

940.22
4

MISCELLANEOUS. No. 16 (1917).

CORRESPONDENCE

WITH

THE GERMAN GOVERNMENT

REGARDING THE

ALLEGED MISUSE

OF

BRITISH HOSPITAL SHIPS.

*Presented to both Houses of Parliament by Command of His Majesty.
November 1917.*

LONDON :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased through any Bookseller or directly from
H.M. STATIONERY OFFICE at the following addresses :
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C. 2, and 28, ABINGDON STREET, LONDON, S.W. 1.
37, PETER STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT, CARDIFF;
23, FORTH STREET, EDINBURGH;
or from E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America and other Foreign Countries of
T. FISHER UNWIN, LTD., LONDON, W.C. 2.

1917.

[Cd 8692.] Price 3d. net

WORLD WAR I PAMPHLET COLLECTION

Correspondence with the German Government regarding the
Alleged Misuse of British Hospital Ships.

No. 1.

Mr. Page to Mr. Balfour.

THE American Ambassador presents his compliments to His Majesty's Secretary of State for Foreign Affairs, and has the honour to transmit, herewith enclosed, a copy of a letter he has received from the Ambassador at Berlin, which he had despatched before the severance of diplomatic relations between the United States and Germany, enclosing a copy of the *note verbale* from the German Government, together with a copy of the enclosure accompanying it, relative to the alleged misuse of enemy hospital ships.

American Embassy, London, February 7, 1917.

Enclosure 1 in No. 1.

Mr. Gerard to Mr. Page.

THE American Ambassador in Berlin presents his compliments to the Ambassador at London, and has the honour to transmit herewith a copy of a *note verbale* from the Imperial Foreign Office dated the 28th January, 1917, together with a single copy of the enclosure accompanying it, relative to the alleged misuse of enemy hospital ships, and stating that, after a reasonable elapse of time, all enemy hospital ships found within a certain stated maritime zone will be regarded as belligerent.

For Mr. Page's information Mr. Gerard has the honour to add that a copy of the enclosed note is being forwarded to the Department of State for its information.

American Embassy, Berlin, January 30, 1917.

Enclosure 2 in No. 1.

Note verbale.

(Translation.)

THE Imperial Foreign Office has the honour to transmit herewith to the United States Embassy three copies of a memorandum of the German Government relative to the misuse of enemy hospital ships, with the request that one copy may be communicated without delay to the British Government.

At the same time, the United States Embassy are requested to inform the British Government by telegraph of the contents of the memorandum, especially as regards the declaration of the German Government that, after a short interval, they will treat enemy hospital ships in the maritime zone between the lines Flamborough Head-Terschelling and Ushant-Land's End as belligerent.

Berlin, January 28, 1917.

Enclosure 3 in No. 1.

Memorandum of the German Government respecting the Misuse of Enemy Hospital Ships.

(Translation.)

FOR some time the enemy Governments, especially the British Government, have used their hospital ships not only for the purpose of rendering assistance to the wounded, sick, and shipwrecked, but also for military purposes, and have thereby violated the Hague Convention regarding the application of the Geneva Convention to maritime warfare.

The fact that the British Government during the campaign on the Gallipoli Peninsula designated to the Governments of the Central Powers a disproportionately large number of ships as hospital ships, which could not possibly serve exclusively for the transport and care of the sick and wounded, already tended to arouse suspicion. In 1915 alone not less than fifty-nine ships were notified by them as hospital ships after forty ships had already been notified as hospital ships since the beginning of the War. After the victorious completion of the Gallipoli campaign, the Turkish Government informed neutral Powers in a note of protest that the English commanders had used the hospital ships in the Eastern part of the Mediterranean for the purpose of bringing back troops and military supplies.

Furthermore, the British Government did not, as is the general custom, equip certain ships once and for all as hospital ships for use for the duration of the war, but often placed one and the same ship on the list of hospital ships, and then again cancelled it from the list, so that the German Government was hardly able to convey to its naval forces in due time information to the required effect. The steamship "Copenhagen," for instance, which was used by the British Government as a transport, was notified as a hospital ship in a note from the American Embassy at Berlin, dated the 14th October, 1914; subsequently, on the 6th February, 1915, she was notified as having been struck off the list, on the 1st January, 1916, again added to the list, and on the 4th March, 1916, again struck off the list. This procedure conveyed the impression that uncertainty and confusion were to be aroused regarding the character of the ships used for this purpose, which permitted the display of the peaceful or belligerent character of the ship according to requirements.

Furthermore, in 1915 the German Government received numerous trustworthy reports that the English hospital ships in the Channel, which chiefly served the purpose of fetching the wounded of the British army fighting on French and Belgian soil from French harbours and transporting them to English harbours, were conspicuously heavily laden on the journey from England to France, while on the return journey they had normal draught (Annexes 1 to 4).^{*} This fact led various observers, especially ship captains, to conclude that the ships were being employed on the outward journey to France to transport munitions, and that the Red Cross emblem was being abused (Annexes 2 and 3).

This presumption was then confirmed by a quantity of unexceptionable testimony (Annexes 5 to 9). English soldiers frankly admitted the use of hospital ships for such purposes (Annex 2). A French sergeant told a German prisoner that he had closely observed the loading of munitions from many automobiles into the hospital ship "La France" in the harbour of Marseilles (Annex 8). According to the affidavit of a trustworthy neutral, English sailors have stated that the transport of munitions to France was often effected by means of hospital ships on the part of the English (Annex 9). Finally, there are statements on oath from eye-witnesses who were present when munitions were being loaded on board hospital ships (Annexes 10 and 11).

The worst breach of the above-mentioned Hague Convention, however, is to be found in the fact that the British and French Governments have in numerous cases effected the transport of their troops by means of hospital ships. Apart from the fact that superior officers appear to prefer travelling on hospital ships (Annexes 12 and 13), a large number of trustworthy reports, including especially sworn statements relative to the transport of bodies of troops, are to hand (Annexes 11, 14 to 20). Evidently the transport of troops by means of hospital ships is a regular practice in the Channel. Besides this, it has on different occasions been ascertained that these ships are armed (Annexes 11,† 21 to 23).

^{*} The annexes to this memorandum are printed in the enclosure to No. 3.

† There is really, as will be observed, no reference in Annex 11 to the arming of hospital ships.

The reports of trustworthy informants and witnesses, who are mentioned in the annexes, constitute only a small part of the material in the possession of the German Government. The names of several of these persons could not be mentioned, because they are either directly or indirectly within the reach of the enemy's power, and would therefore be exposed to severe reprisals if their names were given. In any case, no doubt exists in the mind of the German Government that the enemy Governments have continually, and most seriously, violated by their action the Hague Convention regarding the application of the Geneva Convention to maritime warfare.

In view of the breach of treaty committed by their enemies the German Government would be entitled to free themselves altogether from the obligations contained in the Convention; for reasons of humanity, however, they desire still to refrain from doing so. On the other hand, they can no longer permit the British Government to despatch their troop and munition transports to the principal theatre of war under the hypocritical cloak of the Red Cross. They therefore declare that from this moment on they will no longer suffer any enemy hospital ship in the maritime zone which is situated between the lines Flamborough Head to Terschelling on the one hand and Ushant to Lands End on the other. Should enemy hospital ships be encountered in this maritime zone, after an appropriate lapse of time, they will be considered as belligerent and will be attacked without further consideration. The German Government believe themselves all the more justified in adopting these measures as the route from Western and Southern France to the West of England still remains open for enemy hospital ships, and the transport of English wounded to their homes can consequently be effected now as heretofore without hindrance.

Berlin, January 28, 1917.

No. 2.

Sir W. Townley to Mr. Balfour.

Sir,

The Hague, April 6, 1917.

I HAVE the honour to transmit herewith copy of the note which I have received from the Netherlands Minister for Foreign Affairs, enclosing a *note verbale* from the German Foreign Office with regard to the measures which the German Government propose to take against hospital ships in the Mediterranean.

I have, &c.

WALTER TOWNLEY.

Enclosure 1 in No. 2.

