

Stanley, 21 May 1866.

Received

4/11

22/5

Sir,

I should be much obliged if you would inform me:

Whether any person playing at Billiards in an unlicensed House may not send to a public house for liquor (pending the money at the same time) and drink it in the Billiard Room without infringing the Ordinance.

I am

Sir

Your most obed^t. servant
Thomas Madredge

R. D. Griffiths Esquire

Magistrate

Stanley.

In replying, quote the following
Initial Letter

L

received
September 28th
Answered October 30th / 66.

Admiralty,

5th June, 1866.

Sir,

Her Majesty having been pleased, by Her Order in Council of the 19th ultimo, to issue Regulations for the Distribution of Naval Prize Money, &c., after the 30th September, 1866, according to the scale therein set forth; I am commanded by my Lords Commissioners of the Admiralty to transmit to you a copy of the Queen's Proclamation, which is to take effect on and after the 1st October, 1866, and I am to request that you will without delay acknowledge the receipt of the same, in order that the date of such receipt may be duly noted.

I am,

Sir,

Your obedient Servant,

W. G. ROMAINE.

Admiral

Admiralty Court

St. Pauls Island

Vice Admiral - Port
 October 30th 1866
 Falkland Islands

of letter in reply.

I beg to acknowledge the receipt of your letter marked
 of the 5th of June 1866 transmitting to me a copy of
 Queen's Proclamation of the 19th May 1866 regulating
 distribution of Naval Prize money, and
 requesting an acknowledgement of its receipt.
 In reply I beg to inform you that I received the
 same on the 28th of last month.

I am
 Sir
 Your obedient Servant
 E. R. Giffiths.

*In replying quote the following
Initial Letter*

L

Admiralty,

20th June, 1866.

Sir,

I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith Copies of "Reports of Cases decided in the High Court of Admiralty of England," by Mr. Ernest Browning and Mr. Vernon Lushington.

I am,

Sir,

Your obedient Servant,

H. G. Lomax

Judge

of the

Vice Admiralty Court.

Falkland Islands

Received same day.
The Constable sent to see to it.
Result. a dispute as to notice.

Mr. Griffiths

Aug 30th /66

Sir

I take the liberty
of writing to you to acquaint you
about my affairs I gave Richard Turner
two months notice to leave my cottage
and they say that they will not leave
it until they think proper themselves
Sir if you would be kind enough to send
word to them I think they will leave then
I really dont like to go to the court a
bout them but if they dont leave for your
sitting I suppose I must if you send word
to them I shall esteem it a kindness
of you

I am Sir yours obt. Servant
Ellen Reed

Mr. Griffiths
Magistrate
St. Andrew Police Court

No. 107.

Government House.
Falkland Islands

27th September 1866.

Received same day
Ans'd. 28th Sept.

Sir

Referring to the enclosed letter which I have this day received from the Master of the "Waverley", I have to request that you will be so good as to acquaint me with any particulars of the case of the prisoner Williams with which it may appear to you I should be acquainted in dealing with the application of Captain Vautier.

Honorable.

Ward. R. Griffiths Esq^r
Stipendiary Magistrate
V.S. V.C. V.S.

I

I should wish to know the nature of the offence for which Williams is now under punishment, the date of his incarceration, and the term and nature of his sentence.

The commutation of the sentence of a Prisoner cannot be based on the fact that his services happen to be required by any second party, but it may be based on the recommendation of the Magistrate should the Magistrate be aware of any circumstances in connection with

with the character of the
prisoner which might justify
interference on the part of
the Executive.

I have the honor to be

Sir,

Your obedient Servant.

William Pitt

Governor.

received same day -
only taking the Capt.
the Capt. - see Report.
Police Office

Danish Consulate at Stanley.
Falkland Islands.
Sept. 15th 1866.

— Eugen one of the Seamen belonging to the Danish ship "Peter Lordt," of Saint Thomas, whereof J. F. Prodersew is Captain, has refused duty and absconded from the said ship: I have the honor respectfully to request that you will please cause a warrant to be issued for his arrest and imprisonment, and that he be detained subject to the order of this Consulate.

I have the honor to be,

Sir,

Your obed^t. servant,

P. Griffiths Esq^{re} George M. Deane
Magistrate Vice Consul for Denmark
Stanley.



*In replying quote the following
Initial Letter.*

L

received Jan^y 29th/67

ADMIRALTY,

30th November, 1866.

SIR,

I AM commanded by my Lords Commissioners of the Admiralty
to send you herewith, for your use and information, two copies of a Work by
Mr. Godfrey Lushington, entitled "Manual of Naval Prize Law."

I am,

SIR,

Your most obedient Servant,



The Judge

of the Court of Vice-Admiralty

at

Falchland Islands

No 140.

Government House
Falkland Islands.

6th December 1866.

received
same day
ans. 7th

Sir

Mr. John Bonner having made application for a Licence of Marriage between himself and Susan Reddie, a Ward in Chancery, I request you will be so good as to inform me whether you are aware of any reason why that Licence should not issue.

I have the Honour to be
Sir
Your obedient Servant

William Spring

Governor

The Honble
The Chief Magistrate.

Ship Golden Age 150
Stanley Harbours
Decr 14/66

and
me
day
Aut. 15th

J. S. Griffiths Esq.
Stipendiary Magistrate
Stanley Full Island Islands

Sir.

My object in addressing
you is to request most respectfully
a true copy of the evidence of the
several witnesses examined by
your Court on both sides, respecting
the death of W. H. Horton aboard
the Ship Golden Age of L. pool on
voyage from Plymouth to
Rio de Janeiro via Bahia & Rio de
Janeiro as early as possible
I shall be obliged to you to
oblige your obed^t Servant.

John Hollis
Master

and
me
day
Aut. 15th

7c

Government House
Falkland Islands
Jan^y 10th 1864.

0.5

Received
same day.
advised by word ~~that~~ of Mr. [?]
that it was not desirable

My dear Sir,

Mr. Byng is sending you
some blank forms in connection
with the Educational section of the
Blue book.

In addition to the statisti-
cal information required by the
Secretary of State at this time of
the

Yours

R. Griffiths

Yc

Yc

Yc



the year, I should be happy to
 find home any remarks in the
 form of a Report which the
 Inspectors may be desirous of
 offering on the general condition
 and prospects of the School - on
 the influence of the Government
 Education on the social and
 moral tone of the population, if
 any such influence can as yet be
 traced.

I am
 My dear Sir, yours truly
 William D. Minsh

Commercial Agency of the United
States of America at Port Stanley 23rd 1867

Sir

of the Crew of the American
Barge John A Rabe Berney Green master
having mutinied and having attempted to
take the vessel Prison the officers
I Respectfully beg to Request you to Imp
rison them until I can either send them
to the United States for trial or give them
their liberty

I have The Honor to be
your Very Obed Servant

Respectfully
Honorable Edward Griffiths
Spendean Magistrate

W. H. M. [Signature]

received
sent July
23rd 1867
Monday

No. 15.

Colonial Secretary's Office.
Falkland Islands.

30th January 1869.

received
dated

Sir,

I am directed by His
Excellency the Governor to
transmit to you for the use
of your Office, Copy of the
Statutes passed in the last
Session of the Imperial
Parliament.

I have the honor to be
Sir,
Your obedient Servant.

A. Byng.
Actg. Colonial Secy

Honble

Edward R. Griffiths
Stipendiary Magistrate
&c &c

No. 20Government House.
Falkland Islands.12th February. 1867.and
me day.

Sir,

Referring to previous cor-
-respondence, I have the
honour to inform you that
I remit the two fines of £5
each imposed on Captains
Warren for a breach of the
Aliso Ordinance.

2. The costs incurred
in this case will of course
be

Yours

Edward R. Griffiths
Stipendiary Magistrate
He He He.

be defrayed by Captain
Warren.

I have the honour to be

Sir

Your obedient Servant.

William Admiral

Governor.

Post Stanley Feb 13th 1867

Honorable Edward Griffith
 Stipendiary Magistrate

Sir

To Return you many Thanks for
 Kindness you have shown in my Behalf
 Recommending me to His Excellency & causing
 fine to be Remitted I am sorry it should
 have happened But hope you will not have
 reason for to Complain again

I beg you to Receive this humble
 Apology &

Believe me Dear Sir to be
 your Most Humble Servant

C. M. D. Warren

No. 43.

Colonial Secretary's Office
 Falkland Islands.
 13th March. 1867.

Sir,

I am directed by His Excellency the Governor to express his wish to hold a meeting of the Legislative Council at the Council Chamber on Tuesday next the 19th instant at 11 o'clock, at which meeting it is His Excellency's intention to propose the first reading of an Ordinance to amend and consolidate the Ordinances relating to the destruction of Penguins, and of an Ordinance for the Naturalization of certain persons in the Falkland Islands.

His Excellency has also desired

able

Epifitts

Member of the Legislative Council
 He

He

me to furnish you with a
copy of each of the above
Ordinances, which is accord-
ingly enclosed.

I have the honor to be
Sir,
Your obedient servant

A. King
Actg Colonial Secretary.

Ordinance to amend and Consolidate the Ordinances
relating to the destruction of Penguins.

In the Year 1867.

No 1

By His Excellency William Cleaver
Francis Robinson Esquire Governor
and Commander in Chief of the
Falkland Islands and their
dependencies with the advice and
consent of the Legislative Council thereof
Be it enacted as follows
former Ordinances 1. The following Ordinances shall be
and the same are hereby repealed
No 2 1864
No 1 1866

may grant Li- 2 It shall be lawful for the Governor to grant
kill Penguins on to any person a license in writing under
Lands his hand to kill Penguins on the unoccu-
- pied lands of the Crown on the East Falk-
land Island and Islands adjacent
thereto lying north of Choiseul Sound
and Brenton Lock, or on the West Falk-
land Island and the Islands adjacent
thereto; such license to be upon such
terms and conditions and for such payment
as the Governor may deem reasonable.

3 Each License shall be ^{substantially as follows} in force for twelve
months only. Provided nevertheless that
it

of License.
creation

it shall be lawful for the Governor at any time to revoke a Licence upon proof that any of the conditions contained therein have been broken

4 It shall be lawful for the Governor at his discretion to grant or revoke a Licence to kill Penguins on any of the private lands situated within the districts as aforesaid, on the application in writing of the owner or occupier of such lands; such license if granted to be for twelve months and to be issued free of charge

5 A Statement of the names of all persons licensed under this Ordinance shall be placed on the Government Gazette Board within fourteen days after such License has been granted; and the revocation of any License shall be notified in a similar manner

6 Any person who shall after the passing of this Ordinance without a license or after the revocation of the same kill or cause to be killed for commercial purposes or wantonly any Penguin on the aforementioned unoccupied Lands of the Crown, or upon any lands ^(whether or not) public or private not included in such License shall be liable to a fine not exceeding (£30) Thirty Pounds Sterling

Governor
Licenses to
on Private

names
to be

Penalty
without

Boat

7 If any person shall make use of any Boat or vessel for the purpose of destroying Penguins as aforesaid, and shall be convicted of the offence, it shall be in the power of the Stipendiary Magistrate or in his absence of two or more Justices of the Peace, to order in addition to such fine as aforesaid that the Boat or Vessel and its contents shall be forfeited to the Crown.

Penalties

8 All Penalties under this Ordinance shall be sued for and recovered in the same way that penalties are sued for and recovered under and by virtue of the Summary Jurisdiction Ordinance No 10 of 1853

9 This Ordinance shall come into operation from the day of the passing thereof.

AN ORDINANCE

FOR

THE NATURALIZATION OF CERTAIN PERSONS IN THE FALKLAND ISLANDS.

In the Year 1867

No. 2.

Clause.

1. Persons named in Schedule to be naturalized.
2. Ordinance to commence when Her Majesty's Pleasure is known.

by His Excellency GEORGE RENNIE, Esquire, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof; be it enacted:

1. That each of the persons named in the Schedule hereunto annexed shall Persons named in Schedule to be naturalized. be naturalized, to all intents and purposes whatsoever in the Falkland Islands and their Dependencies, deemed and taken to be and to have been from the First day of January, One thousand eight hundred and ~~sixty seven~~ ^{sixty seven}, natural-born subjects of Her Majesty, as if such persons had been born within the realm of England.
2. That this ordinance shall take effect and come into operation upon the Ordinance to commence when her Majesty's pleasure is known. day of the date and publication of any proclamation to be made and published by the Governor for the time being, which shall make known and signify to the inhabitants of the Falklands and their Dependencies Her Majesty's final assent and approbation hereof.

