CABINET 30 (48)

CONCLUSIONS of a Meeting of the Cabinet held at 10 Downing Street, S.W. 1, on Thursday, 29th April, 1948, at 10 a.m.

Present:
The Right Hon. C. R. Attlee, M.P., Prime Minister (in the Chair)
The Right Hon. A. V. Alexander, M.P., Minister of Defence.
The Right Hon. Viscount Jowitt, Lord Chancellor.
The Right Hon. T. Williams, M.P., Minister of Agriculture and Fisheries.
The Right Hon. J. H. Wilson, M.P., President of the Board of Trade.

The following were also present:
The Right Hon. Lord Nathan, M.P., Minister of Civil Aviation (Item 11).
The Right Hon. William Whiteley, M.P., Parliamentary Secretary, Treasury (Items 1-7).
Mr. J. Freeman, M.P., Parliamentary Secretary, Ministry of Supply (Item 11).

The Right Hon. Ernest Bevin, M.P., Secretary of State for Foreign Affairs.
The Right Hon. Viscount Addison, Lord Privy Seal.
The Right Hon. J. Chuter Ede, M.P., Secretary of State for the Home Department.
The Right Hon. A. Woodburn, M.P., Secretary of State for Scotland.
The Right Hon. Aneurin Bevan, M.P., Minister of Health.
The Right Hon. George Tomlinson, M.P., Minister of Education.
General Sir Brian Robertson, British Military Governor, Germany (Item 10).

Secretariat.
Sir Norman Brook.
Mr. W. S. Murrie.
Mr. S. E. V. Luke.
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1. The Cabinet were informed of the business to be taken in the House of Commons in the following week.

2. The Cabinet were informed that, when the House of Lords divided on the proposal to suspend the death penalty for murder, on the Committee Stage of the Criminal Justice Bill, all members of the official Opposition would be free to vote according to conscience. It was proposed that the back-bench supporters of the Government should similarly be allowed a free vote, but that members of the Government Front Bench should be required to vote in support of the Clause which had been inserted in the Bill by the House of Commons. The Cabinet endorsed this proposal. It was true that, when the House of Commons had divided on this Clause in the Committee Stage, Ministers had been free to abstain from voting; but in the debate on Third Reading the Home Secretary had announced, with the authority of the Cabinet, that the Government accepted the Commons' decision. If the Lords now rejected the Clause, the Home Secretary would be in a difficult position when the Lords' amendments were considered by the Commons; but his difficulties would be even greater if some members of the Government had abstained from supporting the Clause in the Lords.

The Cabinet—

(1) Agreed that members of the Government Front Bench in the House of Lords should vote in favour of the Clause suspending the death penalty for murder, even though a free vote on this issue was to be conceded to the back-bench supporters of the Government.

3. The Prime Minister read to the Cabinet a letter which he had received expressing the gratitude of The King and Queen for the gift of a pair of Georgian silver sauceboats which the Cabinet had made to Their Majesties on the occasion of their Silver Wedding.
4. The Minister of Health gave the Cabinet his appreciation of the probable course of the voting in the further plebiscite which the British Medical Association were taking to ascertain whether doctors were willing to participate in the National Health Service. In Scotland there was likely to be a large majority in favour of participation. In England and Wales substantial numbers might vote against participating in the scheme; but the Minister was confident that sufficient support would be forthcoming to enable him to bring the Service into operation on the appointed day.

5. The Minister of Health said that it had been contemplated that, before the Annual Conference of the Labour Party, a statement would be made on the scale of house-building in 1949. It was, however, the view of the Economic Planning Staff that this was not an opportune moment for making such a statement, and he accepted that view. He had to answer that day a Question by Mr. Charles Smith, M.P., about the housing programme for 1949. He proposed to reply that final figures could not be given until a firmer estimate could be made of the supplies of timber which were likely to be available. He proposed, however, to include in his reply a brief explanation of the reasons for the recent increase in the number of local authority houses for which tenders had been approved.

The Cabinet—

Approved the lines on which the Minister of Health proposed to reply to Mr. Charles Smith's question; and agreed that the Minister should postpone for the time being any announcement of the scale of house-building in 1949.

6. The Home Secretary said that Sir Oswald Mosley had arranged to hold a public meeting in East London on 1st May. There was no power to prohibit such a meeting. The promoters of the meeting were, however, intending that it should be followed by a procession. The Commissioner of Police of the Metropolis had asked for his consent to the making of an Order under Section 3 (3) of the Public Order Act, 1936, prohibiting the holding of public processions in that part of East London through which this particular procession would pass. He proposed to authorise the making of this Order and to announce that it would be brought into operation before 1st May.

The Cabinet—

Took note, with approval, of the Home Secretary's statement.

