

Something of the History of the Hereditary Second Chamber of England

England has been termed by a recent writer a "caste-ridden country, where the rich peer is the Brahmin and the penniless commoner is the pariah." This is a rather severe indictment of a country where democracy is supposed to be in the ascendant; but did the taint of caste not exist, the fragment of feudalism known as the House of Lords would never have floated safely into the twentieth century. English society seems so dominated by the caste-principle that it is openly stated by competent observers that direct connection with the peerage gives a young man politically ten years' start in the handicap of life. Every cadet of a noble house is biographically labelled in Dehrett ("the guide-book to the peerage"), and when a scion of nobility becomes a candidate for a public office, he is usually a winner against an opposing middle-class Smith or Jones who is ordinarily furtively regarded as a scheming adventurer with nefarious designs on the public.

The peerage is generally (though incorrectly) set down as a synonym for the House of Lords; and in this article we follow the common acceptance. The use of the word Peerage (from the Latin pares) first appears in the 14th century, and was a direct importation from France; the term peer in anything like its present acceptance is found in the "Act against the Designers" (1332), but it is Stubbs Constitutional history, "the word is used so clumsily as to show that it was then a novelty." The thing is most important than the name, and we assume that the British Peerage (House of Lords) is the personal continuation of the ancient Witana-gemot, Mycel Gemot, or the Magnum Concilium of the Plantagenet Kings. The House of Lords is thus, unless an exception be made for Hungary, the oldest second Chamber in the world; it is likewise the most numerous and the most hereditary in its character. The earliest peers were Bishops, Abbots, Earls, and Barons; and to the Model Parliament of 1295 were summoned 2 Archbishops, 13 Bishops, 70 Abbots, 41 Barons. Even then the hereditary principle seems to have been established. The meaning of the word hereditary in early times must not be overlooked. It is applied to what ever goes by succession, whether that succession be ruled by natural generation by election, or by any other way. The office and estate of Bishops or Abbots is hereditary in this sense; it must pass to some successor, and is therefore spoken of as hereditary. Bishops and Abbots were known as "Lords Spiritual"; Earls and Barons as "Lords Temporal". The same age which saw Earls and Barons assume the shape of an hereditary peerage was also that in which the order was enlarged by the creation of new classes of peers. The ancient earls of England now saw men placed above them bearing French titles of dukes and marquesses. Neither title was absolutely new in England; but both were now used in a new sense. Duke and earl were really the same thing; dux, afterwards supplanted by comes, was the older English translation of the English eardorman, and Earl was the English word commonly used to express the dukes as well as the counts of other lands. So the marchio markgraf, or marquis was known in England as the lord marcher. But now, first, dukes and then marquesses came as distinct ranks of peerage higher than the earl, the first duke being the eldest son of Edward III who was created Duke of Cornwall in 1337, a dukedom to which the eldest son of the reigning sovereign is born. Marquesses began under Richard II, in 1386 when Robert Vere Earl of Oxford, was created Marquess of Dublin, and directly afterward Duke of Ireland. In the next century the title viscount was added between earl and baron. Since that time no title conveying rights of peerage has been devised. The five ranks of the temporal peerage thus are in the order of Duke, Marquess, Earl, Viscount and Baron.

The Peerage has undergone several modifications since the seventeenth century; and in 1649 it was actually abolished by a vote of the House of Commons. It was, however, restored in 1661. Other changes occurred in 1707 and in 1801. The change of 1707 took effect on the union of Scotland with England; by the treaty of Union the Peerage of Scotland was to be represented by sixteen of its number chosen for each parliament by the Scottish peers themselves. The Scottish peers were ineligible to sit in the House of Commons, and the Scottish peerage was deemed to gradual extinction. The union of Ireland with England brought about another change; and the terms were some-

