

vided for this case by a clause in which it was enacted that the recognizances should be held to be valid, but that the committee for trying the petition should be appointed under the new law.

Clause brought up, and added to the bill by way of rider.

On the question that the Bill do pass,

Viscount *Mahon* said, that he did not rise to raise any discussion upon this subject. He had already fully stated his opinions upon it, and while he admitted that the bill was a great practical improvement, and felt bound to express what he was sure was the general sense of the House, that the country was greatly indebted to his right hon. Friend for the pains and attention which he had bestowed upon the bill, still he was obliged to say, that any measure which did not remove the trial of election petitions from the jurisdiction of that House would not, in his opinion, be successful. He owned, he hoped, that if his anticipations were well founded, those gentlemen who had taken an interest in this measure would exert themselves hereafter to secure what ought to be their prominent object—an impartial and just decision. His object, however, in rising, was to call the attention of the House to a part of the subject which had not been noticed in the discussions which had taken place, and upon which the opinion of the House should, he thought, be expressed. The question to which he referred was, whether the evidence taken before an election committee ought or ought not to be printed. Now he thought, that if the House would consider what was the present practice with regard to this point, they would find it was very far from satisfactory. The general rule was, that the evidence should not be printed, but whenever one party thought that a decision of a committee was unfair, a motion was made that the evidence should be printed. As a matter of course, no opposition was offered, and, therefore, sometimes the evidence was printed, and sometimes not. He thought, therefore, that it was very desirable the practice should not be kept in this anomalous state, and he was sure, that if the Speaker would throw out any suggestion to the House, it would be received with all the respect which was due to his high character and eminent station. He declined offering any suggestion himself, but he should be glad to hear and to consider any that might be thrown out.

Sir *R. Peel* thought that the best course would be, to leave this question to be settled by the circumstances of each particular case. There appeared to him to be no reason for printing, as a general rule, the voluminous evidence taken before election committees, but at the same time, if any body suggested that the evidence might afford important precedents, or if there was any suspicion of abuse, a motion might be made for printing the evidence. He recollected that he had proposed last year to print the evidence in all cases, but he was deterred from that course by the consideration of the enormous expense which it would entail without any proportionate advantage. He did not take the same view of this measure as his noble Friend. Nothing could have been more fair than his noble Friend's opposition to the measure, or more able than the manner in which he had conducted that opposition. At the same time, he had a strong impression that the bill would be successful. When Members were placed in a judicial position, he had good reasons for believing, *à priori*, that they would act with impartiality, and he was strongly confirmed in that opinion by the conduct of the selected Members on private committees. But there were other considerations which weighed with him. He thought that if that House had pronounced its own condemnation, and had devolved upon a legal tribunal those functions which he wished to preserve for election committees in the same year in which the Court of Queen's Bench had denied the House the privilege of printing their own papers, it was impossible to say what an effect might not be produced upon the opinions of the people with respect to that House. He was as much opposed as he had ever been to encroachment, by a popular assembly, upon the privileges of the other branches of the Legislature; but he would contend with the same zeal and earnestness for the privileges which had hitherto belonged to the House of Commons, and he should deprecate any course of conduct which would be equivalent to parting with those privileges, and devolving them upon an extrinsic authority.

Bill passed.

COPYRIGHT.] The Order of the Day having been read for the House resolving itself into Committee on the Copyright Bill,

Mr. Sergeant *Talfourd* said, that he had conferred with those whose assistance he had received in the conduct of this measure; and they had concurred with him in opinion, that, considering the opposition with which the bill was threatened, and the state of the public business at this late period of the session, however anxious they were to proceed with it, they could not entertain any reasonable hope of carrying the Bill through the House of Commons at such a period, and asking the House of Lords to proceed to legislate upon it. It was, therefore, his (Mr. Sergeant *Talfourd's*) intention not to subject the House to any further expense of time or labour, with reference to this subject, during the course of the present session. He was at the same time desirous that the position of the promoters of the bill should be distinctly understood—that they were only detained in their advocacy, but not defeated. This was the third Session during which the bill was before the House; and, however, much discussed its provisions had been, there had always been a majority in favour of its main principle. He at the same time entertained no doubt that the opposition which he had met had proceeded from strictly conscientious motives. He should be ready to renew his struggle with the hon. Member for *Bridport*, at the earliest possible period of the next session. The hon. and learned Gentleman concluded by moving that the further consideration of the Copyright Bill be postponed to that day three months.

Mr. *Warburton* said, that he would appeal to the great example of Lord *Camden* and of *Charles James Fox*, who had opposed the principle of perpetual copyright, with the same inflexible spirit with which he (Mr. *Warburton*) now asserted his determination to oppose the hon. and learned Gentleman's Bill, if it were ever again brought forward.

Bill put off for three months.

## HOUSE OF LORDS,

Tuesday, July 9, 1839.

MINUTES.] Bills. Read a first time:—Election Petitions, or Controverted Elections; Stannaries Courts.—Read a second time:—Brick Duties; Paper Duties; Glass Duties; Prisons (Scotland).—Read a third time:—Borough Watch Rates.

Petitions presented. By the Marquess of *Salisbury*, from *Liverpool*, *Hemel Hempsted*, and other places, against Clauses of the Prisons Bill.—By the Duke of *Richmond*, from *Lanark*, and other places, for a Uniform and re-

duced rate of Postage; and from a place in Scotland, for the Extension of the Church; and against the Prisons' (Scotland) Bill.

LONDON AND BLACKWALL RAILWAY.] The Marquis of *Salisbury* moved the second reading of the London and Blackwall Commercial Railway Bill. He had heard, with great concern, that his noble Friend (the Duke of *Wellington*) had declared his intention to oppose the measure. In almost every instance, the statement of the petitioners against the bill was met with a direct negative by the promoters of the measure, who had testified their fairness in the proceeding by offering to pay the expenses of both parties, if the bill were referred to a Select Committee. He moved that the bill be read a second time.

The Duke of *Wellington* said, he should take the sense of the House against the second reading of the bill, and he should do so solely on the ground, that the Act of Parliament which established the Blackwall Railway Company, had expressly and positively declared, that their operations should not extend further into the metropolis than the *Minories*. He moved, that the bill be read a second time that day six months.

Lord *Brougham* did not attach much importance to the argument used by the noble Duke, for it was manifest, that the Act of one Parliament could not tie up the hands of another. He objected to the motion of the noble Duke, because it tended to abrogate one of the most useful rules of their Lordships, according to which all private bills should be referred to a Select Committee. Then evidence as to disputed facts could be taken, and if the bill should be considered objectionable, it would always be in their Lordships' power to throw it out on the third reading.

Lord *Ellenborough* agreed in principle with the noble and learned Lord, that every private bill should be sent to a Select Committee. He knew that the noble Duke proceeded on public grounds, but he viewed his proposition with the greater alarm, because it might hereafter be referred to as a precedent. The railway for which the bill on the Table was wanted, was not a railway on which it was proposed to work machines by means of steam; and he understood that the company were prepared to introduce a clause prohibiting the use of steam or locomotive machines on it. It was to be a railway on a viaduct,