

CONFIDENTIAL.

1932.

~~1929.~~

C.S.

No. *C/14/32*

Mr. W. J. Allan.

SUBJECT.

1932.
192

29th July.

REPRESENTATIONS MADE BY MR. W. J. ALLAN
AS TO THE PROCEEDINGS AT THE CORONER'S INQUEST
ON THE LATE WILLIAM McPHERSON.

Previous Paper.

MINUTES.

1-10. Letter from Mr. W. J. Allan, 29 July 1932

G.P. Substant.

WJD

30. 7. 32.

Hon C.P.

*Noted
my views are stated
in note sent herewith*

*WJD
1-8-32*

Subsequent Paper.

y. E. Submitted a draft
letter to Mr Allan Sept 1
was prepared accordingly.

T

Y. E.

4. 8. 32.

Hou C. S.
Draft of letter
Approved
J. E.
4. 8. 32

Letter to Mr. W. J. Allan of 5/8/32.

10-11.

Phyne

6. 8. 32

Letter from Mrs. W. J. Allan 14/8/32.

13-15.

y. E. Submitted.

Y. E.

15. 8. 32.

Hon C.S.

Noted:
I have nothing to add to, or
take from, my decision conveyed
to Mr W. J. Allan, in writing, by you

J.G.
16.8.32

Y.E.

Draft letter submitted.

J.M.

16.8.32

Hon C.S.

Draft of letter
approved

J.G.
14.8.32

16. Letter to Mr. W. J. Allan. 18/8/32.

P.M.

19.8.32



William John Allan
Stanley 10
July 29th 1932

Sir
I have the honour to request that the following matters may be placed before his Excellency the Governor.

That I received a summons to serve on a jury at an Inquest touching on the death of William McPherson appearing at the Court house at 11 A.M. on the 16th day of June I was selected as foreman of the jury. Three witnesses gave evidence. The second witness A. Hills (acting outdoor foreman) stated that Harry Bonner had instructed McPherson in blasting. The coroner asked the jury if they had any questions to ask, one of the jurors asked a question and was shouted down in a rude manner by the Chief of Police and told that all questions must be put through the Foreman. This question and others were not recorded in the evidence the witness signed. The jury were impressed by the coroner's conduct that he did not wish this witness to be questioned. The court was adjourned until Friday 24th on Sat 18th I called at the Colonial Secretary's Office and explained to Mr. Ellis about the questions not being recorded in the evidence and that it appeared to be camouflaged as questions put ^{by the jury} were checked and that there was no facilities

for the jury to question as the court had ruled that all questions must be through the foreman and if he could supply me with leaflets on blasting which came with the gelignite. Mr. Ellis said that the request for the leaflets and facilities for the jury were reasonable but that I would have to see the coroner Mr. Brown. When I called at Mr. Brown's office he was very angry with me for not first going to him and told me that he had said that I was not fit to be foreman of the jury. but afterwards said I apologize and that he was sorry. and that he would have the jury at the table with facilities. and that the jury could ask questions. and he would try and get leaflets for the jury I also said that the jury could call witnesses I told him that the public was watching the case with great interest he did not like the word camouflaged but I told him that it was not only the jury's opinion but others. Mr. Hooley (Chief of Police) came to me on Tuesday 21st to the Boat shed where I was working with one leaflet on blasting from Mr. Brown and told me that Mr. Brown would see me at any time I wished I said I would like to see him

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as to who represented the McPherson family
as people had been to me about the case,
and then I could send them to the
representative of the family. he told me
that Captain Watson was representing the family,
he then started to discuss the case and
draw me into argument which he had
no business to do. I called at Mr. Brown's
office in the afternoon for a list of the
witnesses that he was going to call. he
gave me the following: Kenny, Wallin, Hills,
A Barnes, Lehen, & Mr. Roberts he also told me
that Captain Watson would represent the
family and that Captain Watson ^{at court} would question
before the jury. and that Captain Watson could
not call witnesses. Mr. Hooley had told me
he could. ? now why was Mr. Brown
hearing Harry Bonner out of his list
of witnesses as at the first hearing we had
been told that this was the man who had
taught McPherson. Mr. Brown also
threatened me that if I did not soon give
him our list of witnesses he would adjourn
the case. On Thursday 23rd at 10.30 A.M. I gave
Mr. Brown a list of the witnesses we wished
to be called they were: - Harry Bonner,

