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The British Labour Party and the reform of the House of Lords, 1918 to date.

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THE BRITISH LABOUR PARTY
AND THE REFORM OF THE
HOUSE OF LORDS,
1918 TO DATE

YU SAN WANG
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HOUSE OF LORDS, 1918 TO DATE

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CHAPTER I

INTRODUCTION

During the late eighteenth century the British system of government was based on "property", which meant property in land. The landowners either controlled or influenced the nomination and election of members of Parliament in the great majority of counties and boroughs. This condition was altered by the Industrial Revolution. Under the new conditions industrial capital became more important than land, and to a considerable degree political influence was transferred from the country gentlemen to the emerging class of capitalists. The House of Lords for some time continued to represent landed property and the House of Commons depended on the votes of the new middle class. The conflict between these two classes resulted in a number of efforts to reform the House of Lords. During the first decades after the passing of the Reform Act of 1832 the House of Lords generally acted with moderation, and no acute conflict between the Houses developed. During the later years of the nineteenth century, however, and indeed right up till 1914, the role of the House of Lords in the British constitution could hardly be described except in terms of a permanent conflict between its majority and the Liberals in the House of Commons.
In the early years of the twentieth century the Labour
Party emerged gradually as an influential force in British
politics. A significant element in the early Labour Party
was a group of intellectuals known as the Fabian Society.
The Fabian Society constituted itself the intellectual wing
of the Labour Party. In 1924, the Labour Party was able to
form its first Government; the second Labour Government was
constituted in 1929, supported by 288 members of the Conser-
vative Party. By the election of 1945 Labour won 396 out of the
640 seats in Commons, and a new post-war Labour Government was
led to power by Clement R. Attlee.

Labour's reform programme was from the beginning
unacceptable to the House of Lords for, traditionally, the
Lords' representation has remained unchanged, and politically,
the Conservative members have an absolute majority in the
Upper House. The abolition of the Upper Chamber was thus a
part of the early Labour programme.

The House of Lords is composed almost entirely of
holders of hereditary titles and hence this element exercises
undisputed control over the proceedings of the Upper House.
In fact, with a Conservative Government in office as a result
of a Conservative majority in the House of Commons, the here-
ditary majority in the House of Lords is in a state of quiescent
amenability. The Labour Party when it has a majority in the
Commons and a Labour Government in office finds itself faced
with an entirely different situation. The significant point is that the Conservative politicians in the House of Lords use their strength whenever possible to obstruct a Labour Government whether wrong or right.

The Parliament Act of 1911 curtailed the veto of the Lords to a period of two years for Bills passed by the Commons in three successive sessions (whether of the same Parliament or not) and abolished the veto altogether in respect of financial measures. These limitations to the powers of the House of Lords (further strengthened by the Parliament Act of 1949, which reduced the delaying powers of the Lords from two years to one) are based on the belief that the chief value of the Upper House lies, not in thwarting the elected House, but in bringing the wide experience of its Members into the legislative process.

When the Parliament Act of 1911 was passed, both its advocates and its opponents expected that it would soon be replaced by a comprehensive reform both of the powers and of the compositions of the House of Lords. The succeeding forty years in fact saw innumerable proposals, modest and ambitious, in Parliament and in Party Conferences, but almost all were abortive.

Thirty years ago the Conservatives apparently wanted to restore the formal power of the House of Lords to obstruct

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socialistic legislation; now, however, they have abandoned this aim as unrealistic. Their present purpose seems to be more limited; they hope to improve the Upper House, and would be prepared to accept a reduction of their own excessive numerical superiority in it in order to achieve that objective. The Labour Party has lost its former attitude of active hostility to the House of Lords, but still has little enthusiasm for any change which might enhance the prestige of the House of Lords. While recognizing the usefulness of the House of Lords within a restricted sphere, socialists in general prefer that it should either remain politically weak or be entirely transformed. Knowing that the transformation that they would like would be unacceptable to the Conservatives, and believing that the power of the Lords to obstruct is now adequately limited, they are not very interested in reform.

The Bryce Conference of 1918 tried to define the functions which the House of Lords could usefully perform in the context of modern British Government, but the most important of the recommendations — that the House should have power to impose so much delay on legislation as might enable public opinion to express itself — has a meaning which is very obscure. Because of this obscurity it seems that this principle cannot now be accepted without reservations.

The centre of Parliamentary power is in the popularly

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2 The Times (London), November 17, 1959, p. 9.

3 Ibid.
elected House of Commons and the role of the House of Lords in Parliament is, necessarily, a second one. Until the twentieth century, however, the Lords' power of veto over measures proposed by the Commons was, theoretically, unlimited.

In practice, the House of Lords does not, today, attempt to exercise its powers in defiance of public opinion; but, although it is not the ultimate seat of power, its influence remains very considerable, and successive Governments since 1911 have found the time and facilities available in the second chamber of value.

As for the countries of the Commonwealth -- the Dominion of Canada, the Australian States, New Zealand, which received their constitutions about the middle of the nineteenth century -- it is not surprising that pious devotion to the "Constitution" prompted the reproductions of all the familiar organs of the home government, including a "House of Lords" -- which for obvious reasons could not be hereditary. The twentieth century constitutions, those of the Australian Commonwealth and South Africa and more recently of Ceylon, India and Pakistan, have followed suit.

So the statesmen have gone on pretty persistently setting up second chambers until our own day. They have been supported by most political theorists. Different purposes have been given weight at different times. These purposes may be classified as: (a) to represent aristocracy against the

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4 The Times (London), January 9, 1960, p. 11.
democratically-representative Chamber, (b) to give the country time for second thoughts, (c) to improve bills sent from the Lower House and to relieve the congestion of business in that House, (d) to safeguard fundamental institutions, and (e) in a federal constitution, to safeguard the interests of the component States.

Here are some examples of "strong" and "useful" second chambers, stating the limitations of the latter.

1. "Strong" (co-ordinate) second chambers. The Senates of Belgium, Italy and Sweden possess equal legislative powers with the Lower Chambers even in finance. The financial powers of the Canadian Senate are, by law, the same as those of the nineteenth century House of Lords; but, it has allowed itself considerably more latitude in practice. The Australian Senate is empowered by the constitution to make "suggestions" for financial amendments -- a power which has become very like the power of amendment.

2. "Useful" (limited) second chambers. Examples are those of France (Fourth Republic), Ireland, the Netherlands, and the United Kingdom. On its post-Parliament Act record, the House of Lords is the leading example of a "useful" second chamber. It has, through the quality of its debates and the judgment with which it exercises the "useful" functions referred to above, retained an influence over public opinion and a control

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6 Ibid., pp. 23-24.
over the form of legislation which are incommensurate with its restricted powers.

In addition to the House of Lords, the second chambers whose powers are confined to holding up, but not finally rejecting, Lower House Bills, are the Irish Seanad and the French Council of the Republic.

Having, presumably, made up their minds about the purposes for which they needed a second chamber, and the powers which it ought accordingly to have, the Continental framers of constitutions proceeded next to construct plans for obtaining the sort of bodies that would serve those purposes and exercise those powers. It is only with the British that the approach to the problem is the other way -- given an existing House of Lords, how to make the best of it as a modern second chamber.

The aim of this paper is to analyse the efforts within the Labour Party to reform of the House of Lords and in order to keep the project within manageable limits, attention will be devoted only to the period from 1918 to the present.

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7 Ibid.

8 The Times (London), October 27, 1948, p. 6.
CHAPTER II

A BRIEF HISTORY OF EFFORTS WITHIN THE LABOUR PARTY TO REFORM THE HOUSE OF LORDS, 1918 TO DATE

The attitude of the Labour Party concerning the reform of the House of Lords before 1918 was that any constitutional House of Lords should be quite definitely a Second Chamber. The House of Lords should not rival the House of Commons; such rivalry was useless. Any permanent reservation of seats in the Second Chamber, either for peers or Ecclesiastics, the scions of Royalty or great Officers of State, the representatives of particular localities, or of particular classes, meant a "loading of the dice" against democracy, which Labour must absolutely reject.

The following categories constituted Labour's programme of reform of the House of Lords before 1918:

1. The House of Commons must be and remain the Supreme Legislature.

2. The nation will not tolerate a "House of property owners" or any revival of the Separate Estates of the Realm.

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3. Any "partially elected" second Chamber would inevitably turn out to be heavily loaded with peers and dignitaries, millionaires and superannuated officials. The Conservative Party would have a permanent majority and the Labour Party would find itself hopelessly out-voted.

4. The Labour Party must beware equally of a Second Chamber formed by indirect election, or nominated by County Councils, the learned professions and great interests.

5. The function of the House of Lords is merely to help the House of Commons to express correctly the people's will; not to balk it.

6. The best way of forming a Second Chamber would be to adopt the Norwegian system -- let the House of Commons elect, after each General Election, by Proportional Representation.

The Parliament Act of 1911, in fact, was a compromise between the believers in completely popular government and those who distrusted the people. After all, anti-hereditary feeling was growing among Labour supporters. However, the Parliament Act of 1911 only satisfied Liberals, not Labour. After 1918 there came to be a wider acceptance of the idea of a one-chamber Parliament by the Labour Party.

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2 The Times (London), September 27, 1920, p. 4.

In 1918 the results of an all-party conference were reported by Lord Bryce, chairman of the committee. In dealing with the power of the House of Lords the conference agreed that the House of Lords ought not have equal powers with the House of Commons nor aim at becoming a rival of the Lower House. In the composition of the House of Lords the Bryce Conference proposed to reduce the House to 327 members serving 12-year terms. Eighty-one of these members were to be selected from the hereditary peerage by a standing committee of both Houses, and the remaining 246 were to be chosen by 13 district electoral colleges composed of members of Parliament from the respective areas. However, this proposal failed to elicit any general support.

After the Bryce Committee report had been widely discussed, certain changes of attitude were evident in regard to the House of Lords. In 1924 when the Labour Party formed its first Government, it made no suggestion that the reform or destruction of the House of Lords was a part of its programme. However Labour in the country might feel, the Parliamentary Labour Party looked at the House of Lords as at least a potential bulwark of freedom.

After World War I with the growing strength of Labour, a great many Conservatives believed that only the House of


Lords could stand between the country and revolution. They, therefore, set the stage for an attempt to make the House of Lords more powerful.

The first effort to reform the House of Lords was made during the coalition Ministry of Mr. Lloyd George. Resolutions were proposed by a cabinet committee presided over by the Marquess Curzon on July 13, 1922. The main point of these resolutions was to strengthen the House of Lords.