M. Hannema to Sir W. Townley.

M. le Ministre,
J'AI l'honneur de faire parvenir ci-près à votre Excellence la copie d'une note verbale du Ministère des Affaires Étrangères à Berlin, adressée à la Légation Royale en date du 31 mars dernier, et en annexe deux copies d'un mémoire du Gouvernement allemand relatif à des mesures ultérieures contre les bâtiments-hôpitaux dans les parages de la Méditerranée.

Veuillez, &c.

(Pour le Ministre),
Le Secrétaire général
HANNEMA.

(Translation.)
Sir,

*The Hague,
April 5, 1917.*

I HAVE the honour to transmit to your Excellency herewith copy of a *note verbale* from the Foreign Office in Berlin, addressed to the Royal Netherlands Legation on the 31st March last, and, as enclosure, two copies of a memorandum from the German Government relative to further measures against hospital ships in the zone of the Mediterranean.

I am, &c.
(For the Minister),
HANNEMA,
Secretary-General.

Enclosure 2 in No. 2.

Note verbale.

LE Département Impérial des Affaires Etrangères a l'honneur de remettre à la Légation Royale des Pays-Bas les trois copies ci-jointes d'un mémoire du Gouvernement allemand relatif à des mesures ultérieures contre l'abus de bâtiments-hôpitaux ennemis et de la prier d'en transmettre un exemplaire, sans délai, au Gouvernement britannique.

En même temps, il serait fort obligé à la Légation de vouloir bien donner connaissance du contenu du mémoire au Gouvernement britannique par la déclaration du Gouvernement allemand qu'à bref délai il traitera les bâtiments-hôpitaux ennemis comme belligérants, dans les parages de la Méditerranée désignés comme sphères interdites par sa communication en date du 31 janvier dernier, y inclus la voie d'accès laissée pour la Grèce.

Le Gouvernement allemand, d'ailleurs, se réserve la faculté d'étendre encore la zone prohibée aux bâtiments-hôpitaux ennemis.

Berlin, le 31 mars, 1917.

(Translation.)

THE Imperial Foreign Office has the honour to transmit to the Royal Netherlands Legation the three annexed copies of a memorandum of the German Government relative to further measures against the abuse of enemy hospital ships, and to beg them to transmit a copy without delay to the British Government.

At the same time, the Foreign Office would be greatly obliged if the Legation would bring the substance of the memorandum to the knowledge of the British Government by informing them of the German Government's declaration that after a short interval they will treat enemy hospital ships as belligerent within that part of the Mediterranean declared to be a prohibited area in their declaration of the 31st January last, including the lane of access to Greece.

Furthermore, the German Government reserve to themselves the right of extending still further the zone prohibited to enemy hospital ships.

Berlin, March 31, 1917.

Enclosure 3 in No. 2.

Memorandum by the German Government concerning the Adoption of Further Measures against the Misuse of the Enemy's Hospital Ships.

(Translation.)

I.

IN their memorandum of the 29th January,* 1917, the German Government established that the enemy Governments, in particular the British Government, were employing their hospital ships not only for the purpose of rendering aid to wounded, sick, and shipwrecked persons, but also for military objects, thereby committing a grave breach of the Hague Convention regarding the application of the Geneva Convention to maritime warfare. On that ground the German Government declared a stated area in the southern portion of the North Sea and in the English Channel to be closed for enemy hospital ships, the effect of this to be that within this area hospital ships would be regarded as belligerent, and would be attacked forthwith.

In so far as the enemy Powers have furnished any reply to the German Government's memorandum, they have, as was to be expected, denied the misuse of their hospital ships. It is remarkable in this connection that the British did not proceed on logical lines in dealing with the matter, seeing that the British Admiralty, in their statement, only denied that troops had been transported, whereas the British Government themselves denied also the carriage of munitions. In face of the numerous pieces of evidence laid before the German Government, such statements on the part of the enemy cannot carry any weight whatsoever.

II.

In the meantime the German Government have received further evidence concerning the use of enemy hospital ships for military purposes. The following cases may be selected as being particularly significant.

* The copy communicated to His Majesty's Government is dated the 28th January (see above, Enclosure 3 in No. 1).

1. The commander of the German submarine U . . . reports officially that in February 1917, while on a sixteen-day cruise in the Northern Aegean, he saw nothing but hospital ships in the day-time.

2. Extract from the war-log of the commander of a German submarine :—

Time and Date.	Position.	Remarks.
February 22, 1917, 7.18 A.M.—	Lat. 37° N., long. 4° 56' E.	
8.5 A.M.	Held a course 40° off the coast as a hospital ship came in sight.
9.10 A.M.	Hospital ship reports the position of the boat (intercepted wireless message).

[Signature.]

3. According to an official report of a German naval officer, the French hospital ship "Lafayette" left Bordeaux on the 16th March, 1917, with a cargo of munitions for Salonica.

4. Statement by Corporal Marc Pomade, of the 176th French Infantry Regiment, 3rd battalion, 11th company, who was taken prisoner in Macedonia :—

"Le vapeur 'Le Canada' était employé dans le temps des combats des Dardanelles comme vapeur hôpital ; mais c'était connu et on en parlait beaucoup dans l'armée qu'il portait des munitions. Le grand paquebot 'La France,' quoique vapeur hôpital, était employé à Salonique au transport des munitions, il est à supposer qu'il ne porte plus de munitions maintenant. Certains transports français changent très souvent leur nom : une fois ils font le voyage comme bateau hôpital, et une autre fois servent de transports.

"J'ai vu aux Dardanelles passer des automobiles de la Croix-Rouge anglaise qui transportaient des munitions jusqu'aux tranchées ; souvent elles revenaient sans porter des blessés.

"MARC POMADE.

"*Uskub, le 6 mars, 1917.*"

Corporal Pomade confirmed the above statement on oath in the prescribed manner in the presence of the judicial officer of one of the German higher commands.

From the above evidence it results that military traffic with Salonica is to a very considerable extent maintained by means of enemy hospital ships ; further, that enemy hospital ships supply the military intelligence service, and finally that these ships are frequently employed, particularly in the Mediterranean, for the transport of munitions.

III.

In the memorandum of the 29th January, 1917, numerous instances were adduced of the misuse of enemy hospital ships in the Mediterranean (see enclosures 6, 7, 8, 11, 15, 17, 21, 22, 23). In view of the fact that the fresh evidence received shows that it is particularly in the Mediterranean that enemy pseudo-hospital ships ply their nefarious trade, thereby seriously prejudicing German military interests and those of Germany's allies in a manner contrary to international law, the German Government now find themselves compelled to prevent, by every means in their power, the navigation of enemy hospital ships in that part of the Mediterranean also which was declared to be an excluded area ("Sperrgebiet") in their declaration of the 31st January, 1917, including, in principle, the "lane" ("Fahrinne") to Greece. If, after a suitable interval, enemy hospital ships are met with in this area, they will therefore be regarded by the German naval forces as belligerent, and will be attacked forthwith.

IV.

In order to enable the enemy Powers to evacuate their sick and wounded from Salonica without risk the Greek "lane" mentioned in the German announcement of the

31st January, 1917, will be open for the navigation of hospital ships, subject to the following conditions:—

1. Hospital ships must touch at the harbour of Kalamata, in the Peloponnese, and must proceed between Gibraltar and Kalamata at a fixed rate of speed, which must be notified beforehand to the German Government.

2. The names of the hospital ships, together with the times of their arrivals and departures at Kalamata and Gibraltar, must, in each separate case, be notified at least six weeks in advance.

3. For every journey the representative of the neutral Power protecting German interests in the country whose flag the ship flies must furnish an explicit assurance that the hospital ship has on board only sick, wounded, and medical and nursing staff ("Pflegepersonal"), and further that she is carrying no other cargo than materials for the relief of sick and wounded.

On the basis of this arrangement, sick and wounded can be transported to the port of Kalamata over the Greek railways and fetched thence by hospital ships.

Berlin, March 29, 1917.

No. 3.

Mr. Balfour to Sir W. Townley.

Sir,

Foreign Office, October 5, 1917.

