

C. S. O.

TRN/LAN/4#6

1 1 3 5

1

1

3

5

(Formerly)

SUBJECT :

MOTOR ACCIDENTS.

CONNECTED FILES.

NUMBER AND YEAR.

FALKLAND ISLANDS POLICE.

A

Stanley,

20. x. 49.

19

Particulars of Road Accidents and Vehicles concerned (if any).

<p>1. Scene of Accident</p> <p>Date and Time</p>	<p style="font-size: 1.2em;">Stanley Hobk Street Junction Fitzroy Road.</p> <p>1.55 p.m. 20. x. 49</p>	
<p>2. Description of vehicles involved</p> <p>Index Marks</p>	<p>Vehicle No. 1</p> <p style="font-size: 1.1em;">Ford Delivery Van.</p> <p style="font-size: 1.1em;">H^o 46</p>	<p>Vehicle No. 2</p> <p style="font-size: 1.1em;">15 cwt Truck.</p> <p style="font-size: 1.1em;">H^o 82.</p>
<p>3. Direction in which vehicles were travelling</p>	<p>H^o 46. in a southerly direction along Hobk Street</p>	<p>H^o 82. Turning into Hobk Street North from Fitzroy Road.</p>
<p>4. In case of Motor Vehicles, were the Road Licences in Order?</p>	<p>Yes.</p>	<p>Yes.</p>
<p>5. Name and Addresses of Owners of Vehicles</p>	<p>Van 46.</p> <p>Falkland Island Company.</p>	<p>H^o 82.</p> <p>Colonial Government.</p>
<p>6. Names and Addresses of Drivers of Vehicles</p>	<p>H^o 46.</p> <p>Darwin Huddleston</p> <p>H^o 12. Davis Street</p>	<p>H^o 82.</p> <p>Victor H. Spencer.</p> <p>H^o Davis Street.</p>
<p>7. In case of Motorists, were Driving Licences in Order? (Give particulars)</p>	<p>Yes. D Huddleston.</p> <p>12.10.45 - 7.1.49</p>	<p>Yes. 1944. U.K. V. Spencer.</p> <p>Stanley 2. VII. 49.</p>
<p>8. In case of Motorists, were Certificates of Insurance in Order? (Give particulars)</p>	<p>✓</p>	<p>H^o 82.</p> <p>Insured against fire only.</p>
<p>9. Names and Addresses of principal passengers in the respective vehicles</p>	<p>✓</p>	<p>H^o 82.</p> <p>Una Lodgewick</p> <p>H^o 67. Davis Street.</p>

B

10. Nature of accident, together with position of vehicles and any skid or other marks which may have been made on the roadway, and measurements of highway, etc.

11. Was any person killed or injured; if so, give particulars in detail

✓

12. Was there any damage to property; if so, give details

Ford Delivery Van 4946 has received considerable damage.
Hudguard.
Dors.
Chassis (broken).

13. Was it witnessed by the Police; if so, give name of Officer

✓

14. If not witnessed by Police what time was it reported and by whom? What time did the Police arrive on the scene?

Reported by V.H. Spencer 02.05 pm. 20.11.49
" " F.D. Company 09.10. 30.11.49

15. Names and addresses of any other witnesses except occupants of the vehicles

Mr Jack McLaren.
James Street. Shankel.

16. Cause of accident as far as the Police can ascertain

Having had brakes applied, Lorry No 82, skidded on loose gravel, as shown by marks on road.

