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The Rise and Development of Local Legislation by Private Bill. The Presidential Address of the Right Hon. The Earl of Onslow, G.C.M.G. Delivered 16th January, 1906

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Source: *Journal of the Royal Statistical Society*, Vol. 69, No. 1 (Mar., 1906), pp. 1-31

Published by: [Wiley](#) for the [Royal Statistical Society](#)

Stable URL: <http://www.jstor.org/stable/2339547>

Accessed: 28/06/2014 15:28

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JOURNAL
OF THE ROYAL STATISTICAL SOCIETY.

MARCH, 1906.

*The RISE and DEVELOPMENT of LOCAL LEGISLATION by PRIVATE
BILL. The PRESIDENTIAL ADDRESS of the RIGHT HON. THE
EARL OF ONSLOW, G.C.M.G. DELIVERED 16th January, 1906.*

I HAVE to express to the Society how great an honour I consider they have done me in electing me to fill the Presidential Chair for the current term. I feel it the more inasmuch as I have no claim to eminence in the scientific world such as has been the case with many of my illustrious predecessors.

Thirty years ago I was first called upon to take an active, though humble, share in the administration of the government of this country, and the greater part of these thirty years has been devoted to administrative work at home and in the Colonies, leaving me but little time to study the causes of the phenomena that we see around us. It has been my lot to be rather an observer of results obtained than a student of the causes which have brought them about. None the less have I been able to watch with admiration the work of those who have specially devoted themselves to statistical research, and to form a high appreciation of those contributions that have been so valuable in shaping the course which legislation or administration ought to pursue.

It was my good fortune to be brought into contact at the Board of Trade with that marvellous master mind in dealing with figures and statistics, Sir Robert Giffen, as well as with his successor, who fills so important a position in our Society, Sir Alfred Bateman. Later still it was my good fortune to be closely connected with the labours of Major Craigie in the preparation of all the statistics which are published by the Government affecting the oldest, and still the greatest, of our industries—agriculture. It is true that our agricultural statistics, as compared with those of other countries, are somewhat meagre and *jejune*, but so are the funds at our disposal, while for promptness and despatch in the production of those statistics I doubt whether this country has any equal.

Perhaps, however, the choice of President for this year has not been made with a view to his contribution towards the storehouse of information in the archives of our Society, but rather because the year is an exceptional one in our history, one in which it was desirable to have as the head of the Society some person whose name was known to those dwelling outside our own islands, someone with cosmopolitan tastes and acquaintance. For 1905 is memorable in the annals of the Society as being the year when we were permitted to extend an invitation to the International Statistical Institute to hold its meeting in the capital of our empire. All that took place during those memorable days is so fresh in the minds of my hearers, and the results of the meeting have been so admirably dealt with by Sir Athelstane Baines, that perhaps I need not do more than dwell upon the excellent address given to the Society by our Honorary President H.R.H. the Prince of Wales, and the cordial interest taken by His Majesty in these international proceedings.

It is an era of *Ententes Cordiales*. No less an authority than the new Chancellor of the Exchequer has said: "I do not know "where to look for the enemy of England," and I think it cannot be doubted that reunions such as we held last year, attended by representatives of every nation, do greatly help to promote that feeling of peace and goodwill among men which we hope the world has entered upon at last.

Even while the great struggle between the European and Asiatic Powers which we have just witnessed was still in progress, we were privileged to have engaged in our peaceful inquiries representatives both of the Russian and Japanese nations.

I hope I am not saying too much when I affirm that those who did us the honour to be our guests upon that occasion were good enough to appreciate the hospitality we were able to afford them. I confess that upon such occasions I always have a feeling of trepidation, because the hospitality accorded by foreign nations to us is so lavish and unbounded, that I entertain doubts whether we can adequately requite it. I recollect being a member of an International Conference of representatives of several Governments, which met in more than one of the capitals of Europe. In the Continental capitals we were treated royally and luxuriously, but when the Conference met in London, on inquiring what arrangements had been made for the provision of luncheons for the members, I was told that we might count upon the usual Treasury allowance of 1s. 6d. per head, and each member to find his own whisky! I hope it may be said of the Royal

Statistical Society that their reputation for hospitality will rest on a sounder foundation.

I may be permitted to allude to the legacy left by our former President, Dr. Guy, the reversion to which has just fallen in to the Society. As you are aware, the best method of utilising that splendid gift is at present under the consideration of a Committee of the Society.

The meeting of the International Statistical Institute was unfortunately deprived of one or two of our most distinguished Fellows owing to the coincidence of the meeting of the British Association in South Africa; but, on the other hand, the proceedings of that Association have been enriched by the address delivered to the Economic Section by its President, a member of our Council, Dr. Cunningham. That address has been republished in the Journal of our own Society.

Of those members of the Society who have passed away, the most distinguished is Sir William Harcourt. Sir William's active political life covered a lengthened period, and I confess that if anything could reconcile me to certain unpleasant eventualities, the knowledge that he had attained to the position of Prime Minister of England would have done much to soften my present feelings. Of him it may truly be said that in all political warfare he acted upon the best and most gentlemanlike traditions of the British Parliament, and that he was a "preux chevalier, sans peur et sans reproche."

We have lost another distinguished Member of Parliament in Sir Bernhard Samuelson, and to that must be added the loss of a member of our Council, Mr. A. S. Hervey, who took a deep interest in the Society, and was well known in commercial and banking circles.

When considering what subject I should address you upon to-day, my thoughts at first turned to the great industry in which I am myself largely interested—that of agriculture; but I felt that it had been already so adequately dealt with by my predecessors, and more particularly by Major Craigie, that I could perhaps more profitably direct the attention of the Society to another matter with which I am familiar, namely, the method by which provision is made by Parliament for the everyday wants and life of the population under the system of Private Bill legislation. I am well aware that for those closely connected with this work, such as the officials of the two Houses of Parliament, and those engaged in the profession of Parliamentary agents, I have little new to tell; but, on the other hand, I have been struck by the paucity of information available to the general public, and how little is known of the quiet

and unobtrusive work done by Parliament in this direction, which has so great a bearing on the welfare of the community.

The rise and development of Private Bill Legislation is a subject affecting the social wellbeing of the entire population of these islands, and it is to be regretted that the public has so little knowledge of the manner in which Parliament, while encouraging private and municipal enterprise, endeavours to guard the community from the tyranny of monopoly, and to restrain within reasonable limits the expenditure and investment of the ratepayers' money.

It is true that Private Bill legislation affects localities only, but it is well to bear in mind, in considering the relative importance of this legislation, what is the size and population of the localities affected. A measure applicable only to London affects the interests of four and a-half millions of people, half a million more than the whole of the population of the Commonwealth of Australia. A Bill promoted by the Corporation of Glasgow affects a population but little less than that of New Zealand.

With the exception of Clifford's work, published twenty-one years ago, to which I am greatly indebted, I am not aware that any writer has dealt with the subject, and certainly the statistics available are neither comprehensive nor easy of access.

In compiling such statistics as I am able to put before the Society I have had the advantage of the assistance of Mr. Herbert Newbon, of the Inner Temple, who constantly attends the proceedings before Committees of both Houses, and has published some valuable records of the decisions arrived at by Committees on Private Bills.

The experience gained during the first half of the century, which embraced the great era of railway construction, has enabled Parliament to supplement Private Bill legislation by public measures aimed at securing, by the incorporation of those public Acts (or parts of them) in Private Bills, the clauses which it was deemed expedient in the public interest should be common to all Private Bills.

As early as 1845 an Act was passed, entitled the Railway Clauses Consolidation Act, which is incorporated in nearly all railway Bills; the Lands Clauses Consolidation Acts, Gas Works Clauses Consolidation Act, the Companies Clauses Consolidation Act, the Harbours, Docks, and Piers Clauses Act, the Commissioners Clauses Acts, and the Tramway Act, 1870, are other Acts the incorporation of which materially shorten Private Bills. Others, such as the Public Health Act, make general provision for the whole country in regard to matters with which Private Bills deal in respect of particular localities.

Unfortunately it is now some years since Parliament gave its attention to bringing these Acts up to date, and there are many additions, especially to the Public Health Acts, which might with advantage be now made. Indeed, Parliament ought at regular and stated intervals to revise and bring these measures up to date.

