REPORT

FROM

SELECT COMMITTEE

ON

PUBLIC PETITIONS:

WITH

THE MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
25 *July* 1832.

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Mercurii, 9° die Maii, 1832.

Ordered,

THAT a Select Committee be appointed to take into consideration the best Means to be adopted for facilitating the Presentation of Public Petitions:—And a Committee was appointed of

Sir Robert Peel, Bart.
Mr. Williams Wynn.
Mr. Hume.
Mr. Ruthven.
Mr. Charles Calvert.
Mr. Alderman Wood.
Mr. Ayshford Sanford.
Lord Viscount Althorp.
Marquis of Chandos.
Mr. Littleton.
Lord Viscount Sandon.
Mr. Yates Peel.
Mr. O'Connell.
Mr. Sheil.
Sir Richard Vyvyan.
Sir George Clerk, Bart.
Mr. Hunt.
Sir Hedworth Williamson, Bart.
Lord Viscount Morpeth.
Mr. Strickland.
Mr. Shaw.
Mr. Fynes Clinton.
Mr. Robinson.
Mr. Heywood.
Colonel Davies.
Mr. Adam Dundas.
Mr. J. E. Gordon.
Sir Robert Harry Inglis, Bart.
Mr. R. Gordon.
Mr. Warburton.
Mr. Lawley.

And they are to meet To-morrow, in The Speaker's Chamber; and have Power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

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REPORT.

THE SELECT COMMITTEE appointed to take into consideration the best means to be adopted for facilitating the Presentation of PUBLIC PETITIONS; and who were empowered to report the MINUTES of EVIDENCE taken before them, to The House:—HAVE, pursuant to the order of The House, examined the matters to them referred, and agreed to the following REPORT:

YOUR COMMITTEE have made various inquiries connected with the subject referred to them, the details of which will be found in the Appendix to the Report.

It will be seen that there has been, of late years, a progressive and very considerable increase in the number of Public Petitions presented to The House.

In the Five Years ending in 1789, the number amounted to					880
In the Five Years ending 1805	-	„	„	- to	1,026
In the Five Years ending 1815	-	„	„	- to	4,498
And in the Five Years ending 1831		„	„	- to	24,492

Supposing the number of Petitions presented within the last five years, on account of the peculiar interest attached to the great political questions to which many of those Petitions referred, to exceed the general average which may be hereafter calculated upon, still there can be little doubt that the number of Petitions will continue so great, as imperatively to call for the adoption of some new arrangement with respect to their presentation. The regulations now in force are manifestly defective. The time allotted to the reception of Petitions, before the commencement of the general business of The House, and the frequent consumption of a great portion of that time in discussions arising on single Petitions, preclude the possibility of offering to The House the whole number of Petitions transmitted to Members. The necessary consequence has been, the attempt to discover some means by which Members having Petitions to present shall be placed upon an equal footing with respect to the opportunity of presenting them; and after the failure of other regulations, the selection, by ballot, of those Members who shall be entitled, on each day, to have precedence in the presentation of their Petitions, is the regulation at present in force.

It appears, however, from the evidence of Mr. Ellicombe, the Clerk who attends the Ballot, that, taking the average of the Session, there are about twelve Members in daily attendance at the Ballot; but that he judges, from the conversation of Members, that all beyond the first five despair of having their names called by The Speaker. This testimony, and that of Mr. Strickland and Mr. Sanford, Members of The House, the latter of whom states that he attended at the Ballot fourteen days in succession before his name was sufficiently advanced on the list to be called to by The Speaker, appear conclusive as to the accumulation of Petitions not presented, and the necessity of some new arrangement for the purpose of facilitating their presentation.

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Adverting to the number of hours which The House at present is in the habit of sitting for the transaction of public business; the extent of that business; the great importance to the public interest, that it should be deliberately discussed; it appears equally difficult to suggest any plan by which either the period of sitting shall be extended, or a larger portion of that period shall be devoted to the reception of Petitions. There cannot be a doubt, indeed, that great public advantage would arise from the commencement of public business at as early an hour as possible after The Speaker has taken the chair, and at a time invariably fixed; or, at least, at one liable to no other variation than that which might depend on the completion of the business connected with Private and Local Bills.

In the consideration of a remedy for the inconvenience at present sustained on account of the difficulties and delays in the presentation of Petitions, it has appeared to Your Committee of great importance to advert to the practice of former periods of Parliamentary history, in reference to the right of petitioning, and the practical exercise of that right, in order that the nature of the remedy now to be adopted may be, as far as possible, in conformity with constitutional usage.

On many former occasions it has been found necessary to establish regulations with respect to Petitions, for the purpose of ensuring, on the one hand, a due consideration of such Petitions, and on the other, of leaving to the Legislature sufficient time for the discussion and transaction of the general Business of the Country.

At that early period of our history, when the legislative and judicial capacities of the High Court of Parliament were so closely combined as scarcely to admit of distinction, Petitions in great numbers were presented from all classes of persons; and not only on subjects of national concern, but on all the various cases of private wrongs and sufferings. It is stated in evidence by Mr. Palgrave, a gentleman engaged under the Commissioners upon the Public Records, in publishing Parliamentary Writs and Proceedings, that a vast majority (his expression is, "Ninety-nine in one hundred") of Petitions presented by individuals in the time that elapsed from the reign of Edward I. to that of Henry VI., related to private grievances.

At the opening of the Parliament, public proclamation was made, inviting the people to prefer their complaints to this tribunal; and Receivers of Petitions were appointed, for the purpose of arranging and classifying them; separating those Petitions which required the aid of the "King in "Parliament," from others, to the complaints of which, the ordinary tribunals were competent to afford redress. After some variations in the practice, the appointment of Receivers and Triers of Petitions regularly took place; and the form is still observed by The House of Lords at the opening of each new Parliament. The "Receivers" were usually the Clerks of the Chancery. The "Triers" were Committees of Prelates, Peers and Judges, with power to call to their aid the Lord Chancellor, the Lord Treasurer, and the Serjeants at Law. By them the prayer of the several Petitions presented was inquired into, and the Petitioners were referred, according to the nature of their respective Petitions, either to the tribunals from which redress might be obtained, or if the regular course of law afforded no redress, to the High Court of Parliament.

The Journals of The House of Commons contain the records of proceedings adopted by The House at various periods, for the purpose of regulating the presentation and disposal of Petitions; the general character of which proceedings will be best ascertained by a reference to the Journals, from which the following Extracts have been made.

The

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The first record of the appointment of the Committee of Grievances, to which it was the practice to refer Petitions, is in the year 1571.

In the 12th James I., a General Committee of the whole House was appointed for receiving Petitions, with directions to meet every Tuesday in the House, at Two o'clock in the afternoon.

It was subsequently moved by Mr. Hartwell, and agreed to, That the Committee of Petitions be tied to no certain time, but may meet as shall seem good to themselves.

The Journal of the 19th April 1620, (19 James I.) has the following entry:—

Vol. I. p. 582.

Sir *Thomas Row.* That divers Petitions rejected by the Committee, and so endorsed, yet not thought fit to re-deliver them without direction of The House, moveth, When any rejected by the Committee, they may be re-delivered to the parties by the Committee."

The appointing of the Chair at the Committee referred to the discretion of the Committee.

On the 23d February 1623, is the following entry:—

Vol. I. p. 671.

Mr. *Delbridge* moveth for a Committee of Grievances. Resolved, a Committee of the whole House in the House. Friday next to be the first day, at two of the clock.

Vol. II. page 49, 12th December 1640.

Committee of Petitions appointed, to peruse all Petitions that are come in, or to come in; and to peruse them, to see what Petitions are fit to be received, and to what Committee they are fit to be referred, and to report the same to this House.

Vol. II. page 61, 1st January 1640.

Members added to the Committee for sorting Petitions, and are specially to consider of, and to sort such Petitions as concern the Public.

Vol. II. page 66.

Ordered, That the Committee for sorting Petitions, now *sine die*, do meet on Thursday next.

Vol. III. page 649, 3d October 1644.

Committee appointed to consider the several Petitions already presented to The House, and to present them in such order to The House as may be for the speediest dispatch of them.

