CHAPTER III

THE HOUSE OF LORDS

The democratic development of the representative House, as it has been described in the preceding chapter, could not but affect the position of the House of Lords. The theory of the constitution which was held in the eighteenth century has, it is true, never been formally abandoned, and it is still the orthodox and official faith that the three powers in the State are equal and co-ordinate. In practice, however, it is generally admitted that the predominance rests with the Commons, and the only question at issue is whether or to what extent their absolutism should be checked by the Upper House. The theory that all power proceeds from the people, though it has never been embodied in any public act, has come to be tacitly accepted by all parties, not indeed as an eternal and absolute truth, but as a convenient expression of the practical conditions of government in England, as in the majority of Western States. The peers no longer stand upon their rights as an independent and co-ordinate estate; they recognise that the 'will of the people,' when once it has been really pro-

nounced, must be law; and if they oppose the Commons, they do so ostensibly on the ground that the representative House is misrepresenting the nation. This position has become so familiar to us that we hardly pause to observe that it implies a revolution in the theory of the constitution. The same system which served, during the eighteenth century, as the instrument of aristocratic government has become, without any change in its forms, the vehicle of democracy; and the supremacy which used to be vested, indirectly at least, in the Lords, has been transferred by an invisible process to the Commons.

Under the new conditions, however, the system does not work as smoothly and harmoniously as before. The predominance of the Lords over the Commons was secured by indirect representation in the Lower House; that of the Commons over the Lords is secured only by superior force. And the consequence is that from the date of the Reform Act of 1832 the two powers have been frequently at issue; and though with the increasing popularity of the representative House it has become increasingly necessary for the peers to yield, yet they have still sufficient power of resistance to make their relation to the Commons difficult and strained.

All this was clearly foreseen by the Tories of 1832, though it was characteristically ignored by their Whig opponents. Recognising that

the working of the constitution hitherto had only been made possible by the supremacy in both Houses of a single homogeneous class, they perceived that to discriminate the Lords and the Commons as really independent powers must lead to intolerable friction, if not to the stoppage of the whole machine. 'There is no man,' said the Duke of Wellington, 'who considers what the government of the King, Lords, and Commons is, and the details of the manner in which it is carried on, who must not see that government will become impracticable when the three branches shall be separate, each independent of the other, and uncontrolled in its action by any of the existing influences.'[1] The prediction has been verified in the spirit if not in the letter. Government has not become impracticable, but it has become much more difficult than it was. Bills passed by the Commons have been constantly rejected or remodelled by the Lords, and so strong has the antagonism become at last between the two powers that the party which claims to be the popular one stands committed to the summary abolition of the veto of the Upper House.

The conflict began immediately after the first Reform Act. As early as 1834 the earliest proposition was made for a reform in the constitution of the House of Lords, by 'relieving the arch-

[1] Hansard, vol. vii., p. 1202.

bishops and bishops of the Established Church from their legislative and judicial duties' in that assembly. The benevolent suggestion was offered by the nonconformists, and was directed against the Church rather than against the peers. But in other quarters and on other grounds hostilities had already commenced. The opposition of the Lords to a number of measures passed by the Lower House had culminated in the amendments to the Bill for the reform of the English corporations (1835). The Government on this occasion yielded, reluctantly enough; and the Radicals were provoked to language which anticipated the rhetoric of 1894. The House of Lords, they declared, was 'an irresponsible body—a body with interests wholly opposed to those of the nation;' by it the people were 'checked, thwarted, insulted, trampled on, scorned and absolutely derided;' an 'unjust and selfish oligarchy' could no longer be allowed to defy 'the unanimous feelings and opinions of the people;' and while the peers retained their power, peace was impossible for England.[1] So strained indeed, at this period, were the relations between the two Houses, that not only Radicals, but even members of the Upper House itself doubted the possibility of the maintenance of its powers. The Duke of Richmond declared to Greville that he 'thought the House

[1] See Speeches of Roebuck and of O'Connell, Hansard, vol. xxx., pp. 1162 seq.

of Lords was nearly done for;'[1] Lord Lyndhurst said there was 'no chance of their surviving ten years;'[2] and Lord Abercromby thought it hopeless that 'any body of men should recover from the state of contempt into which they have fallen.'[3]