IN a note dated the 7th February last, the United States Ambassador at this Court communicated to me a copy of a memorandum from the German Government, dated the 28th January, 1917, making far-reaching accusations respecting the alleged employment of hospital ships by their enemies for purposes contrary to the provisions of the Hague Convention regarding the application of the principles of the Geneva Convention to Maritime Warfare. On the strength of the evidence annexed to this memorandum, the German Government announced their intention of subjecting hospital ships, in the waters lying between this country and France which the vessels had most occasion to use, to attacks from their naval forces.

In your despatch of the 6th April last, you transmitted to me a further memorandum from the German Government, bearing date of the 29th March, which you had received through the Netherlands Government. This memorandum contained a small amount of additional evidence in support of the allegations of the German Government, and gave notice that hospital ships would in future be attacked in the Mediterranean Sea also, except in so far as certain stringent conditions were accepted limiting their employment in a manner which would have rendered impossible the proper service of the sick and wounded of the Allied forces in the Eastern theatres of the war.

His Majesty's Government have already issued the most categorical denial of the assertions of the German Government that British hospital ships have ever been used except in accordance with the provisions of the Hague Convention above mentioned. They have now concluded their detailed examination of the evidence brought forward by the German Government in support of their charges, and the results are embodied in the memorandum of which copies are enclosed.

I request that you will communicate copies of this memorandum to the Netherlands Government, and will invite their good offices in order that a copy may be forwarded to the German Foreign Office. You should ask that the German Government be informed at the same time of the hope of His Majesty's Government that they will, after an examination of the contents of the memorandum, withdraw the false charges which they have made regarding the misuse of British hospital ships, and will give unconditional instructions to their naval forces to grant these vessels in the future the immunities which are due to them under the provisions of international law.

I am, &c.

A. J. BALFOUR.

Enclosure in No. 3.

British Hospital Ships.

REPLY TO GERMAN ALLEGATIONS REGARDING THEIR IMPROPER USE.

THE German memorandum of the 28th January, 1917, made allegations of misuse of British and Allied hospital ships, and in twenty-three annexes furnished evidence, chiefly in the shape of reports of officers of the German Government and statements of witnesses, which, in the view of the German Government, proved or pointed to such misuse. A further memorandum, dated the 29th March, 1917, repeated these allegations in general terms and quoted further declarations in support of them.

In replying to the accusations brought forward by the German Government, His Majesty's Government desire, before all, to call attention to the remarkable fact that German submarines and other warships have never once exercised the right of inspecting British hospital ships, which is given to them by article 4 of the Hague Convention for the application of the principles of the Geneva Convention to maritime warfare. So far as can be ascertained, they have only once stopped a British hospital ship long enough to examine her papers. This occurred on the 23rd February, 1917, when the hospital ship "Dunluce Castle" was stopped by a German submarine in the Eastern Mediterranean; her papers were found to be in order and the vessel was allowed to proceed. It might have been expected that the German Government, seeing that they had reports in their possession, which they profess to regard as reliable, pointing to the misuse of British hospital ships, would not have completely neglected the obvious and well recognised method of inspection for the purpose of verifying their suspicions. Instead, they have preferred to appeal for support to their charges to conjectural statements of persons who never had an opportunity of ascertaining whether there was any real foundation for their assumptions, and, on this flimsy basis, without making any attempt to discover the value of the hearsay evidence which they had collected or giving His Majesty's Government any opportunity of rebutting their allegations, they proceeded to the extreme step of ruthlessly attacking innocent hospital ships engaged in their humane task of serving the sick and wounded.

His Majesty's Government have now made enquiry into the allegations contained in the German memoranda so far as they concern British hospital ships, and so far as the charges made are not in such vague terms as to preclude any possibility of investigating their foundation. Generally, the charges group themselves under four heads, viz.:—

1. Alleged excessive number of hospital ships in relation to the Gallipoli campaign.
2. Changes in the list of hospital ships, with supposed intention to deceive.
3. Alleged transport of munitions.
4. Alleged transport of troops.

As to (1), the number of hospital ships employed was not excessive having regard to the number of invalids to be evacuated from Gallipoli. On the contrary, the accommodation on hospital ships proved to be inadequate to meet requirements, and it was necessary to employ ordinary transports in addition for the conveyance of sick and wounded. These transports were, of course, not protected by the Hague Convention, did not fly the Red Cross flag, and were not fitted out as hospital ships.

As to (2), no rule exists under which a hospital ship, once notified, must remain in hospital service for the duration of the war. It is perfectly true that certain ships were notified as hospital ships and later on were removed from the list. This was due to alterations in the requirements for various classes of tonnage, caused by the sinkings of ships by submarines and to changes in the military situation.

There is no ground for the somewhat nebulous suggestion of the German Government that the aim of the changes was to produce uncertainty and confusion in regard to the character of the ships, and no evidence is adduced to show what military advantages could be gained by such confusion, which, in fact, would probably be disadvantageous rather than otherwise, since it would be injurious to the safety of the hospital ships themselves.

As to (3) and (4), alleged conveyance of munitions and troops, to which nearly all the evidence relates, a detailed examination of the particular instances alleged is given below. It may, however, be stated at once that British hospital ships have never been used for

the carriage of munitions of war or of combatant troops. Red Cross stores and personnel of the Royal Army Medical Corps (who are protected by the Geneva Convention) have been embarked, and it appears probable that the German Government have been misled by the fallacious deductions of their witnesses, who apparently were unable to verify their assumption that cases of Red Cross stores were really munitions of war and bodies of the Royal Army Medical Corps in khaki uniform detachments of combatant troops.

The statement in the second German memorandum to the effect that, while His Majesty's Government had denied that British hospital ships had carried either troops or munitions, the British Admiralty had merely declared that no troops had been conveyed in such ships, without denying the carriage of munitions, is curiously devoid of point. Both in the statement issued by His Majesty's Government on the 1st February, 1917, and in a note addressed to the United States Ambassador in London on the 31st January, the allegations of the German Government were contradicted in respect both of troops and of munitions. The discrepancy which the German Government pretend to have discovered between the declarations of His Majesty's Government as a whole, and those of the Admiralty in particular, appear to rest on a statement issued by the Admiralty and published on the 2nd February, in which particular notice is given to the allegation of Albert Messany (see Annex 11, printed below), circulated in a German wireless press message, to the effect that 2,500 soldiers who were not invalids had been carried by the hospital ship "Britannic." With reference to this allegation, the Admiralty stated that no British hospital ship had ever embarked any persons but invalids and hospital staff. There was no occasion in that particular connection to refer to munitions. The play which the German Government make with this imaginary discrepancy is an illustration of their practice of trying to make capital out of infinitesimal points, a practice which has the appearance of being adopted in order to cover up the weakness of their main position.

After these general remarks the specific statements contained in the annexes to the German memorandum of the 28th January and in the memorandum of the 29th March will now be examined in detail. For convenience of reference the English translation of the material produced by the German Government as evidence in support of their charges and the observations to which it gives rise on the part of His Majesty's Government have been printed in parallel columns.

ANNEXES TO GERMAN MEMORANDUM OF
JANUARY 28, 1917.

(Translation.)

Annex 1.

*Telegram from the German Ambassador at
Madrid, March 1, 1915.*

German ships' captains who were interned on the Isle of Wight have declared that they observed heavily-laden hospital ships sailing outwards; they expressed the suspicion that the ships are employed for transport purposes.

(Signed) RATIBOR.

Annex 2.

*Extract from the Official Report of the
Naval Intelligence Officer at Wesel on the
Evidence of the German Ship's Surgeon,
Dr. Fricke, of March 10, 1915.*

Dr. Fricke declared that he was interned on various steamers by the Isle of Wight, and that he, together with three other prisoners, daily observed about three hospital ships arriving and leaving; the larger ships went to Southampton, the smaller to

COMMENTS

Annexes 1 to 4.

These all deal with hospital ships used in the English Channel. British hospital ships have never been used for conveying munitions of war or combatant troops. The witnesses were not in a position to judge the difference in the draught of the vessels accurately. The vessels were necessarily lighter in draught on their return voyage as bunkers are filled up in England for out and home voyages.

Ryde. He states that it was noticeable that the hospital ships on their voyages to France were submerged up to the load-line; they were evidently carrying munitions, as was confirmed by conversations which the prisoners had with English soldiers.

