

"The great peculiarity," says Stubbs,¹ "of the baronial estate in England as compared with the Continent is the absence of the idea of caste ; the English lords do not answer to the nobles of France or to the princes and counts of Germany, because in our system the theory of nobility of blood as conveying political privilege has no legal recognition. English nobility is merely the nobility of the hereditary counsellors of the Crown, the right to give counsel being involved at one time in the tenure of land, at another in the fact of summons, at another in the terms of a patent ; it is the result rather than the cause of peerage. . . . Such legal nobility does not of course preclude the existence of real nobility, socially privileged and defined by ancient purity of descent, or even by connection with the legal nobility of the peerage ; but the English law does not regard the man of most ancient and purest descent as entitled thereby to any right or privilege which is not shared by every freeman." But the remnants of the laws of primogeniture and entail appear to confer peculiar privileges on landowners, and the idea strongly prevails that the English aristocracy is kept in possession of the national land simply by these survivals of feudal law. Accordingly the position of the "real nobility" would be improved by the abandonment of laws which only

¹ *Constitutional History*, vol. ii. ch. xv. p. 176.