

Mr. Churchill (Woodford) Yesterday, after several courtesies which I acknowledge, the Leader of the House and Lord President of the Council cited me as a witness in this case. Therefore, I thought it my duty to come here and testify, although I must admit under some protest from my medical adviser. I frankly admit that I like this old controversy. I like to feel that what I thought right 36 years ago, the great party which I now lead, and the famous party which I then served, and also as I well believe, the mass of the nation, think right now. It is in the evening of life that these are gratifying sensations. I am glad to look back upon the days when I used to address the fathers and grandfathers of those who sit opposite and who fell away from the Liberal and Radical theme and lolloped into the slatternly trough of collectivism. Therefore, I in no way resent the references which the Lord President has made to my previous convictions, speeches and records, and I am particularly obliged to the right hon. Gentleman for the quotation which he made from my explanation of the Parliament Act 36 years ago. I am sorry I could not hear him, but I read the report, and for greater security I have a copy with me. He said: 204The present Leader of the Opposition, in the 1910 Debates which led up to the consideration of the Parliament Bill, which became the Parliament Act, 1911, expounded what he conceived at that time to be the policy underlying the proposals which were passed into law in the Parliament Act, 1911. He assumed that Parliaments would on the average last for about four years, and he said that in the first two years of a Parliament the controversial questions upon which the Election had been fought would normally have been disposed of. Then, the argument continues, in the second two years of the Parliament there would be two classes of Bills—Bills upon which there was a broad measure of agreement between parties, and fresh controversial measures, which the Government might bring forward, but which, if rejected by the House of Lords, would await what he called 'the ratification of a new decision of the electorate'."—[OFFICIAL REPORT, 10th November, 1947; Vol. 444, c. 39.] Well, Sir, I had forgotten this speech. When this Debate was advertised, I asked that my past speeches should be looked up, and I intended to read them all; but there were about 30, so I did not find the time to do it. But this speech exactly represents where we stand today, and what the Parliament Act was intended to establish. In these confused and baffling times, it is right to recur to broad general principles. The spirit of the Parliament Act, and the purpose of that Act, were to secure the intimate, effective and continuous influence of the will of the people upon the conduct and progress of their affairs. That was the purpose—not the will of the governors or the governesses of the people, but the will of the people.

The right hon. Gentleman, after quoting this passage, which I must say was an odd selection on his part—a little act of personal friendship, I think, because nothing can be more helpful to me—said that he doubted whether even in my Liberal days I was a very good democrat. I certainly spoke for a united Government and party, of which Mr. Lloyd George and I were supposed to be the Radical spear-point, and I spoke at a time when political controversy was very keen—more sharply followed by the mass of the people from day to day than it is now, when newspapers were able to report every word, and every word was minutely scanned by friend as well as foe. I am sure that if I had diverged at that time from the general line of the Liberal Radical Party, and had, so to speak, made what the hon. Member for West Fife (Mr. Gallacher) would call "a

diversionary error," it would most certainly have been pointed out. In those days Ministers left office because of some slight diversion, not too serious a diversion, from what was the settled, clean-cut policy of the party. Therefore, I think that I was speaking with full authority.

I do not feel that the Leader of the House has any right to suggest that I was not a good democrat in those days, and not a good democrat now, How does the right hon. Gentleman conceive democracy? Just let me explain it to him, Mr. Speaker, or explain some of the more rudimentary elements of it to him. Democracy is not a caucus, obtaining a fixed term of office by promises, and then doing what it likes with the people. We hold that there ought to be a constant relationship between the rulers and the people. "Government of the people, by the people, for the people," still remains the sovereign definition of democracy. There is no correspondence between this broad conception and the outlook of His Majesty's Government. Democracy, I must explain to the Lord President, does not mean, "We have got our majority, never mind how, and we have our lease of office for five years, so what are you going to do about it?" That is not democracy, that is only small party patter, which will not go down with the mass of the people of this country. Presently, we shall convince the party opposite that the will of the people will prevail. We accept that tribunal, and all their plans will be to shirk it.

The right hon. Gentleman has an obvious, unconcealable, well-known relish for petty dictatorship. He has many good qualities, but he should always be on guard against his propensity and love to "cat and mouse" people from morning until night. Look at all the power he is enjoying today. No Government in time of peace has ever had such arbitrary power over the lives and actions of the British people, and no Government has ever failed more completely to meet their daily practical needs. Yet the right hon. Gentleman and his colleagues are avid for more power. No Government has ever combined so passionate a lust for power with such incurable impotence in its exercise. The whole history of this country shows a British instinct—and, I think I may say, a genius—for the division of power. The American Constitution, with its checks and counterchecks, combined with its frequent appeals to the people, embodied much of the ancient wisdom of this island. Of course, there must be proper executive power to any Government, but our British, our English idea, in a special sense, has always been a system of balanced rights and divided authority, with many other persons and organised bodies having to be considered besides the Government of the day and the officials they employ. This essential British wisdom is expressed in many foreign Constitutions which followed our Parliamentary system, outside the totalitarian zone, but never was it so necessary as in a country which has no written Constitution.

The right hon. Gentleman spoke about Parliament, about the rights of Parliament, which I shall certainly not fail to defend. But it is not Parliament that should rule; it is the people who should rule through Parliament. That is the mistake he made, an important omission. All this was comprehended by those who shaped the Parliament Act and the settlement which developed upon that Act, so that it was never mentioned again for 36

years until now. That is what the Government are seeking to mutilate, if not to destroy. The object of the Parliament Act, and the spirit of that Act, were to give effect, not to spasmodic emotions of the electorate, but to the settled, persistent will of the people. What they wanted to do they could do, and what they did not want to do they could stop. All this idea of a handful of men getting hold of the State machine, having the right to make the people do what suits their party and personal interests or doctrines, is completely contrary to every conception of surviving Western democracy. Some reverence for the laws ourselves have made, Some patient force to change them when we will. We accept in the fullest sense of the word the settled and persistent will of the people. All this idea of a group of super men and super-planners, such as we see before us, "playing the angel," as the French call it, and making the masses of the people do what they think is good for them, without any check or correction, is a violation of democracy. Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has 207 been said that democracy is the worst form of Government except all those other forms that have been tried from time to time; but there is the broad feeling in our country that the people should rule, continuously rule, and that public opinion, expressed by all constitutional means, should shape, guide, and control the actions of Ministers who are their servants and not their masters.

I remember, many years ago, the late John Morley talking to me about a Greek word, born in the classical cradle of democracy, meaning the wish, the will, and the determination, with special reference to the gods, or to destiny, or, as it was adapted, to the desire of the mass, the inward desire of the mass of the people. This implied, that there should be frequent recurrence, direct or indirect, to the popular will, and that the wish—the —should prevail. That is what the party opposite is afraid of, and that is what this Act is devised to prevent. [HON. MEMBERS: "Rubbish."] That is the first broad submission which I make to the House upon this important Measure. I do not expect to convert hon. Members opposite in a few minutes, but I am going to show them the language which can be used against their policy and which will be used on every platform in this country.

However, it is argued that the present Second Chamber is a biased and unrepresentative body; that it does not act evenly between the two sides or parties in the State. Let me just look into that dispassionately. There is, of course, a difference between the two sides in our political life. Temperament, conditions, upbringing, fortunes, interests, environment decide for every individual in a free country which side he will take. One side claims to be the party of progress, as if progress was bound to be right, no matter in what direction. The other side emphasises stability, which is also very important in this changing world. But no one would rest content with that. This is an unreal and far too narrow a dichotomy. I heard that word 40 years ago as a debating rejoinder from Mr. Asquith. I went home and looked it up in the dictionary, and I do not think that it has been used in this House until now. Both 208progress and stability are

needed to make a happy country. But the right hon. Gentleman complains that the present Second Chamber has, from its composition, an undue bias in favour of stability.

Well, Mr. Speaker, if you have a motor car—and I believe some are still allowed—you have to have a brake. There ought to be a brake. A brake, in its essence, is one-sided; it prevents an accident through going too fast. It was not intended to prevent accidents through going too slow. For that you must look elsewhere, to another part of the vehicle; you must look to the engine and, of course, to the petrol supply. For that there is the renewed impulse. To prevent your going too slow you must look to the renewed impulse of the people's will; but it is by the force of the engine, occasionally regulated by the brake, that the steady progress of the nation and of society is maintained, and tens of millions of humble people are given steady conditions in which they can live their lives and make all their plans for their homes, their families and for bringing up their children, and have a chance of bettering themselves, and, at the same time, forwarding the cause of the whole community. [An HON. MEMBER: "Two million unemployed."] Two million unemployed under a Socialist Government. Never has that figure of two million unemployed occurred under any but a Socialist Administration. [Interruption.] It is really a matter of history and arithmetic. Never has there been a substantial rise above two million except under a Government headed by the Socialist Party.

§The Prime Minister (Mr. Attlee) I think that the right hon. Gentleman must have made a mistake in the date. The peak date for unemployment was in the Coalition Government of 1931.

§Mr. Churchill It was in the Coalition Government of 1931 that reduced the unemployed from the figure of nearly three million to just above one million, and it was the right hon. Gentleman, even in these days of full employment and shortage of labour, who managed to raise unemployment to over two million at the beginning of the present year by gross mismanagement of the fuel problem. All this myth about the tragedy of unemployment between the wars—[HON. MEMBERS: "Myth?"] The myth is that 209it was due to the Conservative Party, yet all the peaks and heights were reached and all the most serious causes occurred during the brief terms when the Socialists were in office.

I have been drawn from the general thread of my argument, which I am most anxious should be comprehended by hon. Members opposite, if not for their conversion, at least, for educative purposes. I was speaking just now about the "brake." If the Socialist Government do not like the character of this particular brake, certainly we are not defending it.

§Mr. Kirkwood (Dumbarton Burghs) What has that to do with this Bill?

§Mr. Churchill Certainly we are not defending it. I must say that the Government themselves seem to be a little more reconciled to it than they used to be, judging by the number of Socialist hereditary nobles who are being created. If they do not like the character of the brake, why do they not propose the reform of the Second Chamber? We are quite ready to confer with them and to help them in such a task. As the Socialist

Government now stand, they maintain the hereditary principle. The hereditary Chamber is to have one year's suspensory veto but not two. One year's suspensory veto by a hereditary assembly is the true blue of Socialist democracy; two years is class tyranny. One is astonished that the human mind can be constrained into such silly postures. But then the explanation is furnished and backed by ever-accumulating evidence that this Bill does not arise out of any consideration of general principles, or of the needs of the State, or of the practical requirements of the day, but only out of a deal between Cabinet Ministers quarrelling about the nationalisation of steel. There is no doubt however, that what His Majesty's Government seek and intend is virtually what is called single-Chamber Government. On this issue there are wide and world-famous arguments. No free country enjoying democratic institutions that I know of has adopted single-Chamber Government.

§Mr. Ronald Mackay (Hull, North West) The State of Queensland has single-Chamber Government.

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§Mr. Churchill It is the exception which proves the rule. No free country—

§Mr. Warbey (Luton) rose—

§Mr. Speaker I think it is a mistake for hon. Gentlemen to interrupt continuously. It would be much better if each one waited and heard the arguments whether they like them or not, and then they could listen to the arguments in reply by the Home Secretary.

§Mr. Churchill I am glad to be reminded because I asked this morning for a check-up to be made over the British Empire, and I was not aware that there was a single-Chamber Government in Queensland, but that State is only part of a federal system.

§Mr. Warbey What about Norway?

§Mr. Churchill No free country of which I have heard up to the present—I quite agree that there might be some countries throughout the world—which is enjoying democratic institutions has adopted single-Chamber Government. The United States, the Swiss, the Dutch, the Belgians, the French even in their latest constitution have a Second Chamber. Eire has created its own Senate. Our Dominions, the most democratic countries in the world, all have, with the exception of Queensland I am reminded, sought and preserved two-Chamber Government—what clever people would call bi-cameral Government. All feel that between the chance vote of an election on universal suffrage and the permanent alteration of the whole slowly built structure of the State and nation there ought to be some modifying process. Show me a powerful, successful, free democratic constitution of a great sovereign state which has adopted the principle of single-Chamber Government.

§Mr. Warbey I have told the right hon. Gentleman of one.

§Mr. Churchill Norway is not a very powerful State and would not have been a State at all but for our exertions. I am speaking of the general experience of the world and I say that the overwhelming majority that I know of have a Second Chamber, mostly with lesser powers than the popular assembly and with a different outlook and function. By the way, all this insistence on Norway or Queensland by the other side of the House

illustrates 211 and proves my point that it is single-Chamber Government which hon. Gentlemen opposite seek.

§Mr. Sydney Silverman (Nelson and Colne) rose—

§Mr. Churchill The hon. Gentleman the Member for Nelson and Colne (Mr. S. Silverman) is not in this matter at all. There are quite a lot of matters in which he takes an interest but this is not one of them.

§Mr. Warbey rose—

§Mr. Churchill I do not mind in the least being interrupted. It does not worry me—

§Mr. Warbey rose—

§Mr. Churchill I do not give way unless I think it worth while. Some of the foreign countries arrive at the two-chamber system by a proportion of members retiring every two years or every year; some by a franchise based on a higher age limit; some by the influence of local authorities standing on a different foundation; and some, like the Canadian Senate, are nominated for life and retire gradually by the effluxion of time. In some there are joint sessions where a majority decision decides in case of deadlock. I remember in 1910 we worked in the hectic interval between the two Elections of that year in conference with the Opposition but it broke down as so many other things do, on figures.

But all these constitutions have the same object in view, namely, that the persistent resolve of the people shall prevail without throwing the community into convulsion and disorder by rash or violent, irreparable action and to restrain and prevent a group or sect or faction assuming dictatorial power. Single-Chamber Government, as I have said, is especially dangerous in a country which has no written Constitution and where Parliaments are elected for as long as five years. When there is an ancient community built up across the generations, Where Freedom broadens slowly down From precedent to precedent", it is not right that all should be liable to be swept away by the desperate measures of a small set of discredited men. A thousand years scarce serve to form a State. An hour may lay it in dust. 212 This is the argument against Second-Chamber Government, which is evidently so espoused on that side of the House. In this field the outlook of His Majesty's Ministers is marked by the same meanness of thought and spirit which characterise so much of their action and which destroys their power to help or unite and save our suffering country. They wish to keep the present Second Chamber on the hereditary basis so that they can abuse it, insult it and attack it and yet to cripple its powers, although those powers stand on 36 years of modern Parliamentary title so that, in effect, it is both vulnerable and powerless. That is their tactical method. By this artful, and insincere scheme they hope to substitute for the will of the people the decisions of the Government. This sinister intrigue will be exposed by us, without fear, to the electorate resting upon a universal suffrage.

The Government say—let us look closer into the point—"We have the right to pass into law everything we mentioned or even hinted at in our election pamphlet, 'Let us Face the

Future." It is arguable whether a Government, which is losing daily the real support of the nation, has the right to claim that such a bill must be paid even within the limits of what they call their mandate. At any rate no one should be under any delusions on this matter. There is no constitutional or legal bar upon the right of a Government possessing a majority in the House of Commons to propose any legislation they think fit whether it has figured in their pre-election promises or programmes or not. The people have no guarantee, except the suspensory power of the House of Lords or Second Chamber, nor can they be given any other guarantee that Measures never thought of at the Election and to which they object will not be imposed upon them.

Look around at what is happening every day. The idea of a mandate is only a convention. A band of men who have got hold of the machine and have a Parliamentary majority undoubtedly have the power to propose anything they choose without the slightest regard to whether the people like it or not, or the slightest reference to whether or not it was included in their election literature. I will not expatiate upon the kind of laws they could pass if all is to be settled by 213a party majority in the House of Commons, under the discipline of the Whips and the caucus. But anyone can see for himself, and it is now frankly admitted on the opposite side of the House, that what is aimed at now is single-Chamber Government at the dictation of Ministers, without regard to the wishes of the people and without giving them any chance to express their opinion. There is, in fact, only one thing that they cannot do under the Parliament Act, 1911, and that is to prolong the life of Parliament beyond the five years' span to which we reduced it in those old days. I must say I am very glad we thought of it.

As a free-born Englishman, what I hate is the sense of being at anybody's mercy or in anybody's power, be he Hitler or Attlee. We are approaching very near to dictatorship in this country, dictatorship that is to say—I will be quite candid with the House—without either its criminality or its efficiency. But let the party opposite not imagine they will rule our famous land and lead our group of Commonwealths and our Empire—or what is left of it—by party dodges and Cabinet intrigues. Lots of people have tried to break the British nation and make it do things it did not want to do. Some were British and some were foreign. They all came a cropper. Do not imagine, I say to right hon. Gentlemen opposite, that you have got this country in pawn. The British are a proud people and, more than any other country in Europe, they have known how to control their rulers. [Interruption.] You are our rulers now and we are going to show you that there are limits to your control.

Let hon. Members opposite not delude themselves by supposing that by raising this issue they will draw an ancient red herring across the fundamental economic and imperial issues now at stake which involve the life of Britain as a great Power. Why are they devising dodges to keep themselves in office, and to get the last scrunch out of their freak majority and legal term? Is it not ignoble, is it not indeed most imprudent, for these incompetent Ministers, amid all the miseries they have brought upon us, to adopt the attitude, the arrogant attitude, "We have got our majority. We have got our ration of

time. Let us exploit them to the utmost. To hell with the will of the people. We will teach them from our superior knowledge what they ought to want." Is it not much better to recur to the simple process of keeping in touch with the people, and of not being afraid to consult them, or even to take dismissal at their hands?

Why are the Government so afraid of appealing to the people for what they tell us is their great, democratic, philanthropic policy of Socialistic progress into the brave new world? Why are they so afraid? No one has obstructed their will. They have carried all the Measures they wished. They have brought us low and they are bringing us to ruin. What more can they want? Yet—and the Bill brings it before us effectively at the moment—when the Government may be the most execrated of all Administrations, they will claim the right, against the will of the people and, if they choose, without any consultation with the people, to exercise unlimited legislative power.

This is a dictatorship that we are facing, a timid, incompetent dictatorship, but a dictatorship none the less, and one that at any time in the lifetime of this Parliament may be replaced by a determined, totalitarian oligarchy. Is the party opposite really to be entitled to pass laws affecting the whole character of the country in the closing years of this Parliament without any appeal to the people who have the vote and who placed them where they are? No, Sir, democracy says, "No, a thousand times No. You have no right to pass legislation in the closing phase of a Parliament which is not accepted or desired by the mass of the people." It may well be that Ministers on that Bench are going to be more hated than any Government which has held office since the franchise was extended in the great Reform Bill of 1832. It may well be that not only bankruptcy but actual starvation will come upon this island, largely from their mismanagement.

How do we know that, in the next 18 months, we shall see the same feeble despots in office? They may be replaced at any time by a convulsion in this House or at Transport House, or in the complicated party structure of the Government majority, by other men, no less mischievous but more malignant, more ruthless. These may hoist themselves into power, men who have never presented themselves to the electors as leaders of the nation. Are they to have the full, unbridled authority to pass any laws they choose irrespective of the views and feelings of the whole nation regarding the Government or the Bills proposed? These are issues which are before us now on the Second Reading of the Bill on which we shall give our vote.

There are, I must admit, moments when I am sorry for the Lord President of the Council, a man outpaced at the moment by his competitors, outdated even by his prejudices, scrambling along trying to regain popularity on an obsolete issue and on an ever-ebbing tide. I hope he will not mind my quoting or adapting some lines, although they are of a martial character, about his position: Cripps to right of him, Dalton to left of him, Bevan behind him, volleyed and thundered. It must have been very harassing.

Then there is another line: What tho' the soldiers knew Some one had blunder'd. There is even one more line a little further on in the poem which may not be irrelevant: Then they came back, but not, Not the four hundred.

Mr. Kirk wood The wish is father to the thought.

§Mr. Churchill I see that the Home Secretary is going to follow me. I am sorry for him, too. He always wears the air of injured innocence which we might expect to find on the face of a virtuous and respectable mayor or alderman who has been caught in a somewhat disreputable and compromising situation. I ask him: does he really think he can cling to office for 2½ years more until this Bill has passed into law under the workings of the Parliament Act?

The last election was abnormal. There had not been one for 10 years. There had been a total cessation of ordinary party warfare, on our side at least. A large portion of our voters, our men, were abroad—several millions—and out of touch with any of the party associations with which they would have been ranged had they been at home. It was abnormal. I have no doubt that in party circles it is calculated that the majority gained at the last Election, whatever may be said ²¹⁶about it, will be able to run on for its full legal term and make the British people drain their cup to the last dregs. No doubt it will be helpful—here I see the hand of the master craftsman, the Lord President—

§The Lord President of the Council (Mr. Herbert Morrison) The right hon. Gentleman has promoted me.

§Mr. Churchill Craft is common both to skill and deceit. No doubt it will be helpful to party discipline to be able to say to an unhappy, disillusioned party, "We must hold together until we get the Parliament Bill through and thus carry our glorious nationalisation of steel which will put the country right once and for all. Hold on." It is a powerful appeal, "Hold on, boys, for another year. Let us have a full run for our money. Let us get all out of it we can." I do not think it will happen that way. If there were a General Election tomorrow the Socialist majority would vanish. If they wait another year, they themselves will vanish for a considerable period, unwept, unhonoured, and unsung—and unhung. They have paralysed and stifled the whole native life-effort of our people. Do not let them delude themselves by supposing that they will escape on the issue of "the Peers versus the People." The electors are going to vote on their mismanagement and on their partisanship in this grave crisis in our history. Their calculations will not succeed. They will not escape, even by this partial Measure, the will of the people, and the longer they try to do so, the more decisive will be the condemnation they will receive at the national hands.

§4.25 p.m.

§The Secretary of State for the Home Department (Mr. Ede) In the first place, it is my duty and my pleasure to express to the right hon. Gentleman the Member for Woodford (Mr. Churchill) our happiness at seeing him here today. We missed him yesterday. He has endeavoured to do the best he can to make up for our disappointment. We congratulate him on his return to health and thank him for the strain to which he must

have subjected himself in preparing and delivering the speech to which we have just listened. We also desire to congratulate him upon having at last convinced the party now sitting behind him that the 217Parliament Act, 1911, is a constitutional safeguard. He will recall that Lord Curzon, Mr. F. E. Smith and other notabilities of the Conservative Party of 1911 promised that as soon as the Conservative Party again obtained a majority they would wipe what Lord Curzon elegantly described as "this smudge" from the Statute Book. But this afternoon, although they received his remarks with no great enthusiasm, he is at least entitled to feel that one of his major achievements in life has been to convert the Tory Party into a belief in the Parliament Act, 1911. Our view of the Constitution was well expressed by the right hon. Gentleman in a speech he delivered on the First Reading of that Bill on 22nd February, 1911. He said: We believe in democracy, we believe in representative institutions, we believe in democracy acting through representative institutions. We believe that Ministers should back their convictions by their offices. We believe Members of Parliament are representatives and not delegates. We believe that Governments are the guides as well as the servants of the Nation. We believe that the people should choose their representatives, that they should come to a decision between men, party and policy, judging their character and judging the circumstances of the hour; that they should choose their representatives and then trust them and give them a fair chance within the limits of their commission for a period which should not be unreasonably prolonged; then these representatives should be summoned before their constituents, who should judge them in relation to all the circumstances proper to be considered, and in relation as well to the general effects of their policy, and should either confirm them in their places as representatives or choose other men to take their place."—[OFFICIAL REPORT, 22nd February, 1911; Vol. 21, c. 2035.] That is our belief of democracy as well as that of the right hon. Gentleman in 1911.

§Mr. Churchill And now.

