The English Parliament: its origin, growth and functions

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[*A lecture delivered in the Zinoviev University, Petrograd.*]

THE BACKGROUND.

STUDENTS in this University of Zinoviev who are taking a course of lectures in European history, and who are, as I understand from your teacher, at present considering the period which marks the conclusion of the Middle Ages, i.e., from the 13th to the 15th century, albeit they may be of the feudal order in Germany, a country both nearer to Russia geographically and traditionally, than is my country, will doubtless be interested to learn something concerning that institution of Parliament which, in precisely that epoch, struck its roots into the insular life of England. They will be the more interested to hear from one who is himself a member, a Communist member, of Parliament what was the origin, what was the course of development, and what were and are the primary functions of that characteristically English institution. They will expect from him, not merely a statement of facts as to the main events and crises in the growth of that institution, but that he will elucidate, in the light of the Marxian theory of historical materialism, the underlying causes of those events.

Now, it is particularly important for Communists, disbelieving as they do in parliamentarism as a means of proletarian emancipation and the future vehicle of expression of the social will, that they should make a study of this form of political institution as manifested in its traditional country of origin, viz., England. It is important for them, whether they are Communists whose lot is cast in England or outside of it, at any rate, if they aspire to take an intelligent and active part in formulating or interpreting the policy of the International. England has, certainly, exerted a very considerable influence on the development of representative government in all parts of the world, and has been looked to by reformers of all grades of bourgeois political ideology as a source of inspiration and a fountain of instruction. The French Constitution of 1875, like the constitution of the present régime of the Third Republic, was modelled upon the English system of so-called parliamentary sovereignty. The Constitution of the United States, however erroneously those who framed it interpreted the fundamentals of the English system, was an endeavour to reproduce it. Exponents of bourgeois representative government have come from all over the world to study or, at any rate, to observe this prototype of their ideal assembly, the English Parliament.

The greatest authority on the Procedure of the House of Commons, was an Austrian scholar, Josef Redlich. His book, recommended and lent to me by the Speaker (or President) of the House, lies before me and therein I read these words so characteristic of the fetishism of English " parliamentarismus."

> " The parliamentary system of England is not only the pioneer and type of all modern representative constitutions; it remains to this day (1907) the ripest, the most spontaneous and the most stable realisation of the great conception of representative self-government."

Therefore, let us not consider it time unprofitably spent which we give to an examination of an institution in which I have the dubious honour of being the first elected representative of the Communist International, and whose demise I sincerely hope to witness in the not far distant future. The Parliament as it exists to-day, comprises the united parliaments of England and the neighbouring, and now united, Kingdom of Scotland, and the pitiful "loyalist" remnant of those formerly sent to parliament from the other united Kingdom of Ireland, now divided between the State of Northern Ireland and the Irish "Free" State.

I cannot attempt in a study such as this, and, in the time at my disposal, to discuss the historical difference between parliamentary forms in Scotland and England before the two countries achieved parliamentary union in 1707. Suffice it to say that they are to Marxists, very interesting and illustrative of the influence of material development upon political institutions. The relative immaturity of the Scottish parliament was the direct reflection of the social simplicity and economic under-development of the Scottish Kingdom. I might, moreover, say in passing, that the comparative study of social and political forms, which is possible in the history of the different parts of the United Kingdom of Great Britain and Ireland, affords a great field of enquiry for our Marxists, which, I regret to say, we have failed adequately to appreciate and to utilise.

I am going to confine my remarks to the portrayal of the rise of parliamentarism in England. It would not be in any sense correct to say that my country was the home of the bourgeois economy from which it spread out into other parts of Europe and the world, and yet it is true to say that it is the home of the typical form of bourgeois government. The reason for the early development and the continued existence of parliamentarism is to be found in the geographical fact of insularity, which secured to the English bourgeoisie the opportunity, without interruption, progressively to evolve their economy unhampered by invasion, and their political liberties free from the checks of those strong executive powers, which, in continental countries exposed to land warfare, everywhere grew up nurtured by and to defend the bourgeois economy, triumphant over the manorial or mark system of wealth production. Neither did the English parliament take its origin merely from the period when the capitalist economy asserted itself as against the earlier economy of production for local consumption within the mark, or by the lord and his tenants. It ante-dates the bourgeois conquest of English feudalism, although it did not become effective in its typical guise until the exchange of agricultural and handicraft products for money had proceeded some considerable distance.

PARLIAMENTARY ORIGINS.

