PARLIAMENTARY PROCEDURE

THE MISCHIEF AND THE REMEDY

BY

SIR EDWARD CLARKE, Q.C., M.P.

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TO THE MEMBERS OF THE HOUSE OF COMMONS.

THE difficulty which recurs with every Parliamentary Session, and annually disappoints the intentions of the Government and the hopes of its supporters, has in the present year become more than usually serious.

We are threatened with the mutilation or abandonment of Bills upon which the House of Commons has spent much time and labour, and which the large majority of that House strongly desire to pass into law.

This difficulty will never be got rid of so long as the House maintains the senseless rules which at present cripple its capacity for Public usefulness.

The remedy has long been known; it is already in operation in France, Austria, Hungary, Belgium, the Netherlands, Denmark, Norway and Sweden, Spain, Portugal and Greece.

In this country it was advocated by Lord Derby in 1848, and by Lord Salisbury in 1869; and in 1882 I made a speech in the House of Commons, to which I hope I may now be allowed to invite the attention of my fellow-Members of that House.

Since 1882 a great advance has been made in the direction of the reform which I then advocated without success.

In 1890, when the Parliamentary situation was one of much difficulty, a very strong Committee was appointed to consider these proposals, and the report of that Committee, which I now

reprint, is a declaration of opinion of the highest importance, framed as it was by Mr. Arthur Balfour, and supported by Mr. Goschen, Lord Hartington, and Mr. Chamberlain.

At this serious juncture in public affairs, when the leaders of the Unionist party, if assured of the hearty support of their followers, could relieve themselves from a position of humiliating embarrassment, save valuable measures now threatened with destruction, and effect a reform in Parliamentary practice, which would weaken the forces of obstruction, lessen the strain on Ministers and Members, and give to the House of Commons a new capacity for deliberate and careful legislation, I respectfully offer these pages for the consideration of all those who are proud, as I am, of belonging to this great Assembly and earnestly desire to increase its power and opportunity of public service.

EDWARD CLARKE.

HOUSE OF COMMONS, *June* 19, 1896.

REPORT OF COMMITTEE OF 1890.

Mr. Arthur Balfour.
Sir Algernon Borthwick.
Sir Edward Clarke.
Mr. Chamberlain.
Mr. Dillon.
Mr. Dillwyn.
Mr. Penrose Fitzgerald.
Mr. Goschen.
Mr. Gladstone.
Sir William Harcourt.
Dr. Hunter.
Lord Hartington.
Mr. Jennings.
Mr. Labouchere.
Colonel Malcolm.
Mr. John Morley.
Sir Stafford Northcote.
Mr. T. W. Russell.
Mr. Sexton.
Mr. John Talbot.
Mr. Whitbread.

The Select Committee appointed to inquire whether by means of an abridged form of procedure, or otherwise, the consideration of Bills, which have been partly considered in this House, could be facilitated in the next ensuing session of the same Parliament;——Have agreed to the following Report:

Four times since 1880 the House of Commons has been obliged to revise its rules for the purpose of expediting public business. Four times in the same period exceptional methods of restricting discussion, not based upon the Standing Order or practice of the House, have been adopted, when, in the opinion of the majority, it became absolutely necessary to pass into law measures required to meet a pending crisis. The causes, legitimate and illegitimate, which stimulate discussion, have, however, counterbalanced, and more than counterbalanced, the effect of the rules designed to restrain it: the difficulty of legislation has not diminished; the exhausting labours imposed upon Members of Parliament, excessive at

the beginning of this decade, have, if anything, increased; and experience shows that while closure, in the form in which it is recognised in the Standing Orders, may be, and, in the opinion of your Committee, *is* adequate to deal with single resolutions and short Bills, it is not adequate to enable the House to consider, within the compass of a session of convenient length, measures which are both long, complicated, and controversial. Unless, therefore, the House is prepared to acquiesce in its increasing impotence to grapple with such measures, some further modification of its procedure seems to be necessary.

Such a modification can only take one of two forms. It must either, by some very stringent form of closure, enable Bills which would, if debate were free, be killed by a prorogation, to pass through all the stages in the course of one session, or else it must revive them in the succeeding session under such conditions that it would not be necessary, or indeed permissible, to repeat the discussion which had taken place upon the stages to which the House had already agreed.

As your Committee are of opinion that the first course might in certain contingencies seriously endanger that right of free criticism which is one of the fundamental and most useful privileges of Parliament, they are driven to the consideration whether the second course might not be safely adopted, without introducing a more serious innovation into the practice of the House. Your Committee therefore agreed to the following resolution:

*"That, in the judgment of your Committee, it is expedient that a Standing Order be passed for the purpose of abridging procedure in the case of Bills originating in the House of Commons which have been partly considered, and your Committee advise that such Standing Order should be adopted by the House in the following terms:

> "In respect of any Public Bill which is in progress in Committee of the whole House, or in a Standing Committee, or which has been reported therefrom, or which has reached any further stage, a motion may be made (after notice given) by a member in charge of Bill, 'That further proceedings on such Bill be suspended until the next session,' and no amendment shall be moved to such motion.

* This Resolution was proposed by the Chairman, Mr. Goschen.

"If such motion be carried, then, in the ensuing session (being a session of the same Parliament), any member whose name was on the suspended Bill may claim 'That the resolution of the previous session be read.' Thereupon the Speaker shall direct the Clerk to read the Resolution, and shall proceed to call on the member to present the Bill in the form in which it stood when the proceedings thereon were suspended; and the questions on the first and second readings thereof shall be successively put forthwith.