Vol. IV. page 228, 2d August 1645.

Members added to former Committee, &c. to consider Petitions fit for the consideration of The House, &c. and to prepare them in such order and course, as, by their necessity, they are fittest to be heard; to report their opinions upon them.

And it is further Ordered, That Saturday in every week be set apart for receiving Reports from this Committee.

Vol. IV. page 440, 14th February 1645.

Resolved, That the Committee on Petitions be suspended for six weeks.

A Committee appointed to consider what power the Committee on Petitions are to have, by what rules they are to proceed, &c. &c.

Vol. V. page 47, 9th January 1646.

Ordered, That the Petitions this day delivered into The House by the Members be numbered as they are delivered in, and presented according to their number to The House, and read, and taken into consideration in order, on Saturday next.

Vol. V. page 486, 8th March 1647.

Committee appointed, and any five of them are to meet in The House presently, at the rising of The House, and are to consider of the Petitions and Reports now offered and delivered in, and to figure them, and present them to The House, in such order as they are figured, to be read and considered of on Wednesday next, the first business; the which day is appointed for those Petitions and Reports, and nothing else, and no Member is to offer any other, that day, to the consideration of The House.

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Vol. VII. page 286, 16th July 1653.

That the consideration of the business touching Petitions to be presented to The House in such way as may least interrupt the business of The House, be referred to the Committee for Committees to report their opinion therein to The House.

Vol. VII. page 287, 20th July 1653.

Committee appointed to consider of such Petitions as are directed to Parliament, and to present such of them only to Parliament as are proper to legislative power; power to send for Persons, Papers and Records; leave to examine Witness on oath, and report to Parliament.

Vol. XII. page 83, 4th February 1697.

Ordered, That no Petition be received after ten of the clock in the forenoon.

The above extracts from the Journals contain an account of the chief Regulations established from time to time in respect to the presentation of Petitions, to which it has appeared to Your Committee material to advert, with reference to the objects of the Inquiry into which it has been their duty to enter. Such Regulations were probably adopted on account of temporary difficulties arising from the number of Petitions, or the pressure of other important business; and were departed from when the difficulties ceased to exist. They certainly do not appear to have been practically enforced for any considerable period of time; and the chief object in referring to them now is to indicate the nature and character of the remedy which has been applied at former periods, when it has been found necessary to establish rules for the presentation of Petitions.

After a careful review of the whole subject, Your Committee is disposed to recommend to The House the adoption of the following Plan; as upon the whole best calculated to effect the object for which Your Committee was appointed.

That a Committee of the whole House should, on certain days of the week, sit in The House for the reception of Public Petitions.

That as the number of days on which it would be fit for the Committee to meet, and the hours of meeting, must depend in great measure upon the number of Petitions likely to be presented in any given week, the days and hours of meeting should be fixed, either by the authority of The Speaker, or on Motion in The House, at the close of the week preceding.

That the Chairman of the Committee should be appointed by the Committee. It is hoped, however, that the Committee might have in general the advantage of the superintendence of the Chairman of Ways and Means, whose official station and experience in the business of The House, would ensure regularity in the proceedings of the Committee, and give to them additional weight and authority.

Your Committee is not disposed to recommend that the presence of any given number of Members should be required, for the purpose of enabling the Committee to appoint a Chairman, and to proceed to the reception of Petitions. If the attendance on any given day be deemed insufficient, a Member will always be enabled to exercise his discretion as to the presentation on that day of the Petitions with which he may be entrusted.

The proceedings of the Committee will necessarily close on the appearance of The Speaker in The House, or they may be terminated at an earlier hour, at the discretion of the Committee, so soon as the Petitions offered for presentation have been received.

It is proposed, that Members wishing to present Petitions on any given day, shall write their names on the evening preceding on a Paper, to be placed

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placed in charge of the Clerk, on the Table of The House; and that the names so written shall on the following day be called in their order by the Chairman of the Committee. That Members not having inscribed their names on this List, shall write them on a Second List, after the Chairman shall have taken the Chair; and that the Second shall be proceeded with in order, when the first has been exhausted.

It will probably be necessary to establish a rule, That all Petitions must, without exception, be presented to the Committee of Petitions, and not to The House with The Speaker in the Chair. If exceptions be made, each Member will be disposed to claim for himself the benefit of the exception, and will with reluctance admit the superior importance of any particular Petition which it may be proposed to exempt from the general rule.

If however it be deemed inexpedient to apply a regulation of this nature strictly and invariably to all Petitions without discrimination, it ought, at any rate, to be required from a Member desirous to present a Petition to The House with The Speaker in the Chair, that he should give previous notice of such intention, in the same manner as he would give notice of a Motion. There is, however, ground for apprehension, that such notices might not be limited to special and peculiar cases; and that the good effect of the proposed arrangement might be defeated, through the natural disposition of Members to attach extraordinary importance to the Petitions with which they themselves are intrusted, and to seek special occasions for their presentation.

In the evidence appended to the Report will be found some information respecting the printing of Petitions. It will be seen, that out of 24.492 Petitions presented in the five years ending in 1831, not less than 10,685 were ordered, on motion made in The House, to be printed; that these Petitions are printed as an Appendix to the Votes; and that this charge for printing the Appendix for the five years ending 19th October 1831, has amounted to upwards of £. 12,000.

It will be seen also that some members of The House decline receiving the Appendix, considering it as an incumbrance; and that, during the last year, while there were sold to the Public 400 copies of the Votes, there were not sold more than 150 copies of the Appendix. This information will probably confirm the general impression of most Members conversant with the business of The House, that the expense of printing many of the Petitions which The House orders to be printed might be saved, without any disadvantage to the Public interests.

With reference to this part of the subject, it has occurred to Your Committee, that it might be expedient that at the commencement of each Session a Select Committee should be appointed, whose duty it should be to classify all Petitions presented to the General Committee of Petitions; and to make to The House a periodical Report, (either weekly, or as often as occasion might require) arranging the Petitions according to the subjects to which they referred; and containing a general summary of the Prayer of each Petition, and an account of the number of Signatures.

To this Committee a discretionary power should be left as to the printing *in extenso* of any Petitions which might contain facts or reasoning of which, in their judgment, The House ought to be apprized. By the adoption of this suggestion, The House would attain more information in respect to Petitions generally than they now possess; and their attention would be called with much more certainty to the matter contained in

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Petitions of real importance and interest, in consquence of discrimination and judgment exercised in respect to the printing of them.

Should it be thought advisable to appoint a Select Committee for the purpose above-named, it appears to Your Committee that some of the forms which at present accompany the presentation of a Petition in The House might be dispensed with in the General Committee. At present there are four distinct Motions (each affording the opportunity for a separate speech), on the occasion of presenting a single Petition, and the ordering of it to be printed. If it were understood that all Petitions presented to the General Committee were afterwards to be referred to a Select Committee, for the purpose of being arranged and reported upon, it would probably suffice to have one Motion, and one only, either on the question of a Petition being brought up, or of its being referred to the Select Committee.

Such is the general outline of the Plan which Your Committee is disposed to recommend to The House for the purpose of facilitating the presentation of Public Petitions. Your Committee trust that it will be found, in practice, to unite the advantages of insuring the opportunity to each Member of presenting Petitions, before the matter to which they refer comes on for discussion in The House; of dispensing altogether with the necessity of the selection of names by Ballot; of placing under proper control the printing of Petitions; and of enabling The House to proceed without interruption, at a fixed hour, to the discussion of Public Business.

25 *July* 1832.

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MINUTES OF EVIDENCE.

LIST.

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Lunæ, 4° die Junii, 1832.

THE RIGHT HONOURABLE SIR ROBERT PEEL, BARONET, IN THE CHAIR.

John Bull, Esquire, Clerk of the Journals and Papers, called in; and Examined.

John Bull, Esq.