Bills introduced into Parliament, both public and private, have their origin in the ancient practice of petitioning the King for redress of public or private grievances. No Private Bill may to this day be introduced into the House of Commons except upon petition. Petitions and grievances have for some 600 years been referred to bodies appointed by both Houses of Parliament for their consideration; at the beginning of every session the Commons appointed their Committee of grievances, while since 1265 the Lords have appointed such Committees, the earliest being denominated "triers" appointed "pur oyer et trier" and "pur responder al petitions."

The majority of the Bills dealt with by Parliament in earlier times were Personal Bills. These measures have much historical interest, especially to those interested in genealogy, but are of little interest to the general public. Like other classes of Private Bills, the general legislation of the country now deals with all matters for which at one time special legislation was needed in each case, such as Bills for restitution of Blood, naturalisation, divorce and Estate Bills, although a certain number of the latter class still come before Parliament every year.

The history of our Local Bill legislation is, in fact, the history of the rise, development, and, in some cases, the decay, of the great industrial and commercial movements in England. The statute book tells us of the early value attached to our fisheries, of the creation of our ports and harbours, of the deepening of our river estuaries, of the construction of our docks, of the reclamation of great areas from sea and marsh, of local industries now departed, such as the iron works of Kent, Surrey, and Sussex, where were manufactured cannon, culverines and falconets, cathedral railings and agricultural implements, and the cloth works of Kent.

Then, as in more recent times, opposition to the erection of both iron foundries and cloth mills was as active as in later years it was to railways and trams over bridges.

In my own town of Guildford, in 1562, the proposed erection of an iron mill brought to the bar of the House of Commons the lights of the Middle Temple to "show great reasons why the Bill "might be rejected."

As each great subject of Private Bill legislation has become obsolete, or been dealt with by general legislation, some new

invention, or new requirement of advancing civilisation, has provided material for the occupation of Parliament.

At one time the power to levy tolls on the roads by turnpike trusts not only occupied much Parliamentary time, but provided investment for a large capital, while during the last century Parliament was almost equally busy freeing the roads and bridges of the country from turnpike tolls. The first toll bars originated in 1267, and by 1835 the debts bonded and floating of the turnpike trusts amounted to 7,378,000*l.*, and their income from tolls to 1,469,317*l.*, but in 1864 Parliament put an end to 81 toll bars north of London, and to the remainder in 1872. In 1878-79 the chief Thames bridges were thrown open. Tolls existed on the London and Brighton road up to 1881, and some of us present may have quite recently paid toll in College Road, Dulwich.

It has been said that he is a benefactor to his race who makes two blades grow where one grew before. Such certainly was the opinion of Parliament throughout the reign of George III, when it was kept most busy in considering and sanctioning schemes for inclosure, and for bringing under cultivation much land hitherto uncultivated.

It must not be assumed that all these Acts were for the enclosure of lands that were then "common;" on the contrary, the majority were for dividing in severalty lands held by many owners jointly and in common.

The first Enclosure Act was passed in 1606; two measures appeared on the Statute Book in the reign of Queen Anne, while during the reign of George III the total number amounted to about 3,500.

1719-1800	2,100 Acts
1800-10	905 „
'10-20	741 „
'20-30	192 „
'30-40	125 „
	<hr/>
	4,063 „
	<hr/>

Out of the total acreage of England—32,578,178—not less than 6,985,328 acres were dealt with by Enclosure Acts between the years 1702 and 1876.

After the experience gained from the working of these Private Acts, Parliament finally passed a general Act rendering Local Enclosure Acts no longer necessary; while we have lived to see the day when public policy in this matter has been so completely reversed, that the Statute Book now bears Acts intended to impede

and prevent further attempts to enclose lands at present unenclosed over which there are rights of common.

No Company is allowed for private gain to apply to Parliament for the compulsory acquisition of any land over which there are rights of common, without obtaining a report as to its advisability from the Board of Agriculture, but such enclosure is not usually sanctioned unless those seeking the power are prepared to throw open to the public other lands hitherto enclosed.

The first great subject of inland traffic seeking local legislation that engaged the attention of Parliament was for the construction of canals.

The most interesting of these was the scheme of the Duke of Bridgewater for connecting Liverpool with Manchester, and for bringing his coal from Worsley to Manchester. It was over this scheme that was waged the first great Parliamentary fight between an existing monopoly and a threatened rival, the Mersey and Irwell Navigation on one side, and the duke's proposals on the other.

The parties to that struggle little thought that another and far more dangerous competitor to them both as the carrying power of these islands was about to appear.

In 1898 there were 2,768 miles of canals which had a separate existence, and had not been acquired by the railway companies.

It is to the system of canals thus built up that we owe the invention of railways. Lines of timber exactly straight and parallel were laid from the collieries to the canals, over which heavy carts laden with coal were drawn.

The Trent Navigation Act of 1776 gave power to make a *Rail way* "for the conveyance of coals, stores, &c., to their limestone quarries at or near Caldon, so that no such Rail way do exceed " the length of 1,000 yards."

The first railway as now in use was authorised in the first year of last century from Wandsworth to Croydon, with collateral branches for the carriage of coal and merchandise; but it was not till 1821 that the Stockton and Darlington Act, commonly considered the first of our present system of railways, was passed. In the Acts previous to the Stockton and Darlington Act railways were usually termed iron railway companies, and confined to horse power for traction.

In 1823 provision was first made for the regulation of passenger traffic. After that date the number of Bills deposited increased with great rapidity, till the so-called "railway mania" reached its height in 1846.

The opposition of landowners in the early days of railway

legislation has led to the remark that one generation of owners of large estates squandered their patrimony in driving the railways away, while the next generation had to expend what was left in inducing the Companies to provide them with railway facilities. Nor were landowners the only opponents. The authorities of Eton College were terribly apprehensive of the result of railways on the safety and morals of the students, of which the policy which has left the line to Windsor as a mere off-shoot of the Great Western main line is a proof. At first the Great Western Railway Company was denied the right of running a line, or placing a station within three miles of the College. For a distance of four miles, through the parishes of Langley, Stoke, and Farnham Royal, a staff of men were required to be kept to prevent the Eton boys from straying on to the line, and the persons employed for the purpose were to be appointed subject to the approval of the Provost and Head Master, and to be under their orders.

The invention of steam as a means of traction on railways, and its use during the first quarter of last century, developed the great railway-making era, which may be said to have lasted from the construction by Brunel of the Great Western Railway, authorised in 1835, to the completion of the metropolitan underground railways in the eighties.

The years 1845 to 1847, as I have already said, were the years of greatest railway activity—453 Acts were passed in 1846, of which the greater part were for railways. The next greatest activity in railway enterprise after 1846 was shown in the years 1865 and 1866. In these two years 382 and 377 private Acts of all kinds found their way on to the Statute Book, as against 224 in the last Session of Parliament.

It must be borne in mind, however, that before the consolidation of the separate railways into great systems, each little piece of line involved a separate Bill, whereas in these days one "omnibus" Bill may include powers for the construction of many branches.¹

Of the Acts passed in 1865, 26 were for amalgamation, and 158 for new lines and extensions. In 1879 there were 352 railway companies in the United Kingdom, but by 1905 that number had been reduced by abandonment, amalgamation, or purchase to 220. The Great Western Railway itself now represents more than 100 other companies, absorbed since its incorporation.

The manufacture of gas for lighting purposes, discovered in the previous century, was believed to be rich in profits to those who were ready to undertake the lighting of streets and houses. The Gas Light and Coke Company obtained an Act in 1810 (after an

¹ See Chart B.

unsuccessful attempt in the previous session), enabling them to light the streets of London, but without any monopoly for breaking up the streets or laying pipes for the purpose.

From London, gas lighting spread to Exeter, then to Glasgow, and, by 1819, to many other towns, although the danger of gas explosions somewhat retarded enterprise of this character.

In granting a monopoly to gas companies, Parliament took steps to protect the public against the possible extortions of those holding a statutory monopoly, by making provision that the prices charged by gas companies should fall in proportion as the dividends of the companies rose. This obligation has not, however, been extended to companies lighting by electric light, but in their case power is conferred on the local authorities to buy them out at the expiration of forty-two years on terms which are certainly not onerous.