(Signed) FREYER,
Kapitän-Leutnant d. R.

Annex 3.

Official Report of the Naval Intelligence Officer at Wesel of April 16, 1915.

Rudolf Straus, a civilian prisoner returned from England, has given evidence as follows:—

“I was interned on the ‘Ascania’ off the Isle of Wight, and I have observed that British hospital ships sailed from Southampton and Portsmouth, particularly on Sundays. One could clearly observe the ships, and all the prisoners, as well as the crew of the ‘Ascania,’ were convinced that the hospital ships were carrying troops and munitions.”

(Signed) FREYER.

Annex 4.

Official Report of the Naval Intelligence Officer at Wesel of January 15, 1916.

Julius Schwarz, an exchanged German prisoner, gave evidence on the 10th January, 1916, at Goch, and stated as follows:—

“During my period of internment, in March, 1915, on board a steamer off the Isle of Wight, I observed that all the hospital ships (painted white with two green stripes and a Red Cross on the port and starboard sides) sailing from Portsmouth were very heavily laden, much deeper in the water than on their return, and that most of these ships carried a large number of soldiers with full equipment.”

(Signed) FREYER.

Annex 5.

Official Report of the Intelligence Officer of the General Staff of the Army in the Field at Berlin of January 14, 1917.

According to a report from a reliable agent at Rouen, dated the beginning of December 1916, the British and French ships are carrying material of war: munitions, horses, pontoons, food, motor-cars, flying machines in separate parts, to French ports. Hospital ships are carrying munitions; for instance, the British hospital

Annex 5.

The first part of the statement does not make it clear that hospital ships are referred to; there is no truth in the second sentence. The evidence is not in a form which makes it possible to demonstrate in detail its inaccuracy.

ships "Aberdonian," "St. George,"
 "Western Australia," and "St. Andrew."*

[Signature.]

Annex 6.

*Report from the German Military Attaché
 at Berne to the Chief of the General
 Staff, December 25, 1916.*

A wounded German, named Rinkleff, who was interned in Switzerland on the 23rd December, has given evidence as follows:—

"An eye-witness told me that the hospital ship 'France' † was laden with munition cases at Marseilles. At Toulon we remarked that the hospital ships sank lower in the water during the night; they were therefore apparently loaded with munitions at night. Otherwise only small old colliers were used for carrying munitions."

[Signature.]

Annex 7.

*Extract from a Letter of an Austrian
 Officer taken Prisoner in Italy, of
 October 27, 1916.*

In March 1916, at Naples, I saw the "Mauretania" ‡ and other hospital ships sail for Salonica with troops and munitions and return with sick and wounded. . . .

(Signed)

* The above-mentioned ships were notified as hospital ships by the United States Embassy as follows:—

The "Aberdonian" in the Embassy's note of November 4, 1915; the "St. George" in their note of June 17, 1915; the "Western Australia" in that of January 6, 1916; and the "St. Andrew" in a communication of August 27, 1914.

† The "France" was notified as a hospital ship by the Spanish Embassy in Berlin in their note of November 22, 1915.

‡ The "Mauretania" was notified as a hospital ship by the United States Embassy in their note of October 18, 1915, and her removal from the list was announced in their note of March 9, 1916.

Annex 6.

This refers to a French hospital ship.

Annex 7.

The "Mauretania" was not at Naples in March, 1916, at all. Her movements in the early part of the year were as follows:—

Left Mudros 17th January; left Naples 21st January; arrived at Southampton 25th January; left Southampton 24th February; arrived Liverpool 25th February.

She was removed from the list of hospital ships on the 7th March, 1916.

The "Mauretania" visited Naples in November, 1915, and was then inspected by the United States, Swiss, and Danish consuls, who signed the following statement:—

"We, the undersigned, hereby certify that at the request of the Commanding Officers of the ship we have this day visited and inspected His Majesty's hospital ship 'Mauretania' and are satisfied that there are no combatant troops or warlike stores in her, and that the rules of the Geneva Convention are being observed in every way.

"Signed on board His Majesty's hospital ship 'Mauretania' this 29th day of November, 1915.

(Signed) S. G. MEURICOFFRE,
Swiss Consul-General.
 JAY WHITE,
American Consul.
 M. VON ORELLI,
Danish Consul.
 H. C. BIAR,
American Vice-Consul.

"Naples, November 29, 1915."

Annex 8.

Official Report of the Intelligence Officer of the General Staff of the Army in the Field at Berlin, December 2, 1916.

An exchanged prisoner, returned from Marseilles, named —, states that on many occasions he has seen the large French hospital ship "La France"* lying in Marseilles harbour. A French sergeant told him that the "La France" had often taken large quantities of munitions in her lower holds; he had quite clearly seen these munitions being brought alongside the ship in a number of motor-cars by night.

(Signed)

Annex 9.

Extract from a written sworn declaration made by the Dutch Subject A. S. to the Admiralty Staff, March 27, 1915.

I was told by English sailors that the submarine blockade was useless, because the British carried out the transport of troops and munitions by means of hospital ships. In view of the fact that English wounded and prisoners in Germany were maltreated, this was, it was said, no breach of international law.

(Signed)

Annex 10.

Minutes of the Court of the Prussian 23rd Infantry Brigade at Hamburg.

Hamburg, October 7, 1915.

Present:

1. Kriegsgerichtsrat Wilhelmi.
2. As Registrar to the Court—Landsturmmann Thias.

At the instance of the Admiralty Staff the person mentioned below was invited to give evidence: Alexander Buttler.

After having been informed of the subject regarding which he was invited to give evidence, and after having had the nature of the oath explained to him, he gave evidence as follows:—

"My name is Alexander Buttler, 35 years of age, Evangelical, boatman by trade, residing at 8, Brauerknechtsgraben, Hamburg.

"I am a Russian subject, from Riga."

Questioned as to the substance of his evidence, he made the following statement:—

"I sailed as seaman in the steamship 'Escaut,' voyaging from Brooklyn to La

* Cf. note to Annex 6.

Annex 8.

This refers to a French hospital ship.

Annex 9.

This statement is too vague to be answered, and is unfounded.

Annex 10.

No British hospital ship was at La Rochelle during July 1915. All British hospital ships have their names painted distinctly on them in the usual place, and all fly the Red Cross flag and the British defaced Blue Ensign worn by transports.

The credibility of the witness may be judged from the fact that the log of the steamship "Escaut," on which he claims to have been serving, shows that that vessel called neither at La Rochelle nor at La Pallice in June, July, or August, 1915, and that she was fitted at the time for the transport of horses. He cannot have been in a position to know that the ship on which he served, if his story is not entirely fabricated, carried no cargo but munitions of war.

Rochelle under the Belgian flag. The ship carried nothing except munitions and explosives. I assisted in loading the ship myself. In the course of this several barrels and boxes broke asunder, and I confirmed the fact that the barrels contained rifle cartridges and the cases explosives. The ship carried no cargo other than munitions of war.

"At La Rochelle there were about twenty-five munition ships. We arrived there about the middle of July, 1915. A hospital ship then came alongside us. I recognised the ship as such by the fact that she was painted white, and with a green stripe just under the bulwark, while the bulwark itself was again painted white. Besides this she had a Red Cross on a white ground amidships on both sides and on the funnel. She displayed no name or flag. I assume that she was a British vessel because the people on board were wearing English naval uniform and spoke English.

"I next saw munition barrels and cases of explosives being transferred from hatches three and four into the hospital ship. I myself was employed on this piece of work. There can be no question of my having confused the munitions and explosives with any other cargo. The lettering on the barrels containing the munitions read: 'Soft Soap, England.' The cases bore the word 'England.' Cases and barrels of this description were transferred from the above-mentioned hatches into the hospital ship until the holds were emptied. The amount which was put into the hospital ship may, in my estimation, have been 400 to 500 registered tons.

"Some of the other munition cases were marked 'Ypres' and 'France': these were put on shore.

"The remaining war material, such as motor cars and field kitchens, was also discharged.

"I do not know what happened after this to the hospital ship as I was arrested for refusal to work.

"I know that a ship painted as this ship was is a hospital ship because I have seen such in passing Dover, and have been told that they were hospital ships."

