly, for street improvements, and thirdly, for sanitary purposes.

239. A Provisional Order is a great saving of expense to the parties, is it not?—I am not altogether so sure of that. In the first place, if it is opposed in its initial stages, there has to be a local inquiry. I speak feelingly, because a near relation of mine, my eldest brother, had to oppose a Coventry Sewerage Provisional Order, and the local inquiry alone cost him a very large sum.

240. That is very unusual, is it not?—It is an exceptional case.

241. An Ordinary Provisional Order costs a comparatively small amount as compared with a Bill through Parliament, does not it?—Perhaps I may point out the various steps. First of all there is the local inquiry. We will say the Local Government Board make the Order; then it has to come up to London to be confirmed as a Public Bill; then it may be opposed at each stage; it may be opposed in the House of Commons and opposed in the House of Lords.

242. But as a general rule Provisional Orders are not opposed, are they; they come before the Chairman of Committees as Unopposed Bills; is not that so?—A good many are opposed; for instance, even this morning I see another Provisional Order is opposed in the House of Commons.

Chairman—continued.

243. That is very unusual, is it not?—I should think there are 20 to 30 in the year that are opposed.

244. Out of what number?—That I cannot say.

245. Do you suppose there are 3 or 4 per cent. that are opposed?—I cannot answer that question, but I notice a good many Provisional Orders are opposed. In fact, Sir John Brunner's Committee the other day had three Provisional Orders, every one of which was fought to the death, and then they may be fought again in the House of Lords. So that as a rule, I would say Provisional Orders do save expense, but you must always bear in mind that Provisional Orders may be opposed at each stage.

246. In the interests of economy and general convenience, what is your opinion as to whether we should have more of these Provisional Orders instead of Bills in Parliament?—I think it would save expense; but of course as Mr. Lowther said, very often a Bill is introduced with certain clauses put in, which, if those clauses were not put in, could go on as a Provisional Order.

247. I think Mr. Lowther said that sometimes parties came for a Bill because they thought they could get more from Parliament than they could from a Government Department?—That is so, particularly with regard to the question that arose the other day as to the length of time for the repayment of loans. They sometimes put in two or three Police and Sanitary clauses which have to come before a committee. A notable instance was a Nottingham case two or three years ago where everything could have been obtained by Provisional Order, but that they put in a clause to make themselves an insurance company to insure their own buildings. That of course would have to be done by a Bill. There was one very necessary Police and Sanitary clause which was put in, and the consequence was that it had to go before the Police and Sanitary Committee, and although it was virtually an unopposed Bill, it must have run them into very great expense.

248. We heard from the Chairman of Ways and Means at the last sitting, that of course he had to leave a great deal of criticism of unopposed Bills to you, as his time was very fully occupied; what would happen if you were incapacitated?—Mr. Bonham Carter would look after it. I might add this to what the Chairman of Ways

and

Chairman—continued.

and Means said. Lord Morley having of course no night work, has a good deal of time on his hands, and all these Bills are examined by Lord Morley, whether they begin in the House of Lords or whether they begin in the House of Commons, before they come to me; so that I have the advantage of Lord Morley's criticisms. If I do not understand or agree with those criticisms I go over and talk to Mr. Gray, the Lord Chairman's Counsel. You may remember, for instance, when you were sitting the other day when the Bill was actually in Committee I asked Mr. Gray if he would kindly step over and see us about the matter.

249. You think in that way due safeguards are taken against Bills getting through without sufficient criticism?—I am sure of it.

250. Is there anything else you wish to say in addition to the evidence you have already given? —I think not. I have spoken about Provisional Orders; and I gather you do not wish to go into the question of local inquiries.

251. I think that would be outside the scope of this inquiry?—As Mr. Lowther was asked a question about it I thought I might, perhaps, say a word upon the subject of local inquiries.

252. I think I will not myself ask you any questions upon that point, but will leave it to any honourable Member who desires to ask any question?

Mr. *Renshaw.*

253. I think in your evidence the other day you suggested that the Bills ought to be in your hands by the 17th of December?—That is so.

254. That is the date at which they reach the Lord Chairman?—That is so.

255. You heard, did you not, Mr. Lowther's evidence in which he suggested that an earlier date than that should be taken?—I did.

256. What are the reasons which lead you to think that an earlier date, say the 21st of November or the 1st of December, could not be taken?—That would involve putting everything on a month earlier.

257. Quite so?—On that point, again, I think I must refer to Mr. Pritt. I gave the dates, if you remember, at the different steps; I gave the 27th of November, and one or two other dates. The notices having to be given on the 15th of December I thought it scarcely possible that Parliamentary agents could be in time to deliver their Bills to me before the 17th. Of course I myself, personally, should like to have them deposited earlier.

258. That is to say, in your opinion there would be no difficulty, so far as the officials of the House of Commons were concerned, in fixing a date earlier than the 17th of December?—It would not affect the officials of the House of Commons, but it very likely would materially affect the course of procedure which has to be adopted by Parliamentary agents.

259. But then Parliamentary agents would have this advantage, would they not, that if Committees of this House and the other House were taking up Bills and considering them at an earlier period of the Session, they would be free

Mr. *Renshaw*—continued.

at the end of the Session for carrying on the work in connection with the Bills for the coming Session?—There again I must say I think they are the best judges of that; perhaps you would kindly ask that question of Mr. Pritt. Then there is another consideration: The authorities at the House of Commons and those of the House of Lords, are equally affected by any ante-dating; we could make no ante-dating without the mutual consent of the House of Lords.

260. It would involve an alteration of the Standing Orders of the House of Lords as well as of our House?—Yes; it would never do to have one set of Standing Orders in the House of Commons and another in the House of Lords, as regards the deposit of Bills.

261. Still, there is a difference in the dates at the present time, is there not?—Yes, but it would be putting the whole proceedings on a month earlier.

262. Then as regards the point which was put to you just now by the Chairman in connection with the substitution to a larger extent of Provisional Orders for matters which are dealt with by Bills at present. Mr. Lowther, I think, expressed the opinion that no persons ought to be entitled to petition this House for Bills for powers which they could obtain by Provisional Order?—I take it that what Mr. Lowther meant was this: That these people ought not to be able to put into their Bills, we will say, Tramways, Compulsory Water rights, and all that sort of thing, but that they ought to be confined to what they could obtain by Provisional Order under Section 234 of the Public Health Act and Part V. of the Public Health Amendment Act, 1890. That would be a very difficult thing to work. Take the large corporations, for instance, they would have to have two sets of Bills; they would have to have a Provisional Order Bill, so far as I can make out, under which they would obtain their borrowing powers, and also the creation of Stock under Part V. of the Public Health Act; and then they would have to have another Bill. I think in the case of small towns and places, I should rather like to see a check put upon it.

263. But you think that a check of that sort would be effective in reducing the number of Bills introduced into this House. You referred to the case of a Nottingham Corporation Bill, the whole of the provisions they came for in that Bill, if I remember rightly (and I was a Member of the Committee that sat upon that Bill), with the exception of the insurance powers, could have been dealt with by Provisional Order?—And there was one Police and Sanitary clause which was essential for them; I think it was with regard to wagons.

264. It was a clause about leading two carts one after the other; with that exception, the whole of the provisions could have been dealt with by Provisional Order, and they could have got it very cheaply, instead of which they had to pay these high fees and attend before a Committee; and then in the end they did not get their insurance powers, did they?—I think they got them in a limited form.

265. I should like to ask a question as to the date at which at present the Examiners begin, sit

Mr. *Renshaw*—continued.

sit publicly, to go into Standing Order questions —that is fixed at the 18th of January, is it not? —That is so.

266. That date would be liable to alteration if the other dates were altered?—That would be liable to alteration. But in a great many cases delay takes place before the Examiners can deal with the Bills. They meet on the 18th of January, but there is delay in a great many Bills from various causes. In the first place, perhaps, the most important cause of delay is this; that promoters try to settle with the local authorities; in all, or most Tramway Bills there is that difficulty. You will remember there was a debate in the House of Commons on Mr. Chaplin's motion as to altering Standing Order 22. That motion was defeated, but Standing Order 22 no doubt causes considerable delay in the case of Tramway Bills. I have known instances (and I have mentioned the fact in another Committee) in which very onerous conditions have been placed upon promoters before the local authorities would allow their Bills to go on. I need not go over the ground again, but I remember two cases in which so onerous were those obligations that I had to go to the House of Lords and show them to Lord Morley. Mr. Lowther, on my advice, cut out (although it was an agreed clause) no less than eighteen or twenty of those sub-sections; and when it got to the House of Lords Lord Morley cut out something like fifteen more. They were onerous conditions opposed to public policy. I give that as an instance of the way in which delay takes place very often before the Examiners can deal with the Bills. Then as regards other causes of delay, I do not propose to deal with some suggestions which I have here on a printed paper, for I think they will be more properly dealt with by Mr. Ashby Pritt, but I may say that another cause of delay would be the Wharncliffe meeting in the case of Company Bills. The practice in the House of Lords is different under Standing Order 91 of that House, which says that these "Bills shall be read a second time not later than the fourteenth day after the first reading thereof." That affects the Wharncliffe meeting. Very often when I have put a Bill down to commence in the House of Lords it has happened to me that the agents have come and said, "Please let this Bill begin in the House of Commons because we shall not be in time with our Wharncliffe meeting—the House of Lords have fixed fourteen days as the latest day after the First Reading"; and I have accordingly had to shift the Bill and let it begin in the House of Commons. I may say, as a matter of history, in the old days the submission of the Bill to the Wharncliffe meeting need not have been proved until the Bill came to the Second House; but there was this great objection to that, that any dissentient shareholder who had a *locus* under the Standing Order could not be heard in the First House, so that he was deprived of one of his hearings; and about the year 1868 that was altered. Then there is another reason I should add with regard to delay before the Examiner can deal with Bills.

267. Before you leave that point let me ask you this: The Wharncliffe meetings as a rule take place at a date which suits the promoting company; it is generally at the time of the annual meeting, is it not?—I think they are generally held in February. I understand from Mr. Ashby Pritt that the Standing Order was altered a short time ago, and the Wharncliffe meetings are held on the same days as the annual meetings.

268. It would no doubt be a great convenience if any alteration in the direction of making the date earlier were introduced, that an indication should be given as to the necessity of holding the Wharncliffe meeting at an earlier date?—Yes. Then there is a third reason why the Examiners cannot get on with their work, and that is there is always an attempt at settlement between the promoters and the petitioners.

269. As regards the question of settling let me ask, is it not your experience that whatever number of days elapse or can elapse between the time at which the negotiations are entered upon and the last day which is available, it is generally about the last day that the negotiations terminate?—I am very much inclined to agree with you there and I may add, the great difficulty we have in getting on with unopposed Bills is extraordinary.

270. So that any shortening of the period available within which the negotiations can take place would really expedite the passage without seriously imperilling the character of the work done?—Possibly.

271. I should like to ask you a question with regard to the Court of Referees. Is it your opinion that on the whole the action of the Referees in the House of Commons, as an independent body from the Committees to whom Bills are referred, is an economical arrangement? —I should say yes.

272. That is to say, the cost which is involved in parties coming before the Court of Referees is not a serious addition to the total cost of obtaining the Bill?—No, because no witnesses have to be brought up. It is the rarest thing in the world, as the honourable Member on my left will bear me out, for us to hear witnesses before the Court of Referees. All we decide is upon technical grounds, yes or no, have these petitioners a right to be heard against the Bill? And if we say they have no right to be heard the expense of bringing up witnesses and instructing counsel and all that, at a subsequent stage, is done away with.

273. But it does involve a certain amount of delay in some cases, does it not?—It ought not to.

274. Do you think the period between the decision of the Court of Referees and the time when the Committee can sit upon the Bill need not be more than a day or two?—I should prefer the Court of Referees sitting earlier, so that petitioners should know their fate at once. I see no objection to the Court of Referees sitting considerably earlier than they do now, and not waiting until committees have been grouped.

Chairman.

275. But that is merely a matter of arrangement between the Court of Referees and the Chairmen; it has nothing to do with Standing Orders, has it?—It is a matter of Standing Orders to a certain extent. It is a matter of the Sessional

Chairman—continued.

Sessional Rules of the Chairman. The Chairman could very easily alter it in the Sessional Rules.

276. That is what I mean?—That is so.

Mr. *Renshaw.*

277. Now with regard to the introduction of Bills, I gather you think that that could be done in such a way that the first reading stage might be fixed for one day for all, Bills and in that way there would be no delay in the action of petitioners if they were enabled to petition Parliament as a whole rather than each individual House; is not that so?—I agree to that, and I see no objection to their petitioning Parliament in the same way as they do in Scotland.

278. That would be prior to the sitting of Parliament?—Not necessarily.

Chairman.

279. The date of it would have to be fixed; it would be equivalent to the present first reading stage, although you could not call it the first reading stage?—No, because there would be no first reading. I take it that what the honourable Member is putting to me is this: That all petitions should be deposited at a fixed date which should be independent of first reading in the same way as is now done with regard to memorials complaining of non-compliance with Standing Orders under Standing Order 230; then the House and the promoters would have an early intimation as to what Bills were opposed and the amount of opposition, and probably the petitions could all be got in by the middle of February. Is that an answer to the question the honourable Member was putting?

Mr. *Renshaw.*

280. I think that practically answers my question?—That is the suggestion, as I understand it.

Mr. *Worsley-Taylor.*

281. I suppose you would agree that it is a desirable course both in the interests of the House and of the parties as well, that committees should get to work earlier than they do now?—That is so.

282. I suppose the initial date, the material date, for House purposes, is the deposit of the Bill?—Yes.

283. Now from the return which I think was put in last time, I gather that as a rule Parliament meets about the middle of February or just before that?—Yes, I think the paper I handed in in my evidence shows the dates.

284. I suppose that would be a good practical date to aim at for the regular sitting of Committees, beginning work in fair volume?—You must remember we cannot divide the Bills until Parliament meets. What the honourable Member was putting to me just now was a suggestion as to the lodging of petitions, not to an individual House but to Parliament; but committees could not sit until we divide the Bills.

285. Why not?—For the simple reason that supposing there are 226 Bills, 100 of those would go to the House of Lords and 126 to the House of Commons, and we could not fix Committees until we knew which House the Bills commenced in.

Mr. *Worsley-Taylor*—continued.

286. But what some of us have in our minds is this: Would it not be possible for the two chairmen to meet before the actual sitting of the House to divide the Bills?—If the two chairmen will agree to that, we officials would have nothing to say.

287. That is to say it could be done if it were convenient to the two chairmen to meet a week before Parliament met to divide the Bills?—Yes, that is always taking the late date of meeting which the honourable Member put to me. It would have been impossible this year when the House met on the 16th of January.

288. This year is a very exceptional year, is it not?—Yes.

289. You have thrown out the suggestion that we may hear presently from some later witness that it would be exceedingly difficult to get Bills deposited earlier than the 17th of December, that is to say the date of the House of Lords' deposit?—Yes.

290. Assuming the date of the 17th of December is fixed for the deposit of Bills (that being one which coincides with the date in the House of Lords) can you suggest any means by which the earlier sitting of Committees could be brought about?—Except so far as it would be accelerated by the suggestion that was referred to just now as to petitioners petitioning the Houses of Parliament, not each individually, and all petitions getting in by the middle of February.

291. You have no other suggestion to make than that?—I have no other suggestion.

292. Following that up, on the last occasion some questions were put to the Chairman of Committees with regard to the possibility of petitions being deposited at a fixed date before even the sitting of the House; would it in your view be practicable to deposit petitions before the examiners have dealt with the Bills?—I am afraid I cannot answer that question; I must refer you to Mr. Pritt for that. Those are rather questions which concern gentlemen who have to deal with the preliminary proceedings.

293. When do the examiners deal with the Bills?—The first batch is dealt with on the 18th of January.

294. How long have they before they report on the first batch of Bills?—I cannot answer that. As to all examiner's questions I must refer you to Mr. Campion, who is here.

295. Take the case of an Omnibus Bill such as was suggested, some parts being rightly promoted by Bill and rightly going before a Committee, and other parts being dealt with by Provisional Order; how would you suggest that a Bill of that kind should be dealt with?—The only suggestion that I was able to make was that if Mr. Lowther's suggestion was carried out there would have to be two bills.

296. I thought perhaps your great experience might enable you to suggest another way; no other way occurs to you than having two bills, one of which might be opposed before the Committee in this House and the other might pass through the three possible stages of a Provisional Order?—Yes, I cannot suggest anything else.

297. Can you suggest any extension of the class of subjects which might be dealt with by Provisional Orders?—Of course you might suggest the question of putting England on what

Mr. *Worsley-Taylor*—continued.

what I may describe as the same footing as Scotland as regards compulsory water rights which I instanced.

298. I am now dealing only with the matter of our own procedure in regard to Provisional Orders, and the extension of that system?—Would not my answer apply to that, that is to say, supposing there was an extension with regard to the acquisition of compulsory water rights, and supposing there was an extension with regard to the compulsory acquisition of land, and those are the only two instances I can think of at the moment.

299. I was asking whether you would suggest an extension as regards such things as that?—Those are the two I do suggest.

300. Would you recommend them?—Water rights are a very ticklish thing and I should be very much inclined to take time to consider before I gave any answer as to that.

301. I should think the question of water rights would form the most contentious class of business that comes before a Private Bill Committee?—That is so, I cannot give an answer to the question at the moment.

302. Would not the remark as to this being the most keenly contested class of business that comes before a Private Bill Committee refer also to the acquisition of land?—Yes. I cannot make up my mind as to the question of extension of Provisional Orders. It is a very great subject.

303. With regard to the Court of Referees, I gather your view is that they might with advantage sit earlier; in your view, if they are to be of practical advantage to the parties, ought they not to sit earlier?—I think they ought.

304. At such times as will prevent a petitioner from going to the expense of getting up his brief and getting up his witnesses?—That is so.

305. If they do not sit at a time consistent with that, do not they cause extra costs to petitioners?—As I understand the honourable Member's point, it is this: take, for instance, the Wigan Corporation Bill, which was before the Court of Referees the day before yesterday, in which the *locuses* of both petitioners were disallowed. The Committee, I believe, sits to-day. As I understand the honourable Member's suggestion, it is this: that if the Court of Referees had sat 10 days ago they would have saved expense, because if the *locus* of the petitioners was disallowed no witnesses would have have had to be summoned. Wigan, of course, is a long way off. And if the *locuses* had been allowed, and if they had had to bring witnesses at the last moment, there would have been great hurry to get the witnesses up. Is that the point of the honourable Member's question?

306. Yes, substituting for "10 days" some reasonable period?—I am quite with you on that point.

307. What would you say with regard to giving the Court of Referees power to award costs?—I should like to see them allowed to do so in certain cases.

308. I mean limiting it to cases where the parties have been vexatiously subjected to expense?—I would not go beyond what the Public Act requires, viz., that the Committee should be unanimous in their opinion that the parties had been, unreasonably or vexatiously, subjected to expense.

309. In those cases you would be in favour of giving by some means or other power to the Court of Referees to award costs?—I should.

Mr. *Brynmor Jones.*

310. I should like to ask a question or two with regard to the Court of Referees; you have said the Court of Referees, in your judgment, upon the whole, is an instrument of economy, speaking broadly?—In my judgment it is.

311. Does not it also, upon the whole, tend to divide the labours of the House in regard to Private Bill legislation among a greater number of Members?—And it considerably lessens the labours of the Committee to whom Bills are referred.

312. Private Bills are divided into two classes, are they not?—Yes.

313. Can you tell me what is the leading principle upon which that division on classification is founded?—Mr. Pritt is prepared to answer that question, and I would rather leave it to him.

314. Would you tell me what are the preliminary steps taken in the case of matters that can be dealt with by Provisional Orders; are they more complicated than the preliminary steps in the case of Private Bills?—I should fancy not. I may take Gas and Water Orders, for instance. There is a counsel of the Board of Trade who, I believe, settles those Orders; then they are submitted to the Board of Trade, and the Board of Trade incorporates them, joining together different districts.

315. Then, if necessary, the Board of Trade holds a local inquiry?—If necessary it holds a local inquiry.

316. Do you think, upon the whole, the local inquiry held by the Board of Trade would be more or less expensive than the inquiry before a Committee of this House?—The local inquiry, *per se*, would not be so expensive, but in my previous answer I was only taking the case, which of course is not the rule, of where a local inquiry leads afterwards to a Bill being opposed in the House of Commons and then in the House of Lords. Then I should say there is very little difference in the expense except so far as possibly the fees of the House, and counsel would have to be instructed; and about that Mr. Gibbons will be able to give you an answer.

317. Would legislation be required in order to extend the system of Provisional Orders?—Yes, I think so.

318. In your opinion would it be advantageous to extend some system like the Scotch system to Ireland or to different areas of England, or say Wales?—That to my mind is a very difficult question. I do not want to go beyond the scope of this inquiry and I will endeavour to confine myself to it. With respect to local inquiries I think there is a great difference between England and Scotland in this respect. I think I was right when I said there were something like 236 Bills in England. Taking Scotland there were 29 applications for Provisional Orders for Scotland this year, and out of those seven have been treated as Private Bills. Now why are they treated as Private Bills. Because the Lord Chairman in the House of Lords and

Mr. *Brynmor Jones*—continued.

the Chairman of Commitee of Ways and Means, meet together and say what ought to go on as Private Bills. Now just consider the difference between dealing with 29 of those applications as in Scotland and having to separate 236 applications in England. That is one reason to my mind. And the question has often occurred to me, if this Act applies to Scotland why should it not apply to Ireland as well, possibly not on the same lines as the Scotch Bill; but Irish people have to cross the Channel, which is quite as inconvenient as having to come down from Scotland. Then the honourable Member mentioned Wales. I do not think the volume of business for Wales would be great at all, and my reason is this: Nearly all our Welsh cases involve English interests; there would be great lines in connection with the North Western and with the Great Western Railway Companies, and with the docks, the Bute Docks, the Newport Docks, the Barry Railway, and so on. All of those are matters which involve English interests, and I think if we had the same system as in Scotland we should have to treat them as Private Bills. Therefore I do not think it would make a great difference as regards Wales. I have here a statement as to the number of Provisional Orders in regard to Scotland and their progress which I will hand in. (*The same was handed in, vide Appendix.*) Of course upon the question of cost there is a great deal to be said. I have always been very strongly of opinion that the cost would be very great indeed in a great many of these cases if any system of that kind were applied to England. I have had a good deal of experience with regard to Election Petitions, and I know perfectly well the enormous fees that leading counsel charge in regard to Election Petitions. One respected leader of mine would never go under a fee of 600 guineas and 100 guineas a day. So that the expense would be very great if eminent Parliamentary counsel were taken down into the country, and I am sure the big railway companies would take them no matter what it cost; and the opponents would be put to great disadvantage for the simple reason that they would have to employ local counsel.

Chairman.

319. You mean to say that the cost would be against holding these local inquiries?—I think the cost would be very great both in regard to counsel and in regard to expert witnesses.

Mr. *Brynmor Jones.*

320. But Election Petitions are quite special cases, are they not?—They are quite special cases.

321. In that case there are personal issues of character and so on, involved, which make it very necessary to have the best counsel?—Yes, still I adhere to my opinion that the big railway companies would not be satisfied unless they took the best counsel to fight big Bills.

322. Do you not think in attaching so much importance to counsel you are rather reflecting upon the tribunal?—I do not know; I think that all Chairmen of Committees like to have the very best assistance, and the best assistance is rendered by those most acquainted with Parliamentary policy.

Mr. *Brynmor Jones*—continued.

323. I will not pursue that point. You have expressed an opinion adverse to having Joint Committees instead of Private Bills going before a Committee in each House; on what ground do you base your objection to Bills going before a Joint Committee?—I do not think I could add anything to my answer 231.

324. The hearing in the Second House has been sometimes referred to as a case of appeal; you place it, I think, upon the point that petitioners against Private Bills have the advantage of an appeal under the present dual system?—They can go to the Second House.

325. But does it not strike you as rather an unequal appeal if the promoters have only one shot and petitioners have two. In an ordinary case in a Court of Justice you have a plaintiff and a defendant, and either party can appeal if there is an appeal at all?—Yes; of course promoters have to take the risk of that.

Mr. *Worsley-Taylor.*

326. Is it not the fact that if a promoter of a Bill has his Bill refused he can come again next year?—Yes.

327. So that he is in an entirely different position from an opponent?—Yes, that is another reason, no doubt.

Mr. *Hobhouse.*

328. In the earlier part of your evidence when dealing with the division of Bills between the two Houses you spoke of some Bills being necessarily sent to the House of Lords; would you explain what you meant by that?—I should say rather to the House of Commons.

329. Your expression, I think, was that some Bills were "necessarily sent to the House of Lords"?—I will tell you the Class of Bill that must go to the House of Lords. An Estate Bill must go to the House of Lords. The procedure upon an Estate Bill is this: It is sent to the House of Lords; the Lord Chancellor refers it to two judges, and the two judges have to report upon it before that Bill is dealt with in Committee.

330. Is that under statute or by practice?—It is not by statute, I think.

331. Is there any other class of Bills which must originate in the House of Lords?—Not necessarily, but it is the fact that Bills involving financial questions in the case of a bankrupt company generally begin in the House of Lords as a matter of practice; and generally we begin all Insurance Bills in the House of Lords. With regard to what we begin in the House of Commons it does not arise often now, but we have to take care that we do not send Bills to the House of Lords which involve a question of taxation. The matter is dealt with in one of the later Standing Orders; it is Standing Order 226 of the House of Commons, "This House will not insist on its privileges with regard to any clauses in Private Bills, or in Bills to confirm any Provisional Orders or Provisional Certificates sent down from the House of Lords which refer to tolls and charges for services performed, and

Mr. *Hobhouse*—continued.

and are not in the nature of a tax, or which refer to rates assessed and levied by local authorities for local purposes." It now and then does occur that Insurance Bills may happen to have a clause which cannot be passed in that House because it is in the nature of a Stamp Duty or something of that sort, and in that case that clause is left in italics, and is put in in Committee of the whole House here.

332. Where it refers merely to local taxation then it may originate in the House of Lords?—Yes, but in that case I always ask the agents to italicise clauses which cannot begin in the House of Lords.

333. As is done in a Public Bill?—I was not aware that that was so.

334. Are those italicised clauses supposed to come to us in blank in the case of Private Bills?—Yes, and then they are put in by the Committee of your House. That is a point which one has to be careful about in dividing the Bills; that shows the necessity for reading all your Bills before you divide them.

335. But questions of the length of terms of loans and that kind of thing, are dealt with equally in both Houses?—Yes, because the Standing Order is perfectly clear about that. It says, "which refer to rates assessed and levied by local authorities for local purposes."

336. Then I may take it that as regards the great mass of Bills you have a pretty free hand in dividing between the two Houses?—Quite a free hand, but as I said in my evidence in chief, of late years I have always made a practice of consulting the Lord Chairman's Counsel in the other House, so that by putting our heads together we divide the Bills as we think they ought to be divided.

337. Your object being to give each House a fairly equal amount of work?—Now they do take an equal amount, but in the old days, in Lord Redesdale's time, the House of Lords did not take nearly so many Bills.

338. Have you any more figures to give us at present with regard to the increase in the number of Private Bills of late years?—I think a Return is to be made up in regard to that. I think you may take it for the last 10 years there has been a pretty equal average. Last year there were 30 more than this year. Of course now there is a slight diminution because the Scotch Bills are not included. There were 29 Scotch Provisional Orders this year, and out of those only seven were referred as Private Bills, so that you may take off 22 which otherwise would have commenced in this House if there had been no Scotch Procedure Act.

339. Has the volume of Private Bill business materially increased since the last Select Committee reported in 1888. Perhaps the figures which are being prepared will show that?—If they have not increased numerically to any great extent, there are a great many more difficulties since 1888 on account of the local authorities' Bills having so materially increased.

340. Many of the Bills are longer and more complex than they used to be?—Yes.

341. That is specially true, I suppose, of heavy Corporation Bills?—Yes, I used general words "Local Authorities Bills," because it also has to do with the small local authorities. They give quite as much trouble as the big ones.

342. Therefore the work of examining the Bills is much heavier than it used to be?—Yes.

343. With regard to Corporation Bills they used to be all referred to the Police and Sanitary Committee, were they not?—If they contained police and sanitary clauses, but not otherwise.

344. That was the case with the mass of Corporation Bills, was it not?—As regards about half of them.

345. Now the Police and Sanitary Committee has been given up, has it not?—It is given up, but still the Bills are referred to a Special Committee. In fact we do not have a Chairman who has not been accustomed to police and sanitary work. The two standing Chairmen now are Mr. Bill and Mr. Heywood Johnstone.

346. There are now two Committees that deal with those Bills?—Yes.

347. If the mass of business was greater there might have to be three?—Yes.

348. Do you consider that is an improvement on the old practice of referring them all to one Committee?—One Committee could not get through the work. There was also this point: When there was one Committee on Police and Sanitary Bills, suppose the Committee was nine, very often only four or five would attend and make up a quorum, and the Members attended most irregularly. Now those Bills are referred to an ordinary Committee who have to sit day by day and Members cannot be absent. We had, in fact, to divide the Police and Sanitary Committee into half and set up a second Committee.

349. The dividing of the Committee was done as a matter of necessity?—It was.

350. The object of sending all the Police and Sanitary Clauses before one Committee was to get uniformity of practice?—To get uniformity of practice, but now having two experienced gentlemen who have sat on Police and Sanitary Bills, I think there is uniformity—I do not think it has been broken.

351. Not at present, perhaps; but I suppose you would agree there might be some advantage in securing uniformity of practice in this class of Bills by conferences between the Chairmen?—I think they have them now—I cannot speak for the Chairmen, but I think they consult each other.

352. Now let me ask one or two questions with regard to Provisional Order Bills. You anticipate that in many cases they are as expensive as Private Bills?—In some cases. I gave instances of where there was a local inquiry and afterwards opposition in both Houses. I cannot tell you the percentage of those cases.

353. That is surely an extreme case, is it not, in respect of Provisional Orders?—It is an extreme case.

354. Is it not the fact that the great majority of Provisional Order Bills having been carefully inquired into by Government Departments pass through Parliament without opposition?—I grant that.

355. With comparatively little expenses?—I do not know about the expense.

Mr. *Hobhouse*—continued.

356. Would you accept this figure: that in the case of the purchase of water or gas undertakings by district authorities, if it is done by Private Bill, unopposed, it usually costs the Council from 400*l.* to 500*l.*; whereas, if it is done by Provisional Order, unopposed, it only costs 80*l.*?—I daresay that may be so—I do not know.

357. In the case of dealing with matters like water and gas, and other purely local matters, which do not raise either the interests of great railway companies, or such questions as are raised by Election Petitions, there is no need in a case like that to take the most expensive counsel, is there?—No, not when it is only dealing with small matters like that. But, of course, it is different where it gets to be a fight. Take, for instance, the case where a local authority wants to compulsorily acquire a gas undertaking, and that does not satisfy all the consumers then the fight is very strong and very often there are competing Bills. Supposing a gas company comes, we will say, for additional capital, or a gas company comes to extend its limit—that is the time that the local authority produces a Bill too, and there are competing Bills between the two.

358. But those questions are often, or indeed, usually settled by the inquiry before the Board of Trade officers, are they not?—Oh, no; they are fought in the House.

359. Sometimes?—In a great many cases.

360. Will you be able to give us any figures later on as to the proportion of Provisional Order Bills which are opposed and unopposed?—I am afraid that is hardly within my province—I should have to have assistance from the Private Bill Office, or somewhere, if I were to give any figures of that kind.

361. I did not mean to press you as to that—I only wanted to ask whether you were in a position to give that evidence?—No, I am not. Possibly Mr. Munro, who has been summoned here as a witness, who has lately been elevated to the position of chief clerk in the House of Lords, may be able to give you that information. He was the guardian of our Provisional Orders in both Houses and he can tell you a great deal about them.

362. I believe it is the duty of certain Government departments to report upon certain classes of Bills?—It is.

363. Do you consider that duty could be extended with advantage?—I do not know if it could be extended.

364. Let me put to you one case within your knowledge, as well as mine. In the case of Bills which are now becoming more common, involving large questions of electric powers, it is not the duty at present of any Government department, is it, to report upon those Bills?—I may be wrong, but I thought they did report upon them. If promoted by a local authority, I am informed the Local Government Board reports upon them, but Mr. Pritt will be able to answer as to that, because the reports come to the Parliamentary agents as well as to me.

365. You do not remember the case we had the other day with regard to applying electric power to all underground railways?—Yes, I remember the case.

366. In that case it did not fall within the duty of any Government department to report?—That is a case which I am rather astonished the Board of Trade did not report upon. It is a matter that comes more within the province of the Board of Trade.

367. Are you aware that under the Standing Orders there is no duty cast upon them to report in such a case, because it is not the case of a railway?—Is the honourable Member referring to the question of its being a tramway?

368. No, it was in the Metropolitan District Railway Bill; it was an electric power cable; it was a question merely of supplying motive power. However, if it is not within your recollection, I will ask another witness about it. Now I want to ask you a question or two as to the composition of Committees. You told us in regard to Unopposed Bill Committees, in the case of House of Commons Bills, in addition to the Chairman and yourself, there has to be a Member, whose name is on the back of the Bill, and one other Member "not locally or otherwise interested in the Bill"—it is Standing Order 137?—Yes; and if you will read on in the Standing Order, it says "or a referee." So that, as a matter of fact, there need only be present, the Chairman of Ways and Means and a referee. The Member whose name is on the back of the Bill is summoned, but he need not be there. The Chairmain and myself will constitute such a Committee as can go on with the Bill, but in Railway Bills and in House of Lords Bills it has been always the practice to have one special Member, that special Member at present being Mr. Parker Smith; but he need not necessarily attend.

369. Does he, as a rule, usually attend?—As a rule Mr. Parker Smith attends a great deal, and if he says he cannot attend, I sometimes say, "can you come in upon one particular Bill, because a question of difficulty may arise on it, and I should like the Chairman to have your assistance." That is how I manage it now.

370. I suppose now that there is a Deputy Chairman it is easier to work?—I have known no instance where the Chairman and Deputy Chairman have sat together.

371. Has the Deputy Chairman a right to sit with the Chairman under the Standing Orders?—That is a question which I have not yet considered. I suppose he would have the right to attend under the words, "one other Member not locally or otherwise interested therein." He would be a Member not locally or otherwise interested.

372. He would have a right to sit under those words?—Yes.

373. But not *ex-officio*?—No, I do not think so.

374. Does not it happen under the new rules of procedure that it becomes almost impossible at certain periods of the Session for the Chairman of Ways and Means to sit on these Committees?—Yes.

375. Owing to his having to take the chair so much earlier?—Yes. We try to arrange it, and he has been able to do it except during the time of

Mr. *Hobhouse*—continued.

of his illness when the Deputy Chairman sat all through instead of him.

376. Still the strain would be great?—The strain would be great.

377. Therefore it might be desirable to make some alteration in the Standing Order that would strengthen the tribunal?—I think we could see our way to do that. There seems to be a sort of idea in the House that unopposed Bills are not thoroughly threshed out. I beg rather to differ from that because, personally, I thresh them out to the very best of my power. But I must say that such a Committee as I suggest would considerably strengthen the hands of the Unopposed Bill Committee, and that is a Committee we will say, consisting either of the Chairman or Deputy Chairman, Mr. Parker Smith, or some Member who permanently attends in the case of the House of Lords Bills, and myself. That would make a fairly strong committee.

378. Would it not be desirable to have two gentlemen of that description, so that one might be always sure of attending?—Yes. There is no objection to the number. They formally summon the Member whose name is on the back of the Bill. He might attend or not as he liked. Sometimes they do wish to be there; if their constituency has a particular interest in the Bill they like to see their Member there; so we summon him.

379. That does not apply to a Bill that comes down from the House of Lords?—No, it does not. Mr. Parker Smith is the fixed Member there.

380. But is not there somewhat the same reason for summoning the Member to whose constituency the Bill refers in the one case as in the other?—Yes, I think on any recommendation from this Committee we might see our way to making an alteration of that Standing Order 137; that is all I can say; I cannot go further than that now.

Mr. *Brand.*

381. What is the reason for the distinction between Railway, Canal, and Divorce Bills and other opposed Private Bills. You see the words in brackets in the Standing Order?—That helps one. On every unopposed Private Bill let us deal only with the word "Railway;" Mr. Parker Smith is the person on all Railway Bills; on Canal Bills it would be the same. A Divorce Bill is a Bill which I have very little to do with. Divorce Bills now would apply to Ireland, and they are always settled in the House of Lords before they come to us.

Mr. *Hobhouse.*

382. Is there any other Standing Order relating to unopposed Bills Committees on Railway Bills, because this exception of Railway Bills by this Standing Order seems to leave them unprovided for?——

383. I cannot tell at this moment: perhaps another witness will be able to answer that question. One word with regard to opposed Bills Committees. Do you agree with the view which Mr. Lowther expressed that under no circumstances, even in the case of Joint Committees, was it desirable to have more than four Members?—As long as the Chairman gets a

Mr. *Hobhouse*—continued.

casting vote; that is Mr. Lowther's idea, because the Chairman, I fancy he said in his evidence, is the person who took the main burden upon himself, and therefore, if the Committee were equally divided it was a good thing that the Chairman should have a casting vote. Those were his reasons, I think I am right in saying.

384. Supposing a Joint Committee was constituted, and you wished to secure a casting vote to the Chairman, that is to say, you wished the numbers to be not odd but equal, would not a Committee of six in that case be better than a Committee of four?—If there is a Joint Committee, as at present constituted it follows the rule of the House of Lords, and the Chairman would have no casting vote; I think that is clear.

385. In a Joint Committee I believe the rules of the House of Lords prevail?—That is what I said, both with regard to *locus standi* and with regard to there being no casting vote of the Chairman.

386. I was asking your opinion generally as to the constitution of Committees on opposed Bills; what do you consider the best number?—I like the present constitution in the House of Commons, with the Chairman having a casting vote.

387. You consider the number four a perfect number?—Yes, and with the difficulties of getting Committees in the House of Commons now, there being so many public Bills that they have to sit on, if you increased the number to five you would have still greater difficulty in getting Members to serve.

388. I quite understand that the number could not be increased if it was a House of Commons Committee alone. I was supposing that it was a Joint Committee?—You mean with eight or nine Members?

389. I ask you what is the best number in your opinion for a Joint Committee?—With the Chairman having a casting vote; I prefer not to go into that.

390. You do not wish to go into that?—No, Joint Committees are some way off yet; it is a matter for great consideration.

391. Passing to another point, to what extent do you consider it your duty to give advice to Chairmen of opposed Bills Committees? Do you put your views before them; do you originate advice, or do you wait until the Committee seek your advice?—On that point I may say this: Take the Local Government Board Report, which comes before me as well as before the Chairman of the opposed Bills Committee. I see something very special in that Local Government Board Report which I particularly want to call the attention of the Chairman to. I take upon myself the responsibility of coming up into the room and asking the Clerk if the Chairman would have a word with me. So also, if I saw some extraordinary clause which I disapproved of, I should adopt the same procedure, and then it would get to the ears of the Chairman, and he could send for me or not as he chooses.

392. You would send a notice to him in writing?—I should probably come up into the room and show the clause to the Clerk and he would call the Chairman's attention to it.

393 You

Mr. *Hobhouse*—continued.

393. You would communicate with the Chairman, in very exceptional cases?—In exceptional cases.

394. But you would not consider it part of your duty to attempt to secure uniformity of decision in any particular class of cases?—No.

395. Such as the terms for loans?—No, because the Local Government Board you see, would call attention to that, and it would be rather an audacious interference on my part to go up and dictate to a Committee who have the whole of the facts before them. There is an elasticity about these things. In some cases the time for repayment of loans might be extended by one Chairman, the necessity for which would not arise on a different state of facts before another.

396. Then in your opinion there is no reason for any further steps being taken to secure uniformity of decision as between different Committees?—No, I do not think there is.

Mr. *Renshaw.*

397. I should like to ask you whether you think it would be possible to fix a date after which no Second Reading of a Bill introduced into the House of Commons should take place, whether it would have the effect of expediting the Second Reading of Bills?—The same as Standing Order 91 of the House of Lords?

398. What is the date in Standing Order 91?—I think is 14 days after the First Reading.

399. No, I will not put the question in that way then; I will put it whether a certain date from the commencement of the Session could be fixed after which the Second Reading of Bills should not take place?—I cannot answer that question; I should prefer Mr. Pritt to answer it.

400. If a provision of that kind could be made it would no doubt prevent the unnecessary delay in the Second Reading of Bills which does take place?—Yes, there is delay. Very often agents come to me and say, "Will you allow this Bill to be put off a fortnight or three weeks?".

401. The other question that I should like to ask you is this. Part of the delay in regard to the consideration of Private Bills arises from the amount of work which has devolved upon the Chairman of Committees. The delay which occurs in certain cases in regard to the progress of Private Bills arises from the difficulty of the Chairman of Committees finding time for that particular branch of work, does it not?—I do not think so.

402. Do you know any instance of that having happened?—I know of no instance; it is rather the other way. The Chairman of Committees Secretary invariably sees that a Bill has been read a second time, and says, "we ought to be able to take this—it is unopposed," and he sends to the agents, and it is the agents who say "we are not ready with it." We are always ready.

403. With regard to unopposed Bills that come before the Chairman of Ways and Means, is it the fact that the Chairman's powers with regard to taking clauses out of those Bills, or inserting provisions in the Bills, is practically unlimited, except in so far as a question may be

Mr. *Renshaw*—continued.

raised by a Member in the House of Commons?—If the Chairman saw an objectionable clause against public policy, he would take it out.

404. He has equal power of putting in a clause, has he not?—He might put in a clause.

405. And on that there would be no check, unless in some way or other attention was called to it in the House itself?—That is so. I remember our altering a clause and substituting a new clause for it.

Mr. *Hobhouse.*

406. Has the Chairman of Ways and Means any power in the case of a Bill, a portion of which he considers raises important questions that ought to be heard before an Opposed Bills Committee, of sending that portion of the Bill to a Committee?—I have never known an instance of that. Under Standing Order 83 he would simply recommend that the Bill be treated as an opposed Bill.

407. The whole Bill?—Yes, the whole of it would go to an Opposed Bill Committee. It would not last long because there would be no opponents.

Mr. *Brand.*

408. So far as the powers of the Unopposed Bills Committee are concerned, the Chairman has just the same power as the Chairman of an Opposed Bills Committee?—The powers are the same; there is no difference on all questions of public policy, only we cannot hear opponents.

Chairman.

409. Just now you alluded to what you said was the impression amongst Members that these unopposed Bills were not sufficiently criticised and gone through; but I do not think anybody would like to say that they were not sufficiently criticised and looked at. What the impression seemed to be was that the Chairman of Ways and Means did not do it, that he delegated his authority to you on account of his having his time fully occupied; but you, so far as you are concerned, go carefully through all the Bills?—To the best of my power with the agents, before they come before the Chairman.

410. In the case of every unopposed Bill that comes before the Chairman you previously go through it carefully?—I go through it carefully.

411. And you draw his attention to anything that may be required?—That is so.

412. And if no alteration is required you ask the Chairman to sign his name to the Bill on your authority?—That is so; and it happens in numberless cases that they only take five minutes doing.

413. But you would not like to say that Bills have not been gone through, because you have gone through them yourself?—Yes, the Standing Order requires either the Chairman or myself to do it.

414. And the Chairman not being able to do it, you do it for him?—Yes; but the Chairman very often reads the Bills himself. I had six years under Mr. Courtney and I know he was not at all satisfied unless he had mastered them; no more is Mr. Lowther.

415. You

Mr. GEORGE ASHBY PRITT, Examined.

Chairman.

415. You are a Parliamentary Agent, I believe?—Yes.

416. Would you just state how long you have been a Parliamentary Agent?—I have been in practice 40 years, and I am now senior partner in the firm of Sherwood and Company, they having been in practice many more years than that even.

417. And of course you have had great experience in these matters of Private Bills?—Yes.

418. In the first place would you state to the Committee any remarks you have to make on the change in private business that was made by the Resolution of the 1st May this year, whether it affects Parliamentary Agents in any way?—Undoubtedly, to the extent to which it involves the attendance of Parliamentary Agents in the House at the evening sitting at nine o'clock, it does affect the position of Parliamentary Agents, but not otherwise. I do not think it interferes at all with the conduct of the business in the House except to that extent.

419. You heard, I think, the evidence which the Chairman of Ways and Means gave on Tuesday, in which he said that he thought the alteration to nine o'clock did away with a certain amount of discussion on Private Bills. Would that be your opinion?—I think very likely it has; but that is in the House, and I should not like to express an opinion on what takes place inside the House.

420. With regard to the introduction of Private Bills, we heard last Tuesday that the time for lodging them was now the 21st of December, and that that caused rather a block of the Bills when the House met. Is there any reason why notices should not be given a month earlier?—I think it would be almost impossible to put forward the proceedings on private business by a month. I think it would involve an alteration of all the practice of Parliament and of parties practising before Parliament as regards all the preliminary proceedings; that is to say, it would not only put forward the deposit of the Bill, but the publishing of the notices, the preparation of the plans and sections and other preliminary documents, and the getting instructions for those preliminary proceedings; and from experience I am quite satisfied that the time now at the disposal of promoters in getting up Bills for any particular session is by no means too long. Of course, technically you can give instructions and proceed with a Bill at any time; but practically you cannot take proceedings for an approaching session until the business of the current session is concluded. I think that is specially the case as regards local government measures. I have had an opportunity of mentioning this matter to one or two gentlemen connected with local government business, and they are strongly of opinion that it would be very difficult, and almost, I might say, unreasonable, to expect them to begin to take proceedings with reference to an application to Parliament a month earlier than they do at present, or any necessary time earlier involved by the alteration of the date to a month earlier.

Chairman—continued.

421. Instead of saying a month earlier, is there any reason why they should not be taken a fortnight earlier?—I do not think it would make much difference.

422. Did you hear what was said last time that the notices having to be put in by the 21st of December ran the time so closely into the holidays that no action was taken therefore for a week or so from that date?—Do you mean action by the parties or action in the House?

423. Action by the parties?—I do not think that is so. I do not recognise that at all as a proper statement. In point of fact, we are extremely busy all through Christmas. Christmas Day we get a holiday and on Bank Holiday, but otherwise it is one of our busiest times, the period immediately after the deposit of our Bills.

424. Do I rightly understand you to say that there would be insuperable difficulty in getting these Bills lodged a fortnight earlier?—I do not say insuperable, but I say very serious difficulty, and I do not think the result would be sufficiently beneficial to make it worth while; because I do not admit that it is the deposit of the Bill on the 21st, and not sooner, that delays the subsubsequent proceedings.

425. What does delay the subsequent proceedings?—Nothing. If I might venture to say so, I think the subsequent proceedings are very well regulated by the present Standing Orders. I think as regards the time for the sitting of Committees it is quite possible now to arrange to get Committees to work at an earlier date than at present, and at a convenient date also. I feel sure that if the House was prepared to give us Committees on opposed Bills, it depends wholly upon the time when Parliament meets, of course, and that is a varying date which disturbs everything, but subject to that I am satisfied that we should be able to get Bills ready for Committees. The principal point is, of course, the question of petitioning against Bills. It is difficult, no doubt, to deal with a Bill until you know what amount of opposition you have to incur, and that would be to a certain extent met by the suggestion that petitions against Bills should be deposited at some fixed date, not necessarily prior to, but wholly independent of, the sitting of Parliament. Even then, you see, the proceedings on the Bill must depend upon the date of the meeting of Parliament, more or less; we cannot control that.

426. Is there no fixed limit of time for petitioning against a Bill now?—Yes, the time now is fixed by the first reading. But as I say sometimes the House has met as early as the 16th of January, and sometimes it does not meet even till March.

427. Then instead of fixing a time limit by the first reading you would fix it by a certain date?—I would.

428. What date would you suggest?—It is a little difficult to say, it affects so many other matters in our practice; but I think about the middle of February, about the 12th of February, which is about the average date at present, at which petitions would have to be deposited under the

Chairman—continued.

the present rule. If I may say so, you will understand that the bulk of the Petitions now have to be deposited on practically the same date, because the bulk of the Bills are read a first time on the same date.

429. But you said that if Parliament were ready the Bills could be proceeded with?—Some of the Bills.

430. As you know, Committees are struck very early in the Session and they often have to wait before the Bills are read a second time?—One reason for that is, that there is no limit of time prescribed by your Standing Orders between the the first and second reading of certain Bills, and those are Bills which often not only delay themselves by that but involve delay to a group of Bills which would ordinarily be considered with them.

431. You think that the second reading ought to be gone through by a fixed time?—I think the practice of the House of Lords might be followed, that the second reading should take place not later than a certain date after the first reading, say a fortnight; and I think that answers another suggestion made, that there should be a fixed date by which all Bills should be read a second time. I think it would not be necessary, because the other would operate to fix the date for the second reading.

432. On the other hand, how could that be carried out if there were a number of opposed Bills, opposed on the second reading?—There you come again to the difficulty of the alteration of your rules. We cannot help that, but that is the case now. You will find now a great many Bills, not absolutely all, come up for second reading on the earliest day after the first reading; and you will find a great many notices of second reading opposition at that date also.

433. Did you hear what the Chairman of Ways and Means said last time, that he thought it would expedite business very much if we only had one discussion on a Bill, either on the second reading or the third reading; have you any opinion to offer on that?—I have a very strong opinion altogether about discussions in the House on Bills. I think they want very carefully restricting altogether at whatever stage.

434. For what reason?—Because I think that any opposition on the second reading is now of a very arbitrary character, and very often operates very harshly upon promoters who are liable to have a notice put down of a second reading opposition without any warning whatever, and without any notice whatever as to the grounds on which it is moved.

435. Then you think that the vote of the House might be taken, not exactly on the principle of the Bill, but on account of some side issue?—Not quite that. We are protected against that by the Standing Order which precludes a discussion on the same day, the discussion must be taken on a later day. But I think we are put sometimes rather into this position, that we are faced by a second reading opposition for the purpose of compelling promoters to make amendments or to accept conditions which they have no opportunity of discussing in the House on a second reading opposition.

Chairman—continued.

436. Of course the House will have to reserve to itself one discussion. Which would you recommend—the second reading or the third reading?—I think it ought certainly be on the second reading. I do not think it would be at all fair to allow parties to carry their Bills right through to a third reading with a chance of their then being thrown out; because it means life or death to the Bill on the third reading of course; there is no possibility then of any compromise. There might be a further adjournment of course, but I think that is throwing too great a responsibility upon the promoters.

437. You think there would be all the waste, not only of time, but of the cost of getting the Bill up to that stage, if the Bill were thrown out?—There would if the Bill were thrown out.

438. But you would like to see the discussion, I suppose, limited to one stage of the Bill?—I am not prepared to say that that could be laid down as an absolute rule, because the Bill that comes up for third reading might possibly be a very different Bill from the Bill which was discussed on second reading. I do not think it is possible, in my humble opinion, to lay down any general rule as to the circumstances under which opposition in the House should take place, except that it ought not to be allowed without some proper authority.

Mr. *Brand.*

439. By the Standing Order Committee, or something of that kind?—Something of that kind.

Chairman.

440. Then if it were under some authority you would not mind a discussion taking place on both stages or on either stage?—I have no wish to burke discussion in the House on proper grounds at all. I do not think promoters need fear it.

441. What have you to say with regard to a proposal of having one Joint Committee of the two Houses, instead of Bills coming before Committees of both Houses?—I do not approve of it at all. It is a matter that has been constantly considered by us; it is a suggestion that is constantly being made, and I do not think it would be found to work satisfactorily, or if I may say so, even fairly, nor do I think it is a necessary amendment if adopted as a general practice; that is to say, I do not think there is any occasion to establish Joint Committees on all opposed Bills coming before Parliament at all. I think you will find, if the matter is gone into more carefully, that the cases in which Bills come up for a second inquiry in the Second House are comparatively few compared with the number that are contested in the First House. Then if the cases that are opposed in the Second House are important cases, I think you will find that the second decision has probably been the right decision on the question. I could instance several Bills that I might mention which, in consequence of a second inquiry, were thrown out in the first Session and came up again in an amended form and were passed in the second Session; half a-dozen: The Manchester Ship Canal Bill, the original Barry Railway Bill, the Manchester Corporation Thirlmere Waterworks Bill,

Chairman—continued.

Bill, the Manchester and Liverpool Mono-rail Railway Bill. All those Bills (and I could very soon get you a long list of others) were contested in both Houses, with the result that in one Session they were rejected in the Second House, and I think the result has been beneficial both to the promoters and certainly to the parties who opposed those Bills.

442. Then you, speaking for the promoters, would not be satisfied with an inquiry before one Committee?—I think there ought to be a second inquiry. Perhaps I might put it the other way. I do not think the promoters have reason to object to a second inquiry. If their case is a sound case, a second inquiry does not hurt them, and very often the result of the investigation by the first Committee enables the promoters themselves to see where their scheme is defective and to amend it, and if it is rejected, to bring it up again, as I said, in a more acceptable form and a better form.

443. Before the next House?—No, it would be in the next session.

444. That is what I was going to say; that if a Bill were rejected by a Joint Committee, they could still bring it before the House next session?—They could certainly.

445. There would not be any alteration in that?—There would not. But that brings me to the other point of view, the opponents' point of view, which, although perhaps not so important in its results, is more important as regards the parties themselves, because an opponent has no opportunity of bringing his case up a second time if you have only one Committee.

446. Not in that session?—No; the opponent has not that opportunity. I think frequently injustice would be done, and I do not think, as I said just now, you would find that the cases in which Committees have to be called together in the Second House to consider a Bill that has been fought in the First House are such as greatly to increase the labours of Members in either House. I think the common result of the right of a second inquiry, the right to petition a second time is, that the parties meet and that matters in dispute which were not settled in the first House are adjusted amicably, or at any rate, that the inquiry is not a heavy one. I have a very short statement, if you will allow me to hand it in; it is not a complete statement, but a suggestive statement which I obtained from my own knowledge in some few other cases, of the number of Bills that have been opposed in both Houses during the last few years. It is rather by way of proportion than by way of conclusions. In 1897, I find that out of eight bills three were opposed in the Second House; in 1889, out of seven Bills none at all were opposed in the Second House.

Mr. *Renshaw.*

447. This is not the total number?—No; it is a sort of comparison. I could not get the total number.

Chairman.

448. Seven Bills that you took haphazard?—Seven Bills that come under my own notice. In 1899 out of 15 Bills five were opposed in the Second House; in 1900 there were 61 Bills in the First House and 23 went to the Second House; in 1901 44 in the First House and 18 were opposed in the Second House; and in the present Session out of 43 Bills there are about 12, so far as I know, opposed in the Second House. I think that shows that it is not a matter of course at all that a Bill should go to a Second Opposed Bills Committee. There is one other case, may I say, in which I do not think two inquiries are necessary at all, and that is in the case of Bills for confirming Provisional Orders. I think when a Provisional Order is introduced on the Report of a Department of Government after a local inquiry it is very right that there should be an opportunity of reconsidering that when the Confirmation Bill is introduced, but I think one reconsideration is sufficient in that case, and that there is no occasion to send those Provisional Order Bills before a Second Opposed Bills Committee; that might be a Joint Committee.

449. Then in your opinion you would keep the two Committees, a Committee of each House now as at present constituted for ordinary Bills, but for Provisional Orders you would have one Joint Committee of Inquiry?—Yes; and I should like to say, further, that there is always the power inherent in Parliament to refer any special Bill they think is of sufficient importance to a Joint Committee. That power would still remain and would still be exercised if necessary; and I think that is sufficient.

450. Have you anything to say with regard to Provisional Orders as compared with Private Bills?—On the question of expense do you particularly mean, or in what respect?

451. Whether it would be not only economy, which I presume it is, but whether it would be a matter of general convenience?—I think Provisional Orders are a very convenient method of legislation; but I not think any general rule can be laid down as regards their economy. I think both as regards a Provisional Order and a Bill, the expense depends upon the subject matter of the Order or Bill. Undoubtedly in small unopposed cases the expense of a Provisional Order is much less than the expense of a Bill; but there the principal difference consists in the House fees. One honourable Member last time stated, I think, 400*l.* or 500*l.* as the cost of an unopposed Bill, and about 80*l.* for an Order. I think that would be right as applied to the fees only. I do not know what the honourable Member's information is, but I do not think that would cover the whole cost.

Mr. *Hobhouse.*

452. It was given to me as the total cost in an unopposed case?—There might have been one exceptional case, but I could quote to you cases where the cost of a Bill has been less than the figure you mention, an unopposed Bill; and I could quote you cases where the cost of an unopposed Provisional Order has been very materially more than the sum you mentioned.

Mr. *Brand.*

453. Those would be exceptions?—I think those are rather exceptional cases.

Chairman.

454. The cost of a Provisional Order is generally merely the cost of a local inquiry, is it not?—There is very little other expense attached to Provisional Orders.

455. Then which were the figures which you objected to in the remarks which Mr. Hobhouse made?—The figures I took down were that he had a case in which the cost of an unopposed Bill was 400*l.* or 500*l.*, and of an unopposed Order it was 80*l.*

456. Which figure do you object to, the Order or the Bill?—I say neither of them can be taken as generally accurate, because I think Bills could be done for less, and Provisional Orders very often cost more.

457. Is that a fair average, because that is the point?—I should think it was rather a low average for Provisional Orders, including, as I understand it is intended to do, all the expense.

Mr. *Hobhouse.*] Yes, it was given to me as a general statement by a local authority.

458. Apart from expense, have you any other remarks to make about Provisional Orders as compared with Private Bills?—I think the Provisional Order system is very applicable and suitable for small matters, as I have stated, such as they are usually adopted for; I mean Gas and Water Orders and matters of that sort; and I think you will find that the general practice is to apply for a Provisional Order in all cases in which there is the right to go for a Provisional Order. In one or two cases, especially as regards the Electric Lighting Acts, parties are required to go for a Provisional Order, and Parliament refuses to entertain a Private Bill for electric lighting on the ground that the proper procedure is by Provisional Order. And the same thing is done in many other cases unless there is some good reason for the contrary. The necessity for obtaining compulsory powers to to purchase lands in a Pier and Harbour Order or a Tramways Order necessitates an application to Parliament, because the department cannot give compulsory powers to purchase land.

459. You alluded just now to the fees of the House; do you think they are unduly high?—It is a very large question. I do not think that they are unduly high in most cases; I think they rather press heavily occasionally on some local authorities having to come to Parliament to promote Bills.

460. But in those instances, as you said just now, a small local authority would no doubt go in for a Provisional Order?—Certainly; then they would not incur the House fees. But you asked me so far as the House fees are concerned.

461. Are they ordinarily unduly high for ordinary large Railway Bills, and Gas and Water Bills?—No, I think not. I think for Bills promoted, if I may use the expression, for profit, that is to say, promoted by companies for their own pecuniary advantage, the fees are not unreasonable; I think the parties can afford to pay those fees very well. As you know probably, they are regulated by the amount of capital to be raised or expended.

462. We can get this from another witness, but do you know why the fees are different in

Chairman—continued.

the two Houses?—They have been so throughout my experience; I do not know how it originated.

463. Do you think there is any good reason for the fees being different in the two houses?—I think your fees might very advantageously be assimilated to the House of Lords' fees, at any rate as regards the stages at which the fees are payable. But I should like to make a further suggestion than that even. The House of Lords' fees, as you know, are small nominal fees on each stage, except second reading; a big fee is paid on second reading. I think it would be an advantage if that fee was paid on the third reading, so that the parties should not be called upon to pay a heavy fee until they were practically sure that they had got the powers for which they were applying. I do not say that is a necessary amendment, but I think it would be beneficial to promoters.

464. As you know, there is a difference between the fees for every day in this House as compared with the other House?—Yes.

465. Why is that?—I do not know; it has been always so. I believe there was a very old practice in the other House that fees were chargeable in respect of swearing witnesses and other matters which are still in existence in some way: but I would rather leave that to other people. They have always been the same. The fees in the House of Lords for opponents are a good deal heavier than the fees for opponents in the House of Commons. I do not see why they should be so.

466. Have you any other remark to make about that?—No.

467. With regard to unopposed Bills, do you know why witnesses are sworn in the House of Lords and not sworn here?—No, I know no reason for the difference, except that the House of Lords have always been a little more precise in their practice in the Unopposed Bills Committees. I do not see why the same rule should not apply in both Houses.

468. Does that add to the fees in any way?—Yes and no. You have to pay 1*s.* for swearing the witness.

469. That is a mere trifle?—That is a mere trifle.

470. You know of no reason then why there should be a difference in procedure, why evidence should be taken on oath in the House of Lords and not in this House?—Not the least. I do not think that the House of Lords would be likely to give up their practice of swearing their witnesses. If your House thought fit to adopt the same practice I cannot see the least possible objection to it.

471. Is it because the House of Lords requires more precise evidence on the details of loans and other matters involved in the Bill?—The proofs in the Unopposed Bill Committees in the House of Lords are somewhat more formal and detailed than the proofs given before Unopposed Bill Committees in your House.

472. Then that, of course, is for greater security in dealing with Bills?—Yes.

473. Do you advocate that that should be done in this House as well?—I do not think it is a question of swearing the witnesses. I think

you

Chairman—continued.

you would get exactly the same evidence from the witnesses who come before the Committee.

474. I did not mean swearing the witnesses; but whether those details as regards loans and particulars should be given in as much detail in this House as in the House of Lords?—There, again, I think, practically, there is very little difference in the practice, because the learned Counsel to the Chairman of Ways and Means is always on the watch for cases in which any special evidence has to be given; he always considers the Bills before they come before the Chairman, and he tells the Chairman what special proof, if any, ought to be given, and that proof is produced.

475. Is not the proof sometimes given by merely a gentleman standing up and saying he knows that a large sum of money is required?—I should not offer that proof myself; I should have my engineer there to prove the estimate and to answer any inquires that were necessary.

476. And does he put in a tabulated form a statement of the moneys required?—I am afraid he is not often asked for it; but he would be prepared to do it.

477. Then I come back to the question I asked you; is it not a fact that a gentleman gets up in the room and says 50,000*l.* or 100,000*l.* is required; the Chairman thereupon says "you state that from your own knowledge"; he says "yes," and that is the end of it?—Yes. I say that is sufficient.

478. Is it not different in the House of Lords; in the House of Lords is he not first of all sworn?—Yes.

479. And then does he not put in a tabulated statement of all the details required?—No; he states that the estimate as recited in the Preamble of the Bill, is correct in its general terms. But I should like to say upon that, that no House of Lords Bill goes through Committee before Lord Morley as an unopposed Bill which is not thoroughly discussed by his Lordship before it gets into Committee. Lord Morley is fully informed of all the objects of the Bill, the estimates, and those matters, before the Bill comes before him in Committee.

480. Again, that is a different procedure from what takes place here?—It is more or less so. I say more or less, because Sir Chandos Leigh always sends for the agents of the Bills before they come before him in Committee, if there is any question which he thinks should be explained.

481. But just now you said that that was done in the House of Lords before the Lord Chairman?—Yes.

482. But here it is done before Sir Chandos Leigh?—Yes; I beg your pardon; to that extent it is different. There is no one in your House who takes quite the same trouble about the business in your House as Lord Morley does.

483. Is there anything else you would like to say with regard to Private Bill procedure?—I think I have nearly disposed of all the points I had to put. There is the question of second reading and the questions of petitions being deposited by a fixed date, and the question of a Joint Committee, which I do not pretend to go into at all fully.

Chairman—continued.

484. Except for Provisional Orders?—Except for Provisional Orders. I think a very small saving might be effected in the House itself by the abolition of the stage of first reading as a separate stage; I mean the petitions are presented one day and the Bills brought up for first reading the next day. I do not know why Bills should not be read a first time on presentation of the petition; it is rather a matter of detail, but it might save a little time in the House.

485. Have you any remarks to make about the Court of Referees?—Only that I should like to confirm what has been already stated. There is some little difference of opinion among practitioners as to the Court of Referees, but I think our general view is that it is a very useful tribunal provided its decisions are given in sufficient time to save the parties the expense involved in getting up cases for Committee when they have no *locus standi;* and I think that might be very readily done, especially if the date for petitioning is fixed, but I should like to say that you must not shorten the time that we now have for objecting to *locus standi.* In fact I should feel very much inclined to press that it might be extended if the rule is adopted of presenting all Petitions on the same day. We can do nothing until we get a copy of the Petition.

486. How soon do you get a copy of it?—Among ourselves we generally get it the next day or the day after; but sometimes when the Petition is presented by somebody who is not quite up to the practice, we do not get it for two or three days; and we must send it to our clients before we can decide whether to object to the *locus standi* or not; in nine cases out of ten we have to send it down to our client for instructions, and that takes some time. Really the whole of the eight days is not at all too much; I do not think it could be done in less and I do not think it really involves delay in the proceedings.

487. Four days has been suggested?—I hope you will not alter it. I am sure it would be extremely inconvenient, especially if you alter the time of petitioning so that all the Petitions come in at once. It is very heavy work to peruse 150 Petitions and settle *locus standi* objections.

488. As a matter of fact the Court of Referees works very smoothly and well, does it not?—Yes, with that one exception; sometimes I think they are apt to postpone their sittings until they are practically not so useful.

489. But the Court of Referees sit whenever there is business for them to do?—There has been a practice in the Court of Referees (I say this quite subject to correction by the authorities) to decline to put a Bill down on *locus standi* until it has been read a second time. That is their rule. I do not see why that rule should be followed. I do not see why when a Petition is in, the *locus standi* if objected to, should not be disposed of within a reasonable time. I would not make it too short a time, because if you do you deprive parties of the opportunity of coming together.

490. I suppose the Court of Referees think that in case the Bill were rejected on second

Chairman—continued.

reading, it would be no use going into the matter at all?—I think that has something to do with it. They say a Bill is not ripe until it is read a second time. There is just one other matter you were talking about, viz., whether the Court of Referees should have the power of awarding costs?—I do not see why they should not, but it would want careful guarding. It was said that there should be an unanimous decision.

491. It was only suggested that they should be put on the same footing as ordinary Committees?—There ought to be some restriction upon the right to award costs; something in the shape of frivolous opposition. The question who is to award costs in the Court is an important one; it is a very varying tribunal, consisting sometimes of three Members and sometimes of as many as six or seven; it would be difficult to make it unanimous or to fix the proportion. But it is a Parliamentary Court in fact, and I do not see why it should not have the same power to award costs.

Mr. *Hobhouse.*

492. With the concurrence of the Chairman?—Something of that sort you would want; the Chairman and a majority.

Chairman.

493. I do not know whether there is anything else to ask you; I think we have gone through the principal points?—I think I have disposed of all that I had a note to say upon the matters I have been asked to be prepared to speak about at all.

Mr. *Hobhouse.*

494. I think you suggested a fixed date for the deposit of all Petitions; do you mean a date fixed by the First Reading or an absolutely fixed date?—An absolutely fixed date.

495. And you suggest the 12th of February?—Yes, about that date.

496. Would it not be possible if Bills were deposited by 17th December, to fix an earlier date than that?—I do not think that would give more than sufficient time to get petitions ready. I do not wish to put my answers to your questions from a personal point of view, but still you must remember that Parliamentary agents have to do these things, and the time between the deposit of the Bills on the 21st of December and the date you mention is fully occupied now by inquiries before the examiner drawing memorials and arguing memorials, and I think it would be very difficult to give proper attention to the preparation of petitions for deposit at an earlier date than about the middle of February.

497. Therefore your suggestions point to the opinion that it is impossible to accelerate the sitting of Parliamentary Committees?—Practically; but I say there again that the sittings of Parliamentary Committees depend upon a matter which we cannot control, that is, the sitting of Parliament itself.

498. But supposing there were a fixed date for the deposit of petitions, then the only delay in our House I understand would turn on the Second Reading?—That would be the stage you would have to pass before you could go into Committee, certainly.

Mr. *Hobhouse*—continued.

499. You at any rate would not see any objection to our dispensing with the First Reading of Private Bills?—*Pro formâ*, yes.

500. Then with regard to the House fees, do I correctly understand that you are content with the present amount of House fees subject to the small alterations suggested?—I do not think it is a matter upon which my opinion is worth much; I do not pay fees myself, and I have not heard great complaints from my clients who do; but I do not represent the whole of the practitioners before your House. I do not think there is any great complaint.

501. Is there not some disposition to complain on the part of small clients?—I said myself with respect to small towns that I thought the fees pressed sometimes heavily. The suggestion on the contrary was that it was not necessary for small towns to come to Parliament; that they might save expense by applying for Provisional Orders.

502. Can you tell me why it is that in many cases small authorities go for Private Bills to purchase gas and water undertakings instead of going for Provisional Orders?—There are cases in which it is necessary for them to go for Private Bills. The most common one is where the undertaking proposed to be purchased extends beyond the limits or district of the local authority. In that case a Provisional Order cannot be obtained; a Provisional Order can only be obtained to enable a local authority to supply its own district. That is one instance, and I think very likely there are other instances. Another reason is that the parties consider that they get a fairer and better decision once for all from Parliament than they do by Provisional Order involving first a local inquiry, and being a local inquiry, very often a somewhat protracted one, with the possibility, and in most cases, if the matter is an importan tone, the certainty of an appeal to Parliament on the Confirmation Bill.

503. You cannot suggest any other reason?—No, at the moment I cannot.

504. But there are many cases, are there not, in which the powers might be obtained by Provisional Order which, notwithstanding, are made the subject of a Private Bill?—There are cases, but I should be sorry to say that there are many such cases without a little more investigation.

505. Do you see any objection to a Standing Order providing, as Mr. Lowther suggested, that where powers could be obtained by Provisional Order Bills, parties should not be at liberty to apply for Private Bills?—I venture to think that that is not at all a matter that ought to be dealt with by Standing Order; it is a direct interference with the right of parties. It is dealt with in the Private Bill Procedure of Scotland by statute. There parties are prohibited in such cases by the Act from applying to Parliament; but I do not think that a Standing Order ought to be passed to prohibit parties applying to Parliament if they think they can do so, and can make a good case for coming to Parliament.

506. You think the provision is right in the case of Scotland, but not right for England?—I do not think it is right for Scotland myself at all, but in Scotland it is done by legislation.

507. Then

Mr. *Hobhouse*—continued.

507. Then you draw a distinction between Legislation and a Standing Order?—I do not think it ought to be done under any circumstances by a Standing Order even if it is proper to be done by legislation.

508. It has been suggested to us that a petition against a Private Bill should take the form of a petition to Parliament. Do you see any objection to that?—Not the least; it would be a necessary consequence of adopting a fixed date for petitioning. I see no reason myself why the meeting to divide the Bills should not be held earlier than it is now, by the representatives of the two chairmen. I do not see really why the Lord Chairman's Counsel and the Counsel of the Chairman of Ways and Means should not settle the list of Bills to be introduced in either House. It is practically a formal matter, they are accessible and available to us; they always appeal to us or allow us the right to appeal to them if any question arises. It is true that there is, under the Standing Orders, a formal meeting of the two chairmen to settle the list, but I think that might be dispensed with.

509. That is quite independent of the petitions is it not?—Yes.

510. The question I asked you was with regard to petitions. I do not quite see the connection between that and your answer?—Except to this extent: that the present practice is to present a petition against, to the House in which the Bill originates; and my answer applies to getting an earlier decision as to the House in which each Bill originates.

511. But if the petitions were simply petitions to Parliament, that would not be affected by the question in which House each Bill originated?—It would not.

512. In that case supposing a Bill was obviously unopposed, would there be any objection to having a single inquiry before the Unopposed Bills Committee instead of two inquiries?—I have not carefully considered that question, but off-hand I should say no, speaking generally. But there again there are cases in which a Bill might have slipped through unopposed in the First House, or might have been assented to in the First House, in which there ought possibly to be some opportunity for the parties affected to raise questions upon it.

513. Would it be altered in the Unopposed Bills Committee in such a way that it would affect third parties?—Not frequently, but it is possible.

514. You have given some evidence to show that the practice before the House of Lords Unopposed Bills Committee is somewhat stricter and more precise that in our House. I suppose you regard the House of Lords Unopposed Bills Committee as a stronger tribunal?—I do not say so necessarily at all.

515. We all know the different position that the Chairman of Committee holds in this House from what is held by the Chairman of Committees of the House of Lords, owing to the far greater calls on his time here?—Yes.

516. That being so, it occurred to me that possibly one way of lightening the duties of the Chairman here might be to have one inquiry into Unopposed Bills, instead of two. Would your objections, which you have urged with some force, to having only one inquiry in the case of opposed Bills, extend to having only one inquiry in the case of unopposed Bills?—No; I think one inquiry in the case of unopposed Bills, as a general rule, is quite sufficient.

517. It might be at any rate left to the Chairman to say that a second inquiry should take place, if necessary?—Some suggestion of that kind would remove all my difficulty about one inquiry.

518. One more question with regard the composition of Committees on opposed Bills. Do you think that the composition of the House of Lords Committees or that of the House of Commons Committees is the more satisfactory to the parties?—If I had been asked that question when the alteration of the House of Commons Committees was made, I should have said that the House of Lords Committees were the better tribunals certainly; but having had experience now for many years of a Committee of four in the House of Commons, I do not see any reason to suggest that a Committee of four Members is not quite as good as a Committee of five, especially having regard to the great difficulty of getting Members for the Committees.

519. That is another question; but the parties have no reason to complain, you think, of the composition of Committees in the House of Commons?—I do not think so; I think it is accepted.

Mr. *Brynmor Jones.*

520. I think you expressed the opinion that the second reading of Private Bills might be accelerated with advantage. I did not quite understand by what method you proposed that that should take place?—My answer referred only to that particular class of Bills which under the present practice has to be referred to the Examiner after the first reading to take proof as to whether they have been submitted to and approved by a Wharncliffe meeting by the promoters; that is to say, it applies only to company Bills; it does not apply at all to Local Government Bills, which have now to be read a second time not later than seven days after the first reading, and the same in the House of Lords It is only that class of Bills in which I think something might be done.

521. I gather that the general opinion that you have formed is that the House ought to have the right to discuss Bills on second reading and on third reading?—Certainly; I think the House is entitled to that on proper grounds.

522. I am just coming to that. In your experience do you think that Private Bill Legislation as a whole has been injuriously affected by the existing system of the possibility of a discussion in the House of Commons and the House of Lords?—I am bound to say that I think in recent years, more or less quite recent years, it is an increasing evil, the practice of opposing Bills in the House on second and third reading.

523. Do you see any objection to the Standing Orders Committee having the right to certify whether there shall or shall not be a discussion on second reading or third reading?—I am not quite sure whether I should myself have selected

Mr. *Brynmor Jones*—continued.

the Standing Orders Committee as at present constituted as the best body for that purpose.

524. Would you leave it to the Chairman of Ways and Means, for instance?—Yes, I would, willingly, because I think he would deal with the matter fairly.

525. You often appear for petitioners, do you not; every Parliamentary agent of course sometimes acts for a Bill and sometimes acts against?—Yes, constantly, of course.

526. Do you think that the landowners and others who are petitioners against Bills, people with large interests, would object to losing the opportunity of debating the Bill on second reading. That would be the general feeling in the country?—No, I do not think so. I think landowners and parties affected by Bills, are quite satisfied with the present protection afforded to them, of being heard before the Committee.

527. And that they would be quite willing to trust the question whether there should be a discussion in the House or not, to the Chairman of Ways and Means or some Committee that might be devised for the purpose?—Would it be possible, do you think, to go a little further and limit the terms of the general grounds on which a discussion must take place; that it must be a question of principle. The taking of land by compulsion is not a question of principle.

528. What procedure do you suggest for carrying out that proposal first made by Mr. Lowther for limiting the right to discuss private Bills in the House?—I think there ought to be a Standing Order or a Sessional Order to the effect that a discussion on second reading or on third reading should only be allowed on questions of principle; and on that I think it would rest with the Speaker to say whether any particular case which was put down for opposition came within the Standing Order.

529. What would take place then would be, that some Member, representing the interest of some petitioners concerned, would give notice of motion that the Bill be read a second time that day six months?—Yes.

530. Then what would take place afterwards? How would you get before the Chairman of Ways and Means or before the Standing Orders Committee. or other Committee devised for the purposes?—I think that the Member who gives notice ought to furnish the promoters with a written statement of his grounds, and, if necessary, that they should be answered by written statements from the promoters; and I should think that in most cases the authority (whoever it might be) would be able on these statements to determine whether it was a question for second reading opposition or not; and, if he could not, I think that the parties ought to be heard before him.

531. Coming to another point, namely, the suggestion that there should be a Joint Committee of the House of Lords and the House of Commons on Private Bills, I gather from your evidence that you are opposed to that suggestion?—Yes.

532. Have there not been known cases in which promoters have been rather unfairly hit—I do not say unjustly treated—in the matter of costs and expenses by their having to go

Mr. *Brynmor Jones*—continued.

before two tribunals; and, in fact, that if they are beaten before either, that delays the matter for a year. Just take a special case, about which I happen to remember something, though I was not in the matter—the Barry Railway Bill; I believe that was passed in the first year in the House of Commons and thrown out in the House of Lords?—I believe it was.

533. And precisely the same Bill, with precisely the same arguments and same objects, was carried in both Houses the next year; is not that the case?—Yes, I think that was the case.

534. What justification can you suggest for a system under which a thing like that may happen?—I am not quite sure that I agree with you in saying that the Bill was for precisely the same objects under precisely the same circumstances. I think you would probably find that in the interval something had taken place which had either lessened the amount of opposition or had shown the promoters that the case was weak in such and such respects, and that they had strengthened their case in these respects before coming before Parliament a second time. The Manchester Ship Canal was a case of that character, in which the first Bill was thrown out because it was held that it seriously interfered with the estuary of the Mersey. I am speaking from recollection, but I believe my recollection is correct when I say that the promoters amended their plans, and in the next year the Bill passed both Houses although it was strongly opposed.

535. But take the case of an ordinary action at law involving quite as heavy an amount of money as any one of these Bills. The parties go and have the case tried before a judge and jury, and the verdict of the jury stands; there is only one hearing unless a new trial is obtained on certain well-known grounds?—Yes; but I think, if you will allow me to say so, that the two cases are hardly to be compared. An action at law is an action to settle certain contested rights between parties. A Bill in Parliament is an application by certain individuals for certain beneficial powers which they are anxious to get, and they have come to Parliament for them; it is a question of policy and not a question of right altogether.

536. Then take the case of the Railway Commissioners; there is only one hearing there?—I did not know that; I have no experience of the Railway Commissioners.

537. I do not mean to say that the same matter may not crop up years afterwards; but there is only one hearing at the time as regards the matter in conflict between a railway company and traders?—I think that there again there are, perhaps, distinctions to be drawn. I take it that in all these legal proceedings there are certain steps necessary prior to the hearing of the case by means of which either party is made fully aware of the other party's case. That is not so in the case of a Bill in Parliament; the opponents have no statement from which they can gather beforehand what the case is that the promoters are going to make for their Bill until they get into Committee and hear the evidence.

538. The word "appeal" has been used in the sense of petitioners being able to appeal from

one

Mr. *Brynmor Jones*—continued.

one House to the other. Do you not think that adequate protection is afforded by the possibility of the Bill being thrown out on Third Reading in a case where a Joint Committee may have made a mistake. For instance, after a Joint Committee has held its inquiry and has passed a Bill it has to be set down, in the case supposed, for Third Reading in the House in which it originated. The petitioners, if they had any grievance against the Committee, or if the Committee had by accident or mistake come to a wrong decision, would have an opportunity of getting the Bill thrown out on proper grounds, and would not an appeal to the House on Third Reading in both Houses be sufficient?—I do not think it would be found to be practically of any use at all. I think the cases would be extremely rare in which the House would be induced on Third Reading to alter a decision of its Committee.

539. So much for that; I think I quite understand your views now upon that point. Do I rightly understand that on the whole you are in favour of an extension of the Provisional Order system?—I see no objection to an extension of the Provisional Order system if there are any subjects in respect of which the Provisional Order system can be extended on the present lines of the Provisional Order system; but I think you will find, and I believe it is the case, that most matters with which it is advisable to deal by Provisional Order can now be dealt with by Provisional Order.

540. Can you give me any idea as to what is the average cost of an Unopposed Bill, say an Unopposed Corporation Bill?—I am afraid I can give you no information.

541. Take a Bill like a Corporation Omnibus Bill, not dealing with tramways, but simply dealing with local bye-laws, sanitary matters, and so forth?—It would be very difficult to put an average upon it, because first of all the fees depend upon the amount of expenditure proposed under the Bill, and that varies considerably; but I should think you might put it that an inexpensive Bill might be got for 500*l.* or 600*l.*, or 700*l.*, or 800*l.*; and even an Unopposed Bill might, on the other hand, run up almost to 2,000*l.* under certain circumstances. It is very difficult to give anything like a just average.

542. It may be anything from 400*l.* or 500*l.* up to 2,000*l.*?—I think it might be. I suppose you would say that the average would be about 1,000*l.* or 1,200*l.*, and if you can frame an average at all, I suppose you might take that as a fair average. I should like to add, as it is a statement of fact, that I am only including all the expenses of which I have personal knowledge—that is to say, the Parliamentary expenses. I cannot deal with the question of scientific witnesses, and so forth.

543. I will just ask you another question upon that: When you talk about 500*l.* to 2,000*l.*, which you regard as neither unduly low nor unduly high, you are including the costs of Parliamentary Agents, possibly counsel, the fees of the House, and so forth?—Yes.

544. You do not include the expenses of the town clerk or other persons coming from the country?—No, nor the expenses of local witnesses or scientific witnesses. I might mention as regards counsel, that if it were an unopposed Bill there probably would be no counsel's fees.

Mr. *Brynmor Jones*—continued.

Mr. *Hobhouse.*

545. I may just ask you, perhaps, on that; what proportion of that cost that you mention would be attributable to the House fees?—For both Houses?

546. Yes: take an intermediate case, a 1,000*l.* case?—I suppose the average amount of fees on an ordinary Bill of that character would never be less than say 350*l.*, and it ought not to be more than 750*l.* or 800*l.*; but, as I have said, it is impossible to say what it would be, because it depends upon the amount proposed to be expended under the Bill. The amount of fees payable on Private Bills varies very much in your House.

Mr. *Brynmor Jones.*

547. On the figures that you give it looks as if the fees came to about one-third?—Not less than one-third, if it works out at a third. I should rather say it would be a half.

Mr. *Brand.*

548. You have expressed a very strong opinion that the date upon which Bills should be deposited cannot be put forward?—Yes.

549. I presume if we could put forward that date, the 21st of December, all the other dates could be also put forward with regard to petitions and so on, and second reading?—Yes.

550. I should like to know from you, a little more in detail, why the date of deposit cannot be changed from the 21st of December and put forward; is it because the Parliamentary agents have really too much to do?—You mean, I take it, why all the dates cannot be put forward a month earlier?

551. Supposing we wished to recommend to the House to change the date from the 21st to the 1st December, say?—May I take it another way? That would involve a change of date for the deposit of plans from the 30th November to, call it, the 31st October. I say that there is not time between the end of one Session and the beginning of the next Session to properly mature schemes involving plans. There is not too much time to do it now.

552. But of course in a case where a railway company is seeking power, which is the biggest class of cases, all their plans and specifications are already a good deal matured in their offices before they ever come into your hands?—You are speaking with a knowledge that I have not got with regard to the mode in which railway companies do their work, but I think you would find that in many cases the instructions are not given beforehand.

553. You state that, supposing the House closes during the first part of August, there is really not time to get through the necessary formalities before the dates which have already been given?—Speaking of the business as a whole, I think there would not be proper time allowed. Of course, taking into consideration that all of us, not Parliamentary agents alone, but town clerks and engineers and all the

Mr. *Brand*—continued.

parties concerned in Private Bill business, look to getting a little relaxation during the interval.

554. But, of course, the town clerks and engineers can be doing that work all the other time during which you are occupied in the House?—I was talking to a town clerk upon this subject this morning, and he told me that, as a matter of fact, he found it very difficult to get his work done. One reason is, taking corporation work, I think I am right in stating that the corporations are not constituted till the 9th of November, and you would either have to make the corporation take up work begun by its predecessor, or else give them no time.

555. They do not all go out in November?—I think so.

Mr. *Brynmor Jones.*] They do not all go out, but there is a new mayor, certainly.

Mr. *Brand.*

556. With regard to limiting discussion on the Second or the Third Reading you stated that you thought the best authority to decide that question would be the Chairman of Ways and Means and not a Committee?—I would take either.

557. A good strong Committee of the House might do; but it would scarcely do, would it, to put it in the hands of the Chairman of Ways and Means?—I do not at all suggest that the Chairman of Ways and Means would be the best authority; in fact I think it is extremely doubtful whether the House would approve of its being in the hands of the Chairman of Ways and Means.

558. With regard to Joint Committees, so far as I understand, you agree, practically speaking, to a Joint Committee with regard to Provisional Order Bills and unopposed Bills, but for the bigger class of Bills and the more important Bills you think the present system ought to be kept going?—Yes.

559. And with reference to the House fees you state that you do not think they are too large but that the fees of the House of Commons might be assimilated to the House of Lords' fees, and that they should be paid on Third Reading. But surely if the fees were paid on Third Reading you would find that a lot of Bills would be opposed and thrown out and would not pay anything at all?—No. If they get nothing I do not see why they should pay for getting nothing. There would be, of course, the usual fees payable in the House of Lords at all the earlier stages but not the main fees.

Mr. *Worsley-Taylor.*

560. You have been asked about the extension of the Provisional Order System; can you with your experience suggest any new class of subjects to which you would extend that system?—No, I cannot.

561. With regard to time, you propose that the date for the deposit of Petitions should be made earlier. What has a bearing upon a possible date. There is the question of the examiner?—Yes, there is the question of the examiner, and the work that has to be done prior to the sitting of the examiner.

562. What I mean is this. Could petitions be deposited before the examiner had reported on

Mr. *Worsley-Taylor*—continued.

the Bill?—Yes; I do not think they need wait for the Examiner's Report. The date of the Examiner's Report upon the Bills which go before him depends upon the sitting of the House. Sometimes the House is sitting while the examiner is sitting; it was this year, the examiner began his sitting on the 18th of January and the House met on the 16th, the Reports were therefore able to go in; they did not in fact, because by arrangement they were kept back, but they might have gone in at once. But take the case in which the House does not meet till about the 8th or 10th of February; probably in that case the examiner would have disposed of the whole list of Bills before the House met, then his Report would go in on the same day, on the day the House meets or immediately afterwards.

563. I still do not follow how you connect anything to do with the examiner, with the time of deposit of Petitions?—There is no connection between the dates by themselves as dates. Difficulty arises in connection with the work involved before the examiner and also the work involved in preparing petitions. As things stand at present you see we have a certain period after the House meets in which we get our petitions ready for deposit, about a fortnight roughly after the House meets, that is to say, the second fortnight in February for the sake of argument. That time is now free for petitions because before that time for petitioning begins we have disposed of the examiner's work.

564. I see it is a matter of possibility to you as agents?—Yes, it is.

565. Then what date do you yourself suggest as a practical and convenient one; what is the earliest date you would suggest for the deposit of petitions?—I should not like to put it earlier than the 12th of February.

566. What interval in your view ought to elapse between the hearing of a case before the Court of Referees and the sitting of a Committee, assuming that the petitioner gets his *locus*, in order to make it useful in saving expense?—I should think not less than a week; a fortnight if possible.

567. You think a fortnight would generally be sufficient?—I think a fortnight would enable the parties certainly to prepare their case.

568. Then you may say ten days or a fortnight?—Yes.

569. That it is desirable that an interval, say of ten days, should elapse if it can possibly be got?—Yes.

570. And clearly you would agree that there is no necessity that the Court of Referees should wait until after the second reading; that that should be expedited if possible?—Yes.

571. You have been asked about costs before the Court of Referees, and I will not pursue that further. That would involve an alteration of the Costs Act; it could only be done by statute?—Yes.

572. If the Costs Act is to be altered at all, in your view, does it sufficiently cover all the cases in Committee now?—You mean is the language the best that can be used?

573. Yes, does it cover all cases now that it ought

Mr. *Worsley-Taylor*—continued.

ought to do?—I think so. I am not quite sure whether it would not be an improvement to make it a majority of three out of four instead of being unanimous.

574. That is a question of principle; but does it cover all the cases?—Yes, I think it does.

575. For instance, supposing a promoter having one opponent, or it may be two or three opponents, withdraws his Bill immediately before the Bill has been sent to an Opposed Bill Committee, unreasonably subjecting that petitioner or those petitioners to expense, is there power to award them costs by anybody?—According to practice I believe not.

576. Do you see any reason why those people should not have a claim to their costs?—No; I think if a petitioner is unreasonably put to expense by having to get his case up for Committee, and then the Bill is withdrawn without sufficient notice to him (there ought to be some such limit as without sufficient notice to him), I think he ought to have a right to apply for costs.

577. It ought not to depend upon what to him is a mere accident whether the Bill is sent to Committee or not?—Yes, I think that is so.

578. Now, putting the converse case; supposing a petitioner, and he may be possibly the sole petitioner against the Bill, withdraws his petition at the last moment, having caused the promoters the expense of their Bill being sent to an Opposed Bill Committee, in your view ought they to have a claim to their costs?—That is more difficult.

579. That is more difficult?—Yes, much more difficult.

580. But I put it carefully: in your view ought they to have a claim to be heard on the question of costs?—Yes, I think they ought to have a claim to be heard.

581. You agree that neither of those cases is at present covered by the existing Act?—I am not quite sure in the case of the petition withdrawn at the last moment what the practice is.

512. Anyhow you agree that there ought to be a claim to be heard in respect of costs, in that case?—Yes, I think so.

513. I want to ask you one other matter with regard to the procedure before Committees. Do you think that the present procedure here in a case where the petitioner against a Bill does not call witnesses, leads to as great certainty of decision as would be obtained if he followed the practice in civil courts. You know, of course, that if a petitioner does not call witnesses the counsel for the Bill has no right to sum up, as the counsel for the petitioner simply addresses the Committee. Do you think that is as good a system as giving the counsel for the Bill the right to sum up when the counsel for the petitioner declares his election not to call witnesses?—No, I do not. I think the rule that the promoters' counsel has no right of reply when the petitioner does not call witnesses, not infrequently causes considerable hardship; I will not put it higher than that.

584. You think the present rule causes considerable hardship?—Yes, I do.

585. You used the term "reply." I was suggesting to you that the practice in the civil courts should be followed; that counsel should not have a right to reply, strictly so called, but a right to sum up?—Do you mean a right to make a speech before the opposition opens.

586. Before the opposing counsel makes his speech, which is the only opposition there is?—Yes, I think that would go a long way towards removing the present unfairness.

587. You would go rather further, I gather, and give him a right of reply?—Yes, I would.

588. But at any rate, you agree that he ought to have a right to be heard in some way?—Yes.

589. And you think that would tend to greater certainty of decision?—Yes, I think it would.

Mr. *Hobhouse.*

590. That is regulated by practice, not by Standing Order?—Yes, that is regulated by practice.

Mr. *Worsley-Taylor.*

591. A suggestion has reached me that the Unopposed Bills Committee might be made use of for the purpose of dealing with petitions on matters which are not of very great complexity and importance between promoters and opponents as a sort of Board of Conciliation. Have you ever considered that, and have you any views to express upon it?—Yes, slightly. I have not gone into it very closely, but I have considered it slightly; in fact, I suggested it myself as a desirable amendment. I think it should be with the consent of the parties.

592. You mean if the two parties agree, "This is not a large matter; we will go before the Committee on Unopposed Bills; we will not call witnesses; we will put our case before the Committee and take their decision as a sort of arbitrator"?—Yes.

593. You would not be prepared to extend it so as to give the right to one party to require it if the Unopposed Bill Committee thought it right?—I think that is rather a large suggestion; I think it might lead to difficulty.

594. You personally, at any rate, would be inclined to limit it to the consent of both parties?—Yes.

Mr. *Hobhouse.*

595. Might I just ask a question on that subject. Did I correctly understand that your reason for that is that very often parties cannot be brought to terms until they appear before some kind of tribunal?—Yes.

596. And this would be the easiest and cheapest tribunal to bring them before?—Yes.

597. You are speaking of clause matters?—Yes.

Mr. *Worsley-Taylor.*

598. It might save, at any rate, the appearance of that petition before the Committee?—Yes.

599. And if that petition happened to be the sole one, it would save a Committee?—Certainly.

Mr. *Renshaw.*

600. I understand that you represent here the Parliamentary Agents' Society?—Yes.

601. And I think you are president of that society?—Yes, I am at present.

602. Could you give the Committee any information as to how that society is constituted?—It

Mr. *Renshaw*—continued.

—It is a purely voluntary society. It has been in existence now for very many years,—long before I began practice. It was originally formed by the leading agents, who were then very much less numerous than they are now, for the regulation of their own conduct, and for facilitating the transaction of business as between themselves. I think those were the principal motives of the society.

603. Are there any rules which govern the action of your society?—We have some very small and primitive rules but most of our rules are non-written rules which we recognise amongst ourselves and which we have never had any difficulty in carrying out. I might say that the society is strictly limited to practitioners who make Parliamentary business their sole business.

604. Does it include all practitioners who do that?—I think I may say it includes almost all who make Parliamentary business their sole business.

605. But not all?—Not quite all.

606. Is there any system in the rules of your society which regulates the charges involved in contests before Private Bill Committees?—Of course our own charges are governed by a scale. As regards the practice of charging, one of the rudiments of our existence is that as Parliamentary agents we do not share our charges with the solicitors for the Bill, in the same way as is done between a common law agent in London, I mean, and his country solicitor. We have always regarded our duties as distinct altogether from the duties of solicitors; and Parliament has done the same, because Parliament in the scale of fees recognises duplicate charges for certain work which is done by both parties. This matter has been discussed more than once before Committees in Parliament—I forget how long ago it was that there was a Committee to deal with it—when Sir Theodore Martin gave some very important evidence, which is on record. We have adhered to that rule, and it is the rule which more than any restricts the number of our members.

607. But the other gentlemen to whom you referred who are parliamentary agents, but who do not belong to your society, are not bound by the obligation to which you refer?—Not in the least.

608. Is there any difference (I do not know whether you care to answer this question) in the system under which corporations and municipal authorities approach Parliament through agents, and the system under which the big railway corporations and bodies of that kind do?—I answer with some hesitation, but I think there is a difference certainly to this extent: that I do not think any railway company has ever asked its agent to share profits, using a familiar expression. I believe it is not an uncommon practice (but you must not ask me for instances) for arrangements to be made between town clerks and their Parliamentary agents for some division in some way of the profits, of both you understand, resulting from the proceedings in Parliament.

609. And the effect of such a sub-division of charges must, undoubtedly, be rather to increase the total amount of costs in Parliamentary contests?—I think that is rather human nature, and it also, of course, is an inducement to the agent to increase, as far as possible, the charges which he has to send in to the ultimate client if he has to share those charges.

610. So that the general view which the public hold, that the fees to this House and the fees to counsel constitute the greater portion of the costs of these contests, in the case of Bills promoted by municipal and urban authorities may not hold good, and it may be due to the fact that their own officials in many instances are obtaining a substantial share of the costs of Bills?—I should like to modify one of your expressions. I do not think it would be fair to say "in many instances"; I do not think it is so to any great extent. I think as a general rule the greater part of the costs is the cost of counsel and the fees; and there are some instances, but not many, in which the costs would be increased by the arrangement that I have mentioned. Personally, I have no knowledge of any such case. I should like to say that.

611. I should be sorry if I led you to think for a moment (I am sure the Committee will not think so), that in asking the question I had any motive in obtaining your personal opinion upon it?—Thank you.

612. With regard to notices; there are certain provisions with regard to notices at present which I presume you regard as difficulties in the way of putting back the dates in respect of petitions to Parliament for Bills; is not that so?—Yes.

613. Those notices are the notices which have to be given to landowners, and the notices which have to be published in the "Gazette" and in the local newspapers?—Yes.

614. Those notices are expensive, are they not, at present; the system under which they are given is one of considerable expense?—The expense has been considerably reduced in recent years by the establishment of the practice under which the notice for a Bill relating to numerous objects, what we call in short an omnibus Bill, may be split up so that only the part need be published in each county relating to that county; and I do not think the notices themselves, the advertisement notices, are a very expensive matter now.

615. But the advertisement notices that you put in the public papers are very long notices?—Yes, they are sometimes.

616. And if in larger type a very short notice was put in, saying that at certain places, books of reference could be obtained in which all the information could be got that is now put in in such small print that no human being over 40 could read it, that would be much cheaper?—Yes. I think you have in your mind the notice under the Light Railways Act, which is very much shorter.

617. There is a notice under the Light Railways Act, which is much shorter, which is quite as effective, is it not, for all purposes of protecting the general public?—Yes.

618. And in your opinion the expense of these notices might be reduced by a charge in regard to

Mr. *Renshaw*—continued.

to the provisions of the Standing Orders about them?—Yes.

619. Then the dates of those notices I think are approximately these. The Gazette notice has to be published in October or November?—Yes.

620. Do you see any objection to making it obligatory that those advertisements should be published in October in place of the alternative month of November?—No other objection than the one I have already stated, that it means necessarily antedating all the other proceedings.

621. But I think when you answered that question to the Chairman just now, you were perhaps not paying sufficient regard to the fact that if you antedated these notices, and therefore the work of Parliament was earlier brought forward and earlier accomplished, there would be more free time at the end of the Session for agents to go on with the work for the ensuing Session, would there not?—No doubt, to some extent.

622. And that, therefore, the general objection which you take to the difficulty which will arise from antedating would not hold good if you really found that you got relief at the end of the Session?—Yes. I should like, if you will allow me, to substitute "parties" for "agents." I am not putting it upon the personal ground of the agents, I am putting it on the ground of all parties interested in the business of promoting Bills.

623. The next date is that deposits have to be made on or before the 30th of November. Would there be any difficulty in making it the 31st of October or the 15th of November?—The 15th of November would be better than the 31st of October, but I think you would find that great objection would be taken to putting it forward a month, as I have said.

624. Then the petition for the Bill at present has to be brought in by the 21st of December in this House, and the 17th of December in the House of Lords?—Yes.

625. Do you think that there are, having regard to what I have pointed out to you as to what the general result of any system of antedating would be, any insuperable objections to making those date the 1st of December in each case?—If you decide to alter the previous dates there would be no objection; it would follow that a corresponding alteration of the later date cannot be objected to.