4 June, 1832.

1. THE Committee wish to have information with respect to the presentation and printing of Petitions for certain periods; the number of Petitions presented to The House of Commons during the following periods; each of the five years ending the 1st of January 1790, each of the five years ending the 1st of January 1800, each of the five years ending the 1st of January 1806, each of the five years ending the 1st of January 1811, each of the five years ending the 1st of January 1816, each of the five years ending the 1st of January 1826, and each of the five years ending the 1st of January 1832, specifying the number of such Petitions in each year which were ordered on motion to be printed?—I can furnish it certainly, but it will take a considerable time. There will be no difficulty in taking any of the years where there are Appendices. I should have no difficulty in returning from the schedules the number of Petitions, and, since the Appendices have been made, there will be none in regard to those that are printed.

2. Is there any memorandum made on the Petition, that it is printed?—They are not so indorsed, but are indorsed with the name, and a number put on them referring to the Schedules, and we can find them in a few minutes. According to the Schedules of last year, I think there were not less than 9,600 Public Petitions presented in the course of the last spring.

3. How many of these were ordered to be printed?—I could refer to the year in a minute, and ascertain the number of the Appendix.

4. Would not a mere examination of a volume of the Journals by one of your clerks with another of your clerks, without reference to the schedules, furnish all the information that it is desirable the Committee should have?—I think it would take a good deal of time. There would be no difficulty about it; but my opinion is, that the best way would be to take the schedules, and abstract from them, in the first instance, the whole number.

5. On the next day of meeting, the Committee will be glad if you will inform them of any variation in the course that has been taken by The House with respect to Petitions, and what used to be the course in 1785 and 1790; whether they printed them in the Votes *in extenso*, or whether the printing in the Journals differed from the printing in the Votes?—I will.

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Mercurii, 13° die Junii, 1832.

THE RIGHT HON. SIR ROBERT PEEL, BART., IN THE CHAIR.

John Bull, Esq.

13 June, 1832.

John Bull, Esquire, again called in; and further Examined.

6. DURING the interval which has passed since the last meeting of the Committee, have you prepared the information which you were requested to prepare?—I have. [*Handing in a Paper.*]

7. Does the Paper which you have now put in contain that?—Yes, it does.

[*The same was read as follows:*]

The practice, in 1789, was to print all Public Petitions in the Votes, either at length or a short abstract of them, classing them, as much as possible, according to their subjects, without any motion or special order of The House for that purpose; and this practice was continued till about the middle of the Session 1817. In 1817, when the Abstract of the Votes was determined upon, it then became necessary, that no interruption might take place in the delivery of this Abstract the next morning, to print separately, as an Appendix, such petitions as The House thought proper to order to be printed, upon motion, which are now delivered twice a week. From 1789 to 1817, the Journal, in this particular, was an exact copy of the Votes: but since 1817 the practice has been, as much as possible, to class the Petitions according to the subject to which they relate, inserting as little as possible, taking care only that what is inserted should be a correct statement of the object for which the petitioners pray. Petitions not specially ordered to be printed are also classed, where it is possible so to do, and abstracted as above. Petitions of individuals complaining of grievances are generally entered very short, showing the grievance complained of, but omitting the particulars of the case. Other petitions, which appear to be of a very special nature, such as election petitions, petitions from the Colonies, or petitions complaining of the breach of the Standing Orders, are generally entered at length, and printed in the Journal, although they may also have been printed in the Appendix: and in all cases where petitions are abstracted, care is taken, as much as posssible, to adopt and print in the Journal the language of the Petition.

The printing of the Appendix goes on daily, and the delivery takes place twice a week. This despatch is effected by keeping the press constantly and regularly supplied; if this was not done, it is obvious that great delay must take place, and the convenience of a rapid delivery frustrated.

AN ACCOUNT of the Number of PUBLIC PETITIONS presented to the House of Commons for the Five Years ending 1789, 1805, 1815, and 1831; specifying the Number of such Petitions in each Year, which were ordered, on Motion, to be Printed.

YEARS	No. of Public Petitions Presented.	No. of Public Petitions ordered, on Motion, to be Printed.
1785	298	—
1786	156	—
1787	98	—
1787/8	201	—
1788/9	127	—
5 Years ending 1789	880	—
1801	192	—
1801/2	158	—
1802/3	367	—
1803/4	168	—
1804/5	141	—
5 Years ending 1805	1,026	—
1811	132	—
1812	340	—
1812/13	1,699	—
1813/14	1,479	—
1814/15	848	—
5 Years ending 1815	4,498	—
1827	3,635	1,959
1828	4,074	1,579
1829	4,041	3,394
1830	2,522	1,381
1830/1	8,961	1,869
1831	1,259 } 10,220	703 } 2,572
5 Years ending 1831	24,492	*10,685

* The number of Appendices.

8. Could

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John Bull, Esq.

13 June, 1832.

8. Could you tell the Committee how many pages were occupied in printing the 10,685 Petitions that were ordered to be printed on special motion, in the five years ending in 1831?—It appears by reference to the Appendix to the Votes and Proceedings of the House of Commons, which is occupied exclusively by public petitions, including Election Petitions, that it contains 1,535 pages; I am speaking now of the year 1829, extending from the 6th day of February 1829 to the 24th day of June.

9. Can you tell the Committee whether all these Petitions are bound up?—They are not bound up; the Petitions themselves are all indorsed, folded up, put into bundles, tied round with straps, and schedules made of them. I found within the last three or four years the Petitions increased so much, that I was obliged to make a different arrangement in my office, in consequence of the difficulty there was in finding them; I found it necessary to keep a schedule of them during the Session, so that any Petition might be found in the course of a few minutes; and at the end of the Session, during the summer, all the Petitions are scheduled, indorsed, numbered and put by; and they form such a mass as the Committee can have no notion of, unless they were to see them together.

10. Are the names kept?—Yes; I can find a Petition any Member requires in a few minutes.

11. During the last five years what has been the practice with respect to printing Petitions in the Journals?—The practice is as I have stated in the paper that I handed in.

12. But of course there is a great variation between the amount of printing in Votes and in Journals?—The Appendix to the Votes is a very extensive thing. I do not think that that part of the Journals amounts to a great deal, because we endeavour now to keep the Journals as small as possible; if we were to print the Petitions now at length in the Journals, there would probably be three or four volumes instead of one.

13. How many copies of the Votes are printed?—That I cannot answer, because a great many are sold by authority; that is one of the papers of this House which may be sold, and the produce brought to account in some way or other, I do not exactly know how.

14. How many public documents are bound up for the use of The House?—I cannot from memory tell, but I can give the Committee a Return upon that subject.

15. Are the Appendices to the Votes always printed?—Yes.

16. And this class of Petitions kept separate?—Yes.

17. How many volumes did the 10,685 Petitions make?—Six volumes; some of them very large.

18. The Report on Printing done for the House, in 1828, recommends that the printing of an Appendix to the Journal should be discontinued?—That Appendix is an Appendix of Accounts and Estimates, which at one time was carried to a very great length.

19. And is it discontinued now?—No, but it is very much less; I suppose not half the size that it used to be.

20. It appears that the Appendix for the two Sessions in the last year amounts to 1,719 pages; are they bound up year by year, and not by Sessions?—Sometimes bound up for the year; indeed generally, but these are separate.

21. Who has the charge of the balloting by which the order of presenting Petitions is at present determined?—One of the clerks in Mr. Dorington's office.

George Strickland, Esquire, a Member of the Committee, Examined.

George Strickland, Esq. M.P.

22. HAVE you had any experience of the inconvenience sustained in presenting Petitions under the system at present adopted?—I have.

23. Will you state to the Committee what the nature and extent of that inconvenience is?—I frequently receive Petitions which the parties who send them are anxious should be presented to The House without delay; I come down at ten o'clock in the morning, and sometimes find as many as fifteen Members present, who have come down with the same object as myself; the ballot for many days in succession may place me low in the list, when from the business before The House there is no prospect of the Petitions being presented; this

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George Strickland, Esq. M. P.

13 June, 1832.

causes a troublesome correspondence with my constituents to explain why the Petitions have not been presented; and I am unable to give any answer as to the probable time when they will be presented, for it all depends on the uncertainties of the ballot.

24. Can you tell the Committee the number of days that you have attended without being successful?—Why, fortune has been rather favourable to me; I have no great reason to complain upon that ground, but I know other Members who have; I have been several times put high on the list, and got quit of my Petitions.

