**NLI 13087/4**

**14 June 1910**

**FO Minute 20597/10**

**[Casement note:]** Mr. Louis Mallet

Copy.

Since writing a minute on a letter from the Putumayo Rubber Company, Captain Whiffen has been to see me.

He said that he had seen in the papers that the Company was applying to the Foreign Office for sanction to publish the correspondence and that, if the correspondence were published, he would be obliged to bring an action for libel against the Directors. He had abstained from doing so, up till now, on the advice of his solicitors and because the libel had not been made public. I asked him whether he objected to bringing a libel action and he replied that his only objection was on the score of the expense as he is a poor man in receipt of an army pension and with a few hundreds a year of his own besides.

He could not possibly afford to bring an action and yet he would have to do so, if the correspondence were published.

He asked in these circumstances if the Foreign Office could not suggest to the Company that the correspondence should not be published until the Commission issued its report - the report would probably be favourable because all the employees had recently been changed and the Company would not then care to publish the correspondence,

I said that I would put the case to you but that I thought that, if we took the course he suggested our action might be misunderstood.

He said that in giving us the information he had been actuated by a sense of public duty and that he thought it hard that he should suffer in consequence of having complied with Foreign Office wishes. I reminded him that we asked his permission before informing the Company of his name and that he had allowed us to do so but I admitted that, if it had not been for us, he would not have been put in such a position.

I cannot say that I was very favourably impressed by his attitude and rather fear he may have committed himself in some way with the Company.

He admitted for the first time that he had made his report for Senor Arana and at his instance.

My own view is that we should not ask the Company to defer publication.

(signed) L.M.

June 14th, 1910

Sir E. Davidson.

Mr. Mallet spoke to me about this case, of which I had not previously heard, a couple of days ago, when he gave me verbally a short account of what had occurred.

I have not however read the accompanying papers now sent to me, as they are extremely voluminous and I do not think that their perusal would in any way assist me in forming an opinion on the particular point which now arises, viz. what we should say to the Company with reference to their threat, or announcement as to their intention to publish. This question is not in my opinion affected by what has previously happened, as detailed to me by Mr. Mallet.

The Company do not need our permission to publish, and can publish if they choose without our permission. In these circumstances I think that it would be a great tactical error on our part to attempt to influence them one way or the other, and the proper answer to them is that the matter is not one on which the Secretary of State is prepared to express any opinion: the decision and the responsibility must rest entirely with the Company, and the Secretary of State must reserve to himself full liberty of action in any event.

If the Company publish at their own risk and on their own responsibility then no doubt it will be for Captain Whiffen to consider whether his character requires him to bring proceedings for libel in order to rehabilitate it. If he is advised that an action for libel is necessary we can then consider what our course towards him should be in that contingency, but this moment has not arrived yet.

Whether it was on the whole desirable or politic to give up Captain Whiffen's name to the Company may be a matter of opinion but at any rate as far as he is concerned he has not much right to complain since we asked him before we did so and he then had no objection.

At the present juncture if we attempt to intercede, or to make any bargain with the Company on his behalf we shall put ourselves in an ambiguous position without doing him any good at all.

(initialled) W.E.D.

June 15th, 1910

Proceed as proposed but inform Captain Whiffen of the answer we mean to give, before replying to the Company, in accordance with his request and my promise.

(initialled) L.M.

We cannot deprecate publication by the Company, but Captain Whiffen's reply to their accusations should be communicated to the Company. When this has been done I see no object in further correspondence with Company except as regards expediting the Commission of enquiry.

(initialled) E.G.