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# A Lingering Diminuendo? The Conference on Devolution, 1919–20\*

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This article looks at one of the more obscure moments in British constitutional history, the rise of federal devolution in the United Kingdom in the early 20th century and, in particular, the context to the Conference on Devolution that sat between October 1919 and April 1920. The conference, as this article will briefly discuss, has been relegated to footnote status in the historiography on federal devolution and British politics. However, while the conference has not been the subject of detailed academic attention, the claim that devolution and constitutional reform in this period was a by-product of the crisis in Ireland pre-partition has gathered considerable traction among political historians. This article will redress both the paltry analysis of the Conference on Devolution within the academic literature and the Irish-centric historiography on federal devolution in the early 20th century. On the latter front, this article will demonstrate that the conference was the product of forces that extended beyond the Irish crisis, in particular parliamentary congestion. As for the conference itself, this article will use a wide range of archival sources to examine critically the conference's deliberations and in doing so will challenge prevailing assumptions regarding the supposedly one firm source of agreement during the conference: the powers that the devolved bodies should enjoy.

**Keywords:** devolution; parliamentary congestion; constitutional reform; British constitutional history

## 1. *Introduction: The Conference on Devolution; A Footnote in History*

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On 3 February 1920, a draft of the coalition government's king's speech concluded with the following words:

The Report of the Devolution Committee is anxiously awaited and should it prove favourable to the idea [of devolution to English, Scottish and Welsh subordinate legislatures] immediate steps will be taken to prepare the legislation necessary to give effect to its recommendations.<sup>1</sup>

Britain appeared a week away from a fundamental shift in her constitutional order. A polity that has traditionally been seen as an archetypal unitary state seemed to be on the verge of 'Home Rule all round' (the north and south of Ireland being dealt with separately with the Government of Ireland Bill that was then completing its final stages in parliament). Seven days later, however, this commitment had disappeared from the final speech delivered by the monarch when he reopened parliament;<sup>2</sup> it was never to resurface in any serious way.

The 'Devolution Committee' referenced in the draft speech was the 'Conference on Devolution' which met 32 times between October 1919 and April 1920.<sup>3</sup> Established by the UK government following a successful resolution calling for the establishment of a body to draw up proposals for subordinate legislatures,<sup>4</sup> the conference debated three key questions.<sup>5</sup> First, the question of unit size: would devolution be based on regional or national lines, a debate that opened up the question of whether devolution was aimed at resolving existing ailments with Britain's political institutions or whether it was focused around satisfying national sentiment. Second, the powers that should be devolved to these legislatures. Third, the conference grappled with the dilemma of the composition of the subordinate legislatures and their relationship with the imperial parliament. While the conference resolved internal differences to agree that devolution would be on national lines, and to agree the powers to be devolved to these subordinate national legislatures. As this article will detail, it was on the third question, that the conference ended its work evenly divided.<sup>6</sup>

In the decades since the conference's proceedings concluded in stalemate, the Conference on Devolution has been consigned to the margins of political and constitutional history. Indeed, one could almost be forgiven for not knowing that the conference ever happened, let alone what its conclusions were. Not only has the conference attracted minimal attention within studies of devolution in the United Kingdom,<sup>7</sup> it has received a similar reception within the cottage industry of British federal studies.<sup>8</sup> Even in the volume described by Michael Burgess as a 'masterly account'<sup>9</sup> of the conference, *Devolution in Great Britain*,<sup>10</sup> only one out of the book's nine chapters is exclusively focused on the Conference on Devolution.<sup>11</sup>

## *2. The Road to the Conference on Devolution: The Limits of an Irish-Centric Historiography*

However, while the Conference on Devolution has been somewhat neglected by the literature, the broader subject of federal devolution and territorial governance in the United Kingdom in the early 20th century has been dominated by the Irish question. There has been a tendency among certain historians to see the conference, and the flirtation of certain actors at the centre with devolution in this era, almost exclusively through the prism of the crisis in Ireland, a conceptualisation that, as this article will contend, misses the importance of the other dynamics that motivated reformers and sparked these debates. Crucially in doing so, it also results in what appears to be a distorted perception of the conference, one in which it resembles a straightforwardly monochrome, and arguably predestined, failure.

At the heart of this Irish-centric historiography are Alvin Jackson, John Kendle and George Boyce. Jackson, for example, dismissed the Conference on Devolution as part of a 'lingering diminuendo' of the 'federalist assault' on British politics that had been catalysed by the crisis in Ireland.<sup>12</sup> Jackson appears to view the failure of federalism, and by association the Conference on Devolution, through the prism of Ireland and clearly links the collapse of federal devolution debates to the inability of the British state to provide a federal

settlement agreeable to Irish nationalist opinion.<sup>13</sup> Ireland, as he acknowledges, was simply too far gone and among members of the British government, the urgency required to initiate reform was, as a result, considerably diminished.<sup>14</sup>

Kendle adopts a similar perspective, and while he acknowledges the role of other factors in the rise in saliency of devolution in the early 20th century, he is resolute that regardless of the role played by concerns of parliamentary congestion, it was ultimately Ireland that served to foil both the conference<sup>15</sup> and the prospects of devolution more broadly:<sup>16</sup>

Most of the Unionists became involved because they wanted to find some means of keeping Ireland within the United Kingdom. If it had not been for the threat of an independent Ireland which they [unionists] believed implicit in home rule, they would have happily settled for reforms to Parliamentary procedure in order to resolve congestion.<sup>17</sup>

Reflecting on devolution's rise in saliency during the late 19th and early 20th centuries, Boyce similarly concluded that without the Irish question, 'it is safe to say that federalism would hardly have merited serious political discussion in the British Isles; or at least would not have moved beyond discussion and into the policy process'.<sup>18</sup> However, while Ireland was undoubtedly a crucial aspect of the devolution debates in this period, the Irish-centric approach of Jackson, Kendle and Boyce risks undermining the role played by other dynamics, in particular the role played by parliamentary congestion. As this article will demonstrate, this is a significant weakness in the Irish-centric historiography on devolution in the early 20th century, not least because parliamentary congestion was at the heart of the Conference on Devolution's *raison d'être*, as Speaker Lowther himself made clear in his memoirs.<sup>19</sup>

### 3. *Congestion as a Catalyst: Parliamentary Overload and Federal Devolution*

While Ireland has been depicted as a dominant actor in the centre's flirtation with constitutional reform in this period, it was not the only catalyst that spurred intellectuals and policy makers to contemplate the efficacy of schemes of either pan-Empire, or UK-wide federal devolution. Another significant motivator was the concern that Westminster was too overburdened and congested to operate effectively as both an imperial and domestic legislature.<sup>20</sup> Concerns about parliamentary congestion were aired by a number of politicians and political commentators during the 19th century, including Walter Bagehot (who described the problems associated with parliamentary congestion as 'the greatest defect of the House of Commons').<sup>21</sup>

These concerns about the ever-increasing congestion of business in parliament continued through the late 19th century and into the early 20th,<sup>22</sup> and seemed to be a point on which politicians from across the Victorian and Edwardian British party system could agree. Even Sir Gilbert Campion, who, as will be discussed later, played a crucial role in formulating a conservative and intra-parliamentary scheme of devolution during the Conference on Devolution, conceded that 'the steadily increasing pressure of legislative business in the House of Commons during the last [century] has made the problem of devolution one of first class importance'.<sup>23</sup> A subject of greater debate, however, was the question of how this congestion could be resolved.