Yet the peers not only survived the crisis, but to such an extent recovered their position that, thirty years later, Bagehot could declare, with axiomatic dogmatism, that 'few things are less likely than an outbreak to destroy the House of Lords,' and that the real danger is that it will decline and atrophy by virtue of the very security of its position.[4] This, however, was a prophecy as ill-grounded as the former. The enlargement of the electorate by the Act of 1867, and the more vigorous Radical action consequent thereon, brought into relief once more the latent antagonism of the two Houses, until at last, in 1884, they came to an open and angry rupture. The Lords refused to pass the Franchise Bill of that year until they had before them the scheme of redistribution. Their attitude roused a storm of indignation. Mr. Gladstone quoted Shakespeare in the House;[5] Mr. Morley hit off the famous assonance, 'mend or end;'[6] the National Liberal Federation declared, in the style it has made its own, 'that the refusal

[1] Greville, *Journal of Reigns of George IV. and William IV.*, vol. iii., p. 288.

[2] *Ibid.* p. 313. [3] *Ibid.* p. 291.

[4] *English Constitution*, No. 4, and Introduction to 2nd edition.

[5] Hansard, vol. cclxxxix., p. 1432.

[6] *Annual Register*, 1884, p. 156.

by the selfish majority of an irresponsible and non-representative body to give effect to a measure of enfranchisement approved by a great majority of the House of Commons, and finally passed by that House without a dissentient vote, is an unjustifiable and intolerable exercise of the powers of revision entrusted to the House of Peers, and is a direct challenge for the commencement of a conflict which shall never cease until the legislative functions of the second chamber are so changed as to bring them into harmony with the principles of popular and representative government;'[1] finally, Mr. Labouchere moved in the House, 'that in view of the fact that the Conservative party is able, and has for many years been able, through its permanent majority in the House of Lords, to alter, defeat, or delay legislation, although that legislation has been recommended by the responsible advisers of the crown and approved by the nation through its elected representatives, it is desirable to make such alterations in the relation of the two Houses of Parliament as will effect a remedy to this state of things.'[2] The dispute was settled at last by a compromise, regarded by Liberals as a 'capitulation of the peers to the people,'[3] and by Tories as a capitulation of the people to the peers. But the House of Lords had received, as we are informed, 'a respite not a pardon;'[4] and a few

[1] *Seventh Report*, p. 16. [2] Hansard, vol. ccxciv., p. 141.
[3] *Eighth Report of the National Liberal Federation*, p. 11.
[4] *Ibid.* p. 12.

years later, in 1891, we find the 'mending or ending' of them adopted on to the famous Newcastle programme. In 1893 they threw out the Home Rule Bill; and in 1894 the Liberal conference, at Leeds, passed a resolution in favour of abolishing their veto. The country, it is true, shows little inclination to endorse the proposition; but the fact that it has been adopted by the delegates of one of the great party organisations is significant of the changed relation between the representative and the hereditary powers. The peers, who before the Reform Act were the pivot of government, have been thrust by the expansion of the Commons into a position so insecure that the question raised is no longer whether they shall retain a predominant influence, but whether they shall have any share in the government at all; and what was once an essential organ in an association of three powers is supposed to be declining to the condition of a rudiment in a simple democratic State.

Such a supposition, however, is somewhat premature. It is based primarily on the conviction that the hereditary principle is incompatible with the principle of popular representation. This may, or may not, be true; but in itself it would not weigh much with a people so indifferent to logic, and so devoted to tradition, as the English. The further, and more serious, ground for a belief that the position of the House of Lords is becoming

untenable is contained in the constantly reiterated charge that they have acted since 1832—and that they are likely to continue to act—in the spirit not of a national assembly, but of a narrow and self-regarding caste. From this point of view, it may be of importance briefly to survey and to characterise their action from the date of the first Reform Act onwards.

