

Erskine May, Chapter V, pp. 273-281

Increase of the Peerage

Changes up to 1715

[273] NOTHING in the history of our constitution is more remarkable than the permanence of every institution forming part of the government of the country, while undergoing continual, and often extraordinary changes in its powers, privileges, and influence. The crown, as we have seen, remains with all its prerogatives undiminished, and with its sources of influence increased; yet in the exercise of its great powers by responsible ministers, it has been gradually controlled by Parliament and public opinion, until the authority of the crown in government and legislation, bears as little resemblance to the sway of the Tudor and Stuart kings, as to that of Louis XIV.

So also the House of Lords continues to hold its high place in the state, next to the crown, and still enjoys the greater part of its ancient privileges. Yet no institution has undergone greater changes. In its numbers, its composition, and its influence, it is difficult to recognise its [274] identity with the 'Great Council' of a former age. But the changes which it has undergone have served to bring this great institution into harmony with other parts of the constitution, and with the social condition of the people, upon which time has worked equal mutations.

The continual additions which have been made to the number of temporal peers, sitting in Parliament, have been so remarkable as to change the very constitution and character of the House of Lords. No more than twenty-nine temporal peers received writs of summons to the first Parliament of Henry VII.; and this number had increased at the death of Queen Elizabeth to fifty-nine. The Stuarts were profuse in their creations,(1) and raised the number of the peerage to about one hundred and fifty;(2) which William III. and Queen Anne further increased to one hundred and sixty-eight.(3) In the latter reign no less than twelve peers were created at once, to secure a majority in favour of the court, which they did on the very day of their introduction.(4) [275] In this same reign were also added, on the Union with Scotland, sixteen representative peers, a number scarcely adequate to represent an ancient peerage, little less numerous than that of England,(5) in a House of Lords, in which sat twenty-six bishops to make laws for Presbyterian Scotland. But if some injustice was then done to the Scottish peerage, it has since been amply redressed, as will be seen hereafter.

The Peerage Bill 1719

This rapid increase of the peerage had been regarded with much jealousy by that privileged body, whose individual dignity and power were proportionately diminished. Early in the reign of George I., several new creations further aroused the apprehensions of the peers; and, in 1719, partly to gratify their lordships,—but more, perhaps, to further party objects,(6)—a bill was brought into the House of Lords by the Duke of Somerset, proposing an extraordinary limitation of the royal prerogative,—to which the king himself was induced to signify his consent. The crown was to be restrained from the creation of more than six beyond the existing number of one hundred and seventy-eight peerages,—the power being still reserved of creating a new peerage whenever a peerage should [276] become extinct; and instead of sixteen representative peers of Scotland, it was proposed that twenty-five hereditary peers should have seats in the House of Lords. This bill soon reached a third reading; but not until it

had raised so much dissatisfaction in the House of Commons and the country, that its promoters thought prudent to abandon it. In the next session, however, another bill was introduced, by the Duke of Buckingham, and sent down to the Commons; where, after an effectual exposure of its unconstitutional character,—especially by Sir Richard Steele, and Sir Robert Walpole,—it was rejected by a majority of two hundred and sixty-nine voices, against one hundred and seventy-seven.(7) It was, in truth, an audacious attempt to limit the prerogative of the crown, and discourage the granting of just rewards to merit, for the sake of perpetuating a close aristocratic body,—independent of the crown, and irresponsible to the people.

Increase under George III

The first two kings of the House of Hanover continued to make occasional additions to the peerage, which on the accession of George III. amounted to one hundred and seventy-four. Of this number, thirteen minors, and twelve Roman Catholics, were incapable of sitting and voting in Parliament.