§Mr. Ede May I say that a great part of his speech was devoted to disapproving some of those propositions, as was strikingly done last night by the hon. Member the senior Burgess for Cambridge University (Mr. Pickthorn). He claimed that it was the prerogative of the House of Lords to be able to determine when and in what circumstances a General Election should take place: ... if, after two or three years of office, it appears to the House of Lords ... that a Bill passed by this House is not one which public opinion really goes with, that can be held up, not for long, at the worst only for 218as long as it takes to win an election."—[OFFICIAL REPORT, 10th November, 1947; Vol. 444, c. 151.] We take this view of the constitutional position, that the Government is made and kept in office by the House of Commons. The moment a Government loses the confidence of the House of Commons, not necessarily to the extent of suffering defeat in the Lobbies, but in such a striking way as to make the loss of confidence quite evident and palpable, the House of Commons has the right to expect that that Government will resign and can, of course, remove it from office. It removed in that way the Chamberlain Government in 1939—

§Mr. Kirkwood In 1940.

§Mr. Ede I am sorry, 1940. The Government was not defeated, but so many of its regular supporters voted in the Opposition Lobby, so many abstained, that the Government of the day was changed.

§Mr. Churchill That really does not quite do justice to Mr. Chamberlain, because the reason why he resigned was not because of any defeat in the House of Commons or that he could not gather support to continue, but because he felt that nothing short of a National Government could save the country.

Hon. Members Oh.

§Mr. Ede The right hon. Gentleman was in the negotiations but I have been told that there was an effort to restore Mr. Chamberlain to office after that vote, before the right hon. Gentleman formed his Government.

§Mr. Churchill I strongly urged Mr. Chamberlain to continue as Prime Minister.

§Mr. Ede That does not disprove what I am saying. That was in wartime. In normal times when a Prime Minister finds himself in that position, that his Government has lost the confidence of this House, he has an alternative before him: either he can recommend the King to send for someone else, or he can appeal from the decision of the House of Commons to the electorate. That is constitutional and I am sure the right hon.

Gentleman, who has been in many Governments, will not disagree with that. That is the constitutional position and we say that is a position 219which we think is the proper one for the Government of this country. We do not accept the doctrine—

§Mr. Churchill The Prime Minister has no right to demand a Dissolution—[HON.

MEMBERS: "Oh."]—and the right hon. Gentleman in his great position must not be inaccurate. He can submit to the Crown a request for a Dissolution—[HON. MEMBERS: "It is the same thing."]—but if the Crown does not grant that request, the only remedy of the Prime Minister is to resign. Let us get it right.

§Mr. Ede I purposely do not want to bring into this discussion, for obvious reasons, the exact point at which the Crown can assume responsibility.

§Mr. Churchill The right hon. Gentleman need not be shy about it. It is all history.

§Mr. Ede I do not think I have misstated the position. At any rate, one thing is quite certain, that the first General Election of 1910 settled that the House of Lords has no right to send the Government to the country—

§Mr. Churchill indicated assent.

§Mr. Ede The House of Lords, in rejecting Mr. Lloyd George's Budget, passed a resolution in the form that they declined to give the Bill a Second Reading until the opinion of the country had been expressed on it That position, which was the line of argument adopted by the senior Burgess for Cambridge University, who, I regret, is not in his place this afternoon, we are not prepared to accept. Neither do we accept the views that have been expressed by the right hon. Gentleman with regard to what can happen during the period of a five-year Government. He said that he did not desire to suffer under a dictatorship, be it of Hitler or Attlee. We have suffered under the dictatorships of Baldwin and Chamberlain—

§Mr. Churchill That is all rubbish.

Hon. Members Order.

§Mr. Ede I regret that although the right hon. Gentleman said that I generally wear an air of injured innocence—

§Mr. Churchill You are living up to it at the moment.

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§Mr. Ede —for some reason or other I always appear to be most provocative to him in encouraging him to make replies. The position for which we ask is the position which was established by the Act of 1911 as laid down by the right hon. Gentlemen in the Debate on 7th August, 1911. We seek no privilege, we desire to obtain no handicap, we look for no facility which the Conservative Party have not already, and have not long, enjoyed. All we seek, all we ask, all we demand, all we are willing to take, is political equality for all parties in the State. We wish to be placed by the Constitution in exactly the same position as is the Conservative Party. We wish that our House of Commons shall have the same powers they have always enjoyed. We think that the millions of electors whom we represent are entitled to be admitted to as full and responsible citizenship, are just as competent to return Governments with plenary powers as the millions of electors whom we freely admit support hon. Gentlemen opposite.

That is the claim, and no higher claim, that we make, and those were the words used by the right hon. Gentleman in replying to the Vote of Censure when Mr. Asquith announced that he had obtained the Royal consent to the creation of the necessary peers to carry the Parliament Act. We do not desire—let us say this quite frankly—to be mixed up in another arid controversy about the Peers versus the People. That is why we have introduced this Measure at this time, before the next appeal to the country comes. Even if the peers accept the suggestion made to them this afternoon by the right hon. Gentleman, that they should delay the passage of this Bill for two and a half years, the matter will have been settled and we shall be in a position to carry the legislation to which we are committed.

I found it difficult to ascertain exactly at what point the right hon. Gentleman was dealing with the Bill, and at what part of his speech he was dealing with matters more relevant to a general Vote of Censure on the Government—

§Mr. Popplewell (Newcastle-upon-Tyne. West) In other words, clowning.

§Mr. Ede No, really, it is always good comedy when the right hon. Gentleman is speaking. Taste in comedy differs, but I always enjoy it highly and I have paid 221 large sums of money for worse comedy than we have had this afternoon.

I therefore propose to pass to the Debate which was held yesterday, and to deal with various speeches made by hon. Gentlemen opposite. The hon. Member for Oxford (Mr. Hogg), as usual, gave us a long moral lecture on the iniquity of our proceedings, and regretted that we did not take the opportunity of relieving him from passing to what I believe he called earlier in the week "the political ghetto." I cannot myself be taken as subscribing to that doctrine. He said there were three things which we ought to have done, and he put them in a certain order. He said that in the first place a democracy must choose whether it will have a system composed of one or two Chambers. and: Secondly, that if it decides in favour of two Chambers, it must attempt, at any rate, to

resolve the difficulties inherent in deciding the composition of the Second Chamber, assuming the first to be an elected one. ... Thirdly, when it has dealt with those two preliminary questions, it must come to a conclusion on the powers which it proposes to give to any Second Chamber which it forms."—[OFFICIAL REPORT, 10th November, 1947; Vol. 444, c. 79.] In spite of what has been said this afternoon, this Bill leaves the question of one or two Chambers exactly where it was before this Bill was introduced. I suggest to the hon. Gentleman that he has the order of the proceedings the wrong way round. Before one creates a new Second Chamber, or alters the power of the existing Chamber, it is essential to determine what powers the body is to exercise. We hold the view that the restricted powers which we propose in this Bill are the maximum powers which should be allowed to any Second Chamber, no matter how constituted, and so far from feeling that we are taking the thing in the wrong order, we feel that the order in which we propose to deal with the matter is the correct one. The hon. Member for Hertford (Mr. Walker-Smith), as usual, made a speech well directed towards the point at issue, but he used a somewhat peculiar phrase, which I asked him to explain at the time. He said: The Second Chamber, in my view, must not be a mere replica of the First Chamber, but should be complementary to it."—[OFFICIAL REPORT, 10th November, 1947; Vol. 444, c. 136.] I do not know exactly what the last phrase means. One of the difficulties which has always confronted the party opposite has been to get an agreement about what the form of the Second Chamber should be. What the right hon. Gentleman asked for was a Second Chamber which would give the Liberal Party as good a chance of getting its legislation through as the Conservative Party had, and every scheme that was prepared by the Conservative Party in the days when he was dealing with the subject broke down because it failed to do that.

I notice in this morning's "Yorkshire Post" that the hon. Member for Kings-ton-upon-Thames (Mr. Boyd-Carpenter) has a scheme for what he calls a more efficient House of Lords. Undoubtedly from his point of view it may be more efficient, because certainly it would never contain, as proposed by him, a majority of votes, or even an equality of votes, of people subscribing to the doctrines of this Government. As my right hon. Friend the Lord President of the Council said yesterday, any proposal that the Conservative Party wishes to put forward for a reformed Second Chamber will be considered, but it must conform to the requirements laid down by the right hon. Gentleman the Member for Woodford in 1911, so that it gives us exactly the same chance of passing our legislation as it would give to the Conservative Party. Short of that, any effort at getting a reformed House of Lords is not likely to be acceptable.

This Bill, we are told, is brought forward by the Government in order to pass a Bill for the nationalisation of steel. But there are other Bills which we are bringing forward which may equally need the opportunities afforded by this Measure if they are to receive appropriate treatment from the Legislature.

§Colonel Dower (Penrith and Cockermouth) What are they?

§Mr. Ede I am just going to deal with one of them. In my recollection, and I have taken steps to check this, on only one occasion within living memory have the House of Lords seriously embarrassed a Conservative Government in trying to get its legislation through. That was on the Children and Young Persons Act of 1933. This House deprived the justices of the power of ordering whipping for juvenile offenders. It went to the House of Lords, who reinserted that power. It came back here, and the right hon. Member for West Bristol (Mr. Stanley), after there had been another exchange between the two Houses, advised this House to accept that proposal, and not to lose the Bill. Now we have a Bill before Parliament this Session which makes the same proposal, it is true, in a more extended form. Have we any guarantee that, in order to enact that Measure, we may not need the powers which this Bill gives us? The idea that this Measure is required for one Bill only is one of the delusions which the Conservative Party likes to hug to itself.

Among the heritages that a Home Secretary has when he goes into Office are the books in a cupboard in the Home Office. Among them I discovered when I went there that on his departure from the Home Office Sir John Simon, as he then was, had left the whole of his copies of the "Liberal Magazine" for the early years of this century. I assume that when he left the Home Office he left his Liberalism behind him.

§Mr. Churchill The right hon. Gentleman might have had the decency to restore his property to him.

§Mr. Ede It is available for him if he requires it, but I am afraid he would find it rather an embarrassment at the present time. He spoke on the Parliament Bill. Those who spoke on behalf of the Conservative Party, he said, speaking in his constituency of Walthamstow in 1911, were saying that if they had an opportunity they would repeal the Parliament Bill. He promised that they in that constituency would not forget that promise. He would take every opportunity to rub it in. He thought that that statement ought to keep the Conservatives in the desert for the next two generations. They would carry the Parliament Bill, but not for its own sake. They were doing it because when they had made this rearrangement they were going to use it in order to carry reforms which they thought wise, moderate, sensible, and overdue. The House of Lords rejected their Plural Voting Bill, and they were going to carry it by means of the Parliament Bill. They did not do so. It is not for me to disclose legislation which will be introduced later this Session, but there again is a matter which may require the assistance of the Parliament Bill.

§Mr. Clement Davies (Montgomery) Is that a promise by the Home Secretary to introduce proportional representation? We shall welcome it if he does so.

§Mr. Ede As I have said, it is not for me at this stage to disclose what we intend to do in that Measure, but it is the kind of thing that appears to me to be highly probable. The difficulty in this country has never been that the engine has had too much control, or that there has been any likelihood that we should legislate at too great a speed. On the other hand, there has been, at least ever since the Reform Act, 1832, a continual block in the legislative machine. If we are to be held up for the remaining years of this Parliament by having to pass over and over again Measures that have secured the

support of this House, we feel that it will not be possible, in the term of our office, adequately to discharge the duties that fall upon us. We, therefore, ask that we shall be given the powers in this Measure in order that we may be able to ensure that the legislation which we submit to the House during the next two years shall find its place on the Statute Book before the end of this Parliament. In his speech on the First Reading of the Parliament Bill of 1911, Mr. F. E. Smith said that what it secured was, for the Liberal Party, three years' supremacy in Parliament; after that the House of Lords would be supreme, and could stop the Liberal Party from carrying its legislation. He asked the Liberal Party whether they thought it worth while to stir up the strife which they were stirring up merely to secure three years supremacy.

Holding the constitutional doctrine which I enunciated at the beginning of my remarks, we believe that the proper course is for this Bill, restricting the suspensory veto of the Lords, to be given its appropriate place in the statute law of the country.

§Mr. Beverley Baxter (Wood Green) Would the right hon. Gentleman be good enough to tell us whether there is anything in his mind or in the mind of the Government as to why there should be 225even one year's suspensory veto, because every argument he has offered so far against two years is an argument against one year as well?

§Mr. Ede By no means. One year is, I admit, a process of delay, but it appears to me to give the minimum of time that ought to be given to reconsideration, and the maximum that ought to be allowed to the Lords. A Bill, leaving this House and going to the Lords, and not meeting ultimately with the acceptance of their Lordships, ought to be reconsidered by this House. Let me point out to the House that the House of Lords need not reject a Bill. In fact, they did not, I think, reject the Home Rule Bill or the Welsh Disestablishment Bill. What they did was to postpone consideration. Prorogation came, and the Bill was dead, not because the Lords had defeated it but because their House had adjourned without reaching a decision upon it.

Whether the House of Lords rejects a Bill, drastically amends a Bill so that it is unacceptable to this House, or merely postpones consideration of it, we feel that while there is a Second Chamber such as the present one there should be a guarantee to them that before such a Bill is passed over their heads, this House will consider either their reasons for rejection, their reasons for drastic amendment, or the causes, if we can discover them, which led to their dilatory action, by requiring the two Sessions and the 12 months after the first Second Reading of the Bill in this House. We do not deny that the House of Lords, even as at present constituted, has certain duties and rights as a revising Chamber. We think that these are best discharged by the machinery I have just described. We think that their power of a suspensory veto is adequately met if they have 12 months instead of 24 before the Bill can be passed over their heads. I hope I have shown to the hon. Gentleman that although admittedly the delay is not as great in 12 months as it is in 24, nevertheless it is a guarantee to another place that their objections to a Measure will have to be considered on the Floor of this House, and undoubtedly those Members who share the views of the House of Lords, either in whole or in part, will

have opportunities of seeing that the views of the Lords are considered before the Bill goes up to them a Second time.

226It is quite impossible for anyone to suggest that this is a revolutionary Measure. I can well understand the disappointment of some of my hon. Friends that this Measure is not more drastic. I feel myself that if we were to propose that the House of Lords should either be abolished or drastically reformed in its composition, that as an issue would have to be submitted to the electorate before any Government could feel they had a right to bring it forward.

§Mr. Churchill Why should it be?

§Mr. Ede Because that is a fundamental change in the Constitution. No one can say that reducing the period from 24 months to 12 months is a fundamental change.

§Mr. Churchill That is the right hon. Gentleman's personal opinion.

§Mr. Ede Surely, the right hon. Gentleman was expressing his personal opinion. In this free assembly, even in the presence of the right hon. Gentleman—

§Mr. Churchill Everyone expresses his personal opinion, but the right hon. Gentleman, speaking for the Government, is attempting to outline their views on constitutional law, which have no foundation other than the fact that he has decided to utter them.

§Mr. Ede The right hon. Gentleman has no ground for saying that. I am making a statement on behalf of His Majesty's Government, and, as far as I know, not one of my colleagues in the Government would dissent from the views I have uttered.

I do want to point out that we have our noble Friends in another place, who have, to my mind, during this Parliament discharged the duties that fell upon them of presenting and arguing for our Measures with the greatest skill, clarity and independence, and we are at least entitled to point out that we cannot expect noble Lords who are of our party to sit up there without feeling that the views for which they argue, which are supported by the majority of this House, shall be made to prevail if this House decides to continue its support for the Government. Therefore, the Government have placed this Measure before the House. We believe that it will enable a constitutional crisis not to be created but to be averted. I know of no reason 227why one should assume that the House of Lords will take two and a half years to pass this Measure. It seems to me to be a natural development of the Parliament Act, 1911, and I would hope that before this Session ends, this Measure will be added to the legislative achievements of the Government.

§5.1 p.m.

§Lord Willoughby de Eresby (Rutland and Stamford) At first I hesitated to take part in this Debate. I suppose that I cannot claim to be an entirely disinterested party on the question of the continuance and future powers of the House of Lords, though I must say that I have always tried to keep an open mind on such questions as the automatic rights of hereditary peers to a seat in the House of Lords, and also upon any suggestion or plan for a comprehensive reform. But I have no feeling of embarrassment when speaking in this Debate, because a cursory glance at this Bill shows that it is not

concerned with the present composition of the House of Lords, neither does it make the least attempt to bring in any general measures of reform of the composition or powers of the other place. All that this Bill seeks to do is to render quite ineffective the delaying power granted—possibly it would be more accurate to say "left"—to the House of Lords by the Parliament Act, 1911, and then to abolish the one safeguard which every democratic and constitutional Parliament in the world; with a few exceptions already mentioned, has seen fit to put in its constitutions.

When the intentions of the Government were first made known in the Gracious Speech, I and probably many people, felt at a loss to understand the reasons for this sudden, vicious and, I think, quite unprovoked attack upon the House of Lords at this moment. I describe it as a sudden attack because there was no mention that anything like this was to be done in the now notorious election manifesto of the hon. Gentlemen opposite. As far as one knew, there was no reason to assume that the House of Lords had in any way incurred the displeasure of His Majesty's Ministers or even of the Leader of the House. It appears now that he is affronted because they chose to come back during the summer Recess—whilst hon. Members of this House were away on holidays with pay, at an increased salary—to discuss the serious economic position of the country.

It is quite true that the Minister of Health has issued certain warnings about the House of Lords, but one rather naturally understood his disinclination to mention, shall we say, more plebeian houses at this moment. I think that any fair-minded person would say that during the past two years the Members of the other place have not abused their power through having a large Tory majority. They have not in any way defied the will of the people. In fact, I think most people will agree that they have been helpful rather than destructive in their criticisms of and Amendments to Bills which have come before them. At first, I thought that the Government had decided on this course with an eye to an early Election and in an effort to shift public attention from economic and financial issues—where we all know their record is none too gaudy and their failure already complete—to a constitutional issue. One can only sympathise with some of them on the fact that no longer are there the bankers and coalowners to act as convenient scapegoats for a Socialist failure. There is no question but that "reactionary Tory peers" possibly formed a very good substitute on the platforms of this country.

May I confirm what the right hon. Gentleman the Member for Woodford (Mr. Churchill) said? I think that it is extremely unsportsmanlike—or some people might even say "caddish"—to leave Tory Peers there for abuse when it suits hon. Members opposite, but then to render the House of Lords quite ineffective in regard to any part which they play under the Constitution. We should either alter their composition and leave them some power or—and I personally think it would be far better if hon. Gentlemen opposite think as they do—abolish them altogether. Those of us who thought that possibly the Government were doing this with a view to an early Election have realised, since hearing the speech of the right hon. Gentleman the Member for Wakefield (Mr. Arthur Greenwood), on the Address, that we were not wholly right in our conjectures and reasoning.

It now appears that the Government have to introduce this Measure in order to unite a Cabinet and a party sadly split and divided amongst itself over the 229nationalisation of the iron and steel industry. I can only agree with the right hon. Member for Wakefield that such a party manoeuvre is a very doubtful political expedient. What right have any Government to tinker with the British Constitution which, when all is said and done, is something far more important than the future of the Socialist Party? It is something with a far longer history, and what right has the party opposite to interfere with it solely in order to maintain loyalty and unity within the party itself? I can see no reason to suppose that the House of Lords would have rejected or turned down a Bill for which the Government had the authority from the electors at the last Election. I am certain that the hon. Lady the Member for Epping (Mrs. Manning) will agree with me when I say that it is always bad policy to punish someone before they do anything wrong. I can only agree with the right hon. Member for Wakefield when he says that if we are to nationalise the iron and steel industry—which, apparently, the Prime Minister assures us is to be done during this Parliament—how much better and more statesmanlike it would have been to bring it forward and have the battle this Session, instead of introducing this Bill.

I feel that if an authoritative commission had been set up to make recommendations about the reform of the House of Lords, it might have been possible to introduce an agreed Measure. There is far more agreement than some hon. Gentlemen realise between both parties in this House on the subject, and even amongst Members of the House of Lords themselves. If we cannot reach agreement amongst ourselves, then this is one of those questions which should be put to the electorate. The will of the people should be allowed to decide the issue. Certainly, the reform of the House of Lords is not a matter to be treated in the summary and piecemeal manner in which it is being treated today. It certainly is not a fit subject for political bargaining or appeasement within one particular party. I hope that no one will be taken in by the inoffensive or innocuous appearance of this Bill, the brevity of which is really no indication of the importance of the changes which it seeks to bring about.

This Bill revokes the last effective power of the House of Lords over legislation 230passed in this House. As my right hon. and learned Friend the Member for West Derby (Sir D. Maxwell Fyfe) showed yesterday, the period can be whittled down now to six months. I myself do not wish to argue this afternoon whether it should be two years, one and a half years or a year, because in my mind the real power of the House of Lords has always rested on the moral support in the country, rather than on any actual physical power which it may possess. I think that my right hon. Friend the Member for Woodford made that point perfectly clear—that the power of the Lords is really only a power when the great weight of public opinion in the country would be behind them if they had to stand up to the Government. To my mind, what is so thoroughly offensive and objectionable about this Bill is not whether it makes the period one year or a year and a half, but the character of the Bill and its origin.

Possibly, it is too much to expect any great love for the House of Lords, as it is at present constituted, among hon. and right hon. Gentlemen opposite, though I feel that many of them who are fair-minded on these matters would agree that, in the past two years, they have carried out their duties in a responsible and conscientious manner. I hope that hon. Gentlemen opposite, even if they feel no great love, as many of us do, for the House of Lords as at present constituted, at least feel some contempt for their own Government for having issued a Bill on what is a constitutional question in such a summary and piecemeal manner, with at least some shame for the extremely questionable antecedents and origin of this particular Measure. If they do feel such contempt and shame, which I think is very deserved by the Government, I hope they will support our Amendment.

§5.12 p.m.

§Mr. Donovan (Leicester, East) The actual proposal before the House is to reduce the suspensory veto from two years to one, and I am invited to vote against that proposal on the grounds set out in the Amendment, which grounds have been further elaborated in Debate. I want to examine those grounds as fairly and impartially as I can, because I agree with the noble Lord who has just spoken that this is a specially important Measure. 231The grounds which are suggested are these. First, it is said we have no mandate to do this thing. I think that is debatable, but, whether it is right or not, assuming we have no mandate to do this special thing that would not of itself persuade me that I ought not to consider the proposal on its merits, because Governments cannot be elected merely to do those things set out in their election programme and do no more. Governments are elected to govern, and I know of no general principle which will absolve me of the duty which I owe to my constituents to examine on its merits any proposal that the Government brings forward.

The second reason that is suggested is that this will merely serve to distract the attention of the electorate from the economic perils which beset us. I notice no such distracting influence among my constituents. From the moment when this proposal was first mooted until now, the contents of my postbag have remained very much the same—complaints about the abolition of the basic petrol ration, fears about the adequacy of the coal ration during the coming winter, appeals to the Chancellor of the Exchequer through me, which I now pass on to the Financial Secretary who is sitting on the Front Bench, that he will not increase the tobacco tax tomorrow, and various other things like that, but not a word about the suspensory veto.

The third reason is that we should not do this at this time. This is a time when there is no actual constitutional conflict with the House of Lords over the rejection of some particular Measure. It is, therefore, a time when feelings are not, or should not be, running high through such happenings; nor is it a time when judgments will be impaired by such high feelings. I feel that it is a far better time to consider proposals of this kind than would be a time when passions were inflamed by some actual conflict with the other House. Then, it is said—and this is a point which was developed with much force and eloquence by

the hon. Member for Oxford (Mr. Hogg)—that we ought not to embark on reform piecemeal, but that, if we are going to do anything at all, we should reform the House of Lords root and branch; in other words, we should go the whole hog. [Laughter.] I did not mean that as a pun. I disagree with that 232argument. If a particular Measure of reform is of value on its merits, why should we defer it until we can carry out some wider and more general reforms? To argue in that way seems to me to be like arguing that, because one cannot pull down one's house and erect a new one, one should not repair or improve it when one has the chance, and that argument does not convince me.

