

Erskine May, Chapter V, pp. 281-290

Present State of the Peerage (1860)

Increase since 1760

Since the union, further additions have continually been made to the Peerage of the United Kingdom; and an analysis of the existing peerage presents some singular results. In [282] 1860, the House of Lords consisted of four hundred and sixty lords, spiritual and temporal. The number of hereditary peers of the United Kingdom had risen to three hundred and eighty-five, exclusive of the peers of the blood royal. Of these peerages, one hundred and twenty-eight were created in the long reign of George III.;(1) forty-two in the reign of George IV.;(2) and one hundred and seventeen since the accession of William IV.(3) Thus two hundred and eighty-seven peerages were created, or raised to their present rank, since the accession of George III; or very nearly three-fourths of the entire number. But this increase is exhibited by the existing peerage alone,—notwithstanding the extinction or merger of numerous titles, in the interval. The actual number of creations during the reign of George III. amounted to three hundred and eighty-eight; or more than the entire present number of the peerage.(4)

No more than ninety-eight of the peerages existing in 1860 could claim an earlier creation than the reign of George III.: but this fact is an imperfect criterion of the antiquity of the peerage. When the possessor of an ancient dignity [283] is promoted to a higher grade in the peerage, his lesser dignity becomes merged in the greater, but more recent title. An earl of the fifteenth century, is transformed into a marquess of the nineteenth. Many of the families from which existing peers are descended, are of great antiquity; and were noble before their admission to the peerage. Nor must the ancient nobility of the Scottish peerage be forgotten in the persons of those high-born men, who now figure on the roll, as peers of the United Kingdom, of comparatively recent creation.

Great as this increase of peerages has been, it has borne no proportion to the demands made upon the favour of the crown. We find in Lord Malmesbury's Diary for 1807 this entry:—'Lord Whitworth and Mr. Heathcote (Sir William's son) urged me to apply for peerages. I told them truly, there were no less than fifty-three candidates for peerage, and to none of which the king would [284] listen.' And every minister since that time, has probably been obliged to resist the solicitations of not less than ten earnest claimants, for every peerage which he has advised the crown to bestow. When Lord Grey was contemplating the creation of nearly one hundred peers in 1832, there was no lack of candidates, although the occasion was neither flattering to their self-esteem, nor free from offensive imputations. And, more recently, another minister discovered, in a single year, that upwards of thirty of his supporters were ambitious of the peerage, as an acknowledgment of their friendship towards himself, and devotion to his party.

Change in Character of the House

With this large increase of numbers, the peerage has undergone further changes, no less remarkable, in its character and composition. It is no longer a council of the magnates of the land,—the territorial aristocracy, the descendants or representatives of the barons of the olden time; but in each successive age, it has assumed a more popular and representative character. Men who have attained the first eminence in war and diplomacy, at the bar or in the senate,—

men wisest in council, and most eloquent in debate,—have taken their place in its distinguished roll; and their historic names represent the glories of the age from which they sprung. Men who have amassed fortunes in commerce, or whose ancestors have enriched themselves by their own industry, have also been admitted to the privileged circle of the peerage. [285] Men of the highest intellects, achievements, and wealth, the peerage has adopted and appropriated to itself: men of secondary pretensions, it has still left to the people.

A body so constantly changed, and recruited from all classes of society, loses much of its distinctive hereditary character. Peers sitting in Parliament by virtue of an hereditary right, share their privilege with so many, who by personal pretensions have recently been placed beside them, that the hereditary principle becomes divested of exclusive power, and invidious distinction.

Representative Peers

At the same time, the principle of representation has been largely introduced into the constitution of the House of Lords. The sixteen representative peers of Scotland, elected only for a Parliament; the twenty-eight representative peers of Ireland, elected for life,—form a body as numerous as the entire peerage in the time of Henry VIII. And when to these are added the twenty-six English bishops, holding their seats for life,—the total number of Lords not sitting by virtue of hereditary right, becomes a considerable element in the constitution of the Upper House.(5)

In analysing these numbers, however, the growing disproportion between the representative lords and the hereditary peers cannot fail to be apparent. If sixteen Scottish peers were deemed an inadequate [286] representation of the ancient peerage of Scotland in the reign of Anne,—what are they now, when the peerage of the United Kingdom has been trebled in numbers? But this inequality,—apparently excessive,—has been corrected by the admission of Scottish peers to hereditary seats in the British House of Lords. In 1860 there were seventy-eight Scottish peers,(6) of whom no less than forty,—or more than half,—sat in Parliament by virtue of British peerages created in their favour since the union.

Rights of Scottish Peers

Great was the jealousy with which the House of Lords at first regarded the admission of Scottish peers to the peerage of Great Britain. In 1711, the Duke of Hamilton was created Duke of Brandon, of the peerage of Great Britain: when the Lords declared, by a majority of five, that no patent of honour granted to any peer of Great Britain who was a peer of Scotland at the time of the Union, entitled such peer to sit and vote in Parliament, or to sit upon the trial of peers. The undoubted prerogative of the queen was thus boldly set aside for a time, by an adverse determination of the House of Lords.

