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978-0-521-07679-1 - Bills and Acts: Legislative procedure in Eighteenth-Century  
England

Sheila Lambert

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## **BILLS AND ACTS**

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SHEILA LAMBERT

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## PREFACE

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All students of this subject must acknowledge their debt to the work of the late Dr O. C. Williams. His intimate knowledge of the House of Commons and its ways produced three books which are an inexhaustible mine of information.

I am grateful to the benchers of the Honourable Society of Lincoln's Inn, and to their Librarian, Mr C. W. Ringrose, for permission to consult the volume of Robert Harper MSS.

Dr P. D. G. Thomas was good enough to allow me to see the typescript of his forthcoming book, *The House of Commons in the eighteenth century*.

I am indebted to Mr Maurice Bond, Clerk of the Records of the House of Lords, for much valuable advice and criticism, most kindly and generously given.

S.L.

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## ABBREVIATIONS

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Numbers in square brackets in the text refer to the list of Robert Harper's bills in Appendix I. A description of this material, and of the British Museum references used in footnotes, is given in the introduction to the appendix.

Abbreviations used for parliamentary references are explained in the note on parliamentary sources, Appendix II.

- Clerical Organization* O. C. Williams, *The Clerical Organization of the House of Commons, 1661–1850* (Oxford, 1954).
- Clifford Frederick Clifford, *A History of Private Bill Legislation* (2 vols. 1885).
- Courthope* *The Minute Book of James Courthope*, ed. O. C. Williams, in *Camden Miscellany*, xx (Royal Historical Society, 1953).
- Holdsworth Sir W. S. Holdsworth, *A History of English Law* (16 vols. 1903–66).
- Liverpool Tractate* *The Liverpool Tractate*, ed. Catherine Strateman [Mrs C. S. Sims] (New York, 1937).
- Parliamentary Practice* Thomas Erskine May, *A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament*. 1st ed., 1844, and 12th ed., 1917, are cited.
- Precedents* J. Hatsell, *Precedents of Proceedings in the House of Commons, under Separate Titles; with Observations*. The first three volumes appeared in 1776, 1781, 1785, and were reprinted, with the fourth, in 1796. New ed. 4 vols. 1818.
- Private Bill Procedure* O. C. Williams, *The Historical Development of Private Bill Procedure and Standing Orders in the House of Commons* (2 vols. H.M.S.O., 1948).
- Thomas P. D. G. Thomas, *The House of Commons in the eighteenth century* (Oxford, 1971).

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## INTRODUCTION

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Being engaged in preparing a list of printed House of Commons sessional papers for the eighteenth century, I found myself relying upon a collection of such papers in the State Paper Room of the British Museum. Many of the printed bills bore manuscript annotations and notes of amendments, and at first I assumed they had belonged to a member of parliament and wondered whether it might be possible to identify him. I noticed that many papers also bore contemporary ink reference numbers and sometimes the initials 'R.H.'; then I found one or two whose docket was endorsed 'To Mr Harper' and others marked 'as drawn by R.H.'. Finding no member of that name, I set off in search of a lawyer named 'R. Harper'. This book is the result of the search. It centres round the work of one attorney, hitherto completely unknown and without any official status. Its purpose is to illustrate the procedures by which legislation was prepared and enacted in the eighteenth century.

The legislative output of the century was so great that historians in political and economic fields who have little concern with legislation as such can scarcely escape touching upon the subject at some time. My purpose is to go behind the formal rules of procedure to show, by illustration, what actually took place in a number of cases and thus to suggest how any particular bill may have been initiated and put through to the statute book.

The British Museum's collection of private bills is probably, thanks to Robert Harper, the most complete now in existence. The manuscript annotations of this material have previously been incomprehensible because their origin was unknown; I hope that the identification of Harper's authorship will encourage its use. In particular I hope that those interested in family history, the inclosure movement, or those aspects of local history that are touched upon in the collection may find here some suggestions for new material, as well as for the better use of well known sources.