

6TH JUNE, 1918.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR SIR FRANCIS HENRY MAY, K.C.M.G.

HIS EXCELLENCY MAJOR-GENERAL F. VENTRIS (General Officer Commanding Troops in China).

HON. MR. CLAUD SEVERN, C.M.G. (Colonial Secretary).

HON. MR. J. H. KEMP, C.B.E. (Attorney-General).

HON. MR. A. M. THOMSON (Colonial Treasurer).

HON. MR. E. R. HALLIFAX (Secretary for Chinese Affairs).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. Mc.I. MESSER (Captain Superintendent of Police).

HON. MR. H. E. POLLOCK, K.C.

HON. MR. E. SHELLIM.

HON. MR. D. LANDALE.

HON. MR. LAU CHU PAK.

HON. MR. P. H. HOLYOAK.

HON. MR. HO FOOK.

MR. A. G. M. FLETCHER (Clerk of Councils).

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the Report of the Assessment for the year 1918-19 and the Report on the Botanical and Forestry Department for the year 1917.

Finance

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table Financial Minute No. 27, and moved that it be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and this was agreed to.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table report of the Proceedings of the Finance Committee No. 3, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

Water Supply

THE HON. MR. P. H. HOLYOAK asked—
With reference to the statement made by the Director of Public Works on the 30th May regarding the Taitam Tuk pumping engines, will the contractors be held responsible for the defects in these engines?

THE COLONIAL SECRETARY replied—
The pumping plant has not yet been taken over by the Government, and the contractors are responsible for the defects of the engines. The question of the infliction of a penalty on the contractors for failing to complete and hand over the pumping plant within the contract time was referred to the Secretary of State for the Colonies on the 27th February with the request that the matter might be submitted to the Consulting Engineers.

THE HON. MR. DAVID LANDALE asked:—

1. Were any steps taken to approach any of the local engineering firms with a view to their repairing or replacing the damaged cylinder referred to by the Director of Public Works in his statement at the meeting of the Council held on the 30th May regarding the curtailment of the water supply?

2. If no such steps were taken why were they not taken?

THE COLONIAL SECRETARY replied—
No such steps were taken because the contractors were and are under obligation to erect the engines and to run them under certain specified trials, before handing them over to
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ment. As the contractors' representative, who was in charge of the matter, did not apparently deem it advisable to approach local engineering firms, any direct interference in the matter on the part of the Government might have led to a repudiation of liability on the part of the contractors, but the following telegram was sent to the Crown Agents on the 11th October, 1917:

My telegram 23rd March. Pumping plant urgently required for duty. Dyer sick. Suggest that Simpsons entrust completion of erection and trials to Dock Company or make other arrangements.

The Crown Agents replied that the contractors were arranging for their Shanghai agent to visit Hongkong.

The Conscription Bill

H.E. THE GOVERNOR—Before we proceed to consider this important Bill on the Orders of the Day, I wish to make a short statement as to why no provision has been made in it for separation or pension allowances. It would not be competent for this Government to provide by legislation definitely for such allowances without the sanction of the Secretary of State. Then again it would have been necessary to draft very considerable provisions for any such allowances. The people in this Colony are various, and the circumstances of each case which may arise will differ very materially. Moreover, the Bill provides power for the calling up of any British subject in the Colony—although at present it has only been decided to call up those of pure European descent—and that will entail other complications. But the Government has stated on the first reading that it is prepared to view this matter sympathetically. We draw a very broad distinction between the men who went away from this Colony and those who now come under the provisions of this compulsory law. It recognises that where the State compulsorily avails itself of the services of men it should make some adequate provision—reasonably adequate provision—for the maintenance of his wife and children, if he is a married man, and it is prepared to insure a single man's life. Therefore, after consulting the hon. unofficial members, I sent last night the following telegram to the Secretary of State:—

"Your telegram May 30th. It is essential that provision should be made from public funds for wives and families of men conscripted

under bill now before Legislative Council for period of such men's service. Proposed to grant in the Colony \$200 per month to each wife, \$25 per month for each child under following years of age—16 for boys, 20 girls—as minimum with addition in special cases put forward by Tribunal in addition to separation allowances payable under army regulations. Cases probably will not be numerous. Allowances paid outside the Colony should be £20 per month and £2 10s. respectively. It is proposed also to insure each man's life for £2,000 if married, £1,000 if single, apart from any military pension. Unofficial members of Legislative Council unanimously concur in these proposals. Should be glad to have your approval of them.
MAY.

