Conservatism and constitutionalism: the Baldwin government, 1924-29.

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CONSERVATISM AND CONSTITUTIONALISM:

THE BALDWIN GOVERNMENT, 1924-29

by

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Doctor of Philosophy at the
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ABSTRACT

The Introduction defines three matters as comprising the cause of Constitutionalism during the period 1924-29, characterising them, respectively, as the need to dispel the pernicious legacy of previous legislation, remove one of the causes of the present danger, and provide a safeguard for the future (a chapter is devoted to each). Two groupings in the parliamentary Conservative Party are identified, that on the right being more committed to Constitutionalism and having the ear of the Party as a whole, but in the Cabinet consensus evolved slowly.

Chapter 1, The reform of trade union law, to the Trade Disputes and Trade Unions Act of July 1927, argues that the act was the result of a movement inspired by the acts of 1906 and 1913. Its genesis is traced via the 'Macquisten Bill', the attempt to give the trade union movement a more effective central leadership, Hogg's memorandum on the necessity for legislation, the draft Lock-outs and Strikes (Prohibition) Bill, the General Strike, the draft Illegal Strikes Bill, the Cabinet's Legislation Committee and its consultations with the Party, the movement for a 'constructive' measure, and the Cabinet's eventual approval of a bill.

Chapter 2, The fear of revolution, to the severance of Anglo-Soviet relations in May 1927, analyses the ideological and institutional links between the Labour movement and Communism, the Trade Agreement, de jure recognition, and the Treaties. The 'Zinoviev letter' precedes the decision to maintain the status quo but remain aloof until demands respecting propaganda and debts are met. Trade and propaganda are the stuff from which these relations are made and unmade. The former is considered in terms of two sub-themes, the latter in terms of three.

Chapter 3, The Reform of the House of Lords, to the shelving of the matter in May 1929, argues that the Restoration settlements asserted the inevitability of the Commons' eventual predominance, although the Lords retained considerable power and influence until the Parliament Act. After 1832 Conservatives began to seek a Reform of the Second Chamber's composition to enable it to retain its authority and after 1911 sought a Reform of composition and powers to restore its authority and render it a bulwark against Socialism. The Cabinet appointed a committee under pressure from its Reformers. Conservatives in both Houses appointed committees to ensure the Cabinet honoured repeated pledges and a joint committee after meetings with the Cabinet committee and Baldwin exposed internal disagreements. A motion in the Lords forced the Cabinet to reveal its mild proposals, but these caused a revolt by anti-Reform Conservatives in the Commons, jealous of the powers of their House, opposed to the hereditary principle, and fearful of the electorate. The two camps compromised, but the Cabinet refused even to make Reform election policy.

The Conclusion notes that in each matter the Government moved only when its advocates within the Cabinet had majority support and no serious opposition in the Party as a whole.
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'This election', Sir Frederic Wise wrote to the electors of the parliamentary borough of Ilford on 14 October 1924,

has been forced upon us because the extremists behind the Socialists have made the Government withdraw a prosecution which was begun by its own Attorney-General against a Communist editor for incitement to sedition and mutiny in the forces of the Crown. That the administration of justice must be free from political influence is a principle secured only after long and intense conflict. This is a free and democratic country, but its liberties cannot be retained if governments are to be allowed, under pressure, to interfere with the course of justice. I will fight any interference or underhand political tampering with our Constitution.1

The Campbell case was the immediate cause of the general election of 1924, but Constitutionalism, in the sense of the preservation and indeed the strengthening of the Constitution in its broadest terms, had increasingly become a matter of concern for the Conservative Party since the return of the Liberal Government of 1905. While the Trade Disputes Bill was allowed to pass, the Administration's subsequent radical measures in the fields of education, electoral and land reform, and even finance were destroyed by the House of Lords in the name of Constitutionalism, but in reality in the interests of party as well.2 Yet it was the

1. Election address: Wise Papers. When a Conservative private member in the Parliament of 1924-29 is referred to for the first time, his constituency will be indicated (see Appendix, p. 458).

2. This is clearly revealed in correspondence between A.J. Balfour and the Marquis of Lansdowne, as Unionist leaders in the Commons and the Lords respectively, during April 1906 (Lord Newton, Lord Lansdowne: a biography, pp. 353-55).
undermining of the powers of the Second Chamber itself by the Parliament Act, the threat to the very Union and the disestablishment of the Welsh Church, the period of major strikes and the October Revolution, and the Great War and the consequent social upheaval (including a greatly extended franchise), which, until the advent of the first Labour Government, provided, in Conservative eyes, the fundamental challenge to the existing order.

The dissolution of the Coalition and the re-assertion of party independence, enabling the Liberals to maintain in office, albeit for a brief span of months, a minority Labour Government, emphasised what the Conservative Party saw as its obligations as the 'constitutional Party'. Stanley Baldwin rightly interpreted the great election victory of 1924 as a call to all Constitutionalists: as such, one of the architects of the Carlton Club meeting was able to unite within his own Cabinet not only those undisputed Conservatives who had served in Lloyd George's peacetime Cabinet (though not under Bonar Law or Baldwin himself in the Government of 1922-24), namely the Earl of Balfour (Lord President from April 1925 after the death of Curzon), the Earl of Birkenhead (Secretary of State for India), and Austen Chamberlain (Foreign Secretary), but also Sir Arthur Steel-Maitland (Minister of Labour), who, with Lord Robert Cecil (as Viscount Cecil of Chelwood he became Chancellor of the Duchy of Lancaster), had attempted to form a new centre party, and, above all, Winston Churchill (Chancellor of the Exchequer), who, in his progress from the Liberal to the Conservative Party, had unsuccessfully contested the Abbey
division of Westminster as an 'Independent and anti-Socialist' in March 1924 with strong but unofficial Conservative support against the official candidate and, in conformity with the prevailing mood, had been returned as the 'Constitutionalist' member for the Epping division of Essex supported by the constituency Conservative association.1

Whilst regarding their Party as the guardian of Constitutionalism, a number of leading Conservatives shared Churchill's belief, proclaimed at a great Conservative gathering in Edinburgh following his adoption at Epping, that the necessity was for co-operation, though not coalition, between his former and his rediscovered allies 'for the purpose of solving urgent non-party questions and for the purpose of giving a breathing space to this harrassed country...':

It is our duty to take every step to defend against an imminent and formidable attack the institutions, the freedom, and the prosperity of Britain and of the British Empire... The issue before the electorate in the next few weeks or months will be whether or not they wish to instal a Socialist government in power, with an adequate Parliamentary majority behind them... Compared to this issue, the old pre-war differences, which separated Liberals from Conservatives, are secondary - some might use a stronger term.2

1. Six other former Liberal members were also elected as 'Constitutionalists' (Dod's Parliamentary Companion for 1925, pp. 312-13, 313, 327, 371, 389, 413). Sir Robert Horne (Glasgow, Hillhead) refused the offer of the Ministry of Labour.

2. Addressing a meeting organised by the Eastern Divisional Council of the Scottish Unionist Association in the Usher Hall, 25 September 1924 (Scotsman, 26 September 1924). Balfour, who chaired the meeting, and Horne both expressed similar sentiments.
On questions which the Conservative Party in general was to regard as crucial to the preservation of the Constitution, however, this new Unionism was not to be.

The present work deals with the three intertwining matters, the resolution of which could be said to comprise the cause of Constitutionalism during the period 1924-29. These matters, the historical roots of which are analysed severally, may be characterised, respectively, as: the need to dispel the pernicious legacy of previous legislation, the need to remove one of the causes of the present danger, and the need to provide a safeguard for the future.

The reform of trade union law, to the Trade Disputes and Trade Unions Act of July 1927: the need to reform legislation which, in the Trade Disputes Act, 1906, had reaffirmed the trade unions' immunity from liability for damages sustained through strikes and, in the Trade Union Act, 1913, had reaffirmed their right to spend money for political purposes so long as their members were free to 'contract-out' of contributing, was underlined by the increasing use and attempted use of their strength by the unions for ends which were not purely industrial, for 'In the past we have wrested liberty from the autocracy of Kings and the oligarchy of aristocrats. Why should we surrender it to a trade union association even if it calls itself a proletariat?'

1. Viscount Dunedin, the Trade Disputes Act, 1906 (Repeal) Bill, second reading, H.L.Deb., vol. 65, col. 77, 20 July 1926. Unless otherwise stated, references to the proceedings of the House of Commons and the House of Lords are to the Fifth Series and, likewise, references to the former are to parliamentary questions.
The fear of revolution, to the severance of
Anglo-Soviet relations in May 1927: the need to counteract
the subversive activities, within Britain and the British
Empire, both of the Communist Party and its sympathisers
and of the Soviet Union, for Conservatives did 'not...
believe that any real harmony is possible between Bolshevism
and present civilisation',\(^1\) provoked one of the most
fundamental re-assessments of foreign policy and of the law
against sedition since the days of revolutionary France and
the London Corresponding Society.

The Reform of the House of Lords, to the shelving
of the matter in May 1929: the need directly to strengthen
the Constitution itself by creating a strong Second Chamber
with the power to prevent 'a temporary and fanatical majority
in the House of Commons [changing] our Constitution and our
fundamental institutions, even if a majority of the electors
is opposed, or even vehemently opposed, to such changes',
became all the more urgent because the Labour Party 'strenu-
ously object to our present Parliamentary system, not only
to the existence of a Second Chamber at all, but especially
to the procedure of the House of Commons... as wholly
antiquated, absurd, and obstructive'.\(^2\)

Each of these matters was dominated by the conscious
need to create bulwarks, a term frequently used, against
revolution or revolutionary change by restoring the harmony

\(^{1}\) Churchill to Lloyd George, 24 March 1920, quoted in

\(^{2}\) The Earl of Selborne addressing Conservative members
at the House of Commons, 12 May 1925 (The Times, 13 May
1925). 'Reform' in this context is given a capital
letter in keeping with the frequent practice during the
period and because it describes a definite movement.
of the old Tory hierarchy, by introducing new legislation, or by strengthening the constitutional framework itself. 'Their Party', Sir Arnold Gridley (a constituency representative from Warwickshire, Rugby) declared to an annual conference of the National Union of Conservative and Unionist Associations, 'should create a soul for trade unionism. It could then be made one of our evolutionary institutions and a bulwark rather than a menace to the State'. From the moment that the Conservatives had rejected the Russian Treaties, Brigadier-General Sir Henry Page Croft (Bournemouth; a founder of the protectionist Empire Industries Association and managing director of Henry Page and Company Ltd. of Ware, maltsters) asserted to the Commons, Bolshevism had been at war with Great Britain and the Empire, 'therefore, it is more than ever necessary for the Government to do everything possible to unite the Empire as the sole and only bulwark of Christianity and civilisation against the Bolshevist system'. At the height of the parliamentary crisis, the Conservative Party had proclaimed that 'the truth is that for hundreds of years the House of Lords has been the bulwark of the people's liberties' and this was often to be repeated: Sir William Bull (Hammersmith, South; chairman of the London Unionist Members, head of Bull and Bull of Lincoln's Inn, solicitors, and chairman of J.W.

1. National Union of Conservative and Unionist Associations [N.U.C.U.A.], minutes of the annual conference, Scarborough, 7-8 October 1926.

2. Debate on the address, H.C.Deb., vol. 179, col. 107, 9 December 1924.

3. The People's Bulwark, National Union of Conservative and Constitutional Associations, pub. no. 1049, 1909.
Singer and Sons Ltd. of Frome, bronze founders), writing to the Earl of Midleton, a fellow Reformer, maintained that the peers had been the backbone, not merely of the Conservative Party, but of stable and progressive government for a century past, 'they supported the workers against the Whig manufacturers in the Forties; they helped Lord Beaconsfield to triumph over the Little Englanders in the Seventies; now, with the Liberal Party prostrate, they are the major bulwark against Socialism'. Indeed, as the 'constitutional Party', the Conservative Party itself was 'the most effective bulwark in sight against a supreme catastrophe'.

On the eve of the new Parliament of 1924, the Earl of Selborne, in his report to the annual conference of the National Union as chairman of the Central Council, referred to these three matters. He warned that Socialist plans of a confiscatory character and other threats against the existing organisation of society had only been retarded until more auspicious parliamentary conditions arose, which will be the day when a Socialist government, controlled by Communists, has a majority of its own in the House of Commons, and when it will find the way made smooth for it by the Parliament Act...

The Unionist Party will not tolerate a Policy inspired by the Third International, whose leaders are indistinguishable from the Bolshevik Government. The Communists know that the British Empire is the greatest obstacle to the realisation of their ideas...

1. 23 October 1927: Bull Papers, part ii.

2. Leading article, Sunday Times, 28 September 1924. In addition to the specific remedies advocated in each of the three cases, Sir John Marriott (City of York), in two articles under the general title 'Bulwarks against Bolshevism', described two bulwarks on which they could rely to withstand the revolutionary onset: 'The Diffusion of Capital' and 'Education in Citizenship' (Fortnightly Review, cxx, new series (1926), 340-52, 684-94).
They are at this moment working in India, in Egypt, in Australia, in Canada, in Africa, and in Ireland to make trouble for [it]. In Great Britain there is not a British Trade Union of any importance in which a nucleus of Communists is not engaged in undermining the authority of the leaders. There is not a strike in which Bolshevik agents are not playing a mischievous part. In the British "Labour" Party there are men and women carrying out orders from Moscow and preparing the ground for the Revolution and the Dictatorship of the Proletariat.  

Although many of the leaders of the "Labour" Party disavow any sympathy with the Communists, recent events have shown that they are unable or unwilling to resist pressure from that quarter...

Their return in a majority at the next General Election would bring appreciably nearer the success of Communism and the destruction of the British Empire. 

While Selborne declared that it was the duty of the British Empire, and in Great Britain of the Unionist Party, to fight the 'Red Peril' in whatever guise it arose, he stressed that a policy of anti-Socialism alone was not a sufficient basis for a national party. There were wrongs to be righted, reforms to be effected, obsolete machinery to be scrapped, and new needs to be met: the Unionist Party had always been the exponent of constitutional progress and of the amelioration of the conditions of the workers. He believed the constructive

1. Conservatives usually insisted on referring to the 'Socialist' Party, maintaining that it had no right to call itself 'Labour' since, although every Labour Party M.P. was a Socialist, only around one-tenth of them were engineers, miners, railwaymen, or workers in various trades.

policy defined in *Looking Ahead* (a re-statement of Conservative principles and aims which appeared in June 1924) would obtain the approval of all those who, while being against Socialism, also desired a moderate policy based on the integrity of the British Constitution.¹

Of the 364 members of the Commons (excluding the 55 to be found in the Ministry at any one time) receiving the Conservative whip during the course of the Parliament, around 250 could be relied upon to support most of the major constitutionalist measures.² The most outspoken of these members often belonged to the Industrial Group, a wholly unofficial body, whose chairman was Sir Arthur Shirley Benn (Plymouth, Drake), whose secretary was Patrick Hannon (Birmingham, Moseley; a founder of the Empire Industries Association), and whose Committee comprised Sir Harry Brittain (Middlesex, Action; president of the British International Association of Journalists and director of several business concerns), Sir Philip Dawson (Lewisham, West; a member of the Electrification of Railways and Water Power Resources Advisory Committees and partner in Kincaid, Waller, Manville, and Dawson of London, consulting engineers), Sir Park Goff (Yorkshire, Cleveland; a barrister), Lewis Lougher (Cardiff, Central; chairman of Lewis Lougher and Company Ltd. of Cardiff and of other shipowners), Sir Douglas Newton (Cambridge Borough), and John Remer (Cheshire, Macclesfield; ¹ National Unionist Association [N.U.A.] [no pub.no.].

² One opponent of the Reform of the House of Lords was to claim that he had 150 Conservatives on his side (see below, p. 422).
a timber merchant and saw-mill proprietor). The membership of this body, known within the parliamentary Party as the 'Industrials' and by its left wing as the 'Forty Thieves', was representative of industrial and residential constituencies and generally more concerned with the protection of vested interests than with social reform; it had the support of the Beaverbrook and Rothermere presses.

Another body on the right was the Gretton Group, which had a somewhat shadowy existence and fewer members. It met every week at 35 Belgrave Square, the London home of its chairman, Colonel John Gretton (Staffordshire, Burton; he had sat in the Commons, except for a brief interlude, since 1895 and was chairman of the protectionist Empire Parliamentary Committee and of Bass, Ratcliff, and Gretton Ltd. of Burton-on-Trent, brewers; he was generally regarded as having an immovable mind, a complete absence of emotion, and a lifeless style of speech), there being an understanding never to meet at the Commons or to disclose who were its members: it was much exercised by questions such as Baldwin's leadership of the Party, Beaverbrook's policy of Empire free trade advocated in the Daily Express, Rothermere's interventions in the Daily Mail, and foreign affairs and Party policy in general.1 Its most active members, apart from Gretton himself, were probably George Balfour (Hampstead; founder and chairman of Balfour, Beatty, and Company Ltd. of London, civil engineers), Lieutenant-Colonel Sir Frederick

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Hall (Camberwell, Dulwich; a member of Lloyd's and the Baltic and chairman of the Mercantile Marine Finance Corporation Ltd.), Commander Oliver Locker-Lampson (Birmingham, Handsworth; a barrister), Page Croft, and Basil Peto (Devonshire, Barnstaple; a director of the Morgan Crucible Company Ltd.). Many members of both these bodies had been or would have been Die-hards over the Parliament Act and Ulster and opposed to the continuation of the Coalition. ¹

Conservative opposition in the Commons to some constitutionalist measures was often at its most effective and articulate amongst the younger and more recently elected members, dubbed the 'Y.M.C.A.' by the rest of the parliamentary Party because of their social consciences; a number of older and experienced Parliamentarians were associated with them. The cohesive core of this group, which had no formal organisation, comprised around 20 members in the former category and 12 in the latter. Many of these younger members had served in the trenches and now represented industrial constituencies: they felt a genuine

¹. It is not possible to be dogmatic about those voting on Pretyman's motion at the Carlton Club that the Party should contest the next election independently. While some ardent Constitutionalists had supported withdrawal from the Coalition (for instance, Gretton and Hannon), others had wanted it to continue as the most effective bulwark against Socialism (Locker-Lampson and Remer). Likewise, those who shared Baldwin's concern to 'heal the nation' had both voted for the motion (Lord Eustace Percy, now President of the Board of Education, and Steel-Maitland) and against (Captain Walter Elliot, now Parliamentary Secretary of Health for Scotland, and Sir Leslie Scott, K.C., (Liverpool, Exchange)) (Robert Rhodes James, Memoirs of a Conservative: J.C.C. Davidson's Memoirs and Papers, 1910-37, pp. 129-33).
sense of duty towards their former men and towards the unemployed. They spoke in terms of Tory democracy and Selborne's constructive Conservatism and believed that Baldwin could unite the two nations.¹ Although they constantly affirmed their opposition to Socialism, their Conservatism was often questioned by fellow members: indeed, their commitment to party was not a driving force in their politics. 'We belong to a generation', Captain John Loder (Leicester, East; he had been closely associated with Cecil's attempts to form a centre party) wrote in a published letter to the editor of the Spectator, 'which leapt from childhood to manhood across the gulf of the War':

> We had no party ties in pre-War days - at most our political opinions were a reflection of a paternal tradition - and we are the less stirred by the old labels and slogans in that we find a difficulty in linking up present problems with those questions of former moment which seem to us to have almost disappeared into the mists of history. We are now faced with a set of new conditions wherein such of the old landmarks as remain are uncertain guides, yet we look in vain for a new inspiration, which, while avoiding violent and ill-considered changes, will yet be in tune with the times.²

In the Labour Party alone, he continued, did they see

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¹. This body shared much of the philosophy, and a few of the members, of two earlier, though smaller, ones: the Social Reform Committee during Asquith's first Administration and the Group during the post-War Coalition.

². 2 August 1924. The letter, 'The Young Conservatives and the State of the Party', was signed 'A Would-Be Conservative Candidate' and written at the request of John St. Loe Strachey, the editor. 'Everything pointed to my standing as a Conservative', Loder subsequently wrote. 'I should be following in my father's footsteps, which would give him great pleasure. Moreover, his association with the party organisation both in Sussex and at the National Headquarters would obviously be of some advantage' ('A Look at the Century', ch. 13, 'M.P.'
earnestness and enthusiasm for an ideal, but they could not agree with State Socialism; many of them had a temperamental attraction to the Liberal Party, but were alienated by its excessive intellectualism and doctrinaire economics. Reconstruction had to be in the forefront of every party programme: the Labour and Liberal Parties were, respectively, too destructive and too obstructive to effect the necessary alterations in the country's social and economic systems. The Conservative Party had a great chance of becoming the constructive party and of becoming more Liberal than the Liberal and more Socialist than the Socialists, because if it appealed, as it could if its principles were what they seemed to be, to the British spirit of individual freedom and unfettered co-operation, it would rally to its banner all who were not blinded by theology and dogma. It was vital for the Conservative rebirth that party cleavages on class lines were avoided; yet while the Party never tired of reiterating that its policy was a national one, its organisation had not been adapted to coincide with this democratic view. It was true that as many working men voted for the Conservative as for any other Party, but they did not have enough chance of entering the Commons or of bringing their experience of industrial conditions to bear in the councils of the Party, thereby leaving it open to the charge of being primarily moved in the interests of a

2. Cont/...
for E. Leicester, 1924-1929' [n.d., unpublished autobiography, unpagedinated]: Wakehurst Papers). The Dowager Lady Wakehurst has, yet more significantly, explained that Loder's father would not have supported him financially unless he stood as a Conservative (conversation with the author, 16 November 1977).
privileged class of property holders.

Apart from Loder, the chief spokesmen of the younger members were Robert Boothby (Aberdeen and Kincardineshire, Eastern), Captain Robert Bourne (Oxford City), Captain Harry Crookshank (Lindsey, Gainsborough), Alfred Duff Cooper (Oldham), Captain Anthony Eden (Warwickshire, Warwick and Leamington), Robert Hudson (Cumberland, Whitehaven), Captain Harold Macmillan (Stockton-on-Tees), Captain Terence O'Connor (Bedfordshire, Luton), and Lieutenant-Colonel Oliver Stanley (Westmorland; Parliamentary Private Secretary [P.P.S.] to Percy). Those of the older members were Lord Henry Cavendish-Bentinck (Nottingham, South); Sir Leslie Scott, K.C.; and Noel Skelton (Perth); the last often being regarded as the leader of the group.¹ Macmillan's words to Loder at the beginning of the Parliament betrayed the impatience of one generation with another: 'I hope we shall be able to do our little part in stirring up the old fogyys and making the Government get on with the job. This is the last chance we shall have and we are uncommonly lucky to have had it'.² Those men were recognised, and not surprisingly not always to their advantage, by the

¹. Constructive Conservatism, a collection of four articles by Skelton, three of which had appeared in the Spectator during May 1923, was published in September 1924.

These two groupings were to find themselves opposed on the three matters under consideration, with the former advocating the reform of trade union law and of the House of Lords and the severance of Anglo-Soviet relations and the latter hostile to these measures. It was the former who had the ear of the majority of the Party both in Parliament and the country, but in the Cabinet consensus on each of the matters was to evolve only slowly. The large factions caused the customary anxiety within the leadership: Commander Bolton Eyres-Monsell (Chief Whip), advocating the appointment of Duff Cooper and Herbert Williams (Reading) (who belonged to opposing groups) to junior ministerial posts, explained to Baldwin that he attached a good deal of importance to their entering the Ministry together because 'it would show that it is immaterial out of which drawer recruits are drawn provided they show ability, industriousness & loyalty & further it would indicate that members of groups that have a tendency to form caves & to be rather too superior (such as Y.M.C.A.)

1. Rear-Admiral Tufton Beamish (Sussex, Lewes) wrote of Crookshank:

It took him many years to overcome some objections of the leaders of our party; but his background was good, Foreign Office & University & war as a Guards officer. He has brains and an imperturbable manner, a smile & a ready wit & reply to any attack...

and of Loder (against whom he had successfully stood for selection at Lewes for a by-election in July 1924): 'He did not impress me personally though I learned afterwards to like his silent efficiency in the House. He had done well at Eton & had the name for being stodgy but clever' (notes entitled 'I enter Parliament', 10 May 1931: Beamish Papers, 3/3).
are not encouraged'.\(^1\) Dissent, however, did not demand drastic breaches of parliamentary discipline: the Ministry suffered no defections or dismissals on these matters, though there was the occasional revolt by P.P.S.s in divisions.

Yet, throughout the period, every shade of opinion within the parliamentary Party was joined in fearing, to a greater or lesser extent, the 'supreme catastrophe' and the General Strike appeared to herald this: despite its differences, the Party was fundamentally united by Constitutionalism. Baldwin, at its height, declared:

> Constitutional Government is being attacked... Stand behind the Government, who are doing their part, confident that you will co-operate in the measures they have undertaken to preserve the liberties and privileges of the people of these islands. The laws of England are the people's birthright. The laws are in your keeping. You have made Parliament their guardian. The General Strike is a challenge to Parliament and is the road to anarchy and ruin.\(^2\)

Conservatives saw the possibility of revolution both then and in retrospect. In the Cabinet, Sir Philip Cunliffe-Lister, President of the Board of Trade, who generally shared Baldwin's position and had warned during the election campaign that 'the Socialists ask you to destroy a system',\(^3\) unequivocally called it 'a revolutionary strike'.\(^4\)

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1. 27 December 1927: Baldwin Papers, vol. 162. Duff Cooper and Williams were duly appointed Financial Secretary at the War Office and Parliamentary Secretary at the Board of Trade, respectively, on the same day the following month.

2. 'Message from the Prime Minister' (British Gazette, 6 May 1926).

3. Election address: Swinton Papers, sec. II, 2/16.

4. I Remember, p. 46.
those regarded as Die-hards, Churchill referred to 'a challenge to the State, to the Constitution and to the nation. Here there is no room for compromise. Any section of citizens, however powerful or well organised, who set themselves against the commonwealth must be made to surrender unconditionally'¹ and Birkenhead said it was 'an attempt by a body of men who had no representative capacity to dictate to Parliament... Their purpose was to choke the arteries of the nation, and by doing so to bring the constitutional government of this country to its knees'.² Of those regarded as moderates, Neville Chamberlain, Minister of Health, wrote that 'constitutional government... is fighting for its life; if we failed, it would be the revolution, for the nominal leaders would be whirled away in an instant'³ and Percy recounted that in the midnight Cabinet meeting on 2 May 1926 Baldwin 'was not overruled by any "wild men" among his colleagues; none of them felt more strongly than he the essentially revolutionary situation created by the Strike notices and the danger of negotiating under such a threat'.⁴ In Parliament, of those in the centre, Gordon Hall-Caine (Dorset, East) described a general strike as a revolutionary movement: 'if it

¹. To Sir James Hawkey, vice-chairman of the Epping Division Conservative Association, 16 November 1926: Churchill Papers.

². Quoted in the Second Earl of Birkenhead, Frederick Edwin, Earl of Birkenhead, ii, 271-72. This work includes several documents subsequently omitted from F.E. by the author, who describes himself therein as having been 'ruthless in cutting out dead wood' (p. 7).


⁴. Some Memories, p. 135.
succeeds it must destroy Constitutional Government (not merely Party Government but all Parliamentary Government whatsoever in Great Britain) and it must destroy the rights and liberties of the people'.

Of those on the right, Major Sir Clive Morrison-Bell, (Devonshire, Honiton; P.P.S. to Churchill), who referred to the 'Constitutional forces' in this context, recalled that 'to this challenge, to this flagrant blackmail with its certain threat of Civil War, the Government reacted immediately. There could be only one reply to the would-be usurpers; "Call off the Strike"'.

Peto believed that 'all these threats of strikes at a time of increasing unemployment were intended to arrive at a culmination of something amounting to revolution dated for the following May', and Sir John Marriott indeed regarded the General Strike itself as revolution.

Of those on the left, Loder, although he believed that it was never a revolutionary uprising, however much the Communists had tried to make it so, maintained that 'no Government, without abdicating its authority and creating a power vacuum which would invite a revolutionary take-over, could allow the transport and communication system of the country... to be brought to a halt without doing something about it' and,


furthermore, that 'at the time it seemed as if the country might well be on the edge of a precipice'.

For Boothby, the General Strike was 'in itself an attack on the Constitution'.

Although Baldwin's election address referred to none of the three concerns of Constitutionalism, there were to be constant assertions that the Conservative Party had a mandate to act in those matters both because it had been committed historically and by the statements of its leaders during the election campaign and because those who had voted for it had done so in the belief that it would act thus.

Mr. Robert Rhodes James's assertion that 'the politics of 1925-31 were to be the politics of unemployment, which dominated all other issues...' (he sees the General Strike exclusively in social and economic terms), is largely contradicted by the subsequent observation that

in 1924 no politician of the first rank had grasped that unemployment was now the politics of the future... There was, accordingly, an air of marked and real irrelevancy about the speeches and actions of Government and Opposition alike during these vital years... their eyes were usually on more traditional and exciting concerns.

The word 'politics' is descriptive and not prescriptive and 'Constitutionalism' (and not 'unemployment') does indeed describe the 'more traditional and exciting concerns' of the


2. I fight to live, p. 40.

3. Mr. Stanley Baldwin's Election Address, 11 October 1924 (N.U.A., pub. no. 2443, 1924.

period. Such concerns hardly made for what Mr. Russell Kirk has characterised as 'a dreary conservatism between the Wars':

Of British conservatism between the two World Wars, it is difficult to write anything worth reading... Conservatism between the Wars felt itself fortunate if it succeeded in holding fast to what it had, as when the General Strike of 1926 was broken; positive action, in that time of increasing economic distress, was hardly thought of.

The preservation of the Constitution, however, was regarded as challenge enough: indeed, it was often to be maintained that Conservatism demanded no more.

The present work examines Constitutionalism from the viewpoints of the Conservative Party in Parliament (private members, the Ministry, and the Cabinet) and in the country (constituency associations and the annual conference, the Central Council, and the Executive Committee of the National Union of Conservative and Unionist Associations).

Mr. John Barnes has referred to 'the study of the genesis and passage of particular statutes as a means of revealing the character of politics and the forces involved in it at any particular time'. Much of this work is concerned with the genesis and passage of legislation and with the advocacy of legislation in the country, in Parliament, and in the Cabinet: principally, the Trade Union (Political Fund) Bill (the 'Macquisten Bill') and the Trade Disputes and Trade Unions Act, 1927; the draft Preservation of Public Order Bill and the Foreign Contributions (Interference with

Since Lord Eustace Percy remarked just over twenty years ago that 'the years of what may fairly be called [Baldwin's] Great Administration, have been too much neglected', a good deal has been written, especially following the availability of documents in the public domain. Major biographies of Baldwin and Churchill have superseded all previous works on these two men; numerous Conservative Party and general histories have appeared. There have also been many studies of the particular, chiefly aspects of left-wing politics, social organisation, and trade unionism, a large proportion of which are books concerning the General Strike and articles analysing the celebrated incidents of those years. A rich vein of material, however, remains to be explored in the fields of domestic, Imperial, and foreign politics.

CHAPTER 1
THE REFORM OF TRADE UNION LAW, TO THE TRADE DISPUTES AND
TRADE UNIONS ACT OF JULY 1927

In 1906, the majority Report of the Royal Commission on Trade Disputes and Trade Combinations proclaimed:

That vast and powerful institutions should be permanently licensed to apply the funds they possess to do wrong to others, and by that wrong inflict upon them damage... and yet not be liable to make redress out of those funds would be a state of things opposed to the very idea of law and order and justice.¹

That the trade unions should be thus raised to a privileged estate was no more in accord with the Liberal view than it was with the Tory order of things and, introducing the Trade Unions and Trade Disputes Bill, Sir John Lawson Walton, Attorney-General, warned the Commons: 'Do not let us create a privilege for the proletariat, and give a sort of benefit of clergy to trade unions analogous to the benefit of clergy which was formerly enjoyed and which created an immunity against actions in favour of certain sections of the population'.² In 1926, Viscount Dunedin, while not asserting that this situation had in fact arisen, was to echo the words of both his own Royal Commission and Lawson Walton: 'In the past we have wrested liberty from the autocracy of Kings and the oligarchy of aristocrats. Why should we surrender it to a trade union association even if it calls

². 4 Hansard, vol. 154, col. 1307, 28 March 1906.
itself a proletariat?\textsuperscript{1}

The Liberal Government had given way and allowed the Trade Disputes Act to come into being. In the period intervening between 1906 and 1926, the conviction had grown within the Conservative Party that the trade unions were not only an \textit{imperium in imperio}, but a Socialist \textit{imperium in imperio} and it maintained an unremitting campaign for the repeal of the \textit{damnosa hereditas} of Campbell-Bannerman's Administration. Against this threat to the Constitution almost any method, however it might reverse precedent, was defensible and necessary. To refuse to take such a step was an act of moral cowardice which would involve the Party not only in a defeat stamped by the ruin of the country, but in a defeat directly due to its own weakness. There were also a few who believed Tory statesmanship to hold that in no case ought rights long established either in law or practice be rescinded and, besides, that the people of England would develop their institutions in their own way and this would never be revolutionary.

While the case for the repeal of the Trade Disputes Act was argued chiefly in terms of liberty and justice, a more forthright attack was rarely made. It had been maintained in 1906 that the effect of the Taff Vale judgment of 1901 was to make the unions much more cautious than theretofore in seeking not to infringe the law, with the result that strikes were less frequent, that in the conduct of trade disputes there was less violence and intimidation,

\textsuperscript{1.} Cited above, p.4.
and that the disputes themselves were easier to settle than had been the case before the authoritative declaration of the law. It could have been argued from the vantage point of 1926 that the only period, apart from the War, when there had been any real quietude from trade disputes was during the years when those in control of union funds had the liability for tort definitely before them. In 1893, when this liability had not yet impinged upon the unions, the number of working weeks lost through disputes reached the figure of 5 million; in 1899, however, as that liability loomed in the distance with the approach of the Taff Vale case, the number fell to less than 1/2 million and continued at approximately that level until after the passage of the Act. Since then the figure had been subject to increasing fluctuations, reaching 1 3/4 million in 1908, 6 3/4 million in 1912, 5 3/4 million in 1919, 14 1/4 million in 1921, and culminating in 27 million in 1926.

Conservative movements to repeal the Trade Disputes Act had occurred principally during the two periods of heightened industrial turmoil prior to 1926: in 1911 and 1912 and from 1919 to 1922. Already in 1912, Lord Robert Cecil appealed to Asquith to assure the Commons that he would announce a definite policy to secure the country from syndicalist strikes such as those in the railway and coal industries, 'general strikes' which were 'really absolutely destructive of our civilisation'.¹ In 1911 and 1912, three

bills proposing partial or total repeal were introduced to combat 'the evils which have arisen in consequence of the Trade Disputes Act...': they received no more than a first reading. A new clause restricting the trade unions' immunity from action for tort was introduced by Captain Walter Guiness in the standing committee on the Trade Unions (No. 2) Bill (which became the Trade Union Act, 1913) in 1912: it was negatived on second reading. The Trade Disputes Act (1906) Repeal Bill, 1911, had been presented by Sir Frederick Banbury, who introduced five further repeal bills, the first two together with Lieutenant-Colonel Guiness, between 1919 and 1922: only two achieved more than a first reading. The final attempt at repeal before the Conservative Government took office in 1924 occurred on May Day in the dying days of Bonar Law's premiership, with Gerald Hurst, K.C., in words similar to those Baldwin was


2. The Trade Disputes Act (1906) Repeal Bill, ibid., vol. 30, col. 878, 1 November 1911; the Trade Unions Bill, ibid., vol. 34, col. 463, 20 February 1912; the Trade Disputes Law (Amendment) Bill, ibid., vol. 41, col. 2971, 6 August 1912.


4. The Trade Disputes Bill, H.C.Deb., vol. 113, col. 1925, 18 March 1919; the Trade Disputes (No. 2) Bill, ibid., vol. 114, cols. 1678-79, 7 April 1919; the Trade Disputes Bill, ibid., vol. 125, col. 1508, 24 February 1920; the Trade Disputes Bill, ibid., vol. 138, col. 442, 18 February 1921; The Trade Disputes (Repeal) Bill, ibid., vol. 150, col. 616, 13 February 1922.

5. The Trade Disputes (No. 2) Bill was read a second time and committed to a standing committee (ibid., vol. 116, col. 2174, 4 June 1919) which disagreed to its clauses (report on the Trade Disputes (No. 2) Bill, 16 July 1919: P.P. 1919 (137), vii, 27); the order for second reading of the Trade Disputes Bill, 1920, was read, but the reading was postponed for six months (H.C.Deb., vol. 129, cols. 941, 944, 14 May 1920).
later to use in another context, reminding the Commons that 'all history... shows that the possession of great power without responsibility is a blot on any social system'. Yet Bonar Law and Baldwin temporized as Asquith and Lloyd George had remained unmoved before.

The new Parliament of October 1924 included those who had been most prominent in the agitation for repeal: Banbury (though elevated to the peerage as Lord Banbury of Southam, he was to exert effective pressure on the Cabinet and maintain his reputation among his opponents as a legendary backwoodsman), Viscount Cecil, Guiness (Financial Secretary to the Treasury), and Hurst (Manchester, Moss Side). Of the total of 24 members who had introduced or formally supported trade union bills, a further 6 were also returned. Moreover, a large majority of the election addresses of Conservative candidates had contained pledges to work for the amendment of the Trade Disputes Act and the majority of the annual conferences of the National Union since 1906 had called upon the Party to pursue such an end.

Thus in October 1924 the Conservative Party, if

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1. Introducing the Trade Disputes Act (1906) Repeal Bill, ibid., vol. 163, col. 1192, 1 May 1923.

2. See below, pp. 70, 76.

3. Lieutenant-Colonel Sir Alan Burgoyne (Buckinghamshire, Aylesbury; director of F.B. Burgoyne Ltd. of London, colonial merchants); Sir Henry Craik (Scottish Universities); Lieutenant-Colonel Sir Joseph Nall (Manchester, Hulme; director of the Manchester Chamber of Commerce); John Rawlinson, K.C., (Cambridge University); Samuel Roberts (Herefordshire, Hereford; a member of the Industrial Group and a solicitor); and Dr. Thomas Watts (Manchester, Withington).
not its leadership, had a clear commitment to trade union law reform.¹ The General Strike was not so much the cause of the legislation of 1927 as its immediate cause: 'there never was', in the words of Herbert Looker (Essex, South-East), 'a more favourable moment...'.² Whereas the Six Acts had been a direct reaction to the disturbances following Peterloo, the Trade Disputes and Trade Unions Act was the culmination of a movement which had been developing for twenty years. Percy was to observe in retrospect that the real argument against legislation was that the turnip-ghost of the general strike had been laid in England by one touch of experience and to bury it solemnly with bell, book, and candle was just childish. Yet, he observed, this was not the sort of argument that occurred naturally to the citizens

1. 'Commitment' would be a more useful term than 'mandate' to apply to the Conservative Party's connections towards the issues of Constitutionalism since it avoids the latter's descriptive weakness as well as arguments about its prescriptive nature. From the descriptive approach, both Messrs. Benn and Peters and Professor Birch dismiss the validity of the doctrine of the mandate, the former on theoretical and the latter on empirical grounds (Social Principles and the Democratic State, p. 345; Representative and Responsible Government, pp. 119-21). Birch's analysis is not sufficient for the historian in that it only deals with two possibilities: with what might be termed a 'general mandate' (the Liberal and Conservative concept that the party which wins an election has a 'mandate to govern') and with what might be termed a 'specific mandate' (the assertion that 'a ministry's mandate to govern does not necessarily entitle it to introduce a major change of policy... if the electors have not had the chance to express their views on the subject!') (ibid., pp. 116-17). The difficulty is that the 'specific mandate' can stem only from a pronouncement by a party leader or from a party's election programme: it does not allow for what a party's candidates have pledged themselves to, nor for what the electors believe a party stands for. Birch observes: 'The Conservative Government of 1924-29 had no mandate for... the introduction of Trade Disputes Bill of 1927, which was said to be justified by the general strike' (ibid., p. 117).

2. Writing to Birkenhead to express the hope that the Government would have no hesitation in repealing the Trade Disputes Act at once (5 May 1926: Churchill Papers).
of a parliamentary democracy when they had been frightened:

What commentators forget is that ordinary citizens had been profoundly frightened, not only in 1926, but at least ever since the "Council of Action" in 1920; and it was not unnatural for them to ask for some guarantee that they would not be so frightened again.¹

That the Act of 1927 was in part a vindictive reaction to the General Strike, cannot be gainsaid: yet the chief effect of May 1926 was to swell the existing tide of trade union law reform with increased vigour.² This tide could thenceforth be temporarily diverted, but no longer stemmed.

By 1924, the demand for reform embraced not only the question of immunity from actions for tort, but also those of political strikes, compulsory union membership, picketing, the secrecy of ballots, and the political levy. It was the latter which preoccupied the Party during the first few months of the Parliament: on this matter it seemed that the leadership, and not only the rank-and-file, had a clear commitment.


2. Historians of all persuasions, however, seem agreed that the measure was 'a vindictive stroke' (A.J.P. Taylor, English History, 1914-1945, p. 251). Sir Colin Coote alone dissents: "The new Trade Disputes Bill was really quite unvindictive! (A Companion of Honour: the Story of Walter Elliot, p. 97). This is not to maintain that such a sentiment did not in part motivate many of the advocates of legislation: it undoubtedly conditioned the attitude of the Conservative press, the Daily Mail having fallen the Strike's first victim. The latter newspaper, significantly, was the first to demand action (20 May 1926).
The post-War period had seen much agitation, which originated with the working men who were instrumental in establishing Unionist labour committees in the constituencies, for the amendment of the Liberal Trade Union Act of 1913, which worked in favour of the Labour Party. This measure in effect reversed the Osborne judgment of 1909 by making it legal for unions to spend money for political purposes so long as a political fund were established after a secret ballot had been held, the fund were kept separate from the general fund, and members who did not wish to contribute were free to claim exemption. The chief objection to the act was that 'contracting-out', as opposed to 'contracting-in', took advantage of human apathy and encouraged intimidation (for example, there was frequent difficulty in obtaining exemption forms and it was the practice of some unions, including the Durham Miners' Association, to collect the same contributions from exempted members and refund them at special annual parades). Other objections were that the secrecy of the ballot was rendered largely useless since, by claiming exemption, the objector demonstrated how he had, or would have, voted; no new ballots were required, although most of the unions which had adopted political objects had decided some years previously and the membership of the principal ones had increased enormously; and the annual returns to the Chief Registrar of Friendly Societies regularly revealed that money in excess of that subscribed for that purpose had been transferred from benefit or strike funds to political funds (moreover, unregistered trade unions, such as the Miners' Federation of Great Britain, made no returns).
From 1909 to 1913, Conservatives had argued that political activities should be *ultra vires* the statutory objects of trade unions; in 1913 they had supported 'contracting-out' in the belief that it would weaken the newly-created political funds; and they had then campaigned, according to not only their opponents, for the repeal of the act when it became apparent that the Labour Party's income had increased tenfold as a result. 'Foreseeing the possibility of industrial strife', Loder wrote, 'a considerable section of the Conservative Party, including the Forty Thieves, decided that they would try to weaken the Trade Unions' financial strength [and] significantly [diminish] the Labour Party's funds'.¹ There were thus two views within the Party on the political levy and it was uncertain which would prevail.

Resolutions in favour of the amendment of the Trade Union Act had been carried at the annual conference of the National Unionist Association in 1921, 1922, and 1923 and at numerous provincial division meetings, particularly in Durham, Glamorgan, Lancashire, and Northumberland. In 1922, in response to the demand for action by Conservative trade unionists, Sir George Younger, chairman of the Party organisation, ordered a Trade Union Act (1913) Amendment Bill to be drafted at the Central Office. It was introduced by Lieutenant-Colonel E.C. Meysey-Thompson and received a second reading by 161 votes to 82 on 19 May and passed

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¹ 'A Look at the Century'.
through its committee stage after many stormy sittings.\footnote{H.C. Deb., vol. 154, col. 772.}
258 members, mainly Coalition Unionists, signed a petition to Austen Chamberlain and Lloyd George when it appeared doubtful whether the Government would provide further facilities, but the fall of the Coalition supervened. The House of Commons elected in 1924 included 178 Conservatives who had either voted for the second reading or signed the petition or both. A number of these sat in the Cabinet: L. S. Amery (Secretary of State for the Colonies), Baldwin, Sir Philip Cunliffe-Lister, Sir John Gilmour (Secretary for Scotland), Sir Samuel Hoare (Secretary of State for Air), Sir Douglas Hogg (Attorney-General), Edward Wood (Minister of Agriculture and Fisheries), and Sir Laming Worthington-Evans (Secretary of State for War). Two similar bills followed: the Trade Union Act (1913) Amendment Bill, introduced by Lieutenant-Colonel Martin Archer-Shee on 16 February 1923, did not secure a place for a second reading and a bill with the same title, introduced by Captain Charles Ainsworth, was refused a second reading by 211 votes to 129 on 14 March 1924.\footnote{Ibid., vol. 160, col. 490; Ibid., vol. 170, col. 2820.}

Looking Ahead declared:

\begin{quote}
It is the right of every citizen to support the policy and the party in which he believes; to use an industrial organisation in order to make him contribute out of his earnings to the funds of one political party, regardless of his private views, is an infringement of that right, and strikes directly at the political liberty which is one of the most treasured possessions of the British people.
\end{quote}
For this reason the Unionist Party, whilst upholding Trade Unionism in all its legitimate objects, will endeavour to secure that every Trade Unionist shall be free to exercise his own unfettered discretion as to whether or not he should contribute to any political levy through his Union.

On 28 November 1924, Colonel Gretton wrote the first of a series of letters to Baldwin and Steel-Maitland, letters which began on a note of caution about proceeding with the matter and ended on one of insistency. In this first intervention, he warned Steel-Maitland of the danger that even those trade unionists who did not like subscribing to political funds might join the resistance against legislative interference with the internal arrangements of their unions: it would be a very grave matter for the Party to take any step which would tend to consolidate a trade union vote against it. While he conceded that the National Unionist Association had several times passed resolutions in-favour of action, he maintained that the proceedings of its conferences were 'of a more or less perfunctory character, and really amount to little more than a general feeling that something should be done': only a bill which, unlike previous ones, was certain of achieving the object of relieving trade unionists from pressure to subscribe to political funds, would be justified. Steel-Maitland duly confided to Baldwin that, although the pressure for a bill was no longer so great, it was almost certain that some private member would introduce one: it ought to be settled

in the earliest session possible, both so as to have the maximum effect by the next election and for the row created by its passing to have died down.\(^1\) Gretton now reported, as a result of canvassing a considerable number of members representing different areas of the country, a general feeling that the Party was definitely pledged to legislation.\(^2\) Together with two or three others, he was endeavouring to draft a simple and effective bill: if this were possible, it would probably be better to proceed by means of the introduction of a private member's measure which could be adopted by the Government if it met with approval in the Commons and stood legitimate criticism.

Lieutenant-Colonel Cuthbert Headlam (County Durham, Barnard Castle; a barrister), writing to Baldwin about the situation in his constituency at the latter's request, reported that, while there had been a revival of confidence among Conservatives in the County, especially among the working class, no sane individual failed to appreciate the immense strength of the Labour Party there or to recognise the necessity for better Conservative organisation and unceasing propaganda.\(^3\) He blamed the lack of leaders, both among the remaining gentry and the new people with means and among the mine owners and managers, for leaving Conservative working men in a very difficult position: they

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1. 14 December 1924: ibid.
3. 16 January 1925: ibid.
were in a minority in all the pit villages and subjected to every form of intimidation and persecution and it was 'no wonder that Socialism grows apace among the Durham pitmen'. The small traders, likewise, were liable to be boycotted if they showed their colours. While Headlam believed the only real remedy lay in the people themselves, it had become too hard for Conservative working men unaided to recapture the union lodges, which were no more than committees of the Labour Party. He was pinning his faith chiefly on the National Conservative League: he had, since arriving in Barnard Castle the previous August, started thirteen lodges, each of which was forming a thriving cell in its particular ward. There was a strong feeling among all Conservative working men that it was the Government's duty to help them: they would not be satisfied until the political levy, which they regarded as the badge of their political servitude, were removed.¹

On 27 January, Steel-Maitland reported to Baldwin that Lieutenant-Colonel Stanley Jackson (Yorkshire, East Riding, Howdenshire; chairman of the Party organisation) had told him he was constantly being pressed on the subject of the political levy and would therefore like the Government to come to a decision.² Steel-Maitland had agreed to this,

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1. The Executive Committee of the National Union had just conveyed to Baldwin a resolution passed by the Durham County Unionist Association: this noted, with surprise and regret, that the King's Speech made no reference to the definite pledge given in Looking Ahead and called upon the Government to act at the earliest opportunity (Executive Committee meeting, 13 January 1925: Executive Minute Book, 1922-30).

2. Baldwin papers, vol. 11.
provided Eyres-Monsell were of the same opinion. Both Steel-Maitland and Jackson believed a Cabinet committee should be established to examine the facts as to victimisation and the possible remedies: it would then be possible 'to decide whether the game would be worth the candle in view of the opposition which, of course, would be aroused...'. They suggested the committee comprise three or four Cabinet members and, unusually, Jackson himself, to link the committee with the Party organisation, and, further, one or two private members of good judgment and influence. The reason for the latter suggestion was that, were it to be decided a bill should be introduced and by a private member, there would be one or two of them absolutely au fait with the question; if it were decided not to proceed, these members would be party to that conclusion and this very fact would help to allay the disappointment among the rank-and-file. Steel-Maitland proposed Gretton as the most suitable name he knew and also advised that neither the establishment of the committee nor its proceedings be recorded in the usual way.

Events quickened when Frederick Macquisten, K.C., (Argyll) obtained a place for his Trade Union (Political Fund) Bill in the ballot for private members' bills, in which there had been other similar measures, and introduced it two days later on 13 February supported by Major Charles Ainsworth (Bury); George Balfour; Ernest Bird (Yorkshire, West Riding, Skipton; a solicitor); Captain Arthur Evans (Cardiff, South), Commander Guy Fanshawe (Stirling and Clackmannanshire, Western); Captain Griffyth
Fairfax (Norwich); Walter Greaves-Lord, K.C., (Lambeth, Nor-
wood; vice-chairman of the Grand Council of the Primrose
League); Major Guy Kindersley (Hertfordshire, Hitchin;
partner in Vivian Gray and Company Ltd., stockbrokers);
Frederick Penny (Kingston-upon-Thames; a director of the
Eastern Smelting Company Ltd., Penang); and Major Leonard
Ropner (Durham, Sedgefield; director of Sir R. Ropner and
Company Ltd., shipowners).¹ By its provisions, members of
trade unions were freed from all liability to contribute
any levy for political purposes, safeguards were instituted
to prevent general funds being used for political purposes,
and registered and unregistered unions were placed on the
same footing. The bill was to be read a second time on 6
March. Of Macquisten, a contemporary observer of the parlia-
mentary scene wrote:

He is an individualist of as rigid a kind
as Mr. Josiah Wedgwood, and has no traffic
with even the most diluted form of Socialism.
His ideal man is the strong, resolute,
patient toiler, who labours for himself and
his family. He has an intense admiration for
the crofters and the fishermen of his own
constituency of Argyll. He prizes liberty -
regards the State as an alien to be kept at
arm's length. Himself a well-trained lawyer
with a university education and with much
curious knowledge, he sets small value on
education and praises what other men call ignorance.²

But he was also, according to Sir James Agg-Gardner
(Cheltenham), 'the sole representative of Gaelic humour [in
the present Parliament] and is much in demand at party and
public gatherings'.³

¹. H.C.Deb., vol. 180, col. 530.
The Cabinet referred the question of the Government's attitude towards the bill to a Committee comprising Birkenhead (chairman), Neville Chamberlain, Sir William Joynson-Hicks (Home Secretary), Viscount Peel (First Commissioner of Works), Steel-Maitland, Worthington-Evans, and, following Steel-Maitland's and Jackson's advice, Jackson himself and Eyres-Monsell.¹

Gretton, after consulting his Group, now recommended to Baldwin that, as a matter of tactics, the bill should be supported.² This advice was based on the assessment that there would be no advantage to the Conservative Party were the 'moderate' Labour men to cast the Communists out of the leadership of the trade unions. The union leaders were nearly all Socialists and the 'moderate' Socialists had the same aims as the Communists: the only real difference was their methods, the Communists, by their violent means abroad and violent propaganda in this country, having created strong opposition to themselves and much fear. So long as the latter were definitely a part of the Labour Party, the whole Party was involved in their actions: the most dangerous position was when a 'moderate' party soothed public opinion by so-called constitutional means, while stealthily proceeding to revolution. This 'moderate' party would have to depend for its existence on the levy, while the Communists had at their command considerable sums of money sent from abroad: from this point of view, so far as the bill to regulate contributions to political funds might tend to

¹. 18 February 1925: CAB.23/49, Cab.9(25)13.
². 12 February 1925: Baldwin papers, vol. 11.
prevent or delay a split, it would serve a good purpose.

A meeting of the Conservative parliamentary Trade Committee added its voice to the agitation. 15 members spoke in favour of Macquisten's bill, 5 in favour of a Government bill, and 10 against any bill; of the other 20 present who did not speak, a considerable majority appeared to favour Macquisten's bill.1 The chief arguments for Macquisten were: it was impossible to retreat from the policy as defined in Looking Ahead and all 10 Welsh Conservative members had made this definition a prominent issue during the election, in Durham and Lancashire Conservative trade unionists were particularly strongly in favour, and the Party would lose the support of many such men by not acting. The chief argument for a government bill was that the Government had given the pledge and they should redeem it. The chief arguments against any bill were: there ought to be no interference in what was essentially a domestic dispute within the unions; it would be construed as an attack both on the unions, thereby uniting trade unionists, and on Labour Party funds, thereby creating resentment among moderate working men; and it would alienate much of the indeterminate vote not attached to any party.

Viscount Younger of Leckie, treasurer of the Party organisation, assured Birkenhead, as chairman of the Cabinet Committee, that if the Government shirked the matter there

1. 18 February 1925 (Cunliffe-Lister to Baldwin, 19 February 1925: ibid.).
would be a terrible price to pay electorally. There were tens of thousands of votes of the men who formed the nuclei of the Party's working-class organisations in the constituencies: they exercised a very great influence on their fellows and would be fatally antagonised were the liberty they had been pledged not granted. The strength of feeling in the country was underlined when the Central Council of the National Union carried, by a large majority, a resolution proposed by Jackson urging the Government to amend the Trade Union Act. It was seconded by M.D. McCarthy (from County Durham, Chester-le-Street) and opposed by Francis Blundell (Lancashire, Ormskirk; a farmer and landowner).

Churchill, hitherto unsure, now had, the point of decision upon them, 'an absolutely clear conviction'. There were two worthy objects: to liberate working men from being compelled under threat of ruin to subscribe to the propagation of political principles they detested, and not to hinder by want of funds the less wealthy classes from using to the full their constitutional rights and so being continually assimilated into the British parliamentary system. These seemingly opposed objects could be reconciled by freeing working men from the thraldom of the levy and at the same time reducing the cost of parliamentary elections.

1. 23 February 1925: ibid.

2. 24 February 1925: Council Minute Book, July 1917 to March 1945. This meeting elected Gretton one of the Party's vice-chairmen.

by substantial grants from the Exchequer: such a combined policy would gain overwhelming support in the Commons and cut the ground from under the Socialists in the country. It might, Churchill concluded, be very harmful to the Government to disappoint the strong feeling among the rank-and-file of the Party which had been encouraged by its leaders before the election.

The Conservative parliamentary opponents of the bill were likewise marshalling their forces. Baldwin received a deputation of about twenty led by Skelton and including Brigadier-General Howard Clifton Brown (Berkshire, Newbury), Major William Colfox (Dorset, West), Duff Cooper, Hudson, and Cyril Lloyd (Dudley; vice-president of the National Federation of Iron and Steel Manufacturers and chairman of N. Hingley and Son Ltd. of Birmingham, engineers). He would say only that he regretted the division in the Party and that one side would have to be disappointed. A few of the deputation then saw Jackson and Herbert Blain, principal agent, at the Conservative and Unionist Central Office, 'who confessed crudely that their object was to deplete the funds of the Labour Party'.

Neville Chamberlain laboured to forestall an open split between the two forces:

the party was seething with doubt and disaffection over the political levy... On Wednesday afternoon [18 February] I sent for [the leaders of the malcontents,

1. 25 February 1925 (Duff Cooper, Old Men Forget: the autobiography of Duff Cooper (Viscount Norwich), pp. 142-43). Duff Cooper had found his constituents and correspondents very strongly in favour of the bill.
Macquisten and Balfour] to my room and addressed a moving appeal to them to allow the Bill to be talked out and not to force a division which would manifest a rift in the party. They were obviously impressed...

In accordance with Steel-Maitland's advice that its proceedings should not be recorded in the usual way, the Political Levies Bill Committee agreed that Birkenhead would report its findings, unanimously arrived at after prolonged discussion, verbally to the Cabinet. These findings, likewise, are not recorded in the Cabinet's conclusions, but Amery's account of the Cabinet's discussion the following day reveals that the Committee recommended the delaying tactic of a committee of inquiry. In addition to its awareness of what the Party had for long expected, the committee had had before it new evidence supplied by the Central Office. By the date of the Committee's first meeting, all the replies received in response to a circular letter, sent to all constituency associations shortly after Macquisten had introduced his bill, were strongly in its favour. Further, at several provincial division meetings in different parts of the country, vigorous opinions were expressed at the Party's failure to deal with the matter when last in office. The Central Office memorandum noted:

1. To Hilda, his sister, 21 February 1925: Neville Chamberlain Papers, NC 18/1/474.
It would be no exaggeration to say that there would be widespread and serious indignation among the wage-earning supporters of the Conservative Party if the present Bill were not supported officially; they would regard any failure to do so as a breach of the pledge which they consider to have been given in Looking Ahead and by the votes of Front Bench members in the House last year.

The only evidence before the Committee of Conservative hostility towards the bill was contained in a letter to Sir Frank Sanderson (Lancashire, Darwen; founder of Wray, Sanderson and Company Ltd., fertiliser manufacturers, chairman of the Humber Fishing and Fish Manure Company Ltd.) from H.D. Ashton, a large employer of labour and one of the most influential men in his constituency. He advised Sanderson to oppose the measure to the utmost of his power and the Government to give it no support, arguing, uniquely, that although the political levy was a grave injustice and an act of tyranny, 'it causes tens of thousands of working men and women to resent the oppression and vote against the Labour Party'.

A protracted debate followed Birkenhead's report to the Cabinet, at which Jackson and Eyres-Monsell were present. Baldwin finally said that he judged the question to be of such importance that he would adopt the unusual course of asking everyone to state his view. He spoke

2. The Earl of Halifax, Fulness of Days, pp. 102-03. He erroneously describes the Cabinet as having met on the eve of the second reading debate.
last, saying he wished to impress upon the Commons that one of the main principles of the Government's policy was to do everything possible to promote peace in the industrial world.\(^1\) While he would make it clear that they believed the existing system of levying contributions from trade unionists for political purposes was unjust, the Government were not prepared at that moment to bring their great majority to bear in support of a measure which would inevitably arouse acute controversy and embitter relations among those who alone were in a position to bring about the desired pacification. He would frankly recognise that this called for a considerable sacrifice on the part of the Government's supporters in Parliament, but he would appeal to them to accept it for the good of the country. He would, however, make it clear that if this gesture did not meet with a favourable response from the Opposition, the Government would not hesitate to take action on their own responsibility.

Edward Wood has described the effect of Baldwin's plea:

> When he finished no one said anything, for everybody felt that they had just listened to something of quite different order from what had gone before. Finally Birkenhead broke the silence to say that, if the Prime Minister could say to the House ... just what he had now said to the Cabinet, he thought that the speech would be made with the unanimous support of the Cabinet, and would carry conviction to the House.\(^2\)

>'... what carried no conviction as put by F.E.', in Amery's words, 'carried us all away'.\(^3\) Baldwin then informed a

\(^1\) 27 February 1925: CAB.23/49, Cab.11(25)4.

\(^2\) Halifax, op.cit.

\(^3\) Diary, 27 February 1925: Amery Papers.
deputation of the bill's supporters from the Commons of the Cabinet's decision that it was impossible for the Government to facilitate a private member's bill dealing with so important a matter.¹ Steel-Maitland, however, perceived the danger inherent in Baldwin's course and warned him of making a hostage to fortune: the corollary of a generous gesture not to interfere with the political levy would be for the trade unions to see that, like Caesar's wife, their behaviour was beyond suspicion in this regard, but great care would be needed to ensure that the announcement could not be construed either by Conservative stalwarts as a commitment to subsequent action or by the unions as a threat which would knock the bloom off the butterfly wings of the gesture.²

Moving the second reading of his bill, Macquisten was at pains to stress that he was motivated by a concern for political liberty and not by opposition to either trade unionism or Socialism. He had little in common with the 'terrible fellows on my side' who wished to repeal the Trade Disputes Act and declared that even if the majority of the executive and members of a union were Conservative and remitted the levy to his own Party, he would support exactly the same measure on the ground that Socialist trade unions were being done a great injustice.³ Greaves-Lord, seconding, deplored the decreasing membership of the unions: 'labour

¹. [Unsigned and undated MS.] note: Baldwin papers, vol. 11.
². 4 March 1925: ibid,
³. H.C.Deb., vol. 181, cols. 816-18, 6 March 1925.
organised in trade unions, if properly directed, is the best bulwark against revolution that you can have in the country'.

Ernest Bird declared unequivocally of the amendment of the Trade Union Act: 'it has been in the party's programme, and we have pledged ourselves to it'.

The opponents of the bill had tabled three amendments in an attempt to rout it by proposing delays and an inquiry. William Templeton (Banffshire; a wood turner, he was the organising secretary of the long-established, though somewhat ineffective, Unionist Workers' League) did not in fact believe in the principle of trade unions raising money for political purposes, but the bill would not deprive them of this right. To endeavour, however, to take powers 'to give a protection that is not really needed to the men, if there be any, who have not the ordinary guts to stand up for themselves, is not a measure which I can support'. He advised Macquisten to take the bill with him 'away, away to some heathery dell in far Ardnamurchan, and there cremate it!' Brigadier-General John Charteris (Dumfriesshire; a member of the Industrial Group) believed that it would be sufficient reason for Conservatives to oppose the bill were it to reduce union funds for political purposes: 'do we

1. Ibid., vol. 181, cols. 832-33. 'Macquisten, a genial and popular member, moved his bill in a good-humoured style but his seconder, a Conservative trade unionist, was harsh and long...' (D.C. Somervell, Stanley Baldwin: An Examination of some features of Mr. G.M. Young's Biography, p. 59).


want [the trade unions] in every industrial dispute to be forced back upon the remedy of the strike, as opposed to ventilating their difficulties in Parliament? Oliver Stanley declared that the unions ought to become one of the greatest national forces in the country, their activities extending into business and society as well as politics and, expressing the belief in a corporatism akin to guild socialism which he shared with his peers, decreed:

the individual has to subordinate his own individual will to the will of the union. Modern civilisation is built upon the infringement of individual liberty... I think when we are talking about the infringement of individual liberty we can only seriously consider those cases which really entail some hardship upon the individual.  

Baldwin, rising before an expectant House to move an amendment supporting the principle of the bill, but declaring it to be of such far-reaching importance that it should not be introduced by a private member, delivered a speech much like that he had addressed to the Cabinet. He overstated his case by adding that the Party had not won power by promising to introduce this bill, but 'because, rightly or wrongly, we succeeded in creating an impression throughout the country that we stood for stable Government and for peace in the country between all classes of the community'. His celebrated peroration was: 'Give peace in our time, O Lord'. So great was the effect of Baldwin's

1. Ibid., vol. 181, cols. 887-88.  
2. Ibid., vol. 181, cols. 863-64.  
3. Ibid., vol. 181, cols. 833-41.
plea, the speeches that followed were superfluous. After George Balfour had issued a stern warning that they would soon return to the fray if the Government's gesture of not firing the first shot met with no response from the Opposition, the second reading was negatived without a single mutineer.¹

'It was one of those rare occasions', Loder wrote, 'when one speech can be said to have decided the issue':

For this reason alone the moment was historic. I shall never forget the impression it made on me - the tense silence, the sensation of people waiting to be convinced, the feeling that the climax was passed, and finally the relief at the result of the division.²

The Cabinet delighted in Baldwin's triumph. 'S.B. had the parliamentary success of his career', Neville Chamberlain wrote, 'and indeed he deserved it. Much of his speech was not directly relevant to the bill, but it... raised the discussion to a plane to which we do not often attain in the House of Commons'.³ Churchill rejoiced that,

As Sièyes said of Napoleon when he and his fellow directors returned to Paris after the eighteenth Brumaire, 'Nous avons un Maître'...
A strong Conservative Party with an overwhelming majority and a moderate and even progressive leadership is a combination

1. Ibid., vol. 181, cols. 878, 891-96.

2. 'A Look at the Century'. At a meeting hurriedly convened immediately after Baldwin had finished speaking, the Industrial Group, while disappointed that the Government had not found the bill acceptable, unanimously decided to support the amendment (resolution: Baldwin papers, vol. 11). The National Confederation of Employers' Organisations and the Engineering Employers Federation had considered it inopportune to proceed with the measure (Patrick Hannon to Baldwin, 4 March 1925: ibid.).

which has never been really tested before. It might well be the fulfilment of all that Dizzy and my father aimed at in their political work. 1

Birkenhead concurred:

You have shown the greatest and the rarest form of political courage and I told you that it would succeed. I believe this will mean a permanent strengthening of your position in the House as a whole which is of immense importance to a Prime Minister. 2

However, as Birkenhead himself noted, 'the Diehards of our party are perfectly furious because we did not abolish the Political Levy'. 3 With much accurate prophecy, Macquisten expressed their feelings to Baldwin:

Sir Edward Grey's appeals for peace made war certain. It is often a more certain way of bringing war than declaring it. And then when it does come one's own supporters are like the Southern Irish Loyalists who were disarmed by Lloyd George so that their enemies did destroy them. I fear that unless something is done soon our own working-class supporters, who are the oppressed, will lose faith and heart in our party in the same way and for the same reasons as they did in the Coalition. 4

The following October, with a general strike possible in May, there having been no response to the gesture, Macquisten and his colleagues were true to their word and resumed battle. At the annual conference of the National Union, Major L. Beaumont-Thomas (from Hereford; a vice-president of the Union), seconded by F.E. Smith (from Essex, South-East), proposed a resolution which 'demanded', and no longer merely 'urged', the amendment of the Trade Union:

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1. To Clementine, 8 March 1925: Churchill Papers.
2. Quoted in G.M. Young, Stanley Baldwin, p. 94.
4. 8 March 1925: Baldwin Papers, vol. 11.
Act. 1 Jackson, departing from his customary rôle of deflecting pressure from the leader, declared that the matter appealed to them not because of any possible party advantage, but as a question of justice: 'and you will agree that we cannot possibly attempt to sacrifice justice on the altar of political expediency'. The resolution was carried unanimously: Baldwin's mastery over his Party had been short-lived.

The quarrel within the Party intensified when Macquisten, two weeks later, addressed a public letter to Baldwin, announcing that he proposed to introduce a bill in an attempt to induce the Government to act. 2 Baldwin retorted that 'the Government must be trusted to deal with such an important matter at their own time and in their own way'. 3 Differences within the Cabinet itself were hinted at when Birkenhead lent guarded support to Macquisten's campaign: taking care to stress he was not proposing that legislation to end the political levy ought or ought not to be introduced, he took the Liberal Party to task for having placed the unions above the law. 4

On 7 November, Macquisten, supported by Captain Fairfax and Ernest Goodman Roberts (Flint; a barrister), published a Trade Unions (Restoration of Liberty) Bill: it


2. 23 October 1925 (The Times, 29 October 1925).

3. 3 November 1925 (ibid., 16 November 1925).

4. Addressing a Conservative meeting in Dumfries, 4 November 1925 (ibid., 5 November 1925).
repealed, and not merely modified, the Trade Union Act and also repealed the Trade Disputes Act.\(^1\) In a final public letter to Baldwin, his political testament, Macquisten declared:

> the liberty of the subject... is daily infringed so long as the Trade Disputes Act and the Trade Union Act... disfigure the Statute Book... My Bill cannot be voted on for Second Reading, but I hope that it may evoke sufficient demonstration of support amongst the electors as to entirely satisfy the Government, and possibly some of the Opposition, that they will have the country at their back in proceeding with their own measure.\(^2\)

The bill was read for the first and only time on 20 November.\(^3\)

The progress of opinion within the Cabinet about the need for trade union law reform, during the period between the failure of the Macquisten Bill of March 1925 and the beginning of the General Strike, will be traced in three parts. There were, first, the attempts to give the trade union movement a more effective central leadership (proposals to form an industrial alliance and to increase the powers of the General Council of the Trades Union Congress) and their influence on Cabinet thinking and, second, parallel with this, there was Hogg's memorandum on the necessity for legislation: these developments led, third, to the appointment of a Cabinet committee which produced a draft bill.

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1. P.P. 1924-25 (258), v, 221.
2. 7 November 1925 (The Times, 16 November 1925).
The projected Industrial Alliance of 1925\(^1\) was significant both in that it led directly to the vesting, in May 1926, of supreme control over the great majority of affiliated unions in the General Council and in that it impressed upon the Cabinet the inadequacy of existing trade union legislation and the real possibility of a general strike.\(^2\) A consolidated association of trade unions for mutual assistance, with an offensive and defensive policy, was envisaged: on the general conference of the Alliance deeming a matter of dispute to be of vital importance, the conduct of any response would pass into the control of the executive council. The forms in which assistance might be given were to be fourfold: negotiation, financial, partial

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1. Variously known as the Quadruple Alliance, the New Consolidated Industrial Alliance, and the Workers' (Industrial)Alliance, it was conceived in March by the Miners' Federation which, in conjunction with the Transport and General Workers' Union, convened a conference of the major unions, embracing three million members, in June. This gathering agreed on the desirability of an alliance and appointed a committee to consider the matter. Ernest Bevin, general secretary of the T.G.W.U., rapidly became the driving force of the Alliance and, with A.J. Cook, secretary of the Miners' Federation, was responsible for drafting its constitution. At a conference in July, the union executives agreed to consult their constituents on the draft constitution and report to a further meeting later.

2. Probably because the General Strike supervened before it could be launched, the Alliance has received scant attention from historians. Professor Mowat dismisses it curtly: 'plans for a revised "Triple Alliance", a Workers' Industrial Alliance to include the miners, railwaymen, transport workers and engineers, came to nothing...' (Britain between the Wars, 1918-1940, p. 289). Sir Alan Bullock gives a brief account of the Alliance, though chiefly in relation to Bevin's part in it (The Life and Times of Ernest Bevin, i, 270-76 and passim). The Alliance is not referred to in any other of the general or trade union histories of the period.
sympathetic action, and complete sympathetic action.

The proposed Alliance played a decisive part in forging the united action of 1926, which was possible because of the rapid consolidation and centralisation since 1921 of power in the Trades Union Congress and its General Council, the latter, elected on a system of industrial groups, having supplanted the Parliamentary Committee and possessing much wider powers. The Council had come to occupy the rôle intended in 1899 for the General Federation of Trade Unions, that of a central co-ordinating body for the movement as a whole. Its scope had been enlarged every year since its establishment and it could be observed in 1929:

Although [the General Council] has been given no power to override the autonomy of the Unions or to impose decisions of any kind upon them, its moral authority in the movement is great and continues to grow year by year.  

The principal ambition of Fred Bramley, general secretary in 1925, was to make the Trades Union Congress the centralised leadership for the whole movement in industrial matters; Walter Citrine, assistant secretary, was also a convinced believer in the necessity of this. The Congress in September of that year, however, despite the heady militancy of its atmosphere and the revolutionary calls to action it passed, both baulked at conferring greater powers upon the General Council and saw the eclipse of the left on the Council by the moderates. Scarborough has thus

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1. Trade Union Documents, ed. Walter Milne-Bailey, p. 39. Milne-Bailey was at that time secretary of the Research and Economic Department of the T.U.C., but his account is nonetheless well-balanced.

2. Walter Citrine, Men and Work: an autobiography, p. 86.
often been described as the high-water mark of the leftward trend in the trade union movement from which the tide at once began to ebb,¹ though this would seem to be misleading for three reasons. First, the 1925 Congress caused no more than a hiatus in the transfer, albeit temporary, of greater powers to the General Council, which was to occur on 1 May of the following year: the apparent moderation on this question at Scarborough could in great part be ascribed to the rivalry between the Council and the hesitantly burgeoning Industrial Alliance.² Second, while the new composition of the Council clearly signified a movement in favour of those who advocated the use of industrial power for industrial rather than for political ends, this was, nonetheless, the very body which was to conduct the General Strike, wherein

1. Both Nowat (op.cit., pp. 288-89) and Bullock (op.cit., p. 283) refer to it in these terms.

2. Bullock maintains that neither Bevin nor the leaders of any of the great unions was willing to be rushed at the Congress: 'Unity', he argued, "must come from the people... I do not want to see a forced unity" (op.cit., p. 284). Bevin had, however, insisted upon the same condition when presenting the case for joining the Industrial Alliance to his own union the previous July and the delegates had overwhelmingly voted to sacrifice autonomy for unity (first biennial delegate conference: Record, August 1925). The Labour correspondent of The Times reported the widely-held view that the General Council could act in an emergency with even greater force than the Alliance and that consequently the latter was unnecessary. 'There is besides', he continued, 'some apprehension lest the Alliance should become the rival and possibly even the superior of the General Council. The existence of the two organisations might, in fact, divide and not unite the trade union movement' (7 November 1925) and 'the Alliance would be the fighting arm of trade unionism' (6 November 1925). The Workers' Weekly expressed this apprehension, believing the Alliance should come under the direction of the General Council: if this were done, 'the formation of the Industrial Alliance would be a tremendous step forward in the struggle for the unity of the trade union movement and would provide a great impetus to the movement for full powers to the General Council' (30 October 1925).
industrial and political motives were, at the least, confused. Third, work on the Industrial Alliance continued after the Congress had ended.

The activities of the trade union movement, certainly, were causing concern throughout the Conservative Party. The National Union expressed alarm at Alonzo Swales's presidential address to the Congress in which, declaring that they had already entered upon probably the last stage of revolt, he had urged all members of the working class to solidify their movements so that whenever the time came for the final struggle, there would be men and machinery ready for the destruction of wage slavery and for the creation of a new heaven and a new earth. It warned that although the resolution embodying Swales's policy of 'arming the General Council with powers to decree general strikes at their uncontrolled discretion' had not been carried, 'it would be a mistake to suppose that the proposal to invest the Council with this tremendous authority is dead, or has been shelved' (the resolution had been referred to the Council with instructions to examine the problem and report to a special executive conference).¹

For the Government, Scarborough underlined the reality of the threat posed by the Industrial Alliance, a threat already made all the more real by 'Red Friday'. Despite the scepticism that had been expressed as to the prospects of this new Alliance,² the Home Office had taken

¹. *Gleanings and Memoranda*, October 1925.