Though not only railways drawn by horse power, but also steam motor cars (the latter would, it was at one time believed, displace railways) were in common use during the first half of the century, the horse-drawn tramway for passengers, running along the public roads, did not find acceptance in England till 1859, when a passenger tramway was laid from Westminster Bridge (but not over it) to Kennington.

This line was laid without Parliamentary powers. It was soon found, however, that as in the case of the earlier railways, the absence of these powers caused serious trouble to the promoters.

In 1870 Parliament recognised the public loss and inconvenience that might be caused by the creation for all time of a statutory monopoly vested in a company. In that year provision was made to enable local authorities to purchase tramway undertakings twenty-one years after the date of their authorisation. As in the case of railways, the application of electricity as a form of traction has provided Parliament with continuous work in tramway legislation down to the present day.

Those familiar with the history of the water supply of London will know that here, as well as in other cities, the obligation to supply water to the population rested on the Corporation, while private benefactions towards this object were not uncommon. But in 1543 it was found necessary to make application to Parliament for power to bring water from a distance, in words paraphrasing those at present in use in the preamble of every Private Bill:—

“Which good and profitable purpose cannot come to conclusion
“nor take good effect without the aid and consent of the King’s
“Majesty and of this High Court of Parliament.”

Subsequently the Corporation, having obtained power to bring water from the New River, transferred their enterprise to Hugh

Middleton, who, with the aid of King James I, who furnished half the necessary funds, completed the enterprise which passed in 1819 to the New River Company. Various Bills were submitted to and sanctioned by Parliament, among others one in 1721, to be carried out by the Chelsea Waterworks Company, the first of the great London water companies.

Parliament having created these vested interests in the supply of water to the metropolis, began about the middle of last century, at the instance of several Committees and Commissions, to consider the possibility of expropriating the companies in favour of a public authority.

The Metropolitan Board of Works, and subsequently the London County Council, attempted to achieve this end by competition, but were unable to obtain the consent of Parliament except after compensation paid to those holding the existing monopoly.

An attempt was made by the Home Secretary in 1879 to acquire for London the Metropolitan Water Companies, but the attempt failed; in the end a much larger sum had to be paid before the undertakings were vested in the present Metropolitan Water Board.

The application of electricity as a means of traction may now be said to have opened up the latest era of Parliamentary railway legislation, of which the tube railways are familiar examples.

For the last few sessions the notice book has been crowded with petitions for leave to introduce Bills for the generation and supply of electricity in bulk. Successful examples of these companies are to be seen in operation in South Wales and in and around Newcastle-on-Tyne.

There was, last session, a severe fight (which is likely to be continued) for the right to supply electricity in bulk to the whole of the metropolis and much of the suburban district around. Few can anticipate what may be the future of a supply of energy at the price which the promoters profess to be able to sell it; if their claim is justified, they will be in a position to run railways and drive manufactories, and at the same time to work the sempstress' sewing machine on the "penny-in-the-slot" system.

The only novel proposals in the two last sessions of Parliament have been schemes for the construction of roads to be used solely by motor cars, and for the establishment of a system of parcel despatch by pneumatic tubes.

There is another class of private Bill which affects more closely the life, health and person of the dweller in our large cities, viz., those Bills promoted by corporations and called Corporation or Improvement Bills.

The provisions in these Bills, so far as they relate to sanitation and the maintenance of order, might properly be applied to all our larger towns by a public Bill of the nature of the Public Health Act, but such is the congestion of public business in Parliament, that there is a disposition to increase annually by private Bill the powers entrusted to the corporations of large cities. By requiring the same wording to be followed in each Bill, the law is rendered as similar as possible in all the large towns, and powers once conferred on one locality are not usually refused to others of similar importance. To illustrate the manner in which this class of legislation has increased in recent years, I may point out that powers are now given to those towns which have asked for them, and whose size seemed to justify their possession, to exercise control over the supply of milk, for the prevention of tuberculosis, for securing the purity of ice creams, for the prevention of infection from various causes, including the passage of books from hand to hand belonging to a lending library, and for the registration and inspection of lodging houses.

They may provide town halls, public baths, recreation grounds, and may contribute to bands to play there; they may license messengers and cattle drovers, and may take steps to prevent street betting, and to regulate sea bathing and bathing machines. The latest powers which Parliament has conferred on municipalities are those for compelling employment agencies for women to be registered, and for making bye-laws for the prevention of fraud and immorality in connection with concert, theatrical and music halls, and (in certain cases) female domestic servants' agencies; while the latest of all is a power to supply pasteurised milk in bottles just sufficient for a day's food supply for an infant, but not containing enough for the fond parent on his return from work to find sufficient left in the bottle to provide a drink for himself.

It will be seen from the following Table A [and the Chart C (*post*)] how the private Bill business brought before Parliament has risen and fallen during the past thirty-five years:—

TABLE A.—Bills Deposited and
[Excluding private (divorce, estate, &c.) Bills and
(The figures for the years 1871 to 1885, 1887 to 1893,

Bills.				
	England and Wales.	Scotland.	Ireland.	Total United Kingdom.
1871	209	33	33	275
'72	243	33	28	304
'73	263	40	31	334
'74	218	29	34	281
'75	220	23	19	262
1876	219	26	21	266
'77	213	26	29	268
'78	211	27	37	275
'79	202	21	29	252
'80	164	19	28	211
1881	188	28	16	232
'82	270	32	18	320
'83	227	27	22	276
'84	244	29	21	294
'85	210	21	17	248
1886	170	18	9	197
'87	156	28	9	193
'88	183	24	7	214
'89	174	25	8	207
'90	193	38	13	244
1891	158	34	4	196
'92	175	31	13	219
'93	138	27	17	182
'94	139	19	8	166
'95	136	17	17	170
1896	155	32	12	199
'97	204	30	13	247
'98	219	20	11	250
'99	224	33	13	270
1900	226	25	17	268
1901	223	35*	12	270
'02	210	29*	8	247
'03	201	32*	14	247
'04	183	36*	8	227
'05	172	23*	10	205
Totals	6,940	970	606	8,516
	81.49 per cent.	11.39 per cent.	7.11 per cent.	
Percentage (for each country) of total deposited Bills.				

* Including Scotch Provisional Order

Acts Passed, 1871 to 1905.

Acts, and those confirming Provisional Orders.]

and 1895 to 1900 are from Official Returns.)

Acts.				
England and Wales.	Scotland.	Ireland.	Total United Kingdom.	
154 } 149 } 178 } 794 155 } 158 }	23 } 26 } 33 } 117 16 } 19 }	22 } 15 } 16 } 88 23 } 12 }	199 } 190 } 227 } 999 194 } 189 }	1871 '72 '73 '74 '75
155 } 175 } 160 } 784 156 } 138 }	24 } 23 } 22 } 101 17 } 15 }	15 } 19 } 31 } 104 19 } 20 }	194 } 217 } 213 } 989 192 } 173 }	1876 '77 '78 '79 '80
152 } 184 } 147 } 783 163 } 137 }	22 } 30 } 17 } 101 20 } 12 }	14 } 13 } 16 } 74 20 } 11 }	188 } 227 } 180 } 958 203 } 160 }	1881 '82 '83 '84 '85
108 } 139 } 133 } 667 143 } 144 }	13 } 19 } 16 } 90 15 } 27 }	9 } 8 } 6 } 41 8 } 10 }	130 } 166 } 155 } 798 166 } 181 }	1886 '87 '88 '89 '90
121 } 129 } 125 } 580 121 } 84 }	22 } 26 } 25 } 103 18 } 12 }	4 } 9 } 15 } 42 7 } 7 }	147 } 164 } 165 } 725 146 } 103 }	1891 '92 '93 '94 '95
139 } 166 } 178 } 861 183 } 195 }	26 } 25 } 19 } 117 26 } 21 }	15 } 11 } 9 } 56 6 } 15 }	180 } 202 } 206 } 1,034 215 } 231 }	1896 '97 '98 '99 1900
177 } 172 } 168 } 807 151 } 139 }	30* } 22* } 28* } 132 34* } 18* }	12 } 8 } 10 } 44 7 } 7 }	219 } 202 } 206 } 983 192 } 164 }	1901 '02 '03 '04 '05
5,276	761	449	6,486	Totals
76'02 per cent.	78'45 per cent.	74'09 per cent.	76'16 per cent.	
Percentage of the deposited Bills which became Acts.				