One of the more immediate attempts to resolve parliamentary congestion was the creation of new standing committees within the House of Commons.<sup>24</sup> By 1914, six new standing committees had been established by the Commons' authorities as a means of rebalancing the parliamentary workload.<sup>25</sup> This rise of the committee system, however, was not without its critics. Indeed, a particularly prominent aspect of this opposition was the claim that these procedural innovations demeaned the integrity of the House of Commons as an institution, not least because these committees required serving MPs to absent themselves

from the floor of the chamber while the House was in session.<sup>26</sup> Further criticism of an extension of the committee system came on the grounds that the existing committee system was not only ignored by the government, but often by the MPs who were supposed to attend them.<sup>27</sup>

If intra-parliamentary reform was one way in which the British political elite wrestled with reducing the workload of parliament, another mooted change was the devolution of power to subordinate legislatures. One such advocate was the Conservative intellectual, Sidney Low.<sup>28</sup> Low's support for devolution was not based on any strongly-felt desire to see national sentiment recognized more clearly in the institutional apparatus of the British state, rather he believed that:

some machinery of subordinate legislatures and executives, some devolution on a large and systematic scale would be required in order to relieve the central Parliament of burdens beyond its strength.<sup>29</sup>

As will be a recurrent theme in this section, Low's advocacy of devolution was not based on a desire radically to restructure the British state; rather it was based on a desire to preserve and enhance parliamentary government in the United Kingdom. Indeed, he sought subordinate bodies that operated 'under the reserved *sovereignty* of a central legislature'.<sup>30</sup> Relief of parliament was, therefore, cast as a means of defending parliament at a time when it and other institutions of the British state were 'overloaded, indeed overwhelmed' with the multitude of domestic and imperial tasks within its jurisdiction.<sup>31</sup>

This instrumental conceptualisation of devolution would become particularly prevalent among English politicians in the years preceding the Conference on Devolution.<sup>32</sup> Unlike the influence of national sentiment in the support for federal devolution among a number of political actors in Scotland and Wales, English political elites, were 'almost exclusively concerned with the question of good government'.<sup>33</sup> Focused on ensuring an

effective and efficient system of government, English interests in reform were, Sir Reginald Coupland argued, hugely influenced by a belief that ‘democracy needed saving from itself’, or more specifically, that parliament needed saving from the ‘evils’ of congestion.<sup>34</sup>

For Lord Brassey, a leading advocate of devolution in the early 20th century, parliamentary congestion was at the forefront of the case for reform. In letters to Lord Lansdowne, Sir Edward Carson, Lord Selborne, and Sir Thomas Whittaker, Brassey repeatedly stressed the urgency of devolution for good government and order to be secured. To Lansdowne, Brassey declared the status quo to be ‘absolutely intolerable’, arguing that of the two houses of parliament, it was ‘the House of Commons which needs reforming to enable it to transact its business properly’.<sup>35</sup> This practical case for reform was further outlined in a letter to the earl of Selborne, a leading figure in the imperial federalist movement who had become increasingly supportive of constitutional reform by 1914. In this letter, Brassey offers an important rebuttal to the **Irish-centric** historiography of the campaign for devolution in his claim that: ‘were there no Irish question at all, devolution in some shape or other would be necessary to restore the efficiency of Parliamentary Government’.<sup>36</sup> Even at the height of the Irish crisis this continued to be his position, as can be seen in a letter sent to Carson on 23 January 1918 in which he detailed his fervent belief in the ‘necessity for devolution in some shape or other if any form of parliamentary government is to be preserved’.<sup>37</sup>

These concerns about the pressures on parliament were only intensified as a result of the Great War, with the scale of reconstruction required, and the increased size of the Empire after the war adding a new urgency to the case for constitutional reform.<sup>38</sup> Certainly, as correspondence from September 1918 reveals, this concern became an increasingly important aspect of the thinking of two of the intellectual ballasts of federal devolution in early-20th-century Britain, F.S. Oliver and the earl of Selborne.<sup>39</sup> Writing to Walter Long on 31 May



1918, for example, Selborne argued that devolution had ‘become an absolute necessity’ owing to the ‘appalling prospective congestion’ facing parliament following the end of the Great War.<sup>40</sup> These fears also became prominent features in newspapers sympathetic to the federal devolution cause, such as *The Times* and the *Observer*.<sup>41</sup> For example, a 1918 letter to *The Times* from pro-devolutionist Unionist parliamentarians, including Major Edward Wood,<sup>42</sup> urged the adoption of federal devolution, not only as ‘the one road only’ out of the current impasse in Ireland, but also as a means of resolving what they described as ‘the most dangerous congestion’ of parliament since the war.<sup>43</sup>

Furthermore, these were worries that formed a central part of devolutionist lobbying campaigns within the cabinet, as can be seen from a memorandum drafted by Austen Chamberlain for the cabinet in June 1918.<sup>44</sup> For Chamberlain, parliament was simply unable to cope with the scale of social and industrial problems that would emerge from the war, issues he described as being of the ‘first magnitude’.<sup>45</sup> These were issues that threatened to overwhelm both parliament and executive, particularly when one considers the additional imperial duties parliament had been encumbered with and the worsening crisis in Ireland.<sup>46</sup> As he noted: ‘How is it possible for one Government and one Parliament to deal adequately with all these matters and at the same time perform the functions as the great central organs of Government of the Empire?’<sup>47</sup> Facing such challenges, the power, prestige and stability of the UK state was clearly considered by Chamberlain to be in considerable danger.

Indeed, to underline the urgency of the situation, Chamberlain even raised the spectre of the collapse of the central state itself, warning of the threat of a communistic revolution if the problem of parliamentary congestion was not resolved (this, of course, being in the aftermath of the Russian revolution and during a period of organisational and electoral advance for the Labour Party):<sup>48</sup>

When parliamentary institutions break down, whether from lack of authority or from overwork, Bolshevism has its opportunity. Unless means can be found to devolve a part of its responsibilities on other bodies, and to set the Imperial Parliament free for the work which it alone can do, I think we shall be in grave danger of revolution before many years are passed.<sup>49</sup>

Under pressure from both communities in Ireland, Government and Parliament were both, Chamberlain feared, at risk of collapse under the increasing weight of their domestic and imperial workloads.<sup>50</sup> On a number of fronts it seemed that the **centre**<sup>51</sup> was in crisis and while Ireland provided a strong stimulus for action, so, too, did parliamentary congestion, as Chamberlain highlights in the conclusion to his memorandum,

The conclusions to which I invite the assent of the Cabinet are therefore -

1. That the attempt to solve the Irish question in isolation has always failed and is doomed to failure.
2. That the problem of decentralisation *is no longer an Irish problem only*, but that such decentralisation *would be required by Great Britain even if there was no Irish question*<sup>52</sup>

Chamberlain's memorandum, as was the case with a memorandum presented to the cabinet a month earlier by his colleague, Walter Long,<sup>53</sup> served as a reminder that if procrastination by the **centre** was 'no longer tenable' by 1918–19, then it was not just a consequence of the crisis in Ireland. The crisis in parliament was also a serious driver of political reform. Indeed, writing originally in 1926, the American-based academic, Wan-Hsuan Chiao, went as far as to argue that the case for devolution in the United Kingdom 'rests upon the congestion of the House of Commons'.<sup>54</sup> This verdict chimed with the observations of other contemporary commentators, such as Professor Frederic Ogg in *The Governments of Europe* (1924)<sup>55</sup> and Ralston Hayden, in an article in the *American Political*

*Science Review* in 1920.<sup>56</sup> In the House of Lords and, more importantly, the House of Commons, the spring and summer of 1919 would see two debates that highlighted the centrality of parliamentary congestion to the case for federal devolution.

The first of these debates took place in the Lords on 5 March 1919, on the following resolution:

That for the purpose of (a) securing prompt and efficient handling of pressing domestic problems and better control over public expenditure, and (b) enabling the Imperial Parliament to devote more attention to the general interests of the United Kingdom and matters of common Imperial concern than is possible under the present system of a single Parliament and Cabinet, the establishment of local legislatures throughout the United Kingdom is an urgent necessity.<sup>57</sup>

It is scarcely surprising, in view of the correspondence mentioned earlier, that Lord Brassey's speech, in moving this resolution, was dominated by the subject of parliamentary congestion. While acknowledging that parliamentary overload was 'a very old theme' in British politics, he argued that the current situation was not only 'ten times more serious than it ever was before', but, in terms somewhat akin to Chamberlain, that 'under present conditions it is impossible for Parliament to discharge its functions as a Parliament, that democratic principles cannot be maintained, and that the people through their representatives cannot control administration, legislation, or public expenditure'.<sup>58</sup>

For Brassey, as with Chamberlain, reform was less an ideological crusade than a practical response to a high-political crisis, in which parliamentary congestion appeared to threaten the very fabric of parliamentary government in the United Kingdom.<sup>59</sup> Indeed, Brassey declared that he would not 'for one moment advocate this policy of Devolution unless I sincerely and thoroughly believed that it would lead to the better control of the administration and better control of public expenditure'.<sup>60</sup> Simply put, devolution was a

necessary reform if parliament were to retain its political influence and authority and, crucially, for her sovereignty to be retained.<sup>61</sup>

