PRIVATE BILL LEGISLATION AND LOCAL GOVERNMENT.

AN ESSAY

ON

PARLIAMENTARY REFORM.

BY

JOHN BAGOT,

HONORARY SECRETARY TO THE DUBLIN CHAMBER OF COMMERCE.

'Reform, that you may preserve.'—*Macaulay.*

'The history of the British Constitution is nothing but the history of its changes.'—*Plunket.*

DUBLIN:

E. PONSONBY, 116, GRAFTON-STREET.

1881.

PRIVATE BILL LEGISLATION AND LOCAL GOVERNMENT.

AN ESSAY

ON

PARLIAMENTARY REFORM.

BY

JOHN BAGOT,

HONORARY SECRETARY TO THE DUBLIN CHAMBER OF COMMERCE.

'Reform, that you may preserve.'—*Macaulay.*

'The history of the British Constitution is nothing but the history of its changes.'—*Plunket.*

DUBLIN:

E. PONSONBY, 116, GRAFTON-STREET.

1881.

DUBLIN:
PRINTED AT THE UNIVERSITY PRESS,
BY PONSONBY AND WELDRICK.

PREFACE.

THE following pages are intended to direct the attention of the public to a question of daily increasing gravity. Although the subject has attracted notice in Parliament and out of Parliament for many years, it is hoped that a systematic arrangement of its aspects, a comparison of proposed reforms, and a sketch of some practical suggestions, may assist in forming a definite plan of dealing with the difficult relations of Central to Local interests. It may be added that the writer has good reason to believe that he is asserting the views of a strong majority of commercial gentlemen in these islands.

My obligations must be acknowledged to my friend, MR. HUTCHESON MACAULAY POSNETT, SCH., &c., of Dublin University, for the valuable aid he has kindly contributed.

July, 1881.

CONTENTS.

AN ESSAY

ON

PARLIAMENTARY REFORM.

CHAPTER I.

HISTORICAL ORIGIN OF PRIVATE BILLS.

THAT marvellously complex body, which we briefly name the British Constitution, has always, like all living organisms, contained elements of life and death. With the circulation of growth and decay in this organism the written history of many centuries familiarises us. Sometimes that circulation is rapid, sometimes slow. Still, while we meet new requirements by appealing, if possible, to analogies in our political and social development, we do not underrate the stability of our Constitution because analysis reveals to us the littleness of its origin or the fitfulness of its growth. We find its true divinity, not in an affectation of antiquity, but in that plain reflection of the changing requirements of the community which can alone

Progress the essence of the British Constitution.

secure the useful permanence of any institutions. It would not be too much to say that every theory of our Constitution ever propounded would, if strictly carried out, have ended in the ruin of the living reality. So varied is our political progress, so far beyond merely artificial control, that it might be difficult to find two men who mentally picture it alike, or who would agree in the relative values they would assign to its parts.

Double line of Progress, Local and Central.

Still, if there has been any uniform characteristic which has peculiarly marked the complexity of our Constitutional development it is the nice balance of Local and Central government. If asked the secret of our political stability, we would certainly place it here. We have avoided that excessive municipal Localisation which distracted the unity of Italy; we have also avoided that excessive municipal Centralisation which has long disturbed the peace of France. It is in this way that Representative Government, whose primary elements were the common property of so many early European communities, has with us not only flourished, but seems to be expanding into higher forms of Federalism which our Colonial, no less than our Home relations tend to foster. In the adjustment of our Local and Central relations, accordingly, lies the highest problem of British statesmanship. Upon the solution of this problem depends the future, certainly of the British Empire, perhaps of the civilized world. Huge monarchies and republics of times long past

failed to understand or answer the same problem; and in our languages, philosophies, and institutions we daily handle many a stray survival from these ancient shipwrecks. The extreme importance of any question involving the adjustment of Local to Central government needs no exaggeration. Such is the subject intended to be brought before the public in this pamphlet; and the particular question at issue admits of a clear statement.

Local and Central relations of British Representative Government; sketch of their history.

In modern Europe the Localising tendencies of Feudalism were everywhere met by the Central Monarchical Council, which proved the germ at once of Legislative and Judicial Centralism. It would be tedious and unnecessary to recapitulate the steps by which our Parliament and Courts of Law rose from this origin. We had a Parliament before we had Representative Government—a Parliament of great and small Feudal landlords, sitting by Feudal right—a Parliament that would have ridiculed the bare notion of being elected, much more being elected by their serfs. But the growth of commerce, and the money requirements of a new stage of social evolution broke down this monopoly, and forced the monopolists to admit to their assembly men who held the purse-strings of the nation. Under such auspices the principle of Representative Government took root among us: rising with the enfranchisement of our towns, and extending with

the network of our municipal self-government, it has grown with the growth of British commerce and can decay only in its decay. Soon the principle of popular election began to react even upon a Feudal Parliament. The knights of the shire, the small Feudal lords of the Old Parliament, gradually became elective, and at last in the fourteenth century the representatives of towns and these knights sat together in one House, and the Bicameral system, as we know it to-day, was established. But it would be hard to say whether the status of members, or the houses collectively, differed more widely from their modern counterparts. An infantine commerce had as yet but little impaired the almost despotic strength of the Landowners' Great Council; scarcely any of the precedents which conceal under a fiction the real progress of the Commons were then known. The very procedure of the Houses reflected their weakness. Had they a collective grievance? They petitioned the king, and their Petitions were drawn up by an officer who often made alterations at his will. Private or Local grievances were met in the same uncertain way. It was by Petition, too, that Parliament, as inheriting the judicial functions of the old council from which it was descended, was entreated to remedy the defectiveness of the Common Law Courts. Vague distinctions between Private and Public Petitions were entertained; and about the reign of Henry IV. both

Origin of Private as contrasted with Public Bills.

kinds of *Petitions* became *Bills*, the old system of Petitioning having been then exchanged for that of Bills.

Local character of early representatives.

But the greatest contrast to the Parliament of to-day lay in the personal status of Members of the Commons. As yet the bare idea of conflict between the Local and Central duties of a Member was *in nubibus*. The Local side was the supremely important side. If the Burgess voted upon questions of 'high policy,' it was because a Feudal king and Feudal aristocracy found in his purse the means of decently destroying their enemies or themselves. The Burgess was assumed to possess few or no interests beyond his own town. Each Member of the Commons was looked upon as rather the spokesman of his own constituency, bound to closely reflect their will, than as a general guardian of the community, interested alike in the state of the nation and the local concerns of his constituents, and rendering no more than a general deference to their opinions.

Public interests of representatives slowly admitted.

