

PARLIAMENTARY DEBATES.

HOUSE OF COMMONS.

STANDING COMMITTEE C.

WAR EMERGENCY LAWS (CONTINUANCE) BILL.

OFFICIAL REPORT.

From 12th NOVEMBER TO 17th DECEMBER, 1919.

The Committee consists of the following Members:—**Sir Archibald Williamson** (*Chairman*).

*Adkins, Sir Ryland
 Baird, Major
 *Banbury, Sir Frederick
 Barnes, Major
 *Barnett, Major
 Bennett, Mr.
 Betterton, Mr.
 Birchall, Major
 Bowles, Colonel
 Bowyer, Captain
 *Boyd-Carpenter, Major
 *Brassey, Major
 Bridgeman, Mr.
 Bromfield, Mr.
 Cape, Mr.
 Cayzer, Major
 Clynes, Mr.
 Cockerell, Brig.-General
 Colvin, Brig.-General
 Curzon, Viscount
 Davies, Mr. A.
 Davison, Mr. J.
 Dennis, Mr.
 Elliot, Captain
 Falle, Major Sir Bertram
 Forster, Mr.
 Galbraith, Mr.
 Green, Mr. Joseph
 Gretton, Colonel
 Griffiths, Mr. Thomas
 Guest, Major
 *Hacking, Captain
 Hancock, Mr.
 Hartshorn, Mr.
 *Henderson, Mr. Arthur
 Henry, Mr.
 Hewart, Sir Gordon

Hope, Mr. John Deans
 Irving, Mr.
 Jones, Sir Evan
 *Kenworthy, Lieut.-Commander
 Kerr-Smiley, Major
 Larmor, Sir Joseph
 Lunn, Mr.
 M'Curdy, Mr.
 *M'Lean, Lieut.-Colonel Charles
 McGuffin, Mr.
 *MacLean, Mr. Neil
 Macnamara, Dr.
 Malone, Lieut.-Colonel.
 *Matthews, Mr.
 Morrison, Mr. Hugh
 Newman, Colonel
 Newton, Major
 *O'Grady, Mr.
 Pollock, Sir Ernest
 Purchase, Mr.
 Rae, Mr.
 Raffan, Mr.
 Roberts, Mr. George
 *Scott, Sir Samuel
 Stephenson, Colonel
 Sturrock, Mr.
 Sykes, Colonel Sir Alan
 Walton, Sir Joseph
 Waterson, Mr.
 *Wedgwood, Colonel
 White, Lieut.-Colonel Dalrymple
 White, Mr. Charles
 Wigan, Brig.-General.
 *Williams, Colonel Penry
 Wilson, Lieut.-Colonel Sir Mathew
 Wood, Major McKenzie

*Added in respect of the War Emergency Laws (Continuance) Bill.

Committee }
Clerk. } Mr. WILLIAMS WYNN.

WAR EMERGENCY LAWS (CONTINUANCE) BILL.

STANDING COMMITTEE C.

[OFFICIAL REPORT.]

Wednesday, 12th November, 1919.

[SIR ARCHIBALD WILLIAMSON in the Chair.]

Colonel PENRY WILLIAMS: I beg to move "That the Committee do now adjourn."

I do so on the ground that members of the Committee have not been able to obtain the necessary data and information to enable them to give an intelligent consideration to this Bill. The Bill itself is a glaring example of legislation by reference. Before I come to that I should like to tell the Committee the difficulties I have had in getting information on this question. I went to the Vote Office and asked, first of all, for the Defence of the Realm Regulations. I was told they were not there, and I could not get them. I then went to the Clerk of the Committee and asked for the Defence of the Realm Act. I could not get it there. I then told the Clerk of the Committee exactly what I intended to do, and he said he would try to get me what I wanted. In the end I got this volume from the Sale Office, and for it I had to pay. I was told I could get the big book on the Defence of the Realm Regulations, which would cost me 5s. I was prepared to pay 5s. But I was also told that there were many Regulations which had been added since the book was printed, and I had visions of demands of a few shillings for each of the Regulations. I do not think it is fair for the Government to expect members of this Committee to pay for the information which is necessary for intelligent consideration of the Bill.

I look round this Committee and I see that a great many members have not the Defence of the Realm Regulations. I have this one volume, for which I paid a shilling, and I saw afterwards that it was marked sixpence—a case of profiteering, I think. Anyhow, I do not think that that is the way the Committee ought to have been treated by the Government. We have had no White Paper issued to us;

we have had no statement as to what the intentions of the Government are. We have had Second Reading speeches, which contain really very little. I asked the right hon. Gentleman the Attorney-General a point on Regulation No. 51, in the House. He gave me an answer, and then read the Regulation. The answer indicated one thing, and the Regulation certainly indicated another. With regard to the enactments to which this Bill refers, in the first column of the First Schedule I find this:

"The Courts Emergency Powers Act, 1914 (4 & 5 Geo. 5. c. 78), and the enactments to be read or construed as one with that Act, viz., the Courts Emergency Powers (Amendment) Act, 1916 (6 & 7 Geo. 5. c. 13), as amended by the Courts (Emergency Powers) Act, 1917, s. 8, the Courts Emergency Powers (No. 2) Act, 1916 (6 & 7 Geo. 5. c. 18), and s. 1 of the Courts Emergency Powers Act, 1917 (7 & 8 Geo. 5. c. 25)."

Really, I submit that that conveys nothing to the ordinary member of the Committee. It may convey something to the Law Officers of the Crown and to those members who have legal training, but it is a scandal that this Committee should be asked to take away the liberties of the people on information of that sort.

The CHAIRMAN: The hon. Member, I think, is in order. I find that the powers I have as Chairman are stated thus in Standing Order No. 23:

"If . . . the chairman of a Committee shall be of opinion that a motion for the adjournment of a debate, or that the chairman do report progress . . . is an abuse of the rules of the House, he may forthwith put the question thereupon from the chair, or he may decline to propose the question. . . ."

I should not be prepared to take the latter course, but I put it to the Committee at once, without debate, whether the Committee should adjourn.

Sir F. BANBURY: On the point of Order. May I suggest that the putting of the question without debate arises only after there has been a prolonged debate upon the Bill? I think I have the full assent of the Government to that statement.

The CHAIRMAN: I beg the Committee's pardon. I ought to have said that the debate must be confined to the subject of the Motion.

The ATTORNEY - GENERAL (Sir Gordon Hewart): May I rise at once to say a word or two by way of reply to the observations of the hon. Member who moved to report progress? So far as the scheme of the Bill is concerned, I do not think I can usefully add anything to what was said in the House. I do not know whether my hon. Friend (Col. P. Williams) was present throughout the debate, but, quite shortly, the problem was this: There have been enacted in the course of the war, and to meet emergencies arising out of the war, certain Statutes. There have been framed, and issued under the Defence of the Realm Act, certain Regulations. It appeared necessary on various grounds, but not by any means upon the ground that was suggested—namely, the curtailment of the liberty of the subject—to continue some of those enactments and Regulations. How shall that be done? Some humour was raised, or attempted to be raised, by reference to the Courts Emergency Powers Act in the Schedule, and I observed, by the way, that the reference to that Act took its place in a context in which the hon. Member was complaining of the curtailment of the liberties of the subject. The Courts Emergency Powers Act is quite the reverse of that.

Colonel WILLIAMS: I am sure the right hon. and learned Gentleman does not want to misrepresent what I said. The quotation I read was an example of the difficulty of the ordinary Member in understanding what it is we are driving at. I was not referring to the liberty of the subject in that at all.

Sir G. HEWART: I am glad to hear that that was so. Let us see what reality there is in it. There are certain Acts of Parliament which come to an end with the termination of the war, or come to an end at a short period afterwards. It is thought desirable, for reasons which we shall be prepared to discuss upon the individual measures, if need be, that those enactments should be continued for a further period. What is it that is seriously suggested should be done? That we should have a Bill relating to each one of those enactments reprinted. That would be a futile proceeding. Anybody who is really in doubt as to what the Courts Emergency Powers Act and its amending Acts do, can learn precisely what the reprinting of those Acts could do: he can turn them up. Their provisions, I should have thought, were by this time sufficiently familiar. There is

no mystery about it. The Acts are in force, and they are limited to the present war and a period of six months after. The whole proposal here is that for six months there shall be substituted twelve months. I should like to know in what more clear, more precise, more intelligible form that proposal could be made.

Colonel WILLIAMS: I applied at the Vote Office for that Act, and could not obtain it.

Sir G. HEWART: I can only say that I am astonished. I do not know whether the Vote Office is the office where Acts of Parliament can be found, but I should have thought there was no difficulty in this House in finding copies of the Statutes at large. With regard to the other matter that the hon. Member mentioned, namely, the difficulty of tracing the various Defence of the Realm Regulations, I cannot help thinking that is exaggerated also. I am sorry that copies of the Manual were not immediately available. I had taken care to make arrangements—as I thought complete arrangements—that there should be in the hands of every member of this Committee a copy of the Defence of the Realm Regulations, which we shall not reach for some hours yet.

Colonel WILLIAMS: Can the right hon. and learned Gentleman give me an assurance that this copy is up-to-date?

Sir G. HEWART: If the hon. and gallant Member's copy is the copy "Consolidated and Revised to the 31st May, 1919," it is.

Colonel WILLIAMS: I was told some Regulations had been altered since that date.

Sir G. HEWART: I am not responsible for that statement. It may be the case that there have been some particular additions to some of the Regulations since 31st May, but I understand that there has been no such addition to any one of the Regulations with which this present Bill is concerned, and, therefore, if there is a sincere desire to trace in this Manual the Regulations which are referred to in the Schedule, when we come to it, hon. Members may be confident that these are not in any sense revised or altered. It is unfortunate that these copies have not been already distributed to Members, but—

Colonel BOWLES: What I suggest is that there may be something in the Bill to continue certain provisions which we ought to have in our possession.

Sir G. HEWART: I have said already, and I will say again, that, with regard to the Defence of the Realm Regulations which this Bill seeks to continue for a certain further period, there is not one which has been altered since the printing of the Manual, and hon. Members may be assured, with regard to every one of the Regulations with which this Bill has to do, that the final version is to be found in the Manual, and I hope in a very few minutes a copy of that Manual, which we shall not need for some hours, will be in the hands of every Member. More than that, I have taken care that the Bill itself should be marked in the way of obliterating parts which, upon the Second Reading, the Government expressed themselves willing to omit, so that he who runs may read. I am sure my hon. Friend is in error in saying that no White Paper was issued. In fact, two White Papers were issued. One was a White Paper setting out the estimate of probable expenditure under the one Act which involves expenditure, that is to say, the Injuries in War (Compensation) Act, 1914; and, secondly, a White Paper was issued entitled "War Emergency Laws (Continuance) Bill Amendments," setting out seriatim those portions which the Government would propose in Committee to omit. It does not require the exercise of any great intelligence, with that Bill and that White Paper before one, to see what is proposed to be omitted and what is not.

The scheme of this Bill is by no means novel. It is exactly the kind of Bill one has every year in the Expiring Laws Continuance Bill. Hon. Members might say it would save us a little trouble, and it would be simpler and easier, if every year, instead of passing the Expiring Laws Continuance Bill, which refers by name to the enactments which are to be continued, those enactments were set out. In a way it would, but it would be exceedingly cumbrous and exceedingly costly, and I should have thought wholly unnecessary. What this Bill does is to refer quite clearly—a child can understand it if he wishes—to the Bills which are proposed to be continued, and the period for which they are proposed to be continued, and when we come to the Regulations exactly the same thing applies. I do not want to reiterate what I have said before, but I do hope after this protest which has been

made we shall get on with the discussion of the detailed proposals we have to make.

Colonel WILLIAMS: The learned Attorney-General has admitted that the Regulations ought to be in the hands of Members, and therefore do I understand it is an undertaking of the Government that we do not proceed with any Regulations under the Defence of the Realm Regulations until such time as the Members of the Committee have had time to consider them?

Sir G. HEWART: I hope my hon. and gallant Friend will not use words like "has admitted." There has been no admission at all. What I said was that I had arranged, as I thought, for the convenience of Members that this Manual should be in the hands of every Member of the Committee.

Colonel WILLIAMS: That is what I meant to convey, and it has not been done.

Sir G. HEWART: If that is an admission, well and good, but in the course of a few minutes—and I understand the arrangements have been made with the necessary office—those documents will be distributed, and certainly will be distributed well before we shall be considering any particular Regulation which it is proposed to continue.

Sir F. BANBURY: The Attorney-General has said—if he will allow me to say so, quite correctly—that the Acts of Parliament can be obtained in the Library, but when you have obtained the Act of Parliament you know no more than if you had not obtained it, because the Act of Parliament merely said that Orders in Council may be issued. It legalises the issue of Orders in Council. What you have to do is to obtain the Orders in Council before you know where you are. I took a considerable amount of trouble on the Second Reading to obtain the Orders in Council. I went to the library, which is the proper place to obtain these things, and all I could obtain—I am glad to say I did not pay anything for it—was the Defence of the Realm Manual, sixth edition, revised to August 31st, 1918. I think that is a year and four months ago. Does the Attorney-General say that there have been no Regulations during the year and four months?

Sir G. HEWART: On the contrary, what I said was, that the last printed copy of the Manual containing the Defence of the Realm Regulations was 31st May, 1919. I do not know if my right hon. Friend is

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aware that these Regulations were printed and reprinted month by month. If he will look at this Manual, he will see that it is headed "Defence of the Realm Regulations, Monthly Edition Consolidated and Revised, May 31st, 1919." That is the last copy. There have been, I understand, slight additions to individual Regulations since that time, but not to any Regulation with which this Bill is concerned.

Sir F. BANBURY: I failed to understand all these Regulations a long time ago, and I gave up endeavouring to follow them, because it would have taken very nearly a life-time to make yourself thoroughly acquainted with every one of them, but I will point out to the Attorney-General that I did on the Second Reading what is the duty of a Member of Parliament, but what, I submit, is all that is the duty of a Member of Parliament, and that was to go to the Library and ask what provisions there were in the Library to enable you to understand the Bill. The Librarian gave me this Manual, which is only complete to the 31st August, 1918. Is it contended that I am to run about all over London to find out where I can get the revised Manual up to 31st May last? Certainly not. The duty of the Government, who have brought in the Bill, is to see that Members sitting on the Committee know something about the Bill. I ought to have been on the Select Committee on National Expenditure, of which I am Chairman, and of which the hon. and gallant Member opposite is also a Member, but we have adjourned to come here. I went this morning to the Library and asked for the latest Manual of the Defence of the Realm Regulations. The Librarian said, "This is all I have got, though I believe there is another one, but somebody else has taken it." This is to 31st August, 1918. Under those circumstances, and looking at the size of it, how on earth is any Member to know what he is doing with this Bill? It is all very well for the Attorney-General to say that he has ordered new editions to be made, but they have not been circulated to Members.

Sir G. HEWART: I did not say that. The last thing my right hon. Friend desires, I am sure, is to be inaccurate. There has been no order to reprint. These copies have been in existence for some time—since May, in fact, of this year. The arrangement I made, and thought I made successfully, was

that copies of this latest edition should be in the hands of every Member of the Committee at the time the Committee met this morning. That has not been done, but I am sure in the course of a very little time a copy will be distributed to each Member long before we come to the discussion of the Regulations.

Sir F. BANBURY: We know it is the desire of the Attorney-General to assist, but the fact remains that we have not got the Defence of the Realm Regulations Consolidated and Revised. This is only to 31st August, 1918, and the other is to 31st May, 1919.

Sir G. HEWART: They are not the same thing.

Sir F. BANBURY: Of course, I have not looked at this, and therefore I do not know whether it is of any use to us, but I do say in a Bill of this sort, which is going to affect the liberty and the property of the subject, the Attorney-General ought to have given the Committee, at any rate, three or four days to study these Regulations, and if, as a matter of fact, these Regulations have been issued, and I am sure give the necessary information, we ought to have an opportunity to read them, and to understand them, so that we may know what we are doing. What ought to be done is that the Committee should adjourn until Tuesday or Wednesday in order that these books may be circulated and Members may make themselves acquainted with the contents. The first part depends on whether we approve of the schedule, and why waste time with it until we know about the contents of the schedule? It is in the interests of the country and of the Government that they should start on this Bill with the goodwill of everybody in the Committee. It is quite impossible for a large number of us to make ourselves acquainted with these books in the course of the next day or two, and we must have Saturday and Sunday to do so. We do not get an eight hours' day, or anything like it, nor a four or five days' week. Let us work on Saturday and Sunday to understand what this means, and we shall then be able to assist the Government next week. I shall certainly support the hon. Gentleman if he goes to a division.

The SOLICITOR - GENERAL (Sir Ernest Pollock): I am sure the Committee is indebted to the right hon. Baronet for his devotion and self-sacrifice in giving up the

Committee which he wished to attend in order to come here, because we shall have the advantage of his advice and the energetic work he is prepared to put into this matter. In one matter he has got an advantage over me: I have been engaged in getting up the case for this Bill upon a Manual which is not so recent as the one he had, and I found myself able to equip myself in almost all material particulars, in so far as I know, of the main bulk; I do not know I can say absolutely all of the matters we are going to deal with in the schedules.

Sir F. BANBURY: My hon. and learned Friend is learned in the law and he knows how to look for these things at once, and we are not, and that makes all the difference.

Sir E. POLLOCK: My right hon. Friend is exercising self-depreciation because it is only in the course of the last 10 days that the right hon. Gentleman offered his services as a Law Officer on the ground that he was qualified to act in the absence of a Law Officer. He is much too old a friend of mine and I have learned too much from him not to know that he is one of the quickest-witted Members of the House; and as for being learned in the law in all matters concerning Acts of Parliament he stands unrivalled. Let me say with all sincerity because we are very old friends that I know well the ability of Sir Frederick Banbury. There is no man who can search an Act of Parliament more effectively and find a mistake in it, and if you want an example who was the hon. Member who pointed out to Mr. Speaker a flaw which he found in this very Bill? Every Law Officer, past, present, and future, will pay a tribute to the right hon. Gentleman, not only as to his assiduity but also his ingenuity. The question is, what are we to do with this Bill? As to the Expiring Laws Continuance Bill the right hon. Gentleman knows that begins with a Schedule which mentions first the Ordinance Act and then, other Statutes. He has scrutinised it with me before now, and when we were in opposition the right hon. Gentleman would have made use of the possibilities which the Bill gave him.

It is a sad story of the right hon. Gentleman when he goes down to Berkshire having to spend Saturday and Sunday working away at these Regulations in the last edition, collating the first, second and third editions. If I went down there should I find the right

hon. Gentleman doing that? I believe that high farming and attendance in church, partly on Saturday and on Sunday, would interfere very much indeed with his careful examination of those heavy documents. My right hon. Friend said that on each Statute and each Regulation we should have to make out a case and an explanation as to the reasons why, and that they were not to be taken as a bundle of Bills. That is making a very proper but very onerous charge upon those who have the conduct of this Bill. I look forward in a very short time to find the right hon. Gentleman bending his energies to a careful scrutiny of the Bills which are necessary, and no doubt we shall be able to make things clear, not only to him, but to every member of the Committee. A large body of Members have given up their time to come here, and we can, I believe, make a deal of progress in the sense of doing work which ought not to be too difficult, and on which we are prepared to make explanations. When the right hon. Gentleman has consented to lose the possibility of service on the Committee which adjourned one ought not to ask another self-sacrifice and leave him idle by adjourning this Committee.

Colonel WEDGWOOD: I was not able to get a copy of the Rules and Regulations, and that must refer to the majority of Members of the Committee. The Law Officers tell us that it is not necessary for us to have these Rules and Regulations until we come to the Schedules of the Bill, but that is not so, because we cannot deal with the Amendments to the Bill without reference to the Schedules. The Preamble, for instance, deals in the second paragraph with an Act mentioned in the Second Schedule. Clause 2 deals with Acts in the Second Schedule. Clause 3 deals with the Irish Question, and we are utterly ignorant of what Rules and Regulations refer to Ireland. We cannot possibly understand the Bill or any line of it without knowing what those Rules and Regulations in the Schedule are. It is absurd for us to attempt to deal with any of these 17 Acts which the Government have left in without having the Rules and Regulations framed under those Acts. The Law Officers are naturally familiar with all this legislation and all these Regulations, and the right hon. Baronet is also familiar with them; but there are not many lawyers on this Committee, and most Members are new to the work, while many old Members were away during the war.

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It is not fair to compare this with the Expiring Laws Continuance Bill, which is the same legislation and the same Bill year by year. In time of war the Legislature accepted all legislation without question in order to assist the Government. What I would like to see is a White Paper setting out what the powers are. I dare say a first-class case can be made out for some of these Clauses, but it is the right and duty of Members of Parliament to discover what is being legislated about and not to take the *ipse dixit* of the Attorney-General that it is necessary. Now that the war is over we must resume our original powers and keep some check on this legislation. I have received an enormous number of documents asking me to move Amendments to certain parts of the Schedules. We are in a very difficult position, as we do not know what the Schedules deal with. I hope the Law Officers may give us a better chance. Even if we had the books in an hour, we have to read them. All these enactments have, I understand, Regulations made under them.

Sir G. HEWART: No.

Colonel WEDGWOOD: Not under the Courts Emergency Powers Act?

Sir G. HEWART: No.

Colonel WEDGWOOD: They are Statutes giving power to the Executive to make Regulations.

Sir G. HEWART: No; my hon. Friend is mistaken. He is mixing up two things. The Defence of the Realm Regulations are made in pursuance of the Defence of the Realm Act. These are the Regulations which are referred to in the last Schedule in this Bill. Quite different considerations apply to the Statutes which are to be found in the first Schedule. These Statutes are self-contained, and so far from restricting the liberty of the subject they do otherwise.

Colonel WEDGWOOD: That is not the point. Under these enactments which are being extended there have been Rules and Regulations made by the Government. I should imagine that the Courts Emergency Powers Act, the Ecclesiastical Services Act and the Evidence (Amendment) Act are cases in point.

Sir G. HEWART: Not at all.

Sir F. BANBURY: There are other Acts which empower the Government to make Orders in Council.

Colonel WEDGWOOD: Under these Acts mentioned in the first Schedule there have been Rules and Regulations made, and may I take it that everything that has been done in that way appears in the Act, which we can get in the library?

Sir G. HEWART: Yes. But there is an exception in regard to the Act relating to special constables.

Colonel WEDGWOOD: If we get to anything dealing with the third Schedule before we get copies of the Regulations, I think we ought to postpone the meeting of the Committee until we have had time to consider the volume. I have extracts from several of the Rules and Regulations, and if they are all of the same length we have our work cut out for the week-end. The point is that under Clause 3 we have the question of the Defence of the Realm Consolidation Act of 1914, also the Food Products Act and the question of the Government of Ireland. Sub-clause 5 specially refers to Ireland. We cannot deal with the question of the present Government of Ireland until we have before us the Rules and Regulations that affect that country. Therefore it is not possible to deal with the Bill as a whole until we have the White Book before us so that we may study it.

Mr. J. F. GREEN: Shall I be in order in moving that the question be now put?

The CHAIRMAN: I cannot accept that now.

Captain BOWYER: Shall I be in order in moving that we proceed with the Bill until such time as any Member finds himself embarrassed, and then we can put the question as to whether or not we should go on?

The CHAIRMAN: The hon. Member will have to vote against this Motion and then propose his own.

Major M. WOOD: We are told that the small Manual that is going to be produced contains the Regulations, but it does not con-

tain the Orders made by the Secretary of State under these Regulations. It is impossible in many cases to follow the Regulation unless we know how the Regulation is interpreted by the different Departments of State. I think I am right in saying that there is no volume in existence that gives us at the same time the Defence of the Realm Act and the Regulations made thereunder, and also the Orders made under the Regula-

tions. We do not know whether when we get the Regulation there is any Order which has been made under it. It may be that there is none. We do not know.

Question put, "That the Committee do now adjourn."

The Committee divided. Ayes, 7; Noes, 20.

Division No. 1.

AYES.

Banbury, Sir Frederick
Gretton, Colonel
Griffiths, Mr. Thomas

Lunn, Mr.
Wedgwood, Colonel

Williams, Colonel Penry
Wood, Major McKenzie

NOES.

Baird, Major
Bennett, Mr.
Bowles, Colonel
Bowyer, Captain
Boyd-Carpenter, Major
Colvin, Brigadier-General
Galbraith, Mr.

Green, Mr. Joseph
Hacking, Captain
Henry, Mr.
Hewart, Sir Gordon
McCurdy, Mr.
McLean, Lieut.-Col. Charles
Macnamara, Dr.

Morrison, Mr. Hugh
Pollock, Sir Ernest
Rae, Mr.
Scott, Sir Samuel
Stephenson, Colonel
White, Lieut.-Col. Dalrymple

CLAUSE 1.—(*Continuance of certain emergency Acts.*)

"The limitations on the continuance or operation of the enactments mentioned in the first column of the First Schedule in this Act shall be modified in the manner and to the extent specified in the third column of that schedule."

Sir G. HEWART: I beg to move, at the end of the Clause, to add the words

"Provided that the expenses incurred under The Injuries in War (Compensation) Act, 1914, and The Injuries in War (Compensation) Act, 1914 (Session 2), as so continued shall not exceed two thousand pounds."

Hon. Members will remember that because this Act of Parliament may involve certain expenditure of money it was necessary to have a financial resolution. For the purposes of that financial resolution a statement was made showing that the estimated sum would not exceed two thousand pounds. What I am proposing now is to insert words in the Bill itself to carry out that financial resolution. This Act is the only Act which may involve expenditure of money. Really there are two Acts, but one is supplementary to the other. The Injuries in War (Compensation) Act, 1914, is an Act which enables the Admiralty and the Army Council to draw up schemes for compensation for civilians employed by or under the Admiralty or Army Council afloat in connection with warlike operations in which His Majesty is engaged, but that Act applies to injuries only. A supplementary Act, The Injuries in War

(Compensation) Act, 1914 (Session 2), enables the Admiralty and the Army Council to promote schemes of compensation for civilians employed ashore within the United Kingdom in connection with warlike operations in which His Majesty is engaged in respect of disablement and death. Moreover, the secondary Act extends the operations of the first Act so as to cover sickness which is specifically attributable to the nature or conditions of the employment. As the matter stands at present these Acts are limited to injuries and disablement suffered by persons whilst employed by or under the Admiralty or Army Council in connection with warlike operations in which His Majesty is engaged. The proposal is that the Act shall be extended as if under Section 1 of the earlier Act, after the words "warlike operations in which His Majesty is engaged" there were inserted the words "or during 12 months after the termination of the present War under conditions rendered hazardous by acts done during the war."

The reasons for that proposed extension are no doubt quite obvious to the Members of the Committee. In the first place civilians who are employed by or under the Army Council serving in the armies of occupation are entitled to the benefits provided under Section 1 of the secondary Act, but after the ratification of peace that will not be so. That would be a manifest hardship. The conditions will remain the same, and there is no logical reason why the benefit should be withdrawn on that plea. The second reason is that persons who are similarly employed at home

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come under the provisions of the Workmen's Compensation Acts, but those Acts do not apply abroad except in cases of special conventions. Those classes of persons will continue under these Acts. The effect is that civilian workmen employed directly by the Army Council or War Department contractors overseas will continue to receive benefit for 12 months after the termination of the war. Officials and members employed overseas—there are very few members employed, but there are some—and Civil Servants employed overseas in connection with the armies of occupation are also affected. This is the only Act under which there may be continued expenditure, and it is an Act for the benefit of the persons referred to. It does not take anything from them. It continues, as the Government think reasonably and fairly, benefits which they may receive until the termination of the war and for a period of 12 months after the termination of the war. Therefore, I move that these words which limit the expenditure to a sum not exceeding £2,000 shall be there inserted.

The CHAIRMAN: I will ask the Clerk to read the financial resolution which was passed.

Resolution read accordingly by Mr. Williams Wynn (the Clerk), as follows:

“That it is expedient to make such provision as may become necessary by reason of the temporary continuance, by any Act of the present Session to continue temporarily certain emergency enactments and Regulations, and to make provision with respect to the expiration of emergency enactments and instruments made thereunder, of the Injuries in War (Compensation) Act, 1914, and the Injuries in War (Compensation) Act, 1914 (Session 2).”

Colonel WEDGWOOD: The statement made by the Attorney-General is exactly what we want on all these items of legislation, and I hope he will continue to give us such statements. There are two points about which I should like some explanation. Does this two thousand pounds cover merely the expenses of administration, or is it intended merely to cover the actual grants?

Sir G. HEWART: The grants: the benefits which are paid.

Colonel WEDGWOOD: Then evidently it is a very small thing and we do not need to trouble about it. I presume that you must come to Parliament if that sum is exceeded.

Sir G. HEWART: Yes.

Colonel WEDGWOOD: I presume this does not deal with people who may be blown up by mines in the open sea after the termination of the war. They will come under the Workmen's Compensation Acts as usual, and I want to be sure that we are not putting upon the taxpayer a burden which should be borne by the employers.

The PARLIAMENTARY SECRETARY to the BOARD of ADMIRALTY (Dr. Macnamara): This relates to civilians. If they belong to the Army or Navy they get the service pension. These are civilians who may be injured or killed, and in that case they or their relatives get compensation for injuries in war which is better, broadly speaking, than workmen's compensation. Certainly this ought to be continued.

Colonel WEDGWOOD: I should have thought that those who were taking out supplies to the Baltic ran considerable risks. If the Government think £2,000 is good enough, I say no more. There is one other point. I suppose this Act is not being extended in any case to the war with Russia? Many of us would resent any extension for this sham war, especially as Parliament has not been consulted about the war.

Colonel GRETTON: This confines the expenditure under the Bill to the Acts in the First Schedule, and the resolution of the House confines the expenditure to the whole Bill.

Sir E. POLLOCK: No. The two Acts were referred to specifically in the financial resolution and closely referred to. The hon. Member for Consett (Mr. A. Williams) moved to insert this limit of £2,000, and that was accepted, because it was hoped that this expense will not occur. It is very difficult indeed to make an estimate of what sum is necessary. From the best information available it would appear that the grants would probably not exceed this sum in respect of those Acts specifically.

Sir F. BANBURY: The £2,000 is the total sum and not the sum that can be granted to any individual?

Sir G. HEWART: It is the total sum.

Amendment agreed to.

Question proposed, "That the Clause, as amended, stand part of the Bill."

Colonel WEDGWOOD: I do not think that we ought to pass this Clause without one word of protest. We are legislating absolutely blindfolded; we are providing that everything mentioned in the First Schedule shall be continued for various periods, but we do not know what is in the First Schedule. I think it is derogatory to the position of Parliament that we should legislate in this way. I should like to have from the Law Officers some slight sketch of what these Acts are before we pass the Clause.

Question put, and agreed to.

CLAUSE 2.—(*Extension of Meaning of emergency and time of war in certain enactments.*)

"(1) For the purpose of the enactments mentioned in Part I of the Second Schedule to this Act an emergency within the meaning thereof shall be deemed to continue until the expiration of twelve months from the termination of the present war.

(2) The enactments mentioned in Part II. of the Second Schedule to this Act (which apply in time of war) shall in the case of the present war be deemed to apply until the expiration of twelve months from the termination thereof."

Sir G. HEWART: I beg to move to leave out Sub-section (1). If hon. Members will kindly look two lines further down the list of Amendments, they will see in my name a consequential Amendment to leave out the words "Part II of." The reason for this is quite simple. As the matter now stands the Second Schedule of the Act consists of Part I and Part II. I explained to the House on the Second Reading that when we came to Part I of the Second Schedule I should move to admit the four Acts therein mentioned, except one, that being the Army Act (48 & 49 Vict. c. 8), S. 108A, with reference to billeting in cases of emergency. I am now happy to say that upon further consideration and after the further lapse of time it is no longer thought necessary to preserve even that Act, so that the effect will be that all four Acts will go and the Second Schedule will consist of one part only.

Sir F. BANBURY: Am I to understand that the Attorney-General moves the omission of this Sub-section in order to leave out the whole of Part I of the Second Schedule?

Sir G. HEWART: That is so.

Sir F. BANBURY: That is a very good beginning. I shall not oppose it.

Amendment agreed to.

Amendment made: In Sub-section (2) leave out the words "Part II of."—[*Sir G. Hewart.*]

Sir F. BANBURY: I beg to move, in Sub-section (2), to leave out the word "twelve" and to insert instead thereof the word "three."

The Government proposed that the enactments mentioned in the Second Schedule of this Act should apply in time of war, or in the case of the present war should be deemed to apply until the expiration of twelve months from the termination thereof. To begin with, there is not any "present war."

Sir G. HEWART: I am sure the right hon. Gentleman does not desire to make a false point. He is aware that under the Termination of the Present War Definition Act the war terminates in a certain way—namely, by the issuing of an Order in Council. Until that step has been taken the war continues, and it is quite correct to speak of "the present war."

Sir F. BANBURY: That is where my want of legal knowledge fails me. Legally the present war continues, but as a matter of fact we all know that it has not continued for more than a year. Of course, the Attorney-General is quite right, and I am quite wrong. Surely, it would be sufficient if we continued these Regulations for three months after the legal termination of the war. Some of these Regulations seemed necessary, some unnecessary, even during the period of the war; but as the war, notwithstanding the legal fiction, is over, why on earth should we continue them for another twelve months? As far as I understand the Act—I forget the title of it—it enacts that the war is not supposed to be over until an Order in Council is issued stating that the war is over, which Order in Council shall be as nearly as possible the day on which the treaties of peace are ratified.

Sir G. HEWART: My right hon. Friend seems to know every Act of Parliament.

Sir F. BANBURY: I think that is the substance of it. Surely, as we may have to wait for a long time for the ratification of

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the peace with Turkey, three months is a sufficient period. My object in moving this is to be able later on to move other Amendments which apply to Regulations. I wish the Act to be similar all the way through. I do not wish one to apply for twelve months, and one for three months. As it is possible that an Order-in-Council may not be issued for another six months, if my Amendment is accepted you can add six to three and that makes nine months. I hold that nine months is quite sufficient for the continuance of any Act or Regulation made under an Act dealing with emergencies that arose in time of war.

Colonel WEDGWOOD: The only Act referred to in this particular Section is one that comes from the Admiralty, and I think we had better have an explanation.

Dr. MACNAMARA: What is now the Second Schedule will, I understand, contain only Part II, which refers to Section 57A and Section 90 of the Naval Discipline Act. It is due to the Committee that I should explain why I think three months would be insufficient. Under the Navy Discipline Act an officer can only be tried by court martial and punished by court martial, except in certain cases of subordinate officers, in which cases there are certain punishments imposed under Section 57 of the original Act. In time of war it was found very inconvenient to convene a court martial. Therefore, in 1914, we introduced 57A into the original Navy Discipline Act.

Sir F. BANBURY: Is it in this Bill?

Dr. MACNAMARA: It is a Statute. I will hand it to the hon. Baronet. 57A provides that the Naval authorities may deal with minor disciplinary offences committed by officers under the Navy Discipline Act, and try them in a disciplinary court, which is to consist of not less than three and not more than five officers, one of whom must be not below the rank of Commander. Being a minor court, the severest punishment it could impose was dismissal from the Service. We have found during the war these minor courts have been very useful, and the machinery is nothing like so cumbrous and elaborate as courts-martial, and they have the additional advantage that officers of the Royal Naval Reserve and Royal Naval Volunteer Reserve are eligible to serve. So far as I am aware, we have had no com-

plaints as to the working of these minor disciplinary courts. We propose to continue them in the Bill, if the House consents, with a view to introducing legislation, as we did when amending the original Act of 1866 by the introduction of Section 57 (a), to make them part of the Statutes of the land, and to continue this as a permanent practice, because they have worked so well. Certainly, three months would not give a sufficient time to do that. I can assure my right hon. Friend that this is a very salutary provision which we desire to take.

As regard Section 90, which is the original Naval Discipline Act of 1866, that Section makes provision in time of war—the phrase is in the original Statute—for auxiliary ships not entirely manned by Naval ratings. Section 90 makes provisions respecting discipline in ships in H.M. Service in time of war. We shall probably shortly have an Order in Council declaring the war legally at an end, but there will still remain ships on Naval Service not entirely manned by naval ratings, and we shall not be able to withdraw them at a moment's notice. They are vessels on auxiliary work, and you cannot provide the naval discipline in those vessels except in time of war as under Section 90 of the Act of 1866. The purpose we have in view here is to continue Section 90, and our purpose is completed in the Second Sub-section of Clause 2 of this Bill. The whole explanation is that auxiliary ships not entirely manned by naval ratings may continue under naval discipline, if necessary, for twelve months, although in the meantime the war may, by Order in Council, be declared to be legally terminated. This will not affect the length of engagement of any man.

Colonel WEDGWOOD: Evidently there are two completely different subjects discussed under this Amendment. The first is whether we continue these new discipline courts for three months, or whether we continue them for twelve months after the termination of the war. In either case the Admiralty wish to continue them permanently. Considering that the date of the termination of the war depends entirely on the Government, I should have thought a period which must take us to August next year was amply sufficient time in which to pass any legislation. But the fact of the matter is this legislation is unwanted and unpopular. The attempt to take away from an officer the right to trial by court-

martial is a very despicable thing. We know the trouble which arose out of the escape of the Goeben and Breslau to Constantinople at the beginning of the war, and the difficulty of getting a court-martial for Admiral Troubridge. I do object to passing, under the rose, legislation which affects every officer of the Navy without the people in the Navy being acquainted with the fact that the subject is being raised. The question of Section 57 (a) is a matter for permanent legislation which ought to be discussed, as all permanent legislation is, in the House.

Dr. MACNAMARA: And will be.

Colonel WEDGWOOD: Meanwhile we are continuing it illegally without the consent of Parliament. The second Section is on a different footing. It is to continue the power to enforce Naval discipline on non-naval ratings, as was done during the war. I do submit to the Committee that the powers which the Admiralty had for dealing with non-Naval ratings on Admiralty ships, such as dockyard employees who went out on ships—

Dr. MACNAMARA: They are not non-naval ratings.

Colonel WEDGWOOD: Then I do not know what non-naval ratings are.

Dr. MACNAMARA: We have in ships men who are not in the Royal Navy. They signed on under agreements to serve for the period of hostilities or for nine months longer. They are not members of the Navy proper, but it is eminently desirable that the ships in which they work should be under naval discipline, and, unless we get this, they can only be under naval discipline in time of war.

Colonel WEDGWOOD: This is directly intended to keep specially enlisted men under discipline after the war is over. We are continuing it for twelve months afterwards in order that discipline may be enforced against people who have been engaged to serve during the war—

Dr. MACNAMARA: Volunteers.

Colonel WEDGWOOD: Volunteers for definite purposes, and the discipline is to be maintained in order to force them to fight against Russia. That seems to me a point

about which those people who object to the war with Russia by means of the British Navy have a right to protest. Certainly for myself, when we come to the particular Clause, I shall move that it be omitted. The present question is whether three months after the termination of the war is sufficient time for the Admiralty to come into line with the Army. The Army has been willing to cut out all the measures under Part I in regard to which they asked for twelve months after the war. It will be observed under Part I that the first three Acts were Army Acts which the War Office wished to have continued, but when approached by the Government they agreed to cut them out. It is only the Admiralty who wants these Regulations to be continued for twelve months. I should say that what is good enough for the Army is good enough for the Navy.

Captain BOWYER: May I ask the Secretary of the Admiralty whether any officer under Section 57 (a) has the right to apply for a trial by court-martial?

Dr. MACNAMARA: In the Navy no officer has a right to trial by court-martial. I think I am correct in saying that the only person in the Navy who has the right to trial by court-martial is a chief petty officer whom it is proposed to disrate. [An hon. Member: "Before the war."] At any time. This Section 57 (a) does not deprive anyone of any existing right; on the contrary, it seeks to render this permanent, and we hope we shall get the House of Commons to agree. This scheme of minor disciplinary courts, which has enabled, without the formality of the major court, offences to be dealt with, has been, so far as I know, of great advantage to everyone concerned.

Sir F. BANBURY: I understand the Admiralty intend to bring in a Bill to continue this, but I do think there should be an opportunity of dealing with this very important question singly. Nobody knows what is being done. Supposing I were to say six months; that would carry you certainly to the end of August, for it is quite clear you cannot have a declaration of peace until January.

Sir G. HEWART: It may be probable, but I do not think it can be said to be quite clear.

Sir F. BANBURY: What is in my mind is that the Committee should give the right

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hon. Gentleman any time he thinks necessary, provided it does not extend beyond next August, so that the Government may have an opportunity during the next session to bring in a Bill.

Dr. MACNAMARA: That is all I want. It is difficult to fix it in months.

Sir F. BANBURY: Why not put in August.

Dr. MACNAMARA: That will suit me. We want to bring this legislation in, but we probably cannot do it in three months. Perhaps we can come to some accommodation as to the time. August will suit me very well; we shall certainly do it by that time.

Lieut.-Commander KENWORTHY: I regret I have not heard the whole of the discussion on this Amendment, but I understand that powers are sought to extend the Disciplinary Courts. I happen to have been a member of a Disciplinary Court, and have watched the working of the Disciplinary Courts. As has no doubt been explained by the right hon. Gentleman, these Courts were introduced probably to deal with temporary officers, in particular skippers and second-hands of trawlers, who had no knowledge of Naval discipline, and who were tried for offences which, to them, may not have been very serious in their fishing avocations or the merchant service, but which were serious in the Navy, and, in order that they should not have to go before courts-martial, these Courts were introduced. If it is intended that these Disciplinary Courts are to be continued I am very much astonished, because in peace time we will not have the class of officers unacquainted with naval procedure, and it is a procedure which will not be popular in the Navy.

The Parliamentary Secretary has said that an officer has no right to a court-martial. He has the right to demand one, and in practice, where his honour is attacked in any way, that right to a court martial is usually granted. That has in the past been a great protection and assistance to naval officers, to whom their honour is everything. During the war it is the regrettable fact that courts-martial have not been held when, in the opinion of many competent to judge, they should have been held. These Courts will weaken still more the rights of

the officer. He has really very few rights and the officer and man need every bit of protection they can have. We ought to be most careful before we allow the extinction of those rights. I admit this system of Courts was an advantage during the peculiar circumstances of the war, but I think the extension of the system to peace time will be resisted. I am astonished to find that their Lordships are seeking powers to extend the system. I support the Amendment to delete this from the Act. [**Hon. Members:** "No, No."] I think there is something to be said for keeping it on three months.

Mr. J. F. GREEN: I submit that the hon. Member is making a second reading speech on the Bill which the Parliamentary Secretary to the Admiralty speaks of introducing hereafter. This deals with continuation in time of war and not after war.

Colonel STEPHENSON: It seems to me that the hon. Member is discussing points which have already been discussed. Are we to do the work twice over?

The CHAIRMAN: I would call the attention of the hon. and gallant Member (Lieut.-Commander Kenworthy) to the fact that this has been debated at considerable length before he entered the room and similar arguments have been used.

Lieut.-Commander KENWORTHY: I have sat on one of these Courts, I am glad to say I have not been tried by one, and I have acted as prosecutor and I know something about them. I take it we are here to discuss matters and I suggest three months is reasonable. It is a matter of such importance that it ought to be dealt with in a separate Bill.

Dr. MACNAMARA: So it will.

Sir F. BANBURY: I will withdraw my Amendment in order to put it in a different form.

Amendment, by leave, withdrawn.

Sir F. BANBURY: I beg to move, in Subsection (2), to leave out the words "expiration of twelve months from the termination thereof" and to insert instead thereof the words "thirty-first day of August, nineteen hundred and twenty."

Dr. MACNAMARA: I accept the Amendment with pleasure. May I, in courtesy to

my hon. and gallant Friend (Lieut.-Commander Kenworthy), say that he must not suppose we are going to make this permanent without coming to the House of Commons, and that will be the time to consider it fully? I am glad the hon. Member admits it was very useful for the war.

Amendment agreed to.

Clause, as amended, ordered to stand part of the Bill.

CLAUSE 3.—(Continuance of certain Defence of the Realm Regulations.)

“(1) The Defence of the Realm Regulations mentioned in the first column of the Third Schedule to this Act shall, subject to the limitations, qualifications and modifications specified in the third column of that schedule, continue in force in the case of those mentioned in Part I. of that schedule until the expiration of twelve months, and in the case of those mentioned in Part II. of that schedule until the expiration of six months, after the termination of the present war; and as so continued shall have effect as if enacted in this Act:

Provided that it shall be lawful for His Majesty in Council to revoke in whole or in part any of the regulations so continued as soon as it appears to him that consistently with the national interest any such regulation can be so revoked.

(2) If after the termination of the present war any person is guilty of an offence under any regulation made under the Defence of the Realm Consolidation Act, 1914, for the time being in force which, by any such regulation, is declared to be an offence against the Defence of the Realm Regulations, he shall—

- (a) on conviction on indictment be liable to imprisonment with or without hard labour for a term not exceeding two years; or
- (b) on conviction under the Summary Jurisdiction Acts be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine;

and if guilty of an offence which under any such regulation is declared to be a summary offence he shall be liable on conviction under the Summary Jurisdiction Acts to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and the court may in any case, whether or not the offence is a summary offence, order that any goods or money in respect of which the offence has been committed, be forfeited:

Provided that—

- (a) a prosecution for any such offence shall not in England and Ireland be

instituted except by or with the consent of the Attorney-General for England or Ireland, as the case may be, or, in the case of a summary offence, except with such consent as aforesaid, or by an officer of the police, or by a person acting under the authority of the Government department concerned; and

- (b) in Ireland the court of summary jurisdiction, when hearing and determining an information or complaint in respect of any such offence shall, in the Dublin metropolitan police district, be constituted of one of the divisional justices of that district, and elsewhere be constituted of a resident magistrate sitting alone or with one or more other resident magistrates, and the court of quarter sessions, when hearing and determining an appeal against a conviction of a court of summary jurisdiction for any such offence, shall be constituted of the recorder or county court judge sitting alone.

(3) The Defence of the Realm (Food Profits) Act, 1918, shall continue in force so long as any order made by the Food Controller under the powers continued by this Act regulating the price of any goods continues in force.

(4) Where any of the regulations so continued provides for the manner in which or the principle on which the price of articles requisitioned, or the compensation for acts done, under the regulation is to be assessed, the price or compensation shall be assessed in the manner and on the principles so specified.

Where, by reason of the exercise after the termination of the present war of any power under any regulation so continued which does not contain any such provision as aforesaid, any person suffers direct and substantial loss, he shall be entitled in respect of such loss to such payment, if any, as the Commission appointed by His Majesty (commonly known as “The Defence of the Realm Losses Commission”) consider should in reason and fairness be made to him; and no person shall be entitled to any other remedy whatsoever, whether by petition of right, action or other proceeding in respect of the exercise of such power, either against the Crown or any other person, and in assessing the amount of such payments the Commission shall act in accordance with the principles on which they have hitherto acted.

(5) If immediately before the passing of this Act a proclamation suspending the operation of section one of the Defence of the Realm (Amendment) Act, 1915, in respect of any area is in force, then, as respects that area, all the Defence of the Realm Regulations then in force shall, subject to the power of His Majesty in Council by order to revoke any of such regulations, continue in force until the expiration of twelve months after the termina-

tion of the present war, subject, as respects any regulations modified by the Third Schedule to this Act, to the modifications therein contained, save so far as those modifications limit the operation of the regulations or excepts any part thereof, and as so continued shall have effect as if enacted in this Act, and in that area offences against the said regulations shall, notwithstanding anything hereinbefore contained, continue to be triable and punishable in like manner as if the Defence of the Realm Consolidation Act, 1914, and the Acts amending that Act continued in force, except that where any such offence is tried by a court of summary jurisdiction or, on appeal, by a court of quarter sessions, the court shall be constituted as hereinbefore provided:

Provided that, if the said proclamation is revoked before the expiration of the said twelve months, this section shall, as from the date of the revocation, apply in respect of the area in question in like manner as it applies in respect of the rest of the United Kingdom."

Colonel P. WILLIAMS: I beg to move, in Sub-section (1), to leave out the words

"in the case of those mentioned in Part I. of that Schedule until the expiration of twelve months, and in the case of those mentioned in Part II of that Schedule.

The object is to bring the two Schedules into line. In the first the period is six months, and in the third Schedule twelve months. Although we think six months is too long even in the first Schedule, we think it is quite sufficient for any of the Regulations in the third Schedule instead of twelve: I view with considerable alarm the parting for any length of time, by Parliament, with their powers to the Executive Government. If the Government find they want powers let them come to Parliament for an extension of the time still further.