At the time of this decision, the Duke of Queensberry was sitting by virtue of a British peerage, created since the union. The determination of the Lords prevented, for [287] many years, the direct admission of any other Scottish peers to the peerage of Great Britain; but this restriction was cleverly evaded by frequent creations of their eldest sons, who, having obtained seats in the House of Lords, succeeded, on the death of their fathers, to their Scottish peerages. At length, in 1782, the question of the disability of Scottish peers to receive patents of peerage in Great Britain, was referred to the Judges, who were unanimously of opinion that no such disability had ever been created by the Act of Union. The Lords, therefore, reversed the decision of 1711; and henceforth Scottish peers were freely admitted to the ranks of the British peerage.

In 1787, another important question arose, affecting the rights of the Scottish peerage. It had been the plain intention of the Act of Union, that the peers of Scotland, who were denied a

seat in the Parliament of Great Britain, should be entitled to representation by members of their own body, subject to the same political conditions as themselves. The right of the crown to admit Scottish peers to the peerage of Great Britain having at length been recognised, the king exercised the right in favour of the Earl of Abercorn and the Duke of Queensberry,—both of whom were sitting, at that time, in the House of Lords, as representative peers of Scotland. That these noblemen, who now sat by hereditary right, [288] should continue to be the representatives of the Scottish peerage, was a constitutional anomaly which could not easily be maintained. As well might it have been contended that a member of the Lower House continued to represent the constituents by whom he had been elected, notwithstanding his elevation to a seat in the House of Peers. In 1736, indeed, the Duke of Athol had inherited the Barony of Strange, and had continued to sit as a representative peer, without any decision of the House of Lords, or any question being raised concerning his legal position. But now Lord Stormont brought the matter before the House of Lords, in a clear and unanswerable argument; and though he was boldly opposed by Lord Thurlow, the House resolved that the Earl of Abercorn and the Duke of Queensberry had ceased to sit as representatives of the peerage of Scotland.

The two peers thus disqualified from sitting as representatives, immediately proceeded to vote as Scottish peers for their successors, in contravention of a resolution of the House of Lords, in 1708. An attempt was made to defend their right to vote, and to cast doubts upon the former determination of the House: but the Lords were not to be convinced; and directed a copy of the resolution of January 21, 1708-9, to be transmitted to the Lord Registrar of Scotland, with an 'injunction to him that he do conform thereto.' For a time this order was observed; but in 1793, it was superseded by another decision; and since that time, all peers of Scotland have been permitted to vote for representatives.

Meanwhile, the admission of Scottish peers to hereditary seats in the House of Lords, is tending to a singular result. At no distant period, the Scottish peerage will probably become absorbed in that of the United Kingdom. One half their number have already been absorbed; more may hereafter be admitted to the House of Lords; and, as no new creations can be made, we may foresee the ultimate extinction of all but sixteen Scottish peers, not embraced in the British peerage. These sixteen peers, instead of continuing a system of self-election, will then probably be created hereditary peers of Parliament. The Act of Union will have worked itself out; and a Parliamentary incorporation of the two countries will be consummated,—more complete than any which the most sanguine promoters of the Union could, in their visions of the future, have foreshadowed.

Fusion of the three Peerages

A similar absorption of the Irish peerage into the peerage of the United Kingdom has also been observable, though, by the terms of the Act of Union, the full number of one hundred Irish peers will continue to be maintained. In 1860, there were one hundred and ninety-three Irish peers,⁽⁷⁾ of whom seventy-one had seats in [290] Parliament, as peers of the United Kingdom. Thus, the peers of Ireland sitting in Parliament,—including the representative peers,—amounted to ninety-nine.

By this fusion of the peerages of the three kingdoms, the House of Lords has grown at once more national, and more representative in its character. As different classes of society have become represented there, so different nationalities have also acquired a wider representation. Nor ought it to be overlooked that Scotland and Ireland are further represented in the House of Lords by numerous commoners, of Scottish and Irish birth, who have been raised to the dignity of the peerage for distinguished services, or other eminent qualifications.

Footnotes.

1. Viz., two dukes, thirteen marquesses, thirty-eight earls, eight viscounts, and sixty-seven barons.
2. One duke, two marquesses, seven earls, three viscounts, twenty-nine barons.
3. Two dukes, five marquesses, twenty earls, six viscounts, eighty-four barons.
4. The following Table, prepared by the late Mr. Pulman, Clarencieux King of Arms, was placed at my disposal by the kindness of his son:

Statement showing the number of Peerages created within periods of Twenty Years from 1700 to 1821.

	Dukes	Marquesses	Earls	Viscounts	Barons
From 1700 to 1720 inclusive	22	14	33	30	58
From 1721 to 1740 inclusive	2	3	14	8	19
From 1741 to 1760 inclusive	2	1	24	15	34
From 1761 to 1780 inclusive	4	1	14	9	46
From 1781 to 1800 inclusive	4	10	24	23	91
From 1801 to 1821 inclusive	3	8	37	34	80
Total	37	37	146	119	328

Total number of peerages created, 667; of which 388 were created between 1761 and 1821. From 1830 to 1860, 153 peerages (including promotions) were created. From 1861 to 1870 inclusive, 50 peerages were created.—Parl. Return, No. 81, 1871.

5. There are seventy lords of Parliament not sitting by hereditary right.
6. There were also two peeresses, and the Prince of Wales, who is Duke of Rothesay.
7. There is also one peeress; and the King of Hanover is Earl of Armagh in the peerage of Ireland.

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