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The Liverpool Tractate, An Eighteenth Century Manual on the Procedure of the House of Commons

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BOOK REVIEW


In the literature on the English Constitution there are many accounts on the procedure of Parliament, particularly the House of Commons. The seventeenth and nineteenth centuries especially provide us with this type of information while for the eighteenth century there is a dearth of such manuscript material. There is, however, in the British Museum a manuscript of one hundred and twenty-eight pages known as Volume 267 of the Liverpool Papers, which describes at length procedure in the House of Commons. The account was written about 1763 and apparently has never been printed before. Miss Strateman incorporates this account, with a critical introduction, in the present volume, and designates it the Liverpool Tractate.

Since the author of the Liverpool Tractate is not known Miss Strateman pursued the truly historical method to determine the authorship and when this apparently failed Miss Strateman leaves the matter to her reader or to additional evidence which may come to light in the future. On the basis of all available evidence, however, it appears possible that George Grenville, in 1763, first lord of the treasury and chancellor of the exchequer, may be the author of the Tractate.

In spite of doubts as to the authorship of the manuscript it is obviously genuine and bears evidence that the author was a keen observer of parliamentary procedure. Little can be said as to the sources used in preparing the manuscript since the chief source seems to have been the author's own observations, perhaps as a member of the Commons. Some reference is also made to the Journals of the House and two seventeenth century tractates, those by Hakewill and Scobell.

The contents of the Liverpool Tractate revolve around procedure on the passing of both public and private bills, the introduction and disposition of petitions, the functions of parliamentary committees, the voting of supply bills, and the means of determining the sentiment of the members of the House on various questions. Matters of lesser importance also discussed are instructions to committees in considering bills, procedure on bills
from Ireland, patents, and nationalization, the status of resolutions once having come to a vote in the Commons, the admission of evidence, the use of counsel in a dispute, and the functions of conferences between the Lords and Commons.

This book should prove valuable to anyone interested in parliamentary procedure, from both the practical and the historical point of view. The worth of the Liverpool Tractate is increased by the fact that no earlier eighteenth century description of procedure in the Commons is known and it fills a gap between George Petyt’s *Lex Parliamentaria* written in 1690 and John Hatsell’s *Precedents of Proceedings in the House of Commons*, published in 1776.

It is significant that the Liverpool Tractate shows that procedure in the Commons in the eighteenth century had changed but little from the previous century as evidenced by writings from the earlier period. To quote Miss Strateman, Commons procedure by this time was “no longer a matter of legal curiosity but a subject of practical importance.” Improvement, however, had been made in the procedure on finance bills, and the committee of the whole house appeared to have gained in importance. Incidental remarks found in the Liverpool Tractate on the procedure in committees throw considerable light on the rather irregular and even rowdy conduct which often characterized their meetings.

Students of the English Parliament will be especially grateful to Miss Strateman for making available to them this important and interesting description of how the House of Commons functioned in the eighteenth century.

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