626. If that was the case and the system was adopted which prevails under the Scotch Standing Orders, namely, that petitions against the Bill must be lodged within four weeks of the petition for the Bill, that is to say, at a fixed date, you would have all the petitions in before the 31st of December?—Yes.

627. Then that would simplify the existing system and enable matters to be dealt with at earlier stages with regard to the work in Parliament, would it not?—No, I do not think so, so long as the sitting of Parliament is continued at the same time. I think there is ample time between the present dates at which these proceedings have to be taken and the sittings of Parliament.

628. May I put this to you on that point:

Mr. *Renshaw*—continued.

that in the evidence which Mr. Lowther gave the other day he stated distinctly that in the last six years no Committee of Parliament had sat within 35 days of the sitting of Parliment, in one case 41 days and in another case 42 days. Is not that an enormous waste of Parliamentary time?—I agree; but still I do not think it is a necessary waste. As I stated at the beginning of my evidence, I really think Bills could be got ready for earlier consideration in the House if it was understood that they were required to be got ready, and that Committees were ready to deal with them when they were ready. It is a long interval, I agree, and an unnecessary long interval.

629. And bearing in mind the fact that it is the very time of the year when honourable Members are most free from engagements and most ready to devote themselves assiduously to Private Bill work, it would in your opinion be a great convenience, would it not, if Committees could begin at the beginning of the Session instead of as now very often not until after Easter?—Undoubtedly, but I do not think that in order to secure that result it is necessary that you should expedite the preliminary proceedings.

630. With regard to the question of fees, I understand your view to be that it would be desirable to make the higher fee chargeable at the last stages of the Bill. Have you ever looked at the new table of fees under the Provisional Order (Scotland) Act?—No, I am afraid I know very little about that Act.

631. Are you not aware what the changes made with regard to fees are, simplifying the number of stages at which fees can be charged?—No.

632. Do you think it would be desirable to simplify the number of stages at which fees can be charged?—Yes, it sounds so.

633. With regard to the Provisional Order system to which reference has been made, I think when Sir Chandos Leigh was in the chair he referred to you as likely to be able to give us information as to the different subjects for which power could be obtained under the Provisional Order system in Scotland (I am not now speaking of the new private business procedure) and in England. Are you aware what those differences are?—I am afraid I cannot say; my experience of Scotch practice is not very great.

634. May I ask you whether it is not the case that under the Public Health Act of 1897 in Scotland very extended powers are given under which Provisional Orders can be asked for in respect of the acquisition of land and water rights?—Yes.

635. And whether it is not the case that you would need to alter the general law under which Provisional Orders can be applied for in England if it was wished to extend that system?—Yes, I presume so.

636. The Act to which I referred, the Public Health (Scotland) Act, 1897, has a long clause, Clause 145, and in that clause, in sub-section (7), there is a provision that "every Bill for confirming any such Order shall, after the Second Reading in the House in which it originates, be referred to a Select Committee, or if the two Houses of Parliament think fit so to order, to a

Mr. *Renshaw*—continued.

Joint Committee." You think it would be a great benefit in our Parliamentary practice in regard to the Provisional Order system for the whole of the United Kingdom, if we were to establish a system of Joint Committees to deal with questions which have already been the subject of local inquiries in the locality?—Yes, that is what I intended to say. I think so.

637. I do not know whether your attention has been called to it, but under Sub-section (9) of that same section provision is made that "the Committee by a majority may award costs which shall, unless the Committee otherwise direct, include all costs from the date of the memorial." Would you be disposed to give that power to a Joint Committee with regard to all Provisional Orders?—I see no reason for not doing so.

638. By a majority?—By a bare majority I do not know; it would depend upon the numbe of the Committee.

Mr. *Renshaw*—continued.

639. You observe that in that clause there is nothing with regard to "unreasonable" or "vexatious" words to which you attach some importance?—I have not considered the section I am afraid; I have not got it before me; but I am bound to add that if it is good for Scotch Provisional Orders I do not see why it should not be equally good for English Provisional Orders. It is a considerable extension of the present practice.

640. You think that Standing Order 79 which regulates the action of the two Chairmen in regard to the division of Bills between the two Houses should be done away with?—Yes, I think that the two counsel are quite competent to settle that question of the division of the Bills.

Tuesday, 15*th July* 1902.

MEMBERS PRESENT:

Mr. Brand.	Mr. Brynmor Jones.
Mr. Hobhouse.	Mr. Renshaw.
Mr. Jeffreys.	Mr. Worsley-Taylor.

THE RIGHT HONOURABLE A. F. JEFFREYS IN THE CHAIR.

The Right Honourable THOMAS F. HALSEY (a Member of the House), Examined.

Chairman.

641. You have kindly come to give evidence with regard to Private Bill procedure and we should like to put to you a few questions. You know what the reference to the Committee is as to whether we could make any alteration of the Standing Orders "in the interests of economy, efficiency, and general convenience"?—Yes.

642. I think you are the Chairman of the Committee of Selection?—Yes, and also of the Standing Orders Committee.

643. It is your Committee's business, is it not, to select the Committees who hear Private Bills?—Yes, with the exception of the Chairmen of Railway Bills, who are selected from among the Members of the General Committee on Railway and Canal Bills, of which Sir John Kennaway is the Chairman, with that exception, we choose the Committees for all Private Bills.

644. Who has the appointment of those Chairmen?—We appoint that Committee at the beginning of the Session, and the Chairman, too. Then, as regards every railroad or canal Bill (though we have not had any canal Bill lately), as regards any railway or tramway, including anything in the shape of a railroad, they appoint the Chairman from one of their own body, and then we add the other three members.

645. They appoint their particular Chairman for the particular Bill or group of Bills?—Yes, and we appoint the other three members. We appoint the Chairmen and all the members of all the other Paivate Bill Committees.

646. Do you always re-appoint the Chairmen; or do they occasionally lapse; do you make it a rule to re-appoint the same Chairmen year after year?—You mean the General Committee on Railway and Canal Bills? We usually re-appoint them, unless we have to fill up any vacancies which there may be from time or changes.

647. How does a vacancy occur?—Sometimes a member says he does not wish to continue, and at other times there may be a vacancy through a death or resignation.

648. Do you ever inquire into the efficiency of Chairmen?—We rather look to Sir John Kennaway as regards that. If there is a vacancy to be filled, I generally consult with him and hear his views; at any rate, as to whom he would think fit, or I suggest somebody to him. And as regards other Chairmen, I always try to find out what I can as to their efficiency, and I hear indirectly sometimes.

Chairman—continued.

649. In your experience has a Chairman ever been removed from the panel for inefficiency?—No, I cannot say that. It would be a serious thing, because the man might come and ask why he was removed, and one could hardly tell him it was on account of inefficiency. I suppose probably if there was a reserve of efficient men on the Committee Sir John Kennaway would not appoint him to act; and in the same way in the case of the other Committees of which we appoint the Chairmen, we sometimes have private information that possibly a Member may not be quite equal to act as Chairman for the class of Bills which he would have to deal with, and we take care when discussing whom we should put on as Chairman not to put him on.

650. So far as you and your Committee are concerned as regards railway Bills the Chairmen are appointed for the whole Parliament?—Yes.

651. It has been suggested with regard to shortening the procedure of Bills through Parliament that one discussion in Parliament should be sufficient, either on second reading or on third reading. Have you any opinion to offer upon that point?—I am not quite clear about that, because a Bill might be so altered in Committee as to raise questions of principle which it might be desirable that the House should have an opportunity of discussing again either on report or on third reading, whichever you like. I should think myself the report itself would be the best stage for it. I think there is no doubt a great many Bills are quite needlessly discussed on second readings, when no question of principle is involved. Of course it is a difficult question, because every now and then private Bills are brought in which do involve questions of very important policy for the country or principles which may render discussion in the House not only advisable but absolutely necessary, as, for instance, the Channel Tunnel Bill, of which

Chairman—continued.

which we used to hear a good deal a few years ago, which involved questions of national defence, which it was of course highly important to have discussed. On the other hand I think there is a great deal too much discussion at the present day on the second reading of private Bills, and the tendency has been, at any rate it was so before the alteration of the rules, for it to increase.

652. Would you allow these discussions to take place subject to the approval of some higher official or a Committee of the House?—The difficulty would be to decide to whom you would entrust the duty of giving such approval,

653. In the first place, do you approve of the idea?—I approve of the idea. I think, if you could devise a satisfactory body whom you could trust to say "This Bill involves questions of principle which it is desirable the House should discuss," it might certainly save a good deal of time.

654. Subject to some supervision of that sort you would allow both discussions to take place, both on second and on third reading?—I think so; because a Bill might be so completely altered in Committee as to make it desirable that the House should have an opportunity of discussing it.

655. Do you think your Committee of Selection would be prepared to take over those duties?—I hardly think they would. Our duties are of a more judicial character. We never go into the merits of a Bill in any shape or form. We always recognise our duty as being entirely of a judicial character, the questions coming before us having to be decided on statements which are put before us, and if necessary on evidence also, as to whether in any case in which the Examiner reports a non-compliance with the Standing Orders it is desirable to allow them to be dispensed with or not, but if we were to decide whether a Bill should be discussed in the House or not that might involve the taking of evidence of witnesses, and, perhaps, hearing speeches of counsel because I imagine the promoters of a bill would naturally prefer that their bill should not be discussed, and therefore they would ask to be allowed to be heard in opposition to any proposal to have the bill discussed.

656. You would only have to criticise those bills of which notice of opposition had been given on second or third reading, I presume?—I am not quite clear that that would be so invariably, because it sometimes happens there may be very important principles involved in a private Bill which, owing to there being no local or personal opposition to it, might slip through unopposed. I think there ought to be somebody who should examine all Bills with the view to guard against such a thing as that.

657. But at present, at any rate, by far the great majority of private Bills get through without any discussion in the House?—Yes. The great majority of course do not involve any question of principle or policy, and in those cases I do not think it desirable there should be discussion.

Chairman—continued.

658. At any rate you do not think that your Committee could undertake that duty?—I think we could hardly undertake it. I think if we did, it would weaken our influence very much, because at present the Standing Orders Committee is composed of some of the oldest and most experienced members of the House, and at the same time we have never recognised service on the Standing Order Committee as exempting men from serving on Private Bill Committees. If we had that work to do, I think, after we had gone into the Bills in that way, it would be difficult for any honourable Member of our Committee to serve upon Committees upon the Bills.

659. As a matter of fact, they never do serve upon Committees upon Private Bills, do they?—I think certain of the Members sometimes would serve; they serve as chairmen occasionally.

660. Have you any opinion to offer to us as to what official or what Committee should undertake this business?—No; I think that is rather a difficult question. I do not know whether the House would approve of it, but the idea has sometimes struck me whether the Speaker or the Chairman of Ways and Means would do it. Of course, they have already plenty of work to do, or else, perhaps, they might undertake it. The Chairman of Ways and Means, I think already has to examine every private Bill for other reasons, and, therefore, he is more cognisant of these matters.

661. He has not to examine every opposed Bill, but only unopposed Bills?—I did not know how that was; I had an idea that he had cognisance to a certain extent of every Bill.

662. Is there any way which you could suggest for promoting greater efficiency or general convenience as regards Private Bill procedure in the House?—No. It has always struck me as involving as a rule (though there again there may be exceptions), waste of time and great expense that Bills should be fought tooth and nail, you may say, in a Committee of this House or of the other House, as the case may be, and then come down from that House to this or go from this House to that and be fought again on exactly the same points. That is only my own personal opinion. It may be desirable in certain cases; but I have often thought that as regards the great majority of Bills a strong Joint Committee of the two Houses, if it could be arranged, would be better than the Bill going separately before a Committee of each House; it would save time and trouble; and in this House, at any rate (I do not know, of course, how it would be in the other House), it would be a great saving of the labour of the Committee of Selection, because it would relieve them of the labour of getting so many Members to serve on Private Bill Committees, which is always an increasing difficulty every year. If we could have Joint Committees a certain proportion of the Committee would be manned from the other House, and it would relieve this House very much of the great pressure of a duty which most honourable Members look upon as a very disagreeable one, and one to be shirked, if possible.

663. You find you have more difficulty in getting

Chairman—continued.

getting Members to serve on these Committees now than you had formerly?—Yes, I think that difficulty has for many years been increasing. It may be partly because the number of Private Bills has increased a good deal of late years, and it may be that you really want more Committees; I do not know how that is. No doubt you could get that from statistics and returns of the House.

663*. Are you aware that in the Inquiry into Private Bill procedure in 1898 Sir John Mowbray made the same remark that you have made to-day?—Yes, I remember he did.

664. At that time he said there was the greatest difficulty in getting Members to serve upon Committees?—Yes.

665. If that difficulty has been accentuated every year since, as you say, one would think that by this time you would find nobody to serve upon a Committee?—We do find it very hard sometimes, towards the end of a session especially, to get Members to serve. In this very session, for instance, at this moment we have practically exhausted nearly all the members of the Opposition that we are likely to get any work out of, and we shall have to make up two or three Committees, I think, entirely from one side of the House. The Opposition, I understand, do not object to that, in fact, an honourable Member on the Committee of Selection suggested that we being the larger party ought to take a larger share of the work; but on the other hand I do not like the idea, and as a body we do not like the idea of manning a Committee entirely from one side, because it might give rise to comments. I think I am right in saying that at this moment there is, or will be shortly, one Committee manned entirely from Members on our side of the House.

666. That was because you had exhausted the Members on the other side?—Yes, because we had gone through all the Members on the other side whom we could get any service out of. The character of Members, of course, has changed very much of late years; we have more business men and more lawyers, and so on, and a number of Members object very much, especially if their business or work is in London, to being brought here in the morning to serve every day on a Committee that would take them away from their business.

667. Do you allow such excuses to hold good?—We consider each case on its merits, but when a man comes and tells us (of course everything that is told us in the Committee of Selection is in strict confidence, and so I do not refer to any particular case) "If you insist upon my serving upon this Committee, I can only say my partner is ill, and I have nobody but myself to attend to my business, and if I am to come here every day of the week except Saturday, either my business will go to smash and I shall become bankrupt, or I shall have to resign my seat"; when he tells us that he may be exaggerating or he may not, but one is bound to believe him, and it makes it a very serious responsibility to put one's foot down in a case like that and insist upon the Member serving.

668. What course do you pursue in regard to the lawyers in the House?—We take each case on its merits. In former days, as Sir John Mowbray said either in the evidence to which you have referred or in an answer to a question in the House (I forget which), the practice was that if a man was a practising barrister his name was at once struck off; but we do not do that now; we put them on the panels unless we know that they are really men who are so busily engaged in the courts that we feel it would be hardly fair, except in a case of great emergency, to drag them away from their work. There are other cases which we are doubtful about, and we consider each case, as I say, on its merits, and if we think right we put down the man's name on the panel. Then that man gets notice that he is on the panel, and he must be in attendance at a certain time to serve if required. Then if he objects he at once comes to us and gives reasons why he should not be called upon to serve, and we consider whether the reasons are sufficient or not. But as regards barristers there is of course the difficulty, that in the case of very successful men, leading men, for instance, of the class of the law officers of the Crown, and ex-law officers of the Crown, they are very busy men, whom you could hardly ask to come and serve on Committees for perhaps a week or a fortnight on some question of the South Pedlington Gas Bill or something of that kind. On the other hand, there is another class of barristers to whom the same sort of difficulty applies. I am speaking now only of what I have been told, because I am not a barrister myself; but I understand there is a certain class of barristers who are just beginning to rise and make their way, to whom it is a matter, perhaps, of even more vital necessity than the other class I have mentioned, that they should be able to be in Court day by day, because there are a great many others who are equally good with them, and if they were away for a week serving on a Committee perhaps the solicitors who employ them might might give the brief to some other man, who is equally good, and would do the work as well, and he might be kept on, and these Members might slip out; so if they had to serve on Committee it might be the means of seriously injuring them in their start in life. I have been told that that is so.

669. You think that your Standing Orders Committee could not undertake to supervise and decide as to whether a Bill should be discussed in the House?—I think not.

670. But you approve of that idea?—I think if something of the kind could be devised it would be a very good thing. Of course any duty that the House puts upon us we should endeavour to discharge to the best of our ability, but at the beginning of the session we have a great deal of work to get through. Now, practically, our work is very nearly over; we shall have a meeting this afternoon when I think we shall have only one case before us, and we are no doubt nearly getting to the end of our work now; but at the beginning of the session we have, as I say, a great deal of work; there are a considerable number of cases of non-compliance which come up to us; some of them are very simple, and it would only take a few minutes

Chairman—continued.

minutes just to read through the statements, but in other cases it involves a good deal of discussion and very careful consideration. It would increase the work very much at the beginning of a session, and I doubt if some of the Members would care so much to serve; and it ought to be a strong Committee.

Mr. *Hobhouse.*

671. One question with regard to this matter of second reading; I daresay your attention has been directed to the evidence that was given by Mr. Lowther on this subject before this Committee?—No, I have not seen it.

672. Perhaps I might read you a short extract from his evidence. He was asked at Question 50: "You propose that that should be a matter that should be decided by the Standing Orders Committee?" and he says, "Yes, it has been suggested that the powers should rest with me, with the Chairman of Ways and Means; but I do not think that is very desirable. It would be rather difficult work to throw upon one individual. The Standing Orders Committee are already constituted; they already deal with questions of the suspension of Standing Orders. This very case would really be a question of the suspension of Standing Orders, therefore I think they would be the proper body to consider it. The way in which it would work would be this: the opponents to a private Bill who think that some novel principle is involved, or that the Bill is of very great magnitude and ought to be discussed, or who have some other reason which they consider sufficient, would memorialise the Standing Orders Committee to suspend the Standing Orders in that case, and to order the Bill for second reading. Then the promoters of the Bill would state their case. The Standing Orders Committee would meet in ordinary course and would decide the question. They could hear the parties, if necessary, or they could simply decide upon the memorials which were presented to them." That was Mr. Lowther's suggestion, I daresay you would agree with him to this extent, that it might be objectionable to throw that task upon a single individual, upon the Chairman of Ways and Means?—Yes, I can understand that feeling. On the other hand, I believe that a great many tasks of that sort are practically discharged by the corresponding official in the other House without any difficulty.

673. We cannot follow the precedents of the other House in all respects?—I quite see that.

673*. Would you be disposed to go so far as this: that if some small Committee could be found to discharge such a duty as this it might be a great convenience to the House?—I quite think that. The main objection I see to what you read from Mr. Lowther's evidence is this: that I do not know that it would always be safe to leave the power of determining whether a Bill should be discussed in the House or not, entirely to the opponents of the Bill, because the opponents might be people opposing it in some personal or local interest of their own, and they might not trouble about questions in which their personal interests were not involved.

674. Surely the suggestion is not that it should be left to them to determine it, but that they should be the persons to put the Standing Orders Committee in motion?—Yes, that is what I mean. They might perhaps not feel disposed to raise the point; there might be some point which was really very important, from a national or public policy point of view, which might not affect their opposition, and they might not think it worth while to put in motion the Standing Orders Committee, and so a thing which might be very objectionable from a national point of view might slip through without any discussion simply because it did not affect the interests of the opponents.

675. Surely, as matters stand at present, the discussion on second reading are always initiated by opponents?—I do not know if that is so. I think sometimes honourable Members look at Bills themselves and discover some principle involved, and then they put down notice of opposition, or they could do so.

676. But that would still be so, would it not?—If the words you read would cover that, well and good, but as I gathered from the words you read, it seemed to me that the only power of moving would be in the case of the actual opponents of the Bill, who might be opposing it on private grounds.

677. Of course, if it is a Bill of public interest, such as the Channel Tunnel Bill to which you referred, it would be open to a Member of the Government, for instance, to raise the question?—If that would be so, my objection is met, but I did not think it was quite clear from the passage you read to me, however, I have not seen the evidence.

678. You think it might be possible to work out a system of that kind which would be a great convenience to the House through the instrumentality of a small Committee?—Yes, but I am not quite as clear as Mr. Lowther seemed to be, that the proceeding would be so simple as he thinks, because I cannot help thinking that the defenders of a Bill, at any rate, if not the opponents, would say "We ought to have the case fairly put forward; we ought to have counsel come and make speeches, and we ought to have witnesses brought here if necessary," and it might practically end in a much bigger inquiry than merely having written statements as he suggests.

679. At the same time it would not be necessary for the Committee to go into the merits of either side, but only into the general circumstances of the Bill?—I do not think it would be desirable that they should, but at the same time I think it would be very difficult to keep the question out in some cases. I should prefer certainly that an independent small Committee should be appointed, at any rate at first, and then if it was found in practice that it worked well and that it was work that might be added to the Standing Orders Committee, it could be altered afterwards, but I think I should like to see the experiment tried in the first place by a small independent Committee; you would not want a very large Committee. I should think the smaller the better.

680. With regard to another subject do you not think that it would be an advantage if the time for serving on Private Bill Committees during

Mr. *Hobhouse*—continued.

during the Session could be accelerated; is it not easier to get Members to serve on Committees at the beginning of a session than it is at the end?—I think so, but it varies. It would be very desirable no doubt—the sooner we can get them to work, the sooner we get the work done. But our experience is that as a rule when we come to the grouping of Bills and meet the agents in the room on the meeting of the Committee of Selection their one object generally is to get the Bills they are respectively representing put off till after Easter. That is a thing we always have to fight against, and we have to be rather stiff about it. This year it was the reverse, because the agents did not know what effect the Coronation break would have upon Bills, and they were anxious as far as possible to bring on their Bills, but that is entirely exceptional, and quite the reverse of what usually happens.

681. I was not putting it as a matter of the convenience of the agents, but of the convenience of the House and honourable Members?—I think the sooner we can get Committees to work the more convenient it is. There are some Members who do not come to London with their families before Easter, and, on the other hand, there are Members who like to get their work on Committees done by Easter if they have to serve at all.

682. Is there not a slack time before Easter?—Of course, there are some weeks of slack time until the Bills have been intropuced and read a second time. There is a slack time before Committees can get to work, and if that could be shortened in any way without any detriment to the fair chance of opponents of the Bills having notice of what was being done, so that they could prepare their opposition, it would be a convenience.

683. It has been suggested to us that by accelerating the earlier stages of Bills, dispensing with first readings in the House and getting through the preliminary examination by a definite time, it might be possible to get Committees to work earlier; what would you say to that?—I think that might be a very good thing. I never understood myself the necessity for all the earlier stages of Private Bills as to first reading and so on. It is quite different to the practice in regard to Public Bills and I have never myself understood what the object of it was.

684. You do not see any necessity for retaining the first reading in the House?—I see no necessity whatever.

685. With regard to the number of Members on a Committee, do you consider that four is the best number for a Private Bill Committee?—I am speaking now without book, but I have always understood that Committees on Private Bills in byegone days used to be larger and that the number was reduced to four owing to the difficulty of getting Members to attend, or owing to the increased number of Committees with only the same number of Members available. There are a certain class of Bills which are very arduous and entail very heavy work upon Members of Committees; they are what are known as Police and Sanitary Bills. There are

Mr. *Hobhouse*—continued.

usually now two groups to which Bills of a police and sanitary character are referred. We have got a set of very experienced Members to set on those Committees who know the work and thoroughly understand it. It is somewhat different to the ordinary work of Opposed Bill Committees and it is very arduous because sometimes these Committees have to sit practically for two or three months. As regards those Committees at all events I do not know whether it would not be desirable to have five or six members instead of four, and then not to be quite so rigid as we have to be now in regard to insisting upon the attendance of members every day, so long as they had a quorum. Of course every member now has to make a declaration that he will not vote upon any question upon which he has not heard the evidence, and that I think might be a sufficient safeguard. The alleged danger of course is that a man may have made up his mind how he is going to vote, and he may go away and be away while arguments of counsel have been addressed to the Committee or while evidence has been given, and then he may come back and note. I think the declaration that every honourable Member makes that he will not vote upon a question on which he has not heard the evidence is a sufficient safeguard as to that.

686. With regard to the number you consider that the system of having four Members to sit on an ordinary private Bill Committee has worked well?—Personally, I should prefer a rather larger number—five or six—but I think it would add enormously to the difficulty of finding Members to serve on Committees; otherwise I should prefer a larger number because there is great risk supposing two Members are taken ill at the same time (which of course may happen) your Committee coming to a standstill, and if that happens the Bill drops out and has to be begun again before a fresh Committee.

Chairman.

687. Have you known many such accidents occur, because I have never heard of one?—We have been very near it once or twice. We have had to scour the House and to ask some Members almost as a personal favour, who had already done service on Committees that session, to allow themselves to be put on the Committee.

Mr. *Hobhouse.*

688. Apart from that do you consider that the Chairman has too large a voting power on a Committee of four?—No, I do not think so; I think, on the contrary, the Chairman is usually an experienced Member of the House, and possibly he may have sometimes less experienced Members serving with him on the Committee. I think it is desirable that he should have a vote and a casting vote as he now has.

689. Supposing Bills were referred more frequently to a Select Committee of both Houses, what sized Committee would you prefer in that case?—I think, probably, five or six. I think in that case you might go back to the old number, which I think used to be five.

 690. I wanted

Mr. *Hobhouse*—continued.

690. I wanted to get at your own opinion as to what was the ideal number?—I do not know. If you had five you could never have an even number if all the Members were present, and you would do away with the casting vote of the Chairman, and that might be considered an advantage.

691. If it was a Joint Committee I suppose the number of Members of each House would have to be equal?—Yes, I did not think of that at the moment. Then I should think it should be six in that case.

692. Do you think that a Joint Committee of the two Houses of six Members, with a quorum of, say, four, would be a stronger tribunal to hear a Bill than an ordinary House of Commons Committee?—Yes, I think probably it would, because it is known, of course, that you have some very strong and efficient men for this Committee work in the other House, and you would also be able to pick out your best men, and you would have a bigger choice of strong men in this House to choose from.

693. It would be easier to man the Committee if there was one hearing by such a tribunal as that?—That is my own view certainly.

694. Do you think in many cases a single hearing before such a tribunal as that would be satisfactory to both promoters and opponents?—I should have thought so myself, but I was speaking the other day to an experienced Member of the House who did not agree with me entirely as to that. He thought there might be very important Bills in which points might be overlooked by one Committee.

Chairman.

695. I think you had better confine yourself to giving your own opinion?—It is possible there might be a few cases of that sort. I should not like to commit myself definitely; but, on the whole, I am inclined myself to think it would work satisfactorily.

Mr. *Hobhouse.*

696. Would it be possible to work it in this way: To lay down a general rule that Bills should be heard by a Joint Committee but to allow either side in exceptional cases to show cause why a second hearing should be granted?—Yes, I think something of that sort might be satisfactory. Of course you might have the same difficulty as in regard to the second reading discussion, that there might be a question as to how you were to find your tribunal to decide the question. Subject to that I think it would be a very reasonable suggestion.

697. Would the Court of Referees be in your opinion a suitable tribunal?—So far as I know, I should think perhaps it might.

698. With regard to uniformity of decision, is the Committee of Chairmen on Railway Bills constituted with the view of doing anything else than providing Chairmen for the different Committees; is it within their function in your opinion to consult as to uniformity of practice or to lay down any regulations?—I think not. I have not got the Standing Order before me at the moment, but I think it is to the effect that that Committee be appointed to provide from among

Mr. *Hobhouse*—continued.

their number Chairmen for Railway Bill Committees. I see it says in Standing Order 99, "There shall be a Committee, to be designated 'The General Committee on Railway and Canal Bills,' which shall be nominated at the commencement of every session by the Committee of Selection, of which Committee three shall be a quorum." Then Standing Order 101 says, "The General Committee on Railway and Canal Bills shall appoint from among themselves the Chairman of each Committee on a railway or Canal Bill, or on a group of such Bills, and may change the Chairman so appointed from time to time." The Standing Order does not provide for any consultation of that kind.

699. It does not say whether it is within their power?—No; I do not know whether they do so or not.

700. Do you think that any further machinery is required for securing more uniformity?—I hardly think so. Even if they did consult among themselves and lay down rules for that purpose, that would not insure absolute uniformity, because, as regards a very considerable number of Committees of the House of Commons, the Chairmen are appointed by the Committee of Selection, and do not pass through that General Committee at all.

701. But it might secure more uniformity with regard to that class of Bills. There is no other Committee of Chairmen who deal with private Bills except that one, is there?—No.

702. The Chairmen of Gas and Water and Electric Light Bills are chosen by you independently, are they not?—They are chosen by us independently.

Mr. *Worsley-Taylor.*

703. Have you considered this matter of an Inquiry by a Joint Committee in place of the present system from the point of view of justice to the opponents of Bills?—Yes; I have thought it over generally all round.

704. Do you know that they have no means before they go into the room and hear the promoters' case opened of knowing the material points of that case?—I do not know that that is so. I have had a good deal to do in my capacity as a County Councillor with opposing Bills, I am sorry to say. We have had of late years in connection with Water Bills in Hertfordshire, a good deal to do in the way of opposing Bills, and I think we generally know pretty well what the case of the promoters is and, if anything, was sprung upon us unexpectedly, I should be inclined, as a Member of the Parliamentary Committee, to think that our clerk or his agent had not quite done his duty.

705. But the water question in Hertfordshire has been going on for a very long time, has it not?—Ever since I have been grown up.

706. And everybody knows pretty well by this time what the case is?—I was merely mentioning that as an illustration. In that capacity I have had some experience of opposing Bills in this House.

707. Do you think that opponents know thoroughly well, or reasonably well, at all events the case of the promoters of the Bill, and how to bring their case against it?—I think so, because

Mr. *Worsley-Taylor*—continued.

cause copies of proposed Bills affecting local intetests have to be deposited by a certain time with the local authorities--with the Clerk of the Peace, or the Town Clerk, or some such official, so that they have every opportunity of discussing those Bills and looking at them and having them thoroughly examined by their Parliamentary Agents. If there was any objection of that sort, I should be inclined to think perhaps it might be on the other side: that the opponents of the Bill might spring something unexpected upon the promoters.

708. Assuming that to be so, you are aware that promoters can come again another year?—Yes.

709. There is no such chance for opponents if a Bill is once passed?—No.

710. Then would you consider that they are in an equal position having regard to that fact; that the promoters can renew their attempt another year, whereas when once a decision has been given against an oppenent, if there is only one inquiry, he has not another chance?—That no doubt is quite true, but if a Bill has been thoroughly threshed out and gone into in one House I do not think (I am speaking without book), you very often see a contrary decision given by the other House, although you may occasionally.

711. Is that your impression?—That is my impression; I have no statistics on the subject.

712. Then I will not deal with cases. Now you said you did not see the advantage of having a Bill opposed in the second House on exactly the same grounds of objection as in the first?—My own idea was that it was a needless expense both to promoters and to opponents.

713. Do you know what proportion of Bills are opposed in the second House at all?—No, I could not say that. Those particulars perhaps might be obtainable in the office.

714. Do you know in what proportion of the cases which are opposed in the second House the opposition is such as you have described; that is to say, on exactly or substantially the same grounds?—No, I do not. I quite admit there are exceptions to the rule. To name a very recent instance, in the case of my own county council the agent let a Bill slip through in this House without discovering that there was a clause in it which appeared to him at any rate to injuriously affect the interests of our county. We found it out, and we at once took steps to oppose in the other House, and I understand it has just been considered and we have been successful in our opposition. That is a case that rather tells against my theory I admit, but still I believe there is a saying that hard cases make bad laws, and I think we must look to the general rule.

715. Just to follow that out, take the case you put where the facts were exactly the same in the second House, but where those facts involved important questions of principle; do you see any reason why, it being an important question of principle, opponents should not have the right of discussing it even although the facts were absolutely the same in the second House?—It is a difficult question of course, and there is a good deal to be said on both sides, but I have confidence in Committees of either House, and if the thing was thoroughly threshed out (and if it was an important thing no doubt it would be) with the able counsel whom parties have to put the case before the Committee on both sides, I should be inclined to accept the decision of the Committee even if I did not always like it.

716. I put this case: Suppose an important question of principle involved, an important question of private rights mixed up with a question of public policy; if the proceeding were by private Bill, as of right the Bill would have to go through the two Houses, why in the case of a private Bill would you deny a similar right to the opponents?—I do not propose that the decision of one Committee of either House as now constituted should be binding; but I think a Joint Committee of the two Houses, as I said, would be such a strong tribunal that their decision ought to be final. I do not think any serious injustice would be done. Occasionally, as we all know, the decisions of other courts are not considered quite satisfactory.

The Right Honourable John W. Mellor (a Member of the House), Examined.

Chairman.

717. You are a Member of the House of Commons, and you have been Chairman of the Committee of Ways and Means, and therefore you have had a good deal of experience of Private Bills?—Yes.

718. I do not know whether you have heard the evidence given to us on the first day, but it was said that the Bills came late to the House of Commons in consequence of having to be deposited only on the 21st of December, and it was suggested that they should be deposited earlier; have you got any remark to make on that point?—That would be a matter with which I had very little to do. The question of the time of the deposit of Bills is really better explained by the agents. My impression (it is not worth very much) is, that they might be deposited earlier with advantage.

Chairman—continued.

719. So as to be in the hands of Committees earlier?—So as to be in the hands of Committees earlier.

720. With regard to what has been said before this Committee as to the procedure in the House, do you advocate that there should be two discussions on Private Bills, both on second reading and on third reading?—No, I think myself that a discussion on third reading would be better. Of course the objection to that is this: that the expense has then been incurred, whereas if the Bill were thrown out upon second reading that expense would not be incurred, but I think the Committee will find

Chairman—continued.

find that the number of Bills which are thrown out upon second reading is very small.

721. Do you think it would be better only to have one discussion on third reading or to still allow two discussions, subject to the approval of some official or some committee?—I think, myself, the discussion on third reading would be sufficient. I am not sure that it is desirable in every case to have discussions in the House. If there was a Committee, the Committee might, on appeal being made to them, give permission for discussion on the second or third reading, but the difficulties with regard to such a Committee have just been pointed out by Mr. Halsey. When I was Chairman, I thought that a Committee of that kind might be formed which should consist of the Chairman of Ways and Means, or rather the Deputy-Chairman of Ways and Means, and deputies who were appointed by the Speaker. That is one suggestion. On the other hand undoubtedly the Committee on Standing Orders would be a very good tribunal to undertake this duty, if they could undertake it.

722. Would you state whether you would advocate that or not; would you advocate only one third reading discussion, or would you advocate that we should have discussions, as we have now in the House, subject to the approval of some Committee or official?—I think, on the whole, one discussion on third reading, as things stand at present, would be sufficient; that is to say, assuming you keep this system.

723. Then you must remember that if you have only one discussion on third reading, if the Bill is thrown out upon third reading, all the trouble and expense has been wasted?—That is quite true.

724. That might be avoided if you had the discussion on second reading?—It might be avoided if you had the discussion on second reading; but the number of Bills, as I said before, thrown out on second reading is so small that I doubt whether there would be any great practical injustice done by having the discussion on third reading; that is, assuming you keep the matter in the hands of the House of Commons, as it is at the present time. If you have Joint Committees, then I think there would be still less objection, because as I think, as has been pointed out, Joint Committees are strong Committees, and people would be saved the double expense, and not only would they be saved the double expense but the time of Members of Parliament would be saved. I do think it is a serious tax upon Members of Parliament, considering the great amount of Private Bill work that there is, to require them to sit upon these Private Bill Committees.

725. Then let us understand, you would advocate a Joint Committee instead of two Committees of the Houses?—Yes.

726. And at the same time you would allow discussions on both stages of a Bill in the House, would you?—No, I think I still would confine it to a discussion on third reading in each House.

727. Let me remind you of a case which took place last Session in which a large company

Chairman—continued.

were endeavouring to take up certain water rights over a poor rural district; that Bill was thrown out on second reading in the House, and the reason given was that it seemed to be an arbitrary measure and that the people who lived in that rural district could not afford to fight it through the stages of Committee?—There is no doubt there would be very much fewer discussions on second reading if it was not so expensive for the opponents to come and appear before Committees.

728. If your scheme held good and you had only a discussion on third reading, the people in the case of the Bill I mention would have been put to all the hardship and expense of opposing the Bill through all its stages?—That is so no doubt.

729. That would be an injustice, would it not?—There are cases undoubtedly in which hardship would be inflicted. I do not suggest there are not; but I say they would be very rare. But it might be met in other ways. I am not at all sure it would not be better that there should be some committee to give people leave to appear in person before Committees of the House of Commons to set forth their grievances in opposition to a Bill. That is one system. But there is another.

730. One moment before you pass from that. Would not that extend the time of sittings of Committees to an enormous extent?—I do not think it would. I think it would very often very much shorten the discussion, because a man who appeared in person and told his story would be a short and not a long witness, and he would have to go to no expense. If he was a poor man he could come before the Committee and tell them his story.

731. Under certain conditions he can still do so, that is to say, if he has a *locus standi*?—But he has to go before the Court of Referees and get a *locus standi*.

732. But surely you would not allow him to come without a *locus standi*?—No; but I think the rules of the Court of Referees might be relaxed with regard to some of the cases, and people might be allowed to come and tell their own story. Then I should like to say something more with regard to this point. The Unopposed Bill Committee deals with all Bills in respect of which the petitions have been withdrawn; that is to say, where the petitioners have been settled with by the promotors of the Bill and the petitions withdrawn; but it does not at all follow that an unopposed Bill which is unopposed in that sense, is a Bill that ought to pass. It comes before the Unopposed Bill Committee; but they have no information and no means of knowing whether this Bill ought to be allowed to pass or not, because there is no person before the Unopposed Bills Committee to represent the public. The Public Departments send Reports before the Unopposed Bills Committee, but they only report upon matters which affect their own departments; and, therefore, so far as the interests of the public at large are concerned, there is no person before the Unopposed Bills Committee to represent the public.

733. Does not the Chairman represent the public?—But the Chairman can get no information.

It

Chairman—continued.

It is quite true that upon the materials before him the Chairman acts and tries to do his best for the public; but all the information the Chairman gets is the information afforded by the people in favour of the Bill; and therefore he never knows whether the Bill ought to be allowed to pass or not. I had a case before me when I was Chairman of Ways and Means which illustrates my meaning; it was a question of water rights. I should have known nothing whatever about the grievance with regard to that Bill if it had not been that the Member who represented the district through which the Bill was to come into operation (I forget the exact nature of the Bill), was on the Unopposed Bill Committee, and he said to me, "I wish to call your attention to the fact that this Bill takes away the water rights of a number of poor cottagers along the line" (naming the line), "without compensation; those poor cottagers are not here, they cannot come here, and there is no redress." Thereupon I said to the agents, "Before I allow this Bill to pass you must satisfy the Committee with regard to this matter," and I adjourned the Bill for a fortnight. In the meantime explanations were made, which were satisfactory, and then the Bill was allowed to pass. If it had not been for the accident of this Member being on the Committee we should never have known anything about this; the Bill would have passed the Unopposed Bill Committee and would have gone through the House as an unopposed Bill.

734. How do you suggest to remedy that?—There was a case in the House of Commons which possibly the Members of the Committee may remember, it was a Scotch Bill. That Bill had passed the Unopposed Bill Committee when some Members of the House of Commons were told that it was a Bill that interfered with some very fine scenery in Scotland, indeed there was a Petition sent to the House of Commons from nearly all the artists in Scotland against the Bill; and on looking into the matter it seemed as if the railway company was going really to destroy the view and to seriously affect a very beautiful piece of scenery; and Mr. Bryce and certain other private Members opposed the Bill on third reading on those facts. It was plain as the discussion proceeded that if the facts in our possession then had been communicated to the Private Bill Committee, they would not have allowed the Bill to pass without some investigation. What the Chairman would have done is, that he would have sent the Bill upstairs to a Committee in order that they might investigate the matter. In the result the House of Commons did that very thing; they appointed a Committee to sit upstairs and inquire into all the circumstances. They inquired into the circumstances and altered the Bill. Of course the question is, upon what persons or upon what department that duty ought to fall. I know at the time I thought the Home Office would be the proper Department of the Government to take up this matter, and that some person ought to appear before these Committees who should represent the public—that is to say, some officer of the Home Office.

Chairman—continued.

735. Would you say the Home Office or the Local Government Board?—I am not sure—that is a departmental question—I rather think the Home Office would be the best.

736. But you think there ought to be some official before the Committee on Unopposed Bills in order to check any irregularities in a Bill?—Yes. Of course I am assuming in that answer that you keep the Unopposed Bill Committee.

737. Now, with regard to the Unopposed Bill Committee, from your experience of that Committee do you think it is right that the supervision and criticism of Bills should rest with the Speaker's Counsel, as it does now, instead of actually with the Chairman of Committees?—No, I do not.

738. What is your opinion with regard to that?—I think the Unopposed Bill Committee ought to be abolished, that is to say, it ought not to sit as it does now. I think it would be very much to the advantage of the public if all these Bills came before an ordinary Committee in the ordinary way, and that some official, either from the Home Office, as I suggested just now, or from the Local Government Board, appeared before that Committee to watch the Bills in the interests of the public. In that way you would have a better tribunal. The matter, instead of being settled in the room of the Chairman of Ways and Means, would be tried judicially, and I think that would be a very much better course. Of course, the Speaker's Counsel might sit with that Committee; there is no reason why he should not.

739. Is it the fact that although the Unopposed Bill Committee is generally supposed to consist of three Members, as a matter of fact it nearly always consists of the Chairman and the Speaker's Counsel?—That is so.

740. And the supervision of the Bills really rests almost entirely with the Speaker's Counsel?—That is so, because the Chairman of Ways and Means, has a great deal too much to do.

741. That is your experience?—That is my experience. For instance, the Chairman of Ways and Means has, the first thing in the morning, or some time in the morning, to go through all the amendments to the Bill on which he is probably sitting during the sittings of the House. Yesterday afternoon and evening, for instance, the Chairman of Ways and Means was sitting as Chairman of the Committee of the House on the Education Bill. In the morning he has to go through the amendments in regard to the Bill; it is a very laborious and somewhat difficult thing; and if he is to do his duty he ought to be able to devote the whole morning to it. But he cannot do that, because he very often has to come down to the House of Commons about eleven or half-past eleven o'clock to sit upon the Unopposed Bill Committee, or to have before him promoters and opponents in cases where they want his intervention. So that the time of the Chairman of Ways and Means is very much occupied and he has a great deal too much to do. It is very difficult for anybody to do all that work and to sit till late at night in the House of Commons besides. The remedy I think is the remedy which I suggested in the House

Chairman—continued.

House, when I spoke upon these new rules; I thought then, and I think now, that there ought to be a second Chairman appointed as an official of the House, paid and appointed in the same way as the Chairman of Ways and Means, who should have control of the private Bill business. It should be assigned to him and he should attend to that part of the duty. In that way assuming you keep to the present system you would enable the Chairman of Ways and Means to do his work with much more satisfaction to himself and to all concerned.

742. That of course applies more to the middle and latter part of the session when Bills get into Committee, than the earlier part?—That is so. At the same time in the earlier part there is a certain amount of work that has to be done with regard to private Bill business by the Chairman of Ways and Means. For instance as things stand at present there is going through of the Bills; he has to meet the Lord Chairman in the other House and to sit and hear what the agents have to say and to separate the Bills into two classes and to determine which shall begin in the House of Commons and which shall begin in the House of Lords. That is a matter that takes a good deal of time; that has to be done very early in the session.

743. Then you would have the private Bill procedure, so far as unopposed Bills are concerned, rather modelled on the House of Lords procedure?—I do not know exactly what the House of Lords procedure is in that respect.

744. The House of Lords procedure is very much what you describe. The Lord Chairman goes carefully through the Bills instead of the Speaker's Counsel?—Yes.

745. Of course, as you say, that would be quite impossible for the Chairman of Ways and Means to do under the present system?—Quite impossible. The Chairman of Ways and Means cannot find time to read his Bills. In the House of Lords, of course, it is easier for the Lord Chairman in that House, because the House of Lords does not sit so long at night.

746. Have you anything to say with regard to Standing Order 22 in reference to consents in the case of tramways Bills?—Yes. I should like to say something as to that. I think the consent in that case undoubtedly ought to be given before the Bill is deposited, and that it ought to be a real consent—in the ordinary sense of the term "consent."

747. May I remind you what the Standing Order says as to consent in the case of Tramway Bills—it is Standing Order No. 22;—"In cases of Bills to authorise the laying down of a tramway the promoters shall obtain the consent of the local authority of the district or districts through which it is proposed to construct such tramway." But they may give such consents at any period before the Committee stage?—Yes.

748. Would it, in your opinion, be reasonable to make it read in this way: "In cases of Bills to authorise the laying down of a tramway the promoters shall" (then inserting these new words) "on or before the 15th day of December immediately preceding the application for any such Bill obtain the consent of the local authority," &c.?—I think it would. I think it is very desirable that those consents should be obtained before the Bill is deposited.

749. It is an unreasonable anomaly in your view that they should be able to appear as petitioners against the Bill at any time before the Committee stage?—Quite so. If there was a petition lodged by a local authority against the Bill, they ought only to be heard with regard to any alterations that may have taken place in the Bill since the consent was given—since the Bill was deposited.

750. You think that would simplify the procedure?—I think it would.

751. You have told us you approve of a third reading discussion only?—Yes.

752. And that you approve of a Joint Committee?—Yes, I have heard it suggested that there might be cases in which a Joint Committee might make some difficulty, but I have never met with such a case. I have never myself met with any case which could not be, in my opinion, satisfactorily disposed of by a Joint Committee.

753. If the suggestion were carried out that these Bills should be tried before a Joint Committee, do you not think that you ought to allow both stages of a Bill to be discussed in the House—for you would be taking away one tribunal you see?—That is very true, but at the same time the third reading discussion is a very full discussion. Of course you could still keep two stages—not the second reading, but the Report stage and the third reading stage. I think the third reading stages ought to be regarded as appeals to the House from decisions of Committees; that is my idea.

754. To sum up your evidence again: you approve of one third reading discussion. Joint Committees and a Committee on unopposed Bills rearranged in the way you suggest?—Precisely.

755. I do not know whether you would like to say anything with regard to economy, or as to the expenses or fees of the House?—I noticed from the short note that I saw of the evidence of the Chairman of Ways and Means, that he thought it undesirable to diminish the cost of private Bill legislation. I am not prepared to go quite so far. I think it may be that the evil which he anticipates may exist to a certain extent, namely, that people may be induced to speculate in Bills if you reduce the cost to promoters. I have never come across a case of that kind, but the Chairman has, and therefore there are such cases. But where I think the cost ought to be reduced is in the case of small opponents, that is to say, poor opponents to private Bills. I do think that there the whole costs of opposition are very considerable, and the people are very often frightened or induced not to take steps against private Bills because of the expense. As I said just now, I think that is a cause of a good many of these oppositions to Bills on second reading.

756. Because they are afraid of the expense of contesting these Bills before Committees?—Yes, take for instance the case of Irish Bills. The expense of contesting an Irish Bill for a man of only moderate means in Ireland is very great.

He

Chairman—continued.

He has to come over to London, to bring his witnesses all over to London, to employ counsel and agents, and all that; and it is a very serious matter. The consequence is that you see a great many motions against the second reading of Irish Bills (indeed you used to do so also as regards Scotch Bills).

757. Then would you have the system of Provisional Orders more extended than it is?—I think the system of Provisional Orders is a very good system.

758. Of course that is a very great saving of expense?—I think so, and I do not see why that system should not be extended. For my part I should like to see a local inquiry. I believe the private business of the House would be much more satisfactorily done by a local inquiry than it can be done by people sitting in London who do not know the locality and who simply have to act upon the description of those who profess to know it.

759. We have heard that that would increase the expense, that the fees of these great lawyers going down to the country, and the agents, would cost a great deal more than if the cases were heard here?—If that is so you must have a very inefficient taxation of costs; because the check upon all that is the taxation of costs. Of course you could say to promoters. If you choose to take some leader of the Bar from London, we will say to Scotland, you must pay for it, but I shall not allow the opponents to pay any part of that cost.

760. But in Scotland they have their own counsel?—I ought not to say Scotland, but take for instance, England, take Yorkshire for example: Supposing you have a local inquiry in Yorkshire, to take counsel from London is a luxury. If promoters think their interests will be served by taking counsel from London down to Yorkshire at any time, they ought to pay for it, and the other side ought only to pay a proportion of the fee—that is, such a fee as the Taxing Master thinks is fair.

761. Of course with your experience you would know that if the inquiry is held here, a great counsel may be engaged in two or three cases on the same day, if he goes down to Yorkshire, he gives up the whole of his day and perhaps more on a single case?—Yes, but there are plenty of counsel in Yorkshire who would conduct the case with great ability, without doing any injustice to anybody.

762. You think that a local inquiry would conduce to economy?—I think that a local inquiry, with a proper system of taxation, would conduce very much to economy, and I have no doubt whatever that it would enable a Committee to arrive at the truth much more easily than they do now.

763. Then with regard to another matter. Do you think it would be for the benefit of the House, that so many Members should be taken away on Committees?—No; if I am to criticise the Scotch system, that is the fault I should find with the Scotch system. I do not think Members of Parliament ought to be taken away from London to sit upon these local inquiries—my own opinion—and I believe when I say this, I am representing the opinion of a great number of people who had a great deal of experience in this matter,—is that the panel might be formed by the chairmen of the county councils in those various counties, to hold these local inquiries; and I think that would give satisfaction to the public and to all concerned.

Chairman—continued.

764. Then do you mean to say you would advise Parliament to delegate its powers to county councils in those cases?—Yes, because its appeal jurisdiction would remain with Parliament; so that if anything went wrong, you have only to go to the House of Commons or to the House of Lords, or to both, to set it right. In the Scotch system it is so. The other day there was an application in the case of a Scotch Bill that had been tried in Scotland, and the House decided that any persons coming to them must come by way of appeal and that unless they made a *prima facie* case of grievance the House would not entertain it because they considered the matter ought to be settled in Scotland. That struck me as a very salutary ruling. The effect of that would be, if they were people who had any real grievance, to have their grievance brought out in Parliament, and if the House so desired they could always refer it to a Joint Committee in London, which would give a re-trial and a second hearing, and that would effectually prevent any injustice being done.

765. Have you anything else you wish to say with regard to these inquiries?—I think it would be found that certain county councils in Yorkshire and Lancashire were quite willing and ready to undertake these inquiries.

766. Would they be ready to undertake these duties after they have had the question of education thrown upon them?—That is a question which it is very difficult to answer. I think possibly it may be found that they would rather sit upon these inquiries than have to conduct these schools under the Education Bill.

767. You do not think they could do both?—I do not know; I should like to ask their opinion about that.

Mr. *Renshaw.*

768. I understand you to say with regard to the position of the Chairman of Ways and Means in this House, that you consider from your experience, which is a considerable one, that the work devolving upon him is greater than he can properly overtake?—I do.

769. You think he ought to be relieved by the appointment of a Deputy Chairman, which the House has now made?—Well, I think that the Deputy Chairman ought to be a salaried official of the House, just as the Chairman of Ways and Means is; because I think you ought not in any way to put the Deputy Chairman in an inferior position. If he is to exercise all powers which are now put upon the Chairman, undoubtedly the Deputy Chairman ought to be an official of the House.

770. Then would not the benefit of making the Deputy Chairman a paid official be that he would then be able to have relegated to him specially the

Mr. *Renshaw*—continued.

the very onerous and laborious duties connected with Private Bill legislation in the House?—That is so.

771. You think in connection with the discharge of that duty to the House there ought to be associated with him a permanent Committee which would have referred to it, in addition to other matters that would naturally come before it, all unopposed Bills?—Yes, I think that would be a very good plan.

772. And it should be the duty of that Committee presided over by the Deputy Chairman to inquire into all questions that might be brought before that Committee as affecting public rights?—Quite so.

773. I think you suggested in the course of your evidence that it would be desirable that this matter of inquiring into public rights should be left in the hands of the Home Office?—Yes.

774. You would suggest, of course, as the Home Office would not apply to all parts of the United Kingdom, that other departments should be selected for Scotland and Ireland?—Yes; I merely suggested the Home Office because of the very great variety of these public rights; I thought the Home Office probably would be the best Office to entrust the duty to in England.

775. I should like to ask you whether you do not think it would be possible for the House itself to have an official appointed, in a somewhat different position to the Counsel to the Speaker at present, who should have the duty of looking after these matters?—No, I cannot say that I do, I think the Counsel to the Speaker performs a very useful duty.

776. Do you not think that it is rather an anomaly that apparently almost the only duty of the Counsel to the Speaker, as he is called, is, not to act as Counsel to the Speaker, but always to act in connection with private Bill legislation and with the Chairman of Committees?—The Counsel to the Speaker is the adviser to the Chairman of Ways and Means, who is the Deputy Speaker. But I have known the counsel to the Speaker consulted by the Speaker. I do not know a case in which he was consulted by the present Speaker, but I have certainly known cases in which he was consulted by Mr. Speaker Peel.

777. In regard to private Bill legislation?—No, not always, but in respect of matters which were brought to the attention of the Speaker.

778. With regard to questions of drafting?—Questions of drafting—yes, and others.

779. Not with regard to questions of procedure; because there Mr. Speaker consults—not the Counsel, but the clerks at the Table?—If I remember rightly, it was rather with regard to the construction of statutes. I think that was the point upon which Mr. Speaker Peel consulted the counsel to the Speaker.

780. Would you refer to such a Committee as you indicated your preference for such matters as are now discharged by the Committee on Standing Orders?—Yes, I think I should. I think, supposing you had a strong Committee, such as it would be with the Deputy Chairman and the Members that I suggested, you might give them the duties which are now discharged by the Committee on Standing Orders.

Mr. *Renshaw*—continued.

781. What number of Members would you suggest should form that Committee?—Five, I think.

782. Not seven?—It might be, but I think five is the least number.

783. Might I carry that last question a little further, and ask you whether you think it would be possible for that Committee to consider and decide questions of *locus standi* also, and get rid of the Court of Referees as at present constituted?—I am not sure as to how far the Deputy Chairman of Ways and Means under those circumstances would have time; but if he had time undoubtedly it would be desirable that that Committee should discharge all those duties.

784. But if the Deputy Chairman who was *ex-officio* the Chairman of the Committee had not time actually to take the chair at Committees when it sat on questions of *locus standi*, it would be delegated to the Chairman of the Committee?—I think if those duties were imposed on that Committee it would be better that the Committee should consist of seven.

785. You think that a strong Committee constituted in that way would really be able to deal with the whole of the questions connected with Standing Orders, with *locus standi*, and with unopposed Bills?—I think so. The fact is the Committee would be so strong that they would have great weight with the House, and consequently some questions which are now occasionally raised would not be raised at all.

786. Now with regard to a question that was put to you as to the reference of Bills to Joint Committees instead of the Bills going before Committees of the two Houses, do you think that if Bills were referred to a Joint Committee there ought to be a possibility of rehearing by a subsequent Joint Committee, and if so under what circumstances?—I think any rehearing ought to be by Order of the House—that is of one House or the other. I do think that it would be desirable to keep the power as a sort of appeal; at the same time such cases would be extremely rare. A strong Committee of the two Houses would prevent appeals. It has always been found, I think, that a strong Court diminishes the number of appeals very considerably, and that if you have (such as you would have in a Joint Committee of the two Houses) a strong tribunal there would be very much fewer appeals than there would be in the case of a weak Committee.

786*. But you still think that on the hearing by a Joint Committee there should be, after reference to the House and the decision of the House having been obtained, the possibility of a rehearing?—I think so.

787. That would get over the objection which has been urged as to the Joint Committee being final in its decision?—Quite so.

788. Now there is one question to which the attention of the Committee has been directed, but which I do not think you were asked any question about, that is, as to the methods by which the progress of Bills could be hastened in the House. Is it your opinion that the date at which petitions for Bills had to be deposited at present, viz., the 21st of December, so far as the House

Mr. *Renshaw*—continued.

House of Commons is concerned, is too late, having regard to the early period in the ensuing year at which the House generally meets now?—That is a matter, I think, upon which a Chairman of Ways and Means has very little information or knowledge, because he never sees those Bills.

789. The question I wish to lead up to I will put in this way. If it was not practicable to make arrangements for lodging petitions for Bills at an earlier date than at present, do you think there would be any objection to fixing a date, say 30 days after the presentation of petitions in favour of Bills, for petitions in opposition to Bills; that is to say, that petitions in opposition would be lodged prior to the meeting of Parliament?—I see no objection to that whatever; it would be in the nature of pleadings, that is to say, it is like the old bill of complaint and answer. I think it would be, I think, a desirable course.

790. You say that with the knowledge that at present 10 days is allowed from the first reading of the Bill to the presentation of petitions in the House?—Yes, I do not myself think that is necessary.

791. And that impedes the progress of Private Bill legislation in the earlier part of the session?—I have no doubt it is so.

792. Mr. Lowther stated the other day in his evidence to us that in recent years a period of from 35 to 41 days has elapsed between the date of the meeting of Parliament and the sitting of the first Committees on Private Bills. Is it your opinion that that is too long a period?—I think it is a great deal too long a period. I think it would be very much to the advantage of the House if these Committees could sit a great deal earlier.

793. Within about a week of the meeting of Parliament?—I do not see why not, unless there is some practical difficulty with which I am unacquainted. There may be some reason known to the agents that I do not know of, why it would be difficult to get the matter ready; but if it could be done it would clearly be to the advantage of the House of Commons, because the work of members would be spread more evenly over the whole time.

794. And not only that, but having regard to the new rules, and the fact that the House now meets at two o'clock in place of three, would not the starting of Committees to work in the period when the House is engaged itself in second readings and business of that kind, make it easier for Members to give a more prolonged and steady attention to Private Bill Committees when they were sitting?—Yes, I think so.

795. And that would be a valuable improvement?—Yes, I think so.

796. Do you see any objection, from your experience in past years, to a fixed date being settled, after which Bills originating in the House of Commons should be refused a second reading. No doubt you are aware that at present the second reading is not infrequently delayed of Bills, and that that throws back the Committee work, and having regard to those two facts, do not you think it would be desirable that the House should fix a date after which second readings should not be taken?—Yes, I do. It must of course be subject to this: that in case of any extraordinary circumstances arising, the House should have power to alter the date by suspending the Standing Order.

797. Or would you leave such a matter as that to the decision of the Committee that you have already suggested?—Yes, I would; that is to say, the Deputy Chairman would then apply to the House to suspend the Standing Order if the Committee thought it should be done.

798. I think, in regard to the subject of a local inquiry, you are opposed to those local inquiries being made by Members of this House, as has been the case in Scotland?—Yes.

799. You are aware, I suppose, that in the case of Scotland there has been no difficulty in securing the attendance of Members where Bills have been submitted to them?—I was not speaking so much with regard to the convenience of Members themselves, although that ought to be considered; I was referring to the constituents who are entitled to the services of their Member while Parliament is sitting in London. I do not know what the Scotch constituents would say, because I have no experience on that subject in Scotland, but I can only speak with regard to English Members, take Yorkshire, or Lancashire Members, that the constituents would be very much aggrieved if their Members were taken away, say, either to try a case in Scotland or in Cornwall or Wales, or any other place.

800. I think you suggest that the panel for carrying out local inquiries should be constituted by the chairmen of county councils?—Or by a committee of county councils.

801. What reason have you for excluding the municipal bodies altogether from that suggestion?—I do not know that I have any particular reason; the only thing that occurred to me about it was that as a railway, say, runs through a considerable district the county council is the best body of people to undertake the appointment of the tribunal that is to sit upon it; you are more likely to get local knowledge, which is what you want from the county council than from the council of a municipal borough. At the same time I do not want to express any very positive opinion as to the exclusion on inclusion of municipal authorities. That is a question really for consideration when the scheme is brought forward, but I think that some sort of body representing these people, such as in Yorkshire and Lancashire where you get first rate county councils, who thoroughly understand all the detail of these matters, would be a very good one for this purpose, I have no doubt.

802. Would it not be rather a case of appointing judges in their own cases?—No, I do not think so. Why should it? No man would sit who had any personal interest in the Bill; and I do not think you suffer at all from local knowledge. I believe myself that you would get these things tried in a much more satisfactory way by people who had local knowledge.

803. Is not the interest very much the same interest whether it is a county interest in Cornwall or in Yorkshire?—I do not quite appreciate the question.

804. I only

Mr. *Renshaw*—continued.

804. I only asked that with a view of asking you this question: Whether you do not think that on the whole it would be better that that some outside authority like the Secretary of State should nominate the panel for the various areas if such a panel was constituted?—I do not know that there is any great objection to that, except that I think these great county councils, representing, as they do, enormous and very important districts, would be very capable of forming an excellent panel.

Mr. *Worsley-Taylor.*

805. Would you preserve the existing system of Provisional Order Inquiry?—I think you might extend it.

806. But would you interfere with the existing system, first of all; would you substitute, in other words, your new tribunal for the existing one where now a Provisional Order is possible?—Wherever a local inquiry is necessary, I think it would be better done by such a tribunal as I suggest.

807. So that you would alter the existing tribunal?—On the other hand, the persons who are sent down to make the local inquiry under the present system are all skilled people, and I have no doubt that the local inquiries are conducted very satisfactorily; but at the same time I think uniformity of system would be a good thing.

808. Uniformity of procedure, you mean?—Uniformity of procedure; that is to say, that the tribunal that should make the local inquiry in one case should make the local inquiry in the other.

809. So as to preserve continuity of principle?—Yes.

810. Do you think you could secure that better by such a local tribunal as you have referred to than you do under the existing system of inspectors sent down by the Local Government Board, say; you think you would not secure greater uniformity by means of them?—I doubt it. I do not myself see any great advantage. I do not mean to say for a moment that they do not do their work well; I have no doubt that they do; but at the same time I think you would secure greater uniformity and you would have the work equally well done or better done if you had a local tribunal.

811. To what class of cases would you extend the system to which it does not now apply?—That is a question that it is somewhat difficult to answer. I think it might be extended in cases where the cost is a serious matter.

812. You mean relatively unimportant cases?—Relatively unimportant cases.

813. But have you in your mind any class of case where a Provisional Order is not now possible, to which you would extend the system?—At the moment I cannot answer that question.

814. Then subject to considering the question of altering the tribunal, would you in the rest of the procedure maintain the present system of the decision of the first tribunal coming before Committees of this House, or would you adopt the suggestion which has been made, that you need not have a double inquiry here, but that you would have a confirmation by a Joint Committee of the two Houses?—Certainly I would have a confirmation by a Joint Committee.

Mr. *Worsley-Taylor*—continued.

815. So that your idea would be to extend, if possible, the existing system, substitute what you consider might be a better tribunal, and have the case confirmed by a Joint Committee of the two Houses?—Confirmed on appeal by a Joint Committee. I say on appeal, because I daresay you may recollect that when the Scotch Bill passed through the House of Commons indeed when it became an Act, some people supposed—indeed I think the Lord Advocate supposed—that people would be able to come to the House of Commons as a matter of right; having had their local inquiry in Scotland, if they are dissatisfied they would come to the House simply as a matter of right without making any case.

Mr. *Renshaw.*

816. A Joint Committee of the two Houses?—Yes: but I was speaking of the coming from Scotland. But the House of Commons decided that they must come by way of appeal.

Mr. *Worsley Taylor.*

817. The House of Lords?—The House of Commons. I was on it when the matter took place, and the Lord Advocate upon that discussion said that he was under the impression up to that moment that people should come without making a *primâ facie* case, but the House on the other hand decided by a large majority. I do not know that it went to a division, but there was evidently a very strong feeling in the House—that it ought to be only on appeal, and thereupon the Lord Advocate said that whatever his own private opinion might have been, he should certainly give way to the opinion of the House, and that for the future people must come by way of appeal.

818. Then your suggestion is that, unless the House gave leave, there should be no appeal from this outside tribunal?—Precisely.

819. Composed of members appointed by the county council?—Composed of members appointed by the county council.

820. And an appeal would be got by appeal to the whole House?—By appeal to the whole House.

821. And discussion in the House?—And discussion in the House.

822. In your view is that a satisfactory way of dealing with tha merits of a question which has been discussed by a *quasi* judicial court?—Yes because I think there ought to be no appeal unless a strong case is made. If the people aggrieved, or who think themselves aggrieved, are capable of making a strong case, then they can come to the House with ease; but I do not think there ought to be any appeal from such a tribunal unless a very strong case is made.

823. Would you have this procedure for the benefit of the House or for the benefit of the parties?—For the benefit of the public.

824. The House and the parties to the case?—Yes. I should like to point out in answer to that, that when people come to ask the assistance of Parliament they must be content to put up with such conditions as Parliament puts upon them

Mr. *Worsley-Taylor*—continued.

them. It is not like an ordinary cause in which A has been injured by B, and brings an action; but people who come to Parliament come to ask the assistance of Parliament; that is to say, they appeal to the public to enable them to do something which they could not do without the assistance of Parliament, and therefore the matter ought to be treated in a somewhat different way from the way you would treat an ordinary cause.

825. Is there any hardship that is now complained of by people to your knowledge under the present system?—The only hardship that I have heard of is that people complain very much of the cost of private litigation, as they call it—really private legislation—I have heard complaints both from promoters and opponents, but I think the people who have the real grievance are the opponents—that is to say, people who oppose for some private interest.

826. Now?—Now.

827. Do you think their grievance would be less if you took away their chance of appeal?—I think their grievance would be much less if they could have a local tribunal, and came before the people in any shape they pleased and tell them their story.

828. Without the right to appeal?—I would leave the right of appeal.

829. By leave of the House?—I would leave the right to appeal to the House, because it is relatively an inexpensive procedure, and a man who is one of the opponents of a Bill, who would be injured in his rights, whether it is a water-right or any other right that he has—say, the right, for instance, of fresh air, or prospect from his house, or anything else—if the local tribunal did him any injustice, would be able to come to the House itself and ask for a rehearing.

830. Then how would the House be informed of the facts?—Either he must go to some Member and tell him his story and ask him to bring it before the House, or he must petition the House in some form or other.

831. There would be statements of facts on both sides?—Yes.

832. And each side would get hold of certain Members and post them in the facts and get them to represent them?—Just as they do now on second reading.

833. Do you consider the second reading procedure, as it is now, satisfactory?—No, I do not.

834. The promoter is the man who seeks to alter the law, I take it?—Yes.

835. The opponent is the man who is brought there to oppose him?—That is so.

836. You know that there are a fair proportion of cases in which the decisions of one House are reversed upon appeal by the second House, and that that occurs both on decisions of the other House reversed in this, and on decisions of this House reversed in the other House?—I think that such things are comparatively rare.

837. Do you know the proportion of Bills which are opposed in the second House?—No, I do not.

838. Do you know the proportion of opposed Bills in which the decision is reversed?—No, I do not, but I fancy it is very small. The advantage of the joint tribunal would be that you would in one sense put an end to litigation. If you have a Joint Committee, people appear before the Joint Committee and take its decision. There must be some body which should be able to give a final decision. The mischief of all our system is, that you can go to so many different tribunals, and increase the expense. I believe myself that one great advantage of a Joint Committee would be that it would be a strong Committee, and would put an end to much of the difference and dispute which takes place over these Private Bills.

Mr. *Worsley-Taylor*—continued.

Mr. *Brynmor Jones.*

839. As I understand your evidence-in-chief you think that upon the whole the public, or certain classes of the public, do not get a fair opportunity of being heard in regard to these Private Bills?—I do in certain matters.

840. What was in my mind was a case like this, which came before the Court of Referees. A Railway Bill containing no clauses in regard to workmen's cheap trains; the local authority was not able to get a *locus standi* according to our rules. That is the kind of hardship I think in your mind?—It is.

841. And your idea is that the Home Office, or some other authority, should appoint, in regard to all public Bills, an officer to watch the interests of the classes of the public that it concerns?—Precisely; to protect those people who cannot protect themselves.

842 Again, you think in your experience that the somewhat rigid Standing Orders as to the presentations of petitions against Bills, operate hardly either in regard to classes, or in regard to individuals?—I think some of them do.

843. Would you allow, for instance, without the cumbrous formality of a printed petition, an ordinary ratepayer to come before a Private Bill Committee or the Joint Committee that you suggest?—I am in favour myself of very much extending the power of people to come before a Private Bill Committee with an individual case, say, for instance, a man who has a grievance; let him come before the Committee and tell his story (and, as we know, a man who does that can come without counsel or solicitor or anybody else) and the Committee will listen to him.

844. As I understand the practice, certainly in a case when I was Chairman of a group of Private Bills not long ago, one person at any rate was heard in person, but in that case he had been adroit enough to comply with the Standing Order in some way or other, so that no objection could be taken to his being heard without counsel or agent?—I think, myself, if such a Committee was formed as I suggest, or rather as was suggested to me, a strong Committee, they might have power to give permission to people in cases where they thought justice required it, to appear before the Committee and tell them their story. I think it is very desirable to encourage people to do that.

845. Now with regard to the extension of the Provisional Order system, which involves the discussion of the issues in regard to Private

Mr. *Brynmor Jones*—continued.

Bills by local inquiry, I understand that you think there would not be the slightest injustice or difficulty caused to promoters or opponents in regard to obtaining counsel or expert assistance on the spot, as a general rule?—I think not.

846. In your part of the country is it the case that a strong local Bar is now generally rising in the big towns?—I think you may say with regard to England that in every town there is a local bar at the present moment, in every big town certainly in Yorkshire and Lancashire there are very large local bars.

847. In your now somewhat lengthened experience at the Bar, do you think it very much matters whether there are two senior counsel or two junior counsel, supposing they are fairly matched?—I do not think it does. I think so long as counsel is, as you say fairly capable, he can put his case before such a tribunal as I suggest in a way they that can thoroughly appreciate and understand, and I do not think any injustice would be done.

848. Have you known cases in which junior counsel have been brought up from localities owing to their special knowledge of the locality, even before Private Bill Committees?—Yes, I have known such cases.

849. And you think on the whole that local inquiries would tend to diminish the cost of private Bill legislation?—Yes, I think a local inquiry, accompanied by an efficient taxation of costs, would tend to diminish the cost.

850. There is one other question I want to put to you, I do not know that you have exactly touched upon this point. Supposing that our existing system or private Bill legislation remains, or supposing it was modified by the creation of a Joint Committee such as you have suggested, do you think that the Court of Referees ought to remain?—No; as I say, if you increase the number of that Committee to seven, I would give them the duties of the Court of Referees. In that way you would diminish the number of Standing Committees of the House.

851. Under the present system do you think the Court of Referees does useful work and tends to efficiency and economy?—Yes, on the whole I think it does useful work; it is a strong court, and in my experience a very good court.

Mr. *Hobhouse.*

852. As regards local inquiries, do you think there is an advantage sometimes in enquiring into local matters on the spot, from this point of view, that a view may be obtained of the actual circumstances of the case?—Precisely.

853. For instance, the breadth of a street may be realised in the case of a tramway inquiry?—Certainly, I can only say with regard to myself, when at one time I had a great experience in these matters, in every compensation case in which I was ever engaged, the first thing I did was to go and get a view, and I have known judges do that; I have known judges go from the assize town to the spot and look at the place, in order to inform their own minds; and I believe that one great advantage of a local tribunal would be that the Members would

Mr. *Hobhouse*—continued.

be able to go to the place and look at the place and see the physical features of the ground, and so would be much more easily able to judge whether the evidence was of value or not.

854. And then with regard to the counsel, in the great majority of these smaller matters it is not necessary, is it, to have the eminent leaders of the Parliamentary bar down to attend to them?—No; it is really almost ludicrous to suggest that it is necessary.

855. And you are aware, no doubt, that in these rooms eminent leaders may be retained, but they cannot give undivided attention to any particular matter unless it is really a matter of first-rate importance?—I think the attention of counsel, who is able to devote his whole time to the matters, is of course better than part of the attention of a counsel who, under any circumstances, cannot. It would be hard upon counsel to suggest that any counsel does not attend to his business. The real truth is that counsel may get a brief in a particular matter, and then, after he has taken the brief and studied the case and the case is about to come on, he finds something else unexpectedly, is put down on that day which he has expected to come on another day in which he is also ready, and therefore he has no time to return his brief and get the assistance of anybody else, and he has to do his best. That is the cause of a great deal of the difficulty.

856. And the evil arises to a great extent from so many Committees sitting at the same time?—Yes.

857. If the work was more evenly distributed over the session there would not be the same difficulty of getting counsel to attend to their cases?—Oh no.

858. But supposing that you had these local inquiries, parties would be able to get the undivided attention of good counsel?—They would.

859. Which in many cases would be quite as good as, if not better than, the casual attention of a first rate leader of the Parliamentary bar?—That is so. If I remember rightly when I first went to Leeds there was at that time a local Bar of some forty barristers living and practising in Leeds.

Chairman.

860. And what are there now?—That I do not know.

861. I thought you were going to compare them?—No, I cannot. Even at that time there were some forty. I have no doubt the Bar is scattered all over Yorkshire now. I know there are barristers at Bradford and in all the big towns.

Mr. *Hobhouse.*

862. Now with regard to unopposed Bills, you have advocated a new tribunal of this House to deal with them. Have you considered whether it would not be possible, and perhaps more satisfactory, to have a Joint Committee of both Houses to deal with unopposed Bills. It has been suggested to us that the Petitions against a Bill might take the form of a Petition to Parliament;

Mr. *Hobhouse*—continued.

Parliament, and not a Petition to the individual House, and in that case there might be an Unopposed Bills Committee set up as a Joint Committee of the two Houses to deal with unopposed Bills once for all. Do you see any objection to that?—I see no objection at all.

863. In that case it might be possible, might it not, to form a strong tribunal with a comparatively small number of Members from each House?—Quite so. The reason I answered the question in the way I did before was on the assumption that the present system was going to remain. If you are going to alter the present system and have Joint Committees of the two Houses, then I think a Joint Committee for the purpose of unopposed Bills would be a very good thing.

864 But even if you did not adopt a system of Joint Committees for opposed Private Bills, at any rate not make it the rule, there might still be a system of a Joint Committee for Unopposed Bills, because it would not be open to the same objections as are urged against a Joint Committee for Opposed Bills?—Yes, and the stronger you make the tribunal the better.

865. And you might have the Chairman of Committees of the House of Lords sitting with the Chairman or Deputy-Chairman in this House, or one of them might always be present as the Chairman of that tribunal?—That would be much to the advantage of the public.

866. But I understand your view to be that whatever change is made, it is desirable that in this House there should be a paid Chairman or Assistant Chairman responsible for the unopposed legislation?—Quite so.

867. Supposing that no large changes were made in this matter, would it still be desirable to modify Standing Order 137, which constitutes Committees on Unopposed Bills. You see under that Standing Order, Committees on unopposed Bills are at present constituted by the Chairman, one of the Members ordered to prepare and bring in the Bill, and one other Member not locally interested therein. In the case of a Lord's Bill, there is no provision there that a Member locally interested shall form part of that tribunal. Would it, in your opinion, be desirable that in the case of any Bill, whether it originated in the House of Lords or the House of Common, there should be a Member on the Committee who had some local knowledge?—I think it is very desirable. I do not quite know what the meaning of the Standing Order is, whether "not locally or otherwise interested," means pecuniarily interested.

868. I think it has the same meaning as the Standing Order which constitutes Committees on opposed private Bills, where a Member is required to sign a declaration that he and his constituents are not interested in the matter?—I am not sure.

Chairman.

869. I am not sure about that; I think it is "financially interested;" that is the sense usually attributed to it?—I have thought so, but I was not sure.

Mr. *Brand.*

870. You are strongly in favour of a Joint Committee, and, as you state, a strong Committee. Would you suggest a permanent Committee, and that the members of that committee be taken permanently?—For unopposed Bills, do you mean?

871. No; for opposed Bills?—No; I should suggest that the joint committee should be arranged on the present system—say two Peers and two Members.

872. Otherwise there would be a difficulty in getting Members to sit continuously?—No, they could not sit continuously.

Chairman.

873. On that point you have laid great stress upon a Joint Committee being a strong Joint Committee. Why should a Committee composed of two Peers and two Commoners be stronger than four Commoners or four Peers?—It is not quite in that sense that I used the words "strong Committee;" what I meant was this. indeed, I think Mr. Halsey said very much the same thing: that when you send to the House of Lords, when you have a Joint Committee, they generally appoint two Peers, one certainly, but generally two, who have been experienced members either of the House of Commons or of the House of Lords. I cannot say that I ever practised very much before Committees of either House, but when I began at the bar I did occasionally practice before Committees of the two Houses, and certainly I think that the Lords who sat upon those Committees did their work remarkably well. It is simply a question of experience; it is not a question of a man being a Peer or a Commoner; an experienced Commoner is better than an inexperienced Peer.

874. I want you to explain in what way you thought a Joint Committee would be a strong Committee, as you laid stress upon the word; that is to say, stronger than the present Committees?—The reason is this, that the work is so great now in the House of Commons that they have great difficulty in forming Committees at all, and therefore they have no means of selection in the sense of selecting experienced Members; they have to put inexperienced Members on Committees at once, as soon as they become Members of Parliament. But if you diminish the number of Members you require by halving the number (which you would do) both in the House of Lords and House of Commons, then you get the experienced halves both in the House of Lords and House of Commons put upon these Joint Committees; and so you get a stronger Committee than you would have by having inexperienced Members. I think the Committee would agree that in these matters experience is most important.

875. There is one other point I should like to ask you about. You said that you advocated a Joint Committee on unopposed Bills, but if you had one Joint Committee to take all the unopposed Bills how could they ever get through them?—If you had one Joint Committee on unopposed Bills, you would have the Chairman of Committees of the House of Lords, the Deputy Chairman (my idea was) of Committees of the House of Commons

Chairman—continued.

Commons, another Peer put on, and a Member interested, and the two Counsel, the Counsel to the Lord Chairman and to the Chairman of Ways and Means; and that would form alone a strong Committee.

876. It would be a very strong Committee; but what I wanted to ask you was how could they get through the great number of unopposed Bills that come before the two Houses. At the present time they are divided as you know, a certain number of unopposed Bills came before the House of Lords, and a certain number before our House, and as it is, I think you said when you were Chairman (and it has been found out since), the number of these unopposed Bills is constantly increasing, and often as many as eight or nine, or even more, come before the Chairman on some particular day?—The Lord Chairman has not got the night work.

877. That is true, but if they formed one Committee and all these Bills for both Houses are to come before them, how could they get through the work?—In this way; in case the work was found to be too much, one chairman might sit one day and one another.

878. Divide the Committee you mean?—Only

Chairman—continued.

in that sense. I should keep the extra Peer and commoner and the two counsel always there. I do not think there would be too much work for such a body as that constituted in that way.

879. I was asking you on the understanding that the Bills should be more thoroughly investigated than they are at the present moment. As you know, now we take Unopposed Bills at a very rapid rate?—Yes, but I think in that case having the two counsel to the two Speakers there, having these extra Members I suggest and the two Chairmen arranging to sit according to convenience, you would find that that would form a strong Committee and that you would be able to do the work in a much more satisfactory way than it is done in the present time.

880. One more question. With regard to witnesses that come before the House of Lords, as you know before the Lord Chairman they give evidence on oath. Do you think that it would be advisable to introduce that course here in the House of Commons?—No, I do not.

881. You take the man's statement?—I am afraid I must say the real check in my opinion, and my experience, is not so much the oath as the cross-examination.

Mr. William Gibbons, Examined.

Chairman.

882. Will you state exactly what your position is in the House?—Principal clerk of the Public Bill Office, and also Clerk of the Fees and Paymaster.

883. You, of course, have great experience of the cost of private Bills getting through the House and, naturally, of the fees charged by the House?—Only as regards fees; I do not know anything of the cost except as to the fees payable to the House of Commons.

884. Will you kindly tell us shortly what the fees are?—It depends upon whether they are unopposed Bills and whether they raise money. The lowest cost of getting a Bill through that is unopposed and does not raise capital amounting to 100,000*l.*, comes to 80*l.* in the House of Commons, that is to say, if it passes through the unopposed Bills Committee without amendment.

Mr. *Brand.*

885. Is that the lowest?—In the case of an Estate Bill or a Divorce Bill, there are half fees charged; but that is the ordinary cost.

Mr. *Brynmor Jones.*

886. You said something about 100,000*l.*?—If the capital raised is under 100,000*l.* there is only a single fee charged on the first, second, and third readings and report. If they raise 100,000*l.* and over there is an *ad valorem* charge on the different stages, and the extra fees make a difference of 65*l.* for a House of Commons Bill. If they raise capital up to 100,000*l.* and the Bill is unopposed, the cost would be 145*l.*

Chairman.

887. Can you tell us the difference between the fees in this House and in the House of

Chairman—continued.

Lords?—Generally speaking the House of Commons fees on Bills with small capital are lower than those in the House of Lords. So far as I can make out, the lowest charge in the House of Lords would be 112*l.* to 117*l.*, depending I think on the length of the Bill.

888. Is that the fees for the introduction of the Bill?—That is for the passing of the Bill through the House of Lords; their lowest charge would come to from 112*l.* to 117*l.*, depending on the length of the Bill. Their charges vary from ours, and then they have an *ad valorem* charge.

889. The Committee would like to know at what stages of the Bill these fees are paid, so much for the introduction, and so on?—There is a table of fees at the end of the Standing Order on the last page, page 111.

890. That gives the scale; but what I want you to kindly do is to compare the cost of fees per day in this House with the fees in the House of Lords?—One cannot compare them exactly unless one takes the total, because their fees are charged on a different system. They charge a large fee on second reading, while our fees are more equally distributed over the different stages. And one cannot compare each daily charge by the two Houses, because if you look at the House of Lords fees they are arranged upon quite a different plan, and to get to a comparison total you must total up the different items. They have a first reading charge of 5*l.*, and a second reading charge of 8*l.*

891. What have we got?—£. 15 for each of those stages.

892. That is to say, the fees for those stages in this House are 30*l.*, and are 86*l.* in the House of Lords?—Yes. Then their third reading fee would

Chairman—continued.

would be less than ours, but their grand total for an unopposed Bill would be some 35*l.* more.

893. Can you state for what reason that is?—No. Of course they have been drawn up by different bodies. I think ours is the more equitable plan, because the House of Lords charge 81*l.* for the second reading fee, and the Bill may be thrown out in Committee afterwards. They have incurred their large fee and got nothing for their money.

894. On the other hand are not our fees per diem higher than those in the House of Lords?—That is when we get to the Committee stage. The promoters pay more than in the House of Lords, but the petitioners against the Bill pay more in the House of Lords than they do in our House.

895. Will you kindly tell us what promoters pay in our House?—In our House promoters pay, before a Committee with counsel, 10*l.* per diem.

896. What do they pay in the House of Lords?—They pay 8*l.* on the first day, and 4*l.* per day afterwards.

897. Is there any reason why the scale of fees in both Houses should not be more uniform?—I should think it would be better if it could be arranged. There is no reason they should not be on the same scale, so far as I can see.

898. On the whole, so far as you can see, the fees in the House of Commons are lower than in the House of Lords; is that so?—Till you get to Bills of large capital; then no doubt when we get to a capital of over 500,000*l.* there is a treble fee charged on first, second, and third readings, and report in the House of Commons; so that that brings it up above the charge in the House of Lords; but till you get up to a capital of 500,000*l.* the House of Commons fees are less.

899. Can you tell us what becomes of these fees?—They ultimately go into the Exchequer, but for the last few years they have been what are called appropriations in aid; they are paid over to the Paymaster General for the payment of expenses in the House of Commons, and any surplus goes to the House. Until within a few years they used to go direct to the Exchequer, but now they are called appropriations in aid.

900. How much do they come to in a year in the aggregate?—I have them made out for the last 10 years; for the last 10 years they averaged 32,000*l.* odd.

901. Is their tendency to increase or diminish?—They have increased considerably the last three years, but they got to their highest amount in 1900, when they reached 45,000*l.*; last year they dropped to 40,000*l.* This year I suppose they will be considerably less, not above 35,000*l.*

Mr. *Renshaw.*

902. Is that the fees of both Houses?—No, of the House of Commons only.

Chairman.

903. Then 32,000*l.* is comparatively a small average, it is taken on a number of years in which the fees were small?—Yes.

904. For the last three years they are over 40,000*l.*?—Yes, during the last three years they have been higher, but they are diminishing again

Chairman—continued.

last year and this year. Their highest point for a great many years was reached in 1900.

905. Have you any opinion to offer as to the amount of these fees, whether they ought to be reduced or not?—Perhaps that is rather a matter of policy. It is my business to collect all the right charges. As regards a comparison between the two Houses, I think our fees seem to be based on a fairer principle, viz., that they should be charged equally at the different stages with an *ad valorem* fee. It does not seem to be an unsound principle; where you are getting power for a very large work, and raising a large capital, the amount of fees is a very small percentage of the moneys raised. They are vastly diminished from what they were. In 1864 they used to charge a tenfold fee for raising a million pounds; and a quadrupled fee is the highest charged now, whether it is 1,000,000*l.* or 10,000,000*l.* I should like to mention, as you asked me about promoters, that in the House of Commons the fees to opponents of a Bill are considerably less than in the House of Lords. I think in the House of Lords they pay, if with counsel, 10*l.* for the first day and 4*l.* for every subsequent day before Committee. In the House of Commons they pay 2*l.* per day only.

906. Now is it your duty to tax the Bills?—I assess the fees to be charged. I have to read through the Bill to see what sum is to be assessed, whether a one fee Bill or a two fee Bill, according to the amount of capital to be raised.

907. You are not the taxing master?—No.

908. Do you ever have any trouble with these fees?—No, the money comes in very well; I cannot say I have any trouble. Occasionally we have a memorial from the agent respecting the charges, and if necessary we go to the Speaker for his decision.

909. He is the ultimate appeal?—Yes, he is the final authority. There is an appeal to the Speaker in the case of any disputed charge; but there have been very few since I have been in the office.

910. With regard to unopposed Bills, why should the fees in the House of Commons be so much less than in the House of Lords?—I do not know how it was started. At the last revision of fees in 1864 the petitioners' fees were reduced, I think. They used to pay 5*l.* a day and it was reduced to 2*l.* a day; and perhaps the House of Lords have not revised their fees so lately. I do not know when they revised their fees last.

911. These fees were all arranged by Parliament as part of our Standing Orders?—Yes.

912. And they could only be altered by a decision of the House?—Only by a Standing Order.

913. And therefore part of our business would be to recommend any alteration which we thought fit. May I take an instance of an unopposed Bill, which now apparently in the House of Commons costs about 84*l.* on an average, whereas in the House of Lords it costs about 130*l.*?—I do not know where you get your figures.

914. I have three cases down there (*handing a paper to the witness*) and one over leaf?—I should not take these figures as quite accurate.

If

Chairman—continued.

If a Bill goes through the House of Commons, as I stated, without amendment and unopposed, it could be got through for 80*l.*

915. That is very near it?—Yes, and I believe in the House of Lords the charge would come to 112*l.* to 117*l.*

Mr. *Hobhouse.*

916. Those were minimum figures that you gave us?—Yes.

917. There is nothing in the figures the Chairman has given to you that is on the face of them improbable?—No, if it is an average, certainly not.

Chairman.

918. Then you do not wish to recommend any particular change to us in regard to these fees?— No, I do not know that it is quite my business: it is rather a matter of policy.

919. Or to call our attention to anything?—I think our fees are based on a sound principle, —an *ad valorem* fee on the amount of capital they raise and the more important, the powers they get; it is a small percentage of the cost. And the charge before Committees is, 10*l.* a day, is rather more than in the House of Lords; but that is really the tribunal for which they ought to pay perhaps. They work the members of Parliament in Committees and it seems fair that there should be a substantial charge for that.

920. You do not suggest that they pay Members of Parliament out of the fees?—No, but they use the public tribunal.

921. Now, supposing there should be a Joint Committee, how would the fees be arranged then?—There would only be one daily charge, I imagine; they would not have a double charge.

922. And that would have to be a matter of future arrangement by Parliament?—That would have to be a matter of future arrangement between the two Houses.

923. But so far as you can see, you think that if any change should be made the House of Lords fees ought to be made similar to the House of Commons fees?—I think ours are more simply arranged and on a fairer basis.

Mr. *Hobhouse.*

924. You said that the fees are based on a principle. Whatever the principle may be, it has not much relation to the cost of the tribunal?—No, it has not.

925. As a matter of fact, there is a very large profit made by the Houses of Parliament on private Bill legislation?—There is no doubt about it

926. Can you give us any figures showing the cost of private Bill legislation at present?—I could only give approximate figures as to the cost of the official staff engaged on private business.

927. Can we have those figures?—I can give a rough idea of them.

928. Perhaps you could prepare an accurate statement of them?—I should have to take the cost of the Private Bill Office, a proportion of the Committee Office; that is not quite easy to distinguish, because the officials of the Committee Office are employed on public and private Bills, and I suppose the salaries of the referee the examiner, and the taxing master.

Mr. *Hobhouse*—continued.

Mr. *Renshaw.*

929. Does not the Report of the Committee in 1898 on the Scotch Private Bill Procedure give that information both for the House of Lords and the House of Commons (*handing the Report to the Witness*)?—Yes, that would be a varying charge from year to year depending upon the seniority of the clerks.

Chairman.

930. Perhaps you will put in a short statement like that?—Yes, I will hand one in.

Mr. *Hobhouse.*

931. I see in these figures that were given in 1898 that there was a net profit, or net balance I had better call it, in the House of Lords, of 27,000*l.* a year, and in the House of Commons over 25,000*l.* a year?—Yes.

932. And really that is larger than the balance that was shown by the Report of the Joint Committe in 1888, when they put the amount of the House fees at about 60,000*l.*, and the estimated cost of Private Bill Legislation at about 20,000*l.*?—Yes, the fees are probably higher in the last few years than they were in 1888.

933. Is that due to an increase of business?—Yes, the number of Bills have been larger.

934. And larger amounts proposed to be raised?—Larger amounts proposed to be raised, and especially I think the local authorities have been bringing in large Bills relating to tramways, gas, and waterworks raising large sums of money.

935. It is not due to any alteration in the table of fees?—No, there has been no alteration.

936. Then I may take it the receipts have materially increased since 1888, and the net balance has materially increased?—Yes, that is the balance of fees over the cost of officials connected with private Bills.

937. And these net balances are accounted as Appropriations-in-Aid of the expenses of the Houses of Parliament?—The whole amount of fees goes to the Appropriations-in-Aid, and the House of Commons votes a sum in the Estimates to supplement the Appropriations-in-Aid.

938. They are credited to the particular Votes?—Yes.

939. Then with regard to the difference between the two Houses, I gather that the fees charged the petitioners in the House of Lords are higher than those charged in the House of Commons?—That is so.

940. That may be rather hard, may it not, on certain classes of petitioners?—Yes, I think it may be.

941. Generally, I suppose, higher fees would tell more heavily against the poorer parties than against rich companies or rich corporations?—Yes, I think so.

942. And where they are not actually promoting Bills, but they are forced to oppose them, then

Mr. *Hobhouse*—continued.

then it is rather hard on the poorer parties?—Yes, no doubt.

943. And with regard to the second reading fees, which are materially higher in the House of Lords than in the House of Commons, there it may be hard upon the parties if they fail to get their Bills?—Quite so.

944. Therefore your view would be that the House of Lords fees might be, in some particulars, with advantage assimilated to those in this House?—That is my opinion.

Mr. *Brynmor Jones.*

945. How does the matter work out in practice? Supposing I come and bring a petition against a Private Bill, have I to put down my two pounds before you accept the petition?—No, you may deposit a petition, but you will not be charged anything even for deposit, unless you appear before the Committee. I think in the House of Lords they charge you whether you appear or not; I am not sure about the practice. According to the Standing Order they can.

946. I see for every day in which the petitioners against the Bill appear before any Committee or the Court of Referees, such petitioners have to pay 2*l.* a day?—Yes.

947. Do the promoters pay anything for each day?—They pay 10*l.* a day with counsel, and 5*l.* without.

948. You do not actually collect the fees as you go along?—No.

949. You trust to the agents?—The Committee Clerk keeps what is called the fee sheet, tabled up day by day of the appearances of the petitioners before the Committee for each day; that is sent to my office, the fees branch of it, and there it is booked in the ledger against the agents responsible for them, and the fees are collected from the petitioners before the Committee on the Report of the Bill; the promoters' fees are collected as the Bill leaves the House.

950. Have you ever found any default in regard to the payment of fees by petitioner?—No, not default; cases have occasionally come before the Speaker, and we have had one or two cases of remission of fees on the ground of poverty in some hard case; but I have had no difficulty in collecting the fees, we get in all the fees that are due.

951. Who would sue; have you ever had to sue for fees? I gather from you that you have never had in your experience a case of suing for fees?—No, we cannot sue for them.

952. The House seems to keep an account with the parliamentary agents?—Yes, we send them in the charge, but we could not recover them, I believe. They are only under a Standing Order, not by Act of Parliament; I do not think we could recover them.

953. I think in the High Court you have to pay every charge before you get your procedure?—Probably they have power under Act of Parliament: we have not.

954. I think I was referred by Mr. Speaker's Counsel to you for an explanation of the classification of Private Bills. Can you give us any such classification?—The only classification I pay attention to is the amount of money they take power to raise, to expend, or to borrow.

Mr. *Brand.*

955. The agents have to sign a book, have they not?—They sign a book in the Private Bill Office.

956. Supposing there was any default, the only recourse you would have would be that the Speaker would say, you shall not practise in the House?—Quite so, if an agent did not pay.

957. After proper application he would be posted in the Private Bill Office, and would not be allowed to take out an appearance again until he paid up; is not that so?—Yes.

958. Then a private person cannot come here and act as a Parliamentary agent without signing that book?—No; he has to take out an Appearance paper at the Private Bill Office and sign that book.

959. Supposing you are a landowner and have a *locus standi* before a Committee, can you state your own case without signing that book, and present your own petition?—No; before you are heard you have to produce an Appearance paper at the Private Bill Office.

960. And nobody but a Parliamentary agent can do that?—Yes, anybody can do it; in fact, the only machinery by which a man becomes a Parliamentary agent, I believe, is by taking out this Appearance paper and signing the book.

Mr. *Brynmor Jones.*

961. What the honourable Member asks is, supposing he was a landowner whose land is proposed to be taken by a Railway Bill, and he comes in person and gives his name and says, "That is my Petition against the Bill," are you bound to take the petition or not?—That is a matter for the Committtee to decide; but I believe you can appear in person. You can deposit a petition at the proper time. You would have to deposit your petition at the Private Bill Office, and on the day that the Committee met you would have to take out an Appearance paper then and produce it before the Committee, and you would be heard.

Mr. *Brand.*

962. The only difficulty one would have would be in conforming to the rules and regulations of the House?—Yes.

963. When were these tables of fees, do you know?—I cannot say when they were established.

964. How is it that there is any difference in the scale between the two Houses?—They are quite different bodies. The scales are settled simply by Standing Order. Ours was revised in 1864; I think that was the last revision.

965. The amount of money that is collected in this House formerly was under the jurisdiction entirely of the Speaker, was it not, many years ago?—Yes, a great many years ago.

966. And he had control of it, not the Treasury?—The Treasury have never had control of the fees. At one time the whole establishment was paid by fees, and I think the total fees were divided amongst the Speaker, the Clerk of the House, and the Serjeant. It is ancient history. I cannot give the exact details, but for some years past the fees have been practically paid into the Exchequer, and all the expenses paid out of the Votes.

967. And

Mr. *Brand*—continued.

967. And the Speaker was responsible for the whole thing at that time?—Yes.

Mr. *Worsley-Taylor.*

968. Do you tax the whole costs of the Bills?—No, I do not tax the costs at all. All I do is to read through each Private Bill to see what capital is raised, because it depends upon the amount of capital raised what *ad valorem* fee shall be charged at certain stages.

969. You have only to do with the House fees?—Yes, I know nothing about the counsels' or agents' costs.

970. You could not give me an idea what percentage of the total cost of a Bill the House fees would come to?—I could give you the percentage of the cost of the fees compared with the capital raised, but I know nothing about the costs of counsel or agents.

971. And you could not give me any idea how they would compare with the like percentage in civil cases?—No. I have occasionally seen the amounts on taxation allowed. I think the taxing master would give you better evidence than I can, but I have seen the amounts allowed for some big bills, and I know that the House fees were a very small percentage. I saw 30,000*l.* allowed for some competing Bill, and the House fees were about 300*l.* of that.

972. But I understand somebody is coming who can speak definitely as to that matter?—Yes.

973. Only one thing more. Are these fees charged *ad valorem* just the same to all promoters of Bills alike; for instance, supposing you have people promoting an electrical power Bill for their own profit, or a railway company, or you have a local authority seeking power for waterworks and for the necessary money, that being non-productive works, are the same *ad valorem* fees charged?—Yes; just the same.

974. A local authority comes to raise 100,000*l.* for waterworks, out of which they will not make any profit. They have to pay just the same as any body promoting a Bill for profit?—Yes; on just the same principle.

Mr. *Renshaw.*

975. I suppose you can bring up-to-date the two papers which are in the Appendix to the Report on Private Bill Procedure (Scotland), both with regard to the estimated charges and with regard to the fees received from private Bills in the House of Lords and in the House of Commons?—Yes, I have the amount of fees up to the end of last year.

Mr. *Renshaw*—continued.

Chairman.

976. I think it would be very useful if you could give us the amount of those fees in the shape of a paper?—Yes, I will make it up from that and hand it in to the Clerk.

Mr. *Renshaw.*

977. The only other question that I should like to ask you is, whether you are acquainted at all with the scale of fees which has been fixed under the Private Bill Procedure (Scotland) Act 1899?—No, I am not; it has not been brought before me.

Chairman.

978. A Member of the Committee wishes you to look at it and give your opinion whether that is a better scale of fees; but I think, perhaps, you would rather not give an opinion upon this matter?—I am not responsible for it at all. Those fees were drawn up, probably, by the Scotch Office and perhaps the Treasury

979. The fees in Scotland are regulated, and can be altered by the two Chairmen, the Lord Chairman and the Chairman of this House, with the approval of the Secretary for Scotland; whereas these fees have to be altered by an Order of this House?—Yes.

980. What are the fees charged for a Provisional Order?—There are no fees charged to promoters because we look upon it that the Government are promoters, and so we do not go through the process of charging fees. The Government would be paying money out of one pocket into another.

981. If a Provisional Order is unopposed there are no fees at all?—No fees to the promoters. If petitioners appear they would be charged for their appearance before the Committee.

982. The same as in the case of any other Private Bill?—Yes.

983. But if it is an unopposed Provisional Order there are no fees at all?—No fees at all.

Thursday, 17*th July* 1902.

MEMBERS PRESENT:

Mr. Hobhouse.	Mr. Renshaw.
Mr. Jeffreys.	Mr. Worsley-Taylor.