In connection with the remark that I made as to the distinction between those who went voluntarily—or who wished to go voluntarily—and the men who go under conscription, I wish to draw attention to the proviso which has been made in clause 9, that it should be lawful for the Governor to omit from such enrolment list the name of any person who before the 1st day of May, 1918, applied to the Military Service Commission for permission to volunteer for active service outside the Colony. The men who so applied—or endeavoured to apply—will have the option of being sent to England with second-class passages and the prospect of obtaining a commission, or, on the other hand, of coming under the compulsory provisions of this Bill and obtaining the financial privileges which have been mentioned. I would like to add that members of the Civil Service, who have up to the present time been exceedingly liberally treated as regards their pay when joining H.M.'s Army, will in my view be treated in exactly the same way as the men who are not Civil Servants conscripted under this Bill. That is to say, the exceptional privileges as regards pay which they have enjoyed up to date will not be continued. I would like to read you a memorandum furnished me by—I do not know whether he was an officer or a man (A voice: A sergeant)—of the 25th Middlesex descriptive of the arrangements made
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to meet such cases as we propose to meet here. This memorandum states:—

The Civil Liabilities Committee was instituted by the Home Government to relieve financial hardships of the married men and did not concern the single man except in very special cases. The chief object of the scheme was to keep a roof above the heads of a man's wife and children. Consideration was given to rent, insurance premiums, endowments, rates, purchase by periodical payments of property and furniture. Grants were made up to £104 per annum (paid quarterly). In the first place applicants had to obtain a 4 page foolscap form from their local Post Office and fill in the information asked for, and then forward to the barrister appointed for the particular county. At a later date the applicant was required to interview the barrister and supply documents as proof of correctness of statements made, *i.e.*, Income-Tax receipts, receipt for rent, insurance, etc. If satisfactory, the barrister recommended that a grant be made, with the Committee's approval. Grants were not to enable one to "carry on" and save as well, but just to cover absolute necessities. For instance, a man with a wife and three children earning £2 per week. On his becoming a soldier, the wife would receive £1 7s. per week and the husband 3s 6d., his food and clothing. In cash alone this is only 9s 6d. less than his pre-war income, and he himself is clothed and fed by the Government. Obviously this man cannot claim financial hardship, and therefore does not come within the scope of the C.L.C. As an illustration of when a grant is made, I will instance my own case. As a commercial traveller, I was, previous to the war, in receipt of £240, but owing to the war my salary fell to £186 per annum. With a wife and one child the Government Separation Allowance of £1 1s. was insufficient to keep my home running during my absence while a soldier. I made application to the C.L.C. as follows:—

	Per annum.
Rent and Rates	£38
Insurance Premiums	5
Housekeeping and Clothing	88
Expenses (self)	30
For "Rainy Day"	25
	£186

On enlisting I naturally had to delete the "Rainy Day"	25	
Expenses (self)	30	
Own share housekeeping		
exs.	33	88
		†£98

† £98 required by wife to "carry on."

Separation allowance at £1 1s. per week	54 3-5	
		*£43

*amount claimed and allowed in my own case.

I read that to show you the sort of circumstances at home and how they are dealt with. Here it is proposed to make a minimum grant of the sum mentioned in the telegram and any additional grant that may be decided upon in a special case put forward by the Tribunal. These cases, as at present advised, I shall transfer to the Treasurer to examine and inquire into and to come to some decision as to the total sum required. I hope, gentlemen, this statement will prove satisfactory.