Lord Selborne, while discussing devolution as a ‘necessary and an almost essential step towards the realization of’ a more integrated Empire,<sup>62</sup> similarly dedicated the substantive part of his speech to the sense that, as a result of parliamentary congestion, parliament was an institution in crisis. Echoing the alarm expressed by Brassey, Selborne’s defence of devolution was based on a belief that congestion had rendered parliament a eunuch in matters of high politics and as an institution at the heart of the empire:

I submit to you that Parliament is impotent to deal properly either with the domestic problems which confront us here in the United Kingdom, or with the problems of the Empire which, until a true Imperial Parliament exists, must be dealt with by the present Imperial Parliament.<sup>63</sup>

Not only was parliament enfeebled as a result of congestion, but so too, in Selborne’s opinion, was the system of cabinet government.<sup>64</sup> His message was clear: unless reform was undertaken, the consequences could be disastrous for the entire paraphernalia of parliamentary government in Britain.<sup>65</sup>

In what was an otherwise poorly-attended debate (a point emphasized with what seems to have been particular relish by the lord chancellor in his response to Brassey’s motion),<sup>66</sup> Selborne and Brassey’s concerns about parliamentary congestion were echoed by a number of peers, including Lords Crewe, Charnwood and Bryce<sup>67</sup> (although Bryce, apparently in the belief that the resolution proposed federalism, voiced his concern at the imbalance that would be caused in the event of England having its own legislature).<sup>68</sup> Nevertheless, in the face of fierce opposition from the Lord Chancellor, Lord Birkenhead, Brassey was left with little option but to withdraw his resolution.<sup>69</sup> Greater success would be achieved by Brassey and Selborne’s colleagues in the Commons on 3–4 June 1919.

On 3 June, Major Edward Wood moved the following resolution:

That, with a view to enabling the Imperial Parliament to devote more attention to the general interests of the United Kingdom and, in collaboration with the other Governments of the Empire, to matters of common Imperial concern, this House is of the opinion that the time has come for the creation of subordinate Legislatures within the United Kingdom, and that to this end the Government, without prejudice to any proposals it may have to make with regard to Ireland, should forthwith appoint a Parliamentary body to consider and report –

1. upon a measure of Federal Devolution applicable to England, Scotland, and Ireland, defined in its general outlines by existing differences in law and administration between the three countries;
2. upon the extent to which these differences are applicable to Welsh conditions and requirements; and
3. upon the financial aspects and requirements of the measure.<sup>70</sup>

While not invoking the perils of Bolshevism outlined by Chamberlain to his cabinet colleagues, Wood shared a similar assessment of the urgency of reform and the dangers of continued inaction in the face of creaking and overburdened parliamentary machinery.<sup>71</sup> In particular, Wood's speech was a reminder of the linkages between parliamentary congestion and concerns about Britain's role within the Empire, particularly in the aftermath of the war.<sup>72</sup> Indeed, Wood warned his fellow MPs of the mounting pressure on parliament's resources from developments in the dominions and colonies and drew attention to the relationship between parliamentary congestion and the Empire. Warning that the Commons would soon be faced with key questions of domestic and imperial concern, 'questions of defence, questions of trade, of naturalisation, of land settlement',<sup>73</sup> Wood claimed that unless MPs seized the day and reduced the congestion of business, parliament risked the ignominy

of isolation as her dominions ‘proceed on the business without us, and the work is conducted independently of us’.<sup>74</sup>

In a similar vein, Murray Macdonald, a long-standing supporter of federal devolution, argued that devolution was a necessary response to the growing social, industrial and imperial demands that had added for ‘nearly one hundred years, with constantly accumulating power and effect, to the mass and the volume of business of Parliament’.<sup>75</sup> Indeed, to underline further the role of federal devolution as a reform aimed at enhancing parliament’s influence and institutional capacity, Macdonald stressed that parliamentary sovereignty would be in no way diminished, insisting, instead, that ‘the change which the motion proposes would not have this effect at all’.<sup>76</sup>

Given his conversion to the federal devolution cause, it was unsurprising that Walter Long spoke in favour of the principle of reform. However, this support was qualified by opposition to aspects of the motion’s wording, in particular the references to national devolution.<sup>77</sup> Federal devolution, he asserted, was essential in order to revive the key institutions of the central state and ensuring her continued leadership of the Empire.<sup>78</sup> No MP, Long claimed, had yet denied that the status quo was no longer working sufficiently for the United Kingdom and while claiming that his conversion to reform had been reluctant, borne out of necessity, he stressed the urgency of reforming a form of parliamentary government that was no longer fit for the demands of domestic and imperial governance in the 20th century.<sup>79</sup>

The case for federal devolution, as elaborated by Wood, Macdonald and Long, was, therefore, not for a transformative change to the British constitution; rather it was for reform that would conserve the centre’s significance. The argument in the eyes of these advocates was straightforward: for parliament to ensure its continued status as a powerful and prestigious institution at the heart of the Empire, it must accept the realities of political life

(i.e., parliamentary congestion) and the need for reform.<sup>80</sup> This was a sentiment that would go on to command a dominant role during the two-day debate on the subordinate legislatures resolution, and while the debate could not completely divorce itself from Ireland, and though figures such as Henry Craik (a Scottish Unionist MP representing the combined Scottish universities constituency) voiced their dissent,<sup>81</sup> there can be little doubt as to the pre-eminence of parliamentary congestion in the debate. At the end of this two-day debate, the Commons voted, by a majority of 187 to 34, in favour of Wood's resolution.<sup>82</sup> The stage was now set for the Conference on Devolution.

#### *4. The Conference on Devolution, 1919–20*

Following the successful subordinate legislatures resolution in the Commons on 4 June 1919, the coalition government, in response to a written question from Murray Macdonald, affirmed its intention to establish a commission on federal devolution.<sup>83</sup> Later that summer, the government, again in response to a written question, announced, on 4 August, that the Speaker of the Commons, James Lowther, had consented to chair the inquiry.<sup>84</sup> In October, the government announced the membership of the Conference on Devolution and its terms of reference.<sup>85</sup> Comprising 33 members, 16 from each house of parliament and with Lowther in the chair, the conference was given the following remit:

To consider and report upon a scheme of Legislative and Administrative Devolution within the United Kingdom having regard to –

- 1) The need of reserving to the Imperial parliament the exclusive consideration of-
  - a) Foreign and Imperial Affairs; and
  - b) Subjects affecting the United Kingdom as a whole.
- 2) The allocation of financial powers as between the Imperial Parliament and the subordinate legislatures, special consideration being given to the need of providing for the effective administration of the allocated powers.

- 3) The special needs and characteristics of the component portions of the United Kingdom in which subordinate legislatures are set up.<sup>86</sup>

Following the announcement of the membership and terms of reference, the Conference on Devolution met on 23 October 1919. In the first of its 32 sittings, the members outlined the procedure of future meetings, with sessions scheduled for 11 am to 1 pm on Tuesdays and Thursdays.<sup>87</sup> As the Speaker's letter to the prime minister highlighted, the first topic which 'engaged the attention of the Conference was the question as to what ought to be the units of area to which a scheme of devolution should apply',<sup>88</sup> in essence, whether devolution should proceed along national and/or regional lines.

