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THE ENGLISH CABINET SYSTEM

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BY
WANGTEH YU, PH.D.

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PREFATORY NOTE

THIS book is the outcome of my Ph.D. thesis on "The English Cabinet, 1868–1917" at the London School of Economics and Political Science, University of London. The thesis is an historical study of the evolution of the Cabinet system; detailed description is confined to that particular period, modern changes being mentioned incidentally. In its preparation for publication the work has been considerably abridged and every attempt has been made to bring it up to date. In the main this volume contains statements of fact. References have been inserted wherever materials have been taken from published or unpublished sources. Owing to the necessity of my leaving Europe before the publication of this volume many difficulties have had to be contended with. I have endeavoured, however, to make this work generally unaffected by the limited time at my disposal.

I am much indebted to P. S. King and Son for their unfailing assistance and painstaking co-operation throughout the stages of the publication of this work. My warm and sincere thanks are also due to the printer, Richard Clay and Company, Ltd., for their kind help.

W. YU.

Paris, 1939.

INTRODUCTION

THE Cabinet system may be described as the mainspring of the whole mechanism of government. Legally speaking, the Cabinet is only a committee of the Privy Council, but in practice it functions as an executive committee of the Government. Its growth has been almost imperceptible, since it has evolved like a living organism, largely as a result of unwritten customs, practice and constitutional understandings. Originally, the term Cabinet denoted counsel given privately or secretly by a body of the King's advisers in the cabinet or private apartment of the Sovereign.[1] Gradually, in the course of centuries, it has been transformed into a body of the King's Ministers, chosen by the Prime Minister from members of the majority party in the legislature, who frequently meet to deliberate and decide on matters of national policy, and attend meetings held at the Prime Minister's official residence. The phrase 'Cabinet' does not appear in any formal document before the Ministers of the Crown Act 1937, which may be regarded as a landmark in English constitutional history, inasmuch as an informal body is transformed into a recognized part of the Constitution.

In order to state the nature of the Cabinet system, it is necessary to give a brief explanation of the structure of the English Constitution. This, as is well known, consists of two parts. The one part is made up of statutory enactments of Parliament or of subordinate legislative bodies and the Common Law. These are the rules of strict law, and are enforced by the courts. The other part is made up of constitutional understandings, customs

[1] *A New English Dictionary of Historical Principles*, Vol. II, p. 6; H. D. Trail's *Central Government* (1881), p. 14.

and practices which are not enforced by the courts. This is what Dicey called "the convention of the Constitution,"[1] Todd referred to as "the precepts of the Constitution,"[2] while Anson spoke of "the custom of the Constitution."[3] These constitutional understandings or usages regulate the greater part of the undefined portion of the exercise of governmental powers, the relations between Departmental Ministers, the relations between executive and legislature, and before 1931 regulated relations between the Imperial Government and the Governments of the Dominions. The genesis and growth of these conventions are a mystery. They are probably the result of the matured experience of certain statesmen, whose action in a particular instance is generally followed as the best method or the only possible means of solving the complex problems arising from the interpretation of the English Constitution. In such cases there is a tacit recognition or unconscious acceptance of the undefined elements in the powers appertaining to certain offices or in the relations between Ministers, such as the tacit recognition of the ascendancy of the Prime Minister over his colleagues. These practices are not enforced by the courts or any other external agency, but are followed for the sake of convenience. In course of time these practices harden into conventions. It is difficult to discard a tacit constitutional understanding once it has been created, since it vests rights or privileges in certain organs of the executive, or in the Ministers who are the responsible heads of the departments in question, and gives protection from encroachments on the interests acquired as a result of immemorial usage. In the past the Commons frequently protested to the Lords that the latter had encroached on their rights and privileges in various matters. Queen Victoria vigilantly guarded the rights and privileges of the Crown; she was

[1] Dicey's *Law of the Constitution*, pp. 413–68 (8th edition).

[2] Todd's *Parliamentary Government in the British Colonies*, p. 1 (2nd edition).

[3] *Law and Custom of the Constitution*, Vol. I, p. 23 (5th edition).

in the habit of protesting if her Ministers disregarded the practice of forwarding dispatches or of informing her of the course of action which they proposed to take. Mr. Gladstone also clung tenaciously to the rights and privileges appertaining to the Cabinet and the Premiership. When recognized rights and privileges were disregarded by his colleagues, he would protest and produce many precedents in support of his contentions.

These constitutional conventions, which never cease to grow, accumulate in course of time. In this respect nothing can be better than to observe Erskine May's work on *Parliamentary Practice*, disregarding its content on the small portion of laws. Its first edition, in a much smaller volume, contained only 460 pages, but the present thirteenth edition is a formidable one, which contains 877 pages without including the appendix.[1] Such amazing accumulation of parliamentary usages indicates the rapid development of constitutional conventions within the last eighty years. They cannot, however, be regarded as fixed, once they become established rules. They can be

[1] The following table shows the extension of Sir Erskine May's work :

Editions.	Years of publication.	Pages.
First edition . . .	1844	460
Second edition . .	1851	585
Third edition . .	1855	624
Fourth edition . .	1859	736
Fifth edition . . .	1863	786
Sixth edition . . .	1868	764
Seventh edition . .	1873	819
Eighth edition . .	1879	844
Ninth edition . .	1883	903
All above editions were prepared by Sir Erskine May himself.		
Tenth edition . .	1893	821
Eleventh edition . .	1906	915
Twelfth edition . .	1917	806
Thirteenth edition . .	1924	877

modified, or sometimes become hardened into law, as happened in the case of the Parliament Act 1911, which regularized a part of the convention regulating the relationship between the two Houses with regard to control over finance and the passing into law of public Bills, other than a money Bill or a Bill to extend the duration of Parliament beyond five years. Some distinction may be drawn between these conventions in so far as some tend to be more rigid than others. In other words, their primary and secondary importance may be observed. In the former case a failure to observe them may involve serious political consequences, whilst the vaguer and more flexible conventions may be interpreted with far greater elasticity, since their violation would not have any important political repercussions. The more rigid type of convention may be illustrated by certain constitutional understandings and usages governing the relations between the Sovereign and his Ministers and the custom of Parliament. For instance, in 1909, when the House of Lords disregarded the well-established convention that it should not seek to interfere with the Commons' control of finance, and rejected the Budget *in toto*, a first-rate political crisis was created. Parliament was dissolved in order to determine the will of the electorate, with the result that the Government was re-elected, the Budget was again passed through the Commons, and this time the Lords gave way. Again, if the King refused to sign a Bill, the results of such a breach of a convention would be obvious, even to the man in the street. In the case of the dissolution of Parliament, it has become the traditional practice that the King should not refuse the request of his Cabinet, and this rule has probably hardened into a convention,[1] since his refusal would mean the resignation of his Ministers and the necessity of finding another statesman to form a Ministry. This would not be a

[1] Dr. Jennings holds the view that it is not a convention yet, but, on the other hand, Mr. Wade regards it as a convention. See Jennings' *The Law and the Constitution*, pp. 107–8; *Law Quarterly Review*, Vol. II, No. 201, Wade's article "Constitutional Law," p. 243.

feasible course to take, for even if he could command the leader of the Opposition to form a Ministry, the alternative Government would necessarily be a minority one, and its members would have to ask for a dissolution in order to get a working majority, although they could carry on the Government for a brief period. A situation of this kind, of which the constitutional crisis in Canada may serve as an example,[1] would embarrass the position of the Sovereign.

On the other hand, the convention which governs the Cabinet system is vaguer and more flexible. Its working and functions are ill-defined and not regulated by any written rules or statutes. Lord Melbourne once said that the Ministerial part of the working of executive government was determined largely by practice, usage or understandings.[2] Gladstone also remarked that the Cabinet lived and acted by understandings, without a single line of written law or constitution to determine its relations to the Monarch, to Parliament or to the nation, or the relations of its members to one another, or to its head.[3] So every Prime Minister and every Cabinet Minister have to learn these practices, usages and understandings by reading statesmen's memoirs, or derive their knowledge from their experiences after serving under different Ministers. However, since the constitutional usages or understandings which govern the Cabinet are of a more or less flexible type, they can be neglected or disregarded, or even broken without any serious consequences. For instance, the convention of the collective responsibility of the Cabinet towards Parliament was disregarded by the decision of the Cabinet to 'agree to differ.' There was also an unwritten rule debarring a Secretary of State for India from becoming Viceroy of

[1] *Speeches and Documents of the British Dominions, 1918–31* (The World's Classics, Oxford University Press), pp. 149–60; Mr. Mackenzie King's speech on July 23, 1926; Professor Keith's view, see his "Letters on Imperial Relations," *Indian Reform Constitutional and International Law, 1916–35*, pp. 56–9.

[2] *Letters of Queen Victoria*, 1st Series, Vol. I, p. 449.

[3] Gladstone's *Gleanings of Past Years*, Vol. I, Section 45, p. 241.

India. Nevertheless, Lord Ripon, Secretary of State in 1866, was made Viceroy in 1880.[1] The appointment of Mr. Asquith on foreign soil was contrary to the traditional practice that a Minister should be appointed within the United Kingdom,[2] and the admittance of Lord Cawdor to the Cabinet, without his being made a Privy Councillor, was also a departure from custom.[3] Although these conventions were disregarded, in no case did this involve any serious consequences. Moreover, it is a feature of the flexible type of constitutional understandings that they continue to command respect, even when they are honoured more in the breach than in the observance.

[1] Sir Malcolm C. C. Seton's *The India Office* (1925), p. 42.

[2] *Life of Lord Oxford and Asquith*, Vol. II, p. 197. *The Times* and other newspapers characterized the appointment of a Prime Minister on foreign soil as an " inconvenient and dangerous departure from precedent."

[3] *Memoirs of Sir Almeric Fitzroy*, Vol. I, p. 243.

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CHAPTER I

THE FORMATION OF A CABINET

§ 1. *Consultation during the Process of Forming a Cabinet*

IT is a principle of the English Constitution that the King's Government must be carried on; therefore when a Government falls, the Sovereign must appoint a Prime Minister to whom he entrusts the task of forming a new administration. The Prime Minister may form either a coalition or a party Government, as circumstances dictate. A coalition involves the participation of members of more than one party in the Government as well as in the Cabinet. This either takes the form of co-operation between two great parties with the smaller parties in the Commons, in which case party government is virtually suspended; this is generally done in order to tide over a period of crisis. Or it may merely consist of an alliance between one of the great parties and the small parties, which are given a few seats in the Cabinet in order to obtain their support in Parliament. This happened when Lord Salisbury formed his second and his last Cabinets; he allotted a few seats to the Liberal Unionists. Further examples occurred in 1902, 1905 and 1908. On the other hand, when a party Government is formed, no members of any other party are invited to participate, although it may be necessary to have the support of one or more of the smaller parties. The general complexion of a Government is reflected in the composition of a Cabinet.

The making of a Cabinet is a delicate art. When a Prime Minister is entrusted with the task of forming a Cabinet, he usually consults his most important and confidential political friends regarding the arrangements

of the Cabinet, the selection of Cabinet members, the distribution of Cabinet seats and, perhaps, the acceptance or rejection of one or two demands, before the list is finally presented to the Sovereign for approval. For instance, in 1874 Mr. Disraeli, before he was summoned to Windsor, consulted his principal counsellors, Derby, Cairns, Northcote and Hardy, in order that he might settle the general plans of his Cabinet.[1] Mr. John Bright, in his diary, also described how, during the formation of Mr. Gladstone's Cabinet in 1880, he met the latter at Lord Granville's residence, where they talked over plans for the new Government, the distribution of offices and the question of the admission of Sir Charles Dilke or Mr. Chamberlain.[2] We also know from Lord John Manners' *Journal* that on June 11, 1885, Lord Salisbury, before he was summoned to Balmoral, had a long and confidential conversation with the former as to the arrangement of the Cabinet.[3]

Again in 1892, when Mr. Gladstone undertook the task of forming a Cabinet, he consulted Morley and Harcourt in regard to the distribution of Ministerial offices.[4] On that occasion Sir H. Campbell-Bannerman was also consulted, and his description is interesting:

"It is the first time I have had to do with the making up a Government, and it is a most sickening job. Everything has to be discussed and considered, and the secrets of all hearts laid bare. All yesterday (Sunday) they scoured the Clubs for me, and finally tore me away from a French novel in a cool library, to advise as to

[1] Moneypenny and Buckle's *Life of Disraeli* (new revised edition, 1929), Vol. II, p. 625. Cf. Alfred E. Gathorne Hardy's *Lord Cranbrook*, Vol. I, p. 335: "I have been with Disraeli and have gone through his plan of a Ministry; in some points altered in talking it over. Beach, Booth and Cross change the places originally with doubt assigned to them. . . ."

[2] *Diaries of John Bright*, April 25 and 27, 1882, p. 439.

[3] *Journal*, June 14, 1885; *Lord John Manners and his Friends*, Vol. II, pp. 307–8.

[4] Lord Oxford and Asquith, in his famous book, writes the following lines: "The process of Cabinet-making was conducted in Rendel's house in Carlton Gardens, where Mr. Gladstone sat in an inner sanctum with Harcourt and Morley as assessors" (*Fifty Years of Parliament*, Vol. I, p. 203).

the mode out of a dilemma. I take as little to do with it as I can. Mr. G. is in high spirits but terribly worn and worried by this job. Rosebery will be in: but he is in wretched health and has refused and been over-persuaded ten times over." [1]

The writer of the *Annual Register* gives us a glimpse into the construction of Salisbury's third Cabinet in 1895. It records: "Her Majesty sent at once for Lord Salisbury, who proceeded to Windsor (June 24) after a consultation with some of his political friends and the Duke of Devonshire and Mr. Chamberlain." [2] The consultation regarding the arrangement of the Liberal Cabinet began in the first month of 1905, ten months before the actual formation of the Cabinet. Lord Morley mentioned in his *Recollections* that on January 19, 1905, Sir Henry Campbell-Bannerman consulted him regarding the distribution of Cabinet Offices in the forthcoming Liberal Government. He made some suggestions and wrote down a list of names for a possible Cabinet.[3] When Sir Henry was actually commissioned by the King to form a Ministry, he also discussed with Mr. Asquith in regard to the distribution of Cabinet seats. During the meeting it was decided that Mr. Asquith should be Chancellor of the Exchequer, and the latter strongly urged that Sir Edward Grey should be Foreign Secretary, and Mr. Haldane Lord Chancellor.[4]

Besides consultation with his ex-Ministers, a Prime Minister consults the Chief Whip of his Party, in order to ensure perfection of the appointment, as a Chief Whip usually possesses a wide and profound knowledge regarding the tendencies and opinions of the House. Viscount Gladstone, who was the Assistant Whip to his father and Chief Whip to Sir Henry during 1899–1905, tells us that: "In the formation of a Government he was the adviser of the man chosen to be Prime Minister."

[1] Sir H. Campbell-Bannerman to James Campbell (15.viii.92); *The Life of Sir H. Campbell-Bannerman*, Vol. I, pp. 123–4.

[2] *Annual Register*, 1895, p. 139.

[3] Morley's *Recollections*, Vol. II, pp. 131–2.

[4] *Life of Lord Oxford and Asquith*, Vol. I, p. 172.

He goes further, saying that: "The Chief Whip might be in a position to warn his leader that the appointment of particular men, or a particular man in a particular post, would be risky, dangerous and inadvisable." [1]

§ 2. *The Influence of the Monarchy*

One of the most important and valuable privileges enjoyed by the Prime Minister is his freedom of choice of his colleagues, subject to the approval of the Sovereign. It may be useful to ascertain whether a monarch has any influence regarding the selections. It is indeed difficult to say that a monarch has no influence whatever in connection with the choice. The extent of a monarch's influence often depends upon his particular personality. History illustrates that an able king has a much greater influence than a less able one. Generally speaking, the influence may be classified under three headings:

(1) The suggestion of some particular statesmen whom he considers should be included in the Cabinet;

(2) The refusal to accept a particular statesman whom the Prime Minister recommends should be included;

(3) The criticism of the selection of a particular statesman whom he regards as incompetent to fulfil a certain office.

During the process of forming a Cabinet, the Sovereign has the undoubted privilege of suggesting some statesmen whose inclusion he considers would be valuable for the Cabinet. These suggestions are merely persuasive, and the Prime Minister may adopt them or not according to the political necessity. Some examples taken from the last century can best illustrate the working of this practice. On December 4, 1868, Queen Victoria wrote a letter to Mr. Gladstone asking him to include Lord Halifax in the Cabinet. The letter says: "His ability

[1] Viscount Gladstone's "The Chief Whip in the British Parliament," *The American Political Science Review*, August 1927, No. 3, p. 520.

and experience would be very valuable, and the Queen has personally a great regard for him." [1] Another letter dated December 6 reads that: "She is still most anxious to secure Lord Halifax's services either as Lord President or Privy Seal. He would be personally so agreeable to the Queen, and his ability is incontestable." [2] After she had heard that Mr. Gladstone had proposed Lord Halifax as Lord Lieutenant of Ireland without a seat in the Cabinet, she again wrote a letter to Mr. Gladstone dated December 10, asking him to include Lord Halifax in the Cabinet without office.[3] But her plea was useless, as Mr. Gladstone had already completed his Cabinet.[4] However, when Mr. Gladstone reconstructed his Cabinet in 1870, he offered Lord Halifax the Privy Seal with a seat in the Cabinet. In 1886, when Sir Henry Campbell-Bannerman was appointed as Secretary for War, this appointment was undoubtedly influenced by Queen Victoria. Owing to the fact that Mr. Childers did not wish to be Secretary for War, she suggested that Sir Henry Campbell-Bannerman should be appointed instead. In the end Mr. Gladstone reluctantly accepted the Queen's proposal.[5] According to the Queen's Memorandum dated January 30, 1886, she suggested that Lord Rosebery should be Foreign Secretary.[6]

Again on February 1, as we see from the Queen's Journal, she suggested Lord Rosebery or Lord Spencer for the Foreign Office, Lord Ripon for War, and Lord Northbrook for India.[7] Out of all these proposals, Mr. Gladstone accepted only one—namely, that Lord Rosebery should be Foreign Secretary. When Lord Salisbury became Prime Minister (July 25, 1886) the Queen suggested Sir E. Mallet as Secretary for Foreign Affairs.

[1] *Letters of Queen Victoria*, 2nd Series, Vol. I, p. 566.
[2] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. I, p. 145.
[3] *Ibid.*, p. 145.
[4] On December 9, 1868, Mr. Gladstone formed his Ministry.
[5] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 42; J. A. Spender's *Life of Campbell-Bannerman*, Vol. I, p. 99.
[6] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 32.
[7] *Ibid.*, p. 34.

On July 26 she again made the same suggestion. After consideration, the proposal was not accepted, and Lord Iddesleigh was appointed as Foreign Secretary.[1] The admission of Lord Cross to Salisbury's Cabinet in 1895 was also due to the political influence of Queen Victoria. As a memorandum shows: " . . . whatever changes may be necessary the Queen must ask for Lord Cross to be in the Cabinet." [2]

The Sovereign may decline a statesman whom the Prime Minister has recommended as a Cabinet Minister, or he may oppose a particular statesman for a particular office in the Cabinet. Naturally, the Prime Minister desires to have the approval of the Monarch at the commencement of his Ministry, and for this reason he usually endeavours to reduce the Monarch's antagonism by giving the statesman in question some other office, to which the Sovereign will not raise any opposition. But it would be a mistake to think that the Prime Minister would always set aside his own arrangement and comply with the royal request. In 1868 Queen Victoria opposed Lord Clarendon's appointment as Foreign Secretary on the ground of the importance of foreign policy. But, on the other hand, she did not oppose his appointment to another Cabinet office. Her strong objection was that he was too intimate with the Queen of Holland, and would thus be easily influenced by her; also that his opinions against German unity and his views on Russia, which personally she considered so right and necessary, would render him unfit for that post on public grounds.[3] Furthermore, she told Mr. Gladstone that she objected to his temper, his manner and his want of direction.[4] Whatever her objections might be, however, Mr. Gladstone used his utmost power to resist the Queen's demand. He told General Grey, the Queen's Secretary, that it was absolutely necessary that he should resist her

[1] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 165.
[2] *Ibid.*, Vol. II, p. 523.
[3] Maxwell's *Clarendon*, Vol. II, p. 353.
[4] *Letters of Queen Victoria*, 2nd Series, Vol. I, p. 562.

demand, as it was imperative that he should have Lord Clarendon's support. Moreover, he had already promised the Foreign Secretaryship to Lord Clarendon, and so could not exclude him on account of some Court manœuvre.[1] Consequently, in spite of the Queen's objection, Lord Clarendon was appointed Foreign Secretary. However, on another occasion the triumph was the Queen's. In 1886 she opposed Lord Granville as Foreign Secretary on the same grounds of the importance of foreign policy, although he had twice previously held this post in 1870 and 1880. Mr. Gladstone was greatly distressed, but was this time unable to oppose the demand of the Queen. He could not make this decision himself, so he at once sent for his old colleagues to discuss the matter. They agreed that Lord Granville should not return to the Foreign Office, but should take his place at the Colonial Office instead. Thus the situation was saved by appointing Lord Granville as Colonial Secretary.[2] The Queen also kept a vigilant eye on the appointment of the War Secretary, and objected on the ground of national safety to some statesmen being appointed to that post. When Mr. Gladstone proposed Mr. Childers to be appointed as Secretary for War in 1880, the Queen objected, above all, because she feared that the appointment might occasion the dangerous belief that reductions were to be made which would have a very bad effect, not only in Europe, but also in India.[3] Fortunately, she did not press the point hard, although she firmly insisted that Mr. Childers should dispel this belief by his own language and conduct, and eventually Mr. Childers became Secretary for War. Mr. Gladstone again proposed Mr. Childers to be War Secretary in 1886. The Queen strongly opposed this, and insisted that she could not possibly consent to

[1] *Letters of Queen Victoria*, 2nd Series, Vol. I, p. 562.

[2] *Ibid.*, 3rd Series, Vol. I, p. 32; Lord Edmund Fitzmaurice's *Lord Granville*, Vol. II, pp. 481–2.

[3] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 87; Morley's *Gladstone*, Vol. II, p. 627.

this appointment.[1] The disagreement was settled by appointing Mr. Childers as Home Secretary. The construction of the Tory Ministry in 1885 met with the same opposition from the Sovereign: the Queen objected to the reappointment of Col. Stanley as Secretary for War. She told Lord Salisbury, the Prime Minister, "that Col. Stanley ought not to go to the War Office, as he had done even more harm there than Lord Cardwell and Mr. Childers."[2] Lord Salisbury was vexed at this objection, but ultimately yielded to the royal will and removed Col. Stanley to the Colonial Office. There was one occasion on which the Sovereign excluded a statesman from appointment to the office of Secretary of State for India. The exclusion of Lord Ripon, the ex-Viceroy of India, from this appointment in 1892 was in fact due to the political influence of Queen Victoria. General Ponsonby's letter to Mr. Gladstone says: "The Queen commands me to express a hope that the name of Lord Ripon will not be submitted to her for the appointment as Secretary of State for India."[3] So Mr. Gladstone offered Lord Ripon the Secretaryship of State for the Colonies, which he accepted.[4]

Now let us turn to those occasions when the Monarch has played an important part in excluding statesmen from admittance to the Cabinet. However, the Prime Minister can resist the opposition by showing that his Cabinet cannot be formed without the person in question. Generally, the Prime Minister acquiesces in the objection raised. In 1880 Queen Victoria expressed her opinion in the following manner: "Mr. Lowe she could not accept as a Minister."[5] When Mr. Gladstone formed his fourth and last Cabinet, he intended to include Mr. Labouchere in his Cabinet, a man of considerable im-

[1] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 42.

[2] *Ibid.*, 2nd Series, Vol. III, p. 663.

[3] *Ibid.*, 3rd Series, Vol. II, p. 150 (14.viii.1892); *The Queen and Mr. Gladstone*, Vol. II, p. 438.

[4] Lucian Wolf's *Life of Lord Ripon*, Vol. II, p. 204.

[5] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 76: Queen to Ponsonby.

portance both in the House of Commons and in the journalistic world, but the Queen objected to Mr. Labouchere's inclusion in the Cabinet on the grounds that he was the owner of *Truth*, a journal professing republican thought, and that he had once opposed the royal grant. Mr. Gardiner in his famous work gives us an interesting description of the conflict of opinions between Spencer and Harcourt regarding the exclusion: "W. V. H. is under the strong impression that the exclusion applies to all offices, and Spencer thinks it only means the Cabinet."[1] Subsequently the matter was explained by a letter written by General Ponsonby in reply to Mr. Gladstone's enquiry, dated August 12, which says: "Her Majesty will not change her opinion, that he is not a fit and proper person to be recommended to her for any of the chief offices of the Government, or for any appointment which brings him into personal communication with the Queen as a member of Her Majesty's most honourable Privy Council."[2] Thus Mr. Labouchere was not only excluded from admission to the Cabinet, but also from admission to any important office. The Queen also positively refused to accept the reappointment of Sir C. Dilke, the ex-Cabinet Minister.[3] Such actions would undoubtedly produce consequences. They may affect the whole composition of a Cabinet. It should be understood that it is not an easy task for a Prime Minister to form a Cabinet, and the task becomes even more difficult when he tries to rearrange his whole Cabinet and find suitable substitutes. Indirectly, the Sovereign's objection may seal the fate of a Government; for instance, in 1885, if Mr. Gladstone could have given the Colonial Office to Mr. Chamberlain, it would certainly have diminished the Government's difficulties, and perhaps it

[1] A. G. Gardiner's *Life of Harcourt*, Vol. II, p. 180.

[2] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 87: Queen to Gladstone (April 25, 1880); Algar Labouchere Thorold's *The Life of Henry Labouchere*.

[3] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 120: Victoria to Ponsonby (May 30, 1892).

would not have resigned after the introduction of the Home Rule Bill. But the Queen's objection to reinstate Lord Granville at the Foreign Office gave Mr. Gladstone no alternative but to offer his old friend the Colonial Office in order to console him, and for this reason he had to refuse Chamberlain's demand.[1] On the other hand, the exclusion of a particular statesman from occupying a particular office or from admission to the Cabinet may effect him personally. Generally, opposition from the Monarch would hurt the feelings of the statesman concerned. For instance, when Lord Granville was opposed by the Queen for reappointment as Foreign Secretary, he decided at first not to join the Government.[2] Moreover, it may affect the political career of the person concerned. A powerful statesman may be able to obtain another post instead, but a statesman of less influence may have to wait for months, or years, or even be altogether excluded from political life. For instance, the exclusion in 1895 of Mr. Matthews, a brilliant statesman but possessed of little influence in the political world, ended his political career completely. The reason for the exclusion is plainly shown in Lord Salisbury's letter: "Her Majesty was very anxious that Mr. Matthews should not again be Home Secretary; and I have obeyed Her Majesty's wish."[3]

On the formation of the Cabinet, every Minister may be criticized by the Monarch as to his capacity and fitness for the office. When Lord Salisbury selected Mr. Goschen as First Lord of the Admiralty, and Lord G. Hamilton as India Secretary, Queen Victoria wrote a letter to Lord Salisbury saying: "Fear Mr. Goschen

[1] Cf. *Life of Lord Granville*, Vol. II, p. 483: "Subsequently Lord Granville doubted whether in again accepting it in 1886 he had adopted a wise course, as he arrived at the conclusion that Mr. Chamberlain might have occupied it, and that in that event some of Mr. Gladstone's subsequent difficulties might have been diminished or modified."

[2] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 35; *Life of Lord Granville*, Vol. II, p. 481.

[3] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 529: the Marquis of Salisbury to Sir Arthur Bigge (June 28, 1895).

was not altogether popular in same capacity from 1871–4. As to India, I am not quite confident in Lord G. Hamilton, without questioning his capacity, doubt whether personally he will be a power in that important post."[1] In reply, Lord Salisbury explained to Her Majesty that Mr. Goschen refused to take any other office, and that the Government could not be formed without his support. The criticism that Lord Hamilton was unsuitable as Secretary for India was met by stating that Lord Hamilton had already had four years' experience at the India Office.[2]

The Sovereign's influence in resisting a Prime Minister's demand to include any Under-Secretary in the Cabinet is sometimes more effective. Queen Victoria once resisted the demand of Lord Rosebery, then Prime Minister, to include Sir Edward Grey as Under-Secretary for Foreign Affairs. King Edward VII also hinted that he would not sanction the proposal that Mr. W. Churchill should be included in the Cabinet as Colonial Under-Secretary.[3]

In summing up, it is true to say that the Monarch's influence was undoubtedly strong in Queen Victoria's days but that during King Edward's reign it was not nearly so marked. Since then it has diminished considerably. King George V, who was essentially a constitutional monarch, always approved the appointment of those statesmen whom the Prime Minister recommended, and acted in a friendly manner towards them.

§ 3. *Selection of Cabinet Members*

When a Prime Minister accepts the task of forming a Government, his immediate problem is to fill the places in his Cabinet. These places change hands whenever there is a reversal of political power in the House of Commons, or on the resignation of the Prime Minister. The Prime Minister is no Cæsar; his choice is so re-

[1] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 526.
[2] *Ibid.*, p. 528.
[3] *Life of Lord Oxford and Asquith*, Vol. I, 195.

stricted by the unwritten laws of precedent that he generally asks his former colleagues to sit in his new Cabinet, unless they have retired from public life or there is some particular reason for their exclusion. Thus, ex-Cabinet Ministers usually contribute a large part in every new Cabinet.[1] The Prime Minister is not, however,

[1] For instance, when Mr. Disraeli reconstructed the Cabinet in 1868, the personnel was much the same as that of Lord Derby. The Cabinet contained nearly all its old members; there were, in fact, eleven former Cabinet Ministers out of thirteen, not including the Prime Minister. However, when Mr. Gladstone became Prime Minister in 1868, he invited many leading Liberal statesmen, belonging to the radical section of the Liberal Party, to join the Cabinet. None of them had been in the Cabinet before. Even then, the Cabinet still contained seven ex-Cabinet Ministers out of fourteen. Mr. Disraeli, on becoming Prime Minister in 1874, gave back to his long-associated political companions their respective offices. Thus his Cabinet contained ten former members out of eleven. In 1880, when Mr. Gladstone again became Prime Minister, he decided to choose promising young men from his party as his colleagues. However, he had to meet much opposition in ridding himself of some of his former Cabinet colleagues. Mr. Gladstone's second Cabinet still contained eight ex-Cabinet Ministers out of thirteen. In 1885, Lord Salisbury formed his 'Caretaker Ministry,' so called by Mr. Chamberlain. The Cabinet contained ten former members out of fourteen. In 1886, when Mr. Gladstone undertook the task of forming his third Cabinet, although some of his former colleagues withdrew their support, the Cabinet still contained many old elements. There were nine ex-Cabinet Ministers out of fourteen. In August 1886, when Lord Salisbury formed his second Cabinet, it contained all except two of the former members of the Conservative Cabinet who had resigned six months before. When Mr. Gladstone formed his last Cabinet in 1892, he made it up as far as possible of old friends; in fact there were eleven old colleagues out of a total of sixteen. When Lord Rosebery succeeded Mr. Gladstone as Prime Minister, he made few changes in the personnel of the former Cabinet; there were sixteen old members out of seventeen. In 1895, when Lord Salisbury formed his Cabinet, there were ten old colleagues out of eighteen. In 1902, when Mr. Balfour succeeded Lord Salisbury as Prime Minister, he did not make many changes in the Cabinet; there were fifteen ex-Cabinet Ministers out of seventeen. After a lapse of ten years, when the Liberals again returned to power in 1905, many leading Liberals had resigned from the world of politics. Nevertheless, there were seven old Cabinet members along with eleven new-comers. When Sir H. Campbell-Bannerman was forced to leave his post in April 1908, owing to ill-health, Mr. Asquith was chosen to be his successor as Prime Minister. There were sixteen old Cabinet colleagues out of a Cabinet of nineteen. The first Coalition Cabinet in 1915 also contained

always so restricted by such precedents; for instance, in the case of a party returning to power after the lapse of a number of years and finding its old members have retired from the political world, or in the case of a new party coming to power for the first time. Such cases are not, indeed, of frequent occurrence, and therefore one may safely say that the Prime Minister usually has a great regard for former colleagues. His eagerness to secure his old colleagues' support sometimes drives him to the extent that, even though he knows quite well that his former colleague would decline any offer of office, he would nevertheless try to persuade the person concerned to consent to serve under him again. Such was the case of Mr. Gladstone, who tried to persuade Lord John Russell, the former Prime Minister, to join his Cabinet in 1868, although he knew there was no possibility of securing his consent.[1]

Owing to the limited size of the Cabinet and the presence of an overwhelming number of ex-Ministers, the ability to admit new elements is narrowly circumscribed. The Prime Minister's choice must necessarily fall on those who are worthy of inclusion. Ability and influence of the expectants must be counted. Opportunity also plays its part. Perhaps it is not too much to say that some may have waited for years for admittance to the charmed circle without success, while others may succeed in entering the Cabinet after only a few years' service to the party and State. To support a Premier's policy in a critical moment may afford an easy entrance to the Cabinet. In 1886, when Mr. Gladstone constructed his third Cabinet, many of the leading Liberals withdrew their support owing to differing views on Irish policy. However, Mr. John Morley, a distinguished man of letters, vigorously supported the Premier's Irish Home

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a great number of old members; there were sixteen out of twenty-one. When Mr. Lloyd George became Prime Minister in 1916, he reduced the number of the Cabinet to five. There were three old Cabinet members; Bonar Law, Henderson and Lord Curzon.

[1] Morley's *Gladstone*, Vol. II, p. 253.

Rule policy. His speeches on the Irish problem made him perhaps the most conspicuous person ever to uphold the cause of Home Rule. As a result Mr. Gladstone offered him the Irish Secretaryship, which he promptly accepted.[1] Eloquence in speech is one of the great assets. It has often been the case for a Prime Minister to choose those who possess oratorical gifts in order to strengthen the Treasury Bench. Mr. Disraeli, on becoming Prime Minister in 1868, felt that the old members chosen from the House of Lords lacked debating talent, and consequently Lord Cairns, a man of splendid oratorical gifts and one of the best parliamentary speakers of the time, was chosen as Lord Chancellor in order to reinforce the strength of his party in the Upper House.[2] Lord Malmesbury remarked this appointment as "a very efficient addition to our strength in the Lords, where our bench is comparatively weak in debate."[3] One may also be included in the Cabinet on the strength of remarkable speeches in the Lower House and on the platform. This was the case in 1885, when Mr. Edward Gibson, afterwards Lord Ashbourne, was rewarded by Lord Salisbury for certain vigorous speeches that he had made denouncing the Liberal Government, not only with a seat in the Cabinet but also with the office of Lord Chancellor of Ireland and a peerage. According to Paul Herbert, the historian, no Irish Chancellor had ever held such a position before.[4]

It is clear that in this country birth and wealth enjoy a special position. The aristocracy have overwhelming advantages. They are trained to the art of politics at an early age, and have the appetite of acquiring the experience of administration. Moreover, they enjoy the advantage of family connections and influence. A con-

[1] Cf. Temple's *Life in Parliament*, pp. 75–6; *The Times*, February 2, 1886.

[2] *Life of Disraeli*, Vol. II, p. 327; Justin McCarthy's *A History of Our Own Times* (1880), Vol. IV, p. 212.

[3] Malmesbury's *Memoirs of an Ex-Minister*, Vol. II, p. 378.

[4] Paul Herbert's *A History of Modern England*, Vol. V, p. 5.

siderable number of Ministers is drawn from this privileged class. Long and distinguished party service may also lead to appointment. Lord Tweedmouth, who served as a Whip in the Liberal Party for eight years (1886–94), was rewarded with a seat in the Cabinet as Lord Privy Seal and Chancellor of the Duchy of Lancaster by Lord Roseberry, when he succeeded Mr. Gladstone as Prime Minister in 1894.[1]

A Prime Minister usually chooses for his Cabinet members those persons who have already had administrative experience and have held some inferior office such as that of a Parliamentary Under-Secretaryship. But the Prime Minister is not bound by this rule; he is free to choose someone who has never held office before, provided he is confident that this person possesses exceptional ability in the management of Government affairs. In 1874 Mr. Richard Assheton Cross, a Lancashire lawyer, was admitted to the Cabinet without having held any previous office. In 1880 Mr. Gladstone objected to Mr. Joseph Chamberlain's admission to the Cabinet on the ground that he had never held any office before. In the end Mr. Gladstone changed his mind, and Mr. Chamberlain was appointed as President of the Board of Trade.[2] Lord Randolph Churchill, a capable and ambitious man, was appointed Secretary for India in Lord Salisbury's Administration in 1885, although he had never previously held any minor office. In 1886 Mr. Henry Matthews, a brilliant advocate at the English Bar and by religion a Roman Catholic, was put straight into the Cabinet at the head of the Home Office without any training in some minor post.[3] Mr. John Morley, a man of letters, became Irish Secretary in Gladstone's third Cabinet without possessing administrative experience. In 1892 Mr. Gladstone invited Mr. Asquith to join his Cabinet as Home Secretary; he was an eminent

[1] *Annual Register*, 1894, p. 61; *Dictionary of National Biography*, Supplement, Vol. I, p. 569.

[2] *Annual Register*, 1880, p. 59.

[3] *The Political History of England, 1837–1901*, p. 289.

lawyer of his time, although he had never been in office before.[1] A similar instance was when Mr. Birrell, who had never held any administrative post, was appointed as President of the Board of Education in Campbell-Bannerman's Cabinet of 1905.

The modern English Government is based upon the party system. Thus, when a Prime Minister chooses his Cabinet colleagues, he generally chooses the leading politicians of his own party, unless the Cabinet is a coalition one. It seldom happens that the choice of Cabinet members falls on someone who is independent of any party. However, Lord Kitchener was appointed as Secretary for War in August 1914, and subsequently in 1915, when Mr. Asquith formed his Coalition Cabinet. Although he belonged to no party, he was a man with a high reputation for administrative ability and expert knowledge of warfare. He agreed to accept the seals on the understanding that he might serve as a soldier for the duration of the War and that the day peace was signed he might resign from the War Office.[2] *The Times* comments that "Lord Kitchener is not a party man, and our suggestion is without a precedent; but the situation is wholly exceptional, and calls for exceptional measures."

A Prime Minister must choose his Cabinet colleagues from those occupying seats in Parliament. But in exceptional circumstances the Prime Minister may choose a person who is not a member of the House of Commons, provided that the latter obtains a seat in the House before the end of a short period. For instance, Lord Hartington lost his seat at the General Election in December 1868, but Mr. Gladstone, on becoming Prime Minister, invited him to join the Cabinet as Postmaster-General, on condition that he obtained a seat before Parliament met in February. Lord Hartington accepted the office on the terms that if he failed to secure one he should give up

[1] Cf. Morley's *Recollections*, Vol. I, p. 324: "Important new elements were contributed to the Cabinet by Asquith and Acland, then for the first time admitted to public office."

[2] *Life of Lord Kitchener*, Vol. III, p. 3.

the post. Fortunately, he got a seat in March 1869, after the new House of Commons had met.[1] On another occasion, Mr. Henry Austin Bruce, afterwards Baron Aberdare, accepted the post as Home Secretary in Gladstone's Cabinet on the same condition that he should secure a seat in Parliament.[2] On January 25, 1869, he found a seat in Renfrewshire. In the beginning of 1887, Lord Salisbury, the Prime Minister, asked Mr. Goschen to join the Cabinet as Chancellor of the Exchequer, although Mr. Goschen was not a member of the House of Commons at the time. He accepted the post, but his first attempt to secure a seat in the House failed. When Parliament met, the new Chancellor of the Exchequer was still absent, but he was soon returned for the Conservative constituency of St. George's, Hanover Square, thus obtaining the needed seat.[3] The most striking case illustrating how a colleague who is not in Parliament may be chosen occurred in 1917, when Mr. Lloyd George, then Prime Minister, invited General Smuts, a Dominion statesman, to join the English Cabinet.[4]

Personal friendship sometimes plays a part in the construction of a Cabinet. A Prime Minister often chooses a Cabinet member at the suggestion of some former Cabinet colleagues. When Disraeli formed his Cabinet in 1874, Sir Richard Cross was recommended by the Earl of Derby for the Home Secretaryship.[5] In 1880 Mr. Gladstone, under the persuasion of Mr. Bright, invited Mr. Chamberlain to join the Cabinet as President of the Board of Trade.[6] In 1886 Mr. Henry Matthews

[1] Bernard Holland's *Duke of Devonshire*, Vol. I, p. 74; *Dictionary of National Biography*, Second Supplement, Vol. I, p. 324.

[2] *Annual Register*, 1895, p. 150; *Dictionary of National Biography*, Vol. XXII, p. 323.

[3] Arthur D. Elliot's *Lord Goschen*, Vol. II, p. 112.

[4] Sarah Gertrude Millin's *General Smuts*, Vol. II, p. 50; *The War Cabinet, Report for the Year 1917* (1918, Cd. 9005), p. 6.

[5] Paul Herbert's *History of Modern England*, Vol. III, p. 372; *Annual Register*, 1914, Obituary, p. 75.

[6] J. L. Garvin's *The Life of Joseph Chamberlain*, Vol. I, p. 150; Sir H. Lucy's *Diary of the Salisbury Parliament, 1886–92*, p. 4.

was the first Catholic Minister since the time of Elizabeth to be admitted to the Cabinet "at the instance of Lord Randolph."[1] The writer in the *Dictionary of National Biography* says: "The personal friendship of Lord Randolph Churchill led to his appointment as Home Secretary in 1886."[2] Both Mr. H. H. Asquith and Sir Arthur Acland were admitted to the Cabinet as Home Secretary and Vice-President of the Council respectively in Mr. Gladstone's fourth Cabinet; they confessed that their admission owed much to the influence of John Morley, who acted as Gladstone's right hand. Their letters to John Morley thanked him for his share in their election to Cabinet rank. Mr. Asquith in his letter dated August 16, 1892, says: "I must send you a line to say how deeply I feel the obligation which Acland and I, and those whom we in a sense represent, are under to you for your loyal and strenuous efforts on our behalf. Personally I owe you a special debt, of which I shall not be unmindful."[3] In 1905, Mr. John Burns was invited to join the Cabinet as President of the Local Government Board. We are told that Mr. John Morley had persuaded Sir Henry Campbell-Bannerman to let Mr. John Burns in as a representative of the Labour Party.[4] Lord Morley said in his *Recollections*: "I pressed for Labour in the Cabinet in the person of John Burns."[5]

The personal likes and dislikes of the Prime Minister certainly have a great weight, but there are occasions when a Prime Minister does select for Cabinet office someone whom he dislikes, owing to the latter's prominent position in the House of Commons as well as his great influence among the electorate. Professor Laski has rightly pointed out: ". . . to give to the Prime Minister legal freedom of choice does not mean that he can pick

[1] *The Political History of England, 1837–1901*, Vol. XI, p. 289.

[2] *Dictionary of National Biography, 1912–21*, p. 370; Asquith's *Fifty Years of Parliament*, Vol. I, p. 150.

[3] Mr. Asquith to Mr. John Morley (August 16, 1892), Morley's *Recollections*, Vol. I, p. 324.

[4] Hamilton's *The British Liberal Party* (1928), p. 169.

[5] Morley's *Recollections*, Vol. I, p. 324.

and choose as he pleases. There will be, in every party, a body of men whose standing in the legislative assembly makes imperative the recognition of their claims."[1] For example, Lord Randolph Churchill, a dashing parliamentary gladiator, although not in Lord Salisbury's favour, was asked by him to sit in his 1885 Cabinet on the strength of his important position in the House and his popularity with the electorate. Lord Salisbury felt that under the circumstances the Cabinet could not be formed without his support. It is interesting to note that Queen Victoria entered these words in her Journal: "Lord Randolph Churchill, Lord Salisbury thinks, must have office."[2]

§ 4. *Statutory and Conventional Limitations*

There is also a statutory regulation limiting the Prime Minister's power to choose his colleagues from the House of Commons, disregarding the House of Lords. An Act of Parliament (22 Geo. III, c.82) states that there should not be more than two principal Secretaries of State sitting in the House of Commons. On the creation of the Secretary of State for War in 1855, an Act was passed to enable a third Secretary to sit in the House of Commons;[3] on the appointment of the fifth Secretary for India, the Government of India Act provided that four principal Secretaries might sit as members of the Commons at the same time;[4] and in 1917, on the establishment of a Secretary of State for Air, the number of Secretaries of State permissible to sit in the House of Commons was increased to five.[5] The Secretaries of State Act 1926 again fixed the number of Secretaries of State, and its ruling applies to-day; there are Secretaries of State for the Home Office, for Foreign Affairs, for Colonial Affairs, for War, for India, for Air,

[1] *A Grammar of Politics*, p. 358 (3rd edition).
[2] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 663.
[3] 18 & 19 Vict., c. 10.
[4] 21 & 22 Vict., c. 106.
[5] 7 & 8 Geo. V, c. 51, s. II.

for the Dominions, and for Scotland. Of these, not more than six may be members of the House of Commons. By the passing of the Ministers of the Crown Act 1937, the offices of the Prime Minister and the First Lord of the Treasury become inseparable. Under the provisions of the Roman Catholic Relief Act 1829, a Roman Catholic is excluded from the office of Lord Chancellor.

Beside these statutory limitations, it is generally understood to be an unwritten rule debarring a Viceroy of India from becoming Secretary of State for India. As Sir Malcolm C. C. Seton has pointed out, there were, in fact, only six of the fourteen predecessors of Lord Reading since 1858 who held Cabinet office after leaving India, and none of them were appointed to the India Office.[1] No convention has yet been established regarding the appointment of the heads of the great spending departments in the House of Commons. But the tendency is to choose members of that House. Indeed, political difficulties would arise if the Minister in charge of one of the great defence departments sat in the House of Lords, as he would be unable to expound and defend his actions on important questions concerning his department during debates in the other House.

There are no statutory or conventional limitations on the power of the Prime Minister to appoint members of his own family to sit in the same Cabinet Council. Nor is he prevented in any way from choosing two members belonging to the same family. Thus in Mr. Baldwin's third administration Mr. J. Ramsay MacDonald and his son, Mr. Malcolm MacDonald, sat in the same Cabinet. Lord Salisbury also sat in his own Cabinets with his nephew, Mr. Balfour. The cases of two brothers being invited are not uncommon. Lord Clarendon and Mr. Villiers were both members of the Cabinets of Lord Palmerston and Lord John Russell. Mr. Gladstone, however, objected to such arrangement; he excluded Mr. Villiers from the Cabinet in 1868 on the somewhat

[1] Sir Malcolm C. C. Seton's *The India Office* (1925), p. 42.

unreasonable ground that his brother, Lord Clarendon, was already in the Cabinet.[1] Presumably, the objection to this is that he feared the possible domination in the Cabinet by the inclusion of two members from the same family. In the post-War Cabinets, the cases of brothers being invited to sit in the same Cabinet were Sir Auckland and Sir Eric Geddes, who were both included in Mr. Lloyd George's post-War Coalition Cabinet, and Sir Austen and Mr. Neville Chamberlain, who sat in Mr. Baldwin's second Cabinet.

§ 5. *Allocation of Cabinet Offices*

When a Prime Minister has decided whom he should ask to join his Cabinet, he then begins to consider the distribution of offices. This is perhaps the most difficult task of all in the process of Cabinet-making, and it cannot be done without systematic method. We are told that Mr. Gladstone's practice when allocating Cabinet offices was to draw up on paper a list of the various political offices, placing opposite each, as alternatives, the names of three or four more or less eligible statesmen; and then, by a process of withdrawal and shifting, a definite list was arrived at and finally submitted to Her Majesty.[2] A Prime Minister's first step is usually to choose distinguished statesmen for the most important and difficult offices which necessitate the facing of existing critical situations; and then to choose the best administrators for other State Departments. For example, in 1880 Mr. Gladstone offered Lord Granville the Foreign Secretaryship, Lord Hartington the India Secretaryship (which was very important during the Afghan troubles), and Mr. Childers the War Secretaryship. Mr. Gladstone informed the Queen of these arrangements in a letter dated April 24, 1880, which says: "His first

[1] See C. P. Villiers' letter to J. R. Delane, dated December 7, 1868; A. I. Dasent's *John Delane, 1817–79*, Vol. II, p. 231; also see Fitzmaurice's *Life of Lord Granville*, Vol. I, p. 536.

[2] *The Saturday Review*, Vol. 61, pp. 123–4, February 6, 1886, "Cabinet-making in Fiction and Fact."

desire is to secure, under difficult circumstances, for the Foreign Office and the India Office, the highest statesmanship which is available, and having done this, then secondly to secure the best administrator in the House of Commons for the arrangement of the great and diversified machinery of the War Department."[1] Mr. Gladstone also wrote to the Queen that: "It seemed to me, in the present state of the country, the first object was to provide for the difficulties of statesmanship, and then to deal with those of administration. The greatest of all these difficulties, I thought, centred in the India Office, and I was very inclined to think Lord Hartington would be eminently qualified to deal with them, and would thereby take a place in the Government suitable to his position and his probable future."[2] Occasions when Prime Ministers chose those possessing the highest qualities and statesmanship for important and difficult departments are also illustrated by the following cases. In 1886 Sir Michael Hicks-Beach was advised by Lord Randolph Churchill to take what was then the most difficult post in the Cabinet—Chief Secretary for Ireland.[3] In 1915 Mr. Lloyd George took the office of Minister of Munitions, which was regarded as the most important and difficult office in the Cabinet at that time.

It has been the usual practice in the arrangement of Cabinet Offices for a Prime Minister to have in readiness reserves or substitutes for particular offices in case some of his original offers are rejected. Such a case occurred in 1905, when Sir Henry Campbell-Bannerman, then forming his Administration, feared that Sir Edward Grey might refuse to be Foreign Secretary; he bore in mind Edmond George Fitzmaurice, afterwards Lord Fitzmaurice, in order to meet this exigency.[4]

A Prime Minister may rearrange any of those offices carrying Cabinet seats if he considers unsuitable the

[1] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 85.
[2] Morley's *Gladstone*, Vol. II, p. 827.
[3] Winston S. Churchill's *Lord Randolph Churchill*, Vol. II, p. 126.
[4] *The Times*, June 22, 1935.

person to whom such an office is assigned. This was the case when Lord Salisbury became Prime Minister in 1885 and Lord George Hamilton was assigned the War Office; Lord Hamilton doubted whether he could undertake to carry out the necessary changes and reforms in that Department, seeing that the Duke of Cambridge, Commander-in-Chief, was Field-Marshal at the time when he (Lord Hamilton) was Junior Ensign in the Guards. In these circumstances Lord Salisbury asked Lord Hamilton to take over First Lord of the Admiralty instead, although this post was originally assigned to Mr. Smith.[1]

On offering a particular office to a statesman, a Prime Minister sometimes has to consider party feeling and opinion, especially when the Prime Minister intends to invite other parties to join his Government. For instance, Mr. Asquith, during the formation of the Coalition Government in 1915, intended to ask Mr. Churchill to take the Colonial Office, but had finally to drop the idea owing to the strong protest of Tory members of the Cabinet whom he had already invited.[2] Consequently, he asked Mr. Churchill to take the Chancellorship of the Duchy of Lancaster—a sinecure office without either power or influence. Public opinion sometimes plays a part in a Prime Minister's arrangement of offices. He would not appoint a statesman who was unpopular in the country; moreover, it is probable that he would take into consideration the various interests of different classes. Wherever possible he would avoid the appointment of someone strongly opposed by certain sections of the community. Mr. Gladstone was afraid to appoint Mr. Chamberlain as Chancellor of the Exchequer in 1885, because he thought that the latter's unauthorized programme would arouse the anger of many vested interests in 'the City.'[3]

[1] Lord G. Hamilton's *Parliamentary Reminiscences and Reflections, 1868–85*, p. 277.

[2] Lord Beaverbrook's *Politicians and the War, 1914–16*, Vol. II, p. 123.

[3] West's *Recollections*, Vol. II, p. 261.

§ 6. *Distribution of Cabinet Seats between the House of Lords and the House of Commons*

Every Prime Minister, when forming a Cabinet, has to face the problem of distributing Cabinet seats between the two Houses of Parliament. He cannot select all his members from the House of Commons, ignoring the reservation of some Cabinet seats for the Lords for the purpose of defending governmental policy in that House. The question of how many Cabinet seats the Prime Minister allots to the hereditary House depends entirely upon himself, guided by prevailing circumstances. In 1868 Mr. Disraeli, who succeeded Lord Derby as Prime Minister, did not make many changes in the Cabinet; which then contained six Peers and eight Commoners. At the end of the year the Conservative Government was overthrown, and a new Cabinet was formed by Mr. Gladstone which, although it contained many radical elements, still kept the same ratio of seats between the two Houses—namely, six for the Lords and eight for the Commons.[1] In 1874 Mr. Disraeli, in forming his second Cabinet, displayed great prudence; he wisely restricted Cabinet seats to twelve and divided them equally between the two Houses. In 1880 when Mr. Gladstone reconstructed his second Cabinet, the situation had changed slightly, and the Lords occupied only six seats out of fourteen.[2] But in 1885 Lord Salisbury on forming his Cabinet, perhaps because he was a Peer himself, allotted eight seats to the Lords and only seven to the Commons. In the following year, when Mr. Gladstone returned to power, the Commons at once re-established its supremacy over the Lords, the Cabinet then containing six Lords and eight Commoners. After the downfall of Gladstone's Administration in July 1886, Lord Salisbury, on again becoming Prime Minister, gave seven seats to the Lords and nine to the Commons. In 1892 Mr. Gladstone formed his fourth and last

[1] *Encyclopædia Britannica*, 11th edition, Vol. IV, p. 919.
[2] Morley's *Gladstone*, Vol. III, p. 100.

Cabinet. Although the influence of the Upper House had declined greatly, they still occupied five important offices of State—namely, the Woolsack, the Foreign Office, the Colonial Office, the India Office, and the Admiralty. The Lower House was allotted only twelve seats. However, Lord Salisbury's third Cabinet in 1895, which contained no less than ten Lords, gave nine seats to Commoners. Mr. Balfour, following in his uncle's footsteps, retained eight Peers in his Cabinet out of a total of eighteen. Nevertheless the coming to power of Campbell-Bannerman marked the beginning of a change. There were only six Peers in his Cabinet, while there were thirteen members from the Lower House.[1] In 1908, when Mr. Asquith succeeded Sir Henry Campbell-Bannerman as Prime Minister, he made little change in the Cabinet, and followed the tendency established by his predecessor by allotting no more than seven seats, out of twenty, to the Lords. Moreover, in the formation of the first Coalition Cabinet, the Lords suffered a further decrease, as Mr. Asquith allotted them only five seats, whilst the Commons had seventeen. During the War the Cabinet system underwent revolutionary changes, and at one time there were two Lords and three Commoners. When the Cabinet returned to its traditional form in 1919, Mr. Lloyd George allotted five seats to the Lords out of twenty. After the fall of the Coalition Government in 1922, Mr. Bonar Law became the head of the Government; his Cabinet had seven Lords out of the sixteen Ministers. On the resignation of Mr. Bonar Law in 1923, Lord Baldwin, then Mr. Baldwin, became Prime Minister of Great Britain and allotted seven seats to the Lords out of nineteen. The first Labour Cabinet followed the tradition by allotting five seats to the Lords out of twenty-one. On returning to power, Mr. Baldwin allotted six Cabinet seats to the Lords and fifteen to the Commons. The second Labour Cabinet, however, allotted the lowest figure, setting aside the War Cabinet to the Lords in the history of Cabinet government—three

[1] *Encyclopædia Britannica*, 11th edition, Vol. IV, p. 919.

seats to the Lords out of twenty-one. When the National Government came into existence in 1931, it gave only four Cabinet seats to the Lords out of twenty. Mr. Baldwin's third Cabinet in 1935 contained four Lords and eighteen Commoners. When Mr. Chamberlain came into power in 1937, the Cabinet contained twenty-one members, six of them being in the Lords.

It should be noticed that before the War Conservative Cabinets always contained more Peers than those of the Liberals. The reason for this lies in the fact that there is a cardinal distinction between the points of view, the environments and the traditional policies of the two parties. The Conservative Party is aristocratic by tradition. Many of the important members of that party were drawn from great noble families and represented landed interests. Although since 1868 this wholly aristocratic composition had gradually diminished, owing to the rapid movement towards universal franchise, the development of the democratic ideal and the change of the composition of the different parties, aristocratic elements still had a great influence in the Conservative Party. Moreover, the statesmen of that great party who were not already Peers were anxious to obtain peerages. The Conservative policy in regard to the House of Lords was to maintain it as an instrument by means of which they could check the radical policy of the Liberals, when the latter secured a commanding majority in the House of Commons. By reason of circumstances the Conservative Cabinet always contained a great number of Peers. On the other hand, the Liberal Cabinet allotted seats to the Lords mainly for the purpose of defending their policy in that House. Mr. Gladstone took the view "that we are so weak in the House of Lords that it is necessary to strengthen ourselves there by the importance of the offices of those men who are with us."[1] Furthermore, many of the leading Liberals came from the middle class and possessed democratic ideals. They claimed that they would lessen the number of Peers in the Cabinet

[1] *Life of Sir William Harcourt*, Vol. II, pp. 183.

and might even abolish the hereditary House altogether. For this reason it was natural that the Liberal Cabinet should allot only a few seats to members of the Second Chamber. The entrenchment of the Conservatives in the Lords was finally shattered by the determination of the Liberals in 1911. The Parliament Act was passed. It has indeed weakened the authority of the Lords as legislators, and destroyed the hope of the die-hard Conservatives in stemming radical measures of the Opposition party as they did before. Hence, their position has been changed and the allocation of Cabinet seats to the Lords has become a matter of form rather than necessity.

§ 7. *Distribution of Cabinet Seats between Different Sections of a Party or between Different Parties*

A Prime Minister nearly always allots Cabinet seats to the leaders of various groups or sections of his own party, and sometimes to the leaders of other small parties with which he is in alliance. In 1868 Mr. Gladstone distributed the Cabinet seats equally between the two leading sections of the Liberal Party. On the one hand, the most advanced section of the old Liberal Party—the Whigs—which was represented by Granville, Hartington, Clarendon, De Grey, Fortescue, Cardwell and Argyll, and on the other, the Radical section, which consisted of such prominent parliamentary statesmen as Bright, Childers, Bruce, Kimberley, Lowe, Page Wood and Goschen. In 1880 the most advanced Radical section in the House of Commons were represented by Mr. Joseph Chamberlain. In spite of the Queen's objection, Mr. Gladstone explained to Her Majesty that his choice of Mr. Chamberlain only followed the precedent of former Governments "when a person was selected as representative of particular views."[1] The ceaseless activity of the "Fourth Party," an independent branch of the Conservative Party, caused the downfall of the Liberal Cabinet in 1885. Lord Salisbury, on be-

[1] *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 88.

coming Prime Minister, realized the influence exercised by this "Fourth Party," and accordingly invited its leader—Lord Randolph Churchill—to join his Cabinet. Lord Salisbury again invited Lord Randolph Churchill to help with national affairs in his second Cabinet of 1886. In 1892, in view of the growing importance of the group of young Liberals in the House of Commons who acted in close political alliance with each other, Mr. Gladstone invited Mr. Asquith and Mr. Acland to join the Cabinet. In 1895 Lord Salisbury, in order to be in close alliance with the Liberal Unionists, allotted five Cabinet seats to them, which were occupied by the Duke of Devonshire, Lord Lansdowne, Lord James of Hereford, Mr. Goschen and Mr. Chamberlain. When Mr. Arthur Balfour, the nephew of Lord Salisbury, became Prime Minister, he also allotted four seats to Liberal Unionists—namely, the Duke of Devonshire, the Marquess of Lansdowne and Mr. Joseph and Mr. Austen Chamberlain. In 1905, when Sir Henry Campbell-Bannerman was Prime Minister, he distributed four important Cabinet seats among principal members of the Liberal League, which was formed in order to uphold the more Imperial type of Liberal thought, such as that of Mr. Asquith, Sir Edward Grey, Sir Henry Fowler and Mr. Haldane. Sir Henry Campbell-Bannerman also gave one seat to the Labour Party, which during that time was more or less dependent upon the Liberal Party. Thus Mr. John Burns was the first Labour representative in the House of Commons who attained Cabinet rank. When Sir Henry Campbell-Bannerman resigned and Mr. Asquith became Prime Minister, Mr. Churchill observes that: "The new Cabinet, like the old, was a veiled coalition. A very distinct line of cleavage was maintained between the radical-pacifist elements who had followed Sir Henry Campbell-Bannerman and constituted the bulk both of the Cabinet and the Party on the one hand, and the Liberal Imperialist wing on the other." [1]

The geographical distribution of Cabinet offices is a

[1] Winston S. Churchill's *The World Crisis 1911–14*, p. 33.

serious problem for the Dominion Prime Ministers,[1] although it is not a serious consideration in the English Cabinet, owing to the small size of the constituencies and the large number of Cabinet seats. As a rule, before 1922 the British Prime Minister usually gave one or two Cabinet seats to Ireland and a few to Scotland. This precedent was seldom broken, except in the Cabinet of 1880, in which for the first time since the days of Addington no Irish Commoner or Irish Peer was included.[2]

§ 8. *Terms Demanded by Statesmen or Politicians*

A powerful statesman, or a group of politicians, may sometimes make terms on entering the Cabinet, or may even decline to enter altogether unless certain conditions are fulfilled by the Prime Minister. These terms, for instance, may be that a particular person should be excluded from the leadership of the House of Commons or a Ministry. In 1885 Lord Salisbury offered Lord Randolph Churchill the Secretaryship for India, but the latter said that he could not accept the position unless Sir Stafford Northcote was excluded from the leadership of the House of Commons and Richard Cross from the Ministry. In order to strengthen Churchill's demand, Sir Michael Hicks-Beach and Lord George Hamilton declared that their previous acceptance of certain offices would hold good only on the condition that Churchill was included in the Cabinet and his terms fulfilled. The result was that Sir Stafford Northcote accepted sinecure office as First Lord of the Treasury and became a member of the House of Lords, but Lord Salisbury insisted on the retention of Mr. Richard Cross. Thus, Lord Randolph Churchill agreed to take the India Secretaryship, and Sir Michael Hicks-Beach became Chancellor of the Exchequer and Leader of the House of Commons.[3]

[1] Cf. Dawson's *Constitutional Issues in Canada 1900–31*, p. 113.

[2] Cf. Torrens' *Twenty Years in Parliament*, p. 259.

[3] Churchill's *Lord Randolph Churchill*, Vol. I, pp. 403–8; *Letters of Queen Victoria*, 2nd Series, Vol. III, pp. 667–8, 670; Victoria Hicks' *Life of Sir Michael Hicks-Beach*, Vol. I, pp. 51–2; Gwendolen Cecil's *Lord Salisbury*, Vol. III, p. 138.

A statesman may sometimes insist upon retaining his own judgment regarding some particular policy in the Cabinet. In 1886, for example, Mr. Joseph Chamberlain was invited to be a Cabinet member and accepted the invitation on the condition that he should retain unlimited liberty of judgment and rejection with respect to the proposed Cabinet inquiry into the future of Irish Government. This condition is quoted in a letter from Mr. Chamberlain to Mr. Gladstone, dated January 30, 1886, as follows:

"You have been kind enough . . . to repeat your request that I should join your Government and you have explained that in this case I shall retain 'unlimited liberty of judgment and rejection' on any scheme that may ultimately be proposed, and that the full consideration of such minor proposals as I have referred to as an alternative to any larger arrangement will not be excluded by you." [1]

Similar assurances were required by, and given to, Mr. G. D. Trevelyan on his appointment as Secretary of State for Scotland with a seat in the Cabinet. Both Chamberlain and Trevelyan finally resigned from the Cabinet. Sometimes a statesman accepts the offer of a Cabinet seat on the terms that he is allowed to bring a colleague of his with him. Such was the case with Mr. Goschen, when he was invited by Lord Salisbury to join his Cabinet. He requested that he should be permitted to bring in several Peers, who were his friends. Lord Salisbury agreed, but, as it happened, Goschen's search for Peers was unavailing, and for the next five years he did not bring any Liberal Unionist Peers into the Cabinet.[2] Sometimes the conditions demanded may affect the position of the Prime Minister and the distribution of Cabinet seats. Mr. Asquith, Sir Edward Grey and Mr. Haldane, in the autumn of 1905, in order to secure a common policy, made a tripartite agreement. They

[1] J. L. Garvin's *Joseph Chamberlain*, Vol. II, p. 172; Morley's *Gladstone*, Vol. III, pp. 291–5.

[2] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 245; Holland's *The Duke of Devonshire*, Vol. II, pp. 180–3.

stipulated that they would not join the Cabinet unless the Prime Minister fulfilled the following conditions:—

"We agreed that Sir Henry Campbell-Bannerman ought to go to the Lords as Prime Minister because, especially from the point of view of Foreign Affairs and also of coming rapidly to firm and quick decisions on current business in the House of Commons, we felt that this was very important to the success of a Free Trade Ministry. . . . The second point which we held essential was that the Foreign Office should be in the hands not of Lord Spencer but of Grey. This became easier to accomplish because of poor Lord Spencer's sudden illness. The third was that the office of Lord Chancellor should receive a larger interpretation than it had in the past in point of influence on colonial and general policy, and also that it should be filled by someone who would genuinely represent Grey's views in the Upper House. He and Asquith expressed their determination that it should be fulfilled by myself [Mr. Haldane]." [1]

Mr. Haldane subsequently presented these conditions to the King in October. On December 4, the day before Sir Henry Campbell-Bannerman was appointed as Prime Minister, Sir Edward Grey definitely presented this proposal to Sir Henry Campbell-Bannerman as part of the conditions for his entrance to the Cabinet. The result was that Sir Henry Campbell-Bannerman, after consultation with his wife, declared that he would not surrender, but said that he would like to ask Sir Edward Grey to be Foreign Secretary and Mr. Haldane Secretary for War. Deserted by Mr. Asquith, Sir Edward Grey refused to join the Cabinet, but was soon persuaded by Mr. Acland and Mr. Haldane. Thus, in the end, both Sir Edward Grey and Mr. Haldane joined the Cabinet.

§ 9. *The Offer of, or the Demand for, a Cabinet Office*

An office accompanied by a seat in the Cabinet is usually offered by the Prime Minister. When a statesman gets the offer of a Cabinet office which he dislikes, he may refuse to take it at the risk of exclusion from the

[1] Haldane's *Autobiography* (popular edition, 1931), Memorandum as to events in December 1905, pp. 173–81; Spender's *Life of Campbell-Bannerman*, Vol. II, pp. 193–6.

Cabinet. Generally, he prefers to accept it, however reluctantly he may do so. For instance, in 1880 Mr. Childers was offered the War Office, and his wife's Journal records how reluctant he was to accept that office:

"Hugh said that if Mr. Gladstone took the Exchequer, as he had reason to think he would, he saw nothing for himself but the War Office, and that was the one of all the great offices which he did not wish to have. He did not wish to cleanse a second Augean stable. He doubted very much whether he would not refuse it, if offered to him; but then he must be out of the Cabinet. Anyway, the War Office he very much disliked the idea of." [1]

However, Sir John Simon, when he refused the Lord Chancellorship which was offered to him by Mr. Asquith, was eventually appointed to the Home Office.[2] There are special occasions when the Prime Minister gives a statesman the privilege of choosing between two or three offices.[3] A powerful statesman may, if he wishes,

[1] April 23, 1880. Spender Childers' *The Life of C. E. Childers*, Vol. I, pp. 268–9.

[2] Christopher Addison's *Four and a Half Years*, Vol. I, p. 82.

[3] James Bryce, the eminent scholar, was offered the choice between the Duchy of Lancaster and the Office of Works in 1892. "I am inclined to hope," wrote Mr. Gladstone, "that you will choose the Works" (August 15, 1892). He chose the Duchy (H. A. L. Fisher's *Life of James Bryce*, Vol. I, p. 286). In 1894, when Mr. Gladstone retired from politics, Lord Rosebery succeeded him as Prime Minister. Bryce, after again declining the Office of Works, became President of the Board of Trade (H. A. L. Fisher's *Life of James Bryce*, Vol. I, p. 293). In 1895 Lord Salisbury gave Mr. J. Chamberlain, an ardent champion of the imperialistic ideal, the choice between the War Office and the Colonial Office. He accepted the latter because he was deeply interested in Colonial affairs (J. L. Garvin's *Chamberlain*, Vol. II, p. 638; Elie Halevy's *A History of the English People 1895–1905*, p. 23). In 1905 Sir Henry Campbell-Bannerman, on becoming Prime Minister, gave Mr. Lloyd George the option between the Post Office and the Board of Trade. Mr. Lloyd George was advised by a veteran statesman to "Seek not emoluments, but to seek rather responsibility," so he chose the latter, because although the salary was less, it provided more scope (J. Hugh Edward's *D. Lloyd George*, Vol. I, pp. 285–9). Mr. Asquith, during the process of constructing his Coalition Government, offered Mr. Walter Long the selection of one of the following offices: Local Government Board, Board of Agriculture or Irish Secretaryship; Mr. Long chose the Local Government Board (Long's *Memories*, p. 220).

choose a particular Cabinet office.[1] If the Prime Minister needs his support, he has to give way to his preference and accept this request. If a Prime Minister should refrain from granting an important statesman the privilege of choosing an office, the latter would undoubtedly be bitterly disappointed by this action. For instance, Mr. Chamberlain intended to be Colonial Secretary in Gladstone's third Cabinet, but the latter offered him, in the first instance, the inappropriate office of First Lord of the Admiralty. He refused without hesitation, and subsequently took over the Local Government Board reluctantly.[2] Mr. Chamberlain was, no

[1] In 1868, when Mr. Bright joined the Cabinet, he chose the Board of Trade. He told his friend: "I got my choice of any office—except the War Office" (R. Barry O'Brien's *John Bright* (1910), pp. 210–11). In 1885, when Lord Salisbury was in the process of forming his Cabinet, Sir Stafford Northcote, afterwards Lord Iddesleigh, wrote to him expressing his disinclination to accept the Colonies, or any office, except that of the First Lord (*Lord Manners and his Friends*, Vol. II, p. 310). In 1892 Lord Ripon chose the Colonial Office. His official biography states: "It appears that the actual allocation of it to him in 1892 was made by his own choice." Gladstone's letter, which mentioned this particular offer, says that he made it "with special pleasure" because it would "meet your personal inclinations" (*Life of Lord Ripon* (August 14, 1892), Vol. II, p. 208). In 1895, when Lord Salisbury was forming his third Cabinet, the Duke of Devonshire was offered the Foreign Secretaryship, but refused on the grounds that he would prefer to be Lord President, which post he was later given (*Letters of Queen Victoria*, 3rd Series, Vol. II, p. 525). At the same time, Mr. Goschen demanded the office of First Lord of the Admiralty in Salisbury's Government, and refused to accept any other position. Lord Salisbury had no alternative but to accept Mr. Goschen's demand (*ibid.*, Vol. II, p. 526–7). In 1905 Sir Edward Grey and Mr. Haldane demanded to be Foreign Secretary and Lord Chancellor respectively in Sir Henry Campbell-Bannerman's Cabinet. Sir Henry accepted Sir Edward Grey's demand, but refused Mr. Haldane's on the ground that he had already promised Sir R. Reid the Lord Chancellorship. Thus Mr. Haldane chose the War Office, which request was accepted by Sir Henry Campbell-Bannerman. See Haldane's *Autobiography*, p. 173. Again, in 1908 Mr. John Morley and Sir Henry Fowler, by their own choice, preferred to keep their old posts as Secretary for India and Chancellor of the Duchy of Lancaster (*Annual Register*, 1908, p. 81). In November 1931 Mr. Neville Chamberlain returned to the Ministry of Health at his own request (*The Times*, August 26, 1931).

[2] Garvin's *Chamberlain*, Vol. II, p. 172; Morley's *Gladstone*. Vol. III. p. 224.

doubt, deeply disappointed by such treatment, for he considered himself as second only to Gladstone both in power and influence in the Government of that time, and thought that he ought to have the privilege of choosing an office himself. A statesman of such incomparable ability as Gladstone made indeed a grave mistake on this occasion, which produced many undesirable results and finally caused the downfall of his Cabinet in 1886.

The result of asking for or claiming high Cabinet offices may affect other statesmen who otherwise might have been appointed to these offices. Such a case happened in 1905 in the course of the construction of Campbell-Bannerman's Cabinet. Mr. Bryce is an example of a victim of such a practice. The highest offices having been claimed by and allotted to the Liberal Imperialists, Mr. Bryce, at the age of sixty-eight, was rewarded for his vigorous work in the Opposition and his faithful allegiance to Campbell-Bannerman during the South African War by only the most invidious and thankless post of Secretary for Ireland.[1] Again, in 1905 Mr. Herbert Gladstone, afterwards Viscount Gladstone, was offered the War Office, and this offer had already been submitted to the King for approval. But Mr. Haldane, afterwards Lord Haldane, was particularly anxious to obtain the office, and so Sir Henry Campbell-Bannerman had no alternative than to ask Mr. Gladstone to take over the Home Office instead.[2]

Occasionally, a statesman may demand for a political friend an office carrying a Cabinet seat. Such a case occurred in 1895, when the Duke of Devonshire requested Lord Salisbury, then the Prime Minister, that "Lord James of Hereford, having refused Mr. Gladstone's offer of the Chancellorship, ought now to have it." The result was that Lord Salisbury offered Lord James of Hereford the Duchy of Lancaster with a seat in the Cabinet.[3] A leading statesman often suggests to the

[1] H. A. L. Fisher's *James Bryce*, Vol. I, p. 339; J. A. Spender's *Life, Journalism and Politics*, Vol. I, pp. 130–1.

[2] *Journals and Letters of Viscount Esher*, Vol. II, pp. 125–6.

[3] Lord Askwith's, *Lord James of Hereford* (1930), p. 239.

Prime Minister that one of his friends, either for political reasons or for other purposes, should be included in the Cabinet. The Prime Minister may or may not accept the suggestion, according to circumstances, but even if he does so he can subsequently refuse it on various grounds. Thus, in 1892 Mr. Morley proposed Mr. Fowler to Mr. Gladstone for the Admiralty in the course of the discussion on the formation of the Cabinet.[1] Mr. Gladstone accepted the proposal, but subsequently Mr. Fowler was appointed to the Local Government Board as a result of Lord Spencer's desire to take over the Admiralty.

§ 10. *Refusal to Join the Cabinet*

Occasionally a Prime Minister is confronted with additional difficulties by a statesman, who has considerable influence in the political world, declining to accept an office. Disinclination for official life is a common excuse for the refusal. The case of Lord Russell, in 1868, is a good example; he was offered a seat on the formation of Gladstone's first Cabinet, but he refused on the ground that, to put it in his own words, "the servitude of a Cabinet whether with or without a special office was what he did not wish to encounter." Again, he said: "At all events I am personally very well satisfied to be free from all responsibility."[2] It is often the case that a Prime Minister's offer of a Cabinet seat to a statesman is declined for health reasons[3] or on the ground of

[1] *Journals and Letters of Viscount Esher*, Vol. II, p. 303.

[2] Morley's *Gladstone*, Vol. II, p. 253. The fact that Lord Russell declined to join the Cabinet was told by Lord Granville: "Lord Russell is not aware of the want of physical strength which is obvious, and I believe wished for office" (see *Life of Lord Granville*, Vol. I, p. 538). Lord Russell's letter to Queen Victoria is also revealing: "A seat in the Cabinet without office seems to Lord Russell to be without any adequate advantage to your Majesty, or the public service" (see G. P. Gooch's *The Later Correspondence of Lord John Russell*, Vol. II, p. 368).

[3] Thus in 1868 Queen Victoria wrote to Lord Derby and urged him to continue in the Cabinet without office at the instance of Mr. Disraeli. But Lord Derby replied that as his medical attendants insisted that perfect rest of mind and body, and absence of all political anxiety, were

age.[1] One may decline to join the Cabinet on the ground that he has just changed his party connections, and prefers to show the world at large that this change is entirely due to differences of political opinion and not due to any personal matters or for his own benefit.[2] Differences of political views between the Prime Minister and the statesman invited may also lead to refusal.[3]

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imperative to the restoration of his health, it would be impossible for him to take the responsibility of being one of Her Majesty's confidential servants, even though he held no ministerial office (see Lord Derby's letter to Queen Victoria (February 25, 1868): *Letters of Queen Victoria*, 1st Series, Vol. I, p. 504). Again in the same year Lord Stanley was invited by Mr. Gladstone to join the Cabinet, but refused on grounds of health (see *Dictionary of National Biography*, Vol. LIV, p. 65). In the same way, when Sir Henry Campbell-Bannerman asked Lord Cromer to join his Cabinet in 1905, as Foreign Secretary, Lord Cromer refused for health reasons (see Sidney's Lee's *Edward VII*, p. 445; *Life of Campbell-Bannerman*, Vol. II, pp. 197–8). In 1923 Mr. Baldwin offered the post of Chancellor of the Exchequer to Mr. Reginald McKenna, who " declined the offer on the convenient excuse of ill-health " (see Lord Snowden's *Autobiography*, Vol. II, p. 590).

[1] Thus, when Mr. Gladstone formed his first Cabinet, he offered a seat to Sir George Gray, and the latter refused because, as he said: " he was within one of the threescore and ten allotted to mortal man " (see Morley's *Gladstone*, Vol. II, p. 253). Again, Lord Lyons, British Ambassador in Paris, was a man possessing unrivalled knowledge of European politics. Lord Salisbury invited him to join the Cabinet as Foreign Secretary in 1886, and sent Sir Philip Currie to Paris in order to persuade Lord Lyons to accept the office, but without success, as he declined for reasons of age and bad health (see Lord Newton's *Lord Lyons*, Vol. II, pp. 371–2; Cecil's *Lord Salisbury*, Vol. III, p. 312; *Dictionary of National Biography*, Vol. XII, p. 359).

[2] Mr. Gladstone, in forming his second Ministry in 1880, asked Lord Derby, who was ex-Foreign Secretary of the Tory Party and had just changed his party connection, to join his Cabinet; but he could not accept, because he felt bound to prove that he did not make the change for any personal motive and did not stand to gain by it (Morley's *Gladstone*, Vol. II, p. 629).

[3] In 1868 Mr. Gladstone invited Sir Roundell Palmer, Attorney-General under Palmerston and Russell, to join the Cabinet as Lord Chancellor. He declined to accept this important office, because he held a different view on the Irish Church question (see J. B. Atlay's *Victorian Chancellors*, Vol. II, p. 405; Roundell Palmer's *Memorials*, Part II, " Personal and Politics 1865–95," Vol. I, pp. 112–13; *Dictionary of National Biography*, Vol. XXII, Supplement, p. 722; *Annual Register*,

Personal suspicion might easily lead to refusing office. When Mr. Disraeli became Prime Minister in 1868, Mr. Walpole, a former Minister, strenuously opposed the idea of his remaining in the Cabinet, as he believed that Mr. Disraeli had inspired *The Times* in its attack on him on the occasion of a Hyde Park meeting. This caused his resignation from the Home Office, and so he determined not to serve under Disraeli, who, he considered, had treated him so badly.[1] Fundamental differences of opinion and outlook between two statesmen may lead one of them to decline office. When Lord Salisbury resigned the Premiership in 1902, Sir Michael Hicks-Beach, Chancellor of the Exchequer in Salisbury's Cabinet, preferred to be excluded from the new Cabinet, although the new Prime Minister, Mr. Balfour, strongly wished to secure his services, chiefly because he was out of sympathy with Chamberlain's Tariff Reform policy. Lord George Hamilton, his life-long colleague, gave his opinion in regard to the retirement: "I think his instincts told him that his retention of office meant a duel between himself and Chamberlain, and he therefore retired."[2] Justin McCarthy also expressed the same view, and

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1868, p. 168). When Mr. Gladstone was entrusted to form his third Cabinet in 1886, he invited Lord Hartington, Lord Derby, Lord Northbrook, Lord Selborne, Mr. Goschen and Mr. John Bright to join his Cabinet in order to make an enquiry into the Irish question, but they refused on the ground that they were in opposition to the Prime Minister's policy of establishing a separate legislative body in Dublin. On that occasion Mr. Gladstone also offered Sir Henry James either the Lord Chancellorship or any other high office which he might like to choose, but in view of the pledges Sir Henry James had given to his constituents to oppose the creation of a separate Parliament for Ireland he was obliged to keep out of the Cabinet (see Askwith's *Lord James of Hereford*, p. 161; *Annual Register*, 1886, p. 57).

[1] Sir Spencer Walpole's *The History of Twenty-five Years*, Vol. II, p. 199.

[2] Lady Victoria Hicks-Beach's *Life of Sir Michael Hicks-Beach*, Vol. II, p. 380; cf. Askwith's *Lord James of Hereford*, p. 256: "With the exception of Hicks-Beach there was no one who contested Chamberlain's strongly pronounced opinions, and this opposition was weakened by the tendency Hicks-Beach had to oppose most of the views of his colleagues. Then events favoured Chamberlain's predominance."

thought that Hicks-Beach could not stand any more reaction towards Protectionist principles.[1]

When the Prime Minister meets such a case, he tries, by persuasion, to overcome the statesman's refusal. His usual plea is that the Cabinet cannot be formed without his participation. The success of this method can best be instanced by the case of Mr. John Bright in 1868, who declined Mr. Gladstone's offer of a Cabinet seat but, as a result of strong persuasion, reluctantly accepted the post of President of the Board of Trade. The perseverance and indefatigability of Gladstone's spirit were described by Lord Morley in how he argued with Mr. John Bright from eleven o'clock until past midnight in order to overcome the latter's strong disinclination.[2] Mr. John Bright also describes the events in his diaries as follows:

"I have spent two hours with Mr. G. and am in the greatest difficulty. He thinks I am bound honourably to stand by him whilst the Irish question is being settled, and has pressed me in a manner far more earnest that I expected. He thinks his Government will go into the conflict crippled if I refuse. I have resisted all promise for to-night, but must decide in the morning, as other arrangements depend on me. I am sorely pressed, and know not how to escape. . . . The arguments are in favour of yes, but my dislike of work, and of fetters, and of official position would say no." [3]

Persuasion is sometimes attempted by a third party at the request of the Prime Minister or on his own account in the interest of both parties. A monarch's intervention, either on behalf of the Prime Minister or on his own initiative, would have great influence on the statesmen concerned unless the latter have absolutely resolved to retire from political life. Thus in 1892 Lord Rosebery had no intention of joining the Cabinet as Foreign Secretary, on account of his health (he suffered from insomnia). Actually, the death of his wife, the daughter of Baron

[1] *British Political Portraits*, VI: "Sir Michael Hicks-Beach," p. 6.
[2] Morley's *Gladstone*, Vol. II, p. 254.
[3] Trevelyan's *Life of John Bright* (1913), p. 396.

Meyer de Rothschild, in 1890 was his main reason for withdrawing from public life, and Mr. Gladstone could not make him change his mind. However, the royal family would not allow this, and, as Queen Victoria felt that she could not write a letter to Lord Rosebery directly,[1] she asked her son, the Prince of Wales, who was a friend of his, to write instead:

"There are many grave questions at this moment affecting our interests in India, Egypt and Morocco, and it requires a very watchful eye—to prevent Russia and France from harming us—and a thorough knowledge of the subject which nobody possesses more than you do. Let me therefore implore you to accept office—for the Queen's sake and for that of our great Empire! Forgive me bothering you, my dear Rosebery—but I should not write so strongly if I did not feel the grave importance of your accepting office in the present serious political crisis." [2]

Finally, because of the Prince's persuasion, Lord Rosebery consented to take office, and it was a great relief to Queen Victoria. She entered in her Journal: ". . . it is a great thing, but we could not think what had made him change his mind at the last." [3]

On turning down suggestions to re-enter the Cabinet, veteran statesmen usually express the hope that their places will be filled by younger men of their parties.[4] Thus it strengthens the Cabinet by discarding old elements and infusing new blood. In order to appreciate this, it should be mentioned that a promising politician may not accept an important office of State which is not accompanied by a Cabinet seat. Such was the case when Mr. H. Chaplin, who in 1886 was offered the Presidency of the Local Government Board by Lord Salisbury, declined, because he considered himself worthy of something better.[5] Again, in 1924, when Mr. MacDonald offered

[1] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 143.

[2] Crewe's *Lord Rosebery*, Vol. II, p. 401; Sir Sidney Lee's *King Edward VII*, Vol. I, p. 532.

[3] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 145.

[4] See *Lord Manners and his Friends*, Vol. II, pp. 253–4. Also see Lord Askwith's *Lord James of Hereford*, p. 269.

[5] *Annual Register*, 1886, p. 256; *Lord Randolph Churchill*, Vol. II, p. 126.

Mr. Lansbury an Under-Secretaryship without a seat in the Cabinet, the latter indignantly declined the offer.[1]

§ 11. *Exclusion from Admission to the Cabinet*

During the process of the formation of a Cabinet many statesmen are anxious to get into this high political circle; but, as a Cabinet is a small body which can consist of only a limited number of persons, the Prime Minister has to consider carefully the problem of choice of personnel in order to secure the greatest benefit to the Government and avoid the inclusion of those who might be a hindrance to it. However, it is not always an easy matter to exclude an old colleague. What Mr. Gladstone said at the end of the last century still holds good: "The next most serious thing to admitting a man into the Cabinet is to leave a man out who has once been in."[2] When such a case occurs, the Prime Minister would meet many difficulties. Naturally, when someone has devoted his whole life to his party and possesses administrative experience, he does at least hope to have the opportunity of serving his country when his party obtains power. Sometimes, if it happens that he is excluded from the Cabinet, such exclusion not only hurts his feelings, but also affects his friendship with the Prime Minister. For this reason, a Prime Minister rarely excludes his former colleagues from Cabinet office unless there are certain specific reasons for doing so or unless, owing to adverse parliamentary opinion, he feels that such a step is his duty. Lack of debating talent is sometimes an excuse for exclusion. For instance, Lord Chelmsford was selected as Lord Chancellor when Lord Derby formed his Ministry in 1866, but Mr. Disraeli, on becoming Prime Minister in February 1868, on the retirement of Lord Derby, did not include him in the reconstructed Cabinet because he considered that Lord Chelmsford was not a "very skilful debater." The old lawyer, who had faithfully served his party through the vicissitudes of

[1] Lord Snowden's *Autobiography*, Vol. II, p. 608.

[2] Morley's *Gladstone*, Vol. II, p. 146.

thirty years, was sorely hurt.[1] Difference of political views between the Prime Minister and his former Cabinet colleagues is another reason for refusal to give office. In 1880, when Mr. Gladstone formed his second Ministry, he excluded Mr. Goschen from the Cabinet on the grounds that Mr. Goschen opposed the extension of the franchise. As he was a former member, Mr. Goschen's claims were considerable, but Mr. Gladstone told Lord Granville that: "Mr. Goschen's position as to the franchise would prevent his being in the Cabinet now, but he should be in great employ."[2] As Mr. Morley revealed in his famous work: "To the third [of his former colleagues] he proposed the Indian Viceroyalty, and received an answer that left him stunned and out of breath."[3] It is interesting to observe that Lord Rosebery, who was Liberal Prime Minister in 1894, was not included in the next Liberal Cabinet in 1905. The reason was mainly due to objections to his speech made at Bodmin on November 25, in which he criticized Sir Henry Campbell-Bannerman's statement on the question of Irish Home Rule—Sir Henry Campbell-Bannerman having declared that he would not introduce a Home Rule Bill into the next Parliament. Lord Rosebery protested and declared he held different views on policy. Thus he excluded himself from admission to the new Cabinet.[4]

A Prime Minister would not consider the re-selection of a former colleague if the latter were involved in a grave legal dispute. Such an incident occurred in 1886: Sir Charles Dilke, a former member with a brilliant career,

[1] J. B. Atlay's *Victorian Chancellors* (1908), Vol. II, pp. 123–4; *Life of Disraeli* (new revised edition), Vol. II, p. 327; Charles Whibley's *Lord John Manners and his Friends*, Vol. II, pp. 143–4.

[2] *The Times*, February 8, 1907.

[3] Morley's *Gladstone*, Vol. II, p. 629; Arthur D. Elliott's *Life of Goschen*, Vol. I, p. 196.

[4] E. T. Raymond's *The Life of Lord Rosebery* (1923), p. 213; *Life of Lord Oxford and Asquith*, Vol. I, p. 169; Élie Halévy's *Histoire du peuple anglais au XIX^e siècle*, Epilogue (1895–1914) II: "vers la démocratie sociale et vers la guerre (1905–1914)," pp. 2–3.

was cited in the case of Mr. Crawford against his wife for misconduct. At that time Sir Charles Dilke's political position in public affairs was considered as second only to Mr. Gladstone's, but he was not included in the Liberal Cabinet because Mr. Gladstone thought it would be an impossibility as long as the case had not been tried. Mr. Gladstone told Sir Henry Ponsonby, the Queen's Secretary, that "at the present moment he agreed that, before the trial, it would be impossible to select him."[1] The result of the trial was tragic. In spite of absolutely no evidence against Sir Charles, his political career was marred. Even after nineteen years, in 1905, Sir Henry Campbell-Bannerman excluded him from admission to the Cabinet for fear of his unpopularity. Lord Oxford and Asquith remarks: "He [Sir Charles Dilke] was bitterly disappointed when, notwithstanding the championship of his claim by King Edward, C.-B. declined in 1905 to include him in his administration."[2] A former colleague may also be left out of a new Cabinet by reason of his inactivity, both in Parliament and on the platform. Thus Lord Elgin, although Colonial Secretary in Sir Henry Campbell-Bannerman's Cabinet in 1905, was excluded from Mr. Asquith's in 1908. He was not pleased about this and so refused the Marquisate which Mr. Asquith offered him. The reason for his exclusion was that "he had taken little part in the collective works of the Government either in Parliament or on the platform."[3] This was affirmed by Sir Almeric Fitzroy in his *Memoirs*, who writes that Lord Crewe told him that the reason for Elgin's removal was not due to discontent with his administration of the Department, which he believed to be admirable, but because he never opened his lips in council, except regarding matters connected with his own office; and secondly, because he

[1] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 29; Gwynn and Tuckwell's *Life of Sir Charles Dilke*, Vol. II, p. 172.

[2] Asquith's *Memories and Reflections 1852–1927*, Vol. I, p. 92.

[3] J. A. Spender and Cyril Asquith's *Life of Lord Oxford and Asquith*, Vol. I, p. 198.

was of no use in general debate.[1] Sometimes the Prime Minister, when selecting one of the former members for his new Cabinet, meets with vigorous opposition from other statesmen whose support he needs in his Government. These men can threaten to withdraw themselves unless the Prime Minister promises that the person in question shall be excluded. In these circumstances the Prime Minister has no alternative but to accept their demand, and explain his difficult position to the person opposed either by letter or by word of mouth. When Mr. Asquith was forming his Coalition Cabinet in 1915, he did not ask Lord Haldane to join on account of the Conservative leaders' strong opposition, although he had sat in the former Cabinet and was a great friend of his. Mr. Asquith conformed to the wishes of the Conservative leaders, but he neither wrote nor explained verbally his difficult position to Haldane. The learned writer says: "These things happen between the best of friends in times of stress and agitation, but the omission inflicted a wound which was never quite healed."[2]

There is an additional difficulty to be overcome in the case of the admittance of peers. Owing to the limited number of seats available for them, their entrance is often prevented, even though their ability and experience may be great, solely because another member from the Upper House would be inadvisable. For instance, in 1868 Lord Halifax was not admitted for this reason. Again, in the same year Lord Northbrook, who had sat for nearly ten years in the House of Commons, and had been First Lord of the Admiralty, Under-Secretary of State for War, for India and for the Home Office, as well as Secretary to the Admiralty, was not appointed to Cabinet rank, but returned to his old office as Under-Secretary of State for War. Likewise General Sir Robert Biddulph,

[1] Sir Almeric Fitzroy's *Memoirs*, Vol. I, p. 348.

