

THE ORIGIN OF PARLIAMENTARY REPRESENTATION IN ENGLAND.

grown, without any breach of historical continuity, into the political institutions alike of the second England within the isle of Britain and of the third England beyond the ocean.

Let us take for instance one point of which I have already spoken. The legislative bodies of the United States, of most—I believe of all—of the several States, consist of two Houses. The fact is so familiar that we hardly think about it. We almost take it for granted as the natural form of a legislature. It is assumed that there must be one House chosen by a popular election and another which comes in some other way; whether by hereditary succession, by nomination, or by some less popular mode of election, does not matter for the moment. This form of legislature has been imitated in endless states; both monarchies and commonwealths, and we have just seen the greatest of European commonwealths, after trying an Assembly of one chamber, deliberately fall back on an Assembly of two. But it is certain that, in most of the cases where the English and American system of two chambers has been imitated, the second or upper chamber has been found to be the weakest part of the constitutional system. It is ever the first to give way when any violent strain is brought upon it. The reason is palpable. It is weak because it is artificial. It is weak because it does not come of itself, but it is simply an ingenious device which it is thought will tend to the better working of those parts of the constitutional system which do come of themselves. For we may fairly say that in any form of free government the executive branch and the popular branch do come of themselves. That is to say, there may be questions as to the best form to give them; but they must be there in some form or other.

But a second Chamber is not thus a matter of necessity. The State may work better with it, but it can get on without it. Being thus an artificial creation instead of an indispensable element, a luxury of constitutional government and not a necessity, it has not the same firm ground to stand upon as either the executive or the popular branch. But it is at once plain that, while a great number of other second Chambers have risen and fallen around them, the House of Lords

of the United Kingdom and the Senate of the United States have gone on untouched. And the reason plainly is because neither of these is an artificial creation in the same sense as the Upper Chambers which have risen and fallen in France and Spain. The English House of Lords in the strictest sense came of itself. A long course of historical causes gave it its present shape; but neither Alfred or any other man invented it out of his own head. The second chambers, both of the United States and of the separate States are, as I have already said, not imitations but continuations. They are at most transplantations of the English constitution in forms modified by new circumstances. But mark this further—a point which I have insisted on in other writings, but which I must here insist on again—that in a Federal State, the Senate or other upper chamber is not a mere artificial institution. It is not a constitutional luxury, but as necessary a part of the constitutional system as the executive or the popular branch. In a single state, whether monarchy or commonwealth, the question of a second chamber is simply the question whether the work of legislation will be better done with it or without it. In a Federal state the two chambers are equally necessary. One is needed to represent the body of the united nation, the other to represent the several States in their separate character. If a Federal legislature consisted only of a Senate or only of a House of Representatives, one or the other of the necessary elements of a Federal system would be overridden. And this truth has been recognized by the close reproduction of the American Senate in the democratic Federation of Switzerland, and by as near an approach to it as monarchical forms will allow, in the Imperial Federation of Germany. These two last may be called imitations; but they are imitations in a good sense; they are reproductions of an institution which experience has shown to be necessary in a Federal state. But though the Senate was thus a necessary feature of the American Federal Constitution, we may be pretty sure that the authors of that Constitution would not have invented it of their own heads. No such institution was to be found in any earlier Federal system, not in that of Achaia itself. Its introduction is in