*5. The Units of Devolution: National or Regional Devolution for the United Kingdom*

According to both Lowther and Gorell, it did not take much time for the conference to agree that Scotland and Wales should be represented via national legislatures.<sup>89</sup> Indeed, according to Gorell, by only the third session, members were 'more or less agreed as to Scotland and Wales each having their own Parliaments'.<sup>90</sup>

England's representation, however, proved to be a far more contentious issue. This was apparent from the very outset of the conference's discussions on the areas to be represented by devolution. As Lord Gladstone's notes from the second sitting on 28 October detail, this session saw Brassey and Macdonald make the case for the principle that the 'units of area should be based on nationality' for England, Scotland and Wales, only to be faced by opposition from Ulster Unionist members of the conference.<sup>91</sup> Ronald McNeill argued instead, that no legislative unit 'should be larger than others in combination'<sup>92</sup> and, according to Gorell, 'spoke for an hour', insisting that such legislatures should be based around the principle of economic resource equality.<sup>93</sup>

Neither of these arguments was particularly subtle. The first was a clear attempt to prevent the establishment of a national legislature for England (an attempt repeated by



McNeill and his colleagues in the following sitting on 30 October), while the second was a similarly transparent bid for a model of pan-UK regional devolution that would make provincial government for Ulster the norm, rather than an exception. As Gorell commented in his diary: ‘his [McNeill’s] real motive was to smooth the way for Ulster’.<sup>94</sup>

However, the problems facing the conference with regard to England were not simply a by-product of Ulster Unionist machinations. As it constituted the overwhelming proportion of the United Kingdom’s population, even before the partition of Ireland, the question of how England would assimilate into a system of federal devolution had been a vexatious one for advocates of reform long before the conference began its work.<sup>95</sup> England’s dominance, it was feared, would result in tensions between an English parliament and Westminster, and at times of intergovernmental conflict could result in a dangerous tussle between the English and imperial parliaments. Churchill’s memorandum on devolution to the 1911 Home Rule cabinet committee, had warned that ‘two such bodies [an English parliament and the imperial parliament at Westminster] could not exist side by side. *The English Parliament would be too strong.*’<sup>96</sup>

It is little wonder, then, that as *The Times* reflected on 29 October 1919, ‘there was bound to be a considerable difference of opinion as to whether England should form one area or several’.<sup>97</sup> Nor should it be surprising that these difficulties continued to dog the conference in the sessions that followed. The question of England monopolised the sittings on 28 October, 4 and 6 November. To quote Lowther’s letter to the prime minister, ‘considerable doubt arose’ during these sessions on the question of how England should be resolved.<sup>98</sup> As a result, the conference was left with little choice at its fifth meeting on 6 November, but to postpone discussions on the subject in favour of ‘an examination of the powers which might appear suitable to be devolved’.<sup>99</sup>

*6. Dividing the Estate: The Conference's Deliberations on the Powers of the Devolved Legislatures*

These deliberations on the powers that might be devolved to the legislatures (whomever they might represent or however they might be composed) are generally considered to be the success story of the Conference on Devolution. John Kendle, for example, has described the conference's agreement of a schedule of powers as an 'impressive achievement' that represented an 'interlude of agreement' in the conference's otherwise fraught proceedings.<sup>100</sup> Indeed, this was an image that the Speaker himself was keen to convey. Not only did he describe the conference in his report as having been 'substantially agreed upon' the subject of powers,<sup>101</sup> but in private he was similarly, if not even more, effusive. In a private and confidential letter to Andrew Bonar Law on 18 December, he went as far as to claim that on this topic there had been 'practical unanimity' among the conference's membership.<sup>102</sup>

Media reports of the conference echoed Lowther's claim of consensus. Commenting on the publication of the report, *The Times* noted that the members of the conference were 'at one as to the various powers to be devolved on each legislature, to be exclusively reserved to the UK parliament, and to be exercised partly by one body and partly by the other'.<sup>103</sup> In its summary of the conference report, the *Daily Mirror* similarly reported that 'the areas which local legislatures should administer – viz., England, Scotland and Wales (including Monmouthshire) – are one of the points on which the conference was agreed'.<sup>104</sup>

This image of harmony was repeated years after the conference finished its work. In his memoirs, published in 1925, Lowther reiterated his claim that on the question of 'administrative powers', the conference achieved 'far greater unanimity [than on composition and areas to be administered] and in five sittings we have completed satisfactorily lists of topics which might fairly be administered by subordinate bodies'.<sup>105</sup> On paper at least, there appears good reason for Lowther to have depicted the conference's deliberations in this area

as relatively harmonious.<sup>106</sup> Certainly, the report highlighted the ‘practical unanimity’ on the subject of powers, with both the rival Lowther and Macdonald devolution schemes (as will be elaborated later in this article) endorsing the allocation of powers laid out in an appendix.<sup>107</sup>

Nevertheless, there is substantial evidence which does call into question Lowther’s claim to consensus on the subject of powers, evidence from one of his closest colleagues. While both Lowther and Macdonald believed in the importance of parliamentary sovereignty, they differed considerably in their vision of how this should coexist with a scheme of devolution. Indeed, it is worth noting that Lowther’s memoirs referred to agreement on the devolution of *administrative* rather than *legislative* powers.<sup>108</sup> While this might have been a straightforward failure of memory (Lowther’s memoirs were written five years after the publication of the report), it is, arguably, symptomatic of his minimalist approach to devolution, an attitude evident throughout the briefing papers and memoranda prepared for him by the conference’s secretary, an assistant clerk in the House of Commons, Sir Gilbert Champion.<sup>109</sup>

A dominant theme throughout Champion’s papers was a sense of discomfort and, indeed, opposition to the idea that national and local issues could be easily separated. They repeatedly warned of the difficulty of dividing central and local issues, asserting that ‘the interconnection is so close that it might easily arise that the two kinds of parliament and government would have to interfere with each other’s policy’.<sup>110</sup> In addition, Champion drew on examples from the Empire, namely Canada and Australia, to warn that in those dominions where ‘such a line [between central and local issues] exists ... borderline cases are numerous enough to give the Courts plenty of work’.<sup>111</sup>

Campion’s memoranda can be seen as pouring cold water on the prospects of a clear division between central and local subjects, despite the fact that Lowther, whose devolution proposal was designed by Champion, endorsed the very same schedule of powers as Murray

Macdonald. This was not necessarily a contradictory position, however. Rather, Lowther and Campion could maintain their scepticism about the desirability and possibility of a clear separation of central and local issues, while endorsing the very same schedule of powers as Macdonald, because of the intra-parliamentary nature of reform they proposed.<sup>112</sup>

Nevertheless, while these memoranda may not have contradicted Lowther's commitment to the schedule of powers, they provide a notable challenge to the apparent orthodoxy that at least on the question of the powers to be devolved, the conference achieved consensus. Ultimately, they reveal that while a consensus on powers may have existed on paper, it certainly did not exist in practice.<sup>113</sup>

#### *7. A Return to the Units of Devolution: The English Question Answered?*

While these tensions bubbled under the surface, the conference, apparently in agreement on the subject of powers, returned to the question of England's role in a devolved United Kingdom. According to Lowther's letter to the prime minister, the conference's deliberations on powers had served to clarify matters in favour of national devolution for England, with regionalisation considered to 'present such formidable administrative difficulties that ... ought not to form a feature of such a system in its initial stage'.<sup>114</sup> As with the question of powers, there, again, appears to be good reason to believe that the conference managed to come to a swift resolution following the resumption of their deliberations on the English question in December 1919. Indeed, by this time both the pro-devolutionist and more conservative wings of the conference membership appear to have been working on the assumption that England would be retained as a singular unit.

Not only did Viscount Gladstone present a working paper for his devolutionist colleagues on 11 December entitled 'On the Assumption that England is undivided',<sup>115</sup> but around the same time the embryonic stages of the Speaker's intra-parliamentary devolution proposals were presented to the conference.<sup>116</sup> The precise details of the Speaker's proposals

will be discussed shortly, but crucially for this discussion, they envisaged a singular form of representation for England.<sup>117</sup> This state of affairs had been confirmed by Lowther in his letter to Bonar Law on 18 September 1919, in which he described the conference as having moved to a discussion of two differing proposals for devolution, both of which retained England as a single unit.<sup>118</sup>

However, although this suggests that the issue of England's representation had been resolved by Christmas 1919, there is, again, evidence to suggest that such was far from the case. As with the schedule of powers, tensions (and indeed anxiety) simmered under the surface. Even Gladstone, who authored a memorandum based on the assumption that England would be undivided, was conflicted and even hesitant on the question of an all-England institution. Despite dismissing fears about an English national institution as mistaken,<sup>119</sup> he admitted a certain degree of reluctance and concern: 'if forced to choose [between the subdivision of England or a singular legislature]-singular-yet [I] do see the danger'.<sup>120</sup>

Furthermore, as with the case of the schedule of powers, while Lowther and Macdonald both endorsed the principle of England being represented by a singular institution, they differed considerably on the question of how this would look in practice. Champion's papers, prepared for the Speaker, again demonstrate this difference of opinion and the way in which England became another means with which to critique Macdonald's devolution proposals; indeed, they warned that England's predominance within the United Kingdom would result in friction between an English legislature and the central parliament that would leave the latter a diminished body.<sup>121</sup> Again, this is not a contradictory position, rather a reflection of the differing nature of the intra-parliamentary devolution envisaged by the Speaker and the scheme proposed by Murray Macdonald. It is to the conference's deliberations on these proposals that this article will now turn.