"If both these questions be carried, the Bill shall be ordered to be printed; and, if it had been partly considered in Committee in the previous session, it shall stand committed to a similar Committee, and it shall be an instruction to such Committee to begin their consideration of the Bill at the clause on which progress was reported in the previous session; but if it had been reported from Committee in the previous session, the consideration of the Bill, as reported, shall be appointed for that day week.

"Provided always, that, if the first or second reading be negatived, such vote shall not be held to preclude the House from entertaining a Bill, on the same subject-matter under the ordinary rules of procedure."

This Standing Order, it will be observed, differs fundamentally both in its character and in its object from the various schemes with which it has a superficial similarity, and which have been more than once considered by the House of Commons during the last forty years. Committees have sat upon three such schemes in the years 1848, 1861, and 1869, but in every one of these cases the object of the proposal was not to enable the House of Commons to deal effectually with measures submitted to it by the Government, or by private Members, but to enable the House of Lords to deal effectually with measures sent up to it from the House of Commons. This last object may be desirable or undesirable, and the means suggested for carrying it out may have been effectual or ineffectual, but your Committee desire to point out that neither the object nor the machinery for obtaining it were the same as those of the proposed Standing Order.

In spite of these essential differences, fears have been expressed lest the adoption of this Standing Order should supply a justification

to the House of Lords for reviving and putting in force the rejected schemes of 1848, 1861, or 1869. But it must be observed, *in the first place*, that a plan by which one House is enabled more effectually to deal with business which has originated in it, and which has never left it, can hardly form a precedent for a totally different scheme by which one House may be able to postpone without rejecting Bills initiated in the other. And, *in the second place*, it is obvious that no endeavour on the part of the House of Lords to carry out the second of these objects can be effectual without the concurrence of the House of Commons. For the change of procedure must either be effected by Bill or by Standing Order. If by Bill, then the assent of both Houses is required. If by Standing Order, then only by Standing Orders adopted by both Houses, and to which both Houses, therefore, must be parties. "It has been alleged that the Standing Order now proposed would invite and countenance the adoption by the House of Lords of a similar Standing Order, and thus enable that House to postpone the consideration of all Bills passed and sent up from the House of Commons." In reply to this allegation, your Committee deem it right and necessary to record their opinion that any claim or attempt by either House of Parliament of its own authority, by Standing Order or otherwise, to postpone to a future session of Parliament any Bill sent to it from the other House of Parliament, would be a breach of the constitutional usage of Parliament.

It has been suggested that, by suspending a Bill, the valuable power of amending it during the recess and reintroducing it in a better form would necessarily be lost. Your Committee are not prepared to dispute the fact that changes which may also now and then be improvements are often made in Bills which have failed to become law in the session when they were first introduced; but those who are of opinion that such amendments are necessary or expedient in the interests of good legislation should be prepared to carry out their theory to its logical issue, and to propose a Standing Order under which no Bill should be passed in the same session in which it was first read a second time. By this means the advantages, inseparable in their opinion from every abortive attempt at legislation, would not be arbitrarily confined to a few measures chosen at random. It may be noted in this connection that those who are impressed with the advantages of not passing measures till they have been twice intro-

duced into the House of Commons are hardly in a position to regret that the proposed Standing Order may in certain cases extend legislation over two years instead of one.

The only other argument which it is necessary to consider is that based upon the fact that the House of Commons has already adequate powers, without a Standing Order, to repeat in an abridged form the stages of any Bill which have been already passed in a previous session. In the words of Sir James Graham, "Whenever it may be thought desirable promptly to pass and send to the other House for concurrence, a Bill passed in a former session, but set aside in the Lords, the Commons may pass the Bill rapidly through all its stages if they be so minded, and this course is not open to the objection of providing fresh opportunities for the postponement of legislation." No doubt the House has such a power, as it has the power of deciding, if it so pleases, that the first, second, and third readings of a new Bill shall be put without amendment or debate. But your Committee are of opinion that it is of the utmost importance that Parliamentary practice should be guided as far as possible by settled rules, deliberately adopted, and generally applicable. And it appears to them that every argument which can be urged against the proposed Standing Order is equally effective against the policy suggested by Sir James Graham's Report; while the latter is open to the most serious objections, based not only upon the waste of time which any attempt to carry it out must necessarily produce, but still more upon its sudden, occasional, and arbitrary character, so little in harmony with the general spirit of House of Commons procedure.

The preceding considerations may be briefly summarised as follows:

The length of discussion to which it is thought necessary to subject measures which are the object of party controversy has increased, is increasing, and does not seem likely to diminish. As a result, the difficulty of passing such measures through all their stages in the course of one session has increased likewise. This difficulty is especially felt in the case of long and complicated Bills, and it is precisely in the case of these Bills that the closure of debate is most ineffective as an instrument for facilitating the rapid progress of business. It is, therefore, desirable to increase the power of the House of Commons to deal with such measures; it is also desirable to shorten the length of sessions, whose present duration overtaxes

the endurance of members and embarrasses the machinery of administration; but it is *not* desirable, so long as any other alternative remains, to increase the stringency of the existing machinery for closing debate. Your Committee believe that if these three principles be accepted every possible alternative is excluded, except one which shall relieve Parliament in certain cases from the necessity of repeating in two successive sessions the same debate upon the same questions. They attach no weight, for reasons above given, to any objections that have suggested themselves to this plan, based upon the relations now existing between the two Houses of Parliament. They think the change, though undoubtedly an important one, is much less violent in character and much less at variance with the spirit of Parliamentary tradition than some alterations which have been made of late years in Parliamentary procedure; and they point out that if, as they recommend, it be effected, by Standing Order instead of by Bill, the experiment may be purely tentative, and could be abandoned, should that course be subsequently thought desirable, by the sole action of the House of Commons, without requiring the consent of the other branch of the Legislature.