Bills and Acts under the 1899 Act.

The Bills deposited for England and Wales largely outnumber those for Scotland and Ireland combined, being 81·49 per cent. of the total, as against 11·39 per cent. and 7·11 per cent. for Scotland and Ireland respectively. The number of England and Welsh Bills (989) deposited for the period 1901-05 was practically the same as the average (992) for the six previous quinquennial periods. The deposits of Scotch Bills have fluctuated considerably less than those of the other countries, and there has been a certain increase in the number since 1900, deposited as Provisional Orders under the Private Legislation Procedure (Scotland) Act, 1899, though possibly these may have included some matters which would otherwise have proceeded as Provisional Orders under the ordinary machinery for that purpose. In the case of Ireland there has been a marked decrease in deposits since 1880, with a period of particular depression from 1886 to 1889, during which, however, a larger proportion of the Bills became Acts than in any of the other similar periods.

With regard generally to the Bills which became Acts, there is very little difference in the percentages for the countries separately, while the average for the United Kingdom is 76·16 per cent., or the equivalent of three chances to one in favour of any particular Bill becoming (though possibly with amendments) an Act.

The promotion of private Bills considered in relation to the population of these islands appears to depend not so much on the actual numbers, as in the aggregation in different districts of populous places requiring the necessities of modern civilisation and facilities for transit between each other. London stands by itself, and, as might be expected, more Bills in proportion to its population are promoted there than in either Scotland or Ireland; but although the population of Ireland and Scotland—4,458,775 and 4,472,103—respectively, is practically equal, Scotland promotes about 278 Bills in every decade on an average of the last twenty years, as against 111 promoted every ten years by Ireland. This is probably accounted for by the fact that Scotland has six towns with a population in excess of 80,000, having an aggregate population of 1,692,342, some of them at no great distance from each other, while Ireland has only three towns with a population exceeding 76,000 (823,796 in the aggregate), and these three towns account for 25 per cent. of the Irish Bills.

Wales, again, with a population of 1,720,000, promotes on an average 160 Bills every ten years. Half of her population, or 860,000, are concentrated in Glamorganshire, with four towns of 69,000 and over (aggregate 441,996), and an aggregation of urban

population at short distances from each other and from the large towns, such as

Aberdure	43,357	Maesteg	15,013
Mountain Ash	31,093	Neath	13,732
Pontypridd	32,319	Margam	9,014
Barry	27,028	Aberavon	7,553
Ogmore and Gawr	19,912	Glyncorrwg	6,450
Penarth	14,227		
Caerphilly	15,835		
			<u>235,533</u>

Glamorganshire during the last decade has provided the largest share of the Welsh Bills.

The next table classifies the Bills deposited each session from 1861 to 1905, for the United Kingdom:—

	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.
Railways—											
England	177	150	168	232	245	255	100	67	59	—	—
Wales	34	32	35	43	66	74	24	16	9	—	—
Scotland	34	25	34	30	54	50	14	7	5	—	—
Ireland	29	19	18	27	37	30	14	14	11	—	—
	274	226	255	332	402	409	152	104	84	94	115
Harbours, docks, } ports	6	10	10	33	9	26	14	14	12	11	9
Tramways	—	—	—	—	—	—	—	5	5	24	17
Gas	16	8	14	27	37	42	36	27	24	56	54
Water	19	13	14	23	32	32	28	20	25		
Gas and water	1	—	1	1	—	5	5	1	2		
Gas, water, and } market	—	—	1	—	5	—	—	—	1	—	—
Markets, &c.	4	5	7	3	4	1	28	17	23	20	32
Town improve- } ments	—	6	4	23	23	21					
Roads	14	18	21	23	23	26	10	3	5	8*	6
Miscellaneous	65	43	54	39	61	71	44	37	31	27	42
Totals	399	329	381	504	596	633	317	228	212	240	275

	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.
Railways	163	181	156	103	121	114	108	91	95	109	156
Harbours, docks, } ports	13	23	23	13	21	17	12	12	14	17	22
Tramways	27	18	10	7	4	14	29	30	23	18	30
Gas	33	54	43	64	56	54	62	48	37	31	46
Water											
Gas and water											
Markets, &c.	25	27	21	30	29	32	20	36	20	24	42
Town improve- } ments											
Roads	7	8	8	5	6	7	7	5	4	6	6
Miscellaneous	36	23	20	40	29	30	37	30	18	27	18
Totals	304	334	281	262	266	268	275	252	211	232	320

* Roads and bridges.

† Water, gas, and lighting.

	1883.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.
Railways	138	134	119	80	75	94	80	106	91	91	68	66
Canals*	3	1	1	2	—	4	3	3	2	6	7	5
Harbour, docks, } ports	16	26	18	16	12	9	17	22	11	12	11	10
Tramways	34	27	†29	20	23	21	18	17	11	11	12	8
Gas and electric	—	—	—	—	—	—	—	15	10	9	12	11
Water	—	—	—	—	—	—	—	14	16	23	16	17
Gas and water	—	—	—	—	—	—	—	4	1	5	4	5
Gas	26	31	28	28	28	35	24	—	—	—	—	—
Water												
Gas and water												
Markets, &c.	25	32	28	27	26	21	39	35	28	26	‡36	28
Town improve- ments												
Roads	6	9	5	6	2	10	3	1	2	4	—	—
Miscellaneous	28	34	20	18	27	20	23	27	24	32	16	16
Totals	276	294	248	197	193	214	207	244	196	219	182	166

	1895.	1896.	1897.	1898.	1899.	1900.	1901.	1902.	1903.	1904.	1905.
Railways	70	75	82	82	73	63	54	69	60	40	43
Canals	7	2	1	—	—	—	—	—	—	—	3
Harbours, docks, } ports	10	16	21	15	14	14	17	5	7	8	12
Tramways	6	19	19	18	20	33	21	28	37	27	17
Gas and electric	9	11	16	32	37	35	44	36	41	40	33
Water	22	21	36	34	46	41	30	26	11	14	10
Gas and water	2	4	4	6	8	2	4	1	2	4	3
Markets, &c.	21	33	46	29	35	8	11	10	7	13	19
Town improve- ments											
Miscellaneous	23	19	22	34	37	34	25	21	30	28	16
Corporations§	—	—	—	—	—	39	29	24	22	18	26
Scotch Bills (under 1899 Act)	—	—	—	—	—	—	235	220	217	192	182
	—	—	—	—	—	—	35	29	32	36	23
Totals	170	200	247	250	270	269	270	249	249	228	205

* Canals must before 1883 and from 1898 to 1904 be included elsewhere.

† Tramways and subways. ‡ Town improvements, bridges, &c. § Corporations are a new sub-division of Messrs. Vacher after 1899; previously they were probably grouped with Town Improvements.

[The foregoing table, 1861-1905, has been compiled from Messrs. Vacher's annual lists.]

According to the figures for the Bills deposited over a period of forty-five years, taking decennial periods, we find the following :—

	1861-70.	1871-80.	1881-90.	1891-1900.	1901-05 (Five Years).	Total Deposits, 1861-1905.
Railways and canals	2,332	1,247	1,108	791	269	5,747
Harbours, docks, ports, } piers	145	157	175	134	49	660
Tramways	34	179	237	157	130	737
Gas, water, and electricity..	516	505	310	495	299	2,125
Corporations (town im- provements, roads, } markets, &c.)	340	335	353	335	179	1,542
Miscellaneous	472	305	242	257	120	1,396
Scotch Bills	—	—	—	—	155	155
Total deposits each ten } years	3,839	2,728	2,425	2,169	1,201	12,362
Less railways	2,332	1,247	1,108	791	292	—
	1,507	1,481	1,317	1,378	909 (five years)	—

Thus a total of 12,362 Bills have been deposited. Of these 5,770 were railway Bills. It will be seen that if the railway Bills are deducted from the total deposits, there has not been a very marked variation in the amount of private Bill legislation during the four decades, each decade having had one or two years of exceptional activity, often coupled with one year when, owing to the Parliamentary situation and fears of a dissolution, the number of deposits have been exceptionally light.