8. *Keeping it in the Family? The Composition of Devolution and the Relationship between Subordinate Legislatures and Whitehall*

Two differing schemes of devolution were put before the conference; schemes that, while offering the same powers and fiscal responsibilities and national representation for England, Scotland and Wales, diverged on the question of how these bodies should be constituted. The inability of the conference to bridge this difference would prove fatal.

The first scheme, belonging to Speaker Lowther, was brought to the attention of the conference in December 1919. His proposal was for a measure of intra-parliamentary (at least initially) devolution inspired by the grand committee system within the House of Commons:

We have in the Scottish Standing Committee, of which the House of Commons has had considerable experience, the germ of a system which could be extended and strengthened. The Scottish Standing Committee, enshrined in our Standing Orders for the last thirty years, is the first step towards devolution and sets out the direction which we might well follow.<sup>122</sup>

However, while inspired by the grand committee system, Lowther's proposals differed in the sense that these bodies – he titled them 'Grand Councils' – would be bicameral. The lower chamber, or 'The Council of Commons', would consist, for England, Scotland and Wales, of the MPs elected from constituencies in those respective nations, while the upper chamber, 'The Council of Peers', would be composed of a number of peers equal to half the number of MPs returned from each nation, chosen by the committee of selection of the house of lords.<sup>123</sup> Sessions of these Grand Councils would take place during the autumn months, while spring and summer would be reserved for 'the ordinary session' of parliament.<sup>124</sup>

Among the strengths Lowther claimed for his scheme were the following:

- 1) The continuity of the parliamentary system and the preservation of parliamentary traditions. In Lowther's opinion, outlined in his December 1919 memorandum, it would seem 'extremely desirable' for any scheme of devolution to maintain the 'spirit and ancient traditions of Westminster'. Particularly as these bodies would be charged with work which had hitherto been conducted within Westminster. By devolving power *within* Westminster,<sup>125</sup> these parliamentary traditions and experience would be safeguarded, rather than discarded.
- 2) Subordination of the new authorities. As creatures of Westminster, firmly rooted within parliament, these new bodies would not endanger parliamentary sovereignty in the manner that might be possible through separate and directly elected legislatures.
- 3) Economy of administration. Lowther contended that, as parliamentary bodies, his new institutions would avoid the additional expenditure brought about by the creation of separate legislatures; for example, the cost of elections to these bodies.
- 4) The tentative nature of his proposals. Lowther's scheme was marketed to his fellow conference members as a 'transitional' proposal, with the Grand Councils initially established for a period of five years. During the first three years of their existence, these bodies would purely be focused on exercising the powers and responsibilities devolved upon them, while in the final two years the Grand Councils would also sit in joint sittings as a 'constituent council' tasked with submitting to parliament schemes for the future of devolution. Namely, whether to replace themselves with a directly elected legislature, to continue as presently constituted, or 'to revert to the status quo *ante*'.<sup>126</sup> This settlement, Lowther argued, would enable the respective nations of the UK (or rather their parliamentary representatives) to decide the model of devolution that best served

their particular demands. As he noted, ‘a suit of one cut will not necessarily fit three different individuals’.<sup>127</sup>

While aware that his scheme would not delight all members of the conference, Lowther warned (as it turned out prophetically) of the fate that would await a divided conference: ‘if the labours of our Conference should end in a sharp division of opinion, or in several reports being presented, our labours will probably have been in vain’.<sup>128</sup> His plan, because of its transitional nature, was thus cast as offering sufficient flexibility that conference members of all persuasions, from devolutionist to devo-sceptic, could find some point upon which they could agree. For sceptics it could be abandoned after one term, and for devolutionists it offered a means of achieving directly-elected legislatures.<sup>129</sup>

Despite this ‘best of both worlds’ appeal, Lowther’s plan was greeted with opposition and even incredulity from devolutionists. Lord Gorell, for example, was scathing in his assessment of the proposals, describing them as ‘a perfectly drivelling suggestion quite at variance with the elementary principle of real devolution’.<sup>130</sup> Gladstone was similarly opposed, noting not only that under Lowther’s proposals the ‘confusion of issues [between domestic and imperial affairs] becomes more confounded’, but that it would actually add to the workload of parliamentarians and, as a result of its intra-parliamentary nature, would exclude ‘many classes of persons excellently qualified to take part in local business’.<sup>131</sup>

Devolutionist opposition to Lowther, however, would be marshalled most prominently by Murray Macdonald. His first shots across Lowther’s bow were fired in a memorandum presented to the conference in February 1920.<sup>132</sup> While paying tribute to the Speaker as ‘one of the great figures of our parliamentary life’,<sup>133</sup> Macdonald not only queried the claimed advantage of preserving parliamentary tradition enshrined in the Speaker’s scheme,<sup>134</sup> but more problematically, given the importance of parliamentary congestion in establishing the conference, claimed that Lowther’s plan would increase pressures on the



parliamentary timetable.<sup>135</sup> According to calculations based on the parliamentary sessions of 1904–5 and 1907–8, Macdonald claimed that Lowther's scheme would leave the UK government with only a small number of days for 'measures of UK legislation introduced by the Government and for emergencies' and, while he acknowledged that there were 'no means of estimating' how Grand Council sessions would balance out, he used the time spent in parliament on the 1902 and 1906 Education Bills and the 1904 and 1908 Licensing Bills, to claim that an English Grand Council would struggle to do its work in the time envisaged by the Speaker's plan.<sup>136</sup>

Macdonald's alternative proposal was for directly-elected legislatures in England, Scotland and Wales. In each nation, these legislatures would be unicameral<sup>137</sup> and the size of each chamber would reflect the number of MPs elected from England, Scotland, and Wales, respectively, with members elected from the same constituencies used for Westminster elections. Members of the House of Lords would be eligible for election to these bodies which would sit for five years unless dissolved earlier.<sup>138</sup> This was a proposal, Macdonald claimed, that offered the 'only possible scheme of devolution' which could provide an effective relief of congestion within parliament, strengthen democratic accountability of politicians, provide effective control of new subordinate bodies over their executives and avoid 'that hopeless confusion' of political issues and responsibilities that he believed was inherent in Lowther's proposals.<sup>139</sup>

As Lowther's plan was heavily criticized by the devolutionist faction within the Conference on Devolution, so, too, were Macdonald's proposals by the more sceptical members of the conference. In a memorandum prepared for the Speaker, Sir Gilbert Champion outlined three major disadvantages of Macdonald's scheme: first, the multiplicity of elections; second, the danger posed to parliament through the loss of popular interest and rivalry of an English parliament, and finally, expense. On the first charge, Champion noted

that Macdonald's scheme would result in voters having to vote in at least two general elections (one for Westminster and one for the respective devolved legislature) at least twice every five years 'and probably oftener'. Such a state of affairs, he claimed, would greatly increase inconvenience for voters and risked electoral fatigue that could result in 'a tendency either for both central and local bodies to be returned by a low percentage of votes, or, more probably, that the electors would concentrate interest in one of the bodies, and be apathetic towards the other'.<sup>140</sup>

This latter possibility touches on the second disadvantage outlined by Campion, that of a risk to the reputation of Westminster. Campion feared that in circumstances of electoral fatigue, the House of Commons 'would be more likely to suffer in this respect than the local Parliaments', a reflection that the local parliaments would be charged with business of more everyday concern than that charged to Westminster after devolution.<sup>141</sup> The situation would be worse, Campion argued, in the case of an English parliament. According to Campion, an English parliament would, especially at times of international peace, represent a more superior attraction than Westminster for both voters and politicians, resulting in the central parliament becoming a rapidly-diminished body and potentially manned by politicians of an increasingly inferior standard.<sup>142</sup> Parliamentary sovereignty, he feared, would be further challenged at times of intergovernmental conflict, with an English parliament representing four-fifths of the United Kingdom's total population and wealth.