In 1925, after the Labour Government had fallen, the Conservatives had returned to power with a large majority. In March of that year, the Duke of Sutherland asked if the Government were prepared to introduce legislation for House of Lords reform. The Duke seemed to fear what a Labour Government would do if it would come into office backed by a House of Commons majority. He said that he believed that an unreformed hereditary House on existing lines would not be endured for six months by a real Labour Government with a clear majority and full powers; it would be abolished altogether by means of a Parliament Act.

Lord Haldane, the Labour Party’s leader in the House of Lords, suggested that the best solution to the problem, since attempts at reform had been made ever since 1888 and had in each instance broken down, was to let time settle the matter.

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**Footnotes**


7 *Lords Debs.*, 25th March 1925, Vol. 60, Col. 691.
But Lord Carre, speaking for the Government, argued that things could not be left as they were.

Speaking for the Labour Party Lord Haldane and Lord Parmoor argued that they could not agree to an increase in the powers of House of Lords in relation to the other House. The leader of the Liberal in the House of Lords, Lord Beauchamp, pledged the opposition of his party also.

In 1927 Lord FitzAlan of Derwent moved a resolution which read as following:

In view of the long standing declarations of the Minister that reform of the Second Chamber of the Legislature is of urgent importance to the public service, the House would welcome a reasonable measure limiting and defining membership of the House and dealing with the defects which are inherent in the Parliament Act.\(^8\)

Again, Lord Haldane and Lord Parmoor pointed out that they could not agree to increasing the power of the House of Lords in relation to the House of Commons.

For the Liberal Party Lord Arran announced his intention to move an amendment to Lord FitzAlan’s resolution to the effect that "no action should be taken on so grave a subject until the electorate has expressed its view." The Labour peers supported this amendment. The motion of Lord FitzAlan was carried out without division. The vote on the Earl of Arran’s amendment was 54 for and 212 against. The government

\(^8\) Ibid., Cols. 699-70.
\(^10\) Ibid., Col. 1008.
On June 29, 1927, Mr. Ramsay MacDonald gave notice in the House of Commons of a motion of censure on the Government. He moved:

That this House regrets that the Government has put forward a scheme for fundamental changes in the House of Lords which gerrymanders the Constitution in the interests of the Conservative Party, deprives the House of Commons of that control over finance which it had possessed for generations, entrenches the House of Lords, on a hereditary basis, more firmly against the people's will than for centuries past, and, in defiance of every precedent of modern times robs the electors of power to deal with the House of Lords; and this House declares that it will be an outrage on the constitution to force such proposals through Parliament without a mandate from the people.  

The debate on his motion was held on July 6, the Conservatives being strongly against this motion. The vote on Mr. MacDonald's motion was, of course, treated as a vote of confidence in the Government rather than as vote on the merits of the Government's reform proposals; consequently, 169 members supported the vote of censure, while 362 members upheld the Government.

During the period of 1929 to 1931, the Labour Party formed the Government. The Government did not carry out its programme regarding the reform of the House of Lords. From 1931 to 1935 Labour was badly split, and MacDonald remained

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11 Ibid.
12 Commons Deb., 29th June 1927, Vol. 208, Col. 1279.
13 Ibid., Col. 1400.
as Prime Minister with the Conservatives supplying the overwhelming voting strength of the Government. From 1935 to the beginning of the World War II all the political parties concentrated their attention on the international crisis, and did not bring forth any progressive proposals for the reform of the House of Lords. From 1939 to the end of the War the Parliament devoted its entire efforts to the struggle for national existence rather than to the problem of the House of Lords.

The Labour Party's attitude during the period of 1918-1945 supported the abolition of the House of Lords. At its 34th Annual Conference in 1933, it passed a resolution that the House of Lords must be abolished, both because it embodied undemocratic class distinctions and because its Conservatives were an obstacle to Socialist legislation. The Labour Party presented only a general statement and left the exact method to be determined by the circumstances. The resolution of the annual conference held in the following year proposed that the Lords should be done away with only if it tried to stop the Labour Government's legislation.

The left-wingers in the party anticipated a crisis on Labour's assumption of power, and that Stafford Cripps would demand the immediate creation of sufficient peers to act in the emergency, and then vote the abolition of the House of Lords. They felt that to delay the required two years to pass legislation without the concurrence of the House of Lords would be

14The Times (London), December 12, 1947, p. 3.
It would "waste time, destroy confidence, and invite sabotage." Lord Ponsonby, while Labour Leader in the House of Lords, advocated the official Party plan to adjust the method to the circumstance, claiming that it would be a tactical error to reveal in advance the exact procedure to be followed.

If a Conservative program of reform was carried out the problems facing the Labour Party might be greatly complicated. Such a scheme would confront a Labour majority in the Commons with the "possible destruction of its programme" by reconstituting the House of Lords with important powers and an "eternal Tory majority."

From 1918 onwards till 1945 the House of Lords rarely came into conflict with the House of Commons; because there was -- most of the time -- a Conservative majority, the Labour Party was not in a position to introduce any very controversial legislation, so was not likely to have many difficulties with the Lords!

The Labour Party manifesto for the General Election of 1945, Let Us Face the Future, stated that "... we give clear notice that we will not tolerate obstruction of the people's will by the House of Lords." The result of the General Election of 1945 brought the Labour Party into office with 392 seats in the Commons. The Labour Government proposed a large legislative

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programme, including the nationalization of certain basic industries. It encountered strong opposition in the House of Lords. This created the possibility of the most far-reaching reform of the House of Lords since 1911.

In 1946 when the Transport Bill was sent to the House of Lords, Mr. Morrison, Lord President of the Council, warned the Lords that "We Shall in due course see what is done about it by the House of Lords. According to what the Lords do we shall have to consider our future constitutional policy."

The final session of the Cooperative Party Conference adopted a resolution to warn the House of Lords that if nationalization Bills were stopped by the House of Lords that body would be brought to an end.

The Government chose that the trial of strength should come on the actual power of the Lords rather than wait for rejection of an important Government measure. Primarily in order to protect any legislation they might initiate during the last two years of the Parliament from being thrown out by the Lords under the 1911 Act's power of delay, the Parliament Bill was introduced on October 21, 1947, in the House of Commons, which amended the Parliament Act of 1911. The new Act further limited the delaying power of the House of Lords from two years to one. The great debate took place after the bill was introduced.

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18 The Times (London), July 15, 1946, p. 3.
Strong opposition was expressed in both Houses. The Opposition described the bill as the "road to dictatorship." Mr. Churchill said, "It is a deliberate act of social aggression." Mr. Attlee argued that in the first three years of a Government's life bills could be put through under the Parliament Act should they be rejected, but after a Government's life had run for a certain time that axe began to hang over its head.

On November 11, 1947, the Opposition amendment for rejection of the Parliament Bill was negatived by 345 votes to 194 in the House of Commons. The Bill was read a second time. On December 10, 1947, the Government moved quick action to put the Bill through third reading by 340 to 186 votes.

The Parliament Bill was introduced in the House of Lords on January 8, 1948, for second reading. The Opposition Leader Salisbury moved an amendment for the rejection of the Parliament Bill. He stated the Conservative peers' feeling that any reduction of the powers of the Upper House should not be accomplished without at the same time reforming its composition.

On January 9, the House of Lords rejected the Parliament Bill by 177 votes to 81 after Lord Addison had made a last-minute proposal on behalf of the Government.

19 Commons Debts., 21st October 1947, Vol. 443, Col. 35.
22 Commons Debts., 10th December 1947, Vol. 445, Col. 1090.
23 Lords Debts., 8th January 1948, Vol. 15 6, Col. 640.
The Government called an all-party conference on February 19, 1948, upon the suggestion of the Opposition. It was agreed that the discussions should be regarded as private. Finally, the conference broke down concerning one point upon which they could not agree. The Opposition Leaders regarded the 'one year's delay' proposed in the Parliament Bill as largely illusory. They looked upon the compromise proposal of the Government as unsatisfactory. One final argument was about a matter of three months; they could not reach any agreement between the Government and Opposition. When the Labour Government insisted that the delay should mean twelve months from the first occasion of second reading in the Commons or nine months from the third reading, whichever was greater, the Conservatives insisted on a different interpretation, and would have nothing to do with anything less than twelve months from the third reading.

In the Labour Party conference which was held in May, 1948, the Birkenhead Trades Council asked the Labour Party to express alarm at the Government's reported intention to reform the House of Lords on a permanent basis. The resolution declared that such action would make subsequent abolition impossible, and that a nominated second chamber was inconsistent with democratic government. The Norwood Party submitted an amendment providing for a second chamber with limited revising powers and divorced

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from the principles of the peerage and hereditary.

For the second time in the House of Commons the Parliament Act was brought for a second reading on September 20, 1948. The Opposition amendment for its rejection had been negatived by 319 votes to 192. The motion for third reading was carried by 323 to 195 on September 21, 1948.

On September 22, 1948, the Parliament Bill was introduced in the House of Lords after its second passage in the Commons. On September 23, 1948, the second reading was rejected by 204 votes to 34.

The Parliament Bill was for a third time brought to the floor in the House of Commons on October 31, 1949. Mr. Ede moved the bill for second reading. In the debate the Opposition suggested that there should be a change in the Lords' composition as well. The Government desired a period of delay that would take away the power of a revising chamber and, therefore, reduced its responsibilities in dealing with matters referred to it. The Opposition held themselves free to reform the composition of the Lords and to give such powers as they thought right without exceeding the powers of the 1911 Act. Finally, the bill was read a second time by 333 votes to 196.

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26 Commons Deb., 20th September 1948, Vol. 456, Col. 638.
27 Ibid., Col. 840.
29 Commons Deb., 31st October 1949, Vol. 469, Col. 162.
On November 14, Sir H. Shawcross moved a resolution to provide that the Parliament Bill should be passed through the committee stage without amendment or debate. The motion was carried by 289 votes to 116, a Government majority of 173. The Opposition challenged a further division in the committee on the motion that the Bill should be reported, without amendment, to the House and this was carried by 286 votes to 117, a Government majority of 169.

The third reading was moved formally by Mr. Ede, the Home Secretary; the Opposition moved a proposal to reject the third reading, but the motion was negatived by 340 to 187. The Bill was then read a third time.

On November 29, 1949, the Parliament Bill was for the third time defeated in the House of Lords by 110 votes to 37. It received the Royal Assent under the Parliament Act of 1911 on December 16, 1949.

After the General Election of 1951 the Conservative Government announced their intention of calling another all-party conference, but Labour's reaction was cool. On May 21, 1952, about 150 Labour members discussed in the House of Commons a motion opposing the suggestion that the consultations should take place on the reform of the House of Lords. This suggestion

30 Ibid., Col. 1736.
31 Ibid.
32 Ibid., Col. 1818.
33 Lords Debs., 29th November 1949, Vol. 165, Col. 1040.
was made by the Government as a subject to be discussed in the all-party conference.