². The *Workers' Weekly* referred to the 'shriek of joy from the Yellow Press' when it believed that the question of the Alliance had in effect been indefinitely postponed at its first conference in June (12 June 1925).
an early interest in its progress and obtained copies of its draft constitution and of an explanatory memorandum, together with a covering letter from Bevin (to the general secretaries and executive councils of the unions associated with the project) stressing their very strictest confidentiality, well in advance of the Alliance's conference on 17 July. On 25 November, a delegate conference arrived at a final draft constitution, but the Alliance could not be sealed until the unions concerned had consulted their members and completed the important modifications in their rules which acceptance would necessitate; in the case of registered trade unions, not less than three months' notice of a proposed alteration of rules was required.

The application by the Transport and General Workers' Union for the registration of alterations in its rules made the Cabinet fully aware of the wide powers trade union officials were able to vest in themselves and to confer upon outside bodies over their own members. George Stuart Robertson, K.C., Chief Registrar of Friendly Societies, was most reluctant to approve the proposed alterations and sought the opinion of the law officers, feeling quite sure that Bevin would start pressing strongly for registration as soon as Christmas was over and regarding the question as very

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1. The three documents are all dated '6 July 1925': H.O. 45/12330.

2. The National Union of Railwaymen had previously withdrawn because of the rejection of its proposal to make membership of the Alliance dependent upon acceptance of the principle of industrial unionism.

urgent, 'a matter not only of legal but also of great political importance'. Joynson-Hicks and his Department shared the view that the matter was one of considerable urgency. With his characteristic absence of official restraint, Stuart Robertson observed that the draft alterations, which referred specifically to the contingency of a general strike,

put the union and the members and property of the union completely at the mercy of any sort of organisation whatever, whether it be the Soviet Government, the Communist Party, the Parliamentary Labour Party, the Trades Union Congress or what not, for any sort of purpose and without any limitation ... There is to be no consultation with the members or their delegates or their committees, no ballot, no anything. No slavery was ever more complete. He suggested that registration might be refused on one or more of three grounds. Public policy in general: the alterations were intended for the promotion and conduct of a general strike against the community under the orders of some undefined body for purposes which were equally undefined and might or might not concern the members of the union. Illegality: would a general sympathetic strike be within the protection of the Trade Disputes Act, 1906, at any rate so far as the members of a particular union taking part in the strike were not concerned in the trade dispute.

1. To Captain Douglas Hacking, Under-Secretary at the Home Office, 19 December 1925: ibid.

2. Two letters [one unofficial, the other official] from Blackwell to Clive Lawrence, Solicitor to the Treasury, 21 December 1925: ibid.

out of which the strike arose, or would the parties to it be in any case indictable under the Conspiracy, and Protection of Property Act, 1875, and therefore did these alterations of rules not constitute an unlawful purpose within the meaning of section 6 of the Trade Union Act, 1871? **Ultra vires:** this involved the interpretation of the provisions of the Trade Union Act, 1913, whereby a union was not confined to the 'statutory objects', within which the objects included in the alterations did not seem to fall, but might have other objects provided that its 'principal objects' were 'statutory objects'.

Hogg and Sir Thomas Inskip, Solicitor-General, decided that the Chief Registrar was bound to register the alterations of rules submitted to him and could not insist upon any modifications. Their opinion further noted: 'neither do we consider that the alterations make any of the purposes of the Trade Union unlawful...'.¹ To remedy this state of affairs, Hogg had already recommended legislation to the Cabinet² and, in a memorandum of June 1926, Inskip dealt with the question of general strikes in terms very close to those of Stuart Robertson.³

Inskip suggested that a general strike might be

2. See below, pp. 59-63.
3. 'Trade Union Legislation': proceedings and memoranda of the Legislation Committee, CAB.27/326-27 [hereafter cited as 'L.C.'], L.(26)7. Although the memorandum does not refer directly to the Chief Registrar's case, it quotes throughout the alterations made in its rules by the T.G.W.U.
made more difficult if it were enacted that in order to enjoy the advantages of the Trade Disputes Act a trade union should have as its sole objects 'statutory objects' (thus deterring the addition of subsidiary objects to the 'principal objects'), subject to the crucial modification that only the relations in the trades or industries to which the members belonged were intended to be regulated. Echoing Stuart Robertson's earlier warning, he expressed the concern felt by the Party that the trade union machinery, which had been generally supposed to ensure some degree of control by the members, was either non-existent or had been thrown out of action:

A disquieting feature of the General Strike was the apparent absence of consultation of the members of the Trade Unions concerned by the outside body which directed the strike.  

The National Union had declared:

In calling the General Strike the Trades Union Congress acted without a direct mandate from individual trade unionists. The rank and file ... were mere pawns in the game... The call to strike was an act of coercion.  

It was clear to Inskip that a dictatorship of this kind could be used ruthlessly, since the trade unions and their officials were safe from any of the consequences that ordinarily flowed from wrongful acts or breaches of agreement.

1. In some cases, the rules of the unions allowed this to be done (for example, the altered rules of the T.G.W.U.); in others, the executives of the unions had discretion in the matter; and in yet others, the rules required a vote of the members before a strike.

2. Gleanings and Memoranda, June 1926.
Although his first inclination had been to suggest that this immunity be removed, he believed such action would be a mistake, since it would tend to harden trade union opinion in an effort to recover their position. He thought it preferable to impose upon the unions, as a condition of their privileged position, the obligation to hold a ballot before any strike were ordered.

Parallel with the attempts to give the trade union movement a more effective central leadership and their influence on Cabinet thinking, appeared Hogg's memorandum on the necessity for trade union legislation, 'The Present Law in regard to Sedition and Strikes'. Indeed Birkenhead, who argued eloquently and passionately against the Trade Disputes Bill in 1906, had already foreseen that the moment for new legislation was fast approaching:

In my judgment we shall have to set our teeth just as we should have done if six months more war had been necessary, and carry the matter once for all to a conclusion which will involve a complete reconsideration of the exceptional legal status conceded to Trades Unions...

Although the 'sedition' in the memorandum referred principally to incitement to mutiny among His Majesty's Forces, its conjunction with 'strikes' was plainly not without precedent in the history of trade unionism. As well as the common law doctrine of 'restraint of trade' and the Combination Acts which marked the culmination of the re-

1. 9 October 1925: CAB.24/175, C.P.420(25).

2. To Reading, 8 October 1925, quoted in Birkenhead, F.E., p. 527.
pressive policy of the preceding centuries, laws to suppress political sedition were used against the unions in the period after 1789, when every society of workmen was regarded as a possible centre of revolutionary activity. Such suspicions had been revived whenever an upsurge of political consciousness occurred among workers or their leaders: during the periods of Chartism, of the 'Junta' of the 1860's, of the New Unionism, and since the publication of The Miners' Next Step in 1912. It was thus inevitable that these fears would be strengthened when, in 1925, some union leaders were again preaching revolution.

The first branch of the law considered by the memorandum related to 'the power of the State to punish or prevent the preaching of revolutionary doctrine';\(^1\) the second, to 'the limits within which a general strike in support of the miners' demands is permissible'. Although the trade unions had, for half a century, enjoyed both legal status and the right to function relatively freely, a general strike certainly did pose the question of sedition, the legal definition of which quoted by Hogg had relevance to an attempt by the unions to coerce the government:

\[
\text{an intention... to excite disaffection against... the Government and constitution of the United Kingdom... or either House of Parliament... or to excite His Majesty's subjects to attempt otherwise than by lawful means, the alteration of any matter in Church or State by law.}
\]

\(^1\) This is discussed below, pp. 251-53.
established...

Hogg nonetheless felt this definition to be inadequate: indeed, he and Inskip could not find that the proposed alterations in the rules of the Transport and General Workers' Union made any of its purposes unlawful. He thus stated his aim unequivocally: 'I should like to render illegal any strike which is directed against the State and not against the employers...'. Hogg had therefore resolved on the necessity of declaring a general strike illegal a considerable time before May 1926. This necessity was not to be obviated in his mind by the dicta of either Sir John Simon (chairman of the parliamentary Liberal Party) or Justice Astbury, the former senatorial, the latter judicial, despite the fact that they had combined to weigh heavily with the General Council in ending the

1. Sir Lynden Macassey, K.C., a Conservative who had been chairman of various government committees on industrial questions, was to declare:

   The term 'strike', as it has been employed in industrial parlance in this country for over a hundred years, has no application to the recent happenings. What occurred can only be described by the familiar phrase 'sedition, privy conspiracy, and rebellion'

It was not, however, without misgivings as to the attendant political difficulties that Hogg recommended amendments to the law:

from our own supporters the popular cry is for the repeal of the Trade Disputes Act of 1906. This I think impossible; however undesirable and unconstitutional the Act may be, it is regarded by all the Trade Unions as their Magna Charta and any attempt to repeal it would be considered by the whole body as an attack upon the trade unions and would rally all trade unionists to support the extremists.

He found the greatest difficulty in deciding what alterations in the law were possible. He had not yet been able to frame a satisfactory form of words which would not unduly limit and interfere with industrial disputes and he doubted whether it was possible to find such a form. It had, though, occurred to him that

1. ... I do not feel confident that [Astbury's] judgment would be upheld in every particular and the possibility of actions being brought on the basis of the judgment and resulting in its reversal makes it important that the legislation should be introduced immediately

('Memorandum for the Legislation Committee', 31 May 1926: L.C., L.(26)2). Professor R.F.V. Heuston has observed:

It was typical of Hogg's caution that he always refused to express agreement with the proposition of law which formed the basis of Simon's great speech in the Commons on 6 May... namely, that the General Strike was illegal at common law. He agreed that the speech itself had been of great public service in helping to end the strike...

('Trade Union Legislation', 17 May 1926: CAB.24/180, C.P. 204(26)).
it may perhaps be possible to limit the protection afforded by the Trade Disputes Act to actions done solely in furtherance of trade disputes. This would have the effect of rendering Trade Union officials and funds liable if the act was otherwise actionable and the jury held that it was done purely for political or malicious end.

He made no reference to the timing of the introduction of any legislation, observing that the framing of amendments to the law was a matter of extreme difficulty and suggesting a Cabinet committee to consider their desirability.

A Public Order Committee with Viscount Cave, Lord Chancellor, in the chair, was duly appointed within a few days of the circulation of Hogg's paper: the Cabinet had thus, in response to the attempts to give the trade union movement a more effective central leadership and to a growing appreciation of the inadequacy of the existing law, taken a positive step towards legislation as early as 13 October 1925.1

The Committee's proposal did not cast its net as wide as Hogg's strikes 'purely for political or malicious ends' appeared to do. It was based largely on Cave's memorandum, 'Strikes in the essential public services'.2 This paper, a direct reply to Hogg's, suggested it might be desirable to enact that, in the event of a strike or lock-out being threatened in any of these services, the

1. CAB.23/51, Cab.48(25)2. The Committee comprised Birkenhead, Cecil, Hogg, Joynson-Hicks, and Worthington-Evans.
Minister of Labour could refer the dispute to a court of inquiry under the Industrial Courts Act: until such a court had reported, it would be illegal to strike in that industry and the Trade Disputes Act would not apply. Cave thus considered the problem in terms of the avoidance of conflict rather than of the assertion of governmental strength.¹

While the substance of his memorandum was approved by the Committee at its first meeting on 5 November 1925, objections were raised to Cave's view both as to the stage

¹. Drawing on Felling (see below, pp.121-22), it has been generally accepted that Chamberlain, who later offered a similar plan, was the only Minister calling for a more 'constructive' approach to trade union legislation (for instance, Iain Macleod observes: '... Chamberlain from the first tried to ensure that [the legislation] was also constructive' (Neville Chamberlain, p. 120)). Chamberlain's intervention, in November 1926, came, however, very late in the day. In any case, Cave's proposal itself, which he was to repeat in debates on the renewal of the emergency regulations in 1926, was not novel. A number of bills advocating various forms of compulsory arbitration had been introduced with all-party support during the preceding years: the Labour Disputes Bill, the Industrial Peace Bill, and the Industrial Armistice Bill (H.C.Deb., vol.29, col.2121, 17 August 1911; ibid., vol.64, col.2136, 16 July 1914; ibid., vol.147, col.1561, 1 November 1921). A further bill was to be introduced in November 1926 (see below, p. 122, n. 2 ). The Conservative Party in Parliament was to propose such a measure in July 1926 (see below, p. 89; 91, n. 1 ). Another Minister, moreover, has since claimed that he and not Chamberlain was instrumental in putting the subject before the Cabinet in 1927 (see below, pp. 122-23). That the compulsory arbitration provisions of the Munitions Act, 1915, had caused much friction and been blatantly flouted, did not deter these proposals. Yet, although he was to reintroduce the suggestion of the court of inquiry in his post-General Strike memorandum (see below, p. 76 ), Cave subsequently doubted its wisdom. He noted that it meant a new act and, while a good many in the Cabinet favoured this, he queried whether public opinion was ripe for such an important step (conference between the Legislation Committee and a deputation from the Trade Unions Sub-Committee of the 1922 Committee, 26 July 1926: L.C., L.(26)6th Conclusions, appendix B). When Chamberlain revived the proposal, Cave declared that it would increase the difficulty of passing the new bill into law (29 November 1926: L.C., L.(26)10th Conclusions).
in a dispute at which the State should intervene and as to when the actual legislation should be introduced.¹ He told the Committee that it should be possible for the State to take action before a general strike occurred and that the strengthening of the Emergency Powers Act was not sufficient as that act only came into operation after a strike had begun: he thus favoured early legislation. Cecil argued that State intervention could only take place after a general strike equivalent to an economic rebellion had broken out and that in these circumstances the proper remedy would be something in the nature of the declaration of a state of siege.² Birkenhead, seconded by Worthington-Evans, expressed confidence that public opinion would sympathise with and support the Government if after, and he emphasised this timing, the outbreak of the next emergency steps were taken to introduce permanent legislation on the lines suggested by Cave. They both referred to 'the next emergency' with a definite air of inevitability.

1. P.O.C., P.O.(25)1st Conclusions, minute 3.

2. He did not, however, think that Cave's remedy was a bit too drastic if means could be found of limiting it to strikes directed against the community, rather than applying it to strikes in specific essential trades, the latter course being fraught with great obstacles. Birkenhead also felt there was much difficulty in saying to certain great unions that they alone should not be allowed to strike: this would not end a dispute, but would merely embarrass the leaders. It was Cecil's concept of the 'community' which was eventually adopted.
Birkenhead's proposal was formally adopted by the Committee at its second meeting on 22 December. The relevant section of the Committee's report of 25 March 1926 was couched in virtually the same terms as was the agreement reached at this meeting three months previously. It did not reflect the discussions which had taken place within the Committee during this period; neither was the Cabinet formally notified of the Committee's decision to ask the Parliamentary Counsel to draft a bill, the report itself making only a minimal reference to the existence of a draft bill. The reasons for this rare lack of communication

1. P.O.C., P.O.(25)2nd Conclusions. It was agreed to report to the Cabinet that

While no useful purpose would be served by attempting the early introduction of legislation to deal with strikes in essential services on the lines suggested by the Lord Chancellor, the question of such legislation should be reserved for immediate consideration in the next emergency.

2. That, while it is at the moment undesirable to introduce legislation dealing with strikes or lock-outs in essential services directed against the State, the question of making illegal such strikes or lock-outs until a Court of Enquiry has reported on the particular dispute, and in the meantime of suspending the Trade Disputes Act of 1906, should be reserved for immediate consideration on the happening of the next industrial emergency

(CAB.24/179, C.P.(136)26).

3. A footnote in the report stated that the Committee had approved a draft bill to give effect to Cave's proposals, adding that it was not thought necessary to circulate copies at that stage, but that a copy would be available at the offices of the Cabinet for inspection by Ministers. The decision not to circulate had been taken at the final meeting, which also agreed that all copies of the draft bill were to be returned to the Committee's secretary (24 March 1926: P.O.C., P.C.(25)4th Conclusions).
between the Cabinet and one of its committees were probably two-fold. First, the Committee was aware that legislation such as it favoured would not be universally welcomed and consequently even the knowledge that an emergency bill existed might be prejudicial to the industrial situation (the Cabinet had been troubled with leakage of information). Second, Baldwin, Percy, and Steel-Maitland were not in accord with the Committee's decisions: it was deemed politic not to trumpet its victory.

When Percy was added to the Committee after its first meeting, it had already accepted the principle of legislation.\(^1\) It was, however, only towards the end of February that Baldwin appointed Steel-Maitland.\(^2\) The tardy addition of the Minister of Labour, to a Committee dealing with a subject of central importance to his Department, had no effect on the outcome of its deliberations. Steel-Maitland expressed his outright opposition to Cave's proposal, reminding the Committee that the arrangements for the voluntary negotiation of disputes in the railway service had been settled by agreement between the companies and the unions concerned before being made statutory by part IV of the Railway Act, 1921. He warned that most acute trouble was to be expected if the railway procedure were applied to

2. Ibid. Moreover, while Steel-Maitland was appointed in time for him to attend the third meeting, it was only at the Committee's fourth and final meeting, at which merely the details of the draft bill were discussed, that Henry Betterton, Parliamentary Secretary at the Ministry of Labour, and J.A.N. Barlow, Principal Assistant Secretary at the Department, were present. Nonetheless, Home Office officials, including Blackwell, had attended the majority of the meetings (the law regarding sedition being under discussion at all four).
other essential industries by statute without the prior agreement of the interested parties.\(^1\) He went unheeded, the Committee immediately proceeding to issue a request to the Parliamentary Counsel to draft a bill on the lines of Cave's memorandum.\(^2\) At the end of March 1926, the Cabinet thus had at its disposal, in the form of the draft Lock-outs and Strikes (Prohibition) Bill, a weapon, albeit perhaps not that potent, with which to combat a general strike.\(^3\)

Unbeknown to the country, the Government indeed came within a hair's breadth of introducing legislation during the General Strike. On its eve, suggestions were made in the Cabinet that in the event of a national stoppage a measure should at once be introduced either to make a secret ballot necessary or to remove the immunity of strike funds in such cases, or both, and to make picketing illegal.\(^4\)

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1. 1 March 1926: P.O.C., P.O. (25) 3rd Conclusions.

2. L.A.J. Granville Ram, Third Parliamentary Counsel, who was to be responsible for the drafting, was already in attendance. Neville Chamberlain confided to Annie, his wife: 'between ourselves, I am not favourably impressed with S[teel] M[aitland]. But he doesn't carry much weight in the Cabinet...' (7 May 1926: Neville Chamberlain Papers, NC 1/26/364).

3. The Cabinet agreed that the Committee's report should be brought forward if and when an emergency arose which would provide a favourable opportunity for legislation (31 March 1926: CAB.23/52, Cab.14(26)1).

4. 2 May 1926: CAB.23/52, Cab.21(26)1. The passage in the conclusions referring to these suggestions was included only in the copy sent to the King.
It was not, however, until 8 May, with the Strike nearly one week old, that definite proposals were placed before the Cabinet, those within it who favoured action drawing support from a bill to repeal the Trade Disputes Act which Banbury introduced in the Lords on 4 May. At the instance of Salisbury, who expressed his 'strong wish' on the matter to Banbury, the motion for second reading, the order for which was read on 6 May, had been postponed until 20 May.

On 7 May, the Cabinet had appointed a Committee composed of Birkenhead, Cave, and Hogg to consider whether any legislation was necessary or possible, either at that moment or in the near future, to strengthen the Government's powers. By the evening of 8 May, the Cabinet was presented with a draft Illegal Strikes Bill which declared and amended

1. H.L.Deb., vol.64, col.43.
2. Salisbury, ibid., vol.64, cols.105-06, 6 May 1926. Salisbury told the Lords that no legislation affecting the industrial crisis ought to be dealt with except upon the responsibility of the Government. He subsequently managed to postpone the second reading until 15 June, and then until 20 July (ibid., vol.64, col.229, 18 May 1926; ibid., vol.64, cols.401-04, 15 June 1926). The Cabinet had asked him to try to achieve the postponement of the bill and, if this were not to succeed, to arrange for the adjournment of the House to be moved when the bill came up for discussion (9 June 1926: CAB.23/53, Cab. 37(26)15). Cave's intervention during the second reading debate achieved its adjournment sine die (H.L.Deb., vol. 65, col.80, 20 July 1926).
3. CAB.23/52, 25(26)k. Earlier in the meeting it had been arranged that Joynson-Hicks should discuss with Birkenhead and Hogg whether recent action taken by certain trade unions to interrupt the carriage of foodstuffs was a breach of the existing law and whether any action was required.
the law with respect to illegal strikes. Its principal provision, rendering it illegal to apply trade union funds in furtherance of sympathetic strikes directed against the Government, was largely Hogg's work, being based on his memorandum of the previous October and not on Cave's draft Lock-outs and Strikes (Prohibition) Bill, which had already been approved for use in an emergency. The Cabinet was unanimous in its support for the new draft bill, though Baldwin had not been won round without difficulty. It was

1. CAB.23/52, Cab.27(26)1, appendix.

2. It also, in accordance with the pledges Baldwin had given during the week about victimisation after the Strike, declared that no person refusing to take part in any illegal strike would, by reason of such refusal, be subject to expulsion from any trade union or to deprivation of any right.

3. Amery noted: 'Hogg had pressed for this [strike legislation] for some days but had only just succeeded in getting the P.M. to allow it to come before the Cabinet. We were all quite clear on this point' (diary, 8 May 1926: Amery Papers). As early as 14 April, Baldwin informed Dr. Thomas Jones, Deputy Secretary to the Cabinet, that he proposed to warn J.H. Thomas, a member of the T.U.C.'s negotiating committee, later that day that if there were a general strike the pressure on him to restrict the powers of the trade unions would become irresistible: he would be driven to deal with the political levy, the ballot, and the Trade Disputes Act. According to Jones, Baldwin calculated that if he told this to Thomas in strict confidence, it would reach MacDonald and percolate through the Labour Party (Thomas Jones, Whitehall Diary, ed. Keith Middlemas, ii, 13). Baldwin's strategy had failed and he tried to resist the pressure when it came. He had first spoken of revising the powers of the unions during the days preceding 8 May, but had then doubted the wisdom of interference before finally acquiescing (Keith Middlemas and John Barnes, Baldwin: a biography, p. 413). Percy would seem to have been a principal advocate of immediate legislation (Cecil, 'The Industrial Position', 7 May 1926: CAB.24/179, C.P.188(26)). But Cecil was unhappy at the decision: he believed it a grave error to allow even the appearance of success to the Strike and that such a move would have this effect. He nonetheless thought legislation would have to be considered as soon as the Strike had collapsed (ibid.).
agreed to introduce the bill on 10 May\(^1\) (subsequently postponed to 11 May) and carry it through all its stages in one day, approval being given in the Lords without discussion and the Royal Assent being granted by four peers.\(^2\)

On the morning of 10 May, Thomas Jones, with an excess of zeal, applied himself to overturning the Cabinet's decision.\(^3\) 'With fierce energy' he pleaded with Baldwin, Churchill, and Eyres-Monsell to temporise, arguing that Eccleston Square (headquarters of the Trades Union Congress) was already beaten and knew it was beaten. Baldwin decided to call a Cabinet for that afternoon to consider the propriety of introducing the Illegal Strikes Bill. To sway the Prime Minister, Jones consulted Colonel Sir Ronald Waterhouse (Baldwin's Principal Private Secretary), Captain Sidney Herbert (Yorkshire, Scarborough and Whitby; his P.P.S.), Sir Warren Fisher (Permanent Secretary to the Treasury), and Sir Otto Niemayer (Controller of Finance at the Treasury), all of whom agreed with him. Waterhouse suggested that the only way left of influencing Baldwin was through the King; to this end, Jones advised Waterhouse to see the Earl of Cromer, Lord Chamberlain. Jones also called at Carlton Gardens to visit Balfour, who declared that he was 'quite willing to ask at the Cabinet what the justification was for those of us who are defending Parliamentary Government

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1. CAB.23/52, Cab.27(26)1(a).
3. This paragraph is based largely on Jones, op.cit., pp. 45-46.
rushing a Bill of this kind through without debate'.

Balfour added that Salisbury, who likewise objected to this procedure, was certain, after having seen Baldwin, that the latter had been persuaded by Birkenhead.

Shortly before the Cabinet met, Lord Stamfordham, Private Secretary to the King, delivered a message to Baldwin in which the King impressed upon him that, in his judgment, it would be 'a grave mistake to do anything which might... provoke the strikers, who until now have been remarkably quiet'. Harold Nicolson claims that 'The King's warnings had their effect: the Cabinet decided to introduce no provocative legislation unless it became essential to do so; milder counsels prevailed'.

Other considerations, however, weighed more heavily in reaching this decision.

Hogg reported to the Cabinet, meeting in the Prime Minister's room at the House of Commons, that he had seen Sir John Simon, who had been shown a copy of the draft Illegal Strikes Bill by Churchill with Baldwin's authority and had intimated his willingness to support it if the Cabinet decided to introduce it, but had suggested amendments to make it clear that the intention was to declare and not to amend the law.

Several new factors, which had

1. According to Amery, however, Balfour was not the firm ally Thomas Jones had imagined (see below, pp. 73-74).
2. Quoted in Harold Nicolson, King George the Fifth: His Life and Reign, p. 419.
3. Ibid.
4. 10 May 1926: CAB.23/52, Cab.28(26)1.
arisen since the matter was last considered, were mentioned: doubts had been expressed by 'certain persons of experience' (notably Simon and Sir Guy Granet) as to whether the moment was quite opportune; the proposed notice to be issued by the railway companies to the absent members of their staffs; the refusal of bakers in some important firms to obey the order to strike; the Government's announced intention to protect those staying at work; information as to the financial inability of some of the trade unions to support the Strike; and indications of a tendency towards uncertainty among some of the strikers, which it was recognised were not important unless accentuated later; and, most importantly, Eyres-Monsell reported that doubts had also been expressed by some of the Government's supporters in the Commons. Amery recounted the mood of the Cabinet:

In view of certain indications that the strike might be petering out as afforded by the railway companies and from other quarters Stanley urged that we should hold our hand for a few days longer about the bill and not introduce it until the beginning of the following week, and at any rate not to make up our minds for a day or two. Austen followed Stanley's

1. Granet, chairman of the L.M.S.R., had, with Wilfrid Ashley, Minister of Transport, seen Baldwin earlier that day.

2. CAB.23/52, Cab.28(26)2,3. '...the whips brought messages showing that most of the Conservative M.P.'s were against it...', W.C. Bridgeman, First Lord of the Admiralty, has recorded (Political notes (1906-35), May 1926: Bridgeman Papers). Younger members of the Party had let their views be known to Sidney Herbert: Captain Walter Elliot, for example, 'who had a vague idea of what was contemplated... was aghast to find that there was a plan of rushing the Bill through in a day' (Jones, op.cit., p. 4).
strong expression of opinion and the Cabinet concurred though very reluctantly some of us e.g. Neville, Winston, Cave, Balfour and myself opposing. My own view was that the sooner we got the thing on the basis of legality the better knowing that as long as it was an issue between the Government and the strikers a great section of the public would always treat it as a party battle; the moment it became a matter for the strikers versus the law the position would be quite different.

It was agreed to adjourn discussion until 12 May and in the meantime Baldwin was to arrange for a question in the Commons the next day to enable a statement to the following effect to be given:

The Government are not now contemplating any modification in existing trade union legislation, but they are considering the desirability of making clear what they believe to be now the law, namely that a general strike is illegal.

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1. When Cave circulated a second memorandum on trade union legislation a few days later (see below, p.75), Austen Chamberlain (who declared that it 'inspires me with not a few doubts') pledged his unconditional support to Baldwin in the struggles ahead:

I will back your experience and judgment in these matters whether they coincide with my views or not, for I know that your objects are mine, & as to means I shall trust confidently your more intimate knowledge of the subject

(17 May 1926; Baldwin Papers, vol. 11).

'A considerable majority in the Cabinet wanted to introduce legislation', but Bridgeman likewise favoured delay:

... I felt very strongly that, though legislation would be needed later, the effect of introducing it at once would have consolidated the whole Trade Union world and given the strike leaders the best rallying cry "attack on the Trade Unions" which they could have

(Political notes (1906-35), May 1926: Bridgeman Papers).

2. Neville Chamberlain thought 'the best and kindest thing now is to strike quickly and hard' (diary, quoted in Felling, op.cit., p. 158).

3. Diary, 10 May 1926: Amery Papers.
Justice Astbury's judgment, however, supervened on the morning of 11 May and this, together with the increasing possibility of an end to the Strike, led Baldwin to take a firm decision on his own initiative. He summoned the Cabinet to inform it that, as the result of a consultation with Birkenhead (in his rôle as one of the chief proponents of legislation), he had decided not to act on the conclusion of the previous day to arrange for a question.¹

The immediate crisis was over, but both Cave and Hogg favoured early legislation.² Cave was more radical in his approach than Hogg; whereas the former adopted a less conciliatory position than before May, the latter remained more consistent.

Cave not only carried the Cabinet with him in wanting to put in the forefront of the new bill a clause on the lines of the draft Illegal Strikes Bill, but favoured going almost all the way towards satisfying the demand of a large section of the Conservative Party for the repeal of the Trade Disputes Act. He suggested the repeal of section

1. CAB.23/52, Cab.29(26)1.
2. The former advised the Cabinet:

the question of legislating as to Trade Unions should be referred to a Committee with a view to the introduction of a Bill after the Whitsuntide recess. In view of recent events some such legislation appears to be unavoidable; and, if so, it is desirable to take action without delay ('Trade Union Legislation', 17 May 1926: CAB.23/180, C.P. 204(26)). Hogg believed it would be inadvisable to postpone the introduction of a measure for so long a period as would be necessary to collect the information he was obtaining about legislation in the Dominions and overseas ('Suggested provisions of a Bill', 31 May 1926: L.C., L. (26)2).
of the act, the crucial section which gave a trade union and its members and officials immunity against action for tort. He also thought that section 2, which specifically allowed peaceful picketing, ought not apply to an illegal strike and that section 3, which permitted breaches of contract to be induced in furtherance of trade disputes, might be repealed. The question was urgent, Cave noted, as Banbury's bill for the repeal of the Trade Disputes Act might be discussed on 20 May. Further, the opportunity could be taken to deal with the political levy and consider the Public Order Committee's draft bill, which provided for compulsory arbitration before strikes in the essential public services. In further recommending that no strike should be legal unless called with the authority of a secret ballot of the members of the trade union, Cave gave expression to a growing demand within the Party. Legislation was in any case necessary, he concluded, to fulfil the Government's pledges that those who had continued at work during the Strike should not suffer.

1. See above, p. 69.

2. Steel-Maitland, still reluctant about legislation, later maintained that from the point of view of Governmental action the second pledge, issued on the 8th May, definitely committed the Government to legislation, but this notice was very quickly followed by the third notice on the 10th May, which clearly implied that the Government would not proceed to legislation unless all other methods of guaranteeing the position of loyal workers proved unavailing ('Victimisation by Trade Unions: Government Pledge', 19 November 1926: CAB.24/182, C.P.392(26)).
Hogg, while likewise regarding legislation on the lines of the draft Illegal Strikes Bill as the most urgent matter, maintained his original sensitiveness to the political implications:

I think that in legislating it is important to enact such measures as will effectively prevent a General Strike in the future. But I also think it important that the legislation which we introduce shall command the support of the great mass of public opinion, and that it shall not be capable of being represented as an attempt by the Conservative Party to use the present situation to exploit any political end.

For this reason, he hesitated to recommend the repeal of any part of the Trade Disputes Act, except in so far as its protection would be removed from strikes directed against the State and strikes begun without a ballot. He agreed that the act was illogical and unjust, but, and he echoed his own words of the previous October, it had long been regarded even by moderate trade unionists as a charter of protection. An attempt to repeal it would be widely construed as an attack upon the unions and might only result in the return of a government pledged to undo the whole of their work. Similarly, he doubted the wisdom of interfering with the political levy, which had become so largely an inter-party matter.

A Legislation Committee under Cave's chairmanship was duly appointed by the Cabinet. It comprised Birkenhead, Bridgeman, Churchill, Cunliffe-Lister, Hogg, Joynson-Hicks, Steel-Maitland, and Worthington-Evans. A comparative analysis by Mr. Alan Anderson of the results of the Committee's work overlooks to a large extent the political imperatives which influenced its deliberations ('The Labour Laws and the Cabinet Legislative [sic] Committee of 1926-27', Bulletin of the Society for the Study of Labour History, 23 (1971), 37-54).
recommended that a bill should be introduced 'as soon as practicable'.

Legislation was deemed necessary both to prevent further general strikes and for the Government to keep its pledge of protection to loyal workers. It was desirable to deal with these and other matters while the memory of the Strike was fresh in the public mind: 'if legislation is postponed until after the holding of an inquiry, it may never be passed'.

Steel-Maitland had indeed twice attempted to delay the Committee's proceedings by advising an inquiry into the compulsory ballot and other questions; he had been strenuously opposed in this manoeuvre by Worthington-Evans and Cunliffe-Lister. He wanted the employers to be consulted before a decision was reached on the ballot, maintaining that although this would involve some delay, a bill was not as urgent as had been represented: legislation had to be examined in conjunction with the situation in the mining dispute.

The other unions were at variance with the Miners' Federation, but there was a good deal of unrest among their members and their executives were experiencing difficulty in preventing trouble, particularly on the railways and in the docks; a

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1. 28 June 1926; CAB.24/180, C.P.237(26). 'For obvious reasons' it was to be passed into law as quickly as possible after introduction. If it were impracticable to introduce it forthwith and secure its passage before the summer recess, introduction should be delayed until the autumn.

2. 7 June 1926; L.C., L.(26)2nd Conclusions.

3. 16 June 1926; L.C., L.(26)4th Conclusions.
bill would unite all the unions behind the miners. Delay would also give time for the Government's supporters in the Commons to be made aware of the difficulties in the way of drastic legislation.

Churchill had also voiced fundamental objections. He wanted legislation confined to declaring general strikes illegal and to securing that no strike should occur unless the majority of those directly affected were in favour of it.¹ He did not want the bill to deal with picketing or to repeal any part of the Trade Disputes Act.

Cave's memorandum suffered a major reversal at this stage, being effectively rejected by the Committee. The adoption of clauses on the lines of the draft Illegal Strikes Bill (dealing with general strikes and victimisation), which had already been approved by the Cabinet during the Strike, aroused no controversy and the compulsory ballot very little.² However, although the Committee was unanimous

1. 3 June 1926: L.C., L.(26)1st Conclusions.

2. The Committee discussed the compulsory ballot principally in terms of its technicalities and not of its desirability. Steel-Maitland's lone opposition was strongly supported by Sir Horace Wilson, Permanent Secretary at the Ministry of Labour, who argued that responsibility should rest with the executive of the union, because the real cause of the trouble lay with shop stewards and district officials, and a ballot would tend to tie its hands in subsequent negotiations (memorandum, 14 June 1926: L.C., L.(26)11). Churchill did not accept that the ballot would increase the number of strikes: the majority of working men would adopt 'a sound attitude' (22 June 1926: L.C., L.(26)5th Conclusions). His view was shared by the Party in the country (see below, pp. 99-100).
in holding that section 4 of the Trade Disputes Act could not in principle be defended, the opinion prevailed that its repeal would, as Hogg had warned, be regarded as an attack on the unions and might lead to electoral defeat. Restrictions on peaceful picketing were not regarded favourably, breaches of contract were not discussed, and the time was not considered opportune for dealing with the political levy. Cave himself did not press the adoption of compulsory arbitration, saying it should be postponed for further consideration. Hogg had, for the moment, prevailed.

Two further points were considered by the Committee: the 'divided allegiance' of civil servants whose unions

1. There had been talk in the Cabinet the previous October about the repeal of section 2 as a result of disturbances during the shipping strike. Joynson-Hicks had warned that a repeal would leave no qualification about peaceful persuasion such as was to be found in statutes and decisions of the courts since 1825 and might lead to a combination of trade union voters of all shades of opinion against the Government. He in any case doubted whether such action would have any effect in securing convictions for offences against section 7 of the Conspiracy, and Protection of Property Act, 1875, ('Picketing and Peaceful Persuasion', 18 October 1925: proceedings of the Supply and Transport Committee, CAB.27/260, S.T. (24)15). Although the Committee accepted this advice, Birkenhead reluctantly (2nd Conclusions), it thought the matter deserved further consideration (first report).

2. Ibid.

3. 1st Conclusions.
were affiliated to the Labour Party or the Trades Union Congress and the compulsory membership of trade unions by local authority employees. Legislation was regarded as urgently necessary to end this state of affairs, but a decision was still to be reached as to whether it should constitute a separate bill.

The Cabinet gave the report its general approval, but, influenced by Cave, asked the Committee to inquire further into torts and picketing during strikes. Legislation before the autumn was thus rendered impossible. The

1. Well before the General Strike, the Treasury had deplored the fact that associations of civil servants should become attached to any political party ('The Development of Trade Unionism in the Civil Service', 2 March 1926: CAB.24/178, C.P.91(26)). Although not called out by the General Council, seven civil service organisations, with a membership comprising nearly half the service, were affiliated to the T.U.C. and had been prepared to strike. The Treasury now maintained that allegiance to any authority but that of the government, however lightly it might have been permitted in days gone by, could no longer be tolerated and it proposed clauses to this effect (Controller of Establishments, 'Trade Unionism in the Civil Service', 5 June 1926: L.C., L. (26)4).

2. Since the Strike, several borough councils and boards of guardians had passed resolutions directing the immediate dismissal of employees who did not belong to trade unions; Chamberlain proposed legislation to remedy this ('Membership of Trade Unions by Employees of Local Authorities', 11 June 1926: L.C., L.(25)9). The Treasury further suggested that it should be illegal for a person employed by a local authority wilfully to break a contract of service ('Trade Union Membership of Local Authority Employees', 15 June 1926: L.C., L.(26)13). Chamberlain expressed reservations about this (4th Conclusions), but the Committee had none (first report).

3. Ibid.

4. 7 July 1926: CAB.23/53, Cab.45(26)6.
Cabinet also suggested that evidence be taken from employers about compulsory ballots and, if possible, from the trade union movement as to their administration. In the event, the unions were not consulted at all about the proposed legislation and for this Baldwin received much criticism over the following year. Yet, were it to have any meaning, consultation had to involve a degree of compromise, but, on the dominating question of declaring unlawful sympathetic strikes directed against the State, neither the Government nor the trade union movement would desert their principled stands. As the compulsory ballot scheme was eventually abandoned, discussion on even this limited aspect of the Cabinet's proposals became unnecessary.

The Legislation Committee sought the views of the employers (the National Confederation of Employers' Organisations¹), the Conservative Party in Parliament (the Trade Unions Sub-Committee of the Conservative Private Members' Committee (the 1922 Committee)), and the Conservative Party in the country (the Labour Advisory Sub-Committee of the National Union): the opinions of the two last bodies will be considered in detail.

¹ The Confederation strongly opposed compulsory ballots, believing, with the Ministry of Labour, that they would merely prolong disputes. It wanted the repeal of section 4 of the Trade Disputes Act and the imposition of severe restrictions on picketing (conference with the Legislation Committee, 26 July 1926: L.C., L.(26)6th Conclusions, appendix A). In a later written submission, the Confederation called for the repeal of section 3 of the Trade Disputes Act and for the substitution of 'contracting-in' for 'contracting-out' of the political levy (6 October 1926: L.C., L.(26)20).
That the 1922 Committee did not offer its views to the Cabinet earlier or more forcefully was due to a certain hesitancy on the part of its membership, which had been open to all private members only since the beginning of the 1926 session. At a meeting of the Committee on 17 May 1926, Sir Alfred Hopkinson, K.C., (Combined English Universities) voiced the widespread feeling on the back-benches in favour of trade union legislation.¹ His proposal to set up a sub-committee to consider the question raised doubts as to whether the moment was opportune, coming so soon after the defeat of the General Strike, and it was agreed to postpone further discussion until after the Whit-sun recess. When it resumed the debate early in June, the 1922 Committee was reminded that a Cabinet committee was still occupied with the matter. Hopkinson protested that his proposal for an investigation was neither an attempt to dictate to the Government nor an attack on trade unions: the object was to encourage better relationships in industry. On this basis, the resolution gathered support from all sections and Joynson-Hicks was invited to address the Committee. After outlining the work of the Legislation Committee, he assured the meeting that the Government were anxious to obtain the opinions of the Party and 'therefore of the 1922 Committee'.

A modified resolution, expressing a strong

¹ This paragraph is based largely on Philip Goodhart, The 1922: the Story of the Conservative Backbenchers' Parliamentary Committee, p. 33.
commitment to trade unionism, was then proposed by Hopkinson and seconded by Alfred Kennedy, K.C. (Preston). It was carried by a large majority:

This Committee being of opinion that Trade Unions are an essential part of our industrial organisation and being anxious to support them, but considering that the difficulties of the whole subject require careful and sympathetic investigation, appoints a Sub-Committee. 1

The composition of this Sub-Committee was to be decided upon by the Committee's Executive and, in the words of Gervais Rentoul (Suffolk, Lowestoft), it 'was chosen so far as possible to represent different points of view'. 2 Of its seven members, nonetheless, only Macmillan was drawn from the younger section of the Party, though all, with the exception of Sir Leslie Scott, K.C., were relatively inexperienced Parliamentarians, having been first elected in either November 1922 or October 1924. 3 Three were barristers of long standing and a further three were experienced

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1. Preliminary report of the Trade Unions Sub-Committee of the Conservative Private Members' Committee, 26 July 1926: L.C., L.(26)17. The Sub-Committee held twelve meetings commencing on 10 June; no report was produced after the preliminary report.

2. Conference between the Legislation Committee and the Sub-Committee, 26 July 1926: cited above, p. 64, n.1. Rentoul was influential both in the selection of the Sub-Committee, as chairman of the 1922, and in the preparation of the report, as chairman of the Sub-Committee itself. In January 1927, he was publicly to advocate, using phraseology almost identical to that of its report, the Sub-Committee's recommendations ('Trade Union Reform: Some Problems and Difficulties', Fortnightly Review, cxxi, new series (1927), 123-32). But he went beyond them in dealing with the political levy (advising 'contracting-in'). By February, he had hardened his position and demanded the repeal of section 4 of the Trade Disputes Act (debate on the address, H.C.Deb., vol.202, col.686, 14 February 1927).

3. Scott, a former Solicitor-General, had sat in the Commons since December 1910.

industrialists. Only Greaves-Lord and Scott had previously evinced especial interest in trade union matters in the Commons, although five of the seven represented industrial constituencies.

The members of the Sub-Committee attended a meeting of the Legislation Committee on 26 July in order to present their preliminary report. By this date, Rentoul has recorded, the 1922 Committee had 'developed into a real parliamentary force, and the recognized means of crystallizing rank-and-file opinion': the Sub-Committee had 'the unique experience of attending what was practically a Cabinet meeting and putting suggestions before it.'

The report defined the Sub-Committee's guiding principles:

We... felt that it was most desirable to avoid even an appearance of attack upon Trade Unions as such, or to antagonise Trade Unionists and others who, whilst in general political sympathy with our views, nevertheless might be actuated in this matter by a very special feeling of loyalty to the supposed interests of labour.

1. John Sandeman Allen (Liverpool, West Derby; chairman of several industrial and insurance concerns in Liverpool), Cyril Lloyd (see above, p. 40), and Luke Thompson (Sunderland; a coal merchant and chairman of several engineering firms).

2. Greaves-Lord had always demonstrated, in the manner of Macquisten, a Whiggish strain in his concern for the liberty of the individual, especially the non-trade unionist (see his attitude to the political levy and to the secret ballot: above, pp. 35-36, 44-45; below, p. 90). Scott supported compulsory arbitration in disputes in essential services (see below, pp. 142-143).

3. Despite the defects in its composition, it was regarded by the Cabinet as 'a strong Committee whose inquiry might be useful to it' (7 July 1926: CAB.23/53, Cab.45 (26)6).

We realised, moreover, that in relation to industrial disputes the objective should be to arrive at some method of conciliation acceptable to both parties... At the same time we recognise that the right to strike as a final arbitrament cannot be excluded except perhaps in services vital to the whole community.

This disinclination excessively to interfere with the trade union movement was challenged on the Sub-Committee by the lone voice of Cyril Lloyd, who reflected the anxiety felt within the Conservative Party.¹ Although he stressed that he supported the continuance of trade unions and of the improvement in their status, he maintained that this aim was being imperilled by the movement's increasingly political

¹. Rentoul called attention to the fact that the report had not yet been submitted to the full 1922 Committee and consequently the Sub-Committee could not pretend the views it contained had been specifically endorsed by the parliamentary Party, 'although we believe that the rank and file of the Party would be in substantial agreement generally with the greater proportion of them' (Conference between the Legislation Committee and the Sub-Committee). There is no evidence of the report having been subsequently submitted for formal approval to either the 1922 Executive or the full Committee. The parliamentary Party would not have given it an enthusiastic endorsement; by the autumn, it would probably have been very critical of it (see below, p. 91, n. 1). Likewise the Party in the country, while undoubtedly 'in substantial agreement generally', would not have found it radical enough (see below, pp. 91-102). That the Sub-Committee did not feel compelled to discuss the political levy as a matter of priority and intended to consider it at a later stage, would indicate its failure to represent a major current of opinion in the Party at that time. Cecil, who favoured both strict legislation to control trade union activities and co-partnership (see above, p. 24; below, pp. 117-120), described the report as 'perhaps a little over cautious' (to Baldwin, 9 January 1927: Baldwin Papers, vol. 11).
nature. He believed the situation demanded a clear challenge from the Government as to whether the trade union organisations were prepared to put their house in order by leaving the political sphere. If they replied that they were a definite political body attached to a definite political party and therefore only able to co-operate with that one party, then the Government would have to establish a series of absolutely unbiased trade unions which would be capable of co-operating with the government of the day. A system of collecting the 'voice' of the workmen in any particular trade would have to be instituted: this would probably involve the national registration of trades, the threat of which might itself encourage the unions to adopt a more conciliatory frame of mind. The proposal received a cool reception from the Ministers at their conference with the Sub-Committee.

In considering the state of trade union law, the Sub-Committee believed that whilst certain alterations might be both necessary and desirable, it was essential to remember that many of the difficulties which had arisen in previous years had been far more those of the administration

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1. Preliminary report. The political nature of the unions much exercised the Party in the country (see below, pp. 97-99).

2. Churchill wanted to know what locus the Government had to address such a challenge to the trade unions. Cunliffe-Lister thought the unions would reply that they fulfilled two functions: when they acted in industrial disputes they acted as industrialists; but they were also citizens of Great Britain entitled to vote and when they did so, they voted as Socialists. While Lloyd's corporatism, it might be noted, was more concerned with efficiency, that of the younger Conservatives sought to bring labour into a partnership in industry, both sides of which would exercise a far greater control over their members.
of existing laws than of defects in the laws themselves.

Further,

Psychological and temperamental considerations ... necessarily arise and Trade Unionists are often far more easily swayed by mass impulse and sentiment playing upon a feeling of solidarity and loyalty to their Unions and fellow workers than by any amount of logic or economic argument.¹

For these reasons, the Sub-Committee maintained that great care had to be taken in any changes which were introduced lest anything be done to weaken the unions or lessen the authority of their leaders, provided that they confined themselves to the legitimate functions of trade unionism. Whilst the interests of the community had to remain paramount, the principle of collective bargaining was essential to the satisfactory conduct of industry and any changes were to be so far as possible to the benefit of the workers themselves as well as of the community as a whole.²

Dealing with strikes, the Sub-Committee divided them into four categories. First, the general strike: inasmuch as it involved an attack on the community, those responsible for organising it, as well as those participating, were in a very different position from persons engaged in an ordinary trade dispute and there should be no immunity for

¹. Preliminary report.
². Although the report dealt only with the abuses of workers' trade unionism, the Sub-Committee emphasised that wherever any limitation was placed upon the rights of workers and their unions, similar limitations should, where capable of application, be placed upon employers and their organisations and appropriate sanctions considered.
the unions, their funds, or their members. Second, sympa-
thetic strikes: the chief difficulty arose in defining
what exactly constituted a sympathetic strike and in
drawing the line between a strike that commenced by being
sympathetic, but ceased to be so; any legislation dealing
with these strikes would be inadvisable. Third, strikes in
essential services: all strikes, sympathetic or otherwise,
in these services should not be allowed until conciliation
machinery had been tried. Fourth, strikes in breach of
contract: while it was clear that these were liable to
damages, the law did not supply a sufficient check and might
be made more definite.

The total repeal of section 4 of the Trade Dis-
putes Act was not favoured. It would not, in Scott's view,
bring about one-tenth of the benefits so many people in the
Conservative Party expected.¹

In regard to picketing, the Sub-Committee thought
that, although the main difficulty lay not in the law but
in its enforcement, some evils connected with it might be
avoided by amending section 2 of the Trade Disputes Act so
as to limit the number of pickets, impose the wearing of
badges by pickets, prohibit picketing at private houses, and
render the use of violence and intimidation a serious
criminal offence.²

It was held that a uniform rule for a ballot,

¹. Conference between the Legislation Committee and the
Sub-Committee.

². Preliminary report.
whether confined to trade union members or applicable to all workers, would not be desirable and that more satisfactory results could be obtained by extending conciliation machinery:

The uninformed public, as well as many Conservative Trade Unionists, are clamouring for a secret ballot to be compulsory in all Trade Unions before any strike can legally be carried out. It is probable, however, that they do not appreciate the difficulties of putting any such scheme into operation.

The Sub-Committee doubted whether the unions would accept such a radical alteration in their status as the compulsory ballot involved and whether the decisions arrived at would materially differ from those reached through the haphazard methods already employed. Greaves-Lord dissented from his colleagues on this matter, arguing that the decree of a union executive might mean, and often did mean, that trade unionists were forced to strike by reason of the penalties which could be imposed under rules for non-compliance.¹

This power, which had been widely exercised during the General Strike, was even more tyrannical than some methods of picketing. It was thus essential for those who would come under strike orders to be allowed to express their opinion: 'For this purpose a ballot of the workmen is the form of consultation most in accordance with British ideas, and also with Trade Union theory and practice'.

¹. 'Memorandum on the Secret Ballot': ibid. He suggested that the Chief Registrar might maintain a register of trade unionists and non-unionists, both categories being entitled to vote.
The Sub-Committee concluded that, from a political point of view, it was important for the Government to act without delay, both to remedy some of the more glaring abuses revealed during and since the General Strike and to satisfy public opinion.¹

The Legislation Committee sought the views of the Party in the country. At a meeting of the Labour Advisory Sub-Committee of the Executive of the National Union on 7 June 1926, there had inevitably been much discussion about the Strike and the rôle of the trade unions. It was decided to ask the labour advisory sub-committees of constituency executives throughout the country or, where such sub-committees did not exist, representative trade unionists on constituency executives, to arrange early meetings 'with a view to ascertaining the general feeling with regard to the matter, and particularly with reference to any views they thought

¹. With the summer recess imminent there was no prospect of early legislation and members were asked to discover the reactions of their constituents (presumably not only of Conservatives) to the recommendations (without revealing their source). As a result, in November the 1922 Committee sent Baldwin a unanimous resolution very different in tone from the Sub-Committee's preliminary report. Referring to 'the strong feeling expressed in the constituencies', it considered firm action dealing with trade union abuses vital in the interests of the country and of trade unionism and looked to the Government for a clear pronouncement as to their intentions before the end of the session. Macmillan, seconded by Robert Hudson, had proposed an addendum to the resolution favouring a far-reaching industrial policy to include statutory machinery for arbitration and conciliation. He had agreed to withdraw it and raise the matter at a future meeting; this was done, but after an indeterminate discussion nothing more was heard of the initiative (Goodhart, op.cit., pp. 34-35).
should be brought before the Government'. \(^1\) No specific issue was mentioned in order that the sub-committees might feel entirely free to express themselves on any subject of interest to them and not constrained to offer opinions on specific questions. According to Stanley Jackson, the request to the constituencies resulted not only from the General Strike itself, but also from the numerous resolutions received at the Conservative Central Office during and since the Strike. \(^2\)

Two such resolutions had been passed in the Kennington division of the borough of Lambeth during the Strike: by trade unionists (irrespective of membership of the

\(^1\) Circular letter from Sir Herbert Blain to the chairmen and agents of all constituency associations in England and Wales, 9 June 1926: L.C., L.(26)16, appendix 1. The constituency sub-committees had come into being as a result of a recommendation issued by the Labour Advisory Sub-Committee of the National Union on 12 September 1924. It is not the desire to create separate Unionist Labour Associations, but to give to the Trade Unionists, Co-operators and wage-earning men and women of this country a place in the organisation and councils of our Party which will secure to them not only protection from Socialist tyranny and oppression in the course of their employment, but that special care for their welfare and interests which their position as wage-earners demands... The institution of these Committees is an act of simple justice to our wage-earning supporters, and to all those non-Socialist working-men in the country who are dragged, without the power of protest, into unconstitutional movements which they abhor.

The committees, which would be largely composed of wage-earners, would, as well as fighting for the well-being of the workers in the unions and the co-operative societies, support the selection of wage-earning candidates for Parliament (this had been urged by the younger Conservatives; see above, pp. 13-14) (The Wherefore and the Why of Conservative and Unionist Labour Sub-Committees, N.U.C.U.A., pub. no. 2541, 1925).

Kennington Conservative Association) and at an Association ward meeting. The first of these declared that they met in the shadow of a great crisis, in deep distress, without hope, left stranded without protection by our unionist brothers... The catastrophe which we have foreseen has occurred and the nation now knows to what lengths unscrupulous officials will go... it having been proved that half measures are useless, we implore the Government to take the necessary steps to protect us.

These steps were the amendment of the Trade Disputes Act to render intimidation clearly illegal, the prevention of Conservative trade union money being spent on politics, and the enforcement of a secret ballot on every occasion. The second resolution asked the Government to repeal or amend the Trade Disputes Act, abolish the political levy, and make illegal the card vote in trade disputes. The intention was that the resolutions be sent immediately to the Prime Minister and to the Central Office. On being submitted to the Executive Council of the Association, both resolutions received unanimous approval. However, George Harvey, the M.P. (he had won the seat from Labour at the general election; he was a member of the Industrial Group and secretary of the London Unionist Members' Committee), urged that there should be no attempt to force Baldwin's hand until the coal strike had been settled. In deference to this opinion, the resolutions were given to Harvey for

1. This paragraph is based largely on two letters from H. Brookhouse, the chairman of the Association, to Underhill, a Central Office official, 25 May 1926, and to Cave, 14 June 1926: L.C., L.(26)16.
use when he judged appropriate. Such was the strength of feeling that Brookhouse nevertheless took it upon himself to inform an official at the Party headquarters of the terms of the resolutions, with the injunction that they were not to be officially placed before the powers that be, but [I forward them] so that you and anyone whom you may think should be advised should know the feeling in this Constituency...

The matter is very serious and definite threats have been made by Trade Unionists who have been workers in our Association that they will leave the Party if they are again "let down" - as Mr. Baldwin's gesture on the Macquisten Bill is regarded.

The resolutions thus came to Cave's attention. Those spontaneous and passionate appeals for action greatly strengthened the hands of those in the Party's official organisation, notably Jackson and Blain, who were urging the Cabinet to amend trade union law.¹

Blain's letter was sent to 509 constituencies in England and Wales (out of a total of 528), replies from 282 having been received by 7 July 1926. 43 of those replying were agricultural or non-urban constituencies and had no close personal interest in the question. Of the 227 not replying, 79 were in this category. Although the remaining 148 included a number of constituencies in important

¹. Jackson (letter to Cave, cited above, p. 92, n. 2) supported Blain's powerful advocacy of reform (see below, pp. 102-103).
industrial areas, only a few of these were Conservative-held: 1 of the 2 Birkenhead divisions (both Conservative-held) had not replied, 7 of the 12 Birmingham divisions (11 Conservative-held) had not replied, none of the 11 Liverpool divisions (8 Conservative-held) had replied, and 6 of the 7 Sheffield divisions (4 Conservative-held) had not replied. In most of the industrial constituencies which had not responded, however, the conservative associations were not strong.

The majority of constituency associations specifically stated that they had complied with the request that they consult either the labour advisory sub-committees or the trade union members on their executives. The strongest and clearest expressions of opinion came from the industrial areas, in a large number of which the sub-committees were described as being composed almost entirely of trade unionists;

1. There being no list of the constituencies circularised, only of those replying, this analysis of those not responding rests on the assumption that the 19 constituencies not approached were predominantly non-industrial in character. The information below as to constituency opinion is based, unless otherwise stated, on the report of the inquiry directed by the Labour Advisory Sub-Committee of the National Union (20 July 1926: L.C., L(26)16).

2. In other cases, there was no indication as to what extent the members of the sub-committees were actually trade unionists, but their constitution required that they should consist of not less than two or more than four representatives of the working men and women from each ward or polling district committee in the constituency. In industrial areas, efforts were usually made to ensure that the sub-committees were composed of trade unionists.
in general, the most coherent, though nonetheless emphatic, statements came from those sub-committees on which there was a large representation of trade unionists. It would appear that about half of the meetings at which constituency executive committees adopted reports or passed resolutions on the trade unions were held before the quarterly meeting of the Central Council of the National Union on 22 June at which, after Birkenhead had spoken, strongly-worded resolutions on trade union legislation were carried;¹ these executives were no less fervent in their recommendations than were those which met after the Central Council.

¹. The Central Council's resolutions were, however, more extreme in their demands than almost any passed by the constituency associations. Birkenhead, informing the Council that a Cabinet committee had been preparing recommendations, described the Trade Disputes Act as 'an Act which is unparalleled for its ineptitude' and declared that the primary necessity was for those who controlled the funds of the trade union movement, 'that powerful machinery', to be answerable for any wrongful acts which they might commit. He also favoured the compulsory ballot and severe restrictions on picketing (The Times, 23 June 1926). A resolution was then proposed by James Gardner (from Stockton-on-Tees), seconded by T. Haward (from Ipswich) and supported by Councillor Gwilym Rowlands (chairman of the Labour Advisory Sub-Committee; he was to be elected a vice-chairman of the Council in 1928, becoming the first wage-earning representative to hold such an important position in the Party organisation), urging the Government to 'repeal the Trade Disputes Act of 1906 and the Trade Union Amendment [sic] Act of 1913 at once, this being the wish of all Constitutional Trade Unionists and the desire of the loyal subjects of the Crown'. It was carried by a small majority after an amendment to insert the words 'or amend' after the word 'repeal', proposed by Sir Mervyn Peel and seconded by F. Bramston (from Walthamstow, West), was rejected. Further resolutions urged the compulsory ballot and that civil servants be prevented from striking and from joining trade unions affiliated to any political party (Council Minute Book, July 1917 to March 1945).
The returns showed, however, that while anything in the nature of repressive legislation would be vigorously resented and opposed by Conservative trade unionists at large (and certainly in the Midlands and the North), a sound reform of the trade union system would be strongly supported. The common theme of the reports was that something was seriously amiss with the administration of the unions, resulting in the failure to protect the rights of individual members. It was argued that any measure which secured their sound governance would receive the general assent and support of the working classes irrespective of party. Indeed, the General Strike, regarded almost universally by the constituency associations as a purely political exercise, revived the demand for the total severance of trade unionism from politics.

That a reversion by the trade union movement to its original solely industrial function should have been seen, if not as a solution, at least as a partial remedy to labour unrest, was inevitable. Moreover, Baldwin's speech on the Macquisten Bill was generally interpreted as advocating such a course:

1. Thus the Political Committee and representative trade unionists of the Grantham Conservative and Unionist Association:

   the Trade Unionists in this district obeyed the instructions of their leaders because there was strong sympathy for the miner... It was not realised until afterwards that the Miners' Leaders had no desire to arrange a settlement, and that the General Strike was engineered solely for political motives. There is now no doubt... that the General Strike was arranged for the purpose of overthrowing the Government, and putting a minority party in power.
In our opinion... the activities of Trade Unions should be above Party Politics. The sentiments expressed by the Prime Minister in his great speech to the House of Commons on 6th March, 1925, have lost none of their force.  

Legislation was widely regarded as the panacea, but it could at best do no more than reduce the 'unconstitutional influence'^2 wielded by the 'Red element'^3 and by the loyal supporters of the Labour Party ^4 among the local and national

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1. The Trade Union Sub-Committee of the Rugby Division Conservative Association. The Sub-Committee of 7 included 5 trade unionists and S.H. Pierssene, agent, who became general director of the Party organisation (the post having superseded that of principal agent) in 1945. Under Pierssene's guidance, one of the most detailed and well-argued reports of the inquiry was produced, noteworthy, in its own words, for the 'broad view of the matter' which it had taken.

2. 'Constitutional' political action by the unions for the legitimate furtherance of their members' welfare was a normal development in the evolution of the movement, but when their power was abused and their political force directed against the State, a serious menace arose (ibid.).

3. The Labour Advisory Committee of the Peterborough Division Conservative and Unionist Association felt that, however desirable it might be for the unions themselves to purge their organisations of intimidation, political action, and maladministration, it would never be done, since these bodies were officered to a very large extent by the 'Red element': it fell to the Government to act.

4. At a meeting of Conservative trade unionists belonging to the Nottingham Conservative and Unionist Association, a Mr. Weston, saying that he wanted to see the unions absolutely free from politics, asserted that, when a deputation of trade unionists met an employer in connection with a dispute, the masters looked upon the men as being members of the Labour Party. The political levy should be swept clean away so that men could face their employers without the stigma of supporting a Party which had the destruction of the employing classes as its object.
leadership of the trade union movement. As long as the structure of the movement remained unaltered and the majority of active trade unionists committed to one party, the possibility of a non-political movement evolving was remote.

Of the legal measures suggested, the compulsory ballot was the most frequently and vehemently advocated. It was claimed that the overwhelming majority of trade unionists objected to the calling of the General Strike, three-quarters of the membership being frequently quoted as opposing the leadership. It was conceded, however, that had there been a ballot before the coal strike, the terms then being offered would have been rejected by the miners. In the vast majority of cases, far from strengthening the hands of those desiring a strike, a ballot would avert one because a large body of the working men could be trusted

1. The limitations of legislation were recognised by the Labour Advisory Committee of the Royton Division Conservative and Unionist Association. Although its report outlined legal reforms, the general opinion was that trade unionists, irrespective of party, were dissatisfied with the way in which they were being led and considered that a change of leadership, and not an alteration of the law, would help bring about the necessary remedies.

2. Despite the fact that in many instances the reports (because the National Union had not asked for observations on particular issues) restricted themselves to remarks of a general character, 144 specifically cited the compulsory ballot. Although relatively few constituency associations (probably around 50) referred expressly to rendering general strikes illegal and to the amendment or repeal of the Trade Disputes Act, the former step was regarded as understood and the latter was implicit in other recommendations.
to use sound judgment upon matters of dispute.

Picketing had caused much bitterness in the country and its strict control was demanded.\(^1\) It was, together with the loyalty many trade unionists felt towards their unions (despite disagreeing with the action of the leaders), held responsible for having kept many from taking up their work on 14 May. The associated complaint of victimisation, to which Conservative trade unionists were frequently subjected, was, of its very nature, even less susceptible of legal solution.\(^2\)

As for the political levy, the conditions of Baldwin's pledge of the previous March were regarded as having been fulfilled and the time for its redemption as having arrived.\(^3\) The unions' response to the appeal to put their own house in order had been, in the eyes of the constituency associations, to lay emphasis on the political side of their activities rather than on their friendly society and industrial rôles. 'Considerable pressure',

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1. Of the 113 reports which referred to picketing, the majority favoured restrictions, though nearly half declared for its total abolition.

2. The Divisional Lodge of the National Conservative League, the representative body of Conservative trade unionists in the Wansbeck division of Northumberland, felt that the state of affairs in the Northern Miners' Federation and affiliated bodies was 'absolute tyranny'. Conservatives would not declare themselves or take any part in local Conservative or union affairs because they were immediately victimised; this attitude on the part of the unions was more than ever emphasised during the Strike.

3. Of the 135 reports which dealt with the levy, while many favoured the repeal of the Trade Union Act, 1913, the majority desired to amend it: in some cases by making political contributions entirely voluntary, but chiefly by the institution of 'contracting-in'.

according to the Rugby Conservative Association, was being brought to bear on the Government to introduce 'contracting-in'. 1 Bewdley reminded its member, Baldwin, that it stood as firmly as ever for contributions to a political fund to be voluntary. 2 Other associations warned that public opinion was stronger than ever on this question and that the Government should act immediately if it wished to retain the loyal support of Conservative trade unionists: 'this particular issue has been put off too long already'. 3

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1. The Kingswinford Division Conservative and Unionist Association said that its views had hardened, especially with regard to the political levy, since it had last expressed them immediately after the general election. The Strike had led to a definite demand for action:

We are of the opinion that a "milk and water" policy in dealing with the abuses of trade unionism will not only be ineffective, but will certainly result in the industrial ruin of the country.

2. This was the only matter dealt with in the pointedly brief report of the Bewdley Division of Worcester Unionist Association.

3. The Divisional Labour Advisory Committee of the Darwen Conservative and Unionist Association. Other measures advocated were arbitration courts (in 25 reports, chiefly from industrial areas) and the registration of all unions (23 reports). Also of concern, though less frequently raised, were the weak position of non-union members in industry, the relationship between the public services and unions affiliated to outside bodies, and the power of trade union officials. Among the myriad of miscellaneous suggestions were: the granting of subsidies to any industry to be discouraged (a reference to the coal subvention), the T.U.C. to be made illegal, the Central Office to investigate the possibility of founding an anti-Socialist trade union, the Government to take evidence in camera from 'constitutional working men', and, on a different note, the Government to regulate retail prices (since the high cost of living had much to do with unrest) and legislate to encourage co-partnership. More generally, there were recommendations that 'alien Red agitators' be imprisoned and deported, the Government withdraw recognition of the Soviet Union, and the Parliament Act be amended and the House of Lords reconstituted during the life of the Parliament.
The constituency parties had delivered a clear statement to the Cabinet: a reform of the trade union movement was necessary and they would not willingly brook delay.\(^1\) This was accompanied by a warning of electoral peril \(^2\) and a promise of electoral harvest \(^3\) inherent in any action that might be taken. Blain believed that if the

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1. Significantly, the Cabinet received scant praise for its management of affairs during the crisis. Baldwin achieved only an occasional favourable mention; for instance, the Labour Sub-Committee of the Ashton-under-Lyne Conservative and Constitutional Association recorded 'its warm appreciation of the firm yet conciliatory attitude of the Prime Minister during and after the General Strike, and tenders its heartfelt thanks for patience displayed by him to uphold our great Constitution'.

2. For instance, the Kidderminster Conservative and Unionist Association warned of 'the grave danger of any step likely to raise the election cry of "Conservative Attack upon Trade Unions"'. The Rugby Association warned that any bill interfering with the rights of unions to raise funds for political purposes 'would be construed as an attack on the Labour Party, who would make the utmost capital out of it, and probably strengthen their position as a result'. Joynson-Hicks inquired as to what extent the 'drastic legislation' suggested in the National Union's report might throw Conservative trade unionists, regarding it as an attack on their own unions, into the hands of the 'extreme party': Councillor Rowlands replied that Conservative trade unionists in working-men's associations and clubs, especially in the mining districts, felt it was useless preaching Conservative politics to them unless they saw that the Party was considering giving them back their political freedom (conference between the Legislation Committee and a deputation from the Labour Advisory Sub-Committee, 26 July 1926: L.C., L.(26)6th Conclusions, appendix C).

3. The Bury St. Edmunds Conservative and Unionist Association found that its views were strongly shared by many men of doubtful political belief, as well as by recognised Conservative supporters. The Peterborough Division Conservative and Unionist Association believed that, if its strong recommendations were implemented as soon as possible, 'large numbers of working men who are now against us would become adherents'.

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The Party were prepared to approach the trade union question as a whole, doing justice both to trade unionists and to the community, the thorny points of controversy, which had been the catchwords of industrial politics for twenty years, would be more susceptible of solution than if treated in isolation, when proposals could the more easily be distorted as being oppressive. For him, there was no dilemma:

> If the Party does little or nothing, it will offend its friends without appeasing its enemies, who will attack it on the Trade Union issue in any event. The Party will stand to lose as many votes if it introduced half-hearted and feeble proposals as if it makes a genuine attempt to deal with the question once and for all in a fair and impartial spirit — and, in the latter event, it is believed that the votes and support of thousands of Trade Unionists and other wage-earners will be attracted who in normal conditions take no interest whatever in politics.¹

As a result of the Legislation Committee's consideration of the representations of the National Confederation of Employers' Organisations, of the Trade Unions Sub-Committee of the 1922 Committee, and of the Labour Advisory Sub-Committee of the National Union, it emerged: that it found it difficult to resist the entrenched position of the employers; that its opinions at this stage coincided largely with those of the Party in Parliament as expressed by the Trade Unions Sub-Committee; and that the views of the Party in the country were not of immediate concern to it.

The Committee was impressed by the strength and number of the complaints made by the constituencies on the subject of the political levy and thought the Cabinet might consider whether, since a bill would in any case be strongly

resisted, advantage should not be taken of the opportunity to substitute 'contracting-in' for 'contracting-out'. On more mature reflection, the Committee reverted to its previous position and decided to omit any reference to the levy in its report. Likewise, with respect to picketing, the Committee at first overcame its original legislation, but subsequently weakened its proposals. On the compulsory ballot, a complete reversal occurred: the Committee was agreed that it would be most difficult to proceed with this in the face of the employers' opposition. A mild concession was later granted to the National Union in the proposal that unions adopting model rules for secret ballots should be entitled to free postage facilities for conducting them. Hogg believed that such an 'adoptive' ballot would be of little practical use, 'but it might to some extent placate the Government's supporters who would be disappointed if nothing was done'. Nothing in fact was done, no reference

2. 2 August 1926: L.C., L.(26)7th Conclusions.
3. The draft second report suggested: (i) prohibiting picketing at a workman's home, (ii) prohibiting picketing by more than two persons at any one place, (iii) requiring a picket to wear a badge, and (iv) increased penalties for intimidation. The second report amended (ii) so as to prevent 'the assembly of a crowd' and omitted (iv)(2 August 1926: CAB.24/181, C.P.305(26)).
4. 6th Conclusions.
6. 7th Conclusions.
to ballots appeared in the Committee's final bill. Neither did Cave receive satisfaction on every point: the Committee held to its refusal totally to repeal section 4 and made no move on either breaches of contract or the political levy, but it did accept the principle of restrictions on picketing.

When Parliament rose for the summer recess in 1926, the Cabinet had not reached a final decision on the trade union bill. Yet reform legislation, inevitable since 1906, was more imminent than it had been theretofore. On 29 July, a Parliamentary Business Committee of the Cabinet, classifying the bill as an essential one which had to be passed into law before the close of the year, advised that if the Cabinet were to decide to authorise its introduction, it was most desirable that it should have priority over all other business in the Commons at the opening of the autumn session. 1 The Cabinet approved the Committee's recommendation, while recognising that parliamentary business after the recess would depend to a considerable extent on whether or not it was eventually decided to introduce the bill; it also instructed the Legislation Committee to revise the draft bill in accordance with its second report. 2 Meanwhile, Cave and Churchill went far, in July and August, towards publicly committing the Government to action in speeches which were

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1. CAB.24/181, C.P.301(26). The Committee comprised Cave (chairman), Neville Chamberlain, Churchill, Walter Guinness, Joynson-Hicks, and Worthington-Evans.
2. 3 August 1926: CAB.23/53, Cab.50(26)4,11.
also appeals to the right against Baldwin.¹

Cave, supporting a motion to adjourn debate on Banbury's Trade Disputes Act, 1906 (Repeal) Bill, argued, as Salisbury had previously on the same bill² and as Baldwin had always when questioned in the Commons on trade union legislation, that a matter of such importance ought to be dealt with on the responsibility of the Government.³ Yet he was at pains to make clear that he did not say this for the purpose of putting off a decision. The Cabinet Committee had been sitting on the matter for some weeks and was about to make its recommendations: '... I think - though, of course, as to this I can give no absolute promise until the Cabinet has made its decision - that [the Cabinet] will find it necessary to propose legislation at an early date'. Churchill gave voice to the whole problem of the unions as the Party saw it:

The question which the nation will now have to consider is whether [their] privileges have not been grossly abused; whether the trade unions, instead of being, as they should be, the social bulwarks and guarantees for the well-being of their members, are not being used as a tool of faction against society, inflicting great injury upon the country and, in particular upon those very trade union members which it is the duty of trade unionism primarily to protect.

1. Addressing a Conservative meeting in London on 20 May, Joynson-Hicks had already made a clear reference to legislation: 'We have been placed in power by an overwhelming majority, and it is our duty to protect the country... It is equally our duty not to legislate in a hurry... so... as not to injure the legitimate work of the trade unions' (The Times, 21 May 1926).
2. See above, p. 69, n. 2.
3. H.L.Deb., vol.65, cols.77-80, 20 July 1926. In addition, he believed that in some respects the bill went too far (it repealed section 1, which permitted combinations) and in other respects not far enough (it made no provision for the protection of those penalised for refusing to take part in illegal strikes and it did not consider the compulsory ballot or the position of civil servants).
The question is raised whether, for instance, a handful of wirepullers, in virtue of some resolution passed on a card-vote without any guarantees that the opinion of their constituents has been properly obtained, should have the power to lay an interdict on all the industries of the country and to challenge the sovereign right of Parliament and the State itself.

Behind this, again, lie questions of the influences which actuate these wirepullers, of whether they themselves are not manipulated and wire-pulled from outside this island altogether and are pursuing aims which are in no way related to the welfare of the British people. These are very grave questions, and we are strongly of opinion that Parliament must give them full and early attention.¹

The unions themselves certainly felt threatened: they saw in the suspension of the Seven Hours Act an attack on the industrial rights of the workers and an ominous straw in the wind.²

If there remained any obstacle to the introduction of legislation, it was the oft-cited reluctance on Baldwin's part: yet there is no evidence that at this or at any earlier stage he offered strong opposition to the principle of the bill rather than to the details and the tone of its

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¹ Addressing a Conservative meeting in Swansea, 18 August 1926 (The Times, 19 August 1926).
² In July, the Executive Council of the T.G.W.U. passed a resolution expressing resentment at 'the vindictive and subversive action of the ... Government against Trade Union law and practice as represented by their spokesmen Lord Birkenhead, the Right Hon. Winston Churchill, and Sir William Joynson-Hicks'. It called upon the trade unions of the country, the T.U.C., and the Labour Party 'to resist by every means possible the violent menace of the Government, Tories and Capitalists to the laws which have been established after great suffering and sacrifice on the part of the industrial workers' (The Times, 11 July 1926). In September, the T.U.C. passed a resolution 'resenting the Government's threat to introduce legislation against the rights of trade unionists...' (ibid., 11 September 1926).
proposals.1 Were he have to resisted any legislation whatsoever, he could have relied on strong support, and indeed encouragement, only from Sir Horace Wilson. The aftermath of the General Strike had seen the leaders both of the great unions and the Labour Party warn against a repetition of such a movement. The Conservative Party, though, took greater heed of the voices calling for more such actions.

