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## File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf

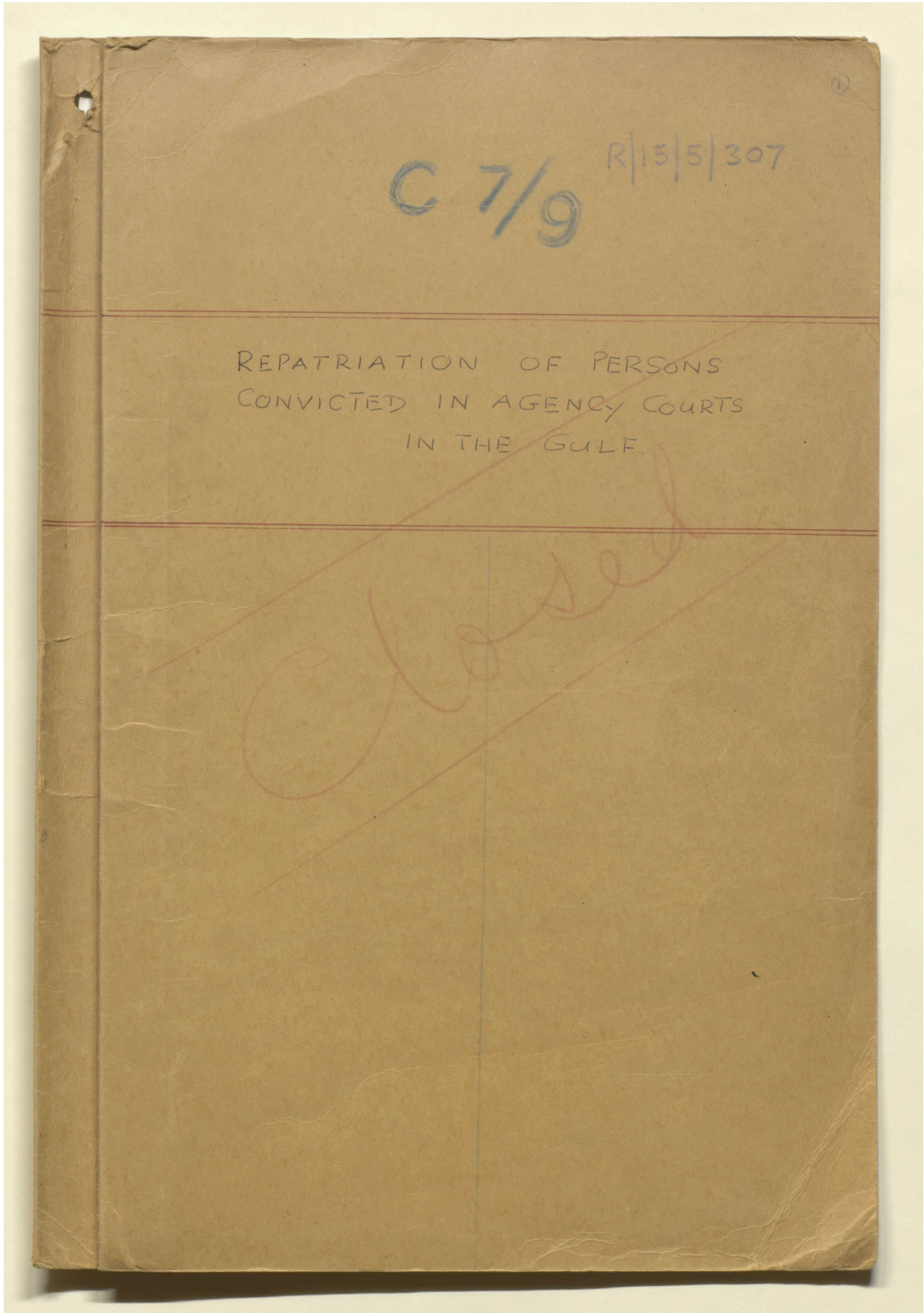
<b>Holding Institution</b>	British Library: India Office Records and Private Papers
<b>Reference</b>	IOR/R/15/5/307
<b>Date(s)</b>	14 Sep 1949-30 Nov 1949 (CE, Gregorian)
<b>Written in</b>	English in Latin
<b>Extent and Format</b>	1 file (19 folios)
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### About this record

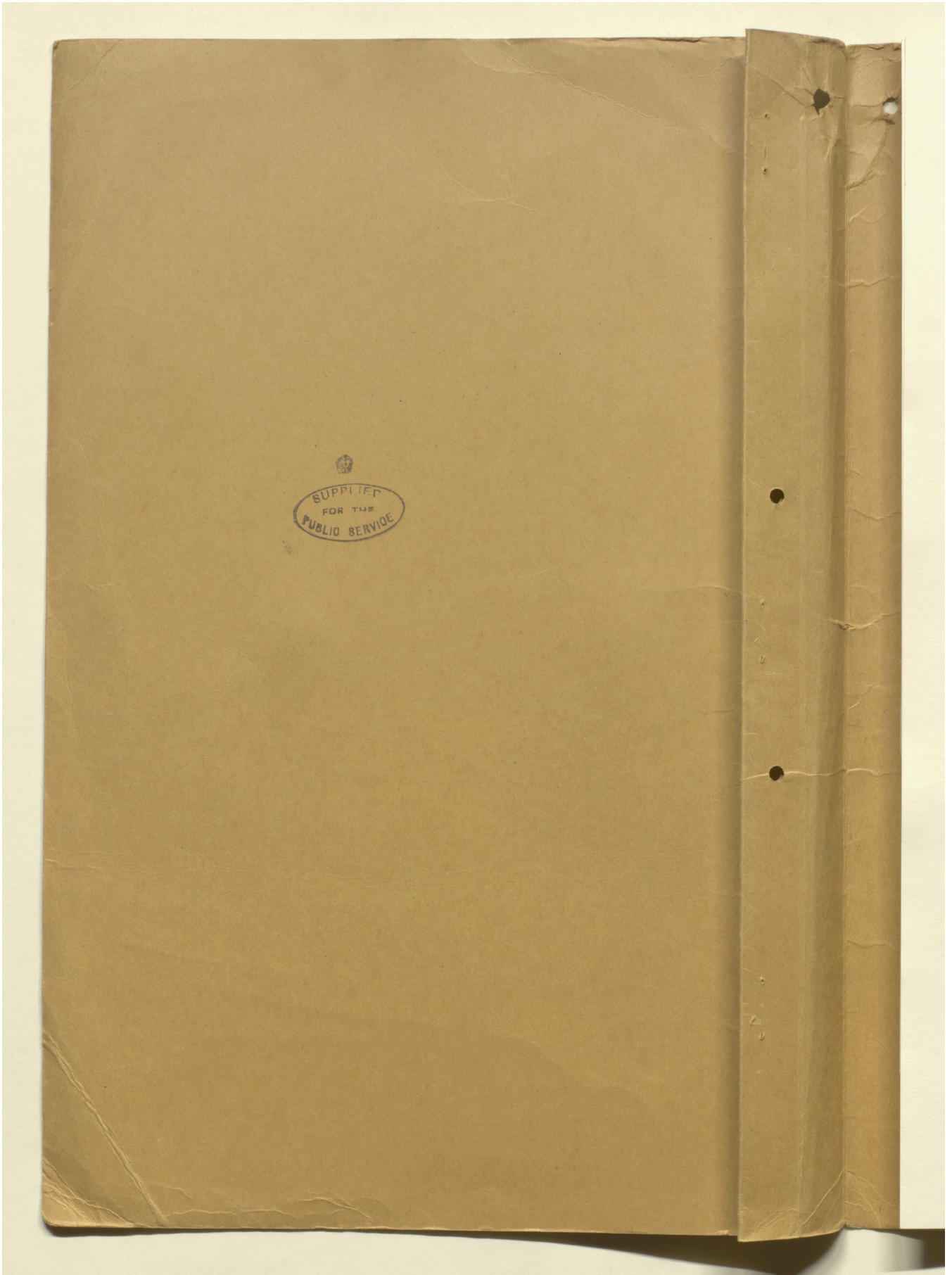
The file consists of correspondence sent primarily between the Kuwait Political Agent, the Persian Gulf Political Resident, and officials of the Eastern Department of the Foreign Office. It is concerned with how deportations of prisoners from the Gulf States — under the *Colonial Prisoners Removal Act, 1884* — and their subsequent maintenance in the UK are to be paid for.

File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf  
[front] (1/42)