Read to, approved, and signed by the deponent:

(Signed) ALEXANDER BUTTLER.

The witness was regularly sworn:

WILHELMI.

THIAS.

Annex 11.

*Minutes of the Divisional Court at Vienna.**Hearing of Witness.*

9 A.M. Vienna, January 5, 1917.

Present :

Examining Judge : Oberleutnant Dr.
Erhard Schiffner.

Registrar : Heinrich Konarsa.

Witness before the Court : Franz
Greipel.

The witness was warned, in reply to the questions addressed to him, to answer the absolute truth according to his best knowledge and belief, not to conceal anything, and to make his statement in such a manner that he could, if necessary, support it on oath.

He gave the following personal information :—

Name : Adalbert Franz Messany.

Place of birth : Vienna.

Age : 24 years.

Religion : Roman Catholic.

Condition : bachelor.

Occupation : opera singer.

Address : 109, Mariahilferstrasse,
Vienna, VI.Relation towards the accused, or to
other persons involved in the penal
case : —

“At the outbreak of war I was at Luxor, in Upper Egypt, and was put under observation by the British authorities; subsequently I was interned and taken to Malta, where I arrived on the 1st December, 1914.

“On the 24th October, 1916, I was placed on board the hospital ship ‘Wandilla.’* The vessel left the harbour of Valetta at 11 o'clock A.M., proceeding in a northerly direction; she then changed course West, and, later, South-West, finally anchoring in a bay on the coast of Malta opposite the island of Gozo. There the ship remained for one and a half days, during the whole of which time cases were taken on board, with the contents of which I was not acquainted.

“On the 26th October, 1916, we proceeded in the direction of Mudros, where we arrived, I believe, on the 28th October, 1916. There I remained for three days, and was transferred on the 1st November,

* The “Wandilla” was notified as a hospital ship by the United States Embassy in Berlin in their note of September 21, 1916.

Annex 11.

The statements as to movements of “Wandilla” are correct up to her arrival at Mudros on the 28th October, but the subsequent dates, both in the case of this ship and of the “Britannic,” are not all correctly stated. The cases were transferred from the “Britannic” to the “Wandilla” (not *vice versa*), and consisted, as the orderly is stated to have said, of Red Cross stores only.

The “Britannic” had the following invalids on board—

Naval officers (non-cot)	..	2
„ other ratings (cot)	..	3
„ „ „ (non-cot)		19
Military officers (cot)	..	15
„ „ „ (non-cot)	..	144
„ other ranks (cot)	..	349
„ „ „ (non-cot)		2,490

and the Austrian prisoner of war, Messany, who was suffering from tuberculosis. Among the invalids, who included 629 dysentery and 15 enteric fever cases, were No. 7481 Private R. Tapley, R.A.M.C., suffering from dysentery, and No. 1715 Private H. O. Hickman, South Notts Hussars, suffering from malaria. Neither of these men was being sent home for the purpose of being employed as an interpreter in France, or for any other reason than sickness. A statutory declaration by each of them is appended.

As regards the khaki clothing worn by the men seen in the ship's hold, which is apparently thought to indicate that these men were not sick or wounded, it may be stated that paragraph 14 of the “Standing Orders and Instructions to Officers Commanding Hospital Ships” reads: “When on the Mediterranean service he will obtain from Ordnance Stores sufficient home-pattern khaki serge clothing, shirts, underclothing, &c., to fit out, on the homeward voyage, the maximum number of sick and wounded the ships are equipped to carry. Hospital clothing will be used for all cot cases.” It has never been deemed necessary to clothe walking cases on hospital ships in hospital clothing, though a certain number of cases on board the “Britannic” on the voyage in question appear to have been so clothed. A very large proportion of these patients are always convalescent from dysentery, enteric, and malaria, and are quite able to walk about, though unfit for military service.

There are no restrictions on the movements of patients to the upper decks of British hospital ships other than those reserved for officers and nursing sisters. The food for all on board is the same, subject only to the medical requirements of cot or other special cases.

in the morning, to the hospital ship 'Britannic'.*

"The 'Britannic' had arrived in Mudros harbour on the evening of the 31st October, and until it became dark I was able to watch her taking in cargo. On the morning of the following day she was again taking in cargo, and continued to do so after my transference on to the 'Britannic'—that is to say, during seven hours altogether on that day. I was able to observe that the cargo of the 'Wandilla' was put on board the 'Britannic.' When I asked one of the military medical orderlies on the 'Britannic' what was being put on that vessel, he replied 'Red Cross stuff.'

"The 'Britannic' left at 1 P.M. on the 1st November, 1916, and reached Southampton harbour at 7 A.M. on the 7th November, without calling at any intermediate port.

"The vessel of which I am speaking is the 'Britannic' belonging to the White Star Line. I recognised the ship by her size, the four smoke stacks, her similarity to her sister ship the 'Titanic,' and, finally, by her name, which I was able to read in large letters on the lifebelts, ship's glasses, and on the stern. The lifeboats were also marked with this name. I was told that I was travelling on the 'Britannic,' so there cannot remain any doubt but that I was travelling on the 'Britannic.'

"The ship was distinguishable as a hospital ship by being painted white with two green horizontal stripes, interrupted by three red crosses. By day she flew the Red Cross flag from the foremast. At night she displayed a large red cross (about 3 metres high) formed of strong electric lamps on both sides. Finally, there were green lights along each of the three decks from fore to aft arranged at intervals of 1 metre.

"I myself was at first placed in the isolation enclosure, which consisted of a space divided off from the after-deck to which no one was allowed access. Medical orderlies were only allowed to visit this space with special permission. On this after-deck there was a wooden cabin painted white with large windows which were painted black inside and consequently were opaque. Above this cabin was written the word 'Mortuary.' It was, however, not used during the voyage, although there were two deaths.

"After two days I was taken down into

* The "Britannic" was notified as a hospital ship by the United States Embassy in Berlin in their note of December 6, 1915; subsequently she was notified as having been removed from the list, but on June 6, 1916, again notified as placed on the list of hospital ships.

Declaration by Private H. O. Hickman.

I, Harold Otho Hickman, now of Aldershot, in the County of Southampton, and a trooper in the 3rd Reserve Cavalry, do solemnly and sincerely declare that—

1. I was born at Welshpool, Wales, on the 5th day of July, 1893.

2. My father was Welsh and my mother was English.

3. Prior to the war I was employed by Messrs. W. E. and F. Dobson, Nottingham, lace manufacturers, as a clerk. A good number of the clerks in the Lace Market, Nottingham, were German, and I acquired a knowledge of the German language through being friendly with these clerks, and with the idea of bettering my position, as I could see that if I knew a language or languages I should get on better.

4. I joined the 1/1 South Nottingham Hussars on the 26th day of March, 1915, at Nottingham, and after training at Ollerton and Narborough I proceeded overseas on the 29th day of August, 1915, and eventually arrived at Alexandria, where I disembarked and proceeded to Cairo with my regiment.

5. I was stationed at Cairo and at other places in Egypt, and subsequently left for Salonica on the 31st January, 1916.

6. On the 6th August I left Salonica, having been invalided with malaria fever, and I was sent and proceeded on His Majesty's Ship "Gascon,"* and arrived at Malta on the 11th day of August, 1916.

7. On the 29th† October, 1916, I left Malta on H.M.H. ship "Wandilla," and I was in "I" Ward, which was on the second or third deck.

8. During the voyage I came across a man in civilian clothes who had a jackdaw with him which caused considerable interest, and I was [*sic*] as well as others spoke to the man. During my conversations with him I learned that he was Austrian, and that he had been taken prisoner in the desert, and that he was an opera singer.

9. I was very anxious to pick up my German again, and I thought that by talking with this man I should have a good opportunity of reviving my German. I conversed with him in German, and it was therefore at my suggestion that we discussed matters in German language.

10. The Austrian wished to speak in English, but I told him that he would be able to speak enough English when he arrived in England and was interned.

11. We discussed ordinary topics and

* This should be "His Majesty's Hospital Ship."