[2] J. A. Spender and Cyril Asquith's *Life of Lord Oxford and Asquith*, Vol. II, p. 167; D. C. Somervell gives us a full account of the causes which led to the downfall of Lord Haldane in his book *The Reign of King George the Fifth*, p. 155; *Memoirs of David Lloyd George*, Vol. I, p. 231.

the author of *Lord Cardwell at the War Office*, believed that his ability and experience might have obtained him a place in the Cabinet had not his father's death removed him to the House of Lords.[1]

Many statesmen and politicians are ambitious to reach Cabinet rank, and it is natural that they should be disappointed at their exclusion. Even if a Prime Minister offers a former Cabinet colleague a place in the Government other than in the Cabinet, the latter may not accept because he would consider himself degraded by so doing. These incidents occur frequently. For example, Lord Morley tells us the story of Mr. Gladstone's difficulties during the formation of his second Cabinet:

> "To one excellent member of his Cabinet, the Prime Minister proposed the chairmanship of a committee, and it was with tartness refused. Another equally excellent member of the old administration he endeavoured to plant out in the Viceregal Lodge at Dublin, without the Cabinet, but in vain." [2]

Another instance occurred in 1886, when Mr. Gladstone constructed his third administration. The Prime Minister offered Lord Northbrook, a former member of the Liberal Cabinet, the Viceroyalty of Ireland without a place in the Cabinet. The latter took offence and declined.[3] In such circumstances the statesman who has been excluded may have an opportunity of returning to the Cabinet as soon as there is a suitable office available for him, but his chance to be readmitted is small if his exclusion is due to his unpopularity. In such a case the Prime Minister would sometimes offer a peerage, an honour or a political pension to the excluded colleague. For instance, when Mr. Gladstone left Mr. Lowe out of his second Cabinet in 1880, he proposed

[1] *Lord Cardwell at the War Office*, pp. 19–20.

[2] Lord Morley's *Life of Gladstone*, Vol. II, p. 629. Stansfeld himself was not a member of Gladstone's second Cabinet, and he had in 1880 declined the offer of being Chairman of Committees in the House of Commons, on the grounds that he had already held Cabinet rank. See *Dictionary of National Biography*, Supplement, Vol. III, p. 353.

[3] *Personal Papers of Lord Rendel*, p. 183.

that he should be made a Viscount, which honour he accepted.[1] In 1868 Mr. Gladstone objected to the inclusion in the Cabinet of both Lord Clarendon and his brother, Mr. Charles Villiers, and so he gave Villiers a political pension as compensation for losing office. Sir Henry Lucy expressed his opinion in his work *Peeps at Parliament*:

"No place was made for him in the Ministry of 1868, but Mr. Gladstone, careful for the welfare of former colleagues, passed the political Pension Act, even amid the Herculean labour of dealing with the Irish Church, and gave his old friend the benefit of its earliest dispensation." [2]

Passing from the exclusion of former colleagues from a new Cabinet, the task of omitting those who have never attained the eminence of Cabinet rank is considerably easier. Individuals have even been excluded from a Cabinet on account of excessive frankness. Sir Charles Bowyer Adderley was President of the Board of Trade in Disraeli's second Ministry in 1874, but he was not included in a later Cabinet owing to his frank independence, which was greatly feared by the Premier.[3] A seat may also be withheld on account of an infirmity such as blindness. A Cabinet Minister has to read a considerable number of confidential papers relating to foreign, colonial and domestic affairs, and there would therefore be difficulty in admitting someone who could not read these himself. When Henry Fawcett accepted Mr. Gladstone's offer of the Postmaster-Generalship in 1880, he was not given a seat in the Cabinet owing to his blindness.[4] Lord Redesdale says: "Mr. Fawcett, no doubt on account of his infirmity, had not been a member." [5] If a member insists on inclusion, his abstaining from participation may mean exclusion from office altogether, and so effect his political career unless his popularity in

[1] *The Queen and Mr. Gladstone*, Vol. II, pp. 91–3.
[2] Lucy's *Peeps at Parliament*, p. 235.
[3] *Dictionary of National Biography*, 2nd Series, Vol. I, p. 19.
[4] Leslie Stephen's *Life of Henry Fawcett* (1886), pp. 409–10.
[5] *Memories of Lord Redesdale*, Vol. II, p. 697.

the country is immense. It must be remembered that the Prime Minister may dispense with his participation. So political common sense usually triumphs over political vagaries, and one rarely overlooks the fact that acceptance would provide better prospects of attaining Cabinet rank. Thus, in July 1886 Henry Cecil Raikes, a distinguished Conservative member of the House of Commons, expected the offer of the Home Office with a seat in the Cabinet, but Lord Salisbury offered him the post of Postmaster-General which carried no seat with it. He was bitterly disappointed, but accepted the offer. Mr. Raikes, so his son and biographer tells us, had no course open to him but to accept the post; he "was not blind to the fact that if he were to refuse this office he would cut himself off from any but a remote chance of future advancement."[1]

§ 12. *Conclusion*

In conclusion, it is true to say that the making of a Cabinet is a rather more complicated and intricate business than one would imagine, and there is no more formidable task for a Prime Minister than the construction of a Cabinet. In fact Sir Robert Peel described it as the hardest task that could fall upon any Minister. Disraeli also said: "The truth is, that forming a Government is a very severe trial, both moral and material." Mr. Gladstone found it still worse, for although he could sleep anywhere and at any time in normal circumstances, he experienced many sleepless nights during the construction of his Cabinet.[2] Formerly, even the question of settling the emoluments of Cabinet Ministers sometimes caused a Prime Minister much embarrassment, as salaries varied from £2000 to £5000, according to office, and a statesman having been offered a post with a comparatively low salary, might regard himself as de-

[1] Henry St. John Raikes' *The Life and Letters of Henry Raikes*, p. 248.

[2] T. P. O'Connor's *Sir Henry Campbell-Bannerman*, p. 81; also see *Personal Papers of Lord Rendel.*

graded in political status,[1] although naturally this was not always the case.[2] This difficulty has now been eliminated as a result of putting all Ministers on equal salaries, except in a few cases. Moreover, no statesman has ever been known to succeed in forming a Cabinet without giving offence in some quarter or another. In 1874, when Mr. Disraeli offered the office of First Commissioner of Works to Lord Henry Lennox without an accompanying Cabinet seat, Lord Lennox was deeply hurt, and although he accepted the post, never forgave the indignity which he considered he had been made to suffer, and always spoke of Disraeli to others with venomous acerbity.[3]

During the construction of a Cabinet a Prime Minister has to overcome many obstacles before his task is completed. His work may be likened to the structure of a building which requires its foundation-stone, and in the same way every Cabinet must have its centre of gravity—in short, the first thing in the process of constructing a Cabinet is to secure the support of the leading personalities of the party or parties in power. Once this problem is solved, the major difficulties standing in the way of a successful Cabinet have been virtually overcome. It was for this reason that Sir Henry Campbell-Bannerman, who was so desperately anxious to secure the support of the Liberal Imperialists, paid the price of allotting them several of the most important seats. Again, Mr. Lloyd George's success in forming his Cabinet was due to the fact that he had the support of Bonar Law and Curzon, two prominent Conservative leaders, as well as that of Henderson, a brilliant Labour leader. On the other

[1] Cf. *Report from the Select Committee on Remuneration of Ministers* (1920), p. 8; MacDonagh's *The Pageant of Parliament*, Vol. I, p. 176.

[2] For instance, Mr. Joseph Chamberlain declined the office of First Lord of the Admiralty in favour of the Presidency of the Local Government Board, a difference in salary from £5000 to £2000, and Mr. Lloyd George preferred the Board of Trade to the Post Office, a difference in salary from £2500 to £2000.

[3] *Memories of Lord Redesdale*, Vol. II, p. 683; *Life of Disraeli*, Vol. II, p. 631.

hand, Lord Hartington said that he was unable to form a Cabinet in 1880 because he could not secure Mr. Gladstone's support as his colleague, and in 1916 Mr. Bonar Law could not form a Government owing to the fact that Mr. Asquith declined to accept a post below that of a First Minister.[1] In addition to these difficulties, a Prime Minister does not have a free hand in the selection of his colleagues. He is the agent of his party, it is true, and as such must select other politicians to participate with him in the administration of the country, but it must be remembered that he constructs his Cabinet only on behalf of his party and the electorate. So, in selecting his colleagues, he must bear in mind both Parliamentary and public opinion. The selection of John Bright in 1868, that of Mr. Joseph Chamberlain in 1880 and of Lord Randolph Churchill in 1885 may serve as examples. The construction of a Cabinet, moreover, does not lack method, and there are certain political customs which evolved from the Cabinet. A Prime Minister, however, may sometimes disregard them, but the force of compulsion is so great that such an attitude is almost impossible in the creation of a strong Government. For instance, a strong Government could not possibly be formed without including leaders of different sections of the party, and, if it is a coalition one, of different parties. To what extent a Prime Minister adopts the practice depends not only upon the force of the circumstances at the time, but also upon his discretion, guided by his wisdom and experience.

It is doubtful whether a Cabinet consisting of politicians who have spent their lives in party politics and learnt all the arts necessary for dealing with daily routine in the Departments or making speeches, would be successful if they should have a colleague who had spent his life in completely different circumstances. It is in this sense it has been asserted that the inclusion of Lord Kitchener in Asquith's Cabinet was a failure. Lord Kitchener's inability to adapt himself to a new atmosphere, after

[1] Addison's *Four and a Half Years*, Vol. I, p. 272.

having been accustomed to army life in the East, was felt when he became Secretary for War. His colleagues disliked his attitude, which they described as too firm, too straight and too silent; qualities which, although they might have been admirable in a soldier, were inappropriate to a Minister who should rather possess the arts of compromise, eloquence and intrigue At that time many of his colleagues even expressed their desire to have him deprived of office.[1] If Lord Kitchener had not had the necessary support both of the Premier and of the country, it is almost certain that he would have been removed from the War Office before he met his tragic death. Thus, it may be rightly said that it is fitting for a Cabinet to be a homogeneous body composed of those who profess the same political ideas and belong, generally speaking, to the party possessing a majority in the House of Commons. It is also a necessity that it should be made up of statesmen who have had a similar political training and lead the same sort of life. Only thus can the Cabinet work effectively, when its members are in sympathy with each other.

Before 1937 when a Prime Minister had completed his task of constructing or reconstructing a Ministry the new Cabinet did not appear in the Official Gazette, or in any official documents, but only as a piece of unofficial news, details being given of the members of the new administration and of those who had been invited to join. By an Act of 1937, the status of Cabinet Ministers has been legalized, since when the list of Cabinet Ministers appears in the *London Gazette*, so that it is easy to ascertain the dates between which an individual has been a Cabinet Minister.

[1] *Life of Lord Kitchener*, Vol. III, pp. 322–4.

CHAPTER II

THE RECONSTRUCTION OF A CABINET

§ 1. *Causes for Reconstruction*

WHEN a Cabinet is formed, its personnel cannot be regarded as fixed. It is the characteristic of the English Constitution that a Prime Minister has power not only to form a Cabinet, but also to reconstruct it at any time if circumstances render such a change desirable. The reasons for reconstruction are usually one of the following:

(1) The resignation of a Minister or Ministers as a result of a Cabinet crisis, or for other reasons.

(2) The desire of the Prime Minister to reconstruct his Cabinet as a result of a successful general election, or in order to infuse new blood into it.

(3) The desire of the Prime Minister to reconstruct his Cabinet on a sound basis—that is, in order to ensure the position of the Government.

The first case frequently happened, as a divergence of opinion between Ministers would easily lead to the resignation of one or more Ministers and provide occasion for a Cabinet reconstruction. A notable instance of the second case occurred in 1900, when Lord Salisbury after the general election desired to reconstruct his Cabinet in order to discard old elements and recruit new strength. The third case happens less frequently, but an instance occurred in 1873, when the Liberal Government was tottering following on the defeat of the Irish University Bill in the Commons and the administrative scandals with regard to mail contracts and telegraphic extensions. It therefore became necessary for Mr.

Gladstone to reconstruct his Cabinet in order to restore the shattered fortunes of the Government.[1]

The reconstruction of the Cabinet may also involve the resignation of all the Prime Minister's colleagues, while he himself retains his place and is given authority from the Sovereign to form a new Cabinet. However, since this belongs properly to the province of Cabinet-making, it is excluded from this chapter, and will be dealt with later, as will the case in which a new Prime Minister reconstructs his Cabinet after taking over from a predecessor who has retired owing to ill-health or for other reasons.

§ 2. *The Process of Reconstruction*

The process of reconstructing a Cabinet is a very delicate matter, as students of British constitutional history are aware. The Prime Minister cannot fill vacancies following resignations by the simple process of nominating certain persons to high office in accordance with his personal predilections, or move a Minister from one post to another without considering the consequences. He has to consider many varied factors, such as the qualities of claimants, the readjustment of offices without impairing the efficiency of various Departments, the judicious redistribution of Cabinet offices without giving undue weight to the Lords and, finally, the personal questions arising from long associations with his colleagues through political vicissitudes. To the last one, Lord Morley once ascribed Mr. Gladstone's difficulties in reconstructing his Cabinet as follows: "Cabinet reconstruction is made up of personal questions of the most trying and invidious kind."[2] A Prime Minister who wants to be able to dispose of certain offices in order to effect a reconstruction is placed in the embarrassing position of having to ask for his colleagues' resignations, since, although they hold Cabinet offices *durante beneplacito*,

[1] Morley's *Gladstone*, Vol. II, pp. 444–63; *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 233.

[2] Morley's *Gladstone*, Vol. II, p. 462.

they have no obligation to put their resignations in his hands unless requested to do so.[1] Such a request is generally complied with, and its refusal would certainly be considered preposterous, and is contrary to political etiquette. For, if a Minister refuses such a request made by the Prime Minister, the latter undoubtedly has the right to compel his colleagues to comply either by invoking the royal authority or by adopting the attitude of "If you don't go, I will." Sir William Harcourt says: "It is incredible that things should ever be pushed to such a point as that. Good feeling as well as good sense forbids it."[2] During the reconstruction a Minister may be asked to take an additional office or to give up one of the offices which he is holding. Every reconstruction generally involves two processes: the rearrangement of some of the Cabinet offices, and the filling of vacancies; it rarely happens that one process occurs without the other.

§ 3. *Rearrangement of some of the Cabinet Offices*

The first process in reconstruction is to apportion the Cabinet offices amongst the Ministers, which is a matter falling within the province of the Prime Minister. The rearrangement of Cabinet offices may mean promotion from a less important to a more important office, or else an exchange of offices between two Ministers. The former happened in 1903, when Mr. Balfour was reconstructing his Cabinet, and Austen Chamberlain was promoted from the Post Office to the most important office in the Cabinet —namely, the Chancellorship of the Exchequer.[3] In

[1] Cf. "The Duke of Devonshire mentioned to me that it would assist Lord Salisbury if I and others placed our resignation in his hands, leaving it open whether we were reappointed. I declined to take the suggested course; but I learnt afterwards that the Duke was requested to make this communication to me. I heard no more of the subject." See *Lord James of Hereford*, p. 259.

[2] *Life of Sir William Harcourt*, Vol. I, p. 509.

[3] Sir Henry Lucy said Austen Chamberlain's promotion to the Chancellorship of the Exchequer was mainly due to paternal influence (see *The Diary of a Journalist*, Vol. I, p. 255).

1910 Mr. Churchill was promoted to the Home Office, the reasons for which were explained by a contemporary issue of *The Times* as " Mr. Churchill's recent work on the Board of Trade, and in particular his exertions during the recent electoral contest, a striking feature of which was the vigorous campaign which he conducted on behalf of the Government in Lancashire and elsewhere, have marked him out for promotion." But in many cases it seems that the promotion of a Minister to a higher office is entirely beyond the control of the Prime Minister, who has to give the important offices to those who are powerful and influential in the party and in Parliament if he wants to have their full support. For example, in 1903 Mr. Balfour had no alternative but to offer Austen Chamberlain the Exchequer and St. John the India Office. As he put it: " My position is that Austen must go to the Exchequer; St. John must leave the War Office and can only go to India." [1] Therefore, if a Prime Minister wishes to promote a Minister who has had a long and distinguished service, his hands are tied for the reasons already indicated. In 1903 Mr. Balfour wanted to promote Walter Long, who had had a distinguished career in the service of the State and had occupied the office of President of the Local Government Board since 1901. Although the Premier had many important offices, such as the Chancellorship of the Exchequer, the India, War and Colonial Offices, etc., at his disposal, he could not spare any of them for Walter Long, since political exigencies demanded that they should be given to certain statesmen. In despair, he wrote to the President of the Local Government Board:

" I have had many difficulties to deal with in the last fortnight; but none of them . . . have caused me so many heart-searchings as your position in the Government. It seems most unjust, when there are so many inevitable changes, not to find some thing which for you, at least in the eyes of the world, should count as 'promotion.' If, when a man is once a member of the Cabinet, there is *anything* which ought to count as 'promotion' (which I

[1] *Life of Walter Long*, p. 73.

doubt) *you* have deserved to get it. You are one of our great successes: and indeed it is partly because you are so, that I venture to suggest your staying in your present place. I cannot bear to think that anything I do should be capable of being construed into a depreciation of your merits. I feel sure it never would be so construed by yourself." [1]

An illustration of an exchange of posts between two Cabinet Ministers occurred in 1911 when Mr. Churchill and Mr. McKenna were moved from the Home Office to the Admiralty and *vice versa*. A Cabinet Minister may also be moved from a high Cabinet office to an office of lesser importance. In 1910 Earl Beauchamp was moved from the office of Lord President of the Council to that of First Commissioner of Works. Naturally, such changes are likely to be regarded as degrading, and therefore most statesmen would be unwilling to consider them. In 1873 Mr. Gladstone proposed to Lord Hartington that he should take the Post Office instead of the Irish Office, which he had held since 1870. In a letter dated August 14, 1873, Lord Hartington replied to Mr. Gladstone as follows:

"But I am not at all disposed to go back to the Post Office. I liked the office well enough when I was there, but I should not care to return to it after holding a much more important and interesting office." [2]

Again, in his letter to Lord Spencer, dated August 18, he says:

"But I can't help thinking that the change from the Irish Office to the Post Office would be nothing short of humiliation, and that it cannot be for the advantage of the Government itself that any of its members should submit to that." [3]

The transference of a Minister from one office to another is a matter which a Prime Minister must handle with care. As in the formation of a Cabinet, he should act according to public and parliamentary opinion. In

[1] *Life of Walter Long*, pp. 73–4.
[2] Bernard Holland's *The Life of the Duke of Devonshire*, Vol. I, p. 123.
[3] *Ibid.*, Vol. I, p. 126.

1915 Mr. Asquith informally asked Lord Haldane, the Lord Chancellor, to take over the War Office, which he had previously held. According to Haldane's statement, he had already started work on August 3, 1915.[1] But later Lord Kitchener was appointed to that post. The reason why Mr. Asquith did not formally appoint Lord Haldane as Secretary for War was because the appointment was opposed by the Tories and the Northcliffe Press. As Lord Beaverbrook, a friend of Northcliffe, said: "His reputation for a tenderness towards Germany was fatal to his prospects."[2] Under such circumstances, a Prime Minister may have difficulty in finding any one competent to occupy a particular office, and yet not unpopular with the public and in Parliament. Gladstone had many able lieutenants and staunch supporters, but nevertheless he experienced this difficulty. In December 1870 Lord Hartington was unwilling to accept the transfer from the Post Office to the Irish Office, but Mr. Gladstone insisted on his acceptance, realizing Lord Hartington's ability and fitness for that office. He told Lord Granville: "I cannot think of any other members of the Cabinet, or even of the Government, whom I could possibly transfer."[3]

Eventually Lord Hartington accepted.

The Sovereign may make suggestions to the Prime Minister with regard to the changing of Cabinet offices, but these suggestions serve only as a guide to the Prime Minister, and they carry more or less weight according to the degree of influence wielded by the Monarch. In 1873 the Queen suggested to Mr. Gladstone, concerning the projected reconstruction of the Cabinet, that Mr. Cardwell, the Secretary for War, might be considered as the successor to Mr. Lowe, the Chancellor of the Exchequer, in which case she would urge that Lord Hartington, the Irish Secretary, should be placed at the

[1] Lord Haldane's *Before the War*, p. 35.

[2] Lord Beaverbrook's *Politicians and the War 1914–16*, Vol. I, p. 123.

[3] *Granville Papers*, Vol. 58: Gladstone to Granville, December 29, 1870; see also Holland's *The Duke of Devonshire*, Vol. I, pp. 80–3.

War Office, for which he would be particularly well suited owing to his knowledge of the work, his firmness and his popularity with the Army. However, Mr. Gladstone did not meet the Queen's wishes, for he neither moved Mr. Cardwell from the War Office nor Lord Hartington from the Irish Office.[1] But the Queen had great influence on Disraeli. In 1876 Disraeli wanted to move Hardy from the War Office to another office with light administrative duties, in order that the latter might be able to succeed him as the Leader of the House of Commons in the event of Disraeli's elevation to the House of Lords. But the Queen strongly disapproved of the project, and pointed out to the Prime Minister that it was her personal wish that Hardy should not leave the War Office, on the ground that he possessed her entire confidence, and that there was no person, in this respect, to whom she could extend equal trust.[2] Consequently, Disraeli obeyed the royal command, and Hardy was not asked to assume the leadership in the House of Commons, but remained at his old office. Actually, Disraeli committed a tactical error by not selecting Hardy as the Leader of the Commons, for he was the only person on the Conservative side during that period, save Disraeli himself, who could possibly match the eloquence of Gladstone and the other Liberals.

The influence of the Prime Minister's colleagues is sometimes even stronger than that of the Crown. A powerful Cabinet Minister, indeed, can make what suggestions he likes, even in direct opposition to the Prime Minister's will. The most notable instance of this occurred in 1916, when Mr. Bonar Law suggested to the Prime Minister that Mr. Lloyd George should be transferred to the War Office, and Mr. Asquith complied, although the appointment was known to be in direct opposition to the Prime Minister's wishes.[3]

[1] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. I, p. 420: Victoria to Gladstone (August 5, 1873).

[2] *Life of Disraeli*, Vol. II, p. 866.

[3] Lord Riddell's *War Diary*, p. 198; *Arthur James Balfour*, Vol. II, p. 167.

The shifting of Ministers may produce a temporary dislocation of State business if a Minister is removed from an office in which he has acquired much experience and efficiency. Mr. Gladstone, however, looked at the matter from a different angle:

"No doubt there will be men with specialities who will have accurately got up the traditions of particular Departments; but I affirm that, although there is inconvenience for the moment in a transfer, still, if you want to have statesmen responsible as members of the Cabinet for the whole of the affairs of this country, you must encounter that inconvenience and not hesitate in removing them from Department to Department, always being guided by the consideration which, upon the whole, is the best for the public service." [1]

Many statesmen would refuse, on political or personal grounds, to be moved from offices which suit them. This was the case with Lord John Manners, who declined Disraeli's proposal that he should be moved from the Office of Works to the Irish Office.[2] Again, in 1886 Lord Cranbrook, on personal and family grounds, refused to be transferred from the office of Lord President to the Irish Viceroyalty, which he was urged by the Prime Minister to accept.[3] Sometimes it even happens that a Minister refuses the opportunity of being promoted to a higher Cabinet office with which he is not familiar, and prefers to remain at his old office which he understands and likes. In the opinion of Lord Oxford and Asquith "a Prime Minister acts wrongly if he allows such a thing to take place." [4] He continues:

"I have known cases in my own experience when I have offered a higher and better-paid office to a capable man, and he has refused it on the ground that he thought he was more fitted for the office he was at present discharging." [5]

[1] *Hansard*, Sec. 3, CCIV, Col. 1996 (March 14, 1871).
[2] Charles Whibley's *Lord John Manners and his Friends*, Vol. II, p. 144.
[3] *Earl of Cranbrook*, Vol. II, pp. 233–4.
[4] *Report from the Select Committee on the Remuneration of Ministers*, p. 12.
[5] *Ibid.*

Undoubtedly the shifting of Ministers may affect the equilibrium of the Cabinet by altering the balance of parties within a Coalition Cabinet and the relative proportion of members belonging to the two Houses. It may also affect the policy of the Government, more especially its foreign policy. Invariably the moving of a Minister from another office to the Foreign Office indicates a new orientation of foreign policy, as was the case in 1878, when Lord Beaconsfield moved Lord Salisbury from the India Office to the Foreign Office. The latter had the full confidence of the Premier, and he pursued a different policy in regard to the Eastern Question. Lord Halifax's installation at the Foreign Office in 1938 may be served as another example.

Besides public and parliamentary opinion, there is another factor which the Prime Minister has to weigh carefully—that is, the allocation of the key-posts in the Government. Naturally the Prime Minister would entrust these offices only to those in whom he has full confidence. A minister with a forceful character and an undaunted combating power would not generally be given a key-post which may provide him the chance to dominate the council. As in 1882 Mr. Gladstone was unwilling to offer the Irish Office to Mr. Joseph Chamberlain, mainly because of his fear that the latter might dominate the Cabinet on Irish policy, which played the most important part in the Government of that time.[1] On the other hand, the transference of Mr. Lloyd George to the War Office—the key-post during the War—at the instance of Mr. Bonar Law provided the former with the chance to dominate the Government and increased the strength of the alliance between the two statesmen. Mrs. Edgar Dugdale points out the significance in her book: ". . . It was a successful challenge to the authority of Mr. Asquith, on a point where a Prime Minister cannot afford to be defeated—the appointment to key-posts in his Govern-

[1] Gavin's *Life of Joseph Chamberlain*, Vol. I, p. 365.

ment. Power was passing—had in fact passed."[1] The events consequently led to the resignation of Mr. Asquith. Nevertheless, a Prime Minister, when facing serious difficulties, may find it necessary to ask one of his able colleagues to move to a particular office with a view to settling the difficulty promptly. As in 1921 the Prime Minister asked Mr. Churchill to go from the War Office to the Colonial Office for the purpose of settling affairs in Palestine and Mesopotamia after the War.[2]

§ 4. *The Filling of Vacancies*

The Prime Minister next has to consider how to fill vacancies arising out of the resignation of Ministers. He may decide the matter for himself or, in case of doubt, consult one or two of his colleagues, notably the Leaders of the Commons or Lords. Both Mr. Gladstone and Mr. Asquith were quite ready to consult the Leader of the House of Lords with regard to the selection of Cabinet Ministers.[3] For instance, in a letter from Lord Granville to Mr. Gladstone, dated November 25, 1881, we see that Lord Granville endeavoured to persuade Mr. Gladstone to include Lord Derby in the Liberal Cabinet as Secretary for India.[4] In the same month, probably a few days later, the question of both Lord Rosebery's and Sir Charles Dilke's admission to the Cabinet was discussed between Mr. Gladstone, Lord Granville, the Leader of the House of Lords, and Lord Hartington.[5] Mr. Balfour did the same thing in 1903, for, when he was reconstructing his Cabinet following the resignation of four Cabinet Ministers, including Mr. Joseph Chamberlain, he consulted the Duke of Devonshire, the Leader of the House of Lords, as to the filling of vacancies and accepted some of the latter's proposals.[6]

[1] *Arthur James Balfour*, Vol. II, p. 167.
[2] *The World Crisis: the Aftermath*, p. 309.
[3] Asquith's *Fifty Years of Parliament*, Vol. II, p. 194.
[4] *Life of Lord Granville*, Vol. II, p. 302.
[5] *Life of Dilke*, Vol. I, p. 492.
[6] *Annual Register*, 1903, p. 205.

Conversely, a Premier who was a Peer usually sought the advice of the Leader of the House of Commons. In 1879, when Lord Beaconsfield was reconstructing his Cabinet following on the resignation of Lord Derby, the Foreign Secretary, and Lord Carnarvon, the Colonial Secretary, he consulted Sir Stafford Northcote, the Leader of the House of Commons, as to the selection of their respective successors.[1] We have also evidence that Lord Salisbury consulted his nephew, Mr. Balfour, the Leader of the House of Commons, on the subject of the selection of Ministers. Furthermore, Balfour was the pivot of Salisbury's Cabinet, and was almost powerful enough to be able to reconstruct it in order to get rid of certain Ministers and to add those who leaned to his side.[2]

The Prime Minister's consultations with his colleagues regarding the selection of new members are not limited to the Leaders of the House of Commons or of the House of Lords. He frequently consults the Minister whom he has moved regarding his successor. For instance, in 1886 Lord Salisbury asked Lord Cranbrook to vacate the office of Lord President and go to the War Office, which he consented to do. Thereupon they discussed the question as to who was to succeed him as Lord President, as he tells us in his diary: "We talked of my successor, Carnarvon, Harrowby; Iddesleigh suggested himself."[3] Again in June 1912, when Lord Haldane was going to leave the War Office and become Lord Chancellor, the Chief Whip was instructed by telegram from the Prime Minister, who was on the Admiralty yacht in the Mediterranean, "to consult Haldane as to who should succeed him at the War Office."[4] Eventually Colonel Seely was appointed to that post.

In some cases it seems that even a Cabinet colleague can suggest the appointment of a Cabinet Minister. This is certainly a violation of Mr. Gladstone's principle that

[1] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 609.
[2] Cf. *Lord James of Hereford*, p. 259.
[3] *Life of Lord Cranbrook*, Vol. II, p. 237 (Diary, January 21, 1886).
[4] Haldane's *Autobiography*, p. 237.

" the notion of a title in the Cabinet to be consulted on successors to Cabinet office is absurd."[1] Nevertheless it happened in 1905, when Walter Long, who refused to be promoted from the Office of President of the Local Government Board, suggested Lord Cawdor, who was the chairman of the Great Western Railway, to Mr. Balfour as First Lord of the Admiralty. Mr. Balfour agreed and observed to Mr. Walter Long: " If it be your wish I will recommend Cawdor to the King."[2] The appointment was accordingly made.

Before the Second Reform Act was passed questions relating to Cabinet appointments were frequently discussed in the Cabinet, but after 1868 this became rare. On December 5, 1888, the Cabinet discussed the question of the admittance of the Secretary for Scotland to the Cabinet.[3] In this case it was more a question of the eligibility of an office rather than of an individual. However, the practice of consulting the Cabinet on this matter was revived in 1916, when Sir Edward Grey asked the Cabinet to appoint a Minister representing the Cabinet to deal with the question of contraband. It was decided " that Lord Robert Cecil should be asked to undertake the work, and he became a member of the Cabinet, retaining his office as Under-Secretary for Foreign Affairs.[4] Lord Oxford and Asquith believed that such a question had never been brought before the Cabinet, but it happened under his own Administration.[5] Again, in 1923 the Cabinet was asked whether Mr. Austen Chamberlain and Lord Birkenhead should be appointed as Ministers without Portfolio. The Cabinet objected and therefore the proposal was dropped.[6]

But it frequently happens that before making an

[1] Asquith's *Fifty Years of Parliament*, Vol. II, p. 194.

[2] Long's *Memories*, p. 142; *Life of Walter Long*, p. 75; *D.N.B.*, 1922–1930, p. 519.

[3] *Life of Lord Cranbrook*, Vol. II, p. 232.

[4] Trevelyan's *Lord Grey of Fallodon*, p. 308: Memorandum by H. H. Asquith (February 16, 1916).

[5] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 194.

[6] *Lord Birkenhead*, Vol. II, p. 232.

appointment a Prime Minister informally announces the fact. Mr. Gladstone informed the Cabinet of the appointment of Mr. Childers as Chancellor of the Duchy of Lancaster before the announcement was made public. He says in his letter to Granville, dated June 2, 1872: "Having now mentioned the Chancellorship of the Duchy in the Cabinet, I am in a condition to speak to G. Grey" [1] (the Queen's Secretary). Sir Charles Dilke in his *Memoirs* tells us that the Cabinet was told of his promotion before the matter was finally settled.[2] Lord Salisbury sometimes informed the Cabinet of the admittance of new members. He wrote to Balfour:

"I informed the Cabinet to-day, in view of the fact that much of our impending legislation had a Scotch side, and Scotland being in no way represented in the Cabinet, I thought it expedient that you should become a member of it. The announcement was very cordially received." [3]

When a Prime Minister is preparing the list of his Ministry, he always desires to eliminate the possible opposition of the Sovereign. Thus in 1871 Mr. Gladstone did not recommend Stansfeld to be First Lord of the Admiralty, the reason for this being indicated in a letter written by Mr. Lowe to Lord Granville—namely, that if Stansfeld were given that office, Gladstone was perfectly well aware that the Queen would object.[4] If the Sovereign does not approve the Prime Minister's list, the latter may use his influence to persuade the Sovereign. Royal opinion in favour or in opposition to a certain statesman or statesmen sometimes carries considerable weight. For instance, in 1882, when Mr. Gladstone was reconstructing his Cabinet, he proposed Lord Derby for the India Office and Sir Charles Dilke for the Chancellorship of the Duchy of Lancaster. The Queen objected to both acting in those capacities in the Cabinet. She told Mr.

[1] *Granville Papers*, Vol. 61.
[2] *Life of Dilke*, Vol. I, p. 492.
[3] *Arthur James Balfour*, p. 117 (November 17, 1886).
[4] *Granville Papers* 29/25, Robert Lowe to Lord Granville, March 4, 1871.

Gladstone that she strongly deprecated Lord Derby's admission to the Cabinet, which she considered would be of no advantage, as he had always been a great trouble to all the Cabinets he had been in, and especially protested against his going to the India Office, urging Lord Kimberley to fill that Office, and Lord Derby the Colonies.[1] After she had induced Mr. Gladstone to accept her proposal, she told him: "It is a great thing he does not go to India."[2] As regards Sir Charles Dilke, the Queen objected to his occupying an office like the Chancellorship of the Duchy of Lancaster, which was more or less personally connected with the royal family and should not be held by anybody who had republican ideas and anti-monarchical feelings.[3] In 1903 Mr. Balfour, the Prime Minister, recommended Mr. Arnold Forster as War Secretary. King Edward VII did not approve, but suggested that: "A man of the calibre of Lord Selborne would give confidence to the public as War Minister." Eventually, the King assented with reluctance to the appointment.[4] The Prince of Wales could also suggest to the Prime Minister that a certain statesman or a particular friend of his in whom he has confidence should have a seat in the Cabinet. But such suggestions could not be allowed to interfere with the independence of the Premier's choice or hamper him in his complex and difficult task of reconstructing the Cabinet.[5]

The balance of Peers and Commoners in the Cabinet was one of the serious problems confronting the Prime

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 371.

[2] *The Queen and Mr. Gladstone*, Vol. II, p. 222.

[3] *King Edward VII*, Vol. I, p. 519; *Life of Dilke*, Vol. I, pp. 492–3; Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, pp. 220–3.

[4] Sidney Lee's *King Edward VII*, Vol. II, p. 177.

[5] In 1882, Mr. Gladstone's Cabinet underwent a reconstruction, and the Prince of Wales, afterwards King Edward VII, suggested to the Prime Minister that his friend, Sir Charles Dilke, should take over the Admiralty from Northbrook, since Dilke possessed sound views on the question of naval security. However, Mr. Gladstone was unwilling to meet the wishes of the Prince and therefore nothing came of the suggestion (Sidney Lee's *King Edward VII*, Vol. II, p. 177).

Minister before the fall of the Conservative Ministry.[1] But the accession to power of the Liberal Cabinet in 1905 showed a decisive change, in that it became a matter of comparative indifference. In addition, the Prime Minister also has to consider the balance of different groups within the Cabinet so as to avoid undue preponderance by any one group. For instance, in 1882, when Sir Charles Dilke's claim to enter the Cabinet became irresistible, Mr. Gladstone, aware of the fact that he belonged to the Radical section of his party, immediately made a counterbalancing appointment from the Whig section of the party.[2]

With regard to the type of candidate favoured for vacancies or additions to the Cabinet, there are several sources from which a Cabinet Minister might be chosen. First, ex-Cabinet Ministers who have had great experience in State affairs are always called upon to fill vacancies. Nevertheless, there have been only fourteen cases of ex-Cabinet Ministers re-entering the Cabinet.

Secondly, the Prime Minister sometimes includes the heads of particular Departments which are not necessarily Cabinet offices. Such instances are not exceptional. In 1885 Mr. Gladstone included the office of Postmaster-General, with Shaw-Lefevre as its occupant, in his Cabinet. Similarly, Mr. Forster, the Vice-President of the Council, was promoted to Cabinet rank in 1870. Mr. Balfour, Secretary for Scotland, was admitted to the Cabinet in 1886. Again, in 1907 Mr. Lewis Harcourt,

[1] Mr. Disraeli's elevation to the House of Lords and the retirement of Lord Malmesbury from the Cabinet in 1876 upset the original balance of the Cabinet, which contained six Peers and six Commoners. The balance was restored by the appointment of Sir Michael Hicks-Beach as the Chief Secretary for Ireland with a seat in the Cabinet (*Life of Disraeli*, Vol. II, p. 86). In 1882 Mr. Gladstone wrote to the Queen: "There are now seven Peers and six Commoners in the Cabinet, instead of eight Commoners and six Peers as the Cabinet was originally composed under your Majesty's sanction, so that your Majesty will not be surprised when Mr. Gladstone humbly points out that it is now requisite to add a Commoner to the Cabinet" (Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 223; Morley's *Life of Gladstone*, Vol. III, pp. 100–1).

[2] Morley's *Gladstone*, Vol. III, p. 99.

First Commissioner of Works, was asked to join the Cabinet, and in 1912 Mr. Asquith invited Sir Rufus Isaacs, the Attorney-General, to join the Cabinet.

Thirdly, if a Prime Minister does not want to incorporate a particular office of State in the Cabinet, but desires to include the head of the Department in question, he may make him head of a Cabinet office. Thus, Sir George Trevelyan, Chief Secretary for Ireland, was transferred from that office to the Chancellorship of the Duchy of Lancaster in 1884. Again, Sir Michael Hicks-Beach was transferred from the Irish Office to the Colonial Office—a post involving a seat in the Cabinet.

Fourthly, the Prime Minister promotes to Cabinet rank those holding minor offices, and this was, and perhaps still is in fact, a very common method of recruiting Cabinet Ministers. More especially, the office of Financial Secretary to the Treasury was, and still is, regarded as a stepping-stone to the Cabinet.

Finally, the Prime Minister chooses those who have never held any minor offices before. In 1903 Mr. Balfour selected Mr. Alfred Lyttelton, a King's Counsellor and a politician without administrative experience, to be Colonial Secretary in succession to Mr. Joseph Chamberlain.[1] In 1905 Lord Cawdor was appointed First Lord of the Admiralty without having previously held a minor office.[2]

There are cases where statesmen refuse to join the Cabinet for different reasons, of which ill-health is a common cause.[3] Differences in political views between the Prime Minister and the individual invited to join the

[1] *Annual Register*, 1903, p. 204.

[2] *Ibid.*, 1911, p. 86; *Lucy's Diary*, Vol. III, p. 267.

[3] In 1882 Mr. Gladstone hoped that Mr. Samuel Whitbread, the leader of the Liberal centre and one of the most conspicuous and respected figures in the Commons, would join the Cabinet as War Secretary, and he suggested to Mr. John Bright that he should see Whitbread and induce him to give his consent. But the result was not what was hoped for. Mr. John Bright recorded in his diary: "Difficulty in making the changes in the Cabinet he [Gladstone] contemplates. Mr. Whitbread not willing to take office; health not good" (*The Diaries of John Bright*, pp. 480–1; Viscount Gladstone's *After Thirty Years*, p. 172).

Cabinet may lead to refusal by the latter.[1] Sometimes it happens that the offer of a Cabinet seat meets with refusal on the ground that the person invited would be more usefully engaged in supporting the Government outside the Cabinet rather than joining the charmed circle within.[2] An independent statesman may decline the offer of a Cabinet seat on account of his fear of allying himself with a party and being implicated in party strife.[3]

As a general rule, it is not advisable to invite a Colonial statesman to join the English Cabinet, since he would prefer to remain where he is in order to carry out the work on which he is engaged. In 1886, when Lord Salisbury was reconstructing his Cabinet, he offered Lord Lansdowne, Governor-General of Canada and a Liberal Unionist, the choice of either the War Office or

[1] In 1882 Mr. Gladstone asked Mr. Goschen, a brilliant statesman, to join the Cabinet, but the latter declined on account of the difference of his political views from those of the Premier as regards County Household suffrage and Irish question (see the *Diaries of John Bright*, p. 480; *Annual Register*, 1882, p. 179).

[2] For example, in December 1886, on the resignation of Lord Randolph Churchill, Lord Salisbury, the Prime Minister, offered the Colonial Secretaryship to Lord Northbrook, but the latter declined on the ground that he preferred to support the Government from outside (Holland's *The Duke of Devonshire*, Vol. II, p. 183; *Dictionary of National Biography*, Second Supplement, Vol. I, p. 95). Again, Lord Salisbury once offered Lord Iddesleigh the Presidency of the Council after having deliberately accepted the latter's resignation of the Foreign Secretaryship. Lord Iddesleigh strenuously refused to accept office, for acceptance would have been equivalent to degradation, and he preferred to serve his party outside rather than in a new office (Andrew Lang's *Stafford Northcote: First Earl of Iddesleigh*, Vol. II, pp. 279–80; *Gathorne Hardy: First Earl of Cranbrook: A Memoir*, Vol. II, p. 274).

[3] In the course of the reconstruction of the Ministry in 1903, Mr. Balfour invited Lord Esher, who was a statesman without a party, but with independent political views of his own, to join the Cabinet as War Secretary. Lord Esher told Mr. Balfour: "I was sure it would be a mistake, that I was not a politician, that I could not undertake to ally myself to a party, and that although I might go into his Government for a while, in order to reorganize the W.O., I could not undertake to get up other questions, and go to public meetings and support the Government—still less could I undertake, later on, to work for the party in Opposition" (*Journals and Letters of Reginald Viscount Esher*, Vol. II, p. 14: Lord Esher to Maurice V. Brett (September 21, 1903)).

the Colonial Office. Lord Lansdowne refused to accept either on the ground that Canada was on the eve of dissolution and he wished to settle the issue between the Government and the United States in regard to the fisheries, an issue with which he was well acquainted.[1] Again, in 1903, Mr. Balfour, the Prime Minister, invited Lord Milner, High Commissioner for South Africa, to succeed Mr. Chamberlain as Colonial Secretary. Lord Milner, after due consideration, declined the offer, because he felt it was his duty to remain in South Africa to deal with the many delicate and difficult problems with which he was confronted.[2] Mr. Balfour's persuasion on this occasion was sincere and persistent, as has been illustrated by evidence which has recently come to light. In a letter to Walter Long, he said: "I spent weary hours in trying to convince Milner (who in policy is entirely with us)—I failed." [3]

It is no doubt a difficult task for a Prime Minister to induce an ambitious politician to accept an important office of State without an accompanying seat in the Cabinet.[4] Furthermore, many aspiring young politicians' life ambition is to enter the Cabinet, but their chances have been prejudiced by the dislikes of the

[1] Lord Newton's *Lord Lansdowne*, p. 43; Holland's *Duke of Devonshire*, Vol. II, p. 183.

[2] *The Times*, October 3, 1903. Cf. Bernard Holland said: "Because he [Milner] wished to carry further his work in South Africa" (*The Duke of Devonshire*, Vol. II, p. 359). Sir Almeric Fitzroy thought Lord Milner preferred the safe eminence of the Pro-Consulate to the precarious dignity of a Secretaryship of State (*Memoirs of Sir Almeric Fitzroy*, Vol. I, p. 153).

[3] Sir Charles Petrie's *Walter Long and his Times*, p. 74.

[4] In January 1871 Mr. Stansfeld refused to accept the Postmaster-Generalship on the ground that it was not accompanied by a Cabinet seat (*The Times*, January 4, 5 and 9, 1871). Similarly, Mr. Gladstone, in 1882, offered the Irish Secretaryship to Sir Charles Dilke, but without an accompanying Cabinet seat; the latter declined the offer without hesitation and with some anger, for he said that he could not consent to be a "mere mouthpiece" (*Life of Dilke*, Vol. I, p. 442). Again, in 1884 Mr. Gladstone also offered the Irish Secretaryship to Mr. Shaw-Lefevre without an accompanying Cabinet seat, but with the same result (*Life*

Prime Minister. Mr. Gladstone, in 1883, did not let Lord Rosebery, then Under-Secretary for Foreign Affairs, enter the Cabinet as Lord Privy Seal. Sir Charles Dilke observed: "Nothing will induce Mr. G. to look upon him as anything but a nice promising baby, and he will not hear of letting him in the Cabinet."[1] In 1885, however, Mr. Gladstone consented to his admission. When Sir Henry Campbell-Bannerman was reconstructing his Cabinet in 1907, Mr. Winston Churchill expected to be included in the Cabinet, but was disappointed. We read in a letter of Lord Esher's: "The P. M. won't hear of Winston being in the Cabinet at present. He is, like Mr. G. [Gladstone], old-fashioned and disapproves of young men in a hurry."[2] Sir Henry Lucy tells us that Winston Churchill was offered the Irish Secretaryship without a seat in the Cabinet, but declined the offer.[3]

It is by no means an easy task for the Prime Minister to distribute the offices in such a way as to fit all those who have been appointed. But it is one of the happy anomalies of English politics that although the person appointed to a particular office may be without any previous experience, he can nevertheless usually master it in quite a short period with the assistance of Civil Servants. In 1903 the appointment of Mr. Hanbury, formerly Secretary to the Treasury, to the office of President of the Board of Agriculture with a seat in the Cabinet was regarded with suspicion by the Agricultural Society on account of his supposed lack of competence, but Hanbury soon won their confidence by showing his remarkable ability in the administration of that Department and in his zealous promotion of the interests of the agricultural community.[4]

[1] *Life of Dilke*, Vol. I, p. 522.

[2] *Journals and Letters of Viscount Esher*, Vol. II, pp. 215–16: Lord Esher to Maurice V. Brett (January 9, 1907).

[3] Sir Henry Lucy's *The Diary of a Journalist*, Vol. I, p. 256.

[4] Sir Henry Lucy's *The Balfourian Parliament*, pp. 5–6.

CHAPTER III

THE PRIME MINISTER

§ 1. *The Position of the Prime Minister in the British Constitution*

It is desirable to discuss the position of the Prime Minister in the British Constitution before dealing with his appointment, his functions and his relations with the Crown and his colleagues. Lord Morley describes him as the keystone of the Cabinet arch.[1] Ramsay Muir says that "the Cabinet is, in short, the steering-wheel of the ship of State. But the steersman is the Prime Minister."[2] These descriptions tell us the exact position of a Prime Minister in the British Constitution. Evidently the Prime Minister is responsible for setting the whole machinery of government into motion and without him it would be impossible for the Government to function. The office of Prime Minister was unknown to the law until 1917, when it was mentioned in the Act passed after Chequers had been presented to the nation for the Premier's use. Again, the office was mentioned in the 1937 Act dealing with the revision of ministerial salaries. In early formal documents the appearance of the Prime Minister can be traced in the preamble to the Treaty of Berlin (1878): Lord Beaconsfield is described as "First Lord of Her Majesty's Treasury and Prime Minister of England";[3] and similarly in 1919, in the preamble to the "treaty of Peace between the Allied and associated Powers and Germany," Mr. Lloyd George is also described as "First Lord of the Treasury and Prime

[1] Lord Morley's *Walpole*, p. 157.
[2] Ramsay Muir's *How Britain is Governed*, p. 82.
[3] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 184.

Minister."[1] Recently Mr. Chamberlain also signed the Munich agreement as the Prime Minister of Great Britain. As previously the Prime Minister had not been acknowledged in the formal way as an officer of State, a Royal warrant, dated December 2, 1905, assigned to him a position in the country next to that of the Archbishop of York.[2] The first Prime Minister to hold the new status was Sir Henry Campbell-Bannerman.

§ 2. *The Appointment of a Prime Minister*[3]

It is a constitutional rule that the Crown should never be without a Government, for, as the King can do no wrong, there must always be somebody present in the House of Commons or Lords upon whom responsibility can rest. Thus, when a Prime Minister tenders his resignation, the Sovereign must immediately select a statesman to whom he can entrust the formation of a Government. The prerogative right is one of the very few public acts which the Sovereign may constitutionally perform without the advice of a responsible Minister. Although the Sovereign is under no obligation whatsoever to seek advice, his selection is usually influenced and guided by the opinion of the retiring Premier. The latter may have resigned in consequence of the defeat of the party in power in the House of Commons, or his resignation may be due to other reasons. Whatever the cause may be, he would advise the Sovereign to his fullest capacity in order to secure the appointment of the man who, in his unbiased opinion, would be most fitting to fill his important position. The Sovereign, however, is not bound to act upon the opinion, either of the outgoing Prime Minister or of any other statesman whose advice he asks, but experience tells us that if he did seek advice it follows that this advice must in some way influence

[1] *State Papers*, Vol. 112, 1919, p. 8.

[2] Sir Sidney Lee's *King Edward VII*, Vol. II, pp. 443–4.

[3] It is not attempted here to deal fully on this subject. For general explanation see Dr. Jennings' *Cabinet Government*, pp. 20–47.

his decisions. In fact, he is not, either legally or conventionally, bound to seek the opinion of the outgoing Premier, although, in practice, such omissions are rare. In 1894, when Mr. Gladstone resigned the Premiership, the Queen did not seek his advice in regard to the appointment of a successor.[1]

The Sovereign's power to choose a Prime Minister is narrowly circumscribed, as in using his judgment he must select someone who will be able to form a Ministry successfully and who will have the confidence of the Commons. Thus, his choice is almost bound to fall upon the leader of the party possessing a majority in the House of Commons. The necessity of choosing the leader of a majority party for the appointment is because such a person could control the House by means of the solid majority which he would possess. It is true to say, however, that a leader of a majority party not possessing a strong influence over the rank and file of his party would find the task of forming a Government most difficult or even impossible, if he should attempt to do so. In these circumstances the Sovereign can send for some other statesman who has great authority over, and carries much weight in, the dominant party. For instance, Lord Hartington found himself in this embarrassing position when he was the Leader of the Opposition in 1880. Eventually Mr. Gladstone had to be sent for to form a Government. Lord Hartington acknowledged the leadership and supremacy of Mr. Gladstone by pointing out that " the spirit of the Constitution is that the ablest and most powerful member of the Opposition should be called on to take the position of the retiring Government.[2] On certain occasions, however, the Sovereign is in a posi-

[1] Morley's *Gladstone*, Vol. III, pp. 512–3; Sidney Lee's *Queen Victoria*, pp. 528–9; cf. Russell's *Collections and Recollections* (Nelson), Vol. II, p. 118: " A friend of mine once asked Queen Victoria if, when a Prime Minister resigned, he named his successor. ' Not unless I ask him to,' was her Majesty's significant reply." Whatever the truth of this story, there is little doubt of its true expression in regard to the Sovereign's power in selecting his First Minister.

[2] *The Life of the Duke of Devonshire*, Vol. I, p. 276.

tion to make a personal choice—this happens when the majority party, or the party in power at the time owing to the resignation of the Prime Minister or to the death of the recognised party leader, possesses no definitely acknowledged leader, but instead, several statesmen of equal influence.[1]

The mode in which a Prime Minister is appointed is extremely simple. The Sovereign summons a particular statesman whom he thinks fit to form a Ministry, either by written or verbal message.[2] When the statesman arrives, the Sovereign talks over with him the possibility of his forming a new Ministry. If the statesman thinks that he is unable to do so, he may decline the offer of the Premiership. Both Lord Hartington and Mr. Bonar Law in 1880 and 1916 respectively had to decline such an offer. If he is able to form a Government, then he will discuss with the King, the selection of his colleagues, the future policy of his Ministry and the appointments of officers of the Royal household. Accordingly, the Soveriegn appoints the statesman as his First Minister, and the statesman kisses the Sovereign's hand as a sign of his acceptance of the post. The task of forming a Cabinet has already been dealt with. When its construction is completed, the Prime Minister presents the Cabinet list to the Sovereign for approval, following which the Cabinet begins its work. In the case of the retirement of a Prime Minister without a reversal of the majority party in the Commons, the Cabinet is *ipso facto* dissolved. In this case the new Prime Minister would immediately construct a new Cabinet, although his task is not nearly so difficult as that of his predecessor. In this new Cabinet any old members desiring to remain must make fresh negotiations with the new Prime Minister. In this way the Prime Minister would be

[1] Sir John A. R. Marriott's *Queen Victoria and Her Ministers* (1933), p. 204; Sidney Lee's *Queen Victoria: A Biography* (1904), p. 387; *Dictionary of National Biography*, re-issue, 22, Supplement, p. 1360.

[2] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 28: Sir Henry Ponsonby to Queen Victoria.

informed personally by each of his old colleagues whether they intend to assist him in his Ministry.[1]

§ 3. *The Prime Minister and his Choice of Office*

As has been remarked before, the office of Prime Minister was unrecognized by the law until 1917, and for this reason the Premier generally takes another office for the purpose of receiving a salary. The influence of a Premier depends, in a small way, upon his particular choice of office; he often takes that of First Lord of the Treasury, although before 1937 he was by no means bound to do so. Lord Salisbury took over the Foreign Secretaryship in 1885, 1887 and 1895, instead of becoming the First Treasury Lord, and in 1900, when he gave up the Foreign Secretaryship, he became Lord Privy Seal. The Act of 1937, however, makes the offices of the Prime Minister and First Lord of the Treasury inseparable and the possibility of them being held independently in the future is small. A Prime Minister has never been restricted from taking on another office in addition to the office of First Lord of the Treasury. Mr. Gladstone was Chancellor of the Exchequer, in addition to First Lord of the Treasury, in 1873 and 1880. Lord Rosebery was Lord President of the Council as well as being First Lord of the Treasury in 1894. Mr. Balfour took over the office of Privy Seal in addition to that of the First Lord. The undertaking of an office in addition to that of First Lord does, however, mean extremely heavy work for any Premier. Mr. Asquith had the experience of holding two offices and tells us that: "The work was really heavier than probably any man ought to undertake."[2]

Until the passing of the 1937 Act the office of Prime Minister did not carry a salary. Before 1937 the salary of the Prime Minister depended upon what office he held.

[1] *Lord Manners and his Friends*, Vol. II, p. 143; Todd's *Parliamentary Government in England* (2nd edition), Vol. II, p. 283; *Encyclopædia Britannica* (14th edition), Vol. IV, p. 919.

[2] *Report from the Select Committee on Remuneration of Ministers*, p. 9.

If he was First Lord of the Treasury he received the salary of that office, which carried £5000 per annum. If he took over the office of Lord Privy Seal, he got £2000. In the case of a Prime Minister taking on another office in addition to that of the First Lord, he usually receives one salary, it being seldom the practice for a statesman to get a double remuneration. Thus, the Prime Minister only just received sufficient means to maintain his official residence and to entertain to the extent required by his social position. On retirement, moreover, unless he possessed considerable private means, he found it difficult to keep up his social status. Thus Lord Melbourne was faced with financial difficulties in his declining years and had to borrow money from Queen Victoria, while Lord Oxford and Asquith was a poorer man when he left Downing Street than when he entered it. The recent Act, however, removes any cause for embarrassment by providing an annual salary of £10,000 and a pension of £2000 a year at the termination of office.[1] Thus adequate means are insured for a Premier, both during office and after retirement.

§ 4. *The Prime Minister's Position in the Cabinet*

Let us now turn to the Prime Minister's position in the Cabinet. The Prime Minister is commonly described as *Primus inter pares*—first among equals. In the opinion of Harcourt, however, the Prime Minister should really be *inter stellas Luna minores*.[2] The influence of a Prime Minister in a Cabinet and the weight which his arguments will carry depend largely upon his particular qualities.[3] Generally, in order to secure authority for himself he has an inner group, composed of his most trusted and confidential friends, who decide important measures and support him in Cabinet meetings. Moreover, for fear of weakening his power, he seldom puts

[1] *Ministers of the Crown Act*, 1937 (1 Edw. 8 and 1 Geo. 6, c. 38), Part I Section 4.

[2] *Life of William Harcourt*, Vol. II, p. 612.

[3] *The Anglo-Saxon Review*, Vol. I, p. 105 (June 1899).

questions to the vote, because he has only one vote, and the risk of defeat is too great.[1] Lord Oxford and Asquith declared that: "It is, or was, an exceptional thing in the British Cabinet to make a division. It is left to the Prime Minister to collect and interpret the general sense of his colleagues.[2] The art with which a Prime Minister conducts Cabinet meetings is vitally important to his success. The conventional manner of a Prime Minister in conducting his Cabinet is to pay due regard to the opinion of his colleagues. He is neither an autocrat, nor a Caesar, in the Cabinet. Mr. Stansfeld, a colleague of Mr. Gladstone, gives us a glimpse of Gladstone's conduct in the Cabinet:

"Mr. Gladstone's conduct in the Cabinet was very curious. When I first joined in 1871, I naturally thought that his position was so commanding, that he would be able to say, 'This is my policy; accept it or not as you like.' But he did not. He was always profuse in his expressions of respect for the Cabinet. There was a wonderful combination in Mr. Gladstone of imperiousness, and of deference. In the Cabinet he would assume that he was nothing. I thought he should have said, 'This is my policy. What do you think of it?' and then have fought it out until they had come to an agreement. He always tried to lead them on by unconscious steps to his own conclusions."[3]

It is interesting to note that Mr. Asquith's methods were more or less the same as those used by Mr. Gladstone, although the former lacked the driving force which the latter possessed. Margot Oxford gives us a vivid description:

"When I complained to him of his tolerance with his Cabinet colleagues, whose vagaries he appeared to me to watch more as an umpire than as a judge, he said, 'I cannot expect to find the wisdom of Crewe, the judgment of Grey, the humour of Birrell, the temper of Haldane, the intellectual refreshment of Morley, and the epigrams of John Burns in all my colleagues. The only

[1] Gladstone's *Gleanings*, Vol. I, Section 48, p. 243; Morley's *Walpole*, p. 157.

[2] Lord Oxford and Asquith's *Genesis of the War*, p. 4.

[3] Morley's *Gladstone*, Vol. II, p. 415.

chance a Prime Minister has of keeping his Cabinet together is to make the best of the material he is given.' "[1]

A similar but more detailed observation is given by Mr. Lloyd George.[2] He also tells us that Mr. Asquith managed his Cabinet splendidly and never tried to crush the individuality of his colleagues.[3] Lord Salisbury's conduct toward his colleagues is vividly described by Lord St. Aldwyn, who says that " he frequently allowed important matters to be decided by a small majority of voters, even though the conclusion went against his opinion.[4] Mr. Lloyd George always had due regard for opinions expressed in the Cabinet. One of his colleagues tells us that he never overrode the Cabinet on any decision and, especially where big issues were concerned, would invite comment and seek for a real agreement. This was particularly noticeable when matters on which a sharp division of opinion in the Cabinet might be expected were under discussion.[5] Disraeli, however, in sharp contrast to the conventional attitude, adopted an entirely different method. In some of his letters to the Queen he described the struggle between himself and his colleagues when they did not adopt his view.[6] Lord St. Aldwyn's memorandum, written at the request of Lady Gwendolen Cecil, says that, " I have known Lord Beaconsfield enforce his own view on the Cabinet after all his members but one had expressed a different opinion.[7] This statement seems to be true. The following case cited may prove the strong attitude of Disraeli in managing his colleagues. In 1874, when the proposal of sending an Arctic expedi-

[1] The Earl of Oxford and Asquith's *Memories and Reflections*, 1852–1927, Vol. I, p. 11 (Preface).

[2] *War Memoirs of David Lloyd George*, Vol. II, p. 1007.

[3] George Allardice Riddell's *More Pages from my Diary* (December 5, 1912), p. 106.

[4] *Life of Hicks-Beach*, Vol. II, p. 360.

[5] *From Workshop to War Cabinet*, by George N. Barnes, with an Introduction by D. Lloyd George, p. 170.

[6] *Life of Disraeli*, Vol. II, pp. 1076, 1077, 1088, 1091.

[7] *Life of Sir Michael Hicks-Beach*, Vol. II, p. 360.

tion undertaken by the Government was made by the First Lord of the Admiralty, the Chancellor of the Exchequer, who was supported by Mr. Disraeli, objected to it on the ground of expense, and the subject was allowed to drop, though all other Ministers were in its favour.[1] Mr. Disraeli's manner in managing his Cabinet was indeed strong, yet it was played with the highest skill, and won the approval of the Queen. Queen Victoria once wrote: "Mr. Disraeli must have managed his refractory Cabinet most skilfully."[2] He told Lady Bradford himself that he had received a letter from "the Faery" which "praises me to the seventh heaven for my management of the Cabinet."[3]

Certainly, Disraeli's method was not a good one for a Prime Minister to adopt, although more conventional methods sometimes make for doubt and indecision in the Cabinet. On many occasions in the past tragedies or disputes could have been avoided or settled if the Prime Minister had only acted more boldly. Mr. Gladstone's method was criticized by one writer, who thought that his modesty and his continual seeking for conciliation amounted to a fault. Often when a word from him would have settled a question, he allowed it instead to be discussed at length, and consequently accepted the decision of the majority, without raising any objection.[4] Lord Esher, a shrewd political observer, also criticized him on this point:

> "As it happened, most of our misfortunes would have been prevented if Mr. Gladstone had played the dictator, instead of the eternal peace-maker and inventor of 'accommodation' between the irreconcilable ideas of his colleagues."[5]

In the event of a Prime Minister meeting strong opposition in the Cabinet regarding a particular policy, he either threatens to resign the Premiership, if the dis-

[1] *Letters of Queen Victoria*, 2nd Series, Vol. II, pp. 356–7.
[2] *Ibid.*, p. 342.
[3] *Letters of Disraeli*, Vol. I, p. 122.
[4] *Fortnightly Review*, Vol. XXXVI, 1884, p. 564: "Mr. Gladstone.
[5] *Letters and Journals of Viscount Esher*, Vol. II, p. 145.

ent is sufficiently serious, or else, as generally ns, adjourns the meeting. During the crisis over Eastern question Lord Beaconsfield once threatened o resign if his policy was not agreed upon by the Cabinet.[1] Lord Salisbury's characteristic expression when he met with opposition in the Cabinet was, "I shall tell them that if they insist on such-and-such, they must find another Prime Minister."[2] Gladstone also used these tactics to threaten his Cabinet with when he lost control of his authority.[3] Asquith likewise adopted such a method.[4] Alternatively, however, a Prime Minister adjourns the discussion or even the meeting, and this practice is frequently used. Sir Charles Dilke complained that Mr. Gladstone, when he was in disagreement with the Cabinet, frequently adjourned meetings.[5] Disraeli also used to do this,[6] and Asquith was no exception.[7] It is unusual, however, for a Prime Minister to be driven to the extremity of retirement, unless he is convinced that it is the only alternative to the enforcement of his views in an unfriendly Cabinet. For instance, Gladstone retired from the Cabinet as a result of his failure to enforce his extremist views on armament reduction.[8] As far as possible, however, a Prime Minister desires to work in harmony with his Cabinet, and must adopt an impartial attitude towards the different shades of opinion and the various Ministers belonging to different sections in the Cabinet. One of the leading reviews points out that Mr. Asquith always acted as an impartial

[1] *Life of Disraeli*, Vol. II, p. 1076; *Life of Carnarvon*, Vol. II, p. 372.

[2] *Life of Lord Salisbury*, Vol. III, p. 174: "At the Cabinet Council I reported Harcourt's interview. Lord Salisbury said that if we were to yield unconditionally to American threats another Prime Minister would have to be found" (Chamberlain's *Diary*, January 11, 1896; Garvin's *Chamberlain*, Vol. III, p. 161).

[3] *Life of C. Dilke*, Vol. I, p. 446.

[4] *The Autobiography of Margot Asquith*, Vol. II, p. 208.

[5] *Life of Sir Charles Dilke*, Vol. II, p. 82.

[6] *Letters of Disraeli*, Vol. I, p. 260: Disraeli to Lady Bradford (June 29, 1875).

[7] *Journals and Letters of Reginald Viscount Esher*, Vol. III, p. 205.

[8] Lord Morley's *Recollections*, Vol. II, Chapter VI.

chairman, never leaning too far in either direction.[1] Spender rightly says that "after five years of his Prime Ministership, he was still in doubt whether he was a partisan of right wing or left."[2] As a chairman of Committee, a Prime Minister must use his influence and skill in order to avoid any imminent dangers. This may be done by skilful adjournment of meetings when views are driven to extremes. Mr. Asquith possessed the ability and experience to guide and to calm a stormy Cabinet. At the end of 1913, and at the beginning of 1934, the question of increasing the Naval Estimates was fiercely debated in Cabinet meetings and, as a result, the Cabinet was on the point of a break-up. In spite of the critical situation, however, a satisfactory result was finally reached by the Prime Minister's skilful use of adjournments.[3]

It was, and still is, a common practice for a Premier to prepare the material for discussion in the Cabinet beforehand. In order to ensure the accuracy of his facts he asks the opinions of experts regarding technical points. Sir Edward Hertslet, Librarian and Keeper of the Archives in the Foreign Office, was extremely proud when, in 1877, he was asked by Lord Beaconsfield to write a memorandum for his use in the Cabinet on the difference between a truce and an armistice.[4]

To direct Cabinet discussions is a hard task for a Prime Minister to perform. In a well-directed Cabinet it is the duty of the Prime Minister to help his colleagues, with quickness and perceptibility, in the solving of difficult problems and, while always keeping the meeting in perfect order, to direct their arguments towards a common goal. Moreover, he must be constantly aware of the attitude of the Cabinet, and must sense their reactions to any point. If a discussion loses interest and value, he should change the subject for debate. In the

[1] *The National Review's* article on Lord Oxford and Asquith, No. 541, March 1928, p. 13.

[2] J. A. Spender's *Life, Journalism and Politics*, Vol. II, p. 156.

[3] *Life of Lord Oxford and Asquith*, Vol. II, p. 77.

[4] Sir Edward Hertslet's *Recollections of the Old Foreign Office* (1901), pp. 199–203.

course of a discussion, strong and varying opinions are likely to be put and, unless the Prime Minister prevents at an early stage these differences from being pushed to extremes, his whole framework of government may threaten to collapse. Lord Salisbury on such occasions always acted with great wisdom and mitigated any undue heat in the argument by a constant flow of good humour.[1] The easy-going and conciliatory temper of Campbell-Bannerman prevented many open conflicts and quarrels between Ministers. His Scottish humour often broke through the dreary atmosphere of the Cabinet and freshened the tired spirits of his colleagues. It is said that Lord Salisbury maintained complete control over the discussions, and his Cabinet was kept in perfect order in its arrangement and business. In his last Cabinet, discussions were planned in an excellent form and, on most subjects, those who possessed special knowledge were enabled to express detailed opinions. For instance, when dealing with Indian affairs, Lord George Hamilton, the Secretary for India, and Lord Lansdowne, the ex-Viceroy of India, guided the meetings. On matters affecting proceedings in the House of Commons, Mr. Balfour, the Leader of the Commons, and Mr. Chamberlain, who had a wide experience of business in the House, were the chief advisers.[2] Mr. Ramsay MacDonald also presided over Cabinets in business-like fashion. He was particularly well equipped with a good knowledge of its agenda. His intervention in discussion was judicious.

If, on the contrary, a Prime Minister did not attempt to guide and control the discussions, the Cabinet would find itself in a chaotic condition and in a state of perpetual confusion. Ministers would be free to indulge in irrelevant discussions on points unconnected with their departments, and about which they possessed little or no knowledge, and as a result the precious time devoted to meetings would be wasted. This unhealthy state of affairs would certainly paralyse the whole machinery of

[1] Lord Askwith's *Lord James of Hereford*, p. 255 [2] *Ibid.*

Cabinet government and would undoubtedly be the worst disease from which a Cabinet could suffer. Lord Haldane, who was in the Cabinets of both Campbell-Bannerman and Asquith, said that neither of them had sufficient control of discussions.[1] To begin with, these two Cabinets consisted of too many members, of whom two or three had the gift of drawing unwarranted attention to their own views, and some of whom were in the habit of delivering lengthy speeches, and thus not allowing important business to be adequately discussed; general points of view, vitally requiring clear definition, rarely arose. Sir Austen Chamberlain, in his book, severely criticizes Mr. Asquith, saying that "We felt, too, that the Prime Minister failed to direct its discussions or to show the qualities which the chairman of any committee, be it the Cabinet or a Board of Guardians, must possess if its discussions are to be business-like. It was even known for the Prime Minister to be writing letters while the discussion proceeded, with the result that in a Cabinet so little homogeneous and composed of men of different parties so little accustomed to work together, complete confusion prevailed, and when he at last intervened with a statement that, 'Now that that is decided, we had better pass on to . . . ,' and then there would be a general cry, 'But what has been decided?' and the discussion would begin all over again."[2]

The proper moment for a Prime Minister to intervene in a debate is usually after the various Ministers have expressed their opinions. Thus he is given the advantage of knowing all his colleagues' views, and so may harmonize their varying opinions, or else suggest some compromise. Gladstone generally allowed discussion to drag on, and reserved his own opinion until the end, and then endeavoured to bring the discordant views of his Cabinet into harmony.[3] Lord Salisbury more or less adopted the same procedure, but improved and

[1] Lord Haldane's *Autobiography*, p. 217.
[2] Austen Chamberlain's *Down the Years*, p. 111.
[3] *Joseph Chamberlain*, Vol. I, p. 534.

elaborated his methods. One of his colleagues reports that:

"A question would come up before the Cabinet upon which considerable diversity of opinion existed. Discussion would take place, and after it had lasted for some time I have seen Lord Salisbury push a piece of paper to Lord Cranbrook as if to invite him to write down his views, or suggestions as to how best to deal with the subject under discussion. Your father [Lord Cranbrook] would write down his views, and return the paper to Lord Salisbury. Shortly afterwards Lord Salisbury would intervene in the discussion, and reading from the paper, would ask whether such and such a course would meet the case. . . ." [1]

Obviously, such a practice has advantages under normal conditions, but is useless in the event of a crisis suddenly descending upon the Cabinet. Such an event demands a firm and uncompromising attitude from the Prime Minister, who must quickly adopt a policy to solve the question involved, without regard for party bias or political expediency. On the other hand, a Prime Minister sometimes desires to seek for a compromise with those colleagues who are in opposition to his views, but to follow such a course definitely weakens his proposals and often causes, as a result, a vague and compromising policy which will probably lead to the downfall of the Government.

In the Cabinet, the Prime Minister must adopt the attitude essential to all good chairmen. He must be affable, friendly and command the confidence of his colleagues, especially of a Minister who is new to the Cabinet and naturally, therefore, not quite at his ease. Mr. Gladstone possessed a warm manner towards his colleagues. Sir H. Campbell-Bannerman always remembered his feelings at his first Cabinet meeting, when he found himself seated next to Mr. Gladstone, and frequently referred to them in later years. "I sat down timidly," he said, "on the edge of the chair, like a *fausse marquise*, abashed to be under the wings of the great man. But waving his hands towards his colleagues, he said,

[1] *Gathorne Hardy: First Earl of Cranbrook*, Vol. II, p. 281.

'You will get on all right with them. You will be canny and you will be couthy.'" [1]

§ 5. *The Functions of a Prime Minister*

In a country like Great Britain, where no written Constitution exists, it is difficult to define with any accuracy the functions and powers appertaining to a Prime Minister. They are composed more or less of political customs and precedents which have grown up along with his office. Lord Melbourne referred to this gradual growth in 1841:

"How the power of Prime Minister grew up into its present form it is difficult to trace precisely, as well as how it became attached, as it were, to the office of First Commissioner of the Treasury. But Lord Melbourne apprehends that Sir Robert Walpole was the first man in whose person this union of powers was decidedly established, and that its being so arose from the very great confidence which both George I and George II reposed in him, and from the difficulty which they had in transacting business, particularly George I, from their imperfect knowledge of the language of the country." [2]

Mr. Gladstone also remarked that there was no code or record from which he could learn the powers attached to his office, and that he had to form his judgment solely upon such knowledge as he had been able to gather from serving under different Leaders in the Cabinet.[3] In fact, a Prime Minister should not only be circumspect in the use of powers, but should also guard them carefully against any attacks which the Sovereign or his colleagues might make upon them, as when Mr. Gladstone told the Queen that although he would be sorry to enlarge the rights appertaining to his office, he would deem it a serious offence to allow any of them to fall into abeyance.[4] As a matter of fact, the functions of a Prime Minister were more definitely crystallized before 1917. Even

[1] Spender's *Life of Sir H. Campbell-Bannerman*, Vol. I, p. 100.
[2] *Letters of Queen Victoria*, Vol. I, p. 447.
[3] *Ibid.*, Vol. VI, p. 527.
[4] *Letters of Queen Victoria*, Vol. VI, pp. 527–8.

so, the exercise of these functions remained elastic, and depended largely upon the personal ability of the Prime Minister and the circumstances of the time. Below the various functions pertaining to the office of Prime Minister are dealt with.

(a) *Functions Relating to the Cabinet.*—His main duties to the Cabinet are to summon, adjourn and preside over Cabinet meetings. He is also the chairman of the Defence Committee, now (since 1903) called the Committee of Imperial Defence, except during a brief period after the Great War. Also, from time to time he is a member of *ad hoc* Cabinet committees, but does not necessarily preside over them. He is, moreover, empowered to invite outsiders to give advice or information to the Cabinet. He may also increase or decrease the number of members in the Cabinet. It was his duty to prepare Cabinet agenda, with or without the consultation of his colleague or colleagues. After the introduction of the Cabinet secretary, the Prime Minister ceased to undertake this task himself.

(b) *The Power of Appointing and Dismissing Ministers.*—All officers, whether high or low, are appointed in the name of the King, but the Prime Minister is usually responsible for the appointment of important officials, minor officers of the Ministry and officers of the Royal Household, with or without previous consultation with the Cabinet. During the reign of Queen Victoria, the Prime Minister always referred the question of the appointment of officers to the Royal Household to the Queen. As these officers affected intimately the Sovereign, the Sovereign still has the right to veto any proposal which he dislikes. In 1874 Mr. Disraeli did not appoint the Duke of Beaufort as an officer of the Royal Household because the Queen objected.[1] Again, in 1880 Mr. Gladstone recommended that Lord Fife should be Lord Chamberlain, but the Queen opposed the suggestion on the grounds that he was much too young for the office and pointed out that it required a man of

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 321.

more mature years.[1] Consequently, Lord Fife was appointed as Captain of the Corps of Gentlemen at Arms instead.[2] The Sovereign can also make suggestions to the Prime Minister regarding such appointments. In 1892 Queen Victoria suggested to Mr. Gladstone that Lord Carrington should be Lord Chamberlain.[3] However, the influence which the Prime Minister exercises is marked. For instance, in 1907 King Edward VII intended to appoint Farquhar, Master of the Household, as Lord Steward. As he was a Conservative, Sir H. Campbell-Bannerman opposed this wish, for fear that Farquhar would have too strong an influence over the King, and eventually King Edward had to reluctantly give way.[4]

The only important office of the Royal Household with which the Prime Minister does not interfere is the appointment of the Sovereign's private secretary. Perhaps the holder of this office is on more intimate terms with the King than any other official of the Court.

The appointment of Cabinet Ministers has already been dealt with. High officers, other than Cabinet Ministers, may be appointed by the Prime Minister with or without consulting the Cabinet. The precedent of consultation, however, in the appointment of a Viceroy has been followed for a great many years. Mr. Gladstone mentioned in his letter to the Queen, dated January 17, 1894, that:

"In the second Cabinet of Lord Palmerston (1859–65), the appointment of a particular person to be Viceroy was brought before the Cabinet, and there decided." [5]

Lord Oxford also stated that he was present, before he was Prime Minister, at the discussion in the Cabinet of who

[1] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 88: Ponsonby to Gladstone (April 26, 1880).

[2] *Hansard*, Ser. 3, CCLII, 1880.

[3] *Letters of Queen Victoria*, Queen's Journals (August 15, 1892), 3rd Series, Vol. II, p. 146.

[4] Paul H. Emden's *Behind the Throne*, p. 290.

[5] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 486.

should be Viceroy of India.[1] On the other hand, when Lord Northbrook resigned the Viceroyalty of India, Disraeli offered it to Lord Lytton, and submitted his name to the Queen as Northbrook's successor without reference to the Cabinet.[2] The Cabinet sometimes also considers the appointment of a Colonial Governor. In 1884, for example, it discussed the proposal to appoint Prince Leopold as Governor of Victoria.[3]

The power of appointing judges to the superior courts is vested in the Prime Minister, but, in order to ensure suitable selection, it is the duty of the Lord Chancellor to recommend qualified persons to the Prime Minister, who then acts in accordance with the Chancellor's advice.[4] In 1871 the appointment of Sir James Colville, Sir Montague Smith and Sir Robert Collier as members of the Judicial Committee of the Privy Council was the outcome of the Lord Chancellor's recommendation to Mr. Gladstone, who accordingly acted upon his (Lord Hatherley's) advice and sent out the required letters to offer the various appointments. Members of the Cabinet may also make suggestions regarding who should be chosen to be a judge of a superior court in England. Such is often the case when a Prime Minister has difficulty in finding suitable persons. In 1871 Mr. Gladstone was met by the refusals of Lord Penzance, Mr. Justice Wiles and Mr. Baron Bramwell, who did not wish to be appointed as members of the Judicial Committee of the Privy Council. Lord Halifax, a member of Gladstone's Cabinet, wrote in his Cabinet memorandum that:

[1] Lord Oxford's *Fifty Years of Parliament*, Vol. II, p. 194.

[2] Lady Betty Balfour's *Personal and Literary Letters of Robert First Lord of Lytton*, Vol. I, p. 339.

[3] *Life of Sir Charles Dilke*, Vol. II, p. 26.

[4] Cf. Leonard Courtney's *The Working Constitution of the United Kingdom* (1901), p. 227. Cf. "The appointments of the three great titled judges and of their humbler brother the President, of the seven Law Lords, and of the five Lords Justices, are, by long-established practice, in the hands of the Prime Minister; who is, therefore, the supreme source of judicial promotion" (R. C. K. Ensor's *Courts and Judges in France, Germany and England*, pp. 5–6).

"It then appeared that many of the Judges had resolved to decline because their clerks were not provided for by the statute. I recommended, however, one other to Mr. Gladstone, and mentioned another, but on enquiry found they had openly said that if applied to they should decline." [1]

The appointment of other minor offices of the Ministry is also under the control of the Prime Minister, with or without consulting his colleagues. For instance, Lord Salisbury offered the Under-Secretaryship for India to Mr. Curzon, afterwards Lord Curzon, in 1891.[2] Again, in 1895 Lord Salisbury asked Mr. Curzon to be his Under-Secretary for Foreign affairs. His earnest letter says: "I hope, therefore, you will not refuse to accept the Under-Secretaryship of Foreign Affairs." [3] In 1896 Lord Salisbury offered George Wyndham the Under-Secretaryship for War, after consultation with Lord Lansdowne, Secretary for War, and Mr. Balfour, then Leader of the House of Commons.[4] The duties of these officers are more intimately connected with their various departmental heads and the Prime Minister, than with the Sovereign. Moreover, the Sovereign does not often come into contact with them in an official capacity except in exceptional circumstances. It is therefore customary for the Sovereign not to interfere with an appointment made by the Prime Minister. The Queen's objection to the appointment of Mr. Leonard Courtney as Under-Secretary for the Colonies was regarded by Mr. Gladstone as "intolerable." [5] It must not be thought, however, that the Prime Minister is an absolute autocrat over such matters. He must always consult the chief of the Department to which the person concerned is to be appointed, before exercising his powers. Regarding the appointment of subordinate members of the Admiralty Board, the First Lord of the

[1] *Granville Papers*, 29/69. Lord Halifax's memorandum on Sir Robert Collier's appointment, February 13, 1872.

[2] Ronaldshay's *Life of Lord Curzon*, Vol. I, p. 154.

[3] *Ibid.*, Vol. I, p. 235.

[4] *Life and Letters of George Wyndham*, Vol. I, p. 67.

[5] *The Queen and Mr. Gladstone*, Vol. II, p. 165.

Admiralty always has a great influence and they are invariably selected with his approval, as when a new Cabinet comes into power he is consulted on the subject by the new Prime Minister.[1] This practice has survived to the present day. In 1915, after Churchill knew that Lord Fisher was determined to resign the post of First Sea Lord, he composed a new Board. *The World Crisis* reveals this: "I then repaired, as had been arranged, to the Prime Minister. . . . I presented him with the list of the new Board."[2] However, Asquith decided to reconstruct his Government, so the constitution of a new Board was delayed. A powerful Minister can ask the Prime Minister to appoint so-and-so to be his subordinate, and the Prime Minister usually meets his colleague's wish. In 1874 Lord Derby asked Mr. Disraeli to appoint Lord George Hamilton as his Under-Secretary for Foreign Affairs.[3] In deference to party and parliamentary opinion, a Prime Minister should also consult someone who is aware of the feeling in his party and of the trend of opinions in the House. In an article in *The American Political Review*, which discusses the importance of the Chief Whip in the British Parliament, Viscount Gladstone says that:

"... his counsel was essential. He knew the men, their hopes and expectations, what weight they carried and always subject to qualifications for particular posts—what the views and wishes of the party were as regards appointments."[4]

The Prime Minister has power to dismiss or remove any Minister from any office, whether it be of major or minor importance. During the pre-War period the Royal veto which affects such matters dwindled. For instance, in 1880 Mr. Gladstone removed Sir B. Frere from the office of Governor of Cape Colony and High Com-

[1] *Report from the Select Committee on the Board of Admiralty*, 1861. Parliamentary Papers, 1861, Vol. V, p. 148.

[2] *The World Crisis*, 1915, p. 365.

[3] Lord George Hamilton's *Parliamentary Reminiscences and Reflections, 1868–85*, p. 306.

[4] *The American Political Review*, 1927, p. 520.

missioner for South Africa. Queen Victoria's comments were bitter and severe and although she expressed the view that she could not approve this step, she had to yield in the last resort.[1] The Prime Minister is, moreover, empowered to dismiss subordinate officers in any Department. Resistance from a departmental head would have little effect if the Prime Minister is a particularly strong one. In 1917 Sir E. Carson, afterwards Lord Carson, was transferred by Lloyd George from the Admiralty and made a member of the War Cabinet without Portfolio; the vacancy at the Admiralty being taken over by Sir E. Geddes. The reason of Carson's removal is shown in Sir C. E. Callwell's book: "Wilson was informed that the reason for this change was that Carson had refused to remove certain of his subordinates at the dictation of the Prime Minister."[2] Such matters are not usually brought before the Cabinet for discussion unless they are of an exceptionally delicate nature. For instance, in 1880 the Cabinet discussed the recall of Sir A. Layard, the Ambassador at Constantinople, and Sir B. Frere from South Africa.[3]

(c) *Power of Supervision over Departments.*—In theory, a Prime Minister is empowered to superintend and control the work of the various State Departments, but actually his ability to exercise this power has diminished considerably since the time of Peel, owing to the unparalleled increase in the variety and complexity of the functions of government. Compared to present Premiers Disraeli and Gladstone did a great deal in the attempt to superintend and control the various Departments. The *Life of Disraeli* affords innumerable evidences of this. His letter (May 15, 1876) to Lord Derby, the Foreign Secretary, says that: "I must, I am sorry to say, again complain of the want of order and discipline in your office."[4] Another letter (July 14, 1876) says: "I

[1] *The Queen and Mr. Gladstone*, Vol. II, p. 109.
[2] *Life of Henry Wilson*, Vol. II, p. 6.
[3] *The Queen and Mr. Gladstone*, Vol. II, pp. 107–8.
[4] *Life of Disraeli*, Vol. II, p. 895.

must again complain of the management of your office, and request your personal attention to it." [1] The strict supervision which Disraeli exercised is also witnessed by his colleague, Lord St. Aldwyn, who says that:

"Lord Beaconsfield kept a very watchful eye on the proceedings of all his colleagues. When I was Irish Secretary in 1874, the *Daily News* had an article charging me with a new departure in Irish Education. On the next morning a letter came to Dublin from Mr. Disraeli asking for an explanation." [2]

Mr. Gladstone's supervision and control over the Departments were undoubtedly strong, and this was facilitated by his wonderful memory and his grasp of detail. Sir Algernon West, his private secretary and intimate friend, remarked upon his activity at eighty-three. He said that:

"No great appointment is ever made, except by him or with his concurrence, and that no decision of first-rate importance is taken in any of the Departments until he has been consulted. Here, for instance, is Lord Rosebery, let us say, at the door in Downing Street. He has walked over across the road from the Foreign Office to consult the Prime Minister on the latest news from Uganda or Morocco or Egypt. The Chancellor of the Exchequer has an even shorter step to take; which is some saving of time, for no vital decision can be taken in Treasury business without first taking the Prime Minister's pleasure." [3]

Mr. Gladstone also told the Queen in 1855 that:

"He does not pretend to so minute an acquaintance with all the affairs of great and complicated Departments as to warrant a sweeping and unequivocal judgment on his part concerning them." [4]

[1] *Life of Disraeli*, Vol. II, p. 916.

[2] Lady Victoria Hicks-Beach's *Life of Sir Michael Hicks-Beach*, Vol. II, p. 361.

[3] *Private Diaries of Sir Algernon West*, p. 132.

[4] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 593: Gladstone to Queen Victoria, January 23, 1885. Cf. "But Mr. Gladstone's conduct of office during his first, if not throughout his second and later administrations, is believed to have followed the fashion of Sir Robert Peel, and it may be remembered that he took to himself the carriage of the several branches of his Irish legislations" (Leonard Courtney's *The Working Constitution of the United Kingdom* (1910), p. 117).

No other Prime Minister of the nineteenth century could compare in their hold over the various Departments with that of Disraeli or Gladstone. Lord Rosebery frankly admitted that he was quite unable to superintend and control the different Departments.[1] Lord Salisbury was, in this respect, perhaps the most ineffective Prime Minister during this period, and it was said of him that he left his colleagues very much to themselves, unless they consulted him, and that even then he was easily bored.[2] Lord Carnarvon complained that his Chief never paid adequate attention to anything outside his own Department, which was the Foreign Office.[3] It is true that Lord Salisbury hated being Prime Minister, but liked being in the Foreign Office.[4] In his declining years he was not informed of even the most important State affairs. For instance, a step as important as the mobilization of a Flying Squadron in 1896 was taken without thorough information having been given to the Prime Minister. When asked by the Queen why he had not informed her of the mobilization of this Squadron, Lord Salisbury answered in a letter (January 8, 1896), saying that:

"I was as much surprised as your Majesty to see in *The Times* the account of the intention to send a flying squadron and troops to the Cape. I first heard the project yesterday, but I did not understand it to be mature." [5]

It is evident from a study of the environment and circumstances of his time that Mr. Balfour also did not maintain an effective supervision over the Departments. He was burdened with the disadvantage of not being able to make any radical changes in the methods of supervision employed by his uncle. Moreover, even if he had intended to attempt the control of all the Departments, he would have found the task impossible owing to the

[1] *The Anglo-Saxon Review*, Vol. I, p. 103, June 1899.
[2] *Life of Sir Michael Hicks-Beach*, Vol. II, p. 361.
[3] *Life of Lord Salisbury*, Vol. III, p. 153.
[4] *Life of Lord Carnarvon*, Vol. III, p. 198.
[5] *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 12.

vast increase, which had and was taking place, in the business of the Government. As it was, his Cabinet was always on the verge of dissolution over the Tariff policy and, later on, over the Irish question. Thus he had to concentrate his energy and thought on these questions, which were the major issues of the day. When Sir Henry Campbell-Bannerman became Prime Minister, it was impossible for him, owing to his age and his bad health, to superintend the working of the Departments. It is no exaggeration to say, as was said in one of the leading reviews of the time, that in Sir H. Campbell-Bannerman's Administration each Minister acted to a very large extent in isolation, working away in his own office to the best of his ability with very little, if any, supervision from the Prime Minister. The same reviewer goes on to compare the supervision of the Departments under Sir Robert Peel, and says that: "We are afraid that at the present moment it cannot be said that such supervision exists."[1] However, he did not neglect the Departments altogether, but concentrated his attention on a few only, especially the War Office. His *Life* tells us that he was in constant contact with the War Office and was aware of all its doings.[2] Asquith was a statesman of exceeding ability, yet he could not exercise supervision over the Departments which had undoubtedly grown to such dimensions that it was now beyond the capacity of a human being. He affirms Lord Rosebery's view in the following sentence:

"It is unquestionable that no Prime Minister now could find time or energy for such a departmental autocracy as Peel appears to have exercised."[3]

[1] *The Spectator*, February 22, 1908: "Departmental Government." Cf. *The Times*, April 6, 1908: "The Prime Minister's Resignation." Cf. *The Autobiography of Margot Asquith*, Vol. I, pp. 164–5: "When C.-B. went to Downing Street, he was a tired man; his wife was a complete invalid and his own health had been undermined by nursing her. As time went on, the later hours in the House of Commons began to tell upon him and he relegated more and more of his work to my husband."

[2] *Life of Campbell-Bannerman*, Vol. II, p. 326.

[3] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 186.

However, the Prime Minister still has the right to be informed of the various important departmental matters, and those current affairs the administration of which are entrusted to a particular Department. This is not the place to discuss the relationship of the Prime Minister to his Foreign Secretary; this will be dealt with later. In the time of Queen Victoria and also King Edward VII, it was the duty of the Irish Secretary to forward a regular report to the Prime Minister, telling him of the general conditions from day to day of Irish affairs. When Mr. Fortescue was Irish Secretary, he sent regular reports to Mr. Gladstone.[1] Mr. Forster, Secretary for Ireland in Gladstone's second Cabinet, adopted the same practice,[2] and Mr. George Wyndham, Irish Secretary to Mr. Balfour, also wrote many letters about the Irish situation.[3]

The heads of the Defence Departments during war-time or in an emergency usually forward regular information to the Prime Minister concerning matters of military importance. During the Great War, when Lord Kitchener and Mr. Churchill were the heads of the War Office and the Admiralty respectively, they were in constant touch with the Prime Minister on the question of military and naval problems. Mr. Asquith said that " from that day [when Lord Kitchener was appointed Secretary for War], Lord Kitchener and I were in the closest and most intimate contact. Except during his few and brief absences in France and the Dardanelles, he came to see me every day, generally more than once, often three and four times." [4]

(d) *The Prime Minister's Control over Foreign Affairs.*— It is natural that a Prime Minister, who is specially responsible for the activities of the Departments, should

[1] Guedalla's *The Queen and Mr. Gladstone*, Vol. I, pp. 212–13.

[2] T. Wemyss Reid's *Life of Forster*, pp. 458, 460, 462, 466, 475, 480, 494, 495, 503, 506, 509, 512, 513, 516, 521, 527, 544.

[3] *Life and Letters of George Wyndham*, Vol. II, pp. 409, 424, 426, 428, 433, 437, 448, 453, 458, 466, 467, 471.

[4] Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 81.

be particularly concerned with foreign affairs. To a Department such as the Foreign Office, whose policy, affecting as it does the relations of Great Britain with foreign countries, controls the forces leading to peace or to war, due attention must be paid by the Prime Minister. He must be fully aware of all important developments, and must see that the Foreign Secretary, in his turn, is reflecting his opinions and those of the Cabinet as a whole in the work of the Department. Gladstone once said, in an article in the *Church Quarterly Review* ". . . that the First Minister, as well as the Foreign Secretary, is bound to advise the Crown on questions of foreign policy."[1] But the responsibility taken by each of these two Ministers differs. Lord Rosebery, Foreign Secretary under Gladstone, admitted that the Prime Minister had a general responsibility for the act of every branch of the Government, but thought that the Minister in charge had special responsibilities.[2] In connection with the question of joint responsibility for foreign affairs, a Prime Minister's right of control may be divided under three heads :—

(1) The right to be consulted on foreign affairs.
(2) The right to see all important papers of the Foreign Office.
(3) The right to see foreign Ambassadors in London and communicate with English representatives abroad.