THE RIGHT HONOURABLE A. F. JEFFREYS IN THE CHAIR.

The Right Honourable JOHN W. MELLOR (a Member of the House), further Examined.

Chairman.

984. I believe you wish to supplement the evidence you gave at the last sitting?—Yes; I was asked a question with regard to the duties of the Speaker's Counsel, and I said that I had known the Speaker consult the Speaker's Counsel upon public questions as apart from others. I find upon reconsideration that it is so; but the questions upon which the Speaker consulted the Speaker's Counsel were questions as to whether a Bill ought to be introduced as a public or a private Bill; that depended upon the construction of the clauses of the Bill; and it was in respect of those clauses that the Speaker consulted the Speaker's Counsel. I can add that both the present Speaker and the late Speaker have upon several occasions consulted the Speaker's Counsel with regard to the private Bill business of the House.

985. Is there any other point you wish to refer to?—Yes, there is another point I omitted, and that was this: When I was Chairman of Ways and Means I found it a difficult and inconvenient matter to attempt to check references in Private Bills to public Statutes. I have known attempts to repeal or to alter parts of the public statutes in Private Bills. That, of course, is a dangerous and inconvenient course. To begin with, there is not a sufficient index to the private Acts of Parliament; so that it is impossible by an examination of the index to ascertain as to whether in a private Act there is any reference to a public Statute. It seems to me that that is a matter which clearly ought not to be allowed, and I think there ought to be a Standing Order of the House to prohibit anything of the kind. At the present time there is only this check, that the Chairman, in either the one House or the other, upon noticing such a matter in a Bill, brings it to the notice of the House; but I think it would be better and safer that a Standing Order should be made to prohibit anything of the kind.

986. Can you suggest what that Standing Order should be?—The Standing Order must be an Order providing that no public Act should be affected by anything in a private Bill presented to the House in the ordinary way.

987. On the other hand, when a private Bill becomes an Act of Parliament it has the sanction of Parliament, and has all the authority of a public Act of Parliament, has it not?—No doubt that is so, but it is in that that the danger lies, because when a public Bill is presented to Parliament everybody has it before them, and it is, generally speaking, referred to a Committee of the whole House, and either on Second Reading or in Committee, or at some stage, any matter that has to be discussed is brought to the notice of the House, but where you have a private Bill that is not so. No member of the House ever has an opportunity of reading a private Bill (or very seldom) before the private Bill comes on in the House of Commons, and unless he has read it with very great care and referred to the public Statutes there is nothing to call his attention to the fact that it affects the public Statutes in any way.

Chairman—continued.

988. You think we ought to have a new Standing Order preventing any private Bill which may become an Act of Parliament from interfering with a public Act of Parliament?—Precisely, providing that any portion of a private Bill which affects any public Statute should be struck out under a Standing Order or the Bill refused.

989. Is there anything else you wish to add?—I think not.

Mr. *Hobhouse.*

990. Does not that suggestion go rather too far? For instance would you apply it to all the Municipal Corporation Bills; might there not be some reason for amending a public Act in the case of one of those big towns?—Quite so, but then it ought to be done by public Bill.

991. But you know the difficulty in passing a public Bill?—That no doubt is a practical difficulty, but then I do not think you ought to allow a dangerous system or a dangerous thing of this kind merely because of the difficulty of passing public Bills.

992. Is there not some provision at present (I have not been able to refer to the Standing Orders) in the case of such Municipal Bills that where there is a conflict between them and the general law the special attention of the House shoud be called to it?—I am not aware of any Standing Order to that effect, I cannot find any,

Mr. *Hobhouse*—continued.

but I think it is in accordance with the practice that if the attention of the Chairman in either House is called to anything of the kind he then brings the matter to the notice of the House, of which he is Chairman, the object being that everybody may have public notice that a public Act is to be affected.

993. Could not the matter be dealt with by a Standing Order which said that in the case of such an amendment of the public law there should be a special report on the subject to the House?—No doubt that would be a safeguard to a certain extent. But then there is the difficulty to which I referred just now—namely, that in the index to the private Acts, or, indeed, the index to the public Statutes, there is nothing to show that any public Statute has been affected by a particular private Statute. If you want to see what the law is upon any particular subject you can of course generally come to a conclusion by examining the public Statutes, but if at the same time you have this enormous labour of examining the private Acts, I think it would be quite impossible for anybody to be quite certain he had not overlooked something.

994. That might be cured by a better index, might it not?—No, I do not think it could—I do not think, to begin with, you could construct an index which would be satisfactory, and in the next place I think the risk is greater than any advantage that you gain by allowing the present system.

995. On the other hand you would admit that you would put these large Municipal Corporations under serious disadvantage whenever they came for a codification of the general law if they had to do it by a public Bill?—I myself have thought for some time that it is very desirable that a great Corporation should come for a public Bill in such matters. For instance, I will take a case, which I admit is an extreme case, the case of London. It strikes one as very remarkable that a Bill affecting so many people as the inhabitants of London should be a private Bill.

996. But it has been the habit very often in the case of London, to treat London legislation as a matter of public legislation, whereas that has not been the habit in the case of other big towns?—That is so.

Mr. *Worsley-Taylor.*

997. To follow up what you were saying just now, I take it that the case you were contemplating would not be the case of some alteration in the public law as regards the whole public, but the case of some exception carved out in favour of a particular municipality that was seeking the alteration with regard to its own area?—It might or might not be—probably it would be so, but at the same time it would always be difficult for a person not living in the borough, and not having access to the Records of the boroughs to ascertain what the law really was.

Mr. *Worsley-Taylor*—continued.

998. But I take it that if the attention of the Committee, and subsequently to the Committee stage, the attention of the House were drawn to the matter, the Report would call attention to the character of the alteration of the public law, that is to say, whether it was an alteration of the public law as concerning the whole of the public or an alteration in favour of the particular municipality?—No doubt if it were put upon the index to the public Statutes that such an alteration had taken place, there would be, of course, that additional safeguard, and very much trouble would be saved.

999. Would you consider putting it upon the index was necessary, supposing it were only a derogation in favour of a particular locality?—Yes, I think so. There might be legal questions which lawyers have to consider.

Chairman.

1000. If you will allow me to interrupt you for a moment, I would point out in regard to a question put to you a short time ago that in Standing Order 173 A it is laid down that, "In the case of any Bill by a Corporation or other bodies, the Committee has to consider" (this is Sub-section A) "whether the Bill gives powers relating to police or sanitary regulations in conflict with deviation from, or excess of, the provisions of powers of the general law." Therefore Committees are specially instructed to consider those points, and I imagine the Government Department connected with the particular Bill or clause would take care to bring those points to the notice of the Committee?—No doubt the Police and Sanitary Committee would take notice of such a point as that, but you will pardon me if I again repeat what I said just now, that one great difficulty is that you cannot ascertain the state of the law, when you have to look up a point. Supposing for instance a private Act has been passed which effects in any particular a public Statute any lawyer or anybody else who has to consider it, or whose opinion has been asked upon a question of law, would naturally look at the index to the public Statutes (because that is where you would look to see whether the law has been altered); if the law has been altered, however carefully in a private Bill, you cannot find that unless you have been told that such a thing happened in a particular private Bill, and you are told where to look for it. That is the difficulty I see, and it is really a serious difficulty, because when afterwards the law has to be altered again, we will say by a public Bill, the person who draws the Bill, and indeed the House who considers it, might very easily proceed without any information as to the fact that there had been an alteration of the law in a private Bill. I do not want to make more of the matter than ought to be made of it, but I do think it is an important matter.

Mr. R. W. Monro, Examined.

Chairman.

1001. You deal with the fees, charged in the House of Lords, I believe?—I am Taxing Officer of Private Bill Costs in the House of Lords. I do not deal with the fees.

1002. But you can tell us perhaps why there is such a divergency between the fees in the House of Lords and in the House of Commons?—On the aggregate amount the divergence is not very great. The Accountant tells me that about ten years ago, he made out on the Common's scale, the fees paid to the Lords, and on an aggregate of about £35,000, the difference was only £700; so that in the aggregate the difference does not come to very much.

1003. Do you know the reason why the fees should be so different. For instance, I think we were told, the fees per diem in the House of Commons are £10 and your fees in the House of Lords are some very small amount—some £3 or £4 if I remember rightly?—With Counsel they are £10 for the first day in the House of Lords, reducible, if the Committee goes on, to £4 a day afterwards.

1004. Then altogether in the aggregate, as you say, there may not be much divergence, yet the actual fees paid upon the presentation of a Bill and the other fees per day, are very different indeed?—Yes.

1005.—Would it not simplify matters if they were all made the same?—I think it would. It would be a convenience certainly to the agents and to all who have to make out the bills, but I should deprecate (perhaps from my having dealt with the Lords' fees) the Commons' fees being taken as the standard; I think they might be compared and marshalled in some way.

1006. And a fresh scale made?—Yes.

1007. It being referred to the two Chairmen or to some Committee to arrange?—Yes.

1008. In a similar way as when the Scotch fees had to be altered, the two Chairmen and the Secretary of State for Scotland arranged them as they thought right?—Yes.

1009. You would rather suggest that, if any alteration were made, it should be made in a similar manner to that adopted with those fees?—Yes.

1010. Is there any other matter you could bring before the Committee with regard to economy and efficiency in dealing with private Bills?—I should venture to agree with what the Chairman of Ways and Means said, that one would not wish to see the procedure very much cheapened, because I think that would lead to speculation; certainly I think it has always been the view of the Chairman of Committees to check the passing of Bills that take the form of concessions.

1011. I suppose you would not care to express an opinion as to whether a Joint Committee of the two Houses would be better than two separate Committees?—I have an opinion of my own, but whether I should be justified in giving it I do not know.

1012. That is not a matter that relates to your office at all?—Not in any way. I think there is often a certain amount of friction in regard to Joint Committees, and if that system were applied to private Bills generally the friction might increase. It is difficult to get Committees, and to get Peers and Members to attend.

Chairman—continued.

1013. Have you got some figures you could put in shortly so as to enable us to compare the fees in the House of Lords with the fees in the House of Commons?—I am afraid I have not. I think our accountant would be better able to give that. I have the total amount for several years.

1014. Would you kindly tell us what they amount to?—They amount on the average to about 35,000*l.*, that is on the average of ten years. The figure I have got here is 37,000*l.* odd, but from that must be taken away rather more than 2,000*l.* for the judicial department fees, so that it comes to about 35,000*l.*

1015. That compares with the average we were given for the House of Commons of 32,000*l.* for the last ten years. Can you tell us from your figures whether the fees are increasing now in the aggregate, or the reverse—for the last three years, for instance?—For the year 1899-1900 they were 42,000*l.* odd, for 1900-1 47,000*l.*, and in 1901-2 40,000*l.* Last year was a heavy one. Those figures include the judicial fees, for which you must take off rather more than 2,000*l.*

1016. That compares almost exactly with the House of Commons fees for the last three years, which were given to us as 45,000*l.*, 40,000*l.*, and in this year probably less. Of course the fees depend upon how the work is divided between the two houses?—Yes.

1017. I suppose the Bills are pretty equally divided now between the Houses?—They are now almost equally divided. Formerly a large proportion began in the Commons and a comparatively small number in the Lords.

1018. Therefore, if there were Joint Committees, the saving of expense would probably be in those fees, because there would be one set of fees, I suppose, to pay instead of two?—There would only be one set of fees. The fees of a Joint Committee are taken by the House in which the bill originates.

1019. In these large bills these fees do not amount to a great percentage on the capital, I suppose?—In the House of Lords the fees vary according to the capital, especially on the second reading.

1020. Is there anything else you would like to say?—If I may, I should like to draw attention to a paragraph in the Report of a Committee of 1863 about the fees of Junior Counsel.

1021. Could this Committee deal with that matter?—I do not know. I have had many complaints about it, and this is the only opportunity I have had of mentioning it.

1022. Will you state what you have to say?—It is as regards the fees of junior Counsel. At the present junior Counsel receive the same fees, except upon the brief, as senior Counsel. I have an extract here from a book on taxation which perhaps I might read.

1023. Could you condense it all, or will you read it if it is not long?—This is taken from Webster's "Parliamentary Costs," 4th edition, published in 1881. "Previously to 1864, the fees

Chairman—continued.

fees for Counsel were invariably as follows:—Retainer, 5*l.* 5*s.* 0*d.*; clerk, 10*s.* 6*d.*; brief (which does not cover the first day's attendance in committee), 10*l.* 10*s.* 0*d.* and upwards; clerk, 10*s.* 6*d.*; consultation, 5*l.* 5*s.* 0*d.*; clerk, 10*s.* 6*d.*: committee (each day), 10*l.* 10*s.* 0*d.*; clerk, 10*s.* 6*d.* Great dissatisfaction, however, having for some time existed in regard to the system under which fees were paid to Counsel, the subject engaged the attention of the Select Committee of the House of Commons on Private Bill Legislation, which sat in Session, 1863, and that Committee, after hearing the evidence of the Attorney-General on the subject, reported against the system as then existing. A general feeling, however, prevailing that it would be most advisable that any alterations in their fees should be made by the members of the Parliamentary Bar themselves, and an intimation having been conveyed to certain members of the House that the subject was under their consideration, no action was taken by the House in the matter when they carried out the other recommendations of the Committee in the beginning of Session, 1864. The above scale continues unaltered, as no further effective step was taken in the matter." I think that is the same now.

1024. But those fees are entirely voluntary fees paid by the agents or by the suitors, and are not in any way under the jurisdiction of either House of Parliament?—I think that in the High Court, junior Counsel's fees and refreshers are limited by rule.

1025. It would be a very novel thing for Parliament to interfere with the fees of Counsel, would it not?—At present junior Counsel receive just the same fees as senior Counsel.

1026. In the performance of your duties as Taxing Master how do you tax the costs?—There is a scale of charges which I have to follow which is allowed by the two Houses.

1027. You simply see that the charges are according to that scale?—As far as possible; but there are a great many charges that do not come within the scale, and then one has to exercise one's discretion.

1028. Would you exercise any discretion with regard to the fees of Counsel?—They are so fixed by the custom of the Bar that I should not feel myself justified in taking action upon this particular point.

1029. Therefore you never interfere with the fees of Counsel; is that so?—I have told agents on one or two occasions to see Counsel and see if they could not get some reduction. In a case where the questions at issue were almost exactly the same in the second House as in the first, I have called attention to it.

1030. Have you anything to do with the taxation of the costs of agents?—Yes, it is the agents' bills that come before me for taxation.

1031. They must charge according to the scale?—Yes, so far as the items come within the scale.

1032. Have you any suggestion to make with regard to that scale as to whether it is too high or too low; a scale drawn up under the Standing Orders?—Not under the Standing Orders, but by the House—it is approved by the Clerk of the Parliaments in the House of Lords, and by the Speaker in the House of Commons.

Chairman—continued.

1033. Would you care to express an opinion as to whether that scale should be varied in any way?—I think in the case of good agents, by which I mean, agents who have experience of this work and who bring great knowledge to it, the scale is fair and reasonable.

1034. Is there any other point you would like to bring to our notice?—There is one item that has increased a good deal lately in the way of expense, and that is the printing—I think everything is printed now. On this point I think perhaps the scale of fees might be altered, because agents and solicitors charge for every time that a short clause for instance is printed, not only for printing the clause but for going to the printers with the proof and having a revise and so on. That runs up the costs very much. I have occasionally reduced those charges.

1035. You have, on your own responsibility, reduced them?—Yes. I have said, "You are going constantly to the printers, perhaps on the same day on two or three different clauses, and I think you ought to be satisfied with one charge for the day."

1036. Can you refer to any particular item in the scale which you think should be altered?—I have not got the scale with me.

1037. Mr. *Renshaw.*] In your duty as Taxing Master of the House of Lords do the costs in connection with every Bill that is promoted in the House come before you?—No, only those that are brought to me for taxation. They are chiefly local authority Bills, because local authorities cannot borrow money to pay for the Parliamentary costs without the costs being taxed. I should say, as a rule, Railway Bills never come before the Taxing Officer.

1038. They would be local authority Bills or municipal Bills promoted by municipal corporations and bodies of that kind?—Yes.

1039. Should you consider it any part of your duty to inquire as to what extent, in the case of such Bills, there was any division of fees between the Parliamentary agent promoting the Bill and the clerk to the local authority, say, the Town Clerk?—No, I do not think it is part of my duty.

1040. Do you think that any such system prevails?—I have no doubt it does amongst certain agents.

1041. Not amongst the whole body of agents?—Not amongst the whole body.

1042. But amongst certain agents you think it does?—I believe so, certainly.

1043. Do you think that is conducive to economy in the progress of Bills through the House of Lords?—I imagine it is conducive to promoting Bills.

1044. But not conducive to economy?—In some cases I believe, undoubtedly, the Clerk pays over anything he may receive to his Town Council. It is not a point upon which I am competent to speak. I heard of one case I think, certainly, in which a Clerk who had received a portion of the fees handed them over to his Town Council; but I have so little knowledge of this matter that I do not like to give a decided opinion.

1045. Could

Chairman—continued.

1045. Could you state in the particular instance you refer to what the amount so handed over was?—No, I do not know the particulars; I could not even remember the name of the case, but it was mentioned to me that it was done.

1046. If there is a joint understanding of that sort as to the division of the fees between those who represent the municipal authority and those who are the Parliamentary agents, it is obvious that it is no one's interest in particular to reduce the fees charged when the matter comes before you as Taxing Master?—No.

1047. That you regard as an undesirable state of matters?—I do.

Mr. *Worsley-Taylor.*

1048. I suppose you would not propose that the fees of Counsel should be regulated by Standing Order, would you?—I think I am right in saying that in the High Court there is a limitation on the fees of junior Counsel (I am not speaking about the fees of senior Counsel), and, of course, if there is any loss on that, it is always open to counsel to get practically what fee he likes on the brief. There is no limitation on the brief fee.

1049. When you say there is a limitation on the fees in the High Court, do you mean some Order of the Court?—I think so.

1050. Have you inquired into that point?—I was certainly told so.

1051. I will not trouble you further about that point, but I will just ask you this—Do you suggest that the fees paid to senior Counsel—I mean the refreshers per day—are too large?—I cannot judge about that.

1052. You know what they are, of course?—It would practically come to what value Counsel put upon their services.

1053. I am speaking of the daily refreshers?—You mean the 10 guineas?

1054. Yes, the 10 guineas. Do you know of any Civil Court or any of the legal proceedings such as arbitrations in which clients can get the services of such men as the leaders of the Parliamentary Bar for 10 guineas a day?—But I excluded myself from saying anything about the fees of senior Counsel.

1055. But that is exactly what I wanted to bring you to if you will allow me. Do you know of any other judicial proceedings, including arbitrations, in which, dealing with cases as heavy as those which come before Private Bill Committees, clients are able to command the services of such men as the leaders of the Parliamentary Bar for refreshers of 10 guineas a day?—No.

1056. So that taking the two together, adding together the 10 guineas of the junior, do you suggest that the fees paid to the Counsel before Private Bill Committees are higher than for business of the same weight elsewhere?—I cannot judge about that.

1057. Have you experience as to the amount of Counsel's fees in similar work outside these rooms?—No, I have not.

Mr. *Hobhouse.*

1058. There is a large balance to the good on the receipts from private Bill legislation, every year is there not?—Yes.

Mr. *Hobhouse*—continued.

1059. How is that dealt with in the case of the House of Lords?—It goes to pay the costs of the House of Lords establishment.

1060. Is it included in the Estimates for the year anywhere?—I was reading the evidence which Mr. Gibbons gave before this Committee at its last sitting, and I think what he states is perfectly correct, and that the same thing occurs in the House of Lords, viz., that the fees are taken as appropriations in aid of the expenses and then an estimate is made for what will be required beyond that amount only.

1061. I believe in the last return (the return for 1901) the Extra Receipts so appropriated amounted to over 44,000*l.* in the case of the House of Lords?—I should not have thought it was so much as that. Do you mean the Extra Receipts beyond the cost of the private Bill legislation?

1062. Yes.—I have never tried to estimate what the actual cost of private Bill legislation is.

1063. Do you consider it is a good plan to charge a high fee for the second reading of a Bill in proportion to the other stages?—I have been so used to it that I have come to think it is, and I still think so, as checking undue speculation.

1064. Of course the result is that if a Bill is unsuccessful in Committee the charges are almost as high in your House for an unsuccessful Bill as they would be for a successful Bill?—Possibly; but I have often heard this said in the office by agents, "May I put off my second reading as the Bill is a little uncertain and I do not want to incur the heavy fee." From that I have certainly thought that fees on second reading did stop undue speculation.

1065. Of course the speculation you speak of would be in the case of Bills promoted by private companies or private individuals?—Probably.

1066. Not in the case of Bills promoted by local authorities?—No.

1067. You do not think there is the same need for heavy fees in the case of local authorities' Bills?—No, I think it would be immaterial in that case.

1068. But at present they have to pay these heavy fees on the same footing as any private speculator?—Yes.

1069. I have some figures before me showing that in the case of unopposed Bills the House fees amount to over 200*l.*—that is to say in the House of Lords about 130*l.*, and in the House of Commons about 80*l.*—do you think that is correct?—I could not say for certain. I should be sorry to give an opinion as to that.

1070. You could not give us the minimum amount of fees for passing an unopposed Bill through your House?—I could not give an opinion as to that that would be worth anything.

1071. What I wanted to get at was this: do you think there is any case for reducing the amount of House fees in the case of any class of Bills promoted by local authorities?—I think some small authorities try to get Bills when they would do much better to wait till they were larger. It does check them to that extent.

Mr. *Hobhouse*—continued.

1072. Do you think that is a good thing?—I do not think it is a bad one.

1073. Do you think some matters which are now dealt with by private Bills, in the case of small local authorities, might be better dealt with by Provisional Orders?—I would rather see them so dealt with, but that is only my private opinion.

1074. You have had, of course, large experience of private Bills, and Bills have come before you which related to matters which you think might have been dealt with by Provisional Order?—Yes, certainly, I think so.

1075. The cost of Provisional Orders is very much less, is it not?—Very much less.

1076. Could you give us any idea of the proportions of the items which go to make up the costs of a private Bill. There is, for instance, the cost of the shorthand writer's notes; that is rather a heavy amount, is it not, in the case of opposed legislation?—It is rather.

1077. I suppose that can hardly be avoided or reduced?—I could not give an opinion as to whether they are fair fees for the shorthand writers to receive or not; I have had no experience as to that.

1078. No; what I meant was that the system at present pursued is necessary?—I think it is necessary that there should be a shorthand writer present.

1079. And that the printing should be done under great pressure?—It is done under great pressure.

1080. I take it that that is one of the reasons of the great cost?—Yes.

1081. That is unavoidable under the present system?—It has become so much the system that I do not think it could possibly be altered now.

1082. Do you think that the notices which have to be given under the Standing Orders involve great expense?—I think that has been lessened of late years by not requiring a full notice to be given in every place, but only notice relating to that particular place.

1083. You do not think that could be reduced materially. For instance, it has been suggested that notices should be much shorter in form, and should be rather a notice that reference might be made to the Bill deposited in a particular office?—I think a Parliamentary Agent who works notices and has to give and receive them would be far better able to give an opinion than I could—I could not speak to that.

Mr. *Worsley-Taylor.*

1084. I did not quite understand an answer which you gave just now. Did you say that Bills are promoted where procedure by Provisional Order is open now?—To some extent I think that is so.

1085. But is that allowed?—There are many provisions in a private Bill which certainly might be obtained by Provisional Order.

1086. You mean where a sort of Omnibus Bill is promoted authorising some things which could not be got except by Bill and some which could be got by Provisional Order?—Yes.

1087. That was the case you had in your mind, was it?—Yes, chiefly.

1088. I follow that, perfectly?—If the powers, for instance, of the Board of Trade were a little extended, Provisional Orders might be given much more freely. The Board of Trade has no power to give compulsory power for taking any land, however small the amount.

1089. Then you would propose to extend the system of Provisional Orders?—I think it would save the time of Parliament very much if they were extended.

1090. To what class of cases would you propose personally to extend it?—Small piers and harbours. The Board of Trade have no authority to grant compulsory powers. The power is now entirely limited to matters coming within the scope of the Public Health Acts.

1091. You would extend it to piers and harbours?—Yes.

1092. And to anything else?—And also they cannot deal with a matter where the capital involved is over 100,000*l.*

1093. What class of matter?—That would be piers again.

1094. Is there any other class of subject you would suggest?—I do not see why they should not grant compulsory powers in the case of Tramways.

1095. Cannot you get a Provisional Order for Tramways now?—I do not think you can get compulsory powers for taking land if you want any.

1096. I simply want to exhaust the list of subjects you would suggest?—Yes.

Chairman.

1097. We have a witness coming who will be able to speak on this question; I suppose it is not really your particular business, is it?—No.

Mr. Alfred Bonham-Carter, c.b., Examined.

Chairman.

1098. You are the Official Referee of the House of Commons?—Yes, I am Referee on private Bills of the House of Commons.

1099. As I daresay you heard at the commencement of the evidence before this Committee, we were told that the reason why Bills came down to us so late in the House was because they were deposited very late—that is to say on December the 21st?—Yes.

Chairman—continued.

1100. We inquired as to whether the Bills could not be deposited earlier so as to be in our hands earlier; have you anything to say as to that point?—I think that they might be deposited earlier, but not much earlier, as I think the remedy lies later on in the progress of the Bills—I think it lies in taking the deposit of petitions against Bills earlier. I do not think that the earlier stages with regard to a private

Bill

Chairman—continued.

Bill (that is to say the notices by advertisement in the Gazette and in the local papers) could very well be taken earlier. Of course in giving that opinion I am not a professional man.

1101. What is your reason for saying they could not be taken earlier?—Because it is, I might say, the common opinion of the profession that they could not do it.

1102. But the Committee would like to have some reason for that opinion?—If I may take Mr. Lowther's evidence, he admits that Parliamentary Agents have a great deal to do in the preparation of Bills. In answer to question 5 he says: "I am not in a position to say whether between the end of the legal Long Vacation and any date the Committee might think right to fix for depositing Bills, there would be time to draft the Bills, or not. Of course there is a great deal of work to be gone through by Parliamentary agents in connection with the promotion of the Bills before they arrive at the final stage of drafting, and no doubt the actual drafting must take some time."

1103. You agree with what Mr. Lowther says there?—Yes, I do not mean to say that he does not go on subsequently to say that he holds the dates for notice by advertisement ought to be earlier; but I cannot help thinking that it would be well to listen to the evidence of Parliamentary agents as to the possibility of doing this work, if one considers for a moment the great number of Standing Orders which refer to the deposit of Notices and Declarations and Estimates, and all those things which must be prepared; I think one must listen to what the professional men say.

1104. In your opinion you would make no alteration in that respect?—In my opinion I should make no alteration. I may add that I asked one Parliamentary agent the other day whether the putting in of these Notices by advertisement was ever done in October; and he said "I know of no instance in which it is done in October."

1105. There is no reason why it should be, under present circumstances, when the Standing Orders says the Bills need not be deposited till December 21st?—I only quote that to show the opinion in their minds is, that they require all that time for the preparation and for the preliminaries of a Bill. You must remember that they have to prepare the notice for the Gazette and for the local papers, and that notice is the absolute foundation for the private Bill, and it requires a great deal of thought and consideration.

1106. Does that take a couple of months to draw up?—No, but they must have some holiday.

1107. What are your particular duties with regard to these Bills?—As soon as the Bills are all deposited and the House meets, I select specially those Bills which we call "Miscellaneous," and I look through them more with reference to their having been grouped and struck in Committee, so that if I am called upon to sit as assessor upon one of those Committees I may be ready with my knowledge of the Bills and also in order that I may be able to give my opinion in case I am called upon, upon merits, of all these Bills.

Chairman—continued.

1108. Otherwise you do not take any active part in the criticism of the Bills?—No.

1109. Can you give us any further information beyond what Sir Chandos Leigh said with regard to the division of these Bills between the Lords and Commons?—No, I cannot, beyond what he said. He stated pretty clearly what are the lines that are followed in this division. If I may venture to say so, I do not think that a very intimate knowledge of a Bill is necessary to settle the question of division between the Commons and the Lords. I do not mean to say that, in the course of the Session before Bills come to be considered in Committee, whether opposed or unopposed, the Speaker's Counsel should not make himself thoroughly acquainted with every Bill, and he does do so.

1110. Have you anything you wish to say with regard to Petitions against Bills? Do you think a date ought to be fixed by which Petitions should be put in?—Yes; the date for the deposit of Petitions is governed by Standing Order 129. it is "not later than ten days after the first Reading." So long as that is the case I do not see that there is much opportunity for taking the Committees earlier.

1111. Would you then alter the date?—I would.

1112. Would you make the date a fixed date?—I would make it a fixed date.

1113. What date would you suggest?—I would say, ten days from the 1st of February, so that the time would expire by the 10th of February.

1114. You would say that petitions should be lodged before the 10th of February?—Yes; that the time for the deposit of Petitions should be from the 1st of February for ten days onward.

1115. You think that would expedite matters, and the Bills would be ready for Committee earlier?—Yes; I would offer an alternative to that, and it would be, that it should be ten days from the Examiner's certificate with the endorsement of compliance. That might give you a little longer time, but I do not think it is so convenient as a fixed date because it would be a different date for each Bill. Perhaps you would let me give you an instance as to the dates to show how things are now. This year all the Bills were read a first time before the 3rd of February. Shortly after that, as you are aware, the Committee of Selection and the General Committee on Railway and Canal Bills were struck and they sat; taking, say, the 3rd of February for the First Reading, that would bring the time for the deposit of Petitions against the Bill up to the 13th of February. As soon as that was done, on the 14th of February, the Committee of Selection sat and grouped the Bills and they put out the panel. On the 18th of February the Committees were struck, and on the 25th the first Committee sat. So that if by giving a date without reference to the sitting of the House for the deposit of petitions against private Bills you could get that over by the 10th of February, you would be exactly in the position in which the House has been this Session. And in this Session, Committees have been at work earlier than in any Session of late years.

 1116. You

Chairman—continued.

1116. You ought to say I think why you fix the 10th of February, and why you do not make it the 1st, or any other date. Why do you fix the 10th of February?—I say the 10th because the ten days have then expired. The Committee of Selection cannot proceed to the grouping of Bills till they know whether they are opposed or not. I take the 10th of February because by that date the bulk of petitions would be deposited.

1117. What I wanted to ask you was, why do you not take from the 20th of January to the 30th of January; why do you fix the 10th of February?—Because you must get rid of the proceedings before the Examiner.

1118. And it takes all that time, does it?—Yes.

1119. You could not make it earlier?—You could not make the Examiner earlier; the Examiner sits on the 18th of January. He has plenty of time under the ordinary circumstances, that is to say, if the House meets, as it ordinarily does, in the first week of February and seldom earlier, to get through all his bills before the House meets; he begins on the 18th of January, but on January the 9th the memorials against the petitions for the bills have to be, for a 100 of them deposited; so if you put the Examiner earlier you would have to put the deposit of memorials earlier, and that would bring it to the 1st of January, and the 1st of January would be too near to the deposit of the Bill. I did not mention, I think that bills might be deposited upon the 17th of December, the same day that they are deposited for the Lords; that would give four days.

1120. The 17th instead of the 21st?—Yes, the 17th instead of the 21st. The agents would ask that the petitions for the Bills should be allowed to stand over to the 21st, because they have to get the signatures and one or two declarations with regard to the petitions for the Bills, and that takes time. But there is one other point which I offer as a suggestion for expediting the sittings of Committees, and that is with reference to the duties of the Examiner who undertakes to examine Bills after the First Reading. Those are the Bills which come from the House of Lords, and also Bills which are the subject of the Wharncliffe Orders, with which you are well acquainted. The proof before the Examiner of these Wharncliffe Orders and other Orders concerning Bills from the House of Lords is the cause of the delay in the progress of these Bills, so that the Second Reading, which is a certain bar to a Bill being considered by a Committee, is postponed. But it is on the motion of the Parliamentary agent that the day for hearing the case by the Examiner is arranged; so that thus an unlimited interval occurs between the First Reading and the Report of the Examiner or of the Standing Orders Committtee. Standing Order 204 of the House says that the Second Reading shall take place after the report of the Examiner, or of the Standing Orders Committee, as the case may be. The House of Lords Standing Order 91, to which I would refer you, gets over this difficulty.

1121. What is the House of Lords Standing Order 91?—The House of Lords Standing Order 91 says that the Second Reading must take

Chairman—continued.

place not later than 14 days after the report of the Examiner or of the Standing Orders Committee as to the Wharncliffe Orders.

1122. It limits the time to that?—Yes; and I should recommend the adoption of the House of Lords Standing Order 91. The result of that would be, that a Bill would be read a second time earlier, and the six days after the Second Reading which must elapse before the Committee can consider that Bill, will be provided for.

1123. Now will you say something about the Court of Referees,—how the parties get their *locus standi*?—After the petitions against the Bill have been deposited by the opponents, the promoters of the Bill have eight days in which to deposit their notices of objection to those petitions. It has been suggested by Mr. Lowther that that eight days might be cut down to four; but I am afraid it could not be so in justice to the parties. He quotes an instance in which a promoter was extremely anxious to get on with his Bill, and as soon as the petition was deposited he went and deposited his Notices of Objection against the petition and said, "I am quite ready, you may appoint your sitting of the *locus standi* court; I give up all right to give a Notice of Objection against any further petitions which might be deposited within the ten days; let the case be heard at once." But that case exceedingly seldom happens, and it would not be quite fair to frame a rule upon so exceptional a case as that. You see it is a matter of some importance whether a Bill should be delayed and whether they will fight the petition or not; they have to communicate with their clients and they do not always get their petitions directly; the opponent of a Bill is bound to deliver his petition to the promoters, but there is a little delay very often in getting it; and then the agent has to consult his clients, and four days is not enough to settle whether they shall go to the expense of opposing these petitions. I do not think it could be done. One thing that they might do, if it were reduced to four days is this: The petitioners against a Bill would not deposit their petitions until the last day, the 10th, and that would leave only four days to the promoters to determine whether they should oppose or not.

1124. We have heard that the Court of Referees works very smoothly and well; and they get through their business very easily, do they not?—Yes.

1125. There is no stoppage of the Bills there?—No. I think those suggestions which I have made for putting the time for the deposit of petitions against a Bill earlier, and with regard to the Second Reading, would give a longer interval between the decision of the Court of *Locus Standi* and the sitting of a Committee upon a Bill. That is a weak place decidedly; and that time I think would be provided for if this alteration in the deposit of petitions were made.

1126. Have you anything to say with regard to Bill's being referred to a Joint Committee of the two Houses instead of two separate Committees?—I do not think the present system is a crying evil by any means. I have here now the number of the Bills originating in the House of Lords for the year 1896 to last year. The number of

House

Chairman—continued.

House of Lords Bills considered by House of Commons Committees (which in other words you may say were instances of a second hearing) in 1896 was 19.

1127. How many were rejected do you know?—I am not quite sure about that.

1128. Rejected or modified?—I cannot quite tell you that. I could not say how many were modified, but I could say how many preambles were not proved.

1129. Will you kindly find out how many Bills were rejected and hand a paper in?—Yes, in the House of Commons, only those Bills that came down from the House of Lords. I do not think I could find out what the decisions of House of Lords Committees were with regard to House of Commons Bills.

1130. You could not find out how many House of Lords Bills had been modified, had been altered by the House of Commons?—It is very hard to say what a modification is.

1131. But you can get the number that had been rejected?—Yes, I should like to give you these just as examples: In 1896 there were 92 Bills originating in the House of Lords, and of those 92 there was a second hearing on 19 in the House of Commons—19 out of 92.

1132. I wish you had gone a little farther and told us how many of those 19 were rejected or modified?—Not many. But it is no good saying "not many"; the exact number is the only thing that is useful on an occasion like this.

1133. If you can get out those figures and put them in it will be very useful?—Yes.

1134. And if you can get the reverse figure so much the better?—How many preambles were passed and how many preambles were not passed.

1135. And also the reverse progress of Bills originating in the House of Commons and going to the House of Lords?—Yes, I will try that; I am afraid I cannot do it.

1136. Have you anything to say with regard to Provisional Orders,—why Provisional Orders should not be more used than they are?—It is hard to say. The stock argument about it is that when we will say, a Municipality comes for Parliamentary powers they have an Omnibus Bill, and, under the Enabling Acts, an ordinary Provisional Order (I am not referring to the Scotch one) is limited in its objects by the powers of the Enabling Acts under which they are granted; whereas the promoters of the Bill have something else in hand which can only be obtained under powers obtained directly from Parliament.

1137. Is there anything else you wish to say?—I should like to support Mr. Lowther's evidence, strongly, about Instructions to Committees. I think that they are very frequently obstructive, and as frequently useless, and I think they take up the time of the House; but especially do I object to their being mandatory; because what is the object of the House in delegating their authority to a Committee but that the Committee should have full power to decide upon those questions, and if the House sends out a mandatory instruction that it shall or shall not do something, it is an interference with the constitutional practice.

Chairman—continued.

1138. That is very seldom done, is it not?—Not infrequent at all.

1139. Has it been done many times this Session?—Yes, I should say half a dozen times. May I say that I should like to give to the Court of *Locus Standi* power to award costs. The difficulty about awarding costs in the Court of *Locus Standi* is that it is varying in number, and it would be rather difficult to give such a power to a large Court. I would say that they should be given by the Chairman, and say by a majority of the other members of the Court.

1140. The Chairman of the Court?—Yes, the Chairman of the Court together with a majority of the other members.

1141. And who is the Chairman of the Court?—The Chairman of the Court at present is Mr. Parker Smith.

1142. No, the Chairman of the Court is the Chairman of the Ways and Means, is he not?—He is the President; we call him the President of the Court of *Locus Standi*; and Mr. Parker Smith is the acting Chairman.

1143. And which do you say should have the power of awarding costs?—The Acting Chairman. I should like to repeat what I said before in 1888: that there is not a doubt about it that the Court of *Locus Standi* has reduced the opposition to Bills greatly, and inasmuch as the *summum bonum* of Private Bill Legislation, so long as justice is done to the parties, is, that Bills should be unopposed, this object has distinctly been obtained by the intervention of the *Locus Standi* Court.

Mr. *Renshaw.*

1144. Referring to what you have just said with regard to what you call the *summum bonum* as to private Bills promoted in this House being that they should be unopposed. May we take it that that is the view of the Court of Referees?—No, I do not think it is particularly. That is only a general principle.

1145. Is it your personal opinion?—It is my personal opinion. No, it is not the view of the Court of Referees; I have never heard it.

1146. Because it is an important pronouncement of the view of the *Locus Standi* Court is that they should sweep away all opposition?—No, I do not give it by any means as the opinion of the Court of *Locus Standi*, nor do they act upon it, but I did say "so long as justice is done to the parties." It is a counsel of perfection after all. We shall never get private Bills all unopposed.

1147. You see some difficulties, you say, in regard to the giving of notices at an earlier date than is necessary under the Standing Orders at the present time?—Yes.

1148. There is some margin in the periods within which these notices may be given at present, is there not?—Which notices are you alluding to?

1149. The Public Notices?—Yes, any time between October and November.

1150. And it is always on the very latest date at which these notices can be given that they are given, is it not?—I will not say that. There is a date fixed, nothing after the 27th November.

1151. And

Mr. *Renshaw*—continued.

1151. And they usually appear just about that date?—Yes, it may be so. No, it must be more than that; because they are in two separate weeks.

1152. But it is regulated by a fixed date practically?—Yes; but in the local papers these notices have to be given in two separate weeks, in the month of October or November; so that at any rate it is not quite at the end of November.

1153. I suppose that the difficulty in regard to the giving of these notices at an earlier date would rather rest with the promoters in the localities than with the Parliamentary Agents in London; would not that be so?—Perhaps.

1154. That is to say, in the case of a Municipality through its Town Clerk, or a Railway Company, the difficulty of giving the notices earlier would be that it would involve them in preparing the whole of their matter, the substance of the Bill, at an earlier date; is that not so?—I think it would involve the Parliamentary Agent as much, because the drafting of the Bill is done under the advice of the Parliamentary Agent, and the notice of the Bill, which states all the principal objects of the Bill, is the handy work of the Parliamentary Agent.

1155. I think you told us that the Examiner of Private Bills begins to sit upon the 18th of January?—Yes.

1156. Is there any reason, and if so, can you state to the Committee what the reason is, why the Examiner might not be put in motion at an earlier date than the 18th of January?—Yes, I thought I suggested that. Standing Order 230 is "Memorials complaining of non-compliance with the Standing Orders, in reference to Petitions for Bills deposited in the Private Bill Office on or before the 21st December shall be deposited as follows: If the same relate to Petitions for Bills numbered in the General List of Petitions; from 1 to 100, they shall be deposited on or before January 9th." That makes it necessary that all the business with which the Examiner of Petitions for Private Bills is concerned must begin on January 9th.

1157. In your opinion is it essential that there should be so long a period between?—I think it takes some time to prepare these memorials. No doubt the plans and sections have been deposited upon the 30th of November, and that has left them some time; but still it is a very short time after the Christmas holidays for them to begin work with their memorials and to deposit their memorials, which is the first step in their opposition to the Bill.

1158. So that one of the reasons for the necessity of this period elapsing between the 21st of December and the 9th of January is the interval of the Christmas holidays?—Yes.

1159. Therefore if it was found possible to have the petitions for Bills in by an earlier date, say the 1st or 7th of December, the difficulty in regard to setting the Examiner to work at an earlier period would be got over?—Certainly, if you could have the petitions for Bills and the Bills deposited earlier.

1160. Because there would be no break for the holidays?—No, there would be no break for the holidays.

1161. Just now you suggested a change with regard to petitions in opposition to Bills, and you proposed that those should be deposited not later than a fixed date, the 10th February?—I said not later than the 10th of February.

1162. Are you aware that under the system which now prevails in Scotland, under the Scottish Procedure Act of last year, the period between the dates for petitioning in favour of the Bills, and lodging the petitions in opposition to the Bill, is four weeks?—I had forgotten that.

1163. It is four weeks?—Yes, four weeks between the application to the Secretary for Scotland for an Order and the expiration of the time for petitioning against.

1164. Do you see any objection to applying a similar provision in the case of petitions to Parliament, that is to say, that a period of four weeks should be fixed rather than a date, the 10th of February, such as you suggest?—I think that would interfere rather with the proceedings of the Examiner. I think it is desirable to get as much of the work of the Examiner over before the petition is deposited as possible.

1165. Why does that objection not apply in the case of Scottish Bills?—Because I think that a Provisional Order is not of such importance as a private Bill, if you will let me say so.

1166. But is it not the fact that these Provisional Orders, that are applied for under the Scottish Procedure Act, include all matters which may ultimately come before Parliament as Bills?—Yes.

1167. So that your answer does not really apply?—It is the substitution of four weeks for ten days.

1168. It is a substitution of a fixed date—four weeks—from the date at which the application for a Provisional Order is made?—I see no objection whatever to that, except, as I have said before, that I do not know exactly how the working of the Examiner, with reference to Provisional Orders under the Scottish Act, goes on; but that is my answer—that I think it would interfere with the proceedings before the Examiner with reference to private Bills.

1169. Have you read the evidence which Mr. Mellor gave, or did you hear it?—No.

1170. Then let me ask you this question. Under the existing system with regard to private Bills we have unopposed Bills referred to certain unopposed Bill Committees; we have the *Locus Standi* Committee and we have the Standing Orders Committee?—Yes.

1171. Three different Committees. In your opinion would it expedite the progress of private Bill legislation generally if these three Committees were merged into one strong Committee, say of certain officials and five or seven Members of the House?—I do not see that the duties would be sufficiently analagous to justify such an appointment.

Mr. *Worsley-Taylor.*

1172. You said that in the year 1896 there were 92 Bills which had originated in the House of Lords and came down here, of which 19 were opposed, and you undertook to see what the result of that opposition was?—Yes.

1173. I take it that by comparing the Bills as they came down to this House, and as they passed

Mr. *Worsley-Taylor*—continued.

passed you could see how many of them were modified?—By comparing the Bills, yes, no doubt you could see what amendments the House of Commons Committee have put in a House of Lords Bill if that were done.

1174. In one way or another you could get at the modifications introduced into the second House, they being in this House?—*De die in diem* I could; but I could not do that now. I could not get the Bills as amended in Committee.

1175. Could you find out from the reports made to the House by the Chairman of the Committee whether the Committee had introduced amendments?—No, hardly ever. The ordinary report on a Bill is that they have amended the Preamble to make it in accordance with the clauses of the Bill.

1176. You understand that I am only asking you with reference to the 19 Bills that came down in that particular year?—Yes.

1177. I understand you to say that in each case when a Bill has been amended the Chairman makes a report, though he does not state what the amendment is?—No, generally he does not state what the amendment is. I will not say he does not report it, but only in very general language.

1178. Then all I ask you is, could you find out with regard to these 19 Bills in how many cases the Chairman reported that he had amended the Bill in his Committee. If it will be too much to ask you to do, I will not ask you to do it?—No, I do not think I could; I could not do it from the reports; I could do it if I had kept (what I have not, and it is not my duty to do so) the draft Bill as it came down from the House of Lords, and kept a draft Bill as it was amended in the House of Commons, then I could have given an answer.

1179. But you have not the means?—No these things are not kept.

1180. I will not trouble you then further. I take it that the details incidental to the preparation of Bills would be a matter for the Parliamentary Agent?—Certainly.

1181. But I understand you that from your general experience the view you have formed is that you could not make the date earlier than the 17th conveniently?—Not for the deposit of Bills.

1182. But without going again into details, your view is that consistently with making the 17th of December the date, by a subsequent rearrangement after that date, you might materially advance the hearing of Bills by Committees?—Yes, that is my impression; that is what I think you could do certainly by these two suggestions which I have made, especially with reference to putting back the date of the deposit of petitions against Bills.

1183. The Examiners, of course, go through their work gradually and deal with a certain number of Bills on a certain day?—Yes.

1184. Is there any objection to making the date for the deposit of petitions date from the day when the Examiners deal with a particular batch of Bills? Is that a practical suggestion?—I think it would be practicable; but you would have to have three dates.

Mr. *Worsley-Taylor*—continued.

1185. Yes, but that the date for the deposit of petitions against a particular Bill should have relation to the day on which the Examiners deal with that particular Bill?—Yes. I suggested that; but you make a further suggestion, because you suggest that inasmuch as the Examiner takes a certain number of Bills at a certain date, with regard to all these Bills which he took, say, on January 9th, the time for petitioning should begin from some particular date which you could fix with regard to them.

1186. Yes. Instead of waiting until he had dealt with the whole lot of them?—Yes, I have suggested that, but not exactly in the form you put it. I said simply that the date should begin from the endorsement of the Examiners certificate that the Standing Orders had been complied with; but that is a varying date for each Bill. That would create confusion, perhaps.

1187. You think it would?—Yes, I think it would.

1188. That is a matter I suppose on which agents might well be consulted?—Yes.

1189. But if it were practicable by that means you would be able to deal with the petitions against certain Bills earlier than if you waited for the Examiners dealing with the whole lot?—Yes.

1190. Therefore, if it were practicable, it would be an advantage?—Yes, it would.

1191. Just one word about the *Locus Standi* Court. You sit there as Referee?—Yes.

1192. The Speaker's Council sits there also?—Yes.

1193. Is that under a Standing or under Rules framed under the Standing Order?—It is under a Standing Order.

1194. What is the Standing Order? I find Standing Order 88 is: "The practice and procedure of the Referees, their times of sitting, order of business, and the forms and notices proceedings, shall be presented by rules, to be framed by the Chairman of Ways and Means," and so on. I do not find any standing order prescribing that you shall sit?—It is Standing Order 87.

1195. Does that cover you: "The Chairman of Ways and Means, with not less than three other persons, who shall be appointed by Mr. Speaker for such period as he shall think fit, shall be Referees of the House on private Bills"?—Yes.

1196. Does that cover yourself as Referee?—Yes.

1197. And the Speaker's Counsel?—Yes.

1198. But do you vote?—Yes, we have voted. We do not often vote. We very seldom take a division.

1199. But do you take part in the decision?—Certainly.

1200. I was not sure whether you did?—Oh, Yes.

1201. Then your duty there is to form a part of the Court, not merely to advise?—I am there to form part of the Court. You see this is a very old Standing Order. It was made when they had separate Courts, and they had a Court which went into issues of fact. You do not recollect it, I daresay, but they went into engineering details and estimates and they reported

Mr. Worsley-Taylor—continued.

reported accordingly, and the Committees were supposed to be released from any inquiry into those subjects.

1202. But whatever duties it has to perform now, you are an integral part of the Court?—I am so.

Chairman.

1203. Have you anything else you wish to say?—With your permission, I should like to say that when Mr. Renshaw asked me whether the time for deposit of petitions against a Bill should not be four weeks, I am bound to say my notion in fixing upon ten days was more to preserve the existing state of things and alter them as little as possible. I do not recollect under what circumstances it was that the four weeks was adopted for the Scotch Act.

Chairman—continued.

Mr. Horatio Brevitt, Examined.

Chairman.

1204. You are Town Clerk of Wolverhampton?—Yes.

1205. And you have had great experience in the introduction of Private Bills?—Yes.

1206. I think you also represent the Municipal Corporation's Association of England? I do.

1207. And they have asked you to come here and give evidence on their behalf?—Yes.

1208. I think we had better commence with regard to the deposit of the Bills. Do you see any reason why they should not be deposited earlier than the 21st of December?—That is not a matter which is dealt with in the report which I produce on behalf of the Association; so in giving an opinion I am not expressing theirs, but I should like to say that the months of October and November are exceptionally busy months with Town Clerks. Naturally we have our vacation, coming back at the beginning of September, and often the middle of September; and it is like winding up the Municipal year, and it frequently means that the preparation and collection of the annual reports; and then close upon that we have our Municipal elections, when a third of the Council go out, and that is a very pressing time with us; and to expedite the deposit of a Bill, would, certainly in my own instance, cause a good deal of inconvenience and pressure.

1209. And I suppose you do not make up the scheme or the plan of your Bills until after the third part of your Council has been filled up?—That is so; it is generally after the election on the 9th of November that the Bill comes finally before them.

1210. Therefore for all Municipal Corporations it would be almost impossible to get your Bills deposited much before the 21st December?—Not without very great pressure as I say; and I do not think things would go so smoothly as they do now.

1211. I suppose they might be deposited by the 17th of December; the same way as for the House of Lords?—Yes.

1212. Is there any reason why the dates should not be the same for both Houses?—I see no reason why it should not be the same for both Houses.

1213. But earlier than that in your opinion would be almost impossible?—It would.

1214. On behalf of your Association can you suggest anything which would reduce the cost of these private Bills?—The suggestions that the Association make appear in the report which I formally hand in. (*Handing in the same.*)

Chairman—continued.

1215. You had better just take the Recommendations shortly, if you will?—In framing these Recommendations, the questions of Local Expenses, Printing and Advertising, Parliamentary Agents, Charges, House Fees, Counsels Fees, and Skilled Witnesses, have all been considered. On the question of Local Expenses, so long as you proceed by private Bill instead of by Provisional Order those Expenses are greater than if you proceed by Provisional Order. As regards the Printing and Advertising, that is often a very expensive matter, occasioned in a great measure by the very lengthy Parliamentary notices, which are required to be inserted not only in the local papers but in the London Gazette. When I say the local papers, there are evening papers now which circulate in many of the large boroughs, but as they possibly may not reach the whole of the country, it is frequently necessary to advertise in the county paper as well, that is to say, where the proposed works are situate outside your borough.

1216. Then your Association does not propose to reduce those advertisements?—It is a matter which they considered; the question of these lengthy notices and the expense in connection with them was before them.

1217. On the other hand is it not very important that due notice should be given of any proposed alteration of the law?—I quite agree with that; but if I may be allowed to say so, very frequently the notices which are given are not read, and even when read, by lay minds are not always understood. The Parliamentary notice is a very difficult notice to the lay mind. The object of a notice, I take it, is to give the public generally notice of what is going on, and I think in some instances it would be very difficult for the public to find out actually from the notice what was about to take place in Parliament.

1218. Then what does your Association propose with a view of curtailment or saving of expense in that way?—Then the Provisional Order system comes in where the notices for a Provisional Order, are, in my opinion, very effective, and not so extensive. This item of preliminary expenditure is not so great as it is in a case of a private Bill.

1219. Is it not a fact that some times better terms are got by means of a private Bill than by means of a Provisional Order?—I am not so sure of that; if you take the case of a Provisional Order affecting a person who has not the means of coming and opposing in a committee room, I often

Chairman—continued.

often think that the local inquiry very frequently results in that person being satisfied.

1220. And in your experience is it a fact that Municipalities use the Provisional Order system more than private Bills?—I think they would use it more if the machinery were extended; it is because it is so limited in its present stage that they ask for its extension.

1221. You mean with regard to compulsory purchase of land, and so on, I take it?—I am speaking from a municipal point of view. My opinion is that many things might be done by Provisional Order which are now dealt with by private Bill, if the statutory provisions in regard to the Provisional Order system were extended.

1222. Will you give us an instance?—At the present time (I am dealing with local Acts) the Provisional Order system only applies when by your order you propose to repeal, alter, or amend any local Act; therefore the Local Government Board keep you within that category. But it very frequently happens that useful clauses not coming within that category inserted in your Order are rejected by the Local Government Board on the ground that they do not come within the provisions of the Public Health Act, 1875. That is a matter which we think ought to be extended. On the other hand there are some representatives of great Corporations, I may mention Nottingham, who think that even if the Provisional Order system is extended there should always be an option to proceed either by Private Bill or Provisional Order. That is the opinion, for instance, of Sir Samuel Johnson, of Nottingham. I only want to do justice to him: he wrote me a letter upon the subject and that is the purport of it. If you take an Omnibus Bill such as is frequently promoted by a Municipal Corporation, you find that it is divided into seven or eight parts: Part I., Lands; Part II., Streets, Buildings, Sewers, and Drains; Part III., Parks and Pleasure Grounds; Part IV., Sanitary Clauses; Part V., Milk Supply and Infectious Diseases; Part VI., Common Lodging Houses; Part VII., Financial Clauses; Part VIII., Police and Fire Brigade Clauses; and Part IX., Miscellaneous. These clauses are so frequently enacted that many local authorities think that the time has come when they might be included in a general Act capable of adoption by local authorities to the same extent as under the Public Health Act, 1890; but assuming that that cannot be done, then it is thought that many of those provisions more or less affecting the same subjects as those comprised in the Public Health Act might, by means of the Provisional Order system be dealt with if the Public Health Act or any other Act were amended so as not to confine a Provisional Order simply to an alteration, repeal, or Amendment of the Public Health Act, but to embrace an extension of it. It is the curtailment of this power that prevents the Provisional Order system being adapted to the extent that it might be. I am now confining myself solely to Provisional Orders as regards the Local Government Board, and I am not referring to other Departments.

Chairman—continued.

1223. Any alteration in that respect would have to be effected by Act of Parliament?—It would.

1224. You could not do it by altering the Standing Orders of the House?—No, you could not; but then the question comes in about the Private Bill Procedure (Scotland) Act; and the recommendation of the Association upon that point is to this effect: that assuming there was an Act applying to England on the principal lines of the Scotch Act, the procedure which regulates the initial steps of a Provisional Order in England at the present time should be applicable to such new system. Why I mention that is that the procedure for obtaining a Provisional Order under the Public Health Act at the present time is much more simple than proceeding under the Scotch Act with the General Orders and the Standing Orders which have to be read with it. At the present time if you proceed by Provisional Order under the Public Health Act, the section of the Act of Parliament which enables a Provisional Order to be issued lays down certain procedure and that is supplemented by the Orders of the Local Government Board in a Circular which they issue yearly dealing with the particular subjects proposed to be included in the Provisional Order. For instance, if it was a question of amending a local Act, the Local Government Board have a particular form of Instructions. If it is a question of proceeding to put in force the compulsory powers under the Public Health Act, then a different form of Instructions is issued; but in each case the Instructions in those Regulations coupled with the Public Health Act are, to my mind, a more simple code than if you take the Scotch Act and read with it the General Orders made to carry out that Act plus the Standing Orders of the two Houses of Parliament.

1225. This Committee cannot, of course, go in any detail into any extension of the Scotch system which would require an Act of Parliament. This Committee is appointed to inquire whether any alteration of the Standing Orders of the House can be adopted for efficiency and economy in carrying out private Bills. With regard to Provisional Orders, would as much publicity be given to any proposed alteration of law, or any new scheme under a Provisional Order, as is given under a private Bill?—Locally quite as much.

1226. But I thought you said just now that you would avoid some of these advertisements and notices?—I am afraid I did not make myself quite clear. I say that if you are proceeding by private Bill your advertisements are longer and have to be inserted more frequently and in different places and in different newspapers, as compared with what they would be for a Provisional Order.

1227. Would not the effect of that be, that more notice would be given to the public of what you intend to do?—Yes, it would, but in a less readable and understandable form. The notice for a Provisional Order is one which I think a layman can easily understand, but the notice in the London Gazette when you are applying for an omnibus Bill is a thing which it is rather difficult for him to understand.

 1228. Therefore

Chairman—continued.

1228. Therefore you think that the notices given for a Provisional Order would be quite as effective in the way of making people aware of what was going to be done as the more costly system of notice for a private Bill?—Yes; but I am now speaking on Local Improvement Bills, in which case the people likely to be affected are the inhabitants of your town who may not see the London Gazette or who may not see the County paper, but who generally see a local paper; and so long as the Parliamentary Notices are in the verbiage that they are at the present time I think it is very difficult for a layman to appreciate them. But the notice for a Provisional Order from my experience, where you are amending a local Act, is such as to convey to any ordinary mind what the local authority are really intending to apply for. The notice is generally so intelligible as to bring possible opponents to the local inquiry.

1229. With regard to that, last Session I believe your Wolverhampton Municipality introduced a Water Bill?—It did.

1230. That was to get a source of supply from the rural districts?—Yes.

1231. How would those rural districts have got notice if you had been going to introduce that as Provisional Order?—We could not have done it by Provisional Order.

1232. But supposing that the necessary Act of Parliament were passed and that you could have done it by Provisional Order, those rural districts would not have had sufficient notice, would they?—They would have had notice in their county papers, and the local papers of which I speak do circulate in that particular district, which was affected by that particular Bill. But we could not have got those rights by Provisional Order, because it would have been a compulsory acquisition of water rights which cannot be obtained by Provisional Order

1233. But I thought you suggested just now that another Act of Parliament should be passed enabling Provisional Orders to be obtained for further powers?—Yes, but I did not quite tell you the extent to which they might go. In this Provisional Order system I am simply dealing with clauses which generally appear in omnibus Bills and which to my mind are ancilliary to and necessary to local government. But where it is a question of acquiring a person's property against his will, I am for giving the utmost publicity and an opportunity to everyone of being heard.

1234. You would not suggest that that should be done by an extension of the Provisional Order system—I do not say that. At the present time under the Public Health Act, if you wish to acquire property by means of a Provisional Order there is the machinery for your doing it; but it is simply limited to cases under the Public Health Act. You frequently apply for permission to put in force the compulsory power to acquire land for sewage purposes. There is every safeguard; there is the local inquiry, of which due notice has to be given, and then if the Board issue their Order it has to be confirmed by Parliament, and all petitioners have a right to appear before Parliament; in fact there is a treble inquiry with regard to it.

Chairman—continued.

But it is very frequently the case that the local inquiry results in a settlement.

Mr. *Hobhouse.*

1235. I will take this Memorandum of your Association, if you please. I think you have already dealt with the last two heads, namely, local expenses, and printing and advertising?—Yes.

1236. With regard to Parliamentary Agents' charges, I think you have no alteration to recommend?—No, I think on the whole that the Parliamentary Agents' charges are very reasonable. But if you will allow me to say so I happened to be in the room when one of the witnesses gave evidence this morning on the apportionment or division of costs between the Parliamentary Agent and the Town Clerk, and I should like, if I may be allowed, to give my experience in regard to that matter. This is all a question of appointment. Some Town Clerks are appointed at a specific salary, it being understood that it includes work of all description. Other Town Clerks are appointed at a particular salary with power for them to take extra charges or to be paid extra in regard for Parliamentary work. If a solicitor engages an agent in London, according to rules which prevail in offices other than those of Parliamentary Agents, there is always a certain agency charge allowable; but on reading through the evidence given the other day I understand that that is not a general rule amongst Parliamentary Agents. But in those cases to which attention has been called where it is not the rule, I believe that those who were not conforming to it have since conformed to it, at least so far as my experience is concerned, and now no Parliamentary agency allowances are made to their country clients. Take the case of Wolverhampton. In years gone by when an agency allowance has been made it has always been paid in by me to the credit of the Improvement Fund or the Borough Fund as the case may be, according to the nature of the Bill, but I have never derived any perquisites whatever from any Parliamentary work. I have suffered a great deal of inconvenience and hard work, but have not yet derived pecuniary advantage. There is no arrangement of that kind—it is simply a question of the terms of your appointment, and a question of solicitor and agent, between the provincial solicitor and the London agent, as the case may be. I thought I should just like to explain how that arose.

Mr. Kenshaw.

1237. Upon that point I may ask, at what date has this change in practice taken place to which you refer?—I am speaking from memory; within the last twelve months so far as my particular borough is concerned.

1228. You are only speaking in this matter so far as your own particular borough is concerned?—Only so far as my own particular borough is concerned, but in order that I might remove any misapprehension I wanted to explain the principles on which these allowances and apportionments take place. It is all a question of appointment. Some Town Clerks are allowed

Mr. *Kenshaw*—continued.

allowed to receive extra for Parliamentary business.

1239. Quite so, but do all Town Clerks who receive these fees and who are paid by salary hand them over in the way you describe to the authority?—I say that it is all a matter of arrangement with that particular authority. If the authorities in appointing them tell them that they can have extra charges in respect of Parliamentary work that naturally would include any allowance made by the agent. Supposing that it was a Parliamentary matter and I had business with a London agent, as a matter of course, any allowance in the agency would be paid in to the Borough Fund; and if it is not Parliamentary work and the Council in appointing the Town Clerk agree that he shall receive the benefit of any agency, it would naturally not go into the Improvements Fund or the Borough Fund, but would be a personal matter which was regarded as one of the features in his appointment.

1240. And, speaking from your general knowledge and experience, should you say that what you have described is the invariable practice of Town Clerks who receive a portion of the charges?—I should say so, unless it was distinctly arranged by them with their Council that they should keep it, because the allowance would be not to the Town Clerk, but to the Corporation. The Town Clerk does not pay the bill, it is the Corporation that pays the bill, and therefore in the absence of any agreement that he should have this allowance, it would be his duty to pay it into the Borough Fund.

1241. It is obvious then that when the question of the costs of a Parliamentary inquiry comes before the Taxing Master, it is no particular interest of the Town Clerk to see that those costs are reduced as far as possible?—Certainly he should do the best he can for his borough.

1242. Independently of the personal question involved?—Certainly; he should go through every item and if he sees that there is any item not according to the scale, it is none the less his duty, because he does not take it into his own pocket, to call attention to it and get it reduced.

1243. And if he does take it into his own pocket, if it forms a portion of his own emolument?—Whichever way it is, it is his duty to see that the proper charge is made and not an excessive charge, one that can be supported by scale.

Mr. *Hobhouse.*

1244. Now I think we might pass on to the question of the House Fees. Do you consider that they are too high?—I do; and the recommendation of the Association is that they consider that no scheme will be complete which does not involve an assimilation and reduction of fees in both Houses to an amount not exceeding what may be necessary to meet the actual cost of the staff needed for private Bill legislation.

1245. That would mean a very large reduction, would it not?—It would, I could not give you the exact amount, but from being in the room this morning and having heard the

Mr. *Hobhouse*—continued.

witnesses I find that there is a considerable surplus over and above the fees that are paid which might certainly go in reduction of the charges.

1246 Would you be prepared to say that in certain cases of Unopposed Bills the House fees actually exceed the amount of the other charges for obtaining them?—I am afraid I do not quite understand your question.

1247. Taking the total cost of an Unopposed Bill, would you be prepared to bear out generally such figures as those (*handing a paper to the witness*) which go to show that the House fees actually amount to more than half the cost of obtaining an Unopposed Bill?—I could quite understand that. I could give you an instance (I think I have it here) where, in the course of my enquiry about expense, I found that the Folkestone Corporation promoted an Unopposed Bill which was simply to increase the number of the members of the Council, and that Bill cost 327*l.*, of which 195*l.* was for House fees.

1248. That is to say the House fees amounted to more than half the cost?—Yes.

1249. The cost of a Provisional Order would have been much less, would it not?—Yes. My experience is that unless there is anything very special the costs of an unopposed Provisional Order come to about 85*l.*

1250. Then why is it that some Corporations (I think the smaller Corporations) go for private Bills when they might obtain their powers by Provisional Order?—It is because they are not sure that they can obtain all their powers by Provisional Order. If a corporation could obtain its powers solely by Provisional Order I think it would do so; but there are very frequently objections raised to Provisional Orders which necessitate your going for a private Bill.

1251. What kind of objections do you refer to?—That the proposals suggested in the Provisional Order do not come within the provisions of the Public Health Act; that is to say, that it is neither an alteration, variation nor amendment, but it is a new provision, and however simple the new provision may be, it is the subject of a private Bill, and then it is frequently argued: "Well, if we have to go for a Bill we may just as well add other clauses and have an omnibus Bill."

1252. But do your remarks apply to the case of buying up a Gas Company, for example?—No, that is a question which I think, if there are complications, is a matter for a private Bill; but in suggesting an extension of the Provisional Order system I do not suggest it in any case in which any great principle is involved or in which there is any great amount at stake.

1253. You have given us Sir Samuel Johnson's opinion I think, namely, that every Corporation should have an option as to whether they should use the Provisional Order system or the private Bill system; but speaking for yourself would you consider it objectionable that there should be a Standing Order providing that where powers can be obtained by Provisional Order a private Bill should not be resorted to?—I rather agree with Sir Samuel Johnson, I should like to have the option if the English and Scotch Provisional Order Systems are assimilated.

1254. You do not think that any economy could

Mr. *Hobhouse*—continued.

could be secured by a Standing Order of that description?—I think Sir Samuel Johnson is assuming that that option is to be exercised when the procedure in regard to private Bills is altered, that is to say, that if you were adopting in England the Scotch procedure, then there should be an option to proceed under that amended law, in which event, the Confirmation Bill would go to a Joint Committee rather than two separate Committees. I believe that in making that recommendation Sir Samuel Johnson has read this report upon Association and is making his observations subject to its contents.

1255. But I am asking you your opinion with regard to the present state of things?—In the present state of things I do not think there ought to be an option.

1256. And if in future the Provisional Order system were extended as you have suggested, to matters outside the Public Health Act, but which do not involve any great principle, you think it would be fair to have a Standing Order confining promoters to Provisional Orders where they could obtain the powers they wanted by that system?—That is my personal view; but in saying that I am not speaking on behalf of the Association, because that subject has never been before them; but I give that answer because I cannot understand anyone proceeding by private Bill when he can get the same object by a Provisional Order.

1257. Have you any suggestions to make as to the reduction of the House fees in matters of detail; for instance, do you consider that the system of the House of Lords or the system of the House of Commons is the better one?—The system of the House of Commons. I understand that the House of Commons scale is on a different basis from that of the House of Lords, and is preferable; you do not pay so much down at once if I understand it correctly.

1258. You would prefer paying for a Bill after you were sure of getting it?—I would prefer as I get the Bill, or portions of it, to pay for it; but not that you should ask me to pay too much before I got clear of the rocks.

1259. Do you consider that the system of the House of Lords in charging higher fees for the opposition to Bills is preferable to that of the House of Commons?—I do not see why either House should charge in excess of the other; I think the charges should be assimilated and reduced.

1260. You think the lowest scale should be taken in each case?—Certainly.

1261. I do not wish to go into the question of Joint Committees at any length, because it is rather outside our scope, but I understand that the general feeling of your Association is that it would be desirable that private Bills should be referred to a Joint Committee of both Houses?—That I think you will find is the recommendation in regard to the alteration of procedure by the Scotch Act in this way: that if you have a Provisional Order at the present time, you have a local inquiry, and if it is opposed you may have two inquiries, one in the House of Commons and one in the House of Lords. On the other hand, if you are going to assimilate

Mr. *Hobhouse*—continued.

the English system to the Scotch system and have a local inquiry to begin with, you will gain nothing by altering the system if you still retain the third inquiry; and so a Joint Committee dispenses with one inquiry.

1262. Then you only recommend a Joint Committee if such a system as the Scotch system is adopted?—That is the way in which it was brought before the Association. I am giving hearsay evidence, but I think I ought to let the Committee know exactly what has been communicated to me. I believe the Town Clerk of Leeds holds the view that he would not like a Joint Committee except in the case I have mentioned. That is to say, if it is an ordinary private Bill he would prefer the two Committees.

1263. Would you see any objection to a Joint Committee for dealing with unopposed Bills?—I do not know where their jurisdiction would come in if the Bill is unopposed.

1264. It has been suggested to us that the petitions might take the shape of petitions to Parliament, and not petitions to one or other House, and in that case an absence of petitions would denote that the Bill was unopposed in both Houses; then it might be referred to a Joint Committee of the two Houses, which might be a stronger tribunal than the present Unopposed Bills Committee; and it might be dealt with once for all in that Joint Committee?—I personally see no objection to that.

1265. Are there any further observations that you wish to make?—I have been asked to mention a matter—it will be for the Committee to say whether I can do so—but it arises out of the report which has been recently issued in reference to the repayment of loans, which involves the alteration of a Standing Order. It is a question affecting private Bill Legislation. It is suggested that a Government Department should fix the period for the repayment of a loan, and that would virtually mean an amendment of an existing Standing Order.

1266. I think that as that matter has been recently investigated by another Select Committee of this House, we had better not proceed with it?—If you please.

Mr. *Renshaw.*

1267. The opinion of the body whom you represent is in favour on the whole of reducing the cost of Private Bill Legislation?—Yes.

1268. You are aware of the changes which have been made in the Standing Orders of the House of Commons, by which it sits now earlier in the day than it used to sit?—Yes.

1269. You are aware that at present Private Bill Committees rarely sit in less than 35 days from the Meeting of Parliament and not infrequently not until the expiry of 40 days?—I am.

1270. The period of Parliament included in those days is a period during which members of the House are comparatively little occupied with the general work in the House?—It is so.

1271. Do not you think it would be very important in the interest of those who are promoting Private Bill Legislation in the House of Commons, with a view to economy, that the Bills

Mr. *Renshaw*—continued.

Bills should be proceeded with in the House by Committees as early as possible after the meeting of the House?—Yes, subject to not expediting the time for preparation of the Bills.

1272. I will come to that in a minute; but you agree that the earlier the date at which Committees can be got to sit the more likely you are to have the undivided attention of those members of the House who are serving on those Committees, and therefore the less costly it would be to carry out the inquiry?—I quite agree.

1273. You have given the Committee some evidence on the subject of the notices, as I understand it, what you suggest in regard to these notices is, that a simpler form of advertisement in the papers might take the place of the long and tedious advertisement which is now inserted?—Yes.

1274. And that that simpler form of advertisement would call attention to the fact that a petition for the Bill was being deposited, and that the Bill itself could be seen at certain places?—Yes.

1275. You would not do away in any way with the notices to individuals who were affected?—No.

1276. Those would still remain?—Yes, and in this notice that you are speaking of I should state shortly the purport of the Bill.

1277. And in your opinion that would fulfil all that is necessary in regard to generally advising the public whose interests and rights may be affected, and it would secure a considerable economy?—I think so.

1278. Now, with regard to time. The date by which petitions for Bills have to be lodged at present is the 21st of December in this House, and the 17th of December in the House of Lords?—Yes.

1279. You cannot tell the Committee why the dates should have differed in that respect?—I cannot.

1280. You expressed the view that one reason why it would be very difficult to alter the dates at which the Bills were lodged is the fact that elections in municipalities take place on the 9th of November, and that the newly-constituted councils would have to deal with the questions involved in the Bills?—Not solely that. I say that October and November are necessarily months of very great pressure with all Town Clerks, and, in addition to that, you have the fact that a third of the council do go out on the 1st of November, and there is a general pressure of work which really, in the ordinary sense, without any Parliamentary work, takes the Town Clerk's full time to get through.

1281. But the promotion of these Bills is not a matter of annual occurrence?—I am thankful to say it is not; but when the occurrence does happen it is as I have said.

1282. As a rule these Bills I presume deal with an accumulation of questions rather which have emerged from the work of the Council extending over a period of years?—Not necessarily; there is sometimes legislation in a hurry.

1283. Is that good legislation?—It has been so far as I personally have been concerned in Wolverhampton; I mean that I have never

Mr. *Renshaw*—continued.

known any disaster from having taken a thing up in a hurry which was an absolute necessity.

1284. But as a rule the questions that you have to deal with in a Bill that you are going to promote in one session of Parliament, are not questions which will have emerged in the immediate preceding October and November; they are questions which will have been before your Council at an earlier date than that?—That is so; but I have known in my experience of cases where matters have been started for the first time after my return from a vacation, which have had to be formulated and got together as the substance of a Bill to be promoted in the ensuing Session.

1285. But a Bill of that character would be a comparatively simple one, because there would have been only one, or at the most two points, that have emerged with that suddeness?—No, not necessarily. A particular Committee recommend the Corporation to go to Parliament, say for water, and it then occurs to others, "Well, if you are going to Parliament you may just as well deal with other matters"; and then it results in a general omnibus Bill, for which there is very little time to get the thing in order. Take the Wolverhampton Water Bill which has been referred to. That was a Bill which had been introduced in the previous Session and rejected on second reading. At the last moment, having regard to negotiations which had failed, it was decided to re-introduce that Bill, and it was a very great rush to get ready for the ensuing Session. There is a case in which, coming upon the ordinary pressure of the Town Clerks office, I found it was very difficult to get things done in time.

1286. What is the last date you have available for notices at the present time?—The 27th of November.

1287. That is not a very long period from the 9th of November?—No, but you understand that it is very frequently the case that we call urgency meetings. If we were promoting a Bill in Parliament and wished to bring it to the notice of the council as newly elected, we should have an urgency council meeting, and then the proceedings of that council meeting would afterwards be confirmed. So that it is very frequently the case that the newly elected councillors are informed of this work without much delay. I am not going to suggest for one moment that nothing has been done with regard to the Bill, but as a rule it is a rush.

1288. And you think it would be very inconvenient to antedate the date of the last day at which those notices could be given, by seven or ten days?—I think it would be inconvenient. I am speaking from my own personal experience; it would be excessively inconvenient.

1289. And you think that the period between the 27th of November when the notices must be given, and the 21st of December when the petition for the Bill has to be lodged, is not too long a period?—I do.

1290. You would not suggest that that could be abbreviated?—No, not with convenience.

1291. I ought to have said the 17th of December because I think you said that you would accept the 17th?—Yes, for the deposit of the petition

Mr. *Renshaw*—continued.

petition of the Bill; to assimilate the date in both Houses I said the 17th.

1292. If Parliament is to be set in motion earlier, then in view of the work which must be done by the officials of the House between the date at which the petition is lodged and the date at which Committee begin to sit, it is almost esential that these petitions should be lodged at an earlier date than at present. Do you think that there are insuperable objections which would render that quite impossible?—I think so, by antedating it to any great extent.

1293. But even a week would be most valuable? —Yes, and would be equally pressing with us. But what I am trying to advocate is a system of relief. I say that a great deal comes before Parliament now from which Parliament might well be relieved.

1294. I will come to that in a moment. I am only asking questions now on this particular point. Then with regard to petitions in opposition to Bills, do you see any objection to what has been suggested with regard to that, namely, that a fixed period of four or five weeks, as the case might be, should be established between the date of the petition in favour of the Bill and petitions in opposition?—I quite agree with that.

1295. And you think that that would lead to a saving in Parliamentary time?—I do.

1296. Do you see any objection, as having been concerned in the promotion of a good many Bills in Parliament, to a date being fixed after which no Bill which was introduced into the House of Commons should be read a second time in any Session?—I have found that very inconvenient in the case of a Confirmation Bill affecting a Provisional Order for my own town. We had to get the Standing Order suspended.

1297. This is not a question of Provisional Order at present, it is a question of the Second Reading of a private Bill?—It is all a question of dates, which cannot be altered without suspending the Standing Orders of the House, and I had a case in which it was a very narrow escape of my Bill being lost, and through no fault of the promoters.

1298. You think, then, that there would be an objection, unless some special Committee was appointed by the House to deal with the question of the suspension of the Standing Orders?—I do.

1299. But if that was possible you would agree to it on the whole?—So long as there was an appeal against anything of that kind.

1300. You were going just now, in answer to one of the last questions that I put to you, to say something when I checked you. Would you like to say it now?—You were asking me whether it would not be much better for Parliament or the Committees to get to work earlier, and I said that the recommendations in this report of my Association went to relieving the business of Parliament by beginning, first of all, with a general statute which should embody all those provisions which have become so general through having been adopted by so many Corporations that the time has now come when there should be a general code which should be capable of adoption by any local authority; and

Mr. *Renshaw*—continued.

that, I say, would clear away a good deal of private business so far as it affects Municipal Corporations.

1301. Those are mostly matters which would come within an amendment of the Public Health Act?—Or an alteration of the law. I do not say necessarily an amendment of the Public Health Act, but an alteration of the law. The Municipal Corporations assoeiation brought this subject to the attention of the Local Government Board at a meeting the other day, and the President of the Local Government Board said that he quite agreed that the time had arrived now for a general measure of that kind. He said it had been established that many of the powers of the Bill might with advantage go into a general statute which might be adopted by local authorities.

1302. And in your opinion if such a general statute was passed, and the Public Health Act was brought up to date (it was passed as long ago as 1875), there would be much less need for Corporations to petition for Private Bills?—Certainly. I put it in this way: that you want another adoptive Act on the lines of the Public Health Act, 1890. I say that an Act of that description would save a good deal of Private Bill legislation affecting municipalities and local government.

1303. With regard to the system of procedure under the Scotch Private Bill Procedure Act, to which you referred, you are aware that Bills which are promoted under that Act may take one of two courses: subject to the determination of the two Chairmen they may either be proceeded with as Private Bills, or they may be proceeded with as Provisional Orders?—That is so.

1304. And it is due to that that the expense in regard to notices in connection with the Private Bill Procedure (Scotland) Act continued almost as great as it was under the old method of procedure?—I can quite understand that therefore the recommendation of my Association, if I may be allowed to refer to it, is this: "That the procedure by Private Bill, subject to the modifications suggested in this report, should be followed if the Local Government Board refuse to issue a Provisional Order for the objects sought to be included therein, subject to the notices published and served and the reports made for the proposed Provisional Order as provided by Section 297 of the Public Health Act, 1875, or by Standing Orders being deemed to have been published and served and made for a Private Bill, applying for similar purposes." The Association say, if you get the principle of the Scotch procedure in England, let the procedure in respect of our own Provisional Orders apply to it as being less costly and more workable.

1305. But that would cut out the Joint Committee?—No, it is only the preliminary stages that I refer to.

1306. You would still desire to appeal to a Joint Committee?—Yes.

1307. With regard to the question of a re-hearing, I see on page 4 of your Report, paragraph 5, you express your approval of Section 9 of the Private Bill Procedure (Scotland) Act with regard to a re-hearing?—Yes.

1308. The

Mr. *Renshaw*—continued

1308. The only thing I will put to you upon that is, whether you think that that is a sufficient protection to opponents; whether you do not think that to have to move the House by way of getting a re-hearing is a rather serious thing?—But they are heard before this Joint Committee, and if they do not get what they wish they can, as you say, have an appeal to the House; and I have known that in my own instance to be particularly successful at very little cost to the opponents.

1309. And you think that an appeal to the House and a decision by a majority of the House as to whether there should be a re-hearing or not, is a satisfactory appeal?—Yes, I think so.

Mr. *Worsley-Taylor.*

1310. I will not follow out what you have said about amending the General Act; but assuming that were done, to what class of subjects not now covered by the Provisional Order system would you wish that system extended?—Take the question of streets, buildings, sewers and drains; those are all matters more or less dealt with under the Public Health Act; but if we want to get any new provisions in regard to them we cannot do it under the Provisional Order system because it will not come under the terms of that system.

1311. Then should I be right in putting it in this way: that you may want things which are ancillary to objects which you can obtain by Provisional Order, for which you now must go by Bill?—That is so.

1312. Not that you want to introduce some fresh class of objects entirely?—No, simply to deal with that class of objects which invariably are dealt with in an omnibus Bill, and which you can hardly separate from Public Health provisions.

1313. I think the first definition was right, that they are ancillary?—Yes, I mentioned the word ancillary myself.

1314. Then, as I understand it generally, you are satisfied with the present system of Provisional Order Inquiries?—Yes.

1315. But if I follow you aright, instead of having after a local inquiry two Committees, you would suggest that there should be a Joint Committee?—Yes.

1316. Not to have two inquiries in Parliament?—No, after your local inquiry a Confirmation Bill is introduced. If you have an opponent, then the Bill should be referred to a Joint Committee instead of going to a Committee of each House as now.

1317. So that you would preserve the right to an opponent to appear, first before the local inquiry and then before a Joint Committee?—Yes.

1318. Then I am not quite sure whether I follow recommendation 6 of your Association: is this what you mean? You go to the Local Government Board, say, and apply for a Provisional Order, and they say, No, we refuse to issue one. Do you want, then, the right, as of right, to promote a Bill for that object, upon the notices which you have already given for a Provisional Order?—Yes: because I may be too late to give them for my Private Bill; because the Local Government Board may have refused a Provisional Order on the ground that it is outside their powers.

Mr. *Worsley-Taylor*—continued.

1319. You do not want an appeal from their discretion, you only want an appeal in cases where they say, No, technically this does not come within our powers?—Yes. I am assuming, of course, that we are going to assimilate the Scotch and English procedure; then I say that if the Local Government Board, who would be sitting in place of the Commissioners, so to say, were to refuse that order, I want to be in a position to proceed by Private Bill upon the notices that I have given in accordance with the English system in respect of my Provisional Order, and not upon the detailed procedure which is on the lines of the Scotch Act.

1320. That I follow, but I understand, to get it quite clear, that you do not want an appeal against the discretion of the Local Government Board where they have the power to grant a Provisional Order, but only where they say, We have not the power?—Yes.

1321. You desire to save a double procedure, that is all: the expense of notices, and waiting?—Yes.

1322. Now, supposing you proceed by Bill, do you then suggest that that Bill should go to a Joint Committee, or that you should follow the present procedure?—If you ask me I should say go to a Joint Committee. In the case I put of a Private Bill, the question whether it should go to a Joint Committee or to separate committees is not quite the matter, I think, that is dealt with in this report.

1323. I have passed away from that; I was asking you the question, and you referred in your answer to paragraph 7. I am now taking the case where you proceed either *ab initio*, or as the result of the procedure suggested, under paragraph 6, where the Local Government Board say: "You cannot get the thing by Provisional Order." And so you proceed by Bill. Do you suggest in that case that that Bill should go to a Joint Committee?—I personally should suggest it; but I am not giving the opinion of the Association on that point.

1324. But what is the opinion of the Association?—The opinion of the Association is that if you are going on the Provisional Order system as adapted to the Scotch system, then you must not have three inquiries; therefore, after the introduction of the Provisional Order Bill into Parliament it shall go to a Joint Committee. If, on the other hand, you are promoting a Bill which has not been before a local inquiry, then, I say, they do not make any recommendation upon that.

1325. So that they make no recommendation in favour of a Joint Committee when you proceed by Bill originally?—I find nothing about that in this report.

1326. Now, you draw a distinction between what the association say and what you yourself say. What is your own opinion?—My own opinion is that whether you proceed in the first instance by private Bill, or whether you proceed by Provisional Order, a Joint Committee is preferable.

1327. Why, when you proceed by Provisional Order

Mr. *Worsley-Taylor*—continued.

Order, and concede the right to an opponent to appear at the local inquiry and as of right before a Joint Committee, do you say that he is to be heard only once in the case of a Bill, the Bill presumably dealing with a larger matter than the Provisional Order?—Because if we were proceeding by Bill he would have two opportunities of being heard.

1328. Where?—In this House and in the Upper House.

1329. Do you desire to preserve that right to him?—You are asking me why I want to deny him a right. I do not think I am denying him a right. At the present time an opponent can be heard twice—that is to say before a Committee of this House and before a Committee of the House of Lords, if you proceed by Bill. If you are going to proceed by Provisional Order, I say, still, give him two hearings; give him a local hearing and give him a hearing before a Joint Committee. If you are going to say that he shall have a local hearing and then when you get up here he shall have two Committees——

1330. I have passed away from that; I am dealing with the case where you proceed by Bill. Do you suggest that he should have only one hearing where you proceed by Bill, and that hearing before a Joint Committee, or would you reserve to him a right of appeal?—If you are going to have a Joint Committee I do not think a right of appeal is unreasonable. I see your point now; I am afraid I did not gather it before. I am taking it away from him in the way you suggest.

1331. How do you justify that? What I put to you is this: Presumably a Provisional Order deals with a matter that is not so important as when you are proceeding by Bill. Why, when you preserve to him as of right two hearings in the less important matter, do you deny him one hearing on the more important matter?—On the less important matter the law gives it him.

1332. But we are dealing with a proposed modification of the law?—Then on the proposed modification my view is this: That I do see that there is an injustice in the way you put it, and perhaps I may be allowed to modify my opinion to this extent,—that I agree that he shall have two hearings.

1333. As of right?—As of right,—whether it is by Provisional Order or by private Bill. But I object to three hearings.

1334. We have passed away from that. Have you had experience yourself of opposed Provisional Order Local Inquiries?—I have. I may say that I generally conduct those local inquiries personally, and I have had a good deal of opposition.

1335. Could you contrast from your personal experience in opposed matters, which presumably would be the more important and the more difficult ones, the relative cost of a local inquiry and an inquiry here?—The local inquiries at which we have had opposition have not been of great magnitude, so that I could not make the comparison.

1336. Would you agree with the suggestion that we have had, that it is desirable, in the interests both of the promoters and opponents, that the Court of Referees should sit earlier, so that there should be as long an interval as possible between the determination of the *locus standi* and the sitting of the Committee?—Yes, I do agree.

1337. Would you also agree in the suggestion which has been made, that the Court of Referees should have some power of awarding costs?—Yes, I do.

1338. With regard to discussions in the House of Private Bill matters, in your view would your Association be satisfied with discussion only by leave of some body appointed by the House to decide that matter?—That has not been before them; but I personally agree with that suggestion.

Tuesday, 22nd July 1902.

MEMBERS PRESENT:

Mr. Hobhouse.
Mr. Jeffreys.
Mr. Brynmor Jones.
Mr. Renshaw.
Mr. Worsley-Taylor.

THE RIGHT HONOURABLE A. F. JEFFREYS IN THE CHAIR.

Mr. JAMES PARKER SMITH (a Member of the House), Examined.

Chairman.

1339. You are a Member of this House, and acting Chairman of the Court of Referees, I believe?—Yes. In the absence of the Chairman of Ways and Means, I take the Chair at the Court of Referees.

1340. And I think I may take it that you generally take the Chair?—For some years I have generally taken the Chair.

1341. You have been on the Court of Referees for some years now?—Yes, about 10 years.

1342. Would you tell us something with regard to the Private business which comes before you. First of all, how is the Court of Referees constituted?—The Standing Orders do not exactly describe the constitution of the Court of Referees.

1343. Does not Standing Order 87 provide for that?—Yes, but that does not describe the present practice. Standing Order 87 says: "The Chairman of Ways and Means, with not less than three other persons, who shall be appointed by Mr. Speaker for such period as he shall think fit, shall be Referees of the House on Private Bills, such Referees to form one or more Courts." The practice ever since I have been in the House has been for the Speaker to appoint a great many more than three, who are all Members, except one Official Referee and the Speaker's Counsel. At the present moment there are as Referees the Chairman of Ways and Means, seven other Members of the House, the Speaker's Counsel, and Mr. Bonham-Carter.

1344. According to the Standing Order none of these gentlemen need necessarily be Members of the House?—According to the Standing Order none of them need necessarily be Members of the House.

1345. Do you think that that Standing Order ought to be altered to say that at least three, or whatever number you like, shall be Members of the House?—I think so. I think the great majority ought to be Members of the House. I think it is useful to have as a member of the court Mr Speaker's Counsel, who is well acquainted with all the technicalities; but I think that the great majority of the court should certainly be Members of this House.

1346. And, therefore, the Standing Order wants altering to that effect?—The Standing Order wants altering so as to bring it into accordance with what has been the actual practice of the House for a good many years past.

Chairman—continued.

1347. Do these other two gentlemen who sit on it, Mr. Bonham-Carter and Sir Chandos Leigh, the Speaker's Counsel, have votes on the court?—Yes.

1348. They are not there merely for the purpose of giving you advice, but they sit as an integral part of the court?—Certainly; they sit as part of the quorum of the court; they make up the quorum; not infrequently we are divided in opinion and then they vote, certainly.

1349. Who appoints them?—The Speaker, acting strictly under the letter of Standing Order 87, "Not less than three other persons, who shall be appointed by Mr. Speaker;" they are appointed by the Speaker, and they are Referees at the Court of Referees in exactly the same sense as Members are.

1350. What is the object of your court; what is the business you do?—The object of our court is to relieve Committees of this House of the burden of petitions either from people who have not a sufficient interest to entitle them, according to the practice of the House, to be heard, or from persons whose interest is sufficiently covered by other people. For example, we should disallow the petition of individual shareholders of a company, except under certain conditions in regard to the Wharncliffe meeting, or of individual ratepayers, thinking that their interests were properly covered by the petition of the company or by the petition of the local authority.

1351. And by that means you occasionally, of course, prevent parties going before Committees, and thus wasting time, who have no *locus standi*?—Certainly.

1352. And do you find in your experience that you throw out many of these petitions?—I have not counted, but I should say at a guess that we throw out half the petitioners that come before us. Last session we had between 60 and 70 petitions to decide upon. I could count them and tell you, because all the cases are reported in this book.

1353. What is that book?—This is the reports of the Court of Referees which are published.

1354. Which are presented to the House?—Not presented to the House, but published like other law reports are as a private venture. It

Chairman—continued.

would be easy to count them, but speaking at a guess I should say that in about half the cases we disallow the *locus*.

1355. Therefore, in your opinion, the Court of Referees does very good work in saving the time of the House?—I think it saves the time of the House.

1356. Occasionally, I suppose, you are obliged to throw out petitioners to whom the House might possibly have given a right if you were not tied down by Standing Orders?—That occasionally happens; I do not think very often. I would very much rather give a man a *locus*, and hear afterwards that the Committee had done nothing for him, than throw out the petition on some technical ground where I felt it was really a hard case. On the whole I think the Standing Orders, as we administer them, do not result in many hard cases, but there are instances which come before us where there are hard cases, and in regard to those I should like to see the Standing Orders revised.

1357. Which Standing Orders would you like to see revised in that way?—The Standing Orders that we work under are from 130 onwards. Those Standing Orders have been made from time to time, usually *pro re nata* some case of hardship has occurred and the House has met it by one of the Standing Orders. Consequently they are drawn up in varying terms, and they do not cover all the cases that come forward. On the other hand, in some cases I think they give too absolute power to Public authorities to be heard, where it would be better to give to the Referees a discretionary power of granting a *locus*. One of the hardest cases which we have had to deal with lately was the case of underground water; there for a long time we were held bound not to give a *locus* where new wells were put down, which in all probability would abstract the underground water to the very serious damage of the landowner, unless he could show that he had a legal right,—a right which would be accepted in a court at law. That case was met and a new Standing Order was passed last year under which we have full discretion, if we think the man would be injuriously affected, to give him a *locus* in a case of that kind.

1358. But to enable you to do that the Standing Order had to be altered?—To enable us to do that, the Standing Order was altered. There are other cases of the same kind where a man is injuriously affected by something that a company comes and asks power to do, where no legal right of his is touched, and where therefore we are not able to give him a *locus*. I have known various hard cases of that kind, and I think the Court of Referees ought to have a discretion in such a case, though no legal right is touched, if they are satisfied that substantial injury will be done to the man, to allow him to come and be heard before a Committee. I think when people come asking Parliament for special powers to do a special thing, Parliament ought to watch that in giving the special powers injury is not done to a neighbour, even though the owner of the land, if he did not require to come and ask for special powers, could do the thing without being liable in compensation.

1359. Can you tell us how you would suggest

Chairman—continued.

to alter the Standing Orders; have you thought of that in detail—Standing Orders 133 to 135?—I have not got a draft.

1360. If you have not thought it out, perhaps you would sooner not state any alterations that you suggest?—I have not got a draft. There are one or two other hard cases that I might mention. For example there is one that is coming forward, that is going to be raised to-night, that is the case of bicyclists. Under Standing Order 133a: "Where a chamber of commerce or agriculture or other similar body sufficiently representing a particular trade or business in any district to which any Railway Bill relates, petition against the Bill," then we have a discretion to admit them. In several cases lately the Cyclists Touring Club and other cyclists associations have sought to be heard in regard to rates to be charged on bicycles by railway companies, and other matters affecting the interests of bicyclists. We were not able to bring them in under any of the Standing Orders, but I think that, representing so large a pursuit and being so definitely interested, bicyclists ought to be heard, in just the same way that a Chamber of Commerce or Agriculture ought to be heard.

1361. You would like to insert bicyclists?—Yes, I would like to insert in Standing Order 133a, words that would cover other similar associations in regard to interests which are not a trade or business. Again in regard to Tramway Bills, by Standing Order 135: "The owner, lessee or occupier of any house, shop or warehouse in any street through which it is proposed to construct any tramway," is absolutely entitled to be heard. The question always comes up, what is a street and what is a road? A frontager, it appears to me, who is in a road and not in a street, may be just as much damaged and has the same right to be heard as a frontager in a street.

1362. What is the difference between a street and a road?—That is a pretty elaborate legal question.

1363. You do not find that in your Court of Referees?—It has been often argued before us at great length.

1364. There are certain alterations, rather small alterations of that kind, which would allow these different parties to come before you?—There are small alterations of that kind. And also I think, from a drafting point of view the whole of the Standing Orders dealing with the subject ought to be gone through.

1365. Do you wish to refer to any other Standing Order on that point?—No; I think no other Standing Order on that point.

1366. Now with regard to earlier sittings, so as to get Bills before Committees, have you any evidence to offer on that head?—The Court of Referees would sit, and would prefer to sit as early as may be. The difficulty about earlier sitting does not lie with the Court of Referees, but lies with the promoters and petitioners. It is not a matter on which I could speak.

1367. You would not like to say anything about the advisability of depositing the Bills earlier?—No.

1368. But, at any rate, the earlier they come to-

Chairman—continued.

to you the better. You Court Referees can sit at any time?—We can sit at any time, and the earlier the better. Most of us would be pleased. I see that it has been suggested that the Court might sit before second reading. I think there would be an evil in that, because, if we sat before second reading and disallowed a *locus*, it would have a tendency to make the Petitioner raise the question on the floor of the House on second reading. I do not mean to say that that is a fatal objection, but it would be an objection.

1369. It would not save time in any way?—No, it might lead to the time of the House being wasted.

1370. With regard to debates on second readings or third readings, have you any evidence to offer on that head?—I have an opinion to offer.

1371. Will you kindly favour us with it?—It is that the Court of Referees might very properly be given the duty of deciding whether a debate was to be allowed either on the second reading or on the third reading.

1372. Do you mean your Court as at present constituted?—Roughly as at present constituted.

1373. You would not add some more Members to it in order to strengthen it if you gave it those very responsible powers?—What I would wish to do in the way of strengthening it is, to put upon the Deputy Chairman of Ways and Means more definite duties than he has at present. I think the Chairman of Ways and Means has much too heavy duties in regard to Private Bills. It is his duty by Standing Order 80 to examine "all Private Bills whether opposed or unopposed," and not only the unopposed Bills, but also the unopposed portions of opposed Bills require particular attention. I should like to take away from him part of his duties on Private Bills, and to put them on to the Deputy Chairman of Ways and Means, and make the Deputy Chairman a paid official of the House, so that the House should have a claim on his full energies. Then I should make him Chairman of the Court of Referees. It might be advisable to put on one or two more Members. At present there are seven Members; I think seven would be enough, but I should have no objection to putting more on if seven were not enough.

1374. And you think that they would undertake the responsible duty of saying whether a Bill ought to be discussed on second reading or not?—It has often been desired that the Chairman of Committees should undertake that duty. The Chairman of Committees has expressed his opinion against it, and I think rightly. I do not think it would do for an individual to take that duty, but it seems to me that an impersonal Committee, if tolerably strong, could rightly and properly undertake that duty. It would be a partial step in the direction of devolution; and seeing how ready the House is to have confidence in the decisions of its Committees I believe that if you had a strong Committee deciding these questions the House would be satisfied. Of course, at present these matters come in an informal way before the Chairman of Committees, and though he has no power of stopping debate his influence is often enough to do so.

1375. But with regard to that, would you not allow a debate either on second or third reading without the permission of this Court of Referees?—No, I would say that there must be a *prima facie* case that some question of principle was involved, that it was not a question simply for a Committee to decide, to be established before the Court of Referees; and just as I have said, that the Court of Referees would rather send a man to a Committee and then find that he got nothing, than shut him out when he had a chance of something, I should not be afraid that the Court would unduly prevent debates where really substantial questions were involved.

1376. Then you would lay it down in the new Standing Order that where any question of principle was concerned then the Court of Referees should be obliged to allow a debate in the House?—Yes.

1377. Let me ask you a question now with regard to your Court of Referees, and the Committee on unopposed Bills; do you think that in any way those two Committees, or the Court of Referees and the Committee, could be combined: is it necessary to have two different tribunals?—The idea is rather a tempting one, but on thinking it over I do not see what you would gain by doing so. The functions of the two tribunals are quite different. If, according to my suggestion, the Deputy Chairman of Ways and Means were an official of the House, I should make him *ex officio* the Chairman of both Committees, and should expect him to give full attention to Private Bills.

1378. Would you make him the Chairman of the Committee on unopposed Bills as well?—Yes, and I should expect him to give full attention to Private Bills.

1379. Then you mean to say that the Chairman of Ways and Means should only take the work in the House?—The Chairman would have very little beyond the work in the House. However, that would be a matter of division between the two, of course. I would make either the Chairman or the Deputy Chairman of Ways and Means Chairman of the Unopposed Bills Committee.