Now, the English parliament consists of three parts—the Crown, i.e., the King or Queen, the House of Lords, and the House of Commons. These three together constitute Parliament whose correct designation is "the Most High Court of Parliament." Unless all three participate, either actually or nominally, there can be passed into law no "Act of Parliament." Each of the three parts constitute a corporate entity and is co-equal with each of its fellows In the beginning was the King. It is not essential that I should

explore the intricate details of Anglo-Saxon history to explain how the separate and petty Kingships and chieftainships were eventually consolidated into the Kingship of " the Sovereign Lord " of all the other lords whose free tenure of considerable estates, gave them political pre-eminence in the primitive English propertied society. Enough to state that some time between the eighth and eleventh century, England became a realm, having at its head a single monarch, from whom, in legal theory, all others held their land. The King in England, thanks to the fact that by the Norman Conquest of 1066, all the land was forfeited to the new ruler, managed to establish the theory, effective also in practice, that all sub-tenants, i.e., tenants of his immediate tenants, i.e., owed loyalty to him and not merely to their immediate over-lord. This was of the greatest importance in checking, at the earliest stages, the tendency to particularism which the great lordships of the German Empire and the Kingdom of the Capets in France so conspicuously displayed, and which, centuries afterwards, led in the one country to extreme territorial automony and disunity, and in the other, under the Bourbon despotism, due to a straining after the maximum centralisation of governmental functions in the person and entourage of the monarch.

England, from the eleventh century, had, inherent in its system of land tenure and the political settlement thereon reposing, a factor which was to determine the whole course of its subsequent evolution towards constitutionalism. The King was, both in theory and in practice, required to maintain his kingly dignity out of the revenues of his own estates, supplemented by certain feudal charges customarily laid upon his chief tenants, certain very limited charges upon the very few commodities entering or going out of the realm, and by living at the expense of his subjects when moving about the country. He could call upon those who held their land direct from him as over-lord, to come, supported in turn by their tenants, and follow him to war for a period not exceeding forty days. His subjects must each come furnished at his own expense, and, in return, they asserted that they had the right of attending upon him and tendering him advice. They maintained stoutly, and asserted by armed assembly over a stormy period of several centuries, these privileges, especially contesting any attempt of the King to interpret his traditional authority so freely as to introduce new taxes as new sources of revenue, whether from increased rent on land or profits on trade, when these came into being with the expansion of economic development.

This assembly of the tenants, holding their land direct from him, was called the *magnum concilium regis* or " great council of the King." It was a body at once deliberative, a *parliamentum*, and in the nature of a court of appeal wherein the King, assisted by lords, passed final judgments in all matters in dispute between freemen or between freemen and the King or his deputies. It would seem, in fact, that this " great council " was a court for deciding what was the customary law of the land before it became a place for formulating new laws, i.e., for making statutes or acts of parliament. This " great council " was the beginning of the whole institution of parliament. It was the beginning of the central law courts; the law courts of the Crown and the beginning of the

institution known as the Privy Council, out of which, in the seventeenth century, grew the Cabinet.

In customary and legal theory, every freeman—i.e., every man who held his land as a tenant of the King, and owed neither to him nor to anyone else, a labour service of any kind—was entitled to attend upon the King in the great council of the realm. Each and all, they were entitled to a summons to attend upon their sovereign lord and to approve or express disapproval of his actions. No one, however, who owed service to one of these free tenants of the King, or tenants-in-chief, as they were called, had any right to come to court, nor had the King any customary right to call him to his presence.

The King had, as his tenants-in-chief contended, no right to interfere in their freedom to do what they liked with their own, or on their own estates, or in their own lordships. The King, had, they claimed, no right to interfere with the administration of the customary law as it prevailed and had prevailed from time immemorial, in their own manors (i.e., marks under their lordshp). Freedom was something that pertained only to him who held his land subject only to military service. Freedom was not an attribute of any man or woman who rendered labour service to a lord.

"Liberty" in England is an abstraction which has developed historically out of "liberties;" and these "liberties," says Professor Pollard, the latest writer of distinction and importance on the evolution of parliament in England, "were definite concrete privileges, which some people enjoyed, but most did not." In church and state, he says, in the Middle Ages "liberty was an adjunct, almost a form, of property, and it was prized for its material and financial attributes. The liberty of a baron (a lord's consisted in his authority over others) in the court he owned, and in the perquisites of his jurisdiction." Thus, we had in England, in the beginning, a King, with a council of free-holders, each of whom—or most of whom—had a right to sit as a local Kinglet with a council of his own tenants in so far as they yielded no labour service—or who ruled as a local despot over his servile tenants.

But the King of England was not content that such a system should become in any sense accepted in his realm. In Saxon times and in the ninth and tenth centuries he had made a beginning and divided the tribal areas out of which his realm was taking shape, into more or less arbitrary areas of administration known as "shires" or "parts cut off." Over each of these, he had set his representative, the shire-reeve, who sat in a shire-court, his court, side by side with the territorial chieftain, whom blood ties or landed property relations gave priority in the shire. The King, through the intermediary of his shire-officer, endeavoured to restrict the powers of the courts, whether of each lordship or of each group of lordships. *He did this not in the interests of law and order, of progress and civilisation, but with the aim of aquiring for himself the financial proceeds of the administration of the customary law!* All English constitutional historians are emphatic on this point; the great authority, Bishop Stubbs, declares:—

> "So intimate is the conception of judicature with finance under the Norman Kings, that we scarcely need the comments of the historians to guide us to the conclusion that it was mainly for the sake of the

profits that justice was administered at all."—(*Constitutional History of England. Vol.* 1, *p.* 418.)

These Kings of the twelfth century strengthed the powers of the shire-officers, making them the channel through which rents and taxes were remitted to a new court of law, set up especially to receive and to regulate the receipt of royal revenue, called the Court of Exchequer.

