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167

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MISCELLANEOUS
65
RECORDS

THE Clerk of the Crown has called my attention to an intimation, which he has received in a somewhat informal letter from a Home Office official, that for the future the full style and titles of the Sovereign, including that of Emperor of India, should be set forth in all documents issuing from the Crown Office. He urges, however, that any general order as to documents passing the Great Seal can hardly be made without reference to the Lord Chancellor; and that he cannot take the responsibility of acting upon any communication from the Home Office which has no jurisdiction over him or his Office. He points out that The Crown Office Act, 1877, lays down that the form of such instruments shall be prescribed or changed by Order in Council; and, further, that the wording of the Writ for the election of a member of Parliament is given in full as part of the Ballot Act, 1872, and has, consequently, the authority of Parliament.

Whatever may be the effect of the Royal Titles Act and the consequent Royal Proclamation in relation to these Acts it seems to me clear that in the matters to which they apply no change should be made but upon the deliberate advice of His Majesty's Ministers, and that whatever change is made should be signified by Royal authority in some formal manner.

I have already had occasion to consider this subject in connection with the Writs of Summons in the High Court, and I have given instructions that the words "and of the British Dominions beyond the Seas" should be added, but that the words "Emperor of India" should be omitted as heretofore. It appeared to me that the question of the use of the Imperial title had been settled in 1876. Pledges were then given in Parliament that "it would be assumed solely externally and not with respect to the internal affairs of the country;" and the Prime Minister also said "he was sure that under no circumstances would Her Majesty assume by the advice of Her Ministers

[1199]

25

the title of Empress in England." The terms of the Royal Proclamation then issued were very precise in the same sense, and excepted from its operation "all Charters, Commissions, Letters Patent, Grants, Writs, Appointments and other like instruments not extending in their operation beyond the United Kingdom." This exception was further elaborated by the Prime Minister with reference to a question put by Sir William Harcourt who asked for definite information with regard to a number of specified documents* comprising "the whole of the Government and administration of the United Kingdom." He was told by Mr. Disraeli, speaking "under the highest advice," that, of all the enumerated documents, in Army Commissions alone could the title of Empress of India be used; and that this omission in the Proclamation had been purposely made "because the army served Her Majesty in India." Since that time the practice has in all essentials been substantially in accordance with those declarations. This year's Act did not reopen that question; it gave power to the Sovereign to make an addition to his titles, but no suggestion was made either in the Bill or in debate that any change of general use or practice, other than the addition, would follow. This was apparently the understanding in the House of Lords, where Lord Spencer inquired whether the proposed addition would be limited in its use to occasions on which the Colonies were concerned. The answer was that any pledge on this point would be inconvenient; but nothing was said in that House or (so far as I know) in the other House to lead any one to suppose that this opportunity would be taken to introduce the Imperial title in matters which are the concern of the United Kingdom alone.

H.

*The list of documents was as follows:—

"Writs of Summons to Peers of Parliament; Writs for the election of Members of the House of Commons; Patents for the creation of dignities of the United Kingdom; Patents for appointments to offices in the United Kingdom, such as those of Lord Chancellor, Lord Lieutenant of Ireland, Chancellor of the Exchequer, the Law Officers, and the Judges of the United Kingdom; instruments relating to the appointment of Bishops in England; Commissions for giving the Royal Assent to Acts of Parliament; instruments relating to the summoning, prorogation, or dissolution of Parliament; documents authorizing the meeting of Convocation; Commissions to Justices of the Peace in the United Kingdom; Royal Commissions for inquiry and report into matters not relating to India; Patents for inventions in the United Kingdom; Commissions to Officers in the Army; Charters of Incorporation, or for other purposes, in the United Kingdom; and other like instruments issuing under the authority of the Crown."

167