But the same commercial progress which is now fusing all Europe together was even then at work, slowly destroying this archaic provincialism. Perhaps the earliest occasion upon which the change manifested itself was in 1571, when the old custom of selecting as representative some Burgess resident in the Borough he repre-

sented was directly attacked. 'This is a remarkable, and perhaps the earliest, assertion of an important Constitutional principle, that each Member of the House of Commons is deputed to serve, not only for his constituents, but for the whole kingdom; a principle which marks the distinction between a modern English Parliament and such deputations of the estates as were assembled in several Continental kingdoms; a principle to which the House of Commons is indebted for its weight and dignity, as well as its beneficial efficiency, and which none but the servile worshippers of the populace are ever found to gainsay.'*

First omens of conflict between Local and Central duties of representatives.

But if the representative were something more than the mere mouthpiece of Local interests, the transition to an ever-widening circle of surveillance was unavoidable. After all, it was but a shadowy line that divided the supervision of export and import taxation from the discussion of Foreign Policy, the time-honoured 'heirloom of the British Aristocracy.' Under such circumstances, if Local and Central interests were to augment *pari passu*, if they competed against each other for the attention of the Legislature, something very like a collision between the Local and Central duties of the Representatives would result. The Burgesses had long thrown aside

* Hallam, *Constit. Hist.*, p. 194.

the purely Local character in which they had first represented the commercial interests of their Boroughs, when, at the beginning of our great commercial activity in the last century, the question of the Representative's Local obligations began to be loudly discussed. In 1774 Edmund Burke expressed an opinion on the subject which is fully worthy of his profound intelligence. 'Parliament,' he said, 'is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole; where not Local purposes, not Local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a Member indeed; but when you have chosen him he is not a Member of Bristol, but he is a Member of Parliament. . . . We are now Members for a rich commercial city; this city, however, is but a part of a rich commercial nation, the interests of which are various, multiform, and intricate. We are Members for that great nation, which, however, is in itself but a part of a great empire, extended by our virtue and our fortune to the farthest limits of the east and west. All these widespread interests must be considered, must be compared, must be reconciled, if possible.'

Effects of the development of Local interests.

During the last hundred years the extension of Local interests by increased Home and Foreign trade, facilities of transit, and otherwise, has of course been immense; and the aspect of Parliament towards such interests has been greatly, though silently, changed. Act after Act has relegated to Local control questions which, under the old system, would have been discussed by Parliament. A tacit admission of the need of division of labour has created Local Boards, Local Commissions, or even, as in the case of Election Petitions, delegated ancient privileges of Parliament to subordinate courts. In spite of all this, Private Bills, *i. e.* Bills in which matters of Local interest are discussed, still flood the Houses, monopolizing their time, causing vast expense, and, worse than all, suggesting the false impression that there must be some inherent antagonism between Local and Central interests. The importance of removing this impression cannot be exaggerated; and Mr. Gladstone's hope (May 23, 1881), that the time is approaching when matters of Local and Imperial taxation will no longer be regarded as antagonistic, may be taken as a good omen for wider questions than those of finance and a wider field than that of Home Government.

Present attitude of Parliament.

Meanwhile it cannot be doubted that Parliament will and does feel some soreness in parting with authority. Curious shifts to avoid the inevi-

table are seen at this moment; and serious innovations in parliamentary procedure—innovations in some respects threatening the rights of representatives—have been more or less occasioned by a natural unwillingness to delegate authority even at an increasing risk of doing badly, expensively, or leaving undone, work constantly increasing in importance and extent. Thus, a movement essentially harmonious, producing an equipoise between Local and Central government, and tending to a vast development of British Unity, is constantly obscured by questions of party politics or temporary interest. Of course the need for reform does not lessen because it is obscured. 'The inordinate growth of Private Bill Legislation,' says a writer of the present year,* 'must lead within no long time to some decisive measures for relieving the Houses, and especially the House of Commons, of the engrossing burden which it casts on members.' In fact, the pressure of business would long ago have paralyzed the Central Government, had not the present century witnessed a vast extension of Local powers.

Statement of the question.

It will be seen that Private Bills are often expensive and cumbersome survivals from a political and social organization out of which Great Britain and Ireland have long grown. They have

---

* *Fifty Years of the British Constitution.* (Prof. Sheldon Amos.)

survived into a new order of social development; and much has already been taken from their old form. What their advantages and disadvantages are; how to retain the former and minimize the latter without sweeping innovations; how to economize the time, trouble, and expense of Local interests and Imperial Parliament without weakening the salutary control of Centralism; these are questions of direct or indirect interest to every class in the community, questions which earnestly demand solution, and which it will be the aim of the following pages to prove soluble.

CHAPTER II.

ADVANTAGES AND DISADVANTAGES OF PRIVATE BILLS.

Nature of a Private Bill.

BEFORE discussing the merits or demerits of Private Bill Legislation we must understand its procedure. The following is a short sketch offered by a London journal.* 'The difference between Public and Private Bills may shortly be defined thus:—A Public Bill affects the whole community, while a Private Bill concerns more particularly individual or local interests; and the practice of Parliament has hitherto been to refer the latter class to select committees, and the decisions of such committees are almost invariably adopted by the House without any discussion. . . . The general practice in dealing with Private Bills is to obtain the assent of the House in which they have been introduced to read them a second time, and then to refer them to a select committee. This course is taken because, as private interests are affected, those who are opposed to the passing of such Bills have an opportunity of being heard, either in person or by counsel, before a select committee, whilst the promoters have the same opportunity of estab-

* *London Morning Post*, May 29th, 1881.

lishing the expediency of the legislative sanction to the measure they have introduced. The members of the select committee exercise *quasi* judicial functions, and after having heard all the evidence adduced for and against the proposed measure, they make a report to the House approving of or condemning the Bill. When this report is submitted to the House it is, save under very extraordinary circumstances, confirmed as a matter of course, and the Bill is almost universally read a third time and passed without comment. . . . It is, however, quite within the right of any member to raise a debate on the motion for the second reading of a Private Bill, or at any subsequent stage, and, if he succeeds in carrying the House with him, to cause its rejection.'

Distinctions between Public and Private Bills indefinite; important corollary from this fact.

It cannot, indeed, be said that any hard and fast line marks off the domain of Public from that of Private Legislation. Sir Thomas Erskine May, in his work on *Parliamentary Practice*, observes that a Bill for the benefit of three counties has been held to be a Private Bill; that difficulties often arise in determining to what class particular Bills belong; that though Bills relating to a city are generally treated as Private, Bills concerning the Metropolis have been dealt with as Public, on account of the complexity of interests involved; and that Bills are sometimes introduced as Public, but otherwise dealt with as hybrid or *quasi*-Private. This fact alone is enough

to show that nothing like an absolute separation of Public from Private Legislation can be contemplated. Whatever reforms the existing sytem may require, Parliament itself must in the first instance decide upon the Public or Private character of Bills.

