THE VETO POWER.

Its True Office Under the Constitution.

Congress is Losing Its Character as a Legislative Body, or the Executive is Passing Beyond the Just Limit of Its Power—A Thoughtful Paper.

In a foot note the learned editor of Chancellor Kent's Commentaries, seventh addition, 1851, speaking of the constitutional power of the President to veto a measure, says: "This qualified negative of the President has, in the progress of the administration of the Government, since the first publication of these Commentaries (1826) become a very grave power, and applied under the ordinary name of veto, with a familiarity which appears not to have been anticipated by the generation which adopted the Constitution."

If forty years ago some alarm was felt at the frequent use of the veto power—up to which time it had been used thirty-nine times in all, by six different Presidents—what must the student of our legislative history think when he finds that it has been resorted to be eight different Presidents since that date 493 times, and that Mr. Cleveland alone used it 413 times?

During the period of twenty-five years, between the first and seventh editions of Kent, the veto was used thirty times. During the period of twenty-five years preceding Mr. Harrison's administration, the veto was used 479 times.

May we not profitable inquiry into the true office of the veto power as given by our Constitution?

One of two things is true: Either our Congress is losing its character as a legislative body, or the Executive is passing beyond the just limits of its power. An examination of our fundamental law, as understood when framed, and an analysis of the rapidly-increasing number of vetoes will, I think, show a dangerous and menacing departure from the meaning of the Constitution in lodging this great prerogative with the President.

Article I., Section 1, provides: "All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Legislative power rests nowhere else, and any exercise of such power by the Executive, or by the Judiciary would be usurpation. But the same Article, Section 7, also provides:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter his objections at large upon their journal and proceed to reconsider it. If after such reconsideration two-thirds of the House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the Congress by their adjournment prevent its return, in which case it shall not be a law."

As a part of the method by which we enact laws, they must first be submitted to the President, but not as a branch of the Congress; not as a part of the legislative power; not to obtain his private or personal judgment as a member of Congress itself; not to be reviewed by him originally and passed upon in a legislative capacity.

The provision, though broad, sweeping and in terms absolute, yet has its limitations. To pass beyond them is to enter most dangerous shoals and obliterate the dividing line between two great departments of Government.

It is a matter of common notoriety that persons and communities interested in legislation find it often necessary to submit to the Executive gauntlet in matters of ordinary legislation where formerly all solicitude would have ended with the passage of the Act by Congress. "What will the President do with the bill?" is a question asked now where formerly it would have been assumed as of course that his approval would be given. We are becoming used not only to a legislative policy of Congress, but a legislative policy of the President. Does the Constitution contemplate that the President shall exercise an unlimited, unrestricted right to take part in all legislation, precisely as a member of Congress may, or is his right to participate or express dissent or approval defined by some clear boundaries? The question is important.

Mr. Blackstone in his "Commentaries on the Laws of England," deals with the King as a constituent part of Parliament. The King, the Lords spiritual, the Lords temporal (sitting together with the King in one house), and the Commoners, who sit by themselves in another house, form the great corporation or body politic of the kingdom. "To preserve the balance of the Constitution," he says, "the executive power should be a branch, though not the whole of the legislative. The total union or total disjunction in either case would be productive of tyranny. The legislative would soon become tyrannical by making continual encroachments upon and gradually assuming to itself the rights of the executive power." He cites the instance of the long Parliament of Charles I., while it acted with royal concurrence, redressed many grievances and established many salutary laws. But when the two houses assumed the power of legislation, in exclusion of the royal authority, they soon after likewise assumed the reins of administration and overturned both Church and State as a consequence, and established a worse oppression than they pretended to remedy. "To hinder, therefore, any such encroachments," he says, "the King is himself a part of the Parliament; and as this is the reason of his being so, very properly, therefore, the share of legislation, which the Constitution has placed in the Crown, consists in the power of *rejecting* rather than *resolving*: this being sufficient to answer the end proposed."

He points out that the legislative cannot abridge the executive power of any rights which it has without its own consent, for all must agree to any laws proposed. "And herein," he continues, "consists the true excellence of the English Government that all the parts of it form a mutual check upon each other. In the Legislature the people are a check upon the nobility, and the nobility a check upon the people, by the mutual privilege of rejecting what the other has resolved; while the King is a check upon both; *which preserves the executive power from encroachments.*"

He also points out further the workings of the system by showing that the King is again checked by the power of impeachment, not of the King (which would destroy his constitutional independence), but of his evil and pernicious counselors, through whom alone the King can act in most cases.

This was the model from which our Constitution was fashioned. But the difference is very wide in the use of the veto. The King may say, "I forbid." But the President may say, "I object," leaving Congress still free to pass the measure, and if the President fails to act for ten days the bill becomes a law nevertheless.

In our system the President is not a branch of the legislative, and it would be subversive of representative government if he were so considered.