Sir G. HEWART: I think I cannot merely accept the spirit of the Amendment but go a little further, and I make this suggestion. We have already decided with regard to an enactment continued in the second Schedule that it shall be continued until 31st day of August, 1920. With regard to the Regulations, the present proposal is that a certain number shall continue for 12 months after the expiration of the war and a certain number for six months. It is impossible to say when the termination of the war, as provided by the Statute, will take place, but I throw out the suggestion that we should get rid of these distinctions between twelve months and six months and in this Clause, as in the preceding Clause, substitute 31st August, 1920. I think that is really going a little further

than the Amendment because the Amendment would carry us, at least, to August.

Colonel WILLIAMS: I ask leave to withdraw my Amendment in order to move it as suggested by the Attorney-General.

Amendment, by leave, withdrawn.

Colonel WILLIAMS: I propose now to move to leave out the words "in the case of those mentioned in Part I of that Schedule until the expiration of twelve months, and in the case of those mentioned in Part II of that Schedule", and to insert instead the words "until the thirty-first day of August, 1920."

Sir G. HEWART: We must do more than that, because the effect of my suggestion, if adopted, will be to get rid of the distinction between Parts I and II. Therefore I suggest to leave out the words mentioned by the hon. Member, and also "until the expiration of six months after the termination of the present war," and to insert "until the thirty-first day of August, 1920." The Clause would then proceed "and as so continued".

Colonel WILLIAMS: I beg to move to leave out the words

"in the case of those mentioned in Part I. of that schedule until the expiration of twelve months, and in the case of those mentioned in Part II. of that schedule until the expiration of six months, after the termination of the present war."

and to insert instead thereof the words "until the thirty-first day of August, nineteen hundred and twenty."

Sir F. BANBURY: I should like to thank the Government for the spirit in which they are meeting us.

Colonel WILLIAMS: May I ask whether the passing of this Amendment would rule out our Amendments on the third Schedule to leave out particular Regulations?

Sir G. HEWART: I cannot help thinking that is rather a matter for the Chairman but, subject to the ruling of the Chairman, I should think any decision upon this Clause does not prejudice any proposal to omit from the Schedules.

Sir F. BANBURY: That is very important. I do not think it is possible this could have the effect mentioned.

Amendment agreed to.

Colonel WEDGWOOD: I beg to move, in Sub-section (2), to leave out paragraph (a).

I move in order to obtain an explanation as to the different systems of punishment under these Regulations. Do I understand people can be punished by being convicted on indictment and also by a Summary Court?

Sir F. BANBURY: In order to protect my subsequent Amendment, it will be necessary to put the Amendment that the words down to the words "not exceeding" stand part.

Question proposed, "that the words down to the words 'not exceeding,' in paragraph (a), stand part of the Clause."

Sir G. HEWART: In answer to the question by the hon. and gallant Member (Colonel Wedgwood) I may say that these provisions are not cumulative but alternative. If he will look on the proviso on the next page, he will see that a prosecution for an offence is not to take place in England or Ireland except by or with the consent of the Attorney-General for England and the Attorney-General for Ireland, as the case may be, or, in the case of a summary offence, except with such consent, or by an officer of police or by a person acting on the authority of the Government Department concerned. There are two ways in which the offender may be tried. He may be tried summarily or he may be indicted. It all depends on the gravity of the offence. The prosecution that would be launched would be a prosecution of one kind or the other. It would not be both. It could not be.

Colonel WEDGWOOD: I think that makes the thing quite clear. The question is that prosecutions on indictment are subject to the fiat of the Attorney-General on each one of these punishments included under the Defence of the Realm Act. We do not know what the criminals are or what their crimes may be until we come to the Schedules. After the termination of the war we might knock out conviction on indictment altogether and leave the prosecution of these offenders to the summary courts, unless the offender opts to be tried otherwise.

Sir F. BANBURY: He gets trial by jury on trial for indictment.

Colonel WEDGWOOD: If he is tried summarily he has the option of being tried summarily.

Sir F. BANBURY: Oh, no!

Colonel WEDGWOOD: I am not a magistrate and I do not know what the powers are, but I think two years is an extraordinarily long sentence under these regulations. I think we might cut that down at any rate. I beg to withdraw the Amendment.

Amendment, by leave, withdrawn.

Sir G. HEWART: Upon the withdrawal of that Amendment, may I be allowed to say, if I am in order, that I am disposed to make a further concession to the wishes of the Committee? I have communicated with those who are departmentally concerned in the comparatively small number of regulations which I hope we shall ultimately have to insist upon, and upon the whole I have come to the conclusion that we can get rid of the proposal for conviction on indictment altogether and get rid of this penalty of two years and also get rid of paragraph (a) and limit the punishment to a shorter period of imprisonment or fine or both.

Sir F. BANBURY: Under the circumstances, I will not press my point that paragraph (a) ought not to be got rid of in order to protect my Amendment. If the Government will move that Amendment which the Attorney-General has outlined, that will finish the discussion on that point. The other Amendment has been withdrawn.

Colonel WEDGWOOD: If the Amendment has been withdrawn, on what was the Attorney-General speaking?

Sir F. BANBURY: I beg to move, in Sub-section (2), to leave out paragraph (a).

In order to preserve my Amendment you did not put the Amendment as on the Paper. You put it that the words down to the words "not exceeding" stand part. That Amendment has been withdrawn and it is now in order for someone to move that paragraph (a) do not stand part, and I gather that the hon. Member (Colonel P. Williams), who has an Amendment on the paragraph, would not object. The penalty would come out altogether. He wants to reduce it to six months.

Colonel WILLIAMS: Perhaps it will be for the convenience of the Committee if we consider the whole of the Amendments on paragraphs (a) and (b). I understand that the Government are prepared to meet us in the spirit of the Amendments on the Paper. If we could have a statement from the Attorney-General saying exactly what he is prepared to do, it would save us the trouble of moving the Amendments.

Sir G. HEWART: The proposal which is in my mind, I think, meets the wishes of the right hon. Baronet (Sir F. Banbury). The proposal is that in Sub-section (2) we should leave out the words after the word "force" ["for the time being in force"] down to the word "he" ["he shall be liable."] It would then read

"If after the termination of the present war any person is guilty of an offence under any regulation made under the Defence of the Realm Consolidation Act, 1914, for the time being in force, he shall be liable on conviction under the Summary Jurisdictions Acts to imprisonment—"

I do not know whether we can go back to the word "force."

The CHAIRMAN: The Amendment has been withdrawn and with the consent of the Committee we can go back.

Sir F. BANBURY: I have already moved an Amendment which ought to have been put before the Attorney-General got up. It would be safer to leave out paragraph (a) and then we could get to paragraph (b) and the Amendments that the Attorney-General wants could be put in. I attach very great importance to proceeding in the ordinary way; otherwise, we shall be hopelessly mixed.

Colonel WEDGWOOD: We have just done exactly what the right hon. Gentleman suggests. On Sub-section (2) of Clause 2 an Amendment was withdrawn, and then the Committee stepped back, which it has no right to do, and dealt with words that we had passed.

The CHAIRMAN: We have a right, with the general assent of the Committee, to go back. It is not correct to say that we have no right to do that.

Sir G. HEWART: The suggestion of the right hon. Baronet (Sir F. Banbury) would not meet my point. If the words after the word "force" remain in the Bill a contrast will be pointed out between an offence under any Regulation and an offence which by such Regulations is declared to be an offence against the Defence of the Realm Regulations. I want to get rid of the contrast. It is a contrast which, if we get rid of paras. (a) and (b), becomes superfluous. I am entirely in favour of getting rid of paras. (a) and (b). If we could go back, I should propose to leave out all the words after the word "force" down to the word "he" ["he shall be liable"].

The CHAIRMAN: It is permissible to go back if the Amendment is withdrawn, but if the Amendment is negatived it is not possible to go back.

Sir F. BANBURY: Under those circumstances, I beg leave to withdraw my Amendment.

Amendment, by leave, withdrawn.

Sir G. HEWART: I beg to move, in Sub-section (2), to leave out the words

"which, by any such Regulation, is declared to be an offence against the Defence of the Realm Regulations, he shall—"

(a) on conviction on indictment be liable to imprisonment with or without hard labour for a term not exceeding two years; or

(b) on conviction under the Summary Jurisdiction Acts be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine;

and if guilty of an offence which under any such Regulation is declared to be a summary offence."

Colonel P. WILLIAMS: I beg to move, in Sub-section (2), to leave out the word "six" and to insert instead thereof the word "two."

I thank the Attorney-General for having met us. I have always been of opinion that these penalties which we have now taken out of the Bill were perhaps justifiable in war, but in times of peace I think everybody will agree that they are too severe; in fact, they are almost savage. We want to get back to peace legislation, and I would point out that all the offences under this Bill cannot be dealt with under the common law. They are new offences which have been created by war legislation. In moving this Amendment to reduce the penalty, I think it will bring the procedure more into line with what is necessary in times of peace, so that a court of summary jurisdiction will be able to give a man two months' imprisonment and no more. Six months' imprisonment with hard labour for an offence which in pre-war times was not an offence at all, and the man probably did not know he was breaking the law, is a very severe punishment. I hope the Attorney-General will be able to accept the Amendment.

Sir G. HEWART: I am afraid I cannot go the whole way with the proposal of the hon. Member. I am sure he appreciates that, in consequence of what has been done.

We have got rid entirely of prosecution upon an indictment launched by the Attorney-General, leading, perhaps, to two years' imprisonment with hard labour. All that has gone. It means that no offence, however great, committed under the Defence of the Realm Regulations which survive, can receive a heavier punishment than six months.

Colonel WILLIAMS: And a fine.

Sir G. HEWART: And a fine. I think this is going too far. I venture to predict that there will be some serious offences against these Regulations. As I am anxious to go as far as I possibly can to meet the desire of the Committee, I am prepared, if the hon. Member will substitute three months for two months, to agree to that change.

Colonel WILLIAMS: I accept that offer with much gratitude. I think the Government have met the point very fairly.

Amendment negatived.

Colonel WILLIAMS: I beg to move, in Sub-section (2), to leave out the word "six" and to insert instead thereof the word "three".

Sir F. BANBURY: I again wish to thank the Government. At the same time, I should like to ask how long we propose to sit this morning. I suggest that we sit until 1.30, and then adjourn.

Colonel WILLIAMS: When do the Government propose to ask us to sit again?

The CHAIRMAN: I think it is the general desire that we should sit until 1.30. As to our next meeting, I understand that Wednesday is the most suitable day.

Committee signified assent.

Amendment agreed to.

Colonel P. WILLIAMS: I beg to move, in Sub-section (2), to leave out the words "one hundred" and to insert instead thereof the word "twenty".

I hesitate in moving this, because I really do not attach so much importance to the money as to the liberty of the subject. I understand the Attorney-General is going to

put his back to the wall and refuse to accept this. Is that so? At all events, I move it formally.

Sir F. BANBURY: I should like to see the word "fifty" substituted. Justices have been very reasonable, and I will not press my proposal, especially as I want to move a manuscript Amendment, which has arisen through no fault of mine, but owing to the kindness of the Government in making such extensive alterations. My desire is to leave out the reference to goods and money, and if my proposal is accepted I do not mind a fine of £100. The £100 is not merely a fine of £100, but is in addition to other fines which come on afterwards.

Colonel WILLIAMS: There are some very serious offences. For instance, my hon. Friend (Mr. Kellaway) reminds me of the men who might deliberately put inferior work into an aeroplane. So far as I am concerned I do not attach any importance to the fine.

Sir G. HEWART: I am sure my hon. Friend has observed that we have got rid of two years and of six months. The maximum imprisonment can be no more than three months, and it is to be observed that this Clause is providing, not what the punishment shall be, but the maximum which it may be. Having reduced the imprisonment to three months maximum, I think it is right that in a proper case there should be a penalty of £100.

Amendment, by leave, withdrawn.

Sir F. BANBURY: I beg to move, to leave out the words

"or to both such imprisonment and fine, and the Court may in any case, whether or not the offence is a summary offence, order that any goods or money in respect of which the offence has been committed be forfeited."

I suggest that it is going a little too far to say that the Court may order any goods or money to be forfeited. We do not know what that is. It may be an enormous sum. I think that three months' imprisonment and a fine are sufficient. No one in this Committee is more anxious than I am to inflict severe penalties upon people who, as is suggested, might put inferior work into an aeroplane, but I do say that to such people a penalty of three months' hard labour is the one that will be a deterrent. I do not want to make any suggestion about profits, but

[Sir F. Banbury.]

the contractors who have been making aeroplanes and who have had anything to do with that kind of work have made such enormous profits that £100 is a mere flea-bite to them. They would spend it almost in a day for a dinner at the Ritz. To them three months' hard labour would be a very serious penalty, and they would think twice before they incurred it. I have never undergone the sentence myself, but I am told by competent people that hard labour is really very hard labour, and that you have to sleep on a plank bed or something of that sort. I make my suggestion in the interest of peace. The result would be to allow the penalty of £100 and of three months' hard labour both to be inflicted, but the forfeiting of the goods, or money would be omitted.

Colonel BOWLES: I noticed during the course of the remarks of the right hon. Baronet (Sir F. Banbury) that he seemed to try to provide here for all the circumstances that might arise hereafter. Personally, I have one of those child minds of which the Attorney-General spoke at the beginning of our proceedings, and I am rather inclined to think that more likely justice will accrue if those who have the circumstances of the case before them are left to decide this matter, and in very serious and outrageous cases they will be able to get not only the goods but also the fine. I have the greatest reliance on magistrates in these cases not doing anything that is unjust.

Sir F. BANBURY: The argument of my hon. and gallant Friend amounts to this.

Justices, of which I happen to be one, are such that no regulations are necessary for them at all. If the argument were carried to a logical conclusion we should not have any legislation dealing with penalties, and it would be left in their own hands, as they are such very fine people and will deal with the matter properly. That may or may not occur on the Bench at Enfield, but it does not always occur even on my Bench.

Sir G. HEWART: I hope that this Amendment will not be pressed. In order to support it one ought really to be able to say that no case can arise which will not be sufficiently met by the imposition of three months' imprisonment plus a fine of £100. I suggest to the Committee that that is not enough now that we have got rid of the heavier penalties. There may be serious cases, particularly in connection with food, where it is desirable that the Justices should have the power of imposing a further penalty, namely, forfeiture of the goods or the money concerned. It may not often arise, but if a case should arise, I do seriously submit the Committee ought not to be too moderate with the worst offender we can imagine who in such a case would have no more punishment than three months' imprisonment, plus a fine of £100. I do think it is important we should keep this power in reserve.

The CHAIRMAN: I am afraid that there is not a quorum present.

Committee adjourned accordingly at fifteen minutes after One till Wednesday, November 19th, at 11 a.m.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:—

Williamson, Sir Archibald (*Chairman*)
Braid, Major
Banbury, Sir Frederick
Bennett, Mr.
Bowles, Colonel
Bowyer, Captain
Boyd-Carpenter, Major
Colvin, Brigadier-General
Galbraith, Mr.
Green, Mr. Joseph
Gretton, Colonel
Griffiths, Mr. Thomas
Hacking, Captain
Henry, Mr.
Hewart, Sir Gordon
Kenworthy, Lieut.-Commander

Lunn, Mr.
M'Curdy, Mr.
M'Lean, Lieut.-Colonel Charles
Macnamara, Dr.
Morrison, Mr. Hugh
O'Grady, Mr.
Pollock, Sir Ernest
Rae, Mr.
Scott, Sir Samuel
Stephenson, Colonel
Sturrock, Mr.
Wedgwood, Colonel
White, Lieut.-Colonel Dalrymple
Williams, Colonel Penry
Wood, Major McKenzie

WAR EMERGENCY LAWS (CONTINUANCE) BILL.

STANDING COMMITTEE C.

[OFFICIAL REPORT.]

Wednesday, 19th November, 1919.

[SIR ARCHIBALD WILLIAMSON in the Chair.]

The CHAIRMAN: It has been suggested that we should continue our sitting until 1.30 to-day and then adjourn. If no one objects, I think we will take that as our conclusion. We will accordingly adjourn at 1.30 to-day.

Committee signified assent.

Sir F. BANBURY: Before we commence business on the Bill, I would like your ruling as to whether I am right in saying that it is not the custom for a Member who is not a member of the Committee to sit among Members, but that his proper place is behind the chair.

The CHAIRMAN: I do not know whether the right hon. Gentleman presses me for a decision. Does the hon. Member referred to (Mr. Kellaway) object?

The DEPUTY MINISTER OF MUNITIONS (Mr. Kellaway): Oh, no. I have been asked to attend because the Ministry is interested in certain Clauses on the paper, and I am here in an advisory capacity. I have no intention of taking part in the proceedings.

Sir F. BANBURY: If people have to advise in the House of Commons they do not sit in the House among Members, but in the Gallery behind the Chair. If the hon. Member comes here in an advisory capacity, his proper place is behind the Chair.

Colonel WEDGWOOD: In the old days I used to attend a Grand Committee on the Land Values Scotland Bill, and I sat here, but I was not allowed to speak.

The CHAIRMAN: It is the practice that a Minister attending in an advisory capacity should sit here (behind the chair). Perhaps the hon. Member will not object to doing so.

Mr. KELLAWAY: I have no objection. [The hon. Member accordingly took a seat behind the Chairman.]

CLAUSE 3.—(Continuance of certain Defence of the Realm Regulations.)

(1) "The Defence of the Realm Regulations mentioned in the first column of the Third Schedule to this Act shall, subject to the limitations, qualifications and modifications specified in the third column of that schedule, continue in force in the case of those mentioned in Part I. of that schedule until the expiration of twelve months, and in the case of those mentioned in Part II. of that Schedule until the expiration of six months, after the termination of the present war; and as so continued shall have effect as if enacted in this Act:

Provided that it shall be lawful for His Majesty in Council to revoke in whole or in part any of the regulations so continued as soon as it appears to him that consistently with the national interest any such regulation can be so revoked.

(2) If after the termination of the present war any person is guilty of an offence under any regulation made under the Defence of the Realm Consolidation Act, 1914, for the time being in force which, by any such regulation, is declared to be an offence against the Defence of the Realm Regulations, he shall—

- (a) on conviction on indictment be liable to imprisonment with or without hard labour for a term not exceeding two years; or
- (b) on conviction under the Summary Jurisdiction Acts be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine;

and if guilty of an offence which under any such regulation is declared to be a summary offence he shall be liable on conviction under the Summary Jurisdiction Acts to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and the court may in any case, whether or not the offence is a summary offence, order that any goods or money in respect of which the offence has been committed, be forfeited:

Provided that—

- (a) a prosecution for any such offence shall not in England and Ireland be instituted except by or with the consent of the Attorney-General for England or Ireland, as the case may be, or in the case of a summary offence, except with such consent as aforesaid, or by an officer of the police, or by

a person acting under the authority of the Government department concerned; and

- (b) in Ireland the court of summary jurisdiction, when hearing and determining an information or complaint in respect of any such offence shall, in the Dublin metropolitan police district, be constituted of one of the divisional justices of that district, and elsewhere be constituted of a resident magistrate sitting alone or with one or more other resident magistrates, and the court of quarter sessions when hearing and determining an appeal against a conviction of a court of summary jurisdiction for any such offence shall be constituted of the recorder or county court judge sitting alone.

(3) The Defence of the Realm (Food Profits) Act, 1918, shall continue in force so long as any order made by the Food Controller under the powers continued by this Act regulating the price of any goods continues in force.

(4) Where any of the regulations so continued provides for the manner in which or the principle on which the price of articles requisitioned, or the compensation for acts done, under the regulation is to be assessed, the price of compensation shall be assessed in the manner and on the principles so specified.

Where, by reason of the exercise after the termination of the present war of any power under any regulation so continued which does not contain any such provision as aforesaid, any person suffers direct and substantial loss, he shall be entitled in respect of such loss to such payment, if any, as the Commission appointed by His Majesty (commonly known as "The Defence of the Realm Losses Commission") consider should in reason and fairness be made to him; and no person shall be entitled to any other remedy whatsoever, whether by petition or right, action or other proceeding in respect of the exercise of such power, either against the Crown or any other person, and in assessing the amount of such payments the Commission shall act in accordance with the principles on which they have hitherto acted.

(5) If immediately before the passing of this Act a proclamation suspending the operation of section one of the Defence of the Realm (Amendment) Act, 1915, in respect of any area is in force, then, as respects that area, all the Defence of the Realm Regulations then in force shall, subject to the power of His Majesty in Council by order to revoke any of such regulations, continue in force until the expiration of twelve months after the termination of the present war, subject, as respects any regulations modified by the Third Schedule to this Act, to the modifications therein contained, save so far as those modifications limit the operation of the regulations or excepts any part thereof, and as so continued shall have effect as if enacted in this

Act, and in that area offences against the said regulations shall, notwithstanding anything hereinbefore contained, continue to be triable and punishable in like manner as if the Defence of the Realm Consolidation Act, 1914, and the Acts amending that Act continued in force, except that where any such offence is tried by a court of summary jurisdiction or, on appeal, by a court of quarter sessions, the court shall be constituted as hereinbefore provided:

Provided that, if the said proclamation is revoked before the expiration of the said twelve months, this section shall, as from the date of the revocation, apply in respect of the area in question in like manner as it applies in respect of the rest of the United Kingdom.

Amendment proposed (12th November): In Sub-section (2) leave out the words "or to both such imprisonment and fine, and the Court may in any case, whether or not the offence is a summary offence, order that any goods or money in respect of which the offence has been committed be forfeited." [*Sir F. Banbury.*]

Question again proposed, "That the words proposed to be left out stand part of the Clause."

Sir F. BANBURY: Having agreed that a penalty not exceeding three months or a fine not exceeding £100 be inflicted, it seems to me that that would be sufficient, without adding the two penalties together. If the Government would agree to omit the penalty of adding the goods and money together I would agree to amend my Amendment in such a way as to allow the three months and the £100 penalties to be added together. I do not know whether the Attorney-General would accept that as a compromise.

The ATTORNEY-GENERAL (Sir Gordon Hewart): I would remind the Committee of the very large concessions which in this particular respect have already been made. As the Bill stood before the concessions were made, the penalties that were possible were: on conviction on indictment to imprisonment with hard labour for a term not exceeding two years, or on conviction under the Summary Jurisdiction Acts to imprisonment not exceeding six months, or a fine of £100, or both imprisonment and fine. Super-added to these penalties there was the further penalty that the goods or the money in respect of which the offence had been committed might be forfeited. We have got rid of the two years' hard labour. We have got rid of any imprisonment

beyond the period of three months. Therefore, the maximum penalty which the Bill now renders possible in the worst offences is three months' imprisonment, plus a fine of £100. I do submit that it is necessary that there should be the penalty of forfeiture in a proper case. It might easily pay to commit some of the offences and to suffer the three months' imprisonment and pay the £100. The £100 would be a mere bagatelle.

Sir F. BANBURY: I agree that £100 might not have a very deterrent effect, but I think the three months' hard labour would have, especially upon the class of person to whom the fine of £100 would not much matter. A sum of £100 would not much matter, say, in the case of the Attorney-General, but three months' hard labour would. The hon. and gallant Member for Newcastle-under-Lyme (Col. Wedgwood) has an amendment to leave out all words from the word "fine" to the end of the Sub-section. Perhaps we had better take a division on that. Therefore, I beg leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Colonel WEDGWOOD: I beg to move to leave out the words

"and the Court may in any case, whether or not the offence is a summary offence, order that any goods or money in respect of which the offence has been committed, be forfeited".

My object is similar to the object which inspired the last amendment. It is, first and foremost, to reduce the penalties that can be inflicted under the Defence of the Realm Act during the remaining period of its usefulness. I move this amendment primarily because forfeiture must always be a very unequal penalty. In some cases forfeiture might mean the forfeiture of a stock of leaflets. In another case it might mean the forfeiture of machinery or of stock-in-trade. In any case, the penalty inflicted upon the person who is found guilty of the offence has no bearing whatever upon the crime that is committed. The punishment for the crime, if it is to meet the crime, must be in accordance with the dictates of justice, and that punishment is suitably measured by fine and imprisonment. The punishment that is inflicted by way of forfeiture is without any bearing on the magnitude of the offence committed; it is a different form of punishment altogether. In the case of forfeiture it is action which has no relation to abstract

justice or injustice. Therefore, it is in an entirely different category. I object to forfeiture, partly because I believe that it has generally been used to forfeit printing presses, or the material that has been used for committing what is described as a political offence. If any printing press is working and producing a weekly newspaper or a journal of any sort which is considered to be dangerous by a Government Department, the penalty ought to be the direct penalty of imprisonment or fine, and not a penalty taken from the Indian code of forfeiture of the press which prints the paper or the leaflet. I do not know what other cases the Attorney-General has in mind. Primarily, justice would be met by a fixed penalty rather than by an indeterminate penalty. Consequently, I do not want to see the printing of pamphlets or newspapers punished by the forfeiture of the press, but rather by a statutory penalty provided in the Act of Parliament.

Sir G. HEWART: It is a mistake to think that under this Bill any Press offence would be committed. The Press offences entirely disappear. It will not be possible under this Bill as it is proposed to be amended to forfeit a printing press. The kind of offence with which one is concerned may be illustrated if you take the growing of flax, where the owner has received an order to deliver the whole of his flax in pursuance of the regulation. It might pay him not to do so and to suffer any penalty which the Bill would impose, provided that he did not forfeit his flax. I am sure that my hon. Friend recognises that the main purpose of a penalty is to prevent the offence being committed at all. There must be some discretion left to the Court. It does not in the least follow that the Court would think it right in a case where forfeiture of the goods was contemplated to send a man to prison as well. One curious effect of adopting the proposal of my hon. Friend is that in every case where the Court thought that a larger penalty than a fine of £100 was necessary, it would have no option but to send the person to prison, whereas if this penalty is left in the Bill, the Court might fine a person £100 and forfeit the goods, but not send him to prison, or in a proper case, a very grave case, it might impose all three penalties. I hope that in view of these considerations my hon. Friend will withdraw his amendment. Of course he must remember that these are not penalties which must be imposed, but penalties which may be imposed. They are maximum penalties.

Sir F. BANBURY: The only advantage in these words was that printing presses, printing seditious literature, might be seized. Now, I understand, that will not occur. Therefore, my desire to see these words left out is very much strengthened. May I point out to my right hon. and learned Friend that if a man is ordered to give up his whole stock of flax he will be obliged to surrender it. If I did not deliver the whole of my flax but gave up five out of ten tons and sold the other five to somebody else, then I could be fined, and a remedy would lie in the Civil Court against the other man.

Sir G. HEWART: To recover the flax?

Sir F. BANBURY: Yes, or the money in lieu of it.

Sir G. HEWART: My right hon. Friend is contemplating proceedings somewhat in the nature of specific performance or delivering up of the flax or the proceeds of sale. I know of no procedure by which that can be done.

Sir F. BANBURY: I do not see any particular object in leaving these words in, but I am not very keen on it.

Colonel WEDGWOOD: What sort of precedents are there in English law for this indeterminate confiscation? My objection is principally that I do not like putting power into the hands of the Executive. I do not mind having power in the hands of judges, giving decisions on judicial lines.

Sir G. HEWART: There are precedents for this. No penalties can be inflicted by the Executive. They must be imposed after due process of law by the magistrates.

Colonel WEDGWOOD: I beg to ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Sir G. HEWART: I beg to move, in Sub-section (2) to leave out the words "whether or not the offence is a summary offence."

This amendment is consequential on what has already been done in this sub-clause.

Amendment agreed to.

Major M. WOOD: I beg to move, in Sub-section (2, a), to leave out the words

"or in the case of a summary offence, except with such consent as aforesaid, or by an

officer of the police, or by a person acting under the authority of the Government department concerned."

This Bill proposes to give extraordinary powers beyond those contained in the permanent law, and it is absolutely necessary that they should not be exercised without the greatest care and that only men in authority who are really responsible should have the power to do this. Under the clause in its present form, in certain cases the law may be set in motion by an officer of the police. I would like to know exactly what is meant by that—whether a police constable is going to have the power to put the law in motion, or whether it must be an officer of a certain standing. The next point is, what is meant by a person acting under the authority of the Government Department concerned. As far as I can see, that might be a second division clerk. It is not too much to expect that the Attorney-General or the Solicitor-General or someone of much higher status than those who are given these powers should have to review a case of this kind and give authority for the machinery being set in motion. I therefore propose that no prosecution under this section should be set in motion without the special sanction of the Attorney-General so that we may have a sufficient guarantee that there will be no abuse in exercising the powers given under this Bill.

Sir G. HEWART: Before replying to the hon. and gallant Member I would point out that the next amendment on the paper is one standing in my name which leaves out some of the words to which he refers, for the reason that all offences now are summary offences. The effect of the Clause amended as he suggests would be that no prosecution would be instituted except by or with the consent of the Attorney-General for England or Ireland as the case may be, or by an officer of the Police or by a person acting under the authority of the Government Department concerned. I have no doubt that in a case which was thought to be complicated or near the line the practice would be, as it is, to consult a law officer, but surely my hon. and gallant Friend must not want to impose upon two of the most overworked Members of the Administration the duty of looking into every case of this kind. It would be intolerable if in every case where for example the Food Ministry were launching a prosecution the fiat of the Attorney-General must first be obtained. There was a moment in the hon. and gallant Gentleman's speech in

which he seemed to contemplate that if the Clause were left as it is the Attorney-General might get somebody else to do it for him. That would be a very unconscientious discharge of his duties, and in practice a law officer never in any circumstances delegates his responsibilities to another. What the Clause does provide is that there can be no private prosecution. This is merely a question of the person who can set a prosecution in motion, and it has no bearing whatever on the question in whose hands the decision of the matter finally rests. I hope that the Amendment will not be pressed.

Colonel PENRY WILLIAMS: I hope that my hon. Friend will not withdraw his Amendment. I am quite willing that these prosecutions should be in the hands of the Attorney-General or of the Police, but I have a strong objection to Government officials coming down to institute these prosecutions. In recent times, especially in connection with the Food Control, there has been a tendency to interfere with functions of magistrates in an unjustifiable way. There has been criticism passed on magistrates for insufficient penalties. It is an abuse of power by the Executive to criticise any bench of magistrates whatever. Here you may have a representative sent down by the Food Ministry or the Forage Supply or any other Government Department to institute prosecutions without going through the ordinary channels of the chief constable in the usual way. I hope that the Attorney-General will be able to meet my hon. Friend by omitting the latter part of this Clause so as to leave the power of prosecution in the hands of the Attorney-General or the Police and of nobody else.

Sir G. HEWART: I am sure my hon. Friend makes that suggestion with the best intentions in the world. It is quite easy to see, however, the results which would follow. Suppose we left out the words relating to the law officers or police officers. Take the Ministry of Food to which the hon. Member made reference. Nothing could be easier than for the Minister for Food to send for a police inspector and put a case into his hands. That would be the routine. Observe what would follow. It would then be a police prosecution, and not a prosecution by the Ministry of Food, and from the point of view of the defendant it would be more invidious. I should have thought it was far better from that point of view that the Department itself should be responsible and give its authority for the prosecution.

Captain WILLIAMS: Yes, but there is a possibility of the police officer refusing his permission to prosecute.

Sir G. HEWART: I cannot imagine a case in which a Government Department which desired to launch a prosecution on the materials in its hands would be unable to find a police officer to vouch for the prosecution.

Sir F. BANBURY: There is something in what my hon. and gallant Friend has said with regard to the action of the Food Controller or officials in that Department in endeavouring to exercise pressure on benches of magistrates. I have had some experience of that. A local official in the district in which I have the honour to sit on the bench instituted a prosecution, and in the course of the proceedings I asked the solicitor for the prosecution certain questions. These questions were reported in the local Press, and the local Food Controller wrote to our clerk and requested him to get an interview with me in order to discuss the words I had used. Our clerk declined to discuss either the actions or the words of the magistrates. I wrote to the Minister pointing out to him that this was going back to the days of the Plantagenets, the Tudors and Charles I., when if a magistrate or judge did not do what the Crown wanted very disagreeable consequences ensued. I said I was astounded that a Government composed of a large number of Liberals, who professed to love freedom, and of a certain number of Labour men, who also loved freedom, and a Department at the head of which was a Labour member, should endeavour to reintroduce these old reactionary principles which had been abandoned for so long a time. I received, in reply, a very civil letter from the Minister promising to investigate the matter, and he found that my statement was correct, and he further wrote me that he had given instructions that such a thing should not occur again. It really rests of course with magistrates themselves if such an attempt is made to take action to defend their position. I realise that the Law Officers of the Crown are amongst the most hard-working of our numerous hard-worked officials, and I do not think it would be possible to insist that all small and petty cases should go before the Attorney-General. Therefore, under these circumstances, it would be best to leave the words as they are.

Major BARNETT: I hope that the Attorney-General will not accept the amend-

[Major Barnett.]

ment. It seems to be based on the assumption that you may expect justice from a Law Officer of the Crown, but you cannot expect it from a Government Department. That is to my mind an unwarrantable assumption, and I do not see any other to justify the amendment. As the Attorney-General has pointed out, the Government Department can always get a police prosecution, which would be a much more invidious thing for the person prosecuted than a prosecution by the Government Department. I hope, therefore, the right hon. and learned Gentleman will stick to his guns.

Sir EVAN JONES: With reference to the policy of Government Departments, I have had some experience of Food Control, and the difficulty which presented itself to me in connection with giving authority to local officers to conduct prosecutions was that the Controller was asked often to give general authority to some local official to enable him to conduct prosecutions. That in many cases led to difficulty, and it also led to many prosecutions which I individually, had they come before me, would not have been able to approve. It is certainly necessary that the Government Department concerned should have authority to institute prosecutions, but I think there ought to be some limit of status in regard to the person authorising them. I would ask if the learned Attorney-General cannot see his way to introduce some words to make it necessary that the authority of the Government Department concerned should be given in every specific case, so that there shall be special authority in each case, and not a general authority to local officials to conduct prosecutions on their own initiative. There is continual pressure in some cases brought to bear to give general authority to local officials to conduct prosecutions, and I suggest therefore that words should be introduced defining the status of the person and making it necessary that every case should be referred to the Government Department before the prosecution is initiated.

Sir G. HEWART: I shall be happy, as my hon. Friend suggests, to add some such words and to insert after the word "acting" the words "in each case under a special authority from".

Amendment negatived.

Amendments made: In Sub-section (2a) leave out the words "in the case of a sum-

mary offence, except with such consent as aforesaid or". (*Sir G. Hewart.*)

Leave out the words "under the authority of" and insert instead thereof the words "in each case under a special authority from". (*Sir G. Hewart.*)

Major M. WOOD: I beg to move, in Sub-section (2) to leave out Sub-section (b).

My object is to know exactly the reasons which the Government consider justify the exceptional treatment meted out to Ireland in this particular case. The Irish situation at the present time is not a War Emergency situation. It is, as far as one can gather, permanent, and it ought not therefore to be dealt with by emergency or temporary legislation. In this case, as far as I can see—I am not sure I know the whole procedure in Irish police courts—the Resident Magistrate is going to sit in particular cases instead of the ordinary magistrate. That seems to me to be a matter of the greatest importance, especially in the present condition of Ireland. I would like to hear what the Government have to say on this point and how they justify this legislation at the present time.

The ATTORNEY-GENERAL* for IRELAND (Mr. Denis Henry): I hope the suggestion of the hon. and gallant Member, that the present condition in Ireland is permanent is not correct, and I am sure that that hope is shared by all the Members of this Committee. I may say, in answer to the hon. Member, that since the 27th April, 1916, under a Proclamation, trial by jury in respect of offences under the Defence of the Realm Act has been suspended, and at present there are two tribunals which have jurisdiction to try offences of that description—one a Court Martial and the other an ordinary Court of Summary Jurisdiction. We have found in practice that, although most anxious to try as many of these cases as possible by the ordinary course of summary jurisdiction, it is perfectly useless, because, whether it arises from the fact that some members of the bench are in sympathy with those who are brought before them for offences, or from the wholesale intimidation that prevails—I have found it so from my own personal experience, because all this comes before me in my capacity of Attorney-General—that the prosecutions before ordinary summary jurisdiction Courts do not work. Accordingly, it has thrown on to the Courts Martial a great deal more work than is desirable, because, if possible, I would very much prefer not to try

prisoners by court-martial. As regards the City of Dublin, this Clause really embodies the ordinary law, because everybody is tried by the ordinary magistrates in the City of Dublin, and it is only in the county districts that the change will come in. What we propose is to give power to the resident magistrate sitting alone, with a right of appeal to the Recorder or County Court judge, also sitting alone, to try these cases under the Defence of the Realm Act. That will leave still standing the alternative mode of court-martial, but, if we get this power from the Committee so far is reasonably possible, we will send as many cases as we can to the Civil Courts.

Colonel WEDGWOOD: On this Amendment there are two things to be said. In the first place, it is very unfortunate that we are legislating for the Irish question without having any Irish members here. This is a Bill for extending the Defence of the Realm Act, and the problem in Ireland is completely and absolutely different from the problem in England. We are more acquainted with the working of the Defence of the Realm Act under the ordinary judicial system in Ireland than with action taken under the Defence of the Realm Act in England. I would submit that if we are going to use this Act as a means, however well justified, of altering the system of trials or of facilitating the system of trials in Ireland, then that ought to be done in a specific Act. I would also add this: We have now cut

this Bill down so that it terminates automatically on the 31st August next year. Does that not make it more necessary that anything such as the Attorney-General for Ireland has suggested should be in a separate Act, and should be more or less permanent? Otherwise we may have at the tail end of next session a Bill introduced to continue this Act still further, simply because of that Irish provision. We do not want to have the Defence of the Realm Act continued in this country on the plea that it is absolutely necessary for the good Government of Ireland. For goodness sake, let us cut the two problems entirely separate. The Irish problem is one which the Government will have to tackle with serious resolution sooner or later, and this provision should go into that Act when it comes; it should not be tied up in this legislation dealing solely with English problems. The Committee knows quite well that all the members of the Labour Party, and, I think, of the Liberal Party, are opposed to the present Government of Ireland, and we cannot possibly extend any legislation here in this Bill which facilitates that Government. It is unfortunate, when we are all working together on the Committee trying to make this Act as perfect and sure as possible, we should now be driven to the old party struggle between those who want to govern Ireland by force and those who want Ireland to govern herself.

Question put, "That paragraph (b) stand part of the Clause."

The Committee divided: Ayes, 23; Noes, 7.

Division No. 2.

AYES.

Baird, Major
Banbury, Sir Frederick
Barnett, Major
Betterton, Mr.
Bowyer, Captain
Boyd-Carpenter, Major
Brassey, Major
Bridgeman, Mr.

Cockerill, Brig.-General
Colvin, Brig.-General
Dennis, Mr.
Falle, Major Sir Bertram
Forster, Mr.
Hacking, Captain
Henry, Mr. Dennis
Hewart, Sir Gordon

Jones, Sir Evan
Macnamara, Dr.
Matthews, Mr.
Scott, Sir Samuel
Stephenson, Colonel
Sykes, Colonel Sir Alan
White, Lieut.-Colonel Dalrymple

NOES.

Galbraith, Mr.
Hancock, Mr.
Henderson, Mr. Arthur

Waterson, Mr.
Wedgwood, Colonel

Williams, Colonel Penry
Wood, Major M'Kenzie

Sir F. BANBURY: I beg to move to leave out Sub-section (3).

The Amendment is, I think, more or less consequential on the decision at which we arrived at our last meeting, that this Act should only continue in force till 31st of August next. The Sub-section I propose to leave out enacts that the Defence of the Realm (Food Profits) Act, 1918, shall con-

tinue in force so long as any Order made by the Food Controller regulating the price of any goods continues in force. I am not quite sure that I thoroughly understand the meaning of those words, but if they mean that, as far as regards regulations made under the Food Control Acts, they should continue in force after the 31st August, then, I think, my Amendment will be

[Sir F. Banbury.]

accepted by the Government as being consequential.

Sir G. HEWART: My right hon. Friend says that if these words were consequential they would be accepted, but I think the Amendment is founded on a little misunderstanding. It is not proposed by this Sub-section to continue any Regulations under the Defence of the Realm (Food Profits) Act, 1918, nor, in fact, are there any Regulations under that Act. What is proposed is that that particular Act, which has certain enabling provisions in relation to the offences to which it relates, shall continue in force as long as any order made by the Food Controller under the powers continued by this Act remains in force. Not a day longer. Therefore, the limit of time already referred to, the 31st of August, 1920, is still the limit of time for the continuance in force of the full powers of the Food Controller, and it is not proposed to continue this Act any longer than that. What is consequential, therefore, my right hon. Friend will really see, is not that this Amendment should be carried, but that it should be withdrawn.

Sir F. BANBURY: After the explanation of the Attorney-General, I ask leave to withdraw.

Amendment, by leave, withdrawn.

Captain BOWYER: I beg to move, after Sub-section (3), to insert

"(4) Whether or not there is contained in any regulations so continued provisions for the manner in which, or the principle on which, the price of articles requisitioned, or the compensation for acts done under the regulations is to be assessed, no person shall be deprived of any remedy whatsoever, whether by petition of right, action, or other proceeding either against the Crown or any other person in respect of any direct and substantial loss suffered by such person by reason of the provisions of any such regulation."

My object is to substitute this new Sub-section (4) for the one which is now in the Bill. The Committee will remember the words of Mr. Speaker on the Second Reading of the Bill—

Sir G. HEWART: I am loth to interrupt my hon. Friend, but if he will be so good as to turn over the page, he will see that I propose to meet the ruling of Mr. Speaker, not only in the letter, but also in the spirit.

I am proposing to leave out the whole of Sub-section (4)—not merely the last words, which were the words taken exception to by Mr. Speaker, but the whole.

Captain BOWYER: I am very much obliged to the learned Attorney-General. I was going to say that his Amendment only dealt with the last part of Sub-section (4), but I now see that his name is attached to the other Amendment.

Sir F. BANBURY: The Attorney-General saw my name there. He naturally thought it was a good Amendment, so he put his own to it.

Captain BOWYER: I need only address my remarks to the actual wording of the Amendment, which proposes to put this Sub-section (4) in the place of the other one. The intention of the words is to preserve to the individual the rights of the subject. If we turn for a moment to Regulation 2b, I think, subject to correction by the learned Attorney-General, that that Regulation is one which renders it necessary to have such words as I propose in Sub-section (4). Regulation 2b says:

"It shall be lawful for the Admiralty, Army Council or Air Council or the Minister of Munitions to take possession of any war material, food, forage, and stores of any description—,"

and so on, and then says:

"Where any goods, possession of which has been so taken, are required by the Admiralty, Army Council, or Air Council or the Minister of Munitions . . . the price to be paid in respect thereof shall, in default of agreement, be determined by the tribunal by which claims for compensation under these Regulations are, in the absence of any express provision to the contrary, determined."

Then you are referred to footnote B of Regulation 8c, which is on page 86, and the meaning of that I am at the moment absolutely at a loss to understand. It refers to a Royal Commission appointed on 31st March, 1915, to inquire into payments out of public funds in respect of direct loss or damage. Regulation 2b goes on to say:

"In determining such price regard need not be had to the market price, but shall be had (a) if the goods are acquired from the grower or producer thereof to the cost of production and to the rate of profit usually earned by him in respect of similar goods before the war, and to whether such rate of profit was unreasonable or excessive and to any other circumstances of the case, and (b) if the goods are acquired from any person other than the grower or producer thereof,

to the price paid by such person for the goods, and to whether such price was unreasonable or excessive and to the rate of profit usually earned in respect of the sale of similar goods before the war—'

My contention is that by implication the subject's right of ordinary remedy is taken away. Certainly the Regulations under 2b limit the Court by which the price is fixed and limit the Regulations under which, or with regard to which, the price is fixed. I shall be glad if the learned Attorney-General will tell me whether my reasoning is wrong, and satisfy me that by taking out the old Sub-section (4) he has left the rights of the subject absolutely unimpaired.

Amendment negated.

Sir G. HEWART: I beg to move to leave out Sub-section (4).

The effect of this Amendment is that the matter is left just as it was by the Regulations.

Amendment agreed to.

Captain BOWYER: I am only a new Member of the Committee, but I think that I was entitled to a reply from the Attorney-General. I tried to frame my Amendment as courteously as I could.

Sir G. HEWART: I am sure the hon. Member will not think that I deliberately did not reply. In the circumstances it did not appear to be necessary; but I was in fact rising when the question was put. It was from no intentional discourtesy that I did not reply. I thought a reply had been given in advance.

Colonel WILLIAMS: I beg to move to leave out Sub-section (5).

This Sub-section is, I believe, the most obscure part of the Bill. Had it not been for the few words which fell from the Attorney-General for Ireland, I do not think the Committee would have been much wiser, unless they dug deep into this volume, the manual of the Defence of the Realm Regulations. Under the Defence of the Realm Amendment Act, 1915, I understand that the subject has the right of trial by jury, but that that right has been taken away from him under certain special circumstances by Sub-section (7) of Section 1 of that Act. It says:

"In the event of invasion or other special emergency arising out of the present war His Majesty may, by Proclamation, forth-

with suspend the operations of this Section, either generally or as respects any area specified in the Proclamation, without prejudice to any proceedings under this Section which may then be pending in any civil Court."

A proclamation was issued, dated 26th April, 1916, suspending in Ireland the operation of Section 1 of the Defence of the Realm Act. By that proclamation the subject in Ireland was deprived of the right of trial by jury. I contend that that proclamation was issued because of the fear of invasion or of special military emergency, and that to-day neither fear of invasion nor a special military emergency arises in Ireland out of the war. The proclamation is to-day being continued, not because of war emergency, but because of the inherent difficulty of the Irish position. It is not fair of the Executive Government to endeavour to rule Ireland by that proclamation to-day. Let them come to the House of Commons and say what measures they want for the Government of Ireland, and let us have an opportunity of freely discussing the whole Irish position. The proclamation ought to be repealed and withdrawn from Ireland. If it is necessary to inflict a fresh Coercion Act on Ireland the Government should have the pluck to come to the House of Commons and the country and to say what they require. I do not believe that statesmanship is so bankrupt that even now it cannot settle the Irish question. There is an Irish Bill coming before Parliament very shortly, and that Bill ought to contain the provision that this Bill seeks to impose upon Ireland. This measure does not come to an end in so far as Ireland is concerned on the 31st August next year, because Ireland is a proclaimed area, and nothing in this Bill affects a proclaimed area on the passage of this Bill. If that is not so, I am subject to correction by the Attorney-General for Ireland.

Mr. HENRY: That is so.

Colonel WILLIAMS: Therefore the proclamation in Ireland runs, not until 31st August next year, but until 12 months after the ratification of the last peace with our late enemies. I ask the Government to say distinctly to this Committee what they mean by this Sub-section. It is not fair to introduce this into a Bill, so that nobody but a lawyer can understand it. If we had not dug very deep into this measure, it might have gone through without any reference being made to Ireland. There is nothing in this Sub-section that includes Ireland in

[Colonel Williams.]

any way. It is not treating the House of Commons, even on Second Reading, quite fairly, not to call special attention to that. I hope the Government will be able to accept this Amendment and to announce their intention of bringing forward the necessary legislation for the Government of Ireland.

Mr. HENRY: The effect of the Amendment would be to leave England with a very large number of the Defence of the Realm Act Regulations in force and to leave Ireland without any. Most members will agree that whatever the necessity of England is the necessity of Ireland in respect of these regulations is far greater.

Colonel WILLIAMS: Would not the proclamation run until the 31st August next year?

Mr. HENRY: I will deal with that. The provisions contained in Clause (5) will continue in force until the expiration of 12 months after the termination of the present war. The proviso that is attached is important, because it provides that if the proclamation is revoked before the expiration of the 12 months, then the two countries come upon the same footing. Therefore, if it becomes unnecessary to keep the proclamation in force, all that would be necessary would be for the Privy Council to revoke the proclamation and then the two countries would be on precisely the same footing. In regard to the suspension of the right of trial by jury, that suspension only applies to cases arising under the Defence of the Realm Act. It does not apply in the ordinary cases of murder, burglary, larceny, and so forth. The proclamation of April, 1916, recites that

"the present state of affairs in Ireland is such as to constitute such a state of military emergency as to render it necessary that the operation of the English section should be suspended in Ireland until we see fit to revoke this our proclamation."