7. The Prime Minister informed the Cabinet that the Party Leaders had finally abandoned their attempts to find a basis for agreement on the powers and composition of a Second Chamber and had decided that their Conference must now be brought to an end. They had prepared an agreed statement on the course of the discussions in the Conference, summarising the points of agreement and disagreement, and it was proposed that, in order to meet the convenience of the two Houses of Parliament, this should be published as a White Paper. It was hoped that it could be presented on 4th May.

The Cabinet—

Took note of the Prime Minister's statement.
8. The Foreign Secretary made a report to the Cabinet on the situation in Palestine. Action was being taken to recover full control of Haifa. British troops, supported by the Royal Air Force, were defending Jaffa against a strong Jewish offensive. The Trusteeship Council had on 28th April obtained Jewish and Arab agreement to a truce covering the Old City of Jerusalem. The local military authorities had proposed that Jerusalem should be evacuated on 5th May, and the garrison transferred to Haifa; but there were serious objections to this departure from our agreed plan of withdrawal and the Commanders-in-Chief, Middle East, had been instructed to take the necessary military action to maintain our position in Jerusalem until 15th May.

The Foreign Secretary had urged the Arabs States to exercise a restraining influence over Arab activities in Palestine before 15th May; and he had asked the United States Secretary of State similarly to use his influence with the Jews. There was no evidence of intervention by King Abdullah; and the Security Council truce commission had appealed to him to refrain from intervening. So long as Jewish attacks in Palestine continued, however, the Arabs were necessarily under strong provocation.

During recent weeks, the United States Ambassador in London had repeatedly urged His Majesty's Government to postpone their withdrawal from Palestine, but it had not been possible to obtain from him any indication of the extent to which the United States Government might be willing to participate in enforcing a United Nations settlement of the dispute. Mr. Douglas had been assured that, provided the Jews refrained from disorder, His Majesty's Government would use their influence to prevent an invasion of Palestine by Transjordan or any other Arab country. In reply to an enquiry about the Government's attitude towards a United Nations truce, Mr. Douglas had been informed that, provided that the terms were fair and had been accepted by the Trusteeship Council and the Jews, we would use our influence to persuade the Arabs to accept it. Further, if Arab-Jewish agreement was reached on a truce and we were asked by the Trusteeship Council to play a part, with others, in giving effect to it, we should be ready to consider doing so, though no assurance of military participation could be given.

The Cabinet—

Took note of the Foreign Secretary's statement.

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9. The Cabinet considered a memorandum by the Minister of State for Colonial Affairs (C.P. (48) 112) submitting proposals for constitutional reform in Cyprus.

The Cabinet were reminded that in October 1946 it had been announced that a Consultative Assembly would be set up in Cyprus to consider the question of constitutional reform. It was now proposed that the detailed scheme set out in the Annex to C.P. (48) 112 should be submitted to the Assembly. This scheme had been endorsed by the Commonwealth Affairs Committee; and, in the view of the Governor, it represented the minimum concession towards a more liberal form of Government that was likely to prove acceptable to the Assembly and to Cypriot opinion generally. The main features of the proposed constitution were an elected Legislature with powers to debate and legislate on the affairs of the Island within the limits set by our strategic interests; an Executive Council responsible to the Governor and not to the Legislature; and the
provision of a two-way link between these two bodies by (i) the appointment of certain officials to seats in the Legislature, and (ii) the appointment of representatives of the elected majority of the Legislature to the Executive Council. It was also proposed that the unofficial members of the Executive Council should be associated with the work of certain Departments of Government. The question of developing local Government was being separately examined by the Cyprus Government.

In discussion, it was explained that the Governor of Cyprus was hopeful that this scheme of constitutional reform would prove acceptable to the Consultative Assembly, and that the Cypriots would make a genuine effort to work it successfully. There was no real demand in the island for full self-government. Great care had been taken, in framing these proposals, to safeguard our strategic interests.

The Foreign Secretary said that, in view of the changing situation in the Middle East, he would have preferred that the question of constitutional reform in Cyprus should have been deferred. He recognised that this was not possible, but he considered that the proposals now under consideration went as far as it would be safe to go.

The Cabinet—

Approved the proposals for constitutional reform in Cyprus submitted in C.P. (48) 112.

10. The Cabinet had before them a memorandum by the Foreign Secretary (C.P. (48) 111) on the question whether the death penalty should continue to be imposed in the British Zones of Germany and Austria.