25. And may you present any number of Petitions when you are in possession of The House?—If The Speaker be not tired of receiving them, or the time has not elapsed; I have known him stop persons from presenting Petitions when they had more to present.

26. Have you occasionally had Petitions to present relating to matters which were under the consideration of The House, which you have been prevented from presenting previously to the discussion in the House of Commons coming on?—I never have been prevented doing it, for I have contrived somehow to get it presented; but at this present time I have a Petition forw hich I balloted this morning; it is respecting the boundaries of a borough, and the Report will probably be brought up to-morrow, which leaves me no fair prospect, at least by the ballot and by the usual mode of presenting Petitions, of getting it presented in time.

Ayshford Sanford, Esquire, a Member of the Committee, Examined.

A. Sanford, Esq. M. P.

27. HAVE you been put to great inconvenience in the attempt to present Petitions?—Yes; on one occasion I balloted fourteen days before my name was sufficiently advanced on the list.

28. And were you obliged to attend in the morning of each of those days?—On each day I was there at ten o'clock.

Veneris, 15° *die Junii*, 1832.

THE RIGHT HON. SIR ROBERT PEEL, BART., IN THE CHAIR.

Mr. *John Bowyer Nichols*, called in; and Examined.

Mr. *J. B. Nichols.*

15 June, 1832.

29. THE immediate object of our inquiry, Mr. Nichols, is to ascertain, first, the total charge for printing each page of the Votes which contains Petitions, and then the total expense occasioned to the country by the printing of Petitions, which have been printed within the last three or four Sessions?—I have taken the liberty, in consequence of an interview with Mr. Bull, of drawing up a Statement, which I hope will meet with your approbation.

30. Be so good as to read it?—

AN ACCOUNT of the EXPENSE of PRINTING the APPENDIX to the VOTES of The House of Commons for Five Years.

	£.	s.	d.
Session 1826-7.—From November 22, 1826, to June 29, 1827.			
The Charge for Printing the Appendix, consisting of 1,959 numbers, 1,420 pages, or 355 sheets, 1,000 copies printed, at 3*l.* 13*s.* 6*d.* - - -	1,304	12	6
Corrections, Sunday and Night-work - - - - - - - -	189	3	–
Paper for the same, 732 reams, at 21*s.* - - - - - - - -	768	12	–
£.	2,262	7	6
Session 1828.—From January 31 to July 25.			
The Charge for Printing the Appendix, consisting of 1,579 numbers, 1,026 pages, or 256 sheets and a half, 1,000 copies printed, at 3*l.* 13*s.* 6*d.* -	942	12	9
Corrections, Sunday and Night-work - - - - - - - -	100	11	–
Paper for the same, 525 reams, at 20*s.* - - - - - - - -	525	–	–
£.	1,568	3	9

Session

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Mr. J. B. Nichols. 15 June, 1832.

	£.	s.	d.
Session 1829.—From February 6 to June 24.			
The Charge for Printing the Appendix, consisting of 3,194 numbers, 1,536 pages, or 384 sheets, 1,000 copies printed, at 3*l.* 10*s.*	1,344	–	–
Corrections and Night-work	124	–	–
Paper for the same, 786 reams, at 20*s.*	786	–	–
£.	2,254	–	–
Session 1830.—From February 5 to July 23.			
The Charge for Printing the Appendix, consisting of 1,382 numbers, 1,006 pages, or 251 sheets and a half, 1,000 copies printed, at 3*l.* 10*s.*	880	5	–
Corrections and Night-work	77	13	–
Paper for the same, 513 reams, at 20*s.*	513	–	–
£.	1,470	18	–
Session 1830–31.—From November 3, 1830, to April 10, 1831.			
The Charge for Printing the Appendix, consisting of 1,969 numbers, 1,210 pages, or 302 sheets and a half, 1,000 copies printed, at 3*l.* 10*s.*	1,058	15	–
Corrections and Night-work	130	12	6
Paper for the same, 612 reams, at 18*s.*	550	16	–
£.	1,740	3	6
Session 1831.—From June 22 to October 19.			
The Charge for Printing the Appendix, consisting of 703 numbers, 512 pages, or 128 sheets, 1,000 copies printed, at 3*l.* 10*s.*	448	–	–
Lithographic Plan, and Printing ditto	10	15	–
Corrections and Night-work	39	6	–
Paper for the same, 262 reams, at 18*s.*	235	16	–
£.	733	17	–

June 15, 1832. *J. B. Nichols & Son.*

I ought to explain that the numbers are numbers of the Petitions, except that under one number, three or four Petitions are sometimes included.

31. When you say that three or four Petitions are included, do you mean that the Petitions are worded in the same manner, and that the printing of one Petition is considered as adequate for the purpose?—Yes, they run under one head of Petitions, with one general prayer at the end.

32. In the Paper you have just read the word "numbers" is mentioned; be good enough to explain in what sense the word "numbers" is used there?—At the head of each Petition is put a number by the printer, and under that number sometimes three or four Petitions are included.

33. So that in fact there are more Petitions than there are numbers?—Yes.

34. Can you state at all the probable excess of Petitions above the numbers?—I should think one-fourth more.

35. The number is the number contained in the Votes?—In the Votes and Proceedings, referring to the Appendix; if the Petitions are found to be similar in form they are put under one number.

36. It appears from this Paper that there are three items of charges, one a charge for printing, the second for correction, sunday and night-work, and the third for paper for the printing?—Yes.

37. Do you conceive that includes the whole charge incurred by the public on account of printing Petitions?—No.

38. What are the additional items?—There are sums paid to the clerks of the House of Commons for transcribing the Petitions for the press, and correcting them, and those sums have, till the last two Sessions, been placed, by the order of The Speaker, at the foot of the printers' account; for the last two Sessions we have not had directions to do so, and they have been paid, by the order of Mr. Ley, some other way in the House.

39. Then in order to ascertain the total charge incurred by the public on account of printing Petitions, it would be necessary to have those items among them?—Yes, I can speak to the items, all but the last two Sessions.

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Mr. *J. B. Nichols.*

15 June, 1832.

40. To whom should we apply for the two last Sessions?—To Mr. Bull, the Clerk of the Journals.

41. Can you give us the charge for the three first years?—Yes.

42. Do so?—It will be four Sessions; this Paper contains it:

[*It was handed in, and was as follows:*]

APPENDIX to the VOTES.—The Sums ordered by The Speaker to be added to the Printers' Bill, for Copying and Examination of Petitions for the Appendix to the Votes:

	£.	s.	d.
Session 1826-7 - - - - - - - -	457	9	10
— 1828 - - - - - - - -	292	4	—
— 1829 - - - - - - - -	438	3	2
— 1830 - - - - - - - -	353	1	4
— 1830-1, not in Messrs. Nichols' Account.			
— 1831 - - - - - - ditto.			

43. Do you think it possible there can be any other item which we ought to have in order to ascertain the actual cost?—I think not.

44. Those items contain the actual charge to the Public for printing the Petitions?—Yes, without any expense is incurred in the delivery of them; I think it is very trifling; they are folded up with the Votes and Proceedings and Appendix, and go at the same time. Mr. Mitchell can tell.

45. How many pages does a sheet contain?—Four pages.

46. What is the actual cost of printing a sheet of Appendix, excluding the charge for copying the manuscript?—Three pounds ten shillings.

47. Without reference to the blanks on that sheet?—There are scarcely any blanks; it is one continued series of full print.

48. That is about 17*s.* 6*d.* a page?—Yes.

49. What appears to be the average space which each Petition occupies upon paper?—That Paper will show the number of Petitions and the number of pages each Session; it depends entirely upon the length of the Petition.

50. What is the total number of copies of each sheet of Appendix printed?—One thousand copies.

51. Do you know how those are disposed of?—We deliver the whole to the care of Mr. Mitchell, except about twelve copies, which we deliver to The Speaker and the officers of The House for their use.

52. I suppose Mr. Mitchell will be the proper person to inform us of that?—Certainly.

Mr. *James Mitchell,* called in; and Examined.

Mr. *James Mitchell.*

53. WE are making inquiries into the total charge incurred by the Public on account of the printing of Public Petitions, and in order to ascertain the exact amount of that charge it is necessary for us to know what sums the Public receive on account of the sale of the Appendix; how many copies of the Appendix do you receive?—Nine hundred.