In his presidential address to the Trades Union Congress in September, Arthur Pugh, who reflected moderate opinion, had declared: 'The weapon used by the unions last May will not be left unused when it is sought to enforce upon any section of the workers terms which have not been made the subject of negotiation and collective agreements'.2

1. Baldwin was later to recall that during the autumn of 1926 he had been urged by many sections of the press and by a very large and influential number of his Party to introduce drastic trade union legislation before Christmas: he resisted in the belief that, after a breathing-space during Christmastime, they might come back in a better mood. He claimed that this had indeed been the case and it was possible to bring in a bill 'which at that time commended itself to the whole of the Members on the Government side of the House, even those who would have gone much further than I did, and commended itself at that time to the country as a whole' (H.C.Deb., vol.247, cols. 417-18, 22 January 1931, quoted in Middlemas and Barnes, op.cit., p. 446). Baldwin's recollection was somewhat fanciful in that the bill as finally introduced was more 'drastic' than that which had been before the Cabinet the previous autumn.

2. The Times, 7 September 1926. George Hicks, chairman of the General Council, compounded the warning:

The tremendous sweep of economic forces, the terrific clashing of class interests, cannot be avoided... On either side in Britain to-day the two sides are preparing for the coming struggle. It would appear that general strikes of a more intense and formidable character ... are inevitable

(Daily News, 8 October 1926).
The National Union felt justified in claiming that it would be wrong to assume either that the lessons of May had been learned by all the trade union leaders and delegates who were at Bournemouth\(^1\) or that the Labour Party did not favour 'direct action'.\(^2\) Wilson, however, anxious to assure Baldwin that no legislation was required, asserted:

> Pugh's words were ... chosen very carefully ... and if it is borne in mind that the audience to which the remarks were addressed included a number of persons who thought the General Council had not gone far enough last May, it will be seen that Pugh's words need not be regarded as amounting to very much of a threat.\(^3\)

While Wilson maintained his opposition to legislation,\(^4\) even Steel-Maitland, the Cabinet member least enamoured of any action in this matter, had long since acquiesced in the necessity of some reform. In a memorandum of 29 September 1926, he outlined the state of the Cabinet's thinking.\(^5\) Stanley Jackson had asked him as to the line

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1. *Gleanings and Memoranda*, October 1926.

2. At the Labour Party Conference in October, Robert Williams, (chairman; he was a former member of the Communist Party) no longer advocated 'direct action' because of the failure of the General Strike; 'that his new opinions are not popular in the Socialist Party is shown by the fact that he failed to secure re-election to the executive of the Party' (ibid., November 1926).

3. To Sir Patrick Duff, Private Secretary to Baldwin, 21 September 1926: Baldwin Papers, vol. 11. A Ministry of Labour official present at Bournemouth nevertheless concluded that the general strike had thenceforth to be considered as having a place in trade union thought and policy (report on the T.U.C., 21 September 1926: ibid.).

4. He encouraged Alfred Mann, editor of the *Yorkshire Post*, to change his mind on the question (see below, pp. 116-17).

5. [Endorsed, probably by G.M. Young, 'Steel-Maitland's Concordat'] Baldwin Papers, vol. 11.
which could be taken in the debates on the various resolutions concerning the trade unions at the approaching annual conference of the National Union. The memorandum, Steel-Maitland wrote to Baldwin, did not contain anything 'unsafe' as a guide for the Party chairman, although the subject did need wary walking in view of its difficulty and of the fact that the Cabinet had not made up its mind; for the latter reason, a definite answer could obviously not be given on every matter.\(^1\) It asserted:

There are some points, however, with which it is pretty certain that we shall deal. With these any speaker from the Government can express concurrence in terms more or less concise according as our ideas are formulated. There are other points on which it is quite clear that we shall not take action, and there are a number which are still indeterminate.

Any bill was 'almost certain' to include a clause declaring general strikes illegal, it would 'probably' provide protection for persons refusing to join an illegal strike, and it was 'certain' to deal with picketing. It would 'probably not' institute a compulsory ballot and was 'very unlikely' entirely to repeal the immunity of trade unions in respect of liability for tort.\(^2\)

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1. [N.d., ca. 29 September 1926] ibid.

2. The ballot would not, in Steel-Maitland's opinion, attain the object desired, but feeling was sufficiently pronounced to make the subject difficult to deal with. He suggested that Jackson arrange for as many as possible of the members of the Trade Unions Sub-Committee of the 1922 Committee (which, Greaves-Lord apart, had decided against the ballot) to take part in the discussion: 'There will be a little cold breath of reason coming in to mingle with the hot air of other delegates'.
When the annual conference began on 7 October, the Cabinet was thus firmly set on course towards the introduction of a trade union bill. For Sir Robert Sanders (Somerset, Wells; chairman of the Central Council) to declare at the following year's conference that the Trade Disputes and Trade Unions Act passed that summer was 'begotten at Scarborough' the previous year, was no more than self-delusion.¹ Professor McKenzie has likewise asserted of Scarborough:

It is of considerable significance that one of the most important single pieces of legislation of the 1924-9 Government should have been so evidently the product of pressure from the party rank and file both inside and outside the House. The Leader of the Party may in theory have the sole right to formulate policy but in this case an indifferent Leader seems to have abdicated this right.²

The Act was to be the expression of a policy which had been developed throughout the Conservative Party over a considerable period³ and there is no evidence to support the contention that this conference was of crucial importance in the process. On the contrary, it did no more than confirm a situation of which the Cabinet and its Legislation Committee were already fully aware: previous conferences had expressed their views on the trade union movement equally unambiguously, although less threateningly. McKenzie has further observed:

[The] debate on trade union legislation at the 1926 conference provides an excellent

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¹ N.U.C.U.A., minutes of the annual conference, Cardiff, 6-7 October 1927.
² British Political Parties, 2nd ed., pp. 128-29.
³ As has been argued above, pp. 22-28.
illustration of the functioning of the party conference at its most effective. It provided an opportunity for the militants of the party to bring pressure to bear on the Leader and his colleagues in the House.¹

Yet the momentum for a trade union bill had been increasing during the summer recess, culminating in the 'concordat': Baldwin's pledge at Scarborough to introduce legislation was not made in response to the debate, insistent and acrimonious though it had been. As to pressure being brought to bear on his colleagues, there was in fact much disquiet at their absence from the conference. Although this would clearly not necessarily have excluded their being influenced by its proceedings, it demonstrated their lack of concern about the state of the Party in the country:²

On one point there has been a good deal of criticism among the delegates. They regard the Conference as the one opportunity of the year for the workers in the constituencies to get into touch with the leaders of the party. They look for guidance and for information, and they would like to see members of the Cabinet on the platform on, at any rate, the first day of the Conference. This year Mr. Amery has been the only member of the Cabinet in attendance, and he, unfortunately, had to leave before Empire development was discussed... To put it quite frankly, the delegates feel that, if 2,600 workers for the party in the constituencies consider it worth their while to attend the conference, they do not expect to be totally ignored by most of the members of the Cabinet whom they have helped to put into power.³


2. The Legislation Committee had not attached undue importance to the views of the National Union (see above, pp. 103-105).

3. The Times, 9 October 1926.
It was expected that during the coming year there would be a reconsideration of the conditions under which the annual conference was held, in view of the changes about to take place in the control of the Central Office with the retirement of Jackson, who had announced his resignation shortly before the conference began.

The first resolution on the subject described the state of trade union law as a menace to national security and called for the compulsory ballot, the protection of the worker against victimisation on account of his political beliefs, restrictions on picketing, and the auditing of union accounts. It was proposed by Sir Arnold Gridley and seconded by Captain J.W. Reynolds (from Yorkshire, West Riding, Don Valley); a number of representatives who had been trade unionists of very long standing spoke strongly in support. Sir Leslie Scott, present at Jackson's request, failed to persuade the gathering not to insist on the ballot.

The second resolution declared that it should be unlawful to


3. Other M.P.s were subsequently also unable to convince their labour advisory sub-committees, which remained adamant on this issue to the end (see, for instance, Gretton to Baldwin, 7 December 1926: Baldwin Papers, vol. 11). But Bridgeman had made an about-turn: 'it is curious that Willie who was a member of the Cabinet Committee which reported against the secret ballot now tells me that he has changed his mind...' (Neville Chamberlain to Annie, 4 October 1926: Neville Chamberlain Papers, NC 1/26/372). The reason, perhaps, was that Bridgeman, in many ways the archetypal Conservative, instinctively, and not necessarily through self-interest, felt as did the Party in the country.
make union membership a condition of employment. Major Beaumont-Thomas proposed a third resolution regretting 'the apparent inability of the Government to appreciate the necessity of amending the Laws governing Trade Unions' and demanded that the Conference put a seal on the resolutions passed by forcing the Government to act in the terms of his motion. Jackson intervened to assure the conference that the Government do fully appreciate not only the necessity, but the urgency of dealing with Trade Union legislation... it is a serious question which cannot be dealt with except by the most careful consideration of all its details. If you pass this resolution the Government may regret your inability to trust them to deal with a great national question with the care and wisdom it certainly requires.

The resolution was withdrawn, though this was not to the satisfaction of the entire gathering.1

Addressing the conference, Baldwin announced:

you have to-day passed a resolution to the terms of which the Government will give, as is their duty, prompt and careful consideration ... we are conscious of the wishes of our loyal supporters in the country... As soon as we have completed our examination of the subject we shall prepare a Bill and proceed with it in

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1. The Times reported that it was withdrawn 'amid cheers and countercheers, and some cries of "Vote"' (8 October 1926).
That Jackson and Baldwin did not commit themselves to the
details of legislation according to the terms of the
'concordat' was probably due to three reasons. The Cabinet
had reached no final decision on a trade union bill;
Baldwin desired to produce a less 'drastic' bill over the
coming months; and it was not thought wise to allow the
conference to appear to trespass on the province of
government and prescribe too minutely the measures that
should be adopted, for the platform had at all costs to
maintain its traditional attitude of de haut en bas.

During the winter of 1926-27, there was much talk
by trade unionists and industrialists about the need for a
better organisation of industry. The Conservative press
was also active in this sphere. Its proposals varied, but
they all included two elements: precautions such as a
greater or lesser degree of compulsory arbitration to
prevent strikes and some method of improved co-operation

1. John Remer recounted the occasion: 'when [Baldwin] said
"prompt", he received the loudest cheers I have ever
heard in my life, and there was not quite the same
enthusiasm when he came on to the words "and careful
consideration"'. Referring to the debate, he continued:

if you had heard one working man after another
- trade unionists - getting up and making
speeches ... I am perfectly certain that you
would agree that unless this matter is dealt
with we will lose ground very considerably,
for the working men of the country have the
impression that we are afraid to deal with it,
and it is of paramount importance not only for
the good of the country but of ourselves that
this matter should be dealt with at the
earliest possible moment

(deputation from the National Union of Manufacturers to
between employers and employed.\textsuperscript{1} With the exception of the \textit{Yorkshire Post}, this desire for a new organisation of industry was not seen as obviating the necessity for strict legislation. In a first leading article, the newspaper asserted that it was 'hardly possible to exaggerate the importance of the new movement amongst trade unionists' headed by such men as George Spencer (a miner, he sat as an independent after being expelled from the Labour Party in February 1927 following his formation of the Nottinghamshire Miners' Non-Political Industrial Union in order to reach a district settlement in defiance of the Miners' Federation), Joseph Jones (secretary of the Yorkshire Miners' Association), and Havelock Wilson (secretary of the National Sailors' and Firemen's Union):

there... we have an attempt to rid the unions of those political fanatics who... have consistently, during the last decade or so, perverted the trade unions from their legitimate industrial function, and have made them into political machines, used for the purposes of disruptionist Communism...

until the present attempt to purge Communism from the coalfields and factories has had an opportunity to succeed... it would surely be advisable to suspend legislative action.\textsuperscript{2}

\textsuperscript{1} They were aired in articles during November, principally in the \textit{Daily Express}, the \textit{Daily Mirror}, the \textit{Daily News}, and the \textit{Westminster Gazette}. The \textit{Spectator} advocated an all-party conference on trade union legislation: if it succeeded, the advantages would be immense, but if it failed, the Government would retain credit for having made the attempt (9 and 16 October 1926).

\textsuperscript{2} 7 December 1926. Though this widespread rank-and-file struggle between the 'industrials' and the 'politicals' was welcomed by the Cabinet, it was not considered of great moment.
The leader appeared the day after Mann had discussed trade union law reform with Wilson.\(^1\) It was significant on two accounts: the importance attached by Baldwin to the _Yorkshire Post_ and the fact that the paper had previously been pressing for legislation ("it would be a mistake", Mann now wrote, "to bring in legislation at present of the drastic character we and others have advocated")\(^2\).

Within the Cabinet, Salisbury, Cecil, Neville Chamberlain, and Steel-Maitland tried to make flesh of these aspirations for an era of peace. Particularly since May 1926, Salisbury and Cecil had been calling for a new industrial policy based on co-partnership; in November, Chamberlain revived Cave's proposal for compulsory arbitration in essential industries; and, in the same month, Steel-Maitland suggested an industrial concordat, which would be possible only if less drastic legislation were contemplated. These three approaches will be considered severally.

In 1924, _Looking Ahead_ had promised that the Conservative Party would 'encourage the admission of the workers, by the application of the principle of co-partnership, to a direct share in the success of the undertakings in which they are employed' and the annual conference had unanimously resolved to pledge the Party to support the principle. Earlier co-partnership measures had been received

1. Mann to Wilson, 7 December 1926: Baldwin Papers, vol. 11.
2. Ibid.
with little enthusiasm by both employers' organisations and trade unions, both regarding the principle as a threat to their power, and a Co-Partnership Bill proposed by Conservatives of all shades of opinion on 13 February 1925 received only a first reading.\footnote{1} With the characteristic sense of history and foresight of the Cecils, Salisbury and Viscount Cecil wanted to hasten the evolutionary process as they saw it in order to prevent a revolutionary outcome. To defeat Socialism, the Conservative Party had itself to adopt a measure of Socialism. Yet co-partnership also appealed to traditional Toryism in that it offered to the working man the magic of property. Cecil, indeed, had been an advocate of co-partnership since the 1890's and during the unrest following the War believed that great changes in the organisation of industry, 'amounting to revolution', were inevitable.\footnote{2} 

Suspicion on the part of many workers had developed into a settled determination to bring about a new state of affairs. Until 1914 they had sought their ends

\footnote{1} It was introduced by Reginald Shaw (Yorkshire, West Riding, Sowerby; a barrister, he usually supported the younger Conservatives, of which he was one) with the support of Captain Crookshank; Herbert Grotrian (Kingston-upon-Hull, South-West; a barrister, he was a member of the Industrial Group); Macquisten; Sir Herbert Nield, K.C., (Ealing; member of the Executive Committee of the N.U.C.U. A. and to the right of the Party); Basil Peto (his family building firm had introduced a co-partnership scheme in 1896); Captain McInnes Shaw (Renfrewshire, West; of the centre of the Party); and Captain Walter Shaw (Wiltshire, Westbury; of the centre).

\footnote{2} \textit{All the Way}, p. 160.
through Parliament: indeed by means of agitation, sometimes constitutional and sometimes unconstitutional, but always directed to an alteration of the law. They had since, Salisbury warned, begun to lose faith in that road to relief:

The favourite method now is direct action, which is, in its logical development, revolution. The present situation may therefore properly be termed urgent. Unless Government and Parliament bestir themselves the change of method may become stereotyped: revolution may become a conviction. The worst of it is that unconstitutional pressure and direct action have been proved to be effective and the present triumph of the forces of order is an exception. Almost every decade has been marked by Trade Union victories either over Parliament or over their employers by unscrupulous political leverage, by concerted breach of contract, or even by intimidation and violence... the situation is essentially unstable.2

He believed the choice facing the Government was clear:

Unless we can do something effective now it is certain that the irritation will burst out again... We shall be driven to disastrous concessions or we shall be replaced by a Labour Government within a few years, and the Labour Government ... will of course enter upon experiments in industrial nationalisation which it is our main object to prevent.

Cecil likewise cautioned: 'unless we can devise some remedy for the disease of industrial suspicion, the electorate will sooner or later accept some form of Socialism as the only way suggested out of the difficulty'.3 The root of the

1. A reference to suffragette agitation and Irish violence.
matter lay in the status of the worker and nationalisation would be represented as improving this. It was the sense of ownership that would be appealed to: co-partnership would counter the attraction of this remedy by appealing to the same motive.

In November, Cecil repeated the proposal, which he and Salisbury had made the previous May, that the Cabinet appoint a committee to consider what legislative and executive measures could be taken to promote the adoption of co-partnership schemes in industry. The Cabinet did not, however, view the matter with any urgency and was prepared to wait a few months for the report of the Committee on Industry and Trade (chaired by Sir Arthur Balfour, a leading industrialist), which was expected to deal with profit-sharing. Yet profit-sharing was regarded by the advocates of co-partnership as little more than another form of payment for work, the results of which were not the worker's own but someone else's. A sub-committee of the 1922 Committee was preparing a report on co-partnership which, similarly, would not be ready for some time. Scott hoped that if the full Committee declared that the widespread

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2. 15 December 1926: CAB.23/53, Cab.65(26)7. Cecil complained to Baldwin: 'I was very disappointed at the discussion in the Cabinet this evening. What seemed to me super-evident namely, the necessity of having a positive industrial policy approach was regarded by my colleagues as fantastic. I suppose I am really quite out of place in a "Conservative Cabinet"' (note of his recollection of a letter to Baldwin on 15 December 1925: Cecil Papers, Add. MS. 51071).
adoption of co-partnership schemes would go far towards doing away with industrial unrest, businessmen would be profoundly moved, but the Marquis of Hartington (Derbyshire, West; P.P.S. to Bridgeman and chairman of the sub-committee, he was a member of the 'Y.M.C.A.') believed that they would merely think it a piece of impertinence. The latter maintained that while provisions could be enacted to enable more companies to introduce schemes, it was the spirit behind them which led to success: the time had come for Baldwin to make another appeal to the country for peace, for he alone still commanded the confidence to do so. Cecil retorted that reforms rarely came from within industry or the professions and that Baldwin's speeches had done all the good they could. The deliberations of these two bodies came to nought, but there was in any case little sympathy for the principle in the Cabinet. According to Steel-Maitland: 'If we as Conservative Ministers come out with an advocacy of co-partnership or, more broadly still, co-operation and give currency to the opinion that this is the Conservative policy as against the Socialist policy, we should tend to make the Trade Unions resist anything of the kind'.

Chamberlain, like Salisbury and Cecil, criticised the bill for containing no suggestions for the promotion of industrial unity. He now advocated compulsory arbitration

in essential industries: ¹ 'Chamberlain was much dissatisfied [with the bill] his own particular contribution being some-
thing more conciliatory and more constructive...'. ² He
also emphasised the danger of legislation which might render
illegal sympathetic strikes in essential industries and
forecast continuous agitation for its repeal. ³ It was not,
however, until 8 February 1927, when the bill was clearly
approaching its final form, that Chamberlain presented the
Legislation Committee with draft amendments. ⁴ Cunliffe-
Lister, who had co-operated in drafting the new clauses,
later implied that he himself had been instrumental in
placing a definite scheme before the Committee. At the end
of 1926, he had propounded to Chamberlain the proposal that
where a stoppage of work would have wide repercussions,
there should be no strike or lock-out until an impartial

1. 29 November 1926: L.C., L.(26)10th Conclusions.

2. Feiling, op.cit., p. 159. Arthur Dixey (Cumberland,
Penrith and Cockermouth; a solicitor) had recently intro-
duced a Compulsory Preliminary Arbitration Bill, which
received a first reading, but was not proceeded with. It
was supported by Conservatives to the right of the Party,
Colonel Sir Walter de Frece (Blackpool), George Jones
(Stoke Newington; a barrister), Major-General Sir Alfred
Knox (Buckinghamshire, Wycombe), Sir Cooper Rawson (Bright-
on), Goodman Roberts, and Thomas Watts, and by a Liberal,
Baldwin had already stated that he would be prepared to
consider favourably any proposals designed to avoid strikes,
'but there is no reason to believe that compulsory arbi-
tration would be found practicable in this country' (ibid.,
vol.197, col.23, 21 June 1926).


4. 'Prohibition of Lock-outs and Strikes in certain Industries
until after Enquiry'; L.C., L.(26)27. He included not only
water, gas, electricity, food, and transport undertakings,
as had Cave, but also coal mining and those industries in
which any government department was the employer.
inquiry had been held: Chamberlain 'was most sympathetic and undertook to advocate [the proposal] strongly to the Prime Minister...'.

The Committee could not agree on the amendments. Divided between Chamberlain, Cunliffe-Lister, Hogg, and Inskip (who was not on the Committee, but attended a number of its meetings) on the one side and Steel-Maitland, Joynson-Hicks, Birkenhead, and Worthington-Evans on the other, it remitted the question to the Cabinet. Birkenhead had found himself unable to resist the advice of the Minister of Labour and the considered opinion of his Department: a majority of the Cabinet were likewise convinced and rejected the scheme. Steel-Maitland described the change proposed in the industrial system as 'so drastic, so far-reaching and

2. 21 March 1927: L.C., L.(26)12th Conclusions. Cave, absent through illness, would undoubtedly have opposed Chamberlain (Cave to Baldwin, 13 March 1927: Baldwin Papers, vol. 11).
3. 23 March 1927: CAB.23/54, Cab.18(27)5. This was a disappointment to Chamberlain who had, to his surprise, gained the impression at a Cabinet meeting on 15 March (the first at which the proposal was discussed) that there was almost universal agreement, the only dissenter being F.E. (who has been thoroughly unsound on the bill throughout), S.M. whose opposition was determined but rather muddled and obscure, and the H.S... The final conclusion was that the Bill was to be redrafted and sent back to the Cttee. but it looks as though my proposals would be adopted, in which case I anticipated they will form the principal feature of the Bill and the one which will attract most attention

(diary, 16 March 1927, quoted in Macleod, op.cit., p.121).
so uncertain in its effects that it ought not to be adopted without the fullest consideration...'. ¹ Neither the unions nor, he thought, many employers were likely to regard it as constructive. The value of the court of inquiry was the absolute discretion as to its appointment possessed by the Minister of Labour: it was a weapon far more effective in reserve than in application.² The experience of the Labour Government had indeed demonstrated that frequent courts of inquiry undermined the settlement of disputes by negotiation between the parties.

Steel-Maitland's own belief was that the Government should exert a peace-making influence, the problem of industrial productivity being the most urgent which confronted them.³ This could not be done were they to proceed flatfootedly with trade union legislation, regardless of its effect on the industrial situation: their proposals would not only be said to be an attack on trade unions, but would really be felt as such. 'We cannot', he wrote in a confidential

3. At the end of September 1926, in accordance with his suggestion of the previous June which had been adopted by the Cabinet, a mission composed of employers and trade unionists left to inquire into industrial relationships in North America (memorandum, 11 June 1926 (CAB. 24/180, C.P.235(26)); 16 June 1926 (CAB.23/53, Cab.40(26)3)). Its report appeared the following year (Report of the Delegation appointed to Study Industrial Conditions in Canada and the United States of America: P.P. 1927 Cmd. 2833, x, 663).
memorandum to Baldwin in October 1926, 'wield a sword with one hand - even if it be in reality but the phantom of a sword - and at all convincingly proffer an olive branch with the other'.¹ He subsequently aired his views unambiguously to the Cabinet, expressing his 'misgivings as to the position in which the Unionist Party and the Government at present find themselves in relation to the Trade Union movement'.² They had to decide whether they wished to attack trade unions or not. For example, Steel-Maitland asserted, the major part of the outcry against the political levy was based on a desire to hit the Labour Party through the pocket.

While relations between employers and employed were difficult enough before the Strike (and, 'if such was the case in the green tree, what is the case in the dry?'), Steel-Maitland believed that the perception was gradually growing in labour ranks that output was essential and that a concordat was possible between the two sides in industry.³ The initiative, though, would not come from within, but could come from the Government: 'fortunately the country still believes in the fairness of the motives of the Prime Minister'. Yet drastic legislation could undermine this


belief. Responsible trade unionists were suspicious, if not of Baldwin, then of some reactionary hidden hand that might overbear him: that of Joynson-Hicks, Birkenhead, or Jackson. Each side had its extremists, its Red men or its backwoodsmen, and they had to stand up to theirs. Nonetheless, Steel-Maitland conceded, the case for some legislation was real. They had to decide whether to attempt the concordat: 'the chances are that we shall fail. But if we succeed...'. If Baldwin were favourable, Steel-Maitland was willing to consult one or two of the Cabinet individually,

... Austen and F.E. as having each in his way a good detached view; Neville since he is a business man and will not be inclined to be over sanguine, and Winston so that he should pull that way and not against. Success would mean everything to his Budgets.¹

Baldwin was, naturally, favourable to this suggestion.² It was probably at his instigation that Lord Weir, a former Liberal Secretary of State for Air and a leading industrialist, initiated a debate in the House of Lords on 14 December in which he proposed an industrial concordat and a moratorium on politics in industry.³ Steel-Maitland and Cecil, not unexpectedly, each responded

1. 11 October 1926: Baldwin Papers, vol. 11.
2. Addressing a Conservative fête at Hardenhuish Park near Chippenham on 12 June, he had expressed the hope that the 'time would soon come when it would be possible for the more enlightened among employers and trade union leaders, with whatever help the Government could give, to meet and discuss a new industrial policy' (The Times, 14 June 1926).
differently to this intervention. The former, referring to 'a man whom many had pronounced to be the leading figure in industry in this country', declared of Weir's motion: 'he has struck a remarkable note. It is a matter of great moment...'. ¹ The latter complained: 'it was evident... that [Weir's] conception of industry is that the workmen have no rights except to get a decent wage, I do not think much will come from his move'. ² Yet secret talks did take place during the first three months of 1927 between Weir and two other employers on the one side and four trade unionists on the other (Bevin, Hicks, Pugh, and E. Kaylor, a member of the General Council). ³

Weir warned Baldwin and Steel-Maitland that he believed publication of the proposed measure would jeopardise the talks, but Baldwin had long since passed the point of no return. ⁴ Bevin duly notified Weir that he was breaking off the exchanges because the bill had rendered further discussion

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¹ To Cecil, 12 December 1926: Cecil Papers, Add.MS. 51071.

² To Lord Irwin, Viceroy of India, 16 December 1926: ibid., Add. MS. 51084.

³ [Unsigned and undated] memorandum to Baldwin [almost certainly written by Steel-Maitland at the end of March 1927]: Baldwin Papers, vol. 11.

⁴ Weir nonetheless welcomed the eventual act:

as a British citizen I regard it as a definite contribution to constitutional commonsense and fair play... There are stupid employers and stupid trade union leaders at times on both sides, and occasionally these stupid people achieve power. Some regulations must obtain to curb stupidities which cause national harm

impossible.\textsuperscript{1} The talks had, however, been threatened well before this and had 'come to nothing' because Bevin and Pugh felt it necessary for there first to be a good deal more agreement on industrial policy among Labour leaders.\textsuperscript{2} Indeed, in the aftermath of the coal dispute there were deep divisions, not only between the political and industrial sides of the Labour movement but also within the two sides themselves, over the need for a national industrial conference which had been advocated by certain prominent Labour politicians and trade union leaders. That open negotiations leading to the Mond-Turner talks the following year (led by Sir Alfred Mond (Carmarthenshire, Carmarthen; he had exchanged the Liberal for the Conservative whip in January 1926 and was chairman of Imperial Chemical Industries Ltd.) and Ben Turner, president of the Trades Union Congress) were to begin in the autumn of 1927, would support the contention that neither the bill nor the final act unduly soured relations between employers and employed.

Against the background of these moves to produce a more 'constructive' bill, the Legislation Committee resumed its work in the middle of November 1926, shortly after the Government had announced their intention of dealing with trade union law during the following session.\textsuperscript{3} The prospects for such a 'constructive' bill were slender. As

\begin{itemize}
\item[\textsuperscript{1}] Letter, 19 May 1927, quoted in Bullock, op. cit., p. 392.
\item[\textsuperscript{2}] Memorandum, cited above, p. 127, n. 3.
\item[\textsuperscript{3}] H.C.Deb., vol.199, col.1251, 11 November 1926 (Eyres-Monsell).
\end{itemize}
the coal settlement demonstrated, the Die-hards had gained ascendancy over the Tory democrats in the Cabinet, Churchill simultaneously coquetting with both sides. There was a divide between those who believed that a hard-grained Tory-ism might at least harm its opponents by reforming the political levy and those who believed that a Liberal-Toryism would collect a vast number of votes which were withheld from Liberalism in sheer despair.

Cave determined finally to impose his will on this indecision. He confronted the Legislation Committee with a new draft bill, the Trade Unions and Trade Disputes Bill, which had been prepared on his own initiative in a new attempt to gain the total victory which had been steadfastly denied to his memorandum of the previous May. Rallying to his support 'the growing strength of public opinion in favour of dealing with the whole question comprehensively', he campaigned for the total repeal of Section 4 of the Trade Disputes Act, 'contracting-in' to the political levy, and the rejection of any provision for the holding of ballots.

On section 4, however, Cave was unable to achieve his end, only Bridgeman and Churchill, the latter accomplishing a complete about-face, stepping into the breach in support.

1. 10 November 1926: L.C., L.(26)23.
2. 15 November 1926: L.C., L.(26)8th Conclusions.
3. At the Committee's first meeting, Churchill had expressed the hope that no part of the Trade Disputes Act would be repealed (see above, p. 79). He now declared that the Government were bound to deal with a privilege which the unions had grossly abused and which had been shown to be contrary to the public interest (8th Conclusions).
Cunliffe-Lister, Hogg, Steel-Maitland, Worthington-Evans, and Neville Chamberlain (who was not on the Committee, but attended a number of its later meetings) drew up an opposing line, which they were able to hold primarily by dint of numerical superiority. Not to be defeated, Cave appealed directly to the Cabinet, but without success.¹

The acceptance of 'contracting-in' had an easier passage, encountering opposition only from its long-standing opponents, Hogg and Steel-Maitland,² and receiving the acquiescence, if not the support, of a majority of the Committee.³

On the compulsory ballot, Cave had reversed his original position along with most of the Committee, but again his conviction, albeit new-found, allowed of no compromise and he resolved to eliminate even the relatively harmless optional ballot.⁴ He now called to his aid the Government's supporters, from whom the 'pressure... for a ballot was sensibly diminishing', and only Churchill and Worthington-Evans dissented.⁵

1. In a memorandum on the third report, which had remitted for Cabinet decision matters upon which the Committee were not in complete agreement (6 December 1926 (CAB.24/182, C.P.407(26)), 3 December 1926 (CAB.24/182, C.P.406(26)). It was rare for a member of a Cabinet committee, including its chairman, to interpose his views between a report of the committee and the Cabinet.

2. 22 November 1926: L.C., L.(26)9th Conclusions.

3. Third report.

4. See above, p. 104.

5. 8th Conclusions. Churchill, conscious of the feeling in the country, pleaded for the optional ballot as 'an innocent method of not entirely ignoring a subject upon which so many people are aroused' ('Trade Union Legislation', 27 October 1926: CAB.24/181, C.P.365(26)).
Thus the Legislation Committee had, by stages, adopted nearly all Cave's recommendations of May 1926. In June, it had only accepted the necessity for rendering general strikes illegal and for protecting workers against victimisation, measures which aroused no controversy within the Cabinet; in August, it had agreed to the principle of restrictions on picketing; and in November, it finally tackled the irksome political levy. Only with respect to section 3 (relating to breaches of contract) and section 4 of the Trade Disputes Act did Cave have to settle for less than his maximum demands.

The final draft of the Trade Disputes and Trade Unions Bill was not approved by the Cabinet until the following March, after Chamberlain had complained to Baldwin of the 'outrageous' delay in settling the matter.¹ There had evidently been unanimity on all points apart from the political levy, which was carried with Baldwin undecided, but inclined to include it on grounds of political expediency, and Hogg and Neville Chamberlain against.² It was also decided to provide that civil servants were not to join any trade union whose membership was not confined to employees of the Crown or which was affiliated to any outside political organisation; that no local or public authority might make union membership or non-membership a condition of employment; and that breach of contract by local or public

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¹. 30 March 1927 (CAB.23/54, Cab.20(27)8); diary, 10 March 1927 (Neville Chamberlain Papers, NC 2/22).

². Chamberlain, diary, 16 March 1927 (referring to the special Cabinet on the bill on 15 March), quoted in Macleod, op.cit., pp. 120-21.
authority employees was to be illegal. ¹

The Cabinet was able to reach final agreement on the bill in the knowledge that the mood of the great majority of the Conservative Party favoured such legislation, though the Party in Parliament remained divided.

The debate on the King's Speech of 8 February 1927, which had referred to 'the importance of defining and amending the law with reference to industrial disputes',² had given those who supported strong action the opportunity of urging the Cabinet to stand fair and square to its guns. They claimed that were the Government to deal successfully with this problem, they would gain the confidence of not only Conservative trade unionists.³ Legislation was necessary not to attack trade unionism, but to restore it on sound industrial rather than political lines and to maintain the principle of preserving liberty and of restoring liberty where it had been taken away. These members had official Party opinion in the constituencies behind them, which

¹. 23 March 1927: CAB.23/54, Cab.18(27)5. See above, pp.80-81.
³. Geoffrey Peto (Somerset, Frome; a director of the Morgan Crucible Company Ltd.), Sir Charles Cayzer (Cheshire, City of Chester), Captain Austin Hudson (Hackney, North; a newspaper proprietor), Walter Raine (Sunderland; a shipowner), Alexander West Russell (Tynemouth; a barrister), Major Sir Herbert Cayzer (Portsmouth, South; director of various shipowners' associations and vice-chairman of Cayzer, Irvine and Company Ltd. of Liverpool, shipowners), Greaves-Lord, Duff Cooper, Gervais Rentoul, and Arthur Dixey (ibid., vol.202, cols.46-48, 69-73, 8 February 1927; 161-64, 178-79, 222-23, 240-41, 9 February 1927; 613-25, 647-61, 683-88, 691-94, 14 February 1927).
remained as firm as it had been at the time of the National Union's inquiry of July 1926.\(^1\) Those who doubted the virtue of legislation had spoken equally unhesitatingly. The cure for the problems of industry lay elsewhere: the Government's monetary policy was the main cause of unemployment and until it had been changed Baldwin's scheme for peace would be impossible of attainment, a factories bill and the ratification of the Washington Eight Hours Agreement would have shown that the Party cared about industrial peace, and the answer was to create goodwill in the workplaces themselves.\(^2\)

Opposition had come from those on Left, who had informed the Legislation Committee of their views in October 1926.\(^3\) Inside Parliament, the older members of this group were emphatic. Cavendish-Bentinck declared that the Government were providing no leadership: they could recover their former popularity, and a good deal besides, were they to lead the country along the broad road of a policy of reconstruction, but instead they were plunging the nation once more into strife and stirring up ill-will, class-hatred, and bitterness.\(^4\) Skelton (who thought legislation could do little

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1. The Central Office was receiving reports from labour advisory sub-committees all over the country entreating the Government to enact effective legislation (Pembroke Wicks, Political Secretary, Conservative Central Office, to Patrick Gower, Private Secretary to Baldwin, 22 February 1927: Baldwin Papers, vol. 11).


3. They had pleaded for consideration of trade union legislation to be transferred to a Royal Commission. Skelton, in a bitter letter to Herbert, argued that this would be clear proof that the Conservative majority was determined not to use its parliamentary strength unfairly or in a class or party way. But he feared that the Cabinet's amour propre would stand in the way of such a move (31 October 1926: Baldwin Papers, vol. 11).

and dreaded 'these sham remedies introduced chiefly to propitiate the rank-and-file of the Party'\(^1\) could claim to be expressing a hallowed Tory principle when he maintained that powers, rights, and status which had been granted by Parliament must not lightly be withdrawn or restricted and then only for the most serious of reasons, such as the safety of the community: the Government would have to show that this was indeed endangered.\(^2\)

Outside Parliament, the younger members demonstrated their dissatisfaction less ostentatiously. *Industry and the State: a Conservative view*, a book by Boothby, Loder, Macmillan, and Stanley, presented a comprehensive programme with a scientific rather than an ideological approach and was published in April 1927: it specifically omitted to deal with the reform of trade union law because the Government's solution would be in the hands of the people by the time it appeared.\(^3\) That solution would for many years represent the Conservative Party's contribution to the question:

> The object, therefore, of any book written, not for the purposes of the hour or the day but of the future, must be to indicate the complement to this legislation, the complete whole into which it fits as a necessary part and in which it loses any possible identity.

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1. Letter, cited above, p. 133, n. 3.


3. P. 28. Although Stanley, somewhat exceeding the customary neutrality of the mover of the address of thanks to the Speech, had declared that the Government's proposed legislation was right, essential, and desirable, he could not have been too happy at the prospect (H.C.Deb., vol. 202, col. 14, 8 February 1927).
as an isolated attack on the working-class.¹

Yet Boothby and Macmillan, at least, did fear it would represent exactly such an attack and had attempted to forestall drastic legislation by expressing their anxieties to Churchill, whom they regarded as a fellow Tory democrat.² Boothby, who had earlier that year become his P.P.S., warned Churchill in October 1926 of the state of the Party in Scotland: 'We are losing ground at a rate that is alarming, and the reason is not far to seek'.³ This was, he believed, the conviction, growing every day, that the Government had divested themselves of all responsibility for the conduct of the national industries in the interests of the country as a whole and had capitulated to the demands of one of the parties engaged in industry, at whose behest they were preparing legislation to compass the destruction of the other:

If [the defeat of the miners] is to be followed by legislative action calculated to convey the impression that the Conservative Party has utilised the power given to it by the electors to plunder the funds of the principal opposition party, and smash the Trade Unions, then, in Scotland at least, a terrible retribution awaits

¹. Boothby et al., op.cit., p. 29.
². Churchill indeed seemed at this time to be all things to all men. Sir Harry Goschen, his constituency chairman, informed him that he was being pressed by friends, both inside and outside the constituency, to convey to him the strong feeling that the Government should take a firm line over trade union legislation: 'They are very anxious that I should let you know that they apparently think that your views more or less coincide with theirs on this matter' (31 December 1926: Churchill Papers).
³. 9 October 1926 (Recollections of a Rebel, pp. 41-43).
it at the polls.\textsuperscript{1}

Macmillan, in a detailed memorandum to Churchill of July 1926, which would suggest that his was the main inspiration behind \textit{Industry and the State}..., accepted that political pressure, especially from Conservative trade unionists, would force the Government to take some action, but maintained that drastic alteration of the rights of trade unions was not required because the latter had become more aware of the limitations of their legal powers.\textsuperscript{2} Churchill himself was convinced, by the beginning of 1927, that 'any Bill even the most perfunctory will excite united Labour opposition ... therefore we shd have a real Bill which rallies our own forces for the fight & wh when passed will have cut into the vitals of our enemies...'; once the harmful aspects of 'privilege legislation' had been removed, 'the path will be clear for soothing processes'.\textsuperscript{3}

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1. Boothby was fully aware of the strength of Liberalism in Scotland, where many of its adherents had supported the Conservatives for the first time at the general election: indeed, this had contributed to his own victory. Churchill's reply provided no comfort: 'As to Trade Union Law, I do not feel that concessions - contrary to good principles but made out of compassion to working men in days when Trade Unions were purely industrial bodies - apply to a gigantic political development which... tends to challenge the constitutional foundations... I quite understand your pangs and anxieties. But do not let them draw you from a coherent view' (16 October 1926: Churchill Papers).

2. 'Trade Unions and the Organisation of Industry', 1 July 1926: ibid.

3. To Baldwin, 10 January 1927: Baldwin Papers, vol. 162.
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When the Trade Disputes and Trade Unions Bill, which had been so long in the making, was finally introduced on 4 April 1927, it could claim to have behind it a Party, despite its differences, far more united than had other great controversial Conservative measures of the past. Those, however, who tended more to one side than the other saw, as always, a greater weight of opinion leaning in their direction than was in fact the case. Thus Macmillan: 'The party was much divided. The only thing upon which there was agreement was that there must be a Bill of some kind'.¹ This observation was nonetheless less accurate than Birkenhead's: 'our party, both in the House of Commons and in the country, is inflexibly determined, whatever the risks may be, that we shall adopt this course'.² Indeed, soon after its introduction, Chamberlain could record: 'The Trade Union Bill has had a very good reception from our party in the House who find it much stronger than they had expected'.³

2. To Irwin, 3 February 1927, quoted in Birkenhead, F.E., p.536.
3. To Ida, his sister, 9 April 1927: Neville Chamberlain Papers, NC 18/1/570. The Conservative daily press was also favourable. The Times believed 'nothing in the Bill is unreasonable', though it was 'in general more stringently drawn than either Conservative or Labour members had expected' (5 April 1927). The Daily Express thought intelligent working men would welcome the clauses dealing with the general strike and abuses of peaceful picketing (7 April 1927). The Daily Mail proclaimed that the bill would lead to the defeat of the Communists and protect the decent worker from intimidation (6 April 1927). The Morning Post welcomed 'A Charter of Liberty' (5 and 6 April 1927). The latter two newspapers thought that if anything the bill was not stringent enough (Daily Mail, 6 April 1927; Morning Post 3 May 1927). The Spectator, however, acknowledged the justice of the bill, but doubted whether it should have been introduced at a time when 'there was a reasonable prospect of industrial peace' (9 April 1927).
The storm of Labour and Liberal opposition which the Cabinet had always anticipated ('We are in for a battle royal...', Cave had written to Baldwin) was not long in rising. At the end of April, a Trade Union Defence Committee formed by the Labour Party and the Trades Union Congress launched a bitter and intensive campaign in the country, the Party's leaders pledging to repeal any legislation passed. The Conservative Party countered with its own meetings, including a series on Sundays in Hyde Park under the chairmanship of different Ministers, and with a great flood of explanatory leaflets. Conservative trade unionists were encouraged to propagandize amongst their fellow workers. Debate on the bill in Parliament continued from the beginning of May until the end of July, a timetable being resorted to for the committee and report stages in the Commons after the Opposition had tabled around two hundred wrecking amendments. The sittings were rowdy, punctuated by conflicts with the chair and the suspension of Labour members, whose obstruction and breach of the rules of the House, however, lacked the wit and knowledge of procedure which the Irish Nationalists had displayed some forty years earlier.

'The mandate [for the bill]', Baldwin declared during the second reading debate, 'is the events of last of last year'. He had been pressed to legislate during

1. 13 March 1927: Baldwin Papers, vol. 11.
the General Strike and immediately afterwards, but he knew that in either case, 'although it would have been perfectly easy at that moment to have forced any legislation through, the chances were that it would have been of an extreme and vindictive kind'.\(^1\) Since 1906, he maintained, there had been a great change in the activities of the trade unions: the emphasis had distinctly moved from industrial to political action and from constitutional to direct action.

Macmillan gave the bill the approval of the left: he could not see that any reasonable man would object to its intentions.\(^2\) Its importance, however, lay also in the temper in which it was passed. If it were to be the prelude to a general swing to the right, it meant the beginning of the end of the Party and also the end of the moderate members of the Labour Party, for both would be captured by the extremists. But if the Conservative Party proceeded in the spirit of the broad and wise policy which had dominated its leadership since 1924, the electorate would decide that it was a justifiable and not a revengeful bill. He and his colleagues would continue to support the Government only according to what policies they pursued. In the event, there were only two rebels: Cavendish-Bentinck voted for a Labour amendment to refuse the bill a second reading and Sir Robert Newman (Exeter) abstained from the votes.

\(^1\) Cf. above, p. 108, n. 1.
\(^2\) H.C.Deb., vol. 205, vols. 1408-11, 2 May 1927.
\(^3\) Ibid., vol. 205, col. 1899, 5 May 1927.
The latter 'was certain that the measure could only stir up the bitterness which was slowly subsiding from the General Strike and Miners' Lock-Out, he refused to vote for the bill, and, shortly, afterwards, was disowned by his party'.

Long series of amendments were tabled from all sections of the Conservative Party with the aim of clarifying the bill so as to ensure that its intentions would be interpreted, according to the views of the various movers, in right measure. Nearly all the amendments adopted or moved by the Government (on the recommendation of the Cabinet's Trade Union Bill (Amendments) Committee) limited the measure's scope by removing vague drafting and received general Conservative, as well as Labour, support.

Section 1 of the Act, which rendered general strikes illegal, referred to 'inflicting hardship upon the community' rather than to 'intimidate the community or any


2. List of amendments and supporters in the proceedings and memoranda of the Trade Union Bill (Amendments) Committee (CAB.27/346, appendix 4).

3. It comprised Hogg (chairman); Neville Chamberlain; Churchill, Inskip; Steel-Maitland; William Watson, K.C., (Lord Advocate); and Worthington-Evans.
substantial portion of the community'. It provided that an
offence would be committed 'if any person declares, instigates,
incites others to take part in or otherwise acts in further-
ance of [an illegal] strike': merely to take part in such
a strike was not to be an offence. The scope of the section
was widened to include general lock-outs in the same terms
as general strikes, although this was unlikely to have any
practical effect. (These amendments were mainly instigated
by the younger Conservatives.) It provided, finally, that
where any person was charged with an offence under the
section, no further proceedings were to be taken without
the consent of the Attorney-General (this was a Government
amendment desired to prevent irresponsible prosecutions by
vindictive employers or others).

Section 2 sought to protect any person refusing
to take part in an illegal strike from being expelled from
his trade union, fined, or deprived of any right or benefit.

Section 3, which dealt with the prevention of
intimidation during picketing, defined 'injury' as physical

1. 17 and 18 Geo.5, ch. 22; P.P. 1927 (111), iii, 819. It
declared that any strike was illegal if it:

(i) has any object other than or in addition to
the furtherance of a trade dispute within the
trade or industry in which the strikers are
engaged; and (ii) is a strike designed or
calculated to coerce the Government either
directly or by inflicting hardship upon the
community...

The provisions of the Trade Disputes Act were not to apply
to any act done in furtherance of such a strike. There
was a clear line of continuity running from Hogg's memorandum
of 9 October 1925, through the draft Illegal Strikes Bill
of 8 May 1926, to the act of 1927; and Cecil's concept of
the 'community' had also been incorporated (see above,
or material injury and, accordingly, the expression 'apprehension of injury' did not include 'an apprehension of boycott, or loss of any kind, or of exposure to hatred, ridicule, or contempt' (this was a Labour amendment). George Spencer, speaking from personal experience of trade union abuses, lent strong support to the clause.

Section 4 provided for 'contracting-in' to the political levy, stipulating that contributions to the political fund were to be levied separately and placed in a separate fund and that unregistered trade unions would also have to make returns to the Chief Registrar in respect of political funds. The rules for complying with this section would have to be approved by a majority of the members of a trade union voting for the purpose or by the executive.

Section 6, which dealt with the membership of trade unions by local and public authority employees, was strengthened by a sub-section which sought to prevent an authority insisting that its contractors should enforce the trade union closed shop. Breach of contract would be illegal only if the probable consequence would be 'to cause injury or danger or grave inconvenience to the community' and not 'to hinder or prevent the discharge of the functions of the authority'. (These were Neville Chamberlain's amendments.)

Two new clauses, which provided for arbitration in essential services along the lines of that which Chamberlain had unsuccessfully proposed to the Legislation Committee, were introduced by Scott and Bourne, supported by representatives from all sections of the Party, but Steel-Maitland
remained opposed.\textsuperscript{1} A further new clause to provide for ballots before strikes, introduced by Colonel Henry Burton (West Suffolk, Sudbury; a shipbroker) and Captain Dixey, was likewise opposed.

'The Charter of Freedom', as the National Union called it, received the Royal Assent on 29 July.\textsuperscript{2} J.C.C. Davidson (Hertfordshire, Hemel Hempstead; he had succeeded Jackson as Party chairman in November 1926) could reflect soon after the passage of the act:

Looking back over the year there is no doubt that the Government is stronger than it was this time last year. China and the Trade Union Bill did both a great deal to strengthen the position of the P.M. and his colleagues, and the line taken by the Socialists and the Liberals weakened their position in the country. Without being egotistical I think that the activities of this Office were largely responsible for the fact that the Trade Union Bill was thoroughly known in its details to the workers and their wives before the monstrous campaign of misrepresentation by the Socialists actually got going. The result was that the protest meetings which were organised up and down the country by the trade unions were universally complete failures and in many cases were abandoned.\textsuperscript{3}

\textsuperscript{1} Scott's clause was supported by Macmillan; Mond; Reginald Mitchell Banks, K.C. (Wiltshire, Swindon); and Rentoul; Bourne's by Gretton, Sir Basil Peto, and Alexander Sandeman (Lancashire, Middleton and Prestwich; a jute and cotton manufacturer).

\textsuperscript{2} Gleanings and Memoranda, September 1927.

\textsuperscript{3} To Irwin, 17 August 1927; Davidson Papers.
CHAPTER 2

THE FEAR OF REVOLUTION, TO THE SEVERANCE OF

ANGLO-SOVET RELATIONS IN MAY 1927

In 1796 Burke wrote of the conflict with revolutionary France:

We are in a war of a peculiar nature. It is not with an ordinary community, which is hostile or friendly as passion or as interest may veer about: not with a state which makes war through wantonness, and abandons it through lassitude. We are at war with a system, which, by its essence, is inimical to all other governments, and which makes peace or war, as peace and war may best contribute to their subversion. It is with an armed doctrine that we are at war. It has, by its essence, a faction of opinion, and of interest and of enthusiasm, in every country. To us it is a Colossus which bestrides our Channel. It has one foot on a foreign shore, the other upon the British soil. Thus advantaged, if it can at all exist, it must finally prevail.¹

Conservatives regarded the country as at war, both at home and in the Empire, with just such an armed doctrine after 1917 and, with Churchill, did 'not... believe that any real harmony is possible between Bolshevism and present civilisation'.² To question, however, the right of a people to establish for itself whatever form of government it might prefer, was wholly opposed to the English tradition

¹. The Works of the Right Honourable Edmund Burke, 1826 ed., viii, 98. The arguments employed by Burke, who insisted that it was morally right to take up arms against ideas which were subversive of liberty, have been characterised as the basis of those used by the critics of appeasement before 1939 (Martin Gilbert, The Roots of Appeasement, p. 2).

². Cited above, p. 5.
and Pitt had not questioned it in the case of France in 1792. Yet the Jacobins had proved not to be so easily satisfied and recognition of the legitimacy of the new rulers of Russia was not now readily to be afforded, for the revolution of the Bolsheviks could, according to their doctrine, only be sustained were it extended to the industrialised nations of Europe.\(^1\) The necessity of world revolution, which, in Britain, was to be effected not only through the instrument of the Communist Party and its associated bodies, but, in the eyes of many Conservatives, also with the aid of the Labour movement since the October Revolution was a beacon to all Socialists, posed a direct threat to Constitutionalism.

Both the political and industrial wings of the Labour movement had institutional, as well as ideological, links with the new doctrine. The Labour Party had emerged from the War both reorganised on conventional party lines and, having cast off all association with Liberalism, unequivocally committed to Socialism, pledged, as it was, to the common ownership and popular control of industry, the revolution in national finance, and the distribution of the surplus wealth for the common good and, more specifically, to the

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1. When Bevin, then assistant general secretary of the Dockers' Union, condemned any British interference in the affairs of Russia, he was thus regarded as concerned less with the maintenance of the English tradition than with the protection of the Revolution:

> Whatever may be the merits or demerits of the theory of government of Russia, that is a matter for Russia, and we have no right to determine their form of government, any more than we would tolerate Russia determining our form of government.

(minutes of the triennial delegate conference of the Dock, Wharf, Riverside, and General Workers' Union, Plymouth, 18–22 May 1920, quoted in Bullock, op.cit., p. 134). The assertion that 'Bevin had no sympathy with Communists but... a grasp of the classic principles of British foreign policy which neither Canning nor Cobden could have bettered...' would not have rung true in Conservative ears (ibid.).
immediate nationalisation of the railways, mines, and electricity production, the ultimate nationalisation of many other industries and services, the nationalisation of land as suitable opportunities arose, and a capital levy. The ends of Labour appeared to many Conservatives to be the same as those of the Bolsheviks and they were not convinced that its means would be different. The Labour Party had maintained in 1919 (in which year the Second International was reconstructed), though not without misgivings, principally on the part of the Independent Labour Party, that Socialism could be achieved by democratic methods and firmly rejected the Bolshevik thesis that it could only come about through a 'dictatorship of the proletariat'; it was also, from the time of the formation of the Communist Party of Great Britain in 1920, continually to reject the latter's requests to affiliate to it, a policy adopted at the behest of the Third International and in accordance with Lenin's tactic of participation in Parliament and adhesion to the Labour Party on condition that independent Communist activity could be pursued (a tactic, by his own admission, since a revolutionary, be he a Lenin or a Robespierre, has no belief in pluralism). Nonetheless, on account of both its rhetoric (its 'uncritical enthusiasm' for the Bolshevik Revolution at a time when a man's attitude to it had become a touchstone in politics\(^1\)) and its deeds (its efforts to draw Russia back into the comity of nations) in the period between 1917 and 1924, Conservatives had

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grown increasingly fearful of a Party which had come to be composed more of revolutionary shop stewards and middle-class idealists opposed to capitalism and traditional foreign policy than of the cautious trade unionists without a creed and the social reformers of the Labour Representation Committee: the class war had replaced the inevitability of gradualness. The rejection by such a party of a formal alliance with the Communist Party thus did little to render it acceptable to Conservatives.¹

During this period, the new doctrine had likewise developed institutional links with the trade union movement, though not always with the easy acquiescence of the latter. This process was facilitated by the Trades Union Congress not encroaching upon the autonomy of its constituent unions, thereby enabling Communists to appear as delegates at the Congress unless individual unions ruled against them. The policy of the Communist Party as dictated by the Red International of Labour Unions, itself under the control of the Third International, was to work within the existing trade union movement in order to re-create it on industrial lines and transform it into a revolutionary organisation for the overthrow of capitalism: this would be achieved

¹. Indeed, the majority of the Communist Party membership had come from the British Socialist Party, which had been affiliated to the Labour Party both nationally and locally, and, moreover, several constituency Labour parties had adopted Communists as candidates in the general elections of 1922, 1923, and 1924, in which last year only was it ruled that no Communist could be an individual member of the Labour Party or be eligible for endorsement as a Labour candidate (the numbers of Communist candidates adopted in these elections were, respectively, 3, 7, and 4; in other constituencies electoral compacts were made). It was not until 1928 that Communists were barred as trade union delegates to the annual party conference.
through participation in the day-to-day battles of the workers to improve their conditions in such a way as to further the class struggle, through the formation of workshop or factory committees embracing all the workers within any one establishment, and through the creation of party nuclei at all levels within the trade unions and the workshops and factories. The means to this end were finally evolved in 1924 with the creation of the National Minority Movement to unite all the various opposition groupings within the trade unions (this bloc to become, in the fullness of time, the majority movement); it superseded the British bureau of the Red International, which the Executive Committee of the Third International had decided was too closely identified with the task of persuading the Trades Union Congress to break with the International Federation of Trade Unions and affiliate to the Red International. The simultaneous creation of the National Miners' Minority Movement, with its large and widespread membership, marked a significant advance in the Communist Party's objective of gaining control of the Miners' Federation, which constituted the most numerous, best organised, and most militant section of the trade union movement. The National Unemployed Workers' Committee Movement, a bloc parallel to the National Minority Movement, founded in 1921, sought to organise the unemployed and demonstrate to them that there could be no real improvement in their condition under the existing system since mass unemployment was a constituent of capitalism in its period of decay; it had rapidly established itself as the national organisation representing the unemployed and was accorded
recognition as such by the Trades Union Congress. Through the instrument of the two principle blocs and their myriad regional and local offshoots, the Communist Party had played a major part in the mining, engineering, and dock disputes of this period.

The years 1917 to 1924 had seen the Labour movement both striving for unity and pursuing by industrial means political, and not narrowly syndicalist, ends. Unity had been sought primarily by the formation in 1920 of a National Council of Labour representing the General Council of the Trades Union Congress, the National Executive Committee of the Labour Party, and the Parliamentary Labour Party. The industrial means were 'direct action' and threats thereof, principally by the Triple Alliance, which had led to open conflict between the trade unions and the employers and also between the trade unions and the government (which still controlled much of industry), with the aim not only of forcing the latter to concede various elements of the Labour Party's programme, but also of influencing the course of Anglo-Soviet relations. Such industrial means, as he told the Cabinet while the Triple Alliance threatened action during the summer of 1919, which preceded the great railway strike of the autumn, Lloyd George, and not only the Conservatives, regarded as practical and not theoretical Bolshevism, and must be dealt with with a firm hand... The whole of the future of the country might be at stake, and if the Government were beaten and the miners won, it would result in Soviet government. A similar situation might result to that of the first days of the Revolution in Russia, and, although Parliament might remain, the real Parliament would be at the
headquarters of the Miners' Federation in Russell Square.1

In the event, the armed forces were mobilised and machinery for the maintenance of emergency supplies and services put into operation, but although the strike was over within a week, the settlement provided for the retention of wages at their existing level for one year and not for their reduction.

The threat of 'direct action' with respect to Russia was first heard in the aftermath of the February Revolution when, in June 1917 at a mass meeting organised by the United Socialist Council of the Independent Labour Party and the British Socialist Party, this event was hailed by Ramsay MacDonald and Philip Snowden, who advocated the formation of Workers' and Soldiers' Councils (such as were to appear in Germany the following year) to support it and to work for peace. In June 1919, the annual conference of the Labour Party demanded 'direct action' to force an end to intervention and the same month saw the establishment of a National Hands Off Russia Committee, comprising members of the Labour movement, the British Socialist Party, and the Workers' Socialist Federation (the last body, together with the British Socialist Party, was to be a principal constituent of the Communist Party). British troops had not long been withdrawn from Murmansk and Archangel before Socialists again united in opposition to the Government's policy towards Russia. In May 1920, the prevention by the dockers at the East India Docks of the export of munitions

1. 21 July 1919: CAB.23/15, War Cab.596A.
to support the Polish offensive against Russia in the Ukraine, was a victory for 'direct action'. In early August, however, British intervention in opposition to the Russian counter-offensive seemed inevitable to the National Council of Labour, which resolved to warn the Government that the whole industrial power of the organised workers would be mobilised to prevent such a war and to appoint a Council of Action to give effect to this policy. A special conference of representatives of the Labour movement endorsed this decision and instructed that the Council remain in being until it had secured a guarantee not only that British forces would not be used in support of Poland or Wrangel, but also that the Soviet Government would be recognised and trade relations established. J.H. Thomas, theretofore strongly opposed to 'direct action', declared to the conference that giving effect to the resolution meant not a mere strike but 'a challenge to the whole Constitution of the country'.

Lloyd George told the Commons that it was 'one of the most formidable challenges ever given to democracy, and without hesitation every Government must accept that challenge'.

The chiefs of staff of the home Army commands, fearing also a miners' strike supported by their partners in the Triple Alliance and estimating that the ranks of the 'revolutionaries' contained some 100,000 ex-soldiers, decided to stock-pile arms and tanks at infantry depôts throughout the country

1. 13 August 1920 (The Times, 14 August 1920).
in preparation for civil war. In the event, the challenge was not put to the test because within a few days of the conference Warsaw was saved by the Polish victory in the battle of the Vistula, which removed the immediate danger and the need for Allied aid, and because of the passage of the Emergency Powers Act in October, which precipitated negotiations to end the coal strike. The Council of Action was disbanded at the end of the year, by which time 350 local councils had appeared, but the armed forces and the machinery for the maintenance of emergency supplies and services were mobilised yet again the following April when, before 'Black Friday' supervened, a general strike in support of another coal strike seemed inevitable and revolution was feared once more.

In 1924, Conservatives saw no evidence that the example of the Bolshevik Revolution, which had proved infectious in other parts of Europe, would be contained. Lenin, after all, had believed that Britain was on the verge of revolution in 1919 and this led to the formation of the Communist Party; although the belief had somewhat faded by 1921 as capitalism went over to the offensive, the Council of Action was disbanded at the end of the year, by which time 350 local councils had appeared, but the armed forces and the machinery for the maintenance of emergency supplies and services were mobilised yet again the following April when, before 'Black Friday' supervened, a general strike in support of another coal strike seemed inevitable and revolution was feared once more.

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1. Diary of Field Marshal Sir Henry Wilson, Chief of the Imperial General Staff, 17, 18, 19, 24, and 26 August 1920, quoted in Richard H. Ullman, Anglo-Soviet Relations, 1917-1921, iii, 266. Mr. A.J.P. Taylor has asserted that the councils of action 'marked the nearest point to revolution ever reached in this country' (The Trouble Makers: Dissent over Foreign Policy, 1792-1939, p. 164).

2. It has often been claimed that the threats of the Council of Action caused the Government to abandon the idea of intervening in Poland (see, for instance, G.D.H. Cole, A History of the Labour Party from 1914, p.107), but there is no evidence that the Entente powers ever intended to follow such a course (Norman Davies, White Eagle, Red Star: the Polish-Soviet War, 1919-20, passim).

3. After having made a further intervention in Anglo-Soviet relations (see below, pp. 159-60).
International regarded the ensuing period as one of 'partial stabilisation' before the next revolutionary storm. The view that 'the history of the Communist Party of Great Britain in the nineteen-twenties is the story of the struggle to forge a revolutionary party in a non-revolutionary situation'¹ is indeed (granted the possibility of 'revolutionary situations' such as one here postulated) the judgment of history and not that of general contemporary opinion.

Relations between Britain and Russia developed against the background of this association, if not empathy, between the Labour movement on the one side and the Soviet Government and the British Communist Party on the other. Although Lloyd George sought a re-establishment of these relations as part of the European settlement he wished to engineer, the motive force for this process came from the Soviet Government. The expediency which had dictated the Treaty of Brest-Litovsk, 'war Communism', and the New Economic Policy, had introduced a new factor into the doctrine of world revolution. Thenceforward, as Lenin had emphasised in his argument in favour of the peace, since a Socialist Government had attained power in Russia, all matters of foreign policy were to be decided exclusively in relation to the strengthening of the Socialist Revolution in that country: this did not signify the abandonment of of world revolution, but rather the belief that it could

best be achieved from the base of one strong revolutionary state.\(^1\) The political programme of the 'left Communists' had warned: 'In foreign policy... aggressive tactics of exposure of the imperialist powers will be replaced by a policy of diplomatic manoeuvre by the Russian State amidst the imperialistic powers' and the Soviet Republic would not only conclude trade agreements with them, but would also develop organic economic and political bonds with them, use their military support, 'and take loans from them'.\(^2\) In the event, both pragmatism and the encouragement of world revolution were pursued simultaneously: indeed, in January 1919, at the very moment when tentative peace negotiations were being conducted with the Allied Powers, invitations to the founding congress of the Third International were issued in Moscow.

That the Soviet Government and the Third International were both creatures of the All-Union Communist Party merely served, in Conservative eyes, to underline that Government's dedication to world revolution and, in particular, to the subversion of Britain and the British Empire. However, although the same small Party hierarchy directed both organisations and there was therefore little possibility of divergence between their policies, a natural cleavage emerged between those concerned with strengthening the base and those concerned with extending it. Thus arose the

2. Quoted in ibid.
situation wherein certain Communists in positions of authority constantly affirmed the essential identity of the two organisations, while others, equally entitled to be heard, as strenuously denied it. With Lenin's death in January 1924, this divergence of outlook was to become more pronounced. Those entrusted with internal and external affairs developed an increasingly specialised interest in their tasks: Georgi Chicherin, for instance, as People's Commissar for Foreign Affairs, became, in language and action, hardly distinguishable from a conventional diplomat of the old school. Grigori Zinoviev, as President of the Executive Committee of the International, was, by contrast, undeterred in his missionary rôle by any consideration of its effect upon Russian prosperity.

In May 1920, when British policy towards Russia consisted of its blockade, of moral but not material support to the anti-Bolshevik armies, and of non-recognition of the Soviet Government, as the first stage in the re-establishment of relations and in accordance with the policy of the Supreme Council of the Allied and Associated Powers, a trade delegation led by Leonid Krassin had arrived in London to negotiate a commercial agreement which would restore the substantial credit and trade on which Imperial Russia had developed her industry. There were two great obstacles to such an agreement: the repudiation of Tsarist debts and the confiscation of foreign property by the Bolsheviks
immediately after the Revolution\(^1\) and, as the whole complex of their revolutionary activities came to be known, propaganda. The Soviet refusal to yield on either matter prevented all but the meanest progress; indeed, the delegation itself, during the lengthy period of negotiation which continued until March of the following year, actively indulged in propaganda, although it had specifically undertaken not to do so.

These propaganda activities became a matter of public knowledge during August and September 1920. Lev Kamenev (who had replaced Krassin as chairman of the delegation, with the latter remaining as his deputy) had both deliberately misled the Government regarding the Soviet terms for peace with Poland and collaborated with the Council of Action and the Daily Herald (which had become increasingly closely associated with the Labour movement) had received about £75,000 in subsidies from Moscow (mostly raised by the sale in London by the delegation of platinum and precious stones torn from their settings), which the directors of the newspaper returned amid the publicity. The Government had in August (prior to the revelation about the subsidies in the Daily Mail) published eight intercepted and decyphered wireless telegrams between Moscow and the delegation relating

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1. It was estimated that the Soviet Government had repudiated £800 million of debt due to British holders of Russian State and municipal bonds and had confiscated £250 million worth of British industrial property in the form of factories, mills, and mines (adjournment debate on Communist propaganda and the Trade Agreement, H.C.Deb., vol.197, col.702, 25 June 1926 (Commander Oliver Locker-Lampson)).
to the purchase by the Herald of newsprint from Russia and the possibility of a gift of money to the newspaper, but there also existed a large collection of decyphered cable telegrams, including detailed instructions from Lenin, relating to general interference in domestic British politics and to substantial subsidies to various pro-Soviet organisations. The latter group of telegrams was the most damning and its publication would undoubtedly have led to a demand for the expulsion of the entire delegation and offered an opportunity of dealing a death-blow to the revolutionary movement in Britain such as might not soon have recurred. For this reason (despite the inevitable damage to the interests of the Code and Cypher School and therefore to future British access to the communications of other governments), full publication was urged by Sir Henry Wilson in combination with Admiral Lord Beatty (First Sea Lord), Air Marshal Sir Hugh Trenchard (Chief of the Air Staff), and the directors of the military, naval, and civilian intelligence services. This course was supported by Lloyd George's Cabinet colleagues, in particular by the Conservatives and by Churchill, then Secretary of State for War. Arguing that, since propaganda against the Empire would continue whether or not the delegation remained, its presence facilitated the exercise of a restraining influence and the monitoring of revolutionary activities, Lloyd George himself opposed full publication and proposed that Kamenev alone be expelled.

1. The 'intercepts' are discussed in Ullman, op.cit., iii, 114-16, 276-301.
Curzon, then Foreign Secretary, who had accused Kamenev of attempting to subsidise a campaign against the British Constitution and British institutions, maintained that since the two other delegates, Krassin and N.K. Klishko, his principal assistant, were as guilty of intrigue as Kamenev himself, they too should be expelled. This was also the view of Bonar Law (Lord Privy Seal), Balfour (Lord President of the Council), and Sir Robert Horne who, as President of the Board of Trade, was responsible for the negotiations. Walter Long (First Lord of the Admiralty), and Churchill, as well as advocating likewise, indicated the extent of the commercial agreement they would favour. This was an announcement that no blockade of Russia existed and that any individuals might trade with her freely at their own risk, although they feared (as did the General Staff) that the goods she received would be used mainly for the purpose of conducting military operations against the Allies in Europe or against the Empire in the East (contracts, the legality of which was uncertain, had already been concluded by the delegation.

for the supply of large quantities of khaki cloth and army boots, nominally destined for Reval\(^1\)). Lloyd George, however, had his way: Kamenev left the country (his voluntary return to Moscow removing the need for his expulsion), the cables were not published, and the negotiations for a trade agreement resumed their tortuous progress.

The Soviet Government had, the previous July, already accepted Lloyd George's four fundamental conditions to be included in a trade agreement: a mutual undertaking to refrain from conducting any hostile action or propaganda against the institutions of the other party, in particular Soviet attempts to encourage any of the peoples of Asia in action against the interests of the British Empire; the immediate exchange of all remaining prisoners of war; the Soviet Government to recognise in principle that they were liable to pay compensation to private citizens who had supplied goods or services to Russia for which they had not been paid, though the liabilities under this and other heads were to be settled at a peace conference; and the granting of reciprocal trade facilities with the provision that each Government could exclude agents of the other non grata to themselves.\(^2\) When negotiations resumed in November (the Council of Action had warned the local councils to be ready if the Government did not move\(^3\), but the resumption had

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already been decided upon), Curzon had grave doubts as to the Soviet Government's intentions of fulfilling the fundamental conditions.\(^1\) Supported by Austen Chamberlain (as Chancellor of the Exchequer he was expressing the views of the City in this matter), Churchill, and Long, he pleaded unsuccessfully that their fulfilment be anterior to the conclusion of the agreement. The Cabinet decided it should be simultaneous, but agreed that references to the areas to which the Russian assurances of desistance from hostilities or propaganda were intended more particularly to apply, would be inserted in a preamble.\(^2\)

With the assurance born of British vacillation and Wrangel's collapse, the Soviet Government in fact intended, Curzon deduced from communications between Chicherin and Krassin, that the fulfilment of the conditions should be indefinitely subsequent to the agreement: the latter would be concluded as the first act and all political guarantees left for a conference leading to de jure recognition and the conclusion of peace.\(^3\) At such a conference each item of the British indictment would be disputed, met by counter-charges, and nothing conceded unless balanced by some

\(^1\) He was particularly incensed, as was public opinion, at the failure of the Soviet Government to honour an agreement on the exchange of civil and military prisoners of war signed in Copenhagen in February 1920. Although virtually all were released during November, facilitating the resumption of negotiations, others remained in captivity and were to be a cause of friction (see below, p. 185, n.2).

\(^2\) 18 November 1920: CAB.23/23, Cab.62(20).

\(^3\) This paragraph is based on the following documents by Curzon: Note, cited above, p. 158 , n. 1 ; 'Russian Trade Negotiations', 14 November 1920 (CAB.24/114, C.P. 2099); 'The Russian Trade Agreement', 13 December 1920 (CAB.24/116, C.P.2286).
corresponding assurance on the part of Britain; the process might well continue for months and in the interval, while the Russians were enjoying the immeasurable advantages of British trade, the hostilities and propaganda would continue unchecked. Curzon saw it as his duty to ensure that whatever was gained commercially, and this would in his opinion be little since he was unaware of anything which Russia was in a position to export but gold and diamonds, nothing was lost politically.¹ Much was at stake, for as the negotiations proceeded there was evidence enough of Bolshevik activity in the East aimed at the overthrow of British rule in India: Mustapha Kemal, Persia, Khorasan, Tashkent, Bokhara, Afghanistan, and a flood of gold everywhere. Curzon thus persuaded the Cabinet not to allow itself to be cheated by this stratagem and to retain the preamble, which referred specifically to India and Afghanistan.

The Trade Agreement, together with the Preamble, was signed by Horne and Krassin on 16 March 1921:²

1. From the premise that Britain wanted Russian grain and that Russia wanted British locomotives, E.F. Wise, chairman of the inter-departmental Russian Trade Committee, had argued (despite the requirements of Russia's famine-stricken areas and the breakdown of her transport system) that: 'we must decide which of two factors is most dangerous to the existing order of society in Europe and to the security of the United Kingdom, namely, virtual recognition of the Soviet Government or starvation and disease in Europe on an unprecedented scale' (Foreign Office memorandum to the San Remo Conference, 'Resumption of Trade with Russia', April 1920: CAB.24/106, C.P.1309, appendix). This thesis was accepted by Lloyd George, but most of the Cabinet distrusted Wise (he became an economic adviser to the All-Russian Co-operative Society Ltd. [Arcos], the commercial section of the Soviet Trade Delegation (see below, p.223-24), in 1926).

'Russia traders', Lloyd George, Bonar Law, and Horne, and not Churchill, Curzon, and Long, had carried the day and the Soviet Union was no longer a pariah amongst states. It was a preliminary agreement pending the conclusion of a general peace treaty to regulate the economic and political relations of the two countries and came into force immediately, either party having the right to terminate it at six months' notice. Under its terms, the blockade was to be removed and the four fundamental conditions fulfilled. Simultaneously with the signature of the Agreement, a letter was presented to Krassin by Horne detailing the activities in Afghanistan directed against British rule in India\(^1\) and, parallel to the Soviet undertaking in the Preamble, the British Government gave an assurance in respect of the succession States of the former Russian Empire. The official trade agents were to be accorded diplomatic rights and immunities. An appended Declaration of Recognition of Claims closely followed the third fundamental condition: the Soviet Government recognised in principle that they were liable to pay compensation to private persons who had supplied goods or services to Russia for which they had not been paid, but that this liability and all claims of either party or of its nationals in respect of property or obligations incurred by the existing or former Governments of either country would be settled in the general peace treaty. Curzon could nonetheless not have been optimistic. He had, in words recalling those of

\(^1\) The Times, 17 March 1921.
Churchill, maintained:

It is true that the [Agreement] provides for its own suspension if the Bolshevik side of the bargain is not observed; but the virtual impossibility of switching its operations off and on according to the fluctuations of Bolshevik good faith does not seem to have occurred to its authors. The root difficulty of the whole matter is that the Communist system cannot be adapted, either politically or economically, to any other, and intercourse between two States, one Communist and the other not, will be found in practice to be well nigh unworkable.

