# Erskine May, Chapter II, pp. 145-154

## Dismissal of the Melbourne Ministry

Two years after these great events, the prerogatives of the crown were again called into activity, in a manner which seemed to revive the political history of 1784. Earl Grey's government had lost the confidence of the king. His Majesty had already become apprehensive of danger to the church, when his alarm was increased by the retirement of Lord Stanley, Sir J. Graham, and two other members of the cabinet, on the question of the appropriation of the surplus revenues of the church in Ireland. And without consulting his ministers, he gave public expression to this alarm, in replying to an address of the prelates and clergy of Ireland. The ministry of Earl Grey, enfeebled by the retirement of their colleagues, by disunion, and other embarrassments, soon afterwards resigned. Though they had already lost their popularity, they continued to command a large majority in the House of Commons. Lord Melbourne's administration, which succeeded, was composed of the same materials, and represented the great liberal party, and its parliamentary majority. Lord Melbourne had concluded the business of the [146] session of 1834, with the full support of this majority. But the king, who had withdrawn his confidence from Earl Grey, reposed it still less in Lord Melbourne, having, in the meantime, become entirely converted to the political opinions of the opposition.

In October, the death of Earl Spencer having removed his son, Lord Althorp, from the leadership of the House of Commons, and from his office of Chancellor of the Exchequer, the king seized this opportunity for suddenly dismissing his ministers; and proceeded to consult the Duke of Wellington upon the formation of a government, from the opposite party. Lord Althorp's elevation to the House of Lords rendered necessary a partial reconstruction of the ministry: but assuredly that circumstance alone would not have suggested the propriety of taking counsel with those who constituted but a small minority of the House of Commons. Lord Melbourne proposed to supply the place of Lord Althorp by Lord John Russell,—a far abler man: but the king was determined that the ministry should be dissolved. All the accustomed grounds for dismissing a ministry were wanting. There was no immediate difference of opinion between them and the king, upon any measure, or question of public policy: there was no disunion among themselves: nor were there any indications that they had lost the confidence of Parliament. But the accidental removal of a single minister,—not necessarily from the government, but only from one House of Parliament to the other,—was made the occasion for dismissing the entire administration. It is true that the king viewed with apprehension the policy of his ministers in regard to the Irish church: but his assent was not then required to any specific measure of which he disapproved, nor was this the ground assigned for their dismissal. The right of the king to dismiss his ministers was unquestionable: but constitutional usage has prescribed certain conditions under which this right should be exercised. It should be exercised solely in the interests of the state, and on grounds which can be justified to Parliament,—to whom, as well as to the king, the ministers are responsible. Even in 1784, when George III. had determined to crush the coalition ministry, he did not venture to dismiss them, until they had been defeated in the House of Lords, upon Mr. Fox's India Bill. And again, in 1807, the ministers were at issue with the king upon a grave constitutional question, before he proceeded to form another ministry. But here it was not directly alleged that the ministers had lost the confidence of the king; and so little could it be affirmed that they had lost the confidence of Parliament, that an immediate dissolution was counselled by the new administration. The act of the king bore too much the impress of his

personal will, and too little of those reasons of state policy by which it should have been prompted: but its impolicy was [148] so signal as to throw into the shade its unconstitutional character.

## Wellington's Provisional Ministry

The Duke of Wellington advised his Majesty that the difficult task of forming a new administration, should be entrusted to Sir Robert Peel. But such had been the suddenness of the King's resolution, that Sir Robert, wholly unprepared for any political changes, was then at Rome. The duke, however, promptly met this difficulty by accepting the office of first lord of the Treasury himself, until Sir Robert Peel's arrival. He also held the seals of one of his Majesty's principal secretaries of state, which,—as there was no other secretary,—constituted his grace secretary for the home, the foreign and the colonial departments. His sole colleague was Lord Lyndhurst, who was entrusted with the great seal: but still retained the office of Lord Chief Baron of the Court of Exchequer.

This assumption of the government by a single man, while Parliament was not sitting,—avowedly for the purpose of forming an administration from a party whose following comprised less than a fourth of the House of Commons,(1) presented an unpromising view of constitutional government, after the Reform Act.

In defence of this concentration of offices, the precedent of the Duke of Shrewsbury was cited, who, in the last days of Queen Anne, had held the several [149] offices of Lord High Treasurer, Lord Chamberlain, and Lord Lieutenant of Ireland. But the critical emergency of that occasion scarcely afforded an example to be followed, except where some public danger is to be averted. The queen was upon her death-bed: the succession was disputed,—a civil war was impending,—and the queen's ministers had been in secret correspondence with the Pretender. At such a time of peril, any means of strengthening the executive authority was justifiable: but to resort to a similar expedient, when no danger threatened the state, merely for the purpose of concerting ministerial arrangements and party combinations,—if justifiable on other grounds,—could scarcely be defended on the plea of precedent. Its justification, if possible, was rather to be sought in the temporary and provisional nature of the arrangement. The king, having dismissed his ministers, had resolved to entrust to Sir Robert Peel the formation of another ministry. The accident of that statesman's absence deferred, for a time, the carrying out of his Majesty's resolution; and the Duke of Wellington, in the interval, administered the executive business of several departments of the government, in the same manner as outgoing ministers generally undertake its administration, until their successors are appointed. The provisional character of this inter-ministerial government was shown by the circumstances stated by the duke himself, 'that during the whole time he held the [150] seals, there was not a single office disposed of, nor an act done, which was not essentially necessary for the service of the king, and of the country.' That it was an expedient of doubtful and anomalous character,—which, if drawn into precedent, might be the means of abuses dangerous to the state,—could scarcely be denied: but as the duke had exercised the extraordinary powers entrusted to him, with honour and good faith, his conduct, though exposed to invective, ridicule, and caricature, did not become an object of parliamentary censure. Such was the temper of the House of Commons, that had the duke's 'dictatorship,'—as it was called,—been more open to animadversion, it had little to expect from their forbearance.