Finally, it is said, "Look at the powers which we leave to the House of Lords. We leave them one year's suspensory veto, which means that, in the last year of the life of this Parliament, the Government will be at the mercy of the other place." I agree that we are doing that, but that seems to me to be the most effective answer to the allegations of the right hon. Gentleman the Leader of the Opposition this afternoon to the effect that we want a single-Chamber Government. If we were doing that, the proposal would be to abolish the veto altogether. The hon. Member for Oxford also said that we should remember the Statutory Rules and Orders, where an absolute veto is given to another place, and yet we were leaving that alone. I agree that that is an illogicality, but the remedy is not to drop this proposal, but to make the veto applicable to Statutory Rules and Orders as well.

Therefore, I do not feel constrained on these general grounds to refrain even from considering this proposal on its merits, and when I proceed to do so I find that the real issue is this. What particular virtue is there in a two years' delay which is absent from one year's delay? The only speaker on the Opposition Benches whom I have heard trying to grapple with that problem was the right hon. and learned Gentleman the Member for West Derby (Sir D. Maxwell Fyfe), and he gave an example to the House yesterday which I will adapt, supplementing it with actual dates. The right hon. and learned Gentleman said that a Bill introduced for its Second Reading in this House, let us say, in November, 1946, would have gone to the House of Lords about June, 1947. The House of Lords throws it out in July, 1947. It is introduced in the Commons again in the next Session in November, 1947, and then the Government says, "Well, we considered this before, and there is no need to go over it again," so that the Bill goes through with tearing 233speed and its Third Reading is in December, 1947.

The right hon. and learned Gentleman says that the only delay is between July, 1947, when the House of Lords threw it out, and December, 1947, when it is read again for the First time in the House of Commons, and obviously that period is certainly less than six months. Obviously, that delay is certainly less than six months, but the delay which is contemplated by the Parliament Act is that between the first Second Reading of the Bill and the third Third Reading. If we are to compare like with like, what we have got to compare here is the period between the first Second Reading and the second Third Reading, that is to say, the period between November, 1946, on the hon. and learned Gentleman's example, and December, 1947, which is one year and one month. That is

the period which the Parliament Act contemplates, and for the very good reason that the whole basis of the delay is to give the electorate sufficient time to decide whether they want the Measure, and, if they do not, to make their disapproval very clear to the Government of the day.

I think we ought to test this quarrel between one year and two by taking an actual example, which I do not think any one has yet done. Supposing that a Government, without any particular mandate for the purpose, suddenly said, "We are sick and tired of all this slaughter on the roads; no Measure, so far, has stopped it. We are going to take our courage in both hands and abolish road transport in this country altogether, and we will rely once again on the horse and cart and the bicycle for getting about." Such a Measure would evoke a great deal of support because some of us think that 6,000 lives a year is a hideous blot on our way of life. Other people would oppose such a Measure on the ground that it is the price we have to pay for the convenience which motor transport affords. The country would certainly be divided into two over such a proposal, and a proposal of that kind would cut right across party lines.

Let us assume that the House of Lords threw out such a Bill. Does anyone suggest that a year, between the Second Reading of the Bill and its final Third Reading in this House would be an insufficient time for the electorate to make up its mind on the proposal? There are many ways in which electorates can make their views felt by the Government of the day, however great its majority may be. There are by-elections, public meetings, the Press, petitions, the reception that Members of Parliament get when they attend meetings in their own constituencies, and, if the House likes, I will throw in local municipal elections. Therefore, I do not see why it should be necessary to give the electorate two years instead of one in order to make it quite clear to the Government of the day what the wishes of the electorate are.

I am fortified in that view by what happened in this House in 1907 when, by a large majority and after a three days' Debate, it passed a Resolution in the following terms: That in order to give effect to the will of the people as expressed by their elected representatives, it is necessary that the power of the other House to alter or reject Bills passed by this House should be so restricted by law as to secure that within the limits of a single Parliament the final decision of the Commons should prevail. We are not going nearly so far as that Resolution, one of the chief speakers in support of which was the present Leader of the Opposition. The title of the book in which that Resolution is set out, is Taswell Langmead's "Constitutional History, Tenth Edition," published in 1946. The writer goes on to say: No legislation was proposed at the moment, but Campbell Bannerman put forward the outlines of a scheme whereby a Bill passed by the Commons and rejected by the Lords should become law if three successive private conferences between the two Houses failed to secure agreement, the Bill having been passed by the Commons afresh as a preliminary to the second and third conferences. The scheme did not touch the composition of the House of Lords, did not contemplate a general election intervening and involved a delay which need not be much more than 12

months. That was the proposal supported by the Leader of the Opposition in 1907, and, accordingly, this Measure is not some outrageous Socialist Bill. We are merely following in the footsteps of the Liberals of 1907. For those reasons, I retrain completely unconvinced, having given this matter as impartial a consideration as I can, that two years are really necessary. I see no special virtue in two years over one, and I therefore propose to vote in support of the Second Reading.

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§5.26 p.m.

§Mr. Maclay (Montrose Burghs) This is the first time that I have had the privilege of following the hon. and learned Member for East Leicester (Mr. Donovan), and I must confess that I found his speech rather an irritation, because as he made his points—he made them very clearly; one could follow them quite easily—one wanted to deal with them because there was not one of them which stood on its own merits. While I would be delighted to do that, and while I think the hon. and learned Gentleman would welcome it, I am afraid that if I did, I should overrun the time at my disposal. I would, however, like to pick up one thing that he said about mandates. I share the view that he expressed on mandates; there has been a good deal of talk about mandates throughout this Debate. I hold that because a Government do not make something absolutely clear in their pre-election manifesto, that is no reason why they should not do it. But, equally, I do not believe that because a Government have put something into their pre-election manifesto, which events prove to be quite unsuited to the country and unsuited to the times in which we are living, there is not every good reason why they should reject it. I will come back to that point shortly.

It so happens that in the last two weeks certain duties took me abroad, and while I was out of the country I was extremely impressed to find the amount of intelligent interest abroad in what was going on in this country. There were two points which were steadily put to me during those two weeks, points which, apparently, were arousing great interest. I was repeatedly asked what was their significance. The first of those points, possibly quite understandably, was the result of the municipal elections. The answer to that one was very easy; it was merely to reply that they were interesting. But, may I add, the results of those elections had visibly brought heart and encouragement to many abroad who, even today, look to these islands for good sound sense and democratic inspiration. The other question was put in various forms; it was, "What is all this about the House of Lords?"

§Mr. A. Edward Davies (Burslem) Will the hon. Gentleman tell us where it was that he spent his time abroad?

§Mr. Maclay It was in France, and I happened to meet people from a great 236many European countries and even from the other side of the Atlantic. That was the question I was asked about the House of Lords. It may interest hon. Members opposite to know precisely what was going through the minds of the people there, and I am not fooling the House when I say that they were very interested. The first thing they asked was whether

it had something to do with the Iron and Steel Bill, or whether it was an attempt to divert the attention of the country from the failure of the Government. People abroad have a great admiration for the British Constitution; they know that we do not tamper with it lightly.

I will tell the House, quite frankly, my answer. Although I am not an admirer of the present Government and abominate the theories to which they are attached, my natural instinct when abroad is to find an excuse for what happens in this country, regardless of who is responsible for it. I found that that natural instinct prevailed, and what I did was to shrug my shoulders. After a few days in France, even a Scot in spite of himself finds that a shrug of the shoulders can become fairly expressive. When I came back here I listened to almost the whole of yesterday's Debate and I read what I did not listen to. I sought guidance because I was not clear, and I am not very clear yet, whether we are dealing with a great constitutional issue, or something to do with the iron and steel industry, or a combination of both, or what. The Home Secretary, I think—unfortunately, I did not jot down his words—towards the end of the Debate rather damped the general atmosphere, when he said that this was not a very great thing; it was a question of two years or one year. But the Lord President of the Council said: Today and tomorrow we are discussing an important constitutional issue."—[OFFICIAL REPORT, 10th November, 1947; Vol 444. c. 36.] Then later on, he did not seem to know what it was about, because he said: I beg the Opposition not to get highfly about this and not to get into a state of neurosis about it. There is nothing to get into a state of neurosis about. Let them not engage in any flighty tricks of eloquence."—[OFFICIAL REPORT, 10TH November, 1947; Vol. 444, c. 53.] The Lord President devoted about half of his speech to explaining and making the best possible case he could for the Bill, and, considering the very poor grounds he had to go on, he did not do too badly. But as for the rest of his speech, it was quite clear to me that he was endeavouring to raise this matter right up into the realms of a great issue. He was trying a double-barrelled effort. He was firing one barrel to bring down, in every sense of the words, the iron and steel industry, and he was firing off the other barrel into the blue in the odd hope that something would come down which would be very useful to him at the next Election, if not before.

§Mr. Naylor (Southwark, South-East) Is it not a fact that in yesterday's Debate the Lord President of the Council also said that this was a question not of principle but of degree?

§Mr. Maclay He may have said that, but the fact remains that during part of his speech he merely treated the matter as a piece of routine, having started by saying that it was a constitutional issue. He then tried to damp it down by talking steadily of what it would do, and then again he went off into this big business about it being a constitutional issue, and trying to work up opinion on those grounds. That was certainly the impression one got, sitting through the Debate. I think the best appreciation of the situation was given fairly late last night by the hon. and learned Member for Llandaff and Barry (Mr. Ungood-Thomas) when he said: The reality of this Debate—to get away from these constitutional conundrums which the Opposition are bringing forward—is whether or not the Government is to be enabled to carry the iron and steel Bill through or not. That is the

reality of it, and I do not believe that there is any point either on the part of the Opposition or on the Government side of the House in concealing this reality that underlies this Bill."—[OFFICIAL REPORT, 10th November, 1947; Vol. 444, c. 141.] The Lord President of the Council was sitting alongside him. He kept a reasonably impassive face throughout that statement, and although I am not going to assert whether he agreed or disagreed with it, he certainly did not stand up and disagree with it. It is from that aspect that we ought to be looking at this Bill. My own view is this: Whatever the original reasons were for producing the Bill, it now emerges as the clearest possible admission by the Government that whatever the position may have been in 1945, today they recognise that the great majority of the people would not, if given the chance, agree to the nationalisation of any part of the iron and steel industry.

Let us look at this point carefully. I am quite convinced that this must have been running through everybody's mind, or else we would never have had this Bill at this time. It is utterly irrelevant to the present situation. If the Government are confident that the country still wants the nationalisation of the steel industry, why should they not allow the ordinary processes to continue? Why should they not allow it to reach a General Election, even if it so happens that the Lords do something about it and do not allow it through? They have not brought it forward this Session. It may come forward next Session—I do not know—but the Government appear to assume that the Lords will take a certain attitude about it. Even if that is so, why are not the Government prepared to allow this matter to go to the country again? Of course, the country has learned quite a lot since 1945. It has had some experience of nationalisation. It knows some of the consequences. It is thinking again, and thinking very hard. But even so, let us consider the attitude of the Lords to this question.

I think it is fair to say that throughout this Debate it has been generally agreed that in the last few years, and even much longer, the Lords have very carefully observed their constitutional position. I do not think anybody would deny that. I have understood that position to be that they should not use their powers to stand in the way of the wishes of the people. It is not a question of the wishes of the Government, but of the people, and the Lords have not stood in the way of the wishes of the people in the past. Why is it assumed by the Government that the House of Lords are going to take some curious action in relation to the iron and steel Bill if it comes forward?—because that assumption has run right through this Debate. Is it because the Government realise the Lords, in taking such action, may be acting in accordance with the wishes of the people, and the Government want to prevent it? That is the question one is bound to ask oneself. I have said what I have to say about the mandate. We are now reaching the stage where the Government should be quite frank about their mandate in connection with iron and steel, and admit what people have been left to guess—namely, that the Government are profoundly divided among themselves on the question. I do not know whether the Government can improve on their present technique of nationalisation—I do not believe it is possible—but let the Government admit that their present technique of nationalisation can only be disastrous to the steel industry which is of such vital importance to the country.

Speaking for my colleagues and myself, we believe that this Bill is untimely. It is completely irrelevant to the real problems which the Government and the House of Commons should be tackling today. At best, it is a very dubious device for making more possible the passage of a Bill which experience in every direction shows should not be passed. As for the Home Secretary's remarks about the Bill not being directed only to the iron and steel Bill, they do not bear investigation because if other Bills appear which need slowing down they need slowing down. It is quite clear that the need must arise over a great issue like the iron and steel issue, and not over a series of others. Another point about the Bill is that it is designed to rouse feelings. I take up the hon. and learned Member for East Leicester there. I agree that my postbag is not full of letters on this subject at the moment, but if this Bill were exploited by either side it could rouse very violent feelings and divide the people artificially at a time when the one thing that is really needed is unity in this country. The hon. and learned Member, if he listened to the opening speech of the Lord President of the Council, must realise that this matter has dangerous possibilities of creating a real division of opinion in the country if it is exploited for that purpose. In brief, this is a bad Bill and I am not going to vote for it.

Let me, however, make this clear. We on this bench do think there is a very strong case for a comprehensive study to be made of the whole question of the House of Lords. I myself would like to see it conducted, if possible, on an all-party basis. Although there seems to be some dispute today as to the constitutional position, I do feel that, whatever decision may be arrived at, if there are to be changes in the constitution of the House of Lords the country should be allowed the chance to express its views of them. I feel this very sincerely, because an unwritten Constitution has great advantages, but a country which has an unwritten Constitution has all the greater responsibility for seeing that any changes that are made are only made with the full consent of the people.

§5.41 p.m.

§Mr. Turner-Samuels (Gloucester) The hon. Member for Montrose Burghs (Mr. Maclay) started his speech by throwing some doubt upon the substantiality of the points which had been raised by my hon. and learned Friend the Member for East Leicester (Mr. Donovan). At all events, it struck me that the distinction between the two speeches was, that whereas what the hon. and learned Member for East Leicester said was relevant, what the hon. Member for Montrose Burghs said was completely irrelevant. The first point that the hon. Member made was that the Bill was itself irrelevant—so we carry the irrelevance a bit further. He could not understand why it was justified, and particularly, why the present moment was selected for its introduction. Does he really mean that? Are we really to believe that there is such density in this House, that hon. Members are incapable of understanding why this Chamber at this particular time should be considering this particular Measure? This Parliament has run practically half its lifetime, and we have come to a point of time now when the suspensory power of the House of Lords is not only dangerous, but dangerous to the extent of being capable of completely

neutralising and destroying the whole of the rest of the legislation that is sent up to it from this House. I have not heard a single voice from the other side attempt to deny that fact. Of course, it is undeniable; not only in fact, but undeniable in law, because the Parliament Act provides that power enabling the House of Lords to secure that result. The Opposition's case is so weak, so attenuated, and requires so much commiseration, that it is being said in mitigation "Oh, well, the House of Lords has been awfully good, so why assume that after over two years of exemplary conduct, in which they have accepted the Government's legislation, they are now 241going to act differently?" I will tell the Opposition why I assume it. Because it is only at this point and from this point that they gain anything by acting differently. In regard to the legislation which has already transpired, whatever they may have done to reject the work which came from this House in obedience to its mandate whatever the House of Lords may have done either to mutilate that legislation or completely to reject it, the amount of time then left would still have enabled that legislation to become law in the lifetime of this Parliament. That is not the case as regards legislation for the rest of this Parliament. Therefore, for anyone to ask why the Government choose this time seems to me to be somewhat strange.

§Mr. Maclay rose—

§Mr. Turner-Samuels There cannot be any controversy about that. Now I come to the question which was interjected—it was just a little bit of party prejudice—about nationalisation. The hon. Member for Montrose Burghs said that people today know more about nationalisation than they did in 1945. What they do know it that they have at last got some nationalisation, and to that extent they have had an opportunity of judging the fruits of nationalisation. The first nationalisation was that of the Bank of England. I have not heard anyone suggest that that institution, which controlled the whole of the financial manipulations of this country, ought not to be in the hands of public ownership.

§Mr. Baxter Does one ever hear anybody now say, "Safe as the Bank of England"?

§Mr. Turner-Samuels That was the first thing that was done. Why was that? That was really a nominal operation. Up to that point, and particularly during the war, the Bank and the finances of the Bank had come under the control of the Government. So the argument cannot be made against the nationalisation of the Bank of England.

The next Measure of nationalisation was that of the coal mines. Is there anybody—I do ask this of the hon. Member for Montrose Burghs, who I suppose, claims that he is a Liberal—is there any radical, progressive-minded person who believes that it was possible to do anything 242with the mines but nationalise them?

§Mr. Maclay Yes, there were other proposals. But the hon, and learned Member should pay attention to the rest of my speech, since he is quoting it so much. I guarded myself on this very question of the time to judge the results, by saying that even on the visible technique we see that the thing is wrong. Consider the National Coal Board. Can the hon. and learned Gentleman pretend that the present structure of the Coal Board is even remotely right, or that anybody understands how to work the thing?

§Mr. Turner-Samuels All I can say in reply to the hon. Gentleman, who has just allowed himself another little slice of prejudice, is that we are getting production of coal today in such proportions as we have never had before—[HON. MEMBERS: "No."]—and for the first time. Of course, hon. Members opposite do not like these things.

§Mr. Osborne (Louth) They are not true.

§Mr. Turner-Samuels They are true, and you have to face them. What the Opposition like is to have the Leader of the Opposition get up and give to the House an absolute caricature of constitutional law, and say things about unemployment which absolutely will not bear a moment's examination, and try to disguise the fact that not only was there unemployment perpetually under Tory Government but that the Tory system cannot exist unless it has an unemployment pool. These are the things that are true, and I can understand why the Opposition do not like them.

§Mr. Kirkwood They were mineowners.

§Mr. Turner-Samuels I have their measure very well. With regard to the question of nationalisation, I do not think anyone can deny for a moment, apart from the fact that there has been very little time to test it, apart from the fact that the owners left the mines in the most disgraceful condition of lack of mechanism, that they left the miners in the most disgruntled state because of the injustices that had been done—

§Mr. Deputy-Speaker (Mr. Hubert Beaumont) I have allowed the hon. and learned Member considerable latitude, but this is not the occasion for a discussion of the coalmines.

§Mr. Turner-Samuels I quite agree. What I was trying to do was to show how absolutely unjustified was the reference to nationalisation made by the hon. Member for Montrose. I leave nationalisation to look after itself, which I am quite sure it will do very well.

I now turn to one or two points which arise from the speech of the right hon. and learned Member for West Derby (Sir D. Maxwell Fyfe). I think that he felt himself in something of a difficulty. It was intended by the Opposition to start their part in this Debate with an oratorical effort by the right hon. Member for Woodford (Mr. Churchill)—though it is quite true that we have had that today—but, unfortunately for the right hon. and learned Member for West Derby, he had to be a substitute. Therefore, as he was incapable—and I think he ought to be thankful—of the performance we had today from the Leader of the Opposition, he endeavoured to do something in a dialectical way. He honestly tried to do the best he could, but, of course, he had no case whatever. I could not help thinking, when I read his speech this morning, that if it had been a brief he had received in the Temple instead of in the House of Commons he would have used words to his client that sounded very like, "You have no case at all."

Let us look at the points he made yesterday. It was very significant indeed that he did not try to support his case on constitutional grounds; he did not even attempt to justify the veto which at present exists; and he certainly did not try to make out a case that the House of Lords, an unrepresentative assembly, should be able to defeat the will of the people. Now, what did he say? In order to try to make out a case at all he said, "Why not leave the Lords alone? They have been very good." I should like him to answer this question. Does he suggest that because an unjustifiable privilege has not been

exercised you ought to wait until it is? If the House of Lords can do what I have indicated, if they can destroy or even prejudice the whole or any of the rest of the legislation of this Parliament, surely, it is not only the right but the duty of the Government to see that that does not take place? It is no argument at all to point to what has happened in the past.

The right hon. and learned Member for West Derby said that what happened before 1911 is not relevant. I quite agree. And my view is that what has happened since 1911 is also not decisive. What matters is what will happen in the future, and that is what this Bill is intended to protect. The right hon. and learned Member went on to say that the House of Lords was an excellent Chamber because it had revisory powers, and he tried to get some sympathy for the Lords position by applauding what they had done. Well, I do not deny that in handling some of the Bills which have been before them, undoubtedly the Lords have, by their Amendments and so on, improved some of those Measures. But what has that got to do with the case? In my submission, it is an absolutely irrelevant point. Because their revisory powers may be good, is that any reason why the Lords should be left with a power which would enable them not to revise but to destroy legislation? It is one thing to revise legislation, and to revise it well, but it is quite another thing to be able to destroy it. Therefore, I cannot for the life of me see what strength the Opposition can gain from that particular point.

The question of delay was raised, and the right hon. and learned Member for West Derby said—quoting from the Bryce Committee—that the point of the delay was to enable the opinion of the nation to be adequately expressed. I am not so sure whether the delay now is not being hoped for in order that the electorate may be misled. In my view, it is not the desire of the Opposition to have public opinion expressed at all. Their desire now is by their propaganda to mislead it. One only needs to read their newspapers to see the sort of scaremongering and misleading propaganda that is being circulated. In any case, there is ample delay in matters of this kind. Just look at what happens. When a Bill comes before this House it has to go through three stages, which takes a very substantial time. It then leaves here and has to go before the House of Lords, where it also has to go through three stages. Why, then, this talk about delay? Why this suspensory power is supposed to have a virtue of delay in two years which it will not have if there is only one year, I fail to see, and I quite agree with my hon. and learned Friend the Member for East Leicester in what he said on that point.

Another point made by the right hon. and learned Member for West Derby concerns his suggestion that the Government might slip in a Bill. This is most extraordinary, because if we say the House of Lords might turn out naughty and do something in the next two years which they have not done in the last two years we are told, "Oh, you ought not to say that. That is not good enough. You have no grounds for saying that"; yet apparently the Opposition are to be permitted to say that the Government may do something they ought not to do, namely, to slip in a Bill. Supposing the Government do slip in a Bill for which they have no mandate, is it suggested that the right way of dealing with that is to

invest the House of Lords with this power of veto? That is not the constitutional method of dealing with a Government which is endeavouring to introduce legislation for which it has no mandate. The proper way to deal with a Government of that sort—and the way in which the electorate would deal with it in due course—would be to reject it entirely at the polls for having acted in an unconstitutional manner. If the circumstances were such as to justify the introduction of a Bill for which there was no mandate, and then later the public endorsed what the Government had done, that would be proof of the justification for introducing that Measure. That is the protection.

Supposing, in the same circumstances, the Government introduced without a mandate a Bill that was absolutely necessary, is the test to be the power of the House of Lords to reject it? Or, is the test to be left with the public to say whether it has right to pass the Bill or not? The Opposition, according to the attitude they are taking, say that this power should vest in the Lords—a non-elective irresponsible anachronism; the House of Lords, representing no one but themselves and privilege. The Opposition are asking hon. Members on this side of the House—who in the General Election had to get a mandate from the electorate in seats held formerly by Conservatives—to say that the House of Lords, who have no right or power of representation at all, 246 should not be the deciding factor in this matter.

One further matter: The Bryce Committee, which was set up since the 1911 Parliament Act, was composed of all parties and it came together to explore the whole position; to see whether some proposals might be made to improve the composition and functions of the House of Lords as a Second Chamber. These are several propositions which they laid down, and they were apparently the unanimous views of all parties. The first is this: that the House of Lords should not be equal in power with the House of Commons. It is perfectly clear that as the law stands today the House of Lords has the right completely to neutralise legislation for the second half of the lifetime of a Parliament; it is perfectly clear that puts the powers of the House of Lords supremely above the House of Commons. That is unarguable.

§Sir Arthur Salter (Oxford University) Suppose that the House of Lords brings in a Bill? Is it not possible for this House not only to delay for two years, but to reject the Bill, in which case it will not become law? How can the hon. and learned Member say then that the House of Lords are in a superior position?

