

CONFIDENTIAL

MISCELLANEOUS

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RECORDS

The Prime Minister's Precedence.

Lord Knollys,

AT the present moment, as you are aware, the Prime Minister, though a person whose position and importance are thoroughly understood not only in Parliament but throughout the Empire, is nevertheless a Minister who, by that title, has no recognized place in the Constitution. If a Peer, his precedence will depend upon the office which he may hold, or else upon his order in the Peerage. If, for example, he is First Lord of the Treasury, his place will be determined by his rank as a Peer, because that office gives no precedence to the holder; but, if he should be Lord President of the Council or Lord Privy Seal, he takes the precedence assigned to those high offices.* Should, however, the Prime Minister be a Commoner, he not only has no precedence as First Lord of the Treasury, but none even when he is Lord President of the Council or Lord Privy Seal, inasmuch as these offices only confer precedence when the holder is a Peer.† The precedence, therefore, of the Prime Minister, when a Commoner, is governed by his rank as a Privy Councillor, and according to the date of his submission to the Privy Council.‡

I understand that it is deemed advisable to determine the precedence of the head of His Majesty's Government for the time being without reference to the actual office he may hold, and independently of his social rank.

Assuming, then, that it is His Majesty's

* The Lord President of the Council and the Lord Privy Seal are placed, by 31 Henry VIII, c. 10, before all Dukes except Dukes related to the Sovereign in one or other of the degrees of consanguinity specified in the Act.

† The Authorities state that since the holders of these offices have been and always are Peers, their proper precedence, if they are Commoners, has never been determined. But the Lord President was a Commoner in 1852, as was the Lord Privy Seal in 1886, 1892, and 1902.

‡ Thus the present Prime Minister is, in point of precedence, four places below the present Leader of the Opposition.

pleasure to assign to the Prime Minister of the day a commanding position among his subjects, it will be necessary to refer to the authoritative table of precedence with a view to finding an appropriate place in which to enter his name.

The first three names in the table of precedence are:—

"The Archbishop of Canterbury as Primate of all England.

"The Lord Chancellor of Great Britain or Lord Keeper of the Great Seal.

"The Archbishop of York as Primate of England."

The precedence of the first name over the Archbishop of York was decided as far back as the time of King Edward III. The relative precedence of the three was decided by King Henry VIII.

Without surveying the historical causes which have led to these offices being fixed in this order, it may be accepted that these high dignitaries owe their situation to ecclesiastical origin. The Lord Chancellor, in his capacity as Secretary to the Sovereign, prepared and made out his mandates, grants, and charters, and finally (when Seals came into use) affixed his seal. Hence, or perhaps because in early times he was usually an ecclesiastic, he became Keeper of the King's conscience, examiner of his patents, the officer by whom prerogative writs were prepared, and Keeper of the Great Seal. The last ecclesiastic who exercised the office was John Williams, Archbishop of York, who was Lord Keeper from July 1621 to November 1625.

It is submitted, therefore, that it would be wise not to intrude the name of the Prime Minister into this group of dignitaries, nor to disturb their long-established pre-eminence in the State, which rests upon the close connection of the Church with the Monarchy.

The question then arises, can the Prime Minister be placed next to the Archbishop of York? Ought he, if the Lord Chancellor's title in the table of precedence be counted as an ecclesiastical one, be treated, whether he be Peer or Commoner, as the first lay subject of His Majesty? I venture to think that he ought.

Now it so happens that in the table of general precedence the fourth place is given to the Lord High Treasurer of Great Britain. The last Lord

High Treasurer was Charles Talbot, Duke of Shrewsbury, in 1714. Since then the office has been in commission, and the Board of Treasury which represents it has for its principal officer the First Lord of the Treasury.