The reason assigned by Mr. Blackstone for giving the King this great prerogative is that he might protect the executive department from encroachments. No other reason is assigned by the learned commentator, and the fact, as stated by Mr. Kent in his Commentaries, that the power has not been exercised by the King since 1692 is a significant example for us. Presumably in 300 years much legislation has been enacted in England which had not the royal favor, but so long as royal prerogatives were untouched the veto was also unused.

Mr. Hamilton, in No. 73 of the *Federalist*, says:

"The primary inducement to conferring the power in question upon the Executive is to enable him to defend himself; the secondary, is to increase the chances in favor of the community against the passing of bad laws through haste, inadvertance or design."

This was the view universally accepted at the adoption of the Constitution. There was no suggestion that the President should in ordinary matters of legislation interpose his personal and indivfdual judgment. Yet in practice now it has come to this.

President Grant in many instances took up bills for the relief of individuals and vetoed them, although passed with deliberation and after full reports and debates. In the case of Nelson Tiffany, a Union soldier for whose relief Congress passed a bill, General Grant returned it with his objections, notwithstanding which the House passed the bill again by 178 ayes and 1 no, and the Senate by 40 ayes and no noes.

Mr. Cleveland returned 250 pension and relief bills where his private opinion differed from that of Congress and pocketed forty-seven more, although he signed many hundreds of similar ones. Neither of these Presidents acted within the interpretation given the Constitution by Mr. Hamilton in these cases.

Mr. Kent says: "The qualified negative of the President upon the formulation of laws is, theoretically at least, some additional security against the passage of improper laws, through prejudice, or want of due consideration; but it was principally intended to give the President a constitutional weapon to defend the executive department, as well as the just balance of the Constitution against the usurpations of the legislative power."

He further says: "To enact laws is a transcendent power, and if the body that possesses it be a full and equal representation of the people, there is danger of its pressing with destructive weight upon all the other parts of the machinery of Government. It has, therefore, been thought necessary, by the most skillful and most experienced artists in the science of civil polity, that strong barriers should be erected for the protection and security of the other necessary powers of the Government."

All commentators agree with the opinion expressed by Mr. Hamilton and Mr. Kent.

A bill must first go to a committee. Here it has discussion, investigation; witnesses are brought, evidence taken; all the departments of Government are consulted for facts essential to the inquiry; it is submitted to the House or Senate and undergoes the fire of open debate. It goes to the other House and is again examined in committee and again in open session. Notwithstanding all this it may encroach upon some of the powers of the executive or judicial branch of Government. It may be a bad law through the "haste, inadvertence or design" of Congress, and the President should arrest its passage by calling attention to these objections. But he has no power under any interpretation of the Constitution to resolve himself into a part of the Legislature and undertake to judge of the wisdom of the law unless it be clearly an encroachment upon other powers than those possessed by Congress, or unless it be a bad law passed through inadvertence, haste or design. To concede more than this is to erect a branch of Congress at the White House. It is to constitute the President the equivalent of two-thirds of both houses of Congress; it is to admit that he may, without calling his action in question, retain every bill submitted to him during the last ten days of each session and refuse to approve or disapprove, and thus defeat all legislation for that time. The letter of the Constitution gives this power, but must it be read literally, or in the light of contemporaneous interpretation and of its obvious meaning? How long would Congress allow its power to impeach to remain dormant, if a President were to announce and act upon the assumption that his private and personal judgment must be convinced upon all bills, or he would veto them?

The people choose their representatives to make their laws, and the President to execute them. His share in making them is so inconsiderable that he is not chosen with any reference to law-making capacity. To assume legislative functions as such, which an unrestricted right to veto all measures implies, would be such usurpation as would demand his removal by the only constitutional method.

The peril is not an imaginary one. The tendency of Executives throughout the Union is to assume legislative functions, and bring members of legislative bodies to realize that measures are far from becoming laws when passed by both houses.

The duties of our President are onerous and multiform. Few men can stand the mental and physical strain. Likewise the life of a useful Congressman is a most laborious one. The great mass of the work of Congress is distributed among many committees, whose labors are constant and exhausting. But where are we to find a mortal man capable of doing all the executive work of the President, and add to it the duty of reviewing all the work of Congress. It is simply preposterous and was never intended. But if our fundamental law empowers him to pass originally upon all bills, it also devolves upon him the duty, and he cannot shift it by occasional sporadic examinations. Either the country must hold him responsible for all laws, in which case it must give him machinery to pass upon them equal to that of Congress, or it must hold Congress responsible and excuse the Executive.

But let us keep strictly to the higher ground that the President passes beyond his powers when he invokes his private judgment upon an ordinary measure involving no infraction of the Constitution, no encroachment upon the other co-ordinate branches of Government, and neither haste or inadvertance or bad motive is to be imputed to it. The President may grant pardons and reprieves except in cases of impeachment. This power is absolute and in terms unlimited, and yet a general jail delivery or an indiscriminate and wholesale exercise of the power would justify impeachment. So of the power to return bills with his objections. He must exercise the power reasonably and within the lines so clearly drawn by Mr. Hamilton.