This pessimism proved well-founded. On 8 May 1923, no longer restrained by Lloyd George and after an exchange of Notes concerning the execution of a British subject and a leading Roman Catholic prelate, Curzon addressed to Moscow 'one of the most thunderous denunciations ever composed'. He demanded the release of arrested British trawlers and their crews; compensation for the detention and execution of British prisoners; and, quoting the texts of intercepted and decyphered telegrams exchanged between the Soviet Government and their representatives in Afghanistan, India, and Persia (never before, even in the most embittered diplomatic controversy, had information thus obtained been cited as evidence), that the officials responsible for acts of propaganda be 'disowned and recalled from the scene of their maleficent labours'. His Majesty's Government would be compelled to denounce the Trade Agreement unless full satisfaction were received within ten days. The ultimatum

1. See above, p.144.
was met in most particulars within six weeks and a rupture averted.

The rapprochement begun by the Trade Agreement was continued by the minority Labour Government, under strong pressure from the Independent Labour Party in Parliament. On 1 February 1924, de jure recognition was granted unconditionally to the Soviet Government, though, in compliance with the King's wishes, only chargés d'affaires and not ambassadors were exchanged. On 8 August, after an eleventh hour backbench intervention to save the faltering negotiations, two Anglo-Soviet Treaties were signed. The first, a general treaty for the settlement of all political and economic differences, contained no actual terms for the settlement of claims, no provision for arbitration in the event of disagreement, and no acknowledgement that the Soviet Government were bound to honour the obligations of their predecessors; it contained, moreover, an admission by the British Government that the financial position of the Soviet Union prevented full satisfaction of all claims and indefinitely postponed the settlement of the War Debt, while it allowed Soviet claims in respect of the intervention period, the Brest-Litovsk gold, and the balances of the former Russian Government with Baring Brothers. The second, a commercial treaty to regulate future relations, recognised the Soviet foreign trade monopoly, which made the export of British goods dependent on Soviet permission, and provided for the trade representative and his assistants in London to receive diplomatic immunity. It was further provided that when a settlement had been reached, the British Government would recommend Parliament to enable
them to guarantee a loan, neither the amount nor the terms of which were specified, to be issued by the Soviet Government. Although it would have been impossible for the Government to pledge a future government at an unknown date and under unforeseeable conditions to recommend to Parliament such controversial legislation, the proposed loan became the main target of the Conservative Party's attack on the Treaties during the general election campaign. Gerald Hurst recalled that in his constituency the slogan 'Moss Side before Moscow' proved of value with respect to the 'sinister character' of the contemplated loan: 'We upheld the cause, as we conceived it, of patriotism and good government, and we urged that an end should be put to subserviency to Russia and to bitter class warfare at home'.

The de jure recognition and the ratification of the Anglo-Soviet Treaties became matters for the urgent consideration of the Baldwin Government in the aftermath of the general election, during which the Treaties, the withdrawal of the Campbell prosecution, and the 'Zinoviev letter' played a great part. An entry from the diary of Mary, Basil Peto's wife, based on an apocryphal event, will suffice to illustrate the depth of bitterness, sometimes unquestioning, which lay behind the Conservative Party's strongly anti-Soviet election campaign:

1. Closed Chapters, p. 95.
2. See below, pp. 242-43.
In Russia as everyone knows the Communist Govt. takes the children away from their parents and has them brought up by the State. A short time ago food being shorter than ever, the Communists thought of a simple plan of increasing the food supply for themselves. So they packed the children into open Railway trucks, and sent them off on a long Rly. journey—such a long one that none of them ever returned or were meant to do so. There were 180,000 of them, and they all froze to death. Lord Desborough [Deputy Chief Whip in the House of Lords] vouched for the absolute truth of this story, when telling it to Chris [the Petos' eldest son]...

The significance of the publication of the 'Zinoviev letter' lies not so much in the question of its authenticity as in its electoral impact and its effect on Conservative thinking. It undoubtedly contributed to the magnitude of the Conservative victory and confirmed the Party, at all levels, in its fear of Soviet propaganda. The 'letter', which appeared in the press on 25 October, was inscribed 'Moscow, 15 September 1924'; was signed by Zinoviev, Otto Kuusinen (secretary of the Executive Committee of the Third International), and Arthur McManus (a British member of the Praesidium); and was addressed to the Central Committee of the British Communist Party. It called on the British proletariat and the group in the Labour Party sympathetic to the Anglo-Soviet Treaties to bring pressure to bear on Parliament for their ratification and for the granting of a loan to the Soviet Government; it argued that a settlement of the relations between the two countries would assist in the revolutionising of the British proletariat, since the establishment of close contact between the British and

\[1\] 26 October 1924: Peto Papers.
Russian workers would make it possible to extend the propagation of Leninism in Britain and the colonies, but noted that events themselves (for instance, a strike movement or repressions by the Government) might more rapidly revolutionise the working masses than propaganda; and it discussed "the military section of the British Communist Party", stressing the desirability of its having cells in all units of the troops, as well as in military store depôts and munitions factories, and of forming a 'directing operative head' of the section.

The storm attendant upon the publication of the 'letter', fuelled by the belief within the Labour Party that its Government had been ill-served by the Foreign Office and by the Party's anger that the Conservative Party and press had exploited the matter to the full and insist ed upon the authenticity of the document despite Moscow's protestations,¹ obscured the fact that the 'letter' was in any case ben trovato.² MacDonald himself acknowledged as much:

as a State document I have always taken the view that, whether it was authentic or not,

¹ Although Jackson and a number of officials at the Conservative Central Office had striven for the publication of the document (which had been given to a former Intelligence officer who, in turn, had been introduced to the Central Office by Major Guy Kindersley), no evidence has been offered to suggest that they believed it to be other than genuine (in, for instance, L. Chester, S. Fay, and H. Young, The Zinoviev Letter, which argues that it was a forgery).

the ground covered by the Zinoviev letter had been covered by other letters before ...

... But that letter was not used as a State document in the Election. That is my grievance. That is my complaint. That letter at the Election was used simply as an electioneering stunt. ¹

J.D. Gregory, Assistant Secretary in charge of the Northern Department, was to remark:

Why this particular rag should have been considered such a singularly tasty morsel, I have never been able to explain to myself. People could at any time have had a whole meal of Zinoviev letters if they had wished. But the October 1924 brand seems to have been responsible for a vast amount of indigestion. ²

Authentic letters of this nature had come to light in 1923 and 1924 addressed to American, German, and Norwegian disciples and Zinoviev had made several speeches with a like content over the preceding months. ³

1. Debate on the address, H.C.Deb., vol.179, col.68, 9 December 1924.


3. X.J. Eudin and H.H. Fisher, Soviet Russia and the West, 1920-1927, pp. 301-07. Two letters from Zinoviev to the Central Committee of the C.P.G.B., containing instructions to campaign for a favourable attitude among the English working masses towards the Soviet trade delegation and revealing that Mikhail Tomsky, deputy general secretary of the Red International and a member of the delegation, was channelling money from the Third International to the C.P.G.B., had been received by the Foreign Office in May 1924. While Arthur Henderson, Home Secretary, was disposed to ask Khristian Rakovsky, leader of the delegation, for an explanation, MacDonald, fearful of sabotaging the conference, preferred to maintain silence ('Soviet Union: Propaganda activities of Trade Missions in the United Kingdom': PREM.1/49). It has since been claimed that the 'Zinoviev letter' was indeed authentic, but this has, in turn, been controverted (Christopher Andrew, 'The British Secret Service and Anglo-Soviet Relations in the 1920's', part i, Historical Journal, xx (1977), 673-706; E.H. Carr, 'The Zinoviev Letter', ibid.,xxii (1979), 209-10).
The publication of the 'Zinoviev letter' and its aftermath necessitated a more definite formulation of their policy towards Russia by the Conservative Party and, in particular, by its new Government.

Sir Eyre Crowe, Permanent Under-Secretary, having satisfied himself as to the authenticity of the document, had initiated the action leading to its publication together with a Note of protest. He maintained that, while the Foreign Office had always felt it gained nothing from the Soviet Government by any remonstrances because 'these quite shameless liars merely deny everything however clearly established', there was much force in the view that the best and only defence against such treacherous proceedings was publicity.\(^1\) Moreover, the settlement reached between the two Governments on 4 June 1923 (in the wake of the Curzon ultimatum) provided that each party would bring to the immediate attention of the other, rather than allow to accumulate before complaint was made, any case of propaganda. It was, in particular, agreed that the Soviet Government should not support with funds, or in any other form, persons or bodies whose aim was to spread discontent or foment rebellion in any part of the British Empire. The release of the 'letter' and the publication of the Note, signed by Gregory on behalf of MacDonald, on 21st October, was followed by a reply from Rakovsky, Chargé d'Affaires, on his own initiative on 25 October. This declared the document to be

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1. 'History of the Zinoviev incident' [the first of two memoranda on the subject prepared in the Foreign Office on Austen Chamberlain's instructions], 11 November 1924: CAB.24/168, C.P.484(24).
a forgery and recalled that the settlement of the previous year had provided that both parties would endeavour to resolve any incidents by direct conversations. Before this communication could be dealt with, Rakovsky sent a further Note, on instructions from his Government, on 27 October. This reiterated the Soviet Government's position that they were not responsible for any acts of the Third International, but that the 'letter' constituted a forgery aimed at wrecking the Anglo-Soviet Treaties and the friendly relations between the two countries. It concluded: 'In view of the fact that this forgery has been used in an official document, the Soviet Union Government will insist on an adequate apology and the punishment of both the private and official persons involved in the forgery'. On MacDonald's instructions, Rakovsky was informed that the Note was regarded as non avenus since it implied not only that the document was a forgery, which it was entitled to do, but that it had been perpetrated by a Foreign Office official. The Note was, however, delivered and returned two more times during the following days. MacDonald left a meeting with Rakovsky on 2 November in the belief that the Note would be withdrawn and the latter was duly informed of this.

Perhaps in the hope of salvaging some compensation from defeat, MacDonald had delayed submitting his Government's resignation for a few days in order that a Cabinet Committee, appointed with himself in the chair on 31 October (two days after polling day), might examine the authenticity of the 'Zinoviev letter'. On 4 November, it was announced that the Committee had found it impossible to come to a
positive conclusion on the evidence available, but it was noted that the original letter had not been produced to, or seen by, any government department and action had been taken on what was not claimed to have been more than a copy. On 6 November, although the Soviet Note had not been withdrawn, MacDonald made an eleventh hour attempt to mend relations. He instructed that the Note of 24 October, prepared on the assumption (which had not been accepted by the Cabinet) of the 'letter's' authenticity, be formally withdrawn. The Government resigned later that day and action on MacDonald's minute was delayed.

The definite formulation of their policy towards Russia by the Baldwin Government was already required.

On 8 November, Rakovsky informed the Foreign Office that MacDonald had drawn the incorrect conclusion from their meeting: the Soviet Government's Note of 27 October must be accepted. The Department was clear as to the longer term policy it advocated and the question for immediate consideration (whether a reply or replies should be returned either to Rakovsky's Note of 25 October or to his letter of 8 November, or to both) was examined in the light of this.¹ This policy was based on the assumption that the governing body in the Soviet Union would make no early and radical alteration in its attitude of invariable, and sometimes open, hostility towards the British Government in consequence of protests made to it by the latter. Never-

¹ 'Memorandum on the Zinoviev letter', 11 November 1924: ibid.
theless, the decisions taken by the Government in regard to Rakovsky's despatches, and to such further evidence of the hostile intentions of the Soviet Communist Party as might in any event be expected to come to light, would not be wholly without effect on the fortunes and actions of the Soviet Government. It therefore seemed desirable that the general policy should be determined and the nature of the replies, if any, be adapted to it. Three possible courses appeared to be open: to protest and press the protest to its logical conclusion, which must inevitably lead to a fresh severance of diplomatic relations; to protest, but not press the point home; and to disengage from the controversy bequeathed by the late Administration and ignore the Soviet Government as much and for as long as this position were to remain tenable.

The Foreign Office's objections to the first course were those which it was to register whenever the question of a severance of diplomatic relations arose during the following two-and-a-half years: it would deprive the country of the relatively small commercial benefits derived from the Trade Agreement; it would give rise to an acute and prolonged public controversy; it would give the Soviet Government a great deal of advertisement and fresh material for propaganda; although it would bring British policy into line with that of the United States, it was unlikely to be received with expressed approbation in European countries; if the British Mission were withdrawn from Moscow, the Department would receive less information about Russian affairs than it already did; whilst it was notoriously easy
to sever diplomatic relations, equally notorious was the difficulty in finding the suitable means of resuming them when desired; and, since the severance of relations was a weapon which could only be used once, it was desirable that it should be reserved for an occasion when it was likely to produce the maximum effect upon the Soviet Government, but their present position was not at all precarious and their stability not likely to be upset by relations with Britain being again broken off.

As to the second course, the objection was that it might be thought somewhat undignified and might undermine the weight which considered and public statements by His Majesty's Government should properly carry in foreign countries.

As to the third course, it was clearly open to question whether the Soviet Government would permit the controversy to peter out, but there was a possibility that they might do so were the British Government either to refrain from replying to the despatches or to reply in mild terms. The Department's experience was that the Soviet Communist Party was strengthened in proportion as it could advertise itself and its ambitions in other countries, but that Britain had much to gain by thrusting it into a wholesome obscurity.

The Foreign Office accordingly recommended that the Government refrain from replying, but define their attitude in a statement to the Commons. The Prime Minister or the Secretary of State could excuse himself on grounds of good taste from detailed comments on the actions of his predecessor in office which were not strictly relevant to
the foreign policy of the new Government and proceed to the
questions of substance: that of the authenticity of the
'letter', which could not be passed over, and that of future
policy. He could say that the action of the previous Govern-
ment in, first, publishing a grave charge against a foreign
government and, second, stating that they were unable to
decide whether this charge was well-grounded, was open to
obvious criticism and add that he felt bound to declare that
the Government, after examining both the evidence available
to the late Cabinet and further corroborative evidence since
received, had no doubt as to authenticity. As to future
policy, he could emphasise that, so far as propaganda and
hostile activities were concerned, the attitude of the new
Government could be at once and easily defined as one of
absolute continuity with the declarations made by their pre-
decessors. One of two things, he could continue, might
happen: either the Soviet Communist Party would adhere to
its declared intention to promote revolution in foreign
countries or it would not. If it did, the fact would soon
become plain and would be resolutely faced, but he trusted
that the Party would take to heart what might be called the
reply returned by the British electors to the 'Zinoviev
letter' and relieve him of the necessity of pursuing a
correspondence which could only exacerbate relations between
the two countries.

The new Cabinet appointed a second Committee to
examine the authenticity of the 'letter' in the light of
the further evidence ¹ and discussion began as to the Govern-

¹. 12 November 1924: CAB.23/49, Cab.59(24)1. It comprised
Chamberlain (chairman), Birkenhead, Cave, Cecil, and
Curzon.
ment's future policy. While Baldwin and Austen Chamberlain favoured the maintenance of diplomatic relations as part of the quest for a European settlement, Churchill and Joynson-Hicks were foremost in proposing a severance of diplomatic relations and the revocation of de jure recognition because the Bolsheviks had broken their solemn engagements by attempting to stir up rebellion. Churchill warned:

> When millions have been so excited on the subject during the Election, it would be most dangerous to disappoint their reasonable expectations and to lead them to suppose that now we are all in office we have receded from the views we expressed during the campaign. Failure on the part of a Government to respond to the mandate given them by the Electors would immediately cause widespread dissatisfaction.1

Although the Committee reported its unanimous opinion that the 'letter' was genuine, it took two meetings of the Cabinet on successive days to decide to maintain relations, but send three Notes to the Soviet Government.2 The Notes made it clear that the Conservative Government were not ready to welcome the Soviet Union into the comity of nations and issued a warning against revolutionary propaganda. The first stated that the Government would be unable to recommend the Anglo-Soviet Treaties to Parliament: the Labour Government could not have carried them in the Commons and the election campaign had made any recommendation impossible.3


2. 19 November 1924 (CAB.23/49, Cab.60(24)9); 20 November 1924 (CAB.23/49, Cab.61(24)3).

The second, a reply to Rakovsky's Note of 25 October, stated that the information in the Government's possession left no doubt whatsoever as to the authenticity of the 'Zinoviev letter'. The third announced that Rakovsky's Note of 27 October had not been found by the Secretary of State in the records left by the previous Government. Two replies were received from Rakovsky: the one regretting that relations had been placed 'on a very precarious foundation', the other regretting that the Treaties had been rejected and absolving the Soviet Government from any responsibility for the 'feeling of discontent which the decision of the British Government will cause in both countries'.¹ The latter remark angered Chamberlain, who thereupon terminated the correspondence.²

The King's Speech on 9 December duly declared that the Government were unable to recommend the Treaties to the consideration of Parliament.³ They desired, however, that normal intercourse between the two countries should not be interrupted and should be made possible by the strict fulfilment of those conditions of friendly international intercourse which had been repeatedly placed before the Soviet Government and accepted by them. The Trade Agreement did all that was for the moment possible to foster mutual trade.

². Minute, 1 December 1924: ibid.
The immediate concern of the Commons, however, was the 'Zinoviev letter'. In response to Labour demands for an independent inquiry, Joynson-Hicks confirmed that a new Committee had concluded that there was no doubt as to its authenticity. In addition to the evidence that had caused MacDonald to send a stern Note to Rakovsky (sent because, Joynson-Hicks maintained, MacDonald thought it his duty to rebuke the representative of a, to him, friendly nation on account of a letter which he felt ought never to have been written and which, since there could be no other reason for the Note, he believed to be a genuine expression of Zinoviev's opinion), the Committee had had further evidence from foreign sources. There could be no publication of this evidence for reasons of safety to individual life, nor could there be an independent inquiry. The House had to choose whether it believed the word of Zinoviev or of the British Cabinet Committee: the word of the latter was enough for the rest of the Cabinet and Joynson-Hicks thought it would be enough for the Conservatives in the House and for the people of the country. Chamberlain's statement later in the debate was intended finally to close the subject. The Committee, he said, had seen every witness it thought necessary and whatever documents and information it required.

1. Debate on the address, ibid., vol.179, cols.310-12, 10 December 1924.

2. MacDonald, while he had publicly complained of a misunderstanding with the Foreign Office, had neither the evidence nor the inclination to condemn the sending of the Note.

It was being suggested, he added disdainfully, that the Foreign Office had been hoaxed by some vulgar imposture, such as had been fabricated in various parts of the world. The Foreign Office and the Secret Service probably had a closer knowledge of those manufactories of forgeries than had even members of the Labour Party: the fact that they knew them was a guarantee that they had not been duped. He refused to argue the matter. The authenticity of the 'Zinoviev letter' was nonetheless to remain the subject of bitter controversy throughout the Parliament.\footnote{Three members of a delegation from the General Council of the T.U.C. to Russia that autumn investigated the authenticity of the 'letter'. They reported that they had been allowed to examine the secret files of the Third International, including the register of outgoing letters, and 'this inspection convinced them, so far as a negative can be proved, that no "Red letter" ever left the Comintern!' (T.U.C. General Council, 'The Zinoviev Letter: Report of Investigation by the British Delegation to Russia', The Times, 18 May 1925). The account of this inspection by Kuusinen's widow vividly illustrates the nature of the relationship between the trade union movement and Moscow, a relationship which was to play an increasingly important rôle in Anglo-Soviet relations (see below, p. 200, n. 1). Kuusinen and Osip Pyatnitsky (together with the former and Dmitri Manuilsky, he was one of the ruling triumvirate of the Third International), decided to remove all suspect material so that the delegation could examine the "entire" correspondence relating to British affairs as much as they wished. There followed three days and nights of feverish activity... during which compromising documents, and particularly those relating to the "Zinoviev letter" and the secret instructions to the British Party, were removed from all the files which the British delegation were likely to take an interest in. Even the daily entries of incoming and outgoing correspondence were rewritten, so that the Comintern should appear in a completely innocuous light (Aino Kuusinen, Before and After Stalin: a personal account of Soviet Russia from the 1920s to the 1960s, pp. 51-52). In 1928, MacDonald failed to carry a motion for an inquiry into the letter (H.C.Deb., vol.215, cols.47-110, 19 March 1928).
policy, Chamberlain believed the best course would be to 'wait and watch before deciding on any fresh action in either direction, or of any kind'.

The Government thus pursued, in all important particulars, the policy advocated by the Foreign Office. They declared that the authenticity of the 'Zinoviev letter' had been established and the correspondence was closed. Future policy was to maintain the status quo and to remain aloof, thrusting the Soviet Communist Party into a 'wholesome obscurity', so long as such a course were to remain possible: it was for the Soviet Government to indicate that they were ready to meet British demands on the questions of, especially, propaganda and the settlement of debts and claims for compensation before there could be even a prospect of negotiations for any new commercial treaty.

On 6 January 1925, the first of numerous such meetings between Chamberlain and Rakovsky took place, the latter trying to break through the isolation forced on his Government and bring about the revival of negotiations. Rakovsky went over to the attack and expressed fears that the British Government were forming an anti-Soviet bloc. He dismissed the suggestion that the Soviet Union was only interested in spreading revolution; it wished to improve relations so as to promote trade and revive its economy, and sought a loan to this end. Chamberlain replied that

1. Ibid., vol.179, col.679, 15 December 1924.

there was no truth in the accusation that such a bloc was being formed and asserted that normal relations between the two countries were impossible so long as one of them interfered in the internal affairs of the other in contravention of the agreements of 1921 and 1923 and so long as the Soviet Government refused to admit responsibility for the activities of the Third International. The Government

1. This charge was often to be raised and refuted. In the months following the Conservative victory, a number of European Governments (including the Spanish, French, and Portuguese) invited the British Government to institute some kind of co-operation for combatting Bolshevik activities (December 1924 (F.O.371/11010, N9305/9172/38), March 1925 (F.O.371/11010, N1161/29/38), April 1925 (F.O.371/11010, N4225/29/38)). In January 1925, the Grand Duke Kiril, one of the most prominent White Russians, submitted plans for a new intervention (Sir William Max Muller, Ambassador in Warsaw, despatch, 27 January 1925: F.O.371/11021, N596/596/38). In July 1926, Major Kindersley asked Godfrey Locker-Lampson, Under-Secretary at the Foreign Office, to support the Central Council of Economic Leagues (whose officers included Commander Frederick Astbury (Salford, West), Major William Cope (a Whip), Lord Colum Crichton Stuart (Cheshire, Northwich), and John Sandeman Allen), which represented the British Empire Union, the National Citizens' Union, and National Propaganda, and was the British section of the International Entente against the Third International, comprising bodies in 22 European countries (13 July 1926: F.O.371/11786, N3316/387/38). In the same month, Alexis Aladin, in the wake of a congress of Russian refugees in Paris, asked Chamberlain for aid in the form of money and munitions to support the movement of Russian peasants and farmers, 'the main stumbling block in the way of the Bolsheviks' (13 July 1926: F.O.371/11784, N3290/205/38). In no case was any encouragement given such as might lend credence to the existence of a 'Holy Alliance against Bolshevism', thus providing the Russians with a pretext to justify subversive activities; it was in any case believed that the divided White Russians could not present a serious challenge to the Soviet régime.
refused to consider the grant of a loan, but were prepared to study fresh proposals whenever Rakovsky had any to make. The Soviet Government were, however, to remain unwilling to put forward proposals which would underline their obligations in respect of either propaganda or debts and claims.

There were to be incessant demands from the Labour Party that the Government initiate negotiations for the establishment of normal diplomatic and commercial relations with Russia by means of the exchange of ambassadors and the provision of credit. Although there was some not insignificant Conservative support for the latter move, the Party was generally bitterly opposed to the Government financing such trade. The Labour Party repeatedly voiced its fears that the Cabinet was on the point of breaking off all relations, either alone or in concert with other Allied countries, and sought reassurances that this was not the case; the Conservative Party increasingly felt that the time had come to repudiate a régime that repudiated its debts. Chamberlain customarily responded that the Soviet Government had made no new proposals for a settlement of differences, but that were any to be made, they would be carefully considered.

The question of their very maintenance had thus become a crucial issue of Anglo-Soviet relations. Within the Conservative Party the demand for their severance was continual, but was to attain particular stridency during the course of three 'Clear out the Reds' campaigns: from April to June 1925, from May to July 1926, and, in a rumbling fashion, from October 1926 to February 1927. These
campaigns and the course of diplomatic relations are discussed in the context of the main theme, that of propaganda, taken below.\(^1\)

Trade and propaganda remained the stuff from which these relations were to be made and unmade. The theme of trade will be considered first and that of propaganda, which throughout the period was the barometer of and the kingpin deciding the ultimate course of diplomatic relations, second.

The theme of Anglo-Soviet trade will be considered in terms of two sub-themes. First, that of opposition to the encouragement of such trade led by the interest group the Association of British Creditors of Russia, supported by most of the Conservative Party. Second, that of encouragement of such trade led by the Trades Union Congress with not insignificant support from, principally, the younger Conservatives in the Commons, who also expressed the views of important industrial interests; the attitude of these Conservatives will itself be considered in terms of two particular cases.

The opposition to the encouragement of Anglo-Soviet

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1. A diplomatic history of the period is provided by Gabriel Gorodetsky, *The Precarious Truce: Anglo-Soviet Relations, 1921-27*. Mr. Gorodetsky casts doubt on the very existence of propaganda, maintaining that the absence of evidence of it forced Chamberlain to act evasively when questioned (ibid., p. 62). But the latter was unwilling to specify individual cases of propaganda, arguing that no useful purpose would be served or friendly relations promoted by a 'constant stream of detailed complaints' (H.C. Deb., vol. 187, col. 14, 27 July 1925), and was also anxious lest the Foreign Office's sources of information be endangered (see below, pp. 235-36).
trade had to contend with its advocates who maintained that it was of great economic value, especially at a time of severe unemployment, and that much was being lost to Britain's competitors, particularly the United States and Germany; they wanted the provisions of the Trade Facilities and Exports Credits Acts extended to Russia. Both Acts were theoretically applicable to the Soviet Union. With respect to the Trade Facilities Act, the powers of the Treasury were limited to giving guarantees for loans for capital undertakings which would promote employment in the United Kingdom. It was administered by an advisory committee which had been unable to recommend any proposal that had been put forward in connection with Anglo-Soviet trade: the committee, it had been stressed on numerous occasions in the Commons, had been guided solely by commercial considerations.\(^1\) In any event, the money had to be raised in the open market and it was unlikely that loans would have been readily subscribed for in the City, despite the Government guaranteeing their service, before the Soviet Government had restored their credit by arriving at some arrangement over their liabilities. With respect to the Export Credits Act, under the Export Credits Scheme the credit of the British Government was used, again on the advice of a committee, to facilitate business which would, owing to disturbed financial conditions, not be

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1. Two applications, from Arcos and the All-Russian Central Union of Consumers' Co-operatives [Centrosoyuz](see below, p. 223), had indeed been rejected during the period of the Labour Government in June 1924 (H.C.Deb., vol. 183, col.1630, 12 May 1925 (Guiness)).
undertaken as a normal commercial enterprise, but was not unsound in itself: its essence was to take exchange, and not political, risks. A Board of Trade order excluded the Soviet Union from its operation because it had not honoured its obligations, though this could at any time have been cancelled by the Cabinet. Its inclusion had been considered by the Labour Government during the Anglo-Soviet conference preceding the signing of the abortive Treaties, but the Treasury had warned: 'If the present negotiations break down, it is obvious that there is a very grave political risk of the taxpayer being required to meet the amounts he may have guaranteed under the Scheme: and in these circumstances it would clearly be extremely difficult for an advisory committee to recommend such advances'.

Although the Government nonetheless issued invitations to interested parties to produce schemes to which the act could properly apply, none of those examined was regarded as a practical business proposition. The opponents of Anglo-Soviet trade argued that the 'position of trade in Russia is so insignificant that it is hardly worth mentioning...'. Commerce between the two countries had inevitably expanded since the signing of the Trade Agreement. Imports into the United Kingdom from the Soviet Union in 1921 totalled £2,695,000 and in

1. Memorandum for the Prime Minister's interview with a deputation from the T.U.C. General Council, 11 June 1925: F.0.371/11008, N6254/12/38.


1924, £20,038,000. Exports to the Soviet Union of home produce and manufactures in these years totalled, respectively, £2,181,000 and £3,821,000 and re-exports totalled, respectively, £1,210,000 and £7,358,000; total exports in 1921 were thus £3,391,000 and in 1924, £11,179,000.\(^1\)

The settlement of debts and claims for compensation, the prerequisite for the re-establishment of that trust upon which alone trade could flourish, was of concern to many British firms and individuals, large numbers of which had exhausted their resources during seven years of waiting and had either become insolvent or were likely so to become; it was also of concern to many British subjects who were dependent for subsistence upon Poor Law Relief and, consequently, upon the taxpayer.\(^2\) Sir Philip Richardson wrote to Chamberlain that he attributed his 10,000 majority largely to the views he had expressed at the election on the question of Russia, with which he had had 34 years intimate acquaintance, and he considered that part of the mandate he

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1. Compiled from figures in ibid., vol.182, col.2409, 9 April 1925 (Sir Burton Chadwick, Parliamentary Secretary at the Board of Trade).

2. Lieutenant-Colonel Sir Philip Richardson (Surrey, Chertsey; a ship and insurance broker), ibid., vol.183, col.912, 6 May 1925; ibid., vol.183, cols.1184-85, 7 May 1925. A further subject of concern was that of claims in respect of former prisoners of war. The total number of these claims registered with the Russian Claims Department of the Board of Trade on 13 May 1925 was 309. These included 6 claims in respect of death in prison; 5 in respect of death, on release or later, as a result of imprisonment; and 11 in respect of permanent disability as a result of imprisonment. Chamberlain could, however, see no steps which could be taken that would be in the least likely to prove effective (ibid., vol.183, cols. 1821-22, 13 May 1925).
had received was to endeavour to obtain justice for British nationals.\(^1\) He submitted that the only course to be adopted towards the Soviet Government was to advise them that, failing a definite settlement of British claims by a certain date, relations would be broken off and their representatives asked to leave, and he declared that a large number of his fellow members were in entire accord with his views.\(^2\)

While Chamberlain expressed sympathy with those who had been brought to ruin or distress, he insisted that this was only

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1. 30 July 1925: F.O.800/258.

2. During the period under consideration, the following also expressed concern about debts and claims: Captain William Brass (Lancashire, Clitheroe; P.P.S. to Neville Chamberlain), Sir William Davison (Kensington, South; a barrister), Major-General Sir Alfred Knox (he had been chief of the British Military Mission in Siberia, 1918-20), Commander Oliver Locker-Lampson (a former P.P.S. to Austen Chamberlain; he had had a distinguished military career on the Russian front), Sir William Lane Mitchell (Wandsworth, Streatham; chairman of Lane, Mitchell Ltd. of London, produce brokers), and Basil Peto. (This and subsequent lists refer to those who received oral or written answers to at least two questions on a particular aspect of Anglo-Soviet relations; more than as many again received answers to one question.) The following expressed opposition to trading relations with Russia, the corollary to the concern about debts and claims: Sir Harry Brittain, Colonel Sir Walter de Frece, Lieutenant-Colonel Sir Frederick Hall, Knox, and Herbert Williams. Davison and Hall were by far the most frequent questioners on all aspects of relations, causing occasional exasperation in the Foreign Office. Godfrey Locker-Lampson minuted: 'I am afraid that Sir W.D. is getting very bitter on this subject and I fear that nothing short of denunciation [of the Trade Agreement] will ever conciliate him'. Chamberlain added: 'I agree. There is a very grave question of policy at stake & the arguments are by no means all on one side. That is recognised by HMG but unfortunately it is not recognised & never will be recognised by my friend Sir W.D.' (November 1926: F.O. 371/11775, N5364/3/38).
one aspect of the problem of relations with Russia: others of greater national consequence (presumably concerning a European settlement) had also to be taken into account.\(^1\)

However, Walter Guinness gave an unambiguous undertaking:

> It is the policy of His Majesty's Government to refuse credit facilities to the Soviet Government or its agencies until the Soviet Government itself establishes such conditions in the treatment of debts or compensation for confiscated property as will restore confidence and command credit.\(^2\)

Conservatives remained sceptical as to the possibility of a just settlement. 'Is it not', asked Major Richard Barnett (St. Pancras, South-West), 'against the principles of the Soviet Government to return anybody's property?\(^3\)

The Governor of the Bank of England, the chairman of the British Bankers' Association, the chairman of the Accepting Houses Committee, the chairmen of the Insurance Companies' Association, and the Council of the Association of British Chambers of Commerce had all impressed upon the Coalition Government the necessity of the proposed trade agreement providing for the recognition of all classes of debts and claims.\(^4\) The leading bankers had, on the first

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1. To Richardson, 30 July 1925: F.0.800/258. The Government themselves were directly involved in the matter of claims as a result of the confiscation of Embassy property and the personal belongings of the former Ambassador and diplomatic staff at Petrograd in a raid in August 1918 (in which the naval attaché was murdered).


3. Ibid., vol.184, col.393, 20 May 1925. He was chairman of Baku Consolidated Oilfields Ltd., one of the main creditors of the Soviet Government (see below, p.189-90). The Labour Party pressed for the negotiation of an early settlement, a settlement which would include the payment of compensation by the British Government to Russian nationals for the damage inflicted on them and their property during the period of blockade and intervention.

4. Joint letter to the Prime Minister, The Times, 28 September 1920; memorial to the Prime Minister from the chairmen of the Insurance Companies' Association, ibid., 6 October 1920; resolution passed by the Council of the Association of British Chambers of Commerce, ibid., 7 October 1920.
day of the Anglo-Soviet conference, issued a manifesto laying down the conditions for the restoration of credit: the recognition of all debts and claims; the sanctity of private contract to be re-established; a guarantee that private property would be free from the danger of confiscation by the state; bankers, industrialists, and traders in Britain to be able to deal without interference with similar private individuals in Russia; and the Soviet Government to abandon propaganda against the institutions of other countries, particularly those from which they proposed to request financial assistance.¹ The Association of British Creditors of Russia, founded in June 1921 in the wake of the Trade Agreement, represented the majority of the British industrial and commercial firms previously operating in Russia and many individual holders of Russian State and municipal bonds and shares, as well as claimants for personal damage.

The Association described itself as non-political, yet its appeal was exclusively to the Conservative mind:

All believers in fair play, all honest men whether in business or not, all British patriots whatever their politics, are urgently requested to support the Association ... in their struggle to protect the rights of British nationals against aggression and victimisation by a foreign Government. The Association, by upholding the rights of private enterprise and the principles of honesty and justice, is fighting the battles of all British citizens whether affected by the Soviet policy of confiscation or not.²

¹. The Times, 14 April 1924. Three Labour M.P.s accused the bankers of trying to bring about by economic intervention what had proved impossible militarily (Daily Herald, 15 April 1924).

². Justice or Plunder: Soviet Oil Scandal, pamphlet published by the Association of British Creditors of Russia, November 1925: F.0.371/11024, N6487/1247/38.
The unratified Treaties had, by its own admission, obliged the Association to adopt a political stance. At the invitation of the Labour Government it had formed a committee of experts, comprising authorities on most of the industries in Russia in which British subjects were interested, which had conferred frequently with the Board of Trade during the Anglo-Soviet conference. When the Treaties were published, however, the Association considered that its interests had been not only neglected but entirely prejudiced by the methods to be adopted to examine the validity and ascertain the amount of the debts and claims:

We stated our views in the most public manner possible and threw our whole weight against the Treaty... particularly by voice and pen during the recent General Election. Although not a political body we were forced to take a very decided political line and have, in doing so, made ourselves and our cause far from popular in Soviet circles and in certain circles in this country.1

The Association concerned itself principally with the growing traffic in products derived from confiscated properties: timber, manganese, flax, and oil. Of these, oil was regarded as of paramount importance since it accounted for the greatest part of the traffic. It was also of direct interest to two of the three chief officers of the Association: Richard Tweed, chairman, was the director of Baku Consolidated Oilfields Ltd. and Gwynne Trew, one of the vice-chairmen,  

1. Richard Tweed, chairman of the Executive Committee, on a deputation to the Foreign Office, 12 March 1925: F.O.371/11009, N1444/13/38. The Board of Trade and the Treasury shared this dissatisfaction with the proposed means of assessing compensation.
was managing director of the Spies Petroleum Company Ltd. Oil, in whose exploitation Britain had been instrumental, was to play a major rôle, arousing much passion, in both the trade and propaganda aspects of Anglo-Soviet relations.

Russia owed her industrial and commercial development, within the limits of her pre-War standing, almost entirely to the initiative and ability of non-Russian entrepreneurs: this applied particularly to the oil industry which, in the post-War period, constituted her main source of revenue. The oil resources had been discovered and developed by the French Rothschilds, the Swedish Nobels, and the Englishman, Stuart: they had explored the Caucasus and established the existence of rich oil regions, with the result that by 1901 Russia had leaped into the first place among the oil-producing countries. The success of these early operations attracted much British investment and hence further expansion. The great oil town of Baku, previously a trading station on the road to Persia, and the new town of Grozny flourished. Oil provided threefold benefits: a cheap fuel for the vast regions unserved by coal or timber and lacking in roads and railways, additional national wealth vital for the country's economic development, and a valuable export commodity which revolutionised Russia's foreign trade. Confiscation had been all the more bitter in that some British companies, having achieved a high state of organisation on the eve of the Great War, had been able to perform numberless patriotic actions for the Russian State, working loyally with all their resources, not only in the production of oil, but also in the manufacture of munitions and arms.
for the common cause'.

The Soviet Government had initially confined their dealings in oil to bulk sales, particularly in Germany, and then, emboldened by success, in Britain. Further emboldened, the retail market in Britain was entered by means of a new company, Russian Oil Products Ltd., registered in August 1924 by Arcos and the Naphta Syndicate (the Soviet Government Department controlling the oilfields). The prices of its oil products heavily undercut those of British distributors, petrol being offered 2 1/2d per gallon cheaper. Furthermore, it gave, according to reports in the press, a contribution of around 4d. on every gallon it sold to the funds of the Soviet Government. Thus, the Association of British Creditors contended,

It is undeniable that so long as the Soviet Government finds that they can sell the products from stolen British and other properties to the consumer in the countries of their victims, there is neither reason nor incentive for their return to the common path of honesty ... and, at the same time, every gallon of R.O.P. petrol sold in this country adds to the already extensive Soviet funds used to foster revolution in this country and in the British Empire.

1. Pamphlet, cited above, p.188, n. 2.

2. Ibid. At a secret meeting of the Naphta Syndicate in Moscow during the General Strike, G.I. Lomov, its president, reported that the R.O.P. depots were proving most successful as propaganda centres, the chauffeurs and mechanics using them being very helpful as agitation agents (information obtained from an engineer present at the meeting and transmitted by Sir Robert Hodgson, Chargé d'Affaires, despatch, 20 May 1926: F.0.371/11775, N2371/3/38).
At the Hague Conference in June and July 1922, a proposal for a general boycott of confiscated property had ended as no more than a resolution that governments should not assist their nationals to acquire such property in the Soviet Union. Immediately after the Conference, at the instigation of the Royal Dutch Shell Group, the International Oil Group was founded by the former owners of oil properties for mutual protection: the marketing abroad of Russian oil products was to be prevented unless and until there was restitution or compensation and no owner was to reach a separate settlement with the Soviet Government. Oil production was at that time low and the formation of the Group had more value as a gesture than as a practical proposition. When it became clear that neither restitution nor compensation was likely and, moreover, that Russian oil was becoming a factor on the world market, attitudes were revised. In April 1923, the Asiatic Petroleum Company Ltd., a member of the Royal Dutch Shell Group, broke ranks and signed a contract for the purchase of a large quantity of kerosene. In February 1925, the American Standard Oil Group, a subsidiary of the British-owned Anglo-American Oil Company Ltd., signed a contract for a number of oil products and secured options on further quantities for the following two years: these derived principally from the former properties of Major Richard Barnett's and Tweed's Baku Consolidated Oil-fields and Trew's Spies Petroleum Company.¹ This latter

deal all but completed the encirclement of the old Russian oil producers, since all the great distributing combines had partaken of the traffic, with the exception of the British-owned Anglo-Persian Oil Company Ltd. Sales in the United Kingdom by Soviet and British concerns, although the latter infringed the spirit of the Hague resolution, were rendered possible by the Anglo-Soviet Trade Agreement, which had the effect of removing any legal redress from the owners of confiscated property against the purchasers of their goods which had been sold by the Soviet Government.¹

The Association of British Creditors submitted to Chamberlain that the Soviet Government had no intention of fairly implementing the Declaration of Recognition of Claims appended to the Trade Agreement and that the latter, as well as facilitating the sale of confiscated goods, allowed the Soviet Government to trade in Britain whilst British merchants who had entered Russia under the same Agreement had been expelled the previous year and their businesses liquidated.² It was therefore of the opinion that notice be given forthwith of the intention to terminate the Agreement at the

¹. In two judgments, the Court of Appeal had held that since His Majesty's Government had recognised the Soviet Government, such property as the Soviet Government possessed in the Soviet Union by its own legislation was to be treated as the property of that Government in the United Kingdom and that no British former owners or interested parties could attach such property when it arrived in this country.

². 20 February 1925: P.O.371/11009, N987/13/38.
expiration of six months, as provided for in that Agreement, unless before the expiration of that time the Soviet Government gave guarantees for the execution of an acceptable scheme of restitution or compensation. Chamberlain found this 'an obviously foolish policy' and was reluctant to receive a deputation as the Association had requested, pleading that his Geneva and other engagements put it out of his way to do so. He asked Ronald McNeill, Under-Secretary at the Foreign Office, to meet the deputation,concerting his answer with Cunliffe-Lister. McNeill declared himself ready to do Chamberlain's bidding, but wished that 'I could have had the opportunity of learning from him why he considers it "an obviously foolish policy" to renounce the Trade Agreement, for I confess that I incline personally to the opposite opinion'.

The deputation of 12 March 1925, consisting of Tweed, Trew, and two other officers, sought satisfaction on three points. First, that the Trade Facilities and Export Credits Acts would not be extended to the Soviet Government whilst they adhered to the principle of nationalisation without compensation. McNeill replied that the acts were within the competence of other departments. Second, that Russian money lying in British banks would be

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1. Minute, 27 February 1925: ibid.
4. Guinness eventually gave an unambiguous undertaking on this point (see above, p. 187).
used to make advances to claimants on the analogy of the compensation which had been paid to British sufferers through enemy action in other countries, for example in Turkey. The reply was that this would be contrary to Article X of the Trade Agreement, according to which the Soviet Government undertook to make no claim to dispose of the funds of the late Imperial and Provisional Russian Governments in the United Kingdom and the British Government gave a corresponding undertaking as to British Government funds in Russia; both parties agreed to protect and not to transfer any of the funds which might be subject to their control to any claimants pending the conclusion of a general treaty. Third, that unless the Soviet Government made satisfactory proposals for fulfilling the Declaration of Recognition of Claims, the Agreement would be annulled. The reply was that a good deal could be said on the other side, for the Agreement did give the country certain advantages, although some of them remained theoretical. Denunciation would involve the loss of Article X, enabling the Soviet Government to lay claim to their balances in British banks. It involved, moreover, large questions of policy and might be considered a high trump card which, if played at all, must be played at the right moment. McNeill was convinced that, for the moment, a denunciation would have had no practical beneficial effect so far as British creditors were concerned. It was the Government's earnest desire to obtain full compensation for claims and to use all the leverage in their power to this end.

The Foreign Office being unwilling to initiate an oil embargo in order to bring the Soviet Government to
heel over the question of debts and claims (maintaining that however desirable such action might be politically, dealing in oil was legitimate under the Trade Agreement, it being indeed the declared policy of the Government to encourage such trade as could be conducted under its terms\(^1\)), Joynson-Hicks attempted, during the summer and autumn of 1925, the delicate task of halting this, as he saw it, unethical trade by appealing to the commercial interests of the oil groups, each of which was anxious lest any other should open negotiations or conclude further deals with the Soviet authorities. There was a belief in the Foreign Office during August 1925 that the Royal Dutch Shell Group and the Standard Oil Group were about to combine in a huge deal for which negotiations were being conducted in Paris with the Soviet Government's Naphtha Syndicate: the purchase would bring in the order of one million pounds into the Russian coffers and a further six million pounds were certain concessions to be included, all of which might be available for propaganda purposes.\(^2\) Sir Henri Deterding, director-general of Shell, assured Joynson-Hicks that the prospect of such a collaboration was altogether out of the question. The latter, despite the Asiatic Petroleum Company's earlier Soviet deal, accepted that 'Sir Henri is strongly anti-Bolshevist and until his properties in Russia have

\(^1\) Memorandum, 27 May 1925: F.O.371/11023, N3279/1247/38.

been restored to him will use his utmost endeavours to pre-
vent either his Company or the American Companies pur-
chasing Russian oil', neither of which, he added, had yet
bought practically any.¹ They had much conversation about
the breeding of Suffolk horses, and Deterding promised
to answer any questions relating to possible or probable
dealings in Russian oil that Joynson-Hicks might have in
the future. Sir John Cadman, chairman of the Anglo-Persian
Oil Company, then informed Joynson-Hicks that he was con-
vinced negotiations were proceeding between Standard and
the Naphtta Syndicate and that Shell was either to have a
participation or was being paid in lieu thereof.² Churchill,
at a meeting with Joynson-Hicks and Chamberlain, suggested
that the help of Montagu Norman, Governor of the Bank of
England, be invoked to apply pressure on the Belgian and
French banks which were financing small purchases of oil,
although these transactions were not of great importance.³
That October, Shell and Standard were angered in their turn,
having, owing to direct and indirect pressure, refrained
from purchasing Russian oil during the preceding months and
even discouraged others from so doing, to discover that
Anglo-Persian had almost concluded partnership arrangements
with the Deutsche Erdöl Gesellschaft, which latter concern
had bought very considerable quantities of such oil with

². Joynson-Hicks to Gregory, 27 August 1925: F.O.371/11024,
N4924/1247/38.
³. 25 August 1925: ibid.
the former's collaboration, although Cadman denied this.¹ 

Despite the atmosphere of deep distrust, Joynson-Hicks succeeded in arranging a formal agreement between Cadman and Deterding to the effect that both their combines would refrain from purchasing Russian oil via Germany.²

A Conservative campaign against the sale of Russian oil opened in public with a letter published in the press on 6 November 1925 from Sir Nicholas Grattan Doyle (Newcastle-on-Tyne, North), who condemned 'the illegal Soviet activities in our country' and demanded Government measures to halt the sale. He was supported by Tweed,³ although Herbert Allen, former chairman of Baku, argued that the victims of Soviet spoliation were not additionally harmed by the sale of oil, even if it were obtained from their own properties, and that since they were powerless to prevent it, they should cease to bark where they could not bite and should concentrate on essentials such as restitution and compensation.⁴ Deterding joined in the campaign in the rôle of the injured party, declaring that the greater part of the seized property of his company was being sold by the Russians to its competitors, with the stipulation that the sale prices be reduced should it dare, with its remaining properties in other parts of the

¹. Johnson-Hicks, memorandum, 20 October 1925: F.0.371/11024, N6256/1247/38.

². Note of agreement made between Sir John Cadman and Sir Henri Deterding in the presence of the Home Secretary, 7 November 1925: ibid.

³. Letter to the editor, Morning Post, 9 November 1925.

⁴. Letter to the editor, ibid., 17 November 1925.
world, to compete against what used to be its own property.\textsuperscript{1} It was, not surprisingly, hinted at in the Foreign Office that he might be 'more concerned with the possibility of his prices being cut than with the ethics of the case',\textsuperscript{2} but the \textit{Daily Herald} was in no doubt, proclaiming of Deterding: 'A plain tale of his own past puts him down'.\textsuperscript{3} Some weeks later, at the beginning of 1926, he reasserted his anti-Soviet credentials in an open letter to Moscow, published in the \textit{Morning Post}, boldly declaring his 'conviction that Bolshevism in Russia will be over before this year is...'.\textsuperscript{4} Although the newspaper commended Deterding's example (maintaining that had the Soviet Union been cut off from all illegitimate trade from the beginning, its tyranny would by then have been over, since its existence depended upon the continuance of a certain volume of trade with capitalist countries), the scale of Russian oil imports increased during 1926.\textsuperscript{5} Joynson-Hicks and the Conservative opponents of this trade could not have been persuaded that the ethics of the matter had been satisfied by appealing to the commercial interests of the oil groups, let alone had triumphed over them.

\begin{enumerate}
\item Letter to the editor, \textit{The Times}, 9 November 1925.
\item H.F.B. Maxse, Second Secretary, minute, 11 November 1925: F.0.371/11024, N6244/1247/38.
\item 13 November 1925.
\item 5 January 1926.
\item In 1924-25, the United Kingdom received 24.8\% of all oil and oil products exported from the Soviet Union and in 1925-26, 26.13\% of a greater quantity of exports (Ekonomiceskaya Zhizn, 8 October 1926). These amounts represented approximately one-quarter of the United Kingdom's needs.
\end{enumerate}
The second sub-theme of the theme of Anglo-Soviet trade was that of the encouragement of such trade led by the Trades Union Congress with not insignificant support from, principally, the younger Conservatives in the Commons, who also expressed the views of important industrial interests.

In 1924, the Trades Union Congress had passed a resolution urging the Government, in view of the prolonged unemployment and of the impossibility of restoring pre-War foreign trade so long as Russia were not admitted to the comity of nations, to reopen negotiations with the Soviet Government in order to achieve the complete diplomatic recognition of the latter and the application of the Trade Facilities and Export Credits Acts to Anglo-Soviet trade.¹

On 23 June 1925, Baldwin, accompanied by Chamberlain, Cunliffe-Lister, Steel-Maitland, and Colonel George Lane-Fox, Parliamentary Secretary at the Mines Department, met a deputation from the General Council led by Alonzo Swales, chairman, which presented this resolution and others dealing

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¹ The Soviet Union wished to use the trade union movement as an instrument in their foreign policy. The nature of the relationship was the cause of a great complex of arguments both between and within the two sides. With the advent of the Conservative Government, diplomatic considerations dictated that the emphasis be shifted from the united front from below, of the National Minority Movement and the Red International, to the united front from above, of the T.U.C. and the All-Union Central Council of Trade Unions, culminating in the formation in April 1925 of the Anglo-Russian Joint Advisory Council. Revolutionary and diplomatic considerations came into particular conflict over the General Strike: while the Soviet Government castigated the General Council for ending the Strike, they dissociated themselves from the financial support given to the Council and the miners by the Soviet trade unions. The Advisory Council was dissolved in September 1927. The relationship is discussed in Daniel F. Calhoun, The United Front: the T.U.C. and the Russians, 1923-1928.
with the nationalisation of mines and minerals and the representation of organised workers on Royal Commissions and committees of inquiry.

The not uncommonly, but erroneously, held belief within the Labour movement that the British Government had not accorded the Soviet Government complete diplomatic recognition, underlay the resolution. Such recognition had in fact been accorded (although only chargés d'affaires had been exchanged\(^1\)) and from their view on recognition, flowed the British Government's attitude towards the Soviet Union's position vis-à-vis the comity of nations. A large number of governments, in recognising the Soviet Government de jure, had stated either expressly or by implication that they regarded the Soviet Union as a member of the comity of nations. So long, however, as that Government maintained their hostile attitude towards the rest of the world, it was difficult to conceive how the Soviet Union could become an effective member of that comity: her exclusion was her own rather than any other country's fault.

There was no doubt that had the Soviet Government been able to finance and been prepared to place the orders for all the railway, engineering, mining, and agricultural machinery which they urgently required, it would have been of incalculable benefit to British industry: this was the chimera which the Labour movement held up before the eyes of the unemployed. Such orders, however, were a practical

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\(^1\) See above, p. 164.
impossibility. The Soviet Government could in no way finance them even were the assistance of the Trade Facilities and Export Credits Acts to be available. There was, moreover, no indication that they would, even if they could, place such orders in the United Kingdom: like others, they purchased in the cheapest market and were buying directly in this country no more than one-fifth of the value of the goods which they sold here.¹

The members of the deputation who were concerned with Anglo-Soviet trade (John Bromley, M.P., (general secretary of the Associated Society of Locomotive Engineers and Firemen); Alfred Purcell (previous chairman of the General Council); and R.A. Taylor, M.P.) did not sweeten the atmosphere by threatening another Council of Action:

We would be lacking in our duty if we did not inform you that any attempt to break diplomatically with the Union of Soviet Socialist Republics will be resisted, just as strenuously as war would have been resisted in August 1920, by the entire trade union movement of this country.²

Chamberlain assured them that the Government had no desire to break relations, 'in spite of not a little provocation of a serious kind...'. It would, however, he stressed, have been idle to embark upon new negotiations so long as, first, Soviet influence throughout the world, and particularly in the Empire, was perpetually exerted in a spirit of hostility

¹. See above, pp. 184-85.

². Deputation to the Prime Minister from the General Council of the T.U.C., 23 June 1925: F.O.371/11008, N6254/12/38.
towards British institutions and traditions and second, there was faint prospect of success. The Ministers, while not expressing optimism about the potential of Anglo-Soviet trade, emphasised that there was nothing in their political nature against doing business with Russia on an amicable basis and that they would welcome her inclusion in the comity of nations, including her entry into the League of Nations.

Conservative support for the encouragement of Anglo-Soviet trade will be considered in terms of two particular cases: the demand to extend the operation of the Export Credits Act to include the sale of herring to Russia and the visit to Russia of four Conservative M.P.s.

The herring fishing industry had suffered hardship since the end of the War, largely because Russia had ceased to take a major proportion of its production. The state of the industry was such that since 1913 only one new herring drifter had been launched in the North-East of Scotland, the area most severely affected. On 1 March 1926, a motion to grant a supplementary estimate for the Export Credits Scheme was opposed by those Conservatives who wanted the Government to extend its operation to Russian herring purchases.¹ These Conservatives included both those who sat for Scottish fishing constituencies and those who wished to encourage Anglo-Soviet trade in general. The first category comprised

¹. H.C. Deb., vol.192, cols. 1150-58.
Boothby and William Templeton; the second, Lord Henry Cavendish-Bentinck, Macmillan, Captain Terence O'Connor, and Stanley. Boothby was also prominent in the latter category. These members protested that political considerations had unjustly determined Russia's exclusion from the scheme. They were supported by Patrick Hannon, secretary of the influential Industrial Group and, though in no way a regular advocate of Anglo-Soviet trade, a member of various groups of manufacturers who had, without the assistance of the Government or of the banks, given substantial credits to the Soviet Government. He had been impressed by the almost universal response of the fishermen of the country to his appeal, as secretary of the Navy League, to support the Navy during the War and, declaring that it would be a cruel thing if the House were to be a witness of misery and destitution among the herring industry's population without undertaking some positive effort to help it, he thought the Government ought to modify their views slightly from the cast-iron attitude they had adopted towards Russia. Some Conservative members for fishing constituencies, however, encouraged the Government to maintain Russia's exclusion, stressing her favourable trade balance with the United Kingdom and her credit unworthiness: Colonel Chichester Crookshank (Berwick and Haddingtonshire), Sir Frank Meyer (Great Yarmouth), and

1. Ibid., vol.192, col.1898, 8 March 1926.
2. Ibid., vol.192, col.1133, 1 March 1926.
William Womersley (Grimsby). Other regular Conservative advocates of fishery interests were silent on the matter of Russian trade: Major Samuel Harvey (Devonshire, Totnes); John Hawke, K.C., (Cornwall: St. Ives); and Commander Charles Williams (Devonshire, Torquay).

Joynson-Hicks gave a firm reply:

If the Government are convinced, by an alteration of the economic system, by an alteration of the legal system, by the possibility that trade can be conducted with Russia without risks, which they are not entitled to take, then I, for one, should be perfectly willing as a member of that Government to see the export facilities utilised for the purpose of trade with Russia...1

The supplementary estimate was carried with a majority of 88 votes (about 40 fewer than the Government's customary margin), the following Conservatives voting against: Boothby, Robert Hudson, Macmillan, Sir Wilfrid Sugden (Hartlepool), and Templeton.2 The other advocates of Anglo-Soviet trade abstained and Hannon voted with the Government, as did the members for fishing constituencies who had spoken in favour of the estimate (except Meyer) and the regular advocates of fishery interests.

On 13 April 1926, a final attempt was made to influence the Government in this matter when Walter Guinness, now Minister of Agriculture and Fisheries, and Sir John Gilmour received a large deputation representative of the herring fishing industry led by Gervais Rentoul and including Charles Barclay-Harvey (Aberdeen and Kincardineshire, Kincardine and

1. Ibid., vol.192, cols.1121-22, 1 March 1926. The 'alteration of the legal system' referred to the possibility of receiving redress were the Russian importer to default.

2. Ibid., vol.192, cols.1155-58.
Western; P.P.S. to Gilmour), Meyer, and Templeton. Guinness did little more than reiterate the Government's known position: it was beyond their power to affect Russian demand (which was under state control), they imposed no restriction whatever on trade with Russia, and until Russia recognised her debts she could receive no loans and nor could the herring industry receive a subsidy (which would be tantamount to providing cheap food for Russia at the expense of the British taxpayer).\(^1\)

Although the deputation had been given no comfort, Rentoul offered the Ministers somewhat fulsome thanks.

That winter, however, the herring fisheries were elated at the entry into the buying market of the Russian co-operative societies. Only about half of Yarmouth's cure, for example, had been sold, but Russian purchases resulted in the disposal of almost the entire stock.\(^2\) A.H. Hamilton-Gordon, Second Secretary, minuted: 'if this acute little problem is solving itself, one of the arguments for urging the F.O. to "do something about Russia" disappears'.\(^3\)

The visit to Russia of four M.P.s in April and May 1926 was the second particular case of Conservative support for the encouragement of Anglo-Soviet trade. In March 1926, Sir Frank Nelson (Gloucestershire, Stroud; an exchange broker first elected in October 1924, he had been

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president of the Association of Chambers of Commerce in India, and in business in Bombay since the end of the War) discussed with Godfrey Locker-Lampson a proposal to lead a visit to Russia that Easter with a small group of fellow back-benchers 'to see for ourselves something of the conditions that pertain there and especially to endeavour to come to a conclusion as to trade prospects' and asked for the Department's approval.² The group was to comprise, in addition to Nelson, three others of the younger and recently-elected members: Boothby, Captain Robert Bourne (a barrister, he was Boothby's cousin), and Lieutenant-Colonel Thomas Moore (Ayr Burghs), who had fought in the intervention and spoke Russian. Chamberlain raised no objection, but, a few days after the members had left for Russia, was obliged to reassure anxious Conservatives that


2. Nelson had originally asked the following whether they could find the time and money to travel: Bourne, Sir Henry Buckingham (Surrey, Guildford), Moore, and Sir Frederic Wise.
Office.¹

The group arrived in Moscow on 24 April and Nelson there stated its object as, after having investigated Soviet industries and conditions, to co-operate in revising the attitude of the Conservative Party towards the Union.² One of its main desires was to ascertain what security the Soviet Government could offer to cover loans if these were to be conceded. After the members had held discussions about political and financial questions with the Commissars concerned, Nelson complained that the people of each country were profoundly ignorant of the other and expressed the conviction that were a delegation from the Russian governing party to visit England, it would meet as joyous and hospitable a reception as they themselves had had and that public opinion in England sympathised with every Russian move directed at achieving a rapprochement with the countries of Europe.³ 'I wish', he concluded, 'to dispel one more incorrect idea which exists in your country on the question

1. H.C.Deb., vol.194, col.1184, 21 April 1926. The Soviet Government had declared: 'it is quite evident that the expedition has been approved by Government circles and that its aims are of a direct Party character... [its] report will play no small rôle in the future conduct of the Conservative Party towards the U.S.S.R.' They regarded the visit, together with the recent demand of a number of Conservatives that sales of herring to Russia be included in the Export Credits Scheme, an increased availability of credit in Britain, and an abatement of the press campaign, as reasons for a certain optimism: 'the first crack in the ice has appeared, but when the real Spring ice-flood will begin is hard to guess' (Izvestiya, 14 April 1926).

2. Ibid., 25 April 1926.

3. Ibid., 29 April 1926.
of England's policy towards the U.S.S.R. She is not trying to overthrow the Soviet Government... England is not an enemy of the U.S.S.R.\(^1\) The group had a meeting with Maxim Litvinov, Deputy Commissar for Foreign Affairs, at which the latter agreed with the following propositions: his Government desired to resume negotiations to arrive at a full political and economic settlement; they desired to ascertain the points in the 1924 Treaties which were unacceptable to the present British Government, the lack of such information constituting a material obstacle to the resumption of negotiations; and communication between the two Governments was extremely difficult.\(^2\) The members left Moscow on 5 May, feeling it their duty to curtail the visit because of the General Strike.

The report of the visit, copies of which were sent to Chamberlain and Locker-Lampson prior to publication, while not an apologia, was far from unfavourable towards the Soviet Union.\(^3\) It maintained that although their stay

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1. While the Soviet Communist Party in no way doubted the burning sympathies of the working masses of England towards the Soviet Union and noted Nelson's testimony that even the English bourgeoisie favoured including her in the system of world commerce, it regretted that English Government policy did indeed remain to that moment directed against the Union (Pravda, 29 April 1926).

2. At the group's request, Litvinov confirmed in writing that he had made this statement on 28 April 1926. However, the members, communicating the contents of this document to Locker-Lampson after its arrival at the beginning of June, agreed that the General Strike and its aftermath had made it quite impossible for the Government to resume any negotiations for the moment (Litvinov to Boothby, 1 June 1926: F.O.371/11786, N2675/387/38; N.M. Butler, Private Secretary to Locker-Lampson, minute, 10 June 1926: ibid.).

had been shortened, the members had endeavoured 'at the same time to lessen in no particular the scope of our investigations and the meticulous character of our inquiries'. It further stressed, 'with all the emphasis at our command', that they had in no way been 'shepherded' during the visit:

we have satisfied ourselves by methods which leave no room for argument that the things we saw were not staged for our benefit, that many people with whom we spoke gave us their opinions without the knowledge of the Russian authorities, and lastly that we were allowed to go where we liked and speak to whom we liked, without interference by the Tcheka or G.P.U. 1

The Conservative members would, in other words, have had the readers of their report believe that, while foreign trade union delegations were, as asserted by the Tory press, shown 'Potemkin villages', they had seen the unadorned truth. Their excursions and meetings had, in fact, been mainly arranged by Madame Kameneva, president of the Society for Cultural Relations with Foreign Countries. 2 They had, they reported, conversed with members of the Soviet Government and officials, Russian and foreign (including British) businessmen, diplomatic and commercial representatives of foreign governments, and workers, peasants, and soldiers 'of every grade of political thought'. They did express strong reservations concerning the kind of justice meted out in the people's courts and the methods of terrorism employed

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1. In fact the Vecheka, the All-Russian Extraordinary Commission for Combatting Counter-Revolution, Sabotage, and Speculation, had been established in December 1917 and succeeded by the G.P.U., the State Political Directorate, in February 1922, which in turn had been succeeded by the O.G.P.U., the Unified State Political Directorate, in November 1923.

by the secret police (citing the case of 400 men out of several thousand who had planned to go on strike at a railway shop and were removed from their houses and had disappeared) and they believed that the Soviet system of government was an autocracy and not Communism as they understood it.

The report noted that its authors 'found existing in Soviet official circles almost as much misapprehension with regard to British policy as there is in Great Britain concerning every subject connected with Russia'. It observed an increasing estrangement between the Soviet Government and the Third International and was 'satisfied that little or no anti-British propaganda is being conducted within British territory by the Soviet Government as such. Such propaganda as exists (and it is enormously exaggerated) is conducted in the full glare of publicity by the Third International...'. Furthermore, 'since the failure of the German revolution in 1922 the idea of a world revolution has been practically abandoned in Russian Communistic circles and the conception of a single Socialist state accepted'.

The report was fulsome in its praise of Soviet economic prospects (both in agriculture and industry), education, public health, cultural development, and the Red Army ('a very formidable weapon, but only in our opinion as regards internal insurrections or external aggression').

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1. There had, in fact, been no revolutionary disturbances in Germany since April 1920.
The report concluded that the October Revolution had struck too deep to be merely a passing phase: the new form of government was stable and had come to stay. Much as the members disliked some of the political tenets it embraced and deplored its methods, they were satisfied that it was the best form of administration for that huge country:

To judge [it] from the viewpoint of Western party politics would be to plunge immediately into the realm of false values, for it must be remembered that the present system has evolved order out of a state of affairs which but a few years ago could only have been described as a chaotic shambles.

They were convinced that the time was not only opportune but overdue for Britain to endeavour to establish closer political and economic relations with Russia. The main obstacle to an agreement was the ignorance in Britain of the actual conditions in the Russia of 1926 and the ignorance in Russia of the British viewpoint and the reasons underlying it:

Ill-informed newspaper articles, bearing only the faintest semblance to the truth, appearing in widely-read English newspapers and ebullient and inaccurate speeches on the part of well-known public men in Great Britain also play a large part in maintaining the present miasma of misunderstanding enveloping both countries.

The report made particular recommendations: every endeavour to be made by the British Government to promote a greater and more accurate knowledge in Britain of conditions in Russia, the operation of the Export Credits Scheme to be extended at once to include Russia, the British Government to take immediate steps to bring about a resumption of negotiations with the Soviet Government, any loan granted to the latter to be conditional upon an undertaking to
discountenance any form of anti-British propaganda within the Empire and upon the recognition of the private debts of British nationals, and an exchange of ambassadors to be an integral part of any agreement.

Locker-Lampson, after reading the report, predicted that the members would probably ask a good many questions in the Commons and press the Government to carry out their recommendations, but, he believed, 'however intelligent the travellers may be, a fortnight's tour is a very short time in which to acquire a grasp of so complicated a situation'.

He conferred with Chamberlain on 12 May and they evidently agreed that the report should be amended, for the latter was of opinion that it would be better were Stanley Jackson and not himself to see the four members, since questions, 'which might be rather difficult to meet', could well be asked in the House as to whether he had seen the report and advised that any excisions be made. That the Government should consider revising their policy was not even discussed.

   Hodgson had likewise noted: 'it is obvious that with the limited time at their disposal they must have had difficulty in forming opinions of serious value' (despatch, cited above, p. 210, n. 2). Captain William Wedgwood Benn, a Liberal, who had toured Russia for nearly a month and been in the country at the same time as the Conservatives, was to be distinctly more critical in his attitude (Manchester Guardian, 22 May 1926).


3. A.D.F. Gascoigne, Second Secretary, minuted: 'At this particular moment, when we have before us a telegram from Sir R. Hodgson stating that he is sending by bag particulars of two instances proving the Soviet Govt.'s (not the Third International's) complicity in aiding and abetting the General Strike, H.M.G. will presumably not countenance any deviation from its policy of "correct reserve" towards Russia' (17 May 1926: F.O.371/11798, N2418/2147/38).
Locker-Lampson immediately explained the situation to Jackson and Eyres-Monsell.\(^1\) They took a serious view of the use the Labour Party might make of the report and thought that Chamberlain himself ought to meet its signatories. Jackson was nonetheless persuaded to conduct the interview and Locker-Lampson proceeded to mark what he considered to be the dangerous passages in the report so that the former should have these in mind.

Before sending the report to Jackson, Locker-Lampson saw Sir William Tyrell, Crowe's successor as Permanent Under-Secretary, and Gregory on the morning of 13 May. Tyrell took a very grave view of the 'dangerous passages' and thought that, since Chamberlain did not wish to interview the members himself, the report ought at once to be shown to the Prime Minister, who should be asked to see its authors and bring pressure to bear upon them not to publish. Locker-Lampson thereupon returned to Eyres-Monsell, seeing him and the other Whips in Downing Street. It was absolutely impossible, Eyres-Monsell declared, to place the matter before Baldwin at that moment because of urgent strike business and he advised that Chamberlain be approached again. Locker-Lampson did this and Chamberlain now agreed to meet the members that afternoon.

Boothby, Bourne, and Moore (Nelson being absent from London) were brought by Locker-Lampson to Chamberlain's room at the Commons. Chamberlain maintained that he was

\(^1\) Minute, cited above, p. 213, n. 2.
disinclined to intervene as Foreign Secretary since, if he wished to say anything in the matter from the Foreign Office point of view, he could best do so in debate in the House. He was only seeing them because Baldwin was so immersed in affairs connected with the General Strike that he, Chamberlain, had taken it upon himself to do so, not as Foreign Secretary, but only as a member of the Cabinet that wished nothing to be published which might possibly add to its troubles at a time of great domestic disturbance. As to the report itself, he indicated several matters which he claimed were not in accord with the facts. He asked them to consider whether the moment was not singularly inopportune for the publication of such a report and in any event to postpone it until the industrial crisis was over and then not to publish anything without consulting the Foreign Office as to its contents.

Bourne explained that he had only been with the party a week in Russia, having been detained by illness in Berlin, and did not agree with a great deal of the report. He had indeed noted thereon that he was unable to sign it as a whole since he had not taken part in the majority of his colleagues' investigations, but he had also expressed his 'complete agreement with the recommendation that early efforts should be made by His Majesty's Government to settle outstanding questions between Great Britain and the U.S.S.R. with a view to establishing closer diplomatic and commercial relationships'. Boothby and Moore declared that they were confident the report contained the truth, but on no account did they wish to render the position of the Government in
the least difficult. Boothby indeed announced that, believing as he did in the policy suggested in it, he would be prepared, if Chamberlain thought it would be better, to leave the Conservative Party. The latter replied that he did not wish anything of the kind.\textsuperscript{1} It was agreed that there should be no publication until the industrial crisis had passed and that then they would be prepared to consult Chamberlain as to what should be published. They were, however, unwilling to reach a final decision as to the course to be taken in the absence of Nelson and it was arranged to meet again on 18 May upon his return to London.

Nelson, accompanied by Boothby and Moore, informed Chamberlain at this meeting that they had drastically revised their report and intended to publish it in any event, although they would submit this final draft.\textsuperscript{2} Chamberlain replied that he would ask Locker-Lampson to mark in it whatever passages he might think that he, Chamberlain, would care to see. He made it plain that he did not sanction or withhold his sanction as to publication, nor

\begin{itemize}
  \item \textsuperscript{1} Locker-Lampson's minute refers only to 'one of the Members' offering to leave the Conservative Party. Lord Boothby has confirmed it was he who made the offer. He later offered to resign as Churchill's P.P.S. (which he was appointed in October 1926), again because of disagreement over Russia: he continued to serve on condition that, on this subject, he would be allowed to say 'what I bloody well liked' (conversation with the author: 30 April 1979). Churchill had written to him in 1926: 'You must not mind my chaff about the Bolsheviks. It has a serious underside however. I do not want to see you get mixed up with these snakes or their servitors in this country just for the sake of herrings and so prejudice what, I dare say, will be a prosperous political career' (Boothby, \textit{Recollections of a Rebel}, p. 53).
  \item \textsuperscript{2} Locker-Lampson, minute, 18 May 1926: F.O.371/11798, N2147/2147/38.
\end{itemize}
did he ask them to omit anything from the report; he merely suggested various matters for their consideration, the chief of these being the perverted use that might be made of the report by Communist and other agitators in the country.

As a result of consultation between the members and Locker-Lampson, and after approval by Baldwin, a yet further revised report, published by Nelson himself, appeared at the end of May. This stated that the mission, 'it cannot be sufficiently emphasised, was entirely unofficial both in its conception and in its execution...'. In contrast to the original confidence of their findings, the members now recognised that 'a fortnight in Moscow can in no sense be considered a sufficient foundation upon which to base dogmatic opinions as to the present condition of Russia and its future'. They made, furthermore, no claim not to have been 'shepherded' during the visit. While reference to the estrangement between the Soviet Government and the Third International remained, none was made to the amount of Russian propaganda being 'enormously exaggerated' nor to the abandonment of the idea of world revolution. There was, likewise, no reference to anti-Soviet newspaper articles and speeches in Britain.

The effusions in the report were moderated. The adverse criticism of the condition of the people under the Tsars was lessened and 'the very bitter reward' reaped by

2. 'Statement by Sir Frank Nelson, M.P., Lt.-Col. T.C.R. Moore, M.P., and Mr. R.J.G. Boothby, M.P., of impressions gained by a short visit to Russia in April and May 1926'. As a token gesture of defiance, the report itself bore the sub-title 'Revised Statement' (F.O.371/11798, N2660/2147/38).
the aristocracy emphasised. The original praise for 'the
toleration now accorded to all forms of religion' was
modified by the observation that this was accompanied by 'a
most insiduous and widespread propaganda against Christianity,
in fact the methods adopted in these Workers' Clubs, "Schools"
and Barracks to ridicule Christ and blaspheme His teaching
filled us with abhorrence'.

In accordance with official policy, the revised
recommendations called neither for the immediate extension
of the Export Credits Scheme to include Russia nor for the
Government to take the initiative in resuming negotiations;
they did, however, suggest that the situation be watched very
carefully in order that no occasion be missed for securing
a settlement, 'for we believe that such an opportunity may
well present itself shortly'. They referred unambiguously
to the cessation of propaganda and to the settlement, nor
merely the recognition, of debts (the original recommendations
had mentioned only private and not State or municipal debts);
were the Soviet Government to give undertakings in these
matters, there would be no insuperable difficulties in the
way of increasing trade between the two countries, 'for the
sake of our unemployed', or in the way of a loan, which
should be arranged 'on purely business lines and need not
involve any government guarantee'. There was no optimistic
reference to an exchange of ambassadors. It was, in Boothby's
words, 'a watered-down report'.

The Conservative press, with the exception of strong support from the Daily Express, did not welcome the report. The Daily Telegraph was typical: 'many of the judgments [the four M.P.s] formed are little likely to be welcomed in Conservative circles', but it agreed that 'they are probably right as to the firm establishment of the Soviet power and its unassailability from without'. The Daily Herald refused to publish any of the report, alleging that it had been asked to pay for it. Indeed, much speculation surrounded the circumstances of the visit. Nelson complained of 'a legend that we were the guests of Russia, with all expenses paid and are now coining money by journalism! Nothing of the sort!!'. Publicity in the press had been arranged through the Central News Agency, from which they hoped to receive some payment, 'but it will in any case only be a drop in the ocean of the total expenses which we have all paid equally out of our own pockets: hence our parsimony over printing'.

The Soviet Government, however, expressed optimism: 'We consider that... the more sober elements in the governing party of England will draw the necessary conclusions from the report, which will help in shifting Anglo-Soviet

1. Boothby has recalled: 'Unfortunately our return coincided with the aftermath of the General Strike; and, in the atmosphere which then prevailed in London, both we and our Report got an extremely cold reception' (I Fight to Live, p. 72).

2. 1 June 1926.

3. 2 June 1926.

relations from a dead point'.

The following winter a sequel to the visit, embarrassing to its participants, occurred. On 30 July 1926, the Independent Oil Distributing Company Ltd. had been formed to acquire a contract for the exclusive sale of Russian Oil Products petrol in Berkshire, Hampshire, Kent, Surrey, and Sussex. One of the directors of the company was Moore. The embarrassment lay chiefly in that the formation of Independent Oil and Moore's presence on its board were discovered and publicly revealed by Tweed. This resulted in an acrimonious exchange of letters in the press, causing Sir Walter Townley, the company's chairman, to complain to Gregory: 'it is part and parcel of the activities of the Chairman of the Association of British Creditors of Russia and his associates Mr. Deterding and Lord Bearsted to leave no stone unturned to hamper the operations of the Independent Oil Distributing Company'. It was, not unexpectedly, believed that Moore's decision to trade in Soviet goods was the result of the Russian visit. He defended himself thus:

1. Izvestiya, 4 June 1926.
2. See above, p. 191.
3. A director of the Shell Group and brother of Samuel Samuel (Wandsworth, Putney), a director of the Shell Transport and Trading Company Ltd.
4. 27 November 1926: F.O.371/11781, N5333/71/38.
5. This belief was also expressed in a report entitled 'Trade and Philanthropy' received by the War Office from 'a trusted source' (30 December 1926: F.O.371/11781, N5781/71/38).
I have no present desire to make any money out of Russia through the medium of the Independent Oil Distributing Company or any other company. My sole reasons for associating myself with this Company were: (1) to promote and develop more trade with Russia so as to help our depressed industries, (2) to lighten thereby the burden of our unemployment, and (3) to initiate some practical scheme of assisting those British creditors of Russia who have lost their all through the confiscation of their property by the Soviet Government.1

The counter-arguments were twofold. The petrol would reach the country as a finished product and could therefore not provide employment for refiners and other workers engaged in the production of motor spirits; indeed, the total amount of trade promotion and development might prove insignificant in comparison with the damage to the oil refining industry. Moreover, in the words of the report 'Trade and Philanthropy', 'the distribution of Soviet oil, stolen from British nationals, by a British company, directed by well-known British public men, amounts to a formal acceptance of Soviet dishonesty in international trade'.

