

EAST AFR. PROT
9252

C.O
9252
REC-20 LB 20

HOME OFFICE
PRISON COMMISSION

1920

19th February

CONVICT F.A. PELHAM FFOOKS.

The letter received from Central Assn. for aid of discharged convicts and requests he be removed to E.A.P at an early date.

Last previous Paper.

CA
3071

~~Mr. Bush~~

Please see note of interview on 3071.

The last para of the enclosure in this letter goes beyond what forms. The representative claimed that under Section 3 (2) of the Colonial Prison Removal Act Fooks should be sent by us to the AP at Gulu House. After looking at the Act I said that this seemed to be the case (so that part of the subsection being wrong in any other case) but that the point would probably have to be decided here on legal advice.

Post to Mr. Bush Feb 23 22

W. Bush

Yes I take it that the part of this Act must be applied

Recd on 27 Feb 20
Copy to Comd to Govt 28 Feb 20

Next subsequent Paper

171
11792

I have now obtained the Protectorate Ordinances which it is of some importance to consider when dealing with a case of this sort.

Prima facie he is a "Prohibited immigrant" within section 5(h) of the 1906 Ordinance added by section 3 of Ordinance 12 of 1919 - unless he is an "exempted person" under section 4(g) of the 1906 Ordinance as amended by section 2 of Ordinance 5 of 1918.

I gather from paragraph 2 of the enclosure to this letter that he has probably been resident in the Protectorate for five years and if so he comes within the exemption.

However this may be I think that as the Colonial Prisoners Removal Act 1884 has been applied to the Protectorate as if it were a British possession and clearly contemplates that a removed prisoner may be returned to the Protectorate, any provision in any local Ordinance under which this man might be treated as a prohibited immigrant would pro tanto be void for repugnancy to an Act of Parliament extending to His Majesty's subjects in the Protectorate.

That would be the position under section 12 of the Foreign Jurisdiction Act 1890, if immigration were regulated by Order in Council made under the Foreign Jurisdiction Act instead of by local Ordinance, and a local Ordinance passed under powers conferred by an Order in Council issued under the Foreign Jurisdiction Act can have no greater force or validity than an actual Order in Council made in pursuance of that Act.

He has been provided with the... of... Sec 6987/18

X

Stafford & The Queen

In other words he cannot properly be regarded as an "immigrant" within the local law

Handwritten signatures and notes at the bottom of the page, including "FTO" and "20/12/20"

Mr. G. Reed

He should be returned
Confidentially after discharge.

I Reply that if it is certain that
he still wishes to return to Africa
a passage will be provided and
arrangements will be made for him
to be admitted into the Protectorate,
I point out that as he has been
convicted repeatedly in the past
since 1900 it must be expected
that his future behaviour there
will be as unsatisfactory as
I said that, therefore, in
order to bring others on
return.

and I think I should say
also, that if he returns he will
be able to be admitted (under 49) of
the Ord.

Considerable
to be done
harbour
spirit
the
scamp

W. G. 25/11/10
at once
G. J. H.
25/11/10

[Handwritten signature]

(18166-18-3-16)

TELEGRAMS - IMPRISON, PARL, LONDON.
TELEPHONE - VICTORIA 2770.

Prison Commission,
Home Office,
Whitehall S W 1

In any further communication on the subject of this letter, the following number should be quoted: - 53841/7.

19th February, 1920.

RECEIVED
OFFICE
COL. OFFICE

9252
REC
19 FEB 20 1920

Sir,

With reference to the case of FREDERICK ARTHUR FRIHAM

FOOKS, the particulars of whose conviction are given in the margin, who was recently released on licence from Parkhurst prison, I am desired by the Directors of Convict Prisons to forward, for your information, the attached letter received from the Director of the Central Association.

This man was relieved of the obligation to report himself to the police and notify his place of residence on his discharge, all the requirements of Section 5 of the Prevention of Prizes Act, 1891, as amended by subsequent Acts, having been remitted by the Secretary of State in pursuance of Section 5 (2) of the Penal Servitude Act, 1891, and Section 26(1) of the Criminal Justice Administration Act, 1914.

The Directors would be glad if arrangements could be made for the early removal of this man to the Colony in pursuance of Section 3 of the Colonial Prisoners' Removal Act, 1884.

I am,
Sir,
Your obedient servant,

R. Wall
Secretary

The Under Secretary of
State
Colonial Office,
DOWNING STREET, S.W.1.

with 53641

7. 7

Office hours: 9 to 5.
Saturdays: 9 to 1.

THE CENTRAL ASSOCIATION,
FOR THE AID OF DISCHARGED CONVICTS.

15 BUCKINGHAM STREET,
STRAND, LONDON W.C. 2

Telephone: 2058 Central.
Trams: Borsari, Westroad, London.