Here, twice a year, the shire-officers presented their accounts, and, in order to make certain that they were not defrauding him or proving lax in in their duties, the King sent down two of his lords from the Court of Exchequer to each shire-court to make careful enquiry into the customary law and to discover ways and means whereby his revenues might be increased. The shire-officer called to the shire-court persons, generally, but not always, freeholders of land, from every manor or lordship within the shire to give an account of all the monies, whether in the form of rent, or taxes, due to the King's Exchequer. If the King wanted more money and ordered that such should be provided, it was the duty of these persons to arrange for its payment in due proportion and in accordance with relative capacity to pay.

These shire-courts, presided over by the King's administrative officer and by the King's collectors of taxes, became, the historians tell us, "the link between the old and new organisations of the country by which that concentration of local machinery was produced, out of which the representative system (of parliament) arose."

It was, likewise, the activity of the King's officers, especially those sent down from the centre of the State, and their endeavours to invent new taxes or to extend the scope of old ones, which caused the great lords, the more powerful of the King's tenants, to come together *en masse*, and in arms; they were aided by the higher clergy who, also, were landlords, and as such, objected to being taxed heavily—even when the King was handing over the proceeds to their own superiors in Rome. These powerful propertied interests compelled King John to concede to them, in 1215, what is generally called " the Charter of English Liberties "—Magna Charta.

THE HOUSE OF LORDS.

It was, certainly, a charter of " liberties," but it concerned the interests only of those who were great landlords. It was, says one bourgeois historian, " manifestly conceived in the interests of a class " and, says another, " designed to secure the local independence of barons (i.e., lords of the land) rather than the national responsibility of Kings." " The liberties," says the Professor of Modern History at the University of London, " which the barons hoped to secure were largely composed of the services of their villeins. A liberty was in no sense a common right or a popular conception." It was this charter which gave to the great lords the " liberties " which constituted the fundamental privileges of the Upper House of Parliament, i.e., of the House of Lords. It was the treaty with the King to which the great territorial magnates were in future to refer and from which they were to insist that there must be no deviation. Magna Charta gave to the lords the right to veto any measure that in their opinion interfered with their rights as a class.

For the next two centuries, the great lords were busy with the

endeavour to make themselves each independent in his own lordship as far as possible, and, as a class, to compel the King to take their advice and accept their control.

Within a century they had decided amongst themselves which of their number were to be summoned by the King to every parliament there to sit by right as "lords of parliament" or, as they are called to-day, as "peers of the realm." The same historian, already quoted, Dr. Pollard, says: —

> "Peerage law is not a fiction of the Crown, but the invention of the House of Lords."

The Upper House, therefore, in this most venerable Constitution of the Realm of England, owes its *status* and its privileges to an act or, rather, *to a series of acts of revolutionary violence on the part of the great lords of the soil.* The members of the House of Lords owe their traditional position and their privileges to two things. First, they held from the King vast estates of land, and, secondly, they were able by the exercise of that economic power which confers political power, acting as a class, to seize and to maintain a privileged position to which they had no other conceivable right.

Whilst the House of Lords was thus coming into existence, three other great departments of the estate were taking shape.

RISE OF THE PRIVY COUNCIL.

First, the King, thanks to the enormous revenues which he derived from his estates, both in France and in the British Isles, to the huge sums which he borrowed from merchants and bankers in Italy, and to the technical assistance which he obtained from the clerics of the Catholic Church, was able to develop a strong system of Courts to administer the law and to establish his authority throughout the Kingdom. In this way, he was progressively isolating from the ranks of the feudal lords of the soil certain of their number, and, also, adding to their number men of his own selection, who were loyal to him rather than to the landlord class to which they belonged. Secondly, the King was selecting from the ranks of those lords whom he had to call to his "great council," a limited number who constituted a smaller or inner and confidential council of advisers. This small body, chosen by the King, and called at his own complete discretion, became known in time as "the Privy Council." It was the members of the Privy Council and the clerks of that body, and the assistants of its members, who, actually, ruled and administered the government on behalf of the King. The Privy Council was a committee appointed by, and presided over by, the King himself, or by someone whom he deputed to take his place. It is the Privy Council through which the King, at the present moment, in constitutional and legal theory, governs the country. Every member of the Cabinet must be made a Privy Councillor, and it is as "a member of His Majesty's Most Honourable Privy Council," that a Cabinet Minister exercises his legal authority. The King holds a Privy Council at frequent intervals to sign documents, to give his assent to bills that have passed both Houses of Parliament, and to consult with his Ministers. No member of the Privy Council has any right to attend. Members attend only when summoned to do so by the King or his deputy, the Lord President of the Council.

In law, the King has an absolute right to summon to the Council whomsoever he may wish. In constitutional practice, he summons

only those whom his Ministers advise him to call. The Privy Council was, in its origin, the result of a successful endeavour on the part of the King to keep, if not "the great Council of the Realm," at any rate a part of that Council under his absolute control. The Privy Council to-day is a legal survival whose actual powers have been usurped by an arbitrary committee of its members called the "Cabinet," which has no legal existence and no legal standing whatsoever. How it came into being and what is the basis of its power we shall tell at a later stage.