54. Nine hundred, Votes and Appendix?—Yes.

55. There are 1,000 printed?—Yes.

56. What becomes of the other 100?—They are in store.

57. Will you tell us whether there is any difference in delivering the Votes and Appendix to the Members?—The Votes and Appendix are delivered together to the Members.

58. How many copies are delivered to the Members?—Nearly the whole of the Votes.

59. Do all of them take the Appendix?—Not all of them.

60. Do they consider the Appendix an incumbrance?—Yes, some of them; other Members have several copies of different Petitions.

61. You consider it necessary to set apart 650 copies for the use of Members of the House?—Yes, more.

62. Are there any set apart for the House of Peers?—Only for the officers and clerks; about twenty or thirty copies are set apart for them.

63. What becomes of the remainder?—Several copies are sold as perquisites of the office, towards paying the expenses; the remainder are kept in store.

64. Do you account for the sums received by the sale to the Public?—Not for the Appendix; those copies which remain out of the number I officially receive,

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Mr. *James Mitchell.*

15 June, 1832.

receive, are the perquisites of the office, being at present more than sufficient for the supply required by the Public.

65. If they go towards the expenses of the office, the sum for which they are sold is brought into the account?—If the number sold exceeded what I officially receive, then, as in the case of the Votes (the sale of which very much exceeds the number I am entitled to), the number sold would be paid for by me to the printer, and by him accounted for.

66. Then the 650 are deducted from the 900?—I receive 900 copies altogether.

67. And there are 12 sent to the officers of the House of Lords?—I think it is 27; and what are delivered amongst the officers of the House of Commons, also, makes it amount to about 50.

68. Then there are 700 for which there is a demand?—Certainly.

69. Then that leaves only 200?—Yes.

70. Tell us what is the demand, first, for the 200 copies of the Votes, and then for the 200 copies of the Appendix; is there a full demand for the 200 copies of the Votes?—Yes, for more than that; and what I require for sale to the Public beyond the 900, I apply to Mr. Nichols for, and pay him 3*d.* per sheet; the amount of my bill last year to Mr. Nichols was upwards of 1,100*l.*

71. How many copies of Votes were sold to the Public last year?—About 400 sets of Votes.

72. How many copies of the Appendix were sold to the Public?—Not more than 150.

73. Then you never have had occasion to apply to Mr. Nichols for more than 900 copies of the Appendix?—Never, except there was any particular Petition which I might want, which is very seldom the case.

74. In that case he would send you an additional number of copies of that particular Petition?—Yes, which I pay for.

75. You pay a certain sum per sheet?—Three-pence per sheet.

76. How can they be supplied for 3*d.* per sheet?—I pay 3*d.* per sheet, and sell them at 4*d.*, which is settled by The Speaker.

77. The cost to the country is 3*l.*?—The Public are supplied with the Votes for three guineas per Session, and in addition to that, for the Appendix, 4*d.* per sheet.

78. Then there are 50 copies of the Appendix for which there is no demand?—Yes.

79. What becomes of those 50 copies?—They are all kept in store.

80. Do you not consider you might properly dispose of those?—Yes, after a certain time, but I have never done that yet.

81. What is the description of persons who apply to you to be furnished with copies of the Appendix?—Solicitors in general, both town and country, and persons who have Parliamentary business to attend to.

82. In the Appendix of which you are speaking, are private petitions contained?—Petitions relating to Private Bills are seldom printed.

83. Petitions relating to Private Bills are contained in the Appendix?—Very seldom, as I have before stated.

84. Are there any other public documents in which the Petitions are entered?—I believe not.

85. Do you not find that the solicitors apply for the Appendix, in order to be able to ascertain the contents of private petitions rather than Public Petitions?—I cannot answer that.

86. Do the public corporations apply for copies?—Certainly, both of the Votes and the Appendix.

87. And do not the editors of newspapers?—All newspapers have them.

88. Do they pay for them?—Yes.

89. You believe the annual demand is for about 150 copies of the Appendix, as nearly as you can calculate?—Yes.

90. There has been something said about the delivery of them; is there any expense to the country for the delivery of them?—Certainly not; my charge to the parties buying them, includes the delivery.

91. Do I understand you to say that you receive 4*d.* per sheet for the Appendix, and that you pay 3*d.* per sheet for the additional number of copies?—If additional copies were required, I should pay 3*d.* per sheet for the Appendix, as I do for the Votes.

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Mr. *James Mitchell.*

15 June, 1832.

92. Suppose a party applies to the Vote Office, do you still charge him 4*d.* a sheet?—Yes, agreeably to the public notice put up in the office.

93. Are they forwarded to places in the country free of expense?—Yes, certainly, both the Votes and the Appendix.

94. What is the number of copies of the Appendix you forward by the post?—About one-third of what is sold; about fifty; they go with the Votes as they come from the printers' twice a week; the delivery of the Appendix is Wednesday and Saturday; the Votes every morning. Here is a copy of the Regulations under which the Public is supplied with copies of the Votes and Appendix.

[*The document was handed in, and read.*]

House of Commons.

NOTICE is hereby given, That the official abstract of the daily Votes and Proceedings of the House of Commons, and of the Business appointed for the next day, will be published at the rate of 4*d.* per sheet, at No. 14, Great George-street, Westminster:

Or, will be delivered every morning in town, during the Session of Parliament, or sent, postage free, into the country, for Three Guineas.

The Appendix matter, consisting of Petitions, &c. and usually published on Monday morning, is too uncertain in amount to be furnished otherwise than at the rate of 4*d.* per sheet.

Apply personally, or by letter, post paid, to Mr. James Mitchell, 14, Great George-street, Westminster.

95. Will there be any advantage to the Public if the Votes only, and not the Appendix, were to be delivered to the Members?—Certainly not, unless they were not printed at all.

Mr. *George Ellicombe*, called in; and Examined.

Mr. *George Ellicombe.*

96. I BELIEVE you have the superintendence of the ballot for the presentation of Petitions?—I have.

97. Explain to us what is the practice?—About ten minutes before 10 o'clock I go into the House with a number of small pieces of paper, on which I write the names of the Members present; and having folded them up, I put them into a glass, and, at ten o'clock precisely, draw the names out and call the Members; if they be present, I desire them to put their names on the public paper in the order drawn out.

98. What is the case if a Member be not present?—The practice is, that the Member should put his own name down; therefore if he be not present, his name does not appear on the list.

99. Does not the number vary from day to day?—Yes, it varies a great deal; there are about twelve Members daily, taking the average of the Session.

100. Yesterday there were fifteen; how many were there this morning?—Not above six this morning.

101. What proportion of those who attend in the morning have the opportunity in the evening of presenting their Petitions?—I can only answer that question from what I hear Members state in the morning; all beyond the first five seem to despair of having their names called by The Speaker.

102. Do you know whether the papers are preserved on which the names of the Members are set down?—They are not preserved.

103. Suppose a Member has ten Petitions to present, and his name is drawn first, and the ten Petitions relate to different subjects, is he at liberty to present the ten Petitions in consequence of his name being drawn out first?—I believe so.

104. Among the Members who attend, and with whom you have the opportunity of daily intercourse, is there considerable dissatisfaction expressed?—Considerable; there is hardly any Member who appears to be satisfied with the present arrangement.

105. Do you find that the same Member is obliged frequently to attend, in consequence of his name being drawn late in the ballot?—Yes.

106. Do you recollect any extreme case?—I think I heard one Member state he had attended ten times before he had an opportunity of presenting his Petition.

107. Before the late arrangement, the practice was, that any Member who was down in the early part of the list might substitute, in the place of his own name, the name of another Member; is that now the practice?—No; I believe before the present arrangement the practice was, that at whatever time a Member came

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Mr. *George Ellicombe.*

15 June, 1832.

came to the House, if it were six in the morning, he put his name down, and if he were present at ten o'clock, his name would stand first on The Speaker's list.

108. Was it not the practice of some Members to come early in the morning, and again at ten o'clock?—Yes, it was the constant practice; and if they did not attend at ten o'clock, their names would not have been on The Speaker's paper.