THE ATTORNEY-GENERAL—I beg to move the second reading of the Bill intituled "An Ordinance to provide for the raising of a force the members of which shall be liable to service with His Majesty's Forces outside the Colony during the present war." In doing so he said: The Army is in need of men. It is fighting, with our Allies, for the cause of those Allies and to save civilisation. It is fighting to defend our fortunes, our means of livelihood, our liberties, our lives. Everything that we can do to help the Empire in this great struggle we must do, and the only reason we can have for holding back a single fit man is that such man is of greater service to the Empire here than he would be in the fighting-line. That must be the guiding principle, I submit, in all our decisions, and that note should vibrate through all our deliberations. It was the note struck by the Committee of the Chamber of Commerce when they asked for the policy of compulsion to be introduced. It is easy to set up this ideal, but not so easy to keep it clearly in mind amongst the conflicting claims of local conditions. We are proud

to think that this small Colony is an Imperial asset—is an Imperial interest. It contributes to the prosecution of the war now and it is maintaining British trade for the trying and difficult period after the war. The only danger is that in our local preoccupation we may, perhaps, sometimes be a little blind to the larger Imperial need. In view of that larger Imperial need the Chamber of Commerce in April addressed the Government and asked for the introduction of compulsion for the purpose of military service with H.M.'s. forces outside the Colony. This Bill was introduced in consequence of that request and it is a real attempt to find some more men for the Army. The main question which arises on the Bill is—what is the standard to be applied? In the first place, as has been already stated, it is intended, at present, to call up only men who would fall into the class of A1 men in England, men who are perfectly physically fit and suitable for the front line. Unfortunately, that will restrict very considerably the number of men available, but for the time being that is the only class which the military authorities in England require from Hongkong. In the second place, there is the question of age. The age, of course, in Great Britain until recently was up to the forty-first birthday. That is the age which has been taken under the scheme which is now being applied to British subjects in China. It is the age, as far as I can ascertain, adopted in the scheme in force in the Straits Settlements, but in view of the terms of the telegram, it is proposed to take here only up to the 40th birthday. I would like to say here that it is intended to call up every man between the ages of 18 and 40 years who is physically fit—fit for the A1 class and of pure European descent. There is no intention of making any selection beforehand, or of omitting to call up any particular class of men. All coming within the class specified will be called up and will come before the Tribunal. The third point on the question of standard is a much more difficult one. I would like to point out again that the need which this Bill proposes to meet is an Imperial need. It is a great need—an urgent need. It is not only an Imperial need, Sir, but it is our need, too. It is unthinkable that we should ever give up in this struggle in which the nation and the Empire is engaged. But if we were beaten, British trade interests in Hongkong would be at the mercy of an

entirely unscrupulous enemy, and would not be worth many months' purchase. The Bill, of course, recognises, one ground on which exemption may be granted, one ground on which men are to be kept here, the ground of Imperial interests. That, I think, will not give rise to any difficulty. Clearly, if a man is directly helping on the war by his occupation here, he must be allowed to remain here, in fact he must be made to remain. The Bill goes further and recognises, as I said just now, that the Colony is an Imperial interest, an Imperial asset, and anything essential—essential to the continued existence of the Colony—is also recognised as a ground for exemption. There are, therefore, two grounds, the ground of Imperial interest and the ground of essential Colonial interest, but I think that one must never forget the underlying reason for that second ground, and that is the question of Imperial interest. That must in all cases be the final touchstone. What do the essential interests of the Colony mean? Clearly they include trade interests; and they include British trade interests in China which are controlled from Hongkong. The word essence means, of course, something which remains after something else has been taken away, and essential interests mean something very different from the maintenance of the present state of affairs. The old standard of "Business as usual" which was swept away in England in the early days of the war is now to be abandoned here. Perhaps it has already been abandoned to a certain extent, but it now has to be abandoned to a much more stringent extent. The result will no doubt be loss to some and hardship to others. The larger businesses may have to be curtailed. New enterprises, however promising, may have to be restricted, and in the case of one man businesses and occupations it may be that some of them will have to be closed altogether for the time being. Essential, of course, does not mean essential to the individual, but essential to the Colony. The one man occupation may belong to a class of which the Colony must have some, but though some of that class may be necessary it may not be necessary for the Colony to have the number at present existing and, in such cases, the Tribunal will have to decide which men are to go and which to stay. There is no intention, of course, to sacrifice the smaller to the larger, but if a man happens to be