164

2 *Naturalization of certain Persons in the Falkland Islands.*

SCHEDULE.

Charles Williams

Mannel Pereira





Government House
Falkland Islands
4th April 1867

My dear Sir

In connection with the enclosed
letter from Mr^r Dean, I request you will be
so good as to consider in what manner and
how far it would be advisable to extend to
this Colony the provisions of the English Law
relating to the maintenance of Lunatics by or at
the expense of their relations.

I am

My dear Sir

Yours faithfully

William Adams
Governor

Piffitts Esq

~ ~

received
same day

Baques River Fort, Fort William
April 16th 1867.

Respendary Magistrate

Sir

Will you kindly see into my affair
I was off duty five days and kept locked
Cabin state room for three days.
requested to be taken on shore each day.
Captain as refused me. To see your worship
I was off duty. And would like to come on shore.

I remain Sir

Your obedient Servant

Frank Peckham

The ship sailed before any thing in the
the could be done.

44.
The

Government House.
Falkland Islands.

30th May. 1867.

Sir,

The Lords Commissioners of the Admiralty have brought under the notice of Her Majesty's Government that much difficulty has been experienced in some Colonies in procuring the conviction of persons who, in Colonial Ports, have obtained possession of Stores belonging to Government.

2. I enclose a copy of the Act of the Imperial Parliament,

Griffiths Esqre
Judicial Magistrate
He He He

Parliament, 27 & 28 Viet, cap.
91. "for the more effectual
protection of Her Majesty's
Naval and Victualling Stores,"
intended to furnish the
necessary protection to
Admiralty Stores; and
I have to request that you
will be so good as to pre-
-pare a Bill embodying the
provisions of this Act, with
such modifications as
will render it applicable
to the circumstances of
the Colony, in order that
it may be submitted to

the



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

C A P. XCI.

An Act for the more effectual Protection of Her Majesty's Naval and Victualling Stores.

[29th July 1864.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited as The Naval and Victualling Stores Act, 1864. Short Title.

2. This Act shall not extend to *Scotland* or *Ireland*.

Extent of Act.

3. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral :

Interpretation of Terms.

The Term "Dealer in Marine Stores" means a Person bound to conform to the Regulations of The Merchant Shipping Act, 1854, Section Four hundred and eighty :

The Term "Dealer in old Metals" has the same Meaning as in The Old Metal Dealers Act, 1861 :

The Term "in Her Majesty's Service," when applied to Persons, applies also to Persons in the Employment of the Admiralty :

The Term "Stores" includes any single Store or Article.

4. The Naval and Victualling Stores Act, 1862, is hereby repealed; but this Repeal or anything in this Act shall not apply

25 & 26 Vict. c. 64. repealed as to future Offences.

Naval and Victualling Stores.

to or in respect of any Offence, Act, or Thing committed or done before the passing of this Act.

Marks in Schedule appropriated for Her Majesty's Naval and Victualling Stores.

5. The Marks described in the Schedule to this Act may be applied in or on Her Majesty's Naval and Victualling Stores to denote Her Majesty's Property in Stores so marked.

It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen, to apply the said Marks or any of them in or on any such Stores as are described in the said Schedule.

Imitation a Misdemeanor.

If any Person, without lawful Authority (Proof of which Authority shall lie on the Party accused), applies any of the said Marks in or on any such Stores, he shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Obliteration, with Intent to conceal Her Majesty's Property, Felony.

6. If any Person, with Intent to conceal Her Majesty's Property in any Naval or Victualling Stores, takes out, destroys, or obliterates, wholly or in part, any such Mark as aforesaid, he shall be guilty of Felony, and shall be liable, in the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Four Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Knowingly receiving, &c. marked Stores a Misdemeanor.

7. If any Person, without lawful Authority (Proof of which Authority shall lie on the Party accused), receives, possesses, keeps, sells, or delivers any Naval or Victualling Stores bearing any such Mark as aforesaid, knowing them to bear such Mark, he shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any Term not exceeding One Year, with or without Hard Labour.

Knowledge of Stores being marked presumed against Dealers, &c.

8. Where the Person charged with such a Misdemeanor as last aforesaid was at the Time at which the Offence is charged to have been committed a Dealer in Marine Stores, or a Dealer in old Metals, or in Her Majesty's Service, Knowledge on his Part that the Stores to which the Charge relates bore such Mark as aforesaid shall be presumed until the contrary is shown.

Offenders may be summarily convicted in certain Cases.

9. Any Person charged with such a Misdemeanor as last aforesaid in relation to Stores the Value of which does not exceed Five Pounds shall be liable on summary Conviction before a Justice of the Peace to a Penalty not exceeding Twenty Pounds, or, in the Discretion of the Justice, to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour.

Effect of Conviction of Dealer in old Metals.

10. Every Conviction of a Dealer in old Metals for any Offence in this Act expressed to be a Felony or Misdemeanor shall, for the Purposes of Registration and its Consequences under The Old Metal Dealers Act, 1861, be equivalent to a Conviction under that Act.

11. In

Naval and Victualling Stores.

11. In order to prevent a Failure of Justice in some Cases by reason of the Difficulty of proving Knowledge of the Fact that Stores bore such a Mark as aforesaid,—

Persons not Dealers in Marine Stores, &c., found in possession of Naval or Victualling Stores, and not satisfactorily accounting for the same, liable to Penalty.

If any Naval or Victualling Stores bearing any such Mark are found in the Possession of any Person not being a Dealer in Marine Stores or a Dealer in old Metals, and not being in Her Majesty's Service, and such Person, when taken or summoned before a Justice of the Peace, does not satisfy the Justice that he came by the Stores so found lawfully, he shall be liable, on Conviction by the Justice, to a Penalty not exceeding Five Pounds; and if any such Person satisfies the Justice that he came by the Stores so found lawfully, the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case require, may summon before him every Person through whose Hands such Stores appear to have passed, and if any such Person as last aforesaid who has had Possession thereof does not satisfy the Justice that he came by the same lawfully, he shall be liable, on Conviction by the Justice, to a Penalty not exceeding Five Pounds.

12. For the Purposes of this Act, Stores shall be deemed to be in the Possession or Keeping of any Person if he knowingly has them in the actual Possession or Keeping of any other Person, or in any House, Building, Lodging, Apartment, Field, or Place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own Use or Benefit or for the Use or Benefit of another.

Criminal Possession explained.

13. It shall not be lawful for any Person, without Permission in Writing from the Admiralty, or from some Person authorized by the Admiralty, in that Behalf, to creep, sweep, dredge, or otherwise search for Stores in the Sea or any Tidal Water within One hundred Yards from any Vessel belonging to Her Majesty or in Her Majesty's Service, or from any Mooring Place or Anchoring Place appropriated to such Vessels, or from any Moorings belonging to Her Majesty, or from any of Her Majesty's Wharves, or Dock, Victualling, or Steam Factory Yards.

No unauthorized Person to creep, sweep, &c. for Stores within 100 Yards of Dockyards, &c.

If any Person acts in contravention of this Provision, he shall be liable, on summary Conviction before a Justice of the Peace, to a Penalty not exceeding Five Pounds, or to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour.

14. The following Sections of the Act of the Session of the Twenty-fourth and Twenty-fifth Years of Her Majesty (Chapter Ninety-six), "to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences," shall be incorporated with this Act, and shall for the Purposes of this Act be read as if they were here re-enacted, namely, Sections Ninety-eight to One hundred, One hundred and three, One hundred

Sections 98, 99, 100, 103, 105, 107 to 113, and 115 to 121, of 24 & 25 Vict. c. 96. incorporated with this Act.

and

Naval and Victualling Stores.

and five, One hundred and seven to One hundred and thirteen, and One hundred and fifteen to One hundred and twenty-one, all inclusive; and for this Purpose the Expression "this Act," when used in the said incorporated Sections, shall be taken to include the present Act.

None but the Admiralty to prosecute.

15. It shall not be competent for any Person, other than the Admiralty, to institute or carry on under this Act any Prosecution or Proceeding for any Offence.

Penalties, &c. to be applied under Orders of Admiralty.

16. Notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police Force or in any other Act, any pecuniary Penalty or other Money recovered under this Act shall be paid or applied as the Admiralty direct.

Not to prevent Persons being indicted under this Act, &c.

17. Nothing in this Act shall prevent any Person from being indicted under this Act or otherwise for any indictable Offence made punishable on summary Conviction by this Act, or prevent any Person from being liable under any other Act or otherwise to any other or higher Penalty or Punishment than is provided for any Offence by this Act, so that no Person be punished twice for the same Offence.

SCHEDULE.

MARKS appropriated for Her Majesty's Use in or on Naval and Victualling Stores.

Stores.	Marks.
Hempen Cordage and Wire Rope	White, Black, or Coloured Worsted Threads laid up with the Yarns and the Wire respectively.
Canvas, Fearnought, Hammocks, and Seamen's Bags.	A Blue Line in a Serpentine Form.
Buntin	A double Tape in the Warp.
Candles	Blue or Red Cotton Threads in each Wick, or Wicks of Red Cotton.
Timber, Metal, and other Stores not before enumerated.	The Broad Arrow.

the Legislative Council at
the next meeting of that
Body.

I have the honour to be
Sir,

Your obedient Servant

William Stirling

Governor.

No. 79.

Confidential.

Government House.
Falkland Islands.

13th June. 1867.

received
James
ans. 24th June
25th /

Sir,

Having regard to the limited means at our disposal for preserving order in the town of Stanley, I think it very desirable that the 7th Section of the Alien Ordinance

The Honble

Edward R. Griffiths Esq^r

Stipendiary Magistrate

to

to

to

Ordinance should be strictly enforced. I am not by any means aware that the contrary is now the case, but I sometimes think that there are more foreign-looking loafers, of apparently undecided character, about the town than have received the Governor's permission to reside in the Falklands.

It would be well to instruct the Constable if possible to obtain, by quiet and unobtrusive inquiries,

a complete list of the names
of all Aliens now resident
in Stanley in order that it
may be compared with the
Registers kept in this and
in your office.

I have the honour to be
Sir,

Your obedient servant

William Robinson

Governor.

Stanley July 4th 1864

To E. B. Griffiths Esqr.
Stipendiary Magistrate.
For the Falkland Islands

Sir

Herewith I beg to apply for a Permit for
the sale of spiritous and fermented liquors.
untill the Hour of twelve O'clock this Evening at the
Bar of the Eagle Hotel. for the Convenience of the
Stanley Benefit Club. with Permission to
keep the Warehouse open all Night for the
Amusement of the above Club.

I have the Honour to be
Sir.
Your Obedient Servant.
J. M. Goff

allowed.
same day

*In replying, quote the following
Initial Letter.*

L

received 29th Nov.

ADMIRALTY,

23 August 1867

SIR,

I AM commanded by my Lords Commissioners of the Admiralty

to send you herewith, for your use and information, Part II of

Report of Cases decided in the High Court of Admiralty of England.

I am,

SIR,

Your most obedient Servant,

H. G. Romaine

the Judge

of the Court of Vice Admiralty

at *Falkland Islands.*

N^o 117.

Retained same day
and on the 9th.

Colonial Secretary's Office.
Falkland Islands.

3rd September 1867

Sir.

On the night of the 5th ultimo a collision occurred between the British Barque "Anasco", David Morgan Master, and the Dutch Brigantine "Janette Rollin", which resulted in the immediate sinking of the Brigantine and the death of all on board with the exception of two seamen who were picked up by the boats of the "Anasco", and

are

The Honble

W. Griffiths Esq^r

Stipendiary Magistrate

to

to

to

are now on board of that ship
in this Harbour.

2 There are circumstances
in connection with this disaster
which render it desirable that
an enquiry should be instituted
in the matter, and I have
therefore to request that you
will cause such enquiry to
be held by the Police Court,
and report the result to His
Excellency the Governor for the
information of the Board of
Trade, as prescribed by section
242 of the Merchant Shipping
Act of 1837.