17. List of statements attached, if any

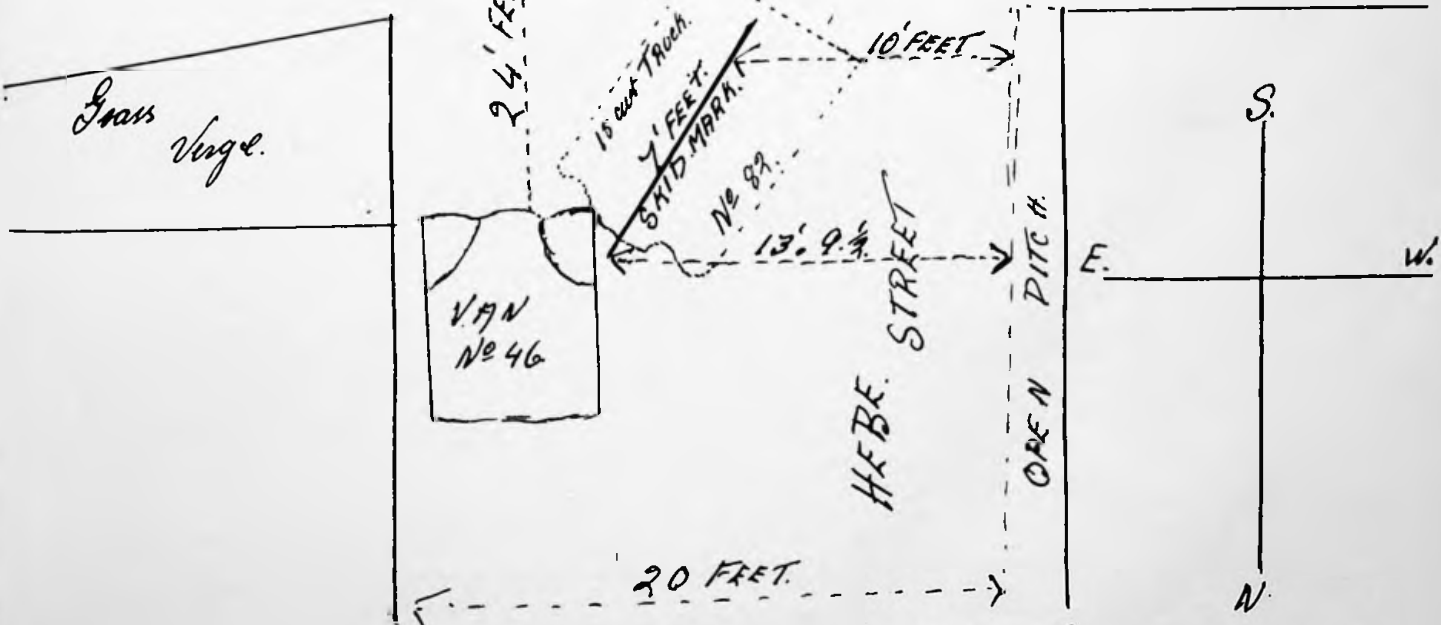
Mr D. Huddleton
Mr V. H. Spencer.
Mr J. W. Sedgwick
Mr J. McNamee.

18. If death occurred, date of death, inquest and verdict

/

Space for Sketches or Plans

FITZROY ROAD.



Date 21. 1. 49.

Signature *D. W. Sullivan*

Rank *Police Constable*

C

Copy of Statement by Mr D Muddleton.

Mr D Muddleton of 4012 Davis Street Stanley, long driver employed by Southland Island Company; of 36 years of age Status: On the 20. x. 49. I was driving the Southland Island Company's Van. No 46. in a southerly direction along Heke St, at about 8 yards from cross road at Fitzroy Road. I noticed a lorry turning from Fitzroy Road into Heke Street travelling North. Before I was able to do anything, this lorry hit the van I was driving. on the driving side, at this point my engine cut out, it was then that I noticed that the driver of the lorry was Mr V. Spencer. Mr Spencer got out of his lorry and said. "I hope you are not hurt. it was my fault. he said he would report the accident at once. With the assistance of Mr Sud Reine. I then got my van clear. and took it to the garage.

I was not carrying any passengers.

D Muddleton

Mr V. H. Spencer of 410 Davis Street. of 24 years of age Colonial Government Air Pilot. Status:

I was driving the Colonial Government lorry No 82. a 15 cwt truck in an easterly direction along Fitzroy Road. at about 1.50 pm. on the 20. x. 49. As I was about to turn North into Heke Street, I was in the act of changing into 3rd Gear. to go down the hill, when I noticed a van coming up in the opposite direction, on seeing the van. I applied my brakes, and the lorry went into a skid, and I bumped into the van causing damage, I got out to see if the driver was alright, spoke to him, I then proceeded to the Police Station to report the accident. Mr Wm Sedgwick was a passenger in the cab with me.

V. H. Spencer

Copy of Statement by J. H. Laren. 18 years of age.

I was going up Heke Street behind the Company's Van, and I did not see the lorry concerned in the crash, as the van was immediately in front of me. Then all of a sudden there was a crash, and the van was knocked backwards about one yard. As I was on my way to work I did not stop, but I noticed both drivers get out and have a look at the vehicles.

Jack H. Laren.

Statement by Miss Una Sedgwick.

Miss Una Sedgwick of 44 67 Fitzroy Road Stanley Private Secretary Government House of 18 years of age. States:- At 1.55 p.m. on the 20.10.49. I was travelling to my place of work, at Government House, in the Government 15 cwt Truck No 82, which the vehicle, driven by Mr V. H. Spencer, was turning from Fitzroy Road into Heke Street, it came into collision with the Falkland Island Company's van, which was being driven up Heke Street in a southerly direction.

J. W. Sedgwick.

J.F.

As you pt. pass a police report to H.H.
with the information on:

1. Was this a duty run
2. if so, who authorized.
2. The question of legal responsibility hinges on this.

L.H.

22/10.

Y.H.

Reference above minute.

Mr. Spencer was on a duty run authorized by me. It is our normal practice to let Mr. Spencer use the truck at meal times and at night as he lives some distance from the office and has to make daily visits to the hangar.

 23/10

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851.)

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" VIA RADIO.

Stanley,

24th October, 1949.

The Colonial Secretary,
Stanley.

DJC/NS.

Sir,

We refer to an accident which occurred in Stanley in the afternoon of 20th October, 1949 between one of our store delivery vans and a Government lorry driven by Mr. V. Spencer.

