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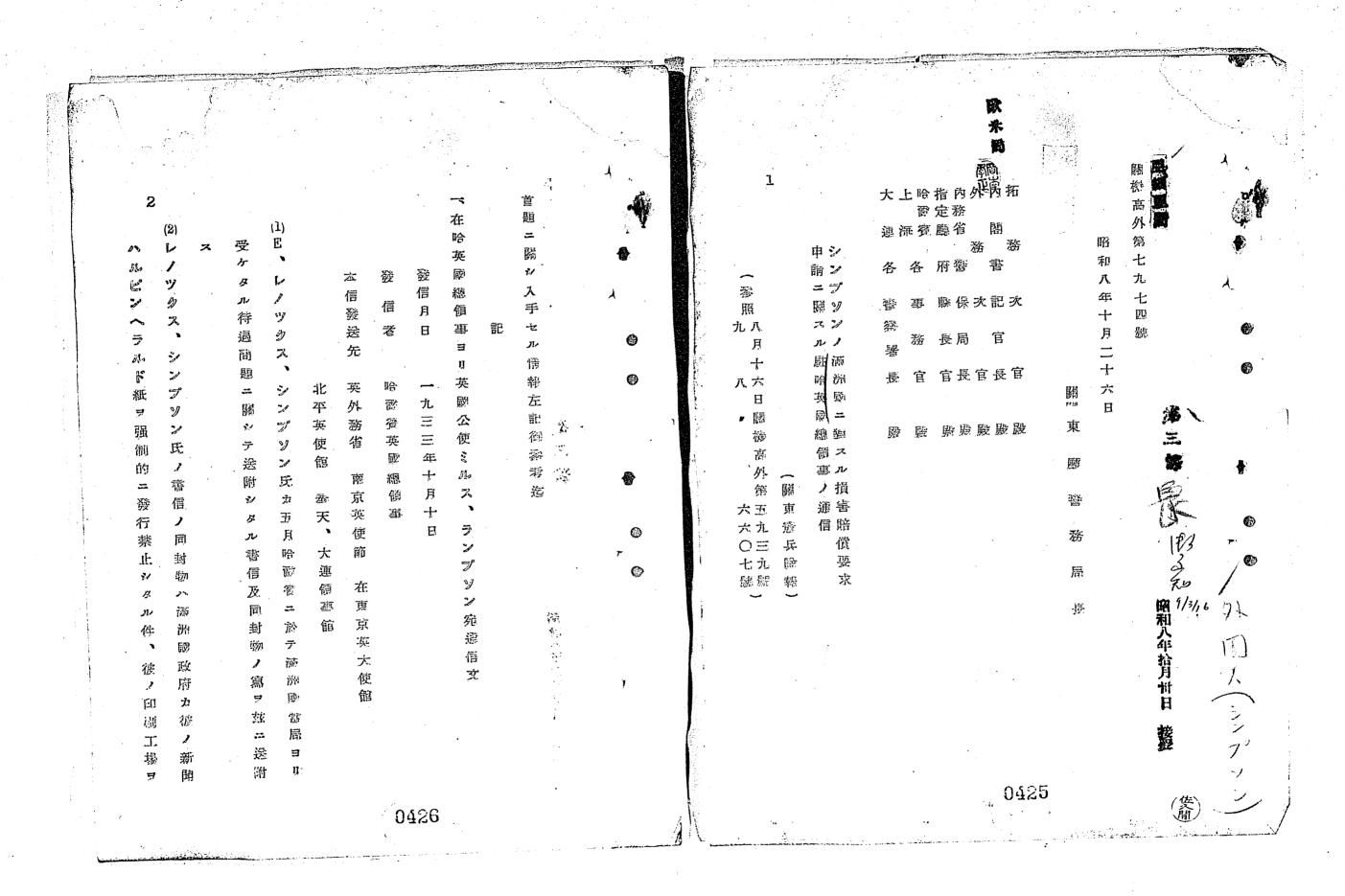
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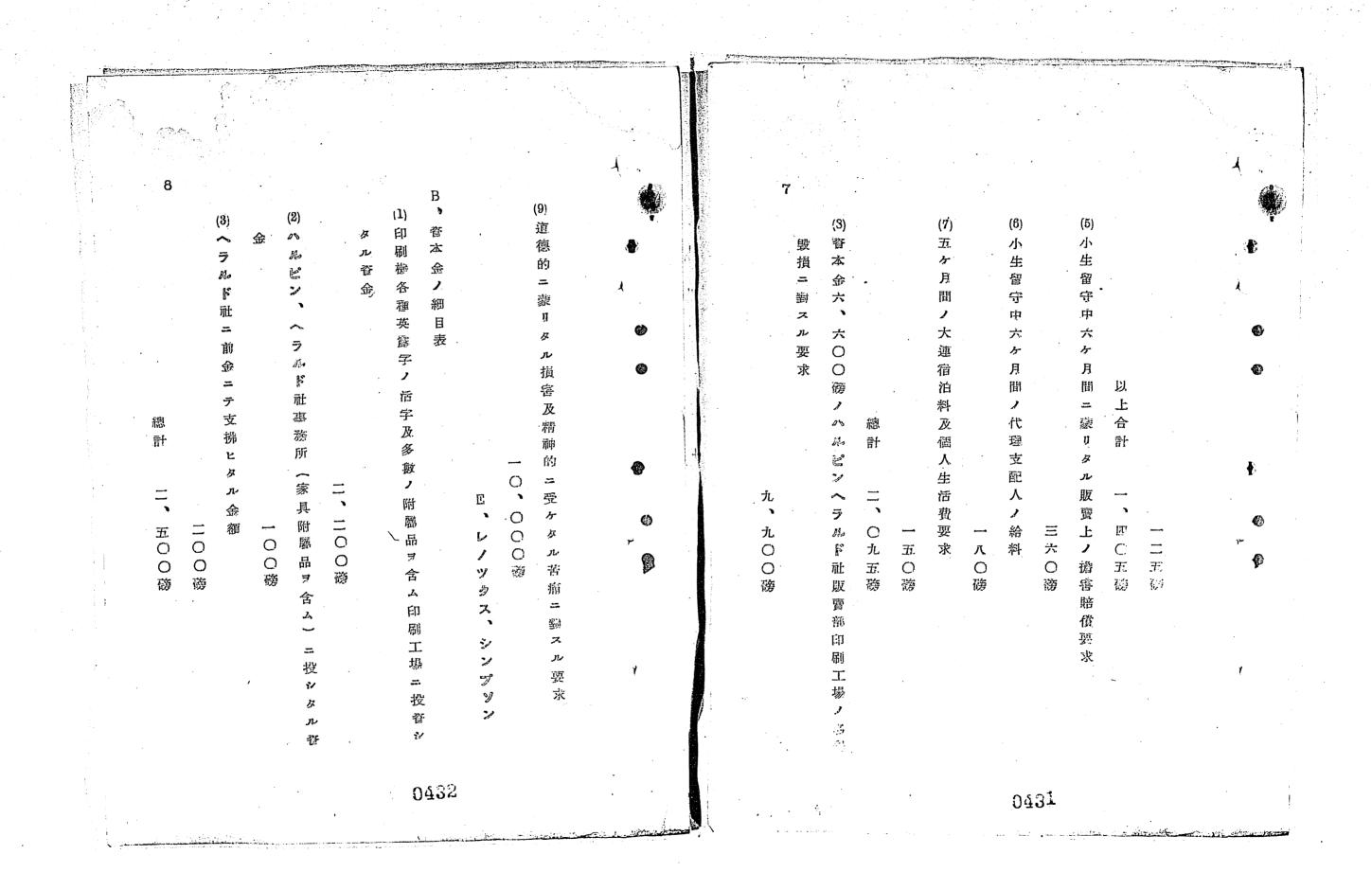
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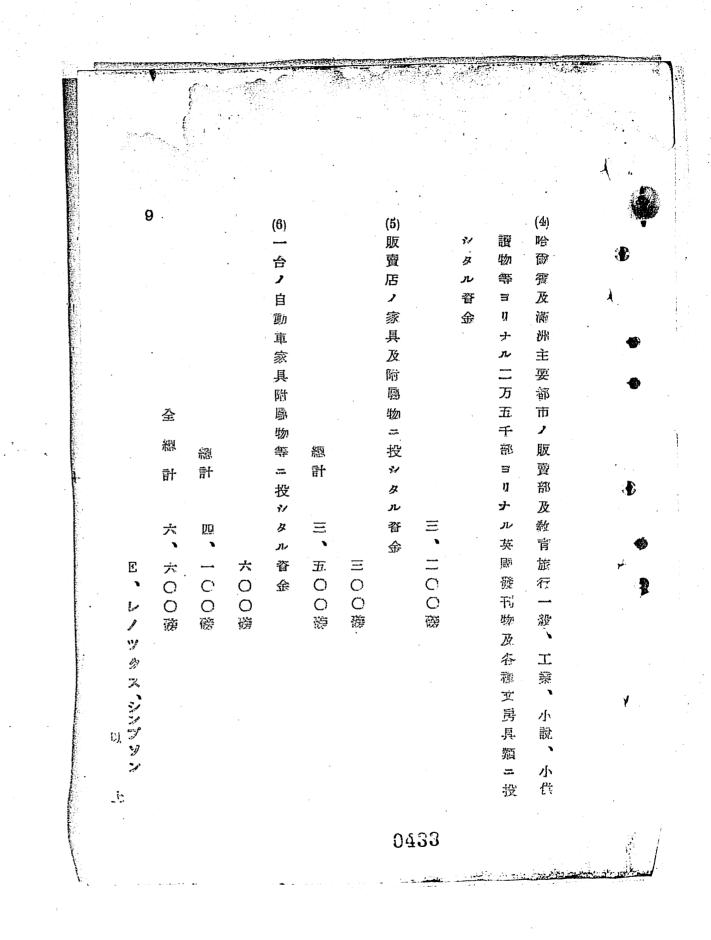