If it had been intended that this power should be legislative in its nature and exercised as such, it is not conceivable that the framers of the Constitution would have given the prodigious advantage to the President of making his negative equivalent to an affirmative two-third of both houses of Congress. Such construction would add immensely to the already great coercive powers of the President over the legislative body in matters of appointment, and would practically make him the dictator of legislation, for his veto would rarely be overcome, and it would come to this, that we would have the two branches merged, though intended to be carefully and wisely seperated. Prior to 1855 only one veto was overcome by vote of Congress. That was Mr. Tyler's objection to building two revenue cutters and steamers.

From 1817 down to 1855 Madison, Monroe, Jackson, Tyler, Polk and Pierce stood firmly intrenched behind the proposition that there was nowhere to be found within the Constitution any power to build light-houses, improve harbors and rivers, or carry on any internal improvements whatever. For nearly forty years these Presidents stood like a wall impeding the progress of the nation, and not one of their many vetoes could be overcome. In 1856 the effort was renewed. A bill was passed to remove obstructions from the mouth of the Mississippi River. Mr. Pierce promptly vetoed it. Referring to his previously expressed objections, he said: "These objections apply to the whole system of internal improvements, whether such improvements consist of works on land or in navigable waters, either of the sea coast or of the interior lakes and rivers." Another was a bill to deepen the channel over the Saint Mary's flats. Another was a bill to deepen the channel over the Saint Clair flats. Another was to continue the improvements of the Des Moines Rapids in the Mississippi River. Another was to make the city of Baltimore accessible to war steamers by the Patapsco River. All these were vetoed, but Congress passed them over the veto. Mr. Buchanan, however, was able to arrest these improvements, and his veto of a bill to continue the removal of obstructions from the mouth of the Mississippi River could not be overcome.

February 1, 1860, Mr. Buchanan vetoed the bill to deepen the channel over the St. Clair flats, and his veto killed the bill. He put the question thus: "Does Congress possess the power under the Constitution to deepen the channel of rivers, to create and improve harbors for purposes of commerce?" * * "The time has now arrived for a final decision of the question." It had not arrived. His vetoes stood, but he was the last President ever to suggest the want of power or to question the policy.

Nothing can more strikingly illustrate the harm that may come to the country through pertinacious opposition to wise legislation, and the difficulty of overcoming the veto, than the evolution of our law upon the subject of internal improvements. It took us from 1817 to the close of Mr. Buchanan's administration in 1861 to put to rest this constitutional bugaboo, which is now universally conceded never had a leg to stand upon. The work on the Des Moines rapids was shown by Senator Frye recently to be about completed, at a cost of $4,550,000, making a continuous river, hitherto blocked at Keokuk, from Minnehaha Falls to the Gulf of Mexico. The bill passed at the last Congress appropriated about $24,000,000 for rivers and harbors, and no suggestion of unconstitutionality has been made.

Mr. Buchanan vetoed the Agricultural College bill in 1859, and the homestead bill in 1860, on the ground that the Constitution gave no power to Congress "to give away the public lands, either to States or to individuals."

Both these measures had to wait for a more enlightened and a broader view of constitutional powers, and yet no class of legislation is more deeply rooted in the Constitution or has more universal sanction than these very measures. Under these benign laws, and the Act in aid of public schools, 78,659,439 acres were conveyed to the States up to 1880, and 55,667,044 acres were given to actual settlers to the same date, representing about as many families as 160 are contained in the whole acreage—or nearly 500,000 families. ("The Public Domain," 1880.)

A statement of the money expended in internal improvements since the barrier of Presidential vetoes has been overcome, would be staggering.

The mouths of the Mississippi, which several Presidents would have forever left closed, have been opened by jetties and other devices costing many millions, while the shores of that majestic river are being rapidly carpeted with willow matting and built up to stay the ravages of floods, so that ultimately the Government will have the waters controlled from Cairo to the Gulf of Mexico at a cost greater than would be believed if stated.

As we now understand the Constitution we relieve the cholera and yellow fever stricken people; we build transcontinental railroads; we give enormous sums as pensions; we build asylums for the insane, the halt and the crippled, the deaf and dumb and the blind, the orphan and widow; we extend the mouths of rivers into the ocean by great sea walls; we dig great canals around river rapids; we spend countless millions on rivers and harbors all over the land and on the great lakes; we build costly buildings here, there and everywhere; we enter upon stupendous schemes for storing water and irrigating the public domain and making it possible to give away land that nobody will now have for the asking; we bore experimental artesian wells for the same purpose; we conduct experimental stations to develop agriculture, and we carry on a large garden to produce seeds for gratutitous distribution, and a hundred other things we do, under the universal belief that the Constitution permits, and all of which Madison, Monroe, Jackson, Tyler, Pierce and Buchanan asseverated in the most solemn manner would be gross violations of our fundamental law.