In the years 1865 and 1866 the Bills deposited occupied the attention of not less than 200 members of the House of Commons for their consideration. In 1882, 175 members were employed in the work of the Committees, the average service of each amounting to ten days, while the years 1885, 1886 and 1887 were exceptionally light; in 1886 only 78, and in 1884 102 members were employed in this work, with an average service of less than eight days.

I have here a record of the local and private Acts passed during the past century and to the present date, 1801-1905:—

	Local and Personal Acts.	Private Acts.			Local and Personal Acts.	Private Acts.	
		Printed.	Not Printed.			Printed.	Not Printed.
1801.....	146	—	131	1808	157	—	77
'01-02 ...	119	—	120	'09	192	—	112
'02-03 ...	147	—	120				
'03-04 ...	89	—	72	1810	218	—	96
'05.....	119	—	105	'11	221	—	74
'06.....	147	—	79	'12	212	—	77
'07.....	43	—	30	'12-13..	216	—	79
'07.....	134	—	61	'13-14 ..	233	—	65

	Loca. Acts.	Private Acts.			Local Acts.	Private Acts.	
		Printed.	Not Printed.			Printed.	Not Printed.
1814-15 ...	100	71	41	1860	203	9	1
'16	87	47	29	'61	249	10	—
'17	76	38	26	'62	227	6	2
'17	87	39	27	'63	238	8	—
'18	128	49	44	'64	329	14	1
'19-20	6	—	3	'65	372	9	1
Geo. III. }				'66	363	11	3
Geo. IV. }				'67*	209	9	4
				'63	182	8	3
1820	90	50	18	'69	159	10	2
'21	128	45	14	1870	177	4	—
'22	114	36	11	'71	206	9	2
'23	126	29	12	'72	200	7	1
'24	160	40	13	'73	253	2	1
'25	202	59	21	'74	200	9	—
'26	142	46	13	'75	215	7	—
'26-27 ...	112	61	11	'76	243	2	1
'28	122	45	8	'77	242	11	4
'29	136	50	19	'78	238	7	—
1830	138	50	16	'79	225	8	—
'30-31 ...	146	29	19	1880	211	5	5
'32	113	34	10	'81	219	6	—
'33	122	30	13	'82	266	5	—
'34	96	36	10	'83	232	5	—
'35	112	27	21	'84	262	6	—
'36	138	35	18	'85	200	7	—
'37	133	43	16	'86	174	1	2
'37-38 ...	102	35	15	'87	201	1	3
'39	107	46	16	'88	202	1	1
1840	131	36	17	'89	214	5	1
'41	114	49	14	1890	247	—	2
'42	113	40	19	'91	223	2	—
'43	110	29	10	'92	242	1	—
'44	108	34	15	'93	229	1	1
'45	204	33	4	'94	216	2	3
'46	402	43	8	'95	173	—	—
'47	297	35	3	'96	253	2	4
'47-48 ...	163	22	5	'97	260	2	4
'49	95	26	8	'98	262	1	2
1850	112	18	7	'99	277	1	2
'51	146	23	3	1900	291	1	—
'52	168	21	1	'01	281	—	—
'53	227	29	6	'02	261	—	—
'54	222	38	3	'03	263	2	—
'54-55 ...	198	16	7	'04	245	3	—
'56	139	14	3	'05	213	3	5
'57-58 ...	165	7	8				
'58	150	10	1	Total Acts	19,701	1,822	1,967
'59-60 ...	174	6	2				

* Since 1867 Provisional Orders Confirmation Acts and some others of a local character have been transferred from the Public General Statutes list to the Local Acts list.

It will be seen that the period of the greatest railway activity produced the maximum number of Acts on the Statute Book—402 in 1846. Since the renewed outburst of railway construction in 1865-66, no year has borne fruit to the extent of 300 Acts in one session. Excluding the years 1886 and 1895, we have an average in the last thirty-five years of about 240 local Acts which have found their way on to the Statute Book, and this notwithstanding the rise of the system of legislation by Provisional Order, and by the relegation of purely local matters to be dealt with locally in Scotland.

The figures in the preceding table include Provisional Order Confirmation Acts, but inasmuch as each of such Acts confirms a varying number of Orders, they cannot be taken as a guide to the number of schemes sanctioned by Parliament. Chart (A) (*post*), however, deals with this point as from 1875, and shows that, taking Acts and Orders together, the Private Bill legislation of recent years has rivalled that of any previous period.

The rise of the system of obtaining statutory powers by Provisional Order must be considered in conjunction with that by Bill.

While in all probability the number of Provisional Orders more than represents the number by which Bills would have increased but for the Provisional Order system, there can be no doubt that the deposits for Bills would have been larger since 1870 had the Provisional Order system not been in existence. In the first place, Provisional Orders are less expensive than Bills; having been, to some extent, threshed out before a Government Department, the opposition, except in cases of great importance, has expended itself before the confirming Bill comes before a Committee of Parliament.

Again, the intervention of a public department enables promoters and opponents to approach each other with a view to compromise, whereas until they meet in the Committee Room such compromise is difficult to bring about. The Board of Trade during the period 1862 to 1905 have had the following 2,556 Provisional Orders confirmed:—

575 for gas and water.	28 for sea fisheries.
965 „ electric.	18 „ pilotage.
455 „ tramways.	504 „ harbours.

besides some 56 Orders in respect of railway and canal rates, tolls, and charges. The other great issuing department is the Local Government Board, which has had over 3,000 Orders confirmed from the year 1849 to the present date. Provisional Orders, in much smaller numbers, are also issued by the Board of Agriculture and Fisheries, the Home, War, Education, Scotch, and Irish Offices.

All electric lighting schemes are sanctioned by Provisional Order. Orders are made under the Public Health Act, 1875, for altering local Acts and for compulsory purchase of land, under the Local Government Act, under the Gas and Waterworks Facilities Act, under the Tramway Act, 1870, and under the Sea Fisheries, Pilotage, and Pier and Harbour Acts.

Every time we pay a toll or a fare, every time we pay the gas² or water rate collector, we are, in obedience to an Act of Parliament, contributing to the earnings of local authorities or companies who have invested capital under statutory authority.

To obtain some idea of the magnitude of these capital commitments, let us look at the loans of local authorities in England and Wales in respect of undertakings classed as reproductive, and created under Parliamentary sanction. We find from the Local Government Board Report of 1904-05 that in 1902-03 175,119,645*l.* was the amount of the outstanding loans of these local authorities, thus classified:—

	£
1. Waterworks	63,130,859
2. Harbours, piers, quays, and docks	39,743,881
3. Gasworks	23,110,919
4. Electric lighting	18,550,120
5. Tramways	17,137,744
6. Markets	7,663,708
7. Cemeteries ..	3,106,088
8. Baths, washhouses, and open bathing places....	2,676,326
	<hr/>
	175,119,645

This sum, however, is but a small part of the total capital of the various undertakings owing their existence to Private Bill legislation, of which the following are the principal heads:—

	£
Railways	1,268,494,000
Local authorities (reproductive).....	175,119,000
Gas companies	80,869,000
Water companies (not London)	16,750,000
" (metropolitan), 1901	19,640,000
Docks and harbours	49,615,000
Canals (independent)	33,331,000
Tramway companies	19,711,000
Electric " 	12,780,000
	<hr/>
	1,676,309,000

We have there a total of 1,676,309,000*l.*, all invested in undertakings which Parliament has sanctioned, to which should be added the capital of many companies carrying on business abroad, notably

² 151,677,693,467 cubic feet of gas were sold in 1903 in the United Kingdom, or just a cubic mile of gas.

in South America, the capital of the submarine cable companies and that of many of the insurance companies. Parliament has also sanctioned the levying of tolls for numberless bridges, ferries, fairs, and even places of public recreation.