Therefore that proclamation will continue in force until it has been revoked. All that we ask under Sub-section (5) is practically to keep the existing regulations in force. A large number of them are retained for England, and I ask that the rest should be continued for Ireland. There are a number of them such as the right of search and a variety of other matters. In the last few days one of His Majesty's ships has been raided and taken possession of by armed men. The condition of affairs there approximates

closely to a form of warfare. I hope the Committee will continue these regulations, and enable us to try as far as we can to restore peace in Ireland. Even the maximum period that is mentioned is not a very long period. There may be legislation in the meantime as regards Ireland, and let us hope that long before the expiration of the 12 months the Government will be able to go to the Privy Council and revoke the proclamation dealing with trial by jury, and put the two countries on exactly the same footing.

Colone! WEDGWOOD: This is a worse case than the other Amendment, because the drafters of the Bill are deliberately keeping Ireland out so that this thing can slip through. It is a monstrous thing that we should be here legislating for Ireland without a soul in Ireland knowing what we are doing. We are outnumbered here, and we can do nothing but protest. I do enter an emphatic protest against this sort of legislation, which is endeavouring by a side wind to carry through a system of Government in Ireland on which the House has not been consulted, and of which we do not approve.

Sir G. HEWART: If my hon. and gallant Friend had been present on the Second Reading Debate—

Colonel WEDGWOOD: I was.

Sir G. HEWART: Then it is more extraordinary, because I made it perfectly clear in my speech on Second Reading that the limitations did not refer to Ireland.

Amendment negatived.

Sir G. HEWART: I beg to move, in Sub-section (5), to leave out the words "or excepts any part thereof."

I move this Amendment because by reason of the Amendments that have been or will be moved there will be no regulation to which these words will apply.

Amendment agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 (*Effect of expiration of emergency legislation*), 5 (*Application to Isle of Man*) and 6 (*Short title*), ordered to stand part of the Bill.

SCHEDULES.

FIRST SCHEDULE.

Enactment.	Nature and Extent of Limitation.	Nature and Extent of Extension.
(1) Injuries in War (Compensation) Act, 1914 (4 & 5 Geo. 5. c. 30), as amended by section 2 of the Injuries in War (Compensation) Act, 1914 (Session 2), (5 Geo. 5. c. 18).	Limited to injuries and disablement suffered by persons whilst employed afloat by or under the Admiralty or Army Council in connection with war-like operations in which His Majesty is engaged.	To apply to injuries and disablement suffered by persons so employed during one year after the termination of the present war in conditions rendered hazardous by acts done during the war; as if in section 1 of the Act after the words " <i>warlike operations in which His Majesty is engaged</i> " there were inserted the words " <i>or during twelve months after the termination of the present war in conditions rendered hazardous by acts done during the war.</i> "
(2) Special Constables Act, 1914 (4 & 5 Geo. 5. c. 61).	Limited to special constables appointed during the present war.	To extend to special constables appointed during a period of one year after the termination of the present war as if in section 1 (1) after the words " <i>during the present war</i> " there were inserted the words " <i>or a period of twelve months after the termination thereof.</i> "
(3) The Courts Emergency Powers Act, 1914 (4 & 5 Geo. 5. c. 78), and the enactments to be read or construed as one with that Act, viz., the Courts Emergency Powers (Amendment) Act, 1916 (6 & 7 Geo. 5. c. 13), as amended by the Courts (Emergency Powers) Act, 1917, s. 8, the Courts Emergency Powers (No. 2) Act, 1916 (6 & 7 Geo. 5. c. 18), and s. 1 of the Courts Emergency Powers Act, 1917 (7 & 8 Geo. 5. c. 25).	Limited to the continuance of the present war and a period of six months thereafter.	To continue for a period of twelve months after the termination of the present war as if in s. 2 (4) for the words " <i>six months</i> " there were substituted the words " <i>twelve months.</i> "
(4) Local Authorities (Disqualification) (Relief) Act, 1914 (5 Geo. 5. c. 10).	Limited to the duration of the present war.	To continue for a period of twelve months after the termination of the present war as if in section 1 after the words " <i>during the present war</i> " there were inserted the words " <i>and a period of twelve months after the termination thereof.</i> "

Enactment.	Nature and Extent of Limitation.	Nature and Extent of Extension.
(5) Trading with the Enemy Amendment Act, 1914 (5 Geo. 5. c. 12).	Limited to enemies.	To apply during one year after the termination of the present war to subjects wherever resident of any State with which His Majesty has been at war during the present war.
(6) Injuries in War (Compensation) Act, 1914 (Session 2) (5 Geo. 5. c. 18).	Limited to disablement suffered by persons whilst employed on shore out of the United Kingdom by or under the Admiralty or Army Council in connection with warlike operations in which His Majesty is engaged.	To apply to disablement suffered by persons so employed during one year after the termination of the present war arising out of operations of the armies of occupation; as if in section one of the Act after the words " <i>warlike operations</i> " in which His Majesty is " <i>engaged</i> " there were inserted the words " <i>or during twelve months after the termination of the present war in connection with the operations of the armies of occupation.</i> "
(7) Execution of Trusts (War Facilities) Act, 1914 (5 Geo. 5. c. 13), as amended by the Execution of Trusts (War Facilities) (Amendment) Act, 1915 (5 & 6 Geo. 5. c. 70).	Limited to trustees engaged on war service as defined by the Act.	To extend to trustees engaged on war service as if at the end of the definition of war service in s. 1 (2) the following paragraph was added:— " <i>(d) if during the period of twelve months after the termination of the present war he is, by reason of matters arising out of that war, engaged on service abroad as a member of the military, naval, or air forces of the Crown, or engaged on service in any work abroad of the British Red Cross Society or the St. John Ambulance Association, or any other body with similar objects.</i> "
(8) Navy and Marines (Wills) Act, 1914 (5 Geo. 5. c. 17).	Limited to persons dying during or in consequence of the present war.	To extend to persons dying during a period of twelve months after the termination of the present war as if in section I after the words " <i>in consequence of the present war</i> " there were inserted the words " <i>or during a period of twelve months after the termination thereof.</i> "
(9) Special Acts (Extension of Time) Act, 1915 (5 & 6 Geo. 5. c. 72).	Limited to applications made during the continuance of the present war or a period of six months thereafter.	To extend to applications made during twelve months after the termination of the war, as if in s. 2 (3) for the words " <i>six months</i> " there were substituted the words " <i>twelve months.</i> "

Enactment.	Nature and Extent of Limitation.	Nature and Extent of Extension.
(10) Clubs (Temporary Provisions) Act, 1915 (5 & 6 Geo. 5. c. 84).	Limited to the continuance of the present war.	To continue for a period of twelve months after the termination of the present war as if in s. 7 (3) after the words "continuance of the present war" there were inserted the words "and a period of twelve months after the termination thereof."
(11) Evidence (Amendment) Act, 1915 (5 & 6 Geo. 5. c. 94).	S. 1 limited to the continuance of the present war.	S. 1 to continue for a period of twelve months after the termination of the present war, as if after the words "during the continuance of the present war" there were inserted the words "and a period of twelve months after the termination thereof."
(12) Trading with the Enemy Amendment Act, 1916.	Limited to enemy subjects.	To apply during one year after the termination of the present war to subjects of any State with which His Majesty has been at war during the present war.
(13) Courts (Emergency Powers) (Amendment) Act, 1916 (6 & 7 Geo. 5. c. 13), as amended by the Courts (Emergency Powers) Act, 1917, s. 8.	Limited to have effect in favour of officers and men of His Majesty's forces.	To extend and to be deemed always to have extended so as to have effect in favour of persons who having served as officers or men in any of His Majesty's forces during the present war, have ceased to be members of those forces for a period of six months after the date when they so ceased, but in no case beyond the expiration of twelve months after the termination of the present war.
(14) Summer Time Act, 1916 (6 & 7 Geo. 5. c. 14).	Power of making Orders in Council exercisable only during the continuance of the present war.	Power of making Orders in Council to continue during a period of one year after the termination of the present war, as if in s. 1 (2) after the words "during the continuance of the present war" there were inserted the words "and a period of twelve months after the termination thereof."
(15) Naval Discipline (Delegation of Powers) Act, 1916 (6 & 7 Geo. 5. s. 17) as amended by the Naval Discipline (Delegation of Powers) Act, 1917 (7 & 8 Geo. 5. c. 11).	Limited to the period of the present war.	To continue during the period of twelve months after the termination of the present war, as if in s. 1 (1) after the words "during the present war" there were inserted the words "and a period of twelve months after the termination thereof."

Enactment.	Nature and Extent of Limitation.	Nature and Extent of Extension.
(16) Friendly Societies Act, 1916 (6 & 7 Geo. 5. c. 54).	S. 1 limited to valuations due to be made during the present war or within six months after the termination thereof.	To extend to valuations due to be made during twelve months after the termination of the present war, as if in s. 1 for the words "six months" there were substituted the words "twelve months."
(17) Ecclesiastical Services (Omission on Account of War) Act, 1917 (7 Geo. 5. c. 5).	Limited to the period of the present war and a period of three months thereafter.	To continue for a period of twelve months after the termination of the present war, as if in s. 2 (2) for the words "three months" there were substituted the words "twelve months."
(18) Courts Emergency Powers) Act, 1917 (7 & 8 Geo. 5. c. 25).	S. 3 limited to cases where non-fulfilment of a contract is due to compliance on the part of any person with any requirement, &c., made for the purposes of the present war.	To extend to cases where non-fulfilment of a contract is due to compliance on the part of any person with any regulation continued by this Act or with any requirement, order or restriction made, issued, given or imposed thereunder.
	S. 9 limited to contracts and agreements entered into during the present war	To extend to contracts and agreements entered into during the period of twelve months after the termination of the present war as if in that section after the words "during the present war" there were inserted the words "or a period of "twelve months after the "termination thereof" and as if the section extended to property requisitioned or taken under the regulations continued by this Act.
(19) Local Government (Allotments and Land Cultivation) (Ireland) Act, 1917 (7 & 8 Geo. 5. c. 30).	Limited to the promotion of cultivation of land during the present war.	To extend to the cultivation of land during twelve months after the termination of the present war, as if in s. 1 (1) after the words "During the continuance "of the present war" there were inserted the words "and a period of "twelve months after the "termination thereof."

[Note.—The numbers at the beginning of enactments are inserted to facilitate reference.]

Sir F. BANBURY: I beg to move to leave out paragraph (1).

I move this Amendment in order to obtain some explanation from the Government as to what this paragraph actually does. The Committee will observe that the enactment is "Injuries in War (Compensation) Act, 1914, as amended by section 2 of the Injuries in War (Compensation) Act, 1914 (Section 2). I have not had time to

look up these particular Acts, and I do not pretend to know what they mean. There is this limitation—

"Limited to injuries and disablement suffered by persons whilst employed afloat by or under the Admiralty or Army Council in connection with warlike operations in which His Majesty is engaged."

Are we to understand that all this discontinues the provision which limits the enactment of the Act to injuries and dis-

ablement suffered by persons while employed afloat by or under the Admiralty or Army Council in connection with warlike operation in which His Majesty is engaged? What are warlike operations? I think Mr. Gladstone once said "we are not at war but we are engaged in warlike operations." That is the only time I remember the phrase being used by a Government. Are we contemplating another attack in Egypt or what are warlike operations?

The PARLIAMENTARY SECRETARY
***to the BOARD of ADMIRALTY (Dr. Macnamara):** I explained last week the object of these two statutes. There are civilians engaged at work for the Admiralty and the War Office who are not covered by the Workmen's Compensation Act, and neither are they eligible for the ordinary service pension. Provision was made in 1914 which would cover those persons. Take the case of a dockyard fitter who is sent to sea to make repairs on a ship. He is not under the Workmen's Compensation Act, and he has not an ordinary naval service pension. We made provisions for him in the original Act in 1914. Here to-day is some civilian acting as an auxiliary among the Army of Occupation of the Rhine. He is not under the Workmen's Compensation Act and has not a service pension. There is provision in both these Statutes, rather better than the workmen's compensation, but not quite so good as the service pension. That closes with the legal termination of the war, but there are some people, like minesweepers, who after the war would also be left in the air, and in the earlier discussion we agreed that these provisions should continue until the 31st August, 1920.

Sir F. BANBURY: I do not wish to interfere with these arrangements. I am afraid I did not hear them, but I do not understand what is meant by "warlike operations during one year after the termination of the war in conditions rendered hazardous by acts done during the war."

Dr. MACNAMARA: I have given an instance. Take the case of the mine sweeper.

Sir F. BANBURY: That is not during the war?

Dr. MACNAMARA: That is the whole point. Those two statutes come to an end with a legal termination of the War, but there may be operations which are not the

ordinary occupation of these men which may continue after that. What we ask is to continue this until the 31st August, 1920.

Sir F. BANBURY: It will be necessary to move an Amendment to the part which says: "twelve months after the termination of the War"

Sir G. HEWART: No. The limitation which my right hon. Friend has in mind does not apply to the first schedule.

Sir F. BANBURY: I beg to ask leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Colonel WEDGWOOD: I beg to move to leave out paragraph (2).

I want to know what the Special Constable's Act is and why it has to be continued. I have not the slightest desire to see the Special Constable's Act continued after the termination of hostilities in order to deal with railway strikes.

The UNDER-SECRETARY of STATE for the HOME DEPARTMENT (Major Baird): The Act of 1914, which it is proposed to continue for the time being, authorises the appointment of special constables even though tumult has not arisen. The Act of 1831 under which special constables were originally appointed authorises the appointment when tumult, riot or felony has taken place or may be reasonably apprehended and the justices are of opinion that the ordinary officers appointed for the preservation of the peace are not sufficient for the preservation of the peace and the protection of the inhabitants or the security of property in the parish. A reason for continuing the 1914 Act is that it seems rather late in the day to take measures to deal with tumult when that emergency has arisen. The main differences between the provisions of the 1831 Act and the 1914 Act are that the 1831 Act is compulsory. When tumult has arisen it is obligatory on the justices to take necessary steps to maintain order by appointing special constables. The Act of 1914 is voluntary. We desire to continue it in the interests of good order and good government: as a purely voluntary organization. The men appointed under it will be under the control of the officers directing the police in the districts of the country.

Colonel WILLIAMS: I hope that my hon. and gallant Friend will not withdraw

[Colonel Williams.]

his Amendment. It seems to be another attempt of the Government to continue this temporary legislation until they can have an opportunity of putting it permanently on the Statute Book. If it is necessary to amend the special constable laws then let us have a Special Constable Bill before the House of Commons, thoroughly thrashed out, and not simply an attempt to continue this emergency legislation merely with the object of working in the other more easily. I am not at all convinced by the explanation of the hon. and gallant Gentleman. I think there is a great deal more behind this desire to create a force of special constables than he seems to indicate.

Mr. A. HENDERSON: I do not think that the Committee can be convinced by the statement of the representative of the Government. It would appear that they have become unnecessarily alarmed because of the recent railway strike. I am quite sure that the ordinary police force of the country was all that was required. The railway men conducted their case with excellent temper, and I warn the Government against these underhand attempts to set up

special legislation against the organised workers of the country.

Major BAIRD: I must disclaim at once any intention of directing this against any bodies organised or unorganised. This measure is solely in the interests of the maintenance of law and order, to deal with people who wish to break the law, whatever organisation they belong to or do not belong to.

Mr. HENDERSON: The legislation existing before the war was sufficient. It appears that it is insufficient now, because we have certain people who are imagining that all sorts of things are going to happen. If there are grounds for apprehension why not come boldly before the House and let the House know that we are getting into that condition of affairs, and not have us making as permanent legislation what we were told was only essential for some purposes of the War. I hope that my hon. and gallant Friend will press his Amendment.

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

The Committee divided: Ayes, 22; Noes, 7.

Division No. 3.

Baird, Major
Banbury, Sir Frederick
Barnett, Major
Bowyer, Captain
Boyd-Carpenter, Major
Brassey, Major
Bridgeman, Mr.
Cockerill, Brig.-General

Colvin, Brig.-General
Dennis, Mr.
Forster, Mr.
Galbraith, Mr.
Hacking, Captain
Henry, Mr. Denis
Hewart, Sir Gordon

Jones, Sir Evan
Macnamara, Dr.
Matthews, Mr.
Scott, Sir Samuel
Stephenson, Colonel
Sykes, Colonel Sir Alan
White, Lieut.-Colonel Dalrymple

AYES.

NOES.

Hancock, Mr.
Henderson, Mr. Arthur
Maclean, Mr. Neil

Waterson, Mr.
Wedgwood, Colonel

Williams, Colonel Penry
Wood, Major McKenzie

Colonel WEDGWOOD: I beg to move to leave out paragraph (3).

I desire to know what are the special provisions under the Courts Emergency Powers Act that need to be prolonged. I believe that it has something to do with farmers retaining the tenancy of their land. I want to know what particular piece of legislation is being perpetuated and whether this is perpetuating non-eviction or perpetuating another piece of extra legal action which has been going on during the war.

Sir F. BANBURY: I have a similar Amendment down. As far as I know, the Courts Emergency Act is supposed to deal with contracts and insurance policies and so on. I would suggest, in order to save time,

that the date for all these things should be the 31st August. I know that, as that date was only put in Clause (2), it does not apply to Clause (1), and if the Attorney-General shows good reason for continuing these powers I shall propose to leave out the words "twelve months" and insert the 31st August. But, of course, that cannot be done until the Amendment of the hon. Member has been disposed of.

The CHAIRMAN: I propose to put the question in a form which will preserve the right hon. Baronet's Amendment.

Sir G. HEWART: Two points seem to be raised—one as to the question of time, and the other a question of substance. With regard to the question of time, I should

have thought it was quite apparent to Members of the Committee, if they have taken the trouble to read the Bill, that this first Schedule was dealt with in a different way to the second Schedule. But possibly hon. Members have been more assiduously and more agreeably employed than in a study of this measure. So far as this particular matter is concerned, there was good reason for not including it within the limit of the 31st August, 1920. With regard to the suggestion that the provisions of the Courts Emergency Powers Act should be limited to the 31st August, 1920, I would point out that, as the thing now stands, they will remain in force for the continuance of the war and for a period of six months after that. In other words, as they now stand, they will continue until next August or thereabouts, and it is here proposed that they shall continue for a year and six months longer. These powers are given, not for the benefit of the Emergency Committee, but for the advantage of the man in the street—if I may use that phrase.

Sir F. BANBURY: Surely the words in the third column extend to the period 12 months after the present war.

Sir G. HEWART: Yes, I said six months after the present period. May I say a few words about the scope of these measures? Hon. Members, I am sure, appreciate that this is a war measure which was passed to deal with a state of social confusion which arose after and because of the outbreak of war and which we may all candidly confess was to some extent aggravated in certain particulars by the efforts made to deal with them. The Courts (Emergency Powers) Acts have these features in common that they are for the benefit of the subject and not to increase the powers or make more convenient the remedies of the Government or of any Government department. May I take as an example the Act of 1914. What did that Act do? It forbade the levying of any execution or the enforcement of any judgment or order for the recovery of money or for the levying of and distress, or entering into possession of any property or the exercise of the right of re-entry or any foreclosure or realisation of any security or the enforcement of the lapse of any policy or the enforcement of any demand for the recovery of money except with the leave of the Court. In other words these drastic remedies which were open to certain persons against certain other persons are not to be exercised except with the permis-

sion of the judge. That Act did not apply to sums due under contracts made after the 4th August, 1914, except in the case of a limited class of contracts. It was also provided that the Court which considered the application might, if it thought time should be given on the ground that the debtor was unable to make payment by reason of circumstances arising directly or indirectly out of the war, stay execution or defer the operation of the measures until such time as it thought fit. That Act was to remain in force for the period of the war and for six months afterwards and the proposal now is that its operation shall be extended for a further period of six months. That is entirely in the interests of the poorer classes of the community who find these circumstances aggravated by the present condition of the country.

Colonel WEDGWOOD: Does it prevent the eviction of farmers?

Sir G. HEWART: Yes.

Colonel WEDGWOOD: Distress and eviction?

Sir G. HEWART: Yes, subject to the discretion of the Court. I come to the next Act which it is proposed to put in the same category—The Courts (Emergency Powers) Act, 1916. Section 1 of that Act extended the Act of 1914 so as to make it apply in the case of contracts made before the passing of the Act of 1914, and it gave the Court power to exercise its discretion and to grant time or to postpone the operation of any remedy owing to the debtor's inability to pay, even though it might not be due to circumstances attributable to the present war. Section (2) gave power to the County Court to determine any tenancy on the application of any officer or man of H.M. Forces, and it is proposed to continue this for a further period of six months. Then with regard to the Act of 1917, Section (1) contains some small technical Amendments of the Act of 1914, and Section (2) is an Amendment of the Increase of Rent and Mortgage Interest (War Restriction) Act, 1915. It is not proposed to extend that. Section (31) provides that in certain circumstances the Court on application may include the period between the 25th May, 1916, and the date six months after the termination of the war for the period of enjoyment of life required for the purpose of obtaining a prescriptive right under the Prescription Act of 1832. That Section is not to

[Sir G. Hewart.]

be continued. My hon. Friend will see it reads "as amended by the Courts (Emergency Powers) Act, 1917, Section (8), the Courts Emergency Powers (No. 2) Act, 1916," but I am going to propose to leave out Section (1) of the Courts Emergency Powers Act, 1917. This is a power of the Court to suspend certain contracts which had been made.

Colonel WEDGWOOD: I am sure we are all obliged to the learned Attorney-General for explaining to the Committee these Bills. Even if I had read them I could not have explained them. It is no part of the ordinary business of representatives of the Government to explain the Acts to the Committee, but we are mostly new Members, and we do not know what Acts were passed during the war. This does teach us something about our duties in connection with the legislation we are carrying through.

Sir F. BANBURY: I think it would be very much simpler if all these provisions were extended until the 31st August next. It has come out that the Government has accepted Amendments which do not carry that out, but the general idea is that all should have been extended to the 31st August, 1920. It would be very much better to have one fixed period during which all the regulations should be continued. It would save a considerable amount of trouble and some lawsuits. That is my first point. It does not make much difference to take the 31st August. It is practically nine months, and there will be plenty of time to renew the regulations if necessary. For the sake of uniformity it is very much better that that should be done. I understand it is intended to include the power of officers and men to terminate the tenancies of their houses. That was a very excellent thing in the days when conscription was introduced and men were away fighting for their country, but now that is all over, and surely we have had enough of breaking contracts. People back from the war and now living in their houses should not be given the excuse to break their tenancies for another 12 months. I think that is a serious point, and I hope the right hon. Gentleman will consider it.

Sir G. HEWART: I am extremely anxious to meet the wishes of the Committee whenever it is reasonably possible

to do so, but I hope this Amendment will not be pressed. Uniformity no doubt is good, but not every kind of uniformity. Uniformity in error would be a grave mischief. If the public really have the notion, as the right hon. Gentleman states that everything in this Bill is to be limited to the 31st August, 1920, I can only say that is an error, and an error which if I know anything about the public it would cheerfully have dispersed. The objection of the public, as I understand it, is to the Defence of the Realm Regulations, which it believes gives the Executive in the time of war, and by reason of war, certain special powers. The public are supposed to look with jealousy upon the continuance of any one of these powers which were instruments against the public placed in the hands of the Executive. According to the indications which have reached me, there is no such feeling on the part of the public in regard to this emergency legislation, which is a totally different matter. Every one of these Acts of Parliament, with one or two small exceptions, is for the benefit of the public itself. I have not before heard that there was any such objection on the part of constituents to these matters of enactment as the objections they entertained to the continuance of some of the Defence of the Realm Regulations. Therefore merely to say that whatever the subject matter of these Acts of Parliament might be we should rigidly fix the time limit for the 31st August, 1920, in order that the Bill might be all of one fabric and in order that it should apply not only to Statutes but to Regulations, would be to obtain an idle piece of uniformity which under examination would be unnecessary and superficial. With regard to the point of substance to which my right hon. Friend referred, it is not the case that the Act of Parliament mentioned by him enables an officer or man of His Majesty's Forces as a right to put an end to his tenancy. Not at all. It merely enables the Court before whom the application is made to exercise its discretion in the particular case in favour of that officer or man, and I should have thought the learned judge might be trusted to exercise his discretion reasonably in relation to the particular application.

Colonel WEDGWOOD: I beg leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Mr. WATERSON: I beg to move, in paragraph (3), to leave out the words

"twelve months" ["to continue for a period of twelve months"], and to insert instead thereof the words "two years."

This is just a question of the time limit. Many of us think that twelve months is an insufficient time to allow people to get back to the normal. I think the Attorney-General has somewhat justified the deletion of these words and the substitution of two years, as suggested in my Amendment. He referred particularly to the Rent Bill. Now anyone who knows the housing situation will agree that it is impossible to get back to proper conditions in order that the housing of the people should be thoroughly established—

Sir G. HEWART: If my hon. Friend will bear with me one minute, I am sure that he would not desire to put forward an argument without substance. These Acts of Parliament and the Amendments we propose to make in them leave absolutely untouched the matter he is raising, the rent and mortgage restrictions. They have no relation to it one way or another, and if two years or twenty years were inserted, they would still have no relation

Mr. WATERSON: The Attorney-General referred to the question of distress. There is a case there which would justify the insertion of these two years. We are going to be faced with a period of unemployment, and now that the dole has ceased so far as the Government is concerned, a certain amount of distress and poverty is going to be brought to the poor people, which would be greater than has hitherto been experienced. We say that 12 months is not a sufficient time to enable people to get back to the time which will allow them to meet the requirements of life. We say two years would be a sufficient time to give them that opportunity.

Sir G. HEWART: May I say one word, rather by way of expostulation, to the hon. Member who moved the Amendment. The Committee has successfully resisted the proposal to limit the duration of these measures to the 31st day of August next. The effect of that decision, as the matter stands, is to secure that these measures will be continued for a period of 12 months after the termination of the war. That is to say, according to all human probability, they will continue throughout the whole of the next calendar year. They are measures dealing

with the financial and social confusion arising out of the war. If it should appear towards the latter part of the next Session of Parliament that there is good reason for the continuance of the matters to which the hon. Member has referred or similar matters, there will be found an opportunity for continuing them, but is it really right that the Committee in November, 1919, should predict with certainty that these Acts will be necessary for a period longer than the whole of next year.

Colonel P. WILLIAMS: Is the Committee to understand that Dora is going to be continued indefinitely?

Sir G. HEWART: That has nothing to do with this Bill.

Mr. A. HENDERSON: Is that a definite promise on behalf of the Government that if the circumstances which the hon. Mover of the Amendment imagines may exist, really do exist, time, next session, will be availed of for a further extension of this very necessary protection in connection with the housing problem? Because it is growing much more acute and I am not quite sure that even the learned Attorney-General can say that we are going to have a great improvement by next year. Then as my hon. Friend has reminded us we have started on a new experience in connection with distress, if there is going to be an abandonment for the civil population of the unemployed donation, and that is a very important matter. If we can have a definite undertaking that we would have assistance in this matter next year if it were required we should not press the Amendment.

Sir G. HEWART: My right hon. Friend, I am sure, is a Parliamentarian of sufficient experience to know perfectly well that upon such occasion and upon such notice I can make no promise and can give no undertaking. What I do point out is what is obvious to every member of the Committee; we are providing as the Bill now stands for the whole of next year. If the events spoken of do indeed continue it will be time enough to deal with them next year or the year after.

Mr. WATERSON: I beg leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Sir G. HEWART: I beg to move, in paragraph (3), to leave out the words "and

[Sir G. Hewart.]

Section (1) of the Courts Emergency Powers Act, 1917 (7 & 8 Geo. 5 c 25.)"

The effect is to omit the reference to Section 1 of the Courts Emergency Powers Act of 1917.

Amendment agreed to.

Colonel WEDGWOOD: I beg to move to leave out paragraph (4).

It is the "Local Authorities (Disqualification Relief) Act, 1914." I do not know what it is. I think one of the learned officers of the Crown should tell us exactly what the Bill is and why it should be continued.

Sir G. HEWART: If my hon. Friend had pursued his researches at all with reference to this schedule he would have found under this head an Act of Parliament which contains only one section. As it is a very short one I will read it to him. The Act provides as follows:

"The members of Local Authorities Relief Act, 1900 (which relieves members of certain of His Majesty's forces from disqualification for membership of county and other councils by reason of absence) shall during the present war extend to all members of His Majesty's naval and military forces, employed on any naval or military service, and to any person whose employment in connection with naval or military operations the Local Government Board consider may properly be treated for the purpose of this Act in the same manner as actual naval or military service, and that Act shall have effect accordingly."

Major BARNETT: Would it not be possible for the Attorney-General to arrange for some lectures on law for the benefit of the hon. Member for Newcastle-under-Lyme (Col. Wedgwood) at some time which will not encroach upon the time of Standing Committee C?

Colonel WEDGWOOD: I am quite satisfied, and beg to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendment made: Leave out paragraph (5).—[Sir G. Hewart.]

Sir F. BANBURY: I beg to move to leave out paragraph (6).

Dr. MACNAMARA: This is to cover those persons employed on shore under the Admiralty or Army Council in connection with warlike operations in which His

Majesty is engaged, and who may be engaged in occupations on behalf of His Majesty not covered either by the Workmen's Compensation Act or by the ordinary service pension. In this case the words of the Act would be, as if in Section 1 of the Act after the words "warlike operations in which His Majesty is engaged," there were inserted the words "or during twelve months after the termination of the present war in connection with the operations of the armies of occupation." I am sorry that my memory failed me as to what we did on the last occasion on Clause 2, referring to these Schedules. The continuance until 31st August, 1920, referred to the Second Schedule, Sections 57a and 90 of the Naval Discipline Act. These two War Risks Compensation Acts we desire to continue for a year after the legal termination of the war. I am greatly distressed if I should have misled my right hon. Friend, the Member for the City (Sir F. Banbury).

Colonel P. WILLIAMS: Is it not possible for the naval and military authorities to put these men under the scheme of compensation that exists for serving sailors and soldiers. What is the objection? Is it because the naval and military authorities get some advantage by not putting these men under the general scheme?

The FINANCIAL SECRETARY to the WAR OFFICE (Mr. Forster): No. The whole conditions of employment of these men are quite different from those of the serving soldiers. They are civilian workmen, and it is only because they are denied the benefits conferred by the Workmen's Compensation Act by reason of their service abroad that it has been necessary to cover them by special legislation. We have done that by means of an Act which we propose to extend, and I think that is the best way to cover them.

Colonel WILLIAMS: Do they get more than the Regular soldier, or less?

Mr. FORSTER: They do not get more, but they do get more than they would get under the Workmen's Compensation Act. They are exposed to greater risks, but they are not exposed to the full risks of the serving soldier.

Amendment, by leave, withdrawn.

Colonel WEDGWOOD: I beg to move to leave out paragraph (7).

I move this, and ask for an explanation, despite the remarks of the hon. Member (Major Barnett).

Sir G. HEWART: This Act of Parliament, entitled "Execution of Trusts (War Facilities) Act, 1914," gives power to a trustee during any period in which he is engaged on war service, and for a further period of one month afterwards, to delegate to any person capable of being appointed a trustee to execute the duties of trustee. War service is defined in the Act as meaning "Active service as a member of the military or naval forces of the Crown, or engaged on service in any work abroad of the British Red Cross, St. John's Ambulance Association, or any other body with similar objects, and the period of imprisonment as a prisoner of war." What this Bill proposes to do is to include in that definition absence abroad on any of these services except as a prisoner for 12 months after the termination of the war. The Amendments made by the Act of 1915 are either technical amendments or they deal with the consequences of the deaths of infants engaged on war service, and persons who are missing. These latter provisions now stand. The provisions of the Act which it is proposed to continue are wholly for the benefit of the individual and do not confer any executive power upon the State.

Colonel WEDGWOOD: I cannot see why this is being continued in regard to trustees. I cannot see why trustees should be exempted for a year after the termination of the war. There is no earthly objection to the Act continuing for 12 months or 12 years, but it is ridiculous that this particular sort of legislation should go on.

Sir G. HEWART: The hon. Member surely does not want to use the word ridiculous without cause. There may be a trustee, for example, in the army of occupation, or in Mesopotamia, and this gives him the power to appoint another person to discharge the duties of trustee in his absence.

Amendment, by leave, withdrawn.

Colonel WEDGWOOD: I beg to move to leave out paragraph (8).

Dr. MACNAMARA: I am sure that when this is explained the hon. Member will desire that it should be extended. Under the Navy and Marines (Wills) Act, 1914, which is an extension of the Acts of 1865 and 1897, a will made by a sailor is not valid to cover his naval effects, such as prize

money, bounty, and any sums due in respect of pay, sale of effects, and so on, unless it is made after he entered the Service and witnessed in the way set forth in the Statute. We got a very large number of cases of officers and men joining who had made civil wills before they joined, and those wills did not cover their naval effects. They probably knew nothing about the ancient law, brought down to 1897, that their naval effects were not covered unless they made their will after joining the Service and in a particular way. In 1914 Parliament agreed to a little Act, which provides that, notwithstanding anything in the previous Acts, a civil will would be considered to be competent to cover naval effects. That has been a very useful measure, and we propose to continue it, and to amend it, as if in Section (1), after the words "in consequence of the present war" there were inserted the words "or during the period of 12 months after the termination thereof." Cases will occur for some time yet, and unless we get these words inserted there will be naval effects not covered by a civil will. It is wholly in the interests of the individual, and I am sure the Committee will agree to it.

Colonel WEDGWOOD: This is a provision which should continue, not for 12 months, but for ever. The old system refuses to allow a man to deal with his own effects, except by a special will. Why this should be done I cannot understand. It seems to be a piece of bureaucratic interference with the right of the individual to dispose of his property. One naturally supposed that that was the law of the land, but in the Navy it is not so. The sooner the law of the Navy is changed, so as to agree with the law of the land and the principle of justice, the better.

Amendment, by leave, withdrawn.

Colonel WEDGWOOD: I beg to move to leave out paragraph (9).

Sir G. HEWART: This Act of Parliament, the Special Acts (Extension of Time) Act, 1915, gives power in certain cases to Government Departments to extend the time limit for the performance of duties under special Acts, where such Acts have been obtained. For example, supposing a water company obtained an Act of Parliament enabling it to expend money in the construction of a reservoir. There would be in that special Act a time limit for the performance of that task. There may have been difficulties in

[Sir G. Hewart.]

regard to building and other matters, and it may be impossible to complete the work in the specified period. The Government Department, therefore, has the opportunity, in a proper case, to extend the time for the performance. What is proposed is that that Act shall be extended to applications made during 12 months after the termination of the war. As it now stands it is confined to applications within 6 months after the termination of the war.

Amendment, by leave, withdrawn.

Amendment made: Leave out paragraph (10).—[*Sir G. Hewart.*]

Colonel WEDGWOOD: I beg to move to leave out paragraph (11).

Sir G. HEWART: The Evidence Amendment Act, 1915, is an enabling Act with regard to the evidence of witnesses who are engaged on naval or military service and with regard to the giving in evidence of statements of witnesses in preliminary investigations. It is really to enable the testimony of persons who are detained abroad on military duties to be given in evidence in circumstances where otherwise it would not be possible to do so. What is proposed by this Bill is to extend the operation of that for twelve months after the termination of the War.

Colonel WEDGWOOD: I beg to ask leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendment made: Leave out paragraph (12).—[*Sir G. Hewart.*]

Colonel WEDGWOOD: I beg to move to leave out paragraph (13).

Sir G. HEWART: I think that we have already dealt with that. It comes in again because of the chronological enumeration of the statutes.

Colonel WEDGWOOD: I beg to ask leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Colonel WEDGWOOD: I beg to move to leave out paragraph (14).

I move this not because I am opposed to summer time but with a view to making it

permanent as an Act of Parliament instead of having it established by an accidental Act. We all want to have this system made permanent and not have it left to the whim of the Government to say whether they will have it or not. A little matter of this sort about which the House is unanimous, and our constituents are even more unanimous, should be put upon the Statute Book instead of being merely a temporary law, and a short Bill to this effect should be passed through Parliament.

Sir F. BANBURY: I support the Amendment for a totally different reason. I detest summer time. It is one of the worst Acts that have ever been introduced into this country, but I agree with the hon. and gallant Gentleman that this is a matter which should be left to the discretion of Parliament and should not be put into a Bill of this sort. May I point out some very serious objections to summer time? In the case of farmers those objections have grown since the introduction of the Corn Production Act. At present with the dew you cannot make hay until 9 or 10 o'clock in the morning, and the result of the arrangements under the Corn Production Act is that about 4 o'clock the men all go away just at the time you want them, while from 7 to 9 they have been doing nothing.

Mr. WATERSON: Is not the best time for cutting hay when the dew is on it in the morning?

Sir F. BANBURY: With some little experience of farming may I say that you cannot go on cutting hay indefinitely. You cannot cut any more until you have more or less dealt with that which is done. You can then go on. The same thing happens with regard to the corn harvest. The result from the mens' point of view is extremely bad. Take the milkers' point of view. The work is hard, but the hours must be extremely long. In summer time the milker has to get up at half-past four. He is obliged to do that because of the trains at that time, which take the milk, going an hour earlier, and unless the milk is ready to go it is not sent. I have had complaints from labourers about this very particular provision, that they were getting up in the dark. I have had complaints from people not connected with agriculture at all in reference to children. They say they cannot get the children to bed while there is daylight, but they have to get up early in the morning and the result is that they

have to suffer. Those complaints are well-founded. I quite admit that to people living in the towns it does not make very much difference whether they go to bed at 10 o'clock or 9 o'clock and if it is a nice summer morning, it is all the better for them to get up, but they can do that without this particular Act and it does inflict a great hardship on farmers and farmers' men and is injurious to the health of the children, inasmuch as even if they go to bed they cannot go to sleep in the daylight

and if this Act is to be renewed it should not be renewed here with 22 or 23 Members present but should be renewed by the whole House. My views may be unpopular but the principle remains that an important matter of this sort should be decided in the House of Commons.

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

The Committee divided.

Ayes, 15; Noes, 8.

Division No. 4.

Baird, Major
Barnett, Major
Bowles, Colonel
Bowyer, Captain
Bridgeman, Mr.

AYES.
Colvin, Brig.-General
Falle, Major Sir Bertram
Henderson, Mr. Arthur
Henry, Mr. Davis
Hewart, Sir Gordon

Jones, Sir Evan
M'Lean, Lieut.-Colonel Charles
Matthews, Mr.
Stephenson, Colonel
Sykes, Colonel

Banbury, Sir Frederick
Cape Mr.
Griffiths, Mr. Thomas

NOES.
Hancock, Mr.
Hartshorn, Mr.
Lunn, Mr.

Waterson, Mr.
Williams, Colonel Penry

Amendment made: Leave out paragraph (15).—[*Sir G. Hewart.*]

Sir F. BANBURY: I beg to move to leave out paragraph (16).

My object is to get from the Government an explanation of this particular proposal.

Sir G. HEWART: This is an Act of Parliament which it is proposed to extend for a further period of six months beyond six months after the war for which it now lasts. It is an Act of Parliament enabling Friendly Societies to defer their valuation in proper cases. Under the Friendly Societies Act, 1916, Section (28), power is given to the Chief Registrar on the application of the society to defer the valuation until such date as he may determine. It is within the discretion of the Chief Registrar, and it is proposed to continue that discretion for a period of six months beyond the period at present arranged for.

Sir F. BANBURY: Does this involve the valuation of securities?

Sir G. HEWART: It is the quinquennial valuation.

Sir F. BANBURY: Then I do not think it is a good proposal. People should know the worst as early as possible, and, if securities have deteriorated in value with the result of rendering it necessary to reduce the amounts of annuities or pensions granted, I think the valuation ought not to be deferred. However, there is this saving clause, that it is to be within the option of the Chief Registrar. I think the proposal is a mistake, but under the circumstances I do not propose to press the Amendment.

Amendment, by leave, withdrawn.

Sir G. HEWART: I beg to move, after paragraph (16) to insert:

Public Authorities and Bodies (Loans) Act, 1916 (6 & 7 Geo. 5, c. 69)

Powers of local authorities to borrow confirmed by s. 1 limited to the continuance of the war and six months thereafter.

Powers to continue till the expiration of twelve months after the termination of the war as if, in s. 1 (1) and (2), for the words "six months" there were substituted the words "twelve months."

In familiar words, this is only a little thing, and I hope it will not cause any alarm. It is sought to insert in this Schedule an extension of the Public Authorities and Bodies (Loans) Act, 1916. At present the operation of that Act is limited to the period

of the war and six months after. It is proposed to extend it for a further six months after that. The Act gives power to the public authorities to issue loans outside the United Kingdom and in foreign countries and also to issue bearer bonds. It

[Sir G. Hewart.]

is thought highly desirable that that power should be continued.

Amendment agreed to.

Sir F. BANBURY: I beg to move to leave out paragraph (17). I want to know exactly what this means.

Sir G. HEWART: This is not a very well-known Act of Parliament, although, perhaps, it is an important one. It gives power in certain cases to omit ecclesiastical services on account of the war. The Statute provides that any clerk in Holy Orders shall be liable to no penalty whatsoever or any action or other legal proceedings in respect of the omission of any public service or duty of any kind in any church or chapel or other place, provided he gets authority in writing from the Bishop of the diocese, who has power both to issue and withdraw the authority for the purpose. This Section of the Act further provides that where, under this Act, services in any church or chapel or other place are entirely suspended, the Marriage Act, 1824, which provides for the publication of banns and the solemnisation of marriages and allows them to take place elsewhere, shall apply in the case of churches and chapels where the service is suspended. As the matter stands, the operation of this suspending Act, if I may use the expression, is limited to the period of the war and three months afterwards, and it is proposed to continue that period until twelve months after the end of the war.

Sir F. BANBURY: I really cannot see why this should be done. It may have been, and probably was, valid and reasonable during the war, in cases where the services in a church might be suspended, that the marriages should take place in another church or chapel if the Bishop gave consent. But why on earth should that go on now? I can see no earthly reason for it. I do not know what my hon. Friend, who is a great ecclesiastical authority and a great supporter of the Church, thinks of it, but I, at any rate, can conceive no earthly reason for it.

Sir G. HEWART: Will my right hon. Friend allow me to explain that the view in the minds of those responsible for this proposal was that the chaplain might be detained longer during the period of demobilisation?

Sir F. BANBURY: I do not think that is a sufficient reason, and I would appeal to the right hon. and learned Gentleman, bearing in mind the fact that we who are opposed to this Bill have shown a great deal of reasonableness, to at any rate leave out this particular proposal.

Sir G. HEWART: Then I will certainly do so.

The CHAIRMAN: I am afraid that I cannot put the Amendment to the Committee because there is not a quorum. We propose to meet again on Wednesday next at 11 o'clock.

Committee adjourned accordingly at thirty minutes after one o'clock till Wednesday November 26th, at 11 a.m.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:—

Archibald Williamson, Sir (*Chairman*)
 Baird, Major
 Banbury, Sir Frederick
 Barnett, Major
 Bennett, Mr.
 Betterton, Mr.
 Bowles, Colonel
 Bowyer, Captain
 Boyd-Carpenter, Major
 Brassey, Major
 Bridgeman, Mr.
 Cape, Mr.
 Cockerill, Brigadier-General
 Colvin, Brigadier-General
 Dennis, Mr.
 Falle, Major Sir Bertram
 Forster, Mr.
 Galbraith, Mr.
 Griffiths, Mr. Thomas
 Hacking, Captain

Hancock, Mr.
 Hartshorn, Mr.
 Henderson, Mr. Arthur
 Henry, Mr. Denis
 Hewart, Sir Gordon
 Jones, Sir Evan
 Lunn, Mr.
 Maclean, Mr. Neil
 Macnamara, Dr.
 Matthews, Mr.
 Rae, Mr.
 Scott, Sir Samuel
 Stephenson, Colonel
 Sykes, Colonel Sir Alan
 Waterson, Mr.
 Wedgwood, Colonel
 White, Lieut.-Col. Dalrymple
 Williams, Colonel Penry
 Wood, Major McKenzie

WAR EMERGENCY LAWS (CONTINUANCE) BILL.

STANDING COMMITTEE C.

[OFFICIAL REPORT.]

Wednesday, 26th November, 1919.

[SIR ARCHIBALD WILLIAMSON in the Chair.]

SCHEDULES.

FIRST SCHEDULE.

Enactment.	Nature and Extent of Limitation.	Nature and Extent of Extension.
(1) Injuries in War (Compensation) Act, 1914 (4 & 5 Geo. 5. c. 30), as amended by section 2 of the Injuries in War (Compensation) Act, 1914 (Session 2), (5 Geo. 5. c. 18).	Limited to injuries and disablement suffered by persons whilst employed afloat by or under the Admiralty or Army Council in connection with war-like operations in which His Majesty is engaged.	To apply to injuries and disablement suffered by persons so employed during one year after the termination of the present war in conditions rendered hazardous by acts done during the war; as if in section 1 of the Act after the words "warlike operations in which His Majesty is engaged" there were inserted the words "or during twelve months after the termination of the present war in conditions rendered hazardous by acts done during the war."
* * * * *		
(17) Ecclesiastical Services (Omission on Account of War) Act, 1917 (7 Geo. 5. c. 5).	Limited to the period of the present war and a period of three months thereafter.	To continue for a period of twelve months after the termination of the present war, as if in s. 2 (2) for the words "three months" there were substituted the words "twelve months."
* * * * *		
(19) Local Government (Allotments and Land Cultivation) (Ireland) Act, 1917 (7 & 8 Geo. 5. c. 30).	Limited to the promotion of cultivation of land during the present war.	To extend to the cultivation of land during twelve months after the termination of the present war, as if in s. 1 (1) after the words "During the continuance of the present war" there were inserted the words "and a period of twelve months after the termination thereof."

Amendment proposed (19th November):
Leave out paragraph (17).—[*Sir F. Banbury.*]

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

Colonel WEDGWOOD: I beg to move to leave out paragraph (19). I want to know quite how this matter stands.

The SOLICITOR-GENERAL (Sir Ernest Pollock): I understand that this enactment is still necessary for the purposes specified. It is not merely a question of further powers, but of continuing the powers we have for the purpose of completing the system, which at the present time prevails. The hon. and gallant Gentleman will remember that this enactment, which is Section 30 of the statutes of 1917, authorises urban and district councils to provide allotments, and not only to supply manure, seeds, agricultural implements, &c., to the holders and tenants of allotments, but also the payment of

the expenses incurred by the council in the execution of the order. It provides for measures to be taken by the council to prevent losses, and the manner in which the prices of articles provided by the council are to be repaid. It is quite true that the original purpose in the starting of these allotments has probably passed; but it is not possible to say that at the present time, for the purpose of winding up the powers which have been given for the recovery of expenses incurred has passed. This power is really maintained for the purpose of winding up the powers that exist, and for the completion of the system which has been successfully in force. This power lasts for a period of twelve months after the termination of war; but it could be put an end to previously by Order in Council.

Colonel WEDGWOOD: Are we to understand that this involves no expense to the British Exchequer?

Sir E. POLLOCK: I am told it involves no expense upon the British Exchequer.

Amendment, by leave, withdrawn.

Schedule, as amended, agreed to.

SECOND SCHEDULE.

Part I.

Enactment.	Subject Matter.
Regulation of the Forces Act, 1871 (34 & 35 Vict. c. 86).	S. 16. Power of Government in case of emergency to take possession of railways.
Army Act (48 & 49 Vict. c. 8). S. 108A ...	Billeting in case of emergency.
Air Force Act, s. 108A	Billeting in case of emergency.
Naval Billeting, &c., Act, 1914 (4 & 5 Geo. 5. c. 70).	Power to billet and requisition carriages for naval purposes in case of emergency.

Part II.

Enactment.	Subject Matter.
Naval Discipline Act (29 & 30 Vict. c. 109). S. 57A	Trial of officers for disciplinary offences in time of war.
S. 90	Provisions respecting discipline in ships in His Majesty's service in time of war.
Aliens Restriction Act, 1914 (4 & 5 Geo. 5. c. 12).	Power to impose restrictions on aliens in time of war.

Sir E. POLLOCK: I beg to move to leave out Part I.

