

8th February.

2245 Read Minute of the Board, dated 8th February '69.

The Chancellor of the Exchequer states to the Board that he has directed his attention to the practice which at the present time prevails as regards the drafting or preparing Bills introduced into Parliament on the part of Her Majesty's Government, and the professional attendance which may become necessary in respect of amendments or alterations in such Bills, during their progress through both Houses.

He observes that by the Treasury Minute of 18th March 1842, the duty of drawing Bills to be submitted to Parliament upon any matters connected with no fewer than 23 Departments of Government was committed to Mr Drinkwater Bethune, who was appointed by Order in Council in 1837, to be employed under the direction of the Secretary of State for the Home Department in preparing Bills for Parliament, with a salary of £1500 a year.

On the retirement of Mr Drinkwater Bethune

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in 1848, Sir George Grey, then Home Secretary, in Mr. Phillips's letter of 23rd February (4308/48) proposed that Mr. Coulson should be appointed and should be employed under the directions of the Home Secretary in preparing Bills originating with any Department of the Government and in revising and reflecting on any Bills brought into either House of Parliament, and referred to him by the Secretary of State for that purpose, and that he should receive an annual salary of £2000. To this arrangement the ~~the~~ Board of Treasury assented.

After the death of Mr. Coulson and in December 1860 Mr. Thring was appointed to the office.

Mr. Lowe remarks that the increase of late years in the number of Bills which have in every Session to be introduced into Parliament by Her Majesty's Government is so great, and the attention which some of the more important require during their progress, so onerous, that it has been found quite impossible to impose upon any one individual, the duty contemplated in the Minute of 1842.

Mr. Thring has devoted himself with unremitting attention and great ability to the Bills assigned to him by the Home Office as well as by other Departments as far as practicable but it has become necessary to call in other professional gentlemen of the highest eminence. To such gentlemen, called in for such special purposes large fees are of course paid and in consequence the cost of attending the preparation of Bills has become a considerable item in the public expenditure.

Mr. Lowe is of opinion that with the view of checking this tendency to increased expenditure under this head, it would be desirable to place the preparation and supervision of Government Bills under the direction of Mr. Thring and that he should report upon any other Bills specially referred to him, such assistants being assigned to him as he may select, subject to Treasury approval.

The Chancellor of the Exchequer submits that this arrangement would be attended with the advantage of bringing all important Government Bills under the view of one person, and thereby probably securing a greater uniformity in the construction of Government Bills, and perhaps even in the character

of their enactments than can be expected to be the case, when they are prepared by several gentlemen each called in with reference to a particular Bill.

The Chancellor of the Exchequer having conferred with Mr. Thring, finds that he would be willing to undertake the duties, with one assistant in the first instance, such assistant to be an experienced draftsman, whom Mr. Thring would himself select, subject to Treasury approval.

Such assistant to receive an immediate salary of £1200 a year, to be raised in the event of the arrangement being found to answer, to £1500 a year after 2 years and to be further raised to £2000 a year after a service of five additional years. The appointment in the first instance to be altogether provisional.

If after two years the Department shall be permanently constituted the assistant shall acquire from the date of his first appointment, the position of a permanent civil servant, with the advantages of the 4th clause of the Superannuation Act of 1859, as given in the Treasury minute of 14th June 1869 to Council for Drawing Bills for Government.

Mr. Thring would also require a sum of money to be placed at his disposal to meet the expense of additional legal assistance as well as procuring short hand writers and clerical assistance, such amount to be subject to account.

Having regard to the increased responsibility which this arrangement will entail upon Mr. Thring the Chancellor of the Exchequer recommends that his salary be increased to £2500 a year from 1st January 1869, and that, in the event of the Department being established at the expiration of two years, but not otherwise, it shall be raised to £3000.

In the event of the Department not being continued beyond the 2 years, Mr. Thring should fall back into his present position retaining his salary of £2500.

My Lords concurring generally with the Chancellor of the Exchequer are pleased to direct

- 1st That the office as proposed shall be constituted to be called the "Office of the Parliamentary Council".

(2) That Mr Thring shall be the Parliamentary Counsel with a salary of £2500 a year from 1st January '69 to be increased to £3000 a year after the expiration of two years, in the event of its being then the opinion of Her Majesty's Government that the office shall be continued; if not, that Mr Thring shall then resume his present position under the minute of 1848 but retain the salary of £2500 a year.

(3) That Mr Thring shall have the power of selecting, as his assistant, an experienced Draftsman, subject to Treasury approval, with an immediate salary of £1200 a year, to be raised after the expiration of two years to £1500, in the event of the office being continued, and with a further increase of £500 after 5 years additional service, and that in the event of the office being permanently established at the expiration of the two years, such assistant shall become a permanent civil servant, his service to be calculated from his first appointment with the advantages of the additional years assigned to Counsel for Drawing Bills, under the 2nd section of the Act of 1859, by the Treasury minute of 14th Jan 1859.

(4) That in the event of its being found expedient, Mr Thring shall have the power of selecting a second assistant, subject to Treasury approval, with a salary to be settled by this Board and with the like arrangement as to his becoming a permanent Civil servant, with the advantages of the 4th section of the Act of 1859 in the event of the Department being permanently established.

It is to be understood that the whole of the time of the Parliamentary Counsel and of his two assistants is to be given to the Public, and that they are not to engage in Private Practice, and moreover that in the event of the office not being permanent neither of the assistants is to have any claim to compensation.

(5) That a sum of money shall be placed at Mr Thring's disposal upon account to be rendered to this Board subject to examination by the Audit office, for the purpose of procuring additional

legal assistance and also shorthand writers and clerical assistance, it being understood that no person so employed by him shall be considered as occupying a permanent position or one giving him a claim to superannuation.

(6) It will be the business of the Parliamentary Counsel to settle all such Departmental Bills and draw all such other Government Bills, excepting Irish and Scotch, as he may be required to settle and draw by this Board.

The instructions for the preparation of every Bill to be in writing and to be sent by the Heads of Departments to the Parliamentary Counsel through the Treasury, to which latter Department he must be considered responsible - on the requisition of this Board, he will advise on all cases arising on Bills or acts drawn by him and will report in special cases referred to him by this Board upon Bills brought in by Private Members.

It is not to be considered to be part of his duty to write memoranda on schemes for Bills or to attend on Parliamentary Committees, unless under instructions from this Board.

He is to settle or draw all such Orders in Council as he may be instructed by this Board to draw or settle on special occasions.

(7) It is to be understood that those Departments which are in the habit of preparing their own Bills through the medium of salaried legal officers attached to them are to continue to do so.

(8) The existing office establishment of the Home Office Counsel is to form part of the establishment of the Parliamentary Counsel and the assistants and other officers are to be responsible to the Parliamentary Counsel, and to the persons now employed in that establishment will be attached the position of permanent civil servants as regards pensions.

Transmit copy of this minute to Mr. Liddell and request that it may be submitted to the Secretary of State for any observations which he may wish to offer thereon -