engaged in an occupation which is not essential then he will have to suffer for the good of the Empire. That brings me, Sir, to the question of temporary exemption. The only two grounds of absolute exemption are the two grounds of Imperial interests and essential Colonial interests. The third ground of exemption—but it is only for temporary exemption—is the ground of exceptional financial or business obligation or domestic position. No exemption granted on that ground can last for a longer period than six months. The English Act does not contain that definite period of six months, but it recognises that exemption granted on these grounds must be temporary, and the reason for some limitation of time here is that men who get exemption for three or six months will not be ready for the fighting line for a year or fifteen months from now, and any longer exemption would defer too long the man from being made available for the present need which is so great and so urgent. I do not profess to know what the conditions of the Colony are. I do not profess to know how many or how few this standard I have suggested will realise, but I am convinced it is the true standard and that the final test in every case must be that of Imperial interests. Coming now to the detail of the procedure under the Bill, I think it is well known that the intention is to set up a Tribunal, to contain a substantial commercial majority, to deal with the men in the class which I have described who will come before it. The Tribunal says whether the men are to go or whether they are to stay. From that decision of the Tribunal there will be an appeal open either to the man, or to his employer, or to the military authorities. If the Tribunal decide that the man shall be enrolled and any appeal against that decision is dismissed, the man's name will then appear in the Enrolment List which will appear in the *Gazette*, and as soon as the name appears in that list he becomes a member of H.M.'s. Forces and remains so during the period of the war. One exception is the case to which you, Sir, have referred—that is a man who volunteered for service outside the Colony before the Military Service Commission, before the 1st of May this year. It is not intended that any slur should be cast on any man who goes under this present Ordinance, any man who goes under the new provisions. There are thousands and thousands of men—conscripts—who have gone out from England who are ennobling the name of conscript, and carrying on the best traditions of our race. We hope that the men who go from Hongkong will do the same. But it was felt that the men who volunteered before the Military

Service Commission should be allowed to choose, as they would have been able to do, had they been set free on that occasion, the kind of service which they will enter, subject of course to the decision of the Army authorities. It is intended to send those men Home if they so prefer. Anyone, Sir, who is not, for the time being at all events, of military age must speak with great reluctance in support of any policy which involves great personal sacrifice on the part of others. One must feel an almost equal reluctance in advocating a policy which involves financial and business sacrifice. But one can at least say this, as between these two kinds of sacrifice, as the Prime Minister said some little time ago in speaking of our soldiers and sailors, and I think that the words might also be extended to the splendid men of our mercantile marine, "Nothing that we who stay can give up or suffer can equal or even faintly approach what they are daily and hourly called upon to endure." It is to help to lighten their burden and to help to defend the Empire that we, the whole Colony, however our views may differ on details, now propose to send this little further instalment of men which we hope that this legislation will produce.

THE COLONIAL SECRETARY seconded the motion.

HON. MR. H. E. POLLOCK—In speaking on the second reading of the Bill I shall, of course, not deal with mere matters of detail, which will be moved in Committee, but I should like to deal with a few questions of general principle, and I hope that you, Sir, will be able, when you have heard what I have got to say, to give a sympathetic hearing to a few suggestions I have to bring forward. Your Excellency, in sending the telegram which was dispatched last night to the Secretary of State for the Colonies with reference to separate allowances and maintenance for the men who will go under this Bill, and also with reference to insuring their lives, has rightly gauged the feeling of the unofficial members, which, I believe, is universal throughout this Colony—namely, that although a number of people will go under this Bill, provided they pass the medical examination, it is the desire of this Colony as a whole that adequate provisions should be made for their

