

the writ, yet, being against law, lawyers were of right eligible, and might have been elected knight, citizen, or burgess in that Parliament (a).'

James I., after dissolving the Parliament, which, on Sir Edward Coke's motion, had adopted the famous 'Protestation concerning the liberties of the House' (b), and with the intention, doubtless, of indicating his desire that Sir Edward Coke and the other leaders of the Parliamentary opposition should not be elected, issued a Proclamation in which voters for members of Parliament were warned 'not to choose curious and wrangling lawyers, who may seek reputation by stirring needless questions' (c).

Some further reasons, in addition to those above stated, have been suggested for the exclusion of lawyers from Parliament. Whitelocke says, they were excluded by the Crown, who apprehended opposition from them. Barrington, in his work on 'Ancient Statutes' (p. 373), supposes that the exclusion arose, not from contempt of the law, but of the professors of it, who at this time being auditors (stewards) to, and dependent upon men of property, received an annual stipend, *pro concilio impenso et impendendo*, and were treated as retainers. And Carte, the historian, thinks the reason why so many lawyers sought to become members of Parliament, arose from their desire to receive the wages then paid to members by their constituents, whilst from their profession they were obliged to be resident in London (d).

But in ancient law-making, as in modern legislative work, lawyers were found to be such valuable members of Parliament, that the rash and unconstitutional experiment of 1404 was never repeated, except in the abortive attempt of James I. to exclude 'curi-

ous and wrangling lawyers' referred to above. From the frequent reference made to them in the earlier Journals of the House of Commons, their presence appears to have been so needed that they were more frequently called upon for committee and legislative work than other members. For instance, we find orders like the following: 'The Serjeants of the Law to be warned for their attendance at the Committee for matters of the Union [with Scotland] this afternoon' (a). 'All the Serjeants at Law, and other lawyers to be sent for by the Sergeant of this House with his Mace, out of Westminster Hall' (b). 'A special order moved and made, that no lawyer of the House depart the town without license of the House' (c)—meaning that they should not leave the House to attend to their briefs on circuit. 'That the lawyers and serjeants be sent for—a collection of them' (d)—without indicating anything of their politics, or whether the collection was to be made in the Common Law or Equity Courts, or out of the 'senior' or 'junior' bar. Again, 'That the deficient lawyers, if they come not by this day se'n-night be sent for by warrant' (e). And, as if to make it certain that the House was in earnest, it ordered 'the Sergeant to warn the lawyers to attend,' and directed 'the lawyers of the House to be put in writing, and to be noted if they be absent,' which was subsequently done, as appears by the entry, 'The names of the lawyers read that were absent' (f), but no punishment appears to have been awarded against these 'deficients.' And in the matter of 'impositions' or 'grievances,' the House desired 'that the King's Counsel may attend this afternoon, and all other lawyers of the House' (g); and when the report of the Committee on grievances was brought

(a) 4 Coke's Inst. 47.

(b) 'King James in Council, with his own hand, rent out this Protestation.'—1 Commons Journal, 668.

(c) Barrington's 'Ancient Statutes,' 337.

(d) Ibid.

(a) 1 Commons Journal, 184.

(b) Ibid. 188. (c) Ibid. 326.

(d) Ibid. 412. (e) Ibid.

(f) Ibid, 441. (g) Ibid, 421.