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## 考考整别的人

GENERAL NO. 7.

SIMPSON'S CLAIMS EXAMINED, SIMON SAYS IN COMMONS

LONDON, March 14--(Rengo) - Dealing with the events leading up to the transfer of Mr. Lennox Simpson, managing editor of the Harbin Herald who some time ago got into trouble for alleged anti-Manchoukego Bolshevist propaganda, from Fairenxton Harbin to Dairen, Foreign Secretary Sir John Simon said that in response Mr. Simpson's request the Government was now examining his claims in consultation with the Legation in the Far East.

Intricate questions of law are involved, wxx.

Sir John said, but the examination is now almost completed.

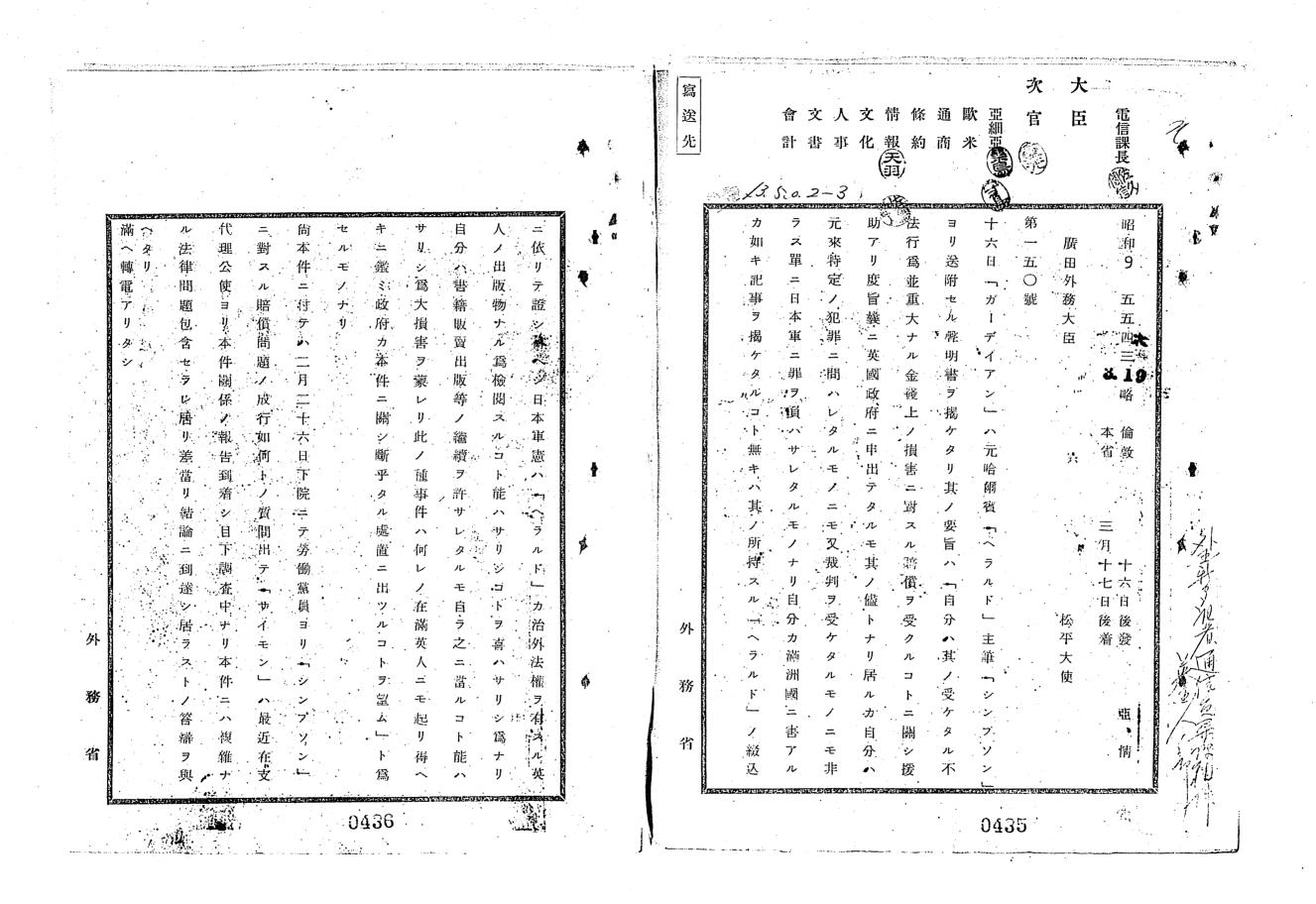
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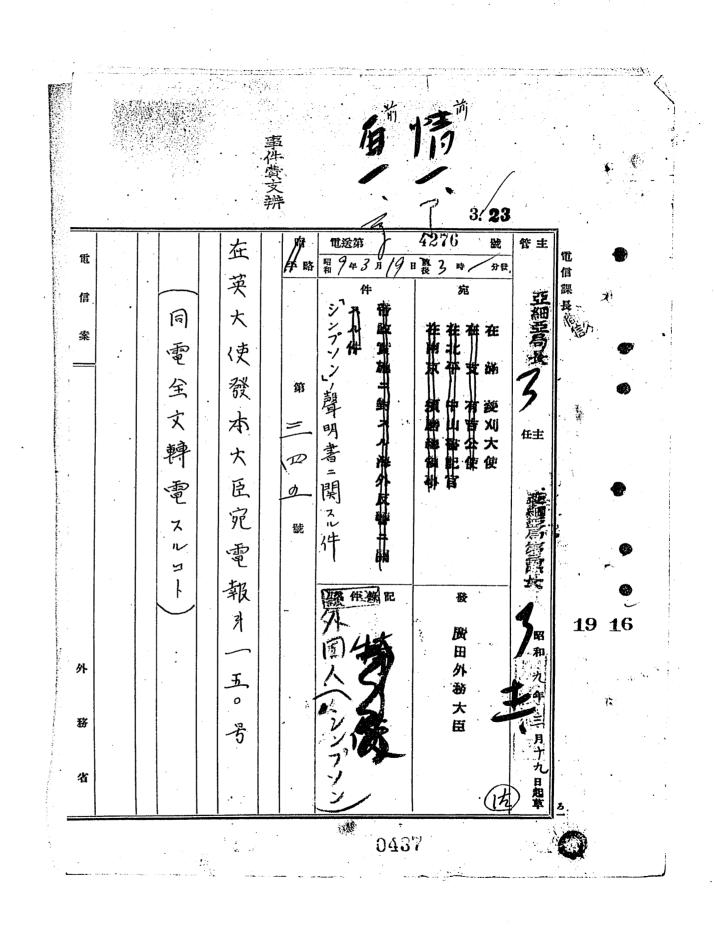
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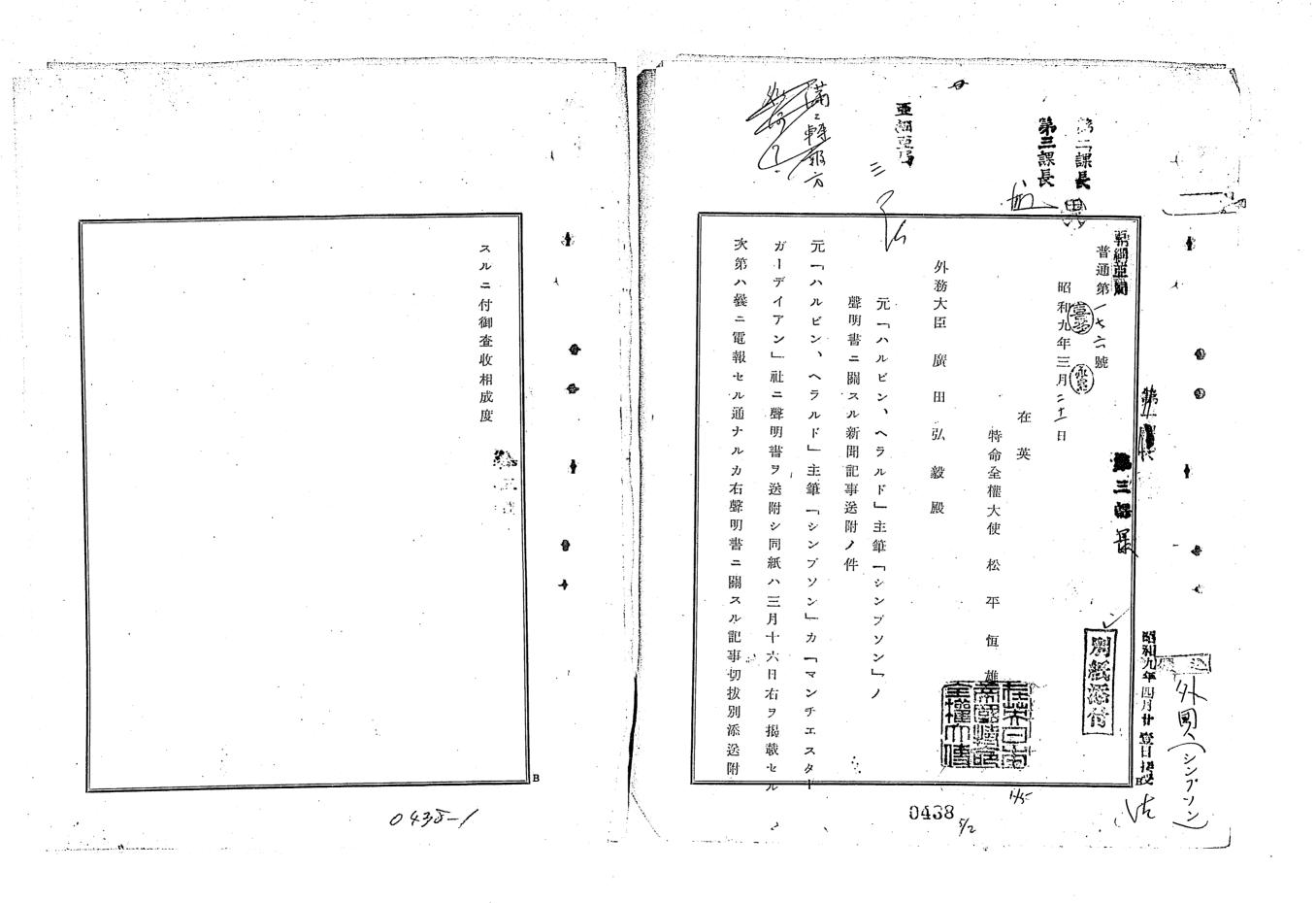
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REEL No. A-0389





