



### "HER MAJESTY'S MINISTERS."



ONE of the "things not generally known" is that we owe to one of England's feeblest Sovereigns one of the most important and valuable of our political institutions. It was Charles II.'s hatred of "dry business" that led to the creation of a Cabinet Ministry. The long sittings and dreary debates of the Privy Council were simply intolerable to His Majesty—even when, as Macaulay alleges, Buckingham was present to amuse his master by making faces at the

Chancellor. He therefore gradually abstained from calling the whole Council together, and chose instead to act with the advice of a select body of counsellors, which received the title of the "Cabinet Council."

Charles's Cabinet was composed of five unprincipled politicians, from the initials of whose names (Clifford, Ashley, Buckingham, Arlington, and Lauderdale) it was called the "Cabal;" but its feebleness was so conspicuous that it quickly fell into disrepute, and an attempt was made to re-instate the Privy Council in the position which it had formerly occupied. It was found, however, that the deliberations of so large a body were not conducive to secrecy, or to the despatch of business; and recourse was therefore had once more to that smaller "Committee of Council," or Cabinet, which has ever since directed the government of the country.

While this instrument for the administration of the business of the State was thus being fashioned, the two great political parties through whose rivalries and

conflicts Parliament was destined to exercise control over the Executive, were gradually assuming distinctive shape and name. The battle of "Prerogative," which began in the reign of Elizabeth, and continued through the reigns of James I. and Charles I., led to the formation of a "Country" party, as opposed to a "Court" party; and the contest upon the "Exclusion Bill," which took place in 1679-80, gave rise to the well-known names of Whig and Tory. The Duke of York's supporters were nicknamed Tories, after a gang of Irish Roman Catholic freebooters; while the "Country" party were christened Whigs, either from a Scotch word, signifying "sour whey," or from the name of a band of Scottish Covenanters who made a descent upon Edinburgh in 1648.

For a short period the principal offices of State were distributed with strange impartiality between the two political parties; but this unnatural yoking together of opposites served only to distract both King and Parliament; and to put an end to the cross-counsels and diverse action which it produced, the offices held by Tories in 1693-96 were almost all transferred to the Whigs. The election of 1698 gave the Whigs a decided majority in the House of Commons; a Ministry was formed of statesmen belonging entirely to the victorious party, and thus the Ministerial form of government familiar to modern times was finally adopted.

It is a remarkable circumstance that a body so august as the Cabinet should be unknown to the law. Its members are the Constitutional advisers of the Sovereign, and yet their appointment is not provided for by any Act of Parliament. They speak of themselves, and are generally regarded, as "Her Majesty's Ministers," but in reality they represent the declared will of the constituencies, and hold office only so long as they command the confidence of the House of Commons. The choice of Ministers is the prerogative of the Crown, but practically that choice is

limited to the selection of a Prime Minister, who has already been “nominated” by the voice of his party, and he selects his colleagues according to the political exigencies of the time. The body thus constituted comes into existence without any official proclamation of the fact. Such of its members as had not before been admitted into the ranks of Her Majesty’s Privy Councillors, are forthwith summoned to the Council; and the fact of their being “sworn” is formally announced in the *London Gazette*, but their appointment as members of the Cabinet is never thus made known to the world.

There is no rule as to how many Ministers shall form the Cabinet, or what shall be the relative proportion of Peers and Commoners. In 1783 Pitt’s Cabinet consisted of himself and seven Peers. One Cabinet consisted of seventeen members, another of eleven; but the more usual number is either thirteen or fifteen.

On the resignation of a Ministry, it is customary for the retiring Premier to advise the Sovereign whom to “send for,” with a view to his being “commanded” to form a new Ministry. As soon as this statesman has completed his task, a meeting of the Privy Council is specially convened, and at this Council the several members of the Cabinet are formally appointed by the Sovereign, to whom they are introduced by the Prime Minister, and from whom they receive the seals and symbols of the offices they are about to fill. This is the only occasion during their term of office on which they appear as a body in the presence of the Sovereign.