In view of their close relationships it is indeed essential that the Prime Minister and the Foreign Secretary should have a similar outlook and pursue similar methods in conducting foreign affairs, so that they can speak with undivided voice for the Government. Mr. Eden has rightly pointed out that the more intense the interest which each one of them takes in the conduct of international affairs, the more imperative does this unity

[1] *Church Quarterly Review*, 1877, Vol. III, pp. 480–1.
[2] Paul Knaplund's *Gladstone's Foreign Policy*, pp. 262–3.

become.[1] When a Prime Minister takes on the Foreign Secretaryship himself, however, this dual control vanishes and he becomes absolute master of the situation. The Foreign Office then becomes his particular Department and references to the Cabinet of its doings are only made to the extent which he wishes.

It has been the practice for a Foreign Secretary to consult the Prime Minister on all important foreign affairs before they are actually transacted or carried out. It is the duty of the Prime Minister to give his approval and to make suggestions or objections to the proposal. For instance, Mr. Gladstone told Lord Rendel in 1895 that " . . . hardly a day passed without Lord Clarendon or Lord Granville consulting him on some point or other, or at any rate without communication between them."[2] If this statement is carefully studied, it will be noticed that he does not mention the name of his last Foreign Secretary, Lord Rosebery, and this was obviously because he was dissatisfied with Lord Rosebery's autocracy. On the other hand, Lord Rosebery did not like the Premier interfering in his Department, and only accepted reluctantly the practice of keeping the Prime Minister informed. As Lord Crewe, the official biographer of Lord Rosebery, remarks in his book: 'Rosebery throughout his term at the Foreign Office was in almost daily communication with the Prime Minister, often by brief notes, oftener still by stepping across Downing Street, to secure five minutes of advice.'[3] We are also told that Lord Lansdowne, when Foreign Secretary, never took any important step without the advice and consent of Lord Salisbury, then Prime Minister.[4] His rigid observance of this rule was remarkable. On one occasion Lord Lansdowne told Baron Eckardstein, one of the most important German

[1] *Parliamentary Debates*, Monday, February 21, 1938.

[2] *Personal Papers of Lord Rendel*, p. 121.

[3] Lord Crewe's *Lord Rosebery*, Vol. I, p. 277.

[4] G. P. Gooch's *Before the War: Studies in Diplomacy* (1936), Vol. I, p. 6.

representatives in London, that he was unable to discuss the subject of the Anglo-German defensive alliance owing to Lord Salisbury's illness, as he felt it would not be safe to say much without the latter's instruction.[1] On April 9, 1901, Baron Eckardstein again pressed Lord Lansdowne for his opinions, but the English Foreign Secretary replied that "until Lord Salisbury's return, I could not undertake to advance the consideration of this important subject."[2] In the end, Lord Salisbury returned, and the matter was laid before him.[3] When Mr. Balfour succeeded his uncle as Prime Minister, Lord Lansdowne kept faithfully to his former practice,[4] which was, as a matter of fact, continued by the Liberal Government, and it is recorded that Sir Edward Grey used to consult Sir Henry Campbell-Bannerman whenever an important issue arose on foreign affairs.[5] Moreover, Sir Edward Grey adopted the same methods when under the Premiership of Mr. Asquith.

When consulted, the Prime Minister is free to express his own views on the particular question under consideration. If the matter is too difficult and complicated for immediate decision, he may write a letter or memorandum explaining his ideas. Moreover, when a question is so important that the Prime Minister and Foreign Secretary cannot take the responsibility of independent action, reference will be made to the Cabinet as a whole. For instance, in 1911, when Mr. Asquith was Prime Minister and Sir Edward Grey Foreign Secretary, they both considered that the situation created by the Germans sending the *Panther* to Agadir was of such gravity that it should be brought up for discussion in the Cabinet.[6] Generally, the views of the Prime Minister and those of

[1] *British Documents*, Vol. II, p. 62 : Lansdowne to Lascelles, March 29, 1901.

[2] *Ibid.*, Vol. II, p. 63 : Lansdowne to Lascelles, April 9, 1901.

[3] *British Documents*, Vol. II, p. 65 : Lansdowne's memorandum.

[4] Sir Austen Chamberlain's *Down the Years*, p. 209.

[5] Grey's *Twenty-Five Years*, Vol. I, pp. 78, 137, 165.

[6] *British Documents*, Vol. VII, p. 328; Paul Knaplund's *Speeches on Foreign Affairs, 1904–14, by Sir Edward Grey*, pp. 148–9.

his Foreign Secretary are in agreement, but a case of a divergence of opinions has sometimes occurred, and in the event of this happening the Cabinet must certainly be consulted. Gladstone once wrote a letter to Lord Rosebery, the Foreign Secretary, on their difference of opinion on policy for Uganda in 1892:

"It is the first time during a Cabinet experience of 22 and 23 years, that I have known the Foreign Secretary and the Prime Minister to go before a Cabinet on a present question with divergent views. It is the union of these two authorities by which foreign policy is ordinarily worked in Cabinet; not that I have the smallest fear that this incidental miscarriage of ours will occur again." [1]

The case was referred to the Cabinet and decided in Mr. Gladstone's favour.[2] Also it was not unknown for Mr. Gladstone to differ from Lord Granville, his former Foreign Secretary. The most striking instance of this occurred in 1870, when Lord Granville strongly opposed Mr. Gladstone's proposal, which had the support of Mr. Goschen, that the British Government should officially express their disapproval of French territory being handed over to Germany without the wish of the inhabitants. Lord Granville wrote on September 30:

"Quite exhausted after the longest fight I ever had against Gladstone. The losses were great: the killed and wounded innumerable; but I remained in possession of the field and the Cabinet. He wanted to declare our views on the conditions of peace; I was against doing so." [3]

If one of the parties in the disagreement cannot fall into line with the Cabinet, but persists in holding his own views, he must resign from the Cabinet. The case of Lord Derby, the Foreign Secretary, who resigned as the result of a fruitless argument concerning the policy pursued by Lord Beaconsfield, serves as an example. Similarly, the resignation of Mr. Eden in 1938 in consequence of his differing in the policy pursued by his

[1] Gladstone to Rosebery (September 29, 1892); see *Gladstone's Foreign Policy*, p. 263.

[2] E. T. Raymond's *The Life of Rosebery*, p. 119.

[3] *Life of Lord Granville*, Vol. II, p. 62.

chief and the Cabinet was another instance of conflict of outlook and methods in the conduct of foreign affairs.

The Prime Minister has the right to see all important letters and dispatches of the Foreign Office. Mr. Gladstone was actively concerned with the perusal of diplomatic communications. A letter from Lord Clarendon shows this. It says: "I grieve to trouble you with so much manuscript, but I don't venture single-handed to conduct a correspondence with the United States." [1] This conduct was in entire conformity with Mr. Gladstone's conception of the right relationship between a Prime Minister and a Foreign Secretary. Sir Austen Chamberlain's book shows that Lord Lansdowne, the Foreign Secretary, used to consult Mr. Balfour regarding important outgoing dispatches,[2] and evidently Sir Edward Grey kept up the traditional practice. In the *British Documents on the Origins of the War* it is shown that Sir Edward Grey was in the habit of sending every important dispatch or confidential letter not available for Cabinet discussion to Mr. Asquith. These dispatches or letters are endorsed as having been sent to the King and the Prime Minister,[3] or to the Prime Minister alone.[4] Sometimes Mr. Asquith used to mark these documents with marginal notes such as "very interesting," [5] or "very important." [6] The communication to the Prime Minister of important incoming dispatches was arranged for by the senior clerk of the Foreign Office, after instructions had been written

[1] Morley's *Gladstone*, Vol. II, p. 399.

[2] Sir Austen Chamberlain's *Down the Years*, p. 209.

[3] *British Documents on the Origins of the War, 1898–1914*, Vol. IX, Part II, p. 810 (No. 993); p. 822 (No. 1015); p. 825 (No. 1016); p. 870 (No. 1089); p. 876 (No. 1097); p. 889 (No. 1114); p. 897 (No. 1127); p. 899 (No. 1128); p. 905 (No. 1136); p. 929 (No. 1170); p. 930 (No. 1171); p. 936 (No. 1179); p. 970 (No. 1225); p. 983 (No. 1237); Vol. X, Part I, p. 18 (No. 23).

[4] *Ibid.*, Vol. IX, Part II, p. 927 (No. 1166); p. 953 (No. 1199).

[5] *Ibid.*, Vol. IX, Part II: "Minute by Sir A. Nicholson, F.O., November 28, 1912."

[6] *Ibid.*, Vol. IX, Part II, p. 38: Lord Granville to Sir A. Nicholson (Berlin, October 18, 1912).

on them by the Secretary of State. It was usual for these dispatches to pass through the hands of the Under-Secretary on their way to the Prime Minister.[1] In connection with outgoing dispatches of importance, drafts were generally prepared by the Foreign Secretary and submitted to the Prime Minister, before their final presentation to the Sovereign. In this way the agreement of the two Ministers on matters to be brought before the King was ensured, and any suggestions or amendments made by the Prime Minister could be introduced beforehand.[2] Mr. Gladstone, who always held his own opinions on foreign politics, often modified or altered the dispatches of his Foreign Secretary. Once Lord Granville wrote him a witty letter, containing the following lines: "I have sent you a stop-gap dispatch. I doubt your returning it in its present shape. It will come back longer or shorter."[3] When a Prime Minister is not satisfied with the whole, or a part, of the draft, he communicates his dissatisfaction to the Foreign Secretary either verbally or in writing in order that the dispatch may be modified. Lord Rosebery, when he was Gladstone's Foreign Secretary, preferred verbal communications, although these were often the grounds for much personal unpleasantness between them. Once Lord Rosebery complained: ". . . that Mr. Gladstone never said 'all right' to anything—always making some amendment in every draft."[4] In addition, the Prime Minister in some cases discusses the draft with the Sovereign. Mr. Gladstone said that "instead of this, the proposal seemed to have been that the drafts prepared by the Foreign Secretary should be discussed and settled between the Prime Minister and the Sovereign."[5] If the Sovereign has any suggestions to make, they may subsequently be embodied in the draft by the Prime Minister and the

[1] Algernon Cecil's *Cambridge History of Foreign Policy*, Vol. III, p. 590.

[2] *Granville Papers*, Vol. 58 (July 8, 1870), (July 14, 1870), (December 10, 1870), (December 15, 1870); Vol. 143 (May 27, 1880).

[3] *Ibid.*, Vol. 59 (January 7, 1871).

[4] *Private Diaries of Algernon West*, p. 126.

[5] *Church Quarterly Review*, 1877, January, Vol. III, pp. 480–1.

Foreign Secretary.[1] But if the Sovereign cannot agree on the main point of the dispatch a new situation arises. Sir William Harcourt expressed it as his opinion, in the event of this happening, that "she [Queen Victoria] has the practical right to demand the opinion of the Cabinet on the dispatch."[2]

The Prime Minister can demand to be shown telegrams sent by the Foreign Office. On December 15, 1883, Lord Granville sent a telegram to Baring, the draft of which had been seen and altered by Mr. Gladstone.[3] It is doubtful, however, whether the Prime Minister had the right to claim to see all the private correspondence of the Foreign Secreatry regarding international affairs. We are told by historical writers that Lord Granville, who carried on a very large correspondence with British representatives abroad, did not disclose all his correspondence to Gladstone.[4]

Finally, the Prime Minister has the right to communicate with English representatives abroad and to interview foreign ambassadors in London or Ministers of Foreign Affairs of foreign Powers. It might seem that in this capacity the Prime Minister took over the duties of his Foreign Secretary, but, if he does, it is only because foreign ambassadors prefer to talk with the Prime Minister concerning the foreign relations of Great Britain with the countries they represent or on the general situation in Europe than with the Foreign Secretary, who is, of course, more practised in the art of conducting diplomatic conversations. They feel that by talking with the Prime Minister they can obtain an insight into the real opinions held by the Government and that if, in the course of their conversations, they succeed in influencing him, any negotiations made between the two countries will probably be more successful and carry more weight. It is, however, not always convenient or possible for a

[1] Cf. Todd's *Parliamentary Government in England* (2nd edition), p. 265.

[2] *Life of Sir William Harcourt*, Vol. II, p. 611.

[3] *Gladstone's Foreign Policy*, p. 216.

[4] *Ibid.*, p. 33.

Prime Minister to interview foreign representatives unless important affairs are to be discussed. Lord Beaconsfield often had political talks with foreign ambassadors in London. In the month of October 1877 he had three political conversations with Count Schouvaloff, the Russian Ambassador in London, during which they talked on European and Eastern questions.[1] Towards the end of 1894, Count Hatzfeldt, then German Ambassador in London, held conversations with Lord Rosebery in which the former proposed an alliance between England and Germany.[2] When M. Isvolsky, the Russian Minister for Foreign Affairs, visited London in the October of 1908, he had long searching talks with both Asquith and Edward Grey on the question of the opening of the Straits, but the Cabinet objected to his proposals, and considered " . . . it is highly inopportune to raise this question at the present juncture." [3] On October 4, 1911, Count Mensdorff, the Austrian ambassador in London, interviewed Mr. Asquith and the Tripoli question was discussed.[4] Balfour made no exception to the practice and he also interviewed foreign representatives.[5] Mr. Chamberlain follows the customary practice of receiving foreign representatives in order to discuss with them international situations. The Prime Minister either sees foreign representatives alone or in the company of the Foreign Secretary. This is shown in Mr. Gladstone's letter to Lord Granville: " I have had half an idea that it might be well I should see Brumow [the Russian Ambassador] either with you or alone." [6] If the Prime Minister interviewed the representatives alone, he would communicate fully what he had discussed or had learnt to the Foreign Secretary. Gladstone faithfully reported the subject-matter of his private conversations and correspondence with representa-

[1] *Life of Disraeli*, Vol. II, pp. 1058, 1062.
[2] *British Documents*, Vol. I, p. 324: Memorandum by J. A. C. Tilley.
[3] *Life of Lord Oxford and Asquith*, Vol. I, p. 245.
[4] *British Documents*, Vol. III, pp. 418–19.
[5] *Ibid.*, Vol. III, pp. 418–19.
[6] Morley's *Gladstone*, Vol. II, pp. 350–1, in 1870; cf. Vol. II, p. 340.

...rs in London, or English representa-
the Foreign Secretary.[1] If the Prime
ed negotiations too far on his own, he would
...y meet the protest of his colleague. Granville
...te a letter to Gladstone which ran:

May I venture to make you a request, which does not come from any jealous feeling, although probably from one of conscious weakness? I imagine that the Prime Minister has undoubted right to communicate directly with our representatives abroad, or with Foreign Ministers in London—but I think it is in his interest as much as in that of the Foreign Secretary that he should only appear as the *deus ex machina*. Both English and foreign diplomatists like the double communication, particularly when the Prime Minister is not only officially superior, but personally immensely so. Bernstorff once boasted to me that he liked going to you. 'I like having two strings to my bow!' They like checking what is said by one, by what is said by the other, and drawing inferences accordingly. They find you overflowing with original and large ideas, every one of which is invaluable for a dispatch. They find very few ideas in my conversation and those of a negative character." [2]

If the Prime Minister shows the Foreign Secretary a memorandum of the conversations, or tells him of their content in a letter, the latter has the right to express his opinions. In December 1870 Mr. Gladstone had two talks with Reithinger. Granville stated his opinion, after having read Gladstone's letter giving an account of the conversation, in the following manner:

"I am sorry you said as much as you did to him in his position as to what would be the feeling of this country as to the annexation of French territory. Everything else seems to be excellent." [3]

The extent to which a Prime Minister controls foreign affairs depends largely upon his own knowledge and experience. When Mr. Gladstone became Prime Minister he wrote to Lord Clarendon saying that he

[1] Cf. *Granville Papers*, Vol. 58: Gladstone to Granville (December 28, 1870); cf. Paul Knaplund's *Gladstone's Foreign Policy*, p. 32.

[2] Lord Granville to Mr. Gladstone (October 29, 1870). See *Life of Lord Granville*, Vol. II, pp. 64–5.

[3] *Granville Papers*, Vol. 59: Granville to Gladstone (December 29, 1870).

shuddered at the prospect of sharing responsibility for foreign affairs, as he keenly felt his incapacity to deal with them.[1] Indeed, during Clarendon's lifetime he refrained from much interference, but after his death paid more attention to them, perhaps owing to the knowledge and experience that he had acquired whilst in the service of the Crown. When Lord Granville became Foreign Secretary he was, as illustrated above, well under Gladstone's control. However, when Lord Rosebery took over the office on the suggestion of the Queen, Gladstone's strength was declining and he felt that the difficulties which he experienced in controlling his younger colleagues were as much as he could manage.[2] Moreover, Lord Rosebery was the type of person to resent interference with his Department and desired to control the Foreign Office without the constant supervision of his Chief. Mr. Gladstone once exclaimed that "He was different from Granville and Clarendon."[3] It is also true that the methods employed in the conducting of foreign affairs by these three Secretaries varied enormously. Lord Rosebery had his own ideas and did not wish to be controlled either by the Cabinet or the Prime Minister. In the light of subsequent revelations, it is evident that he sometimes conducted foreign affairs without previously consulting his Chief or the Cabinet.[4] Gladstone and Rosebery belonged to two different generations and held entirely different political conceptions. Mr. Gladstone was the champion of the old Liberalism, his policy may be summed up in the three words "Peace, Retrenchment, and Reform," while Rosebery represented the new school of Liberal thought—namely, Liberal Imperialism. The Gladstone–Rosebery controversy over Uganda was the sequel to this fundamental difference. So wide a divergence of outlook and methods made their so-called co-operation difficult and,

[1] Paul Knaplund's *Gladstone's Foreign Policy* (1935), p. 2.
[2] Cf. *Personal Papers of Lord Rendel*, p. 33.
[3] *Private Diaries of Algernon West*, p. 126.
[4] *Life of Sir William Harcourt*, Vol. II, p. 315.

as a result, rather unsuccessful. Reviewing his whole political career in a memorandum, Lord Rosebery refers to the way in which he conducted foreign affairs:

"I carried on foreign policy in those Cabinets in a minority of one. In the Cabinet of 1886 the absorption in Home Rule enabled me to do this. In 1892–5 it was one long battle, carried on in silence in 1893 after fierce combat in 1892, and again with daily contest in 1894–5. Such a condition of things is not fair to the Government. The strain on the Minister is excessive while it is not fair to the Government that he should carry on a policy which is not theirs. . . ." [1]

The probable explanation of this curious combination is that the preoccupation of Gladstone with different Governmental issues had prevented their rupture.

Lord Beaconsfield watched foreign affairs more vigilantly than any other Prime Minister of his time. His unequalled ability made him not only a master in the art of controlling foreign affairs, but also in the direction of foreign policy itself. The *Life of Disraeli* affords us innumerable examples. We are told that at the end of January 1878 Lord Beaconsfield openly conducted the Eastern policy of the country in the Cabinet himself, and that his Foreign Secretary, Lord Derby, was almost reduced to the position of an Under-Secretary.[2] Subsequently, Lord Derby resigned his office as Foreign Secretary in March. Lord Salisbury paid more than usual attention to foreign affairs and thrice took on the Foreign Secretaryship himself. His relationship with his first Foreign Secretary, Lord Iddesleigh, from 1896 to 1897 proved unhappy. Sir Algernon Cecil had an inside view of their forced co-operation:

"Lord Iddesleigh, if not a dying man, was at least one from whom life was fast receding, when he came to the Foreign Office in the late summer of 1886. And he was offered the post only on peculiar terms; for Salisbury seems to have reserved to himself a right of supervision exceeding that generally exercised by a Prime Minister. It proved an unhappy and unsuccessful arrangement;

[1] Crewe's *Lord Rosebery*, Vol. II, p. 589.
[2] *Life of Disraeli*, Vol. II, p. 1119.

and the Premier took the opportunity of the reconstruction of the Ministry, on Lord Randolph Churchill's resignation in December, to resume direct control of Foreign affairs, at once in his eyes the most congenial and the most important business of government." [1]

The relationship of Lord Salisbury with his second Foreign Secretary, Lord Lansdowne, is, however, a different story. Although he continued to follow every step with the eyes of an expert, he gave Lord Lansdowne a more or less free hand in the conducting of foreign affairs. Gooch also considers that "his grip was slightly relaxed." For instance, the arrangements for the conclusion of the Treaty of Anglo-Japanese Alliance was left in the hands of Lord Lansdowne.[2] The reasons for this change of attitude are obvious. To begin with, Lord Salisbury was by that time weary and ill after his long period in office, and therefore his power of supervision over foreign affairs was considerably diminished. In the second place, he was probably contented by the fact that his nephew was Leader of the House of Commons, and his son Under-Secretary for Foreign Affairs; he felt that in his absence from activity they would supervise the work of the Foreign Secretary.

Lord Rosebery also proved himself to be a Prime Minister who closely watched the course of foreign politics and kept a good control over the conduct of foreign affairs in this country. His wide knowledge of these matters was no doubt due to the experience which he gained at the Foreign Office. When he became Prime Minister, he asked Lord Kimberley, a statesman not possessing a particularly forceful character, to take over the Foreign Office from him, his reason for following such a course being that by appointing a weak Minister he could reserve full power to control foreign affairs. This resulted in Lord Kimberley becoming "little more than his instrument." [3]

[1] *The Cambridge History of British Foreign Policy*, 1866–1919, Vol. III, p. 613.

[2] Lord Newton's *Lord Lansdowne*, p. 229.

[3] E. T. Raymond's *Life of Lord Rosebery* (1923), p. 142.

Sir Henry Campbell-Bannerman maintained a very weak supervision over foreign affairs. To begin with he chose a Foreign Secretary whose ideas were dissimilar to his own, as they belonged to two entirely different schools of Liberal thought; one being a pro-Boer as well as a little Englander, while the other was a Liberal Imperialist. Sir Edward Grey, in the conducting of foreign affairs, more or less followed in the steps of Lord Rosebery, who conducted them with an imperialistic rather than a liberal outlook. This made Sir Henry Campbell-Bannerman uneasy when he saw the way in which his Foreign Secretary conducted international affairs. One example will illustrate this. Grey, on observing the attitude of his Chief towards the military conversations of January 1906, wrote in his book that " Campbell-Bannerman was apprehensive lest the military conversations should create an obligation or at least an " honourable understanding." [1] Although their outlook differed to a certain extent, Campbell-Bannerman always endeavoured to support his Foreign Secretary's foreign policies.[2] Discord only finally disappeared, however, when Asquith succeeded Campbell-Bannerman as Prime Minister. Asquith not only belonged to the same section of the Liberal Party as Grey—the Liberal Imperial League—but was also closely and intimately connected with him. He once wrote that:

" Between him and myself there was daily intimacy and unbroken confidence. I can hardly recall any occasion on which we had a difference of opinion which lasted for more than half an hour. This was not because we were specially bound together by the common profession of an esoteric creed (sometimes called ' Liberal Imperalism ') which was not shared by all or even the majority of our colleagues." [3]

[1] Sir Edward Grey's *Twenty-Five Years*, Vol. I, p. 85.

[2] Cf. " When Campbell-Bannerman's Cabinet was being constructed in November 1905, Grey at first refused to join it unless Bannerman would go to the House of Lords. . . . Grey was persuaded to withdraw his objection on condition he should be allowed his own way absolutely in foreign affairs, and he had ever since been extremely jealous of Bannerman, a jealousy which had accentuated his obstinacy in pursuing imperialistic lines." See Blunt's *My Diary 1888–1914*, p. 616.

[3] Lord Oxford and Asquith's *The Genesis of the War*, p. 2.

As a result of this co-operation, foreign policy was in a much more stable and clarified condition and Sir Edward Grey received a more sympathetic backing than previously.[1] Among the post-War Prime Ministers, Mr. Lloyd George has been regarded as one who watched the conduct of foreign affairs with unremitting attention, and often conducted foreign affairs in person without the concurrence of his Foreign Secretary. Again, a word must be said about the Prime Minister of to-day, who not only has a great interest in foreign affairs but also holds strong views of his own on foreign policy. The recent resignation of Mr. Eden, a young and idealistic Foreign Secretary, was the reflection of the forceful personality of the Prime Minister.

The way in which the Prime Minister and the Foreign Secretary work together may have important consequences. Naturally, the responsibility for deciding whether or not a question of vital importance connected with foreign affairs should be communicated to the Cabinet for discussion lies in their hands. In this way the Cabinet is placed at the mercy of these two statesmen in the realm of foreign policy, and is never able effectively to control or scrutinize their work. Thus in the past it was often committed to a policy without reference having previously been made to it.[2] Instances of this happening are innumerable in the political history of England. In 1882 Mr. Gladstone and Lord Granville took it upon themselves to decline the Sultan's offer of the exclusive control and administration of Egypt, without having consulted the Cabinet. In the opinion of Sir Charles W. Dilke, a Cabinet meeting ought to have been called.[3] Moreover, when Lord Salisbury and Lord Iddesleigh were Prime Minister and Foreign Secretary respectively, they often decided important foreign policy without reference to the Cabinet.[4] Lord Rosebery and Lord

[1] Cf. *The Times*, 1908, December 31.

[2] Cf. Sidney Low's article in the *Nineteenth Century*, "The Foreign Office Autocracy," 1912, January, p. 5.

[3] *Life of Sir Charles W. Dilke*, Vol. I, p. 463.

[4] *Life of Lord Randolph Churchill*, Vol. II, p. 156.

Kimberley adopted such a practice even more vigorously than their predecessors. On one occasion their action led Sir William Harcourt to make a strong protest to Lord Kimberley in a letter, saying that:

"I understand that the position you take up is that it is for you and Rosebery alone to judge whether a question of foreign affairs is of such importance as that the Cabinet or the leader of the House of Commons should be consulted upon it, and that, if you conclude that question in the negative, an announcement is to be made to the House of Commons without the knowledge or assent either of the Cabinet or of the Leader of the House, and that the Anglo-Belgian Treaty and the question of the Nile Valley are proper examples of the kind of questions which are to be so treated.

"It virtually amounts to this, that the Prime Minister and the Foreign Secretary in the House of Lords are to determine, if they think fit, any questions of foreign policy, and irrevocably commit the Government without allowing any voice in the matter to their colleagues in the House of Commons, and that the Leader of that is to accept and defend that policy without previous assent or consultation with him. That is a position which I cannot under any circumstances accept, and it cannot be too soon ascertained whether it is one in which the Cabinet are prepared to concur." [1]

In fact, it is true to say that one of the most important items of pre-War diplomacy was conducted in this manner. Neither Sir Edward Grey nor Sir Henry Campbell-Bannerman informed the Cabinet of the military conversations which took place in 1906 until 1912. Both were equally responsible for this omission, for Sir Henry Campbell-Bannerman was then head of the Government, and Sir Edward Grey Foreign Secretary, although he had not had much experience in the Cabinet. Professor Trevelyan considers that the responsibility for neglecting to bring up the matter for discussion in the Cabinet rested to a larger extent upon Sir Henry Campbell-Bannerman in his capacity as Premier, than upon Grey.[2]

(e) *Functions Relating to Parliament.*—The greatest power wielded by a Prime Minister is his right to advise the

[1] *Life of Sir William Harcourt*, Vol. II, p. 357: Harcourt to Kimberley, April 5, 1895.

[2] G. M. Trevelyan's *Grey of Fallodon*, pp. 134, 139.

Sovereign to dissolve Parliament, either when he has lost the confidence of the Commons, or when he can no longer maintain agreement in the Cabinet. In practice, the Sovereign always acts upon his advice. Moreover, it is usual for the Prime Minister to submit the question of dissolution to the Cabinet, so that it may consider the possible consequences that might ensue, such as the effect it would have upon parliamentary and public opinion. Lord Oxford and Asquith said that " such a question as the dissolution of Parliament is always submitted to the Cabinet for ultimate decision." [1] In 1880, when Lord Beaconsfield dissolved Parliament, the question of the dissolution was fully discussed and debated in the Cabinet.[2] In 1886, as Lord Morley has explained in his book, the question of dissolution was also discussed in the Cabinet, and the Cabinet accepted Mr. Gladstone's proposal " without comment."[3] Lord Salisbury dissolved Parliament in 1900 in a similar way, first obtaining the assent of his Cabinet. According to the journal of Lord James of Hereford, the Cabinet had registered its approval during the spring of 1900,[4] but Lord Salisbury did not immediately communicate the matter to the Queen. The date of Lord Salisbury's letter, in which he makes such a

[1] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 194.

[2] Lord Beaconsfield's letter to the Queen, dated March 6, 1880, says that " the Cabinet just concluded sat two hours and a half, and every member of it was requested to give his opinion, the members of the House of Commons having the priority. There were various views and some differences of opinion, but the ultimate result was unanimity." See *Life of Disraeli* (new edition), Vol. II, p. 1386.

[3] Morley's *Gladstone*, Vol. III, pp. 341–2. The discussion in the Cabinet and the decision arrived at upon this question of dissolution are reported in Mr. Gladstone's letter to Queen Victoria : " The Cabinet met to-day . . .; and they determined that it was their duty to advise your Majesty to dissolve the present Parliament at as early a period as the occasions of public business will allow. As far as Mr. Gladstone can at present judge, this may perhaps be done within the present month." See Gladstone's letter to Queen Victoria (June 8, 1886), *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 143; or Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 412.

[4] Lord Askwith's *Lord James of Hereford*, p. 258.

proposal, is given as September 5, 1900.[1] According to Lord Oxford and Asquith, both the dissolutions in the January and the December of 1910 were approved by the Cabinet.[2]

In the event of a Prime Minister desiring a dissolution he would certainly bring the matter before the Cabinet. In order to do this he would have to possess strong arguments in favour of his proposal, and would have to point out the opportune moment for the step to be taken. In 1886 Mr. Gladstone put twelve reasons before the Cabinet for his advocation of dissolution rather than resignation.[3] A Prime Minister does not, however, always have his own way, as his colleagues also have a say in the matter: In 1894 Mr. Gladstone proposed a dissolution over the question of the relationship of the two Houses. But he was prevented by his colleagues from carrying it out. He said that: "I suggested dissolution to my colleagues in London, where half, or more than half the Cabinet were found at the moment. I received by telegram a hopelessly adverse reply."[4]

A Prime Minister is also empowered to ask the Sovereign for a dissolution without having previously consulted or obtained the consent of his Cabinet. For instance, in 1868 Mr. Disraeli asked the Queen for her consent, although he had not obtained leave to do so from his Cabinet; as a matter of fact he was afraid that there might be considerable opposition to this course. Hardy's diary gives us reliable evidence of the event: "Disraeli has communicated with none of us, which is strange."[5] Also Lord Malmesbury, a colleague of Disraeli's, recorded in his book *Memoirs of an Ex-Minister* that "the Ministers are very angry with Disraeli for going to the Queen without calling a Cabinet, and the Duke of Marlborough

[1] *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 586.

[2] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 199.

[3] *Life of Lord Oxford and Asquith*, Vol. I, p. 296; Morley's *Gladstone*, Vol. III, p. 341.

[4] Morley's *Gladstone*, Vol. III, p. 505; Morley's *Recollections*, Vol. II, p. 2; West's *Private Diaries*, pp. 265–74.

[5] *Gathorne Hardy: First Earl of Cranbrook: A Memoir*, Vol. I, p. 276.

wants to resign, but I have done all I could to dissuade him from this course."[1] Mr. Buckle, drawing his conclusion from these sources, considered that "Disraeli avoided a preliminary Cabinet because he had good reason to fear that his colleagues would weaken in their resolution now that the moment for action had arrived, but might be trusted to accept a *fait accompli*."[2] A similar case of a dissolution not agreed to by the Cabinet as a whole occurred in 1874, when Mr. Gladstone was Prime Minister.[3] He first obtained the Queen's assent on the 22nd,[4] and then submitted to the Cabinet. Following the Cabinet meeting, Mr. Gladstone was able to report to the Queen that "the Cabinet unanimously concurred upon a review of its ground, in the wisdom of the proposed measure."[5] Mr. Gladstone's reason for not consulting the Cabinet were obvious. At that time the Liberal Cabinet was confronted with many difficulties, among them the unpopularity of its Ministry, the weakening of its parliamentary majority, the division of opinion in the Cabinet over the Estimates and the controversy concerning Mr. Gladstone's seat. The latter was a nice constitutional point, the question being whether Gladstone, by taking over the office of Chancellor of the Exchequer, should vacate his seat in Parliament and be re-elected. He decided the matter in his own favour, but, as it was said, "his decision was not final or conclusive."[6] Under these circumstances, the Liberal Ministers felt that their position had become impossible and naturally they wished to give up office.[7] Moreover

[1] Lord Malmesbury's *Memoirs of an Ex-Minister*, Vol. II, p. 381.

[2] *Life of Disraeli*, Vol. II, p. 373.

[3] Mr. Gladstone's letter to Queen Victoria (January 21, 1874). See *Letters of Queen Victoria*, 2nd Series, Vol. II, pp. 304–5.

[4] *Ibid.*, p. 306. [5] Morley's *Gladstone*, Vol. II, p. 486.

[6] *The Cambridge Modern History*, Vol. XII, p. 29. According to Lord Selborne's *Memoirs*, the controversy over Gladstone's seat was one of the reasons for the sudden dissolution of January 1874. See Selborne's *Memorials Personal and Political, 1865–1895*, Vol. I, p. 326.

[7] Morley's *Gladstone*, Vol. II, pp. 484–5; *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 305: Earl Granville to Queen Victoria (January 21, 1874); Arthur D. Elliot's *Life of Lord Goschen*, Vol. I, p. 141.

Mr. Gladstone had, as it happened, secured the support and consent of several leading Cabinet Ministers beforehand,[1] so when he advised the Queen to dissolve Parliament he did so on the assumption and understanding that he had obtained the authority of the Cabinet. Similarly, in 1924, Mr. MacDonald dissolved his Parliament without consulting his Cabinet.

When the Prime Minister submits the question of dissolution to his Cabinet for a decision, the latter try to choose a favourable moment for this action to be taken, one which they consider will bring success to their party in the event of a general election. Thus the Unionist Ministry, which was in power in 1900, chose deliberately the moment when war was being waged in South Africa, because they calculated that at this time they would obtain the support of the people, which was necessary if they were to bring the war to a successful conclusion. That success will follow the choice of an advantageous moment, however, is uncertain. The most notable example of this occurred in 1868, when Mr. Disraeli dissolved Parliament on the 11th of November in the hope of securing the support of the new electoral working class, to whom the franchise had been extended by the Reform Act of 1867. The result of the election was a failure as far as he was concerned, and his party suffered a severe reverse of fortune. Again, in 1880 Lord Beaconsfield, inspired by the Tory victories at Liverpool and Southwark bye-elections and the rumours of Whig secessions, thought it would be a judicious and opportune moment to dissolve Parliament and that he would then be able to return to Westminster with new strength. The elections, however, resulted in the defeat of the Government and Lord Beaconsfield immediately resigned. On the other hand, the Cabinet sometimes miss an opportunity of dissolution at a time when their return to Westminster would be likely. For instance, in 1878 the Conservative Cabinet might easily have been returned to power if Parliament

[1] Lord Granville to Queen Victoria (January 21, 1874); see *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 305.

had been dissolved at the moment of Lord Beaconsfield's personal triumph in winning a victory at the Berlin Conference. But the Cabinet "agreed to no dissolution."[1]

It has been questioned whether the Sovereign can raise an objection to a Prime Minister's demand for dissolution. Constitutionally, the King still possesses the power to veto such a demand. The exercise of such power, however, would involve the consequence of resignation by the Cabinet and the task of forming a new one, which, in turn, must also ask for dissolution. So such an act must be considered as impractical. The King can only use his personal influence to persuade his Ministers to drop the idea of dissolution, but if the Prime Minister, with the support of his Cabinet, persists in his request for a dissolution, then the Sovereign has no alternative but to give way. On June 8, 1886, the Cabinet decided to dissolve Parliament, but the Queen objected on the grounds that it was only seven months since such an action had been taken. Gladstone persisted, and the Queen had no alternative but to grant her consent.[2] Similarly, in November 1910 Asquith asked for another dissolution in the same year and the King at first refused. So the Prime Minister, showing great firmness and supported by his Cabinet, resolved to resign. At length the King reluctantly agreed to what his Minister had asked.[3] Nor can the Sovereign dissolve Parliament without the consent of the Prime Minister and the Cabinet. Constitutionally, however, he possesses this power.[4] The reason for him not exercising it is simple.

[1] *Gathorne Hardy: First Earl of Cranbrook: A Memoir*, edited by A. E. Gathorne Hardy, Vol. II, p. 78.

[2] *Dictionary of National Biography*, Vol. XXII, Supplement, p. 743.

[3] *Journals and Letters of Viscount Esher*, Vol. III, p. 34.

[4] The last attempt to use this right of the Sovereign was made by William IV, who, having dismissed the Melbourne Ministry, dissolved Parliament in the hope of securing a majority at the polls for Sir Robert Peel, the leader of the Tory party. But the result was rather unexpected, the country sending Melbourne's Ministry back to Westminster again with a Whig majority.

Not only might a Ministry dismissed by the Sovereign be returned to power by the electorate, but also such an action would endanger the Crown's reputation of neutrality in respect to party politics.[1]

It is the duty of the Prime Minister, by virtue of his position as head of the Government, to declare all important policies and other matters in Parliament. As a matter of fact, these always represent decisions made by the Cabinet, of which the Prime Minister is merely the mouthpiece. Moreover, his speeches in Parliament must conform with the decisions reached at Cabinet meetings. If a Prime Minister spoke on some important matter without such reference to his colleagues, they would undoubtedly turn against him, and his position in the Cabinet would become untenable. In 1882 Mr. Gladstone promised in Parliament, without previously consulting his Cabinet, that a Committee should be set up to enquire into the Kilmainham Treaty. Sir Charles Dilke described the incident in his Memoirs, saying that "the whole of his colleagues had been against him."[2] Although Mr. Gladstone afterwards expressed his regret, the Cabinet was on the verge of a break-up, and from that time onwards he began to think of retirement.

While Parliament is sitting the Prime Minister can ask any Cabinet Minister to take over the work of another Minister in the event of the latter's absence. In 1894, during the temporary withdrawal on account of illness of Mr. John Morley, the Irish Secretary, Mr. Gladstone asked Mr. Asquith and Mr. Bryce successively to take his place at question time in the House of Commons.[3]

(f) *Royal Patronage.*—The distribution of royal patronage, both civil and ecclesiastical, such as the granting of titles and decorations, the appointment to bishoprics and deaneries, is a difficult and embarrassing duty for any Prime Minister to perform. The recom-

[1] *Letters of Queen Victoria*, 3rd Series, Vol. II, pp. 441–4; Lord Askwith's *Lord James of Hereford*, pp. 231–2.

[2] *Life of Sir Charles W. Dilke*, Vol. I, p. 489.

[3] H. W. Lucy's *Peeps at Parliament*, p. 175.

mendations of the Prime Minister are subject to the approval of the Sovereign. The Prime Minister's difficulties and his limited freedom of choice are inevitable; political considerations and party exigencies are bound to attend the discharge of such duties. Being the guardian of honours of the Crown, he must discharge his duty with a fidelity, a wise caution and a pervading sense of responsibility.[1] The creation of new Peers is also a matter with which he is closely connected. In theory the creation of new Peers is the prerogative of the Crown, but in practice decisions are made by the Prime Minister. Members of the Cabinet may present names for his consideration. But he is perfectly free to accept or refuse recommendations. In 1906 Mr. Morley, Secretary for India, wished Curzon, then Viceroy of India, to have a peerage, but Sir Henry Campbell-Bannerman could not be persuaded to accept his proposal.[2] The Sovereign, however, is not entirely deprived of a voice in the selection of new peers and can always oppose particular suggestions. The possibility of such an objection can best be shown by an illustration. In 1869 Queen Victoria objected to Baron Rothschild being offered a peerage, because he was a Jew. On the same occasion she objected to the creation of two Roman Catholic Peers.[3] Finally, she gave her consent to the latter appointment, but protested to the Prime Minister " that every favour granted to the Roman Catholics does not conciliate them, but leads them to be more and more grasping and encroaching and the danger of this to Protestant England cannot be overrated."[4] Again, in 1881 the Queen objected to Sir Garnet Wolseley receiving a peerage. The reason given was that " Sir Garnet has throughout placed himself in open opposition to the Duke of

[1] Lord Rosebery's *Sir Robert Peel.* See *The Anglo-Saxon Review*, Vol. I, p. 112 (June 1, 1899).

[2] J. A. Spender's *Life, Journalism, and Politics*, Vol. I, p. 148.

[3] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. I, pp. 196, 198, 20–22.

[4] *Ibid.*, Vol. I, p. 201.

Cambridge." [1] Even Mr. Gladstone's vigorous defence of his proposal could not remove the royal prejudice.[2] After the victory at Tel-el-Kebir, however, the Queen no longer opposed the suggestion, and a peerage was finally conferred upon Sir Garnet Wolseley.[3] The Prime Minister, in the event of opposition from the Sovereign, frequently seeks the help of some influential Cabinet Minister, who can then do his best to defend the proposal and persuade the Sovereign to give his or her consent. This happened in the case quoted above, when Lord Granville, an influential Cabinet Minister, defended Mr. Gladstone's selection of Baron Rothschild and two Roman Catholics for peerages.[4]

It is also the duty of the Prime Minister to distribute other honours, such as Garters and Orders. Of all the duties coming within his province concerning the distribution of patronage, this task is probably the most irksome and thankless. Queen Victoria's Journal gives us an amazing account of this embarrassing duty of a Prime Minister. " He [Lord Salisbury] spoke of the honours, which is really a difficult matter, people being so keen to have them that they worry and tease him to death about it." [5] Generally the question of the distribution of honours is not a question for the Cabinet. The Queen's letter to Gladstone points this out: " The Queen thinks the Prime Minister may privately consult the Secretaries for Foreign and Colonial Affairs, etc., but the distribution of honours is not a question for the Cabinet." [6] Mr. Gladstone also said that he had never known of a case when the Cabinet had interfered in a purely titular question of honour, of an honour connected with an

[1] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 142. During that time the Duke of Cambridge was Commander-in-Chief, and Sir Garnet Wolseley was Quarter-Master-General of the Army.

[2] *Ibid.*, Vol. II, p. 143. [3] *Ibid.*, Vol. II, p. 210.

[4] *Life of Lord Granville*, Vol. II, p. 178; *The Queen and Mr. Gladstone*, Vol. I, pp. 197–201.

[5] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 134.

[6] Queen Victoria to Mr. Gladstone (January 14, 1894); *The Letters of Queen Victoria*, 3rd Series, Vol. II, p. 347.

office lying beyond the established circle of political administration.[1] As the Crown is the source of all such honours, the Prime Minister can easily cause trouble with the Sovereign regarding such questions. In 1894 Queen Victoria persisted that Lord Lansdowne should receive a K.G., and rejected Gladstone's suggestion of the G.C.B.[2] After the exchange of several letters the Prime Minister gave way.

One of the most interesting powers possessed by the Prime Minister is his power to appoint the Poet Laureate, although the opportunity comes but rarely. In 1896 Lord Salisbury bestowed the laurel on "a faithful and busy political scribe, Alfred Austin."[3] Mr. Asquith in 1913 offered the post to Robert Bridges.[4] The Prime Minister might in some cases decline to nominate anyone. For instance, in 1892, when Tennyson died, Mr. Gladstone refused to nominate a successor, on the grounds that it was difficult to find a suitable person.[5] Lord Rosebery, when he succeeded Mr. Gladstone as Prime Minister, took the same view, and thus there was no Laureate until 1896.

The Prime Minister also is empowered to distribute ecclesiastical honours. Before he submits names for appointments it is usual for him to consult his colleagues or other persons likely to possess valuable information. Disraeli, who always had a multitude of counsellors, affords an example of this. In the *Life of Disraeli* the following lines are written:

"The Bishop [Wilberforce] was one of those who were eager to direct the disposal of the Crown patronage. He and Hardy and Beauchamp plied Disraeli with recommendations on the High Church side; while Cairns, on the Low Church side, aspired to

[1] Gladstone to Victoria (January 17, 1894); *The Letters of Queen Victoria*, 3rd Series, Vol. II, p. 350.

[2] *Letters to Queen Victoria*, 3rd Series, Vol. II, pp. 345–51.

[3] Lord Oxford's *Fifty Years of Parliament*, Vol. II, p. 222.

[4] *Ibid.*

[5] Gladstone to Victoria (November 4, 1892). Mr. Bryce to Victoria (November 6, 1892). See *Letters of Queen Victoria*, 3rd Series, Vol. II, pp. 176–8.

play the same part in Disraeli's ecclesiastical appointments as Shaftesbury had in Palmerston's. Derby's advice also was sought and given on every important occasion." [1]

Mr. Gladstone, in spite of his wide knowledge of the Church world, still turned to others for advice.[2] Sir Henry Campbell-Bannerman was also a Prime Minister who vigilantly guarded his sacred power of making appointments. He was most careful and conscientious: he usually sought the best advice available regarding such questions, and then decided according to his own judgment.[3]

The Sovereign, as the nominal head of the Church of England, is not lacking in influence on such matters. During her reign Queen Victoria persisted on several occasions in having her nominees appointed, setting aside the proposals of her Prime Minister. In 1868 the Queen proposed Dr. Magee, the Dean of Cork, for the Bishopric of Peterborough, and would not give her assent to the suggestion of Canon Champneys of St. Paul's and Vicar of St. Pancras.[4] The most striking case occurred when Queen Victoria insisted upon Dr. Tait, who was then Bishop of London, being appointed as Archbishop in succession to Archbishop Longley, setting aside Bishop Ellicott of Gloucester, her Prime Minister's choice. Her letter to Disraeli says that:

"She cannot alter her opinion, which she believes to be shared by every one, except the extreme parties on both sides, that the Bishop of London is the only fit man to succeed the Archbishop. The Bishop of Gloucester and Bristol, though a very good man, has not the knowledge of the world, nor the reputation and general presence (which is of so great importance in a position of such very high rank, constantly called upon to perform all the highest functions in connection with the Sovereign and Royal Family)." [5]

[1] *Life of Disraeli*, Vol. II, p. 399; cf. *Letters of Queen Victoria*, 2nd Series, Vol. I, p. 534 (August 19, 1868).

[2] E. W. Hamilton's *Mr. Gladstone: A Monograph*, p. 98.

[3] *Life of Sir Henry Campbell-Bannerman*, Vol. II, p. 359.

[4] *Life of Disraeli*, Vol. II, pp. 401–7.

[5] Victoria to Disraeli (October 31, 1868); *Letters of Queen Victoria*, 2nd Series, Vol. I, pp. 547–8.

The Queen opposed Disraeli's nominee with great hostility, saying that " under no circumstances, however, could the Queen approve of the promotion of Dr. Ellicott." [1] Eventually, Dr. Tait was appointed. Again, in 1868 Disraeli proposed Christopher Wordsworth, the learned Canon of Westminster, for the See of London, but the Queen objected strongly, saying that he was lacking in experience and instead proposed Jackson. Finally, Disraeli gave in to the Queen.[2] King Edward VII and King George V, however, always approved the suggestions of their Prime Ministers. Lord Oxford said that he could not recall any occasion on which his recommendations in the ecclesiastical sphere had not been readily approved.[3]

Now let us turn to the opinions of the Prime Ministers in office regarding Church appointments. Mr. Gladstone's views have been greatly admired by both churchmen and laymen. He viewed Church appointments from a sense of duty, not from the hope of getting any personal reward.

" It has been my lot," he said to the Hon. Mrs. Goodhart in 1889, " to dispose of some 50 preferments in the Church; high preferments, I mean, such as bishoprics and deaneries. Not one of the men I have appointed has ever asked me for anything. That is a literal and absolute fact; and I do not know that anything could be more honourable to the Church of England as a body." [4]

This statement is confirmed by the fact that Mr. Gladstone's appointment of Bishop Fraser to Manchester was done without a great degree of personal knowledge.[5]

A retrospective examination of this power reveals that the necessity of exercising such a function seems to be of little advantage to the Prime Minister, but instead causes

[1] Victoria to Disraeli; *Letters of Queen Victoria*, 2nd Series, Vol. I, pp. 551–2.

[2] *Life of Disraeli*, Vol. II, p. 410.

[3] Lord Oxford's *Fifty Years of Parliament*, Vol. II, p. 216; *Edward VII*, Vol. II, pp. 52–3.

[4] *The Fortnightly Review*, 1902, p. 195; cf. *Life of Disraeli*, Vol. II, pp. 397–410.

[5] Morley's *Gladstone*, Vol. II, p. 432.

him considerable anxiety. Even Mr. Gladstone, who had an ample knowledge of Church affairs, was extremely worried when he had to consider appointments to high places in the Church, feeling that this task laid an unusual responsibility upon him.[1] Lord Salisbury was of the same sentiment. His daughter, Lady Gwendolen Cecil, described how

> "The making of Bishops was, indeed, the one of his public duties which cost him heavily in labour and anxiety. 'I declare they die to spite me,' he groaned, when vacancies were piling up through an unusually quick succession of deaths and resignations on the episcopal bench." [2]

(g) *Miscellaneous Functions.*—The Prime Minister's office may be likened to a court of appeal. When the holders of minor offices in the Ministry are overridden by the Cabinet, by the Treasury or by their departmental chiefs, they can appeal to the Prime Minister for a redress of their grievances. The latter, judging each case on its merits, may, at his own discretion, use his influence either to modify or to cause the abandonment of the question at issue. Lord George Hamilton, in his book *Parliamentary Reminiscences and Reflections*, tells a delightful story of how, in 1880, when he was Vice-President of the Committee of Council of Education, his estimates on education were seriously mutilated behind his back by the Chancellor of the Exchequer in conjunction with the Lord President. He failed to obtain any sympathy from the official immediately above him, and so appealed directly to the Prime Minister. As a result his estimates were maintained in their original form.[3] Again, in 1908 the Cabinet was determined to reduce the Naval Estimates by £1,340,000. Lord Fisher, the First Sea Lord, appealed to Harcourt, Lloyd George and McKenna, who had been appointed to carry out the Cabinet's resolution, but failed to convince them, and ultimately

[1] E. W. Hamilton's *Mr. Gladstone: A Monograph*, p. 90.
[2] Gwendolen Cecil's *Life of Lord Salisbury*, Vol. III, p. 194.
[3] Lord George Hamilton's *Parliamentary Reminiscences*, pp. 152–4.

he appealed to the Prime Minister. Lord Esher related the incident in his *Journals*:

"F[isher] asked Robertson [Secretary of the Admiralty], a great friend of the Prime Minister, to go and see him [Prime Minister], and to explain the situation, and, if necessary, to go through every vote showing how impossible it is to cut the Estimates any finer. C.-B. listened to all he had to say, and then sent for the Ch. of the Ex. He very shortly gave Asquith the gist of what Robertson had said, in Robertson's presence, and added: 'I have decided that the Naval Estimates are to stand. Haldane will take £300,000 off his instead. Nothing need be said at present to any other member of the Cabinet.' And there the matter rests. The Cabinet Committee are to pursue their labours. Meanwhile the Prime Minister seems to have settled the question, and to be ready to take the responsibility and to stand the shot." [1]

But the appeal to the Prime Minister is not necessarily successful, as he is guided solely by political conditions at the time. For instance, when Lord Fisher, the First Sea Lord, realized that he could not persuade the First Lord of the Admiralty to drop the scheme for operations in the Dardanelles, he took the very unusual step of submitting a memorandum (on January 28, 1915) on naval policy to the Premier direct, in the hope of reversing his chief's views. In it he set forth his objection to the proposal, stating it to be, in his consideration, contrary to British naval policy. But Asquith was in favour of the Dardanelles project and Lord Fisher's appeal to the Prime Minister was made in vain.[2]

Not only does the Prime Minister act as a court of appeal, he also plays the rôle of a mediator between Ministers when their official duties come into conflict. In this case he must induce them to come to an agreement. It is not uncommon for the Chancellor of the Exchequer to be in conflict with the head of a spending Department over Estimates, especially when the former is a person who has a ruling passion for public economy. Sir William Harcourt, who was Chancellor of the

[1] *Journals and Letters of Viscount Esher*, Vol. II, p. 283.
[2] *First Report of the Dardanelles Commission, 1917–1918*, Vol. X, pp. 52–5.

Exchequer in Gladstone's third Administration, frequently asked the Prime Minister to intervene when he was met by the strong opposition of the heads of the two chief spending Departments over Estimates.[1] The victory, in the case of such an appeal, does not always go to the Chancellor of the Exchequer. Thus, in 1884, Mr. Childers, the Chancellor of the Exchequer, tried to cut down the Estimates of the Local Government Board, but Sir Charles W. Dilke, who carried great weight in the Cabinet and in Parliament, resisted his attempts, and in the appeal made to the Prime Minister, Sir Charles Dilke came off victorious.[2] If, for any reason, a Prime Minister cannot exercise his influence on some such occasion or cannot decide some vitally important question, he can refer it to the Cabinet for decision. In 1912 Mr. McKenna, the Home Secretary, asked Mr. Haldane, the Secretary for War, to recall certain troops which had been sent to Chirk during the coal strike without his approval. Haldane refused to do this, and the matter was referred to the Prime Minister. Mr. Asquith said that: "The matter must go before the Cabinet." The Cabinet unanimously supported Mr. McKenna.[3] If a Minister is in a position of disagreement, or does not feel that he can accept the judgment of the Prime Minister, he can himself bring the question before the Cabinet. If he is persistent in pursuing his policy, refusing at the same time to bring the matter before the Cabinet although requested to do so by the Prime Minister or his colleagues, then he must be prepared to withdraw from the Government. The case of Lord Randolph Churchill, who refused to bring the Estimates of the two fighting services before the Cabinet and finally resigned from the Chancellorship of the Exchequer,[4] serves as an example.

The Prime Minister must also be prepared to arbitrate

[1] *Life of Sir William Harcourt*, Vol. I, pp. 569–73.
[2] *Life of Sir Charles W. Dilke*, Vol. II, p. 24.
[3] Lord Riddell's *More Pages from My Diary*, p. 175.
[4] Salisbury to Cranbrook, 1886, December 25. See *Earl of Cranbrook*, Vol. II, p. 268.

differences arising between members of the Cabinet and other high officials, regarding distribution of functions, etc. For instance, in 1905, Mr. Walter Long, the Chief Secretary for Ireland, and Lord Dudley, the Lord Lieutenant, differed over the question of the relationship of a Lord Lieutenant and of a Chief Secretary in the matter of Irish Government. They referred the question to Mr. Balfour, the Prime Minister, who decided the matter in favour of Walter Long.[1]

§ 6. *The Relationship between the Sovereign and the Prime Minister*

As the office of Prime Minister developed, it was inevitable that it should lead to a reduction of the independent power of the Sovereign, this power being instead gradually transferred to his Ministers. This coincided with another development—namely, that of a change in relationship. The responsibility for much of this can be credited to William Pitt the younger, who virtually put an end to George III's personal rule and established a somewhat more definite connection between Monarch and Minister. The latter was no longer a puppet moving only at the will of the Sovereign, but gradually emerged into the position of master of the situation. The strength and power of the Prime Minister were further promoted by the weakness of William IV, the unpopularity of Queen Victoria in the middle of the nineteenth century, and her later disinclination to come into the public eye after the death of Prince Albert. Furthermore, the extension of the franchise in 1867 and 1884 made the Prime Minister more dependent on the electorate and his party than on the pleasure of the Sovereign. The greater his dependence on these new powers became, the more independent he was able to be of the Sovereign, as then he felt that royal favour was not absolutely indispensable. Thus, the Sovereign's influence over his Minister was gradually reduced to a mere shadow of its former importance, and henceforth he was

[1] Sir Charles Alexander Petrie's *Walter Long and his Times*, pp. 86–7.

bound to act constitutionally upon the advice of his Minister. Although their relationship is not determined by law, there are certain constitutional precedents which they are compelled to follow. They are, moreover, under the constant observation of both parties, who are anxious to see that they execute their respective duties. If one of the parties fails to observe these unwritten rules, protest will be immediately lodged by the other for its observation. These constitutional precedents may, however, be changed when circumstances make it desirable for a new system to be adopted. From the constitutional point of view, their relationships may be classified under two heads: (1) the Prime Minister's duty towards the Sovereign, and (2) the attitude of the Sovereign towards his Prime Minister.

(a) *The Prime Minister's Duty towards the Sovereign.*— The conduct of a Prime Minister towards the Sovereign varies according to the conception and temperament of the Minister. Perhaps Gladstone made a mistake in treating the Queen, not as a woman, but as an institution, thereby creating misunderstanding and distrust between them which might otherwise have been avoided. But Gladstone did not understand a woman's nature. It is reported that Queen Victoria once said: "He speaks to me as if I were a public meeting." Although he was extremely reverent to the Queen, he habitually ignored the Queen's incessant protests against his political actions, both executive and legislative, and on his advice she had often to sanction measures of which she disapproved. On the other hand, the Conservative Prime Ministers, such as Lord Beaconsfield and Lord Salisbury, maintained better relationships with the Queen, although they sometimes differed with her on various questions. In these events they generally tried to yield to the wishes of the Crown, as far as this was constitutionally possible.

A Prime Minister has various duties towards the Sovereign. He must, for example, inform the Sovereign about the political situation of the day and the policies of the Government, either by letters or else in conversation with the Monarch. Again, as constitutional authorities have

stated, the Prime Minister is the medium of intercourse between the Cabinet and the Sovereign. In other words, he acts as an agent for the Cabinet. He informs and explains to the Sovereign the decisions the Cabinet has arrived at, and in his turn communicates the Sovereign's opinion to the Cabinet regarding particular questions in order that it may be discussed. Formerly the Prime Minister usually wrote down the decisions reached by the Cabinet in the form of a letter after each Cabinet meeting. This task, however, is no longer necessary since the introduction of a Cabinet secretariat. In discharging his duties the Prime Minister used to take notes at meetings, from which he afterwards wrote out his report of the Cabinet's proceedings. In case of illness, he could excuse himself from writing such a report.[1] The task of writing these reports could also be undertaken by other Ministers, and when, owing to sickness or other cause, the Prime Minister was absent, a leading Minister would write the report at his request. Lord Granville occasionally wrote Cabinet reports to the Queen at Mr. Gladstone's request.[2] Both the *Life of Disraeli* and that of *Lord Oxford and Asquith* also show that leading Cabinet Ministers were in the habit of writing Cabinet reports on behalf of the Prime Minister.[3] Lord Granville held the view " that when a Cabinet is held without the Prime Minister, after the subject discussed is exclusively foreign affairs, it would be for the Foreign Secretary to state the result to the Queen." [4]

[1] In a letter to the Queen, Mr. Gladstone wrote: " Mr. Gladstone, having unhappily been confined to bed by a tightness of the chest . . . was unable to make any report on Monday of the proceedings of the Cabinet; in which, however, there appears to have been nothing requiring at the moment special notice from your Majesty." See *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 303 (January 21, 1874).

[2] See Lord Granville's letter to Queen Victoria (July 26, 1873); Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. I, p. 415.

[3] *Life of Disraeli*, Vol. II, pp. 1070, 1319; *Life of Lord Oxford and Asquith*, Vol. II, pp. 82, 83; Lord Crewe to the King (August 2 and 3, 1914).

[4] *Letters of Queen Victoria*, 2nd Series, Vol. I, 153: Granville to Sir Charles Phipps (January 14, 1864).

Moreover, the task of writing such a letter is not as easy as it might at first appear. An unsatisfactory Cabinet report would sometimes bring complaints from the Sovereign of its inadequacy of account. For instance, Queen Victoria complained of the Cabinet report on Irish affairs written by Mr. Gladstone in 1880. Her telegram dated November 18, 1880, says that:

"Your letter just received does not give me as much information as I could wish. As I am most anxious about the state of affairs, trust you will write me fuller details to-morrow." [1]

Mr. Gladstone pleaded that "the cause was peculiar, and there were no facts to report." [2] A report of Sir Henry Campbell-Bannerman's was also complained of by the King for the inadequacy of its information. The King, after he had received the Cabinet report on March 12, 1907, wrote to his private secretary with a view to obtaining the latter's opinion, and finally answered the report as: "I should have hardly thought it worth the Prime Minister's while to send enclosed account of Cabinet Council, which gives no information at all." [3] Like Queen Victoria, King Edward VII frankly rebuked a writer for any undue brevity. As Sir Sidney Lee, his biographer, tells us, "he desired that as of old, the length should run to four sides of a quarto sheet." [4] These confidential letters are preserved in the royal archives.[5]

It is true that what the Sovereign is afraid of is that questions discussed in the Cabinet may not always be fully recorded in the report forwarded to him. Gladstone in his letter to Granville said that:

"I wrote to the Queen in the ordinary way of reporting all important Cabinet proceedings. It did not occur to me to mention your reference respecting the wearing of a Foreign Order: or I,

[1] Victoria to Gladstone (November 18, 1880); *The Queen and Mr. Gladstone*, Vol. II, p. 121.

[2] *Ibid.*, Vol. II, p. 122.

[3] Sir Sidney Lee's *King Edward VII*, Vol. II, p. 467.

[4] *Ibid.*

[5] *Encyclopædia Britannica* (14th edition), Vol. 4, p. 500.

probably, ought to have done it and will do, if you think it desirable." [1]

Gladstone took a serious view of the Prime Minister's duty to communicate with the Sovereign. He says that:

"He [the Prime Minister] is bound, in these reports and audiences, not to counter-work the Cabinet; not to divide it; not to undermine the position of any of his colleagues in the royal favour. If he departs in any degree from strict adherence to these rules, and uses his great opportunities to increase his own influence, or pursue aims not shared by his colleagues, then, unless he is prepared to advise their dismissal, he not only departs from rule, but commits an act of treachery and baseness. As the Cabinet stands between the Sovereign and the Parliament and is bound to be loyal to both, so he stands between his colleagues and the Sovereign, and is bound to be loyal to both." [2]

He regarded the Prime Minister's communications to the Sovereign as representing the wishes and decisions of the whole Cabinet. For this reason he never mentioned the individual opinions of Cabinet Ministers in his reports, and denied that the Sovereign had the right to know what these opinions were. In his *Gleanings* he says that:

"The Sovereign is to know no more of any differing views of different Ministers than they are to know of any collateral representation of the monarchical office; they were an unity before the Sovereign, and the Sovereign is an unity before them." [3]

He also maintained that the Queen should not be told of dissensions in the Cabinet; that the Cabinet existed for the purpose of differing, and that the Queen was only concerned with the results which were presented to her by, or in the name of, the Cabinet as a whole.[4] On the other hand, this view was not always shared by other Prime Ministers. The Queen pointed out that most Prime Ministers gave her full information of Cabinet happenings, and that Lord Melbourne, Sir Robert Peel, Lord John

[1] *Granville Papers.* Gladstone to Granville (May 27, 1872).
[2] Gladstone's *Gleanings*, Vol. I, Section 48, p. 243.
[3] *Ibid.*, Vol. I, Section 74, p. 242.
[4] *Life of Dilke*, Vol. I, pp. 346–7.

Russell and Lord Beaconsfield always gave her an insight into the opinions of the different Ministers.[1] Of them all, Disraeli was notorious in the abundance of information which he communicated to the Queen.[2] Lord Salisbury was no exception. His daughter, Lady Gwendolen Cecil, believed that he used to tell the Queen about "everything."[3] However, it is commonly admitted by constitutional writers that it is the duty of the Prime Minister to lay the collective opinion of his colleagues before the Sovereign. On the other hand, the Sovereign has no right to inquire into additional minor points of proceedings or to demand a Cabinet report disclosing the lines of division in the Cabinet.[4]

Another duty of the Prime Minister was to report upon the proceedings of Parliament. A Premier who was a Peer only reported proceedings in the Lords,[5] while a Prime Minister sitting in the Commons reported proceedings there.[6] This custom was established during the reign of George III. During his time there were no reports on parliamentary proceedings in the newspapers, and King George III commanded Lord North to dispatch a report to him every night.[7] Being private and confidential in character, it was thought that the letter to the Sovereign should not be written other than by the hand of the leader of either House.[8] Further, this duty could only be dispensed with by the special favour of the Sovereign. Mr. Disraeli, being a royal favourite, was allowed to delegate his duty, as leader of the Commons, of writing letters to others.[9] Mr. Gladstone, in his later

[1] General Ponsonby to Mr. Gladstone (May 8, 1895), Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 352.

[2] *Life of Disraeli*, Vol. II, p. 1326.

[3] *Life of Salisbury*, Vol. III, p. 182; cf. Salisbury to Victoria (January 15, 1886), *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 9.

[4] *Encyclopædia Britannica* (11th edition), Vol. 4, p. 919; *Green' Encyclopædia of the Law of Scotland* (1909 edition), Vol. II.

[5] Cecil's *Life of Lord Salisbury*, Vol. III, p. 192.

[6] *Private Diaries of Sir Algernon West*, p. 133.

[7] Sir Henry Lucy's *A Diary of the Salisbury Parliament*, pp. 196, 484.

[8] *Ibid.*, p. 483.

[9] *Life of Disraeli*, Vol. II, p. 1339.

years, was permitted by the Queen to entrust the duty of writing reports on parliamentary proceedings to Sir William Harcourt, then Chancellor of the Exchequer.[1] But Mr. Gladstone's paper reveals that he still occasionally wrote such reports himself.[2] Again, in 1900 Lord Salisbury's task of writing parliamentary reports was taken over by Lord Halsbury, the Lord Chancellor, at the request of Queen Victoria, on account of the former's great age.[3] These letters could be written when the Prime Minister pleased. Gladstone used to commence his letter during the process of debate while still sitting on the Treasury bench.[4] Mr. Disraeli, however, never made up reports during a debate. The duty of reporting on the proceedings to the Sovereign was by no means light. Viscount Gladstone pointed out that in Gladstone's paper, containing no less than 1210 letters, all are marked "House of Commons," and that from these letters 543 reports were written out during the second tenure of his Premiership in 1880–5.[5] This practice was definitely changed when King Edward VII ascended the throne, as he allowed the leader of the House of Commons to charge the Home Secretary with the duty, and this alteration was observed throughout the reign. Contrary to the practice of Queen Victoria, he did not insist on the report being dispatched the same evening.[6] Finally, King George V allowed the custom to lapse on the reasonable grounds that the Home Secretary's notes were superseded by daily press reports.[7] In addition, if a Prime Minister took on another executive office, it

[1] Gladstone to Ponsonby (January 17, 1893), Ponsonby to Gladstone (January 18, 1893), Gladstone to Ponsonby (January 19, 1893). See *The Queen and Mr. Gladstone*, Vol. II, pp. 458–9. Victoria to Harcourt (February 26, 1893), *Harcourt*, Vol. II, p. 234; Victoria to Harcourt (March 29, 1893), *Harcourt*, Vol. II, p. 237.

[2] *The Queen and Mr. Gladstone*, Vol. II, pp. 468–9, 472–4.

[3] Mr. Balfour to Lord Halsbury (February 5, 1900); see Wilson Fox's *Earl of Halsbury*, p. 166.

[4] Lucy's *A Diary of the Salisbury Parliament*, p. 484.

[5] Viscount Gladstone's *After Thirty Years*, p. 352.

[6] Sidney Lee's *King Edward VII*, Vol. II, p. 47.

[7] *Ibid.*

was his duty to inform the Sovereign of his departmental business. On two occasions Lord Salisbury took over the seals of the Foreign Office in addition to the Premiership, and it was usual for him to write reports to the Sovereign after interviewing important foreign ambassadors.[1]

These letters or reports by no means always satisfied the Sovereign and further details or explanations were sometimes demanded. In such a case it was the task of the Prime Minister to answer his demands immediately. Viscount Gladstone told us that Gladstone answered the Queen's letters without delay, even though the pressure of public business or the state of his physical health made this difficult.[2] Moreover, it was his practice to write a long and intricate letter or memorandum in reply. Once he wrote an explanatory letter in support of the draft of the Irish Bill,[3] covering a dozen closely-written quarto pages. But Disraeli adopted a different attitude when asked by the Queen for further explanation or details, and answered her in a most concise and amusing way.[4]

A Prime Minister is bound to inform the Sovereign of all important executive or legislative measures before any course of action has definitely been decided on by the Cabinet.[5] In 1869 Queen Victoria told Mr. Gladstone that "she would wish no important measures to be decided on without being duly submitted to her."[6] Her Prime Minister dutifully promised that,

"With respect to the preparation of legislative measures in general, Mr. Gladstone has made it his practice, when he reports the proceedings at successive Cabinets, to name specially to Your Majesty the course proposed to be pursued in respect to any and all measures of which so far as he can judge Your Majesty would

[1] Cecil's *Life of Lord Salisbury*, Vol. III, p. 192.
[2] Viscount Gladstone's *After Thirty Years*, p. 353.
[3] Sir Theodore Martin's *Queen Victoria as I Knew Her*, p. 51.
[4] Hardie's *Political Influence of Queen Victoria*, pp. 43–4.
[5] Cf. Bagehot's *The English Constitution*, p. 67; Todd's *Parliamentary Government in England* (Walpole edition), Vol. II, p. 14.
[6] Victoria to Gladstone (December 13, 1869); Guedalla's *The Queen and Mr. Gladstone*, Vol. I, p. 212.

desire to take special cognizance, in the hope that Your Majesty should thus be enabled in a convenient manner to notice it. Should Mr. Gladstone fall into any error of omission or otherwise in this respect, he will be thankful for Your Majesty's correction." [1]

In 1873 he repeated his promise to the Queen.[2] Being a royal favourite, Disraeli adhered to her wish even more faithfully than Gladstone, and, as a rule, informed the Queen and sought her opinion before decisions were arrived at in Cabinet.[3] If the Prime Minister disregarded this practice, as Sir Henry Campbell-Bannerman did owing to ill-health, this would, in the opinion of Lord Esher, weaken the authority of the Crown and lower the standard of safety in foreign and home affairs, as the Sovereign could not veto the decisions finally come to by the Cabinet without effecting a change in the Ministry.[4] In fact, however, no such serious results would occur. Nearly all Prime Ministers are experienced statesmen, and when they act, they consider their action thoroughly. Moreover, other Prime Ministers besides Campbell-Bannerman sometimes neglected this obligation. In December 1899 Queen Victoria complained of her treatment by her Ministers, as she had never been consulted about the sending of the telegram ordering Buller to relieve Ladysmith. Mr. Balfour defended the Queen's advisers, saying that they must be permitted to issue important military orders without her previous sanction.[5]

Queen Victoria even held that her Prime Minister should submit the terms of a public speech to her before delivery if it involved a question of policy.[6] Lord Rosebery, then Prime Minister, accepted reluctantly this view, and said that " it is necessary for a Minister, before

[1] Gladstone to Victoria (December 14, 1869); Guedalla's *The Queen ond Mr. Gladstone*, Vol. I, p. 212.

[2] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 241.

[3] *Life of Disraeli*, Vol. II, p. 1326.

[4] *Journals and Letters of Viscount Esher*, Vol. II, p. 266; Lee's *King Edward VII*, Vol. II, p. 501.

[5] *Arthur James Balfour*, Vol. I, p. 298.

[6] *Letters of Queen Victoria*, 3rd Series, Vol. II, pp. 437–8, 439–41, 449–50.

laying a question of policy before a popular audience, to receive the approval of the Crown." [1] It seems that King Edward VII for a time shared his mother's view on this point. For instance, in 1903 he was annoyed at Mr. Balfour's speech of March 4 surveying the position of the two parties in the State, condemning Lord Rosebery's endeavour to form a middle party and concluding with a review of the Imperial situation, because he had not been informed of the Prime Minister's intention beforehand. He thus wrote to him (March 7) saying that:

"The King takes such a deep interest in the welfare of this country and especially in all matters connected with its defence, that he was naturally much surprised, and he might even say pained, to have received no information on the subject." [2]

The Sovereign is not only entitled to receive information, he might also call on the Prime Minister to answer a number of questions after a Cabinet discussion before coming to a final decision. In 1913, amidst the political crisis over the Home Rule Bill, the King, in order to ascertain the attitude of his Ministers, put a number of questions before the Prime Minister, who promised to send him, "before the Cabinet" on October 15, a full statement of the advice the Government proposed to give the King, so that the King may criticize it and ask any further information." [3]

(b) *The Attitude of the Sovereign and his Duties towards the Prime Minister.*—Let us now proceed to examine the Sovereign's attitude and duties towards his Prime Minister. Any exchange of views between the Sovereign and his Prime Minister is usually done by letter. Queen Victoria was prolific as a letter-writer, and numerous letters between her and her Ministers were published. The letters of King Edward assumed modest dimensions in comparison with those of his industrious mother.

[1] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 440 : Rosebery to Victoria (November 1, 1894).

[2] Sidney Lee's *King Edward VII*, Vol. II, p. 50.

[3] *Journals and Letters of Viscount Esher*, Vol. III, p. 132.

There is, however, a fundamental difference in the position of these two monarchs. Unlike his mother, King Edward VII lived almost entirely in London, and thus was more accessible to his Ministers. Much important State business was settled in conversation, lasting only a few minutes, between him and his Prime Ministers. Moreover, the telegram and the telephone were at his disposal. As Sir Sidney Lee wisely pointed out, " by all these means King Edward from the outset of his reign came into far closer touch with current affairs than any previous monarch." [1] A sovereign also has his private secretary at his command, and can direct him either to write or see the Prime Minister on his behalf. Both in the *Letters of Queen Victoria* and in Sir Sidney Lee's *King Edward VII* many examples are afforded showing that the influence of the intermediary was extraordinary. It is reported that Lord Salisbury used to say " when Sir Henry Ponsonby or Sir A. Bigge came to see him from Queen Victoria, ' I wonder how much of this is from the Queen and how much from Ponsonby or Bigge ? ' " [2] Another way of communicating a royal wish, and one which has proved to be extremely useful, is for the private secretary of the Sovereign to write in an informal manner to the private secretary of the Prime Minister stating matters which it would be impossible for either the Sovereign or his private secretary to write about to the Prime Minister direct. Such means are extensively used. Sir Sidney Lee states that later in the reign there was a vast amount of correspondence between the King's private secretary, Lord Knollys, and the Prime Minister's private secretary, Sandars, who was in very confidential relationship with his chief, Mr. Balfour.[3] The private secretary in this case used to conduct important negotiations with the Prime Minister on behalf of the Sovereign. As previously pointed out, the Prime Minister always answers the Sovereign's letters promptly, and the Sovereign likewise will not make any undue delay in replying to the Prime Minister's letters. It appears that,

[1] *King Edward VII*, Vol. II, p. 49. [2] *Ibid.* [3] *Ibid.*

as a general rule, the Sovereign replies to the Prime Minister's letters, but this may not always be so. For instance, in 1880 Queen Victoria, in writing to Lord Granville, mentioned that she did not intend to answer Mr. Gladstone's letter, on account of her different conception of the Eastern Question.[1]

Moreover, the Sovereign can command that the royal letter in question should be brought before the Cabinet for discussion. The Prime Minister may either read the letter at the commencement of the Cabinet meeting, or else circulate it among his colleagues. Mr. Gladstone often read the Queen's letters in Cabinet meetings,[2] but occasionally sent them round for the consideration of his colleagues.[3] Lord Beaconsfield also read her letters in the Cabinet. Lord Beaconsfield's letter to Queen Victoria, dated January 12, 1878, says that " Lord Beaconsfield ought to have told your Majesty that the proceedings commenced by his reading your Majesty's letter." [4]

It may happen that the Sovereign asks the Prime Minister to summon a second Cabinet meeting in order that it may reconsider its original decision and take into account his views.[5]

If the Sovereign has any cause for complaint regarding the acts of, or the language used by, a particular Minister, he can address his complaints to the Prime Minister asking him to adopt some measure of prevention. In 1884 Queen Victoria complained to Mr. Gladstone that Chamberlain's speeches were directly attacking the House of Lords,[6] and even asked him to expel Mr. Chamberlain

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 122 : Queen Victoria to Lord Granville (July 27, 1880).

[2] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, pp. 126, 329, 479.

[3] Gladstone to Victoria (November 24, 1880). See *The Queen and Mr. Gladstone*, Vol. II, p. 125.

[4] *Life of Disraeli*, Vol. II, p. 1091.

[5] Victoria to Salisbury (June 20, 1896), *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 54.

[6] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, pp. 290–307 ; *Letters of Queen Victoria*, 2nd Series, Vol. II, pp. 522–4, 554, 558 ; Garvin's *Life of Chamberlain*, Vol. I, pp. 469–75.

from the Cabinet.[1] Mr. Gladstone intervened, although, as he told the Queen, he had no general jurisdiction over speeches made by his colleagues and no right to prescribe their tone and colour.[2] On January 7, 1906, King Edward VII called the Prime Minister's attention to the election address of Mr. John Burns, a Cabinet Minister, in which he had declared himself in favour of the abolition of the House of Lords.[3] In the same year the King protested to his Prime Minister, Sir Henry Campbell-Bannerman, respecting some speeches of Mr. Lloyd George, in which he had vigorously attacked the House of Lords.[4]

As a rule, Ministers had to stand up during their audiences with the Queen, but as a special favour the Prime Minister was sometimes allowed to sit down. Thus, Queen Victoria invited Lord Beaconsfield to sit down when he had an audience,[5] and in her later years she invariably asked Mr. Gladstone and Lord Salisbury to be seated.[6]

§ 7. *The Relationship of the Prime Minister and his Colleagues*

It has been suggested that a Prime Minister must possess those qualifications necessary for dealing tactfully with the Sovereign, his Cabinet colleagues and the people.[7] Most difficult of all, perhaps, is the maintaining of friendly relations with his fellow-Ministers, although it is essential that he should do so. If we could imagine an ideal Cabinet, it would be one composed of an able Prime Minister and subordinate Ministers possessing wide experience, great ability and an underlying sense

[1] *Life of Chamberlain*, Vol. I, pp. 473, 474; *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 548.

[2] *Ibid.*, p. 526.

[3] Sidney Lee's *King Edward VII*, Vol. II, pp. 448–9.

[4] *Ibid.*, Vol. II, pp. 455–7.

[5] *Life of Disraeli*, Vol. II., p. 1339.

[6] Lytton Strachey's *Queen Victoria*, p. 250; Morley's *Gladstone*, Vol. III, pp. 347, 514.

[7] *Private Diaries of Sir Algernon West*, p. 201.

of loyalty to their chief. Such a degree of perfection could only be achieved so long as the Prime Minister thoroughly understood the temperament and characters of his colleagues. Undoubtedly, loyal Ministers are invaluable to the Premier.

When Lord Clarendon died in 1870, Mr. Gladstone entered the following words in his diary: " . . . an irreparable colleague, a statesman of many gifts, a most lovable and genial man." [1] Morley also said that: " . . . elsewhere he [Gladstone] commemorates his 'unswerving loyalty, his genial temper, his kindness overflowing in acts yet more than in words, his liberal and indulgent appreciation of others.'" In 1893, as Sir Algernon West's diary indicates, Gladstone still thought highly of Lord Clarendon's charms.[2] Lord Granville was also a favourite of Gladstone's, and when he died West's diary records that Gladstone " deplored the loss of Lord Granville, spoke of his unselfishness, knowledge of men, etc." [3] Likewise, Mr. Asquith's keen appreciation of Mr. Birrell's character and praiseworthy qualities was deep and sincere. In 1916, when Mr. Birrell was forced to resign the Irish Secretaryship, he records his interview with his chief, stating that " I don't remember what he said, but I know he wept and stood staring out of the window jingling some half-crowns in his pocket." [4]

On the other hand, a Prime Minister does not always find that his colleagues are submissive, but that they are both strong-minded and difficult to deal with. Mr. Gladstone experienced this. Even so able a man as he was repeatedly said that Rosebery, Harcourt and John Morley were very queer people to manage.[5] He explained Rosebery's peculiarities by his egotism. The

[1] Morley's *Gladstone*, Vol. II, p. 417.

[2] *Private Diaries of Sir Algernon West*, p. 222.

[3] *Ibid.*, p. 213.

[4] *Life of Lord Oxford and Asquith*, Vol. II, p. 214. Cf. " We saw, that in the case of Mr. Birrell after the Irish Rebellion, when he made such a touching apologia that he brought tears to Mr. Asquith's eyes. . . ." *Fortnightly Review*, 1917, Jan.–June.

[5] *Private Diaries of Sir Algernon West*, p. 213.

two statesmen differed in many respects; for instance, on the questions of Uganda and Egypt and the method of the Prime Minister's control over foreign affairs. Harcourt's temper was violent, and undoubtedly he often quarrelled with his chief at meetings. Of Morley's conduct we have little information, but he was said to be sensitive and susceptible. When a powerful Prime Minister comes up against a strong Minister in the Cabinet, and they both persist in adhering to their own policies, a perpetual under-current of discord and disunion is bound to result, and one of them is eventually forced to leave the Cabinet. The resignation of Joseph Chamberlain from Gladstone's third Cabinet was due to a clash of personalities. A retrospective examination of this event, made by Mr. Chamberlain, Lord Rosebery and Mr. Morley, is recorded in Morley's *Recollections*:

"Rosebery and Chamberlain were discussing the disruption of the Cabinet in 1886, and beckoned me to join them. Chamberlain said that when he went into the Cabinet on the morning of March 26 he had no notion of breaking away, but that Mr. Gladstone, on the contrary, had gone into it that morning with his mind made up to drive him out. Rosebery shared Chamberlain's impression. They wished to know mine. I said mine was much the same." [1]

A Prime Minister does not, however, always succeed in driving a strong Minister out of the Cabinet. Indeed, a serious clash of opinions may easily lead to his own downfall. In 1916, when Asquith and Lloyd George violently disagreed with one another, the former, who was Prime Minister, was forced to resign.[2]

But in the event of such a dissension arising between a weak Prime Minister and a strong member of the Cabinet, the result would be very different, as the Prime Minister would have to listen readily to his colleague's opinions, and moreover the latter would tend to dominate discussions. For instance, in Salisbury's Cabinet both Lord Randolph Churchill and Chamberlain held dominant

[1] Morley's *Recollections*, Vol. I, p. 296.
[2] *Life of Lord Oxford and Asquith*, Vol. II, pp. 245–78.

positions at different times, and Salisbury's influence was reduced to a minimum. When Lord Randolph Churchill was in the Cabinet, Lord Salisbury told a friend that:

"As for that, I could do very well with two Departments; in fact, I have four—the Prime Ministership, the Foreign Office, the Queen, and Randolph Churchill—and the burden of them increases in that order." [1]

Salisbury's position and action in the Cabinet were indeed rather anomalous. When his colleague, Lord Cranbrook, pointed out to him that he had too much self-renunciation for a Prime Minister he at once replied:

"What you call my 'self-renunciation' is merely an effort to deal with an abnormal, and very difficult, state of things. It arises from the peculiarities of Churchill." [2]

Joseph Chamberlain's influence in Salisbury's last Cabinet was also great. Garvin describes how "at home he is in effect a co-premier in what the German Emperor called a 'two-headed administration.'" [3]

When a Prime Minister chooses his Cabinet colleagues, he naturally expects their loyalty and confidence. In return, he must help his colleagues, if possible, to escape any Parliamentary, Cabinet, departmental or other troubles. Gladstone was the essence of loyalty, magnanimity and even chivalry. His defence of Chamberlain and Dilke against the Queen's attack was gallant, to say the least. Mr. Asquith's attitude towards his colleagues was highly esteemed by Lord Grey in his book *Twenty-five Years*:

"Asquith took no trouble to secure his own position or to add to his personal reputation. When things were going well with his Government he would be careful to see that any colleague got

[1] *Lord Salisbury*, Vol. III, p. 180. Cf. *Life of Carnarvon*, Vol. III, p. 232: "Randolph is already a rival that can compel and thwart, or drive, or hold back. At any moment he can force Salisbury's hand in the House of Commons; and in Cabinet making a very strong part. . . . The battle seems now to be raging."

[2] *Earl of Cranbrook*, Vol. II, p. 204.

[3] Garvin's *Chamberlain*, Vol. III, p. 203.

credit, if he were entitled to it, without regard to whether any credit would be given to or left for himself. On the other hand, if things were going badly he was ready to stand in front and accept all responsibility; a colleague who got into trouble was sure that the Prime Minister would stand by him." [1]

The most notable case was that of the Marconi scandal, when he bravely defended his colleagues against attack. Lord Grey mentioned that Sir Henry Campbell-Bannerman also possessed these generous characteristics.[2]

It is a difficult task for a Prime Minister both to manage his colleagues effectively and to satisfy their demands. A Cabinet Minister often threatens resignation if his chief refuses to accept his proposal or demand, knowing that a Prime Minister is always anxious to preserve the integrity of his Cabinet. So far as he can, he usually tries to accept the opinion of the colleague in question, or else to make a compromise by agreeing to certain conditions.[3]

How far it is within the power of a Prime Minister to

[1] Lord Grey's *Twenty-Five Years, 1892–1916*, Vol. II, p. 241.

[2] *Ibid.*, Vol. I, p. 66.

[3] In January 1885 Lord Hartington, Lord Northbrook and Mr. Childers succeeded in forcing Mr. Gladstone, by using the threat of resignation, to decline the setting up of an International Commission of Inquiry, proposed by France, into Egyptian finance. Lord Hartington in his letter to the Prime Minister says: "I am very grateful to you and to the majority of the Cabinet for the concession which you have made to the strong opinions held by Northbrook and myself on the subject of the inadmissibility of the Commission d'Enquete during our occupation of Egypt, which admits for a time at least of our united action in this most difficult matter" (see Bernard Holland's *Life of the Duke of Devonshire*, Vol. II, p. 5). Again, in 1913, when the Government proposed to drop the Welsh Church Bill, Mr. McKenna, then a member of the Cabinet, went to the Prime Minister and threatened to resign if that course was taken (see Lord Riddell's *More Pages from my Diary, 1908–14*, pp. 176–7). Although we do not know the result of the meeting between Mr. Asquith and Mr. McKenna, the latter evidently succeeded in putting forward his views, as the Welsh Church Bill was carried through. During the time of the Coalition Government Mr. Asquith's colleagues frequently threatened to withdraw their support. The *Life of Lord Oxford and Asquith* (Vol. II, p. 198) tells us that "Mr. Bonar Law was every day saying or writing to Asquith that he too would resign unless the decision were taken at once to evacuate Gallipoli."

regulate the action and the speeches of Ministers is not a matter defined by law. Nevertheless, there have been many occasions upon which a Premier has interfered. "For instance," wrote Mr. Gladstone, "cases which affect duty to the Crown, or cases where a Minister undertakes to commit his colleagues." [1] To a certain extent, Mr. Balfour adopted Gladstone's attitude towards his colleagues, declaring that a Prime Minister was responsible for the common action of his Cabinet, but not for the expression of individual opinion.[2] Generally, a Cabinet Minister's right to freedom of speech is recognised in this country. With regard to domestic policy, however, Mr. Gladstone expected his colleagues to observe two points:

"The first is that though speech cannot universally be confined by a Minister within the limits of action to which he has conformed, yet that declarations, tending to place him markedly in advance or in arrear of his colleagues on subject of high politics, or otherwise delicate, should be made as rarely and reservedly, and, if I may say so, as reluctantly as possible. . . . My second point is that, as Ministers, we are bound to recognize the balanced character of the system under which we live and of which we are the official defenders . . . all that belongs to the person and family of the Sovereign are specially in our charge and are to be watched over by us with careful and even jealous respect." [3]

A Minister's speech on foreign affairs has, however, entirely different effects from one on home policy. The gravity of such a speech may be illustrated by the following example. Mr. Lloyd George's Speech at the Mansion House on the Agadir Crisis in 1911 produced a profound effect on Anglo-German relations. The Emperor of Germany described it "as provocative, encouraging France to resist him, and dangerous to the peace of Europe," [4] and instructed his Ambassador in London

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 527: Gladstone to Victoria.

[2] *Parliamentary Debates*, June 9 and 10, 1903.

[3] Garvin's *Chamberlain*, Vol. I, p. 397; cf. Morley's *Gladstone*, Vol. III, p. 113.

[4] *British Documents*, Vol. VII, p. 462, note by John French.

to make a representation about the speech to the British Foreign Office.[1] Similarly in November 1901, Mr. Chamberlain, the Colonial Secretary, delivered a speech at Edinburgh in reply to German Press criticism of the cruel conduct of the British Army in South Africa towards the Boers. He stated that the German Army committed even worse outrages in France in 1870. The speech evoked a violent outburst in Germany, and the matter was discussed and debated both in the Reichstag and in the Press, and consequently an unpleasant relationship between the two countries was created.[2] However, since that time there has been a growing tendency for a Cabinet Minister, whether or not he is the Foreign Secretary, to submit the text of any speech he is giving on important foreign affairs to the Prime Minister for his consideration. But even in 1872 Lord Granville, the Foreign Secretary, submitted the notes of his speech to Mr. Gladstone before delivering it at the Guildhall. Mr. Gladstone's letter (dated November 8, 1872) says: "I have just received your note on the speech of tomorrow. There could not I think be a better outline and I have nothing to add or criticize."[3] Again, on January 15, 1896, Mr. Balfour delivered a speech at Manchester on the South African Crisis. The notes of Mr. Balfour's speech were submitted to the Prime Minister for approval. "They," as told by Lord Balfour's niece, Blanche E. C. Dugdale, "are annotated 'approved by Lord Salisbury, January 11.'"[4] The gist of Mr. Lloyd George's speech, which has been mentioned above, at the Bankers' Association on April 17, 1911, on the occasion of the Agadir crisis, the construction of which is recorded in Mr. Lloyd George's *War Memoirs*, was submitted to the Prime Minister and the Foreign Secretary for their approval before delivery.[5]

[1] *Memoirs of Lloyd George*, Vol. I, p. 45.
[2] *British Documents*, Vol. I, pp. 263–9.
[3] *Granville Papers*, Vol. 61: Gladstone to Granville (November 8, 1872).
[4] *Daily Telegraph*, Friday, April 17, 1936.
[5] *War Memoirs of David Lloyd George*, Vol. I, pp. 43–4.

If a Prime Minister has any minor differences with his colleagues over political views, these differences are easily adjusted by mutual concession or compromise. In the event of any vital and essential disagreement between them, however, the Prime Minister can either ask for their resignations, or else request the Sovereign to relieve him of his duties on the grounds that internal difficulties make it impossible for him to continue to conduct His Majesty's Government. In 1916 Mr. Asquith was forced to resign the Premiership in consequence of his disagreement with Mr. Lloyd George and some of the Conservative Cabinet Ministers, who were in favour of Lloyd George's proposal to create a Cabinet Committee possessing the sole authority to conduct the war.

§ 8. *The Private Secretary of a Prime Minister*

After having referred to the office of the Prime Minister it is desirable to discuss further the position of the Prime Minister's private secretary, in order that light may be thrown on certain internal workings of the Government. A private secretary participates in a great number of the Prime Minister's duties, as it is he who deals with his daily business, both private and official. Undoubtedly the Prime Minister finds his private secretary indispensable, but one thing is of vital importance—the presence of complete mutual confidence between the two. This is absolutely necessary if their respective duties are to be transacted. Once Mr. Gladstone told his private secretary, Algernon West, that it was impossible for a Minister and his secretary adequately to perform any business unless there was between them the same degree of confidence which, in a happy domestic life, should exist between a man and his wife.[1] Disraeli emphasized in his work *Endymion* that:

"The relations between a minister and his secretary are, or at least should be, among the finest that can subsist between two individuals. Except the married state, there is none in which so

[1] *Recollections*, Vol. II, p. 27.

great a confidence is involved, in which more forbearance ought to be exercised, or more sympathy ought to exist. There is usually in the relations an identity of interest, and that of the highest kind; and the perpetual difficulties, the alternations of triumph and defeat, develop devotion. A youthful secretary will naturally feel some degree of enthusiasm for his chief, and a wise minister will never stint his regard for one in whose intelligence and honour he finds he can place confidence."