1380. But that is so now, is it not; the Chairman or Deputy Chairman of Ways and Means always takes the chair on unopposed Bills?—Not always. The Deputy Chairman can, of course, take any function of the Chairman, I understand.

1381. As a matter of fact they always do, do they not?—Usually, certainly; but I would expect whoever did take the chair to give full attention to private Bills.

1382. You would oblige either one or the other to take the chair?—Yes; but with regard to combining the two tribunals as a whole, I do not see that much would be gained. The work of the two would be different. It seems to me that the work of the Court of Referees, especially if you should add to it the additional duty that I suggested, would be about enough for the ordinary member who wants to take a part in the work of the House and the work of Grand Committees, and that for unopposed Bills you might very properly get a smaller number of Members who might, or might not

Chairman—continued.

but probably would not, be the same individuals as the Court of Referees.

1383. With regard to these unopposed Bills, the Committes generally are composed of the Chairman or Deputy Chairman and one other Member and the Speaker's Counsel, are they not?—Yes.

1384. Do you think that is a good Committee?—I do not think it is strong enough.

1385. As a matter of fact does the third Member usually come, in your experience; that is to say, the Chairman or Deputy Chairman is generally there, and the counsel for the Speaker but does the other Member generally attend?—The other member may be either the minister in charge of the Provisional Order, or he may be one of the Members whose names are on the back of the Bill, or he may be an independent Member with no interest in the affair locally. If he is locally or otherwise interested, then, though he may attend and take part in the proceedings of the Committee, by Standing Order 139 he is not allowed to vote on any question that may arise. It is very seldom that the minister attends; it is not often that a Member whose name is on the back of the Bill attends, and the other Member who is chosen has usually been, for a good many years, myself. On the circular that comes this appears on the face of it: "It may be perhaps convenient to you to add that your attendance on the Committee is optional." The result of that is that when I am a Member I usually attend, but I do not feel bound to do so unless I have previously heard that some point of special interest is about to arise. The Member who is added cannot read the Bills; it would be impossible to do so.

1386. Have you generally attended these Committees?—I have usually attended these Committees.

1387. Therefore you have had experience of the working of the Committees?—Yes.

1388. And do you suggest any other alterations. Who does the principal work of these unopposed Bill Committees, may I ask?—The duty of the Speaker's Counsel is to have read the Bills previously, and to raise any points that may arise, either upon the Bills, or upon the reports from the Government offices before the Committee. The Chairman of Committees is responsible for the Bills altogether, and so far as possible he looks into the Bills previously; but, of course, his public work often makes it impossible for him, especially in the latter part of the Session, to go through the work. The consequence is that the Speaker's Counsel brings before the Chairman and myself, when we are there, the points which are raised, either from his own perusal of the Bills, or from any of the Government Reports which have not been settled with, and then the Committee decides upon those points.

1389. Is the Speaker's Counsel a Member of this Committee?—The Speaker's Counsel is a Member of the Committee.

1390. And is that, in your opinion, a satisfactory arrangement?—No, I do not think it is.

1391. What would you advise?—I should advise that the Speaker's Counsel was a kind of devil's advocate not sitting upon the Committee.

Chairman—continued.

I should advise that the Committee should be strengthened; that it should consist of either the Chairman or Deputy Chairman of Ways and Means, along with, say, four other Members, and a quorum of three; that the Speaker's Counsel should appear, practically, as a devil's advocate, to point out all the faults he could find in the Bills. I do not think it is satisfactory that he should be an actual Member of the Committee, for several reasons. I think he is wanted as an advocate to point out the difficulties before us. I also think that where difficulties arise between the promoters and a Government Department, the Home Office or the Local Government Board, and the Committee have to decide between the two, that is a decision that ought to be made by Members of this House responsible to the House, and able to justify themselves if the question should be raised in the House, and not by officials. I also think that it would be a great convenience to have the Speaker's Counsel outside the Committee in the case that is contemplated by the Standing Orders, where the Chairman of Committees, under Standing Order 83, is of opinion that any unopposed private Bill should be treated as an opposed private Bill. At present it is no use saying that because there is nobody in such a case to oppose it. That, of course, arises in cases in which there are some general interests involved but no particular individual who is sufficiently concerned to petition against the Bill. The Speaker's Counsel would be the proper person to represent the general interest in a case of that sort.

1392. And you would make that one of the Speaker's Counsel's duties then?—I should make it one of the Speaker's Counsel's duties.

1393. Now, with regard to the reports of the various Government Departments on unopposed Bills, have you anything to say?—I think they are an extremely satisfactory way of bringing before the Unopposed Bills Committee's questions of general interest and general importance which an individual is not concerned to come forward to oppose. I think they are most valuable. At the same time I think that it is important that you should have dealing with them a Committee strong enough to hold the balance between the Government Department and the promoters, and on occasion to decide against the Government Department.

1394. But that is the case now, is it not?—Certainly.

1395. The Committee does not always adopt the Report of the Government Department?—No.

1396. But you think a stronger Committee or a larger Committee would be able to do it more satisfactorily. Is that it?—I do not say that the present Committees do not do it quite sufficiently, but I think it is a matter to be kept in view in regard to these Reports.

1397. May I ask you if you can give an opinion with regard to this point. At the present time the local authorities consent is required before the Committee stage of a Bill with regard to tramways going through the local authorities districts,—by Standing Order 22. Do you think that it would be advisable and would it save time if a fixed date were named (say the 15th day

Chairman—continued.

day of December, immediately preceding the application), by which the consent had to be obtained of the local authority for the Bill to go forward?—You mean keeping the veto; you are not going into the question whether the veto should be kept in the hands of the local authorities.

1398. No; but it rather hangs up a Bill having this consent of the local authority in suspense until after the second reading?—I should say that that was a question for agents and those who have the conduct of the negotiations.

1399. You would not care to express an opinion upon it?—I would not.

1400. Is there anything else you would like to say with regard to the Standing Orders?—No, I think you have covered pretty well all the points that I wish to raise.

Mr. *Hobhouse.*

1401. With regard to the treatment of unopposed Bills, it has been suggested to us that petitions against Bills might in future take the form of petitions to Parliament rather than of petitions to the individual House to which the Bill had been referreed, and in that case that Bills against which there were no petitions might be dealt with once for all by a Joint Committee of both Houses, which might be made a stronger Committee than the present Unopposed Bills Committee. Do you see any objection to that?—No, I do not. Hitherto the work upon these unopposed Bills has been to a very great extent done in the House of Lords, where the Chairman of Committees and his counsel have been men of great ability and with plenty of leisure, and in consequence the critical work in regard to unopposed Bills has to a very great extent been done by them. It is of great importance that the two Houses should be in agreement upon questions of unopposed Bills, and I see no reason at all why it should not be a Joint Committee that should deal with unopposed Bills. The difficulties about a Joint Committee dealing with opposed Bills do not, of course, arise with regard to unopposed Bills.

1402. In that case the chair of the Unopposed Bill Committee might be taken either by the Chairman in the House of Lords or by one of the Chairmen of this House?—Yes.

1403. That would tend to relieve both officials?—Yes.

1404. In that case what constitution do you think would be the best for the Committee—two Members of each House?—I should say, yes. Supposing you had the two Chairmen and two Members of each House, I should say that would be a quite strong enough Committee.

1405. Do you consider that the Government Departments report on all the questions that it is desirable that they should report upon; do they cover the whole ground of Private Bill legislation?—No, I do not think they do. I think that, besides the Government Departments, it is very important that the Speaker's Counsel, at any rate, if not also the Chairman, should go through the Bills and should examine into matters that do not directly come within the

Mr. *Hobhouse*—continued.

scope of the report of any Government Department.

1406. But would you enlarge the duties of Government Departments with respect to reporting on Bills?—No, I do not think so. I think they report upon all matters which are within their sphere, and I do not know that I would ask them to go outside what they consider their sphere. They are perfectly free to report upon anything that appears to them worthy of notice.

1407. I will put this case to you. It was brought to my notice this year on an opposed Bill that there was no Government Department whose duty it was to report upon questions of electric power, where it did not involve an actual railway or tramway. Do not you think that is a case which should be covered by the Standing Orders?—I think that is a case where you might have a report from the Board of Trade.

1408. But you have no other suggestion to make on that particular question?—No, except that in regard to Scotch Bills, I think there might be a Report from the Scotch Office upon points which in an English Bill would be covered by the Home Office or Local Government Board.

1409. The duties of the Scotch Office are not coterminous with those of the English Departments?—No.

1410. Under the concluding words of Standing Order 107, what kind of Bills do you think ought to be reported as worthy of consideration as opposed Bills; could you give us any instance; you suggested just now that the Speaker's Counsel should appear in opposition to such Bills?—What I had in my mind was, financial Bills, where a company is asking for something to be done financially which is not an injury to any individual, but may be contrary to good and sound finance.

1411. Or to public policy?—Or to public policy.

1412. Would this be such a case, which came before an Opposed Bill Committee on which I sat last year; a company sought a power of putting a tax on every passenger that landed at a particular port, and no opposition was raised to it?—If there was no opposition, I should say it was certainly the kind of case; but if you wanted to make an opposed Bill there naturally must be someone to oppose it. That is what I suggest the Speaker's Counsel should do.

1413. I suppose at present there may be a Special Report made to the House on such a case, but no one may take any notice of it?—That is so; a Special Report may be made to the House, but these Special Reports are not very much read, and no one may consider it his business to take the matter up.

1414. Now with regard to the Court of Referees, do you ever leave questions of *locus standi* to be decided by the Opposed Bills Committees?—No, we decide the question of *locus standi*. Of course, when the petitions go to the Committee it is quite possible the Committee may think that they do not deserve anything, but that would be throwing them out on the merits. We decide the question of their right to appear.

1415. The other day it was left to a Committee

Mr. *Hobhouse*—continued.

mittee over which I presided to determine who were to be admitted as frontagers against a particular Bill. Is that in accordance with your usual practice?—That was a question of fact. We decided that the frontagers under particular conditions had a *locus*, but we were not in a position to go into the whole evidence of who was a frontager.

1416. And that is really leaving the Committee to decide as to the *locus* of particular individuals?—Yes, that determines the class and leaves the individuals to be decided by the Committee.

1417. And that is in accordance with your usual practice on the question of frontagers, is it?—Yes.

1418. You do not think that the practice of the Court of Referees could be carried further in that matter so as to relieve Committees of the necessity of deciding these questions of Standing Orders?—The question, of course, of whether A, B, or C, should remain on the list, might have been argued out before the Court of Referees, but the court held that to give a general decision that people who conformed to certain conditions were entitled to a *locus*. leaving the parties to determine, if necessary, before the Committee which of the individual names conformed to that condition, was probably the course that would most facilitate business.

1419. That means, does it not, that all these cases are fought out before the Committee?—No; because it probably meant that a large number of them were decided by the parties without coming to you, and that only the few doubtful ones were left to be discussed before the Committee.

1420. You have suggested some alterations of Standing Orders 133 to 135. Your first suggestion was something of this kind, I think: That any private individual who was injured in any way by the proposals of a Bill, should have the right of claiming a *locus* and that the Court of Referees should have the full power and discretion to give him such a *locus*. Was that the nature of your proposal?—That was the nature of it. You are putting it rather widely.

1421. Would it not require to be limited in some way?—You put it rather more widely than I did.

1422. Then how would you limit it?—I would make it clear that a serious infringement would be the result of the Bill. I would require the petitioner to make clear to us that it was a real hardship that was likely to be inflicted on them.

1423. Do you think such words as "serious injury" should be put in the Standing Order?—Yes.

1424. That where he could prove that, even if it was indirect injury, he should have a *locus*?—I think there are many cases where he should have a *locus*.

1425. Then with regard to bicyclists, would you suggest that standing Orders 133a should be amended in some way of this kind, adding after "particular trade or business," "or occupation"?—Yes; or rather the words I suggest after "business" would be "or other interest or pursuit."

Mr. *Hobhouse*—continued.

1426. And with regard to the tramway question, Standing Order 135, I understood your suggestion there was to enlarge the term "street"?—Yes.

1427. It is not to enlarge the class who might petition so much; I mean you would not extend that Standing Order so as to give a *locus standi* to people who were not frontagers in any sense, would you?—Of course the question arises, what is a frontager, how far back is your house to stand from the road to leave you a frontager.

1428. But your suggestion is that that Standing Order should be enlarged as respects the the definition of "street"?—Yes.

1429. That a wider term such as "road" should be used?—Yes.

1430. Your suggestion does not go further than that?—My suggestion does not go further than that. That is a special case of hardship that has come before us. You might also enlarge the term so as to cover the case of an estate where a tramway runs for a mile alongside and across the opening of the avenue; but the other, the question of the road is the case that has several times made a case of hardship before us.

1431. Do you think that these Standing Orders are satisfactory as regards the rights of local authorities to petition?—On the whole I think they are, except that I think it is unnecessary to make an Order like 134*a* mandatory. I think that the same discretion which is to be found in 134 or 134*b* would be sufficient in regard to 134*a*.

1431*. You would prefer that the Court of Referees should have more discretion in these matters?—I would.

Mr. *Brynmor Jones.*

1432. Just following what Mr. Hobhouse has asked you, I should like to call your attention to Standing Order 134*a*. That is a mandatory Standing Order in regard to *locus standi*, is it not?—Yes.

1433. Are you of opinion that is a wise Standing Order?—No. I have just said that I think discretion in that, as in the other similar Standing Orders, would be better than the mandate.

1434. That applies also to 134*c* in the case of County Councils?—That applies also to 134*c*.

Mr. *Worsley-Taylor.*

1435. Would you agree that in order to save expense to the parties, it is very desirable that the Court of Referees should sit as early as possible?—Certainly,

1436. And the only point you suggest for consideration is, that if the sitting were before the second reading and a *locus* were refused, there might be discussion in the House. I do not know what your view is of the relative importance—which you prefer to risk,—a discussion or the possibility of causing extra expense by not sitting earlier?—I think I should be ready to risk the discussion. I put it forward as an objection, but not a vital one.

1437. It would be a minor evil in your opinion?—I think it would be a minor evil, and, of course, if the suggestion I made of giving the

Court

Mr. *Worsley-Taylor*—continued.

Court of Referees a discretion in the matter were adopted, it would be very much reduced.

1438. And I suppose, if any discussion in the House took place only by leave of some body appointed by the House, that objection would be lessened?—Yes.

1439. With regard to the constitution of the Court,—I followed what you said; have you considered the question of the quorum at all of the Court of Referees?—The quorum at present is three.

1440. Would you maintain that. I understand your view to be that the Speakers Counsel and the Referee should be there only as advising the court and not as voting?—At present they are there as voting.

1441. Yes?—On the Court of Referees, I have not the same objection to their being there that I have to the Speaker's Counsel being on the Unopposed Bills Committees. In regard to the Court of Referees, generally there are five or six sitting, and whether a couple of them are members who are not members of the House does not so much matter. They are both valuable members of the Court, but if I was constituting the thing again I certainly would not put the Referee upon the Court; and in regard to the Speaker's Counsel I should consider the question as pretty evenly balanced whether it was more convenient to have him there with a vote or to have him there as an assessor and to make suggestions with the greater technical knowledge that he naturally possesses than as a Member of the Court.

1442. Have you formed a definite view which would be the better?—I should prefer on the whole not to have him as a member of the Court.

1443. So that you would have the Court *qua* Court, so far as it has the power of voting, to be constituted entirely of Members of the House?—Yes.

1444. With the Speaker's Counsel and the Referee as assessors?—Yes.

1445. That being so, would you still maintain a quorum of three. Perhaps I may ask you another question before you answer that. What do you say to the proposal that has been made, that the Court of Referees should have a somewhat analogous power to that which Committees have over costs, that is to say, to grant costs in the case of a frivolous *locus standi* claim or frivolous objections to a *locus*?—I do not attach much importance to that power; I think we should very seldom exercise it. I should be very sorry to discourage petitioners coming forward, because often these petitions, some of which we have to disallow, are from outside individuals, and as regards big bodies the rival railway companies or anything of that sort sometimes the petitions are unreasonable, but very seldom I think of a degree of unreasonableness that I should wish to furnish with costs.

1446. But supposing that you did come to the conclusion that either a petition or an objection to a petitioner was distinctly and clearly (to use the words of the Existing Costs Act) "unreasonable or vexatious," what would you say to

Mr. *Worsley-Taylor*—continued.

the Court of Referees having the power in their hands, to use if they thought fit, to award costs?—I have no objection to their having that power. All I say is that I think in looking back on our practice we should very seldom use it.

1447. Would that question in your view have any bearing upon the number of the Court and the quorum?—Yes, I think three is too small a quorum for important cases that come before us. We usually have five or six sitting, and I should certainly prefer to have five as a quorum.

1448. You have made one or two suggestions for an alteration of the Standing Orders. I understand your view to be, if I rightly follow you, that in these cases there is new legislation sought presumably for the benefit of some person or body, and your view is that if the Referees are satisfied that there is a substantial interest which may be materially affected by that legislation, some person ought to be heard in defence of it?—Quite so.

1449. You put, for instance, as a concrete case, the case of bicyclists, which you say you would like to let in?—Yes.

1450. Supposing that Standing Order 133b were altered in this way: "Where a Chamber of Agriculture, Commerce, or Shipping, or an Association" (leaving out "a Mining or Miners") "sufficiently representing the agriculture trade, mining, commerce, or traffic," I take it that there bicycles would constitute a traffic?—Bicycles no doubt would constitute a traffic.

1451. Then some words such as that might meet the case?—Some words such as that would meet the case.

1452. That would express your idea?—It would.

1453. You have called attention to the different terms of the different Standing Orders, some being mandatory and some permissive; I will not follow that out, but I wanted to ask you about Standing Order 135, that is as to tramways. I understood that you had in your view a difficulty with regard to the word "street," which you have explained, and you referred to the difficulty that there might be property which might be affected, although it was not in a street or a road. You referred to property standing back. Is not the difficulty in the Standing Order that is governed by the word "in,"—"in any street; in the particular street," that is, fronting upon the particular street through which the tramway is to pass?—That again is a difficulty.

1454. And you have given two instances: one is property standing back from a street; and the other a street crossing a street, which is an access to property; you gave the case of an avenue, it might be a mile long, possibly, dependent upon the street through which the tramway runs for its access?—Yes, that was the other case.

1455. Would some such words as these meet your view that of what a frontager should be: "The owner, lessee, or occupier of any house, shop, or warehouse in or materially dependent for access on any street or road"?—Yes, that kind of words would meet the other cases.

1456. Now would you look at the end of the last line but one in the large paper copy of these

Mr. *Worsley-Taylor*—continued.

these Standing Orders, after the words, "or in the conduct of his trade or business shall be entitled to be heard on such allegations." Now those allegations are, that the use of the tramway will injuriously affect him in the use or enjoyment of his premises. Do you observe that those words "on such allegations" are found as words of limitation of the right of *locus* only in that Standing Order, and that in others, as for instance 133a and 133b, the words are, "on such allegations against the Bill or any part thereof." Do you see any reason for that limitation in that particular Standing Order?—I should say that the words "on such allegations" had no meaning. If they had a meaning I think it would be wrong.

1457. Do you know that the effect of that limitation is very seriously to curtail the rights of petitioners to go into the merits of a Bill when they get before Committee?—I think when they get before Committee they should be entitled to be heard in just the same way as the man who gets his *locus* under one of the other Standing Orders.

1458. So that you see no reason why there should be a less *locus* in that case than in the other?—Certainly not.

1459. So that those words might be expanded into "on such allegations against the Bill or any part thereof"?—Or rather I would say, in the phrase that we usually use, it would require to be "on so much of the Preamble as relates thereto."

1460. No doubt, but in all the others you see those are the words. Take 133a, or 133b is the first one I have marked: "It shall be competent to the Referees on Private Bills, if they think fit, to admit the petitioners to be heard on such allegations against the Bill, or any part thereof." Of course, this is all subject to the remarks that you have made already as to the difference, some being mandatory and some permissive, because here, undoubtedly, this is mandatory, "shall be entitled," and it might well be that that would require alteration; but subject to the discussion of that question, do you see any reason why the words should not be altered after "allegations" to "against the Bill or any part thereof?"—No, I do not. That is another instance of what I said, that these Standing Orders have been put in from time to time and without any uniformity of draftsmanship, which I think it is of great importance to go through.

Mr. *Brynmor Jones.*

1461. Would you give a *locus standi* to frontagers, as we compendiously call the people under this Standing Order, against the finance of the Bill. We always limit it, do we not?—It would be "against so much of the preamble as relates thereto," in the usual phrase that we follow.

1462. It is not usual to give a general *locus* to a frontager, is it?—It would not be a general *locus.*

Mr. *Worsley-Taylor.*

1463. First of all it would be limited by "on such allegations?"—Yes.

1464. I am going to put to you another question on that. Do you see any reason why there should not be a further power of limitation to the Court of Referees, somewhat in this manner "on such allegations as they may think fit"; so that if the petitioners raised, for instance — to take the illustration which has been put to your larger questions than you thought they ought to do on the face of their petition; it would not follow of necessity that they ought to have a *locus* given them to go into all those points, but you might limit the right to go into certain allegations?—That, I take it, we should do in any case. In the first place, of course, a frontager is limited by the statements in his petition; he cannot go outside the points that he raises in his petition. Supposing he raised objections, not merely to the engineering past his door, and that kind of thing, but to the whole finance of the Bill, then I take we should look into it to see whether for instance, he was doing it merely as a ratepayer, in which case he would be covered and would not be entitled to raise that part; or whether he had any right to object to the scheme as a whole on the ground that the finance was unsatisfactory. We have the power, which we continually in exercise, of either disallowing the *locus* altogether or disallowing the *locus* except in regard to particular clauses, and so much of the preamble as relates thereto.

1465. But I do not think you have the power to limit his *locus* to certain allegations in the petition?—No, we always limit the *locus* by the clauses in the Bill, and not by the allegations in the petition.

1466. And then he may claim the right to be heard on any allegations raised on the face of his petition, assuming only that they refer to the part of the Bill against which you have allowed a *locus*?—Yes.

Mr. *Brynmor Jones.*

1467. Is that quite so. This is a mandatory Standing Order?—Yes.

1468. Our practice in regard to frontagers, I think, has been (you will correct me if I am wrong), that whatever is put in the petition we only give the *locus* to a frontager on the terms of this Standing Order, when he proves himself to be a frontager, and it is limited to the allegation of "injuriously affected in the use or enjoyment of his premises, or in the conduct of his trade or business"; any other allegations are immaterial?—Yes.

Mr. *Worsley-Taylor.*

1469. But then the difficulty arises which I am putting to you, that that *locus* should be extended, that it might be a *locus* against the Bill or any part thereof, and therefore the allegations might be very considerably wider. What I put to you is that, assuming, on the one hand, that the power to make allegations against the Bill were widened, in your view would it be right to give the Court of Referees the power to limit the allegations upon which the petitioners should be heard, in fact?—Of course, the same objection to a mandatory order that I stated in regard to Standing Order 134 applies to this; but I am taking it that you are arguing it as a discretionary Order.

1470 Yes

22 *July* 1902.] Mr. J. P. Smith (a Member of the House). [*Continued.*

Mr. *Worsley-Taylor*—continued.

1470. Yes; I said subject always to that?—Our practice has always been to limit the *locus* we give, not by statements in the petition, but by clauses in the Bill and the parts of the preamble relating to it. What you are asking now is a question not referring to this special Standing Order only, but to all petitions that come before us equally.

1471. That might arise possibly; I have not considered it, I am bound to say, but this is rather a special case, and I am asking you with regard to this; have you considered whether it would be desirable to enlarge the discretion (I put it in that way) of the Court of Referees over this *locus*?—I think there would be difficulty in treating this particular *locus* in that respect, apart from all other *loci*; and I am inclined to prefer as a more definite line of demarcation, which, I think, very seldom leads to difficulty, defining the *locus* which we give by the things the man is to be allowed to object to in the Bill. Then it is for the Committee to say whether they attach weight to particular arguments or whether they do not. I do not think that we can instruct the Committee what arguments they are not to listen to.

1472. Then I leave that question. You have made a suggestion now for what really amounts to a new Standing Order. I think the cases that you had in your mind of hardship where interests are materially affected, but where you cannot give a *locus* under the existing Standing Order would practically all fall under the definition of "injuriously affected?"—I think so.

1473. I will just suggest to you some words to see if they carry out your idea generally?—Before you do that, perhaps I might give an example of a case that came before us the other day when the honourable Member (Mr. Brynmor Jones) and I were sitting on one of the London County Council Bills; that was the case of an electric generating station, and the petitioners were owners of a church on the adjoining land. Clause 35 of the Bill empowered the promoters to acquire land on which they might construct and maintain a station for generating electricity. The petitioners were the owners and the lessees of adjoining land outside the limits of deviation, upon which they had erected a church, and they claimed to be heard against the clause on the ground that the church would be injuriously affected by the excavations for and the erection of the station, and that the noise, vibration, and smoke from the works would cause great inconvenience to persons attending their church, and would render it impossible to conduct services; and they alleged that if the Bill passed they would not obtain adequate compensation under the general law. The promoters objected to the *locus standi* of the petitioners, as the Bill did not confer any powers which would affect their property. The Chairman (that was myself) said, "The Court consider this a hard case, but the *locus standi* must be disallowed."

1474. You mean that was a case in which you thought as a matter of equity and merits there ought to be a *locus*, but according to the existing practice you could not give it?—We thought they would suffer in all probability, but that under existing practice we were not entitled to give them a *locus*.

Mr. *Worsley-Taylor*—continued.

1475. And if it had been open to you, you would have done so?—Yes.

1476. That was a case of injurious affecting?—Yes.

1477. I suggest to you some such words as these: "In any case not specifically provided for by any other Standing Order or by the practice of the Court, where the referees are of opinion that the petitioners sufficiently allege that substantial interests of, or represented by the petitioners, will be materially and injuriously affected by the Bill, it shall be competent to them to admit the petitioners to be heard against the Bill or any part thereof"; and I have added these words for consideration, "and on any such allegations as they may think fit." To those last words your former remarks of course apply, but so far as you can judge of it on the spur of the moment, would that fairly appear *primâ facie* to carry out your view?—That would certainly cover the cases which I have in mind. I should like to consider the question further before giving a final opinion, because I think there is also a danger in putting too wide a discretion into the hands of the Court of Referees, in their ceasing to have any binding rules upon them at all. I should not be prepared to put the Court of Referees into the condition of having an absolute unguided discretion in regard to each case that arose before them. I think it is important that there should be governing principles known and accepted in regard to their action.

1478. That was exactly the difficulty I felt; and that was why I put the words to you, because that undoubtedly would amount to giving them an absolute discretion practically in all cases; and I put it to you to see whether that difficulty would arise in your mind, and if so whether you could suggest any words of limitation?—That difficulty does arise in my mind and it is the difficulty of suggesting words of limitation that has made Parliament deal with cases of hardship in succession as they arose, as it did for instance last year in the case of underground waters. My own feeling would be in favour of a wide discretion which words such as yours would give, but at the same time, I recognise that there are strong arguments against it.

1479. But at the same time, although you see the difficulty, no means of limiting it have occurred to you so far?—No means of limiting have occurred to me so far, because all kinds of different hard cases may arise in different matters, so that you cannot possibly foresee whether your words of limitation will not cut out just as hard cases as those that your Standing Order admits.

1480. That has been the difficulty?—That has been the difficulty.

1481. The Standing Orders, or some of them, contain words of limitation, and they have caused that difficulty which you want to meet?—That is so.

Mr. *Renshaw.*

1482. I think you expressed an opinion just now in regard to a proposal that has been made to the Committee as to the possibility of conjoining the three Committees, the Committee on

Mr. *Renshaw*—continued.

Unopposed Bills, the *Locus Standi* Committee and the Committee on Standing Orders. You are adverse to that view?—I am.

1483. You objected to it, I think, principally on the ground that the occupation already afforded to members on the *Locus Standi* Committee was sufficient occupation?—I think it is nearly sufficient.

1484. Are you aware what amount of work devolves upon the Committee on Standing Orders in reference to compliance with Standing Orders?—No, I am not; I have never had anything to do with that Committee, and I do not know. They deal with technical questions,—appeals from the examiner.

1485. It is obvious that a certain amount of delay in the progress of Bills must occur from the fact of so many Committees sitting, is it not?—I do not see that the number of Committees increases the delay. I do not see that having a single Committee sitting would make the process any quicker.

1486. You would not see any advantage then, if it was not considered possible to unite the whole three Committees, in uniting the *Locus Standi* Committee and the Standing Orders Committee?—No.

1487. Of course strengthening the *Locus Standi* Committee in the way you suggest?—No, because I think they deal with quite a different class of question, and I am not aware that the Standing Orders Committee makes any delay. At the same time if there was any special object in doing it, I think the Court of Referees could undertake the work; but I see no particular gain in interfering with the existing Committee.

1488. You are aware that one of the principal subjects remitted to this Committee to consider is, questions that may arise in consequence of the new rules of Procedure in regard to the Sittings of the House itself?—Yes,

1489. Those rules of Procedure and the consequent earlier hour at which Parliament sits

Mr. *Renshaw*—continued.

will render it more difficult at certain parts of the Session to secure attendance on Private Bill Committees, will it not?—Yes.

1490. And therefore it is desirable to expedite the appointment of these Committees and to establish them at as early a period of the Session as possible?—Yes.

1491. Have you considered the questions which are involved in Standing Order 210: "Every Petition against a Private Bill which shall have been deposited in the Private Bill Office not later than ten clear days after the first reading of such Bill," etc.; do you think that there is any reason for the continuance of that period of ten days after the first reading of the Bill?—There is certainly no reason so far as the Court of Referees or this House is concerned; but the question seems to me one for those who are concerned in preparing the Bills and Petitions.

1492. That is to say, that the Petitioners for the Bill ought to have due and sufficient notice as to the Petitions against the Bill?—Yes.

1493. But if it was found possible to fix a period from the date at which the Petition for the Bill had its origin, by which Petitions against the Bill must be lodged, do not you think that that would facilitate the earlier getting to work of Committees of the House?—Certainly I do. Every step that could put forward, the times of the different stages would undoubtedly facilitate the work. Members have much more time on hand in the earlier part of the Session, acording to my experience, than in the later part.

1494. Are you acquainted at all with the work of the examiners in the House?—No.

1495. Do you see any objection to the Petitions being called for against the Bill before the examiners have decided as to whether or not the Bill complies with Standing Orders?—No, I see no reason why it should wait for that. The full precautions are taken in regard to most Bills.

Mr. Herbert Edward Boyce, called in; and Examined.

Chairman.

1496. You have been a practising solicitor and have had some experience in railway business and are now one of the legal assistants to the Local Government Board?—Yes; my railway experience of course dates from some 30 years ago when I was an articled clerk, and now my post at the Board is that of legal assistant and Parliamentary agent to the Board.

1497. We should like to ask you something about the various Provisional Orders which come before Parliament, and the procedure relating to Provisional Orders?—I might perhaps say shortly that from 1873 to the present time, all the Provisional Orders issued by the Board have practically come under my notice, either as preparing or revising them or as advising upon them. The number that have been issued since 1872 is 2,520. Those have involved the passing of 498 Confirmation Bills; and the number of Provisional Orders submitted to Parliament for confirmation but rejected is only 23 from 1872 to 1902.

Chairman—continued.

1498. Only 23 out of that large number?—Absolutely rejected; that is to say where they have been opposed before a Committee, and thrown out upon their merits.

1499. In a general way the Provisional Orders are not opposed, are they?—I think you may take that generally, so far as my experience is concerned. The opposition is very slight.

Mr. *Hobhouse.*

1500. Are those Provisional Orders or Provisional Order Bills?—I meant the opposition to the Bills. I cannot speak practically as regards the opposition to the Order at the Local Inquiry. That is a matter I only know incidentally.

1501. That was not the point of my question. I want to know whether the number of 23, which you gave us as having been rejected, referred to the Provisional Order Bills as a whole, or to certain Orders in the Bills?—Certain Orders in the Bills.

1502. Not

Chairman.

1502 Not the Bills themselves?—Not the Bills themselves. Then since 1874, I have dealt with all matters relating to Confirmation Bills in conducting them through both Houses of Parliament. That applies not only to the English Local Government Board, but since 1899 I have acted in a similar capacity for the Local Government Board for Ireland. In that capacity I have passed 26 Bills in 1899, 1900, 1901, and 1902, containing 68 Provisional Orders. Those Provisional Orders are on very much the same lines as the English Provisional Orders; the only difference is this, and it is rather a material point, and that is why I mention it, that in Ireland, and I believe in Scotland also, the Irish Local Government Board can issue Provisional Orders for taking water rights compulsorily, which, unfortunately, the English Local Government Board is not able to do.

1503. What are the the English Provisional Orders limited to; can they deal with the compulsory acquisition of land?—They can deal with the compulsory acquisition of land for every purpose of the Public Health Act.

1504. Only for the purposes of the Public Health Act?—And under the Allotments Act they can; but that is I think almost superseded by the Local Government Act, 1894, and those Orders for compulsory purchase of land under the Local Government Act, 1894, do not require Parliamentary confirmation. I think I am right in saying that our powers are confined to compulsory purchase under the Public Health Act, the Local Government Act, the Contagious Diseases (Animals) Act, 1878, the Housing of Working Classes Act, 1890, and the London Government Act, 1899.

1505. It is the fact, is it not that Provisional Orders are much less expensive than Private Bills?—I should say so, certainly, because of the comparatively very slight opposition that there is to them when they come to Parliament.

1506. Then why are they not more used; why do they not take the place more of Private Bills?—I think one of the principal reasons is this: If you take, for instance, an Order under Section 303 of the Public Health Act for altering Local Acts, that Section is very wide and in terms I suppose would even authorise the issue of a Provisional Order for extending the time for

Chairman—continued.

compulsory purchase of land; but that is a point where the powers of the section would never be exercised, because the preliminary notices would not have been given to the landowners who would be affected by the compulsory purchase of land. I mention that simply as an instance. Then there is a difficulty also in that there is no general power to issue Provisional Orders for purposes such as you have in improvement Bills, unless there happens to be a local Act in the place dealing with those matters which can be altered for that purpose. The result is that we cannot initiate by Provisional Order legislation for local authorities for such matters as are included in the improvement Bills which go before the Police and Sanitary Committee, unless there is a local Act, as I say, and we cannot give further powers, say, for instance, the tuberculosis clauses that are now so common in local Bills, or any of the other sanitary clauses which are also included in improvement Bills. That is one weakness of the position, that although those are matters essentially in the purview of the Local Government Board as the Government Department having charge of the public health, the Board cannot give any powers of that kind unless it is found that in the particular locality there is a local Act which can be altered for that purpose.

1507. And as the Provisional Orders are so useful and so economical in carrying, would it be advisable in your opinion to amend the Public Health Act so as to enable Provisional Orders to have a wider scope?—That is my opinion, and it has been my opinion ever since 1888 that there ought to be an enabling power for a local authority (I am chiefly referring to local authorities, I have nothing to do practically with companies) to get a Provisional Order from the Local Government Board or the Board of Trade, as the case might be, for most if not for all the matters for which they have now to promote a Bill.

1508. But until the Public Health Act is amended in that direction it will not be possible?—Until further legislation, that is so.

1509. Do local authorities take advantage of these Provisional Orders now, as much as possible?—Hardly; but the number of orders is very large, as you will see. I can give you the figures for the last three Sessions.

(*The Witness handed in the following Paper.*)

The statistics as regards Provisional Orders for the last three Sessions—1900, 1901, and 1902—are as follows:—

1900	18 Bills	containing	86 Orders.
1901	17 „	„	62 „
1902	18 „		84 „

The subjects of the Orders were—

		1900.	1901.	1902
Public Health Act, 1875	Compulsory Purchase	33	23	24
	Altering Local Acts	29	16	36
	Dissolution of S.D. District	–	–	1
	Forming United Districts	2	5	7
Public Health (Ships) Act	Constituting permanent P.S.A.	–	1	–
Local Government Act, 1888	Borough Extensions	13	7	3
	Constituting County Boroughs	2	–	2
	Transfer of Powers (Sec. 10)	1	–	–
	Altering a Confirming Act	–	1	–
	Extending Borrowing Powers	1	1	3
Gas and Water Works Facilities Acts.	Gas Orders	2	1	1
Housing, &c., Act, 1890	Housing Order	1	4	3
Poor Law Acts	Altering Local Act	1	–	–
	Extending Borrowing Power	1	3	1
London Government Act	Compulsory Purchase	–	–	3
	TOTALS	86	62	84

Chairman—continued.

Under the London Government Act by incorporation of the Local Government Act, 1888, the Metropolitan boroughs which have taken over the powers of the vestries have the power to come to the Board to issue a compulsory purchase order for acquiring land for any of the purposes which they took over from the vestries.

1510. With regard to these Provisional Orders, have they to be deposited on a certain date like Private Bills?—Not by force of any statute; there is no date fixed for depositing them by statute except in the case of Provisional Orders under the Gas and Water Acts; and those as you see from the figures which I have given you, are very few—two, one and one in the three years. One of the great difficulties that has been experienced in the past has been in getting these applications made to the Board in time, so that such a large number of orders should be got through in time to introduce them into Parliament, so as to comply with Standing Order 193a in your House, and so as to get up to the House of Lords under the Sessional Order in the House of Lords, which fixes the date for second reading of House of Commons Bills.

1511. Would you alter the Standing Order so as to make promoters deposit these Provisional Orders earlier?—I am afraid that cannot be done by Standing Order.

Chairman—continued.

1512. Must it be done by legislation?—I am afraid so. If it could have been done in any other way I think it would have been done before now. The only way in which the Board are able to deal with that (and it is getting now to be effectual) is that they issue certain Provisional Order Instructions in each year, somewhere about August or September, in which they fix certain dates for the deposit of the applications with the Board. Those dates are assimilated as far as possible, if you take the cases of compulsory purchase, which are very numerous, to the date fixed in the Standing Order for the deposit of the Bills. For instance, they have to be deposited with the Board on the 21st December, that is to say, if the notices were published in November. There is, under the Public Health Act, an alternative power to publish the notices either in September or October, and if the notices were given in either of those months the application to the Board would be in the month following the notices; but you may take it roughly that the last date for applications for compulsory purchase orders is the 21st December.

1513. That is to say, the same date as for the deposit of bills?—That is so.

1514. But you think that that date might be made earlier?—Yes, I think so; I do not think there would be any hardship in that.

1515. How much earlier would you say the date

Chairman—continued.

date could be made?—I should make it a month earlier. That is only as regards Provisional Orders; that does not affect the Bills.

1516. But you would make the Provisional Orders to be deposited a month earlier?—Yes, the application for them.

1517. And you do not think that that would be a hardship to the local authorities?—No, and I do not think that that would involve any alteration of the statute.

1518. Then who could order these applications to be made earlier; would it rest with the Local Government Board?—I will look into that and let you know; my impression is that it might be done, but I am afraid that that would only have the effect of easing the Board and not Parliament.

1519. Why so?—Because there is a tremendous amount of work in connection with Provisional Orders, some of which (take the Local Acts Provisional Orders for instance) are dealt with in the same department as that in which the Board's reports on the Bills are dealt with and I am not quite sure whether even a month's antedating would have the effect of getting the Confirmation Bills in much earlier. I get my Bills into Parliament I think I may say as early as any other Department, and I am very seldom late for the House of Lords Sessional Order except in the case of opposition in your House.

1520. Do you wish to offer any opinion as to the deposit of Private Bills being earlier than the 21st December?—That is not a matter which affects the Board except in this point, that if the Bills were deposited earlier we should have so much more time for preparing the Reports. That is a very great difficulty and is, I am afraid, the cause of some delay in both Houses, because Bills may be grouped and may be ready to be heard, but they cannot be usefully considered until Parliament has the Board's Reports upon the Bills and it is extremely difficult to arrange so as to mitigate that difficulty, because we do not know the order in which the Bills will be ready for or be taken in a group. In the first place, we do not know whether a Bill is opposed until a petition is presented; then we do not know which Bill will be required first; and, further, there are not only Select Committees being put out in this House, but there are at the same moment Select Committees being put out in the House of Lords. So that, although if, for argument's sake, your House only had to be consulted, we might be able to arrange the Reports for that, so as to get them out and not delay the Committee, it is next to impossible to present the Bills in such an order that we can prevent delay here or in the House of Lords.

1521. Have you regular officials who read all these Bills in order to make reports upon them?—Yes; they go to one Department in which the Bills are read through and noted, and the Reports are prepared in that Department.

1522. Have these officials time to read through all these numerous Bills by the opening of Parliament?—That would be impossible, I think, because we have to read all the Bills. There are, of course, a good many Bills on which there is very little to be done; there are a good many Railway Bills that we do not have to do anything on; but there are points even on the Railway Bills that we may have to report upon, such as the Labouring Class Clause, or where they are proposing to stop up highways; and sometimes you have a Tramways Bill where a local authority come into the Bill as a contributor.

1523. But if the Bills were deposited earlier than the 21st December, your officials would have a longer time, or would have an earlier time to read through them and prepare their Reports to Parliament?—Of course, they would have so much more time unless it had the effect of, at the same time, bringing the Committee stage forward too. We should only have so much more time, assuming that the Committee stage is not taken much before it is now.

1524. But the object of depositing the Bills earlier would be to get the Committee stage on earlier, so as to get more forward with the Bills before the middle of the session?—Then I am afraid that we should not get much gain if you bring the Committee stage on earlier.

1525. Why not; because you say now that you are so pressed with work that you cannot read through the Bills in time?—Supposing, for the sake of argument, that you brought forward the date for depositing the Bills, if that would have the effect of bringing the Committee stage earlier, too, we should not be much better off.

1526. You would have exactly the same time?—We should.

1527. And so you could prepare your reports as you do now for the Committees at an earlier date than you do at the present time?—We should have the same pressure.

1528. Is the pressure too great at the present time?—My own opinion is that it is, but that is a matter on which I would rather you took evidence from some of the members of the Board who have to deal with these matters. Then there is another point as regards the earlier deposit of Bills which has already been mentioned to you by a previous witness and that is that I am not quite sure that a local authority is in a position to deposit its Bill very much earlier, because if you bring forward the date for the deposit of the Bill you must also I think bring forward the date for the deposit of the plans, which is at present the 30th of November. In the case of the local authority, say a borough, one-third of the borough council goes out and is re-elected every year. That third do not come into office until the 9th of November; and if there is any Bill to be promoted it seems to be only right that the newly elected part of the council should have an opportunity of voting upon such a matter at that, and also of voting in the case of the formal resolution which must be passed in order to comply with the Borough Funds Act. A resolution has to be passed to promote the Bill by an absolute majority of the whole council, and it would seem only right that, if possible, the one-third newly elected in November, should have the chance of doing that. That could not take place until after the 9th of November; and of course the deposit on the 30th of November would

Chairman—continued.

would be governed to some extent by what was to be in the Bill.

1529. Then in your opinion would it be almost impossible to deposit these Bills much earlier than the 21st of December?—I think so. I speak more as regards local authorities, but that is my own view.

1530. Would it not be advantageous to fix a certain date for putting petitions against Bills?—There, again, that is not a matter which affects the Board very much.

1531. Then I will not go into it. When you have these Provisional Orders, who examines the applications in order to ascertain whether the preliminary requirements have been complied with?—That is done in the Department to which the Order belongs. If it is a case of a local Act, it is one Department; if it is a case of compulsory purchase, it is another Department, and if it is a case of forming a united district for hospital purposes, it would go to the Medical Department to start with.

1532 Therefore, when these Provisional Orders come before the Committee they have been criticised very closely by some Department?—All the preliminary stages the Department is responsible for. The issue of a Provisional Order by the Local Government Board is *prima facie* evidence under the statute that all the preliminary requirements have been complied with, the Department taking the place of the Examiner in the case of a Bill.

1533. Then what are the confirmation Bills which are introduced by Ministers?—When there are sufficient Orders to group they are put into a Bill which merely contains a preamble reciting the issue of the Order the confirming section, perhaps a labouring class clause, if it happens to be for taking land, and a short title clause, and the Order are included in the Schedule to the Bill. That is all the Confirmation Bill consists of. Occasionally it is necessary to introduce some special clause into the Bill, which is cognate to an Order in the Bill, in case the scheme of the Order might be spoilt by some deficiency in the statutory power in the department that issues the Order. I will give you an instance which will show you immediately what I mean. In the case of two Irish Orders this year under the Housing Acts, there was no doubt whatever about the merits of the two Orders; they were unopposed; but the local authority were running rather close to their margin of borrowing powers under the Public Health Act, and it was essential that these two schemes should be carried out, so the Local Government Board for Ireland at the instance of the Local Authority concerned, proposed that they should have a clause put into the confirming Bill taking any loans which were necessary for the purpose of those two orders out of the margin under the Public Health Act. Before that clause was inserted I consulted Lord Morley in the other House and the Chairman of Ways and Means in your House, because it is a well understood rule that no clause is put into a Confirmation Bill except by leave of those two officials.

1534. And these Confirmation Bills, I suppose, are generally unopposed?—I think I may say the opposition is very slight. The opposition takes the form technically of opposition to the Bill of course, but it is confined to the particular Order that the opponent wishes to alter.

Chairman—continued.

1535. Do the new Standing Orders of the House of Commons make any difference to the procedure on Provisional Orders?—Only to this extent, that if there were any opposition to a stage of a confirming Bill in the House, it would, I suppose, go over to 9 o'clock just as in the case of a private Bill; but that is the only alteration which they really cause.

1536. That would not affect the Bill, then, in any degree?—No, I do not think it does.

1537. Is there any Standing Order that you would like to call our attention to with regard to these Provisional Order Bills which requires alteration?—There are two small points. I am a little doubtful whether the time for petitioning in your House is not a little too long. The effect as regards a Provisional Order Bill is this. I think the time for petitioning is ten clear days in the case of a Bill after first reading. Some years ago it used to be the same as regards a Provisional Order Bill—ten clear days after first reading. But then those Bills, being printed by the Government Printer, were very much delayed after first reading, and the result was that the parties who wanted to oppose them could not get a print of the Bills in time; and so the Standing Order was altered so that the time for petitioning should run from the time when the examiner appoints the Bill; not from first reading. The examiner cannot appoint a Bill until a print is available for everybody. Technically, of course, they have only got the seven clear days from the time that the examiner appoints, but, as a matter of fact, the opponent really has time to think about opposing from the date of the first reading. Another point is, as regards the interval which has to elapse between the second reading of a Bill and the committee stage. I do not quite know why it is fixed that there should be six clear days interval after the second reading of the Confirmation Bill before the Committee can sit; certainly in the case of an unopposed Bill it seems unnecessary, and there is no such interval required in the House of Lords.

1538. And you think that the interval might be lessened in this House?—Unless there is some reason of which I am unaware; certainly in the case of unopposed Bills.

1539. In the Report of the Joint Select Committee of 1888 on this subject, what did Mr. Courtney mean by saying that a great many unopposed Provisional Orders ought never to come before Parliament?—His scheme under that Bill of 1888 was the widest that was proposed of course, but I take him to mean this: that there were a good many things which require confirmation by Parliament now which never need come before Parliament; and if any legislation were proposed for extending Provisional Orders I should certainly suggest that it should do away with the necessity of bringing a good many Provisional Orders before Parliament at all. For instance there is one which I have in a Bill this year, an order for dissolving a special drainage district: it is simply because there happens to be a loan in that district which has to be dealt with by the order for dissolving the district, so as to put it upon some other authority,

Chairman—continued.

authority, that necessitates it coming to Parliament. If there were no loan the Board could dissolve that district without any question.

1540. The Local Government Board could do it?—Yes, I certainly do not think that is a matter that Parliament need be troubled with. Then one of the most material things is the Orders for uniting districts. It seems to me that there is no necessity whatever for those coming to Parliament, for these reasons. It is not the practice now to unite districts that are not agreed. The Board have a great many agreements made for various purposes, chiefly for districts to unite for providing an infectious diseases hospital so as to prevent the multiplication of small hospitals. Each of those districts by itself could provide a hospital without Parliament ever knowing a word about it, and, in fact, if they chose to pay for it out of current expenses, the Board need know nothing about it. It seems to me rather absurd that because three districts want to do in combination what each one can do by itself, Parliament should be troubled with having to confirm their union.

1541. On the other hand, in a case like that, is it much trouble to Parliament; would not a Provisional Order of that kind be sure to go through unopposed?—Those Orders practically would, but it might be in a Bill with an opposed Order, and, therefore, might be delayed. But one of the principal reasons, apart from any question or Parliamentary sanction, is this, that if they could be done by an ordinary Order these unions could be constituted all the year round, and so great delay would be avoided so far as the local authorities are concerned, and the Board would be relieved during the pressure of the Session. At present, you see, supposing three or four authorities chose to combine now, they cannot get united until next Session. The result is that they cannot buy land, they cannot borrow money, and they cannot put up the hospital.

1542. And do you find in your experience that several of these local authorities do combine?—A great many.

1543. Is it not a very customary thing for a local authority in each district to have its own infectious diseases hospital now?—There are a good many, of course, but the combinations are very numerous.

1544. But you would not have to get a Provisional Order for a rural district and an urban district to join in an infectious diseases hospital?—You would under the Public Health Act.

1545. As a matter of fact they do join without a Provisional Order?—Then I think they only do that by means of a Joint Committee.

1546. I could give you two instances in which they have joined; at any rate they built an infectious diseases hospital?—And is that managed by a joint committee?

1547. Yes, managed by a Joint Committee?—I know that many of these joint Boards have originated in that way, but the weakness of that arrangement is that if they want to borrow money and they have only got a Joint Committee the loan has to be separated.

1548. That is true?—And the loan has to be

Chairman—continued.

borrowed in a certain proportion by each of the authorities that appoints the Joint Committee. That is the weakness of that; whereas if you unite them and form the joint Board that is not necessary.

1549. Now would you have petitions deposited against certain portions of a Bill and not the whole Provisional Order Bill?—That is practically what it is now; the Petition does not go against the whole but against the particular Order. But then the difference between the two Houses on that point is rather material in considering the case of a Joint Committee. In your House if a Petition is presented against Order A and there are three or more Orders in the Bill, the whole Bill goes to a Select Committee and the Select Committee deals with it; but in the House of Lords if Order A is opposed, it is only that Order that goes to the Select Committee, and the whole Bill has to come back to a Committee of the whole House to deal with the whole Bill.

1550. Would it be possible to alter our Standing Orders so as to admit of that change?—Your Standing Orders are all right.

1551. I thought you said that in this House the opposition was to the whole Bill?—No, technically the Petition is presented against the Bill, but it is allocated to the particular Order. Then the result in your House is, from my point of view, quite satisfactory.

1552. Then we must not deal with the House of Lords; we have nothing to do with their Standing Orders?—No, but it arises rather in considering the question of a Joint Committee on Provisional Order Bills; that is why I mention it; it is not a matter which your House can correct, because it is in the other House, but it does affect incidentally the question of a Joint Committee.

1553. The very useful information which you have given us all relates to legislation, but we are sitting here to inquire as to whether there should be any alteration of the Standing Orders. Can you suggest any useful alteration of the Standing Orders dealing with Provisional Orders or dealing with your department?—The only alteration which would, perhaps, facilitate matters would be if one or other of the Houses would refuse to forego the Committee stage in the case of Provisional Order Bills. My experience as regards running these Confirmation Bills is that there is so little difficulty about it and there is so little opposition that I do not feel, except in point of time, the necessity for even a Joint Committee.

1554. It seems to me that most of the Provisional Orders, being unopposed, great delay cannot arise in getting them passed through the Houses?—No. I do not experience any delay; in fact, I suppose I run my Bills as quickly as anybody; but I think that this House might get some relief about this time of the year, if the Bills were all to run up from your House to the House of Lords, instead of running both ways. That is my experience. I used very often to begin my Bills in the House of Lords, and I found it was so inconvenient coming crossways, and coming down to your House about this time of the year, that I dropped it, and now I always

begin

Chairman—continued.

begin my Bills in the House of Commons and go up to the House of Lords.

1555. I suppose you would advocate that a great many of the Private Bills should be turned into Provisional Orders, where possible?—I think so. I think that most things that now require a Private Bill might certainly in the case of a Local Authority be done by Provisional Order.

1556. And no Standing Orders require alteration to effect that, but legislation is required?—That is so. Take the case of gas and water. I do not know that there is anything so particularly sacred about a gas company's undertaking that the Board of Trade should not have the power to issue an Order to buy it compulsorily, just in the same way as the Local Government Board can authorise the compulsory purchase of a piece of land.

1557. As our reference is limited to an alteration of the Standing Orders, I do not think that we need trouble you to go into any great detail with regard to these matters?—Very well. I was only anxious that with regard to the Provisional Orders there should be some record, by which I should be able to bring to the mind of the Committee, the procedure, because, as a matter of fact, I do not think there is any record of the mode in which Provisional Orders are carried from first to last in England. There was no information given to the Committee of 1888 as to how the Provisional Order system is worked, and although it may be outside the exact purview of this Committee, I should like to have it brought out somehow.

1558. If you could put in a memorandum we could append it to our report; but no useful purpose would be gained by our going into these details, which are beyond the scope of our reference, and which would require legislation?—It is perfectly true that it does not affect the present procedure of the Committee, but if the Committee is going to recommend any extension of Provisional Orders it seems to me that it would be well for the Committee to know exactly what they were recommending.

1559. Our reference is whether any alterations of the Standing Orders are desirable in the interests of economy, efficiency, and general convenience. Can you put in in a succinct form a memorandum describing the procedure of Provisional Orders?—Yes.

1560. Then the Committee will be glad if you will put in a short memorandum by which we can easily see what the procedure is: how Provisional Orders are obtained and the preliminary steps which are taken to obtain them. That you will do?—Certainly.

Mr. *Renshaw.*

1561. You have read the evidence given before us?—Yes, I have.

1562. You are aware that it has been stated in evidence that a period of from 35 to 42 days exists at the beginning of the Session during which no Committees of this House sit upon Private Bills?—Yes.

1563. That of course is a serious amount to deduct from the total amount of time available for the consideration of Private Bills during the Session In your opinion to what is that long

Mr. *Renshaw*—continued.

delay in the setting up of Committees due?—I should not necessarily know that unless it came to this point; that the Committees were ready to be set up and they were delayed through our Reports not being ready. Until a Bill is grouped we simply take the Bills up in the order that runs most convenient, the result is that when the group is formed we may have to see how long we can get to get the Reports on those particular Bills out; and the practice has been during the last two or three sessions, when the Committee of Selection puts the Bills into groups and arranges the Bills in the groups, for me to be there and to tell the Committee exactly the stage in which the report is on any particular Bill in those groups. For instance, I say that such and such a report is ready, or that such and such report cannot be out for a week. I have the information supplied to me so as to show exactly what the stage of the report is; but I am afraid that there is some delay in consequence of the impossibility of the Board getting their reports out at the time that a Bill is ready for Committee.

1564. Then if some method could be devised by which this grouping could take place before the meeting of Parliament, would it be possible for your department to have its reports ready at an earlier date?—That means that we should know the order in which the Bills would be taken, which is the great difficulty with us.

1565. Quite so?—In answer to that I may say that the earlier we can know the order in which the Bills will be taken, of course the easier it will be for us to be ready for them. But then there is also the other House to consider, because it not only means knowing the order in your House, but it means knowing the order in the other House. Only this very last Session we were pressed tremendously. In the first place, it was an early Session; we were pressed tremendously when your Committee of Selection were ready to put out their groups, because we were being pressed equally by the House of Lords, and we had no indication as to which Bills were coming up first before Committee in your House or the House of Lords. The result is that you may have a Bill ready to come before Committee that has never been looked at, and perhaps a very heavy Bill.

1566. Then the Committee may take it that it is your opinion that the earlier these Bills could be grouped the greater would be the facility with which you could deal with them in your department?—Yes, I think so, because we should know better the order in which to take up the reports.

1567. And it would also be of assistance to the work of your department if at an earlier period than at present the course in respect of either House of any particular Bill was decided upon?—Certainly.

1568. That is the House of Origin?—Yes, the earlier we know when a Bill will reach the Committee stage the easier of course it is for us.

1569. The grouping of the Bills is a matter which might be done by the permanent officials of the House, is it not, to some extent?—It is prepared by them, but the decision I think must rest with the Committee of Selection.

1570. You think there would be difficulties in the

Mr. *Renshaw*—continued.

the way of any other authority than the Committee of Selection deciding as to the grouping of the Bills?—I do not think I am quite in a position to answer that, offhand.

1571. But in your opinion if it was possible that Bills should be grouped by some official authority prior to the meeting of Parliament, that would very much facilitate the work of your department and of getting the Committees to work at an earlier date?—Anything that would give us the order, so as to enable us, if you appoint Bill A, to get the report on Bill A out, instead of taking up the report say, on Bill K, would very much facilitate that. But there is our difficulty; we have nothing to indicate the order in which the Bills will come up to such a stage as that the report will be required, either in this House or the other.

1572. The dates for the petitions for the Bills vary between the two Houses. In the House of Commons it is the 21st December and in the House of Lords the 17th December?—That is for the deposit of the Bill, yes.

1573. It would be desirable to make it one date, would it not?—I should say so; I do not know why it was ever different.

1574. And if the date could be made earlier than the 17th December it would facilitate the earlier reports from your department, would it not?—I think so. We should have the Bills so much earlier before us.

1575. Let me put it in another way. Is it not a fact that the 21st December so closely approaches the period of the Christmas holidays that that to a certain extent delays the Bills being taken up by your department and dealt with?—I should not think there is much delay in this particular department on that matter at that time, because the work is so frightfully heavy upon that department that my own belief is that they reduce their Christmas holidays to a minimum.

1576. Could you tell us at what date the department you refer to begins to deal with these Bills and to consider them?—Directly they are deposited.

1577. Immediately upon deposit?—Yes.

1578. And they sit *de die in diem*?—I should like you to have had the evidence of the principal of the department, who would tell you exactly how the whole thing acts. But the order in which they are taken up is allocated by the principal of the department; certain Bills go to certain clerks, and certain Bills to others, and every year, of course, they improve their machinery; but the mass is so great that it is difficult to make any headway by the time the Committees meet.

1579. The department, in fact, is not strong enough for the work that is specially thrown upon it at that time of the year?—I think that may be said; that would be my own opinion. I should prefer you to get it from the board, but that is my opinion. The difficulty is to get the skilled labour to deal with this matter, because it is not a matter, this question of reporting upon private Bills, that can be put to anybody in any department. You want a certain amount of training. The preliminary reading of the Bill has to be done by a man with a good deal of gumption, who can go through it and note the clauses from his previous knowledge, and tick them off or mark whether any report or not is required upon them, and if so, what sort of line it should take.

1580.—Does your department report upon every Bill?—We have every Bill deposited and perused with a view to report, but there are many cases in which no report is necessary, and we make a return from time to time to each House upon these Bills we do not want to report upon, so that the Committee knows that no report will be sent in.

1581. And is it necessary that every Bill should be referred, as it is at present, to your Department. Do you deal, for instance, with Bills which are also referred to the Board of Trade?—We have every Bill deposited with us for this reason: that the powers of the Board are so wide and range over such an enormous number of subjects that it is very difficult to say that the Board is not affected by any Bill until it has been read. The very point that you have raised arose either last year or the year before. Then we did not have every Bill, but only those Bills containing matters which in the terms of the Standing Order were within our jurisdiction. The result was that some 55 Bills were not deposited with us, and we had letters from the Treasury calling our attention to some of those Bills. Some of them, I think, ought to have been deposited with us. I do not think it was done designedly, but it was accidental that they were not; and the result of that was that we got the Standing Order altered so as to bring us into the same position as the Post Office and Treasury, so that we should have every Bill, and might be quite sure that nothing slipped through.

1582. All Bills, railway Bills as well as Bills promoted by corporations, etc., go to you?—Yes.

1583. Do you group the Bills in your Department in any way as between railway Bills and corporation Bills?—Yes, my impression is that railway Bills would be dealt with by one individual, because the points arising on a railway Bill are very few.

1584. So that it would be possible, I presume, for your department to deal at a much earlier date with railway Bills than it would be with Bills promoted by local authorities?—I think so, because the points of criticism are very slight and do not require the same knowledge that is required in the other.

1585. Of course, if all those Bills which are promoted by railway companies in successive Sessions were reported upon at the beginning of the Session, it would facilitate the early working of Committees, would it not?—It may be so. I have so little to do with railway Bills that I do not like to answer with any certainty.

1586. But it is not the habit of the Department to put those Bills aside and delay them until the more important Bills have been dealt with, is it?—I am not quite sure how they do that, but my impression is that they would get rid of small things like that, because they do not occupy the attention of say, a man who can deal with

Mr. *Renshaw*—continued.

with a big Improvement Bill; they would be disposed of more easily.

1587. Would it be possible for you to put in a paper showing the approximate date at which reports were made in two or three Sessions on the Bills submitted to you?—We could give you the date of each report.

1588. But I rather mean, how many reports were in by the 1st of February, how many were in by the 1st of March, and how many by the 1st of April?—I will ascertain whether that is possible. I should not have the information myself.

1589. I think you said that you do not know sometimes whether Bills are opposed until a petition has been presented; does that delay the operation of your department in any way?—No, but it is more difficult to arrange the Committee stage on an opposed Bill than it is on an unopposed Bill, because every promoter of an opposed Bill is anxious to get to the Select Committee as soon as he can. The unopposed Select Committee is not so important; it is the opposed Bills that you want first as a rule.

1590. So that there is a habit in your department of dealing with the opposed Bills before the unopposed Bills are taken up?—That may so happen when we know them.

1591. Then it would be a distinct benefit, from that point of view, if the 10 days that you referred to under Standing Order 210 could be got rid of, would it not, so that the opposition to the Bill emerged at an earlier date than it does at present?—I think so. That would tell us whether the Bill was opposed, and therefore whether it was likely to go to a Select Committee; but I am not quite sure that that would give us more time.

1592. I do not suggest that it would give you more time although I think that that even might result from it; but supposing it were found possible (as I think you know is the case under the Private Bill Procedure (Scotland) Act), to fix a certain period of time from the date of the deposit of the Bill as the date at which Petitions against the Bill must be lodged—I think in the case of the Private Bill Procedure (Scotland) Act it is four weeks,—do not you think that that would enable your department to realise at an earlier date whether or not there was to be opposition to the Bills, and so facilitate the work of your department?—That would be so, but the question of opposition is not always the determining factor, because you may have an opposed Bill which may not really get before a Select Committee for a long time; and our difficulty is to know the order. Supposing for the sake of argument you take your definite date and say the 10th of February, we may know that there are 100 Bills opposed, but that is no indication to us as to which report would be required first. There are 100 Bills to go on, say; we know they are opposed, and we know that they will go to Select Committees; but it does not follow that they will want to get to the Select Committee before an unopposed Bill.

1593. You rather suggest that that rests with the agents?—It may be governed by a great many different circumstances.

Mr. *Worsley-Taylor.*

1594. Can you tell me, are all the Bills deposited not only with you but with the other departments, the Board of Trade, the Treasury, the Post Office, the Board of Agriculture, and the Home Office?—Not all. All the Bills are deposited with the Treasury and the General Post Office and the Board; and I think the bulk are deposited with the Board of Trade; but I am not quite sure about that; I think the Board of Trade only come in under paragraphs 3, 4 and 5, of Standing Order 33, where they are mentioned; the Home Department come in under paragraph 7, and the Board of Agriculture, I think, only come in in the case of Commons or Inclosures or anything of that kind.

1575. Then with regard to every Private Bill three departments have to report?—Have to look at them.

1595*. Have either to report or say that they do not care to report?—Yes.

1596. As I understand, in your department you begin the Bills at once when they are deposited. Can you give me now any idea how many Bills you would either have reported on or said it was not necessary to report on by the end of January?—No, I could not give you that information.

1597. But you will include that in your return which you have promised?—I will endeavour to get you that information. Will last year be sufficient for your purpose?

1598. Yes. Would it be any advantage to you if you knew, say by the end of January, what Bills were opposed; is your present view that there would be many Bills left over for consideration by you after the end of January?—I did not wish to convey that the question of opposition is in every case the determining factor as to the order in which we take up a Bill. My point is that our difficuly is to know the order in which the Bills will proceed, and as we do not know that, we do not know the order in which to take up the reports.

1599. That I follow; but supposing that you had at a certain time a number of Bills waiting for your consideration, and you knew that certain of them were opposed and certain of them unopposed, I take it the convenient thing would be, in order to expedite the Committee stage, that you should take up for consideration first those which you knew to be opposed?—Yes, I think so certainly, and I think that is done.

1600. Then what I put to you is this: Could you tell me now whether there would be remaining, as a rule, a considerable number of Bills waiting your consideration after the end of January?—I should say so.

1601. So that if you knew by the end of January which Bills out of the whole number were opposed and which were unopposed it would to a certain extent facilitate your work, because you could take up those which you knew to be opposed earlier?—Yes, to a certain extent; but we get pressed as much for getting Bills on early, even though they are unopposed.

1602. But what we are concerned with chiefly is the getting on with the opposed work?—Yes.

1603. That is, I suppose, the difficulty?—Yes, and amongst the opposed Bills, of course. Supposing

Mr. *Worsley-Taylor*—continued.

posing there are 50 opposed Bills, there is even then no indication as to which of those 50 will be taken first. That is another difficulty we are under. And then there is also this, Take a case that is subject to the Borough Funds Act, where there is promotion by a local authority and they have to get the consent of the owners and ratepayers, we may find that a man has been told off to get ready the first proof of a report on a big improvement Bill, and the ratepayers have thrown it out. We have had that happen more than once. I am bound to say that the agents are very good and always send round to us directly they know that a Bill is dead: but that has happened more than once.

1604. Then as to the remark that you made with regard to the time, 10 days for petitioning, do I correctly understand your view to be that as a rule that is too long?—I was only referring then to petitioning in the case of Confirmation Bills, not as regards the private Bills. As regards Confirmation Bills, technically it is only seven days after it has been appointed by the examiners; but if there is any delay between the first reading and the commencement of the seven days, practically the opponent has a good deal more than even the 10 days. That is what I was suggesting was a little too long.

1605. About an extension of the Provisional Order system, that clearly you agree is a matter of legislation; so I will only ask you this. I suppose if the Public Health Act were amended and brought up to date as suggested, there are a considerable number of powers which would be conferred on these Municipal authorities whom you have in view, either absolutely or by adoptive clauses, which would save the time of Parliament very considerably, because now they have to go for Bills to get them?—My difficulty in answering that question is, that they go for Bills to get these powers, but I am not at all prepared to say that if you revised all local Government Statutes up to date those powers would be found in the revised general law. There are so many clauses in my opinion that are put into Bills which are of very little practical use that I am not at all prepared to assent to the idea that further general legislation will make those clauses part of the general law.

1606. But still I take it that you could mention a number of things which undoubtedly would form part of an amendment of the general law?—Yes, I think so; I think it is admitted that the general law is not brought up to date.

1607. Now if they want to get those powers at all they must go for them by Bill?—Unless they have a local Act in the place. If they had a local Act and the Board could alter it by Provisional Order, they might get the powers that you refer to.

1608. So that if there was such an amendment of the general law it would lighten the work of Parliament to that extent?—To that extent.

1609. And with regard to other powers you had in your mind which ought not to form part of an amendment of the general law, if they came for them they would come before Committees with the knowledge on their part and on the part of the Committees that those provisions had been recently discussed by Parliament and deliberately discarded?—Yes.

Mr. *Worsley-Taylor*—continued.

1610. There would be the less temptation, therefore, to come for them?—Yes, I suppose there would be.

1611. And the less temptation to give them?—Yes. I do not know whether I might mention two points. One is, that the suggestion as regards a shortening of the time for objections to *locus* affects Provisional Orders to some extent. Take a case which happened last year, of a rural district which had a Provisional Order for taking lands for sewage purposes alongside a railway; although no land belonging to the railway company was scheduled, they presented a petition against the Order. Obviously, I think, the railway company had no *locus standi*, but it would have been difficult for that rural authority to object to their *locus* if the time had been much shorter than it is at present, because it was a local authority in Yorkshire, they had no agent up here engaged; I had to inform them of the petition, they came up and consulted me what they were to do, and I said, "You had better go to an agent and see if you cannot object to their *locus standi*." There is that point. And then as regards the Court of Referees, it is useful in a case like that, because no sooner was the objection to *locus* lodged than the railway company withdrew and did not further oppose the Order. So that it is not only what Mr. Parker Smith said, that the Court of Referees throws out cases, but it also keeps a check upon petitioners who really ought not to be heard.

Chairman.

1612. Is there anything else that you wish to say?—Might I say one thing which bears upon the reports? One difficulty that we have as regards those big Improvement Bills is this: that although they are taken up at once they may have to go to several departments. For instance, in the case of a Bill comprising water, sewerage, bye-laws, and all the parts of an omnibus Bill, that you know so well, if a local authority is going for a new water supply we always ascertain now, as far as possible, whether there is any objection to that source of supply. For instance, we have the reports of the local Medical Officers of Health, which are filed every year, or one of our medical inspectors might have held an inquiry there about it. What the Board have thought about that is, that if we have any information which would assist the Committee in considering it, we should place it at the service of the Committee. And then with regard to bye-laws that have to go to a special department, and sanitary clauses, and finance clauses, I mention them only as showing that you may have only one Bill, but it has to go to several departments.

Mr. *Worsley-Taylor.*

1613. Even in your own case of the Local Government Board?—Yes.

Thursday, 24th July, 1902.

MEMBERS PRESENT:

Mr. Hobhouse
Mr. Jeffreys.
Mr. Worsley-Taylor.

THE RIGHT HONOURABLE A. F. JEFFREYS IN THE CHAIR.

Mr CHARLES WALTER CAMPION, called in; and Examined

Chairman.

1614. YOU are one of the Examiners of Private Bills?—I am.

1615. And you are Taxing Master as well, I believe, are you not?—Yes.

1616. Our Reference is really limited to seeing whether we can make any alterations in the Standing Orders so as to promote economy and efficiency in Private Bill Procedure. We have had some evidence to the effect that Bills might be deposited earlier than they are at the present time, which is on December the 21st. Do you wish to give any opinion on that point?—I suppose the only difficulty in depositing the Bills earlier would be whether the Agents might not be ready to deposit them. I do not see from an Examiner's point of view any objection to advancing the date of deposit a little, say from the 21st to the 17th, or from the 17th to a few days earlier. The last deposit before that, as the Committee are aware, is the deposit of plans on the 30th of November. A considerable interval elapses between that deposit and the deposit of the Bill. Whether any inconvenience would be caused by shortening that interval is really an Agent's question, it seems to me.

1617. Supposing under the old system the Bills have to be deposited on the 21st of December, when do they come into your hands to examine them?—We sit on the 18th of January.

1618. Is that not rather a long interval?—So far as the Examiners are concerned there is no reason that the interval should be so long. I apprehend that the object of the interval is to enable the parties concerned, both promoters and opponents, to prepare their case; primarily for opponents to prepare their Memorials, if they intend to oppose, and for promoters, when they have those Memorials, to prepare their case to meet the allegations in the Memorials.

1619. But you do not know whether the Bills are to be opposed or not, do you, until after the Second Reading; Petitions need not be deposited until after they reach the Committee stage?—I was speaking of opposition on Standing Orders.

1620. I beg your pardon. Does it take the parties all that time, between December the 21st and January the 18th to consider whether they shall oppose them before you?—There are other most important deposits. There is the deposit of the plans on the 30th of November; then there is the deposit of the Bill (that we have dealt with); and then there are the deposits of the Estimates on the 31st of December and the List of owners and occupiers, I think on the same date, and the Labouring Classes Statement on the same date.

Chairman—continued.

1621. All on the 31st of December?—All on the 31st of December. That brings you pretty close to the day on which Memorials have to be deposited, which is the 9th of January for the first hundred. Assuming, as would often be the case with the Labouring Class Statement, that there were allegations framed upon that, I do not think the time is too long for getting up the case. I had a case this year in which it must have taken a long time to enquire into the manner in which the Labouring Class Statement had been made out; it had been made out in a very unsatisfactory manner, and very important allegations were sustained in consequence.

1622. But you do not examine all the Bills directly, do you? Do you not examine some first so as to get rid of them, and get them ready for the Committee stage?—We go straight through the Bills. The Memorials, as the Committee are aware, are deposited in the case of the first hundred by the 9th of January, the second hundred by the 16th of January I think it is, and the third hundred and all the rest by the 23rd.

1623. Do the unopposed Bills come before you in any way?—The Bills unopposed on Standing Orders do you mean?

1624. Yes?—They all come before us. They all have to comply with Standing Orders.

1625. I wanted to put this further question to you. If there were no Memorials against them then you could send a great many Bills straight away, I suppose?—We go through the unopposed Bills at a greater rate, at the rate of twenty-five a day.

1626. Therefore, there are a considerable number that you can get ready at once?—Yes, we get through the whole bulk of the Bills, I think (I am not alluding of course to postponed Bills, of

Chairman—continued.

of which there are always a few), in about eight or nine days.

1627. The date you have given me when the plans have to be deposited is the 30th November, and the Bills on December the 21st. What did you say it was that had to be deposited on the 31st of December?—The Labouring Class Statement, and the Estimate, and the Lists.

1628. And the Memorials against the first 100 Bills have to be deposited on January the 9th, and those against the second 100 on January the 16th?—Against the first 100 Bills by January the 9th; against the second 100 by January the 16th; against the third 100 and all the rest, by January the 23rd.

1629. Having got those dates, supposing that the Standing Orders were altered so as to make the Bills to be deposited earlier than the 21st of December, would there be any difficulty in putting all those dates a little further back; would it make any difference to you in your Examiner's work?—I do not think, from an Examiner's point of view, there could be. I can only speak from an Examiner's point of view, but I do not see why they should not be put forward. There is one deposit I omitted, by the way, and that is the deposit of the money, which is now on the 15th of January. I may assume, of course, that any change of that kind would be founded upon concurrent action by both Houses of Parliament.

1630. We know that the Bills in the House of Lords are deposited by December 17th. Are all these other dates put four days back?—No, I think that is the only variation. The other dates are all the same in the House of Lords.

1631. Then there is no object in putting the date of depositing the Bills back earlier unless we could get all the other dates earlier too. That is the first stage the Bills have to go through, and unless all the dates are put back we could not get them into the hands of Committees any earlier than we do at the present time?—That is so. I do not know whether I expressed myself plainly enough. The dates of deposits in the two Houses are identical, except in the case of the deposit of the Bill which is four days earlier in the House of Lords than the other House, but otherwise they are just the same.

1632. That is what I understood. I then said that there is no object in having the Bills deposited earlier unless all your process was made earlier too?—That would be so.

1633. The Bills cannot get into the hands of Committees until they have been through your hands, can they?—They cannot; they cannot be presented until the Examiner has endorsed the petitions.

1634. It has been suggested to the Committee that the Bills should all be deposited earlier, say for instance, on the 17th of December or even two or three days earlier, then all these various deposits and the Memorials would have to be put back four or five days, and your final examination, instead of being on the 18th January, might be put back to the 12th or something of that kind, and then the Bills would get earlier into the hands of Committees. Would there be any difficulty in your doing that?—No, I see no difficulty in it.

Chairman—continued.

1635. You cannot speak as to any further stages of the Bills when they have left your hands. After you have examined them there is an end of it so far as you are concerned?—There is an end of it until they come back after First Reading in the Second House.

1636. With regard to cost, we have to consider the economy of the matter; can you suggest in any way how this process could be conducted in a more economical manner?—I suppose that question relates to the whole procedure of Private Business, to the expense of taking Bills through Parliament?

1637 Yes; the House fees particularly. Do you consider that they are too high?—I daresay there may be individual cases in which the House fees bear a rather large proportion to the general cost of the Bill, to the general expenses; but I should not have thought that altogether they were too high. But I do not know that I am really competent to form an opinion upon that, because the House fees are by the Taxing Act excluded entirely from my consideration. I understood the Committee wished to have some information with regard to the proporton that the House fees bore in anything like typical Bills, and Mr. Fell has made out a return, which I have here, dealing with three classes of Bills: one the class of very heavy Bills over 10,000*l.*, the second class between 1,000*l.* and 5,000*l.*, and the third class between 500*l.* and 1,000*l.*; and he has taken three Bills more or less at random in the last two or three years from each of those classes. Shall I read the totals to the Committee?

1638. Yes, if you please?—I can hand in the return afterwards. Here is a Bill of 1901, the Derby Corporation Bill; the total cost was 12,205*l.* 1*s.* 5*d.*, House fees in the House of Lords 186*l.*, and in the House of Commons 433*l.* Of course the difference would be simply because the fight was in one House more than in the other. Counsel's fees, we thought it might interest the Committee to know, were 2,615*l.*

1639. In the House of Lords?—No, that is Counsel's fees in both Houses. Then the next Bill is a very heavy one, the heaviest, I think, I have ever had so far as the aggregate of cost is concerned; it was 30,954*l.*

1640. Call it 31,000*l.*?—Yes; there were no House fees in the House of Lords, because in that case—it was one of the great Derwent Valley Water fights—the Bill was consolidated with other Bills in the House of Commons. The House fees in the House of Commons were 402*l.*; that is in 1899. Counsel's fees were 3,764*l.*

1641. You said the total cost of getting that Derwent Valley Water Bill through was 31,000*l.*?—Yes.

1642. Then you say the House of Commons fees were 402*l.* and the Counsel's fees 3,764*l.*?—Yes.

1643. How do you account for the remaining 26,000*l.* which goes to make up the total of 31,000*l*

Chairman—continued.

31,000*l.*?—In that case there were an enormous number of specialists, water analysts, surveyors and engineers, whose charges were very large.

1644. They came up to this enormous sum of 26,000*l.*?—Yes, they did. It was much the heaviest Bill I have ever had.

1645. Do you put 26,000*l.* in that Paper for costs of specialists, witnesses, and Parliamentary agents?—I do not think that the agents' bill was at all heavy. I think the expenses were made up almost entirely of disbursements to defray the charges of specialists of all kinds. There were a great many.

1646. Did you have to tax those Bills?—I had to tax those Bills, and in that case I felt very much that it was very hard upon the Corporation—very hard upon the parties chargeable; because what had happened had been this: that all these enormous costs had been all submitted to a Sub-committee, who were appointed by the Corporation, and upon that Sub-committee were professional men—I think a solicitor and an engineer—and they had the best professional advice on the Committee. They went into the costs very carefully, and they did, of course, reduce them considerably, because they were all on it before, I believe, and there was really no work for the Taxing Officer left to do, because with their knowledge they could examine the costs in a way that no Taxing Officer could examine them. Nevertheless, they had to come before me *pro formâ*, and I had to charge the usual *ad valorem* fee.

1647. Do you remember in that instance whether you deducted much off the costs?—I deducted hardly anything; I had no power to deduct anything.

1648. Then what powers have you?—That was a very exceptional case indeed; I have never had another such case.

1649. Have you power to tax the agent's costs and counsel's fees?—When I say that I had no power to deduct anything, I mean that all these costs had been examined by people who had much more information at their command and more knowledge to go into the matter than I had. They had gone into them thoroughly, and therefore for me to have ticked off more would have been simply to have acted in an arbitrary and unjust manner.

1650. Can you say in a general way whether you have to deduct much off the costs or not in various cases?—In some cases I have deducted very large sums indeed. The largest sum I have ever deducted was 2,161*l.*, but that does not represent anything like the largest proportion that I have ever deducted. In one case some years ago, out of a total of 4,200*l.* I deducted 1,705*l.* There was a case of a very small Bill—perhaps too small to be worth mentioning—in which I deducted something like 70 per. cent. So that the cases vary very much.

1651. Would you care to tell us what sort of proportion of that 1,700*l.* that you deducted came from the various fees; did that 1,700*l.* come off the cost of witnesses or agent's or counsel's fees,

Chairman—continued.

or what?—That was rather a peculiar case; it was a case in which all the work had been done by a gentleman who was one of the promoters, but he was also an engineer, and he charged everything as a time charge.

1652. He charged for his own services, you mean, when he was a promoter as well?—Yes, quite so.

1653. Now from the figures that you have given us with regard to these costs, it would seem that the fees of the House bear a very small proportion indeed?—Yes, I have given the highest category. The lower you go, I think, the larger proportion do they bear. When you come to the small Bills the proportion is large.

1654. In one instance that you have given us, with a total cost of 12,000*l.*, the fees in the House of Commons were 423*l.*, and in another instance where the total cost was 31,000*l.*, the fees for the House of Commons were 402*l.*, which is a very small proportion?—Yes.

1655. You could not alter those, I imagine?—I will take the next category, between the 1,000*l.* and 5,000*l.* I have here the case of the Ramsgate Corporation Bill 1900, in which the total cost was 3,222*l.*, the House fees in the House of Lords, 169*l.*, and in the House of Commons, 104*l.*, and counsel's fees, 710*l.*

1656. There again, what makes up the remaining 2,222*l.*?—I could not say that without looking at the Bill.

1657. Can you not say from your own general observation and knowledge? Do they go in agents and witnesses; they must I suppose?—I should think witnesses probably; probably not in the professional charges of the agent and solicitor; probably the heaviest item would be the expenses of witnesses.

1658. Paying for their professional knowledge,—not their expenses up here, but professional knowledge, I suppose?—Of course, if they are experts they charge a good deal more.

1659. It seems a large proportion, does it not, 2,222*l.* out of 3,222*l.*? Have you got another case?—I can give you the Brighton Corporation Bill, where the total cost was 2,786*l.*; the House fees in the House of Lords, 136*l.*, and in the House of Commons, 161*l.*, and counsel's fees, 557*l.*

1660. That again is almost the same proportion, is it not?—Yes, it is.

1661. Leaving 2,000*l.* for various other things?—Yes. The next one is an unopposed one, so that there would be no counsel's fees; the Aston Manor Urban District Council Tramways 1901; the total cost was 1,170*l.*; the House fees in the House of Lords, 123*l.*, and in the House of Commons, 84*l.*

1662. If it was unopposed how could there be another 900*l.* or so for various expenses; what would that go in?—I am afraid I could not say that without looking at the Bill. There might have been in the case of a tramway, sometimes a great many notices to be given, Frontagers' notices, and others. It runs into hundreds sometimes.

1663. You do not mean notices connected with this

Chairman—continued.

this House, do you?—Notices given in connection with the Standing Orders of this House. There may be a great many Frontagers; in the case of Frontagers' Notices we allow, by our scale, 5s. a piece; that makes a good deal sometimes. Then there are three Bills between 500*l.* and 1,000*l.* The first is the Rhondda Urban District Council Bill, 1899, where the total cost was 953*l.*; the House fees in the House of Lords 142*l.*, and in the House of Commons 81*l.* There the Committee will see that the House fees in a small Bill bear a larger proportion to the total. Then counsel's fees were 123*l.* Finally, I have two unopposed Bills. The first is the Sutton-in-Ashfield Urban District Water Bill, 1901, with a total of 564*l.*; House fees in the House of Lords 120*l.*, and in the House of Commons 90*l.* There again the proportion of House fees is larger.

1664. Were there any counsel in that case?—No; these last two were unopposed. Lastly, the Finedon Urban District Water Bill, with a total cost of 703*l.*; the House fees being in the House of Lords 100*l.*, and in the House of Commons 81*l.*

(*The Witness handed in the following Statement.*)

BILL OF COSTS ABOVE £. 5,000.

	TOTAL.	HOUSE FEES.		COUNSEL'S FEES.
		Lords.	Commons.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Promotion of Derby Corporation Bill, 1901	12,205 1 5	186 14 –	423 15 6	2,615 4 6
Costs of Leicester Corporation in promoting Leicester Corporation Water Bill, 1899 and opposing Derby Corporation Water Bill, 1899, and Sheffield Corporation Water Bill, 1899	30,954 17 6	*	402 4 –	3,764 15 6
Promotion of Workington Railway and Docks Bill, 1900.	7,933 15 1	202 7 –	240 2 6	1,096 19 6
BETWEEN £. 1,000 AND £. 5,000.				
Promotions of—				
Ramsgate Corporation Bill, 1900	3,222 7 3	169 10 –	104 – –	710 16 –
Brighton Corporation Bill, 1901	2,786 1 1	136 4 –	161 6 –	557 11 6
Aston Manor Urban District Council Tramways Bill, 1901 (unopposed).	1,170 7 3	123 12 –	84 – –	—
BETWEEN £. 500 AND £. 1,000.				
Promotions of—				
Rhondda Urban District Council Bill, 1899	953 11 9	142 6 –	81 – –	123 7 –
Sutton-in-Ashfield Urban District Council Water Bill, 1901 (unopposed).	564 12 4	120 4 6	90 – –	—
Finedon Urban District Council Water Bill, 1902 (unopposed).	708 7 8	100 12 –	81 – –	—

* This Bill was consolidated in the Commons with the Derby Corporation Water Bill and the Sheffield Corporation Water Bill into the Derwent Valley Water Bill, and did not therefore itself come before the House of Lords.

1665. I gather from that that the House fees—the House of Commons fees, at any rate—as compared with the total expenditure, are a comparatively small item of the costs taken all round?—Yes, I should think so.

1666. In the larger Bills it is a very small item, and even in the smaller amounts it is not a very heavy charge, is it?—The lower you go down the higher proportion it seems to bear; I cannot say more than that.

1667. Have you any other remarks that you wish to make to the Committee?—With regard to any subject, do you mean?

1668. With regard to fees?—No.

1669. There is nothing else that you would have an intimate knowledge of with regard to Bills, is there; no other evidence that you would wish to give to the Committee?—Not unless the Committee propose to deal with Standing Order 22. I should have something to say about that.

1670. I understand that the Chairman in the House of Lords and the Chairman in the House of Commons have considered that very carefully, and I do not think that we need go into evidence with regard to that, that is, with regard to tramways running through local authorities?—Yes, consents.

1671. You

Mr. *Worsley-Taylor.*

1671. You have separated the items of cost for some of these Bills; I take it that it is only for the purpose of giving information to the Committee really bearing on the question of House fees?—Yes, that is all.

1672. You have separated Counsel's fees and other costs; it is merely to give information?—Yes.

1673. It is not by way of criticism, I understand?—No, certainly not. We selected some Bills which appeared to be more or less typical Bills in order to give information to the Committee.

1674. That relieves me of any necessity of going into questions on that point. It is only just fair to the parties in these Bills to add that one item that you have not mentioned, and a considerable one, would be printing?—Yes.

1675. That would be a very large item?—Yes; sometimes very large indeed.

1676. Just to get the explanation clear on the Notes, in case anything turns on it, with regard to the Water Bill which you referred to, I think the particular Bill that you had in your mind was the Leicester Corporation Bill; was it not?—That 30,000*l.* one?

1677. Yes?—Yes; the Leicester Corporation promoted a Water Bill.

1678. Just to get the explanation on the Notes in case anything turns on it, as a matter of fact, I think there were three Bills, the Leicester Corporation Bill, the Sheffield Corporation Bill, and the Derby Corporation Bill, all proposing to get water from the same watershed in the Derwent Valley?—Yes.

1679. All separately promoted?—Yes. They were promoted in this House, and as a result of the hearing in this House were consolidated by the Committee into a Bill that was known as the Derwent Water Bill?—Yes.

1680. And passed through this House in that form?—Yes.

1681. And then that Bill as the Derwent Water Bill was promoted jointly by the three Corporations in the House of Lords?—Yes.

1682. So that the figure you have given of the House fees would be the House fees of the Leicester Bill alone, which, as a matter of fact, did not pass as a Bill?—Quite so.

1683. And as it did not pass as a Bill, clearly it did not appear in the case at all in the other House?—No.

1684. So that there would be no House fees attaching in that case?—Quite so.

1685. That is the explanation?—I think I stated that that was the reason why there were no House fees in the House of Lords. I should like to add that I did not mention that Bill by way of criticising the charges; on the contrary, I thought the charges were very fairly made out indeed; and for that reason I felt that it was rather unfair on the Corporation that they should have to come and have the Bill taxed when they had really taxed it most effectually themselves, they being much more competent to tax the Bill and go into the reasonableness of the charges than any Taxing Officer could possibly be, because they had at their command not only all the knowledge of the circumstances but also they had the best professional advice in every department.

Mr. *Worsley-Taylor*—continued.

1686. I think we all understand that?—Of course, with regard to what the honourable Member said about the cost of printing, which I should have remembered, there would be not only the cost of printing, but also such matters as preparing plans and lithography and things of that kind, which are sometimes very considerable indeed.

1687. One thing I did not quite follow. Supposing the date of the deposit of Bills were altered to December 17th, would that of necessity involve an alteration of the dates between that and the time when a particular Bill comes before you, say in the first hundred?—I do not think that the mere alteration of the date of the deposit of a Bill would involve any alteration of the dates of the subsequent deposits; but any alteration of the time at which the Examiner met would involve an equal advancement of the dates between the 21st December and the 18th January, or rather the time when the Examiner meets.

1688. It would follow that if your date was put on to the 11th or 12th of January then those intervening dates must be put on also?—Yes.

1689. Could you tell me, out of the total number of Bills which are introduced, about what percentage would be opposed on Standing Orders?—This Session (and I suppose it was a normal Session; I have no reason to suppose that there was anything exceptional about it) I believe the total number of Bills was about 240, and I find that 22 Bills were opposed. Against those 22 Bills, 38 Memorials were presented, and there were 22 Reports of non-compliance at that stage on preliminary Standing Orders.

1690. Do you mean Reports in the case of 22 Bills?—Yes, I mean that 22 Bills were reported against as not having complied with Standing Orders.

1691. That is to say the opposition was successful in each case, if there were 22 Bills?—No, that would not be the case, because there would be a good many Reports of non-compliance where there is no opposition. There always are a certain number of agents who say, "I have to point out to you, Sir, that such and such a mistake has been made."

1692. I follow you?—I should wish to add that 11 of the above were Tramway Bills, and in most cases these had to be postponed. The agents say, "We have not got the consent of the Council; they are going to meet in a week's time, and in order to decide whether they will give it we ask for a postponement."

1693. Then it was not a defect in some of the Notices; it was on that particular Standing Order?—In the Tramway cases I should think in every case it would be with regard to that Standing Order; I should imagine so.

1694. So that really on what I may call general grounds the real number would be 11?—Yes, I suppose it would.

1695. Out of a total number of 240?—Yes.

1696. When

Mr. *Worsley-Taylor*—continued.

1696. When you have reported non-compliance the matter then goes to the Standing Orders Committee?—Yes.

1697. And they can dispense with the Standing Orders, as we know?—Yes.

1698 Can you give me an idea, say that eleven go before them, how many of those would be allowed by the Standing Orders Committee to proceed?—No, I could not tell you that.

1699. Have you any idea?—I think in the majority of cases they allow them to proceed.

1700. So that the number of Bills which are stopped for a Standing Order objection would be a very small percentage indeed of the total number?—That is to say, which are thrown out altogether on Standing Orders; yes, very small.

1701. So that if Petitioners were required to deposit Petitions, if it were found convenient that they should deposit Petitions against Bills before those Bills reached the stage of examination on Standing Orders, the risk of the Petitioners having deposited a Petition against the Bill which subsequently failed on Standing Orders would be not a very serious one?—Certainly not.

1702. Could you throw any light on the date of deposit of Petitions as a matter of convenience and practice?—No, I am afraid that is outside my Department altogether; I should not like to express any opinion upon it.

Mr. *Hobhouse.*

1703. Can you give me any figures showing the smallest cost at which an unopposed Bill can be passed or has been passed?—No, I am afraid I cannot.

1704. Would it be fair to say that you could not get a Bill, even if it was unopposed, passed into law for less than 500*l.*?—I should not think that it would amount to so much as that. I should say more like 400*l.* probably; but I do not like to speak with any confidence on that subject.

1705. What would be the cost of passing a Provisional Order Bill unopposed?—That depends upon the subject matter of the Provisional Order.

1706. The minimum cost I mean?—There is no doubt that they do run down sometimes as low as 60*l.* or 70*l.* On the other hand, the last I think almost that I took up was something like 1,000*l.*, and there did not seem to be anything excessive in the charges. I have not taxed it yet.

Chairman.

1707. Would that be a Provisional Order that cost 1,000*l.*?—Yes, a Provisional Order.

Mr. *Hobhouse.*

1708. It was opposed, was it not?—Yes, I think so.

1709. In taxing the Bills that come before you for the charges do you always do that according to a scale?—Yes, according to a scale prepared under the House of Commons Taxing Act, 1847.

1710. Approved by the Speaker?—Approved by the Speaker.

Mr. *Hobhouse*—continued.

1711. Does that scale allow a certain number of counsel for each Bill?—No, it does not deal at all with the question of counsel.

1712. How do you deal with the question of counsel, the number of counsel employed?—Well, I used to consider that anything over three was an excessive number; but on one occasion when I struck off the fees of a fourth counsel an appeal was made to the Speaker, and the Speaker decided against me; so that I should now hesitate to strike off the fourth counsel. Although the Speaker did not decide the question in a way that took it out of my hands for the future, still after the views which he expressed I should not like, except in a very strong case, to strike off the fees of a fourth counsel provided always that the employment of the fourth counsel has been duly authorised by the parties chargeable, by the local authority generally.

1713. Then you mean that however small the case was you would pass a charge for a fourth counsel?—It would have to be a strong case for me not to pass it. I will not say in every case, but it would have to be a strong case for me to take that line now after the Speaker's decision.

1714. Have you ever done so?—Yes, I have done so, but it was before the Speaker's decision.

1715. You have never done so since the Speaker's decision?—No, I have never taken off a fourth counsel since the Speaker's decision

1716. Even in cases of opponents?—No, I do not think I have ever had occasion where it seemed to me that there was anything exhorbitant in employing a fourth counsel since then. But I have certainly never contemplated taking off a fourth counsel since the Speaker's decision.

1717. Would you limit the number of leading counsel's charges that you would allow?—I do not think I can express an opinion upon that point.

1718. I am asking you as to your practice?—No, I do not consider that I have any power to do that.

1719. So that it practically comes to this, that the parties can employ any number of counsel and leading counsel that they choose?—I think that is putting it rather too strongly, that they can employ any number of counsel.

Chairman.

1720. Any number up to four?—Yes, where I should not consider I had power to interfere.

Mr. *Hobhouse.*

1721. How do you tax the fees for expert witnesses; have you a scale for that?—That is a very difficult matter. I have sometimes reduced the fees of an engineer, acting upon a principle which I have laid down myself and which, I think, has received the acquiescence—I will not put it stronger than the acquiescence—of all the members of the profession who have been before me. That principle is that an engineer is not entitled to charge more than five guineas a day for his time at ordinary periods, and ten guineas during what

Mr. *Hobhouse*—continued.

I call the acute stages of the conflict, whether on Standing Orders or before the Committee; that is to say, allowing something for preparation for that conflict. I think that has been more or less accepted, but I cannot expect that it would be accepted by the whole profession.

1722. You did not answer my question as to whether there was a scale laid down?—No, there is no scale.

1723. It is left to your discretion?—Yes.

1724. With an appeal to the Speaker?—Yes.

1725. Would you consider that the position of the engineer in his profession would make a difference as to the fee allowed?—Yes, I think it must make a difference.

1726. It does in your practice?—Yes, certainly, it must do so. Sometimes the engineers are local engineers, whose time is not worth anything like the same sum of money that the time of an engineer at the head of his profession would be worth.

1727. Then is that sum that you mentioned just now, five guineas and ten guineas, the scale that you would apply to a first-rate engineer, or to a local engineer?—That is the maximum.

1728. And with regard to the number of expert witnesses you do not exercise any discretion; you leave that to the parties, I presume?—Yes.

1729. You allow for all witnesses that are heard?—Yes, I have never taken the line of saying that it was unnecessary to call this or that witness; it is a matter for the parties to decide themselves.

1730. As a matter of fact, you satisfy yourself as to whether they have been called or not?—Yes.

1731. And do you allow charges for consulting experts when they have not been called as witnesses?—I cannot call to mind any case now in which I have disallowed a charge of that kind; I know it is a point that has been raised before me, but it occurred so long ago that I cannot remember what I did about it.

1732. I suppose these Bills that you tax are chiefly Corporation Bills?—Yes, almost entirely Municipal Bills. I should like to add to what I said before about the charges of engineers, that I consider it is not right for a local authority, say, after retaining an engineer whose charges are perfectly well known, then to come before the Taxing Officer and say, Now these charges are so high that you must reduce them. I do not think that is right. I think that if they were going to take that line they should have made their own bargain with the engineer beforehand. I have often told them so.

1733. In a case like that, you mean you would not apply your scale?—No, I do not think I should.

1734. I do not quite understand one thing. You have used the expression that the charges are perfectly well known. You do not mean by that merely that there has been a special agreement in that case, but that the man is a well-known man in that profession and is known to charge a certain scale?—Yes.

1735. In such a case as that would you apply the scale you have mentioned or not?—No, I have not applied it in all cases; it is the only principle I can go upon, but I find great difficulty in applying it for that reason. I should not apply it inflexibly—I do not think I have any right to do so; but I try in those cases to get the engineer to come and see me with the other parties, and I make some sort of appeal to him to reduce his charges in accordance with that principle.

Mr. *Hobhouse*—continued.

1736. You would exercise some check, then, over the charges even of well-known engineers?—I do not think it is a very easy matter to deal with.

1737. I only wanted to know what your practice was?—I do what I can to reduce the charges. I cannot go much beyond that.

1738. There was some evidence given by Mr. Munro with regard to the practice of dividing the fees between Parliamentary Agents and Town Clerks; has that practice ever come to your knowledge?—No, not officially; merely by hearsay.

1739. And you have no discretion to deal with the matter?—No.

1740. The charge as it appears before you would always be the charge of the Parliamentary Agent, I presume?—I do not understand.

1741. Would there be a charge both for the services of the Parliamentary Agent and for the services of the Town Clerk, in the Bill that was presented to you?—That would depend upon whether the Parliamentary work was included in the Town Clerk's salary or not. Sometimes, in cases of the larger Corporations, the Town Clerk gets a considerable salary, 1,200*l.* to 1,500*l.* a year, or even more, and Parliamentary work is included in his salary, and then he presents no bill for professional charges, only a bill for disbursements.

1742. I suppose the practice of division that was alluded to would prevail chiefly in the smaller Corporations?—That I could not say; I do not know that.

Mr. *Worsley-Taylor.*

1743. In most of these cases, I suppose practically in all these cases, this taxation of yours is solicitor and client taxation?—Yes.