Advantages of Private Parliamentary Legislation not due to its present form.

Many advantages ought to be secured by the Private Legislation of Parliament. One of these was recently adverted to by Mr. Sclater Booth (May 23, 1881)—the salutary control over Local taxation and finance which Parliament might exert through such Legislation. Numerous as they are, however, these advantages would be found ultimately resolvable into the harmonious action of the Local and Central machinery of Government. In no case will it be found that the maintenance of this harmony depends upon the maintenance of existing forms. No one will deny the advisability of securing the co-operation and unity of Local and Central Government; but few will regard with satisfaction the slow and expensive machinery by which that purpose is now partially attained. Admitting, however, that the present system of Private Bill Legislation is not without its advantages (few political institutions in any age or country have been wholly bad), let us see what particular disadvantages the present system involves.

Summary of disadvantages of Private Bill Legislation under existing system.

1. The expense in time, trouble, and money under the existing system is enormous. 2. The work done by the existing system is inefficient (α) through the conflicting interests of Local and Imperial business in the overburdened Houses, generally terminating in the neglect of the Local, often in the hindrance or delay of both the Local and Imperial; (β) through the difficulty of obtaining Local knowledge, at a distance often very considerable. 3. The committees accept or reject bills without any attempt to formulate principles, or rather on the most contradictory principles, one committee accepting what another repudiates, and *vice versâ*. 4. It is against the reputation of members of the Houses to be seen (as they often are) 'whipping up votes for bills in which they are personally interested.'

Here is a formidable list of defects, which might be readily supplemented. In the face of such obstacles, is it to be wondered that needful Local improvements often fall through when they have reached Parliament, and more often, in despair of success, are never sent to Parliament at all? But let us see whether the defects have been exaggerated.

I. Expense.

I. Sheffield 'incurred an expense of £70,000, in the matter of a water supply, by the necessity of transferring to London a great body of witnesses and scientists. Not long since, Dublin paid

£15,000 as the expense of a Private Bill. The formation of Clontarf into a township—a matter that, we might suppose, would be of little importance to Englishmen—cost many thousand pounds.' Mr. Leeman, M. P., writing on Dec. 30, 1879, to the then Chief-Secretary for Ireland, mentions an instance in point:—'The total length of the railways embraced in the statement I have just made may be taken as not exceeding seventy miles in the whole. Now, it will be observed, that to obtain statutable powers to make the four railways, already constructed or now in the course of formation, no less than *sixteen* Acts of Parliament have been found necessary, involving, on each occasion, all the expense of engineers, solicitors, and others going from those remote districts of Ireland to—being frequently kept for some time in—London, and that not once on each Bill, but on the various occasions, first in the Commons and then in the Lords, where all the formalities in each Bill have to be gone through before the Bill could make any practical progress. My remarks, so far, have had reference to the South of of Ireland only; but having previously acted as arbitrator and umpire between companies occupying much more extensive districts of that country, I know that to authorize the Railway System of Ireland, as it now exists, has rendered necessary the introduction of no less that 250 Bills into the English Parliament. And beyond these Railway Bills a very large number of Bills has been intro-

duced for the gas, water, and other local measures required for Irish purposes.'

Dangerous economic and social effects of this expense in Ireland.

Mr. Leeman, reasonably enough, regards this state of things as a tangible Irish grievance loudly calling for reform. It may be added that Ireland, of all parts of the British Empire, can least afford this waste of capital. It is a country which, from a variety of causes, is passing through the most serious economic revolution. Various causes (amongst them the very Free Trade which has fostered English manufactures) have diminished the efficiency of Irish agricultural labour, and therefore the amount of Irish capital. No country is more in want of capital to reclaim its bogs, to extend its mines, to create manufacturing industries for a population which agriculture cannot support, to fill its natural harbours with trade—in a word, to make it what it ought to be, 'a resting-place for trade on its way to either hemisphere.' Surely the imposition of heavy taxes on enterprise, the creation of obstacles in the way of improvements in communication or otherwise, can never assimilate Irishmen to the steady and industrious habits of their wealthy fellow-countrymen across the water.

To show that these obstacles exist, take another example, out of many. At a Dublin Market Company's meeting (*Evening Mail*, February 13, 1880) it was stated that their Act of

the previous session had cost £1725 17*s.* 9*d.* 'They felt it was *a very great tax on public enterprise in Ireland* to have to go to London to get an Act like that. The shareholders might think it was an extraordinary amount to spend on what they got, but *the smallest opposition might bring the amount up to* £2000 *and more. About* £1200 *of that sum of* £1725 17*s.* 9*d.* was *spent in England*, and the balance, *not* £600, *was spent in Ireland. The time* occupied in London by the solicitor and witnesses *was* 76 *days* in trying to get this Act. . . . As an instance of this injustice of being obliged to go to London for such local Acts, it might be mentioned that the (Dublin) Corporation, from the commencement up to the present, had expended £25,000 in Parliamentary costs, in trying to erect their Waterworks.'

Effects of this expense as a tax upon capital.

Few examples could better illustrate the injurious character of this tax upon the application and accumulation of capital than Ireland. Improvements are most likely to be needed in backward parts, and these are the very parts on which the tax will fall most heavily. The tax is therefore unequal; it takes from the poorer to give to the richer. Who would maintain a tax upon scanty Capital? Who would maintain a tax cumbrous, unequal, uneconomical? The effect, it must be reiterated, is little short of ruinous, socially and politically, in a country like Ireland, whose agriculture is depressed and

threatens to be further depressed, by permanent causes, which wants variety of employments, which is struggling out of agricultural into manufacturing industry, which therefore needs to attract capital, and yet annually loses so much of its meagre resources in remittances to absentee owners, who find better investments elsewhere. The present system of Private Legislation for Ireland in London amounts to a severe tax upon Irish capital, already from other causes small enough; a tax also on such English capital as, in spite of real or fictitious bugbears, finds its way across the Channel; and reacts most unfavourably on Irish profits, wages, and rents. But the evil effects of the system are far from being confined to Ireland. Everywhere, though wealthy districts may be only teased by the burden, the inefficiency of labour is increased, so far as this system operates. It is idle to talk of the perfect freedom of capital so long as every useful application of capital is condemned to a penitential crawl up to and down from London, weighted with a heavy mulct of some thousands of pounds. It is really time that the people of these countries should awake to the real incidence of this tax. Will they see that from them, as consumers of the expensive improvements, the capitalists must recupe themselves? Or, are we to go on grumbling at high railway fares and other fares, to regret the greed of capitalists, but to see in the system, which actually produces so

much of the mischief, nothing that materially concerns ourselves? On this, as on hundreds of other subjects, the will of the masses has only to be determinately expressed and the reforms must come as a matter of course.