dependents. As your Excellency is aware, the unofficial members of the Council had only time yesterday evening to consider this telegram for a comparatively short time before it was dispatched and, therefore, I would ask leave to make a few additional suggestions in aid of the purpose to be effected which, I hope, will meet with the approval of the Government. In the first place, in connection with the allowances it is proposed to pay outside the Colony, I should like to make two remarks. One is that I trust that the earlier words of the telegram applying to local allowances—that is to say, that an addition may be made in special cases put forward by the Tribunal—will also apply to allowances made in sterling to the wives of the men who, for reasons of health or other reasons, find it desirable to go outside this Colony and live in a more temperate climate. I should also like some assurance that in some cases passages will, if it seems necessary, be provided. Another point, Sir, which I hope it will be possible to take into consideration is the question of making some kind of grant in respect of periodical payments, such as rent and possibly interest on mortgages. The great desire of the unofficial members is, as I say, that these matters should be adequately dealt with—and when I say adequately, I think our view, our wish, is that the Government should incline rather to the liberal side than to the parsimonious side in the construction of the word adequate. With reference to the standard of men to be called up, I gather from what has just fallen from the hon. and learned Attorney-General that Class A1 only is, at present, intended to be called up, and I also gather—I am not quite sure whether I apprehended the learned Attorney-General correctly—that all these men who are called up under this Bill will be sent home to Great Britain and that none of them will be sent to India.

THE ATTORNEY-GENERAL—That choice is given to those who volunteered before the Military Commission.

HON. MR. POLLOCK (continuing)—I believe that on this point the hon. member representing the Chamber of Commerce would like to address some observations to the Council on the question of the place to which these men are to be sent. He mentioned the point to me this morning. I do not know, Sir, that I need say any more just now upon any question of general principle, except, perhaps, the point to which the Attorney-General referred of the six months' exemption in all under clause 5, renumbered 6, sub-section 6. It is the unanimous wish of the unofficial members

that the proviso at the end of sub-section 6 should be omitted because we consider that there may be cases in which it is desirable that the absolute limit, the definite limit, of six months should be extended, and they would like the Tribunal which it is proposed to create by this Ordinance to have the power to grant further exemption beyond the period of six months. There will be, no doubt, other matters to discuss when the Council is in Committee on this Bill. I will only make one other remark, and that is this. I understand that although this Bill will not pass beyond the Committee stage to-day your Excellency proposes, as at present advised, to take the third reading on Monday next. I mention this, Sir, especially in order that any members of the public who are affected by this Bill may realise clearly that it is very necessary for them, if they have any suggestions to make, or if they want the Bill remodelled on what they consider any material or vital point, promptly to approach either the Government or one of the unofficial members of the Council for the purpose of making their suggestions known.

HON. MR. P. H. HOLYOAK—I do not know whether I clearly understood you, Sir, but in your opening statement you remarked that the men who had previously volunteered would be allowed to go home and serve at home with the object of getting a commission, but would be deprived of the financial privileges of those who come under conscription. I do not know whether that is so or not, but such is the impression I gained. If it is so, it is so unjust that I can hardly think it possible.

H.E. THE GOVERNOR—They can take the option of being treated as the men were treated who went away under the Military Service Commission or of coming under this Bill. There is nothing unfair in that.

HON. MR. HOLYOAK—Any man who volunteered and was not allowed to go is now to be deprived of the financial provisions of this measure.

THE COLONIAL TREASURER—He pleases himself.

THE HON. MR. HOLYOAK—Then you force him under conscription.

THE COLONIAL TREASURER—We don't force him.

THE HON. MR. HOLYOAK—I submit that is grossly unjust.

THE COLONIAL TREASURER—There is nothing unfair about it.

THE HON. MR. HOLYOAK—It is a matter of opinion. There is one point upon which the Chamber of Commerce is very determined and that is that the economic strength of the Colony shall not be wasted on garrison duty in India or elsewhere. It would be far better, if it were intended to use conscripts for that purpose, that they should remain here fulfilling their military duties in the Colony and carrying on the trade of the Empire at the same time. We should like an assurance that the men sent to India are to be used on active service and not for garrison duty either in India or elsewhere. Nothing is mentioned in the Bill, and nothing has been said hitherto, on the subject of repatriation. It would be economically sound that every man from this Colony should be returned to this Colony at the close of the war at the earliest possible moment. Labour here is trained and specialised, and it would take years to replace the training and experience which will go from our shores when this contingent leaves us. We would ask for some assurance that the full force of this Government will be behind a request that the men—after peace has been declared and the war won, as we confidently believe it will be—shall not be detained for twelve months, as was the case after the South African war, but shall be given every assistance to return here after six months, and that every man shall have his passage paid back. A further point which I wish to raise is on clause 4. As power of appeal is given under the Bill from any decision come to by the Tribunal to the Governor-in-Council no member of the Executive Council should be appointed to the Tribunal. I should like your assurance on that point.