REEL No. A-0389



## DEPORTED HARBIN EDITOR.

## His Appeal for Redress

Last May the Manchukuo authorities closed down the "Harbin Herald" and ordered its editor, Mr. E. Lenox-Simpson, to leave Harbin, Mr. Lenox-Simpson has since been permitted by the Japanese authorities to reside in Dairen. The case has been several times raised in the House of Commons, last on February 26, when Sir John Simon stated that a report upon

various points connected with the case was under examination.

We have received a statement from Mr. Lenox-Simpson, in the course of which he writes:

Mr. Lenox-Simpson, in the course of which he writes:

Nine months have elapsed since the closing of the "Harbin Herald" and my deportation from Manchukuo, yet my appeal to the British Government for its active assistance in obtaining redress for the wrongs I have suffered and my heavy monetary losses has remained unanswered.

I am a British citizen who has resided for the past fifteen years in Manchuria, and through my own efforts and hard work have built up a thriving business. Suddenly, without warning, I am subjected to the indignity of having my newspaper office and printing works sealed up and being ordered to leave the country within a week. I have been accused of no specific crime, am untried in any court of justice, but simply condemned by the powerful Japanese military arm which actually rules the whole of Manchuria.

I do not object to suffering if it can be proved from the files of the "Harbin Herald," which I solely owned, that I have printed anything detrimental to the present Government of Manchuria, or have carried on any anti-Manchukuo propaganda. It must be remembered that the paper was bilingual, an English and Russian daily, and that not 1 per cent, of the 30,000,000 inhabitants of Manchuria cain read or have any knowledge of either language. Its circulation of 5,000 subscribers was entirely among Russians and foreign residents who are all law-abiding persons.

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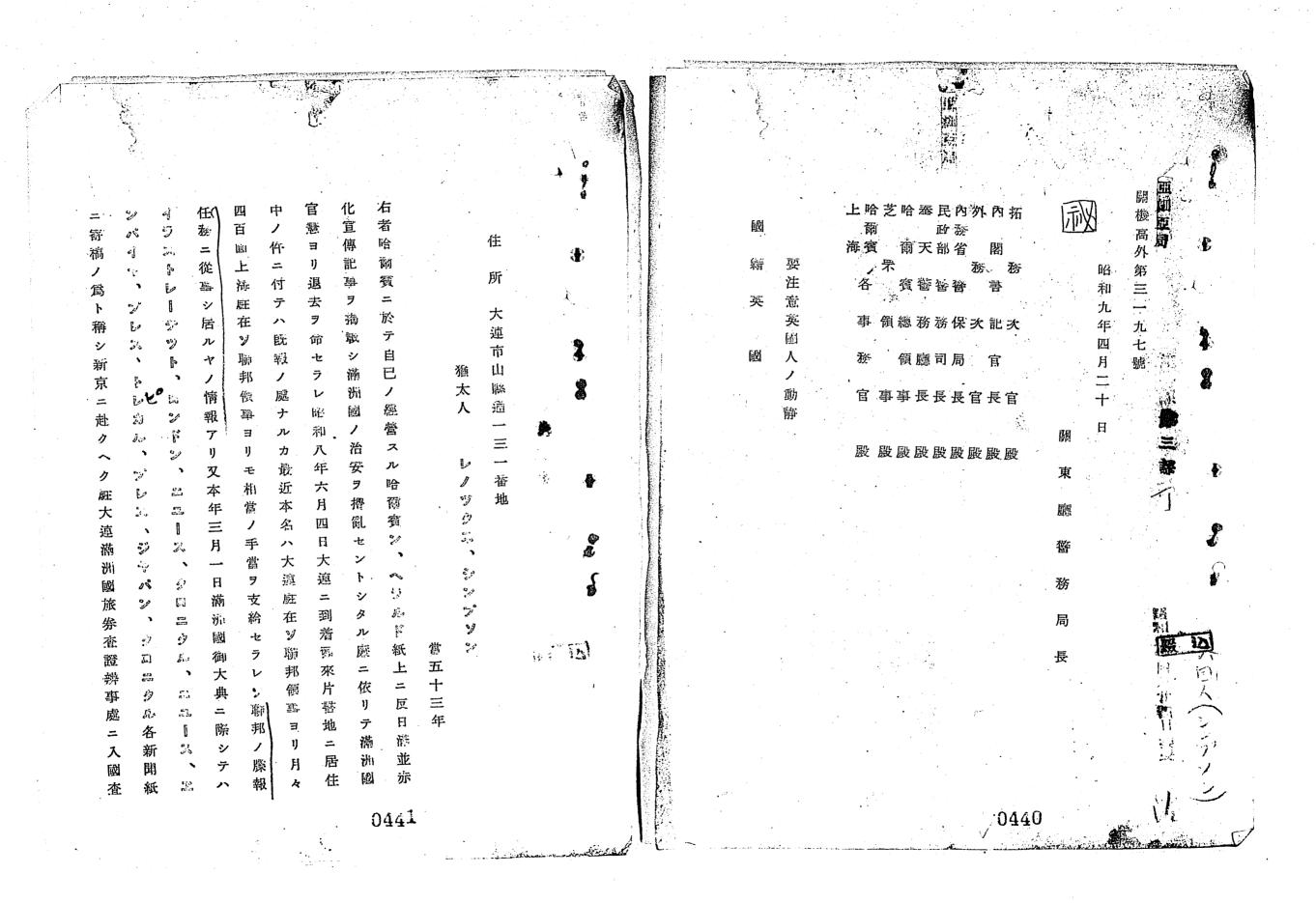
The Japanese military were not pleased that the "Herald" was uncensored, being British and enjoying extraterritorial rights. All Russian-owned organs are strictly censored under Japanese supervision by the police. The "Herald" being an independent and democratic organ, enjoyed a growing popularity among railwaymen of Russian extraction and Russian business men, the majority of whom were not "Whites."

