

C.S.

Confidential

1923

No.

28/23.

Magistrate

SUBJECT.

1923

28 Dec.

Previous Paper.

Complaint against Constable J Lawlor.

13/22.

MINUTES.

Minute from Magistrate 28 Dec 1923

(1)

Y.C.

Submitted

W.H. 17
O'Casey

28 Dec 1923

The Chief Constable reported this verbally to me on the morning of the 26th instant. He said that he had suspended Constable Lawlor but I was not aware that it was in the Magistrate's specific instructions or Lawlor would not have been returned to duty - as was done, owing to the demand on the services of the Force during Christmas week, at my instance.

The reason for the intervention of

Subsequent Paper.

6/25

The Chief Constable is not clear.
I await a further report

tttttt 29 Dec '23

Chief Constable.

Referred.

G.K.H.

Dickson

29 Dec 1923

Hon. Col. Sec.

Report of Chief Constable is
submitted with the attached minute. Encl^d.

M. Percy Harker

31. XII. 23

S.M.

G.K.H.
Submitted

G.K.H.

Dickson

31 Dec 1923

Examination of P. Lawlor 29/12/23 2a
Lr from Chief Constable 31/12/23 2b
Statement by Mr. J. Dixon 30/12/23 2c
Lr from Ch Constable 29/12/23 2d
Lr from Mr G. J. Felton 29/12/23 2e
Statement by Constable Lawlor 29/12/23 2f

The following two points seem to require
further investigation:
1. Whether ~~when~~ ~~the~~ ~~proceedings~~ ~~should~~ ~~be~~ ~~referred~~ ~~to~~ ~~the~~ ~~prosecutor~~ ~~general~~ ~~by~~ ~~the~~ ~~Chief~~ ~~Constable~~ ^{reported}

(1) Whether when Mr. Felton used the
remarks explained of by Constable Lawlor
they could reasonably have been held to have
applied to the Constable although not so

intended. Mr. Creamer might be asked his recollection. I gather that Mr. Felton admits the remarks but denies the application.

(2) Mr. Henriksen's statement should be obtained

[Signature] 2 Jan. '23

Stipendiary Magistrate.

Referred

[Signature]

Di/Sec

2 January 1923.

Received from Chief Constable:-

- Statement by Mr. J.D. Creamer. *Encl 1*
- Statement by Mr. W. Etheridge. *Encl 2*
- Statement by Mrs. Henriksen. *Encl 3*

Hon. Col. Sec.

I do not consider that the remarks made by Mr. Felton could reasonably be held to have applied to Constable Lawlor seeing that Mr. Felton did not see the Constable and probably did not know who actually brought the telegram. I instructed the Chief Constable to see the maid (Miss Ruth Davis) with a view to verifying what took place but she is unfortunately absent from Stanley.

2. I consider that Constable Lawlor acted improperly over what would appear to be a trifling matter.

3. I am inclined to believe the statement of Mrs. Henriksen as against the statements of Constable Lawlor and Messrs. Evans, Etheridge and Dixon. These men were with Constable Lawlor and as they were drinking together I do not consider their statements reliable.

M. Lawrence Harker

3. 1. 24

S.M.

46.

Submitted

M. B. Diefen

3 Jan 1924

I am satisfied that Constable Lawlor has been guilty of improper conduct in:-

- (a) ^{after} having felt himself aggrieved, taking the law into his own hands and detaining a Justice of the Peace in the streets to tell him his (Lawlor's) personal opinion of him.
- (b) having entered the Sports House at the Race Course, ~~and~~ helping himself to drinks in the Sports House at the Races without permission despite the remonstrance of the caretaker. The fact that he saw other men drinking there was no excuse whatever.

In addition to such punishment as the Magistrate may deem it right to order for infliction - and a severe reprimand in the first offence and a fine in the second would appear suitable - I wish Constable Lawlor to be informed as follows:-

When the matter was first reported to me I was inclined to the belief that Constable Lawlor had been insulted and I was prepared to give him the full support of the Government. Police Officers acting in the execution of their duty must be aware that they have the Government behind them and need have no fear that they will lack full protection. For a Police Officer to take matters into his own hands is a negation of law and cannot be tolerated for a moment.

I accept Constable Lawlor's statement that he considered that a Justice of the Peace had used offensive language in respect of him and in the circumstances his resentment was natural. I am, however, equally satisfied that Mr. Felton was not aware that Constable Lawlor or any other Police Officer had brought the telegram, which occasioned the trouble; even if the words used were not misunderstood they did not apply to the Constable.