As a result of this accident which we consider to be due to faulty driving on the part of the driver of the Government vehicle, our vehicle has suffered damage which may well be irreparable.

The damaged vehicle has been inspected by both the F.I.C. and Government engineers. Our engineers are sceptical about it ever being in the same order again, whilst the Government representative states he thinks he can put it in order.

We have therefore agreed with Lieut. Colonel Butler that efforts should be made by your engineers to efficiently repair the van (the degree of efficiency when repairs are completed to be agreed by both sides) and that any new parts required as a result of the accident should be provided in kind by the Government and fitted by them.

We also consider that we should be compensated for loss of use and it would appear that the fairest method of assessment in this respect would be the local hire rate of a similar vehicle.

We shall be glad of your comments at an early date please.

I am
Sir,
Your obedient servant,

J. J. G. G. G.
Manager.

file number number 101
K.H.
24/10

A

Y.H. How has the Police report with S/F's observations?
 2. S/F saw the damaged vehicle parked for the
 purposes of inspection only without admission of
 liability.
 R.H.
 27/10.

B

C.S. Pl see S/7's minute p.6. Thereafter please discuss early.
 R.H. 25/10/49.

C

Y.H. In view of our discussion may I suggest that S/F
 replies to 1?
 R.H.
 27/10.

D

S/F. The question arises as to whether Mr. Spencer was in any way
 negligent. If the accident was in part due to his fault, we should
 have to consider imposing a fine on him of a certain amount or of
 a fraction of the total cost to Government. I should be glad to have
 your recommendation on this point.

C.S. has instructed E.E. to take the van to P.W.D. and endeavour
 to effect repairs. This should be treated as urgent, because the sooner
 we get it done the less we shall be liable for in respect of compen-
 sation for loss of user.

R.H.
 28/10/49.

E

C.S. Attached letter is forwarded for your approval before posting.

R.H. S/F 29/10

F

S/F. H.A. sent.
 R.H.
 31/10.

Please quote in reply.

No. 1135.....

FALKLAND ISLANDS DEPENDENCIES SURVEY.

PORT STANLEY,

FALKLAND ISLANDS.

28th October.....1949..

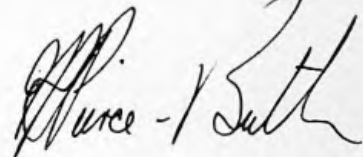
Sir,

With reference to your letter dated 24th October 1949 regarding the accident between a F.I.D.S. lorry and an F.I.C. van on the 20th October 1949.

In order to avoid inconvenience to your Company, but also with-out prejudice to the question of liability for the accident, the Public Works Dept. has been instructed to collect the damaged vehicle from your garage and carry out such repairs as necessary to make it serviceable as early as possible. Certain parts may have to be obtained from U.K., such as a door, and a front wing, but the vehicle will be made serviceable without these for your use, and on receipt of these parts, the Public Works Dept. will install them for you.

With reference to the last paragraph of your letter, I should be grateful if you would inform me what vehicle you propose to hire, and at what rate.

I am, Sir,
Your obedient servant,



Secretary to Falkland Island Dependencies Survey.

The Manager,
Falkland Islands Company,
Port Stanley.

*Sent 1000/31/x
L.H.*

The Falkland Islands Company, Limited. 4

(INCORPORATED BY ROYAL CHARTER 1851)

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" VIA RADIO.

Stanley

2nd November 1949.

Secretary,
Falkland Islands Dependencies Survey,
Port Stanley.

DJC/IMcL.

Dear Sir,

We thank you for your letter dated 28th October 1949, and note that your engineers are to go ahead with the work on the damaged vehicle. Also that any new parts required as a result of the accident will be replaced and fitted by the Public Works Department. Please advise us of the parts required as soon as possible.

With reference to our claim for loss of use. Our suggestion that local rate hire should be used as a basis for our claim was put forward in the absence of any other satisfactory method of settlement. We do not in fact intend to hire a vehicle locally but we are using one from another department of the Falkland Islands Company.

Yours Faithfully,

St. Crax

Chief Storekeeper.

Reply at 9

Y.H.

Please see 4.

x | With reference to your minute at 2 D). We are still in the dark regarding the overall cost of repairs. It rather looks from 4 as if the F.I.C. do not now intend to charge compensation. —

RFB 6/11

S/7.

I'm not so sure about X. Any news from E.E. as to progress of the repairs.

6/11/48.

Y.H.

m^r Truck has been returned to F.I.C. today. I hope to hear from Don Clark how much they intend charging.

RFB 10/11

S/7.

I think you told me £1 per day. Was this verbally or in writing? Pl consult Mr. White.

12/10/48.

H.G.S.

This was verbally. I think it would be better to await a letter from the Company.

RFB 15/11

S/7.

O.K.

16/11

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851)

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" VIA RADIO.

Stanley

26th November 1949.

The Secretary,
Falkland Islands Dependencies Survey,
Stanley.

DJC/IMcL.

Dear Sir,

Further to our letter dated 2nd. November 1949, and in pursuance of our conversations with Lt./Colonel Butler on the subject of claim for loss of use.