what different from the terms of the union with Scotland. The twenty-eight representative peers of Ireland are chosen for life, and the other Irish peers are eligible to sit in the House of Commons for constituencies in Great Britain; only by so doing they lose the privileges of peerage (other than mere titles and precedence). The Irish peerage is not doomed to extinction as is the peerage of Scotland; one Irish peerage may always be created whenever three have become extinct, and the Irish peerage is to be kept up to the number of 100, not including those who hold peerages of the United Kingdom. Lord Palmerston was an Irish peer, but sat in the House of Commons; Lord Curzon was created an Irish peer when he went as viceroy to India, and would be eligible to a seat in the House of Commons if he had not been elected as a representative Irish peer.

A peerage cannot be surrendered to the Crown or alienated to any other person, it can be forfeited only by attainder or by Act of Parliament. Of this last process there seems to be only one case on record—that of George Neville, Duke of Bedford, degraded by parliament in the reign of Edward IV, as not being really wealthy enough to support his dignity. A peerage has all the privileges of a peer, except that of sitting in parliament, which is held by a female, but revives when it passes to a male heir. Children of peers have a definite precedence and an elaborate system of titles and epithets which perplexes foreigners; the eldest son of a peer ranks immediately after peers of the rank next below that of his father; the precedence of daughters follows the general principle, the principle implied in the doctrine of abeyance, that all daughters rank with the eldest son. The daughter of a peer married to a commoner keeps her rank; but, if she marries a peer she takes the rank of her husband, whether that be higher or lower than the rank which she was by birth. All sons of peers are "esquires of right; and by courtesy all children of peers are entitled to the conventional epithet of "honourable"; "noble" they are not in any sense.

The powers of the House of Lords, formerly vast and important, have been restricted almost to vanishing point. The Lords may not muddle with money bills; have no control over the army or navy; may not interfere with the control of the House of Commons over foreign or colonial affairs, matters relating to peace and war, treaties nor internal administration. The Lords cannot upset the cabinet nor exercise control over the monarch. Even the power of veto is no longer existent, for, as was the case with the Irish Home Rule Bill now so prominently before the public, a bill, on a third rejection by the House of Lords, may be presented for the King's assent, and on that assent being given becomes law. But two years must elapse between the first introduction of the bill and the date on which it passes the House of Commons a third time. As individuals, however, the Lords have the same personal privileges as formerly—they are free from arrest in civil process in "coming, going, or returning"; every peer has the right of access to the Crown, and dukes are officially the "king's cousins." A peer accused of crime may refuse to recognize the courts he then must be tried by his fellow members of the Upper House.

The House of Lords was in early times a comparatively small body. In the reign of Elizabeth there were only sixty lay peers. The Stuarts created 108, Pitt 141. During the early Tudor reigns the number seems to have fluctuated around fifty. Taking the whole House there are only sixty peers who can boast of old titles. These are in fact, two orders in the House of Lords, and the peers themselves never forget the difference between the old and the new men—though it is concealed from the outer world. New creations are resented by peers of ancient lineage as a dilution of the privileges that their ancestors monopolized. The peers of ancient lineage seem oblivious of the fact that many of them, at least, had not very respectable beginnings. Lloyd George recently lifted the veil and some of the "ancients" were confronted certain historic facts which must have caused them to ponder. He told them very bluntly that "their hands were dripping with the fat of sacrifice." The Cecils and the Devonshires were charged with possessing ill-gotten goods. Sir Henry Lucy ("Toby, M.P.") in London Punch has written words that burn regarding some of the British Magnates. He says, amongst other things: "The most ancient peerages count from