1744. Not party and party?—No, solicitor and client.

1745. So that these costs, whatever they are, have to be paid by people who have deliberately incurred them?—Yes.

1746. Not to be charged against the opponents?—Quite so; it is all voluntary taxation.

1747. I suppose it is really for the purpose either to show how much may be borrowed under the Bill, if it is a Corporation Bill, or how much may be paid out of the rates?—It is so, I think, ultimately. I think the original cause of Municipal Bills coming before me for taxation is the Borough Funds Act, which provides that no part of the Borough Funds shall be spent upon Parliamentary promotion or opposition unless the Borough has complied with certain conditions, one of which is obtaining the assent of the Local Government Board, which will never give its assent unless the Bill has been taxed by the Parliamentary Taxing Officer. But, as a matter of fact, the local authorities generally anticipate that direction from the Local Government Board by

Mr. *Worsley-Taylor*—continued.

by coming before the Taxing Officer under the general powers in the Taxing Act enabling anybody to come.

1748. There is only one other matter that I want to have cleared up. Do you find that the crowding of Committees at a certain period of the Session causes difficulty and expense, particularly in the matter of counsel?—It is a matter of hearsay really, but I have no doubt that it is necessary in consequence of the number of Committees that sit at the same time, very often to employ more counsel than would be necessary if it was possible to count upon having the services of any individual counsel.

1749. So that if the Committees could sit earlier, and the work were more evenly distributed throughout the Session, it would tend to a saving of expense in that direction?—I should think so.

Chairman.

1750. When a Committee awards cost against a party, what do you do then; how do you tax them?—That is taxed in the ordinary way.

Mr. *Hobhouse.*

1751. Between party and party?—No, between solicitor and client. The Committee never award costs except in that form, that all the costs of so-and-so be paid by the other side.

Chairman.

1752. You did not tell us what the Counsels' fees were generally. You told us what the expert engineers' fees were. What are the Counsels' fees generally?—The refresher fee?

1753. The whole thing. Can you tell us, because you said you had to tax them. What does a leading Counsel charge; what is his fee?—The brief fee do you mean?

Chairman—continued.

1754. Yes?—I cannot say that.

1755. You have nothing to say to that?—I have nothing to do with that.

1756. I thought you said you taxed the Counsel's fees as well as the other fees?—I did not understand that that question was asked me. I do not know that I should be justified in saying I do not tax them; I act upon the same principle as was laid down by Sir Erskine May in the evidence he gave in 1863 before the Committee, I think, when he said that he felt bound to allow everything that was allowed by what is called the usage and allowance of the profession, that if a charge was made for attendance on the Committee on a day on which the Bill in respect to which the Counsel was retained was not before the Committee, or some charge of that sort by inadvertence, it would be struck out; but everything else was decided by the usage and allowance of the profession, which he could not interfere with. That is the principle upon which I think the Taxing Officers have always acted.

1757. Therefore, when you said you allowed the fees of four counsels, you allow them on their own scale?—Yes.

1758. You have nothing to do with fixing the scale?—No.

1759. There is one other matter I want to put to you. We have heard that the House of Lords fees vary in comparison with the House of Commons fees; would it not be advisable to make the fees in the two Houses uniform?—I should think it would; but I have no special knowledge with regard to fees.

1760. Then you have no recommendation to make to the Committee with regard to the alteration of any Standing Order beyond Standing Order 22?—That is so.

Mr. CHARLES EDMUND BAKER, called in; and Examined.

Chairman.

1761. You are senior partner of the firm of Baker, Lees and Company, Parliamentary Agents, I believe?—Yes.

1762. And you come here to represent the Urban District Councils' Association?—That is so.

1763. And you give evidence on their behalf?—Yes, I am authorised to give evidence on their behalf.

1764. What does the Association consist of?—The Association consists of 450 Urban District Councils in England and Wales, and includes all the more important districts; it includes really other districts too where the Clerk is perhaps Clerk to two or more districts, and only subscribes in the name of one.

1765. Has the Association met lately?—Yes, there was a meeting held on the 10th of July last at which the following resolutions were passed: (1) That procedure by Private Bill should be made less expensive to Local Authorities. (2) That the House Fees charged upon Bills promoted by Local Authorities should be reduced by one-half. (3) That the scale of fees payable to Counsel should be

Chairman—continued.

revised. (4) That the Reports of Government Departments should be sent to the Promoters of Bills before the meeting of Parliament. (5) That the Court of Referees should have power to award costs."

1766. Dealing with the first resolution: "That procedure by Private Bill should be made less expensive to Local Authorities," in what way does your Association mean that that should be done?—For this reason, that Local Authorities are bound to promote Bills in many cases, whereas companies on the other hand promote Bills more or less for their own commercial advantage. For instance we have had two cases this year where a Local Authority, an Urban District Council in each case, has been bound to promote a Bill and was unable to obtain the powers which it required by Provisional Order. One case was that of Finedon, where in consequence of the restriction imposed by the Public Health Act, which prevents a Local Authority borrowing more than twice the amount of its assessable value, the Finedon Council had not sufficient margin to enable them to carry

Chairman—continued.

out a water scheme which was essential for the welfare of the district, and consequently it was obliged to promote a Bill for that purpose for powers which it could otherwise have obtained by Provisional Order.

1767. Was that Finedon case the case in which they had promoted a Bill previously in a former Session?—No. The other case was Builth in Wales. There they wished to obtain a water supply from a river, and they agreed with every riparian owner with the exception of one gentleman, and in consequence of not being able to agree with him they were obliged to promote a Bill for the purpose. They subsequently agreed with him, and the Bill was withdrawn, and I believe the water works undertaking is being now carried out.

1768. But I daresay you heard what the Taxing Master has just told us, and the figures he has given us, from which it appears that the fees of this House and the House of Lords bear a very small proportion to the total costs?—In some cases but not in all. Of course in opposed cases they do bear a very small proportion, but in cases of unopposed Bills the House fees are about one-third of the cost.

1769. I see your resolution says that they should be reduced by one-half?—Yes, to Local Authorities.

1770. But in those large cases that were given to us just now where the total cost came up to, I will not take an extreme case of £30,000, but a total cost of £12,000, the House of Commons fees only amounted to £423 out of that?—That is so, but on unopposed Bills the proportion is of course very much greater. The Finedon Bill, for instance, was an unopposed Bill which the Local Authority were bound to promote.

1771. What was the total cost of the Finedon Bill?—The total cost of the Finedon Bill was 527*l.* 17*s.* 8*d.*, and of that the House fees were 181*l.* 12*s.* In the case of Darley Dale, another Bill of this Session, the total cost was 653*l.* 15*s.* 5*d.*, and the House fees 207*l.* 12*s.*

1772. Why were the House fees so much higher in the case of Darley Dale than in Finedon in proportion?—I do not know.

1773. They are all fixed according to the scale, are they not?—Probably the amount of the borrowing was larger in one case than in the other. It is governed by a scale of that kind. In the case of the Caterham Gas, another unopposed Bill of this Session, the total cost was 680*l.* 12*s.* 4*d.*, and the House fees 228*l.* 2*s.* In the case of the Cornwall Electric Power Bill, the total cost was 798*l.* 12*s.* 9*d.*, the House fees 367*l.* 12*s.*, nearly half.

1774. That is a very high proportion?—Yes.

1775. Why was that, do you know?—Because the capital of that Company was large, and the fees were thereby increased.

Mr. *Hobhouse.*

1776. That was a Company Bill?—It was a Company Bill.

Chairman.

1777. Is that a very large or exorbitant fee to pay for getting an Act of Parliament, enabling them to take compulsory power, and to borrow a very large amount of capital?—In the case of Finedon, I say it was extremely so.

1778. In that last case I mean?—No, not in the last case, not at all.

1779. In your opinion, are these House fees in any way prohibitory to parties coming here for Bills?—Yes, I have had several cases in which local authorities will not incur the expense of promoting Bills in Parliament. Two particularly are in my mind this Session—Aberdare and Mountain Ash, where contrary to the advice which I gave the authorities, they preferred to take the risk of getting their powers, tramway powers, by Provisional Order from the Board of Trade, rather than promote a Bill in Parliament. The result has been, that they incurred a very large expense, and both orders have been refused; and if they go on with their tramway schemes, they will be obliged to promote a Bill in Parliament next Session for the purpose.

1780. But when we hear that the costs of coming for a Bill in Parliament are so heavy, is it not a fact, as we have heard this morning, that the House fees bear a very small proportion to these other costs of counsel, agents, and expert witnesses?—That is so in the case of an opposed Bill, but not in the case of an unopposed Bill.

1781. After looking at these figures, it does not seem to me that the costs in this House would prohibit anybody from coming for a Bill; they might be unwilling to pay such a cost, and would be glad to reduce it as your Association says by one half, but I do not see that it would prohibit anybody coming here and trying to get an Act of Parliament. Is that your experience?—Yes, it is.

1782. That the House fees prevent them coming here?—Yes, that the House fees prevent them coming here, or rather encourage them to take the risk of obtaining powers from a Government Department, which often results in their not getting those powers.

1783. We have heard from some witnesses that Provisional Orders are more satisfactory to Municipal Corporations?—Yes, I have followed the evidence which has been given, and I do not agree with it. It has been suggested that Parliament should not give any powers which could be obtained by Provisional Order, and I have had many cases of Bills where, if that course had been followed, possibly six to eight Provisional Orders would have been necessary to obtain the same powers which were obtained in one Act of Parliament; the expense would have been, I think very much larger, and the inconvenience would have been considerably greater. In the case of Rotherham in 1900, that suggestion was made, I think in the Local Government Board Report, but it would have involved a Gas Provisional Order, Provisional Order for tramways from the Board of Trade, a Provisional Order from the Local Government Board for Street Improvements, another Provisional Order from the Local Government Board

Chairman—continued.

Board for an amendment of Local Acts, and an Order from the Board of Trade extending the Electrical Powers of the Corporation; that would have been in that case five Provisional Orders, in addition to the other powers which they would have had to have obtained by an Act of Parliament. Another point with regard to the Provisional Order system is, that each Provisional Order must be given for the particular purpose under the particular powers which the Government Department has; that is to say, on a Borough Extension Order the Local Government Board cannot amend the local Acts, and therefore you will find that where a Borough applies for an extension of its boundaries it has also to apply for another Provisional Order for an alteration of its local Acts. In the case of the Harrogate Order of this Session that was brought out, where the Harrogate Corporation applied for power to purchase land for sewerage purposes. It was opposed by a Rural District Council, and during the proceedings an agreement was come to whereby if Harrogate was willing to supply that rural district with water they would withdraw their opposition. The Local Government Board said, "We have no power to put into this Provisional Order a clause to carry that agreement into effect, and what you must do is to apply to the Local Government Board next Session for an Order under a different section of the Public Health Act, in order to enable you to amend your local Acts, so as to include this rural district." The suggestion which I would make is, that the powers of the Local Government Board should be extended so as to include in any Provisional Order all the powers which they might give under the Public Health Act. The present system is extremely inconvenient—it was extremely inconvenient in one particular case I remember, that of the Coventry Corporation, where certain powers were given under an Extension Order and certain other powers were given under an Amendment of Local Acts Order.

1784. Then in your opinion, although in the first instance the low cost of a Provisional Order is attractive, yet in the long run it may cost more than an Act of Parliament?—Yes. In the case of the Caterham Gas Company last year, where they applied for power to put a gas holder in a chalk pit, the application was made to the Board of Trade and the cost of the application was 462*l.*

1785. How do you mean, the cost of the application—including the local inquiry?—Yes, the whole cost. A local inquiry was held, and about, I think, 150 people attended. Of course there was no expense to those who opposed; and the result was that the Board of Trade stated that, in face of the local opposition, they were not prepared to make the Order. The result again was that the company were obliged to promote a Bill this Session, which was entirely unopposed, and which only cost 621*l.* May I just mention one other case. The Corporation of Warrington applied to the Board of Trade for a Tramway Order. Warrington is divided by the river Mersey, over which there is the Warrington bridge, and several of these tramways were to be on the north side, several on the south side, and one tramway was to run across the bridge. There was one frontager on that tramway, and that frontager objected; and in consequence of that objection the Board of Trade stated that they had no power to sanction that connecting link of tramway.

1786. They had to come for a Bill for compulsory purchase, had they?—No, the Town Clerk went to the owner of the house and sat in his parlour, and asking him what he would sell it for, bought it there and then, and the frontager withdrew the opposition. I do not think the Corporation should have been put in that serious difficulty. In the case of Surbiton, owing to the statutory obligations which are put upon the Board of Trade, the Council there who were applying to the Board of Trade for tramway powers, had to prove that at the meeting at which the resolution to promote the Tramway Order was passed there were two-thirds of the Council present. The Council consisted of nineteen members—one gentleman died and twelve members were present. Two counsel advised us that twelve members was two-thirds of eighteen. The Board of Trade were advised by the Law Officers of the Crown that two-thirds of nineteen was not twelve, the result being that owing to that technical objection the Order was refused.

1787. On that sole ground?—On that sole ground, and there was no way of getting over it; the cost was all thrown away.

1788. Now we will come to the third resolution which is as to Counsel fees, and although apparently we could not alter those in any way by Standing Orders, yet if you could briefly state what your Association means, for our information, you might do so; but we do not want to go into detail?—It is a little difficult to deal with this before this Committee, but in some cases one finds that Urban Councils consider the fees heavy. One point that I would make is that a Counsel's brief for attending before a Committee may be marked with a fee of fifteen guineas, but as a matter of fact that fifteen guineas means thirty-five.

1789. Why so?—Because in the first place he is entitled to a retaining fee of five guineas.

1790. Is he always?—Yes; in fact, I have one case here where there are nine retaining fees, although there was only one brief.

1791. Do you mean that every day the case is put off he has to have a retainer?—No; at the commencement Counsel is entitled to have a retaining fee; he is entitled to a fee of ten guineas a day for each day he attends the Committee; he is entitled to a brief fee, and he is entitled to five guineas for consultation.

1792. And that comes to more than double his original fee marked on his brief?—Yes.

Mr. *Hobhouse.*

1793. Junior Counsel, do you mean?—In either case; there is no difference between a junior and a leader; the only difference is that the leader gets a higher brief fee.

1794. Where

Chairman.

1794. Where you have four Counsel, as we were told just now is allowed in some cases, do each of the Counsel get these fees?—Yes, there is no difference between Senior Counsel and Junior, except in the brief fee.

1795. Do you suggest that Counsel's fees should be limited in any way by Standing Order. Otherwise I do not see that the Committee can deal with them?—No, I do not think the Committee could deal with the matter.

1796. Then we will take these answers with regard to fees to Counsel merely as an explanation of part of the cost of getting the Bills through?—Yes, in some cases it does work very hardly upon the local authorities. If I may refer to one case, for attending on behalf of the Kent Authorities for the London Water Bill, the fees of the Junior Counsel were 405*l.* 4*s.* 6d., and I think he spoke for half an hour.

1797. That seems a great deal, but we cannot alter that, as I said, by Standing Order?—There is only one other point with regard to Counsel's fees that has been referred to by this Committee, and that is the employment of local Counsel instead of London Counsel.

1798. I do not think we can go into that; it is beyond the scope of our reference?—I should be prepared to deal with it as being most inexpedient.

1799. Now about these Government Department Reports; what has your association to say about that—that they ought to be put in earlier?—As acting, to a large extent, for local authorities, I have, of course, had a very great deal to do with these Reports, and I may say that there has been very considerable delay in the progress of Bills through Parliament owing to these Government Department Reports not being made earlier. With regard to the preparation of the Reports, I should like to testify to the admirable manner in which they are prepared, and the accurate manner in which they are prepared; every document relating to the local authority appears to have been looked at and examined, and the Reports do those who have prepared them the utmost credit—a credit which I think is not sufficiently recognised. But the suggestion which I desire to make is, that the staff to whom the preparation of these Reports is allotted should be largely increased so that the work should be done quicker, and Parliament should be in possession of these Reports at a much earlier stage. I had a Bill, the Knaresborough Improvement Bill, this Session, which was considerably delayed owing to the Report not being ready. Finally, the Bill was set out in Committee on the 16th April, and the Chairman of the Committee said, "I hear there is a Local Government Board Report." Mr. Wedderburn, who was counsel for the Bill, said, "I was going to say a word about that." The Chairman said, "We have not got it." And then Mr. Wedderburn said, "I was going to say that the Report of the Home Office is dated the 27th of February. We have had plenty of time to go into what they suggest. I am perfectly prepared to deal with it. On the other hand, there is a report of the Local Government Board which

Chairman—continued.

nobody has seen. When I say that I may tell you that Lord Morley, the Lord Chairman, has not seen it; you have not seen it, and those who instruct me—at any rate, I, let me say, until this morning at a quarter past ten, had not seen it. Then I saw this document, which I will hand to you headed, 'Report of the Local Government Board unrevised proof; please return to Local Government Board.' It is not dated, except Local Government Board, Whitehall, 1902. I do not want in the least to be, shall I say cantankerous, but I feel very strongly—and I think I am right in the public interest to bring it before the Committee—that it is absolutely impossible for any Counsel—I care not who—effectively to deal with a Report, going into every kind of detail in fifteen pages upon an unrevised proof which he gets at 10.15 on a morning when probably he has other consultations to attend to, and cannot give a very long time to it. It is not fair to him; it is not fair to the Committee; it is not fair to the Bill." The Bill was deposited with the Local Government Board on the 21st of December, four months before. I may also mention that the Lord Chairman in the other House declines to see the parties in a Bill until the Local Government Board Report has been issued, and therefore even that stage cannot be taken, and a most important stage, because a great deal of the framework of the Bill depends upon the observations which the Lord Chairman makes, and which he requires the parties to carry out in the Bill.

1800. Now we come to the times of depositing the Bills. What have you to say about the Bills being deposited earlier than the 21st December?—I entirely agree that they might be deposited in the House of Commons on the 17th.

1801. The same date as in the House of Lords?—The same date as in the House of Lords. I disagree that the whole of the Parliamentary proceedings could be put on by a month or any date such as that. At the present time I do not think any Corporation would pass a resolution to promote a Bill until after its annual meeting, when the new Council have been elected.

Mr. *Hobhouse.*

1802. Urban District Councils, do you mean?—I am speaking of Corporations; they meet on the 9th November. And with regard to Urban District Councils, it is quite the exception, of course, to pass any resolution to promote a Bill before the long vacation; and this work is nearly always started in the month of October or the month of November.

Chairman.

1803. You have said that there is no reason why the Bills should not be deposited by the 17th; that would be four days earlier. Is that your limit? Could they not be deposited a little earlier than that, by the middle of December, say the 15th?—No, I think not. First of all there are the local Notices, which have to be put in two weeks in the local papers in November—before the 27th of November. Then the plans have to be deposited by the 30th of November; then the Notices

Chairman—continued.

Notices have to be prepared to those whose land is to be taken compulsorily; and with regard to gas undertakings and so on, those have to be sent off by the 12th of December, so that there is very little time.

1804. Then you would deposit the Bills on the 17th? And do those Bills go at once to the various Government Departments before they have been to the Examiner?—Yes, every Bill has to be deposited then with the Local Government Board and the other Departments.

1805. And that period then would give them a week or so before the holidays; and I suppose they would have more time to prepare their Reports in consequence?—Yes.

1806. Do you think that those four days would accelerate matters much?—I do not think there will be any acceleration until the staff is increased. I am aware that the officials work fourteen and sixteen hours a day in order to endeavour to get these Reports ready.

1807. What have you to say about depositing petitions against the Bills. That now has to be done before the Committee stage, has it not?—A suggestion has been made to this Committee that there should be a fixed date for that, and although there are some objections, and it would be inconvenient to Parliamentary Agents, I think, yet I concur in the evidence which has been given by Mr. Pritt on that point, that they might be deposited at a fixed date, say the 12th of February.

1808. That is the date you suggest?—That is the date I concur in, the 10th or the 12th of February. I do not agree that the petitions should be deposited before the Examiner has given his certificate on the Bills, but I suggest that the Examiner should give his certificate by the end of January.

1809. That is to say, if the Examiner could give his certificate by the last day of January, then the petitions against the Bills could be deposited by the 10th or 12th of February?—Yes, I think it is essential that opponents should not be obliged to put in petitions against Bills unless those Bills have already passed the Standing Orders. I do not say that it would be inconvenient with regard to Bills promoted at present, but I do say that it would lead to Bills being promoted merely for the object of seeing what opposition would be given to those Bills. For instance, railway Bills, which are promoted for the purpose of constructing new railways very often involve a very large Parliamentary deposit, and it is a very great and useful test of the *bona fides* of the promoters that that deposit should be made before the petitions have to be put in against the Bill. If the petitions were to be put in before the Examiner gave his certificate, promoters would be able to avoid making the deposit until after they found out whether the Bill was likely to be strongly opposed or not.

1810. Is there anything else bearing upon the Standing Orders that you wish to bring to our notice?—I have a suggestion to make which in my personal opinion I think would lead to a larger number of Bills being settled and therefore

Chairman—continued.

not coming before opposed Bills Committees, and that is that the promoters of Bills should be required to lodge answers to the petitions which are put in against the Bills. The present practice is that unless there are negotiations, and those negotiations result in an agreement being come to, the Bill comes before a Committee as opposed on preamble, an absolute opposition, and the Committee have no means of knowing how far the parties have come to terms or are prepared to make concessions in order to come to terms; and I think that that leads to the procedure being extended beyond what it would if the promoters were required to put in what one might call a statement of defence or reply to the petition.

1811. What have you to say to the suggestion that has been made that these opposed Bills should be taken before a Joint Committee of the two Houses?—I am entirely against such a proposition; I do not think it would facilitate business in any way. Difficulties would probably arise between the two Houses. Some difficulty I believe arose on the London Water Bill as to which Clerk to the Committee had control of the Committee; both Clerks had to attend. And the decisions of that Committee were rather even on some occasions. But apart from that, the present practice is as good as it could be. Many oppositions are entirely got rid of by the parties agreeing that by reason of not opposing the Bill in the First House their opposition in the Second House shall not be prejudiced if they have not come to terms in the meantime. The result is that terms are come to in the majority of cases in the meantime, and the Bill passes both Houses unopposed.

1812. Although a Bill might be unopposed in one House, it might still be opposed in the other?—Yes

1813. And that gives more time to the parties to come to an agreement?—Yes; whereas if the Bill is referred to a Joint Committee the opponent is obliged to petition, and appear on that petition, as it is his only chance. I have also known many cases where a Bill has got through the First House without some opponents being aware of it; they have had the opportunity of petitioning and getting what they want in the Second House.

1814. In your experience are many Bills fought in both Houses?—No, very few indeed.

1815. The parties take the decision of one House in the general way?—Out of twenty-eight Bills this Session, I think I have only two which have been opposed in the Second House

1816. And is that a fair average, do you think?—Yes, I do.

1817. Have you any remarks to make about unopposed Bills?—My remarks with regard to a Joint Committee would apply to unopposed Bills; but I would modify them with regard to Provisional Order Bills. A Provisional Order Bill, I think, might be sent to a Joint Committee. I would suggest that Committee fees might be altered; the fees sometimes work very hardly upon local authorities. I have had cases where although only watching the Bill, I have been charged fees amounting to 300*l.* and 400*l.* In the

Chairman—continued.

the case of the London Water Bill, although we had not any very great fight, the House fees, which are charged at the rate of £2 a day, were 208*l.*, and if I had not taken the precaution to suspend the appearance from time to time, and I had been charged full fees on all these petitions, it would have amounted to 630*l.*

1818. You would like to have the scale of fees altered in that respect?—I think that one fee should be charged; it might be 5*l.* or 2*l.*, but that should cover the cost of appearing before the Committee.

1819. What have you to say with regard to the difference in the fees in this House and in the House of Lords?—I think the House of Lords fees should be assimilated to those of the House of Commons

1820. Which do you prefer, in the interest of suitors?—The House of Commons scale, because the fees are graduated according to the progress of the Bill. It is extremely hard that a fee of 81*l.* should be charged in the House of Lords on Second Reading for an unopposed Bill. In the House of Commons it is only 15*l*

Mr. *Hobhouse.*

1821. I think you appear for the Urban District Councils' Association? Is that an association of clerks or of authorities?—Authorities.

1822. You said something about clerks in your opening observations, which I did not quite understand.—I said that the Association included districts where the clerk is perhaps clerk to two or more districts and only subscribes in the name of one.

1823. The subscriptions are from the funds of the District Councils?—Yes.

1824. Are your meetings usually attended by the clerks or by the chairmen?—By the clerks.

1825. You are aware that the Municipal Corporations Association have given evidence before us? Yes, I have read the evidence.

1826. And in some very material points the evidence of your Association differs from theirs?—Yes.

1827. For instance, with regard to this Provisional Order system, they desire an extension of the Provisional Order system. I gather that you do not?—I do not. I should like to qualify that by saying that I desire an extension of the Provisional Order system so as to enable the Government Departments to deal more effectively with Provisional Orders that they now have power to grant, but not that their powers should be extended so as to enable them to make Provisional Orders with respect to other matters. It was suggested by Mr. Boyce, for instance, that he saw no reason why the Board of Trade should not give compulsory powers for the purchase of gas undertakings. I am prepared to give evidence against that, to show that it would lead to very much greater expense and would not be desirable. The reason why the expense of Provisional Orders is so much less than of Bills is that the applications which are made for Provisional Orders are generally of an almost non-contentious character. A

Mr. *Hobhouse*—continued.

man will not sell his land unless the local authority get a Provisional Order, because the owner of land thinks he will get a better price under the Lands Clauses Act than the local authority are likely to give him by agreement. Consequently I think you will find that in the list which Mr. Boyce gave when he gave his evidence, there were a large number of Provisional Orders for compulsory purchase—thirty-three in 1900, twenty-three in 1901, and twenty-four in 1902. Then, again, in the very next item, Amending Local Acts, there were twenty-nine in 1900, sixteen in 1901, and thirty-six in 1902. Now these Amendments of Local Acts are slight alterations which the corporation or local authority are obtaining and which really do not affect or interest the ratepayers of the district; they are obtained as a matter of course, and I think if you looked through twelve of them you would find that eleven out of those twelve contained nothing of a contentious character.

1828. But that is hardly an argument against extending the system of Provisional Orders. Your point is simply now that there are certain matters dealt with by Provisional Order to which no opposition could be expected?—I think if you extended the power to make Provisional Orders, you would find that the expense would be greater than if the parties came to Parliament in the first instance for a Bill. You have an instance of that which is going on in one of your Committee Rooms. The Pontypridd Urban District Council promoted a Provisional Order for tramways. They were opposed by the Taff Vale Railway Company at the Board of Trade, at the local inquiry, in the First House (the House of Lords) and are now being opposed again in the House of Commons. The adjoining district of Rhondda promoted a Bill, and I venture to think that the cost of the Rhondda Bill will be much less than the cost of the Pontypridd Order.

1829. It comes to this, that as matters stand at present you may have three fights over a Provisional Order?—Yes.

1830. Supposing that Provisional Orders were dealt with by a Joint Committee as you yourself suggested, that would reduce the number of fights to the same number as would take place on a Private Bill?—Yes.

1831. And with regard to fees, the fees are much lower in the case of a Provisional Order, are they not, the House fees?—There are no House fees in the case of a Provisional Order; there are fees in some cases payable to the Departments; but there are no House fees.

1832. There are fees if there is opposition?—Yes, there are Committee fees.

1833. I am speaking now of opposed cases because you were speaking of them?—Yes.

1834. Therefore if there was merely a Joint Committee Inquiry in the case of a Provisional Order, would it not in many cases be a cheaper mode of getting powers than by Private Bill?—No, I do not think so. I have had such large experience of the Government Departments and the difficulty of getting over these technical objections.

Mr. *Hobhouse*—continued.

tions that I think the power should not be delegated by the House.

1835. I was asking you then on the question of expense?—On the question of expense possibly it would be a saving of expense, and it certainly would be a saving in unopposed cases.

1836. What I understand your opinion to be in regard to the two systems, apart from expense is, that it is often easier to get powers from Parliamentary Committees direct than from Government Departments?—That is so.

1837. And for that reason, apart from expense, you often advise local authorities to ge to Parliament direct?—For the reason that I have already given, that Government Departments are so hampered with restrictions which are laid down in the Act of Parliament and which they are unable to dispense with that it is preferable to incur the additional expense and to be sure that during the progress of the Bill you will not be met with these objections. I will give you a case which has just recently happened, the case of Skegness gas, where the Provisional Order was sent to us on the 16th of April. By the Act of Parliament that Order had to be advertised in the local paper on the 19th of April; the Order was sent to us by the Department altered almost from end to end; we had within those three days either to accept it or to refuse it, and we had to make arrangements that the Order should be at once set up in type and published in that local paper. If that had not been done the Order would have gone.

1838. That difficulty was created by a general provision in the law which if the Provisional Order system was extended, might be altered?—Until it is altered one cannot say.

1839. Then your evidence comes to this: that if the same restrictions that at present exist in the law remain, there are objections to the Provisional Order system?—Yes, that is my opinion.

1840. Then, again, with regard to unopposed measures, how is it that urban district authorities very often prefer to proceed by Bill rather than by Provisional Order, when they do not contemplate any opposition, in spite of the much greater expense of a Bill?—I do not know of any case where an urban district council has promoted a Bill solely for powers which it could obtain by Provisional Order.

1841. Buying up a gas company, for example?—You cannot do that by Provisional Order.

1842. Not if the gas company are willing to be bought up?—Yes, if the gas company are willing to be bought up, and if the area of supply is entirely within the district of the authority who are applying.

1843. I wanted to ask you why in some of the cases you have mentioned the authority should prefer to proceed by Bill rather than by Provisional Order?—I know of no case where they have done it. I know of two or three cases where application has been made to the Local Government Board to sanction the transfer by agreement of a water undertaking—Wells, for instance, where the Local Government Board, after all the

Mr. *Hobhouse*—continued.

terms of agreement had been arranged and everything settled apparently to the satisfaction of the people of the district, have refused to give their sanction to the arrangement being carried out.

1844. Could you give me any figures as to the minimum cost of obtaining a private Bill in an unopposed case?—384*l.* is the lowest that I know of.

1845. Do you consider that that is too high?—No, I do not.

1846. Then you do not advocate any reduction of the House fees?—Yes, I do; but I think that if a Bill could be obtained for 400*l.* the expense should not be lower than that.

1847. You think that is low enough?—I think that is low enough.

1848. Then it is really in the case of opposed Bills that you want the House fees reduced, not in the case of unopposed Bills?—I think the average cost of a Bill is 500*l.* I think if that was lowered to 400*l.* it would certainly be a great advantage and assistance to urban authorities.

1849. But your Association advocate the fees being reduced by one half?—Because the average cost of a Bill is 500*l.*

1850. But the reduction of 500*l.* to 400*l.* is not one half?—Yes, it is about that—one-half of the House fees; the House fees are from 180*l.* to 200*l.*; therefore if you reduce it by one half it would be so.

1851. Oh, you were speaking of the total cost?—Yes, the total cost.

1852. You mentioned a case in which a single frontager had power to stop a tramway being made by Provisional Order?—Yes, and I can give you other cases.

1853. I was only going to ask you how that comes about?—Because the tramways are split up into so many tramways, say thirteen separate tramways, and on this one particular tramway there was one house, and the rest was a bridge, the Warrington Bridge.

1854. He was the only frontager on the tramway?—That is so.

1855. That is rather a peculiar case, is it not?—It is, but I had two Provisional Orders this Session for tramways, both of which were stopped on the opposition of frontagers. In one case there were forty-one frontagers, and fifteen objected.

1856. I will not trouble you further on that question. With regard to the date of depositing Bills, does the difficulty in the case of the urban districts arise from the dates of their annual meetings?—No, the annual meeting of the Urban District Council is held as near as possible after the 15th of April.

1857. Then what does the difficulty arise from?—From the fact that they are away usually. For instance, my own District Council, of which I have been a member fourteen or fifteen years, adjourn until the end of September

1858. They do not sit in the months of August and September?—No.

1859. And you do not think if they meet at the beginning of October there is time to deposit the Bill before the middle of December?—No;

Mr. *Hobhouse*—continued.

—No; local authorities proceed very slowly, and they would not pass a resolution to promote a Bill until the matter had been fully considered, not only by the Committee but on reports which the officers of the local authority have previously made. The result is that even now there is a good deal of hurry in getting Bills ready for deposit in December. The same remark applies also to the deposit of petitions. The Bill comes before the local authority, and has to be referred to a committee for consideration, the Surveyor or other officials have to report upon that Bill, and then instructions have to be given as to the preparation of the petition, and there is very little time between December and February for the proper preparation of petitions against some of these important Bills.

1860. You object to having a Joint Committee even for unopposed Bills, I think?—Yes, I think the present system is admirable, and could not be improved upon.

1861. You think the tribunal on unopposed Bills is quite strong enough?—I think so; but I think nobody would have any objection to the Committee consisting of three members instead of two, as apparently it does now.

Chairman.

1862. No, it consists of three now?—Two members and the Speaker's Counsel. I mean three Members of Parliament.

Mr. *Hobhouse.*

1863. Is there any advantage, in the case of an unopposed Bill, in its going before two Unopposed Bill Committees?—I have given one reason which I might, perhaps, repeat.

1864. I think that applied to opposed Bills?—No, that a Bill may be allowed to pass the First House unopposed, provided that the promoters are willing to preserve the rights of possible opponents. That gives them a further period of possibly six weeks within which to come to terms, and saves both parties very large expense.

1865. And you wish to keep alive, so to put it, the right of opposition to a later period of the Session?—Yes, I think it facilitates agreements being arrived at between the parties.

1866. Are not agreements very often arrived at owing to the pressure of having to go before Committee?—Yes, but then the expense is incurred both to the promoters, who have to be prepared with witnesses and with counsel, and to the opponents who have to put themselves in a similar state of readiness, and an agreement is come to when the Bill is in Committee, and all the parties are brought together.

1867. Do you think taht small matters of opposition, clause matters might, perhaps, be settled by a tribunal like the Unopposed Bills Committee wthout the formality and expense of counsel?—I think there would be very great difficulties in the way.

1868. What difficulties? — The difficulty of defining what a small matter was.

1869. Of conrse, that would be a matter for the Committee?—And the engagements, of course, of Parliamentary Agents are sometimes as great as those of Counsel.

1870. Do you see any advantage in dispensing with Counsel in small matters?—I do not think so; I think there is a very great advantage in discussions of that sort in having Counsel who are not in close contact with the parties themselves, rather than if the agent or the solicitor had to discuss it with the agent or the solicitor for the other side.

1871. But before the Examiner some matters are settled by agreement, are they not?—That is so.

1872. And before the Court of Referees?—Very seldom before the Court of Referees.

1873. Do you think that any improvement could be effected with regard to clause opposition? Do you think the rule that prevents clauses being gone into before an Opposed Bills Committee in one House in order to save the opponents' right of appearing against the Preamble in the other House is a good one?—I think that Standing Order 143A should be repealed. I think it is very unfair to promoters that after discussing very fully a clause in one House they should be entitled to oppose the Bill on Preamble, and again on clauses in the Second House.

Mr. *Worsley-Taylor.*

1874. Just one or two very short questions about an extension of the Provisional Order system, which, of course, involves legislation, and so I will put it shortly. I understand your suggestion to be that all powers capable of being given now in separate Orders should be capable of being given in one?—Yes.

1875. Do I correctly understand that you suggest any new subjects for that method of inquiry?—No, I do not suggest new subjects, because I think in that case the expense would be greater than the expense of Bills in Parliament.

1876. It is an alteration of Procedure with regard to subjects which now can be got by Provisional Order that you recommend?—Yes, quite so.

1877. Taking the more serious matters which turn out to be opposed, I suppose because they are more serious, could you give me an idea whether there is very much difference in cost between a local Inquiry and a contest here?—I can give you the Caterham case, which cost 462*l.* for the local Inquiry. Counsel had to attend, expert witnesses had to attend, and, as I say, everybody in the locality who had not gone up to London was present at the Inquiry, and was heard and expressed his views, and the Inquiry lasted for two days.

1878. Supposing it is an opposed case, and therefore, presumably, a more serious one, what happens with regard to witnesses and counsel and so on—are they found on the spot?—No, you have to take Counsel down from London and also the expert witnesses; and very often you cannot get the services of the best men as they will not leave London and their other engagements; and the fees are sometimes more or less prohibitive. Three hundred

Mr. *Worsley-Taylor*—continued.

hundred guineas were paid to one Counsel to attend a local inquiry which was held by a County Council. In that particular case the County Council made an order constituting an Urban District. The only appeal that was open to the opponents was to obtain the consent of one-sixth of the ratepayers of the district. The district was the Doncaster Rural District, which had 24,000 ratepayers, and we had to get 4,500 signatures to the appeal at very great expense; and that we had to do twice, on two different occasions, when Orders were made.

1879. Were Parliamentary Counsel engaged?—Parliamentary Counsel and expert witnesses were taken down at very large expense.

1880. You have mentioned Counsel's fees, but those do not depend on Standing Orders, and therefore I will not pursue the matter. With regard to the date for the deposit of Petitions, your objection to having them earlier than at present or one objection that you raised was, that they certainly ought not to be deposited before the date of the money deposit?—Yes.

1881. What is the date of that?—The 15th of January.

1882. Would there be any objection to their being deposited after that, but before the certificate of the Examiner?—After the Promoters have given proof before the Examiner that the deposit has been made.

1883. Has the deposit of money to be made after proof before the Examiner?—The deposit has to be made on the 15th of January. The Promoters have subsequently to produce proof to the Examiner that the deposit has been made, and produce the Certificate of the Paymaster General.

1884. When has that to be done?—When the Examiner takes the proof at any particular time after the 19th of January.

1885. That is part of the procedure of compliance with Standing Orders?—Yes, I see no objection to that date being put forward a little.

1886. You mean the date of the money deposit?—Yes; it might be made the 12th.

Chairman.

1887. It is now the 15th?—Yes.

Mr. *Worsley-Taylor.*

1888. But if it were desirable to deposit Petitions immediately after that, could not that be certified or known in some way without waiting for the Examiner?—No, I do not think so.

1889. It would be impracticable?—I think so. We have now to produce the Certificate, and the receipt showing the actual payment of the money, or transfer of the Consols.

1890. So that, in your view, in order to prevent injustice to Petitioners from abortive Petitions, you think they must wait, for practical purposes, until the Examiner deals with the matter?—Yes.

1891. Do you see any objection to the time for petitioning dating from the time when the Examiner certifies compliance with Standing Orders in a given group of Bills?—No objection at all.

Mr. *Worsley-Taylor*—continued.

1892. Have you considered whether there would be sufficient notice to everybody, would it be sufficiently known to Petitioners. Of course, in the case of Petitioners with Agents in London I can conceive that it would; but would there be sufficient notice to people outside?—I think there would not be so much notice as is given at the present time, but I think that the Standing Orders Committee having power to admit Petitioners who are late, would get over any difficulty of that sort.

1893. So that, if it were found desirable to advance the time in that way, you see no objection?—I see no objection except in the inconvenience of having to do the work in a shorter space of time.

1894. You mean it would be inconvenient to the Agents?—Yes, but not otherwise.

1895. Would it be seriously inconvenient having the two things running on?—No; we are accustomed to having to do everything more or less in a hurry.

1896. The fixed date you suggested was the 10th or 12th of February. I suppose you would agree it is desirable that the Court of Referees should sit as early as possible?—Yes, certainly. I see no reason at all why the Bills should be postponed until after they have been read a second time. I think the moment the parties are at issue the case is ripe for being tried by the Court of Referees. I had a case a few days ago where the Court of Referees sat the day before the Bill came before the Opposed Bills Committee. The result was that one gained nothing, because one had to pay counsel's fees for the two days, and whether the Petitioner got his *locus* or not was a matter of no importance.

1897. You would agree with everybody else that they really ought to sit at the very earliest possible period of the Session?—Yes.

1898. For practical purposes would the date that you suggest, the 10th or 12th February, be early enough, or should it be advanced?—I do not think it could be advanced before that. I think it would be a serious disadvantage to local authorities, and even to large landowners whose estates, for instance, are cut up by a railway; it would leave very little time for them to get reports from their Agents as to how they would be affected, and so to word their Petitions properly; because it must be remembered that a Petitioner is confined to the four corners of his Petition, and if any allegation is accidentally omitted, he is not allowed to refer to it before the Committee, and injustice may very often be thereby done. It is most important that the Petition should raise every point.

1899. Then, looking at all these considerations, I understand that your view would be that a fixed date would be better, and that somewhere about the 10th or 12th of February would meet all practical purposes?—Yes. I concur in that.

1900. A word about the House fees. The cases that you gave of Petitioners being pressed, in your view, were cases of local authorities having the rates to fall back upon?—Yes.

1902. But I suppose that remark would apply still

Mr. *Worsley-Taylor*—continued.

still more strongly to private Petitioners, landowners, not promoters, but brought there of necessity to oppose?—Yes, and often brought there year after year.

1903. You consider that the House fees do press hardly upon them?—Very hardly.

1904. You mentioned just now something that I should like to ask your view upon, that was, with regard to the particularity of the allegations in a Petition. You are aware of course in your other business, of the very extensive powers of amendment that there are in common law proceedings; do you see any reason why Standing Order 128 should not be made a little wider, following the precedent of the Judicature Acts and the Orders under them. There is a power now in it at the end, that "If it shall appear to the said Committee that such grounds are not specified with sufficient accuracy, the Committee may direct that there be given in to the Committee a more specified statement in writing, but limited to such grounds of objection so inaccurately specified." I do not know whether you have ever known that power used?—Not in my experience.

1905. Do you see any reason why it should not be made practical on the lines of the Orders under the Judicature Acts somewhat as follows: "But the said Committee may allow the Petitioners to alter or amend their Petitions in such manner and on such terms as to costs or otherwise as may in the opinion of the Committee be just and necessary for the purpose of determining the real questions affecting the said Petitioners." Do you see any objection to that?—It would be a little hard upon promoters, if they have come prepared to meet a particular case as set forth in the petition, to have to meet possibly a totally different case as set up before the Committee. For instance, a question of abstraction of water might be set up in the petition, but when you got into Committee the question of pollution or of the quality of the water, although not set out in the Petition, might be brought before the Committee, involving a totally different class of witness from those you might have for supporting the Bill.

1906. But that I take it would be a matter that the Committee would in their discretion only decide when they heard what was proposed

Mr. *Worsley-Taylor*—continued.

and what was said against it. I put this to you: Have you known cases in which objection is taken with regard to allegations in a petition, the petitioner is prevented from going into the matter because his petition is insufficient and is caused thereby to withdraw, and opposition results in the second House, when that opposition might well have been heard in the first House?—Yes, I believe it is the Junior Counsel's duty to keep his eye upon the opponents' petition and to jump up the moment anything is said that is outside that petition; and in many cases injustice is thereby done. I think that a further discretionary power might be given to Committees to prevent that.

Chairman.

1907. Is there anything else you wish to say?—There is one point that I wish to call attention to, in which the Standing Orders might be altered; one is, that it would be a very great convenience if a copy of the Minutes of Proceedings before each Committee were deposited in each House. Very often precedents are referred to and what has happened in other Committees, and discussion takes place; but the Chairman of the Committee and the Committee have no opportunity of testing those statements nor can any reference be made to what has taken place on previous Bills.

1908. Is not the evidence all filed and kept in the House?—A transcript of the shorthand writer's notes of the evidence given is kept in the House, but not a copy of the speeches, and not a printed copy of the proceedings; and if you saw a copy of the transcript of the shorthand notes you would see how very difficult it would be to refer to any part of those Proceedings. Very often they occupy three or four thick volumes. I suggest that as in nearly all cases these Notes of Proceedings are printed, it should be obligatory upon the parties to deposit a copy in each House, and that those copies should be open to the parties as well as to Counsel and the Committee. In some cases the proceedings are not printed at all.

1909. In all cases in which they are already printed that should be done, you mean?—In all cases in which they are already printed. I think the agents generally would be willing to conform to that.

Tuesday, 29th July 1902.

MEMBERS PRESENT:

Mr. Hobhouse.
Mr. Jeffreys.
Mr. Renshaw.
Mr. Worsley-Taylor.

THE RIGHT HONOURABLE A. F. JEFFREYS IN THE CHAIR.

Mr. HERBERT EDWARD BOYCE, further Examined.

Chairman.

1910. You wish to be recalled in order to supplement your previous evidence, I understand?—I do, if you will allow me; I will not detain the Committee for long.

Mr. *Renshaw.*

1911. There is a question that I wished to put to you. In order that we may have the matter clearly before us, could you put in a memorandum showing exactly, with regard to Provisional Orders and Confirming Bills, the whole course which is taken in Parliament with regard to them?—I can; that is what I should wish to do if the Committee will allow me.

Chairman.

1912. It will not be a very long statement?—I will make it as short as I can.

1913. I think the shorter that statements are, the more likely they are to be studied?—It would come very well in the Appendix, so as not to load up the evidence.

Mr. *Renshaw.*

1914. Only one other question with regard to one point that we did not ask you about when you were here the other day. Have you any opinion to express to the Committee with regard to unopposed Bills and the way in which they are dealt with at the present time?—I should like, if I may, with all respect to Mr. Parker Smith, to absolutely endorse the evidence that he gave before you as to what I should like to see done as regards unopposed Bills, and not only as regards unopposed Bills, but I think, if you had a Committee constituted as he suggested, it could deal with what is a very important matter from the Board's point of view, and from every point of view I consider, and that is, the unopposed parts of opposed Bills. At present, those unopposed parts are left for the consideration of a Select Committee, on the Board's Report chiefly. Of course, if the Select Committee has been sitting a long time, and there has been opposition, it is very difficult for them, without some guidance, to run through and appreciate the Board's criticisms on the unopposed parts. Therefore, if I may do so most respectfully to Mr. Parker Smith, I should like to endorse all that he said as regards unopposed Bills. He mentioned that they might be dealt with in the shape of a Joint Committee. I think also that that is possible, but I should like to put in one caveat as regards the Joint Committee, and that is this, that I think the machinery as regards appointing a Joint Committee should be simplified.

Mr. *Renshaw*—continued.

Chairman.

1915. That is a Joint Committee for unopposed Bills?—A Joint Committee for unopposed Bills; and what I say now would apply even to opposed Bills if you had a Joint Committee, viz., that the machinery for appointing the Joint Committee should be simplified. At present it involves so many messages backwards and forwards from each House, that it is very difficult to estimate when you will get your Joint Committee to work. And there is also, as regards a Joint Committee, the question of *locus*, of course. That would not apply in the case of unopposed Bills; but the question of *locus* is different here from what it is in the House of Lords. There is also the question of the Chairman of the Committee and of the voting. I only mention those things to show that if a Joint Committee for unopposed Bills could be arranged I am not at all sure that it would not be a very good thing on the lines that Mr. Parker Smith suggested. Then would you allow me to correct the shorthand notes on one or two points in my evidence which I can hardly treat as corrections to be dealt with in the ordinary way. At Questions 1514 and the subsequent questions, 1515 to 1517, I am afraid I was not quite clear about the date for the deposit of Provisional Orders. The Board have fixed, so far as they can fix, the earliest dates possible for applications for Provisional Orders to be made to the Board. They are to some extent, guided, as I have already said, by the date fixed for the deposit of Bills, because, of course, it is not advisable to fix the dates for applications for Provisional Orders so early that they offer a premium on going for a private Bill. Then as regards my answer to Question 1520, I should like to explain that that was on the question as to whether the Committees

Chairman—continued.

Committees could be put out failing our Report. Of course they could be put out, but it is obvious that if the Committee do not have the Board's Report before them they can not usefully deal with the Bills.

1916. With regard to Reports from your department or from Government departments, I hear that there is no delay at all in getting Reports issued from the Home Office. Why is there delay in getting them issued from your department?—Because the Reports from the Home Office are confined to a mere handful of clauses in a mere handful of Bills. The Reports of the Home Office on private Bills are confined chiefly to police matters and matters relating to extensions of the Criminal Law or the creation of new offences, and where I may have a Report to support before the police and sanitary committee of 25 or 30 pages, the Home Office may have one of three pages or even two. That is one reason.

1917. That is only a question I suppose of more work, or more officials to get through the work?—I think not; because it is not work that is learnt in a day or even in a year; it requires considerable training before even the most competent gentlemen (and we have several very competent gentlemen in the office who deal with these Bills) can usefully prepare a Report for it to be adopted by the Board.

1918. Do you mean to say it is impossible to get the Reports from the Local Government Board earlier, so that they can be presented to the Committee?—I think it is impossible.

Chairman—continued.

1919. Then that stops the whole procedure?—I am afraid to some extent it does, and there is the difficulty. The range of subjects which the Board are interested in, particularly as regards local authorities, is so large that it is next to impossible to say how much will have to be reported on in any big Bill like an Improvement Bill.

Mr. *Renshaw.*

1920. But in the case of railway Bills there is very little that you have to report upon?—Yes.

1921. So that those Bills are only reported upon so far as they need be, and could be proceeded with very early?—There is no difficulty about those; those are practically confined to a labouring class clause, as I told you before, and perhaps a highway clause.

Chairman.

1922. I think last week you kindly undertook to prepare a Return for the honourable Member on my left?—I have already given the honourable Member a Return which I have had prepared by the Principal of the Department who deals with all the reports upon private Bills, showing for the three years 1900, 1901, and 1902, the number of Bills reported upon and the number which had been dealt with in the four or five months and the number which were left. If it meets the honourable Member's views I will hand it in to go upon the notes.

The Return was handed in and is as follows:

LOCAL GOVERNMENT BOARD.

MEMORANDUM in regard to Work of Examination of and Reporting upon PRIVATE BILLS of SESSIONS 1900–1902.

SESSION 1900.

	Position as on the Dates below.				
	31 January.	28 February.	31 March.	30 April.	31 May.
Cases in which it was decided that no report should be made	27	45	57	60	62
Reports made	7	41	103	117	134
Reports drafted, but not finally settled	25	35	14	16	5
Bills withdrawn or rejected before being reported on	6	10	18	18	18
Bills not considered or only partly considered	150	84	24	7	1
TOTAL number of Bills deposited with the Department	215	215	216	218	220

Session 1901.

	Position as on the Dates below.				
	31 January.	28 February.	31 March.	30 April.	31 May.
Cases in which it was decided that no report should be made	22	59	66	68	69
Reports made		41	100	128	139
Reports drafted but not finally settled	59	63	25	9	—
Bills withdrawn or rejected before being reported on	3	5	12	12	12
Bills not considered or only partly considered	74	46	11	2	—
Total Number of Bills deposited with the Department	167	214	214	219	220

Session 1902.

	Position as on the Dates below.				
	31 January.	28 February.	31 March.	30 April.	31 May.
Cases in which it was decided that no report should be made	26	53	69	81	81
Reports made	10	44	78	117	121
Reports drafted but not finally settled	56	58	47	4	—
Bills withdrawn or rejected before being reported on	2	3	4	11	12
Bills not considered or only partly considered	117	53	14	2	1
Total number of Bills deposited with the Department	211	211	212	215	215

J. A. E. Dickinson, Principal.

Mr. *Worsley-Taylor.*

1923. I see from that Return, that taking the first year, 1900, by the 31st of January there were 27 Bills as to which it was decided that no Report should be made, and by the 28th of February including those 27, there were 45 in all upon which it was decided that no report should be made?—Yes.

1924. So that those 45 would be ready for being dealt with by the Committee?—Yes.

1925. That would be 45 by the 28th February?—Yes.

1926 Then in addition to those there were seven reports in by the 31st of January and 41 by the 28th of February?—That is so.

1927. So that, according to that, in that year, by the 28th of February there would be 86 Bills ready to be dealt with by Committees so far as your Department was concerned?—That is so and that brings one to a point that I desired to emphasise the other day, and I do now, viz.: that is quite possible that although we had 45 reports in, those Bills possibly were not the ones that wanted to be committed and advanced.

1928. They might be unopposed?—They might be unopposed. and it is upon that I rest our difficulty, that we have no cause list like they have in the High Court, and we have no indication as to the order in which the Bills will be taken; so that it might happen that taking the case in the list quoted of 45 Bills being ready at the end of February, those 45 might not be required at all in a hurry, whereas there might be 45 others which were waiting to go to a Select Committee to be grouped.

Mr. *Worsley-Taylor*—continued.

1929. Then if you did not know until the 12th February (which was the date suggested) you would not be very materially assisted in your classification?—Not very materially.

1930. To a certain extent, of course, you would?—To a certain extent. Everything that will give us an intimation as to what Bill will require to be dealt with first would be an assistance to us. We can then, of course, and we should, take up and report upon that Bill. But at present we cannot do that; I do not think it is any fault of anybody's; I do not think it is the fault of the officers of the House in any shape or form; I think it is the difficulty of arriving at the order in which the Bills will be taken by any given date.

1931. Then

Mr. *Worsley-Taylor*—continued.

1931. Then I see your next date is the 31st March and the 45 has then grown to 57 and the 41 to 103. Those come in, of course, gradually, day by day?—They come in gradually day by day; and between those last two dates, say, if the Committee of Selection were ready to deal with Bills, I should attend the Committee of Selection and should know then exactly what Bills would require to be dealt with first, and I should be able to say, the report on such and such a Bill is ready, or will be ready in two or three days or a week; or, the Report on such a Bill cannot be touched for a fortnight. I should give them an indication as to how soon we could tackle what had then become immediate.

1932. Then you would want a certain amount of collaboration between the Committee of Selection who perform those duties and your department?—That is so; and I think there is that collaboration, and every disposition on the part certainly of the clerks to the Committee of Selection to assist in every shape and form; and I should like to say that also as regards the House of Lords, I did not wish in my evidence last time in any way to play off the House of Lords against the House of Commons as regards pressing us hard upon Bills; but I wished to call attention simply to the fact that it was not only one House that required reports on Bills. The House of Lords are most considerate to us, and so I am bound to say, so far as the formalities of the House allow, are the officials of the House of Commons.

1933. But, apparently, the most important thing is to get a notion at the earliest possible date of what Bills are opposed?—That is so, and the order in which they will be taken.

1934. Just one question with regard to what you said just now; do you say that when all the opposed parts of a Bill had been dealt with by the Committee to which it was referred you would consider it advisable to relegate the rest of it to the Unopposed Bills Committee?—No, I do not with it to be considered that I have worked out how it would be dealt with, on the lines that Mr. Parker Smith suggested, but I do say that there is more consideration required for the unopposed parts of even an opposed Bill than is, I think, possible, or certainly than is given at the present time.

1935. But still, do I rightly understand that you would suggest that those parts should be relegated to the Unopposed Bills Committee?—I do not think I should go so far as that, because that would mean sending every Bill to two committees.

1936. That is exactly what I have in my mind?—No, I think some other solution must be found for that, because certainly time would not allow of that. But what I had in my mind more was a sort of informal, dealing with the unopposed parts of an opposed Bill by such a committee as has been suggested, in the same way very much as Lord Morley in the other House deals informally with all Bills before they arrive at the committee stage, even House of Commons Bills. He has the parties before him with our Report, and goes through them in his private room, where the points are all settled,

Mr. *Worsley-Taylor*—continued.

and if you have an Unopposed Bills Committee in the House of Lords, practically the decision on the Bill is the only part that is taken in public; at the Unopposed Bills Committee the details are threshed out; then they have a meeting of the Unopposed Bills Committee in public in the House of Lords, and the whole proof is given then; but I thought if you had such an Unopposed Bills Committee in the Commons it might be a more practical way of dealing with all matters which were unopposed, somewhat in a similar way to what they are dealt with in the House of Lords.

1937. I am sorry to say I do not follow you. I am talking strictly about this House. A Bill goes before an Opposed Bills Committee, and they deal with the opposed parts of it. How do you suggest that the unopposed parts should be dealt with?—I think if you had an Unopposed Bills Standing Committee like that they would begin to deal with the Bills directly at the beginning of the Session, and meet all the parties informally before it went to a Select Committee.

1938. Do you mean that they would have before dealt with what they understood was going to be unopposed?—Dealt with it informally. Then you would have, at any rate, an expression of opinion of a recognised Committee upon the proposals in the Bill.

1939. Then you mean that, after that it would be formally considered by the Opposed Bills Committee, as at present?—Yes. The difficulty of the whole thing is what you have suggested; and I do not suggest that you should have a reference of any Bill to two Committees, if you can possibly help it,—a formal reference I mean. Then I only wanted to mention one other thing, but that practically has been dealt with in my memorandum, and that is, that I think the date in Standing Order 193a, which fixes the date for the first reading in your House of Provisional Order Confirmation Bills, should be altered to the date that was originally selected, and that is the last day before the Whitsuntide recess. I will give you the reasons in my memorandum, and so I need not give them now. Then as regards the pressure in the department in preparing the reports, I may say that when the Bills come to us on the 21st December, we are already considering all those applications for Local Act Provisional Orders which may have come into us between the 15th of October and the 15th of November. Those, of course, have to follow somewhat the same lines as the legislation enacted by Parliament. And, therefore, it is rather important that they should be dealt with by the same department as considers Private Bills. That department is not only engaged at the moment that the Bills are deposited and afterwards with Bills, but it is also dealing with Provisional Orders applications for alteration of Local Acts, of which you will see by referring to page 98 of the evidence, there were no less than 36 in 1902; so that practically there were something like 40 applications before that same department at the time the Bills were deposited last year.

1940. Then

Chairman.

1940. Then it comes to this, that if we require the Reports earlier, and the Reports must be got in earlier in order for the Committees to get on with their work, you must have an increased staff at the Local Government Board?—Unless some means can be devised by which you shall have the order in which Bills are taken earlier and more easily defined. Then, of course, if we could once get the order in which the Bills are to be considered, we should take up the reports on those Bills, and there would be as little delay as possible. I think really, if some mode of fixing the order could be devised, a considerable part of our difficulty would be at an end.

1941. When you say order, do you propose to take all the Railway Bills in one group first, and then all the Water Bills, and then all the Gas Bills?—I think that is somewhat immaterial so long as we have the order of the individual Bills fixed; it is not material to us whether they are Gas Bills or Water Bills.

1942. Do you not now take a batch of Bills and look through them and make your Reports and send them to Committees of this House?—Yes, but then without any indication as to the order in which we should take them up we may be taking up just the very Bills that do not want advancing quickly.

1943. You think that could be arranged between you and the officials of the House?—I think it is a matter which should be enquired into by the officials of your House. We will endeavour to fall in with anything that is arranged and shall be quite willing to co-operate with you. Then there is only one other point and that is this: It is suggested that Petitions against Bills should be addressed to Parliament. I have not the least objection to that. I think anything that saves duplications of Petition or anything else is of the greatest benefit; but I am not quite clear as to this: would that Petition be available for both Houses, or would it only be available for the first House?

Mr. *Hobhouse.*

1944. It was suggested that it should be available for both Houses?—Then it would not necessarily avoid a second Petition; because, of course, I need not tell the honourable Member that a Petition against a Bill in the first House may be on entirely different lines from a Petition against the Bill in the second House. I only raise that as a possible difficulty. I am not against anything that will save the duplication of Petitions, or anything else; I would cordially endorse it so far as it rests with me, and would assist in it.

Mr. *Hobhouse*—continued.

1945. You mean that alterations may be made in the first House which may require another Petition in the second House?—Yes.

1945*. But if the Bill went through as an Unopposed Bill in the first House there would be no necessity for another Petition?—That is so?—I will give you a case in point. I have a Bill now which was opposed in your House for an extension; ths parties were satisfied with the clauses; when it got to the House of Lords they wanted something more; the corporation which was promoting the Order agreed to give them that something more; and on that agreement being made the Petitioners said, "We will not petition." There was a case in which they got nearly all that they wanted in the House of Commons, but they wanted more in the House of Lords. It might have involved a second petition to the House of Lords.

1946. In a case like that would it be a hardship for them to have to ask at once for all they wanted; why should they have two shots at the promoters?—There is that view of the case; but I simply raise that, if I may, as a matter for you to consider. And following that, if you have Petitions to Parliament so as to save a second Petition, is there not some means by which you can save the duplication of deposits at two Private Bill offices in the two Houses to start with on the 30th of November? Everything is duplicated, whereas really the only matter which may require to be divided between the two Houses is the Committee stage.

1947. You suggest that considerable expense might be saved by having one deposit of a Bill?—"In Parliament." I would adopt the same term as is adopted here as regards a Petition "to Parliament." I would have one deposit like they have one central office in the High Court now; why should there not be one central office for all these formal proceedings in the High Court of Parliament?

Mr. Albert Gray, called in; and Examined.

Chairman.

1948. You are the Counsel to the Lord Chairman of the House of Lords?—Yes.

1949. We have been discussing how we in the House of Commons can get on more quickly with our private Bills. I understand in the House of Lords your Bills are all deposited on December the 17th?—They are.

1950. Ours are deposited on December the 21st. Do you think it would be advisable to put ours on the same date as yours?—I do. I think there can be no objection to their being deposited on the same day, because they must be ready by the 17th of December for the House of

Chairman—continued.

Lords. I understand that the reason why the date in the House of Commons is those four days later is, that they have to prepare what is called a Petition for the House of Commons. That procedure does not exist in the House of Lords. I believe it is a remnant of the very oldest procedure in Parliament, and it exists only in the House of Commons now. It has ceased to exist in the case of public Bills. I believe that the petition after being deposited is never heard of again, and I really do not see why it should not be abolished.

1951. What Standing Order is it that alludes

Chairman—continued.

to those petitions?—I am afraid as it is a House of Commons Order I cannot readily put my hand upon it.

1952. That Order, you think, however, ought to be abolished altogether?—Yes, I think so.

1953. The petitions are useless?—It seems to me that they are useless so far as I can learn.

1954. You have no such proceedure in the House of Lords?—No such proceedure. I know that a fee of 5*l.* is charged for the petition among the House fees.

1955. It is Standing Order 32 that relates to those petitions, I see. Do you think that the Bills might be deposited earlier than the 17th of December?—So far as I can learn I think not. I think that the time left for the agents to prepare their Bills, if you take into account the Autumn holidays and the municipal elections and the date of giving the notices for Bills, which is the end of November,—the time left actually for drafting and preparing the Bills is very short.

1956. And, therefore, you think December the 17th is as early a date as we could properly fix for the Bills to be deposited?—Yes, I think so.

1957. Then there is another matter I should like to ask you about. You, as the Lord Chairman's Counsel, and the Counsel to the Speaker, meet and divide the Bills between the two Houses, do you not?—We do, provisionally, before the meeting of the two Chairmen.

1958. You and Sir Chandos Leigh?—Yes; we meet either a day or two before the meeting of Parliament or about that time; and we have, sometimes, informal communications with the Agents as to their wishes and then there is the question of Bills that have been thrown out by one House in the previous Session and reintroduced, and the question arises which House they are to commence in. All these questions we consider, and we have a division ready for the two Chairmen to consider.

1959. The House of Lords apparently has not quite so much work to do as the House of Commons; could the House of Lords advantageously take more Bills than they do at the present moment, and leave less to the House of Commons?—Of course there are more oppositions in the first House always. I have never heard it objected that the House of Lords takes less than its proper share.

1960. You have heard what has been said about Joint Committees of the two Houses; have you anything to say on that question?—With regard to the proposal that there should be a Joint Committee of Unopposed Bills, I would rather deprecate any recommendations by this Committee without the matter being considered by a Joint Committee of both Houses.

1961. You think it ought to be considered by a Joint Committee of both Houses?—Yes, I think so. I would like to say that I think it might disorganise the whole of the House of Lords system of dealing with Bills if there were such a Joint Committee for unopposed Bills. At present, as the last witness informed you, the greater part of the work on unopposed Bills is is done in Lord Morley's room before the meeting of the Committee. Consequently the Unopposed Bills Committee in the House of Lords is a comparatively formal matter; nothing is done there except that the proofs are taken on oath, and any remaining questions are adverted to and discussed; but it is all a very short matter; the Bill does not require at that stage to be gone through again, all the work having been done in Lord Morley's room.

1962. On that point, what is the advantage of examining the witnesses on oath; you know that we do not do it in Unopposed Bills Committees in the Commons?—I do not know whether it amounts to anything more than to lay witnesses open to prosecution for perjury.

1963. Do they give more voluminous evidence, or what happens?—No, it is not voluminous. It is merely proving either the estimates or that the recitals of the preamble are true. Sometimes they are taken seriatim and different recitals proved by different witnesses.

1964. You do not see any advantage in it?—I do not see that there is very much advantage in it. I may be speaking rather with a jealousy for my own department, but having regard to the position of the Lord Chairman with his experience and what I may call his permanency, I should say that those characteristics would be somewhat lost if he merely became one member of a Joint Committee of about four or five. At present also, with regard to facility in getting through business, the unopposed business is taken at times which are suitable to the parties and to the Chairman in the House of Lords; it may be quite suddenly postponed and as suddenly reappointed. That elasticity would be lost if the convenience of Members of both Houses had to be consulted.

1965. Did you hear what the witness said just now about the Bills being taken in order in the various departments; have you anything to say about that?—No, I have not; I did not quite catch what he said.

1966. The fact is, that it is found that our Committees are sometimes hung up because the reports have not come from the various Government Departments, especially the Local Government Board; and the witness said that they had so many Bills to look through that it was impossible to get them already in time for Committees, but that if it could be arranged with the officials (with Sir Chandos Leigh and with you, I suppose) which Bills were going to be taken by the Committees on opposed business, the Local Government Board could get their Reports on those Bills ready in time so that the Committees could go on continuously at work?— I may say that I have nothing to do with the arrangement of Committee business, with settling Committees and the times at which they are to sit; but I know that we are almost entirely dependent upon the parties,—upon the promoters, as to when their Bills are ready for Committee, and I do not know that it would be possible for Sir Chandos Leigh and myself to make any such arrangement, which would be useless of course unless it was made quite at the beginning of the session.

1967. That is quite true, but that is rather the point I think. If a Government department like the Local Government Board could be told what

Chairman—continued.

what Bills to read through and prepare Reports upon, then they could be at once referred to Committees?—I will say this: that if the Parliamentary Agents could meet us at the beginning of the session and tell us what Bills are likely to be mature for Committee by such and such dates, it would no doubt facilitate business very much.

1968. Are there any particular Standing Orders that you wish to say anything about, Standing Order 22 for instance?—Yes, I have a good deal to say about Standing Order 22, if the Committee would permit me.

1969. Would you just say in a few words, as other Members perhaps of the House will read this evidence, what Standing Order No 22 refers to?—Standing Order 22 is that which requires the consent of the local authority before a Tramway Bill can be introduced into the House. It is not exactly that, because a Tramway Bill is introduced and the consent comes afterwards, but the case is shortly this: The Tramways Act, 1870, requires the consent of the local authority before a Provisional Order is granted to a company, but the Act makes no similar provision as to private Bills. Not long after 1870 the House of Commons by Standing Order 22 made a similar provision as to Bills requiring the consent of the Local Authority to be proved before the examiner. The Standing Order was not adopted by the House of Lords till some years later, and then I may say it was against the opinion of my predecessor, Sir Joseph Warner, who held that the grounds of a Local Authority's dissent were matters proper to be considered by the Committee on the Bill. It might be supposed that the placing of this veto as an obstacle to access to Parliament was not a very serious matter, inasmuch as the Standing Orders Committees exist in both Houses for the very purpose of dispensing with Standing Orders on good cause shown. The Standing Orders Committee in the House of Commons, at a very early date, refused to entertain applications to dispense with this particular Order, and it is now recognised Parliamentary law that the veto is absolute. The mischiefs resulting from this abdication of supremacy on the part of the House of Commons are manifold and grave. The Local Authorities soon found that their consent was a marketable commodity of no small value. The price, or part of the price, appears in the protective clauses which are at the Committee stage introduced into the Bill. I say "part of the price" because it is freely said that in some cases the clauses do not show the whole consideration. For instance, it is said that municipalities have exacted as the price of their consent a large annual rent for the wayleave of the roads. Such payments do not necessarily see the light of day, as the accounts of municipalities are not subject to Government audit.

1970. Would not such payments for rights of way over roads come out in any Tramway Bill that was introduced?—Yes, as I will show, it does come out in some particular cases.

1971. In Unopposed Bills it would not come out?—No; the Lord Chairman has struck out of Bills provisions for the payment of rent as such;

Chairman—continued.

but the local authorities have devised an expedient, which Parliament has sanctioned in some cases, that is to say, that the local authority consents to put off its date of purchase for a few years, and in consideration thereof, ths Company is to pay a rent for the use of the roads in the meantime. This, I venturo to think, is wrong, as the local authority of to-day should not have the power to put off the period at which their successors can purchase. The period of 21 years, fixed by the Tramways Act, is, in my opinion, a great deal too short for electric tramways; and, if the period were extended to, say, 35 years, there would be no excuse for these rents during the Company's tenure. Then there are onerous provisions as to the widening of roads, sometimes it is feared greatly in excess of Tramway requirements. The companies also bind themselves to pave and maintain the whole width of streets and roads not merely the margin of the rails as required in the Tramways Act. The posts used for the wires are in some cases to be at the service of the Local Authority for lighting purposes; in others the Company is bound even to light the streets from its electric mains. The Local Authority reserves power of control over the structure of the cars, and the colours with which they are to be painted; so that a blue car in district A. might have to be painted green when it enters district B. In more than one case have I seen a provision that the members of the Local Authority's Council are to have free rides on the Tramway. In fact the conditions show a tendency to reach the maximum of exactions which the undertaking can bear. In one case where the exactions of several authorities resulted in the wrecking of a Bill, the Chairman of a Committee of the House of Commons said that the Local Authorities had tried to outdo each other in rapacity. Charges of blackmailing by local authorities are freely made by those connected with tramway companies; and these are met by hints of bribery on the other hand. It would be highly creditable to the members of municipal and district councils and their officers if this state of things did not lead to personal corruption. These clauses are submitted to the Committees as agreed clauses, and as such are not examined or very rarely so, by the Select Committee. They would in nearly every case pass into law *sub silentio* unless the Chairman of Committees caused them to be struck out or drew the attention of the Committee to their provisions. This he cannot do in all cases, as the clauses are frequently not before them until the day on which they are passed in committee, and sometimes he does not see them until they are passed. Then the Committee separates, it is a Committee of the House of Lords I am speaking of, and the greatest difficulty is found in obtaining their reconsideration. But even if this were otherwise, the task is not one which should be cast upon the Chairman of Committees. But after all, the remedy is not merely in getting objectionable provisions struck out; it should lie in preventing the necessity for the companies to agree to those conditions; for when they have made a bargain with the local authority

Chairman—continued.

they probably feel themselves bound to carry it out, whether it is sanctioned by Parliament or not.

I would now turn to the terms of the Standing Order. The first obvious remark is that it does not fix a date, on or before which the consent has to be obtained. It has, in fact, to be obtained before the Bill passes the Examiner, as this is one of the Orders called Examiners' Orders. In form the consent is a clean consent to the Bill, but as the Bill is seldom seen by the local authorities before its deposit in December, the consent given in January or February is necessarily given with mental reservations. They do not mean to assent unreservedly to a Bill in the settling of which they have had no voice. They may approve of some of the proposed tramways and disapprove of others; yet, not wishing to wreck the Bill, they give a general consent, relying upon the company's undertaking to withdraw certain lines from the Bill at the Committee stage. In cases where they have not this reasonable excuse they give a formal consent to a Bill, which by private arrangement is to be loaded with onerous conditions. After consenting formally to the Bill, the local authorities proceed to put in a Petition against the Bill, and are heard as any other opponent. The consent is thus palpably inaccurate and misleading in nearly every case; and Parliament, by its officer, accepts a formal document which (by permitting the local authorities to oppose the Bill) it acknowledges does not mean what it says. In some cases provisions in a protective clause that certain tramways are not to be constructed at all have been objected to, as being inconsistent with the consent, and have been struck out. During the Sessions of 1901 and 1902, another equally effective expedient has been inaugurated. The so-called protective clause provides that a particular tramway is not to be begun for, say, three months after the passing of the Bill; during these three months the local authority may itself (on passing a resolution under the Tramways Act) determine to construct it; and thereupon the local authority is to have all the company's powers for construction, &c. The local authority thus obtain the powers either (*a*), without any intention of using them or (*b*), with the intention of constructing the tramway and at once leasing it to the company. In the latter case (at least after construction), it will at once obtain part of the profits which in the ordinary conditions are withheld from it for twenty-one years. It may be observed that this form of clause enables the local authority to get powers of construction by a sidewind, on a resolution of their own body under the Tramways Act, and to evade the necessity of consulting the ratepayers under the Borough Funds Act. And the remark may here be added, that the ratepayers frequently differ from their council as to the propriety of laying particular lines of tramway. It has been suggested that the consent should be obtained before the Bill is deposited. Certain practical reasons are advanced against this proposal. It is said that there is a very short working period between the autumn holidays and the 17th December, and that the municipal elections on

Chairman—continued.

November 9th prevent any arrangement between companies and corporations before that date. During the latter half of November and first half of December, the agents are busily engaged in the preparation of their own Bills. It is said it would be impossible to superimpose at this period negotiations with local authorities. There seems, however, to be no reason why the consent should not be required to be obtained before the 18th January, the first day on which the Examiner sits. Much delay in Tramway Bills is said to be attributable to postponements of the hearing before the Examiner, obtained by consent of both parties. If the date were a fixture the consent would be obtained in good time.

I have shown the meaning to be attributed to the word "consent" in the first part of the Order. I would now refer to the provisions relating to the two-thirds consent in the latter part of the Order. The mental reservations attending the ordinary consent have this Session been extended to the two-thirds consent, and a Corporation has given its consent to a length of tramway, never, I believe, intended to be constructed, for the alleged purpose of swamping the dissent of another local authority. I do not think this practice, which was described as sharp practice in the House of Commons, is likely to be repeated, because the swamped local authority can always bring the matter to the notice of Parliament, as they did in the case referred to. And probably on a future occasion the Bill would not receive the same tender treatment as was given to that one by the House of Commons. That case is here referred to only for the purpose of showing the laxity of conscience to which this unfortunate Order conduces.

With regard to practical remedies it seems to me impossible, since the fate of Mr. Chaplin's motion, to expect that the House of Commons will transfer the proof of consent, as he proposed, from the Examiner to the Select Committee on the Bill. What can, and in my judgment ought to be done, is to ensure that there shall be an effective appeal against the veto to the Standing Orders Committee or any other Committee to be constituted. For this purpose the Standing Order should be amended or a new Order made, expressly providing for the hearing of claims for dispensation. It should be a sufficient claim for dispensation that the local authority has refused consent, except upon conditions which the company cannot accept. The reasonableness of the conditions would then be examined in committee on evidence, as is proper. But I should add, that in my opinion, the mode of procedure before the Standing Orders Committee of this House does not seem to me altogether satisfactory, and I think does not compare favourably with that of the corresponding Committee in the House of Lords. In the House of Commons Standing Orders Committee, only printed statements *pro* and *con* are put in; the Committee deliberate in private and announce their decision. In the House of Lords on the other hand, printed statements are in the hands of the Committee, but these are merely the pleadings on which the case is argued by

Chairman—continued.

by the agents on either side. From an experience of some years I feel confident that the argument before the Committee is of the highest value in clearing the ground and bringing about right and proper decisions.

1972. Then at the present time you do not suggest that the Standing Order 22 should be altered by the insertion of any particular words?—I did suggest that the date should be the 18th of January, that they should obtain the consent on or before the 18th of January. That would only have the effect of preventing postponement before the examiner, nothing else.

1973. With regard to the Petitions being lodged against Bills, we are told that in the House of Commons these Petitions need not be lodged until the Committee stage. Would you suggest that these Petitions should be lodged by any particular fixed date?—I do not know very much about it from my own experience.

1974. What happens in the House of Lords?—There is a date fixed, I understand, seven days after second reading, in the House of Lords.

1975. You do not wish to express an opinion as to whether these petitions should be lodged by a certain date?—I think that would lead to very great confusion. If all the petitions were deposited on a particular day, I do not know how it would be possible to cope with them. I should think probably in neither House would it be possible to cope with such a vast number of petitions.

1976. If the Bills were split up into groups, as was suggested just now by a witness, the Petitions against them might then be lodged by a fixed date?—Yes, I think it would be possible.

1977. It seems that that idea would accelerate matters in the House?—Yes, possibly.

1978. With regard to the Bills before the Examiner, you referred to that just now; have you anything else to say about the Bills being examined in this House?—No, there is nothing that occurs to me.

1979. What answers to our Court of Referees in the House of Lords?—I do not think it has been brought out in evidence, but probably it is in the knowledge of almost everyone here present that there is no Court of *locus standi* in the House of Lords, that all questions of *locus standi* are considered by the Committee. I should think that rather a matter on which the Committee should take the views of Sir Ralph Littler, or any member of the Parliamentary Bar, who would be able to state what his opinion is on that matter with the experience of both Houses.

1980. You do not wish to offer any opinion about it?—None, excepting that the questions of *locus standi* seem to be quite easily disposed of in the House of Lords without any court for the purpose.

1981. The Committee before whom the Bill is heard decide on those points?—Yes. Occasionally, I do not think very often, in the course of a Session the Chairman of a Committee comes and consults Lord Morley on the subject of a *locus standi*, but it is not very often.

1982. And are these Committees governed by the same strict rules that govern our Court of Referees?—I could not say, but I should think Sir Ralph Littler would tell you that the practice of the House of Lords is probably a little governed by the rules of the Court of Referees in the House of Commons: I should think it is influenced by them.

1983. Is there anything you would wish to say about the procedure before the Committee on unopposed Bills?—I know nothing about the practice before the Unopposed Bills Committees in this House, and I have already said something as to the practice in the House of Lords.

1984. In the House of Lords the Bills are very carefully considered, are they not, by the Lord Chairman and yourself?—Yes. I might tell the Committee that in the House of Lords the Unopposed Bills Committee consists of Lord Morley alone. That is a difference.

1985. Do you not sit with Lord Morley?—I sit with him, but I am not part of the Committee. I do not form part of any Committee. The Committee is Lord Morley alone.

1986. And I suppose Lord Morley, having more time than the Chairman of Committees of this House, goes more fully into the Bills?—Yes, but as I have explained that is done before the Committee stage; that is done at the interviews which occupy I suppose four or five months of the Session. Probably from the beginning of the Session till the middle or the end of June those interviews are going on almost every day.

1987. Is there anything else you wish to say?—I thought it might be worth saying also that I believe a great deal of the pressure that the private Bill legislation entails upon Members of this House is due to the backward state of public legislation. I do not know that it is quite within the reference to you, but it might be put on the notes that if public legislation were brought up to date in two departments, I believe the pressure on Members would be vastly diminished; I refer to the department of Public Health and the department of Tramways. At present we have some 30 to 40 Improvement Bills every session (and they tend to increase) of enormous length that are nearly altogether composed of amendments of the Public Health Acts. The amendments of course show a tendency to accretion year by year. Large municipalities get amendments of the Public Health Act in their favour. Then every local authority, no matter of what size, if it has occasion to come to Parliament at all for any one purpose presents a Bill with sometimes 150 clauses largely consisting of amendments of the Public Health Act. Then as regards tramways the Committee is very well aware, I have no doubt, of the utter confusion in which the whole subject is, owing to the operation of the Light Railway Act and the double procedure for Tramways by Provisional Order and by Bill. And then a third matter of course on which Public Legislation is required and will be imperative soon, is that dealing with electrical power; the Electric Lighting Act is totally insufficient for the wants of electrical power. Then if I might be allowed to add an observation with regard to executive matters, much of the delay in getting Bills forward is due, as has been already

Chairman—continued.

already referred to, to the late period at which the Local Government Board's Reports are obtained. I do not profess to know the interior working of the Local Government Board, but the general reputation is that it is altogether undermanned, that the officers of the Local Government Board are very severely overworked, more so than those of any other department—at least one hears so.

1988. In the House of Lords do you find the same difficulty in getting their reports in time for Committees?—Yes, great difficulty.

1989. Have you anything to say with regard to the former Police and Sanitary Committee which used to take Bills before them in this House. You know that Committee has been abolished, and that two Committees take their duties now?—Yes. A little inconvenience arises from the fact of there being two Committees, because when there was one Police and Sanitary Committee it had a certain continuity, at least for a year or two, while the same Members were wholly or partly sitting upon it; but we have had cases where conflicting decisions have been arrived at, and clauses refused by one Committee have been allowed by the other. I may say that not infrequently, when new clauses on matters of public health come before Lord Morley, he is content to have the matter argued out before the Police and Sanitary Committee in the House of Commons. The agents or town clerks, or whoever it may be, say that they have evidence to produce on the subject, and before rejecting it he would allow it to be argued there.

1990. Would you recommend that the Police and Sanitary Committee should be re-appointed in this House, so as to get continuity in their decisions?—With the present pressure of Municipal Bills, I do not think it would be possible for a single Committee to do it.

1991. The great trouble of the Police and Sanitary Committee was, that the Chairman always had to sit, and it was found that the work was too hard; but it has been suggested that the Police and Sanitary Committee, which was a large Committee, should be re-appointed, with a chairman and vice-chairman, that the vice-chairman could sit when the chairman could not sit, and that that would ensure the same continuity, as if the chairman sat all the time, in the decisions. Do you think that would work?—I think it would be better if it could be got into the hands of a single Committee. I feel sure of that.

1992. What happens with regard to that in the House of Lords?—There is no such Committee in the House of Lords.

1993. Does Lord Morley take upon himself all the duties of the Police and Sanitary Committee?—Yes, that is to say, he discusses all the clauses but he does not hear evidence, of course, *pro* and *con*—not formal evidence.

1994. As you say, he rather depends, or did depend, upon our Police and Sanitary Committee taking evidence?—Yes, very frequently.

Mr. *Hobhouse.*

1995. On that same subject, do the Improvement Bills usually originate in the House of Commons?—Nearly always in the House of Commons.

Mr. *Hobhouse*—continued.

1996. So that when the Lord Chairman comes to deal with them, he has the advantage of the evidence which has been heard in our House?—Not exactly so; the Lord Chairman has his interview with the parties before they go into Committee in the House of Commons.

1997. Then he cannot take advantage of the evidence that has been given before the Police and Sanitary Committee?—No; the rule is that they should apply for an interview with the Lord Chairman before they go into Committee in either House.

1998. I did not quite understand what you said with regard to the Lord Chairman being guided by the evidence given in our House?—That is to say, after he hears of a decision by the Police and Sanitary Committee, he would say, "That clause has been rejected by the Police and Sanitary Committee in another Bill, therefore, it must go out of yours." Therefore, to that extent he is guided by it.

1999 That would be an advantage in his dealing with other Bills?—Yes; but what I did say was that he frequently postpones clauses, that is to say, he says "I will not reject this; I think it doubtful, but I will leave it to be discussed before the Police and Sanitary Committee in the House of Commons."

2000. Then the uniformity of decision in respect to those Bills in the House of Lords entirely depends upon the Lord Chairman?—Entirely.

2001. They may go before various Committees but the Lord Chairman sees that uniformity of decision is preserved?—Yes. You, of course, are aware that these clauses are seldom opposed; a great number of them deal with sanitary matters; sometimes they are opposed and sometimes not, but generally they are not.

2002. Certain portions of them are unopposed?—Yes, certain portions of them are unopposed.

2003. Do you consider that the portions which are unopposed receive sufficient attention at present in our House?—If I may be allowed to say so, I think they hardly do in this House.

2004. It has been suggested that such portions should go before a stronger unopposed Bills Committee. Do I rightly understand you to object to such a committee being constituted from both Houses?—I deprecate the suggestion that there should be a Joint Committee; but I do think that it would be very advisable that there should be a committee for unopposed clauses in this House.

2005. Did you deprecate the idea altogether or did you deprecate our making any recommendations on the subject because you thought those recommendations would better come from a Joint Committee of the two Houses?—That is what I thought.

2006. That was the extent of your deprecation?—Yes, that was the extent of it.

2007. I do not know whether that remark would apply to another suggestion which has been made to us which seems of importance. That the foremost stages of Bills, the deposit of Bills, the deposit of Petitions, and so on, should take place in one private Bill office for the two Houses,

Mr. *Hobhouse*—continued.

Houses. That would be coupled with the notion that petitions should be to Parliament and not to the individual Houses?—Yes, I do not see any objection to that; I think it would be a good thing.

2008. You think at any rate it would be well worth the consideration of a Joint Committee?—Yes, I think very much so.

2009. Do you consider that there are sufficient reports from Government Departments to guide your House at present, on all subjects?—We are very loth to ask for further reports but there are certain departments that I think ought to make more formal reports, and one of those is the Board of Trade. I think it has been mentioned before this Committee, or questioned, whether there were any reports with regard to Electric Bills. I always get a Report from the Board of Trade when I ask for it, and I nearly always do ask for it when any question arises in electrical matters; but they do not send in a printed report in the same manner as the Local Government Board and the Home Office do.

2010. You think it should be made their duty by Standing Order to send in reports on Electrical Bills?—Yes, I think that would be useful.

2011. Is not that a subject on which Committees do require some guidance?—Yes, I think it is.

2012. And a subject of increasing importance?—Yes, a subject of increasing importance.

2012*. Now a few questions with regard to the cost of Private Bill legislation. Do you think that the scales of cost in the two Houses might with advantage be reconsidered with a view of making them more uniform?—I think it would be an advantage that they should be made uniform, but I really have no experience as to the incidence of the costs in the two cases.

2013. I would put it to you as a question of policy, if you wish to give an opinion whether it is desirable that the fees on second reading should be very much heavier in the House of Lords than in the House of Commons; would you consider it desirable that the fees should be very heavy for second reading as compared with other stages?—I believe it has been suggested that the heavy fees should be cast upon the third reading in both Houses. I disagree with that suggestion; I think it would lead to a greater influx of speculative Bills.

2014. But without going so far as that, might not the fees in your House be made more uniform on second reading with those at later stages?—Yes, I think they might.

2015 I see that in your House there is a fee of 81*l.* charged for second reading, where it would be only 15*l.* in our House?—Yes.

2016. That is a very serious difference?—A very serious difference.

2017. On the other hand upon the hearing of Committees your fees are lighter than ours?—Yes.

2018. You have no special reason to give in favour of the practice of your House in that respect?—None at all.

2019. Generally speaking, taking the fees as a whole, I think they are heavier in the House of Lords than in the House Commons?—I believe they are, but the taxing officer, Mr. Monro, has informed me that he thinks they work out tolerably evenly in both Houses. I do not know exactly how it is. Perhaps in a particular class of Bills it does.

2020. We have had some figures from other sources showing that in the case of unopposed Bills, generally Bills of small local authorities, the fees are higher in the House of Lords than in the House of Commons, considerably. Do you think that the fees in that class of legislation might be lowered with advantage?—I think probably they might; but probably that refers to Bills that were very little opposed.

2021. I am speaking now of unopposed Bills?—Yes. What I understand is that if a Bill is seriously opposed and there is a long hearing before the Committee, the fees work out tolerably evenly in the two Houses; that is to say, the hearing fees in the House of Commons are higher, and therefore it neutralises the bigger second reading fee in the House of Lords.

2022. Of course in case of heavy opposition the House fees bear a much smaller proportion to the total cost, and therefore the hardship is not so apparent?—No.

2023. But in the case of many unopposed Bills the hardship is apparently considerably felt in respect to fees, especially the fees of the House of Lords. Do you wish to give your opinion, as a matter of policy, whether the fees might be lightened in those cases?—I think I should go so far as to say that they should be adjusted. Probably a small Committee of the officers of the two Houses could make some suggestions for equality; there might be a give and take. I do not know quite how it should be managed.

2024. Has it been brought to your notice that in many of these small cases that might be dealt with either by Provisional Order or by Private Bill, the municipal authorities prefer to proceed by way of Private Bill?—Yes, very often.

2025. Can you give us the reason for that?—One reason has been, I believe, that they get longer periods for their loans by Bill. If the recommendations of the Committee of the House of Commons which has recently reported, Mr. Grant Lawson's Committee, are adopted, I think that reason will not hold good for the future, and I should think it would have the effect of turning the direction more to Provisional Orders again. But undoubtedly the period for repayment of loans granted by Bills has been a good deal longer than the periods they would have obtained from the departments.

2026. You think that is their principal reason for preferring Private Bill procedure?—Yes, a good deal.

2027. Is it also that they think generally they may be able to obtain more favourable terms from a Select Committee than from a Government department?—Yes. it is more of a lottery; it is more speculative; there are better chances.

2028. Owing to the want of uniformity in the decisions of Select Committees?—Yes.

2029. Can you suggest any means by which more uniformity can be obtained in the decisions of

Mr. *Hobhouse*—continued.

of Select Committees generally?—A good deal more might be done if the clerical establishments of both Houses were increased so that we should have better records of what clauses are asked for and what are refused. I find the greatest possible want of records of that description.

2030. Better records of precedents?—Of precedents.

2031. At present a Select Committee has to deal with the precedents quoted by the counsel on the two sides?—Yes.

2032. Without having any materials to check them by?—Yes.

2033. You would suggest that a register of important decisions on clauses as well as on preamble should be kept in the two Houses?—That would tend towards uniformity.

2034. And would you also endorse a suggestion which has been made to us, that a copy of the print of the shorthand writer's notes should always be deposited in the House?—Yes. Of course it would be absolutely impossible for us with our present staff to look over a hundredth part of the printed matter, or a thousandth part, which constitutes the evidence given before Committees, but it would be very useful to us if we could have some references to what is done in Committee.

2035. And it does not appear unreasonable, does it, that considering the very large profits that are made by the Houses of Parliament on Private Bill Legislation, some portion of those should be devoted to strengthening the staff to deal with those matters?—I think not.

2036. Do you think that the system of Provisional Orders can be extended with advantage?—I think so. One of the principal obstacles to its extension at present is, that the department have in hardly any case the authority to give compulsory powers for the purchase of land.

2037. Except under the Public Health Act?—Except under the Public Health Act.

2038. You think that might be extended to other branches of legislation?—Yes, that is always the argument which is used. When Lord Morley asks why a Provisional Order was not the procedure taken, it is always, "Oh, we want compulsory powers"—in tramways, gas, and so on.

2039. It has been suggested to us, I think by the Chairman of Ways and Means, that a Standing Order might be passed forbidding matters to be dealt with by Private Bill which could be dealt with by Provisional Order. What is your opinion upon that?—My opinion upon that is that it would be very desirable if there were not very great practical objections to it; that is to say, I see there is an objection to it when a Bill would comprise all that the local authority desires, but where, if that procedure were to be compulsorily by Provisional Order, it might be necessary to go for two or three Provisional Orders, and perhaps a Bill besides, because there might be one subject-matter that required a Bill and three subject matters that could go by Provisional Order. I think possibly the expense in the long run would be greater.

2040. And must those classes of matters be dealt with in separate Orders?—Possibly one would have to be a Board of Trade Order and another a Local Government Board Order.

2041. And they could not be consolidated because they would have to be introduced by the different departments?—Yes, by the different departments. We have, as the Committee are probably aware, kept the department of electric lighting entirely to Provisional Orders.

2042. Is that under the Act?—No, the Act provides for a special Act; but as a matter of fact we never allow a special Act to be brought in. A year or two ago I think was the last case. A local authority having a considerable omnibus Bill on hand, introduced the whole of the Electric Lighting provisions. Notwithstanding that Lord Morley compelled them to be struck out and compelled them to go to the Board of Trade for a Provisional Order.

2043. Could you extend that principle to other departments?—Yes, I think it could be extended, especially if the power of giving compulsory purchase powers were given to the department. I think there would be very little reason for Bills for those matters if that were so.

2044. Is it not often the case that the municipal corporations introduce a provision into their Bill which cannot be dealt with by Provisional Order, in order to be able to consolidate all their other requirements in a Bill?—I have a feeling that that is so, but I do not like to say it very positively.

2045. Now, with regard to the Standing Order relating to *locus*, you are aware that in our House there are several Standing Orders which give a mandatory *locus*?—Yes.

2046. Which do not exist in your House?—No.

2047. Have you any recommendation to make upon that subject?—They have been introduced into the House of Lords in one or two cases; I think with regard to water, in the last year or two, an amendment of the Standing Order has been made in the House of Commons and adopted in the House of Lords at the same time; but as a rule there is no mention of *locus* in the House of Lords Standing Orders.

2048. Do you think that the Standing Orders should be modified in one direction or the other so as to become more uniform?—Yes. I beg leave to hold the opinion that the House of Lords practice is the better, that the less said about *locus* the better.

2049, That there should be as little mandatory Standing Order of that kind as possible?—Yes; but a mandatory Standing Order is necessary when Committees have denied a *locus* which the House afterwards considers ought to have been granted. I think there was a case which arose a year or two ago in a House of Lords Committee. There was a considerable feeling expressed in the House afterwards about the *locus* having been refused, and subsequently the matter was put right by an amendment of the Standing Order.

2050. Have you any Standing Order in the House of Lords like our No. 135 in the case of Petitions against Tramway Bills, giving "the owner of any house, shop, or warehouse in any street through which it is proposed to construct a tramway,

Mr. *Hobhouse*—continued.

a tramway, and who alleges that the construction or use of the tramway proposed to be authorised thereby will injuriously affect him," an absolute right to be heard "on such allegations"?—I think not; I think I am right in saying that there is no such Standing Order in the House of Lords.

2051. Do you think such a Standing Order is desirable?—I do not, speaking from a House of Lords experience; because there has been so little difficulty there.

2052. I put it to you, is not one way of getting uniformity of decisions, or practice, at all events, before the Select Committees, having Standing Orders of this description. May not not one Select Committee refuse a frontager a *locus*, and another Select Committee, in an exactly similar case, admit it?—It is a choice of difficulties. You have more elasticity if there is no such Standing Order.

2053. One more question. With regard to Tramway Standing Order, No. 22, would it be possible to forbid, by Standing Order, such transactions as you have mentioned, the charging rent, for example?—It would be very unusual to have any such matter provided for by Standing Order.

2054. In such cases are the agreements usually scheduled to the Bill or not?—They are generally put in as clauses, and very long clauses they generally are.

2055. Then they appear on the face of the Bill?—They appear on the face of the Bill but not in the original Bill; they are put in in the committee stage.

2056. And at what stage does the Lord Chairman strike them out?—If he sees them beforehand, or if they are put in in the first House, he will have them struck out in the second.

2057. Is it not highly desirable to have one rule for both Houses in that respect?—I do not quite understand the question.

2058. Is it not undesirable to have such provisions inserted in one House and struck out as a matter of course in the other?—You cannot lay down any rule about what will be struck out. Although they are struck out in one Bill one year, they are not unlikely to crop up again next year in some other Bill.

2059. I thought you told us that that it was part of the policy of the Lord Chairman to strike out provisions, such as charging rent for highways?—Yes.

2060. Of course, that policy at present does not bind Committees of the House of Commons?—No.

2061. Would it not be desirable for Parliament to recognise a uniform rule?—Yes, it would be very much so.

2062. But you do not think it could be done by a Standing Order of both Houses?—No, I do not think it is a matter to be dealt with by Standing Order; I think that if the period for the purchase of tramways was extended we should not hear so much of rent in the meantime. I think it would be more possible to refuse the application to charge rent altogether.

Mr. *Worsley-Taylor.*

2063. About Standing Order 22. I understand that you would certainly fix a date for the consent. Did I correctly understand also that you would go on to provide that the consent might be dispensed with, if unreasonably withheld by someone?—Yes.

2064. Then about the extension of a Provisional Order system, you are referring, I understand then, always to local authorities?—Yes.

2065. With regard to police and sanitary matters, I understand your view to be that if the Public Health Act were amended and brought up to date there would be a considerable amount of Parliamentary time saved?—Yes, a very considerable amount. In my view the Public Health Act ought, as a matter of practice, to be amended, certainly not less than once in 10 years. It is quite impossible that Public Health legislation can be kept abreast of the requirements of Public Health unless the Act is amended at least once in 10 years.

2066. We have certainly arrived at the time now?—Yes.

2067. With regard to the desirability of securing continuity in the Committee, I suppose you would regard it as very desirable that you should have continuity in the Committee which considers the particular Bill?—Yes, or class of Bills.

2068. I put it at the lowest illustration, certainly the particular Bill?—Yes.

2069. You know that the old form was nine, was it not, for the Police and Sanitary Committee?—I am not sure.

2070. And that it very often took them, I suppose I might say, 40 days' sitting to get through their work?—Yes.

2071. You know practically that it was impossible to secure the attendance of the same nine, or even the same four or five on, say, two consecutive days?—Yes.

2072. So that you had a breach of continuity in the hearing of the same Bill?—Yes.

2073. You might be arguing a particular point of the Bill one day before four Members and the Chairman, and possibly before four different Members the next day?—Yes.

2074. Which is not desirable?—Certainly not.

2075. Having regard to that and the dependence on time of such a Committee, even with such a saving as there might be by amending the Public Health Act, would you still consider that form of Committee of nine Members was desirable, or that the work might not be done better by having two experienced Chairmen of two Committees who would sit the whole of the time on a given Bill?—I think it could be quite well done by two Committees if there were more of a register of their decisions.

2076. Truly; and it would be desirable if we could have such a register and if we could have consultation between the two Chairmen?—Yes, I agree.

2077. Would it meet your point if you had those conditions?—I should think so.

2078. Rather better I should say than if you had a larger Committee with fluctuating Members?—Yes.

2079. You

Mr. *Renshaw.*

2079. You have told the Committee that you think there would be no difficulty in altering the date for the deposit of Bills from the 21st to the 17th of December in our House, but you do see objections to making the date the 17th of December any earlier in the House of Lords?—Yes, I do.

2080. You think it would be difficult to antedate the notices?—Yes, I think the pressure would be too great on the Parliamentary agents and the engineers and all others connected with Bills.

2081. Having regard to the fact that in the House of Commons we rarely get Committees to work within 35 to 40 days of the Sitting of Parliament; in your opinion is it desirable under the new rules of procedure in the House that we should take steps to get those Committees established at an earlier period of the Session?—Yes, it seems to me that 35 days is too long.

2082. And you think that we might do that to some extent by getting rid of the 10 days which are now allowed for a petition against the Bill after the first reading in the House of Commons?—I should think that that period is a little too long.

2083. Let me put the question in this way. Do you see any useful purpose that is served by the petition dating at all from the date of first reading?—I think it would perhaps be better if the Bills could be divided into classes, and as the Right Honourable Chairman suggested, having a different date for each class, so as not to throw the pressure too much upon a single date.

2084. You mean groups of Bills?—Yes.

2085. If Bills were grouped according to classes?—Yes; and then there might be different dates for Bills that were in the House of Lords and different dates for Bills that were in the House of Commons, varying two or three days apart, anything to spread the pressure over more days.