The enactments specified in Part I. are those which we undertook, when the Second Reading of the Bill was moved, to leave out. I need not go into detail, but the Committee

will see that there are cases of power to take possession of railways in cases of emergency, to billet in case of emergency, and also power to requisition carriages for Naval purpose in cases of emergency. All these powers we are able to do without, according to the sort of canon we have established. I hope

the Committee will be good enough to agree that these lines should be left out.

Amendment agreed to.

Sir E. POLLOCK: I beg to move, in Part II., to leave out the words

“ Aliens Restriction Act, 1914 (4 & 5 Geo. 5. c. 12).

This power to impose restrictions on aliens in time of war is unnecessary, because the Aliens Bill has now passed, and we are going to rely upon the powers given in that Act.

Amendment agreed to.

Schedule, as amended, agreed to.

Power to impose restrictions on aliens in time of war”

THIRD SCHEDULE.

PART I.

REGULATIONS CONTINUED FOR TWELVE MONTHS AFTER THE TERMINATION OF THE PRESENT WAR.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extensions is made.
2 AB	Power to take possession of premises for purposes of the Ministry of Pensions or the Ministry of Labour.	So far as relates to the Minister of Pensions.
2 B	Power to requisition war material, stores, &c.	So far as relates to articles of food, or to any articles, not being articles of food, of which possession has been taken at the passing of this Act or of a class with respect to which existing orders have been made.
* * * * *		

Captain BOWYER: I beg to move, at the beginning of the Schedule, to insert:

1

This is an Amendment to put in instead of taking out. The words I propose ought certainly to be inserted in the Bill. Regulation No. 1 says:

“ 1. The ordinary avocations of life and the enjoyment of property will be interfered with as little as may be permitted by the exigencies of the measures required to be taken for securing the public safety, and the Defence of the Realm, and ordinary civil offences will be dealt with by the Civil Tribunals in the ordinary course of Law.” Then came the following important words:

“ The Admiralty, Army Council, Air Council and members of the Naval, Military and Air Forces, and other persons executing the following regulations shall, in carrying those regulations into effect, observe these general principles.”

This goes to the very root of the whole matter, and there can be no possible harm, but a great deal of good, in inserting these words.

Sir E. POLLOCK: I am much obliged to the hon. and gallant Gentleman. There

Ordinary avocations of life, &c., to be interfered with as little as possible.

is no objection to inserting the words. They are by way of preamble to the other regulations which are to be observed and maintained. The hon. Member has rendered a service by calling attention to the fact that these words would not be in the Schedule, and it might be that some importance ought to be attached to them.

Amendment agreed to.

Colonel WEDGWOOD: I beg to move to leave out Regulation 2 AB.

I am at a loss to understand why the Ministry of Pensions alone should have these powers continued to them of commandeering property. The sooner we get the different Government Departments back to ordinary regulations under the common law, the more likely we shall be able to counteract the growing passion of these Departments to expand, and the more reasonable will be the charge upon the Exchequer. We shall then be free from this indefinite expansion of Government offices. If we leave out this

[Colonel Wedgwood.]

provision they will still be left with a period probably up to March or April next to make arrangements with regard to premises for permanent occupation.

The FIRST COMMISSIONER of WORKS (Sir Alfred Mond) [*speaking from the Committee benches*]: I would ask the hon. Member not to press this Amendment. I am most reluctant to prolong for a single day more than is necessary any compulsory powers of commandeering, and I went into this matter very fully, in order to satisfy myself that there was a real necessity for these powers to remain.

The CHAIRMAN: I must point out that the right hon. Gentleman is not a member of the Committee, and that he is, therefore, out of order.

Sir E. POLLOCK: We undertook that, in order to have information placed before the Committee, we would try to secure the attendance of Ministers of the different Departments.

Sir F. BANBURY: As the First Commissioner of Works is not a member of the Committee, he has no right to sit with the Committee. We had this question up before with respect to another Minister, and he was asked to withdraw to a seat among the officials.

Colonel WEDGWOOD: Would it not be possible to get these right hon. Gentlemen whose explanations we must have made members of the Committee?

Sir F. BANBURY: That opens up a very important point.

Colonel WEDGWOOD: If we can get them here to explain things it would be much better. Could we not postpone these particular regulations until the next meeting, so that by that time the composition of the Committee could be altered. Perhaps some member of the Committee could retire in order that some other member of the same party could be put on the Committee, and we could get the necessary explanations.

Sir F. BANBURY: The Committee of Selection are the only people who can put members on this Committee. The question of members retiring in order that other members could be put on has been considered over and over again in times gone by, and it has always been the rule that no new member

shall be appointed unless a member be ill. There are many reasons why such a practice as the one suggested by the hon. Member should not be allowed. Any Government might find that they were being opposed in Committee and they might arrange that a certain number of members should retire and other members be put on. That would be a serious innovation.

The CHAIRMAN: I am advised that the views put forward by the right hon. Baronet (Sir F. Banbury), are correct, and that the Committee of Selection do not appoint new members when a Bill is in course of being considered, except in case of illness. We had the same question before the Committee recently and we had to request the Minister concerned to take a seat with the officials at this table.

Sir A. MOND: I was not aware of that. The same question arose on the Estimates Committee and Ministers were added. [*The right hon. Gentleman thereupon removed to a seat behind the Chairman.*]

Sir E. POLLOCK: I think it would be very unfortunate if the rule were otherwise than that stated by the Chairman. It would be most unfortunate that the Committee should at their own request ask some member to withdraw in favour of some other member being put on. That would prejudice the work of the Committee, and might arouse suspicion as to how the Committee was formed. In accordance with suggestions made, and an undertaking given to the Committee, we have arranged that information should be available from the Departments concerned, and I think hon. Members would agree that it is convenient to have a Minister in attendance who can give the best information to a Committee. On these grounds we arranged that the First Commissioner of Works should be present to-day. I hope the Committee will be able to allow him to make a statement upon this matter. The regulation we are dealing with 2, A.B. has two limbs to it. The first portion deals with the Ministry of Pensions and the second with the Ministry of Labour. The Ministry of Labour does not need to have that portion continued. We only ask for the continuance of the first portion which gives power to the First Commissioner of Works to take possession of premises for the Ministry of Pensions. Subject to what the Committee and the Chairman may determine as to enabling the First Commissioner of Works to make a statement, I might say that the reason for asking for the continuance of this

regulation with respect to the Ministry of Pensions is very simple.

The Ministry of Pensions is one of the Ministries which has rather increased than decreased, because of the increased number of pensions to be dealt with. As men are demobilised an increased number of pensions has to be dealt with. Demobilisation is going steadily forward, and the result is that the Ministry of Pensions are continually having to deal with an increased amount of work. There is not a member of the Committee who would not say that as soon as men are demobilised they should be properly and adequately dealt with by the Ministry of Pensions. In these circumstances it is impossible to say that the Ministry of Pensions does not require increased accommodation. A certain number of premises which were available, and which were rightly taken during the war, will have to be evacuated, and it is necessary to find some other premises where this increased work can be done. Therefore we are asking for this power to be continued in order to meet the needs of the Ministry of Pensions. To enable the work to be adequately and speedily dealt with some increase of staff is necessary, and I think hon. Members will say that that Ministry must be adequately equipped for its work.

Sir F. BANBURY: I am not quite certain how far this particular power goes: whether it would enable the Ministry of Pensions to continue to hold commandeered premises of which they are in possession until the 31st August, 1920, or whether it will only give them power to take new premises. I gather that it will do the two things. If that be so, let us consider what we are going to do. A large number of premises will become vacant, because there are a large number of commandeered premises occupied by other Government Departments. The only Ministry which will require new premises will be the Ministry of Pensions. Why should they not by agreement take some of the premises which will become vacant? I strongly object to this desire on the part of Government Departments to commandeer. Let them take premises by agreement. Do not let them come down and order people about. It was all very well during the war that somebody should come down and say, "Turn out of your house or your office the day after to-morrow," but that should not be done to-day. There will be plenty of places which the Ministry of Pensions could take by agreement. Yesterday, as

Chairman of the Select Committee on National Expenditure, I was at the War Office and we were informed by the Adjutant-General—if I am wrong I can be corrected—that the Army in a few weeks would be down to 400,000. Therefore there can be no great increase in the number of pensions. There cannot be now any very great increase, for the Army is nearly demobilised. Personally, I do attach very great importance to the cessation of these powers to commandeer, and I hope the Government, who have shown considerable desire to meet us on other points, will meet us on this point also. I do not think it will entail any hardship whatever on the Ministry of Pensions. I think it will really tend to economy. If I were a Minister I should probably do as other Ministers do.

Sir E. POLLOCK: Question!

Sir F. BANBURY: I should think so. If my subordinates told me they were overcrowded, and I knew that I could order someone out, I should be inclined to do it without hesitation, especially if, on the other hand, I knew that I should have to pay a more or less heavy rent.

Sir E. POLLOCK: I think I had better explain, because I am almost in agreement with what the right hon. Gentleman has just said. It is only because he had not got a certain number of facts before him that the deduction he made from his premises has brought him to a different conclusion from my own. He has rightly said that he dislikes this power being continued. We do not want to have arbitrary powers at all, except where they are essential. He has also pointed out that there are buildings being evacuated which could be made use of by the Ministry of Pensions. That is the course they already pursue; we have direct powers for the Ministry of Pensions to take these premises which are handed over by other authorities. There is no difficulty about continuing to hold the premises already held; that does not depend upon this Regulation. Throughout the provinces a number of pensions committees have been set up, because pensions can be more adequately and sympathetically dealt with in the local areas. There are now about 400 local committees set up. There are also about 1,600 sub-committees. They must have some premises where they can meet. Hitherto they have been housed, as far as possible, in town halls or other buildings belonging to local authorities. It is inconvenient for local authorities to continue to give that accom-

[Sir E. Pollock.]

modation; hence we are now making this plan. We are taking over, as far as possible, from other authorities, such as the War Office, certain premises which will be suitable for these committees, and in a certain number of cases we have been able to secure agreement to that course, where reasonable terms have been asked.

There have, however, been cases where the terms demanded have been too high, and in such cases it has been found necessary to put compulsory powers into force in order to avoid payment by the pension authorities of unfairly large sums. I have the figures before me. Out of something like 100 cases which have been dealt with, in only 25 was it necessary to put compulsory powers in force to prevent an unduly increased sum being asked for. Under the Ministry of Pensions a number of medical boards have been set up. They are most important, because we have to do a good deal to assist men who are still suffering from the result of the war, and we have still a number of hospitals and convalescent centres where they have to be adequately provided for. I believe the accommodation which exists under the Ministry of Pensions is only something like 3,500 beds for dealing with men who have been gassed or still need treatment. That is wholly inadequate. We need this power in order to make legal the powers of the Ministry of Pensions in securing this accommodation. If this power were taken away we should be left to deal by agreement with a number of persons, and in a certain number of cases it would be found that opportunity was taken to press for too high terms. On all these grounds I submit that the need for this Regulation still exists.

Colonel BOWLES: There is one point I want to bring home to this Committee. I have served on these War Pensions Committees, and from such work have gained a certain amount of experience. I feel that there is something that the right hon. Member for the City of London rightly brought before us. There is a tendency to divide up the local war pensions committees; in a large area there is a tendency for certain districts to apply to the war pensions committee to be taken out from the bigger body. They were ready to remain with the bigger body before the Government gave the very large grant which they are now rightly giving to the local war pensions committee. I feel that there is a tendency, when you

are dividing up these bodies, and where the whole of the expenditure comes from the Imperial Exchequer and not from the rates, to be somewhat extravagant. I have in my mind an instance, which I will not mention, where I think premises could have been more economically dealt with. It is to make sure that we shall not have extravagance of that sort that I am inclined to say that we ought to have some safeguard that the Ministry of Pensions will be careful in the use of this power.

Colonel PENRY WILLIAMS: I hope my hon. and gallant Friend will not withdraw this Amendment. I think we ought to have some assurance from the Government that the Pensions Ministry is not going to relieve the local authorities at the expense of the owners of private premises. There is no reason why a local authority should clear a pensions committee out of the town-hall, and that there should then be the commandeering of the premises of a school, church, or chapel, with a consequent stoppage of the whole work of a religious body for the benefit of the local authorities. I hope we shall get some assurance from the Government that it is not yielding to the pressure of local authorities in order to give them back possession of their municipal buildings. I think these are very dangerous powers.

Lieut.-Commander KENWORTHY: I have listened with great attention to the Solicitor-General and I am afraid he has left me quite unconvinced. It is to be regretted that the Minister of Pensions, owing to indisposition, is not here to explain his case. May I draw the attention of the Committee to a case in my own constituency—Hull. It is astounding there to see the number of buildings still in War Office occupation. In one road alone, where I usually stay, there are some dozen houses occupied. One is a large house in the occupation of the Billeting Officer, another is occupied by the Officer Commanding the Humber Garrison, another by the Officer Commanding the Eastern District of Yorkshire, and so on right down the road. Each house has one or two clerks, who are keeping the place warm. These buildings could be made available for the purpose of the Ministry of Pensions. Why should these additional powers be asked for? As has been stated, the Army has practically been demobilised. We are not likely to have a sudden increase of liabilities, in spite of the local subdivision of the work.

There is another point. When the Profiteering Bill was brought in some of us tried to have profiteering in houses included, but the Bill was so drafted that it was not in order to put in houses and buildings. I hope that when the Act comes to be amended the Solicitor-General will point out this fact. Lastly we come to a matter of principle which, I contend, is important. Why should a Government Department have the power to take over buildings which they want and thus be put in a very much better position than the ordinary subject? If a business man wants premises, however badly, he has no power to take the premises unless he pays the price. Why should the Government have these extraordinary powers now to commandeer any building they like and to force down the price accordingly? It seems to me contrary to our ideas of Government in this country. After all, the Government is not sacred; it is not a deity. I think it would be a most useful check if they had to go into the open market and to pay a fair price to the owner of the premises. I hope the Committee will take a firm stand on this particular Clause.

Sir SAMUEL SCOTT: I understood the Solicitor-General to say that one of the reasons why they wanted this power was in order that they might be able to take over houses occupied by other departments. Is that the only reason why he wants the power?

Sir E. POLLOCK: It enables us to take over premises hitherto held by other Departments and we could not do so without this specific power.

Sir F. BANBURY: Perhaps the Government would consent to limit the power to the taking over of premises which have already been commandeered by other Departments.

Sir E. POLLOCK: The hon. and gallant Member for Newcastle-under-Lyme (Colonel Wedgwood) has suggested to me that we might add the words "If after due inquiry he is satisfied premises cannot otherwise be reasonably obtained." We need these powers for the purpose of the Pensions Committees in various localities.

Major Sir BERTRAM FALLE: These Committees have, in many cases, been housed for years in municipal buildings. Did they pay rent? If they did I have no doubt the majority of the municipal authorities would be delighted to keep them.

Sir E. POLLOCK: That adds to the burden of the Exchequer.

Sir B. FALLE: But you get a place in a town hall cheaper.

Sir F. BANBURY: They are not going to pay rent.

Sir B. FALLE: Of course they will.

Sir F. BANBURY: They have taken over premises and refused to pay any rent, and the Solicitor-General said just now it would add to the burden of the Exchequer, so that the intention seems to be to pay no rent.

Sir S. SCOTT: The Government took over Marylebone Town Hall and occupied it until, I think, a week ago and no rent was paid.

Mr. IRVING: I hope the Government will stick to this Regulation in the interests of the men concerned. Previous speakers have asked, Why should the Government stand in a different position in this matter from that of private tradesmen? You have only to contrast the two positions to see that it is ludicrous to suppose that any individual should approach within a thousand miles to the rights of the Government which represents the whole community. In my own constituency the town hall authorities were only too anxious to convenience the Government in a matter which they felt was of national importance and for the benefit of the community, and they provided accommodation. Some hon. Members seemed to imagine that there was vacant space in town halls. It is nothing of the sort where I speak of, and before the accommodation was granted the town hall was already overcrowded. The part of the hall devoted to mayoral purposes had to be given up to business purposes. From the point of view of officials they are only too desirous to get relieved of the pressure upon their premises because the work of the town is suffering in consequence of lack of accommodation. Secondly, and more important than all, I have during my experience in my own town been scandalised, and that is not an exaggerated terms at all, by the way in which applicants who have had to visit the premises have had to sit for hours and hours in draughty subterranean places I regard it as a scandal and a disgrace to the community not to have better accommodation. I think it is probably the case with most municipalities, who were only too willing to help all they could, that they want

[Mr. Irving.]

these matters removed from their premises, not because they desire to get rid of them, but because the premises are needed for other purposes and because the applicants cannot be properly treated in those premises.

Colonel STEPHENSON: Most of us have been much more scandalised by the large number of Government offices and you have only to go down any street to see the number of places that have been taken over. It seems to me to be imposing great hardship on the individuals concerned to continue to keep those premises which have been already occupied for many years. It is simply an example of Prussianism to continue this power in time of peace. Why is it the Government did not want these powers before the war, and why should they resort to measures of this sort in times of peace? It is because the atmosphere of war seems to be still here and they cannot get rid of it. I do not see the slightest difficulty in the Government finding premises, and like any other individual they should pay a fair price for them. So far as my experience of the provinces goes they are fed up with this sort of thing, and they want to see all controls which are not strictly necessary abolished. I think it would be very difficult to convince the people of the country that it is necessary to get the powers from a particular Ministry, and it will do a great deal of harm if this sort of thing is continued.

Sir E. POLLOCK: The last speech has convinced me that I very imperfectly conveyed to the Committee the purpose of continuing this Regulation. The hon. Member said he did not understand how it was that now we desired premises which we did not desire before the war. Before the war we had no really large system of pensions, and now a large number of pensioners have to be dealt with.

Colonel STEPHENSON: You had old age pensioners.

Sir E. POLLOCK: This new fact arose after the war and did not obtain in peace. I am perfectly prepared to try and meet the Committee as far as I can. The hon. Member for Marylebone (Sir S. Scott) asked for what categories we wanted premises. It is impossible in the localities where local pensions committees have been set up to find premises or to take over in many cases premises from other departments. I inquired, and I found that

would be impossible. Equally it is the experience of departments that a demand is made against a public department which is higher than is made as a mere matter of business where the people deal with an ordinary private trader. We wish to be protected against that. I pointed out the categories for which accommodation is wanted, and they are local committees, local sub-committees, hospital and dispensaries, and convalescent accommodation. I will propose, and it will be a token of my desire to meet the Committee, to insert the words "if after due inquiry he is satisfied that premises cannot otherwise be reasonably obtained". That may not be satisfactory, but it will prove to the Committee my intention to try and carry my desire into effect. In order to avoid confusion, may I say this is not a debate as to whether or not the Ministry of Pensions are wisely or properly exercising their powers. I am glad to think that the Committee have had the presence of the First Commissioner of Works, because he has been able to listen to the valuable observations made by the hon. Member for Park Division of Sheffield (Colonel Stephenson) and the hon. Member for Hull (Lieut.-Commander Kenworthy), and no doubt he will bear those in mind. This is not a question of administration but of continuing the powers which are necessary. The hon. Member for Hull reminded me that I am not a deity.

Lieut.-Commander KENWORTHY: The Government.

Sir E. POLLOCK: I have never had any ambitions that way and I do not think I ever asserted that I was, but whenever he take steps to canonise me I hope he will act as *advocatus diaboli* and say what is to be said against me. He confessed he was disappointed at my observations. Although I am something of an optimist I am not sanguine enough to have so strong a feeling of optimism as to think that I should convince the hon. Member. If the Committee allows me to retain 2 AB I will move to add the words I have mentioned.

Colonel GRETTON: I am afraid that the words suggested are only a pious expression of opinion because, of course, the Ministry will make inquiry. If they offer what is not a reasonable rate how is the owner to obtain a remedy? The War Losses Commission only makes payments not of right but as a matter of grace, and the Treasury may assent to an award or with-

hold assent. The only other way is by Petition of Right and that is very expensive. No one objects if the Government require premises for these very urgent matters to their having them, or in any way wishes to hamper them in the proper administration of the Pensions Ministry. It would be perfectly reasonable, however, if the regulations provided that there should be a fair arbitration as to the conditions under which the premises could be held, and as to the payments, damages, reinstatements, and matters of that kind. There is nothing of the kind in the Defence of the Realm Regulations. The Authorities go to a place, and arbitrarily fix the payment. The subject may be victimised, and has no protection against it except of appeal to the War Losses Commission, or the other very lengthy and very expensive process under Petition of right. No subject of the Crown ought to be victimised or deprived of his rights even in the interests of Government Departments, but should have due protection. If the State requires property they should pay the commercial value for it. If the regulations are amended to that effect that would meet my objection.

Colonel WEDGWOOD: I think the Solicitor-General has very fairly met us in this case, and I shall be prepared to withdraw my Amendment. [**Hon. Members:** "No, no!"] If we have a local inquiry into the justification of the need for commandeering premises it is the utmost we can ask for under present circumstances. We have got to meet this emergency for a short time longer, and although I am dead against the idea of the State taking any man's property outside the law, which this practically amounts to, we will have to have the control for some time to come.

Sir F. BANBURY: Two wrongs do not make a right!

Colonel WEDGWOOD: I know; but if we can get an inquiry into the case we shall have far less appropriation, and far less interference with the liberty of the subject.

The PARLIAMENTARY SECRETARY to the BOARD of ADMIRALTY (Dr. Macnamara): I feel bound to say that it seems to me that there is an almost universal detestation of what is suggested as the wanton continuance of the power by Government authority to commandeer premises. I think that is pretty general. It may or may not be the case that the feeling is correct; but do not let that irritation cause

us to inflict grave hardships upon the poor people who have done so much for us. I listened with profound interest to the speech of the hon. Member for Burnley (Mr. Irving), who really touched the spot. It has been promised that full inquiry shall be made. The Right. hon. Gentleman (Sir F. Banbury) wants us to go into premises which have been evacuated by the Government Departments. If we could do that, he says, all would end happily. We cannot, however much we wish to do so, because in the Local War Pensions Committee areas there are not always premises which we can take over. If there were we would take them over. My right hon. Friend is the last man to inflict any hardship upon these people. "Then," says the right hon. Gentleman, "why not take over premises by agreement?" He knows, no one better—and here I appeal to him as one of the most ardent economists in the House of Commons—that if it is left to agreement, first of all there will be a long discussion about the agreement.

Sir F. BANBURY: No!

Dr. MACNAMARA: Yes, certainly. I speak with some knowledge. If in many cases the matter has to be left to agreement then I am sorry for the sequel from his point of view as an economist. It is certainly up to the Government Department, whoever they may be, not wantonly to continue the use of premises. It is up to the Pensions Ministry, of course, not to carry on in these premises a moment longer than they can avoid. It is common ground with all of us that we would not wish to inflict any hardship by not providing the accommodation to do the work properly. Let me tell the right hon. Gentleman that, following the great mobilisation, and for a considerable period after that, there was great and increasing work for this Ministry. That is a fact. It is matched by the War Office who have larger numbers than we have to deal with. That being so, I appeal to the Committee not to let the irritation lead us into what I am convinced would be a great hardship in some cases.

Colonel P. WILLIAMS: We have no reply to this attempt of the local authorities. We want to put it strongly that it is their duty to provide accommodation; that it is an obligation on local authorities to provide accommodation in their town, and their municipal buildings, it may be, for the Pensions Committee. The speech of the hon. Member for Burnley (Mr. Irving) shows that quite clearly.

Sir F. BANBURY: It was only concerned with the local authorities.

Colonel WILLIAMS: The concern was that they should resume possession of their premises for the purposes of local government.

Mr. IRVING: That is an incorrect statement. I said: in the interests of the pensioners themselves very much more than the officials. The physical circumstances were, I said, such that you could not continue in them with decency. That is what some of us were anxious about.

Colonel WILLIAMS: I am sorry to differ from the hon. Gentleman. He said local government is being hampered by the occupation of these premises. I want to know whether the intention of this Clause is that the Government are going to give up the municipal buildings in which they are now housed for this purpose, and to commandeer other premises? It is not a question of inflicting hardship upon the pensioners: it is a question of the local authorities inflicting hardship upon the Local Pensions Committee. In some places the Pensions Committee are housed in the municipal buildings where there is adequate accommodation for the work. I have a suspicion the municipal authorities want to resume use of their premises for local purposes, and the possibility is that the Minister of Pensions will be asked to commandeer other premises for the Local Pensions Committee. It is unfair to take the burden off the local authority and put it on to the private individual. Before we agree to the withdrawal of this Amendment I must ask the Solicitor-General for some statement.

Sir E. POLLOCK: I am very glad indeed to give an answer, and I am sorry I omitted it when another speech was made. But the Ministry of Pensions are not desirous of moving from the premises which they at the present time occupy.

Colonel WILLIAMS: Do they want to give up premises and commandeer others?

Sir E. POLLOCK: No; they do not desire to alter their premises, and this is no sinister design on their part to leave, say, the town hall of their borough in order that they may take, at a cost, some other premises. In some cases, however, the municipal authorities are not able to continue to afford the accommodation that

they offered during the war. Take one particular matter which is engaging the attention of the municipal authorities at the present time—housing. A number of authorities and committees are sitting to consider this. Where it is possible we will press with all the weight of the authority that this Committee gives us, that the municipal authority shall still continue to provide the accommodation they have provided during the war. I make that quite clear. I will use what has been said in this Committee by way of protest against any municipal authority endeavouring to withdraw the accommodation they have hitherto given. In some cases representations have been made. Hon. Members may smile, but as a matter of fact there need be no suspicion of the character indicated by the hon. Gentleman. We will endeavour to remain where we are where we can; in other cases it may be impossible to continue. That does not cover all the provision for accommodation which I have recapitulated, already more than once, and which I need not repeat. So far as the hon. Member's question put to me is concerned, I definitely answer that this is not an attempt to give back to the public their municipal halls in order to secure accommodation at a cost.

Colonel BOWLES: My right hon. Friend, speaking on behalf of the Admiralty, overlooked one factor. Owing to old age and infirmity I was unable to go to the front, and so one naturally worked at home. We had these Committees dealing with separation allowances, and now that the allowances are falling off the pensions are increasing. We did our best, by the kind indulgence of the people, to utilise what could be given to us locally. What we have discovered now is this, that where one locality sees that very sumptuous premises are provided for their sister town they say, or feel, why should we go one less than that? While I am quite prepared to allow them to have these places, I want this safeguard: that there shall not be what I may call recklessness in commandeering premises when the work may be very well carried on in the premises now occupied.

Sir S. SCOTT: The question of the powers of the Ministry of Pensions has been mentioned. May I point out that the Ministry of Labour have the same powers? [**Hon. Members:** "No!"]

Sir F. BANBURY: So far as I can gather from the speeches, there would be no hard-

ship inflicted upon the Ministry of Pensions. The right hon. Gentleman appeals to me, and says I am in favour of economy. That is quite true. I always have been. But I am not in favour of economy with injustice; but only if economy can be carried out with justice. Unreasonable requests, it is said, might be made for the rent of premises. Very likely they will; but that might be so in every other case. If the right hon. Gentleman is right, what does it mean? It means that whenever the Government desire anything that they say is in the interests of economy, it must be commandeered, because, if it is otherwise arranged, the Government might have to pay a little too much for it! You can carry that argument for economy too far. In this case I think you have. If the Solicitor-General were to carry this

matter out, we should have no fear of the results, but it is going to be carried out by other people. It is also quite evident that some understanding has been arrived at between some local authorities, at any rate that their premises shall be evacuated, and what will follow? One local authority will see that premises are evacuated and that its neighbour has gone back to the former use of its premises. This next local authority will say, "Why have we been treated differently?" It will be difficult for the Government to give a reason. Under the circumstances, I think we must divide.

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

The Committee divided: Ayes, 16; Noes, 12.

Division No. 5.

Baird, Major
Bennett, Mr.
Bowyer, Captain
Bridgeman, Mr.
Cape, Mr.
Colvin, Brigadier-General

AYES.

Forster, Mr.
Henderson, Mr. Arthur
Henry, Mr. Denis
Irving, Mr.
Jones, Sir Evan

McCurdy, Mr.
Macnamara, Dr.
Matthews, Mr.
Pollock, Sir Ernest
Waterson, Mr.

NOES.

Banbury, Sir Frederick
Bowles, Colonel
Cockerill, Brigadier-General
Dennis, Mr.

Falle, Major Sir Bertram
Galbraith, Mr.
Gretton, Colonel
Kenworthy, Lieut.-Commander

Scott, Sir Samuel
Stephenson, Colonel
Williams, Colonel Penry
Wood, Major McKenzie

The CHAIRMAN: It has been suggested that we should rise at 1 o'clock or 1.15 and meet again at 2.0 and sit until 3.0.

Sir E. POLLOCK: I hope the Committee will agree to that, so that we can get on.

Committee signified assent.

Amendment made: After the word "Pensions" ["So far as relates to the Minister of Pensions"] to insert the words "if after due inquiry he is satisfied the premises cannot be obtained otherwise".—*[Sir E. Pollock.]*

Sir F. BANBURY: I beg to move to leave out Regulation 2B.

This gives power to requisition war materials, stores, &c.—

"So far as relates to articles of food, or to any articles, not being articles of food, of which possession has been taken at the passing of this Act or of a class with respect to which existing orders have been made."

This is a very wide provision which might cover almost everything. With respect to other articles "not being articles of food of which possession has been taken at the passing of this Act or of the class with respect to which existing orders have been made," those powers, I presume, will remain until

31st August next year. I am not at all sure that it is necessary in these days to requisition articles of food.

The PARLIAMENTARY SECRETARY to the BOARD of TRADE (Mr. Bridgeman): The Board of Trade suggests that there is only one article except food which requires to be requisitioned and that is flax, and I shall propose to amend this regulation accordingly.

Sir F. BANBURY: I do not know why flax should be specially included, but the hon. Member will, no doubt, explain. During the war when we had to deal with submarines and other disagreeable things and it was possible we might not get things from abroad, it was necessary that food should be requisitioned. All that has been done away with, and why on earth we need to commandeer articles of food at the present moment I cannot understand.

Mr. BRIDGEMAN: I shall propose to leave out the words "any articles, not being articles of food", and to insert instead thereof the word "flax". The reason why flax is necessary to be kept in is that the duties of the Flax Control Board have not

[Mr. Bridgeman.]

come to an end with the war. Owing to the great shortage of supplies of flax from Russia it is not anticipated that more than 15,000 tons will come in this year as against the normal importation of 18,000 tons. It has been necessary in consequence of that, and in order to prevent serious unemployment, to restrict the spinners to six-elevenths of their normal production, and to ration them with the available supplies of raw material. In order to ration them we have to apply the Flax Restriction Order of 1917, made under Regulation 2E. It has been agreed between the trade and agriculture that it is necessary in order to carry this out to fix guaranteed prices. We can only do that under Regulations 2B and 2E. That price has been fixed to the satisfaction of everybody; at any rate, by agreement of the two sections of the trade concerned. If peace had been ratified earlier this year the fact would be that some farmers would have sold their flax at the guaranteed price, whilst others, if the Regulation were taken off, would be able to ask a very much higher price. That would be unfair to those who had come to an agreement about the guaranteed price. It is still further complicated because, having bought the whole of the crop and sold it to the manufacturers, the Government are committed to pay this guaranteed price and to sell to the trade. The trade have probably made forward orders on the strength of that price. For these reasons I hope the Committee will agree that it is necessary for the next few months to keep on this Order with regard to flax. The Parliamentary Secretary to the Ministry of Food is here, and perhaps he will explain the position regarding food.

Sir F. BANBURY: I will not pursue the subject of flax. There is something to be said in regard to it. What is to be done with regard to the food regulations? I have here the "National Food Journal" for November 12th, 1919, and I find the following statement:

"Fat stock exports to Great Britain.—Fat stock was coming forward to the Home markets in Great Britain in greater quantities than could be accepted, and it became necessary to restrict the quantity of stock accepted."

Why should it be necessary to restrict it? This is not stock coming in from abroad. I am a protectionist, but not a protectionist against my own country. I do not know whether there are any hon. Members present

representing Ireland. This seems to be an injustice to Ireland. The "National Food Journal" goes on to say:

"Urgent representations were made to the Food Controller that it was unjust to impose treatment upon the English farmers which was different from that accorded to the farmers in Ireland. The Food Controller, therefore, decided to limit the quantity of Irish fat stock that could be accepted at the British ports in the way that entry of fat stock was restricted at the English markets."

Why should not the Irish send their beasts over here? Were we not told a little while ago that rations on meat were to be reimposed? In my own household my wife told me that we must be very careful in regard to meat. She said: "It would never do if you did anything which you were not allowed to do by the Government. Though everybody else apparently does it, it would not look well if you were to be prosecuted for an offence." I quite agreed that we must have a very small allowance of meat. Why should that be done? It was all very well when we could not get meat from abroad, but you are actually putting a limit upon the meat which is coming from Ireland, and preventing the Irish farmer from selling his fat stock. At the same time you are saying that we are not to eat so much meat in England. I can see no argument for that kind of procedure. I strongly believe that if we had no Food Controller we should have a great deal more food. The only result of the Food Controller is to provide salaries for an enormous number of officials, numbering something like 20,000. Many of them are nice young girls, who take cups of tea, but who do not do much more, except to hinder us from getting the food we want. Under these circumstances, though I am convinced by the argument about flax, I am not at all convinced that the Regulation regarding food should be continued.

Colonel WILLIAMS: Is it proposed to continue the requisitioning of hay under this order? Is hay food or is it not?

Sir F. BANBURY: I do not think hay would come under this order.

Colonel WILLIAMS: Regulation 2b refers to the requisitioning of forage.

Sir F. BANBURY: I understand the Parliamentary Secretary to the Board of Trade proposes to make it read: "So far as relates to articles of food or to flax." If the Government have their way, all that will happen will be that they will have power to requisition articles of food and flax.

Colonel WILLIAMS: Hay is an article of food.

Sir F. BANBURY: No. We do not eat hay.

Colonel WILLIAMS: It is food for horses and cattle.

Sir F. BANBURY: Then we had better put in the word "human" food.

Sir E. POLLOCK: Hay is dealt with under Regulation 23.

Colonel WILLIAMS: Forage is dealt with under this regulation.

Lieut.-Commander KENWORTHY: I understand that it is only intended to continue these regulations in regard to food and flax. Is it intended that only the Food Ministry and possibly the Board of Trade should exercise these Regulations, or are the Admiralty, the Army Council, the Air Ministry, and the Ministry of Munitions still concerned? It ought to be made clear. Reference has been made to Irish cattle. I am not an Irish representative, but owing to the unfortunate absence of most of the Irish members I get all sorts of letters from Irish friends. This question of the Irish cattle is exercising a very bad influence on the staunchest Unionists in Ireland, the farmers. They say that their fat cattle are being prevented from coming to this country in order that the Ministry of Food can sell off first their stocks of frozen meat. If that be the case, it seems very unfortunate that the people of this country should be deprived of fresh meat in order that a Government department may get an enhanced price for frozen meat.

The PARLIAMENTARY SECRETARY to the MINISTRY of FOOD (Mr. McCurdy): First, I will say a few words in reply to the general remarks of the hon. and gallant Member for Hull (Lt.-Commander Kenworthy) and the right hon. Member for the City of London (Sir F. Banbury). I should like to take this opportunity of disabusing the right hon. Baronet's mind of an illusion which, I am sorry to say, he appears to share in common with a great number of his fellow countrymen—the illusion that there is any restriction or regulation on the part of the Ministry of Food which will prevent him from eating just as much meat, English or Irish or frozen, as his appetite and his medical adviser may permit.

Sir F. BANBURY: And his purse.

Mr. McCURDY: With regard to the Irish cattle and the suggestion that Irish fat stock is being kept out of this country, may I say what the actual position is? During the war both the British farmer and the Colonial farmer were encouraged to increase production. At this moment we are at high-water mark so far as the British fat stock ready for the market is concerned. At the same time there come into the British market arrears of meat from Australasia, grown to assist us in time of peril when the transit to this country was temporarily suspended by the submarine menace. At the present time, therefore, there is economically no reason at all why the importation of any more fat stock than is absolutely necessary from Ireland should be encouraged. It is a matter on which I can assure the Committee that the Irish representatives may be allowed to fight their own battles.

Colonel WEDGWOOD: What about the consumers?

Mr. McCURDY: We have a temporary glut. It could not possibly assist the consumer to create a serious glut.

Lieut.-Commander KENWORTHY: It would make food cheaper.

Mr. McCURDY: At the present time, owing to the fact that cargoes which were held up in the British Colonies are now arriving, and their arrival, unfortunately, synchronises with the period of greater output, so far as the British farmer is concerned, there is an actual glut of meat. If by increasing that glut and selling more meat at less than cost price large quantities of meat have to be destroyed, it is true that the consumer may have the satisfaction of getting his meat, but he will know that he is paying not only for the meat he consumes, but as a taxpayer he is paying for the meat which is spoilt. So far as the Amendment is concerned, I wish to say, first, that I hope the Committee will realise that the Ministry of Food is not a Ministry which automatically comes to an end by reference to any ratification of Peace, and although we all hope it is one of the Ministries that it will be possible at no very distant date to abolish—a view which is shared by the business men who give their services to the Ministry at great personal and financial inconvenience to themselves—we have to carry on for a little while longer. Here we are merely dealing with the power of requisitioning. Our requisitioning is merely part of the general

[Mr. McCurdy.]

machinery that becomes necessary when we are imposing, for the purpose of equalising supply and distribution, a control of the price from its source. As an example, when we found that the price of bacon was rising against us week by week, we came to the conclusion that the only way to break the American market was the swift and secret reimposition of control. It had to be done without giving notice to the American market, and as an incidental part of that operation we had to requisition such stock as had already arrived in this country so as to avoid hardship to individual traders in this country. I will give another example. We are now in the midst of a complicated system which I desire to see got rid of as soon as possible. At present the price of milk is such as would make the price of fresh cheese almost prohibitive. There is a pooling arrangement under which we take all the supplies of cheese, and that cheese goes into the pool. The price is equalised, otherwise there would be very grave hardship to the cheese-making industry in this country. I will give a final example. During the recent railway strike it became absolutely necessary, if supplies and distribution were to be satisfactory, that we should be in a position suddenly to take hold of all stocks of perishable goods held up on the railways. For the purpose of equalising supplies and distribution, in case of a local shortage, these powers are necessary. They are powers which have been regularly exercised since the Ministry of Food came into existence.

Sir F. BANBURY: That was during the war.

Mr. McCURDY: I am not aware that they have ever been used in such a way as to call down criticism upon the Ministry.

Sir EVAN JONES: The wording in the third part of the Schedule undoubtedly continues not only the powers that the Food Controller has derived from this regulation, but the whole of the powers of the Admiralty, the Army Council, the Air Council and the Ministry of Munitions to take possession of food. While I do not think anyone could raise an objection to the powers of the Food Controller being continued, I think there would be very grave objection to the powers of the War Office and the Admiralty being continued, so enabling them to requisition any food which they may

think necessary. I suggest that the wording in the third column of the Schedule should be altered to read in this way: "So far as relates to the powers of the Food Controller as to any articles being articles of food."

Sir E. POLLOCK: I am very glad to answer my Hon. Friend. There is an amendment already on the paper—

Captain BOWYER: With regard to the next Amendment, I understand that the only objection to it is this question of flax. Perhaps the Parliamentary Secretary to the Board of Trade will explain how the question of flax comes in.

The CHAIRMAN: Before we discuss the second Amendment we had better dispose of the first.

Colonel WEDGWOOD: I want to reply to the speech of the Hon. Member for Northampton (Mr. McCurdy). I think members of the Government when they make speeches should remember that their words are being taken down and will be used against them. His arguments read very curiously as coming from a Liberal Member of Parliament. Apparently, he is afraid that if there is a glut in the market the consumer will suffer, that if there are more cattle imported, then the consumer will not only have to pay for what he does eat, but for what the Government destroys.

Mr. McCURDY: That is stock, not stores.

Colonel WEDGWOOD: Many people would be very glad to have an extra meat meal a week. We know that if we increase the supply of any article, ready or not ready for the market, that inevitably brings down the price of the article. We want the price of the article brought down. Our whole object in sweeping away control is to get cheaper food. To have it suggested that to allow these things to come in would not mean cheap food, but that the consumer would have to pay for the destruction of frozen meat, is laughing not only at this Committee, but at the intelligence of the country as a whole. The obvious thing is that we should get cattle in here under any circumstances, and the real reason why the member for Northampton does not want them in, is that he wants to keep up the price of the British farmers' cattle—cattle which the farmer was encouraged to breed during the war.

Sir F. BANBURY: No, no!

Colonel WEDGWOOD: The right hon. Baronet is in that line of business?

Sir F. BANBURY: It is stock bought from Australia.

The CHAIRMAN: The hon. and gallant Member (Col. Wedgwood) is getting very wide of the Amendment.

Colonel WEDGWOOD: I am replying to a speech made on behalf of the Government defence of this Regulation. If this be the sort of argument used by that Department in its treatment of fat cattle, then I say it is a Department which ought not to be trusted. People who argue in that way on this subject would argue the same way about other matters and ought not to be allowed to exercise powers on behalf of the rest of the community.

Colonel GRETTON: Is it quite clear what the Government intend to do?

Sir E. POLLOCK: I am prepared to leave out the words "articles of food, or to any articles, not being articles of food, of which possession has been taken at the passing of this Act or of a class with respect to which existing orders have been made," and to insert instead the words "the powers of the Food Controller and to flax." That may involve a consequential Amendment in a later Regulation.

Colonel GRETTON: If we put these powers in the Schedule that gives them Parliamentary sanction and they become part of an Act, and not administrative Regulations drawn up by the Ministry. I am not a trained lawyer, but it has been represented to me that there are now certain Petitions of Right in relation to articles of food and that the right of the subject to appeal to a Court would probably be extinguished by giving this Regulation the sanction of an Act of Parliament. I am sure the Solicitor-General would be the last man to desire to deprive the subject of any right of access to the Courts.

Sir E. POLLOCK: The position of these Regulations is that they are made under statutory authority which is given by the Defence of the Realm Act, and therefore they still have statutory authority. They are now to be continued in force by virtue of this present Bill and their continuance will be statutory under it. I confess I cannot appreciate why any fear should have arisen

in any minds as to this new procedure creating any difficulty at all, but it is sufficient to know that that fear has arisen for me to be glad to answer it and to say I am quite confident that the fear is one that is ungrounded.

Sir F. BANBURY: May I point out to my hon. and gallant Friend that the fear really arose from page 3 of this Bill in Sub-section 4, and there was justification for it, but we have now left that out? I am much obliged to the Solicitor-General, but I like to know what I am doing. If we agree to this proposal what are to be the powers of the Ministry of Food?

Sir E. POLLOCK: What we are doing is this. It will be remembered that the Ministry of Food was created under Statute and it will last until 12 months after the war. The powers exercised are these. The purpose of the requisition is in order that what we may call an even distribution of food may be continued. The right hon. Gentleman will take any opportunity he desires in the House of dealing with the Ministry of Food if they improperly exercise their powers. These powers we are giving are not arbitrary powers and are not, for instance, for the taking away of all the food out of Berkshire but if, say, there is too much cheese in one district to requisition some of it in order to overcome a shortage in another district.

Amendment negatived.

Amendment made: In Regulation 2b leave out the words "articles of food, or to any articles, not being articles of food, of which possession has been taken at the passing of this Act or of a class with respect to which existing orders have been made," and insert instead thereof the words "the powers of the Food Controller, and to flax."—[*Sir E. Pollock.*]

Captain BOWYER: I beg to move, after the words last inserted, to add: "But there shall be omitted from the regulation the following proviso:—Provided that where, by virtue of these regulations or any order made thereunder, the sale of the goods at a price above any price fixed thereunder is prohibited the price assessed under this regulation shall not exceed the price so fixed."

Under paragraphs (a) and (b) of 2B there are Regulations as regards determining the prices, and it is provided that "regard need not be had to the market price, but shall be had . . ." and guidance is given to the Defence of the Realm War

[Captain Bowyer.]

Losses Commission to regulate the price. If the proviso is left in, it seems to me that serious cases of hardship may happen. Take the case of a firm which has bought large quantities of a certain commodity and a maximum price is then fixed by the Food Controller, who goes to the firm and says, "We will commandeer so much of that commodity, but we will not pay you any more than the maximum price." It might well be that the firm had bought that commodity from America or some of the Colonies, and for their own purposes had paid a greater sum than the fixed maximum price. I suggest paragraphs (a) and (b) are ample and that the proviso should be omitted.

Sir E. POLLOCK: I am much obliged to the hon. and gallant Member for calling attention to the point, but I am afraid I am unable to accept the deletion. Take the case of flax. If you were to leave out these words it would be impossible to carry out the present system of prices which have been arranged with reference to the flax industry. That is one case in which the words are essential. Paragraphs (a) and (b) provide the system by which you are to determine the price, and the provision also deals with prices fixed under 2B which are powers of the Food Controller. You must take this proviso as not merely carrying out the standard set out in (a) and (b), but also as dealing with a limit to the price. If you begin to alter that you alter the elaborate system made under other regulations, and it is impossible to accept such an alteration.

Sir F. BANBURY: There is a great deal of feeling about this matter. I put this Amendment down because I was asked to do so, and because of the strong feeling of the country.

Captain BOWYER: There was a case before us locally the other day where a rich merchant was losing at the rate of £4 per ton simply because he had made his purchase. A maximum price was fixed, and his goods were commandeered. In these paragraphs (a) and (b) there is mention as to whether the price paid is reasonable or excessive, and whether or not there is any danger of holding up. Not only is a reasonable price to be taken into account, but in these paragraphs (a) and (b) you are also allowed to look at the man's normal profits, so that in any case he cannot corner wheat or other commodity.

Mr. McCURDY: May I give an illustration of the way in which this might work? The Committee will see that the effect of the Amendments proposed by the hon. and right hon. Gentleman would really be to make the administration of the prevention of profiteering in foodstuffs quite impossible. For example, there is the case which is well within the recollection of the Committee. The Minister of Food decided in the spring of this year to decontrol to a very large extent oils and fats. We had been led to believe that that action would be wise by the representations of the trade and expert advisers. The result of that decontrol was that oils like linseed oil proceeded to rise at a tremendous rate. In a few weeks they were double the price at which they had been selling under control, this although we had decontrolled on the assurance of the trade, backed up by other people that nothing but control was keeping up the price. Give a free market to everybody, they said, and you will get your oil much cheaper. We did decontrol. The trade took advantage. Linseed oil—I take it as typical—was double the price within a few weeks. Under these circumstances there are two courses open to the Ministry of Food. The course actually adopted in the case was, if my memory serves me well, to get into conference with the trade and come to an agreement with them in regard to certain matters which in our judgment would have some beneficial effect and protect the public, for control is much easier to take off than to re-impose. The alternative method was to re-impose control. We once more fixed a maximum price. Having done so, the people who had been forcing the market up against the consumer and had stocks said, "We shall not sell: we shall hold our stocks; we will put you to great inconvenience and stop the manufacture of margarine." Under 2B we have power to requisition those stocks. In requisitioning them, obviously we are not going to pay for them at the market price, because the market price is the artificial price to which the stuff has been run up. To knock out these words would mean that, under the circumstances, the goods having been run up by speculative transactions in the teeth of unanimous and repeated warnings as to what would result—the re-imposition of control—we should have to pay for them at a rate above the price we have imposed for the protection of the public.

Captain BOWYER: I do not wish to press this Amendment if the Government do not

want it, but I would call the attention of the representative of the Ministry of Food to the words in the Regulation, which says, "In determining such price, regard need not be had to the market price."

Colonel GRETTON: Before the Amendment is withdrawn, may I say, in reply to the suggestion as to tying the hands of the Ministry, that they are fully protected by the earlier part of this Regulation. The hon. Member says, "You need not give the market price." I agree. The Ministry of Food agrees. The Government are fully protected. They really do not need these words. It is an additional protection against themselves.

Sir E. POLLOCK: They are essential, having regard to the facts.

Colonel GRETTON: Then put the words in "having regard to the facts." It is quite easy. There is going to be injustice done which might be avoided by a little more concession and consideration on behalf of the Government.