H.E. THE GOVERNOR—The hon. member who represents the Justices of the Peace spoke of the separation allowance. The reason we put in a sterling figure for the separation allowance outside the Colony is that it seemed desirable to fix some rate of exchange. Two hundred dollars in the Colony are two hundred

dollars, but the sterling equivalent is £30, and that seemed to us an unduly large minimum allowance for a person going outside the Colony. It is not unreasonable to suppose that many persons going outside the Colony will do so to join friends elsewhere, but it is a question upon which I have an open mind. When the Secretary of State replies to my telegram I shall be quite willing to discuss the matter further with unofficial members. Passages and such questions as rent and payment of interest on mortgages—these are all questions which I intended to allude to in my opening statement as some of the special considerations which might be put forward by the Tribunal. We thoroughly agree that, as in England—as shown by the extract which I read just now—such assistance should be given, if necessary. As regards the place to which men are to be sent, that is really a question for the military authorities. It has been stated that they have decided to send men to India to undergo training and then to be drafted into a certain regiment. It does not say where. The regiment might be serving in Palestine or in Mesopotamia or elsewhere. I would like you to reflect that men are being sent from Shanghai and other places in China. I have not ascertained to what place they are being sent, but there is no indication that the men are to serve on garrison duty on India; it is simply stated that they will be sent there for training. If you wish, we can make a representation on the point to the Secretary of State for the Colonies. The question of repatriation after the war is one on which we have addressed the Secretary of State already and, I think the Chamber of Commerce has done so, too. I thoroughly agree with the hon. member that men who have had training and experience out here should be returned here as soon as possible, and when the time comes I will emphasise that point as far as possible. There are one or two other points which members mentioned which I will leave over until we come to them in Committee.

The Bill was then read a second time.

Council went into Committee to consider the Bill clause by clause.

Clause 2.—In the sentence, "Civil Servant means a person" the word person was changed to "British subject."

The sentence "Competent Military Authority shall have the same meaning as in the Army Act," was added.

The numbers of various sections were altered.

Clause 3.—In sub-section D, the following clause with reference to the class of persons to whom the Ordinance shall not apply, was omitted:—"And men who have been discharged from the naval or military service of the Crown on the termination of their period of service."

In sub-clause 2 of the same section the words "to include any Civil Servant in an Enrolment List" were deleted, and the following words were added:—"To decide that any civil servant of or over the age of eighteen years, who shall not have attained the age of forty years before the commencement of this Ordinance, should be enrolled in the force."

Clause 4.—In sub-clause 1 the sentence "The said Tribunal is hereinafter referred to as the Tribunal" was omitted.

HON. MR. HOLYOAK moved that in the clause dealing with the constitution of the Tribunal, it should be made clear that no member of the Executive Council should be appointed to the Tribunal, otherwise in appeal cases there would only be one unofficial member.

H.E. THE GOVERNOR—I am sorry we cannot accept the suggestion made by the hon. member. But what I will say is this. If it should so happen that I should appoint a member of the Executive Council to sit on the Tribunal that member would not assist in the Executive Council in any appeal from the Tribunal.

HON. MR. POLLOCK—That does not quite meet the point made by the hon. member representing the Chamber of Commerce. The point is that the *personnel* of the Tribunal and the Executive Council should be distinct. If an unofficial member of the Executive Council is appointed to the Tribunal it would mean that there would be only one unofficial member of the Executive Council in place of two for hearing appeals. For that reason I support the hon. member representing the Chamber of Commerce, and I understand the unofficial members wish to divide on the point.