§Mr. Turner-Samuels The right hon. Gentleman knows that I am not quite as naive as that. First of all, the House of Lords only introduces Bills which are absolutely non-controversial, and therefore the point does not arise. [Interruption.] The right hon. Member may, flap his arms if he likes, but if he will consult the Bryce Committee's Report he will see that what I have just said is there almost word for word. The next thing they agreed was that the House of Lords should not have the power to make or unmake Ministries. Now what is this power which the House of Lords have? If in the next two or three years the House of Lords can completely unmake and defeat our policy and our legislation, are they not thereby in effect seeking to unmake this particular Government?

What they want—and I say this quite plainly—is to keep this power in their hands as a Tory tactic, and nothing else. What they want to do in the next two or three years is to create a situation in which they can dictate what are to be the issues, and if possible to confuse the issues before the electorate.

247The third point was that the House of Lords ought not to be a rival to the House of Commons. The Government are seeking, in my submission, to reduce and perhaps eliminate the prospect of that, because by this particular Bill, and by reducing this suspensory power from two to one year, the risk of the House of Lords getting into rivalry with the House of Commons is reduced considerably, if not entirely eliminated. The final point which the Committee made was that there should not be one set of opinions in the House which had too marked a permanent predominance. Well, just think of that for a moment. There has been only one political opinion in the House of Lords which has had any predominance for years, and that has been Tory opinion. That is why this power of the House of Lords, this test of the two years, has never arisen before. There has been no need to test the power, because there has been either a Tory Government with a Tory majority, or there has been a Coalition with a Tory majority. Therefore, the House of Lords did exactly what it wanted. Here we have a position where, if there is a Tory Opposition in minority, and there is a Labour Government with a majority, the Tories win in the end because they have the final majority in the House of Lords. Can they really expect the Front Bench even with the names that they have been called today, to be such noodles as to leave that position? That is the real point here.

If I may sum up, the simple issue is that at the General Election we made it perfectly clear that we were not going to put up with any obstruction from the House of Lords. It was not a question of putting before the country or Parliament a new Bill for the reform of the House of Lords at all. It was the simple issue that we were not going to be baulked in our legislation, when at last we got into office, by anything the House of Lords did, and that being the case, we have a clear mandate for what this Bill provides. The time is ripe now for it, and we should betray the trust that the country confided in us and in the programme which we promised we would put into effect, if we did not take effectual steps now to see that neither is frustrated by the House of Lords.

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§6.6 p.m.

§Mr. Harold Roberts (Birmingham, Handsworth) This Debate has gone on for two days, and I think there may be a little interest in considering its general drift. I am bound to say that it leaves in my mind the impression that hon. Members on the other side of the House, in particular, have devoted a very large amount of time to the controversies of 1911. I think it is pretty clear that they must have been engaged in very lengthy researches, particularly with a view to digging out quotations which they might think rather embarrassing to the right hon. Gentleman who now leads the Opposition. There is a general spirit about this Debate which I can only describe as "Let us face the past; let us, if possible, resurrect the embittered controversies of that time." Without being

fulsome, I would pronounce the speech of the hon. and learned Gentleman the Member for Gloucester (Mr. Turner-Samuels) to be the most valuable contribution to the Debate, because it demonstrates in the plainest possible manner the mentality of the Government back benchers, and the type of propaganda which, in due course, they will hope to put across in the country. We have also heard other speeches looking back into the past, and one or two of them were definitely in favour of a single-Chamber Government.

The hon. Member for South Ayrshire (Mr. Emrys Hughes) spoke yesterday with pride of the fact that in 1911, when the present Parliament Act was brought forward by the Liberal Party as a Bill, the Members of the then Labour Party came out boldly for a single-Chamber Government, and the abolition of the House of Lords. He spoke a little regretfully of the comparative weakness of the present Government and the present Measure. I am not addicted to historical research, and my knowledge of history of the Middle Ages is very limited, but I was provoked to look up the Divisions on the First and Third Readings of the Parliament Bill of 1911, and I found that those valiant heroes, who were so keen in support of a single Chamber, all trooped into the Division Lobby in support of their paymasters, the Liberal Party. [Laughter.] I am afraid that the allusion is perhaps a little belated, for it was the Liberal Party which introduced payments to Members of Parliament. We live in a changing and a dissolving world, but one thing which is consistent is this, that Socialists know on which side their bread is buttered.

§Mr. Shurmer (Birmingham, Sparkbrook) They used to get no butter at all at one time.

§Mr. Roberts The spiritual fathers of 1911 have a worthy progeny now, who will speak in the most violent manner against Government Measures, but can be relied upon always to troop into the Division Lobby in support of retention of their posts in this House. The most extreme thing they will do is melt away, and be no more seen if they apprehend serious public resentment.

The Measure of 1911 was a settlement which has worked for 36 years. [HON.

MEMBERS: "No."] If Members opposite wish to interrupt, I hope they do so in a loud voice, and not mutter. I shall then be happy to deal with their interruptions. As I was saying, this Measure has worked well for a reasonable time, and the reasons for changing it require to be sought very seriously, especially at this time in our affairs. The provisions of the Bill before us are, in terms, retrospective, and I say so for this reason: the argument throughout is that the will of the people must prevail, that the will of the people must not be thwarted. The will of the people, presumably, is to be expressed through this elected House. [HON. MEMBERS: "Hear, hear."] I am glad to carry the Government Benches with me point by point.

I make my next point: That the retrospective Clause has this effect, that it is not merely general legislation designed to enable one House to deal with another, but it contains the proposition that the will of the people is adequately represented through the House of Commons. [HON. MEMBERS: "Hear, hear."] I am afraid that Members who are so keen to applaud an utterance of that kind have not paid their Ministers the compliment of studying the Gracious Speech which they put into the mouth of His Majesty. If they will

refer to it, they will find that legislation is promised this Session to implement the report of the Boundary Commission, which is proposing to make extensive alterations in the constituencies of this country. If this House is 250thoroughly and perfectly representative of the voice of the people, what is the need of the Boundary Commission, what is the need for this Bill? [Laughter.] I am glad to notice that the Prime Minister is one of those who are amused. Well he may be, because a gentleman who is sent here by only 16,000 electors may very well derive amusement from so anomalous a state of affairs. The great voice of Lime-house speaks—one of the three "rotten boroughs" of Stepney. We can add to that one or two other "rotten boroughs" in London. These are the voice of the people, representing about three times what they should; these are the voice of the people of Britain, the voice which must not be thwarted.

Consider the arguments, not in opposition to this Bill, but by which it was commended to the House. First of all, in the Debate on the Address, was the utterance of the Prime Minister which, in effect, represented this as a kind of law reform designed to clear up an inelegance of the law, a reform which says, "There is no reason why one party should not have equal rights with the other." That is the attitude taken up by several other speakers on the Government side and, to a certain extent, by the Leader of the House. There was, of course, in the speech of the Leader of the House what one always finds—a little characteristic bullying. "This is a very innocent Measure, but if you do not like it you will be made to like it. We are not tolerating obstruction or interference with the great voice of the people of Limehouse"—I mean the people of Britain. That is the type of argument which has been used. These arguments are so totally inadequate to support I wanton Measure of this kind, when the country is so distracted, that we have to seek further for reasons.

Those reasons are not the same thing as the arguments adduced in support of them. It is a violation of the Rules of Order to speak in a foreign language in this House, Mr. Deputy-Speaker, but perhaps for one moment I might be allowed to use the American language to ask, "What has motivated this Bill?" Nothing in the other arguments which have been advanced does anything of the kind. But there is some reason for it. It has been said that there are disputes in the Cabinet about iron and steel, that one section recognises that the immediate 251nationalisation of the iron and steel industry would be quite hopeless administratively, and that the more hot-headed section, who wish to pursue it, have been bought off by the promise that an attack should be made on the House of Lords. I am not affirming that proposition as being correct, but it is significant that the Home Secretary did not give an explicit denial to it. What he said was that Bills other than iron and steel might be affected.

A Member on the opposite side of the House, who was trying to enforce good manners on us yesterday, and saying that we ought to avoid extreme speeches, referred to the behaviour of Conservatives as selfish, narrow, and partisan. [HON. MEMBERS: "Hear, hear."] I am encouraged to hear from Members opposite that, in their judgment, expressions of that kind do not transgress the canons of good manners, for I shall have

to use them shortly in a hypothetical connection. When I find that the reasons advanced for a course of action are inadequate, and I desire to test its motivation, I have first to examine the known facts and then, if I can, promote a hypothesis, and see whether that hypothesis is adequate to cover the facts. The other place, showing no sign whatever of difficulty last summer, was wantonly attacked and threatened by the two most egregious failures of the Government—the then Minister of Fuel and Power and the then and present Minister of Health.

In spite of those threats, the other House, acting in accordance with their constitutional right, met during the Recess. That angered, as one might suppose it would, the thwarted spirit of the Lord President, the Leader of the House, and he gave a considerable hint that that was why they were marked down for punishment. At any rate, it may have been quite an important factor. The shadow deepened, the economic difficulties of the Government became greater, their popularity with the electorate, to put it mildly, was not growing, and it became desirable to consider what could be done about things. Remember, the report of the Boundary Commission was looming up, meaning probable loss, when carried through, at the next General Election of 20 or 30 seats to Socialists. Clearly, what was to be done about that was this: To get rid of internal disputes in the party 252over economic matters, mobilise all the back benchers who think in catchwords, and pick a quarrel with the other House. I speak on the hypothesis that the Government were narrow, selfish and sectionalised.

I was pointing out that, supposing it was desired in the end to bring that quarrel into a first-class constitutional crisis, and supposing it was desired to pick a quarrel with another place and to go to the country quickly upon it, rather than upon the economic failures of the Government, how glorious to have speeches like the one we heard a few minutes ago delivered up and down the country. How useful. How nice to get renewal of office in places like Southwark and Limehouse and other rotten boroughs. That is a hypothesis, but I have asked hon. Members: Are there any facts that it does not cover? Is anything wrong with it in logic? Does it leave anything in question? At the moment I do not say that it does—

§Mr. Crossman (Coventry, East) rose—

§Mr. Deputy-Speaker We cannot have two hon. Members on their feet at the same time.

§Mr. Roberts I do not think that the fact that our remarks are unacceptable to hon.

Members opposite—[HON. MEMBERS: "We cannot hear them."] I am sorry. The only grievance, apparently, of the hon. Gentleman is that I am not shouting at him. If that is so, I will certainly raise my voice. I imagined that he was desiring me to give way to him, so that he could raise some substantial point, but such, apparently, is not the case.

§Mr. Crossman It is to raise a substantial point.

§Mr. Roberts Then all I have to say is that the hon. Member must control his irritation. It may be very unpalatable to hear remarks made with which one does not agree, but I

have to put up with it quite often. I am not in the habit of interrupting hon. Members opposite, and so I will resume.

The picture I have drawn, whether correct or not, covers all the known facts. The only way in which it could be disproved would be by direct and unequivocal withdrawal from the Treasury Bench. The speeches²⁵³ which we have heard from the Treasury Bench hitherto give no particular warrant for supposing that they do not want to avail themselves in the fullest way of Cabinet secrecy. But this I do say: At a time like this to have minds and thoughts in this House distracted by consideration of embittered and partisan Measures is a very grave misfortune. If any evidence is wanted of the lack of urgency of this Measure, it would be the admission by the hon. and learned Member for East Leicester (Mr. Donovan) that his constituents took no interest in the matter. They are not likely to; day by day they have graver questions to think about. I resent the attempt to distract the people of this country from the urgent problems of survival by partisan Measures such as this.

§6.28 p.m.

§Mr. Ellis Smith (Stoke) The hon. Gentleman the Member for Handsworth (Mr. H. Roberts) has been very provocative but people who live in glass houses should not throw stones. My hon. Friends have been good enough, while the hon. Gentleman has been speaking, to furnish me with a number of records, etc., into which I have not had time to go. I will, therefore, content myself with saying that I regret the hon. Gentleman's references to Limehouse. Limehouse suffered as terribly during the air raids that took place over London as any area in the country, and it ill becomes any Member of this House to make references to that constituency and the numbers that are now living there as a result of what took place during the war. I hope that we shall not have a repetition of that kind of thing.

In the 1945 General Election, the Labour movement—not only the Labour Party but the whole Labour movement—gave clear notice that they would not tolerate obstruction of the people's will by the House of Lords. In the 1935 General Election, they said that the House of Lords should be abolished. That was 12 years ago, and tonight we are just tinkering with this issue. We are not asking the Government to act as Socialists on this issue, but what we are entitled to expect is that they will act as Radicals. I sat here yesterday and heard most of the speeches, and I found that there was a large measure of agreement. There was agreement, for example, on all sides that it was time that these hereditary rights²⁵⁴ of individuals were abolished, and that there should be a Second Chamber.

If this reasoning is accepted, the question arises: What kind of Second Chamber? What shall be its powers? Shall it be elected or selected? And, if so, upon what basis? I liked the approach of the Lord President to this issue, and I liked his democratic way when he said he would welcome suggestions and memoranda from all parts of the House. Therefore, I want to make a few suggestions. It is beyond all possibility of doubt that people of all shades of political thought believe that it is time that our Second Chamber

was placed upon a democratic basis. I would ask that it should be more representative of modern life. Industrial, religious, economic, political and scientific circles have all a contribution to make to the democratic thought of our country. The selection of its personnel should not be left to one man, or to intrigue, to social status or to crawling for places by certain people. Men and women should be selected for membership on their record, on their merits and character in life. They should be representative spokesmen of democratic institutions. That is modern democracy functioning; that is British democracy as it should be functioning after two world wars.

The men and women making up the personnel should be closely in touch with life and with the people's ideas and problems. I do not lay down any hard or fast rules. This is open to debate, but it is a problem which will have to be fought out in political circles during the next few years. Let me make it quite clear, this Bill does not terminate this controversy, because some of us are determined that it shall be kept alive until the Second Chamber is placed upon a democratic basis. The membership might be selected upon the basis of 25 representing the annual conference of the Trades Union Congress. To those who spoke in the way they did last night, I would say that it shows they have not kept themselves in touch with the personnel of the annual conference of the Trades Union Congress, because the conference is now composed of a large number of young, virile men and women with a modern and scientific outlook on life. In addition to that, we want all walks of life to be represented. There 255 might be 25 representatives of employers' organisations, 25 representatives of chambers of commerce, 25 representing the Co-operative movement—and it is time that this Government give more encouragement to the Co-operative movement—25 representing the industrial trades councils, 50 representatives of religious bodies, 50 representing scientific and industrial institutes, and 200 representing the political parties in proportion to the number returned at each General Election. The politicians do not know it all, though some of them think they do.

I am a very fortunate man in that I am alive and for that I have to thank the medical profession. It is time that they were represented in our national life to a greater degree, together with scientific organisations, the Institute of Mechanical Engineers and the Institute of Electrical Engineers. These can make a substantial contribution to democratic thought in this country. The purpose and functioning of a Second Chamber, if it were placed upon a democratic basis, would be, first, of a revising nature; second, checking regulations and orders, especially those dealing with delegated legislation; and thirdly, in an advisory capacity by debate and by the setting up of commissions and committees composed of the people that I have mentioned. This would be an instalment towards the new democracy for which so many have recently given their lives. The other place and its personnel, method of selection and the hereditary principle are far and long out of date. It is true they have not yet—I say "not yet" with emphasis—rejected any Measure, but how dare they reject any Measure, with the people in their present mood and with the majority sitting on these benches representing the will of the people. Let me remind the House that they have delayed, they have quibbled and they have created

uncertainty in spite of our majority. What would they have done if we had had a small majority?

One of the things of which I live in dread in this country is political stalemate. It would be a very dangerous situation, with certain forces abroad which ought to have been suppressed long before now. Anyone who has followed developments in Europe is bound to be concerned about a situation of that kind. Those of us on these benches and many 256 in the country do not forget that it was a member from another place with some of his friends who are now sitting opposite, who drafted the crippling Trades Disputes Act of 1927. They strongly supported it and they kept it the law of our land for nearly 20 years. My fellow trade unionists will smart under that treatment for life.

The late Mr. Arthur Henderson, who was a real Labour leader, moved in 1907 that the other place represented interests that were opposed to the general well being, that it was a hindrance to national progress, and that it ought to be abolished. This was moved 40 years ago, and here we are playing about and tinkering with this thing by means of a two Clause Bill. [HON. MEMBERS: "Hear, hear."] The best reply that I can make to those "hear, hears" is to ask: If this were moved today would it receive the support of hon. Gentlemen? The Prime Minister of the day moved that the final decision of the Commons should prevail. That was carried by 432 votes to 147. That was 40 years ago. Today we listened to some extravagant language from the Leader of the Opposition. He must have forgotten "The Economic Consequences of Mr. Churchill." He must have forgotten that the greatest orthodox economist of this country at that time wrote that book, and in it is one of the greatest indictments against any living man. In that book it is stated that the then Chancellor of the Exchequer had as his object to bring down the wages of the working people of this country. His approach to the problem was, first, to take us off the gold standard which sent up securities in the City of London but sent down the wages of the industrial worker.

§Mr. Eden (Warwick and Leamington) rose—

§Mr. Ellis Smith If the right hon. Gentleman will wait a minute I will sit down. If he doubts what I am saying he can read it for himself. Let me make it quite clear that those who have been in the House place the right hon. Gentleman in a different category from that in which we place some other people, first, because of his own record and secondly because we cannot forget the blow he received during the war. But if he will be good enough to go into the Library and look up this pamphlet written by J. M. Keynes 257 he will see that I am not overstating the case. The indictment against the right hon. Gentleman is very grave.

§Mr. Eden I do not know why I brought all this stuff down on me. What I really tried to get up to do was to point out that the hon. Gentleman was wrong. He accused my right hon. Friend of taking the nation off the gold standard. If there is any accusation, it is for putting us on the gold standard.

§Mr. Ellis Smith I thank the right hon. Gentleman for the correction. It was a slip. That is quite right. Nevertheless, I would still like him to read the pamphlet. I want the House to remember that the Leader of the Opposition used some extravagant language today. He set us an example. The Leader of the Opposition has travelled a long way since his Lancashire years, about which he talks so much, and his Manchester days. I shall never forget, as a boy of ten years of age, walking to the Salford Docks and seeing the Scots Greys, which were sent by the right hon. Gentleman and for which he was responsible, battling with the dockers there. In those days he was reputed to be a relatively progressive Radical but he now assumes the role of defender of an institution which, 40 years ago he said was out of date.

He is welcome to all the support he has given today to that institution, and to his new friends. He is welcome also to those whom he met at Mount Vernon, in America. It is well known throughout the world who he met there. In his reference to the Prime Minister, the Leader of the Opposition brought in a man's name that he never should have brought in, the name of Hitler. That name should never be repeated in a democratic institution. He brought in Hitler with our right hon. Friend the Prime Minister. I know all the leading Members of the Government, especially those who have been in the party for any length of time. I know them all very well, including his royal highness—no, that is a slip, and I should say the emperor—of Millbank. I am dealing now with the Prime Minister. No one can point a finger at the Prime Minister on account of his integrity or his honesty. To couple his name with the name of Hitler is something to which the Leader of the Opposition should never have sunk.

258He made matters worse by adding, "without its criminality or efficiency." That was hitting below the belt; even for the greatest warmonger in the world, it was not becoming. When the Leader of the Opposition was more in touch with the people he said that he stood aghast at the Government's moderation. That was 26 years ago. I now repeat his phrase because it applies more today than in the days when he spoke. The other day the right hon. Gentleman referred to the reckless, malignant partisanship of this Government. Nobody would apply that to this Government. I only wish they had a bit more partisanship, but that day will come. There is no doubt about that. Those who belong to the working class and who try to be worthy of it will live to see the day, if they enjoy the normal spell of life, when this House will be composed of men and women who represent the people of this country and who have worked and toiled for so long to produce its wealth.

The personal insults and abuse by the Leader of the Opposition have set a very bad example of Parliamentary standards to scores of fine, good, honourable young men who have come into this House straight from the war, and I hope we are not to have a repetition. The "Daily Herald" shows some concern, especially when it is dealing with the Second Chamber. Of course, it may well be concerned, after so many of its economists have said what they did a few months ago about the prospects of an economic crisis. If they understood the middle class they would know that if a Labour Government retreats, it loses the confidence of the working class, and that if it goes forward in a constructive

rôle, in the advanced Radical sense, and instead of introducing a one-sheet Bill dealing with the Second Chamber introduces a constructive Measure to put that Chamber upon a democratic basis, it goes the right way to win and to keep the support not only of the working class, but also of the Radicals in the middle class. John Morley referred to a Government who, by their small reforms made the future great reform more difficult of achievement. That applies to the Bill. All that the Bill is doing is, so to speak, to pull out two teeth. After generations of trouble, decay and degeneration, a modern, scientific, surgical operation is 259required, and not the drawing of two teeth. If that operation is not carried out by this Parliament it will be performed some day when we have another Labour Government. [Interruption.] I will say "Socialist" if my interrupter wants me to insert that word. If reaction wants to fight on this issue—a fight of Lords versus the People—all Radicals in this country will welcome an Election on that basis. That will be something more worth fighting for than the taking out of two teeth. The Bill, like the economic policy of the Government, is part of a policy of expediency. The other place should have been dealt with in accordance with Labour's traditional policy on its merits or demerits. The Bill is of a limited character and is not worthy of a Labour Government with the overwhelming majority which now supports it.

§6.47 p.m.

§Mr. Hopkin Morris (Carmarthen) With the general observations of the hon. Member for Stoke (Mr. Ellis Smith) and with his general criticisms of the Bill—without going into the detailed Amendments which he discussed—I fully agree. There is general agreement, as far as I understand it, about the hereditary principle. Nobody defends it, neither in this House nor in the other Chamber. There is general agreement, too, that the question of House of Lords reform should be considered. The Bill makes no provision for dealing with it.

I was very interested in the speech of the hon. and learned Member for East Leicester (Mr. Donovan). He said that the Bill was in the tradition of the Liberal Party's Parliament Act of 1911. If we examine that tradition, I think that, especially when we take the circumstances of 1947 into account, we shall find that is not so at all. When one looks at the Preamble to the 1911 Act, one finds that it deals with two things, the principle of reform of the House of Lords and the 1911 Act itself, describing it as an expedient to deal with the circumstances.

§Mr. Donovan I was dealing with the resolution of 1907.

§Mr. Hopkin Morris I shall come to that point in a moment. There are two parts to the Preamble, and the expediency part deals with the actual circumstances, including the resolution of 1907. The 260Education Act, 1902, had been one of the most contested pieces of legislation at the General Election of 1906, and when the Liberal Government were returned, one of the first things they did was to bring in a Bill amending the offending Clauses of the 1902 Act. The Amendments were thrown out, or amended so seriously by the House 01 Lords as to be ineffective. That was the first point that led to the resolution of 1907. Then the Licensing Bill, a major Bill, introduced in this House,

was thrown out by the Lords. The Miners' Eight Hours Bill, introduced here, had major Amendments made to it in that House. The Plural Voting Bill, introduced here, was thrown out by the Lords. Finally came the Budget of 1909. The situation was described by one right hon. Gentleman as the cup being full.

Let us compare that situation with the situation in 1947. Taking the test of expediency alone, which is a fair test to take and was one of the reasons given for the passing of the 1911 Act, I say there is a complete difference between the position today and the position in 1907. The Liberal Government of that day had been faced with one rejection after another, or with one serious Amendment after another making Bills ineffective. When we come to the present position, not only is that not true, but the Lord President of the Council, in his speech commending this Bill yesterday, was paying compliments to the House of Lords for what it had done. On the factual side of it, that is a complete difference. The expediency of the 1911 case is not there.

What remains? There is no similarity in expediency, but there is a similarity in one thing, and that is in the other part of the Preamble. The similarity is that 40 years afterwards, we have not dealt with the main principle. What is the argument here? There is nothing sacred about the three years and two years which it is proposed to reduce to two years and one year. I will deal with it purely as an arithmetical issue. I do not think it is as simple as that. If we take the period put into the 1911 Act purely as an expedient, that was submitted to the electorate at two General Elections. This has not been submitted as a period of time. If it is asked what the merit is between the periods, the answer is that the three years and the two years in the 1911 case were submitted to the electorate at two General Elections.

