

Erskine May, Chapter V, pp. 316-326

Present Significance of the Aristocracy

Continued Political Power of the Lords

The subsequent history of the Lords attests their undiminished influence since the Reform Act of 1832. That measure [317] unquestionably increased the authority of the House of Commons. But the Lords have not shown themselves less independent in their judgment, or less free in their legislative action. It had previously been their function, not so much to originate legislation, and to direct the policy of the country, as to control, to amend, and to modify measures received from the Commons; and in that function, they have since laboured with as much freedom as ever. In 1835 and 1836, the Commons maintained that the principle of appropriating the surplus revenues of the church in Ireland, was essential to the settlement of the question of Irish tithes. Yet the Lords, by their determined resistance to this principle, obliged the Commons, and ministers who had fought their way into office by its assertion, definitively to abandon it. They exercised an unconstrained judgment in their amendments to the English Municipal Reform Bill, which the Commons were obliged reluctantly to accept. They dealt with the bills for the reform of the Irish corporations, with equal freedom. For four sessions their amendments,—wholly inconsistent with the principles of legislation asserted by the Commons,—led to the abandonment of those measures. And at length they forced the Commons to accept amendments, repugnant to the policy for which they had been contending. Again, they resisted, for several years, the removal of the Jewish disabilities,—a measure approved by the settled judgment of the Commons and the people; and obliged the advocates of religious liberty to accept, at last, an unsatisfactory [318] compromise. But these examples of independence are thrown into the shade by their proceedings in 1860, when,—treading upon the forbidden ground of taxation, they rejected a bill which the Commons had passed,—as part of the financial arrangements of the year,—for repealing the duties upon paper. The controverted question of privilege involved in this vote, will be touched upon hereafter; but here it may be said, that the Commons have ever been most jealous of their exclusive rights, in matters of supply and taxation; and that their jealousy has been wisely respected by the Lords. But, finding a strong support in the Commons,—an indifferent and inert public opinion,—much encouragement from an influential portion of the press,—and a favourable state of parties,—the Lords were able to defy at once the government and the Commons. There had been times, when such defiance would have been resented and returned; but now the Lords, rightly estimating their own strength, and the causes by which retaliation on the part of the Commons was restrained, overruled the ministers of the crown and the Commons, on a question of finance; and, by their single vote, continued a considerable tax upon the people. The most zealous champion of the independence of the peers, in 1832, would not then have counselled so hazardous an enterprise. Still less would he have predicted that it would be successfully accomplished, within thirty years after the passing of the Reform Act.

[319] In short, though the Lords were driven, in 1832, from an indefensible position, which they had held with too stubborn a persistence, they have since maintained their independence, and a proper weight in the legislature. It was admirably said by Lord Granville, on a recent occasion:(1) 'My Lords, you have power,—great power,—immense power—for good; but there is one power you have not; you have not, more than the House of Commons,—more than the constitutional sovereigns of this country,—more, I will add, than the despotic

sovereigns of some great empires, in civilised communities,—you have not the power of thwarting the national will, when properly and constitutionally expressed.'

As a legislative body, the Lords have great facilities for estimating the direction and strength of public opinion. Nearly every measure has been fully discussed, before they are called upon to consider it. Hence they are enabled to judge, at leisure, of its merits, its defects, and its popularity. If the people are indifferent to its merits, they can safely reject it altogether: if too popular, in principle, to be so dealt with, they may qualify, and perhaps neutralise it by amendments, without any shock to public feeling.

At the same time they are able, by their debates, to exercise an extensive influence upon the convictions of the people. Sitting like a court of review upon measures originating in the Lower House, they [320] can select from the whole armoury of debate and public discussion, the best arguments, and the most effective appeals to enlightened minds. Nor have there ever been wanting, amongst their numbers the first orators of their age and country.

Small Attendance in the Lords

But with these means of influence, the political weight of the House of Peers has been much affected by the passive indifference which it ordinarily displays to the business of legislation. The constitution of that assembly, and the social position of its members, have failed to excite the spirit and activity which mark a representative body. This is constantly made apparent by the small number of peers who attend its deliberations. Unless great party questions have been under discussion, the House has ordinarily presented the appearance of a select committee. Three peers may wield all the authority of the House. Nay, even less than that number are competent to pass or reject a law, if their unanimity should avert a division, or notice of their imperfect constitution. Many laws have, in fact, been passed by numbers befitting a committee, rather than the whole House.(2) That the judgment of so small a number should be as much respected as that of the large bodies of members who throng the House of Commons, can scarcely be expected.

[321] A quorum of three,—though well suited for judicial business, and not wholly out of proportion to the entire number of its members, in the earlier periods of its history,—has become palpably inadequate for a numerous assembly. That its members are not accountable to constituents, adds to their moral responsibilities; and should suggest safeguards against the abuse of the great powers which the constitution has entrusted to them.

The indifference of the great body of the peers to public business, and their scant attendance, by discouraging the efforts of the more able and ambitious men amongst them, further impair the influence of the Upper House. Statesmen who have distinguished themselves in the House of Commons, have complained, again and again, of the cold apathy by which their earnest oratory has been checked in the more patrician assembly. The encouragement of numbers, of ready sympathy, and of warm applause, are wanting; and the disheartened orator is fain to adapt his tone to the ungenial temperament of his audience. Thus to discourage public spirit, and devotion to the great affairs of state, cannot fail to diminish the political influence of the House of Lords.