My other commercial enterprises in Harbin, which include a British book-selling business and printing works, &c., have been allowed to continue, but as I cannot personally manage them they are actually being carried on at a loss, and total ruin stares me in the face should I be unable to get any satisfaction as well as compensation for the losses I have been forced to suffer.

What has happened to me can happen to any other British subject in Manchuria; hence it would be of assistance to all British living under a foreign flag if the Government would take energetic action in this case.

0439

REEL No. A-0389



Report No. 1497 Dairen, May 3rd, 1934.

MR. LENOX SIMPSON ALLEGES THAT THE JAPANESE MILITARY FORCED HIM OUT OF MANCHOUKUO

NORTH CHINA DAILY NEWS, April 24th, contains an article written by its London correspondent, part of which is as follows:

London, March 16. - On March 12 Captain A. EVANS asked the Secretary of State for Foreign Affairs whether the Foreign Office, in consultation with H. M. Legation in China, have concluded their examination of Mr. LENOX SIMPSON'S claim for compensation as a result of his having been forced by the Japanese Government to leave Harbin for Dairen?

Mr. EDEN: The Examination of Mr. IENOX SIMPSON'S claim against the Manchurian authorities is not quite complete, but I hope that a decision will shortly be reached. It will be communicated to Mr. SIMPSON as soon as it has been taken.

PEIPING CHRONICLE, April 24th, contains a letter written by Mr. LE-NOX SIMPSON, which was published in the MANCHESTER GUARDIAN. The heading and the letter are as follows:

London, March 20. Last May the "Manchoulded" authorities closed down "THE HARBIN HERAID" and ordered its editor. Mr. E. LENOX SIMPSON, to leave Barbin. Mr. LENOX SIMPSON has since been permitted by the Japanese authorities to reside in Dairen. The dasg has been several times raised in the House of Commons, last on February 26, when Sir John SIMON stated that a report upon various points connected with the case was under examination.

"THE MANCHESTER GUARDIAN" has received a statement from Mr. LENOX SIMPSON, in the course of which he writes:

"Nine months have elapsed since the closing of 'THE HARBIN HERALD' and my deportation from 'Manchoukuo' yet my appeal to the British Government for its active assistance in obtaining redress for the wrongs I have suffered and my heavy monetary losses has remained unanswered.

"I am a British citizen who has resided for the past fifteen years in Manchuria, and through my own efforts and hard work have built up a thriving business. Suddenly, without warning I am subjected to the indignity of having my newspaper office and printing works scaled up and being ordered to leave the country within a week. I have been accused of no specific crime, am untried in any court of justice, but simply condemned by the powerful Japanese military arm which actually rules the whole of Manchuria.

"I do not object to suffering if it can be proved from the files of 'THE HARBIN HERAID', which I solely owned, that I have printed anything detrimental to the present Government of Manchuria, or have carried on any anti-'Manchoukuo' propaganda. It must be remembered that the paper was bilin-

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"What has happened to me can happen to any other British subject in Manchuria; hence it would be of assistance to all British living under a foreign flag if the Government would take energetic action in this case."

Charles Bishop Kinney

0444

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Report No. 1597

Dairen, October 6th, 1934.

"WILL FOREIGN BUSINESS GO TO MANCHOUKUO"? ASKS BRITISH JOURNAL.

THE JAPAN CHRONICLE, October 2nd, contains a lengthy editorial entitled "Business in Manchuria". The editor feels that foreign businessmen are afraid to do business in Manchoukuo, as the SIMPSON case is still fresh in mind The editorial is as follows:

It is evident that recognition is not absolutely necessary for trade, although the Manchoukuo Government, in announcing its birth to various Governments, stated that it would be glad to maintain the op an door if the recipients of this notice would recognise the new State. But that is a question which was long ago settled with Russia, where it . was found that trade and recognition were hardly related to each other in any way. But there are inconveniences attached to doing business be tween countries which are not in diplomatic relations, though it is not likely that Lord Barnby and his associates will be personally conscious of them. There is, for instance, the case of Mr. Lenox Simpson, who was running a printing plant and publishing a newspaper in Harbin. Something caused the new authorities to disapprove of him, though nothing very de finite was ever published about it. We may suppose that he was not en tirely a sedulous echo of the new regime Whatever it was, his plant was seized and himself compelled to leave the place, and this without any trial or even a formal charge. It is a long time since this hap pened, and, though questions have been asked in Parliament about it nothing has so far happened Perhaps this is because the mills of em pire grind slowly We understand that at this very late date the British Government is demanding redress and compensation. Much may de pend upon whether Manchoukuo is ready to act justly in this matter The case in itself might not seem to be of tremendous importance; but it is just as good as any other case when it comes to a question of whether the new State is prepared to do justice Let us for the ske of argument accept Manchoukuo at its fice value. When part of a State breaks away from its central authority and declares its inde pendence, it naturally takes over the responsibilities of the Govern ment whose rule it is replacing with a new organisation, and if it does not fulfil such obligations, it is regarded as having broken its word. It may be able to do this with impunity or at least with out immediate retribution. In no civilised country should a foreigner be subjected to such treatment as was accorded to Mr. Simpson even had there been no treaty obligations. As it was he had a right to claim extraterritorial privileges, and the Monchoukuo Government's action was a usurpation not so much of the Chinese Government's rights as of \*those of Great Britain; and Great Britain is not in the habit of con fiscating a subject's goods and exiling their owner, gor can its Go vernment tolerate such action on the part of another Government. There may in some circumstances, and according to the laws of some countries be reasons that are held to justify confisc tion and expulsion; but British subject in Manchuria was not subject to such laws; and even where such laws exist their victim is entitled to a formal charge and a proper trial. Mr. Simpson had neither.

