

FALKLAND ISLANDS.

No.

138/15

WAR/PRI/1#3

Governor's Office.

From

SUBJECT.

Secretary of State for the Colonies.

"JOSEPHINA" - "GRAHAM LAND"

telegrams in connexion with

No.

Date

Colonial Secretary's Record No.

MINUTES.

Registered Number of last Despatch.

No. next Despatch.

1. Telegram to Sec of State 12th May 1915
2. Telegram to Sec of State 25th May 1915
3. " from Sec of State 28th " "
4. " to " " 2nd June "
5. " to " " 8th " "
6. " from " " 10th " "
7. " to " " 26 " "
8. Despatch to " 10-62 26 " "
9. Letter to Capt Evans R.N. 29th " "
10. " from Capt Evans R.N. 30 " "
11. Telegram to Sec of State 30 " "
12. Minute to Col Sec 3rd July "
13. Note of interview with Capt Graham 3 " "
14. Telegram from S/S. date 3rd July.
15. Letter to Master Graham 4th July
16. " from Master Graham 4 " "
17. Telegram to Sec of State 4th " "
18. Minute to Col. Sec 5th July

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19. Letter from Walter Graham Land. . 7th July 1915
20. Telegram to Lee get state 7th - -

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138/15

From Governor to Secretary of State

Sent 12 May 1915.

Marrowfat Underplate Josepñinas Coal First Swingbeam
Delivered Second Swingbeam Underminer Deerneck Facileness
Companys Lighters Fully Ociaron Traitement Admiralty
Stregaron Silvergray Second Swingbeam Surprisal Swinishly
Underplate Defamous Sewingbird

.....

12th May Your telegram 11th May 300 tons 300 tons your telegram
1st May not delivered yet Falkland Islands occupied by prelim-
inary work Wireless Telegraph Station 300 tons together with
600 tons your telegram 11th May will be delivered as soon as
possible

Condell

(2)

138/15

From Governor to Secretary of State. *Sent 25 May 1915.*

MARSHMAN UNDERBUYER JOSEPHINAS COAL SILVERGRAY FACILITIES
COMPANY BEGIN SUPPLYING INCREASED SWINSTEAM ASK REMAINING SWINISHLY
MARSHMAN DISCHARGE DEPTIQUE OTHERWISE DECUSSING LIGHTERS STILL
ECLIPSE WORK MENTIONED SILVERGRAY COMPANY OFFER JOSEPHINA FULL
CARGO FROM STANLEY AND DEPTIQUE DEUCADANI SUPPLUSH CROWN ARRAGON
UNFACE TWENTYSEVEN SILVERGRAY PLEASE INDOMINATE YOUNG

.....

25th May With reference to my telegram of 12th May Josephina's
coal, Walpole Islands Company begin tomorrow morning to take
delivery of 300 tons ask remaining 600 tons may be discharged
Port Darwin otherwise further delay lighters still employed
on work mentioned. Company offer Josephina full cargo from Stan-
ley and Port Darwin to England on same terms Crown Arragon see
your despatch of 9th March twenty-seven. Please telegraph instruct-
ions.

Young

46 words

*Sent-
9. PM. 25. 5. 15*

③ 138/15

From Secretary of State to Governor

Received 1st June 1915

~~(no date)~~

Marshpeep Undershoot Dischaye Josephina Peptique Approved
Telegraph if Captain Consider\$ Necessary Dry Dock Timber-
saw Silvergray Freight Shiggish Company Conduits
Law

.....

May 28th In reply to your telegram of 25th May discharge
Josephina Port Darwin approved telegraph if Captain considers
necessary dry dock for voyage home. Freight suggested by Com-
any being considered

Law

(4) - 138/15

Governor to Secretary of State.

Sent 2nd June, 1915.

JEWELLERY UNDER SIGN RECEIVED JEWELHOUSE CAPTAIN JOSEPHINA
CONURPM DRYDOCKING NATURSPIED SILVERGRAY WHINLINNET
CEASTE DISCHARGE HERE LAGNOSO FOR PEPTIQUE JEWELSHOP TO
DISCHARGE REMAINING SWINISHLY YOUNG

2nd June In answer to your telegram of 28th May received
1st June Captain Josephina does not consider drydocking
absolutely necessary. 600 tons of coal have been discharged
here expects to leave for Port Darwin 4th June to discharge
remaining 600 tons

Young

(5)

138/15

Telegram despatched to Secretary of State on 8th June, 1915.