HOUSE OF COMMONS.

Meanwhile we must turn to the third development of the state which showed itself in the 13th Century. I refer to the House of Commins. I have shown how the King, in order to collect his revenues more effectively sent his representatives to the shire-courts there to meet representatives of his tenants from each manor or lordship within the shire. So long as it was only a matter of interpreting and effecting the observance of the accepted and customary rights of the King to certain immemorial rents on land, fines for offences, dues payable by the feudatory to his superior, and taxes on an unchanging volume and description of commerce, there was little or no occasion for argument or debate as between King's man and tenant's man.

When, however, on the one hand, economic development, notably the increasing revenue of many estates from the sale of wool, and a growing volume of trade made available new sources of income which the royal officers could tax, and when the requirements, real or imaginary, of the King and his ally, the Catholic Church, caused him to demand the payment of new taxes, or payments in kind which no one ever expected him to return, the tenants, large and small, claimed a right to decide how the new customs should be operated and, as demands became greater and more frequent, to bargain with the King through his officers for concessions of privileges in exchange for money. By the time of the 13th century, a considerable amount of coined money was in circulation, and an extensive commerce in raw wool and finished fabrics had grown up between England and the Cities of France and Italy.

The King and the Church were, by this time, accustomed to think in terms of money whilst the taxpayers in the lordships and parishes continued to think in terms of customary labour services and customary and infinitely varied payments in kind. With the settlement of the country and the increasing devotion of the lesser landlords, not to speak of their tenants, many of whom were becoming free tenants, to the cultivation of their lands, great numbers of the King's tenants omitted to attend the great council of the realm either to shout "aye" or "no" or silently to acquiesce in what others said, or even to appear in the sub-committee of the council—viz., the Court of King's Bench, the Court of Chancery, or the Court of Exchequer. They, also, absented themselves from the shire courts as often as possible. They did not wish to incur expense. Their more powerful neighbours, the great territorial magnates, did not desire their concourse. They themselves had no desire to come merely to be taxed. They remained at home. The King had no easy means of compelling them to attend or to send in their contributions. Not only "the great Council" of all the King's tenants, but also the local council or

shire-court was becoming inadequate to the requirements of a new age.

It was to overcome this practical difficulty that, in the later 13th century, first the rebel lord, Simon de Montfort, after having taken the King prisoner and put the pen into his captive master's hand, and second, that King's son, Edward I., sent down to every shire officer instructions to send up to Westminster two representative freeholders from each shire and two representatives from each of the King's towns to consider with him and with the great territorial magnates concerning the grant of money and the government of the Kingdom. The shires, from that time until the early 19th century, sent up from the shire-court to Parliament, two representative free holders, each of whom must have at least 500 acres of land. The King's towns—i.e., towns whose burgesses collectively paid to their lord the King every year a fixed rent, and in return had certain privileges of free administration of their own affairs, were expected to send, also, two of their number to the Parliament. Sometimes the towns sent their representatives, but more frequently they omitted to do so. So long as the towns remained poor the King made no great effort to compel them to send representatives to Parliament. The King, in those days, was a more ardent believer in Parliaments that were his subjects. They did not regard representative institutions as a privilege, but as a penalty. The King summoned them as and when he desired, and he summoned them only for the sake of asking for money.

The House of Commons was thus established as a means to ensure the more regular, the more uniform and the more continuous and abundant payment of taxes. To begin with, the representatives sent up from the shires and the towns met jointly with the magnates and with the King. After a time, they met by themselves. They were interested solely in the granting of money to the King and in receiving from him, in exchange, a promise of the grant of certain petitions for redress of grievances which, being granted, became new laws. The lords formed a Court for administering law; a council of great magnates who served the King in war in return for the occupation and enjoyment of their estates ; a body of men who came together by right to safeguard their own property and to assist the Sovereign in the government of the Kingdom. They constituted themselves a House, and, from the 14th century, the representative freeholders and burgesses who came together only to grant money and to receive in return answers to their petitions, constituted themselves likewise a House, the Lower House, the House of Commons.

Three points of explanation are necessary concerning this House of Commons. First, the members were not, necessarily, elected. Very often, there is reason to believe, they were selected by the shire-officer with the mere approval or consent of the freeholders and others present in the shire-court. Otherwise, as is the case to-day, in theory, those present in the shire-court chose their representative, presented him to the shire-officer, and the shire-officer " selected " and sent him to Parliament. Second, " it was the *land* rather than *men* that Parliament represented." Says Dr. Pollard, in his " Evolution of Parliament ":

> " Parliament in its origin had less to do with the theory that all power emanated from the people than with the fact that all people held

their land directly or indirectly from the Crown, and were bound by a corresponding obligation to obey its writs of summons and carry out its behests." "Representation was not the offspring of democratic theory, but an incident of the feudal tenure." "The duty (of attendance in the shire-court) was even attached to particular pieces of land and not to their holders."

Third, the term "Commons" had no reference to anything pertaining to the common people as the Labour Party vulgarly imagines, but to "communes" or "communitates" or associations of persons having definite obligations. The "communes" or "commons" were the shires. The House of Commons was an "Assembly of Shires."