The key to the policy of the Upper House during the period with which we are concerned is to be sought in their historical position. While the character of the House of Commons has been transformed by successive modifications of the constitution, the Lords have preserved, or, at least, have been more reluctant to modify, the traditions and preconceptions of the old governing class. As the natural champions of the aristocratic power, of which they were the hereditary representatives, they opposed with all their force the Reform Bill of 1832, and only yielded at last on the direct intervention of the crown. In so doing they simply did their duty. They foresaw that the Bill, if it passed, would lead in the end to democracy, and they believed that democracy would be the ruin of the State. Their action at this crisis, whatever may be thought of its political expediency, was, at any rate, appropriate and consonant to the position they held. It is only after the passage of the Bill that the question begins to arise whether they were adapted to their new place in the State. For

the Reform Act involved, as we have seen, the advent of democracy, and therefore of all that democracy implies—that is to say, the abolition of privilege in Church and State, and a consequent breach with 'established institutions and prescriptive rights.' But it was precisely privilege that the peers were there to represent. By their birth, by their traditions, by their instincts, by their achievement in the past, by all that was good, as well as by all that was bad, in them, whether as private individuals or as a class, they were attached to the ideas and institutions of the eighteenth century. The Order to which they belonged had kept the peace of England at home, and built up her empire abroad; it had presided over an era dignified and great in literature and art as well as in statesmanship; it had enjoyed and improved magnificent wealth without any relaxation of force, and without ever forgetting, in the possession of undisputed power, the feudal and patriarchal duties which were the complement of privilege. That an Order with such a record of achievement should be destined to pass away, that its knell was already sounding in 1832, was an idea which an aristocracy so capable and so strong could hardly be expected to admit. The Reform Act they felt was dangerous; but they were determined it should not be fatal. To the democratic transformation which the House of Commons permitted rather than achieved, they opposed the impressive mass of a

great tradition. The rights of property, the rights of classes, the rights of an Established Church were the very foundations of the structure which their Order had raised and maintained, and to the defence of these they rallied with the tenacity and the zeal not merely of self-interest, but of public faith.[1]

But this action of the Lords, though intelligible enough, came in the course of events to be less and less adapted to the new situation of affairs. The House of Commons was converting itself into a popular assembly, and it followed as a corollary that the peers, if they were to be in harmony with the new conditions, must come to be regarded and to regard themselves, not as a separate estate, but as one of the organs of a democratic polity. But this would involve a reversal of their whole point of view. Instead of conceiving themselves as the representatives of the old governing class, and therefore opposed on principle to the new theory of the State, they would have to accept that theory, with all that it involved, and apply themselves merely to the con-

[1] It is curious to note how naturally it has been assumed by people of all opinions that the House of Lords is and must be the champion of 'prescription.' Thus, for example, in the *Annual Register* of 1868 we find the following sentence, which is the more significant from its matter-of-course unconsciousness:—'It was never supposed that the Upper House of Parliament—the natural guardian of established institutions and prescriptive rights—would at the very first assault surrender the defence of an establishment which, whatever might be its demands or defects, rested its proprietary claims on the basis of ancient and recognised possession.'—*A. R.*, vol. clxviii., p. 106.

sideration of the best means to its realisation. That they did not, and could not, immediately adopt such a course is the less a matter for surprise that even the representative House, as we saw, did little more than drift. But the result has been that, in the retrospect, on certain questions during the past sixty years, the House of Lords has appeared as the champion of the past against the future; and that, owing to its origin, tradition, and ideal, it has been slow in adapting itself to the duties of the new position into which it has been driven by the logic of events.[1]

As soon, however, as the situation has been seized from this point of view, the wonder appears to be, not that there has been antagonism between the Lords and the Commons, but that the antagonism has not been more emphatic and pronounced. It is, in fact, exactly on the point where opposition was most to be expected that the Upper House has made the least resistance. The democratisation of the House of Commons was the one essential change which has involved, and is involving, every other; yet against that change the House of Lords since 1832 has scarcely even raised a voice of protest. The Bill of 1867

[1] The case against the House of Lords has been well stated (1) by Mr. Bowen Graves in the *Fortnightly Review*, vol. xiii. (n.s.), 1873; (2) in a series of articles from the *Pall Mall Gazette*, re-published in 1881 (Macmillan), and in 1894 (*Review of Reviews* office) under the title *Fifty Years of the House of Lords*; (3) by Mr. T. A. Spalding in his book, *The House of Lords* (1894).