On February 3, 1953, Prime Minister Churchill wrote to Mr. Attlee, Leader of Opposition, that the reform of the House of Lords should again be considered at a preliminary interparty conference with a view to continuing discussion at a more official conference of Party Leaders. By a small majority, the meeting of the Parliament Labour Party on February 18, 1953, decided that the Opposition should not accept the Prime Minister's invitation.

Mr. Attlee and other party leaders favoured acceptance of the invitation, subject to the condition that the powers of the House of Lords should be excluded from discussion, but by 58 votes to 51 the meeting decided against acceptance on any terms.

House of Lords reform was not regarded by the Labour Party as a live political issue. The Opposition were unalterably opposed to any extension of the powers of the House of Lords and were opposed to any changes which would tend to increase the prestige of the Second Chamber. Therefore, they felt that this interparty conference would not produce any useful result. In the letter to Mr. Churchill Mr. Attlee said:

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34 The Times (London), May 23, 1952, p. 3.
35 The Times (London), February 4, 1953, p. 6.
36 The Times (London), February 19, 1953, p. 7.
...In view of the fact that the previous discussion in 1948 on this subject revealed a fundamental cleavage of opinion between Labour and Conservative Parties on what is the proper part to be played by the House of Lords as a Second Chamber, we have come to the conclusion that no useful purpose would be served by our entering into such a discussion.  

In February 1953, Lord Simon introduced a Life Peer Bill in the House of Lords; the object of the Bill was to authorize the creation by Her Majesty, on the recommendation of the Prime Minister, of a limited number of persons to be Members of the House of Lords during their lives, without transmitting their rights to be Lords of Parliament to their heirs. The Bill suggested that ten should be the maximum number of Life Peers to be created in any year. If that maximum was thought to be too great, then the figure could be reduced in Committee. Earl Jowitt said that any particular constitutional change of the Lords should be as a subject of discussion between the parties. The Bill was withdrawn without division.

In the Queen's Speech at the opening of the 1953-1954 session the Government undertook to consider the question of the reform of the Lords further, but no proposals were put forward.

The Conservative Party still sought the cooperation of other parties in reaching a further resolution on the matter of

38 Lords Debs., 3rd February 1953, Vol. 180, Col. 133.
39 Ibid., Col. 140
reform of the House of Lords. In its Party Conference of 1955, the Conservative Party adopted the following resolution:

It has long been the Conservative wish to reach a settlement regarding the reform of the House of Lords, so that it may continue to play its proper role as a Second Chamber under the Constitution. The Labour Party's refusal to take part in the conversations we have proposed on this subject must not be assumed to have postponed reform indefinitely. We shall continue to seek the cooperation of others in reaching a solution. We believe that any changes made now should be concerned solely with the composition of the House.40

On January 25, 1955, Lord Salisbury declared it would appear that the Government might again be inclined to invite Opposition cooperation in working out some agreed scheme of reform. Lord Jevitt's comments suggested that Opposition might be inclined to consider this, providing that the Government should exclude any possibility of extending the powers of the House of Lords.

Some Conservatives still believed in a House of Lords with greater powers. They believed it possible for a Government to lose the support of the majority of the electorate long before a General Election, so that bills passed by the Commons towards the end of a Parliament might not accord at all with the popular will; thus there was a case for allowing the Lords a greater stopping powers.

On the other hand, official Conservative opinion seemed to have acquiesced in the present curtailment of the Lords' powers; Lord Salisbury spoke, somewhat guardedly, for his party in 1955, saying that although they would not wish "to tie themselves to the proposition that in no circumstances should any House of Lords, however constituted, have any more powers than ... today, ... (yet) it is more immediately necessary to deal with the reform of the composition than with ... powers of the House."

In June, 1955, a select committee of the House of Lords was set up to consider the attendance and the powers that the House may possess. But Labour felt that the question looming behind it was crucial: "Can the peers themselves limit the membership of their own House?" The Labour Party was further concerned that "if the House of Lords is made less obviously undemocratic than it is now, should some of its previous powers and functions be restored?"

The Government introduced the Life Peerages Bill in the House of Lords on November 21, 1957, which sought not only to reform the House of Lords by creating life peerages but in addition to admit women with equal rights to sit and vote. When the bill was first introduced, the Parliamentary Labour Party's attitude was still not certain. Opposition sentiment was in the process of crystallizing for a considerable period of time.

\[45\] The Times (London), November 25, 1957, p. 6.
In the debate the Labour peers made it clear that they would not be against admission of women, but the bill did nothing about the hereditary principle. Therefore, under this bill, as Lord Attlee pointed out, "It would remain substantially what it is -- mainly a Conservative body."

The bill was given a second reading on December 5, 1957, by 134 votes to 30 rejecting Lord Airlie's amendment to the life Peerages Bill seeking to confine life peerages to men only.

Viscount Alexander, Labour Leader in the House of Lords, moved a new clause to enable any person on whom a life peerage had been conferred to renounce his right to receive a writ of summons and attend the House, and that renunciation should be irrevocable. It also provided that any peer renounced his right to vote in a Parliamentary election and sit in the Commons. This new clause was rejected by 105 votes to 22, and the committee stage was concluded.

When the Life Peerages Bill was moved in the House of Commons, Mr. Gaitskell, Labour's Leader in the Commons, moved:

That this House declines to give a second reading to a Bill which leaves the House of Lords overwhelmingly hereditary in character and with unimpaired powers to frustrate and obstruct the will of the elected representatives of the people.
In his statement Mr. Gaitskell said that this was a short and incomplete bill, in a sense technically very limited. He singled out two principles -- the creation of life peers, compared with hereditary peers, and no discrimination between men and women -- and observed that there was much to commend them.

The second reading was carried after the defeat by 305 votes to 251 of the Opposition amendment calling for the bill's rejection. On March 25, 1958, the bill was brought to committee stage. Emrys Hughes moved an amendment to exclude persons born or domiciled in Scotland. The amendment was rejected by 277 to 128. Miss Jennie Lee moved an amendment to cut out the subsection permitting the creation of life peerages for women, but this amendment was rejected by 303 to 59. The committee stage was concluded.

The third reading of the Life Peerages Bill was moved by Mr. Butler on April 2, 1958. In spite of Labour's opposition, the third reading was carried by 292 votes to 241. The bill received the Royal Assent on April 30, 1958.

The first list of life baronnesses and life barons were created in July, 1958, under the Life Peerages Bill. This list covered four women and fourteen men. On January 23, 1959, four new peers were listed.

51 Ibid.
52 Ibid., Col. 708.
54 Ibid., Col. 376.
55 Ibid., Col. 1296.
It is known that Mr. MacMillan, in preparing his second list of life peerages, asked Mr. Gaitskell if there were any names he wished to suggest; Mr. Gaitskell replied that he made suggestions for the first list solely to strengthen the Opposition benches in the House of Lords and he did not consider any further action was necessary at that time.

Since 1959 the Conservative Government has not brought out any progressive proposal concerning the reform of the House of Lords.

Before 1945 Labour's attitude tended toward the abolition of the House of Lords. After the war they felt that a Second Chamber with limited power was desirable. There are several factors which caused the change of Labour's attitude. The first factor is that before World War II there existed two wings within the Labour Party, namely, left wing (radicalism) and right wing (gradualism). The left wing insisted that the House of Lords must be abolished, both because it embodied undemocratic class distinctions and because its Conservatives were an obstacle to Socialist legislation. Mr. Clement Attlee and Sir Charles Trevelyan were leaders of left wing. The right wing believed that Labour's socialist programme could be carried out by use of other means without abolition of the House of Lords. Its leader was Ernest Bevin. The left wing's abolition policy was supported by the majority of Labourites.
The leaders of the left wing changed their attitudes after the war. For example, Mr. Attlee was one of those leaders who had opposed the existence of a Second Chamber, but he changed his attitude: the Second Chamber with limited power was considered desirable after he became Prime Minister in 1945.

Third, customarily a political party is more critical and radical when it is in opposition and tends toward moderation when it is in office. For this reason, the victory of the Labour Party at the General Election of 1945 did not at first bring proposals for reform of the Lords nor attempts to abolish it.

A fourth factor is that the Conservative Party became more moderate after the war. When the Labour Party took office in 1945, Lord Salisbury, the Leader of the Conservative Party in the House of Lords, made a statement that his party in the House of Lords had no intention of turning down measures to which the country had given their approval. Since 1945 modification rather than restoration seems to have been the policy of the Conservative Party.

For Labour there are three broad principles on which the House of Lords could be reformed: (a) it should not be separately elected parallel to the House of Commons; (b) it should not have the power to overrule or obstruct the House of Commons; (c) it

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should not be hereditary in character. The future reform of the House of Lords should be based on these principles which the Labour Party has listed in its programmes.

57 The Times (London), October 3, 1959, p. 5.
CHAPTER III

THE REFORM OF THE POWERS OF

THE HOUSE OF LORDS

1. 1918-1945

The Parliament Act of 1911 provided that any measure passed by the House of Commons and rejected by the House of Lords would become law upon receiving the royal assent, provided that it had been passed by two more successive sessions of the Commons within two years. The Act also provided that any money bill passed by the House of Commons would become law upon receiving the royal assent after it had been before the House of Lords for 30 days.

In the Bryce Conference of 1917-1918 there was general agreement that the following were the functions of a Second Chamber:

1. The examination and revision of Bills brought from the House of Commons, a function which has become more needed since, on many occasions, during the last thirty years, the House of Commons has been obliged to act under special rules limiting debate.

2. The initiation of Bills dealing with subjects of a comparatively non-controversial character which may have an
easier passage through the House of Commons if they have been fully discussed and put into a well-considered shape before being submitted to it.

3. The interposition of so much delay (and no more) in the passing of a bill into law as may be needed to enable the opinion of the nation to be adequately expressed upon it. This would be specially needed as regards bills which affect the fundamentals of the Constitution or introduce new principles of legislation, or which raise issues whereon the opinion of the country may appear to be almost equally divided.

4. Full and free discussion of large and important questions, such as those of foreign policy, at moments when the House of Commons may happen to be so much occupied that it cannot find sufficient time for them. Such discussions may often be all the more useful if conducted in an Assembly whose debates and divisions do not involve the fate of the Executive Government.

In the Constitutional system the House of Lords should not have equal power with the Lower House, and also should not become a rival of that House. The agreement read as follows:

...that a Second Chamber ought not to have equal powers with the House of Commons, nor aim at becoming a rival of that assembly. In particular, it should not have the power of making or unmaking Ministries, or enjoy equal rights in dealing with finance.2

2 Ibid.
Generally speaking, the Bryce Committee in dealing with the two years' delaying power of the Parliament Act of 1911 followed two lines of approach, one that differences between the Houses should be settled by means of joint consultations and the other that a device such as a public referendum should be used. The members of the Bryce Conference disagreed on many matters, but agreed in considering the essential principle of the Parliament Act of 1911 "to be unsuitable as a permanent solution to the problem of the settlement of differences between the two Houses."