JEW FISH UNCIVILIZE JOSEPHINA UNDERELAME SILVERGRAY SHIP
REDISPOSED TO CROWN REGISTERED GRAHAMLAND LAGBELLIED PEPTIQUE
MORENESS YOUNG

8th June. Your telegram 1st March, Josephina. My telegram
2nd June. Ship released by Court to Crown, registered
"Graham Land", left for Port Darwin this morning.

Young.

(6)

138/15

Secretary of State to Governor

Received 11 June 1915.

JEWISHNESS STEAMSHIP GRAHAMLAND ANCIENTRY NOW MAGADANA

CHARTER SHIP HOME FROM BOTTLER SILVERGRAY PLEASE KEEP WHIN

LINNET CHASTE RESEARCHES BONAR LAW

.....

June 10th Steamship Grahamland arrangement now made for

charter ship home from British Columbia. Please keep 600 tons

of coal on board

Bonar Law

(7)

138/15

Governor to Secretary of State.

Sent 26th June, 1915.

Chapelries London

JIBSTAY UNDEBT:TH GRAHAMLAND DEERCALLS SWINGEING CHASTE
REPTIQUE RICIDUMP HERR SILVERGRAY CANARYBIRD PROPLASTIC
GFCSCFILO BOTTLER GRATARIS SHIP TSMCLOGIA INTEGRIEING
YOUNG

Chapelries London.

June 26th With reference to your telegram of June 10th

Grahamland has delivered 350 tons of coal Port Darwin has

returned here, Captain ship protests against going to British

Columbia on grounds that ship unfit for service. Awaits further

instructions

Young

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138/15

FALKLAND ISLANDS

Governor's House, Stanley.

no. 62

26th June, 1915.

Sir,

With reference to previous correspondence ending with your telegram of the 10th Instant, on the subject of the Prize "JOSEPHINA", now registered and known as "GRAHAM LAND", as directed by your telegram of the 1st March last, I have the honour to transmit herewith for your information copy of the Order of the Prize Court, Falkland Islands, dated the 27th May 1915, releasing the "JOSEPHINA" to the Crown on the conditions stated therein.

2. On my arrival here on the 15th May, I found that no action had been taken in this respect on your telegram of the 1st March.

3. Your telegrams of the 15th March, 17th April 11th and 28th May, authorized the delivery, in all, of 1200 tons of coal, of the cargo of the "GRAHAM LAND".

600 tons to be delivered at Port Stanley, and 600 at

THE RIGHT HONOURABLE

Port

THE SECRETARY OF STATE FOR THE COLONIES.

Port Darwin. The 600 tons have been delivered at Port Stanley, but as your subsequent telegram of the 10th June informed me that arrangements have been made for charter of the ship home from British Columbia, and that 500 tons of coal should be kept on board, it has only been found possible to deliver 350 tons at Port Darwin, as the coal on board was not considered sufficient to allow the delivery of the of the full 600 tons.

4. The delivery of coal to the Falkland Islands Company therefore amounts to,

600 tons at 40/- a ton, and

350 tons at 45/- a ton,

discharged at the expense of the Company. The local Manager of the Company asks that the expenses be recovered from the Company at home.

5. I will as soon as I am in a position to do so forward to you a complete statement showing expenses incurred by this Government, and charged as an advance to be recovered in connexion with the Prize.

6. The Master of the "GRAHAMLAND", Captain W. Weatherill, protests against taking the ship in her present

conditi

condition to British Columbia, as I informed you by my
telegram of to-day. I purpose to consult with Captain
P.S. Evans R.N. M.V.O. of H.M.S. Macedonia, on the subject
and advise you later.

I have the honour to be,

Sir,

Your most obedient,

Humble servant,

Douglas Young

Governor.

No. I of 1915.

27th May, 1915.

IN THE SUPREME COURT OF THE FALKLAND ISLANDS.

IN PRIZE

The S.S. "Josephina"

Before His Honour William Douglas Young, C.M.G., Chief Justice.

Submitted to the Court the Petition of Thomas Nelson Goddard, Proper Officer of the Crown, bearing date the 23th day of May, 1915, for the delivery to the Crown without sale, under the provisions of His Majesty's Order-in Council bearing date the 23rd day of March, 1915, of the prize S.S. "Josephina".