The duties of a Prime Minister's private secretary are, indeed, most arduous. He cannot be regarded in the same light as an ordinary clerical secretary, as he also plays a part behind the scenes. To state this more explicitly, it might be said that he acts as a kind of informal adviser to the Prime Minister. Of course, the extent to which he exercises any influence depends upon his ability, as well as circumstances at the time. For instance, Algernon West was in a particularly advantageous position, as he enjoyed the full confidence of Mr. Gladstone, and the influential part that he played, both in his work with Mr. Gladstone and in Liberal Cabinets, cannot be calculated. Mr. Gladstone usually consulted him over matters of important state business, as well as over the construction and reconstruction of the Cabinet,[1] and Lord Ripon went so far as to call him deputy Prime Minister. The capacity in which a private secretary is most active, however, is the conducting of negotiations informally on behalf of the Cabinet or the Prime Minister. In Sir Algernon's *Private Diaries* we get a glimpse of his activities in negotiating on behalf of the Prime Minister with many statesmen and ex-Ministers regarding the construction of Gladstone's last Cabinet.[2] He also communicated with Ponsonby, the Queen's private secretary, and other Cabinet Ministers in order to settle many important affairs for his master.[3]

In the *Life of Disraeli* a delightful story of the more picturesque side of Disraeli's private secretary's activity

[1] Sir Algernon West's *Recollections, 1832–86*, Vol. II, p. 261.

[2] *Private Diaries of Sir Algernon West*, pp. 38, 40–57.

[3] *Ibid.*, pp. 73, 95, 127, 147, 149, 156, 167, 168, 170, 171, 176, 190, 207, 220, 225, 239, 285.

is recorded. Montagu Corry, whose relationship with Disraeli exceeded that of a mere master and his secretary, the two developing a lifelong affection for each other, conducted negotiations with Baron Lionel de Rothschild on behalf of the Cabinet and his chief concerning an advance of four million pounds for the purchase of Suez Canal shares.[1] Again, John S. Sandars, private secretary to Mr. Balfour, enjoyed the latter's absolute confidence. He not only negotiated direct with Knollys, but also used to represent the Prime Minister in interviews with the King.[2] Once he interviewed the King in order to ask him whether he would consent to the contents of the Speech from the Throne being communicated to the Press the day before it was delivered.[3]

The regular work of a Prime Minister's private secretary is to communicate intelligence to the Prime Minister, to open and write letters for him and, providing he has the confidence of his master, to deal with all his papers in his absence.[4] Before the creation of a Cabinet Secretariat, it was also his duty to summon Cabinet meetings when ordered to do so by his master, his other more important duties being in connection with ecclesiastical and academic patronage, Civil List pensions and Royal Bounty awards.[5] During Gladstone's last Ministry, the private secretary temporarily undertook a further duty. In 1892 the Cabinet decided to send an account of its proceedings to the Prince of Wales, and West was entrusted by Gladstone to carry this out.[6] His report to the Prince of Wales was not a copy of Gladstone's letter to the Queen,[7] but limited itself to the communication of the general trend of Cabinet business;[8]

[1] *Life of Disraeli*, Vol. II, pp. 786–7 (1920 edition, Vol. V, pp. 447–8).
[2] *King Edward VII*, Vol. II, p. 49.
[3] Paul H. Emden, *Behind the Throne*, pp. 245–6.
[4] *Ibid.*, p. 264.
[5] *Life of Asquith*, Vol. II, p. 378; *Life of Disraeli*, Vol. II, p. 942.
[6] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 178; *Private Diaries of Sir Algernon West*, pp. 72–4.
[7] *Letters of Queen Victoria*, 3rd Series, Vol. II, pp. 180–1.
[8] *Ibid.*, pp. 180–1.

it did not pretend to record anything personal to the Queen or any differences of opinion which had occurred in meetings.[1] Moreover, these reports were returned by the Prince as soon as he had read them. The private secretaries of Lord Salisbury and Lord Rosebery continued this practice until the Prince ascended to the Throne.[2]

[1] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 181.
[2] Sidney Lee's *King Edward VII*, Vol. I, p. 217.

CHAPTER IV

CABINET MINISTERS

§ 1. *Cabinet Ministers and their Offices*

THE term 'Cabinet Minister' is a conventional expression describing certain Ministers of the Crown, either with or without departmental duties, who are invited by the Prime Minister, with the approval of the Sovereign, to participate in the deliberations of the meeting of 'His Majesty's most confidential servants.' The phrase 'Cabinet Minister' does not appear in any statute, save in the recent Ministers of the Crown Act, 1937.[1] The term 'member of the Cabinet' is equally used at the present day.[2] It is true that Ministers holding certain State offices and presiding over Departments are not necessarily members of this confidential committee; it is usual for some to be left out, and it is an open question, which every Prime Minister must determine for himself, whether a particular person should be included. Generally, the matter is settled by party bias and political exigency. Cabinet Ministers must be Privy Councillors, and it is primarily necessary that they should take the Privy Council's oath in order to protect the secrecy of the Cabinet. Lord Cawdor's presence in the Cabinet before he was made a Privy Councillor was a departure from the recognized practice.[3] They must also be members of Parliament, either of the majority party itself, or else of some other party or parties supporting the majority party in the event of a Coalition Government.

The Prime Minister determines what ministerial

[1] 1 Edw. 8 and 1 Geo. 6, c. 38.

[2] Cf. *A New English Dictionary of Historical Principles*, Vol. II, p. 6.

[3] *Memoirs of Sir Almeric Fitzroy*, Vol. I, p. 243.

offices shall be included in the Cabinet, and its size. As a rule, the following Ministers are invariably included: the Lord Chancellor, the Chancellor of the Exchequer, the eight Secretaries of State, the First Lord of the Admiralty, the Lord President of the Council, and the Ministers of Agriculture, of Health and of Labour. On the other hand, there are Ministers occupying certain offices whose inclusion or exclusion from the Cabinet is more or less at the Prime Minister's discretion. These are the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, the First Commissioner of Works, the Postmaster-General and the Attorney-General. The last-mentioned office was not included in the Cabinet until 1912, and even then Sir Rufus Isaacs' inclusion was rather more of a political incident than marking the importance of the office. The creation of a 'Minister without Portfolio' was caused originally by the War, when Mr. Asquith invited Conservative and Labour members to join in the same Cabinet, although there were not sufficient offices available for all the statesmen thus drawn in. Consequently, Mr. Asquith borrowed this idea from the Continental system in order that he might form a Coalition Government. As a matter of fact, it had been in existence for a long time. Spencer H. Walpole, after his resignation as Home Secretary in 1867, remained as a member of the Cabinet 'without Portfolio' for a considerable time.[1] Both Disraeli and Gladstone, when they constructed their first Cabinets, offered Lord Derby and Lord John Russell seats in the Cabinet without office, but they declined. A similar case was that of Sir Michael Hicks-Beach, who, after his resignation as Irish Secretary, was asked to remain in the Cabinet without office, but did not accept.[2] Generally speaking, a British Cabinet usually contains a number of Ministers holding sinecure offices—*e.g.*, that of the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, etc. In view of the large number of Ministers and their important

[1] *Gathorne Hardy, First Earl of Cranbrook*, Vol. I, p. 214.
[2] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 279.

offices, a modern Cabinet usually contains about twenty Ministers.[1] A small Cabinet, as suggested by the Report of the Machinery of Government Committees,[2] in the neighbourhood of ten, would be workable, but would find difficulty in coping with the enormous business facing the Ministers. We are told that Mr. Ramsay MacDonald experienced considerable difficulties in manning the various sub-committees in his first coalition Cabinet owing to its small size; so he discontinued the experiment and restored a full-size Cabinet after the general election in 1931. It has been rightly pointed out that "public administration in these days has become so complex, delegation to Cabinet committees so frequent and so

[1] The following table shows the growth of the size of Cabinets since 1868:

Prime Ministers		No. in Cabinets
Disraeli	1868	14
Gladstone	1868–74	15
Disraeli	1874–80	12
Gladstone	1880–85	14
Salisbury	1885–86	15
Gladstone	1886	14
Salisbury	1886–92	16
Gladstone	1892–94	17
Rosebery	1894	18
Salisbury	1895–1902	19
Balfour	1902–5	18
Campbell-Bannerman	1905–8	19
Asquith	1908–15	20
Asquith Coalition	1915–16	22
Lloyd George Coalition	1916–19	5
Lloyd George Coalition	1919–22	19
Bonar Law	1922–3	16
Baldwin	1923–4	19
MacDonald	1924	21
Baldwin	1924–29	21
MacDonald	1929–31	21
MacDonald Coalition	1931 (August)	10
MacDonald Coalition	1931–5	20
Baldwin	1935–7	22
Chamberlain	1937–	21

[2] *Report of the Machinery of Government Committees*, C. 9230, 1918, p. 5.

necessary, the case for securing a broad backing for Cabinet decisions so important, that the efficiency to be derived from small numbers is probably more apparent than real."[1]

Although it is the Prime Minister who determines who shall be in the Cabinet, in some cases by using his discretion, in others by the force of precedent, his choice is guided by the political necessities of the time. Thus, a new office is generally only created in order to meet new demands or situations; the importance of these demands necessitates inclusion in the Cabinet. The creation of the Minister for the Co-ordination of the Defence Service is demanded for military and political reasons, and it at once becomes one of the most important Cabinet offices. Such an office is not necessarily permanent; it may be created when a new situation arises and disappear as circumstances change, or it may become unimportant. Such may be illustrated by the Minister of Munitions, in the person of Mr. Lloyd George, during the War, and Minister without Portfolio for League Affairs in the person of Mr. Eden during Mr. Baldwin's last Cabinet. The inclusion of certain offices is sometimes imperative in order that certain functions may be conveniently directed. The most striking example of this is the way in which it was found necessary to include the Chancellor of the Exchequer during the nineteenth century. During the first half of the century he was not necessarily given a seat unless he held his office in conjunction with that of First Lord of the Treasury, but in the latter half of the century he occupied the most important position in the Ministry, and therefore necessarily held Cabinet office. He has held this position ever since.

On the other hand, a change of circumstances may cause the disappearance of a particular office from the Cabinet. Many offices have disappeared from the Cabinet, such as that of the Lord Chamberlain, the Archbishop of Canterbury, the Lord Steward, the

[1] *The Times*, October 30, 1931.

Master of the Horse, etc. These were once regarded as important Cabinet offices, but with changes in political and economic conditions they were replaced by other important rising State Departments, which naturally carried Cabinet offices with them. A Cabinet office may also be abolished. The abolition of the office of Chief Secretary for Ireland in 1921, although it was a very important Cabinet office before that date, is an example; the change in the political status of Ireland made such an office unnecessary.

In some cases the duties originally held by a particular office are abolished or else annexed to another Department, although the office itself continues to exist. Consequently the Cabinet is provided with the chance of enlarging or diminishing its size by the inclusion or exclusion of such office. Thus, the Act of 1884 abolished the duties once held by the Lord Privy Seal, although the office remained, and has since proved extremely useful to the Prime Minister, as he may include or exclude it at his pleasure, according to whether he wishes to increase or decrease the numbers in his Cabinet.

So far, the inclusion in the same Cabinet of two Ministers charged with somewhat similar administrative duties has proved unsuccessful, unless one of them is prepared to withhold his point of view in favour of the other, without any feeling of jealousy. If no such action can be agreed upon one of them will have to be left out.

In 1882 Mr. Gladstone included both Mr. Forster, the Chief Secretary for Ireland, and Lord Spencer, the Lord Lieutenant, in the Cabinet, although their views regarding Irish policy were not in harmony, and eventually Mr. Forster had to go. The event taught Mr. Gladstone a lesson, for in 1882 and 1884 he resisted the temptation of again including both these offices in the Cabinet at the same time.[1] Similarly, in 1935 Mr. Baldwin included both Mr. Eden, as Minister without Portfolio entrusted with the special function of keeping

[1] *Life of Sir Charles W. Dilke*, Vol. I, p. 483.

Britain in touch with the League of Nations, and Sir Samuel Hoare, the Foreign Secretary, in the same Cabinet. It was not a success, and the Prime Minister afterwards abolished this system of division of responsibility and made the Foreign Secretary absolute master of the situation. Nevertheless, the co-operation between Sir Edward Grey, the Foreign Secretary, and Lord Robert Cecil, the Under-Secretary for Foreign Affairs and Minister for Blockade, was entirely successful. The latter gives us an account of their warm relationship:

"During the war, by almost an accident, I became Grey's Under-Secretary and, until his resignation, worked very closely under him. . . . From the outset I was concerned with the so-called blockade—really the organization of economic pressure of all kinds on the enemy. . . . Grey then went to the Prime Minister and asked that I should, as Under-Secretary, be put into the Cabinet, which was done. It was characteristic of him that the possibility of difficulty arising from two Cabinet Ministers in the same office—which to lesser men has seemed very formidable—never gave him any anxiety. He was indeed, more than almost any man I have known, free from petty jealousies and personal vanities." [1]

Formerly, when a Prime Minister offered a post not necessarily implying a seat in the Cabinet, he would clearly state whether or not a seat was to accompany the office. If he made no reference to it, exclusion was generally presumed, especially if the invited person had never before been in the Cabinet. In the case of one who had previously attained the eminence of Cabinet rank, the tendency was to presume inclusion. Now the old practice has been modified. Those who have been appointed as Cabinet Ministers are announced in the Official Gazette. Undoubtedly, a Minister of State who has never previously been one of "His Majesty's confidential servants" may be invited to join the Cabinet by the Prime Minister, subject to the approval of the Sovereign.

It is not uncommon for a Cabinet Minister to hold

[1] Trevelyan's *Lord Grey of Fallodon*, p. 309.

two or even three offices at one time, and, in fact, for the convenience of the construction or reconstruction of the Cabinet, the Prime Minister frequently resorts to such an arrangement.[1]

By an Act of Queen Anne,[2] the rule was laid down that the acceptance of certain offices of profit under the Crown by a member of the House of Commons would make his election void, although he might be re-elected. It was extended to the offices of the President of the Board of Education and the Minister of Agriculture; but it did not apply to the office of Minister without Portfolio. Thus any member of the House of Commons accepting a ministerial post would, *ipso jure*, vacate his seat in Parliament and go back to his constituency for re-election. Sometimes such a member, who had lost his seat at re-election, might remain in office while seeking another chance in a different district. For instance, in 1880, Sir William Harcourt, when he was appointed as Home Secretary, was defeated at the re-election and temporarily found himself without a seat in Parliament.[3] If a statesman fails to gain election at a second attempt and is thus without a seat in Parliament, he must resign his Cabinet office. Such was the case of C. F. G. Masterman in 1914, when he was appointed as Chancellor of the Duchy of Lancaster with a Cabinet seat. He was one of the rising stars in the Liberal Party of that time, but,

[1] In March 1883 Lord Carlingford took on the office of Lord President of the Council, in addition to the office of Lord Privy Seal. In 1892 Lord Kimberley was appointed as Lord President of the Council as well as Secretary for India. In October 1903 the Marquess of Londonderry was appointed as Lord President of the Council, at the same time retaining his office of President of the Board of Education. In 1908 Lord Crewe was appointed as Lord Privy Seal, in addition to being given the Colonial Secretaryship. In October 1910 Lord Crewe, for a time, held three offices—namely, Secretary for India, Secretary for the Colonies and Lord Privy Seal—while in February 1912 he took on the office of Lord Privy Seal in addition to that of Secretary for India. In August 1916 he was placed at the head of the Board of Education, in conjunction with the office of Lord President of the Council.

[2] 6 Anne, c. 7, ss. 25, 26.

[3] *Life of Harcourt*, Vol. I, p. 364.

unfortunately, he was beaten in his own constituency at re-election, and was defeated on a second occasion owing to strong opposition from the suffragette movement. Thus in February 1915 Mr. Masterman had to resign from the Cabinet, after sitting there for nearly a year without occupying a seat in Parliament.[1] The law was modified by the Re-election of Ministers Act, 1919,[2] which provided that acceptance of a ministerial post within nine months after the issue of the writs for a general election should not compel the new Minister to vacate his seat. And finally, in 1926, all such requirements were declared unnecessary.[3]

2. *Cabinet Ministers' Position in the Cabinet*

Let us now proceed to examine the position occupied by Cabinet Ministers in the Cabinet. In theory, all Ministers are on an equal footing in spite of differences in rank, and in future all officers are to have equal salaries. They receive the same summons, sit round the same table, are pledged to the same secrecy and go out of office together when they no longer hold the confidence of the House of Commons. But the degree of activity and influence exercised by any Minister is mainly determined by his particular disposition, his taste, his sentiments, and his character. One Minister may be naturally reticent and remain silent throughout a meeting, while another possesses boundless energy and brilliant eloquence, whatever the topic under discussion. It is recorded that Acland, a member of Gladstone's fourth Cabinet, never opened his mouth during Cabinet meetings.[4] Again, Lord Halsbury, who held the office of Lord Chancellor longer than anybody since Lord Eldon, seldom spoke in Council.[5] The tragedy of Lord Elgin's removal was mainly due to his silence in Council, although he did occasionally speak in connection with matters

[1] 9 Geo. V, c. 2. [2] *Ibid.* [3] 16 and 17 Geo. V, c. 19.

[4] *Private Diaries of Sir Algernon West*, p. 144.

[5] Wilson Fox's *Earl of Halsbury*; Lord Riddell's *More Pages from My Diary*, p. 96.

concerning his own office.[1] Lord Haldane, a great lawyer, as well as the greatest War Minister since the time of Cardwell, was, in Mr. Lloyd George's opinion, a silent member of Asquith's Cabinet,[2] while another writer describes him as the sleepiest man in the Cabinet.[3] Moreover, we are told that General Smuts was extraordinarily reserved in Council; Barnes remarks that on one occasion he sat through a whole meeting without uttering a word, and at the end was complimented by Bonar Law on his restraint.[4] On the other hand, Mr. Lloyd George has been described as the noisiest gentleman in Council. Perhaps it is not an exaggeration to say that his art of persuasion is his greatest gift. Mr. Winston S. Churchill frequently witnessed the fact that Mr. Lloyd George could turn the opinions of a Cabinet round in less than ten minutes, although, when this change had been completed, no one could remember any particular argument to which the alteration of their views could be attributed.[5] Indeed, Mr. Winston Churchill's eloquence is by no means inferior to Mr. Lloyd George's, and the former has been described by Sir Almeric Fitzroy as a wonderful talker.[6] According to Lord Haldane, who sat at the same council table as Churchill in Asquith's Cabinet, "Churchill was as long-winded as he was persistent."[7] It is true, however, that generally a Minister's habitual silence in council is not welcomed by his colleagues, especially when they require more information from him concerning the conduct of his Department. It is recorded that Lord Kitchener's silence in council was a constant source of irritation to his colleagues,[8] as, when they asked for fuller information re-

[1] *Life of Lord Oxford and Asquith*, Vol. I, p. 198.
[2] *War Memoirs of David Lloyd George*, Vol. II, p. 1010.
[3] *The Fortnightly Review*, Feb. 1909: Auditor Tantum's Article, 'His Majesty's Ministers."
[4] George N. Barnes's *From Workshop to War Cabinet*, p. 177.
[5] Winston S. Churchill's *Thoughts and Adventures*, p. 59.
[6] *Memoirs of Sir Almeric Fitzroy*, Vol. II, p. 436.
[7] Lord Haldane's *Autobiography*, p. 217.
[8] George Arthur's *Life of Lord Kitchener*, Vol. III, p. 323.

garding war-time measures, he always disappointed them by replying very inadequately.

Patience and firmness in the conducting of negotiations are indeed valuable possessions for any Minister. If he is characteristically persuasive and amiable, his colleagues will be more willing to co-operate with him. Conversely, a Minister cursed with an uncontrollable temper may be seriously handicapped by not being able to obtain the support of his colleagues at a critical moment; this may even rob him of the reward deserved by his industry and ability. The case of Sir William Harcourt, who was too apt to let himself be carried away by his temper in the Cabinet, is a good example. His lucid and clear speech, his mastery of Parliamentary tactics and his unflinching devotion to his party, were second only to the qualities of Mr. Gladstone. He would undoubtedly have been, on Gladstone's retirement, the successor of this greatest of all Parliamentarians, yet he was discouraged from claiming this position, as he lacked the support of his colleagues, and indeed was opposed by them. They were fully aware of the difficulties imposed by his temper,[1] and felt that it would be impossible to work under him. Lord Oxford and Asquith, who sat at the same table with Harcourt in the Cabinet room for many years, testified to the fact, and said that his lack of any sense of proportion, his incapacity to restrain himself and his perverse delight in inflaming and embittering every controversy, made co-operation with him at the best of times difficult and often impossible.[2] Lord Hartington was a leading member of Gladstone's second Cabinet, but he had an uncontrollable temper. Sir Charles recorded in his diary, "Being so violent, as he always was in Cabinet."[3] He became definitely better when he joined Salisbury's Cabinet. However, if, on the contrary, a statesman is too meek and mild, and does not possess, so to speak, a forceful nature, irreverent or

[1] Cf. Gardiner's *Life of Sir William Harcourt*, Vol. II, p. 261.
[2] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. I, p. 224.
[3] *Life of Sir Charles W. Dilke*, Vol. I, 549.

disrespectful feeling against him will come from different quarters; and will likewise be followed by much inconvenience, disappointment and vexation. Lord Iddesleigh, a statesman without a forceful character, was assailed both in Parliament and in the Cabinet by the leader of the Fourth Party—Lord Randolph Churchill—and finally deprived of his Foreign Office by the Prime Minister without any previous notification.

Consequently it may be said that a leading Minister's influence in Cabinet is mainly dependent upon his forceful character, coupled with his wide knowledge and vast experience. But a Cabinet is generally composed of different sections of a party, or even, if the Government is a Coalition one, of different parties, and thus it is more than probable that diverging views will exist. A particular view may be inclined to by some, while opposed by others. If a Cabinet Minister desires to express his personal views on a particular subject, or launch some measure of policy, he must have the support of at least one political friend in order that they may fight together any opposition which may arise. Without this support his influence is limited. For instance, Mr. Chamberlain and Sir Charles W. Dilke, called, as they were, the Radical twins, played a leading part in opposing the Whigs in Gladstone's second Cabinet. It is said that whoever broke with Chamberlain broke with Dilke.[1] Again, in 1903 four leading Cabinet Ministers—namely, the Duke of Devonshire, Lord George Hamilton, Mr. Ritchie and Lord Balfour of Burleigh—united together against Chamberlain's tariff policy in Balfour's Cabinet. On the other hand, a Cabinet Minister, however powerful, if he acts independently, will find it no easy task to fight opposition single-handed. For instance, Lord Randolph Churchill preferred to resign rather than to fight both the Premier and the heads of two Service Departments on the issue of increasing expenditure on armaments; he realized that he had no supporters in the Cabinet and that none of his colleagues were in sympathy with

[1] *Life of Sir Charles W. Dilke*, Vol. II, p. 1.

him. Lord John Manners said: "It is impossible for any colleague to work with him. It is, '*aut Cæsar aut nullus*.'"[1] Mr. Joseph Chamberlain occupied more or less the same position in 1903; if he had been assisted by strong support in the Cabinet, he might have been able to put up a fight against the Free Traders instead of resigning.

A Cabinet Minister is not bound to adhere to a particular view which he has once held. He is free to change his opinions and side with a different section of the Cabinet after due consideration. In 1877 Lord Salisbury, a leading figure in Lord Beaconsfield's Cabinet, changed his views on Eastern policy after hearing the argument put forward by Lord Cairns, and after that he began to side increasingly with Beaconsfield, finally becoming an ardent supporter of a strong Eastern policy. Thus Lord Derby not only lost a powerful ally, but was also confronted with an additional opponent possessing considerable influence in the Cabinet.[2] Sir Charles W. Dilke in his *Memoirs* mentions that on January 20, 1885, Sir George Trevelyan favoured and supported the French proposal that an international commission of inquiry should look into the Egyptian financial situation, but on the next day opposed it and changed over from Mr. Gladstone's side to Lord Hartington's.[3] Again, in 1915 Lord Kitchener, then Secretary of State for War, was, in the first place, against the evacuation of Gallipoli, but after visiting the scene of action strongly recommended the Cabinet to withdraw the troops, which advice the Cabinet eventually acted upon.[4]

When either one or more Ministers cannot come to an agreement with the Cabinet as a whole, they may threaten to resign if the Cabinet refuses to accept their views. Such a threat may sometimes produce favourable results. For instance, in 1877, when the Burials Bill came up to

[1] *Lord John Manners and his Friends*, Vol. II, p. 242.
[2] *Life of Disraeli*, Vol. II, p. 1077.
[3] *Life of Sir Charles W. Dilke*, Vol. II, pp. 100–1.
[4] *Life of Lord Curzon*, Vol. III, p. 130.

the Cabinet for discussion, Gathorne Hardy threatened the Cabinet with his resignation in the event of it adopting Lord Harrowby's amendment. Eventually no change was made.[1] Again, in 1882, as a result of Sir William Harcourt declaring in a meeting of the Cabinet Council that he would resign if any changes were made in the principle of the Cohesion Bill, the Bill stood as originally introduced.[2] If a group of Ministers threaten resignation, this is more drastic, and often more effective, even though the Minister whom they oppose may be powerful and backed up by the Prime Minister. This happened in 1885, when more than half the members of Gladstone's Cabinet threatened to resign if Mr. Chamberlain persisted in carrying out his Central Council Scheme, which was approved and supported by Mr. Gladstone. Ultimately the scheme was rejected by the Cabinet.[3] With reference to this point, Lord Grey of Fallodon emphasized the fact that one of the good qualities which a Cabinet Minister should possess was " that of never threatening resignation or talking about it, except in the last resort on a matter of vital importance, and then only when resignation is really intended." [4]

§ 3. *The Duties of a Cabinet Minister*

A Cabinet Minister's duties are generally a great deal heavier than those of a non-Cabinet Minister. To begin with, his activities are not confined to his own Department, as he is generally confronted with other duties. In Cabinet he must, to use Mr. Gladstone's words, " throw his mind into the common stock " with his fellow-Ministers and take part in discussions which have as their aim the settling of current political problems. In addition, he may have to write memoranda explaining his views on a particular problem, formulate a new policy,

[1] *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 23.
[2] A. G. Gardiner's *Life of Sir William Harcourt*, Vol. I, p. 442.
[3] *Ibid.*, Vol. I, p. 526.
[4] Lord Grey of Fallodon's *Twenty-Five Years*, Vol. I, p. 68.

discuss the progress of events by corresponding with the Premier or his colleagues and occasionally serve on Cabinet Committees. In a Cabinet Committee he must either discuss or draft Bills, or else do some specific work entrusted to the Committee in question. These are the regular duties of a Cabinet Minister, but as well as this he must be prepared to take on other tasks arising out of political conditions at the time and demanding a large amount of ability if they are to be successfully handled. For instance, in 1882 Mr. Chamberlain was authorized by the Cabinet to enter into negotiations with Captain O'Shea for the purpose of the pacification of Ireland.[1] In 1884 the Liberal Cabinet sent Lord Northbrook, First Lord of the Admiralty, to Egypt in order to study the financial situation and general conditions there.[2] In February 1912 Mr. Haldane, afterwards Lord Haldane, then Secretary for War, was sent to Berlin by the British Cabinet[3] in order to negotiate concerning naval problems. He told the German Chancellor that " I have come here officially with the approval of the King and the Cabinet."[4] Again, the task of negotiating with leaders of the Opposition or other persons regarding State affairs is frequently entrusted to a Cabinet Minister or Ministers. In November 1884 Lord Hartington and Sir Charles W. Dilke were authorized by the Cabinet to negotiate with Lord Salisbury and Sir Stafford Northcote, the Conservative leaders, regarding the passing of the Franchise Bill in the Lords and the terms of the Redistribution Bill.[5]

Ministers also possess duties towards the Sovereign, which will be mentioned later. When a Minister occupies a seat in the Commons, he must also attend the House

[1] Garvin's *Life of Chamberlain*, Vol. I, p. 353.

[2] Bernard Mallet's *Thomas George Earl of Northbrook: A Memoir*, pp. 188–9.

[3] Lord Haldane's *An Autobiography*, pp. 238–45; Winston S. Churchill's *The World Crisis, 1911–14*, pp. 97, 101–2.

[4] *Diary of Lord Haldane's Visit to Berlin*, February 10, 1912. See *British Documents of the Origins of the War*, Vol. VI, p. 676.

[5] *Life of Sir Charles W. Dilke*, Vol. II, pp. 73–5.

throughout the Session, however long the sittings may be.[1]

As regards the departmental duties of a Cabinet Minister, he must supervise the affairs of his Department, carry out the general policy of the Cabinet, and especially those decisions which specifically affect his Department, and report important business to the Prime Minister. As a matter of fact, Ministers are not all administrative experts. There are only a few members of the Cabinet who possess a thorough knowledge of the working of a particular Department by reason of their long association with it. There are various reasons for this practice. The first is, that when a Prime Minister chooses his colleagues, his primary consideration is to appoint those who have been successful parliamentarians, in order that he may exercise an effective control over the Commons through them. Thus, a Minister who has spent his life in party conflicts, and in discussions and debates, would be expected to have achieved a considerable measure of competence in Parliament, but, although a successful parliamentarian, such a man does not always prove to be a good administrator. Mr. John Bright is an example, for, although successful in the House, he proved himself to be of little use at administration when he was called to office in 1868 as President of the Board of Trade. His temperament, which made him intolerant of the details caused by the routine of administration, was exceptional. He ordered his secretary, Mr. Shaw Lefevre, to do all the work and to bring only questions of real importance before him.[2]

The second reason for a Prime Minister allotting Cabinet offices in what may appear to be a rather unbusiness-like manner, is that the efficient working of governmental Departments is not his first consideration; he attaches more weight to personal preference and political exigency. Lord George Hamilton, who was for

[1] Cf. *Report from the Select Committee on the Board of Admiralty 1861*, Parliamentary Papers 1861, Vol. I, p. 107.

[2] *The Diaries of John Bright*, p. 339.

twenty-two years a Minister of the Crown, was of opinion that the number and selection of Cabinet members were often regulated not with a view to efficient financial administration, but mainly with regard to the political or party interests which the individual members of the Cabinet represent.[1]

One would imagine that a statesman who had occupied a particular office on a previous occasion and had discharged his duty successfully would again be given this Department when his Party came to power. This is not generally the case, as he will usually find that, either with or without his own knowledge, he has been appointed to another office, of which he has had no previous experience and one that does not particularly attract him. Such a case occurred in 1868: Earl de Grey, the former Secretary for War, was anxious to be reappointed to that post, but was asked to take the office of Lord President.

A third consideration is, that a Minister may be appointed without any previous official experience. Sometimes when a Minister is just beginning to acquire the knowledge necessary for the working of some Department, he may be removed to another office about which he is totally ignorant, as was the case in 1871 when Mr. Fortescue, then Chief Secretary for Ireland, was transferred to the Board of Trade. Herbert Paul, the historian, commented that Mr. Fortescue "knew everything about Ireland and nothing about trade."[2] Generally, a Cabinet Minister who has no previous knowledge of a particular Department possesses sufficient ability to manage its business, partly through his own efforts in acquiring the necessary knowledge, and partly through the perfection of the British system of Civil Servants. When Mr. Fowler was appointed Secretary for India in 1894, in the opinion of Lord Kilbracken, then permanent Under-Secretary for India, he possessed no experience, either by reason of his public career or his private life, which could be considered as a special qualification for his

[1] *Parliamentary Reminiscences and Reflections, 1868–85*, p. 306.
[2] *History of Modern England*, Vol. III, p. 263.

duties at the India Office. However, he soon acquired an immense knowledge of the working of that Department.[1] This was also true in the case of Haldane, who was a Chancery lawyer before accepting the high office of Secretary of State for War. He afterwards wrote in his *Autobiography*: "At this time I knew but little of military affairs, and of army organization I was wholly ignorant."[2] But judging from his work at the War Office, he proved himself to be the best War Secretary since the time of Cardwell.

The invaluable work done by the permanent Civil Service has made the position of an inexperienced departmental Chief much less difficult. These officials, by dint of life-long study, are armed with special knowledge of questions under consideration; they render faithful and obedient service to whomsoever holds office at the time; they are ready to give the best advice that they can to their Chief on departmental matters concerned and they execute faithfully the decisions that their Chief eventually arrives at. The loyalty of Civil Servants towards their chief is accompanied by an equal loyalty of the Minister to his subordinates. In other words, he must accept responsibility for those things which he commands his subordinates to execute. With regard to general policy, this is a matter for the responsible Minister to decide for himself, subject always to Cabinet decisions.

In Parliament he is bound to answer questions arising from the working of his Department, but these answers are carefully prepared and drafted by Civil Servants, with or without amendments by their Chief, and the latter reads them out from a written paper or typescript. The preparation of the answers may involve an immense amount of work, and it may even be found necessary to prepare many subsidiary questions, in case they may be raised in the House of Commons. The Minister also participates in debates and speaks for the Government on other important topics besides departmental business.

[1] Edith Henrietta Fowler's *Life of Lord Wolverhampton*, p. 290.

[2] Lord Haldane's *Autobiography*, p. 183 (popular edition 1931).

From 1880 to 1885, Mr. Joseph Chamberlain, then President of the Board of Trade, was the chief spokesman on the Treasury Bench for South African affairs. His letter says that:

"It is true that I have been charged by my colleagues to speak for them in reference to South African affairs. The Under-Secretary of State replies always for the Department, but it is my duty to speak for the Cabinet. I have always taken great interest in the subject and have followed the details more closely perhaps than any other Minister." [1]

Generally a Commoner's duty is heavier than a Lord's and a sinecure office is very much lighter than an executive one. The Lord President of the Council holds what is nearly, though not quite, a sinecure office. The Chancellorship of the Duchy of Lancaster is a sinecure office, and with reference to this Lord Oxford and Asquith said:

"You could perform all the duties attaching to the Chancellorship of the Duchy in three hours a week—he used to be called the maid-of-all-work in the Cabinet; he has no departmental or administrative duties of his own which take up any time." [2]

The office of Lord Privy Seal is also a sinecure office, and makes provision for an elder statesman who could not take administrative work but, owing to his vast knowledge of State affairs, is very useful in Council. Moreover, such a sinecure office has another useful function. Mr. Gladstone once explained that the Lord Privy Seal was a very useful Minister, giving for a main reason that most of the Ministers were so heavily burdened with departmental duties that it was impossible to charge them with the whole burden of legislation. Therefore, a Minister less occupied with, or wholly free from, departmental duties was often of the greatest use to his colleagues by undertaking to look after Bills which it was really impossible for them to see after, and also in many ways.[3] The First Commissioner's office is not a sinecure

[1] Garvin's *Life of Joseph Chamberlain*, Vol. I, p. 488.
[2] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 203.
[3] *Hansard*, Ser. 3, Vol. CCLII, 1880, p. 562.

office, although it is one of the offices which does leave the Minister concerned more time to devote to general Cabinet work than many of the big Departments. In comparison with other offices, the Chancellor of the Exchequer was not so heavily burdened before the War. Lord Oxford and Asquith compared his duties with those of the Secretary of State:

"As compared with any of the Secretaryships of State it is a very important and responsible one, but the Departmental duties of the Treasury, so far as the Chancellor of the Exchequer is concerned, in the normal times are not comparable with those of the heads of one of the Secretaryships of State." [1]

But the position changed with the Great War. The unparalleled increase of expenditure caused by the War necessarily required provision by the Exchequer. Thus the Chancellor of the Exchequer was confronted by an enormous task, and after the war his post still remained heavier than that of any other Government Department, as the evils of war gave rise to further financial troubles. Lord Snowden had first-hand experience, and he wrote in his *Autobiography* that:

"The financial problems left by the war, and the enormous growth of the activities of every Government Department, have made the work of the Exchequer the most arduous in the Government." [2]

The First Lord of the Admiralty also has heavy departmental work. In addition to his duties as a Cabinet Minister, his private correspondence with all the offices in command throughout the world, and his duties with reference to the general control over the whole of his immense Department are far greater than those of any Junior Lord. Sir J. R. G. Graham was quite confident that these duties were, during his time, not beyond the powers of a First Lord.[3]

[1] *Report from the Select Committee on Remuneration of Ministers* (1920), p. 9.

[2] Lord Snowden's *Autobiography*, Vol. II, pp. 616–17.

[3] *Report from the Select Committee on the Board of Admiralty 1861*, Parliamentary Papers, 1861, Vol. V, p. 107.

A Foreign Secretary possesses a multitude of duties of a most responsible and delicate nature. He has to read and write important dispatches and confidential letters, besides granting interviews to foreign representatives and negotiating on various problems. In view of these duties, in the opinion of Balfour, the Foreign Secretary should not have a seat in the Commons, unless the House was prepared to relieve him of the ordinary obligations of a Minister.[1] Sir Edward Grey, who sat in the Commons as Foreign Secretary for ten years, was granted privileges regarding attendance and the answering of questions. The Home Office, perhaps, used to be one of the most heavily burdened Departments. Haldane experienced this when he temporarily undertook charge of the Home Office during Winston Churchill's holiday in 1910. He said that "the burdens of the Home Office had been three times as heavy as that of the War Office."[2] Before the War the office of the Chief Secretary for Ireland was both important and heavy, and so frequently occupied by first-rate administrators. Lord Salisbury described it as "the post of difficulty, and therefore the post of honour."[3] Both Trevelyan and Hicks-Beach found their health was impaired by the heavy task of that office. Queen Victoria mentioned in her Journal (October 28, 1884) that: "I had some conversation with Trevelyan, whose health has been dreadfully shaken by his two years' Secretaryship in Ireland."[4] When Mr. Balfour succeeded Sir Michael Hicks-Beach as Chief Secretary for Ireland, he told the Queen that "Ireland was a fearful difficulty, and the fight in the House of Commons would be desperate."[5]

Thus the distribution of duties in the Cabinet is unpractical, some departmental heads being overburdened with departmental duties and accumulated Cabinet busi-

[1] Michael Macdonagh's *The Pageant of Parliament*, Vol. I, p. 148.
[2] *Memoirs of Sir Almeric Fitzroy*, Vol. II, p. 410.
[3] *Life of W. H. Smith*, p. 163.
[4] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 559.
[5] *Ibid.*, 3rd Series, Vol. I, p. 281 (March 5, 1887).

ness, whilst, on the other hand, Ministers without Portfolio or Ministers who occupy sinecure offices complain of having nothing to do and that they have to acquiesce in the superior authority of the leading Ministers. Consequently, ambitious statesmen refuse to stay long in such offices without good reason, as was shown by the resignations of Mr. Childers in 1873, Mr. Winston Churchill in 1915 and Lord Eustace Percy in 1936.

On the other hand, a Cabinet Minister enjoys many privileges and advantages which are not shared by other Ministers. In Cabinet he has the opportunity to discuss matters of policy, to put forward his views upon questions under consideration and study all the confidential papers which are only circulated to Cabinet members. In Parliament the possession of Cabinet rank is of great assistance in debate, as Ministers can go straight to the point on any issue without the necessity of undergoing the embarrassment of stating views which they do not really share or details upon which they are inadequately informed.

§ 4. *The Sovereign and his Ministers*

The relationship between the Sovereign and a Cabinet Minister varies according to the office held by the Minister and also how intimate the two may be. For instance, a personal like or dislike may vary their relationship. The Secretaries for Foreign and Home Affairs have more opportunity to get in touch with the Sovereign on departmental affairs. The Sovereign may communicate with his Ministers either through the Prime Minister or direct, and this may be classified into two methods: first the right to communicate or be communicated with on general political affairs, and, secondly, the right to communicate or be informed on the general activities of the Departments. The former right has an exceptionally large application, and consequently an extensive influence on Cabinet policy. This means the Cabinet is open to royal influence. Most important of all is the practice for the Sovereign to consult or communicate with any

Minister upon Governmental policy in order to ascertain the latter's individual opinion. It rests largely upon the Sovereign's discretion whether he should consult a particular Minister in whom he has confidence. Queen Victoria used to discuss with her Ministers the general policy of the Government.[1] King Edward VII followed in Queen Victoria's steps; and often consulted his Ministers and asked for their opinion.[2] On the other

[1] The following examples give numerous illustrations. On September 25, 1870, the Queen had a talk with Mr. Goschen, President of the Poor Law Board, on Mr. Malet's memorandum of his conversation with Bismarck (*Letters of Queen Victoria*, 2nd Series, Vol. II, p. 71). Again, Mr. Forster's letter to Lord Granville shows us that the former had a long talk with the Queen on the English Government's attitude towards the Franco-German War in 1870 (*ibid.*, p. 76). Lord Halifax, when he was the Lord Privy Seal, was often invited to give his individual opinion. Colonel Ponsonby's letter to Queen Victoria shows us that the former was commanded to see Lord Halifax, and that they discussed the Collier appointment and the subject of the active part to be played by the Prince of Wales in Ireland (*ibid.*, p. 192 : Ponsonby to Victoria, February 19, 1872). The talk between the Queen and Lord Salisbury, Secretary of State for India, recorded in the Queen's Journal, evidently extended to topics other than India : " Saw Lord Salisbury, who spoke of the Cabinet, of Mr. Disraeli being quite well again, of the different measures under discussion, of the new dwellings for the poor, etc., and the recognition of the King's of Spain " (*ibid.*, p. 369). Sir Charles Dilke's diary mentions that on June 9, 1884, Sir Henry Ponsonby came to see him before the Cabinet meeting, and discussed a number of questions with him, on behalf of the Queen, respecting the evacuation of Egypt, and the union of Bulgaria and Roumelia (*Life of Sir Charles W. Dilke*, Vol. II, pp. 54–5). It is interesting to note that the Queen also asked the opinion of those statesmen who were classified as "out of favour." When the Liberals and Conservatives reached a deadlock over the Franchise Bill of 1884, Sir Henry Ponsonby called on Mr. Joseph Chamberlain at the Board of Trade, by command of the Queen, and asked his opinion on the situation. Mr. Joseph Chamberlain said he believed that, unless the Lords gave way, there would be riots and serious outbreaks in many parts of the kingdom, and in addition gave Sir Henry Ponsonby some examples confirming his opinion (Garvin's *Chamberlain*, Vol. I, p. 1485 ; *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 556 (October 24, 1884)).

[2] For instance, Mr. McKenna, an important member of the Asquith Cabinet, told Lord Riddell that he had many talks with King Edward over the Parliament Bill, and that he once wrote a Memorandum for the King, discussing the probable consequences of the rejection of Lloyd George's Budget of 1909 in the House of Lords (Lord Riddell's *More Pages from my Diary, 1908–14*, p. 176).

hand, a Cabinet Minister has no right to put his personal views before the Sovereign if they differ from those held by the Prime Minister or the Cabinet. Mr. Gladstone held the following constitutional view regarding these points:

"The Minister had no right whatever to have his views separately represented. He (Mr. Gladstone) held that there was serious constitutional objection to such a course. The Cabinet and the Sovereign were in a measure opposite parties. It would never answer for the Sovereign to have the right to deal with Ministers individually, although it would be to the interest of the Sovereign to do so, and would, and often did, arise in practice. When a Minister was in attendance, or at Windsor on a visit, the Sovereign would wish to take that Minister's personal views. But no Minister, other than the Premier, should yield to the wish of the Sovereign. If a Cabinet Minister differed from the Premier in the Cabinet, he must nevertheless refrain from criticizing Cabinet action, or separating himself from it, even when consulted by the Sovereign, unless he at the same time left the Ministry for good. Mr. Gladstone first learned this lesson from Lord Palmerston, who very properly refused his request to make his views on some minor financial questions known to the Sovereign independently." [1]

A Minister must be careful not to trespass on any part of the privileges enjoyed by the Prime Minister, especially upon his right to give information of Cabinet proceedings to the Sovereign. Lord Rosebery once told the Queen that "he conceives that it is the right of the Prime Minister to inform your Majesty with respect to what passes at Cabinet Councils, and he cannot be too careful of trenching on that privilege." [2] He also has no right to give any pledge to the Sovereign respecting any questions, unless he has been empowered to do so by the Cabinet. In 1881 Sir William Harcourt and Lord Spencer declined to undertake to fulfil the conditions demanded by the Queen on the question of holding Kandahar, on the grounds that they were not empowered to do so by the Cabinet.[3]

[1] *Personal Papers of Lord Rendel*, pp. 130–1.
[2] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 162.
[3] Ponsonby's *Sidelight on Queen Victoria*, pp. 144–50.

The Sovereign can undoubtedly bring political pressure to bear upon an individual Minister with a view to urging him to adopt a policy, or restrain him from embarking upon one which he considers unnecessary or dangerous. All this largely depends upon the talent and ability of the Monarch and upon the circumstances at the time. It is a matter of great interest to note that Queen Victoria frequently interfered with the independent action of her Ministers when a political crisis occurred inside the Cabinet. For instance, in 1878, while the struggle over the Eastern Question was still raging, the Queen wrote to Lord Carnarvon, then Colonial Secretary, who did not share Disraeli's view on Russian policy, saying that:

"The Queen must say that nothing can give her more pain than to see people who, like Lord Carnarvon, have possessed her esteem and respect, and for whom she has a sincere regard, take a view of foreign affairs, or rather more of Eastern affairs, and a line of policy which *she must consider* as *most* detrimental to the position of her great Empire; and not only to its best interests but to those of the world in general, and calculated to prevent peace by encouraging Russia, our worst enemy, in her policy of ambitious aggression and duplicity." [1]

Similarly, a word from the Sovereign may have a profound effect on Cabinet decisions. In 1903 the King told Ritchie, the Chancellor of the Exchequer, that he would not consent to a tax on the food of the people. This greatly influenced the attitude adopted by Ritchie and his Free-Trader friends towards the Protectionists in the Cabinet.[2]

Besides those rights which I have already mentioned, the Sovereign has the right to warn, to encourage or to demand an explanation from a Minister on matters of State policy. Bagehot illustrated the right to warn as follows:

"And a King of great sense and sagacity would want no others. He would find that his having no others would enable him to use

[1] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 589.

[2] *Lord James of Hereford*, pp. 277–8; *Journals and Letters of Viscount Esher*, Vol. II, pp. 1–2.

these with singular effect. He would say to his Minister: 'The responsibility of these measures is upon you. Whatever you think best must be done. Whatever you think best shall have my full and effectual support. *But* you will observe that for this reason and that reason what you propose to do is bad; for this reason and that reason what you do not propose to do is better. I do not oppose, it is my duty not to oppose; but observe that I warn.' Supposing the King to be right, and to have what Kings often have, the gift of effectual expression, he could not help moving his minister. He might not always turn his course, but he could always trouble his mind." [1]

Queen Victoria, during her reign, frequently warned her Ministers, particularly the members of the Liberal Cabinets.[2] On the other hand, when a Minister proposed some measures the policy of which she approved, she would do everything in her power to encourage and support his action.[3] The Queen was also in the habit of asking her Ministers to give her explanations on the proposals or plans presented to her for approval.[4]

Having discussed the Sovereign's right to communicate with his Ministers concerning the general policy of the Government, we now turn to the discussion of his

[1] *The English Constitution*, p. 67 (The World's Classics).

[2] For instance, in 1880 she warned the Liberal Foreign Secretary, Lord Granville, who proposed to recall Sir Henry Layard, English Ambassador in Constantinople: "Her own impression is that it would be most unwise to change Sir Henry Layard immediately. It should be postponed, at any rate, till Europe is reassured that the new Government does not intend to upset the foreign policy of the late Government, and to act in accordance with Russia's views" (*Letters of Queen Victoria*, 2nd Series, Vol. III, p. 94). In another even more explicit case it is recorded that: "In 1885, the Liberal Cabinet opposed a proposal made by Lord Wolseley that he should be appointed as Governor-General of the Sudan, and the Queen at once telegraphed to Lord Granville, the Foreign Secretary, 'If you refuse to grant Lord Wolseley's wise suggestion, you run the risk of increasing difficulties and bloodshed. Remember the example of Gordon' (*ibid.*, p. 613). This warning evidently produced a remarkable effect, as her private secretary reported that this concession was entirely due to Her Majesty's pressure on the Government (*ibid.*, p. 618).

[3] For instance, her cypher telegram to Mr. Chamberlain, the Colonial Secretary, runs: "Am much pleased with the firm and distinct tone of your message of 13th to Sir H. Robinson. It is excellent" (*ibid.*, 3rd Series, Vol. II, p. 23 (January 15, 1896)).

[4] *Ibid.*, 2nd Series, Vol. II, pp. 114–17.

right to consult his Ministers on departmental affairs. A Cabinet Minister occupying an executive office is bound by duty to keep the Sovereign thoroughly informed about the general activities, the plans and the conditions of the Department which is under his charge. It is the duty of the Foreign Secretary to report any important conversations that he may have had with foreign representatives in London, any new situations arising from international politics and any matters of Government policy which he has to deal with. If we read Queen Victoria's letters, we will find abundant material confirming this practice. The Home Secretary also used to be in close touch with the Sovereign on many topics, such as the exercise of the Crown's prerogative of mercy, police matters affecting the personal safety of the Sovereign and the maintenance of law and order in the Kingdom.[1] The Secretary for War frequently communicated with the Queen in connection with the activities of the War Office and the general conditions of the Army. For instance, Mr. Childers, at one time Secretary for War, wrote a letter to H. Ponsonby (August 11, 1882) saying:

"I will keep Her Majesty well informed of all events in which she is likely to take special interest." [2]

When Earl Spencer was the Irish Viceroy, he used to report on Irish affairs to the Queen.[3]

When a Minister fails to inform the Sovereign of his plans, or of the important business of his Department, the Sovereign can protest, either to the Prime Minister or to the Minister concerned, unless there is some good reason for believing that the omission is purely accidental. In 1903 King Edward VII allowed and accepted the explanation of Lord Selborne, then First Lord of the Admiralty, who failed to report to the King the Govern-

[1] *Life of Sir William Harcourt*, Vol. I, pp. 394–408.
[2] *Life of Childers*, Vol. II, p. 104.
[3] *Letters of Queen Victoria*, 2nd Series, Vol. III, pp. 190, 303, 306, 400, 408, 423.

ment's resolution to form a new base on the Firth of Forth owing to his absence on official duty at Portland.[1]

The provision of information to the Sovereign concerning departmental affairs also applies to his being notified of the appointment of high officials to the various State offices before these appointments have been announced to the public. It is said that King Edward VII used to be extremely annoyed if Ministers did not inform him about such matters. In 1902, when Sir George Wyndham made Sir Anthony MacDonnel his permanent Under-Secretary for Ireland, he did not inform the King of the fact. Sir Sidney Lee pointed out that " the King administered a stern rebuke, and on the Minister's excuse of pressure of work, he commented ' The excuses of the Ministers are often as " gauche " as their omissions.' "[2]

Ministers must also forward dispatches, correspondence, warrants and other papers for the royal approval or signature. These come from the offices under the prinicpal Secretaries of State and from several other offices.[3] This practice enables the Sovereign to exert his or her influence over the Ministers concerned and to have cognizance of the daily routine of both home and foreign affairs. These rights exercised by the Sovereign may be said to be what remains of the royal arbitrary authority of medieval times. The custom that all foreign dispatches should be approved before they are sent off dates back to early English history, when the King used himself to control and conduct all the foreign relations of the country. Dispatches and correspondence, of course, were sent out by his command and with his thorough knowledge of what they contained. When George I came to England, the Sovereign's control over foreign policy relaxed considerably and dispatches were often sent off without his approval. The practice, however, was resumed by Queen Victoria after she had experienced

[1] *King Edward VII*, Vol. II, p. 50.
[2] Sidney Lee's *King Edward VII*, Vol. II, p. 50.
[3] Martin's *Prince Consort*, Vol. II, p. 300.

considerable trouble with Lord Palmerston, who repeatedly disregarded her wishes. A memorandum of 1850 runs:

"The Queen requires, first, that Lord Palmerston will distinctly state what he proposes in a given case, in order that the Queen may know as distinctly, to what she is giving her royal sanction. Secondly, having once given her sanction to such a measure, that it be not arbitrarily altered or modified by the minister. Such an act she must consider as failing in sincerity towards the Crown, and justly to be visited by her Constitutional right of dismissing that minister. She expects to be kept informed of what passes between him and foreign ministers before important decisions are taken based upon that intercourse; to receive the foreign dispatches in good time; and to have the drafts for her approval sent to her in sufficient time to make herself acquainted with their contents before they must be sent off." [1]

Lord Palmerston finally agreed to keep her well informed, and successive Foreign Secretaries followed the precedent set up by him; and although on many occasions either accidental or deliberate omissions have been made,[2] the practice has survived down to the present day. The latest record of this which we can find is the *British Documents on the Origins of the War*, which discloses many documents sent by Edward Grey to the Cabinet and the Prime Minister as well as to the King.[3] It must not be presumed, however, that the documents forwarded to the Sovereign were also sent by Edward Grey to the Cabinet and the Prime Minister.[4]

On the creation of the India Office in 1858, this practice was extended [5] to it, but since the death of Queen Victoria it has not been rigidly adhered to. Lord Esher, in a letter to King Edward VII, suggested that the King should ask to see the draft of any dispatch destined for India, before it was finally sent to the Viceroy.[6]

[1] *Letters of Queen Victoria*, 1st Series, Vol. II, p. 315. Also quoted by Marriott, *English Political Institutions*, p. 93, and Jennings, *Cabinet Government*, pp. 276–7.

[2] *Letters of Queen Victoria*, 1st Series, Vol. II, p. 321.

[3] *British Documents on the Origins of the War*, Vol. IX, Part II.

[4] *Ibid.*, pp. 970, 983.

[5] *Letters of Queen Victoria*, 1st Series, Vol. III, p. 380.

[6] *Journals and Letters of Viscount Esher*, Vol. II, p. 160.

Queen Victoria evidently extended this rule to the Colonial Office also, as in 1868 George Grey, the Queen's private secretary, communicated to Mr. Disraeli that the Queen desired that important dispatches from the Colonial Office should be communicated to her before they were sent off. In this letter he mentions that the Queen had charged Lord Derby with the same obligation on a former occasion when he was Prime Minister.[1] The *Granville Papers* also show that the Colonial Secretary was in the habit of sending drafts to the Queen for approval before their dispatch.[2]

This right was vigilantly guarded by Queen Victoria, who expected strict adherence to it on the part of her Ministers, including the Secretary for War. In 1885 Lord Hartington, then Secretary for War, sent a certain dispatch to Lord Wolseley without first submitting it to the Queen, and, as a result, her private secretary wrote the following to him:

"The Queen commands me to observe that no important dispatch ought ever to be sent without receiving Her Majesty's approval. This rule was distinctly acknowledged in 1850, and has been adhered to by her Ministers. The telegram to Lord Wolseley of the 12th of March agreed to by the Cabinet might easily have been telegraphed in cypher for the Queen's approval or even sent by messenger. But it was not transmitted to Her Majesty till this morning."[3]

If the Sovereign is in any doubt as to the wisdom of the proposed dispatch, or other documents requiring his approval or signature, he can demand explanation from his Ministers before assenting. The Minister must then give the facts and the reasons for the decisions arrived at and, if necessary, discuss the matter further with the Sovereign through the channel of letters.[4] The

[1] *Letters of Queen Victoria*, 2nd Series, Vol. I, p. 532: Grey to Disraeli, (June 13, 1868).

[2] *Granville Papers*, Vol. 143, Granville to Gladstone (September 20, 1869); *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 285.

[3] *Ibid.*, 2nd Series, Vol. III, p. 627: Ponsonby to Hartington (March 14, 1885).

[4] *Life of Sir William Harcourt*, Vol. I, pp. 399–403.

Sovereign can also bring various questions on matters of departmental concern before Ministers for their consideration, and his words often carry much weight. In 1883 Queen Victoria wrote to Gladstone, asking him to look into the deplorable condition of the homes of the poor in the great towns; Gladstone communicated forthwith to Sir Charles Dilke, then the President of the Local Government Board, and a member of the Cabinet, who, in consequence of Gladstone's letter, written as a result of the Queen's wish, examined all the worst parts of London.[1]

Intercourse between the Sovereign and his Ministers takes place mainly through letters, written either by the Sovereign himself or by his private secretary on his command. Many such letters of great importance, during the reigns of Queen Victoria and King Edward VII, were actually written by their private secretaries, although the subject-matter was determined by the Sovereign.[2] A Sovereign's letter to a Minister may be brought before the Cabinet for its consideration, provided consent has been obtained. Queen Victoria frequently gave her Ministers permission to do this. For instance, in her letter to Lord Granville she says that "the Queen has written a letter to Lord Granville which he may show to the Cabinet or members of it."[3]

§ 5. *The Relationship of the Different Ministers*

Ministers are bound to co-operate with each other in pursuance of national policy. They constantly consult together, either in council or in private gatherings, for the purpose of settling various questions of policy or inter-departmental matters. But, in consequence of the different duties and functions of the various Departments, their official relationships are different; some are more close to each other by virtue of their connected departmental matters, and some are more or less in a condition

[1] *Life of Sir Charles Dilke*, Vol. I, p. 509.
[2] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 127.
[3] *Ibid.*, p. 130.

of opposing interests. The Chancellor of the Exchequer, for instance, by reason of his control over finance, has a more conflicting relationship with the heads of the fighting services; their struggles over Estimates are unending, as one party constantly demands increasing arms expenditure, while the other fights for economy. Mr. Gladstone indeed once declared that no Chancellor of the Exchequer should attend a Cabinet discussion on financial proposals without preparing a letter of resignation in his pocket, as conflicts between these two parties would be inevitable.[1] Such struggles have repeated themselves over and over again in history. In 1886 Lord Randolph Churchill resigned the office of Chancellor of the Exchequer as a protest against the increase in armaments. Similarly, in the same year, the Chancellor of the Exchequer in Gladstone's Cabinet was on the verge of resignation over the Estimates, though eventually he successfully managed to cut three millions off the armament expenditure. When Mr. Lloyd George became Chancellor of the Exchequer, he also disagreed over the Admiralty Estimates with both Mr. McKenna and with Mr. Churchill. It is interesting to observe that Mr. Churchill was a close ally of Mr. Lloyd George against McKenna's demand for the increase in naval Estimates, but when he was appointed to the Admiralty, he at once changed his attitude and became an ardent champion for a big navy.[2]

In Council their relationships may change according to the circumstances of the time and to the advantages that a particular Minister can obtain through co-operating over some specific issue. In order for a Minister to carry out successfully his ideas, he must have the support of the Cabinet on the policy in question, even though some of its members may previously have been opposed to him. It often happens that a Minister is in close alliance with one member on a certain matter, although he strongly opposes the same member on another question.

[1] Michael Macdonagh's *The Pageant of Parliament*, Vol. II, p. 139.
[2] *War Memoirs of David Lloyd George*, Vol. I, p. 8.

A case of two Ministers having been permanently in agreement on all questions arising out of both home and foreign affairs, whether their policy was to oppose or defend the measures as they were presented, has seldom occurred in the history of the Cabinet.

§ 6. *The Leader of the House of Lords or Commons*

When a Prime Minister is a Commoner, he must choose a Minister to lead the House of Lords, and *vice versa*. The power of selecting such a leader is in the hands of the Prime Minister, who usually selects someone in whom he has great confidence, although occasionally circumstances may force him to appoint a statesman against his will simply because he occupies an influential position, both in his party and in Parliament. For example, in 1866 Lord Salisbury was compelled to accept Lord Randolph Churchill as Leader of the House of Commons. The same thing happened in 1894, when Lord Rosebery asked Sir William Harcourt to take on the leadership. In 1868 Disraeli reluctantly asked Lord Malmesbury to become the Leader of the House of Lords, as he had a prior claim over the Duke of Marlborough, whom Disraeli really wished as leader.[1] The duty of the leadership of either House is usually combined with some other office. On account of its important nature, the leadership of the House of Commons is sometimes held in conjunction with the office of First Lord of the Treasury or Chancellor of the Exchequer. For instance, Gladstone, Lord Randolph Churchill, Disraeli, Northcote, Hicks-Beach and Sir William Harcourt were Chancellors of the Exchequer, at the same time undertaking leadership in the Commons. On the other hand, Smith and Balfour were First Lords of the Treasury at the same time as they were Leaders. The leadership of the House of Lords is usually held by a veteran statesman in conjunction with another office, but, unlike the Leader of the House of Commons, who must hold an

[1] Malmesbury's *Memoirs of an Ex-Minister* (new edition 1885), pp. 636–7.

important office of State, he may hold a sinecure office such as that of Lord Privy Seal.[1]

A Cabinet Minister who is also leader of either the Commons or the Lords naturally has much heavier work than his colleagues. He is the leading person on the ministerial side, and the defence of Government policy, the financing of operations and the guiding of debates fall upon him. These tasks are by no means easy. Nevertheless, in return he enjoys certain privileges which are not shared by other Cabinet Ministers. These privileges came into existence as a result of political customs or precedents, and there is no code regulating them. Their growth and modification are dictated by manifold considerations of convenience and expediency, and their operation is more or less regarded as a tacit understanding between the Leader of the House of Commons or Lords and the Prime Minister and other members of the Cabinet. However, exceptional cases do occur, as for instance in the case of Sir William Harcourt, who, when he was offered the leadership of the House of Commons, specified certain privileges in a memorandum which he presented to the Prime Minister as the conditions for his acceptance of the position.[2] The extent to which a Minister can enforce these privileges depends upon his personality and circumstances at the time. Generally, a Commoner would endeavour to enforce them with more vigour and severity than a Lord.

One of these privileges is that he has the right to communicate directly with the Sovereign upon questions of general policy and parliamentary proceedings. The Leader of the House of Commons should send daily reports to the Sovereign while Parliament is sitting. When Mr. Disraeli retired to the House of Lords in 1876, Sir Stafford Northcote undertook the duty of writing these reports of parliamentary proceedings to the Queen.[3] During the brief period of Salisbury's first

[1] *Life of Ripon*, Vol. II, p. 277; *Life of Disraeli*, Vol. II, p. 342.
[2] *Life of Sir William Harcourt*, Vol. II, p. 627.
[3] *Letters of Queen Victoria*, 2nd Series, Vol. II, pp. 544, 555, 598, 601.

Government, Sir Michael Hicks-Beach, then Chancellor of the Exchequer and Leader of the Commons, sent reports to the Sovereign regularly.[1] When Lord Randolph Churchill was Leader of the Commons, he sent to the Queen regular and full reports of debates which had been taking place in the House of Commons.[2] Mr. Smith [3] and Mr. Balfour [4] followed the precedent, and were even in the habit of writing reports during the actual duration of debates in Parliament. In the *Life of Sir William Harcourt* we are given many examples of his numerous communications with the Queen regarding parliamentary proceedings.[5] Sometimes the writing of such reports can be omitted for various reasons. Lord Granville, at one time Foreign Secretary and Leader of the House of Lords, wrote to the Queen that " . . . he regrets extremely having omitted to give your Majesty any account of the debate which took place last night. He has got rusted by the six years' holiday, and hopes your Majesty will excuse this." [6]

Moreover, as has already been mentioned, the Leader of the House of Commons or Lords also has the privilege of being consulted upon any change of personnel in the Cabinet, as well as on the appointment of other officers. In 1895 Sir William Harcourt, Leader of the House of Commons, sent a protest to Lord Ripon, the Colonial Secretary, because he had not been consulted regarding the appointment of Sir Hercules Robinson as High Commissioner for South Africa. His letter to Lord Ripon says:

" The reason why I insisted so strongly on the Leader of the House of Commons being consulted on all and exceptional appointments . . . is because I know by experience that the fortunes of a

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 666; 3rd Series, Vol. I, pp. 14, 20.
[2] *Life of Lord Randolph Churchill*, Vol. II, p. 154.
[3] Sir Henry Lucy's *Later Peeps at Parliament*, pp. 400, 420.
[4] Sir Henry Lucy's *Diary of the Salisbury Parliament*, p. 484.
[5] *Life of Sir William Harcourt*, Vol. II, pp. 304–5, 347–8.
[6] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 101.

Government in the House of Commons depends on its appointments perhaps more than anything else. When the Prime Minister is in the House of Commons of course his sanction is obtained beforehand, but the situation of a Leader of the House of Commons who finds himself called upon to defend appointments of which he knows nothing and does not approve is one which is impossible." [1]

Lord Salisbury in his letter to George Wyndham proposed that the latter should be Under-Secretary for War, and indicated that he had consulted Mr. Balfour, the Leader of the House of Commons, on the subject of appointment.[2]

The Leader also shares the Prime Minister's right of access to all confidential dispatches and letters of the Foreign Office. Sir William Harcourt went even further than this, as he insisted that he should be consulted beforehand upon all important decisions before they were adopted. In a letter to Lord Kimberley, then Foreign Secretary, he says:

"I must most seriously protest against things of such capital importance as the telegram to Plunkett, which you have just sent me, being despatched without consultation with the Cabinet and personally with myself as Leader of the House of Commons." [3]

Mr. Balfour, when he was the Leader of the Commons, even went so far as to take an active part in the conducting of foreign affairs. By reason of his relationship with Lord Salisbury, he perhaps enjoyed this privilege more extensively than any other Leader of the House of Commons or Lords. Sir Austen Chamberlain says:

"At decisive moments when Lord Salisbury was absent or unwell, Balfour had acted for him." [4]

In the *British Documents on the Origin of the War* it is shown that when Lord Salisbury went abroad, Balfour always acted in his place, and communicated with Sir

[1] *Life of Sir William Harcourt*, Vol. II, p. 339.
[2] *Life and Letters of George Wyndham*, Vol. I, p. 67.
[3] *Life of Sir William Harcourt*, Vol. II, p. 319.
[4] Sir Austen Chamberlain's *Down the Years*, p. 209.

F. Lascelles,[1] British Ambassador at Berlin, Sir E. Monson,[2] British Ambassador at Paris, Sir E. Satow,[3] British Minister at Tokio, Sir C. Scott,[4] British Ambassador at St. Petersburg, and Sir C. Macdonald,[5] British Minister at Peking. One of the famous writers calls him 'Deputy Foreign Secretary'![6] When Lord Salisbury retired from politics, the Duke of Devonshire became Leader of the House of Lords, and always read all foreign dispatches. In the beginning his difficulty in understanding the intricacy of the foreign telegrams submitted to him led him to complain to the Foreign Secretary, Lord Lansdowne, in his letter dated July 11, 1902, saying that

"I have left out reading your China telegrams for a long time, as I don't understand a word of them, and I am not sure that I have followed the others very closely."[7]

When the Liberal Party returned to power, Lord Ripon, the Leader of the House of Lords, stipulated with Edward Grey, the Foreign Secretary, that the latter should send all foreign dispatches to him in order that he might be able to speak authoritatively of foreign policy in the Lords.[8] From subsequent happenings Sir Edward Grey evidently kept his promise faithfully. One example is sufficient to prove this: Sir Edward Grey forwarded to Lord Ripon the full record of the conversations that he had had with Camden in January 1906, concerning the proposed consultations between British and French General Staffs, although these papers were not disclosed

[1] *British Documents on the Origin of the War*, Vol. I, Balfour to Lascelles, p. 31 (No. 47); p. 62 (No. 82); p. 63 (No. 85); p. 67 (No. 85); p. 68 (No. 86); p. 69 (No. 88); p. 71 (No. 90); p. 72 (No. 91); p. 74 (No. 92); p. 75 (No. 94); Lascelles to Balfour, p. 68 (No. 87); p. 70 (No. 89); p. 100 (No. 122).

[2] *Ibid.*, Balfour to Monson, p. 148 (No. 175).

[3] *Ibid.*, Balfour to Satow, p. 20 (No. 28).

[4] *Ibid.*, Balfour to Scott, p. 35 (No. 57); p. 215 (No. 261).

[5] *Ibid.*, Balfour to Macdonald, p. 21 (No. 32).

[6] Blanche E. C. Dugdale's *Arthur James Balfour*, Vol. I, p. 249.

[7] Lord Newton's *Lord Lansdowne*, p. 242.

[8] Sir Edward Grey's *Twenty-Five Years*, Vol. I, p. 74.

to the Cabinet until 1912. In 1908 Lord Crewe succeeded Lord Ripon as Leader of the House of Lords. It is doubtful whether Sir Edward Grey forwarded to Lord Crewe all those foreign dispatches and letters of the Foreign Office which were sent to the King and the Prime Minister, or to the Prime Minister only. *British Documents* reveals that numerous secret and confidential dispatches, letters and telegrams were kept from the knowledge of Lord Crewe, but were made available for the perusal of the King and the Prime Minister, or the Prime Minister only.[1] Nevertheless, he still enjoyed the privilege of seeing certain documents which were not made public in the Cabinet, nor to his other Cabinet colleagues, with the exception of Lord Morley and Lord Crewe.[2] It is evident that Lord Randolph Churchill likewise enjoyed this privilege when he was the Leader of the House of Commons.[3] Lord Salisbury said that " his office of Leader of the House of Commons gave him a claim to be heard on every question.[4]

The last of the privileges to which the Leader is entitled is the most important of all—that is, the privilege of possessing the power to use his own discretion, and to act upon his own judgment, in the case of an emergency arising in the House, without having to wait for instructions from the Prime Minister.[5]

By virtue of his position as Leader of the House, a Cabinet Minister would naturally be on more intimate terms with the Sovereign than any of his colleagues, except the Prime Minister, or other Ministers who are especially favoured by the Sovereign. In this capacity it is possible that he could, if he wished, exercise much influence over the Sovereign : the extent of this influence depending largely upon the art, the powers and the wisdom of the Minister concerned. For instance,

[1] *British Documents on the Origin of the War.*
[2] *British Documents*, Vol. IX, Part II, pp. 823, 863, 870, 889, 897, 936.
[3] *Life of Lord Randolph Churchill*, Vol. II, pp. 155–161.
[4] *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 265.
[5] A. J. Gardiner's *Life of Sir William Harcourt*, Vol. II, pp. 627–8.

Disraeli was sufficiently clever to use to his advantage his position as Leader of the House of Commons, and thereby helped to improve his relationship with the Queen.

The position of Leader of the House of Commons is far more important than Leader of the House of Lords, as, by reason of the former controlling the majority party in the Commons, it is within his powers to make or unmake the Government.[1] The existence of a good relationship between the Prime Minister, if he is in the Lords, and the Leader of the House of Commons, is essential to the stability of the Government. Rosebery's personal opinion on this point is both interesting and conclusive. It will be found in his monograph on Pitt that:

"It would be too much to maintain that all the members of a Cabinet should feel an implicit confidence in each other; humanity —least of all, political humanity—could not stand so severe a test. But between a Prime Minister in the House of Lords and the Leader of the House of Commons, such a confidence is indispensable. Responsibility rests so greatly with the one, and articulation so greatly with the other, that unity of sentiment is the one necessary link that makes the relation, in any case difficult, in any way possible. The voice of Jacob and the hands of Esau may effect a successful imposture, but can hardly constitute a durable administration." [2]

§ 7. *Actions without the Authority of the Cabinet.*

A Cabinet Minister is entrusted with the duty of carrying out the Cabinet's decision, but he may also in some cases act without the authority of the Cabinet, although, naturally, he does so at his own risk, for an error of judgment may easily lead to his downfall. The case of the resignation of Colonel Seely in 1914, who altered a Cabinet decision without reference to the Cabinet or the

[1] "Towards the end of 1894 friendly relations between Harcourt and quite a number of his colleagues had almost ceased, and his consultations with the Prime Minister had to be carried on through a third party." See *Ripon*, Vol. II, p. 237.

[2] Lord Rosebery's *Pitt* (1891), p. 24. Esher, Vol. I, p. 80: "I have always thought that the position of R. in the Lords and Harcourt as Leader in the Commons was impossible."

Prime Minister, serves as a good example. Again, in 1922 Mr. Montagu resigned the office of Secretary of State for India as a result of publishing a confidential telegram from the Government of India on his own responsibility.[1] As a matter of fact, British statesmen are usually very conservative, and any actions taken without Cabinet authority are usually carried out discreetly and prudently after full deliberation and consideration. For example, in August 1914, Mr. Churchill mobilised the fleet without the authority of the Cabinet.[2] Again, on March 26, 1918, Lord Milner agreed to the proposal made at the Doullens Conference that General Foch should be appointed as Commander-in-Chief of the Allied Armies in France without the authority of the War Cabinet.[3]

If the responsibility of independent action is felt by a Cabinet Minister to be too great, he will often consult some of his colleagues, either with or without the presence of the Prime Minister, in order that they may share the responsibility imposed upon him. This happened on January 18, 1884, when General Gordon was sent to Egypt at the command of four leading Cabinet Ministers—namely, Lord Hartington, Lord Granville, Lord Northbrook and Sir C. Dilke—without the agreement of the entire Cabinet. Later, however, on January 22, the Cabinet ratified their action.[4] Again, in August 1884 the sending of Lord Wolseley to Egypt in order that he might take up the post of Chief Commander was the result of a sudden decision made by Lord Hartington with the authority of Mr. Gladstone, Lord Granville and Lord Northbrook, but without reference to the rest of the Cabinet. Lord Hartington, the Secretary for War, gave an account of this transaction in a letter to Mr. Childers:

"I was so uneasy about this state of things, which I found in existence when I came up to town last week, that I communicated

[1] *Commons Debates*, Vol. CI, pp. 1490–3; *D.N.B.*, 1922–30, p. 609.

[2] Churchill's *The World Crisis, 1911–14*, p. 217.

[3] *Life of Sir Henry Wilson*, Vol. II, p. 78; *Annual Register*, 1918, p. 28.

[4] *Life of Lord Granville*, Vol. II, p. 383; *Life of the Duke of Devonshire*, Vol. I, pp. 417–18; *Life of Sir C. Dilke*, Vol. II, pp. 29–30.

with Mr. Gladstone, Granville, and Northbrook, and obtained their authority to send out Wolseley to take command in Egypt, and to direct all the preparations and arrangements for the expedition, should it take place. It was impossible for me to communicate with the whole Cabinet without the loss of too much time." [1]

Sometimes a Minister, in the event of his not consulting the Cabinet, desires to have the support of his colleague, or colleagues, before he acts. For example, on May 20, 1869, Lord Granville, the Colonial Secretary, telegraphed to Mr. Cardwell, the Secretary for War, saying that: "I see nothing that induces me to change our policy [2]— or any reason why I should not say so to the Governor by this mail. Telegraph whether you agree to my doing so without consulting Cabinet." [3]

§ 8. *The Good Qualities Necessary to a Cabinet Minister.*

A Cabinet Minister is in a different position from a Minister without a Cabinet seat; he participates in the laying down of the foreign, domestic and imperial policies of the country and takes the main responsibility for them. Lord Grey of Fallodon stated what he thought to be the necessary qualities which a good member of the Cabinet should possess:

"One of these is to put his mind into the common stock; to work sincerely in matters of difference of opinion and difficulty for a Cabinet decision. This does not mean that what is regarded by a Minister as vital to the public interest should be compromised. A Minister should resign rather than agree to that. It means that a Minister should not press his personal views unduly about what is not essential, that he should consider without *amour-propre* how his own opinion can be reconciled with that of others, subject to the one qualification of not sacrificing what he regards as vital to the public interest, he should not contend for victory, but work for agreement in the Cabinet. The other qualification is that of

[1] Marquess of Hartington to Mr. Childers (August 29, 1864), *Life of Childers*; *The Duke of Devonshire*, Vol. I, p. 485; *Life of Lord Granville*, Vol. II, p. 395.

[2] *New Zealand Policy.*

[3] *Granville Papers*, Vol. 53: Granville to Cardwell (May 20, 1869).

accepting full personal responsibility for Cabinet decisions, when once agreed to." [1]

Besides this, certain rules must be observed by Ministers in their financial dealings. Mr. Asquith said:

"The first, of course, the most obvious, is that Ministers ought not to enter into any transactions whereby their private pecuniary interests might, even conceivably, come into conflict with their public duty. There is no dispute about that. Again, secondly, no Minister is justified, under any circumstances, in using official information, information that has come to him as a Minister, for his own private profit or for that of his friend. Further, thirdly, no Minister ought to allow or put himself in a position to be tempted to use his official influence in support of any scheme, or in furtherance of any contract, in regard to which he has an undisclosed private interest. That again is beyond dispute. Again, fourthly, no Minister ought to accept from persons who are in negotiation with or seeking to enter into contractual or proprietary or pecuniary relations with the State, any kind of favour. That, I think, is also beyond dispute. I will add a further proposition which I am not sure has been completely formulated, though it has no doubt been adumbrated in the course of these debates, and that is that, fifthly, Ministers should scrupulously avoid speculative investments in securities as to which, from their position and their special means of early or confidential information, they have, or may have, an advantage over other people in anticipating market changes."

These he considered to be "rules of obligation." He added that there were certain "rules of prudence" which had never been formulated and which could hardly be translated into precise or universal terms. He thought that one of these rules was that

"in these matters such persons should carefully avoid all transactions which can give colour or countenance to the belief that they are doing anything which the rules of obligation forbid." [2]

During the latter half of the nineteenth century a rule was made that a Cabinet Minister should resign all directorships which he might be holding. Obviously

[1] Lord Grey of Fallodon's *Twenty-Five Years, 1892–1916*, Vol. I, p. 68.

[2] *Life of Lord Oxford and Asquith*, Vol. I, p. 364.

this was intended to prevent a Cabinet Minister utilizing his special position for the purpose of company promotion, or in the interests of a company in which he was concerned.[1] The best description of this regulation was once given by Mr. Swift MacNeill, who said in the House of Commons that "it is no more possible to be a company director and a Cabinet Minister, and do your duty in both, than it is possible to serve God and Mammon."[2] Mr. Gladstone favoured the principle that his colleagues should retire from the management of all trading concerns so soon as they accept offices. This practice was adopted when he returned to office in 1892. It seems that there existed an understanding between him and his colleagues on this matter. Evidently Mr. A. J. Mundella resigned his directorship of the New Zealand Loan Company before he was made a Minister of the Crown.[3] The new Cabinet also resolved that a Minister should not, at the same time, be a director of a company,[4] and this rule was generally observed by the Cabinets of Rosebery, Campbell-Bannerman[5] and Asquith. Lord Salisbury adhered faithfully to this principle. When he came into office in 1895, the following rules were laid down, viz.:

> (1) That no member of the Government should enter into any engagement that would occupy the time that would properly belong to the public; or
> (2) Should undertake any responsibility in connection with public companies that could be supposed to diminish his influence or usefulness as a member of the Cabinet or the Minister of a Department.

But these rules were not fully observed by members of

[1] According to the *Memoirs of an old Parliamentarian*, Swift MacNeill was also the person who created the rule that a member of the Cabinet could not remain a director of a public company (Vol. II, p. 49).

[2] *Parliamentary Debates*, 4th Series, Vol. 166, p. 1899.

[3] *Dictionary of National Biography*, Vol. XXII, Supplement, p. 1083.

[4] West's *Diaries*, p. 69; *Letters to Queen Victoria*, 3rd Series, Vol. II, p. 171.

[5] *Dictionary of National Biography*, Vol. I, Second Supplement, p. 308.

his Ministry, as a certain number of directorships were held by Cabinet Ministers.[1] Mr. Balfour also believed that no Minister of the Crown should hold any office which might interfere with the proper discharge of his duties as a servant of the Crown.[2] These rules, therefore, are not free from exceptions: as T. P. O'Connor points out in his book, some statesman might be exempted on the grounds of family ties or important private rights.[3] Again, an exception might be made in the case of honorray directorships and directorships in connection with philanthropic undertakings.[4] Sir H. Campbell-Bannerman also allowed one member of his Cabinet to act as managing partner in a large private business; he gave the reason for this, saying that "no inconvenience has arisen from Members of the Government being also concerned in the management of private business in which they are interested." [5]

Journalists always have access to Ministers for the purpose of obtaining news. But the position of a Minister becomes very embarrassing if he is particularly intimate with a few powerful journalists, since he will sometimes be accused of divulging State secrets,[6] although much depends on the discretion of individual Ministers. In a memorandum written by Lord Granville on the relations between Ministers and journalists in 1855, when

[1] *Parliamentary Debates*, 4th Series, Vol. 66, 1899. Cf. "There are no fewer than 19 members of the present Cabinet, which is the largest that ever existed, and therefore the wisest one, and of those 19 gentlemen (their benevolence extends beyond the reach of mere public details, they work to do good in commercial undertakings) there are 11 company directors, and they are divided pretty well between the Lords and the Commons. Five Lords divide eight directorships amongst them and of these one Peer heads the list with three directorships. That is Lord Balfour of Burleigh." See Mr. Swift MacNeill's speech.

[2] *Parliamentary Debates*, March 6, 1905 (142), 429, Mr. A. J. Balfour.

[3] T. P. O'Connor's *Memoirs of an old Parliamentarian*, Vol. II, p. 49.

[4] *Parliamentary Debates*, March 20 (154), pp. 233–4, Sir H. Campbell-Bannerman.

[5] *Ibid.*, April 2, 1906 (155), p. 186, Sir H. Campbell-Bannerman.

[6] *Life of Granville George Leveson Gower, Second Earl Granville*, Vol. I, p. 91; Cook's *Delane of "The Times,"* p. 271.

he was accused by the Duke of Newcastle of undue intimacy with *The Times*, he says:

"Public men have three ways of communicating with writers in the press: First, showing them social civilities; second, furnishing them with facts and arguments which need not be kept secret, and which may be useful in determining public opinion; and third, imparting to them official secrets which ought not to be divulged."

The first course was frequently adopted by Lord Granville. The second method, although not adopted by him, was, in his view, perfectly legitimate. The third course appeared to him to be simply dishonourable, and he solemnly declared that he had never adopted it.[1]

Neither should a Minister keep up a regular correspondence with editors. Lord George Hamilton defied any Cabinet Minister to correspond daily with the editor of a great paper and at the same time remain loyal to his colleagues. He said:

"Consciously or unconsciously, the oath of secrecy and the sense of obligation to his brother Ministers become little by little sapped until they disappear. Delane's *Life and Memoirs* are full of incidents where distinguished men, quite regardless of the honourable understanding between colleagues sharing collective responsibility, improperly supplied him with the most confidential information which was used. . . ." [2]

§ 9. *The Resignation of a Cabinet Minister.*

There is no fixed tenure of a Cabinet office, but its term of office may be terminated through (1) the resignation of the Prime Minister, (2) the request to resign by the Prime Minister and (3) the voluntary resignation of a Minister.

As regards the first, the Cabinet is automatically dissolved by the resignation of the Prime Minister, and consequently all the Cabinet offices become vacant. The same Ministers may serve under the new Premier,

[1] *Life of Granville George Leveson Gower, Second Earl Granville*, Vol. I, p. 91.

[2] Lord George Hamilton's *Parliamentary Reminiscences and Reflections, 1868–85*, p. 25–6.

at this is regarded as the beginning of a new term of office.

There are occasions when Ministers are requested to take over appointments other than a Cabinet office, such as Ambassador to a foreign Power, Governor-General of a Dominion or Colony, etc. Should the Minister accept the offer, then his seat in the Cabinet becomes vacant.[1] Such a change, however, is not always acceptable to a Minister. For instance, in 1868 Lord John Manners, then a member of the Cabinet, declined the offer to become Governor-General of Canada, mainly on private and family grounds. There is no doubt that the Prime Minister has the indisputable right to ask his colleagues to put their offices at his disposal so that he may reconstruct his Cabinet. This may be explained by his desire to promote younger members of the Ministry, and, in the case of his being a Commoner, the Minister requested to resign is often offered a peerage as a consolation for his loss. In 1900 both Sir M. White Ridley, the Home Secretary, and Mr. Chaplin, the President of the Local Government Board, resigned from the Cabinet, much to the surprise of their followers. Mr. Chaplin afterwards made known the facts of the situation, and said that he and his colleague resigned only at the wish of the Prime Minister, whose request was based upon the

[1] This happened in July 1868, when, on the resignation of his Cabinet office of Chief Secretary for Ireland, Lord Mayo was appointed Viceroy of India (Charles Whibley's *Lord Manners and his Friends*, Vol. II, p. 144). In 1888 Lord Stanley of Preston resigned from the Presidency of the Board of Trade, in order to succeed Lord Lansdowne as Canadian Governor-General (*Annual Register*, 1888, Chronicle, p. 8). In 1903 Lord Selborne accepted the office of High Commissioner for South Africa, and thus vacated his seat in the Cabinet as First Lord of the Admiralty (*ibid.*, 1905, p. 58 (English History), Chronicle 9). In 1907 Mr. Bryce resigned the Irish Secretaryship and was appointed as British Ambassador in Washington (*ibid.*, 1912, p. 18). In 1909 the Prime Minister appointed Mr. Gladstone, who was a member of his Cabinet, as Governor-General of the new Union, and High Commissioner for South Africa, and at the same time made him a Viscount (*Annual Register*, 1930, Obituary, p. 115). Likewise, in 1912 Lord Pentland resigned the Scottish Secretaryship in order to become Governor of Madras (Lady Pentland's *Memoirs of Lord Pentland*, p. 126).

necessity for making arrangements for the promotion of younger members in the Ministry. As a consolation for their loss, Lord Salisbury offered them both peerages, although only Sir M. White Ridley accepted.[1] Similarly, in 1884 Lord Carrington was persuaded by the Prime Minister to resign his office as Lord Privy Seal in order to make room for Lord Rosebery. At first, Lord Carrington was unwilling to comply with the request, but finally he conformed to the Premier's wish.[2] Sometimes it is desired that the occupant of a particular office should be in the House of Commons. Such was the case of Lord Pentland, who was requested by Mr. Asquith, the Prime Minister, to vacate his seat in the Cabinet on the ground that the Scottish Secretary should be in the House of Commons. Lord Pentland was offered the Governorship of Madras, which he accepted.[3]

Obviously, it is a painful and difficult task for a Prime Minister to suggest such a proposal to a colleague with whom he has been associated for a long time on the most friendly terms. Lord Salisbury experienced this, and stated that it was indeed painful to have to ask a colleague to retire.[4] A previous intimation of such intended action is customary. It would, indeed, be extraordinary for a Prime Minister to displace a colleague without previously communicating his intention to the person concerned. Such a case did, however, happen in 1887, when Lord Salisbury displaced Lord Iddesleigh from the Foreign Office in order to take over the post himself. We are told that Lord Iddesleigh only learned of his removal through the channels of newspapers during his Christmas holidays at his home near Exeter. With a view to clearing up any misunderstanding that might exist between them, Lord Iddesleigh called upon Lord Salisbury at Downing Street and, as a result of heart failure, he there passed away in the

[1] *Annual Register*, 1900, p. 218 (English History); *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 612.

[2] *Life of Sir William Harcourt*, Vol. I, p. 509.

[3] Lady Pentland's *Memoirs of Lord Pentland*, p. 126.

[4] *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 612.

presence of the Prime Minister. Lord Salisbury was greatly moved, and afterwards told Lord Randolph Churchill that " by some misunderstanding, which it is hopeless to explain, I had, I believe, for the first time in my life, seriously wounded his feelings.[1] "

Lastly, a Minister may voluntarily resign from the Cabinet for various reasons. Generally, if a Minister wishes to resign, he communicates his intention in the first instance to the Premier, in a letter expressing the reasons for his intended resignation. Invariably the Prime Minister would endeavour to persuade his colleague to remain, but if he fails to do so he must then obtain the Sovereign's approval, which is only a matter of formality.

Ill-health is a common cause,[2] but there are many other reasons which would induce a Minister to resign, such as dissatisfaction with the office occupied, the unwillingness of an ambitious statesman to remain too long in a sinecure office, etc. It is only natural that an ambitious and capable statesman would be reluctant to be kept too long in a position of little significance, in spite of the chance for promotion. If his acceptance of the sinecure office is on the condition that the Prime Minister will give him a more advantageous position when circumstances arise, and the latter fails to fulfil his promise, then the Minister would generally resign his office. On the occasion of Mr. Childers' resignation in 1873 Mr. Gladstone told

[1] *Life of Lord Randolph Churchill*, Vol. II, p. 276; *Life of Lord Salisbury*, Vol. III, pp. 342–5.

[2] There were many such cases. For instance, in 1870 Mr. Bright, on account of ill-health, resigned from the Cabinet as President of the Board of Trade. In 1871 Mr. Childers was also forced, owing to the state of his health, to retire from his post of First Lord of the Admiralty. Again, owing to the failure of his eyesight, Sir Michael Hicks-Beach resigned the position of First Secretary for Ireland in 1887, and in 1908 Lord Tweedmouth resigned the Presidency of the Council, owing to ill-health (see *The Times*, September 29, 1908). On June 26, 1909, Lord Fitzmaurice, solely for reasons of health, resigned the Chancellorship of the Duchy of Lancaster. In 1912 Earl Carrington, owing to ill-health, resigned the office of Lord Privy Seal, and was created a Marquess. In the same year Earl Loreburn resigned the office of Lord Chancellor for the same reason.

the Queen that Mr. Childers desired to retire only for private reasons.[1] But the truth was that when Mr. Gladstone reconstructed his Cabinet, he failed to make a change to the advantage of Mr. Childers, who was at that time the Chancellor of the Duchy of Lancaster. Mr. Childers felt that he could not conscientiously hold a sinecure office for longer than a year, and he considered he had already put that office on a sound footing.[2] So he tendered his resignation. Again, in 1915, when Mr. Asquith formed his Coalition Government, Mr. Churchill was offered the Chancellorship of the Duchy of Lancaster, which he accepted, but only on the condition that he would later receive a seat in the War Council. In November the War Committee replaced the Dardanelles Committee for the conduct of the War, but Mr. Churchill was excluded. Consequently he firmly refused to remain in the Cabinet, as he felt that he "could not accept a position of general responsibility for war policy without any effectual share in its guidance and control."[3] So he resigned the post, wishing rather to be a volunteer for active service than to be the holder of a sinecure office in the Cabinet.[4]

It is sometimes questioned whether a Cabinet Minister who is either personally involved or indirectly connected with legal proceedings should resign from office in order to avoid any conflict between his personal and public considerations. The decision entirely depends upon the feelings of the statesman concerned and the gravity of the matter in question. The resignation of Mr. A. J. Mundella may be cited as an example. In 1894 a public inquiry was held in consequence of the liquidation of the New Zealand Loan Company, of which Mr. A. J. Mundella had been a director before his appointment as President of the Board of Trade in 1892. He felt that

[1] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 271.
[2] Spender Childers' *Life of Hugh C. E. Childers*, Vol. I, p. 219.
[3] *The Times History of the War*, Vol. X, p. 338.
[4] Winston S. Churchill's *The World Crisis*, Vol. II, 1915, p. 498; Ephesian's *Winston Churchill*, pp. 190–1.

his previous position as director might cast doubts upon his impartiality, and for this reason he tendered his resignation. He gave an explanation of the matter in the House of Commons, on May 24, 1894:

"I felt that the public had a right to be assured that the administration of the duties attached to my office should be freed from the slightest suspicion that any conflict might arise between personal and public consideration." [1]

Regarding his personal character, Lord James of Hereford (then Sir Henry James) states:

"I have had an opportunity of obtaining some insight into the affairs of the New Zealand Loan Company and Mr. Mundella's connection therewith. I can discover nothing in all these proceedings so far as I know them, which ought to disentitle Mr. Mundella to the confidence of any man." [2]

If a Cabinet Minister neglects the management of departmental affairs, this may eventually lead to criticism of his conduct and finally force him to resign his Cabinet office. In August 1916 Mr. Henderson resigned his Cabinet office as President of the Board of Education, mainly owing to the fact that he was devoting a large proportion of his time to the advising of the Coalition on questions relating to labour, and his preoccupation with these problems caused considerable criticism as to the advisability of his remaining at the Board of Education.[3]

A Minister may resign his office as a result of his negligence in allowing a subordinate to pursue some policy of which he did not, or would not, approve. In the event of this happening he is responsible for the action of his subordinate, whether he approves of such action or not. For instance, in March 1905 Mr. George Wyndham resigned his office as Chief Secretary for Ireland as the result of a scheme of "Devolution" being brought forward by his Permanent Secretary without his approval and passed only through his negligence. He was,

[1] *Parliamentary Debates*, 4th Series, Vol. 24, pp. 1191–2.
[2] *Dictionary of National Biography*, Vol. XXII, Supplement, p. 1084.
[3] *Annual Register*, 1916, pp. 159–60.

however, held to be responsible for whatever action his subordinate had taken, and so he felt bound to tender his resignation.[1] A Minister is also personally responsible for any action which causes grave consequence, and which does not have the authority of the Cabinet, no matter whether the consequences are due to a misunderstanding or to the result of deliberate action. In cases like this, the Minister must take the blame for whatever happens himself, and he will usually ask the Prime Minister to accept his resignation. For instance, in 1914, Colonel Seely, the Secretary of State for War, through a misunderstanding, added two paragraphs to the copy of a memorandum which had been decided upon by the Cabinet, without reference either to the Prime Minister or the Cabinet. Even though the substance of these two paragraphs was not put into operation, grave political consequences arose and Colonel Seely resigned his office.