These shires, as we have seen, were represented in the shire-court by representatives from each locality of the tenants, supposedly free tenants, but frequently including amongst them tenants who were serfs or of servile origin. This became particularly the case in the years following the Peasant Revolt of 1381—not immediately, but after a time—when serfdom was dying out, being commuted not possess a freehold tenure yielding at least forty shillings a influential to attend the shire-court.

To check this tendency and to keep the House of Commons membership not only select, but selected by the gentry or "men of good family," a law was passed in 1430, forbidding anyone to vote for a member of parliament for any shire election who did not possess a freehol dtenure yielding at least forty shillings a year. This placed a definitely class character upon the parliamentary privilege except in a few towns which had, for some exceptional reason, a democratic municipal constitution. The qualification of the elector enacted in 1430 continued until 1832.

The House of Commons was to be, definitely, an assembly of those who held land, and in return rendered no labour service for it. I have now outlined the historic origins and development of the basis elements of the English parliamentary constitution, viz., the King, the House of Lords, the Courts of Law, the Privy Council, and the House of Commons.

STRUGGLE BETWEEN CHURCH AND CROWN.

The place of Parliament and more particularly of the House of Commons was not considerable in England in the earlier centuries of its existence, owing to these two prime factors, viz., that the great territorial lords were concerned rather to conserve their own liberties and privileges intact upon their estates and to keep out the intervention of the King than to become powerful figures about the royal conrt, and also that the commercial and, in fact, the agricultural resources of England were so little developed that the traders and the cultivating owners of the soil had not sufficient economic power to exercise a great political power. When a monarch had a heavy expenditure on a war, or a lavish outlay upon his court and courtiers, he tended to become dependent upon his tenants for financial assistance, but very often he could obtain from Italian and Flemish merchants sufficient money to make him in large measure independent of parliamentary grants.

The House of Commons was, to the King, an institution for increasing the revenue, and to those whom it represented a place to be avoided for that very reason. The Parliament never ceased to exist or to function; but from the fourteenth to the sixteenth centuries it had very little importance in the national life.

The struggle for power was proceeding outside of it between two factions of territorial magnates for the possession of the throne or, in the earlier stages of the conflict, of one faction to limit the authority of the other faction around the King.

The firm establishment not only at the centre of the State, i.e., at Westminster, but also in the shire-courts everywhere throughout the land, of the authority of the King's Courts of Law, which were in fact only a magnification of the courts which in every feudal lordship interpreted the customary law of the landed class, together with the knitting together of the court of the Sovereign Lord with the shire-courts for the landed magnates by the High Court of Parliament, in which great lords specially summoned because they held great estates and lesser lords called thither to represent their fellows in town and country, and in which they advised the King as to how best to amend the laws that affected the property rights incidental to land tenure had the effect of making England the one country in Western and Central Europe where the Roman Law, the law of the dead Roman Empire perpetuated by the Living Roman Church, did not dominate all legal theory and practice.

The Roman Church in other countries, where the King and his lords did not come together to interpret and modify the law, was stronger than all the other institutions which had law courts, and, consequently, exercised an immense influence over the theory and practice of government which has been absent from England, and which makes English law so difficult to understand. " The growth of national legislation in parliament," says Professor Pollard, " accompanied by the inroads of positive man-made law upon the old cosmopolitan laws of reason and nature, produced English law out of the international legal systems of mediæval Europe; and the more English our secular law became in the hands of English parliaments, the more certain and incessant would be its conflict with the canon law of the Church, which, if it changed at all, grew ever stranger to England."

Here was the beginning of the movement which resulted in the breach between the King of England, supported by the dominant class as represented in parliament, and the Church of Rome. At the very opening of the fourteenth century the territorial lords in parliament were claiming that the King, of course, subject to their approval, should have a right to veto the appointment by the Pope of a bishop to an English diocese, and that, only by his and their consent, might the messengers of the Catholic Church come into the country. A century later the territorial lords in parliament were clamouring for the confiscation of the lands of the Church and their apportionment to endow a great number of new peers in England. A few years later on, during the war with France, the King and parliament abolished the monasteries, and appropriated the estates of all religious orders having their headquarters in France.

When, finally, in the sixteenth century, the King attacked the supremacy of the Pope over his own Church in England, proceeded to execute a bishop for high treason in denying his new-made supremacy, went on to confiscate the estates of all the religious orders and his successors to forbid the entry into the country of Roman propagandists on pain of death and to forbid the practice of the Catholic religion, the parliament was the King's willing and,

often, enthusiastic collaborator. For some time after the Reformation in the middle of the sixteenth century the allocation by the King to the territorial magnates and to the rich merchants who desired to become landlords, of the confiscated estates and properties of the Church, checked the tendency of the landed class to assert through parliament the new economic power which they had acquired by the rearing of sheep and the sale of wool on the European markets. The King and the landed magnates shared between them the supremacy over the Church and the income from the appropriated lands. In local administration, whilst the lords had individually as territorial magnates lost all power in their private courts, they exercised as a class the authority of the King, and governed the country in his interests and their own.