On the final charge of expense, Campion claimed that Macdonald's plan would result in total expenditure (including salaries of local members, provision and maintenance of new buildings and salaries of ministers and civil servants) in the region of some 'six to ten millions and an annual charge of nearly a million'. While he acknowledged that some of this expense was unavoidable under any scheme of devolution, he noted that a proposal that mitigated these costs [i.e., the Speaker's] would 'appear at any rate *prima facie* preferable'.<sup>143</sup>

A number of Campion's objections were shared by other figures within the conference. Lord Southborough, for example, echoed Campion's concern about the multiplicity of elections, suggesting that this would result in 'almost continuous party warfare' as parties were forced to increase their activities to cope with an expansion in the number of elections fought across Great Britain.<sup>144</sup> He similarly echoed Campion's fears about the dignity of Westminster in the event of directly-elected subordinate legislatures, claiming that 'there is a grave danger that the latter [Westminster] may be obscured by the former [local legislatures] and sink into comparative insignificance or even contempt'.<sup>145</sup> Again, as with Campion's memorandum, Southborough considered this to be particularly problematic with regard to an English parliament; an institution that he also feared could 'easily be brought into collision' with Westminster, resulting in an 'extremely dangerous situation' developing.<sup>146</sup> These arguments were also repeated by Ronald McNeill, whose memorandum not only dismissed Macdonald's 'optimistic view' that an English parliament would pose no threat of rivalry to Westminster,<sup>147</sup> but rehearsed the previous argument that, outside of times of national emergency or international crisis, Westminster would slide into popular insignificance *vis-à-vis* the proceedings of the local legislatures.<sup>148</sup>

Facing these two fundamentally divergent schemes of devolution, the conference concluded its proceedings in April 1920 in the 'sharp division of opinion' that the Speaker had warned of in December 1919.<sup>149</sup> Thirteen members apiece supported the Speaker and Macdonald's plans, while five members (Lord Aberdare, Henry Cowan, Charles Edwards, J. Hugh Edwards, and W. Tyson Wilson) gave their backing to both schemes, stating their readiness to accept the Speaker's proposal as providing an 'immediate prospect for securing a considerable measure of Devolution on National lines'.<sup>150</sup> Facing this stalemate, the Speaker could claim little more than that the conference had 'thrown new light upon the problem [of devolution]'.<sup>151</sup> While *The Times*<sup>152</sup> and a bloc of devolutionists led by Murray Macdonald

sought to keep the issue alive, the conference report and the issue of federal devolution slipped swiftly into the footnote status which it has enjoyed to the current day.

### 9. Conclusion

This article has explored one of the more obscure moments in the United Kingdom's constitutional history, the Conference on Devolution 1919–20, asking why this event happened and examining the content of its deliberations. It has challenged the **Irish-centric** historiography of the Conference on Devolution and federal devolution in this period, demonstrating, instead, that parliamentary congestion was the pre-eminent reason why MPs voted for the establishment of the conference.

The more substantive contribution, however, comes in the assessment of the conference's proceedings. While the fact that the conference concluded in stalemate is not an original finding, this article has shed new light in one area of the proceedings which has, hitherto, been presumed to have been thoroughly uncontroversial: the powers of the devolved legislatures. The schedule of powers agreed by the conference was hailed by Lowther as a moment of 'practical unanimity' and described by Kendle as an 'interlude of agreement' amid the otherwise fraught proceedings of the conference. As this article has demonstrated, while consensus on paper may have existed, it certainly did not in practice. The Conference on Devolution may be considered little more than a footnote in history today, but there is much more to learn about this rare moment in British constitutional history when territorial governance was approached in the round, particularly at a time when a UK constitutional convention has been brought onto the political agenda.

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<sup>1</sup> TNA, CAB 24/97/48: draft of king's speech for the reopening of parliament, 3 Feb. 1920.

<sup>2</sup> Hansard, *Commons Debates*, 5th ser., cxxv, cols 5–9: 10 Feb. 1920.

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<sup>3</sup> Conference on Devolution, *Letter from Mr. Speaker to the Prime Minister (with Appendices)* (1920), Cmd. 692 [hereafter cited as *Lowther Letter*], 3.

<sup>4</sup> For the full debate see Hansard, *Commons Debates*, 5th ser., cxvi, cols 1873-1974, 2063-2129: 3-4 June 1919.

<sup>5</sup> *Lowther Letter*, 3-6.

<sup>6</sup> *Lowther Letter*, 6-7, see also 9-13.

<sup>7</sup> For examples of this scant coverage, see James Mitchell, *Devolution in the UK* (Manchester, 2009), 96-7, 196; Vernon Bogdanor, *Devolution in the United Kingdom* (Oxford, 1999), 48-50.

<sup>8</sup> Burgess dedicates less than a paragraph to the Conference out of the 197 pages of his *The British Tradition of Federalism* (1995) (see p. 106), while John Kendle does not actually refer to the conference at all in his *Federal Britain: A History* (1997).

<sup>9</sup> Burgess, *British Tradition*, 106.

<sup>10</sup> Wan-Hsuan Chiao, *Devolution in Great Britain* (New York, 1926, repr. New York, 1969), 269.

<sup>11</sup> Chiao, *Devolution in Great Britain*, 183-215.

<sup>12</sup> Alvin Jackson, *Home Rule: An Irish History 1800-2000* (2004), 217-24.

<sup>13</sup> Jackson, *Home Rule*, 217, 222-3.

<sup>14</sup> Jackson, *Home Rule*, 223.

<sup>15</sup> John Kendle, *Ireland and the Federal Solution: The Debate over the United Kingdom Constitution, 1870-1921* (Quebec, 1989), 221-4.

<sup>16</sup> Kendle, *Ireland and the Federal Solution*, 238.

<sup>17</sup> Kendle, *Ireland and the Federal Solution*, 238.

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- <sup>18</sup> D.G. Boyce, 'Federalism and the Irish Question', in *The Federal Idea: The History of Federalism from the Enlightenment to 1945. Vol. 1*, ed. Andrea Bosco (1991), 119.
- <sup>19</sup> J.W. Lowther, Viscount Ullswater, *A Speaker's Commentaries* (2 vols, 1925), ii, 269–70.
- <sup>20</sup> Patricia Jalland, 'United Kingdom Devolution 1910–1914: Political Panacea or Tactical Diversion?', *EHR*, xciv (1979), 759.
- <sup>21</sup> Chiao, *Devolution in Great Britain*, 58–93; Walter Bagehot, *The English Constitution*, (Oxford World Classics edn, Oxford, 2009), 86.
- <sup>22</sup> For a more detailed analysis of the development of parliamentary congestion in the 19th and 20th centuries, and proposed remedies to this problem, see W.H. Greenleaf, *The British Political Tradition. Vol. 3: A Much Governed Nation* (1987); Ivor Jennings, *Parliament* (2nd edn, Cambridge, 1967).
- <sup>23</sup> Parliamentary Archives [hereafter cited as PA], Campion papers, GCA/6/15: 'Devolution and the Committee System', nd.
- <sup>24</sup> Ralston Hayden, 'Changes in British Parliamentary Procedure', *American Political Science Review*, xiv (1920), 473.
- <sup>25</sup> Chiao, *Devolution in Great Britain*, 51–2.
- <sup>26</sup> Chiao, *Devolution in Great Britain*, 51–2.
- <sup>27</sup> Hansard, *Commons Debates*, 5th ser., 1, cols 600, 634: 14 Mar. 1913; col. 663: 14 Mar. 1913.
- <sup>28</sup> Anthony King, *The British Constitution* (Oxford, 2007), 27.
- <sup>29</sup> Sidney Low, *The Governance of England* (1914), xxvii.
- <sup>30</sup> Low, *The Governance of England*, xxvii (emphasis added).
- <sup>31</sup> King, *The British Constitution*, 27.
- <sup>32</sup> Reginald Coupland, *Welsh and Scottish Nationalism: A Study* (1954), 312–15.

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<sup>33</sup> Coupland, *Welsh and Scottish Nationalism*, 312–13.

<sup>34</sup> Coupland, *Welsh and Scottish Nationalism*, 312.

<sup>35</sup> Frank Partridge, *T.A.B.: A Memoir of Thomas Allnutt, Second Earl Brassey* (1921), 213–14; Brassey to Lansdowne, 7 Jan. 1913.