These vast issues for Parliamentary undertakings have required more capital than the equivalent of the world's entire gold production for the nineteenth century, the greatest producing era, for which period the output is estimated at nearly 1,600,000,000*l.*

If the State were, as is sometimes advocated, to acquire the 1,268,494,681*l.* invested in the railways of this country at par, it would add 29*l.* per head of the population to the National debt.

Shareholders in a statutory company enjoy the protection that such a company cannot come to Parliament for any changes in its capital commitments without the shareholders in Wharnccliffe meeting assembled having first sanctioned the proposals.

So, too, in the case of English and Irish local authorities, it must be proved that the Bills they promote have twice received formal sanction of the representatives of the ratepayers, and have been sufficiently made known to the ratepayers themselves by advertisement in the local press; also, that the estimates given in the preamble to the Bill are likely to suffice for the cost of the undertaking.

There can be little doubt but that the investing public look with greater confidence on a company possessing statutory powers than one founded only on the Limited Liability Acts.

The intention of Parliament in considering the financial position of new companies asking for Parliamentary powers is primarily to satisfy itself that the company is in a position to carry out its undertaking with success. It is a common form of opposition to endeavour to show that this cannot be done, on the ground that the estimates are insufficient.

Indirectly it affords some guarantee to the investor that the enterprise is *prima facie* likely to succeed. For example, the Committees which inquired into the tube railways made careful inquiry also as to whether the sums to be received by those who had underwritten the capital were such as to give them an undue profit over the shareholders out of the undertaking.

It will be remembered that the sum guaranteed before a Parliamentary Committee by Messrs. Speyer and their friends was upwards of 15,000,000*l.* for tube railway capital.

The accompanying Table B classifies the subjects of the Acts passed in each year since 1837, and Chart (B) (*post*) shows the fluctuation in the number of Acts dealing with matters concerning the carrying trade and local government during the same period.

TABLE B.—*List of Acts Passed (other than*
[Classification of subjects,

	Railways.	Tube Railways.	Framways and Light Railways.	Canals, Naviga- tions, and Rivers.	Harbours, Docks, Ports, Piers, and Quays.	Local Govern- ment, County Affairs, Water, Gas, &c.	Gas.	Water.	Elec- tricity.
1837....	42	—	Certain quay, &c., tramways previously authorised, those here given being in the nature of street tramways.	5	16	23	3	6	—
'38....	18	—		2	9	17	5	6	—
'39....	25	—		6	11	39	5	3	—
1840....	23	—		9	12	25	4	5	—
'41....	18	—		6	8	28	2	4	—
'42....	24	—		8	10	16	5	1	—
'43....	24	—		8	16	25	6	7	—
'44....	47	—		7	13	15	7	1	—
'45....	119	—		10	15	19	9	16	—
'46....	270	—		24	27	34	18	25	—
'47....	190	—		10	28	26	16	14	—
'48....	85	—		10	17	17	7	6	—
'49....	34	—		6	12	6	6	9	—
1850....	34	—		3	5	21	4	14	—
'51....	61	—		5	12	18	4	12	—
'52....	51	—		11	9	23	11	20	—
'53....	106	—		8	21	35	12	40	—
'54....	71	—		4	20	37	34	42	—
'55....	73	—		6	19	22	33	22	—
'56....	59	—		1	7	10	18	20	—
'57....	82	—		7	17	17	16	14	—
'58....	73	—		10	15	16	20	16	—
'59....	107	—		8	22	14	7	11	—
1860....	119	—		8	15	20	10	20	—
'61....	166	—		5	17	25	15	17	—
'62....	150	—		6	21	22	6	12	—
'63....	151	—		7	24	23	13	19	—
'64....	208	—		13	38	18	24	24	—
'65....	254	—		9	27	41	31	31	—
'66....	199	—		12	33	37	34	37	—
'67....	95	—		5	14	27	37	26	—
'68....	75	—		5	8	34	22	22	—
'69....	59	—		4	14	23	19	27	—
1870....	66	—	12	11	10	27	24	27	—
'71....	80	—	6	5	13	40	22	24	—
'72....	87	—	13	6	11	41	11	18	—
'73....	114	—	15	3	23	28	26	22	—
'74....	103	—	5	6	21	34	14	22	—
'75....	69	—	8	7	15	37	18	36	—
'76....	80	—	4	10	27	45	25	26	—
'77....	84	—	9	8	14	45	32	20	—
'78....	82	—	17	5	14	49	27	23	—
'79....	64	—	15	11	14	46	22	16	—

Provisional Orders Confirmation Acts), 1837-1905.
which in some cases overlap.]

Bridges and Ferries.	Turnpike Roads.	Fisheries.	Inclosures, Drainage, and Embankmen's.		Estates and Personal.	Charitable.	Ecclesias- tical, Churches, and Parish Affairs.	Trading, &c., Companies.
2	21	—	13		39	—	—	8
9	39	—	28		22	2	2	5
2	24	—	27		25	—	2	3
5	41	1	22		21	4	3	14
2	33	2	24		30	1	5	11
6	33	—	16		40	4	5	10
5	17	—	21		29	4	—	5
2	3	—	14		34	2	6	10
4	8	—	13		31	8	4	7
4	5	—	11		41	4	5	7
6	7	—	4		35	4	9	15
5	11	—	2		22	5	2	9
2	11	—	8		26	2	2	6
4	16	—	2		18	3	5	20
3	23	—	4		18	8	3	10
7	38	—	6		18	7	—	11
4	17	—	4		29	3	—	13
4	24	—	11		41	5	—	15
3	31	—	—		16	2	—	10
4	30	—	5		17	1	—	4
7	13	1	3		9	—	2	5
3	8	2	—		9	—	1	12
5	11	2	4		5	—	—	14
			<div> <div>Inclosures and Allotments.</div> <div>Drainage and Embank- ments.</div> </div>					
7	17	—	1	6	11	4	2	14
8	11	—	4	6	10	2	1	15
4	17	—	—	5	5	3	3	9
7	19	—	1	4	10	1	2	10
9	18	—	—	4	10	6	5	16
5	14	—	—	6	8	2	2	10
8	19	—	—	6	8	4	5	14
8	6	—	—	6	6	5	1	6
3		—	2	1	8	3	5	10
4		—	—	—	10	2	6	5
6		—	2	2	3	8	2	3
3		—	4	1	12	4	2	10
6		2	1	3	8	4	5	12
6		1	3	8	4	—	4	7
4		1	—	5	10	—	—	6
9		—	—	3	9	6	4	10
5		1	—	3	8	1	5	11
5		3	3	4	18	1	4	9
8		—	2	7	9	2	2	7
3		—	4	8	9	4	5	6

TABLE B.—*List of Acts Passed (other than*

	Railways.	Tube Railways.	Tramways and Light Railways.	Canals, Navi- gations, and Rivers.	Harbours, Docks, Ports, Piers, and Quays.	Local Govern- ment, County Affairs, Water, Gas, &c.	Gas.	Water.	Elec- tricity.
1880...	68	—	14	3	16	36	17	6	—
'81....	87	—	11	7	13	31	12	9	—
'82....	94	1*	21	4	22	49	12	14	—
'83....	84	—	15	7	18	30	6	10	—
'84....	83	—	16	7	18	38	7	12	—
'85....	68	1†	13	7	9	44	5	9	—
'86....	56	—	10	3	13	25	10	9	—
'87....	68	—	18	11	17	36	12	9	—
'88....	64	—	16	9	13	31	11	25	—
'89....	66	—	15	8	21	41	10	26	1
1890....	78	1	12	15	20	44	13	22	1
'91....	64	1	9	6	16	38	10	19	—
'92....	62	2	12	11	12	46	15	25	—
'93....	58	4	20	10	15	56	18	21	5
'94....	55	2	10	12	12	38	13	25	—
'95....	44	2	2	4	8	21	11	13	1
'96....	62	2	17	5	16	60	18	35	1
'97....	72	2	26	6	22	65	20	36	2
'98....	56	3	27	2	21	75	36	49	9
'99....	55	7	39	7	23	81	33	45	14
1900....	56	4	43	6	22	93	28	38	13
'01....	44	4	33	3	15	74	38	39	17
'02....	43	9	46	2	13	65	30	38	33
'03....	43	6	41	2	11	53	32	15	26
'04....	29	3	31	4	10	54	37	30	20
'05....	31	5	23	7	8	40	26	26	19

* Electric underground, Trafalgar

† Abandoned.