We now submit as required by you, our claim for £17 (Seventeen Pounds) in respect of loss of use. This amount does not include compensation for Saturday afternoons and Sunday and is based on the rate agreed, of £1 per day.

Yours Faithfully,

not "agreed" as far as I know.

S. Crane

Manager.

Reply at 9

7
H.C.S.

Reference claim by the F.I.C. for
'loss of use' of their vehicle damaged
in the road accident; the matter
seems to be a direct responsibility
of the Res Service and it would
appear that the costs involved should
be met from that fund.

J.H.C.

29/11

L.S.

6. For favour of your comments etc.



29/11/49.

etc.

A claim for loss of use is usual in these
cases but the claimant must keep it to the minimum.
This the Company has done by using another of its
vehicles which in fact has resulted in no new loss
and, provided there has ^{been} no agreement as alleged,
suggest the matter is one for amicable compromise
without prejudice at £10.

R.H.

30/11.

It is requested that, in any reference to this memorandum the above number and the date may be quoted.

4th December, 1949

From:- C.S.

To His Excellency

Stanley, Falkland Islands.

SUBJECT:- MOTOR ACCIDENT

On the 20th of October Mr. Spencer, Govt. Pilot, driving a P.W.D. 15-cwt truck, was involved in an accident with an F.I.C. delivery van. The official accident report is at the beginning of this file. The 15-cwt is a P.W.D. vehicle but was on loan to FIDS, and the journey was authorised by Col. Butler, Secretary FIDS, but acting in his capacity as Controller of Civil Aviation.

2. Of the two parties to the accident, it appears from the report that Mr. Spencer was the more to blame, even disregarding his reported statement at X on p.C of the report. The F.I.C. van was put in running order again by the P.W.D. after an interval of just over a fortnight. A new door is still necessary, and will be fitted by the P.W.D. when obtained. The Company are claiming against Government for loss of use of the vehicle, while it was off the road, see letters at p.1, 4 and 6. We have never agreed in writing the figure of £1 per day mentioned in p.6. The Company admit at p.4 that they did not in fact have to hire another vehicle in place of it and I recommend that we adopt Mr. Winter's suggestion in the immediately preceding minute and offer £10 without prejudice.

3. Two other points arise. Firstly, we shall not know the full cost of the repairs until the new door arrives and has been fitted. I have looked through the Estimates and do not see a suitable vote to which to charge this expenditure. In other words, we shall have to go to Finance Committee. Secondly, the question arises as to whether Mr. Spencer should be surcharged in any amount. To a certain extent the answer to this question must be related to the total cost of the accident, which we do not yet know, and therefore perhaps a final decision on this point may be deferred. My present feeling is that Mr. Spencer might be surcharged in a small amount.

Try X by all means.

Y Not unless negligence is alleged?

MC. 5/xii

Acs. Pl. fin as at com.

D. 7/12

1135

9

10th December, 49.

Sir,

4 3
6
I am directed to refer to your ~~letter~~ of the 2nd and 26th of November, 1949, relative to your Company's claim for loss of use of the damaged vehicle and to state that I have no knowledge of any agreement that the rate should be \$1 a day.

2. I am however directed, in order to settle this matter amicably, to offer without prejudice, the sum of \$10 in full settlement of your Company's claim for loss of use. I shall be glad to learn this is acceptable to your Company.

I am,

Sir,
Your obedient servant,

(sgd) MICHAEL R. RAYMER.

Colonial Secretary.

The Manager,
Falkland Islands Company, Limited,

BN
31/12/49

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851)

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" VIA RADIO.

Stanley

.....22nd December,..... 19 49.

The Honourable Colonial Secretary,
Stanley.

DJC/NS.

Sir,

9
Thank you for your letter dated 10th December, 1949 on the subject of damage to this Firm's vehicle.

9
The rate of £1 per day was agreed upon verbally by your Lt. Col. Butler, the figure being based on local hire rates. He also asked us to submit a claim at this rate. However as we are anxious to clear the matter up we agree to your offer of £10 as full settlement for loss of use of the vehicle. We presume you will authorise the Treasury to pay this amount into our account.

I am
Sir,
Your obedient servant,

S. J. Clark

O'K. T. G.

[Signature]
Manager.

*We shall have to
see for additional provision*

[Signature]
23/12.

11
H.C.S.

Yes - but can it wait until 1950? The Schedule for Dec. Fin. Comm. is already on its rounds.

RBS

24/12/49.

O'G. T. 107.

Yes, may wait till January. (File back to me H.)

28/12

H.C.S.

A.I.S.E. herewith. Put. to F.I.C. should also be delayed until 1950.

RBS

28/12/49.

O'G. T. 107.

Yes. You might visit Mr. Clark (F.I.C.) and explain that payment will have to await approval of Finance Committee.

H.C.S.

F.I.C. informed accordingly. I have detached

A.I.S.E.

RBS 4/1/50.

2/1/50.

12/1/50
4/1/50

A.C.S.

