

EAST AFR PROT
ION OF S AFRICA
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1917

Suggestion made in your
letter is well to place to
be made to the
Soda Company as differing
from other possible cases of
claims for compensation
and, if so, what are the
special features of the case
which lead them to take
this course.

War
1917
Notes of War
Last previous Paper.

GERMAN MEDICAL PERSONNEL
ENTITLED TO REPATRIATION UNDER GENEVA CONVENTION

The list supplied by German Govt. of officers etc.
whose repatriation is claimed. Considerations should
be repatriated in absence of definite reasons for
retention. Requests arrange to be made for repatriation
and name of ship etc. reported.

Mr. Robinson
Mr. B. B. B. W. A. A.
Mr. Davis

I do think that we ought to push this
off as far as we can, at any rate as far as
the P. African cases are concerned

I do not object as far as regards the
three P. African ^{cases} people that the Staff
has no objection to the arrangements
proposed, but that as these men are
presumably military personnel taken
in the course of the operations, the
matter appears to be one for the
local military authorities and not
the civil authorities.

to Paper Dept 29 Nov 17 1917
Quoted Dec 17

Next subsequent Paper
30/29/17

450
66/32

277

477

20 November 1917

Inv. 59371

Sir,
I am in answer to the
of your letter, no: 0165/7365
(C.M. & F.), of Nov. 14th 17,
regarding the claim of the
Magadi Soda Company for
water supply used on the
Magadi Railway by the
military authorities in East
Africa.

2. With regard to the second
part of your letter, we have
not at present proposed to
admit on behalf of the
Protectorate Government any liability
for a part of the compensation
which may be payable in
consequence of the operations
in East Africa. However
further consideration

1497
1922/8

Copy to 149. 11 March 18

CO
DRAFT.

The Secretary
War Office

MINUTE.

- Mr. P. H. ... 16/11/17
- Mr. ...
- Mr. ...
- Mr. Grindle
- Mr. Lambert
- Mr. Road
- Mr. O. Fiddes
- Mr. Hewins
- Mr. Long

165/7365. (C. H. S. F.)

5th November, 1917.

Sir,

With reference to your letter of 20th of 30th April and enclosures regarding a claim of the Masasi Soda Company for water supply and the occupation of their railway, I am commanded by the Army Council to say that after consultation with the Secretary of State for the Colonies they agree that the claim cannot be admitted; but before arriving at a final decision, they would be glad to have further information on the following points. If the water supply was taken and the railway occupied under Martial Law, the Company would appear to have no legal remedy, but if Martial Law was not exercised, the case for refusing the claim rests on clause 38 of the Contract of 13th April, 1917, between the Company and the Government of the East Africa Protectorate, and the Company's claim would be against the Protectorate Government and not against the military authorities; the contract gives the Company the right to arbitration in any case of dispute. It is understood that Martial Law was proclaimed in the Protectorate on 14th August, 1914, but it is desired to ascertain whether action was taken specifically under Martial Law or whether any grounds exist on which it can be held that action should be regarded as having been taken in pursuance of the terms of the Contract. In the latter case there would appear to be the possibility of a submission to arbitration and in the event of an award in favour of the Company, the Secretary of State for the Colonies will require an indemnity on behalf of the Protectorate Government.

In this connection I am to enquire whether there is any general likelihood of actions in the civil courts against the Protectorate Government arising out of military action.

I am further to request, with reference to the statement of Major-General Tiche (enclosed with your letter of 20th above) that the Masasi Soda Company is financed by Germany, that you will furnish such detailed information as may be in your possession, or as you may be able to obtain as to the precise nature and extent of such interest.

With reference to the latter portion of your letter under notice, I am to request that in due course you will be good enough to state what has been the procedure with regard to compensation for use of and damage to private property.

I am,
Sir,
Your obedient Servant,

(Signed) J. A. CORCORAN

General Officer
Commanding-in-Chief,
East African Force.

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THE PROPERTY OF THE
SECRETARY OF STATE
FOR THE COLONIES
AND THE OVERSEAS
DEPARTMENT
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WITHOUT THE
APPROVAL OF THE
SECRETARY OF STATE
FOR THE COLONIES
AND THE OVERSEAS
DEPARTMENT

WAR OFFICE,
LONDON, S.W.1.

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REC'D
15 NOV 17

14 November, 1917.

0165/7245. (S.M.S.F.)

Sir,

-W.O

With reference to your letter 46680/17 of 12th October last regarding the claim of the Magadi Soda Company for water supply and on account of the occupation of their railway, I am commanded by the Army Council to transmit, for the information of the Secretary of State for the Colonies, the attached copy of a letter which has been addressed to the General Officer Commanding-in-Chief, East African Force, and to state that a further communication will be sent to you on receipt of his reply.

With reference to paragraph 4 of your letter under reply, I am to suggest that, in the event of any compensation being payable in this case, the amount should be shared between the Imperial and Protectorate Governments in the proportion in which the common charges account is divided.

I am,

Sir,

Your obedient Servant,

D. H. Currie

Under Secretary of State
Colonial Office,
S.W. 1.

the S. H. is not to be held
to admit on behalf of the Protestants
any liability for a part of the
compensation which may be due to
persons who have suffered loss
through the operations in East Africa,
and that he will be glad to learn
whether the H. C. regard the case of the
Mogadi C. Co. as arising from other
honorable claims of claim for compensation
and if so on what grounds

G. C. 15. 11. 17

G. C. 15. 11. 17

at once