Henry VIII, and draw their revenues from Church robbery. For examples: The Earl of Pembroke inherits Wiltton Abbey from William Herbert, and he got it from Henry VIII who stole it from the Benedictines. The fortune of an Earl of North came from the St. Cross Hospital whose founder had provided for thirteen poor men within the walls and one hundred without, the balance to go to other poor. The Duke of Portland has for his country seat Welbeck Abbey—"one of the wonders of England." It is set in a park eight miles in circumference. The Duke of Devonshire owns in England and Ireland over 193,000 acres, with an estimated rental of \$800,000, counts among his seven "seats" Chatsworth and Bolton Abbey—more stolen Church property. The houses of Russell and Cavendish according to Edmund Burke, derive their revenues largely "from possessions voluntarily surrendered by their lawful proprietors, with the gibbet at the door!" The list of other spoliation is lengthy. The Lords now own in the aggregate 15,500,000 acres of land, with an annual rental roll of \$65,000,000 or an average of \$115,000 a year each. Children who are to inherit this land are labelled lawmakers in their coats. And though himself suspended, hands on to his son or successor the power of legislation.

The House of Lords has ceased to be a popular institution, though it seems to be irreplaceable. "England" says an English essayist "has no Supreme Court to guard the Constitution; the Royal veto has fallen into disuse; no Alexander Hamilton has planted in our constitution the fundamental principles of liberty, life and ownership. Nothing forbids legislation that would imply faith in contracts. Any Jack Cade who can secure a majority in the Commons could altar the laws of life and property—after getting rid of the House of Lords. In fact, our only existing safeguard against despotism, socialism, and extravagance, or other results of brain-storm in a demagogue who has captured the House of Commons—to our shame be it said—is the Hereditary House of Lords." To illustrate the anomalies of this institution the following excerpts are very opposite—all from English sources.

"The House of Lords has become the refuge of panic-stricken classes holding titles to land or breweries or financial and industrial concerns. 'Peerage' should now be spelled 'Beeraage' for the House of Lords is simply an amalgamation of interests bound together by no tie but fear of financial reform. In the historic sense there is but a feeble trickling of blood in its veins. Many of the titles are 'faked' like a picture leader's 'ancient master.' But together they have power, and they herd together like wild and domestic animals in a prairie fire—the thin remnant of the old feudal barons—interesting survivals after all the slaughters of the Wars of the Roses, civil wars, Whig oligarchies, aldermanic ancestries, and American inheritances—money changers who have not yet been driven out of our temples adventurers who know 'a real good thing' on the political turf. All of these are shouting to the bewildered chiefs of the old governing class to risk a revolutionary overthrow, and chance whatever may come to our rickety old constitution."—Positivist Review.

"The House of Lords is a standing business committee of the very rich to insure, first, that the wildest schemes shall go through quickly and quietly; second, that anything opposed to such schemes shall go through slowly, doubtfully, amid deafening clamours. It is not a place for avoiding revolutions; it is a place for concealing others. The House of Lords has really much the same function as the more vulgar part of the press. It exists to turn on the lime-light. It decides what violent changes shall be printed in small letters, what much milder in gigantic characters. A bill is introduced to cut off the left leg of every nonconformist important measure. A bill is introduced; the Lords pass it as an undanced to charge every millionaire a half-penny more on his marriage license; the Lords reject it, and it at once becomes monstrously important filling the land with cries of spoliation and despair. This is the real function of the modern Lords, they have charge of the vulgar department; and they manage the headlines and the loud advertisements in the great modern conspiracy of wealth. They must be destroyed because no nation can have many control of its destiny so long as a small ring of its rich (often

its basest rich), can decide what things are important. An Englishman must be free, not only as to how he votes, but as to what he votes for. This can never be, as long as the richest class can force a general election by sudden and vulgar exaggeration."—(Chesterton).

A recently published volume: "The Memoirs of Lady Cardigan" sheds very luminous rays on the personnel of the House of Lords; and a reviewer says, 'Lady Cardigan shows the English nobility to be morally incapacitated for taking part in the government of a free people, and proves incontrovertibly that the aristocratic order which is now attempting to usurp supreme power over the nation is from a moral standpoint very much like the aristocratic order which came to an end by the guillotine in France during the revolution.