As to Moore's intention of creating a fund to assist creditors, the report believed that such a scheme might merely encourage

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1. Ibid. With respect to the third reason, Moore explained that he intended to create a fund out of his personal profits. Prior to going to Moscow, while proclaiming that he had had the honour of assisting the Government, in conjunction with several other Christian governments, in trying to cut out the cancer that was eating into Russia, Moore had declared his support for granting her credits on condition that she recognised her debts, improved the living standards of her workers and peasants, allowed British traders to return, and, above all, that the resulting trade would provide employment in Britain (Trade Facilities Bill, committee stage, H.C.Deb., vol. 192, cols.2534-35, 10 March 1926).
the Soviet Government in maintaining its refusal to pay compensation or restitute the properties. 'It is indeed a pleasure in these days of gross materialism', it observed with irony, 'to read of something akin to practical philanthropy'.

Despite the Conservative opposition to Anglo-Soviet trade, the firms which steadfastly refused to deal with Russia were the exception, being mostly those which had formerly done business with her and had had their properties and goods confiscated. Those prepared to trade were greatly supported by the increasing willingness of leading banks and commercial institutions to finance operations in Russia on ordinary commercial terms, even while the question of expropriation was still far from negotiation. By the end of the 1920's, at least 95 per cent of the Soviet Union's industrial structure had received Western technological assistance, principally German and American, but also British and French.¹

The second and main theme, that of propaganda, in the context of which the various Conservative campaigns for the severance of Anglo-Soviet relations and the course of diplomatic relations are discussed, will be considered chronologically in terms of three sub-themes. First, the subversion emanating from the Soviet Mission and, especially, the Trade Delegation: a matter which achieved particular

prominence at the beginning and the end of the period. Second, the subversion emanating from the British Communist Party: a matter which achieved particular prominence in October 1925. Third, the subversion emanating directly from Moscow: a matter which achieved particular prominence during and immediately after the General Strike.

The relationship between the Soviet Mission and the Trade Delegation was not always clearly understood in Parliament. The People's Commissariat for Foreign Trade had branches, known as trade delegations, in virtually all the countries with which the Soviet Union had concluded treaties or agreements. Each delegation was headed by a trade representative appointed by the Council of People's Commissars. The delegations formed an integral part of the diplomatic missions to which they were attached and enjoyed the same extra-territorial privileges. The trade representative was usually, and this was initially the case in Britain, the same person as the head of the mission. The trade delegations were divided into two sections corresponding to those of the Commissariat in Moscow: a regulating section for general administration and for controlling the commercial work of the other section as well as of all Soviet concerns and persons in the country where it was situated (in Britain these concerns numbered about six, including Centrosoyuz) and a commercial section subordinated through the regulating section to the Trading Concerns Board in Moscow. The latter section carried out the transactions involved in executing the share of the export and import
plan allotted to it and in London consisted, unusually, of the limited liability company, Arcos, which had been formed in 1920, prior to the Trade Agreement.

The Government were subjected to continual questioning as to the number of aliens employed by the various Soviet organisations and the conditions under which they were permitted to remain in the country, the number enjoying diplomatic immunity (particularly as compared with that from other countries), and the limit as to the number and weight of the diplomatic bags allowed to pass unopened under diplomatic privilege between the Soviet Mission and Moscow. Since the conclusion of the Trade Agreement, 315 visas had, after full inquiry, been authorised for Soviet citizens to travel to the United Kingdom; it was estimated that at the end of 1924 rather more than one-half of the persons concerned remained in the country and that of these 22 were attached to Soviet organisations in London. They had been allowed to land subject to a time condition

1. During the period under consideration, the following expressed concern about aliens: Sir Harry Brittain and Sir Gerald Strickland (Lancashire, Lancaster). The following expressed concern about propaganda in general: Reginald Clarry (Newport), Major William Colfox, Colonel Chichester Crookshank, Sir William Davison, Arthur Dixey, Captain Arthur Evans, Captain Charles Foxcroft (Bath; P.P.S. to Viscount Wolmer, Assistant Postmaster-General), Gretton, Lieutenant-Colonel Sir Frederick Hall, Lieutenant-Colonel Arthur Heneage (Lindsey, Louth), Major-General Sir Alfred Knox, Commander Oliver Locker-Lampson, Basil Peto, and John Remer.


3. Ibid., vol.180, col.25, 10 February 1925.
and extensions were only granted if the authorities were satisfied that the alien concerned was still employed in one of the organisations (many, therefore, were still in the country although not thus employed, presumably on unexpired visas unless they had remained illegally). There was, Chamberlain declared early in the Parliament, no ground on which a demand by the Government for a reduction in the number of Soviet officials could be based.¹ Four persons on the staff of the Soviet Mission enjoyed diplomatic immunity; the diplomatic staffs of other foreign missions varied in number between 1 and 24.² As to diplomatic bags, the Soviet Mission was allowed to send and receive each week one sealed bag, weighing not more than 10 kilogrammes, which was not liable to be opened by the Customs authorities.³

Towards the end of April 1925, when it saw a new and desperate Bolshevik offensive in full swing in a form which varied according to the individual conditions of each country (armed risings in Bulgaria following the assassination of General Georgiev and strikes in Greece and at home), the Conservative press heralded an intensified parliamentary agitation against Russian agents in Britain.⁴ It called

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1. Ibid., vol.179, col.1406, 19 December 1924.
2. Ibid., vol.183, col.912, 6 May 1925.
upon the Government to expel these aliens forthwith, alleging that whilst some were masquerading as employees of the Soviet Mission or Soviet organisations (thereby often enjoying diplomatic privileges which they abused by bringing into the country documents and large sums of money with which to stir up hatred), others had secured a right of entry without even so much as an official qualification, 'it may be through some fraudulent device, it may be through the unfamiliarity of the British authorities with their past doings and the connivance of Socialist friends in this country'.

Sir William Davison and Captain Victor Cazalet (Wiltshire, Chippenham; P.P.S. to Cunliffe-Lister, he had been a member of Major-General Knox's Military Mission in Siberia, 1918-19) led a deputation to Chamberlain on 11 May to urge the suspension of all dealings with the Soviet Government until they had met their obligations and proved that they were prepared to abstain from propaganda in Britain. Far-reaching consequences might ensue, Chamberlain replied, were such a step taken without grave cause.

Since the granting of de jure recognition, the admission of Soviet citizens had no longer been restricted to those joining the staff of the Soviet Chargé d'Affaires or the Soviet organisations. With the advent of the Conservative Government, however, the policy of the Home Office

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1. Daily Telegraph, 21 April 1925. The Aliens Restriction (Amendment) Act, 1919, was based on the recommendations of a Home Office committee which reported in 1918, at which date it was chaired by Cave (then Home Secretary as Sir George Cave). The chief additions to the act of 1914 were that aliens who attempted to cause mutiny, sedition, or disaffection were liable to severer punishments than British subjects and the creation of a new offence in the promotion by aliens of industrial unrest (as distinct from particular trade disputes in which they might themselves be concerned).

2. Daily Telegraph, 12 May 1925.
had been to scrutinize all applications more strictly\textsuperscript{1} and, though this was not in fact always the practice, to limit the granting of facilities to diplomatic persons and to those cases in which it could be shown that the admission of the alien would be to the definite advantage of British trade.\textsuperscript{2}

The procedure whereby applications for entry were scrutinized had been devised by the inter-departmental Aliens and Nationality Committee and was continually being discussed by its Passport Control Sub-Committee, which sat weekly under a Home Office chairman and upon which the Foreign Office, its Passport Control Department, the Department of Overseas Trade, M.I.5., and the Special Branch were represented. Although the Home Office was responsible for the administration of the Aliens Act, the Foreign Office was closely concerned since it had to justify any individual decision to the Soviet representative and since, were a campaign against Russians in Britain to develop to any great extent, increased pressure might be brought to bear on the Government to sever relations. Joynson-Hicks and Chamberlain came into sharp conflict over this matter, a conflict between the former's concern for public order and the latter's concern to avoid

\textsuperscript{1} This was as a result of an initiative by Joynson-Hicks (Sir John Pedder, Principal Assistant Secretary at the Home Office, to McNeill, 2 January 1925: F.O.371/11006, N41/1/38), supported by McNeill (minute, 29 January 1925: F.O.371/11006, N286/1/38).

\textsuperscript{2} Memorandum, 'Admission of Soviet citizens to the United Kingdom with special reference to the provisions of the Anglo-Russian Trade Agreement, 1921, and the \textit{de jure} recognition of the Soviet Government', January 1925: ibid. A limited number of visas were granted for the purpose of study or reasons connected with science, art, or literature.
Chamberlain informed Joynson-Hicks of his Department's view, which was that the charges had been brought against the Government in complete ignorance of the procedure whereby every application for entry was closely scrutinized and the actual appointments to be held carefully examined to establish whether they were genuine and that, so far as was known, there had been no case of either false identity or forged passports. While there certainly were grounds for suspecting that some members at least of 1. They also clashed over the granting of temporary visas. Chamberlain asked Joynson-Hicks to reverse his instructions and permit representatives of the All-Union Central Council of Trade Unions to attend a meeting at the beginning of April with the International Sub-Committee of the T.U.C. General Council: a refusal would lead to an outburst from Moscow and, being a return visit to that of British trade unionists, to much criticism in the country, focussing public attention upon Russian affairs. 'The proper medicine for the Bolsheviks and their friends is obscurity', he added (25 March 1925: F.O.371/11006, N1660/1/38). Joynson-Hicks took the precaution of seeing Arthur Henderson confidentially and the latter expressed his Party's view that they should be permitted entry for a meeting 'so intimately associated with the Labour Party' (Joynson-Hicks, 'Communist Congress at Glasgow', 2 May 1925: CAB.24/173, C.P.224(25)). Joynson-Hicks relented (to Chamberlain, 27 March 1925: F.O.371/11006, N1741/1/38). The Cabinet agreed with him that there was a clear distinction between that meeting and the annual congress of the C.P. G.B. to be held in Glasgow at the end of May and that he should prevent the attendance of foreign delegates at the latter (13 May 1925: CAB.23/50, Cab.25(25)3(a)). James Maxton moved an adjournment debate in protest at this decision (H.C.Deb., vol.184, cols.1695-96, 28 May 1925). The Daily Mail reported that 'in well-informed quarters it is emphasised that closer co-operation between the Foreign Office and the Home Office would result in a substantial diminution of the number of Bolsheviks now roaming at large in the country. The Foreign Office does not at present appear willing to afford this help to its sister department' (19 May 1925).

the Trade Delegation were engaged in propaganda activities, the Special Branch had as yet no incriminating evidence to warrant the Government demanding its withdrawal. The Foreign Office agreed that the position was unsatisfactory, but stressed that it was extremely difficult to see what could be done to improve matters. There were two possibilities, neither of which was deemed suitable. First, either to grant or refuse visas to all Soviet citizens: this was plainly not practicable at that moment. Second, to render the procedure more stringent: however restrictive the regulations were, it would be impossible to exclude the danger of propaganda or outrage. ¹ As to propaganda, it was doubtful whether the main bulk of it was conducted either by Soviet official or commercial agents, since there were many safer and more effective means of introducing instructions and money from the Third International into the country: tighter regulations would leave untouched the existing subterranean channels. As to outrage, a real Bolshevik terrorist would clearly take the greatest pains to conceal his identity and if he entered the country at all, it was probable that his case would never come before

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¹ Gregory minuted: 'We could hardly be stiffer than we are as regards the admission of Russians if we are not to prejudice such trade interests as exist and, as it is, I think we veto every week about 50% of the applications' (2 May 1925: ibid.). During the period 30 March to 13 May 1925, 143 applications were dealt with, of which 69 were granted and 12 refused summarily, 26 deferred owing to insufficient information, 24 deferred for inquiry by the Home Office, and the remainder disposed of for other reasons (C.B.P. Peake, Third Secretary, memorandum, 'Admission into the United Kingdom of Russian Soviet Citizens under the Trade Agreement', 14 May 1925: F.O.371/11006, N2760/1/38).
the Passport Control Sub-Committee.¹

'We may easily make fools of ourselves in this matter', Chamberlain warned Joynson-Hicks, 'and apparently some people would wish us to do so'.²

My own view is that this is one of those cases where the man who loses his head loses his ship and the man who keeps his nerve wins.

You will have seen from the records of my conversation with M. Rakovsky [1 April 1925] that I hold him rather at arm's length, but I do not want an open breach if we can avoid it ... and no pinpricks on our part. But if there is real cause and a first-class case, strike and strike hard.

I hope you agree.

Joynson-Hicks did not agree and matters came to a head over Rakovsky's application for an extension of the period of residence of Nicolas Wilenkin, alias Minsky. Although prior to the Revolution Wilenkin had been one of Lenin's closest collaborators, assisting in the publication of Iskra, he had originally been admitted early in 1923 to use the British Museum Reading Room in connection with a work on religious philosophy.³ By the end of that year he had become senior clerk to the Commercial Information Department of Arcos and was granted extensions on this basis:

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1. The bomb explosion in the Cathedral of Sveta Nedelia in Sofia during General Georgiev's funeral service had led to warnings that the same arch-conspirators were at work in Britain: there were portents enough of Communist intentions in the frequent discoveries of arms and explosives and the many dangerous Russians in the country ought to be sent packing at the earliest moment (Daily Mail and Morning Post, 21 April 1925).

2. 5 May 1925: F.O.371/11010, N2298/29/38.

3. R.T. Parkin, Assistant Director of the Passport Control Department, 'Minutes on Passport Control', 19 May 1925: F.O.371/11007, N3086/1/38.
the present application stated that he had been appointed correspondent of the Press Department of the Soviet Mission. The dispute revolved around his vice-presidency of the Society for the Promotion of Cultural Relations with Russia, which he had founded in May 1924 and whose functionaries included Professor Lascelles Abercrombie, E.M. Forster, Professor L.T. Hobhouse, Julian Huxley, J.M. Keynes, H.G. Wells, and Virginia Woolf.

The Passport Control Sub-Committee was divided over the case. Although there was no evidence that either Minsky or the Society directly interfered in the internal politics of the country, Captain C.M. Liddell, the Special Branch representative, thought that the psychological effect of the policy pursued by the Society was more harmful than the ordinary propaganda of, for example, the Workers' Weekly and referred to its close connection with the leaders of the Minority Movement, who were asked to give lectures. It was an instrument of Soviet foreign policy whose activities were almost entirely controlled by the Trade Delegation and, according to reliable information, were subsidised by the Third International. The representatives of the Home Office and M.I.5. agreed that the alien should not be allowed to remain; those of the Foreign Office, the Passport Control Department, and the Department of Overseas Trade dissented.

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2. Special Branch report, 30 April 1925: ibid.
While the Home Office took the view that Minsky and the Society were simply tools of the Soviet Government and the former's position in the Mission cover for sinister activities, the Foreign Office argued that the case involved the principle that mere participation in such an organisation rendered an individual liable to be regarded as undesirable, that there was no evidence he had made himself objectionable since the last extension was granted, and that the grounds of opposition should be valid were there to be pressure in the form of his appointment as press attaché, a position to which objection could not in principle be taken as it was allowed other missions and which, in the case of refusal, might be filled by someone more pernicious. 1 Chamberlain agreed with his Department, noting that the basic difficulty was that the Soviet Mission was not as other missions and it might at any moment be necessary to refuse it what was allowed countries qui savent se conduire. 2

Joynson-Hicks expressed his worry to Chamberlain about the fundamental difference between their Departments, 'or, perhaps I ought to say, between yourself and myself in regard to Bolshevik aliens'. 3 He had met the Party Home Affairs Committee on 25 June to be cross-examined as

to his inactivity in regard to Russian propaganda and Minsky was only a particular instance involving a general principle. He stressed his responsibility:

I am the Minister in charge of the internal security of the country which—particularly so far as our own Party are concerned—is very agitated about Bolshevik propaganda here. Abroad—for instance, in regard to China and Afghanistan—I do not attempt to interfere: in fact I very rarely express an opinion; that is a matter for you to decide. But in regard to questions here, I have to satisfy our own Party, which, as you well know, is not easy.

He put the difference thus:

your view apparently would be—and from the Foreign Office point I do not dispute it—that we should allow as many Russians to come in here as is necessary to enable you to keep on good terms with the Soviet Government, while my view is that we should turn out everybody short of involving our country in war.

He had already tried to reassure the Party publicly: 'So long as there is a Government in the East of Europe whose main purpose in life is the destruction of constitutional government in other parts of the world, so long must we be on our guard against the emissaries of that Government', but he was able to do his best work when it was utterly unknown to the country; in good time the Party would know what the Government were doing and he asked for its confidence for a few months longer. ¹ And again: 'You and I, the Conservatives of this country, are the great bulwark against Communism'; the time was rapidly coming when the

¹. Addressing, as chancellor, the Grand Habitation of the Primrose League at Caxton Hall, 31 April 1925 (Morning Post, 1 May 1925).
Government would be entitled to say that 'We intend to be master in our own house. Your men may come here to trade ... but we are tired of the influx to this country of men whose object is to embitter class hatred and destroy the Constitution'.

At a meeting between the two Ministers, Joynson-Hicks, who did not want a matter of principle decided on an individual case, agreed to Minsky remaining on condition that the Foreign Office took full responsibility for this concession. They concluded that since the Home Secretary was responsible for the maintenance of order, the views of his Department concerning permissions should prevail, but that in any particular instance the Foreign Secretary should be entitled in his communications with any ambassador definitely to place the onus upon the shoulders of the Home Secretary, stating that the latter had his own reasons for objecting to any particular individual remaining and more or less intimating that though he, the Foreign Secretary, did not agree, he could not interfere with his colleague's discretion.

At the end of June, in the wake of disturbances in China, Chamberlain was embarrassed, not for the last time, by the speeches of restive Cabinet colleagues. Birkenhead and Hogg, as well as Horne, all hinted at the

possibility of relations being severed.¹ In Birkenhead's words:

the time will undoubtedly come when we shall have to ask ourselves whether we are helpless when we find ourselves face to face with a country that has diplomatic representation in our midst and that, nevertheless, by the confession of all its own leaders, is all over the world, by restless and subterranean activities, seeking no other purpose than the destruction of the British Empire.²

Chamberlain assured the Commons that the speeches had been made with 'a full sense of the obligations of Cabinet responsibility' and that, though neither did this satisfy the Party nor had policy towards Russia been discussed in the Cabinet in the light of recent events in China, the Government would, from time to time, take whatever measures were required to protect British interests.³ The Cabinet concluded that it was difficult to avoid references in speeches to the Soviet Government and, more particularly, to 'the failure of their economic system in their own country', while endorsing Chamberlain's policy statement in its agreement that he would take any necessary action 'when evidence of Soviet misdeeds was forthcoming'.⁴ Although Chamberlain remained unwilling to sever relations, he informed Baldwin that a 'great mass of information has

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4. 8 July 1925: CAB.23/50, Cab.36(25)3.
accumulated... proving the continuous hostile activities of Soviet Agencies against the British Empire... Nearly all of this information is of the most highly secret character, which I do not circulate to Ministers lest any carelessness in the handling of the papers would endanger our sources of information'.

He was not certain that it was right for him to take the responsibility of recommending the continuance of relations unless some members of the Cabinet shared the information in the possession of the Foreign Office. At his suggestion, Baldwin appointed a Cabinet committee, with himself in the chair, in order that Chamberlain might lay before it the recent information and be fortified by its advice in any recommendations that he might make. Chamberlain duly reported that the committee had agreed that there was no occasion for the present for a change of policy towards Russia, but it should review the matter in the event of any fresh development. The Cabinet agreed that the activities of Communist agents should be carefully watched in the prevailing industrial situation.

The subversion emanating from the Soviet Mission and, especially, the Trade Delegation, also achieved particular prominence at the end of the period; it will be considered below after the other two sub-themes.

1. Chamberlain to Baldwin, 24 July 1925: F.0.800/258.
3. 5 August 1925: CAB.23/50, Cab.43(25)1.
The second sub-theme of the theme of propaganda, the subversion emanating from the British Communist Party, achieved particular prominence in October 1925.

Reluctant to act against Soviet emissaries, subversion by British nationals and publications provided the most fertile ground for that action which the Government felt constrained to take. There were three possibilities: a prosecution for seditious speeches or their publication, a strengthening of the law against sedition, or a combination of both courses.

Such actions had been effected or contemplated in the past. In February 1916, several activists of the revolutionary movement on the Clyde, who were to become leading figures in the Communist Party, were charged with sedition under the Defence of the Realm Act and imprisoned for a year: William Gallacher and John Muir for publishing an article entitled 'Should the Workers Arm?' in The Worker, the journal of the Clyde Workers' Committee; and James MacDougall, John Maclean, and James Maxton for seditious activities. In April 1918, Maclean, who had become Soviet Consul for Scotland, was again charged with sedition; he was sentenced to five years' penal servitude, but the Government deemed it expedient to free him at the end of the War because of the strong agitation for his release.

Action was considered in the case of the Daily Herald which, on 2 January 1918, published Trotsky's manifesto, as People's Commissar for Foreign Affairs, addressed to all the peoples and governments of the Allied
countries and a proclamation issued by Litvinov, at that time the Soviet Government's unrecognised representative in London, both calling on the proletariat to overthrow their governments if they refused to negotiate a peace. The latter's statement was of particular concern to the War Cabinet. T.B. Morison, the Liberal Solicitor-General for Scotland, and the Director of Public Prosecutions were, however, of opinion that since the publication was merely the printing of a document issued by Litvinov, the case for drastic action was not strong. The two Conservative Ministers closely involved concurred, but issued warnings. Lord Robert Cecil, Under-Secretary at the Foreign Office, submitted that it was necessary for the Cabinet to have a more effective policy towards the press, then under wartime censorship, recommending greater consultation between it and the departments; he proposed to caution Litvinov that he would be asked to leave the country were he to issue further inflammatory proclamations. Cave, Home Secretary, who, as Lord Chancellor, was to be much concerned with the question of sedition, stressed, with a prophetic reference to the armed forces, the necessity of defining the course to be taken in the future: 'The Bolshevist propaganda, if not checked, may spread very rapidly and may have a serious effect upon morale in this country: it may also cause trouble among munition workers and even in the Army'.


Of the Communist Party's activities, subversion within the armed forces became the major concern among Conservatives: indeed, one of the conditions of membership adopted by the Third International at its second congress in July 1920 was that member parties conduct persistent agitation and propaganda within their national armies. In February 1918, Cave again warned the War Cabinet about this matter, reporting that Litvinov was receiving 'a stream of men in khaki', was establishing an information bureau in the East End of London, and was believed to be forming bands of Red and White Guards.¹ A year later, at the height of a massive strike on the Clyde, David Ramsay, of the Shop Stewards' and Workers' Committee Movement, proclaimed his readiness to use every means from the bomb to the ballot-box in order to promote revolution, predicting that 'In a short time this country will be engaged in a general strike for the overthrow of capitalism. Our friends on the Clyde have started already and they have started well'.² The War Cabinet approved the proposal of Edward Shortt, the Liberal Home Secretary, that Ramsay be charged under the Defence of the Realm Act and that this mark the beginning of a general policy of prosecuting for similar speeches.

In February 1920, Sir Basil Thomson (he was Head

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² Addressing the Croydon branch of the Herald League, 26 January 1919, from the police notes of the speech, quoted in Shortt, 'Prosecution of Seditious Speeches', 5 February 1919: CAB.24/74, G.T.6755.
of the Special Branch, but as Chief of the Home Office's Directorate of Special Intelligence had direct access to the Prime Minister and the Cabinet, by-passing the Commissioner of the Metropolitan Police) informed the Coalition Cabinet that while it might be possible to use some of the 'unofficial agencies for combating Bolshevism' to expose the conspiracy, he believed catastrophe could best be provided against by legislation (the Defence of the Realm regulations were shortly to lapse). Experience in Britain having shown agitators to be afraid of short terms of imprisonment and acts of violence and sabotage being almost unknown, he thought a clear restriction against importing, printing, and circulating documents advocating revolution, receiving money from any alien for such purposes, and making inflammatory speeches, enforced summarily with comparatively mild penalties, would be adequate. He submitted a draft bill to this effect.

That autumn, Walter Long twice brought the question of Communist propaganda among sailors and dockyard workers to the Cabinet's attention, recommending the appointment of a Cabinet committee to consider the action desirable to check the extremists' sinister activities.

1. Directorate of Special Intelligence, Special Report No.14, 'Revolutionaries and the need for legislation', 2 February 1920; CAB.24/97, C.P.544. The Directorate issued weekly reports on revolutionary organisations in the United Kingdom from August 1918: the practice of circulating them as Cabinet memoranda was discontinued by the Labour Government and not reinstated by the Conservatives. Monthly reports on revolutionary movements abroad were issued and circulated between May 1919 and September 1921.

A committee finally produced a draft Preservation of Public Order Bill, based on Thomson's draft, the following May.¹

In the wake of Black Friday, when revolution had again been feared, meetings of Conservative members of both Houses and of the Unionist Reconstruction Committee in the Commons passed resolutions, on 11 and 12 May 1921 respectively, urging the Government to take immediate measures to defeat the activities of agitators directly or indirectly subsidised by foreign revolutionaries.² Lloyd George confirmed to the deputation from these meetings that a bill strengthening the existing law had been drafted, but refused to introduce it until he deemed such a course to be warranted.³ He believed that nothing should be done to drive the working man into the hands of the extremists and asked that no publicity be given to the fact that a draft bill existed. Shortly after this encounter, the offices of the Communist Party in King Street were searched by the police, its records seized, and Albert Inkpin, secretary, was charged with publishing the Theses of the Second Congress of the Communist International⁴ and sentenced to nine months' penal servitude. This was to be the last major such prosecution for some time.

1. 12 May 1921: CAB.24/121, C.P.2767.
2. Notes of a meeting between the Prime Minister and a deputation of members of both Houses of Parliament, 12 May 1921: CAB.21/197, appendices 1, 2.
3. Of the deputation's eleven members, the following sat in the 1924-29 Parliament: Shirley Benn, Neville Chamberlain, Grattan Doyle, Gretton, Sir John Pennefather (Liverpool, Kirkdale), Marriott (he had proposed the first resolution), and the Duke of Northumberland.
4. In The Communist, 21 May 1921.
On 25 July 1924, the Workers' Weekly published an 'Appeal to Soldiers', urging them to form committees in every barracks and to 'let it be known that neither in the class war nor a military war will you turn your guns on your fellow workers, but instead will line up with your fellow workers in an attack upon the exploiters and capitalists and will use your arms on the side of your class'. This call was repeated in a 'Special Services Supplement' included in the newspaper on 1 August and sold in garrison towns and naval ports. Sir Patrick Hastings, Attorney-General, instituted proceedings under the Incitement to Mutiny Act, 1797, against J.R. Campbell, acting editor, but withdrew the prosecution after fierce protests from the Labour movement in and out of Parliament. The Communist Party claimed that, for the first time, the course of justice in the courts had been changed by outside political forces into a triumph for the working classes over the capitalist classes. The withdrawal thus provided the immediate cause of the Government's eventual downfall.

The Conservative Party charged that the Attorney-General had intervened not upon any grounds of public interest, but upon purely party grounds and in deference to pressure exerted by a section of Labour Party members whose political views could hardly be distinguished from those of the proprietors of the Workers'
Weekly, and, further, that he had so intervened, despite MacDonald's denials that he himself had interfered in the matter, at the behest of the Cabinet. The latter change, in particular, would appear well-founded.

The Prosecution of Offences Act, 1879, and the regulations made thereunder had in fact provided for the involvement of the Home Secretary in certain prosecutions and it had come to be recognised that where a prosecution might involve any consideration of public security or any interest of State, it was the bounden duty of the Attorney-General or the Director of Public Prosecutions to ascertain the views of the ministerial department best qualified to pronounce upon the public interest involved, the department in ordinary 'political' cases being the Home Office. There were a number of outstanding precedents for this view of

1. Hastings maintained that the withdrawal had been motivated by the public interest: it had been brought to his notice that Campbell was only acting temporarily as editor, was of excellent character, and had an exceptionally good military record and that the one thing the Communist Party desired was that this man be made a martyr (H.C.Deb., vol.177, cols.9-12, 30 September 1924). Years later he declared that he remained 'of precisely the same opinion' that a prosecution should never have been commenced (Autobiography, pp. 238-39).

2. Mr. David Marquand argues that the relevant Cabinet conclusion of 6 August 1924, that 'the course indicated by the Attorney-General should be adopted' (Hastings had suggested that 'steps could be taken not to press the prosecution'), was an inaccurate summary of Thomas Jones's own notes of the meeting and that although the Cabinet had discussed the matter, it had not acted unconstitutionally because the decision had been left to Hastings (Ramsay MacDonald, pp. 365-74). Arthur Henderson, however, made it clear to Stamfordham that the meeting had indeed decided to order the withdrawal of the prosecution (26 August 1924: 'MacDonald's inquiry on the prosecution of Campbell for sedition', PREM.1/45).
the constitutional position, most latterly that of the Ramsay prosecution. 1 This case was also a continuation of the wartime practice, when the main public interest to be considered was the conduct of the war and accordingly many questions of policy that would ordinarily have been referred to the Home Secretary were carried direct to the War Cabinet for decision; MacDonald's full Cabinet had considered the Campbell prosecution.

In an attempt to avoid a repetition of the Campbell case, the Labour Cabinet had decreed that no public prosecution of a political character should be undertaken without the Cabinet's sanction. 2 The Conservative Cabinet rescinded this direction, 3 Baldwin declaring it to be 'unconstitutional, subversive of the administration of justice, and derogatory to the office of Attorney-General'. 4 Such a decree might have helped a Cabinet member opposed to a particular prosecution to influence his colleagues, and Joynson-Hicks, who was strongly to favour the prosecution of Communists, likewise argued against it, but on strictly constitutional grounds. He maintained that the decree would have placed the Attorney-General in a position of subservience to the executive government in relation to all matters within its scope: although the statute, regulations, and precedent recognised

1. See above, p. 239.
2. 6 August 1924: CAB.23/48, Cab.48(24)5.
3. 3 December 1924: CAB.23/49, Cab.65(24)8(c).
the co-ordinate responsibility of the Attorney-General and
the Home Secretary in this area, 'it would be very unfort-
unate if anything were done to disturb the very delicately
adjusted relationships thus established'. 1 What the decree
did, however, was to transform a constitutional usage, 'a
rule which is no more than the description of a usual
practice and which has not yet obtained obligatory force',
into a convention, 'an obligatory rule', 2 and did not
warrant Baldwin's harsh strictures: the suspicion must be
that he wanted to strengthen the accusation of 'political
interference' levelled against the Labour Government. 3

During the general election campaign, further
goaded by the 'Zinoviev letter' which called for the
formation of Communist cells in all troop units, Conservat-
ive leaders declared that if they were returned there
would be no tampering with the loyalty of the forces. Since,

1. 'The Institution of Political Prosecutions', 15 December

2. The definitions are those of Sir Kenneth Wheare (The
Statute of Westminster and Dominion Status, 5th ed.,
p.10.

3. The weakness of Mr. A.J.P. Taylor's analysis would thus
appear to lie in his omission of the important, albeit
abused, concept of 'the public interest':

... Liberals and Conservatives were going
against their own practice when they complained
of ... political interference [by Labour back-
benchers]. Isaacs and Simon both sat in
Asquith's Cabinet as attorneys general, and that
cabinet repeatedly discussed the political
expediency of prosecuting Carson, F.E.Smith,
and others. Douglas Hogg sat in Baldwin's
cabinet of 1924 as attorney general, and that
cabinet also discussed the political expediency
of prosecutions - this time of Communists
(English History, 1914-1945, p. 225, n.3). (Hastings
did not sit in the Cabinet.) 'Political interference'
by the Cabinet was constitutional practice when it was
in 'the public interest', but not when it was on behalf
of a sectional interest.
the new Administration was asked, it was absolutely convinced of the authenticity of the 'letter' and since the document had been signed by a British subject (McManus), why did it not institute proceedings against him. The Cabinet was not inclined to open hostilities so early in its life and Chamberlain stated, unconvincingly, that he had not alleged one way or the other that the signature was or was not affixed by McManus himself. Over the ensuing months the Cabinet's hand was to be forced by the Party and by events.

'A Programme for the Fighting Forces' and 'A Programme for Sailors' appeared in the Workers' Weekly in January and March 1925 respectively; these constituted grievances to be used for the purpose of creating discontent and ill-discipline. Joynson-Hicks did not rise to the bait when asked whether he was prepared to prosecute its editor for incitement to rebellion. At the end of April, the Daily Mail published a letter, dated February 1925, which it claimed had been sent to the Communist Party from Moscow and had fallen into the hands of the authorities. It consisted of 'Instructions to No.1 Members' ('No.1 Section' being described as the espionage organisation of the Party) to obtain armaments and information about the military, naval, and police forces. The campaign in the country was renewed at the

1. H.C.Deb., vol.179, col.1192, 18 December 1924.
3. 28 April 1925.
end of June on an altogether larger scale, involving the circulation of leaflets within arsenals, barracks, and camps and the affixing of posters to walls. Joynson-Hicks, however, announced that, as then advised, he did not think it worth while taking legal proceedings against these 'pernicious documents'.

Following an 'Anti-War Week' at the beginning of August, Worthington-Evans reported to the Cabinet that posters and stickers had been surreptitiously affixed outside barracks and camps at Aldershot, Edinburgh, Knightsbridge, Glasgow, Manchester, Sheffield, and Woolwich, and on an order board in a sentry-box at Buckingham Palace. Hogg believed that the notices, with one possible exception, did not constitute offences against the criminal law and that nothing could be done beyond prosecuting the printer of the latter, if he could be found, under the Newspapers Act, 1869, for failing to show his name and prosecuting the men who had affixed them for 'defacing... without consent'. The Workers' Weekly then claimed, provocatively, that 14,000 copies of a circular repeating Campbell's 'Appeal to Soldiers' had been distributed and were being used as enclosures to personal letters from members of the Communist Party to their friends and relatives in the forces. The circular and other articles in the paper were discussed at a Home Office conference at which Joynson-Hicks, Hogg, and the Director of Public

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3. 14 August 1925.
Prosecutions were present. These documents were 'considered to be definitely seditious, but as it would be necessary to convince a jury that they were so, it was thought best at the time to wait until the Communist Party had committed themselves further'.

Many in the Party in Parliament and the country were, however, impatient for action. Charles Rhys (Essex, Romford) warned:

I know from going about that there is nothing this Government can do to please the country on the whole more than the strong action which I hope is going to be taken after the strong speeches which have been made to deal with the enemies in our midst.

Yet both Churchill and Joynson-Hicks sounded notes of restraint during the days prior to the annual conference of the National Union. The former cautioned:

there are those who seek to forestall an impending attack [by Bolshevik revolutionaries] by drastic measures of repression, by provocative action, or by methods of government which have been tried in other countries but which are altogether foreign to the Constitutional and political development of Great Britain... Against [this] erroneous remedy the present Conservative Government and its Prime Minister stand as a solid central body of stalwart common sense and moderation.

The latter declared that the Communist Party, in alliance with Russia, was definitely pledged to the destruction of


3. Addressing a Conservative rally in Birmingham, 16 September 1925 (The Times, 17 September 1925).
the Constitution, but warned against impetuousness:

They [Russian agents] are working through a small Communist body to train it within the Labour Party and, small as it is, Zinoviev is hopeful. He thinks the British Labour Party is becoming rapidly revolutionised... [Subject] to the views of my legal advisers, the National Minority Movement and the Communist organisation could be made the subject of prosecution under the present law. There are great difficulties... it is obvious that the government which prosecuted and failed would make martyrs of the men at every street corner throughout England.1

While Percy Woodhouse, chairman of the Central Council, likewise advocated caution in declaring, in his report to the conference, that the revolutionaries could be met and defeated by propaganda, the National Union itself showed less restraint.2 A resolution, proposed by Charles Nordon (vice-president, London) and carried unanimously, urged the amendment and enforcement of the law dealing with treasonable offences by bringing within its ambit those who endangered the security of the nation 'by plotting against or seeking to overthrow the Constitutional authority of the State as established by the will of the people'. It was, he argued, no longer necessary to protect the King: it was the people themselves who needed protection.

1. Addressing a Conservative meeting in Liverpool, 5 October 1925 (Liverpool Courier, 6 October 1925). During the preceding week there had been another distribution of leaflets among the Forces and on the eve of the conference Joynson-Hicks informed the Cabinet that he had arranged for the activities of the Communists to be kept under observation with a view to appropriate action at the proper time (7 October 1925: CAB.23/51, Cab.47(25)2).

Clifford Rowe (West Lewisham), seconding, maintained that they had in Russia a demonstration for all time of how a highly organised minority could seize and retain power. The resolution, he said, dealt with the canker of Communism: it was alarmist and rightly so.

Baldwin gave the conference a clear undertaking:

we are challenged... by a small minority, very vociferous, who have made no secret of their desire to undermine the Constitution by revolutionary threats, by industrial war, by the suppression of free speech, and by intimidation... The Government will employ all the powers which the law gives them to deal with attempts to seduce the loyalty of the troops [and] with speech or action which they deem, after due consideration, to be of a seditious nature... [You] may rely on them to do all in their power to protect the best interests of the country.

Action came soon and unexpectedly. It resulted from an initiative by Hogg who, not long before, had promised that, 'if and when it became necessary to act in the public interest, [the Government] would not be slow to vindicate the majesty of the law and if further powers were needed to suppress sedition they would not be slow to ask Parliament for that power'.¹ He judged that the time was now ripe. On 13 October 1925, the Cabinet reached two conclusions: while recognising the constitutional responsibilities of the Attorney-General, it sanctioned, seeing no factors in the national or industrial situation which rendered such a prosecution undesirable, his proposal²

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1. Addressing a Conservative meeting in Newquay, 1 October 1925 (Morning Post, 2 October 1925).

to order the arrest and prosecution on a charge of sedition of twelve leading Communists and, in response to the latter's paper, 'The Present Law in regard to Sedition and Strikes', appointed the Public Order Committee.  

The following day the Communists, among them all but one of the members of the Political Bureau (including Campbell and McManus), were taken to Bow Street and a van-load of papers removed from King Street. They were charged with 'having, on divers days since 1 January 1924, unlawfully conspired together to utter and publish seditious libels and incite divers persons to commit breaches of the Incitement to Mutiny Act, 1797, against the peace of our Lord, the King, his Crown, and dignity'. After a preliminary hearing, the case was transferred to the Old Bailey Assizes where it was to open in the middle of November with Hogg and Travers Humphreys prosecuting.

Hogg's memorandum examined 'the power of the State to punish or prevent the preaching of revolutionary doctrine which might prevent any chance of a peaceful settlement [in the coal industry]'. It considered the law regarding sedition, which was the common law, as archaic on two grounds: the difficulty of deciding with precision whether any particular language amounted to sedition and the necessity of procedure by indictment involved very

2. CAB.23/51, Cab.48(25)2, 2(a). The Committee comprised Cave (chairman), Birkenhead, Cecil, Hogg, Joynson-Hicks, and Worthington-Evans; Percy and Steel-Maitland were subsequently added. Its deliberations with respect to strikes are discussed above, pp. 63-68.
considerable delay before a conviction could be obtained. Any amendments to the law had, however, Hogg maintained, to be most carefully considered: 'It is essential to avoid any undue interference with the liberty of speech and any proposal which avoids trial by jury is bound to be very jealously scrutinised'. His recommendations, principally that any new legislation include a definition of sedition and provide a summary remedy for the offence, were, by his own admission, certain to arouse much controversy.

The definition of sedition generally given to a jury allowed a good deal of latitude in its interpretation. For instance, Hogg noted, an intention 'to point out with a view to their removal any matters as being matters which produce or have a tendency to produce feelings of ill-will and hostility between different classes of His Majesty's subjects' was not seditious. It was plain, he added, that great discontent could easily be stirred up and vent given to the most revolutionary sentiments without the provisions of the Incitement to Mutiny Act being violated. He wished to see a law substantially in the form of the draft Preservation of Public Order Bill, 1921, whose main purpose had been to authorise the prosecution of any person who directly or indirectly advocated the use of violence for any seditious purpose. The bill reproduced Defence of the Realm regulation 42, which

1. See above, pp. 239-41.
provided that any person who 'attempts or does any act calculated or likely to cause mutiny, sedition, or disaffection among any of His Majesty's Forces' would be guilty of an offence; on this ground alone Hogg's proposal would have met bitter opposition in Parliament. It also penalised the membership of seditious societies, the publication and distribution of seditious documents, receiving money for seditious purposes from abroad, and gave powers of search and arrest without warrant. Hogg commended these provisions as valuable.

Worthington-Evans also advocated a statutory definition of sedition and summary convictions and was supported by the Director of Military Operations and Intelligence in advocating a clause based on regulation 42. He was not, however, convinced that this would be the solution: 'Whether this formula will, in fact, give the Army the protection it requires against the kind of Communist propaganda which is now being carried on against its discipline, is a matter for legal opinion'.

Joynson-Hicks generally assented to Hogg's views, but was anxious lest the Government appear to wish to strengthen the law for the purpose of stifling their

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1. An attempt to perpetuate the provisions of this regulation in 1919 by including them in the Army Annual Bill was abandoned after being attacked from all parts of the Commons as a device, not to be tolerated in time of peace, for protecting the bureaucracy against criticism (second reading, H.C.Deb., vol.114, cols.1006-37, 31 March 1919; committee stage, ibid., vol.114, cols.1252-70, 2 April 1919).

While he found that the 'growing boldness of the Communist Party of Great Britain and its allied bodies, directed and financed by the Communist International, has made it necessary to consider whether the existing law for dealing with seditious acts is adequate' and agreed that legislation on the lines of the draft bill was important, he had serious reservations as to a number of its provisions. He doubted, above all, the wisdom of enlarging the scope for summary prosecutions:

any such power... should, in my opinion, be sparingly used and only in time of great unrest or to check some specifically mischievous agitator and to deter others. It would be a mistake to prosecute and send to prison every street corner or park orator whenever he committed a breach of the law. I am satisfied that such persons can in ordinary circumstances safely continue to be ignored and their utterances left to be dealt with by public opinion.

He was also opposed to any new legislation overriding the Summary Jurisdiction Act. Exception was taken to two further provisions in the draft bill. To allow clause 3(3), which gave the power to arrest without warrant any person suspected of having committed an offence against the act, to remain would 'do away with the safeguard provided by the requirement that prosecutions should only be undertaken by the Director or with the sanction of the Attorney-General'.

1. 'Inadequacy of the existing law for dealing with seditious activities', 5 November 1925: P.O.C., P.O. (25)5.

2. Clause 3 of the draft bill provided a penalty not exceeding 6 months' imprisonment on summary conviction. Under section 17(1) of the Summary Jurisdiction Act, 1879, an accused who was liable to be imprisoned for a term exceeding 3 months could elect to be tried by jury (provided the offence was not assault).
The question of allowing searches without warrant was already being considered in the Criminal Justice (Amendment) Bill, then before Parliament, with respect to crime generally, and 'it would seem better that it should be dealt with from that point of view rather than from the more restricted point of view of offences against the State'.

The first meeting of the Public Order Committee on 5 November 1925 decided to postpone its deliberations on the question of sedition until after the trial of the Communists.¹

From the outset, the trial was regarded as a political one by both the Labour and Communist Parties. The leading defence counsel, Sir Henry Slesser, K.C., was chosen for the very purpose of involving the Labour Party in the defence of the Communist Party.² The judge and prosecutors symbolised, for the left, the enemy:

- there were three out-and-out Tories. Judge Swift, urbane, suave and on occasion, as he desired, incisive and ruthless... [reminiscent], as he occasionally sniffed at his smelling bottle, of the figures of the French courts in pre-revolutionary France. Mr. Humphreys ploughed his way through his speeches while pompous Sir Douglas Hogg with his round shiny face looked supremely ridiculous when he tried, to be terrifying.³

The prosecution maintained that the Communist Party was an

2. J.T. Murphy, New Horizons, pp. 211-12.
3. Ibid., p. 211. Jack Murphy was one of the defendants and in charge of the C.P.G.B.'s industrial work.
illegal organisation since it aimed at the overthrow by force of the legally constituted government. It was probably not declared to be such principally because of Slesser's argument that not the Party was in the dock, but twelve persons on specified charges. Nonetheless, after all twelve had been found guilty after a trial lasting ten days, the judge offered to bound over with a caution the seven 'first offenders', who included Campbell, McManus, and Murphy, if they agreed to leave the Party. This unusual offer was rejected and these offenders were sentenced to six months in the second division and the 'old offenders' to twelve months.

Within a few days of the announcement of the verdict, MacDonald, in a gesture of solidarity recalling the Council of Action, moved a vote of censure: 'That the action of the Government in initiating the prosecution of certain members of the Communist Party is a violation of the traditional British rights of freedom of speech and publication of opinion'. ¹ It was, he thought, 'a political trial, inspired by political motives'. ² While the trial was clearly political in that the prosecution had been initiated in accordance with a Cabinet conclusion and not solely as a result of the law officers' opinion, the Government maintained, as had their predecessors over the

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¹ H.C.Deb., vol.188, col.2075, 1 December 1925.
² Ibid., vol.188, col.2086. Mr. A.J.P. Taylor concurs: 'This was one of the few occasions in recent English history when men were punished for their opinions, not for acts of practical significance' (English History, 1914-1945, p. 242).
withdrawal of the Campbell prosecution, that their action was not party political but in 'the public interest'.

Hogg played the obvious card:

Is the traditional right of free speech one which is enjoyed only when a Conservative Government is in power? If not, why did it not exist last year, when Mr. Campbell was prosecuted [for one of the very publications for which he had now been prosecuted] and when there was no question of it being an infringement of the right of free speech, but only an unnecessary advertisement of an obscure criminal?¹

Joynson-Hicks declared unequivocally: 'There is the utmost freedom in England to-day - after the prosecution as there was before... These men were not prosecuted for opinions, but for an attempt... to alter the Constitution by violent and unconstitutional means'.²

The Government received, with one exception, strong support from the Conservative ranks who, inevitably, saw the motion in terms of the relations between the Labour and Communist Parties. Gerald Hurst, moving an amendment,³ found it deplorable that the names of MacDonald and other leaders of the Labour Party should be attached to a motion

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1. H.C.Deb., vol.188, col.2172.

2. Ibid., vol.188, cols.2089-90.

3. The motion then read: 'That the action of the Government in initiating the prosecution of certain members of the Communist party is a timely vindication of the duty imposed upon all British Governments to safeguard the State against sedition and mutiny, and to protect His Majesty's subjects from being seduced by irresponsible persons into the commission of crime, and that it is undesirable for the legislature to interfere in the administration of justice' (ibid., vol. 188, col.2125).
which 'simply means truckling to the revolutionaries, whose doctrines they say they reject'.\textsuperscript{1} Sir John Marriott, seconding, believed that MacDonald was being 'prodced from behind to protests of passionate indignation, which we know to be foreign to his own amiable and pacific temper', and Commander Carlyon Bellairs (Kent, Maidstone) saw him, knowing the compulsory powers which the extremists could exercise (as over the Council of Action, the Campbell case, and the Russian Treaties), as tending more and more to play the part of Kerensky.\textsuperscript{2} John Grace (Cheshire, Wirral) laid the blame firmly at the door of the Opposition, regarding it as the root cause of social unrest: the convicted men were entitled to a good deal of sympathy because they had been led to take the course they had by the speeches of the Labour Party for a whole generation.\textsuperscript{3} Captain Peter MacDonald (Isle of Wight) observed that the men had been found guilty by an impartial British jury and wondered, therefore, what one was to think of a party which wasted the time of the House in moving a vote of censure on a Government which had carried out their duty in prosecuting them: 'All I can say is that the opinion of the man in the street is that the Communist Member for North Battersea [Shapurji Saklatvala] is in his spiritual home when he sits on those benches among the Socialist Party'.\textsuperscript{4}

\textsuperscript{1} Ibid., vol.188, col.2131.
\textsuperscript{2} Ibid., vol.188, cols.2132, 2157.
\textsuperscript{3} Ibid., vol.188, col.2147.
\textsuperscript{4} Ibid., vol.188, cols.2163-64.
Lieutenant-Colonel Stanley struck the only discordant Conservative note. While he, too, saw the motion in terms of Labour-Communist relations (he found it difficult to believe that the Labour Party really thought the prosecution a violation of the rights of free speech: 'Was it [the motion] not more in the nature of a gesture? Were not hon. Members opposite a little too cold at Liverpool\(^1\) and a little more than kind now?'), he argued that there was a great deal to be said about the expediency of the prosecution: whether it was worthwhile to invoke the whole machinery of the law against what the Labour Party termed an 'insignificant band', whether the danger represented by the propaganda was a grave one, and whether the action taken would have any effect.\(^2\) The vote was convincingly lost.

Whether the prosecution had indeed had any effect was called into question uncomfortably soon. An Admiralty statement on 16 December 1925 referred to the wide circulation, 'presumably through Communist activity', of certain pamphlets attempting to foment discontent in Royal Naval barracks and on His Majesty's Ships in home waters.\(^3\) Further, Joynson-Hicks was concerned at the increasing output of papers by Communist Party cells in factories, workshops, and pits.\(^4\) These numbered over one

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1. The Labour Party conference had reaffirmed the previous year's ban on Communists as individual members (see above, p. 147, n. 1) and appealed to the trade unions not to send them as delegates to Party conferences.


3. The Times, 17 December 1925.

hundred and their appearance at the beginning of 1925 was the result of the Third International's decision in June 1924 to reorganise national parties on an industrial basis as a preliminary to their 'Bolshevisation', or conversion into mass parties. They were calculated to foment and aggravate unrest and, so far as they were seditious, could be dealt with under the existing law. They normally bore no publisher's name and address, but as they were usually hectographed, the provisions of the Newspapers, Printers, and Reading Rooms Repeal Act, 1869, which was limited to printed documents and passed at a time when methods of multigraphing were unknown, did not apply. The Director of Public Prosecutions suggested the inclusion of a provision dealing with papers of this kind in any legislation concerning Communist activities.

In the light of the successful prosecution and the subsequent Labour wrath, Hogg declared to the reconvened Public Order Committee that any measure would be extremely contentious and that in any case the Government programme of business in the forthcoming session would be very busy. Although he wanted to postpone the introduction of a bill until it was seen how the situation developed, he still maintained that legislation, while not essential, was very desirable. Worthington-Evans, referring to the 'obscene leaflets' which the Communists were circulating amongst sailors, still favoured early legislation. Hogg doubted whether the leaflets were in fact seditious

or whether the authors could be successfully prosecuted even if the law were amended as he had proposed. Cecil forecast strong opposition to making sedition an offence triable by the courts of summary jurisdiction and, as to the leaflets, believed that if the law were strengthened to cover such cases, the Government would indeed be charged with attempting to suppress criticism. The Committee agreed that while it might be desirable to formulate new legislation, no useful purpose would be served by attempting to introduce a bill early in the session and recommended that the situation be reconsidered after the 1926 Easter recess. A measure which, the previous October, had been classified by the Home Affairs Committee in its 'List A1 of Essential Bills', now lost all urgency.

In March 1926, the Committee finally approved a draft Preservation of Public Order Bill. A seditious intention was defined as an intention to bring His Majesty into hatred or contempt; to excite disaffection against His Majesty or either House of Parliament or against the government or Constitution as by law established; to excite His Majesty's subjects to attempt to procure, otherwise than by lawful means, the alteration of any matter by law established; or to promote feelings of ill-will and hostility between different classes of His

2. 22 March 1926 (P.O.C., P.O.(25)11); 24 March 1926 (P.O.C., P.O.(25)4th Conclusions).
Majesty's subjects in such manner as to endanger the peace (clause 2(2)). To intend in good faith to show that His Majesty had been mistaken in any of his counsels, to point out with a view to their reform defects in the government or Constitution, to excite His Majesty's subjects to attempt by lawful means to procure the alteration of any matter, or to point out with a view to their removal any matters as being matters which produced or had a tendency to produce feelings of ill-will and hostility between different classes of His Majesty's subjects,¹ was not seditious (clause 2(2)). The offences included uttering seditious words; directly or indirectly advocating the use of violence for any seditious purpose; publishing, printing (or, to meet Joynson-Hicks's concern about factory papers, otherwise reproducing (clause 4 and schedule)), distributing, selling, or possessing for distribution any document advocating an offence (the possession of more than 3 copies to be evidence of possession for distribution (clause 5(5))); being an official or contributing to the funds of any society one of whose objects was to further any action constituting an offence (this would have placed the Communist Party in jeopardy); attempting or doing any act calculated or likely to cause mutiny, sedition, or disaffection among any of His Majesty's forces; and offering or receiving any money in respect of any action constituting an offence (clause 1). The importation of seditious

¹. See above, p. 252.
documents and money for seditious purposes were also
offences (clause 3). The penalties were, on conviction on
indictment, imprisonment for a term not exceeding 2 years
or to a fine not exceeding £500 or, on summary conviction,
to imprisonment for 3 months (to meet Joynson-Hicks's
opposition to overriding the Summary Jurisdiction Act) or
to a fine of £100; in either case both such imprisonment
and fine could be imposed (clause 5(2)). In compliance,
again, with Joynson-Hicks's view, no prosecution was to be
initiated without the sanction of the Attorney-General or
the Director of Public Prosecutions (clause 5 (2)) and,
consequently, there was to be no power of arrest without
warrant. Joynson-Hicks had, finally, raised the matter of
searches and it was agreed that the question whether they
should be authorised without warrant, where it appeared to
a superintendent of police that the case was one of great
emergency, be raised if and when the introduction of the
bill were considered.

In its report to the Cabinet, the Public Order
Committee, while stressing the need to codify and strengthen
the law relating to sedition on the lines of its draft bill,
acknowledged that 'past experience shows that, except in
moments of national crisis, the passage through Parliament
of proposals for dealing with sedition presents exceptional
difficulties, and there is every reason to believe that
future attempts to legislate would meet with even greater
opposition and obstruction'. It concluded:

The successful issue of the recent prosecution of the Communist leaders has obviated any necessity for immediate legislation to deal with the particular situation out of which that prosecution arose. Any attempts to legislate on this subject must be extremely contentious, and the heavy programme of essential Government business in the present Parliamentary Session renders the passage into law of a Sedition Bill almost impracticable, while the mere introduction of such a Bill might precipitate an industrial crisis. In these circumstances it appears to the Committee that the wisest course would be to postpone consideration of the question of the introduction of any legislation until it is seen how the industrial situation will develop in the near future.

But the Party wanted action. On 21 April 1926, Sir Alan Burgoyne, seconded by Major-General Knox, moved, in a debate which was adjourned, that 'rigorous measures should be taken to suppress the revolutionary propaganda which is being carried on in Great Britain and the Empire, both amongst the civil population and the armed forces of the Crown, by organisations which have for their object the overthrow of the British Constitution'. He blamed the Labour Party for treating Communism as the heart treated human vices: 'They condemn it in public, they cherish it in secret. They prosecute it, but they dare not proceed with its prosecution. They throw it out, but they come back to it again as a dog returns to its vomit'. The law regarding sedition had to be strengthened so as to remove this canker from their midst. Joynson-Hicks attempted reassurance: 'If anybody, inside or outside of

this House, thinks the time has come to challenge the right of the democratic government to maintain law and order in this country, he will find that this democratic Government will not be averse from taking up the challenge'.

There were no further major prosecutions for sedition, although much use was made of regulation 21, passed under the Emergency Powers Act, during the General and coal strikes; this dealt with acts calculated or likely to cause sedition among His Majesty's Forces, the police force, or the civilian population or to impede the supply of essential services. The Cabinet considered prosecution in respect of speeches by A.J. Cook and George Lansbury, but deemed it undesirable to gratify the speakers' wish for martyrdom and did not authorise Hogg to take action.

1. Ibid., vol.194, col.1349. In response to a resolution passed by the Metropolitan Division of the Central Council, Hogg informed the Executive Committee of the National Union on 13 July 1926 that he had drafted, for introduction when the Government thought desirable, a bill to define the law regarding sedition (Executive Minute Book, 1922-30).

2. 10 March 1926 (CAB.23/52, Cab.10(26)11); 18 October 1926 (CAB.23/53, Cab.53(26)1). Concern about seditious activities remained. Worthington-Evans was, successfully, to propose that Communists employed in War Department establishments and in Naval bases in their vicinity who were engaged in disseminating anti-constitutional propaganda should be discharged forthwith and those who merely labelled themselves as such be eliminated as and when opportunity offered ('The Employment of Communists in War Department Establishments', 10 May 1927: CAB.24/186, C.P.120(27); 1 June 1927: CAB.23/55, Cab.35(27)1). Four Seditious and Blasphemous Teaching to Children Bills, aimed principally at Proletarian Sunday Schools (the children's section of the Young Communist League), were introduced during the Parliament, but made little headway.
Communist sedition was also to remain a cause for concern further afield. Birkenhead inquired of Sir Stanley Jackson, who had become Governor of Bengal, whether he was satisfied that the law was sufficiently enforced against the seditious press:

I know the difficulty of getting convictions, and I know that the persons convicted are generally men of straw. But by appearing to ignore seditious writing, we accustom the public to accepting it as something normal, and the transition from that to seditious thought and seditious action is imperceptible and inevitable.¹

The third sub-theme of the theme of propaganda, the subversion emanating directly from Moscow, achieved particular prominence during and immediately after the General Strike.

Joynson-Hicks maintained to the Cabinet that Russia could not be absolved from her share of responsibility for the Strike itself and, basing that part of his case which related to Soviet money largely on 'the most secret information in the possession of the Foreign Office', detailed her moves in that direction over the preceding two years.² In June 1924, the Executive Committee of


2. 'Russian Money', 11 June 1926; CAB.24/180, C.P.236(26). In an open letter that summer to G.W. Barber, his constituency chairman, Joynson-Hicks repeated this analysis of the political events leading up to the Strike, warning 'all lovers of the Constitution' not to think that it was the first and last of its kind (14 August 1926 (The Times, 17 August 1926); reprinted as Communist Plotting; Lessons from the General Strike, N.U.C.U.A., pub.no.2673, 1926). Gorodetsky maintains that the Strike was unforeseen in Moscow (op.cit., pp. 145-59).
the Third International enunciated the methods of preparation for a general strike. In April 1925, the Anglo-Russian Joint Advisory Council was formed and the Executive Committee resolved to encourage the conversion of the General Council of the Trades Union Congress into a directing organ of all the trade unions, which 'despotic powers' the Trades Union Congress duly accorded the General Council that September. In February 1926, a special commission of the Third International reached decisions respecting the organisation of strike committees to revolutionise the trade union movement and of revolutionary activities among civil servants and the armed forces. On 8 March, the Executive Bureau of the Red International formed a special commission to deal with the prospective strike and on 12 March sent the sum of 250,000 roubles (£26,427) to the National Minority Movement. Public statements by the two Internationals calling for international solidarity with the miners were issued during the two months preceding the General Strike. When the Strike began, the All-Union Central Council of Trade Unions asked all Russian trade unionists to contribute a quarter of their daily wage and immediately remitted a first instalment of 250,000 roubles to the Trades Union Congress. Amid uproar, the money was returned on 6 May by the General Council, which wanted to present the Strike purely as an industrial dispute, on the ground that its acceptance would be wilfully misrepresented. On 11 May, under the emergency regulations, Joynson-Hicks forbade the transfer of a second instalment of 2 million roubles.
The Home Office had since discovered, he informed the Cabinet, that on 4 May three cheques each in the sum of £100,000 had been drawn by Arcos on behalf of the Bank for Russian Trade Ltd. on three different banks and paid into the Westminster Bank to the credit of the Co-operative Wholesale Society (Bankers) Ltd. The banks believed, and there was no evidence to the contrary, that the transactions were of an ordinary business nature. Joynson-Hicks, however, concluded that the Bank for Russian Trade was without doubt financing the Strike from its very first day.1

The Conservative Party was much exercised to discover that the restriction on the transfer of 'Russian gold' did not apply to the coal strike.2 A payment in aid of the miners, who, Joynson-Hicks announced, were engaged in a genuine trade dispute, stood on a different footing from one in furtherance of the General Strike and, 'whatever view may be taken of the motives of either the donor or the recipient, the Government do not feel called upon to interfere'.3 Chamberlain himself proclaimed that this money had been 'collected and sent not to help people in distress, but to foment revolution'.4

1. The Soviet Mission had also abused diplomatic privilege by transmitting cypher telegrams to and from Moscow between the C.P.G.B. and the Soviet Government about the supply of funds (Foreign Office memorandum, 'Bolshevik hostility' [n.d.]: F.O.371/11775, N1851/3/38).

2. By the end of the strike, the Miners' Federation had received £1,190,000 from Russia (H.C.Debq, vol.200, col. 1685, 6 December 1926 (Hacking)).


Although the Conservative Party and press, as well as the Foreign Office, were in no doubt that the aid sent in support of the General Strike had both been raised by a compulsory levy and come from Soviet Government and not trade union sources, Chamberlain told the Commons that he was awaiting further information (from the Moscow Embassy) before deciding what, if any, steps to take.\(^1\) Churchill wrote of the deep and widespread feeling in the Party for positive action to counter Bolshevik intrigues\(^2\) and Joynson-Hicks wanted the Cabinet to consider the expulsion of the Mission.\(^3\) The latter, being pressed in the Commons by his own side to prevent Russian contributions to the coal strike and insistently questioned by MacDonald as to whether he maintained that the monies had emanated from the Soviet Government themselves, announced that he had just received an intimation that the Government were satisfied that during the General Strike the Soviet Government had sent of their own funds.\(^4\) Amid a great noise in the Chamber, Godfrey Locker-Lampson had in fact attempted to convey to Joynson-Hicks, standing at the despatch-box, the gist of information from Hodgson that the Commissariat of Finance had, in breach of the undertaking given in the Trade Agreement to refrain from hostile activities, granted special authorisation for the transfer of monies.\(^5\) Himself

1. Ibid., vol.196, col.264, 19 May 1926.
2. To Chamberlain, 8 June 1926: Churchill Papers.
4. H.C.Deb., vol.196, cols.1673-76, 10 June 1926.
opposed to the severance of relations at that moment, Locker-Lampson had hoped to remedy the situation were his own question reached, but he believed the distinction would carry no weight either in the House or with the public. Chamberlain, who had not been inclined to make any protest, was 'horribly embarrassed'¹ and, acting alone, immediately sent a memorandum² to Moscow complaining of the Commissariat's action in aid of 'an illegal and unconstitutional act constituting a serious threat to established order'. The announcement of this protest somewhat pacified the Party, but Chamberlain refused to be drawn on the possibility of more forceful measures.³

The King expressed his anxiety about these remonstrations, believing it would be disastrous were the Government's action to justify a cry from the Socialist Party that they were attempting to stop financial aid to save the miners' women and children from starvation.⁴ This did not dissuade Birkenhead and Churchill from pressing for a severance of relations at a Cabinet on 16 June, the latter complaining that the memorandum to Moscow had presented it with a fait accompli.⁵ Chamberlain circulated a Foreign

1. Minute, 13 June 1926: ibid.
2. A memorandum is a less formal communication than a note verbale, which, in turn, is less formal than a note (Satow's Guide to Diplomatic Practice, 5th ed., ed. Lord Gore-Booth, pp.42-45).
4. Stamfordham to Joynson-Hicks, 14 June 1926, quoted in Nicolson, King George the Fifth: His Life and Reign, p.421.
5. CAB.23/53, Cab.40(26)5; Cecil to Baldwin, 16 June 1926 (Baldwin Papers, vol.12).
Office memorandum which maintained that extreme action would jeopardise the increasing volume of trade and might lead to an intensification of propaganda. Neville Chamberlain recounted that, although Joynson-Hicks had raised the whole question first with fiery memoranda, 'in the end he characteristically collapsed and was strongly in favour of doing nothing! Indeed F.E. and Winston, who both made impassioned speeches of inordinate length & considerable irrelevance... at the end found themselves, to their astonishment & indignation, in a minority of two!'. Agreement was eventually reached on the proposition that the Government would be fully justified in breaking off diplomatic relations with the Soviet Union, in view of its malignant hostility to the Empire, were this to be considered worthwhile. 'So far the Prime Minister & the Cabinet are with me', Austen Chamberlain wrote with some apprehension, 'but Soviet provocation is continuous & may easily become intolerable. I do not know whether it will be possible to forbear indefinitely'. The following day Balfour announced in the Lords that a severance would achieve nothing. The whole of the financial and industrial world, at all events on their side of the Atlantic, was, he said, in a most embarrassed state: 'Nobody can doubt that it is a condition under which it will be the height of rashness, except for a

1. 16 June 1926; CAB.24/180, C.P.250(26).
2. To Hilda, 20 June 1926; Neville Chamberlain Papers, NC 18/1/532.
really serious gain, to introduce a new disturbing element'.

Birkenhead and Churchill displayed their restiveness publicly. The former declared that on an evenly balanced argument it had been decided that since the Russians were already in the country and their methods perfectly understood, they could perhaps do no more mischief than they could elsewhere, but he could not doubt that unless signs of a change were observed, it would be necessary to re-examine the whole question. The latter was sure that it would give a great deal of satisfaction were the Russians thrown out, but cool judgment was required at each stage; he did, however, warn traders that should the Government find it necessary at any moment to expel the Soviet agents, no claims for losses would be entertained by the Treasury. Chamberlain, pronouncing it improper to say whether he had been consulted, accepted full responsibility for his colleagues' speeches and saw nothing inconsistent in those of the Chancellor and himself, but he wrote to Baldwin that Churchill had, of course, not

1. Money from Russia, debate, H.L.Deb., vol.64, col.471, 17 June 1926.

2. Addressing a Conservative fête at Stockwood Park, Luton, 19 June 1926 (The Times, 21 June 1926). Writing to Irwin later in the summer about Afghanistan, Birkenhead advised that their plans ought to be made 'upon the basis that Russia is an absolutely unscrupulous power whom we cannot treat as civilised or in any foreseeable circumstances as potentially benevolent...' (22 July 1926: Halifax Papers, MSS. Eur. C. 152/2).


consulted him and, though he accepted the latter's general thesis, thought the particular words used were unfortunate and such as to suggest that the Cabinet had practically decided to sever relations as soon as possible.¹

A succession of events, beginning with the publication on 24 June of Joynson-Hicks's long-awaited White Paper containing a selection of the documents seized at the time of the arrest of the Communists the previous October, maintained the momentum of the anti-Soviet campaign. The material in the Paper was arranged in five sections concerning: the relation of the Communist Party of Great Britain to the Third and Red Internationals; a connection between a member of the Party and Arcos and the Soviet Trade Delegation; the finances of the Party and the British Bureau of the Red International; the activities of the Party, the National Minority Movement, and the Young Communist League; and the activities of organisations affiliated to the Third International in British Dominions, colonies, and spheres of influence.²

On the day following the publication of the White Paper, Commander Oliver Locker-Lampson, opening an


2. Communist Papers: Documents selected from those obtained on the Arrest of the Communist leaders on the 14th and 21st October 1925: P.P. 1926 Cmd.2682, xiii, 585. One document, little remarked at the time, found not at King Street but in the rooms of Tom Wintringham, assistant editor of the Worker's Weekly, was a letter from Kuusinen in Moscow, dated 10 October 1924, to the Central Committee of the C.P.G.B. containing advice to turn the newspaper into a daily and instructions for the general election very like those in the 'Zinoviev letter', with which it was about contemporaneous (sec.1, no.20).
adjournment debate, maintained that the Government had been returned, with what could not have been a clearer mandate, to clear the Bolshevists out of the country: the time had come to cease making free-born Englishmen the helots of a slave-state. Major-General Knox concurred with this view of the mandate: he wanted Chamberlain to abandon what those who were pure Conservatives considered the Coalition taint and return to the traditional Tory policy. Edmund Wood (Stalybridge and Hyde), making his maiden speech, advocated terminating the Trade Agreement which, while doing nothing to encourage trade, facilitated Communist propaganda: the General Strike having failed to produce a revolution, he expected efforts to capture the trade unions to be redoubled. Sir Philip Richardson condemned the Agreement as one-sided. Sir Frank Nelson, however, who had the previous month returned with the Conservative group from Russia, announced, 'quite impenitently', that he stood quite unrepentant as a strong opponent of any extreme measures such as terminating either the Agreement or diplomatic relations. The latter course would have three results: the jettisoning of all hope of a reasonable settlement of debts and claims; an increase

2. Ibid., vol.197, cols.719-20.
3. Ibid., vol.197, cols.742-43.
4. Ibid., vol.197, col.761.
5. Ibid., vol.197, cols.753-57.
in anti-British propaganda; and, most importantly, the loss of much potential trade. He believed a policy of closer relations was the more likely to make Russia realise the need for a far better code of behaviour. Chamberlain conceded that the terms of the Agreement had not been observed, but argued, as had Balfour, that were it terminated and diplomatic relations severed, a new and disturbing issue would be introduced into not only domestic but also European politics.\(^1\) The House adjourned, without question put, on account of grave disorder caused by Labour backbenchers claiming that the debate had arisen out of the dispute over 'Russian gold' and no mining member had caught the Speaker's eye.\(^2\) Chamberlain fancifully believed there would be a respite: 'I think that our people were fairly satisfied when they saw that we were not duped by Soviet pretences & understand that it was not because we were kind to their doings or tender of their feelings that we refrained from action'.\(^3\)

On 15 July 1926, as the culmination of meetings across the country, a massive demonstration to protest against Soviet interference in British affairs was held at the Royal Albert Hall. The gathering of 7,000 included 80 Conservative members of the Commons, many peers, and representatives of over a dozen organisations, amongst them the Anti-Socialist and anti-Communist Union, the

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1. Ibid., vol.197, cols.770-76.
2. Ibid., vol.197, col.778.
Association of British Creditors of Russia, the British Empire Union, the National Citizens' Union, the National Constitutional Defence League, and the National Free Labour Association. Colonel Grettori (who presided), Sir Hamar Greenwood (a former Liberal who sat as a Constitutionalist), and Commander Locker-Lampson all warned of revolution, the last challenging the Government to take a referendum forthwith: if to each citizen the single subject of the Moscow menace could be referred and the question asked 'Under what flag will you live?', he knew what England's answer would be. Sir Henry Page Croft, seconded by Reginald Mitchell Banks and supported by Havelock Wilson, proposed a resolution, which was enthusiastically carried,


2. The Times, 16 July 1926. The Soviet Government thought that Locker-Lampson ought to be locked up in a madhouse against a relapse into raving lunacy (Izvestiya, 18 July 1926). James Johnston wrote of him:

beneath his apparently cold exterior there is a quiet, slow-burning intensity which soon impresses an audience, and he has a fine, I might say an exquisite, sense of words - that instinct for the appropriate word which shows kinship with the poetical. He has a brooding, reflective nature and a striking capacity for righteous anger

While these qualities gave his speech in the June debate 'quite an unusual distinction',

Later speeches on the same theme were not so dignified, and therefore not so impressive. They showed, instead of his former quiet intensity, a certain fanatical fierceness which betrayed him into the use of language which was truculent rather than burning. That is the natural effect upon a brooding temperament of concentration on one question

(op.cit., p.160).
pledging support for the Government in any steps they might take to deal with the subversive activities of Soviet agents.¹

There was a footnote to the sub-theme of subversion emanating directly from Moscow early the following year. On 18 February 1927, Mitchell Banks moved the second reading of the Foreign Contributions (Interference with Trade and Industries) Bill,² which he had introduced on 11 February with the support of James Cassels, K.C., (Leyton, West), Sir Park Goff, Sir Basil Peto, Lieutenant-Colonel Kenyon Vaughan-Morgan (Fulham, East), Alexander West Russell, and Herbert Williams.³ It prohibited any person or association from inviting, accepting, or using funds from any foreign sources for the furtherance or maintenance of industrial disputes; it provided for a fine of £100 or 12 months' imprisonment. The procedure envisaged would give no powers to any Secretary of State or law officer. While the House, Mitchell Banks asserted, reposed the greatest possible confidence in the Home Secretary, he might be succeeded by someone in whom it had

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¹. Morning Post, 16 July 1926. Locker-Lampson congratulated Page Croft:

I think your speech at the Albert Hall was wonderful, and my wife says she was carried off her feet. Your phrases about the Liberator of Labour, etc., etc., linger on in my memory, and I am only very regretful that I spoke inadvertently so long. I have never made this mistake before, and will, I trust, never make it again

(16 July 1926: Croft Papers, 1/15).

less confidence; and while the Attorney-General might be held to be too vehement in his views on revolution, cases were remembered in which other Attorney-Generals had been held to be too slack. He therefore believed the proper procedure to be that the courts should decide on any prosecution. The bill was based on the principle that the country's quarrels, whether political or industrial, should be its own affair. The prolongation of the coal dispute was due to some extent to foreign subsidies¹ and Chamberlain had stated that the Russian money was sent to foment revolution.² There was the closest parallel between the circumstances of their time and those of the French Revolution and Burke's warning to his contemporaries about the mischief being fomented in Germany and Spain by the revolutionary government was relevant: 'Even England is within the comprehensive scheme of their malignant charity'. Nevertheless, Mitchell Banks feared that the Government's attitude would be no more than one of benevolent neutrality: when the Party pleaded with Chamberlain for action, he behaved like the messenger Humpty Dumpty wanted to send to the little fish. He also feared he addressed himself in vain to some private members on his own side, but appealed with confidence to a good many of his colleagues who agreed

1. Churchill had told the Commons: 'The foreign interference has been the main explanation, or at any rate a chief explanation, of why one peace effort after another has been overturned' (ibid., vol.200, col. 2248, 8 December 1926).

2. See above, p. 268.
that one clearly discernible wish on the part of the electors in 1924 was that Parliament should grapple vigorously with mischief makers at home and abroad.

Peto, seconding, stressed that the bill would also exclude money sent from capitalist sources to prolong a dispute: during the coal stoppage various countries, Russia included, profited enormously by Britain's distress.¹ The other two members who spoke in favour, Goff and Williams, maintained that many in the House owed their election to the Russian menace, and in particular to Russian money entering the country, and that they intended to live up to their pledges.² The Conservative opponents of the bill believed it to be misdirected. Cyril Lloyd argued that those seriously engaged in industry resented political interference: those opposed to conciliation should be suppressed directly and not through some secondary means.³ Lieutenant-Colonel Cuthbert James (Bromley) claimed it discriminated against the poor, weak, and shattered trade unions and, like Lloyd, wanted action to deal with the alien organisations promoting certain political, social, and religious causes.⁴ Sir Patrick Ford (Edinburgh, North) said it would affect legitimate contributions to both workers and employers and thought that responsible trade union leaders had to make it

². Ibid., vol.202, cols.1321-41.
³. Ibid., vol.202, cols.1304-05.
⁴. Ibid., vol.202, col.1316.
clear they were free from the taint of 'ultramontane intervention'.