Adopted by the Committee after a division, by 11 to 8.

Ayes.	Noes.
Mr. Arthur Balfour.	Mr. Dillon.
Sir Algernon Borthwick.	Mr. Dillwyn.
Mr. Chamberlain.	Sir William Harcourt.
Mr. Penrose Fitzgerald.	Dr. Hunter.
Lord Hartington.	Mr. Labouchere.
Mr. Jennings.	Mr. John Morley.
Colonel Malcolm.	Mr. Sexton.
Sir Stafford Northcote.	Mr. Whitbread.
Mr. T. W. Russell.	
Sir Edward Clarke.	
Mr. John Talbot.	

SPEECHES.

Parliamentary Procedure.

FEBRUARY 21, 1882.

[The following resolution was moved by Mr. Edward Clarke:—

"That it is desirable that the practice of this House should be so amended that the consideration of Bills which have passed a second reading, but have not become law, shall be resumed in the succeeding session of the same Parliament at the stage of committee."

It was seconded and supported by Mr. H. S. Northcote, and was opposed by Mr. Beresford Hope, Mr. Sclater-Booth, Mr. Dodson, and Mr. J. Lowther. Upon a division, the motion was rejected by 126 against 61.]

SIR,—It is hardly possible to expect that, after the exciting scenes of the last hour and a half (the incident of Mr. Bradlaugh going through the form of taking an oath and the debate thereupon), the House will readily address itself to the motion I have put on the paper. I will venture to say that a great deal of what I should otherwise have to urge on the House in justification of the present motion has been rendered unnecessary, because last evening the House addressed itself to another part of the great question to which the present motion is directed. We have already had the advantage of the Prime Minister's [Mr. Gladstone] powerful arguments bearing upon the subject of the defects of our present rules of procedure—arguments based upon half a century's experience of the House. The question is one of so much importance to the public interests that it is, I believe, the duty of all parties, whether Liberal or Conservative, to endeavour

to effect some remedy for the difficulties that beset the House at the present time. The Prime Minister has dwelt on only one of the evils that beset public business; he spoke of the manner in which the progress of legislation was being impeded. He pointed out that many Bills of great importance, after having been carried forward several stages, are ultimately lost on account of the pressure on the time at the disposal of the House. It is a great misfortune for the country that many measures that have been fully debated and thoroughly well considered are ultimately thrown away on account of the impossibility of finding time to proceed with them. But there is another matter of almost equal importance. The mode in which the work of this House is done frequently causes measures to be passed in so hurried and haphazard a manner that Acts are left on the Statute Book which have not only been insufficiently considered, but are so badly expressed, that costly litigation is needed before their meaning is ascertained and very often that is not the meaning which their authors wished them to have. I have, Sir, heard it said that the House of Commons ought not to do much in the way of legislation. It is sometimes cynically remarked that the less the number of Bills that are passed the better it will be for the country, and it has been suggested that no change is advisable that would lead to more legislation. But in the present system of elaborate social relations there must be change, and all change involves and requires legislation. It is my firm belief that many a measure which, while in progress, produces Radical agitation, when it once becomes law constitutes an element of Conservative strength, through the feeling of relief that the particular questions dealt with by it have at last been settled. Mischiefs exist that have to be removed. There are very few men in the House of Commons who have a thorough acquaintance with, say, a particular trade or profession, or with a particular portion of society, who, in objecting to further legislation, do not make a reservation in favour of some one measure affecting the subject with which they are themselves familiar. Sir, no one can deny the existence of a widely spread and well-founded belief that Parliament is unable to do its work. Look at the present state of the Bankruptcy Laws. I do not know any Act that was so much wanted as a new Bankruptcy Act. All persons conversant with the Bankruptcy Laws are at one as to the necessity for an amendment of the law, yet year by year a Minister of the Crown comes forward and

introduces a Bankruptcy Bill, the necessity for which has been declared in Her Majesty's gracious speech, and then when the end of the session comes, he gives notice that the Bill will not be further proceeded with; he puts it in his despatch-box, and preserves it carefully for the next session, when the same farce is repeated. I will give another instance. Last session the hon. baronet the member for the University of London (Sir John Lubbock) brought in a Bill which was intended to consolidate the law on Bills of Exchange. It was a thoroughly commercial question, and a question that had been fully considered by the various chambers of commerce throughout the country. I read the Bill myself, and found it was drawn in almost the exact words of a judgment of one of the superior courts of law. But what took place with regard to that Bill? The hon. baronet moved the second reading, and the second reading was allowed on the understanding that the Bill should not be carried further, the hon. baronet being congratulated on its having advanced so far. So the House went through the solemn farce of reading the Bill a second time, without any intention of passing it, and knowing that the same steps would have to be gone all over again the following session. All this is calculated to wear out the patience of the public. The Conveyancing Bill of Lord Cairns, which was passed last session, was a very important measure. It contained over seventy clauses; it came down to the House towards the end of the session, and there was, I may say, a conspiracy of silence on the part of members in order to make it possible that the Bill should pass. I was entreated not to read the Bill, because, if any discussion should arise, a single night's debate would make it impossible for it to get through the House that session. The measure only got through by the sacrifice of certain clauses comprising somewhat debatable matter, and which I think were introduced last night in a separate Bill in "another place." However, that Bill passed, and I do not believe that twenty members of the House ever read it before it became law. It was, I believe, a good Bill; but it is not satisfactory that even a good Bill should pass without the knowledge and discussion and approval of the representatives sent here by the constituencies to discuss and decide these matters. Again, there was the Registration of Voters Bill of 1878, which in its practical result has been of immense importance. It has largely increased a great many of the constituencies of the country. My own constituency, which was last