During the Coalition Ministry of Mr. Lloyd George an attempt was made to reform the House of Lords. The resolutions were proposed by a cabinet committee presided over by the Marquess Curzon and were introduced into the House of Lords in July, 1922. Those resolutions concerning the Powers of the House of Lords were:

1. The House of Lords should not have power to reject a money bill, but a joint standing committee of both Houses should have final power to decide what is a money bill. This committee should be composed of seven members of each House, with the speaker as chairman.

2. The provisions of the Parliament Act allowing the passage of bills without the consent of the House of Lords should not apply to future changes in the House of Lords.

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4 See Chapter II, Footnote No. 6.
Obviously, these proposals would make the House of Lords much stronger than did the Parliament Act of 1911 and the Bryce Committee agreement. The House of Lords, according to the Parliament Act, had no veto power on money bills. In the Bryce Committee Report the House of Lords had no equal powers with the House of Commons and should not become a rival of the Commons, and particularly, the Lords should not enjoy equal right with the Commons in dealing with finance. According to the cabinet proposals, two questions were raised: the first was that the joint committee composed of equal members of each House meant that the Upper House had equal power with the Lower; the second was that future changes would not be limited by the Parliament Act.

The Conservatives tried to pass these resolutions as an instrument to check the future Labour Government because of their fear of Labour's social programme, but they resulted in further encouraging Labour to seek the abolition of the "undemocratic" Second Chamber. After debates the resolutions were withdrawn without division.

In 1925 in response to initiative taken by the Duke of Sutherland, Mr. Baldwin's government appointed a cabinet committee to consider the reform of the House of Lords. The committee discussed the suggestion that bills touching the powers of the House of Lords should be excluded from the operation of the Parliament Act. But no motion was taken.
In June of 1927, Mr. MacDonald moved a resolution in the Commons stating that any further consideration of the reform of the House of Lords should not increase the powers of the Lords, because that body was not representative of the people. The motion was finally defeated.

The War Cabinet of 1940-1945 devoted all of its energy to the struggle for national existence and put the reform of the powers of the House of Lords aside temporarily.

2. 1945-1951

The consequences of the Parliament Act became evident when the Labour Party came into power in 1945, for it was the first time since 1914 that the party with a majority in the House of Commons had a minority in the House of Lords, while the Opposition Party with an absolute majority in the Lords had a minority in the House of Commons. Mr. Attlee's Government had an extensive programme, even more specific than that of its predecessors.

Soon after the Labour Party took office Lord Salisbury, the Leader of the Conservative Party in the House of Lords, definitely stated that his party in that Chamber had no intention of turning down measures to which the country had given their approval, although they would seek to improve them as opportunity offered. It remained to be seen whether the Lords would be unwise enough to come out in open conflict with a

Labour House of Commons. It was true that Lord Salisbury might be unwilling to force a conflict between the Lords and the Commons by rejecting major Government measures, but there were many of the backwoodsmen who rarely attended the Lords but suddenly turned up in great indignation about some particular measures they disliked and voted the Government down despite the advice of their leaders.

The evidence showed that the Government Bills would experience great difficulty in securing the approval of the House of Lords under the Conservative majority. The Labour peers' position in the Lords was extremely difficult. In his article, "It is hard work for the Labour Peers" Lord Addison expressed the situation as follows:

In the House of Lords the Labour Benches are, as it were, but a tiny atoll in the vast ocean of Tory reaction. And yet we -- this little handful -- have the task of putting through the Labour programme punctually and without sacrifice of essentials as it comes up to us from the comparatively slow-grinding Parliamentary machine in the Commons. I don't know how many Bills we have been asked to conduct through the House since Mr. Attlee formed the Labour Government; but, I do know that ... we originated several useful and important measures and sent them to the Commons for their approval and consent....

Labour Government Bills in 1945-1951

The Conservatives were indeed strongly and fundamentally opposed to the nationalization of road haulage and of the

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6 Ibid.
iron and steel industry, and the Government had rather more opposition to face in the Lords over these two bills than over the others. The eight nationalization bills of 1945-51 produced between them 43 divisions in the committee and report stages in the House of Lords; 13 of these were on the transport Bill and 13 on the iron and steel Bill. There were only two bills on which the Lords refused to accept the Commons' action in rejecting the controversial amendments; on the fiercely contested question of date of the establishment of the Iron and Steel Corporation the House of Lords eventually got its way. The Conservative reaction to the Labour legislative programme may be summarized as follows:

1. The Coal Nationalization Bill was treated much relative restraint by the Conservatives.

2. The Civil Aviation Bill aroused rather more hostility.

3. National Health Service was the third major Bill of the first Session of the Labour Government. When the Bill returned to the House of Commons with the House of Lords' amendment and was rejected by the Commons, the Lords then finally gave way.

4. Town and County Planning Bill -- the Conservatives greatly disliked some parts of this Bill, and divisions took place on several amendments concerned mainly with the protection of the rights of individuals against public authorities.
5. The Transport Bill was also examined with constructive intent, although there were more distinct issues of unresolved disagreement.

6. The Iron and Steel Bill, which passed through Parliament during the session of 1948-49, was more controversial than any of the Labour Government's other nationalization measures, and this was reflected in the proceedings in the House of Lords.

The Parliament Act, 1949

In the first two years of their term of office the Labour Government's attitude on the reform of the powers of the House of Lords was to wait and see what would happen. Gradually, the Government bills became more difficult to put through the House of Lords. Labour was impatient to face this situation, and finally brought forth the Parliament Act. After a Labour leaders' private meeting, the Parliament Bill was submitted to the House of Commons on October 21, 1947. On the same day Mr. Attlee made a statement that the Labour Government would not tolerate the obstruction of the people's will by the House of Lords.

The text of the Parliament Bill read as follows:

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Commons, in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by authority of the same as follows:—

1. The Parliament Act, 1911, shall have effect, and shall be deemed to have had effect from the beginning of the

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9 The Times (London), October 22, 1947, p. 6.
of the session in which the Bill for this Act originated (save as regards that Bill itself), as if --

(a) there had been substituted in subsections (1) and (4) of section two thereof, for the words "in three successive sessions", "for the third time", "in the third of those sessions", "in the third session", and "in the second or third session" respectively, the words "in two successive sessions", "for the second time", "in the second of those sessions", "in the second session", and "in the second session" respectively; and

(b) there had been substituted in subsection (1) of the said section two, for the words "two years have elapsed" the words "one year had elapsed";

Provided that, if a Bill has been rejected for the second time by the House of Lords before the signification of the Royal Assent to the Bill for this Act, whether such rejection was in the same session as that in which the Royal Assent to the Bill for this Act was signified or in an earlier session, the requirement of the said section two that a Bill is to be presented to His Majesty on its rejection for the second time by the House of Lords shall have effect in relation to the Bill rejected as a requirement that it is to be presented to His Majesty as soon as the Royal Assent to the Bill for this Act has been signified, and, notwithstanding that such rejection was in an earlier session, the Royal Assent to the Bill rejected may be signified in the session in which the Royal Assent to the Bill for this Act was signified.

Mr. Churchill described the Bill as "social aggression," and accused the Government of aiming at single-chamber government without regard to the wishes of the people. He declared that the proper operation of the two-party system is bound up with the functioning of the two-chamber system; and that each House has a part to play in securing that the people's will shall prevail. He added: "...But in the last resort the power supplies the safeguard of an unwritten constitution against the degeneration of the two-party system into a one-party system, the guarantee

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against the perversion of Parliament to the support of totalitarian rule."

The Government argued that Labour came to power through the people's will, while the Conservative majority in the Lords was constituted through an undemocratic hereditary principle. The Bill was to guarantee the people's will from the obstruction by the House of Lords.

The Parliament Bill in the House of Lords was strongly attacked by the Conservative peers after it was passed by the Commons. The Opposition peers felt that the reform of the powers should have been undertaken together with reform of its composition.

Lord Salisbury criticized the Bill saying: "Parliament must be supreme if democracy is to survive, the House of Commons today is becoming very largely a rubber stamp to endorse the decisions of the executive... It is one thing to leave the House of Lords unreformed, and another to take away its powers and thus leave no protection for the British people against any extreme action by a Government with a temporary majority."

The Conservative Party held its conference on October 7, 1948, and a resolution on reform of the House of Lords was adopted. It declared that the Parliament Bill would be a formidable step towards single-chamber government. It welcomed

12 Lords Debts., 30th October 1947, Vol. 152, Col. 158.
the efforts of the leaders of the party to obtain a lasting settlement by agreement, but wholeheartedly endorsed the action of the House of Lords in rejecting the Bill.

Mr. Barker made a forthright attack on the Parliament Bill, describing it as being "by far the most fateful piece of legislation introduced since the General Election." Mr. Robson (Whiteside Conservative Association) said that the Parliament Bill was a chapter in the long and miserable story of the Socialist attempt to stifle, distort, and cripple the liberties of the British people. It was a bill to satisfy Aneurin Bevan, "weekend Minister of Malice", and to please Mr. Shinwell.

The Parliament Bill was passed by the House of Commons three times and it was defeated three times in the House of Lords. Finally, it became law under the procedure of the Parliament Act of 1911 in December, 1949.

The Parliament Act did not quite satisfy a number of Labour spokesmen, because it did nothing about the Conservatives' absolute majority in the House of Lords. They considered that the Lords needed to be further reformed. In his speech at Margate on February 15, 1950, Viscount Alexander made the following statement:

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13 The Times (London), October 8, 1948, p. 6.
14 Ibid.
There is a job remaining to be done in the House of Lords. Having cut their wings somewhat, we must go farther, until it is not possible to continue a system under which the House of Lords only opposes when the Tories are in Opposition. When the Tories are in power there is no real Opposition in the House of Lords. It is an anomaly which is quite outdated in the modern democracy of today.\(^{15}\)

**Inter-Party Conference on the Parliament Bill, 1948**

After the Parliament Bill was defeated the first time in the House of Lords the Conservatives and Liberals urged that the Government should call for an inter-party Conference in order to seek some agreement on the matter of the reform of the powers of the House of Lords. The inter-party Conference was set up on February 19, 1948; it was composed as follows:

**For the Government:** The Prime Minister (Mr. C. R. Attlee), the Lord President of the Council and leader of the House of Commons (Mr. Herbert Morrison), the Lord Privy Seal and Leader of the House of Lords (Lord Addison), the Lord Chancellor (Lord Jowitt), and the Chief Whip (Mr. William Whiteley).

