

EAST AFR. PROT

21767

REC'D
REG. 11 MAY 15

21767

WAR

DEPORTATION OF MR RITCH

1915

10th May

Last previous Paper.

No. of C.

21187

Further in support of contention that C.O. should deal with matter, asks for return of P.O. printed letter enclosed in last communication.

Del to you care of Mr. G. Fieldes

(I have discussed this with Mr. Riley)
 On the 12th of April
 Mr. G. Fieldes telegraphed that
 the firm (for 17040)
 all the papers were with General
 Mallem who was on his return from
 the Congo to Mombasa supply copies
 for the S. P. S. is inf. From one
 of the recent batch of telegrams sent
 to us by the firm. I gathered that
 the firm had returned. I think
 that we should ask the firm by all
 means the papers may be reported.
 So far as Mr. Ritch is concerned.

Next subsequent Paper

Box 21247

RECEIVED 11 MAY 15

Dr. R. B. Breda ^{has} ~~may~~ ^{will} write
 to him in the sense of 1 + 3 of the
 print enclosed - $\frac{W.O.}{20142}$ as marked by
 pencil - say that ^{nothing} has been made by the firm
 the for? by tel. when the papers in the case
 [referred to in his tel. of the 12th of
 April (copy of which was sent to
 W.O. on the 14th of April)] may be
 reported + that on their receipt
 the matter can be further considered,
 but that, ^{as at present advised} for Commission ^{as far as we can see}, there is
 no case for ^{an} inquiry or for compensation?
 - + return the print, getting duplicates from P.O.

17080

See also reply to
 H. J. C. /15
 21187

H. J. R.
 12/2/15

J.R.
 12/5/15

Why should we W.O. get the papers from
 Gne Macleason? I don't know like
 exchanging ourselves further - the matter
 otherwise I agree.

I do not know if Mr. Breda wishes the
 latter part of his minute to be addressed
 to Mr. R. by W.O. If so it should be modified
 as proposed above.

at once
 13/5/15

only
 sent
 to
 Mr. R.

to him in the sense of 1 + 3 of the
first enclosed = $\frac{W.O.}{20842}$ as marked by
Jenell - say that [the] [has been made by the] [from]
the [by tel.] when the papers in the case
[referred to his tel. of the 12th of
April (copy of which was sent to
W.O. on the 14th of April)] may be
reported + that on their receipt

17080

the matter can be further considered,
but that, ^{as at present advised} [for far as we can see], there is
no case for Commission [to] [Empire] or for compensation?
- + return the prints, getting duplicate form 7.0.

See also reply to
H. J. C. /15
21187

12/5/15

YJA

12/5/15

Why should we W.O. get the papers from
Gen. Macleod? I don't think like
including ourselves further - the matter

Otherwise I agree.

13.5.15

I do not know if Mr. Read wishes the
letter part of his minute to be addressed
to Mr. H. by W.O. If so it should be modified
as proposed above.

above

13.5.15

only [unclear]
[unclear]
[unclear]
[unclear]
[unclear]

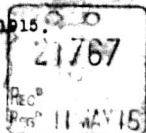
Mr. Riley & I saw Mr. Patch today.
 He laid great stress on the hardship
 of his case, said that he was on
 the point of desertion, & on the
 strength of the W.O. answer to
 H. J. C. (stating that he was
 deported on deportations made by local
 Colonial officials), demanded that
 as a matter of Equity the C.O. should
 consider his case. We maintained
 our attitude that the action taken
 was taken under martial law &
 that, on whatever grounds it may
 have been founded, the military
 authorities took it & the matter was
 therefore not for W.O. He is going
 to put forward his equitable plea
 in writing, but we warned him
 that it was ^{probably} only passed on to
 the W.O.

H. J. R.

14/1/15



10th May, 1915.



My dear Fiddes,

Many thanks for your letter about Mr. Ritch.

I don't know why you should think we are under a misapprehension. My request was not based on any contention that the initiation of the punitive measures came entirely from Colonial officials and was prompted only by police rather than military reasons. And even if Mr. Hobley made his deposition at the request of General Malleon that does not dispose of the matter. Malleon can have been in the country a very short time, and, unprompted by what Colonial authorities represented to him, can have had no knowledge of Mr. Ritch's powers of mischief. Mr. Ritch is not alleged to have been a person of military consequence. Had he been so General Malleon would have dealt with him outright.

My reference to the South African cases was not made with a view to urging a similar tribunal to
that



that which dealt with the deportation of foreigners from that country, but in order to show that the Foreign Office recognized that they could properly help us and to suggest to you that, just as they made themselves responsible - with our co-operation - for foreign subjects then, so you might assume some responsibility now for a man who, it is not unfair to regard as, so to speak, one of your subjects.

The fact is, as I have told you, we have no means whatever of dealing satisfactorily with Mr. Ritch's claim. We cannot check his statements or estimate his losses, and we have no staff and no time to spare for the task of investigating and adjudicating upon his claims. We have our hands full as it is.

The interests of people in Mr. Ritch's position should be your concern it seems to me. All we can say to him is that ~~my~~ position is as stated in the earlier part of the Foreign Office printed letter - a copy of which I sent you and which I should like you to return if you don't mind as it is the only one I can put my hands

FOREIGN OFFICE,

October 1901.

His Majesty's Government have been able to give a preliminary consideration to the claims which have been brought forward by for alleged losses and hardships arising out of the proceedings of the British Military Authorities in South Africa.

His Majesty's Government consider it to be established according to international law and usage:-

1. That a General commanding an army in the field has an absolute right to remove or expel, during the continuance of hostilities, from any place within the theatre of war, all persons whose continued presence therein is considered by him to be dangerous, prejudicial, or inconvenient in connection with his military operations, and to deport such persons to such a distance from the theatre of war as shall be necessary effectually to prevent their speedy return to it.]

2. Further, that every State has by international law the right to expel aliens whose presence is considered dangerous.

3. That for losses or hardships occasioned by the necessities of military operations no liability to make compensation exists.]

It would be easy to show that the above principles have been generally recognized, and constantly acted upon, by other Powers as well as by Great Britain, and it is impossible for His Majesty's Government to admit

that

that, as a matter of right, any claims involving the negation of these principles are entitled to consideration.

His Majesty's Government, whilst declining to admit any liability, have, however, decided, as a mark of friendship and consideration, to offer a sum to the

Government for distribution among the claimants who may have suffered exceptional hardship as the result of their deportation or otherwise. They are ready to make a payment of 1. on this account, on the understanding that this sum shall be accepted in full discharge of all claims of presented to the Commission now sitting or preferred by the

Government up to this date, on account of events during the military operations in South Africa.