Together in parliament they pursued what was a common interest of tyrannising over the peasantry who, no longer serfs, had lost all popular rights, and had no longer any monastery or religious charity to which they could go for relief or for help.

CONFLICT BETWEEN COMMONS AND CROWN.

Gradually, however, a quarrel developed between the King and the House of Commons. It was a quarrel over two things. First, it was a dispute over a matter of religion. Second, it was a dispute concerning his right to demand and their right to refuse money from taxation. The first matter in dispute was, at bottom, grounded on a material interest. Many of the landlords and more of the merchants believed that the King intended to restore the Church of Rome to supremacy, and that with that act of restoration would come not only a denial of their own freedom of religious belief, but, also, a restoration to the Church of the confiscated estates, and of the blessing of the King's claim to do what he wished with "the liberties," i.e., the property of his subjects. Yet more of each of these classes resented the claim of the King to a Divine Right to rule over them, untrammeled by any secular or parliamentary restraint.

A few of the landlords and most of the merchants desired the establishment of a Church which should be subordinate to themselves, as was the Church in Scotland to the landed class, and that a Church so regulated should be supreme in the State, i.e., should be supreme over the King himself. Such a Church had the added advantage that it could be conducted with very little expense, and its beliefs were favourable to unregulated enjoyment of private property and private enterprise in trade.

A very few landlords, some merchants, and a considerable number of craftsmen, tenant cultivators and others desired a republic, a Church governed on republican lines—in fact, a *petit bourgeoise* commonwealth. The incidents of the struggle leading up to the civil war in the seventeenth century, the course of that conflict, the overthrow and restoration of the monarchy, and the subsequent oligarchic revolution of 1688, were all conditioned by the internecine quarrels of these factions one with another. Over these issues they wrangled. Over these issues they fought each other. The question as to whether or not the King had a right to tax his subjects, landlords or others, without the consent of the parliament, was one which rallied against the King practically all sections of the property class. There was a very large measure of unanimity on the slogan, "No taxation without representation."

When, however, the quarrel between King and parliament touched upon the supremacy of one set of religious ideas, one set of notions of the basis of secular authority, one set of interests in the land against anther set, the issues became confused. The economic interest of the bourgeoisie was not strongly enough developed, and their class solidarity sufficiently intensive and extensive for the republic to be a permanency. There were four parties in the Civil War. First, there was the King and those landed magnates who believed either in the restoration of the Roman Church or the continuance of the supremacy of the King over a Church with bishops, a Church endowed with land by the King and Parliament. Second, there were the merchants of London and many landed magnates who believed in a Church, controlled by themselves and supreme in the State, deprived of much of its land and conducted on oligarchic principles. Third, there were the *petit bourgeois* republicans, and, fourth, there were peasant, proletarian and idealistic *petit bourgeois* communists, "levellers," etc., who desired to transform a political struggle into a class struggle and to take over the land for the cultivators.

The republic became a despotism directed as much or more against the extremists of the "left." The forces of law and order rallied together, and, as soon as Cromwell died, in order to obviate a rising of the rank and file of the army of the revolution, called back the King. The next twenty-five years were years of compromise between the King, his party, and the merchants. Then came the "Glorious Revolution" of 1688, consequent upon an attempt of the King to interfere with the supremacy of the Church, and to threaten a restoration of the Roman Church, which would, of course, it was believed, demand the restoration, also, of the estates of which it had been deprived, of a cancellation of the privileges of the mercantile oligarchy who governed the great towns and a repudiation by the King of a loan made to him by the bankers and merchants.

There was, in reality, much more involved in the dispute than even this. The history books always avoid it because it is derogatory to the conception of England as a great sovereign State, but the true position of affairs is obvious to the unprejudiced observer.

There were in Europe, in Western Europe, at that time, two great powers. The one was a great military and political power—France. The other was a great economic power—Holland. Holland had been defeated on the sea by England. Sea power and, as a result, colonial and commercial power, were, therefore, at the mercy of England or of France.

To Amsterdam, Leyden, Haarlem, Utrecht, and other Dutch cities had congregated together from Portugal and other lands of the Catholic reaction great numbers of immensely wealthy Jewish traders and bankers. These, already becoming the creditors of Hanover, Brunswick, Brandenburgh and other German States, had immense properties and interests in the West Indies, Brazil, India and the Levant. They desired to see established in London a king or a government friendly to Holland rather than, as was the Stuart dynasty, friendly to France.

Consequently, from within and, unobtrusively, from without, came a movement to overthrow James II., and to put in his place

William, Prince of Holland; to limit once and for all the perogative of the King; to assert the supremacy over the Army and Navy of the Parliament, and to vest the executive power of the State in a Committee of the King's Privy Council, from which he should himself be excluded, which should, nominally, be responsible to the parliament, but which should, in reality, be controlled by certain interests, the interests which had engineered and carried through, successfully, this "Glorious Revolution." These interests were a group of very influential territorial magnates, including the ancestors of the Duke of Devonshire, now Colonial Secretary, and of Mr. Winston Churchill. Associated with them were certain merchants in the City of London in competition with the East India Company and a whole congery of Dutch Jews, bankers, brokers and merchants from Amsterdam and the Hague.