**For the Opposition:** Mr. Anthony Eden (absent through illness, his place being taken by Col. Oliver Stanley), Lord Salisbury (Leader of the Opposition in the Lords), Lord Swinton, and Sir David Maxwell-Fyfe.

**For the Liberals:** Lord Samuel and Mr. Clement Davies.

The Conference finally broke down on the point of a three-nought difference. It concerned the powers which should

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be vested in any reformed Upper House, and in particular the length of time that would be reasonable for the performance of its functions. The Opposition Leaders regarded the 'one year's delay' proposed in the Parliament Bill as largely illusory. In the Opposition view it would not allow sufficient time for reflection by the country after discussion in Parliament had been concluded and the matters at issue between the two Houses clearly defined. On the face of it the final argument was about a matter of three months on which they could not reach any agreement.

After the Conference had broken down, the Government made an official statement:

The representatives of all three Parties were united in their desire to see the House of Lords continue to play its proper part in the Legislature; and in particular to exercise the valuable function of revising Bills sent up by the Commons, and initiating discussion on public affairs. It was regarded as essential moreover, that there should be available to the country a legislative body composed of men and women of mature judgment and experience gained in many spheres of public life. But the Government Representatives and the Representatives of the Official Opposition considered that the difference between them on the subject of powers was fundamental and not related only to the length of the "period of delay."17

On the matter of the composition of the House they had reached some agreement. The following propositions were agreed on ad referendum:

1. The Second Chamber should be complementary to and not a rival to the Lower House, and, with this end in view, the reform of the House of Lords should be based on a modification of its existing constitution as opposed to the establishment of a Second Chamber of a completely new type based on some system of election.

2. The revised constitution of the House of Lords should be such as to secure as far as practicable that a permanent majority is not assured for any one political Party.

3. The present right to attend and vote based solely on heredity should not by itself constitute a qualification for admission to a reformed Second Chamber.

4. Members of the Second Chamber be styled "Lords of Parliament" and would be appointed on grounds of personal distinction or public service. They might be drawn either from Hereditary Peers, or from commoners who would be created life Peers.

5. Women should be capable of being appointed Lords of Parliament in like manner as men.

6. Provision should be made for the inclusion in the Second Chamber of certain descendants of the Sovereign, certain Lords Spiritual and the Law Lords.

7. In order that persons without private means should not be excluded, some remuneration would be payable to members of the Second Chamber.

8. Peers who were not Lords of Parliament should be entitled to stand for election to the House of Commons, and also to vote at elections in the same manner as other citizens.

9. Some provision should be made for the disqualification of a member of the Second Chamber who neglects, or becomes no longer able or fitted, to perform his duties as such.18

Both the Labourites and the Conservatives desired to see the House of Lords continue to play its proper role in the legislature, and in particular to exercise the valuable function of revising Bills and initiating discussion on public affairs.

3. Reform of Powers Since 1951

Since the Conservative Party returned to power the Labour Party has become less interested in the reform of the House of

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18 Ibid., pp. 16-17.
Lords. In March 1952, some 150 Labour Members in the House of Commons went on record that they opposed any suggestion to increase the powers of a reformed House of Lords. The Labour Party refused the Government's invitation to participate in another inter-party Conference concerning the reform of the Lords, because they feared such conference would consider revising the powers of the House of Lords.

In 1955, Lord Salisbury promised that "Legislation will deal only with composition, and not with the issue of powers on which Labour is sensitive." Inevitably, Lord Salisbury refused to say that the powers of the House of Lords would never be altered.

The Select Committee was set up in June, 1955, to consider the attendance and the powers that the House of Lords may possess. The Labour Party gave immediate notice that the Opposition was opposed to any reform designed to increase the powers of the Lords. The 1957 Life Peerages Bill made no real attempt to deal with the powers of the Lords. Labour opposed this Bill because of its concern that the powers of the House of Lords be increased, especially since the hereditary element continued to exist.

Labour has opposed any reform related to powers since 1951. For the Labour Party a reformed Second Chamber should not be separately elected parallel with the House of Commons and

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it should not have the power to overrule or obstruct the House of Commons.

Before 1911 Conservative peers were content to defend the House of Lords as it existed. The proposals which became the Parliament Act, 1911, convinced them that reform was the only alternative to the substantial mutilation of their powers or their complete abolition, and they assented to Lord Rosebery's drastic proposals without substantial opposition. After 1911 there was additional incentive to reform in that it was an obvious preliminary to the restoration of the powers taken away by that Act, but since 1945, and particularly since the enactment of the Parliament Act, 1949, modification rather than restoration seems to have been the policy of the Conservative Party.

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CHAPTER IV

PROPOSALS FOR MINOR MODIFICATIONS
OF THE COMPOSITION OF THE
HOUSE OF LORDS

1. Life Peerages

It was not until 1856 that attempts were made to allow the creation of life peers. In that year a patent was issued granting to Sir James Parke the rank of Baron 'for and during the term of his natural life'. The limited purpose of strengthening the House of Lords on its judicial side by the creation of judicial life peers was eventually achieved by the passing of the Appellate Jurisdiction Act of 1876, whereby life peerages might be given to a maximum number of judges who were to take their seats in the House of Lords as barons for life, known by the special title of Lords of Appeal in Ordinary, and receiving salaries.

The decision on the Wensleydale peerage case had very far-reaching effects. It established the principle that ancient precedents should not be revived from the distant past, refurbished and made to serve as pretexts for convenient alterations in current practice. The acceptance of this principle in 1856 has stood in the way of many other attempts at making changes since that date.
The more general purpose of strengthening the House of Lords as a legislative and deliberative body, by the grant of life peerages to distinguished men, has been often brought forward since 1856 and has won very wide sympathy in the past hundred years. One life peers bill was rejected on third reading in 1869; others passed second reading, but made no further progress, in 1888. In 1907 a bill for amending the composition of the House of Lords was introduced in the Lords, but it was withdrawn after debate. The House appointed a select committee to study the matter of reform, and the select committee submitted a report favoring the principle of life peerages.

There were a number of proposals for reforming the composition of the House of Lords in the Report of the Bryce Conference. The resolutions introduced by Viscount Peel in 1922, the motion of Viscount FitzAlan of Derwent in 1927, the resolutions introduced by the Earl of Clarendon in 1928, and the bill sponsored by the Marquess of Salisbury in 1933 all proposed changes in the composition of the House of Lords.

Viscount Elibank introduced a bill in 1929, providing for the appointment of Life Peers, but he withdrew it because general feeling in the House of Lords was against this bill. In 1937 Lord Strickland proposed that the Prime Ministers of the Dominions should be granted life peerages, but he withdrew it after a short debate.
In 1953, Lord Simon introduced a Peers Bill which read:

The object of the bill is to authorize the creation by Her Majesty, on the recommendation of the Prime Ministers, of a limited number of persons to be Members of this House (of Lords) during their lives, without transmitting the right to be Lords of Parliament to their heirs. The Bill suggests that ten should be the maximum member of Life Peers to be created any one year.¹

The Labour Party has been more vigorously opposed to the hereditary principle than the Liberal or Conservative Parties, and yet it has not supported any of the various bills providing for the creation of Life Peers. Earl Jowitt made it clear, when he moved an amendment to reject the second reading of the bill, that he believed it inopportune to alter the constitution of the House of Lords in one particular without consideration of wider changes. The majority of Conservatives were not in favour of this bill. Finally, Lord Simon withdrew it without division.

The coming larger reform, of course, was the Life Peerages Bill of 1957. This Bill was introduced in the House of Lords by the Government on November 21, 1957, as a Government Bill. By this measure the Government proposed not merely to reform the House of Lords by creating life peerages but to admit women with equal rights to sit and vote.

¹Lords Deb., 3rd February 1953, Vol. 180, Col. 133.
²Ibid., Col. 140.
The Life Peerages Bill, which is only 231 words in length, reads as follows:

1. (1) Without prejudice to Her Majesty's powers as to the appointment of Lords of Appeal in ordinary, Her Majesty shall have power by letters patent to confer on any person a peerage for life having the incidents specified in subsection (2) of this section.

(2) A peerage conferred under this section shall during the life of the person on whom it is conferred, entitle him:

(a) to rank as a baron under such style as may be appointed by the letters patent; and

(b) subjected to subsection (4) of this section, to receive writs of summons to attend the House of Lords and sit and vote therein accordingly and shall expire on his death.

(3) A life peerage may be conferred under this section on a woman.

(4) Nothing in this section shall enable any person to receive a writ of summons to attend the House of Lords, or to sit and vote in that House at any time when disqualified therefor by law.

2. This Act may be cited as the Life Peerages Act, 1957.

The Parliamentary Labour Party's attitude to the bill was not immediately clear. Opposition to it was still crystallizing after a private meeting was held after the bill was introduced into the House of Lords. A second private meeting of the Labour Party was held on November 28, 1957, and it was agreed that when the bill appeared for a second reading in the Lords the Opposition peers would make no attempt to divide the House.

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4 The Times (London), November 29, 1957, p. 10.
The Earl of Airlie was against the admission of women. He moved an amendment to the Life Peerages Bill seeking to confine life peerages to men only. This amendment was rejected by 134 votes to 30.

During the debates Viscount Alexander of Hillsborough moved, after Clause 1, to insert the following new clause which read:

Power of holder of life peerage to renounce writ of summons, to be eligible to vote in the Parliamentary elections and for election to House of Commons

(1) Any person on whom a life peerage has been conferred whether by provisions of section one of this Act or by section two (holder of hereditary peerage may apply to amend the letters patent of his peerage to a life peerage) of this Act, may in such form as may be prescribed at any time renounce his right to receive a writ of summons to attend the House of Lords and such renunciation shall be irrevocable.

(2) Any peer who has renounced his right to a writ of summons under subsection (1) of his section shall be eligible to vote at Parliamentary elections and for election to the Commons' House of Parliament."

But the new clause was rejected by 105 votes to 22, and the committee stage was concluded.

In spite of Labour's opposition, the bill was given a second reading, passed through the committee stage, and finally completed the third reading in the Commons March 25, 1958. It received the Royal Assent on April 30, 1958.

5 Lords Debts., 17th December 1957, Vol. 206, Col. 1278.
6 Ibid., Col. 1285.
7 Ibid., Col. 1306.
In July 1958, four baronesses and ten barons were created under the Life Peerages Bill. The second list of new life peerages was announced in January 1959.

2. Exclusion for Non-Attendance

In 1907, Lord Newton proposed that writs of summons should be given, not to all persons who inherited peerages, but only to those who fulfilled certain requirements. Shortly afterwards a select committee of peers under Lord Rosebery accepted Lord Newton’s idea, and proposed in addition that peers should elect their own representatives. Nothing further came of this for the time being, but the idea has been revived recently.

