

THE ORIGIN OF PARLIAMENTARY REPRESENTATION IN ENGLAND.

truth the great point of superiority which the American constitution has over all earlier Federal constitutions. But we may be sure that its existence is directly owing to the existence of the English House of Lords. The authors of the American constitution, in transplanting and modifying English institutions, saw that the English institution of a second chamber was one which, with the needful modifications, was the very thing which was needed in the circumstances in which they found themselves. It makes no difference that the constitution of the American Senate, and many of its duties, are quite different from those of the English House of Lords. Its constitutions and its duties are hardly more different from those of a modern House of Lords, than those of a modern House of Lords are from those of a House of Lords some centuries back. The special functions of the modern House of Lords, the functions which are imitated in so many European second chambers, have all come of themselves. Its constitution, its functions, have gradually been given to it by the events of English history. They were never deliberately invented or ordained by any particular man at any particular time. Circumstances have given the English upper chamber the special duty of acting as a check upon the acts of the popular chamber. Circumstances have given its transplanted American form the further duty of representing the separate existence of the several States. But in each case the new and special functions of the upper chamber have been laid upon it by the force of circumstances. The duty of checking the acts of another assembly would have seemed no less strange to a House of Lords some centuries back, than the duty of representing the separate being of the separate members of a Federal body. There was no moment in English history when men said, "It will be a good thing to have an Upper House to check the acts of the Lower." There was no moment when they said, "It will be a good thing to have an Upper House" for any reason whatever. The system of two Houses was not the result of the design or deliberation of any man or of any body of men. There was no moment when Englishmen voted that two Houses would do the work better than one, or

three, or half-a-dozen. The system of two Houses came of itself. It was the result of a series of accidents, of a series of historical causes gave to each House the particular functions which they have in the existing systems of the United Kingdom and of the United States.

In short, when we apply the words "second chamber" to the English Upper House or House of Lords, we are reversing the chronological order of things. In most countries the phrase is quite accurate. The Senate or other body of the kind, if not second in actual date, is at least second in idea. The popular chamber is taken for granted; then comes the question whether there shall be another chamber, and if so, what form it shall take. So during the Protectorate of Cromwell, when the ancient succession of Parliaments stopped for a moment, first came the little Parliament and other such devices; then came the Parliament of 1657 in which, besides the House of Commons, there was "the *other* House." The name was doubtless used to avoid as yet using the words "House of Lords;" but it is not to be forgotten that, according to the older use of the English language, the words "*other* House" exactly translate the more modern phrase of "*Second Chamber*." But when we go back to the historical origin of English Parliaments, it is most certainly the Lower, the more popular chamber, which is, in point of date, the Second Chamber. It would be using words which are rather too modern to say that the House of Commons was added to the House of Lords or grew up by the side of it. For the beginnings of representation belong to a time when the formal phrases "House of Lords," and "House of Commons" had not yet come into use. But it is perfectly correct to say that the representative element in the English Parliament was added to, or grew up by the side of, the element which is not representative. The non-representative element is undoubtedly the older, and the representative the newer. And in this the way the House of Commons which grew out of this representative element is, in strict historical truth, a Second Chamber alongside of the House of Lords, which grew out of the non-representative element. But the representative body was met added in order to be a check on the acts