<sup>36</sup> Partridge, *T.A.B.*, 216; Brassey to Selborne, 31 Jan. 1914.

<sup>37</sup> Partridge, *T.A.B.*, 226; Brassey to Sir Edward Carson, 23 Jan. 1918.

<sup>38</sup> F.W. Pim, *Home Rule Through Federal Devolution* (1919), 16; D.G. Boyce and J.O.

Stubbs, 'F.S. Oliver, Lord Selborne and Federalism', *Journal of Imperial and Commonwealth History*, v (1976), 72.

<sup>39</sup> Brevity demands that I omit a detailed explanation of the contributions of F.S. Oliver and the earl of Selborne to the rise in saliency of federal devolution in the early 20th century, or their thinking on the federation of the Empire. However, for more information, see Boyce and Stubbs, 'F.S. Oliver, Lord Selborne and Federalism', 53–81; Kendle, *Ireland and the Federal Solution*; Kendle, *Federal Britain*; and Burgess, *British Tradition*.

<sup>40</sup> Bodl., MS Selborne 84, ff. 120–2: Selborne to Walter Long, 31 May 1918. By the autumn of 1918, Oliver was similarly of the view that the burdens of post-war 'reconstruction' necessitated devolution to England and Scotland (but not mentioning Wales): Bodl., MS Selborne 84, f. 140: Oliver to Selborne, 23 Sept. 1918.

<sup>41</sup> See, e.g., F.S. Oliver, 'Federalism: The Imperial Necessity', *The Times*, 21 May 1918. p. 8; 'The Times Scheme', *The Times*, 26 July 1919, p. 13; Burgess, *British Tradition*, 105.

<sup>42</sup> Wood's support for devolution was but one part of a programme of progressive views, including support for the League of Nations, equal voting rights for women and industrial subsidies espoused by the faction of young Unionist MPs formed after the 1918 general election: Andrew Roberts, *Holy Fox: The Life of Lord Halifax* (2004), 12. Alongside Wood,

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this faction of ‘rebels’ included Lord Woolmer, Samuel Hoare, Walter Guinness, William Ormsby-Gore, Philip Lloyd-Greame, Walter Elliot, J.C.C. Davidson, George Lane Fox, Lord Winterton, and Sir John Hills: Roberts, *Holy Fox*, 13.

<sup>43</sup> L. Hardy, J.F. Mason, A. Shirley Benn, J.W. Hills, G.R. Lane-Fox, L. Wilson, W. Astor, E. Wood and G. Lloyd, ‘Case for a Prompt Settlement: An Appeal of Unionists’, *The Times*, 16 Apr. 1918, p. 7.

<sup>44</sup> TNA, CAB 24/5/12: Austen Chamberlain, *The Irish Question and Federalism* (printed for the war cabinet, June 1918).

<sup>45</sup> TNA, CAB 24/5/12: Austen Chamberlain, *The Irish Question and Federalism*.

<sup>46</sup> TNA, CAB 24/5/12: Austen Chamberlain, *The Irish Question and Federalism*.

<sup>47</sup> TNA, CAB 24/5/12: Austen Chamberlain, *The Irish Question and Federalism*.

<sup>48</sup> See G.A. Phillips, *The Rise of the Labour Party 1893–1931* (1992). Most of Chamberlain’s colleagues, however, looked to an increase in the power of the house of lords, rather than devolution as a defence against socialism: Stuart Ball, *Portrait of a Party: The Conservative Party in Britain 1918–1945* (Oxford, 2013), p.55

<sup>49</sup> TNA, CAB 24/5/12: Austen Chamberlain, *The Irish Question and Federalism*.

<sup>50</sup> Ibid.

<sup>51</sup> By ‘centre’, this article means both Whitehall and Westminster

<sup>52</sup> TNA, CAB 24/5/12: Austen Chamberlain, *The Irish Question and Federalism* (emphasis added).

<sup>53</sup> TNA, CAB 24/50/86: Walter Long, war cabinet note on federalism, 9 May 1918. In this memorandum, Long details the rationale behind his Damascene conversion from a leading Unionist opponent of home rule to a proponent of federal devolution. Rather than a U-turn



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precipitated by the crisis in Ireland, what, instead, emerges from this memorandum is Long's belief in the need to realign Westminster's relationship with her colonies and dominions and to reduce the burden on parliament as a domestic and an imperial legislature.

<sup>54</sup> Chiao, *Devolution in Great Britain*, 247.

<sup>55</sup> F.A. Ogg, *The Governments of Europe* (1924).

<sup>56</sup> Hayden, 'Changes in British Parliamentary Procedure', 476–7.

<sup>57</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 502: 5 Mar. 1919.

<sup>58</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 504: 5 Mar. 1919.

<sup>59</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, cols 510–11: 5 Mar. 1919.

<sup>60</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 511: 5 Mar. 1919.

<sup>61</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, cols 503–5: 5 Mar. 1919.

<sup>62</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 513: 5 Mar. 1919.

<sup>63</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 514: 5 Mar. 1919.

<sup>64</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 514: 5 Mar. 1919.

<sup>65</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 514: 5 Mar. 1919.

<sup>66</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 525: 5 Mar. 1919.

<sup>67</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, cols 501–21, 532–42: 5 Mar. 1919.

<sup>68</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, cols 534–40: 5 Mar. 1919.

<sup>69</sup> Hansard, *Lords Debates*, 5th ser., xxxiii, col. 550: 5 Mar. 1919.

<sup>70</sup> Hansard, *Commons Debates*, 5th ser., cxvi, col. 1873: 3 June 1919.

<sup>71</sup> Hansard, *Commons Debates*, 5th ser., cxvi, col. 1874: 3 June 1919.

<sup>72</sup> Hansard, *Commons Debates*, 5th ser., cxvi, cols 1874–6: 3 June 1919.

<sup>73</sup> Hansard, *Commons Debates*, 5th ser., cxvi, col. 1876: 3 June 1919.

<sup>74</sup> Hansard, *Commons Debates*, 5th ser., cxvi, col. 1876: 3 June 1919.

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<sup>75</sup> Hansard, *Commons Debates*, 5th ser., cxvi, col. 1883: 3 June 1919.

<sup>76</sup> Hansard, *Commons Debates*, 5th ser., cxvi, col. 1885: 3 June 1919.

<sup>77</sup> Hansard, *Commons Debates*, 5th ser., cxvi, cols 1908–10: 3 June 1919.

<sup>78</sup> Hansard, *Commons Debates*, 5th ser., cxvi, cols 1908–10: 3 June 1919.

<sup>79</sup> Hansard, *Commons Debates*, 5th ser., cxvi, cols 1908–10: 3 June 1919.

<sup>80</sup> Hansard, *Commons Debates*, 5th ser., cxvi, cols 1908–9: 3 June 1919.

<sup>81</sup> Hansard, *Commons Debates*, 5th ser., cxvi, cols 1908–9: 3 June 1919.

<sup>82</sup> Hansard, *Commons Debates*, 5th ser., cxvi, col. 2129: 4 June 1919.

<sup>83</sup> Hansard, *Commons Debates*, 5th ser., cxvii, col. 2003: 10 July 1919.

<sup>84</sup> Hansard, *Commons Debates*, 5th ser., cxix, cols 21–2: 4 Aug. 1919.

<sup>85</sup> *Lowther Letter*, 2–3; Parliamentary Correspondent, ‘An Undistinguished Commission’, *The Times*, 17 Oct. 1919, p. 13.

<sup>86</sup> *Lowther Letter*, p. 3

<sup>87</sup> Bodl., Gorell papers: Lord Gorell’s diary, 23 Oct. 1919.

<sup>88</sup> *Lowther Letter*, 3.

<sup>89</sup> *Lowther Letter*, 3; Bodl., Gorell papers: Lord Gorell’s diary, 30 Oct. 1919.

<sup>90</sup> Bodl., Gorell papers: Lord Gorell’s diary, 30 Oct. 1919.

<sup>91</sup> Add MS 46104: Viscount Gladstone Papers. Vol. CXX (ff. 260). Papers of Lord Gladstone as a member of the Conference on Devolution; 1919-1920. England; Parliament: Papers rel. to the Devolution Conference: 1919-1920, p. 197 [AUTHOR: no, this is just one reference]

<sup>92</sup> *Ibid.* [AUTHOR: this is from the same reference as footnote 91, the personal papers of Viscount Gladstone p.197]

<sup>93</sup> Bodl., Gorell papers: Lord Gorell’s diary, 28 Oct. 1919.