year 5600 in number, is now, since last year's revision, 13,600, showing a greater increase than that made by the Reform Act of 1867. What, Sir, happened with regard to the passing of that Bill? In 1878 the Bill had been before a committee, and it came for report before this House. Sections 1 to 21 were gone through without any opposition or comment. Sir William Charley, then a member of the House, objected that the Bill had only just been printed, and asked that there might be some delay before its discussion was continued. He interposed exactly at the right point, for sections 22 and 23 were those which have given so much difficulty to the courts, and have, under the interpretation now given to them, so materially affected the constituencies. The then member for Cambridge (Mr. Martin), on the one side, and the hon. baronet, the member for Chelsea (Sir Charles W. Dilke), on the other, assured Sir William Charley that no considerable change was made by the provisions of the Bill. Their appeal was listened to; the whole of the sections were gone through that evening; the third reading was taken on the following night; the Bill went up to the House of Lords, where, as it dealt with the registration of voters for members of the House of Commons, no great amount of attention was paid to it; and the result has been an entirely unexpected extension of the franchise, which, whatever its merits, ought not to have been made in that way, but if made at all should have been made deliberately by Parliament, with a full consciousness of what it was doing. But, Sir, there is another, and a very serious mischief in our present system, and that is the tremendous strain that is thrown upon the members of the House themselves. A great many of them are actively engaged in commercial and professional life, and to them, of course, the strain of the long hours the House is kept sitting, night after night, is enormous. But that is almost insignificant compared with the mischief of the burden upon Ministers of the Crown. Is it not a monstrous thing that Her Majesty's Ministers, who are expected to perform the responsible duties of their offices during the day, should be expected to attend this House from four o'clock in the afternoon until three or four in the following morning? The marvel is that any one should be endowed with vitality and energy sufficient to enable him to continue for years in this splendid slavery. One of the great advantages which would be likely to follow from the adoption by the House of the resolution I am offering to its accept-

ance is that there would be no necessity for the House to continue sitting after 12 or half-past 12 at night, which would be a reasonable time for the limit of our debates. Moreover, Sir, not only do our present late hours heavily tax the endurance of Ministers and private members, but they cause business to be done badly, and in a manner which is by no means creditable to a legislative assembly. At 2 or 3 in the morning there is no pretence of adequate discussion of the questions that come before the House; and, worse than all, our debates are almost wholly unreported. Practically, the proceedings of the House cannot now be reported after one in the morning, and within the last few days, as we have seen, it was only owing to the enterprise of one great newspaper (the *Times*) that we were able to have a full report a day later of the speech delivered by the leader of the Opposition, and the reply of the noble Marquis the Secretary of State for India, at the close of the debate on the Address. Now, Sir, my proposal would deal practically with all the mischiefs that I have indicated. The real difficulty of the House is that we are all, whether Ministers or private members, competing just to get past a certain point. If that point is passed, the Bill in which we are interested becomes law. If we come short of that point, the whole of our labour has to begin over again. There is one indefensible but very common species of obstruction to which the Prime Minister did not advert last evening—namely, the persistent discussion of matters which nobody cares about, in order to prevent other matters which it is desired to impede from coming on. Valuable time is deliberately and purposely wasted in order to keep up a debate until a quarter to six on a Wednesday, when no decision can be come to; and on many a dreary evening speakers go on repeating themselves again and again, until the magic hour of half-past twelve arrives, when nothing fresh can be entered upon. We should put an end to that kind of obstruction by doing away with the temptation to practise it. If we once provided that the House should be free to deal with a Bill so obstructed when Parliament met again in February, this kind of obstruction would practically be destroyed. For conduct such as I have described excuse may in some circumstances be found, but, Sir, I see no defence for the action of those who deliberately waste the time of the House for the purpose of preventing Parliament passing any measure at all. And I venture to urge upon the House that these are valid reasons for adopting a substantial reform.

I would also call the attention of the House to the fact that every Parliament proceeds by jerks; that it is cut up into separate sessions, as though when we have finished our work in July we had done with the whole matter. So long as the machinery of legislation goes on in that spasmodic, jerky way, a very great waste of time is inevitable. I will take, by way of example, the Bankruptcy Bill, to the repeated promise and postponement of which I have before referred. There is the Bankruptcy Bill which the President of the Board of Trade introduced last session, and which we expected this session. There is no security whatever that his present Bill will be in the form which it took last year, and I will point out to the House this most inconvenient result. Some two or three months ago, the Associated Chambers of Commerce held their meeting, and one of the subjects they discussed was the Bankruptcy Bill. If it had been known that we would have the same Bill before us as in the previous year, the Associated Chambers of Commerce would, no doubt, have discussed the measure and proposed amendments which would have been of great service to us in framing that enactment. But the President of the Board of Trade said that he knew the Bill going to be introduced would differ in some respects from the last one, and thus the whole of what I might call the consultative power of the country was thrown away. That was the case with the Associated Chambers of Commerce. But let us take another instance—the Rivers Conservancy Bill. That is a measure of very great interest to the Chambers of Agriculture, and county members of this House going back in the autumn to their places in the country would have the advantage of hearing the opinion of their neighbours on the subject; but, although I believe that the proposed Bill is to be the same as that formerly introduced, we have no assurance of that, and without such assurance we never can obtain that advantage of local discussion and popular opinion. I think, Sir, it would be a very good thing if any Bill dealing with a subject of general importance were brought in in one session and passed in the next, for then hon. members would have an opportunity of conferring with their constituents, and in the following session they would be enabled to bring their ripened opinion—their completed knowledge—to the discussion of the measure. The proposal that Bills should not require to be introduced afresh each session is not a new one, or one for which I am originally responsible. In 1848, and again in 1861, this question