The situation is complicated, of course, by the peculiar cir cumstances of Manchoukuo If it were an entirely independent State. it would be perfectly easy to take steps for the rectification of such irregularities; but Japan, while constituting herself the protector of Manchoukuo, declines to accept responsibility for the official acts of the new State. It is a peculiar attitude but not unprecedented. In fatt, it was characteristic of international relations on a much more imbortant occasion. In 1914 Germany took the line that she was bound to stand by Austria ("in shining armour" as the Kaiser poetically expressed it), while France equally gave Russia free leave to do whatsoever she would without forfeiting the right to call on France for armed assistance. In each case the repudiction of responsibility for an ally's acts while affirming the obligation to support that ally ensured the Quinging of Europe into a disastrous war. Perhaps there is not much com parison between the two cases, but there is the same erroneous conception of the obligations of an ally. There is no fear that war will come about because of Mr. Simpson's wrongs, but matters of as small intrinsic importance have before now been the match in the gunpowder barrel

The point is, of course, that if Mr. Simpson can be treated like this today, enybody else may be even worse treated tomorrow, for precedent is a great thing, even in the perpetration of injustice. A State which gets away with a plain case of injustice can thereafter repeat the process. But it is hardly the way to win recognition to act in so flagrantly unjust a manner. Judging by the suggestion that the door should be kept open for those who accord recognition, it may be that the Manchoukuo authorities think that justice also can be offered only to the citizens of countries which accord recognition, but this is all together the wrong way to look at the case. After all, States in much better standing than Manchoukuo cannot say to Great Powers, "Do as we wish, or we will maltreat your citizens at our pleasure"

It may be as a reaction from the false position created by ex traterritoriality, but there is a distinct idea of "Now we can treat them how we like" in official minds of the baser sort when they con template the abolition of this protection; and as it is one of the am bitions of Manchoukuo to dispense with extraterritoriality, the new ad ministration should have been specially careful to show that it was wirthy of the confidence which it expects to be shown This case is an outstanding instance of the continuing need for the protection of Coreigners from the lawlessness of the new regime. It is said that Clanchoukuo hopes to attr of foreign capit 1, whether in the form of loons or in the establishment of industries. A failure to do justice in the Simpson case, if Monchoukuo really wants money, might hove on effect out of all proportion to the value of Mr. Simpson's property and business. But this is not a point that need be stressed. There is, besides, a certain amount of feeling against the idea of do no. Certainly there would be a reluctance in Juan, in spite of the door being so wide open, to see any copital other than I panese receiving interest from the Manchoukus revenues. Nor is the idea of "Be just" or you will get no money from us" to be commended. But for the pre sent the case remains unrectified, and it is a very bad start for a new State to act unjustly towards the foreigner within its g teb So long as it persists in this, none of its professions can be recepted whole-heartedly. It my point to many cases where it has acted fair ly and even generously: but in offender is not allowed to excuse him self on the grounds that there a number of a yz when he does not offend.

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Charles Bishop Kinney

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REEL No. A-0389

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British Consulate-General Harbin.

16th November, 1934.

Sir

You will remember that on 10th May 1933 you called at this Consulate and stated that you had been instructed to inform me that it had been decided to close the business premises at Harbin of Mr. Lenox Simpson, a British subject, and to allow him one week within which to leave the country; and that in the event of his failing to do so, he would be arrested and deported.

- 2. Although I protested at the time against the acting which it was proposed to take, yet on the same day, 10th May, Mr. Lenox Simpson's business premises were sealed up by the Harbin police; and the printing office with the printing-machinery therein remained sealed until 35th June of that year.
- 3. Having reported in this sense to His Majesty's Minister at Peking, I have now been informed by him that the view of these proceedings taken by His Majesty's Government is as follows:-

The threat to arrest and deport Mr. Lenox Simpson without recourse to the normal process of the British Court, and the sealing up of his business premises contrary to the rights secured to His Majesty's Government be treaty in China were irregular actions, against which the Consul-General should lodge a protest. He should at the same time, on behalf of His Majesty's Government, whose capitulatory rights have been infringed, present a claim for payment of compensation by the authorities responsible for the closing of Mr. Lenox Simpson's business premises.

4. In view of the above, I hereby pretest on behalf of His Majesty's Government against the threat to arrest and deport Mr. Lenox Simpson and against the sealing up of his business premises, and I likewise on behalf of His Majesty's Government claim from the authorities responsible for the closing of those premises payment of compensation therefor.

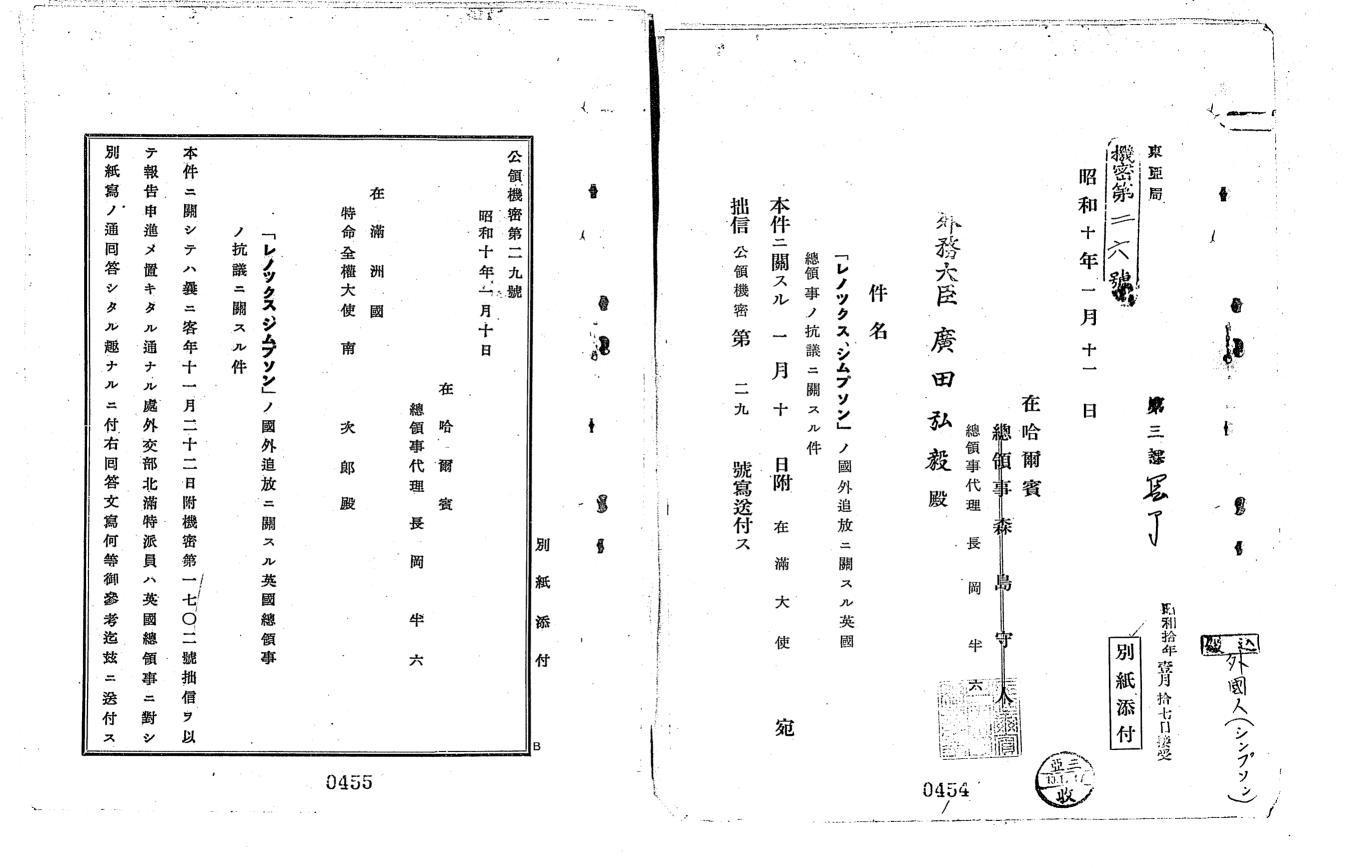
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Sir,
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British Consul-General.

Mr. Shih Lu-pen,

Special Delegate for Foreign Affairs
in North Manchuria,
Harbin.