Upon reading the Petition and the telegraphic instructions from the Right Honourable The Secretary of State for the Colonies, annexed thereto, bearing date the 1st day of March, 1915, to the Governor of the Falkland Islands, the Court entertains the Petition and, under the provisions contained in His Majesty's Order-in-Council of the 23rd day of March, 1915, fixes the amount to be paid by the Crown in respect of the prize S.S. "Josephina" at Fifteen thousand four hundred and fifty pounds (£15,450) viz., Twelve thousand pounds (£12000) in respect of the said vessel, and Three thousand four hundred and fifty pounds (£3,450) in respect of the cargo of the said vessel, together the sum of Fifteen thousand four hundred and fifty pounds (£15,450).

And the Proper Officer of the Crown, having, under the provisions of His Majesty's Order-in-Council aforesaid on behalf of the Crown, given the necessary undertaking in writing for the payment into court of the amount fixed as aforesaid at such time

or

or times as the Court shall declare by Order that the same or any part thereof is required for the purpose of payment out of Court.

The Court orders, and it is hereby ordered, that the said prize S.S. "Josephina" (to be hereafter named "Graham Land"), condemned by this Court on the 29th day of January, 1915, as a good and lawful prize, be released and delivered to the Crown without sale under the provision of His Majesty's Order- in -Council bearing date the 23rd day of March, 1915, on the conditions set forth in the above mentioned undertaking.

Witness HIS Honour William Douglas Young, C.M.G.
Chief Justice of the Supreme Court of the
Falkland Islands, this 27th day of May, 1915.

(Signed) M. Craigie-Halket
Registrar Supreme Court.



(10)

138/15

H.M.S. "MACEDONIA"

Port William,

30th June 1915

Sir,

I have the honour to report that in compliance with the request contained in your letter of 29th June 1915, I, in company with Lieutenant-Commanders T.C.W. Thompson, and W.P. Follard, R.N.R. of this ship, today held a survey on the s.s. "GRAHAM LAND".

Mr T.S. Ferguson, Senior Engineer, at the same time surveyed the engines and boilers.

We find as follows:-

- (a) That if possible the ship should be provided with cable to replace the one which was lost; should this not be procurable, the cable to be divided between the two anchors now on board.
- (b) That the deck round the Mainmast be patched and made watertight.
- (c) That the crew be augmented by two hands, either deck or engine-room, to enable coal to be worked during the voyage.

Should the above three conditions be complied with, we see no reason why the s.s. "GRAHAM LAND" should not proceed on her voyage, directly she has twenty days coal; at the ordinary rate of expenditure, in her bunkers.

The Charts required can be supplied by H.M.S. "MACEDONIA".

I have the honour to be, Sir,

Your obedient Servant,

R. S. Evans

Captain R.N.

To,-

His Excellency, Douglas Young, Esq., C.M.G.

⑪

138/15

Governor to Secretary of State. . .

Sent 30th June 1915.

Chapelries London.

JIDLAPH UNDERMENT GRAHAMLAND SILVERORAY ANTIREX CANARYBIRD
SCIOOLECY MACEDONIA HEARTFEELT SCINCOIDS RELATAPON JEFFERST
LOCALLY RAMHEAD WHY SEPATION PORCUPINE BOTTLEB PLEASE
TELEGRAPH PERCEBIRA ATERBONE INTOSSTER YOUNG

Chapelries London.

June 30th With reference to my telegram June 26th Grahamland.

With assistance Captain F.M.S. Macedonia have had survey of
ship necessary repairs can be effected locally no reason why
should not proceed to British Columbia please telegraph port of
destination and any further instructions

Young

CPM
12 138/15
Hon. Colonial Secretary.

I annex copy of report on "GRAHAM LAND".

Please communicate with Master of Steamer and instruct him to have;-

- (a) Cable divided between the two anchors on board.
- (b) The deck round Mainmast patched and made water-tight, without delay.
- (c) That he should arrange to augment the crew by two hands as recommended.

Inform Master that I have communicated with home authorities and asked for further instructions as to port in British Columbia he is to sail for.

Douglas Young
Governor.

3rd July 1915.

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S. S. "Grahamland"

Stanley, July 3rd, 1915.

