

process against these impecunious members and their servants, they were declared 'guilty of a breach of the privileges of the House,' and sent to the Tower, or to Newgate, or to the easier custody of the Sergeant-at-Arms, to atone for their offences.

The jurisdiction of the High Court of Parliament over attorneys' Bills of Costs was asserted only once, as we believe. On the 4th of April, 1700, the indignation of the House of Commons was aroused against an attorney named Rogers, for sending to some clients of his—and who, as appears by the motion, were not members of Parliament—an exorbitant bill of costs, with a letter threatening to sue for the same; and as a terror to grasping and evil-minded attorneys, Rogers was made an example of, as appears by the following entry in the journals of the House, under the head of 'exorbitant charge by a solicitor, respecting a petition:'

'A complaint having been made to the House of an exorbitant and scandalous bill of charges, delivered by one Thomas Rogers, a solicitor, to the gunners of Portsmouth, in respect of a petition of theirs presented to the House the last session of Parliament, highly reflecting in divers articles thereof, upon the honour of the House and proceedings thereof, and the House being further informed that the said Rogers threatens to sue the Petitioners at law for the said demands; ordered, that the said Thomas Rogers be, for the said offence, sent for in custody of the Sergeant-at-Arms' (a).

After having thus asserted its summary jurisdiction over the members of the legal profession, it was proper that the House should enforce those duties which relate to the discharge of the judicial and legislative functions of Parliament. All members of Parliament are called upon to legislate in respect of private and public rights for the public, or for those who may

be suppliants or petitioners for special legislation. And in that capacity they are bound to act as judges rather than as lawyers or politicians. And in the performance of their legislative as well as their professional duties, the members of the Bar should ever remember that they belong to a profession which has always claimed and insisted that the highest honour and the highest character should be maintained by its members; a profession which, while it acknowledges and upholds the absolute purity of the Bench, claims that the reflex of that purity is, and always should be, shed around the members of an honourable and learned Bar. They should remember, too, that their profession, because of its ability and trained power of argument, stands in the full light of a keen and searching public opinion, and that the reputation of high honour and integrity which is claimed for it should ever be maintained unsullied.

We have referred to the statements of Barrington and Hallam that many of the lawyers at the time of their exclusion from Parliament, in 1404, held retainers and received annual stipends from the great lords and men of property, and put forward petitions in the name of the Commons which only concerned their clients; and it was doubtless from the fact that, subsequently, many of the lawyers elected to Parliament, were in the habit of appearing as counsel in respect of private legislation before the House of Lords, that induced the House of Commons to discountenance such practice as inconsistent with the independence and duty of a member of Parliament. The earliest case which illustrates the action of the House occurred in 1558, and is thus reported: 'It was declared to the House by one of the burghesses that Mr. Story had not well used himself, being a member of this House, to go before the Lords, and be of counsel with the Bishop of Winchester against the patentee [of his lands]; which by the House was taken to be

(a) 13 Commons Journal, 313.