2086. The date for lodging the petition at present in our House for the Bill is the 21st of December; the date upon which the Examiners sit is the 18th of January; then from the date on which the Bill is read a first time, 10 days are allowed for petitions against the Bill. That obviously occupies say a fortnight of Parliamentary time at the beginning of the Session?—Yes.

2087. You think it would be desirable in order that Committees might begin their work at an earlier period of the Session, to get rid of that 10 days for petitions against a Bill?—Yes, if that were possible, certainly. It must be remembered that this year was not a usual year; the House of Commons met in the middle of January, and the Examiner did not begin to sit till three days later; but when the House meets in the first or second week of February the Examiner has already been at work 13 or 14 days in January, so that his work is more matured before Parliament sits when it meets in February.

2088. Do you see any practical objection to fixing a date within which Petitions against a Bill should be lodged, either so many weeks from the 21st of December or within a certain number of days from the day on which the Examiner has reported compliance with Standing Orders?—It is not quite within my province, but I should say that dating the period from the Examiner's certificate might be a good suggestion. I do not know quite how it would work.

Mr. *Renshaw*—continued.

2089. And you think 10 or 14 days from the date of the Examiner's certificate would be sufficient?—Yes, I should think so.

2090. Taking into account the fact that the Examiner sits on the 18th of January, and that the examination of Bills does not really occupy more than eight or nine days, that would obviously get rid of that wasted 10 days at the beginning of the Session?—Yes, and also it would get rid of the great pressure on a particular day as compared with your fixing the 10th of February or the 15th.

2091. And also it would make it more easy to group the Bills in the way that has been suggested, because the opposition emerging at an earlier date would make it easier to deal with the Bills in groups?—Yes, I think it would.

2092. And that in your opinion would be a benefit?—I think it would be a benefit.

2093. With regard to your own House, is there any fixed date after which a second reading cannot take place in the Session?—There is a Sessional Order which deals with Bills coming from the House of Commons that no Bill coming from the House of Commons shall be read a second time in the House of Lords after such and such a date, some date in June, I believe; and after that the Standing Order has to be suspended in any particular case if it is desirable.

2094. It would be desirable to make it clear, would it not, in order that agents should realise the importance of bringing on these Bills more rapidly, that in both Houses dates were fixed beyond which second reading should not be allowed except by suspension of the Standing Orders?—I should imagine it would be desirable.

2095. That would expedite the consideration of Bills in the House?—Yes.

2096. You told us, with regard to the powers Lord Morley exercised on unopposed Bills, that all these Bills came before him and were dealt with by him, and that he was really in his own person what was represented by the Unopposed Bills Committee in our own House?—Yes.

2097. It would be obviously impossible for the Chairman of Ways and Means in the House of Commons to discharge those duties in the way Lord Morley does?—I believe so.

2098. But with the new office which has been created in the House of Commons of Deputy Chairman, if that duty was laid upon him it would probably be possible for him to discharge it?—I should think so.

2699. The power of the Chairman of the House of Lords in regard to unopposed Bills is very great, is it not?—It is great.

2100. He has absolute power to take out or to insert provisions, subject of course to the House?—Yes, it must be understood of course that his decision is in anticipation of the decision of the House.

2101. But

Mr. *Renshaw*—continued.

2101. But he has absolute power subject to that?—Yes, subject to that.

2102. Have there been any instances of his power having been checked in recent years?—I believe some considerable time ago in the time of Lord Redesdale there was one case when Lord Redesdale was over-ruled by the House; but there has never been a case since then.

2103. Can you tell the Committee how many years ago that is?—I do not know; it must be at least 30 years.

2104. It is a matter of ancient history?—Yes.

2105. You said that you thought there would be a confusion if petitions against Bills were all lodged on one day. I ought to have asked you this question just now; where do you think that confusion would arise?—I do not know how the Bills themselves could be placed.

2106. It is not a question of lodging a petition against a Bill. If you had a fixed date, and all petitions had to be in by that date, they would not necessarily have to be dealt with by that date?—But I do not know how our clerical staff could manage the reception of them and the sorting of them. I do not know how many petitions there are against a Bill, sometimes 500 or 600 petitions against a single Bill. The petitions against these Tube Bills in the present session were enormous in number.

2107. So that it would have to be between certain dates that these things would have to be lodged?—Yes, I think so; the more it is spread over a certain number of days the better.

2108. There is only one other question that I wish to ask you. You spoke of the necessity of legislation on public health and other matters being brought up to date. I suppose you mean that if legislation were brought up to date and adoptive clauses formed the subject of such legislation, it would then be possible for local authorities by resolution to adopt those clauses and avoid coming to Parliament?—Yes.

Mr. *Renshaw*—continued.

2109. And that would enormously reduce the number of applications that are made to Parliament?—I think so. I may say with regard to that, that of course for the first years after a new Public Health Act is passed it is much easier for Parliament to reject applications for amendments. Then as years go on, of course new questions arise, and then there must be Private Bills; but, certainly, there would be a relief of pressure for some years to come; and then, as I ventured to suggest, the time would draw on to the time when the Public Health Act should be again amended.

Mr. *Hobhouse.*

2110. Meanwhile there should be a register of decisions of the cases in which powers have been granted?—I think so.

Mr. *Renshaw.*

2111, Is there not some difference between the systems in which Bills are grouped for Committee in the House of Lords and in the House of Commons?—I am not aware of any difference. That does not fall in my department.

2112. You cannot tell us what the system is in the House of Lords with regard to grouping Bills of a particular character?—No; they are grouped of course very much according to subject matter at the beginning of the Session when you have a great many Bills to deal with, but when you come to this period of the Session when Bills come up from the House of Commons it is impossible to preserve a classified group. A group of Bills in the House of Lords now before a Committee, would be of a miscellaneous character.

Mr. JAMES SAMUEL BEALE, called in; and Examined.

Chairman.

2113. You are a solicitor, and have been in practice before these Parliamentary Committees for a number of years?—Yes, I have.

2114. And you come here also to represent the the Railway Companies Association, I believe?—Yes.

2115. I think we had better begin at the beginning, with regard to when Bills are deposited. Have you anything to say with regard to their being deposited at the same time as the House of Lords Bills, namely, December 17th, instead of the 21st?—I think it is quite practicable to deposit the Bills on the 17th of December. If that can be done for the House of Lords it can be done for the House of Commons. There are sometimes little blanks left in the Bills, which are filled up in the four days; but it could be done.

2116. Would you suggest that it could be done any earlier?—It would involve very great difficulties to put it much earlier. The time which is occupied between what I may call the resumption of business in October and

Chairman—continued.

the deposit of Bills on the 17th of December, is very fully occupied by those upon whom the preparation and the necessary work depends. The preparation of the plans, sections and estimates, the giving of the Parliamentary notices, the service of landowners' notices, and the preparation of the estimates, is very full occupation now during the months of October and November for all those who represent important corporations, railway, or municipal, or whatever they may be. To compress the work in that time I do not think would lead to any real progress in Parliament. That is not really where the pressure comes.

2117. Therefore you think December 17th is a good date and the earliest date at which Bills could be deposited?—I think so.

2118. With regard to those formal petitions which have to be presented under Standing Order 32, you heard Mr. Gray say that those ought to be abolished. What do you say to that?—It is a purely formal proceeding; it is

Chairman—continued.

is really, in fact, giving the *locus standi* to the promoter of a private Bill that he is a petitioner to Parliament, and it is in his capacity of a British subject petitioning Parliament that he has the promotion of the Bill at all. That is the reason for the introduction of the Bill.

2119. It appears to be purely formal?—Yes.

2120. And does not take place in the House of Lords?—No, it does not.

2121. Therefore is there any reason why it should take place here?—When you have got your Bill settled the agent can give you the petition in a very short time. I do not think that there is any advantage in that.

2122. What have you to say with regard to the acceleration of getting Bills ready to come before Committees at an earlier time?—I entirely approve of the suggestion that a date should be fixed for petitions against Bills, and I do not see why the petition should not be made a petition to Parliament applicable to the first House in which a Bill goes so that it is capable of being framed quite irrespective of the House in which the Bill is appointed to commence in. I assume that you would give us time to do the necessary work. This volume (*holding up a book*) represents an epitome of the Bills I had to deal with for this Session, and it does take some little time to master those and prepare them; because in the case of all railway Bills the Bill is nothing without the plan and section and the details. You must examine the plan. You cannot get the line of railway from the description in the Bill. There is a very great deal of work necessary to be done before petitions can be presented; but I do not see why that should not be done by the 12th of February, or some such date.

2123. You heard what Mr. Gray said just now, that it might cause a block of business, getting all these Bills deposited at the same time?—I think it is altering the date of the block of business; but such a large proportion of the Bills are read a first time on the same day that now the time for petitioning expires on the same day for the great majority of Bills. And it has this advantage: that you can meet the block better when you know beforehand exactly at what date it is coming.

2124. Then you see no reason why the petitions should not be deposited by, say, the 12th of February?—I should think not earlier than that. Then if the object is to have the Bills ready for Committee as soon as Committees are ready to sit, I think there are important minor improvements which might be made in the practice which would facilitate that object.

2125. Before we get to the Committees, would you say what is your opinion with regard to the Court of Referees in deciding questions of *locus standi*?—My opinion upon that is not what you have heard. I have never been able to see the advantage of that Court. It is a survival of a Court which was assumed to separate the technical enquiry from the public merits; the technical questions of engineering, and finance from the general question of public expediency. That failed as far back as 1866, and I have never been able to understand why the Chairmen of

Chairman—continued.

Committees in the House of Commons are not quite as capable to decide questions of *locus standi* as the Chairmen of Committees in the House of Lords or as a Member of the House of Commons selected to sit *ad hoc* for that particular purpose. If you will assume that the Court of Referees makes a Bill unopposed which was previously opposed, it may be said to save expense; but for one case in which it saves expense it seems to me that it increases the expenses ten times. Every *locus standi* that is admitted necessarily puts that petitioner to the expense of establishing his *locus* as well as to the expense of appearing before the Committee.

2126. And that is a stage of the proceedings which might be very well abolished, you think?—In my view.

2127. Does it work well in the House of Lords, having no Court of Referees?—I do not think there has ever been any ground of complaint. Of course, if you go back 30 years you will find there were a great many complaints of the procedure of Committees in the House of Lords, but they have all been changed for a long time past. The ablest Members of the House of Lords sit as Chairmen, and their decisions command very great respect among all Petitioners.

2128. Would you suggest some other way of accelerating this procedure?—I think a simple alteration of the system of grouping would make a very great difference. As things are now (it is a survival from old times) the Bills are set out into groups, sometimes in respect of objects, but very often only in respect of localities. I am not speaking now of such classes of Bills as Municipal Corporation Bills, which I quite agree must be kept in a separate category, or such a case as we have had this year, of the tube railways, where there comes a new character of Bills under new conditions, which of course must be dealt with together; but I am speaking of Bills which are put into proposed groups when these papers (*producing a group paper*) are issued. Group I. has always traditionally been railways in and near London, as long back as I can remember, and earlier; so we have here: Great Eastern, London Tilbury and Southend, London County Council, Metropolitan, Metropolitan District, North Metropolitan Tramways. There is no reason why those Bills should be taken together. This paper gives also the number of petitions against the Bills, which varies against those six Bills from three to 15. If you have a fixed date for petitioning, on the following day the authorities will know what amount of opposition is to be expected against the Bills, and they can then group the Bills practically in the inverse ratio to the amount of opposition; you could put forward those that have the least opposition, and, if you have no pre-existing groups, with a little more organisation as to requiring notice of settlements, you would then be able with the first Committee sitting to fill it up with Bills out of your general group without disturbing any previous groups that had been appointed.

2129. But that grouping of the Bills is entirely left to the discretion of the Committee of

Chairmen,

Chairman—continued.

Chairmen, is it not?—It is entirely left to their discretion. But what I venture to suggest is, that if you take the amount of opposition to the Bills as a guide to the grouping, not so much the object of the Bills or the locality served by the Bills, you will then be able to appoint Committees very much quicker without doing any injustice to the parties; because it is obvious that a Bill with one, two, or three petitions against it would be ready for Committee very much earlier than a Bill with 15 or 20 petitions against it; and now the practice does not lend itself to the addition of Bills to Committees after the groups have been once formed. I do not think that involves even a Standing Order; it is a mere domestic regulation that if two or three of these lightly opposed Bills, are settled, two or three more may be put in their place; it is only altering the organisation.

2130. You do not propose to mix up railway Bills with gas and water Bills?—Why not; it is done in the House of Lords without the least inconvenience; it is simply taking the practice which prevails in the House of Lords, where you see in the Minutes the Bills waiting for Committee.

2131. In the House of Commons we appoint various chairmen, you see, and certain chairmen who have had more experience take the Railway Bills, and the others take the Gas and Water Bills, but you do not see the necessity for any difference in the Committees or the Chairmen?—No, I do not. You have an experienced Chairman quite capable of taking either Bill. The old difficulty was to get Chairmen for the Railway Bills, who were not interested in some or other of the Bills put before them: but wherever that has by oversight occurred, it has always been waived by the parties; and if that rule were relaxed I do not think any trouble would arise.

2132. That is a valuable suggestion, but that has nothing to do with the alteration of the Standing Orders, of course?—An amendment of the grouping would, it seems to me, enable you to bring Bills before Committees as soon as Committees are able to sit.

2133. How about the proofs before the Examiners. What have you to say about that?—The formal proofs before the Examiners do not keep the Bills waiting much. When a memorial is lodged against a Bill on Standing Orders, of course it takes several days for hearing frequently; but that is a right opposing on Standing Orders, which we do not exercise so often as we used to do, and the Standing Orders Committee has been much more pliant in later years in not relying on technical accuracy in the preparation of plans and sections; so that time may often be wasted in opposing them. But the point I think you rather want to consider is, that you now hinder Bills by requiring certain matters to be proved before you allow them to be read a second time, such as the Wharncliffe meeting. The Wharncliffe meeting is now and for 20 years past has been a purely formal matter. Why not allow proof of the Wharncliffe meeting to be given in Committee?

2134. Instead of before the Examiner?—Yes; you must not take the Bill into Committee until it has been read a second time, and you must not read it a second time until the Wharncliffe meeting has been proved to the Examiner, so that practically you enable anybody who wants to keep a Bill back indefinitely, to do so by not proving this meeting.

2135. And as you say, it is merely formal?—Yes.

2136. What Standing Order settles that, do you remember?—Standing Order 62, I believe it is. Would it be too drastic a reform to suggest that the Committee stage might be made independent of second reading altogether?

2137. To abolish second reading, do you mean?—No; to allow the Bill to go to the Committee, irrespective of second reading.

2138. That is the suggestion which has been made; the Chairman of Ways and Means suggested that there should be only one stage before the House either second reading or third reading, and that that would accelerate matters, because as you say the Bill would come at once before the Committee; but I am not sure that the House would care to give up its privilege. Do you think it would be a good thing?—It is faced with this difficulty, that if the Bill is to be rejected on second reading for some objection to it, that should take place before the Committee stage because of the expense involved.

2139. If you are to have only one stage before the House, you would have the second reading instead of the third?—Yes, the third reading objections are exceedingly rare; it is not a material time.

2140. Under the new Standing Orders, have you noticed whether there is more or less opposition to second reading of Bills?—I believe that the short experience there has been is that there is less opposition, and that is a matter of course; the hour at which it is taken tends to discourage opposition.

2141. What have you to say with regard to settlements taking place between the promoters and opponents of a Bill?—When you have the petitions in you begin to settle all those that are capable of settlement as fast as possible; but if you have, as we frequently have against our large omnibus Bills of railway companies, from 25 to 36 petitions, if you get through them at the rate of two a day it takes (allowing five working days a week) a long time; you cannot get those Bills ready for Committee so as to save the time of the Committee without a considerable interval. But the idea I saw Sir Chandos Leigh had, that no settlement took place until the last moment, he is misinformed about altogether. Settlements take place as hard as we can get to them; we are all busy, but when we can get meetings we settle whatever is capable of being settled. And then there is that other point, that one effective means of settlement which Mr. Baker mentioned, I see, is the reservation of the opposition to the second House. We settle a great deal of business in that way. Therefore that would necessitate having a petition stage in the second House. Whenever it is a clause, to get it out of the early pressure, we agree to save the right to petition in the second House, and then as soon as time admits

Chairman—continued.

admits we meet and agree. If we could not do that we should be bound to petition in the first House in order to protect our client's position, and that would lead to an unnecessary amount of work.

2142. Do you think that the number of Bills might be somewhat reduced by extending the powers of the Board of Trade to grant certificates for increased capital?—It is so. I do not know why the Board of Trade should have power to grant a company power to raise capital and not give them power to abandon their Bill. But those are not the contentious Bills or those that come before a Committee here. It would be an improvement, but then it would not save the time of opposed Bill Committees much; extension of time Bills and abandonment Bills very rarely go to opposed Bills Committees.

2143. Did you notice what the Chairman of Ways and Means said with regard to the objections to the second reading of a Bill being referred to some Committee to give their decision?—I noticed that, and I think it is a very desirable thing indeed. If you take the objections to Private Bills on second reading, there is not one in ten which desires the Bill to be absolutely rejected; they are to get something in or something out; and if you could put that to the Standing Orders Committee or a Grand Committee, when the parties would be there with the means of communicating with the members, which they do not have in the House on the second reading debate, or only to a very small extent, you would get rid of most of the objections. I assume that the House would not part with its right of control over any Bill; but even if they found that no adjustment could be made, you would focus the discussion very much of the subjects of objection, and shorten the debate. But there is one thing that I want to suggest, and that is, that we should have a definite statement of the grounds of objection on second reading; that when a Member gives notice of objection to a Private Bill on second reading, it is not much to ask that he should state the grounds of his objection.

2144. That would give more time possibly to settle with him?—A second reading objection always leads to a long postponement of the Bill, largely occupied with trying to get to know what the grounds of objection are. We had a case this year when notice of objection was given, and we found it was the wrong Bill.

2145. Do you mean that the honourable Member had put his notice of opposition down by mistake?—He put his notice of opposition down to two Bills, whereas he was only objecting to one of them.

2146. Then you think that an honourable Member on giving notice of opposition to a Bill should state the reason on the paper following the notice?—Yes, and if that went into the Chairman's office it would be communicated to the promoters. We should then be able to get together and, when things are capable of settlement so settle them.

2147. By that means a good deal of the time of the House might be saved?—Yes I think it would, at all events the delays in getting the Bill would be saved.

Chairman—continued.

2148. Have you anything to say about Corporation Bills?—I do not know very much about them. There is an immense volume which gives all those who have to study them a great deal of trouble, but except on the lines that Mr. Gray suggested of further codification, it is difficult to see how it can be avoided. When a power is given to one corporation a great many other corporations immediately find that it is necessary, apparently.

2149. As regards the expenses of private Bills, what is your opinion about that? Are the fees of the House too high, do you think?—I do not think there has ever been any substantial complaint against them. If you compare the aggregate fees in the House with what promoters, say a railway company taking a million of new capital, have to pay in taxation now, 5*s.* per cent., 2*l.* a thousand pounds, an expense of that kind makes the House fees look comparatively insignificant. I have never heard of the expense of the House fees ever stopping promoters.

2150. And in opposed Bills, as you say, large Bills, the fees are a very small percentage?—Yes, and even in the case of an unopposed Bill, if we have to pay 2,000*l.* within a month after getting the Act for duty, it is not a very large addition to pay, 500*l.*, or whatever it comes to, in House fees.

2151. With regard to the smaller Bills, do you think the fees deter local bodies from coming to the House?—It is not according to my experience.

2152. Do you think that they prefer the Provisional Orders on account of their cheapness?—The Committee have had very clearly explained to them the objections to Provisional Orders. If those could be removed so as to allow of greater latitude, including different subjects in one Order, I think you would find the more economical method adopted.

2153. Is there anything else you wish to state which could improve our procedure?—No, I think not; I do not think I have anything else to suggest.

Mr. *Renshaw*

2154. I have only one question I think that I have to ask you, and that is: do you see any objection to a date being fixed both in respect to the House of Lords and the House of Commons, after which second reading should not be permitted, subject, of course to the suspension of the Standing Orders?—I think, if you want to expedite Private Business in the House of Commons, you must make some arrangement for fixing the second reading within a limited time after the first reading. That would involve doing away with the obstruction to second reading and the Examiner's report. But if you are to keep the Committee dependent on the second reading, as I am afraid it must be, you ought, if you want to expedite Bills, to limit the date after the first reading within which Bills should be read a second time.

2155. You are taking it for granted that the first reading is a stage that must be continued. Do not you think that that is a purely formal stage, and could be got rid of altogether?—If that

Mr. *Renshaw*—continued.

that is so my answer would be general: then you must fix a date for second reading.

2156. And have you any view that you could express to the Committee as to what date that might be; a certain number of weeks from the commencement of the Session?—You have only to find the date (if you have to do away with the first reading) to which you are to work.

2157. The first reading at present takes place, in the case of most Bills, three days after the meeting of Parliament, does it not, when the great bulk of the Bills originating in the House of Commons are read a first time?—About 10 to 14 days after the meeting of Parliament.

2158. And a good many before that, are they not?—No; they are just grouped, then the two Chairmen meet, and it is not until the authorities have settled in which House a Bill is to begin, that the promoters can give notice for the first reading.

2159. All those stages could be got rid of if petitions for the Bills were made to Parliament and not to one particular House?—No, the process of division would equally have to be gone through, the dividing of the list between the two Houses.

2160. But the process of division would not need to take place before the first reading?—It is a new state of ideas. I have not assumed that you could do without the introduction of the Bill on first reading.

2161. You cannot imagine that a more formal stage than it is at present, can you; it is absolutely formal at present?—It is absolutely formal now, but it is the date on which the procedure depends; and it is convenient in that respect.

2162. And if it was held that every Bill was read a first time on the first day that Parliament assembled, it would be no more formal than it is at present, would it, no more or no less formal than it is at present?—There are minor difficulties. But it would be a little hard on the Bills which the promoters might determine not to proceed with, if there were fees exacted on first reading, to compel them to be read a first time whether they wished or not. But the general principle is the same, you will say so many weeks after the meeting of Parliament for second reading.

2163. Yes. How many weeks do you think that might be?—About five or six for a First House Bill.

Mr. Sydney Morse, called in; and examined.

Chairman.

2164. You are, I believe, a Solicitor and have had considerable parliamentary experience?—Yes.

2165. Chiefly in Electric and Tramway Bills? I have had some Railway Bills, but chiefly Electric and Tramway Bills.

2166. And you represent a good many Promoters of those Electric Bills?—Yes.

2167. You perhaps will not care to express any opinion about the various dates than that you have heard us discussing?—If I might just make one or two general remarks, I fully agree with the suggestion that a fixed date should be named for Petitions.

2168. To begin at the beginning how about the deposit of Bills on the 17th of December?—With regard to the deposit of Bills so far as we are concerned, inasmuch as we have to deposit them on the 17th in the House of Lords we may as well deposit them on the 17th in both Houses,—it makes no difference. I do not think we could commence our procedure earlier because if, as knowing perhaps some more details about it than the agents, I might mention the referencing work (I daresay you know what that is), we have to get the plans from the engineer first; then we have to send people on to the ground to do a great deal of work which practically takes up September and October; so that if you commenced your procedure of advertising or depositing earlier than at present, that would drive us into August, if not into July. I think there are practical matters which make it impossible to bring those dates earlier.

2169. Then as to that formal process of petitioning for the introduction of Bills in the House of Commons, is that a useful procedure to keep up?—It is quite useless. May I say as regards the earlier procedure that you mentioned, that there is one other matter, it is not a matter of the time of the House, it is a very important question with promoters, and that is, the excessive number of notices that we have to serve. In my proof I have referred to the Light Railway procedure. Of course Light Railways are not so important as heavy railways, but they are very important and they involve tramways. Now it has been found perfectly sufficient to follow the Light Railways practice with regard to notices, and that has saved promoters an enormous amount in the cost of promotion.

2170. Do you refer to notices to owners?—Notices to frontagers particularly.

2171. How would you reduce those?—Under the Light Railway Act we have to give no notice to frontagers at all; we have to advertise in a local paper; in the case of tramways you have to give a street notice and you have to deposit plans; but nowadays with the newspapers spreading as they do, every one hears of the scheme by those means, if not by the fact that the men have been on the ground and have levelled every inch of the ground, and the referencers have been over every inch of the ground to find out who the owners are, so that it becomes common knowledge, and I do not think these notices to frontagers in reality are of any use to anybody except to my own professional class.

2172. And they add very much to the cost?—Very much, and I do not think they are necessary. Then with regard to advertisements; at the present moment the notice for a Bill by advertisement

Chairman—continued.

advertisement is like the memorandum of association of a company, you have to include everything, and you must not omit anything. Under the Light Railways procedure you have to give a general notice of what you are proposing to do; then the Order shows what the scheme really is. I think that might be very easily made applicable to Parliamentary procedure without any hurt to any one.

2173. Then you would have the Light Railways procedure applied to Electric Bills?—I think with regard to all measures that come before Parliament there is no reason why the Standing Orders should not be modified in the way of reduction of expense, in the public interest.

2174. With regard to the introduction of these Electrical Bills, would you have them come before any less expensive Committees than Committees of this House?—I do not think you can differentiate between Electric Bills and other Bills as regards the procedure of the House, but I would suggest that the Committee stage should really be made the important matter. At the present time, a great many schemes are defeated on second reading, or are limited on second reading, against the public interest, because of the difficulties.

2175. Not a great many are defeated in the House of Commons on second reading?—I ought not to say a great many, perhaps, but some Bills are.

2176. Some few?—Some few. All our Electric Power Bills (perhaps I had those in my mind) were seriously limited on the opposition of the local authorities on second reading, the opposition being that the local authorities had all electric light stations in their towns, and they did not want competition. That is a matter which between two companies, if the public interest requires competition, is for consideration by the Committee, but hardly a matter of principle, I submit with respect, with which the House need deal with on second reading. I was going to suggest that second reading opposition should not be allowed unless some Committee, such as Mr. Beale suggested just now, or I was going to suggest, the Chairman of Ways and Means certified that it was a proper matter to debate as raising new principles.

2177. The Chairman of Ways and Means said that he could not undertake that duty; that it would be rather an onerous and disagreeable one, and he suggested that it should be referred to a Committee?—I have not seen his evidence, but that is only as to the means of carrying out my object.

2178. But before a second reading debate should take place you would have the matter go before some tribunal?—Yes, and then the verdict or decision of that tribunal or their remarks should go before the House. At the present time we have no opportunity of informing members of the House of the views of our opponents on second reading except by a printed statement, which I do not think Members very often have time to read and which it is very often difficult for them to read, I do not mean to say intelligently, but I mean without further knowledge of the matter. I might mention that there was a second reading Opposition against a Bill of mine this session when one reading of the opposing circular suggested that we had been acting improperly, and Sir John Brunner who mentioned it to the House allowed me to see him afterwards, when he said that if he had understood the position he would not have made the remarks which he did make in the House which were not justified by the circumstances. It is very difficult for any parties drawing a circular to avoid that sort of thing. I mentioned that because Mr. Gray has referred to it.

2179. Did you notice what the last witness said with regard to oppositions to second reading, namely, that the reasons ought to be stated?—I think that is a very valuable suggestion.

2180. You find, do you, that you get a general opposition without details?—You simply get a Member raising his hat and saying, "I object."

2181. And it is a difficult thing to find out sometimes what the detail of the opposition is?—Yes, whom he represents or why he does it.

2182. And you think that it would simplify things very much if you knew what his reasons were?—Undoubtedly.

2183. Have you anything to say with regard to Committees?—I should like to say that I think Committees might very well begin earlier in the Session.

2184. They cannot begin earlier in the Session unless they get the Bills. The Committees of this House are always ready to sit, but, as you know, certain processes have to be gone through first of all before the Bills can come into your hands?—That is true.

2185. With regard to notice of petitions against the Bills being given by a certain date, say February the 12th, do you approve of that?—I think that a fixed date is the proper method of dealing with them. At the present moment nobody knows when a petition is due.

2186. Have you any difficulty in getting reports from the Government departments?—I do not quite know why the Local Government Board deal with Tramway or Electrical Bills.

2187. It is for the direction of the Committees; you must remember that the Committees are not experts like you and other people dealing with the Bills, and they get the reports from the Government departments to direct their attention to certain facts?—But I venture to think still that the Local Government Board have no matters affecting them in tramway Bills. They have to do with municipal matters; but I really do not see why they should go through all Bills. I think if the department which each Bill affected went through the class of Bills in which they were interested, that would spread the work over several departments and reduce it.

2188. You would have the Board of Trade dealing with you?—Certainly.

2189. And you think that that would be sufficient?—Yes, I think they know all about these matters, and could give the House exactly what was wanted. Then I would venture respectfully to submit that Committees should sit

Chairman—continued.

sit for longer hours. Since the new Rules of Procedure came in we have had Committees rising at half-past two, and with great respect, I do not think it is at all fair to promoters; the expense is the same whether the Committees sit, as they used to do, from 11 to 4, or if they sit from half-past 11 to 2.

2190. The fees to the House, do you mean?—No, the expenses of counsel and witnesses. Why should Bills take weeks which ought not to take more than three or four days?

Mr. *Worsley-Taylor.*

2191. Committees of this House did not sit from eleven to four?—Did they not? I was talking to Mr. Balfour Browne this morning and he confirmed what I said. At any rate it is at half-past two that some Committees rise now, and you have to have your witnesses from the country, and your counsel's fees going on all the same whether you have a short day or a long day, and your solicitors and Parliamentary agents too.

Chairman.

2192. That depends you see upon the Committee. If the Committee are good enough to sit for those long hours they can do it. But take an instance like last night, when the House did not rise till 3 o'clock this morning; you can hardly expect Committees to be down here very early in the morning; you see the members have their duties in the House to attend to as well as these Committees?—I am only putting it, with respect, if you will allow me, from our point of view. I do not wish to say more than that it adds very much to our expense, and we get very little done in a day of two and a-half or three hours. And a Committee of the House is not a cheap method of determining a question: there is no strict rule as to evidence, for example.

2193. What have you to say with regard to the Provisional Order system for your electric schemes?—I think that for all matters there is no reason why the Scottish Private Bill Procedure Act or the Light Railways Procedure should not be largely extended; it simplifies the matter very much.

2194. You mean by local enquiries?—Yes, I think a local inquiry is much better than the procedure before a Committee.

2195. You have heard what some witnesses have said: that very often matters require two or three Provisional Orders, which if they were applied for by Private Bill would only take one Bill?—That is only as to municipalities. If municipalities choose to go in for trading, well that is another matter altogether. I am dealing with industrial enterprises.

2196. But municipalities do go in for trading to a very large extent, do they not, now?—I have my strong opinion upon that, but I had better not go into it here.

2197. At any rate, you think that if Provisional Orders could be carried out satisfactorily, a great many Private Bills might be avoided?—A good many. The Light Railway Act was passed to simplify matters and was most useful, but unfortunately the Board of Trade have held in effect that any Light Railway which is near a

Chairman—continued.

big railway must come to Parliament. There is no procedure for sending a Light Railway Order as a Provisional Order to Parliament, and therefore all that usefulness of the Light Railways Act has been done away with until we can get a new Light Railways Act amending the old one.

2198. Then you would delegate a certain amount of work to certain Commissioners like the Light Railway Commissioners?—I would; I think it would be most useful.

2199. And do you think it would be satisfactory?—Undoubtedly, especially if you had, as you have under the Scottish Bill Procedure Act, power to bring the matter before Parliament. You see the Chairmen of the two Houses can certify whether a Bill is a proper one to go before those Commissioners under the Scottish Private Bill Procedure Act; and something of that sort can always be put in as a safeguard. You get these great advantages. You get a day fixed for your local inquiry. You have all your witnesses in the district, and the business is taken and disposed of in a day or a day and a-half, with a long day's sitting; it does enormously reduce our expenses and simplify matters.

2200. Would it not greatly increase the expense if you had to bring counsel down from London?—It is not necessary to bring counsel down from London; in a great many of these cases counsel are not employed, and even if they are it very much reduces the expense of counsel because you have one counsel who will give his whole time to it; whereas you have four or five here, and you never can get hold of any one of them when you want him.

Mr. *Worsley-Taylor.*

2201. Do you say "never"?—Well, hardly ever.

Chairman.

2202. With regard to the expense of getting a Bill through Parliament, do you complain of the fees of this House?—I do not see why the House should make a profit out of promoters. There is no question about it, the fees are very heavy. Mr. Beale was talking of big Railway Bills; but in all other matters they are very heavy, especially if you want a small amending Bill got through. You may simply want to get an extension of time for the completion of your works, but you cannot do it without coming to Parliament, and spending several hundreds of pounds uselessly.

2203. But the Taxing Officer has proved to us, by certain figures which he gave the Committee, that the fees of the House of Commons bear a very small proportion to the total amount expended in getting a Bill through?—Quite so. I was, perhaps, not answering your question quite accurately, I was dealing partly with the fees of the House and partly with consequential expenses. I agree that it is not only the fees of the House.

2204. But you see the only things that we can deal with is the Standing Order regulating the fees; would you suggest that we should try and alter the fees of the House in any way?—I

think

Chairman—continued.

think they could very well be reduced without any harm to the House, and with great advantage to promoters.

2205. Have you considered the difference between the fees in this House and the fees in the House of Lords?—I have not gone into that; we have to pay both.

2206. But the scale in one House varies from the scale in the other House. You do not care to express an opinion upon that?—No. Then, as regards the arrangement of Committees, which you were dealing with just now.

2207. The grouping of the Bills?—Yes; I think there might be a great improvement in that with a little further consideration. As an instance, I was promoting four or five Bills this year, and they all came before different Committees on the same day. I think that might have been seen by the authorities. It is very difficult, of course, to say when a particular Bill is coming on; but one way of meeting such a difficulty would be for Bills by the same promoters to go into the same group.

2208. Then of course the difficulty arises that all the Bills are not ready at the same time, because the Chairmen, as you know, meet and arrange their groups of Bills, trying to take those which are ready; we have to look through the Bills and see those which have passed second reading?—Yes; I think if the second reading were made, as I think it ought to be, a much more formal matter, that would simplify things. I think the Committee is the great thing. If a Bill is opposed it ought to be got before Committee at the earliest possible time without waiting for second reading opposition.

2209. But the object of our Committee of Chairmen is to get the Bills to Committee as soon as possible. We always meet early before Easter, and at once ask what Bills are ready, and we can only take those Bills, and refer them to Committees, which have passed second reading or are likely soon to pass second reading?—Yes; but I do not see why a Bill should be kept back for anything beyond the necessary formal proof of Standing Orders being complied with which begins in January. Then if the suggestion is adopted that such matters as fall under Standing Order 22 should go to Committee, you really have nothing to stop most of the Bills except the Wharncliffe meeting, the proof of which might also go before the Committee.

2210. You think the proof of the Wharncliffe meeting also might go before the Committee?—I do. It is a formal matter, as Mr. Beale said.

2211. What have you to say as regards the Court of Referees and the question of *locus standi*?—I think the Court of Referees is a very valuable court, because if you have a Bill opposed by people who really have no *locus* you get rid of their opposition without bringing your witnesses to town. I do not at all like the House of Lords procedure, where you have to bring your witnesses to town, even perhaps where the only opponents have no real *locus*, I am sure the Court of Referees tends to simplification and cheapness.

2212. Is there anything else you would like to bring to our notice?—I think I have generally gone through all the matters. I should just like to say how fully we agree with Mr. Gray's remarks on Standing Order 22. Our view is really that it is rather extraordinary that Parliament by that Standing Order prevents itself from considering a measure which may be in the public interest, until the local authority, possibly a very small one, has given its consent. I think that it should always be considered by the Committee whether a scheme is a proper scheme to go forward; but to make it a condition precedent is simply depriving Parliament of the right to consider matters which may be of great public importance. I could give you many instances of the way that has affected very important matters, if you think it necessary.

2213. Will you give us some of your experience with regard to the result of objections under Standing Order 22?—I should like to give you two or three. I had a case in which we proposed to promote a Bill to spend a million of money on electrically equipping tramways and extending them in the potteries; we had got the consent of every local authority but one, and that particular local authority in committee when we were present said that they would only give us their consent if we would pay a prohibitive price for our electrical energy.

2214. That is to say, you were to buy your electrical energy in the locality?—We were to buy our electrical energy from them. Many of these local authorities have obtained Provisional Orders for the supply of electrical energy, and many of them find that it is hardly good enough for them to commence the business. A unit of energy draws a car about a mile, and your total expenses per car mile ought not to exceed 4½*d.* to 5*d.* for electrical running. This authority asked us 3*d.* per car mile, and we had to drop the whole of our scheme.

2215. That was the condition of getting their consent?—That was the condition of getting their consent. Then we had another case where, as the condition of their consent, we were asked to spend some 40,000*l.* or 50,000*l.* upon widenings for a tramway of about 2½ miles. My clients have always expressed themselves willing to make a commercial arrangement. If they got a proper term having regard to what they had to spend on the undertaking it might be possible to do it; but when you have only 21 years for your tramways, and at the end of your term you get nothing for the widenings, it is an important matter. And on that question of the supply of electrical energy, may I say that there is never a case when you are promoting a tramway through a district where the authority has got an electric light station or power for an electric light station, but they make it a condition that you shall take energy from them. But there is only one case in the Kingdom where a corporation has taken energy from a company under similar circumstances; and yet it is in the public interest that every tramway authority, whether company or corporaton, should take its energy from the existing supply; because it at once enables the undertakers to reduce their price for lighting all round. You see what we call the day load very considerably takes off the expenses of working. That is simply because of the consent being required. I do not know whether

Chairman—continued.

whether you were present in the House when Mr. Chaplin's motion came on.

2216. Yes?—Perhaps I might refer you to the debate. Mr. John Burns said that in 39 instances this session the borough councils of London had acted most unreasonably in refusing their consent to the London County Council.

2217. That is only an instance?—That is only an instance; but you were asking for instances. It comes really to this, putting it shortly: that the necessity for obtaining consent now means that we have to bargain with the local authority; since they have obtained power to work their own tramways as a usual thing it has become much more difficult still. You see they are competitors now; the local authorities in tramway matters are competitors, and yet you give them the power of vetoing anybody else coming into the district. I submit generally on that point that the Committee stage is the important stage, and that all Bills should go on merits before the Committee.

2218. Notwithstanding any objection of the local authority?—They will have their *locus*. They have their full power of being heard.

Mr. *Worsley-Taylor.*

2219. I did not quite follow you about an extension of the Provisional Order system. You were referring, I gather, only to tramways?—No, I think not. I think it might be very largely done, like the Scotch Private Bill Procedure Act, which covers a great deal more than tramways.

Mr. *Worsley-Taylor*—continued.

2220. Then you do advocate an extension of the Provisional Order system generally?—Yes, that sort of procedure; local inquiries before Commissioners.

2221. Then I will not go into that further, as it is not part of our reference?—Might I add one point about a second Committee? We feel rather strongly that, certainly, in the case of Provisional Order Bills, there is no necessity for the second House Committee; and with regard to a great many other Bills we would suggest that a second House Committee should not as of course take place, but that the matter should be considered with a view to either the Chairmen's panel, or some officer of the House, saying whether it is really necessary to have it.

Chairman.

2222. But is it not the fact that a Bill is very seldom opposed before two Committees?—Oh, no. If you have an opponent who wishes to kill your Bill, he opposes as a matter of course before every Committee.

2223. But we have had evidence which has proved that in the great majority of cases the Bill is not opposed in the second House?—I venture to differ from that evidence, to this extent: that in a very large number of Bills there is a second opposition which is quite unnecessary and is merely with the object of killing the Bill.

Tuesday, 5th August 1902.

MEMBERS PRESENT:

Mr. Hobhouse.
Mr. Jeffreys.
Mr. Renshaw.

THE RIGHT HONOURABLE A. F. JEFFREYS IN THE CHAIR.

Sir RALPH D. M. LITTLER, K.C., C.B., called in; and Examined,

Chairman.

2224. I THINK you are the Leading Counsel at the Parliamentary Bar?—Yes.

2225. And you have also experience of Private Bills as being Chairman of the Middlesex County Council?—Yes, and I have had to do with one or two where I have had to join with other people in promoting and opposing occasionally.

2226. So that you have had a good deal of experience of Private Bill procedure?—Yes, over 40 years in one way and another.

2227. From the evidence that we have taken we find that the Bills come rather late to Committee. Can you suggest any way by which we could expedite that procedure?—Of course that would be a most advantageous thing for everybody. In looking at it as counsel on the score of economy and convenience to suitors very much, and I cannot help thinking that something might be done by way of either putting the Bills in blocks and requiring that all proceedings such as petitions should be before a certain day or something of that kind which could be very easily done, and would probably relieve the difficulty which Mr. Boyce mentioned with regard to his Department, that they did not quite know how the Bills would be taken or what would become of them; and it would be analogous to that which takes place in a Court of Law, where people put down their causes, a certain number are put into the paper for a day, and at the Assizes everybody's cause is taken in order. That could be effected by making a note of the time of the day at which the Bills were deposited.

2228. That is, however, rather outside the terms of our reference?—That is outside the terms of your reference; it just occurred to me on reading the evidence, and from my knowledge of other branches of work in the profession.

2229. Speaking as counsel, have you any suggestions to make with regard to the Committees?—You mean as to their constitution?

2230. As to the acceleration of the Bills before them?—I think the main thing would be to have an adequate supply of work ready for them earlier, because certainly the lateness of the work has two great disadvantages. There is first the great disadvantage which everyone knows, to Members of your House, of their having more engagements, and, moreover, far more work in the House later in the Session. If a number of what one might call the more important Bills could be brought to Committee before Easter it would be a great boon to everybody. And with regard to suitors, it would have this advantage, that by spreading the work more evenly they would not have to do what they not infrequently have to do, secure the services of additional counsel, one or more, simply by reason of the pressure of business going on. Personally I think that Committees are the best tribunal in the world, if I may be allowed to say so, but it is simply heartbreaking not to be able to do one's duty to one's clients as one would like, and that would be very easily obviated if the work were started earlier. If some of other than the smaller Bills were chosen before Easter, and if the work were spread more equally through the Session, I think it would remove almost the whole of the cause of complaint that the suitor has at present. I have found from experience that sometimes of course they are dissatisfied when they are beaten as everybody is, but when they come to look at it afterwards they are generally bound to admit that Parliament is more or less right at all events. There is one view which I have myself but which I am bound to say is not shared by a good many, that is, that we should do just as well with a Committee of three as with a Committee of four.

Chairman—continued.

2231. I was going to ask you about the constitution of the Committees. Do you think that four is a useful number?—The old number was five, but with the pressure of public business in the House of Commons or the House of Lords, it was thought at the time to be impossible. There is nothing like a Committee of five to my mind, but four seems to me to be an inconvenient number. Of course the Chairman naturally and rightly has very great influence with his Committee from his wider experience and greater knowledge than they usually have; but if it turns out that one member early in the proceedings is inclined to come to the same conclusion as the Chairman, the other two members

Chairman—continued.

bers, I think, sometimes do not take so much interest as they otherwise would do. And, moreover, if the Chairman cannot convert at all events one of his colleagues, I think the presumption is fairly, that, with all his knowledge, he is not quite so sound on that point as he may be on many others.

2232. On the other hand, the way in which Committees are constituted is, that two Members are taken from one side of the House and two from the other. If the Committee consisted of three Members you could not do that?—I am bound to say I have found in my experience that no sort of political influence has ever been known inside the Committee room. I know nothing about what takes place outside, but I have not found inside that Members have done anything but simply look at the question from the evidence that has come before them. I have never found the slightest tinge of political bias. And the House might be represented alternately by one Committee and another, so as to give each side its full share of its duties in the work. If on one occasion you had two Conservatives and a Liberal, you might on the next occasion have two Liberals and a Conservative.

2233. But you have never known party politics to have any effect?—Not in the very least; on the contrary, whenever there has been the slightest attempt on the part of anyone to introduce them, they have always been instantly stopped.

2234. Have you any remark to make about Second Reading Debates on Private Bills in the House?—I am bound to say on that that I have incidentally some experience. I think they are very much to be deprecated, because I often find that when friends of mine in the House have spoken to me of Bills afterwards it has shewn to be impossible for them naturally to have a full knowledge of the subject. It seems to me that the Second Reading Debate should be absolutely confined to questions of principle, that is to say: is the Bill such a Bill on the face of it that Parliament is not going to allow it even to be debated.

2235. Who is to decide whether it is a question of principle?—There have been several suggestions put before the Committee, and I cannot help thinking that if some highly responsible Member of the House were placed in the same position as Lord Morley is in the House of Lords, with such modifications as this House might think fit by reason of its being the more popular House, that would meet every difficulty. As you have had it told you I think, in the House of Lords, any private member may still move the Second Reading if Lord Morley refuses to do so; and it seems to me that if some highly responsible Member of the House of Commons looked at a Bill and said, "This is a Bill that ought not to go on"; or if he said on the other hand, "This is a Bill which a Private Bill Committee might well consider," the House would be well advised if they took something of the same view of him as they do of the Speaker.

2236. Do you think it would be advisable that the Chairman of Ways and Means in this

Chairman—continued.

House should be the person who should propose the Second Reading of Bills, like Lord Morley in the House of Lords?—I think so. There is a great deal of difficulty, of course, as to knowing how far his duties would permit him to do it, but either the Chairman of Ways and Means or the gentleman holding your office or someone in such a high position in the House that his experience would be be a voucher to the House that things have been rightly done, might, I think, have that duty put upon him.

2237. You think that the procedure in the House of Lords in that matter is very satisfactory, and better than ours?—I am sure it is, because unless there is something really antagonistic to principle in a Bill, there is no reason whatever why it should not go to a Private Bill Committee And there is one evil—I am afraid rather a growing one in the House of Commons—that is, that people want to get through as cheaply and as quickly as they can, and if a certain number of gentleman have strong, perfectly honest, and fair views of course, and they threaten to stop a Bill on Second Reading, all sorts of concessions are made which a Committee would never grant; and I think that is not quite a wise thing for the House to lend itself to.

2238. You think the concessions are got by pressure on Members upon Second Reading which would not be granted in Committee?—I know one or two instances where that has been the case. Of course, where they would be granted by the Committee it saves expense and time; but I have known instances where concessions have been given which in my humble judgment no Committee hearing the facts would have granted. And I do not see a any advantage to be gained from a second reading debate; it takes a great deal of time, and a great deal of time spent necessarily with insufficient information.

2239. You have heard, of course, of one or two Bills that have been thrown out on Second Reading, and that saves a great deal of expense to the opponents of course?—Yes, I have known Bills thrown out on Second Reading, and in one or two instances I have been struck with the fact that they were thrown out for reasons which were outside of the Bill itself, and which I cannot help thinking is not satisfactory; it certainly is not satisfactory to the litigant, who has spent his money in coming forward and does not get his Bill rejected on the merits of the Bill, but on some supposed demerit of his own or of somebody with whom he is connected.

2240. You referred just now to the Chairman of these Committees. Do you find that the Chairmen exercise their authority in a proper way?—Oh, dear, yes. I have nothing but gratitude to the Chairmen of Committees for their patience, and also for stopping unnecessary questions, and at the same time being perfectly content to listen to the end to everything that is necessary. I have had one or two instances this Session in which the Chairman was a little previous, I think, but in each case their previousness was remedied in the second House.

2241. Do

Chairman—continued.

2241. Do the hours at which Committees sit suit the counsel at the Bar?—They suit the counsel extremely well. The old system, of course, suited us better, when Committees in this House sat from 12 o'clock till four o'clock, and Committees in the Upper House from 11 till four, because it gave a little bit of relief for the first hour. I see it has been said that the hours are short. It is true that they are, but the whole time that the Committees are sitting they are working at high pressure, and so are the counsel, because there is no stoppage for taking notes by the judge; there is no delay by having formal proof of things, and Committees, of course, never stop a question as a leading question unless it is obviously a very unfair one, therefore they can get through a great deal more work in a day than is done in a court of law. I am quite sure a Committee of this House gets through a better day's work in its shorter hours of 11.30 to 3 or 3.30 than a Law Court does between 10.30 and 4, and I have, of course, some experience of Law Courts even now.

2242. What have you to say about the fees of the House in relation to private business?—For myself, I should have thought that throughout it would have been a more reasonable thing if the cost had been made somewhat comparable with the outlay which takes place in the House, or in the Government Departments in connection with it. But I see some gentlemen for whose opinion I have the highest respect, think it is rather an advantage to have a high scale of costs, so as to prevent unnecessary speculation. I think that would be met by making the early stages merely, as it were, at cost price, that, certainly, up to the opposed stage, the House fees should be brought to something quite comparable to the cost which is involved in them. It is a very great difficulty sometimes to say whether you should proceed by Bill or by Provisional Order. In addition to that, I am bound to say, I think, especially if there were highly placed officers of the House of Commons who looked after the Bills in the way I have suggested it would be much better that people should frame their own proposals and then let the House decide. A Government Department of course frames them simply for the parties, and now especially it is very important that there should be elasticity as so many new things are being invented and so on; so that I think it is much better not to have a stereotyped form of Provisional Order, which is probably taken down out of a pigeon hole, and the only objection to the House taking possession of these things is, first, the House fees, and secondly, the time of Members. But in these smaller Bills there is not frequently any opposition, and I think it would be much better not to extend the system of Provisional Orders. I should not suggest curtailing it, but I think it would be a great pity to make people always go by Provisional Order; I was going to say, with regard to the Provisional Order system, and perhaps I might say it now, that there is one great objection to a Provisional Order for local authorities, and that is, that they can go for a Provisional Order without getting the authority of their constituents, and in many instances that is a very bad thing. I have an instance at present before my mind where three different authorities proposed a Bill; two out of the three were defeated at the poll, and the third one then withdrew from the proposal. All three of them have now Provisional Orders for exactly the same thing, although they were defeated by their own electors. I think it is a very great blot on Provisional Orders, that there is no control over the local authority, for the only way in which the ratepayers can exercise control is by getting up excitement at the Borough Funds Act meeting. I think it is a great misfortune that we have that doctrine in Parliament, of a man not being allowed to petition against the Common Seal, as it is called. There are a good many people, I should certainly think, in an important body of ratepayers, who ought to be entitled to be heard, especially against Provisional Orders, when they have not had an opportunity of taking a vote at home upon them.

Chairman—continued.

2243. Do you think that the Court of Referees is a useful body in this House?—I am bound to say that I know some of us take that view; but I think that those who have had the experience of what Parliament was before as I have had, and have had full experience of the House of Lords, are of opinion that the Court of Referees are the reverse of useful.

2244. Would you say unnecessary?—Quite unnecessary, I think, and I think in some instances a little more. We have very able Members of Parliament to sit upon it; two members of my own profession, benchers of my own Inn, for whose judgment I have the greatest respect; but the whole system is wrong it seems to me.

2245. On the other hand, every now and then, do not the Court of Referees prevent unnecessary expense?—In some cases they do

2246. That is to say they stop litigation?—In some cases they do, but they cause a great deal of unnecessary expense, because in many instances people are so dissatisfied. I do not often go before the Court of Referees now, but I do not think there is a Session passes that somebody does not come to me and say, "The Referees have refused a *locus standi*. What do you think?" I say, "You ought to have had a *locus standi*;" we have gone to the House of Lords and got it at once; and that has involved two petitions, two sets of costs, and very unnecessary delay, and sometimes delay which has had the effect to the promoters of having two or three petitioners in the House of Commons, and of having had nobody but my petitioners in the Second House, who have therefore been put to the whole expense in the Second House, and in those instances it served them right, because they had taken the opportunity of making technical objections.

2247. If the opponents get a *locus standi* in the House of Lords and then oppose the Bill, do they still give you a *locus standi* here in the House of Commons?—No, although you have had your *locus standi* argued in the House of Lords and have got it, if you proceed to the House of Commons, you have to go before the Court of Referees again.

2248. And in your experience is the decision of the House of Lords reversed occasionally by the House of Commons?—I have known it. I have

Chairman—continued.

have known people get a *locus standi* in the House of Lords and have it refused in the House of Commons, just as I have very frequently known it to be refused in the House of Commons and granted in the House of Lords. But the House of Lords have what to my mind is a much more reasonable system. The old system of Demurrer in the Law Courts is set aside now; the Judges say, "No, we will see the facts before we decide"; and if you want a point of law decided, you have to get it by special leave, which you can hardly ever get in the Law Courts now. Here is the only place in the kingdom where the system of Demurrer is adopted under the present circumstances, because the promoters do not even open their case; they simply send in some written objections, and then without the Court of Referees having any knowledge of the facts, they decide on the technical points; they hear Counsel for the Petitioner, and then hear Counsel for the Bill in so-called reply, he never having opened his case. I remember Lord Grimthorpe saying, and saying very truly, that he had known instances before the Court of Referees in which had the counsel for the promoters been compelled to state all the facts he would have disclosed such abominable injustice that he certainly would have secured a *locus standi* for his opponents. I am bound to say that I think that holds good even now in some cases. The Court of Referees are not so strict as they used to be, but I do not think that in petitioning Parliament there ought to be strict technical objections. The real test is, as again Lord Grimthorpe used to say, "Has the petitioner such a case as, supposing it to be proved, the Committee would be induced either to alter or throw out the Bill? If so he is entitled to be heard as a matter of right."

2249. How do the Court of Referees add to cost?—First of all they very frequently have to sit so late that a great proportion of the cost is actually incurred, probably all the cost with the exception of the attendance of witnesses and the delivery of the briefs to counsel on hearing before the Committee.

2250. You think that the case of the opponents has been already got up?—It must be, necessarily. You cannot get up an important case in Parliament in ten or seven days; everything is prepared, the briefs are all drawn, everything is done, except that the briefs are not delivered to counsel, very properly and rightly; and then of course they have had to prepare their witnesses and instruct them, get them all ready, and then all they save is the hearing fees to the witnesses. And then I know very often they feel it a very great hardship that when they have incurred all those costs they say they have not been fairly heard. They have not, on the merits, although they have been heard of course on the technical objection that has been taken. I do not think the saving is very great, but I think the practical inconvenience is much larger; and I think the best test is to compare the two Houses. No one complains of the present system in the House of Lords, but in the House of Commons we have all these technical objections. And there is another very great disadvantage about it, and that is, that, inasmuch as not unreasonably they simply hear one Counsel, they only allow one Counsel to be instructed (that is from motives of economy) it not infrequently happens, I have known it more than once, that a Committee is brought to a standstill because some leading Counsel is away in the Court of Referees. As you know, before Committees by the courtesy of Committees by waiting a moment or two we are often able to go on with the work, and knowing our work fairly well we are able to take it up; but if counsel is engaged in the Court of Referees he cannot get away; and I am bound to say I think it creates great hardship to other suitors who have secured the services of that very same counsel. For that reason, among others, I never go into the Court of Referees except for special clients.

Chairman—continued.

2251. To go back for a moment to the question of fees, have you studied the difference between the fees in this House and those in the House of Lords?—Yes.

2252. Do not you think that the two scales of fees ought to be made uniform?—I must say that I cannot see any reason why they should not.

2253. Have you any opinion as to which scale of fees you prefer?—I should rather suggest that wherever either House is the lower you should take the lower fee because I think the fees are very heavy. And, in addition to that, as I mentioned just now, I should be very glad to see all the earlier stages at all events very much reduced in their cost.

2254. You have heard that it has been suggested that we should have a Joint Committee of the two Houses instead of two separate Committees. Have you any opinion on that head?—I must say that I am not enamoured of the proposal at all. With one exception the Bar is unanimous against it. I do not think it would work, in a good many ways. First of all, it certainly would not reduce the amount of time which Members would have to serve.

2255. How?—Because, say, that there are in a Session 100 opposed Bills, you will then have to secure Joint Committees for all those 100 Bills. I have not seen any suggestion, and I should be certainly sorry to see it in practice, for a Committee of fewer than six; I think seven should be the number; but taking six members chosen equally from the two Houses, you would have to secure the services of 300 Members. If the Bills are started as they are now, half in each House practically, you only want 200 members, four to a Committee; if my suggestion of three were taken it would reduce it still more. Then my experience is that certainly not 20 per cent. of the opposed Bills are fought in both Houses.

2256. Not 20 per cent?—Not 20 per cent. I have tried to think it out from my own experience, and I think that may be fairly taken, because I have now been a long time at it. I do not think 20 per cent. of my clients go to the Second House, and mine is probably over the average, because so many of my general retainei are for the old Companies, who have of course questions of principle to decide. I should think probably my practice would be above the average, and I certainly should not average 20 per

Chairman—continued.

per cent. in my own practice. It is a little difficult to know, because no authentic record was kept. Then if you do that you would have 200 members taken at once, and 20 per cent. of that other 100 Bills would take 40 more, say 240 against 300. Then I think a Joint Committee would be undesirable for another reason. There is no class of case where it is so difficult to know the whole of both sides as it is in Parliamentary business. There are no pleadings, and if there were things are so varied that very often neither side knows the strength or weakness of their own case until the second hearing. In the courts of law we have now recognised it as almost a matter of necessity that wherever there is any important interest at stake there should be a second hearing, and as you know, from Petty Sessions there is an appeal to Quarter Sessions, where they act exactly as you do here; it is a rehearing, it is not an appeal in the true sense; and I do think it would be a very great pity to deprive people of the opportunity, because it does very often happen that upon the second hearing there is a different view taken. I know some people say then that that causes the expense of coming again. I say, quite rightly. Take for instance the Manchester Ship Canal. The Ship Canal never would have been made a serviceable scheme but for its rejection. The first ship canal scheme was a wild idea, in fact it was a suggestion from one of the opponents that caused it to be carried out in its present form. Then the Manchester Sheffield and Lincolnshire Railway Company coming to London was thrown out in the first instance. I was counsel for that Bill, and I know we came for a much better scheme the next year. Then again the Mono-Rail scheme had been almost transmogrified from what it was the first year, in consequence of suggestions made by the Committee in the first year. I think the matters are so important, and the sums of money at stake are so great, and the misfortune of having derelict concerns all over the country is so serious, that it would be a very great pity if there were only one hearing. There are certain subjects of course, that I should like to exclude. For example, the Duke of Richmond's Committee on railway rates and Fares was a most valuable Committee, but that had been all thought out by Lord Balfour and Sir Courtenay Boyle at great length beforehand. Then the Electric Committee and the Tubes Committee were useful as formulating some sort of idea on which people could act. But as to what you may call the legislative Committees, Joint Committees I think are most objectionable. And another reason is that you do not get the same attendance from the Joint Committee, nor do I think you get the same sort of self reliance, because the one House leaves it on the other, and so on. And then, there is another objection, which has very little to do with me, but most serious. I think that conflict between the two Houses would be much more frequent; you would have no end of motions for recommittals, especially if the evidence was overlooked. I believe it would very much increase the calls upon time of Members.

2257. The County Councils Association, of which you no doubt are a member?—Yes, I am.

2258. They sent us a memorial with

Chairman—continued.

regard to this, and they are very much in favour of Provisional Orders. You do not agree with that?—I am bound to say that I have had considerable experience of Provisional Orders, and I think the main temptation is their cheapness. If the earlier stages in Parliament were made equally cheap, I think it would be much better to have Private Bills. I can give an illustration, it is a small one, but one that I was interested in myself, personally, with some others. We wanted a Gas Provisional Order for a small town in the country, and we were very anxious to do the best we could. We proposed 14 candle gas, coal being very dear there, and 14 candle gas is for all practical purposes as good as 15. The Board of Trade has an absolute rule of 15, and Sir Francis Marindin, who came down and held the inquiry, said he was not going to alter it. That has gone on for many years all over the country for all these little places. Last year Parliament has granted 14 candle power, even for the great South Metropolitan Company, very much to the advantage of the consumers. In our case we should have been saved at least 3*d.* per 1,000 feet, if not more, having regard to the price of coal, but we could not help ourselves.

2259. And if you had discussed it before a Committee you might have had it?—I am sure we should, but it was not worth our while. We wanted to do the thing cheap—it was quite as much for the benefit of the inhabitants as ourselves—therefore we could not go to Parliament. That is just an illustration of a large number of things that I know of in Provisional Orders that get into a cast iron state.

2260. But with regard to cost, we heard, from information received from a witness, that the fees of the House bore a very small proportion to the aggregate amount of the cost of a Bill in this House?—That, of course, depends upon circumstances. I have got one case in my mind, of an unopposed Bill which I promoted, as chairman of a district council, for the improvement of commons, which cost us over 500*l.*, and that was all practically House fees; there were no witnesses and no engineer, and nothing else. It cost us nearly 500*l.* to get it through the two Houses.

2261. But there were the agents' fees?—There were the agents' fees, but they were not large in that case; I am speaking from memory, but I should think they are not more than 100*l.* or 120*l.* But that is a very serious item; and for that reason, so long as the House fees are so high, I do advocate Provisional Orders. In fact, I do always, for very small things, where you can get one. Indeed, in fact in some instances, I think you might even go further and leave the Department to make an order straight off without being even a Provisional Order, in very small matters with no principle involved.

2262. Have you anything to say about Standing Order 22, which deals with tramways running through the districts of local authorities?—I think that that absolute right of veto is a most unfortunate thing. I have had a good deal of experience of it, not only with regard to tramways but with regard to light railways; because, I do not suppose the Committee are aware of it, the County of Middlesex is the county

Chairman—continued.

county which has undertaken light railways; I suppose we shall shortly be spending two millions of money on light railways in the County of Middlesex; we have schemes quite to that extent. In the case of light railways, of course the local authorities have not got an actual veto, but even there there is a great degree of desire to secure a great many advantages which I think in many instances is very objectionable. But I have another illustration. We were desirous of having our light railways in a most important part of the county for our purposes that is all through Twickenham and that neighbourhood, but when we were proposing light railways there the London and South Western Company exercised their veto, that is to say they said that there was competition, and we knew there was, to such an extent that we dropped our light railways. Thereupon a tramway company came forward and they absolutely got away from their allegiance to us nearly the whole of the local authorities by offering to give them almost anything. And there was of course another unpleasant side to that, it was said—I do not in the least degree vouch for the truth of it—that there had been something more and worse than the mere getting of their consents in what I call an improper way, that is to say, getting far too great concessions, concessions which nobody except under pressure would have granted. I think it would be a very desirable thing to say that at all events there should be some provision that the consent should not be unreasonably withheld, and that the matter should come before Parliament. I know of another instance in which a very large municipality withheld their consent to a tramway company, the consequence of which has been that that district has been for four years without electric tramways which it would have had the next day, if it had not been for this veto. Then there is one thing which I might say I was rather asked to say by the Parliamentary Bar, with regard to Provisional Orders, and that is, that a great deal of very heavy expense is incurred where they are important Provisional Orders, by inquiry locally. Inquiries in the country to my mind are hardly ever satisfactory; they are very costly; the witnesses do not speak with the same freedom that they do here, and the inquiry has not got the same standing about it. I have the greatest respect for the inspectors of course, who are usually most able engineer officers, but those inquiries are not in any way comparable to inquiries before Committees, and all important cases are nearly always fought over again. Then there is another very important thing I should like to say, and that is, with regard to the Reports on the Provisional Orders generally. With regard to the Orders of the Local Government Board, they notoriously do not always act on the Report of their own inspector; they may grant a Provisional Order when he has recommended that it should not be granted, and they may alter a Provisional Order from that which he recommends. I say that in every case, inasmuch as he is sitting as a judge, his judgment ought to be public to everybody.

2263. Is his report a confidential report then to the Department?—It is said to be so, but I say that it ought not to be, because he has sat and heard the evidence, and it may be he has misappreciated the evidence. As you know, a judge in His Majesty's Courts is bound to set out the facts and say everything publicly, and especially if any step is to be taken upon it, such as legislation, I think the Committees ought to have the right to have the inspector's report, and I certainly say that the parties ought to have the right to have it. And so again with regard to the Reports which are sent to Committees, I know that at one time it was hardly ever that the Departments sent the parties their Reports which were sent in to Committees of this House or the other; I think they do so more now but they ought to be sent in as soon as they are ready, so that the time of Committees may be saved by the parties complying with them so far as they think right.

Mr. *Hobhouse.*

2264. With regard to the constitution of Committees, I think you have spoken of five as the ideal number?—I think it is, quite.

2265. You think that the present number gives rather too much weight to the Chairman?—I think it does in some instances, and the more capable the Chairman, if I may say so, if one may be allowed to compare one honourable Member with another, the more likelihood there is of his having a little more weight than even his authority showed him. I can only judge, of course, by what we see on the other side of the table.

2266. But you have experience of course of Committees of five in the House of Lords, and of four in this House?—Yes, and I had experience of Committees of five in this House too under the old system.

2267. And you think from your experience that a Committee of five is the best number?—I think in every way it is better, save as to the one question of the time of honourable Members, which of course we know is so valuable.

2268. Supposing you had any class of Bills, I will not say all Bills, but certain classes of Bills, sent to Joint Committees of the two Houses, you might in that way easily secure a Committee of five, might you not?—You might secure a Committee of five, but then I do not know how that would be; that is more a matter between the two Houses, but usually, I believe, in the case of Joint Committees the Committee meet, and they themselves choose one of their own Members as Chairman, sometimes from one House and sometimes from the other; but I think it would be a difficult thing to make the number only five, and to put three Members of one House with only two of the other. That might easily lead to dissatisfaction.

2269. It might have to be six of course?—Yes.

2270. My point is this, that you would thereby get a stronger tribunal which would not be so dependent on the view taken by the individual chairman?—That is true, but then you would lose on the other hand the opportunity that you always have now of going to the second House, to which I attach the greatest importance, be-

Mr. *Hobhouse*—continued.

cause these matters are so serious and so important, and many of them involve such questions of principle; and I am bound to say I have very seldom known the privilege abused. In the first place, the cost is so large that a man does not rashly enter into it.

2271. You have in your mind now big cases, I take it?—No, at the present moment I have in my mind one small case of this Session which was a very striking one. The Bill came into Committee in this House, and for confirming an order after two witnesses had been examined the Committee were good enough to intimate to us that they had heard the order and looked into it as it had been passed after inquiry by the Board of Trade, and they were rather impressed, I think, with that fact; but anyhow after two witnesses had been examined they intimated to us that we should have to make a very strong case to induce them to alter their view that the order should be confirmed. I just gently asked a question or two of the Chairman; I said if that was strongly their view it was no use going on. He said it was their view, and I did not go on. In the other House the Bill was rejected, the confirmation was refused, and I am bound to say so far as one being counsel can judge, the second House was right. That was in quite a small order.

2272. That was a case I understand in which, from your point of view at all events, the evidence was not properly heard out?—No, I would not like to say that the evidence was not properly heard out, but that was a case in which the Committee came to a strong conclusion early in the case. I had another instance of a Bill on which again we got no relief whatever in the first House this year, and in the second House we did. Oddly enough, the hearing in the House of Lords was the longer, and there we did get considerable relief. I do not think that a Joint Committee would do justice, I must say.

2273. I put it to you that a strong Joint Committee would not be so likely to fall into those errors of judgment as a weaker Committee of one House?—I am afraid some of them have been rather errors of strong judgment. They have been of so strong determination in the matter and such a strong view was taken that it was desirable to take the opinion of a re-hearing. A re-hearing did take place, and it had the result that I gave you. And then as I say one initial difficulty is that before the tribunal itself, neither party knows so well what the case of the other is, as it does after it has been heard in one House; and that I think is, with one exception, the unanimous opinion of the Bar.

2274. Have you any alteration that you would like to suggest in the procedure with regard to Unopposed Bills?—With regard to Unopposed Bills one can only form a judgment from what one hears; I never have as Counsel nor in any other capacity, had much to do with Unopposed Bills, except the one that I spoke of, and there we had one great advantage. And, by the way, in another case where I had an Opposed Bill, one of our County Council Bills, we had a great advantage. In both cases, I think the first one was before Lord Morley's time, but in the second one Lord Morley took considerable trouble about our Bill, and was good enough to hear me, not as counsel, of course, but as Chairman of the County Council, and he was perfectly satisfied with it, as a matter of principle. And that rather confirms the view that I mentioned, that it would be a very desirable thing in the case even of Opposed Bills, if they came more under the cognizance of somebody who was himself a Member of the House, and of high standing in the House. If there is any question that occurs to you that you can put in a concrete form, I will tell you if I know anything about it as to Unopposed Bills.

2275. It has been suggested to us, for example, that Unopposed Bills might all go to a Joint Committee of the two Houses, on which the Lord Chairman of Committees of the House of Lords, the Chairman of Ways and Means, and the Deputy Chairman in this House should have seats, and that one or other should preside, so as to pass them all through a stronger tribunal than that which they pass through at present, at all events in our House. Have you any opinion to offer to the Committee on that suggestion?—I should think that would probably be accomplished if such high officers as you speak of were to discuss the matter in the other House with Lord Morley. I should rather think there might be some difficulty about having a Joint Committee of the two Houses, because if the Members of the two Houses differed there would then be a possibility again of that which I think is most of all things to be deprecated on Private Bills, I have had one or two experiences of it, namely, anything like a difference or conflict between the two Houses. It is most desirable that whatever views there may be there should not be any even apparent conflict between the two Houses. It seems to me that the present system in the House of Lords works very well, and if it were adopted in the House of Commons then those two high officers might meet to discuss matters.

2276. The system in the House of Lords is rather an autocratic system, is it not?—But it is a very benevolent one.

2277. It is a one-man system?—But it is a very benevolent autocracy and it is an autocracy and always has been during my time, and before Lord Morley's time, of some one who had made himself absolutely master of the subject. Lord Redesdale was as remarkable in his way as Lord Morley is in his for a thorough knowledge of the whole subject.

2278. With regard to another question, namely, the question of *locus standi*, you consider that questions of *locus standi* are satisfactorily dealt with by Committees of the House of Lords?—Yes, I do, and with the result that there are very few questions of *locus standi* raised.

2279. I take it from what you have said, that the House of Lords take a more liberal view as to admitting Petitioners than the House of Commons do?—Yes, they do, but I think it is very largely due to the fact, and indeed I am sure it is wholly due to the fact that there is the Court of Referees. The House of Commons Committees were quite as liberal as the House of Lords Committees. I do not remember all this

Mr. *Hobhouse*—continued.

this question about *locus standi* in the old days when the Committees had it in their own hands, and for the reason that Lord Grimthorpe gave, that when people know all the facts they are much less likely to take a technical view of things than when they do not. That is the great difficulty, that the *locus standi* Court is in its essence and constitution a technical Court, and I think it is a very undesirable Court for that reason; it is absolutely technical in every way. Whereas, if you have all the facts before the Committee, they say, if what this man says is true, he has a grievance, and we will hear him.

2280. Do not you think that if Committees in our House had to decide these questions of *locus standi*, a good deal of their time would be taken up with hearing arguments of counsel as to the rights of the petitioners to be admitted?—No, I do not think so, because it so seldom happens in the House of Lords, and I think it would very seldom happen in the House of Commons. It was a perfect revelation to us all when the *locus standi* Court was crowded with objections. I remember Lord Grimthorpe telling me at that time that somebody said to him he might make a thousand pounds a week in the *locus standi* Court when it was first established. The Court was intended for three things: First of all to have some system as to engineering—it was thought that a great deal of time might be saved on engineering evidence; the second thing was as to estimates; and the third was as to the *locus standi* of petitioners. Within I think four, or at all events five sessions, both the first two broke down; and I think it is a great pity the third did not. In the matter of engineering it was found bad. I remember sitting in these rooms until 7 o'clock in the evening three or four days running on a Bill, hearing nothing but engineering. Before Committees, as you know, the engineering evidence takes usually a comparatively short time. Then again estimates used to be contested at tremendous length, and in those days a defect in the estimates was fatal.

2281. Was the idea of the Court of Referees to relieve Committees of the necessity of going into questions of engineering and finance?—So far as I understand, the whole object of establishing the Court of Referees was to relieve Committees; and they created an enormous amount of work without very largely relieving Committees. They were an absolute failure as regards engineering.

Chairman.

2282. When was the Court established?—I think it would be in 1864 or 1865.

Mr. *Hobhouse.*

2283. With regard to Provisional Orders, it has been given to us in evidence that the cost of getting an unopposed Provisional Order is only about 70*l.* or 80*l.*, whereas the cost of getting an unopposed Private Bill amounts to 400*l.*; your view is that the latter figure should be as far as possible assimilated to the former?—Certainly, so far as possible. It cannot be done in one way, because there is a thing which happens which seems to me to be not quite right. The

Mr. *Hobhouse*—continued.

whole of the professional expenditure on a Provisional Order is provided out of the public funds. I do not think that is right; I think each municipality or company ought to pay the fair cost of it, which fair cost would be represented by the addition made by the agent's charges, which I believe are not large in little Bills. I should think you might fairly cut down three-fourths of a Private Bill, or at least two-fifths.

2284. What do you mean by professional expenditure in that case; do you mean that the municipality who is promoting the Bill has the advantage of the decision of the officers of the Board of Trade?—The Board of Trade or the Local Government Board. Their inspectors go down and they do that which is really the business of private individuals at the expense of the country.

2285. Then you think that the cost of promoting Provisional Orders should be increased?—I do not think there would be any material increase, but I think it would have this effect that it would give those departments the time of the very people who are most skilled in assisting Parliament in disposing of its work, by devoting their minds to reporting on these Bills. The people engaged on Provisional Orders are the very people who complain that they have not time to devote to perusing Bills.

2286. I think you said that you did not attach any value to local inquiries as such?—In any important cases. There are cases of course where the department I think now, as far as I know, the Board of Trade, in almost every gas and water Order and all that class of Order, always hold a local inquiry; and in many of those cases it is very short and simple; but wherever it is a question of any importance which rouses any important public feeling I think the proper way is to proceed by Bill and have it discussed in the House, because the preliminary inquiry is usually worse than thrown away, inasmuch as a great quantity of rubbish is talked down there which would not be permitted for a moment here. I mean for this reason: the inspector feels it his duty to hear everybody, and it is right that he should, because he is not in the position of a Chairman of a Committee.

2287. He is not in a strong enough position?—No, he is not in a strong enough position. Nor would the people be satisfied with a gentleman who is a general officer, though highly distinguished probably in his own profession, a very good engineer, as they are with this House. One of the great things about this practice is, that everybody when he goes away, even if he is dissatisfied for the time, knows he has had a hearing by a most competent authority; and I attach great importance to that.

2288. Do not you think that the Light Railways Inquiry has worked well?—It is not so satisfactory as an inquiry here, although it is more satisfactory than the usual local inquiry. Then, of course, that arises very largely from the fact that you have the unique advantage on that Commission, if I may say so, of a Member of the other House, Lord Jersey, who has had enormous experience as Chairman of Private Bill Committees, and he has been generous enough to give

Mr. *Hobhouse*—continued.

his services to the country without fee or reward, which has been very largely the cause of what success the Light Railways Commission have had. But they are very expensive. We had a Light Railways Inquiry the other day which was unsuccessful, and I think, speaking off the book, our costs were about 2,000*l.* or 3,000*l.*

2289. That was a large question, I suppose?—It was an important and longish piece of line; but, there again, there is the great disadvantage that people who would not dream of coming to Parliament, inasmuch as that is a comparatively cheap tribunal, go there and oppose in the hope of extracting something from you; they say, if you do not give us this, that, and the other, we will oppose you. We would not take that course, and the result was that we were defeated. If we had chosen to give everybody what they wanted we should have got through unopposed.

2290. You spoke of the advantage of having a poll of the ratepayers to check the promotion of Bills. Does that poll act as a sufficient means of protection?—I am by no means sure that it does act as a sufficient protection, but it certainly is a protection.

2291. Does it obtain the real opinion of the ratepayers?—It depends very much.

Chairman.

2292. That is a little outside the scope of our inquiry?—I was just going to say that it depends very much on the subject.

Mr. *Hobhouse.*

2293. Do you think in the case of tramways it would be an advantage if the local authority were obliged to give their consent at an earlier date?—I think it would be very desirable that they should intimate what they have to say as early as conveniently possible; but I should certainly say that they ought to give their reasons for their dissent; and, further than that, I think that the promoters ought to be entitled, at their own risk, to go on. Nobody, of course, ever dreamt of a municipality refusing consent to a railway, and I do not quite know how it got into the Order at all.

2294. You would advocate the removal of the veto?—If it were all *de novo*, I should certainly say so; but supposing that is not practicable, I think, certainly, the intimation ought to be given as early as possible, so as to save people cost, and I think they ought to give their reasons for their veto, and, if possible, there ought to be some means of over-riding it. I know one instance where the veto was given very strongly in a large town one year, and the next year there was a universal consent; but the means by which that were obtained were not very satisfactory.

2295. In fact, it is the practice, is it not, in some cases to keep the consent suspended in order to get concessions?—I should think it is almost the rule you might say; certainly, it is frequent.

2296. When you spoke of objectionable concessions, were you speaking of the widenings of roads that were required, or of what kind?—In the instance before my mind last, where there was a revolution in the course of a year, there was no difference at all of circumstances outwardly; there were no different questions about widenings.

Mr. *Hobhouse*—continued.

And with regard to those things, it seems to me that if there are conditions of that kind, surely that exactly what a Committee should have an opportunity of deciding upon—not the local authority. What is fair enough in one case might be quite wrong in another, and it gives them what outside of Parliament, I think, ought not to be; there ought not to be an autocratic power outside Parliament, it should be subject to some protection.

2297. Would you go so far as to say that they should say "yes" or "no" without laying down terms?—No, I think it is very desirable that they should set forth their terms; then if the promoters say, "that is not reasonable," I think they ought to be allowed to go on to Parliament and let Parliament say between them whether the conditions imposed by the local authority are reasonable or not.

Mr. *Renshaw.*

2298. You are generally in favour, I understand from the evidence you have given, of simplifying the progress of Bills at an earlier period of the Session?—I think as much as possible. I am sure it would conduce to efficiency and economy of the work as much as anything would.

2299. That at present is prevented to some extent by the dates which regulate the procedure in this and the other House, is it not?—It is.

2300. The date for the petitition for a Bill in this House is the 21st of December and in the House of Lords the 17th?—Yes.

3001. Do you see any objection to making that the same date in both Houses?—I think it is very desirable.

2302. Do you see any great objection that there would be to making the date in both Houses, say, a week earlier?—I think that is a question more for the agents and the engineers. I should have thought myself a week would probably not make much difference to them, but that is still more a question for their judgment.

2303. You think it would not make much difference, but you would be of opinion that it might make a great deal of difference to the acceleration of business?—I think every day of ante dating, so to speak, would be a great advantage to the House, every day that can reasonably be.

2304. It has been rather urged as an objection to any antedating by some of the witnesses before us, that the municipal elections take place on the 9th of November, and that the interval between that and the date for Petitions for Bills is so short that it cannot be abbreviated. Is it your opinion that these Bills are generally brought into shape before the elections on the 9th of November, or that they are brought into shape after that date?—Every Bill of course must have had some consideration before the 9th of November, and sometimes, I have no doubt, that its shape is affected by the elections which take place, because very frequently, as you know, a local Bill is the subject of a contest in the various wards. I know when I used to draft Bills in Parliament, when I was a junior, very frequently it seemed

to

Mr. *Renshaw*—continued.

to me that the agents had their hands very full right up to the end of the present period; but whether that could be antedated by a week or two or three days, I do not know; all I say is, that it would be very desirable if it could.

2305. Is it not human nature, always, to put off to the last moment?—No; I do not think so; but very often in drafting an important Bill (I know the agents much more largely draft them than they used) it used to occur to one in the middle of a Bill that there was some provision inconsistent; then you had to send off and get your instructions, and perhaps partly redraft the Bill; so that their hands, I know, are very full.

2306. But I think the Committee may take it from you that the general features of the Bill which the municipal authority were promoting in Parliament would be settled long before the 9th of November, although the result of the elections might effect the introduction of some particular point or the rejection of some particular point?—If it was an important Bill they must have given their instructions long before that. You have to prepare all sorts of things for them. I should be very sorry, if I had anything to do with a Bill, not to have given my instructions by this time for the preliminary stages to be prepared.

2307. Under the existing rules which govern the procedure in this House, petitioners against a Bill are allowed 10 days from the date of second reading?—Yes.

2308. Do you think that serves any good purpose?—I do not think it does serve any good purpose, especially if the Bills were divided into compartments and, say, from number one to 50, petitions must be within such and such a date, and for the next 50, petitions within such and such a date, so as not to have the agents preparing the petitions all in a hurry; but I do not see any object in having to wait for second reading or even first reading, because first reading is a matter of course.

2309. So that the first reading stage of a Bill in this House is really of no importance whatever?—I do not think it is. In Bills where there is a deposit of money, the deposit of money is on the 15th of January, and therefore up to that time you do not quite know whether the Bill is going to proceed; but I do not see why for the first 50 or 100 Bills they should not put in Petitions within 10 days or by the end of the month after that so as to have something ready for Committees in due time. It is all a question of accelerating all the machinery. I must not, of course, be understood to say that with regard to Bills which have not passed Standing Orders, it depends upon that very much.

2310. Quite so. I was going to ask you a question upon that. The Court of Examiners sits now on the 18th of January?—Yes.

2311. You would see on the lines of your previous answer no objection, I presume, to that Court sitting earlier than the 18th of January, say a week earlier?—There may be some reason inside of the office, but so far as I know, I do not see why the Examiners should not start very much sooner.

2312. Then in your opinion might it be taken that the date for petitioning against a Bill should be either a fixed date in the year, having regard to the date at which the Examiners begin to sit, or a date so many weeks or so many days after the date at which the Bill had passed the Examiner?—I think the latter course would be the more convenient, because it would be more convenient to the agents, it would not overwhelm them with the work so much. That must be considered, because they have so very many things to look after at that time of year, that I will not say their convenience, but their capacity for the work should be considered; but I do not see why some arrangement of that kind should not be made.

2313. That is to say that Petitions against a Bill ought to be brought in within 10 or 15 or 20 days, after the date at which compliance with Standing Orders has been certified?—That seems to me a very reasonable arrangement, and one that nobody could well quarrel with. It would certainly facilitate what I am so anxious to see, namely, Committees in as full swing before Easter as they are after.

2314. Have you considered what the effect of that would be upon the Wharncliffe meeting?—The Wharncliffe meeting is now you see very much a matter of form. I should think some arrangement might be made to get over that difficulty, because it is purely formal.

2315. The Wharncliffe meeting must take place before second reading?—Yes, at present it must. I see no reason why there should not be some other less movable date fixed for it. I do not see why the Wharncliffe meeting should not take place at some fixed period after the deposit of the Bill. The second reading has always been on the theory that something dreadful was going to happen to the Bill on second reading, but you know in 19 cases out of 20 nothing does happen; therefore it might be held at some more convenient date.

2316. You do not see any real inconvenience and objection on that score?—No.

2317. I think in one answer that you gave to the Chairman you spoke of the desirability of avoiding the second reading stage in the House if possible?—Yes.

2318. And placing larger powers in the hands of the Chairman of Ways and Means with regard to that?—Yes.

2319. Do you think it would be preferable to place those powers in the hands of the Chairman of Ways and Means in this House, or in the hands of a small Committee, of which he or the Deputy Chairman was a member?—The only advantage in that, that I can see is, that perhaps, as I said, the House of Commons being the more popular body, they might prefer to have a somewhat larger body in which some non-official Members of the House might have a voice; but otherwise, I should have thought the greater convenience would have been to have simply the Chairman of Ways and Means or some similar high placed officer of the House, because then he will be in an easier position for conferring with Lord Morley. Practically, I think that would be better.

2320. Is there not this great difference beeween the position of the Lord Chairman in the House of

Mr. *Renshaw*—continued.

of Lords and the Chairman of Ways and Means in this House: that the one man has upon him an enormous amount of business compared with what devolves upon the other?—Yes.

2321. The time of the Chairman of Ways and Means in this House would never be free to that extent?—That is why I added the words, or some other equally highly placed officer in the House on whom the House would have reliance. One can imagine the enormous amount of work that the Chairman of Ways and Means has to do; but still, even in his case, he is not so hardly pressed before as after Easter, because there are not so many times when the House is in Committee. But I should think, probably, it might be better if somebody else, in whom the House would have equal confidence, could undertake the duty.

2322. Would you rather suggest an individual than a small Committee?—I think so, because of the ease of communication, the non-necessity for calling the Committee together, and so on, simply as a matter of machinery. I think, otherwise, it does not matter very much whether you have a strong Committee of three, or a gentleman in whom the House has confidence.

2323. That is solely with regard to second reading questions?—Yes.

2324. With regard to the powers of the Chairman in respect to Unopposed Bills, we have been told that they are very great—that he can insert almost anything into a Bill, subject to report to the House. Do not you think that a strongly constituted Committee of the House dealing with Unopposed Bills might be a protection?—It might lead probably to considerable continuity, because the personality of the Chairman of Ways and Means varies, and if you had a Committee with a record that might give continuity and probably strengthen the position. But I think at present everybody has great confidence in the decision of the Chairman of Ways and Means.

2325. You spoke of putting Bills into blocks, or rather into compartments?—Yes.

2326. Do you suggest that being done as soon as they pass the Examiners?—Yes, because everybody would know then in what order they would come, subject of course to special applications, say from the necessity for some further information. But if a man wanted not to take his Bill in that order, he would do what is now done in the Courts, make application to the proper officer and say, "please may I defer my Bill for such and such a time." That seems to me the most certain way of getting a certain amount of business ready for the House.

2327. Would you group these Bills before the date for petitions against Bills have been reached?—With regard to that, you would run the risk under those circumstances of there being no petitions at all, and then the Bills would go unopposed; but I do not suppose that would much matter, because you would either do what is done now, transfer a Bill from some other group to fill up that, or have a shorter group, and then that Chairman and his members would be released.

2328. Should you suggest that those Bills ought to be grouped with regard to locality or with regard to subject matter?—I do not think one or the other very much matters. In the House of Lords you have, especially at the latter end of the Session, a great mixture, and there is no particular virtue in having a group of all railway Bills that I can see; in fact, I think probably so far as honourable Members are concerned, it would be rather more interesting for them if there were greater variety. I know there is one Member of the present Cabinet who told me that he owed his present position to what he studied in Private Bill Committees, and probably he got a miscellaneous amount of information.

2329. You criticised the course taken by local authorities in going for Provisional Orders as being liable to objection, because they did not need to get the consent of their constituents?—Yes.

2330. Is it not the fact, however, that they can only go for Provisional Orders for matters which have been already dealt with by Parliament, and that it is under the provisions of the public law that they get those powers?—No. Take for instance Electric Orders; all Electric Bills and Provisional Orders are subject to the general recommendations of that Joint Committee that sat and gave so much assistance to everybody afterwards. But in those cases they can either go by Bill or Provisional Orders. I am thinking of an electric scheme in which some people went for a Private Bill; when two out of the three authorities were totally defeated at the poll, and they then all went in for separate Provisional Orders.

2331. So that statement of yours is only applicable to electrical schemes, not ordinary gas and water schemes?—No; I give that as an illustration, There are various things that they might go for Provisional Orders for, and I know they do go for Provisional Orders for on the ground that they would rather not face their constituents for a Bill.

2332. Then with regard to the answer that you gave to the Chairman on the subject of Standing Order No. 22, can you suggest any way by which the local interests and the interests of the road authority can be properly safeguarded if this power is taken away from the local authority?—I think that generally speaking the local authorities have very considerable influence in determining what will happen. Under the Light Railways Orders for example, they have no veto, but we find that their interests are very carefully considered, and very well protected. Generally speaking, if people were promoting a tramway they would not wilfully run their heads against the wall by getting the determined opposition of any considerable section of the local authorities, or, in fact, of any of them. I must say, as I said before, that if it were *de novo* I should see no reason whatever for their having any veto at all, but, as they have, if it continues it should certainly be limited in every way, so that they should be compelled to give their reasons, and, if the reasons were not satisfactory to the people promoting their scheme, they should still be allowed to proceed and take the opinion of the Committee.

2333. Even

Mr. *Renshaw*—continued.

2333. Even although it might be to the detriment of their own locality, as it might be in the case of a proposal to connect two towns by a tramway passing through an intervening district which would be really injured and not benefited by it?—It is now, with the electric tramways, difficult to imagine a district that would not be benefited by the passing of a tramway. But the great misfortune is the going to the other extreme, that people can put a stop to a useful enterprise without giving any reason, simply saying, "No, we will not"; and it has been a very serious evil in some cases.

Mr. CHARLES EDWARD TROUP, C.B., called in; and Examined.

Chairman.

2334. You are Principal Clerk to the Home Office?—Yes.

2335. And you have had a good deal to do, of course, with Private Bills?—Yes, the Department that I have charge of takes, amongst other questions, all the Home Office action with regard to Private Bills. We see most of the Private Bills; some of them come to us under the Standing Orders, such as the Police and Sanitary Bills; others are referred to us by the Treasury, and others we obtain from the agents. We see on the whole more than three-fourths of the whole number of Bills.

2336. Is it your duty, and that of those who assist you, to go through all these Bills?—Yes, it is our duty to look out the points on which the Home Office is concerned, and we deal with a good many of them by writing to the agents and settling the points with them. On all of the more important points we prepare reports which come before the Committees.

2337. Have you any trouble in getting your reports drawn in time to present to Committees, do you ever keep Committees waiting?—I do not think we ever keep Committees waiting. Sometimes when a Committee has been put out before we were ready we have to rush the report through, and perhaps once or twice we have had to send it in in manuscript to the promoters and the Committee; but I do not think we have ever kept a Committee waiting.

2338. In a general way have you time, although the Bills are not deposited till the 21st of December, to make your report?—Yes.

2339. Ample time?—No, it puts very great pressure upon us to get ready; a very great deal of overtime has to be worked.

2340. Your department is not interested in the same number of Bills as the Local Government Board?—No, we are not interested in nearly so many as the Local Government Board. I find this Session, for instance, we have only reported on 38 Bills, as against 122 which were reported on by the Local Government Board; and our reports are generally speaking much shorter than the Local Government Board's reports. But, on the other hand, I think we deal with even a wider range of subjects than the Local Government Board do.

2341. But still, if the pressure on your time is great to make 38 reports, the pressure on the Local Government Board must be very much greater?—It is very much greater.

2342. But so far as your department is concerned you have time?—We can just manage to do it, but it would be a very great advantage to us if the date for the deposit of Bills could be advanced.

Chairman—continued.

2343. As you know, the Bills are deposited in the House of Lords four days earlier than in the House of Commons, on the 17th of December?—Yes.

2344. Is there any reason why our Bills should not be deposited at the same time?—I do not think there is.

2345. It is said that if they were deposited earlier it would interfere with the action of the various municipalities?—What I should suggest is this. There does not seem to be any reason for advancing the Railway Bills and that class of Bills very much, but it certainly would be a great advantage if Municipal Bills, or at any rate the Police and Sanitary Bills, could be deposited a great deal earlier.

2346. Is it not a fact that the municipal elections take place in the earlier part of November, and until those elections have taken place the municipalities cannot very well introduce these Bills?—I think their Bills ought to be ready before the date of the municipal election, and I may mention that we are now in correspondence with the Corporation of Birmingham about a Bill which I understand from what they tell us, is almost complete and ready for next Session. According to the report sent to us the Bill is practically settled except a few clauses, one or two of which they are writing to us about. I do not see why in other cases the Bills should not be ready sooner. It seems to me that if you advanced the date by a month, that would be rather giving them 11 months more than shortening the time by one month.

2347. And you do not think that the reasons given, of the Municipal Elections stopping a Bill, is a good reason?—No, I do not think so. I think the Bill ought to be ready and before the electors before the Municipal Elections. Then if there is anything they object to, it can be dropped out afterwards.

2348. What have you to say about the Police and Sanitary Regulations which come before these Committees?—That is the point in the Private Bills with which we have most to do, and on which most of our reports turn. We were first asked to make reports for the Police and Sanitary Committee in 1884, and ever since then we have made reports upon a great number of Bills.

2349. When was the Police and Sanitary Committee established?—It was set up in 1882, it did not sit in 1883, and then it sat continuously from 1884 to 1900; and, at any rate in the earlier days

Chairman—continued.

days of the Committee, the same Members served on that Committee from year to year, and they became a Committee almost of experts upon the subject.

2350. But did you not find, or was it not found, that the Committee felt it a great burden to constantly sit on these cases all through the session?—In late years the number of Bills increased enormously, and it was very difficult to get the attendance of Members.

2351. And especially of the Chairman, who had to sit on every Committee?—Yes, and that led, of course, to the Committee being discontinued last session, when an arrangement was made by which there should be two of the ordinary Committees who should take the Police and Sanitary Bills, and the Chairmen of those two Committees should be old members of the Police and Sanitary Committee.

2352. And do you find that occasionally there is want of continuity in the action of the Committees?—The first Session it worked pretty well. This Session I do not think it has worked so well. I think one can see quite clearly that the Committees are beginning to lose the tradition of the old Police and Sanitary Committee.

2353. Occasionally there is a divergence of ruling, is there not, in some cases?—Yes, and in most cases hardly any members except the two Chairmen were old members of the Police and Sanitary Committee; and a good many Bills went to a committee which had not even a chairman taken from the old Police and Sanitary Committee. If there were now a change of Chairmen all connection with the old Committee would be lost, and its practice and tradition would be forgotten.

2354. In your opinion, would it be better to have one Committee, if possible?—It would be very much better if there were one Committee specially for the Police and Sanitary Class of Bills.

2355. Would it lighten the labours of the Chairman of that Committee if there were a Chairman and a Vice-Chairman?—Yes, I should have thought that might have been arranged.

2356. To keep up the continuity more, you think?—Yes. It would be better of course, if one Chairman could take the whole thing.

2357. But with the number of Bills introduced now, that is a very heavy burden, is it not?—Yes.

2358. Much more so than it used to be?—Yes, but I think in some ways the amount of the work as compared with last year of the old Police and Sanitary Committee might be reduced a great deal

2359. You would not refer the whole Bill to the Committee, only certain clauses?—I think there are cases where the opposed part of the Bill, if it is not specially a Police and Sanitary matter, might be taken by an ordinary Committee, and then the Police and Sanitary clauses come to the Police and Sanitary Committee. That was done in this Session in regard to at least one Bill, the Salford Bill.

2360. That would lighten the labours of the Committee?—It would lighten the labours of the Committee very much indeed. And I think more Bills originating in the House of Lords would lighten their labours. Up to a year or two ago, all the Police and Sanitary Bills originated in the House of Commons.

Chairman—continued.

2361. In the House of Lords is there a Police and Sanitary Committee?—No, there is nothing corresponding to it there; but I think one finds that those Bills which come down from the House of Lords involve much less work to the Committee than those which originate in the House of Commons.

2362. But if they get through the work properly in the House of Lords without a Police and Sanitary Committee, why should not a similar procedure take place here?—It is partly the disposing of the opposition in the House of Lords that lightens the labours of the Police and Sanitary Committee when the Bills come down to the House of Commons. And then a good many points are disposed of altogether by Lord Morley.

2363. Before it goes to Committee?—In the case of Bills that come down from the House of Lords.

2364. How does Lord Morley affect the Bills after they have been to a Select Committee?—Lord Morley deals with all the Bills in the House of Lords as regards the unopposed clauses.

2365. But not after a Bill has been passed by a Select Committee; then the Bill comes down here just as it left the Select Committee?—Yes, but it undergoes Lord Morley's revision before it comes down to the House of Commons.

2366. After it has left the Committee?—Yes.

2367. At any rate you are strongly of opinion that the Police and Sanitary Committee ought to be set up here again?—Yes, with those variations, and with the suggestion that there should be some arrangement by which some Members should take one Bill and some another.

2368. Do you think that the Home Office ought to be represented before that Committee?—The Home Office always is represented before the Police and Sanitary Committee.

2369. There is an officer of the department always ready to give advice?—Yes, either myself or another officer from the department attends when we have a report on the Bill.

2370. Is there any other subject that you would like to mention in regard to this matter?—I think it would be very desirable if in some way the length of those Police and Sanitary Bills could be reduced. A great many of the Bills that come before the Police and Sanitary Committee are filled up with mere padding, things that the local people do not really ask for and do not really want.

2371. Would you have certain model clauses then put in, or how do you mean you would get rid of padding?—What has been passed in one Bill is taken and put into another Bill very often without much consideration. For instance, I might mention the case of what they call the Thrift Fund or Superannuation Fund clauses. These clauses were settled in a Manchester Bill about 10 years ago, and they were followed in one or two other cases where the authority really wanted to arrange for the superannuation of their officers. That was in 1891 or 1892. Then I find in no less than 10 Acts between the years 1894 and 1900 this whole block of clauses was put in. We did

not

Chairman—continued.

not object and nobody objected; but in no single case of those 10 has any action been taken. The matter would have come before the Home Office if any action had been taken.

2372. You think they are superfluous?—I think they were merely put in to fill up the Bill.

2373. Why did not the Home Office report upon them?—I presume we reported that the Committee should find out what the reasons for wanting the clauses were; but there was nothing injurious in the clauses, and they were passed.

2374. But they were unnecessary?—Yes; they were put in simply to fill up the Bills.

2375. But unless it were brought to the notice of the Committee by your department, that these clauses were unnecessary, naturally the Police and Sanitary Committee would not take any notice of them?—I have no doubt we raised the question in the earlier cases, but, of course, the Promoters said, "We want those clauses," and we could not say that there was a very strong objection to them.

2376. Then who do you say ought to take objection to them. How would you get rid of what you call the padding, unless your department takes action?—That seems to me to come under the point that has been raised before this Committee already, of the way the agent's charges for the Bill are distributed.

2377. Are there any other points that your department wishes to mention?—You mean on this question of the Police and Sanitary Committee?

2378. Or any other matter coming before Committees of the House?—I think it is very desirable that the Home Office should have an opportunity of being heard by Committees other than the Police and Sanitary Committee or the Unopposed Bills Committee. At present our representative appears before the Police and Sanitary Committee if we have anything to say, and we always find it quite easy to be represented before the Unopposed Bills Committee; but it is very rarely we are asked to attend other Committees; and sometimes the recommendations of the Home Office Report are discussed without anybody being present from the Home Office, and are rejected by the Committee on what, I think, is very often a misrepresentation of what we have said.

2379. Then you think when the Home Office makes a report an officer from the Home Office ought to come with it to give further explanation?—I think we ought to have an opportunity of attending; I think it should be recognised in the Standing Order in some way. It becomes, of course, much more important if there is any possibility of a Joint Committee of the two Houses dealing with Bills; because at the present time if anything goes wrong in one House, generally we have no great difficulty in getting the matter put right in the other House; but if there were only one Committee to deal with, it would be very important that we should have representation in that way.