H.E. THE GOVERNOR—It is not an easy thing to form this Tribunal, especially at the

present time when very many persons are absent from the Colony. The Executive Council is so strong numerically and by the standing of its members that I think it could spare one member to sit on this Tribunal. I do not think myself there will be any disadvantage.

HON. MR. HOLYOAK—In the case of an unofficial member of the Executive Council being appointed to the Tribunal the Executive Council will be deprived of one of its representatives in appeal cases. In such a grave matter as this we do not think that is right. It is so important that we must press for a division on the point.

H.E. THE GOVERNOR—I will consider before our next meeting whether it is competent for me under the Royal Instructions to provide in the Bill for the appointment by me of a commercial man to sit in the Executive Council in place of any councillor who may be appointed to the Tribunal. Will that satisfy hon. members? I do not know whether it can be done. I cannot say offhand.

HON. MR. HOLYOAK—I would prefer not to pass the clause as it stands.

HON. MR. POLLOCK—I think we had better have a division. If either an official or an unofficial member of the Executive Council was appointed on the Tribunal it would mean the depletion of the Executive Council.

H.E. THE GOVERNOR—I do not follow that point. I do not see why an official member of the Executive Council should not be appointed on the Tribunal so long as the Tribunal has its substantial commercial majority. I suggest that we leave this clause over, and I may be able to meet your views in another way, if that will satisfy you.

This course was agreed upon.

Clause 5.—This clause was added to the Bill in place of clause 11:—

(1.)—It shall be lawful for the Proper Authority, at any time or times, to order any male British subject of or over the age of eighteen years, who shall not have attained the age of forty years before the commencement of this Ordinance, to attend at such time and place as may be specified in the said order and there to submit himself to be medically examined for the purposes of this Ordinance.

(2.)—If any such British subject without lawful excuse fails to comply with any such order as is referred to in this section he shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

Clause 6, formerly clause 5, was altered to read as follows:—

Subject to the provisions of section 3 of this Ordinance, it shall be lawful for the Proper Authority to order any male British subject of or over the age of eighteen years, who for the time being shall be ordinarily resident within the Colony, and who shall not have attained the age of forty years before the commencement of this Ordinance, and who, upon the medical examination referred to in section 5 of this Ordinance, shall have been certified as medically fit for enrolment in the force, to attend before the Tribunal at such time and place as may be prescribed in the said order

At the end of sub-section 5 the words "at any one time were added to the sentence, "Provided that any exemption granted on the ground of exceptional financial or business obligations or domestic position shall not be for a longer period than three months"

In sub-section 6 it was suggested by the Attorney-General that total amount of exemption to be granted on the grounds of exceptional financial or business obligations or domestic position be extended from four months to six.

HON. MR. POLLOCK moved the omission of the words "six months in all," suggesting that no restriction should be placed on the Tribunal in the matter.

THE ATTORNEY-GENERAL—A stated period beyond which they cannot go will save the Tribunal much embarrassment.

H.E. THE GOVERNOR—It is a help to the Tribunal to have a limit to the periods of exemption which can be granted. If there is no definite instruction the Tribunal will have great difficulty in ceasing to extend the exemption.

HON. MR. POLLOCK—This is not my own individual suggestion. I do not know whether my unofficial colleagues would agree to the substitution of nine months in place of six.

HON. MR. HOLYOAK—I think we want the definite period withdrawn.

THE ATTORNEY-GENERAL—It will leave the

Tribunal open to great criticism in the treatment of individual cases, and it will also delay these men being made available for the Army.

HON. MR. POLLOCK—Presumably the Tribunal will not act without good cause.

HON. MR. HOLYOAK—There will possibly be few cases, and under the Bill as it now stands very great hardship may be done.

H.E. THE GOVERNOR—I am not prepared to accept that amendment.

HON. MR. POLLOCK—This is an amendment suggested to me by business men and I think they would wish to have this proviso carried to a division.

The amendment that the time-limit for exemption should be expunged was lost, the unofficial members all voting for it.