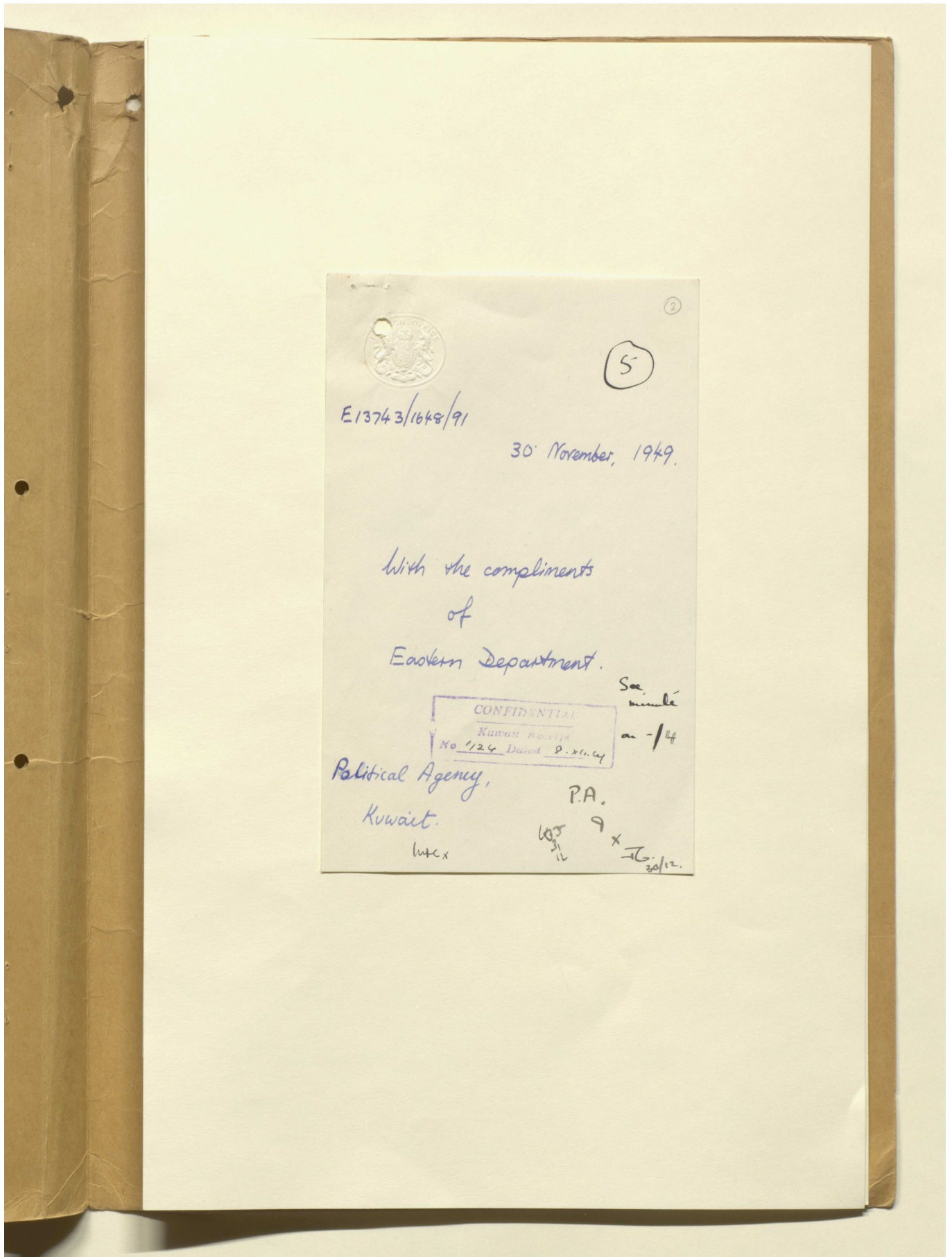




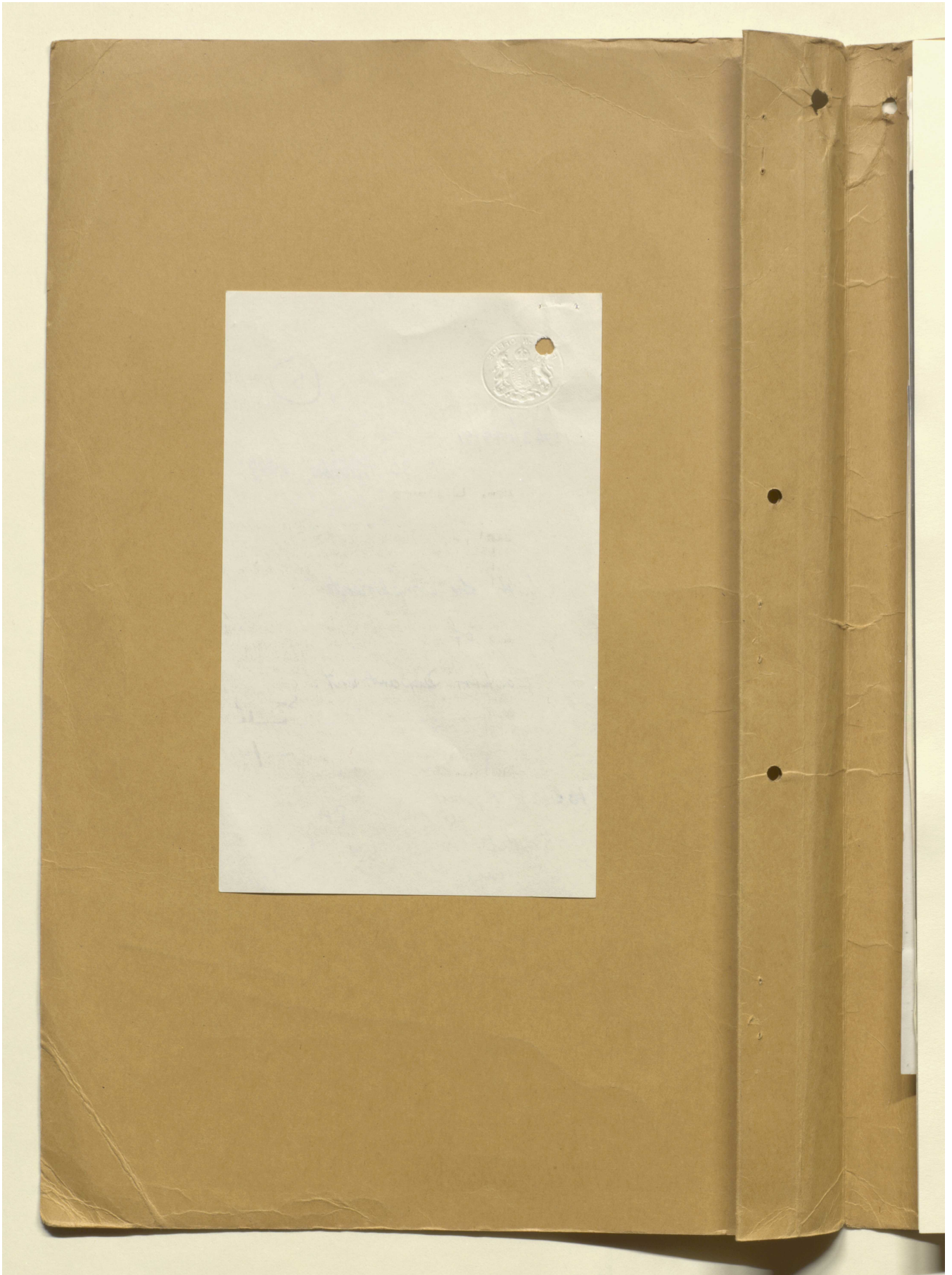
File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf  
[front-i] (2/42)













File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [3r]  
(5/42)

3

FOREIGN OFFICE, S.W. 1.

(E 13743/1648/91)

29th November, 1949

Dear Residency,

Please refer to correspondence on the subject of the costs of the remand of persons convicted in our courts in the Gulf resting with our letter No. E 12887/1648/91 of the 31st October.

We enclose a copy of a letter from the Treasury which is self-explanatory. You will observe the conditions made in paragraph 4 which may present some difficulty if they are to be strictly observed in view of the improvements made in our jail accommodation. The question of the length of any particular sentence will no doubt be an important consideration.

We are sending a copy of this letter to Kuwait.

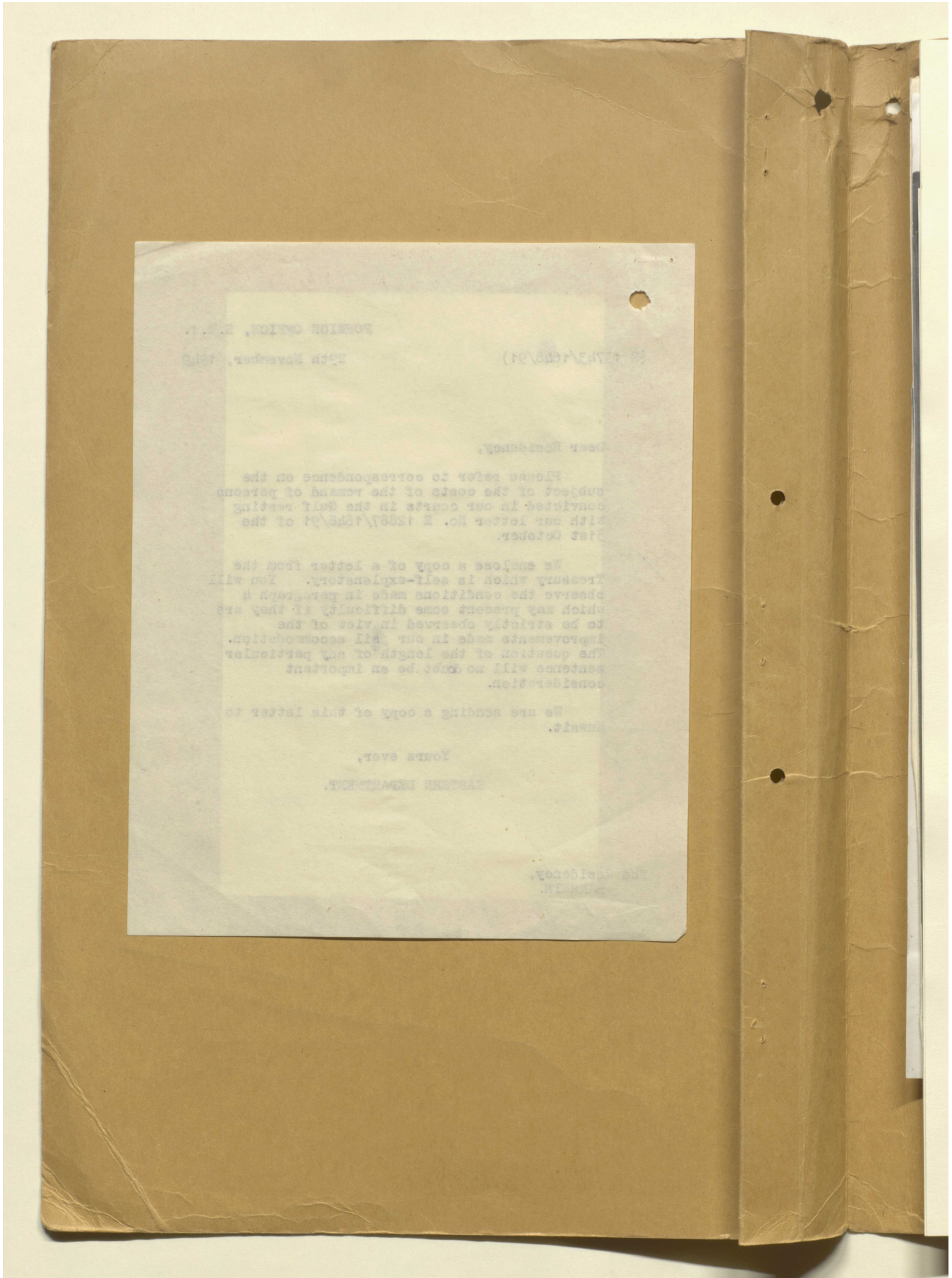
Yours ever,

EASTERN DEPARTMENT.

The Residency,  
BAHREIN.



File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [3v]  
(6/42)





File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [4r]  
(7/42)

EM.

E. 11704/1648/91

LD. 7/03

10th November, 1949.

Dear Mr. Minshall,

I refer to your letter of the 17th October about the question of the financial incidence of the cost of the removal of prisoners from the Persian Gulf States under the Colonial Prisoners Removal Act of 1884.

This question previously arose in 1944 and on that occasion it was agreed that the cost of transport (escort and conveyance) of the prisoners, as well as of their maintenance in the United Kingdom, should be borne on the Prison Vote.

In accordance with this decision, the Prison Commission are willing to accept the cost of the removal of prisoners from the Persian Gulf States.

This agreement is given on the understanding that there is no question of any modification of the conditions which the Colonial Prisoners Removal Act prescribes as requisite before a prisoner can be removed from a Colony, nor of the practice by which the concurrence of the Secretary of State for the Home Department is obtained before removal is authorized in any individual case.

I am sending a copy of this letter to Mr. Cairncross (Home Office) and Mr. Bone (Prison Commission).

Yours sincerely,

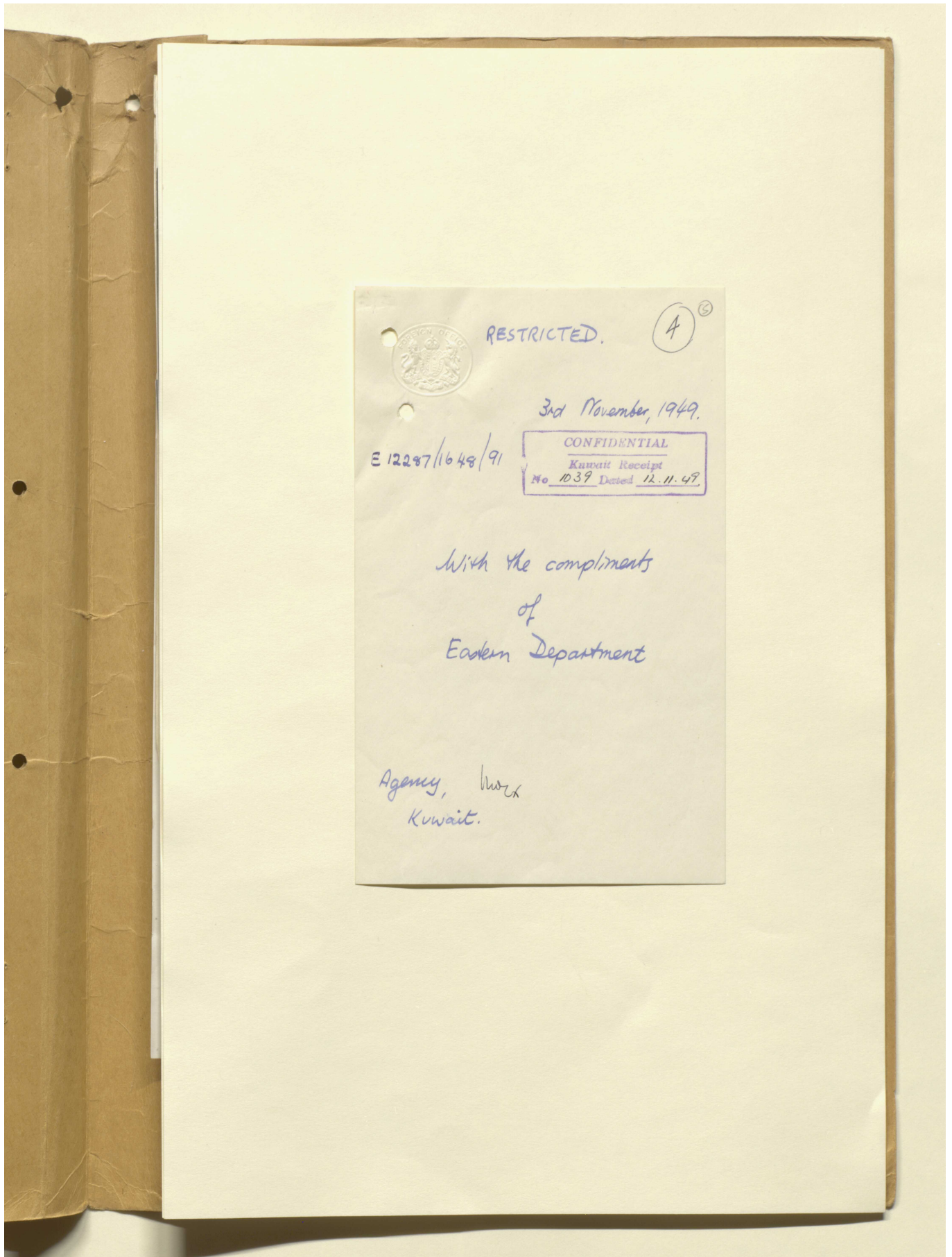
H. W. Minshall, Esq.,  
Foreign Office,  
Whitehall,  
London, S. W. 1.

