

C.S.

L E G A L.

(Misc.)

SHIVES/13 # 11

193 7.

No. 228/37.

Falkland Is. Co., Ltd.

SUBJECT.

193 7.

3rd December.

Previous Paper.

Special voyage made to Lively Island by s.s. "Roydur" in connection with the drowning fatality which occurred there.

MINUTES.

①

Letter from the Manager, Falkland Is. Co., Ltd., 3/12/37.

Y.E.
 I went out at the request of the F.I.C. + not at the request of anyone else - the men were employed by the F.I.C. If I had not gone out arrangements could have been made to send the 3. What about the F.I.C. paying Coroners Fees?

*Red
6/12/37*

Hon. C.S.

I am surprised at the F.I.C. putting in a claim at all. The accident happened at their property and the unfortunate men were employed by them. They have taken a long time to consider making a claim! What

Subsequent Paper.

are the farmers fees?

MCH

6. XII. 37

Letter to Manager, F.I.C. of 7. 12. 37

(2)

~~Y.E.~~

(2) Submitted for information.

2. There are no Coroners fees in this Colony. I was merely informing that if anything, the Co. shd. pay Govt. for the services of an officer to ensure an independent enquiry.

J.P.
9/12/37

MCH
9. XII. 37

Letter from Manager, F.I.C. of 13/12/37

(3)

P.H.
9/12/37

Y.E.

Submitted.

Each case shall be considered in the light of the circumstances prevailing at the time of the occurrence.

2. Under Sec. 4, the Coroner may request a J.P. to hold an inquest.

3. If Mr. Stoddard had been in Darwin he could have held the inquest & enquiry as it happened at Bourke J.P. Jan Carlo attended the second enquiry in both cases it ~~was~~ more economical & a saving of time.

4. Reply as in paras 1 & 2 above.

J.P.
13/12/37

Hon. C.

Reply accordingly. Had the H. Coy supplied the vessel to go elsewhere we should have had to pay but in this case we did not hire the boat. This is a case where one would not expect a charge to be made.

MCH

13. XII. 37

(4) Letter to Manager, F.I.C., of 14.12.37.

P.A.
15/12/37.

(5) Letter from Manager, F.I.C., of 17.1.38.

M.
Submitted. In this case the Govt. did not ask for the "Ryder" or any other vessel. The manager Mr. Coy. asked the Comr. to proceed to Lively Is. and stated the "Ryder" would take him. It is clear that in cases where transport is asked for payment must be made. In the circumstances I did not feel that I should authorise any payment for the "Ryder".

MCH.
C.S.
19.1.38

As in draft please

MCH. 25/1/38

(6) Letter to Manager, R.S. Co. Ltd. of 22/1/38.

(8) " from " " " 25/1/38.

①

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851)

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" RADIO.

Stanley

3rd December, 1937. 19

Sir,

s.s. "ROYDUR" - Special Voyage.

With reference to the special voyage made to Lively Island by s.s. "Roydur" between 20th and 21st August last, when The Honourable the Acting Colonial Secretary went out to hold an enquiry into the drowning fatality which had occurred there, I beg to enquire whether the Colonial Government will kindly consider making a payment towards the cost of the voyage.

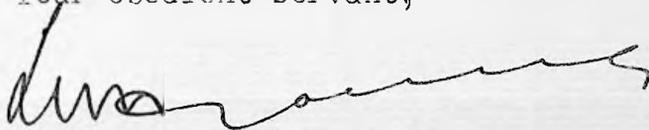
The nett expenses incurred by the vessel were £ 41. -. 9., as follows:-

Gross cost,	£ 42. 13. 9.
Passage fare received (Mrs J. Newman)	<u>1. 13. -. </u>
	£ 41. -. 9. =====

I am,

Sir,

Your obedient servant,



Manager.

The Honourable
The Colonial Secretary,
STANLEY.

(2)

228/37.

7th December,

37.

Sir,

Red 1 -

I am directed by the Acting Governor to acknowledge the receipt of your letter of the 3rd of December, 1937, in which you enquire whether the Government will consider making a payment towards the cost of the special voyage made to Lively Island by the s.s. "Roydur" between the 20th/21st of August last.

2. I am to point out that the visit of the Coroner to Lively Island was made at your request and that in the ordinary course of events arrangements would have been made for the Enquiry to have been held by a Justice of the Peace as was done subsequently when one of the bodies of the unfortunate men was recovered.

3. In the circumstances it is regretted that this Government cannot consider making any payment towards the cost of the voyage in question.