We may well ask where we would stand to-day in national development if the scruples of these Presidents, as expressed by their vetoes, had not been overborne by a public sentiment that gave to the Constitution an interpretation commensurate with national growth and national requirements.

It must be apparent that the vicissitudes of legislation would be very great if we had to fight our way through the Executive as well as through Congress. It is doubtful whether we could get on at all if the President felt bound to satisfy his personal judgment before signing bills. It is difficult now to pass important measures by the requisite majorities, but what would be our situation if we had to secure two-thirds of both houses? An examination of the debates will show that men divide not so much on party lines as on lines of individual judgment, and with the President it would always be doubtful where he would place himself on bills involving no party issue. Of the six river and harbor bills vetoed, only one, that of Mr. Arthur, was passed over the veto. Of seven vetoes of bills classed as internal improvements, not one was overcome by the required two-thirds vote. Of the long catalogue of private pension and relief bills passed in aid of Union soldiers by a Democratic House and concurred in by the Senate and vetoed by Mr. Cleveland, only one was overcome by the requisite two-thirds of both houses. The halls of the House of Representatives were resonant with suppressed anathemas as these bills came back in batches with the President's negative, and yet the House dared not rebuke the President by passing the bills. Members who had voted for the bills on their passage voted to sustain the veto. They did the same thing with General Grant and other Presidents, and this will always happen. It only shows how dangerous will be the concession once made and firmly fixed in the popular mind that the President has the right and upon him rests the duty of subjecting all bills to the crucible of his private judgment.

I refer to a few of Mr. Cleveland's vetoes as illustrating my meaning, and with all due respect for his exalted character. He vetoed the House bill granting a pension to the widow of Major-General David Hunter. The public will recall many instances of recognition by Congress to the widows of distinguished soldiers for conspicuous public service. General Hunter was one of the grand characters of the war, and had devoted his life of great usefulness to his country. He died poor. Congress proposed to make a small provision for the widow. Mr. Cleveland said no; and on the vote a majority of the House sustained the veto after once granting the pension. This was a case where no just interpretation of the veto power warranted any Presidential interference. It was a case where Congress should be the exclusive judge of the wisdom of the measure.

About many of Mr. Cleveland's pension vetoes there was a flippancy, not to say heartlessness, entirely unworthy his high office. They only serve to punctuate and emphasize the position I take as to the right of the President to object when Congress has not acted through inadvertance, or in haste, or with bad motives.

In one case he remarked with unconcealed sarcasm, not to say cynicism: "Whatever else may be said of this claimant's achievements during his short military career, it must be conceded that he accumulated a great deal of disability." And yet it was because of this disability that Congress offered relief. In another case he said: "His wife and family present pitiable objects for sympathy, but I am unable to see how they have any claim to a pension," and the House voted to sustain the veto by 116 to 113. In another case he seems to have grown weary and petulant in his negative duties and thus expresses himself in his veto: "I am so thoroughly tired of disapproving gifts of public money to individuals who, in my view, have no right to the same, notwithstanding Congressional sanction, that I interpose with a feeling of relief a veto in a case where I find it unnecessary to determine the merits," etc.

By some these wholesale vetoes were regarded as exhibiting great courage, for they were conceded to be the most unpopular of all of Mr. Cleveland's acts. But there was neither courage nor wisdom in them. He signed hundreds as he himself said in one of his vetoes, because he had not time to examine them. They involved no principle and established no precedent because no two were alike and none of them came within general law. They were clearly and simply cases of personal appeal by soldiers and widows of soldiers for relief, and Congress thought them worthy.

In 1840 the exciting contest involved among other things the recreation of a national bank. Harrison and Tyler were elected on that issue in part. But Mr. Tyler, after the death of General Harrison, vetoed the bill, and it could not be passed over his veto.

It is fair to say that Mr. Tyler had before his election declared against the policy of establishing a national bank, but elected on that issue, we have another phase of the veto power turned against the popular will.

An examination of all the vetoes placed upon grounds of want of constitutional power to pass the bill will show that in no instance has the final judgment of the country sustained the vetoes, except two of Mr. Madison's, where Congress extended aid to certain churches. In every case the objection has been finally overcome by the judgment of practical statesmen. This shows the fallibility of personal judgment and the greater wisdom of the many. It also serves to admonish Presidents to be cautious in the exercise of this high prerogative and suggests that, after all, the judiciary had better be left to deal with the constitutional objections.

General Grant's message accompanying his approval of the river and harbor bill, August 14, 1876, presents a curious phase of the Executive discretion. He says: "Without enumerating, many appropriations are made for works of purely private or local interest in no sense national. I cannot give my sanction to these, and will take care that during my term of office no public money shall be expended upon them."