*John Church*

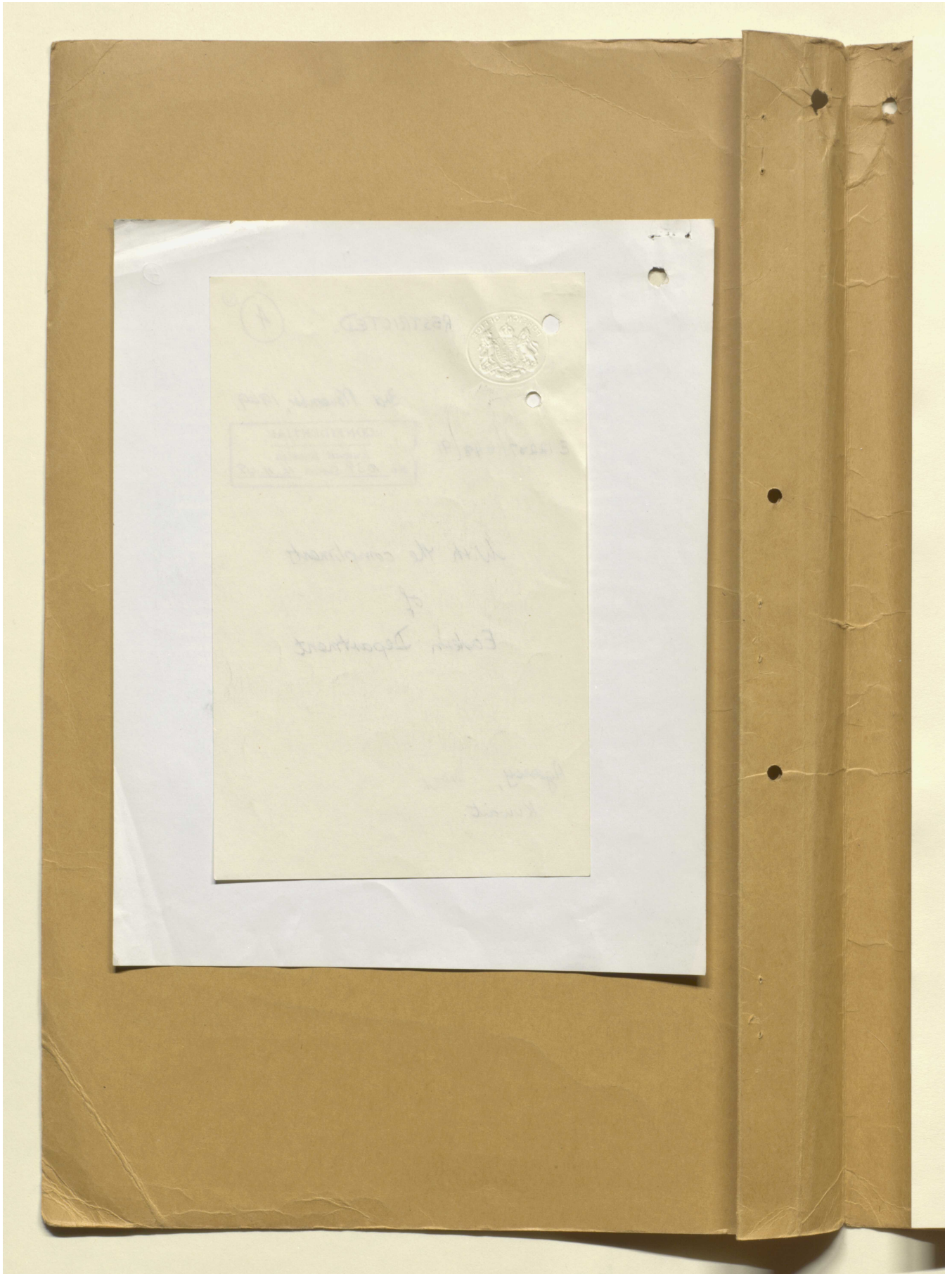














File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [6r]  
(11/42)

RESTRICTED.

(E.12287/1648/91)

FOREIGN OFFICE, S. W. 1.

31st October, 1949.

Dear Residency,

*Paper 2.*  
Kuwait letter No. R/215(33/1) of 25th September about the incidence of the cost of repatriation of persons convicted in our courts in the Persian Gulf.

We agree in general with the remarks of the Agency. Normally deportation is ordered in this country by the courts at the request of the executive authorities or on the court's own initiative but not at the request of a private individual or corporation. While we agree that it is essential that courts should not only administer justice with complete impartiality but patently appear to do so, nevertheless if acting under its discretion under Article 20 of the Order in Council the court ordered a deportee to pay the costs of his deportation and these costs were in fact paid for him by his employers, there would not appear to be any objection. ~~There is~~

*We are sending a copy of this letter to Kuwait.*  
Yours ever,

EASTERN DEPARTMENT.

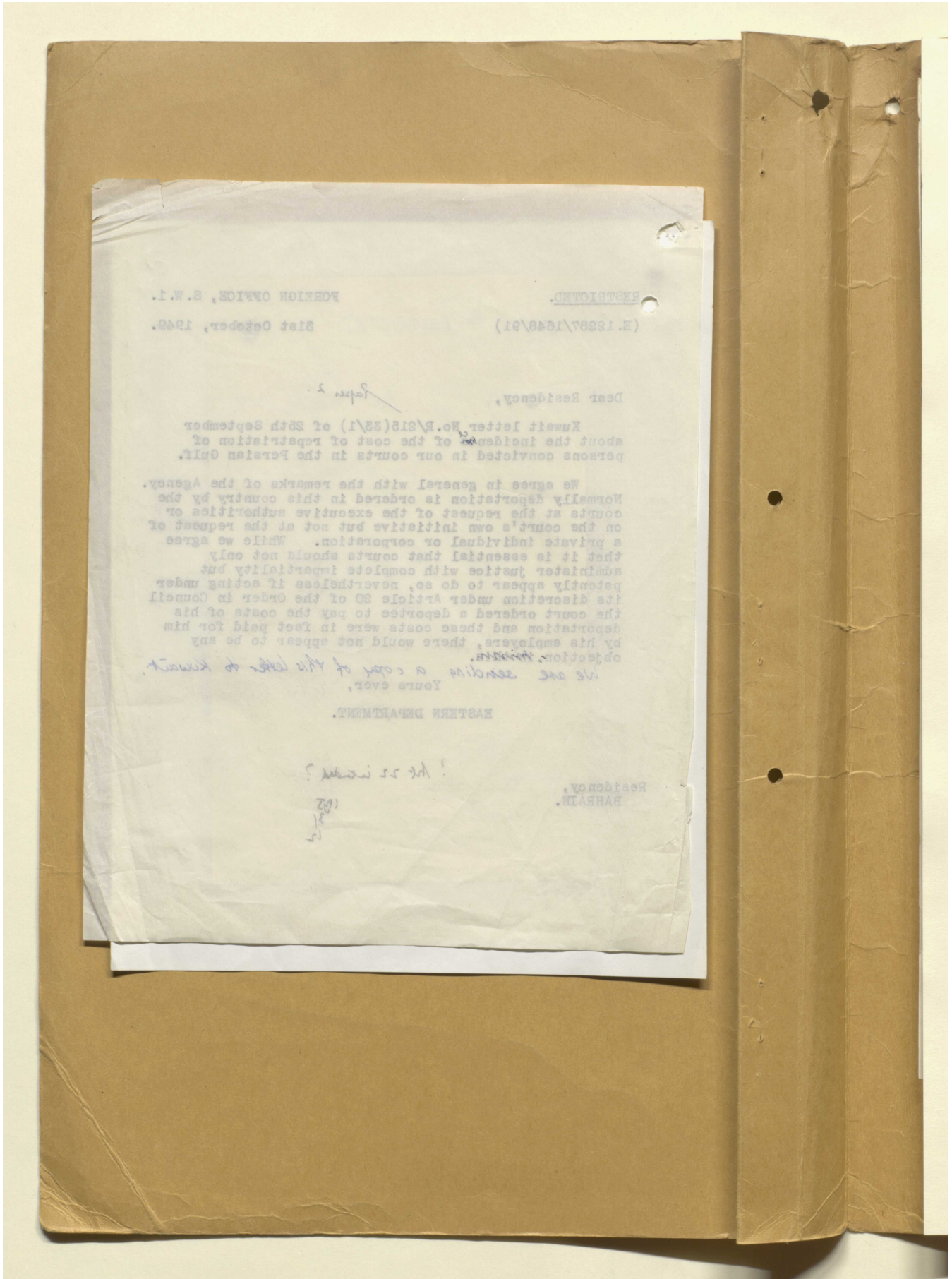
Residency,  
BAHRAIN.

? Not 22 intended?

105  
31  
12



File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [6v]  
(12/42)





File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [7r]  
(13/42)

FOREIGN OFFICE, S.W.1.

14th October, 1949.

(B 11704/1648/91)

OUT FILE

Dear Miss Church,

For some time, we have been considering, in collaboration with the Home Office, the question of the financial incidence of the cost of the removal of prisoners from the Persian Gulf States under the Colonial Prisoners Removal Act of 1884. A copy of the relevant correspondence which was sent to Mr. Dibble is enclosed for convenience of reference.

I should be glad of your agreement to meet the cost of the removal to this country of any future cases - there are no outstanding cases - from the Incidents subhead (B.2 of the new Foreign Service Vote for 1950/51), subject to the furnishing to the Treasury at periodical intervals of returns of actual expenditure incurred.

Yours sincerely,

(Sgd.) (H.W. Minshull)

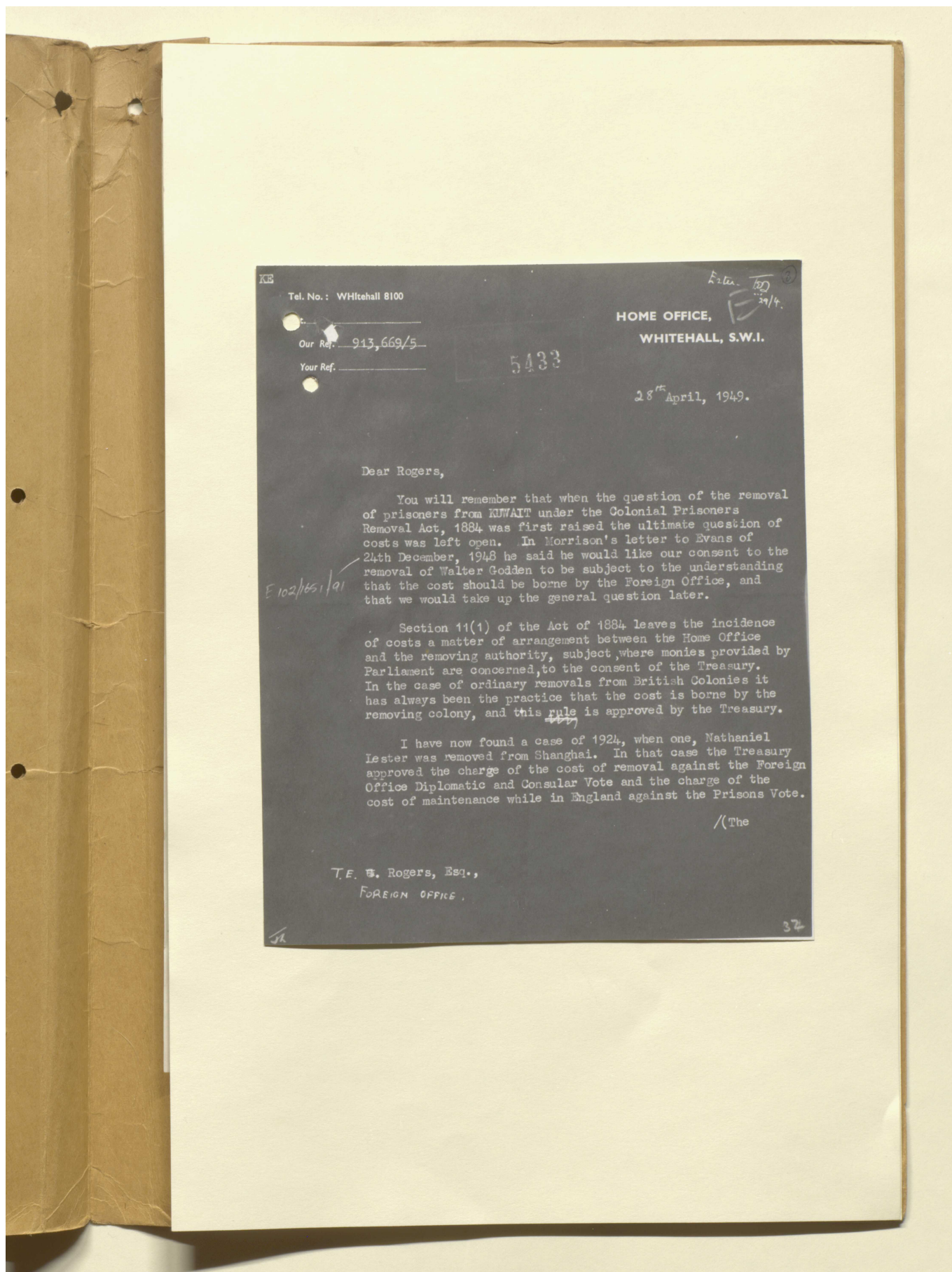
Miss E.M. Church.  
Treasury.