Until the year 1837 it was the practice of Parliament to appoint as Committees for the consideration of private Bills a large number of Members, including all those who were either personally, or in consequence of the electorates which they represented, interested in the measures before Parliament. But in 1837 the House of Lords decided that Committees of that House should in future “act as a jury bound to give their decision according to the evidence.” The House of Commons varied the system of appointing Committees in 1838, but they were still large, as many as 120 Members sometimes serving upon one Committee. In consequence of the

Provisional Orders Confirmation Acts), 1837-1905—Contd.

Bridges and Ferries.	Turnpike Roads.	Fisheries.	Inclosures and Allotments.	Drainage and Embank- ments.	Estates and Personal.	Charitable.	Ecclesias- tical, Churches, and Parish Affairs.	Trading, &c., Companies.
4	—	—	1	8	13	2	2	6
6	—	—	1	4	8	2	3	10
3	—	—	—	2	7	4	3	6
6	—	1	—	2	9	2	7	7
8	—	2	3	7	8	2	6	15
4	—	1	—	5	9	3	3	6
5	—	—	—	3	5	5	2	8
9	—	1	1	3	5	3	2	12
			Open Spaces, Allotments, Commons, Parks, &c.					
8	—	1	6	1	5	3	8	9
4	—	—	6	1	6	—	1	14
6	—	—	6	1	5	4	10	13
4	—	—	4	1	3	1	6	9
2	—	—	6	2	5	3	5	11
4	—	—	4	3	2	3	5	15
8	—	—	8	3	5	2	1	8
3	—	—	3	—	3	5	1	12
3	—	1	7	—	6	5	1	14
6	—	—	4	—	7	8	5	9
6	—	—	13	—	4	6	6	15
2	—	—	3	—	3	4	6	6
6	—	—	8	1	4	2	2	17
3	—	—	3	—	2	6	3	5
6	—	—	15	1	—	5	1	5
1	—	—	5	—	3	6	2	11
5	—	—	2	1	5	4	4	3
8	—	—	8	—	9	4	2	7

Square to Waterloo Station.

number of, and divergence of interests in, the Railway Bills which then began to pour in, it was decided that such Bills should be referred to a Committee consisting of five members not interested in the Bills; but as regards all Bills other than Railway Bills, the principle of not appointing to serve on those Committees persons who were locally interested in the Bills, was not applied till 1855.

Up to the year 1849 the Bills were not printed, but were engrossed on parchment, at great cost to the promoters, and an officer of the House of Commons was appointed to prepare what was called a *breviate*, an epitome of the contents of each Bill.

Apparently members rarely read, or took any notice of, these breviatees, for the system was abandoned in 1851.

At times there is difficulty in obtaining the services of Peers and Members to consider all the Bills waiting for Committees, but the public spirit actuating Members of both Houses has ultimately impelled a sufficient number to undertake the work, and leave no measures unconsidered at the close of the Session. It must be remembered that service as High Sheriff or on juries is not required of those who are liable to serve on Private Bill Committees. It is, however, related of one Honourable Member that whenever he received a summons to serve on a Committee, he took the mail train to Paris, and telegraphed thence his regret at his absence abroad!

Sometimes, at least in earlier days, the necessity of keeping up the attendance of Members on Committees seems to have been costly.

I came across some items of an account in 1812 for keeping General Ferguson up to the mark in his attendance for consideration of the Kirkcaldy Twopennies Scots Bill, of which he was in charge. Nine times was 13s. 4d. charged for reminding him to come down and attend to this Bill, and once a similar sum "for the purpose of "getting him sworn," but, it is added, "he did not come down."

To give some idea of the proportion of private Bills opposed and unopposed, the number of petitions to be dealt with, and the time consumed in the hearing, I have had the following tables prepared:—

	Bills Treated as Opposed.	Unopposed Bills.*	Petitions Against Bills.		Bills Treated as Opposed.	Unopposed Bills.*	Petitions Against Bills.
1878 ...	65	161	763	1853 ...	72	177	940
'79 ...	81	122	731	'84 ...	99	185	1,002
'80 ...	52	132	589	'85 ...	63	138	998
'81 ...	73	153	780	'86 ...	42	128	454
'82 ...	105	171	1,732	'87 ...	52	98	552

* Includes some sent back from opposed Committees, the opposition having been withdrawn.

*Days ofittings of Committees, and Number of Members of Parliament,
House of Commons, 1878-87.*

	Committee Days.	Number of Members.		Committee Days.	Number of Members.
1878	192	155	1883.....	346	143
'79.....	246	132	'84.....	371	156
'80.....	207	127	'85.....	218	120
'81.....	225	122	'86.....	125	78
'82.....	352	175	'87.....	190	102

Days of Sitzings of Committees, and Number of Peers, House of Lords,
1883-92.

	Committee Days.	Number of Members.		Committee Days.	Number of Members.
1883.....	135	84	1888.....	126	77
'84	147	70	'89.....	158	73
'85	145	71	'90.....	157	105
'86	67	50	'91.....	97	88
'87.....	125	79	'92.....	93	84

The evidence given before Committees, and recorded for the use of the parties and for subsequent reference, is very naturally voluminous ; that taken before Committees of the House of Lords alone since 1835 amounts to over 1,000,000 pages. The books and original Acts were fortunately saved from destruction by fire when the Houses of Parliament were destroyed in 1834, by being loaded into carts and vans by members of the staff. They were conveyed to the premises of the owners of the vehicles, and afterwards repurchased as salvage, sewn up in calico bundles, and deposited in a ward of Westminster Hospital, the original Acts being placed for greater safety in the old Jewel Tower until the new buildings were ready for their reception. They are now lodged in the Victoria Tower.

The procedure in regard to private Bills is as follows: All Bills have to be deposited by the 17th December in the House of Lords and the 21st December in the House of Commons. They are then carefully read through by the Lord Chairman and his counsel and by the counsel to the Speaker, who make notes as to any questions upon which they desire information, and may take exception to any provisions in the Bills. They are then referred to the Examiners of Standing Orders, who are required to report as to whether all Standing Orders have been complied with. Prior to the meeting of Parliament, the officers of the two Houses meet, and, after consulting the agents, agree to a provisional division of the Bills between the two Houses. Subsequently the Lord Chairman and the Chairman of Ways and Means sit and announce their decision in this respect in the presence of all interested in the Bills, who have the opportunity then of protesting or objecting to the introduction of any particular Bill in that House of Parliament which is proposed.

After the meeting of Parliament private interviews take place between the Lord Chairman and the agents as to all the Bills, whether originating in the House of Lords or the House of Commons. The agents then explain any points upon which they may be questioned, and give reasons why clauses struck out ought to be allowed. By that time reports have been prepared by the

Government departments upon Bills which affect matters falling within the cognisance of their department : The Local Government Board, in respect to all provisions affecting local government ; the Board of Trade, as to all matters connected with railways, electric lighting, or tramways ; the Board of Agriculture, in respect to all interference with common rights ; the Treasury, on any point affecting the revenue ; the Registrar of Friendly Societies, on any matter dealing with superannuation funds, &c. ; the Postmaster-General, as to anything affecting the monopoly of the Post Office ; and the Attorney-General, as to anything dealing with charities and charitable trusts.

Bills may be divided into two classes opposed and unopposed. As to the former, the parties affected may be relied upon to bring to the notice of Parliament all matters which concern them, but the duties of the officials of the House in respect of unopposed Bills and unopposed clauses have to be more carefully considered. What is everybody's business is nobody's business ; or, in other words, the general rights of the public are not of sufficient importance to any one individual for him to go to the expense of Parliamentary opposition, and they have therefore to be carefully watched over by those whose duty lies towards the public. In the same way as in ancient days, when it was proposed to canonise a saint, the devil's advocate was called upon to show cause why such distinction should not be conferred, so is it the duty of the Lord Chairman of Committees and the officials of the House of Commons to thoroughly test the soundness of the grounds upon which a private Bill seeks to confer powers upon one body or individual, to the detriment of others of His Majesty's subjects.