Sir F. BANBURY: Why should we not have the words put in "having regard to the facts"? Something ought to be done to prevent what may arise if these words are left in. I have listened very carefully to the hon. Gentleman's speech, and the representations of the Food Controller, but all his arguments arise after the 31st August. They are arguments for continuing indefinitely the powers of the Food Controller. When control is taken off some things will go up and some down in price. We cannot help it. These things must be left to the laws of supply and demand. What the hon. Gentleman says shows how foolish it is to continue the attempt to interfere with the ordinary economic laws when we are not at war. Look at the trouble over coal. This and similar trouble arises from Government interference in these matters. This sort of effect will be found on 31st August, if not sooner. I am afraid I must divide on this, in order to record my vote that I am not in favour of injustice of this sort being continued. There are always people who try to take advantage of these things. Everybody in business knows it, and has to submit to it.

Sir E. POLLOCK: Perhaps I may explain the question, without entering into the question of political economy. Let it be understood why we insist upon this. We are determining under this Regulation the price to be paid where certain goods are requisitioned. The standard is laid down in

A and B, and you are not to pay as a requisition price more than the price which has been fixed and is in operation in respect of the particular articles. Take the question of purchase for the purpose of the distribution of cheese throughout certain areas. There is a shortage of cheese in one area and a glut of cheese in another area. For the purpose of getting cheese from one area to another the Food Controller takes possession of cheese. He has then to fix a price under A and B, but it is not to be a higher price than has been fixed and is in operation in respect of cheese fixed by him. The hon. Member (Captain Bowyer) brings forward a particular case. It is an unfortunate case. A particular person went into the market and thinking that prices would remain as they were he unfortunately bought at a high price. Then he found, after making the purchase in the ordinary course of business, that the prices were controlled below what he had paid for his goods. The result was that he was in exactly the same position as any merchant who makes a purchase at a certain price and then finds the market fall.

Captain BOWYER: The Solicitor-General is telling my story, the facts of which have never come before him, and I think I am entitled to correct him on very material particulars. He says that this merchant is in the same position as any other merchant. He is not, because the very goods which he has bought are against his will commandeered from him.

Sir E. POLLOCK: It does not alter the point that I was making. He was engaged in trade, and he made a purchase at a high price for the purposes of his trade and he ultimately found that the goods were commandeered from him, just as they have been commandeered from many other persons, and commandeered at a price which was lower than he had paid for them. If he had sold them in the ordinary course of the market it might have happened that he would have made a loss. They were commandeered by a public department and, therefore, we are told it is not an ordinary sale, and because the market has gone, against him the State are to pay. I ask the Committee to say that it is fair that when Government Departments have to buy for the purposes of an even distribution they should not have to pay a sum which is higher than the price which has been fixed and which is generally current and is a fair price to pay for the commodity.

The CHAIRMAN: Does the hon. Member desire to withdraw the Amendment?

Captain BOWYER: I was perfectly ready to do that, but after the explanation, which does not at all meet my case, I must persist in the Amendment.

Question put, "That the words proposed be there inserted."

The Committee divided: Ayes, 6; Noes, 20.

Division No. 6.

Banbury, Sir Frederick
Bowyer, Captain

AYES.

Cockerill, Brigadier-General
Dennis, Mr.

Gretton, Colonel
Scott, Sir Samuel

NOES.

Baird, Major
Bennett, Mr.
Bowles, Colonel
Bridgeman, Mr.
Cape, Mr.
Colvin, Brigadier-General
Forster, Mr.

Galbraith, Mr.
Henry, Mr. Denis
Irving, Mr.
Jones, Sir Evan
Kenworthy, Lieut.-Commander
Lunn, Mr.
McCurdy, Mr.

Pollock, Sir Ernest
Stephenson, Colonel
Waterson, Mr.
Wedgwood, Colonel
Williams, Colonel Penry.
Wood, Major McKenzie.

The CHAIRMAN: We arranged that the Committee should resume at two o'clock and sit until three.

Sir E. POLLOCK: Perhaps it would be to the convenience of the Committee if we met at 10 minutes past two.

Major M. WOOD: We have engagements at two o'clock.

Lieut.-Commander KENWORTHY: If we met at 10 minutes past two that would not give much time, because we want to be in the House at quarter to three for prayers.

Colonel P. WILLIAMS: I thought we were to resume at four until six. Two o'clock is inconvenient.

The CHAIRMAN: I stated that the desire was that we should sit from two till three, and I thought that met with the approval of the Committee.

Major M. WOOD: We were supposed to adjourn at one o'clock.

Sir E. POLLOCK: If we met at 10 minutes past two o'clock it would give us 50 minutes.

Sitting suspended till two o'clock.

A quorum not being present at two o'clock, the Chairman adjourned the Committee at twenty minutes after two o'clock till Wednesday, December 3rd at 11 a.m.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:—

Williamson, Sir Archibald (*Chairman*)
Baird, Major
Banbury, Sir Frederick
Bennett, Mr.
Bowles, Colonel
Bowyer, Captain
Brassey, Major
Bridgeman, Mr.
Cape, Mr.
Cockerill, Brigadier-General
Colvin, Brigadier-General
Dennis, Mr.
Falle, Major Sir Bertram
Forster, Mr.
Galbraith, Mr.
Gretton, Colonel

Henderson, Mr. Arthur
Irving, Mr.
Jones, Sir Evan
Kenworthy, Lieut.-Commander
Lunn, Mr.
McCurdy, Mr.
Macnamara, Dr.
Matthews, Mr.
Pollock, Sir Ernest
Scott, Sir Samuel
Stephenson, Colonel
Sykes, Colonel Sir Alan
Waterson, Mr.
Wedgwood, Colonel
Williams, Colonel Penry
Wood, Major McKenzie

WAR EMERGENCY LAWS (CONTINUANCE) BILL.

STANDING COMMITTEE C.

[OFFICIAL REPORT.]

Wednesday, 3rd December, 1919.

[SIR ARCHIBALD WILLIAMSON in the Chair.]

THIRD SCHEDULE.

PART I.

REGULATIONS CONTINUED FOR TWELVE MONTHS AFTER THE TERMINATION OF THE PRESENT WAR.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
2 AB	Power to take possession of premises for purposes of the Ministry of Pensions or the Ministry of Labour.	So far as relates to the Minister of Pensions.
2 B	Power to requisition war material, stores, &c.	So far as relates to articles of food, or to any articles, not being articles of food, of which possession has been taken at the passing of this Act or of a class with respect to which existing orders have been made.
2 BB	Power to vary terms of sub-contracts.	So far as relates to cases where certificates or orders have at the passing of this Act been issued.
2 C	Power to take possession of and fell trees.	So far as relates to timber of which possession has been taken at the passing of this Act.
2 E	Power to regulate dealings in war material, stores, &c.	So far as relates to articles of food or to any articles (not being articles of food) or industries of a class affected by existing orders made thereunder.
2 EE	Power to regulate collection, disposal, &c., of waste material.	
2 F to 2 J	Powers of the Food Controller.	
2 JJ	Power to regulate articles of commerce other than food.	So far as relates to articles of which possession has been taken at the passing of this Act or of a class with respect to which existing orders have been made.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
2 JJJ	Power to regulate the transport of goods by road.	As if in Sub-section (1) the words "and thereby furthering the successful prosecution of the war or otherwise securing the defence of the realm" were omitted.
2 M	Powers with respect to land, &c., for the purpose of maintaining the food supply of the country.	Except paragraphs (a), (d), (e), (ee), (eee), (f), (g), (i), (n) and (o) of Sub-section (1) and Sub-section (2).
2 O	Keeping of pigs	Sub-section (5) and so far as relates to permissions granted and in force at the date of the passing of this Act the remainder of the regulation.
2 Q	Injury to crops &c., by deer in Scotland.	
2 U, 2 UU, 2 UUU	Powers of the Board of Agriculture and Fisheries with respect to fisheries.	
5 A	Power to take over control and maintenance of highways.	As if for the words "for the purpose of securing the public safety and the defence of the realm," there shall be substituted the words "in the national interests."
5 B	Removal of disqualification for being a member of a county council in the case of certain contracts for road materials.	
5 C	Regulation of haulage of heavy traffic on roads.	
6 A	Power to exempt factories and workshops from provisions of Act of 1901.	
7 B	Power to regulate traffic on railways.	As if the words "with a view to the successful prosecution of the war" were omitted.
7 BB	Power to authorise increase of charges on carriage of merchandise by sea between Great Britain and Ireland.	As if the words "with a view to the successful prosecution of the war" were omitted.
7 C, 7 D, and 7 E	Powers of the Treasury with respect to foreign and other securities.	
8	Power to take possession of factories and workshops.	So far as relates to factories and workshops, of which possession has been taken at the date of the passing of this Act.
8 C	Power to authorise and require use of registered designs.	So far as relates to cases where existing requirements or authorities have been issued.
8 DD	Power to issue motor drivers' licences to males between 16 and 17.	So far as relates to existing licences issued thereunder.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
8 EE	Power to apply certain regulations to Stationery Office.	So far as the powers of other departments under the regulations mentioned therein are continued by this Act.
9 E	Prohibition against drilling, &c. ...	In any area to which the regulation is applied at the passing of this Act.
9 G	Power to control coal mines.	
9 GGG	Power to authorise the working of seams of coal in certain circumstances.	So far as relates to any seams with respect to which existing authorities have been issued.
9 H	Power to control canals.	So far as relates to canals with respect to which existing orders have been issued, and as if the words "for securing the public safety and the defence of the realm" were omitted therefrom.
11 A	Power to restrict lighting with a view to increased supply of light and power for purpose of production.	As if the words "necessary for the successful prosecution of the war" were omitted.
12 D	Power to prohibit whistling and other noises.	
13 A	Power to remove persons convicted of certain offences from the vicinity of camps.	
14 B	Power to impose restrictions or to intern persons of hostile association, &c.	So far as relates to any existing orders made thereunder, and as if the words "for securing the public safety and the defence of the realm" were omitted.
14 C	Requirements as to passports, &c.	
14 G	Restrictions on embarking in ports in the United Kingdom for places outside the United Kingdom.	

Sir F. BANBURY: I beg to move to leave out Regulation 2 BB.

I move this in order to ask for an explanation. Does it mean Government contracts?

The SOLICITOR-GENERAL (Sir E. Pollock): There are a number of contracts, especially contracts for munitions, in which the Department made an arrangement whereby they were to pay the cost of production of the goods plus 10 per cent. The contracts have very often been for very large sums, and when you go to a contractor and say "This is too high a sum," his answer is: "The agreement gave me 10 per cent. of the cost of what I have paid, and I assure you by reason of the sub-contracts which I made I had to incur a very large expenditure

indeed, in fact it is not me but my sub-contracts which involve this very large expenditure." This Regulation gives us the power to inquire whether these sub-contracts are made on fair and reasonable terms or whether they involve something like profiteering. If they do we have the opportunity of saying to the sub-contractor: "This is an unreasonable attitude on your part and we cannot pass it in the interests of the State, which has ultimately to pay." We are asking for this power to be continued relating to cases where certificates or orders at the passing of the Act have been issued; that is to say, where orders have already been made or where there has been a certificate issued for the purpose of arranging and dealing with the sum which has to be paid

[The Solicitor-General (Sir E. Pollock).]

to the contractor. We only require it in respect of negotiations which are going on in respect of those contracts. I am told the bulk of them amount to something like £40,000,000, and it seems quite clear that it will be necessary to have this power in order to prevent profiteering.

Amendment, by leave, withdrawn.

Sir E. POLLOCK: I beg to move, in Regulation 2 E, to leave out the words "articles of food or to any articles (not being articles of food) or industries of a class affected by existing orders made thereunder," and to insert instead thereof the words "the powers of the Food Controller and to flax and clinical thermometers".

The necessity for flax control is clear, and this Regulation is merely ancillary to the powers already granted as to flax. Clinical thermometers might raise a smile, but it has been found necessary to include them. The Regulation gives us control in the matter of user. It was found when the war broke out that there was, first of all, a shortage of clinical thermometers and a large number of very inaccurate clinical thermometers were on the market. Nothing could be so disastrous to hospital work as to have misleading clinical thermometers. We thereupon issued a control of clinical thermometers which had surprising effects. First of all it increased the output something like 100 per cent. Next, whereas there were on the market about 30 per cent. of clinical thermometers, which were misleading, inaccurate and unsure guides, which we had to reject, we have now secured that clinical thermometers are brought up to so high a standard that something like 1 per cent., perhaps not so much, fail to stand the proper tests. While there is a considerable number of persons who have to have hospital treatment there is reason for maintaining that standard of clinical thermometers.

Amendment agreed to.

Further Amendment made: Leave out Regulation 2 EE. [*Sir F. Banbury.*]

Sir F. BANBURY: I beg to move to leave out Regulations 2 F to 2 J.

These seem to be very wide powers. It says: "Such compensation shall be determined by the arbitration of a single arbitrator appointed in manner provided by the order." We have already given certain powers to the Food Controller. Would not

they be sufficient, and is it necessary to give these further powers?

Sir E. POLLOCK: These are the powers of the Food Controller. The Regulations issued under these powers have been modified from time to time because of very varying circumstances. It is important to maintain the power of the Food Controller in the interests of the distribution of food. They enable him to deal with persons who have got food in their possession, who have secured the arrival of food when it is on the seas, and who have got in their possession in one area of the country a considerable store, and they enable the Food Controller, by getting these returns, to ascertain where the food is and to make an even distribution. These powers have been used. They have got rid of what was a scandal at one time—the queues outside shops. At present the articles which fall within these powers are wheat, sugar, butter, cheese, milk, cream, and bacon. I do not include meat for the moment as some of us have read with interest the statement of the Food Controller that he had hopes—it may be that he is too sanguine—that the meat control would cease. The Food Controller is anxious as soon as he can to release any particular article of consumption from his control and leave it to the ordinary free play of the markets, but in the case of butter, bacon, and cheese it is found from time to time that there is a considerable overplus in one area and a considerable deficiency in another. It is important to be able to deal with this difficult situation. During the working of the Food Control the matter of compensation has been dealt with, I suppose, in certain cases in the way in which the right hon. Member suggested, but for the most part I am glad to be able to say instead of causing any serious difficulty the whole system has worked to the advantage of the community, and I would ask the Committee not to do anything to pick the power of the Food Controller to pieces. He is responsible to the House, and if any unfortunate action is taken by him it can be brought to the notice of the House.

Sir F. BANBURY: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Sir F. BANBURY: I beg to move to leave out Regulation 2 J.J. We have already given my right hon. Friend all the powers which he requires.

Sir E. POLLOCK: I am really in agreement with my right hon. Friend. I have put down an Amendment in order to confine closely the ambit of the powers of this Regulation. I propose to confine the limitation to coal and I use the definition of coal which has been already used as a working definition under the Coal Control Order. The difficulty is the uncertain position both of the supply and distribution of coal, and I hope that the Committee will think that I am not unfair in asking that these powers should be continued in respect of that commodity.

Sir F. BANBURY: I beg to ask leave to withdraw my Amendment.

Colonel PENRY WILLIAMS: It seems to me that there is no necessity to continue the control of coal any longer. The country is suffering most acutely from either the inability or unwillingness of the Government to declare their coal policy. We are to have within the next few days a Government Coal Bill, and one would think that it might be an appropriate time for the Government to say definitely what they are going to do with coal. It does not only refer to household coal. It refers also to manufacturing coal licences for export coal, bunker coal, and every other form of coal. To continue these powers in this piecemeal way is a power which we should not give the Government. The Government should declare their coal policy before the House of Commons, and get their sanction; and I hope that the Committee will not agree to the withdrawal of the Amendment.

The CHAIRMAN: I would suggest that it would be better to withdraw this Amendment, and the Committee could discuss the matter on the next Amendment.

Amendment, by leave, withdrawn.

Division No. 7.

Baird, Major
Banbury, Sir Frederick
Bennett, Mr.
Birchall, Major
Bowyer, Captain
Brassey, Major
Cockerill, Brigadier-General

AYES.

Colvin, Brigadier-General
Green, Mr. Joseph
Hacking, Captain
Henry, Mr. Denis
Irving, Mr.
Jones, Sir Evan

McLean, Lieut.-Colonel Charles
Macnamara, Dr.
Matthews, Mr.
Pollock, Sir Ernest
Sykes, Colonel Sir Alan
White, Lieut.-Colonel Dalrymple

NOES.

Barnes, Major
Bowles, Colonel
Dennis, Mr.
Galbraith, Mr.

Gretton, Colonel
Hancock, Mr.
Morrison, Mr. Hugh
Newman, Colonel

Rae, Mr.
Stephenson, Colonel
Williams, Colonel Penry
Wood, Major McKenzie

Sir E. POLLOCK: I beg to move, in Regulation 2 JJ, to leave out the words "Articles of which possession has been taken at the passing of this Act or of a class with respect to which existing orders have been made"

and to insert instead thereof the words

"coal (including anthracite and all other kinds of coal, coke, briquettes, and any other solid fuel of which coal or coke is a constituent), gas, and electricity."

The hon. Member would not expect me to answer for either the Board of Trade or the Food Control. This Committee might spend a considerable time in discussing coal, but there could be no adequate complete discussion by this Committee. If the matter is to be dealt with it must be dealt with later on in the House. I have indicated to the Committee the purport of and reason for this Regulation.

Colonel BOWLES: I cannot see why the Government does not declare its policy with regard to coal. I quite understand that in time of war these things must be done somewhat secretly, but at the present time we should have the policy of the Government declared.

Colonel WILLIAMS: I hope that the Solicitor-General will give some answer. If this Committee refuses to pass this legislation it will compel the Government to declare its coal policy. It is essential for the welfare of the coal trade and the nation as a whole that the coal policy of the Government should be laid down and properly discussed. Therefore I hope that the Committee will not continue the power.

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

Question put, "That those words be there inserted."

The Committee divided: Ayes, 19; Noes, 12.

Captain BOWYER: I beg to move to leave out Regulation 2 JJJ.

The powers asked to be continued by this Regulation are, curiously enough, not the powers of the Minister of Transport, as one might expect, but the powers of the Board of Trade. It will be well to bear that consideration in mind firstly, and, in the second place, that when the Transport Bill was before the House the powers of the Transport Ministry were very carefully considered. One of two things happens in this connection: either the Minister of Transport has got the powers which are in 2 JJJ, in which case the continuation of the Regulation is surplusage, or he has not got them, and is getting them under this Regulation, in which case I submit that this Committee is being asked to go behind the back of Parliament. If the Committee will turn to the Regulation 2 JJJ, and notice the powers, they will see what they are. The Board of Trade, first of all, has power to

"(a) Regulate, restrict, or give directions with respect to, the use for purposes of road transport or the sale or purchase of any such courses or vehicles as aforesaid."

In the next one they have power to

"(b) take possession of any such horses or vehicles as aforesaid"

and so on, and by

"(c) require persons owning, or having in their possession . . . any such horses or vehicles . . . to make to the Board . . . returns . . ."

The next Sub-heading says that the owner is to give notice to the Board before selling or disposing of such horse or vehicle. Then

"(e) prohibit the carriage of goods of any class by road, and prescribe the radius or distance within which goods or goods of every class may be carried by road."

This last is peculiarly important. Take again the next paragraph. It says:

"(f) provide for the giving of directions with respect to the carriage of goods, &c."

Starting as a soldier, with my memory of France still fresh in my mind, this seriously reminds me of nothing so much as the battle area behind the front line. There it was absolutely necessary to control the traffic, to give priority, to commandeer vehicles. This adds a power which was never necessary in France, the making of returns. If we turn to page 361 (in my copy) we shall see what orders can be made under Regulation 2 JJJ. I think the Committee ought

to have under its notice the Regulations which are made. There is a big form which has to be filled up with particulars of registration, the number of vehicles, the average monthly mileage, and so on. Turning to Form R.1, a series of questions are put which have to be answered as to names, full addresses, owner, occupation or trade, and a list of other particulars. There are 14 heads all together under which questions can be put by the authorities to the persons concerned in this matter.

I will try to put my point absolutely briefly to the Committee. If the Minister of Transport has got these powers then this is surplusage and not required. If the Minister of Transport has not got these powers, then he is getting them as emergency legislation, and this Committee will be going behind the back of what was carefully considered and definitely legislated upon when the Ministry of Transport Bill was before the House. My last point is that this is not as though we were giving these powers to the Minister of Transport. They are being given, as I understand it, to the Board of Trade. There is not a representative of the Board of Trade present. I cannot understand why this Regulation is being extended, and I hope, unless the Solicitor-General will, in his wisdom, give very good reasons for it, the Committee will pass my Amendment.

Sir E. POLLOCK: I do not know whether I shall be able to exhibit the wisdom asked for by the hon. and gallant Member, for he puts it at a very high standard. Whether my wisdom is equal to the test he desires to put upon it I know not, but I will endeavour to do my best. He not unnaturally, and very properly, asks for information as to how this matter stands. He is somewhat disconcerted as to whether or not he is dealing with the Board of Trade or the Ministry of Transport. Let me definitely answer that these matters have been transferred to the Ministry of Transport, and therefore the Minister of Transport is the person concerned in the making of these Regulations. That is quite clear and definite.

Sir F. BANBURY: As to the first part of the Bill?

Sir E. POLLOCK: Yes. It is suggested that Parliament has already given power to the Ministry of Transport and that therefore no other powers are necessary. May I remind the hon. and gallant Gentleman that

the powers and duties which are transferred to the Ministry of Transport under the Act no doubt include the powers and duties relating to roads, vehicles, traffic thereon, the power to make up a scheme? In Section 9, to deal first of all with the limitations of the power of the Minister, he has first of all to meet the proviso

“that no new transport service shall be established by the Minister unless an estimate of the capital expenditure required to complete it, accompanied by the details of the scheme for the established service, have been approved by the Treasury.”

Next, he has not to establish such a service without giving a list of the owners or persons who have services upon the road, particularly of the established service which he seeks to establish. Next, in the second Schedule of the Act—

“Before any Order under this Order is made or any draft Order in Council under Section 9 is made, or any draft Order is submitted to Parliament, notice shall be published in such a manner as the Minister may think best. . . .”

So far as the powers of the Minister of Transport are concerned, although when he is in the full tide of office he will have powers which I think will enable him to do what is required, at the present time he is not equipped, because the Transport Act only came into force on August 15, and Orders-in-Council were made even more recently. Before, therefore, a service which is to be incorporated under the Act is brought into being, the Minister must deal with the Treasury. He must provide an Order-in-Council. He must give the opportunity to other persons to offer a service. Indeed—to put it shortly—the powers that were granted to the Ministry of Transport under the Act are at present inchoate and incomplete. I think that is a complete answer to the question as to whether the Minister of Transport at the present time has got the powers. The powers given here are no doubt of great importance and wide-reaching; and the forms which have been referred to are important. It is important to keep up a register of persons, to be able to get at them in time of emergency and crisis. These returns enable us to keep that register for use, if necessary.

These are really emergency powers. The last time, if I recollect rightly, that they were put into force was during the railway strike in September. From many points of view the community, I think, is grateful for the fact of the organisation maintained during some ten days of great difficulty. I

hope it may never again be necessary to put them into force; but to prevent a hiatus between the time when the Minister of Transport is fully equipped—as he will be under the powers of the Transport Act—to deal with emergencies which may arise, it is, in the opinion of the Government, necessary to adhere to these Regulations which temporarily give the powers which may ultimately, if Parliament agrees to them when the Order-in-Council is published and laid before it, be given to the Minister of Transport. I am asking for these powers to fill the hiatus to which I have referred. If an emergency arose it might be very vital for the community that these powers should be in being. It is not for the purpose of creating trouble for private persons, but for the purpose of not creating chaos in the Ministry of Transport. When the Minister of Transport sees his way to maintain the services required, it will no doubt be possible to withdraw these Regulations. I hope the time will come soon. Until it does I suggest it will be possible and right to let the Minister of Transport have these existing powers.

Captain BOWYER: When the Transport Bill was under consideration was it not recognised that there would be this hiatus, and were the powers asked for now asked for then; if so, were they refused? If not why were they not asked for? Secondly, as regards the returns called for under this Regulation, can they be asked for under the Transport Act, and if not why not?

Sir E. POLLOCK: The Royal Assent was given to the Transport Act on August 15th. I pointed this out, and also that the time these powers were last used was in September. The value to the community of these intermediate powers was probably proved in a greater measure—

Captain BOWYER: Were they asked for?

Sir E. POLLOCK: I think they were not asked for in this particular case. Until the time comes when matters are permanent it is better to rely upon these emergency Regulations for a short period.

Captain BOWYER: It was clear to all of us that these Defence of the Realm Regulations could not go on for ever. There was a great outcry against them even then, and, in view of that fact that the Transport Act was going to be placed upon the Statute Book in a certain form, why did not the Government ask for the power in the Transport Act?

Sir E. POLLOCK: I think it is quite clear, as and when the Transport Act is brought into being, that the power to ask for a return will be incorporated in the Orders in Council, but in matters of administration, rightly or wrongly, a considerable latitude is given under Orders in Council which have to be laid before Parliament. It would be inconsistent with recent legislation to ask that all powers of this nature should be put in the Bill itself.

Lieut.-Commander KENWORTHY: I hope the Committee will consider this power asked for with very great care, and, if I might be permitted to say so, with composure. I mention that because the learned Solicitor-General has brought in as his great plea for a continuation of this Regulation the railway strike, and it is an unfortunate thing that during that strike bitter passions were aroused. We are here up against a very grave question of public policy. Under this Regulation, which the Committee is invited to approve, the widest powers are given to the Executive to commandeer and impress into the public service the whole of the rolling stock and road transport of the country. It may be said that it is necessary to preserve the life of the community, and the emergency may be so grave that it is essential we should have these powers to seize on any motor cars, carts, wheelbarrows, bicycles even, and impress them into the public service. No, the railway strike, in which neither side won, was met, not so much by the Government's weak preparations as the general uprise in popular feeling, and the determination to preserve the life of the community by the people themselves. My argument against the continuation of this enactment is that if you get compulsory powers, and you intend to put them into force, the characteristics of the British people are such that you will kill that very spirit of willing public service in time of emergency, which is all that the Government can rely upon to pull us through serious crises of this sort.

The CHAIRMAN: I must call the hon. and gallant Member's attention to the fact that this is rather wide of the Amendment.

Lieut. - Commander KENWORTHY: With very great respect, I will, of course, bow to your ruling, but I am only dealing with the arguments used in favour of this enactment by the learned Solicitor-General. However, I have made my point, and I will pass on to my next point. Under Sub-

section (4) you are going to give power to the Board of Trade officials to enter into anyone's premises, cross-examine servants, make lists, and insist on examining what is on the premises. I think that is the very thing which our people resent most of all at the present moment. It is bad enough in business to be continually prying and probing into commercial undertakings, but if you are going into private persons' garages and stables and to insist on examining their stock, then, I think, you are really trying our people a little too far. I think the Committee might hesitate, and think with composure, and not allow themselves to be led away by thoughts of general strikes, and of the whole community fighting the strikes, as we did the Germans, which is all tommy rot, and the most dangerous thing. The Parliamentary Secretary to the Admiralty questions the expression "tommy rot." I think that is quite a Parliamentary expression. That sort of talk of fighting a section of the community as if it were a foreign enemy is tommy rot, and extremely dangerous, and I hope the Committee will not allow itself to be led away by that sort of newspaper propaganda, which, unfortunately, is so prevalent, and I think so mischievous to the unity of the country in times of industrial stress. It is because this Regulation is founded on that sort of mentality, that you can conscript the whole nation to fight another part of it, that I think we ought to hesitate long before we accept what I consider a most dangerous power to leave in the hands of the Executive.

Colonel NEWMAN: As one of those who took part in measures which had some effect in defeating the railway strike—

Lieut. - Commander KENWORTHY: Voluntarily.

Colonel NEWMAN: And as it was owing to our action that the right hon. Member for Derby (Mr. Thomas) called off the railway strike, I very much hope the Committee will back the Government up in maintaining this particular part of the War Emergency Laws Bill. I am convinced that it is absolutely necessary for the general public to be protected at the present moment by some such Regulation. We who dared, if you like, to undertake this as a public service to try to save ourselves, to feed ourselves and keep our business going against the strike, were called blacklegs.

Lieut. Commander KENWORTHY: Voluntary.

Colonel NEWMAN: What is a voluntary blackleg?

Mr. N. MACLEAN: One who blacklegs voluntarily.

The CHAIRMAN: I think we are getting a little far from the Amendment.

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

The Committee divided: Ayes, 29; Noes, 5.

Division No. 8.

AYES.

Baird, Major
Banbury, Sir Frederick
Bennett, Mr.
Birchall, Major
Bowles, Colonel
Brassey, Major
Cockerill, Brigadier-General
Colvin, Brigadier-General
Dennis, Mr.
Falle, Major Sir Bertram

Green, Mr. Joseph
Gretton, Colonel
Hacking, Captain
Hancock, Mr.
Henry, Mr. Denis
Irving, Mr.
Jones, Sir Evan
McLean, Lieut.-Colonel Charles
Maclean, Mr. Neil
Macnamara, Dr.

Matthews, Mr.
Morrison, Mr. Hugh
Newman, Colonel
Pollock, Sir Ernest
Rae, Mr.
Scott, Sir Samuel
Stephenson, Colonel
Sykes, Colonel Sir Alan
White, Lieut.-Colonel Dalrymple

NOES.

Barnes, Major
Galbraith, Mr.

Kenworthy, Lieut.-Commander
Williams, Colonel Penry

Wool, Major McKenzie

Amendment made: Leave out Regulation 2 M.—[*Sir E. Pollock.*]

Lieut.-Commander KENWORTHY: I beg to move to leave out Regulation 2 O.

This part of the Schedule caught my eye when the Bill was downstairs, after an impassioned speech from the Government Bench about the great emergency in the country and all the rest of it. Pigs have been kept from the dawn of early civilisation without the need of a Defence of a Realm Act. The food emergency has passed. Local authorities have ample powers as regards the sanitary part of it.

Sir E. POLLOCK: I am sure the hon. and gallant Gentleman is as keen as any of us to maintain the stock of pigs in the country. This little Regulation only does this. In certain areas the by-laws are very onerous and make it very difficult indeed for persons with small allotments and so on to keep pigs because they are within a specified distance of the road. This Regulation enables the local authorities to be more indulgent to persons who keep pigs and not to enforce the by-laws against them. My own view is that very often by-laws somewhat interfere with the liberty of the subject, perhaps unreasonably, and it is in the interest of stopping the unreasonable enforcement of these by-laws that we ask for the maintenance of this Regulation, which gives a latitude to local authorities in favour of small holders and persons who desire to keep a pig.

Lieut.-Commander KENWORTHY: I am obliged for the explanation, and I hope

this will be embodied in an Act of Parliament as soon as possible.

Amendment, by leave, withdrawn.

Major McKENZIE WOOD: I beg to move to leave out the words "and so far as relates to permissions granted and in force at the date of the passing of this Act, the remainder of the Regulation."

I move this in order to draw attention to a rather technical point. It seems to me that there is a little inconsistency between paragraph (4) of the Regulation and the Clauses of the Bill. The paragraph says that where permission has been granted under the Regulation it shall continue in force until withdrawn and shall not be withdrawn for the period of five years. Clause 3 says the Regulation shall continue in force until 31st August, 1920.

Sir E. POLLOCK: Paragraph (4) was inserted in the Regulation in order to give something like continuity. It was necessary to give an undertaking that if people kept pigs, which was to the advantage of the country as well as themselves, they should not have this permission suddenly withdrawn and by-laws enforced against them when they had laid out their money. An undertaking was given which would give some sort of guarantee that this was an enterprise worth engaging in. It is clear that some legislation will be necessary, and it will be impossible to leave this apparent inconsistency between the Regulation and the limitation of time which we have put into the Bill. If we leave the Clause where it is an Act of Parliament will be necessary to give latitude and to regularise this

[Sir E. Pollock.]

matter. I look forward to legislation of a more permanent character being introduced.

Major WOOD: I am to understand that Paragraph (4) is limited to 31st August, and if it is to be continued after that it will require legislation.

Colonel WILLIAMS: As far as I can make out the whole point of this is that some people have been given permission by the Executive Government to keep pigs in areas contrary to the wish of the local authority.

Sir E. POLLOCK: It is not contrary to the wish of the local authorities. Where by-laws exist it will be the duty of the local authority to enforce them. This enables them to exercise a discretion whether they should enforce them or not. It is not going counter to the wishes of the local authority, except perhaps in some very unreasonable cases, but it is to prevent the duty lying upon the authority of interfering with something which on the whole, from the common-sense point of view, is to the advantage of the community.

Colonel WILLIAMS: That is rather an extraordinary explanation, that the local governing authorities make by-laws which are not in accordance with their wishes in the first place. If the local authority makes a by-law it is to be presumed that it is necessary that that by-law should be enforced and that pigs should not be kept within that area and that therefore the Local Government Board have stepped in and superseded the local authority and could to-day grant permission under this Order to enable people to keep pigs in a specified area for five years although this power under which they have made the Order will come to an end on the termination of the war.

Sir E. POLLOCK: Column 3 says, "so far as relates to permissions granted and in force at the date of the passing of this Act the remainder of the Regulation." It is in respect of Orders which are in force to preserve continuity.

Colonel WILLIAMS: An Order could be granted to-day superseding the by-law of a local authority and for a period of five years people would have to submit to having pigs kept within an area which in ordinary times would be contrary to the wish of the local authority. I do not think there is any necessity for the regulation at all. I believe

the original order was *ultra vires* under the Defence of the Realm Act, and I hope the Committee will not agree to this. It is an important point and now that open spaces—probably the spaces in which the pigs have been allowed to be kept—are being built round it may become an intolerable nuisance to have pigs in a crowded area for three, four, or five years after the termination of the war.

Sir E. POLLOCK: There is no intention of keeping them for three, four, or five years. Any Order which would be made would be carefully limited, and it is clear that this Regulation only lasts till 31st August next. Under the circumstances further legislation will be necessary. The picture which the hon. and gallant Gentleman has drawn is really beyond the mark. It is really for the purpose of safeguarding the rights of persons who at the time the Act was passed have been legitimately granted leave to keep a pig, and not to make local authorities enforce by-laws, that we ask for these powers.

Amendment, by leave, withdrawn.

Amendments made: Leave out Regulation 2 Q.—[*Sir F. Banbury.*]

Leave out Regulation 2 U.—[*Sir E. Pollock.*]

Sir F. BANBURY: I beg to move to leave out Regulations 2 UU and 2 UUU.

Sir E. POLLOCK: I think I had better accept the Amendment. I do not know that I am not going too far. If I have made a mistake, the right hon. Baronet will be the first to pardon me if upon Report I find there is something in this Clause that I ought to have kept in.

Amendment agreed to.

Captain BOWYER: I beg to move to leave out Regulation 5 A.

I do not know whether I shall be told that during the interim between the Ministry of Transport getting full powers the Regulation is necessary. Perhaps the Solicitor-General will inform the Committee why he wants to continue this Regulation.

Sir E. POLLOCK: I hope the hon. and gallant Member will not think that, not having been able to meet him on 2 JJJ, I have lost confidence in him, or that he has lost confidence in me, but it is merely a difference of opinion. It is perfectly reasonable to move to leave out these words with a view to obtaining an explanation. It is only in reference to winding up existing powers

which have been most important during the war. In certain places we hold very large quantities of military stores, and the roads have been very much cut up. In those cases the War Office, or other Department concerned, have made large contributions towards the repair of the roads, but they are not bound to make a complete contribution, because in the course of the year a certain amount of money would be spent by the highway authority upon the repair of the road. Under this Regulation we are still asking for a contribution of the highway authority *pro tanto*. The rest falls upon the Department concerned. Further, we have in particular places large quantities of plant and materials. As an illustration, I mention the case of the Richborough depot. To safeguard those stores it is necessary that some control should be exercised over the highway leading to them. The stores are not placed in an inside building or inside a ring fence, and they are not capable of being placed in what might be called a lock-up store. It is therefore necessary to have certain powers over the highway, and we have got to clear up the question of the repair of the roads by the highway authority. Negotiations are in progress, and I hope that they will soon be concluded and that the depots will also be dealt with either by sale or by transferring them to some suitable place for safe custody. It is only for a temporary purpose that we require these powers.

Captain BOWYER: Suppose that the authority which is responsible for the upkeep of the highway does not agree as to the amount, is the Road and Stone Committee, whose decision is to be final, the authority which is to judge?

Colonel GRETTON: The powers which the Solicitor-General indicated appear to be a great deal wider than are required for the purposes referred to. The Regulation does not only refer to cases already existing which have to be dealt with, and which the Government should have power to settle, making the contribution necessary for the upkeep of the roads, but it enables them to take possession of any new roads. That is a very objectionable power. It would extend to many other matters quite outside those which have been explained to the Committee. Cannot the right hon. Gentleman insert some such words as "but only in so far as roads may have already been taken possession of", which would not enable new cases to be opened in defiance of local authorities and new expenditure to be incurred?

Sir E. POLLOCK: In default of agreement as to the amount recoverable the amount is to be determined by the Road and Stone Control Committee. That Committee includes representatives of the local authorities in the persons of the county surveyors of Warwickshire and Renfrewshire, and it has worked satisfactorily. I feel the weight of what the hon. and gallant Member has just said. I am anxious to restrict this to the purposes indicated to the Committee. I am not at the moment prepared with an Amendment which would properly do it—the matter requires a little care and thought—but if he will trust me to move an Amendment on Report I will undertake to cut down these powers as far as I possibly can.

Colonel WILLIAMS: Perhaps the Solicitor-General will give me some assurance that this Regulation is not intended to be in the nature of a permanent Regulation, as seems to be indicated by taking out the words "for the purpose of securing the public safety and the Defence of the Realm" and substituting the words "in the national interest."

Sir E. POLLOCK: I am very glad to give the hon. and gallant Member the assurance which he asks for. The reason we altered those words is that the public safety has always been treated as a matter relating to the war, and if the ratifications of peace take place at an early date then the question of public safety loses its significance. Therefore we put in the words "national interest," but at the same time I give him the definite assurance that this is not to be permanent, and indeed the powers will lapse on the 31st of August.

Colonel GRETTON: I am glad to accept the assurance that the point to which I referred shall be dealt with on the Report stage.

Amendment, by leave, withdrawn.

Amendments made: Leave out Regulation 5 B.—[*Sir E. Pollock.*]

Leave out Regulation 5 C.—[*Sir E. Pollock.*]

Sir F. BANBURY: I beg to move to leave out Regulation 6 A.

These powers are quite unnecessary. They can only have arisen when there was a question of conscription, and there is no question of conscription now.

The UNDER-SECRETARY of STATE for the HOME DEPARTMENT (Major Baird): I cannot agree with the right hon. Baronet as to the lack of necessity for continuing these powers. They are wanted to enable us to deal with the present situation of unemployment and shortage of production. The Orders issued under this Regulation deal with five different categories of people and five different problems. They deal with the question of employment in shifts. That has special reference to employment in two shifts during the day. That covers by far the larger number of the orders which have been issued and in a great many cases they have been issued at the request of the workers themselves. It is a system that grew up during the war, and until facilities for obtaining additional machinery and increased building are greater than they are at present, the sole result of abandoning the two-day shift system would be to throw out of employment a very large number of people, both those who are affected directly, because they are employed on these two-day shifts, and those who are affected indirectly who are employed in working up the goods which have been produced during the day by these two shifts. As an example, I may mention the case of a very big rubber concern which employs 10,000 hands. There two shifts of women and young persons do so much unskilled and semi-skilled work as to keep employed three shifts of men during the 24 hours, and if we had not got the power to authorise this two-shift system, which we have not under the Factory Acts, then of necessity we should halve the number of women and young persons employed and equally halve the number of men at present employed.

The workers generally are content with the system so far as our information at the Home Office goes, and we are in close touch, through the factory inspectors, with the various industries in the factories. The joint industrial council of the match industry has requested the Home Office to allow the two-day shift system for that industry, and the workers' representatives on the industrial council for the rubber industry also desire to retain it until there are increased facilities of production. We do not desire to retain this as a permanent system, but to remove it in the present transition stage would lead to a great amount of unemployment and a very deplorable reduction in production. There are over 20,000 women and young persons concerned. It would be a serious thing to throw that number out

of employment. That would inevitably be the result if this Regulation were not kept on. There are various categories which refer to the employment in shifts, overtime, Sunday work, minor industries, and so on, and meal-times; but, as I have said, the main orders relate to the employment in shifts, that is the principle of the two-shift system.

Sir F. BANBURY: I am quite willing to accept an Amendment which will continue the five Orders to which my hon. Friend is alluding. The proposal goes far beyond that. It gives a power to the Government to do almost everything they like. That may have been necessary during the war, but it is not now. If my hon. Friend puts on the Paper the exact Orders which he wishes to have continued, and if he will accept my Amendment that these words be withdrawn, then the Government's five Orders can be inserted, and I shall be quite willing to accept that.

Major BAIRD: The matter is a very complicated one. We do not in the least desire to do more than I have said. In respect of these five categories all the Orders dealing with overtime and employment prohibited in the Act have been withdrawn. Of the thirty-one general Orders which were in force at the time of the Armistice all but six have been withdrawn. On the other hand, we are continuing to make a considerable number of Orders dealing with the two-shift system. That really is the main point that we desire to conserve. There is the further question of night work which applies to a very limited number of boys and apprentices learning a skilled trade. We should regret if the House insisted on the power being withdrawn which enables them to continue their instruction at the present time. I am quite prepared to meet my right hon. Friend by restricting this, if it is possible, so that the House shall understand precisely what are the powers we wish to exercise. To make it quite clear, I must say that we cannot see our way to forgo the powers to deal with Orders of the character which I have enumerated. If the right hon. Gentleman will leave it at that I am quite prepared to accept his Amendment now on the understanding that on the Report stage we will introduce words which will safeguard those powers.

Sir F. BANBURY: Yes, certainly!

Sir E. POLLOCK: I do not know whether I quite understand what this bargain means. I am always afraid when we commence to embrace one another.

Sir F. BANBURY: I understand my hon. Friend will accept my Amendment on the understanding that on the Report stage he will introduce words that will safeguard the Orders which he has just read out to the Committee, and I agree to the suggestion he has put forward.

Sir E. POLLOCK: It is only, I think, a matter of convenience for the Committee, but they should know that the Amendment moved by my right hon. Friend is to leave out altogether Regulation 6 A. As I understand it, the operation will be this, that eventually upon Report we shall have 6 A included, but that in the third part of the Schedule we shall have taken a limitation of the powers in 6 A. We shall insert words in the third column to that effect. In the interests of the work of the Committee it is right to state that upon the Report stage 6 A will be in the Bill; also the second column ["subject matter"] stands. The restriction is a thing which does not find its place at present in the third column. I am only suggesting that the right course is not to accept the Amendment of the right hon. Baronet and leave out these words, which will eventually have to be put in upon Report, but to accept the undertaking of my hon. Friend to insert limiting words in the sense to which my hon. Friend will agree. That, I think, is the better way.

Sir F. BANBURY: The suggestion of the right hon. and learned Gentleman is open to the objection which always arises on these bargains made in Committee, that the matter may be forgotten. I do not for a moment say wilfully. Also that one himself may forget it. Subject to the undertaking that the matter will not be overlooked, I am quite willing to accept the arrangement.

Sir E. POLLOCK: I do not think it will be forgotten.

Lieut. - Commander KENWORTHY: This bargain seems to have been very amicably arrived at, but I think—

Sir F. BANBURY: I have been following the suggestion that we should deal with composure with all matters in Committee.

Lieut.-Commander KENWORTHY: I intend to deal with it with complete composure. Nevertheless the speech of the hon.

Gentleman who spoke for the Home Office makes me very doubtful whether my friends and I can accept this Amendment. The hon. Gentleman spoke of the necessity of keeping all these shifts, and that the Order should apply to young persons and women in, he said, the interests of employment. I am always very suspicious when I hear that form of words used. What we want to do is to employ able-bodied men in this country, not women and young persons. Able-bodied men, presumably, are heads of families. Many have served in the war and cannot get employment. Yet we here are keeping on these unnatural conditions which the party to which the right hon. Baronet (Sir F. Banbury) belongs fought against for very many long years against my party. I refer to the Factory Acts. Here we are carrying on special war-time legislation which suspended these Acts. May I remind the Committee that the hon. Gentleman spoke of the match factories? I suppose every hon. Member knows that match-making is a most unhealthy trade, where women and children are not allowed to go. I am afraid we shall have to resist this Amendment, and if it is carried against us, we shall have to fight the matter downstairs. The effect of the bargain is that Sunday work is going on. I do not think there is any emergency which, after all this long strain of years, should require us to accept, as warranted, any interference with the seventh day's rest. I say this not on religious grounds entirely, but on grounds of health and national stamina. Lastly, may I remind the Committee that there is sitting in Washington an International Labour Conference, at which, I am glad to say, our people are fighting very hard to get embodied many of the provisions of our own Factory Acts and especially so in regard to the employment of women. They are trying to carry further international labour legislation in respect to young persons and children. Yet here we are invited by the representative of the Home Office to carry on these Regulations contrary to the whole spirit of this Washington International Labour Conference. I must protest against it. I shall certainly resist this proposal to keep on this Regulation, which nullifies the Acts which, as I said, the right hon. Baronet's own party fought so hard to get put on the Statute Book.

Major BARNES: A rather interesting point arises on what has been said by the representative of the Home Office. This Regulation deals entirely with work which is being done by, or on behalf of, the Crown,

[Major Barnes.]

and it was introduced in order to expedite a great output. The factory legislation was suspended during the war in order to secure what was more important than anything else, namely, a great output of munitions. The Home Office is the particular guardian of factory legislation, and I am quite sure the Home Office would not ask for a suspension of factory legislation unless they were convinced that it was in the interest of the country to do it, but, of course, this is not a matter in which the Home Office is acting upon its own initiative. It must be being pressed by other Government Departments, obviously. The Ministry of Labour must be pressing it in connection with unemployment, and the Ministry of Munitions must be pressing it in connection with output. Both these things seem to indicate that there is a very great deal of work still being done by the Crown, and a very large number of people being employed, otherwise the continuation of the Regulation loses very much of its force. We are very much concerned about this work which is being done by, and on behalf of, the Crown. I think the whole House had been hoping that it was being diminished, and the representative of the Home Office might perhaps give us a little more information as to the extent of the work that is being done and the number of people affected. He mentioned two matters—matches and rubber. I do not know why a great output of matches is being required on behalf of the Crown at the present time. Those were the only two things brought before us by the representative of the Home Office. Apparently there are some rubber concerns in this country employing 10,000 people working two shifts a day in order to turn out rubber on behalf of the Crown. I think this is a matter upon which we ought to have a little more light. If it is really necessary to continue the suspension of factory legislation, it seems to indicate that there is a continuance of very great expenditure on the part of the Crown.

Sir E. POLLOCK: Perhaps I had better answer this question, because it is largely a legal question that has been raised by the hon. and gallant Member. The powers really are needed for factories generally. It is not on behalf of the Crown. The Crown in their factories and places under their control have these powers. What is desired is that in other cases there should be the same standard possible as that which is open to

the Crown, and really the purpose of all this is not to secure, so to speak, a better or more rapid system of output on behalf of the Crown, but rather to give the other factories the freedom and the capacity of output which, without this, would not exist.

Colonel WILLIAMS: I think the explanation makes it quite impossible for us to agree to the withdrawal of this Amendment. So far as I can make out, this is giving the Government power to suspend the Factory Act in any factory they like. I think it is of supreme importance that we should safeguard the operation of the Factory Act in this country. There is no justification whatever for the abrogation of the Factory Act 12 months after the Armistice. It was news to me that the Crown had the power to suspend the Factory Act in their own workshops. That is bad enough, but I think it is intolerable that they should have the power to suspend the Act in any factory they like. The Crown should really be model employers, and to talk of the necessity of suspending the Factory Act in order to keep women and young people employed overtime, or double shift, is, I think, unworthy of the Crown. The hon. and gallant Member who represents the Home Office gave an extraordinary defence. He said that the workpeople were willing that these Regulations should be relaxed. I happen to be managing director of a big factory, and I think if I went to the police court and urged as a defence in a factory case that the workpeople were willing, I should get very short shrift from the magistrate. I certainly think the Home Office ought not to urge this defence to the Committee. I hope the Committee will not permit any relaxation whatever of the Factory Regulations, and, if possible, I should say that the Crown ought now to come under the Factory Acts at once, and be model employers. I certainly will not be any party to the withdrawal of the Amendment.