## The First Peel Ministry

If any man could have accomplished the task which the king had so inconsiderately imposed upon his minister, Sir Robert Peel was unquestionably the man most likely to succeed. He perceived at once the impossibility of meeting the existing House of Commons, at the head of

a Tory administration; and the king was therefore advised to dissolve Parliament.

So completely had the theory of ministerial responsibility been now established, that, though Sir Robert Peel was out of the realm when the late ministers were dismissed,—though he could have had no cognizance [151] of the causes which induced the king to dismiss them—though the Duke of Wellington had been invested with the sole government of the country, without his knowledge,—he yet boldly avowed that, by accepting office after these events, he became constitutionally responsible for them all,—as if he had himself advised them. He did not attempt, like the ministers of 1807, to absolve himself from censure for the acts of the crown, and at the same time to denounce the criticism of Parliament, as an arraignment of the personal conduct of the king: but manfully accepted the full responsibility which had devolved upon him.

The minister could scarcely have expected to obtain a majority in the new Parliament: but he relied upon the reaction in favour of Tory principles, which he knew to have commenced in the country, and which had encouraged the king to dismiss Lord Melbourne. His party was greatly strengthened by the elections: but was still unequal to the force of the opposition. Yet he hoped for forbearance, and a 'fair trial;' and trusted to the eventual success of a policy as liberal, in its general outline, as that of the Whigs. But he had only disappointments and provocations to endure. A hostile and enraged majority confronted him in the House of Commons,—comprising every section of the 'liberal party,'—and determined to give him no quarter. He was defeated on the election of the Speaker, where at least he had deemed himself [152] secure; and again upon the address, when an amendment was voted condemning the recent dissolution as unnecessary;(2) and,—not to mention minor discomfitures,—he was at length defeated on a resolution, affirming that no measure on the subject of tithes in Ireland would be satisfactory, that did not provide for the appropriation of the surplus revenues of the Irish Church.

These few weeks formed the most brilliant episode in Sir Robert Peel's distinguished parliamentary career. He combined the temper, tact, and courage of a great political leader, with oratory of a higher order than he had ever previously attained. He displayed all the great qualities by which Mr. Pitt had been distinguished, in face of an adverse majority, with a more conciliating temper, and a bearing less haughty. Under similar circumstances, perhaps, his success might have been equal. But Mr. Pitt had still a dissolution before him, supported by the vast influence of the crown: Sir Robert Peel had already tried that venture, under every disadvantage: he found the king's confidence a broken staff,—and no resource was left him, but an honourable retirement from a hopeless struggle.

## Failure of the King's Use of Prerogative

[153] He resigned, and Lord Melbourne's government, with some alterations, was reinstated. The stroke of prerogative had failed; and its failure offers an instructive illustration of the effects of the Reform Act, in diminishing the ascendent influence of the crown. In George the Third's time, the dismissal of a ministry by the king, and the transfer of his confidence to their opponents,—followed by an appeal to the country,—would certainly have secured a majority for the new ministers. Such had been the effect of a dissolution in 1784, after the dismissal of the coalition ministry: such had been the effect of a dissolution in 1807, on the dismissal of Lord Grenville. But the failure of this attempt to convert Parliament from one policy to another, by the prerogative and influence of the crown, proved that the opinion of the people must now be changed, before ministers can reckon upon a conversion of Parliament. It is true that the whole of these proceedings had been ill advised on the part of the king, even in the interests of the party whom he was anxious to serve: but there had been times within the memory of many statesmen then living, when equal indiscretion would not have incurred the least risk of defeat.

The second ministry of Lord Melbourne, though rapidly sinking in the estimation of their own supporters,—and especially of the extreme, or radical party,—while their opponents were gaining strength and popularity in the country,—continued in office during the two [154] remaining years of the king's reign, without recovering his favour.

**Footnotes.**

1. Sir Robert Peel himself admitted that he could not have depended upon more than 130 votes.—Hans. Deb., 3rd Ser., xxvi. 224, 293, 425. See also Chap. VIII.
2. It lamented that the progress of 'reforms should have been interrupted and endangered by the unnecessary dissolution of a Parliament earnestly intent upon the vigorous prosecution of measures, to which the wishes of the people were most anxiously and justly directed.'—Com. Journ., xc. 8.

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