§Mr. S. Silverman Surely the hon. and learned Gentleman would not disagree with me that the 1911 Act introduced quite a new principle? There was a constitutional principle involved, namely, whether the Lords' absolute veto should continue or not—whether they should have power to interfere with a Money Bill or not. Those were constitutional changes of a fundamental nature, but there are no such changes here.

§Mr. Hopkin Morris It was a constitutional change of a fundamental nature in that the time was a part of it and was submitted as a part of it to the electorate. Therefore, it should have been dealt with. Let me come back to the major common ground. In a speech in the country, Mr. Asquith said that the reform of the House of Lords brooked no delay. Today, 40 years later, we are not even discussing it; we are only reducing the time limit. What is the basis for reducing the time limit? It is said—the Home Secretary used the argument—that when the Conservatives are in power we are virtually living in a uni-cameral system and that the House of Lords do what they say. Very good; assume that to be true. They are not delayed even by a year. In order to pass through their legislation, the Liberals in 1911 reduced the periods to two years and one year. It is now being said that a uni-cameral system is bad and is not desired. In this Debate I have heard no one champion the uni-cameral system. But what system is it when we have a Conservative Government supported by a House of Lords of the same colour? Why not deal with the really serious problem, the question of constitutional reform? The

Government have the time and the majority. Why do they not summon a round-table conference—

§Mr. S. Silverman The hon. and learned Gentleman was surely arguing that we ought not to proceed with a Bill that changes the Constitution in principle without submitting it to a mandate of the people? He was complaining that whereas the Liberal Party in 1911 did that, we had not done so, and when we say to him it is because there is no change of principle on this occasion, he says, "Why not introduce one that does change it?"

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§Mr. Hopkin Morris The hon. Member must wait. I quite agree that it is a change of constitutional principle, but the first duty of the Government is to summon a round-table conference, representative of all parties. All parties are agreed that some reform is necessary; what they are not agreed about is how the reform is to be done. If the conference is held and afterwards there is still disagreement as to how the reform is to be brought about, surely that is a matter for the country? What else can be a matter for the country?

There is nothing to be said for this Bill. It does not meet the wishes of the Government except on one ground alone, and that was revealed in the speech of the hon. and learned Gentleman the Member for Llandaff and Barry (Mr. Ungood-Thomas). He said there was one object alone, and that was to pass the iron and steel Bill in the life of this Parliament. That is the plain truth. The Government are therefore bringing about a constitutional reform for an indirect purpose. Why is the iron and steel Bill not introduced in this Session instead of shirking the real issue? The hon. Member for Stoke complained that the Government are shirking the issue. The issue has been shirked for 40 years, or has not been dealt with because of two world wars in the meantime. The Government have the majority and the time; why do they not deal with it? I fail to see how a party faced with this issue and not dealing with it can claim to be a progressive party, and because this Measure fails to deal with that issue and the real problem, the reform of the House of Lords, I certainly shall not support it.

§6.56 p.m.

§Mr. Naylor (Southwark, South-East) I hope I shall be forgiven if I do not follow the arguments used by the hon. and learned Member for Carmarthen (Mr. Hopkin Morris) and my hon. Friend the Member for Stoke (Mr. Ellis Smith). While I am in agreement with the main contention of those speeches, I do not consider the time opportune for further discussion of the question of the reform of the House of Lords as a Second Chamber. We ought more particularly to direct our attention to the Bill and the purpose of the Bill, which is a very simple one indeed. [An HON. MEMBER: "Why? "] For one reason which I can 263 give right away. Supposing a Bill had been introduced at the present time for the reform of the Second Chamber while the suspensory veto still existed we should never have got that Bill through this present Parliament. Therefore, it seems to me more or less a waste of time to enter into too great detail as to the constitution of the kind of Second Chamber that various hon. Members would like to see

Hon. Members opposite yesterday evening referred to the fact that there was very little excitement over this Bill. After the entertainment of the right hon. Gentleman the Leader of the Opposition this afternoon, that complaint has now been put right. We had plenty of excitement then. I, for one, must confess to having been greatly entertained by the right hon. Gentleman, even though I could not discover the substance of the argument which he was making against the Bill. Hon. Members opposite who have spoken against this Bill have adduced only one argument against it. It is the suspicion of some Machiavellian intent on the part of the Government to introduce a certain Bill—the steel industry Bill or some other—and that they have brought forward this Parliament Bill in order to enable that to be done. Supposing that was the case, and supposing the Government representatives confessed that was the reason: that they had brought forward this Bill for the express intention of passing a Bill known to be obnoxious to hon. and right hon. Members opposite; is there anything wrong in that? Is that not a legitimate course to take? If the Labour Party is in power today because of the promises made at the General Election, is it wrong for the Government to put themselves in the position of being able to implement as much as possible of the programme they put forward at that time? Yet hon. Gentlemen opposite continue to dash their heads against a brick wall.

A well-known statesman, speaking in this House, once said that he had known many hon. Members in this Chamber who had dashed their heads against a wall, but that a certain occasion which he mentioned was the first time he had known of a Member bringing materials and tools for the purpose of building a wall merely to dash his head against it. It seems to me that this Bill is that wall. Hon. Members opposite are not opposing it because they are of the opinion that the reduction of two years to one year is a matter of principle—because it is not. The Lord President yesterday made it quite clear that it was not a question of principle but merely one of degree. In that case, it seems to me that a great to-do is being made about very little indeed, and it is more in a partisan spirit than from a sense of injustice that opposition to this Bill is being voiced by hon. Members opposite. I view the Bill as of so little consequence from the constitutional point of view that the historian of the future will write a long chapter upon the enormous importance of the Debates that took place in 1907 and 1911 and will finish that long chapter with a few words which will occupy about a line and a half, concluding by saying, "In 1947, the two years was reduced to one." Only that, and nothing more, and it will represent posterity's estimate of the opposition to this Bill.

Looking at the extraordinary language used in the Amendment against the simple proposition contained in this Bill, we can recognise that the Leader of the Opposition is the framer of that Amendment. It says that the Bill will destroy constitutional safeguards. Can any hon. Member opposite say that, by reducing the suspensory veto from two years to one year, we shall destroy constitutional safeguards? Is that the argument? If it is not, then certainly it ought not to be in the Amendment. Then it goes on, "without ... public demand." I am old enough to remember that some of my first speeches as an agitator nearly 60 years ago were in a sense anticipatory of what has taken place in all the years since. Throughout the country we have been demanding the reform of the

House of Lords, we have been denying the right of peers to legislate by virtue of being the sons of their fathers. Therefore, we have the right to say today that there is a public demand for a severe change in the constitution of the Second Chamber.

Then the Amendment says that the Bill will distract public attention. I can assure hon. Members opposite that there will be no distraction of public attention because the matter is not of sufficient importance to distract the attention of anybody. The only thing likely to distract public attention is that the House of Commons, with all the work that 265 has to be done, can afford two days to discuss so simple an issue. Therefore, I think we are quite safe in rejecting the Amendment.

My view of a Second Chamber is that it should be a Chamber where no initiative of legislation should take place and which exists merely in an advisory capacity. Further, I would say that it should not contain any Minister of State, but that every Minister in the Government should be a member of the House of Commons. The reason is obvious. I cannot agree altogether with the old Duke of Wellington who said, "Nobody cares a damn for the House of Lords." He also said, "The House of Commons is everything, the House of Lords is nothing." Yet there is a good deal to be said for the fact that an elected Assembly such as the House of Commons is the only one of the two entitled to speak for the people, who send Members to this honourable House.

With regard to the hereditary principle, I was greatly interested in what the hon. Member for Oxford (Mr. Hogg) said yesterday, that he was in the unfortunate position, as the son of a living peer, of being transferred, in a certain regrettable event, from this House to the House of Peers. I am bound to confess that it would be a great loss to this House if we should so lose him. However, that is one instance only of sons of peers being compelled to pretend that they are legislators, when possibly they have no notion at all of what legislation means and care little for the responsibilities attaching to the rights they possess and the rights which we consider they ought not to be allowed to possess. However, as I said at the beginning, this is a matter not to be decided in connection with this Bill, which merely alters two years to one, and therefore, we should be in a position to support it and to hope that, when Labour is returned at the next General Election, we shall have a Measure that will aim at the complete reformation and reconstruction of the Second Chamber.

§7.10 p.m.

§Mr. Henry Strauss (Combined English Universities) I confess I should have liked to follow in some detail some of the speeches made from the opposite benches, particularly those of the Home Secretary, the hon. and learned Member for East Leicester (Mr. Donovan) and the hon. Member for Stoke (Mr. Ellis Smith), but 266 there are great numbers on both sides of the House who wish to speak, and to do so would make my speech unduly long. The hon. Member for Stoke has probably heard a good many of my speeches, and I have heard a good many of his, and although we seldom

agree, I hope that, as he often interests me, I may occasionally have his attention also. I would say of his speech at once that I think the logical conclusion of it must be that he will oppose the Second Reading of this Measure.

The Home Secretary said that this Measure made no fundamental constitutional change. He always puts his case in the most persuasive way, but he would not differ from me when I say that although our Constitution is, for the most part, unwritten, there are certain extremely important documents in our constitutional law. I submit in all seriousness that it is impossible to say that the amendment of any of those few documents is not of great constitutional importance. It must be important. The topics with which I wish to deal are these—ought we to have a Second Chamber; if so, what sort of Second Chamber do we want, and are powers of delay essential; and if powers of delay are essential to it, can those powers of delay be less than two years? Whether the House agrees with me or not, I think all will agree that those topics are most relevant to what we have to consider. The question of whether we should have a Second Chamber I am not going to argue at any length, because of the substantial unanimity that has appeared in the course of the Debate. One or two have said they would like a single Chamber, and others have put forward arguments which seemed to lead to that conclusion, although they generally added that they rejected that conclusion. It is sufficient to say that, with very few exceptions, the only countries which have been attracted to single Chamber Government have been totalitarian countries. I, therefore, assume that we want a Second Chamber.

On the next very important point of what sort of Second Chamber we want, many hon. Members have quoted from various documents, Resolutions of the House, the Bryce Report, and so on, to the effect that they did not want it to be in any sense a rival of this House. 267 With that proposition I completely agree. But, if one maintains strongly that it ought not to be a rival to this House, one ought to be a little careful of the strength with which one condemns the hereditary principle, until one has thought of a better principle to put in its place. Although I am in complete agreement with the Resolution of the House of Lords that the possession of a peerage should no longer in itself give the right to sit and vote in the House of Lords, I would not go so far as some in condemning the hereditary principle altogether as part of the qualification for the other Chamber, until we have thought of something more satisfactory for the sort of Chamber we have in mind.

I am very much interested to see the two Amendments which have been put on the Order Paper by back bench Members of the Socialist Party. There is one in the name of the hon. Member for Stoke:

§[That, in the opinion of this House, the Government should take steps to put the House of Lords on a more democratic basis, more representative of modern life and needs, elected by representative organisations on the following basis: the Employers Organisations, the Annual Trades Union Congress, Chambers of Commerce, Industrial Trades Councils, each religion in proportion to its membership, together with two hundred representing the political parties in proportion to their numbers returned at the

General Election for membership of the House of Commons; and to secure that a new election of members of the House of Lords should take place at any time the House of Commons decides.]

§That proposition was developed in the hon. Member's interesting argument, but the logical result of the Second Chamber he describes there would be an assembly much more likely to rival this House. The other Amendment on the Order Paper calls for the abolition of the Second Chamber, and is in the name of the hon. Member for South Ayrshire (Mr. Emrys Hughes):

§[That this House declines to give a Second Reading to a Bill which merely slightly limits the power of the House of Lords and does not declare it to be a feudal anachronism, and a needless and useless encumbrance to a free community, which ought to be abolished.]

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§It is interesting to see how very divergent those views are. I have no doubt that both are held with sincerity. I am trying to put what I believe is the true doctrine of the sort of Chamber we want. Yesterday, the Lord President of the Council, I think, and other hon. Members quoted Bagehot, and, of course, he is a great authority. Perhaps the House will bear with me if I quote a passage or two from another great authority, the late Professor Dicey in his "Law of the Constitution." An interesting thing in what he says about the position of the House of Lords is his demonstration of its close concern with another thing which we value in our Constitution, namely the responsibility of the Executive to the electorate. In case it is of any interest, I am quoting from the eighth edition; I have no doubt there are later editions. Professor Dicey says: The rule that the powers of the Crown must be exercised through Ministers who are members of one or other House of Parliament and who 'command the confidence of the House of Commons,' really means, that the elective portion of the legislature in effect, though by an indirect process, appoints the executive government, and, further, that the Crown, or the Ministry, must ultimately carry out, or at any rate not contravene, the wishes of the House of Commons. But as the process of representation is nothing else than a mode by which the will of the representative body or House of Commons is made to coincide with the will of the nation, it follows that a rule which gives the appointment and control of the government mainly to the House of Commons is at bottom a rule which gives the election and ultimate control of the executive to the nation. The same thing holds good of the understanding, or habit, in accordance with which the House of Lords are expected in every serious political controversy to give way at some point or other to the will of the House of Commons as expressing the deliberate resolve of the nation.

§Then, in a passage a little lower down, he says: The point at which the Lords must yield or the Crown intervene is properly determined by anything which conclusively shows that the House of Commons represents on the matter in dispute the deliberate decision of the nation.

§I submit that that is sound constitutional doctrine and gives an indication of the Second Chamber which we want, a Chamber that shall not rival the House of Commons in any way, as any form of direct or indirect election would make the Second Chamber rival the House of Commons, and whose sole object is the ultimate protection of the electors against the Executive Government. I will quote one other passage in that work: The general rule that the House of Lords must in matters of legislation ultimately give way to the House of Commons is one of the best-established maxims of modern constitutional ethics. I accept that absolutely, and believe it to be the right doctrine. If that is the right doctrine, and we are determined both to have a Second Chamber and that that Second Chamber shall not rival this House, what is the essential power which we must give it? I believe hon. Members in all quarters of the House, if they have followed my argument so far, will say that the essential legal power which we must give to that Second Chamber is a power of delay. If it is to be a power of delay it must be a power of real delay. My right hon. and learned Friend the Member for West Derby (Sir D. Maxwell Fyfe) pointed out yesterday that the figure the Government propose in substitution for the present requirement, namely, one year for two, means that in any important Measure they are giving by Statute no more than is inevitable under ordinary Parliamentary practice, or so little more as to be negligible.

§What is worse, and what strengthens what I must regard as the insincerity of putting forward one year, if one believes in the power of delay at all, is to be found in the retroactive proviso which the Government have put in their Measure. I agree entirely with the objection to that retrospective Clause which was put by my hon. Friend the senior Burgess for Cambridge University (Mr. Pickthorn) yesterday. Perhaps I shall be allowed to mention in this connection the answer which I received from the Leader of the House when I ventured to intervene in the speech which he made on 28th October, 1947. It is given in c. 736–7 of the OFFICIAL REPORT. I asked him whether, in view of what he was now proposing—to amend the Parliament Act by procedure under the Parliament Act itself in this Parliament—it would, in his view, be equally proper, legally and constitutionally, to reduce the one year to two days. The right hon. Gentleman said that, while he would be against that on the merits of that proposal, and begged me not to do, what I should have thought was almost impossible—namely, to put ideas in the heads of his back benchers—it would be constitutionally and legally perfectly in order. It would not only be in order to do it under the Parliament Act, but, if this Bill goes through in its present form, it will be perfectly in order to do it under that particular retrospective provision in the Bill.

§I hope that the House has followed me to this extent: We want a Second Chamber; powers of delay are essential; and the Bill which the Government have introduced does not give any essential powers of delay at all. A great part of the arguments put forward by hon. and light hon. Gentlemen opposite has been to the effect, "What guarantee have we that the House of Lords will continue to behave itself? What guarantee have we got that it will not suddenly go mad and do all sorts of things it ought not to do?" I suppose

that anything is conceivable, but I suggest to hon. Members in every quarter of the House that there are things much more likely than that the House of Lords will go mad. There is the risk of an executive Government becoming tyrannical. Let me say at once that it need not necessarily be this present Government. When we are putting an important constitutional Measure on the Statute Book it is most important that we should visualise a very bad Government at some time or other, commanding a majority in this House. I quite agree that it is easier for us on this side of the House at this present moment to imagine that kind of Government in power than it may be for hon. Gentlemen opposite. If there were such a Government, and if the Second Chamber had been deprived of all real powers of delay, this country would really be reduced to the position where the only remedy would be what some hon. Members opposite have stated in their speeches, that is, revolution. Do we really want the only remedy against tyranny to be revolution? I do not, believe that hon. and right hon. Gentlemen, if they examine their consciences, really desire that result.

§There is one other matter which is of such great importance as showing what underlies the Government's action that I must mention it. What was the worst thing with which the Leader of the House charged the House of Lords in this Debate? It was that it met in September. I beg the House to see what is involved in that complaint. I say with some confidence that there are few things that have horrified the country more, and, I believe, quite a number of back benchers on both sides of the House, than the fact that, with catastrophe approaching at the pace it was approaching this summer, this House was never allowed to meet. Never have the Lords been closer, and the Government more distant, from popular will than in September, when they refused to allow this House to meet, and the House of Lords showed more responsibility.

§I do not minimise the seriousness of the position in which this country finds itself at the present time. Indeed, my main quarrel with those on both sides of the House who have referred to our condition as one of crisis is that the actual term is inaccurate. "Crisis" is a metaphor taken from disease, and implies that one is approaching a sort of climax at which one either dies or, more or less automatically, recovers. That is not the position of this country today. We are facing not crisis, but catastrophe. I do not believe that we need be overwhelmed by that catastrophe. I believe that this country, under wise leadership, can survive, but survival is the issue, as was made quite clear in the speech of the right hon. and learned Gentleman the Minister for Economic Affairs. Nothing could be more foolish than to expect that we can take the right steps to survive this catastrophe and recover once more unless we make the fullest use of this House, with its great traditions.

§I do not believe that it is in the least a matter of chance that the Government who are proposing this foolish Bill, which I regard as a constitutional outrage, are the same Government who have submitted this House to one indignity after another. Poor and low as is my opinion of this Bill, I say that even the abolition of the House of Lords would be a small step in comparison with the abolition of the House of Commons as we have

hitherto known it, which this Government have already brought about. I could give example after example, but sometimes even a phrase reveals something. I do not think it would be in Order for me to repeat, and I would not trespass on the patience of Mr. Speaker by doing so, the arguments against one encroachment after another on the rights and duties of this House. But in March of the present 272year there was a statement on the Business of this House, at a time when there were back benchers on both sides of the House who had some sense of the catastrophe into which we were then drifting. There were masses of Members in every quarter of the House who wished to speak in the economic Debate. One of my right hon. Friends on the Front Bench asked the Minister then in charge whether we could not have a little more time, and this was his answer: I thought that I erred on the side of generosity when I agreed to a three days' Debate."—[OFFICIAL REPORT, 11th March, 1947;. Vol. 434, c. 1144.] I asked then, as I ask now, whether the Government really believe that it is by the generosity of the Government that the Commons of England discuss national survival? It is that Government, with that attitude to the House of Commons, who now propose to abolish the last safeguard of the electors.

§7.30 p.m.

§Mrs. Leah Manning (Epping) Like my hon. Friend the Member for Stoke (Mr. Ellis Smith), I was very encouraged by the statement made by the Lord President in his speech yesterday that he would welcome suggestions for reform. It has encouraged me to bring forward tonight a matter which I think is of real importance and urgency. But, before I embark on what I have to say on that specific question, there are one or two other points on the general question of this Measure which I would like to raise. I have much sympathy with some of the things said by the hon. and learned Member for the Combined English Universities (Mr. H. Strauss). I, also, am in favour of a Second Chamber. I am not at all sure that in a Second Chamber, properly constituted, the question of delay might not also be a very important one; but we cannot consider the question of delay in a properly constituted Second Chamber in the same way as we consider delay in a Chamber which is constituted on the hereditary principle. It is because of the hereditary principle that the Government have said that this House of Lords, which gives to the Opposition a whole five years of support, can, if it so wishes, deny to this Government, or any progressive government, an opportunity for any really valuable work in its last two years.

273I am not in agreement with the hereditary principle. Like many other hon. Members who have spoken during the last two days, I am opposed to it because it is an anachronism in the modern State; but it is extraordinarily persistent. Over and over again in the course of this Debate, we have heard that the principle of a differently constituted Second Chamber was first enunciated 40 years ago, yet tonight we are still faced with a Chamber which has, as the basis of its constitution, the hereditary principle. While the hereditary principle continues, there is no validity, no logic, in denying to a body of peers—to a body of women peers, it is true—the right to take their seats in the House of Lords.

It is to this point that I would like to direct the attention of the Government. I welcome this Bill; I welcome the cut in the use of the suspensory veto because I am sure that if the Government brought in a Bill or attempted in any way the reform of the House of Lords in this direction—as they might very well do—the House of Lords, judged by its past actions would certainly do everything they could to prevent it. Many other Bills have been mentioned in this Debate as reasons why we should cut down the time of the suspensory veto but it is the possibility of this Bill being introduced and of its fate, which interests me as a woman.

I have used the term "women peers" advisedly, in the same way as one would use the term "women jurors," or as one would refer to a lord mayor or a mayor as "lord mayor" or "mayor" whether woman or man. I think that the feminine derivative should be saved for use in reference to the wives of people who hold some form of public office or some hereditary status. Therefore, I use the word "women peers" advisedly. However a woman derives her peerage, whether by special remainder, by hereditary writ, or by direct creation, she takes out her peerage patent in exactly the same way as a man. With one notable exception, to which I shall refer later, that patent is exactly the same as the patent of a male peer. She is a peer in the same way as any man who sits in the House of Lords.

Only a small body of women are concerned in this matter I know, but I hope that everybody will agree that what is an injustice to one is an injustice to all. 274 This small body of women, is in a very anomalous position. I read in "The Times" of yesterday a letter by the hon. Member for Oxford (Mr. Hogg). In that letter he scolded these women and seemed to imply that they were casting away a priceless privilege which he himself was very loath to have taken from him. I can understand the hon. Gentleman's personal dilemma. Like the hon. and gallant Member for the Isle of Ely (Major Legge-Bourke), I also am one of those people who would be very sorry to see him depart to the other place. His speeches are often very enlightening; certainly, they are always entertaining. But I do not agree with him that the position of these ladies is not an anomalous one. His view is that by pressing their case at the present time, they make themselves ineligible for this House.

I am not at all sure that they are not ineligible anyhow. Their case has never been tested. I do not think that there is any constituency in this country that would allow them the opportunity of testing their case, because in the list of those who are ineligible to sit in this House, peers are included; only Irish peers are made eligible by the provisions of the Act of Settlement. These women are peers and I am quite sure that if one of them was elected to this House, it would be within the competence of the House to raise the question of her eligibility. I cannot imagine that any constituency in the country would go through all the difficulties, the costs, and the anxieties of an election, in order to have the question of eligibility of the Member they had returned raised, when she took her place at the Bar of the House. Therefore, I say that the position is an anomalous one. These

women are neither fish, fowl nor good red herring, but they are good peers, and for that reason I am very anxious to see this Bill go through the House of Commons. Judging by what has happened in the past, unless we have some safeguard of this kind, there will be no opportunity for this Government to help the women peers who are now engaged in a campaign to obtain their rights.

I think that many people are not sure how this difficult situation arose. It is true that before 1919, before the Sex Disqualification (Removals) Act, nobody paid very much attention to the effect of 275 that one notable difference between the patent of a woman peer and that of a man. The peerage patent of a man expressly states that he has the right to a seat, a place, and a voice in the House of Lords. It does not say so on the patent of a woman peer. Why was it, when the Sex Disqualification (Removals) Act passed into law, that that was not automatically corrected? Was it some trick, or was it an oversight? Or was it a bit of both? Certainly, as far as this small body of women is concerned, it has made it impossible for them to benefit by the Sex Disqualification (Removals) Act.