The Foreign Secretary said that, if the Criminal Justice Bill became law in its present form, a Control Commission court which tried a British subject for murder under British law would be unable to impose the death penalty. Meanwhile, it was proposed that, in accordance with the policy approved by the Cabinet on 15th April, any sentence of death imposed on a British subject on conviction of murder by a Control Commission court should be commuted to penal servitude for life. On the other hand, it was recommended that the death penalty should continue to be imposed for war crimes, for offences punishable by death under German law or crimes against humanity under Control Council Law No. 10, and for offences for which the death penalty was prescribed by Military Government Ordinances. Current conditions in Germany made it necessary to retain the death penalty for these offences. It would be wrong to follow the Soviet authorities in abolishing the death penalty for crimes against humanity under Control Commission Law No. 10. All war crimes trials should be completed by 1st September, 1948. The Lord Chancellor and the Attorney-General approved the policy proposed in C.P. (48) 111 and it was intended that it should be announced in reply to a Parliamentary Question on 3rd May.

The Cabinet—

Agreed that British subjects convicted of murder under British law in Germany or Austria should be dealt with as proposed in C.P. (48) 111, and that no further change should be made with regard to the imposition or execution of the death penalty in Germany or Austria.
11. *The Lord Privy Seal* informed the Cabinet that he had recently discussed with the Minister of Civil Aviation, the Economic Secretary, Treasury, and the Chairman of British Overseas Airways Corporation a proposal that B.O.A.C. should buy five Constellation aircraft from the Eire company Aer Linte. B.O.A.C. proposed to use these aircraft on the Australian route and estimated that they would thereby be enabled to make an annual profit of about £100,000 a year on this route instead of the current loss of over £1 million. Qantas Empire Airways, the Australian company which operated the Australian route with B.O.A.C., were already using Constellation aircraft and it was clear that B.O.A.C. would be at an increasing disadvantage if they continued to rely on Lancastrians for the four years which must elapse before a suitable British type was likely to be available. If B.O.A.C. bought the five Constellations they would no longer need for the Australian route six Solent flying-boats now under construction and it would probably be necessary to cancel the orders for at least five of these, which would involve a compensation payment of half a million pounds. His own view was that, notwithstanding the general policy approved by the Cabinet that British air lines should use British aircraft, there were good reasons for buying the five Constellations.

The Cabinet were informed that the Chancellor of the Exchequer would not object to this purchase if the Constellations could be obtained for sterling and at a reasonable price and if it were clearly understood that acceptance of this proposal did not mean abandoning the rule that British air lines should, wherever possible, use British aircraft. The Chancellor also considered that, before the order for Solent flying-boats was cancelled, the possibility of finding some other use for them should be explored.

The Joint Parliamentary Secretary, Ministry of Supply, said that, although the Minister of Supply recognised the advantages which B.O.A.C. would gain from the use of Constellations on the Australian route, he felt that there were strong arguments against a further departure from the policy that British air lines should use British aircraft. This policy had been approved by the Cabinet, not as a means of saving dollars, but in order to maintain the war potential of the British aircraft industry and to encourage the purchase of British aircraft by foreign air lines. If the order for Solent flying-boats were cancelled, it would be difficult to maintain the production of Solents by Short Bros, and Harland Ltd., and possible orders for Solents from Tasman Empire Airways and from the Argentine and Uruguay might be lost. Moreover, the purchase of five Constellations now might lead B.O.A.C. to propose further purchases later and, if the Corporation were to be allowed to buy Constellations every time they could be bought for sterling, it would be impossible to maintain the British aircraft industry in a healthy state.

The Minister of Civil Aviation said that there was no British aircraft now available that could compete on anything like equal terms with the Constellation, nor was there any certainty that the British aircraft industry would produce such an aircraft in the next few years. If B.O.A.C. had to continue to use on the Australian route interim types, such as the Lancaster and the Solent, they would incur losses which, in his view, could not be justified. He did not think there was any real risk that Tasman Empire Airways would withdraw their proposal to buy Solent flying-boats and it was possible that Qantas Empire Airways would order Solents for the Australia to Hong Kong route. If B.O.A.C. obtained the five Constellations it should be possible for them and Qantas Empire Airways to maintain the Australian route, without further purchases of United States aircraft, until a satisfactory British type was available.

In further discussion there was general agreement that B.O.A.C. should be given authority to buy the five Constellation aircraft.
provided that they could be obtained on reasonable terms. No steps should, however, be taken to cancel the order for six Solent flying-boats until the Cabinet had had an opportunity to review the United Kingdom civil aircraft programme for the Corporations as a whole on the basis of a report which was being prepared by the Civil Aviation Committee.

The Cabinet—

(1) Authorised the Minister of Civil Aviation to inform the Chairman of B.O.A.C. that the Government approved the purchase of five Constellations from Aer Linte, provided that they could be obtained for sterling on terms acceptable to the Treasury.

(2) Took note that the Lord Privy Seal proposed to circulate to the Cabinet a comprehensive report on the aircraft programme for the British Airways Corporations; and agreed that, pending consideration of this report, the order for six Solent flying-boats for use on the Australian route should not be cancelled.

*Cabinet Office, S.W. 1,
29th April, 1948.*