A difference of political views between a Minister and the Cabinet is also a ground for seeking resignation. The Cabinet usually contains many experienced statesmen, and inevitably there arises great variety of opinions, yet it is a constitutional convention that the Cabinet must speak with a united voice whenever they face the outside world—the Crown, Parliament or the electorate. If a Minister persists in adhering to his own views in the Cabinet and disagrees with its policy, the only way to free himself from sharing responsibility is to tender his resignation. Such instances are abundant. In 1873 Lord Ripon found he could not remain in the Cabinet, because the policy of the extension of the franchise was inconsistent with his views.[2] It is interesting to note that when Mr. Gladstone wrote to the Queen he did not mention a single word of disagreement between the

[1] *Life and Letters of George Wyndham*, by J. W. Mackail and Guy Wyndham, Vol. I, pp. 98–104; *Annual Register*, 1905, p. 59; *Parliamentary Debates*, 4th Series, Vol. 145, pp. 1352–6.

[2] "Memorandum on my retirement from Mr. Gladstone's Government in August 1873," *Life of Lord Ripon*, Vol. II, p. 377.

Cabinet and Lord Ripon: "Lord Ripon . . . retires on account of private affairs."[1] It is significant that the Prime Minister should have concealed the differences of opinion without putting the whole issue before the Sovereign. In 1881 the Duke of Argyll resigned his post of Lord Privy Seal in the Cabinet on account of a difference of opinion over the Irish Land Bill.[2] Similarly, Mr. John Bright resigned from the Cabinet in consequence of his differing views on Egyptian policy, following the bombardment of Alexandria in 1882, which made him feel that he could not accept any share of responsibility for the acts of war then taking place at Alexandria. Mr. Bright explained the case in Parliament: "I think that in the present case there has been a manifest violation both of International Law and of Moral Law and, therefore, it is impossible for me to give my support to it." [3]

In 1882 the Cabinet decided to release Mr. Parnell and his comrades unconditionally. Mr. W. E. Forster disagreed, and resigned from the office of Chief Secretary to the Lord Lieutenant of Ireland.[4]

In 1886 two important members of the Liberal Cabinet, Mr. Joseph Chamberlain, the President of the Local Government Board, and Mr. Trevelyan, the Secretary for Scotland, resigned from the Cabinet owing to their different views on certain essential portions of the proposals for Irish Home Rule.[5]

In August 1914 both Viscount Morley, Lord President of the Council, and Mr. John Burns, President of the Local Government Board, resigned their Cabinet offices because they objected to England taking an active part in the War, it being their opinion that England

[1] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 271.

[2] The Duke of Argyll gave full reasons for resignation in the House of Lords on April 8, 1881. See *Hansard*, 1881, sec. 3, Vol. CCLX, p. 994.

[3] *Annual Register*, 1882, p. 148.

[4] *Letters of Queen Victoria*, 2nd Series, Vol. III, pp. 267–77; Morley's *Gladstone*, Vol. III, pp. 65 and 90; Garvin's *Chamberlain*, Vol. I, p. 357.

[5] Garvin's *Chamberlain*, Vol. II, p. 192; Morley's *Gladstone*, Vol. III, p. 303; *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 92.

should leave France and Germany and the other Great Powers to fight it out as they pleased. Lord Morley, in his letter, says that:

"I cannot conceal from myself that . . . I and the leading men of the Cabinet . . . do not mean the same thing in the foreign policy of the moment. To bind ourselves to France is at the same time to bind ourselves to Russia, and to whatever demands may be made by Russia or France. With this cardinal difference between us, how can I honourably or usefully sit in a Cabinet day after day, discussing military and diplomatic details, in carrying forward a policy that I think a mistake?" [1]

In October 1915 Sir Edward Carson, the Attorney-General, resigned on the grounds that the Cabinet's objection to sending large forces to Salonica involved the desertion of Serbia.[2] His letter of resignation, dated October 12, 1915, says: "I cannot understand how England can now abandon Serbia to her fate without national dishonour, even if we were not so bound in honour. Such a course, in my judgment, is a policy of despair, and an admission of failure, which could only be justified after every other alternative had been exhausted." In December 1915 the Cabinet's decision to adopt the principle of compulsion, following the failure of the Derby recruiting scheme, led to the resignation of Sir John Simon, the Home Secretary, who, as Mr. Spender pointed out, ". . . objected on principle to compulsory service and thought the necessity for it to be unproven." [3]

Sometimes it happens that when one member of the Cabinet insists upon carrying out his policy, and another member strongly opposes his views, both members are led to resign. For example, in 1903, when Mr. Balfour was Prime Minister, he accepted the resignations of Mr. Joseph Chamberlain, Secretary of State for the Colonies,

[1] Lord Morley to Mr. Asquith (August 4, 1914). See *Autobiography of Margot Asquith*, Vol. II, p. 182; or Viscount Morley's *Memorandum on Resignation*, August 1914, p. 30 (1928).

[2] *The Times History of the War*, Vol. X, p. 338; *Life of Lord Oxford and Asquith*, Vol. II, p. 198.

[3] *Life of Lord Oxford and Asquith*, Vol. II, p. 202; *The Times History of the War*, Vol. X, p. 339.

Mr. Ritchie, Chancellor of the Exchequer, and Lord George Hamilton, Secretary of State for India. The reason for their respective resignations was mainly due to Mr. Chamberlain's tariff policy. Chamberlain found that he could not carry out his policy of preferential tariffs in the Cabinet in view of the strong hostility of the Duke of Devonshire, Mr. Ritchie, Lord Balfour of Burleigh and Lord George Hamilton. He declared in a Cabinet meeting " that unless the policy of preferential tariffs was accepted by the Government he could not continue in the Cabinet." [1] His letter to King Edward VII says : " This want of entire agreement in the Cabinet has seriously interfered with the due and effective exposition of the new policy." [2] For this reason, he preferred to resign the office and to devote his time to the explanation and the popularizing of his policy. On the other hand, Mr. Ritchie and Lord George Hamilton had, from the outset, not only opposed the Colonial Secretary's idea of preferential duties in favour of the Colonies, but had also attempted to modify the whole fiscal system.[3]

Supreme courage is necessary in order to fight for one's own political views and aims. A Minister may offer to resign in consequence of his difference of opinion with the Prime Minister or with his other colleagues, before he has even put his case before the Cabinet, simply because he feels that he stands no chance if he has to fight against the whole Cabinet. A notable example of this was Lord Randolph Churchill's resignation as Chancellor of the Exchequer in 1887 as a result of his disagreement with the Prime Minister and the two Heads of the spending Departments regarding the Estimates for these two Services. He gives the reason for his action in his letter to Lord Salisbury, then Prime Minister :

" I know that on this subject I cannot look for any sympathy or effective support from you and I am certain that I shall find no

[1] *The Times*, October 7, 1903 ; *Annual Register*, 1903, p. 215.
[2] Sir Sidney Lee's *King Edward VII*, Vol. II, p. 174.
[3] *Annual Register*, 1903, p. 201. *The Times*, Friday, September 18, 1903.

supporters in the Cabinet. I do not want to be wrangling and quarrelling in the Cabinet, and therefore must request to be allowed to give up my office and retire from the Government." [1]

Even disagreement with a particular policy, or view, which the Prime Minister has taken, may lead the dissenting Minister to resign. In 1903 Mr. Balfour, then Prime Minister, made a speech at Sheffield in which he expressed a strong opinion in favour of a change of fiscal policy. His utterance disappointed the Duke of Devonshire, then a member of the Cabinet and a thoroughgoing Free Trader. As the Duke had hoped for an explicit declaration of adherence to the principles of Free Trade as the basis of the English fiscal and commercial system, and equally a whole-hearted repudiation of the principles of Protection, he regarded the absence of such a declaration as a direct encouragement to the advocates of Protection and likewise a discouragement to those who, like himself, believed that the present system of free imports, and especially of food imports, was on the whole most advantageous for the country. Thus he felt that it would be impossible for him, when Parliament reassembled, to be a satisfactory exponent in the House of Lords of the Prime Minister's views, as expressed by him in his speech. For this reason he asked that he might resign from the Government.[2]

§ 10. *The General Effect of a Minister's Resignation on the Cabinet as a Whole*

When a Minister resigns, or is forced to resign, from the Cabinet, the Prime Minister must fill the vacancy, and in doing so must take many things into consideration. Although a Minister's retirement, or even the retirement

[1] Winston Churchill's *Lord Randolph Churchill*, Vol. II, p. 235. Other theories for his resignation are held by Lord George Hamilton (see Asquith's *Fifty Years of Parliament*, Vol. I, pp. 157–60; also Lord George Hamilton's *Parliamentary Reminiscences and Reflections, 1886–1907*, pp. 50–1).

[2] Bernard Holland's *The Duke of Devonshire*, Vol. II, p. 363; Henry Leach's *The Duke of Devonshire*, pp. 341–2; *The Times*, October 6, 1903 (8).

of several Ministers, does not generally shake the foundations of the Cabinet, in some ways, especially when the withdrawal is due to ill-health, it may be a serious loss to the Government. Naturally, a Prime Minister is unwilling to lose the co-operation of a distinguished colleague or colleagues, and usually does everything within his power in order to persuade the resigning Minister, or Ministers, to reconsider the decision, and the acceptance of resignation is generally postponed until persuasion has proved futile. Thus, in 1870 and 1871 respectively, Mr. Gladstone refused to give Mr. Bright and Mr. Childers permission to resign until a few months had elapsed. In 1906 even the serious nature of Lord Ripon's illness did not prevent Sir Henry Campbell-Bannerman, the Prime Minister, from asking him to remain, and Lord Ripon was eventually persuaded to stay.[1] In the case of a difference of political opinion in the Cabinet, the Prime Minister usually tries with all his power to prevent his colleague, or colleagues, from resigning unless the case is exceptional. Often he suspends the resignation in the hope that some way may be found out of the difficulty. In 1882 Mr. John Bright, after the bombardment of Alexandria, wrote no fewer than six letters on the subject before he was able to get Mr. Gladstone's permission to retire from the Cabinet and to resign his office as Chancellor of the Duchy of Lancaster.[2]

When a Minister resigns owing to ill-health, he suffers the loss of office himself and his colleagues are deprived of his counsel. In certain cases ill-health ends a statesman's political career, as his chances of returning are small unless he has a powerful personality and possesses great influence in the country or in Parliament. For instance, after long service in the Party, Lord Fitzmaurice in 1908 received his promotion to Cabinet rank as Chancellor of the Duchy of Lancaster. "Unhappily," as *The Times* says, "a return of ill-health compelled him to resign office

[1] J. A. Spender's *Life of Sir Henry Campbell-Bannerman*, Vol. II, p. 285.

[2] *Diaries of John Bright*, pp. 485–8.

a few months after his appointment, and his public career came to an end."[1] On the other hand, Sir Michael Hicks-Beach after his recovery returned to the Cabinet as President of the Board of Trade, and finally attained the position, second only to that of the Premiership—namely, Chancellor of the Exchequer. This was also the case with Mr. Childers, who was readmitted to the Cabinet after an absence. These instances of readmission were entirely due to the personal influence in the Government of the two statesmen concerned. In the case of a Minister resigning from the Cabinet owing to a difference of political opinion, it has seldom occurred in the history of British politics for this Minister to return later to the same Cabinet. It usually happens that he becomes a political exile. Nevertheless, there have been occasions when a Minister who has disagreed with the Cabinet on a matter of policy has later returned to the Government. In 1873 Lord Ripon resigned as a consequence of his disagreement on Cabinet policy, but returned in 1886 as First Lord of the Admiralty and in 1892 became the Colonial Secretary after having been appointed as Viceroy of India in 1880 by Mr. Gladstone. He also occupied an important place in the Liberal Cabinets under Rosebery, Campbell-Bannerman and Asquith.[2] Again, in the case of Lord Carnarvon, his resignation in 1878 did not prevent him from returning to the Tory Cabinet in 1885 as Lord Lieutenant of Ireland. Likewise, Sir George Trevelyan, who resigned in 1886, was invited by Mr. Gladstone to rejoin his fourth Cabinet. Generally, it is true to say that a Prime Minister wishes to minimize, if possible, any disagreements which he may have had with a former colleague, or colleagues, and will invite him or them back to the party and the Cabinet as long as there is no personal antagonism between them or any other cause which would stop such a reunion. Naturally, no Prime Minister wishes to lose his followers and thereby increase the strength of the Opposition; even after so deep a

[1] *The Times*, June 22, 1935.
[2] *Life of Lord Oxford and Asquith*, Vol. I, p. 199.

difference as that between Gladstone and Chamberlain, after the latter's resignation in consequence of the Irish Home Rule Bill, Gladstone sincerely hoped that he would be successful in bringing Chamberlain back to the party. Indeed, but for Chamberlain's imprudent speeches and the letter which he wrote for the *Baptist*, he might have held a place in Gladstone's fourth Cabinet. Similarly, in 1882, though the case was not precisely the same, Mr. Gladstone tried hard to induce Mr. Goschen to join the Cabinet, although he had excluded him in consequence of a political difference in 1880. On the other hand, if there is no possibility of reunion, the Minister concerned, for the furtherance of his own political existence, may organize a new independent party or else join the Opposition. Experience teaches, however, that the organizing of a new independent party in the English Parliamentary system is not always successful, as it is almost inevitable that it should be gradually absorbed by a stronger party. Perhaps it is not an exaggeration to say that the dissenting Liberals, when they were separated from their party, were more friendly with the Conservatives, and were finally absorbed by that party.

A Cabinet Minister is under an obligation not to disclose any of the proceedings of the Cabinet. If he should desire to explain to Parliament the cause of his resignation in a case where it is undoubtedly connected with Cabinet proceedings, he must first obtain permission from the Sovereign, who as a rule acts on the advice of the Prime Minister. Mr. Gladstone told the Duke of Argyll, when the latter resigned, that:

"Were there any proceedings of Cabinet to disclose, you would, as you well recollect, require the special permission of the Queen to speak upon them; but as there is nothing to state but your dissent from some of our proposals in a measure now printed and circulated, I do not think there is any difficulty." [1]

Mr. Gladstone also pointed out that the Cabinet was the operative part of the Privy Council, that the Privy

[1] The Duke of Argyll's *Autobiography and Memories*, Vol. II, p. 372.

Councillor's oath was applicable to its proceedings, that it was a very high obligation and that no one, except the Queen, could free a statesman from it.[1] The oath here referred to includes the words: "[you] shall keep secret all matters committed and revealed unto you or that shall be treated of secretly in Council." The resignations of Lord Derby and Lord Carnarvon in 1879, of the Duke of Argyll in 1881, of Mr. John Bright in 1882, of Joseph Chamberlain in 1886, of Mr. A. J. Mundella in 1894, of Mr. Chamberlain, Mr. Ritchie, Lord George Hamilton, and Lord Balfour in 1903, of the Duke of Devonshire in 1903, of Mr. George Wyndham in 1905, of Colonel Seely in 1914, and of Mr. Arthur Henderson in 1917 serve as examples.

The permission which the Sovereign is empowered to give is limited to a particular instance, and does not extend beyond this. The Queen expected that:

"Whenever a Privy Councillor makes any statement in Parliament respecting proceedings in Her Majesty's Councils, the Queen's permission to do so should be first solicited, and the object of the statement made clear; and that the permission thus given should only serve for the particular instance, and not be considered as an open licence." [2]

§ 11. *Political Pensions*

When a Minister resigns he is entitled to claim a pension. The possibility of obtaining a political pension means that men of brilliance and capacity, who for financial reasons would otherwise be prevented, are not discouraged from entering the Government as public servants. But for such a pension they might be left in a position, after the termination of office, in which they were incapable of supporting their social status. Under the Political Pension Act of 1869, a Cabinet Minister can either claim a first-class pension of the sum of two thousand pounds a year, or a second-class pension of the

[1] Morley's *Gladstone*, Vol. III, p. 144.

[2] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 634: General Ponsonby to the Earl of Derby (July 25, 1878).

sum of twelve hundred pounds a year. The first-class pension is only given to those who have served for a period of not less than four years as First Lord of the Treasury, or in another political office remunerated with a yearly salary of not less than five thousand pounds; a second-class pension is awarded only to those who have served, in offices remunerated with a yearly salary of less than five thousand pounds, and not less than two thousand pounds, for a period of six years.[1] The period of service need not be continuous, but may be made up of different occasions during the public career of the Minister and in different offices.[2] The Prime Minister has the power to grant a pension at the instance of the applicant, but he can only grant one such pension every year.[3] The number of pensions is limited; there are only two first-class pensions and four second-class pensions, and the condition of application for such pensions is that the applicant should make a declaration that his private income is inadequate for the maintenance of his social position.[4] The plea of insufficient income is no doubt in each case supported by information which is found to be satisfactory by the Prime Minister, who is asked to grant the pension, and such information is of a confidential character.[5] In order to prevent a pension causing undue enrichment, Mr. Gladstone introduced a rule stating that the applicant should undertake to surrender his pension in the event of his financial circumstances improving to any material extent.[6] This rule was observed by Sir Henry Campbell-Bannerman and his successor, Mr. Asquith.[7] The determination of the said difference in circumstances is left entirely to the honour of the pensioner.[8] Mr.

[1] 32 & 33 Vict. c. 60, § 2 (1869).
[2] *Ibid.*, § 4.
[3] *Ibid.*
[4] Act 4 & 5. Will. 4, c. 24 (1834), § VI; 32 & 33 Vict. c. 60, § 7.
[5] *Parliamentary Debates*, June 18, 1906, Vol. 154, pp. 1380–3.
[6] *Ibid.*, June 18, 1906, Vol. 154, pp. 1380–3.
[7] *Ibid.*, April 21, 1914, Vol. 61; *Ibid.*, April 23, 1914, Vol. 61, pp. 1096–9.
[8] *Ibid.*, April 21, 1914, Vol. 61, p. 750.

Asquith said that this promise was given by Lord Balfour of Burleigh and also, he believed, by Lord George Hamilton.[1] But even if a pension received by a statesman did, in the course of time, become unnecessary, the Treasury would take no proceedings to recover the sum, either from the pensioner[2] himself, or from his heir[3] in the event of the death of the pensioner. The pension might, however, be stopped, either on the death of the receiver or upon the Treasury being given notice.

The Lord Chancellor can claim a pension of five thousand pounds per annum under the Act 2 and 3 Will. 4, c. III, on his retirement from office. But this privilege imposes an honourable obligation upon the pensioner to to continue his judicial business.[4]

[1] *Parliamentary Debates*, April 21, 1914, Vol. 61, pp. 1098–9.

[2] *Ibid.*, April 28, 1914, Vol. 61, p. 1520; see Mr. Asquith and Mr. Charles Price.

[3] *Ibid.*

[4] *Report from the Select Committee on Remuneration of Ministers* (1920), p. 10.

CHAPTER V

THE INTERNAL CONSTITUTION OF THE CABINET

§ 1. *Circulation of Cabinet Documents*

THESE are a series of documents, memoranda, telegrams, dispatches and letters which are circulated by members of the Cabinet to their colleagues in order to supply them with information on current affairs or to set forth the arguments for or against a particular course of action.[1] Thus Ministers may obtain a grasp of all the facts available and ascertain the views of their colleagues as to how to deal with any particular case. These documents embody a great part of the labour which a Cabinet Minister has to undertake, and he has to devote a considerable amount of time to the writing of these documents or in studying them, since they must be carefully read and assimilated in order that he should not be ignorant of their contents when the matters with which they are concerned come up for discussion. These documents are sometimes, but not always, printed. They are put in a Cabinet box, which can only be unlocked by a Cabinet key. This is at the disposal of all the Ministers and their private secretaries.[2] The box is sent round the Cabinet by messenger. A Minister who receives the documents may declare himself to be either in

[1] Cf. Todd's *Parliamentary Government*, Vol. II, p. 197. *Life of Sir Charles W. Dilke*, Vol. I, p. 389. "The written memoranda, dispatches, and other documents which are intended for perusal by members of the Cabinet are ordinarily circulated in Cabinet dispatch-boxes, of which each member has a master key, and occasionally documents so circulated are printed confidentially." (See *The Law of England* (1900), Vol. II, p. 45.)

[2] Sidney Lee's *King Edward VII*, Vol. I, p. 217; Lord Frederick Hamilton's *The Days Before Yesterday*, p. 219.

favour of or against the proposals contained therein, or else he can abstain from expressing any opinion.[1] He may also instruct his private secretary to give his opinion in the case of his indisposition.[2] The Prime Minister may ask an expert to give an opinion on his behalf with regard to a particular problem.[3] If all Ministers agree about a proposal or dispatch, the matter is regarded as settled, and need not be brought up before the Cabinet, which discusses only cases where there is a difference of opinion or where the Prime Minister thinks that the Cabinet ough tto consider the matter.[4] If a proposal has been once rejected in this way, the Cabinet seldom reverses its decision.

This procedure has several merits. In the first place, it saves the time of the Cabinet, for the general opinion of its members regarding a particular question can be ascertained without waiting to summon a Cabinet meeting. Moreover, in ordinary circumstances the meeting of the Cabinet is held once a week, and lasts only two or three hours, so that the available time should be utilized to its fullest extent. In order to meet this need, the system of the circulation of documents has been devised by which many Cabinet questions can be disposed of. Secondly, it enables a Minister to put his case before his colleagues a few days before the meeting, to enlist the support of those who share his political views, and to sound the Prime Minister and the other Ministers as to how they are likely to react to his proposals. Lastly it

[1] *Life of Sir Charles W. Dilke*, Vol. I, p. 389.

[2] *Granville Papers*, Vol. 145 (May 18, 1885). In May 1885 Mr. Childers, who was unwell, instructed his private secretary to give his opinion regarding the proposed request to Rothschild to renew the temporary loan.

[3] In 1883 Mr. Gladstone asked Sir Henry James, an eminent lawyer, to give an opinion on the Tamatave incident in his place (*Granville Papers*, Vol. 144).

[4] For instance, in 1881 Lord Granville asked for the opinion of the Cabinet on the proposal to conclude an extradition treaty with Russia, and Mr. Gladstone wrote on that memorandum : " I think this question will have to be discussed by the Cabinet." *Granville Papers*, Vol. 143, Granville's Memorandum (April 29, 1881).

gives Ministers who wish to study the documents the time and opportunity to do so carefully.

The practice of the circulation of Cabinet documents goes back to 1801, for Campbell's *Lives of the Chancellors*[1] mentions that Lord Loughborough had the key of the Cabinet boxes. But the practice was not fully developed until a later period. Many questions were decided by Gladstone's Cabinet in this way, and the practice was extensively used by Lord Salisbury during his last administration. He sometimes used it to solve Cabinet questions instead of summoning a meeting. Thus meetings of the Cabinet became so infrequent that Lord Rosebery was led to complain that from November 6, 1895, until January 11, 1896, no Cabinet meeting took place, although in the interval serious incidents occurred affecting English relations with America, the Transvaal and Germany.[2] Again, the Tory Cabinet seldom met in the autumn of 1901 during the crisis of the South African War. Sir Michael Hicks-Beach, the Chancellor of the Exchequer, in defence of this policy, declared that "there are official messengers who carry communications between different Departments, and even to an incompetent Government the telegraph and post office are open."[3] The following discusses the method of circulating different kinds of documents of the Cabinet.

(a) *Memorandum or Minute.*—A memorandum is used for the purpose of making a proposal or putting the case for or against the adoption by the Cabinet of a particular policy. Lord Courtney pointed out that purely departmental business did not pass beyond the discretion of the individual Minister, but when any question of policy arose, and especially when any international or colonial episode of importance was in progress, memoranda were circulated among the Ministers so that each was charged with a knowledge of what was going on, and had an

[1] Vol. VI, pp. 326–7; or see Morley's *Walpole*, p. 155.

[2] *Annual Register*, 1895, p. 79.

[3] Speech by Sir Michael Hicks-Beach at Oldham, October 10, 1901, quoted by Sidney Low in his *The Governance of England*, p. 171.

opportunity of giving an opinion upon it.[1] A Minister may write a counter-memorandum to defend his policy of action in cases where his colleagues, whether in the Cabinet or not, take a different view.[2] A memorandum may also be written to oppose the adoption by the Cabinet of a particular policy believed to be contrary to the interests of the country. In 1915 Lord Curzon wrote a memorandum strongly advising against the evacuation of Gallipoli, in which he explained the disadvantages, both political and strategic, which the policy would involve.[3] If a proposal cannot be agreed upon in this way, it is discussed and decided in the Cabinet. For example, in October 1880 Lord Granville consulted the Cabinet in a written minute with regard to the proposal to grant a charter to the North Borneo Company. This proposal was approved by Gladstone, Hartington, Forster, Northbrook, Selborne and Granville himself, but was opposed by Sir William Harcourt, Chamberlain and Childers on the ground that it might lead to dispute with foreign Powers. Eventually the matter was referred to the Cabinet, and they decided in favour of the grant.[4]

In order to circulate such documents, it is necessary to obtain the consent of the Prime Minister. In 1870 Mr. Forster obtained the permission of Mr. Gladstone before circulating his elaborate memorandum on the question of the Alabama Claim.[5] It seems that the Tory Cabinet also adopted such a procedure. We know from Sir Charles Petrie's book that in 1905 Walter Long wished to circulate a memorandum in opposition to his chief's view on the resignation of the Ministry and asked, "Have you any objection to this memorandum being

[1] Leonard Courtney's *The Working Constitution of the United Kingdom*, p. 118 (1901 edition).

[2] Churchill's *The World Crisis*, 1915, p. 159.

[3] *Life of Lord Curzon*, Vol. III, p. 130.

[4] *Granville Papers*, Vol. 143, Harcourt (October 2), Joseph Chamberlain (October 4), Childers (October 5), Kimberley (October 22), Bright (no date), Selborne (October 29); cf. *Life of Sir Charles Dilke*, Vol. I, p. 389.

[5] T. Wemyss Reid's *Life of Forster*, p. 267.

circulated to my colleagues, or would it be contrary to etiquette?" [1] Undoubtedly, a Prime Minister has the power to withhold his consent to the circulation of a memorandum. Lord Rosebery, the Prime Minister, once refused to give his permission to the circulation of his and Sir William Harcourt's memorandum on the subject of the Budget, at the request of the latter.[2] Sir William Harcourt was indignant and wrote to Morley: "You will be surprised to learn that I am a little disappointed that my offer to submit the two memoranda to the Cabinet was not accepted." [3]

Besides memoranda written by the Prime Minister or by other Ministers, memoranda written by non-Cabinet Ministers are also circulated to the Cabinet if they appear to be of sufficient importance.[4] The Cabinet sometimes even acts on the suggestions contained in such memoranda.

As a matter of fact, no important memorandum is seen by the ordinary members of the Cabinet, as they are only circulated to its most powerful and influential members. In a letter of Lord Granville's to Mr. Gladstone, dated November 22, 1870, which is marked 'Confidential,' Granville wrote: "I send you two memoranda, one by Rogers, the other by Tenterden. They both make a case against the United States, which increases the difficulty of settling the question in dispute." [5] On April 28, 1881, Lord Granville sent two memoranda, on the question of joining the Anti-Nihilist Conference and concluding an extradition treaty with Russia, only to Mr. Gladstone, the Lord Chancellor, Lord Hartington and Sir William Harcourt.[6] A memorandum dated October 17, 1883,

[1] Walter Long to Arthur James Balfour (November 30, 1905): *Walter Long and his Times*, p. 104.

[2] *Life of Sir William Harcourt*, Vol. II, p. 283.

[3] *Ibid.*, Vol. II, p. 287.

[4] *Granville Papers*, Vol. 143, Tenterden's memorandum (April 4, 1881); *Life of Sir Charles W. Dilke*, Vol. I, p. 377; *Journals and Letters of Viscount Esher*, Vol. II, p. 321.

[5] *Granville Papers*, Vol. 58: Granville to Gladstone (November 22, 1870).

[6] *Granville Papers*, Granville's Memorandum (April 24, 1881).

was circulated by Lord Granville only to Mr. Gladstone, Lord Hartington, the Lord Chancellor and Lord Northbrook, on the Tamatave incident, asking for their observations on the French proposals for settlement and for their opinion as to whether it was necessary to summon a Cabinet.[1] In 1885 Sir Charles Dilke sent his memorandum on the Local Government of Ireland only to Mr. Gladstone, Chamberlain and Lord Spencer.[2]

When a Prime Minister could not decide whether a memorandum should be circulated to the whole Cabinet or to a limited number of leading Ministers, he would seek his most confidential colleague's opinion on the matter. In a letter of Mr. Gladstone to Lord Granville, dated June 26, 1871, he says: "In the enclosed memorandum you will find or read of my conversation yesterday respecting the Royal Residence in Ireland. Shall I circulate it to the Cabinet or only to those who were first spoken to?"[3]

A minute is usually written by members of the Cabinet or by experts on a particular problem, and is used for the purpose of giving information on a special matter. In practice, there is not much difference between a minute and a memorandum. A few examples will illustrate its use. A minute was written by Lord Lansdowne, the War Secretary, dated August 12, 1899, for the purpose of informing the Cabinet that in the event of war with the Transvaal, an army corps and cavalry should be sent to South Africa.[4] Again, Lord Lansdowne wrote a minute for the Cabinet dated October 3, 1899, on the strength of the South African forces which he estimated to be necessary in order to crush the two South African Republics.[5] Minutes written by non-Cabinet Ministers are also frequently found. Sir R. Buller, the Com-

[1] *Granville Papers*, Vol. 144: Granville's Memorandum (October 17, 1883).

[2] *Life of Sir Charles W. Dilke*, Vol. II, p. 130.

[3] *Granville Papers*, Vol. 61.

[4] *Report of Commission on the War in South Africa.* Com. Papers, 1904, XL. I, p. 507.

[5] *Ibid.*, p. 503.

mander-in-Chief appointed in South Africa, wrote a minute dated September 5, 1899, which was circulated to the Cabinet, mentioning fifty thousand as the force he would require to fight the Boers.[1]

(b) *Departmental Documents.*—In some executive Departments there are dispatches, telegrams and letters to be circulated to all members of the Cabinet. It is an age-old practice for the Foreign Office to circulate its documents to Cabinet Ministers for the purpose of keeping them informed of the current affairs with which the Foreign Office deals. It is said that Lord Salisbury, when he was Foreign Secretary, introduced the practice of printing these papers,[2] which, since they are confidential, must not be left about. Cabinet Ministers adopt different methods of disposing of them. Lord Selborne told his colleagues: "I am in the habit of very carefully destroying the papers and telegrams as soon as I have read them."[3] Lord Kimberley, however, adopted a different method of dealing with them. He wrote: "I destroy most of these confidential papers and those I retain are kept carefully under lock and key."[4] Dodson adopted the same method as Lord Kimberley.[5] Sir Edward Gray devised even a safer way; he records that during his tenure of office as Foreign Secretary it became the practice for Ministers to read the papers, replace them in the box, which was locked again, the label reversed and then returned to the Foreign Office by messenger or, if the Ministers were absent from London, by post.[6]

Copies of the official telegrams or dispatches received are sent every day in a printed paper to each Cabinet Minister. But the most important and secret documents

[1] *Report of Commission on the War in South Africa.* Com. Papers, 1904, XL. I, p. 507.

[2] *Cambridge History of British Foreign Policy*, Vol. III, p. 606.

[3] *Granville Papers*, Vol. 143 (April 5, 1881).

[4] *Ibid.*, Vol. 143 (April 5, 1881).

[5] *Ibid.*, Vol. 143 (April 6, 1881). Dodson wrote: "Any paper that I do not destroy immediately after reading I keep in a box with a Cabinet key."

[6] Lord Grey's *Twenty-Five Years*, Vol. II, p. 259.

are not circulated to all members. They are circulated only to the Sovereign, the Prime Minister, and one or two leading Cabinet Ministers in their capacities as Leader of the House of Commons or of the House of Lords. Sir Edward Grey always circulated the most important telegrams or dispatches only to the King and the Prime Minister,[1] and occasionally to Lord Morley and Lord Crewe.[2] When King Edward VII was the Prince of Wales, he was also allowed access to these confidential papers.[3] They were circulated in a special box which had a special key.[4]

As regards the outgoing dispatches, drafts are generally sent to all members, who may express their opinion or make suggestions for modifications. In 1882 the draft to Lord Lyons suggesting an International Commission on the Turkish occupation was circulated to all Cabinet Ministers and they expressed their opinions[5] upon it. As in the case of the incoming dispatches, the most important documents are not seen by all the Members, but only by a few.[6]

The records of important conversations between the English Foreign Secretary and foreign representatives in London are also circulated. In a letter dated March 18, 1909, Sir Edward Grey wrote: "In view of what has been stated in the German Parliament I circulate to the Cabinet the record of my last six conversations with the German Ambassador upon the question of Naval Expenditure."[7] But the most important ones are not circulated to all members of the Cabinet, but only to the Sovereign,

[1] *British Documents*, Vol. IX, p. 679; Vol. X, pp. 46, 53, 94, 120, 147.

[2] *Ibid.*, Vol. IX, pp. 709, 823, 863; Vol. X, pp. 24, 50, 163.

[3] Sidney Lee's *King Edward VII*, Vol. I, p. 217.

[4] *Ibid.*, Vol. I, p. 217.

[5] *Granville Papers*, Gladstone (January 28, 1882), Northbrook (January 30), Dodson (January 30), Carlington (January 30), Kimberley (January 30), Hartington (January 30), Childers (January 31), Selborne, Harcourt (January 31), Forster (no date), Spencer (February 2). *Life of Sir H. Campbell-Bannerman*, Vol. II, p. 251.

[6] *British Documents*, Vol. X, p. 200.

[7] *Ibid.*, Vol. VI, p. 243, Minute by Sir Edward Grey.

the Prime Minister and one or two leading Ministers. In 1906 Sir Edward Grey sent the records of his conversations with Camden only to the King, the Prime Minister, the War Secretary and Lord Ripon, the Leader of the House of Lords.[1] The records of even the most important conversations between the Under-Secretary for Foreign Affairs and foreign representatives in London are withheld from all members of the Cabinet except a few. In Sir A. Nicholson's letter to Lord Morley, dated April 16, 1912, the Under-Secretary wrote: "It seems to me that I should record my conversation with Mr. Camden of yesterday. If I might suggest, I do not think it ought to go further than the Prime Minister."[2] Thus, with Lord Morley's approval, Sir A. Nicholson sent the record of his conversation only to Mr. Asquith, the Prime Minister.

The Secretary of State for India also has the obligation to circulate dispatches or correspondence to members of the Cabinet.[3] But private communications between the Secretary of State and the Viceroy are, according to practice, not always circulated to all Cabinet Ministers. In a letter to Lord Salisbury, the Secretary of State for India, who carried on a very large private correspondence with his Viceroy, Disraeli wrote (March 7, 1874): "It seems to me that a private communication to you from the Viceroy should be treated as a private letter from an ambassador to the Foreign Secretary. It is always forwarded to the Prime Minister, but not circulated, unless it leads to questions of instant business and responsibility."[4]

Dispatches and correspondence of the Colonial Office are also circulated. As revealed by the *Granville Papers*, both Lord Granville and Lord Kimberley circulated these documents when they were Colonial Secretaries.[5] This

[1] Grey's *Twenty-Five Years*, Vol. I, p. 74.
[2] *British Documents*, Vol. VI, p. 749.
[3] *Life of Earl Cranbrook*, Vol. II, pp. 102, 123.
[4] *Life of Disraeli*, Vol. II, p. 751.
[5] *Granville Papers*, Vol. 62, Memoranda on Australian Intercolonial Tariff Question (Colonial Office, February 6, 1872).

practice was also followed by the Conservative Cabinet. When Mr. Joseph Chamberlain was the Colonial Secretary in Lord Salisbury's Cabinet, he used to circulate dispatches of the Colonial Office to members of the Cabinet.[1] But he always withheld the most important ones, which were circulated to only a limited number of persons.[2]

The Secretary of State for War sometimes circulates the letters which the Commander-in-Chief in the field has addressed to him. But the most important information is usually withheld from the Cabinet as a whole. A quotation from the following letter may serve as a good example of this. On June 22, 1915, Sir John French, the Commander-in-Chief, wrote to Lord Kitchener, the Secretary of State for War: "In order that you may have some official statement to put before the Cabinet if you so desire, I am sending a letter generally describing the situation, without going into any detail or giving away plans." [3]

(c) *Letters of the Sovereign or Statesmen, and Reports and Bills.*—The Sovereign's letters to the Prime Minister are sometimes circulated to all members of the Cabinet, but permission to do this must be sought by the Prime Minister. For instance, Gladstone often asked the Queen whether he might circulate her letters to his colleagues.[4] The Queen, if she had no objection, would give her consent.[5] In the case of the Sovereign asking the Prime Minister to lay the royal letters before the Cabinet, the Prime Minister may circulate them without asking the permission of the Sovereign. It seems that letters written by the Sovereign's private secretary at the command of the Sovereign, can be circulated without the Sovereign's permission. These letters are sometimes not circulated

[1] *Life of Joseph Chamberlain*, Vol. III, p. 459.
[2] *Ibid.*, Vol. III, p. 365.
[3] *Kitchener*, Vol. III, pp. 248–9.
[4] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 343: Gladstone to Victoria (April 10, 1885).
[5] *Ibid.*, Vol. II, p. 343: Victoria to Gladstone (April 10).

to all members.[1] The Prime Minister or the leading Ministers may circulate letters of eminent statesmen or politicians which are addressed to him or them on political questions of the day. These may be of two kinds, graded according to the confidential nature of their contents. Generally they are circulated to all Cabinet members.[2] On special occasions such letters are circulated to a few Cabinet Ministers, who are confidential colleagues of the Prime Minister, or who would agree with his views.[3] It is no exception for a Cabinet report to be circulated only to certain members of the Cabinet.[4] A Bill or the outlines of a Bill is circulated among members of the Cabinet in order that they may study it before the Cabinet meeting.[5]

(d) *Conclusion.*—After considering the method by which the papers are circulated, the position of the Ministers who receive them must be considered.

[1] In 1881 Gladstone circulated Ponsonby's letter, expressing the Queen's objection to the proposed transfer of Leonard Courtney to be Under-Secretary for the Colonies, only to Lord Granville, Lord Kimberley and Sir William Harcourt. See Ponsonby's letter to Gladstone on August 3, 1881 (*The Queen and Mr. Gladstone*, Vol. II, p. 165). Again, on September 29, 1884, Gladstone circulated Sir Henry Ponsonby's letter, together with his own reply on the question of franchise and redistribution, only to Sir Charles Dilke (see *Life of Sir Charles W. Dilke*, Vol. II, p. 67). On the next day further letters, including one of Ponsonby's, were circulated to Sir Charles Dilke (*ibid.*, Vol. II, p. 68).

[2] On May 14, 1881, Lord Granville circulated Lord Salisbury's letter opposing the publication of part of Lord Lyons' dispatch of July 19, 1878, respecting the affairs of Tunis, and asked his colleagues' opinion (see *Granville Papers*, Vol. 143). Eventually the dispatch was not published (see Tunis No. I (1881), *Correspondence respecting the Affairs of Tunis*).

[3] In 1893 Gladstone circulated a letter on the Egyptian question written by Sir Charles Dilke, who was an ex-Cabinet Minister and an influential member of the Commons, only to John Morley and William Harcourt (see *Private Diaries of Algernon West*, p. 153). It seems that the letter had been sent to Lord Rosebery, the Foreign Secretary, who probably asked for it (see Crewe's *Lord Rosebery*, Vol. II, p. 418).

[4] In February 1915 Mr. Lloyd George, on his return from Paris, had drawn up a report on the general financial and military situation. He sent copies only to the Prime Minister, Grey, Kitchener and Haldane, but not to all the Cabinet members (see Lord Riddell's *War Diary*, p. 57; *War Memoirs of David Lloyd George*, Vol. I, pp. 405–8).

[5] *Life of Sir Charles W. Dilke*, Vol. I, p. 527.

Ministers are unable to cope with the vast flood of documents containing a great variety of complicated matter with which they are daily inundated, and each one of these documents, if the Minister is sufficiently conscientious to go through them all, requires time and careful study. But since Ministers have, in addition, the heavy and always increasing pressure of departmental duties, it is impossible for them to read all the documents unless they are of paramount importance. And, as all important documents are withheld from them, they feel no inducement to read those which they receive and generally assume that the papers which are circulated to them are nothing but waste paper. Therefore Ministers seldom pay any attention to telegrams and dispatches of the Foreign Office.[1] Sir Edward Grey's book reveals that certain Ministers were in the habit of not opening the envelopes which contained the telegram or dispatch, so that they were returned to the Foreign Office unopened.[2] Sir Almeric Fitzroy, who knew the political world, deplored the personal idiosyncracy of Ministers in this respect, and observed that "their disinclination to read Cabinet papers, an incurable malady, has results in a departmental independence not far from ministerial anarchy."[3] However, Lord Oxford and Asquith thought otherwise. He attributed the cause to heavy and always increasing pressure of departmental duties that made it impossible for the majority of Ministers to follow, from the study of telegrams and dispatches, the vast variety of complicated matters which were being handled day by day at the Foreign Office.[4]

§ 2. *Cabinet Meetings*

(a) *Convening Meetings.*—Meetings of 'His Majesty's confidential servants' are held for the purpose of deliberating upon State affairs. A meeting can be summoned at

[1] Lord Oxford and Asquith's *The Genesis of the War*, p. 4.
[2] Grey's *Twenty-Five Years*, Vol. II, p. 260.
[3] *Memoirs of Sir Almeric Fitzroy*, Vol. I, pp. 390.
[4] Lord Oxford and Asquith's *The Genesis of the War*, p. 4.

the will of the Prime Minister according to the necessities of public service. Any member of the Cabinet may ask the Prime Minister to summon a meeting to discuss matters connected either with the general policy of the Government or with his own Department.[1] This right has been inherent in the Cabinet system from the beginning, and it has certainly not fallen into desuetude.[2] It has been a common practice for a leading Minister to suggest summoning a Cabinet meeting.[3] Frequently,

[1] Reports of Sebastopol Committee 1854–5, *Parliamentary Papers*, Vol. IX, Part III, pp. 290, Evidence of the Earl of Aberdeen.

[2] Lord Esher's *The Influence of King Edward, and Other Essays*, p. 139; *The Law of England*, Vol. 7 (1909 edition), p. 44.

[3] For instance, in 1870 Mr. Gladstone, in a letter to the Queen, says: "Mr. Gladstone . . . reports that this afternoon, at the instance of Lord Granville, he summoned the Cabinet to meet forthwith" (see *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 32 (July 14, 1870)). In October 1875 Lord Carnarvon and Sir Stafford Northcote both wrote letters to Disraeli, urging him to call a Cabinet meeting with a view to revising the Fugitive Slave Circular, which was issued by the Admiralty in consultation with the Foreign Office and had caused public indignation (see *Life of Lord Carnarvon*, Vol. II, p. 86). The meeting was accordingly summoned. On July 23, 1876, a Cabinet meeting was summoned at the request of Lord Carnarvon to consider Canada's position with regard to Mr. Plimsoll's Merchant Shipping Bill (see *ibid.*, Vol. II, p. 332). A meeting was again called at Lord Carnarvon's request to discuss the Indian Famine in January 1877 (*ibid.*, Vol. III, p. 345). On June 6, 1884, Lord Granville telegraphed to Mr. Gladstone that "Hartington asks for an earlier Cabinet than Monday" (*Granville Papers*, Vol. 128, Granville to Gladstone (June 6, 1884)). In 1884 Mr. Childers asked for an early Cabinet meeting. Granville telegraphed to Gladstone: "Northbrook's financial dispatch. Childers who has got a copy writes to ask for a Cabinet. Let me know, when you have read it, what I am to tell Childers" (*ibid.*, Granville to Gladstone (September 22, 1884)). In February 1886 Lord Cranbrook urged Lord Salisbury to summon a Cabinet meeting in order to discuss Irish affairs; the request was duly complied with (see *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 234). Lord Randolph Churchill, in a letter to Lord Salisbury (September 6, 1886), shows that he had asked the latter to summon a Cabinet to deal with foreign affairs. The Prime Minister agreed and a meeting was summoned (*Life of Lord Randolph Churchill*, Vol. II, p. 156). In 1895 Sir William Harcourt, in a letter to Lord Kimberley, said: "Indeed, it is for this purpose that I asked Rosebery at the request of my colleagues to summon the Cabinet" (see A. G. Gardiner's *Life of Sir William Harcourt*, Vol. II, p. 336). This practice was no doubt adopted by Asquith's Cabinet. The Prime Minister often

when a Cabinet Minister wishes to have an immediate meeting to discuss a particular problem, he consults the Prime Minister, and perhaps other leading members of the Cabinet as well.[1]

When one or more of his colleagues makes such a request to the Prime Minister, it is for him to decide in each case whether it is necessary to comply with the request or not. He has, indeed, the right to refuse. After the publication of Mr. Gladstone's famous pamphlet on the Bulgarian atrocities, Lord Carnarvon wrote a letter to Disraeli, his chief, asking him to call a Cabinet to consider the situation, but Disraeli refused to comply with the request.[2] Gladstone also occasionally refused his colleagues' requests to summon a meeting. On February 5, 1881, Granville circulated a memorandum to the Cabinet on the Enfida affair at Tunis, stating that a Cabinet meeting had been suggested to discuss it, but Mr. Gladstone "thinks it is not necessary to trouble the Cabinet to meet on the matter."[3] Lord Rosebery also refused to summon a Cabinet at the request of Sir William Harcourt to consider the Nicaraguan proposal.[4] If the Prime Minister is not in London, it falls to one of the principal Secretaries to summon the Cabinet.

(b) *The Date and Time of Cabinet Meetings.*—When the Prime Minister has decided to summon a meeting, he fixes the date, and notifies his private secretary (to whom was entrusted the duty of summoning the ministers before the institution of the Cabinet Secretariat).[5] The

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complied with his colleagues' request to summon meetings to deal with various matters (see George Arthur's *Life of Lord Kitchener*, Vol. III, p. 51).

[1] In 1883 Lord Granville asked Mr. Gladstone, the Lord Chancellor, Lord Hartington and Lord Northbrook whether it was necessary to summon a Cabinet to consider the Tamatave incident (*Granville Papers*, Vol. 144, Granville's Memorandum (October 17, 1883)).

[2] *Life of Lord Carnarvon*, Vol. II, p. 336.

[3] *Granville Papers*, Vol. 143, Granville's Memorandum (February 5, 1881).

[4] *Life of Sir William Harcourt*, Vol. II, p. 331.

[5] Cf. *Life of Disraeli*, Vol. II, p. 942.

summons specifies the date, time and place of the meeting, but does not mention the subjects which the Cabinet are going to discuss, although members of the Cabinet are generally aware of what questions are likely to arise. The summons are usually sent out three or four days before the meeting takes place, save for exceptional circumstances. A leading Minister may arrange privately with the Prime Minister about the date of the meeting in order to suit his own convenience.[1] The Prime Minister sometimes consults his leading Minister about the date of the meeting in order to secure the latter's attendance and support. In a letter which Gladstone addressed to Lord Granville, dated January 11, 1871, he says: "I think of calling the Cabinet on Wednesday 22nd, which I shall assume to suit you unless you telegraph by Monday to the contrary."[2] For the sake of convenience, the date of the next meeting is generally settled at the end of each Cabinet meeting, and the Prime Minister usually considers the convenience of the leading members with regard to the choice of date. Lord James of Hereford has recorded that "when the date of a Cabinet was being selected, Lord Salisbury would sometimes suggest a date, and then turn to the Duke of Devonshire and say, with a smile: 'Does that happen to be a sacred day, Duke?'" in case the date should coincide with the Derby or Ascot.[3] The arrangement of the date, hour and place may also be settled by the private secretary of the Prime Minister in consultation with a leading Minister or Ministers. Mr. Gladstone's private secretary often consulted Lord Granville regarding the fixing of the time and date of a prospective Cabinet meeting.[4]

[1] For instance, Granville wrote to Gladstone on September 2, 1871: "Thank God there is nothing foreign requiring a Cabinet excepting the French Treaty. I do not know when you will be prepared for one on that subject. Any day will suit me excepting the 18th, 19th or 20th" (*Granville Papers*, Vol. 60).

[2] *Granville Papers*, Vol. 62.

[3] *Lord James of Hereford*, pp. 256.

[4] *Granville Papers*, Vol. 60: Granville to Gladstone (September 25, 1871).

It is doubtful whether a leading Minister can ask the Prime Minister to change the date or time of a meeting which has already been fixed. The illness of some leading Ministers might cause a meeting to be postponed, but, generally speaking, the change of date or time causes inconvenience to the other Cabinet members, so that the Prime Minister would be reluctant to comply with any request for alteration.[1] However, the position of the Prime Minister is different, since he takes precedence over all the other Ministers and his presence is considered indispensable, unless unavoidable circumstances prevent him from attending. He usually therefore arranges the meeting for a time that will allow him to be present. Of course, he has the indisputable right to rearrange a Cabinet meeting, if necessary.[2] The illness of a Prime Minister sometimes may postpone a meeting. Disraeli postponed a meeting in 1874 on account of his illness.[3]

The length of a Cabinet meeting averages two hours. A meeting lasting three hours is considered "very long."[4] The Cabinet usually meets at noon, or at 3 p.m., sometimes at 2 p.m., but morning sittings are rare. As a matter of fact, the post-War Cabinet holds more meetings than in the pre-War period. The increase of Cabinet business is evident. It is stated that there were eighty-two meetings in 1920 and ninety-three in the

[1] For instance, in 1871 Gladstone wrote to Granville: "One or two of the Cabinet would like the meeting postponed to Tuesday the 24th, but I am afraid of causing men inconvenience by a change" (see *Granville Papers*, Vol. 60: Gladstone to Granville (October 5, 1871)). Again, Mr. Gladstone in a letter to Granville, dated March 17, 1871, says: "We cannot change the hour of the Cabinet on account of H. of C. proceedings to-day and perhaps to-morrow" (*ibid.*, Vol. 59: Gladstone to Granville).

[2] For instance, in 1871 Gladstone postponed a Cabinet meeting owing to the death of his aged aunt (see *Granville Papers*, Vol. 59: Gladstone to Granville (January 27, 1871)). Again, in a letter to Lord Granville, Gladstone wrote: "I was obliged to allow the Cabinet to meet at 4 in consequence of a command to B. Palace" (*ibid.*, Vol. 143: Gladstone to Granville (May 11, 1880)).

[3] Marquis of Zetland's *Letters of Disraeli*, Vol. I, pp. 106.

[4] *Ibid.*, Vol. II, pp. 104.

following year, in contrast with the forty meetings which were considered the normal number for a pre-War Cabinet.[1] During the War the meetings of the Cabinet reached an unprecedented number. The Cabinet met literally every day, which has been described as 'a Cabinet in permanent session.' It is recorded that the War Cabinet held more than 300 meetings in 1917[2] and 187 during the following year. Its total number, as reported in the report of the War Cabinet for the year of 1918, reached 495.[3] This was entirely due to the abnormal conditions which prevailed during that period.

(c) *Absence from Meetings.*—The Prime Minister, or other Ministers, may absent themselves from a meeting through indisposition or for other reasons. There is no quorum.[4] When a Minister is prevented from attending a meeting, he can express his opinion on the particular policies to be discussed in the Cabinet in a letter to the Prime Minister or to a leading Minister.[5]

Before the institution of the Cabinet Secretariat, if a Cabinet Minister was unable to attend a meeting, he could always apply to the private secretary of the Prime Minister or to any leading Minister who had been present for details of the meeting.[6] But generally speaking one of his friends in the Cabinet would give him an

[1] *Parliamentary Debates* (Commons), June 13, 1922.

[2] *The War Cabinet: Report for the Year 1917* (Cmd. 9005), p. 2.

[3] *The War Cabinet: Report for the Year 1918* (Cmd. 325), p. 5

[4] Report of the Sebastopol Committee, 1854–5 (*Parliamentary Papers*, Vol. IX, Part II, p. 205). The evidence of the Duke of Newcastle, pp. 15, 357.

[5] For instance, on March 18, 1872, the Duke of Argyll wrote a letter to Lord Granville informing him that he would be unable to attend the Cabinet, and made suggestions for a reply to Fisher on the Alabama problem (see *Granville Papers*, Vol. 51: the Duke of Argyll to Lord Granville). Again, in 1917 General Smuts wrote to Mr. Lloyd George stating his views to the Prime Minister because of his expected absence from the meetings: "I regret that my going to South Wales will prevent me from attending the War Cabinet and raising the question of the situation in Italy. I therefore write you this brief note to put my views before you in the earnest hope that you will yourself raise the matter to-morrow" (*General Smuts*, Vol. II, p. 124 (October 28, 1917)).

[6] *Granville Papers*, Vol. 65 (October 21, 1870).

account of the Cabinet proceedings either by letter or in person. A letter of Mr. W. H. Smith to the Duke of Rutland, dated January 9, 1891, gives all the particulars of the Cabinet proceedings which the latter had missed through absence.[1] When a Prime Minister was absent from a Cabinet meeting, a leading Minister would furnish him with a copy of the proceedings.[2]

(d) *Ordinary, Special and Unexpected Meetings.*—Cabinet meetings are usually held on Wednesdays or Saturdays. They are seldom held on Sundays unless there is some very urgent business. It also appears to be a practice observed by every Prime Minister not to hold meetings in September save under exceptional circumstances. On one occasion Disraeli remarked that " the meeting of the Cabinet in September would have frightened all Europe." [3] A Cabinet meeting is normally summoned once a week. But in times of stress Cabinet meetings are more frequently held, sometimes daily, or even twice a day. During the European War the Cabinet usually held two meetings a day.[4] A series of ' November Cabinets ' is usually held to discuss and settle the various measures to be submitted to Parliament. In the event of a national or political crisis, Cabinet councils are summoned at frequent intervals. For instance, in 1880 a series of Cabinet councils was

[1] *Life of W. H. Smith*, Vol. II, p. 295–6.

[2] As in 1870, when Mr. Gladstone was at Hawarden Castle, Chester, owing to indisposition, Lord Granville summoned two Cabinet meetings and gave a report of them to the Prime Minister (see *Granville Papers*, Vol. 58: Granville to Gladstone (November 21, 1870); Granville to Gladstone (November 22, 1870)). On March 23, 1884, Mr. Gladstone, in a letter to Lord Granville, said: " Many thanks for the information you have kindly sent me about the proceedings of the Cabinet, with which I am quite satisfied " (*ibid.*, Vol. 128: Gladstone to Granville (March 23, 1884)). Again, Gladstone once telegraphed to Lord Granville: " If anything reaches you which would give the Cabinet matter for decision and action about Egypt, be it good or bad, you will of course wish the Cabinet to meet and will probably communicate with me by telegraph " (*ibid.*, Vol. 128: Gladstone to Granville (December 28, 1884)).

[3] Marquis of Zetland's *Letters of Disraeli*, Vol. I, p. 106.

[4] On August 2, 1914, the Cabinet held two long sittings. See *The Times*, Monday, August 3, 1914 (7).

held on the Irish question in the week following the Guildhall banquet.[1]

The Cabinet has to hold two special meetings, one for the Budget and the other for the King's speech.[2] When there arises urgent business requiring an immediate decision by Ministers, a meeting may be summoned straight away by the Prime Minister on his own initiative or at the request of a leading Minister. No meeting is normally held during the prorogation of Parliament between August and October.[3]

(e) *The Place of Cabinet Meetings.*—Although the residence of the Prime Minister at 10 Downing Street has become the place of meeting of His Majesty's Ministers, meetings are occasionally held elsewhere, if the Prime Minister so desires. When Lord Salisbury was Prime Minister, he always held Cabinet meetings at the Foreign Office. Gladstone sometimes held his Cabinet at Lord Granville's private residence in Bruton Street.[4] In a letter to Granville he wrote: "For the utmost economy of time, I think the best way will be to meet at your house, if we meet."[5] While Parliament is in session, meetings are sometimes held in the Prime Minister's room at the House of Commons.[6] It is recorded that a Meeting was once held on the staircase of Windsor Castle. In 1868 when the Liberal Cabinet went to kiss hands on their appointment, Lord Torrington wrote an amusing account of a Cabinet Council to John Delane, the famous editor of *The Times*:

"The Queen's speech for to-morrow was prepared, and a Cabinet was held on the staircase to agree to it."[7]

[1] *Annual Register*, 1880, p. 117.

[2] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 240.

[3] *Report of the Sebastopol Committee, 1854–5; Parliamentary Papers*, Vol. IX, Part 2, Evidence of the Duke of Newcastle, p. 205.

[4] *The Times*, January 30, 1871, and February 5, 1870.

[5] *Granville Papers*, Vol. 61: Gladstone to Granville (May 2, 1872).

[6] On May 20, 1882, a meeting of the Cabinet Council was summoned to Mr. Gladstone's room in the Commons to discuss the Egyptian question. On the next day another meeting was held in the same room to discuss the same question. See *Diaries of John Bright*, p. 482.

[7] A. I. Dasent's *John Delane, 1817–79*, Vol. II, pp. 222–3.

While the residence of the First Lord of the Treasury is undergoing repairs, Cabinet meetings are, of course, held elsewhere. Beaconsfield once wrote to Lady Chesterfield:

"As Downing Street is in the hands of the workpeople and full of paint which kills me always, Monty has lent me his house in South Audley Street for the November Cabinets; it is an agreeable arrangement, as Mayfair is a quarter I most like." [1]

(f) *Meetings Presided Over by Ministers, and Cabinet Seatings.*—When the Prime Minister is absent from the Cabinet, the function of presiding over the meetings devolves upon a Minister who is either an elder statesman or one who has great influence. Sir Almeric Fitzroy recorded in his *Memoirs* that on March 17, 1911, he heard that Lord Morley had greatly enjoyed presiding over the previous Wednesday's Cabinet meeting in the absence of the Prime Minister, Mr. Asquith.[2] Again, in his *Memoirs* we read that on March 30, 1916, Lord Crewe, after presiding over a Cabinet meeting, felt that it would be impossible to find a more earnest, fair-minded and painstaking body of men than those over whose deliberations he had presided.[3]

Lord Oxford and Asquith wrote that "in the matter of seating, there was no order of procedure, but each minister always occupied the same place." [4] However, it is customary for the most important members of the Cabinet and the confidential friends of the Prime Minister to sit next to him. Lord Derby, the most influential member of Disraeli's Cabinet, invariably sat on the Prime Minister's immediate left.[5] It is interesting to note that when Lord Derby and Lord Beaconsfield differed in their views on the Eastern Question, Lord Derby gave up his original seat and sat in Lord Carnarvon's place, which

[1] *Letters of Disraeli*, Vol. II, p. 191 (October 15, 1878).
[2] Sir Almeric Fitzroy's *Memoirs*, Vol. II, p. 440.
[3] *Ibid.*, p. 620.
[4] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 196.
[5] *Letters of Disraeli*, Vol. I, p. 177.

.ne resignation of its occupant. In
.c, Lord Cranbrook sat next to the
on his left.[1] From 1895 onwards Mr.
.eader of the House of Commons and the
.ord Salisbury, sat next to his uncle on his
. the Lord Chancellor sat on the Premier's right.
.d Rosebery's Cabinet Mr. Morley sat on the left,
. to the Prime Minister, at the latter's request.[3] In
908, when Mr. Asquith became Prime Minister, Lord Morley, whose charming manners had won him the friendship of the Prime Minister, became entitled to sit next to him on this account. After Lord Morley's resignation, Lord Kitchener occupied this coveted seat.[4] The seat opposite the Prime Minister has also been regarded as a favoured position. Lord James of Hereford mentions that in Lord Salisbury's third Cabinet, the Duke of Devonshire sat opposite to the Prime Minister.[5]

During a Cabinet Session all non-members are usually excluded except the Cabinet secretariat. As already pointed out, non-members are allowed to attend Cabinet meetings only under exceptional circumstances. Even the Prime Minister's private secretary and servants are never allowed to enter the room while a Cabinet meeting is in progress. But the wife of a Prime Minister may occasionally do so. Sir Charles Dilke described how Mrs. Gladstone periodically came into the room during meetings of the Cabinet bringing a large pot of tea for her husband.[6] Before the advent of the Labour Government in 1924[7] the Cabinet never allowed its members to smoke, so that Sir William Harcourt, an inveterate smoker, had to change his clothes before attending, so as to avoid smelling of tobacco whilst in

[1] *Lord Cranbrook*, Vol. II, p. 280.
[2] Askwith's *Lord James of Hereford*, p. 255.
[3] Morley's *Recollections*, Vol. II, p. 22.
[4] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 196.
[5] Askwith's *Lord James of Hereford*, p. 255.
[6] *Life of Sir Charles W. Dilke*, Vol. II, p. 548.
[7] Snowden's *Autobiography*, Vol. II, p. 705.

the presence of Mr. Gladstone.[1] During long sittings tea and biscuits are sometimes provided. Members are not allowed to disturb the meeting by talking to each other, but they do communicate with each other at Cabinet meetings by passing slips of paper underneath the table while other Ministers are talking.[2] Even the Prime Minister sometimes uses this method to communicate with his leading Ministers on the subjects under discussion.

§ 3. *Cabinet Dinners*

The Prime Minister occasionally invites his Cabinet colleagues to dine with him in order to talk over various matters of State. For it might be easier to arrive at decisions at an informal dinner-party than at more formal meetings in the Cabinet room at Downing Street. He does not, of course, report the decisions arrived at during such informal occasions. This practice was introduced by Walpole, who actually aimed at calling Cabinet meetings as infrequently as possible, and settling important affairs of State by inviting two or three of his most confidential colleagues to dinner.[3] This innovation was followed by his successors. But in 1889, when Morley's *Walpole* was published, it was pointed out that: "The Cabinet dinner seems to have been dropped as a practice for the last thirty years."[4] This statement is not entirely true, as there is considerable evidence to the contrary. In Peel's Cabinets, Ministers were frequently invited to attend Cabinet dinners. One of Gladstone's letters to his wife, dated January 25, 1843, mentions: "In consequence of the event P[eel] does not go to the Cabinet dinner at the Duke of Wellington's to-day."[5] When Mr. Gladstone was Chancellor of the Exchequer in Lord Aberdeen's Coalition Government,

[1] *Sir William Harcourt*, Vol. I, p. 370.

[2] *Life of Sir Charles W. Dilke*, Vol. I, p. 531; *Life of Joseph Chamberlain* Vol. II, p. 33.

[3] Lord Morley's *Walpole*, pp. 150–1.

[4] *Ibid.*

[5] A. Tilney Bassett's *Gladstone to His Wife*, p. 49.

he was frequently invited to attend Cabinet dinners. As his letter, dated December 29, 1852, says: "We have a Cabinet dinner at Lord Aberdeen's to-night and for to-morrow we are invited by Lord and Lady John Russell !!"[1] Mr. Gladstone himself frequently invited his confidential colleagues to dine with him and talk over foreign and domestic affairs. In a letter dated January 1, 1874, Mr. Gladstone wrote to Lord Granville: "What do you say to Tuesday 23rd for the Cabinet to dine with me?"[2] Again, in a letter dated February 9, 1874, Mr. Gladstone wrote to the Queen: "Mr. Gladstone has invited the Cabinet to dinner this day and then, or possibly sooner, the state of affairs may be discussed."[3] There was a Cabinet dinner held on February 1, 1882. Mr. John Bright recorded this in his diary as follows:

"Evening: Cabinet dinner at Mr. Gladstone's. All the Ministers present. After dinner, 2 hours on Basuto difficulty, South Africa, and on proposed boundaries arrangement in Asia, Persia and Afghanistan, and an arrangement on boundaries with Russia. I sat next to Mr. Gladstone at dinner; proposed to him to suggest question in the House on the Bradlaugh business. He thought my idea good. Must think more of it."[4]

Even Morley himself gives us a detailed account of one of Mr. Gladstone's Cabinet dinners in his *Recollections*, which was published in 1917—twenty-five years after the publication of his *Walpole*. He wrote:

"There was a Cabinet dinner on the 17th February (1894). It was expected that the Prime Minister would tell us that he was going to resign at once, on what day, what he was going to say, and what we were to set about doing or not doing. . . . We ate our dinners expectantly; the coffee found the oracle still dumb; and in good time a crest-fallen flock departed."[5]

[1] A. Tilney Bassett's *Gladstone to His Wife*, p. 100.
[2] *Granville Papers*, Vol. 61.
[3] *The Queen and Mr. Gladstone*, Vol. II, p. 445.
[4] *Diaries of John Bright*, p. 474.
[5] Morley's *Recollections*, Vol. II, p. 9.

Morley's failure to make any definite mention of what the customary practice was with regard to dinners before this date was probably due to the fact that whilst he was writing his *Walpole* he was not a member of Gladstone's first or second Cabinet, and in Gladstone's short-lived Home Rule Ministry became the Chief Secretary for Ireland, so that he certainly had had little experience of Cabinet procedure at that time. Subsequently he acquired more knowledge of the inside working of the Cabinet. This practice appears to have survived in Asquith's Cabinet. Lord Riddell's diary records that Mr. Lloyd George had told the author of his dining with Asquith, Haldane, Crewe and Grey on November 12, 1913, in order to discuss several important matters, one of which was Education.[1] The same diary also quotes Mr. Lloyd George as saying:

"My dinner on Wednesday was one of the most important gatherings I have attended. We came to some important decisions, so important that I have made a note of what took place, a thing I have never done before. It was an historic occasion." [2]

Nor is it the only record preserved. In the January of the following year, Lord Esher, amidst the political crisis over the Irish Home Rule Bill, had a long conversation with Lord Morley, and learned that a secret Cabinet dinner had been carefully arranged, which was to be attended by the Prime Minister, the Lord Chancellor, Morley and Grey," and they are anxious to keep it secret." [3]

A Cabinet dinner may be arranged by one of the leading Ministers. On January 4, 1884, Sir William Harcourt "arranged a Cabinet dinner at Grafton Street for that night." [4] This dinner was attended by nine Ministers.

§ 4. *Information and Advice from Non-Cabinet Members*

The Cabinet is a meeting of 'His Majesty's confidential servants.' From this it follows that non-Cabinet members, with the exception of the secretariat,

[1] Lord Riddell's *More Pages from my Diary*, p. 185. [2] *Ibid.*, p. 185.
[3] *Journals and Letters of Viscount Esher*, Vol. III, p. 152.
[4] *Life of Sir William Harcourt*, Vol. I, p. 498.

are not allowed to attend its meetings. Sometimes, however, expert information on a particular subject is required, and in this case the Prime Minister, or a leading Minister, may invite to a meeting the person whose advice it is desirable to obtain.[1] Such an individual however, sits only temporarily during the consideration of a specific issue, and, when his business is finished, his access to the Cabinet ceases. Professor Turner has pointed out that this practice could be traced back to the seventeenth century.[2] This system was fully and regularly adopted by the small War Cabinet, owing to the peculiarity of its constitution.[3] The person asked to attend the meeting does not, of course, share the responsibility imposed upon the Cabinet to tender advice to the Sovereign or to lay down lines of policy. Cabinet Ministers are especially appointed for the purpose of advising the King, and the Cabinet's primary duty is the decision of policy. With regard to the secrecy of the Cabinet, a non-member attending a meeting is under an honourable obligation to observe this principle. If the person called to a meeting is a Privy Councillor, the Privy Council's oath applies.[4] Besides this, the rules laid down in the Official Secrets Act forbid any unauthorized disclosure.

The diversity of the types of persons attending the meeting extends to officials and non-officials, Dominion statesmen as well as foreign statesmen. We first deal with military officers. According to both Lord Spencer and Lord Lansdowne, the Commander-in-Chief was sometimes called upon to attend meetings on special occasions.[5] As a matter of fact, Commanders-in-Chief

[1] *Arthur James Balfour*, Vol. I, p. 255; *Life of Sir Charles W. Dilke*, Vol. I, p. 395.

[2] Turner's *The Cabinet Council 1622–1784*, Vol. I, pp. 75–6.

[3] *The War Cabinet: Report for the Year 1917*, p. 2.

[4] Cf. *Memoirs of Sir Almeric Fitzroy*, Vol. II, pp. 601–2.

[5] *The Parliamentary Debates*, Vol. 142, March 1 to March 14, 1905; *Report of Commission Appointed to Inquire into the Military Preparations and Other Matters Connected with the War in South Africa*, 1903, Evidence, Vol. II, p. 532.

were frequently summoned to attend the Cabinet in war-time. Lord Wolseley attended the Cabinet meetings when he was appointed as Commander-in-Chief in 1879 during the Zulu War,[1] and again in 1882, when he led the Expeditionary Forces to Egypt.[2] Both French and Haig also attended the Cabinet meetings when they were in supreme command of the British Expeditionary Forces during the Great War.[3] It is interesting to note that not only the British Commander-in-Chief but also, on special occasions, the Commander-in-Chief of a friendly country, attended Cabinet meetings during the last war. Marshal Joffre, then Commander-in-Chief of the French Armies, attended the meetings of the British Cabinet.[4] The Chief of the Imperial General Staff played a very important part during the Great War. Indeed, he acted almost as an extra Cabinet Minister, and the duty of advising the Cabinet on matters of strategy fell to him, as it was impossible for such a body to carry on war-time activity without expert military advice. Sir William Robertson, then Chief of the Imperial General Staff, attended many Cabinet meetings before the fall of the Asquith Administration [5] in order to advise the Cabinet on military affairs. And when the small War Cabinet came into existence, it is stated that he attended every meeting in order to communicate the latest intelligence regarding the War and to consult the Cabinet on questions arising from time to time.[6] Sir Henry Wilson, when he was

[1] Lord Wolseley gave his own account in a letter to the Duke of Cambridge on September 28, 1879. See Willoughby Verner's *Military Life of H.R.H. The Duke of Cambridge*, Vol. II, pp. 169–70; cf. *Life of Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 112.

[2] *Report of Commission Appointed to Inquire into the Military Preparations and Other Matters Connected with the War in South Africa*, 1903, Evidence, Vol. II, p. 544.

[3] Viscount French of Ypres' *1914* (2nd edition), pp. 329, 334; Gerald French's *The Life of Field-Marshal Sir John French* (1931), pp. 309–11; Spender and Asquith's *Life of Lord Oxford and Asquith*, Vol. II, p. 182; Duff Cooper's *Haig* (1935), Vol. I, pp. 320–1; John Charteris' *Field-Marshal Earl Haig* (1929), p. 77.

[4] Sir William Robertson's *Soldiers and Statesmen*, Vol. II, p. 98.

[5] *Life of Lord Oxford and Asquith*, Vol. II, p. 182.

[6] *The War Cabinet: Report for the Year 1917*, p. 2.

Assistant Chief of the General Staff and afterwards Chief of the Imperial Staff, had the same privilege.[1] In addition to the Commander-in-Chief, and Chief of the Imperial General Staff, other military officers were frequently summoned to tender military advice. It is recorded that on August 5, 1914, half a dozen or more Generals were summoned to meet the Cabinet in order to draw up the initial plan of campaign.[2]

Having dealt with the part played by military officers, the attendance of civilian officials must be considered. The heads of different Departments who are not included in the Cabinet are often asked to explain questions arising out of administrative policy.[3] Mr. Lloyd George's war-time Cabinet meetings were frequently attended by Departmental chiefs normally excluded from the Cabinet, as he found that without their help the transaction of State business was impossible. The Attorney-General is often invited to attend meetings in order to give his opinion on legal questions.[4] Likewise, the Solicitor-General is occasionally invited. Earl Halsbury said that " with regard to the practice, I may say that I attended a good many years ago the Cabinet Council of Lord

[1] Sir C. E. Callwell's *Sir Henry Wilson*, Vol. I, pp. 237, 323; Vol. II, pp. 2, 17, 74, 79, 80, 81, 88, 105, 109, 112, 116, 123, 126, 127, 136, 137, 148, 149, 151, 152, 154.

[2] Sir William Robertson's *Soldiers and Statesmen*, Vol. II, p. 257. This statement has been confirmed by John Charteris, who describes in his book (*Field-Marshal Earl Haig*, 1929, p. 77) the attendance of the Generals on that very day, to advise the Cabinet on the decision that had to be made: whether the Expeditionary Force should go abroad to fight, or remain at home. The Generals summoned to the Cabinet were Lord Roberts, Lord Kitchener, Sir Charles Douglas, General Henry Wilson, Sir John French, Sir Douglas Haig, Sir James Grierson and Sir Ian Hamilton.

[3] On June 21, 1873, Mr. Ayrton, then First Commissioner of Works, took part in a discussion about the Law Courts and the differences which had been arising between him and an architect, Mr. Street (see *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 261).

[4] When Lord Birkenhead was Attorney-General in the Asquith Ministry he frequently sat in the Cabinet and gave his advice on legal problems. He continued to do so when Mr. Lloyd George became Prime Minister in 1916 (see *Birkenhead*, Vol. II, p. 57; *Life of Sir Henry Wilson*, Vol. II, p. 152).

Beaconsfield when I was Solicitor-General."[1] Besides the above-mentioned, the Under-Secretary for Foreign Affairs is often summoned to the Cabinet to state his opinion on a particular issue of foreign policy, as were Sir Charles W. Dilke[2] and Mr. George Curzon,[3] afterwards Lord Curzon, when they occupied this office. When English representatives abroad return to England on special occasions, they are often invited to a meeting of the Cabinet in order that they may let the Cabinet have the benefit of their first-hand knowledge on the situation abroad.[4] The practice of inviting experts to attend Cabinet meetings has been thoroughly adopted in the modern Cabinet system. Both Gladstone and Disraeli adopted the practice.[5] Mr. Lloyd George extensively used it when he was Prime Minister, his Cabinet being invariably attended by experts. In the report of the 1917 War Cabinet it is stated that Ministers had full discretion to bring with them any experts, either from their own Departments or from outside, whose advice they considered would be useful. From December 9, 1916, to December 1917, no less than 248 experts attended meetings. These included experts on Foreign, Dominion, Indian, Colonial Affairs, Finance, Man-power, Labour, Munitions and Industry, Shipping and Shipbuilding, Agriculture, Food Control, Education, Trade, Railway and Local Government.[6] The practice continued in the following year, and a large body of experts

[1] *The Parliamentary Debates*, 4th Series, Vol. 142, March 1 to 14, 1905.

[2] *Life of Sir Charles Dilke*, Vol. I, pp. 346, 395, 462, 464.

[3] *Life of Lord Curzon*, Vol. I, p. 285; Blanche E. C. Dugdale's *Arthur James Balfour*, Vol. I, p. 255.

[4] Earl Cranbrook mentioned in his diary that on March 7, 1878, Lord Lyons, the English Ambassador in Paris, attended a Cabinet meeting and gave information about French feeling on the Eastern Question (see *Gathorne Hardy, First Earl of Cranbrook*, Vol. I, p. 54). For other examples see *Life of Sir Charles Dilke*, Vol. II, pp. 48, 51; *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 260.

[5] Cf. *Life of Disraeli*, Vol. II, p. 783: Mr. Disraeli to Queen Victoria (November 19, 1875). *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 353: Gladstone to Victoria.

[6] *The War Cabinet: Report for the Year 1917* (1918), p. 2.

attended the Cabinet, including "practically every branch of government and administrative activity."[1] The Chief Whip of the Ministry in power, who is responsible for summoning members for the more important debates and discussions in the Commons, has, in fact, often acted as Parliamentary adviser to the Prime Minister and the Cabinet. The Ministers would seek his advice on matters of Cabinet policy affecting the Commons, or obtain information on the reaction of the members of the House to opinions in the Cabinet.[2]

Statesmen who are not members of the Cabinet are sometimes invited because of their wider experience and matured counsel. On matters of foreign policy, involving a departure from traditional principles, the Cabinet desires to secure the opinion of Opposition party leaders, and the Prime Minister may, with the consent of his colleagues, invite them to participate in the discussion in order to secure some measure of common agreement over the issue in question. Such an occurrence is, however, not common. It happened once in 1915, before the formation of the first Coalition Cabinet, when the Prime Minister, with the consent of his fellow members, invited Lord Lansdowne and Bonar Law, the Conservative Leaders, to take part in the Cabinet deliberation on the question of the transfer of Constantinople to Russia, in the event of Turkey persisting in an active belligerent alliance with the Central Powers.[3] The fact that Lord Lansdowne often attended the Cabinet from the early days of the War until the time when he joined the first Coalition Government is described in Lord Newton's book.[4] During the Great War the Prime Minister often invited statesmen of the British Dominions to attend the Cabinet meetings, as he realized the importance of co-operation between the Dominions and the Mother

[1] *The War Cabinet: Report for the Year 1918* (1919), p. 5.

[2] *Life of Sir Charles W. Dilke*, Vol. I, p. 489; Vol. II, p. 77; *Journals and Letters of Viscount Esher*, Vol. II, p. 281.

[3] Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 22.

[4] Lord Newton's *Lord Lansdowne*, p. 442.

country. In July 1915 Sir Robert Borden, then Prime Minister of Canada, came to England, and the English Prime Minister invited him to attend a Cabinet meeting.[1] This was the first occasion upon which a Dominion Prime Minister had ever been asked to take part in a Cabinet meeting. Following this precedent, it was announced on March 10, 1916, that "by invitation of the Prime Minister, Mr. Hughes, the Prime Minister of Australia, attended the meeting of the Cabinet to-day."[2] According to A. F. Pollard's book, General Botha, a South African statesman, was also asked to attend a meeting of the English Cabinet in the interests of the Empire.[3] The Prime Minister is, moreover, empowered to invite a foreign statesman to attend and deliberate in any meeting in the event of necessity or urgency. On April 18, 1917, Mr. Lloyd George, the Prime Minister, invited Mr. Hoover, then Food Controller in the United States of America, to attend a meeting of the War Cabinet on the question of the Allies buying food from the United States. Mr. Lloyd George comments that "he is the only President of the U.S.A. who has taken part in the proceedings of a British Cabinet."[4]

§ 5. *Cabinet Procedure*

(a) *Preparing the Cabinet Agenda.*—Before the institution of the Cabinet Secretariat, the arrangement of subjects to be discussed in the Cabinet was a matter for the Prime Minister to decide, with or without the consultation of his colleagues. Until 1916 there was, generally, a rough agenda, which was prepared by the Prime Minister for the assistance and guidance of the meeting. Mr. Maughan Nash, private secretary to Mr. Asquith, gives a glimpse of the method adopted by the Liberal Prime Minister in preparing the Cabinet agenda:

[1] *The Times History of the War*, Vol. X, p. 341.
[2] *The Times*, March 10, 1916. See also *Annual Register*, 1916, p. 89.
[3] *The Evolution of Parliament* (2nd edition), p. 374.
[4] *War Memoirs of David Lloyd George*, Vol. III, p. 1342.

"While the Cabinet was mustering downstairs he would be tranquilly pacing his room, jotting down items on the correspondence card that served for agenda paper, for there was no Cabinet Secretariat in those days." [1]

On the formation of the War Cabinet in 1916, the Cabinet Secretariat was entrusted with the task of compiling the formal agenda of the Cabinet under the direction of the Prime Minister. Generally, any Cabinet Minister could raise a particular question, foreign or domestic, for discussion in the Cabinet. In actual practice the principal questions to be dealt with at Cabinet meetings are always discussed and settled by the Prime Minister and one or two of his most confidential colleagues, in order to agree beforehand upon a concerted policy. It was a customary practice of Disraeli, during his first Government, to talk over important matters with Lord Stanley or with two other confidential colleagues, Hardy and Cairns. When Disraeli formulated his Irish policy, he immediately consulted Lord Cairns before it was discussed in the Cabinet. Disraeli wrote to Lord Cairns (March 19, 1868):

"It is useless to launch such thoughts, as I suggest, in an unprepared Cabinet. You and I must suggest all this together, and then speak to one or two leading spirits; but it is quite on the cards that we may have to talk over our course on Saturday in Cabinet." [2]

When Disraeli formed his second Cabinet in 1874, he continued this practice, but the colleagues to whom he often turned were not the same as those in his first Cabinet.[3] During that time, Lord Salisbury played a leading rôle and exercised much influence in the Cabinet. Disraeli often consulted him on different topics.[4] When

[1] *Life of Lord Oxford and Asquith*, Vol. II, p. 376.

[2] *Life of Disraeli*, Vol. II, p. 358. [3] *Ibid.*, pp. 737, 783, 959.

[4] *Ibid.*, p. 773. Disraeli to Salisbury, October 28, 1875: "I am anxious, and a little disquieted, about Central Asian affairs. Before you bring them even indirectly under the consideration of the Cabinet I think it would be better that we should confer together." See also *Letters of Disraeli*, Vol. II, p. 144, Disraeli to Lady Bradford, November 1, 1877: "I . . . shall see Salisbury, who is at Hatfield, to-morrow at 12. He comes up on purpose to see me. I think it best to see some leading spirits before the Cabinet assembles."

the Eastern Question became acute, Lord Beaconsfield conferred regularly with Lord Salisbury in order to decide on the policy which they should bring before the Cabinet meeting. In a letter to Queen Victoria, Lord Beaconsfield wrote as follows: "Lord Salisbury came to him [Lord Beaconsfield] at eleven o'clock to consult over affairs before the Cabinet; and this is to be a regular rule without exception."[1] He also consulted other members of the Cabinet.[2] On the other hand, Lord Derby, his Foreign Secretary, was not often consulted, since his views became more and more opposed to those of Lord Beaconsfield, particularly with regard to the Eastern Question.

Gladstone adopted the same practice, frequently writing to his principal colleagues to ask them to come to him before the Cabinet meetings.[3]

On such occasions decisions are taken not only with regard to what matters are to be brought before the Cabinet, but also with regard to what matters are not to be brought before the Cabinet. In a letter of Disraeli's to Lady Bradford it is mentioned that Lord Derby had conferred with his chief on November 3, 1875, and that they had resolved not to bring the Turkish affair before the Cabinet, but to deal with it themselves.[4]

Before the commencement of a series of November

[1] *Life of Disraeli*, Vol. II, p. 1155 (April 3, 1878).

[2] *Letters of Disraeli to Lady Bradford and Lady Chesterfield*, Vol. I, p. 203, Disraeli to Lady Chesterfield, February 24, 1875: "I have a Cabinet at three o'clock, and a meeting with Lord Chancellor and Duke of Richmond at half-past two."

[3] In the *Granville Papers* we find a letter written by Gladstone to Granville dated December 6, 1869, in which he says: "I shall hope to see you to-morrow forenoon when I shall be in: I mean before the Cabinet" (see *Granville Papers*, Vol. 57 (December 6, 1869)). Another letter, dated December 13, 1869, says: "Can you come to my house at twelve to-morrow, about Irish land, for the deduction of brief propositions which may serve to bring the deliberation of the Cabinet a little to a head" (*ibid.*, Vol. 57 (December 13, 1869), Gladstone to Granville). He also asked Cardwell, the Secretary for War, to see him in order to discuss the latter's Estimates before a Cabinet meeting which had been arranged for that purpose (*ibid.*, Vol. 59 (January 12, 1871), Gladstone to Granville).

[4] *Life of Disraeli*, Vol. II, p. 887.

Cabinets, Ministers usually prepare the proposals or measures which they will bring before the Cabinet for discussion. For the purpose of arranging subjects for discussion, the Prime Minister always wishes to be acquainted beforehand with his colleagues' proposals. Disraeli even wrote letters to his colleagues asking for their suggestions.[1] Indeed, the Prime Minister also has to work out his proposals beforehand. In 1874 Lord Derby suggested to Mr. Disraeli, the Prime Minister: "Indeed a quiet interval is in your position almost necessary in order to consider what shall be proposed to the Cabinet. When Cabinets begin it is too late for any other work than discussion of details."[2]

(b) *Questions for Discussion in the Cabinet.*—Ministers can raise any question, if it is of sufficient political importance, for discussion in the Cabinet in order to obtain the latter's opinion and decision upon it. A Minister, indeed, has no right to prevent his colleagues from raising a question in the Cabinet over which he does not agree. In the case of a senior officer of a Department or a junior Minister desiring to raise a question, he would ask his chief to put the matter before the Cabinet.[3] Anybody who has sufficient political influence can request a Minister to bring a proposal before the Cabinet for discussion.[4]

[1] In a letter to Lord Salisbury, dated October 12, 1874, Disraeli wrote: "In about a month we ought to commence our November Cabinets. It would be of great service to me, and very agreeable also, if you would favour me, some time previously, and confidentially, with your views as to our situation, and any suggestions you can make as to our future course" (see *Life of Disraeli*, Vol. II, p. 700). On the same day he wrote in the same terms to his Chancellor of the Exchequer, Sir Stafford Northcote, inviting him to express his views and suggestions. See *Andrew Lang's Life, Letters, and Diaries of Sir Stafford Northcote, First Earl of Iddesleigh* (1890), p. 305.

[2] *Life of Disraeli*, Vol. II, p. 686: Derby to Disraeli (September 15, 1874).

[3] Cf. *Life of Sir Charles Dilke*, Vol. I, pp. 455–6.

[4] In 1885, Mr. E. T. Wakefield, an English barrister and a resident landlord in the north of Ireland, got Lord Derby, the Colonial Secretary, to print and lay before the Cabinet his plan, which was not adopted, of State-aided immigration into Ireland. See "Correspondence on the subject of emigration from Great Britain to the Colonies (1886)," *c.* 4751, *Parliamentary Papers*, Vol. XLV, p. 42.

When a Prime Minister desires to bring a question before the Cabinet, it is not an unusual practice for him to consult his leading colleagues in order to find out whether he can obtain the necessary support in the Cabinet, failing which he will drop the idea. Mr. Gladstone was in the habit of ascertaining his leading colleagues' views before putting a matter before the Cabinet. Similarly, a Minister would also seek his chief's advice before raising a question in the Cabinet. In such a case the latter sometimes advises the former either to wait for an opportune moment or not to raise the question at all, for fear of the grave consequences which might possibly ensue and beset the Government with difficulties.[1] In the case of the Sovereign desiring to raise a particular question, he would ask the Prime Minister, being a link between the King and the Cabinet, to bring it before the Cabinet Council for deliberation. In 1882 the Prince of Wales offered to serve in Egypt. The Queen asked Mr. Gladstone to bring the matter before the Cabinet, which advised against the proposal.[2]

In practice, all important matters are discussed by the Cabinet, which is invested with the ultimate responsibility for determining policy. However, a Minister generally carefully considers an important issue before he brings it before his colleagues. A distinction may be drawn between questions of policy, which must be referred to the Cabinet, and departmental matters, which may be decided by the responsible Minister concerned with or without the consultation of the Prime Minister. Issues involving policy are what Mr. Gladstone called the more delicate, or weighty, or peculiar cases, while matters not involving policy are what he called the departmental

[1] Thus, in May 1884 Mr. Gladstone asked Lord Granville not to open within the Cabinet the question of the term of occupation of Egypt, he wrote: "But I was in hope you would approve my suggestion to hold over the question of the term until other points were settled. I think it would be very dangerous to open it in the Cabinet until other points had been disposed of" (*Granville Papers*, Vol. 128: Gladstone to Granville (May 23, 1884)).

[2] *The Queen and Mr. Gladstone*, Vol. II, pp. 202–3.

acts.[1] As a matter of fact, they frequently overlap, since departmental matters may involve questions of policy and vice versa. For instance, the prosecution of a person who has been guilty of using seditious language is a departmental matter, because it is within the authority of the Home Secretary to deal with in consultation with the law officers of the Crown and the Director of Public Prosecutions, but a question of policy is also involved in so far as it is necessary to consider whether it is expedient to prosecute having regard to the existing political situation. It is left to the discretion of the Minister, guided by usage and political considerations, to decide whether a matter of this kind should be referred to his colleagues or not. For instance, in 1881 Sir William Harcourt brought before the Cabinet the question of the prosecution of Johann Most because of an article he had written in *Freiheit*, a German paper printed in London, praising the assassination of the Emperor Alexander II of Russia, and he was successful in obtaining their consent to his action.[2] On the other hand, Mr. Churchill, after full consultation with the law officers but without consulting the Cabinet, decided on the prosecution of Mylius for a libel on the King.

It often happens that Ministers omit to bring matters before the Cabinet, which that body ought to discuss, because they under-estimate their importance. In 1915 Lord Crewe, Secretary for India, decided to sanction an advance on Amara without referring to the Cabinet. Afterwards Sir William Robertson thought that this was a question of policy which ought to have obtained a decision of the Cabinet.[3]

However, there are certain matters which a Minister is under obligation to refer to the Cabinet. Firstly, wherever the expenditure of public money is involved, the concurrence of the Chancellor of the Exchequer is necessary. Such matters therefore are frequently brought

[1] Gladstone's *Gleanings of Past Years*, Vol. I, 47, pp. 242–3.
[2] *Life of Sir William Harcourt*, Vol. I, p. 404.
[3] *Soldiers and Statesmen*, Vol. II, p. 33.

before the Cabinet. Secondly, whenever more than one Department is concerned, the Departments in question must confer, and if they cannot agree, their differences must be brought before the Prime Minister and if necessary ultimately to the Cabinet. Finally, if a question involving a particular Minister is likely to be subjected to discussion in Parliament, the consent of his colleagues must be secured in order that the Cabinet may face the Commons as a united body.

The questions discussed in the Cabinet are naturally usually concerned with the political events of the day. The members of the Cabinet ignore trivialities, and concentrate their energies and proved wisdom upon the solution of the problems of first-rate importance with which they are confronted. The Irish Question was long a source of trouble to the British Government, and was frequently discussed by the Cabinet, who tried their utmost to solve the problem. It must have occupied a great deal of the time of Gladstone's four Cabinets. After Lord Beaconsfield acquired the Suez Canal shares, the Liberal Cabinet tried to meddle in Egyptian affairs, but their efforts were hopelessly inadequate to deal with the situation with which they were confronted, and the Egyptian question was a constant topic for discussion in the Cabinet. When the Lords rejected the People's Budget, the Cabinet immediately concentrated on the problem of the reform of the hereditary Chamber. After the outbreak of war in 1914, the Cabinet devoted almost all its time to the discussion of matters of military importance or of questions arising out of the War. The same tendency has been observed in recent years. During the Abyssinian crisis the Cabinet devoted a great deal of its attention to the problems arising out of this question.

The regular subjects for discussion in the Cabinet are those of international affairs and parliamentary business, and there are two matters which are certain to be referred to in the Cabinet: the Budget and the King's Speech. There are some questions which the Cabinet seldom or

never discusses. Amongst these are change in the personnel, which is seldom discussed in Cabinet, and the appointment of a junior Minister, which has never been brought before the Cabinet. The Cabinet does not consider the distribution of honours. In one of Queen Victoria's letters to Mr. Gladstone, she wrote: "The distribution of honours is *not* a question for the Cabinet." [1] Mr. Gladstone acknowledged that it was so when he replied that he

> "has never known a case where the Cabinet have interfered in a question of honour purely titular, or honour connected with an office lying beyond the established circle of political administration." [2]

(c) *The Procedure of Cabinet Business.*—At Cabinet meetings the Prime Minister occasionally opens the proceedings by reading a letter which he has received from the Sovereign, either raising a certain question or asking the Cabinet to reconsider its decision upon a certain subject or explaining his views upon it before the Ministers make up their minds. As already mentioned, Queen Victoria often commanded her Prime Ministers to read her letters or telegrams at the commencement of Cabinet meetings.[3] The Prime Minister is also at liberty to read his prepared memoranda or notes in the Cabinet in support of his view, this being a long-established practice. It is recorded that Sir Robert Peel frequently read his memoranda at Cabinet meetings.[4] In the *Life of Disraeli* there is a reference to the fact that he drafted a note embodying his views and read it to the Cabinet on Tuesday, May 16, 1876.[5] Mr. Gladstone also adopted this practice, for Sir Charles Dilke's diary records that on November 22, 1883, Mr. Gladstone read a long and admirable memorandum in favour of his own views as to franchise and redistribution.[6] Cabinet

[1] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 485.
[2] *Ibid.*, p. 486.
[3] *Life of Disraeli*, Vol. II, p. 1304; *Life of Sir Charles Dilke*, Vol. I, p. 522.
[4] Peel's *Memoirs*, Vol. II, p. 97.
[5] *Life of Disraeli*, Vol. II, pp. 896–7.
[6] *Life of Dilke*, Vol. II, p. 2.