I have the honour to be
Y^r ^{Sir} obedient servant

A Byng
Acting
and Shipping Master

Police Office
Sept 9th 1873.

Sir,
I have the honor to acknowledge the receipt of Mr. [Name] letter of the 3rd inst. stating that regarding me to cause an enquiry to be made into the circumstances in connection with the collision between the ^{Portuguese} Bayne Hercules and the Dutch Brigantine 'Jeanette' ^{detached on the 30th inst.} which resulted in the loss of the Brigantine and all on board except two seamen.

In reply I have ~~beg~~ to forward to you ~~the~~ accompanying report of the Police Court, and to enclose ^{minutes} ~~minutes~~ copy of the evidence taken in it.

In reply I ~~beg~~ ^{have the honor} to inform Lt. Genl. that such enquiry was finished this morning, and to enclose the accompanying report of the Justice sitting in ^{the} Police Court together with minutes of the evidence and a copy of the officers Log.

Government House.
Falkland Islands.

10th September. 1867.

Sir,

I have received your letter of the 9th instant forwarding the Report of the Justices sitting in the Police Court to inquire into the circumstances connected with the recent collision between the "Inasco" and the "Janette Rollins", together with minutes of the evidence and a copy of the Official Log. —

2.

Honble

R. Griffiths Esq^r
Stipendiary Magistrate
to to to

Received
same day.

No 121.

2. I quite concur in the conclusions at which you have arrived, and I have much pleasure in conveying to the Magistrates regard on the inquiry my appreciation of the diligence and care which have been brought to the performance of this important duty.

3. I will not fail to draw the particular attention of the Board of Trade to the concluding paragraph of your Report

I have the honour to be
 Sir,
 your obedient servant.

William Robinson

Governor.

No. 146.

Government House.
Falkland Islands.

11 November - 1867.

received same
day.

Sir,

Referring to my recent conversation with you on the subject of local Ordinance No. 3 of 1857 as connected with the Merchant Shipping Act of 1854, I have to request that whenever you may have occasion to cause any seaman undergoing sentence of imprisonment to be conveyed on board his ship

for

The Honble
Edward R. Griffiths Esq
Stipendiary Magistrate.

for the purpose of proceeding
 on the voyage. You will be
 so good as to report the
 circumstance simultaneously
 to me, stating at the same
 time the name of the seaman
 so dealt with, the date of
 his incarceration, and what
 portion of the sentence
 remains unexpired at
 the time of his removal
 from the gaol.

I have the honour to be
 Sir

Your obedient Servant

William Stirling

Governor.

Dec^r. 9th. 1567

186

Port Stanley

Selfland Island

Copy sent & given

me by the Clerk of the Court

Sr.

I have the honour to request
that I may be furnished with an
attested copy of the protest of
Captain Boden of the Coguinbana

I have the honour to remain

Your very obedient Servant

J Miller

L. R. Griffith Esq.

Chief Magistrate

Port Stanley Dec^r. 14th 1857

received same day
ans^d. by word of mouth that
the petition for the removal
of the injunction was
read on Thursday.

I have the honour to request that
you will inform me whether witness
will be examined in the forthcoming
case between Luis Pedra Buena and
myself, and if so - whether I shall be
furnished with a list of witnesses - to be
called by the other side - and when
I am to send in a list of witnesses
whom I shall require

I have the honour to be

your very Obedient Servant

J Miller

E. R. Griffiths Esq.
Chief Magistrate
Lc. Lc. Lc.

Dec 2 17th 1863.

Esquimaux

Shiles

John's Nicka Ruena.

John's Shiles &

Chairman.

as before of which

Stanley, Falkland Island - 188

rec^d 2^d Jan^y 1868

ordered copies to be made - they were sent to the Clerk on Jan^y 11th 1868.

1867

I have the honour to request that
may be furnished with a attested
copy of all evidence, proceedings; judgments
orders, and orders - had or made in the
case of the Coquimbana concerning which
you give notice of appeal to His
Majesty the Governor in Council - So far
as same have relation to the matters of
law

I have the honour to remain
your most obedient servant
J. A. Miller

R. J. P. Esq.
Chief Magistrate
Stanley
Falkland Island -

No. 2.

Received
 January 7th
 Circular sent to Mr. Bailey.
 Mr. Tucker & Dr. Mac. Clinton.
 Same day.

Government House.
 Falkland Islands.

6th January 1868

Sir,

I forward to you the copy
 of a letter which I have received
 from Captain Miller complaining
 of the Magistrates having this
 day dissolved the Lijunction
 which restrained the purchasers
 of the Wreck and Cargo of the
 "Coquimbana" from removing
 the property out of the Jurisdic-
 =tion of the Court pending
 the

To Honble

The Chairman of the
 Magistrates Court

the issue of the trial, he
(Captain Miller) having
given notice of an appeal
to the Governor in Council
against the judgment of
the Court in the said cause.

2. I request that
you will take this letter
into consideration in con-
-junction with the Magistrates
present on the Bench today;
and probably, in view of
this complaint, your colleagues
will be desirous of communica-
-ting to me the reasons which
led them to a decision the
propriety of which has been
brought

brought into question before
the Executive.

I have the honour to be

Sir

Your obedient servant

William Murray

Governor.

David Miller. RN to H. P. Governor Robinson.

Stanley. January 6th 1868.

Sir,

I have the honour to report that on the 27th ultimo a jury gave a verdict in favour of the defendant in the case of myself versus Luis Pedra Buzna in the case of the Coquimbana and that I then gave notice of appeal to your Excellency in Council under provision of local Ordinance N^o. 10 of 53. I this day attended at the Court House and judgment was passed for the defendant. Mr. Dean as Counsel for the defendant applied for the Injunction restraining all persons from removing the cargo

from

~~from removing the cargo from~~
 the Jurisdiction of the Court
 to be removed. I applied
 for it to remain in force
 until any appeals which
 might be made should be
 finally settled as I considered
 that the trial was not finally
 over until such appeals were
 settled. Moreover I pointed
 out that if the Injunction
 were removed that all appeals
 or my part must be practically
 valueless as in case of Judgment
 being finally recorded in my
 favour, the property in question
 would be most probably beyond
 my reach the registered purchaser
 being an alien and having
 no tangible property of any
 value in this Colony that I

I am aware of. Notwithstanding
 any reasons the Magistrates
 removed the Eijunction and
 reinstalled the purchaser in
 possession as lawful owner
 of the property in question.
 This appears to me so extraordinary
 that I feel constrained to lay
 the matter before your Excellency
 and to ask if the Magistrates
 have acted justly in the
 matter

I remain &c. &c.

[S.] David Miller

His Excellency
 Governor Robinson

8th Jan'y. 1868. 195

Mr. Mary ^{Smith} to Bookhalter

Dear Sir,

I have some
coming from Fairy
this afternoon, and
to know if you will
ind enough to give
instructions to keep
mouth of Stanley away
the corral. About
tright ago when the
als first came in,
consequence of the noise
nfusion created by,
live, all the Stanley

ps of the

boys en masse, they
came unmanageable
we lost no less than

The boys congregated
the rocks above the
corral, and one little
the spokesman, def
my men, saying
they were on Govern
ground!

If this is to hap
every time cattle cov
it will entail a heav
yearly loss on the

I hope you will
be able to do something
to prevent it.

Yours,
Red Lob.

Guiptho Bay.

Planty. Falkland Islands -
18th January 1868.

having an
Mr. Munnick
Chief Magistrate
was none.

I have the honour to request that
you will inform me if any applicant or
petition has been lodged at the Magistrate
Court by Mr Dean to the effect that if
certain letters of Introduction brought
me from England had been presented
to Mr Dean when I first arrived that
all opposition to my taking possession of
the wrecked vessel Coquimbana and
my cargo would have been withdrawn.
Should petition or applicant have been lodged
I have the honour to request that I
may be furnished with a certified
copy of the same.

I have the honour to remain
your most obedient servant

David Miller

R. Juppell Esq.
Chief Magistrate

E. R. Gifford Esq -

Chief Magistrate

S. S. S. S. S.

Stenley Island -
F. C. S. S. S.

No. 11

allowed to be at
the Bay's request

received yesterday
sent by post

Government House.
Falkland Islands.

13th January 1868.

Sir,

Captain Miller having
appealed to the Governor in
Council against the Order of the
Magistrates Court withdrawing
the Injunction which restrained
the purchasers of the Wreck and
Cargo of the "Coquimbana" from
removing the property out of the
Jurisdiction of the Court pending
the issue of the trial, I have the
honour to beg that you will
draw the attention of the

Magistrates

to you: the

Chairman of the Courts.

Magistrates concerned to my despatch N^o. 2 of the 5th instant, requesting them at the same time to communicate to me with the least possible delay the information called for in that communication.

2. Captain Miller's appeal against the withdrawal of the Suspension will be considered in Council at noon tomorrow, and it is obviously desirable that I should be in possession of the reasons upon which the Magistrates acted before proceeding to the consideration of that appeal.

I have the Honour to be
 Sir,
 Your obedient Servant.

William Sturges

Governor.

No. 13.

received same
day.Government House.
Falkland Islands.15th January. 1868.

Sir,

I have the honour to forward
to you herewith an Order made
yesterday by the Governor in
Council to which I request you
will give effect.

I have the honour to be

Sir,

Your obedient Servant.

William Robinson
Governor.

Honorable
The Chairman of the Courts.

received same day.
Jan. 27th.

202

Falkland Islands Company,
Stanley, 20 January, 1868.

My dear sir,

I am informed that much
wrath is being poured upon my innocent
head, by reason that I am supposed to
have infringed the law in not paying for
the renewal of the Company's spirit licence
on the right day.

I certainly admit the fact, but at the
same time ask if it is not the duty of the
Clerk of the Court to give notice of the
expiration of a licence a week or so before-
hand? I believe it is always done in
England where there is little necessity for
it as there is a licensing day appointed
for all; certainly in analogous cases, such
as the expiration of a fire or life policy

due notice is given, and here, the Colonial Secretary always lets me know when the rents ~~are~~ lands expire.

I notice that the licence I paid last week is dated January 24, should this not be November 24 the proper date for renewal? If so I will send it back for the alteration.

I am, my dear Sir,
 yours faithfully
Geo. E. Cobb.

The Honourable
 E. R. Griffiths, Esq.
 Chairman of Courts.

Foot House, Stanley,
23^d Jan'y 1868.

Sir,

I have the honour to forward to you herewith an order made yesterday by the Governor in Council, to which I request you will give effect.

I have the honour to be,

Sir,

Your most obed^t serv^t.

William Adair,

Governor.

Stoubl.

The Chairman of the
Magistrates Court
Stanley.

My dear Sir,

I called upon you today
and unfortunately found that you
had just left.

I shall write upon the subject
of your letter yesterday's letter
and endeavoring to send you from home.
I quite agree with you that
it is not necessary to have or
we can see to have ^{very many} ~~those~~ witnesses
~~than those who are to speak to the~~
same facts, and it should think that
those mentioned ^{are} ~~are~~ amply suf-
ficient. As to speaking ^{of} ~~of~~ witnesses
if the witnesses will voluntarily
attend ~~and~~ ^{and} give evidence they
would not be necessary. If they will
not then ^{an oath} ~~an affidavit~~ of their must be
made before a Justice of the Peace

10 March, 1850

Dear Sir,

I send you
William Cook one of
Compa's shepherds
who can take out the
witnesses for the
case in the fire
from the enclosed
letter you will see that
Johnston, Mc. Minnion,
Alexander Mc. Minnion
and James Davidson
are the only necessary

that of their being able to give material evidence to
I have the pleasure to inform you that I have found them to
be very good witnesses. They were very good witnesses
and I have no doubt that they will be very good witnesses
in any case.

Mr. Donald should
be also summoned to
translate the old man's
Gaelic. I don't think
it necessary to have
any more, as they would
only repeat one another's
words, and lengthen
the case indefinitely.
though of course Pierson
can bring whomsoever
he likes.

Excuse my coming

up. I have business
which detains me at
the office.

Yours faithfully
Red Lob.

The Hon
Edw. Griffiths Esq

Government House.
Falkland Islands.

1st April. 1868.