The Marquess of Exeter moved a resolution on peers’ attendance and voting rights on March 17, 1953, which read as follows:

That this House is of opinion that no peer, except he has obtained leave of absence under Standing Order No. XVIII, should vote on a Division of this House unless he has, if resident in England or Wales, attended the House at least \( x \) times, and, if resident elsewhere, attended at least \( y \) times, during the previous Session in which the House has sat for Public Business on twelve or more days; provided that this Resolution would not apply (a) in the case of a newly created Peers until after the expiry of a complete Session following the day of his introduction, nor (b) in the case of a peer succeeding by descent until after the expiry of a complete Session following the date of his succession.  

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By making it impossible for the so-called backwoods-men to come down and flood the House with their votes, Lord Exeter's resolution would have removed one of the most serious causes of popular distrust of the unreformed House of Lords. Lord Salisbury praised this motion for its objectives and for the way in which it sought to obtain them, but he said that he could not accept it; nor could he accept the suggestion that the motion should be sent to the Committee of Privileges, because that Committee had not dealt with any general matter since 1750. Finally, Lord Exeter withdrew his motion.

On June 21, 1955, Lord Salisbury moved a resolution in the House of Lords proposing the appointment of a select committee to enquire into the powers of the House of Lords in relation to the attendance of its members. The Labour Lords responded critically, saying that it was of no use unless the hereditary principle would be completely destroyed; any increase in the Lords' prestige was unacceptable. Lord Salisbury assured his colleagues that at this stage the motion for the select committee had no other objective than the establishment of facts. The Select Committee on the Powers of the House of Lords in the Relation to the Attendance of its Members was set up.

The Select Committee made its report on January 24, 1956. The Committee considered that it would be neither right

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Ibid., Cols. 12-13.
nor wise for the House to try to exclude absentee peers from the right of attending; quite apart from practical considerations, such a course "would have the effect of derogating in greater or less degree from the right conferred on a peer by his writ to attend and take part in the proceedings of Parliament." However, the writ of summons imposed a clear duty to attend at the House of Lords, and, therefore, it would be quite appropriate if peers, who did not wish to attend, were expected to apply for leave of absence.

In December of 1957, Lord Swinton (who had been chairman of the Select Committee) made a motion that a new committee should be set up to frame and propose to the House standing orders giving effect to the conclusions relating to leave of absence. The House agreed without division. According to Lord Swinton's motion, there should be a change in the by-law.

On June 16, 1958, the Earl of Home gave notice of his intention to resolve that the Standing Orders of the House on the conduct of public business be amended by leaving out Standing Order 21 and inserting the following Standing Order:

21. (1) Lords are to attend the sittings of the House or, if they cannot do so, obtain leave of absence, which the House may grant at pleasure; but this Standing Order shall not be understood as requiring a Lord who is unable to attend regularly to apply for leave of absences if he proposes to attend as often as he reasonably can.

(2) A Lord may apply for leave of absence at any time during the remainder of the Session in which the application is made or for the remainder of the Parliament.

(3) On the issue of Writs for the calling of a new Parliament the Lord Chancellor shall in writing request every Lord to whom he issues a Writ to answer whether he wishes to apply for leave of absence or no.

The Lord Chancellor shall, before the beginning of any session of Parliament other than first, in writing request

(a) every Lord who has been granted leave of absence ending with the preceding session; and

(b) every Lord though not granted leave of absence, did not during the preceding session by sitting of the House (other than for the purpose of taking the Oath of Allegiance), to answer whether he wishes to apply for leave of absence or no.

A Lord who fails to answer within twenty-eight days of being requested to do so may be granted leave of absence for the remainder of the Parliament.

(4) A Lord who has been granted leave of absence is expected not to attend the sittings of the House until the period for which the leave was granted has expired or the leave has sooner ended unless it be to take the Oath of Allegiance.

(5) If a Lord having been granted leave of absence, who wishes to attend during the period for which the leave was granted, he is expected to give notice to the House accordingly at least one month before the day on which he wishes to attend; and at the end of the period specified in his notice, or sooner if the House so direct, leave of absence shall end.12

Viscount Stansgate moved an amendment which was: paragraph (1), line 1, after ("Lords") inserted ("both spiritual and temporal").13 The House of Lords agreed to this amendment, but no further action was taken. The scheme has some virtue in that it attacks the old 'scandal' of absence in defiance of the writ

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13 Ibid.
of summons. But also some peers might decline to apply for leave of absence and then feel bound to attend more than they would otherwise have done. Obviously, attendance might increase a little, but the practical effects would probably be slight.

3. Admission of Women

The Sex Disqualification (Removal) Act 1919, Sec. 1, enacted that "a person shall not be disqualified by sex or marriage from the exercise of any public function..." Its main purpose was to allow women to sit in the House of Commons. It was generally believed that, according to this Act, peeresses in their own right, the same right as male peers, should receive a Writ of Summons to sit and vote in the House of Lords. But in 1922, the Committee for Privileges of the House of Lords decided in the Rhondda Peerage Case that by common law, since no women ever had a right to receive a Writ, and the right was not expressly conferred on them by the Act, they were not entitled to receive a Writ of Summons.

In 1925, a private bill was moved in the House of Lords by Viscount Astor, which opposed the idea of peeresses in their own right sitting and voting in the House of Lords. It was withdrawn without division.

On January 4, 1946, The Times made a specific suggestion that women peers should be entitled to sit and vote in the House of Lords on the same terms as male peers. In March 1946, a motion was made in the House of Lords by Lord Cecil of Chelwood, "That women should be eligible to be made peers on the same terms as men." Lord Mansfield also put forward a motion "that peeresses in their own right should be eligible to sit and vote in the House of Lords." Lord Jowitt, then Chancellor, said that if either of the Resolutions were passed, the Government would introduce the necessary legislation to enable women peers to sit and vote in the House of Lords, but in view of the sentiments expressed from all quarters of the House, Lord Cecil withdrew his motion and Lord Mansfield declined to move his too.

The Inter-Party Conference of 1948 agreed that "Women should be capable of being appointed Lords of Parliament in like manner as men." On March 5, 1948, The Times published a letter on "Women and Lords" written by Mrs. Edward F. Iwi. In her letter she gave her reasons why women should be eligible for membership of the Second Chamber.

Nearly thirty years have elapsed since the Sex Disqualification (Removal) Act 1919 during which time women have rapidly advanced towards political maturity. Admission to the Commons has been followed by the holding of office, admission to the Cabinet and to membership of the Privy Council. Although the women in the House of Commons have never at any time represented more than a very small proportion of the total membership of the House, their contribution to its labours has been considerable. They have shown that where matters of fundamental importance

Ibid., p. 103.
to the well-being of the nation, and particularly to its women and children, are concerned they can overcome narrow party loyalties to work for the greater good.

What contribution could women make to the national life if they were admitted to the House of Lords? I firmly believe that it would be both solid and beneficial. Many women who have the inclination and ability to take part in public life are unable to contest a Parliamentary election, and, even if they did so, there are always among the numbers of unsuccessful candidates in every election some whose services the nation can ill afford to lose.

Many women occupied in diverse spheres of activity, in education, medicine, industry, or social work, to mention but a few, if admitted to membership of the Second Chamber would be able to make valuable contributions to debates covering not only their particular interests but also the more general ones. Their natural aptitude for detail work is generally recognized.

In 1949, Lord Badely said that there were apparently eighteen women who might become eligible to take their seats; but in addition there might be fifty or more peerages in abeyance. A peereesses bill might make a very considerable addition to the membership of the Lords. Nevertheless, the motion of 1949 was approved, in a division mainly on party line by 45 votes to 27.

On November 25, 1952, in Lords' debate, Viscount Samuel suggested:

Again, it is proposed in the reforms to be effected that women should be made eligible. With a Queen on the Throne, with women Members of the House of Commons, with all the professions and local authorities open to women, with the Sex Disqualification (Removal) Act having been passed in 1919, it is surely an anomaly that there should be one body, and that a House of Parliament, from which women are now excluded.

But after nearly four hours of debates, no motion was taken. The significance is that the Life Peerages Bill of 1957 which became law in April, 1958, not merely reforms the Lords by creating life peerages but admits women with equal rights to sit and vote. Clause 1, Sec. 3, says: "A life peerage may be conferred under this section on a woman."

During the debate period Lord Airlie was against admission of women; he spoke in no antifeministic vein, but he was inclined to feel that it would be extremely difficult for them to fit into the House of Lords as peers know it. He made an amendment that was to limit the power of the Queen, in the creation of life peerages carrying the right to sit and vote in the Lords, conferring such peerages on male persons only. This amendment was defeated.

Throughout the whole period of the debates it was understood that the Labour Party was not hostile to the admission of women; it was rather that they opposed the bill as a whole. They feared that, in any sense, the creation of life peerages would increase the Lords' power. In replying to Mr. MacMillan's request for suggestions of names for the second list of life peerages. Mr. Gaitskell said that he made suggestions for the first list solely to strengthen the Opposition Benches in the House of Lords, and he refused to put forth any additional names.

Under the Life Peerages Bill the first four women peers were created on July 24, 1958: Dame Katharine Elliot; Mary Irene Baroness Ravensdale; Stella, Marchioness of Reading; and, Mrs. Barbara Frances Wootton.

4. Payment of Peers

Another reform was the introduction of payment, in a modest form, for peers who attend the House of Lords. In general, peers were asked to fill in forms to claim the cost of their train journeys and their maintenance before World War II. During the war of 1939-1945, the facts and ideas concerning payment underwent rapid change.

In the spring of 1946, the all-party leaders in the House of Lords held private talks on the matter of payment of those who regularly attended at the House of Lords and an agreement was reached on May 21, 1946. The resolution was that peers regularly attending at the House ought to be reimbursed for the cost of their railway travel, and the Government took the steps necessary to make this effective. The scheme has been operated under the supervision of a committee of the three Chief Whips; it has been made to apply in practice only to peers who attend at least one-third of the sittings of the House of Lords.

Some peers from the more remote parts of the country only come to attend particular debates. Many peers, during the Parliamentary sessions, live in or near London, and in any case the payment of travelling costs to them is a small item. It has been recognized that the lack of any further payment has probably kept away some peers who would like to attend at the House of Lords regularly.

In July 1957, it was announced, simultaneously with an increase in the salaries of members of the House of Commons and of ministers, that peers would in future be able to claim a maximum of three guineas per day in respect to expenses actually incurred in attending any sitting of the House of Lords or its committees. The payment would not be subject to any minimum number of attendances. It would be in addition to the travelling expenses, which would continue to be payable as before.

In October 1957, Lord Lucas suggested that the Conservative and Labour Whips might nominate say twenty peers each (and the Liberal a few also), and that these peers should be paid a full Parliamentary salary - perhaps £1500 a year. The Government held out little hope of any advance on the three guineas per day.