emerged from the Commons radically transformed; every check and restriction had been swept away; household suffrage, pure and simple, was established in the boroughs, with the inevitable corollary of its extension later to the counties. Now, if ever, was the time for the Lords to assert their prerogative. The settlement of 1832, guaranteed as final, was being disturbed; the breach was being widened for the admission of the democracy whose principle was incompatible with their own; all their traditions, all their prejudices, their very conception of the State, called upon them to resist the innovation. And what do they do? They recommend to the Commons the rights of minorities, the use of voting-papers, and the restriction of the copyhold qualification in the counties to the figure originally adopted by the Government. Household suffrage in the boroughs they pass unchanged; the 10*l.* suffrage in the counties they pass unchanged; and the only amendment which they actually succeed in introducing into the Act is the one which was intended to protect the minority in four large towns, and which was so far from being opposed to the principle of democracy that, as was clear to the more intelligent Radicals, no true democracy is possible without it.

That an aristocratic House, representing the traditions of a great governing class, should acquiesce in a measure so fatal to their own

ascendancy is one of the paradoxes of history. No doubt, like other paradoxes, it may be easily explained. The measure was introduced by a Conservative government; its implications, if they were certain, were remote; and, above all, the battle that might have been fought in 1867 had been already fought and lost in 1832. All this may be admitted, but still the fact remains that a great extension of democracy was accepted without demur by the aristocratic House, and that, if there is any charge to be brought against the Lords in connection with this Bill, at least it is not by Liberals that it should be preferred.

And precisely the same phenomenon recurs in 1884. Liberals may affect indignation at the conduct of the peers at this crisis; but to the historian nothing can be more reasonable than their attitude. As in 1867 so in 1884 they made no opposition to the extension of the franchise; they merely desired that the scheme of extension should be accompanied by that of redistribution, and refused to approve the one before they had ascertained the character of the other. The position was perfectly sound. It is impossible to judge of the effect of an extension of the franchise until it is known how the new electors are to be grouped, and the Lords were merely taking just precautions against the gerrymandering of the constituencies. But that it was not against the

principle of extension that their opposition was urged is clear from the fact that as soon as their scruples on the question of redistribution were met they passed the Franchise Bill without demur. The democratisation of the Commons was completed at a stroke without a protest against the principle from the aristocratic House.

Only on one point, in fact, have the Lords attempted to oppose the transformation of the Lower House. That point is the ballot. The first Bill sent up to them they rejected; the second they endeavoured to destroy by the insertion of a clause to make secrecy optional. But there were many friends to democracy who were hostile to the ballot, notably the Radical John Stuart Mill. And though it is easy now to look back and say that the Lords were wrong, it does not follow that their motives were sinister. In any case their opposition on this subsidiary point does not affect the broad general truth, that so far as the constitution of the House of Commons is concerned no serious attempt was made by the peers to check the progress of democracy. Doubtless they did not approve the transformation, but neither did they venture to oppose it. If their attitude has not been dignified, neither has it been obstructive; and it is rather from the Tory than the Liberal side that it is open to hostile criticism.

So far then and on this, the most fundamental point of all, we find the Lords abandoning their

own tradition, and frankly accepting the principle of the modern era. But they were far from accepting all that it involved; and with regard to one class of questions especially—questions ecclesiastical—they clung with such tenacity to the old ideal, that it is about these that the conflict between the two Houses has been most continuous and keen.

The intimate union of Church and State had been from the date of the Revolution an essential condition of the aristocratic system. The government, which was originally established to preserve and perpetuate the Protestant interest, had maintained as long as it could the disabilities of Dissenters as well as of Roman Catholics; and though it had been driven to abandon the chief of these before 1832, yet the supremacy of the Established Church was still maintained. Upon it the State was supposed to rest, and those who were outside its communion, though doubtless they might be good and honest citizens, were yet regarded as alien in principle to a society based upon bishops and tithes. This view, which was strongly represented even in the reformed House of Commons, has dominated the Lords all through the century. Though the principle of the system of exclusion had been definitely abandoned with the emancipation of the Catholics, yet its tradition still possessed the aristocratic House; and there are no questions on which the Lords and the Commons have been

so long and bitterly opposed as those which concern the position of the Established Church.