109. Was not the effect of that practice that a small number of Members were in the habit of getting the priority in a great number of cases?—Yes, decidedly; there were a few Members who live near the House who made it their constant practice.

110. Do you consider that the greatest dissatisfaction has been expressed under the present or under the former system?—I had no opportunity of judging of the former system, my duty being merely to place the paper upon the Table of the House.

John Bull, Esq. again called in; and further Examined.

John Bull, Esq.

111. DURING the last two Sessions, what was the expense, which was formerly contained in the printers' bill, for copying Petitions?—In Session 1830 and 1831, 385*l.* 11*s.* 10*d.*; in 1831, the Summer Session, 155*l.* 11*s.* 6*d.*; that is the expense of copying Petitions, examining copies, examining proofs, and every thing connected with the expense of printing the Appendix in my office.

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PAPER DELIVERED IN TO THE COMMITTEE.

House of Commons, Tuesday 19 June 1832.

Mr. RICKMAN has the honour to enclose to Sir Robert Peel, a detail of the Number of Acts of Parliament passed during the last 25 years (28 Sessions), with the days and hours of sitting in each Session, and the subject on which the largest Division took place.

Sir Robert Peel will perceive that the quantity of legislation has sensibly lessened since 1825, while the time of sitting has rather increased; so that although Mr. Rickman has endeavoured to exhibit, in a concise form, the information desired by Sir Robert Peel, he is aware it may be fitter for his private use than for the Committee. Of this he will judge.

HOUSE OF COMMONS.

ACTS OF PARLIAMENT passed in each Session, Time of Sitting, and largest Number of Members of Parliament present.

SESSION.	Public General Acts.	Private Acts.	YEAR.	SESSION Commenced.	SESSION Terminated.	Sitting Days.	Sitting Hours.	Largest Number of Members present at any Division or Ballot.
46 G. III.	158	226	1806	21 Jan.	23 July	125	645	30 May - Clause in Mutiny Bill - 381
47 G. III. (Sess. 1)	56	268	1807 (Sess. 1)	15 Dec.	27 April	86	434	3 April {Dismissal of Administration - - -} 489
47 G. III. (Sess. 2)	78		1807 (Sess. 2)	22 June	14 Aug.	45	272	26 June - Address - - - 510
48 G. III.	152	234	1808	21 Jan.	4 July	111	829	29 March, At a Ballot - - - 355
49 G. III.	129	304	1809	19 Jan.	21 June	97	746	15 March, Duke of York's Conduct 497
50 G. III.	119	314	1810	23 Jan.	21 June	97	802	19 March, Scheldt Expedition - 509
51 G. III.	128	295	1811	1 Nov.	24 July	135	588	31 Dec. - {Creation of Peers by the Regent - - -} 449
52 G. III.	165	289	1812	7 Jan.	30 July	137½	856	24 April Roman Catholic Question 519
53 G. III.	162	295	1813	24 Nov.	22 July	136	776	24 May - Roman Catholic Bill - 501
54 G. III.	190	298	1814	4 Nov.	30 July	127	476	22 April {Lord Morpeth *versus* The Speaker - -} 385
55 G. III.	196	212	1815	8 Nov.	12 July	119	654	25 May - War against Buonaparte - 428
56 G. III.	142	163	1816	1 Feb.	2 July	91	667	18 March Property Tax - - 443
57 G. III.	132	140	1817	28 Jan.	12 July	100	587	2 June - Election of a Speaker - 470
58 G. III.	101	153	1818	27 Jan.	10 June	84	488	11 March {Indemnity Bill, Habeas Corpus - - -} 308
59 G. III.	138	208	1819	14 Jan.	13 July	118	774	18 May - {Committee, State of the Nation - - -} 540
60 G. III.–1 G. IV.	14	167	1819–20	23 Nov.	28 Feb.	34	563	1819. 14 Nov. Address - - - 536
1 G. IV.	119		1820	21 April	23 Nov.	69		1820. 22 June {Resolution regarding Queen Caroline -} 520
1 & 2 G. IV.	123	187	1821	23 Jan.	11 July	104	861½	26 Jan. - Queen's Name in Liturgy 524
3 G. IV.	127	161	1822	5 Feb.	6 Aug.	105	858	30 April - {Roman Catholic Peers in Parliament - -} 498
4 G. IV.	100	167	1823	4 Feb.	19 July	96	774¾	24 April - Reform of Parliament - 454
5 G. IV.	115	213	1824	3 Feb.	25 June	86	622	11 June - {Condemnation of Missionary Smith -} 344
6 G. IV.	134	282	1825	3 Feb.	6 July	91	687	1 March, Roman Catholic Claims - 485
7 G. IV.	79	201	1826	2 Feb.	31 May	64	457	27 April - Reform of Parliament - 375
7 & 8 G. IV.	75	184	1827	14 Nov.	2 July	106	645¾	6 March, Roman Catholic Claims - 553
9 G. IV.	95	175	1828	29 Jan.	28 July	111	777	26 Feb. - {Corporation and Test Acts Repeal - -} 435
10 G. IV.	63	205	1829	5 Feb.	24 June	79	540	18 March {Roman Catholic Relief Bill, 2° - - -} 531
11 G. IV.–1 W. IV.	75	204	1830	4 Feb.	23 July	105	856	17 May - Jews' Relief Bill - - 398
1 W. IV.	27	80	1830–31	26 Oct.	22 April	90	640	22 March {Reform of Parliament Bill, 2° - - -} 608
1 & 2 W. IV.	60	114	1831	14 June	20 Oct.	98	918	6 July - {Reform of Parliament Bill, 2° - - -} 603

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Veneris, 22° die Junii, 1832.

THE RIGHT HON. SIR ROBERT PEEL, BART., IN THE CHAIR.

Mr. *Francis Palgrave*, called in; and Examined.

Mr. *Francis Palgrave.*

22 June, 1832.

112. ARE you engaged under the Commissioners of Records in publishing the Parliamentary Writs and Proceedings?—I am so.

113. And have you therefore examined into the subject?—I have.

114. Will you inform the Committee what you apprehend to have been the ancient course with respect to Petitions presented to Parliament?—The course adopted appears to have been, to institute such rules as should prevent the breaking in on the general principles of Parliamentary law, as such law then prevailed. The principle was, that no person should come before Parliament as a suitor, or trouble Parliament, if on the face of his Petition he could have right at home; if there was any other mode of obtaining redress, he was not to apply to Parliament; but that if either from the poverty of the petitioner himself, the power of his adversary, the insufficiency of the law, or any other similar cause, he could not obtain redress, then the Supreme Court of Parliament was to give him a speedy and effectual remedy; and which was distinguished from the remedy at Common Law, the term "Common Law" not being used quite in the confined sense that we give to it in the present day, but as indicating the ordinary mode of proceeding in the ordinary courts of justice. For the purpose of affording redress to Parliamentary suitors, Committees were appointed—I use the modern term, to designate what they were—of Receivers and Triers of Petitions. The Receivers appear usually to have sat in some place where they were accessible to the people; public proclamation was made, inviting the people to resort to the Receivers, and the Petitions were then handed to the Auditors or Triers, who examined them. Amongst the earliest examples of such proceedings, are those of the 33 Edward I. and 6 Edward II.* If upon the face of the Petition the Triers thought there was no reason to come before Parliament, they rejected the Petition, by sending the Petitioner before the ordinary courts; if, on the other hand, on the face of the Petition they saw there was reason to entertain the prayer, they then gave him such remedy as the case required. In some cases, if it was oppression done to a poor man, they would transmit the Petition to the Judges who would go the next circuit, in order that the case might be tried before them, with the recommendation of its being thus transmitted by Parliament. They would remit the fine on the original writ, and they would give, beyond the ordinary power of the law, remedies, if there was reason to suppose that the sheriff would be guilty of partiality in returning a jury. Such was the course, when the power of Parliament as a remedial court was at its height, in the reigns of Edwards II. & III., as is evidenced by the general tenor of the Petitions and the Rolls. This course continued without any substantial variation until the time of Richard II. About that time the courts of equity, (which were originally poor men's courts, courts of conscience, intended for the relief of those suitors who really could not get redress elsewhere) gradually grew up. In proportion as this channel enlarged, the number of Parliamentary Petitions decreased. Equity continued to gain rapidly upon Parliament; and about the time of Edward IV., when equity was fully established, the remedial jurisdiction of Parliament wholly ceased; and it does not appear to have been revived to any extent, until the time of James I. I believe the House of Lords then began, to a certain degree, to revive their remedial jurisdiction. I have not attended so much to the latter period; but during the interval included between the cessation of the remedial jurisdiction of Parliament and the reign of Elizabeth, the different courts which we now call courts of equity—the Court of Requests, which met in Whitehall, which is now the House of Lords, and a very efficient tribunal for the counties beyond Trent, called "The Court of the President and "Council in the North,"—wholly supplied the place of the remedial jurisdiction of Parliament. This last court, "The Court of the President and Council of "the North," was found in practice to be so beneficial to the lower orders of the common

* Parliamentary Writs, vol. i. p. 160, No. 58; vol. ii. p. 156, Nos. 17, 18.