The Constable as his duty was, entered a report, and the matter should have been left to the Chief Constable for further action. ^{Constable Lawlor's} experience in police forces must have taught him that he could not then take the matter into his own hands, and that he should have detained a member of the public, far less a Justice for whom the most elementary police code demands especial respect in attitude and words, is most regrettable.

The/

The second offence, charged; that of helping himself to drinks at the Sports House despite the remonstrance of the caretaker - or even without remonstrance - was as wrong as Constable Lawlor most certainly knew it to be. He has done wrong and I expect him to retrieve that wrong.

I recently had occasion to express pleasure to Constable Lawlor at the excellent reports I had received on him after a full year had elapsed since he had been seriously warned for a grave offence. He will recollect the words I used. It is a matter for great regret that he should have failed so soon afterwards, and I trust that he will now set his whole mind and will to regaining for the Police Force the credit in which it has suffered through the actions of two of its members.

[Signature] 7 January '24

The A copy of the above minute to go to the appropriate files

[Signature]
S. Magistrate.
Will you please withdraw copy of above minute.

[Signature]
D. B. Officer
8 January

Hon. Col. Sec.
Minute withdrawn accordingly.
[Signature]
Magistrate
8.1.24.

Minute from Magistrate 9th Jan 1924 C6

V.E. Submitted
[Signature]
D. B. Officer
10 January 1924

[Signature] 10 Jan '24
over

With reference to (2d) and my
minutes of the 29th December 23

it should be placed on record that
I called upon the Colonial Surgeon
for an explanation of his intervention
in a matter of which he knew
nothing and of his alleged abusive
remarks concerning the Irish Police.
I told him that the matter was
especially grave as I had on a
previous occasion had reason to
warn him for associating a member
of the public with himself in a
complaint against a public officer
(Mr. Bauley). Dr. Deane said
that he did not know why he
had been drafted in by Mr. Feltm
that he knew nothing of the matter
and that his remark about the
police was that misubordinate police
officials in Ireland would be shot.

He expressed his regret for having
had anything to do with the matter.

T. H. H. 14th May.

LETTER FORM.

Departmental Number.

From... Police Magistrate.....

Date... December 28th 1923

To... Hon. Col. secretary.....

SUBJECT.

Complaint by Mr.G.J.Felton J.P. against Constable J. Lawlor.

Reference Numbers.

{ }

Hon. Col. Sec.

I beg to report for the information of H.E.the Ag.Governor that on the evening of the 25th inst., Mr.G.J. Felton accompanied by the Colonial Surgeon came to my Quarters and complained that he had been insulted by Constable Lawlor.

2. I informed the Chief Constable and instructed him to obtain from Mr.Felton confirmation of the complaint made. I further instructed him that if Mr.Felton confirmed the complaint he should relieve Constable Lawlor from further duty pending enquiry into the matter.

3. Since the above occurrence the Chief Constable has reported a further complaint against Constable Lawlor and I have accordingly instructed him to obtain the facts in writing from complainant and at the same time call upon Constable Lawlor for a written explanation. Further action can be taken after the Chief Constable has furnished me with his written report.

M. Joseph Harkness
Magistrate.

28. XII. 23.

LETTER FORM.

Departmental Number.

From...Magistrate.....

Date..... 31st December 1923

To....Hon.Col.Sec.....

SUBJECT.

Complaint by Mr.G.J.Felton against Constable
J.J.Lawlor.

Reference
Numbers. {

Report from Chief Constable dated 29th Dec 1923.
Complaint by Mr.G.J.Felton dated " "
Statement by Constable Lawlor " "
Report from Chief Constable dated 31st Dec 1923.
Letter from F Dixon to Chief Constable dated 30th Dec.

Hon.Col.Sec.

Submitted with reference to my Report of the
28th inst.

2. The Chief Constable brought Constable Lawlor
before me on the 29th inst., and I attach a copy of the
proceedings.

3. There is no proof that Constable Lawlor
approached Mr.Felton in an insulting manner but from what
I could understand, Mr.Felton objected strongly to Constable
Lawlor stopping him and speaking to him. It seems clear to
me that Constable Lawlor was in error in addressing Mr.
Felton - any complaint he wished to make against Mr.Felton
should have been made to the Chief Constable and unnecessary
friction would thus have been avoided.

4. Mr.Felton informed me verbally that he considers
Constable Lawlor to be insulting when he failed to salute.
I understand that Mr.Felton and other J.P's fail to
acknowledge when saluted by the Police but of course it is
the duty of the Police to bring such matters to the notice
of the Chief Constable.