Sir,

I have the honour to enclose the following telegram from my owners in which it states to proceed to Monte Video.

I shall be glad of your advice in the matter, and will esteem it a favour if you will grant me an interview this morning.

*I saw Capt. Weatherill
this morning. A.J.
3.7.15*

I am, Sir,
your obedient servant,

W. Weatherill
Master,

His Excellency D. Young Esqr., C.M.G.

Stanley.

*Copy of Telegram to Master, Grahamland.
London 1st July 1915 -*

*Telegraph came delay is Steamer
clearway, proceed Monte Video
Groves*

*The telegram of which
above copy was shown to
me by Capt. Weatherill this
morning. A.J.*

Sea watty after temporary repairs
 effected 2nd next week.

Suggested supply for
 Cape weather all to send
 to Groves. $\frac{17}{3-7}$ 15

(14)

138/15

Received July 4th.

1915.

London 33 words. Governor Port Stanley.

JECUSCULA UNDERWOVEN GRAHAMLAND CHARTERED TO GOVERNMENT
BOTTLER TO LOAD FULL CARGO LUMBER TETRACHORD VIA
PACLITE PLEASE SUPPLY STORES CHARTS AND ARRANGE
RELATARON INTEND DRYDOCK VANCOUVER TELEGRAPH DANDERNNESS
STEAMER LAGNANZA STANLEY BONARLAW

Governor Port Stanley.

July 3rd. In reply to your telegram of June 30th Graham Land
chartered to load full cargo lumber to the United Kingdom via
Panama Canal please supply stores charts and arrange necessary
repairs intend dry-dock Vancouver telegraph earliest possible
date steamer can leave Stanley

Bonar Law

(15)

138/15

Government House,

Port Stanley,

Sunday morning July 4th
1915.

Sir,

With reference ^{to} ~~with~~ the interview you had with the Governor yesterday morning I am desired by His Excellency to inform you that he has this morning received a telegram from the Secretary of State for the Colonies informing him that the " Graham Land " has been chartered to the Government of British Columbia to load full cargo of lumber to the United Kingdom via the Panama Canal, and that it is intended that the " Graham Land " should be dry-docked at Vancouver if necessary.

(2). The Governor instructed you yesterday to have immediately effected the repairs to the " Graham Land " recommended by the Board of Officers from H. M. S. Macedonia. His Excellency will be glad ~~if~~ to know what you have done in this matter, and the earliest possible date the " Graham Land " will be ready to leave this Port for Vancouver.

(3). As arranged with the Governor yesterday you should now obtain stores for the ship for voyage to Vancouver. The

necessary

necessary charts will be supplied to you as also arranged.

I am, Sir,

Your obedient servant,

Nigel Lyon.

Lieutenant R. N.

To

Captain Wetherill,

S. S. " Graham Land. "

15
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S. S. " Graham Land ".

Port Stanley.

July 4th. 1915.

Sir,

With reference to your letter received this morning I have the honour to report that, after my interview with Your Excellency yesterday, I went to the Manager of the F. I. Co. and placed the necessary defects in his hands, and the same will be completed this evening. The Manager was unable to find labour to effect these repairs but I arranged with an Engineer in connection with the W/T operations to work overtime on Saturday and Sunday in the F. I. Foundry, the cost being arranged for by the Manager.

(2). Your Excellency's orders with reference to proceeding to British Columbia will be carried out by me.

(3). I would submit that I may be permitted to bunker and dry-dock if necessary at Valparaiso and effect the necessary repairs to my rudder and decks.

(4). With reference to my date of departure I would submit

that

that I may be permitted to raise steam as soon as possible, proceed alongside the Public Jetty and there provision ship and halve my cable. This ^{latter} ~~latter~~ can only be done either alongside a jetty or a ship.

(5). As my hands will all be required to continue bunkering the ship I would submit that a working-party should be sent from H. M. S. Macedonia to assist me in halving the cables etc.

(6). If everything goes well I should be able to proceed alongside on Tuesday morning and have my ship ready to leave harbour on Wednesday night or Thursday morning.

(7). I shall require before sailing the following articles:-

12 feet of Duriflex Packing,

12 feet of Greasy Feed-pump Packing,

3 tube brushes 3 inch,

24 coal bags (for transporting coal from the holds

to the bunkers while at sea.)