22 The Times (London), October 29, 1957, p. 9.
Peers do not receive a salary as members of the House of Lords, and are eligible for only limited expenses if they attend its meetings; it has been felt that the size of the nominal membership of the House of Lords in relation to its effective working membership is somewhat anomalous. Since 1958, peers are now asked, at the beginning of each Parliament, whether they will attend the sittings of the House of Lords as often as they reasonably can, or whether they desire to be relieved of the obligation of attendance. If they do so desire, they are required to apply for leave of absence, either for the duration of the Parliament or for a short period, during which they are not expected to attend the House.

Peers are entitled to travelling expenses from their homes to the Palace of Westminster, and (with the exception of the Lord Chancellor, the Lord Chairman of Committees and any Member in receipt of a salary as the holder of a ministerial office) they may claim payment for expenses incurred for the purpose of attendance at the House within a maximum of three guineas a day.


24 Ibid., pp. 47-49.
CHAPTER V

PROPOSALS FOR THE WHOLESALE RECONSTRUCTION
OF THE HOUSE OF LORDS

The problem of the reconstruction of the House of Lords has been widely discussed since the beginning of this century. Generally speaking, there are four main lines which have been considered:

1. Election of some members on a regional basis, with so many from each section of the country.
2. Election of some members by the House of Commons, by some sort of proportional representation.
3. Election of some members by and from among the holders of existing peerages.
4. Appointment of some members to represent specific associations and other bodies.

In 1884, Lord Rosebery moved that the House of Lords should appoint a select committee to bring forward proposals for the extension of life peerages and for the representation of classes in the House of Lords, but his motion was defeated by a division. In 1888, Lord Rosebery again brought forward a motion for the establishment of a select committee, and made three principal suggestions:
1. That the existing peers should elect some representatives for fixed periods much as was already done by the Scottish and Irish peers;

2. That some members of the House of Lords should hold their seats by election, the electors being members of local councils and perhaps also of the House of Commons; and

3. That there should be some peers for life and some peers appointed by virtue of their offices.

The proportions of these different classes should be fixed in relation to one another. In addition the Agents General of the self-governing colonies, or representatives appointed by them, should be eligible to sit. He also suggested that any Lord not being a member of the House of Lords could sit in the Commons. This motion was also defeated.

Again, on March 14, 1910, Lord Rosebery proposed that the House of Lords should go into committee to consider the reform of its composition. The House finally accepted this motion which read:

1. That a strong and efficient second chamber is not merely an integral part of the British Constitution, but is necessary for the well-being of the State and for the balance of Parliament;

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2. That such a chamber can best be obtained by the reform and reconstitution of the House of Lords; and

3. That a necessary preliminary to such reform and reconstitution is the acceptance of the principle that the possession of a peerage should no longer of itself give the right to sit and vote in the House of Lords.

The first of Lord Rosebery's principles was accepted after a debate of more than four days, and the second accepted almost without debate. But there was some objection to the third although it was finally approved too, on division, by 175 votes to 17. No further action was taken.

In April 1910, the Earl of Wemyss moved a proposal:

Important trading and other representative societies should each name three members of the existing peerage in the current and each succeeding Parliament to speak and act on behalf of such societies, on all questions in which they are interested, and that the names of the peers so nominated be entered in the journals of the House.

He gave a list of twenty-two bodies, most of them commercial associations, but with the addition of some professional bodies. The proposal was finally withdrawn.

After the Parliament Act of 1911, the War prevented any further action on the matter of reform. In 1917, the Bryce

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3 Ibid.
4 Ibid., Col. 630.
Conference took place under the chairmanship of Lord Bryce and the Committee made its report in 1918. Its report proposed that the House should consist of two elements: (a) First, there were to be 246 members elected by members of the House of Commons arranged in geographical areas and voting by proportional representation with a single transferable vote. It was hoped that the electors would not be excessively influenced by party considerations, and that they would tend to elect persons of local eminence. (b) The second group was to consist of eighty peers who should be elected by a joint committee of both Houses of Parliament, on which all parties should be represented. At the first election perhaps only peers, together with five or more bishops, might take part. At the second and subsequent elections only half of the vacancies were to be filled from among the hereditary peers, and from then on the choice was to be unrestricted, though the number of bishops and hereditary peers in the House was at no time to be allowed to fall below thirty. The election was to be for twelve years, with one-third retiring every four years.

The coalition Government of 1922 proposed resolutions in the House of Lords, regarding the composition of the Lords. According to these resolutions, the House of Lords was to consist of 350 members, and was to contain three elements.

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These three elements were: (a) some members who were to be elected either directly or indirectly from outside; (b) some hereditary peers who were to be elected from among the existing peers; and (c) some members who were to be nominated by the Crown. All persons appointed to the House of Lords by these three elements were to hold their membership only for restricted terms and not for life, but they were to be eligible for re-appointment.

After the Conservatives returned to power they brought forward proposals for the reform of the House of Lords in March 1925. The House of Lords was to consist of 350 peers, together with law Lords and the peers of the blood royal, who were to be members for life. Some 350 would be nominated by the Government, and others were to be elected by hereditary peers from among their own order. Both classes should receive seats for twelve years. The proposals were approved by 212 votes to 54, but no further action was taken.

In May 1934, Lord Salisbury (the 4th Marquess) moved a resolution which was based on the line he had taken in 1922. His resolution was that the proposals of 1922 should be put in practice; because of the lack of Government support no further progress was made after the second reading was given by 171 votes to 82.

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8 Lords Debs., 10th May 1934, Vol. 60, Col. 294.
In late 1935, Lord Strickland (formerly Government of New South Wales) proposed a motion to effect improvements in the functions of the House of Lords, in particular with reference to the overseas empire. He thought that a first step would be to appoint peers from the overseas empire, if a bill were approved authorizing the creation of life peers. The motion did not arouse any active interest and it was withdrawn after a short debate.

In the Lords' debate on the Parliament Act in February, 1948, the Party leaders agreed to a temporary adjournment and a Conference (inter-party Conference) one of the terms of which was concerned with the composition of the House of Lords, reading as the following:

So far as the composition of the House of Lords is concerned, (a) there would be preliminary conversations on the possibility of there being established a basis for further discussion, (b) in the event of such a basis for discussion being provisionally agreed, the different parties should examine the same with their own members before the discussions were renewed, and (c) the preliminary discussions should be private and confined to a small number of the leading members of the parties concerned.9

The party leaders reached a certain degree of agreement on the matter of the composition of the House of Lords, but the Conference finally broke down on the question of the Lords' powers.

During the debate on the Parliament Bill Lord Cecil of Chelwood brought forward a proposal to the effect that the composition of the House of Lords should be left as it was, but only 200 Lords should be allowed to vote on matters concerning legislation. These 200 might be chosen in such a way as to give the parties a genuinely equal chance of fair representation. Under his plan each new House of Commons was to select by proportional representation 100 peers to serve for the length of two Parliaments. This proposal was given no further consideration.

In 1953, exclusion for non-attendance was discussed in the Lords. The suggestion was made that peers who failed to attend at the House might be excluded from the voting. In 1954, a Fabian Society pamphlet suggested a return to the Bryce Conference plan of having some members chosen by the House of Commons and others nominated, but the total number should be little more than 100 — corresponding, presumably, with the two most active groups of peers in the unreformed House. There is indeed much to be said for a very drastic restriction of the voting membership such as this, particularly for the sake of reassuring the Labour Party. But it is difficult to see what would be the advantages in restricting the right of attendance, and of participation in debate, to so small a number. So drastic a restriction would surely deprive
the debates of much of their variety, without giving any compensating benefits. The 'expert' members, such as bishops, military commanders and so on, have tended in recent years to be infrequent attenders and rare voters. The total exclusion of all but a very few such members would surely bring no gain; on the other hand, the exclusion of many of them from voting would merely be the next step in a process which they have themselves, by their voluntary abstinence, already carried a long way.

Mr. Anthony Wedgwood Benn suggested in 1957 that the second chamber should be composed of the members of the Privy Council who did not sit in the House of Commons. With the Privy Council composition at the beginning of 1957, the membership of an Upper House thus reformed would be 206, 125 peers and 81 others. Just under one-half of the peers were Conservatives, one-sixth Labourites, and nearly a third non-party.

The Life Peerages Bill was introduced in November, 1957, and became law in April, 1958. Under this bill women for the first time were admitted to the House of Lords. The Act gave to the Crown the power to create life peers upon the recommendation of the Prime Minister. For the Labour Party this bill was an incomplete one, because the hereditary principle still

remained unchanged.

Since then, no progressive proposal has been advanced concerning further changes in the composition of the House of Lords.
CHAPTER VI

PROPOSALS FOR THE ABOLITION
OF THE HOUSE OF LORDS

In the seventeenth century the House of Lords was in fact abolished during the protectorate. Again, abolition was advocated, sporadically and half-heartedly for the most part, by some elements of modern radicalism. But, eventually, in recent times the Labour Party has been more concerned with keeping the House in check than with destroying it.

At the beginning of this century when the Labour Party was rapidly gaining strength it addressed itself to the problem of formulating its own attitude and policy with regard to the House of Lords. The Party programme for the abolition of the House of Lords was first put forth in 1907. This policy has been advocated at frequent intervals since then.

Labour and the New Social Order, a policy pronouncement which was produced at the London Party Conference in 1918, declared that no attempt by the Lords to be the people's representatives should be tolerated. It advocated a reform which would ensure that a future Labour Government possessing a
majority in the Commons should not be in a minority in the upper House — that no members of the upper House should hold their seats by virtue of hereditary right.

At the 34th Annual Conference the Party endorsed the following policy:

A Labour Government...will, in any event, take steps during its term of office to pass legislation abolishing the House of Lords as a legislative body.  

In moving the adoption of the Report on behalf of the National Executive Committee, the R. T. Hon. J. R. Clynes, M.P., said: "In our view the House of Lords is an institution which cannot be well reformed; it cannot be mended, it must be ended."  

The Party had chosen to make this general statement, and leave the exact method to be determined by the particular circumstances, although numerous Labourites had ventured their own individual opinions. The left-wing group anticipated a crisis on Labour's assumption of power. Both Laski and Cripps would demand the creation of sufficient peers to act in the emergency, and with their help then vote the abolition of the House of Lords.  

In the conference Attlee and Bevin clashed on the question of the use of Emergency Powers for dealing with the resistance of the House of Lords to the socialist legislation. Mr. Bevin believed that Labour's socialist programme could be

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carried out in use of other means without abolition of the House of Lords. He said, "...the people of this country might defend the House of Lords on a question of Home Rule, or some political question, but we can unite our people on bread and butter, we can unite them on their conditions providing we are clear as to what we are going to do. We should work out our programme, go forward with it, and if we find resistance, call for support to overcome the resistance, but not create the resistance as excuse for not going forward with our own measures."