File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [8r]  
(15/42)



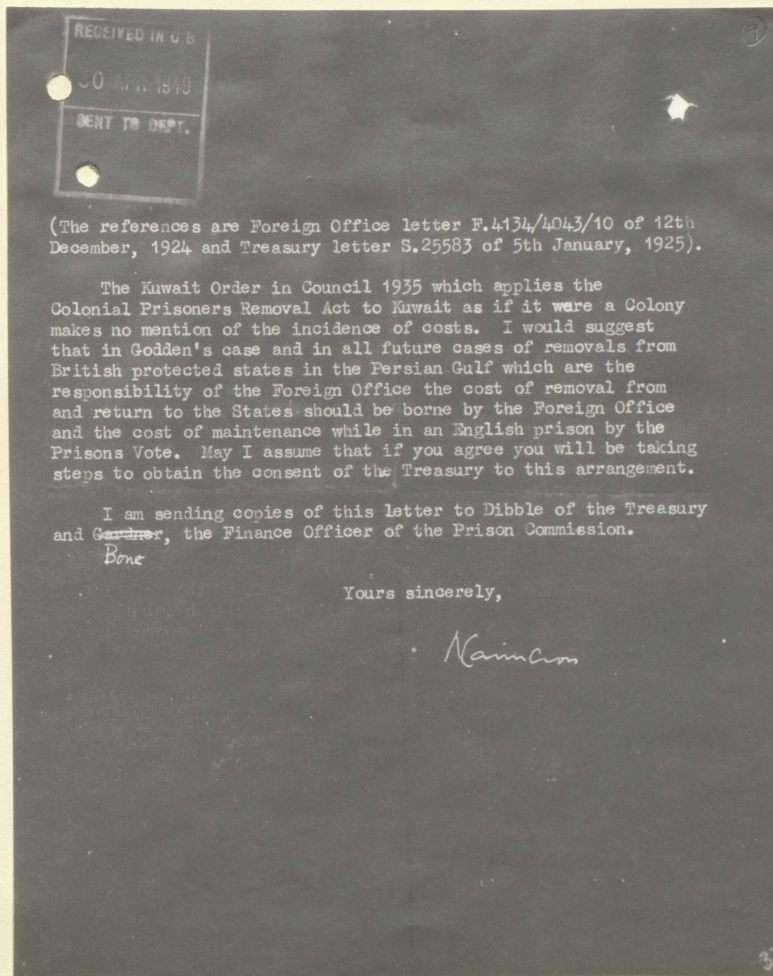
KE  
Tel. No.: Whitehall 8100  
Our Ref. 913,669/5  
Your Ref. \_\_\_\_\_  
5433  
HOME OFFICE,  
WHITEHALL, S.W.1.  
28<sup>th</sup> April, 1949.  
Dear Rogers,  
You will remember that when the question of the removal of prisoners from KUWAIT under the Colonial Prisoners Removal Act, 1884 was first raised the ultimate question of costs was left open. In Morrison's letter to Evans of 24th December, 1948 he said he would like our consent to the removal of Walter Godden to be subject to the understanding that the cost should be borne by the Foreign Office, and that we would take up the general question later.  
E 102/651/91  
Section 11(1) of the Act of 1884 leaves the incidence of costs a matter of arrangement between the Home Office and the removing authority, subject, where monies provided by Parliament are concerned, to the consent of the Treasury. In the case of ordinary removals from British Colonies it has always been the practice that the cost is borne by the removing colony, and this rule is approved by the Treasury.  
I have now found a case of 1924, when one, Nathaniel Lester was removed from Shanghai. In that case the Treasury approved the charge of the cost of removal against the Foreign Office Diplomatic and Consular Vote and the charge of the cost of maintenance while in England against the Prisons Vote.  
/(The  
T. E. Rogers, Esq.,  
FOREIGN OFFICE.  
37







File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [9r]  
(17/42)









File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [10r]  
(19/42)

(12/36/49)



PERSIAN GULF RESIDENCY,  
BAHRAIN,  
14th September, 1949. E

11704

Dear Department,

We are very sorry we have been so long in replying to your letter E.5433/1648/91 of the 17th May about the cost of the removal of prisoners from the Gulf States under the Colonial Prisoners Removal Act.

So far as we are able to judge the position at this end we agree with the Home Office that the cost of removal of prisoners from the Gulf States should be borne by the Foreign Office and the cost of their maintenance while in an English prison by the Prisons Vote. We note that the Home Office mention the cost of the return of prisoners to the Gulf States but provided appeals are dealt with before prisoners are removed it appears to us very unlikely that any question of their return will arise.

2. Once a man has been sentenced to imprisonment on a criminal charge it appears to us that all further responsibility for dealing with him lies with the Crown and that no oil company can legally be compelled to pay the cost of his removal even though they were under a contractual obligation to do so if he had not been so sentenced. The Kuwait Oil Company paid under protest in the Godden case, but we do not think they can reasonably be called upon to meet a similar charge in future.

3. The incidence of the cost of deportation where a deportee cannot be called upon to pay it also requires consideration, vide Article 26 (5) of the Bahrain Order-in-Council and the corresponding articles in the other Orders-in-Council. Presumably this will also ordinarily be borne by the Foreign Office. The British subjects were deported from Kuwait in the first half of 1948 and if we remember rightly the Kuwait Oil Company paid the cost of their air passages, also under protest. Where, however, a deportation is made at the request of an oil company possibly they might be called upon to bear its cost.

4. We are sending a copy of this correspondence to the Kuwait Agency. If they have any further comments to make they will no doubt let you and us have them.

Yours ever,

RESIDENCY.



Eastern Department,  
Foreign Office,  
London.







File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [11r]  
(21/42)

FOREIGN OFFICE, S.W.1.  
6th October, 1949.  
(E 3704/1648/91)  
OUT FILE

Dear Cairncross,

Your letter No.913,669/5 of the 28th April on the subject of the payment of costs of prisoners removed from Kuwait under the Colonial Prisoners Remand Act, 1884.

I enclose a copy of a reply which we have at last received from Bahrain. We expect shortly to approach the Treasury for their consent to the arrangement that in future cases of remands from British protected states in the Persian Gulf which are the responsibility of the Foreign Office the cost of removal from (and, where unavoidable, return to) the states should be borne by the Foreign Office and the cost of maintenance while in an English prison by the Prisons Vote.

I am sending copies of this letter and its enclosure to Dibble of the Treasury and Bone, the Finance Officer of the Prison Commission, to whom you sent copies of your letter under reference, in case they have any observations to offer.

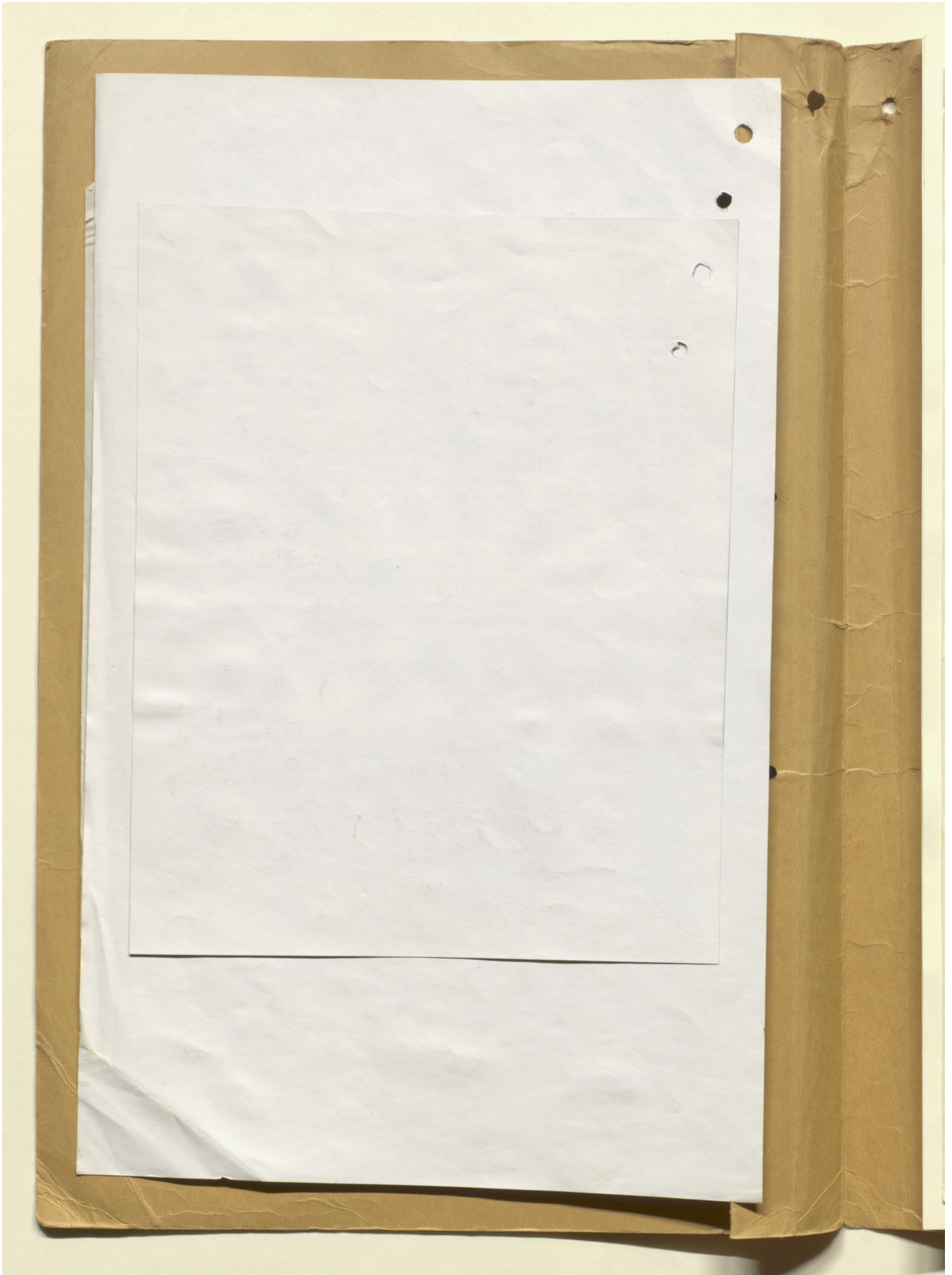
Yours sincerely,

(Apd.) (T.E. Rogers)

N.Cairncross, Esq.,  
Home Office.

31







File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [12r]  
(23/42)

MINUTE

W -/4

(12)

While I have no comments to make on the attached papers directly, they do raise the question of other costs for prison accommodation.

Jackson in his letter of 4th May 1949 ( paper 18, file 32/11 ) para 6 v), suggested that the cost of the prisoners' diet should be a charge on HMG. Otherwise there is so far as I can learn, no ruling or instruction regarding the cost of maintaining prisoners. I have recently paid bills submitted by KOC and by Robertson for the maintenance of Collier and Geissendorff, and also for the air passage of Cunningham to Bahrain. Moreover last September we received a bill from the Kuwait Government for the cost of food of two Indian prisoners sentenced to some six weeks imprisonment by Galloway in 1948; they charged us at a rate of four rupees a day. I am informed that these are the only two Indians who have been sentenced in this agency; previously we "did not hold proper courts".