So far as England is concerned the conflict has centred round two main points—the admission of Dissenters to the universities and the removal of the disabilities of the Jews. The universities had long been identified with the political and religious system of the time. They were regarded as nurseries of the statesmen, the men of learning, and the clergy who were to support and recruit the ranks of the governing class. And so unreservedly had this idea of their functions been received that we find the Chancellor of Cambridge stating in the House of Lords that 'the universities had been founded by pious persons for the education of members of the Established Church, and, above all, for the education of those who were to be ministers of that Church.'[1] The exclusion of Dissenters was thus a direct corollary of the established theory, and to admit them would be to confess that the theory had ceased to hold. That confession the Commons made as early as 1834, when they passed a Bill admitting Dissenters to the universities and to all degrees except that of divinity. But the Lords, in accordance with the traditions of their order, held to the old view. The fundamental conception on which the aristocracy had based their power had been supported and maintained through the agency of the Established

[1] *Annual Register*, 1834, p. 194.

Church, and more particularly through that of the universities. To secularise these, to set education free, was to open the way to a complete transformation of society. From dissent the road led straight to indifference and atheism. Every institution, every tradition, every convention and habit would be tried by new and constantly shifting tests. The Church would fall; the constitution would collapse; society itself would be dissolved.

These prognostications, it must be admitted, at bottom were sound enough. That the beginning of change does inevitably lead to the end has always been as patent to Tories as it has been obscure to Whigs. The Church, as the aristocracy had conceived it, the constitution as they had understood it, society as they had ordered it, were undoubtedly threatened by the new departure, and as representatives of the eighteenth century they were bound to resist the change. They did resist as long as they could or dared. They rejected the Bill of 1834; and though by the Acts of 1854 and 1856 Dissenters were admitted to the B.A. degree, they were still excluded from the prizes and professorships and from the governing bodies both of the universities and the colleges. In 1867, 1869, and 1870 Bills were sent up to the Lords to remove these remaining disabilities, and on each occasion were either rejected or postponed. It was not till 1871 that the peers were induced to yield, and even then an attempt was made to introduce

a new test in part compensation for that which was being removed.

The same hereditary attachment to the eighteenth century ideal inspired the Lords in their attitude towards the Jews. Alone of all religious sects the Jews still remained excluded from all political privileges, and that exclusion the Lords were determined to maintain. A State which was based upon the Established Church *a fortiori* was based upon Christianity, and peers and bishops united in zeal for the rejection of a Bill whose passage would imply that the legislature was indifferent to the Christian faith. The Jews, it was said, were under God's curse, and should therefore continue under man's; they intended to return to the Holy Land, and must therefore be bad citizens. Respectable they might be as individuals, beloved as brother men, but citizens —no, and no, and a thousand times no![1] Six times the Bill for removing their disabilities was sent up to the Lords; six times it was rejected; and it was not till 1858 that the conflict was brought to a close by the submission of the Upper House.

In the attitude of the Lords towards this particular question of the Jews there is something a little farcical and unreal,[2] but their general

[1] Hansard, vol. xx., p. 235.

[2] Yet only, perhaps, in the retrospect. For so sane a man as Dr. Arnold writes, in 1836, 'I want to petition against the Jew-Bill. I would thank the parliament for having done away with distinctions

position is intelligible enough. And if intelligible in English affairs, still more so in those of Ireland, for there, even more than in England, the union of Church and State had been the cardinal point of English policy. There the religious question was complicated by that of race, and the cause of the church was also that of a dominant and alien class. From the Revolution onward the whole energies of the government had been aimed at nothing less than the extirpation of the Catholic faith, and though the last entrenchments of that policy had been abandoned in 1829, the government of Ireland continued to depend upon the supremacy of the Protestant sect. That supremacy, therefore, it was only to be expected that the Lords, representing the eighteenth century tradition, should regard as the essential point to be maintained. Hence, primarily, their opposition in 1836 to the Bill for the reform of the Irish corporations. It was to secure and promote the Protestant interest that these bodies had been formed. But now, by the new Bill, it was proposed to throw them open to a 5*l.* franchise, to transfer them thereby, as the opposition maintained, to the control of the Catholics, and to make every town in Ireland a centre of disaffection to English rule. The Lords, while admitting that the old corrupt corporations

between Christian and Christian; I would pray that distinctions be kept up between Christians and non-Christians. Then I think that the Jew has no claim whatever of political right.'—*Life and Correspondence of T. Arnold*, vol. ii., p. 28, ed. 1881.

should be swept away, refused to sanction so revolutionary a scheme, and though they conceded at last the principle of popular election, yet by fixing the franchise at 10*l.* they excluded the bulk of the Catholic population.