came before the House and before a Committee of the House of Commons, as well as before the House of Lords. And here I would venture for a moment to digress in order to say that, in my belief, it is of the greatest moment to the country that the position of the House of Lords should be properly appreciated as an integral part of the legislative body. I do not understand the jealousy which exists between the two Houses, or why there should be jealousy at all. It is perfectly well known that the House of Lords contains men who have served their apprenticeship in the House of Commons; but the House of Lords is discouraged, systematically discouraged, by the action of the House of Commons towards it. Take the course pursued by the Government with respect to the Rivers Conservancy Bill, upon which the other House bestowed a great deal of trouble. This complaint has been made and repeated over and over again, and the other House is deterred from beginning legislation, because it is probable that in the helter-skelter of July their labours will be sacrificed; while, on the other hand, in July, Bills are sent up to them by dozens when it is impossible for them to give them proper attention. Well, in 1848, a Bill was introduced in terms somewhat similar to my own resolution, enabling Bills discussed in one session to be proceeded with in the next by the other House, subject always to this restriction—that when a measure had passed both Chambers it should be sent back to that from which it originated, so that if opinion respecting it had changed in the meantime that Chamber might have an opportunity of recording that change. That Bill received the support of the late Lord Derby; on the 5th of July 1848, it was read a second time in the House of Commons, and Lord John Russell, who was then the leader of the Liberal party in this House, suggested that the Bill should only be a temporary one, because in case it did not prove effectual for the purpose desired, it would otherwise be impossible to rescind the Rule without the assent of both Houses of Parliament. The Committee reported as late as the 11th of August that they did not advise the acceptance of that Bill; but they put their advice on this ground—that it would introduce a material change, and, as the session was drawing to a close, they had not time to consider the effect of material changes in the procedure of the House. Again, in 1869, a proposal on the subject was made in "another place." On that occasion the Marquis of Salisbury made a speech, to an extract from which I invite the attention of the House.

"Owing," said he, "to a rule of the Constitution, the origin of which nobody can discover, and of which it is impossible to say more than that we find it here, if when August comes your labours have not advanced beyond a certain point, those labours must be abandoned as far as legislation is concerned. All that you have done goes for nothing. If a Bill has been considered in great detail by a Select Committee, the Committee must sit and go through the details again; if it had to face a powerful opposition, all that opposition must be faced again. All the work, all the debates, all the enormous labour which attends the passing of any change, however small, in the laws which govern us must be gone through again, in order to reach the goal which you had nearly reached when the prorogation arrived. Now is there in the nature of things any reason for this practice? Does it commend itself to any man's common sense? Do we act in this manner in any other department of life? Supposing you made it a rule to give up writing letters at a certain hour, would you throw all unfinished ones into the fire, or begin next morning at the point where you left off? Is there any body of men, in any kind of business, that adopt what I must call this senseless practice, that whatever you have not finished by a certain time you must begin again, next year? I have never heard any reason for such a rule. There is nothing but the bare inert weight of unmeaning custom to justify a principle which wastes so much of the labour and utility of Parliament."

Sir, the plan which I put before the House is already in operation in France. It is subject to certain conditions there, and perhaps limitations may also be required here, though I confess I do not perceive any necessity for them. My plan is that a Parliament should be treated in all its sessions as one Parliament; and not as a series of separate Parliaments, or as if the sessions were water-tight compartments, designed to prevent Bills getting from one to the other.

I think, Sir, that the Bills which this House has to deal with may be divided into three classes: first, there are the political Bills; secondly, the Departmental Bills; and, thirdly, private Members' Bills. Political Bills, like the Irish Church Bill, for example, are usually introduced by a Government with a strong majority at their back, and, consequently, such measures can be forced through Parliament in the course of a single session. My proposal would therefore not affect in the least degree measures with which the

existence of the Government of the day was bound up. Departmental Bills are for the most part independent of Party considerations, and they are, in point of fact, practically prepared for the most part by the permanent officials of the various departments. These Bills would be assisted most substantially by the adoption of my proposal. At present we are reduced to the necessity of putting on the Statute Book a series of fragmentary Acts of Parliament. We are obliged to do so, because if the Minister were to consolidate the laws on any subject into a new Statute he would have a Bill so considerable in its dimensions and giving rise to so much debate that there would be very little chance of squeezing it through in a single session. As an instance of this, I may advert to the criminal code, although that cannot properly be styled a departmental measure. The late Attorney-General (Sir John Holker) took a great interest in it; three of the best lawyers in England were for a long time engaged in getting it into shape; but it is almost hopeless to expect that any measure of that importance and magnitude can be passed through the House of Commons unless there is a power of continuing legislation from session to session. With regard to the Bills of private members, no doubt many of them are trivial, and ought never to be entertained by the House. I hope, therefore, that if my proposal were adopted the House would revert to the old practice of considering very carefully whether leave should be given to a private member to introduce a Bill. There would be no hardship in requiring a member to explain the provisions of his Bill in the first instance. One objection urged against my plan is that it would cause a great number of Bills to be introduced, and that there would be a great deal too much legislation. My answer to that objection is that I do not think there need be any fear of that result. The English people are not likely to submit to too much legislation. We had a remarkable proof of this at the election, which changed for a time the position of political parties, in the year 1874. It was the impatience of legislation which sapped, undermined, and eventually destroyed, the power of a Government which came into office with so great a majority in 1868. I do not think it has ever been suggested that there was any real reason for the withdrawal of the confidence of the country from that Government except the rapidity with which it had proceeded with legislation. The legislation required by the country is really Conservative in its tendency; but, as matters now stand, people are irritated at the defective