Ministers also adopt this method of explaining their own point of view to their colleagues.[1] It is a customary practice for the Chancellor of the Exchequer to read out part of his Budget or an extract from it.[2]

Other documents, written by individuals who are not members of the Cabinet, are frequently read there, as, for example, the letters of English statesmen,[3] the minutes of foreign ambassadors,[4] the memoranda of the Commander-in-Chief,[5] etc.

The number of subjects discussed at a Cabinet meeting is considerable. If we study Sir Charles Dilke's diaries, we see that on many occasions a Cabinet meeting discusses more than a dozen topics.[6] Generally, the most important topics are given priority over less important matters. But in practice, when a very important question appears on the political horizon, the Cabinet usually devotes its whole time to it.[7] It is not always possible to reach a decision, since the discussion of a particular question often involves heated arguments, mutual recriminations followed by half-hearted compromises, and then no time is left for the discussion of other matters.

Occasionally the Cabinet is obliged to postpone the discussion on a particular topic owing to the absence of

[1] Hardy's diary records (January 10, 1878) (see *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 44) that "at the Cabinet on Monday, C[arnarvon] made his peace, reading a long paper to secure his future ground." One of Disraeli's letters contains an admirable account of this practice: "On the opening of the Cabinet this morning, Lord Carnarvon made some graceful, slightly conciliatory remarks on the scene which occurred at the last meeting; and then he asked leave to read a paper which he had drawn up, so that his view might not be misunderstood in the future" (see *Life of Disraeli*, Vol. II, p. 1087: Beaconsfield to Victoria (January 7, 1878)).

[2] In April 1894 Sir William Harcourt read extracts of his Budget speech for two hours and a half (see Algernon West's *Private Diaries*, p. 294).

[3] *Life of Disraeli*, Vol. II, p. 435.

[4] *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 49.

[5] Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 54.

[6] *Life of Dilke*, Vol. II, p. 49.

[7] *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 308.

information which is of vital importance for the consideration of the issue involved.[1] The absence of the leading Minister chiefly responsible for a particular matter may also prevent its full discussion, or even postpone the discussion altogether until the Minister is able to be present.[2] It is often the case that discussion in the Cabinet is diverted from the main subject.[3]

Since the introduction of the institution of the Cabinet Secretariat, the items of business discussed at meetings are arranged by the Cabinet Secretariat in consultation with the Prime Minister, yet items discussed at meetings are frequently not in accordance with the arrangement of the agenda. Barnes, a member of the War Cabinet, wrote:

> "If there were half a dozen items on a prepared agenda he [Mr. Lloyd George] was just as likely to select the last as the first, or to dilate on either one to the exclusion of the other." [4]

In the course of discussion, Ministers express their opinions and adhere either to one side or to the other, but a Minister may refuse to give his opinion or adhere to either side or section of opinion in the Cabinet. Thus on February 28, 1885, the Cabinet was divided on the issue of resignation, and Mr. Shaw Lefevre refused to express an opinion on the ground of his recent admission.[5]

Naturally, a Prime Minister or a Cabinet Minister desires to achieve unanimous agreement about matters which he submits to the Cabinet. Discussions often, however, reveal considerable differences of opinion. The most famous case of Cabinet division was mentioned in the letter in which Disraeli told the Queen that, during the Eastern crisis, his Cabinet was divided into seven parties.[6] On June 13, 1880, Sir Charles recorded in his diary that there was disagreement in the Cabinet, "all

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 616.
[2] *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 234 (January 16, 1886, Diary).
[3] *Life of Dilke*, Vol. II, p. 82.
[4] Barnes' *From Workshop to Cabinet*, p. 169.
[5] *Life of Dilke*, Vol. II, p. 111.
[6] *Life of Disraeli*, Vol. II, p. 1066.

the peers being opposed to an Irish Land Bill, and all the Commoners supporting Forster in this branch of his proposals."[1] When the scheme of a Central Board for Ireland was discussed in the Cabinet on May 9, 1885, the Cabinet was divided. "All the peers except Lord Granville were against it. All the Commoners except Lord Hartington were for it."[2] When differences reach this climax, considerable feeling would arise and there would be threats of resignation. The differences of opinion may either result in the abandonment of the proposal which is the subject of such violent controversy or the resignation of the dissenting Minister or Ministers.

The Cabinet may accept or reject a proposal made by one of its members. When a Cabinet is unanimously in favour of a proposal, a decision of the Cabinet has undoubtedly been reached. On the contrary, if a proposal is against the opinion of the majority in the Cabinet, the Minister who brings the proposal before the Cabinet may either withdraw it or refrain from asking for a decision or opinion. For instance, in 1884 Lord Granville proposed to the Cabinet that Gordon should be recalled from Egypt, but Gladstone advised him not to press an opinion which it was plain the Cabinet would not accept.[3] But if the Cabinet is divided on a proposal, and a decision is desired, then the Prime Minister has the duty of collecting the opinions of his colleagues and interpreting the will of the Cabinet.[4] In the case of a serious difference of opinion, a decision of the Cabinet on a particular case is always postponed, in order to gain more time to reach a compromise or more effectively to combat the minority view. Thus a Cabinet frequently postpones a decision before many meetings have been held.[5] There are rare cases in which the Cabinet adopts

[1] *Life of Dilke*, Vol. I, p. 344. [2] *Life of Gladstone*, Vol. III, p. 193.

[3] Lord Granville to Gladstone (March 11, 1888), Gladstone to Granville (March 12, 1888).

[4] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 196; *The Genesis of the War*, p. 4.

[5] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 635; *Life of Dilke*, Vol. II, p. 117.

the system of taking a vote or division, but this would appear to conflict with the authority of the Prime Minister, since his vote counts as only one. Lord Granville once criticized a Cabinet decision by means of a vote as follows: "It was absurd to count heads in assemblies in which there was such a difference in the contents of the heads."[1] However, the Prime Minister sometimes adopts such a method as a way out of an *impasse*, when the Cabinet is hopelessly divided and no solution can be found by way of mere delay, adjournment and compromise. Gladstone frequently adopted this system in his Cabinet. Sir Charles Dilke recorded a conversation between Bright and Dodson, two members of Gladstone's second Cabinet in 1881, in which the former told the latter: "You were put into the Cabinet to vote with Gladstone. Surely you ought not to oppose him."[2] Again, in 1881 the decision to arrest Dillon was taken as a result of a vote in the Cabinet. On August 9, 1883, Mr. Gladstone was against the Cabinet's decision to move the statue of the Duke of Wellington from Hyde Park Corner. He recorded a vote on this occasion, but was overruled by the majority of the Cabinet. Sir Charles Dilke said: "It was the only subject upon which, while I was a member of it, I ever knew the Cabinet take a show of hands."[3] In 1885 the defeat of Chamberlain's scheme of land purchase in Ireland was chiefly due to the hostile votes in the Cabinet.[4] Looking back on the previous Cabinet, Lord Granville told Gladstone in 1886: "I think you too often counted noses in your last Cabinet."[5]

But Gladstone in his last Cabinet ceased to follow this practice. Lord Oxford and Asquith declared that he could remember only one occasion on which a division was suggested. The suggestion was made by Lord Rosebery, and arose out of a discussion as to the correctness of a quotation from Juvenal, which was keenly disputed between the Prime Minister and Sir H. Campbell-Bannerman. The matter was settled by the production

[1] *Life of Dilke*, Vol. I, p. 370. [2] *Ibid.*, p. 368. [3] *Ibid.*, p. 528.
[4] *Ibid.*, Vol. II, p. 133. [5] *Life of Gladstone*, Vol. III, p. 5.

of the text, and Sir Henry proved to be right.[1] The reason for the absence of divisions was probably that Gladstone's last Cabinet was more homogeneous than his second, which was composed of two hostile sections led by the demagogues of the party, and their incessant battles in the Cabinet made Gladstone desperately anxious to seek some method of calming the troubled waters. Lord Salisbury occasionally adopted the vote system in his Cabinet. As Lord St. Aldwyn says in a memorandum: "Lord Salisbury frequently allowed important matters to be decided by a small majority of votes."[2] Mr. Balfour also adopted the vote system, when the Cabinet found it difficult to arrive at a decision.[3] Sir H. Campbell-Bannerman and Asquith, on the other hand, did not use it in their Cabinets.[4]

Deliberations on questions raised by Ministers are terminable either by the decisions reached or by the change of political circumstances which necessitate the discontinuance of the discussion concerned and, lastly, by the intervention of the Sovereign on seeing that certain matters affecting the royal family are involved. For instance, in 1879 Queen Victoria objected to the Cabinet discussing the journeys of her two grandsons.[5]

(d) *Cabinet Minutes.*—It is only on rare occasions that Cabinet decisions are embodied in a formal document. For certain important purposes the Cabinet may decide to draw up a minute. As Gladstone remarked: "This form of document has gone very much out of use, but it appears to have some recommendation for exceptional cases."[6] Generally a Cabinet minute serves three distinct purposes:

(1) to advise the Sovereign;
(2) to inform their successors;

[1] *The Genesis of the War*, p. 4.
[2] *Life of Sir Michael Hicks-Beach*, Vol. II, p. 360.
[3] Sir Almeric Fitzroy's *Memoirs*, Vol. I, pp. 63, 67.
[4] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 196.
[5] *Letters of Queen Victoria*, 2nd Series, Vol. III, pp. 22–3.
[6] *Gladstone Papers*, p. 105.

(3) to record decisions of the Cabinet in order to avoid mistakes and confusion.

Let us proceed to discuss the first. When the Cabinet decides to tender its advice to the Sovereign with regard to particular affairs of State in a manner more formal than the letter of the Prime Minister, the Ministers may draw up a Cabinet minute, which must be conveyed through the Prime Minister to the Sovereign.[1] There may be two copies, one being for the Sovereign and the other being retained by the Prime Minister for reference.[2] This is not uncommon. A Cabinet minute, dated February 11, 1910, was sent to the King in order to make clear the intentions of the Liberal Cabinet that they did not propose to advise the Sovereign to exercise the royal prerogative to create peers unless the actual necessity arose.[3] On November 15, 1910, the Liberal Cabinet presented a memorandum to the King intimating that they could not take the responsibility of advising a dissolution unless they had reasonable assurance that, if a sufficient majority was obtained for their policy, the King would, if necessary, exercise his constitutional powers to overcome the resistance of the House of Lords.[4] The Sovereign has the right to ask the Cabinet to draw up a Cabinet minute to state their opinion. In 1871 Queen Victoria agreed to cancel the Army Purchase Warrant, but she expressed her opinion that a Cabinet minute should be submitted to her giving the views of the Ministers on this matter. Thus a minute was drawn up.[5]

After having dealt with Cabinet minutes drawn up in order to give advice to the Sovereign, something must now be said about Cabinet minutes drawn up to inform future

[1] Todd's *Parliamentary Government in England* (Spencer Walpole edition), Vol. II, p. 14.

[2] *Parliamentary Debates*, 1903 (118), p. 1604.

[3] *Life of Lord Oxford and Asquith*, Vol. I, p. 273.

[4] *Ibid.*, p. 297.

[5] *Life of Gladstone*, Vol. II, p. 363; *Letters of Queen Victoria*, 2nd Series, Vol. II, pp. 152–4.

Cabinets of their views and methods of handling a particular problem. This occurs rather less frequently than the first type of minute. It was mentioned by Sir Charles W. Dilke that on June 10, 1884, the Cabinet decided to leave for their successors a Cabinet minute upon the subject of English relations with France at that time.[1]

It is also rarely the case that the Cabinet decides a question by a written minute. Lord Derby said that he remembered that on one occasion such a practice was adopted in Lord Beaconsfield's Cabinet.[2] Perhaps this was the case which Lord Beaconsfield mentioned in his letter to the Queen, dated June 23, 1877:

"The Cabinet was quite satisfactory. It resolved to take a firm tone on Monday, and to prevent mistakes, we agreed upon, and recorded in writing, the answer to be given to the 'interpellation' of Mr. Gladstone, or his followers." [3]

It seems that Mr. Gladstone also adopted the practice of embodying a Cabinet decision in a minute.[4] Since 1916 this practice has been revived, and the task of drawing it is usually entrusted to the Cabinet Secretariat. As regards the publication of the minutes, it would, as a constitutional rule, require the approval of the King. The approach to the Sovereign should be made through the Prime Minister as the custodian of Cabinet archives, and it would be the latter's duty to advise the Sovereign

[1] *Life of Dilke*, Vol. II, p. 55.

[2] Granville to Gladstone (July 19, 1877), R. W. Seton-Watson's *Disraeli, Gladstone and the Eastern Question*, p. 516.

[3] Beaconsfield to Victoria, *Life of Disraeli*, Vol. II, p. 1018.

[4] In 1873 Mr. Gladstone notified Lord Granville: "The First Lord of the Treasury presents his compliments to Lord Granville, and begs to call attention to the following minutes of the Cabinet recently adopted. The Cabinet desires that when it is proposed to include in any Bill, which is to be introduced into Parliament on the responsibility of the Government, or of any of its officers, any charge on the local rates, notice of such intention be given beforehand to the Cabinet, and its authority obtained for the same, before the introduction of the Bill" (*Granville Papers*, Vol. 62, 10 Downing Street, June 11, 1873).

whether permission for publication should be granted or not.[1]

Prior to the establishment of a definite record of the Cabinet Council, the Cabinet had no records except the letter written by the Prime Minister to the King or the minutes above mentioned, and its members were forbidden to take notes. So Ministers had to memorize all decisions affecting their Departments. When they returned to their offices, they wrote them down and carried them out.[2] As a result of this unbusinesslike method, the most serious misunderstandings and confusion sometimes occurred regarding Cabinet decisions. Since at every Cabinet meeting there were many affairs of State to be dealt with, and there was bound to be a diversity of opinion on controversial matters, these misunderstandings were only to be expected. These faults were common to both Conservative and Liberal Cabinets. For instance, in 1876, though the instructions for the Constantinople Conference had been sent to the Queen for signature, yet several members of the Cabinet were under the impression that these instructions still had to be discussed and considered in the Cabinet.[3] In the following year the second part of Lord Derby's note to Russia, which was drafted in accordance with the decision of the Cabinet, was repudiated by Lord Cairns because it was inconsistent with his own recollection of the Cabinet decision.[4] In 1878, when Lord Derby resigned the office of Foreign Secretary, he explained in the House of Lords that the cause of his resignation was the Cabinet decision to seize Cyprus. Lord Salisbury at once contradicted him by saying that, so far as his memory went, Lord Derby's statement was not true. The evidence of subsequent writers has revealed that Lord Derby's statement was substantially correct.[5] In Gladstone's Cabinets

[1] *Parliamentary Debates* (Commons), 1932–3, Vol. 237.

[2] Lord George Hamilton's *Parliamentary Reminiscences and Reflections, 1868–85*, p. 306.

[3] *Life of Disraeli*, Vol. II, p. 967.

[4] *Ibid.*, p. 1070.

[5] *Ibid.*, pp. 1145–9.

misunderstandings and confusions often arose. When Ministers could not recollect what had been decided in the Cabinet, the private secretaries of Ministers would inquire of the private secretary of the Prime Minister.[1] Such an unbusinesslike method was obviously liable to break down with the advent of war in 1914. The congestion of war business in the Cabinet made its decisions even more confusing and capable of producing misunderstandings. When Mr. Lloyd George became Prime Minister, he reformed the Cabinet by introducing a system of recording its decisions by means of a permanent secretariat to keep the records.

(e) *Taking Notes at Cabinet Meetings.*—A Prime Minister had the privilege of taking notes in the Cabinet for the purpose of communicating its views and decisions to the Sovereign and, with certain exceptions, every member of the Cabinet was debarred from making notes. As Mr. Gladstone said:

"I believe no one is entitled even to make a note of the proceedings except the Prime Minister, who has to report its proceedings on every occasion of its meeting to the Queen, and also must by a few scraps assist his memory." [2]

Lord Salisbury, who was three times Prime Minister, adopted the same practice in his Cabinets. Lady Gwendolen Cecil has given an account of her distinguished father's view on the subject:

"The convention which forbids any note being taken of what was said—futile as a safeguard for secrecy—was invaluable as a guarantee for irresponsible licence in discussion. Lord Salisbury would have extended this principle to the record preserved in each man's memory. The first rule of Cabinet conduct, he used to declare, was that no member should ever 'Hansardise' another—ever compare his present contribution to the common fund of counsel with a previously expressed opinion. Any record kept of the discussions must greatly restrict this invaluable liberty,—if public reference to them were ever to be tolerated, it must disappear." [3]

[1] House of Lords, December 21, 1932; Snowden's *Autobiography*, Vol. II, p. 619.

[2] Morley's *Gladstone*, Vol. III, p. 114.

[3] *Life of Salisbury*, Vol. II, pp. 223–4.

This time-honoured practice was observed by the Cabinets of Rosebery, Balfour, Campbell-Bannerman and Asquith. We are told that Mr. Asquith once prevented one of his colleagues from taking notes in the Cabinet and he made a somewhat "sharp remonstrance."[1]

But in Disraeli's two Cabinets the practice that Cabinet Ministers should not take notes in the Cabinet was not rigidly observed. For evidence shows that Ministers were allowed to take notes, although they were for temporary use. Lord Derby writes:

"The notes which I generally take at Cabinets . . . have been kept merely for purposes of convenient reference; those of old dates have been from time to time destroyed, and all will be. I have always understood it to be no permanent record should remain of what passes in Cabinet. But to temporary memoranda kept, while they exist, for personal use, I know of no objection."[2]

It would seem reasonable that the Chancellor of the Exchequer should have had the privilege of taking notes on financial decisions of the Cabinet, since such decisions involved Treasury expenditure, and the failure to do so would have given rise to confusion. This practice was probably allowed in Gladstone's Cabinet. In a letter, dated January 29, 1885, to Lord Derby asking about the cost of Fiji Claims, Mr. Childers, the Chancellor of the Exchequer, wrote:

"But I have no recollection of any such decision of the Cabinet, and I shall be much obliged to you, if you will inform me on what day the decision was arrived at. My rule is to take careful note of any financial decision, and I can find no trace of any note in this case."[3]

(f) *Cabinet Decisions.*—When a Cabinet has arrived at a decision, it is executed by the responsible Ministers. For a Cabinet is a deliberate body which has no executive functions. With regard to the question whether the

[1] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 197.
[2] *Life of Disraeli*, Vol. II, p. 1136: Derby to Beaconsfield (July 14, 1877).
[3] *Granville Papers*, Vol. 119: Childers to Derby (January 29, 1885).

Sovereign can resist or modify a Cabinet decision, it is the constitutional practice for the Sovereign to adopt what his Ministers suggest to him. However, the Sovereign has the right to demand that the Cabinet should reconsider a decision, in the hope of reversing its policy. But if the Cabinet persists in carrying out its policy, it is clear that the Sovereign must either accept or reject it. In the latter case it involves the resignation of the Ministry and a General Election, which may result in the return of the Ministry to Westminster. Thus the dignity of the Crown would be impaired, and such an expedient does not appear to be a constitutional way out of the impasse. Generally the Sovereign accepts the decision of the Cabinet, however unpalatable it may be. For example, in 1885 the Queen made vehement protests to the Liberal Cabinet about its policy of the complete abandonment of the Sudan. She wrote an angry letter to Gladstone, concluding as follows: "I could *not* give my consent to such a humiliating step."[1] However, she was persuaded by her Ministers to do so.

The 'gracious Speech from the Throne' is a Cabinet speech which announces the policy of the Government of the day. This is drafted by the Prime Minister in consultation with his colleagues, and is approved by the Cabinet. The Sovereign can only make slight verbal alterations, and these are made on the responsibility of the Prime Minister. The following example illustrates how far the Sovereign can resist a policy contained in the speech of which he disapproves. In 1881 Queen Victoria objected to the policy contained in a sentence in her Speech which was as follows: "It is not my intention that the occupation of Kandahar shall be permanently maintained."[2] And she insisted on omitting or modifying it in the sense that Kandahar should be held in the future if necessary. Eventually, the original text was maintained, but the Cabinet gave the Queen an express understanding that should circumstances arise

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 635.
[2] Ponsonby's *Sidelights of Queen Victoria*, p. 141.

rendering the retention of Kandahar desirable, the Government would not hesitate to follow such a policy.[1]

The Prime Minister can only change a Cabinet decision with its approval. But he can exercise a small amount of discretion in modifying a decision, if the circumstances render it desirable. Lord Beaconsfield believed that:

"There are instances in which the Speech from the Throne has been altered after it was approved in Council, but, so far as my experience can guide me, they were always instances in which news from abroad or the colonies had affected the statements of fact. Then no change was made without obtaining the previous sanction of the Sovereign, and if the Cabinet could not be assembled, the Prime Minister took the responsibility of the change." [2]

A leading Minister may ask the Prime Minister to alter certain points in the Speech from the Throne which have ceased to apply since the time when the Speech was drafted. But the power of alteration rests solely with the Prime Minister. A Minister ought not to do or say anything contrary to a decision of the Cabinet without previously consulting it. This rule must be rigidly observed, otherwise the principle of collective responsibility is violated. Not even a Leader of the House of Commons can afford to do this, in spite of the power he wields and the position he occupies. In 1885 Lord Salisbury wrote in strong terms to Sir Michael Hicks-Beach, who was the Leader of the Commons at that time, to the effect that he must consult the Cabinet before departing from the Cabinet's policy with regard to Parnell's demand for a public inquiry on the Maamtrasna cases.[3] Sir Michael, in contra-distinction to the rest of the Ministers, was in favour of such an inquiry, but since he did not ask the Cabinet to reverse its decision, this decision remained effective. There is another rule connected with the

[1] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, p. 134.

[2] *Letters of Queen Victoria*, 2nd Series, Vol. III, pp. 181–2; *Sidelights of Queen Victoria*, p. 157.

[3] *Life of Lord Carnarvon*, Vol. II, p. 172; *Life of Michael Hicks-Beach*, Vol. I, p. 244; *Annual Register*, 1885, pp. 122–3.

above that no other political body can reverse the decision of the Cabinet save by its own authority. A Minister whose proposal is rejected by the Cabinet can reintroduce it in the hope of reversing the previous decision and getting it adopted. In 1878 Sir Michael Hicks-Beach urged the Cabinet to send reinforcements to South Africa, but the Cabinet refused. He proposed it again on other occasions and, by his insistence, at last won the consent of the Cabinet.[1] In February 1881 the Cabinet also reversed its decision on the Arms Bill.[2] Sir Charles Dilke recorded that the decision to bring Turks to Suakim on May 7, 1884, was reversed by a subsequent Cabinet meeting.[3]

(g) *The Execution of Cabinet Decisions.*—When the Cabinet has arrived at its decisions, they are communicated by a responsible Minister to individuals concerned, either in order to give them information or to ask them to carry out what has been decided. The Cabinet must communicate its decision to the Sovereign through the Prime Minister, so that he may be kept in constant touch with the attitude of his servants on various matters. The method by which the Prime Minister performs his duty of notifying the Sovereign has already been discussed. Regarding the communication of Cabinet decisions to the Prince of Wales, the Prime Minister if he wishes to do so must as a rule obtain the sanction of the Sovereign. It should be noted that on one occasion Queen Victoria put a veto on her Prime Minister's suggestion to communicate a decision of the Cabinet to her son.[4] If a Prime Minister obtains the royal sanction, he is allowed to communicate Cabinet secrets to the Prince of Wales. The mode of communication was in the form of a letter which was not written by the Prime Minister, but by his private secretary with his authority. During the reign of Queen Victoria, the first Prime Minister to allow this

[1] *Life of Sir Michael Hicks-Beach*, Vol. I, pp. 108–9.
[2] *Life of Dilke*, Vol. I, p. 367.
[3] *Ibid.*, Vol. II, p. 50.
[4] Sidney Lee's *King Edward VII*, Vol. I, p. 216.

matter was Mr. Gladstone, when he became Prime Minister in 1892, and was continued by Lord Rosebery and Lord Salisbury until the Prince ascended the throne. These Cabinet reports do not remain the property of the Prince, but are returned to the sender as soon as the Prince has read them.[1]

Decisions of the Cabinet are often communicated to the Commons, in which case they are usually embodied in speeches made by the Prime Minister or by leading Ministers. As a matter of fact, they are seldom described as decisions of the Cabinet, but are generally referred to as the decisions of His Majesty's Government. However, it does occasionally happen that the Prime Minister clearly states that it is the decision of the Cabinet, when grave issues are at stake, in order to relieve the anxiety of Members of the Commons.[2] Cabinet decisions are also sometimes communicated to the Leaders of the Opposition.[3] The same thing applies to communications between the Foreign Secretary and English diplomatic representatives abroad or foreign representatives in London. The Foreign Secretary always refers to the decisions of the Cabinet as the decisions of His Majesty's Government. But it is not uncommon for the Foreign Secretary to make a plain statement of the intentions of the Cabinet to the foreign representatives.[4]

[1] Sidney Lee's *King Edward VII*, Vol. I, p. 217.

[2] In 1916, when the Irish situation became very serious, Mr. Asquith, the Prime Minister, communicated the intentions of the Cabinet to the Commons and declared: "The Cabinet have decided to-day that the Irish Executive must at once proclaim martial law over the whole of Ireland. General Sir John Maxwell, who leaves this afternoon, is given plenary powers under martial law over the whole country, and the Irish Executive have placed themselves at his disposal to carry out his instructions" (see *Parliamentary Debates*, Vol. LXXXI, col. 2510).

[3] *Life of Disraeli*, Vol. II, p. 1029.

[4] For instance, on March 21, 1877, Lord Derby, the Foreign Secretary, communicated to General Ignatiew and Count Schouvaloff, the Russian representatives in London, the decision of the Cabinet that it would be inexpedient to enter into a discussion of the verbal amendments that had been suggested in the protocol, until an understanding had been arrived at on the question of the demobilization of the Russian forces (see the Earl of Derby to Lord A. Loftus, March 21, 1877, No. 338: *Further Corre-*

In like manner, the Colonial Secretary communicates the intentions of the English Cabinet to the Colonial Governors.

The chief method by which a decision of the Cabinet is conveyed to high officials or diplomatic agents abroad is generally through private correspondence or private telegrams. Most important State business is conducted in this personal and unofficial way. It has the advantage of privacy, but at the same time suffers under the disadvantage of being unofficial. Such letters or telegrams are addressed to a particular individual, for whom they are intended, and he has no obligation to communicate their contents to any other person or persons, however vital to them the contents may be. On October 21, 1915, a private telegram was sent by the Secretary for India to the Viceroy of India containing the information that the Turkish force opposing the British Front might soon be increased from 9000 to 60,000, but the Viceroy only showed it to Sir Beauchamp Duff, the Commander-in-Chief in India, and did not forward it to General Nixon, who was responsible for the operations and had been ordered by the Cabinet to take Baghdad. Thus a vital piece of military information was withheld from the Commander in the field, who advanced in the blind belief that his forces were sufficient to beat the Turks and take Baghdad. Afterwards Sir Beauchamp Duff told the Mesopotamia Commission that "he accounted for this oversight by the fact that it was a private telegram to the Viceroy of which he had no official cognizance, nor was it filed in his Department." [1]

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spondence Respecting the Affairs of Turkey, 1877, p. 225, Turkey No. 15). Again, on July 4, 1911, after the Cabinet meeting, Sir Edward Grey, the Foreign Secretary, communicated the attitude of the British Cabinet to the German Ambassador regarding the Agadir crisis. Afterwards he told the House of Commons that he had made it quite clear to the Ambassador that in making this communication the exact words which he used "were those of His Majesty's Government sitting in Cabinet" (see *Speeches on Foreign Affairs 1904–14*, by Sir Edward Grey, p. 149).

[1] *Report of the Mesopotamia Commission* (Reports from Commissioners, Inspectors and others, Vol. 15), p. 26.

If the private telegram had been an official one, the tragedy of the surrender of the British force under General Townshend at Kut would probably have been avoided. In referring to this matter, the Mesopotamia Commission very justly remarked that the omission to convey to Nixon so vital a piece of information reflected seriously on the system which allowed such inadvertence to be possible.[1]

§ 6. *The Cabinet Secretariat*

In the old and unreformed Cabinet no record was kept except the notes written on a scrap of paper from which the Prime Minister wrote out his Cabinet report, which was forwarded to the Sovereign, or when, on special occasions, the Cabinet desired to write down its decisions. So Ministers had to depend upon their memories when Cabinet decisions affected their departments, and this was a fruitful source of error, leading to confusion or sheer forgetfulness. This method of procedure was not inappropriate to a small and intimate Cabinet meeting consisting of about a dozen people, but when the Cabinet grew larger it became necessary to devise a systematic and practical Cabinet mechanism to cope with the new conditions. Mr. Asquith, who was faithful to the traditional method of running the Cabinet, ignored the necessity for change, and with the outbreak of hostilities in 1914, the Cabinet was completely disorganized through the lack of a systematic and adequate organization to deal with the enormous pressure of business caused by the War. Mr. Lloyd George realized the situation, and revolutionized the Cabinet by instituting a Cabinet Secretariat in 1916.

The origin of the Cabinet Secretariat may be largely traced to the functions of the private secretary to the Prime Minister. He executed a number of duties which the Cabinet Secretariat executes to-day, such as summoning Cabinet meetings, attending to correspondence, having Cabinet documents circulated and keeping the

[1] *Report of the Mesopotamia Commission* (Report from Commissioners, Inspectors and others, Vol. 15), p. 26.

Cabinet records from the copy of the Prime Minister's Cabinet report to the Sovereign. Another official whose duties led to the creation of the Cabinet Secretariat was the secretary of the Imperial Committee for Defence. The secretary was entrusted with the custody of the records, and of secret military and naval papers. Perhaps the immediate predecessor of the Cabinet Secretariat was the secretary of the War Committee in Mr. Asquith's Coalition. The chief duty of the secretary was to record the decision of the War Committee for transmission to the Cabinet so that the Cabinet could retain supreme control over the policy of its committee.[1] The minutes were sent round to each member for correction.[2] When Mr. Lloyd George became Prime Minister, he embodied the old War Committee in the War Cabinet, and its secretary continued to be attached to the Cabinet.[3]

The functions of the Cabinet Secretariat were summarized in the report of the War Cabinet for 1917 as:

> (1) To record the proceedings of the War Cabinet;
>
> (2) To transmit the decisions of the War Cabinet to those Departments which are concerned in giving effect to them or are otherwise interested;
>
> (3) To prepare the agenda papers; to arrange for the attendance of Ministers and other persons concerned; and to procure and circulate the documents required for discussion;
>
> (4) To attend to the correspondence connected with the work of the War Cabinet;
>
> (5) To prepare the Reports referred to in the previous section.[4]

In addition to the above duties, it prepared weekly reports by arrangement with the Secretaries of State for

[1] *Parliamentary Debates*, November 2, 1915; *ibid.*, Vol. LXXXV, III, p. 1343, December 19, 1916.
[2] *Ibid.*, December 19, 1916.
[3] *Ibid.*, December 19, 1916.
[4] *The War Cabinet: Report for the year 1917*, p. 3 (Cmd. 9005).

Foreign Affairs, India, and the Colonies on matters with which they were concerned. These reports were circulated to all Ministers.[1] The result of this innovation was a great success. So in the following year its scope of activities was further enlarged, and 'it supplied the Secretariat for the standing committees . . . for the Imperial War Cabinet, and for all or nearly all the committees set up by the War Cabinet for special inquiries."[2] The Secretariat consisted of the Secretary, Lieutenant-Colonel Sir M. P. A. Hankey, and of ten assistant secretaries, with an office located at 2 Whitehall Gardens.[3]

After the War, the Cabinet Secretariat has been retained and become a permanent institution of the modern Cabinet system. The Cabinet Secretariat receives from Ministers or Departments the papers on different questions on which Cabinet decisions are required, and circulates them, if necessary, before the Cabinet meeting takes place; records the decisions of the Cabinet, or Cabinet committees; and, finally, sees that these decisions are properly communicated to the Departments which have to execute them.[4]

In 1923 Sir Maurice Hankey, besides being the Secretary of the Cabinet and the Committee of Imperial Defence, became, in addition, the Clerk to the Privy Council. The burden was nevertheless too heavy for one man to discharge. With the ever-increasing governmental business it was indeed undesirable to combine these offices and allow one person to shoulder such immense responsibilities. Mr. Chamberlain, the Prime Minister, has recently made the inevitable change by lightening the Cabinet Secretary's task by relieving him of two offices, but, at the same time, the latter's position and responsibilities are in no way reduced in consequence of his being made head of a new unified office, known as

[1] *The War Cabinet: Report for the Year 1917* (1918), p. 3.
[2] *The War Cabinet: Report for the Year 1918* (1919), p. 6 (Cmd. 325).
[3] *Ibid.* (Cmd. 9005), p. 3.
[4] Cf. Estimates Debate: Cabinet Secretariat. *Parliamentary Debates* (Commons), Vol. 155, Col. 213.

'The Offices of the Cabinet, Committee of Imperial Defence, Economic Advisory Council and Minister for Coordination of Defence.' This new departmental head is officially styled as 'Permanent Secretary and Secretary of the Cabinet,' who sits at the same time in the Committee of Imperial Defence as a member. He is assisted by two officials, styled respectively 'Clerk of the Privy Council and Deputy Secretary of the Cabinet,' and 'Secretary of the Committee of Imperial Defence.' Thus the new arrangement provides not only for devolution but also secures important gains in concentration. It ensures the simplification of the machinery by which the Prime Minister is enabled to control more effectively.

§ 7. *Cabinet Secrecy*

(a) *General Principle.*—'Cabinet Secrecy' is a vague term, and may be described as referring to important State business, which has been discussed between Cabinet Ministers. It is not only confined to confidential talks in the Cabinet room at Downing Street,[1] but also extends, according to Lord Salisbury, to important matters of business communicated privately to Cabinet Ministers by the Prime Minister or vice versa.[2] Lord Hailsham has further applied the principle of secrecy to memoranda, telegrams, dispatches and documents circulated among Cabinet Ministers with a view to discussing and arriving at a definite decision for or against a particular course of action regarding a certain matter, as well as statements by individual Ministers purporting to give their own version of what had happened.[3] Undoubtedly, the principle is also applied to confidential talks and documents which lie before Cabinet Committees.

(b) *The Importance of Safeguarding Cabinet Secrecy.*—It is absolutely necessary to safeguard the secrecy of

[1] Cf. Anson's *The Law and Custom of the Constitution*, Vol. II, "The Crown," Part I (fourth edition by Keith), p. 120. "Closely connected with what has gone before is the secrecy which is imposed on Ministers as to what passes in the Cabinet."

[2] *Life of Carnarvon*, Vol. III, pp. 226–8.

[3] *Parliamentary Debates* (Lords), 1932–33, Vol. 86, p. 527.

the Cabinet. Thus Lord Melbourne said that if the arguments in the Cabinet were not to be protected by an impenetrable veil of secrecy, there would be no place left in the public counsels for the free investigation of truth and the unshackled exercise of understanding.[1] Lord Sankey also expressed it as his opinion that if the rule of Cabinet secrecy were not observed, our Cabinet system of Government would come to an end.[2] Since the Cabinet mainly exists for the purpose of thrashing out differences of opinion, a decision is seldom reached without a diversity of views being expressed. If reports of the Cabinet discussions leaked out, the country would certainly be alarmed at the vacillations of the Cabinet, and would begin to doubt the wisdom of its members. Furthermore, delicate situations are constantly cropping up in the course of the conduct of national affairs which demand skilful handling and the preservation of secrecy, and a premature disclosure may well cause a political crisis. Moreover, indiscreet action of this kind would also discourage Ministers from following out a consistent policy. On this subject Sir H. Samuel says :

"In the process of framing policy necessarily and properly many tentative suggestions have to be made, and they are discussed and examined, the best of them in the view of the Government being agreed upon. If these embryo ideas, or any of them, be prematurely brought to the notice of the public—the author may have thrown them out by way of suggestion for the consideration of his colleagues, and they may afterwards be withdrawn—if the author feels that at any moment in the eyes of the whole country he may be declared the author of the proposals which, perhaps, after fuller explanation he is not prepared to stand by, the inevitable result would be that men would enter Cabinet discussions unwilling to state anything but well considered and finally adopted conclusions, and the process of deliberation and the gradual moulding of policy would be hampered or indeed stopped, and most of the usefulness of the Cabinet itself would come to an end." [3]

[1] *Melbourne Papers*, p. 216.
[2] *Parliamentary Debates* (Lords), 1932–3, Vol. 86, p. 553.
[3] *Parliamentary Debates*, 1916, pp. 414–15.

In order to make the discussions in the Cabinet more confidential and secret and prevent unauthorized disclosures, it has been found necessary to extend the application of the Privy Councillor's oath to Cabinet Ministers. The members of a Cabinet are also members of the Privy Council, and originally the Cabinet was only a confidential committee of that body. The genesis of this device is to be found in the seventeenth century.[1] It is therefore accounted a breach of etiquette and honour for Ministers to disclose any details of the discussions of the Cabinet. However, there are exceptions to this rule. A Minister may be released from his obligation in this respect, when he is empowered to announce a Cabinet decision in Parliament, or when with the approval of the Prime Minister he is allowed to refer to confidential Cabinet documents or to its deliberations. It is also not regarded as a breach of the oath of a Privy Councillor, if a Cabinet Minister is authorized to communicate the decisions of the Cabinet to a proper person in execution of his official duties—*e.g.*, when he communicates the intentions of the British Cabinet to foreign representatives in London on important foreign matters or when he communicates its decisions to the Viceroy of India.[2] In the case of a Cabinet Minister resigning on account of differences of view with his colleagues, he may ask the permission of the Sovereign through the Prime Minister to disclose the reasons for his resignation either in Parliament or in public. The permission, however, is strictly limited to the cause of resignation and his differences with his colleagues, and is given for that particular occasion alone. After the deaths of all persons concerned, the secrets of the Cabinet may be revealed in cases where the facts have become of mere historical or academic interest.[3] In a letter to *The Times*, dated December 22, 1932, George E. Buckle pointed out that

"After some period of time Cabinet proceedings become a matter of history, and such disclosure as may then be possible is

[1] Turner's *The Cabinet Council, 1622–1784*, Vol. II, p. 125.

[2] Cf. *Report of Mesopotamia Commission*, pp. 22, 23.

[3] *Life of Sir Charles W. Dilke*, Vol. I, p. 499.

rightly made. It is on this principle that King Edward and King George authorized the publication of the nine volumes of the 'Letters of Queen Victoria,' much of the interest and importance of which is derived from the letters of Prime Ministers describing Cabinet meetings and her Majesty's replies and comments on them. The third and final series, dealing with the years 1886–1901, would certainly not have been authorized for publication in 1930–32 in their present comprehensive form, had Lord Rosebery and Lord Balfour been still alive." [1]

Not only are Ministers precluded from divulging Cabinet secrets without the consent of the Sovereign via the Prime Minister, but a reciprocal obligation is imposed upon the King. When William IV infringed this principle, Lord Melbourne registered a protest.

(c) *Leakage of Cabinet Secrets.*—It is by no means easy to prevent the disclosure of Cabinet secrets, and many Prime Ministers of modern times have failed to do so. A leakage may occur for many reasons. It may be due to the speaking by Ministers of Government or Cabinet matters when in society, thus wittingly or unwittingly divulging Cabinet secrets. Lord Clarendon was said to be very communicative in society, and in the habit of revealing information about the Cabinet.[2] Some Cabinet Ministers are also apt to tell Cabinet secrets to one or more intimate friends or to their subordinates in their Departments in order to reveal their own actions in the Cabinet. Sir Almeric Fitzroy's Memoirs record a good deal of the Cabinet information which was given him by his successive departmental chiefs, such as the activities of individual Ministers, their dissensions over policy, etc. Sir C. Dilke and Mr. Chamberlain were great friends, when they were Under-Secretary of State for Foreign Affairs and President of the Board of Trade respectively, and after a Cabinet meeting Chamberlain usually went straight to Dilke's place and told him the whole story.[3] Chamberlain also used to allow Dilke

[1] *The Times*, 1932, December 23.
[2] Algernon West's *Recollections*, Vol. II, p. 185.
[3] *Life of Sir Charles W. Dilke*, Vol. I, p. 377.

to read the secret document printed for the Cabinet, thus enabling him to communicate any matters of interest to his friend, Lord Ripon, the Viceroy of India, to whom he sent a pithy little summary of the Cabinet secrets every Friday.[1] He continued to do this after he became a member of the Cabinet, and his letters reached a total of sixty-four. Similarly, in 1885 Mr. Childers, the Liberal Chancellor of the Exchequer, spoke of the general situation within the Cabinet to the Governor of the Bank of England.[2] Lord Morley was also very communicative, as may be gathered from the letters of his great friend, Lord Esher, to whom he usually told the Cabinet secrets, and who made a record of them and sent them to the King.[3] In this way Edward VII sometimes obtained information which the reports of the Prime Minister did not disclose. Cabinet secrets also leak out because Ministers are human beings, and cannot always restrain themselves from telling their intimate relatives what has happened to them or their colleagues during a Cabinet crisis. Wives of Ministers are in a position to ask and be told about the progress of events within the Cabinet. Secrets are sometimes divulged in this manner. In the *Life of Harcourt* a description is given of how Harcourt got information about Beaconsfield's Cabinet during the Eastern Question crisis through Count Schuvaloff the Russian Ambassador in London, with whom he was very intimate. We are told that:

"The Count saw much of Lady Derby, the wife of the Foreign Secretary, and from this source Harcourt, and through him the Opposition Leaders, were kept informed of the progress of events within the Cabinet." [4]

Thus the Liberal leaders obtained valuable information which they utilized to attack the Government. Queen Victoria also acquired this kind of information; she once told Lord Cranbrook:

[1] *Life of Lord Ripon*, Vol. II, p. 169.
[2] *Lord John Manners and his Friends*, p. 234.
[3] *Letters and Journals of Reginald Viscount Esher*, Vol. II, p. 203.
[4] *Life of Sir William Harcourt*, Vol. I, p. 311.

". . . that some wives were told—Lady Beaconsfield had told her that she neither knew nor wished to know—Cabinet secrets." [1]

From such sources she got to know many secrets which were not disclosed in the Cabinet report written by the Prime Minister.

Generally speaking, a Minister should not disclose Cabinet secrets in his public speeches unless he obtains the consent of the Prime Minister. Such disclosure would indeed be difficult to reconcile with the oath of secrecy and the sense of obligation which he owes to his brother-Ministers.[2] Nevertheless it would not be going too far to say that most serious leakages usually occur through Ministers' intimate relations with newspaper magnates or leading journalists. It is said that Mr. Joseph Chamberlain had an unusual pull with the Press, and was closely associated with Escott of the *Standard* and the *World*. The *Birmingham Daily Post* was also under his influence. In November 1880 Lord Northbrook gave a hint to Lord Granville that Chamberlain had revealed what had passed in the Cabinet to the *Standard*, for that paper gave an admirable account of two Cabinet meetings on November 20.[3] In the light of subsequent revelations, Garvin tells us that in 1880 there was a warm altercation about the leakage of Cabinet secrets in newspapers, and Chamberlain accused of giving information to the *Standard*—through Escott—which he did not deny.[4] Chamberlain was also acquainted with John Morley, the editor of the *Pall Mall Gazette*. In

[1] *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 282.

[2] Such indiscriminate speeches are not rare. In spite of the regulation passed in the Privy Council in 1916 to prevent the unauthorized disclosure of Cabinet proceedings, Lord Curzon, in a speech at a Primrose League meeting, told his audience about the methods of the Cabinet in directing the War, and about the working of the Council of War. Later, Mr. Lloyd George, at that time the Minister of Munitions, speaking at Conway on May 6, 1916, referred to difficulties in the Cabinet with the Prime Minister.

[3] *Granville Papers*, Vol. 137, Northbrook to Granville (November 20, 1880).

[4] Garvin's *Life of Chamberlain*, Vol. I, p. 328.

a letter to Mr. Chamberlain (June 6, 1880) Morley wrote:

"I wish very much that we could meet a little more regularly and frequently—not for long, nor necessarily at a dinner or lunch table. Ten minutes with you three times a week would be of great value to me and perhaps to the rest of the world." [1]

Besides Chamberlain, other Ministers of Gladstone's second Administration were also in close contact with journalists. Sir Charles Dilke, through his friendship with Mr. Hill, the editor of the *Daily News*, was likewise able to exercise an influence upon the public.[2] Forster also gave as much information to the Press as Chamberlain, as he was closely associated with Chenery of *The Times*, with Mudford of the *Standard*, and with Wemyss Reid of the *Leeds Mercury*.[3]

The extent of the leakage of Cabinet secrets of Gladstone's second Ministry is remarkable. The contents of the Land Bill of 1881 were mysteriously communicated to the *Standard*, whilst the Bill was under discussion by the Cabinet, since a summary of it appeared in the *Standard* on March 20 and on April 6.[4] On the latter occasion, Mr. Gladstone's anger on seeing the disclosure can be gathered from his letter to the Queen, in which he said that "by some scandalous breach of confidence, or other unknown cause, the provisions of the Land Bill have been prematurely made known in to-day's *Standard*." [5] A Cabinet was accordingly summoned to inquire into the matter. It is interesting to note that Lord Harcourt's Journal (May 22, 1885) also records a case of leakage, as "the London Letter in to-day's *Birmingham Post* gives a full and minute account of the Cabinet crisis on the Irish Question." [6]

On the other hand, the activities of journalists are

[1] Garvin's *Life of Chamberlain*, Vol. I, p. 325.
[2] *Life of Sir Charles W. Dilke*, Vol. I, p. 316.
[3] *Life of Chamberlain*, Vol. I, pp. 307–28.
[4] *Annual Register*, 1881, p. 83.
[5] *Letters of Queen Victoria*, 1st Series, Vol. III, p. 207.
[6] *Life of Sir William Harcourt*, Vol. I, p. 526.

worthy of notice. Delane, one of the leading journalists of the nineteenth century, possessed many influential friends in the political world. His *Life and Memoirs* is remarkable in its wealth of confidential information supplied by his friends. J. A. Spender, one of the leading journalists of modern times, had close relations with Edward Grey, Morley and McKenna in Asquith's Cabinet; consequently on political and foreign affairs he was one of the best informed men in the country. For instance, he knew about the consultations between the British and French General Staffs long before many of the Cabinet Ministers.[1] In fact Ministers frequently consulted him on various questions affecting the Cabinet,[2] as he was also given the privilege to read important Cabinet secret papers as well as memoranda.[3] The *Westminster Gazette*, of which he was the editor and which was looked upon as the organ of Sir Edward Grey,[4] was a journal of considerable political and historical importance in pre-War diplomatic history. Lord Riddell's *Diaries* also give us a glimpse of his journalistic activities, recording many instances of political news of which Mr. Lloyd George, Mr. Churchill and other Liberal Ministers informed him.

With the advent of the Great War, Ministers appear to have overlooked their obligation of keeping secret the affairs of the Cabinet, and this became even worse when the Tory leaders joined the Cabinet. In the *Life of Lord Oxford and Asquith*, the author writes: "Cabinet discipline went loose in these days, and it became the habit of some of the disputants to communicate their misgivings and discontents to powerful persons outside who proceeded to ventilate them in the newspapers."[5] It is not an untrue statement to say that a description of the proceedings at each Cabinet meeting was invariably

[1] J. A. Spender's *Life, Journalism and Politics*, Vol. I, p. 193.

[2] *Ibid.*, pp. 147, 169. Lord Riddell's *More Pages from my Diary*, pp. 7, 14.

[3] *Life, Journalism and Politics*, Vol. I, p. 241.

[4] *Ibid.*, pp. 168–71.

[5] *Life of Lord Oxford and Asquith*, Vol. II, p. 188.

published in the newspapers on the following morning, especially in the *Daily News* and *The Times*.[1] One of the leading writers of the time thought that this was scarcely to be wondered at, seeing that the daily discussions and negotiations between Carson, Curzon, Northcliffe, Lloyd George and others were at the disposal of *The Times* through various intermediaries.[2] It is not surprising that it became a nightmare for Lord Kitchener to speak to the Cabinet on matters of military importance.[3] The leakage of Cabinet secrets assumed such dimensions that it was found necessary to stop it by adding a new amendment to the Defence of the Realm Act. This amendment which was passed at a meeting of the Privy Council at Windsor on April 22, 1916, declared that it was illegal to publish any report of what might occur at any meetings of the Cabinet, unless the report was officially communicated through the directors of the Press Bureau. But this had little effect.[4] When Mr. Lloyd George and Mr. Bonar Law joined with a group of powerful newspaper magnates to attack Mr. Asquith and his Government, Mr. Aitken, afterwards Lord Beaverbrook, acted as a liaison between the politicians and the Press, and thus the *Daily Express* and the *Daily Chronicle* became the best-informed newspapers about the Cabinet crisis.[5] The most serious case of this type was the article in *Reynold's* on December 3, 1916, revealing the profound differences between Mr. Asquith and Mr. Lloyd George over the latter's proposal for the creation of a War Council which should exercise full executive power and from which the Prime Minister should be excluded. The article went on to state that Mr. Lloyd George intended to resign if his proposals were not accepted by the Prime Minister, and that he would appeal to the public against the Government on the ground that they had mismanaged

[1] Addison's *Four and a Half Years*, Vol. I, pp. 136, 137, 194.

[2] *Ibid.*, Vol. I, p. 194.

[3] Cf. *Life of Lord Kitchener*, Vol. III, p. 249.

[4] *Annual Register*, 1916, p. 109.

[5] Lord Beaverbrook's *Politicians and the War*. Vol. II, Chap. XV, pp. 194–201.

the War. Whether this article was inspired by Lloyd George or not, it was in Lord Beaverbrook's words "a monstrous breach of confidence."[1] Another serious disclosure of Cabinet secrets was the report in *The Times* of December 4, 1916, giving details of the deadlock between the Prime Minister and Lloyd George over the personnel of the proposed War Council of the Cabinet. This had been known only to a limited circle—Asquith, Lloyd George and Bonar Law. Lord Beaverbrook has stated that Lloyd George did not inspire the article, but Asquith believed from a credible source that Lord Northcliffe, the proprietor of *The Times*, had visited the War Office to see Lloyd George on the Sunday evening (December 3).[2]

Having dealt with some cases of deliberate disclosure, mention may be made of certain cases in which the communication of important Cabinet secrets to journalists was made quite involuntarily. Russell mentions an example in his book:

> "A noble Lord who held a high office, and who, though the most pompous, was not the wisest of mankind, was habitually a victim to a certain journalist of known enterprise, who used to waylay him outside Downing Street and accost him with jaunty confidence: 'Well, Lord ——, so you have settled on so-and-so after all?' The noble Lord, astonished that the Cabinet's decision was already public property, would reply, 'As you know so much, there can be no harm in telling the rest,' and the journalist, grinning like a dog, ran off to print the precious morsel in a special edition of the *Millbank Gazette*."[3]

There are, however, remedies in the event of the unauthorized disclosure of Cabinet secrets. Generally speaking, no Minister should make a disclosure without the permission of the Sovereign. When this rule is infringed, the Prime Minister invariably protests vigorously to his offending colleagues.[4] In addition to the

[1] Lord Beaverbrook's *Politicians and the War*, Vol. II, p. 209.
[2] *Life of Lord Oxford and Asquith*, Vol. II, p. 262.
[3] G. W. E. Russell's *Collections and Recollections*, p. 326 (Nelson).
[4] *Life of Gladstone*, Vol. III, p. 114.

Privy Councillor's Oath, there is the Official Secrets Act, under which any person, whether a Civil Servant or a Cabinet Minister, who discloses information which has been entrusted to him in confidence, to any person other than the persons to whom he was authorized to communicate it in the public interest, is guilty of a misdemeanour and liable to two years' imprisonment. However, the application of the Act is determined rather according to the discretion of the Attorney-General having regard to political circumstances than by a legal interpretation of the Act itself.

CHAPTER VI

CABINET COMMITTEES

THERE has been a growing tendency for the Cabinet to entrust some of its important business, either due to its delicate nature or technicalities, to a small body of Ministers with or without additional experts in order that they may consider and prepare the matter for discussion beforehand. This enables the Cabinet to arrive at decisions based upon facts and theories which have been carefully arranged into concrete form. We are told that the use of the committee system in participating Cabinet business is almost as old as the Cabinet itself.[1] Todd pointed out that in his day the Cabinet frequently appointed committees to make a detailed study of particular questions.[2] Generally, there are two kinds of Cabinet committees: permanent bodies and *ad hoc* bodies.

§ 1. *Permanent Committees: The Committee of Imperial Defence*

(a) *Historical Survey.*—The Committee of Imperial Defence is a permanent Committee of the Cabinet, added to by naval and military authorities, to deal with the problems of defence, and it cannot be regarded as a committee of the Privy Council.[3] However, its manner of origin is one of the vaguest things in English constitutional history. Probably it started as a small gathering

[1] Dr. Finer's *The Theory and Practice of Modern Government*, Vol. II, p. 979; Ogg's *European Government and Politics*, p. 108.

[2] Todd's *Parliamentary Government in England* (2nd edition), Vol. II, p. 236.

[3] Asquith's *The Genesis of the War*, p. 113.

of important Cabinet members, meeting in order to discuss matters concerning national and colonial defence, or regarding the annual Estimates of the two Services.[1] For instance, from 1757 onwards the war was practically conducted by an informal committee, which Pitt, Holderness and Newcastle[2] attended occasionally. Even at the present day, these informal meetings are frequently held. The idea of creating a regular committee for defence on systematic lines can be traced back to 1878, when the Duke of Cambridge, then Commanding-in-Chief,[3] suggested the formation of "a secret and confidential committee," consisting of the First Lord of the Admiralty, the Secretary for War, if it was considered necessary, in addition to the Secretary for India and the Duke himself (namely, the Commanding-in-Chief). This committee was to be given the power to co-opt members for specific occasions or to consult professional experts. This scheme, however, was never put into practice. In the same year a Colonial Defence Committee was created, which was to be a joint departmental committee for the consideration of colonial defence, but it ceased to exist in the following year on the appointment of Lord Carnarvon's Commission. It was later revived in 1885; in 1911 it was renamed the 'Overseas Defence Committee,' and it ultimately became a permanent sub-committee under the Committee of Imperial Defence. As a result of armament expansion on the Continent, England realized her military weakness, and in 1888 Lord Salisbury created a 'Cabinet Committee of National Defence,'

[1] Cf. Todd's *Parliamentary Government in England* (Spencer Walpole edition), Vol. I, p. 262.

[2] Basil Williams' *The Life of William Pitt*, Vol. I, pp. 333, 334; cf. *Army Review*, July 1911, pp. 20–1: "The eldest Pitt, as principal Secretary of State, in the face of almost overwhelming disaster, did indeed absorb the war functions of the 'Secret Committee' of the Council, and particularly controlled not only his own Department of Foreign Affairs but the Navy and Army as well."

[3] After the death of the Duke of Wellington, the designation of the office was "General Commanding-in-Chief," and remained so until H.R.H. the Duke of Cambridge was appointed as the Commander-in-Chief by Patent in 1887.

himself taking on the presidency.[1] This committee may be regarded as the germ of the Committee of Imperial Defence.[2] Lord Hartington's Commission in 1890 brought out a report recommending the formation of a naval and military council for the defence of the Empire, consisting of the Parliamentary heads of the two Services and their principal advisers,[3] which recommendation the Cabinet partially adopted by appointing under it a Committee representing the Army and the Navy, in order to study Imperial requirements.[4] There is, however, no evidence relating to the continuity of these two Cabinet Committees. In 1894 the name of the celebrated Defence Committee is recorded by Lord Crewe, who tells us in his book that in the November of that year a conference was held at Downing Street on the problem of the co-ordination of the fighting services; those present included Lord Spencer for the Admiralty, Sir Henry Campbell-Bannerman for the War Office, and Lord Rosebery, the Prime Minister. In the following year, Lord Ripon, the Colonial Secretary, was summoned.[5] During these years the Defence Committee seems to have assumed a semi-permanent character. According to Sir Charles Dilke, this Liberal Defence Committee mentioned above was initiated by Lord Rosebery, and was presided over by him.[6] As no systematic record was

[1] Keith's view (*Law and Custom of the Constitution*, 1935, Vol. II, Part II, p. 245): "This Committee of Imperial Defence took its origin from a recommendation of the Hartington Commission." Lowell also says: "In partial fulfilment of this recommendation of the Hartington Commission a committee of the Cabinet was formed" (*The Government of England*), Vol. I, p. 104.

[2] Cecil's *Life of Lord Salisbury*, Vol. IV, p. 184.

[3] *Report on Civil and Professional Administration of Naval and Military Departments*, 1890 (Cmd. 5979), p. viii.

[4] Lord George Hamilton's *Parliamentary Reminiscences and Reflections, 1886–1906*, p. 194.

[5] Lord Crewe's *Lord Rosebery*, Vol. II, pp. 497–8.

[6] *Parliamentary Debates*, 1904, p. 614. Sir Charles Dilke also maintained that he believed that the Defence Committee of the Cabinet was created by Lord Rosebery at the end of his administration in 1895 (see *Life of Dilke*, Vol. II, p. 443).

kept, the extent to which they worked out a continuous policy cannot be ascertained.[1] It has been suggested, though wrongly, that minutes were kept about its proceedings and formerly recorded by the Departments.[2] The Liberal Cabinet was short-lived, but the Defence Committee continued to function, and as early as 1896 we have records of its activities; in that year Mr. Chamberlain persuaded the Prime Minister that it should consider the position which might arise " if we continue to hold Egypt in spite of France or of France and Russia united." [3] Under the Conservative Government this Committee was given another name. Thus in Henry Leach's book it was called the ' Cabinet Committee of National and Imperial Defence.' [4] Or, as it was called by the Duke of Bedford, the ' Committee of National Defence.' [5] At that time the Committee was not presided over by the Prime Minister, but by the Lord President of the Council, the Duke of Devonshire.[6] It seldom met except when an emergency occurred,[7] and, like its predecessor, kept no record and admitted no outsider to its meetings, except when the advice of naval and military experts was called in. The special position of such visitors is described by Mr. Balfour in these words: " It only means that those experts came to the Committee, not as members, but as witnesses. They were asked questions, they were cross-examined, and they gave their opinions, and those opinions were considered by the Cabinet Committee, and the Cabinet Committee formed its judgment, like other Cabinet Committees, and conveyed that to the Cabinet as a whole." [8] Actually, ex-

[1] *Parliamentary Debates*, 1906, Vol. 162, p. 1384.

[2] Lowell's *Government of England*, Vol. I, p. 104. In this respect, perhaps Mr. Lowell follows the view of Anson (see Anson's *Law and Custom of the Constitution*, Part II, *The Crown*, p. 376 (1892 edition)).

[3] Garvin's *Life of Chamberlain*, Vol. III, p. 172.

[4] Henry Leach's *The Duke of Devonshire* (1904), pp. 275–6.

[5] *Parliamentary Debates*, 1901, Vol. 90, p. 322.

[6] Bernard Holland's *The Duke of Devonshire*, Vol. II, p. 276.

[7] Sir William Robertson's *Soldiers and Statesmen, 1914–18*, Vol. I, p. 13.

[8] *Parliamentary Debates*, Vol. 118, p. 1579.

perts were not always summoned; for instance, Sir William Nicholson, at one time the Director-General of Military Intelligence, informed the Commission that he knew nothing about the Defence Committee of the Cabinet and had never been called to attend its meetings.[1] Field-Marshal Viscount Wolseley, on the other hand, told the Commission that he had been to one or two meetings,[2] and General Sir Henry Brackenbury also attended several meetings, and his proposed reform of the Ordnance factories was examined by the Committee.[3] The Committee generally met at the Foreign Office, and the service of a Foreign Office clerk was placed at its disposal.[4]

(b) *The Scope of the Old Defence Committee.*—The exact powers possessed by the Defence Committee were vague. It was appointed to resolve questions arising between the War Office and the Admiralty, going into these subjects and deciding the respective liabilities of the two Departments. It also served as a convenient body in which to thrash out serious matters regarding large-scale expenditure arising between the heads of the two fighting Departments and the Chancellor of the Exchequer.[5] It not only considered the question of Imperial Defence, which at this time became important, but also drew the Cabinet's attention to it in the first place.[6] The main work of the Defence Committee can be summed up as follows: on December 16, 1899, it decided to send Lord Roberts as Commander-in-Chief to South Africa in order to replace Sir Redvers Buller, with Lord Kitchener as his Chief of Staff.[7] In

[1] *Report of Commission Appointed to Inquire into the Military Preparations and Other Matters Connected with the War in South Africa*, 1903, Evidence, Vol. I, p. 5.

[2] *Ibid.*, Evidence, Vol. I, p. 380. [3] *Ibid.*, Evidence, Vol. I, p. 83.

[4] Viscount Esher's *The Influence of King Edward and other Essays*, p. 144.

[5] *Report of Commission Appointed to Inquire into the Military Preparations and Other Matters Connected with the War in South Africa*, 1903, Evidence, Vol. I, p. 550.

[6] *Parliamentary Debates*, Vol. 118, p. 1579 (March 5, 1903).

[7] *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 437.

December 1897 it decided the necessary measures for army reform,[1] and in January 1900 it adopted various measures on the recommendation of the War Office.[2] At this time, however, it had many defects, and was not very effective in dealing with all-important defence problems. Mr. Arnold-Forster criticized the inefficiency of its working:

"The existing Cabinet Committee was incapable of supervising and directing the defence of the Empire. None of the members of the Committee were specialists; and, being occupied in very important matters of State, they were unable to give more than a small portion of time and attention to the great problems on which they were supposed to advise the Cabinet as a whole. Moreover, no continuity of policy is to be preserved, and a body of accepted doctrine is to be created, and the keeping of a record is absolutely essential." [3]

The procedure of the Defence Committee does not seem to be very different from the procedure of the Cabinet or an *ad hoc* committee. Lord Wolseley records this in a letter to Lady Wolseley, which appears to be the only evidence we possess. It runs:

"It is now past 6 p.m. and I have just left that horrid War Office, where I have been all day. I have had . . . a long sitting on the Defence Committee. . . . Well, I always come away from these meetings of Ministers in saddened frame of mind when I have listened for some time to the military folly talked by most of those who comprise that Committee. As I sat at that table and looked round at it, I was appalled at the folly of men assembled to discuss the most serious subject any Cabinet could discuss, the whole time was taken up in worrying over the number of field guns we should order, and the machinery we should erect to make guns, ammunition, etc. When 6 p.m. approached, Chamberlain left, and the rest were tired and bored, and when they are to meet again I know not."

The advent of the Boer War revealed the military weakness of this country, and moreover disclosed the

[1] *Letters of Queen Victoria*, 3rd Series, Vol. III, pp. 213–15.
[2] *Ibid.*
[3] *Life of Arnold-Forster*, pp. 196–7.
[4] *The Letters of Lord and Lady Wolseley*, p. 380 (London, 19/1/1900).

ineffectiveness of the Defence Committee, both in conducting the war and in co-ordinating the work of the two service Departments. Mr. Balfour's realization of the importance of the problem of this country's defence against possible invasion led to the reconstruction of the Committee when he became Prime Minister in 1902. He introduced into it military and naval experts, and the system of keeping a record was established.[1] The first historic meeting was held on December 18, 1902, and the Duke of Devonshire continued to preside over the Committee until his retirement from the Cabinet in 1903. Mr. Balfour attended as an ordinary member;[2] other members were Lord Selborne, Lord Walter Kerr and Prince Louis of Battenberg representing the Navy; Mr. Brodrick, Lord Roberts and General Sir William Nicholson[3] representing the Army. In 1903 Mr. Balfour took over chairmanship of the Defence Committee,[4] and in 1904 it was once again reorganized by the admittance of permanent staff. Meanwhile the term 'Committee of Imperial Defence' began to appear in various documents. As early as 1906 Sir Edward Grey, in a letter to Sir H. Campbell-Bannerman, used the term, 'Committee of Imperial Defence' instead of the old term 'Defence Committee.'[5] In the same year Crowe's minute on the observation of the Norwegian draft treaty contains the following lines: "Sir E. Grey will no doubt desire to take the advice of the Committee of Imperial Defence on these points first."[6] It was not till Mr. Asquith became Prime Minister, however, that the term 'the Committee of Imperial Defence' began to be generally used.[7] When the War came, the Committee

[1] Blanche E. C. Dugdale's *Arthur James Balfour*, Balfour's Memorandum, Vol. I, p. 367.

[2] *Ibid.*

[3] Blanche E. C. Dugdale's *Arthur James Balfour*, Balfour's Memorandum, Vol. I, p. 367.

[4] *Ibid.*, Vol. I, p. 368.

[5] *British Documents*, Vol. VII, p. 5 (dated December 12, 1906).

[6] *Ibid.*, Vol. VIII, p. 100 (dated December 28, 1906).

[7] *Report* (Cmd. 1789), p. 1.

ceased to function, and its duties were first taken over by a war-time council, and then by successive *ad hoc* Cabinet committees which will be dealt with later. After the War, the committee again came into existence, and its reconstruction culminated recently in the appointment of a deputy-chairman.

(c) *The Composition of the Committee of Imperial Defence.*—Constitutionally, the Committee of Imperial Defence consists of the Prime Minister and such persons as he chooses to invite to attend the Committee's deliberations. This constitution was originally suggested by the Esher Commission Report, which insisted upon laying all powers of discretion as to the selection of members in the hands of the Prime Minister.[1] That suggestion was incorporated in the Treasury Minute of May 4, 1904, which says that the Committee of Imperial Defence " consists of the Prime Minister with such other members as, having regard to the nature of the subject to be discussed, he may from time to time summon to assist him." Consequently, the composition of this body is extremely flexible, and the Prime Minister is the mainspring of the Committee, being entirely responsible for choosing members and for setting the machinery into motion. Members, which he chooses, may be divided into two classes :—

(1) Regular members who are either

(a) Cabinet Ministers, attending the meeting by virtue of their office, such as the First Lord of the Admiralty, and the Secretary of State for War, etc.,

or

(b) non-Cabinet members, who are chosen by the Prime Minister by reason of their special knowledge and experience in military science; for example, a distinguished soldier, or a famous sailor or military expert like Lord Esher;

[1] *Report of the War Office (Reconstitution) Committee*, Part I, 1904 (Cmd. 1972), p. 1.

(2) *ad hoc* members, who are summoned on special occasions for certain particular purposes. These may be Cabinet Ministers or Dominion statesmen visiting England.

The number of regular members sitting on the Committee has varied from time to time. When Mr. Balfour completed the task of reconstruction of the Defence Committee in 1903, he regularly summoned to the meeting the Lord President of the Council, the Secretary of State for War, the First Lord of the Admiralty, the First Sea Lord, the Commander-in-Chief, and the heads of the Naval and Military Intelligence Departments.[1] At the end of November 1905 Lord Esher was appointed to the Committee of Imperial Defence.[2] After the resignation of the Conservative Ministry from office in 1905, the Liberal Prime Minister, Sir H. Campbell-Bannerman, usually summoned not more than seven or eight persons to its meetings.[3] On March 27, 1907, the Prime Minister disclosed in the House of Commons the list of regular members, who, not counting the Prime Minister, totalled eleven persons—namely, the Secretary of State for Foreign Affairs, the Secretary of State for War, the Secretary of State for India, the Chancellor of the Exchequer, the First Lord of the Admiralty, the First Sea Lord, the Director of Naval Intelligence, the Chief of the General Staff, the Director of Military Operations, Lord Esher and General Sir John French.[4] On April 27, 1909, Mr. Asquith again made the list of members known in the Commons, and in that year the name of Admiral A. K. Wilson was added[5] and the Colonial Secretary also became a member of the Committee.[6] Altogether there were fourteen members in addition to the Prime Minister. In the list given on March 21,

[1] *Parliamentary Debates*, Vol. 118, p. 1582, March 5, 1903.
[2] *Ibid.*, Vol. 170, p. 1000, March 7, 1907.
[3] *Ibid.*, Vol. 162, p. 1384, August 2, 1906.
[4] *Ibid.*, Vol. 171, p. 1828.
[5] *Ibid.*, Vol. 4, p. 314.
[6] *Ibid.*, Vol. 8, pp. 1382–3.

1910, some changes in the personnel were evident; the Admiral of the Fleet, Lord Fisher of Kilverstone, was summoned instead of Admiral A. K. Wilson.[1] On July 13 Mr. Asquith announced that General Sir Ian Hamilton, on taking up his appointment as General Officer Commanding-in-Chief in the Mediterranean, should become a member of the Committee.[2] The Prime Minister of 1931 summoned the following as regular members of the Committee of Imperial Defence, the Chancellor of the Exchequer, the Secretaries of State for Foreign Affairs, Dominions Affairs, India, War and Air, the First Lord of the Admiralty, the Chiefs of Staff of the three Fighting Services, and the Permanent Secretary to the Treasury as the head of the Civil Service.[3]

In regard to *ad hoc* members, they are summoned only when their advice is needed. They are Cabinet Ministers who are not regular members of the Committee, representatives of the self-governing colonies or Dominions, experts of military science, industrialists, economists and politicians etc.[4] Hence numbers vary on each occasion according to the invitations given by the Prime Minister, and there is no stated limit. The maximum was reached during Mr. Asquith's Premiership, when twenty-four persons, including the President and Secretary of the Board of Trade, the Postmaster-General, and the Chairman of the Board of Inland Revenue were summoned on December 14, 1911.[5] Retention and retirement of members is also under the direction of the Prime Minister.[6] Members of the Committee receive no allowance or salary for their services.[7]

(d) *The Scope of the Committee.*—Turning to a con-

[1] *Parliamentary Debates*, March 21, 1910.

[2] *Ibid.*

[3] J. R. MacDonald's speech on February 3, 1931. See *Parliamentary Debates* (Commons), 1930–31, Vol. 247.

[4] Cf. Sir T. Inskip's speech on July 27, 1937, *Parliamentary Debates* (Commons), Vol. 326.

[5] Lord Oxford and Asquith's *The Genesis of the War*, pp. 113–14.

[6] *Parliamentary Debates*, March 21, 1910 (Commons).

[7] *Ibid.*, March 21, 1910.

sideration of the powers of the Committee, Mr. Balfour gave the members of the Lower House an authoritative account of them on March 5, 1903. He explained that the new Committee had set itself a much more ambitious task. It considered as its duty to survey the strategical needs of the Empire as a whole, to deal with complicated questions which were essential parts of major problems, and to revise from time to time their own previous decisions, so that the Cabinet could always have at its disposal the latest information on all important points.[1] Consequently, the expenditure Estimates of the Army and Navy were no longer the principal subject of discussion.

(e) *The Functions of the Committee.*—The functions assigned to the Committee of Imperial Defence are deliberative, but not executive. Mr. Brodrick said: "It is an advisory committee on whose recommendation the Cabinet will take action; and therefore the Committee will not lay down the law; the Committee will advise the Cabinet."[2] Again, Mr. Balfour said "that one of the great merits of the Defence Committee is that it has no executive authority at all. It has no power to give an order to the humblest soldier in His Majesty's Army or the most powerless sloop under the control of the Admiralty."[3] It is indeed correct to say that the Committee exercises no executive function; it only gives advice, whether it be to a Department at home, to the Cabinet or to the Colonial Governments. Nevertheless, it is questionable whether the Committee acts purely in an advisory capacity. In 1916 Sir Maurice Hankey, then Secretary of the Committee, when asked by the Dardanelles Commission as to whether action would be taken regarding their decisions, replied in the following manner: "Yes; what would happen would be that after the meeting the conclusion would be notified by me officially to the Department responsible for taking action."[4]

[1] *Parliamentary Debates*, Vol. 118, pp. 1579, 1903.
[2] Evidence, Vol. II, p. 551.
[3] *Parliamentary Debates*, August 2, 1904, Vol. 139.
[4] *Report of the Dardanelles Commission.*

No doubt the Committee must refer important decisions to the Cabinet before acting, but minor matters can be decided without such reference, and the secretary can be ordered to communicate the decisions to the Departments concerned, so that action may be taken. The Committee has an immense authority derived from the Prime Minister and other important Ministers, military and naval experts, and its decisions on minor matters are entitled to respect from the executive Departments.

During the last War the Committee of Imperial Defence possessed no function. As Lord Esher said in 1907: "It is a machine intended for purposes of preparation and not of action. It has no executive functions —as I always go on repeating. In war, its doors should be closed: yes, at the very first shot."[1]

(f) *The Cabinet and the Committee.*—It is a general principle that no Committee of the Cabinet appointed for a specific purpose should possess any responsibility distinct from that of the Cabinet. Therefore, by application of this rule, the Committee of Imperial Defence has no responsibility of its own, and the Cabinet must answer for all its activities, subject to the fact that it has authority to accept and reject the Committee's proposals.

(g) *The Sub-Committees.*—Full Committee meetings are held only six or seven times a year, and so the detailed and intricate inquiries that are necessary are actually carried out through sub-committees, which, owing to their comparatively small size and their informal procedure, are better able to make thorough investigations into the problems under discussion. When a question is referred to a sub-committee, it is considered, evidence is collected, and finally a report is made which, as a rule, is submitted to the central Committee for criticism and confirmation.[2] As a matter of fact, the greater part of the sub-committees' work deals with matters of detail and in these cases reports are sent direct to the Departments concerned.

[1] *Journals and Letters of Viscount Esher*, Vol. II, p. 251.
[2] *Army Review*, July 1911, p. 22.

Sub-committees also cite and examine witnesses.[1] If their deliberations disclose an irreconcilable divergence of opinion among their members, the matter is referred to the full Committee for decision.[2] Sub-committees are appointed by the Prime Minister,[3] and a leading Minister, who is also a member of the Committee of Imperial Defence, may ask the Prime Minister to appoint such a committee in view of the importance of a particular question.[4] Members of a sub-committee are not necessarily members of the Cabinet and the Committee of Imperial Defence, and the Prime Minister may even appoint a non-Cabinet member to preside over a sub-committee.[5] Apparently a Cabinet member may refuse to preside over a sub-committee; for instance, in 1907 Sir H. Campbell-Bannerman could not persuade John Morley, a Cabinet Minister and member of the Committee, to preside over the Invasion Committee, so he told Lord Esher that: "he is very susceptible as to his health, and therefore I did not press him."[6] It is suggested that Sir H. Campbell-Bannerman was the first to initiate the plan of appointing sub-committees in order to inquire into, and report on, strategical and technical questions, with authority to call in witnesses and to take shorthand notes of the evidence given. This immediately changed the status of the Committee and widened its scope of action.[7] Sub-committees may be divided into two types: permanent and *ad hoc*. The latter are generally appointed to deal with specific questions as they arise, while the former are appointed for permanent and systematic study of various questions arising from imperial

[1] *Journals and Letters of Viscount Esher*, Vol. II, p. 204.

[2] *Army Review*, July 1911, p. 22.

[3] For instance, Lord Esher's letter to King Edward VII mentions: "The Prime Minister has in consequence appointed a sub-committee, presided over by the Secretary of India, to deal with the matter." See *Journals and Letters of Viscount Esher*, Vol. II, p. 217.

[4] *Journals and Letters of Viscount Esher*, Vol. II, p. 210.

[5] *Ibid.*, Vol. II, p. 204.

[6] *Ibid.*, Vol. II, p. 253.

[7] Lord Esher's *The Influence of King Edward VII, and Other Essays*, p. 145.

defence. The work of the sub-committee did not cease to function during the Great War. Dominion representatives were sometimes invited to attend its meetings when matters affecting their interests were under discussion.

(h) *Permanent Staff.*—The old Defence Committee had no permanent staff, and therefore kept no records. When the Defence Committee was reconstructed in 1903, Tyrrell of the Foreign Office temporarily served as clerk in order to keep minutes.[1] Its tasks had multiplied with time, and the inconvenience of not having a permanent staff for clerical work was felt. The report of the Esher Commission recommended that the Committee should possess the nucleus of a permanent staff, and subsequently a permanent staff was created. The Treasury Minute of May 4, 1904, explains that

> " the experience of more than a year's working of the remodelled Committee shows that the services of a small permanent staff are essential if the Committee is to be placed in a position to discharge effectively the duties devolving upon it."

Thus a Secretary for a period of five years with a salary of £1500 a year without pension was appointed, along with two Assistant Secretaries. Their duties were:

> (1) To prepare a record of the deliberations and decisions of the Committee;
>
> (2) To collect and co-ordinate, for the use of the Committee, information bearing upon the vast problems of Imperial defence, and to prepare any memorandum or other documents which might be required for the purpose of the Committee;
>
> (3) To make continuity of method possible in the treatment of questions coming before the Committee from time to time.

According to the original terms of the Treasury Minute (May 4, 1904), the Secretariat possessed no

[1] *Memoirs of Sir Almeric Fitzroy*, Vol. I, p. 118.

administrative or executive functions.[1] Sir George Clarke was the first to hold the post of Secretary, and was succeeded in 1907 by Sir Charles Ottley, and in 1912 by Colonel Hankey, afterwards Sir Maurice Hankey, who retired in 1938. Col. H. L. Ismay has been appointed to the post. Lord Oxford and Asquith gives an interesting account of the development of the Committee's staff before the War:

" I refreshed my memory to-day as to what was the staff of the Committee of Imperial Defence. When I was first actively concerned in it, 1906–7, the staff consisted of one secretary, two assistant secretaries, one confidential clerk, and one boy.

" Four men and a boy was the total staff of the Committee of Imperial Defence who were engaged in thinking and planning and performing all these functions which my noble Friend so eloquently described. I have the figures now for 1913—seven years later, and the year before the War broke out. In 1913 the staff had reached the following dimensions: one secretary, three assistant-secretaries instead of two, one confidential clerk, one military clerk, one assistant-clerk (who may have been the boy who by this time had grown up). In other words, we started with four men and a boy, and we finished up with a staff of seven." [2]

(i) *Its Relationships with the Dominions.*—The creation of the Committee of Imperial Defence, intended primarily to consider the Empire's defence as a whole, emphasized the symbol of co-operation. This Committee, as it was purely a consultative body, held no direct authority over the Governments of the Dominions, and so a resolution passed by it had no binding power, but could be adopted by the Dominions at their pleasure. Its importance was enhanced, however, by the presence of Dominion statesmen, as well as military and naval experts, when matters of imperial defence were under consideration; a far-reaching practice which was originated by Lord Balfour when he was Prime Minister. Its first application, perhaps, was in 1903, when Sir Frederick Borden, a distinguished Canadian statesman, visited England and attended a meeting of the Defence Com-

[1] Cmd. 2200.

[2] *Parliamentary Debates*, June 27, 1927, Vol. 268, p. 73.

mittee in December.[1] From then until 1907, when the matter was discussed at the Imperial Conference, Colonial representatives, who were from time to time invited to attend committee meetings, were regarded more or less as guests. The Conference went a step further. In order to give Colonial representatives not merely an opportunity of being invited as guests, but a right to be present at their own wish when matters of Colonial interest were concerned, a resolution was passed declaring that the Colonies should be authorized to refer matters needing advice on local questions, in regard to which expert assistance was deemed desirable, to the Committee of Imperial Defence through the Secretary of State. Also any Colonial representative wishing for advice should be summoned to attend as a member of the Committee during the discussion of the subject in question.[2] In 1911 a resolution by Sir Joseph Ward on the agenda of the Imperial Conference asked that the High Commissioners of the Dominions should be summoned to the Committee of Imperial Defence when naval and military matters affecting the Overseas Dominions were under discussion.[3] But on May 30, 1911, all the members of the Committee of Imperial Defence, including five Prime Ministers of the Dominions, unanimously agreed that Dominion Ministers, directly responsible to Parliament, should represent the Dominions, not the High Commissioners.[4] Eventually a kind of regular membership of Dominion representatives was suggested, and accordingly, in 1912, a dispatch was sent out by the Imperial Government to each Dominion, requesting them to send one or more representatives, appointed by their own Government, in order to attend meetings when questions

[1] *Minute of Proceedings of the Colonial Conference, 1907* (Cmd. 3523), p. 120.

[2] *Ibid.*, p. v.

[3] *Minute of Proceedings of the Imperial Conference, 1911* (Cmd. 5745), Agenda.

[4] *Dispatch from the Secretary of State for the Colonies as to the Representation of the Self-governing Dominions on the Committee of Imperial Defence, 1913* (Cmd. 6560).

of naval and military defence affecting the overseas Dominions were under consideration.[1] This request was partially fulfilled; they agreed that when their Ministers were visiting London, they might be invited to attend the deliberation of the Committee.[2]

The establishment of a similar Defence Committee in each Dominion which would keep in close contact with the Committee of Imperial Defence was considered and suggested by the latter Committee on May 30, 1911. But this plan was not carried out by the Dominions, with the exception of Canada, who established a committee (the Canadian Defence Committee) in January 1914, shortly before the War, which completed a war book similar to the British war book.[3] This enabled efficient co-operation between England and Canada during the Great War.

When the Dominion representatives attended the meeting, they not only participated in the discussion, but also obtained the opportunity of getting confidential knowledge as to the policy and proceedings of the Imperial Government regarding affairs both at home and overseas.

(j) *The Internal Constitution of the Committee.*—The Prime Minister is the ex-officio chairman of the Committee of Imperial Defence. Prior to the appointment of a deputy-charman, in the event of the Prime Minister being absent, the chair was generally taken by a leading Minister.[4] Moreover, the Prime Minister decides what

[1] *Dispatch from the Secretary of State for the Colonies as to the Representation of the Self-governing Dominions on the Committee of Imperial Defence, 1913* (Cmd. 6560).

[2] *Correspondence Relating to the Representation of the Self-governing Dominions on the Committee of Imperial Defence, and to a Proposed Naval Conference* (Cmd. 7374).

[3] John Holland Rose's *The Cambridge History of the British Empire*, Vol. VI, Canada, p. 720. On this point, Professor Keith gives his opinion: "For the Dominions as a whole are uninterested in issues of defence" (see *The Constitutional Law of the British Dominions* (1933), p. 430).

[4] *Life of Lord Oxford and Asquith* records that "at the beginning of 1911, Lord Morley sat on the Committee of Imperial Defence, and on occasion even took the chair" (Vol. I, p. 292).

subjects are to be discussed, and, when a conclusion is reached, it is usually formulated in writing, and read out either at once or at the end of the meeting by the chairman.[1] This is evidently done in order to prevent uncertainty regarding the decision reached. The conclusions of the old Defence Committee were not always communicated to the Sovereign by the responsible Minister,[2] and in the course of reconstructing the Committee, Mr. Balfour emphasized this point, and in his memorandum of 1904 says: "A permanent record of both will be kept in the archives of the Department, and will be communicated to the Sovereign."[3] Secrecy is, of course, essential from the military point of view, except in so far as the Cabinet is concerned.[4] Before a question is brought before the Committee of Imperial Defence, the Minister concerned generally consults the Prime Minister and other Minister or Ministers of particular Departments holding definite interests.[5] Papers or documents useful for discussion in the Committee are usually communicated to that body by Ministers; memoranda, Foreign Office dispatches,[6] draft treaties[7] and minutes[8] are frequently

[1] Asquith's *Memories and Reflections*, Vol. II, p. 87.

[2] Blanche E. C. Dugdale's *Arthur James Balfour*, Vol. I, p. 296.

[3] *Ibid.*, p. 367.

[4] Lord Haldane's *Before the War*, p. 61.

[5] For instance, in 1906, when Sir Edward Grey, the Foreign Secretary, asked the Prime Minister: "Shall the Admiralty be consulted upon this point [defence of Gibraltar] first with a view to bringing it before the Committee of Imperial Defence?", Sir H. Campbell-Bannerman approved the suggestion (see *British Documents*, Vol. VII, p. 5: Grey to Campbell-Bannerman (December 12, 1906)).

[6] For instance, the text of Lord Lansdowne's dispatch to Mr. Cartwright, No. 64 of June 1905, and of Sir C. Hardinge's Minute were circulated to the Committee of Imperial Defence (*British Documents*, Vol. VII, p. 5).

[7] The first and second Norwegian Draft Treaty of 1906 and 1907 were communicated to the Committee of Imperial Defence for consideration (*British Documents*, Vol. VIII, pp. 98, 111).

[8] Sir E. Crewe's Minute on attitude to be adopted towards Belgium in event of Germany violating her neutrality during Anglo-German War, dated March 10, 1912, was ordered by Sir Edward Grey to be printed for the discussion at the Committee of Imperial Defence (*British Documents*, Vol. VIII, p. 396).

laid before the Committee for discussion. The Committee of Imperial Defence not only receives and considers reports made by its own sub-committees, but also important reports from the committees of various Departments.[1]

§ 2. *The Committee of Home Affairs*

Another standing committee of the Cabinet is the Committee of Home Affairs, which was set up by the War Cabinet in June 1918 to deal with questions of internal policy, and it was given a wide discretion in dealing with matters on which agreement had been reached but which did not involve major political issues. It consisted of nine members, with the Home Secretary as chairman. The Committee has survived since the War; its main task is now to examine draft Bills which are referred by the Cabinet and prepared by the Parliamentary counsel after consultation with the Department or Departments concerned; it also arranges the legislative proposals for the session according to their importance or urgency—*e.g.*, those which are (1) absolutely necessary; (2) very desirable; (3) necessary annuals; (4) useful departmental measures, and so on.[2] There appears to be much competition between Departments to get in first. Thus it lessens considerably the heavy work of the *ad hoc* committees of the Cabinet, and at the same time it saves the Cabinet from frequent meetings.

§ 3. Ad hoc *Cabinet Committees*

The Cabinet frequently appoints *ad hoc* committees, the advantages obtained thereby being numerous. The

[1] In 1911 the Cables Committee of the Colonial Office forwarded, in view of the paramount importance of strategic considerations attached to the introduction of wireless, a copy of their report to the Committee of Imperial Defence for Consideration (see Report from the Select Committee on Marconi's Wireless Telegraph Co., Ltd., Agreement (1913), *Parliamentary Papers*, Vol. VIII, pp. 2, 760).

[2] *The Nineteenth Century and After*, No. DCCII, August 1935, pp. 132–3.

chief reason pointed out by Mr. Gladstone was that "A committee keeps a Cabinet quiet." He also said that "it affords a means of bringing men's minds together."[1] In a Cabinet containing about twenty members it is difficult to arrive at a decision without fierce argument and long speech. If the work is entrusted to a committee, preliminary discussion in the Cabinet can be avoided, and consequently a peaceful meeting may be secured. Mr. West, afterwards Sir Algernon West, Gladstone's private secretary, suggested the appointment of a committee in order to discuss the controversial topic of wages in 1892.[2]

The appointment of a committee to study and shape policy, when necessary, is the duty of the Prime Minister, but any Minister may suggest the formation of such a committee. For instance, the creation of a Cabinet Committee on War Munitions in 1914 was suggested by Mr. Lloyd George.[3] According to Lord Oxford and Asquith, the Cabinet Committee to inquire into Economic Conditions in 1916 was suggested by Mr. Balfour, afterwards Lord Balfour.[4] To persuade the Cabinet or the Prime Minister to appoint a committee, however, is often difficult.[5]

The Prime Minister has virtually the power to choose members to sit on any of these committees,[6] and his choice usually falls upon those who have experience and knowledge of the particular field concerned. This is a consideration of vital importance, and one to which every

[1] *Life of Gladstone*, Vol. II, p. 289.

[2] *Ibid.*

[3] *War Memoirs of Lloyd George*, Vol. I, p. 146.

[4] Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 125.

[5] Lord Riddell's diary gives us an account of a conversation that the author had with Mr. Lloyd George on March 12, 1916: "He spoke at length upon the necessity for a constructive agricultural policy, and said that after trouble he had succeeded in getting a Cabinet committee appointed to investigate the subject" (Lord Riddell's *War Diary 1914–18*, p. 164).

[6] Cf. *Life of Lord Curzon*, Vol. III, p. 129: "Lord Curzon, who at the invitation of the Prime Minister had joined the [Dardanelles] Committee. . . ."

Prime Minister pays great attention. "In all the Cabinets," said Mr. Gladstone, "in which I have sat, it was a practice to appoint committees, which was impossible for the heads of the most laborious Departments to undertake to strengthen; and it was of the greatest consequence, in enabling those committees to grapple with the subjects they had to deal with, that there should be one or two members of the Cabinet who were little employed in other duties." [1] In view of the importance of this choice, a Minister may suggest a name for consideration. Thus in 1892 Sir William Harcourt suggested that Sir H. Campbell-Bannerman, then a member of the Cabinet, should be included in the committee selected to draft the Irish Home Rule Bill,[2] and he was accordingly included. When a proposal submitted by a Minister is under consideration in a committee, the latter may invite a colleague to participate in its deliberation who, although not a member of the committee, possesses keenness and ability concerning the matter in question. This ensures that his proposal receives full consideration. For example, in 1885 Lord Hartington, the Secretary for War, invited Sir Charles W. Dilke, a statesman possessing wide knowledge and great experience of foreign and colonial affairs, to attend a Cabinet committee when his proposal on the subject of the Suakim Railway problem was considered.[3] Experts can also be asked to join in committee deliberations and witnesses can be called in.

These committees have no fixed meeting-place, the choice depending largely upon what is most convenient for their members. Sometimes meetings are held at 10 Downing Street, and occasionally at leading Ministers' houses or in their offices.[4]

[1] *Parliamentary Debates*, July 26, 1870.

[2] *Life of Sir William Harcourt*, Vol. II, p. 219, Journal.

[3] *Life of Sir Charles W. Dilke*, Vol. II, p. 110.

[4] A meeting of the Cabinet Committee on Prevention of Crime Bill was held in Privy Council room (see *Diaries of John Bright* (May 9, 1882), p. 468). In 1885 a Cabinet Committee to consider Chamberlain's scheme met from time to time at Spencer House (see Garvin's *Chamberlain*,

Meetings may be presided over by the Prime Minister, a Cabinet Minister, or even an ex-Cabinet Minister, as, for instance, in February 1885 Sir Charles W. Dilke, an ex-Cabinet Minister of Gladstone's second Cabinet, presided over a committee meeting on the Local Government Bill.[1] The number of persons included varies in each case, the largest *ad hoc* committee consisting of over twelve members, and the smallest of only three or four.[2] Moreover, membership can be increased from time to time. The committee is usually summoned to meetings by the chairman, although any leading Minister is free to ask for a meeting to be summoned.[3] Dispatches,[4] memoranda and other important documents requiring to be thoroughly studied are circulated beforehand.[5] All members are on an equal footing, but in practice the most important Minister invariably dominates the meeting. In 1901 Sir Michael Hicks-Beach, then Chancellor of the Exchequer, and one of the most powerful Ministers in the Cabinet, practically dominated the Committee for the consideration of the Royal Civil List.

Vol. I, p. 601). On March 16, 1907, a meeting of the Cabinet Committee on the Reform of the House of Lords was held at the Lord Chancellor's house, 8 Eaton Square (see *Memoirs of Sir Almeric Fitzroy*, Vol. II, p. 317). On August 12, 1915, a meeting of the Cabinet Committee on War Policy was held at the Privy Council Office (see *Memoirs of Sir Almeric Fitzroy*, Vol. II, p. 602).

[1] *Life of Sir Charles W. Dilke*, Vol. II, p. 210.

[2] The Demobilization Committee, appointed by the War Cabinet in October 1918, consisted of three members of the War Cabinet (*The War Cabinet: Report for the Year 1918*, p. 5).