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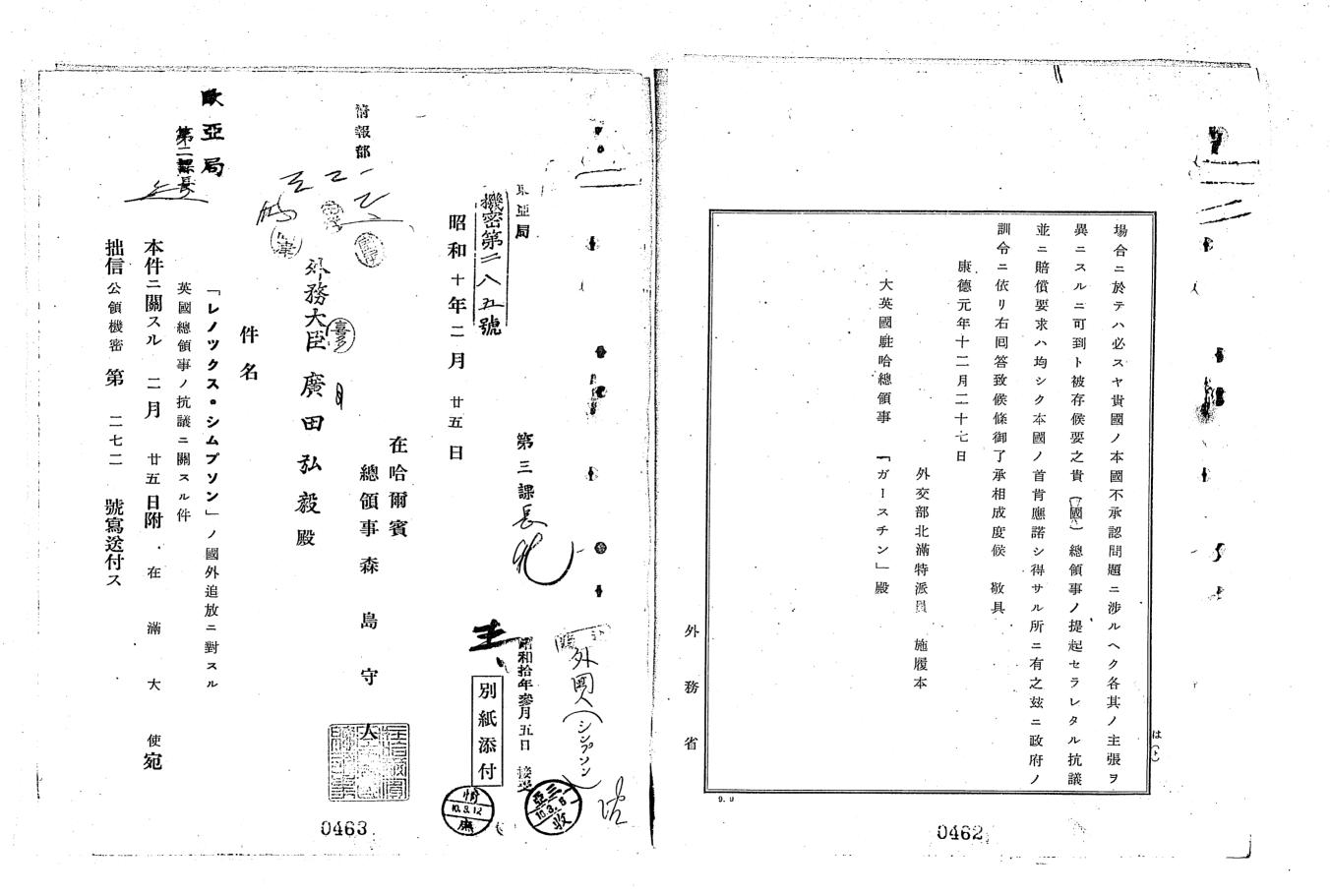


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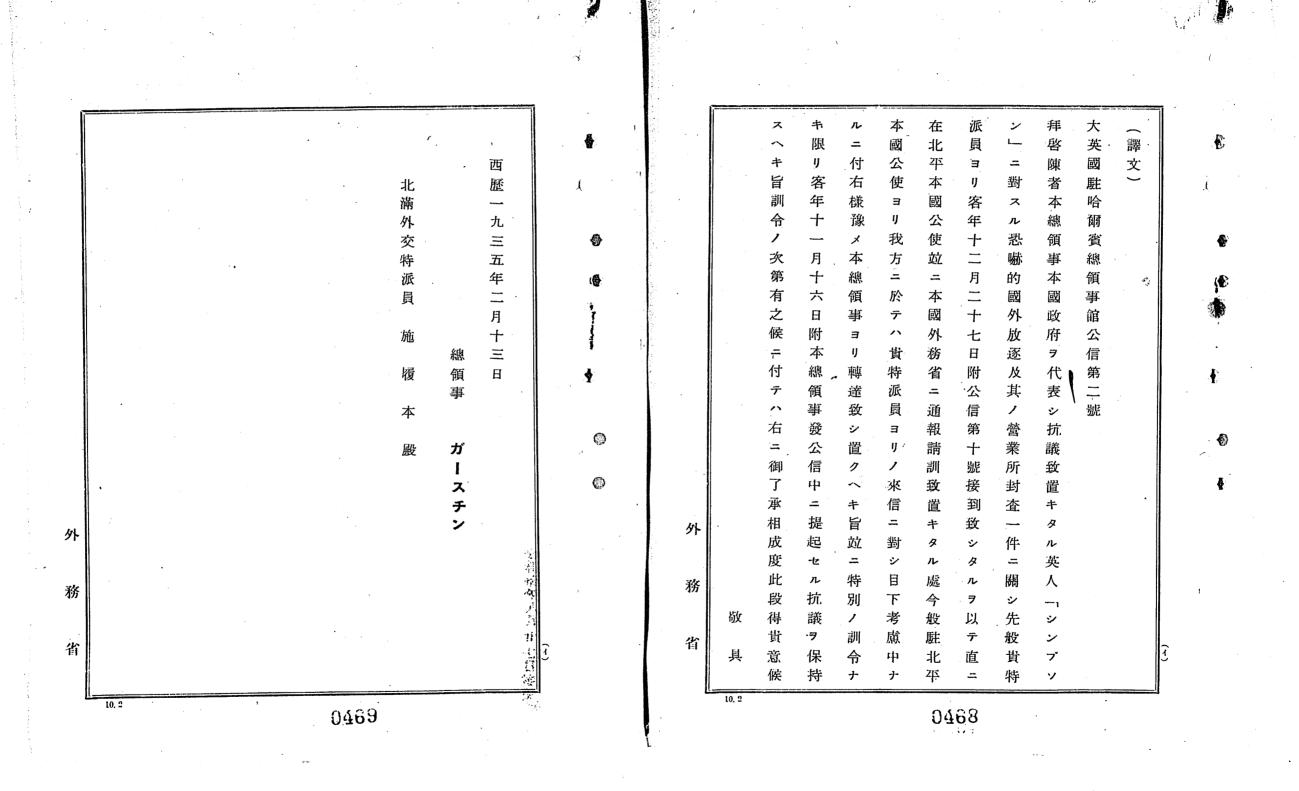