Mr Hennah sen. Mr. Waghorn. the Chief
of the Police had been down to my work
to me in the morning again trying to draw
me into an argument about witness' and
on the case. in the afternoon about 3.30
I went to Mr. Brown's office to summons
another witness Albert Bonner. So what else
could I do Mr. Hennah had been to me and informed
me that a short time before he had seen MacPherson
charging a blast hole and felt sure from the way he
did it he had no idea of the dangers of
gelignite and had not been instructed. I had heard
that Mr. Waghorn had worked in an Explosive
Factory in England and in a quarry there as he had
credentials I thought he could enlighten the
court on gelignite and blasting which had not
been brought forward. on Friday 24th the
court opened at 10.A.M. and again on Sat 25th
at 10.A.M. on returning from lunch I was called
in to the Coroner's office by the Police and
the Coroner hinted to me to stop questions this
I could not conscientiously do. we then entered
the court. late & together which did not look
right. during the sitting of the court the
coroner had to apologize to the jury three
times in the court. on one occasion when the
jury were questioning a witness a quarryman

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(6)

J. Barnes the coroner was rude to me I explained that a quymen had seen J. Barnes smoking over a blast hole while charging it with gelignite this J. Barnes admitted and that he had never been given the leaflet of instructions ~~by the Director of Public Works~~ by the Director of Public Works. he said he had been working blindfolded. the coroner was deliberately leaving out the word blindfolded from the evidence one of the jury had to protest to him about it and have it recorded in the evidence. the coroner again to apologize. in his evidence H. Bonner quarry hand on being questioned said that he had not instructed Mr Pherson nor had he been instructed himself and had just lately found a leaflet on blasting he then realised the dangerous way the work had been carried out. When Mr Roberts (The Director of Public Works) was giving his evidence the coroner turned over the evidence of other witnesses and gave Mr Roberts access to it. on being questioned Mr Roberts said he had given a demonstration on blasting at Rabbit Rock and that John Barnes was present this J. Barnes had previously denied. the coroner then deliberately called a

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discharged witness of Barnes from the court when he had been sitting listening to the evidence and asked him if Mr Roberts had ~~had~~ given him a demonstration on blasting at Rabbit rock to this of Barnes replied no. (now sir is this in order in a court of justice) on being questioned Mr Roberts said that the leaflet of instructions was of no use and he would not use a warming pan as illustrated on the instruction which came with the gelignite to soften frozen cartridges as they were quite safe to use frozen and broken up Mr Roberts gave no proof in his evidence that any demonstration or instructions had been given to Mc Pherson or any of the workmen. Mr Waghorn in his evidence said that in the Factory where he had worked gelignite was considered very dangerous and all instructions were given and precautions taken and the same at quarrying. The Coroner summed up on Mr Roberts evidence but the jury gave their verdict on all the evidence which was that no ^{blasting} instructions and precautions

(14)

had been given to McPherson, or any of the men working with him or to any of the other witnesses. This verdict was read out in the court. The coroner then sent the jury back to reconsider the verdict and passed slighting remarks on the late McPherson. The jury returned with the verdict unaltered. The coroner then closed the court and told the jury to return to his office at 12 o'clock on Sunday to sign up. The verdict had not been recorded in the Book. The jury again met at the coroner's office ^{at 12 o'clock Sunday}. The coroner was there and Mr. Jones. The coroner then told the jury that their verdict was out of order and had a verdict of his own ready for us. Under pressure we asked to retire and consider it which was granted. As we were putting our verdict in form as had been pointed out by the coroner Mr. Jones came to us with an impudent message from the coroner that if we did not come down at once he would leave the office. When we got to his office I gave the coroner back his verdict which he had prepared for us. He then started to abuse & insult us. He said you are a lot of Igorant senseless stupid fools Brainless not fit to be jurymen. I then