12

Finance Committee has approved the necessary provision
and payment to F.I.C. of £10 should now be made.

D

11 FEB 1950

Not present

Sp. Est. 1/50.

80/119
3/2/50

Memorandum.

1135

31.5.51.

13



From S.P.T.

Stanley

To Hon Colonial Secretary,
Stanley.

Subject. Motor repairs.

I have to report that the 15 CWT truck belonging to this Department was involved in a collision with a motorcycle last March and as a result the owner of the motorcycle has applied for a replacement of the Headlamp, which was completely crushed.

Will you please approve the purchase at £4. 5. 0., of the new headlamp from funds under X111, sub-head 9, Upkeep of Transport.

DM

S.P.T.

31.5.31.

ACS

*I should like to have the Auditor's views on this,
please*

W

Auditor

For your receipt, pl.

*R. G. A. C.
2/6/51*

2 JUN 1951

14

Hon. C. S.,

Before any compensation is paid, I think it should be established that Govt. is the responsible party.

L. G.
6.6.51

SPT
Can you furnish particulars of the accident, pl.

L. G.
SPT

Hon. Col. Sec.

The 15 CWT truck backed into the motor cycle, which was stationary, on the side of the road.

AM. SPT
8.6.51

Hon. C. S.,

We had a similar case in 1950 when the Air Service vehicle was involved. On that occasion a special warrant was signed authorising payment from a new subhead under "Miscellaneous" and I think we should do the same for this one.

L. G. 9.6.51

Page 12
PPS
9/6/51

ACB You will approve preparation of an A.I.S.E. accordingly, pl?

15

ACB
12/6/51

ACS
Yes, please.

13/6/51.

Office
12/6/51

AT
to w/d. A.I.S.E. pl
ACB
12-5-51

Notes:
preparation by

12/6/51

ACB
19/6/51

✓
Y.E.

Attached papers refer to a fatal motor accident which occurred last Sunday morning. The Inquest is to be on Thursday, I understand. Y.E. may wish to see f.i.

lll
...

29.1.52.

Thank you. B

A most unfortunatly business and X of Mr. G...
evidence suggests that she ought not to drive a car.

Advise me if the Council is forming i.d.c. please.

Mc. 20/

ACS C

lll
31/1/52

1739
The Chief Constable's Office

Stanley,

28th. January 1952.

To :-

The Hon. Colonial Secretary.

Sir,

I respectfully submit herewith statements and my report also a rough sketch of a fatal accident which occurred on Sunday 27th. January 1952 at approximately 9-45am, on Fitzroy road.

I am Sir,

Your obedient servant,

P/Sgt

J. Morris.

Rough sketch attached.

Stanley,

18/10

27th. January 1952.

To :- The Chief Constable.

Sir,

I respectfully report that at 9-45am on Sunday the 27th. January, 1952, Peter Kelvin Coutts, Schoolchild of 24 James Street, aged 5 years 11½ months, was knocked down by a Land Rover (Registered No 67. licenced till 31st December, receipt no 253. Owned by Thomas J. Goodwin, and driven by Dorothy G. Goodwin holder of drivers Licence No. 641, issued 2nd January 1952, who has been driving since March 1948).

At 9-50am on the above date P.C. Williams informed me by telephone that there had been an accident on Fitzroy Road.

I arrived at the scene in less than 2 minutes and found the Land Rover in the yard of the premises occupied by Mrs J. Cantlie, No 2 Fitzroy Road, Stanley., It was Headed westerly. The ignition was switched on, the third gear was engaged, the hand brake hard on. THE ENGINE STOPPED. The Child was on his back, the legs and lower part of his body jammed between the broken fence and the front axle and steering rods.

The Doctor was telephoned for by Miss M Mc Atasney.

With the help of W.H. Sedgwick, S. Cletheroe, W. Mc Millan and several Women the Land Rover was lifted and the body pulled clear and carried into No 2 Fitzroy Road where the Doctor Slessor saw it on his arrival, he pronounced life extinct.

Relatives were informed and the body conveyed to the Fathers house 24 ~~Fitzr~~ James Street.

The Land Rover was tested By Mr George L. Pallini, Government Motor Mechanic, Brakes and steering were found to be in good order.

P/Sy/9 Norris.

Mrs Dorothy Grace Goodwin, Age 45 years.

3 Hebe Place,

Stanley.