Sir,

Mr. Hamwell's services being now no longer required, in consequence of the abolition of the Office of Clerk of the Courts, I have the honour to request that you will communicate to him my approval of the propriety and intelligence with which he has discharged the duties of acting Clerk of the Courts during the last twelve months.

I have the honour to be
Sir,
Your obedient Servant.

William A. Smith
Governor

Griffiths Esq.
Magistrate.

P. 49.

received
same day.
Ans. deliv. 2nd.

April 1868

I have great pleasure in ^{towards} ~~enclosing~~ ^{to} you the enclosed ^{copy of a} letter I have received from ^{H.E.} the Governor ~~and~~ ~~expressing~~ ~~his~~ ~~regret~~ ~~that~~ ~~the~~ ~~abolition~~ ~~of~~ ~~the~~ ~~office~~ ~~of~~ ~~Chief~~ ~~of~~ ~~the~~ ~~Court~~ ~~should~~ ~~have~~ ~~so~~ ~~soon~~ ~~terminated~~ ~~his~~ ~~official~~ ~~duties~~ ~~in~~ ~~that~~ ~~Country~~

Governor
 expressing his approval of ~~Mr~~ ~~Conrad~~ as Acting ~~Chief~~ ~~of~~ ~~the~~ ~~Court~~. ^{during the last} In this approval I

am very glad ^{and} ~~to~~ ~~add~~ ~~my~~ ~~express~~ ~~ions~~ ~~to~~ ~~his~~ ~~measures~~; ~~and~~ ~~at~~ ~~the~~ ~~same~~ ~~time~~ ~~to~~ ~~express~~ ~~my~~ ~~regret~~.

No. 54.

209

Government House.
Haklaid Islands.
17th April. 1858.

Sir,

I have the honour to forward to you herewith a copy of the Statutes passed in the last session of Parliament, for the use of the Department under your charge.

I have the honour to be
Sir,
Your obedient Servant.

William Whimster
Governor

The Hon^{ble}
E. R. Griffiths Esq
Stipendiary Magistrate

N^o. 55received
same day.was 25th letter sent
on 27thGovernment House.
Falkland Islands.18th April 1858.

Sir

I have the honour to request that you will be so good as to inform me whether the Imperial Act. 11. Vict. c. 12, entitled "An Act for the better security of the Crown and Government of the United Kingdom", applies to and has effect in this Colony

I have the honour to be

Sir

Your obedient Servant

William Robinson
Governor.

Hon^{ble}
Hon:

R. Griffiths Esq.
Magistrate

211
Sunday April 29th 1868

W. H. P. Griffiths Esqr
Sipendary Magistrate
For the Falkland Islands

Sir
In consequence of the Death
of H. Smyley Esqr. I now Appoint
Mr William Davis Berry,
Lighthouse Keeper Cape Pembroke
Falkland Islands, My Sole Executor
and Guardian of My Infant Children,
I have Forwarded my Codicil to be
Appended to my will and to be
witnessed by two witnesses.

I have the Honour
to be
Sir J. R. Job

as I am not able to come myself
I have sent the Codicil of my Wills by
Mr Berry to be sealed J. R. Job

No. 65.

Government House.
Falkland Islands.

1st June. 1868.

Sir,

A question has recently arisen, whether the Imperial Treasury should defray the expense of defending an Action brought against a Colonial Judge for acts done in the discharge of his duty: and it has appeared that precedents exist for taking this course under some circumstances.

I am now advised that Her Majesty's Government will
not

Hon:

R. Griffiths Esq
Stipendiary Magistrate.

not in future be guided by these precedents, but will consider the expense of defending any Colonial Judge or Officer from an Action at Law, which may be brought against him for acts done or purporting to be done in the performance of his duty, to be properly chargeable on the Officer himself, as it is the rule in England, unless there should be some very special reason for the interference of the Colonial or the Imperial Government.

I

I have the honour to be
Sir

Your obedient Servant

William A. Smith

Governor.

Government House.
Stanley, Falkland Islands.
1st June. 1868.

26.5.68

My dear Sir,

I forward for your perusal
and remarks a letter which I have
today from Mr. C. J. Dettleff. -

The sum of ^{about} £560 has been
collected and lodged in the Government
chest for the benefit of Christopher Murray's
children, and I shall be glad to

have

Yours faithfully
Henry Magistrate

have your opinion as to the propriety
or otherwise of complying with the
requests contained in Mr. Bette's
letter.

Murray holds a conditional
pardon from Her Majesty.

I am, My dear Sir,

Yours faithfully,

William B. Smith

Governor

No. 80

Received & amended
 Hans P. J. J.

Government House.
 Falkland Islands.

30th June. 1868.

Sir,

I have received your letter of yesterday's date informing me that the Magistrates Court have sanctioned the payment to Mr. J. J. Bettleff of the sum of £200, being part of the moneys deposited in my office for the benefit of the children of Christopher Murray, and forwarding, as Chairman

J

W. H. J.

J. R. Griffiths Esqre
 Stipendiary Magistrate.

of the Court, your authority
for the said payment.

2. I request your
opinion as to whether,
instead of paying the money
in cash, it would not be
preferable to hand to Mr.
Dettleff a Government Note
payable to the order of
John Murray, and which
would be easily negotiable
by him (Murray) at any
one of the English Banks
in Monte Video or Buenos
Ayres

I

I have the honow to be
Sir,

Your obedient Servant,

William Stirling
Governor

Papers relating to the case of the
Coquimbana and with to Capt
Miller's appeal to the Governor
in Council in that case.

Manly January 6th 1868 ²²¹

Sir

I have the honour to report that on the 27th ultimo a jury gave a verdict in favour of the defendant in the case of myself versus Luis Pedro Buena in the case of the Coquimbana, and that I then gave notice of appeal to your Excellency in Council under provision of local ordinance N^o 10 of 53. I this day attended at the Court House and judgment was passed for the defendant. Mr Dean or Counsel for the defendant applied for the injunction restraining all persons from removing the case from the jurisdiction of the court to be removed. I applied for it to remain in force until any appeals which might be made should be finally settled. I considered that the trial was not finally over until such appeals.

were settled - Moreover I pointed out
 that if the injunction were removed
 that all appeals on any part must be
 practically voided: a - in case of
 Judgment being finally recorded in
 my favour the property in question
 would be most probably beyond my
 reach the registered purchaser being
 an alien and having no tangible
 property of any value in this colony
 that I am aware of - notwithstanding
 my reasons the Magistrate removed
 the injunction and reinstated the
 purchaser in possession a - lawful owner
 of the property in question - This appears
 to me so extraordinary that I feel
 constrained to lay the matter before
 your Excellency and to ask if the
 Magistrate has acted justly in

The Miller

223

I have the honor to remain
Yr. S. ally's

Most obedient Servant.

J. and Miller

Mr. S. ally

Governor. Boston

Essex St.

November 15th / 66

Received on board the Brig "Anne"
per Book No 35 ~~40~~ tons of Ballast

Mate's Receipt showing
Ballast was put on board Thomas Wright
J. H. Johnson
Mate

30. 01
23. 90
7. 20
41. 00

\$101.10

The Brig "Anne" of Sandy

For B. Johnson

for 40 tons of Sand Ballast
at \$100 per ton \$4000

Montevideo No 15 / 56

This Bill was presented for payment after the Brig "Anne" sailed,
therefore is not included in her disbursements -

G. W. Parsons
[Signature]

Police Office

Stanley. January 3rd 1868

Sir

I have the honour to acknowledge the receipt of your Excellency's letter (No. 2) of the 6th of January enclosing a copy of a letter from Captain Miller R.N. complaining of the Magistrates having on that day dissolved the Injunction which restrained the purchasers of the wreck and cargo of the "Coquimbama" from removing the property out of the jurisdiction of the Court pending the issue of an appeal against a judgment of the said Court in a cause affecting the said property, and requesting me to take his letter into consideration in conjunction with the Magistrates present on the Bench. I have also to acknowledge your letter (No. 10) of this days date referring to the same matter.

I beg

His Excellency
Governor Robinson

H. H. H.

2. I beg to inform your Excellency in reply that I have laid the communications before the Magistrates and they request me to send to you the whole circumstances of the case, which are as follows. When the Injunction was first applied for there was ~~first~~ I believe on technical grounds considerable doubt in the minds of the Magistrates whether it should be granted or not. However as a full bench of Magistrates were unable to attend, I as Chairman was called upon to act, and granted the Injunction, being of opinion that it was a case which then required the immediate interference of the Court. Louis Piedra Buena then appeared and answered the petition upon which the Injunction was granted, and applied to the full

Court that it should be dissolved. Captain Miller the petitioner appeared to oppose its being dissolved, and desired that it should remain in force until the facts of the case could be proved on a trial, and to this the Court acceded, upon the condition that the trial should take place at once and all parties consent to appear and proceed. This was acceded to, very much upon my request, and because, Captain Miller being a stranger, it was thought that every assistance should be given him.

3 But the Majority of the Court certainly would not have continued the Injunction had they not thought that a verdict against the plaintiff in a trial desired by himself, would be conclusive as to its being removed, unless indeed that verdict had been

2
- properly set aside. That being the case the Magistrates believed that the Injunction was dissolved as a matter of course when the verdict of the jury was given, and therefore made the order -

4. In conclusion I beg to enclose to your Excellency a letter which I am desired by Mr. Waitey and Dr. Mac-Clinton to forward to you with reference to the last paragraph of Captain Miller's letter, and also respectfully to express my opinion, as Chairman of the Court, that the remarks contained in that paragraph are both extraordinary and improper.

I have the honour to be

Sir

Your Excellency's obedient servant

Edward. R. Griffiths.

Chairman -

St. Mary 18th May 1868

Sir
 We beg to annex
 an opinion with regard to
 Capt Miller's last paragraph
 in his letter to you & celeracy of
 the 5th instance

with all due deference
 to you & celeracy we beg to draw
 your attention to his accusation against
 the bench of having acted unjustly
 towards him, and respectfully
 request you to take this serious
 accusation into your consideration

& celeracy
 The Governor

And

and have the obnoxious
 paragraph expunged from
 his letters.

They have the honour to be

Yours & cellenors bed servants

Arthur D. A. J. P.
 Wm. Clinton J. P.

Confidential

Police Office

January 13th 1868

Sir, I have the honor to acknowledge your Excellency's letter (No. 3) of January 6th referring to the late decision of the Magistrates of this Department disposing the Injunction in the case of the "Coahuilana" wreck and cargo, although notice of appeal to the Governor in Council from the judgment of the Court in the case of Miller v. Louis Piedra Buena relating to the said wreck and cargo had been given - and asking me whether I concurred or differed from the majority of the Magistrates in that decision,

His Excellency
Governor Robinson

H. H. H.

and think it was consonant with what
Law and Justice would seem to require.

2. I have to apologize to your Excellency
for not answering your letter before,
but I was anxious to send with this
the letter containing the views of
the other Magistrates, and that
I was unable to do till today.

3. In reply to the first question
I have to inform your Excellency
that had the case come before me
individually I should most
probably (rightly or wrongly)
have continued the Injunction
until the Appeal had been
heard, unless indeed satis-
-factory security had been

given for the value of the property
in dispute.

4. The Continuance of the Injunction
did not so far as I could see
interfere with any right of working
the property, and was attended
with little or no expense, but
as all the other Magistrates took
a different view of the matter
I felt that I could not under
the circumstances with any
use openly dissent from them.

5. As to the question of the decision
being consonant with what Law
and Justice would seem to be.
- quise I have the honour to

remark that the majority of the
 Court has the power to use its own
 discretion in deciding such a
 question, and I cannot say that
 their decision in this case will
 involve any material failure
 of justice.

I have the honor to be
 Sir

Your Excellency's Obedient Servant

E. B. Griffiths

Middle Temple.