machinery which delays legislation on questions that ought to have been dealt with long ago. I will not particularise any Bills which have been so delayed, because it would divert the discussion from the general issue. But of this I am quite certain, that there are at least half a dozen Bills which have been accepted by the House in principle over and over again, and which some day must become law, but the delay in the passing of which is causing great irritation to the country, and is a source of weakness to the Conservative party. It would be desirable, as well in the interest of political parties as in that of the country, that those Bills should be passed, and come into operation with the least possible delay. It so happens that I am submitting my proposal immediately after the discussion of other resolutions with regard to procedure. I must not, of course, revert to arguments which have been used in that discussion, but I believe that if my resolution were adopted it would make quite needless the more stringent measures which are now proposed. Private Bill legislation is included within the terms of this motion, but I am aware that there are difficulties with regard to that. My experience of Private Bill legislation is that it is extremely well done, and that the tribunals which deal with Private Bills are quite competent and decide with great fairness and promptitude. But instances are constantly occurring in which promoters are obliged to submit to clauses, and make compromises, enormously expensive, and which seriously interfere with the benefit of the works proposed, in consequence of the knowledge that a few days' delay would destroy the benefit of all the work done during the session. However, Sir, for the moment I wish to rest this proposition on the larger issue, that it would be of benefit to public legislation. One great merit it has is its simplicity. If it should become necessary to fight the question of Parliamentary Procedure before the constituencies, there is no question upon which I would more gladly challenge their judgment than upon the merits of the proposal I now make. It possesses the great advantage of neither disturbing nor interfering with the traditions of the House. It would not require that the Government, or any other authority, should be entrusted with any extreme or exceptional powers ; and, above all, it has that merit which cannot justly be attributed to the other proposals which have been submitted to the House, that it is pre-eminently simple and intelligible. I beg, Sir, now to move the resolution which stands in my name.

Extract from Annual Address to the Electors of Plymouth at the Guildhall.

JANUARY 3, 1889.

I MENTIONED two years ago the subject to which Sir Edward Bates has again called attention, and I said then that it would be needful to rearrange the rules of Parliament in order to carry through legislation. That was done, and certain alterations in the rules of Parliament were made. To a certain extent they have been successful. There has been, as I feared there would be, a greater need for the use of the closure, arising from the fact that the closure was in existence. Whenever you provide a remedy for mischief you encourage mischief to go on until the remedy is applied, and I am afraid that the same observation will have to be made as to some of the remedies which are now proposed. Sir Edward Bates has reminded you that in the House of Commons we have been afflicted by certain members who are in the habit of speaking a good many times in the course, not of the session only, but of one evening, of even one debate, and he has suggested that a rule should be adopted by which in committee of the House of Commons a member should only be allowed to speak once, and he should only be allowed to speak ten minutes, unless, indeed—and I confess I think it was a very large and generous exception—he were a member either of the present Ministry or of a past Ministry, and then, I presume, he would be unlimited in the time or number of his speeches. I am afraid such an exception would be much too large to allow the rule to be effectual; but I must confess that I do not see in that direction the best hope of improving our Parliamentary affairs. Suppose we were to make a rule that no member should speak more than once in Committee of Supply, and that he should only speak for ten minutes. If you had twenty members willing to speak they would all speak for their ten minutes; and the fact that there is a ten minutes' limit would be a justification to them for occupying the ten minutes in the observations they would make, and if you got a series of ten minutes' speeches in Committee of Supply it is absolutely impossible, with our present arrangement

for discussing the financial affairs of this country, that you could put any effective limit on the length of discussion at all.

We have coming before the House of Commons volumes of estimates, page after page of items of expenditure by the country, which are all brought under the review of the House of Commons, and all have to be voted by its authority. It is competent to any member of the House to propose, with regard to any item in these votes, whether it be a vote of a million or two for the payment of seamen, or whether it be an item of payment of £25 for the wages of a charwoman at a public office, it is competent to any member to move that the sum be reduced by £20, £10, or £5, as he may think proper, and upon that motion every member would be entitled to make his ten minutes' speech. And I very much fear that by making a procedure of that kind systematic we should rather aggravate than decrease the difficulty we are now in.

Sir, I confess that I think if this matter of dealing with the estimates, and the enormous time occupied by them, is to be dealt with by Parliament at all, it will have to be dealt with in a far more courageous way. The fact is, there is a popular belief that the House of Commons is the protector of the financial interests of the people, and that the House of Commons prevents the people being taxed too much. I assure you it is a great mistake. It is not the House of Commons that keeps down the Estimates. It is the Ministry that does so; and if you take the trouble to read through the discussions which go on in the House of Commons upon the Estimates when the House is in Committee of Supply, you will find that almost every speech that is made, is made in the direction of encouraging a larger expenditure than that which is proposed by the Ministers of the Crown. Those who want to keep down expenditure do not talk; if, indeed, there are any of them. Those who want to enlarge the expenditure, by increasing the vote for particular services, are continually pressing these matters on the attention of the Ministers of the Crown. I had not intended to deal in any detail with this matter to-night, but after the observations that my hon. colleague has made with regard to it, I should like to say a word or two more on this, which, I agree, is a very important subject.