The controversy about municipal reform extended from 1835 to 1840, and was closely connected with the question of the revenues of the Irish Church. The government, in connection with their Bill for rearranging the system of tithe, had decided to appropriate an expected surplus to secular purposes. The proposition was regarded by the Tories as an attack on the Protestant Church. It was rejected again and again by the House of Lords, until at last, in 1838, the government were compelled to yield, and to omit from their Bill the objectionable clause.

The respite, however, was only temporary. In 1868 Mr. Gladstone brought in a Bill implying the disestablishment of the Irish Church, and once more the Lords rallied to its support. On this occasion they were supported not only by the general tradition of English policy, but by the terms of the Act of Union.[1] Whig and Tory statesmen alike had recognised in the Established

[1] The article is as follows :—'That the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called "The United Church of England and Ireland"; and that the doctrine, worship, discipline, and government of the said united Church shall be, and shall remain in full force for ever, as the same are now by law established for the Church of

Church an essential guarantee of the English supremacy, and its abandonment was, in fact, a revolution in Irish policy. The matter for surprise is, therefore, not that the Bill was opposed by the Lords, but that their opposition was so weak. They rejected by a large majority the Suspensory Bill of 1868, but the very next year they consented to the disestablishment and disendowment of the Church the alienation of a part of whose revenues they had successfully resisted thirty years before.

So far, what we have found in the action of the Lords is not the interest of a caste asserting itself in indifference to, and to the detriment of the national good, but rather a conception of the national good itself, at variance with that which the Commons were adopting, and which is coming to be accepted as that of the modern State. The Lords, in fact, have lagged behind instead of anticipating the course of events; they have performed what in the opinion of many is the function of a second chamber—to put a brake upon the wheel of progress; and for so doing they are open, no doubt, to criticism, but not to abuse.

But there is another class of questions—those connected with property, with regard to which they might be expected to have incurred a more serious

England, and that the continuance and preservation of the said united Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union.'

charge. For it cannot be forgotten that the House of Lords is essentially a house of landlords, and that their private and personal interest, no less than their inherited conception of the State, would make them the natural champions of property. And there have been occasions when they have frankly adopted this principle. Thus, for example, in 1835, on the occasion of the Bill for municipal reform, when the Commons swept away without compensation the privileges of certain persons, who were, or under the old system would have become, freemen of the corporations, the Lords rallied to the defence of vested rights, and the Earl of Haddington in a characteristic speech 'expressed his astonishment at hearing such loose notions regarding property from a first minister of the crown. It should be enough (he said) for the House that what was now in question was property. . . . No untried theories should induce the House to consent to what was neither more nor less than plunder and spoliation.' [1]

From these and from similar utterances, a presumption might naturally be formed that in cases where property, and especially landed property, is involved, the tendency of the House of Lords must be to sacrifice the interest of the nation to that of their own class; and it is commonly assumed by Radicals that this, in fact, is what has constantly occurred. There is however one event, not often

[1] *Annual Register*, 1835, p. 276.

referred to in discussions about the Upper House, which of itself refutes any such general assumption; that event is the repeal of the Corn Laws. This measure, introduced by a Conservative minister and carried in the Commons by the votes of landed proprietors, was passed on the second reading in the Lords by a majority of nearly 100. Here is a remarkable fact which no 'explanation' can explain away. The Bill, it may be said, was introduced by a Conservative minister. Undoubtedly; but why did not the peers desert him, as he was deserted by a portion of his adherents in the Commons? Were they afraid of the Anti-corn-law League? The League, no doubt, was strong; but no one who has read the memoirs of Sir Robert Peel will imagine that the agitation it had raised was really the determining factor in the decision either of the minister or of his followers in the Lords.[1] The fact is that Peel had become convinced of the justice and the utility of the measure, and that the majority of the peers, yielding to his judgment, were willing to incur what might prove to be a serious pecuniary loss for the sake of what they conceived to be the interest of the nation. Reference may be made, in particular, to the characteristic attitude of the Duke of Wellington. In a memorandum addressed to Peel on November 30, 1845, after

[1] See the letter of Peel to the electors of Tamworth (*Memoirs*, vol. ii., p. 102), and also the letter of Lord Mahon (*Ibid.* p. 260), and the memorandum of the Duke of Wellington, quoted in the text below.

declaring himself frankly to be 'one of those who think the continuance of the Corn Laws essential to the agriculture of the country in its existing state and particularly to that of Ireland,' he goes on to say:

'In respect to my own course, my only object in public life is to support Sir Robert Peel's administration of the government for the Queen.