~~Stepney Magistrate.~~

17
His Excellency the Governor in Council. ²³⁵
petition of Captain David Miller R.A.
to the effect that the petitioner appeals to His
Excellency the Governor in Council against
an order of the Magistrate's Court of January
1868 - Removing the injunction restraining
in Piedra Buena and any persons claiming
therein or any other persons claiming an
interest in the wrecked vessel Coquimbana
Cargo from taking the said wreck or any
portion of her cargo out of the jurisdiction
of the said Court

The petitioner grounds his appeal on the
consideration that a trial cannot be said
to be over until if an appeal is made - such
appeal is decided - and on the evident
practical inutilty of any appeal to a superior
Court in the case of the Coquimbana exactly
as in the Magistrate's Court and concerning
which the petitioner herewith forwards an
extract by petition to His Excellency the Governor
in Council against the Judgment of the
Magistrate's Court given on the 6th Instant
with reference to the verdict of the Jury of the

27th December 1869 - If such Injunction
 be removed - Because in the event of a
 Superior Court giving judgment - favourable
 to the petitioner the property in question
 be most probably out of reach - And
 petitioner prays that the Injunction may
 be continued in force until final judgment
 be given

The petitioner begs to forward herewith a copy
 of all evidence, proceedings, judgment, decrees
 and orders had or made in the case
 concerning which this appeal has been made
 which copy has been furnished him from
 the Court on his application although they
 are not attested as he requested by letter
 There are only a few points in the evidence
 so furnished which he wishes to correct viz
 Instead of saying "I don't know whether
 the vessel was insured elsewhere it might
 have been in Coquimbo". I said "The
 vessel was believed to be insured also at
 Coquimbo to an amount unknown"
 also then asked by Mr Dean - If the
 handwriting had received the 690 £

said at the sale for ship and Cargo I
 replied that I did not know but supposed
 that they would repudiate the whole business
 also when asked by Mr Dean what my instructions
 were. I said. That I was to bring ship and
 Cargo home if I found them here and the
 ship was repairable at a reasonable cost
 and if I did not find them here I was
 to follow them up.

Also when asked by me if he had inquired
 of Captain Borden about his insurance
 Mr Dean said No. My question of course
 referred to where and to what amount he
 was insured.

Furthermore the petitioner begs to state that
 on 19th December 1867. Mr Dean stated
 in the Magistrate's Court that if a certain
 letter of Introduction brought out from
 England by me had been presented when
 I first arrived. That no opposition would
 have been made to me. Thereby practically
 acknowledging my right to the property in
 question. I called the attention of the court
 to his observation and asked upon
 what principle he still continued to

Content the question

David Miller

Stately

Falkland Islands

January 13th 1868

Signature

To the Hon^{ble}
The Chairman of the Courts

The within Appeal Petition of Captain David Miller having been this day taken into consideration by Governor in Council, it is hereby ordered, ^{that} the Injunction shall be from and after this date renewed in the following words: viz:

That The said Luis Piedra Kusma and any persons claiming under him, or any other persons having an interest in the said Wreck or Cargo be enjoined from taking the said Wreck or any portion of the Cargo, the Barley only excepted, out of the jurisdiction of the said Court, pending the result of an Appeal, before the Governor in Council against the judgement of the said Court in the said Cause.

14th Jan^y 1868.

William A. Smith
Governor

Mr. George M. Dean on behalf of
 Captain Luis Piedra Buena - will
 not agree that the wreck of the
 "Coyumbau" shall not be destroyed
 as from last accounts received
 from said wreck there was every
 danger of her either going to pieces
 or going off the Patch into deep
 water - Again the said Luis
 Piedra Buena has guaranteed to
 furnish certain persons in this Colony
 and also on the West Falklands
 with deck plank etc if saved
 from said wreck. ~~By Captain~~
 Mills R. H.

George M. Dean
 for Luis Piedra Buena.

Stuntz, 14th Jan'y 1868.

"Narcissus", at Port Stanley.

15th January. 1868.

Sir,

In reply to Your Excellency's letter of this date adverting to the case of the British barque "Coquimbana", stated to be wrecked on the Lyser Patch, Falkland Sound, and requesting that competent persons under my command may be allowed to proceed to the Sound to ascertain the exact position and condition of the wreck,

Your Excellency

William Robinson,

Commander in Chief.

Falkland Islands.

I have the honour to acquaint you that I have directed Captain R. B. Payne, L. B. of the Surveying vessel "Hassau", and Captain J. C. Wilson of the "Narcissus" to proceed on this service, taking with them an experienced diver from my Flag Ship.

I have instructed these officers to place themselves forthwith in communication with Your Excellency to determine the particular points

points on which their evidence
and opinion will be required,
and to obtain from you the
necessary conveyances and
directions for their route.

I have the honour to be,
Your Excellency's most obedient
humble servant,

Geo. Pitt Rivers
Rear Admiral and
Commander in Chief.

War Office

21. January 1867.

Sir,

I am directed by Secretary Lieutenant General Peel to inform you that it has been decided that a reserve shall be maintained at your Station of the Component parts of Carriages and Slides for breech loading and muzzle loading rifled guns to meet the requirements of Her Majesty's Ships. -

With this view the accompanying lists have been drawn up, showing the proportion of spare parts which should be kept in store for every six guns or less. -

You have probably in store a sufficient quantity of the Component parts of Carriages and Slides for breech loading rifled guns, but you are to ascertain from

Military Store Officer
in charge at Falkland Islands

time

time to time whether any
 of Her Majesty's ships on your
 station carry any Muzzle loading
 rifled Ordnance; and to make
 the necessary requisitions on the
 War Office for the Component parts
 enumerated in the enclosures. -

The stores specified under
 the head of 7 Inch M. L. R. guns
 will be your guide in framing
 demands of a reserve of Component
 parts of 8 Inch and 9 Inch
 guns of that nature, in the
 event of these latter guns forming
 part of the Armament of any
 ships on your Station. -

I am,

Sir,

Your obed^t. Servant,

W. A. Maffin

Director of Stores. -

"Narcissus", at Stanley.

21st January 1868.

Sir.

I have the honour
to acquaint Your Excellency
that the Officers and Divers
who were, in compliance with
your request, dispatched to
visit the wreck of the
"Boquimbana" in Falkland
Sound on the 16th instant.

returned here last evening,

and are fully qualified

Excellency

William Robinson.

Major and Commander in Chief

Falkland Islands.

to

to give evidence concerning
the condition and position
of the wreck.

I have the honour to be
Your Excellency's most obedient
humble servant.

At Newell
Dear Admiral and
Commander in Chief.

"Narcissus", at Stanley.

22nd January. 1868

Sir,

Enclosures.

I have the honour to forward for Your Excellency's information the enclosed report of the examination of the wreck of the British barque "Coquimbana" in Falkland Sound by Captains Mayne and Milson on the 19th inst. together with a plan of the locality of the Lypsen patch showing the position of the vessel, also a rough sketch of her present appearance.

William Robinson

Governor and Commander in Chief.

appearance

Falkland Islands.

appearance.

I further enclose a statement of the amount paid by Captain Mayne for the necessary expenses incurred on the journey, and I request Your Excellency will give directions for the same being repaid to him.

I have the honour to be
Your Excellency's most obedient
humble servant.

W. D. Russell —
Dear Admiral and
Commander in Chief.

17 Feb 1868

R.M. Surveying Ship "Kassau."

Stanley. 21st January 1868. an

Sir,

I have the honour to inform you that an expense amounting to seven pounds, ten shillings, has incurred in carrying out your order for visiting the Bosque 'Boquimbona' in Falkland Sound.

I beg you will give directions for my being repaid this amount.

I have the honour to be,

Your Admiral

Sir,

Geo. Ramsay, C.B.

Your obedient servant

Commander in Chief.

Richd. L. Innes

Captain

Reporting Examination of a Wreck.

H.M. Surveying Ship "Hassau"
 Stanley, Falkland I^{ds}
 21st January 1868.

Sir

In pursuance of your orders of the 15th instants we proceeded to the wreck of the Barque "Coquiubana" in Falkland Sound, and having examined her, returned to this place yesterday afternoon.

The "Coquiubana" is lying on the (South) West corner of the Tysseu patch in 10 feet at low water, heading North, her stern elevated 3 or 4 degrees, and

see map?
 N W corner

Rear Admiral

apparently

George Pausay. C.B.

Commander in Chief

S.E. Coast of America.

apparently resting on a stone. Her lower masts, bowsprit and Main Topmast are standing; the lower rigging and stays being taut, but the Main Topmast unrigged, with the exception of the stay which is hanging slack. She has two anchors out with the cables growing taut under the bottom. Her rudder is gone, and the water inside her is almost up to the deck, owing to large holes having been cut in the bow and stern.

On the occasion of our visit the weather was fine with a southerly wind of a force of 4 (about); she had only a slight and easy rolling motion, and shewed no weakness in her hull or decks, nor any signs of violent bumping ever having taken place; indeed the fact of the Lower masts, and the Main Topmast without rigging, standing, shews the weather has had but little effect upon her.

The Tyssen patch is covered
with

with kelp which extends as far as the eye can reach to the Northward, in which direction a depth of 2 to 3 fms was obtained for a distance of upwards of 500 yards.

To the Southward the kelp extends about 1200 yards, and to the Eastward 700 or 800. To the Westward $5\frac{1}{2}$ fms was obtained on the edge of the kelp at about 50 yards from the wreck. M^r Luis Pedro, Bueno.

(the Master of the schooner employed wrecking her) informed us that the only movements which has taken place has been to the Northward, and from the sheltered position of the Tysew patch, it is our opinion that the only wind which could cause a sea sufficient to affect her seriously would be from the Southward; the tendency of which would of course be to drive her further Northward on to the shoal, and away from the deep water.

The kelp although sufficient to break such a sea as would ordinarily arise

arise there, and shelter boats at work, is not very thick; and the water is so remarkably clear that in looking over the side we could distinguish small objects quite distinctly.

You are aware that we were accompanied by the diver William Davis from your Flagship, and he agrees with us in the opinion that there would be no difficulty in recovering the cargo, either from the vessel's hold where it now is, or from the ground in the event of her breaking up; that 50 working hours (diving) would suffice for getting up the 98 tons of copper which we are informed is still in her; that it would be quite immaterial whether the depth of water was two or seven fathoms; and that the tide was not sufficiently strong to be any serious impediment to diving operations.

His Excellency the Governor gave

us

us a memorandum setting forth the principal points upon which the Council required information.

8 Subjoined are his questions with our answers.

1st Whether, judging from the present position of the ship, and taking into account the currents, winds, tides &c, of the sound, the probabilities at the time of the sale were in favor of her holding together for a period which would allow of the cargo being saved, or whether the probabilities were in favor of her going to pieces at once. ?

Answer. Decidedly in favor of her holding together for the time requisite for the recovery of her cargo.

2nd Whether if the Copper had gone to the bottom before it could be saved from the wreck, it would have been recoverable from under water and if so at what probable

probable expenditure of time and money?

Answer. We are of opinion, in which the diver coincides, that there would have been no difficulty in recovering the copper from the bottom had the vessel gone to pieces. The diver considers 50 working hours would suffice to recover the 98 tons of copper said to be on board. As to the expense we can form no judgment.

3rd What is the exact position and condition of the wreck?

Answer. The wreck is on the South West corner of the Tepsen patch, as shown in the accompanying chart (enlarged from the Admiralty Chart of the Falkland Islands No 1354), and sketch. The vessel appears to be strong and shows no signs of serious injury from having grounded. Two large holes have been cut in her bow and stern since she was wrecked, and much of her upper
gunwale

gunwale, and her yards and spars taken away.

4th Should she move from that position where is she likely to sink?

Answer. Considering that in 6 months the only movement which has occurred is one of about 50 feet to the Northward, we may assume that any further

Movement will be in the same direction:

In this case she would be forced further on to the bank, and would lie in between 2 or 3 fathoms at low water.

We enclose a plan of the locality of the Lysen patch enlarged from the Admiralty Chart, shewing the position of the ship as fixed by angles taken on board. The accompanying rough sketch will also help to give a notion of her present appearance.