In this respect great assistance is rendered in all Bills promoted by local authorities seeking for powers creating new offences, or dealing with matters of sanitation, by the Police and Sanitary Committees of the House of Commons. At one time one committee was sufficient for the consideration of these Bills, but in recent years the number and length of the Bills has increased so rapidly that the House of Commons has found it necessary to appoint two committees to sit at the same time.

Let us trace the course of an opposed Bill. After it has passed the ordeals to which I have already alluded, it will be referred to a Select Committee of, say, the House of Commons, to which, if there are other Bills dealing with the same subject in the same locality (and rival schemes to attain the same object are not uncommon), those Bills will also be referred. Counsel, remunerated by fees which make the briefless barrister's mouth water, will be employed on either side, and after full argument, and the

hearing of witnesses, whose number is often controlled only by the firmness of the Chairman, when satisfied that all has been said that can be said, the room is cleared for the consideration of the decision of the Committee. It is not usual for a Committee to give reasons for their decision, which as a rule consists of the simple statement that the Committee are of opinion that the preamble either has or has not been proved.

The preamble in every case is required to recite the history of the subject under consideration; that it is expedient that the powers sought should be given; and that those powers cannot be obtained except by the authority of Parliament. Thus the preamble is invariably the turning point of every private Bill. The Committee then go through the clauses, when exception can be taken by any opponent petitioner, unless the subject of the clause has already been dealt with in the preamble.

Provisional Orders are promoted by Government Departments upon receipt of application from the parties interested. It rests with the department to decide whether the application shall be entertained, and to ascertain that the preliminary requirements, statutory or otherwise, have been complied with. In the event of the department deciding to proceed with the Order, a local inquiry is held by a Government Inspector, who reports the facts, and his opinion on them, and on that report the Department acts. An Order is then drafted and sent to the authorities interested, and when returned is inserted in a confirming Bill, which consists of a preamble and a confirming clause, while a schedule containing the text of the Orders confirmed is attached to the Bill. One Bill usually covers several Orders, and goes through the customary stages and, if the Order is opposed, it is referred to a Select Committee in the same way as a private Bill. All powers for electric lighting are given by Provisional Order.

Another form of Order is that provided for by the Scotch Private Legislation Procedure Act of 1899, whereby all legislative proposals affecting Scotland must be deposited as Provisional Orders. It then rests with the Chairmen of the two Houses to decide whether they should be allowed to proceed as Provisional Orders promoted by the Scottish Office, and considered by a special panel of Commissioners in Scotland, or whether they are of such a nature that they ought to proceed as private Bills in Parliament.

It may be a matter of surmise whether the decisions given by Committees of Parliament, whose members are not of necessity possessed of judicial or expert knowledge, and which are rarely reversed even when an appeal is made to the whole House, can give satisfaction to promoters and opponents alike. The most

experienced counsel and agents, however, in their evidence before Select Committees, have given it as their opinion that no better tribunal could be devised to give satisfaction to all parties.

Mr. Pope, Q.C., stated before a Joint Committee of both Houses that "he never heard any dissatisfaction expressed by any body who had much experience in the practice of Parliamentary inquiry;" while Sir Ralph Littler said upon a similar occasion, "I found in my experience that no sort of political influence has ever been known inside a committee room."

It has often been asserted that the fees charged are higher than the expenses attendant on the examination of Bills warrant.

For the ten years 1887-97 they have been :—

	Lords.	Commons.		Lords.	Commons.
	£	£		£	£
1888.....	22,480	21,931	1893	22,235	25,615
'89.....	27,643	24,806	'94.....	23,902	25,023
'90.....	29,947	32,641	'95	19,499	19,719
'91.....	22,938	30,485	'96	30,860	27,465
'92.....	27,913	27,341	'97.....	36,673	37,644

This, no doubt, is largely in excess of the costs of the Private Bill Department of the two Houses, and the general taxpayer has benefited in proportion.

Every proposal to lower the fees has been resisted by the Treasury.

It is not desirable either to encourage speculation, or that the money of the ratepayers in the smaller urban centres should be used for the promotion of Bills in Parliament; many of them would do better to wait till their wealth, population, and rateable value increased.

Many suggestions have from time to time been made with a view to the saving of expense, either by confining opposition to a hearing before one Committee only, instead of before a Committee of each House, or by referring Bills to some permanent Commission. Those most competent to judge, however, adhere to the belief that the public interest might suffer if opportunity for opposing the Bill could be decided absolutely, and without appeal, by a single Committee or Commission. The number of second hearings in the second House is comparatively small. 7 per cent. may be taken to be a fair average of the Bills opposed in the first House and again in the second.

Sometimes the injurious features of a Bill are not apparent till it is in Committee in the first House, too late to oppose on those

CHART SHOWING BY THE SOLID LINE THE TOTAL NUMBER OF LOCAL AND PERSONAL ACTS, INCLUDING PROVISIONAL ORDER CONFIRMATION ACTS AND PRIVATE ACTS, PASSED IN EACH YEAR FROM 1837 TO 1905.

THE THIN BROKEN LINE BELOW SHOWS THE NUMBER OF PROVISIONAL ORDERS CONFIRMED BY ACTS BETWEEN 1875 AND 1905, AND THE FIGURES INDICATE THE NUMBER OF CONFIRMING ACTS IN WHICH THEY WERE CONTAINED

THE THICK BROKEN LINE ABOVE SHOWS THE TOTAL LEGISLATION BY MEANS OF ACTS PASSED, AND PROVISIONAL ORDERS CONFIRMED BY PARLIAMENT

[A]

CHART SHOWING THE VARIATION IN THE NUMBERS OF ACTS PASSED, 1837 TO 1905, IN RESPECT OF MATTERS AFFECTING THE CARRYING TRADE, AND LOCAL GOVERNMENT (INCLUDING MUNICIPAL TRAMWAYS, GAS, &c.), EXCLUDING PROVISIONAL ORDER CONFIRMATION ACTS.

[NOTE :—As to the decrease in Railway Acts, see page 8 .]

[B]

CHART SHOWING BILLS DEPOSITED (OTHER THAN PRIVATE, I.E., DIVORCE, &c., BILLS AND PROVISIONAL
SCOTLAND, AND IRELAND RESPECTIVELY FROM 1871 TO 1906, ALSO THE VARIA

[C]

ED (OTHER THAN PRIVATE, I.E., DIVORCE, &c., BILLS AND PROVISIONAL ORDER BILLS) FOR ENGLAND AND WALES,
 IRELAND RESPECTIVELY FROM 1871 TO 1906, ALSO THE VARIATIONS IN POPULATION.

grounds, and yet the petitioners have in the second House obtained all the protection they needed.

Many important and novel Bills, such as the Manchester Ship Canal Bill, the Liverpool Mono-Rail Bill, the Thirlmere Waterworks for Manchester Bill were thrown out in the first Session in the second House, but came up in an amended and improved form in a subsequent Session, and passed both Houses without difficulty.

The Parliamentary agents as a body are conscientious and painstaking, not only in the pursuit of the interests of their clients, who are promoters or opponents of Bills, but they act up to the expectation of Parliament and the officials of the House that (in the words of Sir Theodore Martin, the doyen of the Parliamentary agents) "they will do nothing and conceal nothing which it is desirable that the tribunal which has to adjudicate on the questions before them should know. An agent's duty is to be perfectly frank and open with the officials of the House, and to give them the fullest information, and to enable them to come to reasonable conclusions upon all the questions that may come before them."

In this brief sketch of the rise of the system of local legislation by Private Bill I have endeavoured to show how great and varied are the interests, and how numerous the population affected. I have essayed to give an idea of the magnitude of the capital representing the savings of the nation invested on the security of the authority of Parliament; and to give some proper appreciation of the time and labour gratuitously expended by Members of both Houses of Parliament in hearing cases, which, while involving in nearly every case questions of public policy, are yet judicial in their nature. I have drawn your attention to the manner in which, as soon as Parliament has dealt with one group of industrial enterprises, the constant advance of civilisation and invention has provided fresh subjects for its consideration; and, finally, how, owing to the block in public business, much legislation that ought undoubtedly to be applied to the whole country, or at least to the great urban centres, has come to be enacted for one after another through the machinery of the local Private Bill.