Mr. *Renshaw.*

2380. It is the case, is it not, that a large part of the work that devolves upon the Police and Sanitary Committee, or what was the Police and Sanitary Committee, arises from the fact that the Public Health Acts and other similar Acts were passed so long ago?—Yes.

Mr. *Renshaw*—continued.

2381. And that if the law were brought up to date as it has been given effect to for a great many years by the Police and Sanitary Committee, then there would be far less work now for the Police and Sanitary Committee?—A good many of the clauses that they now put into Bills would disappear, but I should expect others would take their place.

2382. Is it not your opinion that the work of the Committees in this House would be rendered much lighter if there was a more systematic bringing-up of the general legislation to date?—Yes, to some extent.

2383. That would reduce the total amount of work that had to be undertaken by these Committees, would it not?—Yes, I should think so.

2384. And so far that would relieve the Members of this House of the duties that they have in attending on those Committees?—Yes.

Mr. *Hobhouse.*

2385. When does the Police and Sanitary Committee usually begin to sit—how early in the Session?—I think during the last two or three years they only began after Easter. Generally they used to take two or three Bills before Easter.

2386. Then certainly there was a great difficulty in getting through all their Bills if they begin so late in the Session?—Yes, there has been very great difficulty in the later Sessions.

2387. That is a very good reason, is it not, for dividing their work between two Committees?—Yes, if you cannot take it earlier.

2388. If you cannot make the dates earlier than they are at present, it may be necessary to have two Committees?—Either to have two Committees or to divide the Committee, as was done several times.

2389. But that came to very much the same thing, did it not?—There was more connection between the two branches of the Committee.

2390. What you really want is, if there is to be more than one Committee, some organic connection between those Committees?—Yes, I think so?

2391. And that might be secured possibly by having one or two Members common to the two Committees—for instance it has been suggested that there should be a Chairman and Vice-Chairman, who might preside each of them over one of the Committees, and might be in constant touch with each other?—Yes.

2392. That is what you want?—Yes.

2393. You cannot expect the same Members to sit on all these Bills?—No, not on all the Bills; but I think it would be a good thing if certain Members could be definitely assigned to the Police and Sanitary Committees, say 12 Members besides the Chairman and Vice-Chairman, so that you might divide them into three sets of four. The two Committees which have taken Police and Sanitary Bills were not only separate Committees, but the Members of them were constantly changed.

Mr. *Hobhouse*—continued.

2394. Therefore, you got no stability of their decisions?—No.

2395. Do you think that more uniformity might be secured by having a record of decisions?—There is a record of decisions to a certain extent, in the Reports of the Committees.

2396. But there is no record kept by any Officer of the House for the advantage of the Committees, is there?—There is nothing beyond the Reports of the Committees, which certainly are not easily followed.

2397. You have no suggestion in that direction?—No; we try to keep a record and to bring to the notice of Committees the decisions, so far as they affect the clauses we report on.

2398. The Home Office keeps a record?—Yes. One of the chief points of our reports is to call attention to previous decisions.

2399. Then the other departments would have to do the same?—The Local Government Board do the same thing in a very elaborate way; they sometimes quote a dozen precedents for a decision.

2400. Then there is some record by which Committees may be guided in such matters?—Yes.

2401. I do not quite understand what your difficulty is about appearing before ordinary Committees. Could not a representative of the Home Office always be heard on an intimation being sent to the Chairman of the Committee that they desire to be heard on a particular Bill?—We have never taken the line of asking to be heard.

2402. But supposing you did, surely the Chairman would always call a representative if a Government office wished to be heard?—I am not quite sure whether that would be so.

2403 You consider that in the case of the Police and Sanitary Committee you have a right to be heard?—In the case of the Police and Sanitary Committee we attended on account of a general request from the Police and Sanitary Committee that we should be represented there. In 1885 and 1886 we sent reports without sending a representative. Then they said in the Report for 1886 "next Session we shall be glad if you will be represented," and from that time we have always been represented.

Mr. *Hobhouse*—continued.

2404. You act as a sort of official adviser to the Committee?—Yes, as a sort of assessor.

2405. But there are points on other Bills, such as railway Bills, on which you report to an ordinary Committee?—Yes.

2406. Do you desire any greater facility for being heard before those Committees?—Yes, I think it would be advantageous that we should.

2407. What facility do you desire?—I think the Committee before deciding to reject a recommendation of a Home Office report, should ask for the attendance of an official from the Home Office.

2408. Should always ask for evidence?—Not evidence, but ask for the attendance of someone to represent the views of the Secretary of State.

2409. That is the same thing, is it not, that it should always ask for oral evidence of a representative of the Department report before it decides against a contention of the Department?—Yes, that is the suggestion.

2410. But some of these points on Railway Bills, at all events, are not of any first-rate importance?—No, some are not very important.

2411. With regard to the number of houses of the working classes taken, and points of that kind that your Department upon, do they not?—Yes, I think we should hardly ever want to be represented on those points.

2412. Even if the Committee decide against you?—As a matter of fact, all questions on the housing of the working classes we have for some time settled with the agents without going to the Committee in a Report.

2413. Therefore on that class of Bill there is no serious evil to be remedied?—I should think it is not in more than half-a-dozen cases in a Session, that we should wish to be heard.

2414. In these half-a-dozen cases would not your object be secured by your Department intimating to the Chairman of the Committee your desire to be heard?—Yes, if it were quite understood that it was a proper request for the Department to make, and one that the Committee would comply with.

Mr. EDWARD HENRY PEMBER, K.C., called in; and Examined.

Chairman.

2415. We have had a good deal of evidence with regard to the dates at which Bills ought to come before Committees, but we will not trouble with that?—No, I should not be a good judge as to that.

2416. There is one matter on which you might help us, and that is with regard to the Court of Referees. Is it in your opinion necessary to have all these Bills going to the Court of Referees in order to get a *locus standi* for the parties?—You see the Court of Referees has been established for such a long time, since 1865, that is 37 years, that I think it would be a very strong measure to abolish it. If you ask me whether I am always satisfied, using the word "satisfied" in the legal sense, with the decisions

Chairman—continued.

of the Court of Referees, well, no, I am not. I think sometimes there does seem to be a certain amount of mystery about their decisions; but taking it all in all and all round I think that substantial justice is done; and therefore I for one should pause a long time, I think, before I abolished the Court of Referees. You see we are very apt to lose sight after a lapse of time of the main object of the constitution of any tribunal, and I recollect that it was considered at the time when the Court of Referees was established, that there was a certain amount of unnecessary expense caused to suitors, in that the question of people's *locus standi* would not be considered until they came before Committee, and by that time they would have been involved in

Chairman—continued.

in a very great deal of expense. Now a certain amount of expense they must be involved in even in going as far as the Court of Referees, but the thing is very much cheaper and comes very much earlier; and I think therefore that is a very great reason for keeping the tribunal and its action as at present arranged.

2417. But we heard just now that these parties have to get up their opposition and instruct their counsel and go all through that costly procedure before they go to the Court of Referees?—So they have; they have to instruct counsel, but the fee is a very much smaller fee than the Brief fee that they would have to give counsel if their case was ready for hearing in the event of their getting a *locus standi*; by that I mean, if their *locus standi* were argued in one half-hour and decided in their favour, and then they were to go on to be heard upon merits the next half-hour.

2418. Do you suppose that it saves half the cost?—I should think so. A great deal of that is of course special knowledge known only to agents, but I should have said certainly half. Let me tell you one thing that I do know about. The ordinary fee for counsel before the Court of Referees is 10 guineas on his Brief, 10 guineas for his attendance, his retainer—and 10 guineas for consultation; that is 30 guineas.

2419. And only one Counsel is allowed?—Only one Counsel is allowed. It is perfectly true that I myself, because I am rather shutting off business, will not go before the Court of Referees without a special fee, but then that is personal to myself, and I find, of course, that I am not very often taken unless the matter is an important matter; but you must recollect that if those fees had to be translated into fees to appear before Committee the 30 guineas would by no means represent the latter fees, not by two or three times, probably, in an ordinary case; and then he would have one or two juniors below him, in all probability, to be briefed in readiness; therefore, even in the matter of Counsel's fees, there must be an enormous saving. It is true that if there is a *locus standi* and it is opposed, and it has to be heard, that 30 guineas is extra; but I think on the whole it is a sprat of extra expense thrown to catch a herring of saving of expense.

2420. How is it that they get on so well in the House of Lords without a Court of Referees?—I do not know that I have stopped to consider that very much, but I think, off-hand, one may say this: of course, there are not so many Bills before the House of Lords, and a good many of the *locus standi* cases that have been settled by the Lower House guide people, a little in the way in which they treat *locus standi* in the second House, because the bulk of the Bills after all, in the House of Lords, are Bills on second hearing.

2421. Oh, no?—The bulk of them, I should say.

2422. We have been told that the Bills are divided equally at the beginning of the Session—that half go to the House of Lords and half come to us?—You astonish me, that is all I can say, judging certainly from the number of briefs one gets. A great many more are now heard, no doubt, in the first instance, by the House of Lords than used to be, but I did not know that it had come to that.

2423. In your experience, do you happen to know whether there is any officer in the House of Lords representing our Referee here?—You mean someone who comes and sits on Committee without a vote?

2424. Yes?—No, there is no official of that kind.

2425. Then the Committee have to deal with all these cases on their own initiative?—They do.

2426. And they do it very well?—I think they do it very well, but then of course all the initial expense of which I have spoken is gone to.

2427. Notwithstanding you would be very sorry to abolish the Court of Referees?—I do not say sorry.

2428. I mean in the interest of litigants?—Do not for a moment suppose that I think that the Court of Referees as constituted is a better Court for deciding questions of *locus standi* than a Committee would be, I do not think it is altogether as good, because they must decide matters to a certain extent in the dark; they do not hear all the opening for instance, and therefore they do not see a great deal of light which the opening of counsel, even although it is the opening of the case of an opponent, throws upon the opponent's Petition. Then again of course, the speech that the counsel make on *locus standi* even in the House of Lords can go into merits a great deal more than the speech which he can make before the Court of Referees; there is no doubt that that is a very great advantage, and I think that is one reason why you may have heard, and not unnaturally that the House of Lords Committees do their work in *locus standi* very well, because they do hear more of the case. There is no doubt for instance that argument before Court of Referees is much more blundering than argument taken in the same way before a Committee of the House of Lords, because you find that the Court of Referees have at least to interrupt you continually in order to get to understand what you are talking about, so little have they heard of the general gist of the case. But at the same time I do think, unless I am wrong as to the amount of expense that is saved initially in the event of persons losing their *locus standi*, and I do not think I can be wrong, that the House ought to pause before it abolishes that Court. And I say, that although I am not considered a friend to the Court, I know that perfectly well.

2429. Have you anything to say with regard to the fees of this House?—I can only adhere to the opinion that I expressed in the "Edinburgh Review" a good many years ago, that I do not think it is a very wrong thing that such an enormous tax should be placed upon suitors as is placed by the House fees. I believe it was said, and I fancy not untruly, that pretty well the whole annual expense of the fabric of St. Stephen's was paid by the fees enacted from promoters and opponents, and it does not seem to me that that is a logical thing to do. It may work well, but it only works well in this one sense, and that seems to me a wrong sense: namely

Chairman—continued.

namely, that Parliament and the country are content to find a fund upon which they can draw for the necessary annual expenses of St. Stephen's. Why should one section of the community, and that not an undeserving section, pay for what, after all, is the money's worth of the whole community. I look upon promoters as by no means an unworthy race, they annoy one every now and then, but still they are persons of enterprise who risk their money, and although they do that for commercial objects, as a matter of fact the realisation of their commercial objects, supposing Committees do their duty, and they do, is a good thing for the whole community; and as to the unfortunate opponent, he is lugged here against his will, and that he should assist by his House fees to keep up the fabric of the House of Lords or of the House of Commons, seems to me rather strange. That I do feel very strongly about. I do not know what it is now, but I think the House fees used to amount to some 50,000*l.* or 60,000*l.* a year.

2430. In the House of Commons the average amount of fees Mr. Gibbons gave us was 32,000*l.*; they amounted to 45,000*l.* in one year?—How far back did he take that?

2431. I think he went back for six years?—Although the business has been large during the last six years, it is not what it was at the time at which I was writing formerly.

2432. But do you really think that the House fees deter litigants from coming to this House?—I do not know that they do, but if they did it would be one form of evil, that a man should say: "Rather than go to this expense I will stand the injury"

2433. Do you know that in the case of a Bill which costs 12,000*l.* getting through these Houses the fees of the House of Commons only came to 423*l.*?—That is quite possible, but that is a special case from which you must not judge, I think.

2434. Oh, no, we have had several of these cases. There was one of 31,000*l.*, which was much greater, and of that the fees of the House of Commons only amounted to 402*l.* Let me give you another in which the total cost was 3,222*l.*, and the fees of the House of Commons were only 104*l.* That is about a counsel's fee, is it not?—Well, yes, not a very high one. I do not quite understand how that is; I should like to know.

2435. That was given to us by Mr. Campion?—I should like to know how far that Bill went, and how that 31,000*l.* was made up, because I do not believe myself that it is an ordinary case, and I cannot believe for a moment that the mere expense of counsel, witnesses, and so on, could amount to 31,000*l.* and the fees of the House to only 100*l.*

2436. Mr. Campion is the Treasury officer, as you know?—Yes.

2437. He gave that case to us from his notes?—I should like to look into that.

2438. Now coming down to smaller cases, he gave us one where the total cost was 1,170*l.*, in in which the fees of the House of Commons amounted to only 84*l.*?—All I can say is that according to the figures which you were good enough to give me, you have to make up 32,000*l.* a year; it must be made up somehow.

Chairman—continued.

2439. That would be according to the number of Bills; of course they do mount up. Do you think that those fees deter people from coming to the House?—No, I have not said so. I do not say that; on the contrary the gravamen that I should make would be that they do not deter people; that a man must come and protect his rights, and he has to pay them; and somehow or other you may give instances that this person has only to pay so much and the other person has only to pay so much, but the collective litigants pay 32,000*l.* a year. In the law courts you must recollect two things: first of all that the Courts are built for the litigants; and next that the judges and all the officials of the Court are maintained for the litigants. That in the Private Bill establishment here there may be certain expenses that Parliament would not be put to but for Private Bill legislation, is true.

2440. You have, of course, noticed the difference between the fees of the House of Commons and the fees of the House of Lords?—No, I have not.

2441. There is a great difference in the scale of fees?—Which are the higher?

2442. The House of Lords fees are higher upon the introduction of Bills, but lower per diem. There is a very great difference, but as you have not studied them you would not like, perhaps, to express an opinion about them?—No, I would not indeed, I would rather take the broad view. I do not care whether it is 30,000*l.* or whether it is 50,000*l.*, it seems to me the same principle is involved, that I do not see the justice of making the litigants pay. I do not think, so far as I can understand it, that as a rule the expenses are too great to allow of people incurring them, I do not think they are, but there are certain Bills where I do notice that expense does deter opposition, and that is opposition to Tramway Bills, but then I think myself, and I do not mind saying so, that the opposition to the Tramway Bills is less worthy, so to speak, than opposition to other Bills; it is not a question of a man's property being taken or his place being invaded or his rights being upset; in nine cases out of ten it is nothing more or less than that a certain section of the upper middle classes object to seeing a tramway in front of their houses, and that objection has to be over-ruled in my judgment.

2443. When you mentioned the sum of 50,000*l.* to 60,000*l.* did you mean the total amount of fees in both Houses?—Yes, I did.

2444. That, of course, is a very large amount; I was referring only to the fees in the House of Commons?—And I suppose I am not very far out.

2445. No?—At the time I wrote that article, I think it was in 1881, I went very carefully into it, and I had a number of persons who got up these figures for me, and I do not think they would have been likely to be far out; but it seems to me on principle, that that is bad; it is not logical.

2446. Is there anything else you would like to state?—There is a point that I have been asked to mention, and that is if I would allow the Referees to give costs. I do not think so.

2447. You do not think you would?—No, I do

Chairman—continued.

do not think I would, if only for this reason: that a man has a perfect right, I think, to see whether it is fair and expedient that he should be heard. Costs should be very carefully dealt with by Parliament and should be imposed as little as possible. It is not as it is in a Law Court where everybody is supposed, in theory, to know the Law. How can anybody know what view of expediency, which is the principle which guides all legislation here, might happen to be taken by four gentlemen on that side of the table? Therefore I should not extend the principle of costs. Now while we are on the subject of costs, there is one point that has more than once been brought before my notice and where I think the Standing Orders might with advantage be amended, and that is with regard to the withdrawal of Bills and Petitions. Some years ago I was Counsel for a Bill, and, unless my memory is treacherous, it was called the Trent Navigation Bill, but please understand I do not absolutely pledge myself to the name. We had a very great fight in the first House. The whole thing was thoroughly threshed out, and between the first House and the second House every single Petitioner save one had retired. If I named an A.B.C. case it would be equally good, you know. But one Petition remained on the file. It was kept up until the night before the matter was coming before the Committee of the House of Lords, which was presided over by Lord Camperdown, as late as it was possible to do; without any previous notice to the Promoters, on the night before, that Petition was withdrawn, notice being given at the same time that it was going to be withdrawn. What was the consequence? That I, who was the leader, and a couple of juniors under me at least, had all been briefed, and witnesses had been all brought up to town. This was from the part of England covered by the Trent Navigation, and especially from Nottingham; they were brought up to town, and all the expense of a hearing, which probably might have been decided on the first day, because there was only this one Petition on one single point, that would have had to be gone into, and the whole of that expense was caused by the fact that these people did not choose to withdraw their Petition until the last moment. Whose fault it was, and what the motive was I do not enquire. All I know is, it cost my Promoters and a number of persons interested in that part of the world a large sum of money, probably several hundreds of pounds. I asked Lord Camperdown to do this: I said "In the House of Lords you are seized of a Bill, and people are not allowed to withdraw it in the sense of preventing you from giving costs," and I cited to him the case of a certain Sirhowy Tramway Bill many years before, where there had been a great opposition, and the Promoters suddenly withdrew the Bill the night before, or the very morning of the hearing, I think it was the night before; the consequence of which was that the House of Lords Committee declined to give up the Bill, They said, "We have hold of the Bill, it is ours. we will hear this question of costs," and they heard it and gave costs for all the opponents against the promoters. I asked Lord Camperdown to deal with this in an analogous fashion. I said, "Here are promoters put to a ghastly expense for nothing at all. Give costs against these Petitioners, who ought to have known their own minds before." He was very much inclined to do it, and on merits no doubt would have done it; but the Standing Order was brought forward, and the moment I saw it I felt that there was great difficulty about it, and I could not recommend Lord Camperdown, so far as my recommendation was of any weight with him, to do it. He went and consulted the Authorities of the House, and their opinion was against giving the costs. Since then, the Standing Order with regard to the withdrawal of Bills has been altered. I confess I had occasion to read it the other day before the Committee of the House of Lords, which sat upon the Tubes, and the meaning of the Standing Order as altered was not very clear to my mind. I think it might be more clearly drawn.

Chairman—continued.

Mr. *Renshaw.*

2448. Which is that Standing Order?—I am afraid I cannot give it you at the moment, but without any reference to the special Standing Order, there is a Standing Order which deals with the withdrawal of Bills, and my impression is, that it was altered of late years, with a view, when there was a withdrawal of a Bill under circumstances which were considered unreasonable, to allow the Committee to give costs. What I venture to say is, that there ought to be a power for the Committee to retain its grasp of the Bill, so as to enable it to say, "We think that the circumstances under which this Bill was withdrawn are such that the Petitioners are entitled to their costs." And similarly there ought to be a Standing Order, I think, to the effect that where a Petitioner withdraws his Petition under analogous circumstances so as to work an injustice to the promoters of the Bill, there ought to be a grasp on his Petition too in the same way, so that he might have costs given against him.

2449. The only question that occurred to me is whether it would not equally meet your view if a limited period was fixed between which and the sitting of the Committee, the Petition should not be withdrawn?—Yes, I think so, and that if it was withdrawn after that period the Committee should be seized of the Bill sufficiently to have the question of costs debated. I do not say that they should necessarily pay the costs.

2450. So that an alteration of the Standing Order in that direction would meet your views? —An alteration of the Standing Order in that direction, to say that the Committee might consider the Bill even if the Bill had been withdrawn, for the purpose of discussing the question of costs, should be permitted in every case where the Bill had only been withdrawn within the said number of days or hours when the Bill came on before the Committee; and I would do the same with a Petition. What occurred before the House of Lords Committee on the Tubes was this: There was one of the Tubular Bills, a certain Bill, in the South of London, which was withdrawn the very night before we were all going to be heard against it; that Committee had been sitting

Mr. *Renshaw*—continued.

sitting for days and days, or for weeks, and the Bill was suddenly withdrawn, I tell you, a few hours before it was coming on before the Committee. I asked that they should keep their grasp on the Bill so that we might argue the question whether or not it was unreasonable to withdraw the Bill under those circumstances. I believe, as a matter of technicality, Lord Knutsford found that the House of Lords Standing Order was so drawn.

Chairman.

2451. We must not go into the House of Lords Standing Orders?—I was only going to tell you that he found that technically he could do it, but he heard our application and refused it on the ground that he did not consider our application was reasonable. At all events, leaving the question of the House of Lords entirely apart—and I only mention the House of Lords in the same sort of way that you mentioned it with regard to the Referees' Court,—I think if this Standing Order were amended so that an unreasonable withdrawal either of a Bill or petition should bring them within the Costs Acts, that would be a good thing. Then there are two other points that it was suggested to me I might say something about: one was an extension of the Provisional Order system and the other was the question of Joint Committees.

2452. We have, as you know, taken some evidence about that, but strictly speaking it is outside our reference? What I was going to say would be very brief. I was merely going to say this: As to whether it might be a good thing or a bad thing on principle to extend the Provisional Order system, I forbear to speak; that is a matter of principle, and I think I could not very well assist you upon that; but there is one point of practice where perhaps I might give you a suggestion. Of course you know as well as I do how these Provisional Orders are managed. An Inspector is sent down who reports. Now, if we were perfectly certain that that report guided the department, I should still say that it was objectionable that either as regards the Committee who sits on the Bill afterwards, if there is an appeal against it, or us who are appearing for petitioners, it is an objectionable thing that that report is not made public property. It is said that is confidential. Now I object to that altogether, because besides making the thing confidential they also say (for which there is something to be urged, I think) that the person who made the report should not be cross-examined by counsel. The consequence is that there is a hopeless muffling of all hands. The gentleman who made the report comes into the room, his report is not produced, you do not know what it was; he is not allowed to be cross-examined in the ordinary way, but I am, for instance, allowed to suggest questions to you to ask him, and that degenerates into a kind of irregular cross-examination which has not half its due effect. Now without asking that the officer should be cross-examined, which is rather like asking to cross-examine a Judge of first instance, and therefore against which something might be said, I do say that there is no more reason why that man's report should not be produced than that the judgment of the Court below should not be produced in the Court of Appeal. And besides, we know that on more than one occasion those reports have not been acted upon. On the contrary, they have been overruled wholly or partially.

2453. By the Department?—By the Department. What does that mean? It means that you have not got before you an assurance that the decision come to by the Department in granting the Provisional Order has been the decision of the man who heard the case. Now that must be bad. I know, I am not going to give the instance, but I know one instance in my own experience where it was seriously overruled.

2454. You see we could not make any recommendation about that, because that is not under the Standing Orders?—That is all I want to say about it.

2455. I do not think myself that this Committee can make any recommendation about Joint Committees, because we are only sitting as a House of Commons Committee. I think that ought to be referred to a Joint Committee of the two Houses, but as other witnesses have expressed an opinion, if you like to express your opinion I cannot stop you?—I will just tell you what my experience is of three or four Joint Committees that I have been on. I thought the work very well done; I thought to tell you the truth, if I may say so without offence, that the men who sat on them sat with an enhanced sense of responsibility, I may be wrong, but that was my impression; certainly I thought the work very well done and the attention given first rate. I do not want to say a word against Committees in the ordinary way, but I certainly felt there was an enhanced attention and sense of responsibility, and I can understand that if a man is selected to be a member of a Joint Committee, he is rather proud of it perhaps.

2456. But it would be different now. At the present time we have very few Joint Committees, and perhaps it is a distinction to be put on, but in future, if we were to abolish separate Committees and have all Joint Committees, it would be just the same?—I quite agree it would go down, but at the same time I do not know that there would be so many of them; anyway, it would still be a comparative rarity. However, I am not advocating the absolute abolition of a separate hearing, but I do think with great advantage in important cases the system of Joint Committees might be extended. I think there is one very strong reason, although I rather favour the Joint Committee system, why you ought to pause before the present system of hearing is abolished or even dealt with on a large scale. There is no doubt that as long as human nature is human nature people will know their case better in the second House than in the first. You may say they ought to know it just as well to start with. As a matter of fact, they do not. Then another thing that you must consider is that the Promoter has everything to gain by the one hearing, because if the Joint Committee passes his Bill it is passed for good and all; if, on the other hand, the

Mr. *Renshaw*—continued.

the first Committee that hears him throws it out, it is thrown out for good and all. I say that he has nothing to lose by a Joint Committee. But the other man, the opponent, has. If he does not get his clause in the first House he has got the chance of getting it in the second, when, as I say he knows his case better, and further, the promoter can come year after year for the rejected measure, if he believes in it; but once refuse a man a clause in one year, and he cannot come to get his clause put in in another; and there is where they are not on equal terms. That is all I felt inclined to say about it.

Mr. *Hobhouse.*

2457. With regard to the House fees, I understand you to think that they ought to be based on the principle, at any rate to a large extent, of the cost of the proceedings?—Yes, of the cost of the Proceedings to the country really, by the litigation that is going on.

2458. In fact, that the Houses of Parliament ought not to make any considerable profit out of the proceedings?—Yes.

2459. But I suppose you would regard the cost of keeping up these Committee Rooms as a legitimate expense?—That, I suppose, would be very slight; still, yes, I think so.

2460. You do not take the view which has been expressed to us by some witnesses, that those who come here to get valuable rights over other people's property should be prepared to pay for the privilege?—No, I do not; I do not see the justice of it. After all you know the one boon they get is the compulsory purchase of land. We have elected to say that no man

Mr. *Hobhouse*—continued.

shall part with his property unless it is taken by the State for the purposes of the State, and that being so it seems to me that you must consider not only the commercial value of the boon the man gets but the interest to the public in the carrying out of the undertaking which he promotes, and I think you must set off one against the other,—the man ought not to pay for that.

2461. Then I suppose you would further wish to emphasise the fact that the heavy cost of the House fees is hard on promoters of small Bills which do not meet with opposition?—Yes.

2462. And on certain classes of opposed Bills?—I have no doubt that is so. You will always find in all institutions, and under all systems, that somebody suffers a little more than somebody else.

2463. But I am putting to you that the greatest burden is felt by the smaller people?—Yes, no doubt about it.

2463. And that it is hard upon the small opponents of a rich company to be dragged here against their will?—Yes, on opponents I think it is very hard indeed.

2465. It is also hard you think on small local authorities to have to apply for Bills to which there is no substantial opposition, where they have to come for Bills to confirm Provisional Orders?—Yes. Only one thing I take leave to say: do not imagine that in a hundred ways Provisional Orders and Local Inquiries are cheaper.

2466. You have to have so many more?—Yes, and you have to take people down, witnesses and counsel, and that is not a cheap matter.

[Adjourned.

LIST OF APPENDIX.

APPENDIX.

APPENDIX, No 1.

PAPER handed in by Sir *E. Chandos Leigh*, K.C., K.C.B., 10th July 1902.

PRIVATE LEGISLATION (SCOTLAND) PROCEDURE.

Progress of Provisional Orders.

Name of Order.	Inquiry by Commissioners.	Order Refused.	Application Withdrawn.	Preamble Proved.	Modified Draft Order Issued.	Provisional Order made.	Confirming Bill Introduced.		Confirming Bill Passed Third Reading.		Royal Assent
							In House of Lords.	In House of Commons.	In House of Lords.	In House of Commons.	
Applications in December 1901.											
1. Aberdeen Accountants -	[Unopposed.]			June 11	June 12						
2. Aberdeen Suburban Tramways.	Edinburgh, April 28 and 29.			April 29	May 10	June 18	June 20				
3. Buckie Burgh Extension and Buckie (Craigenroan) Harbour.	Edinburgh, April 22, 23, 24, 25, 26, 28, and 29.			April 26	May 9	June 6	June 6	June 19	June 17		
*4. Caledonian Railway - -											
5. Caledonian Railway Act, 1897 (Amendment).			April 12								
6. Coatbridge Gas - - -	[Opposition withdrawn.]			April 17	April 22	May 15	May 16	June 9	June 6	June 13	
7. Dundee Corporation Libraries.	[Unopposed.]			Mar. 12	Mar. 13	April 9	April 24	April 14	May 12	April 22	
8. Glasgow Corporation (Gas, &c.).	[Opposition withdrawn.]			May 29	June 18						
9. Greenock and Port Glasgow Tramways Extension.	Edinburgh, May 2.			May 2	May 13						
10. Irvine Corporation - -	Edinburgh, April 30. May 1 and 2.			May 2	May 9	June 13		June 17			
*11. Nobel's Explosives Company, Limited (Ardeer Works Water Supply).								Bill withdrawn.§			
*12. North British Railway (General Powers).											
*13. North British Railway (Steam Vessels).											
*14. Renfrew Harbour - -											
15. Rothesay Tramways (Extension).	Edinburgh, May 2.			May 2	May 14	June 18		June 19			
*16. Scottish Equitable Life Assurance Society.											
17 17. Stonehaven Town Hall -	[Unopposed.]			May 19	May 29						
Applications in April 1902.											
1. Dumbarton Corporation (Further Powers).											
2. Edinburgh and Leith Corporations Gas.	[Unopposed.]										
6. Edinburgh Corporation -	[Unopposed.]		June 3								
4. Glasgow and South Western Railway.	[Unopposed.										
5. Glasgow Corporation (Water, City Improvements, and General).											
6. Govan Corporation - -											
*7. Highland and Invergarry and Fort Augustus Railway Companies.											
8. Lanarkshire (Middle Ward District) Water.	[Unopposed.]										
9. Leith Burgh - - - -											
10. Portpatrick and Wigtownshire Joint Railway.	[Opposition withdrawn.]										
11. Post Office Site (Oban) -											
12 12. Wick Burgh Extension -											
29 Applications, 7 of which proceed as Private Bills.											

* In terms of the Chairmen's decision these draft Orders were required to proceed as Private Bills.
§ These entries refer to the substituted Bills.

APPENDIX, No. 2.

PAPER handed in by the Right Hon. *J. W. Lowther*, M.P.

TABLE showing time occupied by Debates on Second Readings, Instructions, and other Motions relating to Private Business, between 1893 and 1902.

	Second Reading.	Instructions.	Other Matters.	TOTAL.
	Hrs. M.	Hrs. M.	Hrs. M.	Hrs. M.
1893	5 35	0 20	16 30	22 25
1894	7 35	3 15	12 50	23 40
1895	9 40	4 5	10 35	24 20
1896	17 45	7 50	15 25	41 0
1897	15 15	3 20	7 50	26 25
1898	16 30	1 20	5 45	23 35
1899	13 40	1 25	9 25	24 30
1900	21 55	5 35	18 20	45 50
1901	28 45	6 0	19 5	53 50
1902	13 55	—	3 15	17 10

N.B.—In some cases it is impossible to allot the time under the different headings with perfect accuracy as the records have not been strictly kept in that regard.

APPENDIX, No. 3.

PAPER handed in by the *Chairman*.

RESOLUTION of the Association of Chambers of Commerce of the United Kingdom, 9 July 1902.

"THAT this association, in the interest of commercial and other beneficial legislation records, its appreciation of the efforts now being made for the amendment of the present system of transacting both public and private business by Parliament and in Parliamentary Committees, and in addition recommends the desirability of :—

1. Bills which have passed their second reading in one Session being taken up in the next Session of the same Parliament at the stage which they had reached in the preceding one.

2. Inquiries into Private Bills being conducted locally before Commissioners appointed by Parliament in a manner similar to that prescribed by the Act of 1899 with regard to Scotch Bills, instead of before Committees of the Houses of Parliament."

APPENDIX, No. 4.

PAPER handed in by the *Chairman.*

RETURN of Number of Opposed Private Bill Committees Sitting each Week in Sessions 1896–1901.

Session 1896.	First Committee sat in Lords 13th March.	Last Committee sat in Lords 5th August.
Parliament met 11th February.	First Committee sat in Commons 17th March.	Last Committee sat in Commons 4th August.

	Commons.	Lords.
Number of Committees sitting in week ending—		
13th March	0	2
21st March	3	3
28th March	1	1
Easter Day, 5th April.		
18th April	4	0
25th April	7	2
2nd May	7	3
9th May	9	4
16th May	9	4
23rd May	5	4
Whitsunday, 25th May.		
6th June	4	0
13th June	5	1
20th June	5	2
27th June	7	2
4th July	5	4
11th July	5	3
18th July	6	1
25th July	3	1
1st August	3	2
8th August	1	1

APPENDIX, No. 4—*continued.*

RETURN of Number of Opposed Private Bill Committees sitting each Week in Session 1897.

SESSION 1897.	First Committee sat in Lords 11th March.	Last Committee sat in Lords 4th August.
Parliament met 19th January.	First Committee sat in Commons 4th March.	Last Committee sat in Commons 29th July.

	Commons.	Lords.
Number of Committees sitting in week ending—		
6th March	2	0
13th March	5	2
20th March	6	4
27th March	7	3
3rd April	7	1
10th April	5	0
17th April	1	0
24th April	0	1
Easter Day, 18th April.		
1st May	2	0
8th May	4	3
15th May	9	4
22nd May	8	4
29th May	6	1
5th June	6	1
In this Year no Committees sat from 4th to 28th June.		
3rd July	6	1
10th July	5	3
17th July	7	3
24th July	6	2
31st July	1	1
7th August	0	1

APPENDIX, No. 4—*continued.*

RETURN of Number of Opposed Private Bill Committees Sitting each Week in Session 1898.

SESSION 1898.	First Committee sat in Lords 15th March.	Last Committee sat in Lords 3rd August.
Parliament met 8th February.	First Committee sat in Commons 15th March.	Last Committee sat in Commons 28th July.

	Commons.	Lords.
Number of Committees sitting in week ending—		
19th March	3	4
26th March	6	4
2nd April	5	1
Easter Day, 10th April.		
23rd April	3	0
30th April	7	2
7th May	7	2
14th May	9	4
21st May	9	3
28th May	7	1
Whitsunday, 29th May.		
11th June	5	0
18th June	5	0
25th June	7	3
2nd July	6	4
9th July	6	4
16th July	3	3
23rd July	1	4
30th July	3	3
6th August	0	1

APPENDIX, No. 4—*continued.*

RETURN of Number of Opposed Private Bill Committees sitting each Week in Session 1899.

SESSION 1899.	First Committee sat in Lords 14th March.	Last Committee sat in Lords 27th July.
Parliament met 7th February.	First Committee sat in Commons 14th March.	Last Committee sat in Commons 25th July.

	Commons.	Lords.
Number of Committees sitting in week ending—		
18th March	5	3
25th March	6	2
1st April	1	0
Easter Day, 2nd April.		
15th April	3	0
22nd April	8	2
29th April	11	4
6th May	9	6
13th May	3	5
20th May	6	2
Whitsunday, 21st May :		
3rd June	1	0
10th June	5	2
17th June	6	3
24th June	7	4
1st July	6	4
8th July	6	3
15th July	7	3
22nd July	5	3
29th July	1	2

APPENDIX, No. 4—*continued.*

RETURN of Number of Opposed Private Bill Committees Sitting each Week in Session 1900.

SESSION 1900.	First Committee sat in Lords 13th March.	Last Committee sat in Lords 2nd August.
Parliament met 30th January.	First Committee sat in Commons 13th March.	Last Committee sat in Commons 31st July.
	Commons.	Lords.
Number of Committees sitting in week ending—		
17th March	5	2
24th March	7	5
31st March	6	3
7th March	6	2
Easter Sunday, 15th April.		
5th May	9	2
12th May	8	5
19th May	11	5
26th May	12	4
2nd June	5	0
Whitsunday, 3rd June.		
16th June	1	0
23rd June	8	5
30th June	9	5
7th July	9	5
14th July	6	5
21st July	4	6
28th July	3	4
4th August	1	1

APPENDIX, No. 4—*continued.*

Return of Number of Opposed Private Bill Committees Sitting each Week in Session 1901.

SESSION 1901.	First Committee sat in Lords 21st March.	Last Committee sat in Lords 7th August.
Parliament met 23rd January.	First Committee sat in Commons 21st March.	Last Committee sat in Commons 8th August.

	Commons.	Lords.
Number of Committees sitting for week ending—		
23rd March	3	2
30th March	6	2
6th April	3	0
Easter Day, 7th April.		
20th April	1	0
27th April	9	2
4th May	12	3
11th May	12	4
18th May	9	4
25th May	6	1
Whitsunday, 26th May		
15th June	5	1
22nd June	5	2
29th June	7	2
6th July	7	4
13th July	7	4
20th July	3	3
27th July	3	4
3rd August	3	3
10th August	2	1

APPENDIX, No. 5.

PAPER handed in by the *Chairman*.

MEMORIAL OF THE COUNTY COUNCILS ASSOCIATION.

The County Councils Association desire to call the attention of the Select Committee on Private Bill Legislation to the following Resolution, which was passed at the Annual Meeting of the Association :—

"That it is desirable that, subject to proper inquiries being made, the cost of Private Bill Legislation should be diminished—

(A) By a reduction of fees payable to the two Houses of Parliament ;

(B) By an extension of the system of Provisional Orders ;

(C) By the substitution of one inquiry by a strong Joint Committee of both Houses for the present independent inquiry by each House."

The Association desire to make the following observations upon the several heads of this Resolution :—

A. It will be seen from the following figures, supplied by a Parliamentary agent, how large a proportion the House fees bear to the total cost of Private Bill Legislation, especially in unopposed cases :

I.—Unopposed Bill.

	£	s.	d.		£	s.	d.
Agent's total charges	97	2	10	House fees—Lords	127	2	–
Expenses, including printing	34	5	–	Commons	87	–	–
	£131	7	10		£412	2	–

II.—Unopposed Bill (Private Company).

	£	s.	d.		£	s.	d.
Agent	143	–	4	House fees—Lords	139	2	–
Expenses	60	19	6	Commons	84	–	–
	£203	19	10		£221	2	–

III.—Unopposed Bill (Local Authority, Gas).

	£	s.	d.		£	s.	d.
Agents	137	5	4	House fees—Lords	100	2	–
Expenses, including printing	140	–	–	Commons	81	–	–
	£277	5	4		£181	2	–

IV.—Opposed Bill.

	£	s.	d.
Ten days in Committee, House fees—Lords	142	–	–
Commons	379	–	–
	£521	–	–

It appears from the Report of the Joint Committee in 1888 that at that time the House fees amounted to 60,000*l*., while the estimated cost of Private Bill legislation did not exceed 20,000*l*. ; and more recent returns show a similar excess of House fees over and above the cost. Thus, in the Parliamentary Paper, Cd. 771 of 1901, relating to the House of Lords only, the fees received on Private Bills are returned at 44,854*l*., and the extra receipts paid over to His Majesty's Exchequer at 44,664*l*. As it is evident from these returns that the high fees now charged are not necessary for the purpose of defraying the expenses of Private Bill legislation, the Association would submit that it is unfair to parties promoting and opposing Private Bills that such a large extra expenditure should be thrown upon them.

B. Although the system of Provisional Orders would not always be applicable to the measures promoted by County Councils, the Association are of opinion that it would be of great advantage to local authorities generally, and especially to those of the small towns, if this system could be extended.

At present the purchase of a water or gas undertaking by an Urban Council under a Private Bill, even if unopposed, costs the Council 450*l*. or 500*l*., often a large proportion of the value of the undertaking. The cost to a local authority of an unopposed Provisional Order is only about 80*l*.

A return of the year 1900 shows the expenses incurred by local authorities in each year from 1892 to 1898 in promoting and opposing Private Bills and Provisional Orders. Taking these figures, it would appear that the average expense incurred by the local authorities of England and Wales (including London), in promoting Provisional Orders during those years, was 233*l*. 13*s*. 5*d*. for each Order ; the average for each Private Bill promoted was 2,178*l*. 13*s*. 11*d*. Of Provisional Orders promoted, 96½ per cent. cost under 1,000*l*. each ; while of Private Bills, under 42 per cent. cost less than 1,000*l*.

The Association therefore suggest that the Provisional Order system be extended, possibly on the lines of the Private Legislation Procedure (Scotland) Act, 1899, instead of being limited, as at present, mainly to the repeal, alteration or amendment of Local Acts.

C. The Association would submit that in cases which are of too great magnitude, or which for some other reason are considered unfit to be dealt with otherwise than by Private Bills, a great saving both in cost and time might be effected if such Bills were referred to a single strong Committee of both Houses, consisting of six or seven Members, instead of being heard by a Committee of each House in succession.

The Association would point out that in recent years there have been Joint Committees on London w underground railways, railway charges, and other subjects, and they would suggest that these are precedents w might be followed with advantage.

The Association are of opinion that the alterations in Procedure above indicated, if carried into effect, would lead to a great reduction in the cost of obtaining Parliamentary powers in regard to matters affecting local interests, while leaving full scope for a sufficient inquiry in every case.

The Association also desire to call the attention of the Select Committee to the present anomalous position of County Councils in respect of the promotion of Private Bills. Owing to the absence of the statutory powers to promote Bills, which are granted to every Borough and Urban District Council, no County Council, except that of London, can charge the cost of promoting a Private Bill on the rates without a special provision in the Private Act when obtained. Various Bills have been passed by certain County Councils, but in each case they have had to be promoted at the risk of individual members of the Council, who would have been liable for the costs if those Bills had been rejected by Parliament.

The Association submit that it is only just and right that County Councils should be put on the same footing with other local authorities in this respect.

John T. Hibbert,
Chairman.

G. Montagu Harris,
Secretary.

4 July 1902

APPENDIX, No. 6.

PAPER handed in by Mr. *Gibbons*.

APPROXIMATE Estimate of the Charges Incurred in connection with Private Business in the House of Commons, during the Year ended 31st March 1902.

		£.
1	Chairman of Ways and Means	2,500
1	Secretary to Chairman of Ways and Means	100
1	Attendant on Chairman of Ways and Means	147
1	Counsel to Speaker	1,800
1	Referee	1,000
	Assistance in Office of Referee	240
1	Clerk to Referees	35
1	Examiner of Petitions and Taxing Officer	1,200
1	Clerk to Examiner of Petitions and Taxing Officer	50
	Assistance in Examiner's Office	68
1	Collector of Fees	500
4	Committee Clerks	647
	Private Bill Office:	
5	Clerks	3,225
2	Messengers	260
	Copying	20
	TOTAL	£. 11,792

	£.
Fees received from Private Business, year ended 31st March 1902	40,683

	£.
Fees received in year ended 31st March 1899	36,382
" " " 1900	41,923
" " " 1901	45,759
" " " 1902	40,683

W. Gibbons.

APPENDIX, No. 7.

PAPER handed in by Mr. *Horatio Brevitt*.

ASSOCIATION OF MUNICIPAL CORPORATIONS.

PRIVATE BILL LEGISLATION.

(Local Improvement Bills.)

Report of the Law Committee.

At the Autumn meeting of the Association, the following resolution was passed :—

> That in the opinion of the Association the cost and inconvenience incurred in the promotion of Local Improvement Bills in Parliament should be lessened, and that it be referred to the Law Committee to consider the best methods of giving effect to this resolution, with instructions to report to the Council, who are authorised to take such steps thereon as they may deem advisable.

As the resolution simply relates to the promotion of Local Improvement Bills, the question for the consideration of your Committee is much narrower than if it dealt with the whole subject of Private Bill Legislation.

The expenses in connection with the promotion of Local Improvement Bills may be embodied under six heads :

1. Local Expenses ;
2. Printing and advertising ;
3. Parliamentary Agents' charges ;
4. House Fees ;
5. Counsels' Fees ; and
6. Skilled Witnesses.

Local Expenses.

The items under this head relate to obtaining additional assistance for taking a poll, &c., under the Borough Funds Act, preparation of plans, sections and Book of Reference, valuation fees, and travelling and other expenses of members and officers of the Corporation.

Printing and Advertising.

This is a difficult matter to deal with. So long as the present system continues of promoting Private Bills there is little chance of any reduction being made in this item so far as the Bills themselves are concerned. It does appear, however, that many of the clauses now obtainable in Private Improvement Bills may be regarded as model clauses, which could form the subject of enactment by reference and incorporation instead of the re-printing from time to time of the particular provision required in the various Improvement Bills.

Parliamentary Agents' Charges.

Dealing with this matter, your Committee feel that so long as there is a necessity for the employment of a Parliamentary Agent, no reduction can be asked in their fees considering the highly technical nature of their business, the responsibilities of their duties, and the ability with which they perform them.

House Fees.

No scheme of reform will be complete which does not involve the assimilation of and reduction of fees in both Houses to an amount not exceeding what may be necessary to meet the actual cost of the staff needed for Private Bill Legislation.

Counsels' Fees.

It is evident that if the services of the ablest members of the Bar are necessary to be retained either in London or the provinces, their usual fees must be paid.

Skilled Witnesses.

The same remark applies to this subject as to Counsel.

Your Committee are further of opinion that if local inquiries should be substituted for the present procedure, that it is very questionable whether the counter expense of securing the attendance of skilled witnesses in the provinces will not outweigh any expense of bringing local witnesses up to London.

Above are the principal heads of expense, and the question for your Committee's consideration is how they can be lessened and inconvenience saved.

Observations.

Your Committee are of opinion that most of the matters dealt with in Improvement Bills which are not of serious character or magnitude, or which do not deal with questions of policy or principle, might conveniently be dealt with by the extension of the Provisional Order system.

At the present time Provisional Orders are limited under the Public Health Act, 1875, so far as local Acts are concerned, to their repeal, alteration, or amendment, so that no fresh powers can be granted unless they can be based upon some existing provision or provisions of a local Act.

That the Provisional Order system may be regarded as a useful mode of legislation is evidenced by the fact that the Secretary of State has power to issue Orders of this description in six instances ; the Board of Trade in nine

instances; the Local Government Board in seven instances; the Board of Agriculture in two instances; the Education Department in two instances; the Railway and Canal Commissioners in one instance, and the County Council in one instance; there are also the powers of the Commissioners and the Board of Trade under the Light Railways Act.

The mode of obtaining a Provisional Order, even resulting as it frequently does in a local inquiry, is generally both convenient and inexpensive.

In the House of Commons no fees are charged to the promoters, but the opponents are subject to the same fees as the opponents of private Bills, whilst in the House of Lords fees are only charged to either side at the Committee stage in the case of opposed Bills, and then they are the same for both promoters and opponents as in the case of local Bills.

Your Committee have had their attention called to several of the provisions of the Private Legislation Procedure Scotland Act, 1899, and are of opinion that some of them might with advantage be embodied, with modifications, in any scheme of remedial legislation.

Your Committee therefore offer the following suggestions:—

1. That with a view of lessening the cost and inconvenience in the promotion of Local Improvement Bills in both Houses, the time has arrived for the inclusion in a public Bill of an adoptive character of many of the clauses which are so frequently introduced into private Bills, and which are almost invariably accepted by Parliament.

2. That failing the passing of such a measure, or apart therefrom, your Committee think that the powers in the Public Health Act, 1875 (sec. 303), in regard to Provisional Orders should be extended, not only to the amendment of local Acts but to the obtaining of any Parliamentary powers in regard to any of the matters (not of great magnitude or involving important questions of policy or principle) usually dealt with in Private Improvement Bills, but excluding powers relating to tramways or the supply of electricity for lighting and other purposes over which the Board of Trade have control.

3. That the procedure relating to Provisional Orders, as provided in Section 297 of the same Act, should extend, subject to the modifications hereinafter appearing, to the additional powers sought under the Provisional Order system.

4. That following the principles of the Private Legislation Procedure Scotland Act, 1899, the Order when unopposed should be submitted to Parliament by the Local Government Board in a Bill, and such Bill, after introduction, to be deemed to have passed through all its stages up to and including Committee and to be ordered to be considered in either House as if reported from a Committee. Where such Bill has been read a third time and passed in the first House of Parliament, the like proceedings, subject to Standing Orders, to be taken in the second House of Parliament. Any Act passed to confirm such Order to be deemed to be a private Act of Parliament.

5. That (following the procedure of Section 9 of the Private Legislation Procedure Scotland Act, 1899) if before the expiration of seven days after the introduction of a Confirmation Bill in the House in which it originates, a Petition be presented against any Order comprised in the Bill, it shall be lawful for any member to give notice that he intends to move that the Bill shall be referred to a Joint Committee of both Houses of Parliament, and in that case such motion may be moved immediately after the Bill is read a second time, and, if carried, then the Bill shall stand referred to a Joint Committee of both Houses of Parliament, and the opponents shall, subject to the practice of Parliament, be allowed to appear and oppose by himself, his counsel, agents and witnesses, and counsel, agents and witnesses may be heard in support of the Order. The Joint Committee shall hear and determine any questions of *locus standi*.

The report of the Joint Committee shall, subject to Standing Orders, be laid before both Houses of Parliament.

The Joint Committee may by a majority award costs, and such costs may be taxed and recovered and shall be secured in the manner provided in the Parliamentary Costs Act, 1865, subject to any necessary modifications.

If no such motion as aforesaid is carried, the Bill shall be deemed to have passed the Committee stage, and shall be ordered to be considered as if reported by a Committee.

When such Bill has been read a third time and passed in the first House of Parliament, the like proceedings shall, subject to Standing Orders, be taken in the second House of Parliament.

6. That the procedure by Private Bill, subject to the modifications suggested in this report, should be followed if the Local Government Board refuse to issue a Provisional Order for the objects sought to be included therein, subject to the notices published and served and the reports made for the proposed Provisional Order as provided by Section 297 of the Public Health Act, 1875, or by Standing Orders being deemed to have been published and served and made for a Private Bill applying for similar purposes.

7. They further think that if Private Bills were referred to a Joint Committee of both Houses, instead of to a Committee of each House, the shortening of the procedure would be attended by a great saving of cost and time.

8. That if the foregoing recommendations be approved and carried into effect, and the procedure of Private Bill Legislation modified in respect of the matters previously referred to, your Committee are of opinion that the cost and inconvenience of obtaining the powers usually included in Private Improvement Bills will be materially lessened.

22 November 1900.

APPENDIX, No. 8.

PAPER handed in by Mr. *Alfred Bonham-Carter*, C.B.

RETURN of PRIVATE BILLS dealt with on Second Hearing in COMMITTEES of the HOUSE of LORDS and the HOUSE of COMMONS, respectively.

	1896.	1897.	1898.	1899.	1900.	1901.
Total number of Bills introduced	216	262	290	317	321	308
Number of Bills originating in the House of Commons	124	144	169	185	200	198
Number of Commons Bills opposed in Lords' Committees	23	22	27	24	39	36
Number of Commons Bills passed by Lords' Committees	23	21	22	21	36	36
Number of Commons Bills rejected by Lords' Committees	—	1	5	3	3	—
Number of Bills originating in the House of Lords	92	118	121	132	121	110
Number of opposed Lords' Bills in Commons' Committees	19	20	15	16	9	16
Number of opposed Lords' Bills passed by Commons' Committees	19	18	15	15	8	15
Number of opposed Lords' Bills rejected by Commons' Committees	—	2	—	1	1	1

APPENDIX, No. 9.

PAPER handed in by Mr. *Alfred Bonham-Carter*, C.B.

COURT OF LOCUS STANDI.

THE Court of Locus Standi is constituted under Standing Order 87, as follows :—

87. Referees on Private Bills to be constituted.

87. The Chairman of Ways and Means, with not less than three other persons, who shall be appointed by Mr. Speaker for such period as he shall think fit, shall be Referees of the House on Private Bills; such Referees to form one or more courts; three at least to be required to constitute each Court: provided that the Chairman of any second Court shall be a Member of this House; and provided that no such Referee, if he be a Member of this House, shall receive any salary.

This Standing Order was passed in 1864, and in 1865 the Chairman of Ways and Means, five other members of the House, the Speaker's Counsel and four others not members, were appointed Referees; three courts were formed, viz., the Locus Standi Court and two other courts.

See May's Parliamentary Practise, 10th Edition, p. 726 *et. seq.* p. 732.

The Locus Standi Court consisted of the Chairman of Ways and Means (Chairman), one member of the House, an official Referee, and the Speaker's Counsel, who always attended the court. The remaining Parliamentary and official Referees sat on the two other courts, the Chairmen as required by the Standing Order being members of the House. To these courts Bills were referred for inquiring into engineering estimates and other matters of fact, on which they reported to the House, and no further evidence was taken by the Committee on the Bill, on matters so reported; these courts were discontinued in 1868, and the Court of Locus Standi only remained; it now consists of eight Parliamentary Referees (including the Chairman of Ways and Means who seldom can attend, and the acting Chairman), the Speaker's Counsel, and the official Referee.

It is submitted that, by the establishment of these courts and by the terms of the Standing Order, Parliament vested the official Referees with full powers (except in the office of Chairman) to take part in the proceedings and to vote.

It should here, however, be mentioned that in 1876 a distinction was made between the position of the Referee when appointed to sit on a Committee, as was done in 1868, and his position on the Court of Locus Standi, a Select Committee having reported that on constitutional grounds "he might take part in the proceedings without the power of voting," the functions of a committee being legislative; but his duties on the Court of Locus Standi remained untouched, the functions of which were of a judicial nature.

It may be assumed also that it was the intention of the House not only to relieve committees, but by the introduction of the official element to give a more permanent character to the court than could be obtained from a shifting body consisting only of Members of Parliament, and by so doing to secure greater uniformity of decision. The decisions of the court for the first seventeen years of its existence, when Sir George Pickards was Speaker's Counsel, established a code based on the principles governing the action of committees before that time, which has served its purpose well, and which should be preserved.

Many Standing Orders dealing with Locus Standi have since been passed, and Standing Orders 134a and 134c may specially be mentioned; these being mandatory deprive the court of all jurisdiction upon some questions on which discretion should be reserved to them.

It is desirable that the Court of Locus Standi should be enabled to award costs, and this by a majority of the court present, with the limitation that in the event of the court consisting only of the quorum of three, the decision should be unanimous; the writer desires to withdraw the proposal on this subject mentioned in his replies to questions 1139 to 1143.

There are precedents for the award of costs by a majority of a committee in the Allotments Act, 1887, the Dwellings of the Working Classes Act, 1890, the Allotments (Scotland) Act, 1892, and the Private Legislation Procedure (Scotland) Act, 1899.

If the rules governing the decisions of the court are relaxed, the more important it becomes that it should have the power to award costs as a deterrent to unreasonable and vexatious petitions.

The primary object of the court is to adjudicate between the promoters of a Bill and the petitioners against it, but it has a duty to perform to the committee before whom these parties are heard in taking care that the labours of that committee are not unnecessarily increased by requiring them to hear petitioners whose interests are not really and substantially affected.

APPENDIX, No. 10.

PAPER handed in by Mr. *Boyce*.

MEMORANDUM as regards PROVISIONAL ORDERS issued by the LOCAL GOVERNMENT BOARD.

1. The subject of and Acts for authorising PROVISIONAL ORDERS are shown in the following Table :—

ACTS.	Subject of Provisional Orders.
I. The Poor Law Amendment Act, 1867 (30 & 31 Vict. c. 106, s. 2), as amended by the Poor Law Amendment Act, 1868 (31 & 32 Vict. c. 122, s. 3), and the Poor Law Act, 1879 (42 & 43 Vict. c. 54, s. 9).	Orders for wholly or partially repealing or for altering any local Act relating to the relief of the poor, or the making and levying of the poor rate.
II. Public Health Act, 1875 (38 & 39 Vict. c. 55).	Orders :—
Section 303 - - - - - - -	(1.) For wholly or partially repealing, altering, or amending :—
Section 297 (5) - - - - - -	(*a*) Local Acts relating to the same subject-matters as the Public Health Act, 1875.
	(*b*) Acts for confirming Provisional Orders made in pursuance of any of the Sanitary Acts, or of the Public Health Act, 1875.
	(*c*) Orders in Council made in pursuance of any of the Sanitary Acts.
Section 176 - - - - - - -	(2.) For enabling sanitary authorities to put in force the compulsory clauses of the Lands Clauses Acts for the purposes of the Public Health Act, 1875.
Section 270 (3) - - - - - - -	(3.) For dissolving special drainage districts in which loans have been raised for the execution of works.
Section 279 - - - - - - -	(4.) For forming united districts for the purposes of the Public Health Act, 1875.
Section 208 - - - - - - -	(5.) For altering the mode of defraying the expenses of urban sanitary authorities in certain cases.
Section 211 (1) (*c*) - - - - -	(6.) For removing exemption from assessment to general district rates.
Section 304 - - - - - - -	(7.) For settling doubts and differences, and adjusting accounts arising out of transfer of powers under the Public Health Act, 1875, or under any Provisional Order issued in pursuance of that Act.
Section 323 - - - - - - -	(8.) For dissolving main sewerage or joint sewerage districts under the Sanitary Acts.
III. Gas and Waterworks Facilities Act, 1870 (33 & 34 Vict. c. 70), and the Gas and Waterworks Facilities Act, 1870, Amendment Act, 1873 (36 & 37 Vict. c. 89).	Orders (*a*) for authorising gas undertakings, and (*b*) for revoking, amending, extending, or varying any such Orders.
IV. Alkali, &c. Works Regulation Act, 1881 (44 & 45 Vict. c. 37, s. 10).	Orders requiring the owners of salt works or cement works to adopt the best practicable means for preventing the discharge from the furnaces or chimneys of the works into the atmosphere of certain gases, or for rendering those gases harmless or inoffensive when discharged. The Order may limit the amount or proportion of the gas which is to be permitted to escape, and may extend to the works some of the provisions of the Alkali, &c. Works Regulation Act, 1881.
V. The Redistribution of Seats Act, 1885 (48 & 49 Vict. c. 23)	Section 23. Order for determining doubt as to the Parliamentary division of a county in which any parish is intended by the Act to be included.

Acts.	Subject of Provisional Orders.
VI. Local Government Act, 1888 (51 & 52 Vict. c 41)	(1.) Section 4. Transfer to a county council of powers, duties, and liabilities of quarter sessions, or justices, or any committee thereof under any local Act, which are similar to those transferred to county councils or relate to property transferred to a county council by the Act. (2) Section 10. Transfer to county councils of :— (*a*) Powers, duties and liabilities of Government Departments conferred by or in pursuance of any statute, and which relate to matters arising within the county, and are of an administrative character. (*b*) Powers, duties and liabilities arising within the county of any commissioners of sewers, conservators, or other public body corporate or unincorporate (not being the corporation of a municipal borough, or an urban or rural authority, or school board, or a board of guardians), and conferred by or in pursuance of any statute. (3.) Section 14. Constitution of joint committee or other body representing administrative counties, for the purpose of enforcing the Rivers Pollution Prevention Act, 1876. (4.) Section 49. For regulating the application of the Act to the Scilly Islands. [*Note.*—The powers of this section are extended to the Local Government Act, 1894, by Section 74 of that Act.] (5.) Section 52. For making the council of every borough the district council for the whole of the area of the borough, and for making the necessary alterations in the area of the borough for that purpose. (6.) Section 54. For :— (*a*) Altering the boundary of any county or borough. (*b*) Uniting for all or any of the purposes of the Act a county borough with a county. (*c*) Uniting for all or any of the purposes of the Act any counties or boroughs. (*d*) Dividing any county. (*e*) Constituting a borough with a population of not less than 50,000 into a county borough. (7.) Section 65 (2). For the purchase by county councils of lands under the compulsory powers of the Lands Clauses Acts. (8.) Section 69 (2). For extending the borrowing powers of county councils. (9.) Section 87 (2). For altering Provisional Orders made under the Act.
VII. The Poor Law Act, 1889 (52 & 53 Vict. c. 56), and the Poor Law Act, 1897 (60 & 61 Vict. c. 29).	(1.) Section 2 (3). Order for extending the borrowing powers of Poor Law Guardians and Managers. (2.) Section 5. Order for enabling the managers of the Metropolitan Asylum District to purchase land adjacent to an asylum provided by them for the purpose of that Asylum, and making applicable the provisions of the Public Health Act, 1875, relating to the purchase of land compulsorily under the Lands Clauses Acts.
VIII. The Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70).	Orders (*a*) for confirming schemes for improvement of unhealthy areas, (*b*) for modifying schemes after confirmation where the modifications proposed would involve either a larger expenditure than that sanctioned by the original scheme, or the compulsory purchase of lands, or would injuriously affect property differently to that originally proposed, without the consent of the owner and occupier, and (*c*) for the compulsory purchase of land for lodging houses for the working classes.
IX. The Brine Pumping (Compensation for Subsidence) Act, 1891 (54 & 45 Vict. c. 40).	(1.) Section 6. Orders for forming a compensation district and establishing a compensation board for providing a fund for compensation for damage done by subsidence, as specified in Section 22. (2.) Section 7. Orders for repealing, altering, or amending any Provisional Order under Section 6. (3.) Section 8. Orders for altering boundaries of any compensation district.

Acts.	Subject of Provisional Orders.
X. Diseases of Animals Act, 1894 (57 & 58 Vict. c. 57, s. 33).	Orders for enabling local authorities within the meaning of tha Act to put in force the compulsory clauses of the Lands Clauses Acts for the purposes of the Act.
XI. The London Government Act, 1899 (62 & 63 Vict. c. 14).	
Section 5 (2) - - - - - -	(1.) Orders under Section 65 (6) of the Local Government Act, 1888, authorising Metropolitan Borough Councils to purchase land compulsorily for the purpose of any of the powers or duties of the borough council.
Section 5 (3) - - - - - -	(2.) Orders for transferring to all Metropolitan Borough Councils any power exerciseable by the London County Council or for transferring to that County Council any powers exerciseable by Borough Councils.
Section 5 (2) - -	(3.) Orders for transferring any power from the London County Council to the Common Council of the City of London, or from the Common Council to the County Council.
Section 28 (1) - - - - - -	(4.) Orders for wholly or partially repealing, altering, or amending Provisional Orders made under the Act.

XII. In addition to these :

(*a*) the Public Health (Ships, &c.) Act, 1885 (48 & 49 Vict. c. 35) enables the Local Government Board to permanently constitute port sanitary authorities by Order to operate from a stated date unless objected to. If objected to and the objection is not withdrawn by that date, the Order becomes provisional and requires confirmation by Parliament. This power has rendered Section 287 of the Public Health Act, 1875, obsolete ;

(*b*) an Order under Section 39 (5) of the Housing of Working Classes Act, 1890, may become provisional if objected to by the landowner, and may require confirmation by Parliament.

There is also power to issue Provisional Orders under (1) certain Poor Law Acts (relating to the alterations of boundaries of parishes ; (2) Sections 270 and 271 of the Public Health Act, 1875 ; and (3) the Highways and Locomotives (Amendment) Act, 1878 ; but the powers under (1) and (2) are practically superseded by the powers given to County Councils by Sections 54 and 57 of the Local Government Act, 1888, and those under (3) are rendered unnecessary by Section 4 of the Highways and Bridges Act, 1891 (54 & 55 Vict. c. 63).

2. From 1872 to the present time the number of Provisional Orders issued is 2,520. The number of Confirmation Bills passed through Parliament is 498. The number of Provisional Orders submitted to Parliament for confirmation but rejected is only 23 from 1872 to 1902.

3. Applications to the Board for Provisional Orders are regulated by Provisional Order Instructions.

These instructions have no statutory force, but are required so as to ensure, as far as possible, that the applications be made at such a time as will enable all the Orders to be issued by a date that will secure that the Confirming Bill is introduced in time to reach the House of Lords by the date fixed for second reading by the Sessional Order of that House ; the latter date is usually about the end of June.

The only dates relating to Provisional Order applications which are fixed by Statute are those relating to the compulsory purchase of land under Section 176 of the Public Health Act, 1875, or under any Act which applies that section ; under Section 7 of the Housing of the Working Classes Act, 1890, and under the Gas and Water Works Facilities Act, 1870.

The Board have issued regulations as regards Provisional Orders under the Gas and Water Works Facilities Acts which have statutory force, but the number of applications under these Acts is few.

4. Each application when received is examined to ascertain whether the preliminary requirements, statutory or otherwise, have been complied with.

In the event of the Board deciding to proceed with the Order a local inquiry is held by one of the Board's engineering inspectors, after public notice (by advertisement and bills) of the purport of the proposed Order has been given by advertisement in two successive weeks in some local newspaper circulating in the district to which the Order relates, in accordance with Section 297 (1) of the Public Health Act, 1875 ; in cases involving questions of public health (*e.g.* infectious diseases hospitals), the inquiry may be held by a medical inspector either alone or associated with an engineering or other inspector ; in cases relating to the alteration of Local Acts, the inquiry is held by the Inspector of Local Loans and Local Acts, either alone or in conjunction with another inspector ; in cases relating to county council or poor law matters (*e.g.*, such as the increase of borrowing powers of county councils or guardians), the inquiry may be held by the general inspector of the district.

5. The inspector reports the facts and his opinion on them and on the case generally to the Board, and the Board decide whether an Order should be issued. That Report is a private document, and is always regarded by Parliament as privileged from production ; in only one instance within my knowledge, and that many years ago and in a very special case, has such a Report been presented to a Committee of Parliament at their request.

The Report of the Commissioner who holds the local inquiry under the Gas and Water Acts is an exception to this rule, as under Section 13 (5) of the Act of 1873 he is bound to deliver copies of his Report upon request to all or any of the parties to the inquiry.

If the Board decide to proceed with the application, the draft Order is prepared in the office of the Local Government Board, and is settled by the Board's legal adviser ; the draft is sent for perusal to each authority interested, when returned the Order is issued and is inserted in a Confirming Bill. Orders for compulsory purchase of lands under the Public Health Act and the Housing Act have to be served on owners, &c., &c., in accordance with those Acts.

6. The only cases in which the draft of an Order is prepared by the applicants are those under the Gas and Water Works Facilities Acts, where a draft Order has to be deposited locally when the notices of the proposed application are given.

7. Confirmation Bills, which consist merely of a preamble, a confirming clause, a labouring-class clause (if required), a short title clause, and a schedule containing the text of the Orders confirmed, are then prepared and are introduced at different dates, when a sufficient number of Orders are ready to be grouped and confirmed ; the Orders

in a Bill are grouped as far as possible according to subject, *e.g.*, Compulsory Purchase Orders, Local Act Orders, United District Orders, and according to the Act under which they are issued, *e.g.*, the Public Health Act, the Local Government Act, the Poor Law Acts, &c., &c.

8. Confirmation Bills are introduced in the House of Commons, on Motion, by the Minister in charge, of which one day's notice is required, but no Bill can be read the first time after the 1st June (Standing Order 193a).

The following are the stages :—

(1) Notice of Motion for following day.

(2) Read one and refer to Examiners, and to be printed (Standing Order 72).

(3) Two clear days' notice to be given by the Promoters of the Bill—that is the Department—of the date when the Bill will be examined as soon as the Bill is printed and circulated (Standing Order 73).

(4) Time for Petitioning expires at 6 p.m. seven clear days after notice was given of the day on which the Bill will be examined (Standing Order 129), *see* (3) *supra*.

(5) Examiner reports as to compliance with Standing Orders (Standing Order 72), and notice of Second Reading is given the same day for the next day.

(6) Second Reading.—The Bill then stands referred to the Committee of Selection (Standing Order 208a).

Note.—There must be six clear days' interval between the Second Reading and the sitting of the Committee on the Bill (Standing Order 211).

(7) (*a*) If any Order is opposed the whole Bill goes to an ordinary Select Committee to deal with both the opposed and unopposed Orders (Standing Order 208a). The promoters of each opposed Order have to support their Order before a Select Committee, but I give whatever proofs are required by the Committee as regards the unopposed Orders.

(*b*) If the Bill is unopposed it goes to the Unopposed Committee, and I give whatever proofs are required by the Committee.

(8) When the Report from the Committee is received the Bill—

(*a*) If amended, is put down for consideration of the amendments on the next day.

(*b*) If unaltered, is put down for Third Reading on the next day.

(9) The Bill, if altered, is considered as amended and the Third Reading fixed for the next day.

(10) Bill is read three and sent to the Lords.

House of Lords.

(11) Bill read one (without notice) and referred to Examiners (Standing Order 70a).

(12) Examiner gives two clear days' notice of date of examination of the Bill after it is printed by order of the House (Standing Order 72).

(13) Time for petitioning expires at three o'clock on 7th day after date of First Reading (Standing Order 92).

(14) (*a*) If an Order is opposed the Bill, so far as that Order is concerned, is referred to an ordinary Select Committee (Standing Order 96), who deal solely with the opposed Order.

(*b*) When the opposed Order is reported from the Select Committee the whole Bill is referred to a Committee of the whole House on the day after Report, or some later date.

(*c*) If the Bill is unopposed it is referred to a Committee of the whole House on any day after Second Reading.

(15) If the Bill is amended by a Select Committee these amendments are formally made by the Committee of the whole House, and in that event or in the case of amendments by the Committee of the whole House, the Report of amendments is fixed for the next or some other later day.

(16) Report of amendments and Bill fixed for Third Reading on the next or subsequent day.

(17) If the Bill is unaltered the Third Reading is fixed for the day after it is reported, or some later date.

(18) Third Reading—when the Bill is passed, and, if amended, returned to the House of Commons.

House of Commons.

(19) When the Bill as amended is received from the Lords it is put down for the next day for consideration of Lords' amendments.

(20) Lords' amendments are agreed to and Bill is returned to Lords.

(21) Final stage—Royal Assent.

When a Bill has received Royal Assent each authority receives notice from the Local Government Board of the date of Royal Assent, and of the Short Title of the Act, and a print of the Act is sent to each authority ; when an Order has been substantially altered by Parliament, a print of the Order, showing the amendments, accompanies the notice of Royal Assent.

9. As regards the reference to the Examiner the only Standing Orders, of which proof of compliance may have to be given in the case of Provisional Orders, are Standing Orders 38 and 39. These proofs are given by me by handing over the affidavits as to deposit of labouring class statement and plans which are, by the Provisional Order instructions, required to be furnished to the Local Government Board by the promoters of each Order, and by my certificate in writing that the Standing Orders have been complied with. Where no Standing Orders are applicable I give the Examiner my certificate in writing to that effect, accompanied by any affidavit which may have been furnished.

10. In the case of an opposed Provisional Order the promoters usually wish that the Board's inspector who held the local inquiry should attend and give evidence in favour of the Order.

It was formerly the practice for the promoters to obtain an Order of the House for the attendance of the inspector, who was then called as a witness by the promoters.

This was open to the objection that it tended to make the Board's officer a party witness, and consequently it was arranged many years ago that that practice should be discontinued, on the understanding that the inspector should always be available in case the Committee desired information or to hear his views.

This is now done ; the inspector attends and, in case the Committee desire to hear him, he is usually examined by the Committee at the close of the evidence of both sides or after the speeches of counsel ; the Committee can, and sometimes do, call him at another time : he can only be interrogated by the parties, either through, or by the permission of, the Committee.

11. In some cases, chiefly Borough Extension Orders, the parties agree terms with opponents which the Board either have not the power to insert in a Provisional Order, or consider it improper or inadvisable to insert in an Act of Parliament. In these cases it has occasionally been arranged that the promoters and opponents shall go before the Select Committee and state their case shortly. I then state the Board's views and reasons for not acceding to the terms agreed upon, and the matter is left to the Committee to decide ; in the event of the Committee accepting the proposals, such of the latter as were within the powers of the Board are inserted in the Order, and those which would have been *ultra vires* the Board are inserted in the Confirming Bill.

12. Special clauses in Confirming Bills were, many years ago, very common, and were not always confined to matters relating either to an Order in the Bill or to the promoters of any such Order. The practice was open to abuse and was objected to, and it has therefore been abandoned. At the same time in exceptional cases, and where both the Chairman of Committees in the House of Lords and the Chairman of Ways and Means agree, such clauses are occasionally inserted, but they must be absolutely cognate to the promoters and the subject of the particular Orders.

13. The principle of Commons Standing Order 193a fixing a date for First Reading of Provisional Order Confirmation Bills which originate in that House was adopted in 1891 and was then made a Sessional Order, the date fixed being the last day before the Whitsuntide Recess ; as it worked well, it was at the end of that Session proposed as a Standing Order, but unfortunately the date was altered to 1st June. I think it should be altered back to the date in the Sessional Order of 1891, as it is impossible to get a Bill that is only read the first time in the House of Commons on 1st June up to the Lords in time for Second Reading by the date prescribed by the Lords' Sessional Order. This last date is governed, I believe, by Whitsuntide, and it is possible, with a Bill unopposed in the Commons, to read it the first time on the last day before the Whitsuntide Recess and reach the Lords in time for Second Reading by the specified date.

The practice of introducing some Bills in the Commons and some in the Lords has no advantage in point of time, and there are many disadvantages.

There is no advantage, because the date fixed for First Reading of Bills originating in the Lords gives less time for the issue of Orders and introduction of Bills ; *e.g.*, the date of First Reading in the Lords this year was the 6th of May, whereas out of 25 Confirmation Bills this Session, of which I had the conduct, ten were introduced in the Commons on dates varying from 7th May to 16th May.

Only two of those 25 Bills were late for Second Reading in the Lords (one introduced on 7th May and the other on 12th May), and that was due entirely to delay caused by opposition in the Commons, as three other Bills reached the Lords in time although introduced in the Commons after the two Bills which were late.

14. It would, I think, be well if a date for either First or Second Reading in the Commons of Lords Bills could be fixed, and to avoid the suspension of Commons Standing Order 193a, and of the Lords Sessional Orders in all cases, except where it is shown to be quite inevitable. These Standing and Sessional Orders have been very useful, as providing leverage to compel prompt application to the Local Government Board for Provisional Orders. To avoid their suspension, it is my practice to advise the Local Government Board each Session as to the last day for introduction of Confirmation Bills, having regard to the date fixed for Second Reading in the Lords, and every effort is made to adhere to that date, although it involves very heavy pressure during some two or three weeks previously. The date I selected this Session as the last for the introduction of Confirmation Bills was 9th May, and I recommended that, if it was known that any cases would be opposed in Parliament, they should be introduced if possible a week earlier.

15. Objections taken to Provisional Orders. These seem to be chiefly as follows :—

(1) Provisional Orders are only suitable for unopposed schemes.

(2) Provisional Orders are only suitable to small matters or schemes of minor importance.

(3) The risk of three fights instead of two.

(4) That by Provisional Order promoters cannot get all that they ask for, either from some rule of the department or from some insufficiency in the powers conferred upon the department by the Statute authorising the Order.

As against (1) I would remark :—

(*a*) Between 1890 and 1901 the Local Government Board have issued and Parliament has confirmed at least 76 Provisional Orders for extending municipal boroughs, including Birmingham, Manchester, Morley, Plymouth, Devonport, Stockport, Halifax, Richmond (Surrey), Southampton, Bradford, Coventry, Gloucester, Torquay, Leamington ; all these were more or less opposed at the local inquiry, but only in the cases of Plymouth, Devonport, and Torquay was any serious opposition carried to both Houses of Parliament ; and I believe that the preamble was not in question in the second House except in the case of Plymouth, Devonport, and Torquay ; any opposition in the second House in other cases being confined to clauses.

(*b*) In 1896 and 1901 two improvement schemes (really one scheme in two parts) under Part I. of the Housing Act were confirmed by Parliament, involving the clearance of an area of 389,733 square yards in the centre of Leeds and the displacement of many thousands of people ; the applications were opposed at the local inquiry, and the Orders subsequently carried were opposed in Parliament, but in both cases the chief opposition was from the licensed victuallers' trade, in consequence of the interference with many licensed houses.

As regards (2) I am not clear what comes within the definition of small schemes and schemes of minor importance ; with the exception of such matters as the Manchester Ship Canal, the Channel Tunnel, the big railway schemes, I doubt whether any scheme is of much greater importance to local administration than one dealing with the extension of the larger municipal boroughs in England.

Separate county government was given in 1889 to the Isle of Wight, and in 1890 to the Isles of Scilly, by Provisional Order, both Orders being uncontested in Parliament.

As regards (3) the risk of three fights is very slight according to my experience ; even on clauses a third fight is rare.

As regards (4) promoters frequently ask for more than they require in applications for Provisional Orders, but they generally get all that is found, after local inquiry, to be necessary ; the department, as a rule, does not set precedents of new legislation, but is guided by the course taken by Parliament in cognate cases. It is frequently alleged as a reason for inserting street improvement schemes in Private Bills, that the Local Government Board cannot by Provisional Order relax the effect of Section 92 of the Lands Clauses Consolidation Act, 1845 ; the last statement is true, no doubt, but, notwithstanding that inability, very large street improvement schemes are carried out by means of Provisional Orders in such towns as Manchester, Liverpool, Leeds, Bradford, Birmingham, Hull, Sheffield, and almost every town in the Kingdom.

16. I may, perhaps, refer to certain subjects which now require a Provisional Order confirmed by Parliament, but which might be left, either to the discretion of the Local Government Board, or might only require Parliamentary confirmation if objected to by a specified date.

They are :—

(1.) Orders for dissolving special drainage districts - - - - -	Table	II (3)
(2.) Orders for uniting districts - - - - - - - - -	„	II (4)
(3.) Orders for altering mode of defraying expenses - - - - -	„	II (5)
(4.) Orders for adjustments - - - - - - - - - -	„	II (7)
(5.) Orders under Section 4 of the Act of 1888 - - - - - -	„	VI (1)
(6.) Orders for extending County Council borrowing powers - -	„	VI (8)
(7.) Orders for extending Guardians and Managers borrowing powers -	„	VII (1)

This would require legislation, but it would in the current Session have reduced the Provisional Orders by 12, and the Bills by certainly one, and probably by two or three ; in 1901 by seven Orders and one Bill ; in 1900 by five Orders and one Bill ; but perhaps the most important effect would be the saving of delay to the local authorities ; it would, moreover, reduce the pressure at the Local Government Board during the Session, as such Orders could be issued at any time during the year.

I may, perhaps, also suggest for consideration, whether Orders for compulsory purchase of land, for any purpose of the Public Health and Local Government Acts, might not take effect on a specified date without confirmation by Parliament unless objection is taken within a specified time after its issue and service, and is not withdrawn before the date fixed for the Order to operate.

This would require legislation, but the effect would have been that in the current Session the Orders would have been reduced from 27 to 4, the Bills by 4 or 5 ; in 1901 the Orders from 23 to 4, and the Bills by 4 ; in 1900 the Orders from 23 to 5, and the Bills 4 or 5, and the local authorities could have acted upon the Orders several months earlier.

If the law were so altered it would prevent the necessity for including compulsory powers of purchase for any matter within the Public Health and Local Government Acts, in Private Bills.

By Sections 9 and 10 of the Local Government Act, 1894, the Local Government Board can confirm Orders for compulsory purchase by parish councils without any appeal to Parliament.

17. Extension of the present system of Provisional Orders.

The present system might be extended so as to enable every matter which now is dealt with by Private Bill of either the first or second class, except railway, canal, dock, navigation, and some harbour schemes, and except schemes such as the Manchester Ship Canal and the Channel Tunnel, to be effected by means of a Provisional Order to be issued by the Government Department having jurisdiction in the particular subject.

In addition where Parliament has approved the principle of the schemes which I have excepted, the company or local authority might be allowed to obtain Provisional Orders after local inquiry for matters subsidiary to those schemes, such as taking lands compulsorily for increase of station accommodation, widening railways, and for extending the time for the purchase of lands, the sale of superfluous lands and the execution of works.

It would not be necessary to make the Provisional Order system, as so extended, compulsory ; but in the case of any promoters, who obtain their funds from public or local rates or funds, proceeding by Bill instead of Provisional Order, it might be advisable to require that, unless reasons for so doing which are satisfactory to the Chairman of Committees in the Lords and the Chairman of Ways and Means in the Commons are forthcoming, the payment of the costs of the Bill should come out of current revenue and not out of loan ; any loan for such costs should be repaid in five years, the time now usually allowed by Parliament.

As to this subject *see* paragraphs 57 and 58 of Report of Select Committee on Repayment of Loans by Local Authorities. Parliamentary Paper 239, 1902.

Herbert E. Boyce.

31 July 1902]

APPENDIX, No. 11.

Prepared in the COMMITTEE OFFICE, and handed in by the *Chairman*.

PROVISIONAL ORDERS CONFIRMATION BILLS.

YEAR.	Number of Bills.	Number of Orders Opposed in Committee of House of Commons.	Number of Orders not Confirmed in Committee of House of Commons.	Number of Orders Confirmed, Opposed, and Unopposed.*
1898 - - - - -	56	7	—	168
1899 - - - -	64	13	1	195
1900 - - - - -	62	13	—	185
1901 - - - - -	85	33	—	256

* The absolute accuracy of the figures in this column is not guaranteed; they are, however, approximately correct.

B. H. F.

17 July 1902.

APPENDIX, No. 12.

[*Note.*—Appendix Papers 11, 12, 13, 14, are a continuation in a modified form of most of the Returns to be found in Appendix, pp. 107–116 of the Report of the Select Committee on Private Legislation Procedure (Scotland) Bill 1898].

Prepared in the COMMITTEE OFFICE, and handed in by the *Chairman*.

RETURN of PRIVATE BUSINESS for the Years 1898 to 1901, inclusive.

	1898.	1899.	1900.	1901.
Number of Private Bills read a first time in the House of Commons (*a*) -	228	249	258	223
*†Number of Bills opposed (*a*) -	77	86	126	78
Number of Bills unopposed (including Bills referred back by the Committee of Selection) (*a*) - - - - -	127	145	122	123
Number of Petitions presented against Bills (*a*) - - - - - - -	737	1,631	1,027	885

(*a*) This does not include Provisional Order Confirmation Bills.

* This Return is of Bills decided upon by Committees, excluding those which became unopposed after being referred to Committees on opposed Bills, and in this respect differs from Dr. Farquharson's Annual Return.

† Among the opposed Bills are reckoned Bills referred to Hybrid Committees which are introduced sometimes as Private sometimes as Public Bills, but which generally refer to private matters.

B. H. F.

17 July 1902.

APPENDIX, No. 13.

Prepared in the COMMITTEE OFFICE, and handed in by the *Chairman*.

COURT OF REFEREES.

YEAR.	Number of Petitions presented against Bills (including Provisional Order Bills).	Objections Lodged against Petitions.	Cases set down for Hearing in the Court of Referees.	Petitions wholly or partially disallowed by Court of Referees.
1898 - - - - -	764	102	90	36
1899 - - - -	1,663	84	60	33
1900 - - -	1,061	102	87	26
1901 - - - - -	940	129	118	47

APPENDIX, No. 14.

Prepared in the COMMITTEE OFFICE, and handed in by the *Chairman.*

A.—TABLE showing the Number of Days on which Members served on Committees on opposed Private Bills (including P.O. Confirmation Bills), and Hybrid Bills, on the Court of Referees or the Standing Orders Committee for each Year from 1898 to 1901 inclusive, with the Number of Members who served, the Number of Committees Appointed, and the Number of Bills Opposed.

Note.—The Sittings of the Committee of Selection are not included, for though it is a Committee dealing chiefly with Private Business, it also selects Members for Standing and other Public Committees.

Number of Days.	Number of Members in 1898.	Number of Members in 1899.	Number of Members in 1900.	Number of Members in 1901.
1 day	10	6	2	8
2 days	9	11	7	10
3 „	6	6	8	4
4 „	7	12	8	8
5 „	9	1	2	10
6 „	7	10	6	3
7 „	16	12	9	26
8 „	2	12	5	10
9 „	8	8	9	2
10 „	5	7	3	3
11 „	5	4	10	10
12 „	5	5	6	6
13 „	5	—	3	7
14 „	—	2	—	6
15 „	2	5	3	2
16 „	16	7	8	5
17 „	3	7	2	—
18 „	—	3	—	1
19 „	—	1	2	—
20 „	—	—	3	4
21 „	1	—	—	—
22 „	—	1	—	—
23 „	1	1	1	—
24 „	1	—	3	1
25 „	—	5	1	—
26 „	2	3	1	—
27 „	2	2	2	—
28 „	—	4	4	1

TABLE A.—*continued.*

Number of Days	Number of Members in 1898.	Number of Members in 1899.	Number of Members in 1900.	Number o Members in 1901.
29 days	—	—	7	—
30 „	1	1	3	—
31 „	—	—	—	—
32 „	—	—	1	—
33 „	2	—	1	1
34 „	2	—	—	1
35 „	—	—	—	1
36 „	2	1	—	—
37 „	—	—	1	—
38 „	—	—	—	—
39 „	—	—	—	—
40 „	—	—	—	—
41 „	—	—	—	—
42 „	1	—	—	—
43 „	1	—	—	—
44 „	—	—	—	—
45 „	—	—	—	—
46 „	—	—	—	—
47 „	—	—	—	—
48 „	—	—	—	—
Number of Members who served on these Committees in each year	131	137	121	130
Aggregate Number of Days on which these Members served	1,413	1,837	1,605	1,269
Average Number of Days on which each of these Members attended	0·7	13·4	2	9·7
Number of Committees appointed*	22	26	25	30
Number of Days the Committees sat	301	368	396	309
Number of Bills Opposed (including Hybrid and Provisional Orders Confirmation Bills reported on by Committees)	105	104	145	102
**Note.*—Of these Committees the number of Railway and Canal groups in each year were	9	9	8	12

B.—TABLE showing the Number of Days on which Members served on Committees on Unopposed Bills for the same Years, and the Number of Bills referred to those Committees.

Number of Days.	Number of Members in 1898.	Number of Members in 1899.	Number of Members in 1900.	Number of Members in 1901.
1 day	4	8	4	10
2 days	—	2	—	—
4 „	1	1	1	—
5 „	—	—	—	1
11 „	—	—	—	1
20 „	—	—	—	1
21 „	—	2	—	—
24 „	1	—	—	—
25 „	1	—	—	—
31 „	2	—	—	—
Number of Members who served on Unopposed Committees in each year	9	13	5	13
Number of Unopposed Bills (including Provisional Orders Confirmation Bills)	176	198	169	175

B. H. F.

17 July 1902.

APPENDIX No. 15.

PAPER handed in by Mr. *Monro*.

MEMORANDUM on STANDING ORDERS of LORDS AND COMMONS relating to PRIVATE BILLS.

Private Bills are divided into two classes, which are practically the same in the Orders of both Houses. The Lords add to the first class, Bills relating to "Arbitration in respect of the affairs of any company, corporation, or persons"—but such lists cannot be exhaustive, and it would be better to give a list of Bills to be called First Class Bills, and say that "all other local Bills" shall be called Second Class Bills. H.C. Part II. S.O. 1. The two classes.

Orders 1—13, as to notices are practically the same.

Notices under Orders 13, 14, 15 and 16 are by the Commons required to be given not only to owners and lessees but also to occupiers. Occupiers are omitted by the Lords. Notices.

17 to 23 are practically the same, as is the first part of 24; but by the latter part of 24 the Commons, in the case of the alteration of municipal boundaries, require the deposit of a map showing the existing and proposed boundaries. Notices. Deposits on or before 30th Nov

Orders 25—31 are practically the same.

Bills are introduced on petition in the House of Commons; a copy of the Bill is annexed and also a declaration of the agent as to the class of the Bill and the powers sought for. Deposit of Bills H.C. 32.

The Commons require these documents to be deposited on December 21st.

The Lords require a copy of the Bill to be deposited on December 17th.

Both these sets of deposits might be made on 15th December.

Orders 33—35 are the same. 33-34 (Deposits of Bill at public departments. 35. Deposit of Estimates).

By their Order 35*a*, the Commons require statements as to capital, shares, subscriptions, shareholders, &c. to be deposited in the case of Bills for incorporating joint stock companies or companies for carrying on any trade, &c.

Orders 36—40 are the same. (Estimates. Declaration. Statement relating to labouring class houses. 39. Deposit of plans, &c. 40. Description of plans.)

The Lords have an Order, 40*a*, which requires that the limits of lateral deviation of the embankment of a reservoir shall be defined, and all lands included within such limits shall be marked thereon.

An important Order which the Commons have not yet adopted.

Orders 41—68 differ only in wording. 41–45. Description of plans in case of railways, tramways, &c. 46. Book of reference. 47–55. Sections. 56. Estimate. 57–59. Money deposit on declaration. 60. Deposit of Commons or Lords Bills, as the case may be. 61. Alterations. 62–67. Wharncliffe meetings, &c. 68. Consent of directors. H.C. Part II.

Proceedings of and in relation to the examiners are nearly the same in both Houses.

The Commons generally require longer notice of any step, where notice is required, than the Lords.

By House of Commons Order 80, the Chairman of Ways and Means, with the assistance of Mr. Speaker's Counsel, is directed to examine all Private Bills and to call the attention of the House, and of the Chairman of a Committee on an unopposed Bill, to all points which may appear to him to require it.

There is no Lords' corresponding Order, but the Chairman of Committees and his Counsel have from the earliest days of Private Bills examined them most carefully; far more carefully, indeed, than it is possible for the Chairman of Ways and Means to find time for.

By House of Commons' Order 81, the Chairman of Ways and Means is required to report on Bills relating to any Government contract by which a public charge is created.

The Commons have many Orders as to the time of deposit of copies of Bills as amended on their several stages.

So far as necessary the same object is obtained under the unwritten rules of practice in the House of Lords, but it would be well if some were more defined—except that in the press of business and hurry of the Session it is very difficult to maintain rigidly rules which prescribe stated intervals in proceedings; and constant suspending of Orders adds considerably to the expenses of promoters.

There are no officers in the Lords corresponding to the Referees (House of Commons, 87—89).

The Standing Orders Committee in the Lords consists of the Chairman of Committees and 40 Lords. Quorum, three (House of Lords, 80—81).

In the Commons it consists of 11 Members. Quorum, five (House of Commons, 91).

In the Lords the promoters and opponents or their agents are heard on a printed statement, but counsel are not allowed to be heard.

It is believed that the practice in the Commons is different in several respects.

There is a Committee of Selection in each House; in the Commons there is also a General Committee on Railway and Canal Bills. House of Lords, 97. House of Commons, 98–115. Committee of Selection and General Committee on Railway and Canal Bills.

These Committees group the opposed Bills, select the Lords and Members to serve, and fix the days for the Committees to meet and the Bills to be taken.

These duties devolve in the Lords in great measure upon the Chairman of Committees alone.

The Commons Orders are more precise than the Lords as to the notice to be given to the Members of Committees, the order in which the Bills shall be taken by the Committee, &c.

Committees on opposed Bills in the Lords consist of five Lords. In the Commons, of a Chairman and three Members, and a referee or a Chairman and three Members not locally or otherwise interested —or in the case of a Railway or Canal Bill of "four Members and a referee or four Members not locally or otherwise interested. House of Lords, 95, &c. House of Commons, 116, &c. 110, 117, 116.

125. Commons. Questions before Commons Committees are to be decided by majority—Chairman to have a vote and, if the votes are equal, a casting vote.

In the Lords the Committee consists of five, but if a Lord is unavoidably absent the Committee may continue to sit (with consent of "parties") with four Lords only (101). Then if the votes are equal the question is decided in the negative.

With regard to petitioning against private Bills there is an important difference in the Orders of the two Houses.

Standing Order 129. The Commons require that petitions against all local Bills (whether originating in the Lords or Commons) shall be deposited not later than 10 clear days after the first reading

Standing Orders 92 and 93. The Lords, that in the case of Bills originating in the House of Lords, petitions shall be presented not later than the seventh day after the second reading, and in the case of Bills originating in the House of Commons, the seventh day after the first reading.

In the Lords the heaviest fee is on the second reading. The heavy fee is some test of the *bona fides* of the application.

It is hard on opponents that they should be put to the expense of preparing petitions when the Bill may never survive the second reading, especially now when it is so much the practice for Members to oppose Bills on second reading when their constituents think that they are likely to be adversely affected.

With regard to *locus standi*, the question is decided in the Commons by the Referees, in the Lords by the Select Committee on the Bills.

The Commons give a "*mandatory locus*" more readily than the Lords—*e.g.*, in House of Commons only.

130. Competition a ground for *locus standi*.

133. A railway company whose lands, &c. are affected by a Railway Bill are entitled to be heard.

134a. Local Authorities to have a *locus standi* against lighting and water Bills.

135. The owner, &c. of any house, shop, &c., in any street through which a tramway passes who alleges that the tramway will affect him injuriously shall be heard.

The Orders of the House of Commons relating to proceedings relative to Committees on Bills, opposed and unopposed (138—152), differ little from the corresponding Orders and practice in the Lords.

153—168, relating to restrictions on mortgages, &c. in railway and tramway Bills; ascent of roads; level crossings; for securing completion; compensation to injured parties; abandonment; securing existing preference; steam vessels; guarantees; amalgamation; application of Railway and Canal Traffic Act, 1888, to rates; interest out of capital during construction, are practically the same in both Houses.

House of Commons 168b—171, relating to tramroads and tramways are *mutatis mutandis* the same in both Houses. 172, estimates of application of money proposed to be borrowed by Local Authorities, &c., and 173, certificate of Local Government Board of approval of borrowing in Ireland are the same.

Loans. House of Commons, 173a, consideration by Committee of provisions in Bills giving powers in excess of general law as regards police and sanitary regulations; bye-laws; repayment of loans; borrowing, &c., is in House of Commons only, and is an important Order directing Committees to report in case of a Bill of a local authority. If Bill gives—

i.—Powers, police or sanitary, in excess of general law.
ii.—Powers which may be attained by bye-laws.
iii.—Period for repayment of loans exceeding 60 years. [That period never to be exceeded.]
iv.—For borrowing powers for purposes (for which borrowing powers already exist) without the approval of a Government Department.

E. Selborne's Clauses. Patents.—The Lords require by Standing Order 137 that certain clauses for protection of persons who may have used the patent since its lapse. There is no corresponding Order in House of Commons.

Inclosure. House of Commons 176-181. The Commons appoint a special Committee on Inclosure Bills which reports on every inclosure scheme.

There is no corresponding proceeding in the Lords.

House of Commons 193-226. The Orders of the House of Commons regulating the practice of that House with regard to Private Bills are much more precise than in the Lords.

There is no "consideration" stage in the Lords, and consequently important amendments, with the consent of the Chairman of Committees, may be made in the Lords on third reading. Such amendments (if any) are made on consideration in the Commons, and verbal amendments only are allowed on third reading.

Fees.

Fees differ considerably in the two Houses, but the aggregate amount paid is said to be much the same. The minor fees and fees payable by promoters when counsel are heard are generally higher in the Commons than in the Lords, *e.g.* :—

	House of Lords.	House of Commons.
	£. s.	£. s.
Deposit of Plan	– 10	—
„ Petition for Bill, &c.	—	5 –
Presentation of Petition for Bill	—	5 –
First Reading	5 –	15*l.*—60*l.*

On the Second Reading the fee in the Lords varies according to the subject-matter and capital;

	House of Lords.	House of Commons.
	£. s.	£. s.
Estate Bills	81 –	7 10
Patent Bills	81 –	15 –
Divorce, Naturalisation, &c.	27 –	7 10
Bills relating to Charitable, Literary, &c. purposes where no profit is derived	27 –	15 –
Other Bills	81 –	15 –

House of Lords.		House of Commons.	
According to Capital—	£.		£.
Not exceeding 50,000*l.*	81	Under 100,000*l.*	15
" " 200,000*l.*	108	100,000*l.* and under 500,000*l.*	30
Exceeding 200,000*l.*	135	500,000*l.* and under 1,000,000*l.*	45
		1,000,000*l.* and over	60

In the House of Commons the fees are the same on each stage, varying according to capital.

	House of Lords.	House of Commons.
	£. *s.*	£. *s.*
For first day on which Counsel appears in support of a petition against a Bill	10 –	2 –
Subsequent days	4 –	2 –
For first day on which Counsel appear in support of a Bill	8 –	10 –
For every subsequent day	4 –	10 –

When a Committee sits for many days the House of Commons' fees charged to promoters would obviously largely exceed the corresponding fees in the Lords, but the fees charged to opponents would be less than in the Lords.

	House of Lords.	House of Commons.
Third Reading—	£.	£.
Bill less than 20 pages	10	15—60
Over 20 pages	15	15—60

Fees on Taxation.

These differ in two respects. In the Lords a percentage of 1*l.* is charged on the amount of the Bill "as sent in for taxation or added to on taxation."

In the House of Commons the same percentage is charged on the Bill as allowed by the Taxing Officer.

Other fees do not call for special notice.

It would no doubt be a convenience, especially to agents, if the fees of the two Houses were assimilated.

INDEX.

[*N.B.*—In this Index the Figures following the Names of the Witnesses, and those in the Digest of Evidence of each Witness, refer to the Questions in the Evidence; those following *App.* to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report and Proceedings of the Committee.]

A.

B.

Report, 1902—*continued.*

Baker, Charles Edmund. (Digest of his Evidence)—*continued.*

Opinion that Standing Order 143A should be repealed, as regards opposition to clauses in one House in connection with the right to oppose on Preamble in the other House, 1873——Importance of the Court of Referees sitting as early as possible; suggestions hereon, 1896–1899——Hard pressure of the House fees upon private petitions as well as upon local authorities, 1900–1903.

Approval of some further discretion in Committees as regards amendment of allegations in petitions, 1904–1906——Great convenience to parties if a copy of the Minutes of Proceedings before each Committee were, when printed, deposited in each House, 1907–1909.

Beale, James Samuel. (Digest of his Evidence.)—Long experience of witness, as a solicitor, in practice before Parliamentary Committees; representation by him of the Railway Companies' Association, 2113, 2114.

Approval of the deposit of Bills in the House of Commons on December 17th, this date being found quite practicable in the case of the House of Lords; obstacles to an earlier deposit, 2115–2117——Expediency of the discontinuance of the formal petition now presented in the House of Commons under Standing Order 32, 2118–2121——Conclusion that petitions against Bills should be presented by the 12th February, and that the petitions should be to Parliament, so as to be applicable in either House, 2122–2124.