Duff Cooper thought they might be congratulated on the fact that there were such fools in the world as the Bolshevists who believed they could provoke a revolution in Britain by a few million pounds.

Joynson-Hicks acknowledged that the bill was the result of very intense and growing feeling in the Party and the country against the activities of the agents of another country: it was about the strongest he had ever seen and would have very serious consequences if passed into law. The fairest attitude the Government could take would be to leave the decision entirely to the House: the 'benevolent neutrality' Mitchell Banks had anticipated was not to be. They had to distinguish between legal and illegal trade disputes. The coal stoppage was a genuine trade dispute and he had not felt called upon to interfere with payments: it had always been the contention of their whole parliamentary position that any man might withhold his labour. The General Strike was an illegal action and, under the powers conferred upon himself in a time of peril by the House, he was able to prevent the transmission of monies from abroad in its furtherance. Other objections to the bill were that it applied to foreign countries and not to the Empire; it would be illegal for a poor man on strike to ask a relation in America for a small sum of money; and its provisions were in the hands of the common

1. Ibid., vol.202, cols.1332-33.
2. Ibid., vol.202, col.1356.
informer, for any person, and not merely, for example, a responsible colliery proprietor or the National Federation of Iron and Steel Manufacturers, could go to the court which might order a roving inquiry into the books of the banks.

The Government had announced only a few days previously that a bill dealing with trade unions was about to be introduced. It was, Joynson-Hicks conceded, a measure which would raise very angry feelings in many parts of the country, but they had, as a Government, consistently stated that they were no enemies of the trade unions and were seeking only to improve the position of the latter. He delivered an appeal reminiscent of Baldwin's at the time of the Macquisten bill:

If... we pass this Bill this afternoon, will it not be said, and be said with a great deal of justice, that we have passed a Bill which cuts right at the root of trade unions to strike in an industrial conflict? Give us the powers for which we shall ask the House... and at the right time we shall not shrink from asking the House of Commons to give us such [i.e. further] powers as we need.

The bill was refused a second reading by 183 votes to 75. Among its supporters were numbered, as well as the most vocal critics of Russia, three Parliamentary Private Secretaries: Eden (P.P.S. to Austen Chamberlain; he was the only supporter from the younger Conservatives), Lord Erskine (Somerset, Weston-super-Mare; P.P.S. to Joynson-Hicks), and Captain Alexander Cunningham-Reid (Warrington;

1. Ibid., vol.202, cols.1359-62.
P.P.S. to Wilfrid Ashley; he had angered Party elders in 1923 by criticising their leadership and forming a ginger group called the League of Youth and Liberty (LOYAL), whose message was 'Young Loyalists arise and down the Reds'; it was quickly scotched by the Central Office¹). Of the 183 opponents, only 68 were Conservatives who had responded to Joynson-Hicks's appeal.

The events of the preceding two years having taken their toll, the autumn and winter of 1926 saw the beginning of a final and rapid decline in Anglo-Soviet relations, in which the first sub-theme of subversion emanating from the Soviet Trade Delegation again achieved particular prominence.

The annual conference of the National Union unanimously and enthusiastically carried two resolutions. The first, proposed by Major Kindersley (on behalf of his constituency association) and seconded by Commander Locker-Lampson, protested at the subversive activities of Soviet agents within the British Empire and pledged support for any steps the Government might take to end this menace to freedom and stability.² The second, proposed by Sir William Bull and seconded by T.A. Cook (from North Norfolk), declared that the Trade Agreement, having been breached by such activities, should be terminated forthwith and all Soviet

1. R.J. Ellis, He Walks Alone: the public and private life of Captain Cunningham-Reid, pp. 31-32.
agencies closed down. The following week another mass demonstration, with Locker-Lampson as the chief speaker, was held at the Royal Albert Hall.\(^1\)

On 1 December, Chamberlain again agreed that the Government, if they thought it expedient to do so, would have been justified in severing relations.\(^2\) Following this statement, a petition, organised by Major Archibald Boyd-Carpenter (Coventry) and containing 131 signatures, was delivered to Baldwin requesting him to receive a deputation and suggesting the withdrawal of diplomatic privileges from the Trade Delegation and the refusal to receive a chargé d'affaires to replace Krassin (who had died a fortnight previously, having himself replaced Rakovsky in October) until the Third International ceased to subsidise the British Communist Party and the National Minority Movement.\(^3\) The organisers of the petition had doubtless chosen their moment to coincide with another of Chamberlain's absences in Geneva, but Godfrey Locker-Lampson was much opposed to Baldwin being forced to give way to an agitation as it tended to weaken the Government and, in this case, the Foreign Office as well: it was better to expel Arcos, if it had to be done, in their own manner and time.\(^4\) Baldwin might, he advised, therefore indicate that they were tabulating their evidence for presentation, if necessary, to the Commons and the country and

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1. 15 October 1926 (The Times, 16 October 1926).
3. 7 December 1926; Baldwin Papers, vol.72.
that he would not hesitate to act when he considered it advisable. The Agreement could be denounced before Parliament met again, perhaps in the middle of January, thus avoiding further agitation in the lobbies and denunciation being construed as a surrender. This agitation for expulsion, Locker-Lampson believed, was becoming well-nigh irresistible. ¹ Although Baldwin showed greater sympathy with its views than he had theretofore when he received the deputation on 14 December, he made it clear to the Cabinet that he opposed any precipitate action.²

On 17 January 1927, Chamberlain, responding to the continuing restiveness in the Party, informed the Cabinet that he had instructed his Department to prepare a draft protest to Moscow based exclusively on the published utterances of the Soviet authorities.³ This demanded a cessation of anti-British propaganda and of the advocacy of world revolution by the Soviet Government, Communist Party, and press as a first step towards that improvement in relations which they professed to desire.⁴ Chamberlain rehearsed the customary objections to a breach between the two countries and added a new one.⁵ The events of 1926

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2. 15 December 1926: CAB.23/53, Cab.65(26)3.
3. CAB.23/54, Cab.2(27)1(11).
had left the Labour Party deeply divided: its moderates had become aware of the chasm opening at their feet and knew that they must either beat the extremists at once or they themselves were beaten and control of the Party would pass into Communist hands.

This seems to me to be the biggest issue in domestic politics at the present time. The immediate effect of a Red victory would no doubt be to alarm the country and to strengthen our own Party position, but its ultimate consequences might be disastrous in their effect on the industrial position and life of the nation. We have, in any case, to deal with some very delicate questions in regard to trade disputes and the position of trade unions. I conceive that it would be in the highest degree inexpedient to complicate these issues and to render their settlement more difficult by introducing a distinct political issue drawn from the field of foreign policy and likely to reunite in opposition to us the parties who are now so sharply divided among themselves.

To Balfour, Chamberlain confided his doubts as to whether, assuming the Cabinet decided not to sever relations, the protest would satisfy their more restless followers and whether the information given would impress public opinion with the serious nature of their grievances.¹ At Chamberlain's request, Balfour submitted his own draft (though it was not used) which, without reference to documents, agreed that while the maintenance of diplomatic relations could do little more than diminish the injury their abnormal state inflicted on individuals, it avoided the international anxieties which would inevitably result from their severance.²

¹. 22 January 1927: F.0.800/260.
². 26 January 1927: ibid.
Chamberlain's draft note was not received with uniform approbation by the Cabinet. Birkenhead judged its conclusion so feeble in the context of its massive earlier indictment that it was not worth sending and suggested an ultimatum to the effect that unless the anti-British campaign ceased forthwith, the Government held themselves at liberty to end all diplomatic relations without further negotiation. Steel-Maitland favoured the despatch and publication of the note, particularly since some of the documents quoted were very illuminating of the extent of Bolshevik intrigues in inflaming the Chinese against the British, but concurred with Birkenhead as to the tameness of its conclusion while rejecting the latter's variant because were the Soviet Government to ignore the threat, their own position would be worse than it already was unless they were indeed prepared to sever relations. He suggested that, since it should be the easiest matter to encourage Arkadi Rosengolz, Chargé d'Affaires ad interim, to propose closer relations, the note could take the form of a stern negative to such relations without a commitment respecting those already existing. Churchill maintained that a point would be reached beyond which the Government's perseverance in keeping open a channel of communication would become vain and unworthy: it might be reached by the aggravation of the Soviet Government's evil practices and certainly by

by the serious loss of British life in China.¹ He proposed it be made clear that should a peaceful outcome to the latter dispute be frustrated, relations would be severed. Such a course would give the Soviets the best chance of proving a desire for better relations; propound a practical and prudent policy understandable in Parliament and the country; gain the maximum security against a future evil; postpone an extremely difficult decision; and prepare a foundation upon which, should the worst come to the worst, action would be clear and simple.

While deliberations on the note continued, the agitation was revived. Leslie Urquhart, chairman of Russo-Asiatic Consolidated Ltd. (whose claims against the Soviet Government totalled one-third of all British private claims), circularised the company's shareholders, asking them to urge their M.P.s to support any action designed to achieve the severance of relations with Moscow until a satisfactory settlement had been reached on all outstanding matters.² Postcards in similar terms were addressed directly to every member of the Commons, where the Government were again pressed to adopt a strong line.³ Birkenhead noted:

> Opinion is very strong in the party and in the House of Commons in favour of getting

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rid of [the Bolshevists]. The Foreign Office is most strongly opposed to this course. I should think that by a narrow majority it will for the moment make its view effective. But the Daily Mail has commenced an intensive campaign upon the other side which finds a great echo among the more energetic of our own supporters. I suspect that in the end we shall be kicked into taking this course. If this anticipation is well founded, we had better do it now.  

By the time the Cabinet resumed discussion on

the note in the middle of February, Eyres-Monsell had assured Wilfrid Ashley (who was not in the Cabinet): 'I am always urging the powers that be to kick out the Soviet representatives and shall continue so to do'. A revised draft heeded the reservations which had been expressed

1. To Irwin, 17 February 1927, quoted in Birkenhead, F.E., p.537.

2. 7 February 1927: Ashley Papers, Political II. Ashley, although a Minister, remained chairman of the Anti-Socialist and Anti-Communist Union (founded in 1908 as the Anti-Socialist Union, its Executive Committee included Sir Harry Brittan and Sir Frederic Wise). George Balfour had written to Ashley in praise of the Union's educational and propagandist work:

    There has never been a time in the history of the Country when it was more necessary to impress on the youth of our time the urgent need of preserving those principles of liberty which have maintained for them their heritage as free citizens. The only real way to dissipate the darkness which breeds danger and revolution is to spread the light of truth. An understanding people is essential to the safety of the realm...

(15 September 1925: ibid., Political IV). Godfrey Locker-Lampson was later to inform Ashley that the Foreign Office was inclined to think it better for him, as a Minister, not to accept the invitation of Théodore Aubert, president of the International Entente against the Third International, to join its Permanent Bureau, but it could not go so far as definitely to advise him to refuse: Ashley acceded (13 June 1927: ibid., Political VI).
about the original note. Referring to 'almost unendurable provocations', it warned that there were limits beyond which it was dangerous to drive public opinion in Britain and that 'a continuance of such acts as are here complained of must sooner or later render inevitable the abrogation of the Trade Agreement... and even the severance of ordinary diplomatic relations'. After an inconclusive meeting on 16 February, the Cabinet decided on 18 February to despatch the note which, in Chamberlain's words, had secured the 'approval or acquiescence' of its members. It accepted the latter's argument that discussion on the whole question of relations be deferred, but, while agreeing that no especially significant event comparable to the 'Zinoviev letter' had occurred to justify a severance, concluded that

1. The wording about provocations was Neville Chamberlain's (Feiling, op.cit., p. 154).
2. CAB.23/5, Cab.10(27)3. The Daily Mail, clearly apprised by a member of the Cabinet, had that morning, in a leading article entitled 'Will the Government act at last?', dismissed the arguments in Chamberlain's memorandum of 24 January. As to the claim that a severance would unite the Labour movement, that could be urged against any Conservative measure and was based entirely on narrow considerations of party: 'It neglects the national interests which Baldwin was put in power to defend against those same foreign Bolsheviks'. Neville Chamberlain promised Austen his support in the Cabinet, but warned that his case was 'not an easy one to present in a convincing form and public opinion is daily being stoked up against your views' (17 February 1927: Austen Chamberlain Papers, AC 54/97).
3. CAB.23/54, Cab.12(27)1.
if Russia continued with its policy such a step was almost inevitable within the following few months, particularly if there were bloodshed in China.¹ Litvinov's reply to the Note countered by listing anti-Soviet speeches by British Ministers, but, while declaring that the threat of a breach frightened no-one in Russia, expressed the continued wish to establish normal relations.²

The battles in the Cabinet were beginning to take their toll and Chamberlain complained of having had too much work, anxiety, and contention, the last being the cause of the strain, and of his disappointment at receiving so little support from some of his colleagues who, under pressure from the Daily Mail and the backbenches, swept his informed and considered opinions so lightly aside.³ 'I don't doubt the strength of feeling among a considerable section of the Party', he wrote the Churchill, 'and I recognise that Oliver [Locker-Lampson] with his ability, charm, enthusiasm and organising

1. Percy was one of the strongest opponents of the 'futile expedient' of a breach and, anxious to divert public attention rather towards the Trade Agreement, suggested that it be continued only if satisfactory proof were given by the Soviet Government of their intention fully to observe it (to Chamberlain, 21 February 1927:ibid.). As to the possible termination of Anglo-Soviet trade, Cuñliffe-Lister was not unduly concerned from the departmental point of view ('Probable effect of breach of relations with Russia', 28 January 1927: CAB.24/184, C.P. 27(27)).

2. Note from His Majesty's Government to the Government of the Union of Soviet Socialist Republics respecting the Relations existing between the two Governments, and Note in reply, 23 and 26 February 1927: P.P. 1927 Cmd.2822, xxvi,301.

capacity, together with Rothermere and his press make a formidable combination. But I am foreign minister. I have to think of consequences and to look far beyond the limits of their horizon.¹

The parliamentary alliance predicted by Chamberlain appeared sooner than he expected when MacDonald and Snowden joined Lansbury and Lloyd George in supporting a motion to reduce the Foreign Secretary's salary by £100 moved by the Liberal Sir Archibald Sinclair, who urged him to strive to improve Anglo-Soviet relations.² This coalition was further supported by Boothby, maintaining that while there could be no compromise with the policy of the destruction by any possible means of the British Empire and the Christian religion, the cancellation of the Trade Agreement would lead to an increase in propaganda and a loss of trade and, above all, would have an unsettling effect on world stability.³ Opposition came from Sir Robert Horne, who pronounced the Agreement, of which he had been the architect, an entire failure and believed that if Russia continued to behave as she had before the Note was sent and the Government did nothing, there would be a much greater injury to the cause of peace by the loss of Britain's authority in the councils of the nations than could ever be the case as a consequence of severing relations.⁴

¹. 22 February 1927; Ibid., AC 35/1/19.
³. Ibid., vol.203, cols.657-63.
⁴. Ibid., vol.203, cols.609-16.
While Commander Locker-Lampson welcomed the Note as evidence that at last the Government realised the depth of feeling produced in the country by continued Soviet interference, he was disappointed that its opening brave words degenerated into the feeblest of official bleats; it had drawn an unapologetic rejoinder from Moscow which humiliated Britain further and increased the arguments in favour of a breach.¹ The motion was comfortably defeated, with no defections, by 271 votes to 146.²

On the morning of the debate, Chamberlain had told the Cabinet of highly secret information he had received the previous evening regarding Soviet activities in Britain

1. Ibid., vol.203, cols.644-45.

2. Ibid., vol.203, cols.671-76. The Times declared that 'The Bolshevist leaders have received a clear warning from the British Government and it is for them to justify themselves before Great Britain and before Europe', but the Daily Express (the Beaverbrook press had remained, and continued to remain, aloof from the anti-Soviet campaigns) described the Note as a 'concession to hysterical pressure from the Right' (4 March 1927). Gustav Stresemann, German Foreign Minister, noted after an interview with Chamberlain in Geneva that the latter had told him he had avoided a breach to give the Soviet Government a chance to prove that they were changing their policy:

It that were not the case, then he himself could do nothing to prevent a breach. Such a breach did not mean war, but meant the rupture of diplomatic and trade negotiations. He had already had the greatest trouble to get his way in the Cabinet, and had only escaped a Vote of Censure in parliament by addressing about 200 members of the Conservative Party personally and confidentially...

(6 March 1927, quoted in Gustav Stresemann: His Diaries, Letters and Papers, ed. and translator Eric Sutton, iii, 121). Chamberlain had perhaps exaggerated the danger of the parliamentary situation at that moment so that Germany, who feared isolation, would not blame the British Government were a severance, followed by the formation of an anti-Soviet bloc, to occur.
and it was agreed that Hogg should investigate the evidence for its authenticity.¹ The latter reported on 16 March that it was known from another and trustworthy source that a letter had been addressed by the Third International to the British Communist Party on the date of the information under consideration and action corresponding to that prescribed had been taken by the Party at about the date on which the document would have arrived in the country.² Although Hogg had no doubt as to the authenticity of the information, the evidence was not such as could be produced in a court of law; furthermore, if it were published, at least a week would have to be allowed to enable essential steps to be taken in regard to its source, which would thereafter remain closed (it clearly lay in Moscow). Chamberlain described the general nervousness he had found among foreign statesmen at the recent meeting of the Council of the League in Geneva as a result of the British Note and saw not the smallest sign that were relations severed any country would follow suit. After much acrimonious discussion, the Cabinet, by a majority, decided not to publish the information for the moment and to maintain relations as

¹. CAB.23/90B [Confidential Annexes, 1923-37], Cab.14(27)1(a).
². CAB.23/90B [Confidential Annexes, 1923-37], Cab.17(27)4(a).
they were.¹

There followed a lull until, on 11 May, Worthington-Evans told Joynson-Hicks that Military Intelligence had, two days previously, been informed that a copy of a secret Army signals training pamphlet (of a 'highly confidential character, so marked'²), 'Description of and Instructions for Wireless Telegraph', was seen in January on the premises of Arcos by a British employee.³ For many months the police, in collaboration with the military authorities, had been investigating the activities of a group of secret agents trying to obtain highly confidential documents relating to the armed forces: that it was working for the Soviet Government under instructions from the Trade Delegation was confirmed when, at the beginning of the year, a British subject employed in the Air Force was imprisoned for stealing two such documents.⁴ Joynson-Hicks, after consulting Baldwin and Chamberlain,⁵ obtained a warrant under the Official Secrets Acts, 1911 and 1920, to search for the missing document in Soviet House at 49 Moorgate in the City of London, premises which contained not only Arcos but

1. 'The offence of the Zinoviev letter', Joynson-Hicks wrote, 'had been repeated' (and an event such as the Cabinet had agreed would have justified a severance, narrowly averted): Alexei Rykov, chairman of the Council of People's Commissars, had directed Communists at Naval ports to seduce members of the Forces and prevent the movement of troops and stores to Shanghai ([unsigned] memorandum for Baldwin's statement to Parliament on 24 May 1927 [incorrectly dated '19 February', probably 19 May 1927]: Churchill Papers).


also the Soviet Trade Delegation (the latter and its chairman, the Official Trade Agent, enjoyed immunity from search and arrest (and were entitled to communicate freely by post, telegraph, and wireless telegraphy in cypher) under Articles IV and V of the Trade Agreement).\(^1\) The search of the entire building, conducted by a large armed force of uniformed and Special Branch police which examined safes (pneumatic drills being used to enter concrete strong rooms and oxy-acetylene torches to open the steel doors of large safes) and removed cypher communications, began in the afternoon of 12 May and continued until midnight on 15 May.

On 13 May, Henderson raised the matter in the Commons at Rosengolz's request (their meeting at the House the previous day causing Conservative disquiet\(^2\)), the latter having failed to persuade either the Foreign Office or the police to halt the search, but, despite persistent questioning, Joynson-Hicks maintained that he was not, while the investigation was in progress, able to make any statement as to the 'exact position of the building where the Trade Delegation is'.\(^3\) At the same time, Rosengolz finally obtained an interview with Chamberlain and delivered a Note protesting at the violation of the Trade Agreement.

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1. Although the warrant specified 49 Moorgate as being occupied by Arcos and the Delegation, it is not certain either that Joynson-Hicks intended the latter to be searched (this became unavoidable because of the physical intercommunication between the two sets of offices) or that Baldwin or Chamberlain were aware of its inclusion.

2. Ibid., vol.206, cols.797-98, 13 May 1927.

Chamberlain then met Joynson-Hicks at the Home Office and was somewhat disturbed to discover that the latter had just been informed by Sir Wyndham Childs, who had succeeded Sir Basil Thomson as Head of the Special Branch, that the search did indeed include the offices of the Delegation.¹

An interdepartmental meeting on 16 May, attended by Tyrell, Gregory, and G.R. Warner, Head of the Treaty Department, decided, and this was supported by both Ministers, that the immunity enjoyed by the chairman did not extend to the whole Delegation and, moreover, that any immunity was difficult to observe since, as Joynson-Hicks stated in the Commons later that day, there was 'free-intercommunication throughout the building'.² Johnson-Hicks also announced that the missing document had not been found, but the examination of papers discovered was proceeding.³

1. Home Office memorandum, 13 May 1927: H.O.1141/8403. Childs later bemoaned the fact that he had spent the seven best years of his life fruitlessly trying to induce various governments to allow him to use the full force of the law, or, if it were not adequate, to give him legislation, to strike the one overwhelming and final blow against the Communist organisation:

I speak from surmise and not from knowledge, but during those weary years when Mr. Baldwin's Government held power I must have written countless memoranda and put forward countless proposals. I never received greater support from a Home Secretary than from Sir William Joynson-Hicks, but looking back over that period, I see no mile stones showing progress.

*(Episodes and Reflections*, pp. 209-10).

2. Sir Harold Scott, Principal at the Home Office, memorandum, 16 May 1927: F.0.372/2315, T6727/600/373; parliamentary question, cited above, p. 294, n. 5.

3. Ibid.
A further Note from Moscow threatened, none too effectively, that trade relations were only possible if diplomatic relations were normalised.¹

The missing manual was not recovered. After much consideration in the Foreign Office of the statement Joynson-Hicks proposed to present to Parliament on the result of the search, Gregory concluded that the verdict on the Arcos revelations would be 'either that they add little or nothing to what we know already and so our existing policy will not be affected by them or that they are of such gravity that we cannot consistently allow any Bolsheviks of any kind to remain in our midst'.² Chamberlain shared the Department's belief that the former was the likelier verdict, in which event he would have to bear the awkward diplomatic consequences of the failure of the search and apologize to Moscow. He proposed an alternative statement which, he wrote to Baldwin, would provide a 'complete justification for our action - a justification indeed so complete that the only criticism to be made upon it is that it must almost certainly involve the dismissal of the Soviet Mission'.³ Joynson-Hicks told Baldwin that Chamberlain's draft was, merely a rehash of his own, with no additional fact in it, spattered with Daily Mail adjectives which made it read like one of Quex's Spy novels: 'I do want you to realise that it is

¹. 19 May 1927: F.0.371/12591, N2532/209/38.
². To Chamberlain, 19 May 1927: F.0.800/260.
the Home Office who has been perhaps overcautious'.

On 19 May, a majority of the Cabinet was inclined to accept Chamberlain's version and have done with the matter, but Baldwin, supported in particular by Balfour and Percy, wanted to temporise: a Committee under Cave's chairmanship was appointed to draft a new statement and recommend the future course of Anglo-Soviet relations.

At the next Cabinet on 23 May, however, the conviction, supported by an increasing agitation in the lobbies and the press, that the end of the road had been reached had

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2. Balfour merely wanted to send a further note stating that the Government had

   no desire to sever relations which, though they can hardly be described as relations of mutual confidence and friendship, yet maintain intact the machinery of diplomatic intercourse and facilitate the useful interchange of services between citizens of the two countries... but it is evident [these advantages] cannot be secured while professions at Moscow are so different from deeds in London. Some new methods must therefore be devised... for preventing the sinister combinations of legitimate trade with illegitimate propaganda...

   (to Chamberlain, 20 May 1927: Balfour Papers, Add. MSS. 49736). Percy (who later described the search as 'the sort of blunder which a temperamental Home Secretary is always liable to commit on misleading information, and which it is difficult for the Foreign Secretary or the Prime Minister either to veto in advance or to refuse to support afterwards' (op.cit., p.142, n.2) wanted no more than the expulsion of the Trade Delegation officials and of Rosengolz for having shown himself incapable of controlling his subordinates: the break which would probably follow would come from Moscow (to Chamberlain, 19 May 1927: F.O.800/260).

3. CAB.23/55, Cab.32(27)2. The Committee comprised Birkenhead, Cecil, Chamberlain, Hogg, Joynson-Hicks, and Worthington-Evans.
hardened. The Committee reported that the Soviet Mission's complicity in the propaganda activities or the Trade Delegation 'could not be completely substantiated from the documents seized': this could, clearly, only be done by using secret documents of a class which it was not customary to quote in published statements. But, after Chamberlain announced (not without justification) his satisfaction that the 'ill-effects, if any, on the general European situation [of a severance of diplomatic relations] would now be much less', this latter course, with Baldwin's acquiescence and only two or three dissentients, was finally decided upon.¹ The statement to Parliament, which would be made by the Prime Minister the following day, would be based not only on the new material but also on that previously obtained, particularly Rosengolz's instructions to Mikhail Borodin, Soviet representative in Peking (Chamberlain then indicated which documents, from a large mass of secret information, might be published without injury to the Government's sources). An announcement that evidence had been obtained of espionage by the Soviet Trade Delegation was then issued from Downing Street.²

The search, Baldwin said to the Commons, was the culmination of a long investigation into Soviet military espionage.³ It was clear from information secured, supported

¹. CAB.23/55, Cab.33(27).
². The Times, 24 May 1927.
by documentary evidence, that the missing pamphlet had been conveyed to Soviet House and there reproduced by means of a photostatic apparatus; the subterranean photostat room found answered exactly to the description previously given to the police. The evidence discovered proved that no effective differentiation of rooms or duties was observed as between the members of the Trade Delegation and the employees of Arcos and that both organisations had been involved in anti-British espionage and subversive activities (instructions were found from the Red International to various Communist bodies concerning Communist Seamen's Clubs, the Hands Off China Campaign, and anti-Trade Disputes and Trade Unions Bill agitation). The Soviet Government could not escape responsibility for the actions of the Mission or the Delegation: their attention had on several occasions been drawn to the activities, always denied, of Soviet emissaries in China and Baldwin referred to evidence (not, he admitted, obtained in the Arcos search) of the Mission's recent involvement there.\(^1\) The Government had shown a forbearance probably without parallel. Diplomatic relations when deliberately and systematically abused were themselves a danger to peace and, unless the House expressed its disapproval (Chamberlain had recommended this stipulation\(^2\)), the Trade Agreement

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would be terminated, the withdrawal of the Soviet Mission and Trade Delegation from London required, and the British Mission recalled from Moscow.\(^1\) The following day the Cabinet approved a draft note which accused the Soviet Government of having continued to defy the Trade Agreement by their hostile activities despite the warning of the February Note and gave effect to the measures outlined by Baldwin.\(^2\)

On 26 May, the Commons rejected a motion by J.R. Clynes, deputy leader of the Labour Party, recommending that a select committee should report before the country were committed to a policy which would have serious international consequences and close a promising avenue to the restoration of trade and industry, after Joynson-Hicks had said that until the Labour Party 'realise that Great Britain is not always wrong, and that her enemies are not always right, they never will be able to represent this country'.\(^3\) An amended motion, appreciating the Government's long forbearance and many efforts to maintain friendly relations and applauding their decision to withdraw the diplomatic privileges which had been so gravely abused whilst putting no obstacle in the way of legitimate trading relations, was moved by Gervais Rentoul and seconded by

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1. The legitimate use of Arcos would be unaffected by these decisions and the Government were prepared to make all arrangements necessary for ordinary trade facilities between the two countries.

2. 25 May 1927; CAB.23/55, Cab.34(27)1.

Captain Arthur Hope (Warwickshire, Nuneaton; P.P.S. to Lane-Fox): it was carried as a substantive motion by 346 votes to 98.\textsuperscript{1} The parliamentary alliance which had appeared at the beginning of March proved, at least so far as the Liberals were concerned, short-lived: 8 of them voted for the motion and 27, included Lloyd George and Simon, abstained. The Note was delivered to Rosengolz on 27 May.

\textquote{Pam's objection to a Stockmar at the Royal elbow to influence the views of a young queen, was not stronger than Jix's dislike of the spectacle of a Tomsky advising the Trades Union Congress and of a polyglot bureau in Moscow using every means to foment revolution in Great Britain.}\textsuperscript{2}

Yet the allegation that Joynson-Hicks had planned the search in the hope of precipitating a breach of relations is not proven. Nor is the assumption that it presented the Cabinet with a \textit{fait accompli} which rendered such a step unavoidable: the Cabinet did not even discuss the matter until a full week after the beginning of the search and proceeded to argue for a further five days before reaching a decision, the most crucial evidence then used being that already in the possession of the Foreign Office.\textsuperscript{3}

\begin{itemize}
\item \textsuperscript{1} Ibid., vol.206, cols.2321-26.
\item \textsuperscript{2} H.A. Taylor, \textit{Jix: Viscount Brentford}, p. 235.
\item \textsuperscript{3} It is not necessarily true that the alternative to releasing the most incriminating of the documents found would have been to 'disavow those responsible for the search' or that to have done so would have been 'political suicide' (Harriette Flory, 'The Arcos Ráid and the Rupture of Anglo-Soviet Relations, 1927', \textit{Journal of Contemporary History}, 12(1977), 719).
\end{itemize}
The high drama in Moorgate nonetheless presented those who
had always wanted a severance with the ideal moment and
it was not to be missed. In Birkenhead's words:

at last we have got rid of the Bolsheviks. Personally I am delighted, though I think
we ought to have done so the moment the
General Election was over; and I have been trying to procure such a decision
ever since. I am satisfied that we are absolutely right and shall sustain no
injury of any kind in consequence of this step... and upon the other side we have
sustained immense moral gain. We have got rid of the hypocrisy of pretending
to have friendly relations with this gang
of murderers, revolutionaries and thieves.
I breathe quite differently now that we
have purged our capital of these unclean
and treacherous elements.₁

₁. To Irwin, 26 May 1927, quoted in Birkenhead, F.E., pp. 538-39.
CHAPTER 3

THE REFORM OF THE HOUSE OF LORDS,

TO THE SHELVING OF THE MATTER IN MAY 1929

Constitutionalism, in the eyes of many Conservatives, demanded the Reform of the House of Lords so as to render it a bulwark against Socialism, just as the supporters of the Remonstrance had demanded the restoration of the 'other House' as 'a great security and bulwark to the honest interest ...'.

The nature of the measures sought during the period 1924-29 can be understood in the light of, first, the evolution of the Chamber within the Constitution to that time and, second, the history of the question of its Reform.

As to the evolution of the House of Lords within the Constitution, the settlements of 1660 and 1689 asserted, if not the sovereignty, as even Locke was unwilling to admit, at least the legislative supremacy of Parliament and thereby, it can be argued, the inevitability of the eventual predominance of the House of Commons:

1. The lawyer Thurloe, quoted in C.H. Firth, The Last Years of the Protectorate, 1656-1658, i, 141.

2. The majority of the studies of the period ignore the matter and those which touch upon it fail to grasp its essence (for instance, Mowat, op.cit., p. 346). The words of Professor Crick, dealing with the contemporary Second Chamber, are apposite: 'Confusion is as great as ever about what "reform of the House of Lords" means. Is it to strengthen or to weaken, to improve or to impair the House?' (The Reform of Parliament, 2nd ed., p. 151). As to the history of Reform, it ante-dates by over three-quarters of a century Mr. Bulmer-Thomas's assertion that the 'peers suddenly began to take an interest in reforming their own house...' after Asquith had announced his intention of introducing a Parliament bill in 1910 (op.cit., i, 198).
The sovereignty of Parliament ... found [in the Cabinet] the institutional means through which it could make itself actually effective in the government of the State, and as a consequence, because in truth the sovereignty of Parliament rested upon the ultimate sovereignty of the people, there was a decline in the practical power of the House of Lords as well as of the royal prerogative.¹

This decline was, however, erratic: but power, albeit largely nominal, soon lay with the Commons.

The transference of this power to the Lower House began within thirty years of the Revolution. Walpole, the dominating figure in the government during the first two Georges, was a member of the Commons, recently given an existence independent of that of the King's Ministers by the Septennial Convention (which had also made a seat in the elective branch more attractive to able men), and rendered it 'the recognized centre of legislative and political leadership'.²

By the opening of the reign of George III, the spheres of power and influence had grown more distinct. It has been observed that the nature of the influence of the Upper House over the composition of the Lower was itself a guarantee that the Lords would not, as a body, encroach on the powers of the Commons; but, on the other hand, the great extent of their influence meant that governments were necessarily based on temporary working alliances between groups of Peers, each controlling, to a lesser or greater degree, a group of members of the House of Commons who owed their election wholly or partly to Peers.³

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3. Betty Kemp, King and Commons, 1660-1832, p. 92.
Professor Pares maintains that the spheres were far more distinct and asserts that examples of the patria potestas in politics would give a wholly misleading impression of the relation between the two Houses as institutions. The House of Lords, as a body, was very much the weaker of the two ... [it] was not usually considered to have the same weight as the House of Commons; still less could it stand up to the King or impose its will upon him as the House of Commons was believed, at least by some people, to have the right of doing ...

Yet the House of Lords still retained a most significant measure of influence. Indeed, the triumph of the theory of representation in 1832, watershed that it was, no more than marked the beginning of the final decline in its real power. Professor Birch argues that those such as Gladstone, Morley, Devonshire, and Dicey, who had come by the 1880s to regard the British Constitution as the embodiment of Liberal principles, held an idealized view which took no account of the growth of party management and that the interpretation of the political system given by Maine, Ostrogorski, Low, and Lowell was nearer to the truth. This analysis underestimates both the concern felt by Liberals and Radicals about the Upper House and the importance of the conflict between the House of Lords and the House of Commons in the Victorian period, during which the former commanded great weight in public affairs, particularly when it accurately judged whether, in Salisbury's words, the latter 'does or does not represent the full, the

deliberate, the sustained convictions of the body of the nation.¹

With the veto removed from the Lords in 1911, it would become difficult for unelected men ever again to lay claim to direct power. The House had finally achieved the rôle ordained for it at the Restoration and appeared destined to remain a deliberative and revising Chamber.

Yet, unwilling to accept the course of history, during Baldwin's Administration of 1924 not merely former Die-hards, but a majority of Conservatives, both in the country and in Parliament, saw it as their duty to resurrect the diarchy of Lords and Commons.² They rejected the situation created by the Parliament Act as a return to the brief and unsatisfactory experience of unicameral government during the Commonwealth and the Protectorate and wanted the Conservative leadership to re-establish an

2. It has been suggested that

A large part of the explanation of Conservative behaviour between 1911 and 1914 is that they never were fully reconciled to the position of an opposition without a reserve power ... They resorted to such reckless courses as urging the King to revive his power of veto, threatening to hold up the Annual Army Bill and talk of armed resistance to the government (John P. Mackintosh, The British Cabinet, 3rd ed., pp. 215-16). But they were no more reconciled to this state of affairs when the Party returned to office with an overwhelming majority in 1924 after having held or shared power for most of thirteen years.
'effective Second Chamber' as Cromwell had accepted the reinstatement of the 'other House'. It was their opponents within the Tory Party who would call Burke in their defence and thereby lay claim to the mantle of true Conservatism.

For those proclaiming to defend the Constitution, Reform meant the restoration to the House of Lords of, at least, the powers it possessed on the eve of the Parliament Act in order to render it a last defence against a majority Socialist government. Their aim was no more than hinted at by those who considered themselves politically adroit and Reform was customarily presented merely as a desire for a reconstituted Second Chamber: such a Chamber, none-theless, could the more easily demand greater powers. This reasoning in no way differed from that prevalent in the period after 1832: how, in the words of Canning, 'could the House of Lords, a mere assembly of individuals however privileged, and representing only themselves, presume to counteract the decisions of the delegates of the people?'.

Those who had sought to retain the status of the Second Chamber, had attempted to remodel its composition no less than those who now sought to restore it. The necessity for a more popular House was thus deeply rooted in the Tory mind. After 1832, the importance of Reform had been gradually forced upon the Lords, not only by the requirement of ensuring their very existence, but also by the desire to give their House the authority to continue opposing Liberal and Radical policies; after 1924, they sought this

authority to enable them to oppose Socialist measures. It was therefore of the essence that the Second Chamber retained, if not its Tory majority, at least a conservative character.

As to the history of the question of the Reform of the House of Lords, concern about the future of the Chamber was to be heard before the act of 1832 had reached the statute book. In the words of Sir Robert Inglis:

> Whatever the intentions of the framers, or of the supporters of this measure may be, I am quite sure, that, if carried, it will sweep clean the House of Peers in ten years. It is possible that hereditary titles may not be abolished ... it is possible even, that the House of Lords may have a nominal existence; but its real conservative power, its distinct and independent legislative character, is gone.¹

On the eve of the First Reform Act the membership of the House comprised three elements, all overwhelmingly Tory: the hereditary, of 400 peers (largely the creation of George III and the Younger Pitt with the object of transforming a Whig into a Tory majority); the elective, of 16 Scottish and 28 Irish peers chosen by their own number (the choice was strongly influenced by the government of the day and there was no provision for minority representation); and the official, of 30 bishops (since the appointments were made by the government, though nominally by the Crown, they were of a political nature).

Inglis was unduly pessimistic. The Tory majority in the Upper House exercised its power with caution. It

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¹. Ministerial plan of parliamentary reform, debate, 3 Hansard, vol.11, col.1124, 1 March 1831.
acquiesced in the early measures of the reformed Parliament, but no sooner did the popularity of the Whigs wane, than its courage revived. The Lords justified their opposition to government measures as proof of their independence, but when they later accepted from Tory administrations in a minority in the Commons measures which had been stubbornly resisted in opposition, it looked more like preferring party to principle. They continued, until 1909, to act as the poodle of Conservative leaders in the Commons.

Speaker Abercromby, at the close of the session of 1835, wrote to Melbourne:

Everywhere I find that the House of Lords is a general topic of discussion. Their present safety consists in the absence of any practicable plan capable of being carried out without a violent struggle. In the event they will fall or undergo a great change, but the fear of violence may protract their existence if they will submit to act in accordance with the opinions of the House of Commons... If they do not follow this course, I incline to think that a struggle of some sort on that question would become inevitable.¹

The Lords, however, were unwilling either to undergo change or to submit to the Commons. Before 1868 one major question affecting the composition of the Second Chamber arose: the proposal to strengthen the House in its judicial capacity by the creation of peers for life, of which there had been none for nearly four hundred years. Tory Lords saw in the revival of the practice a threat to their independence: swamping would be a simpler matter were

peerages created for life only. Derby maintained that
the proposal was unconstitutional and that the hereditary
close of the House was the principal guarantee of its
dependence of both the Crown and the Commons.¹ The
Government's defeat over the creation of Baron Wensleydale
was an opportunity lost to inject new blood into the Lords'
ancient body. Much as the Conservatives wished to preserve
the Upper House, it was the Liberals who pioneered most
of the advances.

The First Reform Act had little effect on the
role of the aristocracy in politics. As to the probable
consequences of the Second, Shaftesbury believed that

So long as the other House of Parliament
was elected upon a restricted principle,
I can understand that it would submit
to a check from such a House as this. But
in the presence of this great democratic
power and the advance of this great demo-
ocratic wave ... it passes my comprehen-
sion to understand how an hereditary House like
this can hold its own.²

The more democratic franchise could not, indeed, but place
new emphasis on the responsibility of the Commons to the
electorate and bring into sharper relief the irresponsible
position of the Lords. Hesitant reforming steps were taken.
In 1868, the Lords passed a resolution establishing a
standing order discontinuing the use of proxies and requiring
two days' notice for its suspension.³ In 1869, Earl Grey's

¹. Lord Wensleydale's patent, motion, 3 Hansard, vol.cxl,
cols.364-74, 7 February 1856. Both Bagehot and Mill
advocated life peerages.
². Representation of the People Bill, second reading, ibid.,
vol.clxxxviii, cols. 1925-26, 23 July 1867.
³. Ibid., vol.cxc1, col.560 et seq., 31 March 1868.
bill amending the method of electing representative peers so as to secure a representation of the minority was buried in a select committee.¹ Later that year, Earl Russell's Life Peerages Bill trod more delicate ground: it proposed that the Crown be authorised to create life peers, chosen from those with experience of public service, to the extent of not more than 4 in one year to a maximum of 28 and was rejected by 106 votes to 76.² In 1871, a bill for the suspension of bankrupt peers met with no opposition (such a ruling had prevailed in the Commons since 1812).³ In 1874, another select committee was appointed at Rosebery's instigation to inquire into the method of electing representative peers: its recommendation to increase their number without providing for minority representation won no favour from the Reformers and no action was taken.⁴

The struggle over the Representation of the People Act in 1884, settled by the Lords deciding upon discretion, brought the two Houses into serious conflict. While Gladstone tried to avoid a collision, the Radicals did not. Chamberlain and Harcourt directed their attacks against Salisbury as the author of the crisis; Morley declared it time to 'mend or end' the Lords; and Bright,

1. Ibid., vol.cxcv, vol.1648 et seq., 27 April 1869.
2. Ibid., vol.cxcvii, col.1387 et seq., 8 July 1869. Salisbury had favoured the bill because 'We belong too much to one class, and the consequence is that with respect to a large number of questions we are all too much of one mind' (ibid., vol.cxcv, col.463, 9 April 1869).
3. Ibid., vol.ccv, col.1575 et seq., 24 April 1871.
4. Ibid., vol.ccxxv, col.242 et seq., 21 June 1875.
significantly referring to the powers of the House, urged the abolition or restriction of the Lords' veto. Meanwhile, although Bright's suggestion was to gain favour among Liberals and those Radicals who believed a Second Chamber necessary, Tory Reformers continued to hold that the remedy lay in a modification of its membership. Most of their schemes involved either the extension of the representative principle or the introduction of life peerages or a combination of both (whilst other Tories discussed the crisis over the franchise bill only in terms of the parliamentary conflict).¹

Salisbury's Administrations of 1885 and 1886 disappointed a good many of their supporters by making scant movement towards Reform. A bill, which met little opposition in the Upper House, was passed in 1887 making the Lords of Appeal in Ordinary life peers, thus accomplishing after a delay of thirty years what Palmerston had attempted in 1856. Although this opened the door to significant Reform, nothing happened.

George Curzon, one of the young Tories who thought the time ripe for Reform, warned that it might, if much longer delayed, be imperatively demanded by the people.²


2. 'A Purified British Senate', National Review, xi (1888), 115.
With St. John Brodrick he canvassed the other eldest sons of peers in the Commons on the matter. They discovered 20 in favour of a Reform which would include the introduction of life peers, 2 in favour of some Reform but unwilling to be bound, 1 for abolition, and another merely commented that 'Nothing but a House of Lords willing to ratify the most Radical measure of a most Radical House of Commons would satisfy the present opponents of the Upper Chamber'.1

The Conservative Party, however, was not interested in the matter. In 1888 it defeated, in the Lords, two proposals: Rosebery's motion for a select committee to consider Reform (the innovation in his suggestions was an elective element to be chosen by county boards, large towns, or the House of Commons)2 and the Earl of Dunraven's House of Lords (Constitution) Bill (which included the nomination by the Crown of 2 representatives of the Dissenters and 2 of the Catholics and the reduction of the representation of the Established Church).3 It was not possible to give the latter proposal a second reading because, Salisbury explained, of the 'excessive changes' envisaged and he promised instead 'a cautious and tentative improvement'.4 His House of Lords (Life Peers) Bill, proposing the creation of not more than 5 life peers

2. 3 Hansard, vol.cccxxiii, col.1548 et seq., 19 March 1888.
3. Ibid., vol.cccxxv, col.518 et seq., 26 April 1888.
4. Ibid., vol.cccxxv, cols.556-61.
a year to a maximum of 50, was so cautious as to disappoint the advocates of genuine Reform, yet it was withdrawn because of Conservative opposition in the Commons.

The House of Lords became a major issue during the 1895 election campaign after its rejection of the second Home Rule Bill and its hostility towards the Newcastle Programme. While Rosebery naturally favoured Reform, not only Labouchere and the Radicals, but Harcourt, too, was for abolition along with the Irish Nationalists and the Independent Labour Party. The Conservative victory granted the Lords a reprieve, but no advantage of this was taken to advance the cause of Reform. Although the period from 1832 to 1905 had seen the Lords lose much of their control over the executive and lose their judicial rôle, they retained substantial legislative power. Since the First Reform Act, no Conservative leader would have claimed that the Upper House was justified in opposing the expressed will of the nation; yet while the Liberals held that any measure embodying a policy which had formed a prominent part in the programme of a party returned to power should be accepted by the Lords, the Conservatives (when the Liberals were in office) recognised the doctrine of the mandate in the attenuated form of passing only the two or three major measures of a newly-elected Commons. Within these limits the Upper House was still free to exercise a very wide discretion in amending, delaying, and rejecting measures submitted to it: this power it

1. Ibid., vol. cccxxvii, col. 387 et seq., 18 June 1888.
jeopardized by its treatment of Liberal legislation between 1906 and 1909.

On the morrow of his own electoral defeat at Manchester, Balfour declared, to a Conservative demonstration in Nottingham on 15 January 1906, that it was the bounden duty of each one whom he addressed to do his best to see that 'the great Unionist Party should still control, whether in power or whether in Opposition, the destines of this great Empire'. Presumably to this end, the Lords proceeded to obstruct the Government's measures while at the same time producing further proposals for the Reform of their House in order to stave off the growing threat from without.

Lord Newton's House of Lords (Reform) Bill of 1907 led to the appointment of a select committee under Rosebery, but no action was taken after it had reported the following year. The intention of curbing its veto, announced in the King's Speech on 15 February 1910, was described by the Marquis of Lansdowne as 'a sentence of death upon the House of Lords'. To stay its execution, the Lords proceeded to carry a number of resolutions, which had been introduced by Rosebery, calling for a

3. Report from the select committee on the House of Lords, 2 December 1908: House of Lords Papers 1908 (234), x, 111.
5. Ibid., col.140 et seq., 14 March 1910.
reconstituted Chamber: again, this came to nought. After the breakdown of the conference between the two Parties on the Government's proposals, the dissolution was deferred to permit the presentation in the House of Lords of both the Parliament Bill and Lansdowne's alternative scheme in a bid for support in the coming election. While the Preamble to the former stated that 'it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of a hereditary basis', its provisions dealt only with the restriction of the Lords' powers (money bills could not be delayed and other bills would receive the Royal Assent if passed by the Commons in 3 successive sessions in not less than 2 years) and with the duration of Parliament. The bill had finally constrained the Lords to examine their own powers and they suggested (in addition to the reconstitution of the House) that a joint committee of both Houses, and not the Speaker, should certify money bills and that differences over other bills should be settled by joint sittings, with matters of great gravity being submitted to the electors for decision by referendum. At the eleventh hour, following the endorsement by the people of the Parliament Bill, there were two moves in the Lords to resolve the matter: Lord Balfour of Burleigh's Reference to the People Bill and Lansdowne's House of Lords Reconstitution Bill.

1. Lansdowne's motion on the relations of the two Houses, Ibid., vol.6, col.838 et seq., 23 November 1910.
2. Ibid., vol.7, col.253 et seq., 2 March 1911.
3. Ibid., vol.8, col.215 et seq., 8 May 1911.
Neither made progress: many Conservatives still refused to accept the need for any Reform.

In the period after the passage of the Parliament Act, the Coalition Government made two major attempts both to fulfil its Preamble and to satisfy Conservative unhappiness about the settlement of differences between the Houses. These were unsuccessful because they produced weak compromises unsatisfactory to all sides. An all-party Second Chamber Conference, appointed in 1917 under the chairmanship of the Liberal Viscount Bryce, recommended, as to powers, a joint committee on financial bills and a free conference composed equally of members of both Houses to settle differences between them in respect of other bills: but these were only majority decisions and not binding on the Conference.¹ After all but one of the King's Speeches since these recommendations had promised proposals, resolutions presented in the Lords by the Coalition Government in 1922 were even less well received.²

The majority of the annual conferences of the National Union since 1911 had called both for the reconstitution of the Second Chamber and the repeal of the Parliament Act. Yet, during the 1922 election, Bonar Law declared that the difficulty of achieving a settlement made it unwise to tackle the matter during the first two sessions of a new Parliament.³ According to Bonar Law's

¹ Letter from Viscount Bryce to the Prime Minister: P.P. 1918 Cd. 9038, x, 569.
³ 7 November 1922 (The Times, 8 November 1922).
own stipulation, the short term of his and of Baldwin's succeeding Administrations precluded action.

The advent of the first Labour Government increased Conservative demands for Reform, while the forbearance with which the minority Administration was treated by the House of Lords did not reduce the calls for its abolition by the Labour movement. The Labour Party's position, however, was far from clear. While, at its annual conferences, it regularly demanded the abolition of the House of Lords without referring to the question of the Second Chamber, its programme, 'Labour and the New Social Order', was more explicit in this regard:

The Party stands ... for the complete Abolition of the House of Lords, and for a most strenuous opposition to any machinery for revision of legislation taking the form of a new Second Chamber, whether elected or not, having in it any element of Heredity or Privilege or the control of the House of Commons by any Party or Class.¹

Some among the parliamentary leadership indeed believed a Second Chamber necessary in the Socialist scheme of things. MacDonald argued in 1919 that the aim of Socialism was to place society and government on an industrial basis.² To this end, the task was to

1. Labour Party, 1918.
supplement the territorial and citizen constituency with industrial constituencies: the Second Chamber could be used for this purpose. Dismissing election and nomination to such an institution as contrary to democracy, he advocated a Chamber based on a Soviet franchise (presumably to be composed of those classes deemed as giving service to the community). In 1920, he stressed the importance of the Russian Economic Council to the organisation of the industrial State.\(^1\) J.H. Thomas likewise argued, in the same year, in favour of a Second Chamber. Far from fulfilling any lofty ideals, it would exactly mirror the political representation in the Commons, even to the extent of being dissolved concurrently with it.\(^2\) In 1926, however, MacDonald wrote: 'Our position is that no Second Chamber is necessary ... The idea that a Second Chamber can legitimately delay what it may be pleased to call "hasty legislation" must be rejected'.\(^3\) But the following year, when attacking proposals for Reform, he studiously avoided discussing the principle of a Second Chamber altogether.\(^4\)

\(^{1}\) Parliament and Democracy, p. 56.
\(^{2}\) When Labour Rules, pp. 48-49.
\(^{3}\) Daily Herald, 15 April 1926.
During the period 1924-29, there was much debate, both among Conservatives and their opponents, as to whether the Government had a 'mandate' for the Reform of the House of Lords.

The official Conservative view left no room for equivocation. *Looking Ahead* had declared:

The Unionist Party holds unswervingly to the conviction that the existence of an effective Second Chamber is essential for the purpose of securing the revision of hastily prepared measures and of safeguarding the considered judgment of the people. It recognises that the establishment of an effective Second Chamber means a reconsideration of the composition and powers of the House of Lords in the light of modern conditions.

If that were to be sufficient, and many Conservatives thought it was, the Government certainly had a 'mandate' from the Party in the country.1 The Central Council had reported to the National Union shortly before the election that Socialist plans for a capital levy and the nationalisation of land and industries had not been abandoned:

Their appearance in legislative form is only retarded until more auspicious Parliamentary conditions arise, which will be the day when a Socialist Government, controlled by Communists, has a majority of its own in the House of Commons and when it will find the way made smooth

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1. Sir Robert Sanders was to observe with respect to Reform: '... I think a mandate means not a declaration by the persons who are supposed to seek it, but a declaration by those who send them to Parliament. The Conservative Party have been giving this mandate to their representatives for years past' (ibid., vol.208, col.1330, 6 July 1927).
for it by the Parliament Act ... ¹

Cecil, in proposing a resolution calling for the urgent modification of the powers and composition of the Second Chamber so as to ensure that no far-reaching change in the law or Constitution could be made by the House of Commons alone without the expressed assent of the electorate, stated, more clearly than most Ministers would during the coming Parliament, what the Reformers in fact wanted.² He warned that the next time Labour were in office they were determined it would not be a sham Socialist government: 'It is an intensely serious position... Don't let us drift on. Don't let us trust to muddling through. Our answer to this danger is the celebrated phrase, "Trust the people"'. All they wanted was a real and effective Second Chamber and, Cecil mentioned almost in passing, an alteration in its composition to give it the authority necessary for the


2. Although out of the Commons during the Parliament Bill crisis, Cecil records that whereas he had been against the entry of the House of Lords into the budget fight, he thought it ought to have seen it through (op.cit., p. 31).
discharge of its duty. He concluded:

We must not betray the trust that is laid upon us, but see to it that our Leaders and our representatives in the two Houses of Parliament, when they get the opportunity again, will not allow that opportunity to slip without ... restoring the ancient Constitution.

Seconding the resolution, A. Maconachie (from Hampstead; a member of the Central Council), an untiring campaigner for Reform, referred to the fact that the Speaker of the Commons was, contrary to tradition, to be opposed by the Labour Party at the following election. 'Cannot we see the significance of that', he asked. 'The Socialists know what they are about, even if we don't'. Mrs. Edythe Glanville (a member of the Executive Committee; one of the first women to hold high office in the National Unionist Association), another campaigner of long standing, suggested adding to the resolution: 'and that proposals

1. The attitude of the constituencies towards Reform of the composition, a matter they rarely referred to, was to be most frankly stated at the annual conference in 1927:

There was scarcely a Conservative present who believed that the Second Chamber needed Reform at all... They were talking of Reform of the House of Lords because they could not plead effectively for a restoration of the powers of the Second Chamber as that body was at present constituted

(F.W. Roberts, a member of the 1912 Club: N.U.C.U.A., minutes of the annual conference, Cardiff, 6-7 October 1927). During the first election of 1910 the Party managers had informed Balfour that a drastic Reform of the composition of the Lords would be popular in the constituencies, especially in Scotland; Lansdowne was not enthusiastic (Lord Newton, op.cit., pp. 385-86).

2. The Speaker, then a Liberal, had the duty of certifying money bills under the Parliament Act.
for this purpose shall be given prominence by the leaders of the Party'. Although she maintained that it was not for a party to dictate policy and it was not for a leader to falter in adherence to principles, she insisted that it was up to the rank-and-file to send a message to their leader which could not be ignored. The Earl of Selborne, chairman of the conference, intervened to observe that, if they meant business, he could not see how they would object to this amendment. The leaders of the Party had given no effective leadership in the matter and he urged the representatives to see that their members and candidates for Parliament did not avoid the question. 1 The conference

1. Many, but not a majority, of the Conservative candidates' election addresses referred to Reform. Selborne was to play a leading rôle in the Reform campaign. Forced against his will to enter the Lords in 1895 because of the hereditary principle (see below, p. 339, n. 1 ), he had served in the Cabinet under Salisbury and Balfour. Drawn into the Die-hard revolt by his brothers-in-law, Salisbury's three sons, his 'more tolerant temperament seemed less in place there' (R.C.K. Ensor, England, 1870-1914, p. 429). He remained, however, a Ditcher to the end and was a founder of the Halsbury Club. 'Behind all constitutional changes there will be found, at all times, a practical object', he had observed, with reference to Cromwellian politics, in The State and the Citizen, (p. 14). A treatise on the perils of unicameralism, this work of 1913 commends bicameralism combined with the poll of the people: 'The Referendum is as nearly as possible an absolute cure for misrepresentation' (ibid., p. 172). 'I am the modern Cassandra', Selborne wrote to Salisbury on the eve of the election. 'I only pray that I shall not live to see the destruction of Troy because my infatuated friends refuse to emasculate the wooden horse [the Labour Party]. They are much more foolish than the Trojans because they know exactly what is inside the horse' (16 October 1924: Salisbury Papers, S(4) 110/110). He pleaded, successfully, with Baldwin that the latter should raise Reform before the end of the campaign (21 October 1924: Baldwin Papers, vol. 59).
thereupon adopted the resolution as amended with the unanimity which was to greet most such resolutions at successive conferences.

Baldwin's address to the gathering ignored the matter, however, as did his election address issued the following week, but he raised it in a speech at Perth during the campaign. It was, he said,

a matter of grave doubt whether safeguards in the Parliament Act ... against hasty legislation are sufficient to prevent it being carried behind the backs of the electors, particularly in regard to all Bills which have financial provisions in them... So I think it is our duty to consider, within the framework of the Parliament Act, whether it is practicable to make provision for the machinery of the Second Chamber for preserving the ultimate authority in legislation to the considered judgment of the people and, if it is practicable, the adaptation or amendment of the constitution of the House of Lords would be a necessary condition for carrying this into effect. It is question of very considerable difficulty, but it is one of great importance and if a Unionist Government would have time and power it would receive our attention.1

The King's Speech at the opening of the new Parliament on 9 December 1924 made no reference to the House of Lords, the first of a succession of Speeches to disappoint the Reformers. It was from the Liberal rump in the Commons that the Government were first pressed to honour the promise contained in the Preamble to the Parliament Act. Commander Joseph Kenworthy (whose main concern was the abolition of the Lords and who raised

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1. 26 October 1924 (Glasgow Herald, 27 October 1924).
the matter repeatedly throughout the Parliament, particularly after joining the Labour ranks at the end of 1926) and Rhys Hopkins Morris were told by Austen Chamberlain and Baldwin, on 5 and 16 March 1925 respectively, that the Government were not yet able to make a statement. Although a Conservative, James Grant (Derbyshire, Southern), was given no more satisfaction by Baldwin on 18 March, the Cabinet had in fact that very morning taken the first step along the road to Reform.

Its hand had been forced by Salisbury, the former Die-hard, Cave, not long in the Commons when the constitutional crisis broke, and Lansdowne, its veteran. Salisbury, absent from the Cabinet Room through illness, had written to Baldwin begging that there should be some intimation of the Government's attitude towards Reform before 25 March, when a debate on the subject would begin in the Lords on the motion of the Duke of Sutherland: their supporters in the Upper House would like to know the sort of answer they proposed to make. The Cabinet also had before it an urgent memorandum by Cave. Thus propelled

1. H.C.Deb., vol.181, cols.679, 1845. On 24 February, the Central Council had carried a resolution, proposed by Sir Harry Foster (Portsmouth, Central) and seconded by Sir John Marriott, reaffirming the urgency of dealing with the Second Chamber. An amendment, proposed by Sir William Lane Mitchell and seconded by Sir Philip Stott, calling on the Government to introduce a bill in 1926, was rejected as premature (Council Minute Book, July 1917 to March 1945).


into action, it resolved that Cave should inform Lansdowne that he, Cave, would tell the Lords that the Government fully recognised the importance of the subject and intended to appoint a committee to consider it.¹

In his memorandum Cave had warned that, at a time when the reputation of the House of Lords stood high and there was no popular agitation against it, it was not for Conservatives to make proposals for change: but the answer was clear. The situation resulting from the Parliament Act differed little from single chamber government and it was natural that all those who had the future of the country at heart should desire it to be altered. He noted that if the powers of the Second Chamber were to be strengthened, 'it will apparently be necessary to revise its constitution at the same time'.

Considering, first, the question of powers, Cave observed that it was probably useless to expect that the House of Commons, however constituted, would consent to abandon its paramount control over purely financial bills;² but he found it plainly indefensible that the

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1. Although, at eighty, a bent and frail figure, Lansdowne retained both his fine intellectual power and his authority: 'Whenever he spoke himself, his utterances were listened to with the interest which they had always commanded, and to the end of his days he exercised an influence which was certainly not surpassed by that of any other man in the House' (Lord Newton, op.cit., p. 490).

2. It is an indication of the strength of feeling prevalent that some influential Conservatives in the Commons thought the Second Chamber should indeed have the power to reject money bills (see below, pp. 351-52).
Speaker alone should decide which bills were of that character and endorsed the suggestion of the Bryce Conference of a financial joint committee. As to other bills, he thought the Bryce proposals for a free conference marked an advance in the right direction; but they left untouched the main defect in the existing system, for it would remain within the power of the Commons in the last resort to pass a bill from which the Lords dissented. Cave thought the only satisfactory way of settling differences between the Houses was by means of the referendum. Bryce had rejected it chiefly on the grounds that once introduced it could not be confined to such instances and that it might lower the authority of Parliament. Cave argued that it could be confined to irreconcilable differences and, if so confined, would not be more unjurious to the dignity of Parliament than the spectacle of one House overriding the other.  

1. The referendum had been first advocated by Dicey in 1894 at a time of Irish unrest and given prominence by Balfour during the second election of 1910, when he declared that he would have no objection to submitting tariff reform to a referendum. It was generally accepted that what Dicey called 'the people's veto' would act as a drag upon rash or extreme proposals, but not all were convinced. Austen Chamberlain noted that some of his colleagues seemed to think that *vis inertiae* would necessarily make the referendum a most conservative force. He allowed that that might be so were it possible to insist that an absolute majority of the electorate should be required to carry a bill, but he regarded such a stipulation as in practice impossible and believed that a simple majority of those voting would have to suffice. If this were the case, or even if a two-thirds or three-fifths majority of those voting were required, the result would be the opposite of that hoped for: the effect of the referendum would be to throw increased power into the hands of the extremists of either Party ('Mr. Austen Chamberlain's Memorandum on the referendum, January 23rd 1911', quoted in Sir Charles Petrie, The Life and Letters of the Right Hon. Sir Austen Chamberlain, 1, 391). A few Conservatives opposed the principle of the referendum on constitutional grounds (see below, pp. 362-63; 409, n. 2). Referendum, by Philip Goodhart, does not deal with the matter during the period 1913-30 and the treatment prior to the former date is cursory.
Considering, second, the question of the composition of the Second Chamber, he believed it necessary to come to a decision on general principles before discussing particular schemes. These principles were fourfold. The direct election of the Chamber by popular vote: Cave rejected this because the two Houses would inevitably become rivals. The representation of the hereditary peerage: it would be contrary to tradition to destroy at one stroke a privilege which had, on the whole, been used to the advantage of the nation. The tenure of certain high offices of State to entitle a peer to sit in the Chamber for life: there would be great difficulty in agreeing upon qualifying offices. The inclusion of an element not composed of peers: this would prevent the Labour Party from being inadequately represented, which involved a grave loss, perhaps a danger, to the House and to the country.

Granting these principles, the new Chamber would consist of (in addition to the existing ex officio members¹) two sections: peers representing their order and those appointed from outside. As to the first section, it was generally proposed that it be chosen for each Parliament (as in Scotland), for life (as in Ireland),

¹. All the proposals for the reconstitution of the Second Chamber discussed below, although this is not stated on each occasion, allow for the seating of the peers of the Blood Royal and the Spiritual and Law Lords.
or for a fixed period: if this method were adopted, Cave thought the peers might be elected by districts, thus ensuring the representation of every part of the country. He inclined towards the alternative proposal that peers be selected by the county and county borough councils or by electoral colleges of these bodies, whose members would be acquainted with the qualifications of the peers resident in their districts; the position of the chosen peers would be strengthened because they had the support, and represented the interests, of their neighbours. Cave tentatively suggested 300 of these peers. As to the second section, he favoured nomination by the Crown rather than indirect election: the Sovereign would be empowered to appoint, after each general election, a fixed number of persons for that Parliament. This element should not exceed from 30 to 50, as the appointment of a large number might unduly load the scales in favour of the government of the day.

These proposals, by both providing for a Chamber of a fixed number (thereby ending the prerogative of creating Peers without limit) and transferring the settlement of serious differences to the electorate, would have resulted in an Upper House at least as effective as that existing before 1911. They ensured, furthermore, a Chamber with a permanent Conservative majority. Cave conceded his plan might be thought unduly conservative, but it is founded on the existing Constitution, it would produce an effective Second Chamber, and it is simple and could be easily explained. In framing any scheme it is necessary to bear in mind that the country does
not love sudden and drastic changes and that no change can be made (except under the Parliament Act) without the consent of the House of Lords.

It would be necessary, he concluded, for the Government to take action the following year.

Sutherland duly moved for papers on 25 March 1925 and, reminding them of their pledges, asked the Government whether they would introduce legislation for Reform in the near future, in view of the importance of passing it during the lifetime of the Parliament. While he hoped that whatever scheme was adopted would have been agreed to not solely by a majority of peers but by the three Parties, such a gentlemanly arrangement was by no means necessary for Sutherland:

The Labour Party ... should realise that it is to their interest to assist in a Reform which would make the Second Chamber work more harmoniously in the future with a reasonable and non-revolutionary Labour Government. I believe that with a Labour Government really in power, they would be very glad to have the right to nominate a number of Life Peers to do their work in this House ... If the Labour Party will not assist in this Reform, I believe that the Government must see what can be done to produce a scheme agreed between the Conservative and Liberal Parties alone.

The reformed House must never be a serious rival to the Commons, but it must be strong enough to act as 'a buffer between the State and revolutionary legislation of a spasmodic and fugitive character that is not really desired

by the country'.

Sutherland's wish to see Lords Haldane and Oxford and Asquith working together with Baldwin for the common end was soon to be disappointed. Haldane declared himself firmly in favour of the status quo: the House of Lords was no longer a body irresponsible to public opinion, which was more potent than Kings and even than Parliaments. Although the immobility of the Labour bench, apprehensive of a reformed Chamber, was not shared by Asquith, who wanted the Preamble to the Parliament Act put into effect and indeed appeared to desire an increase in the Lords' powers, he remained sceptical as to the

1. Of his tactics on this occasion, Sutherland has written:

Since previous debates had failed through the uncompromising attitude of individual Peers, I was careful not to make the same mistakes of expressing my own views too dogmatically. Instead, therefore, of making a concrete proposition for reform, I limited myself to proposing that the Government should take up the matter with a view to introducing new legislation and to putting forward a number of ideas as a basis for discussion: ideas which I, in turn, had based very largely upon my private talks with my fellow Peers

(Looking Back, p. 137).

2. Ibid., vol. 60, cols. 699-700. He made it clear later in the debate that this was the attitude of the Labour Party, but that if the Government began to strengthen the House of Lords, it would produce its own policy in the constituencies (ibid., vol. 60, col. 946, 2 April 1925). The Earl of Onslow, Under-Secretary for War, believed that 'the Socialists rather hold us in their hands, because to strengthen the House of Lords we want a strong element of Socialist opinion. I am afraid they know that very well, and if they were offered seats they would not play. I think Haldane gave that away...' (to Salisbury, 14 April 1925: Salisbury Papers, S(4) 117/126).
possibility of reaching agreement (which he assumed to be necessary) in view of the failures of the previous fifteen years.¹

Cave, in his reply, was cautious yet more committal than the Cabinet had been. He was well aware that there existed in the Lords a body of opinion opposed to any action whatsoever: the Government, however, regarded the subject as one of real importance which called for action in due course and were 'not disposed to pass it by, either as ... not deserving serious attention or as ... too thorny for them to embark upon'.² No solution not supported by the government of the day was likely to meet with general acceptance: a Cabinet committee would thus be appointed and it was hoped that in the near future, possibly the following year, proposals might be put before Parliament. Cave stressed two points: the danger of the Parliament Act in the hands of a majority determined on some revolutionary change and (assuming some change had to be made in the composition of the House) the importance of both Chambers recognising the ancient rights of the peerage by allowing it a fair representation, for otherwise

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². Ibid., vol.60, cols.705-09. Cave knew that such a body was also to be found in the Commons. Lord Henry Cavendish-Bentinck, a harbinger of storms ahead, had already suggested leaving things as they were (H.C. Deb., vol.181, col.2257, 18 March 1925).
Reform might meet insuperable difficulties.

The remaining six speakers on this first day of the debate, all of them Conservatives, not only shared Cave's enthusiasm for a stronger Second Chamber, but, even those who realised that in a much diminished Chamber they might not find themselves a place, were keen on an alteration in the composition of their House. It would have been natural, especially for the younger peers who took an interest in parliamentary work, for them to view with the utmost dislike any proposal to render themselves responsible for their own exclusion. Lord Templemore, addressing the House for the first time, expressed this spirit of self-sacrifice: 'proud as I am to be allowed to sit here and much as I should grieve if the day should come on which I was excluded from this House, I value the safety and institutions of this country far more...'.

Birkenhead, opening the resumed debate, no longer appeared as the fiery Die-hard delivering 'damn the consequences' speeches and declaring that the first duty of a Conservative government would be to secure the repeal of the Parliament Act. Indeed, he maintained that it was no longer possible, even with a reconstituted Second Chamber, to interfere with the main purpose of the act: history had moved, years had passed. The alterations


2. Ibid., vol.60, cols.947-59, 2 April 1925. Lansdowne now also expressed whole-hearted opposition to any attempt at repeal (ibid., vol.60, col.965).
he suggested were much less radical than Cave's (who had announced them to the House): while he endorsed the latter's proposal as to money bills, with respect to other bills he reverted to the idea of a free conference on 'which it is obvious the numerical representation of this House would be smaller than that of the House of Commons'.

As to the new Chamber, Birkenhead made both a remarkable attack on the hereditary peerage and presented the lack of Labour representation during a future Socialist government as in itself a convincing reason for Reform. Nothing, he said, had done more to impair the reputation of the House than that about 500 out of 700 peers made no pretence at all of discharging their parliamentary duties. Further, one would not often find 700 men holding office by descent of whom all would bear an unimpeachable character. It did not recommend itself either to common sense or to the conscience of the citizens of the country that

there should be fifteen or twenty men, possibly with a criminal decision against them in the Courts, possibly with a history of bankruptcy, very often with some verdict of a civil court which has unquestionably involved, in the opinion of most people, a moral taint, who, if a grave issue does arise, should be constitutionally entitled to come here and pronounce upon it as legislators.

The sparsity of Socialists in the House had to be remedied unless it were to disappear for ever as a conceivably efficient instrument of government. If mouthpieces of the trade union movement were to sit in the Lords,

It would be an enormous advantage to us that we should meet here and debate on the floor of the House with the men who sway great masses of their countrymen in the constituencies and whose arguments are really the arguments that count.
Birkenhead suggested a new Chamber fixed at around 300 in which there would have been a higher proportion of nominated members than in Cave's: 130 representative peers, 120 to sit by virtue of their offices, and 50 to be nominated.

Salisbury felt certain that the country favoured a more powerful Upper House. The reason was to be found in the dangers of the time. He wanted the will of the people to prevail, whereas the Opposition merely wanted the success of a temporary Socialist majority in the Commons: 'We are really the true democrats'.

Sutherland was given leave to withdraw his motion after he had expressed the hope that the Government, which had shown such enthusiasm, would at last be able to produce something with at least the possibility of success.

Cave had left Parliament for some considerable time under the misapprehension that a Cabinet committee had already been appointed. This did not in fact occur until 17 June, after Baldwin had been peppered with

1. Ibid., vol.60, cols.987-88.
2. Ibid., vol.60, cols.989-90.
3. Baldwin made no attempt to dispel this belief when he stated, in reply to a question as to whether Birkenhead was to chair the committee, that no chairman had yet been appointed (H.C. Deb., vol.182, col.1818, 6 April 1925). He gave it further credence when he answered, asked whether the committee had reached any conclusions, that he was unable to make any statement on the subject (ibid., vol.184, col.1985, 10 June 1925).
4. CAB.23/50, Cab.29(25)2.
questions about Reform on six occasions by members of all parties.¹ He had attempted to ease the insistent pressure by declaring on 15 June, with an air of finality, that the Government's policy would be announced during the lifetime of the Parliament: this answer, he added, contained the literal truth.² Thus was Cave's promise to the Lords put into effect. The House of Lords Reform Committee comprised Birkenhead, Cecil, Churchill, Hoare, Joynson-Hicks, Peel, and Salisbury, with Cave in the chair.³ A preliminary meeting finally took place on 4 August at which it was decided to reconvene in the autumn.⁴

The House of Lords, appropriately, was the first of the two Chambers to appoint a committee to present its own views on Reform to the Cabinet. The annual meeting of the Association of Independent Unionist Peers, the organisation of unofficial members, which took place on

2. Ibid.
3. Cecil was a later addition (21 July 1925: report, proceedings, and memoranda of the House of Lords Reform Committee, CAB.27/302 [hereafter cited as 'H.L.R.C.'], H.L.(25)1). Edward Wood was originally appointed, but ceased to be a member on becoming Viceroy of India on 3 November 1925.
31 March 1925 (between the first and second days of the Reform debate in their House), was inevitably dominated by the matter. It passed a resolution requesting its Advisory Committee to consider the question and report back: a Sub-Committee of the Association under the chairmanship of Lord Sumner was duly appointed. The other members of this Sub-Committee were the Dukes of Buccleuch and Northumberland, the Earls of Midleton, Selborne, and Kintore, and Viscount FitzAlan of Derwent. Midleton, chairman of the Association, and Selborne provided the driving force behind the Lords' campaign, the former confiding to Salisbury: 'even if Sumner is chairman, I feel sure I shall have to take the labouring oar'.

The Hedger and the Ditcher of 1911 now combined to defend their House. Midleton, who had helped gather abstainers in support of Lansdowne, was to write of the crucial vote on the Parliament Bill:

I shall not easily forget the excitement, as we non-voters, present in a body stronger than both sides put together, crowded into every available corner to see the result. It was the only occasion in the fifty-eight years I have spent in Parliament that personal friends cut off all relations with each other for a

1. Report and summary of replies received to memorandum on the Reform of the House of Lords, 16 November 1925: report and other documents of Lord Sumner's Sub-Committee of Unionist peers, H.L.R.C.; H.L.(25)15, document D.