These latter, of course, remained discreetly in the background. Later, in 1700, when the Princess Anne, heiress to the throne, had no children surviving, the parliament enacted a law, the Act of Settlement, passing over the lawful but deposed King and his heirs, and conferring the Crown upon the Electress Sophia of Hanover and her heirs. Eighth in the succession from the Electress Sophia and, by virtue of that Act of a revolutonary parliament, King of England, is George V. The King William from Holland and the subsequently imported German dynasty from Hanover were brought in, installed on the throne and taught to talk English, in order to rivet once and for all on the necks of the English people the rule of the Amsterdam money-lenders and their English aristocratic allies. The late Dr. Maitland, discussing the "Glorious Revolution" in a series of lectures at Cambridge University, recently edited by Mr. Fisher, well known for his advocacy, and his presidency for a time of the Council of the League of Nations, says:—

> "Those who conducted the revolution sought, and we may well say were wise in seeking, to make the revolution look as small as possible, to make it as like a legal proceeding, as by any stretch of ingenuity it could be made. But to make it out to be a perfectly legal act seems impossible." "It seems to me that we must treat the revolution as a revolution, a very necessary and wisely conducted revolution, but still a revolution. We cannot work it into our constitutional law." (*Constitutional History of England,* pp. 284-5).

"We cannot work it into our constitutional law." No, but, somehow, George V. has been worked into our constitutional law, the Cabinet has been worked, if not into our constitutional law, into our constitutional procedure. As a matter of fact, the whole bag of tricks is the outcome of a revolution that succeeded just as the Soviet Constitution has in Russia and the Communist Constitution will, we hope, in England hereafter.

The "Glorious Revolution" in no way lessened the executive power of the Crown. It merely transferred, in practice, the exercise of that executive power to a coterie of persons, nominally acting for the King and nominally responsible to parliament, which could refuse to grant money to the King to carry on the government should it disagree with the actions of his Ministers. The right of granting money, legally vested in parliament from this time forward, was actually asserted with success by the House of Commons. The House of Commons, nominally elected by the votes of persons in boroughs (corporate towns) having the franchise on terms locally regulated, and of persons in the shires having lands held on free tenure and producing an income of forty shillings, was, in

reality, filled with the nominees of magnates who bought up either the votes of the electors by bribes or who bought up the pieces of land which conferred on the tenants the right to vote, and who thereby controlled a majority adequate to secure the election of those whom they wished to have in parliament.

The "Whig" oligarchy—the people who had carried tnrough the revolution—generally succeeded, with the aid of their Dutch money-lenders, of securing control of the House of Commons. By their control of the King, who had the right to make any of his subjects lords, i.e., members of the House of Lords, they controlled the whole of Parliament. They ruled in the King's name, with the consent of their nominees "in parliament assembled," in the interest of themselves and their banking and mercantile paymasters. They borrowed a sum of £1,200,000 from themselves as private subscribers, their friends and their allies, with which to finance the State. This became the nucleus of the National Debt.

The corporation of persons who subscribed the money was made by an Act of parliament, "The Governor and Company of the Bank of England." The loan to the State constituted the initial capital of the Bank. They conferred upon it exclusive privileges of note issues. They transacted with and through it the issue of all State loans and all government money business. They borrowed money from themselves for the State, and regulated the loans in such a way that they became in their private capacity the perpetual creditors of themselves in their public capacity.

They conferred or extended exclusive privileges of trading in India, Canada and the South Seas upon other companies consisting of themselves and their friends. They secured complete control of the raising of an army and the maintenance of a fleet, and carefully saw to it that the officers were of their own party. They sold Crown lands to defray State expenses, and bought them themselves or took care that they were obtained by their friends at fictitious values. They conferred upon the lord of the manor or upon the free tenant the ownership of all minerals under his land, a property previously vested in the King. They began on a more extended scale the stealing of popular or common lands by persons whom they authorised by parliament enactment so to do. They set themselves up as an absolute autocracy veiled as a constitutional monarchy.

From 1690 to 1832 this gang of thieves used the political, military and naval power of the State to maintain and to extend the interests of their vast monopolies, and exercised sovereign rights over immense territories in Asia and America, exploiting the natives and extending their traffic by the most shameless repression and deliberate debauchery. Their politics were directed towards enforcing the exclusive rights of British and Colonial shippers among the several parts of the Dominions, protection and bounties for the native corn-growers, and measures calculated to make the West Indian Islands, the Colonies, India and Ireland buyers of home manufactures and sources of the supply of raw materials.

THE POWER OF THE KING.

Gradually, from the sixteenth century, the Privy Council had sunk into the background, and specific clerks or Secretaries of State, as they were called, had become the executive heads of departments

of administration of public affairs which derived their authority from the King through the Privy Council.

There has evolved a whole system of Ministries, each presided over by the Secretary of State, or functionary of similar nature, who is responsible to parliament for his department. Some of these are in the Cabinet, the number being regulated by the Prime Minister at his discretion, and all who are members of the Cabinet are, of course, members of the Privy Council, and, as such, have a legal status, and, whilst acting for the King, are responsible to parliament for his actions.