The inertness of the House of Lords has produced another result prejudicial to its due influence in public affairs. It has generally yielded, with an indolent facility, to the domination of one or two of its own members, gifted with the strongest wills. Lord Thurlow, Lord Eldon, the Duke of Wellington, and Lord Lyndhurst, have [322] swayed it, at different times, almost with the power of a dictator. Such men had acquired their activity and resolution in a different school from that of an hereditary chamber; and where peers by hereditary descent, like the Earl of Derby, have exercised an equal sway, they have learned how to lead and govern men, amidst the more stirring scenes of the House of Commons. Every assembly must have its

leaders: but the absolute surrender of its own judgment to that of a single man,—perhaps of narrow mind, and unworthy prejudices,—cannot fail to impair its moral influence.

Social Significance of the Peerage

Such, then, are the political position of the House of Lords, and the causes of its strength and weakness, as a part of the legislature. The peerage is also to be regarded in another aspect, as the head of the great community of the upper classes. It represents their interests, feelings, and aspirations. Instead of being separated from other ranks in dignified isolation, it is connected with them by all the ties of social life. It leads them in politics: in the magistracy: in local administration: in works of usefulness, and charity: in the hunting-field, the banquet, and the ballroom.

The increase of the peerage has naturally extended the social ramifications of the aristocracy. Six hundred families ennobled,—their children bearing titles of nobility,—allied by descent or connection with the first county families, and with the wealthiest commoners of other classes, have struck their roots far and wide into the soil of [323] English society. In every county their influence is great,—in many paramount.

The untitled landed gentry,—upheld by the conservative law of primogeniture,—are an ancient aristocracy in themselves; and the main source from which the peerage has been recruited. In no other country is there such a class,—at once aristocratic and popular, and the bond of connection between the nobles and the commonalty.

The Baronetage and Knights

Many of these have been distinguished by hereditary titles,—inferior to nobility, and conferring no political privileges; yet highly prized as a social distinction. The baronetage, like the peerage, has been considerably increased during the last century. On the accession of George III., there were about five hundred baronets; (3) in 1860, they had been increased to no less than eight hundred and sixty.(4) During the sixty years of a single reign, the extraordinary number of four hundred and ninety-four baronetcies were created.(3) Of these a large number were conferred for political services; and by far the greater part are enjoyed by men of family and fortune. Still the taste for titles was difficult to satiate.

The ancient and honourable dignity of knighthood [324] was conferred unsparingly by George III. upon little men for little services, until the title was well nigh degraded. After the king's escape from assassination at the hands of Margaret Nicholson, so many knighthoods were conferred on persons presenting congratulatory addresses to the crown, that 'a knight of Peg Nicholson's order' became a by-word. The degradation of knighthood by the indiscriminate liberality of the crown in granting it, continued until a recent time.

Still there were not knighthoods enough; and in 1783 the king instituted the Order of St. Patrick. Scotland had its most ancient Order of the Thistle: but no order of knighthood had, until that time, been appropriated to Ireland. The Hanoverian Guelphic Order of Knighthood had also been opened to the ambition of Englishmen; and William IV., during his reign, added to its roll a goodly company of English knights.

The Order of the Bath, originally a military order, was enlarged in 1815; and again in 1847, the queen added a civil division to the order, to comprise such persons as by their personal services to the crown, or by the performance of public duties, have merited the royal favour.

Other Classes Associated with the Aristocracy

Besides these several titled orders, may be noticed officers enjoying naval and military rank,

whose numbers were extraordinarily augmented by the long war with France, and by the extension of the British possessions abroad. Men holding high offices in the state, the church, [325] the law, the universities, and other great incorporations, have also associated their powers and influence with those of the nobility.

The continual growth and accumulation of property have been a source of increasing strength to the British nobles. Wealth is, in itself, an aristocracy. It may desire to rival the nobility of a country, and even to detract from its glory. But in this land of old associations, it seeks only to enjoy the smiles and favours of the aristocracy,—craves admission to its society,—aspires to its connection,—and is ambitious of its dignities. The learned professions, commerce, manufactures, and public employments have created an enormous body of persons of independent income; some connected with the landed gentry, others with the commercial classes. All these form part of the independent 'gentry.' They are spread over the fairest parts of the country; and noble cities have been built for their accommodation. Bath, Cheltenham, Leamington, and Brighton attest their numbers and their opulence.(5) With much social influence and political weight, they form a strong outwork of the peerage, and uphold its ascendancy by moral as well as political support.

The professions lean, as a body, on the higher ranks of society. The Church is peculiarly connected with the landed interest. Everywhere the clergy cleave to power; and the vast lay patronage vested in the proprietors of the soil, draws close the bond between them and the Church. The [326] legal and medical professions, again, being mainly supported by wealthy patrons, have the same political and social interests.

How vast a community of rank, wealth, and intelligence do these several classes of society constitute! The House of Lords, in truth, is not only a privileged body, but a great representative institution,—standing out as an embodiment of the aristocratic influence, and sympathies of the country.

Footnotes.

1. 14th June, 1869, on moving second reading of Irish Church Bill. 196 Hans. Deb., 3rd Ser., 1656.
2. On April 7th, 1854, the Testamentary Jurisdiction Bill was read a third time by a majority of two in a house of twelve. On the 25th August, 1860, the Tenure and Improvement of Land (Ireland) Bill, which had occupied weeks of discussion in the Commons, was nearly lost by a disagreement between the two Houses; the numbers, on a division, being seven and six. See also Bentham, *Political Tactics*, Bowring's ed., ii. 308.
3. Betham's Baronetage. *Gentl. Mag.*, lix. 398.
4. Viz., six hundred and seventy-four baronets of Great Britain, one hundred and eleven baronets of Scotland and Nova Scotia, and seventy-five of Ireland., This number is from 1761 to 1821; from a paper prepared by the late Mr. Pulman, Clarencieux King-at-Arms.
5. Bath has been termed the 'City of the Three-per-cent. Consols.'

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