Inasmuch as the Prime Minister of the day is generally First Lord of the Treasury—though Lord Salisbury's case is a notable exception, which, however, does not seem likely to be repeated—there is a certain appropriateness in assigning the place of the Lord High Treasurer to the Prime Minister of modern times.*

Hence a decision to give this place to the head of His Majesty's Government will not be a purely arbitrary one, but will revive, in the person of the First Lord of the Treasury, when that official is Prime Minister, the ancient dignity of the Lord High Treasurer, who followed next to the Primate of England.

Before adopting this view, two matters of possible critical comment ought perhaps to be mentioned:—

1. According to Burke, the Lord Chancellor of Ireland is placed next to the Archbishop of York, but he gives no authority for the insertion of his name at this place.

Now, the Lord Chancellor of Ireland has no *absolute* rank in the table of precedence. It has been necessary from time to time to allot to him a special place on certain ceremonial occasions, such as Coronations; for example, at the Coronation of William IV he was placed next to the Lord Chancellor of Great Britain, and before the Lord President of the Council and the Lord Privy Seal, upon which Burke thus comments:—

"The question of the precedence of the great officers of State of Ireland and Scotland with reference to similar offices in England is not provided for by the Act of Union, and has never yet been definitely settled, unless, indeed, the placing of the Lord Chancellor of Ireland next to the Lord Chancellor of Great Britain be deemed a Royal settlement of the point."

But at the Coronation of the late Queen the Lord Chancellor of Ireland came after the Arch-

* It is true that this argument, if logically pressed, would lead to recommending that the First Lord of the Admiralty should succeed to the place of the Lord High Admiral; but this Memorandum is only concerned with the precedence of the Prime Minister, and it is probably not desirable to open up any further questions of official precedence.

bishop of Armagh, who himself followed the Archbishop of York, while at the Coronation of the present King—the Irish Church having been disestablished in 1869—the Lord Chancellor of Ireland came next to the Archbishop of York.

This rank may possibly be again accorded to the Lord Chancellor of Ireland in like events. There seems, however, no sufficient reason for considering him as the permanent occupant of this high position in the table. The Lord Chancellor of Ireland is not usually a Member of the Cabinet, nor is he necessarily a Peer—indeed, on twelve occasions in the late reign he was a Commoner—and his dignity would seem to be sufficiently recognized, if in the future he found a place next in succession to the Prime Minister.

2. It may be urged that in proposing to give this lofty place to the Prime Minister, even when a Commoner, some injustice will be done to the Speaker of the House of Commons, who in common parlance enjoys the title of First Commoner. This objection, it is submitted, is, however, more fanciful than real. The Speaker cannot in strict language be called the First Commoner. His rank is junior in the table to Dukes' eldest sons, Marquises' eldest sons, Dukes' younger sons, Earls' eldest sons, Marquises' younger sons, who, of course, are all Commoners, and who have their precedence (according to Blackstone) by ancient usage and established custom, while the Speaker's precedence is regulated by a Statute of William and Mary. To test the accuracy of the description of First Commoner, and to show that the Speaker's place is not an absolute one, we may imagine a Member of the House of Commons of the rank of a Peer's son, mentioned above, being elected Speaker, when, I have no doubt, he would take the place which his hereditary title would give him, and not the lower one allotted to the Speaker. Again, if Burke's placing of the Lord Chancellor of Ireland be accepted, it is evident that when that official is, as he frequently is, a Commoner, his position would be far in advance of the Speaker.

If, then, it is felt that neither of these criticisms invalidates the proposal to grant the Prime Minister, whether a Peer or Commoner, a place next to the Archbishop of York, it only remains to point out that the method of assigning this special precedence is by Royal Warrant, declaring

His Majesty's pleasure; and further to recommend that nothing shall be done to establish this new position for the Prime Minister so long as Mr. Balfour enjoys the office. It appears to me that the proper course will be to prepare the Warrant, and to issue it at an early date *after or simultaneously with* the formation of the next Administration, adding, if it be thought fit, a communication to the effect that it had been approved by the Sovereign, with the concurrence of the present Prime Minister.

J. S. SANDARS.

10, Downing Street,
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