This is a curiosity in Executive messages. There is a flavor of the military camp about this blunt avowal not to do the very thing the Constitution devolved upon him, that is almost grotesque in its frankness. "He shall take care that the laws be faithfully executed," says the Constitution, and yet rather than veto the bill, some features of which he approved, he boldly signs it and notifies Congress that certain appropriations he will take care shall not be executed.

Some day we shall have a President who will veto a measure on the ground of unconstitutionality. Congress will pass it over the veto. The President will refuse to execute it because unconstitutional, and therefore void. We may then hope to have some light thrown upon the powers of the President through a court of impeachment. But the veto power and the pardoning power can never be defined by the courts of law. The President cannot be restrained nor can he be prohibited by any process known to the law. The lines of demarkation must be drawn by enlightened public sentiment, and by a just perception of these great powers on the part of the President himself.

There remains to notice one further phase of the veto power. The President may withhold his approval and retain the bill ten days (excluding Sundays) and if Congress adjourns during this time the bill fails. This is called a "pocket veto." The final session of each Congress is always a short one. It convenes the first Monday in December and expires by dissolution of Congress March 4th, at noon, following. There are now three sessions of each Congress. One of these must terminate on the first Monday of December preceding the dissolution, and the last one must terminate at noon, March 4th, on the day of dissolution. There are then ten days at the close of two sessions, fixed and known, during which the President is absolute master of all bills then submitted to him and he need do no more than pocket them and they are killed.

Whether the section quoted in the early pages of this discussion is mandatory upon the President, requiring him in all cases to return the bill in order that Congress may have an opportunity to pass it, may admit of question, but all will concede that he should do this. A proper recognition of the dignity and powers of a co-ordinate branch of government would impose this duty upon the President. Fourteen such pocket vetoes only are found among the legislative archives, none since Mr. Buchanan, except 109 by Mr. Cleveland. In every case the President, except Mr. Cleveland, sent his objections to the next Congress, and in nearly every case he stated his inability to return the bill in time for action by the Congress passing the bill. But if this power to enforce individual opinion rests with the President in all cases, why should he scruple to retain all bills not to his liking and thus kill them by his silence. He is not bound, if he acts as one of the legislature, to make it possible for the bill to pass by returning it. He has all the rights, if his veto is a legislative act, that a member has to defeat the measure if he can; and here he has a sure way and need never assign a reason. Much, I may say most, of the important legislation reaches the President within these ten fatal days. He holds the reigns of Government absolutely during this period. If he is to search the many bills only to discover encroachments upon other co-ordinate branches of government or to find evidence of inadvertence, haste or wicked design, his task is comparatively easy and we may not fear abuse of power or miscarriage of legislation. But if he is to examine each bill upon its demerits, as a legislator must do, and satisfy his personal and private judgment of the wisdom of the measure, then he becomes not only two-thirds of both houses but he resolves himself into a committee of one of both houses and is Congress itself and may stifle all legislation by the simple use of the pigeon-hole. This would be a menace to and subversive of representative government. And yet this dilemma is inevitable and logical if the drift of public sentiment on this subject is right. We must cease to look so much to the Executive to save us from unwise laws and look more to the personnel of our Legislatures. The report to the Executive is dangerous and forbodes greater ills than those we would fly from. We must keep clearly defined the dividing lines of legislative, executive and judicial functions. While the Executive stands clothed with power to protect itself against encroachments by the legislative it must take care not to commit the very wrong it would prevent in others. The Legislature must not execute the law; no more must the Executive make it.

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." (Am. Con., Art. I., Sec. 1.)

"The executive power shall be vested in a President of the United States of America." (Am. Con., Art. II., Sec. 1.)

Let us accustom ourselves to observe these broad lines of distinction and let each operate in its proper sphere. I need hardly add that this discusion applies with equal force to Governors of States.

N. P. CHIPMAN,
Red Bluff, Cal.

NOTE.—The vetoes sent in by the various Presidents prior to Benjamin Harrison were as follows:

Washington, 1789-1797	2
Madison, 1809-1817	6
Monroe, 1817-1825	1
Jackson, 1829-1837	17
Tyler, 1841-1845	9
Polk, 1845-1849	3
Pierce, 1853-1857	9
Buchanan, 1859-1861	8
Lincoln, 1861-1865	1
Johnson, 1865-1869	20
Grant, 1869-1877	27
Hayes, 1877-1881	12
Arthur, 1881-1885	4
Cleveland, 1885-1889	413
Vetoed by message	304
Pocketed	109

Jefferson, the two Adamses, Van Buren, Harrison, Taylor and Garfield did not use the veto.—*McPherson's Hand Book of Politics, 1890, p. 26.*

NOTE.—The last Congress passed, with President Harrison's approval the Disability Pension Act, showing that the sense of the nation was and is against all the pension vetoes of Mr. Cleveland, for he placed his objection mainly on the ground that the injury complained of was not received in the line of military duty, and yet this is the very class now provided for at an estimated cost to the nation of 850,000,000 annually.