5. The allegation that Constable Lawlor used bad language to the Caretaker of the Sports house has not been supported by enquiries which have been made by the Chief Constable.

6. In the first instance Mr. Felton appears to have acted indiscreetly in making the remarks complained of by Constable Lawlor, on the other hand Constable Lawlor was at fault in discussing the matter with Mr. Felton and also with failing to salute him.

Constable Lawlor was also at fault in obtaining drinks at the Sports house without permission. I understand that the Chief Constable has seen Mrs. Henricksen, Caretaker of the Sports house but she is unable to substantiate the complaint that Constable Lawlor swore at her.

M. Louise Harker
S.M.

31st Dec 1923

(20)

MAGISTRATES OFFICE, FALKLAND ISLANDS, SATURDAY

THE 29th DECEMBER 1923

Constable J.J.Lawlor brought up by the Chief Constable to answer to a complaint lodged against him by Mr.G.J.Felton a Justice of the Peace for the Colony.

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Complaint made by Mr.G.J.Felton read to Constable J.J.Lawlor who admitted the truth of same with the exception of the following statements contained in the complaint:-

- (a) the allegation of complainant that he was shouted after and that he was approached in an insolent manner and
- (b) the allegation that on the 26th Decbr 1923 Constable Lawlor while in the Sports house swore at the Caretaker (a woman)

In answer to questions put to him Constable J.J.Lawlor stated as follows:- On Christmas Day I had to deliver a telegram at Malvina House and that while I was there Mr.G.J. Felton insulted me by calling me a fool because I carried no pencil for signing the receipt for the telegram. This took place in the morning and I made a note of the matter in the police Occurrence book. I felt annoyed at being called a fool for nothing. At 5 p.m. the same afternoon while on duty I saw Mr.Felton and spoke to him about the remark he had made in the morning. I was standing at the Guard Room door when I saw Mr.Felton passing down the road - I called out "Excuse me - Sir" and went out and spoke to him. I did not shout after him neither did I approach him in an insolent manner. I do not consider I was insulting when I said "Excuse me - Sir". I then made use of the remarks reported by Mr.Felton. I admit being in the Sports house on the 26th Decbr and helping myself to drinks but thought I was doing no wrong as I saw other men doing so. While I was there a man called Fred.Dixon and two of Douglas Station men were having drinks. I absolutely deny having used bad language

language to the Caretaker or anyone else. Fred
Dixon can I think verify this statement.

.....

In further answer to the Magistrate Constable J.J.
Lawlor stated that on Christmas Day he had two
drinks only (stout). He was on duty that day.

.....

Constable Lawlor asked permission to add that he had
repeatedly saluted Mr.G.J.Felton and other J.P's
but neither Mr.Felton or others ever acknowledged
the salute.

.....

Chief Constable instructed to make further enquiries
into the allegation that Constable Lawlor swore at
the Caretaker at the Sports House.

M. (Muir) Halkett.
Magistrate.

To His Honour
The Police Magistrate

Sir

with reference to the report
against Constable Lawlor I interviewed
Mr Fred Dixon and Mr S. Evans Lighthouse
Keeper, who were at the sports house
in company with Constable Lawlor,
neither of these men heard Constable
Lawlor using bad language to the
waitress

I am Sir

Yours Obediently

J. P. Sullivan

Ch Constable

31-12-23

Dec 30th 1923.

To the Chief Constable,

With reference with my interview with you re the conduct of constable Lawlor I was present with him in the sports house having a drink + can honestly assure you that ~~he~~ used no bad language nor insulted nobody

Signed
Fred Dixon.

To His Honour
Mr C Halkett
The Police Magistrate

Sir

on the evening on the 25th inst
on your instructions I suspended Constable
Lawlor from duty, on the grounds that
Mr G. J. Felton J.P. had reported him for
insolence. I reported the same on the 26th inst
to His Excellency the Acting Governor

Constable Lawlor resumed duty on the 26th inst

on the evening of the 25th inst I interviewed
Mr G. J. Felton with reference to the charge
made against Constable Lawlor, the Hon
Col Surgeon, Senior Constable Frazer were
present at the time in the residence of Mr
G. J. Felton, remarks made by the Hon the
Col Surgeon with reference to Irish Police
Senior Constable Frazer and myself
took great exception to.

I attach report of Mr G. J. Felton J.P. and
Constable Lawlor

I am Sir

your obedient servant
D. Sullivan

Chief Constable

29.12.23

Maloua House (2c)

Dec 29th 23

The Chief Constable

Sir

Passing the Guardroom on the afternoon of Tuesday I was shouted after by constable Lamlor who approached me in an insolent manner & said I had insulted him, also that he did not like my remarks & that my language was not the language of a gentleman.