Sub-section 7 of section 4 was amended to read as follows, the words in brackets representing the alteration:—

The Tribunal shall communicate [in writing] to each British subject whose case has been enquired into the decision of the Tribunal with reference to such British subject.

Clause 6, renumbered 7, was amended to read as follows, the words in brackets representing the alteration:—

The Tribunal shall forthwith make a report to the Governor of the cases in which [the Tribunal has decided to grant exemption], stating in each such case the ground of exemption and also a report of the cases in which the Tribunal has [decided that the British subject in question should be enrolled, stating in every] case the date on which such [decision] was communicated [in writing] to the British subject in question.

Clause 9, renumbered 10, section 1, providing for the publication of names in the *Gazette* Enrolment List was altered to read as follows:—

- (a) Every person in whose case the Tribunal has decided that such person should be enrolled, provided that no appeal against such decision has been prosecuted before the Governor-in-Council.
- (b) Every person in whose case the Governor-in-Council on appeal has decided that such person should be enrolled.

- (c) Every Civil Servant in whose case the Governor has decided that such Civil Servant should be enrolled.
- (d) Every person who has reported himself at the office of the Deputy Assistant Adjutant and Quarter Master General under the provisions of section 9 of this Ordinance.
- (e) Every person who has been convicted of unlawfully failing so to report himself and who has not successfully appealed against such convictions.

Provided that it shall be lawful for the Governor to omit from such Enrolment Lists the name of any person who before the 20th day of May, 1918, applied to the Military Service Commission for permission to volunteer for active service outside the Colony.

In the original draft of the Bill the date up to which the names of volunteers could be omitted from the Lists was June 1st, but as the telegram relating to conscription was published in May the Government suggested that the date should be changed from June 1st to May 1st. Upon the motion of Mr. Pollock the date was finally altered, as shown above, to May 20th, when the telegram relating to the introduction of conscription was actually published.

Clause 13 was amended to read as follows, the second and third sections being additions:

(1) The Tribunal shall, for the purpose of any enquiry which it is authorised under the provisions of this Ordinance to make, have all the powers of the Supreme Court in respect of the following matters:—

- (a) enforcing the attendance of witnesses and examining them on oath or otherwise;
- (b) compelling the production of documents; and
- (c) punishing persons guilty of contempt.

(2) Every British subject ordered to attend before the Tribunal, and every Civil Servant whose case may be enquired into by the Governor under the provisions of this Ordinance, shall, on oath if so required, truthfully and fully answer all enquiries which may be addressed to such British subject or Civil Servant by the Tribunal or by the Governor, as the case may be, and shall

produce any documents in his possession or under his control which the Tribunal or the Governor, as the case may be, may order such British subject or Civil Servant to produce.

(3) If any such British subject or Civil Servant, as the case may be, fails to comply with any of the provisions of sub-clause (2) of this section, he shall upon summary conviction be liable to a fine of two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

THE HON. MR. POLLOCK inquired whether permission would be granted for counsel, solicitors or other agents to appear for parties before the Tribunal and the Governor-in-Council. He said: I think that power should be inserted in the Bill itself. If the Attorney-General has not drafted it may I suggest that the matter be brought up in Committee on Monday next?

H.E. THE GOVERNOR—We leave it to the Tribunal to fix its own procedure. There is no objection to any man, if he so desires, being represented before the Governor-in-Council by counsel, solicitor, or other agent.

The Council was then adjourned until Monday at 2.30 p.m., when the Bill will be finally passed through the Committee stage and read a third time.

FINANCE COMMITTEE.

A meeting of the Finance Committee followed, at which the COLONIAL SECRETARY presided.

The Governor recommends the Council to vote a sum of six hundred dollars (\$600) in aid of the vote Crown Solicitor's Office, other charges, extra legal expenses.

THE CHAIRMAN—Owing to the great pressure in the offices of the Attorney-General and Crown Solicitor it was desirable that in certain recent criminal cases counsel should be instructed to prosecute. This vote is to cover fees of counsel in two cases and the cost of an opinion in another case.

The vote was agreed to.