The first duty of the House of Commons undoubtedly is to grant supplies, and in granting those supplies its members are granting not their own money only but the money of the people at large. It is

the duty of the House of Commons to be vigilant and watchful, whilst there should be no extravagance on the part of the Ministry. But, although the Ministry may be extravagant because it is incompetent, because it undertakes tasks which are beyond its strength with the means it has at its disposal, or because its members have not a thorough knowledge of the work which they are entrusted to do, you may depend upon it a Ministry is never extravagant because it desires to spend a good deal of money. It is so unpopular a thing among the constituencies that the last thing a Ministry desires is to increase the amount that it calls for from the people in taxation. But although the House of Commons is entitled to deal with the matter of Estimates that have to be voted for the services of the country, it is a very serious question whether a far better plan might not be devised by which the Estimates should be considered and revised. I should be very loth myself to allow it to pass from the direct authority of the House of Commons. I would rather run the risk of some expenditure of time which occasionally appears extravagant than allow the Estimates to be dealt with in any way which prevented there being a watchful criticism over expenditure. But if any change were to be made at all, I confess I think a change should be made in this direction, that there should be a somewhat large committee on public expenditure. That committee should consist of men representative of the different sections of the House of Commons, and contain upon it the present and past representatives of the Treasury—that is to say, the Chancellor of the Exchequer, the Secretary for the Treasury, and the First Lord of the Treasury for the time being, as also their predecessors in office—but not contain any other Minister in office. And then before that committee the chiefs of the great spending departments might come and be interrogated by the committee as to the reasons for the proposals which they were making for public expenditure. I am sure with regard to any important matter in the Estimates a half-hour's cross-examination by the committee of the Minister who was responsible for the expenditure would be much more effective in checking extravagant proposals, and, what is equally important to the country, in justifying to the country proposals which were seriously and wisely made, than ten hours spent in discussion in the House of Commons, whatever rule with regard to the length of speech might be adopted.

I think it might well be that all the Estimates should pass before that committee. But there are one or two things which should be steadily insisted upon. No committee ought to have any power to increase an Estimate. If it had power to increase Estimates the responsibility would be gone from the Ministry to the committee, and the whole system of Ministerial responsibility would be lost. It should have the power to cut down the Estimates, and in that case, and that case only, should there be any power of appeal to the House of Commons. I think in that way the Estimates of the country might be dealt with. But I should not be hasty in proposing the adoption even of that course. There is no other to my mind which is practicable and safe, but I confess I would rather go on running the risk of lengthened debates and the occupation of a good deal of Parliamentary time, than I would allow direct control of the Estimates to pass from the review of every member of the House of Commons.

I think, and I have always thought, that there is another way of dealing with this matter. I do not believe myself in any very great extension of the rules of the House of Commons which imposes punishment on people who are breaking in on our debates and put us to difficulty. The fact is there are too many people in the House of Commons who would think it a creditable thing to be called to order and to be punished, to make the imposition of any such rules of any great value. You know what my view always has been with regard to this matter, and I think always will be. A great deal of this waste of time is not intended simply for the purpose of harassing and vexing the House of Commons. It is intended for the purpose of preventing laws being passed which might be creditable to the Ministry, and by passing which the Ministry might obtain repute in the country. The real source and secret of this obstruction, practised in the House of Commons in past sessions, and which became intolerable in what I may term the permanent session during the year just gone by, is the knowledge on the part of those who so obstruct that if they can only keep Bills off until the end of the session in which they are talking, those Bills will have disappeared for a time, and will have to be started fresh again in the next session of Parliament.

There never has been an illustration so complete as the last session has given us of the need for that proposal, which I have made

over and over again, and will make over and over again, whenever I get the chance, that the Bills which we have left unfinished in one session we shall take up and try and finish in the next. And I am sure if those who obstruct our proceedings and waste our time knew that the result of their action would be not to defeat or get rid of the Bill, but only to postpone its discussion until the following February, when the House would take up that same Bill again, the heart would be gone out of obstruction and we should have got the best solution of the difficulty. Let me give you an instance or two of the importance, as shown during the last session of Parliament, of this proposal. Let me mention one Bill. You know very well how often I have referred to the wish that I had when I first went to the House of Commons, a wish which has strengthened with every year that has since gone by, to put an end to that barbarous system in the administration of our criminal law by which the prisoner who is charged with an offence has his lips closed and is not allowed to give evidence on his own behalf. It is an absolutely and utterly indefensible piece of barbarism, and for the last twenty-two years there has been a growing opinion upon the subject. Parliament and lawyers of any experience and knowledge have come to the unanimous conclusion that it is our duty to do away with this blot upon our administration of justice. Well, we have tried to do it year after year, and what is it that stood in the way? The House of Commons is anxious to accept the Bill, has accepted it in principle already. The House of Lords has been urgent in trying to pass the Bill, and has sent it twice down to the House of Commons. How is it we have not been able to pass it? Why, we find that the Bill, brought in, discussed, and carried through some of its stages, cannot be got through the House of Commons because of the obstruction which takes place upon other matters. It is not a Bill so large as to involve the fate of Ministry, or it would have been passed long ago, nor so small as to escape observation, or else, perhaps, it would have got through like one or two little odds and ends of Bills that did scramble through in the last days of the session just gone by. But as it is a Bill which does attract attention, but does not involve the fate of a Ministry, it is obstructed, and this Bill which we brought in in 1888, to the discussion of which we gave some considerable time, and the second reading of which was accepted by a large majority of the House of Commons, has again gone. And if next session we

find an opportunity of introducing it, as we intend to do very early in the session, we shall have the same risk that those who do not oppose that Bill, but who want to hinder us in passing other Bills, will make that Bill the excuse for long and persistent discussion, and so again we may find it postponed to another session and the whole time of Parliament wasted.