The books show that we collected the following amounts in fines over the last eighteen months:

June 1948	Rs 100
September 1948	1045
March 1949	100
June 1949	350
September 1949	300
December 1949	3500

The Modern Hotel, which was providing meals for European prisoners, has been charging at a rate of Rs 12 a day. A sentence of one month will thus cost Rs 360. A sentence of one month on an Indian will cost us Rs 120. At the rate at which recent sentences have been passed ( namely one or two months imprisonment and a fine of Rs 1000 on a European and one months imprisonment and a fine of 100 rupees on an Indian, we are slightly down on the latter but well up on the former. It would thus seem that provided that our fines are paid, instead of the prisoner spending a further period in prison, there should be no charge falling on HMG, particularly since there should be no necessity for paying air passages to Bahrain in future. Nevertheless, I consider that it would be as well to clarify the position with the F.O., and obtain authority in any one quarter to debit HMG with such costs. If you agree, I will draft.

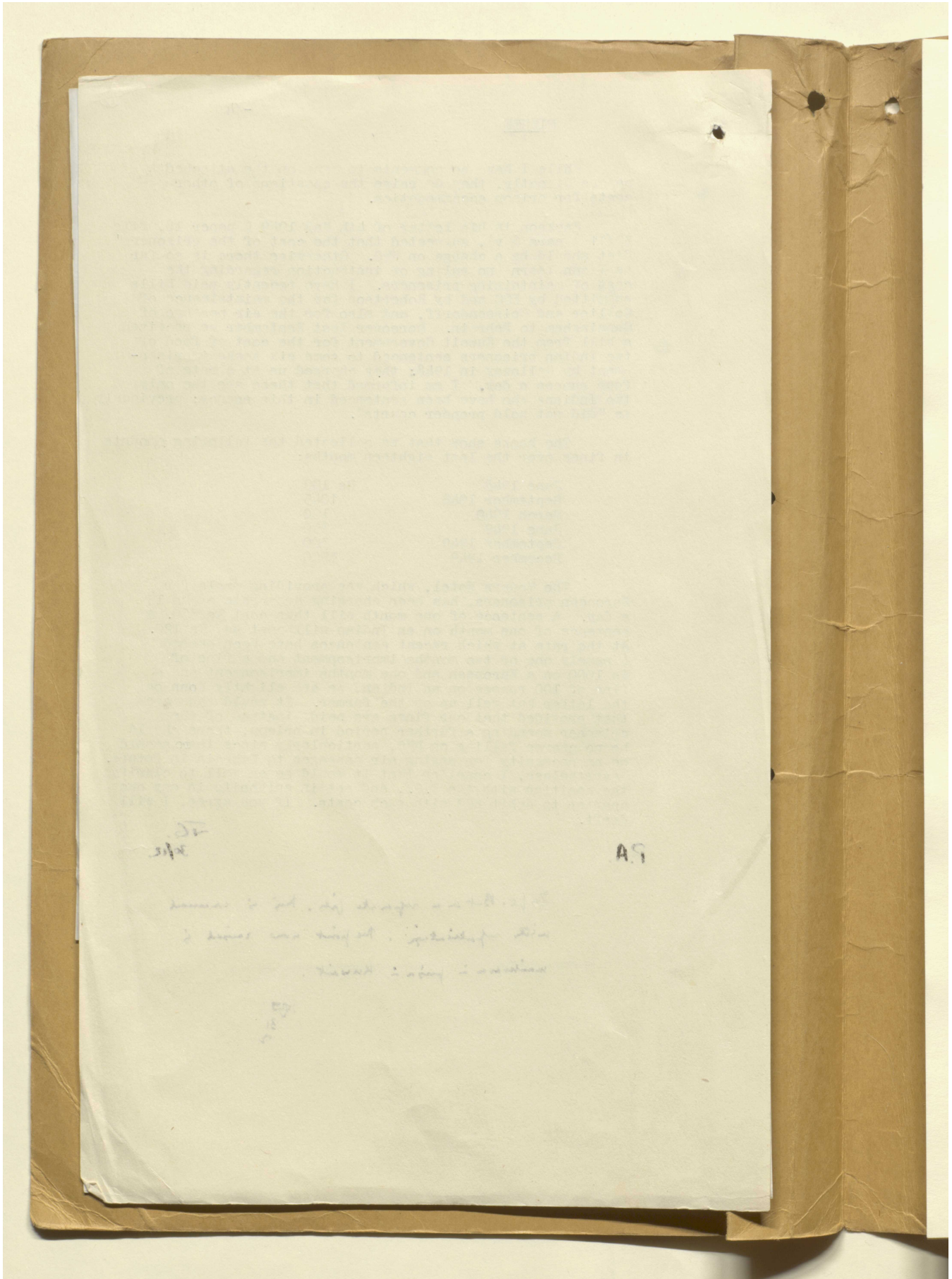
P.A.

JG.  
30/12

*To be. But on a separate note. This is connected with repatriation. The point now raised is maintenance in prison in Kuwait.*

1949  
31  
2



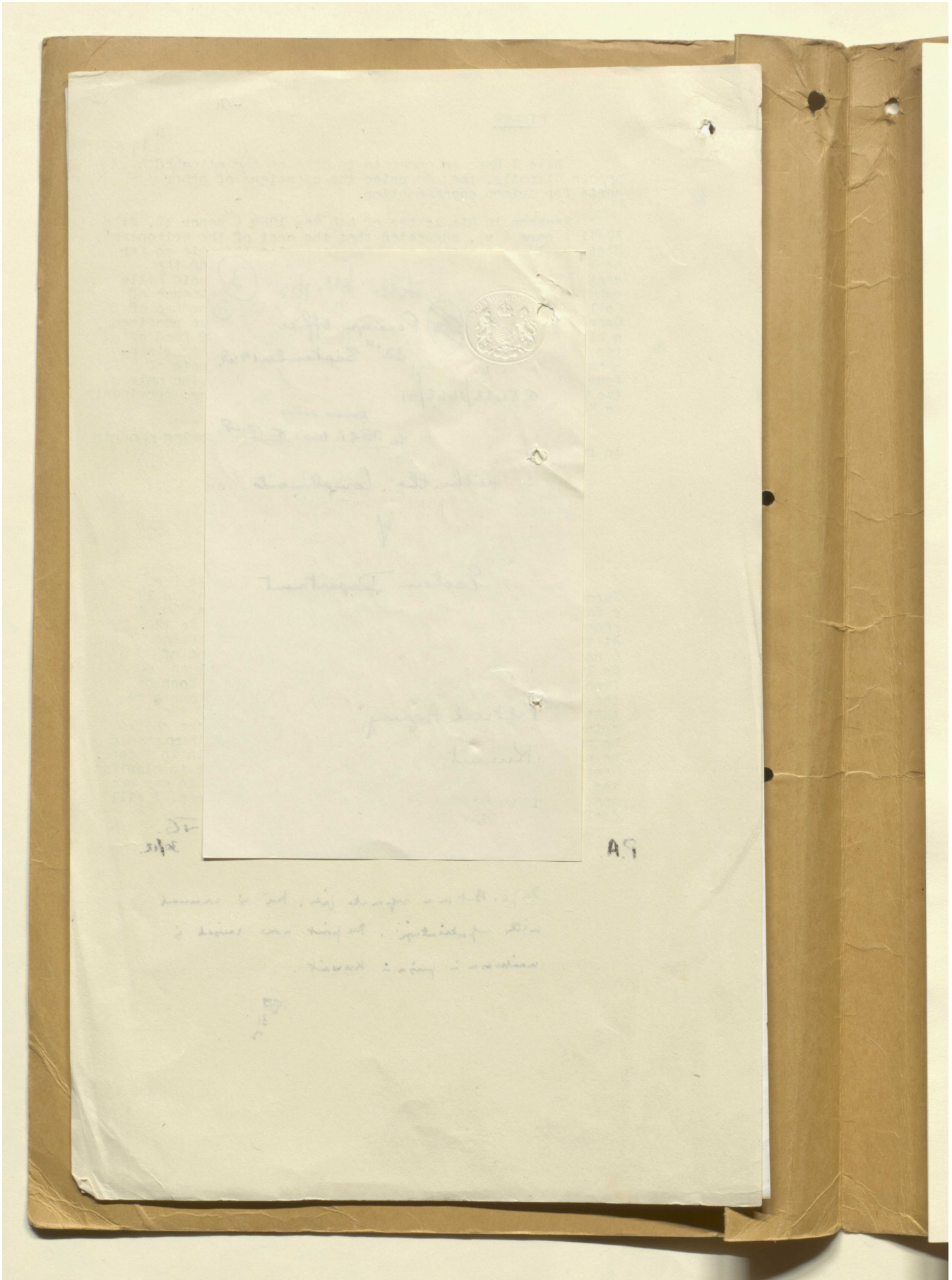




File No. 1110 (3)  
Foreign office (13)  
22<sup>nd</sup> September 1969.  
E 5433/1648/91  
Kuwait Records  
No 2821. Dated 5. 10. 69.  
With the Compliments  
of  
Eastern Department.  
Political Agency,  
Kuwait.

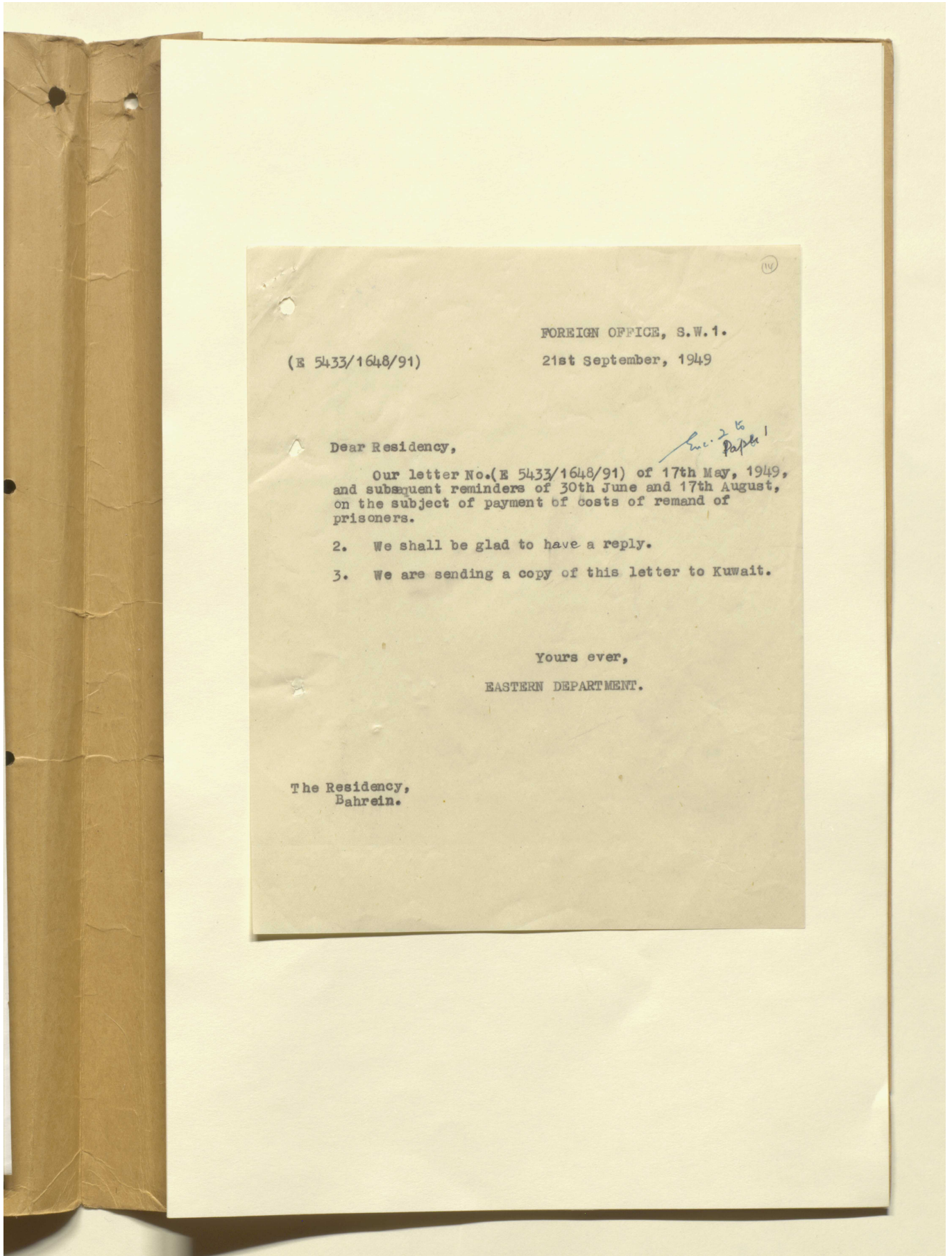


File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [13v]  
(26/42)