† The correct date is the 24th October.

a sleeping saloon on the promenade deck, where there were about nineteen sick English soldiers besides myself. I wore the ordinary hospital clothing of English soldiers (a dark blue suit with brown facings), and was allowed to move about freely on board. I speak, moreover, perfect English, and was able therefore to converse with the other passengers. As a result of this I was able to make the following observations.

"On the promenade deck and on the upper deck there were about sixteen sleeping saloons, occupied by about 300 to 400 patients, of whom not quite 200 were confined to bed. Every day at about 10.30 A.M. the doctors went their rounds; there were medical orderlies and nursing sisters on board to look after the patients.

"On the upper deck there were four saloons, in which about 150 officers were accommodated. In these saloons they wore their ordinary uniform, hanging up their arms by the side of their bed. If they wanted to go on deck, they had to put on hospital suits. Among the officers there were five or six who were apparently ill and had to be led about; all the others were, as far as one could see, perfectly well.

"In the ship's hold there were about 2,500 English soldiers wearing their ordinary uniform. These were strictly forbidden to go up on deck, and if they did so in spite of orders they were sent back to their quarters by the medical orderlies. There was an emergency call to quarters every day when the men from the ship's hold were assembled inside the promenade deck. These men did not receive the same food as the patients on deck. In the ship's hold, also, there were no nursing sisters, but only medical orderlies, who did the work of the whole ship.

"I became acquainted with two of these. Reg. Taplay was an English infantry soldier and employed as an interpreter. He is the son of the owner of the Royal Hotel at Dover. He told me that he had been at Salonica as a French interpreter, and that he was now travelling home, and would proceed from there to the French front again as interpreter. He said that he was merely being transferred, and made no mention of being ill.

"Harold Hickman was a hussar in the Wales Hussars, and was also employed as interpreter. He had been employed as a French interpreter at Salonica, and said that he was now going to the French theatre of war in order to be employed as a German interpreter, as he spoke German perfectly. He came from Nottingham, and was likewise going home, in order to

compared the life in England and Germany and other countries before the war. We also discussed and exchanged views respecting Egypt, as we had both been there. I did not discuss any military matters with the man with the exception of a discussion of treatment of prisoners of war, and I told him that they were well treated in England. The man and I became friendly, and we played chess together, and he gave me his name, which he said was Messany, and I gave him a photograph as a souvenir in return for a German dictionary, it being all I had.

12. I deny telling Messany that I was going to the French theatre of war to be employed as a German interpreter. What I did tell him [? was] that as soon as I had sufficiently recovered to be again passed fit for duty it was my intention to obtain that position if possible.

13. When I spoke to Messany on the "Britannic" I was dressed in khaki, having changed from hospital clothes on the same afternoon, seeing that we were disembarking next morning early; all walking cases disembarked in khaki, only stretcher cases wearing hospital clothing. I totally deny telling Messany there were 2,500 men on the "Britannic" who were not sick men. I had no knowledge of the number of men on board, and on no occasion did I say anything about the "Britannic" that would lead him to come to the conclusion the vessel was being used for illegitimate purposes, and every allegation made by Messany in this respect is untrue. Apart from the crew and the medical staff, all officers and men on board were sick cases, the majority having been invalided with malaria fever. On no occasion did I see any arms, and during the whole voyage officers and men were allowed on their respective decks all day.

14. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act, 1835.

HAROLD OTHR HICKMAN.

Declared at Aldershot, in the County of Southampton, the 13th day of July, 1917, before me :

W. E. FOSTER,

Commissioner of Oaths and Notary Public, Aldershot.

Declaration by Private Reginald Tapley.

I have read the print of the statement of Adalbert Franz Messany taken at

proceed from there to France. He also made no mention of being ill.

"From what these two men told me, and from my own observations, I came to the conclusion that there were about 2,500 men in the ship's hold, not sick men, but men on leave or being transferred or something of that sort. This conclusion was supported by the disembarkation proceedings. I was able to watch the whole process of disembarkation, and saw first of all the 200 stretcher cases being disembarked; Red Cross people were waiting for them, and they were carried away in a hospital train. The officers followed, leaving the ship in their ordinary uniform with their arms. Then followed the patients who were not confined to bed; these also were carried away in the hospital train. After this the soldiers out of the ship's hold left the ship in military formation, and formed up on the quay. They were wearing their ordinary uniform, but had no arms or luggage with them. I myself was disembarked last.

"From Southampton I was taken on the same day to Dartmouth, and interned in Dartmouth hospital, where I remained for a month. After a fresh medical examination I was released and taken to Germany via the Hook of Holland."

Read to the deponent and found correct.
The witness was regularly sworn.
Evidence concluded at 11.45 A.M.

(Signed) ADALBERT MESSANY.
GREIPEL.
DR. SCHIFFNER.
H. KONARSA.

Vienna on the 5th January, 1917, printed on pages 5, 6, and 7 of the evidence.*

I travelled on the "Britannic" from Mudros to Southampton in the capacity of a patient.

On or about the 6th June, 1916, I left Salonica in the "Dunluce Castle" as a patient. I was suffering from dysentery and malaria fever. I had been in the 28th General Hospital for about a month, and was confined to bed the greater part of that time.

The "Dunluce Castle" arrived at Valetta, Malta, and I was transferred as a stretcher case to the Imtafa Hospital, Malta. I had had a bad time during the voyage.

After being at the Imtafa Hospital, Malta, until September, 1916, I was transferred to Ghain Tuffieha Hospital, Malta, and remained there until the last week in October, 1916, when I was transferred to the hospital ship "Llandovery Castle," and was sent to Mudros. I was then convalescent, and arrived at Mudros on the 31st October, 1916, and on that day I was transferred as a convalescent to the "Britannic."

On the 1st November, 1916, about mid-day, the "Britannic" left Mudros as stated by Messany.

The "Britannic" was a hospital ship, and displayed the necessary and usual signs as mentioned by Messany.

I did not see the cargo taken from the "Wandilla" on to the "Britannic."

I do not know whether there were four saloons on the upper deck. I do not know how many officers were accommodated there, but I know there were some. That part of the ship was set apart for officers. I could see them from where I was on the ship. It was on the same deck on which I took exercise, and was divided from where the men were entitled to be by a rope. The officers whom I saw wore their khaki uniforms.

I cannot say whether their arms were hung up by the side of their beds, as I never saw their sleeping accommodation.

I cannot see how Messany can truthfully say that he saw the sleeping accommodation of the officers because the officers' sleeping quarters were not at the part of the ship where Messany was, and he, being a prisoner, had not the same liberty of movement as the patients had. A corporal was continually in charge of him.

I saw the officers many times every day on deck, and at no time did I see any of

* This refers to a printed English translation of the German memorandum of 28th January, 1917, and the annexes to it.

them with hospital suits on, as alleged by Messany.

It is a fact that some of the officers were apparently ill. It is also a fact that, so far as anyone could see, some of the officers looked perfectly well, but this statement could be applied quite as truthfully to me, because I looked well, as I was convalescent.

I never went into the ship's hold, and I know nothing about anybody who is alleged to have been there; but I was on the promenade deck practically all the day, as the medical officers insisted on our being on the promenade deck as much as possible. At no time whilst I was there were any soldiers in ordinary uniform assembled inside the promenade deck.

I gather from Messany's statement, where he says, "In the ship's hold, also, there were no nursing sisters, but only medical orderlies, who did the work of the whole ship," that he suggests there were no nursing sisters on the ship. There were a great number of them, and they attended to the patients night and day.

Messany refers to me as a "medical orderly" and as one of the men who, as he expresses it, "did the work of the whole ship." This is untrue. I was not a medical orderly, but a convalescent, and I did no work on the ship. He also refers to me as an "English infantry soldier." This is untrue. I have at all times during my service in the army been in the Royal Army Medical Corps, and at no time have I acted as medical orderly on a hospital ship.

I was employed in France as an interpreter, and I am the son (stepson) of the late owner of the Royal Hotel at Dover.

I did not tell Messany that I had been in Salonica as a French interpreter, but that I had been a French interpreter in France.

Where Messany says (referring to me), "He said that he was merely being transferred, and made no mention of being ill," this is wrong, and is also a contradiction. I did say I was ill, and, in fact, all the time I was on board (except as hereinafter mentioned) I was in hospital clothing, and it is a contradiction to say that I said I was being transferred, because, in his statement, he says that I was a "medical orderly."