Colonel BOWLES: I think in dealing with the whole of these Regulations we have to be extremely careful that we are only retaining those which are absolutely necessary. As one who remembers quite well our difficulties and tribulations in getting this Act of Parliament passed, and as one who has seen the good work of the Factories and Workshops Act, I am very loth to do anything that will lessen the value of that Act of Parliament. To my mind a good enough case has not been made out by the representative of the Home Office for

continuing this regulation. If a very strong case can be shown, I grant it is our duty to maintain it, but what do we find? The examples he gave us must be those of private factories for rubber and matches. It must mean that you want to get an extraordinary rapid production. The representative of the Admiralty says, "Hear, hear," but that rapid production may be made at too great a cost to the country. We have at the present moment a very great shortage of work for certain workers. I suggest that if these Factory Acts can be put on one side, as we are now doing, it is a great temptation to those who are manufacturing matches not to enlarge their factories. If we are to build up large trade in England while the trade is prosperous, we must encourage our people to enlarge their factories and get extra machinery so that they will be able to produce the largest output. I do not say but that the hon. and gallant Member representing the Home Office may have a complete answer, but what I feel is that I cannot vote for what he asks now until he shows that the arguments I have put forward can be met.

Major BAIRD: I am afraid I cannot make the case more clear, because nothing could be further from the fact than the suggestion that it is thought desirable to maintain this Regulation in order to make women and young persons work extra shifts or overtime.

Colonel WILLIAMS: You said double shifts.

Major BAIRD: But it is not the same people. Surely the hon. and gallant Gentleman does not think it is suggested that the same people should work the two shifts in one day?

Colonel BOWLES: During the Debates in 1901 over the Factory Act we came to the conclusion that double shifts were not sanitary, and that is why they were prohibited.

Colonel WILLIAMS: If you are working two shifts you cannot work overtime as well, and if one shift is from 6 till 2, and the other shift is from 2 till 10, and you are employing young people up till 10, it is an illegitimate thing for the Government to do in a Government factory.

Major BAIRD: I understood my hon. and gallant Friend to suggest that it was desired to make women and children work extra shifts.

Colonel WILLIAMS: I withdraw "extra shifts" and say "double shifts."

Major BAIRD: It is perfectly well known, according to the Factory Acts, that you cannot employ women and young persons up to 10 p.m., but we ask for permission to continue that process temporarily. If the Committee refuse this permission, they are going to make themselves responsible at the beginning of the winter for an enormous amount of unemployment. There can be no shadow of doubt as to that. Might I quote again this particular instance of rubber? There is no question of a large amount being done by the Government. It is with a view to enable the whole business of the country to be carried on. Take this rubber factory. There are two shifts of women and young persons employed on semi-skilled and unskilled work. The work they do enables three shifts of men to be employed. An hon. Member suggested that the women should be replaced by men. The sole result would be to reduce both the number of men and women employed, and so increase the total amount of unemployment and reduce the total output. Surely that is not a desirable thing to do at the beginning of winter.

Lieut.-Commander KENWORTHY: If it is semi-skilled work, could not men learn fit very quickly and replace women and young children?

Major BAIRD: The practical men and women who have to do with this thing are not of that opinion. Surely we must give first consideration to the views of those directly concerned in the industry. This is a matter of bread-and-butter to them. If we take a course of action which those best qualified to judge tell us deliberately will undoubtedly produce a large amount of unemployment, and will not result in the introduction of reforms which are desired, or for which there is a demand, we take a very great responsibility. With regard to the other point raised by my hon. and gallant Friend, it most decidedly is desirable to do nothing which would discourage any firm from extending its works. But what prospect can anybody hold out, with the immense amount of more urgent building in the shape of houses that has got to be met, that there can be any considerable amount of factory extension? The effect of this is only to tide over the period between now and 31st August. Between now and then it is highly probable some legislation will have to be submitted to the House

[Major Baird.]

dealing with the Factory Act, which, after all, dates back to 1901, and consequently cannot be said to be up-to-date at the present time, and this measure we submit to the House is desired in order to tide over a critical time. It is definitely limited as to the period when it will come to an end, and I do hope hon. Members will not persist in the course of action which I say, quite frankly, is certain to lead to a very serious amount of unemployment, and a very serious reduction of output, and will not in any way improve the condition of those employed.

Colonel WILLIAMS: Does the hon. and gallant Gentleman expect to get the ratification of Peace with Turkey before the winter, because if he does not, all his argument about unemployment falls to the ground?

Mr. N. MACLEAN: I have listened to the arguments from the Government side for the retention of this particular Regulation, and I am reminded, as I am certain most Members of the Committee are, of the discussions which took place during the Factory legislation. Precisely the same arguments were used then for maintaining the old *status quo*, for keeping women and children working in the factories at night. It was said that if you passed Acts limiting the hours of their work, serious unemployment would take place, and there would be limited production, and that in the interest of the people themselves, as well as in the interest of the country, it was necessary to retain women and little children in the factories at night.

Major BAIRD: The hon. Gentleman is putting into my mouth an argument I never used.

Mr. MACLEAN: What I am saying is that precisely the same arguments were

used almost a century ago in defence of another system, from which we have got away, and to which we do not wish to return. The Government want to extend the powers they already possess, and plead that it is only a temporary question. If they feel they are right, why do they not bring this forward as a temporary Act before the House of Commons, where it can be debated, instead of smuggling it through a Schedule? We are also told the workpeople are in favour of it. Surely the hon. and gallant Gentleman (Major Baird) has not been reading the Resolutions, which have been passed by trade unions up and down the country, asking for a limitation in the hours of labour rather than an extension. One knows the strikes which have taken place since January for a reduction in the hours of labour. A Labour Conference has been sitting to lay down what is called a world labour charter, and the Government wants to continue existing conditions! We are told you will keep three shifts of men working. It is quite possible. I know something of the rubber trade, but I do not know the particular class of rubber works to which the hon. and gallant Gentleman refers. He is citing from one trade as an argument to embrace all trades. Even in those rubber factories that I know of there is ample accommodation to provide additional employment for women and young persons during the legitimate hours of day work. Labour Members will resist this not only here, but on the Floor of the House.

Major BARNES: This relaxation that is proposed will not be a general but a particular relaxation, and it will place it in the power of the Home Office to confer financial benefits upon particular manufacturers. That is not a power which should be in the hands of any Department outside Parliament.

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

The Committee divided: Ayes, 19; Noes, 10.

Division No. 9.**AYES.**

Baird, Major
Banbury, Sir Frederick
Bowyer, Captain
Brassey, Major
Cockerill, Brigadier-General
Colvin, Brigadier-General
Green, Mr. Joseph

Gretton, Colonel
Henry, Mr. Denis
Jones, Sir Evan
McLean, Lieut.-Colonel Charles
Macnamara, Dr.
Morrison, Mr. Hugh
Newman, Colonel

Pollock, Sir Ernest
Scott, Sir Samuel
Stephenson, Colonel
Sykes, Colonel Sir Alan
White, Lieut.-Colonel Dalrymple

NOES.

Barnes, Major
Birchall Major
Bowles, Colonel
Galbraith, Mr.

Hancock, Mr.
Irving, Mr.
Kenworthy, Lieut.-Commander

Maclean, Mr. Neil
Williams, Colonel Penry
Wood, Major McKenzie

Captain BOWYER: I beg to move to leave out Regulation 7 B.

Sir E. POLLOCK: I shall be prepared to accept an Amendment cutting down the powers that we continue in this Regulation to *a* and *k*. I think that meets the difficulty. It carries over the hiatus which exists between the present powers and the time the Ministry of Transport will be adequately equipped. Paragraphs *a* and *k* will be necessary. I am prepared to put in that limitation because the Ministry of Transport is not equipped at present for the purpose of dealing with wagons as it will be hereafter under the Act.

Amendment, by leave, withdrawn.

Sir E. POLLOCK: I beg to move, in Regulation 7 B, column 3, at the beginning, to insert the words "Except paragraphs *b* to *j* of Sub-section (1) and."

Colonel WILLIAMS: Paragraph (*a*) gives the Board of Trade power to take possession of private owners' wagons and to use them in such manner as they think best in the interests of the country. Suppose a case where a company has wagons hired from a wagon company and the railways have taken possession of them and the compensation which they are paying to the hirer of the wagons is a less sum than he is actually paying to the wagon company. That is really a case which ought to be met by full compensation. Where people have wagons hired for trade purposes from a wagon company they should be fully compensated for the hire which they have to pay in the first instance to the wagon company.

Amendment agreed to.

Further Amendments made: Leave out Regulation 7 BB.—[*Sir E. Pollock.*]

Leave out Regulations 7 C, 7 D and 7 E.—[*Sir E. Pollock.*]

Sir F. BANBURY: I beg to move to leave out Regulation 8.

I do not understand why it is proposed to continue the power to take possession of factories and workshops for the next six or eight months. There is a great desire by people who parted with their workshops and factories during the war, on account of the national emergency, to get possession of them again. Now that the war has been over for more than a year, I cannot conceive why these people should be inconvenienced further by retaining possession of the factories and workshops.

Sir E. POLLOCK: The right hon. Gentleman is so persuasive that I think I may meet him and accept the Amendment.

Amendment agreed to.

Further Amendment made: Leave out Regulation 8 C.—[*Sir E. Pollock.*]

Sir F. BANBURY: I beg to move to leave out Regulation 8 DD.

Sir E. POLLOCK: This is only in relation to existing licences issued thereunder. I want to keep faith in reference to licences that have been granted, but I do not want to take power to continue to issue licences.

Amendment, by leave, withdrawn.

Sir F. BANBURY: I beg to move to leave out Regulation 8 EE.

Sir E. POLLOCK: I accept the Amendment.

Amendment agreed to.

Further Amendment made: Leave out Regulation 9 E.—[*Sir E. Pollock.*]

Sir E. POLLOCK: I beg to move to leave out Regulation 9 H.

Mr. N. MACLEAN: May I ask, is the reason for omitting this Regulation the fact that canals have been handed over to the Ministry of Transport?

Sir E. POLLOCK: The control of canals has passed to the Ministry of Transport, under the Ministry of Transport Act, and it seems unnecessary to continue these particular Regulations. I do not think that any hiatus will occur in that case, and therefore, acting on the principle on which I have acted, of taking out as many of these Regulations as possible, I propose to leave out this one.

Amendment agreed to.

Sir F. BANBURY: I beg to move to leave out Regulation 11 A.

This gives power to the Ministry of Munitions to make Regulations in reference to the supply of light, heat, or power, and he may direct certain lights to be extinguished or their use restricted, and may regulate and control the supply of electricity in any premises or places, and then it provides penalties. The Regulations restricting the use of electricity have been abolished, and as the war is at an end, and especially with the Electricity Bill which will become law shortly, there is no object in keeping this on. The Ministry of Munitions does not

[Sir F. Banbury.]

want to do anything in particular. I understand that the Ministry of Munitions is merged in the Ministry of Supply. I hope, therefore, that these restrictions, which are inconvenient to householders, will be withdrawn.

Sir E. POLLOCK: I am very much in the hands of the Committee with regard to this matter. The reason that this is kept on is this. Many of us have suffered considerably from restrictions in our use of gas and electric light, and this was the order which enabled, I will not say the wasteful, but the comparatively wasteful use of gas and electric light on sky-signs to be restricted. It seemed a little unfair while householders were restricted in the use of gas and electric light in their houses that those persons who wished to advertise by means of electric light and gas should have the unrestricted power of doing so, and when the Bill was drawn the restriction was very onerous upon householders both as regards electric light and gas. That has passed away, but there is a certain wastefulness about this, and I am content to take the general view of the Committee. If they think this a restriction which interferes in the sense of its restricting the liberty of the subject, well and good—let it go! On the

other hand—I am speaking personally here—I have a sort of feeling that I should like to have the power in case there is a shortage during the winter. If householders are in any way restricted I should like the power to control sky-signs and things of that sort. On the whole, I think perhaps that explanation will be sufficient to ask the Committee to let the matter stand where it is.

Sir F. BANBURY: I do not particularly mind. An Amendment might be introduced on the Report stage limiting it to sky-signs; but I do attach some importance to the omission of these words. There is not much likelihood of waste being incurred, because the price of gas has gone up considerably, and people desire to save their own pockets. But there has been a very considerable amount of hardship imposed by this Regulation. We do not want more than is absolutely necessary to put it into the power of officials to make these Regulations. It might be a great deal of trouble to bring the matter of some troublesome Regulation made by an official, say, of the Ministry of Supply, before the House of Commons, which, indeed, might not be then sitting.

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

The Committee divided: Ayes, 13; Noes, 9.

Division No. 10.

Baird, Major
Bowyer, Captain
Brassey, Major
Cockerill, Brigadier-General
Green, Mr. Joseph

Gretton, Colonel
Hancock, Mr.
Henry, Mr. Denis
McLean, Lieut.-Colonel Charles

Newman, Colonel
Pollock, Sir Ernest
Sykes, Colonel Sir Alan
White, Lieut.-Colonel Dalrymple

NOES.

Banbury, Sir Frederick
Barnes, Major
Birchall, Major

Jones, Sir Evan
Maclean, Mr. Neil
Morrison, Mr. Hugh

Stephenson, Colonel
Williams, Colonel Penry
Wood, Major McKenzie

Sir F. BANBURY: I beg to move to leave out Regulation 12 D.

Sir E. POLLOCK: The Committee may do exactly what they please about this. I think, however, we have got on pretty well without it.

Colonel Sir ALAN SYKES: Does this include whistling for cabs?

Sir E. POLLOCK: Yes, it does.

Colonel WILLIAMS: This applies only to London, does it not; or does it apply to other big towns?

Sir E. POLLOCK: It applies to any area which may be specified.

Colonel WILLIAMS: But London is, I think, the area specified?

Sir E. POLLOCK: I do not really know whether it is specified, or any other area. The hon. and gallant Member wants to know whether the powers can be exercised in any other area. The proper authority could exercise them in any other area if it were so minded.

Colonel NEWMAN: Is it not really the fact that it is the noises at night to which most objection is taken, after eleven o'clock, say, and in the early morning? I do not think anybody can possibly object to whistling for cabs in the day-time, otherwise you might, when you want a cab, send a man out waving a flag to the danger of himself

and others. It is at night-time that the trouble arises. A shrill whistle in a London square in the dead of night is an almost appalling thing if one is not used to it. In the day-time our nerves are all right. I would suggest that the change some of us desire should be made, if not now on Report.

Sir E. POLLOCK: To deal with the power to limit the hours during which the

restriction is obtained of any Order that may deal with it, the Regulation itself must be retained. I will consider what hon. Members have said if the Committee decide to retain the Regulation.

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

The Committee divided: Ayes, 15; Noes, 7.

Division No. 11.

Baird, Major
Birchall, Major
Bowyer, Captain
Brassey, Major
Cockerill, Brigadier-General

AYES.

Green, Mr. Joseph
Hancock, Mr.
Henry, Mr. Denis
Jones, Sir Evan
McLean, Lieut.-Colonel Charles

Newman, Colonel
Pollock, Sir Ernest
Sykes, Colonel Sir Alan
Williams, Colonel Penry
Wood, Major McKenzie

NOES.

Banbury, Sir Frederick
Barnes, Major
Gretton, Colonel

Maclean, Mr. Neil
Morrison, Mr. Hugh

Stephenson, Colonel
White, Lieut.-Colonel Dalrymple

Amendments made: Leave out Regulations 13 A, 14 B, 14 C and 14 G.—[*Sir E. Pollock.*]

The Committee adjourned at twenty-seven minutes before Two o'clock till Wednesday, December 10th, at 11 a.m.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:—

Williamson, Sir Archibald (*Chairman*)
Baird, Major
Banbury, Sir Frederick
Barnes, Major
Bennett, Mr.
Birchall, Major
Bowles, Colonel
Bowyer, Captain
Brassey, Major
Cockerill, Brigadier-General
Colvin, Brigadier-General
Dennis, Mr.
Falle, Major Sir Bertram
Galbraith, Mr.
Green, Mr. Joseph
Gretton, Colonel
Griffiths, Mr. Thomas
Hacking, Captain
Hancock, Mr.

Henry, Mr. Denis
Irving, Mr.
Jones, Sir Evan
Kenworthy, Lieut.-Commander
McCurdy, Mr.
McLean, Lieut.-Colonel Charles
Maclean, Mr. Neil
Macnamara, Dr.
Matthews, Mr.
Morrison, Mr. Hugh
Newman, Colonel
Pollock, Sir Ernest
Rae, Mr.
Scott, Sir Samuel
Stephenson, Colonel
Sykes, Colonel Sir Alan
White, Lieut.-Col. Dalrymple
Williams, Colonel Penry
Wood, Major McKenzie

WAR EMERGENCY LAWS (CONTINUANCE) BILL.

STANDING COMMITTEE C.

[OFFICIAL REPORT.]

Wednesday, 10th December, 1919.

[SIR ARCHIBALD WILLIAMSON in the Chair.]

THIRD SCHEDULE.

PART I.

REGULATIONS CONTINUED FOR TWELVE MONTHS AFTER THE TERMINATION OF THE PRESENT WAR.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
* *	* * *	* * *
14 H	Restriction on the use of assumed names.	
15 C	Power to require particulars as to businesses.	
17	Suspension of restriction on powers of making byelaws.	
21 A	Provisions for the protection of homing pigeons.	Except paragraph (c).
27	Spreading prejudicial reports.	So far as relates to the reports and statements mentioned in paragraph (d) thereof.
28 A	Power to prohibit persons entering on Government property, &c.	Except subsection (1).
30	Restriction on manufacture, sale, &c., of arms, ammunition and explosives.	
30 A	Restriction on dealings in war material.	
30 BB	Restriction on dealings in interests in mines and oilfields.	Except the paragraphs (i) and (iii).
30 E, 30 EE, 30 EEE.	Provisions as to coinage and bullion.	
30 F	Restrictions on new capital issues.	
31	Restriction on import and removal of arms, ammunition and explosives.	

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
33	Restriction on possession of explosives and highly inflammable liquids.	
33 A	Restriction on the carrying of arms.	
34	Provisions as to the storage of petroleum and other highly inflammable liquids.	
35 A	Power to make rules for the securing of safety of factories, &c.	
36, 36A and 37.	Control of navigation.	
37 A	Duty of provision of signalling apparatus on ships.	
37 B	Duty of providing wireless telegraph apparatus on ships.	
37 C	Provisions for securing the safety of ships.	
37 D	Birth qualifications for masters of British ships.	
38	Power to prohibit vessels entering or being in dangerous areas.	
39	Provisions as to the pilotage of ships.	
39 A	Provisions as to the discipline of crews of ships belonging to or requisitioned by Government Departments.	
39 BB	Power to increase dock charges.	As if the words "for the successful prosecution of the war" were omitted therefrom.
39 BBB 39 DD, 39 FF.	Powers of shipping controller.	

The CHAIRMAN: Before commencing business this morning I would like to mention to the Committee that I have received a message to say that it is very desirable to conclude the proceedings on this Bill as soon as possible, because the adjournment of the House depends to a considerable extent upon our concluding our proceedings. It would, I understand, be impossible to adjourn without passing this Bill because if it were likely, as seems possible, for the ratification of Peace to take place before the House met again, there would be a hiatus during which some of these powers, which no one desires to have removed, would cease to be operative. I understand I

am expressing the position correctly, and for that reason it is desirable, where there are points not of very great substance, not to speak at undue length upon them, but to raise the more important points. I cannot of course in any way say more to the Committee than this. Those are the facts, and it is in the hands of Members how long the speeches may be. It is the duty of the Chairman merely to keep order.

Colonel PENRY WILLIAMS: On that point I would like to call attention to a document which I received this morning, evidently from the Government Whip's Office.

[Colonel Penry Williams.]

"Standing Committee C.—You are specially requested to attend above at 11 o'clock Wednesday in order to endeavour to bring the Committee stage on the War Emergency Laws (Continuance) Bill to a conclusion."

What is the meaning of that? Is it the intention of the Government to burke discussion on this Bill, and to prevent us giving full consideration to it, or why have they issued that Whip? How can Members of the Government party influence this Committee to bring the discussion to a conclusion? I do not want to obstruct, and I am prepared to sit from now continuously until the Bill is finished in Committee. But I venture to enter a protest against the Government Whip's instruction to the Committee that they are to endeavour to bring the Bill to a conclusion before half-past one o'clock. It is not giving us a fair or adequate opportunity of discussing very important provisions. For instance, the power of arrest and the power of search have not yet been discussed. We are touching upon only two of the fundamental provisions of the Bill, and to ask the Government supporters to come here, evidently to burke discussion, is really not fair.

The CHAIRMAN: I am afraid the point of order raised by the hon. and gallant Member is one I cannot deal with, as the sending of circulars to Members is not a matter in my power.

Colonel WEDGWOOD: The Chairman apparently wants to bring the discussion to a conclusion.

The CHAIRMAN: I would call attention to the fact that I have made no ruling at all. I only brought the facts to which my notice has been directed to the attention of the Committee, but it is not my duty to limit the discussion in any way.

Colonel WEDGWOOD: I have never heard any Chairman so direct a Committee, and I have been a member of the House for 14 years.

Colonel WEDGWOOD: I beg to move to leave out Regulation 14 H.

Under this Regulation no naturalised alien can change his name. It must be understood that the non-naturalised alien has not been able to change his name in any case since the war began. This Regulation merely applies to the naturalised alien, a man who is a British subject; and it states that no man, after some date in August, 1918, shall be allowed to change his name. Now these

men have been naturalised under certain conditions. There has been a bargain. When they took up British citizenship, it may be 20 or 30 years ago, they undertook certain obligations to the British Crown, and the British Crown undertook certain obligations to them, one of them being that, after being naturalised, they should be treated like any other British subject, and have the full rights of British citizenship. Under this Regulation, for reasons which have not been made clear to the House or to the Committee, one class of British subject is deprived of a right to change his name which a British-born subject retains. So that a British-born subject called Levinstein can change his name to Lyonstein, but if he happens to have been naturalised, and thereby acquired all the rights of every other British citizen, he alone is singled out and deprived of his right to change his name. Then, under this Regulation, exemptions can be obtained from the Home Office, and altogether there are only 300 people whose right to change their name has been refused, so that we are legislating for the smallest possible number of people, and, at the same time, we are committing an injustice, because we are upsetting the promise made to them when naturalised. And what is the danger concerned? We know that there has been recently a passionate storm of hate raised against any man with an alien name, and I think we have seen that fire dying out. When the Aliens Bill got to the House of Lords, even that reactionary Chamber stripped it of all its offensive features. I do think we might try to prevent ourselves being treated over this Bill by the House of Lords in the same way that they have treated—and justifiably treated—the House of Commons over the Aliens' Restriction Bill. I submit that to pass a solemn Act of Parliament to deal with 300 exceptional cases, to deal with men who are British subjects, and who have become British subjects, on a bargain of which they have kept their side, and of which we are not keeping our side, would be a lamentable thing to do, and we ought to protest against the continuance of this Regulation.

The ATTORNEY-GENERAL (Sir Gordon Hewart): I can put in a sentence or two, I think, what needs to be said with reference to this Regulation. It is important to the whole community, from the point of view of national defence. It is important because it enables the authorities to identify individuals who may be desirous of concealing their identity. As the Members of

the Committee are aware, this Regulation has been in force for a considerable time during the war, and if it suddenly ceased to be operative the effect would be that naturalised subjects, who, so far, have been refused permission to change their names, would immediately be able to do so, and all the work of investigation placed upon the Home Office, the Foreign Office and the War Office would simply be thrown away. It is said that the number of persons to whom this may relate is no more than three hundred. I do not know where that figure comes from.

Colonel WEDGWOOD: Three hundred have been refused.

Sir G. HEWART: I do not know where that figure comes from. I do not know whether it means that three hundred persons have asked and been refused.

Colonel WEDGWOOD: Yes.

Sir G. HEWART: That is very different from the statement that this Regulation only affects three hundred persons, because there may be a large unascertained number of persons who may be within the aggregate, and who have not thought it worth their while to make an application. No, this is a modest and necessary Regulation, and I hope it may be continued.

Lieut.-Commander KENWORTHY: May I point out, to begin with, that there is one grave defect in this Regulation as far as I can see? It does not prevent foreigners who are naturalised with foreign names from trading under assumed names by simply turning their businesses into companies.

Colonel WEDGWOOD: Or transferring them to their sons.

Lieut.-Commander KENWORTHY: Or, as my hon. and gallant Friend says, transferring their businesses to their sons, and remaining in control. I do not use too strong a word, after the speech of the Lord Chancellor in the House of Lords yesterday, when I say I suppose some of the hate-mongers are objecting to the trading activities of foreigners in this country. It is, I suppose, the high-protectionist ultra-nationalist feeling, but this Regulation will not prevent foreigners in this country with foreign names calling their business the "British Empire Production Co., Ltd.," or something of that sort, and, therefore, the object will be defeated. Furthermore, the learned Attorney-General said

that this was necessary for defence. I am glad to see his colleague from the Admiralty here. He will bear me out in this that no spy or agent over here calls himself by a German, an American, or a Japanese name. He calls himself by the most English, Scottish or Irish name he can get hold of, and it is quite simple for a highly organised espionage service to supply false papers and let their people disappear in the populations of our great cities. You are not going to get at the spy at all; he is not so foolish as to call himself Schleseiner or Osaki or anything like that. On the other hand, it does make unhappy and miserable the lives of many people who have a very thin time in this country—undeservedly, in many cases, because they have been quite loyal to this country. It is going to make their lives a little more pitiable in the future, when all this feeling against our late enemies and all foreigners ought to be dying down. And may I point out that the aristocratic alien, even of former enemy birth, is allowed to change his name? You get that very gallant admiral, Prince Louis of Battenberg, changing his name to Mountbatten. I am very glad indeed. I have served under him, and have a great admiration for him. And you have the Schleswigs and Tecks changing their names, but you prevent a like privilege to their humbler fellow-citizens of the same race, because they have not influential connection or, possibly, great wealth.

Captain BOWYER: May I make an appeal to the right hon. and learned Gentleman? In one or two cases, of which I happen to know, men who are saddled with unfortunate names have fought with great distinction in the British Army, and are now deprived of the opportunity, so long as this Regulation stands, of changing their names. I know one particular case of a family in which a brother was recommended for the V.C., and was killed, and there were three other brothers, all of whom received either the Military Cross or the D.S.O., and they have a name which, for the moment, prevents them from succeeding in business. That seems to me a stigma which ought to be removed.

Sir G. HEWART: There is under the Regulation a quite unlimited power of exemption—

"The Secretary of State may, if it appears desirable in any particular case, grant an exemption from the provisions of this Regulation,"

and precisely to the extent to which the cases, to which reference has been made, are

[Sir G. Hewart.]

hard cases, they are cases to which that exception may well be able to be applied. Of course, it is not for me, even if I could, to limit the discretion of those who have to determine these matters, but I cannot imagine that in a really deserving case the application would be likely to be refused. With reference to what was said a moment ago, I do not want to dwell unduly upon the matter, but the experience of the War Office is that spies have been caught in almost every case during this war under foreign names.

Colonel WEDGWOOD: I could wish there had been a representative from the Home Office here to explain how it is that the permission to assume an English name adds to the dangers of the country now that we are in a time of peace. If you want to consider the country's interests, I believe they would be better considered by the advantage that comes from a man with a foreign name and foreign antecedents identifying himself with the British race by being able to take a British name. Everyone knows that the name you go by has a great influence: it may be on the first generation, but certainly on the second or third generation. A man with an English name in the third generation would become absolutely

identified with the people of this country, whereas, if he continued to bear a Jewish or a German name, he would still have leanings towards and connections with the country of his origin. The best thing we can do is to amalgamate the aliens and absorb them as we have done in the centuries past. The other day I received a pathetic note from a Jew whose name was something like "Wine-and-whisky." He wrote to say that he so much admired my attitude in the House of Commons that he had decided to take the name of Wedgwood, and he signed his name "Isaac Wedgwood." Obviously he was most illiterate and had just come here from Poland. I wish that man were allowed to take my name of Wedgwood, because I am quite certain that if he were allowed to take that name he would be a better citizen of this Commonwealth than if he were known as "Wine-and-whisky." In any case his children and grandchildren would be better citizens for having that name. I have no objection to the whole of the Jews in the East End taking my name if they look after it as well as I do myself.

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

The Committee divided: Ayes 16, Noes 6.

Division No. 12.

Banbury, Sir Frederick
Bennett, Mr.
Birchall, Major
Bowyer, Captain
Brassey, Major
Gretton, Colonel

AYES.

Hacking, Captain
Hewart, Sir Gordon
Jones, Sir Evan
Kerr-Smiley, Major
McLean, Lieut.-Colonel Charles

Macnamara, Dr.
Matthews, Mr.
Scott, Sir Samuel
Sturrock, Mr.
White, Lieut.-Colonel Dalrymple

NOES.

Galbraith, Mr.
Henderson, Mr. Arthur

Irving, Mr.
Kenworthy, Lieut.-Commander

Wedgwood, Colonel
Williams, Colonel Penry

Sir F. BANBURY: I beg to move to leave out Regulation 15 C.

Sir G. HEWART: It is necessary for a time to continue this Regulation for this reason. Various liquidations are taking place in the case of contractors who have supplied the Ministry of Munitions with goods that the Ministry required for the war, and it is necessary that for a short time the Ministry of Munitions should be at liberty, as they are now, to go into the contractor's books for the purpose of verifying the cost of production of articles already supplied to the Ministry.

Captain BOWYER: I shall not move the next Amendment on the Paper if I can put my point briefly now. Under this Regulation any of the four Government Depart-

ments concerned can ask any question of any firm on any matter. If one turns to Regulation 2 JJJ, one gets some hint of the way in which information so received will be tested, because it contains these words:

"For the purpose of testing the accuracy of any return made to the Board under this Regulation, or of obtaining information in the case of failure to make a return or to give any prescribed notice, any person authorised in that behalf by the Board may enter any premises belonging to or in the occupation of the person who has made or has failed to make the return."

So that making a return will not save you from invasion by Government officials. It is specifically stated in Regulation 15 C that any of these four Departments

"may require any such particulars to be verified as they may direct."

Reading those words with 2 JJJ, it does not require any great stretch of imagination to imagine that they would be applicable under this Regulation. By the Amendment, which stands next on the Paper, I propose to limit the application of this Regulation by inserting in the third column of the Schedule the words: "So far as may be necessary in respect of any contract entered into during the war, or so far as may be necessary for the purposes of the Regulations continued by this Act." I suggest to the Attorney-General that that is a very reasonable Amendment, and will satisfy what the Government want.

Sir F. BANBURY: I ask leave to withdraw my Amendment, in order that the Amendment of my hon. and gallant Friend may be moved.

Amendment, by leave, withdrawn.

Captain BOWYER: I beg to move in Regulation 15 C, column 3, to insert the words "So far as may be necessary for respect of any contract entered into during the war, or so far as may be necessary for the purposes of the Regulations continued by this Act."

Sir G. HEWART: I think I can meet my hon. and gallant Friend and, indeed, go a little further. I am not sure that the second alternative in his Amendment is necessary. If we say, "So far as may be necessary in respect of any contract entered into during the war," and the remaining words are left out, the matter would be still more simple.

Amendment, by leave, withdrawn.

Amendment made: In Regulation 15 C, in column 3, insert the words "So far as may be necessary in respect of any contract entered into during the war."—[*Capt. Bowyer.*]

Colonel WEDGWOOD: I beg to move to leave out Regulation 17. I do this in order to ask for an explanation.

Sir G. HEWART: This Regulation is necessary because under the Military Lands Acts, 1892-1900, the Secretary of State for War can, by a procedure which is prescribed in those Acts, make bye-laws for regulating the use of military lands and for securing the public against danger from that use, together with power to prohibit all intrusions on the land. There are various safeguards in those Acts. For example, my hon. and gallant Friend is aware that no bye-law

shall prejudicially affect any right of common and matters of that kind. It is necessary for a time at any rate that this power to make bye-laws should continue.

Colonel WEDGWOOD: If this Regulation were omitted, would it hasten the removal of these camps and prevent them going on indefinitely?

Sir G. HEWART: No, Sir. I cannot imagine that any person is retaining a camp unnecessarily for the purpose of making bye-laws.

Sir F. BANBURY: This matter is somewhat confused. We ought to know what we are doing. The Regulation says:

"The restriction on the power to make bye-laws under the Military Lands Acts, 1892 to 1903, imposed by the following provisions of the Military Lands Act, 1892, that is to say, the proviso to sub-section (1) of section fourteen, section sixteen, and sub-section (1) of section seventeen of that Act, and by the following provisions of the Military Lands Act, 1900, that is to say, the provisos to sub-section (2) of section two, and sub-section (3) of section two of that Act, are hereby suspended."

So that apparently the bye-laws under all these numerous provisions are suspended. The Regulation goes on to say:

"and the powers of the Admiralty and the Secretary of State to make bye-laws under the said Acts shall extend to the making of bye-laws with respect to land of which possession has been taken under these Regulations."

If these bye-laws have been suspended, how can they be extended to something else? It is an extraordinarily confused matter, and I would ask for some explanation.

Sir G. HEWART: With great respect the right hon. Baronet has failed to observe that what is suspended is not the bye-law, but the restriction on the power to make bye-laws. The effect, therefore, is that so long as this Regulation remains there is power to make these bye-laws without the limitation contained in those Acts. For example, it is not possible under those Acts to make a bye-law which interferes with any highway, unless it is made with the consent of the highway authority. These bye-laws are desirable in order to secure the safety of the public passing along the highway. That, I understand, is one of the commonest purposes of the bye-laws. Again, under the Acts as they stand, no bye-law may affect any public right along the foreshore unless made with certain consents. The object of the Regulation is to get rid of these restrictions

[Sir G. Hewart.]

or rather to continue the absence of those restrictions in the way we have known during the war.

Amendment negatived.

Sir G. HEWART: I beg to move, after Regulation 17, to insert

“18 A.—Prohibition on communications with agents of foreign powers.”

Regulation 18 A has to do with communications with agents of foreign powers. That Regulation, as no doubt the Committee is aware, was amended a few days ago so as to substitute the term “foreign agent” for the term “enemy agent,” the term “enemy agent” being likely to become very soon obsolete. The fact is that the Regulation was found necessary at the commencement of the war because at that time the only legislative prohibition against espionage was that contained in the Official Secrets Act, 1911. It was very soon found that these provisions were inoperative against the rapid, ingenious development of enemy methods. In order to deal with these methods Regulation 18 A was provided, and has from time to time been successively amended. I am told that practically every foreign agent who was convicted and executed during the war had brought himself within the provisions of Regulation 18 A. It is entirely unsafe to assume that, although actual hostilities are over, foreign powers have ceased to employ agents for the collection of confidential information which vitally affects the security of this country or of their own country. On the contrary, I am told that definite information is in the possession of the Executive that there is no cessation of these dangerous activities, and, accordingly, it is desired to continue Regulation 18 A in its amended form relating to foreign agents until the time comes when we can deal, as we hope to deal, with the matter in permanent legislation.

Sir F. BANBURY: This is an extension of the Bill. I presume that it is done because information has recently come into the hands of the Government which requires that this extension should be made. Is that right?

Sir G. HEWART indicated assent.

Lieut. - Commander KENWORTHY: While desiring to strengthen the hands of the Government in connection with foreign espionage, it seems to me that this Regulation is very wide. Does it refer only to

naval and military secrets? Will the proposed legislation be an amendment of the Naval and Military Secrets Act? The words “communication with foreign agents” are very wide. Is it only aimed at naval and military espionage or the collecting of details about the armed forces of this country?

Sir G. HEWART: I must not, even if I could, by words limit the operations of Regulation 18 A. The words of it are perfectly clear. If the hon. Member would be good enough to refer to them he will see that Regulation 18 A provides that where a person without lawful authority or excuse has been in communication with a foreign agent, and is subsequently found within the United Kingdom, he shall be guilty of an offence against these Regulations unless he proves that he did not know and had no reason to suspect that the person with whom he was communicating or attempting to communicate was a foreign agent. In other words, if a man has been in communication elsewhere with someone whom we know to be a foreign agent, and then comes here and has communication in this country with another person, he is deemed to be guilty of an offence unless he can show that he is not guilty of the offence. For that purpose the person shall, unless he proves to the contrary, be deemed to be in communication with a foreign agent, if he has either within or without the United Kingdom visited the address of a foreign agent or consorted with him, or if, either within or without the United Kingdom, the name or address or any other information regarding a foreign agent has been found in his possession or has been supplied by him to any other person or has been obtained by him from any other person. There is a definition of foreign agent, and further provisions which I need not read. No doubt in practice, as has been suggested, the subject-matter of the communication which it is hoped to make more difficult, if not absolutely to prevent, is subject-matter relating to naval and military topics, but I am by no means prepared to say that that exhausts the whole field of the kind of communication with foreign agents which it may be necessary to prevent.

Colonel WILLIAMS: I am sorry the Attorney-General has not given more detailed explanation why this Regulation should have been included in the Bill at a somewhat late hour.

Sir G. HEWART: It would have been in at the beginning if we had not then enter-

tained the hope that before the House rises we should be able to pass the Official Secrets Bill. If that Bill had been passed it would not have been necessary to put in this Regulation. That Bill cannot be passed yet. Therefore the Regulation becomes necessary.

Colonel WILLIAMS: The Attorney-General has given no explanation why this Regulation is necessary after the conclusion of the war. If it be necessary in peace time, then surely it was necessary before the war. It may be necessary to introduce legislation such as he has indicated for continuance after the war, but it is unjustifiable to continue this Regulation, which was undoubtedly valuable in war time, for the mere purpose of facilitating new legislation, which perhaps the House in ordinary circumstances would not be prepared to pass. We have had no explanation why, now peace is signed, this Regulation is necessary. We have had no definition of what is a foreign agent. It may be that a man would get into trouble under this Regulation because he has conducted a *bona-fide* business negotiation with a man who during the war was employed by one of the enemy Governments. He may not visit his address or he may not be seen to consort with him. The inclusion of this Regulation is entirely unnecessary. If the Government want fresh legislation let them come to the House for it. This is one of the typical cases of carrying on war legislation during peace time, and I object to it.

Sir G. HEWART: I did not read the whole of the Regulation. I thought I was safe in not doing so; but it seems I was not. The old Regulation contains a definition of an enemy agent. The new Regulation contains a like definition—it is not altered in substance—of the term “foreign agent”——

“The expression ‘foreign agent’ includes any person who is, or has been, or is reasonably suspected of being, or having been, employed by a foreign power directly or indirectly for the purpose of committing an act either within or without the United Kingdom prejudicial to the safety or interests of the State.”

Colonel WILLIAMS: Supposing Herr Ballin had been alive to-day. He was undoubtedly employed by the German Government during the war. Would it be an offence for anyone to conduct and negotiate business with him in a shipping transaction?

Sir G. HEWART: I am not prepared to express an opinion about that gentleman without having all the materials before me.

Lieut.-Commander KENWORTHY: This Regulation is much too wide and dangerous. The word “interests” may cover anything. It may be used in all sorts of ways quite unnecessarily, and have nothing to do with the naval and military forces of the country. I protest against the way this is being rushed through the Committee, and against the evils outside that may accrue from such a Regulation.

Colonel WEDGWOOD: I hope the Committee understand that this Regulation does not deal with Germans simply; it deals with any foreign powers. I am confident that this new Regulation has been brought forward at the instigation of the Secret Police of the Home Office in order to deal with what they call Bolshevik agents in this country. It will be seen that the wording of the Regulation deals precisely with this class. Any one of us who has met Mr. Litvinoff at the 1917 Club may well come within this Regulation. You entrust absolute authority to the Secret Service and allow them to deal with anyone who communicates with “any person who is reasonably suspected of being, or having been, employed by a foreign Government for the purpose of committing an act within or without the United Kingdom prejudicial to the safety or interest of the State.” Such a person would be deemed to be guilty of a contravention of these Regulations. We know what these Regulations are. They include everything under the sun. We are deliberately saying that anyone who has, perfectly unwittingly, dealing with any Russians who may be suspected of Bolshevik sympathies is committing an offence and may be penalised under this Regulation. It would be calamitous if we were to allow that sort of legislation to go through without entering a strong protest against it.

Mr. A. HENDERSON: I wish to associate myself with those who are making a protest against the widening of this form of legislation. When we have it broadened to the extent explained this morning, how are we to know that we are not doing something that may be considered by someone prejudicial to certain interests? I have had a little experience of this sort of thing. I have had a little experience of the secret spying system that has been set up officially in this country. With a few of my colleagues I went to an international conference recently. I went with the consent of H.M. Government. I obtained the passports that were necessary from the Government. I took no steps to arrange the conference until I had

[Mr. A. Henderson.]

informed the Government. Yet in spite of all this what did we find? The Committee will probably be not only interested but amused to know what our experience was. After the conference closed a representative from the Berne Police came to see me and said that a considerable number of documents had been found in the streets. I asked if I could see the documents and he said, "Yes." I said, "Are there any more?" and he said, "Yes, we have quite a number at the Police Office." I said, "Can we have them?" and he said, "Yes." A number that they had opened merely contained copies of the resolutions that had been agreed upon at the conference, but when he brought the remainder and I opened them five were the reports of a spy sent officially by the spy department of the Government.

Colonel WEDGWOOD: The British Government?

Mr. HENDERSON: By the British Government. One of the reports from this spy was to Sir Basil Thomson, who is the head of that Department; one was to a Chief of Police in London, or at any rate to one of the heads of the police, Chief Superintendent Brian; and two were to the head of the Police Department or the Detective Department which was then at the Hotel Majestic in Paris. I did not know what to do with these reports when they came to my notice, but I decided to take notes of them and then I sent them to the Minister at Berne and asked him to be good enough to forward them to those to whom they were addressed, with my compliments, and to say that they had been handed to me by the Berne Police. I thought it was the best thing to do with them. If we go to an international conference, not for the purpose of inciting to mischief, but in order to bring the peoples of the world together on such a basis that mischief will be altogether unnecessary, we shall come under this Regulation, as I have heard it explained this morning. We are in touch with foreign agents sent by the peoples they represent to this international conference, and yet under the spying system, such as I have described this morning, we are exposed to the dangers of being, I suppose, arrested, or something of the kind, because we have been in touch with these people. It does seem to me necessary that the Attorney-General should reconsider the widening of this Regulation. If further measures are necessary they should not be brought forward in a Bill like this which is so difficult to understand. We had

a clause read by the right hon. Baronet (Sir Frederick Banbury) a few moments ago, and he had to be corrected by the Attorney-General. If the right hon. Member for the City of London has to be corrected in these matters, what about the poor helpless amateurs, the workmen in the street, or the representatives who go to the international conferences?

Sir G. HEWART: They know when they are doing wrong.

Mr. HENDERSON: You read out the words "prejudicial to the interests of the country." How am I to know when someone may be considered to be acting prejudicially to the country?

Sir G. HEWART: The right hon. Gentleman forgets that the foundation of the whole matter is "communication with a foreign agent without lawful authority or excuse."

Lieut. - Commander KENWORTHY: What does that mean?

Sir G. HEWART: It means exactly what it says.

Mr. HENDERSON: I have lawful authority or excuse if I get passports from the British Government to go to an international conference. I do not know the people who are coming to an international conference. I can only hope they are as honest as myself, but I cannot do more than that, and still I have to be spied upon. It is this spying system which is being set up under this form that is the danger. Most of those spied upon were Members of this House, and are we to be subjected to it to a greater degree by the broadening of this form of legislation? I appeal to the Attorney-General. If the language be not wide enough as it is, let the Government proceed by legislation and have the matter brought before the House and discussed openly, and let them say that they still want powers against even Members of this House, who are being spied upon in the way I have stated.

Colonel WEDGWOOD: Can we have an assurance that the insertion of this Amendment has not been asked for by Sir Basil Thomson and the Secret Police? What are the Government driving at by putting this power in? We are afraid it is being put in at the instigation of Sir Basil Thomson and the Secret Police. If it be intended merely to be used against German spies, well and good, let us have it. If it is going

to be used against people who have advanced political ideas in any other continental country, and who may be deemed to be acting "prejudicially to the interests of this country," leave out Regulation 21 A.

Sir G. HEWART: This proposal deserves to be considered on its merits, and it would have been no worse if it had been recommended by Sir Basil Thomson, who had nothing whatever to do with it. It comes, and comes only, from the War Office.

Amendment agreed to.

Colonel WEDGWOOD: I beg to move to leave out Regulation 21 A.

Are homing pigeons suspected of being a means of communication with Bolsheviks, or what is the object of the Regulation?

Sir F. BANBURY: Is it necessary now that we have peace to continue this Regulation? I have never kept a homing pigeon, but many people do, and why should they have to go to the police?

Sir G. HEWART: This Regulation 21 A has been greatly relied on by the Air Force for the carrying of messages, and in some cases air machines which have fallen into the sea have been able to communicate their whereabouts by sending messages by pigeons, and in that way many lives have been saved.

Lieut.-Colonel D. WHITE: There is a very large amount of flying done in my constituency, and I know that those engaged in it hope that this Regulation will be continued, because otherwise they would suffer great loss if irresponsible people were not prevented from interfering with the pigeons.

Colonel WILLIAMS: It is an offence now to shoot a homing pigeon, and I believe it is actionable and that the owner can obtain damages in the Civil Court. Is not that enough protection?

Amendment negatived.

Amendments made: Leave out Regulation 27.—[*Sir F. Banbury.*]

Leave out Regulation 28 A.—[*Sir G. Hewart.*]

Colonel WEDGWOOD: I beg to move to leave out Regulation 30. I do so in order to get an explanation as to its meaning.

Sir G. HEWART: I am sorry the representative of the Home Office is not able to be present, as he has been detained on important business. He has sent me a communication and, as I understand, the

reason why it is necessary that these Regulations, 30, 30 A, 31, and 33, which hang together, should be continued is that there are at present large quantities of arms and ammunition in this country as the result of war output. It is extremely undesirable that the sale and distribution and use of those should be released from all control. The power is also required to give effect to a Convention to which the Government has subscribed for regulating the export of arms and ammunition. A Bill dealing with the whole subject has been drafted, and I hope will be introduced next Session.

Sir F. BANBURY: I received a letter from the London Gun Makers' Association protesting against the continuation of this Regulation. Regulation 30 provides:

"No person shall without a permit issued under the authority of the Admiralty, Army Council, or Air Council, or the Minister of Munitions, either on his own behalf or on behalf of any other person, buy, sell, or deal in any war material to which this Regulation may for the time being be applied."

That is a very strong order. The letter from the Gun Makers' Association states that the methods of carrying out the Regulations vary a good deal in different districts. They have endeavoured to obtain information as to what course is really to be pursued in the future, and hitherto without success. I have not heard any sound argument as to why those Regulations are really necessary.

Sir G. HEWART: There are two grounds for these Regulations. First, there is at this time, owing to the abnormal circumstances in which we are placed, quite an unusual quantity of firearms to be disposed of. Secondly, we are bound, under a recent International Convention, to control commerce in arms and ammunition. At present the control of the export of arms and ammunition is exercised under these Regulations, and no export licence is granted by the Customs until a permit under the Regulation is forthcoming. I am told that if the Regulations were taken away, the control of the Customs House would not be adequate for the purpose and we should not be fulfilling the obligations into which we have entered under the International Convention. It occurs to me, on re-reading the Regulations, that the matter might be met, and I rather think the complaint of the right hon. Baronet's correspondent would be met, if we dispensed with Regulation 30 and limited 30 A by inserting in the third column, "So far as is necessary to control the export

[Sir G. Hewart.]

of arms and ammunition." If that be acceptable I would be willing to forgo Regulation 30.

Amendment agreed to.

Further Amendments made: In Regulation 30 A, column 3, insert the words "So far as is necessary to control the export of arms and ammunition."—[Sir F. Banbury.]

Leave out Regulation 30 BB.—[Sir G. Hewart.]

Sir F. BANBURY: I beg to move to leave out Regulations 30 E, 30 EE and 30 EEE.

Sir G. HEWART: These Regulations relate to coinage and bullion. 30 E says that

"a person shall not melt down, break up, or use, otherwise than as currency, any gold coin which is for the time being current in the United Kingdom or in any British possession or foreign country."

30 EE says that no person shall

"have or retain at any time in his possession or under his control silver coins current in the United Kingdom of a value exceeding that of the amount of silver coinage reasonably required by him at that time for the purposes of the personal expenditure of himself and his family and of his trade or business (if any)."