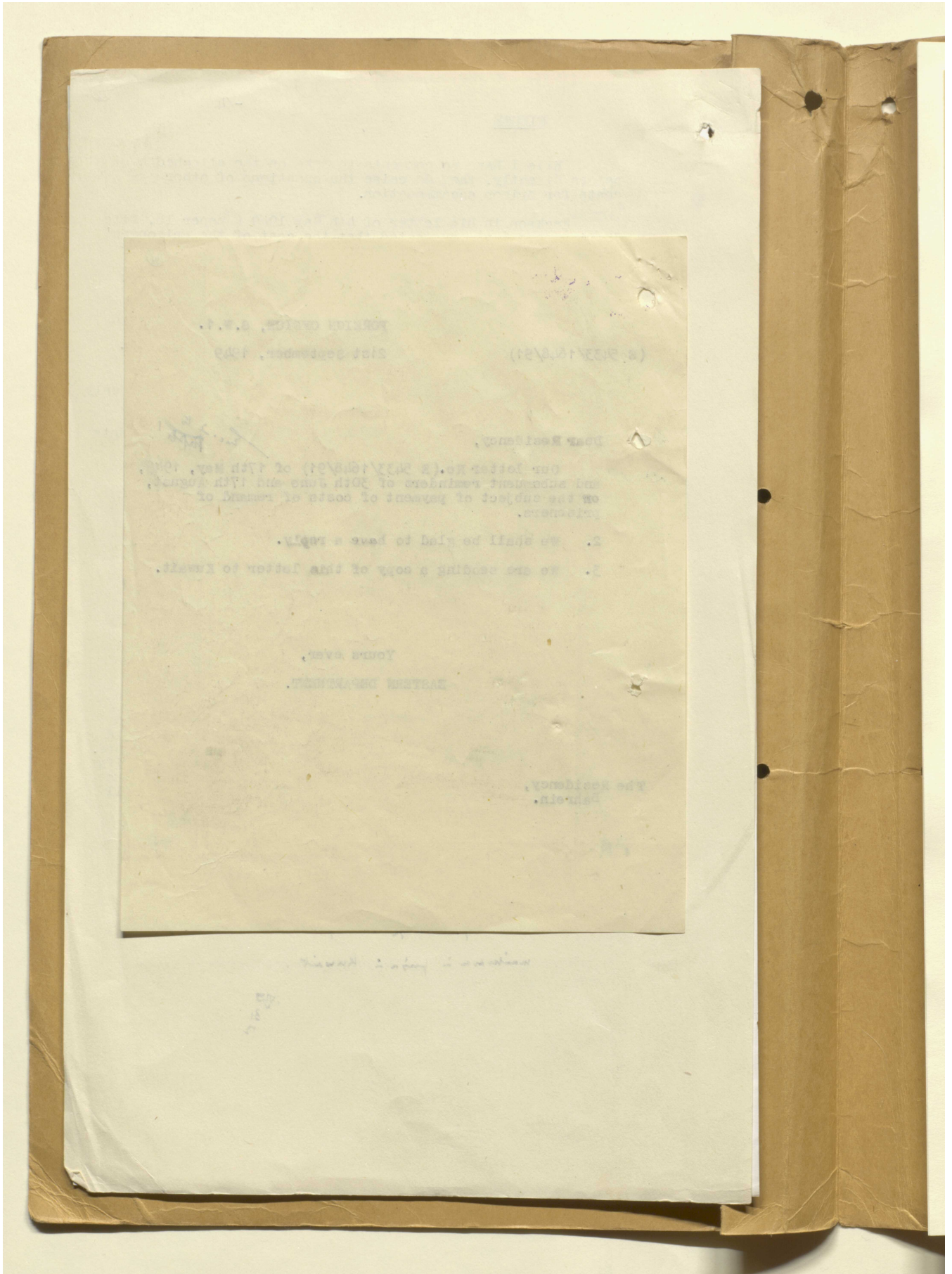


File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [14r]  
(27/42)





File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [14v]  
(28/42)





File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [15r]  
(29/42)

No.R/215(33/1)

2  
15  
THE POLITICAL AGENCY,  
KUWAIT,  
25th September, 1949.

Dear Residency, *Paper 1*

We agree with the remarks in paragraph 2 of your letter No.12/36/49 of the 14th September to the Eastern Department. Once an employee has been convicted in a criminal proceeding he is liable to dismissal by the Company and, according to the contracts their senior staff employees sign, the Company are under no obligation to bear the cost of repatriation of dismissed employees.

2. Regarding your third paragraph. Before a person subject to our jurisdiction can be deported judicial proceedings under Article 26 of the Order in Council are necessary. In paragraph 3 of their telegram No.105 of the 2nd March, 1949, the Foreign Office have stated, in respect of two persons accused of a criminal offence, that this method is only to be used with great care. There are even more valid objections to the deportation of employees at the request of their employers; and the proceedings contemplated in Article 26 of the Order in Council are not, we think - if only from the point of view of industrial relations - ordinarily the kind of proceedings that should be initiated by oil companies. Nor do we think that oil companies should even be allowed to pay for the deportation of their employees, for that might give rise to a feeling amongst employees that our judicial administration is paid for by the Oil Company and that our Courts are therefore subject to the Company's influence. We hope you will agree that it is essential not only that our Courts should be absolutely independent and impartial, but also that they should manifestly be seen to be so.

3. We are sending a copy of this letter to the Eastern Department.

Yours ever,  
Agency.

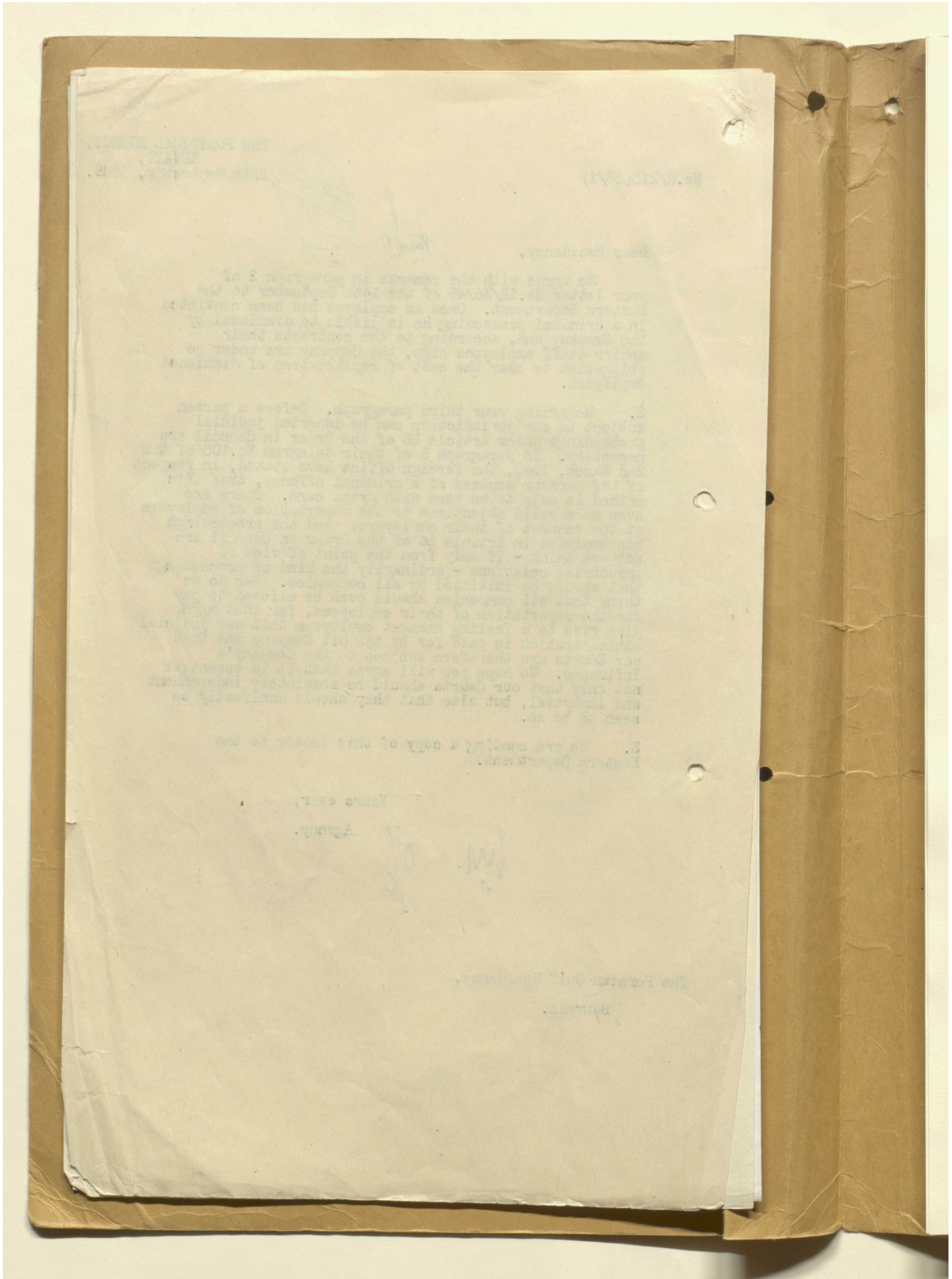
*M. J.C.*



The Persian Gulf Residency,  
Bahrain.



File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [15v]  
(30/42)

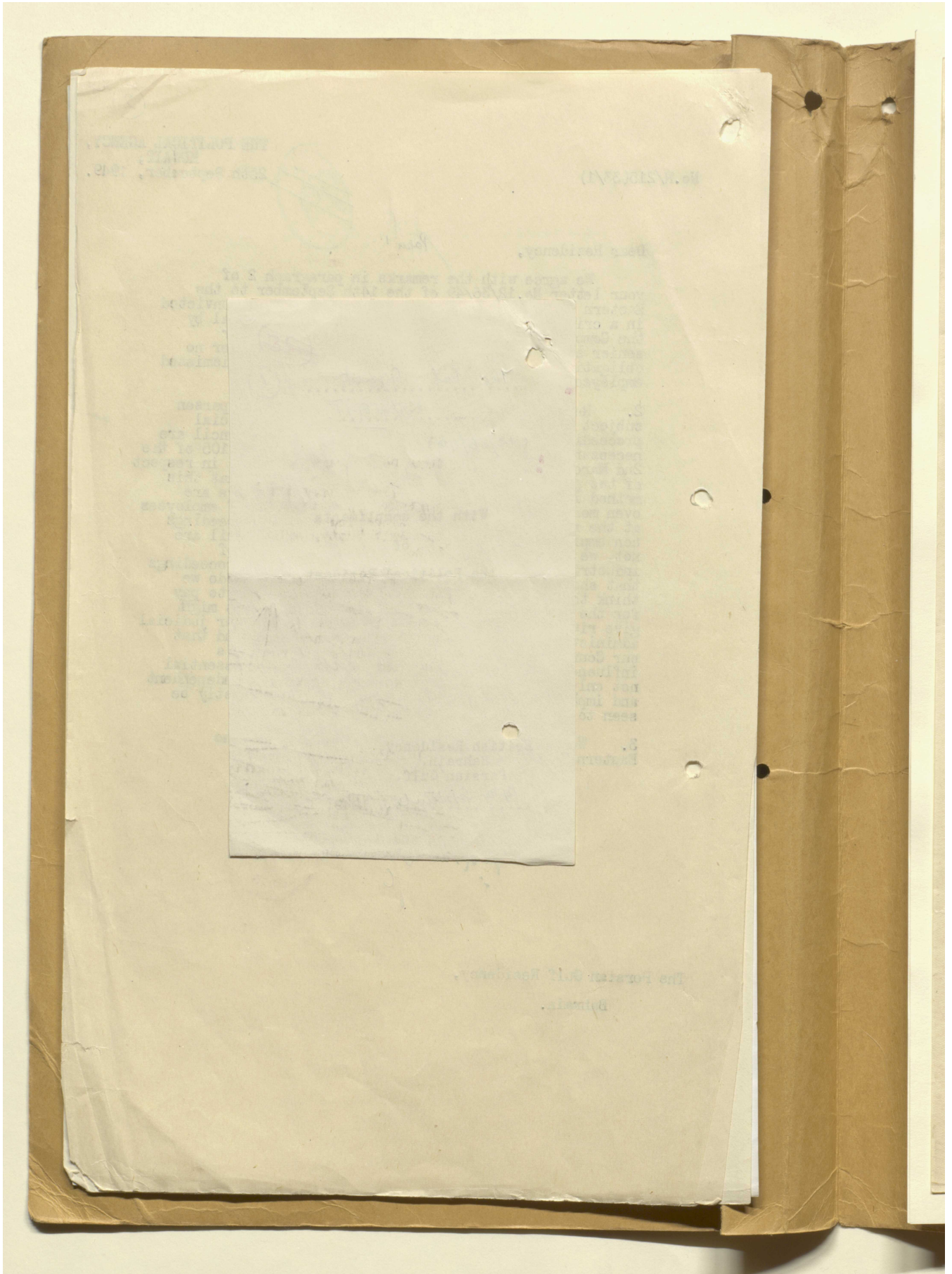




~~28~~ 16  
①  
The Pol. Agent  
.....  
KUWAIT  
.....  
(12/36/49)  
With the compliments  
of  
the Political Resident.  
BRITISH GULF RESIDENCY  
BAHRAIN  
British Residency,  
Bahrain,  
Persian Gulf.  
14<sup>th</sup> September, 1949.