X At about 9-50 am on Sunday 27th. January, 1952, I was driving a Land Rover No 67 along Fitzroy Road in a Westerly direction, at a speed of about 15 M.P.H. I was on my correct side of the road, I remember being on my left side of the road because that side of the road is better just at the crossing. I was following Mc Carthy's milk van and the driver indicated his intention of turning to the right. I was accompanied by my Daughter Cora Goodwin age 14 years, who was seated at my side. I said something to my Daughter, which to the best of my recollection was, "He is turning down", meaning the car in front of me. The next thing I knew was that I heard wood cracking which brought me to my senses, where upon I saw that I had struck a fence which was being pushed ~~along~~ forward by the bonnet of my vehicle, at the same time I saw a boy's head in front of the bonnet and between the fence. I do not recollect applying my brakes, but the vehicle came to a sudden stop. I alighted from the vehicle. I said to a man named William Mc Millan, "Did the boy jump out of the way", He made no reply, where upon I went to the back of the vehicle and looked underneath the back axle, I could just see the boy's feet. I then asked some persons who were gathered there to ring for the Doctor and Police, the Police arrived very quickly and the Doctor shortly after. The boy was carried into Mrs Cantlie's house, and I was taken home by Doctor Slessor. The only reason I can give for the accident, is, that I must have had a temporary black out, I had a similar one about a week ago, when I was at home, and my feelings after the accident were the same as on the occasion that I had a black out at home. There were no pedestrians on the road, and the only other traffic was Mr Mc Carthy's van.

Signed D.G. Goodwin.

Taken by P/Sgt J. Norris at 10-25am
on 28/1/52, in the presence of Mr T.
Goodwin

Witnessed by D.E.J. Ikkint,
Chief Constable.

Copy of Statement By:-

20
Taken by P/Sgt J. Norris on
28th January 1952 at 11-45am.

George Lolus Pallini. age 51 years.

Government Mechanic.

I tested a Land Rover No 67. on Sunday 27th. January 1952 at 11-0am.
I found the Brakes were in perfect order, also the Steering, the
Engine was in perfect running order, I was unable to find anything
on this vehicle which could have been contributory to the accident.

Signed G.L. Pallini.

Copy of Statement by:-

Taken by P/Sgt J. Norris at
10-50am 28/1/52 in the
presence of T. Goodwin. 21
63

Cora Gloria Goodwin, age 14½ years.

3 Hebe Place.

Witnessed by D.E.J. Ikkint,
Chief Constable.

Y | About ten to ten yesterday Sunday the 27 the January 1952, I was with my Mother in our Land Rover, I remember we were proceeding along Fitzroy Road in a westerly direction at a very moderate speed which I estimate to be between 10 and 15 M.P.H.. When we were near the Philomel Street crossing my Mother said something to me but I dont ~~xamber~~ remember what it was, after my Mother spoke to me, I saw a blue van going down Philomel street. Through out the whole time we were on Fitzroy road we were on the left hand side, suddenly after we passed the crossing the vehicle turned to the right, I heard a crash and the Rover had collided with a fence, I did not see anything of the little boy. The Rover stopped inside the yard of Mrs Cantlie's house. I got out of the Rover and went to Sunday School. Last Monday 21st January 1952 my Mother was lying on the sofa and when I asked her what was the matter she said "Everything had gone dark". I did not see anyone on the road, and the only car I saw on the road was the van going down the road. In my opinion the cause of the accident was through my Mother having a temporary black out like she did on the Monday morning.

Signed Cora Goodwin.

Copy of statement By:-

22
Taken by P/Sgt. J. Norris at
11-15am on 28/1/52.
54

Stanley William Cletheroc, age 43years.

45 Fitzroy Road,

I was painting the front of my house on Sunday 27th. January 1952 about 9-50am and I saw Mrs Goodwin go past, I didn't take any notice at the time but I do know she wasn't speeding, I should say she was in the centre of the road and when I heard a crash I saw the vehicle in Mrs Cantlie's yard. I went over to give her a hand to get out, and Mrs Mary Biggs came running to meet me and said "The little boy of Coutts is jammed underneath". With others I helped to get him out. The vehicle was Tommy Goodwin's Land Rover.

Signed S.W. Cletheroc.

Copy of Statement by:-

235
Taken by P/Sgt J. Norris at

William Mc Millan. age 43 years.

12-5pm on 28th. January 1952.

