

sidents, who should be acquainted with their necessities and grievances, yet in practice the electors swerved from this strictness, and elected outsiders (a). The number of practising lawyers who sat in Parliament, says Hallam, seems to afford the inference that this election of non-residents had begun in the reign of Edward III. It is not to be doubted that many practising lawyers were men of landed estate in their own counties (b).

But the lawyers of that time did not use their privileges wisely, for, says Hallam, 'these lawyers put forward many petitions in the name of the Commons which only concerned their clients, as we may guess from the number of proposals for changing the course of legal process which fill the rolls during this reign' (c).

In an unwise attempt to remedy this abuse, the House of Lords adopted an ordinance (not having the force of an Act of Parliament), in 46th Edward III. (1372)—and made, as stated in a note to Ruffhead's edition of the Statutes, 'after the dismissal of the Knights of the Shire, which irregularity might perhaps be the reason why it was not entered upon the statute roll or printed in the Statute Book'—by which it was declared that no gentlemen of the law (*gentz de ley*) who conducted various businesses for other persons in the Courts of the King, and who brought before Parliament various petitions in the name of the Commons,

(a) By 1st Henry V. c. 1 (1413), it was enacted that the Knights of the Shire to be chosen shall not be chosen unless they be resident when they be chosen the day of the date of the writ of the summons to Parliament, and that the Knights and Esquires and others who shall be chosen of those Knights of the Shires be also resident within the same Shires in manner and form aforesaid; and that the citizens and burgesses of the cities and boroughs be chosen of citizens and burgesses resident, dwelling, and free in the same cities and boroughs, and not otherwise. The provision as to residence was repealed by 14 George III. c. 58 (1774) as 'unnecessary and obsolete.'

(b) Hallam's Middle Ages, 528.

(c) Ibid.

which in no wise related to them, but only to the private persons for whom they were engaged, should be returned or accepted as members of Parliament, and that the *gentz de ley* then returned 'should not have any wages' (a).

Thirty-two years afterwards a Parliament was elected in accordance with this ordinance, to which historians have given the soubriquet of *Parliamentum indoctum*, or, 'The unlearned Parliament' (b). Sir William Blackstone, referring to it, says that by an unconstitutional prohibition, grounded upon an ordinance of the House of Lords, there was inserted in the King's writs for the Parliament holden 6th Henry IV. (1404), that no apprentice or other man of the law—*qui in jure regni docti fuissent*—should be elected a Knight of the Shire (c). And Sir Edward Coke, the great master of Parliamentary and Common Law, gives this testimony:—'At a Parliament holden at Coventry, anno 6, Henry IV., the Parliament was summoned by writ, and by colour of the said ordinance it was forbidden that no lawyer should be chosen knight, citizen, or burgess; by reason whereof this Parliament was fruitless, and never a good law made thereat, and, therefore, called *Indoctum Parliamentum*, or lack-learning Parliament.' And so it was, for only one Act, relating to first fruits, sheriffs, escheators, &c. (repealed in 1863), was passed in that Parliament. 'And seeing these writs were against law,' says Sir Edward Coke, 'lawyers ever since, for the great and good service of the Commonwealth, have been eligible; for as it hath been said the writs of Parliament cannot be altered without an Act of Parliament, and albeit the prohibiting clause had been inserted in

(a) 10 Ruffhead's Statutes (Appendix), 43; 1 Revised Statutes (Imp.) 217.

(b) 'If you were not assisted by the Judges, and the House of Commons by other gentlemen of the long robe, experience tells us you might run the hazard of being styled *Parliamentum Indoctum*.'—*Mr. Waller's Speech before the House of Lords*.—Barr. Anc. Stat. 338.

(c) 1 Bl. Com. 202.