II. So much for the expense involved in the present system. Does this huge expense produce efficiency? Far from it. Even such work as is done is hastily, negligently, and cumbrously done. Hundreds of Private Bills are every year slaughtered to make time for Imperial business; sometimes the latter is disastrously neglected in favour of the former. Some recent remarks of Mr. Justice Barry on the transference of contested election questions to the Law Courts are perfectly applicable to this second defect of Private Bill Legislation in its present practice. The Judge observed that* 'the two considerations which led the Legislature to transfer this jurisdiction of trying election petitions from Committees of the House of Commons to the Judges were the *facility for the investigation of truth* which an inquiry on the spot afforded; and secondly, to relieve the petitioners in such cases, and indeed the respondent for that matter also, from the *great expenses attendent upon bringing witnesses from a distance to the place of trial.*'

II. Inefficiency purchased by expense.

---

* *Freeman's Journal*, February 19th, 1880.

Causes of this inefficiency already admitted and elsewhere removed by Parliament.

Here, in a matter of deep constitutional importance, at the expense of surrendering a privilege which cost some of the hardest struggles in Constitutional History, the good sense of the House recognized the value of arguments which are identically the same as those urged by the advocates of reform in Private Bill Legislation. Can anyone imagine that economy in expense, or facility for the investigation of truth, are matters of less concern in the *continuously immense* mass of Private Bills than in the *casual* occurrence of an election petition?

False conception of the conditions of Parliamentary efficiency.

But the work done is also inefficient, because no division of labour within the House can meet the united strain of Public and Private Business under the present system. This is likely to engender serious evil. Discussing a certain Private Bill, the *London Morning Post* (March 29, 1881) seemed to congratulate the Houses, because, 'though the course of procedure is unaltered, much is done to prevent either House being obliged to give, when assembled, more than a formal attention to Bills of this character.' The old theory, therefore, that Private Bills demanded the attention of the whole House has been tacitly given up. But the shell of the theory still remains in this fiction of 'formal attention.' Either Private Bills ought to receive the real attention of the whole House, or such attention is merely waste time. If they ought to receive the real

attention of the whole House, indifference and haste are dangerous; if they ought not, Parliament is throwing away valuable time. In either case, therefore, the Houses ought not to be congratulated because they can now give a 'formal attention' to Private Bills without altering their procedure.

III. What, then, is the character of the body to whom the real attention is being relegated? Are they peculiarly acquainted with the Local interests at stake? Are they peculiarly experienced in the examination of conflicting evidence? Are they never ignorant of, and therefore never frightened by, legal technicalities? Does the possibility of a brilliant hit in a wider field never distract their unflagging industry? Above all, do they possess any definite principles of their own, and are they never forced to adopt those of inferior courts, which they do not always understand? Nobody acquainted with Parliamentary Committees will hesitate in his answers. The quasi-judicial duties of the Parliamentary Committees often remind us of Racine's Dandin—only that the creature of the French dramatist knew the law he was so fond of administering. To make the practice of Private Legislation by Parliamentary Committees answer the theory (leaving economy and reliable evidence altogether out of the question), they should consist of men possessing all the training of the Bar and the Bench, with some knowledge of the

III. Weakness of Parliamentary Committees.

Local interests involved, but no direct stake in them; changing, therefore, with each change of locality, and yet creating and interpreting with uniformity regular principles in their judicial action. Who ever heard, or is likely to hear, of such a Parliamentary Committee?

IV. Personal dignity in both Houses, compromised; results of this risk.

IV. The last defect is of such a delicate character as to repel all direct illustration. An imaginary case, however, will typify its nature. A is an extensive proprietor in the town or county of B. Endowed with industry and intelligence, he is sent into Parliament as the representative of town or county interests. Various measures of Local interest demand his Parliamentary attention: in these questions his own interests are inextricably implicated. An opportunity to his detractors within and without Parliament is afforded; yet what can he do? Is he to allow salutary improvements to slide because the method of securing them may compromise his character? Thus the matter of Local progress comes to depend upon the personal character of the representative. Is he weak, vacillating, timid? He sacrifices the local interests to his own reputation. Is he a plain, blunt man, perhaps a little brusque? His honest contempt for malignity lends it some real plausibility. No matter what adroitness the representative may possess his position is awkward in the extreme.

Supposed utility of present system as a fine on rash expenditure.

It is quite possible that some of these defects might be construed by advocates of the present forms as expedient. Some have not scrupled to say that the heavy expense noticed above acts as a useful tax upon rash and useless enterprise. No doubt this effect may often be secured; but the question is a simple one of comparative cost. Is it at the expense of continuous discouragement to practicable improvement that this wholesome check is purchased? If so, the loss indefinitely exceeds the gain.

Delegate witnesses imply a false conception of Local evidence.

Again, it has been said that the selection of particular persons as deputed witnesses for districts would obviate many objections to the present system. Some indications of a tendency in this direction are, no doubt, observable. But deputy witnesses involve a radically false notion of what evidence ought to be. Evidence ought to be as little restricted as to persons or things as possible. The growth of English law on this subject aptly illustrates this principle. The interests embraced by Local improvements are indefinite in the extreme; no single person or class of persons can possibly satisfy the requirements of their introspection. We may, therefore, regard the idea of delegate witnesses as highly unsatisfactory.

Value of Indirect Parliamentary Government.

This and other forms of bolstering up the present system of Private Legislation are tacitly based upon the assumption that Parliamentary

control, in order to be felt, must be direct. Nothing could be falser. Direct control must be founded upon knowledge of detail: indirect can be often salutarily exercised without that knowledge. When Parliament attempted to interfere directly in administration, it failed egregiously: witness the action of the Long Parliament. To day the acknowledged supremacy of the Commons invests them with an indirect control over the whole field of British interests. Never in the whole period of the Houses' history ought the conversion of direct into indirect control to awaken less apprehensions; and never in its history was such a change so urgently needed.

CHAPTER III.

PUBLIC OPINION ON PRIVATE BILL LEGISLATION IN PARLIAMENT.

BEFORE proceeding to discuss the methods of reform which have been proposed, it is important to know whether the Public opinion of the country has recognised the general necessity of reform. In order to answer this question fairly, we shall examine (1) the opinions of statesmen and literati; (2) those of Boards of Commerce; (3) those of the Public Press.

(1). Views of statesmen: Earl Russell's opinion.