BRITISH LIFE BELOW STAIRS.

Dames of the Duster and Lords of the Ladle.

Entertaining and Informing Paper on ervice, Servants and Mimicry of High Life Below Stairs in England, Scotland and Ireland.

[Special Correspondence of the SUNDAY UNION. Copyright, 1891.]

LONDON (Eng.), March 24, 1891.

There is in Great Britain a line of nobility, not set down in "Burke's Peerage," as rigorous in distinctions, as unyielding in established rights and traditions, as impregnable against innovations, and as haughty in the enjoyment of its caste and privileges, as that authenticated nobility and aristocracy which its different ranks as often rule as serve. These are the lords and ladies of that vast and ordinarily mysterious realm known as the "Below Stairs" of British life.

They are one and the same in England, Scotland and Ireland. While British politics may boil in Ireland, stew in Wales and Scotland, and simmer in England, the real United Kingdom, imperturbable to politics, calm and impassive in the face of commercial disaster or social change, is held together as with ribs of steel, rivets of copper, and cappings of brass, by the adamantine solidarity of this invincible nobility—the British dames of the duster, ladies of lap-dog and luggage, lords of the ladle, barons of bells and boots and peers of the pantries and pots.

As a result of several years' observation, I should say that the chief characteristic of the British servant, whom we may fairly call the English servant, is a never-failing consciousness, and insistance upon the cognizance by all others, of his, or her, exact *place*, whatever that place may be. Because of this, much else may be condoned. There is only one other class of servants in the world that gains so much through the same characteristic in a certain degree of dignity. This is the African. However much you may "elevate" and educate the latter, place them in any form of service and the old consciousness of propriety in distinctions instantly returns, and with it the fine, though often pathetic, dignity of themselves asserting the distinction. The true man or woman of service possesses a real, if sometimes somber, pride in serving a real gentle man, or real gentle lady; and while you may not find the African's amiability in an apparent unconscious defining of relations, in your English servant it is the one unvarying rule of feeling, thought and action of his, or her, whole life, to truly serve the truly noble and considerate, and to truly rule, by endless insistance of rights, perquisites and traditional dignities, the ignoble and the parvenue.

The number, wages and ways of the servants employed in and about the great halls, seats and castles of Britain almost tell the story of their masters. First and foremost is the steward, who is responsible to milord and lady for the entire establishment, the servants, hiring of servants, and the purchase of all necessities such as food, except meats, which is invariably the perquisite of the cook. The steward receives £80, and an unlimited amount of noble blackguarding per year.

Next in importance, if not indeed the first, is the housekeeper. She is usually a maiden lady of severe age or a widow culled from poor relations. She must be a person of infinite expediency, common sense, experience and with a soul and physique of iron. She usually has entire charge of the details of all domestic matters; holds the keys to every private apartment and secret compartment; with her assistant makes, lays and repairs all carpets; cleans and rehangs all tapestries; frequently originally embroiders the finest of draperies; packs, unpacks, rehangs and drapes all paintings; prepares and marks with the family crest all linen and laces; cares for the statuary and attends to the interminable cleaning and waxing of floors. She receives from £20 to £25 per year, having under her from one to two assistant housekeepers, whose yearly wages are from £12 to £16. In a general way, all the female servants of the place are amenable to the head housekeeper, who is at no time away from her post.

The next of these in grade is perhaps the governess. This necessary though unfortunate person is expected to educate and form the manners and morals, to the age of 12, of the children. She must read, write, speak and teach French and German, and be able to instruct in the rudiments of Latin, the sciences and philosophy. She must sing and teach vocal music, and play and instruct upon the piano and harp. In fact, she must be the superior, companion and servant of her charges. Her compensation is £40 to £60 per annum, and many opportunities for intrigue. In the greatest houses she is allowed two, and sometimes three, nurserymaids at from £10 to £16 each. There is an upper housemaid at £16; an under housemaid at £12, and from two to four assistant housemaids at £10, all really under control of the housekeeper.