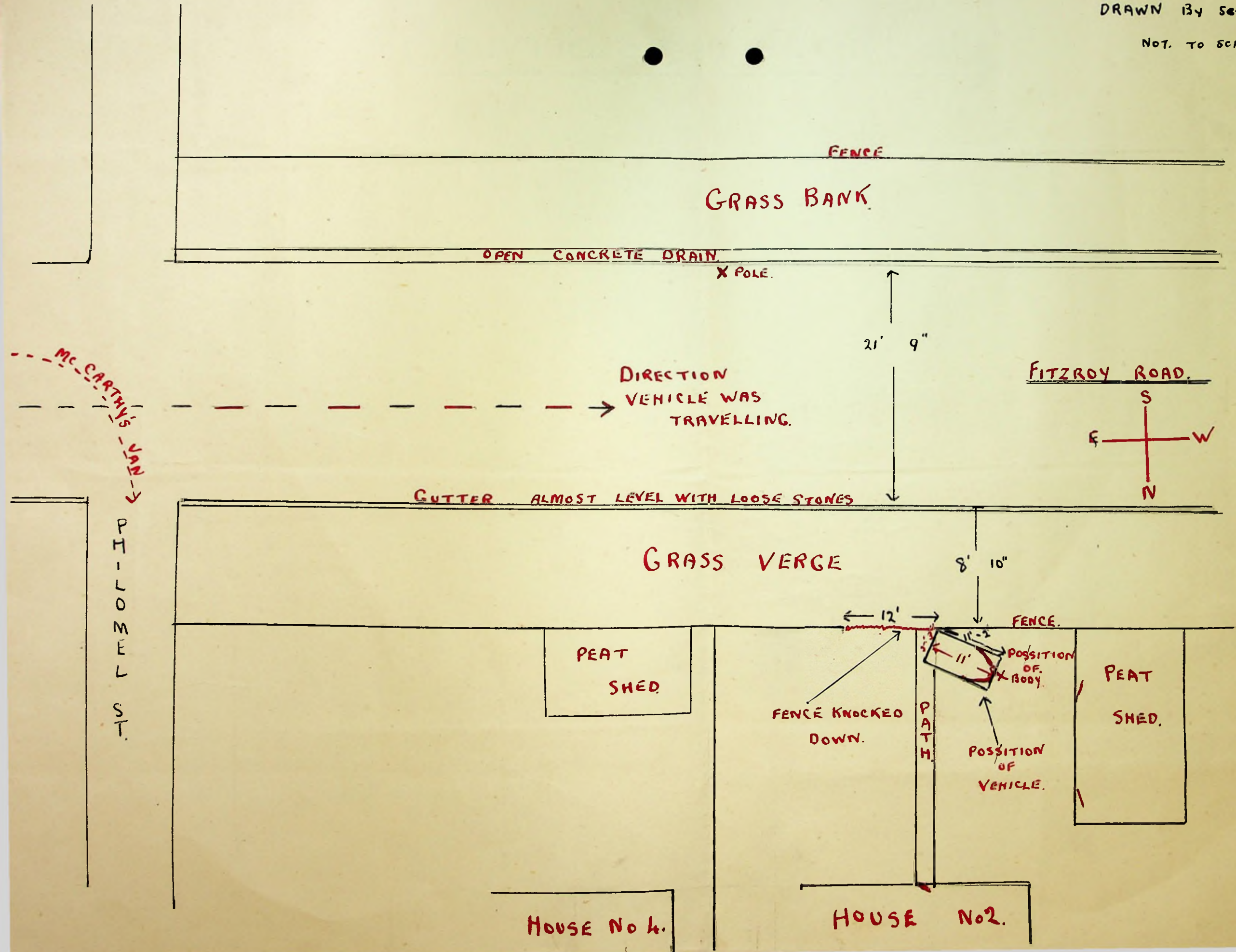
Labourer.

I was sitting behind some bushes in the yard at Mrs Cantlie's on Sunday 27th. January 1952 just before 10am. I heard a crash, I jumped up and saw a Land Rover through the fence and in the yard, it was stopped. I saw Mrs Goodwin getting out and at the same time saw a boy lying under the front of the Rover between the wheels, his legs were under the bar connecting the wheels, ~~his legs were~~ and jammed by a piece of corrugated iron which had been part of the fence. I heard Mrs Goodwin say did I hurt the boy. I helped lift the vehicle and get the boy out.

Signed W. Mc Millan.

DRAWN BY SET NORRIS

NOT TO SCALE.
27-1-52



MC-CARTHY'S VAN

PIT-JOB



25 ~~67~~

The Chief Constable's Office,
Stanley.
31st. January, 1952.

To:-
The Hon-Colonial Secretary.

Reference Fatal Road Accident.

Sir,

I respectfully report that an Inquest was held at 10-Oam on Thursday 31st. January, 1952 to inquire as to the cause of the accident whereby Peter Kelvin Coutts met his death, on Sunday the 27th. January 1952.

The Coroner sat with a Jury, whose findings were :-
Death by Misadventure.

There being no Evidence of neglect prior to the accident.
Evidence of neglect exists in so far that Mrs Goodwin did not seek Medical advice after suffering from a Black out recently.

The Jury recommends, that Mrs Goodwin should not be granted a Driving Licence at any time in the future.

I am Sir,

Your obedient servant,

J. Morris P/Sgt.

Copy of notice sent to Mrs. Goodwin

28 ~~7~~

Chief Constable's Office.
Port Stanley.
2nd. February 1952.

Mrs. Dorothy G. Goodwin.
3 Hebe Place.
Port Stanley.

I have to inform you that under Section 5 of The Road Traffic Ordinance 1948, your licence to drive a mechanically propelled vehicle to wit:- Driver's Licence No. 399, issued to you on the 2nd. of January 1952, has been revoked as and from the above date.

If you are aggrieved by the revocation of your licence, you may appeal to the Magistrate.

Will you please forward your licence to me for revocation.

[Handwritten Signature]
Chief Constable.

[Handwritten initials]

To,
The Hon. Colonial Secretary.

From:- John Hayhurst, 29

Ship Hotel,
Stanley.
30/3/62.



