

could not be assumed. He had already received three applications for withdrawal. On the 21st March the High Commissioner replied to the Secretary of State's telegram of the 14th March (see paragraph 12). He strongly deprecated any attempt to fill the ten seats through the available secondary electors, though he fully appreciated the objections to amending the Orders in Council. He gave the following reasons for his view :—

- (1.) There would be intense opposition to a Council so formed and the political situation would be almost certainly embittered by such a step, which might possibly lead to an organised refusal to pay taxes.
- (2.) There were not enough Christian electors on the final list to form two Colleges capable of nominating members of the Legislative Council.

(N.B.—There were nineteen on the final list of Christian secondary electors, whereas, under Article 14 of the Electoral Order in Council, each member of the Legislative Council requires to be nominated by a proposer and a seconder, and by eight other duly qualified secondary electors, *i.e.*, by ten persons in all.)

- (3.) It was extremely doubtful if the secondary electors would co-operate in such action.

15. Sir H. Samuel accordingly proposed, if the secondary electors stood firm, to make the following arrangements :—

Two Moslem members and one Christian member for the Jerusalem District.
Two Moslem members for the Northern District.
Two Jewish members for the whole country.

This would leave the following seats vacant for the present, to be filled up by bye-elections, as soon as people were ready to elect :—

Two Moslem seats in Samaria.
Two Moslem seats in the Southern District.
One Christian seat.

16. Sir H. Samuel assumed that an arrangement on these lines could be carried into effect without recourse to an amending Order in Council ; but the Secretary of State's Legal Advisers do not consider that this assumption can be made with complete safety.

17. The High Commissioner further stated (telegram of the 21st March) that the co-operation of a consultative Committee to deal with questions not giving rise to controversy was at present under consideration by the Arab Executive. He considered that if such a Committee were formed and an incomplete Legislative Council constituted as a temporary measure, the situation might possibly be improved and would not be left more strained than heretofore. In any case, he considered that it might not be advisable to make any announcement before the Nebi Mousa Festival on the 30th March.

18. The whole question is now engaging the close attention of the Secretary of State. Having regard to the opinion of the Colonial Office Legal Advisers, it is not considered practicable to adopt Sir H. Samuel's plan under the existing Orders in Council. The objections to the issue of a new Order are obvious ; but there may be no other way of dealing with the situation that has arisen. If a new Order is to be issued, it ought not to be so framed as merely to give the High Commissioner power to carry out the particular plan that he has in view. If his secondary electors fail him (and we have no guarantee that they will not), that plan will break down in its turn, and we may be faced with the demand for yet another Order in Council to put matters right. Clearly that would place us in an impossible and ludicrous position. The new Order, if one is to be issued, must be drawn in terms sufficiently wide to cover all contingencies and to enable the High Commissioner in any event to carry on the administration of Palestine, with or without the assistance of a Legislative Council.

*Middle East Department, Colonial Office,
March 27, 1923.*