'A good government for the country is more important than Corn Laws or any other consideration; and as long as Sir Robert Peel possesses the confidence of the Queen and of the public, and he has strength to perform his duties, his administration of the Government must be supported.

'My own judgment would lead me to maintain the Corn Laws. Sir Robert Peel may think that his position in parliament and in the public view requires that the course should be taken which he recommends; and if that should be the case, I earnestly recommend that the Cabinet shall support him, and I for one declare that I will do so.'[1]

Whatever may be thought of the wisdom or the consistency of the position thus set forth, no one can question its absolute disinterestedness. The Duke believed that the repeal of the Corn Laws would be disastrous to the agriculture of the country, and therefore to the property of the class to which he belonged; but he waives that con-

[1] *Memoirs*, vol. ii., p. 198. The Duke of Buccleugh took a similar position. *Ibid.* p. 254.

sideration in deference to what he conceives to be the larger interest of the nation. This is a phenomenon that cannot be ignored by those who persistently maintain that the action of the House of Lords has been dominated exclusively by class motives. The repeal of the Corn Laws is probably the most important measure of the century; it is that which has most profoundly affected the position of the landed aristocracy; and it was passed by an Upper House, composed of landlords, on its first introduction by a large majority. Those who wish to realise the significance of this fact may try to imagine the probable action of a second chamber composed of cotton-manufacturers on a proposition to impose a duty on the import of cotton into India.

But there is another question, of the first importance, in connection with which it is maintained that the House of Lords has acted in the spirit of a narrow and self-regarding class. That is the question of the tenure of land in Ireland. A series of measures passed by the Commons in the interest of the tenant have been rejected or amended by the Lords in the interest of the landlord; and it is on this fact that the charge in question is based. The fact, no doubt, broadly speaking, is correct. But, on the other hand, it might be replied that, in spite of the action they have taken, this House of landlords, as the net result of the whole course of the legislation, have

submitted to an interference with the 'rights of property' in the case of Irish land which would hardly be tolerated in the case of any other property by any but the extremest section of the Radical party. Whether in particular cases they have been well-advised in the action they have taken could only be decided by such a minute investigation of all the Bills sent up to them, in connection with the whole condition of Ireland, economic and political, as would be more than sufficient to occupy the lifetime of a specialist. Meantime, it can only be said that the Liberal indictment, however plausible *primâ facie* it may appear, still awaits the verdict of history.

On the whole, then, a survey of the action of the Lords, from 1832 onwards, does not appear to have borne out the popular impression that they have been dominated by the narrow spirit of a caste. What it does show is that they have lagged behind the Commons in their willingness to substitute for the national ideal of the eighteenth century that which is probably destined to govern the twentieth. This attitude I conceive to be almost an inevitable corollary of their constitution, and therefore to be one which is likely to characterise them not less in the future than it has done in the past. From this admission Liberals would conclude to the summary abolition of their powers; but I do not think that the conclusion follows. For the extent to which we are prepared to support

the House of Lords, either as it is at present constituted or as it may be reformed, must depend upon our estimate of the House of Commons ; and the question before us is not merely whether we altogether admire the constitution and action of the Upper House, but whether the dissatisfaction we feel is so grave, and our confidence in the representative House so complete, that we shall be willing to entrust the latter with the monopoly of government.

In order to answer this question we must endeavour to form some idea of the kind of problems that are likely in the future to come before the House of Commons, and the kind of spirit in which it is likely to deal with them. We will turn, therefore, to examine the course of opinion among the working class who form the majority of the nation, and whose ideas, it may be supposed, will influence the policy of the future. We shall then be in a better position to consider, from a national point of view, some at least of the bearings of the issue between the two Houses.