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Military Appeals Tribunals

Malcolm Martin, 1916

**Notices of appeal to the Ross, Cromarty
& Sutherland (Lewis Section) Appeal Tribunal**

Reference SC33/62/1/34

Malcolm Martin, a shepherd who had returned from Argentina where he was working, and was on Lewis when the Military Service Act was passed. He applied for absolute exemption on grounds of serious hardship, but did not appear in court, His appeal was refused. He subsequently drowned in the sinking of the HMY Iolaire on 1 January 1919.

A selection of images of documents on the appeal file (reference SC33/62/1/34) follows.

Transcribed extracts from the case papers can be viewed at <http://www.nas.gov.uk/about/081103.asp>.

Images of the original documents can be consulted in the National Archives of Scotland search rooms (<http://www.nas.gov.uk>).

SC33/62/1/34(1-3)
21 Balallan

20/3/16.

Sir Small

I regret it is not
convenient for me to
attend Court tomorrow in support
of my appeal and apart
from what I have stated on
Form I have nothing further to
add.

Yours truly
Malcolm Martin

Recd 1/16

This form may be used by attested men and by men applying under the Military Service Act, 1916.

Name of Local Tribunal Lewis District

Number of Case 36

R.-43

No 34

NOTICE OF APPEAL.

TO BE FILLED UP BY APPELLANT.

(The attached duplicate form must also be filled up and sent to the Local Tribunal with this form.)

1. Man in respect of whom appeal made.

- (a) Name (in full) Malcolm Martin
- (b) Address (in full) 21 Balaban
- (c) Occupation, profession or business Shepherd
- (d) Whether he is attested or not attested not attested

2. Grounds on which appeal made. (These should be fully stated.)

The appellant is a shepherd who came to Lewis on a visit shortly before the outbreak of the present war. He was not therefore "ordinarily resident" in Great Britain on August 15 last and the Military Service Act does not apply to him. Further, he was engaged in his occupation as a Shepherd at Punta Arenas, South America and when making said visit to Lewis his intention was and is to return to Punta Arenas where he has a troop of horses and other property - all his property and interests are situated there and same are now requiring Appellant's personal attention

3. (a) Signature of appellant Malcolm Martin

If appeal not made by the man--

- (b) Address of appellant
- (c) Occupation, profession, or business. (If military representative, state so.)
- (d) If appellant is not the military representative, why appellant acts for the man

Date March 1916

(a 2699) 1904 2/16 H & S

[P.T.O.]

2

FOR LOCAL TRIBUNAL

4. Reasons for the decision of the Local Tribunal. (To be signed and dated.)

The appellant is not within the exceptions set out in the first Schedule of the Military Service Act, 1916, and the Tribunal therefore refused his application.

Stornoway, 14th March, 1916.

Hugh Miller

Clerk to the Local Tribunal for the Lewis Dist.

FOR APPEAL TRIBUNAL

5. Decision. (To be signed and dated.)

Appeal refused in respect that Applicant doesn't come within the exceptions specified in the first schedule to the Military Service Act 1916.

Francis Vignani

Chairman

Stornoway 31st March 1916

Name of Local Tribunal Lewis District

Number of Case 50

MILITARY SERVICE ACT, 1916.

APPLICATION AS TO EXEMPTION.

(The attached duplicate must also be filled up by the Applicant.)

Any person making a false statement or false representation is liable to imprisonment.

1. Man in respect of whom application made:—

- (a) Name (in full) Malcolm Martin
- (b) Age 36
- (c) Address (in full) 21 Balallan, Stormont
- (d) Occupation, profession or business (Give full and exact details)

Shepherd

2. If an employed person:—

- (a) Name of employer
- (b) Address (in full)
- (c) Business

3. Ground on which application is made. [See footnote. It will be sufficient if the letter (a), (b), (c), (d), (e), (f) or (g) (whichever is appropriate), is entered.]

(d)

4. Nature of application. (A certificate of exemption may be absolute, conditional or temporary. Also, a certificate granted on conscientious grounds may be for exemption from combatant service only, or may be conditional on the applicant being engaged in some work which, in the opinion of the Tribunal, is of national importance.)

Absolute.

Application may be made:—

- (a) On the ground that it is expedient in the national interests that the man should, instead of being employed in military service, be engaged in other work in which he is habitually engaged; or
- (b) On the ground that it is expedient in the national interests that the man should, instead of being employed in military service, be engaged in other work in which he wishes to be engaged; or
- (c) If he is being educated or trained for any work, on the ground that it is expedient in the national interests that, instead of being employed in military service, he should continue to be so educated or trained; or
- (d) On the ground that serious hardship would ensue, if the man were called up for Army service, owing to his exceptional financial or business obligations or domestic position; or
- (e) On the ground of ill-health or infirmity; or
- (f) On the ground of a conscientious objection to the undertaking of combatant service.

Application may also be made for exemption:—

- (g) On the ground that the principal and usual occupation of the man is one of those included in the list of occupations certified by Government Departments for exemption. The official list of the certified occupations may be examined at the offices of the Local Tribunal or of the recruiting officer.

An application may be made for the withdrawal or variation of any certificate of exemption by the holder of the certificate or by a military representative.

An appeal from the decision of the Local Tribunal lies to the Appeal Tribunal for the area.

[P.T.O.]

5. Reasons in support of the application. (These should be fully stated, and any documentary evidence in support of the application should be forwarded herewith.)

Applicant came to Lewis on a holiday immediately before the war from Punta Arenas, South America. He has a troop of horses there & other property which is now requiring his personal attention and his whole interests are at Punta Arenas. Applicant did not receive Lord Derbys letter and was never canvassed. He has taken steps to procure a passport and all the papers have been completed for that purpose including a certificate by Sheriff Squair, Stornoway

6. (a) Signature of person by whom application made

Malcolm Martin

(b) Address (if not already stated) ...

(c) Occupation, profession or business. (If not already stated. If applicant is the military representative, this should be stated.)

(d) If application not made by the man or his employer, or by the military representative, brief statement why application made by applicant for the man.

(e) Date of application 25th February 1916.

The form and the duplicate, when filled up, should be sent to the appropriate Local Tribunal This will be---

- (a) the Local Tribunal for the area in which the place of employment or business is situated if the application is made on grounds wholly or mainly connected with the man's employment or business;
- (b) in other cases, the Local Tribunal for the area in which the man resides.

FOR LOCAL TRIBUNAL.

7. Decision of the Tribunal. To be signed and dated. If exemption is granted it should be stated whether it is to be absolute, conditional (in which case the conditions to be entered on the certificate should be stated) or temporary (in which case the time for which the exemption is granted should be stated).

Stornoway 14th March 1916.

*The Tribunal refuse the application
Mr Handcock
Chairman*

5