Opinion that the Court of Referees might be abolished with advantage, and that questions of *locus standi* might be efficiently dealt with without any special court for the purpose, 2125–2127——Proposals for an amended system in the grouping of Bills as a means of facilitating the procedure, so that the Bills might be ready as soon as the Committees are able to sit, 2128–2132.

Suggestion that proof of the Wharncliffe meeting might be taken in Committee so as not to delay the second reading, 2133–2136——Question considered whether a Bill should not go to the Committee irrespective of second reading, 2136–2140——Statement as to the present practice, as between promoters and opponents, in the settlement of questions so as to remove opposition, 2141——Approval of extended powers in the Board of Trade as to authorising increase of capital, 2142.

Improvement if the objections to second reading were referred to the decision of a committee, such as the Standing Orders Committee, 2143——Suggestion that when notice is given of opposition to the second reading of a Private Bill the grounds of objection should be stated, 2143–2147——Considerable trouble in connection with Corporation Bills, 2148.

Opinion as to the moderate amount of the House fees in the case of Railway Bills, 2149–2151——Advantage of more latitude as to the subjects dealt with by Provisional Order, 2152——Suggestions as to a limit of the date after first reading before second reading, 2154–2163.

Bicycling Associations. Expediency of cycling associations having a right to appear on petitions against proposed railway rates on bicycles, *Smith* 1360. 1425. 1448–1452.

Board of Trade. Approval of extended powers in the Board of Trade as to authorisin increase of capital, *Beale* 2142.

See also *Electric Bills.*

Bonham-Carter, Alfred, C.B. (Digest of his Evidence.)—Witness, who is a Referee on Private Bills in the House of Commons, explains the constitution of the *Locus Standi* Court, as comprising the Chairman of Ways and Means and with three other Members appointed by the Speaker, under Standing Order 87; part taken by witness in the decisions of the Court, 1098. 1191–1202.

Doubt as to there being much room for an earlier deposit of Bills; objections thereto on the part of the Parliamentary agents, 1100–1106. 1180, 1181——Views of agents as to the difficulties in the way of earlier publication of the Notices in the *Gazette*, 1100–1106. 1147–1154——Grounds for the recommendation that there should be an earlier deposit of petitions, and that the date should be fixed, the time proposed for deposit being the ten days ending February 10th, 1100. 1110–1119. 1125. 1161–1168. 1203.

Examination by witness (as Referee) of miscellaneous Bills more especially, 1107, 1108——Facility in settling the division of Bills between the two Houses, 1100——Suggestion that Bills might be deposited in the House of Commons on the same date (December 17th) as in the House of Lords, instead of on the 21st December, 1119, 1120. 1180, 1181.

Recommended adoption by the House of Commons of Standing Order 91 of the House of Lords, which provides that the second reading of certain Bills must take place within fourteen days after the report of the Examiner or of the Standing Orders Committee; avoidance of delay thereby, 1120–1122. 1125——Explanation of the process as regards the

Report, 1902—*continued.*

Bonham-Carter, Alfred, C.B. (Digest of his Evidence)—*continued.*

the question of *locus standi* and the action of the Court of Referees in the matter, the Court working very smoothly; obstacles to any material saving of time in this direction, 1123–1125.

Information as to the number of Bills originating in the House of Lords, and the proportion of second hearings and of rejections in the House of Commons, 1126–1135. 1172–1179——Statement upon the question of an extension of the system of Provisional Orders, 1136——Strong objection to the practice as regards Instructions to Committees, 1137–1139——Proposal that power to award costs should be given to the *Locus Standi* Court on the vote of the Chairman and of the majority of the other members, 1139–1143.

Opinion as to the satisfactory working of the Court in greatly reducing opposition to Private Bills, 1143–1146——Advantage of an earlier deposit of Bills and of petitions in so far as the Examiners might commence their work earlier than the 18th January, 1155–1160. 1184–1190——Exception taken to the proposed establishment of one strong Committee in lieu of the several Committees which now deal with Private Bills, 1169–1171.

Boyce, Herbert Edward. (Digest of his Evidence.)—Witness, who is Parliamentary agent to the Local Government Board, has had a long and extensive experience in connection with railway business and with Provisional Orders, 1496, 1497.

Total of 2,520 Provisional Orders issued by the Board since 1872, in respect of which 498 Confirmation Bills have been passed, whilst only twenty-three such Orders have been absolutely rejected, 1497–1502——Very slight opposition to Provisional Orders as a rule, 1498–1500. 1505——Passing of twenty-six Bills, comprising sixty-eight Provisional Orders issued by the Irish Local Government Board in the last three years, 1502.

Right of the Irish Board to issue Orders for taking water rights compulsorily, this not applying in England, 1502——Power of dealing by Provisional Order with the compulsory acquisition of land in England, under the Public Health Act and the Allotments Act, 1503, 1504.

Summary of causes which militate against a much larger use of Provisional Orders, they being much less expensive than Private Bills, 1505–1507——Grounds for suggestion that there should be an enabling power under the Public Health Act for a local authority to get a Provisional Order from the Local Government Board, or from the Board of Trade, 1506–1508——Very large number of Orders applied for by local authorities in the last three Sessions; statistics hereon, 1509——Considerable proportion dealing with compulsory purchase under the Public Health Act, 1509.

Consideration of the question of an earlier deposit of applications for Provisional Orders, witness suggesting means by which the time might be one month earlier than the 21st December, 1510–1518——Immense amount of work in connection with Provisional Orders and Confirmation Bills, so that even if the former were expected by a month it would still be very difficult to get the Bills in much earlier, 1518, 1519.

Examination as to the expediency of Bills being deposited earlier by a month than the 21st December, so as to bring the Committee stage on earlier; advantage if there were more time in which to prepare the Departmental Reports, 1520–1529——Obstacles to local authorities depositing their Bills much earlier than at present, 1528, 1529——Several different branch departments of the Local Government Board responsible for the examination of the applications for Provisional Orders, 1531, 1532.

Explanation of the procedure in connection with Confirmation Bills; opinion that the time (ten days) for petitioning after first reading might be curtailed and that the interval of six days between the second reading and the Committee stage might also be lessened, 1533–1538. 1604——Grounds for the conclusion that many Provisional Orders, entailing Confirmation Bills, need not be brought to Parliament at all, and that the Local Government Board could deal perfectly well with the objects to be attained; illustration in the case of Orders for uniting districts, 1539, 1540.

Statement as regards petitions being presented against particular Orders in a Confirmation Bill, but not against the whole Bill; difficulty in the case of the House of Lords, the Standing Orders of the House of Commons being all right, 1549–1553——Suggestion that Confirmation Bills might all begin in the Lower House; practice of witness always to begin his Bills in the House of Commons, 1553, 1554.

Opinion that most things that now require a Private Bill might be done by Provisional Order; legislation required in order to effect this change, 1555, 1556——Memorandum be submitted by witness explanatory of the detailed procedure in connection with Provisional Orders, 1557–1560.

Facilities for earlier preparation of the Reports of witness' Department if Private Bills could be grouped at an earlier period and if it were sooner known in which House the Bills would originate, 1561–1571——Advantage if Bills were deposited in the two Houses on the same date, and if the date were earlier than 17th December, 1572–1575.

Immense

Report, 1902—*continued.*

Boyce, Herbert Edward. (Digest of his Evidence)—*continued.*

Immense mass of work devolving upon the Department of witness' Board, which deals with Private Bills and Provisional Orders; trained officials required for the work, 1575–1580——Explanation that every Bill is now deposited with the Board and is perused, though in many cases no reports is necessary; deposit also with other Government Departments, 1580–1582. 1594, 1595.

Doubt as to the extent to which Railways Bills might be earlier reported upon by witness' Board, 1582–1586——Consideration of suggestions for an early ascertainment of the number of opposed and unopposed Bills, respectively, with a view to earlier Reports in the latter case, so that Committees might get sooner to work, 1589–1602.

Expediency of the Public Health Act being amended and brought up to date, enlarged powers being given to local authorities, so that the work of Parliament might be curtailed, 1605–1611——Advantage of the Court of Referees as keeping a check upon petitioners who ought not to be heard, 1611——Difficulty as regards large Improvements Bills in their having to go to several Departments, 1612, 1613.

[Second Examination.]—Statement proposed to be submitted (in the Appendix), showing the whole procedure in connection with Provisional Orders and Confirmation Bills, 1910–1913.

Entire concurrence in the proposal of Mr. Parker Smith for the constitution of a Special Joint Committee for dealing with unopposed Bills, 1914, 1915——Question submitted as to the expediency of an Unopposed Bills Committee dealing with the unopposed parts of opposed Bills preparatory to the latter going before an Opposed Bills Committee; suggestions as to the procedure in such case, 1914, 1915. 1934–1939——Suggestions for simplifying the procedure as regards the appointment of a Joint Committee, whether for unopposed or opposed Bills; question of voting, &c., 1915, 1916.

Explanation that the earliest possible dates are fixed by the Local Government Board for applications for Provisional Orders, 1915——Statement as to the much wider range of matters dealt with in the Reports of witness' Board than in those of the Home Office, and as to the much larger trained staff required in the former case, so that it is impossible to issue the Reports earlier than at present, 1915–1922.

Memorandum in regard to the work of the Local Government Board in the examination of and reporting upon Private Bills in the Sessions, 1900–1902, inclusive; proportion reported upon by the end of each month till 31st May, 1922–1927——Uncertainty and delay through the Board not having any indication as to the order in which the Bills will be taken by the Committees, as those now reported upon at an early date may not go before the Committees till later on; consideration of difficulties hereon, 1928–1933. 1940–1943.

Suggested alteration of Standing Order 193A as to the date for the First Reading of Confirmation Bills in the House of Commons, 1939——Illustrations of the pressure upon the Department in preparing the numerous Reports required; question hereon of an increase of staff, 1939, 1940——Great benefit and saving of expense if there were not duplication in the deposit of Petitions and of Bills, as by the deposit being "in Parliament" instead of in each House, 1943–1947.

Brevett, Horatio. (Digest of his Evidence.)—Witness, who is Town Clerk of Wolverhampton, represent the Municipal Corporations' Association of England, 2104–1207.

Several reasons why October and November are exceptionally busy months for town clerks; great difficulty consequently in expediting the deposit of Bills, 1208–1213——Approval of deposit in the House of Commons on 17th December instead of the 21st, the former being the date in the House of Lords, 1211, 1212——Consideration of suggestions in Report of the Municipal Corporations' Association for an amendment of the present system and procedure in the case of Private Bills and Provisional Orders, respectively, 1214 *et seq.*

Several respects in which the local expenses are less under the system of Provisional Orders than when corporations proceed by Private Bill, 1215–1218. 1225–1228——Considerable expense in respect of Parliamentary notices for Bills as involving large expenditure for printing and advertising; suggested curtailment, 1215–1217. 1273–1277.

Conclusion that the system of Provisional Orders would be much more used if the statutory provisions relating to them were extended; suggestions hereon, 1219–1224——Opinion of Sir Samuel Johnson of Nottingham that there should always be an option to proceed either by Private Bill or by Provisional Order, 1222. 1253–1254.

Views of the Municipal Corporations' Association as to the procedure in connection with Provisional Orders, and as to the facility of proceeding under the Public Health Act, as compared with the Scotch Act, 1222–1224——Opinion that on the whole the charges of Parliamentary agents are reasonable; explanations hereon is to the apportionment of costs between the agents and the town clerks; this question being a matter of arrangement under the terms of appointment of the latter, 1236–1243.

Views

Report, 1902—*continued.*

Brevett, Horatio. (Digest of his Evidence)—*continued.*

Views of the Municipal Association and of witness as to the expediency of a reduction of the House Fees, and of an assimilation of the Fees in the two Houses, 1244–1247. 1257–1260. 1267——Illustration of the undue cost of Fees in the case of unopposed Bills as compared with the expense of Provisional Orders, witness further advocating an extension of the latter in certain directions outside the Public Health Act, 1247–1256.

Explanations as to the circumstances under which the Municipal Association is favourable to the system of a Joint Committee of both Houses; approval by witness when there has been a local inquiry previously, 1261–1264. 1314–1335——Concurrence in the view as to the expediency of the Committees on Private Bills getting to work upon them at an earlier period, 1268–1272.

Examination as to the reasons for witness' conclusion that it would be very inconvenient to town clerks to shorten the period between the 27th November, when the notices must be given, and the 21st of December, when petitions must be lodged; approval of the latter date being altered to the 17th of December, 1278–1293——Approval of a fixed period between the date of lodging petitions in favour of Bills and the date of petitions in opposition, 1294, 1295——Suggestions on the subject of an appeal if a date be fixed after which no Bill that has been introduced can be read a second time, 1296–1299.

Explanations in connection with proposal for an amended Public Health Act, embodying many provisions already adopted by Municipalities, as a means of obviating the necessity of much local legislation in the form of Private Bills or Provisional Orders, 1300–1302. 1310–1312.——Considerations with further reference to the advantages of the Provisional Order system, and the procedure to be adopted in connection therewith, there being but one enquiry by Parliament in addition to the local inquiry, 1303–1335.

Advantage if the Court of Referees sat earlier, and had power to award costs, 1336, 1337——Approval of its resting with a specially appointed body to decide whether a Private Bill should be discussed in the House, 1338.

C.

Campion, Charles Walter. (Digest of his Evidence.)—Experience of witness as one of the Examiners of Private Bills and as Taxing Master, 1614, 1615.

Question really for the agents whether Bills in the House of Commons might not be deposited earlier by some days than the 21st December, the deposit of plans being on the 30th November, 1616——Summary of conditions to be observed between the deposit of the Bills and their coming before the Examiners on the 18th January; deposit of the Labouring Classes Statement on 31st December, and of the Memorials on the 9th, 16th, and 23rd January, 1617–1622. 1627, 1628.

Short time occupied by the Examiners in getting through the unopposed Bills, whilst all the Bills are dealt with in about eight days, 1622–1626——Conclusion that all the dates might be put back four or five days earlier, so that the Examiners might have them about the 12th January, and that the Committees might sit earlier, 1629–1635. 1687, 1688.

Opinion that the fees in the two Houses are not too high in proportion to the general cost of Private Bills; examination in detail hereon, 1636——Settlement of the House fees by the Taxing Act of 1847, the Examiners having no power to alter them, 1637. 1709, 1710——Explanations in connection with the costs under the heads of House Fees and Counsel's Fees in the case of Bills of three different classes; limited check exercised by witness as regards the number of counsel employed or the amount of their fees, 1637 *et seq.*; 1711–1720. 1752–1758.

Exceptionally heavy expenses (about 31,000*l.*) in the case of the Derwent Valley Water Bill, chiefly for expert witnesses; total of 402*l.* for House fees, and of 3,764*l.* for Counsel's fees, 1639–1649. 1664. 1676–1686——Instances of very large deductions by witness from the amount of costs, 1650–1652——Very small proportion borne by the House fees to the total expenses, the proportion, however, being larger in the case of small Bills; illustrations to this effect, 1653–1666——Reference to the cost of printing and of plans as considerable items of expense, 1674, 1675. 1686.

Statement as to the exceedingly small proportion of Bills which are opposed and stopped on Standing Orders, 1689–1701——Much larger cost of Private Bills than of Provisional Orders, 1703–1708——Action of witness in the direction of limiting the fees of expert witnesses, more especially of engineers, 1721–1737.

Reference to the occasional practice in the case of small Municipal Bills of division of fees between town clerks and Parliamentary agents, witness having no discretion in the matter, 1738–1742——Taxation by witness in all cases as between solicitor and client; reference hereon

Report, 1902—*continued.*

Campion, Charles Walter. (Digest of his Evidence)—*continued.*

hereon to the reason for Municipal Bills coming before witness, 1743–1747. 1750, 1751——Probable saving as regards Counsel's fees if the Committees could sit earlier, 1748, 1749——Approval of uniformity of fees in the two Houses, 1759.

Chairman and Deputy Chairman of Ways and Means. Occasional rush of Private Bill business, the strain upon the Chairman of Ways and Means being sometimes very great; valuable assistance available through the Deputy Chairman, *Lowther* 85–89——Powers exercised by the Chairman of Ways and Means in dealing with objectionable clauses in unopposed Bills, *Leigh* 403–408.

Representation as to the Chairman of Ways and Means having a great deal too much to do, it being expedient to appoint a Deputy Chairman with reference to Private Bill business, who should be a salaried officer, *Mellar* 738–745. 768–772——Advantage of a strong Committee under proposed Deputy Chairman of Ways and Means, this body being entrusted with the duties now discharged by the Standing Orders Committee and with questions of *locus standi*, *ib.* 770–785——Proposal that the Chairman of Ways and Means should be relieved of some of his duties in connection with Private Bills, and that the Deputy Chairman should be a paid official, and should be Chairman of the Court of Referees, *Smith* 1373. 1377–1379.

Chairman of Committees on Bills. Selection of the Chairman of Railway and Canal Bills from the General Committee on such Bills appointed at the beginning of each Session; reference hereon to the question of efficiency and of uniformity of decision, *Halsey* 643–650. 698–702——Testimony to the entire efficiency of the Chairman of the Committees, *Sir R. Littler*, 2240.

Chambers of Commerce. Resolution of the Association of Chambers of Commerce of the United Kingdom dated 9th July, 1902; recommendations for an amended procedure, *App.* 169.

COMMITTEES ON BILLS:

Details as to the increasing amount of time devoted by the House to Private Business during the last ten years, *Lowther* 17, 18——Satisfaction given on the whole by the decisions of the Committees of the House of Commons, *ib.* 20——Approval of the present constitution of Committees, comprising four members, *Pritt* 518, 519.

Explanatory statement as to the functions exercised by the Committee of Selection and the Standing Orders Committee (witness being Chairman of both Committees) with respect to the appointment of the Chairman and other members of Private Bill Committees, *Halsey* 641–650. 701, 702——Increasing difficulty for many years in obtaining members for service on Committees; special obstacles in the case of barristers, *ib.* 663–668.

Degree of convenience to members if their work on Committees could be accelerated; slack time at present before Easter, *Halsey* 680–682——Preference for Committees comprising five or six members, instead of only four; difficulty as regards regular attendance, *ib.* 685–687. 689, 690——Approval of the Chairman having a vote and a casting vote, the Committee still consisting of four members, *ib.* 688.

Exception taken to the proposed establishment of one strong Committee in lieu of the several Committees which now deal with Private Bills, *Bonham Carter* 1169–1171——Concurrence in the view as to the expediency of the Committees on Private Bills getting to work upon them at an earlier period, *Brevitt* 1268–1272——Grounds for objecting to only one Committee, comprising the Committee on unopposed Bills, the Court of Referees, and the Standing Orders Committee: doubt as to any saving of delay thereby, *Smith* 1482–1487.

Question submitted as to the Unopposed Bills Committee dealing with the unopposed parts of opposed Bills preparatory to the latter going before an Opposed Bills Committee; suggestions as to the procedure in such case, *Joyce* 1914, 1915. 1934–1939——Suggestions on the subject of the constitution of Committees with a view to securing continuity in the hearing of the same Bills, *Gray* 2067–2078——Opinion that Committees might sit earlier in the Session and for longer hours each day; undue expense at present, *Morse* 2183–2185. 2189–2192.

Views of witness that the Committees are the best tribunal in the world; entire absence of any political influence or bias, *Sir R. Littler* 2230. 2232, 2233. 2240——Grounds for the conclusion that a Committee of three would be quite as efficient as a Committee of four, though five is the ideal number, *ib.* 2231–2233——Satisfaction expressed with the hours of sitting of the Committees as being quite long enough in view of the working being at high pressure all the time, *ib.* 2241——Suggestions with a view to accelerating the sitting of Committees as by an earlier deposit of Bills, by a re-arrangement as regards petitions, and by the Court of Examiners sitting earlier than the 18th January, *ib.* 2302–2313.

Report, 1902—*continued.*

COMMITTEE ON BILLS—continued.

Records now kept of the decisions of Committees, *Troup* 2396–2400.

Returns of the number of opposed Private Bill Committees sitting each week in Session in the several years from 1896 to 1901, also of the attendance and detailed work of the members of the Committees, number of Private Bills, &c., *App.* 170–175. 190. 192–194.

Grounds for the recommendation that the Committee of Selection should take steps to to see that all Members who are available should be summoned in due turn to serve on Committees, *Rep.* viii.——Large number of Members who never served at all on Private Bill Committees during the whole of the last Parliament, *ib.*——Recommendation that neither the Member introducing the Bill nor the Speaker's counsel should be on the Committee to whom the Bill is referred, *ib.* ix.

See also *Chairmen of Committees. Court of Referees. Delay. Deposit of Bills. Local Government Board. Second Reading. Uniformity of Decision.*

Company Bills. Recommended limitation to five weeks as the period for complying with Standing Orders as regards the interval between the first reading of a Private Bill and the reference to the Examiner, *Rep.* vi.

Compulsory Powers. Suggestion whether compulsory water rights and compulsory land purchase might not be dealt with by Provisional Order, instead of by Private Bill, *Leigh* 293–302.

See also *Provisional Orders.*

Confirmation Bills. See *Provisional Orders.*

Corporation Bills. Considerable trouble in connection with Corporation Bills, *Beale* 2148.

See also *Local Authorities. Provisional Orders.*

COST (PRIVATE BILLS AND PROVISIONAL ORDERS):

Reasons against making Private Bill legislation cheap and easy; encouragement thereby to speculative promoters, *Lowther* 33, 34——Saving of expense, as a rule, by Provisional Orders in lieu of Bills; statement hereon as to the proportion of opposed Orders, the expense being very great in some instances, *Leigh* 239–246. 352–367. 262–266——Difficulties in witness's mind as to an extension of the Provisional Order system relative expense as compared with Private Bills, the costs in the case of local inquiries being very great in some cases, *ib.* 318–322. 352–367.

Exception taken to some statements as to the very small cost of Provisional Orders as compared with Private Bills; admitted advantages of the Provisional Order system in several cases, *Pritt* 450–458. 558. 560. 539–547——Entire approval of an extension of the system of Provisional Orders, and of local inquiries; economy thereby, some provision being desirable as regards counsel's fees, local counsel being generally available, *Mellor* 757–763. 845–849. 852–861.

Several respects in which the local expenses are less under the system of Provisional Orders than when Corporations proceed by Private Bill, *Brevitt* 1215–1218, 1225–1228——Illustration of the undue cost of fees in the case of unopposed Bills as compared with the expense of Provisional Orders, witness further advocating an extension of the latter in certain directions outside the Public Health Act, *ib.* 1222–1224. 1247–1256——Much larger cost of Private Bills than of Provisional Orders, *Campion* 1703–1708.

Evidence as to the grounds for the resolution of the Urban District Councils Association that procedure by Private Bill should be much less expensive to Local Authorities, *Baker* 1766 *et seq.*——Dissent from the view that Provisional Orders are more satisfactory and much less expensive than Private Bills; several instances to the contrary, certain amendments being suggested, *ib.* 1782–1787. 1827–1843. 1852–1855. 1874–1879——Considerable reduction contemplated in the costs of Private Bill procedure relatively to Provisional Orders; suggestions that in the latter case the promoters should pay a fair share of the expenses now borne by the Government Department in holding the local inquiry, *Sir R. Littler* 2283–2287.

Approximate estimate of the charges incurred in connection with Private Business in the House of Commons in the year ended 31st March, 1902; total of £11,792 (exclusive of fees), *App.* 178.

Costs. See also *Counsel. Fees. Local Inquiries. Parliamentary Notices.*

Instances of very large deductions by witness (as Taxing Master) from the amount of costs, *Campion* 1650–1652——Expediency of the Committees having increased powers as to costs, *Lowther* 137. 138. 187–189.

See also *Court of Referees. Town Clerks. Withdrawal of Petitions.*

Report, 1902—*continued.*

Counsel. Grounds for suggesting some curtailment of the fees of junior counsel on Private Bills, there being much complaint on the subject, *Monro* 1020–1029. 1048–1057——Probable saving as regards counsels' fees if the Committees could sit earlier, *Campion* 1748, 1749——Grounds for complaint respecting the fees of counsel, though this matter cannot well be dealt with under the Standing Orders, *Baker* 1788–1798——Disapproval of counsel being dispensed with when clauses are being settled, *Baker* 1867–1872

Improvement if in cases where the petitioners call no evidence the counsel for the promoters were allowed the right to sum up his evidence before the counsel for the petitioners is heard, *Rep.* ix.——Recommendation that when two or more Bills are heard together the counsel for the promoters should always be allowed (by special leave of the Committee) to make a short explanatory statement, and to address the Committee again at a later stage in support of his whole case, and against that of the other Bill or Bills, *ib.* x.

County Councils. Memorial of the County Councils Association, dated July 4th, 1902, submitting suggestions on various points, *App.* 176, 177.

COURT OF REFEREES:

1. *Constitution and Powers of the Court: question of power to award costs.*

2. *Working of the Court: question of its abolition.*

1. *Constitution and Powers of the Court: question of power to award costs:*

Approval of increased facilities of action on the part of the Court of Referees in deciding questions of *locus standi*, *Lowther* 125–134——Opinion favourable to the Court being empowered to award costs, *ib.* 135–149——Suggestion with reference to the constitution of the Court and their powers as regards costs, *Leigh* 207–211——Expediency of some restriction if the Court be empowered to award costs; suggestion hereon, *Pritt* 491, 492. 571–582.

As a Referee on Private Bills in the House of Commons, witness explains the constitution of the *Locus Standi* Court as comprising the Chairman of Ways and Means with three other Members appointed by the Speaker (under Standing Order 87); part taken by witness in the decisions of the Court, *Bonham-Carter* 1098. 1191–1202——Grounds for objecting to any abbreviation of the time allowed for objecting to *locus standi;* exception taken to the practice of the Court as to Bills not being put down on *locus standi* until after second reading, *Pritt* 485–489——Importance of the Court sitting as early as possible; suggestions hereon, *Baker* 1896–1899.

Explanation of the process as regards questions of *locus standi* and the action of the Court of Referees in the matter, the Court working very smoothly; obstacles to any material saving of time in this direction, *Bonham-Carter* 1231–1125——Proposal that power to award costs should be given to the *Locus Standi* Court on the vote of the Chairman and of the majority of the other Members, *ib.* 1139–1143——Advantage if the Court sat earlier and had power to award costs, *Brevitt* 1336, 1337.

Explanation that under Standing Order 87, the Chairman of Ways and Means is the only member of the Court not appointed by the Speaker, none of the others being necessarily selected by him from the members of the House, *Smith* 1342–1344——Opinion that the great majority of the Court should necessarily be members of the House (this being the present practice); advantage of the Speaker's Counsel being on the Court, *ib.* 1345, 1346——Equal voting power of the two members of the Court who are not in the House as of the other members, *ib.* 1347–1349.

Object of the Court to deal with all petitions relating to Private Bills, so as to relieve Committees of the House of the burden of this duty; calculation that about half the petitions are thrown out by the Court, *locus* not being allowed, *Smith* 1350–1355——Instances of hardship through the Court not having power to allow a *locus* in certain cases; increased discretion under a new Standing Order of last Session, witness suggesting other alterations in this direction by amending Standing Orders 133–135, *ib.* 1336–1365. 1414–1434. 1489 *et seq.*——Readiness of the Court to sit earlier, any obstacles thereto being on the part of agents and promoters, *ib.* 1366–1368.

Explanations in further elucidation of witness's views as to the constitution and powers of the Referees Court, the number of members, &c.; improvement if the quorum were five instead of three, *Smith* 1439 *et seq.*——Slight importance attached to a power in the Court to give costs, *ib.* 1445, 1446.

Advantage of the Court of Referees as keeping a check upon petitioners who ought not to be heard, *Boyce* 1611——Reason for objecting to power in the Referees to award costs, *Pember* 2446, 2447.

Explanatory statement submitted by Mr. Bonham-Carter respecting the constitution and working of the Court of *Locus Standi*, *App.* 182.

Report, 1902—*continued.*

COURT OF REFEREES—continued.

1. *Constitution and Powers of the Court: question of power to award Costs*—continued.

Provisions under different Standing Orders, as regards the constitution and functions of the Court of Referees, *Rep.* iv.——Summary of suggestions by several witnesses for an amended constitution of the Court; conflict of opinion on several points, *ib.* v.

Recommendation by the Committee for the re-constitution of the Court, for empowering the Court to award costs, and for increased discretionary powers with regard to *locus standi* in certain cases, *Rep.* vii.——Expediency of as long an interval as possible between the hearing by the Court of the objections to Petitions against a Bill, and the sitting of the Committee on the Bill, *ib.*

2. *Working of the Court; question of its abolition:*

Approval of the continuance of the Court of Referees as at present constituted, *Lowther* 51. 171——Question considered, whether under certain conditions the *locus standi* Court might not be dispensed with, *ib.* 171–175——Conclusion as to the action of the Court tending towards economy; advantage if the Court could sit earlier, *Leigh* 271–276. 303–311.

Contemplated transfer to a joint Committee of the duties of the Court of Referees, the latter being, however, a very good Court, *Mellor* 850, 851——Opinion as to the satisfactory working of the Court in greatly reducing opposition to Private Bills, *Bonham-Carter* 1143–1146.

Satisfactory dealing with questions of *locus standi* in the House of Lords by the Committees on the Bills, there being no Court of Referees in that House, *Gray* 1979–1982. 2047, 2048——Opinion that the Court of Referees might be abolished with advantage, and that questions of *locus standi* might be efficiently dealt with, without any special Court for the purpose, *Beale* 2125–2127——Advantages attached to the Court of Referees, *Morse* 2211.

Grounds for the conclusion that the Court of Referees are an unnecessary body, and that suitors have a great grievance by reason of the expense and delay entailed by disputed questions of *locus:* several instances cited, *Sir R. Littler* 2243–2250. 2278–2282——Objections to the abolition of the Court without careful consideration beforehand, witness submitting that the cost incurred in order to obtain the refusals of a *locus* saves much expense otherwise in counsels fees, *Pember* 2415–2428——Though witness is not always satisfied with the Court, it has been in operation since 1865, and he considers it would be a strong measure to abolish it, *ib.* 2416——Explanations in connection with the satisfactory action of Committees in the House of Lords, without any special Court for dealing with *locus standi* question, *ib.* 2420–2428.

Summary of the working of the Court in the years 1898–1901; *App.* 191.

D.

DEBATES IN THE HOUSE (PRIVATE BILLS):

Grounds for the opinion that unless a Bill contains some new and definite principle, it should not be discussed on the second reading, but that the House should have all the questions and the minutes of evidence before it on the third reading in giving their decision; saving of time thereby, *Lowther* 11–19. 28–32. 49, 50. 161–165——Reference to the discussions upon second readings, as conducted mainly upon *ex parte* statements, *ib.* 11–19——Suggestion that the Standing Orders Committee might decide as to the Bills not to be discussed on second reading, *ib.* 11, 12.

Very little discussion on second readings in the House of Lords, *Lowther* 55——Explanation as to the action of witness and the time at his disposal in connection with discussions on second reading, *ib.* 56–62——Objection to the question whether there should be discussion on second readings being referred to a Standing Committee to be appointed by the Grand Committee on Trade or on Law, *ib.* 184–186.

Grounds for dissenting from certain views of Mr. Lowther upon the question of dispensing with discussion upon the third reading of Bills; suggested tribunal for deciding whether there should be further discussion after the second reading, *Leigh* 221–226——Approval of some restrictions upon discussion on the second and third readings of Bills, though any restriction should require to be sanctioned by some proper authority; suggestions on this question, *Pritt* 433–440. 521–530. 556, 557——Conclusion as regards discussion on Private Bills, that many Bills are needlessly discussed on second reading, as when no question of principle is involved; suggestions in favour of full discussion in important cases, both on second and third readings, subject to some official sanction or supervision, *Halsey* 651–661——Difficulty as to the Committee of Selection or the Standing

Report, 1902—*continued.*

DEBATES IN THE HOUSE (*PRIVATE BILLS*)—continued.

Orders Committee undertaking the duty of deciding as to the question of discussion, *Halsey* 655–659. 669–677.

Question whether the Speaker or the Chairman of Ways and Means might not decide upon the foregoing question, *Halsey* 660, 661——Approval of a small independent Committee for dealing with the question of discussion on second or third reading, *Halsey* 673*. 678, 679. 696, 697——Grounds for the view that discussion on Bills should be limited to the third reading in each House; admitted hardship in exceptional cases, *Mellor* 720–729. 751–754——Approval of its resting with a specially-appointed body to decide whether a Private Bill should be discussed in the House, *Brevitt* 1338.

Grounds for the conclusion that the Court of Referees might be empowered to decide whether a debate should be allowed on the second or on the third reading; suggestions for strengthening the Court if intrusted with this duty, *Smith* 1370–1376——Strong deprecation of any debates in the House on the second reading of Private Bills, except when questions of principle are involved, *Sir R. Littler* 2234–2239——Entire approval of the question of a second reading debate resting with the Chairman of Ways and Means, or some other highly-placed Minister of the House; satisfactory procedure of the House of Lords in this respect, *ib.* 2235–2239. 2317–2323.

Table showing the time occupied by debates on second readings, instructions, and other matters in the years 1893 to 1902, *App.* 168.

Provisions on Standing Orders as to the stages of the Bills on which debates may be raised in the House, *Rep.* iv.——Summary of suggestions for an amended practice in connection with discussion on second reading, *ib.* v.

Delay (*Private Bills*). Instances of great delay before the date for second reading, so that there is in such cases no chance of the Bill getting through during the session, *Lowther* 15–17——Information as to the dates in the years 1898–1902, in which Committees met to consider the Bills and the dates at which petitions were due, *Leigh* 197——Considerable delay, due to several causes before the Examiners can go into Standing Order questions reference hereon to the question of holding the Wharncliffe meeting at an earlier date, *ib.* 265–270——Great advantage if Committees could sit much earlier after the meeting of Parliament than they now do, *Mellor*, 792–795.

Loss of much valuable time between the assembling of Parliament and the sitting of the First Committee on a Private Bill. *Rep.* iv.

See also *Committees on Bills. Debates in the House. Deposit of Bills. Grouping of Bills. Petitions. Second Reading. Wharncliffe Meeting.*

DEPOSIT OF BILLS:

Necessity for an earlier deposit of Bills than on the 21st December, if they are to be ready earlier in the session for discussion by Committees, *Lowther* 4——Conclusion that if Bills were deposited in the Middle of November or by the 21st the work upon them could be accomplished by Christmas, and they could go forward in the usual course when Parliament met; great convenience to members thereby, *ib.* 4. 10. 111–115. 161–168——Summary of difficulties in the way of deposit by 21st November; reference especially to the requirements as to the deposit of every Bill in the Local Government office, to be reported upon if necessary, *ib.* 5–9. 116–120.

Convenience in approval of deposit in the House of Commons on 17th Decmmber, instead of the 21st, the former being the date in the House of Lords, *Leigh* 194–203; *Bonham-Carter* 1119, 1120. 1180, 1181; *Brevitt*, 1211, 1212; *Boyce* 1572–1575; *Gray* 1948–1950; *Morse*, 2167, 2168. 2185; *Sir R. Littler* 2298–3001; *Troup* 2341–2344——Statement as to the obstacles to Bills being in the hands of the Parliamentary officials before the 17th December, this question being one chiefly for the Parliamentary agents to consider, *Leigh* 197–201. 253–261. 290–292.

Grounds for the conclusion that there would be great difficulty in the way of Private Bills being lodged earlier by a month, or even by a fortnight; full demand at present upon the time of promoters and of agents, *Pritt* 420–425. 496. 548–555——Opinion that Bills might be deposited earlier with advantage, *Mellor* 718, 719——Doubt as to there being much room for an earlier deposit of Bills; objections thereto on the part of the Parliamentary agents, *Bonham-Carter* 1100–1106. 1180, 1181; *Boyce* 1528, 1529.

Several reasons why October and November are exceptionally busy months for town clerks; great difficulty consequently in expediting the deposit of Bills, *Brevett* 1208–1213——Examination as to the expediency of Bills being deposited earlier by a month than the 21st December, so as to bring the Committee stage on earlier; advantages if there were more time in which to prepare the Departmental Reports, *Boyce*, 1520–1529.

Questions really for the agents, whether Bills in the House of Commons might not be deposited earlier by some days than the 21st December, the deposit of plans being on the 30th November, *Campion* 1616——Approval of the deposit of Bills in the House of Commons

Report, 1902—*continued.*

DEPOSIT OF BILLS—continued.

mons on 17th December, this date being found quite practicable in the case of the House of Lords; obstacles to an earlier deposit, *Baker* 1800–1806. 1856–1859; *Beale* 2115–2117——Grounds for the conclusion that the 17th December is as early a date as can be fixed for deposit, *Gray* 1955, 1956. 2079, 2080.

Consensus of opinion in favour of the date being the 17th December in both Houses, *Rep.* iv.——Recommendation by the Committee to the foregoing effect, *ib.* vi.

Difference of opinion before the Committee whether the date of deposit could be fixed earlier than the 17th December, *Rep.* iv.

See also *Examiners' Petitions. Private Bill Offices.*

Deposit of Petitions. See *Petitions.*

Derwent Valley Water Bill. Exceptionally heavy expenses (about 31,000*l.*), in the case of the Derwent Valley Water Bill, chiefly for expert witness; total of 402*l.* for house fees, and of 3,764*l.* for Counsel's fees, *Campion* 1639–1649. 1664. 1676–1686.

Division of Bills between the two Houses. Advantage if the Chairmen of Committees in both Houses could meet together before the meeting of Parliament, in order to deal with the mass of Private Bills, so as to expedite the subsequent work in the two Houses, *Lowther* 166–168——Arrangement at a meeting between witness and Mr. Albert Grey as to the division of the Bills between the two Houses; satisfaction given by the division not only to Lord Morley and Mr. Lowther, but to the agents for the Bills. *Leigh* 193——Final division of the Bills a few days after the meeting of Parliament, *ib.* 197.

Necessary delay in the sitting of Committees until after the Bills have been divided between the two Houses, facility if the two Chairmen could meet before the actual sitting of Parliament in order to divide the Bills, *Leigh* 281–288——Great care necessary in deciding what Bills are to go to the House of Lords; practice as to Estate Bills and Insurance Bills being sent to the Upper House, *ib.* 328–337.

Suggestions as to the division of Bills between the two Houses being accelerated, *Pritt* 508. 520——Suggestion that Bills might be divided between the two Houses by the Counsel of the Lord Chairman and the Counsel of the Chairmen of Ways and Means, *Pritt* 508. 640——Facility in settling the division of Bills between the two Houses, *Bonham-Carter* 1100.

Information as to the number of Bills originating in the House of Lords, and the proportion of second hearings and of rejections in the House of Commons, *Bonham-Carter* 1126-1135. 1172–1179——Explanation of the practice as to the division of Bills between the two Houses, witness not admitting that the House of Lords takes less than its proper share, *Gray* 1956–1959.

Provision under Standing Order for determining in which House of Parliament the respective Bills should be first considered, *Rep.* iii.

Draft Report. Draft Report as proposed by the Chairman, *Rep.* xiii.–xvii.——Adoption thereof subject to several amendments, *ib.* xvii.–xxi.

Electric Bills. Reference to the Electric Lighting Act as totally insufficient for the wants of electric power, *Gray* 1987——Suggestion that the Board of Trade should report in the case of all Electric Bills, *ib.* 2009–2012——Practice as to electric lighting being dealt with entirely by Provisional Orders, *ib.* 2041.

Recommendation by the Committee that a new Standing Order be drawn up requiring a Board of Trade Report on all proposals for supplying electrical energy. *Rep.* vii.

Examiners (*Private Bills*).—Advantage of an earlier deposit of Bills and of petitions, in so far as the Examiners might commence their work earlier than the 18th January, *Bonham-Carter* 1155–1160. 1184–1190——Summary of conditions to be observed between the deposit of the Bills and their coming before the Examiners on the 18th January; deposit of the labouring classes' statement on 31st December, and of the memorials on the 9th, 16th, and 23rd January, *Campion* 1617–1622. 1627, 1628.

Short time occupied by the Examiners in getting through the unopposed Bills, whilst all the Bills are dealt with in about eight days, *Campion* 1622–1626——Conclusion that all the dates might be put back four or five days earlier, so that the Examiners might have them about the 12th January, and that the Committees might sit earlier, *ib.* 1629–1635. 1687, 1688.

Provisions under Standing Orders as to the functions of the Examiners of Petitions for Private Bills, *Rep.* iii, iv.——Reference to suggestion that the Examiners should take up the Bills at an earlier date than the 18th January, *ib.* v.——Recommendation that the date for the sitting of the Examiner should be altered to 12th January, *ib.* vi.

Report, 1902—*continued.*

F.

FEES (PRIVATE BILLS):

Different system in the two Houses as regards the application of the fees, *Lowther* 41——Evidence adverse to any reduction of fees, *Leigh* 207. 211——Consideration of the scale of fees in the two Houses with suggestions as to the class of cases in which some modification might take place; expediency of assimilation between the two Houses an certain points, *Pritt* 459–466. 500, 501. 559. 630–632——Probability of some undue impetus to Private Bills if the costs or fees were much reduced; reduction desirable in the case of poor opponents, *Millar* 755, 756.

Witness submits sundry details as to the relative amount of fees on Private Bills at different stages in the House of Lords and House of Commons; smaller fees on unopposed Bills in the latter House except when the capital is over £500,000*l.*, *Gibbons* 882 *et seq.*——Large fee charged in the House of Lords on second reading, whilst those in the House of Commons are more equally charged at the different stages with an *ad valorem* fee, *ib.* 887–897. 905——Payment of the fees for several years past into the Exchequer as Appropriations-in-Aid, the average annual amount for the House of Commons having been 32,000*l.*; increase during the last ten years, *ib.* 899–904. 965–967.

Facility in the collection of the fees, the amounts being all settled by Standing Order, *Gibbons* 906–912. 948–953——Consideration of the question of an assimilation of the fees in the two Houses, witness approving of the principle adopted in the House of Commons, *ib.* 911 *et seq.*——Absence of House fees in the case of promoters of unopposed Provisional Orders, *ib.* 980–983.

As Taxing Officer of Private Bill costs in the House of Lords, witness explains that the difference in the aggregate amounts of Private Bill fees is very small as between the two Houses of Parliament; average of about £35,000 a year in the House of Lords for the last ten years, *Monro* 1001–1004. 1013–1016. 1056–1062——Approval generally of an assimilation of fees between the two Houses, though witness objects to the House of Commons fees being taken as the basis of a uniform scale, *ib.* 1005. 1009——Inexpediency of the fees being much cheapened as tending to the undue promotion of Private Bill legislation, *ib.* 1010. 1063——Views of witness as to the high fees on second readings in the House of Lords being a useful check upon speculation, though hardly so in the case of Bills promoted by local authorities, *ib.* 1063–1072.

Views of the Municipal Association and of witness as to the expediency of a reduction of the House fees and of an assimilation of the fees in the two Houses, *Brevitt* 1244–1247. 1257–1260. 1267.

Opinion that the fees on the two Houses are not too high in proportion to the general cost of Private Bills; examination in detail hereon, *Campion* 1636 *et seq.*——Settlement of the House of Commons fees by the Taxing Act of 1847, the Examiners having no power to alter them, *ib.* 1637. 1709. 1710——Explanations in connection with the costs under the heads of House fees and counsel's fees in the case of Bills of three different classes; limited check exercised by witness as regards the number of counsel employed or the amount of their fees, *ib.* 1637 *et seq.* 1711–1720. 1752–1758——Very small proportion borne by the House fees to the total expenses, the proportion, however, being larger in the case of small Bills; illustrations to this effect, *ib.* 1653–1666.

Approval of the uniformity of fees in the two Houses, *Campion* 1759; *Baker* 1819, 1820.

Explanations in support of resolution of the Urban District Councils Association that the House fees charged upon Bills promoted by local authorities should be reduced by one half; unduly large proportion in the case of unopposed Bills, *Baker* 1766–1782. 1817–1820. 1844–1851——Instances of local authorities having been deterred from proceeding by Bill in view of the heavy House fees, *ib.* 1779–1782——Great hardship of the fee of 81*l.* in the House of Lords on the second reading of an unopposed Bill, the fee in the other House being only 15*l.*; *ib.* 1820.

Consideration of the question of fees in each House, these varying greatly and uniformity being desirable; approval of revision and readjustment in the direction of uniformity, *Gray* 2012*–2024——Expediency of a reduction of the House fees, which now press very heavily on promoters, *Morse* 2202–2206.

Suggestion that the fees should be modified so as to bear some relation to the cost incurred in the earlier stages of the procedure, *Sir R. Littler* 2242. 2253——Opinion that the lower amounts in each House should be adopted for both, there being one uniform scale; very heavy fees at present, *ib.* 2251–2253. 2260, 2261——Examination as to the very large amount of the fees of the two Houses, witness protesting against the defrayment of the annual expenses of St. Stephen's from this source, *Pember* 2429–2445. 2457–2460——Heavy incidence of the House fees in small cases more especially, *ib.* 2457–2466

Report, 1902—*continued.*

FEES (PRIVATE BILLS)—continued.

Total of House of Commons fees in each of the last four years, *App.*

Memorandum by Mr. Monro explanatory of the relative amount of fees in the two Houses, *App.*

Scale of fees laid down by Standing Order in 1864, since which year there has been no revision, *Rep.* iv.——Recommendation of Joint Committee of the two Houses be appointed with a view to a general revision of the scale of fees, and their being made identical in the two Houses, *ib.* vi.——Conflict of opinion before the Committee upon the question of a reduction of the fees; general feeling in favour of assimilation in the two Houses, *ib.*

First Reading. Suggestion as to Bills being read a first time on presentation of the petitions, *Pritt* 484——Opinion in favour of dispensing with first readings of Private Bills, *Halsey* 683, 684.

Recommendation by the Committee that the first reading stage of Private Bills in the House of Commons should be dispensed with, and that Bills should be deemed to have been read a first time on passing the Examiners on Standing Orders, *Rep.* vi.

G.

Gibbons, William. (Digest of his Evidence.)—As Principal Clerk of the Public Bill Office, and as Clerk of the Fees and Paymaster, witness submits sundry details as to the relative amount of fees on Private Bills at different stages in the House of Lords and House of Commons; smaller fees on unopposed Bills in the latter House except when the capital is over 500,000*l.* 882 *et seq.*——Large fee charged in the House of Lords on second reading, whilst those in the House of Commons are more equally charged at the different stages with an *ad valorem* fee, 788–897. 905——Payment of the fees for several years past into the Exchequer as Appropriations in Aid, the average annual amount for the House of Commons having been 32,000*l.*; increase during the last ten years, 899–904. 965–967.

Facility in the collection of the fees, the amounts being all settled by Standing Order, 906–912. 948–953——Consideration of the question of an assimilation of the fees in the two Houses, witness approving of the principle adopted in the House of Commons, 911 *et seq.* ——Explanation that witness has nothing to do with counsel's fees or their taxation, 968–972——Absence of House fees in the case of promotions of unopposed Provisional Orders, 980–983.

Government Departments. Evidence as to undue delay in the issue of the Reports of Government Departments, this causing real inconvenience to local authorities; advocacy of resolution that the reports should be sent to the promoters of Bills before the meeting of Parliament, *Baker* 1799.

Reference by the Committee to the considerable delay from the difficulty in securing early reports from the Government Departments, *Rep.* v.

See also *Board of Trade. Home Office. Local Government Board.*

Gray, Albert. (Digest of his Evidence).—Opinion favourable to the deposit of Private Bills in the House of Commons being on the 17th instead of 21st December, so as to assimilate the date to that in the House of Lords, 1948–1950——Suggested abolition of the "Petition for the House of Commons," under Standing Order 32, in order to substitute the 17th for the 21st December; uselessness of this petition, 1950–1954——Grounds for the conclusion that the 17th December is as early a date as can be fixed for deposit, 1955, 1956. 2079, 2080.

Explanation of the practice as to the division of Bills between the two Houses, witness not admitting that the House of Lords takes less than its proper share, 1956–1959—— Exceptions taken to proposals for the establishment of a Joint Committee on unopposed Bills till the matter has first been considered by a Joint Committee of the two Houses specially appointed to consider the question, 1957–1964. 2002–2008——Explanation as regards unopposed Bills in the House of Lords that Lord Morley, assisted by witness, deals with all such Bills, 1961. 1983–1986. 2096–2104

Doubt as to the advantage of examining witnesses on oath, 1962–1964——Difficulty as regards a selection of opposed Bills for earlier report upon by the Local Government Board; facility in this connection if the Parliamentary Agents could discuss the matter with the House officials at the beginning of the Session, 1965–1967.

Evidence in considerable detail respecting Standing Order 22, which requires the consent of the local authority before a Tramway Bill can be introduced into the House; very unsatisfactory working of the discretionary powers exercised by local authorities in this matter, 1968–1971. 2053–2063——Amendments required in connection with the consent of the local authority; avoidance of much delay of Tramway Bills if the consent were obtained on or before the 18th, when the Examiner begins his sittings, 1971, 1972. 2063.

Great

Report, 1902—*continued.*

Gray, Albert. (Digest of his Evidence)—continued.

Great confusion apprehended if all petitions against Bills were required to be lodged on a fixed day; probable facility in this connection if the Bills were split up into groups, and if the petitions were lodged between specified dates, 1973–1977. 2088–2092. 2105–2107. 2111, 2112——Satisfactory dealing with questions of *locus standi* in the House of Lords by the Committees on the Bills, there being no Court of Referees in that House, 1979–1982. 2047, 2048.

Conclusion as to the pressure of work upon Members of the House of Commons being largely due to the great and increasing number of Amendment Bills promoted by local authorities in order to bring public legislation up to date; illustrations in the case of the Public Health Act, and of tramways, electric lighting, &c., 1987. 2065. 2108–2110.

Pressure upon Private Bill Committees owing to the delay in the issue of the Reports of the Local Government Board, witness believing that this Department is very undermanned, and that the staff are severely overworked, 1987, 1988——Degree of inconvenience in connection with the working of the Police and Sanitary Committee; action of the Lord Chairman in the House of Lords in order to secure uniformity of decisions, 1989–2001.

Opinion as to the expediency of unopposed clauses in opposed Bills being referred to a Joint Committee of the two Houses with a view to their making recommendations on the subject, 2002–2006——Approval of the deposit of Bills and of petitions being in one Private Bill Office for the two Houses, 2007, 2008——Suggestion that the Board of Trade should report in the case of all Electric Bills, 2009–2012.

Consideration of the question of fees in each House, these varying greatly and uniformity being desirable; approval of revision and readjustment in the direction of uniformity, 2012*–2025——Grounds upon which promoters frequently prefer to proceed by Private Bill instead of by Provisional Order, witness approving of an extension of the latter system, 2024–2027. 2036–2044. 2064.

Great want of fuller registers of decisions in the two Houses with a view to greater uniformity in the decisions of Committees; further reference hereon to the action of the Lord Chairman in this direction, 2028–2035. 2045–2062. 2075–2078. 2110——Difficulty in connection with Provisional Orders through the Departments not having compulsary powers; suggestions hereon, 2036–2044.

Question considered as to certain mandatory powers in regard to *locus*, &c., being given by Standing Orders of the House of Commons; preference for the procedure in the House of Lords as regards *locus*, 2045–2052——Suggestions on the subject of the constitution of Committees with a view to securing continuity in the hearing of the same Bills, 2067–2078.

Advantage of an earlier sitting of Committees on Private Bills, as by lessening the time now allowed for petitions after the first reading and by prescribing that any petitions must be lodged in ten or fourteen days from the date of the Examiner's certificate, 2081–2092——Probable advantage in fixing a date after which Bills should not be read a second time in the House of Commons, 2093–2095——Question whether unopposed Bills in the House of Commons might not be dealt with by the Chairman and Deputy Chairman of Ways and Means, as in the Lords by the Lord Chairman, 2096–2104.

Grouping of Bills. Facilities for earlier preparation of the Reports of Witness' Departmen if Private Bills could be grouped at an earlier period, and if it were sooner known in which House the Bills would originate, *Boyce* 1561–1571——Proposals for an amended system in the grouping of Bills as a means of facilitating the procedure, so that the Bills might be ready as soon as the Committees are able to sit, *Beale*, 2128–2132——Facility by mixing up railway Bills with water and gas Bills, as in the House of Lords, *ib.* 2130, 2131——Improvement feasible as regards the grouping of Bills; suggestions hereon, *Morse* 2206, 2207.

Great advantage if Bills came earlier before Committees, witness suggesting that the Bills should be put in blocks or groups, and that certain Bills should be taken before Easter, so that the work should be spread more equally through the Session, *Sir R. Littler* 2227–2230. 2298 *et seq.* 2325–2328.

Reference by the Committee to suggestion that the Counsel to the Speaker and the Counsel to the Chairman of Committees in the House of Lords might be empowered to decide, before the commencement of the Session, the respective Bills to be first considered, *Rep.* v.——Reference alsoto suggestions for the grouping of Bills, *ib.*——Recommendations by the Committee to the foregoing effect, *ib.* vi.

H.

Halsey, The Rt. Hon. Thomas F. (Member of the House). (Digest of his Evidence.)—Explanatory statement as to the functions exercised by the Committee of Selection, and the Standing Orders Committee (witness being Chairman of both Committees), with respect to the appointment

Report, 1902—*continued.*

Report, 1902—*continued.*

JOINT COMMITTEES—continued.

Reasons for strongly objecting to the system of a Joint Committee for dealing with Private Bills in lieu of their being referred to a separate Committee in each House, *Leigh* 230–234. 323–327. 388–390; *Pritt* 441–449. 531–538——Approval of a Joint Committee for dealing with Bills for the confirmation of Provisional Orders, *Pritt* 448, 449——Power of Parliament to refer any specially important Bill to a Joint Committee, *ib.* 449.

Opinion that in the case of unopposed Bills one inquiry by a Joint Committee would, as a general rule, be quite sufficient, *Pritt* 512–517——Approval as regards Provisional Orders of a system of a Joint Committee for dealing with questions which have already been the subject of local inquiry; approval also of power of the Committee as to costs, *ib.* 633–639.

Great waste of time and great expense under the system of separate Committees of the two Houses for dealing with the same Bill, a strong Joint Committee offering great advantages in many cases, *Halsey* 662. 691–697——Opinion in favour of six members under a system of Joint Committee, witness further approving generally of the system, as a means of saving time and expense, without any serious injustice resulting, *ib.* 689–697. 703–716.

Advocacy of inquiry by a Joint Committee of both Houses, in lieu of inquiry by two separate Committees; important saving of expense and of the time of Members by this change, *Mellor* 724, 725. 752–754——Conditions under which a re-hearing might be allowed under the system of a Joint Committee, *ib.* 786, 787——Approval of a strong Joint Committee for dealing with all unopposed Bills, irrespective of the question of opposed Bills; suggestions as to the constitution and action of the Committee with reference to the large amount of work to be got through, *ib.* 862–879.

Difficulty apprehended as regards attendance under the system of a Joint Committee of both Houses; saving of expense in respect of fees, *Monro* 1011, 1012. 1017–1019——Explanations as to the circumstances under which the Municipal Association is favourable to the system of a Joint Committee of both Houses; approval by witness when there has been a local inquiry previously, *Brevitt* 1261–1264. 1314–1335——Grounds for strongly objecting to the proposal that opposed and unopposed Bills be dealt with by a Joint Committee of the two Houses; very few Bills now opposed in both Houses, *Baker* 1811–1817. 1860–1866——Suggestions for simplifying the procedure as regards the appointment of a Joint Committee whether for unopposed or opposed Bills; question of voting, *ib.* 1915, 1916.

Exceptions taken to proposals for the establishment of a Joint Committee on the unopposed Bills till the matter has first been considered by a Joint Committee of the two Houses specially appointed to consider the question, *Gray* 1957–1964. 2002–2008——Conclusion that in the case of many Bills besides Provisional Order Bills there is no necessity for their going before Committees in both Houses, *Morse* 2221–2223.

Contention that the system of a Joint Committee of the two Houses for dealing with Private Bills would be unworkable in many ways, would not reduce the time of Members, and would be less efficient than the present system, *Sir R. Littler* 2254–2256. 2268–2273——Opinion that each Joint Committee should comprise at least six members; preference for seven, *ib.* 2255. 2268, 2269——Estimate that less than 20 per cent. of the Bills are opposed in both Houses, *ib.* 2255, 2256——Illustration of the importance to suitors of the right to go before two separate Committees, *ib.* 2270–2273.

Testimony to the efficiency of Joint Committees, witness advocating their extension, *Pember* 2455, 2456.

Conclusion of the Committee that the question should form the subject of consideration by a Joint Committee of the two Houses, *Rep.* viii.

See also *Appeal.* *Unopposed Bills.*

L.

Land (*Compulsory Powers*). Power of dealing by Provisional Order with the compulsory acquisition of land in England, under the Public Health Act and the Allotments Act, *Boyce* 1503, 1504.

Legislation. Grounds for the suggestion that a Standing Order should be passed prohibiting any alteration of a public Statute by a Private Bill; reference hereon to the very insufficient index to Private Acts, *Mellor* 985–1000.

Leigh, The Honourable Sir Chandos, K.C.B., K.C. (Digest of his Evidence.)—Considerable experience of witness as regards Private Bills in his capacity of Speaker's counsel since 1884, 190–197.

Total

Report, 1902—*continued.*

Leigh, The Honourable Sir Chandos, K.C.B., K.C. (Digest of his Evidence)—*continued.*

Total of about 236 Bills read by witness in the interval between their receipt on 21st December last and the meeting of Parliament on 16th January, 192–196——Arrangement at a meeting between witness and Mr. Albert Gray as to the division of the Bills between the two Houses; satisfaction given by this division not only to Lord Morley and Mr. Lowther but to the agents for the Bills, 193——Grounds for recommendation that the Bills should be with witness on the 17th December, this being the date when they come before Mr. Albert Grey in the House of Lords, 194–203——Final division of the Bills a few days after the meeting of Parliament, 197.

Information as to the dates in the years 1898–1902 in which Committees met to consider the Bills and the dates at which petitions were due, 197——Procedure as to the dates at which Bills must be deposited and petitions lodged; difficulties in the way of earlier deposit, 197–201——Explanation why the Water Purchase Bill of the London County Council was not put down for Second Reading till the 24th July, 203——Good reason for the appointment of Mr. Parker Smith as a member on Unopposed Bills Committees, 203–207.

Evidence adverse to any reduction of fees on Private Bills; concurrence with Mr. Lowther hereon, 207. 211——Suggestions with reference to the constitution of the Court of Referees and their powers as regards costs, 207–211——Proposal as regards the Court of Referees for shortening the period of eight days for notices of objection, 211–214.

Statement as to the action of Lord Morley in stopping Second Readings in the House of Lords, this course not being feasible in the other House, 214–217——Explanations in connection with paper showing for the years 1886–1901 the number of Bills opposed on Second Reading in the House of Commons, and the number as to which notices of instruction were given; very small proportion of successful oppositions, 218–220.

Grounds for dissenting from Mr. Lowther's views upon the question of dispensing with discussion upon the Third Reading of Bills; suggested tribunal for deciding whether there should be further discussion after the Second Reading, 221–226——Statement as to the views of Lord Morley and Mr. Albert Gray as regards the period for the repayment of local loans not being always adopted by the officials in the House of Commons, 226–230——Objections to Joint Committees instead of separate Committees in each House, 230–234.

[Second Examination.]—Inability of obtaining Provisional Orders in respect of compulsory water rights; cases in which compulsory power to take land may be obtained by Provisional Order, 236–238——Saving of expense, as a rule, by means of Provisional Orders in lieu of Bills; statement hereon as to the proportion of opposed Orders, the expense being very great in some instances, 239–246. 262–264. 352–367——Instances of parties proceeding by Bill instead of by Provisional Order in the expectation of getting more from Parliament than from a Government Department, 247.

Very full criticism to which Private Bills are subjected by officials in both Houses, 248, 249——Further statement as to the obstacles to Bills being in the hands of the Parliamentary officials before the 17th December, this question being one chiefly for the Parliamentary agents to consider, 253–261. 290–292——Considerable delay, due to several causes, before the Examiners can go into Standing Order questions; reference hereon to the question of holding the Wharncliffe meeting at an earlier date, 265–270.

Conclusion as to the action of the Court of Referees tending towards economy; advantage if the Court could sit earlier, 271–276. 303–311——Concurrence in suggestion that all petitions should be deposited at a fixed date, which should be independent of First Reading, an early intimation being given also what Bills are opposed, 277–280. 290–292.

Necessary delay in the sitting of Committees until after the Bills have been divided between the two Houses; facility if the two Chairmen could meet before the actual sitting of Parliament in order to divide the Bills, 281–288——Suggestion whether compulsory water rights and compulsory land purchase might not be dealt with by Provisional Order instead of by Private Bill, 293–302——Difficulties in witness's mind as to an extension of the Provisional Order system; relative expense as compared with Private Bills, the costs in the case of local inquiries being very great in some cases, 318–322. 352–367.

Explanation with further reference to witness's objection to a system of Joint Committees, 323–327. 388–390——Great care necessary in deciding what Bills are to go to the House of Lords; practice as to Estate Bills and Insurance Bills being sent to the Upper House, 328–337——Increased difficulties in connection with the provisions in Private Bills, though the number may not have increased; reference especially to Corporation Bills, there being now two Committees for dealing with police and sanitary clauses, 338–351.

Consideration of the constitution of Committees on unopposed Bills and of the procedure of the Committees, witness approving of four Members with a casting vote in the Chair-

Report, 1902—*continued.*

Report, 1902—*continued.*

Littler, Sir Ralph D. M., K.C., C.B. (Digest of his Evidence)—*continued.*

Bill procedure relatively to Provisional Orders; suggestion that in the latter case the promoters should pay a fair share of the expenses now borne by the Government Department in holding the local inquiry, 2283–2287.

Satisfactory local inquiry, up to a certain extent, in the case of light railways, though very costly in some instances, 2288, 2289——Conclusion as regards tramways that if the local authorities are still to have the right of veto they should exercise it as soon as possible, and should state their reasons fully, 2293–2297. 2332, 2333.

Entire approval of the date for the deposit of petitions in the House of Commons being the 17th December, as in the House of Lords, 2298–3001——Suggestions with a view to accelerating the sitting of Committees, as by an earlier deposit of Bills by a re-arrangement as regards petitions, and by the Court of Examiners sitting earlier than the 18th January, 2302–2313——Contemplated postponement of the Wharncliffe Meeting till some date after the second reading, 2314–2316.

Local Authorities. Conclusion as to the pressure of work upon Members of the House of Commons being largely due to the great and increasing numbers of Amendment Bills promoted by local authorities in order to bring public legislation up to date; illustrations in the case of the Public Health Act, and of tramways, electric lighting, &c., *Gray* 1987. 2065. 2108. 2110.

See also *Provisional Orders*

LOCAL GOVERNMENT BOARD:

Total of 2,520 Provisional Orders issued by the Board since 1872, in respect of which 498 Confirmation Bills have been passed, whilst only twenty-three such Orders have been absolutely rejected, *Boyce* 1497–1502——Immense amount of work in connection with Provisional Orders and Confirmation Bills, so that even if the former were expedited by a month it would be very difficult to get the Bills in much earlier, *ib.* 1518, 1519——Several different branch departments of the Local Government Board responsible for the examination of the application for Provisional Orders, *ib.* 1531, 1532.

Immense mass of work devolving upon the Department of witness's Board which deals with Private Bills and Provisional Orders; trained officials required for the work, *Boyce* 1575–1580——Explanation that every Bill is now deposited with the Board is perused, though in many cases no report is necessary; deposit also with other Government Departments, *ib.* 1580–1582. 1594, 1595——Consideration of suggestion for an early ascertainment of the number of opposed and unopposed Bills, respectively, with a view to earlier Reports in the latter case so that Committees might get sooner to work, *ib.* 1589–1602.

Explanation that the earliest possible dates are fixed by the Local Government Board for applications for Provisional Orders, *Boyce* 1915——Statement as to the much wider range of matters dealt with in the Reports of witness's Board than in those of the Home Office and as to the much larger trained staff required in the former case, so that it is impossible to issue the Reports earlier than at present, *ib.* 1915–1922.

Memorandum in regard to the work of the Local Government Board in the examination of and reporting upon Private Bills in the Sessions 1900–1902, inclusive; proportion reported upon by the end of each month till 31st May, *Boyce* 1922–1927——Uncertainty and delay through the Board not having any indication as to the order in which the Bills will be taken by the Committees, as those now reported upon at an early date may not go before the Committees till later on; consideration of difficulties hereon, *ib.* 1928–1933. 1940–1943——Illustrations of the pressure upon the Department in preparing the numerous Reports required; question hereon of an increased staff, *ib.* 1939, 1940.

Suggestion that the powers of the Local Government Board should be extended so as to include in any Order all the powers which they might give under the Public Health Act, *Baker* 1783–1827——Comment on the practice of the Local Government Board frequently disregarding the reports of their own inspectors; these reports and those of the Departments should always be before the Committees as soon as possible, *Sir R. Littler* 2262, 2263.

Difficulty as regards a selection of opposed Bills for earlier report upon by the Local Government Board; facility in this connection if the Parliamentary Agents could discuss the matter with the House officials at the beginning of the Session, *Gray* 1965–1967——Pressure upon Private Bill Committees owing to the delay in the issue of the Reports of the Local Government Board, witness believing that this Department is very undermanned and that the staff are severely overworked, *ib.* 1987, 1988.

Memorandum submitted by Mr. Boyce containing information in detail respecting the several Acts and the subjects dealt with in the case of Provisional Orders issued by the Local Government Board, *App.* 183–189.

See also *Provisional Orders.*

Report, 1902—*continued.*

Local Inquiries (*Provisional Orders*). Objection to Members of the House being required to sit on local inquiries, witness suggesting that these inquiries should be conducted by the local county councils with an appeal to Parliament, *Millar* 763–767. 798–832——Costly and unsatisfactory character of many of the local inquiries in Provisional Order cases, *Sir R. Littler* 2262. 2286, 2287——Considerable expense in connection with local inquiries, *Pember* 2465, 2466.

See also *Provisional Orders.*

Local Loans. Statement as to the views of Lord Morley and Mr. Albert Gray as regards the period for the repayment of local loans not being always adopted by the officials in the House of Commons, *Leigh* 226–230.

Locus Standi. Question considered as to certain mandatory powers in regard to *locus*, &c., being given by Standing Orders of the House of Commons; preference for the procedure in the House of Lords as regards *locus*, *Gray* 2045–2052.

See also *Court of Referees.*

Lowther, The Right Honourable James William (Member of the House). (Digest of his Evidence.)—Result of experience, so far, that the new rules under the resolution of 1st May, 1902, as regards Private Bills being set down for nine o'clock have diminished discussion and been conducive to economy of the public time, 3——Necessity for an earlier deposit of Bills than on the 21st December if they are to be read earlier in the Session for discussion by Committees, 4——Great mass of work devolving upon the officers of the two Houses in examining the Bills and in dividing them between the two Houses, whilst they cannot well begin upon them before the 1st January, 4.

Conclusion that if the Bills were deposited in the middle of November or by the 21st the work upon them could be accomplished by Christmas, and they could go forward in the usual course when Parliament met; great convenience to Members thereby, 4. 10 111–115. 161. 168——Summary of difficulties in the way of deposit by 21st November; reference especially to the requirement as to the deposit of every Bill in the Local Government office, to be reported upon if necessary, 5–9. 116–120——Grounds for the opinion that unless a Bill contains some new and definite principle it should not be discussed on the second reading, but that the House should have all the questions and the minutes of evidence before it on the third reading in giving their decision; saving of time thereby, 11–19. 28–32. 49, 50. 161–165——Reference to the discussions upon second readings as conducted mainly upon *ex parte* statements, 11. 19——Suggestion that the Standing Orders Committee might decide as to the Bills not to be discussed on second reading. 11, 12.

Instances of great delay before the date for second reading, so that there is in such cases no chance of the Bill getting through during the Session, 15–17——Details as to the increasing amount of time devoted by the House to private business during the last ten years, 17, 18——Satisfaction given on the whole by the decisions of the Committee, 20.

Circumstances under which Bills become unopposed and are referred to the Unopposed Bill Committee, which consists of witness, Mr. Chandos Leigh, and one other Member; how the latter is selected; 21–24——Statement of the procedure when a Bill comes before the Unopposed Bill Committee; careful consideration given by Mr. Chandos Leigh to the reports of the Government Departments on each Bill, witness also devoting to the work as much time as he can spare, 25–28.

Reasons against making Private Bill legislation cheap and easy; encouragement thereby to speculative promoters, 33, 34——Advantage if there were a Standing Order to the effect that powers should not be sought by Private Bill which can be obtained by Provisional Order or by application to a Government Department, 34, 35——Suggestion as regards English Private Bills that it might be well to adopt the same procedure as under the Scotch Private Bill Act of 1900, whereby the House has been relieved of much work; difficulty, however, as regards counsel if the inquiries were local, 35–38.

Opinion that on the whole it would be an improvement if Bills were referred to a Joint Committee of both Houses, a double hearing being seldom necessary, 39, 40. 150–158——Different system in the two Houses as regards the application of the fees, 41——Grounds for the conclusion that some limit should be applied to the moving of instructions upon Private Bills, as by applying the same rules which apply in the case of Public Bills; suggested control in the Speaker, 42–46.

Explanations in connection with proposal that a time limit should be fixed by the Standing Orders Committee, after which Private Bills should not be read a second time, 47–50——Approval of the continuance of the Court of Referees as at present constituted, 51. 171——Non-objection to only four days instead of eight being allowed to promoters for giving notice of objection to any petition against a Bill, 51–54——Very little discussion

Report, 1902—*continued.*

M.

Report, 1902—*continued.*

Mellor, The Right Honourable John W. (Member of the House). (Digest of his Evidence)—*continued.*

Probability of some undue impetus to Private Bills if the costs or fees were much reduced; reduction desirable in the case of poor opponents, 755, 756——Entire approval of an extension of the system of Provisional Orders and of local inquiries; economy thereby, some provision being desirable as regards Counsel's fees, local counsel being generally available, 757–763. 845–849. 852–861——Objection to Members of the House being required to sit on local inquiries, witness suggesting that these inquiries should be conducted by the local County Councils, with an appeal to Parliament, 763–767. 798–832.

Advantage of a strong Committee under the Deputy Chairman of Ways and Means, this body being entrusted with the duties now discharged by the Standing Orders Committee and with questions of *locus standi*, 770–785——Very useful duties discharged by the Counsel to the Speaker, 775–779——Conditions under which a re-hearing might be allowed under the system of a Joint Committee, 786, 787.

Approval of a curtailment of the period within which petitions in opposition to Bills may be presented, 788–791——Great advantage if Committees could sit much earlier after the meeting of Parliament than they now do, 792–795——Concurrence in proposal that a date should be fixed after which Second Readings should not be taken, save under special conditions, 796, 797——Evidence in reply to exceptions taken as regards the constitution of the local tribunal suggested by witness for holding the inquiry in Provisional Order cases, a right of appeal to the House being given, 800–832.

Dissatisfaction with regard to the Second Reading procedure, witness further advocating a strong Joint Committee as obviating much litigation and expense, 833–838——Expediency of the public generally having increased facilities of appearing in opposition when Private Bills are under consideration, 839–844——Contemplated transfer to a Joint Committee of the duties of the Court of Referees, the latter being, however, a very good Court, 850, 851.

Approval of a strong Joint Committee for dealing with all unopposed Bills, irrespective of the question of opposed Bills; suggestions as to the constitution and action of the Committee with reference to the large amount of work to be got through, 862–879 —— Opinion adverse to the examination of witnesses on oath before Committees of the House of Commons, 880, 881.

[Second Examination.]—Explanation as to the extent to which the present Speaker and the late Speaker have consulted the Speaker's Counsel upon Private Bill business, 984——Grounds for the suggestion that a Standing Order should be passed prohibiting any alteration of a public Statute by a Private Bill; reference hereon to the very insufficient index to Private Acts, 985–1000.

Minutes of Proceedings. Great convenience to parties if a copy of the Minutes of Proceedings before each Committee were, when printed, deposited in each House, *Baker* 1907–1909

Miscellaneous Bills. Examination by witness (as Referee) of "Miscellaneous" Bills, more especially, *Bonham-Carter* 1107, 1108.

Money Deposit. Recommendation that the date for the deposit of money under Standing Order 57 be altered to 9th January, *Rep.* vi.

Monro, R. W. (Digest of his Evidence.)—As Taxing Officer of Private Bill costs in the House of Lords, witness explains that the difference in the aggregate amount of Private Bill fees is very small as between the two Houses of Parliament; average of about 35,000*l.* a year in the House of Lords for the last ten years, 1001–1004. 1013–1016. 1058–1062——Approval generally of an assimilation of fees between the two Houses, though witness objects to the House of Commons fees being taken as the basis of a uniform scale, 1005–1009——Inexpediency of the fees being much cheapened as tending to the undue promotion of Private Bill legislation, 1010. 1063.

Difficulty apprehended as regards attendance under the system of a Joint Committee of both Houses; saving of expense in respect of fees, 1011, 1012. 1017–1019——Grounds for suggesting some curtailment of the fees of junior counsel on Private Bills, there being much complaint on the subject, 1020–1029. 1048–1057——Fair and reasonable charges by the more experienced agents; question as to room for reduction, 1030–1036. 1073–1083——Considerable increase in the charges for printing, witness having occasionally reduced them, 1034–1036. 1079–1081.

Statement on the question of division of fees between the Parliamentary agents and the local town clerks in the case of the Bills of municipal corporations, 1037–1047——Views of witness as to the high fees on Second Readings in the House of Lords being a useful check upon speculation, though hardly so in the case of Bills promoted by local authorities, 1063–1072——Suggestions in favour of some extension of the Provisional Order system, in the case of piers and harbours; saving of expense thereby, 1073–1075. 1084–1097.

N.

O.

Report, 1902—*continued.*

P.

Great

Report, 1902—*continued.*

PETITIONS (*DEPOSIT, &c.*)—continued.

Great benefit and much saving of expense if there were not duplication in the deposit of petitions and of Bills, as by the deposit being " in Parliament " instead of in each House, *Boyce* 1943–1947——Suggested abolition of the " Petition for the House of Commons " under Standing Order 32 in order to substitute the 17th for the 21st December ; uselessness of this petition, *Gray* 1950–1954 ; *Neale* 2118–2121.

Great confusion apprehended if all petitions against Bills were required to be lodged on a fixed day ; probable facility in this connection if the Bills were split up into groups and if the petitions were lodged between specified dates, *Gray* 1973–1977. 2088–2092. 2105–2107. 2111, 2112——Advantage of an earlier sitting of Committees on Private Bills, as by lessening the time now allowed for petition after the first reading and by prescribing that any petitions must be lodged in ten or fourteen days from the date of the Examiner's certificate, *ib.* 2081–2092.

Conclusion that petitions against Bills should be presented by the 12th February, and that the petitions should be to Parliament so as to be applicable in either House, *Beale* 2122–2124.

Summary of the provisions in Standing Orders as to the deposit and examination of petitions and as to the dates to be observed, *Rep.* iii, iv——Considerable delay obviated if petitions against Bills were deposited at a fixed and earlier date ; suggestions made to the Committee on this point, *ib.* iv, v.

Recommendation by the Committee that the date for all petitions against Private Bills should be on or before 12th February, *Rep.* vi.

Concurrence of evidence before the Committee as to the expediency of abolishing the petition for leave to bring in a Private Bill, *Rep.* iv——Recommendation by the Committee to the foregoing effect, *ib.* vi.

Petitions. Grounds for the recommendation that, after reasonable notice when practicable, powers of amendment of petitions should be given to the Committee to whom the Bill is referred, *Rep.* ix.

See also *Court of Referees. Joint Committees. Opposition to Bills. Private Bill Offices. Withdrawal of Petitions.*

Piers and Harbours. Suggestions in favour of some extension of the Provisional Order system, as in the case of piers and harbours ; saving of expense thereby, *Monro* 1073–1075. 1084–1097.

Plans. Necessary deposit of plans by the 30th November, *Rep.* iii.

Police and Sanitary Bills. Increased difficulties in connection with the provisions in Private Bills though the number may not have increased ; reference especially to Corporation Bills, there being now two Committees for dealing with Police and Sanitary clauses, *Leigh* 338–351——Arduous work in connection with Police and Sanitary Bills ; suggestion as to the attendance on the Committees, *Halsey* 685——Degree of inconvenience in connection with the working of the Police and Sanitary Committee ; action of the Lord Chairman in the House of Lords in order to secure uniformity of decisions, *Gray* 1989–2001.

Large number of Police and Sanitary Bills and other Bills examined in witness' branch of the Home Office, the reports upon them being pressed through at considerable pressure so that the Committees are never kept waiting for them, *Troup* 2335–2342. 2348——Great advantage if Municipal Bills, more especially Police and Sanitary Bills, were deposited at a much earlier date than at present, witness submitting that the Bills should be got ready before the Municipal elections in November, *ib.* 2345–2347.

Want of continuity and occasional divergence of ruling through Police and Sanitary Bills not going before the same Committee ; suggestions hereon for an amended constitution of this Committee and for the formation of two Committees as well as for a limitation of the clauses in the Bills, *Troup* 2348–2360. 2367. 2385–2400——Improvement if a certain proportion of these Bills were first dealt with in the House of Lords, *ib.* 2360–2366——Undue length of many Police and Sanitary Bills (there being much padding), witness suggesting proposals for their abbreviation, *ib.* 2370–2376.

Printing. Considerable increase in the charges for printing, witness having occasionally reduced them, *Monro* 1034–1036, 1079–1031——Reference to the cost of printing and of plans as considerable items of expense, *Campion* 1674, 1675. 1686.

Pritt, George Ashby. (Digest of his Evidence.)—Very extensive experience of witness as a Parliamentary agent, he being now senior partner in the firm of Sherwood and Co., 415–417.

Report, 1902—*continued.*

Report, 1902—*continued.*

Proceedings of the Committee. Rep. xi *et seq.*

PROVISIONAL ORDERS AND CONFIRMATION BILLS:

Advantage if there were a Standing Order to the effect that powers should not be sought by Private Bill which can be obtained by Provisional Order or by application to a Government Department; suggestions hereon, *Lowther* 34, 35. 140–149.

Concurrence in the view that unimportant matters should be dealt with locally by Provisional Order, instead of by Private Bill; check desirable as regards the powers sought for in Corporation Improvement Bills, *ib.* 90–95. 106–108.

Inability of obtaining Provisional Orders in respect of compulsory water rights; cases in which compulsory power to take land may be obtained by Provisional Order, *Leigh* 236–238——Instances of parties proceeding by Bill instead of by Provisional Order, in the expectation of getting more from Parliament than from a Government Department, *ib*, 247.

Circumstances under which it is necessary for local promoters to proceed by Private Bill, instead of by Provisional Order; objection to any restriction by Standing Order as to procedure by Bill, *Pritt* 502–507——Evidence in reply to exceptions taken as regards the constitution of the local tribunal, suggested by witness for holding the inquiry in Provisional Order cases, a right of appeal to the House being given, *Millar* 800–832——Statement upon the question of an extension of the system of Provisional Orders, *Bonham-Carter* 1136.

Consideration of suggestions in Report of the Municipal Corporations Association, for an amendment of the present system and procedure in the case of Private Bills and Provisional Orders, respectively, *Brevett* 1214 *et seq.*——Conclusion that the system of Provisional Orders would be much more used if the Statutory provisions relating to them were extended; suggestions hereon, *ib.* 1219–1224. 1228–1234——Considerations with further reference to the advantages of the Provisional Order system, and the procedure to be adopted in connection therewith, there being but one inquiry by Parliament in addition to the local inquiry, *ib.* 1303–1335.

Very slight opposition to Provisional Orders as a rule, *Boyce* 1498–1500. 1505——Summary of causes which militate against a much larger use of Provisional Orders, they being much less expensive than Private Bills, *ib.* 1505–1507——Very large number of Orders applied for by local authorities in the last three Sessions; statistics hereon, *ib.* 1509——Consideration of the question of an earlier deposit of applications for Provisional Orders, witness suggesting means by which the time might be one month earlier than the 21st December, *ib.* 1510–1518.

Explanation of the procedure in connection with Confirmation Bills; opinion that the time (ten days) for petitioning after first reading might be curtailed, and that the interval of six days between the second reading and the Committee stage might also be lessened, *Boyce* 1533–1538, 1604——Grounds for the conclusion that many Provisional Orders, entailing Confirmation Bills need not be brought before Parliament at all, and that the Local Government Board could deal perfectly well with the objects to be attained; illustration in the case of Orders for uniting districts, *ib.* 1539–1540——Statement as regards petitions being presented against particular orders in a Confirmation Bill, but not against the whole Bill; difficulty in the case of the House of Lords, the Standing Orders of the House of Commons being all right, *ib.* 1549–1553.

Suggestion that Confirmation Bills might all begin in the Lower House; practice of witness always to begin his Bills in the House of Commons, *Boyce* 1553, 1554——Opinion that most things that now require a Private Bill might be done by Provisional Order; legislation required in order to effect this change, *ib.* 1555, 1556——Suggested alteration of Standing Order 193a, as to the date for the first reading of Confirmation Bills, in the House of Commons, *ib.* 1939.

Approach of Provisional Orders going before a Joint Committee, subject to certain modifications in the procedure; reference hereon to the question of fees and their excess in some cases where the Orders are opposed, *Baker* 1817, 1818——Objections to extended powers being given by Provisional Orders for the purchase of gas undertakings and for other matters; ways in which increased expense would result except in unopposed cases *ib.* 1827–1855. 1874–1879.

Grounds upon which promoters frequently prefer to proceed by Private Bill instead of by Provisional Order, witness approving of an extension of the latter system, *Gray* 2024–2027. 2036–2044. 2064——Difficulty in connection with Provisional Orders through the Department not having compulsory powers; suggestions hereon, *ib.* 2036–2044——Advantage of more latitude as to the subjects dealt with by Provisional Order, *Beale* 2152——Simplification and economy under a system of Provisional Orders and local inquiries, as compared with the Committee system, *Morse* 2192–2201. 2219, 2220.

Objections

Report, 1902—*continued.*

PROVISIONAL ORDERS AND CONFIRMATION BILLS—continued.

Objections to any great extension of the system of Provisional Orders; great blot on the system in the ratepayers having no control over the local authorities in their promotion of such Orders, *Sir R. Littler* 2242. 2257–2261. 2290–2292. 2329–2331——Approval of Provisional Orders in small matters, chiefly on the score of the expense of Bills in such cases, *ib.* 2258–2261——Decided objection as regards Provisional Orders to the non-production before the Committee of the report of the inspector who holds the local inquiry; expediency of a right to cross-examine the inspector, *Pember* 2451–2454

Return respecting the Confirmation Bills in each of the years 1898 to 1901; total number of Orders confirmed, opposed, and unopposed, *App.*

Conflict of opinion before the Committee on the question of an extension of the Provisional Order system, *Rep.* vi.

See also *Joint Committee. Local Government Board. Local Inquiries.*

Public Health Act. Views of the Municipal Corporations Association as to the procedure in connection with Provisional Orders and as to the facility of proceeding under the Public Health Act as compared with the Scotch Act, *Brevitt* 1222–1224. 1247–1256——Explanation in connection with proposal for an amended Public Health Act embodying many provisions already adopted by municipalities as a means of obviating the necessity of much local legislation in the form of Private Bills or Provisional Orders, *ib.* 1300–1302 1310–1312.

Grounds for the suggestion that there should be an enabling power under the Public Health Act for a local authority to get a Provisional Order from the Local Government Board or from the Board of Trade, *Boyce* 1506–1508——Considerable proportion of Orders dealing with compulsory purchase under the Public Health Act, *ib.* 1509——Expediency of the Public Health Act being amended and brought up to date, enlarged powers being given to local authorities, so that the work of Parliament might be curtailed, *ib.* 1605–1611——Lighter work of Committees of the Public Health Acts and other Acts were brought up to date, *Troup* 2380–2384.

Conclusion of the Committee that if the general public health legislation of England and Wales were brought up to date the necessity for many of the Bills now promoted by local authorities would be removed, *Rep.* vii.

R.

Railway Bills. Doubt as to the extent to which Railway Bills might be earlier reported upon by witness' Board, *Boyce* 1582–1586——Opinion as to the moderate amount of the House fees in the case of Railway Bills, *Beale* 2149–2151.

Resolution of 1st May, 1902. Results of experience, so far, that the new rules under the Resolution of 1st May, 1902, as regards Private Bills being set down for nine o'clock have diminished discussion and been conducive to economy of the public time, *Lowther* 3——Limited extent to which the conduct of Private Bills in the House of Commons is affected by the Resolution of May 1st last as regards evening sittings at nine o'clock, *Pritt* 418, 419.

Road Bills. Recommendation that Standing Order 110 should be omitted as obsolete, and that Standing Order 208A be amended so as to admit of the unopposed Orders in a Provisional Order Bill proceeding although others are opposed, *Rep.* ix.

S.

Scotch Bills. Suggestion as regards English Private Bills, that it might be well to adopt the same procedure as under the Scotch Private Bill Act of 1900, whereby the House has been relieved of much work; difficulty, however, as regards counsel if the inquiries were local, *Lowther* 35–38——Suggestion as regards Departmental Reports upon Scotch Bills, *Smith* 1408, 1409.

Tabular statement submitted by Sir E. Chandos Leigh containing sundry details in connection with the Scotch procedure in Provisional Order cases, *App.* 167.

SECOND READING:

Explanations in connection with proposal that a time limit should by fixed by the Standing Orders Committee, after which private Bills should not be read a second time, *Lowther* 47–50——Suggestions as regards re-committal and the amendment or striking out of clauses

Report, 1902—*continued.*

Smith, James Parker (Member of the House). (Digest of his Evidence)—*continued.*

clusion that the Court might be empowered to decide whether a debate should be allowed on the second or on the third reading; suggestions for strengthening the Court if entrusted with this duty, 1370–1376.

Proposal that the Chairman of Ways and Means should be relieved of some of his duties in connection with Private Bills, and that the Deputy Chairman should be a paid official and should be Chairman of the Court of Referees, 1373. 1377–1379——Suggested reconstitution and strengthening of the Committee on unopposed Bills, witness proposing that either the Chairman or the Deputy Chairman of Ways and Means should be Chairman of the Committee and that the Speaker's Counsel, instead of being a member of the Committee, should act as "devil's advocate," 1377–1396. 1405–1413. 1440–1444——Value attached to the reports of Government Departments on unopposed Bills; expediency of the Bills being also gone through by the Speaker's Counsel. 1393. 1405–1407.

Entire concurrence in the view that unopposed Bills might be dealt with by a Joint Committee of both Houses; suggestions as to the constitution of such a Committee, 1401–1404——Suggestion as regards Departmental Reports upon Scotch Bills, 1408, 1409——Proposals in connection with the class of cases to be treated as opposed Bills, 1410–1413.

Explanations in further elucidation of witness' views as to the constitution and powers of the Referees Court, the number of members, &c.; improvement if the quorum were five instead of three, 1439 *et seq.*; 1439 *et seq.*——Slight importance attached to a power in the Court to give costs, 1445, 1446——Grounds for objecting to only one Committee, comprising the Committee on Unopposed Bills, the Court of Referees, and the Standing Orders Committee; doubt as to any saving of delay thereby, 1482–1487——Concurrence in certain suggestions for securing an earlier sitting of Private Bills Committees, as by an earlier deposit of petitions, 1488–1495.

Speaker's Counsel. Very useful duties discharged by the Counsel to the Speaker, *Mellor* 775–779——Explanation as to the extent to which the present Speaker and the late Speaker have consulted the Speaker's Counsel upon Private Bill business, *Mellor* 984.

Total of about 236 Bills read by witness in the interval between their reception on 21st December last and the meeting of Parliament on 16th January, *Sir Chandos Leigh* 192–196.

Standing Orders. Statement as to the exceedingly small proportion of Bills which are opposed and stopped on Standing Orders, *Campion* 1689–1701——Opinion that Standing Order 143A should be repeated as regards opposition to clauses in one House in connection with the right to oppose on Preamble in the other House, *Baker* 1873.

Memorandum submitted by Mr. Munro respecting the Standing Orders of the two Houses relating to Private Bills, *App.* 195–197.

Summary of the chief provisions of the several Standing Orders which regulate the course of Private Bill legislation in the House of Commons, *Rep.* iii, iv. *See* also *Fees.*

T.

Taxation of Costs. Taxation by witness in all cases as between solicitor and client; reference hereon to the reason for Municipal Bills coming before witness, *Campion* 1743–1747. 1750, 1751.

Town Clerks. Arrangement in some instances as to division of costs between local town clerks and Parliamentary agents in London, *Pritt* 608–611——Statement on the question of division of fees between the Parliamentary agents and the local town clerks in the case of the Bills of municipal corporations, *Monro* 1037–1047.

Opinion that on the whole the charges of Parliamentary agents are reasonable; explanations hereon as to the apportionment of costs between the agents and the town clerks, this question being all a matter of arrangement under the terms of apportionment of the latter, *Brevitt* 1236–1243——Reference to the occasional practice in the case of small municipal Bills of division of fees between town clerks and Parliamentary agents, witness having no discretion in the matter, *Campion* 1738–1742.

Tramway Bills. Concurrence in suggestion as to consents in the case of Tramway Bills being obtained before the Bills are deposited, *Mellor* 746–750——Grounds for suggesting a discretionary power in the Court of Referees as regards *locus* in the case of Tramway Bills and the opposition of frontagers, *Smith* 1414–1434. 1453 *et seq.*

Report, 1902—*continued.*

Tramway Bills—continued.

Evidence in considerable detail respecting Standing Order 22 which requires the consent of the local authority before a Tramway Bill can be introduced into the House; very unsatisfactory working of the discretionary powers exercised by local authorities in this matter, *Gray* 1968–1971. 2053–2063——Amendments required in connection with the consent of the local authority; avoidance of much delay of Tramway Bills if the consent were obtained on or before the 18th, when the Examiner begins his sittings, *ib.* 1971, 1972. 2063.

Expediency of Tramway Bills being dealt with by the Board of Trade and not by the Local Government Board, *Morse* 2186–2189——Concurrence in certain evidence of Mr. Gray on the subject of municipal consent in connection with tramway undertakings under Standing Order 22; opinion that all Bills in this class should go on their merits before the Committee, *ib.* 2212–2218.

Grounds for strongly objecting to the right of veto in local authorities, as under Standing Order 22 in respect of tramways; modification suggested, *Sir R. Littler* 2262——Conclusion as regards tramways that if the local authorities are still to have the right of veto, they should exercise it as soon as possible, and should state their reasons fully, *ib.* 2293–2297. 2332, 2333.

Conclusions of the Committee as to the amendments desirable in connection with Standing Orders 133A and 135 in respect of tramways, *Rep.* vii.

Troup, Charles Edward, C.B. (*Digest* of his Evidence.)—Witness, who is Principal Clerk in the Home Office, has had an extensive experience in connection with Private Bills which affect his Department, 2334–2336.

Large number of Police and Sanitary Bills and other Bills examined in witness' branch, the reports upon them being pressed through at considerable pressure so that the Committees are never kept waiting for them, 2335–2342——Report by the Home Office on thirty-eight Bills in the present Session, whilst the Local Government Board have reported on 122; much greater pressure on the latter Department, 2340–2342.

Approval of Bills being deposited in the House of Commons on 17th December, or the same date as in the House of Lords, 2341–2344——Great advantage if Municipal Bills, more especially Police and Sanitary Bills, were deposited at a much earlier date than at present, witness submitting that the Bills should be got ready before the Municipal elections in November, 2345–2347.

Want of continuity and occasional divergence of ruling through Police and Sanitary Bills not going before the same Committee; suggestions hereon for an amended constitution of this Committee, or for the formation of two Committees, as well as for a limitation of the clauses in the Bills, 2348–2360. 2367. 2385–2400——Improvement if a certain proportion of these Bills were first dealt with in the House of Lords, 2360–2366——Representation of the Home Office at the inquiries before the Police and Sanitary Committee; advantage if the Department had facilities for attending before other Committees, 2368, 2369. 2378, 2379. 2401–2414.

Undue length of many Police and Sanitary Bills (there being much padding), witness suggesting proposals for their abbreviation, 2370–2376——Lighter work of Committees if the Public Health Acts and other Acts were brought up to date, 2380–2384——Records now kept of the decisions of Committees, 2396–2400.

U.

Uniformity of Decision. Advantage of some code or record of decisions for the guidance of Chairmen of Committees so as to secure uniformity, *Lowther* 96–98——Explanation of witness' practice in making representations to the Chairman of Opposed Bill Committees, but without attempting to secure uniformity of decision, *Leigh* 391–396.

Great want of fuller registers of decisions in the two Houses with a view to greater uniformity in the decisions of Committees; further reference hereon to the action of the Lord Chairman in this direction, *Gray* 2028–2035. 2045–2062. 2075–2078. 2110.

Conclusions of the Committee as to the expediency of measures being taken to secure more uniformity in the decision of the Committees on opposed Bills; suggestions as to the means to be adopted for this purpose, *Rep.* viii.

Report, 1902—*continued.*

UNOPPOSED BILLS :

Circumstances under which Bills become unopposed and are referred to the Unopposed Bill Committee, which consists of witness, Mr. Chandos Leigh, and some other Member; how the latter is selected, *Lowther* 21–24——Statement of the procedure when a Bill comes before the Unopposed Bill Committee ; careful consideration given by Mr. Chandos Leigh to the reports of the Government Departments on each Bill, witness also devoting to the work as much time as he can spare, *ib.* 25–28——Non-objection in the case of unopposed Bills which originate in the House of Lords to certain proposals respecting the constitution of the Committee, *ib.* 68–71.

Further explanations respecting the precedure in connection with unopposed Bills in both Houses and the action, respectively, of Lord Morley and witness, *Lowther* 72–84——Statement handed in showing for the years 1891–1901 the number of Bills unopposed and referred to the Chairman of Ways and Means ; also, the number of Provisional Orders in each year, *ib.* 189.

Good reason for the appointment of Mr. Parker Smith as a member on Unopposed Bill Committees, *Leigh* 203–207——Consideration of the constitution of Committees on Unopposed Bills, and of the procedure of the Committee, witness approving of four members with a casting vote in the Chairman, *ib.* 368–387——Advance of delay through the Chairman of Committees not being ready to take unopposed Bills, though the agents are sometimes not ready, *ib.* 401, 402——Careful reading of unopposed Bills by witness, the Chairman of Ways and Means sometimes reading them himself, *ib.* 409–414.

Approval of the Unopposed Bill Committees acting as a Board of Conciliation in certain cases if both parties agree thereto, *Pritt* 591–599——Suggested re-constitution and strengthening of the Committee on Unopposed Bills, witness proposing that either the Chairman or the Deputy-Chairman of Ways and Means should be Chairman of the Committee, and that the Speaker's counsel, instead of being a member of the Committee, should act as "devil's advocate," *Smith* 1377–1396. 1405–1413. 1440–1444.

Value attached to the Reports of Government Departments on unopposed Bills ; expediency of the Bills being also gone through by the Speaker's counsel, *Smith* 1393. 1405–1407——Entire concurrence in the view that unopposed Bills might be dealt with by a Joint Committee of both Houses ; suggestions as to the constitution of such a Committee, *ib.* 1401–1404——Proposals in connection with the class of cases to be treated as opposed Bills, *ib.* 1410–1413.

Entire concurrence in the proposal of Mr. Parker Smith, for the constitutionof a Special Joint Committee for dealing with unopposed Bills, *Boyce* 1914, 1915.

Explanation as regards unopposed Bills in the House of Lords, that Lord Morley, assisted by witness, deals with all such Bills, *Gray* 1961. 1983–1986. 2096–2104——Opinion as to the expediency of unopposed clauses in opposed Bills being referred to a Joint Committee of the two Houses, with a view to their making recommendations on the subject, *ib.* 2002–2006———Question whether unopposed Bills in the House of Commons might not be dealt with by the Chairman and Deputy Chairman of Ways and Means, as in the Lords by the Lord Chairman, *ib.* 2096–2104.

Consideration of suggestions for an amended system of dealing with Unopposed Bills, witness approving of the procedure in the Upper House in these cases, *Sir R. Littler* 2274–2277. 2324.

Constitution of the Committee on Unopposed Bills, as provided for by Standing Order 137, *Rep.* iv———Conclusions as to the expediency of strengthening the Committees on Unopposed Bills ; special recommendations for this purpose, *ib.* viii, ix.

See also *Examiners. Joint Committee.*

Urban District Councils Association. Total of 450 Urban District Councils comprised in the Association, all the more important districts being included, *Baker* 1764. 1821–1824——Submission to the Committee of five resolutions adopted by the Association on 10th July, as to the amendments desired in connection with Private Bill legislation and procedure ; examination in detail in support of each resolution, *ib.* 1765 *et seq.*

Water Purchase Bill (*London County Council*). Explanation why the Water Purchase Bill of the London County Council was not put down for second reading till the 24th July. *Leigh* 203.

Water Rights. Right of the Irish Local Government Board to issue Orders for taking water rights compulsorily, this not applying in England, *Boyce* 1502.

Wharncliffe

Report, 1902—*continued.*

Wharncliffe Meeting. Suggestion that proof of the Wharncliffe Meeting might be taken in Committee so as not to delay the second reading, *Beale* 2132–2136——Contemplated postponement of the Wharncliffe Meeting till some date after the second reading, *Sir R. Littler* 2314–2316.

Concurrence of evidence before the Committee as to amendment in connection with the Wharncliffe Meetings as now being a cause of delay, *Rep.* v.

Withdrawals of Bills and Petitions. Evidence respecting sudden withdrawals of Bills and Petitions showing the heavy expenses sometimes incurred by suitors in this connection; suggested amendment of Standing Order on this point so that costs might be given in special cases of undue delay before withdrawal, *Pember* 2447–2451.

Amended practice desirable in connection with the withdrawal of Bills or Petitions; contemplated amendment of the Costs Act in this connection, *Rip.* ix.

Witnesses. Statement on the question of assimilation as regards the swearing of witnesses on unopposed Bills, this practice not being adopted by Committees of the House of Commons, *Pritt* 467–482——Hardship at times in promoters not having a right of reply when counsel for a petitioner does not call witnesses; amendment required on this point, *ib.* 583–590——Opinion adverse to the examination of witnesses on oath before Committees of the House of Commons, *Mellor* 880, 881——Doubt as to the advantage of examining witnesses on oath, *Gray* 1962–1964.

Action of witness in the direction of limiting the fees of expert witnesses, more especially of engineers, *Campion* 1721–1737.