It is not that no attempt has been made to set matters right. In 1922, Viscountess Rhondda put forward a petition for a writ of summons. The history of that case is monstrous. To begin with, Viscountess Rhondda's case was heard before a Committee of Privilege of the House of Lords and was carried. I have heard a story which I believe to be true, that the Lord Chancellor of that day was away in France at the time, and that when he heard of the high jinks their Lordships had got up to in his absence, he hurried back livid with anger. He re-committed the business to the whole House sitting as a Committee of Privilege. The story bears all the marks of authenticity when I say that the Lord Chancellor of the day was Lord Birkenhead. Anyway, Lady Rhondda's petition was thrown out. Thus, we have the situation today in which this group of women, whom, I believe, this Government would help, indeed, whom this Government has tried to help, dependent upon the passage of the Bill now before the House.

It is not only the question of hereditary peerages for women. There is no reason why peerages should not be created for women. That staunch old feminist, Queen Victoria, created at least two women peers, Baroness Burdett-Coutts, whose husband was her banker, so she probably felt she owed some debt to the lady, and Baroness Beaconsfield. I believe that Lord Beaconsfield had said that he did not want the barony but that it should be offered to his wife. We do not see such generous actions these days. I doubt very much if any hon. Gentleman to whom the present Government offered a peerage would say "I do not 276 want it; give, it to my wife." I do not think that is likely to happen. It always amuses me to see a Socialist Government, which does not believe in the hereditary principle, hunting round for peers who—they hope—will not present them with an heir. I would advise the Government that that is never a safe bet with a man; they would be on much safer ground with a good many women.

I feel that this new position offers the Government a fine opportunity to consider the great talent that exists among women today and the devoted services which large numbers of women have given to the country, and, for that reason alone, I hope the Government will consider this real reform of the House of Lords. I need hardly mention particular names, but many come immediately to mind: Violet Markham, the Marchioness of Reading, Lady Violet Bonham-Carter and Margaret Bondfield—women who have sat here and whom we have seen pass on, women like Susan Lawrence and Eleanor Rathbone, who rendered magnificent services and who might have enriched the kind of Chamber outlined by the hon. and learned Member for the Combined English Universities. Their mature judgment, their calm, reflective wisdom, would be of enormous use to us.

It has been said that we ought not to isolate this question from the whole question of the hereditary principle, about which there is now common agreement. But already we have seen this matter discussed for 40 years. It may be a lifetime before this vested interest finally goes. I hope therefore the Government will consider this reform; small to them, but a vital principle to the women concerned and through them to all women

§7.44 p.m.

§Major Legge-Bourke (Isle of Ely) The hon. Lady the Member for Epping (Mrs. Manning) has given us a delightful speech, but I hope she will not consider it discourteous of me if I say that a great deal of it was irrelevant. I shall look forward to the day—I hope, for her sake, in the near future, though, for other and obvious reasons, in the more distant future—when I shall have the opportunity of seeing her put on her coronet at the next Coronation.

The hon. Lady, I think, struck at the heart of this problem when she used the word "anomalous" as describing the situation of another place. It seems to me that that is the key to the matter, because I believe that we are an anomalous nation. For instance, the hon. and learned Member for Gloucester (Mr. Turner-Samuels), who spoke earlier in this Debate, is also in an anomalous position, as he thinks, because he is not one of the Law Officers of the Crown. Obviously, he must feel that that is an anomalous position for him to be in. Why is he in that anomalous position? Because the Law Officers of the Crown can work much better without him. It seems to me that that argument can be so easily applied, in the whole of this Debate over the last two days, to another place.

The hon. and learned Member for the Combined English Universities (Mr. H. Strauss), and others, have pointed sufficiently clearly to the effect which this Bill will have, and I think it is indeed disturbing to anyone who is prepared to consider the very detailed and somewhat complicated legal arguments which are involved. I would say that, of the speakers from the other side of the House, perhaps the hon. and learned Member for East Leicester (Mr. Donovan) has given more thought to this matter than any other hon. Member, and I think his speech was very much to the point, although I personally disagreed with the conclusions at which he arrived. It seems to me that it would be better

if I confined myself to one particular point about which we must be clear before we vote tonight, and that is the question of what justification there is for this Bill. What disturbs me most is the fact that hardly two speakers from the other side of the House have produced the same reason for justifying this Bill, and the right hon. Gentleman the Leader of the House reminded me a little of a passage from Emerson which I was reading last week: If a man knew anything, he would sit in a corner and be modest; but he is such an ignorant peacock that he goes bustling up and down, and hits on extraordinary discoveries. It seems to me that the right hon. Gentleman hit upon the extraordinary discovery that the House of Lords committed the most heinous crime in meeting during the Recess. There is one point which has been overlooked. If it is argued that the House of Lords had no justification²⁷⁸ for meeting during the Recess, surely it is a fact that it was always within the power of the Government to recommend Mr. Speaker to call this House together. That being the case, the whole of the argument of the right hon. Gentleman the Leader of the House falls to the ground.

During that part of the right hon. Gentleman's speech, I was reminded of a story which happens to be true. There was a time when officers in the Regular Army were expected to write an essay during their leave, and it was occasionally the practice of certain officers to seek other pens than their own before they rendered their essays to their commanding officer. On one particular occasion, all the officers went to the same man to write their essays for them, and this man took the trouble to leave a day in between sending the essays to the commanding officer, hoping that all would be well. Imagine his horror when, a month later, the whole lot was returned, and he thought that he had been discovered. It was not so, however; it was only the commanding officer asking him to correct them. It seems to me that the Government placed themselves in the same position during the Summer Recess. I sincerely agree with what my hon. and learned Friend the Member for the Combined English Universities said, that another place, was closer to the people during that period than were the Government and this House.

The hon. Lady the Member for Epping mentioned my hon. Friend the Member for Oxford (Mr. Hogg). I agree with her in what she said about him; I think we shall all be sorry to see him go, and I think his arrival in another place would be by no means an unmixed blessing because of the loss to it of his noble father. During the hon. Lady's remarks, I could not help being reminded of the words of the old song of the first world war period: We don't want to lose you, But we think you ought to go. Surely, my hon. Friend the Member for Oxford was arguing that the responsibility which now rests in the peers ceases in practice to exist compared with what used to be their responsibility in days gone by. It is perfectly true that the responsibility of the Lords today has completely changed from what it was. It is also true to say that they are no longer great landlords, thanks largely to Death Duties. However, I still maintain that the respon-²⁷⁹sibilities of a vast majority of their lordships are very considerable.

Let us be quite clear, whether we are talking about the hereditary principle or not, that, in the initial instance, those peerages were given for very good reasons. I do not propose

tonight to go into the various recommendations which might be made for the reforming of the other Chamber, because I believe that to be irrelevant to this Debate. It has been pointed out, by one hon. Member after another, that we are discussing in this Debate the powers and not the composition of the Lords. We on this side maintain—and I think that we have consistently maintained it throughout the Debate—that it is quite impossible fairly to alter or to control the powers of another place unless we have first decided on its constitution. Indeed, the criticisms which have come from hon. Members opposite have shown that they also see that great difficulty. I blame the Government very largely for this, and, in particular, the right hon. Gentleman the Leader of the House, because he was the person who encouraged this Debate to take the form it has taken and to go rambling off on to various recommendations as to the composition of another place. In my humble submission, that is not relevant to this Debate. Surely, what we have to face up to is that the powers which we would allow another place to have, would be entirely different in the case of an elected Second Chamber from what they would be in the case of a Chamber formed as it is today.

The hon. Lady the Member for Epping was a little awry in her history because it has been perfectly clearly shown in the past that many Members of another place are in favour of a great alteration in the hereditary principle. I believe that the hon. Lady even went so far as to say that the peers would actually resist any move by this House to prevent the right to sit in another place from going with a peerage. I maintain that there have been many indications that that is very far from being the case, not only here, but in another place as well.

§Mrs. Manning I do not know whether the hon. and gallant Gentleman is referring to peeresses. If he is, I would point out that I made it perfectly clear that the Committee of Privileges actually agreed to Viscountess Rhondda's petition; and if it is a question of the hereditary principle, I said that that also was agreed.

§Major Legge-Bourke I do not think the hon. Lady is really acquainted with the point I was making; I was dealing with something she said before she started dealing with peeresses. I believe I am right in saying that she said she could visualise great resistance in the event of a Bill being introduced here to separate the two rights, that of being a peer and that of sitting in another place. I think that from past records that is far from being the actual case.

There is one other aspect with which I wish to deal. It is very important that we should weigh in our minds whether or not the Preamble to the 1911 Act is, in fact, a perpetual mandate to reform the House of Lords. My view is that it is not, and I am supported in that view by the views expressed by the late Mr. Ramsay MacDonald. I believe that it is quite a reasonable argument to use if, in fact, it is put into an election address, or into an election manifesto, that it is the intention of a certain party, if it gets into power, to consider reforming another place, and to quote as the grounds for doing so the fact that the Preamble to the 1911 Act is worded in the way it is. But I hotly contest the suggestion that the Preamble to the 1911 Act is a perpetual mandate to reform another place. Even supposing, however, that my argument is wrong, surely, what it must be

judged on are the circumstances which exist at the time that this matter is raised. I believe that the party opposite have a perfectly clear mandate, and one which was expressed in "Let us Face the Future." As I remember it, it runs: We give clear warning that we will tolerate no obstructionism to the people's will by the House of Lords. In my opinion, there is a world of difference between saying, "We will not tolerate" and "We will prevent." What this Bill sets out to do is to prevent the possibility of any obstructionism taking place. That is very different in actual wording from "We will not tolerate any obstructionism." I do not want to quibble too much over words, but it seems to me that the natural assumption on reading that passage which appears in "Let us Face the Future" was that, if the House of Lords were to obstruct, the Government would then do something about it. In fact, on the Government's own admission in both Houses, there has been no obstructionism whatsoever. That very fact, to my mind, makes this Bill completely without mandate. In my opinion, the only other way in which the Government could produce this Bill with any justification whatsoever would be after having an all-party consultation on the matter with both Houses, and then, if they decided it was necessary, to introduce a Measure to alter the powers of another place. The mandate as it stands can only come into force when obstructionism has taken place. But obstructionism has not taken place, and, therefore, there is no mandate for this Bill.

I believe that if hon. Members opposite honestly face up to the mandate in "Let us Face the Future," in which they take such a pride, they will see that if they had intended in 1945 seriously to deal with the House of Lords and to introduce this Bill—I am quite certain that no hon. Member opposite could have visualised this Bill at the time of the last Election—they would have inserted in the mandate such words as, "We intend to prevent the possibility of obstructionism by the Lords arising," or other words to that effect. There seems to me to be a clear issue on which I hope hon. Members will make up their minds.

Reference to the iron and steel Bill has been made continually in this Debate. Many speakers have visualised the possibility of the iron and steel Bill being presented during this Parliament. Despite what the Prime Minister has said, it seems to me quite possible that the iron and steel Bill will not be presented during this Parliament. I, personally, am now very wary of any assurances which we get from the Government Front Bench, because they have a habit of going wrong or of changing. It is for that reason that I do not place a great deal of weight on the Prime Minister's assurance that the iron and steel Bill would be presented in this Parliament. I look upon it as an equal possibility that the iron and steel Bill will not be presented, because if the Minister for Economic Affairs has judged the matter with the ability that I know he has, then in view of his recent utterances on the excellence of the iron and steel industry and the work which it is doing, I cannot believe that there is any case whatsoever for nationalising that industry.

I think there may be other motives. Some hon. Members have said that this Bill will not present a constitutional crisis. It is quite possible that the Bill will go through without any particular public attention being drawn to it, but it is what is coming after which will be of

interest. We have to face the possibility that it is because the Government want to be able to introduce some other Bills for which they have no mandate, but which will help them to stay in office or will encourage people to vote for them at the next General Election, despite all their shortcomings in this Parliament, that They may be introducing this Bill today. In fact, it will be a stepping stone rather than a final act, in my opinion, and we should bear this point in mind very carefully.

I would like to refer to some remarks by Lord Salisbury in 1869, which, I think, summarise my own views as to what the powers of the Lords should be in this case. In a speech in the House of Lords on 17th June, 1869, he said: It may be that the House of Commons in determining the opinion of the nation is wrong, and if there are grounds for entertaining that belief it is always open to the House to insist that the nation shall be consulted and that one House without the support of the nation shall not be allowed to predominate the other. That summarises my views. The Home Secretary, perhaps, visualises the possibility of the Criminal Justice Bill causing a little bit of worry in the matter of whipping. I am prepared to take a bet with him that there are more Members of the other place whose posteriors have been given the hue of a zebra's coat than there are in this House, and I should say that they have full justification for speaking from experience. That is my conjecture, at any rate. I am very suspicious of the fact that the reasons given by the Home Secretary are so utterly different from those of the Leader of the House. It appears that on the Government Front Bench there is by no means unanimity over reasons. I have a feeling, however, that there is great unanimity in the country that this Bill is most undesirable. I shall vote for the Amendment.

§8.4 p.m.

§Mr. Bowden (Leicester, South) I listened with a great deal of interest to the speech of the right hon. Member for Woodford (Mr. Churchill), despite its many irrelevancies and the extraneous matter which he introduced in relation to unemployment figures. Running throughout the whole of that speech there was one word which kept recurring—the word "democracy." I began to wonder exactly what is meant by that word in the world today. It can truly be said that that word, which is in use in every language in the world, is one to which almost all countries give completely different meanings. The democracy of the countries of Eastern Europe with their one-party government, and often an opposition which is not allowed to voice its opinion, is one type. The democracy of America, with its Hollywood purges and its inquisitions into the political opinion in certain industries, is another. Nevertheless, I feel that in this country we are, perhaps, getting as near as is possible to the true meaning of that word.

It is beyond my imagination and political credulity to stretch the meaning of that word sufficiently to include a hereditary Second Chamber. I welcome this Bill simply because it gives us a little of the whole. It goes part of the way, and that is why I shall support it. But it certainly cannot be included as part of the democratic Constitution of this country in 1947, that we should have in existence a hereditary Second Chamber. In fact, from 1832 and the time of the Reform Bill, it is difficult to conceive how even from that early

day we should have had a hereditary Second Chamber at all. To be perfectly fair, perhaps it would be better to say that from the time the franchise was extended to all men and women at the age of 21, without property qualifications—that is the qualifying clause—there has been no case made out for a hereditary Second Chamber. I was interested to hear the Home Secretary give what, I hope, was a hint that within the life of this Parliament we shall deal with plural voting, which again I feel is as much an anachronism as the existence of the Second Chamber. I believe there is need for a revisionary Second Chamber. There is need for a higher court of legislation in this country, but not on the hereditary principle. It is because of that that I shall oppose any suggestion of a continuance of the other place as we know it today.

284 This Bill does not go far enough. It is simply toying with the job. I will accept it because it goes part of the way, but I hope the Government will face the fact that there is a great deal of opinion in this country—which Members in all quarters of the House can collect when speaking to non-political audiences in youth movements, churches, and men's and women's organisations—that the time has come when a hereditary Second Chamber should be dispensed with and should be removed from the Constitution of this country.

§8.8 p.m.

§ Sir Jocelyn Lucas (Portsmouth, South) Far from weakening the powers of the House of Lords, I would have a strengthened and reformed Upper Chamber. At the present moment, we have there a House largely composed of experts. We have the best legal brains in the country, because the Law Lords are Members of that House. We have there the best advice on Church matters, because the bishops are there, able to voice their opinions. We have the best advice on defence and Service affairs, because of the custom of giving peerages to the great war leaders, such as Lord Trenchard and Lord Portal of the Royal Air Force, Lord Alexander and Lord Montgomery of the Army, and Lord Cunningham and others of the Royal Navy. Viceroys and Governors-General, such as Lord Mountbatten, ensure Parliaments having the advice of men with an unrivalled knowledge of the Empire. Trade and industry are well represented, and the good trades union men, such as Lord Walkden, have brought to that House added knowledge of the other side of industry. Medicine is represented by such peers as Lord Horder and Lord Moran. It is true they are not elected to that Chamber by the people, but at least they can speak for themselves, and not for the object of being reported by their local newspapers, as is so often the case in this House.

It does appear to me, however, that if the peers of the United Kingdom elected their own representatives—a limited number of their own representatives—in the same way as the peers of Scotland elect their own representatives, and as, in the old days, the peers of Ireland did, then we should be able to weed out a number of the less experienced Members of the Upper Chamber and also those who do 285 not attend the House. It would enable those not elected as representative peers, and those who did not wish to be elected, to stand for this House. We have here the noble Lord the Member for

Horsham (Earl Winterton) who is an Irish peer but not a representative peer for Ireland; and he has sat here for 40 years. Again, there is the hon. Gentleman the Member for Oxford (Mr. Hogg); and had we a representative system in the Upper House he could, in those circumstances, stand again for election to this House upon the regrettable occasion of the death of his father; and he could represent Oxford City thereafter in the very able way he has done. The great hereditary political families, such as the Cecils, the Devonshires, the Stanleys, to give a few examples, would still be allowed an opportunity of taking an active part in Parliamentary service, if the peers elected their own representatives.

I feel sure that there are many on all sides of this House who would prefer a reformed House of Lords consisting of elected representatives of the hereditary peers, with the addition of life peers carefully selected for their knowledge of all walks of life, rather than the present principle of allowing peers of the United Kingdom to sit in the other House irrespective of whether they wish to do so or not. I am a firm believer in prudent reform. I must, however, vote against a Bill which is clearly introduced to facilitate the passing of Measures for which there is no mandate, a Bill for which there is no mandate, and one which may well be a disaster for this country.

§8.13 p.m.

§Mr. Gallacher (Fife, West) I want to associate myself with the speech made last night by the hon. Member for South Ayrshire (Mr. Emrys Hughes), particularly with the earlier part of it, where the hon. Member described the attitude of the Labour leaders on the question of the reform of the House of Lords 36 years ago. I, like my hon. Friend the Member for Dumbarton Burghs (Mr. Kirkwood), was in that campaign at that time and taking the line of the Labour leaders. The Leader of the Opposition today said, in reference to one of his own quotations, that it represented the line of his then party, the Liberal Party. There was no deviation on his part, he said. Not at that time; but there has been plenty since. But we can also say that there was no deviation on the part of the Leader of the House 36 years ago. He also, with his leaders, was for a single Chamber; and so were any of those now on the Government Front Bench who were then active in the movement of that time.

I was interested in the torrent of propaganda which poured out from the Leader of the Opposition—very questionable and unreliable propaganda. I was interested in the statement he made about the campaign at that time, and the difference between the situation now and the situation then. At that time, the campaign for the reform of the House of Lords went sweeping through the country like a tornado. There was terrific feeling in every part of the country on the question of the reform of the House of Lords. The Liberals, way back prior to that time, had a slogan which was very much in use: "Mend'em or end'em" and the general desire was to end it, to finish it altogether. It is a pity they did not do the job at that time. As a matter of fact, the campaign against the House of Lords at that time aroused so much feeling because the House of Lords had blocked what was considered to be a very important Measure—the Big Budget. The Big

Budget was supposed to deal a devastating blow at the landlords of this country, and was to end the poverty and misery of the masses in this country. That was the story we were told at the time.

My hon. and learned Friend the Member for East Leicester (Mr. Donovan) has said—and I do not doubt that many others would confirm it—that he has received not one letter from a constituent on the question of the reform of the House of Lords. Since this Bill was mentioned in the King's Speech my hon. and learned Friend has not received a letter on the subject from anybody. They write about tobacco, of course. And here I should like to warn the Chancellor to be very careful tomorrow on the question of tobacco; let him be careful on other things as well, but particularly tobacco. My hon. and learned Friend said he gets letters about tobacco, about the basic petrol ration, about this or that, but not a word about the reform of the House of Lords. On this occasion, now that these proposals have come forward, they have fallen into the pool with the lightness of a feather, and one would need a micro-287scope to see the slightest ripple on the surface of the water.

Now, why is that? The trouble on the first occasion, in 1911, was that the people were roused because they believed the House of Lords was blocking an important Measure designed in their interests. Indeed, the issue was actually being used by the Liberals at that time in order to divert the attention of the people from the fact that the Big Budget was a big bluff, and that, in fact, there was nothing for the people in anything they were doing. They were using the House of Lords issue to divert the attention of the people from the real fight. But in this case—and this is the only thing I can see in favour of this Bill—it is not the Bill which is important; it is not the issue of the House of Lords which is important, as it was for the Liberals 36 years ago when there was nothing behind it. What concerns the party opposite is not this Bill but, as the hon. and gallant Member for the Isle of Ely (Major Legge-Bourke) said, "What is coming after it." That is what is concerning them, and that is the important thing about it. There was no substance behind the campaign 36 years ago; there was no intention of carrying out any serious reform. But today there is some substance behind what is being done at the present time, and that is what concerns hon. Members opposite.

Today, we hear hon. Members opposite coming forward, as they have done in the past, and saying that they are so anxious to throw over the hereditary principle. They have been fighting to maintain the hereditary principle in this country generation after generation, yet now they say, "Oh, we are not concerned about the hereditary principle." Are they not? Will they apply the removal of the hereditary principle all around, from top to bottom? Will they? No, I do not think they will. But always, when they are faced with an attack of any kind, when they feel the people are likely to rise against them, they are prepared to make all kinds of concessions. As Tolstoy said, "The wealthy will do anything for the poor but get off their backs." So it is with the crowd opposite; when there is any proposal for dealing with such an anachronism as the House of Lords they are ready to do anything but give up the Second Chamber, and what the Second Chamber

means to them—the possibility 288of holding back the progress of the people of this country.

A Member for one of the Universities said that we must all agree that a Second Chamber, however constituted, must have the power of real delay. I never heard anything like that in all my life. I do not consider that the House of Lords should have any powers of delay of any kind. I cannot see the argument for a one year's delay as against a two years' delay, because, with a two-year delay, the House of Lords can block any legislation that is put forward in the last two years of a Parliament, but a situation may arise in the last year where it is absolutely essential, in the interests of the people, that a Bill should be pushed through. In that case, even one year's delay is going to prevent such a Bill going through, which may do incalculable harm to the economy of the country and the welfare of the people. If there is to be a real power of delay, it can only mean that the other Chamber should have the right to stop any Bills until there has been a General Election. Could anyone tolerate such a proposition as that? That is the real power of delay for which the hon. Member is asking.

If the Second Chamber are not to have that real power at the beginning of a Session, then they should not have it at the end. I cannot possibly support a proposition to give the House of Lords powers of any kind. Since my early days, I have always campaigned for the abolition of the House of Lords, and I take my stand on that principle. I stand for one democratic Chamber, without any hereditary Second Chamber. There are many propositions which are being put forward in regard to the make-up of a Second Chamber, and each is as fantastic as the other. There is some talk about bringing in all the technicians, and all the religious leaders. I remember that Laurie Anderson, one of the street-corner lads, who was an old comrade of mine, used to tell the story of a fellow who died and went down to the brimstone factory. He saw the big chief—the "Leader of the House"—who asked him what was his religion. "I am Church of England" he said. "Well, get into the cage over there," was the order. Later on, another fellow came down, and was asked the same question. He said, "I am a Roman Catholic;" "Well, you get into that 289cage," he was told. Another fellow said that he was Church of Scotland, and he was told to get in the cage on the right. Presently, a nondescript sort of fellow came down, and he said, when asked his religion, "I have no religion." "What, no religion?" exclaimed the chief. "No," he answered, "No religion." "Well," said the chief, "you can knock about where you like, because you won't quarrel with anyone." Just imagine such a crowd in the House of Lords. It will not do.

There is no justification, according to any democratic principle, for a Second Chamber. Either a Second Chamber has powers, or it has no powers. If it has no powers, it is no use, and if it has powers, they must be to stop progress being made by this House. The hon. and learned Gentleman the Member for East Leicester (Mr. Donovan) asks what virtues there are in the two years, more than in one year. I do not know why such a term is used in connection with such a Chamber. Many references have been made tonight to the hon. Member for Oxford (Mr. Hogg). I remember, some years ago, that the hon.