But the ladies' maids, who are responsible only to their mistresses, hold what are regarded as the most desirable positions; insomuch as, while the most exacting duties are required, they receive from £30 to £50 per year, while their opportunities for travel and sight-seeing are unlimited. The lady's maid is usually a young woman of excellent education, and genuine accomplishments, and of extraordinary patience and finesse. To follow her in one day's duties would assure any one of all that. Her breakfast must be taken while milady is still sleeping, for when she wakens her cup of cocoa must be ready, after which the bath is given and milady's hair and toilet "done." While the latter is at breakfast, her chamber must be righted and aired, and the morning dresses arranged. If her ladyship goes for a drive or ride, she must be again dressed for the same; and while she is absent, the maid, who in most cases is a thorough modiste, must busy her fingers at sewing. It is not customary to give her new cloths to cut, but she must be competent in all repairing and even in cleaning and remaking a soiled costume. She lunches at the same hour with her mistress, but hurriedly, for, if in the city, she must during this time attend to necessary shopping. After lunch hour her ladyship is dressed for going out, or for receiving at home. Then again comes the round of sewing, or mending, getting out her ladyship's dinner gown, etc., and assorting and polishing her jewels for possible evening wear. Then her mistress must be dressed for dinner; and after her own dinner is eaten, the evening costume complete must be laid out, some finery removed and bits of fresh lace added here and there, when she is prepared to fold, seal and post such letters as her ladyship may have written just after dinner, by which hour the ordeal of placing her titled ward in full evening costume is at hand. This passed, the maid may busy herself getting costumes for the morrow in order; pernaps steal out for a half hour with the ladies-maids' coterie; but woe be to her if she is not smilingly in waiting on her ladyship's return, with the latter's chamber in perfect order for retiring, at which she assists; and then lies down, like the faithful animal she is, in a room next her mistress, within call of bell, which is liable to summon her at any hour of the night, or rather, the morning. All lower female servants hold the lady's-maid in deadly hatred, the while longing for her place as one almost possessing the honors of royalty itself. The female servants also comprise a head laundress at £30, and two or three assistants at £12 each per year; an assistant cook, who must be equal in ability to the *chef*, and who receives £20; two additional assistant cooks, or kitchen-maids, at £14; and two scullery-maids at £12.

The head butler is a sort of generalissimo of the male servants of the household. A majestic bearing is a fortune to this fellow. He is the general-stand-around-and-look-awful of the house; but must have an eye to the welfare of guests and the character and behavior of his inferiors. He is also the head waiter. He attends to the table and its proper setting and service at all times, presiding at the carving and other mysteries of the side-board, for all of which he receives £75 per year. The under butler, at £35, has entire charge of the silver. It practically never leaves his hands or sight, as he not only delivers to, and receives from, the hands of the butler all pieces used, but washes, polishes, and sleeps alongside their receptacle-cases in the pantry. During seasons of unusual entertainment he also assists the head butler at meals. There are generally also a first, second and third footman. These receive about the same wages as the under butler. They clean milord's clothing, which a valet scorns to do save when his master travels, assist at meals as waiters, wash glass and silverware, are regarded as general help under the butler, and are, properly speaking, only footmen when on duty as such with the carriages.

Among the other male servants is milord's valet, with well-known duties. A bright one receives £70 per year and will easily manage to secure as much more. Then there are the head cooks, to none of whom are paid one-fourth the price given by the American nouveau-riches to their recently imported *chefs*, who receive from £125 to £150, with perquisites of about £50 from the sale of drippings and fats. There is also a head coachman, at £60 to £80, under whom are a second coachman at £25, a stud-groom at £20, and grooms, stablemen and helpers at from £10 to £20 each, and one or two "odd-men" who attend the servants' hall, carry baggage, clean boots and are a sort of everybody's men to all below-stairs.

The whole number of servants at one of these princely houses is therefore very large. I have only enumerated those directly serving the household itself, whose members may not number a half dozen, and in seasons of entertainment will not average more than two dozen souls.

Among all these house servants there are what might be called an upper and a lower house. Precedence is as severe a master and scourge here as with the nobility themselves. The hours for servants' meals are: Breakfast, 8; lunch, 11; dinner, 1; tea, 5; and supper from 9 to 10. The upper house includes the steward, butler, housekeeper, the head cook, the valets and the ladies' maids. These usually take all their meals by themselves, in either the steward's or housekeeper's room, where they occasionally lounge and do their necessary correspondence. In some houses all the servants dine together; the upper servants assembling in the housekeeper's room, from which they solemnly march to the servants' dining hall, the lower servants remaining standing until their betters are seated, the butler at the head of the table. No conversation whatever is permitted while the joint is being partaken of. The lugubrious silence and austerity of this gathering are inconceivably ludicrous. When the meat course is finished the upper servants rise. The lower servants follow with military alacrity. The former, in their proper order of precedence, like automatic puppets, then march back into the steward's room, where, in the greatest punctillio, pudding and dessert are served.

Meanwhile the lower servants, relieved of the presence of these their severest masters, fall to small talk, cheese and small beer to their heart's content. Other grotesque forms among these folk are noticeable. Guests' servants invariably take the rank of their visiting master or mistress. The valet of a lord is seated next the butler, and is often housed and "entertained" by the steward. The maid of a countess, or duchess, is "handed in to dinner, below stairs with all the ceremony which her titled mistress may receive one story higher. But an ordinary servant or footman must accept rigorous "pot-luck" with members of the lower house. Again, the upper servants must always be addressed by the lower, as "Mr.," "Mrs." or "Miss." But among footmen and housemaids in general, dignity often gives way to alacrity, which, in turn, imposes the highest honors. For instance, above the clamor of morning bells will be heard such startling exclamations as: "Dunraven, there's yer man's bell!" "Marlborough, be lively now!" "Manchester, yer ol' boy's moving!" or, "Tweedmouth, yer vally wants ter groom ve!"