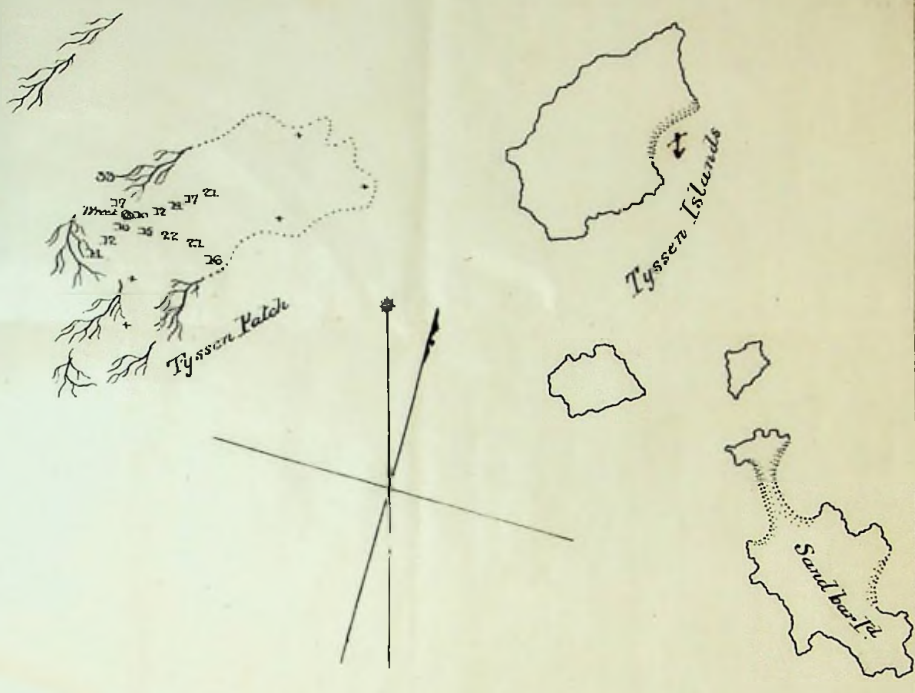
We have the honor to be
Sir

Your obedient servants

Rich^d: Gray Captain HMS "Hassau"

J. Wilson

Captain HMS "Narcissus"



Scale
1/2 Miles



Enlargement of Admiralty Chart to
show the position of the Barque
Coquimbau on the Tyssen Patch

Richd. C. Inague
Captain

To His Excellency the Governor in Council

The petition of Captain David Miller R.N.
 sheweth that the petitioner appeals to His
 Excellency the Governor in Council, against
 the Judgment of the Magistrate's Court given
 6th January 1868 with reference to the verdict
 of the Jury of the 24th December 1867 in the
 case of the Coquimbana. Such verdict being
 partly not in accordance with the evidence
 and also a most material part of the evidence
 being of little or no value
 Inasmuch as

1st. It lies upon the purchaser - or a first purchaser
 from a Captain - under such circumstances
 of necessity as authorize the latter to sell
 his ship - to prove the urgent necessity for
 the sale by him (as in the Australia)
 and that although the leaders offered
 to wreck the vessel were of a prohibitory
 nature - yet that there was no evidence
 that Captain Bodou could not have lived
 in the Colony until he had received advice
 from the owners of the property in question
 which the petitioner maintains he was

found to be particularly as a large facti-
 portion of the property was of an imper-
 mable nature and even if the vessel erro-
 had gone to pieces was recoverable in
 but little deterioration

3rd The evidence of the so-called Surveyors
 as a division of the sale is of little or no
 value - In as much as Mr Charles Mel-
 had never seen the Coquimbana when
 he advised the sale - Mr William Rutter
 was in the employ of the F. & O. and
 Island Company who were bidders at
 the sale and therefore interested parties
 and moreover Mr Rutter had not been
 within 2 1/2 miles of the vessel when he
 advised the sale - And Mr Thomas
 Murray was in the employ of Mr Dean
 who was a bidder at the sale and who
 is now a partner in the property bought
 to the extent of more than a half and
 moreover Mr Murray had never been
 on board the Coquimbana when he advised
 the sale

Facts also have proved that the opinion²⁶⁰
of the beforementioned advisers were very
erroneous. They having concluded that the
vessel was in the most imminent danger
of going to pieces - whereas notwithstanding
the heavy seas which were said to be
breaking over her she still at the end of
seven months holds together.

Furthermore - The petitioner urges that the
aforesaid judgment and decision were
not according to law - Inasmuch as it is
contrary to law that a valuable imperish-
able cargo should be sold for a mere
nominal sum before the Captain had
communicated with the owners of the
property in question.

The petitioner also begs to cite the following
authorities as bearing on the present case
Lord Chief Justice Tenterden on the *inoperability*
of *Wacht*
The Australia
The Bonita
The Bomba
Hayman v. Monton 5 L. J. 65

Furthermore - The petitioner begs to call the
 attention of His Excellency the Governor in
 to the conduct of Lloyd's Agent - probably
 richest and most influential man in
 the colony and who by virtue of his office
 was bound to look after the interests of
 the underwriter - Lloyd's Agent must have been
 aware that in the event of a sale such as
 has actually taken place that the under-
 writer would have to pay a total loss
 do we then find Lloyd's Agent coming to
 the front to the assistance of Captain
 Bodin as he was in the position to do if he
 chose. Lloyd's Agent must have had
 sufficient confidence in Lloyd's Agent to know
 that he would not be allowed by Lloyd's
 to be a loser by attending to the interests of
 the underwriter - do we then find him attempt-
 -ing to save ship and cargo. No. on the
 contrary we find a man in his employ
 & commending a sale - we find Lloyd's
 Agent knocking down all this valuable
 property for a mere nominal sum
 and yet more we find Lloyd's Agent is

now a partner in the property in question to the extent of more than a half and uncommonly unwilling to let it go - no doubt it is a wonderful good bargain to him - we do not find Lord's Agent as before said trying to scare the property to the underwriter but we that he did not even think it worth while to inquire about his insurance of Captain Boden.

The petitioner also begs to be allowed a copy of a writ which has been served on him which shows that although the opposite party can readily depreciate the value of other people's property when it suits them - They know uncommonly well how to set a very high value on the same property when it comes into their own possession.

The petitioner begs to forward herewith a copy of all evidence, proceedings, judgments, decrees and orders had or made in the case concerning which this appeal has been made. which copy has been furnished him from the Court on his application although they are not attested as he requested by letter.

There are only a few points to the evidence so furnished which he wishes to correct - viz

Instead of saying "I don't know whether the vessel was insured elsewhere it might have been in Coquimbo" I said "The vessel was believed to be insured also at Coquimbo to an amount unknown"

Also when asked by Mr Dean. If the underwriters had received the 690 £ paid at the sale for ship and cargo I replied that I did not know but supposed that they would repudiate the whole business.

Also when asked by Mr Dean what my instructions were I said - That I was to bring ship and cargo home if I found them here and the ship was repairable at a reasonable cost - and if I did not find them here I was to follow them up.

Also when asked by one of the judges of Captain Boden about his insurance Mr Dean said No - My question of course referred to where and to what amount he was insured.

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Furthermore. The petitioner begs to state that
on 19th December 1867 Mr. Dean stated to
the Magistrate's Court that if a certain letter
of Introduction brought out from England
by me had been presented when I first
arrived that no opposition would have
been made to me - thereby practically acknowl-
-edging my right to the property in question
I called the attention of the Court to this ob-
-servation and asked upon what principle
he still continued to contest the question

and your petitioner prays that the aforesaid
Judgment may be reversed

Stanley

Isle of Man & Islands

January 13th 1868

J. M. Miller

8th Dec 265
The Chairman of the
Magistrate Court

Council Chamber. 22^d Jan'y 1868.

The ~~present~~ Council having this day taken into mature consideration the within petition and all documents which accompanied the same, the Report of Captains Magne & Wilson &c. (dated 21 Jan'y 1868) and the evidence of these officers & of William Davis the Divr, ~~xxx~~ ^{say} have come to the conclusion that the sale of the ^{say} Copper was illegal, ~~and~~ ~~is~~ being justified by necessity. And as during the consideration of the appeal for the removal of the Injunction on the 14th instant, it was decided by mutual consent that the question of the Barley should be waived:

Objection against
Injunction of
The Petitioner: Cont.

It is hereby Ordered that the owners of the Barque "Cozumel" and the cargo of Copper laden therein be ^{forthwith} released by the purchasers in order that the appellant in this case may take possession of the same on the payment to the respondent of the sum of £250 paid by him for the purchase of the said vessels.

William Robinson Esq. Governor
in Council. this 22^d Jan'y 1868.

The Council will add that as, in their opinion, the sale was, so far as the purchasers are concerned, bona fide, & having regard to the circumstance that Don Luis Pineda Borna has been to considerable trouble & expense in clearing away the Barley preparatory to getting at the Copper, he is entitled, although he has not succeeded in raising the Copper, to some consideration at the hands of the appellant; for there can be no reasonable doubt that the labour performed by the respondents' men has greatly facilitated the work which still remains to be done.

22^d Jan'y 1868.

William Robinson Esq. Governor

St. Antony. Falkland Islands

January 23rd 1868

Sir

I have been endeavouring to make an arrangement for working the coast of the Regent and with a little expense to the undersigned as possible. I find however that assistance to recover the Cays can only be obtained here from two or three Monopolists one of them being an agent in the suit which has lately been decided in my favour. Labour in the Colony is always exceedingly high and the workmen of the place are entirely in the hands of the monopolists to whom I have referred. When these persons have to get together for the purpose of keeping up prices against a stranger was a great disadvantage. May I suppose me to be abundant & do moreover a very common here has been an attack on a system of buying up workmen (after getting up a workman seen in their present case an unnecessary way of doing) for a very small sum. by which means

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Many of the people here make considerable
gains at the expense of detant owners
I have no faith in the good faith of the
people I might engage here. The only other
alternation would be to send to England
for a vessel properly manned and provisioned
with the necessary appliances this would
of course entail great delay and the first
season of the year would be past before
the vessel could arrive

Under these circumstances I venture
to hope that you will allow me to employ
a foreman & driver if you have such a
man on your staff. I would of course
pay him what he might be considered
right. I am also greatly in want of a boat
of a sufficient size & strength to move the
Copper when recovered to one of the high
islands pending the arrival of
the vessel to which it will be shipped
I would also pay liberal wages to that
of the foreman workmen or you could
kindly allow me to employ in the service
I may add that I have purchased a diving
dress from the Falkland Island Company

for the sum of £175 so that all I really
require is the assistance of honest work-
men of liberal thought not to obstruct us.

I have the honor to remain

Your Excellency's

Most Obedient Servant

John Miller

Capt. R. M.

and agent for the Slave and Antislavery
at London & London. The cause
of the Congregational

To His Excellency

Governor Robinson

Island of St. Vincent

"Narcissus", at Stanley.

25th January. 1868.

Sir,

I have the honour to acknowledge the receipt of Your Excellency's letter of the 23rd instant, enclosing a letter addressed to you by Captain Miller requesting assistance in recovering the cargo of the wrecked barque "Boquimbana", together with a copy of your reply thereto, and I have to acquaint you

that I have directed a Lieutenant
 His Excellency
 William Robinson.

Governor and Commander in Chief.

and

Falkland Islands.

and a party of 10 men (including 2 divers) to be sent from my Flag Ship for employment on this service.

Her Majesty's Surveying vessel "Nassau" will convey the party to Falkland Sound, together with 5 weeks provisions and the boat lent by Your Excellency, and I shall make arrangements to send there for them when the work is completed.

I have the honour to be

Your Excellency's most obedient
humble servant.

Wm. D. Murray —
 Rear Admiral and
 Commander in Chief;

This sentence was copied & sent home with the Governor's report of the case to 12 Feb 1867. The former document in the case was original, but can be obtained by copying from the original.

1867.

In the Magistrates Court

December 27th

The Court assembled at 11 AM.

Present. E. K. Griffiths Esquire, Chairman
A. Bailey Esquire
G. C. Turpin Esquire
D^r W. F. MacClinton K. No.

Captain David Miller K. No.

Versus.

Captain Luis Piedra Buena

The Plaintiff in this suit sues Defendant for the detention of the Ship or Wreck "Coquimbana" and the Cargo lately on board or the value thereof, viz £17000.

The Defendant pleads never indebted to Plaintiff and that the Plaintiff has no right title to the Ship or Wreck "Coquimbana" or the Cargo lately laden therein

The Plaintiff appears in person.

Mr George W. Dean appears for the Defendant.

5 Jan

Panel Called

Anderson James	Laws Alexander
Biggs William	Robb Alexander
Colarke George A	Shewland James
Dewliff Jerson C.	Thompson William
Goss, Jacob W.	Sumner Richard
Hilton William	Wilson Benjamin.

