

Title of Nobility

From the beginning, English law hardly knew anything of a noble or a gentle class. In the main, all free men were equal before the law. English nobility has never been an exclusive club closed to all except those of ancient family and documented pedigree. It is an order open to all and entered into on one's own. To become noble means to make one's self so. "There is no particular moment in a man's life at the present time, the era of the great middle class, at which he visibly steps from a plebeian to a patrician standing."¹

Land has been the basis of England's aristocracy throughout its history. The possession of feudal lands held immediately of the Sovereign was the mark of noble status because of the authority over other men, which such possession implied. Land was the only form of wealth compatible with noble status. "...Therefore, there were but two classes in existence, of which the upper class were those who held the land...and who were noble, or in other words [gentlemen]."² Land is not merely a finite resource, but a mythical and heroic realm, a source of enormous prestige. Feudalism was the basis of medieval Europe's nobility:

Under the feudal system...in later times the purchase of such a fief by a man free, but not noble, was held to confer nobility.³

The ancient concept of nobility is better described by the term, *gentleman*, than the term, *nobleman*. The title of "gentleman" was originally acquired by inheriting the noble blood of ancestors, or by living a virtuous life, or by professional employment according to then prevailing laws and customs of honour, or by being raised to nobility and "made gentle" by the

¹ Fox-Davies, Arthur Charles, *A Complete Guide to Heraldry*, (New York: Dodge Publishing Co., 1909), page 23.

² Op. cit. Fox-Davies, Arthur Charles, page 20.

³ Woodward, John, *A Treatise on Ecclesiastical Heraldry*. (London: H. & A. K. Johnston, 1894).

Sovereign's Letters Patent. There were no grades of medieval gentility: a "gentleman" was a gentleman without regard to wealth or political eminence.

Until the seventeenth century the ancient divisions of England's titles of honour were eleven when the addition of "knight-baronets" made them twelve. First among them was the king...and fifth, gentleman, whose title, as it is used in common speech, means nobilis, or gentleman of blood.⁴

Strictly speaking, England's nobility are the gentry, its armigerous class, and the English class that answers to the noblesse of other lands.

*La Noblesse d'Angleterre est distinguée en plusieurs degrés par les Princes de la Maison Royal... et par les simples Gentilhommes.*⁵

The distinction often made between "mere gentry" and "nobility" is one that neither in fact nor law exists in England. Neither nobility by birth nor ennobled blood are recognized by English or Scottish law:

It became the fashion late in the day to talk of noble blood, of a man's blood being ennobled when he was called to Parliament. But this is nonsense unless it be held that the ancestor's blood flows only to his heir, and unless the heir only begins to have his ancestor's blood in his veins when that ancestor dies. The sons and daughters of lords have from the first been commoners during their father's lifetime, and on his death only his heir becomes entitled to any legal privileges. Whatever social pre-eminence the families of peers may have, has no basis in law: we have never had a noblesse.⁶

*Mere Possession of a land barony, honour or manor confers the status of lordship.*⁷ One who possesses an honour or manor is, *as a matter of law*, a "Lord." "Titles" are emblems. The title "Lord of..." is an emblem of lordship.

⁴ Selden, John, Esq., *Titles of Honor*. 3d ed. (London: Thomas Baffet, 1672).

⁵ Gilles-André de la Roque, *Traité de la Noblesse*. Quoted in full by Sayer, M.J., *English Nobility*. (Norwich: Norfolk Heraldry Society, 1979), page 3.

⁶ Op. cit. Maitland, Frederic William. *The Constitutional History of England*.

⁷ Op. cit. Megarry, Sir Robert and Wade, H. W. R., *The Law of Real Property*, page 13.

If the lord is also a gentleman (in Western democratic societies today, who, indeed, is not?) he is, *by strict definition*, “noble” and a member of the noble class, “the nobility.” His emblem or “title,” lord (his emblem of lordship) is appended to his status of nobleman. Thus, one who possesses a land barony, honour or manor also possesses a “title of nobility.”

...Him also they call Noble that hath his own inbred dignity and greatness of Spirit. Of all which, this is the best kind of Nobility.⁸

It is widely but mistakenly believed that no American is allowed to acquire any “title of nobility”; but, with two exceptions, this is not true.⁹ Rather it is both the federal and state governments of the United States are forbidden to *grant* titles of nobility.¹⁰

⁸ Op. cit. Selden, John, Esq.

⁹ Persons “holding any Office of Profit under [the United States],” Constitution of the United States of America, Article 1, Sections 9 and 10; and foreign nationals who petition to become American citizens who must renounce any orders of nobility and hereditary titles they may possess or might inherit: 8 USCA §735, *The Nationality Act*, 1940. *The Act does not define nobility*. Inheritance, purchase, possession and merely private use of a title of nobility by a naturalized citizen *might* be a fraudulent act with respect to his conditional Oath of Naturalization.

¹⁰ Constitution of the United States of America, Article 1, Sections 9 and 10.