The theory is that His Most Gracious Majesty the King is not responsible for his actions. This does not mean that he is a lunatic, an idiot, or a minor. If he is deemed so to be, then a Regent must be appointed. But the theories are: (i.) the King can do no wrong; (ii.) the King is not responsible for his actions. Moreover, we may add, the King is as absolute in law to-day as he ever was. Constitutionally he is limited in the exercise of his prerogative. Legally, he is absolute. In the final event it is legality and not constitutional theory and practice which we shall encounter.

In law, the King can dispense with parliament for any time up to but not exceeding three years. He cannot, however, maintain an army without the consent of parliament, and this is given only for one year. The King can, legally, dissolve parliament whenever he pleases. He does not require to consult his Ministers, although, in constitutional practice, he always does so. But, then, hitherto, he has always had bourgeois Ministers, who could withhold from him not only moneys voted by parliament, but also, moneys available from any other quarter.

Should His Majesty have a proletarian Ministry, there is no reason why he should not dismiss them as well as dissolve a parliament as often as the electorate returns a proletarian majority. He would be easily able to conduct his government, in default of a vote of money by the House of Commons, by means of loans forthcoming, as they would be, from the Stock Exchange. Such loans would not, of course, be legally in accord with the Bill of Rights, but, then, that Bill was enacted by a revolutionary assembly, that of 1688, and there is no doubt that, once the counter-revolution was able to secure a parliamentary majority, it would legalise the illegal actions of its own puppet.

Legally and constitutionally, alike, as well as in accord with historic precedent and with all reasonable probability, the idea of the King tolerating the lawful transfer of land and the means of production to a proletarian ownership and control is only a fiction. It enables us meanwhile, however, to carry on our propaganda within parliament without coming into conflict with the terms of the pledge of allegiance. That is its main, though, perhaps, not its only value.

The House of Commons, let us remember, is only one-third of parliament. Parliament itself is not an executive instrument. The prerogative of the Crown, i.e., of the Executive, is legally absolute. The constitutional restraint on the prerogative is of a financial character, the power to withhold money, a power which no proletarian majority can exercise in parliament, but which can only be exercised outside by direct action, i.e., by action which the common law

declares, beyond a shadow of a doubt, that it is sedition to recommend and advise. The House of Commons cannot, of itself, pass any legislation unless directly concerning money, and then only with the King's consent. The House of Commons—as part of parliament—can at any time be dismissed, and can be dispensed with for fully a year. The House cannot come together unless the King calls it.

The following quotations from Maitland's *Constitutional History* make the Labour Party apologists look exceedingly silly:—

> The King without breaking the law can dissolve a parliament whenever he pleases. Any restraints that there are on this power are not legal restraints (p. 374).
>
> Law has done little to take away powers from the King. When we have insured by indirect methods that such powers shall not be exercised without the approval of parliament, we have considered that enough has been done—we have not cared to pass a statute saying in so many words that such powers have ceased to exist (p. 342).
>
> The law, then, as to the extent of the royal prerogative in many directions is very often very vague, and often we have to solace ourselves with the reflection that any attempt to exercise the prerogative in these directions is extremely improbable (p. 343).
>
> We must not confuse the truth that the King's personal will has come to count for less and less with the falsehood (for falsehood it would be) that his legal powers have been diminishing. On the contrary, of late years they have enormously grown. Many governmental acts . . . are now performed by exercise of statutory powers conferred on the King. Acts which give these powers often require that they shall be exercised by order in council (p. 399).

Thus suppose a crisis. The King dissolves parliament. He selects new Ministers, or, in other words, he summonses whom he will to the Privy Council. He promulgates at that council a series of "Orders in Council" under the Emergency Powers Act. He enrols the White Guards as Special Constables. He mobilises the Army Reserve. He proclaims Martial Law. He suspends Habeas Corpus. He will be acting with perfect legality if he arrests Ramsay Macdonald, Tom Shaw, and the whole Executive of the Labour Party without warrant or cause shown. It will not matter in the least that they may all have been Ministers the day before and may still be Privy Councillors. That will only make it possible to proceed against them with greater rigour. It will be easy to find them disloyal to their oaths. Such a situation may quite possibly arise within the next ten years.

The King, who used the prerogative to save Carson from arrest in connection with the raising of an illegal army in Ulster to oppose Home Rule should it become law, is quite likely to accept the advice of the Duke of Northumberland, Lord Birkenhead, Winston Churchill and others to break a Socialist Government, proclaim every Labour organisation having Socialism for its objective an illegal society as contravening the common law or some suddenly trumped-up decision of the Courts, and wipe out the socialist, trade union and co-operative organisations as completely as Mussolini is endeavouring to do in the kingdom which His Most Gracious Majesty is about to visit in state and where he is to review, if report is correct, the pattern Fascisti, which his own Specials would readily emulate if he but gave them the word.

The history of the past, the signs of the present, the probabilities of the future not in Russia, not on the Continent, but here in this

realm of England could, surely, be advanced as the strongest and most commanding of all arguments in favour of the application to our own problems of the principles, policy and practice of the Communist International.