Jurors sworn

Goss, Jacob W. Foreman.
 Robb, Alexander
 Thompson William
 Dewliff Jerson C.
 Hilton William
 Biggs William

The following evidence was given.

David Miller, sworn.

I am a Captain in the Royal Navy and came out as Captain of the Underwriters of Ship "Coquimbana" and Cargo. The Underwriters have paid a total loss on the Cargo, They paid it I believe to the Assignees. They had not paid on the vessel at the time of my leaving England. The "Coquimbana" was 484 Tons, I only know it by the post. Laden with Copper and Barley as per Bills of Lading. I produce the Bills of Lading.

Mr. Dean objects to the Bill of Lading for the Copper as it is not endorsed. Bills of Lading read. The Court taking a note of the ship. The first was for 3747 Bags of Barley consigned by Dickson, Shanks and Co. of Valparaiso to order and endorsed. 2nd Bill was for 10121 lbs of Copper shipped by Templeman and Co. of Valparaiso to Templeman of London not endorsed.

The value by my estimate for the Barley as shipped at Valparaiso is £6250. The Copper at £7800 - The Ship at time of sailing at £5291 The whole at £17341.

There was £7000 Insurance on Copper and £1600 on Ship at Lloyd. I don't know whether the vessel was insured elsewhere, it might have been in Coquimbana. A demand had not been made when I left England on the Underwriters, for the Ship as I suppose the owners living at Coquimbana, there had been no time.

X^d by Mr. Dean.

I claim the Ship because I was told I could accept it as a total loss. My people at home told me so. If the Owners have any claim will be able to obtain it from the Association.

I have no copy

I have no copy of the policy of Insurance of Ship or Cargo.
I never heard of any survey having been held on the Ship or Cargo till I was
applied to for a Copy, so I cannot produce it

My instructions were from the Secretary to the Salvage Association
Mr. Hooper and were verbal, they were not in writing. I have
a certificate from them. I was to bring the Ship and Cargo home if I
could if not to follow them wherever they might be. I did not
know where the Ship was.

By the Court.

I know that there was an Agent for Lloyds here
Messrs J. McLean and Son are the Agents.

Jonathan Lewis. Sworn.

Was Chief Mate of the "Coquimbana" on her Voyage from Valparaiso
to the United Kingdom.

I ended the Voyage at Jyssem Patch in the Falkland Sound.

The "Coquimbana" got on shore there

The last I saw of her she was there

I left her there because I received a letter from Captain Boden
saying that the Ship and Cargo had been sold at Stovenden.

I was living at that time with the rest of the crew on Sand bar
Island, it was between 2 and 3 miles from the Jyssem Patch.

We went to the Island because we were afraid to stop on board as
we thought we were in danger of our lives.

It was blowing fresh at the time (the 31st May).

I was a month on the Island. The "Loam" took us away there
some I think 16 men in all on the Island.

I went to sand from

I went to and from the Wreck when we had a chance, that is when the
fit weather to go, occasionally it was very rough, that was the reason why
we did not go.

I can't say about the water inside, I can't say whether it was eddying
or flowing. The vessel had water up to her lower hold beams when I left
She had a cargo of Copper and Barley, sometimes I stowed it and sometimes
not. It was stowed from the main hatch to the after part. The Copper
There was damage, and sails and 2 tier of Barley in Bags above the Copper
Barley was stowed in the fore part both in bulk and in bags. We had a
whole tier of sails underneath the Barley and over the Copper.

I forget the draught of water of the "Coquimbana".

The "Coquimbana" had no communication with any boat or vessel be-
tween Cape Horn and that. The Captain was never drunk that I saw.
There was no improvement to my knowledge in any shape whatever held
out to the Captain to sell his vessel.

When I was on the Island the "Malvina" Capt: Murray came to the
Island with Mr. Rutter and Mr. Smith. I don't know where they came
from. They did not go on board the "Coquimbana" as I know of.
They brought us some fresh meat, they took away the Captain's wife
two children, Carpenters wife, boatswain and Steward. We had previous
made signals, they came in answer to them. The "Malvina" was told
belonged to Mr. Dean.

Xth by Mr. Dean.

We thought it was too dangerous to live on board as the ship was
shumping, and we expected the masts to come down about our heads
I thought so, I don't know what the others thought.

During the month we were on the Island we were sometimes a
days at a time and could not get near the ship.

We had good bo

67
250
We had good boats. A good long-boat and pinnace. I think they were quite the boats for the vessel.

We had not a single drop of Spirits on board as I know of. We went to work and decked the long-boat to enable us to go for assistance. The weather was so bad sometimes that we could not have laid alongside even if we could have got near. When I was on the Island I once saw the sea breaking close to the vessel - right over her stern. We worked at the Muck all opportunity and tried to save as much as possible. I can't say how many times I went to the ship. We saved all the provisions, all the sails and some running gear during the month we were living on the Island. Before we had time to strip her the "Fovarr" came. We brought nothing of it but to Stanley. The vessel was hogg'd when I left her. I have been nearly 2 years as mate of a ship and I think more than 15 years at sea. If I had been the Captain I should have left her. I thought it was the best he could do at the time. I thought she would go to pieces or I should not have left her. I have been seven months with Captain Boden. I can't say she was a kind man. He was as far as I saw a careful man. The ship ran on shore about 9 am. The Bailey was coming up from the pumps previously. The water was up to the lower deck beams when I left for good -

By the way.

When the ship went ashore it was blowing heavy with thick weather with rain and snow squalls.

I have been wrecked

I have been wrecked before. 20 miles to the N.W. of the main light-house. — The "Coquimbana" had no Wheelhouse. After we had seen the sea break over the ship from the Island we found the Rudder loose, the Wheel-chains gone and the Stern-post shewn. We had a cabin partly on deck, the water had been in but no damage was done, I should not like to be here. It was about one to two hours from the time she struck till we abandoned her and went to the Island, it might have been three hours, I forget how much water was in her at that time.

By the Plaintiff.

The Captain had a Chart of the Falkland Sound on board.

I had none.

By the Jury.

The watch had not been settled, we came from an anchorage that morning. At other times we kept a regular watch. All hands were on deck that morning.

The Court here adjourned for 12 or 14 hours.

At 2 P.M. The Court reassembled. —

Mr George McMan - sworn

I am a partner in the firm of S M Dean and Son.

I am Lloyd's agent at this port.

The vessel was sold at Auction as the wrecked ship "Coquimbana" on the 19th of June and the George likewise. I was the Auctioneer. The account of that sale is in my Office, there was also an account of the sale lodged in the Governor's

Office - I don't

Office. - I don't know whether a Survey was held according to the Merchant Shipping Act, Art^o 8.

(Rec^d by Plaintiff who stated that he always understood a survey was requisite.)

There were competent persons called together to give an opinion. There was no actual survey. There was an Investigation by competent persons called by the Captain and myself as to what had best be done with ship and cargo. I think Murray, Rutter and Melville were the three parties who made the Investigation. Murray is a seaman and Master of the Schooner "Matrina". Melville is Harbour Master and Government Pilot and Rutter is a Master and Pilot. Rutter and Murray had seen the vessel, they had been down together. Murray was in my employ. This Investigation took place before the sale. They drew up a Report in writing in their own hands. I have not got it or a copy. The Captain took it away with him. I won't be certain whether they advised the Captain to sell or not. It was ordered by the Captain and not by me, that is the reason I have no copy. I never advised Captain Borden to sell his vessel. I don't think I enquired to what amount he was Insured. The vessel and cargo sold for more than double what I expected and I considered under the circumstances at that time she fetched her full value. I was not a Partner in purchasing the property. I did not advance money to the registered owner to make the purchase. There was not any agreement or contract with me before he purchased either previous or at the time of sale. I was not the bona fide purchaser. I am now a Partner to the extent of half and a little more. I am Agent

more. I am Agent for Captain Luis Pedro Brena and have been for between four and five years.

I don't know how much of the Cargo has been saved.

I have some Barley in one of my Haulks. I should think about ninety or one hundred Tons.

Whether it is damaged or not is a matter of opinion, some say it is and others not.

I have not made an estimate of its value. It is worth as much as I can get.

By the Court

I cannot say how long it was after the sale, that the Barley came into Stanley. I believe between two and three months but it was a long time afterwards.

By the Jury.

From all I could understand and as far as I heard I believe the vessel to be a total wreck at the time of sale.

By the Court

The bidders at the sale were the Falkland Islands Company by Mr. Foster, the Defendant, and James Tilton for one. Mr. Knutter bid also, only for the boats. Charles Williams also bid I believe. The two boats were sold first in separate lots.

The ship next and the Cargo of Copper and Barley together.

Mr. Foster bid for the ship and Cargo. James Tilton for the firm of J. W. Dean and Son also bid for the ship and Cargo and I think Williams likewise bid for the ship and Cargo.

Before the sale took place Captain Boden advertised for tenders to wreck the ship. This advertisement was placed on the Gazette board. I wrote the advertisements under the direction

of Captain Boden

of Captain Boden (advertisement put in.)

There were three tenders received by the Captain. One was from the Falkland Islands Company, another from the Defendant and the third from a man named Neilson a part owner of the cutter "Windward" a vessel of about 12 Tons.

The tenders were delivered sealed to the Captain. I never saw them until they were opened in the presence of the Captain, myself and tenderers. The Captain did not accept the Tender of the Falkland Islands Company. Tender produced and read. In my judgement he ought not to have accepted the Tender. — The Captain could not get any Credit on his owners here. He could only offer the salvage on the wreck and cargo. He could not raise money here at all. The Falkland Islands Company wanted better security than the chance of salvage for advancing the sum of £4500.00 The Defendant sent a Tender for 45 per cent I believe of the net proceeds after sale. That was not accepted.

Neilson's was rejected as absurd he having no means or vessel fit for the purpose. The Tender sent by him was much higher than all the rest. Before the tenders were sent in Captain Boden wrote to Mr. Foster to ask him on what conditions he would lend the Company's Schooners to save cargo.

Letter read. dated June 15th. He said he had heard from Kutter that the Co^{rs} had vessels suitable to work a wreck.

I don't know the answer to that. Captain Boden went down to see Mr. Foster himself and had a private interview.

Captain Boden next wrote me a letter on the 18th June telling me to sell the ship and cargo. All to be sold for the benefit of all concerned and in separate lots. Letter produced.

I sold them on the 19th of June 1867.

The Ship brought £

The ship brought £ 250 - The Boats £ 34 - The Copper and
Barley were sold together for £ 406 - making altogether £ 690 -
They were sold together by consent of the Captain as it was impos-
sible to separate them and no one would bid unless they were
sold together. All the bidders consented.

By the Jury -

The vessel was sold as the wrecked ship "Cicquimbance"
Captain L. Miller recalled by the Court.

I say there was no necessity for the sale of the Ship and Cargo
Because the Captain should have waited to hear from his
owners and have their advice, even if he had to live himself
out by the day to maintain himself where such a large and
valuable Cargo is at stake and did not in my judgement
exercise sound discretion. He sold a large and valuable
Cargo for a mere song without consulting his owners. I don't
know how long it would take to hear from England - it takes
about 5 months. The Cargo of Copper might have been saved
even if the ship had gone to pieces, even if the cargo had
remained at the bottom of the sea. A Ship might have
been chartered with the necessary apparatus and divers on
board and saved it.

Xth by Mr. Dean.

The Salvage Association did not send a vessel out from
England because they thought every thing necessary could
be got out here and cheaper.

Besides I was not sure of finding her time.
I have never been to Ingsen patch.

I have heard since I came here that the Falkland Sound is
not so smooth as it is said in the sailing directions.

The Sailing directions are issued by the Admiralty and are considered
the best authority

the best authority.

By the Court

I never heard that the Survey of the West India Islands was in-
court.

By the Jury.

The Captain ought to have remained here and if he could
get no money to exist upon he ought even to gain his
living until he got advice from his Owners that is where
there is such a valuable cargo at stake.

By Mr. Dean.

I don't know whether the Underwriters received the sum
of £690 for which the Ship and Cargo sold. I don't
know whether it is usual for the Underwriters to receive
the proceeds of the Auction before paying a total loss
as when sold in a Foreign port or abroad.

Plaintiff's case closed.