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Mr. *Francis Palgrave.*

22 June, 1832.

common people, that its suppression created a considerable degree of popular discontent.

115. At what time did the practice of addressing Petitions to the Privy Council arise?—The Privy Council, in a form approaching to its modern form, appears to have grown out of the ancient Council about the time of Richard the Second; and the practice of addressing Petitions to the Privy Council does not seem to have been established, I should think, before the reign of Henry VI.; that is, when I thus speak of the Privy Council, I mean as a body clearly distinguished from Parliament; for up to that period the ancient Council was a branch of Parliament. I believe some Members of the ancient Council have writs of summons now. The Attorney and Solicitor General were formerly Members of the Council, and I believe they have their writs to attend the Upper House now; the Judges were Members of the Council; in fact, the ancient Council, as Lord Hale describes it, may be considered as a Committee of Parliament; a little Parliament within the Parliament.

116. What are the earliest Petitions on record?—The earliest Petitions in the Tower belong to the reign of Edward I.; before his reign I have reason to believe that parties came up from the shires before the Council, and sometimes in great numbers, or their complaints were communicated to Parliament by inquests, which were brought down by various Officers of the Crown; these inquests we may call examinations of witnesses.

117. Have you any trace of there having been delivered any of them in the first instance to the House of Commons?—Not clearly before the time of Henry IV., when you find it gradually creeping in, and in a very extraordinary and sometimes amusing manner; you find the Commons urging their Petitions, which are grounded upon the Petitions presented to them. I should be inclined to think that the interference of the Commons on behalf of Private Petitions was very much increased by their greater influence, and then at last it broke down in consequence of the Civil Wars.

118. Do you think no Petitions were presented to the House of Commons before the reign of Henry the Fourth?—I think not, as I can only trace one dubious and singular case before that period.

119. Are you acquainted with a book that was written by Elsynge, which is entitled, "The Manner of holding Parliaments in England?"—I am acquainted with it generally; I have not read it for many years.

120. There is a chapter which enters fully into the question regarding the Receivers and Triers of Petitions; and Elsynge says that in the time of Henry IV., few Petitions were directed to The King and his Council; some were directed to The King alone, some to the Lords alone, and some to the Commons; but I find no answers by the Commons; if they were Petitions of grace, the Commons wrote this inscription over the first line; "Soit baille as "Seigneurs pur parler a Roy," or, "Soit parle a Roy per les Seigneurs;" can you make any observation on that?—Elsynge is probably correct; at the same time it is a point to be examined into, because the Petitions of the different Henries are very often confused; but if he be correct, the Commons at that time did nothing more than act as transmitters of the Petitions.

121. Are you of opinion that the Receivers and Triers of Petitions were appointed by The King?—In some instances certainly; but in the appointment of the 6th Edward II., which I have already quoted, the examination appears to have been made by Parliament; "Concordatum est."

122. Have you traced in any manner at all satisfactory to yourself, the exact period at which the Lords and Commons sat in separate chambers?—I have not; it is extremely difficult to come to the exact period.

123. Probably in the reign of Henry V.?—At that period they must have sat separately.

124. Does not the confusion partly arise from their having occasionally sat separately and sometimes together?—It is very possible it may have been the case; the clergy, although speaking frequently as if they sat in Parliament at Westminster, were perhaps sitting at St. Paul's.

125. Are the Petitions which were presented in those early periods of our history, generally Petitions relating to matters of public concern, or Petitions relating to individual grievances sustained by the petitioners?—That is an important point; I should state that ninety-nine out of every hundred presented by individuals related to individual grievances; that there are a few rare cases in

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in which a complaint is made against a general law, but then it was a case where the general law was so mixed up with the particular case of the petitioner that the Petition must not be considered as a Petition against the abstract principle of the law, but only against the particular application of it to his own case. Communities, such as the inhabitants of a forest or a shire, petitioned more frequently against general laws.

126. Do not you conceive that those Petitions which were presented to the House of Lords, were presented in their judicial rather than their legislative capacity?—The two capacities were so closely conjoined at that period that it is almost a distinction without a difference. Every order which the Parliament made upon a Petition was a special law for that time and turn. They went on the broad and general principle, "Parliament is to redress every grievance; "we will redress it by a general law if we think it expedient so to do; we will "cut the knot by a particular law, or an order applicable to your own case, "if that be not sufficient."

127. Here is an important Petition said to be presented the 18th of Edward II. by persons who petition that they may let to farm the wastes belonging to their manors, which they hold of The King *in capite*, as well within forests as without, without The King's license first had, which Petition is endorsed, "Coram Rege;" The King's answer is, "Il ne peut estre fait sanz novelle ley, laquele chose fere "la cominaltie de la terre ne vult mie uncore assentir;" have you anything to suggest with regard to that?—In the first place, the phrase "cominaltie de "la terre" had a different meaning to what it has now; it meant the whole community of the realm; whenever you meet that word "commonalty" in ancient proceedings, you must translate it a community, not the Commons.

128. What is the translation of that?—"This comes within the case I "have laid down; this remedy cannot be afforded without a new law; to do "which thing the commonalty of the land will not give assent." It was a mode of getting rid of the Petition.

129. Generally that meant the legislative authority of the commonalty residing in the Lords and Commons, did it not?—Certainly it did; but it is The King turning them away civilly, by assigning as a reason, "The community will "not alter the law." It is a gracious way of giving a refusal.

130. Elsynge says, the Masters in Chancery were uniformly appointed Receivers and Triers; do you know anything in respect of that?—In latter periods they were, but in earlier periods they took the Clerks of the Chancery. In order to prevent any misconception of the functions of the Clerks of the Chancery, it may be as well to understand that the Chancellor and his Clerks formed the secretarial department of The King, and whenever The King held his Great Court of Parliament, he called in his Clerks to assist at the proceedings.

131. Have you looked at the latter period of our history in reference to the presenting of Petitions, and when the Committee of Grievances was first appointed by the House of Commons?—I have not looked into it minutely. I have looked into it generally, and it is very evident that The House at that period made an attempt to come round to something like the ancient principle; but I have not examined that portion of our history minutely.

132. Elsynge says, that "none that were summoned to Parliament were "appointed Receivers, so none but they who were summoned were appointed "Triers of Petitions;" does your experience confirm that observation?—I doubt it, but I can ascertain it.

133. Were the Petitions of which you speak generally the Petitions of individuals, or did they bear the signatures of more than one individual?—Signatures are never found in ancient documents.

134. Is the name recited?—The name or description of the petitioner always appears; many of those Petitions are from communities, not a corporation in our modern sense of the term, which did not then exist, but from recognized communities; for instance, the great trading companies, the Italian companies of the Bardi and the Perugini, and all those trading companies. There is one class of Petitions that are puzzling; those are Petitions presented by the commonalty of a shire, and sometimes brought before a Parliament, and apparently not by the representative Members. There is one case of a county appointing an attorney to appear for them in Parliament for which they had regular representatives. Parl. Writs, vol. i. p. 186, No. 11.