Member's respected parent and I were in conflict, as a result of which I went to Wandsworth Gaol. Shortly after, his father went to the House of Lords. I would never allow anyone to say that he went into better company than I did. I would never admit that there is any virtue in two years, or in one year; I will not admit any virtue whatever in the House of Lords as a Second Chamber. I suggest that the Government should, at the earliest date, take their courage in both hands, and carry out what leaders of the Labour movement have always stood for in the years gone by—the abolition of the Second Chamber. This Chamber is quite capable of doing the job that requires to be done.

§8.26 p.m.

§Mr. Thornton-Kemsley (Aberdeen and Kincardine, Western) It has been interesting to hear the solitary voice of the Communist Party in alliance with with hon. Member for South Ayrshire (Mr. Emrys Hughes), in their respect for the doctrine of Single-Chamber Government in this country. The hon. Member for West Fife (Mr. Gallacher) says that there is no justification, by any democratic principle, for a Second Chamber. I hope I am quoting him correctly, lie-cause it was rather difficult, in the mirth which his outburst excited, to take down his exact words. I do not believe that the functions of a Second Chamber in this country have anywhere been better defined than they were in the letter which Lord Bryce sent to the Prime Minister of the day, in 1918, embodying what was, in effect, the report of the Conference on the reform of the Second Chamber. I hope the hon. Member for West Fife will allow me to remind him, quite briefly, of the four salient features which were advanced in favour of a Second Chamber, and not necessarily a hereditary Second Chamber. First of all, the Second Chamber is of value in the examination and revision of Bills brought from the House of Commons. The Lord President quoted a passage on this point from Walter Bagehot, and I would like to quote another: The greatest defect of the House of Commons is that it has no leisure—a life of distracting routine. ... The whole scene is so encumbered with changing business that it is hard to keep your head in it. Many of us who have been the toads under the harrow of the Lord President's confusion of thought—that the worth of a Government can be measured by the quantity of its legislation, instead of, as we think, by the quality of its administration—cordially agree with that sentiment. Secondly, Lord Bryce says that the value of a Second Chamber is that it can initiate Bills of a comparatively non-controversial character. Thirdly, and this is so important that I would remind the House of the exact words: 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. Fourthly, and finally, he says that its purpose is full and free discussion of large and important questions at the moment that the House of Commons may happen to be so much occupied that it cannot find time for them. The Bill which we have before us this evening deals with only one of these four functions—the adjustment of differences between the two Houses. It deals with this without adequate examination. For example, the Bryce proposals go into some detail as to what should happen if there is a conflict of opinion between the two Houses, and the conclusion to which it comes is that there ought to be a free conference. If there is a

Bill rejected by either House, that Bill should be referred to a free conference of both Houses, comprising 20 Members of each House appointed at the beginning of every Parliament by the appropriate body of selection, and ten Members of each House added by the Committee of Selection in each case, in respect of the Bill referred. The object of this free conference of 60 Members would be to adjust differences between the two Houses and report back. I am not here tonight to say that the free conference is the best method of settling differences between the two Houses. The point I want to make is that this is an alternative way. We have been given no indication that it has been considered, and we are given this Bill to deal with this very limited aspect of the reform of the Second Chamber.

I have regretted for a long time that the House of Lords resisted the proposal of Lord Palmerston's first Administration to create life peers. I have regretted that the Labour Party in 1927, and again in 1933, as we were reminded yesterday in the speech of right hon. and learned Friend the Member for West Derby (Sir D. Maxwell Fyfe), resisted proposals for reform which were made in another place, in the first instance, on the initiative of Lord Fitzalan, and, in the second instance, on the initiative of the late Marquess of Salisbury.

Thirdly, I regret—I may be alone in this regard but I think that I ought to say it—that my own party did not see its ways to introduce a reform Bill at some time between the two wars. I would like to have seen that done. I was not here for much of that period, so I cannot say, at first hand, that it could have been done, but I cannot help regretting it was not. I agree with the right hon. and learned Member for West Derby that the only way to deal with a constitutional issue of this magnitude—the reform of the Second Chamber—is by agreement. My right hon. and learned Friend proposed an all-party committee. I go further. I ask the Government to consider the possibility, even now, of moving for the appointment of a Royal Commission. I believe that course, if I may say so with great respect, will help the Prime Minister out of what must be for him a very difficult situation. He must, if he is an honest man, and I do not for one moment believe that he is not, know that to say that the Government has a mandate to reform the House of Lords is sheer rubbish.

I am not sure if he was present when the Senior Burgess for Cambridge University (Mr. Pickthorn), about this time last night in this Chamber, completely demolished any suggestion that there could be a mandate for the reform of the Second Chamber—a mandate, said the Lord President, to take steps to prevent obstruction. How? Because they gave due notice, he said, in "Let us Face the Future," that they would not tolerate any obstruction of the people's will. The hon. and learned Member for East Leicester (Mr. Donovan) said that even if there were no mandate that would not in his view necessarily rule out the wisdom of the Government taking this action at this time. The Government today is elected to govern—I do not suppose any of us would dispute that—and, therefore, it would be within their rights, he said, to bring forward any Measure that they thought was necessary. One would say that might be true of certain Measures, but

not of a Measure which raises great Constitutional issues. I say that ought not to be done without a specific mandate and the approval of the people to that mandate.

I believe that the proposals which have been made do, in fact, divide the country. I quite agree that there is no great excitement in our constituencies about this matter, but it does divide those who think about these things one from another in a very important way. I was very sorry—I must say this in his presence tonight—as a Scottish Member to have listened to the speech of the hon. Member for South Ayrshire. I should like to remind the House of what he said, because I think it ought to be repudiated by another Scottish Member as soon as possible. This is what he said: I hold no brief for the Archbishop of Canterbury or the Archbishop of York. They have no say as far as Scotland is concerned—thank God for that. They represent what our best Scottish historian, Thomas Carlyle, described as 'That great lying Church of England' and their present protestations show that they are living up to type."—[OFFICIAL REPORT, 10th November, 1947; Vol. 444, c. 139.] I think it right that a Scottish Member should say that that kind of sentiment, 293in his view at least, and I believe in the view of the majority of Scottish Members of all parties, belonging to all churches, would be against that sort of irresponsible and wrong-minded statement in the British House of Commons. I should like the hon. Member for South Ayrshire to consider what these reactionary Archbishops said. All they were asking for was national unity at a time of deep and ever-deepening crisis in this country. They ask for exactly the same type of thing as the Minister for Economic Affairs asked for over a week ago in a speech which must have awakened many echoes in all parts of the House.

It is not for me to represent or to try to interpret what the Archbishops said much better than I could say it, but what a lot of us feel is that the British Constitution does not belong to the Labour Party. It does not belong to any political party. It is the proud inheritance of every man and woman of the British race. It is in trust with us for those who will come after us. Its strength and its shining virtue is that it rests upon the consent of the people and it cannot lightly be changed. It should, indeed, be changed only by general consent, after mature consideration. This Measure has not had that. There is no mandate for it, no justification, and no excuse save that of mere expediency. I beg the Prime Minister, even at this eleventh hour, to save the Government from itself. Let us seek the appointment of a Royal Commission so that together, and fortified by the best available opinion, we may embark in due course upon the thorny path of constitutional reform.

§8.41 p.m.

§Mr. Awbery (Bristol, Central) The Leader of the Opposition came down to the House this afternoon and made a speech with which he created heat, interest and enthusiasm. It is apparent that during the last two hours those three have entirely vanished from the Benches opposite. I have noticed that the number of hon. Members there has been five or six for the last two hours. We are discussing a rather important subject, yet the number present has been very small.

I was interested in the argument put up by Members representing the Liberal Party. One of my earliest recollections of the political movement was the cry, the slogan, "End or Mend the House of 294Lords." They have told us today that because we are not prepared to bring in a Bill fundamentally to reorganise the House of Lords they are not prepared to support us. If they cannot get it all, they will not take a bit, so they are going to vote against the Government on this important Bill, which they initiated in 1911. I listened also with a great deal of interest to the speech made by the Member for the Opposition. [HON. MEMBERS: "Who is that?"] The champion—[HON. MEMBERS: "Which one?"]. The Leader of the Opposition, the one who championed the Parliament Act and the cry in 1911 of "End or Mend the House of Lords." I will make a quotation in a moment from one of his speeches.

As I listened to his speech I thought I had heard that voice before. [Laughter.] Wait a moment. We heard him as Deputy Leader of the Liberal Party. We heard him in 1926, leading against the general strike. We heard him when he was outlawed by the Tory Party in this House. We heard him as Leader of the Opposition, and we have heard him as a magnificent leader of this country during the war. His speech today was neither for nor against the Bill. It was entirely a propaganda speech intended for the country and not for or against the Bill. It was the usual criticism of a Labour Government. There was not a word about the nation's difficulties and the great task that lies before us of trying to get out of them. He made statements which were as inaccurate as they were irrelevant regarding unemployment.

I want to say one word on this question in order that the figures may be put right. The average unemployment in this country between 1919 and 1928 was 1,250,000. In June, 1921, two years after the last war—we are now in a similar period, two years after the recent war there were 2,500,000 unemployed workers, which represented 22 per cent. of the insured workers. That was two years before the first Labour Government came into office.

§Mr. Kirkwood Lloyd George was in control.

§Mr. Awbery At the same time, although there is less unemployment in this country than ever before, there are more people employed in our workshops and factories than we have ever had in our history.

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§Vice-Admiral Taylor (Paddington, South) How many unemployed were there under the Socialist Government in 1930? Give the figures to the House.

§Mr. Awbery The figures are available for the hon. and gallant Member—[Interruption.]

§Mr. Deputy-Speaker Order.

§Mr. Eden We cannot all speak at once.

§Mr. Awbery I want to say one word about the House of Lords. Many of us on this side would have been more enthusiastic if the Government had brought in a Bill to follow up the slogan of the Liberal Party in 1911. The Tories brought in a joint scheme in order to reorganise the House of Lords after an inquiry in 1927, and I believe that would be

preferable to this Bill. This Bill does not go far enough. I am convinced, not only from the letters I have received, but from the people in the street to whom I have spoken, that the whole of the country is behind us in reducing the power of the House of Lords. The most recent figures I have regarding the composition of the House of Lords are 20 years old: 489 were Tories, 88 Liberals and 122 undefined but not Labour, making a total at that time of 700 Members. I quite understand a case being put up by the Tory Party for the retention of that House and its power because it is a fortress of Toryism and reaction and has always been. I want to answer the case of the other House with an opinion other than my own. Disraeli, the great leader of the Tory Party said: We owe the English peerage to three sources—the spoliation of the church, the open and flagrant abuse of honours and the borough mongering of our own kind. These are the three main sources of the existing peerage of England, and, in my opinion, disgraceful ones.

§Mr. Eden That was Disraeli before he became a peer.

§Mr. Awbery Probably like some people who were Liberals and then became Tories. Mr. Joseph Chamberlain said this before he became a Tory: During the last 100 years the House of Lords has never contributed one iota to popular liberties or popular freedom or done anything to advance the common weal; and during that time it has protected every abuse and sheltered every privilege. 296He continues: Are the Lords to dictate to us, the people of England ... the laws which we shall make and the way in which we shall bring them in? Are you going to be governed by yourselves?

§Vice-Admiral Taylor What is the date of that?

§Mr. Awbery This is available for the hon. and gallant Member in the Library. It was made in 1909. And another statement was made: When you hear it said that all the House of Lords wish to do is to ascertain the true will of the people, do not be deceived by that. You will find, I expect, nothing they will like less, they do not wish to ascertain the true will of the people. That was said by the right hon. Member for Woodford (Mr. Churchill) in 1909. We have been discussing the hereditary peerage. I am not so much concerned with that—[An HON. MEMBER: "Why not?"] Because I am concerned about something more important, how they bought their positions in the House of Lords. This House is democratically elected by this nation to conduct the business of the nation. The House of Lords is not. Of the other House, the "Daily Mail" said this: The charge against Mr. Lloyd George is that he recruited the funds of his party through the bestowal of honours. The reply is that the Conservative Party has done and is doing the same thing. We have called upon the Conservative Party to allow a searching independent investigation into its financial affairs during the last five years. The inquiry will reveal striking instances of the conferment of honours on men who have made large contributions to the Conservative Party funds. This House has a Bill before it to curtail the activities of those who have purchased their honours. Certainly there are men in the Second Chamber who have made their contribution from their experience, but there are other men who have got there because they made a contribution to the party funds. In fact, the statement was made in South Wales by a noble Lord that one of his friends received an honour from his party and was paying for it on the instalment system. Lord Rhondda made the statement in 1912. It was being paid for on the instalment system,

but the man died and his executors refused to pay the amount owing because, they said, they had no further use for the title.

§8.54 p.m.

§Mr. Eden (Warwick and Leamington) I think we have all—I certainly have— 297enjoyed immensely the speech of the hon. Member for Central Bristol (Mr. Awbery). It shows how wide it is possible to range on this attractive topic. There is one consolation I can offer the hon. Member. He was explaining to us at great length what happens about the purchase of honours, and how some people do not pay the instalments. Well, as he and I have never got a political honour, we have never been asked to pay an instalment and to that extent, at least, we have a source of mutual comfort. When I heard him belabouring, with quotations culled from the great men of the past, the iniquities of the hereditary system, I felt that perhaps he had not noticed that this Bill has nothing whatever to do with the hereditary system.

§Mr. Awbery I did not say anything about the hereditary system.

§Mr. Eden The hon. Member read out a series of most severe condemnatory phrases about the House of Lords, which, it may have escaped his notice, is so far hereditary. Am I right? I say that he is condemning a principle with which this Bill does not deal at all. On that matter I shall have a word or two to say in a few minutes.

We are drawing to the end of a two days' Debate which was opened by the Lord President of the Council yesterday, and it will be appropriate if I begin by making one or two remarks on the Lord President's speech. His particular argument about this Bill was the need he felt, and I am sure he felt it or he would not have said so, to prevent a constitutional crisis. Like the right hon. Gentleman, I have been the Leader of the House of Commons, and I can quite understand that instinctive concern to prevent a constitutional crisis arising, for that is the last thing which a Leader of the House, who wants a smooth passage for Business, ever wants to see. I would have understood, and even supported, the right hon. Gentleman's anxiety if anything during these last two years had given a shred of evidence to show that there was the least danger of likelihood that the action of the House of Lords would create any kind of constitutional crisis. I could not help feeling, as the right hon. Gentleman worked himself up to this part of his case, that he was just putting up an Aunt Sally for the fun of knocking it down, or perhaps it would be 298fairer to say for the fun of trying to knock it down, and I hope he enjoyed that.

It is generally accepted by all Members of this House, wherever they sit, that the House of Lords have not been obstructive. Does anyone deny that? I never thought they would be, because the curious thing in that respect, as in so many other respects, is that the House of Lords is a typically British institution. It is no use the hon. Gentleman opposite shaking his head. He had better read the speeches of Members of his own Government. They have all said it. It adapts itself, as British institutions have a habit of doing, to the tempo of the times. I say to the Prime Minister 10-night, deliberately, that in the words of his own "Let Us Face The Future," the Government have not got a mandate for this Bill. The right hon. Gentleman told the country, and I do not complain of it, that if his party

had a majority, and there was obstruction from another place, the Government would not tolerate it. There has been no obstruction. The right hon. Gentleman does not deny that. The right hon. Gentleman the Lord President said that there might be obstruction. Is that a new Parliamentary doctrine, a sort of general preventive arrest lest anything should happen, in which case I do not know where any of us find ourselves? It is not at all a doctrine which smacks of the ordinary creed of the Prime Minister, but if it is not a preventive arrest, why is this being done?

I say to the Prime Minister—I believe he knows it to be true in a much wider sense—that he has no mandate for this Bill at all. It is not an issue today upon which there is any vestige of popular support. I ask hon. Gentlemen who go round their constituencies, is there anywhere any indignation, real or simulated, about the way in which the House of Lords have used their powers in the last two years? We know perfectly well that there is none at all.

I have here a quotation, not from a Tory newspaper, because I would never quote that in this House, but from a newspaper which, in the early days of the life of this Government, gave it the most ardent support—more ardent, indeed, than the great "Daily Herald." I refer to the "News Chronicle"—[Interruption.]—Do not spurn all your supporters or there 299 will be none left. I was horrified to hear the Lord President turn down the "New Statesman" yesterday. It is very serious. It is the only weekly which the party opposite have left. If hon. Members start turning down the "News Chronicle" I shall be really apprehensive. They cannot hold the Press by turning them down every day. The "News Chronicle" is a great friend of theirs. Listen to what they say: Here the Government are inviting trouble. They cannot put the Upper House on trial, for the Lords have done nothing which can be charged against them. All the world knows that their work since Labour came to power has been concerned with wise and singularly unpolemical amendment to very hasty legislation. I say to the Lord President, "Please note." The quotation goes on: By thus brawling with phantoms the Labour Ministers may find that they have arraigned themselves before the bar of public opinion. In attacking imaginary abuses, they may find themselves called upon to defend their own competence, to cope with the national problems which are real. How very well said by a newspaper that does not always agree with the Tory Party.

No one has been more eloquent in support of the work done by the House of Lords than the Members of the Government themselves. There are many quotations which I could give from speeches by Ministers. I do not want to repeat them. I am going to quote only one because to me the name is attractive. I hope that the Lord President of the Council will regard it as deep calling unto deep. It is Lord Morrison in another place. One never knows what may happen. I ask the right hon. Gentleman to take heed. Fate plays strange pranks with us sometimes. This is what Lord Morrison had to say on 31st July last: After many strenuous days and sleepless nights in another place, an abnormally large number of Bills came to your Lordships' House. I must admit that the reasonable consideration given to these Measures in your Lordships' House, and the alterations

made therein appealed to me very much ..."— That is to say, they appeal to Lord Morrison— Indeed, I think the majority of the Bills which came to your Lordships' House returned to another place in an improved condition. That was said by Lord Morrison. The Lord President of the Council should have 300a friendly feeling for that quotation. I would say to the Prime Minister when he talks about the mandate for this Bill, that at the last Election I think his party secured about 11 million votes. Anybody can make their own estimate, but I would say that not a score of those who voted for the Government thought that they were going to introduce legislation to curtail the powers of the House of Lords. I do not believe that it was an issue in any of the speeches or election addresses of hon. Gentlemen opposite. [Interruption.] Well, all right. I say that, as far as I am aware, the matter was not an issue at all; and neither is it an issue now.

The people are worried about much graver problems than this. If the Prime Minister could tell us tonight, "There is a situation of growing tension between us and the House of Lords. Here is the gravest economic crisis we have ever known. I, the Prime Minister, as head of a Socialist Government, want to pass this, that and the other Measure and the other place will not let me"—if the Prime Minister said that, I could understand his demand for this Bill. I could understand that, but there is no issue of that kind at all. There is no issue in which the Government wish to do something in connection with the economic crisis which another place prevents them from doing. I think myself that the Government do not do anything about the economic crisis at all. Hon. Gentlemen opposite have addressed a number of meetings in the country during the last month, and so have we. When one is in Opposition, one has more time to do this than when in office, and I have myself addressed meetings and have been asked hundreds of questions about all sorts of things. I have been asked about food, and, no doubt, I shall be asked about potatoes.

Those are not the only things about which I have been asked. I have been asked about houses, where they were and why the Government were not building them. [Interruption.] Oh, yes, I have. I have been asked about clothes, I have been asked about the basic petrol ration, and so have all hon. Members in all parts of the House been asked scores of questions about all sorts of things. I have never had one question about the House of Lords. Has any Minister been 301asked that? [HON. MEMBERS: "Yes."] Well, what answer did they give them?

I would make another criticism of this Measure. I would ask the Prime Minister himself to consider what to me is a very objectionable aspect of this Measure—that it once more embodies this practice of retrospective legislation. I think that all parties—I do not care of what political view—ought to be on their guard against this. I know that in wartime, when the Prime Minister and I were in the same Government, we used it, but it is most objectionable to make that kind of legislation permanent in time of peace.

I want to deal now with something which the right hon. Gentleman said in his speech and which has been discussed a good deal in this Debate, and that is the question of the

effect that this reduction of a year will have on actual legislation. I think my right hon. and learned Friend the Member for West Derby (Sir D. Maxwell Fyfe) dealt with that very effectively. It is the length of the delay which now remains for public opinion to crystallise on any issue, should this Bill be passed into law, and it seems to me a very important aspect of what we are discussing. The hon. and learned Member for East Leicester (Mr. Donovan), in a well-argued speech, made certain calculations of his own, and I do not quarrel with them. With these calculations, the hon. and learned Gentleman showed that there might be six months from the moment when a Bill became an issue between the two Houses, up to the time when it received the Royal Assent as a result of the final approval of this House. This six months would be all the time which the nation would have to consider the matter.

I want to put this quite fairly. It is quite true that the period from the date on which the Bill is introduced into this House is longer than that, but I submit to the House that the period when it becomes an issue before the country is the period at which it becomes an issue between the two Houses, and that, under the existing Parliament Act, is admittedly 18 months, but, under this Bill, that period becomes six months. I say to the Prime Minister that that period is altogether too short, on any submission or on any argument.

I come now to another argument. There are some hon. Members who have spoken 302 in this Debate—and all kinds of points of view have been expressed—who clearly were against any Second Chamber of any kind. The hon. Member for South AYR shire (Mr. Emrys Hughes), whose speech I have here, is one of these. Of course, it is a point of view that has existed in every country, a point of view that is being made very vocally at the present time by the Communists in France. Those who take that view are against any hereditary peers or, indeed, any live peers, or any form of Second Chamber. They remind me, if I may say so, of a doggerel I used to hear in my childhood about murderers and their habits, which I must paraphrase to meet the present situation. It runs something like this: They slit his throat from ear to ear, His brains they battered in; His name was any god-dam peer, They swore they'd do him in. That is a perfectly possible and legitimate point of view towards another place. It is not the point of view of most hon. Members opposite, but it is, at least, a point of view which is intelligent.

But there is a second category which seems to be a much larger category at the moment. Judging by the speech of the Home Secretary, and of others on the Front Bench opposite and on the Benches behind, there are those who believe that there should be a Second Chamber, but who are not content with its composition as it is today. Let us have a look at it. I do not deny that there is room for an issue in connection with the composition of the House of Lords; but it is essentially not an issue about its powers; it is an issue about its composition. I put this to the right hon. Gentleman the Lord President: if there were today on his side of the House a general acceptance about the composition of the Second Chamber, there would not really be any argument at all—

§Mr. H. Morrison I want to make it perfectly clear to the right hon. Gentleman that, whatever is done about the composition of the House of Lords, it is our view that the extent and the degree of its power are the first things to deal with, and that is what we are doing.

§Mr. Eden Then I say to the right hon. Gentleman that he is running absolutely counter to all other experience in dealing with the Second Chamber, as I will show in a minute. I think there is a case to be made out about the composition of the hereditary Chamber, but there is no case for assuming that a Second Chamber when reconstructed, is going to be so ineffective as the right hon. Gentleman wants it to be. I think it would be most unfortunate if events so turned out, and I am going to show him some examples from very recent history in our own Empire, of what I mean. Let us consider for a moment the question of composition, because it does bear on our discussions. I know that it is a very complex question; I have sat on some of the committees which examined the composition of the House of Lords a great many years ago. But I am equally certain that if we want to—and I suppose that even the right hon. Gentleman would wish to—resolve at some time the problem of the composition, as opposed to the powers of the Second Chamber, we will never really do that successfully unless we have an all-party agreement. The right hon. Gentleman the Prime Minister made the point quite fairly the other day when he asked why, during all the time that we were in power, we did not attempt to do it. I will give the right hon. Gentleman my answer.

§Mr. H. Morrison The party opposite did not know what to do.