[277] Great as had been the additions to the peerage since the reign of Queen Elizabeth, they were destined to be far exceeded in this and succeeding reigns. The creation of peers, having become an expedient for increasing the influence of the crown, and the strength of parties, was freely resorted to by successive ministers. In the first ten years of this reign forty-two peers were created, or raised to a higher order in the peerage. Lord North was liberal in the creation of peers, with a view to strengthen his own position as minister, and to carry out the policy of the court. In 1776, before the continued arrears of the civil list were again brought before Parliament, twelve new peers were created, one baron was raised to the dignity of a viscount, and three were promoted to earldoms. In 1780, he created seven new barons. During his administration he created or promoted about thirty British peers. In Ireland, he distributed honours still more liberally. In 1777 he created eighteen barons, and raised seven barons and five viscounts to higher dignities in the peerage.(8) Mr. Pitt, himself disdaining honours,(9) dispensed them to others with greater profusion than any former minister. During the first five [278] years of his administration. he had created nearly fifty peers, and secured a safe majority.(10) The influence he had himself derived from thus gratifying his supporters, suggested to him the precaution of restricting the regent in the exercise of this prerogative. This restriction he proposed to extend to the entire period of the regency, which, however, he trusted would be of short duration. Having created peers to consolidate his own power, he was unwilling to leave the same instrument in the hands of his opponents. Had his proposal taken effect, such a restraint,—extending over the whole regency,—was open to many of the objections which are admitted to apply to the more extensive limitation contemplated in 1719. It was said by Mr. Pitt that the exercise of the prerogative was required to reward merit, to recruit the peerage from the great landowners and other opulent classes, and to render the crown independent of factious combinations among the existing peers.(11) All these grounds were as applicable to the regency as to any other time: while the fact of a powerful minister having recently made so large an addition to the House of Lords from his own party, was the strongest argument against the proposed restriction. To tie up the hands of the regent, was to perpetuate the power [279] of the minister. A similar condition was afterwards imposed upon the regent in 1810: but, being limited to one year, was exposed to less objection.

In 1792, when Mr. Pitt had been eight years in power, he had created between sixty and seventy peers,(12) of whom the greater part owed their elevation to the parliamentary support which they had themselves given to the minister, or to their interest in returning members to the House of Commons. In 1796 and 1797, he created and promoted no less than thirty-five peers,—within the space of two years. And, in 1801, he had created or promoted, during the seventeen years of his administration, upwards of one hundred and forty peers, sitting by hereditary right. Can we wonder if some of these were unworthy of nobility? He also

introduced as members of that body, in 1801, the Irish representative peers and bishops. It was not without misgivings that the king and Mr. Pitt consented to so great an extension of the peerage: but it was forced upon them by the importunity of [280] friends and partisans,—by the rivalry of old and new families,—and by the just claims of merit and public service. Meanwhile, a host of Tory nobles in one house, and their nominees in the other, were sure allies and champions of the court.

Peers of Ireland

The peerage of Ireland, on the union of that country, was dealt with, in some measure, upon different principles from that of Scotland. The principle of representation was followed; twenty-eight representative peers being admitted to seats in the Parliament of the United Kingdom. But they were elected, not for the Parliament only, as in Scotland, but for life. Again, no Scottish peers could be created after the Union: but the peerage of Scotland was perpetuated, as an ancient and exclusive aristocracy. It was otherwise with Ireland. It was admitted that the peerage of that country was too numerous, and ought gradually to be diminished; and with this view, the royal prerogative was so far restricted, that one Irish peer only can be created, whenever three Irish peerages,—in existence at the time of the Union,—have become extinct. But the object of this provision being ultimately to reduce the number of Irish peers,—not having hereditary seats in Parliament,—to one hundred, it was also provided that when such reduction had been effected, one new Irish peerage may be created as often as a peerage becomes extinct, or as often as an Irish peer is entitled, by descent or creation, to a peerage of the United Kingdom.(13)

[281] Another peculiar arrangement, made on the union of Ireland, was the permission granted to Irish peers of sitting in the House of Commons for any place in Great Britain,—a privilege of which they have extensively availed themselves.(14)

At the same time, an addition of four lords spiritual was made to the House of Lords, to represent the episcopal body of Ireland, and to sit by rotation of sessions; of whom an archbishop of the Church in Ireland was always to be one.(15) At the union there were twenty bishoprics and archbishoprics of the Church in Ireland; but provision was made in 1833, by the Church Temporalities Act, for the reduction of that number to ten.