File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [16v]  
(32/42)





(12/36/49)

PERSIAN GULF RESIDENCY,  
BAHRAIN,  
14th September, 1949.

Dear Department,

We are very sorry we have been so long in replying to your letter E.5433/1648/91 of the 17th May about the cost of the removal of prisoners from the Gulf States under the Colonial Prisoners Removal Act.

So far as we are able to judge the position at this end we agree with the Home Office that the cost of removal of prisoners from the Gulf States should be borne by the Foreign Office and the cost of their maintenance while in an English prison by the Prisons Vote. We note that the Home Office mention the cost of the return of prisoners to the Gulf States but provided appeals are dealt with before prisoners are removed it appears to us very unlikely that any question of their return will arise.

2. Once a man has been sentenced to imprisonment on a criminal charge it appears to us that all further responsibility for dealing with him lies with the Crown and that no oil company can legally be compelled to pay the cost of his removal even though they were under a contractual obligation to do so if he had not been so sentenced. The Kuwait Oil Company paid under protest in the Godden case, but we do not think they can reasonably be called upon to meet a similar charge in future.

3. The incidence of the cost of deportation where a deportee cannot be called upon to pay it also requires consideration, vide Article 26 (5) of the Bahrain Order-in-Council and the corresponding articles in the other Orders-in-Council. Presumably this will also ordinarily be borne by the Foreign Office. The British subjects were deported from Kuwait in the first half of 1948 and if we remember rightly the Kuwait Oil Company paid the cost of their air passages, also under protest. Where, however, a deportation is made at the request of an oil company possibly they might be called upon to bear its cost.

4. We are sending a copy of this correspondence to the Kuwait Agency. If they have any further comments to make they will no doubt let you and us have them.

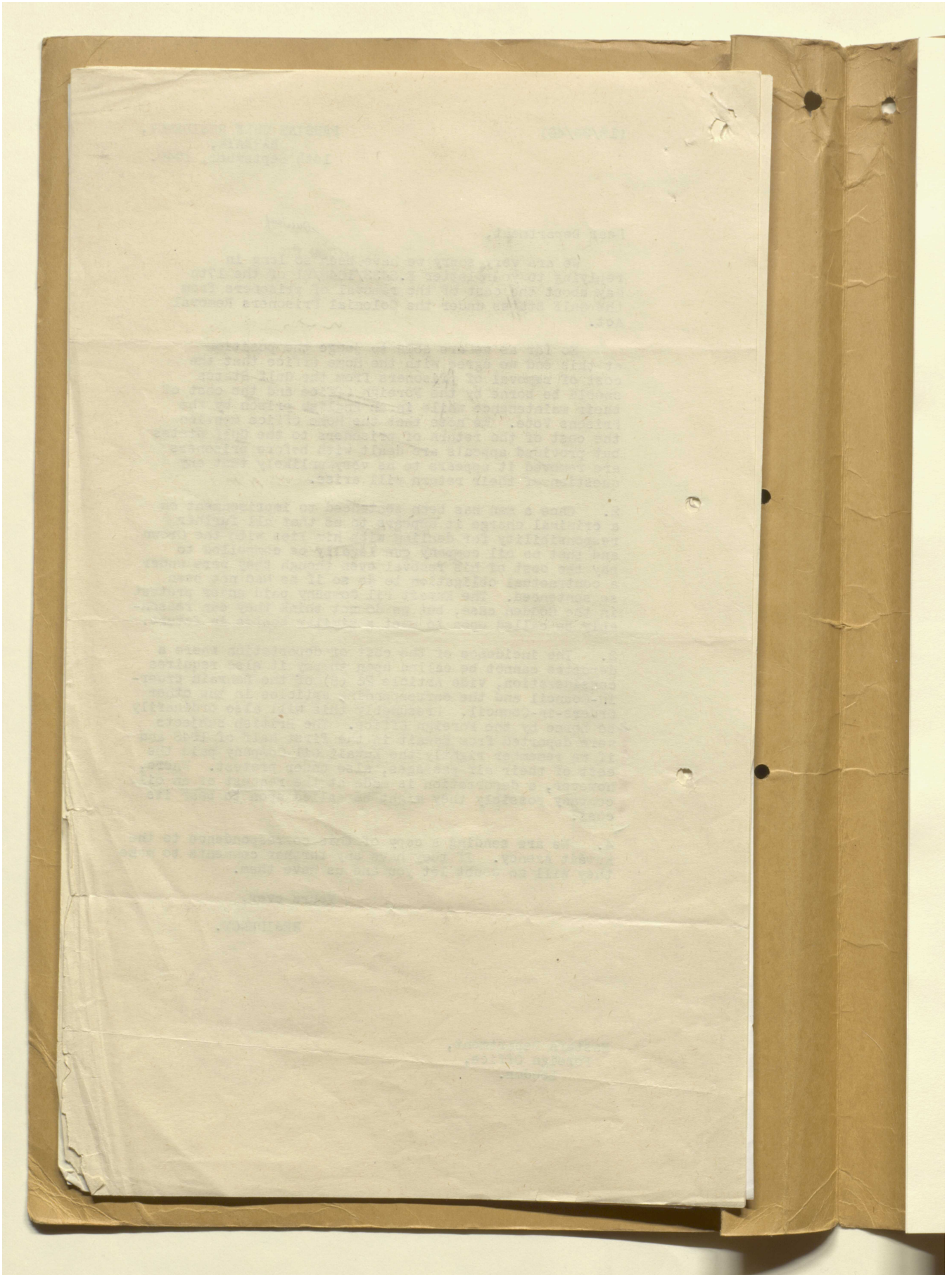
Yours ever,

RESIDENCY.

Eastern Department,  
Foreign Office,  
London.









File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [18r]  
(35/42)

FOREIGN OFFICE, S.W.1.

17th May, 1949.

(E 5433/1648/91)

Dear Residency,

We enclose a copy of a letter from Cairncross of the Home Office to Rogers which is self-explanatory. We shall be grateful for your comments.

We presume that in the case of Godden the oil company paid, perhaps because they were obliged to do so under his contract or under normal oil company arrangements. If the oil companies continue to pay in similar cases because of their own obligations to employees, His Majesty's Government would thereby be saved (quite legitimately, as far as we can see) unnecessary expenses

We are sending a copy of this letter to Cairncross at the Home Office.

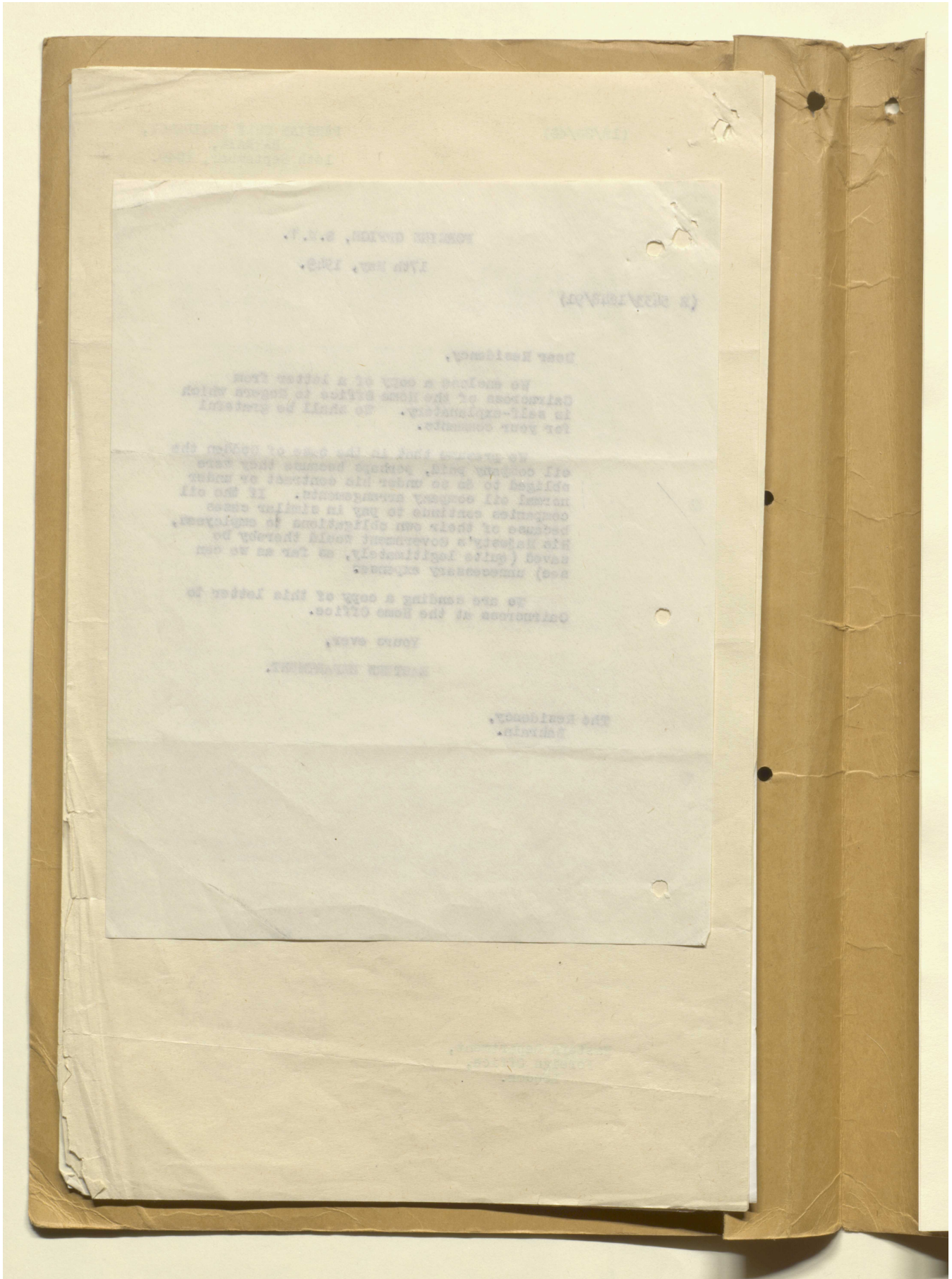
Yours ever,

EASTERN DEPARTMENT.

The Residency,  
Bahrain.



File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [18v]  
(36/42)





File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [19r]  
(37/42)

KE  
Tel. No.: WHITEHALL 8100  
Our Ref. 913,669/5  
Your Ref. \_\_\_\_\_

Ext. 122  
19/4.

HOME OFFICE,  
WHITEHALL, S.W.1.

5433

28<sup>th</sup> April, 1949.

Dear Rogers,

You will remember that when the question of the removal of prisoners from KUWAIT under the Colonial Prisoners Removal Act, 1884 was first raised the ultimate question of costs was left open. In Morrison's letter to Evans of 24th December, 1948 he said he would like our consent to the removal of Walter Godden to be subject to the understanding that the cost should be borne by the Foreign Office, and that we would take up the general question later.

E 102/651/91

Section 11(1) of the Act of 1884 leaves the incidence of costs a matter of arrangement between the Home Office and the removing authority, subject, where monies provided by Parliament are concerned, to the consent of the Treasury. In the case of ordinary removals from British Colonies it has always been the practice that the cost is borne by the removing colony, and this rule is approved by the Treasury.