I was acquainted with Hickman, having met him at a convent in Malta, and also seen him on the journey on the "Britannic." It is untrue to suggest that he was not ill. I do not know what his complaint was, but he was certainly on the ship as a convalescent.

Messany also contradicts himself with regard to Hickman, as he refers to him as a "medical orderly." As a matter of fact, he wore hospital clothing and was not an orderly, and did no work on the ship.

Where Messany says, "From what these two men told me I came to the conclusion that there were 2,500 men in in the ship's hold, not sick men, but men on leave, or being transferred, or something of that sort," it is untrue. I had no knowledge of any such men, and had never made a statement of the sort to him.

As to the disembarkation I did not see the 200 stretcher cases referred to by Messany, nor did I see the officers leave the ship.

I was one of the patients who had not been confined to bed during the voyage, and when I and the others who were walking cases left the ship we were not in hospital uniform but in our khaki uniform. The khaki uniform was taken from us on the ship before we left Mudros and given to us when the ship arrived in Southampton water and before the disembarkation. We left the hospital uniform on the ship. We had our kit-bags containing personal effects.

I did not see either Messany or Hickman after disembarkation, and I have not communicated or received any communication from either of them since.

On disembarkation a number of us were placed in a train for Manchester, and when we arrived there we were distributed amongst various hospitals. I was sent to Hope Auxiliary Hospital, Pendleton, Manchester, where I stayed about four months.

I was then removed to a hospital at Longford Hall, Stretford, Manchester where I stayed about a month, and was then discharged from hospital on ten days' sick leave, and immediately afterwards returned to the R.A.M.C. Dépôt at Blackpool as fit for service.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1835.

Declared at Blackpool, in the County of Lancaster, this 14th day of July, 1917.

REGINALD TAPLEY.

HUGH BUTCHER,

Commissioner for Oaths.

Annex 12.

Official Report of the Naval Intelligence Officer at Antwerp of November 30, 1916.

According to information furnished by an agent in London, who has been proved reliable, hospital ships are frequently used for transporting passengers to France.

[Signature.]

Annex 12.

The information is inaccurate. No details are given which can be checked.

Annex 13.

*Extract from a Report of Dr.
to the Admiralty Staff of May 21, 1915.*

On my journey from Paris to Rouen our train was subjected to various delays on account of munition and troop trains which we met. In my compartment there were a French engineer officer and a British officer; the conversation was quite free as they took me for an American. The British officer said, when British troop trains passed, that the troops had certainly come over on one of the ships bearing the Red Cross sign. "Why," he said to me, "I came over myself that way, and why shouldn't we? Against such brutes every ruse is allowed and justified."*

[Signature.]

Annex 13.

The statement of the British officer, if made, was unfounded. Again no details are given which can be checked.

Annex 14.

Official Report of the Admiralty Intelligence Officer at Wesel, of January 13, 1916.

In a report of the 7th January, 1916, one of our agents reports from Cardiff:—

"A Red Cross ship called the 'Formosa' † is lying at Cardiff; she is painted white with a yellow funnel and three red crosses painted on. There are troops and a number of naval officers on board."

(Signed) FREYER.

Annex 14.

The "troops" referred to were no doubt the R.A.M.C. staff in khaki uniform who were on board. The "naval officers" may have been officers of the Transport Department of the Admiralty who visited the ship in connection with repairs.

Annex 15.

Telegram from the Correspondent of the "Berliner Tageblatt" at Xanthi to the "Berliner Tageblatt" of April 5, 1916.

Seven hundred and fifty French officers and men, some of them going on leave, some proceeding to the French Western front, have left Salonica on board a hospital ship, clearly marked as such by being painted with stripes and red crosses.

Annex 15.

Not a British hospital ship.

* This quotation is in English in the original.

† The "Formosa" was notified as a hospital ship by the United States Embassy in their note of June 27, 1915.

Annex 16.

Minutes of the Hearing of a Dutch Subject at the German Consulate-General at Amsterdam on February 15, 1916.

—, merchant, a Dutch subject, living at Rotterdam, has appeared before the undersigned administrator of the Imperial consulate-general and declared as follows:—

"I was at Cardiff on business from the beginning of December to the end of January last. About the middle of December the hospital ship 'Formosa' arrived at Cardiff, where she was docked and took in coal and a number of cases. No particular care was observed in loading the cargo. It was difficult to come into the immediate proximity of the vessel, as the approaches were carefully closed. On the 29th December, approximately, 300 infantrymen in marching order were taken on board the ship, besides about fifty naval officers who went on board on the 1st January, the date of departure. In the night of the 1st-2nd January, as clearly as I can remember, the steamer sailed, and I can confidently assert that the soldiers and the fifty naval officers sailed with her. The 'Formosa' is a 4,000-ton steamship with two masts, and an antenna between them, a short, thick, yellow funnel, and three decks; she is very broad in the beam. The whole ship is painted white, and green below the water-line. At the bow, amidships, and at the stern there were three large red crosses painted on both sides, half-way between the water-line and the deck. The name 'Formosa' in large brass letters was on the bow; it had been painted over with white paint but was still legible. The steamer flew the blue English flag with the Union Jack, and her name was included in the list of ships entering and leaving, without any mention of the name of the owners, as is customary always in the case of Government ships.

"I hereby make a declaration, in lieu of an oath, of the accuracy of the above statement, and am prepared, if this should be necessary, to make this declaration on oath before the competent Dutch authorities."

Read to, approved, and signed by:

[Signature.]

V. HUMBOLDT, *Geheimer Legationsrat.*

Annex 16.

See remarks on Annex 14.

The witness's statement that the "Formosa" arrived at Cardiff about the middle of December is incorrect. She was at Belfast from the 16th November to the 30th December, 1915, and did not arrive at Cardiff till the 2nd January, 1916. His statement that she left Cardiff in the night of the 1st and 2nd January is therefore also incorrect. It is, moreover, contradicted by the witness cited by the German Government in Annex 14, who states that the "Formosa" was still at Cardiff on the 7th January. She actually left Cardiff for the Mediterranean on the 13th January with no passengers on board.

Annex 17.

Official Report of the Naval Attaché at The Hague of December 12, 1915.

A Dutchman, of the name of——, visited the Legation yesterday and made the following statement :—

“ On the morning of the 29th November, 1915, I arrived at the port of Naples on board the Rotterdam Lloyd steamship ‘Kavi,’ from India. The ‘Mauretania,’ ‘Aquitania,’ and ‘Regina d’Italia,’ fitted out as Red Cross ships, were lying alongside each other in the port. There was nothing particular to remark about the ‘Mauretania’; so that it is quite possible that this ship was really being used as a Red Cross ship. The ‘Aquitania’* which left the port of Naples at 8.30 on the 29th November, and passed by the ‘Kavi’ at a distance of 40 metres was chock-full of British soldiers, none of whom were wounded.”

(Signed) v. MÜLLER, *Korvettenkapitän*.

Annexes 17 and 20.

The “Aquitania” and the “Mauretania” were both at Naples on the 29th November, 1915. The unwounded troops referred to were non-cot cases, of whom there were a very large number on board (see remarks on Annex 11).

As regards Annex 20, the witness states that the “Aquitania” left Liverpool on the 7th December, 1915. In Annex 17 another witness swears (correctly) that the “Aquitania” was at Naples on the 29th November, 1915. At her top speed this ship could not have proceeded from Naples to Liverpool, disembarked her passengers, coaled, taken on stores, and prepared for a further voyage, embarked more passengers, and sailed again on the 7th December. In point of fact, the “Aquitania” was *not* at Liverpool at all in December, 1915. She arrived at Southampton on the 3rd December, disembarked her patients, and was prepared for further service as quickly as possible, leaving Southampton on the 16th December for Mudros.

The witness’ statement in Annex 20 is therefore inaccurate.

The “Empress of Britain,” a 14,000 ton troop transport, left Liverpool on the 7th December, 1915, accompanied by an escort, and this ship was probably mistaken for the “Aquitania.”

Annex 18.

Official Report from the Intelligence Officer of the General Staff at Berlin, December 3, 1916.

