

**A TREATISE ON THE LOCUS
STANDI OF PETITIONERS
AGAINST PRIVATE BILLS IN
PARLIAMENT**

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A Treatise on the Locus Standi of Petitioners Against Private Bills in Parliament by James Mellor Smethurst

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JAMES MELLOR SMETHURST

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LOCUS STANDI.

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A
TREATISE
ON THE
LOCUS STANDI
OF
PETITIONERS AGAINST PRIVATE BILLS

IN
PARLIAMENT.



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PREFACE TO FIRST EDITION.

It is generally admitted that the practice of Parliament with regard to the admission or rejection of the right of a petitioner to be heard against a Private Bill affecting his property or interests, has hitherto been most unsatisfactory; and even were it conceded that, in every case where a petitioner has been allowed or refused a *locus standi* the decision of the committee has been a proper one, it would still be clear to all that the present system in the House of Lords, and the former one in the House of Commons, have been the cause of enormous and unnecessary expense both to the promoters of private bills and to the petitioners against them. In many cases the legal advisers of petitioners were unable to make

more than a mere guess as to whether their *locus standi* would be allowed or disallowed; so that both the promoters of a bill and its opponents had to prepare their respective cases, bring up professional and other witnesses, and keep them in London, in many instances for days and weeks together, on the chance of committees allowing a *locus standi* to the petitioners; all which expense had been incurred in vain if the *locus standi* were eventually refused. And as no one could predicate the decision of a committee on this point, it was often thought advisable for a petitioner to incur this expense, even if he had very little chance of a *locus standi* being allowed to him, in order to induce the promoters of a bill to make a compromise.

Notwithstanding the great attention paid by committees in the consideration of questions of *locus standi*, it is perfectly clear that there was no uniformity in their decisions. Before one committee, a petitioner was allowed to be heard on the ground of competition; before another, a petitioner with a precisely similar case was refused a hearing. Before one committee, a *locus standi* was allowed to a share-

holder on his petition against a bill promoted by a company of which he was a shareholder; before another, it was refused; and, although it is quite true that the two Houses of Parliament have, from time to time, passed various Standing Orders to regulate the practice of *locus standi*, nevertheless there are many cases in which great uncertainty still prevails.

In the last session of Parliament, however, the Court of Referees was appointed by the House of Commons to consider and decide upon various questions relating to private bills, and (*inter alia*) as to the *locus standi* of parties petitioning against them; and now a decision on this point is come to before the merits of the bill itself are taken into consideration. This has, of course, greatly curtailed the expense of all parties, whether promoting or opposing private bills; and, although it is doubtful at present whether the powers of the referees will be enlarged or reduced, it seems perfectly settled that all questions of *locus standi* will continue to be decided by them.

As the decisions of committees with regard to the *locus standi* of petitioners were so various and conflicting, it was formerly useless to quote them as pre-

cedents, and no regular report of them was published. Since, however, the establishment of the Court of Referees, the proprietors of the *Law Times* have furnished regular reports of their decisions, which have been of great service to the profession; and we may hope soon that the general principles as to the *locus standi* of petitioners will be so far settled, that we may be able to predicate almost to a certainty in every case whether the *locus standi* of a petitioner will be allowed or refused.

The object of the following pages is to present a concise, yet complete, view of the present practice of Parliament with respect to the *locus standi* of petitioners against private bills; and I have endeavoured to carry out this object by reviewing in different chapters relating to each branch of the subject the cases that have been decided by the referees, and also by committees of the House of Lords, and by showing, in as condensed a form as possible consistent with clearness, the principles of each decision. I have also added a short report of every case referred to in the treatise, and such of the Standing Orders of both Houses as bear upon the subject.