I am,

Sir,

Your obedient servant,

JS
Acting Colonial Secretary.

The Manager,
Falkland Islands Company, Limited,
STANLEY.

(3)

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REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" RADIO.

SHIPPING OFFICE.

Stanley

13th December, 1937.

No. 228/37.

Sir,

I have to acknowledge receipt of your letter No. 228/37 dated 7th instant, and note the Acting Governor's ruling in this particular case, I would however submit that the matter is one of principle, and that the position which may at any time arise under the provisions of Sections 3 and 4 of The Coroners Ordinance 1898, needs clarifying.

I beg to point out that had a Justice of the Peace held the enquiry, transport would still have had to be provided, and I submit that whenever it becomes necessary for action to be taken under the Ordinance referred to above it is surely incumbent upon the Colonial Government to make such arrangements as may be necessary to enable their Officers to carry out their duties. In my opinion, it cannot, therefore be incumbent upon anyone but Government to make both ^{the} arrangements and to bear any expenses incurred thereby.

I, am,

Sir,

Your obedient servant,



Manager.

The Honourable,

The Colonial Secretary,

Stanley.

228/37.

14th December,

37.

Sir,

Red 3

With reference to your letter of the 13th of December, 1937, on the subject of the special voyage made to Lively Island by the s.s. "Roydur" in August last, I am directed by the Acting Governor to inform you that each case shall be considered in the light of the circumstances prevailing at the time of the occurrence.

2. You will observe from Section 4 of the Coroners Ordinance, 1898, that the Coroner may request a Justice of the Peace to hold an inquest.

I am,

Sir,

Your obedient servant,

JS
Acting Colonial Secretary.

The Manager,
Falkland Islands Co., Ltd.,
STANLEY.

(6)

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851).
REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" RADIO.

Stanley

17th January, 1938. 19

228/37.

Sir,

CORONERS ORDINANCE, 1898, Secs 3 and 4.

Reds 1 x 3.
Reds 2 x 4.

I beg to refer to my letters of 3rd and 13th December and your replies of 7th and 14th December respectively, arising from my request that the Government might consider bearing a share of the expense incurred in sending s.s. "Roydur" specially to Lively Island with the Acting Colonial Secretary (as Coroner) to enquire into a drowning fatality there in August last.

There is no doubt that the circumstances of each particular case would, and should, govern the action which the Authorities require to be taken - e.g., the sending of an ex officio Coroner to the spot, or ~~arranging~~ that a Justice of the Peace shall perform the duties of a Coroner.

I beg to submit, however, that the point which requires clarifying is the matter of the conveyance of the official concerned, whether he be the Coroner or a J.P., and I suggest that it should be clearly laid down as to who is responsible for making the necessary arrangements for his conveyance and for such travelling expenses as may be incurred.

I am, Sir,

Your obedient servant,



Manager.

The Honourable

The Colonial Secretary,

STANLEY.

228/37.

22nd January,

38.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 17th of January, 1938, regarding the expense incurred in sending the s.s. "Roydur" to Lively Island with the Acting Colonial Secretary to enquire into a drowning fatality which occurred there in August last.

2. I am to state in reply that it is understood from your letters of the 13th of December and the 17th instant that you desire no more than that the principle should be established that the transport expenses attendant on an inquest should be borne by the Government. His Excellency considers that this is a correct view to take when the Government makes the arrangements for the passage of the officer required to conduct the enquiry.

3. In the case of the fatality on your estate in Lively Island your Company assumed the responsibility of requesting that the Coroner should proceed in your vessel placed at his disposal. As pointed out in Major Stewart's letter of the 7th of December other (and more economical) arrangements might have been made if it had not been for your request. An analogy might be suggested of a private individual/

The Manager,
Falkland Islands Company, Limited,
STANLEY.

individual in England sending his car for an officer to enquire into an accident in his house and applying subsequently for a refund of the cost.

4. Under the circumstances you will doubtless agree that the principle having been settled the matter may be considered as closed.

I am,

Sir,

Your obedient servant,

MCH

Colonial Secretary.

(8)

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851).

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" RADIO.



Stanley.

25th January, 1938. 19

228/37.

Sir,

Recd 7

I have to thank you for your letter No. 228/37 dated 22nd instant and note that Government accepts the responsibility of making arrangements for the passage of an officer deputed under Ordinance No. 6 of 1898 (Coroners), and for the cost of such transport.

I am,

Sir,

Your obedient servant,

A handwritten signature in dark ink, appearing to read "D. M. ...".

Manager.

The Honourable
The Colonial Secretary,
STANLEY.