Mr. Attlee argued that "...I have no belief whatever that the House of Lords is going to be kind and acquiescent to a Labour Government even if they have got a majority.... The Lords' attack has been against democracy at the whole time... I believe entirely in democracy, but I want to see that democracy is effective, and democracy will only be defeated if people believe that democracy is futile and is not prepared to take the necessary steps to make the will of the people prevail."

Stafford Cripps following Attlee, asked that the Report be referred back for the Executive to specify the means of getting the 'maximum of Socialism in the minimum of Time'. He specified certain means -- the abolition of the House of Lords -- an Emergency Power Act -- revision of procedure in the House of Commons -- an economic plan for industry, finance, and foreign trade.

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6 Ibid.

7 Ibid.
In the Party's draft programme of July 1934, the plan was to abolish the House of Lords only if it should interfere with the implementation of a Labour Government's policy.

Accordingly, the Labour Party Manifesto for the General Election of 1935 ended with the sentence: 'Labour seeks a mandate to carry out this programme by constitutional and democratic means, and with this end in view it seeks power to abolish the House of Lords and improve the procedure of the House of Commons.'

The final session of the Cooperative Party Conference at Brighton in 1936, adopted a resolution calling for the abolition of the House of Lords and urging that all hereditary pensions should expire and no further hereditary pensions or hereditary titles be granted.

"These people are no good whatever, either intellectually or politically," said Mr. F. H. Peffer, of Worcester, who moved the following resolution:

They were created to be a bulwark of things as they are and it is about time, instead of trying to patch up the House of Lords by creating a few more peers, to decide that they are useless. We do not want to do as the Russians did, and throw them on the dustbin, but we are going to adopt the more humane way of asking them to retire by will of the people.

The sweeping victory of the Labour Party at the General

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10 The Times (London), April 23, 1946, p. 2.
Election of 1945 did not at first produce any proposals for the reform of the House of Lords and did not try to abolish it. In any case the Lords did not at first attempt to prevent the passing of the Government bills or even to insist on unacceptable amendments. However, by 1947 the circumstances led the Government to begin to give the matter some consideration.

The Party in the General Election of 1945, in its manifesto, *Let Us Face the Future*, stated that "...we will not tolerate obstruction of the people's will by the House of Lords." This represented the maximum of agreement between the two wings of the party. The left wing maintained the old radical objection to any Second Chamber; the right wing thought that, if the powers of the Lords were diminished a little more, the issue would be of no political importance. The Labour Party did not say anything about abolition of the House of Lords in its programme as they had done before. At that time, however, Labour's attitude on the problem of the reform of the House of Lords was not clear -- they might seek to abolish it or merely to reduce its power. In July, 1947, Mr. Aneurin Bevan warned the House of Lords concerning the nationalization of the steel industry, "if the House of Lords stands in the way then we know what to do with the House of Lords." He added, "We might leave them the toy and take away the sword. We might leave them as a revising Chamber."

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11 Ibid., p. 5.
Speaking at Labour Party rally at Dudley on October 31, 1947, Mr. Bevan warned again that "They have their sword, but at the moment it is in the scabbard. If they intend to keep it in the scabbard, why are they worried?"

On October 21, 1947, the Government produced a bill to amend the Parliament Act of 1911, reducing the Lords' veto power from two years to one instead of abolition. It is quite clear that a bill to abolish the House of Lords could have been passed under the 1911 Act, if the government had wished.

During the years of 1945-47 the Labour Leaders held several private meetings to discuss whether the House of Lords should be abolished or not. The result was that they decided a second chamber with limited power is desirable.

On June 25, 1955, Mr. Patrick Gordon Walker, M.P., warned that Conservative strategy was to entrench economic privilege and to guard it against counter-attack by restoring the powers of the House of Lords. A committee had already started on this work. It was called the Committee of "extremely antiquated" peers. He said, "If the Conservatives go on with their plans to give the House of Lords more power, they will bring the future of the Second Chamber back into the centre of politics. It will end in the abolition of the House of Lords."

13 The Times (London), November 1, 1947, p. 4.
14 The Times (London), June 27, 1955, p. 6.
In 1957 a proposal was made by A. Wedgwood Benn, the author of *The Privy Council as a Second Chamber*, that it should be replaced by Privy Council. Under this scheme the second chamber would have practically no powers, but it would be useful for discussion, it would tidy up legislation, and 'good Labour people' would be prepared to serve in it.

On October 31, 1957, Lord Attlee in the Lords' debate expressed his attitude on the question of the existence of the House of Lords: "my attitude at one time was in favour of single chamber Government, ... I now believe, as the result of experience, one must not however, confuse the idea of a Second Chamber exactly with the House of Lords." He had been against anything that in any way thwarted the will of the elected representatives of the people, but he now thought that the second chamber with limited power is desirable.

Obviously, now, for Labour the question of abolition of the Lords is over and the policy of abolition of the hereditary principle is unchangeable.

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Before 1945 the Labour Party was committed to the abolition of the House of Lords and was less interested in the reform of its composition. The Conservatives on the other hand, because of the rapidly gaining strength of the Labour Party and its socialist programme, tried to modify the Parliament Act of 1911 and secure an increase in the powers of the House of Lords in order to check future Labour Governments. During the period of 1945-51 for Labour a second chamber was thought desirable, but its power ought to be reduced. The Conservatives struggled to maintain the status quo so far as the powers of the House of Lords were concerned.

Since 1951 Labour has been less interested in the reform of the composition of the Lords, because they were concerned that any change might increase the powers of the House of Lords. The Labour Party's attitude is that the House of Lords could be reformed only according to certain principles — it should not be separately elected parallel with the House of Commons, it should not be hereditary in character, and it should not have the power to overrule or obstruct the House of Commons.
In general, the main justifications commonly given for the existence of a second chamber are: (1) it is necessary to guard against rush and possibly revolutionary action which might be taken by the first chamber without adequate consultation with the nation, and in conflict with its real desires; (2) the volume of work that has to be done is so enormous that a single chamber cannot undertake it and therefore it is desirable to have to supplement the first, and to correct the blunders that may arise from undue haste and inadequate discussion.

However, there are two important problems which concern the present House of Lords. The first is the problem of the backwoodsmen's vote, and the question of their membership and right to speak and vote. Some impressive arguments have been raised against making any change at all in the actual membership of the House of Lords. It is contended that, in the modern world, dominated as it is by committees and associations and organizations, there is positive merit in having in the legislature some persons who do not owe their seats to the favour of any specific association or institution or group. Time after time, in the unreformed House, a peer who has been accustomed to speak little or not at all comes down, often from a quite unexpected quarter, and gives the House the benefit of the

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expert knowledge which he happens to possess. It is difficult to see how any reform which restricted membership of the House of Lords to three hundred elected or appointed persons could preserve intact this advantage of the old arrangements. However important it may be to take steps to deal with the backwoodsmen's votes, it is also important to remember the virtues of the individual's contribution to debate.

The second problem is a rather important one, namely, that in the House of Lords the Labour Party is grossly under-represented. If the membership of the House of Lords could be more thoroughly separated from the notions of social superiority which are such anathema to the Left, then more members of the Labour Party might be prepared to accept peerages, even under Conservative Governments, without seeming to betray their class, their principles or their friends. An increase in the number of back-bench Labour peers, as opposed to Party spokesmen, available to participate in debate.

The representation of the Labour Party in the House of Lords has increased steadily in recent years, but it is still far from proportionate to Labour strength in the House of Commons or in the whole electorate. Of the 742 peers in the House of Lords in October 1935, only sixteen were members of

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the Labour group, an increase of four since 1931. In 1939 there were 747 peers in the House of Lords; 517 were Conservatives and the Labourites still remained at sixteen. With the Labour Government in power for six years after World War II, forty-four Labour peers were created. Labour peers increased to a total of sixty in 1954. At the end of 1958, there were about 900 members in the House of Lords, only sixty-five of whom were Labourites. In 1959 two Labour peers were created under the Life Peerages Bill of 1958. At the present time there are sixty-six Labour peers in the House of Lords (including three Labour baronesses).

The present composition of the House of Lords is defective. A debating Chamber to have any vitality needs two sides. The overwhelming majority of the House of Lords is Conservative and, without calling out the very large reserves of the non-attenders the Conservatives can always command a comfortable majority. A Labour Government on the other hand can get through its business only through the acquiescence of the other side.

This is not to say that the House of Lords should be left exactly as it is but, in fact, the British way, as we know, is to bring about a gradual change by grafting the new upon the old. The second chamber of the future may be sub-

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stantially different from the House of Lords today but there is reason to believe that it will retain the present chamber's inherited loyalties.

Experience has shown that the agreement of political parties, which should ideally be the foundation of any substantial change in the machinery of Government, is unattainable on this issue.

The problem of the future of the House of Lords is not so much a problem of seeking to reform its powers. The House of Lords with its present delaying power has been of great value to the Labour Party, and it should continue to perform its present functions. The Conservative Party has shared this point of view.

In British political matters it is impossible, without some knowledge of the past, to understand the present, and it is impossible to plan for the future without the same knowledge. It is unlikely that the House of Lords will ever have the great powers of the United States Senate. As a foreign observer, I think that a second chamber akin to the House of Lords with its present power is workable for today and desirable for tomorrow.

If a second chamber in the modern world is to have substantial powers, it must be substantially representative. "The more power you give," said Viscount Bryce, "the more popular must be the composition." It is radical to say that
the hereditary principle ought to be destroyed under Labour's scheme. But neither should the House of Lords be composed on lines such as those of the Council of the Republic in France. Changes in composition could, perhaps, be in such a way that there would be more Labour and more expert peers. And the exclusion, at least from voting, of persons whom modern opinion cannot accept as worthy legislators, would also be of value.

Above all, it is to be hoped that the House of Lords will in the future preserve its character unimpaired, so that it may continue to need no time-table or rigid classification of types of business, no priorities for the Government or ballots for private members' time.
BIBLIOGRAPHY

Public Documents


Books


Lindsay, Martin. Shall We Reform the Lords? London: Falcon Press, 1948.


Articles and Periodicals


Economist. 1921-Date.


Labour Bulletin. 1921-Date.


Labour Year Book. 1918-Date.


The Times (London). 1918-Date.

**Reports**

Conference on the Reform of the Second Chamber, Report by Viscount Bryce (Cmd 9083 of 1918).

Report by the Select Committee on the Powers of the House in Relation to the Attendance of its Members (H.M.S.O., 1956).


This thesis has been approved by:

[Signatures]

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