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135. Just state the distinction between the Rolls of Parliament and the Journals?—The Rolls of Parliament are the Rolls of the High Court of Parliament in its mixed capacity of a judicial and legislative assembly. The Journals of the House of Lords certainly, and, as I conceive, of the House of Commons, were only the notes taken by the Clerk for his own convenience, in the first instance. Why the making up of the regular Rolls was discontinued, is a point which I have never been able to ascertain.

136. To what periods do the Rolls come?—The Rolls become more and more meagre in the reign of Edward IV., and cease, I think, in the time of Henry VII.

137. And what time do the Journals of the House of Lords begin?—Those in the Parliament Office begin with Henry VIII. There is a memorandum, that many of the papers had been taken away by the direction of Cardinal Wolsey; the first volume of the Journals of the House of Lords is evidently an unauthentic volume; it has evidently been in the custody of the officers of The House from about the time of its compilation; still it is not an authentic volume, a regular record. Introduced in it are documents relating to Edward the Confessor.

138. When do the Rolls cease?—With Henry VII.; but from Edward IV. you cease to have any Remedial Petitions entered on the Rolls. I must explain one point; our Private Acts of Parliament have arisen out of the old course; all the Private Acts are only the ancient Petitions for redress in a new shape. When a tenant for life petitions for a power of leasing, for instance, the Act is a special law made in form, but virtually a decree for the occasion, to redress a particular grievance, arising perhaps from the acts of the parties. Still, take it as you choose, it has the essence of a law.

139. Is that the "Privilegium?"—Yes, exactly so; and in consequence of the criminal jurisdiction having been entirely cut down by law, the practice of our modern Parliament in passing Private Bills, and granting powers of the beforementioned description, are exactly the last remnants of the old Petitions for redress, where the ordinary court could not grant relief.

140. Are there many instances of Private Bills of that description?—They grew up imperceptibly. From the time of Henry IV. you find those applications gradually growing up into the regular shape of a Private Bill.

141. Are these Petitions recited at length in the Rolls of Parliament, or are they merely abbreviated?—In the printed Rolls of Parliament, a great many are printed at length; but the quantity which I have transcribed, and which are not printed, are much more numerous.

142. Are they on parchment?—All on vellum or parchment.

143. Written with ink?—Written with ink; and I believe in the early cases, generally taken down by the Clerk of the Parliament.

144. The originals, are they preserved?—The originals are preserved; many thousands.

145. From when?—From the time of Edward I., and perhaps a little earlier.

146. And down to when?—Down to Edward VI.

147. How did the party presenting a Petition act; was there any rule with respect to their being written on parchment?—Every Parliamentary document was written on parchment in the early reigns; paper was never used at that period; and by degrees, when the use of paper crept in, they used to sew the paper on the parchment, so as to give it a parchment back.

148. Did The House require parchment?—Very likely.

149. Do those Petitions appear to be written in a formal hand by some person in the habit of writing Petitions, or in the handwriting of the parties who presented them?—Probably very few of the parties could write; but there are a great many curious points about the Petitions; for instance, those which come from Wales are written in very bad French, and it is almost impossible to understand them, and evidently by persons not accustomed to the language; those which come from the nearer counties, I should think, from the look of them, were almost all written in The House. Proclamation was made that the parties were to prefer their complaint; a great many persons resorted to the place where Parliament was held, and a great part would come in as they do now to the Court of Conscience, and enter their plaints; I believe in the Sheriffs Court and in Manorial Courts, the plaint is still preferred verbally to the steward, who reduces it to writing, and like all our pleadings originally,

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the party came into court and stated his case, and the clerk reduced it into writing.

150. Is the language used the language of strong remonstrance?—It is sometimes very strong.

151. Is there ever any note on that; any appearance of rejection on that account?—There is one very curious and extraordinary case; it is the case in the time of Henry VI., I think, in which a Petition, originally presented either to The King or to the Lords, was altered by erasures, which are very visible, so as to have the Commons joined also.* There is one very extraordinary case, of a private man presenting a Petition for what he called the redress of a public abuse; it was a man, using, I believe, a fictitious name, who presented the famous Petition for the dissolution of all ecclesiastical establishments and the appropriation of the land to secular purposes.

* Petition of John Attwood and Wife; original in the Tower.

152. In Henry the Eighth's time?—Much earlier; as early as the reign of Henry the Fourth; it is a very curious Petition; he calculates how many Earls and how many Barons and how many Knights could be maintained by the property of the Church; I found a full copy of the Petition.

153. Is that Petition printed?—I am not aware the Petition has been printed; the substance has.

154. What was the order on that Petition?—No order was made.

155. Is it in the Rolls of Parliament?—It is not; I found it in manuscript in the Museum. But although individuals did not present Petitions, they adopted another course, which may be, in the literal sense of the word, disseminating libels. In the time of Edward II. when parties ran very high, a Parliament met at York, with a corresponding Convocation at Lincoln,† and an extremely strong remonstrance against the abuses of Government was thrown into the Chapter House, where the Clergy were sitting; the Clergy, who at that time were in opposition, took it up, and inserted it very carefully in their account of the proceedings; and it induced them to refuse the grant of an aid demanded by The King. Belonging to the reign of Henry VI. I did find in the Tower a kind of seditious ballad, affixed to the door of the Chapter House, where the Commons were sitting; it was in this manner that individuals called the attention of Parliament to public grievances, but communities preferred Petitions against public grievances in a more regular way.

† 16 Ed. II. Parl. Writs, vol. ii. p.

156. Is there any instance of petitioners being punished for wording their Petitions in too strong language?—I am not aware that there is any instance.

157. When was the first complaint of tumultuous Petitions?—I am not aware of any prior to Charles I.

158. Do you recollect whether there was a reference in the year 1610 to the Committee of Privileges, to consider how to prevent the preferring of grievances like Pasquill's, and yet to preserve the liberties of The House?—No, I do not remember it. Before the invention of printing there was, as I have before stated, no other mode of propagating such opinions as the law terms seditious or libellous, except by literally disseminating them. Lord Coke puts it as an ordinary case; "If a man finds a libel, what he is to do with it; he is to bring "it to the next magistrate." Finding a libel was a common case. We have ancient instances of libels put under a door, or laid in The King's wardrobe.

159. There appears this in the Journals, p. 48, vol. ii., "A Committee "have power to examine a Petition found on Salisbury Plain," and ordered to be burnt?—I do not know anything about that. Lord Coke also lays down a rule: "Petitions ought to contain necessary certainty and particularity, so as "a direct answer may be given to them." It has often appeared to me in theory, although it may be said not to occur in practice, that the present course with regard to Petitions is a kind of anomaly. A case might happen of a person labouring under a real grievance, and not being able to find a Member to present his Petition; a case does occasionally happen of a person not having any real grievance, and employing a Member to present it, and so propagating a calumny; and the only mode by which this abuse could be obviated would be that Petitions, instead of being given to The House or to a Committee, that some officer of The House should receive them in the first instance, to see if they hold water, before they are brought before the Committee.

160. Would not that be appointing a Receiver of Petitions?—I do not mean to examine minutely into the case, but simply to see whether it does or not come within the line which is intended to be prescribed, and merely as a matter of theory.

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theory. It is possible to suppose a person may have sustained a real injury from The Crown, and yet not have been able to bring his case before The House. With respect to the ancient jurisdiction of the Commons upon Remedial Petitions, which, as I have observed, began to grow up in the reign of Henry IV., in the most important examples the order took at once the shape of an enactment. The King grants the Petition, by advice of the Lords, upon the prayer of the Commons, whilst, in the very same Parliament, the Lords answer a Remedial Petition, not merely without the Commons, but, as it should seem, without The King.* The first Petition addressed to the Commons is printed in the Rolls of Parliament as belonging to 1 Henry IV.† But this is a mistake on the part of the Editors; it evidently belongs to the preceding reign of Richard II. The Commons do not give any answer to the Petitions, but insert it in a bundle containing ten others, and transmit the whole bundle to The King.

* Rot. Par. 3 Hen. 4. vol. iii. pp. 484, 485.

† Vol. iii. p. 448.

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REPORT

FROM

SELECT COMMITTEE

ON

PUBLIC PETITIONS:

WITH

THE MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
25 *July* 1832.

639.

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