(1.) Let us begin with the view of a statesman who himself remarkably contributed to the development of our constitution. The late Earl Russell* said, 'I should have been very glad if the leaders of popular opinion in Ireland had so modified and mollified their demand for Home Rule as to make it consistent with the unity of the Empire. There can be no doubt *that the existing legislation by Private Bills is exceedingly cumbrous and expensive; that great funds are wasted* in purchasing private interests, and in giving fees to lawyers *for services which are neither conducive to*

* *Recollections and Suggestions*, 1813–1873, p. 351.

the public good, nor advantageous to property. It would have been a great advantage in lightening the labours of Parliament, and in promoting useful Public Legislation, if the rural parts of England, Scotland, and Ireland had been divided and distributed into municipalities, springing from a Popular origin and invested with Local powers.'

The Speaker's opinion, May 21st, 1881.

At the annual dinner of the Chairman of the Metropolitan Board of Works, May 21, 1881, the Speaker, replying for the House of Commons, said* 'that it was satisfactory to know that, if the House suffered from late hours and overwork, it had the remedy in its own hands. The problem was one of much difficulty; but some relief might be afforded by calling in the aid of the principle of self-government, and *handing over to local authorities a portion of the work, which might be better discharged by Local Assemblies than by Imperial Parliament.* While touching upon that question he might say, in an assembly representing in a great degree this vast metropolis, that he trusted that whenever the subject was taken in hand *further powers of local self-government would be given to this great metropolis.* He had often thought that it was passing strange that whenever this great community wanted better water or brighter light they must come to Parliament. *What he had said of London he would say also of all the large communities,*

---

* *Times*, Monday, May 23rd, 1881.

not only in England, but in Ireland and Scotland. Some relief might also be given to the overworked House of Commons by calling in aid the principle of division of labour, so that the work falling upon that assembly might be better distributed among its own members.'

(2.) The opinions of Literary men are a fitting pendant to those of Statesmen. Let us again take two examples out of many. In his *Essay on Representative Government* (p. 118), Mr. John Stuart Mill says: 'I need not dwell on the deficiencies of the Central authority in detailed knowledge of local persons and things, and the too great engrossment of its time and thoughts by other concerns to admit of its acquiring the quantity and quality of Local knowledge necessary, even for deciding on complaints and enforcing responsibility from so great a number of Local agents. In the details of management, therefore, the Local bodies will generally have the advantage; but in comprehension of the principles even of purely Local Government, the superiority of the Central Government, when rightly constituted, ought to be prodigious . . . The practical conclusion from these premises is not difficult to draw. *The authority which is most conversant with principles should be supreme over principles, while that which is most competent in details should have the details left to it.*'

(2). Views of literary men: Mr. Mill's opinion.

At the commencement of the same chapter of

his Essay, Mr. Mill had observed, that 'it is but a small portion of the Public business of a country which can be well done, or safely attempted by the Central authorities; and even in our own Government, the least centralized in Europe, the Legislative portion, at least, of the governing body *busies itself far too much with local affairs, employing the supreme power of the State in cutting small knots which there ought to be other and better means of untying. The enormous amount of Private business which takes up the time of Parliament and the thoughts of its individual Members, distracting them from the proper occupations of the Great Council of the Nation, is felt by all thinkers and observers as a serious evil, and what is worse, an increasing one.*'

Opinion of Professor Sheldon Amos.

Professor Sheldon Amos, in an excellent work recently published,* observes that 'Private Bills tend to become more numerous as the arts and inventions which improve human existence become numerous and to grow intricate, as the forms of human association and the fine gradations of competing interests increase in variety and complexity. There is a true and justly apprehended danger, that in no long time the business of so-called Private Bills will absorb the main attention of the two Houses, to the comparative neglect of questions of general policy, Home and Foreign, and at the expense of all

---

* *Fifty Years of the British Constitution*, p. 91.

the time and energy at the disposal of their Members.'

II. It is well known that taxes upon the consumers of commodities, so long as they are indirect, attract but little attention. Perhaps this fact may explain the apathy of the many towards the enormous expenses entailed by our Private Bill system. Our Chambers of Commerce, however, and other Public Bodies are by no means chargeable with such apathy. Their position gives them peculiar opportunities for inspecting or experiencing on a large scale the costly and cumbrous machinery in all its defective working. Accordingly, from all parts of the kingdom we hear the loud protests of these Local Boards—protests all the more valuable as they come from men of practical business habits and of trained insight into the actual requirements of trade. II. Resolutions of Commercial Boards.

The following resolution was adopted by the Associated Chambers of Commerce, Belfast, August 27th, 1879:—'That, as far as possible, all Local Parliamentary inquiries should be conducted in the district in which the questions arise, and where the facts are generally known, and evidence easily and cheaply obtained.' Belfast.

At the annual meeting of the Dublin Chamber of Commerce, January 20, 1880, it was unanimously resolved:—'That the attention of the Dublin.

Council be directed to the subject of the present system of conducting altogether in London Parliamentary Private Bill business in relation to Irish Local affairs, thereby causing much public inconvenience, and the frequent delay and miscarriage of legislation on such matters, it being the opinion of this Chamber that the Council should either singly or in co-operation with the Associated Chambers of Commerce or other bodies interested, endeavour to procure remedial legislation in accordance with the spirit of the resolution on this subject.'

Limerick. The Town Council of the city of Limerick passed unanimously the following resolution :— 'That this Council concur fully with the resolution passed by the Dublin Chamber of Commerce at its late meeting, in reference to the great hardship, if not injustice and unreasonableness, of compelling Public Bodies, Corporate Cities, Towns, and Boroughs, and other vested interests in Ireland, to initiate and procure in London bills affecting public works and improvements, Locally useful, but not of National importance.'

London. On February 18, 1880, the Associated Chambers of Commerce, London, adopted the following resolution :—'That should the Industrial Enterprise (Ireland) Bill, or any other measure having a like purport, be re-introduced into Parliament during the Session of 1880, the Executive Council

shall petition the House in which the Bill is introduced, and memorialise Her Majesty's Government in favour of holding Parliamentary Inquiries in the district in which the questions inquired into arise.'

Opinions of the Press; recognition of the question as above Party Politics: The *Northern Whig*.

III. What is the tone of the Public Press upon the question? The following quotations will prove how far the matter is from being one of Party Politics. The *Northern Whig* of August 30, 1879, thus discusses the subject:—'There was no subject before the Associated Chambers of Commerce of greater national importance than that introduced by Mr. Dalglish on the subject of Local Parliamentary inquiries in connexion with Private Bill Legislation. It is a significant fact that his resolution on the subject *was carried unanimously in a body representing men of all political views and from every part of the United Kingdom.* . . . . So long ago as 1864 a Committee of the House of Commons actually got so far as to divide on the point whether or not the Private Bill Legislation should be taken out of Parliamentary jurisdiction; but the present Lord Derby carried the negative by a majority of one. Of course Mr. Dalglish's resolution does not propose to do away with the jurisdiction of Parliament, but merely to have inquiries into Local projects made in the places where they are expected to be of service. . . . . It is an important point that *all parties are agreed upon the necessity of*

something being done at once to relieve an overburdened Parliament, and to lighten the expense of carrying out projects necessary to the welfare of distant parts of the United Kingdom. There can be no justification for keeping up the practice of taking witnesses from Ireland or Scotland, or distant parts of England, to the Committee-rooms at Westminster to make out cases for Railway and Gas Bills.'