——, engineer on board the Danish steamship ——, has given the following evidence :—

“ In the middle of November 1916 I observed noticeably lively movements of hospital ships in the Channel; these vessels had wounded soldiers on board during the voyage from France to England, and abused the Red Cross by carrying troops on the voyage from England to France.”

[Signature.]

Annex 18.

The last statement is unfounded. No particulars are given which can be checked.

* The “Aquitania” was notified as a hospital ship by the United States Embassy at Berlin in their note of September 4, 1915.

Annex 19.

Official Report from the Intelligence Officer of the General Staff at Berlin of December 28, 1916.

—, German prisoner of war interned in Switzerland, has stated as follows:—

“I have seen a number of Red Cross ships entering Rouen loaded with troops.”

[Signature.]

Annex 19.

This statement is unfounded. Again no details are given which could be checked.

Annex 20.

Report from an Agent at Gothenburg to the Admiralty Staff of December 20, 1915.

A Norwegian ship's captain of the “Bergenske Dampskibsselskap,” reports as follows:—

“I returned recently from Liverpool; there I saw the British hospital ship ‘Aquitania’ leave in a fog on the 7th December, 1915, with 1,500 men and all accessories on board; she was, in particular, carrying cavalry. When she left she was accompanied by a small cruiser.”

[Signature.]

Annex 20.

See remarks on Annex 17. The statement is false.

Annex 21.

Minutes of the 11th Company 1st Naval Division.

(Extract.)

Seaman Engelhardt has given evidence as follows:—

“On my journey from Montevideo to Genoa between the 31st August, 1915, and the 22nd September, on the steamship ‘Van Hogendorp,’ I made the following observations:

“The ‘Van Hogendorp,’ of the Dutch A.S.M. Company, was chartered for more than four months by the United States; after the lapse of four months, however, she was still sailing under the Dutch flag. On the 31st August, 1915, she left Montevideo with a cargo of about 7,000 tons of frozen meat.

“We reached Gibraltar on the 19th September. There I noticed two English torpedo-boats and an auxiliary cruiser of about 15,000 tons, which appeared to be stationed there, as well as a number of small transports, some of which flew the British war flag and others the British mercantile flag; there were also a large number of British merchant ships, some

Annexes 21, 22, and 23

No British hospital ship is or has been armed. If any had been armed evidence of the fact would naturally have been available from commanders of German submarines, and the German Government would not have relied on the obviously imperfect observation of this one witness. Though he affirms that he saw a gun on the deck of the vessel he is unable to swear that he saw the distinguishing green band or the dazzling white paint of a hospital ship, which would have been far more noticeable than a gun. Incidentally it may be mentioned that, as the German Government are quite well aware, there is not, and was not in November, 1915, a British hospital ship of 12,000–14,000 tons belonging to the Pacific Steam Navigation Company.

It is surmised that the vessel seen by the witness was an ordinary British merchant ship, carrying defensive armament and painted a light colour. The statement that she was painted with a red cross cannot be accepted. There is no evidence that the Red Cross emblem has ever been improperly used by a British merchant ship.

of which carried a gun. I also noticed a large hospital ship, which was similarly armed. We were compelled to enter the port of Gibraltar before receiving permission to continue our journey.

"All the above facts are based on personal observations, made by me, in company with others, while I was travelling on the 'Van Hogendorp' as steward between the 31st August and the 22nd September."

Read to, approved, and signed by :

BERNHARD ENGELHARDT.

Confirmed :

KAHLER.

Kiel, November 5, 1915.

Annex 22.

*Minute of the First Naval Inspectorate,
Kiel, November 30, 1915.*

Present :

Lieutenant Engelke, as officer of the Court.

Leading seaman Eysel, as registrar.

Seaman Bernhard Engelhardt, of the 11th company I.M.D., reported himself and stated as follows :—

"The hospital ship mentioned in my evidence of the 5th November, 1915, was cruising in front of the port of Gibraltar, and flew the British mercantile flag. Judging by her lines, she appeared to be one of the vessels of the Pacific Steam Navigation Company.

"I saw the ship cruising about at a distance of 200 metres while we lay in port. A Red Cross, about 4 metres square, was visible on her port and starboard sides.

"The ship carried a gun in the stern ; in my estimation it was a quick-firing gun of 8·8 or 10·5 centimetres.

"There is no possibility of my having been mistaken in my observation. I have been told by sailors on our ship, the 'Van Hogendorp,' who were Americans, in the course of conversation, that 'they' were now all armed.

"The crew of the hospital ship appeared to consist of men of the British navy ; I cannot, however, assert this with absolute certainty. What I particularly noticed was that the vessel, being a hospital ship, was cruising about.

I should estimate the size of the vessel at 12,000 to 14,000 tons."

The witness stated :

"I am prepared to support my statement on oath."

(Signed) ENGELHARDT.

The witness was sworn ;

ENGELKE.

EYSEL.

Annex 23.

*Minute of the First Naval Inspectorate,
Kiel, December 16, 1915.*

Present :

Lieutenant Engelke, as officer of the Court.

Leading seaman Eisermann, as registrar.

Seaman Bernhard Engelhardt reported himself and stated as follows:—

"1. The hospital ship in question was painted quite light in colour, certainly not sea-grey. I cannot say whether the colour was absolutely white, or whether the ship had a green horizontal stripe $1\frac{1}{2}$ metres wide.

"2. I do not think that the ship was flying the white flag with a red cross. At all events, I did not notice it.

"3. The Red Cross was painted straight on to the ship's side. The cross had not any special background. It stood out sharply, however, as the ship was painted a very light colour."

Read to, approved, and signed :

B. ENGELHARDT.

The witness was duly sworn.

Approved :

ENGELKE.

EISERMANN.

FURTHER EVIDENCE CONTAINED IN THE GERMAN MEMORANDUM OF MARCH 29, 1917.

(Translation.)

1. The commander of the German submarine U . . . reports officially that in February 1917, while on a sixteen-day cruise in the Northern Ægean, he saw nothing but hospital ships in the day-time.

1. There is no proof whatever that any one of these hospital ships was engaged in any illegal action. It is not even stated that the commander of the submarine had any suspicions that this might be the case.

2. Extract from the war-log of the commander of a German submarine :—

Time and Date.	Position.	Remarks.
Feb. 22, 1917—		
7.18 A.M. ..	Lat. 37° N., Long. 4° 56' E.	
8.5 A.M.	Held a course 40° off the coast as a hospital ship came in sight.
9.10 A.M.	Hospital ship reports the position of the boat (intercepted wireless message).

[Signature.]

3. According to an official report of a German naval officer, the French hospital ship "Lafayette" left Bordeaux on the 16th March, 1917, with a cargo of munitions for Salonica.

4. Statement by Corporal Marc Pomade, of the 176th French Infantry Regiment, 3rd battalion, 11th company, who was taken prisoner in Macedonia :—

"Le vapeur 'Le Canada' était employé dans le temps des combats des Dardanelles comme vapeur hôpital; mais c'était connu et on en parlait beaucoup dans l'armée qu'il portait des munitions. Le grand paquebot 'La France,' quoique vapeur hôpital, était employé à Salonique au transport des munitions, il est à supposer qu'il ne porte plus de munitions maintenant. Certains transports français changent très souvent leur nom: une fois ils font le voyage comme bateau hôpital, et une autre fois servent de transports.

"J'ai vu aux Dardanelles passer des automobiles de la Croix-Rouge anglaise qui transportaient des munitions jusqu'aux tranchées; souvent elles revenaient sans porter des blessés.

"MARC POMADE.

"Uskub, le 6 mars, 1917."

Corporal Pomade confirmed the above statement on oath in the prescribed manner in the presence of the judicial officer of one of the German higher commands.

If he had any suspicions of the kind, why did he not exercise the right of examination and control given by article 4 of the Tenth Hague Convention?

2. No British hospital ship was anywhere near the position given on the date mentioned.

3. Not a British hospital ship.

4. No British hospital ships are concerned. It is quite untrue that British Red Cross ambulances were used to transport munitions in the Dardanelles campaign. If the charge were true, which it is not, it would still remain irrelevant to the question of the conduct of hospital ships.