[3] This happened in 1884, when Mr. Childers asked Mr. Gladstone to arrange for a discussion on Egyptian finance. In a letter to his chief, dated July 16, 1884, Mr. Childers wrote: "I return with many thanks your memorandum of the language to be held at the [Egyptian] Conference. I think I should be glad if the Committee of the Cabinet (or the Cabinet itself) could meet on Friday. Would you decide this, and name the hour?" (Childers to Gladstone (July 16, 1884), *Granville Papers*, Vol. 119).

[4] *British Documents*, Vol. VI, p. 629.

[5] In March 1911, Sir Edward Grey, the Foreign Secretary, "circulated to the Cabinet Committee a memorandum summarizing the history of the negotiations with Germany" (see *British Documents*, Vol. VI, p. 631, Minute by Sir Edward Grey (May 24, 1911)).

Lord James of Hereford gave us a vivid description in his journal :

" Hicks-Beach produced a proposed Civil List [at the meeting]. I thought it represented too small a sum in respect of certain items, and so contended. We sat late, and it was arranged we should meet again. I heard no more of the matter, until in about ten days' time Hicks-Beach informed the Cabinet that he had submitted a proposed Civil List to the King, who had agreed to it. This was substantially the list produced to the Committee, but which had not been agreed to and certainly had not been reported on." [1]

But when a strong Minister meets with opposition, it often requires a hard fight before a scheme is adopted by a committee. As in 1901 Mr. Balfour and the Duke of Devonshire only succeeded in winning over the Cabinet committee to their proposals of a scheme for education after a fierce combat with Lord Salisbury and Mr. Chamberlain.[2]

It may be useful to observe to what extent Ministers are allowed to disclose Cabinet secrets in a committee consisting of persons who are not members of the Cabinet. The point largely depends upon the discretion of the Minister concerned, after he has carefully weighed the matter. Moreover, in these circumstances any Minister, if he desires to do so, may ask the Cabinet to request members participating in committees to refrain from disclosing certain secrets. In connection with this, Sir George Arthur tells a story of Lord Kitchener :

" In April 1915 Kitchener had to complain to the Cabinet that two of his colleagues had, at one of the meetings of the Munitions Committee, stated the numbers of men then at the front and calculated to be there by August. He urged the vital importance of keeping such information absolutely secret, and feared he would be unable to continue his responsibility if figures were allowed to leak out. The Cabinet then agreed that any figure given to them by Kitchener should never be made known to confidential committees." [3]

[1] Lord Askwith's *Lord James of Hereford*, p. 264.
[2] *Memoirs of Sir Almeric Fitzroy*, Vol. I, p. 68.
[3] Sir George Arthur's *Life of Lord Kitchener*, Vol. III, p. 209.

In the course of deliberation, differences of opinion often appear, and the task of securing agreement, or even at times of maintaining order, in a committee composed of persons representing varied opinions is no easy matter, and one which demands tact, ingenuity and patience on the part of the chairman.[1]

Sometimes when a committee is allotted a particular subject to discuss it finishes by considering some other subject, as, for instance, when a meeting was held on January 7, 1882, on London Local Government, Dilke's diary says that:

"Instead of discussing London Government, we discussed the Borneo Charter, to which all present were opposed." [2]

After coming to a conclusion, the committee must report the matter to the Cabinet for final decision, and the Cabinet has the absolute power to accept, reject or modify any decision or suggestion arrived at by one of its committees. It would be possible for a Cabinet committee, composed of responsible Ministers, to decide a question and to take action without reference to the Cabinet,[3] but to follow such a course is unsafe, as a single decision may affect many Departments or even the

[1] Sir Charles W. Dilke recorded in his memoirs: "At the Cabinet Committee of May 1st [1885] on Ireland, Carlingford and Harcourt, in Spencer's interest, violently attacked Chamberlain's scheme; Hartington less violently; Childers, Lefevre, and Trevelyan supported" (*Life of Sir Charles W. Dilke*, Vol. II, p. 132). In a letter dated March 2, 1911, Sir A. Nicholson wrote: "I do not gather that the views of the Committee are entirely harmonious. Grey is perfectly sound on the whole matter, but I am afraid there are in the Cabinet several members who desire to come to what they term a 'friendly understanding' with Germany at almost any cost, and there are no doubt sections of the radical party who are still more emphatic on this point" (*British Documents*, Vol. VI, p. 590). After the passing of the Parliament Act, the Cabinet appointed a Cabinet Committee which Lord Haldane mentions in his *Autobiography* in order to consider the possible reform of the House of Lords: "Differences of opinion arose over the suggestion of a direct elected Senate as a substitute for the existing House of Lords" (Lord Haldane's *Autobiography*, p. 246).

[2] *Life of Sir Charles W. Dilke*, Vol. I, p. 421.

[3] *Granville Papers*, Vol. 119: Childers to Derby (January 29, 1885); Derby to Childers (January 31, 1885).

whole of the Cabinet. A Minister, particularly the Chancellor of the Exchequer, does not participate in the deliberations of all the committees, yet their decisions are bound to involve his Department concerning finance. He may refuse to finance their plans, saying that they were made without his consent and without the authority of the Cabinet,[1] and he can even upset them altogether by referring the matter to the Cabinet. In an emergency, however, a committee can carry out its proposals without reference to the Cabinet, as, for instance, when either the whole of the committee or the Cabinet are summoned in order to discuss an urgent problem which has suddenly appeared on the political horizon and which it is imperative to dispose of. In such circumstances, two or more Ministers, with the consent of the Prime Minister, can decide and carry out decisions which ordinarily should be arrived at by the committee. In 1895 Ripon and Bryce, the only two members of a certain Cabinet committee then in London, decided to send and settled the wording of a telegram in connection with affairs in Swaziland, which was dispatched with the knowledge of Rosebery, then Prime Minister.[2]

A Cabinet committee has no power to resist a decision of the central body, and the latter is not bound to adopt its committee's decision, if it is contrary to the best judgment of the majority of the Cabinet. Indeed, however strong the decision, report, or bill drawn up by the Cabinet committee may be, it can never resist objections raised by the Prime Minister. For instance, in 1907 Sir H. Campbell-Bannerman, then Prime Minister, objected strongly to the report of the Committee appointed to consider the problem of the reform of the House of Lords, and the report was not adopted.[3] Again, in 1916 Mr. Lloyd George rejected the Irish Home Rule Bill drafted by a Cabinet committee.[4]

[1] *Granville Papers*, Vol. 119: Childers to Derby (January 29, 1885); Derby to Childers (January 31, 1885).

[2] *Life of Lord Ripon*, Vol. II, p. 224.

[3] *Life of Sir H. Campbell-Bannerman*, Vol. II, p. 350.

[4] *Life of Lord Curzon*, Vol. III, p. 186.

When the Cabinet has approved the decision of its committee, it is carried out by the Department or Departments concerned. In regard to this point, Mr. Lloyd George rightly says that "a Cabinet committee cannot have executive power, it can only advise and recommend."[1] The Department concerned must faithfully execute the orders it receives. It rarely happens that a Cabinet committee's decisions fail to be carried out by the Department or Departments affected; however, in 1883, when a Cabinet committee had decided that the Cameroons should be annexed, the Foreign and Colonial Offices did not act accordingly; thus Germany occupied the Cameroons in July 1884, five days before a mission of British delegates arrived. Lord Kimberley indignantly wrote:

"I am quite ignorant of the reason why our decision [of the Cabinet committee] was not acted upon."[2]

In a letter to Dilke, President of the Local Government Board, Chamberlain also wrote:

". . . We decided to assume the Protectorate eighteen months ago and I thought it was all settled. If the Board of Trade and Local Government Board managed their business after the fashion of the Foreign Office and the Colonial Office, you and I deserve to be hung."[3]

It appears that the proceedings of *ad hoc* Cabinet committees are not often reported to the Sovereign by the responsible Minister. In 1907 the Cabinet appointed a committee to consider the question of the House of Lords, and the King's anxious wish to be informed of its proposals was not gratified. So his private secretary was instructed to write to the Prime Minister, expressing the King's regret that no information had been given to him respecting the proceedings of the Cabinet committee on

[1] *War Memoirs of David Lloyd George*, Vol. I, p. 204.

[2] Kimberley to Chamberlain, September 25, 1884 (see Garvin's *Chamberlain*, Vol. I, p. 495).

[3] Garvin's *Chamberlain*, Vol. I, p. 495: Chamberlain to Dilke (September 12, 1884).

the House of Lords.[1] As a whole, the system of committees does not impair the Cabinet's authority and is a useful means of discovering the merits or demerits of policy or of investigating specific problems.

§ 4. *The Classification and Working of* Ad hoc *Cabinet Committees*

Ad hoc Cabinet committees may be formed for the purpose of:

(1) Examining and studying a particular problem which demands a definite statement of Cabinet policy; or

(2) Preparing and considering a Bill which the Cabinet desires to present before Parliament; or

(3) Inquiring into and advising upon matters which demand thorough investigation.

As to the last, the Cabinet frequently appoints its committees to inquire and investigate into cases arising from various Departments. A committee may be formed to inquire into a particular case concerning the official relationship between a Minister and his subordinate or subordinates, though such cases are rare. For instance, in 1874 the Cabinet appointed a committee to inquire into the cause of the resignation of Bertram Milford, afterwards Lord Redesdale, then Secretary to the Board of Works. He had been opposed by Lord Henry Lennox, the First Commissioner of Works, on his proposed scheme for the improvement of that Department, which at the time was in a most unsatisfactory state. This committee was presided over by the Chancellor of the Exchequer. The result of the inquiry fully justified the action taken by Bertram Milford, whose scheme was afterwards in fact entirely approved by the Department committee.[2]

Cabinet committees are frequently formed for the purpose of preparing or examining Bills submitted by

[1] Sidney Lee's *King Edward VII*, Vol. II, p. 466.

[2] *Memories of Lord Redesdale*, Vol. II, p. 703.

Ministers. Generally the Cabinet settles only the principle of the Bill, and leaves the task of completion to a committee, which thrashes it out in detail, in consultation with all necessary experts, chiefly Goverment draftsmen, who may or may not be included in the committee.[1] The draft Bill is then put before the Cabinet, where its merits in relation to public and parliamentary opinion are discussed and where it is accepted, rejected, or modified. The earliest case in which this preparation was entrusted to a Cabinet committee was that of the first Reform Bill.[2] From 1831 onwards the task of examining and preparing Bills has been invariably entrusted to Cabinet committees. The most important Bills of the pre-War period were prepared and examined by the Cabinet committees.[3] Since the establishment of the Home Affairs Committee in 1918, the occasion of appointing such an *ad hoc* committee has been reduced. An order in Council may also be prepared by a Cabinet committee. According to the Minute written by Lord Lansdowne on October 31, 1895, in regard to the organization of the War Office, an order in Council on November 21, 1895, was prepared by such a committee.[4]

It is a customary practice for the Cabinet to submit particular problems to a committee of its own, which actually shapes Cabinet policy after a close examination of the matter for which the committee is specially appointed. It is difficult for a Cabinet of modern times, which is both large in size and varied in elements, to approach complicated problems requiring close study and therefore the natural tendency is to leave such matters to a small committee. The practice has proved so effective that sometimes a Cabinet committee even assumes the

[1] *Sir Charles W. Dilke*, Vol. II, p. 12; Sir Courtenay Ilbert's *Parliament*, p. 79.

[2] *Early Correspondence of Lord John Russell*, Vol. II, p. 52; *Life of Disraeli*, Vol. II, p. 392.

[3] See original thesis: *The English Cabinet 1868–1917*, pp. 554–60.

[4] *Report of Commission Appointed to Inquire into the Military Preparations and other Matters Connected with the War in South Africa*, 1903, Evidence, Vol. II, p. 528.

task of determining Cabinet policy. In such a committee, a great variety of matters can be dealt with: business affecting the Ministry itself, questions arising out of the affairs of royalty, foreign and domestic affairs, imperial and colonial questions, military business, Admiralty affairs and questions concerning the outbreak of war.[1]

[1] See original thesis: *The English Cabinet 1868–1917*, pp. 563–573.

CHAPTER VII

THE FUNCTIONS OF A CABINET

§ 1. *Formulation of Policy and Control over Departments*

THE Cabinet is a purely consultative and advisory body, which possesses no executive functions, but derives its power from the presence in it of the heads of the various Departments, as well as the leaders of the majority party in the Commons. By virtue of its being the vital connecting link between the executive and the legislative, the Cabinet has attained a leading position in the fabric of the English Constitution as the driving-force which sets the whole machinery of government in motion. Thus, when decisions are reached at Cabinet meetings, they can only be translated into action either by individual Ministers, or by a formal act of Parliament, or by an order of the Privy Council, for all of which the Ministers are collectively responsible. The flexibility of the Cabinet system affords Ministers an exceptional range of activities, and gives them an opportunity of acquiring knowledge of all matters of political significance, and, as the seat of ultimate responsibility, the electorate and Parliament expect the Cabinet to exercise its authority in the national interest.

The most important function of the Cabinet is the formation of policy, in which connection it is noteworthy that it determines the general policy of the executive government in such matters as the declaration of peace and war, the negotiation and approval of treaties, the annexation and cession of territory, the increase or decrease of armaments, the initiation of legislation and other important matters. A policy is formulated as a result of the pooled knowledge and experience of the Ministers being brought to bear upon the problems involved. Should a

particular matter require exhaustive study or an expert opinion, the Cabinet appoints a Cabinet or an inter-departmental committee to make a thorough investigation of the question at issue, or invites an expert to give an opinion upon it. It is not easy to determine to what extent the opinion of the expert or the suggestions of such committees influence the policy of the Cabinet, although there have been examples in which this was certainly the case. In 1898 the Cabinet hesitated about changing its Far-Eastern policy, but the presence of Mr. Curzon, later Lord Curzon, then Under-Secretary for Foreign Affairs, convinced the Cabinet of the necessity for a new orientation of its policy.[1] Again in 1915, an inter-departmental committee was formed comprising representatives of the Foreign Office, India Office, War Office and Admiralty for the purpose of studying the problem as to whether there should be an advance to Baghdad. The committee was in favour of early occupation, both on political and military grounds, and the Cabinet, being profoundly influenced by its recommendations, subsequently ordered the advance.[2]

In the course of discussion many different shades of opinion inevitably come to the surface, but finally a decision will be reached, although usually only as a result of protracted negotiations. For internal dissension or vacillation in adopting a policy is generally regarded as the worst disease from which the Cabinet system can suffer. The Prime Minister's influence on the formulation of Cabinet policy is determined partly by the merits of his own views and partly by his personal authority. A Prime Minister is not necessarily regarded as the master of the Cabinet. It should be remembered that Mr. Gladstone was always beaten in his own Cabinet, sometimes even with the support of powerful Ministers.[3]

[1] *Arthur James Balfour*, Vol. I, p. 255.

[2] *Soldiers and Statesmen*, Vol. II, p. 35.

[3] *Life of Sir Charles W. Dilke*, Vol. II, p. 62. Cf. "The recognition of the South in the American Civil War was prevented by the majority of the Cabinet against the opinion of the Prime Minister, the Foreign Secretary and the Chancellor of the Exchequer" (Palmerston, Russell and Glad-

But, where there are two main opinions in the Cabinet, then the side which includes the Prime Minister is preponderant.[1]

Another function of the Cabinet is that, as a supreme executive body, it has the duty of conducting national affairs according to the national interest, and of co-ordinating and supervising the various Departments, whether included in the Cabinet or not. It should support a member of the Ministry who is correctly interpreting his duty, or any responsible Minister who is carrying out a Cabinet policy. In 1886, when Henry Cecil Raikes was Postmaster-General in Salisbury's second administration, his action with regard to the mail contract was fully approved by the Cabinet.[2] On the other hand, it is the duty of the Cabinet to correct the actions of a member of the Ministry who has behaved with singular maladroitness, or to condemn a Minister if his actions are at variance with Cabinet policy. An illustration of the former case occurred when in 1872 Mr. Ayrton, the First Commissioner of Works, cut down the remuneration of the architect, G. E. Street. The matter was discussed in the Cabinet, and they decided to direct him to abandon, on certain important points, the attitude he had taken up.[3] The second case rarely arises. However, in 1905 Sir Anthony MacDonald, a permanent Under-Secretary, acted without authorization in assisting Lord Dunraven in formulating proposals which included the famous Devolution Scheme, and was condemned by the Cabinet for action at variance with the views of the Government. The Cabinet also decides disputes arising from a conflict of functions between two or more Departments [4] and directs the Departments concerned to carry out the decision of the Cabinet.

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stone). See *Life of Sir William Harcourt*, Vol. II, p. 611. Also see *Fifty Years of Parliament*, Vol. II, pp. 192–3.

[1] *Life of Sir Charles W. Dilke*, Vol. II, p. 59.

[2] Henry St. John Raikes' *The Life and Letters of Henry Raikes*, p. 259.

[3] *Letters of Queen Victoria*, 2nd series, Vol. II, p. 261.

[4] Lord Riddell's *More Pages from My Diary*, p. 175.

As a matter of practice, the dispatches or telegrams of the Foreign Office are referred to the Cabinet by the Foreign Secretary, and they may be modified and altered, before they are approved and sent out.[1] Generally speaking, Cabinet control over the other Departments is far from stringent, since most important matters are decided without reference to it. The famous case of Lord Crewe, then India Secretary, who gave his sanction to the Amara advance without consulting the Cabinet, may be cited as an example.[2] Moreover the Home Office, the Colonial Office, and the India Office may all function with only occasional references to the Cabinet.[3] Cabinet control over the Foreign Office is also rather ineffective, since foreign affairs tend to become more of the special province of the Prime Minister and the Foreign Secretary, the most important dispatches and telegrams being as a general rule withheld from the Cabinet, except for a few leading Ministers. However, some Foreign Secretaries constantly refer matters to the Cabinet and ask for their sanction before taking action, while others act more or less independently, Lord Granville being an example[4] of the former type and Lord Rosebery of the latter.

The Cabinet not only has the power to deal with foreign and domestic affairs, but also handles matters affecting itself, such as deciding whether an administration should come to an end when a political crisis arises. In the case of the resignation of the Prime Minister owing to ill-health or to his defeat at the polls, the Cabinet either takes steps to dissolve itself or is automatically dissolved. It can also control the political speeches and actions of its members[5] and the extent

[1] Cf. " I am going to draw up a rough draft of our reply to the German memorandum, which, of course, will have to be submitted to the Cabinet, and which I am prepared should be continuously modified, if necessary, by them " (Sir A. Nicholson's letter to Sir E. Goschen, March 13, 1912; see *British Documents*, Vol. VI, p. 711).

[2] *Soldiers and Statesmen*, Vol. II, pp. 32–3.

[3] *Life of Lord Granville*, Vol. II, p. 506. [4] *Ibid.*, Vol. II, pp. 506–7.

[5] *Life of Sir Charles W. Dilke*, Vol. II, pp. 64–5 : " The Cabinet decided

of disclosing Cabinet secrets before its committees which may include non-Cabinet members [1] and, further, has the power to deal with cases where a Minister's private interests conflict with his duties.[2] The King's Speech and the Budget are annually communicated and discussed in the Cabinet. However, such matters as the appointment to Cabinet or other high office, the dismissal of Ministers and criminal prosecution are rarely brought before the Cabinet, and then only at the discretion of the Prime Minister and the Home Secretary.

§ 2. *Control over Policy of National Defence*

In time of peace, policies on national and imperial defence are subject to the control of the Cabinet. This supreme body considers and decides on proposals which are submitted by Ministers, and on reports and decisions arrived at by the Committee of Imperial Defence. It is clear that the latter's recommendation has far greater weight than that of the former and its report and decision are invariably accepted by its parent body. The problems concerned are mainly those of the reform of the Army, the building programme of the Admiralty, the extension of the Air Force, the dispatch of troops and the movement of the Fleet which may have an international significance, etc. The Cabinet also takes cognizance of matters of discipline in the Army and Navy. For instance, Lord Esher in a letter dated October 22, 1901, mentions that there was a Cabinet committee examining the speech delivered by Sir Redvers Buller at the Queen's Hall on October 10 in reply to the criticism in the Press on his appointment to command the First Corps. This speech the Cabinet held to be a breach of the King's Regulations, and the result was that Sir Redvers was

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that Chamberlain must not take the chair at a meeting at the Agricultural Hall to denounce the House of Lords." Bernard Holland's *Life of the Duke of Devonshire*, Vol. II, p. 311.

[1] *Life of Lord Kitchener*, Vol. III, p. 209.

[2] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 171 (Directorship).

recommended to be relieved of his command.[1] Again, in 1909 Lord Charles Beresford, Commander-in-Chief of the Channel Fleet, was convicted by a committee of the Cabinet for lack of discipline towards the Admiralty, but in this case the Cabinet took no action to place Lord Charles Beresford on the retired list.[2]

Again, the Cabinet controls the Estimates of the fighting services through the Treasury. The general procedure is that, in the initial stage, the Chancellor of the Exchequer settles with the Defence Ministers about the approximate sum to be submitted to Parliament on account of the fighting services in any given year. After a general total sum has been arrived at between Ministers and approved by the Cabinet, the Departments proceed to draw up the Estimates in detail and submit each vote separately to the Treasury, together with an explanatory letter. The Estimates cannot be submitted to Parliament until Treasury sanction has been obtained, but this is only a formal matter, since they have already been sanctioned by the Cabinet. In fact, neither the Cabinet nor the Treasury is strong enough to resist the demands of the fighting services. The threat of the resignation of the First Lord of the Admiralty and the Sea Lords is sufficient to make the Cabinet submissive, as was shown by the abortive attempt of the Cabinet to reduce the Navy Estimate in 1908. The Cabinet determined to reduce them by £1,340,000, and a committee of three—Harcourt, Lloyd George and McKenna—was appointed to carry their resolution into effect. Harcourt and Lloyd George entered into separate negotiations with Lord Fisher, the First Sea Lord, who adhered to the original figure which he considered to be the irreducible minimum. Harcourt even threatened that either five Members of the Cabinet, or the Board of Admiralty, would have to resign. Owing to the intervention of the Prime Minister,

[1] *Journals and Letters of Reginald Viscount Esher*, Vol. I, p. 308; *Annual Register*, 1901, Chronicle, pp. 28–9; *Dictionary of National Biography*, Second Supplement, Vol. II, p. 252.

[2] *Lord Fisher*, Vol. II, pp. 49–58.

the Naval Estimates stood as originally planned by the Admiralty.[1] The methods which the Chancellor of the Exchequer employs to cut the Estimates are either to fix a maximum to which he expects the Defence Ministers to agree and which he will not allow to be exceeded, or to go through the details of the Estimates with the Defence Ministers and their experts. The former method is usually employed with success. Mr. Gladstone, when he was Chancellor of the Exchequer, once made a reduction of two millions, and Harcourt made a cut of three millions in 1886.[2] There was, however, at least one case—that of Lord Randolph Churchill—where the Chancellor of the Exchequer persisted in cutting the Estimates and was forced to resign in consequence. The latter method generally indicates a gesture of surrender on the part of the Chancellor of the Exchequer, since his technical knowledge, however good, is bound to be inferior to that of the Army and Navy experts. Harcourt, who used to go personally to the Admiralty to confer with the experts, found himself compelled to capitulate.[3] Welby, when he was Permanent Secretary to the Treasury, even pointed out that if a Treasury official once came into personal contact with the Admiralty, the technical knowledge of the Admiralty officials would so overwhelm him that he would be unable to hold his own.[4]

§ 3. *Direction of War*

On the outbreak of hostilities, the prerogative of the Crown regarding military matters is vested in his Ministers. The appointment of officers to Chief commands, whether naval or military, is a Cabinet question. This practice may be traced back to the Crimean War. It was stated by the Duke of Newcastle, in his evidence before the Sebastopol Committee, that the selection of

[1] *Journals and Letters of Reginald Viscount Esher*, Vol. II, p. 281.
[2] *Life of Sir William Harcourt*, Vol. I, p. 572.
[3] Lord Oxford and Asquith's *Memories and Reflections*, Vol. I, p. 257.
[4] Lord George Hamilton's *Parliamentary Reminiscences and Reflections, 1868–85*, pp. 303–4.

the Commander-in-Chief and the principal divisional commands in the Crimea were made subject to the approval of the Ministers in Cabinet council.[1] The same thing was done in 1885, when the Cabinet settled the question of the chief command of the Suakim expedition. As Mr. Gladstone reported to the Queen:

"The Cabinet were of opinion that General Graham should be appointed to the chief command, and Major-General Greaves should be the Chief of Staff." [2]

In 1899 the Cabinet appointed Sir R. Buller as the Commander-in-Chief in South Africa and replaced him by Field-Marshal Lord Roberts in the same year. The Cabinet also recommended to the Queen the appoinment of Major-General Lord Kitchener, who was Lord Robert's Chief of the General Staff.[3] The Cabinet has, in addition, the authority to relieve officers from their commands.[4]

The Cabinet also decides the main plan of operations and the distribution of troops in the various theatres of war. When the Liberal Cabinet prepared a scheme for the rescue of Gordon, they consulted military experts on the military plan.[5] During the South African War the Cabinet exercised a vigorous control of the military operations in the field, which may be illustrated by the fact that the Cabinet once rejected the proposal made by General Sir Redvers Buller to abandon Ladysmith.[6] With the advent of the European War the Cabinet exercised an even more rigorous control of operations. "The real headquarters of armies in these days," said Field-Marshal Sir William Robertson, "are to be found not in the field abroad, but at the seat of Government at

[1] *Report of the Sebastopol Committee, 1854–5. Parliamentary Papers*, Vol. IX, Part II, p. 205.

[2] *The Queen and Mr. Gladstone*, Vol. II, p. 332.

[3] Maurice's *History of the War in South Africa, 1899–1902*, Vol. I, pp. 2, 389.

[4] General Gough was removed from Command of the Fifth Army by the Cabinet in 1918.

[5] *Life of Sir Charles W. Dilke*, Vol. II, pp. 28–62.

[6] Maurice's *History of the War in South Africa*, Vol. I, p. 379.

home, and plans of campaign are, and must be, now analysed and criticized by civilian Ministers at the Council table in a way quite unknown a few decades ago. The military chief must accordingly be prepared to expound and justify, lucidly and patiently, the plans for which he seeks ministerial sanction; and he must also be able to explain and substantiate his objections to such alternative plans as Ministers themselves may suggest, and, perhaps with much persuasion and dialectical skill, try to get adopted." [1]

During the European War the Cabinet delegated its functions with regard to the conduct of naval and military operations to committees, but retained power to accept or reject their proposals. These committees were a kind of inner Cabinet, with more or less dictatorial power to direct the conduct of the War, and played such an important part that some account should be given of their history, composition and functions. With the consent of the Cabinet, a committee for the conduct of the War was set up by Mr. Asquith before the end of November 1914; it consisted of the Secretaries of State for War, India and Foreign Affairs, the Chancellor of the Exchequer, and the First Lord of the Admiralty. The Prime Minister acted as chairman, and experts whose opinions were desired attended either permanently or on special occasions. Mr. Balfour was included from the first, and Lord Haldane and Sir Arthur Wilson were added in January 1915.[2] At that date both the committee set up in November 1914 and the Committee of Imperial Defence were superseded by the War Council, which was formed in order to consider various questions connected with the War. As a matter of fact, the composition and functions of the War Council did not materially differ from those of the Committee of Imperial Defence. It consisted of Mr. Asquith, the Prime Minister, Lord Haldane, the Lord Chancellor, Lord Kitchener, the War Secretary, Mr.

[1] *Soldiers and Statesmen*, Vol. II, 302.

[2] *Life of Lord Oxford and Asquith*, Vol. II, p. 126. *Political Quarterly*, No. 8, September 1916, p. 104.

Lloyd George, Chancellor of the Exchequer, Sir Edward Grey, Foreign Secretary, Mr. Churchill, First Lord of the Admiralty, and Lord Crewe, Secretary for India. Its councils were attended regularly by Mr. A. J. Balfour, Lord Esher, Sir Arthur Wilson, Sir James Wolf Murray and Lieut.-Colonel Hankey, who acted as Secretary. Individual meetings were attended by other Cabinet Ministers and various officers, including Sir John French, the Commander-in-Chief of the British Expeditionary Force in France. The War Council also appointed a sub-committee to consider various questions over which one of its members presided.[1] Lord Oxford and Asquith described the method of procedure of the War Council, and how it differed from the Committee of Imperial Defence, in a passage in his *Memories and Reflections*:

"The proceedings of the War Council were exactly similar to that which had prevailed at the Committee of Imperial Defence. When a conclusion was reached, it was formulated in writing, and read out either at once or at the end of the meeting by the chairman, as had always been the case at the Committee. The only change which I made was that, for greater certainty and greater security, the conclusions were immediately after the meeting circulated in writing to the Departments concerned; in cases of urgency, on the same day. There was never any excuse for want of precision or for delay.

"As to the position of the experts, it was precisely the same as it had always been at the Committee of Imperial Defence. They were there—it was the reason for their being there—to give the lay members the benefit of their opinion and advice. During ten years' experience of the Committee of Defence I have never known them show the least reluctance to do so, invited or uninvited, and that was the view taken by all my ministerial colleagues on the War Council."

Lord Oxford and Asquith, in referring to the relations of the War Council with its parent body, held that the Cabinet never abdicated its ultimate authority, that all the important steps taken by the War Council were reported to it, and that there were times when the Cabinet played an active part and asserted its overruling author-

[1] John Charteris's *Field-Marshal Earl Haig*, p. 130.

ity.[1] But in actual practice the authority of the Cabinet underwent a radical change, although in theory it remained intact. The report of the Dardanelles Commission gives us an account of the inability of the Cabinet to control the body to which it had delegated its authority:

"It was the Council, and not the united Cabinet, which finally decided the most important matters, and gave effect to its decisions without necessarily waiting for any expression of assent or dissent from the Cabinet. The Cabinet appear to have been generally informed of any important decisions which may have been taken by the Council, but not until after the necessary executive steps had been taken to give whole or partial effect to these decisions. This is what actually happened in the case both of the naval and military operations undertaken at the Dardanelles." [2]

After the formation of the Coalition Government in May 1915, the War Council was superseded by the appointment of a Cabinet committee. As its deliberations were chiefly in connection with the Dardanelles Expedition, it was called the Dardanelles Committee, and consisted of eleven members of the Cabinet.[3] Owing to its inefficiency in conducting the War, Mr. Asquith decided to reconstitute it on November 2, 1915, as a result of which the Dardanelles Committee was replaced by a small 'War Committee' or 'War Council,' consisting of five members of the Cabinet—namely, Mr. Asquith, as chairman, Lord Kitchener, Mr. Balfour, Mr Lloyd George, and the Chancellor of the Exchequer,[4]

[1] *Memories and Reflections*, Vol. II, pp. 87–8.

[2] *Report of the Dardanelles Commission*, pp. 6–7.

[3] It consisted of Mr. Asquith, as Chairman, Lord Kitchener, Lord Lansdowne, Mr. Bonar Law, Mr. Curzon, Lord Selborne, Lord Crewe, Mr. Churchill, Mr. Balfour, Mr. Lloyd George and Sir Edward Carson. See Robertson's *Soldiers and Statesmen*, Vol. I, p. 154; *Life of Lord Oxford and Asquith*, Vol. II, p. 180; Churchill's *The World Crisis, 1915*, pp. 392–5.

[4] A different account of the genesis of the Cabinet Committee was given by Mr. Spender, who believed that the Cabinet decided to reconstitute this committee on November 11, 1915 (see *Life of Lord Oxford and Asquith*, Vol. II, p. 188; cf. Churchill's *The World Crisis, 1915*, p. 495). It should also be mentioned that according to Robertson's book

Mr. Bonar Law being added later under Conservative pressure. On November 3 it met to consider the question of the evacuation of the Dardanelles.[1] This committee also had its defects, as we gather from Robertson's *Soldiers and Statesmen*:

"All important decisions continued to be referred to the Cabinet for approval before action could be taken, and certain Ministers, who were not members of the Committee, were extremely jealous of their Cabinet rights and objected to giving their approval to measures until the reasons for them had been fully explained. This entailed covering the same ground at least twice, and further delay was incurred by the difficulty of fixing a date and hour for the Cabinet to meet which would not interfere with the other duties which Ministers had to perform, either in Parliament or in their respective Departments." [2]

In the *Memoirs of Sir Almeric Fitzroy* (August 12, 1915), we are told that a Cabinet Committee of War Policy met at the Privy Council office, consisting of Lord Crewe, as chairman, Lord Curzon, Winston Churchill, Selborne, Austen Chamberlain and Henderson.[3] This Committee was charged with the task of reporting to the Cabinet on the subject of compulsory service.[4] When Mr. Lloyd George came to power, he transformed the ordinary Cabinet into a 'War Directory,' yet the committee system was found indispensable to the ultimate success of the War. A Cabinet Committee was appointed to consider the position on all fronts on June 8, 1917, consisting of Mr. Lloyd George as chairman, Lord Curzon, Lord Milner and General Smuts.[5]

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this Cabinet Committee consisted of six persons—namely, Mr. Asquith, the Secretaries for War, Foreign Affairs, and India, the First Lord of the Admiralty, and the Minister of Munitions (see *Soldiers and Statesmen*, Vol. I, p. 163).

[1] Churchill's *The World Crisis, 1915*, p. 495.

[2] *Soldiers and Statesmen*, Vol. I, p. 164.

[3] *Memoirs of Sir Almeric Fitzroy*, Vol. II, p. 602.

[4] *Ibid.*, Vol. II, p. 604.

[5] *War Memoirs of David Lloyd George*, Vol. IV, p. 2151; *Soldiers and Statesmen*, Vol. II, pp. 247–8; *The Life of Lord Curzon* also mentions the composition of this committee, but it is slightly different from Lloyd George's: "Far into the night of June the 20th, the members of the

Many Cabinet committees were appointed during the War to consider various questions arising out of it. At the outbreak of hostilities in 1914, a Cabinet committee on food supplies was appointed, with the Home Secretary as chairman, to consider the problem of the supply and distribution of food.[1] This committee arranged for the purchase of large quantities of wheat and their gradual sale in the country.[2] In September 1914 the Cabinet appointed a committee to examine the question of munition supplies and to advise on the means of increasing production and expediting deliveries; this consisted of seven persons—namely, Lord Kitchener, the Secretary of State for War; Lord Haldane, the Lord Chancellor; Mr. Lloyd George, the Chancellor of the Exchequer; Mr. Churchill, the First Lord of the Admiralty; Mr. McKenna, the Home Secretary; Mr. Runciman, the President of the Board of Trade, and Lord Lucas, the President of the Board of Agriculture. This Committee met altogether six times between October 12, 1914, and January 1, 1915. It was the germ of the Ministry of Munitions, which blossomed forth a few months later.[3] In November 1914 a Cabinet committee was set up to investigate the German atrocities, of which McKenna and Simon were members.[4] In 1915 the Cabinet appointed a committee on liquor control, which decided to double the duty on spirits.[5] Lord Oxford and Asquith wrote in his war diary:

"We had a really interesting Committee, Lloyd George,

Committee—Mr. Lloyd George, Lord Curzon, Mr. Bonar Law, Lord Milner, General Smuts and Colonel Hankey (the Secretary)—sat in earnest conclave. . . ." (Vol. III, p. 152). Perhaps the difference is due to the subsequent enlargement of the Committee which would account for the addition of Mr. Bonar Law.

[1] *The Times*, August 6, 1914; *The Edinburgh Review*, Vol. 463, p. 108; John A. Fairlie's *British War Administration*, p. 198.

[2] *The Times' History of the War*, Vol. X, p. 332.

[3] *War Memoirs of David Lloyd George*, Vol. I, p. 150; *Life of Lord Oxford and Asquith*, Vol. II, p. 136; *Life of Lord Kitchener*, Vol. III, p. 287; Walter Roch's *Lloyd George and the War*, p. 114.

[4] Lord Riddell's *War Diary, 1914–18*, November 20, 1914, p. 41.

[5] Addison's *Four and a Half Years*, Vol. I, p. 73.

Crewe, McKenna, McKinnon Wood, Samuel, Montagu, Lord Reading and Charles Roberts, on the great drink question. I only came to-day in order if possible to administer the *coup de grâce* to the nationalisation proposition. L. G. did not press it against my judgment, and has produced an ingenious substitute of much more modest dimensions, which we are now discussing. The whole thing bristles with the most contentious points. The result is that L. G. is going to open a new series of *pourparlers* with brewers, teetotallers, and the whole motley crowd of interests." [1]

In August two more Cabinet committees were appointed, one on the national resources in man-power and money,[2] and the other on the position of munitions, past, present and prospective, which consisted of Lloyd George, Crewe, Curzon, Chamberlain, Churchill, Henderson [3] and Selborne. The Committee held two meetings, on the 16th and 18th, and presented a report to the Cabinet.[4] In April 1916 the Cabinet appointed a committee on the co-ordination of military and financial effort.[5] Lord Oxford and Asquith in his book called it " the Cabinet Committee on the Economic Situation." [6] It consisted of four Cabinet Ministers—namely, Mr. Asquith as chairman, Mr. McKenna, Lord Lansdowne and Mr. Austen Chamberlain.[7] Its purpose was to examine the general economic situation of the country, with special reference to the question of conscription.[8] On December 21, 1916, a Cabinet committee under Lord Curzon's chairmanship was appointed to consider and report on the question of the restriction of imports. In February

[1] Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 73 (April 15, 1915).

[2] *War Memoirs of David Lloyd George*, Vol. II, pp. 717–21.

[3] Addison's Diary (August 16, 1915); see *Four and a Half Years*, Vol. I, 118–19.

[4] *Ibid.*, Vol. I, p. 127.

[5] *Soldiers and Statesmen*, Vol. I, p. 295.

[6] Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 125.

[7] *Life of Lord Oxford and Asquith*, Vol. II, p. 209. Lord Oxford mentioned in his *Memories and Reflections*, " this committee consisted of McKenna, Austen Chamberlain and myself " (Vol. II, p. 125).

[8] See Duff Cooper's *Haig*, Vol. I, p. 312; *Annual Register*, 1916 (April), p. 107; *Life of Lord Oxford and Asquith*, Vol. II, p. 209.

the committee submitted to the War Cabinet a programme for the restriction of imports involving a reduction on the figures for 1916 of 6,000,000 tons of shipping a year, and within a week the approval of the Cabinet was duly obtained.[1]

When the Cabinet comes to a decision, or accepts the recommendations of its committees, such decision is communicated to the Commander-in-Chief, who carries it out. Haig maintained the principle that it was not for the Commander-in-Chief to cavil at the orders of the Cabinet and their military advisers.[2] John Charteris, Haig's biographer, interpreted this as follows:

"... however unwise the plan of the Cabinet, it was acting within its constitutional rights, and it only remained for the Commander-in-Chief to execute its orders, or, if these were impossible to fulfill, to ask to be relieved of his command." [3]

The Prime Minister is responsible for the conduct of the war, and must therefore examine all the plans of the military and naval authorities.[4] He may even insist on the adoption of a certain policy in opposition to the judgment of the military or naval experts.

[1] Ronaldshay's *Life of Lord Curzon*, Vol. II, p. 141.
[2] John Charteris's *Haig*, p. 247.
[3] *Ibid.*
[4] Newbolt's *Naval Operations*, Vol. V (Text), p. 9.

CHAPTER VIII

THE INNER CABINET

A CABINET usually contains approximately twenty Ministers. Since its meetings are conducted on much the same lines as those of other public meetings, and there is, therefore, an invariable tendency towards the making of long speeches, the expression of many divergent views and a consequent hesitation about taking decisions, the Cabinet ceases to be an effective body for the conduct of public business. Hence an inner group is inevitably created in every Cabinet, enabling a few of the Ministers to continue to enjoy the advantages of privacy and intimacy that characterized the early Cabinet. This body has no formal or recognized existence. It has been evolved in the normal course of development, somewhat in the same way as that in which the Cabinet became separated from the general assembly of the Privy Council. The origin of the inner Cabinet can certainly be traced back to the seventeenth century.[1] It consists of the Prime Minister and a few of his colleagues, who are united, either because of the necessity for constant consultation about a particular political problem of importance or by reason of their intimacy and harmonious relationship. These men, by the decisions taken as a result of the discussions at their periodical meetings, virtually control the Cabinet, of which they may be regarded as the centre. If such an inner group is weak, it may pull through without mishap during a period of tranquillity, but is likely to prove a broken reed in times of stress. The degree of control exercised over the Cabinet as a whole varies according to the importance of

[1] Turner's *The Cabinet Council, 1622–1784*, Vol. II, p. 79.

the matter for which the junta has been formed, or according to the type of people of which it is composed. An inner Cabinet, which is constituted for a definite purpose or in order to tide over a crisis, only lasts till that purpose is fulfilled or the crisis resolved. Where a group of Ministers come together for reasons of friendship and common inclination such a body is likely to be more long-lived. The number in the inner Cabinet tends to be as low as possible. The place of meeting depends on the convenience of Ministers, and meetings have frequently been held at 10 Downing Street.

As the conduct of foreign affairs can be carried on with very little reference to the Cabinet, the Prime Minister is in the habit of conferring with a few of his most trusted colleagues with a view to taking decisions on various international problems, particularly when the necessity arises for a re-orientation of foreign policy. Lord Beaconsfield frequently held such consultations. We read in Lord Cranbrook's diary that a meeting was held on January 24, 1878, consisting of the Prime Minister, Salisbury, Northcote, Smith and himself, in order to discuss the Eastern question, and they "agreed upon some telegrams, and to give notice of asking for money." [1] For the next two months the conduct of foreign affairs lay in the hands of a secret body, consisting of Lord Beaconsfield, Lord Salisbury and Lord Cairns, the latter being the most trusted friend of Lord Beaconsfield. Of these statesmen, Lord Salisbury made himself the driving-force of that secret committee which decided all the major questions of the day and controlled the foreign policy of the Government, the Foreign Secretary, Lord Derby, being virtually reduced to the position of an Under-Secretary whose function was merely to execute the decisions of the inner ring.[2] Foreign policy in Gladstone's Cabinets was also controlled by an inner body, the attention of which became focused upon the

[1] *Gathorne Hardy, First Earl of Cranbrook: A Memoir*, Vol. II, p. 48.

[2] *Life of Disraeli*, Vol. II, p. 119; *Life of Lord Salisbury*, Vol. II, p. 209; Seton-Watson's *Disraeli, Gladstone and the Eastern Question*, pp. 320, 376.

Egyptian question between 1880 and 1885. On July 4, 1882, Mr. Gladstone, Lord Hartington, Secretary of State for India, and Mr. Childers, Secretary of State for War, met to decide whether the reserves should be called up and the troops sent forward to Egypt to protect English nationals and the Suez Canal.[1] On July 27 Gladstone, Childers, Northbrook, First Lord of the Admiralty, and Sir Charles W. Dilke, the Under-Secretary for Foreign Affairs, met to consider the application of the Prince of Wales to the Government for leave to take a military command in Egypt[2] and decided to refuse it. On July 4, 1883, there was a meeting between Mr. Gladstone, Lord Granville, the Foreign Secretary, Mr. Childers, Chancellor of the Exchequer, Mr. Chamberlain, President of the Board of Trade and Sir Charles Dilke, President of the Local Government Board, to discuss the question of the Suez Canal, and they decided to ask Lesseps to come over and meet them.[3] In May 1884 the Cabinet decided on five years as the maximum period for the Egyptian occupation, but the Queen objected to the Cabinet decision to fix a limit for the term of occupation. A meeting of a few Ministers was accordingly held in order to discuss the matter again in the light of the Queen's objections. Lord Granville reported to the Queen on May 16 that:

". . . In obedience to your Majesty's commands, [Lord Granville] requested Mr. Gladstone, Lord Hartington, Lord Northbrook and Sir Charles Dilke to consider the question of the term of 5 years, subject to prolongation with the concurrence of the Powers. Lord Spencer, as not previously consulted, was asked to attend." [4]

In the same letter he defended the Cabinet policy of fixing a limit to the period of occupation. Lord Salisbury's Cabinet was no exception to the rule that

[1] *Life of Sir Charles Dilke*, Vol. I, p. 465.
[2] *Ibid.*, p. 473.
[3] *Ibid.*, p. 553.
[4] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 499: Granville to Victoria (May 16, 1884).

important matters of foreign policy are discussed at a meeting of a few Ministers from which the ordinary members of the Cabinet are excluded. The proposal for an Anglo-German alliance was discussed only by an inner conclave consisting of the Prime Minister, Hicks-Beach, Chancellor of the Exchequer, Chamberlain, the Colonial Secretary, Balfour, First Lord of the Treasury, the Duke of Devonshire, President of the Council, and Lord Lansdowne, the Foreign Secretary.[1]

Domestic policy is also controlled and determined by the inner Cabinet, a practice which has continued up to the present day. Mr. Asquith frequently summoned his most trusted colleagues to determine domestic policy before discussion in the Cabinet, and proposals by any one of his leading Ministers were always laid before such a group with a view to their decision as to the political expediency of submitting them to the Cabinet. For instance, in 1910 Mr. Lloyd George's memorandum urging a party truce in order to settle the outstanding domestic questions of the day was submitted to four or five leading members of the Cabinet. So far as Mr. Lloyd George can recollect, those Ministers who were called into consultation, besides himself and the Prime Minister, were Lord Crewe, Sir Edward Grey, Lord Haldane and Mr. Winston Churchill. They all approved of the idea in principle, and it was agreed that the proposal should be submitted to Mr. Balfour, the Leader of the Conservative Party. However, the project was turned down after Mr. Balfour had consulted his former colleague, Lord Chilston, who was opposed to the idea of co-operation.[2]

During the early phase of the European War its conduct was entirely in the hands of the Prime Minister and the Defence Ministers. Lord Oxford and Asquith said: " The daily conduct of the operations of the war was in the hands of the Ministers responsible for the

[1] *British Documents*, Vol. II, p. 64: Lansdowne to Salisbury (May 24, 1901).

[2] *War Memoirs of David Lloyd George*, Vol. I, pp. 35–7.

army and navy in constant consultation with the Prime Minister."[1] Occasionally other leading Ministers took part in the secret conferences. Lord Oxford and Asquith tells us (August 26, 1914): "When I came back from the House, I had a long visit from Winston and Kitchener, and we summoned Edward Grey into our Council."[2] At this meeting it was decided to despatch a brigade of marines to Ostend. Again, at midnight on August 31, 1914, Mr. Asquith held a conference with Lord Kitchener and Winston Churchill, Mr. McKenna, Jack Pease and Mr. Lloyd George to discuss the situation created by French, the Commander-in-Chief of the British Expeditionary Force, who had resolved to retire beyond the Seine, and they decided that Kitchener should go at once to France and unravel the situation.[3] Again, a very important meeting of the inner Cabinet took place on February 16, 1915, consisting of the Prime Minister, the principal Ministers of the War Council, Lord Kitchener, and Mr. W. Churchill. This meeting decided on a joint naval and military enterprise against the Gallipoli Peninsula, and their decisions were eventually incorporated into those of the War Council.[4]

[1] Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 108.
[2] *Ibid.*, p. 28.
[3] *Ibid.*, p. 30; *Life of Lord Oxford and Asquith*, Vol. II, p. 108.
[4] *First Report on the Dardanelles Commission*, Vol. X, p. 450; Churchill's *The World Crisis, 1915*, p. 180.

CHAPTER IX

PRIVATE MEETINGS BETWEEN MINISTERS

THERE is much significance attached to private conferences of Ministers, by which is meant a body of powerful Ministers who meet and consult with each other on what policy or action they will take either in the Cabinet or in their Departments. In virtue of their collective strength, such a group of Ministers have great influence on the Cabinet. Generally there are two kinds of private meetings of Ministers. One is the meeting of several departmental heads convened for the purpose of discussing important political matters with which they are concerned, and may be considered as an informal Cabinet committee. Their decisions may or may not be communicated to the Cabinet, according to the importance of the matters discussed. The Prime Minister does not attend these meetings, because they are either merely concerned with departmental problems or with matters in which he is not interested, and is willing to entrust their solution to his colleagues. The other type of private meeting is the small gathering of those Ministers who are the dominant figures in the Cabinet and who, because they trust each other and are united in pursuit of a common political idea, consult together in order to outline a certain policy or course of action which they will jointly follow at Cabinet meetings, and so form an inner conclave. It is certainly impossible for an individual Minister to oppose the Prime Minister or a leading Minister or a section of Ministers who have determined upon a certain course of policy or action.

By means of united action of this kind such a group can influence not only the policy, but even the com-

position of the Cabinet, with the result that a leading Minister can be successfully defied. This happened, for instance, in Gladstone's fourth Cabinet, where, owing to the strange views of the leading junta, which included Spencer, Morley, Asquith and Acland, so powerful a figure as Sir William Harcourt, the Chancellor of the Exchequer as well as the Leader of the House of Commons was successfully discouraged from presenting his claim to be Gladstone's successor in opposition to Rosebery, whose claim they supported.[1] These groups can even drive a Prime Minister out of office, as was believed to be the case with Mr. Asquith, whose fall was interpreted as a sequel to the active alliance between Mr. Lloyd George and Bonar Law.[2] No doubt the existence of different groups encourages dissension and precipitates the breaking-up of the Cabinet. Lord Balfour disapproved of such private conferences of Ministers. He condemned such method by emphasizing that: "I quite understand that each and all of us are under obligations of this kind to the Cabinet *as a whole*: but surely not to any fraction of it. This is having a Cabinet within a Cabinet with a vengeance!"[3]

The locality of the private meetings is usually determined by the convenience and desire of Ministers. As a rule, they usually meet at the house of the leading Minister who convenes the meeting. It is recorded that there were two meetings of six Ministers at Lord Granville's house on November 14, 1882.[4] Two meetings of Tory Ministers in Asquith's Coalition Cabinet were held at Bonar Law's house.[5] The presence of Ministers may be accidental or by previous arrangement. Usually a leading Minister announces the date and place of a meeting. These meetings often reveal differences of

[1] Morley's *Recollections*, Vol. II, p. 15.

[2] Blanche E. C. Dugdales' *Arthur James Balfour, 1906–30*, Vol. II, pp. 166–7.

[3] *Ibid.*, Vol. I, p. 361: Balfour to the Duke of Devonshire (August 29, 1903).

[4] *Life of Sir Charles W. Dilke*, Vol. I, p. 549.

[5] Lord Beaverbrook's *Politicians and the War*, Vol. II, p. 208.

opinion, just as in the Cabinet itself, and sometimes break up without reaching any decision.[1] If it can possibly be obtained, agreement is naturally considered desirable by the leading Ministers. If they choose, they can pass a written resolution to express the results of their agreement and bind themselves to observe it. The terms of an agreement may or may not be communicated to the Prime Minister.[2] Since any such decision is usually designed to be put into action, the group may authorize one of its members to get into touch with the head of the Government with a view to eliciting his opinion and advice on the best method of putting the decision into effect.[3] Proposals submitted by its principal member are also subject to rejection.[4]

As already pointed out, there are two kinds of private meetings. Now let us proceed to consider the workings of the system of private meetings of Ministers for the consideration of domestic, foreign and imperial affairs.

Ministers who are either closely concerned with or particularly interested in certain problems relating to diplomacy and foreign affairs usually meet to discuss these matters. On December 13, 1870, a private meeting of Ministers was held at the Foreign Office about the Luxemburg question, and decided to ask the Prime

[1] Lord Carnarvon recorded in his memorandum during the Cabinet crisis on the Eastern question in June 1877 : " A few days later Northcote, Cross and I had a private meeting in Northcote's room at the H. of C., but after an anxious conversation of more than an hour, we separated with no common conclusion arrived at " (see *Life of Lord Carnarvon*, Vol. II, p. 358).

[2] According to Lord Curzon's letter to Lord Lansdowne, Mr. Bonar Law was authorized to communicate the result of the meeting of Tory Ministers to the Prime Minister, but Bonar Law did not produce the resolution (see *Lord Lansdowne*, p. 452; Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 131; *Life of Lord Oxford and Asquith*, Vol. II, p. 258).

[3] On April 5, 1872, Mr. Gladstone wrote to Lord Granville : " Lowe, Cardwell and Goschen have had a conversation to-night, the subject of which they have communicated to me, and I now write to you on so much of it as concerns the form and matter of the Counter case " (see *Granville Papers*, Vol. 61).

[4] Lord Beaverbrook's *Politicians and the War*, Vol. II, pp. 160–3.

Minister to summon a Cabinet to discuss it. This meeting was summoned by Lord Granville, and was attended by the Chancellor, Lowe, Goschen, Childers, Cardwell, Forster and Granville himself.[1] On December 7, 1870, a meeting of seven Ministers was held to discuss the Black Sea question. Lord Granville gave an account of the meeting to Gladstone in a letter which he marks "Private":

"The Chancellor, Argyll, Lowe, de Grey, Cardwell and Forster were all here yesterday. I told them what had been done by you and me, and they approved everything. Argyll agreed in favour of the neutralization of the Black Sea, and Lowe wished for the annulling of the tripartite Treaty, but all agreed on practical points . . . our colleagues seem to prefer the simple restoration to the Sultan of his Sovereign power as to the protagonist of the Black Sea, rather than Hammond's plan which I enclose, or Elliot's." [2]

During the period of the strained relations between England and Egypt in 1882, meetings of five Ministers were frequently held at 10 Downing Street or at the War Office at one o'clock. Sir Charles Dilke recorded that he used to meet Childers, Northbrook and Hartington at the War Office almost daily, when Hartington was in town, and the other two when Lord Hartington was away.[3] Lord Granville's letter also records these events: "Hartington, Northbrook, Childers, and I met every day in the Cabinet room at one o'clock, which has been of great assistance in expediting matters." [4] They also met on September 13—the day on which Sir Garnet Wolseley defeated Arabi's army in the battle of Tel-el-Kebir—as well as the day before and the day after.[5] In November there were several meetings of Ministers. At one, which was attended by seven

[1] *Granville Papers*, Vol. 58: Granville to Gladstone (December 13, 1870).

[2] *Ibid.* (December 8, 1870).

[3] *Life of Sir Charles W. Dilke*, Vol. I, p. 476.

[4] Lord Granville to Lord Spencer, August 18, 1882. Also see *Granville Papers*, Vol. 143: "Daily meeting at 1 p.m. at 10 Downing Street of Lord Granville, Hartington, Northbrook and Mr. Childers (Granville's *Memorandum*, July 25, 1882).

[5] *Life of Sir Charles W. Dilke*, Vol. I, p. 476.

Ministers and was held at the House of Commons, the French refusal of the English proposal regarding Egypt was considered.[1] The other meeting, attended by six of the principal Ministers, was held at Granville's house, and considered the question of the employment of Basha Pasha in Egypt as Chief of Staff and of the Suez Canal.[2] A third meeting consisting of seven Ministers was held on the next day at Gladstone's room at the House about the question of the Suez Canal.[3] In the following year the problem of Central Asia became one of the leading questions of the day. Private meetings were usually held to discuss it. The *Letters of Queen Victoria* contain a letter from Lord Granville to the Queen in which he writes: "Lord Granville presents his humble duty to Your Majesty. He has had since the Cabinet a long conversation with Lord Hartington, Lord Northbrook, Lord Kimberley, and Sir Charles Dilke, on the subject of Russia in Central Asia."[4] There was also a meeting of six Ministers at the Foreign Office to discuss this question of Central Asia.[5] During 1884 Egypt and the Sudan were the chief preoccupations of the Minister for Foreign Affairs. Private meetings of leading Ministers were held to deal with the crisis. On January 10, 1884, a meeting was held at the War Office, consisting of Lord Granville, Lord Hartington and Sir Charles Dilke, at which it was decided to send out General Gordon to Egypt and to withdraw the garrison from Khartoum.[6] In that year other matters of foreign policy were also discussed by Ministers at private meetings. On April 26, 1884, there was a meeting about which Sir Charles Dilke reported:

"We had a meeting at the Foreign Office in the afternoon, at

[1] *Life of Sir Charles W. Dilke*, Vol. I, p. 548, November 6, 1882.
[2] *Ibid.*, p. 549, November 14, 1882.
[3] *Ibid.*, p. 550, November 15, 1882.
[4] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 419: Granville to Victoria (February 9, 1883).
[5] *Life of Sir Charles W. Dilke*, Vol. I, p. 523.
[6] Algernon West's *Recollections*, Vol. II, p. 179.

which were present Lord Granville, Kimberley, Chamberlain, myself, and Fitzmaurice, and, finding that we could not possibly carry out our Congo Treaty with Portugal, we determined to find a way out by referring it to the Powers." [1]

At a meeting held at the Admiralty on February 4, 1885, including Sir Charles Dilke and Childers, the situation relating to the Congo was discussed.[2]

Private meetings are also summoned to discuss the Estimates or plans for military operations. On February 7, 1884, Hartington, Chamberlain and Dilke met and decided to press the Cabinet to send an expedition to Khartoum to relieve General Gordon.[3] It is a growing practice for the Chancellor of the Exchequer to confer with service Ministers on the estimates of their Departments. One or more members of the Cabinet sometimes attend in cases where differences of opinion have arisen in order to mediate between the opposing parties so that they may agree before the figures are laid before the Cabinet for approval. In 1886 Sir William Harcourt could not agree about the Estimates with two of the heads of the fighting Departments. Mr. Gladstone asked Mr. Childers, an ex-Chancellor of the Exchequer and at that time a member of the Cabinet, to go over the Estimates with them. As a result of Mr. Childers' mediation, and after several meetings, they finally came to an agreement about the Estimates and submitted them to the Cabinet for approval.[4] When Mr. Gladstone was Chancellor of the Exchequer as well as Prime Minister, he tried to force the service Ministers to reduce their Estimates at the end of 1873, but without success. Thereupon, Granville and Bright intervened and held private meetings to try to solve the deadlock, as we are told in Lord Granville's letter to his wife, dated January 19, 1874, in which he says: "Bright, Goschen, Cardwell and I have to meet at Gladstone's this morning on the question of

[1] *Life of Sir Charles W. Dilke*, Vol. II, pp. 84–5.
[2] *Ibid.*, p. 85.
[3] *Ibid.*, p. 35.
[4] *Life of Sir William Harcourt*, Vol. I, p. 572.

reducing estimates, and the first Cabinet takes place at three this afternoon."[1] But their mediation was unavailing, as both sides refused to abandon their points of view. This was one of the reasons which decided Mr. Gladstone to dissolve the Cabinet without obtaining its consent. At this private meeting other domestic affairs were also discussed. In a letter which Lord Granville's private secretary addressed to Robert Lowe's private secretary, dated May 31, 1869, he says:

"I have shown your letter to Lord Granville, and he desires me to say that those members of the Cabinet who took part in a short discussion about a loan for Galle Harbour were generally favourable to the scheme. No regular decision was taken, but an order was given for the preparation of a Bill to be submitted to Mr. Lowe, as it was thought that in that shape it would be more convenient for his consideration."[2]

After dealing with private meetings of Ministers on domestic issues or foreign policy, we now proceed to consider small meetings of the principal Ministers. Ministers are often united in pursuit of a common policy, usually at a time of crisis. When the Cabinet is divided, certain Ministers, who share the same political views or hold similar opinions on a particular question, may frequently meet to discuss their concerted action and, sometimes, the possibility of their resignation, if there is strong opposition to them in the Cabinet. There were two meetings on September 14 and 15, 1903, at which four Ministers, the Duke of Devonshire, Lord Balfour of Burleigh, Lord George Hamilton and Mr. Ritchie, considered the question of resigning their respective offices.[3] Again on October 15, 1915, a private meeting of several important Ministers, including Lord Curzon, Walter Long, Churchill, and Lloyd George, was held in Lord Curzon's house to discuss the question

[1] *Life of Lord Granville*, Vol. II, p. 118, Lord Granville to Lady Granville.

[2] *Granville Papers*, Vol. 66: R. Meade to Rivers Wilson (May 31, 1869).

[3] *Lord James of Hereford*, p. 280.

of compulsory service. Walter Long has left a record of the meeting, which he described as follows:

"We had before us the memorandum written by Kitchener. . . . We decided then to act together, and to intimate that a compromise on the lines I had suggested was the minimum which we could accept. A general desire was expressed by all that nothing should be done to force a crisis, much less an Election; at the same time there was a very strong feeling that we could not continue to share the responsibilities for the war, believing as we do, that it is impossible to prosecute it successfully without some form of Compulsory Service." [1]

Private meetings of Ministers are held to deal with the question of demanding the resignation of a Prime Minister. On November 30, 1916, a meeting of all the Conservative Cabinet Ministers of Asquith's Coalition Cabinet was held to discuss Mr. Lloyd George's proposal to create a small War Council of three with supreme authority to conduct the War.[2] This meeting broke up without any result. On December 3 there was a meeting of five Tory leaders—namely, Bonar Law, Lord Curzon, Austen Chamberlain, Robert Cecil and Walter Long—which decided to authorize Mr. Bonar Law to tell Mr. Asquith that he ought to resign his office as Prime Minister, and that in the event of his refusal, the Unionist Ministers would themselves have to hand in their resignations.[3]

Private meetings between Ministers are sometimes held to discuss the terms on which they are ready to join a new administration in the event of a change in the Premiership. On January 7, 1885, Trevelyan, Chamberlain and Dilke met together to consider the terms on which they would join a Hartington administration in view of Mr. Gladstone's retirement. [4]

[1] *Walter Long and his Times*, p. 203.

[2] Lord Beaverbrook's *Politicians and the War*, Vol. II, pp. 160–3.

[3] *Ibid.*, pp. 208–11; *Lord Lansdowne*, p. 452; Lord Oxford and Asquith's *Memories and Reflections*, Vol. II, p. 131; *Life of Lord Oxford and Asquith* Vol. II, p. 256.

[4] *Life of Sir Charles W. Dilke*, Vol. II, p. 97.

Sometimes Ministers who disapprove of a course of policy or action adopted by the Prime Minister in the Cabinet or in Parliament discuss it at a private meeting. On November 14, 1882, five Ministers of the Cabinet conferred on Mr. Gladstone's promise in the House of Commons of a committee on the Kilmainham Treaty.[1]

[1] *Life of Sir Charles W. Dilke*, Vol. I, p. 489.

CHAPTER X

THE EXTERNAL RELATIONSHIPS OF THE CABINET

§ 1. *The Cabinet and the People*

WITH the widening of the basis of the electoral system the electorate has become more and more important and powerful, and the life of a Ministry ultimately depends upon its approval. The Acts of 1867 and 1884 partly completed the unfinished task of 1832, in giving a preponderant voting power to urban and rural labour. Thus the Cabinet has come to depend more and more on the support of the electorate, and less and less on that of the Commons. The Cabinet has gradually usurped all the important powers of the Commons, which does little more than register the decisions of the Cabinet subject to the control of a working majority. Owing to the development of election campaigns, the public appeal of party leaders is of much more importance than was formerly the case and plays a great part in determining the polls. The dominating genius of Gladstone, coupled with his personal popularity, had a great influence on the minds of the multitude, as may be gathered from the pen of a famous writer:

> "A bad speaker is said to have been asked how he got on as a candidate. 'Oh,' he answered, 'when I do not know what to say, I say "Gladstone" and then they are sure to cheer, and I have time to think.'" [1]

In general elections it is axiomatic that the popularity of the nominal leader will be surpassed by the greater popularity of one of the other leaders of his party. Thus in 1880 the victory of the Liberal Party was due to the

[1] Bagehot's *The English Constitution*, p. 268.

popularity of Mr. Gladstone, but the nominal leader of the party at this time was Lord Hartington. Gladstone's journey from Liverpool to Edinburgh was described as 'a triumphal process.'[1] In fact, any Minister who possesses the fighting spirit and is gifted with unusual eloquence may surpass the Prime Minister in popularity and, by his efforts, secure an electoral victory. Mr. Asquith was a successful parliamentarian, but never did very well as a platform speaker, as his speeches lacked fire. On the other hand, Lloyd George possesses the rare quality of being able to make speeches which appeal both to members of Parliament and to the masses. Because of this his popularity during the General Election of 1910 was much greater than that of the leader of his party and it was thanks to his efforts that victory was attained. Another example of this is to be found in the commanding position occupied by Mr. Snowden, afterwards Viscount Snowden, who was neither Prime Minister nor the nominal Leader of any of the parties composing the National Government. As *The Times* remarked: "he made very effective interventions in the General Election which helped to return the National Government to office with an overwhelming majority."[2] The policy of the party in the Cabinet is just as important as the efforts of the party Leader in the General Election, and if an unpopular Government also has an unsound policy, its prospects of renewed success at the polls are negligible. This was seen when the Unionist Government made the decision to sanction the employment of Chinese labour in the Rand mines. This was one of the most vulnerable points in the record of this administration, and it came heavily under fire on that account during the General Election of 1905, with the result that it was heavily defeated.

Another point worthy of mention is that the passing of the second Reform Act in 1867 gave an impetus to the movement towards the organization of parties on a

[1] *Life of Gladstone*, Vol. II, p. 587.
[2] *The Times*, May 17, 1937.

national basis. Both the Liberals and the Conservatives began to organize their party machine more systematically. In 1867 the Conservatives formed the National Union of Conservative and Constitutional Associations. The purpose of the Union was to help the Conservative associations throughout the country with advice and information, and stimulate the formation of new associations by providing them with lecturers and speakers for meetings, publishing pamphlets and reprinting speeches delivered on important political questions; the system, however, was not a healthy one, the tie between the Union and the local associations being too loose. Moreover, there were other defects, such as the lack of suitable candidates and the unrepresentative character of the local associations. All these defects were exposed during the severe test of the party machine at the General Election of 1868. After the heavy defeat at the polls, Mr. Disraeli entrusted John Eldon Gorst, a young Tory lawyer, with the task of reorganizing the whole party with the instruction that every constituency should have suitable candidates ready in advance. Accordingly a Central Office was established in Whitehall with a capable staff, and the influential Conservatives in each constituency were encouraged and persuaded to form local associations on a substantial democratic basis, in which all classes were to be represented. Various services were rendered by the Central Conservative Office in London with regard to the giving of information and advice and to provision of speakers, and great help was given with reference to the election fund and suitable candidates. The fund was controlled by an unrepresented body—the Central Committee—which was in the hands of the party leaders, who controlled the local associations in this way. In order to ensure a supply of suitable candidates, the Central Office kept a register of approved names. The leading Conservatives of a constituency, if they had no suitable candidate, could apply to the Central Office and choose the man whom they thought would be most likely to win the seat for them, having regard to local

conditions. Later, at the suggestion of Henry Cecil Raikes, all the local associations were affiliated to the Conservative National Union, and with this perfect party machine Mr. Disraeli easily won the election of 1874.

On the other hand, the minority clause in the Reform Act giving each citizen only two votes, which was intended to ensure the return of one Conservative, helped the cause of the Radicals in the Liberal Party. They planned to nullify the clause by a scientific distribution of all the votes, and each voter was advised to vote for what he was told. Thus the city of Birmingham was divided into sixteen municipal wards, each ward sending five delegates to the executive committee, which was composed of 110 members, of whom eighty were elected by the sixteen wards (the rest were co-opted by these eighty members). Side by side with this executive authority there was a deliberative assembly, the general committee, which was composed of 594 members and which was commonly known as the "six hundred." Of these, 110 were all members of the executive committee, and 480 were elected *ad hoc* at public meetings of the sixteen wards, each ward sending thirty representatives. From these two bodies the actual management committee of eleven persons, which was the real brain and will of the whole organization, was appointed. The complete success of the Birmingham caucus in the General Election of 1868 encouraged the nation-wide extension of this method of organization to every part of the country. Accordingly the Radicals of Birmingham, chiefly Mr. Joseph Chamberlain, sent men to organize and advise other Liberals all over the kingdom, and in this they met with great success. The next movement was to unite these bodies into a single unit, and Mr. Joseph Chamberlain planned to form a Federation of Liberal Associations with headquarters at Birmingham. The Federation was inaugurated by the veteran Liberal Mr. Gladstone on May 31, 1877, Mr. Joseph Chamberlain being elected as chairman. He had prepared beforehand his own plan for the

organization of the party, which was duly carried, and the principal offices were occupied by his lieutenants. The party machine was fully implemented during the General Election of 1880, and Mr. Chamberlain claimed that the success of the election was due to his organization. Subsequently the Conservatives embodied the same methods in their party machine. The full development of the party system indicated the complete change which had taken place in the relations between the Cabinet and Leaders of the Opposition and their supporters in the Commons. The ruling clique, with its finger upon the party machine and the party funds, can easily control its followers and force party members to comply with its wishes. In practice the Cabinet or the Leaders of the Opposition take care that no one shall be elected as a Member of Parliament who is not prepared to vote for the party. In virtue of their control over the party funds, the ruling caucus can withdraw their financial support from a candidate who has been guilty of disobedience to his party on a minor matter. If the offence has been more serious, they can run an official party candidate against him. Thus, in proportion as the party machine becomes more and more highly developed, Members of Parliament become increasingly submissive to their leaders, whether in the Cabinet or in Opposition. Even the rebellion of a powerful section of a party cannot shake the power of the governing clique, as was seen in the case of Lord Randolph Churchill in 1882–4, and Mr. Chamberlain in 1885 after he had resigned from the Liberal Cabinet.

(a) *Public Opinion.*—The Cabinet considers public feeling, and complies with it as far as possible. Public opinion, indeed, plays an important part in influencing policy or in urging the Government to take a particular course of action, or policy, especially when the Cabinet is in a state of indecision. For instance, when the First Lord of the Admiralty, Mr. McKenna, met with opposition in the Cabinet to his demand for the construction of six Dreadnought battleships in 1909, a compromise was

reached to the effect that four ships should be constructed, the other two to be added to the two ships in the following year's programme. When the news spread to the public, a demand arose for the construction of all eight at once. The Cabinet bowed to the storm and accordingly ordered the construction of eight ships. Mr. Churchill quotes the case as a curious and characteristic solution of a Cabinet crisis.[1] A further illustration of the effect of public opinion occurred in 1874, when the Cabinet had decided to drop the proposal for an Arctic expedition to be undertaken by the Government, as it was opposed by the Prime Minister and the Chancellor of the Exchequer on the ground of expense. Public opinion in favour of the scheme was, however, so strong that the Chancellor of the Exchequer withdrew his opposition, and the decision of the Cabinet was reversed.[2] Since public opinion can dictate the actions of the Cabinet, its influence may be either good or bad according to the merits of the policy they are urging on the Government. The public is sentimental, emotional and sometimes lacking in judgment and incapable of studying a case thoroughly. The dispatch of General Gordon to Khartoum was a case in point, and represents an historical error which was committed by the Liberal Ministers in view of the demand of the popular Press. Public opinion can also prevent the Cabinet from taking action in cases when it is anxious to do so. The pressure exercised by public opinion easily induces the Government to drop a policy just because it has become unpopular, or to take any action likely to cause political controversy which can be used as a pretext for propaganda on political platforms or in the Press. For this reason the Liberal Cabinet did not agree to General Gordon's request for the help of Zebehr, who was a great general as well as a king of the slave-hunters. The reason for its refusal was given by Lord Granville in a letter to Queen Victoria when he said

[1] Churchill's *The World Crisis, 1911–14*, p. 37; *Life of Lord Oxford and Asquith*, Vol. I, p. 253.

[2] *Letters of Queen Victoria*, 2nd Series, Vol. II, pp. 356–7.

that "the public opinion of this country, however unreasonable, would be violently excited."[1] Sir William Harcourt even took the alarmist view that the Government would have been turned out if they had agreed to the request;[2] but, actually, had the Liberal Cabinet taken the risk of doing so, the tragedy of Khartoum might never have occurred and all the subsequent trouble in Parliament might have been avoided. It is even worse when the capacity of the Cabinet to serve the country is limited by the necessity of considering the vested interests of all sections and classes of the people, for fear that they may vote against the Government at the next General Election. A typical case of this occurred during the General Election of 1906, when the Conservatives lost many votes as a result of the passionate hostility of the Nonconformists throughout the country to the Education Act of 1902, for which the Conservative Cabinet was responsible.[3] The Cabinet is, therefore, always ready to reconsider any Bill in the event of a serious protest on the part of the public, in which case Ministers may either choose to endeavour to carry it through Parliament or they may abandon it. If the former course is adopted, they will certainly encounter opposition at the General Election from those whose interests are affected, and thereby enhance the strength of the Opposition. Even the protest of a single trade, whose interests are threatened, is sufficient to kill a Bill. Thus in 1871 the Cabinet dropped the Licensing Bill,[4] in deference to the protests of the brewers and licensed victuallers, who held angry meetings throughout the country during the Easter recess and threatened members who had voted for the Bill with the certain loss of their seats. In this connection an historian remarks: "A single trade proved too strong for a Government supposed to represent the country, and the Bill introduced in April,

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 483 (March 11, 1884).
[2] *Ibid.*, p. 485.
[3] *The Times*, December 31, 1906.
[4] This Bill was modified and passed into law in the following year.

was dropped in May."[1] Although the Liberal Cabinet dropped the Bill, they suffered the consequences of having previously supported it in being defeated at the General Election. Mr. Gladstone was fully aware of the cause of his defeat. After the Queen had had an audience with him, she entered in her *Journal*, " . . . the great defeat . . . he attributed in great part to the enmity of the publican interest . . . "[2] Public opinion is usually given effect to in the following ways:

(i) *The Political Platform.*—The platform is an effective method of influencing national opinion. Henry Jephson ranks it as the fifth component part of the Constitution after the Crown, Lords, Commons and the Press.[3] Ministers, as well as the Leaders of the Opposition, make their appeals to the masses by addressing public meetings for or against the policies, foreign or domestic, of the Government. Before 1868 the Ministers of the Crown seldom addressed the public. Mr. Gladstone, who was a gifted speaker, was probably the first Minister who sought to set up direct contact with the people in this way. As Chancellor of the Exchequer he successfully appealed to the public at Manchester in 1862, when he protested against the extravagance of the Government, and again in the autumn of 1864 he made a series of speeches in Lancashire ranging from domestic to colonial and foreign policies.[4] When the Reform Bill, which was introduced by the Liberal Cabinet, met with a cool reception in the

[1] Herbert Paul's *A History of Modern England*, Vol. III, p. 281.

[2] *Letters of Queen Victoria*, 2nd Series, Vol. II, p. 318; Cf. *The Edinburgh Review*, Vol. 140, p. 553 (1874), " The Session and the Ministry ": " The trade, which, by its organizations and exertions, undoubtedly exercised a considerable influence over the late elections, was excited and roused to action, not by the Licensing Act of 1872, but by the Bill introduced by Mr. Bruce, which fell by the weight of its own unpopularity before it could reach the stage of the second reading." See also *Edinburgh Review*, Vol. 149, p. 244: " The Government and the Opposition." Cf. *Annual Register*, 1895, p. 150: " Lord Aberdare (who was responsible for the introducing of the Licensing Bill) had to bear the blame of the defeat from many quarters."

[3] Henry Jephson's *The Platform*, Vol. I, p. 1.

[4] *Life of Gladstone*, Vol. II, pp. 131–3.

House he attended a great meeting at Liverpool during the Parliamentary recess in order to influence public opinion in favour of the Bill. Since then it has become one of the most important functions of the Ministers to make speeches during the later autumn and in the spring recess. The platform is not only used as a weapon for supporting Cabinet policies, but also for other purposes. It is usually organized in order to make important declarations of policy during an international or domestic crisis, to focus the attention of the public on Cabinet policy, or to demonstrate the political power of the Ministers against the Opposition, this last being the most important. The most striking case of this occurred in 1884, when the Lords opposed the Franchise Bill, and Mr. Chamberlain, a militant member of the Liberal Cabinet, organized public meetings throughout the country in order to move public opinion against the Hereditary House.

(ii) *The Cabinet and the Press.* The emergence of the Press in the eighteenth century brought into existence an organ which provides for the dissemination of political news and links the Government with the intellectual middle class. Notwithstanding the fact that the Government hindered and checked the development of the Press during its early period,[1] it grew steadily, and became an independent political power from the time of the Reform Bill of 1832. Since then it has become a definite force, deriving its whole influence from the views of the individuals who write in the newspapers commenting on the policy of the Government and criticizing its personnel. Moreover, the Press claims to be the voice of the people and a medium for the expression of public opinion, so that a definite relationship has grown up between Downing Street and Fleet Street. In view of the importance of the Press as a political instrument for the support of the

[1] *Progress of the British Newspapers in the Nineteenth Century*, 1901. It has a good account of the early development of the English Press, which may also be found in Curt Von Stutterheim's *The Press in England*, translated by W. H. Johnston, which brings the story up-to-date (1934).

Government or the Opposition, different parties have their partisan papers. Moreover, Prime Ministers or any influential members of the Cabinet naturally want the support of the Press, and so they have been associated with the editors of the leading papers. If we study the memoirs of the leading Ministers or of famous editors, we find that from the time of Robert Walpole down to the nineteenth century, it was not uncommon for the Press to get political information from one or more Cabinet Ministers.[1] At that time interviews of leading statesmen by journalists had not yet been introduced, so that the latter would be unable to get official news from the various State Departments, since they would not have access to them. The only way to get accurate and confidential information was to get into personal touch with the leading Minister or one of the other Ministers through an editor. Thus we know that Mr. Joseph Chamberlain had the support of the *Birmingham Daily Post*, and Wemyss Reid, the editor of the *Leeds Mercury*, was an intimate friend of Mr. Forster. As time went on, the introduction of wood pulp for the production of paper—a process which developed with special rapidity between 1875 and 1885—cheapened the cost of production and thus ensured the advent of the cheap paper which, coupled with the extension of the Education Act of 1870, increased the circulation of newspapers by leaps and bounds. At the same time the art of governing had necessarily undergone a change, and it was discovered that collective support of the policy of the Government by a whole group of newspapers, or, if possible, by the whole Press, was a much more potent force than the isolated influence of a few papers; nevertheless, the association between a Minister and an editor or proprietor of a newspaper was not dropped. A change, however, took place in Sep-

[1] Cf. Lord George Hamilton's *Parliamentary Reminiscences and Reflections, 1868–85*, p. 25: "He [Delane, editor of *The Times*] also obtained much the same advantage in home affairs, for he continued with great adroitness always to have a tame Cabinet Minister in his pocket—a most reprehensible practice."

tember 1898, when Mr. Joseph Chamberlain urged Lord Salisbury, the Prime Minister and Foreign Secretary, to submit the Fashoda incident to the country and to call in the aid of the Press as a medium of communication between the Government and the people. Consequently, the representatives of Fleet Street were, for the first time, invited to the Foreign Office, and the representative of the *Daily Mail*, after the Cabinet had broken up, was received by the Permanent Under-Secretary, Sir Thomas Sanderson, afterwards Lord Sanderson, in his private room and given definite information on the policy which the Government proposed to follow.[1] The Fashoda incident marked the breaking down of the barrier of Downing Street. This method was afterwards commonly adopted. In 1918 Mr. Lloyd George asked for electoral support from Lord Rothermere, Lord Beaverbrook and other leading newspaper magnates, at the coming General Election.[2]

A few words must be said about *The Times*, a leading English newspaper. Except during the brief period when it was under Lord Northcliffe, *The Times* has always maintained its traditional attitude of assuming a neutral position, and its relations with the Government of the day have always been cordial. In particular, John Delane, one of its editors, was an independent critic of political affairs, whose writings enjoyed an unrivalled reputation and authority. But the political influence of *The Times* was seriously crippled by the development of the provincial Press and the circulation of cheap papers in the latter half of the nineteenth century, and it ceased to enjoy the authority it had wielded in the eighteenth or in the early half of the nineteenth century. The eclipse of its influence may be seen from the fact that before 1880 it played an important part in General Elections, for whenever it supported one of the two great parties, that party would be certain to be returned to power. But in 1880, when *The Times* supported the policy of Lord Beacons-

[1] Kennedy Jones' *Fleet Street and Downing Street*, p. 97.
[2] Lord Beaverbrook's *The Politicians and the Press*, p. 10.

field it suffered a setback. In the words of Lord George Hamilton, " the policy they supported met with a crushing defeat in the country." [1]

The influence of the Press when urging the Government to adopt a particular course of action is far from negligible from a political point of view. Stead's 'Truth about the Navy,' a series of articles written for the *Pall Mall Gazette* in September 1884, roused the Liberal Cabinet to announce a naval programme requiring a supplementary estimate of three million pounds.[2] Again, the Unionist Cabinet, which met on September 22, 1899, on the eve of the South African campaign, took seriously the suggestions made by E. T. Cook, a great journalist with a rare gift of judgment, in a series of articles written for the *Daily News*, and went so far as to incorporate his proposals in a dispatch replying to the Transvaal Government's rejection of the final British offers for peace.[3] Even a letter to the Press written by an influential person may produce excitement at Westminster. The historical 'Maurice debate' in the Commons was the outcome of a letter written by Sir F. Maurice, latterly Director of Military Operations, to *The Times* on May 7, 1918, in which he alleged the incorrectness of certain statements about the War which had been made in the Commons by Mr. Lloyd George, the Prime Minister, and by Mr. Bonar Law, the Leader of the House.[4]

The Press closely watches the activities of Ministers, and every political action of the Cabinet is the subject of comment or criticism. Even the composition of the Cabinet is usually criticized by the Press because of its weakness or strength. For instance, when Mr. Gladstone formed his first and best Administration in 1868, *The*

[1] Lord George Hamilton's *Parliamentary Reminiscences and Reflections, 1868–85*, p. 29.

[2] J. A. Spender's *The Life of Right Hon. Sir Henry Campbell-Bannerman*, Vol. I, pp. 52–5.

[3] E. T. Cook's *Rights and Wrongs of the Transvaal War*, pp. 217–25; J. Saxon Mills' *Sir Edward Cook*, p. 188.

[4] Thomas Cox Neerch's *This Generation*, Vol. II, pp. 123–4.

Times declared that "since the dissolution of the Aberdeen Government in 1856, no Cabinet has included ability so great and so various." Newspaper comment on Lord Salisbury's third Cabinet was also generally favourable from this point of view. On the other hand, the Press was in general agreement that Gladstone's third Cabinet was weak, even the *Daily News*, a Liberal organ, being of the opinion that the list of names submitted to the Queen for approval was in certain respects inferior in strength to the administration of 1868.

The Press also criticizes the suitability of Ministers for the posts allotted to them, when the list is disclosed by the Prime Minister. In 1885 the *Standard* approved of the choice of Lord Rosebery as Foreign Secretary, and considered this the best appointment in the whole Cabinet. On the other hand, the *Standard* did not approve of Sir William Harcourt as the Chancellor of the Exchequer, saying that: "Sir William Harcourt's assumption of so important an office is likely to create as much consternation in the City as his elevation to the Lord Chancellorship would have excited in Lincoln's Inn."

The relative popularity of a Cabinet may be gauged by the reactions of the Press. For example, at the beginning of 1885 the vacillations of the Liberal Cabinet in regard to its foreign and colonial policy were denounced in strong terms by the Press, which normally maintained a neutral or courteous attitude towards the Cabinet. Again, in the same year, when the fate of General Gordon became known to the public, there was an outcry against the Cabinet on account of its pusillanimity.

The Press also comments favourably or unfavourably upon the legislative and executive measures of the Cabinet. Thus when Mr. Gladstone made public his Irish Land Bill, it was acclaimed in *The Times* (February 17, 1870) as "without doubt the most considerable proposal of constructive legislation that has been presented to Parliament since 1832. We frankly confess that the Bill exceeds our anticipation. . . . We adopt without

reserve the words used by Mr. Bright, 'I think it a just and comprehensive measure.'" The Education Bill of the same year received an equally cordial welcome from *The Times* (February 18). In 1871 *The Times* also warmly approved of the abolition of purchase in the Army (May 11). On the other hand, in 1871, when Mr. Lowe disclosed his Budget, which included a tax on matches, *The Times* instantly opened fire on the proposal (April 21, 24, 25), in spite of the fact that Mr. Lowe was a personal friend of Delane, the editor of that paper, and an old member of his staff.

The freedom of the expression of public opinion depends in practice upon the views of the editor or the proprietor of a particular newspaper. Since the development of the corporate character of the Press at the end of last century, when Robert Donald had already called attention to the commercialization of the Press, a number of London and provincial newspapers are always under the control of a company, and the policy of a paper is determined by its proprietor rather than by the editor. Under Northcliffe the growth of Press syndicates was rapid, and the replacing of professional journalists by capitalistic proprietors has changed the character of public opinion, which can now be manufactured by a few influential newspaper magnates exerting a far from negligible influence over Downing Street. The danger of such enormous power falling into the hands of irresponsible individuals whose sole aim is to promote their own personal ends requires no emphasis. Such persons may use their paper as a weapon with which either to support the Government or else deliberately to conspire against it. They may either skilfully select a number of facts in support of the Government in order to defend policies which run counter to public opinion, or, conversely, they may select their facts in such a way as to present the policy of the Government in the most unfavourable possible light and with the maximum degree of sensationalism, so as to prejudice and embarrass the Cabinet in Parliament as well as in the country. Perhaps it is not an

exaggeration to say that these magnates have the power to unmake a Cabinet and drive a Prime Minister out of office in cases where the Cabinet is unstable. When Mr. Asquith went out of office in 1916, his downfall was partly attributed to Northcliffe's newspapers, especially *The Times* and the *Daily Mail*, because of their criticisms of his incompetence in the conduct of the War and the indecision of the Cabinet, and their success in convincing the country that the War could only be brought to a successful end by a reconstruction of the Cabinet and the resignation of Mr. Asquith from the Premiership. But when the Cabinet is established on a firm basis, it may survive the attacks of newspaper magnates. Thus Mr. Lloyd George and his Cabinet resisted the attack of Northcliffe's papers, and he delivered a bitter counter-attack in the Commons on Lord Northcliffe.

The Press can make or unmake a Minister. For instance, Lord Devonport is reported tc have said one day to an acquaintance, " Northcliffe is a strange person. He moved heaven and earth to get me into the Cabinet [as Food Controller], and now he is moving heaven and earth to get me out." [1] It is easy enough to use the newspaper as an instrument to attack an individual member of the Cabinet. As Kennedy Jones says in his *Fleet Street and Downing Street*, " If the attacks be persistently, cleverly and viciously delivered, they will sting and wound." [2] Thus, Lord Northcliffe conducted a prejudicial campaign against Lord Haldane, the Lord Chancellor of Asquith's Cabinet, and secured his dismissal. But sometimes, if the Minister attacked is sufficiently popular, the arguments of the paper fail to convince, and if a proprietor of a newspaper persists in attacking such a Minister, his papers will suffer a loss in circulation. Thus in 1915, copies of *The Times* and the *Daily Mail* were burnt on the Stock Exchange, because they attacked Lord Kitchener on account of the shortage of shells—this being what Northcliffe's papers called the ' Shells Scandal.' Tom Clarke

[1] Hamilton Fyfe's *Northcliffe*, p. 185.

[2] Kennedy Jones' *Fleet Street and Downing Street*, p. 11.

records the outburst of public anger on May 21, when the telephones of the office of the *Daily Mail* buzzed all day with protests from readers, and intimations that they "would never buy the paper again." [1]

Although such vast power is wielded by a few newspaper magnates, they have no responsibility except to their conscience, so that Lord Bryce has rightly called it a practically irresponsible power.[2] Invisible though such power is, it should by no means be neglected. It exerts its sway over the public mind by gradual persuasion. Those who buy a paper are subject to its influence. If any action is taken by the people against the Government as a result of such a Press campaign, it is taken not by the newspaper itself, so that the paper has no responsibility except in a case of inciting to illegal conduct. Neither would a newspaper be liable, in civil or criminal law, for the suppression of true facts. The only penalty which can be inflicted upon a paper for its political intrigues lies in the possible loss in circulation and advertisement revenue. But with the large amount of capital which is the usual feature of the modern Press, it is not impossible to recover ground which has been lost in this way. For this reason Lord Bryce towards the close of his life warned us that "the power of the Press seems the greatest danger ahead of democracy." [3] Nevertheless, although the power of collective public opinion is so great, the Government generally has a number of papers at its disposal which can protect it from attack and discover the shortcomings of its attackers. Moreover, the Press is a very useful instrument of political propaganda for the Government itself. It can rally popular support to a particular Government policy, and can also explain its legislative or executive measures through this medium.

(b) *The Prime Minister's Influence on the Public.*—The exact degree of favour shown by the Press towards the Cabinet is sometimes reflected by its relations with the

[1] Tom Clarke's *My Northcliffe Diary*, p. 78.
[2] *Modern Democracy*, Vol. I, p. 109.
[3] Lord Oxford and Asquith's *Memories and Reflections*, Vol. I, p. 233.

Ministers, especially the Prime Minister, whose personal charm can do much to promote better understanding, although the policy of the Ministry may turn the scales in the other direction. As the Press is nowadays the instrument by which the personality of the Prime Minister can be impressed on the masses through the daily and continuous dissemination of news, so his popularity depends greatly on the strength of their propaganda. Curiously enough, some of the Liberal statesmen have overlooked the political power and importance of the Press, thus considerably hampering the Cabinet at times when they needed newspaper support. Mr. Gladstone was a case in point, and Lord Bryce quotes in his biographical studies the following instance of Mr. Gladstone's strange attitude towards the newspaper magnates:

"I remember hearing, soon after 1870, how Mr. Delane, then editor of *The Times*, had been invited to meet the Prime Minister at a moment when the support of that newspaper would have been specially valuable to the Liberal Government. Instead of using the opportunity in the way that had been intended, Mr. Gladstone dilated during the whole time of dinner upon the approaching exhaustion of the English coalbeds, to the surprise of the company and the unconcealed annoyance of the powerful guest. It was the subject then uppermost in his mind, and he either forgot, or disdained, to conciliate Mr. Delane." [1]

Another great Liberal statesman who also ignored the importance of the Press in modern politics was Mr. Asquith. He rigorously refused to make any attempt to conciliate or influence the leading journalists of his time. During the War he not only steadily refused to disclose any business concerning the Cabinet to the Press, but also tried to prevent his colleagues giving any information on his behalf.[2] One of the leading journalists thinks that he was of the old school, and therefore believed in the independence of both politicians and journalists.[3] He also said himself in his *Memories and Reflections*:

[1] Bryce's *Studies in Contemporary Biography*, p. 422.
[2] *Life of Lord Oxford and Asquith*, Vol. II, p. 188.
[3] J. A. Spender's *Life, Journalism and Politics*, Vol. I, p. 152.

"I have myself for a long time past made it a rule not to give interviews to the Press. I have been a good deal criticized both by friends and opponents for such old-fashioned austerity, but on the rare occasions when I have deviated from my practice I have generally regretted the result." [1]

Thus he created powerful enemies like Lord Northcliffe, the proprietor of *The Times* and the *Daily Mail*, who had a genius for the presentation of sensational news. Sir Robert Donald, a consistent Liberal, also conducted a campaign against Asquith in his paper—the *Daily Chronicle*.[2] On the other hand, Mr. Lloyd George had a flair for handling the Press and, since he enjoyed its support, became known as the saviour of his country. Lord Northcliffe even claimed that he installed Mr. Lloyd George in office. When the Government was preparing for the General Election of 1918, Mr. Lloyd George asked Lord Beaverbrook and other leading journalists to see him and requested the support of their papers.[3]

With the advance of science, the direct appeal to the public without the necessity of being present in person is made possible through broadcasting, and in recent years it has been frequently employed by statesmen as a convenient instrument. Thus it brings the Cabinet nearer to the public than ever.