That is a strong instance, but let me give you a more remarkable and important instance still. One of the great regrets of the members of the Government in the past session was that we did not succeed in passing the Employers' Liability Bill. There is no Bill of greater value to the working people of this country than the Employers' Liability Bill. When I went to the House of Commons first as member for Plymouth I found an Employers' Liability Bill under discussion. I took my share in that discussion, and though, as you know, I was sitting on the Opposition side of the House, I worked then as well as I would have worked if it had been proposed by one of our own leaders, to get that Bill passed in a satisfactory form. But I pointed out to the House of Commons in that discussion, that when you are passing a Bill that deals with the interests of working men, that Bill ought to be as simple and straightforward as possible. Any complication means going to law, and going to law is the last thing which any wise man should think of, especially if that wise man happens to be poor. Well, the Bill was passed, not in so simple a form as I should like to see, but still in a form which was of great advantage to the industrial population of this country. And I am sure that the result is shown in a decrease in the number of accidents from which workmen have suffered, a greater care and anxiety on the part of employers to provide means of protecting their workmen from accidents, and a greater care, also, in employing men who are thoroughly competent.

So far it has been a great advantage. But it has been marred and hindered in its beneficial effect by the necessity of the working man going to law in order to enforce his rights. When an accident happens in a factory, and a poor man has his leg broken, and is laid aside for several weeks, his wages are stopped, no means are coming in to him, and it is scarcely possible for him with any hope of success to set a lawsuit on foot against his employer. If he does, the employer very often belongs to an insurance company. The case is handed over to the insurance company, and the officers of that

company have legal advice, and know all the technicalities and difficulties of legal procedure; and the consequence has been that although that Act has had an indirect effect of a very great value in imposing more care upon employers, it has not had nearly so large an effect as I and others hoped it would have in securing the payment of money to the men who are injured. The fact is, a great deal of money disappears between the man who ought to pay it, and the man who ought to receive it, and I leave those present to speculate on the direction in which that missing cash has gone.

I heard of a case the other day where a man brought an action against his employer under the Employers' Liability Act. He succeeded in that action, and got a verdict for £45. The cost to the employer out of pocket was £150. The man himself who brought the action got in his pocket £15. The whole of the rest of the money had gone in legal costs, and my belief is that the best thing that could possibly happen with regard to this is first to reduce the technicalities of the law with which you are dealing, so that there shall be fewer pitfalls into which an experienced lawyer can lure the plaintiff against whom he is retained, and further, and more important still, that you should, as far as possible, try to substitute for the legal liability of the employer the liability of an insurance fund, to which the employer shall himself contribute. If you have an insurance fund all this difficulty of legal cost is gone. If a man's leg is broken, and the man belongs to an insurance fund, his allowance will be paid to him without reference to any difficult legal question as to who was responsible for causing the injury. In the Bill which was brought in by the Government for the amendment of the Employers' Liability Act we in the first place, in many respects, simplified and improved the procedure. I need not enter into details, but the intention was, and the result would have been, to make it less dangerous, less risky for a man to go to law upon this matter. In the next place, we put in this clause. At the present time, as the law now stands, an employer can contract himself out of the Act. If a man goes to him and asks for work an employer can say: "Yes, I will employ you on condition you make an agreement with me that I shall not be liable to you under the Employers' Liability Act." It is not a contract that is very largely made, excepting in certain particular occupations, but as the law now stands that is a contract which can be made. We proposed in one clause of that Bill to say that no employer

should be allowed to contract himself out of that Act, unless he had subscribed to an insurance fund, in which the man was to be insured, which would provide compensation for all accidents, however occurring, and unless also the subscription of the employer to that fund was equivalent to the liability which would rest upon him if he had been bound by the Employers' Liability Act itself.

That is an extremely difficult clause to frame, but the aim and purpose of it was to improve the administration of the Employers' Liability Act, while allowing to remain in existence such great societies as that society which exists on the London and North-Western Railway, in which all the employés of that line are insured. But what has happened to that Bill? It was accepted on its second reading by the House of Commons; it went down to be discussed in Grand Committee, and I had the pleasure of assisting the Home Secretary while the Bill was before that Committee. We discussed it for several days, and I believe came to sound and reasonable decisions upon the matters before us. Then it came up again for discussion in the House of Commons, and then objection was made to it. It was opposed; there was a long debate; and the result was that towards the end of the session the Government had to abandon all hope of passing it, and to content themselves with passing a continuance Bill, which leaves the old Act, with all its defects, in operation, and we have not even the opportunity of taking that Bill up again at the stage of committee when the House of Commons meets again next year. If we want to deal with it we shall have again to introduce the Bill, again have it read a first and second time, and discussed all over again in Grand Committee or in the House itself, at an expenditure of time which, I fear, will be so great as may interfere with the opportunity of passing that Bill at all. And that is the result of a rule which treats as waste paper all the work we did not succeed in finishing.

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