It was formerly the custom for the King to preside at meetings of the Cabinet Council. William and Anne were always present at the weekly meetings of the Cabinet; but the inability of George I. to converse in English compelled his absence from the deliberations of the Ministry, and since his time no member of the Royal Family has ever been present at a Cabinet Council.

Meetings of the Cabinet are usually convened by summonses formally addressed by order of the Premier to “Her Majesty’s Confidential Advisers;” but any member of the Cabinet has the right to call his colleagues together. They are generally held at the Foreign Office or at the Prime Minister’s official residence; but they may be held wherever Ministers can be most conveniently got together. There is no fixed “quorum,” nor is any President formally appointed. The Cabinet Council has no secretary, and no official record whatever is kept of its proceedings; even a private record of what passed would be considered a breach of Ministerial confidence. Hence, no member of the Cabinet, not even the Prime Minister, is at liberty to make any revelation of its proceedings without having first obtained the Sovereign’s permission to do so. It is of course necessary for the head of the State to be kept informed of what matters have engaged the attention of the Cabinet; and for this purpose a “Ministerial Memorandum,” first adopted by Sir Robert Peel, is prepared by the Prime Minister for the Queen’s use; but after any important

Cabinet Council he usually seeks an “audience” of Her Majesty, and gives an oral communication of the decisions that have been arrived at. In relation to the Sovereign, the Cabinet is an indivisible and absolute unity, and therefore the opinions of individual members are not reported to the Crown. When it is found necessary to put any question to the vote, a majority decides; but it is a rule of Cabinet Councils and of all meetings of Committees of Council alike, that “no man shall make publication of how the minority voted.” On being admitted into the Privy Council, every member is “sworn” not to divulge its proceedings; and this rule is most sacredly observed, as regards all meetings of the Cabinet.

Whatever differences of opinion may have been manifested during the discussions of the Council, when a vote is once taken all the Ministers become equally responsible for the decision arrived at, and are equally bound to support and defend it, unless the decision be one in which any member cannot conscientiously coincide—in which case he places his resignation in the hands of the Premier, and retires from the Cabinet.

According to modern usage, only one kind of document is ever brought before the Cabinet to receive the signatures of all its members, viz., an “Order in Council,” which constitutes a Declaration of War. In minor affairs Ministers have a separate discretion in their several Departments, but in all matters involving “the policy of the Government” the judgment of the Cabinet collectively must be taken. In accordance with this principle it is required that copies of all despatches received by a Secretary of State shall be forwarded first to the Prime Minister, then to the Sovereign, and afterwards, if they are important, to every other member of the Cabinet. This rule also applies to the “drafts” of replies proposed to be sent to such despatches. These “copies” and “draft-replies” are circulated among the members of the Cabinet by means of “Cabinet Despatch-boxes,” to which every Cabinet Minister possesses a master-key.

To insure due observance of the rule that the Crown shall be consulted upon all important matters of State, provision is made for the regular transmission to the Queen of every despatch, report, or paper which it is material for the Sovereign to inspect. These documents are sent to Her Majesty either through the Prime Minister, or direct from the office of the Secretary of State. The mode in which Ministers address the Sovereign in epistolary communications is very peculiar, the established etiquette being for the Minister to use the *third* person when speaking of himself, and the *second* person when addressing the Sovereign. Why and when this form was first introduced is not known. Grenville’s letters to His Majesty George III. are in the ordinary form, but twenty years later we find Mr. Fox employing the form—“Mr. Fox has the honour of transmitting to your Majesty the Minute of a Cabinet Council,” &c. &c. Readers of the “Life of the Prince Consort” will have observed that the form adopted by Ministers during

the present reign is—"Lord \* \* \* \* presents his humble duty to your Majesty, and begs," &c. &c.