§ 2. *The Sovereign and the Cabinet*

In the eighteenth century the constitutional principle eventually became established that the Sovereign ought not to be held personally responsible for acts of government, but "the Ministers are accountable for all." [4] Thus the Sovereign still nominally enjoys his prerogatives, such as the summoning, prorogation and dissolution of Parliament, the refusal to give assent to Bills, the creation of peers, the declaration of war, peace and neutrality, the

[1] *Memories and Reflections*, Vol. I, p. 238.
[2] Henry A. Taylor's *Robert Donald*, Chapter VI.
[3] Lord Beaverbrook's *Politicians and the Press*, p. 10.
[4] Todd's *Parliamentary Government in England* (Walpole edition), Vol. II, p. 251; Heam's *English Government*, p. 135.

choosing and appointing of all commanders and officers by land and sea, the appointment of all judges, magistrates, councillors and officers of state, archbishops, bishops and high ecclesiastical dignitaries, the bestowal of all public honours and the granting of pardon to criminals. But, in reality, these powers can be exercised only on the advice of the Cabinet or the Prime Minister or other responsible Ministers. Nevertheless, although the Sovereign has no real power, he can exert an influence over the Cabinet or the Prime Minister in a variety of ways. A Sovereign's influence over the Prime Minister depends on his own ability and upon the mentality and personality of his first Minister. Queen Victoria was unusually successful in her relations with Disraeli, on whom she exercised so strong an influence that it permeated the whole Cabinet. During the crisis over the Eastern question the Queen made unremitting efforts to use political pressure with a view to making her Prime Minister adopt a strong attitude in the Cabinet towards Russia. "The Faery," Beaconsfield told Lady Bradford, "writes every day and telegraphs every hour; this is almost literally the case."[1] He confessed on more than one occasion in the Cabinet that he was unable to check or moderate the pressure exercised by the Queen on the Government.[2] So desperate was the situation in the Cabinet caused by the political pressure of the Queen that he thought of withdrawing from the Government altogether. Finally, the Queen won a great victory, her strong policy being adopted by the Cabinet as a result of the efforts of her faithful Prime Minister. Queen Victoria was also on good terms with Lord Salisbury, who set great store by her opinion. During the deadlock between Lord Randolph Churchill and the heads of the two fighting services about the Estimates, the Queen encouraged Lord Salisbury not to give way to Lord Randolph Churchill, and thus certainly helped to stiffen the Prime Minister's attitude towards his Chancellor of the

[1] *Life of Disraeli*, Vol. II, p. 1099.
[2] *Life of Lord Carnarvon*, Vol. II, p. 356.

Exchequer.[1] On the other hand, she did not exercise much influence over Mr. Gladstone,[2] and their relations were characterized by misunderstanding and distrust throughout.

In practice, the Sovereign has no power to dictate or override the policy of the Cabinet, and there has never been a recurrence of the case where George IV rejected the Duke of Wellington's proposal for the emancipation of the Catholics. Since a case of this kind involves the resignation of the Cabinet and a General Election, at which the dismissed Ministers may be returned, such action tends to damage the prestige of the Crown. Hence Queen Victoria throughout her reign refrained from the exercise of her power to reject the policies recommended by her Liberal Cabinets, however much she disliked the measures in question. King Edward, on the occasion of the recommendation of the appointment of Sinha as a legal member of the Viceroy's Council, also confessed that there was no alternative but to submit to a unanimous Cabinet.[3] Although convention, negatively if not positively, precludes the Sovereign from exercising the power to dictate or reverse the decisions of his constitutional advisers, he can, nevertheless, according to constitutional practice, make suggestions to the Cabinet for the modification of Cabinet decisions to which he takes objection. If the Ministers reaffirm their decision, the Sovereign is bound to accept their advice. In 1885 the Queen objected to the King of Denmark being designated as the arbitrator in the case of the Penjdeh incident. The matter was reconsidered by the Cabinet, which upheld its decision.[4] Again in 1896, Lord Salisbury summoned an extra Cabinet meeting to reconsider, at the instance of the Queen, the decision of the Cabinet to drop the Education Bill. However, the original

[1] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 229.

[2] Philip Guedalla's *The Queen and Mr. Gladstone*, Vol. II, pp. 1–77.

[3] Morley's *Recollections*, Vol. II, p. 302; Sidney Lee's *King Edward VII*, Vol. II, p. 385.

[4] *Granville Papers*, Vol. 145, Cabinet Opinion, May 21, 1885.

decision was upheld.[1] In exceptional cases the Prime Minister and the leading Ministers can decide the matter having regard to the attitude of the Cabinet as a whole, and tell the Sovereign that it is impossible for the Cabinet to reverse the policy to which the Sovereign is opposed. Thus on May 20, 1885, Lord Granville, the Foreign Secretary, wrote to the Cabinet:

"The Queen wrote a strong protest against the disregard of Wolseley and Baring respecting Dongola. I sent her an answer which I showed previously to Mr. Gladstone, telling her Majesty that we were of opinion that the Cabinet would not agree to the reversal of the policy, which had been in great part communicated to Parliament (giving some reasons)." [2]

The Cabinet can also be regarded as a court from which the Sovereign can demand an opinion and even a judgment against the Prime Minister or any individual Minister for his conduct of the general business of Government, or of the affairs of a particular Department, especially where, as in the case of foreign affairs, the drawing up of the dispatches is the joint responsibility of the Foreign Secretary and the Prime Minister. If the Foreign Secretary and the Prime Minister do not agree to the modifications proposed by the Sovereign, the latter has the right to ask for the opinion of the Cabinet. Sir William Harcourt tells us that:

"This power was extensively used in the years 1859-61 by Albert acting through the Queen in German affairs, and I remember Sir G. Lewis telling me at the time when almost weekly Cabinets were called at the instance of the Queen that the dispatches were almost invariably modified." [3]

[1] *Letters of Queen Victoria*, 3rd Series, Vol. III, p. 54: Victoria to Salisbury (June 20, 1896).

[2] *Granville Papers*, Vol. 144 (May 20, 1885); Cf. "Mr. Gladstone and Lord Granville see all the difficulties of every alternative, but they are convinced, from conversations which have lately taken place, that the Cabinet would not agree to advise your Majesty to withdraw from the position which has been adopted, and which to a great degree has been announced to Parliament." Granville to Victoria (see *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 648).

[3] *Life of Sir William Harcourt*, Vol. II, p. 611.

He also mentioned that there were several instances in the 1880 Government where the Queen especially requested that the Cabinet, as distinct from the Prime Minister and the Foreign Secretary, should be consulted upon matters on which she had her own views.[1] Such cases frequently arise in a Cabinet which consists of members who are extremely independent in their political views. The Sovereign is not without the power of initiative, and can demand from his Ministers that they discuss certain matters of State which he may think they have ignored, or he may ask them to deal with questions in which he or his family have considerable interest. However, the acceptance of the Sovereign's proposals depends upon their merits and upon considerations of political expediency. For instance, at the Cabinet of March 5, 1883, a letter from the Queen was read in which she expressed a strong wish to have an Indian body-guard consisting of twenty non-commissioned officers of the native cavalry; but the Cabinet refused to grant this.[2] On December 7, 1893, Queen Victoria wrote to Mr. Gladstone:

"The Queen would wish to ask Mr. Gladstone to consult his colleagues on the present state of affairs abroad, and ask them if they are satisfied with the condition of the Army and Navy, in the event of the outbreak of war with any great Powers. . . . The Queen wishes Mr. Gladstone to read this letter to the Cabinet." [3]

Gladstone duly reported that at the Cabinet meeting he read the Queen's letter, which they took into consideration forthwith.[4] The Sovereign also possesses the right to address letters to the Cabinet in order to restore the flagging energies of his Ministers, and urge them to show consistency and firmness in carrying out a policy to which, the Sovereign thinks, the honour of Britain is pledged. During the crisis over the Eastern question, the Queen wrote frequent letters to the Cabinet. As Lord Car-

[1] *Life of Sir William Harcourt*, Vol. II, p. 611.
[2] *Life of Sir Charles Dilke*, Vol. I, p. 522.
[3] *The Queen and Mr. Gladstone*, Vol. II, p. 478.
[4] *Ibid.*, p. 479.

narvon told Mr. Gladstone, who recorded it in a confidential memorandum which was marked 'secret':

"Communications have from time to time been made to the Cabinet warning it off from certain subjects and saying that the Queen could not agree to this and would not agree to that." [1]

Such letters sometimes produce a profound effect upon the Cabinet. After Lord Beaconsfield had read out a memorandum addressed by the Queen to the Cabinet, he was able to report to her as follows:

"Lord Beaconsfield ought to have told Your Majesty that the proceedings commenced by his reading Your Majesty's letter. The whole of the Cabinet, with the exception of Lord Carnarvon, much supported the Prime Minister." [2]

The Sovereign may also request the Cabinet to give their opinion on a particular point which requires clarification. Mr. Robert Lowe's memorandum, dated January 9, 1872, records that the Queen requested the advice of the Cabinet as to whether the Secretary of State for India or the Chancellor of the Exchequer ought to submit to her the name of the auditor of the Home Accounts of the Indian Government.[3]

According to the spirit of the Constitution, the Sovereign should give his absolute confidence to his Ministers and support them while they remain in office. Therefore, it is an unconstitutional act for the Sovereign to discredit the Cabinet and the Government in the eyes of the public. In 1885 the Queen sent a telegram to Mr. Gladstone, Lord Granville and Lord Hartington which contained the following sentences:

"These news from Khartoum are frightful, and to think that all this might have been prevented and many precious lives saved by earlier action is too frightful." [4]

[1] Viscount Gladstone's *After Thirty Years*, p. 141.

[2] *Life of Disraeli*, Vol. II, p. 1091 (January 12, 1878), Beaconsfield to Queen Victoria.

[3] *Granville Papers*, Vol. 66, Lowe's memorandum.

[4] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 597: Victoria to Gladstone, Hartington and Granville (February 5, 1885).

Because this telegram was sent *en clair* instead of in cipher, which was normally used in communications between the Queen and her Ministers, a serious political crisis was only narrowly averted. The Queen was informed by her private secretary that:

"Mr. Gladstone and Lord Hartington were so grave about it yesterday that Sir Henry Ponsonby was anxious to show it was not intended as a public censure. Mr. Gladstone had sent to enquire if the message had been made known by the telegraph clerks to others; and he evidently wished to bring the matter forward again as a question of whether he could remain in office if publicly condemned by the Queen." [1]

The Sovereign should also refrain from encouraging subordinates in the service of the Government to act against the authority of Ministers. Such action is contrary to the principle of the impartiality of the Crown, which thereby assumes a partisan character. Thus the letter which Queen Victoria addressed to Lady Wolseley to encourage Lord Wolseley to take a strong line in the Liberal Cabinet, and even threaten to resign if he were not given sufficient support and freedom of action, seems contrary to the spirit of the English Constitution,[2] as does also another letter, which the Queen wrote directly to Lord Wolseley without the knowledge of her responsible Ministers, encouraging him to oppose all idea of retreat with the comment that

"She fears *some* of the Government are very unpatriotic, and do *not* feel what is a necessity." [3]

In order to form a judgment on the decisions of the Cabinet when tendering advice on a major question of the day, the Sovereign may, upon occasion, privately consult with whomsoever he pleases in order to clarify his own mind and ensure that his Ministers' advice is the best available. Gladstone, who is entitled to be regarded as

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, p. 603: Ponsonby to Victoria (February 7, 1885).
[2] *Ibid.*, p. 619: Victoria to Lady Wolseley (March 3, 1885).
[3] *Ibid.*, p. 633 (March 31, 1885).

a constitutional authority, expressed it as his opinion that:

"It is the Queen's duty to form a judgment upon proposals submitted to her by her Ministers. She has an indisputable right to the use of all instruments which will enable her to discharge that duty with effect; subject always, and subject only, to the vital condition that they do not disturb the relation, on which the whole machinery of the constitution hinges, between these Ministers and the Queen. She cannot, therefore, as a rule legitimately consult in private on political matters with the party in opposition to the Government of the day; but she will have copious public means, in common with the rest of the nation, of knowing their general views through Parliament and the Press. She cannot consult at all, except in the strictest secrecy; for the doubts, the misgivings, the enquiries, which accompany all impartial deliberation in the mind of a Sovereign as well as of a subject, and which would transpire in the course of promiscuous conversation, are not matters fit for exhibition to the world." [1]

The Queen undoubtedly violated the principle laid down by Gladstone, in that she always consulted with the Leader of the Opposition behind the back of her Liberal Prime Minister. Lord Salisbury even claimed the right, as Privy Councillor, "to answer any questions which you [the Queen] may think fit to put." [2] She certainly acted with partiality, as Hardie alleges in his *Political Influence of Queen Victoria*: [3]

"Gladstone never had the Queen's ear when he was in opposition; that was Salisbury's privilege."

Both Edward VII and George V were in the habit of seeing and consulting the Leaders of the Opposition at a time of political crisis. King George V even went further in claiming this right by drawing a distinction between 'seeking advice' and 'desiring knowledge.' As to the latter, he claimed that he was entitled to have first-hand knowledge of the views of the Opposition. Mr. Asquith, who felt that this distinction was an im-

[1] *Church Quarterly Review*, 1877, Vol. III, p. 472.
[2] *Letters of Queen Victoria*, 3rd Series, Vol. II, p. 434.
[3] P. 113.

portant one, wrote a minute defining the functions of the Crown. In his view it was not the function of a constitutional sovereign to take advice from the Leaders on both sides with a view to forming a conclusion of his own, and he laid stress on this point in a doctrine of ministerial advice as follows:

"The part to be played by the Crown, in such a situation as now exists, has happily been settled by the accumulated traditions and the unbroken routine of more than 70 years. It is to act upon the advice of the Ministers who for the time being possess the confidence of the House of Commons, whether that advice does or does not conform to the private and personal judgment of the Sovereign. Ministers will always pay the utmost deference, and give the most serious consideration, to any criticism or objection that the Monarch may offer to their policy; but the ultimate decision rests upon them; for they, and not the Crown, are responsible to Parliament. It is only by a scrupulous adherence to this well-established constitutional doctrine that the Crown can be kept out of the arena of party politics." [1]

§ 3. *The Cabinet and the House of Commons*

The Cabinet and Parliament are linked, inasmuch as the former is a body of persons who are members of the legislature as well as of the executive. This ingenious device was introduced by William II, who wanted to obtain the support of the Commons in order to secure the grant of supplies, but a homogeneous Cabinet drawn from one of the two great parties did not appear until the following reign. Thus the convention that members of the Cabinet must necessarily sit in Parliament gradually evolved out of a set of accidental circumstances. Some Cabinet Ministers are outstanding figures in parliamentary life, and derive their authority from the fact of their being leaders of the majority party. The Cabinet for this reason is able to maintain control over their followers in the Commons, and sets the machinery of administration in motion. Thus it can initiate Bills and demand supplies, etc., its attitude towards these measures being determined by the principle of collective respon-

[1] *Life of Lord Oxford and Asquith*, Vol. I, pp. 305–6.

sibility. The essence of Parliamentary government is the will of the people as expressed through their representatives at Westminster. Hence, when a Government is defeated over an important measure or as a result of a vote of censure, the Cabinet must either resign or dissolve Parliament in order to ascertain the state of public opinion. But, apart from the electorate, the actual strength of the Cabinet lies in the support of their followers in the Commons. Since the reorganization of the whole party system in the latter half of the nineteenth century, the Cabinet has been able to keep its followers under a strict party discipline. Moreover, since the party leaders can threaten their supporters with a dissolution which may involve their losing their seats, the rank and file will be unlikely to wish to oppose the Government save on important political issues. If a party possesses no majority in the Commons, a Government may be constructed resting on the support of a third party or a group of small parties.

The strength of a majority party does not always remain intact, and may, in fact, be so much reduced as to put the Cabinet in a precarious position. The most striking instance of such a reduction in the voting strength of a Government occurred during Mr. Balfour's tenure of the Premiership. When Lord Salisbury and Mr. Balfour appealed to the country in the autumn of 1900, during the crisis over the South African War, they came back to power with the substantial majority of 135. In five years this had been reduced by almost exactly one half—that is, to sixty-nine. There are various ways through which the voting strength of the Cabinet in the Commons can be reduced. It may lose seats through a succession of unfavourable by-elections reflecting the unpopularity of the policies of the Government; but this never constitutes a serious menace to the Cabinet, unless the majority of the Government is comparatively small, as was the case with the Liberal Cabinets from 1892 to 1895, which had to keep a careful watch on all by-elections, in view of their delicate position in the Commons.

Another mode of reducing the majority of a Government is by the defection of a section of the majority party in the Commons, which is undoubtedly a distinct menace to the authority of the Cabinet. Every great party generally consists of different sections united by a common political idea. These groups, when they have a definite organization, and their policy is determined by powerful personalities, play a dominant part in the Commons and have great influence on the policy of the Cabinet. For instance, during Gladstone's second term of office the Liberal Party consisted of two different and well-marked sections, one being the Radical wing led by Mr. Chamberlain and Sir Charles Dilke, and the other the Whigs led by Lord Hartington. Moreover, the Radical section often held secret meetings to decide their attitude towards the Cabinet. In the *Life of Sir Charles Dilke*[1] we read: "Still, time was on the side of the Radicals, and from day to day they held what they called 'cabals' of the group formed by Chamberlain, Shaw-Lefevre, Trevelyan, Morley and Dilke himself. At these meeting Sir Charles regularly presided." Hence, when the Cabinet begins to feel doubtful of the loyalty of one or more sections of the party supporting it, the Ministers usually make concessions or give promises to them in order to retain their support in the Commons. Protracted negotiations generally have to be carried on before a settlement is reached, with the result that the Cabinet measures are frequently modified, altered or withdrawn. Nevertheless, if the Cabinet or the rebel section adhere to their original policy, this method is not always successful. In Sir Richard Temple's *Life in Parliament* we find a striking example of the Liberal Cabinet's Parliamentary tactics on the first Home Rule Bill of 1886, which split the Liberal Party. The Whigs rebelled against the policy of the Cabinet, and Mr. Chamberlain, the Leader of the Radical wing, also withdrew from the Cabinet in consequence of difference of views on Irish policy. Accordingly, the Cabinet delayed in bringing the matter

[1] Vol. II, p. 164.

to a decisive issue in the Commons in order to gain more time to negotiate with their followers. As Sir Richard Temple tells us:

"The Government did not take up the whole time of the House for it, nor prosecute it *de die in diem*; for it opened on 11th May and was brought to a close on 8th June. Contrary to frequent experience, the opposition rather desired to arrive at a decision. The Government preferred to gain time, doubtless in the hope of conciliating the opponents among its own ranks." [1]

The negotiations, however, ended in failure, and ninety-six Liberal members followed Lord Hartington and Chamberlain in voting against the Home Rule Bill, thus overthrowing Mr. Gladstone's Government. Similarly, the defeat of the Irish University Bill in 1870 was due to the defection of forty-five adherents of the Liberal Government. On the other hand, the Cabinet may have a narrow escape and be able to survive a crisis. On February 28, 1885, the Liberal leaders, Mr. Goschen, Mr. Forster, Mr. Courtney and their followers, voted with the Conservatives in censuring the Egyptian policy of the Government. The Cabinet survived by the narrow majority of only fourteen.[2] Eventually the Government was defeated on June 8 over a proposal to increase the beer and spirit duties, this defeat being partly due to seventy Liberal abstentions.

The task of preserving a perpetual majority in the House is entrusted to the Whips, who are responsible for summoning members to attend debates and divisions, and also for arranging the 'pairing' with the Opposition party. Thus the Cabinet can safely guard against the dangers of irregular attendance which would threaten the security of the Government in critical divisions. The importance of the ministerial Whip can be indicated by the fact that the Chief Whip is always the Patronage Secretary to the Treasury, and his assistants are the Junior Lords of the Treasury. A circular is issued each

[1] *Life in Parliament* (1893), p. 88.

[2] Henry W. Lucy's *A Diary of Two Parliaments: Gladstone's Parliament, 1880–85*, pp. 443–6.

day from the Whips' Office giving governmental supporters their orders. The urgency or importance of the occasion is indicated by the number of lines with which the instructions are underlined. Sir Wilfrid Lawson once said that a one-line whip meant "You ought to attend"; a two-line whip, "You should attend"; a three-line whip, "You must"; and a four-line whip, "Stay away at your peril." Absence from a critical division without the permission of the Whip is considered an act of gross disloyalty towards the party, since such absence may entail grave political consequences. Ostrogorski, in his great work *Democracy and the Organization of Political Parties*, gives a vivid account of the daily work of the whips. He says:

"If he is the Government Whip, he must take care 'to make a House' and 'keep a House' so that Government Bills or motions of the day can be discussed. He must have a reserve of members in the lobbies or in the smoking-room to take the place of those who have left the House so as to stop the attempts of the other side to count it out. Still more necessary is it for him to have all his followers ready for the divisions. For the enemy is treacherous, and may plan a surprise and call a division unexpectedly. The Whip must act as watch-dog and not allow members who want to dine out to leave the House. In any event he must know where to find them in case of need, and be able to warn them by telegram or by special messenger. The fate of a ministry sometimes depends on the accuracy of information of this kind and on his rapidity of action. To prevent the debate from languishing the Whip must have a reserve of fluent speakers who can talk by the clock to enable those who are late to come in time for the divisions." [1]

Another factor which disturbs the balance of the two-party system in the British Parliament, and occasionally gives the two great historical parties an insufficient majority to form a Government, is the rise of a third party or a number of small parties in the Commons, which occurred during the 'seventies and 'eighties. Since 1867 the Cabinet and the Prime Minister have become more genuinely national institutions and are regarded as

[1] *Democracy and the Organization of Political Parties*, Vol. I, p. 138.

elected by the nation, but their power essentially rested on the steady support of a majority in the House of Commons, and the system worked smoothly so long as the two-party system was maintained. But the appearance of a third party in the House of Commons has diminished the influence of the Cabinet over the Lower House, except where the Government possesses a substantial majority over the rest of the parties in the Commons. But once a third party holds the balance between two great parties and leans to the side which will give them the greatest advantages, the Government must bargain for the continuance of their support and comply with their demands as far as possible. They can even threaten the Government with the withdrawal of their support, and can easily overthrow it if they are dissatisfied with its policy, as was the case with the Parnellites, who were largely responsible for the overthrow of the Gladstone Government in the summer of 1885.

The emergence of a third party as an independent body in the House of Commons administered a fatal blow to the two-party system, and must be attributed to the activities of the Irish Nationalist Party, although the tactics of the Peelites in the 'forties and 'fifties were not altogether dissimilar. The remarkable rise of the Irish Nationalists was partly due to the excellence of Parnell's organization and partly to the brilliancy of his leadership. The electoral progress of the Home Government Association, founded in 1870, had been rapid and continuous. Before the dissolution of Gladstone's Administration in 1874 they held only ten seats, but after the General Election their representation was increased to fifty-eight, and at the 1880 Election they had sixty-five seats. After the passing of the third Reform Act, the extension of the franchise in Ireland increased their strength, so that in 1885 the Parnellites numbered eighty-six. Up to their withdrawal from Westminster after the accomplishment of the Irish Treaty, the Irish Nationalist Party maintained their strength. In 1885 a fourth party was created by the withdrawal from the Liberal Party of the Whig

elements, who formed themselves into the Liberal Unionists—seventy-eight in number. Thus Lord Oxford and Asquith remarked: "For nearly ten years (1886–95) there were four recognized parties in the House of Commons, each with funds, Whips and an organization, both inside and outside Parliament, of its own."[1] Gradually the Liberal Unionists became absorbed into the Conservative Party. In 1906 the Labour Party attained a position of some importance in the House of Commons, obtaining no less than fifty-six seats. But the Liberal Party was in a very strong position, having a majority of 130 over Conservative, Irish Nationalists and Labour combined, so that the Cabinet did not have to pay much attention to the Labour Party or to the Irish Nationalists. But after the Elections of 1910 the Liberal Cabinet's position in the Commons was precarious, and their continuance in office depended on the support of the smaller parties. Since the War, the position of the Liberal Party in the country and in the Commons has been much weakened and reduced by its internal strife, and its place has been taken by the Labour Party.

(a) *The Cabinet Controls the Commons.*—In course of time the Cabinet came to absorb the power and authority formerly vested in the Sovereign, including matters which concerned Parliament. When this process became complete, and the Cabinet system had fully matured, the Cabinet began to encroach on the inherent rights of the Commons with a view to facilitating the transaction of business by the Government and controlling the procedure of the House in its favour; this has been done by such means as the right to initiate Government Bills, the restriction of the discussion of Bills by means of the closure, etc. In the first place, it is necessary to deal with the exercise of the royal prerogative by the Cabinet. Since the royal prerogatives have been transferred to the Cabinet Ministers, the summoning, prorogation and dissolution of Parliament are matters for the Cabinet to

[1] Lord Oxford and Asquith's *Fifty Years of Parliament*, Vol. II, p. 163.

decide according to the interests of their party, which is presumed to represent the will of the country.

It is the constitutional usage that Parliament should be summoned at least once every year, and such a practice has been adopted for the last two centuries. In theory, the power of summoning Parliament is still regarded as a matter of royal prerogative, but in actual fact the Sovereign can exercise this power only on the advice of a responsible Minister. The date of the opening of Parliament is also determined by the Cabinet. When the Cabinet are ready to face the Commons, they must enjoy the confidence of the party which dominates it, otherwise they would immediately be compelled to resign.

Like the summoning of Parliament, the termination of the activities of an existing Parliament, either by a proclamation issued under the Great Seal or by prorogation, lies within the power of the Crown, but the actual exercise of these powers is vested in the Cabinet. Prorogation is an act by the Crown, on the advice of its Ministers, putting a legal end to the proceedings of both Houses and at the same time appointing a date for its reassembly. It is the regular method of bringing a session of Parliament to its close. It is always a responsible act of the Ministry, who must have a sufficient majority to enable them to carry it through the Commons.

In the case of a dissolution, the situation is somewhat different. A minority Government can dissolve a hostile Parliament; but dissolution is not always the result of the collective will or action of a Ministry. "One power," writes Professor Laski, "however, the Prime Minister possesses which he need not share with any or all of his colleagues; he has an independent right to hand to the King the resignation of his Ministry, or, alternatively, to ask for a dissolution of which his Cabinet is in ignorance."[1] The first Prime Minister who exercised this power was William Pitt, a young man of twenty-five, who dissolved a hostile Parliament and appealed to the electorate. The result was a complete

[1] *The Crisis and the Constitution: 1931 and After*, p. 12.

victory for the Government. Thus the convention became established that if the Prime Minister chosen by the Crown does not possess the confidence of the House of Commons, he may appeal to the electorate, with whom rests the final decision.

Since the Ministers, and not the King, are responsible for the measures of the Government, it follows that the Ministers rather than the King must write the Speech from the Throne which outlines the policy that the Government intends to pursue. Originally, the Speech was written by the King himself with or without the assistance of his Ministers, and it was by sheer accident that the task was transferred to the Ministers. William III, owing to his inability to write good English, had to call in the help of other people to compose his Speeches, although he himself was responsible for their contents. When Queen Anne came to the throne and found that it was the customary practice for the Ministers to write the Speech, she did not try to make any change. As Miss Blauvelt wrote: "As the result of her incapacity for public affairs, the Ministers determined upon the sense as well as the words much more than they had ventured to do under William."[1] Under the reigns of the first two Georges the practice developed into a convention.

The Speech from the Throne, which is delivered by the Sovereign himself, or in his absence, by the Lord Chancellor, to the Peers and Commoners assembled in the House of Lords, is in reality the Speech of the Cabinet declaring the policy and giving the legislative programme for the session. The Speech is prepared by the Prime Minister in consultation with his confidential colleagues, who decide what policies or measures are to be discussed in Parliament. Sir Charles Dilke has given us some idea about these informal meetings by his description in his diary of one which was held to discuss and decide about the introduction of two important measures of Local Government reform—for London and for the Country. "By November 8th, 1883, I had succeeded in bringing

[1] Blauvelt's *Development of Cabinet Government in England*, p. 174.

Harcourt round on the London police matter . . . and then went to Mr. Gladstone. . . . After twelve o'clock at night Harcourt joined us, and it was agreed to put both London and Local Government in the Queen's Speech for 1884."[1] The Foreign Secretary generally contributes an account of relations with other Powers.[2] Other Ministers also are sometimes responsible for the drafting of parts of the Speech. We read in Sir Charles Dilke's Memoirs, under the date of February 6, 1883: "This was the Queen's Speech Cabinet, and my notes show that I wrote a good deal of the Speech, especially the part which concerned the Bills."[3] On January 23, 1880, Lord Cranbrook, the Secretary of State for India, drafted a passage on Afghan affairs for the Queen's Speech which was approved by Lord Beaconsfield.[4] Then the draft is submitted to a full meeting of the Cabinet for discussion, any member of the Cabinet being at liberty to criticize, modify or add a paragraph to the Speech. John Bright has told us in his diary how he proposed to insert a paragraph on corruption and tumult at elections, into which he recommended an inquiry, at a Cabinet meeting which was devoted to the Queen's Speech.[5] This was agreed to without any opposition. The Prime Minister must send a copy of the draft to the Sovereign for the royal assent, a meeting of the Privy Council being therefore summoned with the attendance of certain Cabinet Ministers at which the Sovereign formally endorses the Speech with his signature.

Since the Sovereign does not share in the original drafting of the Speech, he does not assume any responsibility for what it contains, and he has no constitutional

[1] *Life of Sir Charles W. Dilke*, Vol. II, p. 10.

[2] Cf. Monypenny and Burke's *Life of Disraeli*, Vol. II, p. 988: "Beaconsfield was naturally anxious to present his case to Parliament in the most convincing manner, and was dissatisfied with his Foreign Secretary's draft of the paragraphs of the Queen's Speech dealing with the Eastern question. He himself drafted an alternative."

[3] *Life of Sir Charles W. Dilke*, Vol. I, p. 519.

[4] *Gathorne Hardy, First Earl of Cranbrook*, Vol. II, p. 127.

[5] *Diaries of John Bright*, p. 339 (February 27, 1869).

right to insist on amendments against the advice of his constitutional advisers. But there is no objection to his using his influence to persuade the Cabinet to modify those parts of the Speech with which he does not agree. Queen Victoria had frequent discussions with her Ministers regarding her right to modify certain policies or the phraseology of certain parts of her Speech. In 1859 Queen Victoria suggested to her Prime Minister, Lord Derby, amendments to the Speech with regard to the two paragraphs dealing with the preservation of a strictly neutral policy and the increase of naval forces. The Cabinet considered the Queen's amendments and modified the original draft in the sense desired by her Majesty.[1] Again, in 1864 another difference arose between Queen Victoria and her constitutional advisers regarding statements in the Speech which referred to the sympathy of the British Government with Denmark in her war with Germany. She succeeded in inducing the Cabinet to modify the paragraph in question and adopt a policy of neutrality.[2]

The most important power wielded by the Cabinet is that of finance. The English legislature was originally summoned, not for legislative, but for financial purposes, its primary function then being, not to make laws, but to grant supplies to the King for the purpose of carrying on administration. But when the Ministers were made responsible for the execution of policy which largely depends on money, financial power changed hands, as Walter Bagehot realized in 1867, when he wrote:

"In truth when a Cabinet is made the sole executive, it follows it must have the sole financial charge, for all action costs money, all policy depends on money, and it is in adjusting the relative goodness of action and policies that the executive is employed."[3]

Thus the Ministers, in the name of the Crown, are the sole authority who have the right to demand supplies,

[1] *Letters of Queen Victoria*, 1st Series, Vol. III, p. 434.
[2] *Ibid.*
[3] *The English Constitution* (1st edition), 1867, p. 171.

and make known to the Commons the pecuniary necessities of the Government, which the Commons grant in accordance with the demands of the executive. In his classical work Sir Erskine May wrote:

"Thus the Crown demands, the Commons grant it; and the Lords assent to the grant: but the Commons do not vote money unless it be required by the Crown; nor do they impose or augment taxes, unless such taxation be necessary for the public service, as declared by the Crown through its constitutional advisers." [1]

So long as the Cabinet can weather the storm, it can generally secure the passing of its own Estimates. Hills describes the power of the Commons to exercise control over expenditure as follows: "Its power over it, in theory absolute, is slight in practice." [2] Thus the Cabinet has become the absolute master in the sphere of finance, and wields a power more arbitrary than any Plantagenet or Tudor Sovereign.

Having dealt with the absorption of the royal prerogatives on matters affecting Parliament by the Cabinet, the encroachment by the Cabinet on the inherent rights of the Commons and its control over the procedure and time-table of Parliament in order to facilitate the transaction of governmental business must now be discussed. In theory, the House of Commons still possesses power to alter its procedure, and to decide what measures it will consider, but in actual practice control over these matters is exercised by the Cabinet, which, as the supreme master of the Commons, settles what proposals shall be presented to the House and lays them before it for confirmation. As the tightening of the party system has resulted in the weakening of the power of resistance by individual members, they are compelled to accept the measures presented by the Cabinet, whether they approve of them or not.

One of the characteristics of the modern Cabinet is

[1] Erskine May's *Parliamentary Practice* (13th edition), p. 493.

[2] John W. Hills and E. A. Felloes' *The Finance of Government* (2nd edition, 1932), p. 8.

its full control over the legislative output of the House of Commons. As one writer has put it, the Parliament of the present day has largely reverted in substance to the practice of the Parliament of the first Edwards, under which the King, by his Ministers, made the laws.[1] The legislative activities of the Cabinet began approximately with the Reform Act of 1832, which was thrashed out by a committee of the Cabinet. As Lord John Russell pointed out, in the time of Walpole, Chatham, Pitt and Fox very little legislation was undertaken, since the function of a Ministry was largely confined to administration, and there was no obligation to introduce legislative changes until after the passing of the Reform Bill.[2] Professor Dicey and Sir Courtenay Ilbert reached the same conclusion.[3] But the former says in his first edition of *Law and Opinion in England* (1905):

"Every speech from the throne on the opening of Parliament has, for some seventy years and more, contained a legislative programme. Amendment of the law is supposed to be the chief duty of a ministry." [4]

Thus at the Cabinets held during November the legislative programme for the next session is settled, and after Bills have been decided upon in principle, their detailed

[1] Sir Courtenay Ilbert's *Legislative Methods and Forms* (1901), p. 213.

[2] Emden's *People and the Constitution*, p. 156.

[3] A. V. Dicey's *Law and Opinion in England*; Ilbert's *Legislative Methods and Forms*. Sir Courtenay quoted a statement from Sir Charles Wood's talk with Mr. Nassau Senior about the year 1855 which appeared in Mrs. Simpson's *Many Memories of Many People* (p. 223) to support his argument. The statement ran as follows: "When I was first in Parliament, twenty-seven years ago, the functions of the Government were chiefly executive. Changes in our laws were proposed by independent members, and carried, not as party questions, by their combined action on both sides. Now, when an independent member brings forward a subject, it is not to propose himself a measure, but to call to it the attention of the Government. All the House joins in declaring that the present state of the law is abominable, and in requiring the Government to provide a remedy, and, as soon as the Government has obeyed, and prepared one, they all oppose it. Our defects as legislators, which is *not* our business, damage us as administrators, which *is* our business."

[4] A. V. Dicey's *Law and Opinion in England* (1905), p. 85.

examination is left to committees of Ministers who are specially conversant with the subject-matter.[1]

In the process of making legislation in the Cabinet, the Prime Minister plays an important part. He may suggest the introduction of a Bill into Parliament, or may merely propose that it should be discussed in the Cabinet. The making of a Bill is a most difficult and complicated task. The Prime Minister usually gives instructions to the Parliamentary Counsel—an officer whose function is to prepare and arrange Bills, with a very few exceptions, whenever he is asked to do so—to prepare a particular Bill for him. This office was created by a Treasury Minute of 1869, and Mr. Henry Thring, afterwards Lord Thring, was made the first Parliamentary Counsel, the office being subordinate to the Treasury. The instruction given may be verbal or written, and either the Prime Minister himself or his private secretary may give it on his authority.[2] Verbal instructions are usually given in the course of a series of conferences between the Prime Minister and the Parliamentary Counsel. Mr. Gladstone was in the habit of giving verbal instructions to Mr. Thring to draw up a Bill for him and for his Cabinet, and they always had a series of meetings on the making of a Bill. When the work on a Bill is finished, the draft is presented by the Prime Minister to the Cabinet for discussion, and it usually goes through a committee stage before being introduced into Parliament. Each Prime Minister deals with the making of a Bill in a different way. Lord Thring in his book told us of the methods used by Mr. Gladstone in dealing with a Bill. He said:

"Mr. Gladstone was the most constructive intellect with which I ever was brought in contact and also was the most untiring in devotion to its object. He understood and revised every word of a Bill and even settled the marginal notes."[3]

[1] G. W. F. Russell's *Collections and Recollections*, p. 325; Leonard Courtney's *The Working Constitution of the United Kingdom* (1901), p. 118.

[2] Lord Thring's *Practical Legislation*, p. 7.

[3] *Ibid.*, p. 6.

Lord Thring also gave us an account of Disraeli's mode of dealing with a Bill:

"A striking contrast to Mr. Gladstone's management of Bills was that of Mr. Disraeli. He seemed to have an intuitive perception of what would pass the House of Commons, but he cared nothing for the details of a Bill, and once satisfied with the principle of a Bill, he troubled comparatively little about its arrangement or its construction."

A Cabinet Minister who is at the same time a departmental head may also give written instructions to the Parliamentary Counsel through the Treasury to draw up a particular Bill. There is usually a preliminary conference between the Parliamentary Counsel and either the Minister who is to take charge of the Bill, or the permanent head of his Department, or both. When the Bill is prepared, it is presented to the Cabinet, who may take a decision on it, with or without an examination by a Cabinet Committee. There is no Cabinet rule to regulate the introduction of Bills by Ministers. It seems that the consent of the Prime Minister is not necessary, but a Minister usually refers his Bill to the Prime Minister before it is discussed in the Cabinet. Whether this is done or not is a matter largely determined by the influence and personality of the Prime Minister. According to Mr. Gladstone, if a Cabinet Minister had a measure to bring forward in Peel's Cabinet, he would consult first Peel and then the Cabinet. But the position was exactly the reverse in Palmerston's Cabinet, as a result of the weakness of his position.[1]

°There is a third method by which a Bill can be prepared. The Cabinet may settle the principle of the Bill and entrust its preparation to a committee in consultation with all the experts concerned, including the Parliamentary Counsel. Various consequences follow from the possession of legislative power by the Cabinet, such as the encroachment on the liberty of speech of individual members of the Commons, and the reduction of the

[1] *Life of Gladstone*, Vol. II, p. 35.

legislative opportunities of private members almost to vanishing point. For the purpose of facilitating the passing of governmental measures, executive or legislative, the Cabinet must possess the power to regulate and curtail debate in Commons, a power which is exercised by means of the closure and the guillotine.[1] These methods are unquestionably at variance with the spirit of the Constitution, and are completely out of harmony with the historical character of parliamentary government: they are denounced by each party in turn, when in opposition, but are employed with ever-increasing vigour by the same party when it attains power.[2] Redlich has described the parliamentary guillotine as a desperate expedient for carrying out the inflexible will of the majority.[3] It obviates the danger that Government measures will meet with wilful obstruction on the part of minorities, as happened in the second administration of Lord Beaconsfield as well as under Gladstone. The Cabinet also virtually deprives private members of their legislative power, since their measures must meet with the approval of the Ministers.[4] The Cabinet also controls the presentation of parliamentary papers, decides answers to the questions which are addressed to Ministers, and also has control over the appointment of royal commissions. The Prime Minister also makes provision for the appointment of a new Speaker of the House of Commons in case of the resignation of the old one, the Cabinet having a say as to the competence of the candidates for the post. In

[1] The following books give an account of the history and working of the closure and guillotine: *The Liberal Year-Book*, 1910, pp. 90, 93; Erskine May's *Parliamentary Practice* (13th edition), pp. 242–5; Redlich's *The Procedure of the House of Commons*, Vol. I, pp. 164–85; Lowell's *The Government of England* (1917), Vol. I, pp. 292–301; Anson's *Law and Custom of the Constitution*, Vol. I, Parliament (5th edition), pp. 275–6; Sir C. Ilbert's *Parliament, 1295–1929* (Home University Library, revised edition), pp. 134–5; Leonard Courtney's *The Working Constitution of the United Kingdom* (1910), pp. 195–6.

[2] Cf. *Quarterly Review*, Vol. 210, Dicey on English Party Government, pp. 615–6.

[3] Redlich's *The Procedure of the House of Commons*, Vol. I, p. 181.

[4] Cf. Lowell's *The Government of England*, Vol. I, pp. 311–16.

1871 the Speaker of the House of Commons communicated his intention to Mr. Gladstone to resign his chair, and Mr. Gladstone wrote to the Queen indicating his intention to refer the matter to the Cabinet:

"Mr. Gladstone has not submitted to the Cabinet the question what course the Government ought to pursue with regard to the choice of a successor to this important office; but he has taken advice sufficiently to warrant his arriving at the conclusion that it would not be wise or allowable to propose any candidate taken from the Treasury Bench; . . ." [1]

In 1895 the Liberal Cabinet discussed the candidature of Sir Henry Campbell-Bannerman, a member of the Cabinet, but "the Cabinet felt that there were great objections in principle to taking a principal member of their own body and placing him in the chair." [2] Thus the candidature of Campbell-Bannerman was ruled out.

(b) *The Leader of the House of Commons.*—The Prime Minister is usually the Leader of the House of Commons, except when he is a peer. That position is one of immense authority, but also carries with it a multitude of duties. Amongst the qualities demanded of a Leader of the House are an outstanding personality, a knowledge of affairs, keen political sense and the capacity effectively to repel the attacks of the Opposition in debate. He should be constantly in and out of the House, watching the progress of business and debate, familiarizing himself with the abilities and inclinations of his followers and opponents, gauging the ever-changing temper of the assembly, keeping in constant touch with the Whips and generally supervising the conduct of operations. Both Gladstone and Disraeli adopted the practice of being, as Leaders of the House, present in the Commons as much as possible, but this practice was not so strictly observed by their successors. As the head of the Government, the Prime Minister usually makes important declarations of policy and announcements

[1] Harcourt to Victoria (March 19, 1895), *Life of Sir William Harcourt*, Vol. II, p. 355.

[2] *Letters of Queen Victoria*, 2nd Series, Vol. II, pp. 163–4.

regarding important legislative measures in Parliament. Such declarations also occasionally concern foreign affairs, in which case they are always decisions of the Cabinet, of which the Prime Minister is simply the mouthpiece. If the Prime Minister were to make an important declaration without reference to his Cabinet colleagues, who might have different views, his position in the Cabinet would become untenable. For example, in 1882 Mr. Gladstone made a promise in Parliament of a committee of inquiry into the Kilmainham Treaty without any reference to his Cabinet. Sir C. Dilke tells us in his memoirs that all his colleagues were against him.[1] Mr. Gladstone subsequently expressed his regret to the other Ministers, but the Cabinet had been on the verge of breaking up, and from that time onwards he began to think of retirement. Nevertheless, under exceptional circumstances such as the emergence of a political crisis in the House of Commons, if the Prime Minister has no time to refer the matter to the Cabinet, he may either act according to his own judgment, or summon a meeting of his colleagues in the Lower House at his room in order to discuss methods of dealing with the situation. When the Prime Minister is absent from the Commons, his duties are taken over by the Deputy-Leader, if there is one, or, if not, by the leading Minister in the Cabinet. Thus in Gladstone's fourth administration, he being already an old man, Sir William Harcourt led the House and deputized for him in his absence. Again, when Sir H. Campbell-Bannerman was ill, Mr. Asquith, the Chancellor of the Exchequer, acted as the Leader of the Commons.

When a Prime Minister was in the House of Lords, he was naturally Leader of that House, but he needed a Leader in the Commons in order to marshal his forces in the Lower House. The choice of such a Leader was a difficult task, for he had to select a man who could control his supporters and combat the attacks of the Opposition. As Buckle says: "The leadership of the Com-

[1] *Life of Sir Charles W. Dilke*, Vol. I, p. 489.

mons has often made or marred British Governments."[1] For instance, in 1876 Lord Beaconsfield's choice of Northcote as his successor in the Commons was regarded as a mistake, for Northcote was no match for Gladstone either in eloquence or in parliamentary strategy.[2] Moreover, it was essential that the Leader of the Commons should be able to co-operate with the Prime Minister in the Lords. Lord Randolph Churchill was an energetic and capable Leader of the House of Commons, but his views differed materially from those of the Prime Minister, hence Lord Salisbury lost control over him. The most successful partnership was that between Lord Salisbury and Mr. Balfour as a result of their harmonious relations.

The duties of the leadership of the House of Lords are less heavy than those of the Prime Minister in the Commons, because since the time of Walpole it has been in the Lower House that all important legislative and executive measures have been originated and decided, and there that Governments have been made and unmade.

When a Ministry is overthrown, and the Leader of the Opposition is appointed as Prime Minister by the Sovereign, the former automatically becomes the Leader of the House of Commons. Until 1937 the Leader of the Opposition was unknown to the Constitution. The anomaly was finally removed by the introduction of the Ministers of the Crown Act 1937, which officially recognized his position by providing an annual salary of two thousand pounds. The attainment of this eminent position is a stepping-stone to the much-coveted Premiership. But such a position demands considerable ability on the part of its prospective holder, who must also be held in high esteem by all party members as well as by the country as a whole. The process of reaching this goal is long, slow and arduous, and involves many different stages. A would-be Prime Minister must first be a member of the House of Commons; then he may be appointed to a minor post in the Ministry, after which

[1] *Life of Disraeli*, Vol. II, pp. 868–9. [2] *Ibid.*

he may be invited to join the Cabinet. The final stage occurs when the Leader of the party in the Commons dies, and the prospective candidate, having successfully overcome all possible rivals, succeeds to the leadership, and thus becomes eligible for the post of Prime Minister. A few examples will illustrate the slowness of the process. Mr. Gladstone after two years in Parliament was given a minor post in the Treasury. He then held the position of Under-Secretary of State for War in 1834–5, and Vice-President of the Board of Trade in 1841–3. In 1843 he was admitted to the Cabinet as President of the Board of Trade, and in 1845–6 as Secretary of State for the Colonies. He was also four times Chancellor of the Exchequer. Finally he became leader of the Liberal Party in 1867 and Prime Minister in 1868. Disraeli was made the First Minister in 1868, after having spent twenty-one years in the Commons, during which he had held the office of Chancellor of the Exchequer three times and had led the Conservative Party in the Lower House for a number of years. The same applied to Mr. Balfour, who also spent a long time in Parliament and was appointed to many minor posts before being Prime Minister. Mr. Bonar Law and Mr. Ramsay MacDonald were the only two statesmen in modern times who attained the position of party leader in the Commons without previously attaining Cabinet rank.

At the end of the nineteenth century the election of party Leaders in the Commons was decided by the party caucus—the shadow Cabinet. There were usually several candidates, but the caucus, in the event of a conflict which threatened to bring about a party split, tended to follow a policy of compromise and ask for the withdrawal of all the names save one whom all sections of the party could agree to regard as the Leader. For instance, after Harcourt's resignation, three names were discussed in connection with the leadership of the Liberal party in the House of Commons, H. H. Asquith, Fowler and Henry Campbell-Bannerman: but, before the Liberal members met at the Reform Club, the first two

names had been withdrawn, and the choice fell upon Campbell-Bannerman. A statesman often owes his elevation to the leadership of the Opposition to the competition of more prominent Leaders who have a following amongst certain sections of the party. The most striking example of this is that of Mr. Bonar Law, who was neither a brilliant Leader nor commanded the allegiance of the rank and file of his party, but nevertheless succeeded Balfour as Leader of the Conservative Party in the Commons when the latter resigned in 1911, his elevation being largely due to the rivalry between two brilliant Leaders in the party. Both Austen Chamberlain and Walter Long enjoyed great influence and had a considerable body of supporters, whilst there was only a small number of extreme Tariff Reformers who urged the claims of Bonar Law. In view of the fact that neither Chamberlain nor Long could obtain the support of the whole party, they both agreed to stand aside in favour of Mr. Bonar Law, who was unanimously elected as Leader at the meeting of the Unionist party held at the Carlton Club on November 23, 1911.

Once a policy is adopted by the Cabinet, all Ministers share the responsibility for it. But the actual degree of responsibility varies as between the Cabinet Ministers, who take the real responsibility in forming and carrying out the decisions, and ordinary Cabinet members who take no active part in doing so. This distinction developed in the Report of the Dardanelles Commission. During the early phase of the War, which was conducted by the War Council and not by the united Cabinet, the Ministers who participated in the War Council gave effect to its decisions without necessarily waiting for any expression of assent or dissent from the Cabinet. The Report of the Dardanelles Commission says:

"It would be an exaggeration to say that in consequence of this method of conducting business, those members of the Cabinet who did not attend the meetings of the War Council were relieved of all responsibility in connection with the conduct of the War. But their responsibility was slight. It was limited to the fact that

they, very rightly in our opinion, were content to delegate the full powers of the united Cabinet to their colleagues who were members of the War Council. For all practical purposes it may be held that, during the period under review, the powers and prerogatives of the united Cabinet were, in so far as the conduct of the war was concerned, held almost entirely in abeyance."

The Report goes further to say:

"Further, a distinction has to be made between the real responsibility which devolved on the several Cabinet Ministers who were members of the War Council. The Chancellor of the Exchequer (Mr. Lloyd George), the Secretary of State for Foreign Affairs (Sir Edward now Viscount Grey of Fallodon) and the Secretary of State for India (the Marquis of Crewe) exercised undoubted and very legitimate influence, and occasionally stated their opinions, but the main responsibility rested on three members of the Council —namely, the Prime Minister, the Secretary of State for War (Lord Kitchener) and the First Lord of the Admiralty (Mr. Winston Churchill)." [1]

The Cabinet is not in practice responsible when an individual member of the Cabinet acts with indiscretion or negligence in the execution of his duties. It is clear that his action does not involve other members of the Cabinet and has no connection with governmental policy. He is therefore responsible for his action to Parliament alone. The modern practice is that, under such circumstances, the Minister tenders his resignation to the Prime Minister as a penalty for failure in his duties, before he is compelled to resign by the House. Thus in 1916 Mr. Birrell resigned his office as Chief Secretary for Ireland because of his failure to watch the dangers of the Sinn-Fein movement and to prevent its rising. As soon as the insurrection was over (on May 1), he placed his resignation in the hands of the Prime Minister, who accepted it, there being no other course open to him.[2] Mr. Spender, the eminent journalist, comments on his resignation as follows:

"Though ready to face the House of Commons, and confident that he could put up a good fight for himself, Mr. Birrell realized

[1] *Report of the Dardanelles Commission*, p. 6.
[2] *Annual Register*, 1916, p. 121.

that the verdict at that moment would almost certainly be against him, and unreservedly tendered his resignation." [1]

(c) *The Shadow Cabinet.*—In discussing the relationship between the House of Commons and the Cabinet, the functions of the Opposition must also be mentioned. Its main duty is to oppose the Government; frequently coerce, or harass, but under certain circumstances support, the Government. The shadow Cabinet, as it has been called, is the highest inner political council of the Opposition party, which plays a great part in all the above-mentioned activities. It is usually composed of the members of the resigned Cabinet, with or without additional members of the party. Thus actually two Cabinets are in function simultaneously; a shadow Cabinet opposing a real one. The duties of these two are entirely different: one is to administer the State affairs, while the other's business is to watch and oppose the Government. The characteristics of these two Cabinets are also dissimilar, in that the real Cabinet has the quality of solidarity, and the other possesses none of such quality. Sir Austen Chamberlain rightly pointed out:

"The Shadow Cabinet showed irreconcilable differences of opinion. Had it been a real Cabinet one of two things would have followed. Either the dissentient minority would have resigned or they would have silently acquiesced in the decisions of the majority. There could of course be no question, in the case of a Shadow Cabinet, of resignation. There certainly has been no silent acquiescence. Members belonging to the two sides at once set actively to work. They used all the means which printed correspondence or the public Press placed at their disposal, and in the face of all men the Party fabric was, for the moment, violently rent from top to bottom." [2]

§ 4. *The Relations between the Cabinet and the Lords*

To trace the relations between the Cabinet and the House of Lords, we must refer back to the period before the passing of the Reform Act in 1832. The Cabinet was in general accord with the old unreformed House of

[1] *Life of Lord Oxford and Asquith*, Vol. II, p. 214.
[2] *Politics from Inside* (1936), pp. 350–1.

Lords, because the same territorial aristocracy, whose chief members were peers, controlled both the Cabinet and the Commons, by always occupying an overwhelming number of seats in it, as well as a majority of the important offices of State in proportion to those held by the Commons. Thus the most influential members of the House of Lords controlled both the Cabinet and the Commons,[1] so that there was an absence of friction between the Cabinet and the Lords and, therefore, no open conflict between the Lords and the Commons. The passing of the Reform Act of 1832, however, formed an impassable gulf. The Lords gradually lost their influence over the Commons[2] and indirectly over the Cabinet. In proportion as the Commons became the scene of political action, the Cabinet came to depend more and more on the Commons, and the Lords ceased to occupy a leading position in the Cabinet, for their representation decreased relatively to that of the Commoners. This change has been indicated by Todd in his famous work: "Since the Reform Bill, it has been customary to apportion the leading members of government more equally between the two Houses."[3] With the passing of the second Reform Bill, the Lower House definitely established its supremacy within the Cabinet having obtained a majority of the seats. Meanwhile, the personnel of the Cabinet underwent an imperceptible change. The Whig Cabinets drifted towards Radicalism, and gradually included more and more radical elements. In 1859 it

[1] Cf. Asquith's *Fifty Years of Parliament*, Vol. II, p. 190: "At the close of Walpole's Government the only Commoner in the Cabinet besides the Prime Minister was the First Lord of the Admiralty, Sir Charles Wager. In the Pelham Government, and again in the early days of the younger Pitt, all the members of the Cabinet, except its Head, were Peers. Dundas, Pitt's favourite Counsellor and right-hand man, was not admitted till he became Home Secretary in 1791. In these days, whatever Party is in power, a majority of the Cabinet is drawn from the House of Commons." Cf. Laski's *The British Cabinet, a Study of its Personnel, 1801–1924*.

[2] Cf. G. Lowes Dickinson's *The Development of Parliament during the Nineteenth Century*, p. 40.

[3] *Parliamentary Government in England*, Vol. II, p. 313.

was recognized that the Radicals were a definite political power, and that they must have direct representation in the Cabinet. Two of them were accordingly admitted to the Cabinet in the persons of Milner Gibson and Charles Pelham Villiers. As Mr. William Harris pointed out in his *History of the Radical Party in Parliament*: "They were now admitted to a position not of equality, but of independence, in the Government, and, if they could not originate, could at least try to affect its policy."[1] After the passing of the Reform Act of 1867 Radicalism made rapid strides both in Parliament and in the Cabinet. Harris expressed his satisfaction when Mr. Gladstone included the notorious Radical, John Bright, in his first Cabinet, in these terms: "There is now, both in Parliament and in the Cabinet, an absolute equality, if not in numbers, at least in influence, between the Radical and Whig sections of the Liberal Party."[2] In Gladstone's second Cabinet the Radicals established a supremacy over the Whigs. Under these conditions the territorial class of which the House of Lords was composed leaned more to the Conservative than to the Liberal side, supported the former against the latter, and successfully made themselves into a powerful barrier against the more advanced legislation initiated by the Liberal Cabinets. Although the influence of the Lords over the Commons was curtailed by the successive reforms of the Lower House, yet much of their power still remained. Under these circumstances the relations between Liberal Cabinets and the House of Lords became more and more strained, and a conflict was inevitable. In this conflict three stages may be distinguished (1) 1835–41, (2) 1841–1911, and (3) since 1911.

(1) *1835–1841.*

The first stage in the struggle occurred during the Melbourne Government, when the Lords began to challenge the authority of the Cabinet by making a number of amendments to the Municipal Bill of 1835. The

[1] P. 441. [2] P. 483.

Ministers showed themselves ready to compromise on the matter, and eventually they yielded. The Lords, encouraged by this preliminary victory over the Whig Government, successfully defied the Cabinet and the Commons for six successive years by insisting on their amendments to the Irish Corporation Bill, until in 1840, after the Cabinet had made large concessions to the Upper House, the Bill finally passed into law. The Lords pursued a similar course, when a new Irish Tithe Bill with an appropriation clause was sent to them.

(2) *1841–1911.*

During the second period the House of Lords became a force which acted as a perpetual challenge to the Liberal measures that were being introduced by the Cabinet with the consent of the Commons. As the House of Lords was controlled by the Tories, the Liberal Party had practically no influence in the hereditary chamber, in which the Liberal Peers played a very insignificant part, despite the fact that every Liberal Leader tried to create peers from within his own party. Taking the period between 1830 and May 1915 no less than 311 Peers were created by the Liberals within fifty years, as compared with only 181 under Conservative Ministries.[1] Moreover, the Liberal Cabinets could not even retain the support of the small band of Liberal Peers. In 1871 the veteran reformer, Earl Russell, opposed the Liberal proposal to abolish the system of the purchase of commissions in the army and announced his intention of supporting the amendment of the Duke of Richmond, the Conservative Leader, his action in this respect doing considerable damage to the Government. We are told on the authority of a distinguished Liberal that in the debate on the Employers' Liability Bill in 1880 the two strongest opponents of the Government were the two Peers who had been recently created by Mr. Gladstone.[2] The most damaging blow to the little group of Liberal supporters in

[1] *Constitutional Year Book*, 1916.

[2] Harold Spender, *The House of Lords, Who They Are and What They Have Done*, p. 7.

the Upper House was delivered in 1886 by a group of Liberal Peers, who were against the Liberal policy on the issue of Irish Home Rule and voted with the Conservatives against it. "The reason for this is very simple," says a Liberal, "Liberalism, in its modern form, is antagonistic to the very spirit of privilege on which the House of Lords rests."[1] Thus, when the Conservatives obtained a majority in the Lower House, there was no difficulty with the Lords, because the same party was dominant in both Houses, and therefore the Upper House usually supported the legislative and executive measures of the Cabinet which had obtained the approval of the House of Commons. As Lord Rosebery put it: "there is practically no House of Lords."[2] Mr. Chamberlain said the same thing:

"The House of Lords has become, so far as the majority is concerned, a mere branch of the Tory Caucus, a mere instrument of the Tory organization, and the House of Lords does what the Tory wirepullers of the Tory party suggest . . . we suffer, because the House of Lords is permanently in opposition to a Liberal Government." (Hanley, Oct. 7th, 1884.)

Thus, even when the Liberals obtained a commanding majority in the House of Commons, the Conservative Party, through its permanent majority in the Lords, was long able to defy the Cabinet and the Commons by altering, rejecting or delaying legislation which had received their approval. As Lord Newton says of the hereditary Chamber in his brilliant biography of a very important Conservative Leader of the House of Lords—Lord Lansdowne:

"When the Unionists were in office, it was expected merely to act as a kind of registry office, and to pass without amendment, and occasionally without discussion, any measure sent up to it at the last moment. When, however, a Liberal Government was in power, it was expected to come to the rescue of a discomfited Opposition."[3]

[1] Harold Spender, *The House of Lords, Who They Are and What They Have Done*, p. 7.

[2] *Life of Lord Rosebery*, Vol. II, p. 453.

[3] Lord Newton's *Lord Lansdowne*, p. 360.

(3) *Since 1911.*

The final stage begins after the passing of the Parliament Bill of 1911, which took away the power of the House of Lords over financial measures submitted to it after passing the Commons. It also curtailed their power over public Bills (other than money Bills or Bills to extend the duration of Parliament beyond five years) which have been passed by the House of Commons in three successive sessions (whether of the same Parliament or not) and, having been sent up to the Lords at least one month before the end of the session, have been rejected on each occasion. Such Bills then become an Act of Parliament upon receiving the Royal Assent, provided that two years have elapsed between the second reading in the House of Commons in the first session and the date on which the Bill passes the House of Commons in the third session. Thus the Cabinet is practically free from the danger of obstruction in the House of Lords either in financial matters or with regard to public Bills other than a money Bill. The only way in which the House of Lords can give trouble to the Cabinet is to delay the passing into law of a Bill, otherwise the supremacy of the Cabinet over the Lords is complete. It is not found necessary to give an account of the circumstances leading to the passing of the Parliament Bill, since this matter is fully dealt with in the biographies of leading statesmen.

(a) *The Cabinet Controlled by the House of Lords.*—After the passing of the Reform Act in 1832 the power of the Lords over the Commons gradually weakened, especially when the Liberal Party was in office, but they were still able to make their influence felt up to the passing of the Parliament Bill in 1911. There were various ways in which the Lords could exercise a control over the Cabinet. Their most effective weapon was the rejection or amendment of Bills which had received the approval of the Commons. After the passing of the Reform Act of 1832, the Lords frequently rejected or amended the legislative measures of Liberal Cabinets, but this was not the case when the Conservatives were in power.

Bills were also frequently wrecked by the insistence of the Lords on amendments to which the Cabinet could not agree. With regard to money Bills, the Lords generally took up the attitude that it was for the Cabinet to take decisions and accept responsibility for their introduction, and that the Commons should have the sole right to deal with them. Despite the convention by which the Lords limited their right to reject, although not to alter, money Bills, they attempted to do so on many occasions, and were finally successful in 1909. The first attempt to reject a money Bill occurred in 1855, when the Government introduced a Bill to repeal the soap duty, but the difficulty was overcome on the advice of Lord Aberdeen, the Prime Minister, who said: "It is a measure of finance, and, my Lords, it is the business of the House of Commons to deal with finance, and not your business." The House of Lords took his advice and passed the measure. The first serious collision in later times between the Lords and a Government which had the support of the majority in the Commons on the subject of a money Bill occurred in 1860, when the Cabinet introduced a Bill to repeal the paper duty. The Bill was actually opposed by the head of the Cabinet, Lord Palmerston, and the third reading was carried by only a narrow majority of nine. The Lords, therefore, realizing the weakness of the Government, rejected it when it was sent up to them. Mr. Gladstone, the Chancellor of the Exchequer, who was responsible for the introduction of the Bill in the Commons, told the Cabinet that he was certain that nothing could extricate them with credit from this situation except the united, determined and even authoritative action of the Government, for he never acquiesced in the pretensions of the other House. He also added that the fiscal consideration "is nothing compared with the vital importance of maintaining the exclusive rights of the House of Commons in the matter of supply."[1] In the following year Mr. Gladstone persuaded the Cabinet to adopt his novel method of combining the various financial proposals,

[1] *Life of Gladstone*, Vol. II, p. 38.

including the repeal of the paper duties, in a single Finance Bill. After a stiff fight in the Cabinet, he carried it with him. Although the Finance Bill was carried in the Commons by a majority of only fifteen, the Lords did not dare to face the responsibility of rejecting the whole Budget on account of their objection to a single provision—namely, the repeal of the paper duties. Lord Morley was full of praise for the genius displayed by Gladstone in his Budget. He writes:

"The abiding feature of constitutional interest in the Budget of 1871 was this inclusion of the various financial proposals in a single Bill, so that the Lords must either accept the whole of them, or try the impossible performance of rejecting the whole of them. This was the affirmation in practical shape of the resolution of the House of Commons in the previous year, that it possessed in its own hands the power to remit and impose taxes, and that the right to frame Bills of supply in its own measure, manner, time and matter is a right to be kept inviolable. Until now the practice had been to make the different taxes the subject of as many different Bills, thus placing it in the power of the Lords to reject a given tax Bill without throwing the financial machinery wholly out of gear. By including all the taxes in a single Finance Bill the power of the Lords to override the other House was effectually arrested." [1]

Neither did the Lords venture to throw out the Finance Bill of 1884, which included the obnoxious provision of death duties, when it was sent up to them after having obtained the narrow majority of only twenty-three on the third reading. This was on the advice of Lord Salisbury, who explained to his followers that the House of Lords could not throw out a Finance Bill because it was unable to change the executive Government, in contrast to the House of Commons, which had the power to do so, and might therefore adopt other methods of raising revenue which would involve a change of Government. This was not a question of refusing Supply, but of choosing another form of Supply. The House of Lords had no control over the form, the amount, the time or the manner of the grant of taxes to the Crown. The House of

[1] *Life of Gladstone*, Vol. II, p. 40.

Commons, however, exercised such control when it passed a resolution that there would be no grants or aids to the Crown at all.[1] The next and final challenge of the Lords to the Cabinet and the Commons occurred in 1909, when they rejected the Finance Bill and forced the Cabinet to submit the Bill to the judgment of the country. The result of the General Election in January 1910 was a victory for the Liberal Party, and eventually the Lords gave way on the Finance Bill.

(b) *How the Cabinet Dealt with the Opposition in the Lords.*—When a Bill was in process of discussion by the Peers, the Leader of the House of Lords usually conferred with his leading colleagues in that House with regard to the steps which they should take, and informed the Prime Minister of any difficulties encountered in connection with the Bill. Where the Lords did not reject a Bill, but made a number of amendments to it, if the amendments were material to the Bill, the Leader of the Lords would bring them before the Cabinet in order that it should decide whether to abandon the Bill or offer concessions to the Opposition in order to save it. If there was any hope of doing this, the Leader of the House of Lords would be authorized to make concessions in a speech delivered in the House, or to arrange with the Leader of the Opposition a secret conference to discuss the Bill. At this stage a mediator would also be called in. But the success or failure of such private conferences depended upon the conditions made by the Opposition and the extent to which the Cabinet was prepared to make concessions. Thus in 1906 the Lords made a series of amendments to the Education Bill of that year. When the Bill returned to the House of Commons in December, the Cabinet decided to refuse to consider *seriatim* the amendments of the Lords, and directed the Commons to reject them *en bloc* and to trust to the saving of the Bill by private negotiations. A private conference between the Leaders of the two parties was accordingly arranged by the Leader of the House and the

[1] *Liberal Year Book*, 1910, p. 172.

Leader of the Opposition. The Liberal Party was represented by Lord Crewe, Mr. Asquith and Mr. Birrell, and Mr. Balfour, Lord Lansdowne and Lord Cawdor represented the Conservative Party, and to these was added, at the suggestion of the King, the Archbishop of Canterbury. The conference was held in Balfour's room at the House of Commons on the evening of December 18, 1906, and it broke down on the question of teachers, as the Liberal concessions were not satisfactory to the leaders of the Conservative Party.[1] When the Bill was discussed in the Lords, they insisted on their amendments, and Lord Lansdowne's motion was carried by 132 to 52, thus killing the Bill. In other cases the Cabinet and the Lords made mutual concessions. This happened with the Town Tenant (Ireland) Bill of 1906, which provided compensation for improvements to tenants of houses and shops and for unreasonable disturbance to tenants of shops in Ireland. The Lords made four amendments, two of which were reluctantly agreed to by the Government in order to get rid of the other two. Again, in the case of the Irish Evicted Tenants Bill of 1907 there were five important amendments on which the Lords insisted, but when the Cabinet conceded three points and insisted on the other two the Lords acquiesced. When the Coal Mines (eight hours) Bill of 1908 was passed in the Commons by a large majority, the Lords made two amendments, one of which was reluctantly accepted by the Cabinet in order to save the Bill, and the other was not insisted upon by the Lords. Mr. Birrell's Irish Land Bill of 1909 was also considerably amended by the Lords, whereupon he declared that the Government "could not be expected to let the Tories in another place draft their measures for them." He therefore moved that the House should disagree with the amendments *en bloc*, which was accordingly done, and the Bill was once more sent to the Commons with a new set of amendments, Mr. Birrell having made a number of concessions in order to save the Bill. Lord Lansdowne

[1] Lord Newton's *Lord Lansdowne*, p. 356.

when the Bill was once more sent back to the Lords, advised them that "according to the political conditions of the moment he would not advise the House to prolong those controversies." Thus the Bill was passed. The Lords also made a long series of amendments to the Housing and Town Planning Bill of 1909. In order to save the Bill, the Cabinet made a number of concessions to the Lords, whereupon the latter made no further difficulties.

When the Lords rejected a Bill which was submitted to them by Ministers and had obtained the approval of the Commons, or refused to pass it without amendments to which the Ministers and the Commons could not agree, the Cabinet had certain courses open to them.

They might avoid passing the Bill through the Lords by using other ways of giving effect to it. The most remarkable example of this was over the abolition of the system of the purchase of commissions by royal warrant in 1871. This case must be fully described, in order to show the conditions under which the exercise of the royal prerogative was placed at the disposal of Ministers in that year.

After the Army Bill, which sought to abolish the system of the purchase of commissions in the army, had been passed in the House of Commons on July 3, 1871, it was sent to the House of Lords, where a dilatory motion by the Duke of Richmond, the Conservative leader, was carried by 155 to 130 against the Government on July 13, on the ground that army purchase was not accompanied by a whole scheme of army reform. Although the vote of the House of Lords was, in theory, only a postponement of the Bill, it was, in fact, equivalent to its rejection. On the next day a Cabinet Council was held to discuss the situation. In view of the strong attitude of the Lords, the Cabinet decided to take a step which avoided the necessity of obtaining their concurrence by advising the Queen to sign a warrant abolishing purchase in the army. The Queen made no difficulty, but asked for a Cabinet minute, which she received, and a royal warrant was duly

signed by the Queen on July 20.[1] The Conservatives were naturally angry at the steps taken by the Cabinet, and Disraeli, the Leader of the Opposition, denounced "the shameful and avowed conspiracy of the Cabinet" against the House of Lords, who considered that their dignity was being flouted by the action of the Cabinet. As soon as Lord Northbrook, a Liberal Peer, had laid the royal warrant on the table of the House of Lords, the Duke of Richmond appealed to the Government to fix the second reading for July 31, and gave notice of the following motion:

"That this House, before assenting to the second reading of the Bill, desires to express its opinion that the interposition of the executive, during the progress of a measure submitted by her Majesty's Government, in order to attain by the exercise of the prerogative, and without the aid of Parliament, the principal object included in that measure, is calculated to depreciate and neutralize the independent action of the legislature, and is strongly to be condemned."

The vote of censure on the Ministry was carried in a House of 244 by a majority of 80. The Bill was then passed without a division.

No doubt this was the best way to get out of difficulties with the Lords, but it could hardly be regarded as constitutional. As one distinguished constitutional writer pointed out:

"But the general opinion was, that in proceeding by Bill, instead of advising the Sovereign in the first instance to use the discretion confirmed to her by the act of 1809, the Government had admitted the right of the House of Lords to a voice in the matter, and that, after having implicitly made this admission, to fall back on the royal prerogative to overrule their decision was a course of action not only insulting to the Lords but in itself unconstitutional. It was pointed out that the Act of 1809, though it recognized, did not create the purchase system, and that other important matters, such as the distribution of Parliamentary seats, though in former ages left by the constitution to the royal discretion, could not in modern times be varied but by Act of Parliament."[2]

[1] *Life of Gladstone*, Vol. II, p. 364.

[2] May's *Constitutional History of England*, Vol. III, p. 277.

Generally speaking, the Cabinet might order the withdrawal of a Bill if a vital part of it had been amended. In 1909 the Cabinet considered the County Courts Bill which proposed to make numerous improvements in County-Court procedure, and it excited so little controversy that they introduced it into the Lords. It was read a second time without a division, and with general approval; but in Committee, on the motion of Lord Halsbury, the first clause, which proposed to give County Courts unlimited powers of jurisdiction, subject only to the right of the defendant to remove a case to the High Court, was deleted by thirty-seven to thirty-two. This was the vital clause of the Bill, and because of its omission, Lord Loreburn, the Lord Chancellor, immediately stopped the Committee proceedings. These were never resumed, and the Bill was withdrawn.

If the Lords rejected or the Cabinet withdrew a Bill, Ministers could reintroduce it during the next session, when the Lords might again reject it or make amendments which might or might not be accepted by the Cabinet. Thus in 1907 the Cabinet withdrew the Scottish Small Landholders Bill, which they reintroduced in 1908, when it was rejected in the Lords by a majority of 120. In the same year the Scottish Land Values Bill was reintroduced, having been rejected by the Lords in 1907. This time they made amendments to it which were not accepted by the Cabinet, and therefore the Bill was wrecked.

There were two other methods by which the Cabinet dealt with the opposition of the Lords. One was by the creation of Peers, and the other was by dissolving Parliament in the hope of obtaining a verdict of the people in favour of their measures, in which case the Lords would give way. This method of overcoming the deadlock was favourable to the Opposition, but not so advantageous to the Cabinet from a constitutional point of view, since the Government might be defeated at the polls, or at any rate suffer an appreciable reduction in their majority so that they would have to depend on the support of a third

party. Moreover it created a dangerous precedent. In 1884 the Cabinet discussed the possibility of a dissolution in consequence of the rejection of the Franchise Bill by the Lords. Mr. Gladstone's view about this is contained in a letter to the Queen in which he says:

"With respect to the suggestion, fully considered by the Cabinet, that the Parliament might have been dissolved on the occasion of the recent vote, your Majesty has not perhaps been fully informed as to the depth and strength of the objections that are felt to such a plan. Mr. Gladstone will not trouble your Majesty with details, beyond observing that at no period of our history known to him has the House of Commons been dissolved at the call of the House of Lords, given through an adverse vote; that in his opinion the establishment of such a principle would place the House of Commons in a position of inferiority, as a Legislative Chamber, to the House of Lords; and that the attempt to establish it would certainly end in organic changes, detrimental to the dignity and authority of the House of Lords." [1]

If the Cabinet were compelled by the Lords to seek the verdict of the country, it is certain that they would be prepared to do so in order to curtail the power of the Upper House. Thus when in 1909 the House of Lords compelled the Cabinet to submit the Finance Bill to the judgment of the electorate, the Cabinet advised the Sovereign to dissolve Parliament in November 1910, as the Liberal Administration was determined to push the Parliament Bill through in order to limit the Lords' power of veto.

This appeared to be a good opportunity for the Opposition to regain political power, or at any rate decrease the majority of the Government at the polls. In this belief, the Conservative leaders forced the Liberal Government to a dissolution on the Finance Bill of 1909,[2] and a General Election took place in January 1910.

The creation of Peers is probably the only other weapon available to the Cabinet with which to crush the opposition of the Lords, and is certainly the most effective.

[1] *Letters of Queen Victoria*, 2nd Series, Vol. III, pp. 517–18: Gladstone to Victoria (July 14, 1884).

[2] Lord Newton's *Lord Lansdowne*, p. 379.

The last occasion when Peers were thus created was in 1712, when Queen Anne consented to create twelve Peers in order to secure the assent of the Lords to the Treaty of Utrecht. Again, this expedient was seriously contemplated in 1832 and in 1911, when the Reform Bill and the Parliament Bill respectively encountered difficulties in the Hereditary House, but the Lords on both occasions yielded before the Cabinet had advised the Sovereign to create a sufficient number of Peers to secure the passage of the Bills.

CHAPTER XI

THE DISSOLUTION OF A CABINET

HAVING considered the formation and working of a Cabinet and its relationships with various other political bodies, we now come to a discussion of its dissolution, and the possible effects which this action may bring forth. The life of an existing Cabinet may be brought to an end in the following way.

Firstly, it may be dissolved as a result of the resignation of the Prime Minister on grounds of failing health. When the Sovereign accepts his resignation, the Cabinet is *ipso facto* dissolved, and the King must at once appoint a new Prime Minister to undertake the task of forming a new Government. In 1868 the Derby Ministry ended when Lord Derby tendered his resignation on account of ill health. His action was approved by the Queen, and Disraeli was commanded to form a Government. In 1894 Mr. Gladstone resigned his Premiership because his sight and hearing were failing. His letter of resignation mentions that " the condition of his sight and hearing were both of them impaired, in relation to his official obligations."[1] In 1902, when Lord Salisbury's health was steadily declining, he sent in his resignation, which was duly accepted by the King.[2] In 1908 Sir Henry Campbell-Bannerman was forced, by the state of his health, to retire from the office of Prime Minister. In 1935, Mr. J. R. MacDonald resigned the office of Prime Minister, but he remained to serve under Mr. Baldwin as Lord President of the Council.

A Prime Minister may dissolve a Cabinet because he

[1] Morley's *Gladstone*, Vol. III, p. 514.
[2] *King Edward VII*, Vol. II, p. 158.

considers that the Cabinet should be reconstructed, although he himself retains the Premiership, and thus obtains the authority from the King to form a new Government. This generally comes as a sequel to internal dissension in the Cabinet, or its inability to face a new crisis and its need of reinforcement from outside. In 1915, when Mr. Asquith wished to reconstruct the Government on a broad and non-party basis, in order to stand up to the magnitude of problems raised by the War, he replaced the Liberal Cabinet by a Coalition one. Internal dissension does not always involve dissolution, however, as the dissenting member is usually compelled to resign. A modern Prime Minister, by reason of the fact that he derives his strength and authority from the electorate, is well able to control both the party and the Cabinet. Nevertheless, serious dissension over a particular policy during a crisis is a different matter. Lord Beaconsfield in a letter states the Constitutional aspect of this question during the Eastern crisis:

"He thought he expressed a usual and constitutional practice when he found half his Cabinet at that moment arrayed against him, in saying that if not supported he should feel it his duty to resign to your Majesty the trust, which your Majesty had, so graciously, bestowed on him. But that would not prevent your Majesty, if your Majesty graciously thought fit to entrust to him the formation of a new ministry, and certainly, in that case, he would do his utmost to form one. . . ." [1]

He did not in the end resort to this step, as he afterwards obtained the support of the majority of the Cabinet. Mr. Asquith was forced to take such a step when he was confronted by internal disagreement over the question of appointing a War Committee with full powers of directing the War; after submitting the resignation of his colleagues to the King, he received authority to form a new Government on December 4, 1916.[2] But his plan did not

[1] *Life of Disraeli*, Vol. II, p. 1077: Beaconsfield to Victoria (December 17, 1877).

[2] *Life of Lord Oxford and Asquith*, Vol. II, p. 253; *Memories and Reflections*, Vol. II, p. 132.

materialize, and it was apparent that it would be impossible for him to form a new Government in face of the desertion of all the Unionist members, so consequently he tendered his resignation to the King.

As a general rule, a Cabinet is dissolved after having been defeated at the polls. This precedent was created by Disraeli, whose Cabinet was dissolved without meeting Parliament, on account of defeat at the General Election in 1868. The members justified their resignation in the following terms:

"Although the General Election has elicited in the decision of numerous and vast constituencies an expression of feeling which in a remarkable degree has justified their anticipations and which in dealing with the question in controversy no wise statesman would disregard, it is now clear that the present Administration cannot expect to command the confidence of the newly elected House of Commons. Under these circumstances Her Majesty's Ministers have felt it due to their own honour and to the policy they support not to retain office unnecessarily for a single day. They hold it to be more consistent with the attitude they have assumed and with the convenience of public business at this season, as well as more conducive to the just influence of the Conservative party, at once to tender the resignation of their offices to Her Majesty rather than wait for the assembling of a Parliament in which, in the present aspect of affairs, they are sensible they must be in a minority" [1]

Disraeli's action is generally interpreted as having created a precedent which has since been generally followed. Gladstone followed it both in 1874 and 1886, and Lord Beaconsfield in 1880. Similarly in 1924 Mr. Ramsay MacDonald obeyed the traditional practice.

If a Cabinet which is defeated at the polls persists in testing the strength of an Opposition possessing a considerable majority over the Ministry, the chance of its survival is small. For instance, both in 1885 and in 1892 Salisbury's Cabinets were defeated immediately after the Sovereign's address to Parliament. Similarly in 1923 Mr. Baldwin took the same course, but failed to retain power. When the Cabinet is defeated in a snap

[1] *Life of Disraeli*, Vol. II, p. 436.

division, it may either ask the Commons to reverse the decision or else may choose the alternative of resignation or dissolution. If it chooses the former alternative, it is dissolved. But such a case has seldom occurred in its history. In 1895 the Liberal Cabinet decided upon resignation when they were defeated in a snap division on a motion to reduce the salary of the Secretary of State for War, on the grounds of the alleged deficiency in the supply of small arms, ammunition and cordite. There was a majority of only seven. The modern tendency is not necessarily for the Cabinet to resign on its being defeated in the Commons on a trifling matter, although resignation is inevitable on a question of importance. Mr. MacDonald held that view when Labour was in office.

When the Sovereign accepts the resignation of the Prime Minister and his colleagues, the Cabinet is automatically dissolved, and no other instrument is needed to complete the process. Thus, this body of Privy Councillors ceases to execute their duties as the King's Ministers, and no longer tender their advice on policy as a collective body to the Sovereign. Moreover, the dissolution of a Cabinet has its repercussions on the policy of the country, although in the case of the resignation of a Prime Minister, when this action does not involve party changes, the same methods of conducting Home and Foreign Affairs will be carried on. Obviously, in the event of a different party coming into power, ways and means are profoundly influenced. In this respect a distinction between foreign and domestic policy may be drawn. First let us take Foreign Affairs. The foreign policy of the former Government is generally followed by a new Government, at any rate in the first place, although it has full power to make changes. It is significant that the continuity of British foreign policy was more marked after 1886. This is indicated in Lord Salisbury's letter to Queen Victoria, after he had interviewed the new Foreign Secretary (February 8, 1886): "Lord Rosebery explained several times his intention of maintaining the

continuity of English policy in foreign affairs—of following the path which has recently been pursued. . . . His general impression is that Lord Rosebery is really desirous of continuing the policy hitherto pursued, both in Bulgaria and Greece and also in Egypt."[1] At the commencement of his second term of office as Foreign Secretary, Lord Rosebery informed the ambassadors of the Triple Alliance that it was his intention to continue Lord Salisbury's policy.[2] When the Liberals returned to power in 1905, Sir Henry Campbell-Bannerman, on becoming Prime Minister, publicly stated his approval of the main lines of policy pursued by Lord Lansdowne, and the Anglo-French Agreement was faithfully carried out by the Liberal Foreign Secretary.[3]

As a matter of fact, it is by no means an easy matter for a new Ministry to change or modify a foreign policy which has either been agreed upon with a Foreign Power or Powers, or has already been committed to action by the former Government. For instance, Lord Beaconsfield, when he bought 176,000 Suez Canal shares to be held by the British Government, left his successors a legacy from which escape was impossible. Although the policy was not agreed to by the Liberal Party, Mr. Gladstone, when he returned to power, was inevitably burdened with the responsibility, and saw no way in which he could avoid becoming more deeply involved in Egyptian affairs.

On matters of domestic policy there is not the same degree of rigidity, and the Cabinet is at liberty to reject, modify or adopt the policy of former Governments. As a general rule, tasks left unaccomplished are completed by a new Government when it comes into power.

[1] *Letters of Queen Victoria*, 3rd Series, Vol. I, p. 50.
[2] Lord Grey's *Twenty-Five Years*, Vol. I, p. 4.
[3] *Ibid.*, p. 71.

CONCLUSION

In the preceding chapters we have studied the political organization of the English Cabinet system, and we have also traced its historical background; hence we are now in a position to review the system as a whole, so as to bring out certain essential points. From whatever point of view we study this political institution, we shall find its chief characteristics as follows:

(1) The supremacy of the Prime Minister;
(2) The principle of collective responsibility;
(3) The common pledge to keep the deliberations of its meetings sacred;
(4) The selection of its members by the Prime Minister from the party commanding a majority in the Commons;
(5) Its responsibility to the Commons and, ultimately, to the electorate;
(6) Its ability to dissolve its parent body—Parliament.

In order to ensure the smooth working of the system, these fundamental principles are generally respected. Yet the Cabinet system enjoys the great advantage of being flexible and elastic. It is the Prime Minister who determines how many there shall be in his Cabinet and what departmental heads are to be included. Indeed, he can create a new office or abolish an existing one with a view to including or excluding its holder from sitting in the Cabinet, if circumstances render such a step desirable. As a Cabinet meeting is a meeting of His Majesty's servants, no one except its members is normally allowed to attend, but in exceptional circumstances experts, and sometimes even foreign statesmen or soldiers,

are allowed to appear before it. Membership is limited to those who have been selected from either House of Parliament, but occasionally this rule can be set aside, as in the case of General Smuts, a Dominion statesman, who, although neither a Lord nor a Commoner of the British Parliament, was given a seat in the War Cabinet. It is true, as his biographer points out, that there was then no precedent for a person who was not a member of either House sitting in a British Cabinet.[1] The legal position was, and indeed still is, that the King invites whom he pleases to join his Cabinet, and prior to 1937 the Cabinet did not legally exist at all, but was merely a matter of convenience. Thus the working of all the conventions is largely dependent on convenience, so that the extent to which it is expedient to apply them depends on the discretion of the individual statesmen and the circumstances of the time.

Convention in this field has been regarded as the keystone of the whole edifice of Cabinet Government; it regulates relations *inter se* as well as with other political institutions. When once a precedent is created, it is generally followed by the succeeding Cabinets, with such modifications as may be required to ensure its perfection. There is thus a tendency for traditions to be perpetuated, and practices to be hardened into conventions. Those conventions governing the Cabinet system may be divided into two parts—the positive and the negative conventions. The latter imposes the obligation on certain persons in high political positions not to do anything active, but merely to refrain from exercising their powers or rights under the constitution, whilst the former prescribes certain political acts towards others which are a fact of usage and wisdom.

We now turn to examine the external relations of the Cabinet. With the passing of the famous Reform (Representation of the People) Act in 1832 and the emergence of the leading personalities of that period, the Cabinet assumed a more definite form, became more

[1] Sarah Gertrude Millin's *General Smuts*, Vol. II, p. 50.

national in character and more of an integral part of the British Constitution. Its position and authority were further enhanced by the passing of the second Reform Act in 1867. The extension of the franchise in that year had given urban householders the vote, and the great increase in the electorate had accelerated the development of strict party organization and political propaganda throughout the country. The growth of the national organization of political parties played a part of considerable importance in the development of the Cabinet system. So great was the significance that thereafter the political sovereignty of the electorate over the Commons and the Lords became more apparent and conspicuous. In other words, the Cabinet began to master both the Commons and the Lords, the former being reduced to subjection by the development and tightening of party system, whilst the latter were restrained by statutes as well as by conventions.

Since, save for a few royal acts, the Cabinet has gradually taken over all the powers formerly belonging to the royal prerogative, the political and executive work of the Crown has to be performed in the King's name by a body of Ministers who meet regularly at 10 Downing Street in order to deliberate on political problems as they arise. The King is no longer the directing and deciding factor responsible before the nation for any measure taken. His power is, in fact, in abeyance, as he cannot act without the advice of his Ministers. In the words of Lord Esher, the King cannot act unconstitutionally so long as he acts on the advice of a Minister supported by a majority of the House of Commons. Ministerial responsibility is the safeguard of the Monarchy. Without it the throne could not stand for long amid the gusts of political conflict and the storms of political passion.[1] Yet the Sovereign still enjoys certain privileges. He may express his opinions upon the conduct of the Ministers and the measures taken by them; he may delay their decisions in order to give more time for reflection; he

[1] *Journals and Letters of Reginald Viscount Esher*, Vol. III, p. 128.

may refuse to give assent to their advice up to the point where he is obliged to choose between accepting and losing their services. If the Sovereign believes the advice given to be wrong, he may refuse to take it, and if the Minister yields, the Sovereign is justified. If the Minister persists, feeling that he has behind him a majority of the people's representatives, a Constitutional Sovereign must give way. It should be noted that since the time of King George IV the Sovereign has never defied the Cabinet by disallowing its decision.

Having gained the supreme power in the realm, the Cabinet is in fact responsible not to Parliament, but to the electorate, who alone have the real power to dismiss it. As is the case in all democratic countries, the class with vested interests has a predominant influence in politics, and controls public opinion to a considerable extent, as the modern Press requires a large amount of capital to run it. Furthermore, they contribute to the party funds, without which a party cannot exist. Hence parties are indirectly controlled by them. Invisible this force is behind the Government, but its influence should not be unobserved. This may be instanced by the withdrawal of the National Defence Contribution; and elements of this kind form the backbone of the Ministry.

At first glance the Cabinet is simply a body consisting of a number of the King's Ministers, but when the machinery comes to be examined more carefully, the complexity of its structure is revealed and it is realized what skilful craftsmanship has been at work in the past. Since the beginning of the last century the machinery of the Cabinet has enormously improved and has developed into a perfect piece of Government machinery. The system of providing facilities for the research and examination of particular problems has been improved by the extension of the sub-committee system, *ad hoc* and permanent. The Committee of Imperial Defence is one of the constructive works which British statesmanship has endowed. Experts attend Cabinet meetings for the purpose of giving information or advice, and confidential

documents are systematically circulated. The long-needed Cabinet Secretariat was eventually introduced by Mr. Lloyd George. The recent innovation in creating a unified Cabinet office comprising offices of Cabinet, Committee of Imperial Defence, Economic Advisory Council and the Minister for Co-ordination of Defence provides further efficiency in working. The time and energy of the Prime Minister are considerably saved, and at the same time it gives him an excellent instrument for scrutinizing more closely the centre activities of the Government. The principle of the subordination of Ministers' private interests to public duties is also emphasized by the rule which lays down that they must resign directorships when they accept office.

The most remarkable development of the internal constitution of the Cabinet is the growth of the Cabinet-committee system and the inner Cabinet of modern time; they are the inevitable outcomes of the congestion of Cabinet business and the increase in size of the modern Cabinet. The tendency of the growth of Cabinet committees is to give a few Ministers the monopoly of State affairs; they are enabled to decide the main outlines of policy and to draft important Bills, the Cabinet being thereby reduced to the position of merely confirming what has already been decided. For instance, in 1915 the Cabinet delegated the direction of the War to its committee, the War Council. In theory its authority remained the same as before, but in practice its power suffered a radical reduction. The Cabinet was then controlled by a few important Cabinet Ministers, including the Prime Minister, who decided on all important war affairs and carried out their decisions without necessarily waiting for any expression of assent or dissent from the Cabinet. The result was that the members of the Cabinet felt little enthusiasm about the conduct of the war. The report of the Dardanelles Commission says:

"Further, we have been given to understand that some members of the Cabinet did not wish to be informed of what was going

on. Mr. Winston Churchill, in the course of his examination, said, 'I have often heard the Cabinet say: "We do not wish to be told about this—this is a secret matter, and the fewer who know it the better." '"[1]

Indeed, it would be desirable, as Mr. Gladstone once pointed out, to have non-departmental Ministers to participate in Cabinet committees, but in practice an important Cabinet committee does not usually include such Ministers, and even if one or two are included, the Ministers who wield the real executive power always dominate the proceedings, and even take decisions without having any regard to the general wish of the committee.

The growth of the inner Cabinet tends also to deprive ordinary Cabinet members of participation in confidential affairs, consequently only a few privileged Ministers are in a position to know of the inner working of the Government. Ordinary members receive no important dispatches, memoranda, letters or correspondence, or any other confidential documents, which are reserved for a few important Ministers. Every Minister, indeed, has the right to have a voice in determining the policy put forward in their joint names, and to indulge in honest criticism. It would be unfair to place full responsibility upon all the Cabinet Ministers if a few leading Ministers should act without the knowledge of the Cabinet, or communicate their decisions to the Cabinet only after they have already been carried out, or at the last moment rush the business which they have decided upon without giving the Cabinet full information and full opportunities for deliberation.[2] This would not only impair the doctrine of collective responsibility, but would also hinder the effective working of the Govern-

[1] *Report of the Dardanelles Commission*, p. 6.

[2] Cf. *The Times*, June 7, 1937: "It was stated, without any obvious contradiction, in last Tuesday's debate by Mr. Lees Smith, that 'beyond the Chancellor of the Exchequer and perhaps the Prime Minister, there was not a single member of the Government who knew anything about the proposal [N.D.C.] at six o'clock the day before the Budget was introduced.' "

ment, as being contrary to the spirit of the Constitution. Moreover, this would result in the formation of groups within the Cabinet, a deplorable tendency in the development of the Cabinet system. Such a tendency would naturally lead to divisions of the Cabinet into hostile groups, and would thus weaken its solidarity.

The English Cabinet system, despite its defects, is one of the most remarkable political institutions in the modern political world. "Cabinet Government," Lord Oxford and Asquith wrote, "is the best instrument that has yet been devised for the daily conduct of national affairs." [1] It enjoys the chief merits of being flexible, adaptable to circumstances, manageable in size, workable in perfect order, and capable of quick action. These merits are partly due to the particular nature and characteristic of the British Cabinet system. It has been successfully incorporated in many written constitutions, where the democratic elements are strong, in more or less modified form, according to the custom, condition, and circumstance of each particular State.

[1] Lord Oxford and Asquith's *The Genesis of the War*, p. 3.

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