Weights and scales for Medicine chest,

" " " " Provisions,

as

as the F. I. Co. cannot supply me with any of the above.

I have the honour to be,

Sir,

To

Your obedient servant,

His Excellency



The Governor of the

Master.

Falkland Islands.

17
17
138/15
Governor to Secretary of State. Sent July 4th. 1915.

CHAPELRIES LONDON JEDDINGAXE UNEXPECT GRAHAMLAND
SILVERGRAY STORES CHARTS REPAIRS ANATRON LAGNIOSO
JELLY YOUNG

Chapelries London

July 4th In answer to your telegram of July 3rd Graham Land.

Stores charts repairs already arranged for expects to leave

July 8th

Young

Hon. Colonial Secretary

I annex hereto copy of letter addressed to the Master of
S. S. " Graham Land "; yesterday Sunday morning, and of his
reply thereto.

I also annex draft of a letter to the Master which please
have copied, sign and send off at once.

5.7.15.


Governor.

Colonial Secretary's Office,

July 5th 1915.

Sir,

I am desired by the Governor to acknowledge the receipt of your letter of the 4th inst, and to inform you that His Excellency has since conferred with Captain B. S. Evans R. N. M. V. O. of H. M. S. Macedonia on the subject thereof.

(2). I am to instruct you to go alongside of H. M. S.

Macedonia tomorrow Tuesday morning at 8.0 o'clock, when Captain Evans will arrange to let you have assistance and the supplies you asked for.

(3). With reference to paragraph 3 of the letter of Lieut.

Lyon R. N. dated 4th instant, the Governor desires me to direct you not to obtain any stores from the shore, but to apply to the captain of H. M. S. MACEDONIA who will arrange to provide the " Graham Land " with such stores as may be necessary for the ship's use.

(4). You will of course strictly conform to any instructions to be given you by the Captain of the Macedonia.

I have the honour to be

To

Sir,

Captain Weatherill

Your obedient servant

S. S. " Graham Land "

Colonial Secretary

(19)

138/15

S.S "GRAHAM LAND"

Port Stanley, Falkland Islands

July 7th, 1915.

Sir,

Before leaving I wish to take the opportunity of
thanking you for the generous assistance rendered in
getting the Prize steamer "Graham Land" despatched.

My officers and crew are now satisfied in every way
with the seaworthiness of the vessel, and we thank you
most heartily.

I am,

Sir,

Your obedient servant,

W. W. Wreathill
Master,

Captain B.S. Evans, R.N., M.V.O.

H.M.S "MACEDONIA".

*This was handed to me by
Captain Evans today, forwarded
17
7-7-15*

(20)

138/15

Governor To Secretary of State.

Sent 7th July, 1915.

Chapelries London.

JEJUNENESS UNELOQUENT GRAHAMLAND LAGBELLED BOTTLE

ADIANTOITE YOUNG

7th July With reference to my telegram 4th July Grahamland
left for British Columbia this afternoon.

Young

Received July 4th.

1915.

London 33 words. Governor Port Stanley.

JECUSCULA UNDERWOVEN GRAHAMLAND CHARTERED TO GOVERNMENT
BOTTLE TO LOAD FULL CARGO LUMBER TETRACHORD VIA
PACLITE PLEASE SUPPLY STORES CHARTS AND ARRANGE
RELATARON INTEND DRYDOCK VANCOUVER TELEGRAPH DANDERNESS
STEAMER LAGNANZA STANLEY BONARLAW

Governor Port Stanley.

July 3rd. In reply to your telegram of June 30th Graham Land
chartered to load full cargo lumber to the United Kingdom via
Panama Canal please supply stores charts and arrange necessary
repairs intend dry-dock Vancouver telegraph earliest possible
date steamer can leave Stanley

Bonar Law

Governor to Secretary of State. Sent July 4th. 1918.

CHAPELRIES LONDON JEDDINGAXE UNEXPECT GRAHAMLAND

SILVERGRAY STORES CHARTS REPAIRS ANATRON LAGNOSO

JELLY YOUNG

Chapelries London

July 4th In answer to your telegram of July 3rd Graham Land.

Stores charts repairs already arranged for expects to leave

July 8th

Young

Form No. 4.—100—18.5 11.

Deld. Date 11 JUN 1915

The Marconi International Marine Communication Co., Ltd.,
WATERGATE HOUSE, YORK BUILDINGS, ADELPHI, LONDON, W.C.