2. 24 April 1925: Salisbury Papers, S(4) 113/79.
Since many peers rarely attended and some never, and when they came to town were occupied otherwise than with political questions, it would not have been easy to obtain a full attendance at meetings or to carry discussions so far as to obtain general assent to definite resolutions. In the light of this, Sumner decided to recommend that the best way of ascertaining the sense of the House would be by endeavouring to consult individually a large part of its members by letter. The Sub-Committee itself had clear

1. Records and Reactions, 1856-1939, p. 275. Midleton and Selborne had indeed been friends of long standing: the former shared the latter's early enthusiasm for Reform and had likewise served in the Cabinet under Salisbury and Balfour. Midleton recounts how, after he (as St. John Brodrick) and Curzon had failed to get any scheme of Reform accepted (see above, pp.313-14), they entered into a solemn agreement in 1891 together with Viscount Wolmer (Selborne) that whoever first succeeded to a peerage would refuse to claim the honour and would continue to sit in the Commons. The trial fell to Wolmer in 1895. Unluckily, Harcourt, Leader of the House, in whom Curzon had confided in the belief that they might receive Radical support, made a bouncing speech at the expense of 'favoured individuals who wanted to get the best of both worlds' and the matter was laughed out of court (Midleton, op.cit., pp. 272-73). Midleton later served on Rosebery's select committee. The remaining members of the Sub-Committee, while none had served in the Cabinet, were mainly very experienced Parliamentarians: Sumner had been appointed a Lord of Appeal in 1913; Buccleuch had sat in the Commons (as the Earl of Dalkeith) from 1895 to 1906, succeeding to the title in 1914; Northumberland succeeded in 1918; Kintore succeeded in 1880 and had twice been a Whip; and FitzAlan had sat in the Commons (as Lord Edmund Talbot) from 1894 to 1921, which included periods as Chief Whip, being created viscount in 1921.

ideas about the points at issue and the methods of their solution and was, by its own admission in its report, seeking agreement with its own views. It believed it improbable that any better, or indeed any other, opportunity would be offered of averting the constitutional dangers to which the Parliament Act gave rise, in particular the precarious position of the House of Lords and of the peerage itself: there was a likelihood that under another government the House would have to choose between submitting to pass measures to which it was wholly opposed and provoking such attacks on itself as might shortly lead to its own extinction.

Such, however, was the nature of the Lords' understanding of the Cabinet's intentions (which had not even been formulated), that the Sub-Committee laboured under the impression that the Government were more interested in the Reform of the composition of the Second Chamber than of its powers. 1 It observed in its report that

1. Sumner wrote of the attitude of the Sub-Committee towards the Cabinet Committee: 'there was not only no hostility but as much friendliness as is consistent with our knowing nothing of the contents of the Bill that is to be' (to Salisbury, 23 August 1925: Salisbury Papers, S(4) 114/111). While there was to be co-operation between the Reformers in both Houses and those in the Cabinet, there was little communication between the former and Baldwin, such as had existed between Lansdowne and Balfour. Midleton, asking Viscount Younger towards the end of the Parliament to intercede on his behalf with Baldwin, explained that 'modern conditions do not lend themselves to conference between the Prime Minister and his supporters unless they are members of the House of Commons. You may perhaps think it something of an anomaly that having been 26 years in the House of Commons and 16 in office and being head of all the party organisations in my own part of the world [Surrey], I have only had an opportunity of five minutes' talk with the Prime Minister in the last two years [see below, p. 381 ], and although I have been head of an association of nearly two hundred peers I have never had the opportunity of explaining to him what very acute feelings are being roused amongst them. I only dwell upon this as it was not the case with any of his predecessors...' (10 August 1928: Baldwin Papers, vol.59).
This Government, at any rate, cannot pass any Bill without the assent of the House of Lords nor can it resort to the Parliament Act for the purpose, but the extent to which a definite stand can be taken by the House is one of extreme nicety and is not susceptible of general discussion. If the Government were strongly desirous of reforming the constitution of the House, they might be willing to concede several reasonable amendments of the Parliament Act in order to induce Peers to submit to the great personal and family sacrifices which Reform entails. If, on the other hand, they were only moderately zealous in the cause, insistence on amendments in the Parliament Act, however moderate and reasonable in themselves, might only lead to the total abandonment of the measure. Obviously the responsibility of choosing a course is very grave under such circumstances.

The Sub-Committee was nonetheless by no means opposed to a reformed composition, indeed, it saw the value to the House itself of such change. A reform of the Second Chamber, in promoting its efficiency and ability to render public service by the limitation of its numbers, by selection confining membership to those willing to attend regularly and qualified to give effective counsel, and by periodic re-election keeping the representative members in contact with public feeling and public needs, might, in Sumner's opinion, be regarded in the long run as an advantage well worth the sacrifices which would be required of the present generation in the interest of the general good.

Three main lines of amendment of the Parliament Act were thought by the Sub-Committee to be reasonable: a restrictive definition of the term 'money bill', the removal from the scope of the Act of measures to alter the powers or composition of the Second Chamber (such bills had been called 'organic' during the constitutional crisis), and
the Chamber to have the power to require an appeal to the electorate.

A general meeting of the Association was held on 1 July 1925 to consider the Sub-Committee's report: it duly adopted this, expressing the opinion that the question of adequate powers for the Upper House was one of great urgency.¹ Accordingly, a confidential circular letter, in the name of the members of the Sub-Committee, was sent later that month to about 300 Conservative peers.² It assured its recipients that

your reply will not be published, nor will an expression of your opinion ... be regarded as a pledge or as fettering in any way your entire freedom of action in the future. Our sole object in writing is to clarify the present position of doubt as to the real mind of the House, in advance of the time when a measure is presented for Second Reading.³

A memorandum accompanying the letter began by warning the peers in no uncertain terms of the drastic measures, never contemplated at the time the Parliament Act was passed, which might be introduced after the following general election, the only alternative to the Conservative Government appearing to be a Socialist one.⁴ The existence

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1. Document D.
2. These comprised the members of the Association and 140 other unofficial peers in receipt of the Conservative whip (conference between the House of Lords Reform Committee and a deputation of Unionist peers, 20 November 1925: H.L.R.C., H.L.(25)16).
3. Letter sent to 300 Unionist peers on the subject of the Reform of the House of Lords, July 1925: H.L.R.C., H.L.(25)15; document B.
of the Monarchy, the peerage, or the House of Lords might be terminated in three sessions and measures which could be cast in the form of money bills, like the nationalisation of land or the railways, might be passed in one. The memorandum proceeded to pose five questions on Reform, giving the Sub-Committee's opinions on the most crucial of these.

The number of replies received was 195. Of these, 184 are suitable for analysis, the remainder being excluded from classification as either expressing inability or unwillingness to give an opinion or as being otherwise not effective for this purpose. The answers were included, in many cases, in very careful and often full letters.

The first question dealt with the powers of the Second Chamber:

Are you in favour of such an amendment of the Parliament Act, as a matter of urgency, as will restore the right of the House of Lords to restrain the summary enactment of measures which affect the Constitution or which the House believes to be gravely inexpedient in themselves and not in accordance with the wishes of the people at large?

The replies were as follows:

Yes . . . . . . . . . . . . . 156
No . . . . . . . . . . . . . 12
No specific answer . . . . . . 16

Those voting in the negative included peers who considered it best to leave matters as they stood, either because they thought the attempt to re-open the question of the Parliament

1. Document D.
Act might unite the other parties against the Conservatives or because they doubted the possibility of securing the full powers they wanted for a Second Chamber and were unwilling to agree to the reconstitution of the House unless this could be achieved.

The second question asked whether any or all of the three lines of amendment proposed by the Sub-Committee were favoured. For the purpose of tabulating the replies, this question has been divided into three parts:

(1) Are you in favour of an amendment of the Parliament Act so that in future nothing except provisions for the ordinary financial service of the year shall be deemed to be money bills unless certified as such both by members of the House of Commons and of the House of Lords, chosen in advance by each House for the purpose?

Yes .................. 123
No ....................... 9
No specific answer ........ 52

(ii) Are you in favour of an amendment of the act so as to remove from its operation any bill to alter the constitution or powers of the House of Lords as they may be left when the proposed Government measure has passed and to require any further measure on that subject to be dealt with in the ordinary constitutional way?

Yes ..................... 94
No ....................... 15
No specific answer ........ 75

(iii) Are you in favour of the third and more far-reaching proposal so to amend the act as to enable the House of Lords to require the interposition of an appeal to the electorate, whether in the form of a specific referendum ... or in the usual constitutional form of a general election?

Tabulating replies in the first instance as to whether they
were in favour of legislation to secure some form of appeal to the electorate:

Yes ............... 124
No ................. 37
No specific answer .... 23

A negative reply did not necessarily mean that the peer was opposed to the possession by the Second Chamber of the power of securing an appeal to the electorate: in several instances the respondent indicated that he considered the restoration to the Lords of pre-Parliament Act powers was not likely to be obtained. An analysis of the affirmative replies gives:

Referendum ............ 72 (1 doubtful)
General election ........ 45
Either form, or not specified 7

The third question asked:

Are you in favour of such Reform in the constitution of the House of Lords as may be reasonably necessary to ensure the passing of a bill to restore to it the powers above-mentioned?

The memorandum had expressed the opinion that:

There can be no doubt that some restoration of the powers of the House of Lords is more urgent and intrinsically more important than actual Reform of the existing constitution of the House. At the same time the probability must be faced that the Government Bill may deal equally with both questions. There is evidence of a widespread public opinion that if powers are to be restored to the House, the consideration for this must be acceptance of some considerable measure of Reform.

It also reiterated the view of the Sub-Committee's report that a Reform of its composition would in itself result in a real increase both in the strength of the House and in its place in public esteem and added that some provision was
necessary for the proper representation in the Second Chamber of a government which possessed a majority in the Commons. The replies were as follows:

Yes . . . . . . . . . . . . 134
No . . . . . . . . . . . . 17
Doubtful . . . . . . . . . 5
No specific answer . . . 28

In one respect, however, the replies to this question are difficult to classify: while the majority of them were in the affirmative, several of these laid stress on the words of limitation, 'reasonably necessary'. A substantial number explicitly agreed with the proposition that the restoration of powers was more urgent and important than the actual Reform of the composition of the House. Although 3 peers considered reconstitution even more urgent than an increase in powers, about a third of the replies leant to the view that full or adequate powers must be secured to the Second Chamber, not a few indicating that these must be known before reconstitution was agreed to. While only 1 peer stated definitely that he would not vote for any bill which did not repeal or drastically amend the Parliament Act, a similar attitude was implicit in a number of the replies. The view was frequently expressed that the existing House was by no means unpopular in the country.

The fourth question, following from the third, asked:

In particular, are you in favour of restricting the representation of the existing Peerage in the House to an adequate proportion of Peers elected by the Peerage itself from its own body?
The words of limitation, 'an adequate proportion', again proved a complicating factor, being variously interpreted as one-fourth, one-third, one-half, two-thirds, and three-quarters. It was nonetheless made very clear by a majority of the respondents that a scheme which either abolished or did not give 'adequate' representation to the hereditary system would be unacceptable.¹

¹ However enthusiastic for Reform, and whatever sacrifice he was willing to perform in its name, no peer would have supported the abolition of the hereditary element. The arguments offered in its defence during this period were well expressed by Sir Arthur Bryant in 1929:

Unlike the Radical, with his dream of equality, the Conservative does not wish to destroy the hereditary conception of Peerage, though he holds that the descent of great privileges must be accompanied by the descent of great obligations. An hereditary, or partly hereditary, House of Lords is in some ways more representative of the ordinary man than an elective House of Commons. The latter, by its nature, must be largely composed of unusually clever and energetic men. Being much more intellectually alert than the electorate it represents, it will sometimes move too fast for the pace of work-a-day England. On such occasions the much derided backwoodsman Peer, the Lord-in-the-street, will represent better than the House of Commons man, the ill expressed, but deeply felt, prejudices of ordinary Englishmen ...

(The Spirit of Conservatism, p. 56). Onslow wrote to Salisbury: 'I firmly believe that as a class there is better stuff in the hereditary Peerage than in any other class in the country and if they have a fair run they will provide one of the strongest defences against revolution, disorder & any other folly that we have; but if to be a Peer is to be excluded from politics you will lose our most promising material' (2 February 1925: Salisbury Papers, S(4) 112/40).
The Conservatives in the Commons followed shortly after the Lords in appointing a committee to present their views on Reform to the Cabinet. The movement started on 6 May 1925 at a dinner at the House of Commons given by Sir Robert Sanders\(^1\) and Sir William Bull. Eleven members who took an interest in the question were present (as was Selborne, who had been closely collaborating with Sanders and Bull) and a number of points, as recorded by Bull, were agreed upon.\(^2\) It was vitally important for the Cabinet and

1. He had been Under-Secretary for War, Minister of Agriculture, and had sat on the Bryce Conference. Had Baldwin offered Sanders a place in his Ministry, the case of those in the Conservative Party in the Commons, while not going by default, would certainly have lacked an ardent spokesman. Sanders, recording that Baldwin had written to express regret that he had not been able to give him a position, blamed his having missed the previous Parliament as spoiling his prospects ('Diary of the late Colonel Sir Robert Sanders', vol.ii: Bayford Papers [hereafter cited as 'diary'], 11 December 1924). Indeed, some time during the week of the formation of the Second Chamber Committee, Eyres-Monsell sounded Sanders as to whether he would be ready to go for the Speakership after John Whitley: James Hope would be moved from the chair of the Committee of Ways and Means and Sanders would take his, Hope's, place. Sanders declared his preparedness to fall in with this proposal, 'though I would rather have a political job...', but it came to nought and he was appointed Chairman of Standing Committees (ibid., 18 May 1925). Nothing, however, could stall Sanders's single-minded pursuit of Reform, let alone a warning from a Liberal not long before the formation of the Second Chamber Committee: 'I saw Hewart [Lord Chief Justice] last night. He said the Govt. might stay in for 20 years if it avoided two questions viz. Protection and the House of Lords' (ibid., 10 February 1925).

2. Sanders, 'Memorandum as to Second Chamber Committee' [n.d., ca. 15 October 1925]: H.L.R.C., H.L.(25)5.
the Conservative Party to consider the amendment (rather than the repeal) of the Parliament Act without undue delay: a joint committee should assist the Speaker in deciding what was a money bill and bills of a certain class should not be subject to the act without the will of the people being ascertained. It was also felt that the composition of the Second Chamber was a matter in the first instance for the peers themselves: indeed, it became the object of these members throughout to concentrate on the question of powers and avoid that of composition, although it was not found possible entirely to dissociate the two.\textsuperscript{1} The participants at this crucial dinner were unanimous that it was necessary to arrive as quickly as possible at the greatest measure of agreement within the Party as a whole and decided to form a powerful general committee of Conservative members and a small executive.\textsuperscript{2}

A great meeting was accordingly held at the Commons a few days later on 12 May to consider the 'urgent question of the position of the House of Lords in relation to the Parliament Act ...'. Sanders and Bull, believing an eminent supporter of Reform from the Lords would further impress the importance of the matter upon the gathering, had invited Selborne, at his own suggestion, to address it.

\textsuperscript{1} Sanders to Hoare, 8 October 1925: ibid. The truth was that Sanders had from the outset been aware of the deep divisions within the Party on the matter of composition and had sought to concentrate on areas where agreement was possible.

\textsuperscript{2} Sanders, memorandum, cited above, p. 348, n. 2.
Selborne spoke of the power of 'a temporary and fanatical majority in the House of Commons to change our Constitution and our fundamental institutions, even if a majority of the electors is opposed, or even vehemently opposed to such changes', warning that the Labour Party 'strenuously object to our present Parliamentary system, not only to the existence of a Second Chamber at all, but especially to the procedure of the House of Commons ... as wholly antiquated, absurd, and obstructive'.\(^1\) Sanders, however, gloomily recorded that the 'meeting showed the hopeless divergence of views on the subject within our own Party. Selborne urges rightly that we ought to concentrate on powers, while allowing that in a Government measure Reform of composition must come in'.\(^2\) The positive result of the meeting was the formation of the Second Chamber Committee of Unionist Members of the House of Commons, which was to number 147 at the time of the 1925 conference of the National Union, and the election of an Executive Committee of 16, composed fairly equally of long standing and recently-elected members, all of whom, with the exception of Noel

\(^1\) Cited above, p. 5.

\(^2\) Diary, 18 May 1925.
Skelton¹ and the Marquis of Hartington,² were keen Reformers.³

A meeting of the Executive Committee on 10 June unanimously recommended:

That in our opinion no Bill rejected by the Second Chamber shall become law without reference to the electorate, provided always that the Second Chamber be reconstituted on a more democratic basis than the existing House of Lords.⁴

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1. Skelton recommended only limited proposals: a Second Chamber comprising 250 hereditary peers and 100 nominated for the duration of a Parliament and a new authority to certify money bills. A more drastic plan, he argued, would precipitate very serious differences of opinion within the Party in the Commons, almost precluding the possibility of agreement. Apart from those opposed to any change, there were four divergent views, all with zealous supporters: the Parliament Act to be repealed; increased powers of delay and rejection to be given to a Second Chamber partly hereditary and partly elective (whether the election be direct or indirect); such powers to be given to an entirely elective Chamber; the referendum to be used, in the view of different supporters, for 'organic' bills, for all other than money bills, and even for money bills, and, according to yet other views, it might or might not be accompanied by a reconstitution of the House. Furthermore, Skelton maintained the Parliament Act had not proved itself a failure (memorandum, 'Proposals for dealing with the question of the House of Lords' [n.d., ca. 1 June 1925]: Bull Papers, part 1).

2. See below, p. 437, n. 2.

3. In addition to Sanders (chairman), Bull (deputy chairmen), Skelton, and Hartington, the Executive comprised Edward Campbell (Camberwell, North-West; secretary), Sir Evelyn Cecil (Birmingham, Aston; he had been a member of the Bryce Conference and written Primogeniture: a short history of its development in various countries and its practical effects, which discussed the political, as well as agricultural and social, advantages of its subject), Captain Charles Craig (Antrim), James Grant, Lieutenant-Colonel Headlam, Sir Robert Horne, Sir John Marriott, Sir Herbert Nield, Sir John Penefather, Basil Peto, Major Samuel Strang Steel (Kent, Ashford), and Lieutenant-Colonel Kenyon Vaughan-Morgan.

Sanders observed: 'it now seems evident that the general opinion is that it is impossible to defend restoration of powers without radical reconstruction'. On 16 July, the General Committee endorsed Sanders's radical opinion that the Executive's recommendation undoubtedly included money bills, since the difficulties of defining them had proved insuperable. This was despite Horne's objection that the complete abrogation of the Parliament Act would alienate any moderate Liberal friends and galvanize that moribund Party into life; he thought the act had not done much harm, but they ought to take away the Speaker's power to certify money bills and make it impossible to amend the Constitution without an appeal to the electors. Sir Harry Foster regretted the remark that the act had not done much harm, declaring that there had never yet been any government which had used their power to the detriment of the people, and Sir Gerald Strickland favoured immediate vigorous action to counter the Socialist menace, demanding a Second Chamber of sufficient power always to compel a dissolution. The recommendation was carried with 26 in favour, 6 against, and 10 abstentions. Two related questions were then raised. The first, remitted from the Executive owing to considerable differences of opinion, asked whether the Committee favoured retaining an hereditary element in a reformed Chamber to which powers of rejection had been entrusted. Captain Robert Bourne, Sir William Davison,

1. Diary, 20 June 1925.
Poster, Horne, Sir William Lane Mitchell, Nield, Strang Steel, and Herbert Williams were among the 23 voting affirmatively, who generally favoured such an element comprising one-third of the Chamber. Colonel Reginald Applin (Middlesex, Enfield), James Grant, Headlam, Geoffrey Peto, and Sir Arthur Shirley Benn were among the 8 voting negatively, Grant asserting that they could only fight for democracy by democratic measures. The second question asked whether, in cases of difference between the Houses which could not be settled by conference, the Committee favoured a referendum. There was no time for further discussion, but 19 voted affirmatively and 5 negatively.

Sanders therefore concluded that, while there was a strong minority who considered that a Second Chamber to which any large powers were entrusted should no longer contain an hereditary element, the Party in the Commons would favour a Chamber with such an element which would have the power, in cases of deadlock between the Houses, to delay all legislation, financial included, until the popular will had been ascertained, the means to be a

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1. The fundamental desire of Constitutionalists, he wrote to Campbell, was that they should have a Second Chamber endowed with powers to arrest hasty or revolutionary proposals passed by the Commons. The successful execution of such powers must rest upon the confidence of the country in the individuals who exercise them: it recognised an anachronism in submitting to the dictation of peers, a privileged class, by whatever process they might be elected or selected ([n.d., probably July 1925] Bull Papers, part ii).
Thus, Conservatives in both Houses accepted the inevitability of change in the composition of the Second Chamber as a corollary to giving it greater powers, though in neither did they wish to see the disappearance of the hereditary peerage. In both, they sought an amendment of the Parliament Act so as to enable the Chamber to demand an appeal to the electorate, preferably in the form of a referendum. The Lords desired to arrogate to themselves greater control over their own destiny by removing from the scope of the act any measure to alter the composition or powers of their House; while the Commons wished to extend the act to enable financial legislation to be delayed or rejected, no peer would have presumed even to attempt to reclaim such powers, Conservatives in the Upper House confining themselves to seeking a stricter definition of the term 'money bill'.

While the Reformers in Parliament assembled their forces, the Party in the country also intended to hold Baldwin to his pledges.

On 30 June 1925, the Central Council of the National Union (meeting, appropriately, at the Hotel Cecil, site of the Halsbury banquet) unanimously carried three resolutions which, while expressing gratification at the prospect of the Cabinet seriously tackling Reform, reaffirmed the

urgency of legislating at the earliest possible moment so as to restore the powers of self-government to the people and to provide security against the further weakening of the Constitution.¹

Selborne and Peto then stressed the importance of educating the electorate on the subject and complained of the lack of up-to-date leaflets. Lieutenant-Colonel Jackson pointed out that a pamphlet entitled *Second Chamber Reform* had recently been issued.² The Council clearly found this relatively lengthy and academic publication neither suitable nor adequate³ and, in September, managed

1. Council Minute Book, July 1917 to March 1945. These resolutions were proposed and seconded by Maconachie and Bull; Basil Peto and Mrs. Glanville; and Nield and Williams and Selborne and Mrs. Glanville.

2. Baldwin's chief Party appointees, Jackson, his successor Davidson, and Eyres-Monsell, took care to give no encouragement to the Reform cause. 'I do not doubt', Selborne complained about Jackson the following year, 'but that he takes this line because he thinks that is what Baldwin wishes'. Their efforts to excite interest in the constituencies were terribly handicapped by this attitude, with the result that when Baldwin did produce a scheme, the electors would not know what he was talking about; while they could not expect the Central Office to support any particular plan in advance of that, the country should be taught the bare facts of the case (to Bull, 10 April 1926: Bull Papers, part ii). 'The Socialists and Radicals', he warned, 'would stop at no misrepresentation to prevent the electors appreciating the fact that the real question at issue was an attempt to restore to them the control of their own fate and the destinies of England' (to Bull, 10 March 1926: ibid.). The Executive of the Second Chamber Committee had, shortly before the Council meeting, appointed the St. Stephen's Intelligence Bureau as press agents to mount a 'Lords Agitation' (22 June 1925: ibid., part i).

to secure the publication of four 4-page leaflets for mass circulation.¹ These campaigned, in the manner of the constitutional crisis, for the rights of both the peers and the people.² 

Restore the People's Rights! asked:

Why should any Party be against our country having a real Second Chamber to see that in doubtful cases the People were consulted, unless it wishes to pass laws which it does not think the People would agree to if they were directly asked?³

A People's Question declared:

Second Chamber Reform is not a question of privileges for the Peers. It is a People's question. It is not whether this Lord or that Lord shall have a seat in the Second Chamber. It is whether a temporary and even small majority in the House of Commons shall have the power of passing the most revolutionary laws without the direct assent of the People and perhaps against their will.⁴

Our Single Chamber Constitution warned:

Bills to set up a Republic; replace the House of Commons by Soviets or Councils of Action; abolish our popular franchise, our personal liberty, our freedom of the Press

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1. The view of Selborne and Peto had in the meantime been endorsed by the Executive Committee of the St. George's (Westminster) Conservative Association, which declared, in a resolution submitted to the Executive Committee of the National Union, that it 'will await instructions from the Central Office, which will doubtless be issued in due course with suitable literature for house-to-house distribution, upon receipt of which the necessary action will be taken' (14 July 1925: Executive Minute Book, 1922-30).

2. The 4 leaflets of 1925 compared with the number of those on the House of Lords previously issued as follows: 1907:5, 1908:1, 1909:9, 1910:3, 1911:8, 1912:1, 1914:2, and 1920:1.


4. Ibid., pub. no. 2598, 1925.
or the practice of religion, can become law under [the Parliament Act]—even by a majority of one M.P.'s vote. ¹

Mr. Asquith's Pledges accused Asquith of having done nothing to carry out the two pledges he gave the country when the Parliament Act was being debated:

1. He said that "the Liberal Government regard themselves as bound not only in honour, but by the strict letter of their pledges" to form an effective Second Chamber (April 3rd 1911).

2. He also said that the formation of this Second Chamber was a matter which "does not brook delay" (March 29th 1910).²

Asquith, however, was referring only to the composition and not to the powers of the Chamber.³

On 6 October 1925, shortly before its annual conference, Baldwin received a deputation from the National Union. Led by Selborne, it comprised Peto, Maconachie, and Mrs. Glanville.⁴ The statement it presented stressed at the outset that the National Union did not believe any Second Chamber could curb a democracy or prevent a revolution if that was what the people really desired.⁵ It was, however,

¹. Ibid., pub. no. 2599, 1925.
². Ibid., pub. no. 2600, 1925.
³. Attempts by Selborne the following year to have further propaganda published were sabotaged by Jackson (13 April, 8 June 1926: Executive Minute Book, 1922-30).
⁴. The deputation stemmed from a request contained in Peto's resolution in the Central Council on 30 June 1925. Jackson had attempted to frustrate the meeting (Selborne to Jackson, 8 August 1925: Baldwin Papers, vol.68).
⁵. Statement of the deputation of the Executive Committee, Council, and Conference of the National Unionist and Conservative Association [the title had in fact been changed the previous year to the N.U.C.U.A.] to the Prime Minister: CAB.24/179, C.P.105(26).
a grotesque travesty of democracy that such revolutionary changes as the Labour Party proposed should be able to take place, although the majority of the electors might be wholly opposed to them, if the Conservative Government were to fall through some chance of political warfare. A Socialist government's first step, the deputation believed, would be the re-enactment, under the Parliament Act, of the Defence of the Realm Act in a permanent form. This would enable the Commons to pass resolutions (in favour, for instance, of the nationalisation of the banks and land or of a republic) which would be given effect to by Orders-in-Council: the details of these Orders would be settled by Cabinet committees assisted by 'experts' from Eccleston Square. Thus, not only would the Lords be ignored, but all control over the details of legislation removed from the Commons. In the three years of the life of the Socialist majority remaining after the re-enactment of this legislation in the first two, its whole policy could be put on the statute book and the dissolution take place without the ill-effects having made themselves fully manifest. The deputation maintained that the scenario it foresaw was entirely in accordance with the methods adopted by the Labour Party and the Trades Union Congress in managing their own internal affairs and with the Russian methods so much admired by British Socialists: indeed, although the Party itself had been careful not to disclose its plan of campaign, prominent members of it had repeatedly stated that the forms of procedure of the House of Commons were obstructive, absurd, antiquated, and fatal to the realis-
ation of their programme and that they would sweep them away when in office. Baldwin was left with a call to action:

we appeal to you to repeat [the words of the Perth pledge] and develop them to the people of England and to give the lead on the subject to your followers which they are looking for and which they sorely need.

The Reform resolution at the annual conference was proposed by Peto and supported by several members of the Executive of the Second Chamber Committee and of Sumner's Sub-Committee.¹ This, he said, put the amendment of the Parliament Act first because it was a vital matter on which democracy depended; the exact composition of the safeguarding body was necessarily a minor consideration. Seconding the resolution, Maconachie warned that they might conceivably have a Socialist government in power after the next election and that was what they had to provide against:

there were two great issues at stake, the first being the safety of the Realm (applause) and the other the honour of the Conservative Party (hear, hear), for the Conservative Party was the only watchdog of the Constitution, and if by any chance the Conservative Party should fail in its duty – as he prayed it would not – to restore the Constitution to what it should be, then to whom were they to look for salvation?

¹. N.U.C.U.A., minutes of the annual conference, Brighton, 8-9 October 1925. The supporters were: Bull, Campbell, Cecil, Horne, Nield, Pennefather, Sanders, Strang Steel, Vaughan-Morgan, and Selborne; Sir Cooper Rawson joined them. A resolution in the name of Dr. J. Busfield (from the Enfield Division Conservative and Constitutional Association; a member of the Central Council) was withdrawn: 'That this Conference requests the Government to proceed at once with the Reform of the House of Lords on a Democratic Basis'.
Baldwin's address to the conference signified a clear advance on his statement of the previous June:¹ not only was the Cabinet now considering the matter and going to put proposals forward, but this was an issue on which the Party was obliged to act and 'we hope, before the close of the present Parliament, to introduce a scheme to give effect to it ...'.

Before receiving emissaries from the Lords and the Commons, at the end of November and the beginning of December 1925 respectively, the Cabinet Committee reached certain conclusions with respect to Cave's memorandum. This was only achieved after prolonged argument, particularly about the composition of a new Second Chamber, and while the members of the Committee were unanimous in seeking a strengthened House, differences as to tactics persisted.

Dealing with powers, agreement was soon reached on the principle of a financial joint committee.² Difficulty arose, however, over Salisbury's attempt to introduce a more restrictive definition of the term 'money bill': the joint committee should be instructed to consider not only the professed objects but also the underlying purpose and probable effects of such a bill in order to determine its character and to report which, if any, of its clauses were strictly financial. In a memorandum, he drew attention to

2. 16 October 1925: H.L.R.C., H.L.(25)2nd Conclusions.
the precedents set by three acts which had been treated as money bills.\footnote{1} The Elementary Education Grant Act, 1916, provided for the raising, under certain conditions, of the age of children in respect of whom a fee grant was payable. It was evident, Salisbury maintained, that the real purpose of the measure was not to defray a charge payable by the taxpayer, but to take a further step along the path of free education. If, he argued, a Socialist government thought it well to make secondary, or even university, education free, the necessary legislation would follow this example and be certified; but there was nothing special about the subject of education in this connexion and free food and free everything else could be enacted without the consent of the Second Chamber. The Disabled Men (Facilities for Employment) Act, 1919, was in form financial (the indemnification of employers incurring liability to compensation for injury to ex-soldiers), but its real object was to promote the employment of ex-servicemen. The extension of such a precedent was limitless: for instance, a bill to indemnify Communists against fines imposed by courts of law would be certified. Lastly, the Safeguarding of Industries Act, 1921, though in form depending upon the imposition of a customs duty, had as its object the provision of employment. On this principle, the nationalisation of land or industry could be carried by a land tax or excise duty, under the shield of a certificate, by a casual majority.

\footnote{1} 'Definition of a Money Bill', 2 November 1925: H.L.R.C., H.L.(25)9.
in the Commons.

Salisbury's new formula was coolly received by the Committee, only Cecil supporting it.\(^1\) Cave, warning against overloading any scheme of Reform, led the opposition to it.\(^2\) Churchill feared that substantial amendment of the Parliament Act would unite the parties of the left on the pretext that the Second Chamber was endeavouring to exercise rights over finance.\(^3\) Hoare believed the best course would be to rely on the judgment of the joint committee. A clause proposed by Cave asking that the committee 'shall henceforth have regard not only to the form but to the substance of the Bill' was adopted, after the word 'henceforth' had been inserted at Birkenhead's suggestion in order to meet Salisbury's point.\(^4\)

As to bills other than money bills, the Committee favoured the referendum.\(^5\) The only dissenting voice,

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2. 4 November 1925: H.L.R.C., H.L.(25)3rd Conclusions. He and Salisbury, nonetheless, were the driving force on the Committee. After the latter had replaced Curzon as Leader in the Lords the previous March, 'his relations with Cave, already intimate, were drawn still closer. Their confidence in each other and their co-operation in the years which followed were complete' (Sir Charles Mallet, Lord Cave: a memoir, pp. 275-76).
3. 3rd Conclusions.
4. \(^4\)th Conclusions. This was a somewhat vaguer formula than the alternative draft clause Cave had himself earlier circulated ('Memorandum by the Lord Chancellor', 9 November 1925: H.L.R.C., H.L.(25)10).
5. 2nd Conclusions.
though stilled in deference to the general feeling, was Birkenhead's: he doubted the desirability of introducing into the Constitution so novel an expedient, 'wholly alien to English habit and conception', which might well prove a two-edged weapon.¹

Dealing with the complexities of the composition of a new Second Chamber, it immediately became apparent that while the Committee largely accepted Cave's general principles (indirect election, the representation of the hereditary peerage, the undesirability of the tenure of certain offices ensuring a seat in the Chamber, and the inclusion of an element not composed of peers), his detailed proposals would generate much controversy (a fixed Chamber comprising 300 representative peers, preferably selected by the county and county borough councils or by electoral colleges of these bodies, and from 30 to 50 persons nominated by the Crown).²

The question immediately arose as to whether Cave's Chamber would give the Labour Party an appropriate voice, but the Committee was caught on the horns of a dilemma of Tory making. The Upper House would inevitably have remained predominantly Conservative if not selected by direct election; yet such a House was wanted, although the Committee

¹. Birkenhead's objection was consistent with his statement in the House of Lords Reform debate (see above, pp. 334-35). In the debates on the Coalition Government's Reform resolutions in 1922, he had maintained that the referendum was an absolute necessity.

². 3rd Conclusions.
was too coy to admit this even to itself and it could from the outset dismiss the concept of direct election as incompatible with the nature of a Second Chamber. While Churchill claimed that he merely sought to preserve a House with 'a conservative (with a small "c") character', only Birkenhead went so far as openly to acknowledge that the complexion of the proposed Chamber would be overwhelmingly Conservative and to accept the consequences of this.2

To meet the objections, Cave prepared a radically revised plan. It likewise envisaged a Chamber comprising two sections: one would be chosen by electoral colleges composed of the local peers, members of the Commons, and representatives of the councils and the other would be nominated.3 Of those selected by the colleges, initially not less than two-thirds and subsequently not less than one-half would be peers; the nominated element would contain those who had rendered conspicuous service to the nation and not more than four would be appointed in any one year.

1. See below, pp. 368-69.

2. See below, p. 375. Salisbury was later to declare publicly that 'a Second Chamber ought to be on the whole Conservative ... but that does not mean, of course, that the House ought not to contain representations of the other Parties in a far greater proportion than it does at this moment' (House of Lords Reform, Clarendon's motion, H,L,Deb., vol.72, col.641, 13 December 1928).

Peel, Salisbury, and Churchill expounded their views in memoranda to the Committee.

Peel noted that a non-hereditary element was necessary because the hereditary element would not give the Labour Party due representation. He was not dogmatic as to which element should predominate in numbers, although he later believed that, in order to make as little break as possible with the past and secure a passage for the Reform bill through the House of Lords, a fixed proportion of the new Chamber should be chosen from among the peers. Both elements should be chosen in the same way (by county and county borough councils) so as to give them the same weight of popular authority: 'let them both enter Heaven by the same gate'.

Salisbury, while recognising that in order to obtain greater authority the members of the Second Chamber needed some sanction other than the mere possession of a peerage, found it desirable to maintain tradition for its own sake as well as in the interests of Party principle and parliamentary tactics. He favoured a candidates' panel


consisting of the peerage and the Commons: the latter element would be neither artificial nor complicated and must ex hypothesi include a sufficiency of all parties. As to the method of election, he was prepared to accept either Cave's or Peel's proposal. The former plan was conservative and would have been very attractive to Salisbury had there been no question of a panel: he was not sure it would be altogether appropriate for a Second Chamber drawn from peers and members of the Commons to be selected by constituent bodies of which they formed a large part. He did not exclude the possibility of a few nominated members.

Churchill, a progenitor of the Parliament Act turned advocate of the referendum, placed Constitutionalism above the interests of party. ¹ There were millions of people outside the Conservative Party who wished to be protected against sudden, violent, and irreparable changes in the structure of the State and society who would not be prepared to entrust this protection to the leaders at any given period of that Party. ² If so great a power as that

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¹ In 1922, as a member of the Cabinet Committee which prepared the Reform resolutions, he had referred approvingly to 'the immense delaying power of the Parliament Act' and, in a message to the Dundee Liberals during the election later in the year, had shared the fear of Asquith and Lloyd George lest the legislative supremacy of the unreformed House of Lords be re-established ("House of Lords Reform", 21 June 1922: CAB.24/137, C.P.4052; The Times, 28 October 1922).

of initiating a referendum were assumed by the Upper House, Churchill demanded that it be placed upon a national and not a party basis and be so clothed with representative authority and animated by public will as to be above sectional partisanship. For otherwise it would be said:

No sooner have you extended the franchise than you seek to take away with one hand what you have given with the other. While everyone is urging the Socialist masses to proceed by the Constitutional path rather than by direct action ... you are introducing a Constitutional change the object of which is to prevent the Labour Party from even having an equal opportunity of governing the country. A Labour government might have every one of its important measures sent to a direct vote of the people, while the Conservative government could pass legislation abolishing all the privileges of trade unions, or introducing conscription, or limiting the franchise, with the certainty that it would pass immediately into law.

Yet there was a fatal flaw in Churchill's argument. He regarded 'effectual resistance to Socialism - revolutionary or evolutionary - as a prime duty for those who wish to preserve the greatness of Britain' and believed 'we shall be safe only as long as we march along the high road of fair play to all parties'.¹ Because of his opposition to evolutionary, as well as revolutionary, Socialism, 'fair play to all parties' did not preclude the Second Chamber from being (as he had for some time advocated), 'as it ought to be, in the future as in the past, an overwhelmingly anti-Socialist body'.²

¹. Author's emphasis.
Churchill proposed the Commons as the instrument most appropriate, direct election being excluded, for choosing a Second Chamber based upon the national will. Opposition to this idea had already been voiced by his colleagues on the ground that little dignity or authority would attach to a body selected by members of that very House whose excesses or vagaries it would be supposed to check.\(^1\) Churchill could nonetheless not understand why it should be thought derogatory to the Chamber to be chosen by the representatives of twenty million electors, still less could he understand the argument when it was propounded by those who favoured the peerage dancing attendance upon the various local bodies. The choice was to operate mainly within the limits of the peerage, though not entirely on account of its being predominantly Conservative. The Chamber would consist of 315 members to be chosen from a panel of 1,200 composed, in addition to the peerage, of the Privy Council, those who had occupied certain important public or municipal offices, those who had sat 12 years in the Commons, and those nominated on the advice of the financial joint committee, which would have the duty of ensuring that the panel contained sufficient persons of all political opinions to enable their fair representation (it would have the power to exceed the number of 1,200 to the extent of 300, if necessary to achieve this). Churchill sought a Second Chamber which,

\[ \text{While preserving a conservative (with a small \"c\") character, while being wholly} \]

\(^1\) 3rd Conclusions.
different from the House of Commons, differently composed, with elections differently timed ... would, nevertheless, reflect another facet of the national will and afford a guarantee to the whole nation against violent change either in the direction of Communist revolution or Fascist reaction.

Much discussion ensued on the Committee as to the composition of both the candidates' panel and the electoral bodies. Cave, who had earlier doubted whether public opinion would tolerate any limitation of choice and, when first mooted, had opposed Churchill's 'fancy qualifications as setting up a new privileged class of persons',¹ now declared that in the absence of a panel it would be possible for undesirable persons to gain admission to the Second Chamber and advocated one much akin in composition to Churchill's.² Peel had already expressed opposition to members of the Commons being on the panel, arguing that the disruption caused by the selection of large numbers from the House would lead to the electors exacting pledges from parliamentary candidates that, if elected, they would refuse to serve in the Second Chamber.³ Cecil favoured the panel being composed of the peerage and members and ex-members of the Commons; provided it was satisfied on the subject of powers, he thought the peerage would accept its order being restricted to one-third of the Chamber. As to the composition of the electoral bodies, Cave's proposal was

1. 4th Conclusions.
accepted, although Cecil would have preferred the exclusion of the peerage and Peel and Birkenhead objected to the inclusion of members of the Commons on the ground that this would mean selection by the political organisations.

Birkenhead, indeed, struck an altogether discordant note by proposing an entirely new plan: the Chamber should be composed of 100 representative peers, 100 selected by some method of indirect election, and 100 members to be nominated (to solve the difficulty of Labour representation). ¹ Hoare, who had thus far contributed little to the debate, struck a yet more discordant note; 'extremely anxious to avoid any revival of the constitutional controversies of the past', he wanted to retain the House of Lords merely reduced in numbers, but otherwise unaltered. Furthermore, although it had already been settled, he re-opened the question of powers: he supported only the proposal for a financial joint committee and not even the amended definition of a money bill. Salisbury reminded him that such proposals had no chance of acceptance by the Conservative Party. The Committee, although the question of the composition of the Second Chamber remained undecided, agreed that Cave should prepare draft resolutions.

The Cabinet Committee had proceeded thus far without formally meeting Conservatives from either House.

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¹ The scheme bore similarities to that he had outlined in the Lords earlier in the year (see above, p. 336).
It now did so, but, since it had no dispensation from the Cabinet, gave no indications of its intentions, despite the common party interest.

Opinion among peers had been found to favour a financial joint committee coupled with a stricter definition of the term 'money bill', the removal from the operation of the Parliament Act of 'organic' bills, and an appeal to the electorate by means of a referendum, though this method was not unanimously supported, in cases of difference between the Houses; as to the composition of the Second Chamber, an 'adequate proportion' of representative peers was demanded. ¹ Sumner's Sub-Committee, which formed the deputation of 20 November 1925, remained convinced that the Government were more interested in the Reform of the composition of the Second Chamber than of its powers. ² Midleton asserted to the Cabinet Committee that the alterations Conservative peers demanded in the Parliament Act were imperative and they would not be willing to sacrifice their rights and privileges unless these conditions were met. ³ Sumner, somewhat less dogmatically, stated that while they would be prepared to make sacrifices to secure a reasonable settlement, they recognised that the last word must be with the Government; he stressed, however, that the peers were acting unselfishly in asking for

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¹ See above, pp. 343-47.
² See above, pp. 340-41.
³ Notes of conference, cited above, p. 342, n. 2.
increased powers at the cost of the abandonment of privileges. While it was made clear that the great majority of peers supported a restriction of their order, Midleton warned that a 'measure which did not comply with the spirit of this condition would certainly excite very considerable opposition'.

Sumner asked whether his Sub-Committee could be informed of the Government's proposals before they were published in order to allow further consultation and so avoid misunderstandings. The only response came from Birkenhead, who said that he, personally, would welcome a resumption of the conversation at a later stage.

Opinion within the Second Chamber Committee had been found to favour an Upper House, with an hereditary element, which would have the power to delay all legislation, financial included, until the popular will had been ascertained by means of a referendum. 1 The deputation of 7 December 1925 comprised the Committee's three officers. While Sanders initially confined himself to observing that there was a great diversity of views on the matter and that the Executive Committee had not attempted to reach any very definite conclusions in the belief that this should first

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1. See above, pp. 351-54. The Executive Committee was later to retreat over financial legislation. It agreed on the definition of a money bill as a measure of which, in the opinion of the appropriate authority, 'the sole intention ... is to raise, to regulate, or to reduce revenue, and which has no ulterior object of a political nature' (16 December 1925 (the secretary to the Executive Committee, 18 December 1925: H.L.R.C., H.L.(25)21)).
be done by the peers themselves, Bull admitted that the Second Chamber Committee was hopelessly divided. Sanders subsequently conceded that a detailed examination of the question would merely intensify differences which already existed. It appeared that the 'strong minority' in the Party opposed to an hereditary element in a Second Chamber entrusted with large powers wanted it composed entirely of elected elements, while the substantial majority favoured about half the Chamber being composed of representative peers. As to the wishes of this majority with respect to the remainder, Bull maintained that there was a strong feeling against election either direct or indirect, while Sanders was not prepared to state whether the Executive Committee would prefer it to be nominated or elected by the local authorities. This was of no help to the Cabinet Committee, which would, as Salisbury remarked, have found it very useful to know what Conservatives in Parliament would not accept.

Sanders's dry note that 'Winston & FE want to raise difficulties; Salisbury, Cave & J-Hicks seem to mean business' was, except for the reference to Churchill, rapidly borne out by events.3

1. Conference between the House of Lords Reform Committee and a deputation from the Executive Committee of the Second Chamber Committee of Unionist members of the House of Commons, 7 December 1925: H.L.R.C., H.L.(25)18.

2. See above, p. 353.

3. Diary, 18 December 1925.
Cave's draft resolutions, as to the composition of the Second Chamber, offered alternatives. The first was based on his original and revised plans combined with certain of the Committee's views: 250 members (not less than one-half to be peers) to be selected by colleges (of peers, members of the Commons, and representatives of councils) and 50 to be nominated. The second was intended to satisfy Birkenhead: 150 representative peers, 100 members to be selected by colleges (composed of persons appointed by the councils), and 50 to be nominated.

Cave claimed, in the interests of harmony, that the latter alternative was open to less objection than the former. Salisbury, Churchill, and Hoare expressed deep unhappiness about entrusting a Chamber thus composed with power to initiate a referendum. Birkenhead, however, now appeared intent on sabotage. He raised his former objections to the referendum and announced that the scheme should be limited to money bills and removing 'organic' bills from the purview of the Parliament Act; furthermore, he did not believe a Chamber composed as now proposed, based on his own scheme, would prove workable. The Committee approved Cave's proposal provisionally and by a majority.

Having thus succeeded, where Hoare had failed,

1. 'Note by the Lord Chancellor', 27 November 1925: H.L.R.C., H.L.(25)17.
2. 7 December 1925: H.L.R.C., H.L.(25)6th Conclusions.
4. See above, p. 370.
in leaving the Committee in disarray, Birkenhead produced a justificatory memorandum. Warning that the referendum would overwhelm in ruins any Second Chamber around which great elements of the nation did not rally, he was scathing in the extreme about the various plans to reconstruct it.¹ He felt his colleagues could hardly have become so enamoured of their own very divergent proposals, which he regarded as artificial, impracticable, and necessarily unfamiliar, had they not been so sincerely anxious to protect society by the security of a referendum. Any scheme, Birkenhead claimed, however skilfully the actual result might be camouflaged, could only produce a Conservative Chamber: he purposely used the adjective as a party epithet and not, in contradistinction to Churchill, as importing the idea of caution. He proposed a Chamber which would, in fact, have allowed the Labour Party proportionately less representation than his previous plan: 150 representative peers and 100 nominated members. Such a body could not support the referendum, but only the proposals as to money and 'organic' bills.

Birkenhead was well aware that his recommendations would seem paltry to many of the Cabinet's warmest friends. He had, however, observed that the emissaries from both Houses had flinched from the real difficulties just at the point when, if remedy there had been, their suggestions would have proved most valuable. There was a real danger

¹. 'Memorandum by the Secretary of State for India', 10 December 1925: H.L.R.C., H.L.(25)20.
that if the Conservative Party used its favourable position to force through a Reform which was not fair as between the parties, every opposition element would unite against it in a fierce parliamentary struggle which would become ten times more formidable when carried to the platform:

we are at this moment the trustees for too many causes upon which the stability and, indeed, the very existence of the Empire depends, to justify us in undertaking irrational risks at the next election ... We ought to be cautious, indeed, before embarking upon proposals certain to be hotly contested, affording little promise of popularity and the essential fairness of which I have nowhere seen demonstrated in the course of our protracted discussions.

Cave responded with a clear warning that a fundamental difference of opinion within the Committee would lead to differences within the Cabinet and the Party and only if they could agree was there a prospect of carrying a measure worth having.¹ Birkenhead's proposal was quite inadequate:

If anything is plain in this matter, it is that all Unionists who take an interest in the question want to remove the danger that a House of Commons with a substantial Labour majority might use the Parliament Act for passing subversive legislation in one Parliament and without recourse to the electors. Further, the Lords, while they might be willing to surrender their present strong position in order to protect the country from that danger, would (I am sure) never consent to such a surrender in consideration only of a modification of the procedure as to Money Bills.

The Committee strongly supported Cave and asked

¹ 'Memorandum by the Lord Chancellor', 18 December 1925: H.L.R.C., H.L.(25)19.
him to prepare a report based upon the decisions it had already reached.\(^1\) Birkenhead and Hoare acquiesced, but declared that they would hold themselves free to express their own views to the Cabinet: the latter was convinced that the publication of the Reform proposal would lead to prolonged wrangling and in the end it would have to be abandoned with great loss of prestige to the Government.

There was, nonetheless, a general desire to proceed with caution. The Committee supported Salisbury's suggestion that the proposal be embodied in resolutions and that the Government clearly indicate that they would be prepared to modify them as might be required to meet opinion as expressed in Parliament and the country. Though it was not Salisbury's intention and Churchill later declared that 'nothing is more proper in constitutional matters than to proceed by way of Resolution',\(^2\) this method of procedure would have allowed the Government not only to alter but, indeed, to abandon the proposal with less loss of face.

The Committee's report, of 25 January 1926, maintained that, while there existed within the Conservative Party a strong and widespread feeling in favour of an amendment of the Parliament Act in order to provide a safeguard against a Socialist majority in the Commons, a repeal or virtual repeal of the act would not be generally acceptable either to the Party or to the country.\(^3\) Yet, under its

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1. 21 December 1925: H.L.R.C., H.L.(25)7th Conclusions.
proposal, while the power of the Commons over strictly financial legislation would remain unimpaired, the entrenched Conservative majority in the new Second Chamber with a fixed number of members might well attempt to sabotage measures (by referring them to the electorate) which would have been passed by the unreformed House of Lords before 1911: thus, although money bills were more strictly defined and the Chamber would include a fairer Labour representation, the constitutional implications of the scheme remained the same as those of Cave's original memorandum.

The report, however, was laid to one side and, in spite of continuing demands for action, allowed to gather dust for nearly a full year before reaching the Cabinet agenda.

Upon the omission of any reference to Reform in the King's Speech of 2 February 1926, followed further questions as to when the Government intended to legislate: Baldwin repeated his promise to introduce proposals before the close of the Parliament, but beyond this refused to commit himself.¹ During March, these questions were reinforced when the Executive Committee of the Second Chamber Committee issued a report insisting that the necessary amendment of the Parliament Act ought to be considered

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without delay\textsuperscript{1} and the General Committee, at a meeting attended by 100, decided to ask Baldwin to receive a deputation to urge for legislation the following session.\textsuperscript{2} On Sanders's initiative this deputation became a joint approach with the peers,\textsuperscript{3} but one he anticipated with some apprehension: 'Our young Conservatives are as troublesome as ever. Skelton, who is on our [Executive] Committee, has now come to the conclusion that nothing ought to be done at all for fear of the Government being thought reactionary'.\textsuperscript{4}

The deputation which Baldwin and the Cabinet Committee received in the Grand Committee Room at Westminster Hall on 20 July 1926, a good deal later in the session than had been hoped, was composed of 120 members of the Commons and 46 peers.\textsuperscript{5}

The Second Chamber Committee now appeared not only divided on the details of Reform, but also as to its very desirability. Sanders was obliged to inform Baldwin that at its last meeting on 24 March, attended by 80 members, it had agreed 'nearly unanimously' that the necessary

\textsuperscript{1} 1 March 1926: H.L.R.C., H.L.(25)23.
\textsuperscript{2} 12 March 1926 (The Times, 13 March 1926).
\textsuperscript{3} Diary, 24 March 1926.
\textsuperscript{4} Ibid., 14 July 1926.
\textsuperscript{5} The last occasion on which a Prime Minister had received a deputation on this matter had been in February 1921, when Lloyd George, with Bonar Law, met members of the Executive Committee of the National Unionist and Conservative Association who urged the immediate introduction of a Reform bill. He promised such legislation as the principal measure of the following session.
amendment of the Parliament Act ought to be considered without delay: this did not carry the same conviction as did the Committee's report which had been compiled prior to the meeting.  

While the meeting had unanimously agreed to the referendum principle (the Committee had not originally been united on this) and had endorsed the Executive Committee's retreat from the General Committee's original decision to give the Second Chamber power to reject money bills, it came to a most unexpected decision as to its composition. In what Sanders had described as 'a curious episode', a motion opposed to the retention of an hereditary element in a reformed Chamber had been carried: the original decision of 23 to 8 in favour had been reversed by 33 to 26 against, with a number of abstentions. Thus had Sanders's earlier assessment that only 'a strong minority' in the Party opposed such an element apparently been confounded: there were clearly quite a significant number of traitors within the ramparts of the Second Chamber Committee.

Sanders, undaunted, sought to draw strength from weakness and told the Ministers:

You will see from this that there is considerable and not unhealthy divergence of opinion as to the most appropriate medicine,

1. Meeting between the Prime Minister and a deputation from Unionist members of both Houses of Parliament, 20 July 1926; CAB.24/180, C.P.28Q(26).

2. See above, p. 353.


4. Diary, 24 March 1926.

5. See above, pp. 352-53.
but we are all profoundly impressed with the gravity of the disease ... The danger we apprehend is not so much that of the Socialists getting a majority in the country. Should they do that it is possible that no Constitutional impediment would restrain them very long. Personally I do not think it likely that they will get such a majority for some years at all events. What is more than possible is that without a majority in the country they may have as we have now a considerable majority in the House of Commons.

This very grave danger was one the deputation thought particularly the duty of a Government with a large majority to deal with and it begged that a start be made the following session, in order both that a remedial measure be given every chance to pass and that it may not be new to the electorate when an election arrived.

For the peers, Midleton made what he described as 'a great appeal' that Reform be regarded as urgent. He rehearsed the findings of the Association of Independent Unionist Peers and maintained that provided a simple measure on those lines were put forward with the authority of the Government, his deputation anticipated that its passage through the House of Lords would be assured. No body of men, he proclaimed, had ever previously ventured, or been in a position, to give any such assurance because that was the first time the mass of the peers had been consulted upon the question.

Baldwin concurred with Sanders that a divergence of opinion was not unhealthy, 'but we must cease to diverge when we stop talking and must converge before we can do something'. The Cabinet would be very glad of assistance if the members either of the Commons' or the Lords' Committee
or of both could come to any general measure of agreement (clearly, the Reformers had to agree among themselves as to the composition of the Second Chamber); it had not yet examined the work of its own Committee and this had to be the next step. To a chorus of approval, Baldwin reiterated 'perfectly definitely' his pledge to deal with Reform during the lifetime of the Parliament, although he could not state in what form.

Sanders's verdict on the encounter contrasted with his apprehension: 'All went well. I was rather afraid there might be general discussion and trouble. But after Midleton and I had spoken, the PM replied promising that the matter should be dealt with during the present Parliament'. Baldwin was likewise satisfied with the outcome, believing he had, to all intents and purposes, routed Sanders:

He was very pleased the way the House of Lords deputation ..., had gone off ... The meeting lasted about a quarter of an hour. The most he thinks it will be possible to do in this Parliament will be to revise the Speaker's powers in connection with Money Bills. He thinks agreement may be found on that, but no agreement beyond it. Those who wish to strengthen the House of Lords recognise that this must involve a revision of its membership. When you try to do this, the trouble begins, and the P.M. is not worrying about that side of it for this Parliament.  

1. Diary, 21 July 1926.

2. Thomas Jones, 21 July 1926, op.cit., p. 62. Jones's own opposition to Reform was, before Baldwin, undisguised (see below, p. 416, n. 2) and he encouraged the latter to obstruct it (see below, pp. 402-03).
In the immediate aftermath of the deputation, on 29 July, a Joint Committee of the Lords and Commons was appointed by the Executive of the Second Chamber Committee and by Sumner's Sub-Committee to endeavour to formulate a definite scheme. Sumner, however, had doubts as to tactics. He believed that the more complete a scheme they proposed, the more cogently would it be said that Reform was a House of Lords dodge to emasculate all Reform at all and interminable criticisms would befog the issue. Further, the more deeply divided the Cabinet, the more would one camp or other within it attempt to distract attention from its own indecision by finding fault with the Joint Committee's efforts. Sumner, who did not share Selborne's distrust of Baldwin in this matter (Selborne was closer to Baldwin), thought they ought to communicate with him at the outset and ask how they could help: if they agreed to a scheme in the dark, they might include something the Cabinet had agreed to omit or vice versa. Either way, Baldwin would have, were Selborne right, the excuse he wanted.

Despite his verdict on the deputation and despite

1. Campbell to Bull, 30 July 1926: Bull Papers, part ii. Its members were Bull, Campbell, Marriott, Pennefather, Sanders, FitzAlan, Midleton, Selborne, and Sumner.

2. To Selborne, 18 August 1926: Selborne Papers, MS. Selborne, 86.

3. To Selborne, 31 August 1926: ibid.
being 'really hopeful' after Cave had told him that the best plan would be to submit resolutions next session and a bill the year after (although he, Sanders, would have preferred a bill right away). Sanders, wisely, took nothing for granted. At the annual conference of the National Union he proposed, on behalf of the Joint Committee (which had not yet produced a scheme), a resolution welcoming Baldwin's assurance that it was the Government's intention to deal with Reform during that Parliament, but urging, for the reasons the deputation had given, the introduction of a measure the following session. While Sanders maintained that a good deal of progress had been made since the previous conference, he reminded the gathering that the nation was safe merely because it had a Conservative Government which would not play 'ducks and drakes' with the institutions of England against her will: the time of security should be used to ensure future protection.

An amendment recommending the appointment of a Royal Commission, which would submit a scheme of Reform with a view to legislation being passed in 1928, was proposed by Admiral Cuthbert Hunter (from Greenwich). He admitted that this was a policy of delay, but finality and

1. Sanders to Selborne, 5 September 1926; ibid.

2. N.U.C.U.A., minutes of the annual conference, Scarborough, 7-8 October 1926. It was seconded by Dr. Busfield. Six other resolutions, dealing with the grave peril in which the Constitution stood whilst the unamended Parliament Act remained on the statute book, were not proposed as their sponsors agreed to support Sanders's. During the month of the conference the Morning Post published a series of articles on Reform by its chief advocates.
security were required and they could only come about with agreement among the constitutional parties. Selborne pointed out that something much stronger and wider than a Royal Commission had already sat upon the question: not only had the matter been under continuous and close study since the passing of the Parliament Act, but the Committees of the two Houses had fully examined it. There was no further information to be had and no reason to wait until 1928, since the Prime Minister himself had promised that it would be dealt with during the course of the Parliament. The amendment was duly defeated and the resolution carried, though, in Sanders's own words, 'without the least enthusiasm': the cry at Scarborough had been all for legislation to curb the trade unions and, for the moment, little else seemed to matter.

Baldwin, nonetheless, now felt constrained to make a move, albeit more for the sake of appearances than for its consequences. He authorised Cave finally to communicate to the Reformers in Parliament, by attending a meeting of their Joint Committee on 11 October 1926, the Cabinet Committee's views on Reform. "We were particularly gratified", Sanders afterwards wrote to Cave, 'at finding how closely your views agree with our own'.

1. Diary, 10 November 1926.
expressed like sentiments: 'The more I can consider your scheme, the greater the gratitude and admiration I feel'.

Yet one major obstacle to total harmony remained: the differences between the Lords and the Commons as to the composition of the Second Chamber, the anti-Reformers in the latter having decided against the retention of an hereditary element. Members of the Commons on the Joint Committee proposed schemes in which the representative peers would number below one-third of a Chamber of around 300, with the remainder divided more or less equally between elected and nominated members (the Cabinet Committee's revised plan envisaged 150 representative peers and 100 selected and 50 nominated members). The peers on the Committee moved to reconcile the differences between the Houses by submitting to Cave a scheme close to that of his own Committee, but allowing for fewer peers and more elected members: 100 representative peers, 150 directly or indirectly elected members, and 30 nominated members. Selborne (who had proposed a scheme similar to that of his Commons colleagues) was convinced that the Government could, without serious difficulty, carry through the House

2. The Cabinet Committee and the Joint Committee also differed as to the manner in which the proposals, if agreed to by the Cabinet, should be presented to Parliament. Whereas the former had advocated proceeding by resolution (see above, p. 377), the latter strongly favoured a bill because men would carp at resolutions who would hesitate to oppose a government bill and because a bill would compel the Party in the country seriously to study the question (Sanders to Cave, 12 October 1926: H.L.R.C., H.L.(25)24, appendix 1, enclosure).
3. Suggested schemes circulated to the Joint Committee by Campbell, August-September 1926: Bull Papers, part ii.
4. See above, p. 374.
5. Enclosure, cited above, n.2.
of Lords a scheme of composition much less favourable to the Conservative Party and somewhat less favourable to the peers themselves. He warned of a criticism of the Cabinet Committee's scheme which he felt to be a possible danger (though it also applied, albeit to a lesser degree, to the Joint Committee's scheme); it would certainly be made by the Labour Party and be supported by Lloyd George and the Liberal rump, whose furious opposition they would, whatever the Government might propose, have to meet and beat. It would be argued that the new Second Chamber would result in a permanent Conservative majority. What made Selborne a little nervous was the amount of support which the enemy might receive in the Commons from Conservative members: he feared a good many of them would agree that the proposal was 'loading the dice'.

Pierse Loftus, one of the post-War breed of Tory theoreticians who were also much concerned with the practice of politics, echoed Selborne's fear in a prophetic passage in a work which appeared in 1926. Although himself a Reformer, he could understand the hesitation of the Party leaders because the subject bristled with difficulties.¹ To a statesman bold enough to attempt the solution of the problem, he applied the warning words of Horace: 'Incedis per ignes suppositos cineri doloso'. The deceptive ashes of former controversies were still glowing and a considerable amount of courage combined with caution was needed:

¹. The Creed of a Tory, pp. 184-85.
There may be a natural tendency to follow Lord Melbourne's famous policy as embodied in his phrase, "Why not let it alone?". The temptation to do so is obvious. After all, it will be argued, the present system works fairly well and any attempt to alter it will encounter not only opposition from opponents, but the Conservative Party may be split up into sections on such a difficult and excessively controversial matter.

The Cabinet Committee was not keen to alter its recommendations, but on 4 November 1926, Cave, deeming the time ripe, declared his intention of discussing with Baldwin the desirability of arranging for the Cabinet to consider its report in the near future.\(^1\) When the matter did arise in Cabinet on 1 December, it was adjourned with a view to a later discussion, Baldwin undertaking to consider the possibility of allotting a special meeting to it.\(^2\)

The report was eventually discussed at an ordinary meeting on 14 December.\(^3\) Baldwin was not displeased with the outcome. The principle of the referendum was not supported by the majority and some members of the Cabinet, who in other respects favoured the adoption of the whole report, thought the proportion (one-half) of hereditary peers too high for a reformed Chamber. Birkenhead now

\(^1\) H.L.R.C., H.L.(25)8th Conclusions. On 8 November, Sir Maurice Hankey, Secretary to the Cabinet, observed that the Lord Chancellor was inviting the Prime Minister to place House of Lords Reform on the agenda of an early meeting (CAB.23/53, Cab.57(26), note to agenda).

\(^2\) CAB.23/53, Cab.61(26)8.

\(^3\) CAB.23/53, Cab.64(26)2.
exercised the right he had reserved to express his own views to the Cabinet. In view of what he described as 'the lack of evidence of any strong and general desire in the country for a large measure of Reform of the House of Lords', he suggested that the policy of the Government should take some less ambitious form and be confined to setting up a financial joint committee, removing 'organic' bills from the purview of the Parliament Act, and reducing the size of the hereditary peerage.1 This proposal received strong support, but Cecil, Peel, and Salisbury retorted that their House would only be willing to undergo such a change in return for greatly increased powers. The

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1. Birkenhead had, not long before the meeting, confided to Irwin that he viewed with alarm the certainty that one of their main measures would be to increase the powers of the peers:

I am, and always have been, alarmed that we may find ourselves involved in another Peers and People election, in which all the active anti-Conservative forces in the country may establish a fugitive common foothold ... [The] incredible folly of Salisbury, in advising the Unionist Peers to dismiss the Coalition proposals, which gave us, in my opinion, all that we really need, and certainly all that we shall ever be able to get, has provided us with a legacy charged with the deepest anxiety. It is too early to speak with any affectation of knowledge, but I am quite certain that we shall find the next election both anxious and critical

(25 November 1926, quoted in Birkenhead, Frederick Edwin, Earl of Birkenhead, ii, 288). Birkenhead's own proposals were much like the Coalition's.
discussion was adjourned.  

The matter next arose on 26 January 1927, when Salisbury, 'himself heart and soul in favour of dealing with this question' and aware that all was in danger of being irretrievably lost, suggested that, even though it might be impossible to bring Reform before Parliament in the ensuing session, an initial debate in the House of Lords might be useful during the period when that House was waiting for bills to come up from the Commons; in the latter event the matter might, he ventured, be mentioned in the King's Speech.  

Salisbury had no doubt that were nothing done

1. Steel-Maitland, a former Hedger, complained to Baldwin that the debate had 'proceeded upon the assumption that the Cabinet was free to act or not to act, as it thought well. There was no question raised as to how far we were bound to act by pledges, or precluded by any Constitutional proprieties, e.g. the sufficiency of our mandate' (memorandum, 17 December 1926: Baldwin Papers, vol.59). He himself favoured the existing two years' delaying power of the Lords because, although nationalisation by D.O.R.A. could only be defeated by means of a referendum, he thought a Socialist Mussolini who would introduce such a policy unlikely and, with Austen Chamberlain (see above, p.328, n. 1 ), the referendum to be not so conservative a force as was generally assumed; he would, however, agree to its introduction were the Second Chamber to consist of the three orders in equal proportion (memorandum, cited above). 'I am anxious not to exclude the Referendum', Cave later wrote to Salisbury, 'as I am just as acharné for it as Austen Chamberlain is against it, and I am sure that it will win some day' (5 March 1927: Salisbury Papers, S(4) 120/69).


3. CAB.23/54, Cab.4(27)6.
during 1927, there would be profound disappointment among some of their warmest supporters: no-one who had noted the attitude taken by successive conferences of the National Union would question this conclusion and the eagerness for Reform had been greatly intensified by the General Strike and the revelation of the aspirations of the extreme Labour Party.¹ These friends looked upon Baldwin's promise to the great deputation of the previous year with a sense of jealous achievement and though they had not bound the Government to deal with the matter by any particular date, they would be anxious were it again ignored. The Cabinet of 26 January had not, Salisbury believed, realised how very little time remained of the Parliament and if their supporters would be disappointed were nothing done during 1927, they would be wild were nothing done before the dissolution. He feared, in fact, that were no steps taken during that session, the opportunity would have been missed: to approach the very intricate and delicate subject of Reform in the last session of a Parliament, and he assumed that of 1928 would be the last effective one of the Parliament, without any previous attempt to crystallize public opinion, might end in a fiasco which would greatly discredit the Government.² Hence his recommendation of a debate in the Lords before Easter upon concrete proposals: this would serve to

¹ 'House of Lords Reform', 27 January 1927: CAB.24/184, C.P.26(27).

² Cf. Sanders's argument for such action during 1927, above, pp. 380-81.
ventilate the urgency of the question and at the same time its delicacies, yet without burning the Cabinet's bridges. From the reception accorded to such a discussion they would be able to reach a final conclusion as to the line to be taken during the session of 1928.

Davidson and Eyres-Monsell felt, unenthusiastically, that 'if something had to be done let it be got over this Session ...'.

In response to Salisbury's appeal, Baldwin proposed that the matter be brought up again the following week when the King's Speech of 8 February would be before the Cabinet, only then to carry his colleagues with him in agreeing, on the contrived grounds that the Government had not yet decided on their policy, that no mention of Reform should be included in the Speech, though this was not to be taken as weakening their intention to deal with it during that Parliament. Birkenhead could note with satisfaction:

The House of Lords Reform ... goes over to the year 1928. Next year will see, or nearly see, the end of our effective power, and my own view is that we are not really likely to see any considerable reform ... there could not be a worse session for putting forward proposals for the Reform of the House of Lords (always so liable to misrepresentation) than that which immediately precedes an appeal to the country.

1. This view was shared by Worthington-Evans and Betterton (Davidson Papers, quoted in Middlemas and Barnes, op.cit., p. 456).
3. 2 February 1927: CAB.23/54, Cab.5(27)7.
4. To Irwin, 3 February 1927, quoted in F.E., p. 536.
With the sands running out, Gerald Hurst introduced a motion in the Commons, on 15 February, declaring:

That, bearing in mind the Preamble to the Parliament Act, 1911, as to the intention to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, it is desirable to remodel the House of Lords by increasing its representative element and reducing its hereditary character.¹

While Hurst contended that his object was a Reform of personnel rather than of powers, his real aim was clear. He warned that it was conceivable that a party elected on one issue might undertake some great revolutionary legislation never contemplated by the electorate, possibly involving vast schemes of persecution and expropriation, a Red terror or a White terror, and he sought a Second Chamber which would provide 'a much more effective barrier against hasty and ill-considered legislation'.

Edward Campbell, seconding the motion, was more forthright and demanded a financial joint committee and the use of the referendum.² Sanders hoped the motion would be carried by a large majority in order to show the Government that on his side of the House it was desired to see the matter dealt with and dealt with before long.³

³ Ibid., vol.202, col.873. He had earlier that day been nominated by its Executive for the chairmanship of the National Union, to which he was duly elected on 1 March. Baldwin had told him before the meeting that he wanted him to take it on (diary, 20 February 1927).
Marriott and Ernest Goodman Roberts called for the establishment of a truly effective Upper House.¹

In reply, Joynson-Hicks assured his Party that Baldwin fully intended to honour his pledges and was fully sensitive of the gravity of the position.² A hostile Labour Party being present in force, prudence dictated that the motion not be carried to a division.³

Meeting in the aftermath of Hurst's motion, the Joint Committee of the Lords and Commons decided that resolutions on Reform should be introduced in the Lords if the Government did not object.⁴ Sanders now found Baldwin most unforthcoming:

He said the difficulty was that whoever spoke for the Government would have to make some pronouncement — & he wanted to avoid that at present. He said he looked on the question as the most difficult one in politics and evidently wanted to avoid it altogether. I reminded him of his promise to the Deputation last year that he would deal with it in the present Parliament & asked him what I should tell my friends in the Lords who were submitting the Motion. He said tell them to consult Salisbury [as Leader in the Lords].⁵

3. Questions to Baldwin, from Liberals and a Conservative, as to the Government's intentions continued until the matter was raised in the Lords on 20 June (ibid., vol. 203, col.1039, 8 March 1927; ibid., vol.205, col.653, 20 April 1927; ibid., vol.205, cols.1013-14, 28 April 1927; ibid., vol.207, col.542, 2 June 1927 (Basil Peto)).
4. Sanders, diary, 20 February 1927. It had thus abandoned, under the pressure of what it thought possible, its earlier advocacy of a bill (see above, p. 386, n. 2 ).
5. Diary, 2 July 1927.
This restiveness in Parliament, however, demanded action of a kind. At the end of February, Baldwin asked Salisbury, Cave being ill, to call the House of Lords Reform Committee together to prepare draft resolutions for the Cabinet. There seemed no possibility that the Committee's report would prove more acceptable to a Cabinet under Baldwin's leadership now than it had the previous December, yet Salisbury proceeded with the charade. He settled the resolutions in consultation with Cave, on his sick-bed, and they were endorsed by the Committee, though at a meeting attended only by Salisbury himself together with Cecil and Joynson-Hicks.¹ They embodied the report's recommendations, but, with respect to the composition of the Second Chamber, wisely omitted all figures.²

The chances of the draft resolutions being adopted by the Cabinet were lessened by the recruitment of Amery to the Baldwin-Birkenhead-Hoare axis. Two days before the Cabinet met to consider the resolutions, he produced a memorandum noting that most of the discussion on Reform had been conducted on the basis that the greatest danger to be feared was an abuse of the powers of the House of Commons under the Parliament Act, for example by forcing through some measure akin to the Defence of the Realm Act, which would enable the nationalisation of industries to be carried by a series of executive decrees.³

1. 11 March 1927: H.L.R.C., H.L.(25)9th Conclusions.
My own belief, fortified by what has happened in the last few years in Queensland and New South Wales, is that a Labour Government, controlled from outside by a wholly irresponsible caucus, will not be content to acquiesce in the delays and restrictions involved in the procedure of the Parliament Act, but will go directly for the swamping of the Upper House, both in order to pass any measure that it may be interested in and also to abolish the Upper House itself.

He proposed a Chamber similar in composition to Birkenhead's original scheme: 100 each of representative peers and elected and nominated members. The nominations, however, would be by the government and opposition in the proportion of the votes cast at the preceding general election. The Chamber, 'while essentially conservative and against revolutionary change', would preserve a reasonable balance of parties so as, in a crisis, to command the sympathy of the people. With such a change in the composition of the House, he would have been prepared to accept the 'minor modifications' suggested by Birkenhead and postpone the question of a referendum until such time as actual experience had convinced the nation both of the dangers of the Parliament Act and of the impartiality of the reformed House. Amery maintained that while the recommendations of the Cabinet Committee would encounter fierce opposition, the Reform of the composition would meet no effective obstacle and would, indeed, create real enthusiasm among Conservatives: 'The one thing our Party is always hungering for is initiative and bold action on our

1. See above, p. 370.
own lines. What dispirits them is inaction or the mild imitation of the policy of our opponents'.

The Cabinet of 6 April 1927 was the most bitter of all those on Reform. The draft resolutions were approved, but this transpired to be no more than a formality after which Baldwin asked his colleagues to agree to instruct the Committee to prepare new resolutions based on Birkenhead's scheme. Two camps appeared in the Cabinet Room, cleft on matters of principle: loyalty to election pledges and Party policy and loyalty to the Prime Minister. A vote was necessary to crush the Ditchers on the Committee (all its members with the exception of Birkenhead and Hoare: Cave, Cecil, Churchill, Joynson-Hicks, Peel, and Salisbury) and Baldwin was duly confirmed as primus inter pares.

1. Amery's views as to the exact composition of the Chamber were not finally formulated and he subsequently produced a further memorandum which proposed that one-half of it be nominated. He devoted much of this latter document to advocating life peerages, a principle long accepted by Reformers: these peerages would, he noted, constitute a return to the original basis of the House of Lords, which was personal service and not heredity ('House of Lords Reform', 12 May 1927: CAB.24/187, C.P.151(27)). He was later to develop this further in Thoughts on the Constitution, in which he advocated a Chamber whose membership would ultimately be confined mainly or even exclusively to life peers (2nd ed., pp. 59-62).

2. CAB.23/54, Cab.24(27)4.


Salisbury felt betrayed and fearful. He wrote:

at a time when millions of untried electors
are to be added to the register, no attempt
is to be made to restore to the House of
Lords the power to arrest legislation which
they know to be contrary to the wishes of
the people.1

He could not help thinking that his colleagues hardly had
in mind the extent to which the Government were already
committed on the matter. While he conceded that only the
objective of the Conservative Party was defined and that
the only promise given was that its practicability would
be considered, there was no question of the character of
the issue which was in contemplation:

There was in these utterances [of the Party]2
no reference to Money Bills or Rating Powers or even to the exemption from the mischief of
the Parliament Act of the House of Lords it-
self. The objective defined by these passages
is the preservation of the ultimate authority
in legislation to the considered judgment of
the people. It was both before the Election
and at the Election that to this issue the
attention of the country was directed.

This objective had been reaffirmed over and over again by
the Party in its organised assemblies; nothing had been
said up to that moment on behalf of the Government to
indicate that they had abandoned it; and, lastly, there
were the views of the majority of the Cabinet Committee,
which had been communicated by Cave to the Joint Committee
of the Lords and Commons.3

1. Ibid.

2. The Cabinet had approved the Committee's recommendation, which Cave had made in his original memorandum, that
bills dealing with local rates shall not be deemed to
be money bills.