It also provides that any person who sells or purchases any coin exceeding its face value shall be guilty of an offence. 30 EEE enables the Treasury to make orders fixing a maximum price for silver bullion. I apprehend that all these Regulations are necessary at this unusual period.

Amendment negatived.

Captain BOWYER: I beg to move to leave out Regulation 30 F. Paragraph (5) of this Regulation starts with the words "Notwithstanding anything in this Regulation." I would like to have an explanation.

Sir G. HEWART: I understand this Regulation is desired both by the Banks and Stock Exchange. I do not understand the hon. and gallant Gentleman's difficulty in reading it. If the next Amendment in my name be carried, we except Sub-sections (1), (2), (3) and (4), and then the effect is that the words

"Notwithstanding anything in this regulation a person may without a licence from the Treasury issue a security (being a security the issue of which would otherwise be prohibited by this regulation), where the issue is solely for the purpose of securing an overdraft,"

and so on, are the operative words.

Amendment negatived.

Amendments made: In Regulation 30 F, column 3, insert the words "Except Sub-sections (1), (2), (3) and (4).—[Sir G. Hewart.]

Leave out Regulation 33 A.—[Sir G. Hewart.]

Sir F. BANBURY: I beg to move to leave out Regulation 34. This seems to me unnecessary. It says:

"Every place used for the storage of petroleum, turpentine, methylated spirits, wood naphtha, or any other highly inflammable liquid, exceeding in the aggregate one hundred gallons shall be surrounded by a retaining wall or embankment so designed and constructed as to form an enclosure which will prevent in any circumstances the escape of any part of the petroleum or other inflammable liquid."

It might have been necessary when there was a great shortage of petroleum, but surely when the war is over these Regulations might be withdrawn.

Sir G. HEWART: I am very anxious to give way where I can, but the information I have from the War Office is that this is a provision necessary for the prevention of danger to life. There are at the present time large supplies of this inflammable material in the country, and it is felt that the time has not yet come when this Regulation can safely be dispensed with. It is purely for the protection of the public.

Sir F. BANBURY: That is what they always say. I will not press it.

Amendment, by leave, withdrawn.

Amendments made: Leave out Regulation 35 A.—[Sir F. Banbury.]

Leave out Regulations 36, 36 A and 37.—[Sir G. Hewart.]

Leave out Regulation 37 A.—[Sir F. Banbury.]

Sir F. BANBURY: I beg to move to leave out Regulation 37 B.

Sir G. HEWART: I should desire to keep this Regulation in. It provides for wireless installation on ships. It is thought necessary to keep this Regulation in with a view to further legislation.

Amendment, by leave, withdrawn.

Amendment made: Leave out Regulation 37 C.—[Sir G. Hewart.]

Colonel WILLIAMS: I beg to move to leave out Regulation 37 D.

I hope the learned Attorney-General will be able to meet us on this point. This seems to be far too drastic. I can quite understand that a man should apply for permission to serve as a master of a British ship if his father had been a foreigner, but I think it is carrying it a little too far to insist that both his father and mother should be either British subjects or naturalised British subjects, and I hope the right hon. Gentleman can either take out this Regulation or meet us by the insertion of words requiring the birth certificate of the man's father, but not the birth certificate of his mother also.

The PARLIAMENTARY SECRETARY to the BOARD OF ADMIRALTY (Dr. Macnamara): My hon. Friend near me says that this is already covered by the Aliens Bill. That is not so. This requires that the master must be of British origin, his parents being British subjects at the time of his birth. The Naval Staff do press very strongly for the retention of this Regulation.

Colonel WILLIAMS: But if the man's father was an Englishman, and he married an American girl, surely there could be no justification for refusing him a certificate as the master of a British ship. I do submit that this is carrying this anti-foreign legislation to an absurd extent, and that the Government cannot defend such a proposition. I do not mind if it be necessary with regard to a man's father, but not his mother, or stepmother, or grandmother.

Dr. MACNAMARA: We shall go to the Board of Trade with a view to securing legislation to carry out this proposal, though, after what has been said, I do not know that I need press this at the moment.

Amendment agreed to.

Further Amendment made: Leave out Regulation 38.—[*Sir G. Hewart.*]

Colonel WEDGWOOD: I beg to move to leave out Regulation 39.

Dr. MACNAMARA: It is a fact that the point has been met by the Aliens Bill, or will be met when it becomes law. In the meantime, I think we should keep it in force until Regulations are made to carry out the provisions of the Bill.

Colonel WEDGWOOD: In any case, that Bill has passed through the House of Lords, and must become law in a few days.

Dr. MACNAMARA: Until the Regulations are made under the amended Aliens Act, dealing with pilots' certificates to Aliens, we want this retained.

Colonel WEDGWOOD: I do not press the Amendment.

Amendment, by leave, withdrawn.

Amendment made: Leave out Regulation 39 A.—[*Sir G. Hewart.*]

Sir G. HEWART: I beg to move to leave out Regulation 39 BB.

Colonel GRETTON: There is a case here which requires some consideration. There are certain small docks which are unable to increase their charges without this Regulation. If this Regulation be withdrawn, these small docks will have no further power to increase their charges and will be brought into a very dangerous financial position. I have had considerable correspondence on this matter sent to me with a view to securing consideration of these cases. One of the cases is that of the Upper Mersey Navigation Commission. It is a small undertaking, with an income of about £3,000 a year, and the Commission carry out the important function of lighting and buoys the upper reaches of the River Mersey, which is largely used by small craft carrying goods to and from the Liverpool Docks. About 25 per cent. of the trade of Liverpool is carried to and from shipping by barge, a great portion of which comes over other canals, all of which communicate with the Upper Mersey. Consequently, the proper lighting and buoys of the Upper Mersey is of considerable importance to the Port of Liverpool. The Board of Trade made an Order in October, 1918, authorising a large increase in the existing maximum dues and charges leviable by the Upper Mersey Navigation Commission. If this Regulation comes to an end, the Commission will become bankrupt, unless it goes to the expense of obtaining a Private Act of Parliament to continue the present increase of its rates. What I suggest should be considered by the Government is that, in any case, this Regulation will only last until the 31st August next. No doubt this Commission will eventually have to obtain a Bill, but in the meanwhile, if they do not obtain a Bill before the 31st August next or before the end of next Session, and this Regulation falls, they will be in a dangerous and perhaps, a bankrupt position. That is not desirable in view of the fact that they are performing a necessary public function. I suggest that, in the circumstances, the Regulation should be retained with limiting words applicable only in certain cases. I am quite sure that this matter has been overlooked by the Government, otherwise it would have received consideration.

Sir G. HEWART: The difficulty is that in order that the Board of Trade may authorise the charging of the higher rates, it must appear to the Board of Trade that it is necessary for the successful prosecution of the war that the undertaking should be carried on. It is a little difficult at this time of day to say that. Personally, I doubt very much whether, even supposing the Regulation were retained, it would be of assistance to the kind of case to which my hon. and gallant Friend has referred.

Colonel GRETTON: In answer to that, I think the Attorney-General will find that some of the Regulations which are retained are dependent on the words "necessary for the successful prosecution of the war." Those words apply as a kind of aftermath. If they are applicable in those cases they might apply in this case also, which is a clearing up of war conditions.

Sir G. HEWART: I am not aware of any case that goes so far as this. Under this Regulation it is a condition precedent.

Amendment agreed to.

Colonel WEDGWOOD: I beg to move to leave out Regulations 39 BBB, 39 DD, and 39 FF.

I want to know why these powers require to be continued and what is the Government view of them.

Sir F. BANBURY: I hope the Government will accept this amendment. Regulation 39 BBB gives the Shipping Controller power to make orders restricting or giving directions with respect to the nature of the trades in which ships are to be employed and to requisition any ships. Regulation 39 DD gives the Shipping Controller power to prohibit any ship of 500 tons and upwards from proceeding on any voyage whatever except under his licence. A large number of things which were quite necessary during the war are absolutely unnecessary during the present time. We want to get rid of all these hampering restrictions on trade and commerce which are imposed by the Government. They might have been necessary during the war, but are not necessary now.

Colonel WILLIAMS: I hope the Attorney-General will agree to let this Regulation go. I understand, not from anything said in this House, that the Shipping Controller is very shortly going to de-control shipping. There is quite a flutter in shipping circles. I believe a good many people are selling their ships at to-day's rather inflated value,

because they believe that on de-control there is going to be a serious slump in freights, that there is more shipping available than is required for carrying the world's tonnage, and that the scarcity of shipping is entirely due to the control of shipping. Everyone in commercial circles is looking forward to the day when the Government will take off this control and put back the shipping in the hands of those people who can manage it efficiently. I hope the Government will be able to see the matter in that light and allow these Regulations to go, so that we may have shipping de-controlled straight away. I can give the Attorney-General the case of a very big shipowner who, within the last few days, has sold his fleet of ships, I am credibly informed, for the reason that he thinks that on the de-control of shipping we are going to have a serious slump in freights. That also comes to me from the shippers in the East, who are all expecting a slump in freights as soon as the Government let go.

Sir SAMUEL SCOTT: I hope the Government will agree to this Amendment. I am told that at the present moment there is more merchant shipping in the world than there was before the war, and also that this country has a certain amount less than it had before the war, although not a very great deal less. The Parliamentary Secretary to the Admiralty will correct me if I am wrong. We are losing a great deal of trade abroad owing to the action of the Shipping Controller. While merchant tonnage in other countries has grown ours has decreased, and other countries are capturing the foreign trade which formerly belonged to us, largely owing to the action of the Shipping Controller.

Sir G. HEWART: I am sorry that there is nobody here this morning in any way representing the Shipping Controller. So far as my information goes, the point is reasonably clear. What is it we are doing with regard to this Regulation? We are providing that for an emergency period it may continue. It is not in the least necessary, because this Bill is passed, that any one of these Regulations shall continue right up till August next, but it is necessary to provide for the emergency period. Let it be granted that it is desirable that the work of the Shipping Controller should come to an end at the earliest possible moment. I do not know what the merits of that proposition may be, but I will assume for the sake of argument that it is so. What would

be more unfortunate than that the work of the Shipping Controller should suddenly be brought to an end by the circumstance that before he had completed his work something happened which put a term to the Regulations under which he was working? It might lead to the greatest confusion.

Colonel WILLIAMS: He never will complete his work unless we put some pressure on him.

Sir G. HEWART: I suggest to hon. Members that it would be an extraordinary method of putting an end to such a great series of transactions as those in which the Shipping Controller is engaged to leave it to chance when his affairs may come to an end or not. That is not the way to wind up a great undertaking. The right course is that the Shipping Controller should remain armed with the requisite powers, and that his work should be brought to an end as soon as possible, if that be the right course, upon which I express no opinion.

Colonel WEDGWOOD: Could we not postpone this question, because there is no one present to answer for the Shipping Controller? The Attorney-General has rendered yeoman service to the Committee by answering for every Department, and he has done so with extreme ability. The Shipping Control Department is a specialised Department. We cannot proceed with the discussion of the question, because the Government's case is not stated. It is our duty either to postpone the question until the end of the Regulations or to vote against these particular Regulations as a protest against the absence of the representatives of the Government from these Debates. If the Government are defeated on a Division it would always be

possible for them to reinstate the Regulations on the Report stage, when we could get a real statement from the Shipping Controller. I submit that this course would be the best way of securing a statement of the case from the Government and of indicating to the Government that they might be here to present their own case.

Sir F. BANBURY: There have been something like 18 months from the 11th November, 1918, to the present day in which the Shipping Controller could have wound up his Department. It is quite certain that he never will do so until he is told that he has got to wind up. If we pass the Amendment he will have another three or four months, which will be plenty of time for him to wind up. The sooner he does it the better.

Colonel GRETTON: I agree with my hon. Friends that this Department ought to be wound up as soon as possible, but unfortunately the shipment of wheat, sugar, and other supplies obtained by the Government depend upon these Regulations.

The CHAIRMAN: There is no quorum.

Sir G. HEWART: If the House is to rise on the 23rd December, it is quite essential that we should press on with this Bill. Could the Committee meet this afternoon?

Hon. Members: Tuesday.

The CHAIRMAN: It seems to be the general view that we should meet as soon as possible, and Tuesday appears to be the earliest date. Therefore we will sit on Tuesday next at 11 o'clock.

The Committee adjourned accordingly at twelve minutes before One o'clock till Tuesday, December 16th, at 11 a.m.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:—

Sir Archibald Williamson (*Chairman*).
Banbury, Sir Frederick
Bennett, Mr.
Bowyer, Captain
Brassey, Major
Galbraith, Mr.
Gretton, Colonel.
Hacking Captain
Henderson, Mr. Arthur
Hewart, Sir Gordon.
Jones, Sir Evan

Kenworthy, Lieut.-Commander
Kerr-Smiley, Major
McLean, Lieut.-Colonel Charles
Macnamara, Dr.
Matthews, Mr.
Raffan, Mr.
Scott, Sir Samuel
Stephenson, Colonel
Sturrock, Mr.
White, Lieut.-Colonel Dalrymple
Williams, Colonel Penry

WAR EMERGENCY LAWS (CONTINUANCE) BILL.

STANDING COMMITTEE C.

[OFFICIAL REPORT.]

Tuesday, 16th December, 1919.

[SIR ARCHIBALD WILLIAMSON in the Chair.]

THIRD SCHEDULE.**PART I.**REGULATIONS CONTINUED FOR TWELVE MONTHS AFTER THE TERMINATION OF THE
PRESENT WAR.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
* * *	* * *	* * *
39 BBB, 39 DD, 39 FF.	Powers of shipping controller.	
39 G	Provisions as to registry of British ships.	
40 A	Restrictions on the supply of intoxicants to members of the forces undergoing hospital treatment.	
40 B	Restriction on the supply, preparation and use of cocaine and opium.	
40 BB	Purchase and distribution of drugs designed for the treatment of venereal disease.	
40 C	Provisions against malingering.	
41	Unauthorised use of uniform, badges, &c.	
41 D	Restrictions on sending remittances out of the United Kingdom.	
42 A	Provisions against persons inducing members of the forces to contravene the King's Regulations, &c.	

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
42 C	Provisions for securing discipline amongst members of civilian corps attached to the forces.	
43	Obstruction of officers in the execution of duties under the Regulations.	
43 A	Obstruction of members of the forces in the execution of their duties.	
43 B	Provisions with respect to absentees without leave.	
44	Falsification of reports, &c.	
45	Forgery, personation, and other fraudulent offences	
45 F	Provisions for securing discipline of the allied forces in the United Kingdom.	
46 A	Prohibition of assistance to prisoners of war and interned persons.	
47, 48, and 48 A	General provisions as to offences.	So far as relates to offences against Regulations continued by this Act.
51	Powers of search	To be exercisable in England and Wales only with the consent of a Secretary of State, and in Scotland only with the consent of the Secretary for Scotland.
55	Powers of arrest	So far as relates to offences under Regulations continued by this Act, and as if in proviso (b) the words "and in any case forthwith after the termination of the present war" were omitted.
55 A	Power to create special police areas.	So far as relates to existing orders issued thereunder.
55 B	Power to provide for co-operation of fire brigades.	Except so far as relates to air raids.
59	Saving of powers.	
60	Publication of orders, &c.	
61	Production of permits.	
62	Definitions	As if for the words "acting in naval or military co-operation" there were substituted the words "which have acted in naval or military co-operation."
63	Citation and construction.	
66	Effect of revocation.	

PART II.

REGULATIONS CONTINUED FOR SIX MONTHS AFTER THE TERMINATION OF THE PRESENT WAR.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
2 N	Penalties for damaging crops and fences of allotments, &c.	As if in paragraph (a) for the words "under the powers conferred by Regulation 2 L" there were substituted the words "such possession having been originally taken under the powers conferred by Regulation 2 L."
8 AA	Power to restrict establishment of new retail businesses.	
9 A	Power to prohibit the holding of meetings and processions.	
10 B	Power to restrict hours in the evening during which business may be carried on.	
14	Power to prohibit persons residing in or entering certain localities.	So far as relates to existing orders made hereunder.
27	Penalty on spreading prejudicial reports, &c.	Except paragraphs (a) and (b).
27 B	Powers of prohibiting importation of newspapers, &c., containing false and seditious reports, &c.	
39 C	Regulation of traffic at ports ...	As if the words "whereby the successful prosecution of the war may be endangered" were omitted therefrom.
39 CC	Restrictions on power to purchase ships.	
42	Prohibition on causing mutiny, &c.	As if for the words "successful prosecution of the war" there were substituted the words "in connection with the demobilisation of the forces."

Note.—For the purposes of this Schedule "existing" means existing and in force at the date of the passing of this Act.

Amendment proposed (10th December):
Leave out Regulations 30 BBB, 39 DD and 39 FF.—[Colonel Wedgwood.]

Question again proposed, "That the words proposed to be left out stand part of the Schedule."

Colonel PENRY WILLIAMS: Since the Committee met last week I have had occasion, at the request of a large and influential body of my constituents, to go to the Shipping Controller, and ask for some assistance to enable the blast-furnace owners of the North-East Coast to carry on their trade. It may

interest the Committee to hear briefly the details of that application. The blast-furnace owners of the town of Middlesbrough, which really comprises Middlesbrough and the surrounding district, have about twenty furnaces working imported Spanish ores. During this autumn they have found it almost impossible to get tonnage to bring the iron ore from the North of Spain. The difficulty became so acute that on Wednesday or Thursday last they telegraphed to me, as their representative, asking me to go to the Shipping Controller and invite his assistance. They declared that within two or three weeks the furnaces

would be standing, the men thrown out of employment, and the steel works seriously hampered for want of supplies. I thought they had a very good case. I went to the Shipping Control. I was very courteously received, in a magnificent building, with a large staff. I laid my case before one of the officials, and applied for the Controller to exercise his power under Regulation 39 BBB, which says:

“(1) The Shipping Controller may make orders regulating, restricting, or giving directions with respect to the nature of the trades in which ships are to be employed.”

I am sorry to say I was met by a direct refusal of the Shipping Controller to give any assistance in this matter. The line which the official took was that the importers of iron ores were not prepared to pay the current rate of freight. That is no answer at all. The Shipping Controller should have mentioned the freight he was prepared to accept, and on what terms he was prepared to direct tonnage to carry these essential commodities from Spanish ports to the North-East Coast. The Shipping Controller must know quite well that this trade is very closely federated. It is not a matter of concern to them what the freight is: they are perfectly able to pass it on to the consumer. I have no doubt they can pass it at its full value, and, if they like, a little bit more. That is part of the vicious circle in which we are living to-day. The answer is no answer at all. I submit to the Committee that while a Controller who will control may have his uses, a Controller who will not control should not have powers entrusted to him by this House. Furthermore, the partial application of his powers is acting adversely on this particular case. He may be directing tonnage to other trades, and thereby depleting the market of tonnage for carrying iron ore from the North Coast of Spain. I have a letter from the Official Ore Broker of the North-East Coast Iron Ore and Pig Iron Committees, in which he says, “The very few boats about are neutrals, chiefly Spanish and Dutch.” There is a complete absence of tonnage for this market. I submit that the Controller, because he declines to exercise his power to keep this very necessary industry going, is not using the powers entrusted to him by the House of Commons. I suggest the Committee will be wise, as these powers are inoperative, to take them out of his hands. I am rather inclined to agree with the distinguished Admiral who wrote to the “Times” the other day. I think we should cry, “Sack the lot!”

The SOLICITOR-GENERAL (Sir Ernest Pollock): No one can possibly complain that my hon. and gallant Friend has brought this matter to the attention of the Committee. He has pointed out that the control is useful in many cases, but his complaint is rather as to the particular user of it in the circumstances of which he has knowledge. The importance of retaining this control has been pointed out since last the Committee met by the hon. Member for Burton (Col. Gretton). It is that the shipment of wheat, sugar, and other supplies necessitate our being able to have the power at hand, if the occasion arises, to engage vessels to bring certain cargoes which may be required: meat, say, from New Zealand, or wheat from South America. A crisis may arise in which it is very necessary to use what I may call these overriding powers to enable food to be brought to this country. No person who is familiar with the food question would say that there is not a possibility of that emergency arising. Therefore, this control is asked for on these grounds. Secondly, the Committee will bear in mind that until we get, not only the normal, but increased possibilities of transit in this country, it is necessary to deal with the coast trade in order, so far as possible, to relieve the congestion upon the railways. These are the two valid grounds on which I beg the Committee to hesitate long before they eliminate these important powers from that continuance which this secures to them.

I come to the point raised by the hon. and gallant Gentleman. It is quite right that during a certain period of the war the powers of the Shipping Controller were exercised for the purpose of bringing this important ore from Spain. In June also of this year, at the urgent request of the Ministry of Munitions, the powers were again exercised in the shortage difficulty which occurred at that time. I ask the Committee to be a little slow to take a particular case without having heard what is to be said on both sides; indeed, on all sides. There are cases—and I think my hon. and gallant Friend will not misunderstand me—in which we have found would-be charterers of vessels have been unwilling to pay an adequate sum for the charter of the vessel. Then we get considerable complaint from shipowners if the powers of the Ministry are used for depressing what should be, or what is conceived to be, by a portion of those engaged in the trade, as a legitimate freight which they ought to obtain for their vessel. There have been cases of merchants or brokers who have come to the Shipping Controller and asked him to exercise his powers, no

[The Solicitor-General.]

doubt in conscientious belief, from their own point of view, that the powers should be exercised entirely in their own favour. On the other hand, the Shipping Controller has to consider the rights of shipowners as well, and he has found cases in which those who desire freights have asked and pressed him to exercise these powers in the particular circumstances prevailing in their particular trade. At the same time, if they would pay an adequate market price for freight, they would secure the freight they require. It is a nice question of discretion whether the Shipping Controller ought to exercise this power unless what might be called a national need has arisen rather than a particular need for particular merchants or particular brokers or a particular trade. There have been cases, I am told, where merchants have sought to have these powers enforced, instead of being ready, as far as possible, to secure shipping at market rates.

Colonel WILLIAMS: The right hon. and learned Gentleman has really begged the point. The point is that the Shipping Controller did not offer freight or offer to direct freight at what he considered was an adequate rate. Had he done that, and had they refused to pay it, I should have had no grounds for complaint.

Sir E. POLLOCK: If I follow the point the hon. and gallant Gentleman now makes, he says: the Shipping Controller ought to have said to the person who sought his intervention, "Tell us what is the rate that we ought to pay," and if he had given that direction he would have no complaint of the Shipping Controller. May I suggest that that is perhaps not quite the right course for the Shipping Controller. Is the Shipping Controller suddenly to say, "this is the right price which you must pay," and then, so to speak, to use indirectly his powers to insist that a particular price should be paid? I can understand merchants being displeased at that exercise of his powers by the Shipping Controller. In this case of iron ore coming from Spain, tonnage is available. There are ships coming back in ballast and I think the Shipping Controller's powers ought to be exercised as sparingly as possible, and the sense of all of us is to try to get rid of as much control as possible. That is the way we approach this Bill, and the fact that the Shipping Controller has either exercised his discretion wrongly or unwisely or in a way

which has caused inconvenience to the particular case to which the hon. and gallant Gentleman refers really does not prevent me still asking the Committee to give the Controller these powers which in an emergency, particularly in matters of food, might be of the greatest importance. It is almost impossible to survey in each case by a debate in this Committee the rights or wrongs of the particular Department concerned. Opportunities arise in the House from time to time, when particular matters can be fully debated, where an injustice has been suffered for want of discretion illustrated by the Department in charge, but I hope the Committee will be satisfied that in asking for these powers to continue I am asking for them in case a national emergency arises when it would be a sorry thing if we were not equipped with powers to meet it. At the same time you cannot judge of the general user of these powers required for that purpose by bringing forward specific cases in which perhaps the Shipping Controller may have been right or wrong; on such a question this Committee must be ill equipped either to consider or to pass its judgment.

Sir F. BANBURY: May I remind the Committee what these powers are? I will quote one:

"The Shipping Controller may make orders regulating, restricting or giving directions with respect to the nature of the trades in which ships are to be employed, the traffic to be carried therein, and the terms and conditions on which the traffic is to be carried, the ports at which cargo is to be loaded or discharged or passengers embarked or disembarked (including directions requiring ships to proceed to specified ports for the purpose of loading or unloading cargo or embarking or disembarking passengers), the ports at which consignees of cargo are to take delivery thereof, the rates (maxima or minima) to be charged for freight or hire of ships and the carriage of passengers, the form of bills of lading and passenger tickets, the building, repairing, equipping, refitting, converting or altering of any ship or vessel, the user of and the work to be done in or with any dock, shipyard, dry dock, or other accommodation adapted or capable of being adapted for building, repairing, equipping, or refitting ships or vessels (in this regulation included in the term "shipyard"), and any plant in or about the same, the priority and manner in which and the places at which orders or contracts for building, repairing, equipping, refitting, converting or altering ships or vessels are to be executed."

These are enormous powers which may possibly have been justified during the war, but which are certainly not justified now. May I quote the words of a Liberal ex-Prime Minister?—

"It is one of the curses of our time that we are living under innumerable Regulations framed hurriedly in the stress of war which we cannot annul. I have sufficient faith remaining in Parliament not to believe that they have passed in war time laws with the intention of their being used as instruments of oppression in times of peace." That is Lord Rosebery.

Lieut. - Commander KENWORTHY:

There are many more of these powers which the right hon. Baronet might have quoted. There are directions to the officers of the Shipping Controller to enter and search any premises in respect of books or documents. Although the Solicitor-General has said these powers are required only in the event of a grave national emergency, once we have said "aye" to these lines being in we give these full powers to the Shipping Controller and all his satellites and minions up and down the country. Regulation 39 FF. gives a sort of power of conscription at sea. Every seaman is to be registered at the lodging house where he stays at a port on shore and the lodging house keeper has to be prepared to give a list of the men, which is really a sort of industrial slavery. I do not think the Shipping Community will stand it very much longer. Could not we have some form of words safeguarding the liberty of the subject? In the case of a grave national emergency we are all agreed that we will give the Executive any power required, but here these wide powers are given and we have only the Solicitor-General's words that they will not be used except in case of grave national emergency, and he has nothing to do with the Shipping Controller except when he comes up against the Law. I do not think I am asking too much from the point of view of the best interests of the country. The Shipping Community at Hull are unanimous in saying that the removal of shipping control will bring down freights. The Hull Chamber of Commerce has unanimously passed resolutions asking that control may be removed. Further, the proof of the pudding is in the eating. A large ship-owner, a friend of mine, has just sold his ships. He says: "This control cannot be kept on much longer. As soon as it is removed freights will come down, and I shall

get less for my ships. At present we are on the top of the market. There is plenty of shipping in sight in the world. I am afraid control will come off and my ships will be less valuable."

Sir E. POLLOCK: At first sight I rather agree with the hon. and gallant Gentleman that it looks as if we are maintaining powers which are unnecessary and perhaps somewhat arbitrary, but it is a very curious thing that it has been found by all persons, both owners and men, that they desire their continuance, and indeed we have been invited to put these powers into a permanent Act. Regulation 39 FF. requires every person employed as master seaman or apprentice on board a British ship to hold the prescribed certificate of identity and service. It has been found most useful. When our men go to foreign ports all questions which may arise there owing to their not having passports are all met by the certificate of identity, and it has proved a most popular power among the men themselves, and so far from it being an illegitimate exercise of authority, those most concerned in it regard it as such a convenient method that they have asked us to continue it in a permanent Act. The right hon. Baronet (Sir F. Banbury) read certain powers which are no doubt wide, but every single one is necessary both for the purpose of the coasting trade and of food control. He has read out words which are necessary to the control I referred to. I will scrutinise these again when I am able to do it with adequate composure, as the hon. and gallant Gentleman (Lieut.-Commander Kenworthy) said, which I have not got at present. It is almost impossible to meet hon. Members here, but I will parse these Clauses most carefully before Report, and see if I can do anything which will meet them, and indeed, if the hon. and gallant Gentlemen will see me, we will go through them together and see if I can meet him in the way he asks me.

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

The Committee divided: Ayes, 12; Noes, 11.

Division No. 13.

Baird, Major
Bennett, Mr.
Bowyer, Captain.
Curzon, Viscount.

Dennis, Mr.
Hacking, Captain.
Henry, Mr. Denis.
Jones, Sir Evan.

Matthews, Mr.
Morrison, Mr. Hugh.
Pollock, Sir Ernest.
Sykes, Colonel Sir Alan.

NOES.

Banbury, Sir Frederick
Cape, Mr.
Hancock, Mr.
Kenworthy, Lieut.-Commander.

McLean, Lieut.-Colonel Charles.
Raffan, Mr.
Scott, Sir Samuel.
Stephenson, Colonel.

White, Lieut.-Col. Dalrymple
Williams, Colonel Penry
Wood, Major McKenzie.

[Sir E. Pollock.]

Amendment made: Leave out Regulation 40 A.—[*Sir E. Pollock.*]

Sir F. BANBURY: I beg to move to leave out Regulation 40 B.

This is the power relating to the supply of cocaine. It may be necessary that something of that sort should be done, but it should be done in an Act of Parliament and ought not to be put in an Emergency Bill.

Sir E. POLLOCK: I agree with the right hon. Baronet. It ought to be put into an Act of Parliament, and we are going to do it. This Regulation provides for an effective check on the abuse of cocaine and other drugs. Hon. Members will bear in mind that there have been serious cases during the war where there has been such abuse. Under the provisions of the Peace Treaty the Government are bound to introduce within twelve months legislation for the control of opium and cocaine and other drugs, and a Bill for that purpose, which is in preparation, will be presented early next session. If in the meantime we abandon all powers of control it would be very inconvenient, and we should not be doing what we have undertaken to do by the Peace Treaty. I hope the Amendment will not be pressed.

Mr. RAFFAN: I think the Solicitor-General might have stated how far these powers have been found necessary and effective. I was interested in this matter, because I was approached by a number of unregistered dental practitioners who found that cocaine, which was the anæsthetic they had been using for a great many years, was to be prohibited, and that they were to be compelled to perform their operations either without an anæsthetic or with one that was not suitable. As a result of a movement in the House, a Home Office inquiry was held, and the result was to show quite clearly that the scare about cocaine had been very much exaggerated. The Home Office were entirely unable to bring any evidence to show that there had been any kind of abuse on the part of the dental practitioners. They were met in this way: They were given a permit, first of all for a month, and that has been extended from time to time and is still in operation. They have approached me recently, and they say that the time has come when this restriction should be removed. They are at present restricted to certain specific preparations and they feel that there is not the slightest necessity why they should not now be allowed to use cocaine for

these operations as freely as they did in pre-war times. If this is to be continued I hope the Solicitor-General will consider whether he cannot now further extend the permission given to these practitioners by abolishing the restrictions to certain specified forms. The prosecutions really have been very few indeed and the number of cases which could not be met by the ordinary law is so small that the Regulation might very well go.

Sir E. POLLOCK: I am very glad to reassure the hon. Member that there is no intention of withdrawing licences under which cocaine is now supplied to unregistered dentists. I hope he will take that quite clearly from me. The real difficulty with all these matters is that when you get a permit of this sort it includes a good many other drugs. Cocaine was properly used by the dentists, but it is a generic term and might deal with other cases where there is danger of improper use. I hope that assurance, and the fact that the question is to be dealt with by legislation, will be sufficient assurance to the hon. Member.

Amendment, by leave, withdrawn

Sir F. BANBURY: I beg to move to leave out Regulation 40 BB.

This is somewhat of the same nature as the last Regulation. It provides that

“The Local Government Board may, during the continuance of the war, authorise any local authority or person to purchase and distribute any drug, medicine or medicinal preparation specially designed for the treatment of venereal diseases, and a local authority or persons so authorised, and any person obtaining a supply of any such drug, medicine or preparation from or through them or him, shall not be liable to any action or proceedings in respect of the importation, purchase, sale, distribution, or use thereof on the ground that any patent or other similar rights are infringed thereby. In the application of this regulation to Scotland and Ireland, the Local Government Board for Scotland and Ireland, respectively, shall be substituted for the Local Government Board.”

I do not know why that is. It is another form of Government interference. It ought surely to be left to the doctor and the chemist. I really do not see what the Local Government Board have to do with it.

Sir E. POLLOCK: Once more I find myself in close agreement with the right hon. Baronet. No one could express my views more happily than he does. Unfortunately the information that he had at his disposal was incomplete. The real difficulty is this:

A well-known preparation of great importance in these cases of venereal disease is called salvarsan. It is a German preparation, and everyone knows that German patents are still, or have been, under certain restrictions retained, and the value of this power is that we have been able to secure the manufacture and distribution of this impatents are still, or have been, under certain have rendered those who prepared it immune from any action for infringement of the patent. If you let the Regulation go, instead of making it more possible for persons in this country to prepare and distribute the salvarsan they would not be able to do it. We need to continue this Regulation. Then the specific could be procured without danger or difficulty.

Sir SAMUEL SCOTT: Is this Regulation going to be embodied in any Bill?

Sir E. POLLOCK: I cannot say at once whether or not our new Patents Act will be of assistance in the matter, because we have dealt there with well-known preparations which are under a certain name, and which acquire a use under that name. Whether that will apply or not I do not know, but I am perfectly ready to bear in mind what the hon. and gallant Member has said, and to see whether or not we can deal with this matter at the same time as cocaine.

Amendment, by leave, withdrawn.

Amendments made: Leave out Regulation 40 C.—[*Sir E. Pollock.*]

Lieut.-Commander KENWORTHY: I beg to move to leave out Regulation 42 A.

It is quite a short Regulation, and it seems on the face of it very right and proper that people who try to seduce soldiers or sailors from their duty should be liable to punishment; but, after all, we have fought more wars than any other nation in the world, and have had armies and navies for generations, and it has never been necessary in our Common Law to have anything of this sort. Why in the case of a war which is happily over should this Regulation be retained? It gives very wide powers, and it might be used against people who, for instance, wrote in the papers in a pacifist way—it might be twisted in that sort of way. We want an explanation as to why this is required.

Sir E. POLLOCK: I do not need more than a few sentences to explain this. It really provides only that where a civilian

person attempts to prevent a member of the Forces of the Crown from doing his duty, and does that for the purpose of impeding the execution of duties, then, as the soldier who failed to do his duty would be responsible, so the civilian who has tried to prevent that soldier from doing his duty should also come under some penalty. It has been found very useful in a number of cases. There are cases in which a soldier has been hampered in carrying out his duty in areas in which there is congestion of population, and it is very hard to leave him without any protection.

Lieut.-Commander KENWORTHY: Is not that Regulation 43? Regulation 42 A is the one on which I raised the question

Sir E. POLLOCK: I am much obliged. It refers to civilians, who try to induce soldiers to commit an offence, and makes them responsible. It seems to me to be nothing more than a protection of those members of the forces who are adequately and gallantly carrying out their duties.

Captain BOWYER: I am disappointed that the right hon. Gentleman did not address his reply to the point raised by the hon. and gallant Gentleman as to whether this is covered by the Common Law. If it be now necessary when we are back in peace, surely it must have been just as necessary before the war broke out. How does the Common Law deal with this matter? Is this power going to be continued in legislation?

Sir E. POLLOCK: That is a perfectly fair question. It is intended to put this Regulation, or a Clause which will meet the case, in the Army Annual Bill when that Bill is taken. Without such a provision I do not think that the Common Law would provide an adequate remedy. The matter shall be dealt with in the Army Annual Bill, when it can be thoroughly considered and discussed.

Commander Viscount CURZON: I am not quite clear whether this covers the Navy.

Sir E. POLLOCK: This Regulation covers the Navy.

Viscount CURZON: Is it intended to extend this permanently to the Navy as well?

Sir E. POLLOCK: I will bear that in mind. Obviously it is an important point.

Colonel WILLIAMS: We should have more information from the Government before we pass this Regulation. The Solicitor-General has not said clearly whether the Common Law is not adequate to deal with this question. I submit that if before the war any man or body of men had induced a battalion of soldiers not to go on parade or wilfully to defy the authority of their superiors there would have been a remedy in the police courts against those people. If that be so there is no necessity for carrying this Regulation on in peace time.

Lieut.-Commander KENWORTHY: I do not wish in any way to tie the hands of the Government in preserving the efficiency of the Army and Navy, but I would like to know at what sort of offence this is aimed? Is it aimed at people who try to persuade their sons when on leave not to go back to the Army, but to stay another 24 hours at home? Or at people who try to get soldiers to sell their uniforms? Is it aimed at the ordinary family offences? I have never heard of a prosecution under this Regulation.

Sir E. POLLOCK: I should have thought cases of desertion are included, or cases for instance say of getting from soldiers information which they ought not to give, or causing them to break any of the King's Regulations. I am not going to give a definition of what the King's Regulations cover. The hon. and gallant Gentleman knows that a great deal better than I, but there is a number of matters laid down in these Regulations, and we wish to provide against the breach of them by this Regulation. As I have said, the matter can also be dealt with as permanent legislation.

Major M. WOOD: Surely desertion is not dealt with in the King's Regulations. If anyone tried to make a soldier desert he would be committing a breach of the Army Act and not a breach of the King's Regulations. The King's Regulations deal with other matters entirely.

Viscount CURZON: I am not quite clear as to whether this can be dealt with under the Common Law, or whether it is necessary to embody this Regulation. I would like a little more explanation as to why if this is covered by Common Law it is necessary to pass this Regulation. I have seen it stated, and I believe it to be a fact, that attempts have been made to get officers who served in His Majesty's forces to join the forces of another power. Would cases like that come under this Regulation?

Sir E. POLLOCK: I really must consider that last question. I cannot give offhand an answer on which I would ask the noble Lord to rely, but I give the definite answer that the matters dealt with in this are not met by the Common Law and it will be necessary to have the statutory legislations to which I have referred.

Amendment negatived.

Amendment made: "Leave out Regulation 42 C."—[*Sir E. Pollock.*]

Lieut.-Commander KENWORTHY: I beg to move to leave out Regulation 43.

This Regulation provides that persons withholding information in their possession which they may reasonably be required to furnish from any officer or other person who is carrying out the orders of a competent naval or military authority or otherwise acting in accordance with his duty under these Regulations shall be guilty of an offence—

Sir E. POLLOCK: I will accept the Amendment.

Amendment agreed to.

Lieut.-Commander KENWORTHY: I beg to move to leave out Regulation 43 A.

This is much the same sort of Regulation, and I hope that the right hon. Gentleman will see his way to accept this amendment.

Sir E. POLLOCK: I am sorry that I cannot accept the amendment. During the war it was found that there was no legal remedy either at Common Law or by statute if sentries were hampered in their duties by civilians who interfered with them. The civil police are protected against interference in carrying out their duties, but the military police are not protected, and it is very important that they should have protection.

Lieut. - Commander KENWORTHY: With that explanation, I beg to ask leave to withdraw.

Amendment, by leave, withdrawn.

Amendment made: "Leave out Regulation 43 B."—[*Sir E. Pollock.*]

Lieut.-Commander KENWORTHY: I beg to move to leave out Regulation 44.

This Regulation is very important. This is also a case in which the Common Law can deal with all criminal offences committed in time of peace. The sort of thing which I am thinking about is the sentence in the third line of 44—that a person shall be guilty of an offence if he knowingly makes or connives at making a false statement.

Sir E. POLLOCK: I will accept the deletion of Regulation 44, if I may have the powers of Regulation 45. I do not want all the powers of Regulation 45, but I will explain what I do want.

Lieut. - Commander KENWORTHY: Certainly, I am much obliged.

Amendment agreed to.

Lieut.-Commander KENWORTHY: I beg to move to leave out Regulation 45.

I am not quite clear as to whether this Regulation is required.

Sir E. POLLOCK: Regulation 45 is a very important Regulation. It deals with the case of any person who forges, alters, or tampers with any naval, military, air force, police or official pass, permit, passport, &c., or personates or destroys or makes away with any of those documents or allows any other person to have possession of them, or use them without lawful authority. I contend that Regulation 45 is necessary. It is the only way in which we can deal with these cases in which certificates of identity, passports, &c., are necessary for identifying particular persons. I hope, therefore, that the hon. and gallant Gentleman will not press the Amendment.

Captain BOWYER: I apologise for not quite understanding this, but it seems to me, if my right hon. Friend says that this is important, so much the more is it important that we should have it as a permanent form of legislation, and not in this form. Am I right in thinking that?

Sir E. POLLOCK: I am much obliged. We are going to deal with it. It is certainly, I quite agree, a matter that ought to be dealt with by permanent legislation. For the moment we want this, but our intention is to deal with the matter by permanent legislation.

Amendment, by leave, withdrawn.

Lieut.-Commander KENWORTHY: I beg to move to leave out Regulation 45 F. Before I go any further, perhaps the right hon. Gentleman will inform me if he intends to accept this?

Sir E. POLLOCK: This Regulation is only necessary while we have forces of the Allies passing through the United Kingdom. It is not really directed to our own Forces. We have not got to the time when we have not, or may not have, Allied forces passing through, and therefore this Clause is necessary.

Amendment, by leave, withdrawn.

Amendment made: Leave out Regulation 46 A.—[*Sir E. Pollock.*]

Sir F. BANBURY: I beg to move to leave out Regulations 47, 48 and 48A.

I do not see why all these provisions are necessary now.

Sir E. POLLOCK: Perhaps the right hon. Gentleman will just look at them, and he will see?

Sir F. BANBURY: Regulation 47 reads:

"It shall be the duty of every person affected by any order issued by the competent Naval or Military Authority . . . to comply . . . if he fails to do so he shall be guilty of an offence against these Regulations."

This surely applies to the civilian population. There is no necessity for this, or for the civil population to obey any order issued by a competent naval or military authority. We have already put in a provision which prevents the civil population interfering with military discipline. It is quite another thing for any naval or military officer to come to me and say: "You must pass along this way," or: "go along another." No. Regulation 48 is somewhat similar and Regulation 48 A tells us:

"Where the person guilty of offence . . . is a corporation or company, every director and officer of the corporation or company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his consent or knowledge."

My right hon. and learned Friend will agree that it is a principle of Common Law that a man is supposed to be innocent until he is proved to be guilty. This is quite contrary to the lessons which my right hon. and learned Friend learnt during the days when he studied at the bar.

Sir E. POLLOCK: And you, too!

Sir F. BANBURY: I see no object in these Regulations, for here, if a man cannot prove himself to be innocent, he is supposed to be guilty!

Sir E. POLLOCK: The Committee will see that in the third column we are continuing these provisions—

"So far as relates to offences against Regulations continued by this Act."

It is only in respect of these that these general provisions are required. We have decided that certain of these regulations shall be continued by this Act. These are three cases in which my right hon. and may I

[Sir E. Pollock.]

say candid Friend, will agree that he would not be much disturbed by Regulation 47. But take the case of food orders. It is quite clear that the Food Controller must have some sanction which will give force and validity to these Regulations, and enable us to enforce them. Regulation 48, again, is for the purpose of giving sanction to these food orders. Lastly as regards Regulation 48 A: Since the right hon. Baronet and myself first learnt our law we have gone a good long way in making companies and corporations responsible. If a large trading corporation were to sell food improperly, some big stores, say, contravening some of the food regulations, it is necessary to be able to get at the company or corporation, to get at the head offender or offenders; it is no use going to the man at the counter who, after all, may be working under orders. This regulation is one which embodies the principle and system which has been used persistently. So far as I know, these complementary regulations to the regulations we have passed have so far been found to be necessary as a sanction, and I do not know that any serious difficulty has arisen in the working of them. I am only asking to keep them in order that they may be ancillary to those regulations which the Committee have already decided to continue.

Sir F. BANBURY: Perhaps we can make a bargain? If I withdraw this amendment will the right hon. Gentleman accept my next amendment relating to powers of search?

Colonel WILLIAMS: I do not think we ought to agree to a deal of this sort. These three Regulations stand together. The third one appears to me to say if we cannot catch the man who actually committed the offence we will rope in somebody, and grab hold of anybody connected with the concern who cannot prove that he has not committed the offence. I submit that in peace times this is an absolutely unfair proposition. It must be well known that in big stores such as instanced by the right hon. Gentleman there are many directors who are concerned only with the general policy of the trading of the stores. They have nothing whatever to do with the actual management. It may be impossible for them technically to prove that they have not knowledge of an offence. They may have had a Minute sent to them which probably they have never read. This is carrying the Regulation too far. I hope the Solicitor-General will, at any rate, agree to

the deletion of Regulation 48 A; and I am prepared to do a deal with him in respect of Regulations 51 and 55.

Sir E. POLLOCK: I am anxious to ease anxiety in relation to this. The Profiteering Act contains a clause almost exactly the same. You can no doubt take a corporation and impose a fine upon it but that really means very little in the case of a rich corporation who can pay. Where you have a case in which the person can be found actually responsible—I am not taking the case of the director who is not responsible, and who takes no part because that is safeguarded—Where you have the person who can be proved to be—

Colonel WILLIAMS: Put it round the other way!

Sir E. POLLOCK: Perhaps that point can be further considered before Report. I hope the hon. and gallant Gentleman will come and see me about it.

Lieut. - Commander KENWORTHY: This seems to me very important, and I am sorry I cannot accept the explanation of the right hon. and learned Gentleman that these three Regulations are necessary to carry out the other Regulations which the Committee have agreed to carry on. In every one of these Regulations the words occur again and again; that if any person, subject to these Regulations, fails to comply with these conditions he shall be guilty of an offence against these Regulations. I cannot see why these three paragraphs are necessary. Regulations 47 and 48 give the widest powers to the competent naval or military authority to pursue them. When we discussed the Shipping Control at the beginning to-day the Solicitor-General said that the Regulations given to the Shipping Controller were very wide, but that they would only be exercised in case of national emergency. I besought him then to find some form of words by way of amendment to safeguard us in this respect. Now, these two Regulations, 47 and 48, re-inforce the tremendous power given to the naval and military authorities in different districts in England. They are the judge as to whether the emergency is a national one.

Sir E. POLLOCK: The hon. and gallant Gentleman must remember that we are continuing these only so far as relates to offences against the Regulations continued by this Act; it is only in respect of these that they will be operative. For instance, we have dropped Regulation 30A. When,

however, it deals with the question of the competent naval and military authority the suggestion is that we are giving broadcast to these authorities all these powers to exercise when they please. That really is not what we are doing. The competent authority so far as the Regulations have been continued will have the supplementary or ancillary powers which are proved to be necessary. For that purpose, and for that purpose only, we are asking to continue them.

Lieut.-Commander KENWORTHY: I am obliged for the explanation, but may I refer to the powers of search and arrest a little lower in the Schedule? These paragraphs we are now addressing ourselves to cover these extraordinarily wide powers, especially in the power of arrest, which will be given to any military officer, or, if he be

away on leave, the possibly inexperienced chief of staff or his A.D.C. has simply to sign a document. He may say: "This is a time of riot and civil disturbance" and the widest powers over a large area may be exercised simply on his judgment. It is this that the people of the country are objecting to. It is the fear of the way these powers may be misused by an occasional hot-headed naval or military officer who may have charge of a district. It is this that has caused the outcry against the continuance of these Regulations. It is extremely dangerous to pass these Regulations 47 and 48. We may regret it very much in the near future. We do not know what may happen.

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

[*Regulations 47, 48, and 48a.*]

The Committee divided: Ayes, 16; Noes, 8.

Division No. 14.

Baird, Major.
Bennett, Mr.
Bowyer, Captain.
Curzon, Viscount.
Hacking, Captain.
Hancock, Mr.

Henry, Mr. Denis.
Jones, Sir Evan.
McLean, Lieut.-Col. Charles.
Matthews, Mr.
Morrison, Mr. Hugh.

Pollock, Sir Ernest.
Scott, Sir Samuel.
Stephenson, Colonel.
Sykes, Colonel Sir Alan.
White, Lieut.-Col. Dalrymple.

AYES.

NOES.

Banbury, Sir Frederick
Cape, Mr.
Dennis, Mr.

Griffiths, Mr. Thomas.
Kenworthy, Lieut.-Commander.
Raffan, Mr.

Williams, Colonel Penry.
Wood, Major McKenzie.

Sir F. BANBURY: I beg to move to leave out Regulation 51.

I do not think we ought to put these powers of search into the hands of a Minister. It is making him an arbitrary dictator who is to have power to issue what were very wide powers even during the war. It cannot be contended that these Regulations are of such vital importance that we should create five or six dictators with power to direct that any official may go into my house at any time of the day or night and take anything which he may suspect is in contravention of these Regulations. Hitherto, under the Law the power of search has been granted by a magistrate. Why should the protection which a citizen has under the Law of the land be put into the hands of a Minister? It is quite wrong.