No. FRESHFIELD OFFICE. 11 JUN 1915 19

Handed in at London

This message has been transmitted subject to the conditions printed on the back hereof, which have been agreed to by the Sender. If the accuracy of this message be doubted, the Receiver, on paying the necessary charges, may have it repeated whenever possible, from Office to Office over the Company's system, and should any error be shown to exist, all charges for such repetition will be refunded. This Form must accompany any enquiry respecting this Telegram.

CHARGES TO PAY.

Total

To

Governor Port Stanley.

Jewishness Steamship Grahamland
Ancientry now Magdalena charter
ship home from Bottler Silvergray
please keep whinlinnet chaste
lasecoches = Bonar Law.

The Marconi International Marine Communication Company, Ltd.

Head Office: WATERGATE HOUSE, YORK BUILDINGS, ADELPHI, LONDON, W.C.

CONDITIONS UNDER WHICH MESSAGES ARE ACCEPTED.

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The Company reserves to itself the right to refuse to transmit any message.

TAIKLAND ISLANDS.

No. 73.

Government House, Stanley.

21st July, 1915.

Sir,

Enc I
Enc II
With reference to my telegram of the 30th June, on the subject of the Prize "GRAHAM LAND", (late "JOSEPHINA") I have the honour to transmit herewith, for your information a copy of a letter from Captain F.S. Evans R.N. R.V.O. of F.M.S. Macedonia, embodying the report of the survey held on the ship, and of a letter from the Master of the "GRAHAM LAND" to Captain Evans in which he expresses his thanks for the assistance given him, and his satisfaction as to the seaworthiness of the vessel.

Enc III
2. I enclose copies of telegraphic despatches which I have had the honour to send to you and to receive from you since the date of my despatch No. 62 of the 26th June.

Enc IV
3. I beg to forward herewith a statement showing the several sums advanced and paid by this Government in respect of the Prize "GRAHAM LAND", amounting in all to £146.12.11, and to ask that steps may be taken to recover the amount from Prize Funds, to be paid to the Crown Agents for the Colonies on behalf of this Government.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Angela Young
Governor.

THE RIGHT HONOURABLE

THE SECRETARY OF STATE FOR THE COLONIES.

FALKLAND ISLANDS

Sums advanced and paid by the Treasury in respect of the Prize s.s. "Josephina", now called "Grahamland".

1915		£.	s.	d.
2nd Feb.	By amount of provisions supplied to guard on board by Master of s.s. " <u>Josephina</u> ".. .. .	10	0	0
2nd Mar.	By amount, paid to Falkland Islands Co., Ltd., for one mooring swivel ..	5	0	0
17th Apl.	By amount paid in respect of two watchmen, 20th Jan. to 31st Mar. ..	47	4	0
19th Apl.	By amount paid to Falkland Islands Co., Ltd., for goods required for cleaning parts of engine.. ..		3	8
24th Apl.	By amount expended in respect of labour for clearing ship of water and laying of boilers.. ..	7	1	9
5th May.	By amount paid in respect of two watchmen, 1st to 30th April.. ..	22	2	0
19th Jun.	By amount paid in respect of two watchmen, 1st to 31st May.. ..	33	4	0
30th Jun.	By amount expended on account of salary of guard from 11th Jan to 1st Feb..	23	12	10
30th Jun.	By amount expended in labour re-marking of name, &c.,.. ..	4	6	8
30th Jun.	By amount expended in respect of rations for above-mentioned guard.. ..	3	12	0
TOTAL		146	12	11

I certify that the above is a true Statement of the several sums advanced and paid out of the Treasury of the Government of the Falkland Islands for the service of the Prize s.s. "Josephina", now called "Grahamland".

B. Thompson
Treasurer.

22nd July 1915.



IN THE SUPREME COURT OF THE FALKLANDS ISLANDS.

(In Prize.)

Hiday 29
Thursday, January 27, 1915.

HIS HONOUR WILLIAM LAMOND ALLARDYCE, C.M.G., *Chief Justice.*

S.S. "JOSEPHINA," No. 1.

Judgment.