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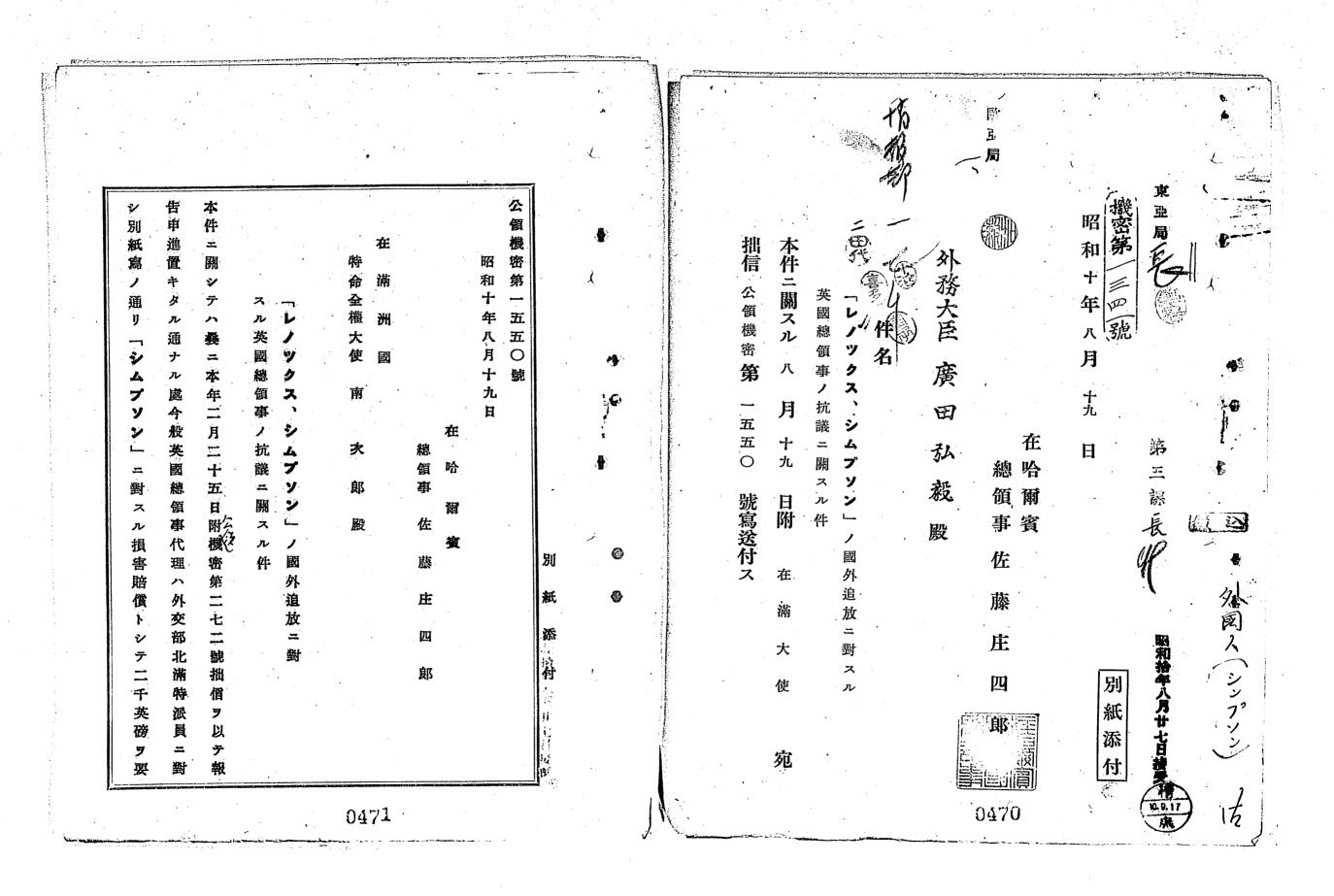
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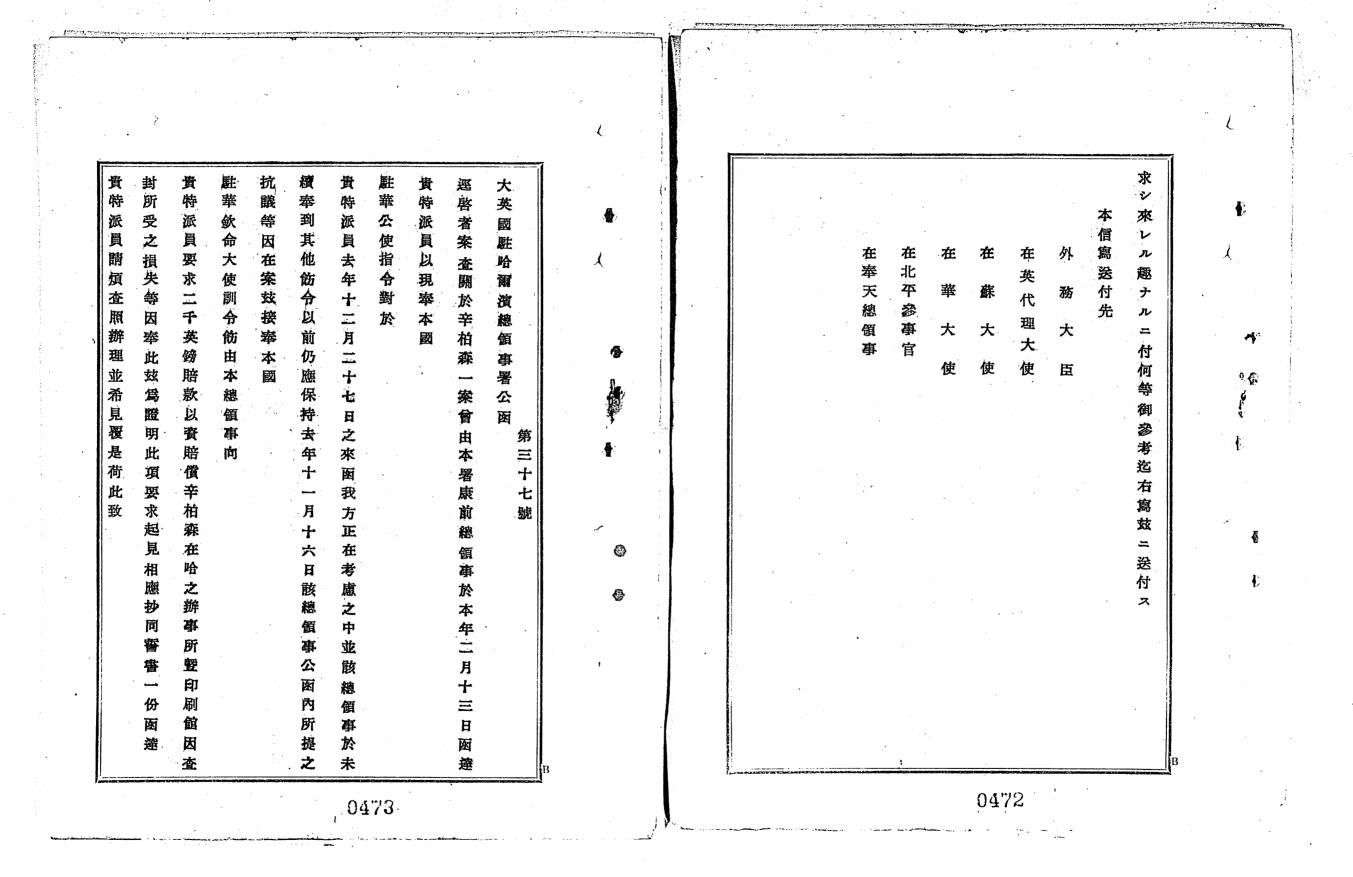
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REEL No. A-0389

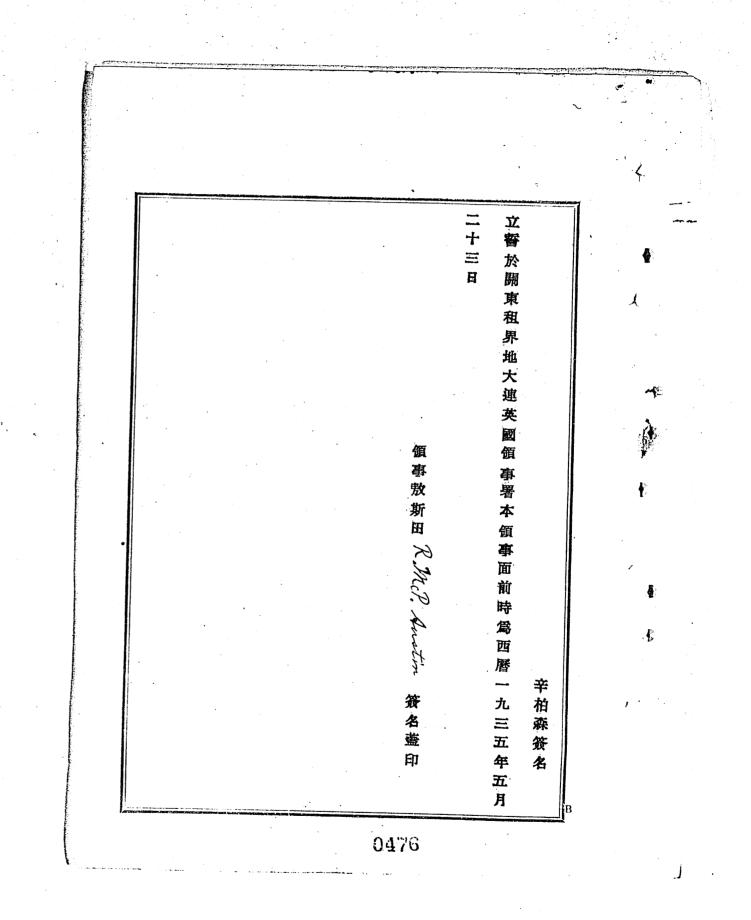


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## AFFIDAVIT

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I, Evelyn Lenox Simpson, British subject, formerly of 16 Birjevaya, Harbin, Manchuria, and at present residing at 131 Yamagato-dori, Dairen, Kwantung Leased Territory, DO HEREBY MAKE OATH AND SAY:

THAT on the tenth day of May, 1933, when I was still residing and carrying on business at Harbin aforesaid my business premises, including my printing office situated at 16 Birjevaya, Harbin, were sealed up by the police authorities of Harbin:

THAT my said printing office remained thus sealed up until the twenty-fifth day of June, 1933:

THAT in consequence of the said sealing up my printing business ceased and became lost to me, and has since continued to be lost to me:

THAT my normal and usual profits from the said printing business were not less than One Pound Sterling (IL) a day, and that there was no reason to suppose that the daily profits therefrom would diminish:

THAT in computing the compensation due to me in respect of the loss of the daid profits I consider the profits to be expected during a period of five years from the date of the sealing up of the printing office to be a fair and reasonable basis:

THAT on that basis I compute my loss of profits in respect of the sealing up of my printing office and the loss of my printing business to be approximately Two Thousand Pounds Starling (2,000).

(Signed) E. Lenox Simpson.

SWERN at the British Consulate at Dairen? Kwantung Leased Territory, this twenty-third Day of May, 1935, before

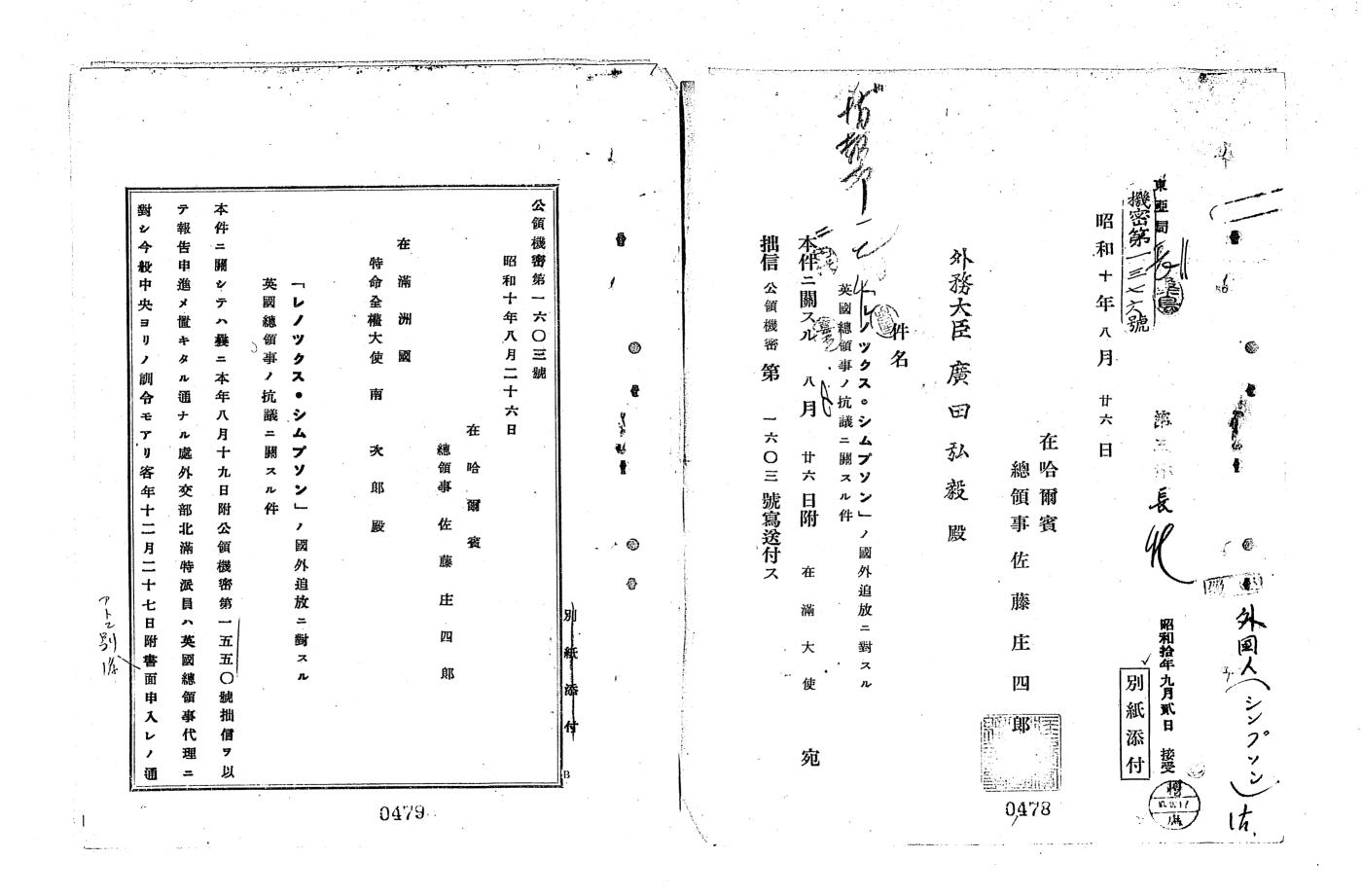
(Signed) R. McP Austin.

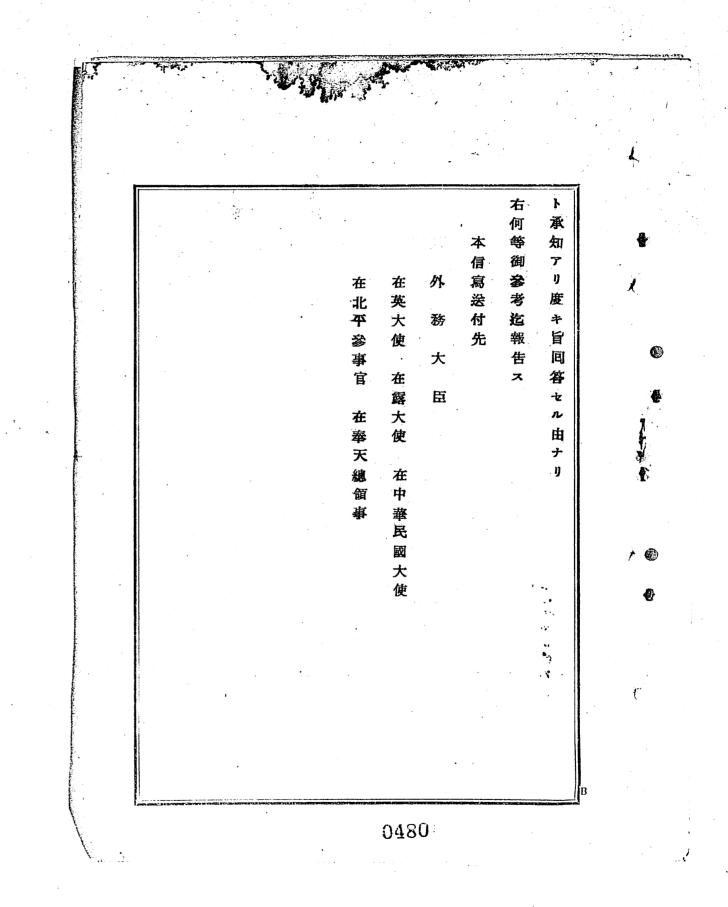
H.B.W. Consul

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