The Prison Commissioners.

13th February 1920.

Frederick Arthur Reiham Fooks No. 344

He was sentenced at Mombassa, East Africa, on the 5th November 1917, to 3 years penal servitude, on a charge of forgery, apparently of a game warden's certificate. He appears to have served part of his sentence in Africa, and then to have been transferred to an English Convict Prison, and the latter part of his sentence was served in H.M. Prison Parkhurst, Isle of Wight.

The Governor of Parkhurst expressed the opinion that "he should do well", and the chaplain said that "he feels the cold of this climate very much, and wishes to rejoin his wife and family in Africa; that he has no criminal instincts; and that he had "lived now or his life in various parts of Africa." The Medical Officer

reported that he was aged 69, in hospital under treatment for gastric trouble, and fit only for light work.

He claims, it is thought, to be a native of the West Indies, an ex Rugby player, and to come from a family of good standing.

He was discharged from H.M. Prison Parkhurst on the 2nd February 1920, having earned 9 months remission of his sentence by virtue of good conduct.

In accordance with a request which he had previously communicated to us, enquiries were made with a view to obtaining a berth for him on a passenger ship "as one of the crew" to enable him to work his passage back to Africa, but on

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Telephone: 1058 Central.
Telegrams: Central, Westland, London.

(2)

account of his physical condition at the time of his discharge, and the trade union rule by which no man can serve on board ship for half a ^{year} ~~passage~~, it was not possible to arrange for his departure. On the day of his discharge therefore, he came to London to this office, and was placed in touch with respectable lodgings at a boarding house at 9, Museum Street, Holborn. He had a sum of £25 private cash, and was told that he could meet his current expenses out of that, and that he would continue our inquiries and meet the cost of his maintenance when arrangements for his departure had been made.

Unfortunately he started drinking as soon as he had settled into his lodgings, and on the 10th inst., his landlady called here, and asked us to have him removed. She said that he had spent the whole of his private cash; that he had been almost continuously drunk since his arrival at her house; and that the doctor who had been called in to attend him reported that he was on the verge of delirium tremens.

He was seen by our representative in bed at his lodgings on the 11th inst., and denied that he had spent his money in drink. A further visit was paid to him today, and his landlady, who had previously agreed to allow him to remain there until tomorrow, or at the latest, Monday next. He was out of bed but extremely shaky, and quite unfit to earn a living.

Our representative then saw the Secretary of the Prison Commission, and gave him particulars, and it was

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15 BUCKINGHAM STREET,
STRAND, LONDON, W.C. 2

Telephone: 2056 Central.
Trams: Borealis, Westrand, London.

(3)

Section 3 of

ascertained that under the Colonial Prisoners' Removal Act 1884, he was entitled to a free passage back to the place of his conviction.

Later our representative called at the Colonial Office, and confirmed this information. The Colonial Office official who was seen asked that a full statement of the case should be sent to him by you, in order that the matter might be dealt with.

W Grant Wilson

HO
9252
20

EAP

Draft

28 Feb 1920

Sr

DRAFT.

With ref to your despatch No 382

AP
K. 282
OAG

(42753/12)

of the 17th of June 1918, I have the honor to transmit to you the acc. copy of comm. with the Prison Commission,

MINUTE.

Home Office, relative to the case of

Mr. Jewell 26 220
Mr. Parkinson 2 641

Fredrick Walter Pelham Fook, who

- Mr. Grand
- Sir H. Lambert
- Sir H. Ross
- Mr. Fobler
- Mr. Amery
- Mr. Miller

has now been discharged from prison.

If Fook returns it will be necessary further to be admitted into the Postulate under section 4(9) of the Immigration Restriction Ordinance 1906.

no HO 19 Feb 1920

To HO

(draft sent)

2 drafts

140 EAP
9252
20

my

~~See~~ Account
11742

27 Feb 1920

Sr.

I am directed to ask the meeting

DRAFT.

Secretary
Prison Commission
Home Office
MINUTE.

Your letter 53641 of the 19th of Feb.
concerning a letter from the Director of the Central Prison,
relative to the case of Frederick Arthur

Pelham Fooks, as to request put
before the Directors of Convict
Prisons that if it is certain that
Fooks still wishes to return to
East Africa, a passage will be
provided an arrangement will be
made for him to be admitted
into the EAP

- M. Jewell 26 220
- M. Parkinson
- M.
- M. Grant
- M. H. Lamb
- M. H. B.
- M. G. F.
- Col. Amery.
- Lord M.

copy given 26 Feb 20

I see to point out

however, that as Fooks has been
convicted repeatedly - the Prison
since 1900

2 draft.

that his future behaviour there
will be as unsatisfactory as in
the past. No ~~pressure~~^{pressure}, therefore,
should be brought to bear unless
to return to the East Africa.