3. Birkenhead himself acknowledged the Government's commitment (see below, p. 404).
To ask the peers to embark upon the risky experiment of abandoning the deeply-rooted hereditary character of their House in order to carry a Reform which fell very far short of what they had been led to expect, would be a formidable task:

For the Lord Chancellor and myself, whose opinions are well known and were formally announced to the [Joint] Committee no longer ago than last Autumn, though I can only speak for myself, it is a task from which, as my colleagues will understand, we must very naturally shrink. For the Cabinet this change of policy would be damaging, but for us it would not only be damaging but also ridiculous - which in politics is really conclusive.

The Cabinet being in no hurry to introduce a Reform, genuine or otherwise, the threat of unilateral action by the Party in Parliament, first mooted in February, now loomed larger. Sumner's Sub-Committee served clear notice on the Cabinet Committee on 9 May that its patience was all but exhausted. Were nothing done in the immediate

1. While Cave 'got the impression (tho' I may be wrong) that Sanders, Campbell and Co. will accept almost anything that the Government propose, in the hope of bettering it later', Cecil was 'very doubtful whether the very small fraction of a loaf offered to us ... is better than no bread - especially as I should doubt if "Reform" on these terms would be accepted by the Lords'. Although Cunliffe-Lister wished he could see eye-to-eye with Salisbury over the matter and wrote of 'the political difficulties I feel in going further on the road of House of Lords Reform than the majority of the Cabinet were prepared to', Neville Chamberlain asserted that, while there would doubtless be disagreement as to how far they should go, 'at least no one [will be able to] say that we have not carried out our pledge' (letters to Salisbury, 15 April, 6 May, 21 April, 21 April 1927: Salisbury Papers, S(4) 121/24, 121/48, 121/27, 121/28).

future, the Association of Independent Unionist Peers would introduce its own general motion in the Lords the following month, appealing to the King over the heads of the Government:

That an humble address be presented to His Majesty assuring His Majesty in view of the long-standing declarations of His Ministers that Reform of the Second Chamber of the Legislature is of urgent importance to the public service.

This House desires to assure His Majesty that they would welcome a reasonable measure limiting and defining membership of this House and dealing with the defects which are inherent in certain of the provisions of the Parliament Act.

The Cabinet Committee approved revised draft resolutions prepared according to the Cabinet's wishes, but the genuine Reformers expressed the hope that these might yet give way to the measures implied in the peers' own motion. The Cabinet's proposals might be summarised as follows:

The composition of the Second Chamber. It would be of a fixed number and contain not more than 350 members (the existing membership being 716). It would be composed, in addition to peers of the Blood Royal and the Spiritual and Law Lords, of hereditary peers elected by their own order and of members nominated by the Crown, the numbers in each case to be determined by statute. The hereditary and nominated members would hold their seats for a term of years to be determined by statute, but would be eligible

for re-election. Any peer not elected would be allowed to present himself for election to the Commons. This scheme would have rendered the peerage, assuming it were not to form only a very small proportion of the new Chamber, less vulnerable by eliminating the few hundred peers who attended rarely if at all and those who might have attended, but contributed little of value: it would undoubtedly have perpetuated this form of representation and increased the power of heredity in the machinery of government.

The powers of the Second Chamber. The decision as to whether a bill was or was not a money bill within the meaning of the Parliament Act would be determined by a financial joint committee of the two Houses, composed equally of members of each, which would choose its own chairman. In coming to its decision the committee would henceforth have regard not only to the form but also to the substance and effect of the bill. Bills dealing with local rates would not be deemed to be money bills. The provisions of the Parliament Act whereby bills could be passed into law without the consent of the Lords during the course of a single Parliament would not apply to any bill which altered the powers or composition of the Second Chamber as set out in the Parliament Act and any act which might be passed to amend it. The exclusion of 'organic' bills from the operation of the Parliament Act would have meant that the powers and composition of the Second Chamber could only be altered with the consent of the Chamber itself, for they could be altered neither
by the prerogative of the Crown (the size of the Chamber being fixed) nor in accordance with the will of the people (there being no provision for any reference to the electorate): an element of inflexibility would thus have been introduced into the Constitution.

Baldwin refused to allow the Cabinet to be intimidated by threats from Reformers, either within its ranks or without. The new resolutions were ratified and stored in the wings in the hope that they might not have to make an appearance. Thomas Jones encouraged Baldwin in this hope, telling him that since the Cabinet Committee was fortunately at sixes and sevens, he might escape doing anything:

[Baldwin] retorted, 'But I am obliged to do something'. I replied, 'Let it be minimum'. He thought he might get off with putting up

1. 11 May 1927: CAB.23/55, Cab.31(27). The resolutions referred to 'Members nominated by the Crown', whereas the revised draft resolutions had referred to 'Members nominated or selected from the outside' (House of Lords Reform Committee, third report, 10 May 1927: CAB.24/186, C.P.146(27)). The much-debated principle of election had (unnoticed by either the Committee or the Cabinet) been omitted by Cave, apparently under pressure from Baldwin who hoped thereby to arouse less opposition should the resolutions ever be required. Baldwin's subsequent statement was thus only applicable to direct and not indirect election:

it was only after the most careful and lengthy examination of what we conceived would be the effect of admitting an elected portion to the Second Chamber that we finally rejected the idea of election and chose instead the principle of nomination

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(the Government and the House of Lords, vote of censure, H.C.Deb., vol.208, col.1301, 6 July 1927).
a joint Committee of both Houses to examine
money bills. He added, 'If ever I am
returned to this place after another
election, I shall announce to the Party
that I will give no pledge on any subject'.

He envisaged that there might be time for some sort of
action on the matter towards the end of 1928.

The Party in Parliament, however, proved itself
to be of somewhat sterner stuff than was commonly believed
and the peers' motion appeared on the House of Lords order
paper for 20 June 1927.

The Cabinet had no choice but finally to declare
itself. Salisbury suggested that early in the debate a
Minister in the Lords should state their agreed policy.

He warned that, although the Cabinet's decisions fell very
far short of what he himself considered necessary, as
Leader of the Government in that House he felt he would be
bound to speak and he intended to say that he personally
did not regard the proposals as a complete solution of
the question, but rather as a fulfilment of their pledges
and as a step in the right direction. The Cabinet accepted
Salisbury's suggestion.

On the opening day of the debate on the motion,
which was introduced by FitzAlan, the *Morning Post*, the

1. 11 May 1927, op.cit., pp. 100-01.

2. In deference to Cave's wishes, it omitted any reference
to the King (notes of conference with a deputation from
the Association of Independent Unionist Peers, cited
above, p. 399, n. 2).

most determined press advocate of Reform, warned of the measures that the 'advanced Party' would bring forward: abolition of the Second Chamber and of the peerage, disestablishment of the Church, and abolition of the right to make testamentary bequests. A crowded House listened attentively as Cave revealed the Government's proposals, describing them as 'a step, if a cautious step, in the right direction...'. Salisbury duly expressed his opinion that the proposals did not pretend to be a complete statement of the case: 'They were only a sketch, liable to modification, of course, in accordance with the views of your Lordships' House and of public opinion generally'. Birkenhead asserted that it definitely was their intention to carry a bill into law during the lifetime of the Parliament. He nonetheless expressed his doubts as to the value of any Reform:

But do not let us make the mistake of supposing that mere statutory powers would ever enable you to stem a revolutionary stream if it possessed within itself the inherent strength to subvert and conquer the intelligence of the people of this country ... I say that had it been honourably avoidable, had it been possible for us consistently with our pledges, our obligations and our duty to avoid or postpone this Constitutional issue, I for one would gladly so have avoided and so have postponed it.

The proposals, which startled the breakfast tables of the country, were coolly received by the Conservative press, with the exception of the Morning Post, which

2. Ibid., vol.67, col.988, 23 June 1927.
trumpeted that the scheme would spike the Socialist guns.¹
They were greeted with varying degrees of enthusiasm by
the members of Sumner's Sub-Committee, all of whom (with
the exception of Kintore) spoke. Sumner regarded it as an
instalment of more to come:

the changes proposed here, giving confidence
in its own independence and security, will
lead to a gain in the authority and reputation
of this House which will make the public itself
demand that further steps should be taken to
give this House further powers and to buttress
it with some kind of popular element in the
future.²

That wise old bird, Banbury of Southam, reserved
his judgment:

I have very great confidence in the Government
of the day, but my confidence in them is not
sufficiently great to cause me to pledge myself
to support [a bill] which I have not yet seen
... All I will say about these suggestions at
the present time is that I think they demand
very great sacrifices from your Lordships and
that you get very little in return.³

The Duke of Marlborough, an old Die-hard, carried rebellion
a step further and moved an amendment which asked the House

¹. 21 June 1927. The Times was indifferent (21 June 1927);
Selborne had tried to enlist Geoffrey Dawson's support,
but the latter sympathised with the 'let sleeping dogs
lie' party (Dawson to Selborne, 11 March 1926: Selborne
Papers, MS. Selborne. 86). The Observer, with a large
Conservative following, was hostile (26 June 1927).
The Spectator, which had long campaigned for the refer-
endum under Strachey (who had retired in 1925), was
disappointed at its omission: 'Unless Reform ... serves
the purposes of Democracy, and helps to make the will
of the people rather than that of the party caucus
supreme, it will be of no avail' (25 June 1927).


³. Ibid., vol.67, col.946.
to regard further discussion of the question as inopportune and unprofitable.\(^1\) He was opposed to the complexion of the House being completely altered and maintained that he could not share the fear of great social upheaval sweeping away the Monarchy, the Lords, and the industrial and landed interests of the country. The King and members of Parliament were the most popular people in England and the present Government had already attacked both capital, by greatly increased death duties, and land, by controlling rents and wages by law. By his own admission, however, Marlborough had garnered no support:

We have known for a long time that the mobilisation of the noble Viscount's forces was taking place, but the concentration of those forces was swift and sudden and when I perceived the pennons concentrated together bearing the names of Howard [FitzAlan], Percy [Northumberland], Scott-Montagu [Montagu of Beaulieu] and others, I waited, not for the purpose of running away but in order that a better man than myself should come forward. Since, however, he did not, I frankly admit to your Lordships that I nipped into the breach.

Marlborough withdrew his amendment and the House defeated, by 212 votes to 54, the Liberal amendment, moved by the Earl of Arran, which declared that the Government had no mandate to effect so grave an alteration in the Constitution.\(^2\) FitzAlan's motion was duly agreed to.

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1. Ibid., vol.67, cols.764-72, 20 June 1927.
2. Ibid., vol.67, col.1008, 23 June 1927.
The press in general believed, erroneously, that the debate had been contrived. Sanders, however, was livid:

... FitzAlan knew nothing about it. Monstrous that neither the Chief Whip, nor the Chairman of the Party, nor the King had been informed. The plan is quite different from & much inferior to that which Cave showed us last Autumn. But it has sufficed to cause a lot of excitement. Monsell is furious. A lot of Conservatives mostly youthful are on the warpath about it.2

The announcement of the proposals had indeed provoked a revolt (dramatically dubbed a Soviet3), unparalleled since the fall of the Coalition, in the Conservative ranks in the Commons. The debate in the Lords had not been concluded before storm-clouds gathered. Not unexpected by Baldwin, they enabled further delay on his part. Churchill was made to tell the Commons firmly that there was no question of any more legislative proposals being brought forward during the session and that therefore it was not the Government's intention to provide any facilities for discussion.4 Commander Charles Williams had expressed the belief that there was a reasonable chance the matter might not be tackled in that Parliament which had many far more important calls upon its time and Lady Astor and Sir Joseph Nall had castigated the Government for refusing

1. Campbell later publicly accused the Cabinet of misleading the Joint Committee (see below, p.429 ).
2. Diary, 2 July 1927.
to seek the views of the Commons before introducing proposals which would vitally affect the rights and privileges of their House. The views of the Commons, in the form of the Conservative Second Chamber Committee, had indeed been sought but not heeded.

While many members were House of Commons men first and Tories afterwards and looked jealously upon any attempt to restrict the powers of their Chamber, a more potent cause of objection was not so much a growing Conservative opposition to the hereditary principle, but the belief that there was no popular support for it. 'Up with the Lords and down with the Commons' would not have been a good cry for the hustings any more in 1927 than in 1861. Indeed, there was a feeling that Reform itself did not command wide electoral support: the ordinary member is no adventurer. One experienced Party worker was to report later in the year that he had found that the response of the mass of the people on this matter was less than to any other effective item in their programme and when the general election arrived he did not want to have to spend too much time on it:

I would rather be dealing with safeguarding, housing, or one of the other achievements of the present Government. Our one aim and object for the next eighteen months should

1. When Sir James Graham issued this warning to Conservatives who resented the inclusion of all the financial proposals of Gladstone's budget in one bill so as to make it impossible for the Lords to pick and choose among the taxes (W.F. Monypenny and G.E. Buckle, The Life of Benjamin Disraeli, Earl of Beaconsfield, iv, 297).

2. The Party had already lost six by-elections and were to lose a further ten, some, towards the end of the Parliament, in quite spectacular a fashion.
be to prepare the ground and stage the scenery to make absolutely certain of winning the next election. ¹

The Central Council of the National Union, however, was grateful for what it had received. Sir John Marriott proposed, seconded by Walter Blount (from North Islington) and supported by Maconachie, that:

the Council has learned with great satisfaction that His Majesty's Government propose to lay before Parliament concrete proposals for the Reform of the House of Lords ... and pledges itself to the whole-hearted support of the Prime Minister and his colleagues in giving legislative effect to such a measure during the Session of 1928. ²

1. F.W. Roberts (N.U.C.U.A., minutes of the annual conference, Cardiff, 6-7 October 1927). He was not opposed to Reform itself (see above, p. 323, n. 1).

2. 28 June 1927: Council Minute Book, July 1917 to March 1945. Two works by Marriott appeared during the height of the Reform controversy in 1927. One was Second Chambers: an inductive study in political science, first published in 1910. In the preface to the second edition, he noted that much had happened of high consequence to the problem with which the book treated during the seventeen years since its first appearance:

In England, the passing of the Parliament Act; the wide extension of the parliamentary franchise by the Act of 1918; ... the advent of a Socialist Ministry to office if not to power; abroad, the fall of Great Empires and the deposition of hereditary rulers; the multiplication of Republics; ... the
This resolution, somewhat weakened by the substitution (on

Note 2 continued:

abandonment of old constitutions, 
the adoption of new ones - mostly 
bicameral; everywhere, the advancing 
tide of Democracy, the increasing 
aggressiveness of Socialism, a 
sustained attack upon the principle of 
private property and individual enter-
prise - these things and many others 
of like import have certainly not 
weakened the case for an effective 
Second Chamber

(pp. v-vi). Yet to devise a good Second Chamber,

to discover for it a basis which shall 
be at once intelligible and differentiat-
ing; to give it powers of revision with-
out powers of control; to make it 
amenable to permanent public sentiment 
and yet independent of transient public 
opinion; to erect a bulwark against 
revolution without interposing a barrier 
to reform - this is a task which has 
tried the ingenuity of constitution-
makers from time immemorial

(ibid., p. 238). Marriott maintained that as a means of 
achieving this last attribute the referendum was at 
variance with the principle of representative democracy 
and alien to a Constitution which was exceptionally 
flexible. Since he considered that the Parliament Act 
itself was an infringement of the conventions of this 
Constitution, it was evident that he favoured its 
repeal (ibid., p. 226). His other work to appear in 
1927, his major The Mechanism of the Modern State: a 
Treatise on the Science and Art of Government, drew 
largely, in its treatment of the subject, on Second 
Chambers ... and implied a similar fate for the 
the suggestion of Lord Mildmay of Flete) of the word 'sympathetic' for 'wholehearted' in order to achieve greater support for a scheme not in its final form, was carried by a large majority. Two important amendments were lost. The first, proposed by Admiral Hunter and seconded by Miss Pickering (from Flintshire), hoped that any Reform would 'secure to the people adequate protection against legislation which may be opposed to the wishes of the majority in the country ...'. The second, proposed by Sir Arthur Shirley Benn, seconded by Lieutenant-Colonel Herbert Spender-Clay (Kent, Tonbridge), and supported by Duff Cooper and Francis Blundell, sought to kill any action whatsoever:

Whilst agreeing with the necessity of the Reform of the Second Chamber, this Council considers that no definite proposals to this end should be made until the matter has been fully considered by the Conservative and Unionist Members of Parliament.

Amery and Selborne, the former having been sent by Baldwin to quell the storm, spoke against this amendment, but the opposition to the resolution in support of the Government 'was sufficiently strong to make a good deal of impression'.¹ The latter confided to Salisbury:

I am afraid that this unexpected and idiotic uprising of Conservative M.P.s will give you & Cave much trouble. These young men do not seem to me in the least to understand the gravity of the position and what follows if the Government are prevented by them from fulfilling their pledges in this matter ...

¹ Sanders, diary, 2 July 1927. Amery has noted that, according to his diary, he won the meeting over by 'an eloquent effort' (My Political Life, 11, 477).
the hands held up for Spender-Clay's amendment were almost all of these M.P.s. The delegates supported Marriott as usual in great mass.¹

The rumblings of rebellion continued within the Executive Committee of the National Union, where, probably for the first time, the Cabinet's right independently to formulate the details of policy was challenged. Lady Maureen Stanley, raising the matter of Reform as urgent business, maintained that since the proposals were merely intended as a basis for discussion, one of the first places in which they should have been discussed was the Executive Committee.² She asked whether support of them was a test of loyalty and, if not, who decided what line the headquarters machine was to adopt. Salisbury responded that it was realised that no organisation in the country had spoken with such emphasis and confidence on the question

¹. 29 June 1927: Salisbury Papers, S(4) 121/132.
². 12 July 1927: Executive Minute Book, 1922-30. She was the wife of Oliver Stanley and daughter of the Marquis of Londonderry, who also opposed the proposals (see below, p. 430). The Earl of Derby, a former Hedger and chairman of the Party's Lancashire branch, was 'perfectly aghast' at the Government's proposals, particularly in respect of composition, which he did not want altered. He was sure that were the scheme implemented in the Government's attempt to strengthen the House of Lords, the Chamber would receive its death-blow at the hands of the first Labour or Liberal government: 'As it is, the mere putting forward of these suggestions has I am afraid done inestimable harm to our Party. If the Government continues to press them I am convinced it will mean a split in our Party from top to bottom and political suicide...' (to Davidson, 29 June 1927: Baldwin Papers, vol.59). Lord Stanley (Lancashire, Fylde) supported his father (see below, p. 446).
as had the National Union, which, for some considerable
time, had put it in the forefront of its programme and
urged it by unanimously passing resolutions at its various
bodies. It would, he thought, have been a new departure
for the Government to have submitted their proposals to
the National Union before introducing them in Parliament.
Davidson used blunter language: it was not the Committee's
duty to propound policy, but rather to carry out what the
leaders of the Party proposed.

Davidson felt able to report to Baldwin his
belief that the majority of Conservatives in Parliament
and the bulk of the Party in the country would support the
additional powers proposed by the Government and decide
that the existing House of Lords was quite capable of
exercising them, for

on the whole not only with our Party, but
generally with the inarticulate non-partisan
public, the present House is popular, espec-
ially with the women. To touch it is to risk
the danger which always faces the architect
when called upon to reconstruct an old house.
If it does not fall to pieces, the odds are
he will spoil it. My feeling is that unless
there is a great surge of opinion in favour
of an alteration, it would be better to leave
well alone ... 1

... Baldwin's refusal to provide any opportunity
for discussion in the Commons led an outraged Opposition
to put a vote of censure on the order paper for 6 July 1927. 2

1. 1 July 1927; Baldwin Papers, vol.59.
2. On 29 June, Neville Chamberlain had wanted the Cabinet to
discuss the dispute: it was not on the agenda and though
he attempted to raise it at the end of listed business,
Baldwin rose and left the room, thus ending the meeting
(Mackintosh, op.cit., p. 447).
The amendments to this motion, a motion which expressed Liberal as well as Labour opinion, demonstrated the schism on the Conservative benches. Two of the amendments, supported overwhelmingly by younger and recently-elected members (Sanders's youthful Conservatives on the warpath), sought, like that moved at the meeting of the Central Council a few days previously, to prevent any progress

1. It regretted a scheme

which gerrymanders the constitution in the interests of the Conservative Party, deprives the House of Commons of that control over finance which it has possessed for generations, entrenches the House of Lords, on an hereditary basis, more firmly against the people's will than for centuries past, and ... robs the electors of power to deal with the House of Lords; ... it will be an outrage on the Constitution to force such proposals through Parliament without a mandate from the people

(the Government and the House of Lords, vote of censure, H.C.Deb., vol.208, col.1279). macdonald, who moved the vote, wrote of the scheme:

... I think it is going to change seriously ... the political temper of this country. I think it is going to change the confidence that outsiders have in Parliament. I think it is going to re-orientate our political minds and, this is certain, it will continue to influence politics long after those of us who are on the stage today have ceased to play any part in mundane affairs ... If madness is a mark of the favour of the gods, the Tory Government seems to be peculiarly endowed with that blessing ... What they want is to create a sort of Vatican Council that will look after the Tory faith

(Tories and the House of Lords: An Exposure of their Trickery (Labour Party, 1927)).
towards Reform; the third congratulated the Government, albeit not that fulsomely, on their proposals. The hostile amendments were supported by 80 Conservatives and the friendly one by 103. Baldwin could only obtain a united vote from his Party upon a negation and he therefore announced to the Cabinet his intention of meeting the vote of censure directly and not encouraging any of the amendments.

Replying to the motion, Baldwin underlined Salisbury's statement to the Lords: 'We offer [the proposals] for criticism and for ventilation, both here and

1. While expressing approval of the Government's endeavours, they wished to avoid any alteration of the powers and composition of the House of Lords unless it were on the basis of a generally agreed policy. One amendment was to be moved by Spender-Clay with the support of John Buchan (Scottish Universities), Duff Cooper, Major Ralph Glyn (Berkshire, Abingdon), Robert Hudson, and Captain Euan Wallace (Hornsey; P.P.S. to Amery); the other by Anthony Eden (P.P.S. to Austen Chamberlain) with the support of Roger Lumley (Hull, East), Lieutenant-Colonel Angus McDonnell (Kent, Dartford), Hugh O'Neill (Antrim), and Sir Granville Wheler (Kent, Faversham) (4 July 1927: CAB.23/55, Cab.38(27)3).

2. Referring to these as 'tentative', it was to be moved by Captain Bourne with the support of George Balfour, Sir Evelyn Cecil, Major Kindersley, Major-General Knox, and Sanders (ibid.).

3. According to Ramsay MacDonald (H.C.Deb., vol.208, col.1280).

4. 4 July 1927: CAB.23/55, Cab.38(27)3.

5. See above, p. 404.
in the country, and we must be guided in framing legis-
lation by due consideration of that criticism and the 
results of that ventilation'.

1 His main concern remained to do little or nothing and escape unscathed: 'it is a 
Sisyphean task to roll this stone up the hill, and my 
only comfort is that if the worst happens and the stone 
rolls back there is no record of Sisyphus ever having been 
hurt'.

2 In this concern, Baldwin was aided by the fact 
that the case against Reform dominated the debate. Tory 
rebels joined forces with Socialists and Liberals in 
passionately opposing any interference with the House of 
Lords. John Buchan, Spender-Clay, and Duff Cooper were 
the mutinous voices.

Buchan (he had only been elected two months 
previously for a university seat, which did not require 
its member to be a rigid party man) declared, to a 
Chamber which rapidly filled to hear him speak until there 
was standing below the gangway, that it seemed to him and 
to those who thought with him that the Government's scheme 
could not form a basis for discussion because they regarded 
it not merely as inopportune and impracticable, but as 
definitely wrong and dangerous in principle and a

1. H.C.Deb., vol.208, cols.1302-03.

2. Baldwin had asserted to Thomas Jones (the latter having 
told him how glad he was that the Cabinet were being 
defeated on their House of Lords policy) that the Die-
hard element, now that it had seen the opposition within 
the Party itself, would be easier to handle. He intended 
to let discussion continue until the annual conference 
of the National Union, after which he still expected 
to deal only with money bills (1 July 1927, op.cit., 
p. 105).
contradiction of the fundamentals of the Conservative creed.¹ The composition of the reformed House would satisfy neither those who objected to bicameral government altogether nor those who rejected the hereditary system. It was designed as a compromise to render the system a little more logical and defensible, but the Party had never objected to things anomalous and indefensible provided that they worked. Buchan called Burke to his aid:

The old building stands well enough, though part Gothic, part Grecian, part Chinese, till an attempt be made to square it into uniformity. Then, indeed, it may come down upon our heads altogether in much uniformity of ruin.

Furthermore, the proposal to prevent the powers and composition of the Second Chamber being altered by the Parliament Act would result in it becoming a permanent and unchallengeable corporation. To give an important part of the Constitution, Buchan argued, the rigidity of a written document would not only be repugnant to Conservatism, but wholly alien to the tradition of our public life.² He asked:

What is the argument used in support of this startling change? It is the fear of some future revolutionary intention of some future government. I do not believe that there is

¹ H.C.Deb., vol.208, cols.1312-16.
² Churchill later declared that everything in the British Constitution must be capable of alteration and claimed that the Government had no intention of creating any system for which there was no constitutional exit (ibid., vol.208, cols.1393-94). The powers and composition of the proposed Chamber could, however, only be altered with the consent of the Chamber itself (see above, pp. 401-02).
any worse cant talked in our public life to-day than this cant about revolution, whether it is used by those who hanker after it or by those who fear it ... But suppose there was any such danger of revolution, how could any paper barrier prevent it?

Buchan was cheered to the echo again and again throughout his twenty minute speech and when he sat down there was so much applause that it was quite some time before Lloyd George could start.

Spender-Clay, while aware of the great difficulty for any member to take strong action against a government of which he was a supporter, firmly believed that were the proposals ever to see the light of day in the form of a bill in the Commons, he for one should be compelled not only to speak but also to vote against it. Duff Cooper felt, because of Baldwin's declared wish to discover the views of the House and the country, that Conservative

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1. Indeed, the Daily Herald had predicted that the existence of such a barrier would in itself incite revolution:

Let the Tories eradicate from the minds of the workers belief in the efficacy of ordinary industrial and political action, and they will see upheavals and convulsions compared with which last year's National Strike will appear to be a kindergarten affair

(22 June 1927). Henderson and Clynes followed with further warnings of the revolutionary forces which would be unleashed were the Government to proceed (reports in the Daily Telegraph, 2 July 1927; The Times, 4 July 1927). MacDonald warned likewise, though more obliquely (H.C.Deb., vol.208, cols.1287-88).

2. Ibid., vol.208, col.1343.
members had been given a charter to say exactly what they thought of the proposals without any disloyalty to the Government.¹

Only Sanders and Bourne were called upon to speak for the proposals, which thus appeared to be supported by a gang, albeit a very substantial one, of Ditchers in a sea of hostility from all three Parties. Sanders welcomed the scheme as 'rather a meagre instalment' towards what the majority of Conservatives wanted and made it plain that his own proposals would have been quite different.²

1. Ibid., vol.208, col.1354. Walter Elliot (now Under-Secretary at the Scottish Office) argued, in a work published in 1927, that the Tories, who had fought so long against the usurpation by one Chamber of all power, must not oppose its redistribution (it lay with the Dominion premiers, local government, trade union leaders and employers, the City, civil servants, and the barons of opinion in Fleet Street). Nor would this depart from tradition: there had always been an estate of the realm corresponding to might. The Lords had sat representing facts, but this did not apply to the existing Second Chamber, which derived its strength not from its representative capacity, but from the goodness or badness of its advice:

Eminent Constitutional lawyers gravely lecture us upon the great evil of this fact, and the urgent necessity of having it altered, which they propose to do with blue paper and red tape. They do not describe nor, apparently, observe bodies at present existing which hold and use the power of a Second Chamber. The younger Tories, in the debates of 1927, showed a sense of values in the full tradition of the party

(Toryism and the Twentieth Century, pp. 85-93). Marriott, however, did not find the 'demonstration of extreme dis-favour on the part of a considerable section of the younger Conservatives...' easily intelligible in view of the Party's commitment to Reform (Second Chambers: an inductive study in political science, p. 220).

Yet he wished to see the question settled by a Conservative government: if it were dropped, he believed it almost inevitable that a crisis would arise if and when the Labour Party came to power and the House of Lords rejected one of its bills. Sanders wanted to avoid such an eventuality by dealing with the problem in a calm and sensible atmosphere. Bourne's uninspired recital of the case for an effective Second Chamber lent ineffective support.

Churchill, in attacking those who intended to vote against the Government, was able to avoid all reference to the Tory rebels. Dealing first with the official Opposition, he demanded:

Who are these guardians of the British Constitution who have rallied so eagerly to its defence, whose breasts are heaving with indignation that even a touch should be laid upon its sacred structure? Who are they? Would you believe me, Sir, they are the same gentlemen, the very same, the identical ones, who little more than a year ago were planning, organising, managing, or as I believe they now admit, mismanaging the General Strike.

He dealt with the Liberals under the two heads of the impeccable and the naughty. The former, the orthodox followers of Asquith, had committed themselves to Reform in supporting the Preamble to the Parliament Act and had no cause to complain because the matter had been raised by the Government. The latter, Lloyd George, was the head of the Government which had made not dissimilar

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1. Ibid., vol.208, cols.1365-70.
2. Ibid., vol.208, cols.1390-97.
proposals five years previously.

Churchill believed that Reform was no less necessary in 1927 than it had been in 1911 or 1922:

Whereas the party systems in this country which carried on the struggles of politics so fiercely in the past were not divided ... on fundamental issues, we now have a party which would be greatly insulted if anybody were to suggest that they did not wish to sweep away and alter fundamentally the whole existing economic and social system of the country.

The vote of censure was duly defeated by 362 votes to 167¹ (there being no question of voting against the Government, many anti-Reformers abstaining as an earnest of their opposition), but Sanders was under no illusion as to the reality:

The Debate on the Lords left the matter in a very unsatisfactory state. The malcontents were clever in putting up John Buchan. He got in early with a maiden speech. He took the old-fashioned Tory line that the House of Lords was the best assembly we could have and ought not to be interfered with. The Government was climbing down all through. I spoke under rather unfavourable circumstances. LG had just made a long & impassioned oration and people cleared out after it. Philip Cunliffe-Lister says they will go on with proposals about the Speaker & Money Bills. I am more inclined to think they will run away altogether.²

That the proposals were dead, was certainly also the impression to be gained in the lobbies of both Houses

¹. Ibid., vol.208, col.1400.
². Diary, 11 July 1927.
and from the press. Buchan himself had no doubts:

Baldwin came to me and said that he agreed with every word I said, and he thought my speech had made history, and that he, personally, was very obliged to me. What I did was to kill the House of Lords proposals ... You see, I have 150 Conservatives behind me, the best young men in the party. Baldwin has been put into an awkward fix ... and we have got him out of it ... and Baldwin wrote to Bridgeman in Geneva: 'the H. of C. has pretty well blown reform out of the water. We got all our boys into the lobby which was a finer achievement than you, at a distance, can appreciate'. Baldwin, indeed, who would often dine with Buchan at the Club, might well have given the rebel indirect encouragement. Buchan's intention to speak had been advertised in the press and on the day of the debate he lunched with Neville Chamberlain who, despite his opposition to Baldwin's high-handed attitude

1. A cartoon in Punch entitled 'A Futile Course' depicted the leaders of the Opposition Parties as greyhounds chasing a hare (the sport was quite new) wearing a coronet and labelled 'Lords Reform Scheme'. The Liberal dog is saying: 'Aren't we rather wasting our energies? After all it's only a disappearing dummy'; the Labour dog replies: 'Yes. What I want is something to kill' (13 July 1927). The Times commented on the proposals:

The accepted view nowadays is that they never interested [Baldwin] personally except as a curious whim of some of his friends, that he was not sorry to see them come to grief, and that the whole incident may now be dismissed as a necessary process of educating Ministers in 'post-war mentality'

(20 July 1927).

2. To his mother, 7 July 1927, quoted in Janet Adam Smith, John Buchan, p. 309.

3. 7 July 1927: Bridgeman Papers (Cambridge).

4. Buchan, Memory Hold-the-Door, p. 224.
towards the Commons, supported the latter's strategy. Chamberlain had written to his sisters: 'We are in a nice mess now ... with our own party, who don't like the proposals, and are furious at being tied to them without having been consulted beforehand'; but he agreed with the decision to let opinion crystallize, hoping it would be content with replacing the Speaker's certificate on money bills by a joint committee.¹

Salisbury, his disappointment notwithstanding, magnanimously added his congratulations to the great acclaim accorded Buchan's speech: 'Everyone speaks of it with enthusiasm and of its point and brilliancy ... I have read it with the greatest interest and admiration...'.² He was impressed not only by the deference paid to the House of Lords, but also by what was said about the backwoodsmen that was never mentioned: their valuable, unobtrusive, and unknown work in far-off localities. 'You will of course imagine', Salisbury continued, that I did not feel exactly as you did throughout ... We do indeed most fully and deeply agree on the sanity of the English people; the trust that can and must be put in their clear sightedness & moderation, and in that curious political instinct that seems to belong to them. In any case the decision must of course remain with them. The point of anxiety is ... whether proposals which may have the most far-reaching consequences to national prosperity, may not be brought up and become law in the course of a few weeks, and before the chance is given for consideration of them.

It had, up till then, been accepted by the Conservative

¹ Felling, op.cit., p. 163.
² 11 July 1927: Buchan Papers.
and Liberal Parties that the Parliament Act required adaptation and what made Buchan's speech specially interesting was that it was the first boldly to face the alternative: time had shown that the existing House was the best Second Chamber that could be evolved. Yet, while conceding that all the suggestions regarding composition bristled with difficulties, Salisbury wondered whether, with its great loss of power, it would be of any use at all as a referring agency. Were it possible to do nothing to strengthen it, they had to trust the House of Commons to realise its 'responsibilities in the face of the virtual disappearance of a Second Chamber, but if it were possible to the genius of the English race to find some means of recompense which would provide that the Second Chamber could give time for consideration to both sides, it would undoubtedly be safer, as I am sure you will agree'. Salisbury invited Buchan to Arlington Street to talk the matter over.

It was to Cecil that Salisbury expressed his anger, laying the blame firmly on Baldwin's incapacity as a leader. None of the Commons in the Cabinet, except Joynson-Hicks, wanted any Reform, he recalled.¹ They had been obliged to stand heavily upon their hereditary leg in the Lords because the increased powers were so trivial, while at the same time they had to make the most of these powers to justify the whole exercise. In retrospect, this inconsistency made the policy hopeless, but it might have succeeded. Their colleagues in the Commons, having escaped real Reform,

1. 16 July 1927: Cecil Papers, Add. MS. 51086.
treated the proposals as almost insignificant and Baldwin, having no conception of the technique of a leader, took no steps to prepare the ground. Thus Davidson and Eyres-Monsell were as much surprised as everybody else. Finally, Birkenhead's announcement of definite action during the Parliament, authorised by Baldwin at his, Salisbury's, instigation, being rather crudely formulated, frightened the Party into fiddle strings. Nonetheless, he concluded:

the Party behaved very badly. It is true that the proposals ought to have been hinted at in the Whips Room and allowed vaguely to percolate, but broadly speaking the notice was ample, in the National Union, in the Brighton Speech¹ and in the deputation last year. Moreover we were entitled to believe that the Party disliked the Pant. Act and would have backed their leaders.

But I am afraid that in addition to all this the Party are disaffected. They don't believe in the Govt. and I am not surprised.

On the other side of the fence, Davidson likewise bemoaned the fact that neither Eyres-Monsell nor himself had been consulted and that the ground had not been prepared with the rank-and-file in the Commons:

The result has been to split the Party in the House into more or less two equal parties, those for and those against proceeding with the proposals... I am quite convinced ... that to fight an election on [the House of Lords] would spell disaster, and there is no time, I think, before the election for any kind of compromise to be arrived at and put into operation.²

Yet compromise was to be attempted.

¹. Baldwin's address to the National Union, 1925 (see above, p. 360).
². Letter, cited above, p.143, n.3.
Undaunted, the Reformers maintained their efforts. A letter issued shortly after the censure debate by the members of Sumner's Sub-Committee (with the addition of Viscount Younger\(^1\)) left no doubt as to the displeasure of its signatories at the Government's scheme.\(^2\) It stated that the object of the initiators of the debate in the Lords was that the peers should prepare the way for Reform by showing their readiness to accept a limitation of their hereditary rights in order to help produce a Second Chamber which would reflect the decision of the country at a general election. The letter demanded that, as a first step, in respect of any class of bill exempted from the operation of the Parliament Act the will of the electorate should prevail, whether expressed in a referendum or at a general election, in the event of disagreement between the two Houses. It invited 'all Conservatives who do not wish to hand over Second Chamber Reform to Socialist hands to lose no time in letting their Members and the Cabinet know their views'. There was a good response to this appeal, although Lord Newton was less than helpful. He feared that the Government, in their anxiety to fulfil various pledges, had committed themselves to a programme

1. As chairman of the Party (as Sir George Younger) he had proved an embarrassment to the Coalition on account of the persistency with which he pressed for Reform.

2. The Times, 18 July 1927.
of far too ambitious a nature.¹

Cave yet hoped he might be able to appeal to the Party over the heads of his colleagues. Shortly before the annual conference of the National Union he suggested, in the strictest confidence, to Worthington-Evans, as chairman of the Party's parliamentary Policy Committee, that they should introduce a Parliament Act Amendment Bill dealing with money bills and providing that no amendment of the act be passed unless there had been a general election (or, Cave would have added, a referendum, but to this the Cabinet would not agree) between the first and third passages of the bill by the Commons.² The changes in the composition of the Lords were, he added, intended

1. House of Lords Reform, debate, H.L.Deb., vol.68, col. 671, 20 July 1927. Newton, who had introduced his own Reform Bill in 1907 (see above, p. 316 ), had assisted the Balfour-Lansdowne combination in its fight against the Die-hards (Newton, Retrospection, p. 185). Amery ascribed their trouble entirely to their not having sufficiently decided on the details of the changes they contemplated and then letting Cave and Salisbury expound the principles arrived at in a way which created the impression that they were strengthening the powers of the House of Lords by securing it for all time against swamping and not altering its composition to any serious extent. If either had stated that at least half of the new Chamber would be nominated, the attitude would have been quite different. He believed they could still proceed with the proposals, secure acceptance for them, and win great credit by carrying them through, but only if the peerage were to constitute, at the most, one-third of the Chamber and the remainder nominated according to the strength of the parties in the Commons (cf. Amery's previous proposal, above, p. 396 )(memorandum, 3 August 1927: Baldwin Papers, vol. 59).

as a concession, but had been little welcomed and might well be postponed. He would offer to go to Cardiff and explain the proposal, but it might be thought he was too much wedded to the scheme 'erroneously' called his to be its best exponent. Worthington-Evans agreed to convey the proposal to his Committee, even though House of Lords Reform had been so amply discussed in the Cabinet that he believed no committee could add anything to assist it.¹ Nothing came of this initiative.

The twelve resolutions on the House of Lords which appeared on the agenda of the annual conference and reaffirmed the Party's commitment to Reform, served clear notice on the Government that their supporters had not forgotten their pledges.² Five of the resolutions, including those of Campbell and Selborne, called for urgent legislation. Major Kindersley's was selected as representative and, on behalf of members of the Commons, he proposed that:

This Conference offers its hearty congratulations to the Government on its resolve to deal with the problem of the House of Lords during the life of the present Parliament and will support those Measures necessary to assure that the will of the People shall be safeguarded by an effective Second Chamber.

The gathering applauded Kindersley's declaration that the Constitution (in which he included the Monarchy) could only be altered after the people had been consulted (whereas

¹. 26 September 1927: ibid.

². N.U.C.U.A., minutes of the annual conference, Cardiff, 6-7 October 1927. Sanders was the conference chairman.
the proposals in fact envisaged that the powers and composition of the Second Chamber were to be virtually unalterable) and was given to believe that the electorate would be empowered to veto the excesses of Socialism:

Have we forgotten the Campbell case, the abortive Russian Treaty, the history of the General Strike, the relations between the Socialist Party and Russian Communism, that we are prepared to leave the people without any effective legal safeguards against attempts to alter the Constitution or overturn the existing order without their considered approval and consent?  

F.W. Roberts, seconding the resolution, said that they were members of the rank-and-file of an army and should let the officers decide the plan: when it had been settled they should all exert themselves in order to put it into effect. Support came from Campbell and Selborne. The former, indeed, emerged into open hostility to the Cabinet by declaring that, contrary to what had often been said, the scheme promoted by Cave was not the one he had put before the Joint Committee of the Lords and Commons. He issued an exasperated warning to Baldwin: 'The Prime Minister has the respect of all the working men and women in this country ... leave it to him, but tell him, for goodness' sake, to get a move on with it'. Selborne, pleading for a restoration of the electors' birthright, told the conference that if the Socialist Party achieved power, the people would learn for the first time what the

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1. A resolution in the name of P.D. Ridge-Beedle (prospec-
tive candidate for Glasgow, Camlachie) had called for an appeal to the people in the form of a referendum in cases of disagreement between the two Chambers.
Parliament Act meant.

The dissension within the parliamentary ranks of the Party was reflected in an amendment moved by the Marquis of Londonderry (in place of Robert Hudson, who was to have moved it on behalf of his constituency association). This, while expressing the hope that early steps would be taken to modify the money bill procedure, recognised 'with reluctance' that the result of recent discussion had disclosed the absence of that general measure of agreement which was an essential condition of durable constitutional Reform. Londonderry, arguing as had Buchan, warned against altering the balance of the British Constitution, which was 'one of those developments of evolution which fills us with admiration and wonder'. He would have accepted changes recommended by a non-party conference, but feared the time for that was no longer practical politics: 'Let us therefore abandon a rash and ill-considered policy which, I say with full sincerity, may, if it is persisted in, irrevocably split our Party...'.

1. A leading coal owner, Londonderry harboured much bitterness for the way he and his colleagues, who he believed were fighting 'the strongest Communistic force in the country', had been attacked by Baldwin and Churchill (to Churchill, 2 November 1926: Churchill Papers).

2. It is of interest that the three other resolutions on the agenda similar to that selected as the amendment also appeared in the names of constituency associations whose members were opposed to Reform: the Bootle Constitutional Association, the Oldham Conservative and Unionist Registration Association, and the Stockton and Thornaby Constitutional Organisation, the Associations of, respectively, Lieutenant-Colonel Vivian Henderson, Duff Cooper, and Macmillan.
Seconding the amendment, Major Charles Price (Pembroke-shire) said that the Party did not want an election fought on the cry of 'Peers against the People'. Hudson concluded the debate (during which the amendment's supporters were given a poor reception) by declaring that they had nothing to fear and that the talk about what the Socialists would do when they gained power was all a myth.

The resolution was carried with only 4 dissentients among the 2,500 present.

Baldwin, in his address to the conference, made it clear that the Government were opposed 'fundamentally, absolutely, and diametrically' to the abolition of the House of Lords. But that was not the issue. He did, however, promise that, on the basis of the criticisms of their proposals, they would announce their decision later in the year.

During November and December talks were to take place between the leaders of the opposing factions in the Commons to try and achieve an agreement on which action might be taken. Since the announcement of the Cabinet's proposals, it had been the turn of the anti-Reformers to discuss the matter: though they were to canvass various mild measures, their guiding principle, concerned as they were with the coming election, was *quieta non movere*.

Viscount Astor did favour Reform of the composition of the Lords and feared the Government might so modify their scheme as to leave it untouched. The essential matter, he wrote to Macmillan, was not that the Second Chamber should have the power of delay or rejection, but
that when it decided in the national interest to delay a
dangerous measure, the electors should have a clear issue
before them.¹ But, with the unreformed Chamber in exist-
ence, a revolutionary government would befog the issue by
accusing hereditary class privilege of challenging the
elected representatives of the people. The Government,
Astor subsequently wrote in an article advocating the
gradual replacement of the peerage by nomination, had no
popular mandate for their plan to entrench the hereditary
influence: Conservatives who considered the position
constitutionally dangerous had to realise that, without a
new scheme, the Party would return from the election either
pledged against Reform (many who wanted to win industrial
seats would repudiate the plan) or tied up with irreconcil-
able policies.²

Macmillan, who had been sent an advance copy of
Astor's article, thought there were only two possibilities:
to leave the Lords alone (except for dealing with money
bills) and 'trust to the common sense and good luck of
England to carry us through to what practically means
single-chamber government' or to have a body selected without
reference to the peerage (he would have supported Astor's
scheme had it gone further, but feared there was no chance

¹ 1 July 1927: Astor Papers, MS. 1066/1/712.
² 'Reform of the House of Lords', Nineteenth Century and
After, cii (1927), 437-46.
of the House of Lords agreeing to its own extinction). ¹

There was, he believed, no likelihood of an all-party conference while the Cave proposals held the field:

I am sure the first thing upon which to concentrate is a definite statement from the Government that they are abandoned, and if this should lead to the resignation of the Lord Chancellor, so much the better, as he seems to me an unimaginative old gentleman, equally ineffective in Council and in debate.

Captain David Margesson (a Junior Lord of the Treasury) wanted the Government to announce that they were abandoning their scheme because agreement could not be reached within the Party itself and to call a two- or three-party conference as soon as a suitable occasion arose, but he anticipated that no occasion would arise before the election. ² Though it might be thought a timorous point of view, he hoped that nothing would be done were no agreement reached because their opponents would split their Party and beat them at the polls: 'After all House of Lords Reform is not of paramount importance unless Communism ever succeeded in winning an Election'.

Sir Leslie Scott, in a long and occasionally contradictory memorandum sent to Macmillan, added his own warning that if the Party went into the election without any further pronouncement on the subject, it would have to

1. To Astor, 30 August 1927: Astor Papers, MS. 1066/1/712.

2. To Astor, 9 September 1927: ibid.
bear the whole odium of Cave's proposals: these should be explicitly or implicitly jettisoned and, after they knew their own mind, an all-party conference suggested.¹ The only danger requiring consideration was that of money bills: much of a subversive nature could be done in their guise, though there was no risk of revolutionary measures because revolution was not a real danger in England and, if it were, no paper Constitution would prevent it. Otherwise, to have a satisfactorily composed Second Chamber was the principal concern and an increase in powers (such as placing constitutional changes outside the scope of the Parliament Act and allowing the Chamber the same right to appeal to the nation during the first three years of a Parliament as it had during the last two) was of secondary importance: Cave's proposals were calculated to make Conservative control of the Chamber both absolute and permanent. Like Astor, Scott favoured a wholly nominated Chamber, but doubted whether this would be practical politics.

Oliver Stanley reiterated the importance of the coming election:

It becomes more & more clear that any legislation before the next election will split the party and I think the sooner those of us, who agree, make that point quite clear, the more chance there will be of no legislation this

parliament. That appears to me the first essential, before we start discussing some measure of agreed programme for the election.1

Those involved in the talks that winter between the Reformers and the anti-Reformers were, on the one side, Sanders, Campbell, Bourne, and Kindersley and, on the other, Lord Apsley (Southampton), Macmillan, and Spender-Clay.2 By early December they had arrived at a formula to put to their respective groups. It was settled only after some friction between Bourne, acting as the spokesman of the Reformers in the Commons, and Selborne, who had remained in the background. The former had asked for a quick reply to the agreement reached in his House because Baldwin was anxious to know how matters stood.3 The latter complained of the tone 'these House of Commons gentry' took towards them, finding it 'too precious for these M.P.s to say tous "we have promised to let the P.M. know on Monday at the latest"!'.4 He was nonetheless unwilling to break off a promising exchange of views and thought they should, letting Bourne know, communicate with Baldwin directly or through Salisbury.

4. [Unaddressed, possibly to Sumner; n.d.] ibid.
The formula merely recommended virtually the same powers as those in the Cabinet's proposals (though, to preserve the privilege of the Commons, the Speaker would have the casting vote on the financial joint committee) and did not touch the matter of composition. ¹ There were two important provisos: the first, made by the Reformers, stipulated that the compromise was acceptable only if carried through Parliament before the dissolution; the second, by the anti-Reformers, that the question of increasing the powers or amending the composition of the House of Lords not be an issue at the election on the initiative of the Conservative Party.

The leaders of the Reformers in the Lords agreed to urge their followers to pass a bill along the lines of the compromise, although they would deplore it were the

¹. Selborne to Salisbury, 13 December 1927: Baldwin Papers, vol.59. Selborne and Younger had hoped for a more radical compromise. The Lords would be empowered to reject any bill (other than a money bill), which the Commons could then send to a referendum; if approved, it would be presented for the Royal Assent. If not sent to the electors, it became suspended until the following general election, after which the Commons could pass a resolution to present it for the Royal Assent. Selborne maintained that this proposal, while appearing to leave the initiative with the Commons (and abolishing the two years' delay), in reality did not diminish the Lords' power (to Salisbury, 22 October 1927: Salisbury Papers, S(4) 123/36). But Younger thought it did exactly the opposite, as well as placing power in the proper hands, those of the electors (to Davidson, 5 November 1927: Baldwin Papers, vol.59).
Government not to reconstitute their House; they insisted, however, on remaining free to propound their own views as to proposals for a future Parliament, whatever policy the Government might put before the country. An influential group of anti-Reformers acceded, 'with very considerable reluctance',\(^1\) to the compromise.\(^2\) Indeed, as Spender-Clay reported to Baldwin, they thought the best course was that nothing should be done in that Parliament and that Reform should not be an election issue.\(^3\) The next best course was to declare that the proposals were withdrawn and the next session hypothecated, but announce, shortly before the election, that a three-party conference would be proposed after it. The compromise was a *pis aller* and to go beyond it would disrupt the Party.

For himself, Spender-Clay conceded that the Government were pledged to do something. He shared Baldwin's dread of any constitutional legislation without all-party


2. Apart from the negotiators, it comprised Major John Astor (Kent, Dover; all three Astors in Parliament were thus in the anti-Reform camp), Major Edward Cadogan (Middlesex, Finchley), Glyn, Edward Grenfell (City of London), Hartington, Lieutenant-Colonel Charles Howard Bury (Essex, Chelmsford), Hudson, Loder, McDonnell, O'Connor, Scott, and James Stuart (Moray and Nairn). This confirmed that the core of the revolt consisted overwhelmingly of younger and recently-elected members (Spender-Clay, memorandum, 'Agreement on House of Lords Reform: Amendment to Parliament Act, 1911': appended to letter cited above, n. 1).

agreement (of which there was no prospect), but did not think the compromise could raise the cry of 'Peers against the People', although if passed just before the election it would be distorted out of all recognition and do infinite harm in industrial districts, especially in the North. If nothing were done, the matter could not be shelved as an election issue. Lord Colum Crichton Stuart was one of those anti-Reformers who did not accept this analysis. He had formerly favoured compromise, but now hoped the matter would not be touched at all because the cry of 'Peers against the People' would indeed be raised as loudly on a mere Speaker's certificate measure as on the most far-reaching scheme and would ruin their election chances.¹ He had made painstaking inquiries and knew that the rank-and-file in Cheshire (he sat for the Northwich division) cared nothing for the House of Lords question; as for the representatives at Cardiff, he dismissed ninety per cent of them as being 'of the old kind and only there because they had money and leisure'.

The compromise envisaged the minimum of Reform, yet it was significant because, were it carried, it might well have heralded further measures. Campbell optimistically reported to Eyres-Monsell that whereas there had been two groups with diametrically opposed views, they had realised the necessity for each to concede something to the other in the interest of the Party.²

¹. To Davidson, 31 January 1928: ibid.
². 14 December 1927: ibid.
The end of 1927 came, but, contrary to Baldwin's conference promise, there had been no announcement of the Government's intentions. Cave urgently pressed for action in the forthcoming session: 'If nothing is now done it will be said that we have not the courage of our opinions and we shall lose ground'. He suggested that an alternative to a bill would be to follow the precedent of 1910 and introduce, in both Houses, resolutions defining precisely the Government's proposals with a view to their being endorsed at the election. As to the proposals themselves, he outlined two modifications. First, in order to meet the objection that an element of rigidity was being introduced into the Constitution, he advocated that the Parliament Act should only apply to an 'organic' bill if a general election had intervened between its first and third readings in the House of Commons; such a procedure, Cave undoubtedly reasoned, would facilitate the subsequent introduction of an appeal to the electorate in all cases of disagreement between the two Chambers. Second, since their ideas for

1. Baldwin had been asked about them on three occasions in the Commons by a Conservative, a Labour member, and a Liberal (H.C.Deb., vol.210, col.1401, 21 November 1927 (Esmond Harmsworth (Kent, Isle of Thanet)); ibid., vol. 211, col.980, 5 December 1927 (Kenworthy); ibid., vol. 212, col.586, 22 December 1927 (Simon)).

the reconstitution of the House of Lords had been strenuously opposed from all sides, it might, again following the precedent of 1910, be better to postpone any action on this subject.

Baldwin ignored both this attempt at compromise and also that reached by the Reformers and anti-Reformers and, without too much difficulty, persuaded the Cabinet to agree that, in view of its (eminently convenient) decision to aim at prorogation not later than the beginning of August,\(^1\) it would be impossible to pass any considered measure of Reform in the ensuing session.\(^2\) It was contended that there would be time to effect legislation in the session beginning in November and, moreover, that the matter required yet further exploration before final decisions were taken.

The now customary omission of any reference to Reform in the King's Speech of 7 February 1928 (to which many had looked for reassurance after the lack of any announcement before the end of 1927) caused concern, if not undue surprise, in both Houses as to the validity of Baldwin's pledges.\(^3\) But Marriott reminded his Party: 'We all know, and we are glad to know, that this is not the last Session of this present Parliament and that there will be another opportunity for implementing the pledge given

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1. 1 February 1928: CAB.23/57, Cab.4(28)5.
2. 2 February 1928: CAB.23/57, Cab.5(28)4.
3. FitzAlan, Younger, Marriott (debate on the Address, H.L.Deb., vol.70, cols.33-35, 7 February 1928; ibid., vol.70, cols.36-38; H.C.Deb., vol.213, cols.137-40, 8 February 1928).
by the Prime Minister'. Salisbury asserted, with more hope than conviction, that no pledge had yet been broken and Baldwin eventually added that the omission of Reform from the Speech did not necessarily mean the Government had abandoned all intention of legislating.

The Executive Committee of the National Union, in a resolution proposed by Younger and seconded by Sir Charles Marston, a Wolverhampton manufacturer and Christian propagandist, deplored, by 18 votes to 5, the absence from the programme of that session of any Reform measure and viewed with anxiety the postponement of such legislation until the last session of the Parliament. The Central Council carried by a large majority a resolution, proposed by

1. Ibid., vol.213, col.140.
2. H.L.Deb., vol.70, col.32.
4. 14 February 1928: Executive Minute Book, 1922-30. 'I can't say how sick I feel at the Government's failure to tackle the Parliament Act during this Session', Younger wrote to Davidson.

I suggested ... a way out of this difficulty which you handed to the P.M. some time ago ... When I asked him, he hadn't had time to read it, and I haven't since broached the subject. I am no believer in promises for a last Session ... When, as you know, I think the extension of the Franchise at this time to be a grave mistake, and that failure to deal with the Parliament Act in this Parliament would be a grave betrayal of the Party and the Country, the temptation to say more than I did in backing FitzAlan yesterday was great, and I had to keep a firm control over my feelings

Lieutenant-Colonel Sir John Mansell (from Winchester) and formally seconded, assuring Baldwin of its support in any measures considered by the Government to be necessary, but urged that they be taken during 1928.1

The spring and summer of 1928 saw a serious thinning in the ranks of the Reformers. At the end of March, ill-health finally forced Cave's resignation and within a few days he was dead, Reform no nearer accomplishment. His biographer observes on the scheme he presented to Parliament:

Cave had some reason to feel disappointed both at the attitude of political opponents and at the half-hearted support forthcoming from his friends. His views had been to some extent misconstrued. His intentions were by no means so reactionary as some hasty critics supposed. But the truth is that the problem which he had undertaken to handle, with his loyal Conservatism and his accustomed moderation, is one which no party and no Cabinet has ever thoroughly agreed on yet.2

Sanders, wearying of the struggle, again cast his eyes towards the Speakership, but was passed over in favour of Captain Edward Fitzroy (Northamptonshire, Daventry).3 He

1. 28 February 1928: Council Minute Book, July 1917 to March 1945.
3. 'Robert Sanders started first favourite', Davidson wrote, 'but there is a good deal of opposition amongst our own people at his appointment. He is old and arbitrary' (to Irwin, 7 June 1928: Davidson Papers). He was the most experienced of those available, having been Chairman of Standing Committees (see above, p. 348, n. 1), but 61 was widely regarded as being too old for a new Speaker.
received consolation in being offered a peerage by Eyres-Monsell 'any time I like to have one'¹ and resigned his seat at the end of the year, becoming Lord Bayford in 1929. Selborne, too, was claimed by ill-health and resigned from the Executive Committee of the National Union in August. Lansdowne had died in 1927.

Baldwin felt no need further to commit the Government.²

The National Union believed betrayal was imminent. At the annual conference, T.E. Saunders (from the Mid-Gloucestershire Conservative and Unionist Association) proposed that in the event of a substantial departure from the recognised policy of the Party being contemplated, an opportunity be given to the executive committees of all constituency associations to discuss it in confidence and to forward their conclusions for the consideration of the Central Council.³ This attempt to usurp the power of the Cabinet was, naturally, defeated after Davidson condemned it as sharply as he had the similar rising within the Executive Committee the previous year.⁴ The National Union,

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1. Diary, 17 June 1928.
2. He refused, in reply to questions, to anticipate the King's Speech of the following winter (H.C.Deb., vol.215, col.1792, 3 April 1928; ibid., vol.216, col.1072, 26 April 1928; ibid., vol.217, cols.1202-203, 17 May 1928).
4. See above, p. 413.
he maintained, was the most democratic organisation in the country. There was no subject upon which any association might not pass any resolution and submit it, through the Council, right up to the Executive, and so to the leaders; but when they had elected their leader, they had to trust him.

The annual Reform resolution embodied the compromise scheme. Eden proposed it on behalf of members of the Commons: it trusted that, in view of the repeated requests by the National Union, the Government would, during the life of that Parliament, pass the legislation recommended. He presented it as 'a sincere and hopeful compromise' between the majority which, the previous year at Cardiff, had expressed itself eager for Reform and the minority which had been less anxious. The resolution, seconded by Campbell and with FitzAlan speaking to it, received the customary large majority.

The cynicism of the Reformers presented Davidson with yet another challenge. Maconachie proposed a resolution, seconded by Blount, expressing the hope that were there no amendment of the Parliament Act before the dissolution, it would have a prominent place in the Party's election programme. The great majority of politicians, he declared, knew perfectly well that the time of the ensuing session was so mortgaged by other business that to expect such a measure to be carried was out of the question: they would therefore be marching into an election in the not very creditable position of having done nothing in this respect during a whole Parliament. The least Conservatives could do was to emblazon on
their banner that they still stood by the policy of Reform and boldly proclaim that they were a constitutional Party in deed as well as in name. Davidson pronounced the resolution undignified because the conference had already passed another which affirmed its trust in the Government's pledge to legislate. Maconachie thereupon avowed himself to be the last person in the world desirous of doing anything undignified and was given leave to withdraw.

In his address Baldwin predicted that 'the issue at the next election will be the challenge of Socialism against Constitutionalism ... ', but he made no reference to Reform.

Any lingering doubt as to the Government's intentions was finally put to rest when the King's Speech of 6 November 1928 made no mention of the matter. Baldwin was even able to avoid the uncomfortable task of explaining his position. Salisbury, speaking in the Lords on his behalf, informed the House that the Prime Minister did not deny the commitments into which he had entered.¹ Proposals, he reminded the House, had indeed been put forward, but while they had been very favourably received by the Lords, the Commons were not so disposed and, he added disingenuously, it had been found impossible to proceed. Baldwin wished him to say that, since these discussions, the great scheme for

¹. Debate on the Address, H.L.Deb., vol.72, cols.33-34, 6 November 1928.
the reform of local government had crystallized as the work immediately before them and nothing else of importance could be attempted during the remainder of the Parliament.

The reaction of the Reformers was largely confined behind the closed doors of the Executive Committee of the National Union. Sir Herbert Nield, who referred to the Great Yarmouth resolution and to Baldwin's pledges, and Sir Charles Marston, who thought this to be one of the most serious decisions ever made by any political party in England, were curtly reminded, by Steel-Maitland and Lord Stanley respectively (they were deputising for Davidson), that it had been absolutely impossible to find room for any legislation on the subject.¹

The Reformers now strove, as had Maconachie and Blount, to make the matter Conservative policy at the forthcoming election. To this end, as he himself admitted, the Earl of Clarendon, with the support of the members of Sumner's Sub-Committee, introduced a motion in the Lords on 11 December 1928:² 'If we carry this', Midleton believed, 'it will be impossible for Baldwin to say that it was never before the Country at the General Election'.³ They wanted to destroy

² House of Lords Reform, H.L.Deb., vol.72, col.486. It had been under discussion since September (Midleton to Selborne, 28 September 1928: Selborne Papers, MS. Selborne. 3).
³ Ibid.
the belief that the whole object of Reform was so to entrench the Conservative majority as to render all other parties powerless and were determined to put themselves right with public opinion by testifying to their own good faith. The motion, in common with attempts at Reform in the years preceding 1911, referred only to the desirability of reconstituting the House of Lords (so as to provide for a fixed Chamber with an elective representation of the peerage and such nomination as would ensure to each party a fair position; the second part of the motion specified that each element be of equal size) and not to powers, Clarendon airily declaring that 'these matters in connection with the Parliament Act can be dealt with at a later stage'.

Salisbury had warned the Cabinet that, although nothing would be more inopportune than for it to be committed to details at a moment when it had no time to weigh them and when, whatever they might be, they would be torn to pieces on the hustings, the leaders in the Lords could not be mute on the subject with opinion growing on every side that the existing situation was no longer tenable. If the Party were returned by a small majority, the paralysis of the House of Lords would be of even greater concern to Conservatives:

Confronted with the rising tide of Labour opinion those who fear subversive legislation will be very uneasy. They will

1. Cf. the peers' previous definite scheme, above, p. 386.
be demanding an effective Second Chamber and will hold a Conservative Government to a strict account if it should be inactive in the emergency. But with what face could it approach the subject if when we had been challenged in Parliament on it we had had nothing to say, if we had evaded even the most general commitment on the subject before the election?

But the Cabinet could in no way be induced to grasp the nettle of Reform at so late an hour. After prolonged argument, Salisbury, Churchill, Joynson-Hicks, Cecil, and Peel (who had succeeded Birkenhead as Secretary of State for India on the latter's resignation for financial reasons the previous October) bowed to the will of the majority led by Baldwin, now without Birkenhead's support. It was concluded, first, that the Government's spokesmen should state that some considerable measure of agreement was necessary before legislation could be introduced and, second, that if there were a division Ministers should abstain.¹

Salisbury, who could hardly have been expected to make an announcement of this kind in view of his previous attitude,² agreed to act on these lines upon the express understanding that the 'measure of agreement' contemplated might mean no more than agreement among the Government's supporters. Peel complained to Irwin of the unwillingness of his Commons colleagues to face the question.³ He expected that there would

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¹ 7 December 1928; CAB.23/59, Cab.55(28)4.
² The Cabinet had recognised this at its previous meeting (5 December 1928; CAB.23/59, Cab.54(28)7).
be no declaration on Reform before the election and that if they were returned with another great majority they would be precluded from dealing with the matter for lack of a mandate, 'but if we return with a small majority of 30 or 40, the necessity of having a strong Second Chamber will be brought home to more minds by the approach of danger'.

Clarendon's motion impressed no Labour and few Liberal peers. It was felt it would be safer for any future progressive Prime Minister in command of a majority in the Commons to rely upon the Parliament Act and the prerogative rather than upon any such measure. The hereditary element would be selected from an overwhelmingly Conservative body and the resulting Chamber would be predominantly Conservative in character. It was a sham Reform; indeed, it was worse than no Reform at all, for greater powers would later be demanded for the 'reformed' House. Just as the motion itself was reminiscent of the attempts at Reform prior to the Parliament Act, so too was the reaction to it. In 1895, the Labour Leader had commented:

a House of Lords composed of "captains of industry", of subtle financiers, and of stock-jobbing Jerry Diddlers, would be a far more dangerous body than the landed aristocrats who compose the majority of the present Second Chamber. The more cunning upholders of privilege realise this; hence the anxiety to reform the House of Lords, which as an obstructive weapon is getting played out.1

The non-Conservative in effect declared: Timeo Danaos et dona fercntes.

1. 5 October 1895.
He had nothing to fear. Lord Hailsham (Cave's successor), in an evasive and bumbling fashion, and Salisbury, with a heavy heart, revealed the Cabinet's refusal to yield, despite the omission, on Newton's initiative, of the second part of the motion.¹ '... whatever the merits of my performance as an example of political tight rope dancing, it was essentially deplorable', Salisbury regretted to Baldwin.² 'It is true that probably no one misconceives my real opinion, but all this is a very unsatisfactory combination of opinion and conduct'. While he certainly did not contemplate that Baldwin would promise Reform in the campaign, the latter might either ensure that he was free to deal with it if he won or preclude himself from touching it at all by silence. It was not for him, Salisbury, to ask yet which course he would adopt,

Much less do I presume that you will want the services of such a tiresome Conservative as myself any more after the Election. But without indulging in heroics or making premature decisions on circumstances which have not yet arisen, it seems right to say that your determination as to which of these two alternatives you will take may materially affect my relations to your Govt...

Midleton and Sumner, who believed that they and their fellow Reformers had exercised much forbearance, expressed their feelings of bitterness and of having been deceived.³

¹. H.L.Deb., vol.72, cols.511-20; ibid., vol.72, cols.638-44; ibid., vol.72, cols.623-29.
³. H.L.Deb., vol.72, cols.520-25; ibid., vol.72, cols.629-38.
Privately, Midleton declared that Baldwin had treated them with utter disrespect. He proposed to close the book for the moment, having given six months' incessant labour, first to bringing their friends into line, then to enlisting the Government, who had practically promised, Midleton confided (though inaccurately), to support the original motion. He threatened vengeance: '... I see no alternative now but wait for a crisis, and then to do something drastic at the expense of the Government. On this resolution however, I think we should keep our own counsel'.

The Cabinet was yet to come within an ace of undertaking what Salisbury had called 'even the most general commitment'. It decided to include a perfunctory, if not insulting, obeisance to Reform in Baldwin's election address:

I do not wish to refer to the question of Second Chamber Reform ... beyond saying that as soon as public opinion has matured on this subject it will be my duty to give it my close attention with a view of finding a satisfactory solution.

But Hailsham, responsible for settling the draft text, accepted the weakness of this passage and thought it would

1. To Selborne, 15 December 1928: Selborne Papers, MS. Selborne. 3.
2. See above, p. 448.
3. 6 May 1929: CAB.23/60, Cab.20(29).
be better omitted, 'especially in the interests of those in favour of Reform'.
CONCLUSION

Two of the three matters comprising the cause of Constitutionalism during the period 1924-29 had, at least in part, been resolved: the need to reform trade union legislation because of the increasing use and attempted use of their strength by the unions for ends which were not purely industrial and the need to counteract the subversive activities, within Britain and the British Empire, both of the Communist Party and its sympathisers and of the Soviet Union. The third, the need directly to strengthen the Constitution itself by creating a strong Second Chamber, had not. In each matter the Government moved with extreme deliberation and then only when its advocates within the Cabinet had majority support and no serious opposition within the Party both in Parliament and in the country; on the third matter, there was both such support and such opposition.

Within the Cabinet there had been sharp differences: for instance, 'Baldwin wanted as little as possible, the lawyers as much as possible,'¹ during the genesis of the Trade Disputes and Trade Unions Bill and, indeed, generally. Further, while these and other Ministers might have been fundamentally 'for' or 'against' any one of the three matters, their attitudes towards the various issues which

arose therefrom did not always follow: for instance, while Cecil's determination to see strong trade union legislation could not be questioned, he favoured a 'constructive' measure, and while Joynson-Hicks was equally determined to counter subversive activities, he had serious reservations about the wisdom of summary prosecutions for sedition and of enlarging the scope for arrest and searches without warrant.

In the Party in general, those on both the left and the right believed, respectively, that too much or too little emphasis had been placed on Constitutionalism.

On the left, Boothby underestimates their effectiveness: 'We had little influence on the course of events: but we did our best - and no one asked us to leave the Conservative Party', ¹ They had lacked in leaders, the most notable pre-War Tory democrats, Baldwin, Birkenhead, Hoare, and Steel-Maitland, having assumed office, yet not in ideas, mettle, or the power to obstruct. The younger Conservatives still doubted their own allegiance to the Party and also the latter's appeal to the working class, because of its emphasis on Constitutionalism and its failure to solve the problem of unemployment. ² 'It is rather disheartening to be a Tory member in an industrial seat today', Macmillan confided to Cecil towards the end of the Parliament. ³

1. My Yesterday, Your Tomorrow, p. 31.
3. 8 November 1928; Cecil Papers, Add. MS. 51166.
I don't so much mind being thrown out, but I do object to being thrown out because of the folly and lack of imagination of my leaders ... The real question which one has to face is whether its better to stick to one's party or to chuck it. I still feel that the Tory Party is an enormously powerful instrument for progress, properly used. No other party, for instance, could undertake anything so revolutionary as the Rating & Local Government Reform scheme with any hope of success. & I hope still that we could run a Foreign Policy equally enlightened. But it is not a very inspiring thing to sit on the back benches & vote straight, seeing the party heading for disaster.

On the right, while it was agreed that unemployment would cost the Party dearly, the Government were regarded as having followed too many Socialist policies: they had avoided any painful insistence on economy, lowering the qualification for old age pensions from 70 to 65, extending the pension scheme to widowed mothers, and subsidising both the coal industry temporarily and the building of 150,000 necessary but uneconomic houses, and they had also prodigiously extended the franchise. Already in 1925, Rothermere had warned Sir Henry Page Croft:

Personally I prefer open socialism to disguised socialism and as things are at the moment I should not be at all sorry, nor surprised to see the return of Mr. Ramsay MacDonald to Downing Street.

One thing is quite sure, the Electorate will not endorse for long the kind of Conservatism that is handed out to them by Mr. Baldwin. 2

Unlike those on the left, Page Croft himself blamed 'Baldwinism'

1. A reference to the League and disarmament.
2. 9 August 1925: Croft Papers, 1/17.
for not having sufficiently heeded the Party in Parliament and in the country during the inter-war period;

Whilst ... Conservative opinion was flouted and the memory of some Conservative leaders so neglectful of those who put them in power, the creed has never in fact died, and some of us have been conscious throughout that the great body of Conservatives, as expressed again and again by the delegates to the National Union of Conservative and Unionist Associations, has been far nearer in its opinion to ourselves than to those who were expected to give a lead to the Party.¹

It was the right which expressed the views of the majority of Conservatives towards the way in which the Party had handled the three matters of Constitutionalism, views of which Ernest Remnant, editor of the English Review, has provided an admirable summation, labelling Conservative dissentients as being too concerned with their electoral fate and as holding Socialist or Liberal opinions:

It has been said of the British Empire that it was created in a fit of absence of mind. There is a grave danger that its dissolution may some day more justly be attributed to intellectual torpor and moral cowardice. For upon a vital constitutional issue, the reconstruction and reinforcement of the House of Lords as the sole effective safeguard of liberty and property against the depredations of Socialism, a section of the Conservative Party has declared itself in favour of "leaving well alone" rather than risk the displeasure of Liberal, Labour, and Communist opponents. By some weaklings even in the Conservative ranks the danger of provocation was similarly deprecated in respect of the Trade Unions Bill and the break with Russia. The fact that neither has precipitated revolution, but that, on the contrary, both promise to strengthen the electoral prospects of the

¹ My Life of Strife, p. xi.
party, has not encouraged the faint-hearted. Their attitude is variously inspired either by intellectual laziness in grappling with a difficult problem, fear of hostile criticism in the constituencies, or sentiments which properly belong to one or other of the opposition parties.1

In the immediate aftermath of the General Strike, a biographer of Baldwin delivered himself of the following paean: 'He had vindicated the liberties of the people; he had faced and overcome a menace which had haunted more than one of his predecessors; and he had set the crown upon his leadership of the constitutional party'.2 This had been the Parliament of the General Strike and at its end, as at its beginning, the Conservative Party as a whole, despite its differences, could unite on the platform of Constitutionalism. As it had been in 1924, the issue at the coming general election, Joynson-Hicks urged, would be Conservatism or Constitutionalism versus Socialism3 and, as in the 1870s, a Conservative would continue to call himself a 'Constitutionalist'.

1. 'House of Lords Reform (1)', English Review, xliv (1927), 127.


3. Quoted by Arthur Henderson, 8 December 1928 (Daily Herald, 10 December 1928).
The constituencies of Conservative private members in the Parliament of 1924-29 referred to in the text (including P.P.S.s and those who joined or left the Ministry and who changed party allegiance). Titles acquired during the Parliament are placed in brackets.

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Stockton-on-Tees  
Argyll  
City of York  
Great Yarmouth  
Wiltshire, Swindon  
Carmarthenshire, Carmarthen  
Ayr Burghs  
Devonshire, Honiton  
Manchester, Hulme  
Gloucestershire, Stroud  
Exeter  
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Sir Philip
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Ropner, Major Leonard
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Scott, Sir Leslie, K.C.
Shaw, Reginald
Shaw, Captain McInnes
Shaw, Captain Walter
Shirley Benn, Sir Arthur
Skelton, Noel
Spender-Clay, Lieutenant-Colonel
Herbert
Stanley, Lord
Stanley, Lieutenant-Colonel
Oliver
Strang Steel, Major Samuel
Strickland, Sir Gerald
Stuart, James

Sunderland
Cambridge University
Brighton
Cheshire, Macclesfield
Suffolk, Lowestoft
Essex, Romford
Surrey, Chertsey
Herefordshire, Hereford
Durham, Sedgefield
Wandsworth, Putney
Lancashire, Middleton and Prestwich
Liverpool, West Derby
Somerset, Wells
Lancashire, Darwen
Liverpool, Exchange
Yorkshire, West Riding, Sowerby
Renfrewshire, West
Wiltshire, Westbury
Plymouth, Drake
Perth
Kent, Tonbridge
Lancashire, Fylde
Westmorland
Kent, Ashford
Lancashire, Lancaster
Moray and Nairn
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(2) Records of the Cabinet and Government Departments
(3) Records of the National Union of Conservative and Unionist Associations

(B) ORAL SOURCES

(C) PUBLISHED SOURCES

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(iv) Publication of the Conservative Central Office
(v) Publications of the Labour Party
(vi) Publication of the Transport and General Workers' Union
(vii) Newspapers and Periodicals
(viii) Parliamentary Debates
(ix) Parliamentary Papers

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