Sir E. POLLOCK: If the facts were anything like what my right hon. Friend has suggested, or if we were trying to keep these powers for any of the purposes he has described, I should be absolutely in accord with him, but we need these powers simply for the purpose of dealing with spies who are still in this country and whom we have still to deal with. I have closely examined what we

can do, and I am prepared to leave out the words

"(including, where a report or statement ——— has appeared in any newspaper or other printed publication, or a leaflet has been printed in contravention of any of these Regulations, any type or other plant used or capable of being used for the printing or production of the newspaper or other publication or of the leaflet), and the competent naval or military authority with the consent of the Admiralty or Army Council, or a chief officer of police with the consent of a Secretary of State, the Secretary for Scotland, or the Chief Secretary in Ireland (as the case may be), may order anything so seized to be destroyed or otherwise disposed of."

Sir F. BANBURY: You still leave in the words that I very strongly object to, that he may enter by force a house and examine, search and inspect the same or any part thereof and seize anything found therein which he has reason to suspect is being used or intended to be used, &c. If it is only intended to use these powers for the purpose of finding spies, surely if the words proposed to be left out are left out, it will be competent to put in words to confine those words to the search for spies. If that were done I should not object.

Sir E. POLLOCK: The Regulation is only to be exercised with the consent of the Secretary of State, and in Scotland with the consent of the Secretary for Scotland. Has my right hon. Friend's house ever been searched under these powers? Has it ever happened? The answer really is No! But in cases in which we have arrested spies we have used them with success. I have spoken to the hon. Member for Reigate (Brigadier-General Cockerill) and he was prepared to support the maintenance of this Regulation in the interests of the work of which he has been in control at the War Office. This question of spies is not over. It is entirely in relation to spies that I am dealing with this matter. My right hon. Friend says, "put in some words relating to spies." Until a man has been convicted of spying he is not a spy. I have therefore to have some words which will enable me to use this power with discretion, but I cannot define a spy. I cannot use some expression which will hamper the execution of these powers. Let me give an illustration. In the suburbs of London, quite recently, it was found that there was a man over here who was in the pay of the German Secret Service and he had been kept under observation. He was a naturalised British subject, and it was necessary to act under these powers. I cannot tell the Committee the whole of the case. It is quite obvious that the whole matter breaks down if you tell exactly what happened, or how it happened, and what the particular method was, but the Committee will be indulgent enough to accept it from me that these powers were of service in that particular case, and a recent case. Take another case. It is found that there are a certain number of Secret Service Agents who are passing backwards and forwards to the Continent and are obtaining information which may be of use and which the authorities regard as certainly dangerous information. It is suggested, let us go to the police court and get a warrant, but the police court is not open until ten o'clock the next day, and you simply stand powerless while the man goes.

Colonel WILLIAMS: You can go to a magistrate.

Sir E. POLLOCK: You will then have to wait until the next day. [*Hon. Members: No!*] Let me understand what the Committee wants. I do not think the Committee have had any case in which they can say an improper use has been made of the Regulation, at any rate, so far as I know. These are powers which I am asked to main-

tain by the War Office, the Home Office, and the Admiralty. They ask for these powers for the cases which I have indicated. Now, say the Committee, "These are very wide powers which may be enforced against some hon. Members of this Committee." The answer is that they have not been and they will not be.

Mr. RAFFAN: They have been very improperly exercised; there can be no doubt about that.

Sir F. BANBURY: May I offer a suggestion? I am anxious to assist the Government. The Solicitor-General has said that he is prepared to leave out all the words after "Regulations" ["contravention of these regulations (including)"].

Mr. T. GRIFFITHS: I think we ought to do away with it altogether.

Sir F. BANBURY: I am rather inclined to think so. We inserted Regulation 18A. It was not in the Bill, and it is the Regulation dealing with spies. I suggest that we accept the proposal of the Solicitor-General, with the further Amendment that we leave out the words "These Regulations" ("in contravention of these Regulations, including") and insert instead thereof the words: "Regulation 18 A." That will limit it entirely to the question of spies, and I think that is a very fair offer.

Mr. BENNETT: May I suggest to the Solicitor-General a further deletion which, I believe, would be quite consistent with the grave purpose which he has laid before the Committee. I suggest the omission of the words "or that an offence against these Regulations is being or has been committed thereon or therein." We are all anxious to preserve any powers which may be necessary for the executive to conserve the public safety and the defence of the Realm, but then we go on to speak of an offence against these Regulations. The Regulations are of widely varying importance. There are some of a relatively trivial character, for instance, in reference to shipping control and food control, and I doubt whether it would be necessary in order to enforce those Regulations to carry out the right of search. It seems to me that we should have done quite enough if we gave powers of search for the purpose of preventing anything prejudicial to the public safety or the defence of the Realm.

Colonel WILLIAMS: I think that this Regulation and Regulation No. 55 ought to be fought to the end. We shall be beaten in

this Committee probably, but our opposition can be carried down to the House, and if we are beaten in the House the country will know exactly what it is up against. These two Regulations are fundamental to the liberties of the whole people. There is no justification to-day for searching any premises without a warrant from the magistrate. The necessity to obtain a warrant from the magistrate is the principal protection that the subject has against the arbitrary action of the Executive. We all know that a bench of magistrates is a popularly elected bench. It may be selected, but it is popularly elected, and no magistrate can hold his place for any length of time if he has not the confidence of the general public in his particular district.

Therefore, to obtain a warrant from a magistrate the police or the competent military authority, you would have to show sufficient cause why premises should be searched. The Solicitor-General says that this power has never been exercised in an improper manner, but on the second reading of the Bill the following Question was put by the right hon. Member for Derby (Mr. Thomas):

“Does the right hon. Gentleman know that it has been exercised in the case of trade union secretaries without any proof?”

In relation to that, I believe I am correct in saying that certain trade union offices were searched under this Regulation without any justification at all. The Committee will remember there was an accusation or an assertion made that there were certain Bolshevik elements operative during the railway strike. No attempt whatever has been made to prove that assertion, but I believe that acting on that idea certain trade union offices were searched, and searched illegally, but nothing was found. Another point of importance is the question of the authorisation by the Secretary of State. I take it that under this Regulation the Secretary of State has the power to give a general authorisation. He may say to the police or to the competent military or naval authority in any area of England or Wales, or the Secretary for Scotland may say in respect of Scotland, “You are authorised under this Regulation to carry out the provisions of Regulation 51A and search any premises that you may think fit to search.” It is not a particular authorisation; the competent military authority has not to obtain the permission of the Secretary of State to search Mr. A’s premises or Mr. B’s premises. Is that not so?

Sir E. POLLOCK: In a particular case. It does not mean that the Secretary of State can give a general power to all persons holding a particular office. He must authorise a particular search in respect of a particular person in a particular case.

Colonel WILLIAMS: Then I submit that it is wholly unnecessary. If the police or competent authority has to go to the Secretary of State in London, surely it will take them longer than going to the nearest bench of magistrate and getting a warrant in the ordinary way. I submit that the right hon. Gentleman has destroyed his whole case. I hope the Committee will throw this out absolutely.

Mr. GRIFFITHS: The Solicitor-General may be honest in his intentions in trying to persuade the Committee to accept the suggestion he has made, but I hope the Committee will have this power of search withdrawn altogether. I think the right hon. Gentleman pointed out that during the war these powers were not exercised. I have in my mind the case of a trade union leader. Of course we did not all hold the same opinion in so far as the war was concerned. This particular trade union leader was opposed to the war. His house was searched in the middle of the night, but they found no evidence whatever to show why the search should have taken place. Let us follow the matter up. What has happened since the war? I have put seven questions in the House to the Secretary of State for War in relation to an instruction that was given to the Chief Constable in Monmouthshire, through the Home Secretary, asking that Chief Constable to make enquiries and get the addresses of all the trade union secretaries in the Monmouthshire division during the railway strike. What was the intention? The reply I got from the Secretary of State for War was that they wanted the names and addresses of these secretaries so that they could convey information. What information could be conveyed from the Chief Constable or the military authorities? No information at all. They wanted the names and addresses of these people so that if the railway strike had continued, and if any leaflets were issued in favour of the railwaymen, and prejudicial to the Government in any way, a search might be made of the trade union leaders’ premises under this very law. Among the trade union secretaries you have decent respectable men who are married to very nervous women, and they hate to see any policemen going round a house. Their wives fear a policeman more than they fear

[Mr. Griffiths.]

a mouse. Under this Clause the authorities would have power to go to the houses of decent and respectable men and frighten women, who may be very near to becoming mothers. We have had some experience in this. I think it is a disgrace that we allow laws of this kind, whereby innocent women can be frightened and the houses of respectable citizens can be searched without any cause at all.

Colonel WILLIAMS: And without a warrant.

Mr. GRIFFITHS: That is so. I hope the Committee will vote against the Clause.

Captain BOWYER: I want to ask a simple question. Can you not under a search warrant from a justice in the ordinary way do all that you seek to do under this Regulation?

Sir E. POLLOCK: Certainly not. The hon. and gallant Member (Col. Williams) informed the Committee that that was so, but he was incorrect. There are only certain cases in which a magistrate can grant a search warrant, and the powers of a magistrate are strictly limited. This gives a wider power, and it is not correct that I have given the whole case away as has been alleged. The power of a magistrate to grant a search warrant is limited to certain cases, and only under certain statutes.

Captain BOWYER: I submit that this goes to the root of the whole matter. If the right hon. Gentleman had said to me "Yes, I can do all this under a search warrant," then I should have submitted that the whole case would have been given away. The question now is what is the differentiation between giving power to the Secretary of State and giving it to the magistrate? As it is now one o'clock I think we might very well adjourn, so that the most specific information can be given to us on that point. Without that information I feel that Regulation 51 should be voted against. If the Government have a good case I am anxious not to vote against it blindly. I ask the right hon. Gentleman to explain the differentiation.

Sir E. POLLOCK: I am anxious to accept all the assistance I can from the Committee, I want to see how far there is general agreement to enable me to meet the Committee. I have made it plain that our intention is not to use these powers of search, wildly or without adequate reason, but for the public

safety. There is no use in saying that the Englishman's home is going to be invaded. The intention is to make use of the powers of search particularly in the case of spies. Are the Committee prepared to give me a power of search to be exercised either by a magistrate or a Commissioner of Police?

Colonel WILLIAMS: A magistrate, not a Commissioner of Police.

Sir E. POLLOCK: Well, the Chief Officer of Police. In the metropolis it would be necessary. If the hon. and gallant Member goes so far, I will consider whether or not, if on another point the Committee would meet me, I could bring up a Regulation that would be satisfactory with the Committee.

Sir F. BANBURY: I have got words now which would be in order, "As if for the words 'in contravention of these Regulations' there were substituted the words 'in contravention of Regulation 18 A.'" That gives all the powers that are necessary. Once this becomes law my right hon. Friend will have no authority whatever over different Secretaries of State, and if they say, "go search Jones's house," even if my right hon. Friend hears of it, which is unlikely, they would not pay the slightest attention to him. I am strongly opposed to giving to the police powers to do this sort of thing. I see no earthly reason why, in peace time, we should continue Regulations which could be only justified in time of war. If my right hon. Friend will not accept my Amendment, there is no alternative but to divide.

Sir E. POLLOCK: The last thing I desire is to appear reluctant to meet the wishes of the Committee. The Amendment suggested by the right hon. Baronet would meet the wishes of the War Office, but not of the Home Office. For instance, we have got Regulations as to the possession of arms and explosives, all of which were dealt with at a previous meeting under Regulation 33.

Sir F. BANBURY: Regulation 33 deals with inflammable materials in docks.

Sir E. POLLOCK: I am anxious to meet the Committee. At the same time I have a duty to perform. That is to maintain what is necessary for the public service. With the information given me, I am unable to say that the Amendment which the right hon. Baronet offers will meet the case. Getting a warrant from a magistrate does not meet the case. What you want to do is to go to a central authority and you can get that in particular cases more easily and more

swiftly from the Home Office than in any other way. I think that the right hon. Baronet's suggestion is one as to which, if the Committee are definitely against any powers of search, we must see what can be done on report, but I am going to invite the Committee on behalf of the Government to say that this power of search is necessary. If the Committee are definitely against me then, whatever happens to-day when a Division is taken, at any rate on Report there must be a power of search which shall cover all cases from the War Office, the Admiralty and the Home Office, though it may be possible upon the report to find words which may be more precise than the particular words at the present time.

Colonel STEPHENSON: It would help us if the Solicitor-General would tell us the difference between the powers obtained by getting a search warrant from a magistrate and getting a warrant from the Secretary of State? The Committee cannot vote without knowing the difference.

Sir E. POLLOCK: I visualise a case like this. A spy is found in a suburb. You have got his address. The man who is after the spy has no particular knowledge of the residence of the magistrate in that area to whom he can apply. It may be some case where the spy has gone down near the river and the means of escape may be very easy indeed. If the man telephones to the Home Office at any time he can secure his warrant at once.

Colonel STEPHENSON: That does not answer the question which I asked. What I want to know is the difference in the powers obtained by warrant from the Secretary of State and a warrant from a magistrate? As regards the question of time, I disagree entirely with the right hon. Gentleman, but that was not the question which I asked.

Colonel WILLIAMS: I think it possible to come to some arrangement on this point, but the fundamental difference between the right hon. Gentleman and myself is this. He seeks to retain the powers of granting search warrants in the hands of the Executive. I strongly object to that. I do not wish to cut down the powers which we have granted to the competent military and naval authorities, but the powers to grant a search warrant should be in the hands of the magistracy, and not of the Executive Government. That is fundamental to our liberty. When the right hon. Gentleman says that the competent officer could telephone to the Home

Office at any time day or night, it becomes perfectly appalling, because you are at the mercy of any under-secretary who happens to be at the other end of the telephone. You deprive the person of the protection of having the matter laid before one of the chief officials of the Home Office instead of a magistrate duly elected and sanctioned by the general consent of the people. We are absolutely under the thumb of the Under-Secretary at the Home Office. I protest.

Sir F. BANBURY: I beg to ask leave to withdraw my Amendment in order to move, after the word "search" ["Powers of search"], to insert the words "As if the words 'in contravention of these Regulations' there were substituted the words 'in contravention of Regulations 18 A and 33.' " I think we have done all that we can to meet the Government. I hope that the Committee will support this Amendment.

The CHAIRMAN: Is it your pleasure that the Amendment be withdrawn? (*Hon. Members:* No!)

Sir E. POLLOCK: So far as my recollection serves me, you cannot get a search warrant except in a specific case, such as where we may believe there is stolen property.

Colonel WILLIAMS: It is perfectly simple to alter this, because here you authorize the Secretary of State to grant the warrant. Why not authorize the magistrate to grant the warrant?

Sir E. POLLOCK: Where there is reason to believe that there is stolen property on certain premises the magistrate would have the power to grant a search warrant.

Colonel STEPHENSON: What about the Official Secrets Act?

Sir E. POLLOCK: If the Official Secrets Act were of any use in these cases we would rely upon it. It is just because the Official Secrets Act completely breaks down that we are asking for these powers. There is no power of search warrant under the Official Secrets Act, if I recollect aright. The only case I can remember is that of stolen property. The hon. and gallant Gentleman says that you can, so to speak, get an Order for a search warrant from a magistrate immediately, and the hon. Member says that it would be issued by anybody at the Home Office. That is not so. The communication at the Home Office would be on the authority either of the Secretary of State, the Under-Secretary, or a person competent to exercise

[Sir E. Pollock.]

the power of scrutinizing every request made to him. There would be adequate protection.

Colonel WILLIAMS: The Solicitor-General has not dealt with my point. This Regulation has to be exercisable in England and Wales only with the consent of the Secretary of State. Why not make the power exercisable in England and Wales only upon a competent warrant from a justice of the peace? That is a very simple matter. You do not take away any powers of search that you have under these Regulations; you merely say that "in our opinion the police or the competent naval or military authorities must go to a magistrate for his authority." No case has been made out by the right hon. and learned Gentleman. He gave us two cases. In the case of the spy he was under observation for two months, and in both cases there was time to go to the magistrate for a warrant.

Mr. BENNETT: Does the right hon. and learned Gentleman still intend to apply this right of search to the whole of the Regulations, great and small, or simply to those in which the safety of the country and the Defence of the Realm is concerned?

Sir F. BANBURY: That is my Amendment!

Sir E. POLLOCK: In cases where the safety of the realm is concerned. I am dealing, therefore, with the cases of the Home Office and the War Office. The reason why I do not immediately accept the Amendment is that I have not had the opportunity adequately of scrutinizing the Regulations that we have carried forward to see whether it covers all the cases. It may not be necessary. As to what the hon. and gallant gave us two cases. In the case of the Gentleman the Member for Sheffield (Col. Stephenson) said, I sent for the Official Secrets Act, and have here a copy. He was right, for the Act says:

"If a justice of the peace is satisfied by information on oath that there is a reasonable ground for suspecting that an offence under this Act has been, or is about to be committed, he will grant a search warrant."

Colonel STEPHENSON: I happen to know the case.

Sir E. POLLOCK: The hon. and gallant Gentleman is right and I expressed it too widely. The point is that none of the cases with which I am dealing now are met under the Official Secrets Act. All the powers of a search warrant that are

given under that applies only to cases that fall within the Official Secrets Act itself. Perhaps I might call attention to the Official Secrets Act of 1911. This gives the power to the Superintendent of Police.

Mr. RAFFAN: May I suggest that it would be much more convenient if we adjourned, and perhaps in the interval the Solicitor-General would consider the matter? He may be able to accept the Amendment of the right hon. Baronet, and so save a Division.

Sir F. BANBURY: Will the hon. Gentleman allow my Amendment to be withdrawn so as to get my substituted one before the Committee? Then we can proceed as he suggests?

Mr. RAFFAN: That does not meet the case. What I am suggesting is that the result of consultation between the right hon. Baronet and the hon. and gallant Gentleman the Member for Middlesbrough (Col. Williams) and the right hon. Gentleman may be an agreement which will enable us, when we resume, to avoid a Division. To divide now is to run the risk of great confusion upon the point at issue, and mislead us; and there is bound on Report to be another discussion, which will involve considerable time. I suggest that we adjourn.

Sir E. POLLOCK: I hope the Committee will not adjourn. If the Committee accepts the right hon. Baronet's suggestion to give these powers in respect of Regulations 18 A and 33 well and good, let those stand! It may be unnecessary for me to do more than to accept that decision. I will look into it and, if necessary, move further on Report. I am not going in any way to put pressure upon the Committee. They can go to a division if they wish, and Members will perfectly understand why I do not accept the Amendment, but leave the matter to their decision. They will also understand that if it be necessary to have wider powers we will amend it on Report. I shall be perfectly ready to accept the decision of the Committee.

Question, "That the words of the Regulation down to the word 'search' ['Power of search'] stand part of the Schedule," put, and agreed to.

Sir F. BANBURY: I beg to move, in Regulation 51, Column 3, at the beginning to insert the words "As if for the words 'these Regulations' wherever they occur there were substituted the words 'Regulations 18 A and 33.'"

Colonel WILLIAMS: This does not really meet a point which, I think, is of vital importance, and that is that the Executive should not have the power of search, but that it should remain in the hands of the magistracy. I cannot agree to withdraw the opposition to this Regulation, and, if we agree to the right hon. Baronet's Amendment, we must fight this again on the Report stage.

Sir E. POLLOCK: If my right hon. Friend will put in Regulation 45, I will

accept it subject to this, that the Committee must not bind me not to ask for more powers on Report.

Lieut.-Commander KENWORTHY: I hope the right hon. Baronet will not accept Regulation 45.

Notice taken that 20 Members were not present; Committee counted, and, 20 members not being present,

The Committee stood adjourned at twenty-two minutes after One o'clock, till to-morrow (Wednesday), at 11 a.m.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:—

Williamson, Sir Archibald (*Chairman*)
 Baird, Major
 Banbury, Sir Frederick
 Bennett, Mr.
 Bowyer, Captain
 Cape, Mr.
 Curzon, Viscount
 Dennis, Mr.
 Griffiths, Mr. Thomas
 Hacking, Captain
 Hancock, Mr.
 Henry, Mr. Denis
 Jones, Sir Evan

Kenworthy, Lieut.-Commander
 McCurdy, Mr.
 McLean, Lieut.-Colonel Charles
 Matthews, Mr.
 Morrison, Mr. Hugh
 Pollock, Sir Ernest
 Raffan, Mr.
 Scott, Sir Samuel
 Stephenson, Colonel
 Sykes, Colonel Sir Alan
 White, Lieut.-Colonel Dalrymple
 Williams, Colonel Penry
 Wood, Major McKenzie

WAR EMERGENCY LAWS (CONTINUANCE) BILL.

STANDING COMMITTEE C.

[OFFICIAL REPORT.]

Wednesday, 17th December, 1919.

[MR. MOUNT in the Chair.]

THIRD SCHEDULE.

PART I.

REGULATIONS CONTINUED FOR TWELVE MONTHS AFTER THE TERMINATION OF THE PRESENT WAR.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made.
* * *	* * *	* * *
51	Powers of search	To be exercisable in England and Wales only with the consent of a Secretary of State, and in Scotland only with the consent of the Secretary for Scotland.
55	Powers of arrest	So far as relates to offences under Regulations continued by this Act, and as if in proviso (b) the words "and in any case "forthwith after the termina- tion of the present war " were omitted.
55 A	Power to create special police areas.	So far as relates to existing orders issued thereunder.
55 B	Power to provide for co-operation of fire brigades.	Except so far as relates to air raids.
59	Saving of powers.	
60	Publication of orders, &c.	
61	Production of permits.	
62	Definitions	As if for the words " acting in " naval or military co-operation " there were substituted the words " which have acted in naval or " military co-operation."
63	Citation and construction.	
66	Effect of revocation.	

PART II.

REGULATIONS CONTINUED FOR SIX MONTHS AFTER THE TERMINATION OF THE PRESENT WAR.

Number of Regulation.	Subject Matter.	Limitations, Qualifications, and Modifications subject to which extension is made
2 N	Penalties for damaging crops and fences of allotments, &c.	As if in paragraph (a) for the words "under the powers conferred by Regulation 2 L" there were substituted the words "such possession having been originally taken under the powers conferred by Regulation 2 L."
8 AA	Power to restrict establishment of new retail businesses.	
9 A	Power to prohibit the holding of meetings and processions.	
10 B	Power to restrict hours in the evening during which business may be carried on.	
14	Power to prohibit persons residing in or entering certain localities.	So far as relates to existing orders made thereunder.
27	Penalty on spreading prejudicial reports, &c.	Except paragraphs (a) and (b).
27 B	Powers of prohibiting importation of newspapers, &c., containing false and seditious reports, &c.	
39 C	Regulation of traffic at ports ...	As if the words "whereby the successful prosecution of the war may be endangered" were omitted therefrom.
39 CC	Restrictions on power to purchase ships.	
42	Prohibition on causing mutiny, &c.	As if for the words "successful prosecution of the war" there were substituted the words "in connection with the demobilisation of the forces."

Note.—For the purposes of this Schedule "existing" means existing and in force at the date of the passing of this Act.

A quorum was not formed till fifteen minutes after Eleven o'clock.

Amendment proposed [16th December]: In Regulation 51, column 3, at the beginning, to insert the words "As if for the words 'these Regulations,' wherever they occur, there were substituted the words 'Regulations 18 A and 33.'"—[*Sir F. Banbury.*]

Question again proposed, "That those words be there inserted."

Sir F. BANBURY: We have come to an arrangement as to this Regulation. There-

fore, I beg leave to withdraw my Amendment in order that the Solicitor-General may move his Amendment.

Amendment, by leave, withdrawn.

The SOLICITOR-GENERAL (Sir Ernest Pollock): I beg to move, in Regulation 51, column 3, to leave out the words "To be exercisable in England and Wales only with the consent of a Secretary of State, and in Scotland only with the consent of the Secretary for Scotland," and to insert instead thereof the words:

[The Solicitor-General.]

"As if, as respects Great Britain, for that regulation the following regulation were substituted—

If a justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence against these regulations has been or is about to be committed, he may grant a search warrant authorising any constable named in the warrant to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and to seize anything found therein which is evidence of an offence against these regulations having been or being about to be committed or with regard to or in connection with which he has reasonable ground for suspecting that an offence against these regulations has been or is about to be committed.

Where the alleged offence is an offence under Regulation 18 A, and it appears to a superintendent of police or any person upon whom the powers of a superintendent of police are for the purposes of this regulation conferred by the Secretary of State, or in Scotland by the Secretary for Scotland, that the case is one of great emergency, and that in the interest of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this regulation."

I am much obliged to my right hon. Friend for having withdrawn his amendment. Since we met the last time I have had the assistance of hon. Members who were good enough to come to my room to discuss the questions that were before the Committee at the last meeting. Every Member of the Committee is anxious that we should have the powers which are effective in the case of spies, and which are dealt with under a Regulation which we have already passed, 18 A. The question is, how can we exercise the necessary concomitant powers, taken under Regulation 51 the power of search, and Regulation 55 the power of arrest. Hon. Members will be glad as far as possible to maintain the provision that the power should be vested in the magistrate before whom a warrant for one or the other purpose can be obtained. Then one has to deal with a difficulty which arises from the fact that the magistrate's powers are circumscribed territorially. You cannot ask a magistrate to act except in his own territorial jurisdiction. That creates a difficulty. In regard to certain cases we have the provisions of the Official Secrets Act. There we have in Clause 9 the power as to search warrants:

"If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorising any constable named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note or document, or anything of a like nature or anything which is evidence of an offence under this Act having been or about to be committed, which he may find on the premises or place or on any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed."

Sub-section (2) provides that—

"where it appears to a superintendent of police that that case is one of great emergency and that in the interest of the State immediate action is necessary, he may by written order under his hand give to any constable the like authority as may be given by warrant of a justice under this section."

Take the case of spies. You want to search and you want to arrest. There may be cases in which the spy moves his quarters rapidly from the jurisdiction of one magistrate to the jurisdiction of another. If in the matter of arrest one has to wait in order to get a warrant from the right magistrate you may be placed in a difficulty. Supposing the spy is immediately leaving these shores, and you are not quite certain from which port he will depart. You have to arrest him and you may have to secure a warrant from a magistrate in Kent. If he suddenly goes by a different route you may have to obtain a warrant from a magistrate in Hampshire if he leaves from Southampton, or you may have to obtain a warrant from a magistrate in Essex if he leaves from Harwich. In these cases—and they have happened—great difficulty occurs. I will give one illustration. In Scotland it would be necessary to get a warrant from a procurator fiscal. One important spy was nearly lost owing to the fact that on a Sunday it proved impossible, except within an hour of the actual departure of the spy, to secure a warrant from a procurator fiscal. A whole list of procurators fiscal had to be gone through before we could find one who could sign the warrant. These are difficulties which we want to meet. It is in the sense, therefore, of using the powers of the magistrates as far as we possibly can, and using the precedents of the Official Secrets Act, that I have brought up this Amendment which hon. Members to whom I have had the opportunity of showing it agree will meet the case.

I am not trying to force upon the Committee the fact that this is an agree Regulation. I have specially stated to the hon. Members who were good enough to help me, that they can reserve their right of criticism on Report, and they do not need to feel themselves in any sense bound. Some of the hon. Members said to me, "If you get this, will you, like *Oliver Twist*, ask for more on the Report stage." I was able to say to the right hon. Baronet (Sir F. Banbury) who put this point, "No." I feel myself bound by what I am asking for to-day. If we have these powers we shall secure what is absolutely necessary in the public interest. It is in that state that I commend this proposal to the Committee. It means that you may wipe out the whole of Regulation 51 and put in the words I now propose. The powers go further than the powers which are given in a number of Acts which I have before me, which begin with the Vagrancy Act, 1824, and come down to the Official Secrets Act, 1911. I have about twenty such Acts here. This Amendment gives the ordinary power to the magistrate, if he thinks fit, to grant a warrant upon proper evidence in matters relating to these Regulations. I ask for the minimum, and I cannot ask for less, in view of the importance of safeguarding the powers of the country in respect of 18 A. We had a very useful discussion yesterday. I hope that those Members of the Committee who were not able to be present will accept from me the assurance that this Amendment is an effort to meet the views of the Committee, and I hope it will prove acceptable.

Mr. T. GRIFFITHS: The Solicitor-General has covered the ground which he covered yesterday. He has simply dealt with the question of spies. This Amendment can be extended to people who are not spies. There are only a few spies so far as this country is concerned. We want to protect the working people of the country and to see that their liberty and freedom are not interfered with. The Solicitor-General gave an illustration of a spy going from one port to another. Let us assume that a trade union leader has a leaflet or some literature printed, and it was discovered by some secret method in his home, and that man was leaving to go to work in some other part of the country, leaving the leaflet at home. Under this Regulation you could have this man arrested, without any evidence against him.

Sir E. POLLOCK: I appreciate the hon. Member's anxiety, but that which he fears

could not happen. If he will follow the second part of the Clause, he will see that it is closely, completely and accurately confined to an offence under Regulation 18 A. It is so expressed in terms, and it has been drawn most carefully in order to ensure that. The misgivings of the hon. Member, which I had in mind, are safeguarded.

Mr. GRIFFITHS: After that explanation I shall not oppose the amendment, but we do feel strongly on this point, owing to the tyranny and the persecution that took place during the period of the war. Perhaps on the Report Stage some of the older Members of the Labour Party may have something to say on the point.

Amendment agreed to.

Sir E. POLLOCK: I beg to move, in Regulation 55, Column 3, to leave out the words "So far as relates to offences under regulations continued by this Act, and as if in proviso (b) the words 'and in any case forthwith after the termination of the present war' were omitted," and to insert instead thereof the words

"As if, as respects Great Britain, for that regulation the following regulation was substituted—

Any person who is found committing an offence, or who is reasonably suspected of having committed or being about to commit an offence under Regulation 18a, may be arrested without warrant by a constable or by a person authorised for the purpose by a Secretary of State, or in Scotland by the Secretary for Scotland."

This is in place of Regulation 55, which comes out altogether. Then we deal with this in the same manner that it is dealt with in Regulation 18 A. I had in mind the very case that the hon. Member (Mr. Griffiths) mentioned. If upon the Report stage he still feels any misgiving, if he or any Member of his party will come and see me, and discuss the matter with me, I will be very glad to do so, and, in any circumstances, I do not suggest at all that he is any way bound by the fact that he has consciously allowed me to take the amendment so far.

Amendment agreed to.

Colonel PENRY WILLIAMS: I beg to move to leave out Regulation 55A.

My object in moving this is to get from the learned Solicitor-General an explanation. I understand it is a very minor point.

Sir E. POLLOCK: I am obliged to my hon. and gallant Friend. The Committee

[Sir E. Pollock.]

will see that in the third column this Regulation 55A is only continued "So far as relates to existing orders issued thereunder." The power creating a special police area was found to be necessary in a particular case where the Order had been issued and that was Gretna Green, part of which lies within the jurisdiction of England and part within the jurisdiction of Scotland. That created a very great and cumbersome difficulty, and, under the circumstances, we have put in force a special police area for Gretna Green in order to unite the jurisdictions. We only desire to continue it for that purpose. We ask for no more, and I think the Committee will agree that that difficulty ought still to be overcome.

Amendment, by leave, withdrawn.

Sir F. BANBURY: I beg to move to leave out Regulation 61.

I should like to have an explanation of this Regulation.

Sir E. POLLOCK: I think this is a necessary Regulation to maintain in the interests of the public and of our liberties. It only provides that any person who is claiming to act under any permit or permission must, if he be so required, produce the permit or permission under which he is acting, and I think any qualified person is quite entitled to say, "Show me your authority." That is what this Regulation does, and, in the interests of ourselves at large, I think it is right.

Amendment, by leave, withdrawn.

Sir F. BANBURY: I beg to move to leave out Regulation 62.

I do not find the words "acting in naval or military co-operation" in the Regulation. I have no doubt they are there.

Sir E. POLLOCK: I am not surprised that my right hon. Friend has had a little difficulty. Perhaps I may say that I shared his difficulty, because I studied this matter some time before I came on the words. If hon. Members have the same Regulations as I have, they will find at the bottom of page 90 the words

"For the purposes of these regulations reference to Allies and States in alliance with His Majesty shall include States acting in naval or military co-operation with His Majesty in the present war."

All that this Clause deals with is interpretation. It is the common interpretation Clause we have in every Act of Parliament. We have made an alteration here, that instead

of these words "acting in naval or military co-operation" we put in the words "which have acted in naval or military co-operation" because, inasmuch as these Regulations are to be continued until 31st August, it would be inapt to say they were now acting in naval or military co-operation. What we want to do is to make the words more precise and true by saying "have acted".

Colonel GRETTON: It will require, I think, a little more explanation as to why it is necessary to continue naval and military co-operation a year after the Armistice. Naval and military authorities had during the war very considerable powers in excess of those exercised by the civil power, and, to some extent, superceding them in certain areas. That was very necessary and perfectly right during the war in connection with the detection of persons conspiring against the safety of the Realm, and matters of that kind. But I think, before the Committee agree to the inclusion of these very drastic powers in the Schedule, those responsible for asking for these powers should give some explanation why they are required to be continued even in the first eight months of the coming year.

Sir E. POLLOCK: I will gladly give the explanation, inasmuch as the hon. and gallant Gentleman was unable to be in his place yesterday. We have cut out a very large number of Regulations, so large that the numbers left which confer anything like what might be called the exercise of naval or military power are negligible. Yesterday we agreed to maintain Regulation 45 F, which was a provision to secure discipline of the Allied Forces in the United Kingdom, and that I pointed out to the Committee, who accepted my explanation, was necessary while we have the troops of America and Associated Powers in this country; that is, if and when they are here. I am not asking in this interpretation Clause that any powers should be continued. All I am doing is to use the ordinary interpretation Clause for the work already done and accepted by the Committee. All I am asking, particularly in regard to 45 F, which was passed yesterday, is that the words in the interpretation Clause should be suitable and appropriate for the provisions which have already been accepted by the Committee. If the alteration were not made, it would matter very little, but we all want to do the work as well as we may.

Colonel GRETTON: Are we to understand that the competent naval and military

authorities are acting only in garrison areas, and not in any wider areas?

Sir E. POLLOCK: I am not sure they are even acting at all in garrison areas. I am not sure to what Regulation the hon. and gallant Gentleman is referring. I am not sure that I have asked for any such power. Al' I say is, please give to the Regulations such as the Food Controller, Shipping Controller and others have the interpretation they have hitherto had, and, in respect of 45 F, please give me a statement which is accurate in respect of that—that, and no more.

Amendment, by leave, withdrawn.

Sir F. BANBURY: I beg to move to leave out Regulation 66.

This provision enacts that if an order is revoked, or if orders come to an end, as they do on 31st August, that is not to affect any proceedings which are being taken against a person at that moment. If, for example, a man on the 15th August did something against the Regulation, and the Regulation be withdrawn on the 31st August, proceedings may still be taken. That sort of thing may be all right in war. I do not want to press the Amendment, but I should be glad to hear what the learned Solicitor-General has to say.

Sir E. POLLOCK: I have no doubt that the fact that a Regulation has been withdrawn, and we have come to a time of peace, might have very great effect on the minds of the authorities who are carrying out these Regulations, but it is always necessary to keep these words in for the purpose of safeguarding authorities. If these powers were immediately revoked, the authorities who have exercised them might be placed in danger of being liable for what they have done. What we want to do is to say that, up to the time that these Regulations have been revoked, all that has been done under them clothes the authorities with the immunity with which they ought to be clothed.

Amendment, by leave, withdrawn.

Sir E. POLLOCK: I beg to move to leave out Regulation 2 N.

The words forming the heading of Part II now go out, because Part II is unnecessary. It was put in because the Regulations were continued for six months after the termination of the present war. What we have done in the main part of the Bill is to establish tinued shall only last until 31st August. We that the Regulations which have been con-

have made no distinction between 12 months and 6 months, and we are dealing with this part of the Regulation on the same basis. I may say, for the comfort of hon. Members, that I am only going to ask that three of those be continued.

Amendment agreed to.

Further Amendments made: Leave out Regulations 8 AA and 9 A.—[*Sir E. Pollock.*]

Sir F. BANBURY: I beg to move to leave out Regulation 10 B.

I had a letter from the Showmen's Guild in which they object very strongly to this Regulation, and I think their grounds for doing so are very reasonable. The Regulation permits the authorities to limit the hours during which shops may be open in the evening. That may or may not be a good thing, but there is a Shop Hours Act which enables local authorities, with the consent of a certain number of shopkeepers, to regulate the opening hours. During the war, because, I suppose, the number of assistants was restricted and lighting and fuel were expensive, it was decided to close shops earlier. I never could quite see what that had got to do with the war, unless for the reasons I have stated; now that the war is over, why not leave the Act regulating the closing of shops to be administered as before? If that Act be wrong, and personally I do not think it is, the proper thing to do is to bring in a Bill to repeal or amend it and not proceed by Regulation, which ought not to be taken advantage of to put forward legislation which has nothing to do with the war and which merely ensures a little less trouble than putting forward a Bill. I think this is the most flagrant example of endeavouring by these Regulations to continue restrictions on personal liberty and the carrying on of business, which, if we are to recover our old financial position, should not be done. What is necessary is that everybody should work as hard as possible. I have no doubt these Regulations, saying that people may only work for a certain number of hours and that shops may not open after certain hours, are popular amongst some of the people concerned, but we are here to legislate for what is right, and I think we ought to have this Regulation out.

Sir E. POLLOCK: I am quite in agreement with my right hon. Friend that it would be quite wrong to continue this Regulation for anything like a serious period of time, but it must be remembered that its validity will only remain until August 31st.

[Sir E. Pollock.]

I quite agree also that if it be desired to continue the Regulation, the matter ought to be dealt with by legislation, and the Home Office take the same view. It is quite true that we have the Shop Hours Act of 1912, but the methods of procedure under that Act are rather cumbrous. You have to deal with the matter locally after enquiry, and a very large number of orders have to be made. Although the right hon. Gentleman may wish to go to shops at a later hour than eight o'clock, all that we have done is to require, subject to certain exemptions, shops to close in the country at eight o'clock during the week and nine o'clock on Saturdays. As a matter of fact we have been asked to continue this Regulation because, on the whole, it works for the benefit of the people. They are very glad to be able to shut at nine o'clock on Saturdays and eight o'clock on other days. The number of customers who come after eight o'clock is not found to be large. On the other hand, in competition, unless you have a general order, it is very difficult for competing shops to close if the competitor does not close too. I am not going to press this, and if it is thought it is a serious interference with the liberty of the subject, then let it go. All I can say is I am standing here on this occasion, not on behalf, so to speak, of a Government department which is exercising tyranny. I have been asked to move this in the interests of people who are satisfied that this method of closing shops at eight o'clock leads to their comfort and good health and convenience, and at nine o'clock on Saturdays. Legislation must be introduced to meet the case. I do not think we need waste very much time on it. It is a small matter. It has been found to meet the convenience of the community, and if the Committee share that view, perhaps they will let the Regulation stand, subject to the undertaking that there must be legislation in future; but if there be a strong feeling that this is in an act of tyranny, why then I am in the hands of the Committee.

Sir SAMUEL SCOTT: I hope that the Committee will retain this Regulation. It has worked well during the war and it affects a very large number of people, and a very hard working class who very often had to stay up to eleven and twelve o'clock, which was bad for their health and bad for trade. During the war people have got used to shopping between the hours of eight and nine o'clock. Before the war, when the Regulation was not in force, in certain dis-

tricts in London, and amongst them a certain portion of my constituency, people used to put off shopping to the last minute. They went to the theatre first, and during the theatre hours the shops were empty and the assistants had nothing to do. About half-past eleven o'clock or twelve o'clock there was a continuous rush and a mass of customers, which was bad both for people shopping and the shop assistants. I therefore hope the Committee will approve of the Regulation.

Mr. GRIFFITHS: I hope that the Committee will retain this Regulation. I am sorry to differ from the right hon. Baronet on this occasion, because he believes in the liberty of the subject, but I believe we are dealing with the same thing collectively in this Regulation which affects thousands of people. One of my chief objections to this proposal to omit the Regulation is that you have some of these shops open on Sundays and a lot of young boys go to them and gamble for cigarettes and various other things. I would limit it all day if possible. If you limit it to eight or nine o'clock it is bad enough, but if you allow these people to open to ten or eleven or twelve o'clock they will take advantage of that, and you will have the boys degraded instead of being brought up in a high moral atmosphere. I hope from that standpoint that the Regulation will be continued.

Sir F. BANBURY: I quite agree that there is a good deal that goes on that ought not to go on, but I do not think by sitting here passing Acts of Parliament that we can make people good if they are not inclined to be good. We have the pleasure of having a representative of the Home Office here, and may I ask whether he would undertake, if this Regulation be continued, to leave it in exactly the same position as it is now? What I am a little bit afraid of is not so much the Regulation as it stands as that possibly some very zealous and reforming Home Secretary may choose to close shops at three or four o'clock in the afternoon, or do something of that sort. If my hon. Friend will say that all that is required is that the existing Regulation shall be continued without change, then under the circumstances I shall be satisfied.

The UNDER-SECRETARY of STATE for the HOME DEPARTMENT (Major Baird): I am perfectly ready to give that undertaking. It is only to keep the thing going as it is until legislation is to be introduced.

Amendment, by leave, withdrawn.

Amendments made: Leave out Regulations 14, 27 and 27 B.—[*Sir E. Pollock.*]

Sir F. BANBURY: I beg to move to leave out Regulation 39 CC.

This Regulation provides:

“A person shall not without permission in writing from the Shipping Controller, directly or indirectly . . . purchase or enter into or offer to enter into any agreement, or any negotiation with a view to an agreement, for the purchase of any ship or vessel.”

Why should he not purchase a ship or vessel? I thought what was wanted was to encourage trade. If people buy a vessel they have to get it built. My hon. Friend (Mr. T. Griffiths) will agree that that would provide more work for the working classes, because they would have to be employed if a ship were built. Why should not people be engaged to build it?

Sir E. POLLOCK: It is not in the least intended that we should interfere, nor do we interfere, with ordinary transactions between genuine British shipowners. The reason why it is asked that we should continue this Regulation is to prevent the control of British ships passing into the hands of foreign-controlled companies, or, indeed, of Colonial companies. What we want to maintain is the home-carrying trade. While there is a free market and every transaction between proper and ordinary British owners is sanctioned and, indeed, encouraged, what one does not want to happen is that a foreign-controlled company carrying on business here should come in and compete against our own purchasers. That is the real point of the Regulation. There has been a number of cases of shipping companies controlled in America and elsewhere. One wants to be able to try to help our own people to keep the tonnage which is now being built on the stocks. The Regulation does not relate to British ships already at sea and registered, because we can deal with them in the matter of registration under another Regulation we already have. We do not want a foreign-controlled company going to Glasgow and buying ships on the stocks.

Sir F. BANBURY: They must be English people.

Sir E. POLLOCK: The company may be registered as an English company, but it may be controlled by a foreign control through the ownership of the shares.

Sir F. BANBURY: There is no prohibition against selling a ship here.

Sir E. POLLOCK: We do not need that, because the Regulation dealing with registration will meet that case.

Sir F. BANBURY: Therefore the only people the Regulation can affect must be a company registered in England.

Sir E. POLLOCK: Or foreign controlled.

Sir F. BANBURY: But it must be somebody here.

Sir E. POLLOCK: Yes.

Sir F. BANBURY: You have no power over a foreign company registered abroad, which can purchase what it likes. Suppose I own a ship and sail it to some foreign port. There is nothing in this Regulation to prevent my selling the ship to a foreigner at that foreign port. I feel that the Regulation is unnecessary. It is a perpetuation of all those things under which a man has to get a licence from the Shipping Controller or the Board of Trade or the Ministry of Food or some other official. I dislike all the provisions which require people to get licences. I do not say that there is favouritism or corruption in regard to the getting of licences, but it is much easier for a man who knows somebody to get a licence than it is for one who does not. Unless the Regulation is very necessary it might be omitted. I have been extremely reasonable over the last Amendment; therefore we might have a little concession made.

Sir E. POLLOCK: I hoped that the right hon. Baronet was going to say that it was so near Christmas that he was going to make me a Christmas present and give me this Regulation. Do not let us forget that all the questions between British companies and owners are safeguarded. We have the case which is put to me of tonnage now being built in which you might find a British registered company controlled abroad coming in and being purchasers of these vessels. I leave the matter entirely to the Committee. If hon. Members think it is an unreasonable Regulation to ask for, then let it go. I am not going to insist. It is not a question of my acting in tyranny. All I can say is that, so far as I am able to advise the Committee, my advice is that it has been found necessary and will be useful in the case of tonnage on the stocks. Perhaps the Committee would now come to a decision one way or the other, as I hope that hon. Members will enable us to finish the Bill.

Colonel GRETTON: I have been spending a good deal of time in investigating the

[Colonel Gretton.]

Ministry of Shipping on behalf of the Committee on National Expenditure. I believe that, so long as control is exercised in any degree over British shipping, some Regulation of this kind is quite advisable. There is a system of licensing in operation—I believe it is reasonably administered, so far as I can ascertain—which applies to vessels employed in bringing wheat, sugar and other commodities purchased on behalf of the Government and which are controlled. The effect of these licences is liable somewhat to reduce the value of British ships. I suggest that this power is extremely gently exercised. We were informed during the course of our inquiries that vessels of an old type or old date were allowed to be sold quite freely to foreign countries, and that good prices were obtained for them. Those vessels were replaced by new vessels on the stocks sold to British owners. The Solicitor-General has explained that many of the vessels under construction are being built for British owners. There is great competition at the present time by foreigners to get into the trade and acquire the command of trade routes which were formerly worked by British owners. I suggest that this Regulation is quite necessary as a complement to the powers which the Committee has already decided to maintain. So far as the investigations made by myself and those who have been associated with me have gone, we have found that there has been no hardship in-

flicted upon anybody by the exercise of this control, which is only used in extreme and necessary cases.

Major M. WOOD: I am not convinced of the necessity for this Regulation at all. Let me give this instance: Suppose I wished to acquire a ship from Germany; it might be that on account of the exchange I could make a very good bargain indeed. This Regulation would prevent me from doing that. [**Hon. Members:** "No."]

Colonel GRETTON: You could obtain a licence.

Major WOOD: The Regulation says that a person shall not without permission in writing from the Shipping Controller enter into any agreement or any negotiations with a view to an agreement for the purchase of any ship or vessel. A Regulation of that kind must be a very serious restriction on the powers of people who desire to acquire ships from Germany or any other country. I suggest that there is a very real likelihood that British shipowners would desire to acquire ships from Germany and that at the present time they would get very good terms. The retention of this Regulation, therefore, would militate very seriously against our trade, and I would oppose it.

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

The Committee divided: Ayes, 12; Noes, 7.

Division No. 15.

Baird, Major
Cockerill, Brigadier-General
Colvin, Brigadier-General
Dennis, Mr.

AYES.

Gretton, Colonel
Henry, Mr. Denis
McCurdy, Mr.
Pollock, Sir Ernest

Scott, Sir Samuel
Stephenson, Colonel
Sykes, Colonel Sir Alan
White, Lieut.-Colonel Dalrymple

NOES.

Banbury, Sir Frederick
Cape, Mr.
Davies, Mr. A. (Clitheroe)

Griffiths, Mr. Thomas
Hancock, Mr.

Jones, Sir Evan
Wood, Major McKenzie

Amendment made: Leave out Regulation 42.—[*Sir E. Pollock.*]

Schedule, as amended, agreed to.

Title agreed to.

Bill, as amended, ordered to be reported to the House.

The Committee rose at 10 minutes after 12 o'clock noon.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:—

Mr. Mount (*Chairman*).
Baird, Major.
Cape, Mr.
Cockerill, Brigadier-General.
Colvin, Brigadier-General.
Dennis, Mr.
Gretton, Colonel.
Hacking, Captain.
Hancock, Mr.
Henry, Mr. Denis.

Jones, Sir Evan.
McCurdy, Mr.
Pollock, Sir Ernest.
Scott, Sir Samuel.
Stephenson, Colonel.
Sykes, Colonel Sir Alan.
White, Lieut.-Col. Dalrymple.
Williams, Colonel Penry.
Wood, Major McKenzie.