The *Daily Express.*

The *Daily Express* of January 23, 1880, takes the following view of the matter:—'The grievances of which Ireland has to complain with respect to Private Bill Legislation, will be illustrated by fresh examples on the opening of the Session. *We hope the effect of them will be to stimulate our Chambers of Commerce, and others who have taken up the snbject, to press upon the Legislature the expediency and justice of altering the present system.* Already the exodus to London of promoters and opponents, counsel, solicitors, engineers, directors, and witnesses, has begun from Dublin and other parts of Ireland where Local improvements are projected, and the hosts are gathering from every side, like clans at the shrill sound of the pibroch, for the campaign which has to be fought through the lobbies and committee-rooms of the Palace at Westminster. . . . These contests are very interesting to all engaged in them, and very refreshing to the gentlemen of the Law; but the unfortunate promoters, and equally unfortunate opponents, have not even the satisfaction of

sharing in the excitement of the forensic fray. They cannot be the spectators of the scene. The ratepayers in the district to which the Bill relates have only one privilege—that of paying for the protracted pleasantry, and knowing that, whether they win or lose in the encounter, they must be prepared to meet a formidable Bill of Costs. . . . If there were, in place of the present system, a competent and independent tribunal, such as the Railway Commissioners, to *conduct on the spot such inquiries as are now carried on before Examiners and Parliamentary Committees*, the heavy *tax on the community*, which is involved in loss of time and business, as well as actual money, would be avoided, and the object for which such inquiries are instituted would be reached far more effectively by a simple and summary proceeding. It is the more extraordinary that such a clumsy and costly system should be suffered to continue at a time when the Legislature complains that it is overloaded with pressing business. It is repugnant to the intelligence of the age and to *the tendency of modern reform, which is to Localise as much as possible duties which are limited and exceptional in their character*, and have no Imperial interest. Irrespective of these objections, which are unanswerable, it is attended with serious risk, *positive injury and wrong being inflicted by a Committee of gentlemen who may know nothing of Local circumstances, and, however honourable and intelligent, are liable to be imposed upon. Private Bill Legislation,*

as at present conducted, is little better than a lottery or a scramble, in which the best measures may fail and the worst be successful.'

Unanimous recognition of the necessity for reform.

We have now examined typical examples of Public Opinion on Private Bill Legislation. We have seen that able statesmen and literati, Boards of Commerce, and the Public Press, all agree in the necessity for reform. These examples might be indefinitely increased. For instance, many of the leading Journals (perhaps all) in these countries might be quoted on the same side. How many favourable articles on or connected with the subject might be quoted from the most diverse organs of Political and Social Opinion in England, Ireland, and Scotland? But enough has been said to show that *men of all opinions* are calling for some reform. Indeed it would be no credit to the common sense of the British Public if no effort had been made to remedy defects which have been generally admitted for a quarter of a century.

In our next chapter, therefore, we shall ask what reforms have been actually applied, what reforms have been proposed, and, guided by these considerations, what line it is advisable that reform should take.

CHAPTER IV.

SCHEMES OF REFORM.

No doubt a very long list of extensions of Local self-government since 1832 might be drawn up. Each such extension has of course lightened the labours of Parliament. Board after Board has been created. And yet the growth of private business has been such as to leave things to-day in the state which the previous chapters have described.

Double danger in extending Local Government.

In the creation of these Local Boards there are in fact two dangers which have often helped to neutralize such reforms. (1) They may be tied too closely, or (2) too loosely to the Central Government. In either of these cases the proper functions of Local Government will fail to be performed. It would be an easy matter to point out some examples of the second, but they do not directly affect the question under discussion. We shall therefore confine ourselves to the first of these dangers, examining the manner in which it has in at least one instance spoiled the intended effects of reform.

Example of these dangers.

The Local Government Act was extended to Ireland in 1869. Let us hear the opinion of the

Press upon the results of that extension. 'The Local Government Board seem unequal to the task of coping with the amount of business within their jurisdiction, and promoters frequently appeal to Parliament on the old lines, by seeking a Private Bill rather than go through the dilatory process of a Provisional Order. A remarkable instance of the inadequacy of the latter tribunal was the case of the Sligo Water Works Provisional Order in 1878. A Private Bill had been obtained sanctioning the construction of waterworks for that town. Its rating powers were insufficeint for the purpose, and a Provisional Order was sought for sanctioning the extension of those powers, the area to be rated, and the construction of a particular scheme recommended by the eminent engineer Mr. Hassard. An Inspector was sent down by the Local Government Board to take evidence on the spot. Counsel and solicitors appeared for the promoters and opponents. *The Inspector had no judicial powers;* he could only have shorthand notes taken of the evidence, the legal points and arguments, and submit all to the Board in Dublin. The voluminous proceedings, which lasted four or five days, were enough to puzzle any tribunal, and out of the mass a Provisional Order was framed, sanctioning the project in a manner which was supposed unassailable. But the opponents petitioned against the Bill, and raised objections which, when referred to the Law Officers, were considered fatal,

and the Provisional Order was withdrawn after a great amount of expense had been incurred.' It is scarcely to be wondered that the article from which this quotation is taken concluded that '*a stronger and more decisive tribunal is required, to have the power of inquiring on the spot and coming to a final and authoritative decision.*'

The case just noticed might suggest a question of great importance, which must sooner or later be answered:—How long is the false conception that the legal profession possesses a monopoly of legal knowledge, to prevent division of judicial labour in a much wider sense than the appointment of County Judges? Are the people capable of legislating for themselves in their commercial and other Boards; but have they as yet failed to develop any capacity for interpreting their own law? However, it is enough to note the kind of cause which has nullified the operation of certain reforms actually tried.

Nature of the real obstacles to reform.

But it would be a great mistake to suppose that the really formidable difficulties in the way of reform lie in the vested rights of any class of the community. The real difficulties are, no doubt, partially central, partially local; for if ignorance and expense are to be avoided on the central side, local selfishness, jobbing, and cliques, are no less dangerous. Still, the greatest difficulty was noted by Earl Spencer, in the

Earl Spencer's opinion.

House of Lords, June 11, 1880, when, having referred to the state of Parliamentary business, and admitted the necessity of relieving the existing block, he said 'there was one limit and one only to the extension of local government. It was this. Nothing could be done by any right-minded statesman to weaken or compromise in any way the powers of the Imperial Parliament. *The Imperial Parliament must be in this kingdom predominant, and no opposition to it can be tolerated.*'

No conflict of Local and Imperial interests.

