

the ninth year of his reign, and not that of John, which ought, in fact, to be regarded as the great charter of British liberty. A grant of a fifteenth of the moveables of *all persons* in the kingdom, is declared in this instrument to have been made by *all the persons* by whom it was to be paid. The instrument does not indeed express in what manner the consent of *all* was given to the grant; but as that consent could not have been given by *all* personally, it must either have been given by persons representing, and competent to bind all, or the whole statement must be an audacious fiction. However the fact may stand, this charter distinctly recognized that principle on which the right of representation seems best to rest, that all who contribute to the support of the state, ought to have a voice in its councils.

In the 49th of Henry the Third, when the country was torn by civil commotions, and that monarch was a prisoner in the hands of part of his subjects, a great council was convened in the king's name, consisting of certain persons, both of the clergy and laity, who were summoned individually by the king's special writ, according to the charter of King John, and of persons not so summoned, but required to attend in consequence of writs directed to the sheriffs of certain counties, and to the officers of certain cities and boroughs, and of the cinque ports, enjoining them to cause persons to be chosen as representatives of those counties, cities, boroughs, and cinque ports. This is the first authentic evidence we have of the existence of a legislative assembly in England, subsequent at least to the conquest, consisting partly of persons summoned by special writ of the king, and partly of others elected by certain portions of the community to represent them. The legislative assembly of the country appear to have been generally, though not always, constituted nearly in the same manner as this of Henry III., until the time of Edward II., when they at length consisted, as they now consist, of two distinct bodies, having different characters, rights and duties, and generally distinguished by the appellation of LORDS and COMMONS.

The *Lords* were all summoned by

special writs; but distinguished among themselves as spiritual and temporal. The rights of the Lords spiritual, as members of the legislative assembly, were attached to temporal possessions which they enjoyed as belonging to their respective ecclesiastical dignities, and were transmitted with these possessions to their successors in these dignities; whilst the rights of the temporal Lords, as members of the legislative assembly, were generally, though not universally, considered as hereditary, according to the terms and modes of their creation.

The *Commons* consisted of those elected by the counties, cities, boroughs, and cinque ports, to represent them; but the king exercised a discretionary power of issuing precepts for such election, and could at his pleasure increase or diminish the number of members.

The functions of the legislature, as thus constituted, were solemnly fixed by a declaratory statute of the 15th of Edward II., and confirmed by an ordinance of Richard II. in the fifth year of his reign. It was by the former declared, that "all matters which were to be established for the estate of the king or his heirs, and for the estate of the realm or the people, should be treated, accorded, and established in Parliament by the king, and by the assent of the prelates, earls, and barons, and the commonalty of the realm, according as it had been theretofore accustomed."

Although the right of "the commonalty of the realm" to a share in the national legislature, was thus expressly declared, a right which they could not, of course, exercise in their aggregate capacity, but must do by a representative body, the constitution of that body remained extremely imperfect, as long as the king retained the power of adding, at his pleasure, to the number of places which were to return members.

Yet the power the kings of England continued to exercise long after the days of the Edwards and the Richards, and even down to a very late period. It was not indeed until the union with Scotland, that this power could be considered as virtually done away, by the terms of the compact which united the two kingdoms, and brought them under one legislature, to which each was to send a stipulated incorporation of members.—[Percy Anecdotes.