(3)

asked the jury do you wish for to have the Coroner's verdict or your own. They all said our own I then said to the coroner will you record our verdict he said to Mr Jones write it down. I then read out our verdict which had been altered from the one I had read out in the Court. Mr. Jones wrote it down. The coroner then said what is the difference in mine I replied ask the jury they then told him that he had some words in his which they did not understand and wished to have ~~their~~ own verdict we did not like to alter our verdict - to much it had been read out in an open court the coroner then started to apologize but the jury never accepted it after we had signed and was leaving the office I told the coroner that I took exceptions to the slighting remarks he had made on the late Mr Pherson who I had known from a boy. the coroner then got hold of my hand I never gave it to him, but drew it away. Now Sir after ~~that~~ ~~that~~ all that is Mr. Brown a fit and proper man to be our Magistrate and Coroner.

no apology will make him so. he has
made little of the court and humiliated
and grossly insulted the jury in the course
of their duty. I can not accept any apology
and request that Mr Brown be no longer
Magistrate and Coroner. you have said
sir that there is nothing against my character
and that I am looked upon with respect and that
you can not take my name off the jury
list then Sir protect my name. I have also
to request that His Excellency should
state in the Penguin that the jury had
returned a just and lenient verdict and
and done their duty as a misleading account
has appeared on Monday 27th June 1932
which you will see by this was not
correct. I have laid these matters before
you verbally and so also has all the jury.
In December 1929. his Excellency Arnold Hodson
in his speech at the Town Hall to the
people of the Falklands said that Doctor
Dean was to be dismissed from the Colony
and service and that the King did not
wish the people of the Falklands to be
unjustly treated he also said that at any time
any of the people who were being unjustly

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treated by any Government official to state their case at once to the Governor or the Colonial Secretary. I should also like to state that I was told by Governor Sir William Allardye and Mr. Henniker Heaton that it was the duty of all Government servants to treat the Public with Courtesy and respect. I have so far received no satisfaction but I have a friend in England who has told me that if I could not get justice here he would endeavour to place such matters before an Higher Tribunal and although I have never yet had occasion to do so. with much regret I may have now to avail myself of this offer.

I have the honour to be

Sir
your obedient servant
William John Allan
ex Foreman of jury (no 273)
British Citizen

The Honorable.
The Col. Secretary.
Stanley.

GOVERNMENT HOUSE,
FALKLAND ISLANDS.

Hon C. S.

1.8.32

I have carefully read the statement of Mr W. J. Allen and have to say it differs in no degree from the verbal statement made to me, by him, on July 2nd, and subsequently July 9th when he was accompanied by members of the jury

Both these interviews took place at Government House

As there is not any fresh matter or additional facts in the written statement I see no


GOVERNMENT HOUSE,
FALKLAND ISLANDS.

4.
reason to alter, or amended, the
decision I gave at the interview
at Government House, July 9th.

There are two points at issue:

- (a) The conduct of the Coroner
at the inquest held to enquire
into the death of William
McCabe person arising out of
an explosion of graphite
while employed on Government
work
- (b) The report of the proceedings
published in the "Penguin"
June 29th
On those two points my decision
was!



GOVERNMENT HOUSE,
FALKLAND ISLANDS.

- 1- I refused to cancel the appointment of Mr L. G. R. Brown as Magistrate and Coroner as I did not think the circumstances warranted such cancellation.
- 2- I was of opinion that the report of the proceedings at the inquest published in the Penguin did not convey the impression stated by Mr Allen and therefore no useful purpose could be served by consenting to Mr Allen's request.



GOVERNMENT HOUSE,
FALKLAND ISLANDS.

I regret that Mr Allan has thought it necessary to state the attitude of my predecessors in the matter of 'the duty of Government Servants towards the General Public'

I have taken that attitude during the whole of my public life - at the same time insisting always insisting that Government Servants should be accorded due respect and courtesy from the public whom they serve

Regarding Mr Allan's statement that he may - through a friend in England - submit the matter to an higher tribunal. I have no comment to make James O'Grady
Governor

C/14/32.

5th August, 32.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 29th of July, 1932, and to inform you that His Excellency has read carefully the statement which it contains.

