

way that it was not necessary in order to constitute a breach of the law that there should be any payment, called in the rough vernacular 'a bribe,' or that there should be any prior agreement, understanding, or expectation that any money or fee would be paid for services in legislation. But if money had come to, and been accepted by, a member, whether as a 'gratuity' or as 'payment' for services rendered, the Parliamentary crime was committed which rendered the guilty member liable to expulsion. These examples show that from the earliest days Parliament has exercised a strict surveillance over its members in cases where there had been the reception of money for services rendered in the House; and that it has endeavoured by the extreme punishment of expulsion to war against the corruption of members and the 'selling of their voices' in Parliament. According to the common sense of the thing, the member who accepts a fee from private parties for services rendered in Parliament sells for money his judicial and legislative functions, and surrenders his independent and free judgment of right and wrong in respect of the measure before the House; his usefulness there 'for the great and good service of the Commonwealth' is gone; and he becomes for the time being the representative of the private interest whose money is in his pocket, rather than the representative of the people he was elected to serve.

But while Parliament has thus punished the acceptance of money for legislative services, another, and equally dangerous interference with the judicial and legislative functions of Parliament, came prominently before the House, and was dealt with in consequence of the following case:—

In 1858, a charge was preferred against Mr. Isaac Butt, M. P., for Youghal, an able and eloquent Irish Queen's Counsel, that he had, while a member of Parliament, agreed, in consideration of receiving a large sum

of money, to advocate and prosecute in the House of Commons, certain claims of the Ameer of Rhajapoor, in Scinde. A committee of the House was appointed to investigate the charge, and their report, while it acquitted Mr. Butt of the corrupt agreement charged, reported that he was to receive £10,000 to proceed to India to prosecute the Ameer's claims before the Local Government of Bombay; and that it was not shown that any payment to Mr. Butt had reference to any proceedings in Parliament (*a*). But to show the opinion of the House as to the employment of members in regard to matters which might thereafter come before them in their capacity as members of the House, the following resolution which applies equally to lay, as it does to legal, members was carried:

'That it is contrary to the usage, and derogatory to the dignity of this House, that any of its members should bring forward, promote or advocate in this House, any proceeding or measure in which he may have acted, or been concerned, for or in consideration of any pecuniary fee or reward' (*b*).

This resolution affirms the principle which should guide every member of Parliament, lawyer and layman, in his public duty. During the debate, the views of one of the leading journals were quoted by Lord Hotham, the mover of the resolution, as follows:— 'A barrister in Parliament is retained by a fee of exaggerated magnitude, to advise upon business professedly intended to be brought before an ordinary court of law. Consultations are gravely held, and suggestions gravely made, to the effect that the matter is one in which resort to a legal tribunal is hopeless. The legal member, to whom the retaining fee has been paid, is requested to undertake the case. He does so ostensibly as a representative of the people giving his unbiassed opinion on a matter of national con-

(*a*) 148 Hansard, 3rd S, 1855.

(*b*) 113 Commons Journal, 247.