Mr. Dean then objected that as Captain Miller can-
not account for the £690 he has no claim and asks for
the decision of the Court upon the point.

The Chairman said he had taken a note of the objection
and thought the case should go on for the present and
if necessary decided afterwards.

Charles Melville, sworn

I am Harbour Master and Government pilot

I am in the employ of Government

≡ I have been 34 years

I have been 34 years on the Island, and 27 years in Govt employ altogether. I have been wrecked on the Jysseu patch once and have been round it several times, it is a very dangerous reef. The prevailing winds here in the winter season are from the Southward and Westward. The Tide is very strong near the Jysseu patch and runs at the rate of from 3 to 5 knots at full and change of the moon but never less than three. I heard that the "Coquimbana" was a wreck. I was sick at the time. I thought from what I heard that the "Coquimbana" was in a very dangerous position and would not hold together very long. I wish Mr. Thomas Murray gave an opinion to Captain Bodon I think the statement we made (I drew the document up) was that he had better put up a notice on the Gazette board for Tenders to wreck the vessel first, and if an suitable offer was given to him it was my opinion he had better sell the Ship and Cargo by Public Auction for the benefit of all parties concerned. I know of what the Cargo consisted at the time namely Copper and Barley.

I think that any vessel on the Jysseu patch is in great danger. I thought at the time that any purchaser was running a great risk of getting either Ship or Cargo. I think that considering the risk the purchaser ran the price was a fair price. he might make a good thing of it and he might lose all. I would not take upon myself to say how many days you could work in an open boat on the Jysseu

boat on the Tyssen patch. The tide always runs very strong the body of water is so great, it is never still for more than 20 minutes in the day. From what I have been told of the position of the ship on the Tyssen patch I believe if she had gone off on account of Kelp no diver could have got the cargo. The patch is covered with Kelp, true Kelp only grows on stone or rocks. What with the strong tide running with southerly winds and the various depths at that place if any thing was in the Kelp no diver could get it. It is a place where the tides meet one goes North East, the other South East.

By the Coast

I have seen a heavy sea in the sound, plenty of them, such as would break a vessel up on the rocks. It is never smooth with a South West gale, it breaks with the overfalls of the tide. I did not think the vessel would be in existence so long from what I know of the sound. I was wrecked on the Tyssen patch in the Brig "Mines". The wind was South, South East blowing a gale with snow squalls. I don't think Captain Sullivan was surveying here in winter time - I think Captain Sullivan went to the Mount in winter time. The "Arrow" and "Philomena" were surveying vessels, they were here I think about 3 months in the year. The Beagle was surveying mostly off the Cape and the Straits of Magellan. I never saw Captain King
 I believe he was in the

I believe he was in the straits.

By the Plaintiff

It was before the sale we had the meeting when we gave our opinion to Captain Boden. I understood the "Coquimbana" was towards the centre of the patch from the west towards the East end. I consider if a ship Laden with a heavy cargo and lodged enters those channels she must come out the same way. I think if 200 Tons of cargo are taken or washed out she might come off not otherwise. If 200 Tons of Barley had been taken out of the ship she might have gone off. The ship would be in danger if it is not properly anchored. Had she been there in January it would have been different - It blows harder in summer than in winter. There are some very heavy gales in summer time and the tides run very heavy over the Tysen patch. In fact it lies in the strength of the tide. The sea looks smooth where there is kelp but still there is the same ocean swell. it prevents its breaking. Divers might perhaps be able to cut away the kelp at slack water so as to get at copper if it was lying on the bottom. There is not more than about 40 minutes in the day when it is slack water. I have never seen the wreck "Coquimbana". I can't say how long it would take to cut away the kelp. I can't say if it would take 6 months. I should think it would be a risk to the life of any diver to attempt it. The tide runs so strong that a man would be swept away

He ought to go to windward

he ought to go to windward. If a vessel was moved over the work it might be done. It could not be done by boats lashed together. if it came on a gale of wind they would most probably be lost and the men also.

By the Jury

A. Driver if a sensible man would not try to get theopper without cutting the kelp away

William James Krutter, sworn

I am in the employ of the Falkland Islands Company as sailing Master and have charge of their boats. I am also a Licensed Pilot. I have been 17 years on the Island. I saw the "Boquirimbará" on the Tysseer patch. I have often been through the sound and always go to the eastward. I thought when I saw the ship there that it was on a dangerous reef I was about 2 1/2 miles from the ship. The weather was very bad when I was in the "Malviná" about the middle of last June. I did not think the ship would hold together very long. I considered ship and cargo was in very great danger. I was a bidder at the Auction for the boat only. It sold for £24,0.0. I was consulted by the Manager of the Falkland I^{do} Co^s as to whether it was worth their while to buy on behalf of the Company. Mr. Foster asked me at the Auction if he should bid higher than he did. I advised him not to do so as I thought it would be a great risk, and that both ship and cargo would be lost unless some wood that would do for Corvats might drift on the Company's land there. I did not think the Defendant

(17)
25-

I think the Defendant would make much when he brought
the wreck and cargo. Captain Boden asked me for advice
as to what he should do with Ship and cargo. I gave him
advice at the wreck to get vessels as quickly as he could get
them to the wreck or else he would lose both ship and
cargo. I was also consulted by Captain Boden before the sale
I told him the same as I had before and likewise told him
I thought if he could not get vessels the best thing he could
do was to sell her as quick as possible before she was lost
altogether. ~~as~~ the South West gales were blowing so hard that
we could not get on board the "Coquimbana". I should have gone
on board but wind and weather prevented me.

I have had great experience in shipping. I don't think they
could have got near the vessel more than two days in the weather
hardly that. The weather had been very bad some time be-
fore I was there and was the same some time after, and I
believe the Defendant was nearly three weeks going up.

By the Plaintiff

I think that it is possible that a vessel tilted might
perhaps roll off into deep water especially when blowing
hard.

(Chart examined by the Court and Jury. It shows 4 or 5
fathoms round about the Patch.)

Thomas Murray, Sworn

I am a Sealer and a Seaman, I have charge of the "Malina". I
was at Pebble Island

was at Pebble Island at first and went from there to San Carlos in
 going to Mr. John Bonner's place. while there Mr. Bonner told me he had
 received a letter from Mr. Dean and that I was to go and see
 whether there was a wreck at the Tjysden patch as he had
 heard something about it and if there was I was to render
 every possible assistance but if not to go to Stanley as quick
 as possible. I tried to get to the Tjysden patch from San Carlos
 it is only about 20 miles distant but I was 8 or 9 days before
 I could get there I arrived on the 10th of June. I went to where the
 Captain and men lived. It was Sand bar Island. I staid 2 or 3
 days and brought the Captain and some others to Stanley. I saw
 the "Coeymbana" lying on the Tjysden patch. I never went on board
 I could not get on board it was blowing too hard I considered
 the vessel was in great danger. I have been close to the Tjysden
 patch at least 8 or 10 times I did not think at that time that
 the vessel would hold together long. Captain Boden consulted
 with me as to what I thought it was best to do under the
 circumstances. I told him I thought the best thing he could
 do was to come to Stanley as quick as we could and if he
 could get a vessel on any reasonable terms to wreck the ship to
 do so. Before the sale of the ship and cargo took place Cap^{tn}
 Boden consulted with me again. I told him to advertise
 for Tenders to wreck the ship and if not to sell her at once
 or he would lose here as I did not think she would last a
 fortnight longer. The wind was blowing a gale from South to South-
 east and the sea was very rough. it was that which kept me
 from getting to the wreck sooner. I have been through the Sound
 pretty often but never found it smooth when there was any wind
 Last year I was obliged to put back to White Rock in con-
 sequence of the sea being so heavy. This was about the time

the vessel was wrecked

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the vessel was wrecked. It is my belief that if the vessel
was to go off into deep water and the copper go to the bottom
any diver who would attempt to get it would run a risk
of his life. I mean a great risk.

By the Plaintiff

I think that any vessel beached and laden with Copper
even if she was on jagged rocks would most likely go
off into deep water from the effects of the strong gales.
I am in the employ of Mr. Seave and have
been for 6 or 7 months.

Luis Piedra Buena, sworn

I am the Defendant in this suit and owner of the
Schooner "Esperanza". I bought the wrecked vessel "Co-
quimbana" and Cargo of Copper and Barley on the
19th of June last and proceeded to the wreck, I went as
quickly as possible as I thought she was in great danger
and I was anxious to save as much as possible. I left here
I think on the 21st June. Since then I have had men at the
wreck and have taken every opportunity to work the wreck.
I was 2 or 3 days waiting the first time before I could get on
board after I arrived there. and afterwards I was at least
15 days waiting to go on board. The first time I went among
the kelp and nearly lost the Schooner. I could not go in a
boat the weather was so bad. The bow of the vessel lies No. No. E
the Stern S. S. W. she lies in 2 1/2 fathoms of water that is at
dead low water, she would have to go about her length off
and then she would go into

and then she would go into 7 fathoms of water that is on the west side on the other side it varies from 4 to 6 fathoms. Her anchors and chains are holding her in that position now. I found one anchor down, the captain had let it go, where the vessel lies is flat hard ground. I let the other anchor go and have taken all the spars out of her. I don't think if the vessel goes off into deep water that I can get the copper and I won't try it either.

By the Court

I did not see the vessel before I bought her. No vessels in Stanley could without very great risk have attempted to get the vessel off. I would not let any vessel go for that purpose for it would hurt her. It must be a very smooth day and even then if it came on to blow in the sound they would have to cut and let her go or else she would sink them. —

Samuel Bourner is in charge when I am away, and he has been 15 or 16 days at a time before he could get to the ship on account of the wind. I think if the kelp was cut away it would fill up again as soon as cut. I should not feel justified in sending a man down. The kelp is very long and dangerous and I think would wrap round the body of a diver and prevent him from being brought to the surface. I think it was the anchor kept the ship from coming off. her back is broken and was when I first went there. I sent a message to Mr. Dean to the effect that I thought the ship would break up. If she moves she will. she had 4 or 5 beams broke amidships and her decks amidships all rose up

decks and rigging all rose up. The sea when it blows heavy breaks right over her so that all light tools &c. kept on board are washed away. The house is solid, it is half muntz and half house, it is raised about 2 feet from the deck.

X^d by the Plaintiff

The Copper has not been seen yet. I don't know the sort of the 90 or 100 Tons of Barley we brought in and whether it is in what is called good or bad order. Mr. Dean was a partner in purchasing the wreck at first afterwards up to the amount of half and a little more. My Schooner was never made fast alongside the wreck. I have employed 14 men on the average to work the wreck. I began working her about the 25th of July. The Barley we brought in was on the top. At present I can do nothing but open the wreck and let the Barley wash out. I cut away some of the planks for that purpose. I have the 1 Bags overboard. The men are at work throwing Barley away. We have so little time to work we are obliged to do what we can. Some of the bags are a fathom under water and we sometimes have to wait 50. 60 days before we can get on board. My Schooner is anchored about 1/2 miles from the wreck. I can't get nearer with safety as that is in my opinion the nearest safe anchorage.

By the Jury

When I go to work the wreck, I have two with only one man on board dodging about while the rest are at work and in very fine weather I sometimes anchor nearer, I could perhaps anchor about 2 Cables length off but it

 would be very dangerous

would be very dangerous and difficult to get under weigh again. I think I have anchored 6 times since I began to wait the wreck, that is in six months. —

Mr. Dean to the Jury.

The Plaintiff (in reply) to the Jury.

The Chairman summed up leaving to the Jury these Questions. 1st Was the sale of the ship justifiable through necessity? — 2nd Was the sale of the cargo of Copper and Barley justifiable through the most imminent necessity?

The Chairman asked whether the parties had any other questions to put to the Jury.

The Plaintiff and Mr. Dean for the Defendant both agreed that they were the questions in dispute

Jury retired and in about one hour returned and gave a Verdict on both Issues for the Defendant saying that the Captain was compelled through necessity to sell, to avoid a total loss to all parties and that every thing had been done bona fide for the benefit of all concerned. —

The Chairman said he would appoint a day for giving Judgement in this suit. —

Finis

In the Magistrate's Court -

Josephus David Miller

Verdict

Captain David Spidra Bona

Copy of Sentence

No 20

Decided 27th 1867