Are extensions of Local Government based on any such opposition? Far from it. The same economic causes which have rendered the extension of self-government within the United Kingdom needful, have produced the same effects in the wide field of British colonization. The Federation of the British Empire, and the progress of Home Local Government, are at bottom one and the same movement—harmonious in their causes and their results. There is no antagonism, no hostility between the progress of the outer and the inner circles of the British Empire; and both in Home and Colonial organization the potential control of Parliament ought to be retained. The Home problem is to remove the present expense and delay without weakening the indirect control of Parliament. We shall now ask, What kinds of reforms have been proposed to effect these ends?

Proposed reforms.

1. It has been proposed that the 'same Committees which now deal with such matters should in future conduct their inquiries, not at Westminster, but in the places directly interested in these Bills. 2. Others advise that all Private business be 'delegated to external and permanent tribunals.' Such a step, it has been said, would only be in the direction along which Parliamentary reforms have moved for many years. Committees of the Lords and Commons have ceased to exercise control over various questions; *e. g.* in 1868 the Commons surrendered to the Law Courts the important duty of examining contested elections. 'Farther back Parliament surrendered questions of divorce, of naturalization, of turnpike trusts, of copyholds and enclosures, either to the Law Courts or to Boards of Commissioners.'

Against the first of these proposals it has been argued that 'Members of Parliament could not leave London during its Sessions, which are already found too short for the business to be transacted'; that 'a Parliamentary Committee is at best an ineffective tribunal. It resembles a jury without a judge to guide them; it is uncertain in its composition; its action is necessarily slow, for it sits only for a limited time, and for a very few hours each day . . . Besides, it cannot be forgotten that there is little uniformity in the principles and decisions of such Committees, for a Committee will accept a principle one Session,

and another Committee repudiate it the next.' On these grounds it has been asked: Why not establish permanent tribunals in each division of the Kingdom, such as exist among other nations?

Foreign parallels dangerous.

No doubt parallels from the French, German, and American States could be readily cited, but they would be even more delusive than such parallels usually are. The general principle of Montesquieu (Esprit des Lois) is at the bottom sound; Elles (les lois politiques et civiles de chaque nation) doivent être tellement propres au peuple pour lequel elles sont faites, que c'est un très-grand hasard si celles d'une nation peuvent convenir à une autre.' Foreign analogies, which the comparative method of scientific inquiry has made so fashionable in literary circles, are by no means useless in such questions as Land Reform, or any other admitted anomaly where the search is for a forgotten common sense. But the development of the British Government is much too far ahead of the continental systems to borrow their methods, tacitly based as they are on an overpowering Centralism. The application of such parallels to the solution of the great British Question of Local and Central relations would be a fitting pendant to the application of British Land Law among the Indian village communities. *We* cannot with impunity sever our Central Popular Government from our Local Popular Government; counterparts of each

other, they have grown in each other's growth; they will not decay unless their union is broken. Earl Spencer's statement may be reiterated from quite another standpoint than his own.

Mr. Leeman's proposal criticised.

(4.) Mr George Leeman, M. P., in his letter to the Right Hon. James Lowther, M. P. (then Chief Secretary for Ireland), proposed that Private Bill legislation should be surrendered to one or more of the existing Irish Courts. Irrespective of the fact that Mr. Leeman's proposal forgets that Parliament itself must decide upon the Public or Private character of a given Bill, and that the real difficulty is to maintain and reform Parliamentary control, not to cut the knot by destroying it, Mr Leeman's suggestion only relates to the Irish part of the question. Again, it would greatly enhance the powers of a class of the community, whose influence (to borrow an expression employed on a famous occasion) has increased, is increasing, and, in the opinion of all other classes, ought to be diminished. Lawyers, besides to a large degree creating the law, wield a monopoly of its interpretation. Look at the spirit of legal criticism and you will recognize the spirit of this monopoly. Is a notable Land Bill formulated? Some canon of Juristic evolution is brandished as the test of its provisions, to the exclusion of such Economic and other discussion as might enable the community to really understand the bearings of the Bill. Without at all

underrating the abilities which legal training is likely to evolve, it may be justly said that the very subtleties of his profession may incapacitate a lawyer from the sober business-like supervision, which the subjects of Local Bills absolutely require.

Any measure which would throw the control of Local Bills entirely or almost entirely into the hands of lawyers would be highly objectionable. On the one hand it would withdraw that potential control of Parliament which is very beneficial; on the other, it would vest a new power in a class whose natural tendency is to decide questions by legal technicalities rather than according to commercial requirements.

5. Schemes of reform closely resembling some of those just noticed might be readily multiplied. Thus a Paper read before the Statistical Society, in 1879, proposed 'the County Court Judge as the tribunal for gas works, towns' improvements, limited water-works, and other matters not involving large or costly expenditure, and Judges of Assize for matters of greater moment. A bill sanctioning such an improvement, and giving in certain cases a right of appeal to Her Majesty's Court of Appeal in Dublin, would (it was added), be of great value and importance.' 6. Again, 'long ago, during the Repeal agitation, as will be seen from Sir Gavan Duffy's charming book, a project was mooted for submitting Irish Local Bills to the Irish members sitting in Dublin dur-

ing the recess.' * Both these suggestions are open to objections previously adduced.

7. Another proposal was recently made in a letter to the *Morning and Evening Mail*, June 23, 1880. The writer, observing how frequently the promoters of Private Bills find that, after all the expense of plans, sections, Parliamentary agents, counsel, witnesses, and fees, their bill, owing to the pressure of other matters, is slaughtered amongst the innocents, and the work, expense, and worry have to be undertaken *de novo* with possibly a similar fate,' goes on to add: 'Three Royal Commissioners might be appointed to sit in Dublin, who, like our Judges, would be independent alike of Parliamentary and Local influences, and who would issue their standing orders, and then sit, say during the months of November, December, and January, and consider the Bills, examine witnesses, hear counsel, and do all that is at present done by the Committees of the two Houses; and each Bill, as it passes, might go forward to Parliament for the formal readings (but not for alterations), and to receive the Royal assent.'

The writer also observes that 'in the Irish Tramway Acts, 1860, 1861, 1871, we possess some such process already. . . . And if the power has not been frequently exercised, *it arises*

---

* *Freeman's Journal*, Dec. 6, 1880.

not from the will and intention of Parliament, but from the Local and Private interests of Grand Jurors it has been found more difficult to carry this Act into operation than to carry a Bill, with all its risks, through Parliament; but if Royal Commissioners were appointed, who would be *independent of all Local influence*, then the above evil would be avoided, and every measure would be considered on its merits.' This proposal has been quoted at some length, because it clearly points out one of the greatest dangers to be avoided in reforming our Private Bill Legislation. The little squabbles of Local interests, inflamed, perhaps, by Social, Political, and possibly Religious differences, create an obstacle to the extension of Self-government which cannot be ignored. But while actually noting this difficulty, the writer just quoted forgets that the best method of counteracting such village politics will be to maintain connexion with the Great Council of the nation.