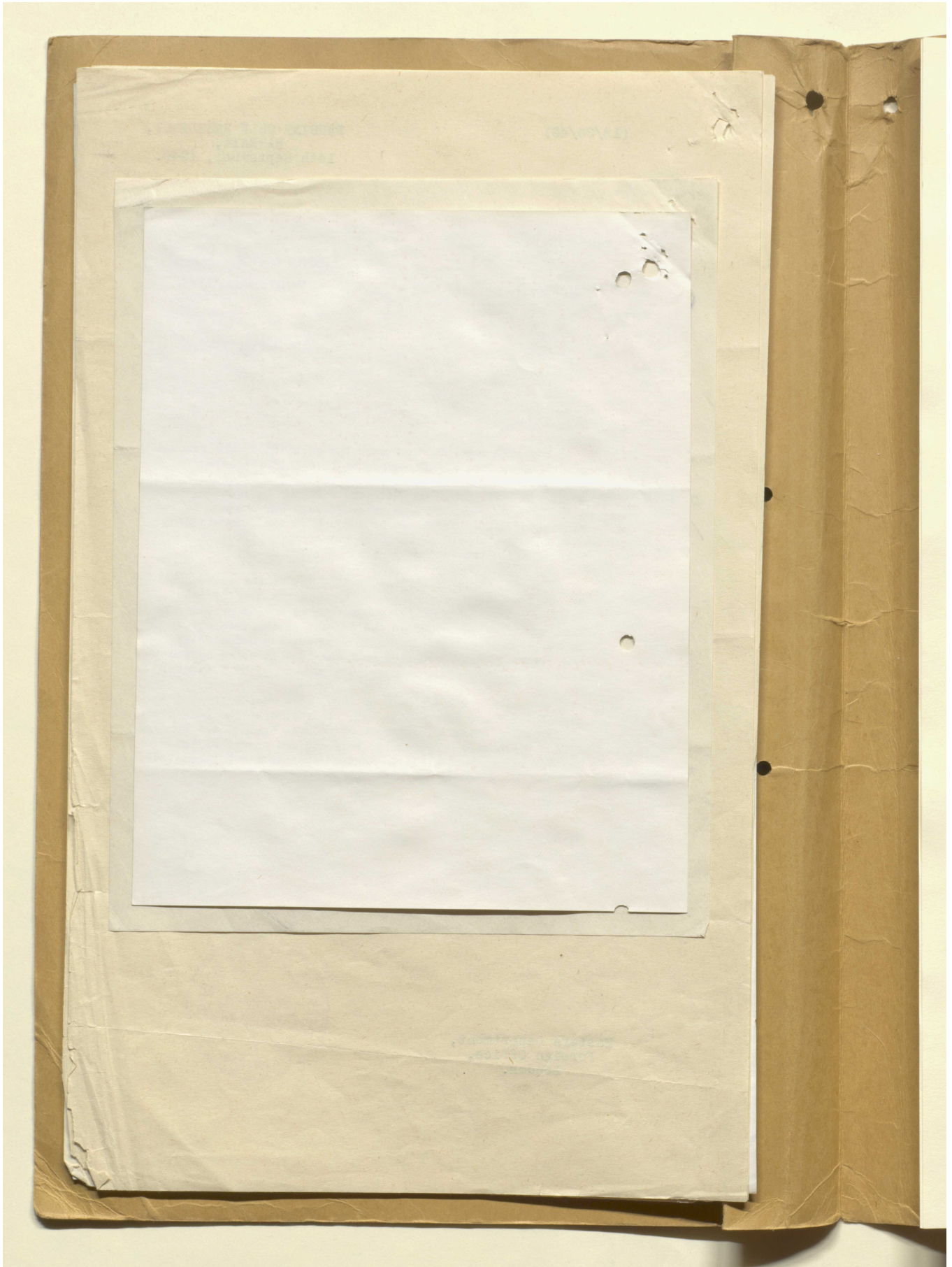
I have now found a case of 1924, when one, Nathaniel Lester was removed from Shanghai. In that case the Treasury approved the charge of the cost of removal against the Foreign Office Diplomatic and Consular Vote and the charge of the cost of maintenance while in England against the Prisons Vote.

/(The

T. E. Rogers, Esq.,  
FOREIGN OFFICE.

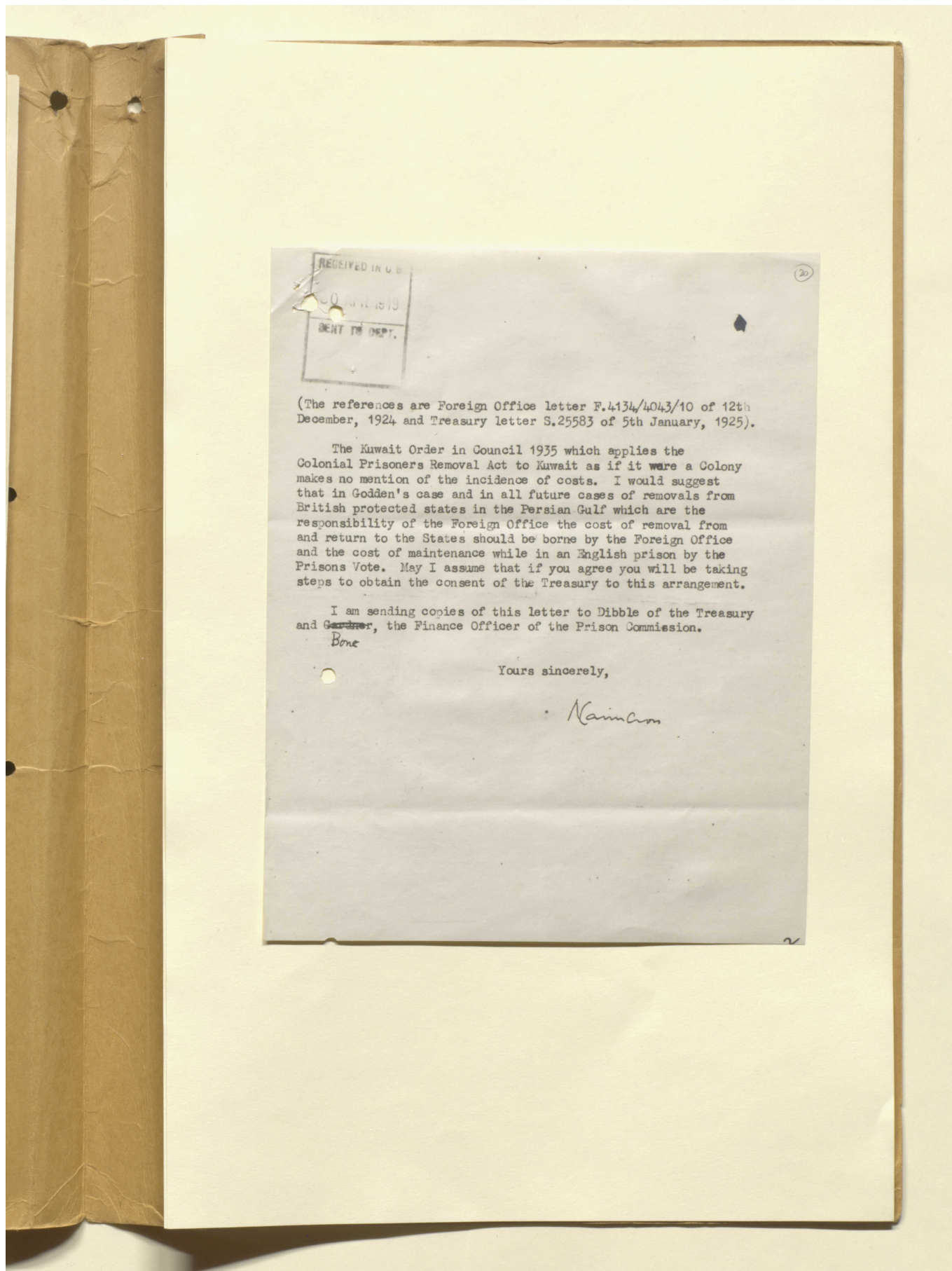
51







File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf [20r]  
(39/42)



(The references are Foreign Office letter F.4134/4043/10 of 12th December, 1924 and Treasury letter S.25583 of 5th January, 1925).

The Kuwait Order in Council 1935 which applies the Colonial Prisoners Removal Act to Kuwait as if it were a Colony makes no mention of the incidence of costs. I would suggest that in Godden's case and in all future cases of removals from British protected states in the Persian Gulf which are the responsibility of the Foreign Office the cost of removal from and return to the States should be borne by the Foreign Office and the cost of maintenance while in an English prison by the Prisons Vote. May I assume that if you agree you will be taking steps to obtain the consent of the Treasury to this arrangement.

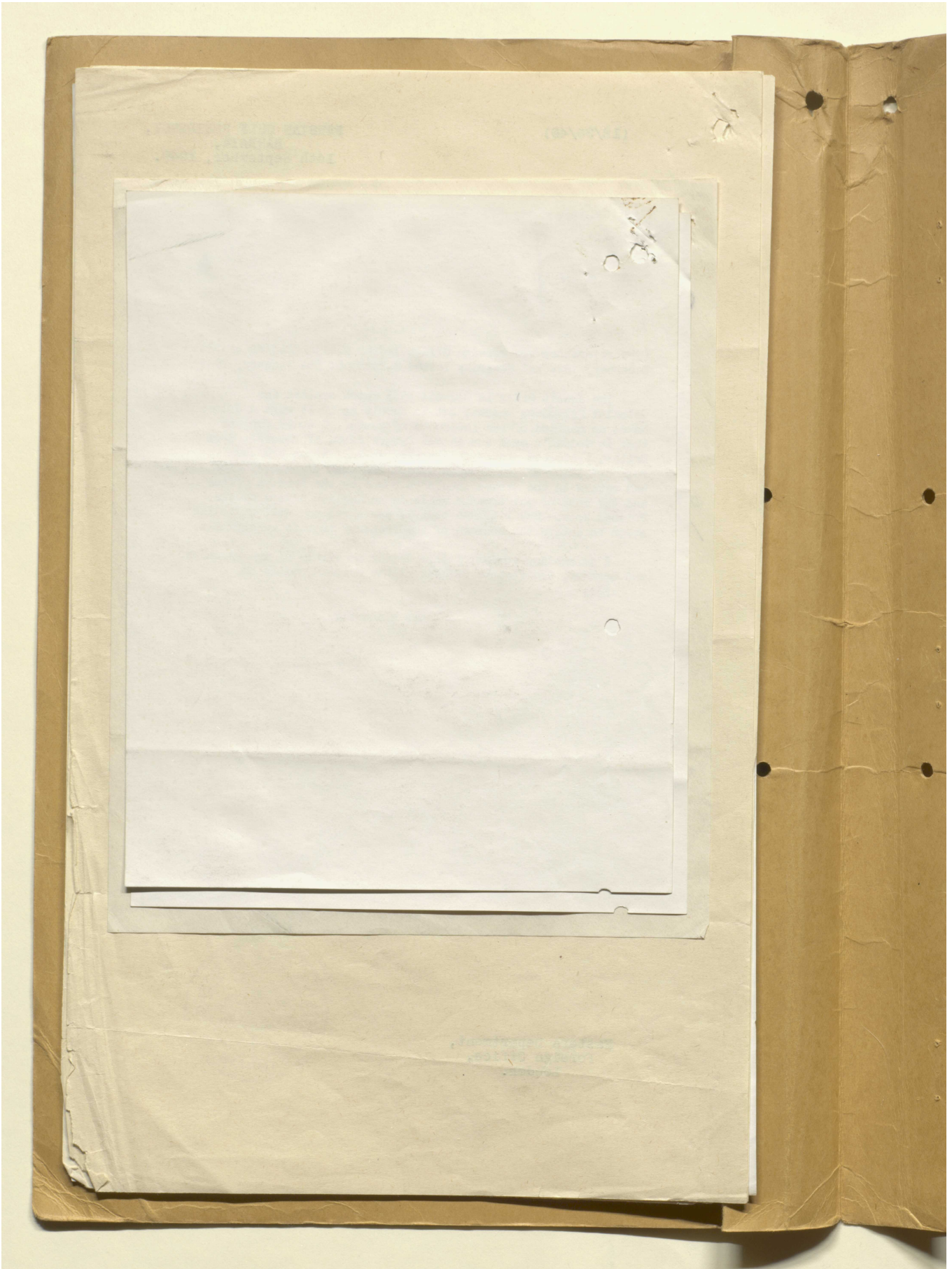
I am sending copies of this letter to Dibble of the Treasury and Gardner, the Finance Officer of the Prison Commission.

Bone

Yours sincerely,

Naimson







File C 7/9 Repatriation of persons convicted in Agency Courts in the Gulf  
[back-i] (41/42)

21

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