Sir,

On the afternoon of Friday 23rd March 1962, I was involved in a collision with one of your Public Works Department vehicles, at the junction of Villiers St., and Downy St.,

Since I was travelling along Villiers St., down the hill and therefore had the right of way, I feel justified in claiming compensation for the immobilization of my motor-bike and damage to clothing.

When you have read my statement to the police, I feel sure you will agree that, although having the right of way, I took every action possible to avoid the vehicle.

If this matter can be settled suitably outside the civil courts, I will be extremely pleased, but if I do not hear from you favourably in the next few days, I will reluctantly be obliged to take civil action.

I am, Sir

Yours obedient servant

J. Hayhurst

Ackd JH
31.3.62.

Reply at 31

30.
R. As the facts are in dispute it would
be more satisfactory if this were ~~rather~~
decided in Court.

copy to Police re SPW.

S
2/4/62.

1135

31

3d April, 62.

Sir,

29

I am directed to refer to your letter of the 30th March, 1962, claiming compensation for damage resulting from a collision with a Government vehicle, and to say that as the facts are in dispute it would be more satisfactory if this matter were decided in Court.

I am, Sir,
Your obedient servant,

(Sgd) R.H.D. Manders.

COLONIAL SECRETARY

Mr. J. Hayhurst,
STANLEY.

Copies to: D i/c Police
Supt. of Works

RB/FH

82-
Pa
11
4

Ref. No. 4/61/62.
P5/36.

Audit Query



Audit Office,
Stanley, Falkland Islands.

To Hon. Colonial Secretary.

7th August, 1962.

I have to refer to local payment voucher 312, of May, 1962, head X Miscellaneous, N.I. Damages Awarded Motor Accident, £26.

2. The above payment was the result of an action brought by J. Hayhurst against the Supt. P.W.D., as employer of the driver responsible for the accident. The plaintiff had the right to either sue the driver or the employer, and no doubt chose the employer as more likely to be of substance.

3. Government as the employer has now the right to recover from the employee, and as Anderson was found guilty, no doubt recovery will be made. Could I be informed what steps have been taken to recover please.

She Gann
Auditor.

*To refer to ASC
on Wednesday
for*

BU Wednesday 15.8.62

33

*H.C.T. A copy of them to be correct
* I think we should recover from Anderson
for.
22/8/62.*

H.C.S.

34

*I do not agree unless a charge of negligence is proved. An accident does not necessarily mean negligence and Govt, as an employer, should be responsible for its employees misfortunes unless negligence is proved.
h.l.
22.8.62*

29.8.62

I have discussed again with H.C. and also with the Magistrate who tried the case. He is an employee who had been in charge of equipment (a lorry) which is liable to suffer and inflict damage to ~~the~~ ^{and} ~~to~~ ^{to} come with due to ~~work~~ ^{work}. Probably we have had to incur in his private capacity. It is only right that Government should bear the risk having the power to penalise the employee for rash or negligent conduct. In this case an accident occurred for which the responsibility was shared between the two parties. There was no wilful act. Government will have to accept the loss.

30/8/62

H.C. Please note or return through Auditor.

36

Y.H.,
Sir, thank you.

L.S.
30-8-62

Y.H.

37.

From an examination of the case, responsibility was shared, therefore there was negligence on both sides, of the Government driver was not negligent, the Magistrate would have borne the whole damages.

2 It is not necessary for Government action to take place before an employer should recover any costs or damages incurred by an employee. It is appreciated that Government employed this man to drive a van, and so far as he does this he is an agent of his employer, and the employer is liable in the first instance for his torts. However, it is no part of this duties as agent to damage other vehicles, & thus as ~~principal~~ agent he must indemnify his principal (Government).

3 I should be grateful if you could reconsider your decision at 35 above, it is I think desirable to state it evident that Government will recover all costs & damages incurred by employees, it will make them more careful in future.

The G
Auditor

I do not agree that it is desirable to lay down any such general ruling. Government must have discretion to penalise its employees for any lapses as it thinks fit. To think of an extreme example a Captain who was dismissed in service for losing a Bullock's would not have to pay for it.

In this instance it is decided that Government should accept the loss & not pending be drawn.

Auditor to note
Jm
3/9/62 -

Ans

39

1. have noted above thank you.

2. The above can give rise to some odd anomalies, for instance in this case, Mayhew could have sued the driver personally, apparently he chose government as he has a right to do, for ease of getting his money. However, if the driver had been sued, government presumably would not have repaid the driver. So we have the position that if the driver - sues government does not pay & if the principal is sued we do. It is normal practice - other bodies for government to recover any cost & damages paid on behalf of drivers.

A)

This is not really an all yours with the battleship. This is damages to a third party not loss of govt property. The Gov

B)

Ambedkar -

4/9/62

Seen. Answer I think

A. Possibly. Government does not I think merely stand aside if Government servants are sued in respect of acts committed by them in discharge of their duties. (For instance it sometimes provides free legal defence in such instances)

B. No but one could easily think of an example that was L.S.E. to rank another that as well in a collection.

File

Jm
6/9/62

Pa