

to date from the parliament that Simon de Montfort then summoned.

Here, for the first time, do we have the representatives of the boroughs sitting with the knights and barons. Not till thirty years later, however, do we get perfect representation of the three estates consisting of the nobles, clergy and commons. The final stage was reached in 1347 when the knights and burgesses sat apart from the barons, thus permanently dividing Parliament into two houses, the Lord and the Commons. For the next one hundred and fifty years, until the opening of the Tudor Period, Parliament was employed in consolidating rather than extending its power.

Another of our great institutions, Trial by Jury, originated during this formative period and had practically assumed its present form of procedure by the reign of Henry VI. By the close of the first period the Constitution was pretty well established in its present outward form and it now enters on a new phase of its history.

In the second stage of its history the Constitution passed through a period of trial and humiliation during which its internal machinery was being thoroughly tested and refined. In spite of its degradation, however, the cause of popular freedom in the end came off victorious. The first part of this period was a time of political retrogression under the despotic rule of the Tudors. The second part was an era of revolution which ended in popular triumph over the arbitrary and unconstitutional government of the Stuarts.

The ascendancy of the Tudors and the servile attitude of Parliament is accounted for by the wholesale slaughter of the nobles during the Wars of the Roses, which left the Commons alone to face the King. Moreover, the Reformation had divided the nation into two opposing religious factions. Such conditions made united resistance to the throne impossible. That the Constitution was preserved at all was chiefly due to the personal character of the Tudors themselves, who, tyrants though they were, ruled according to the letter of the law with great scruple. This policy, though degrading to liberal institutions, was nevertheless the means of their preservation and enabled the nation to gather strength for the last great struggle.

The opportunity for this final assertion of popular freedom came when the Stuarts tried to enforce their theory of Divine Right. In the two great popular upheavals which followed, the cause of absolute monarchy was forever lost, but, that of limited monarchy firmly