THE "Josephina" is a Dutch steamer owned and registered at Rotterdam, and is therefore a neutral ship. Her papers show that she was chartered for a period of two months, with right of continuing the charter, and that she was to be employed in lawful trades between any ports in the United Kingdom, the Continent of Europe and America (not west) and back finally to a safe and neutral port of America (not west), or Europe. She sailed from Rotterdam on the 16th October for Bilbao, in Spain, to pick up a cargo of iron ore before proceeding to Cardiff for coal. The cargo of iron was, however, not forthcoming. A passenger, a friend of the owners, was landed at Bilbao and subsequently re-embarked at Vigo on the steamer's return south from Cardiff. At Cardiff the "Josephina" was loaded with a cargo of coal amounting to 1,596 tons 13 cwt., which was consigned to the charterers in Buenos Aires.

The steamer called at Pernambuco, Brazil, on the 25th November, and the master states that while there he received verbal instructions from the local agents of the charterers to proceed to Punta Arenas (Straits of Magellan), calling at St. Elena. St. Elena is on the Argentine coast, some 700 miles south of Buenos Aires. On reaching St. Elena two German vessels, the "Patagonia" and the "Mera," were found there. The former was interned by the Argentine naval authorities while the "Josephina" was there. The "Josephina," after a stay of a week, was ordered by the same authorities to leave. St. Elena is a remote and little known harbour where there are neither officials nor a settlement. The pretext put forward that the "Josephina" went there in order to effect certain engine-room repairs is one to which in the circumstances I am unable to attach much weight. I see no reason, however, to doubt the master's impression "that the agents (in Pernambuco) intended me to wait at St. Elena until the German cruisers came and took my coal from me." After leaving St. Elena, by order of the Argentine naval authorities, the "Josephina" proceeded, not to Punta Arenas, but to Monte Video, and discharged seven of her crew who were Hollanders and engaged in their places six Germans and a Barbadian. The passenger who was landed at Bilbao and embarked again at Vigo was taken on as third mate.

While at Monte Video a telegram was received from the charterers instructing the master to follow the orders of Messrs. Dorner and Bernitt "to whom your steamer and cargo are consigned." The master states that he was requested verbally by this firm to go to Callao and call at Punta Arenas for further orders. The bill of lading shows that the cargo was consigned to Messrs. Hardt and Co., of Callao, and that it consisted of 1,596 tons 13 cwt. of coal. In the case of Callao this port was outside the limits of the charter party, which forbade the "Josephina" to go to the west coast of South America, and it is hardly conceivable that it was seriously intended to convey coal consigned to Buenos Aires in a small steamer of her size (1,295 tons gross register) to Callao, which is distant by water some 3,500 miles from Buenos Aires.

Apart from the above, it is both significant and suspicious that on two occasions the master received and acted on verbal orders directing him to proceed to places (i.e., St. Elena and Punta Arenas) which lay hundreds of miles further south than the port of Buenos Aires, to which his cargo was consigned under the terms of the charter party, and this in a time of war.

Conditional contraband is liable to capture if it can be shown that it is destined for the use of the armed forces of the enemy State, and the vessel carrying such contraband

may be condemned if the contraband forms more than half her cargo. In the case of the "Josephina," the whole of the cargo was conditional contraband, and it is admitted by the master himself that it was his impression that the agents intended him to wait at St. Elena until the German cruisers came and took his coal from him. Not only this but the cargo was carried not on one occasion only, but on two distinct occasions with a false destination. No attempt was made to land the coal at Buenos Aires, the port of destination, in accordance with the terms of the charter party, although the "Josephina" was twice within a few miles of that port, but she was deliberately taken out of her proper course, on the first occasion to an isolated and unfrequented part of the Argentine coast from which she was ordered away by the Argentine naval authorities, and on the second occasion when she was *en route* for Punta Arenas for further order although her cargo had been reconsigned to Callao.

The master has been afforded the opportunity to give adequate reasons to justify these unusual deviations, but has not offered any explanations.

The carriage of contraband with a false destination will work a condemnation of the ship as well as the cargo.

The decree I make is that the steamer "Josephina" was properly seized as a prize of war and that she is subject to condemnation, as also her cargo, and I therefore condemn the "Josephina" and her cargo as good and lawful prize as captured by H.M.S. "Carnarvon."

The marshal will apply hereafter to this Court for instructions as to the disposal of the "Josephina" and her cargo.

All costs, expenses, and fees incident to this cause shall be a charge against the ship and her cargo.