I reported him for insolence, to the chief magistrate.

The following day at the race course he was in the sports house helping himself to drinks

& when told by the caretaker
(a woman) that he was not
wanted there simply swore at
her & helped himself to more
drinks.

Yesterday Mrs Felton passing
the guardroom was respectfully
saluted by the Chief Constable
but Lawlor who was standing
with him put his hands in
his pockets & most sneeringly
eyed her up & down.

The remarks complained of by
Lawlor were not made to or
about him & were not insulting
in any degree. Messrs S. Pitaluga
Creamer & Langdon were with
me when they were made, also
Miss R. Davis.

Signed. G. A. Felton

(25)

Stanley

29. 12. 23

To Chief Const Sullivan.

I beg to state that whilst on duty on Christmas Day. I had to call at the residence of Mr. Roy Felton to deliver a telegram. I handed the telegram to the maid servant. She took it into an inner room. I heard Mr. John Felton make the following remarks. Has he got a pencil. The maid returned and asked me if I had a pencil. I said I am sorry I have not. She went back and informed Mr. Felton. He said why hasnt the Fool a pencil, you had better tell him to purchase one. I beg to say I am highly offended by Mr. Felton calling me a Fool. I respectfully spoke to Mr. Felton on the road opposite the Police Station at 5 pm on Christmas Day and informed him I resented above remarks. He said I dont look on what I said as an insult and I have a lot of complaints to make against you as a Policeman. I then walked away

J. J. Lawlor
Const

To the Chief Constable,
I saw Constable
Lawlor in the Sports House during
the Sports & did not hear him using
any bad language.

Walter Ethington

3/12/23

(4)

S T A T E M E N T .

In compliance with a request made to me this day by the Chief Constable of the Falkland Islands, I, JOHN DENIS CREAMER, make the following statement regarding an incident at Malvina House, Stanley, on Tuesday, the 25th December, 1923 at or about 11.30 a.m.

I conscientiously believe this statement to be a true record of the facts, and although I have spoken of the matter (unofficially) with persons other than those whose names appear below, I affirm that my views of the incident are in no way biassed and that I have not sought corroboration of those views from any source whatsoever.

Mr G.J.Felton, Mr F.G.Langdon, Mr E.S.Pitaluga and myself were sitting and talking in the drawing room of Malvina House at the time mentioned above.

A knock was given on the drawing room door and Miss Ruth Davis (maid at Malvina House) entered with a telegram and receipt form.

The following conversation ensued:-

Maid. "A telegram for Mrs Felton, sir. Will you sign the receipt?"

Mr Felton. (feeling in his pockets) "Right'o! I want a pencil. Hasn't the boy got one?"

Maid. "No sir."

Mr Felton. "H'm. I never knew a telegraph boy yet who did have a pencil."

Mr Felton then went to a drawer in the sideboard behind him, found a pencil and signed the receipt form which he gave to the maid. The latter then went out, closing the drawing room door which had been open from the time she had entered.

J. D. Creamer

Stanley, F.I.

2nd January, 1924.

Stanley

(5)

Jan 2nd 1924

The Chief Constable

Sir,

When I spoke to P.C.
Lawson at the Bar of the
Sports House, he swore
& said something to me
I could not put on paper

J. Henrickson

+

her mark

FALKLAND ISLANDS.

C.S. No.....

LETTER FORM.

Departmental Number.

From...Magistrate.....

Date.....9th January 1924.

To.....Hon. Col. Secretary.....

SUBJECT.

COMPLAINT AGAINST CONSTABLE J. J. LAWLOR.

Reference
Numbers.

CONFIDENTIAL 28/23

The Hon. Col. Secty,

With reference to H.E. the Ag. Governor's minute of the of the 7th inst., I beg to report that Constable Lawlor was brought before me at 10 a.m. this morning.

2. Constable Lawlor was severely reprimanded for

(a) After having felt himself aggrieved taking the law into his own hands and detaining a Justice of the Peace in the Streets and telling him his (Lawlor's) personal opinion of him, and

was ordered to pay a fine of £2 for -

(b) having entered the Sports House at the Race course, helping himself to drinks in the Sports House at the Races without permission despite the remonstrance of the caretaker.

Constable Lawlor was also informed as in accordance with H.E. the Ag. Governor's Minute. Constable Lawlor made no reply beyond stating that he understood what had been said to him. He also stated that he could not pay the fine at once. I informed him that the fine must be paid without delay.

M. Imipi Harkett
Magistrate.

Jan'y 9th 1924.