Collectively the Lords are a strange sight—and a rare one, for eighty per cent. of them seldom attend a debate. It is an interesting sight to stand in St. Stephen's Hall and watch the peers fling out into the night after a great division on a national crisis. "A more extraordinary body of men to invest with the power of Constitutional veto cannot be imagined. The leaders, of course, look like other people, but among the others retreating chins and foreheads, the affectation of monocles, rickety legs, dried-up physique and vacant faces are unpleasantly numerous. Certain noble lords, of the sort who never enter the House except in obedience to special Whips from their party, are just average well groomed men. Others are fusty eccentrics who might be taken for curio dealers in a back street in a Cathedral town." It is only fair to state, however, that "black sheep" in the House of Lords are not more numerous than in other walks of life. Some of the blackest of the flock are those whose crimes never reach the newspapers. Some years ago a House of Lords scandal became public in consequence of proceedings before a criminal court. In the course of this trial correspondence was impounded in which the names of no fewer than six peers were implicated. One of them paid blackmail to the extent of \$200,000 to the accused to prevent the mention of his name. But the best of the House of Lords is very good. Repose, straight forwardness, courtesy, coolness, and courage are the characteristics of these English gentlemen who happen to be peers.

It is commonly supposed that the King who is "Sustainer of All Honors" can confer dignities on whom he pleases. In reality, his powers in this respect are very restricted. The only dignities which the monarch can grant independently of the Cabinet are ordinary knighthoods (Knights-Bachelor) and the Victorian Order. In fact, the latter dignity was instituted by Queen Victoria to place at the disposal of the sovereign some distinction that could be granted independently of the Cabinet. It is pretty generally known that serious differences have occurred between Crown and Government on the question of the conferring of dignities. The incident of Pitt and George III is a matter of history. The latter was compelled by the "Great Commoner" to accord a peerage to a man utterly unworthy of the honour; and he savagely remarked that "while he could make the fellow a Lord he could never make him a gentleman." The late Lord Salisbury's retirement from the Premiership and from public life was by some said to have been hastened by a dispute with Edward VII, owing to his stern refusal to give the consent of the Administration to the grant of a peerage which the King wished to bestow. The fact is that the Administration is the arbiter in the matter of the bestowal of dignities; and new peerages come into existence at the wish of the party in power. No less than eighty new peerages have come into existence since 1906; and on the eve of the general election in 1905 several utterly unknown individuals were created peers in return for huge contributions to the Unionist electoral fund through the party Whip, who is known as the Patronage Secretary to the Treasury because he is the channel through which whatever patronage possessed by the Premier is dispensed. The question of purchase of honours has been discussed in the House of Lords, and a member declared that when acting as Whip in his party he had on several occasions been "approached" in the most matter-of-fact way by persons who were anxious to obtain peerages in return for cash, payable to the party fund. Gibson Bowles is responsible for the statement "that many contributors to Balfour's election fund have been made the recipients of titles, some of them

paying \$150,000 for a knighthood others \$1,000,000 for a peerage."

The abolishment of hereditary titles has been strongly advocated many times, but as it is man's weakness to work for the possession of a tinsel honour which will (in his own estimation) raise him above his fellows, there is little possibility of honours disappearing. There are few men in public life in England who will actually refuse a title as did Mr. Gladstone, Mr. Balfour, and Mr. Joseph Chamberlain. Throughout Europe the tendency on the part of the Crown and of government is to restrict rather than to increase the number of nobility honours. For instance in Romania, Greece, Servia and Bulgaria, they have been abolished altogether, and their use is forbidden by the terms of the Constitution. For some time past the Czar of Russia has declined to grant the rank of Baron, Count or Prince to any one who has male heirs, thus insuring the lapse of the dignity on the death of the grantee. The Kaiser of Germany in conferring the title of Count, Prince, or Duke now invariably makes the honor ad personam, that is to say, for life only—his object being that he may be free either to revise the dignity in the person of the younger son of the original grantee in the event of the eldest son proving himself unworthy, or else to permit the title to lapse altogether. In other European countries too there is a movement to refuse to increase hereditary titles.—The Canadian Freeman.