2. I am to say that this statement differs in no degree from the verbal statement made to His Excellency by you at the two interviews which took place at Government House, the first on the 2nd of July and the second on the 9th of July, 1932, on which latter occasion you were accompanied by the members of the jury. As there is no fresh matter or additional facts brought forward in the written statement His Excellency sees no reason to alter, or amend, the decision given by His Excellency at the interview at Government House on the 9th of July viz :-

There are two points at issue

- (a) The conduct of the Coroner at the inquest held to enquire into the circumstances of the death of Mr. William McPherson arising out of an explosion of gelignite while employed on Government work
- (b) The report of the proceedings published in the "Penguin" on the 27th of June, 1932.

On these two points His Excellency's decision was

(2)/

Mr. W. J. Allan,
STANLEY.

- (a) His Excellency refused to cancel the appointment of Mr. G. R. L. Brown as Magistrate and Coroner as His Excellency did not think that the circumstances warranted such cancellation
- (b) His Excellency was of opinion that the report of the proceedings at the inquest published in the "Penguin" did not convey the impression stated by you and therefore no useful purpose could be served by consenting to your request.

3. I am to add that His Excellency regrets that you have thought it necessary to state the attitude of His Excellency's predecessors in the matter of the duty of Government servants towards the general public. I am to say that His Excellency has taken that attitude during the whole of his Excellency's public life, at the same time always insisting that Government servants should be accorded due respect and courtesy from the public whom they serve.

4. I am also to say that regarding your statement that you may, through a friend in England, submit the matter to a higher tribunal His Excellency has no comment to make.

I am,

Sir,

Your obedient servant,



Colonial Secretary.

William & John Allan¹⁵
Stanley Falkland Island
.14th August 1932



Sir

I have the honour to acknowledge the receipt of your letter of the 5th August in reply to mine of the 29th July. I have read his Excellency's answer with surprise and regret to think that his Excellency should condone such conduct from a government official to the jury and to the general Public.

I wish also to add that his Excellency's attitude in this case has not protected the jury from abuse and deliberate insult.

The attitude of his Excellency's predecessors whom I mentioned would never tolerate such conduct.

With reference to your remarks in no 3. at the same time always insisting that the government servants should be accorded due respect and courtesy from the Public whom they serve.

Both respect and courtesy were given by the jury to Mr. Brown the coroner and in return they were grossly insulted and abused by him. Good sense forbade them from retaliating and they laid the matter before his Excellency the Governor, from whom they received no satisfaction.

I wish also to draw his Excellency's attention to the fact that the copy of the evidence of the Inquest and Inquiry touching on the death of William McPherson which I have received from the Registrar is not a true one that many questions and statements are not in this evidence for instance:—

1- The coroner in summing up said that the Director of Public Works) Mr. Roberts had personally demonstrated the use of explosives in blasting to at least one of the men who had given an opposite opinion.

(this was G. Barnes at Rabbit Rock as I stated in my letter 29th July.

2 - I put the question to Mr. Roberts:— Should frozen gelignite ^{be softened} in a warming pan as illustrated on the leaflet.

The answer was:— No. I would not use the pan. frozen gelignite is as safe to use as thawed

(I had passed the leaflet to Mr Roberts. I understand that the Government now use a pan for softening gelignite

3 - On the 16th June Albert H. Hills acting

(acting Foreman of Works Falkland Island Government) in evidence stated that Harry Bonner had instructed me Pherson in blasting.

This does not appear in the evidence I have received. ~~rather~~ does the questions by the jury.

4 - There are many other omissions as I have pointed out. it is camofalaged.

As to the answer to (b) of your letter that no usefull purpose could be served by publishing a correct report in the Penguin it would only be justice to the jury to do so.

I am

Sir

your obedient servant
William John Allan

The Hon^{ourable}
The Colonial Secretary
Stanley

(ex Foreman of Jury)
British citizen

C/14/32.

19th August,

32.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 14th of August, 1932.

2. I am to say that His Excellency has nothing to add to or to take from the decision conveyed to you in my letter No. C/14/32 of the 5th of August, 1932.

I am,

Sir,

Your obedient servant,



Colonial Secretary.

Mr. W.J. Allan,
STANLEY.