

cern—*really as a hired advocate, uttering purchased sentences*, on behalf of a cause in which his interest is only of the pounds, shillings and pence kind. The House cannot hesitate a moment in stringently enforcing the plain rule, that no legal member shall advocate or promote in Parliament any cause or matter in respect of which he has been professionally consulted as a fee'd advocate <sup>(a)</sup>.

Sir Hugh (now Earl) Cairns, who was then Solicitor-General, warmly vindicated his legal brethren in the House, from the imputation sought to be cast upon them by some of the speakers, and—in words in which all honourable men will concur—added: 'That every member of the profession who entertains that feeling of honour which he believed was common to the whole body, would at once declare that he could not advocate, or even vote for any question in the House, in which he had been professionally engaged, lest he might unconsciously, perhaps, be biassed by the opinion which he had, as an advocate, expressed outside of the House <sup>(b)</sup>.

The evil thus sought to be corrected, was that members of Parliament, who in their professional capacity as barristers, had been retained as counsel in cases, or who held the position of standing counsel for individual clients or corporations, should not 'confuse

their two capacities,' and act as advocates outside, and judges inside of Parliament; or as the *Times* put it,— 'have one hand raised in philanthropic declamation, and the other thrust behind to take the rupees.'

It will be seen that the resolution passed in 1858, extends to all cases of employment, professional and otherwise, the principle enunciated by the House of Commons three hundred years before, when it declared in 1558, 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 Wynchester, and which, by the House was taken to be a fault' <sup>(a)</sup>; and also the standing order of 1666, which prohibited members of the House, who were of the 'long robe,' acting as counsel in promoting private bills before the Lords <sup>(b)</sup>.

The views enunciated by Lord Brougham, Sir Robert Peel and Lord Cairns in the cases above referred to, and the reasons which induced the House of Lords to pass the ordinance of 1372, which excluded lawyers from Parliament, show the sense in which Sir Edward Coke's words, that lawyers, 'for the great and good service of the Commonwealth,' are eligible for Members of Parliament, must be interpreted.

(a) 1 Commons Journal, 58.

(b) 8 Commons Journal, 646.

(a) 151 Hansard, 3rd S. 179. (b) Ibid. 193.