§Mr. Eden I will put it a little more politely, and I will give two reasons why we did not do it. The first was that, so far as I am concerned—and I speak for myself—that particular problem never seemed to me a desperately urgent one. [Laughter.] I hoped I would get that reaction; it was just what I was looking for.

§Mr. H. Hynd (Hackney, Central) It was because the right hon. Gentleman had a single-Chamber Government.

§Mr. Eden Of course, I understand the hon. Gentleman—because the House of Lords had a Tory majority. It was because I was absolutely convinced that the House of Lords as the Second Chamber would adapt itself to whatever the political situation of this Chamber happened to be. That is why. Was I not right? What is the right hon. Gentleman complaining about? The House of Lords have not taken action in respect of this Government different from that which they have taken in respect of the Government of which I was a Member—[Interruption.] I cannot pick out of that muddle any coherent argument; if so, I would reply to it. I did not believe that if there was a Socialist Government the House of Lords would so abuse their powers as to create a constitutional challenge, and they have not done so. What has happened is that the Lord President of the Council creates this boggy because he is so worried about other things, and wants people to forget them.

The right hon. Gentleman said that we never made any attempt to handle this. We have made attempts to handle it, but on every single attempt that we have made we have been opposed by hon. Members opposite. I heard with amazement the speech of the hon. Member for Central Bristol who expressed approval of certain proposals for the

reform of the House of Lords made in 1927. I remember that very well, and probably the Prime Minister remembers it. I remember something else—the then leader of the Labour Party coming to the House and saying that in no circumstances had the House the slightest right to discuss the reform of that Chamber. He claimed that these reforms were brought in by the House of Lords to reform themselves. Yet here the hon. Member for Central Bristol complains that we did not carry out those proposals. What was the use of asking us to carry out those proposals against the wish of the then leader of the Labour Party?

§Mr. H. Morrison Had he the power of veto?

§Mr. Eden The right hon. Gentleman is not being quite reasonable, even for him. The hon. Gentleman objected to us for not proceeding with the reforms of 1927, and I was reminding the right hon. Gentleman that the Labour leader of that day moved a Vote of Censure on the House of Lords for having raised the subject at all, and I told him we were right in not trying to proceed without seeking some form of unity on the constitutional issue, as he would have been well advised to do instead of trying to use this issue to cloud his failure on every other issue.

I believe there is a case for a Second Chamber. I think it is indispensable. In most democratic countries today they have 305a Second Chamber. The argument is overwhelming, and what we have experienced in this House in the last two years of the spate of legislation makes a Second Chamber far more necessary than in the days gone by. This afternoon the Home Secretary said that that was all right, but that what was wanted was political equality, where his party would have an equal chance. Of course there is a case for that, and we on these benches say there is a case for that. But that is a case for altering the composition of the Second Chamber, not for changing its powers.

May I give the Prime Minister a word of warning? Supposing we did happen to have a Second Chamber with a closer balance of parties than there is today, does the Prime Minister think that it necessarily follows that that Second Chamber would be more subservient to the views of this House than is the present hereditary Chamber? Earlier tonight we had a very sincere speech by the hon. Member for Stoke (Mr. Ellis Smith) about the kind of Second Chamber he wanted constituted, with doctors, scientists, and all sorts of people in it, but only a small minority of the wicked politicians. Let it be argued that there is a case for that. Do not let the Government think that a Chamber of that kind will be more subservient to this House than is the present hereditary Chamber.

I would go even further and say to the Government that once they have got rid of the hereditary principle they may find the Second Chamber far less ready to pass their iron and steel Bill than even the present House of Lords. The Government would be wise to look where they are going. The hon. Lady the Member for Epping (Mrs. Manning) told the same story. She wanted all kinds of new constructions of the Second Chamber. Do not let this House have any doubt as to what the consequences of that might be. If the Prime Minister wants an example, let him look to Australia and observe what happened in Victoria. Let him look to the "Times" article yesterday which says this about the

election there: The election was forced by the Legislative Council to enable Victorian electors to express an opinion on bank nationalisation. There was no hereditary Second Chamber there. Yet they cruelly embarrassed the Government of the day and they defeated them. I think I hear the Lord President 306muttering in his rage, and I can understand it.

I would say this to the Prime Minister: The real trouble is that you simply cannot deal with this matter piecemeal. Everybody has always recognised that fact. The Parliament Act recognised it. The problems of composition and of powers are one. They cannot be kept apart. The only people who do not seem to realise that are the Government, who illogically complain about the composition of the House of Lords and then try to amend their powers. I myself do not think that this is a good time to tackle the problem because the Government ought to have their minds full trying to promote the national effort. They ought to have in mind the words of the Minister for Economic Affairs, who only the other day in this House told us: We shall find our way through to a brighter and more prosperous future all the quicker if we devote ourselves single mindedly to our country's interests."—[OFFICIAL REPORT, 23rd October, 1947; Vol. 443, c. 294.] I think that is right.

§Mr. H. Morrison Will hon. Members opposite do so?

§Mr. Eden We will. If the Government want to attack this business, let them examine it in the spirit of what the Minister for Economic Affairs said. Let them set up a proper body for this purpose. This Measure—and the Prime Minister knows it quite well—does not really satisfy anybody. It does not deal with the real issue. It creates a boggy of the House of Lords which does not really exist—a boggy of obstruction—and, at the same time, it diverts the attention of the nation from the immediate need. Perhaps that is what the Government want to do; I am beginning to think it is. They seem to be transferring their affection—particularly the Lord President—with almost indecent speed from the economic crisis, which is now the business of the Minister for Economic Affairs, to this topic which they find more alluring, on the principle, I suppose, of the popular song: If I'm not near the girl I love, I love the girl I'm near.

§Mr. Cecil Poole (Lichfield) Could the right hon. Gentleman sing it for us?

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§Mr. Eden I want to deal with one other point before I conclude. Yesterday the Lord President of the Council criticised the House of Lords for having met during our holiday. I was amazed at that criticism. He seemed to think that there had been some constitutional error. I do not accept that argument for a moment. What happened? Just before we rose, the House will remember, we passed the Supplies and Services Bill which conferred very far-reaching powers on the Government to operate by Orders in Council. Those orders would have become immediately operative, but they could not be prayed against until Parliament met. The House of Lords felt that some examination of those powers was proper.

What is wrong about that? It is quite true that the House of Lords did also suggest that there might be a Debate on the economic situation. They did. The right hon. Gentleman

said he thought that it was wrong that there should be such a Debate and they—rather tamely, I thought, I must say—accepted the right hon. Gentleman's view. Why should there not have been a Debate on the economic situation? There were all sorts of consultations going on at that time with the employers and with the T.U.C., and yet the Government were not prepared to tell the House of Lords about the economic situation. The House agreed. What is the right hon. Gentleman complaining about? I agree that if Parliament were prorogued it would be wrong—impossible—for the other House to meet; but when we are adjourned it is quite possible for one House to meet when the other is not sitting. Of course, it is. It happens frequently. We sit on Fridays and the other place does not. If they choose to meet in the holidays and we do not, it is fantastic for the right hon. Gentleman to pretend that that is a constitutional issue.

I say there is no opposition in any part of the House to the consideration of the reform of the composition of the Second Chamber so long as such reform will fit it better for the purposes of its constitutional functions. If the Government want to set up machinery to deal with that I am quite certain that all parties will do their best to work to make that result successful. But if they feel that work of that kind would distract the public mind at the present time—as well it might—from the economic crisis, I say that the same applies to this Bill which they are bringing before the House. If they think they ought not to distract the public mind, why bring in this Bill instead of concentrating on the economic crisis?

I would finally say this to the Government, and to the Prime Minister particularly. It may be that in many respects on paper the present system is not a very defensible system because we on this side of the House have a large majority in another place. We know that profoundly well. Yet, you know, Sir, the queer thing is that in this country of ours sometimes things, though not very orderly on paper, have the habit of working out pretty well. The Prime Minister knows that, too. In other countries where things are pretty good on paper they have the habit of not working out at all. I just wonder whether it is wise to create this upheaval, because we cannot really deal with a part of this problem without raising issues covering the whole of it. I doubt whether it is wise or necessary to do that at the present time. Many harsh things have been said about the House of Lords, but the queer thing is that it works, on the whole; and has worked. In the lifetime of this Parliament it has worked.

We are living, all of us now, in a shattered world where many traditions are broken. I say sincerely to the right hon. Gentleman if I were he I should leave this subject alone, unless he really feels that he can deal with it as it should be dealt with—as a whole—and present us with a plan, or discuss with us a plan. We have our sharp Parliamentary differences; and yet sometimes it happens that there are issues that are bigger than party. The future Constitution of this country—it is an unwritten Constitution—is really bigger than party. It would be good if we could deal with it on those lines, if we have to deal with it at all. I am bound to tell the right hon. Gentleman that, in my judgment, this Bill deals with a grave constitutional issue in the wrong way and at the wrong time. It is

really a fundamental lesson on statesmanship that one should not deal with a large issue in a small way. This is just niggling. It seems to be a murky and miserable little Bill, bred by dissension out of des- 309pair. It contributes absolutely nothing to the major economic perils that confront us. It cannot stimulate the nation. The Prime Minister knows that. It cannot inspire any part of the country to a greater effort than it would otherwise have made. I believe it to be the clumsiest blunder this Government have yet committed. I still hope the Prime Minister will say that what we need is, not this Bill but a consideration of the constitutional problem which exists, and no doubt there is much contribution that could be made. But to this Bill we must offer unshakeable opposition, and I trust that the House will overwhelmingly support our Amendment.

§9.30 p.m.

§The Prime Minister (Mr. Attlee) We have had from the right hon. Member for Warwick and Leamington (Mr. Eden) an extremely reasonable, good-tempered speech which was in marked contrast to the speech delivered earlier in the day by the Leader of the Opposition, and it was very welcome. The right hon. Gentleman said that we were discussing a matter of high constitutional importance, and we have been told by other hon. Members that this is a matter of very great constitutional importance. Yet, except during the speech of the right hon. Gentleman, the opening speeches and the intervention of the Leader of the Opposition, the general aspect of the benches in the House, and particularly the benches opposite, has been like the end of a rather dull Adjournment Debate at about half-past ten at night. Not that I expect to see the benches thronged with Members—

§Mr. Baxter This Debate has gone on for a long time, and the Prime Minister was not here during the Debate.

§The Prime Minister Whenever I have been here there has been a very scanty attendance; and I have had reports from my colleagues on the Front Bench that there has been a very scanty attendance all through. I do not make a great point of it, except to say that this is not—as represented, as far as I can make out, in the point of view of hon. Members opposite—a matter of vast constitutional importance. In fact, the right hon. Gentleman ended up by saying that this was a small, niggling Bill.

§Mr. Eden A miserable Bill.

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§The Prime Minister Well, they cannot have it both ways. The fact is, the Opposition have not made up their minds about this Bill. With characteristic impulsiveness, the Leader of the Opposition at once dashed in with a violent objects on to this Bill, and hon. and right hon. Gentlemen opposite have been compelled to follow suit. We have been accused of drawing a red herring—

§Mr. Walter Fletcher (Bury) Not yet rationed—

§Mr. Speaker These interruptions are not merely unmannerly, but they are not very dignified for Parliament. During the speech of the Leader of the Opposition I did ask that he might have a quiet hearing. Surely, the Opposition might give the Prime Minister a quiet hearing, too?

§The Prime Minister It has been said that we are introducing this Bill in order to draw attention away from our alleged shortcomings. If this were so and if this were our intention, surely the obvious tactics would have been to have tried to raise a first-class row with the House of Lords on some particular issue. That was the method employed in the 1906 Parliament, known as "filling up the cup"; things were sent up to the House of Lords to get them thrown out in order to make a case in the country. But we, on the contrary, instead of waiting to have a controversy with the House of Lords, have tried to prevent any constitutional difficulty by meeting the matter before it arises. The obvious thing, if we had wanted to stage the thing for electoral ends, would have been to create a first-class row on something or other, and to have gone to the country with the cry of Lords against the Commons.

If hon. Members opposite do not want to have a constitutional controversy, all they have got to say is that this is a very simple little amendment, and they accept it. The fact of the matter is that they have not made up their minds what to do. This is only an example of up-to-date wisdom of dealing with matters. We do not wait today for a disease to break out, but try to cure it in advance. I know that hon. Members say "Ah, you have had no trouble for two years." [An HON. MEMBER: "For 36 years."] Really, the hon. Member who made that interjection does not do himself justice, because he knows perfectly well that, except for two brief 311intervals, for 36 years there has always been a majority in this House of a Conservative complexion. That is why the matter has never arisen, and this is the first time that it was likely to arise. We have been carrying on for two years under the protection of the Parliament Act, and that protection is very, very limited in time for any Government except a Conservative Government. We are entitled, therefore, to look ahead, and we are entitled to take up this matter, not as a matter of abstract discussion, but as a very practical problem which faces any Government of the Left; and the right hon. Gentleman, the Leader of the Opposition, if he had remained on the Left, would have been facing exactly the same thing today.

I thought that the right hon. Gentle man was in very good form this afternoon. I think, perhaps, it was a pity that he never referred to the Bill. I think it was a little unfortunate that the only time when he strayed into the realm of fact, he was wrong; but, as a matter of fact, on that little point of unemployment, the record figure of unemployment for August, 1932, and the year 1933, was not in the time of the Labour Government, but in the time of the Government that succeeded it. In the course of his speech, he was at pains to denounce the present Government, and the Members of it, in major terms. I do not complain, but it is really common form on the part of the right hon. Gentleman.

During the present century, it has been the custom of the right hon. Gentleman to use very similar terms of abuse about other Governments, admittedly not a large number, of which he has not happened to be a Member. He devoted a considerable amount of abuse to Mr. Balfour's Government. He described it as a "scandal and an offence against representative government." He took a similar view of the Baldwin Government in 1923, and he expressed it in fighting a by-election against it. He had little use for the MacDonald-Baldwin Government or the Chamberlain Government from 1931 to 1939.

Therefore, we must take this as part of common form. The fact is that the right hon. Gentleman seems to think he has rather a kind of divine right to rule. He does not like being in opposition; he cannot reconcile himself to it, and that is one good reason why we ought to take care that he should not, while in a minority in this House, be able, during the second half of this Parliament, to call to his aid the majority in another place. He might be tempted to do so, and I should like to remove temptation from him

That is really the fallacy behind part of the argument of the right hon. Gentleman the Member for Warwick and Leamington. It is one thing when we are dealing with the right hon. Gentleman, but it is quite another thing to deal with the incalculable Leader of the Opposition. The right hon. Gentleman the Member for Woodford (Mr. Churchill) was very eloquent in his defence of the will of the people. He talked of our system of constitutional checks and balances as a safeguard against arbitrary power, and put forward the existence of the House of Lords' veto as a great safeguard to ensure that the popular will prevails. The right hon. Gentleman spoke on this subject in 1909. [HON. MEMBERS: "Oh."] Yes, on precisely this question of checks and balances. Let us hear what he said then: Nobody, however powerful in our country, and nobody, however venerated, no office, however august, but in a free nation there are checks and controls surrounding them. The House of Lords constitutes a single and solitary exception in the whole of this tremendous chain of inter-dependent responsibility and obligation. It accepts no advice, except what it chooses to take from the Tory caucus. It is responsible to no one; it represents no one. The Lords exercise their own sweet will at their own sweet pleasure and discretion. The right hon. Gentleman then proceeded to reject their pretensions that they were judges of the people's will. That is equally true today. I cannot see why we should accept the House of Lords, however constituted, as necessarily the right interpretation of the people's will. The right hon. Gentleman also said: Counter checks on a democratic assembly there may be. I believe there ought to be. But these counter checks should be in the nature of delay and not in the nature of arrest. They should operate equally and evenly against both political parties, and not against only one of them.

Hon. Members Hear, hear.

§The Prime Minister Yes, but the fact is that they do not operate evenly and fairly, and never have done. They have always been against parties of the Left—

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§Mr. Baxter Give us an example in the last two years.

§The Prime Minister I do not want to waste time, and I have already dealt with that point. Members opposite might try to attend to the argument. I have said that during the last two years we have been under the protection of the Parliament Act. When that ceases to protect us we cannot tell what might be done by another place. With all respect to the right hon. Gentleman the Member for Warwick and Leamington, he does not know what the other place may do. There are 100 or so peers who attend there regularly, but the great mass are in the wilderness, and at any time may come in and overturn anything. I put it to Members opposite: supposing the position were reversed, supposing a potential

majority were against them in another place, all drawn from the party on this side—and, let me say, not from the most intelligent followers of this party. Would they like the position that at any moment the whole of their programme might be upset? Of course, they would not.

The fact is that this system does work unevenly. It would have been folly to have waited until action was taken by the Lords when we could meet the situation by making this simple amendment. Let me say that no one has really tried to attack the point of this amendment, which is an alteration from two years to one year. The Leader of the Opposition talked a good deal about a Second Chamber and quoted with approval the fact that they have a Second Chamber in Eire, and the Senate has certain powers of delay. What he omitted to notice was that the extent of those powers in Eire, of which he approved, is 90 days.

I submit to this House that if, as a matter of fact, in 1911, the power of delay had been one year instead of two years, we would not have noticed it during all these years. As the hon. Member for Wood Green (Mr. Baxter) says, it would not have operated because there was a Conservative Government in and by now it would have been hallowed by tradition. The hon. Member would have been satisfied because we had this protection of one year, just as hon. Members opposite are satisfied with two years now; although they denounced that in 1909, 1910 and 1911. The right hon. Gentleman raised a matter of great interest with regard to the position of the Second Chamber, the powers of the Second Chamber and the composition of the Second Chamber. He maintained that they must all be dealt with together. I do not admit that. I think that the first thing we have to decide with regard to a Second Chamber is its powers.

There are many Second Chambers in the world. The right hon. Gentleman the Leader of the Opposition quoted several—in Australia and the U.S.A.—but those are on a Federal basis, and they are so composed as to give special weightage to various units of federation. But their Second Chambers have almost invariably in the past been weighted either in the interest of age, wealth or some other form of Conservatism. I have heard many propositions put forward for a Second Chamber, even by eminent Members of another place, and the curious thing about all of them was that they all maintained the Conservative majority. I have not yet heard one put forward which suggested that there should be a Labour majority in the other place. They are all Conservative devices.

§Lieut.-Colonel Sir Thomas Moore (Ayr Burghs) There is not a majority for the Labour Party in the country.

§The Prime Minister The hon. and gallant Member really has not done himself justice. There is not a majority for the Conservative Party in the country, but there is a majority in the Lords.

§Sir T. Moore Which represents the country.

§The Prime Minister There is not much point in that interjection. I am trying to deal with the point put by the right hon. Gentleman. I say—and this is the doctrine of my party—that there is in the other Chamber no distinct voice of the people that can over-rule the

opinions expressed by the elected representatives sent here. If we want a revising Chamber at all, it may have a period of delay for revising, for looking at details, and may be very useful, but the first thing about a Second Chamber is that it should not have comparable powers with the lower House. I do not know if any suggestion has been put forward from the other side with regard to that.

This is quite a moderate Bill. It does endeavour to redress the balance a little 315bit between the two parties and it does restrict what I consider to be the far too great powers of the House of Lords over the House of Commons. It may be we shall never need to use these powers. I hope we shall not and if what the right hon. Gentleman the Member for Warwick and Leamington said is true, namely, that the Lords have grown up in these days, we shall never use them. If, on the other hand, we have something more of the temper of the right hon. Gentleman the Member for Woodford, then it will be very useful that their powers should be restricted. Whatever may be the case for a reform of the House of Lords, we did not suggest a reform of the House of Lords when we went to the electors. What we did say was that we should take powers to prevent obstruction. That is exactly what we have done. [HON. MEMBERS: "Tolerate."] Exactly. When we do not tolerate things, we take action to see that they do not happen.

§Mr. Quinton Hogg (Oxford) rose—

§The Prime Minister I generally give way, but I am interrupted so often that I find I do not have time to say what I want to say. I should like to ask the Opposition—

§Mr. Hogg What is the use of asking the Opposition if the right hon. Gentleman does not allow them to answer?

§Mr. Speaker The hon. Member for Oxford (Mr. Hogg) must control himself.

§The Prime Minister Hon. Members opposite have accused us of embarking on partisanship. I want to ask whether the opposition to this Bill is really based on some constitutional principle or whether it is only based on the fact that it is convenient for them to have greater power for their party in the House of Lords? Not one single argument has been put forward to suggest that it is essential that there should be two years' delay when the Conservative Party are in power. We had very strong objections in this House to Mr. Chamberlain's Government. The right hon. Gentleman the Member for Woodford was in opposition, as were many other Members, who were gravely disturbed in their minds, but they were under the iron hand of Captain Margesson. They never got any helping hand 316from the House of Lords, and under this theory that the House of Lords are in close touch with the people, they might surely have taken action.

The 1935 Government was returned with a perfectly clear mandate for supporting the League of Nations. It threw over that mandate. The House of Lords did nothing whatever about it. The House of Lords only operates as an interpreter, or an alleged interpreter, of the people's mind when a Liberal or Labour Government is in office. I challenge hon. Members opposite to find an instance to the contrary in this long dispute. We are told now that everything is changed, that the House of Lords have learned wisdom and are very up to date. By way of a variation, hon. Members opposite change over and make a plea for a new Chamber altogether. They cannot have it both ways.

Various suggestions about a reformed Second Chamber have been thrown out today. One was to remove the noble Lord the Member for Horsham (Earl Winterton) from this House, and a less regrettable one was to retain for all time the services of the hon. Member for Oxford. Far be it from me to go into these personal questions, but we did not intend to raise the whole question of the composition of the Second Chamber. We shall be ready to look at any proposals, but in any proposals for reform of the Second Chamber it must first of all be perfectly clear that the Second Chamber must not be given concurrent powers with the House of Commons and must not be able to stand forth as an interpreter of the opinion of the nation as against the House of Commons. Secondly, it must not be a Second Chamber in which there is a permanent majority either for one political party or another. I do not want a Second Chamber with a permanent Labour majority or a permanent Liberal majority, if we could imagine that, or a permanent Conservative majority.

We do not believe in a Second Chamber that is based on the principle which I rather gather the right hon. Gentleman the Member for Woodford put forward—that the brake is more important than the engine. He regarded the House of Lords—and I think the Conservative Party, broadly speaking, regard it—as a brake, but a brake only on one wheel. It is not a four-wheel brake or anything of that kind. He regarded that brake as essential, and the engine had to go to be repaired every five years for a Conservative Government and every two years when a Labour Government was in power. The brake should be eternally on when Labour was at the wheel, and vice versa.

That is a position to which we object, but we are not suggesting these elaborate changes. We shall be glad to receive and to consider any proposals, but now we are putting forward a simple, moderate proposal, designed to improve the present position. It merely alters the time, and restricts to a certain extent the delaying power of the House of Lords. No one has really objected, on the merits, to this proposal. Hon. Gentlemen opposite have gone off—to use their own phrase—to drag a red herring over the issue by saying how gladly they would like to change the House of Lords. They have had 35 years in which to do it. Members on our side have said that they would like to see the House of Lords abolished. There may be a case for that. I am not here to argue the merits of a Second Chamber, but to support this very simple amendment of the Parliament Act.

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§The Parliament Act was put forward a long time ago, and was over-generous. If the right hon. Gentleman had stayed in office he would have found it over-generous. If he, Mr. Lloyd George, and the rest had carried on the Liberal Government, if the Liberal Government had not been destroyed in the war, and had come into power again in 1924, they would very soon have found that the Parliament Act was not sufficient and that the peculiar merit, from the Conservative point of view, of having a House of Lords meant the possibility of forcing an Election when the Conservatives wanted it and not the

Liberals. We believe that those powers are obsolete and should be restricted. We know that the great majority of the people, while there has been no great excitement or controversy, believe that it is anomalous that the House of Lords should have these powers. The very slackness in the House today shows that hon. Members opposite know it, too. I support the Second Reading of the Bill.

§Question put, "That the words proposed to be left out stand part of the Question."

§The House divided: Ayes, 345; Noes, 194.