Besides the thirty or forty servants employed about the household and stables, the larger establishments require an equal number out of doors in various capacities about the demesnes. First there is the "agent" who has general charge of the estate, indeed often the entire control of the property. Frequently with him are a half dozen accountants and clerks. The next man below him is the bailiff. His province is to look after the home farm and cattle. This is no sinecure, for on some of the greatest estates farming and grazing are conducted on a large scale; and this entirely exclusive of the fancy farming and gardening in which nearly every one of the nobility indulges. Sometimes inclosed by the inner walls surrounding the hall itself, though oftener at some little distance away in well-ordered arrangement, will be found out-buildings, granaries, machinery storage house, mill-houses where grain is thrashed, logs are sawed and feed is ground by steam, and covered inclosures for young stock, in number and capaciousness quite surprising to even one accustomed to the provisions for the same by the most noted American farmers. A host of hangers-on find lazy employment here. Then upon a demesne of several thousand acres there will be a head gamekeeper, who will be allowed a dozen men to assist him in breeding and caring for the game and protecting it from the inroads of poachers. Some of the finest forests in the world are upon these estates. Each requires a head forester with a half dozen men under him. New trees are being constantly planted. Too heavy growths are thinned out. Every sound tree-trunk is sold to be cut in deals; every unsound one finds ready sale for fuel. If a river runs through a demesne, several men are required for constantly beautifying its banks, and keeping the poachers away from its fish.

The roads and driveways of a fine demesne require very great attention. Then there is a master sawyer and his men for cutting posts, for repairing gates and fences. There are painters, glaziers, carpenters, a number of whom are kept in service, and busy, the year round. The head gardener requires several assistants. And, if a guest, your coachman's call of "Gate! Gate!" will, in a ride about an ordinary estate, bring to the lodge gates at different entrances fully a half-dozen bronzed old lodge-keepers from out of flower-imbedded, ivy-covered lodges. Every one of these are "army pensioners," heroes bold, at their British army pension and £10 a year, whose lives fade out here in these shadowy nooks among the hares and pheasants, with perhaps one gate-call and a pot of beer a day to keep their scattering useless wits together.

In England servants are precisely what ten centuries of masters have wished them to be. English servants in America are miserable beings, giving the worst of service. They are outside of England; they have lost the pose and poise of their rock-rooted home regime, while they are bewildered by the eccentricities of many of our amateur nobility who import them, who will require some little time to accustom themselves to the attentions of any manner of servants.

EDGAR L. WAKEMAN.

A Christening Party.

Simple notes of invitation written in an informal manner should be sent to friends whom you wish to invite to a christening party, says the *Art Interchange*. The guests are invited to come at a certain hour, and when all are assembled the ceremony takes place. A table must be arranged with a christening bowl and some white flowers at any convenient part of the room. Christenings of very young children usually take place about midday, after which a collation (which is in fact a luncheon) is served. This may be an elaborate repast or not, as you choose. It is not necessary to have favors, and *menus* are rarely used except for formal dinners. The most correct thing for favors is a round, flat box containing sugared almonds. These are tied with ribbons, and have the name of the child and date upon the outside.

WOMEN OF AMERICA.

Versatility, Talent and Beauty of Those in This Installment.

Mrs. Edith Sessions Tupper—Miss Helen Watterson, Miss Aimee Raymond, M. D.; Emily Kemple, LL. D. —Mrs. Frank Leslie's "Thursdays."

[Special Correspondence of SUNDAY UNION. Copyright, 1891.]

NEW YORK, April 7, 1891.

Mrs. Edith Sessions Tupper is the daughter of the Hon. Walter L. Sessions, ex-member of Congress from New York. Although "happily married and settled," in a pretty up-town flat, Mrs. Tupper is one of the most versatile literary women in New York. Her specials to the Chicago *Herald* are among the best letters sent from Gotham, and her articles in the *Sunday World* are read with much interest, not alone by women, but by men. She has also written voluminously for the syndicate, the American Press Association, *Judge*, *Frank Leslie's*, *Life*, *Outing*, *The Ladies' Home Journal* and the *Cosmopolitan*. She writes excellent rhymes and stories. She is the author of "By a Hair's Breadth," a detective story, and "By Whose Hand?" The latter is spoken of as novel, curious and original.

Some years ago she received the $300 prize from the Chicago *Tribune* for the "best long story." Mrs. Tupper is a woman of good education, fine appearance and keen sympathies. Two years of her school life were spent as a student at Vassar College.

She possesses