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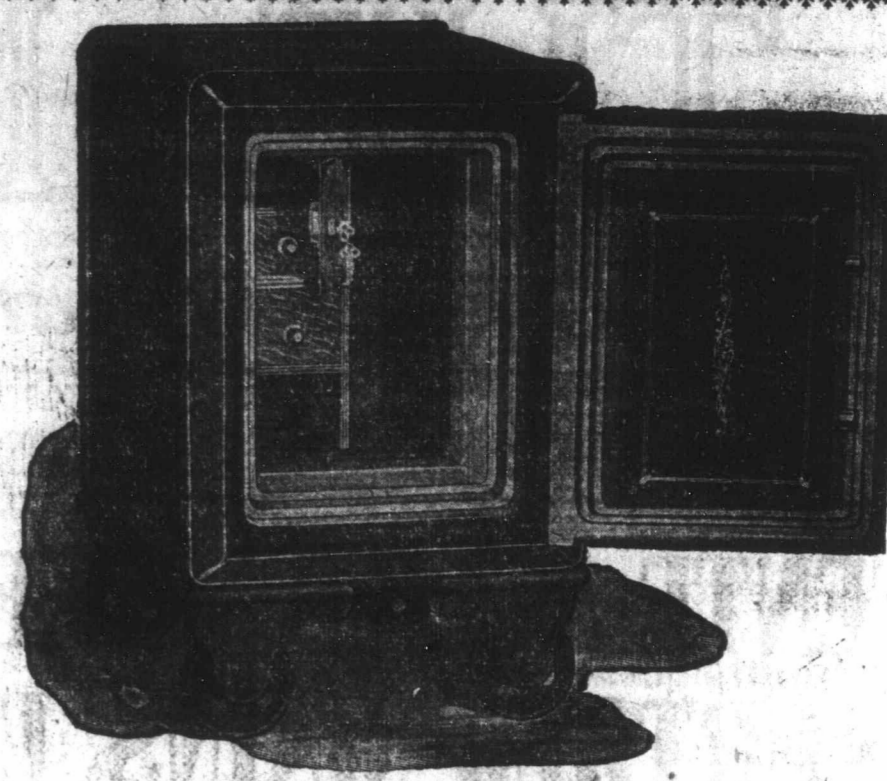
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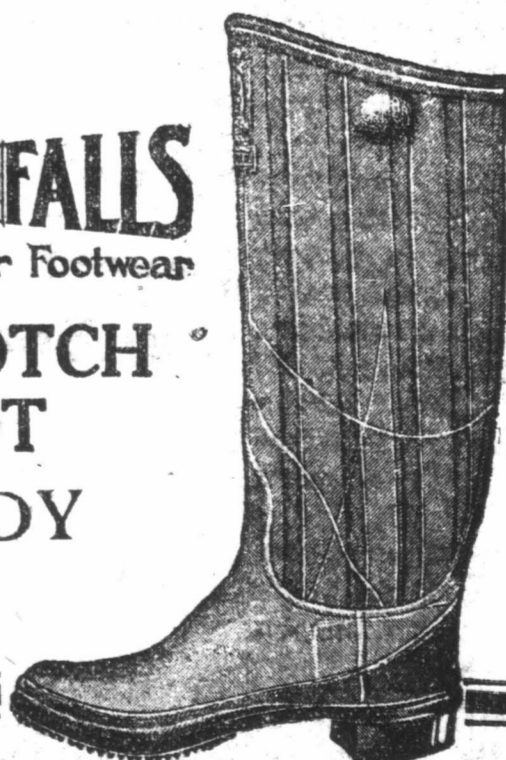
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