<sup>94</sup> Bodl., Gorell papers: Lord Gorell’s diary, 28 Oct. 1919.

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<sup>95</sup> Chiao, *Devolution in Great Britain*, 185, 243; Pim, *Home Rule Through Federal Devolution*, 19.

<sup>96</sup> Churchill Archive Centre, Churchill College Cambridge, Chartwell papers, CHAR 21/22. Winston Churchill, *Devolution* (printed for the use of the cabinet, 24 Feb. 1911), p. 1 (emphasis added).

<sup>97</sup> ‘Devolution Conference at Work’, *The Times*, 29 Oct. 1919, p. 12.

<sup>98</sup> *Lowther Letter*, 3.

<sup>99</sup> *Lowther Letter*, 3; Bodl., Gorell papers: Lord Gorell’s diary, 6 Nov. 1919; ‘The Devolution Conference’, *The Times*, 7 Nov. 1919, p. 13.

<sup>100</sup> Kendle, *Ireland and the Federal Solution*, 219.

<sup>101</sup> *Lowther Letter*, 6.

<sup>102</sup> PA, Bonar Law papers, BL/98/5/15: correspondence between Bonar Law and Mr Speaker regarding the Conference on Devolution, 18 Dec. 1919.

<sup>103</sup> ‘Devolution’, *The Times*, 13 May 1920, p. 17.

<sup>104</sup> ‘Devolution in Britain’, *Daily Mirror*, 13 May 1920, p. 3.

<sup>105</sup> Lowther, *A Speaker’s Commentaries*, ii, 268.

<sup>106</sup> Lowther’s vision of harmony was not shared by all members of the conference, however. Lord Southborough and Ronald McNeill (on behalf of his Ulster Unionist colleagues) both published memoranda in the conference report that queried the extent of the powers being considered for devolution and even whether one could really decouple central and local issues (i.e., the essence of the schedule of powers): *Lowther Letter*, 26, 36–7.

<sup>107</sup> *Lowther Letter*, 10, 13, 16–18.

<sup>108</sup> Lowther, *A Speaker’s Commentaries*, ii, 268. Administrative devolution refers to the devolution of executive functions, rather than legislative devolution which provides primary

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legislative power to subordinate legislatures: Richard Rawlings, *Delineating Wales:*

*Constitutional, Legal and Administrative Aspects of National Devolution* (Cardiff, 2003), 5.

This is a distinction that might best be seen as a difference between implementing the law and creating the law.

<sup>109</sup> PA, Campion papers, GCA/6/16: papers relating to the Conference on Devolution and various schemes for reform.

<sup>110</sup> PA, Campion papers, GCA/6/16.

<sup>111</sup> PA, Campion papers, GCA/6/16.

<sup>112</sup> As will be explored in much greater depth later in this article, the ‘devolution’ envisaged by Lowther and Campion would have resulted in delineation of local and central issues, but crucially *within* Westminster.

<sup>113</sup> The same was true when it came to the financial powers that the devolved legislatures should enjoy. On 4 Dec. 1919, the conference established a subcommittee to report on the finances of devolution, resulting in recommendations which would be overwhelmingly adopted by both Lowther and Macdonald’s rival devolution schemes (indeed they had identical proposals for fiscal devolution): BL, Add. MS 46104, p. 11 [**These are Viscount Gladstone’s papers on his time as a member of the Conference**]; *Lowther Letter*, 9–15, 19–21. However, while the rival Lowther and Macdonald plans endorsed the same package of fiscal powers, Campion’s memoranda demonstrate a similar difference of opinion as to their practical consequences and, indeed, highlight the way in which this shared commitment was actually used by Campion to attack Macdonald’s devolution proposals: PA, Campion papers, GCA/6/16: papers relating to the Conference on Devolution and various schemes for reform.

<sup>114</sup> *Lowther Letter*, 3.

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<sup>115</sup> BL, Add. MS 46104, pp. 13–17 [See above explanations].

<sup>116</sup> BL, Add. MS 46104, pp. 18–20.

<sup>117</sup> BL, Add. MS 46104, pp. 18–20.

<sup>118</sup> PA, Bonar Law papers, BL/98/5/15: correspondence between Bonar Law and Mr Speaker regarding the Conference on Devolution, 18 Dec. 1919.

<sup>119</sup> BL, Add. MS 46104, p. 14.

<sup>120</sup> BL, Add. MS 46104, p. 233.

<sup>121</sup> PA, Bonar Law papers, BL/98/5/15: correspondence between Bonar Law and Mr Speaker regarding the Conference on Devolution, 18 Dec. 1919.

<sup>122</sup> BL, Add. MS 46104, p. 19.

<sup>123</sup> *Lowther Letter*, 9.

<sup>124</sup> *Lowther Letter*, 9.

<sup>125</sup> The intra-parliamentary nature of this reform, as has been mentioned earlier, is crucial to understanding why Lowther was able to endorse the same schedule of powers as Macdonald (and retaining England as a singular unit), yet simultaneously attack his rival's proposals in these areas, e.g., questioning the desirability, and even the possibility, of clearly separating central and local issues and warning of the dangers of an English legislature. Lowther's 'in-house' approach not only lessened the practical problems of separating local and central subjects, it also lessened the potential problems of self-sufficiency and financial dependency that Champion believed would be inherent in the 'complete disassociation between "local" and "central" matters' proposed by Macdonald and the dangers of recognizing England as a singular political unit.

<sup>126</sup> *Lowther Letter*, 9–11; BL, Add. MS 46104, p. 20.

<sup>127</sup> BL, Add. MS 46104, p. 19.

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<sup>128</sup> BL, Add. MS 46104, p. 20.

<sup>129</sup> BL, Add. MS 46104, p. 20.

<sup>130</sup> Bodl., Gorell papers: Lord Gorell's diary, 9 Dec. 1919.

<sup>131</sup> BL, Add. MS 46104, pp. 134, 145–6.

<sup>132</sup> BL, Add. MS 46104, pp. 39–50.

<sup>133</sup> B.L., Add. MS 46104, p. 39.

<sup>134</sup> Macdonald contended that by 'tradition' the Speaker was essentially referring to 'freedom and orderliness of debate' within parliament. In his opinion it would be 'unfair' to other institutions to claim these traits as unique to Westminster: BL, Add. MS 46104, p. 43.

<sup>135</sup> BL, Add. MS 46104, pp. 41, 47.

<sup>136</sup> BL, Add. MS 46104, pp. 46–7.

<sup>137</sup> However, Macdonald acknowledged that this was for the government to decide, given the lack of information available to the conference on attitudes in England, Scotland and Wales with regards to unicameralism or bicameralism. Despite this, he added that should a bicameral system be adopted, it should ideally be based on the findings of Lord Bryce's Conference on Lords Reform: *Lowther Letter*, 13.

<sup>138</sup> *Lowther Letter*, 13.

<sup>139</sup> *Lowther Letter*, 13.

<sup>140</sup> PA, Campion papers, GCA/6/16: papers relating to the Conference on Devolution and various schemes for reform.

<sup>141</sup> PA, Campion papers, GCA/6/16.

<sup>142</sup> PA, Campion papers, GCA/6/16.

<sup>143</sup> PA, Campion papers, GCA/6/16.

<sup>144</sup> *Lowther Letter*, 26.

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<sup>145</sup> *Lowther Letter*, 26.

<sup>146</sup> *Lowther Letter*, 26.

<sup>147</sup> *Lowther Letter*, 37.

<sup>148</sup> *Lowther Letter*, 37.

<sup>149</sup> BL, Add. MS 46104, p. 20.

<sup>150</sup> *Lowther Letter*, 12, 15.

<sup>151</sup> *Lowther Letter*, 7.

<sup>152</sup> ‘Devolution’, *The Times*, 13 May 1920, p. 17; ‘Political Notes: Federal Devolution Prospects’, *The Times*, 2 July 1920, p. 14; PA, Lloyd George papers, LG/F/255/5/2-(11): federal devolution deputation, 16 Dec. 1920; Kendle, *Ireland and the Federal Solution*, 223.