Footnotes.

1. James I. created sixty-two; Charles I., fifty-nine; Charles II., sixty-four; and James II., eight; being a total number of one hundred and ninety-three; but during these reigns ninety-nine peerages became extinct, and thus the total addition to the peerage was ninety-four. From returns delivered to the House of Lords in 1719. As many of these peerages were sold by James I. and Charles II., it is surprising that the creations were not even more numerous.
2. In 1661, one hundred and thirty-nine lords were summoned. In 1696, the total number of temporal peers, exclusive of minors, Roman Catholics, and non-jurors, was about one hundred and forty.—Macaulay's Hist., iv. 753.
3. See list of one hundred and fifty-seven Peers in the first Parliament of George I., capable of voting.—Parl. Hist., vii. 27.
4. 2nd January, 1711.
5. There were one hundred and fifty-four Scottish Peers at the time of the Union. The roll is printed in *Lords' Journ.*, xviii. 458. Lord Haversham said upwards of one hundred peers would be disfranchised.
6. The Prince of Wales was supposed not to be friendly to the Whig party then in power, which was said to be the reason why Lord Sunderland persuaded the king to consent to the bill.

7. Sir Robert Walpole also opposed the measure in a pamphlet entitled 'The Thoughts of a Member of the Lower House in relation to a project for restraining and limiting the power of the Crown in the future creation of Peers.' Steele likewise opposed it in 'The Plebeian,' while Addison warmly supported it in 'The Old Whig.'
8. Walpole called them 'a mob of nobility.' Journ., ii. 58.
9. In 1790 he declined the Garter, which the king pressed him to accept.—Lord Stanhope's Life of Pitt, ii. 85; Ibid., App., xiii.
10. In the debates upon the Regency, Mr. Fox said forty-two, and Mr. Sheridan forty-eight. From Beatson's Political Index (i. 140) the latter statement appears to be strictly accurate. Parl. Hist., xxvii. 967, etc.
11. His speech on the 16th Jan. 1789, is so imperfectly reported, that his reasoning can only be gathered from the context of the debate, in which his observations are adverted to.
12. Mr. Sheridan's speech on Parliamentary Reform, April 30th, 1792. Mr. Courtenay, speaking in 1792, said: 'It had been a matter of complaint that twenty-eight peers had been made in the reign of George I., which, it was argued, would destroy the balance of power in the other branches of the constitution.' But Pitt 'had created three times as many.' Parl. Hist, xxix.1494. The number of creations and promotions appears to have been sixty-four.
13. In 1859, the Irish peerage consisted, besides the King of Hanover and one Peeress, of 193, of whom 73 are also English peers. It will probably be more than a century before the number is reduced to 100. Note to Lord Cornwallis' Corr., iii. 214.
14. By the Reform Bill of 1860, it was proposed to extend this privilege to places in Ireland, as well as Great Britain. In 'A Letter to the Earl of Listowel, M.P. for St. Albans, by a "Joint of the Tail,"' 1841, the position of his lordship as a peer of Ireland and a member of the House of Commons, was thus adverted to: 'A peer, and in your own right—and yet a peer without rights! Possessor of a name, of a dignity having no better reality than in a sound. . . . True, you are at this moment a legislator, but by no right of birth, and only as a commoner; and, again, as representative for an English town, not for one in Ireland. However great your stake in that country, you could not, though fifty places were held open for you, accept one; your marrowless dignity gliding ghost-like in, to forbid the proffered seat.'
15. By the Act of 1869 for disestablishing the Church in Ireland, these bishops lost their seats in Parliament.

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