General principles by which the reform may be directed.

However unsatisfactory these proposals may be, they at least contribute to guide us into more feasible reforms. What principles, then, do we select to guide our projected reform? Perhaps these:—(1) Parliament must not part with its Private Legislation absolutely, *i. e.* it must retain a potential control, none the less real because it is indirect; (2) The present Committees of the House cannot manage the Local side of the Bill; (3) The Local side of the Bill should be intrusted

to a Commission which should possess the entire confidence of the community, and, to some degree, represent its various classes; (4) This Commission might possess elements at once permanent and changing. The permanent element might consist of paid Commissioners, appointed by the Crown for life—Commissioners who ought to possess as few interests as possible outside the discharge of their duties. The changing element might be introduced by making one of the Commissioners, who might advantageously be a lawyer, shift with the state of Party Politics.

Plan proposed.

Armed with these principles, let us see what innovations would be sufficient to effect the objects of Reform, viz., increased efficiency of capital in Local improvements, and economy of time and trouble in Local and Central interests.

Reverting to the sketch of the present forms of procedure given some pages back, it will be seen that no change in the method of originating and introducing Private Bills into the Houses need be contemplated. It is only necessary that, when the committee stage is reached, a proposal to refer the Bill to the Local Tribunal (whose constitution we shall presently discuss) should be allowed. This reference by a superior to an inferior Court would be clearly analogous to the relations of the Superior to the Local Courts of Law. At first it might seem that we ought to follow closely

the legal system by which Bentham's proposed reforms have been effected, and, defining the cases which the Royal Commissioners should hear, assign to them once for all a definite jurisdiction. But the indefinite nature of Private Bills, previously adverted to, forbids this, and the advantages of subjecting the narrowness and provincialism of local interests even to the momentary glare of a wider arena far outweigh the inconsiderable difficulty of merely introducing such Bills into either House. Well, then, when the committee stage is reached, there would be an opportunity for the House to decide whether the Bill in question contained preponderating elements of Local or Central interest, and to decide accordingly upon the Private or Public character of the Bill, retaining it in the one case, temporarily surrendering it to the Local Tribunal in the other. In all cases the reports of the Local Tribunal (so far as they went) would have the same weight as those of Committees of the Houses. Recapitulating, the procedure suggested would be somewhat as follows:—Private Bills would be introduced as usual into either Houses of Parliament; if considered to affect only Private interests, or Private interests peculiarly, they would be sent to the Local Tribunal sitting in the district affected by the provisions of the Bill. This Tribunal would submit to the House its decision on the Bill, which would have precisely the same effect as that of the Committee

of the House, into whose place the Local Tribunal had been allowed to step. Thus the House *would retain supervision of the Bill, both before its reference to the Local Tribunal and after its return, delegating, according to its own discretion, part of its powers to the Local Commissioners.*

The constitution of this Local Tribunal is, no doubt, a knotty question, yet by no means beyond untying. The following principles will help to indicate the manner in which it may be untied :—(1). As regards the power of the Commission, there is no room for doubt; they must be at least equally extensive with those of Committees of the Houses, in examining witnesses, in calling for accounts—in a word, they must be judicial. (2). The Commission must possess some permanency, not shifting (as has been sometimes proposed) with every change of party. (3). It must not consist of members from any one class, *e. g.*, commercial men or lawyers. (4). Its members must be, as far as possible, independent of Local influences. (5). The greatest possible publicity must be maintained in its proceedings. (6). It must sit in such districts as Parliament may deem advisable. Admitting these principles, we might suppose that a suitable Commission, *e.g.*, for Ireland, would consist of three Commissioners, one of whom would represent the majority in Parliament, the other two being permanently appointed.

Possible Constitution of the Local Tribunal.

Conclusion.

But it is needless to say that the object of this pamphlet is not to trace the exact details by which the much-needed reforms should be carried out. Even if the writer possessed the ability to do so, the opinion of the House can alone decide the exact lines along which reform will move. If it has been shown that reform is actually necessary, that it is loudly demanded, that it can be effected without violence to existing institutions, nay, along the very lines of our present Constitutional progress, surely the good sense of the Houses can be trusted to do as they have often done, and meet the altered requirements of Local Government in a plain business-like spirit. Such a reform is much needed and much demanded in England, Ireland, and Scotland. '*Men of all political parties are now agreed upon the existence of the evil, though they might differ somewhat upon the exact mode in which the remedy may be applied.* No private member, however, could carry such a measure. It must be taken up by the Ministry, and dealt with in a bold and statesmanlike spirit.'

APPENDIX.

WHILE these sheets were being prepared for the Press discussion upon the Local Inquiries (Ireland) Bill has taken place. Mr. Fay, M. P., in moving the second reading of the Bill, stated that 'it was proposed that, in the case of such Bills originating in the House of Lords, the Committees should be composed of Irish representative peers, or peers connected by residence with Ireland; and that Committees on such Bills originating in the House of Commons should be composed of Irish Members.' Mr. Fay stated the objections to the present system, as the expense and drain of money from Ireland, and the consequent prevention of many valuable improvements in that country. 'The expense of some Township Bills had been very great. It had cost the small township of Drumcondra, £1700 to get a Bill passed; Sligo, £14,000; and Clonmel, £20,000. There were various parts of Ireland too poor for the construction of branch railways, but which might with great

advantage be connected by tramways; but that could not be done under the present expensive system. The reclamation of waste lands was also prevented.' Dr. Cameron, in supporting Mr. Fay, observed that '*in Scotland they felt quite as much as in Ireland* the need of a local tribunal. *If they were to set about it they could not possibly devise a worse mode of Private Bill Legislation than they had at present.* The want insisted on in the Bill was not confined to Ireland. It was equally felt in Scotland and England. *Glasgow was continually in the Committee-rooms up stairs spending large sums of money in cases involving enormous local interests; and the present tribunal, which often consisted of new members, was most unsatisfactory.*' Mr. Gregory's counter-argument that Local Inquiries have sometimes failed was, of course, beside the question. The advocates of Local Inquiry wish a fair trial, unhampered by restrictions which (as we have seen in certain cases under the Local Government Board) nullify the very advantages sought for. When Local Inquiry has been fairly tested as a substitute for the present system, it can be fairly said to have succeeded or failed, but not till then. The objections which might be offered to the particular reform proposed by Mr. Fay have been incidentally discussed in the body of the pamphlet.