When a Minister requires the Royal sign-manual to any important document, he must make personal application for it at a formal "audience" of the Queen; but papers of an ordinary character, requiring the Royal signature, are allowed to be sent to Her Majesty in a departmental despatch-box, along with other official documents. All papers signed by the Sovereign require the counter-signature of a Secretary of State to give them validity. It is under this important safeguard that the patronage of the Crown is administered and every official act of the Crown is performed. It being a maxim of the English Constitution that "the King can do no wrong," the personal immunity of the Sovereign is by this means secured, and a responsible adviser for every act of the Crown is provided, who must be prepared to answer for what the Crown has done.

The dual responsibility of Ministers—their responsibility to both Crown and Parliament—requires that they should have seats in the Legislature. Those members of the Government who are peers occupy the front bench on the right of the Woolsack in the House of Lords. The Lord Chancellor is *ex-officio* Speaker, or President, of the House of Lords; but, though this high functionary is usually a peer, it is not legally or constitutionally necessary that he should be a peer before he enters upon the duties of his office. It is only since 1603 that a peerage has been conferred upon the Lord Chancellor, and in 1830 the Woolsack was, for at least one day, actually occupied by Henry Brougham, while still a commoner.

In the House of Commons, Her Majesty's Ministers are, "by courtesy" and long usage, allowed undisputed possession of the front seat at the right of the Speaker; this seat is commonly spoken of as the "Treasury Bench." The only occasion on which any other members of the House claim to sit on that bench is at the opening of a new Parliament, when the four members for the City of London assert, and generally exercise, their "ancient right" to take precedence of even the Ministers of the Crown.

At one time the Archbishop of Canterbury, the Lord Chief Justice, the Master of the Mint, and the Commander-in-Chief were entitled to places in the Cabinet, but they have not been included in the Ministries of modern times. The Ministers who are now generally regarded as indispensable members of the Cabinet are the following:—The First Lord of the Treasury; the Lord Chancellor; the Chancellor

of the Exchequer; the Secretary for Home Affairs; the Secretary for Foreign Affairs; the Secretary for Colonial Affairs; the Secretary for Indian Affairs; the Secretary for War; the President of the Council; the Lord Privy Seal; the First Lord of the Admiralty.

The heads of other Departments of Government are sometimes placed in the Cabinet, according to the personal views of the Premier as to the importance of the offices which they fill, or as to the value of their individual counsel and influence in political affairs. There are usually two Parliamentary chiefs of the principal Departments of State, one in each House, to represent the Department to which he belongs, to defend its policy, and to answer any questions which may arise in relation to it.

Prior to the year 1867 the resignation of a Ministry was brought about by one of two causes—either the forfeiture of the confidence of the Sovereign, or the forfeiture of the confidence of Parliament. In that year, however, and again in 1874, the Ministry of the day resigned their appointments as soon as the results of the General Elections became known. The precedent thus established has been followed by Lord Beaconsfield's Ministry within the last few weeks. When Ministers are about to resign, their intention to do so is made known to the Sovereign by the Premier, but they continue to hold office and transact the usual routine business of their Departments until their successors are appointed. As soon as the composition of the new Cabinet is completed, the Sovereign fixes a day on which she will give audience to the members of the outgoing Ministry, to receive from them their insignia of office. On the same day, almost immediately after they have left the Royal presence, the new Premier and his chosen colleagues are introduced, and have handed to them the seals and symbols just left by their predecessors. In this way the government of the country is carried on in almost unbroken continuity.

Only one other "form" has to be gone through, and the "change of Ministry" is finally effected. It is a customary courtesy for outgoing Ministers to have personal interviews with their successors, at their respective offices, for the purpose of explaining the state of public business, and for handing over all public documents which have come into their possession during their term of office. They are not, however, required to leave behind them any "private letters" which they may have received, even though these "private" letters relate exclusively to public affairs.

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