

MAI/GEN/3#12

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(Formerly)

SUBJECT:

COMPLAINTS REGARDING POSTS AND TELEGRAPHS DEPT.

15

Number & Year.

CONNECTED FILES.

See Inside

C. S.

DEPARTMENTAL (Post Office)
POSTAL & TELEGRAPHIC (Postal & Mails)
No. 62/44.

19 44.

Manager, E.L.W.

SUBJECT.

19 44.

1st May.

Previous Paper.

~~CONFIDENTIAL - POST OFFICE.~~

MINUTES.

1. Letter from Manager, E.L.W., of 1st May, 1944.
2. Letter to Manager, E.L.W., of 4.5.44.

(3)

O.H. P.O.

I understand Carey was at fault & that you have reprimanded him. Mails close at the advertised times & the public should understand this - the only complaint can be of discourtesy.

K.B.

4.5.44

Hon. Col. Sec.

In fact the Clerk at fault was Binnie & while I agree that discourtesy is not expected from a public servant, may I explain that the Manager of E.L.W. makes a practice of demanding to post his mail after the advertised closing time & the clerks are a little weary of his continued persistence. However Binnie has been severely reprimanded. Binnie. 1.5.44

Subsequent Paper.

ESTATE LOUIS WILLIAMS

SUCCESSORS TO CHAS WILLIAMS

Estbl'd 1863

GENERAL MERCHANTS

PORT STANLEY
FALKLAND ISLANDS.

RADIO ADDRESS
"WILLIAMS"
CODES USED:
BENTLEYS
A.B.C. 5TH ED.
A. I.

1st May 1944.

The Hon.
The Colonial Secretary
Stanley.

Dear Sir,

Some years ago we had occasion to lay a complaint with the S. of S. in connection with the manner in which the Post Office was run in this Colony.

Our complaint was attended to in consequence of which certain adjustments were made and the SERVICE TO THE PUBLIC considerably improved.

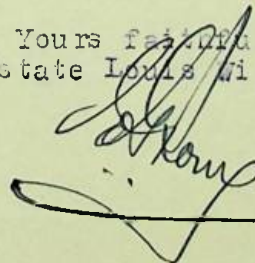
This morning we have had occasion to telephone the Post Office to enquire whether they had closed the bags for the mail to the West as we had 2 or 3 letters still to go in.

We were informed that the mail 'closed' yesterday afternoon and whether the bags were actually closed or not had nothing to do with us, (per one of the juniors in that Post Office).

But it has got something to do with us, as we object to the mail being arbitrarily closed long before the actual sailing of the steamer though we are quite willing to cooperate by posting early so as to avoid a rush at the last moment. But when we have letters still to go in and the steamer has not sailed and is unlikely to sail for some hours and the bags are not yet closed we look to the post office clerks giving us the service that we require.

And if a better sense of service is not inculcated we shall have to again petition S. of S.

Yours faithfully,
p.p. Estate Louis Williams.



Note. The envelope containing this letter was marked URGENT.

62/44.

2

4th May,

44.

Sir,

Red!

I have the honour to acknowledge receipt of your letter of the 1st May which I take to be a complaint of discourtesy on the part of a junior clerk in the Post Office.

2. I regret that this should have occurred and suitable action has been taken.

I have the honour to be,

Sir,

Your obedient servant,

K. G BRADLEY
Colonial Secretary.

The Manager,
Estate Louis Williams,
STANLEY.

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851.)

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" VIA RADIO.

Stanley,

13th May, 1952.

The Superintendent,
P. & T. Department,
Stanley.

DJC/HJB

Dear Sir,

We refer to a telegram number 34 dated 4th May, 1951, addressed to Fleetwing and originating at Fox Bay.

Mr.K.W.Luxton has told us that his order per this telegram should read as follows:-

" Order by telegram from I.C.I. 1000 feet $1\frac{1}{4}$ " 1000 feet one inch 500 feet $\frac{3}{4}$ " heaviest gauge white industrial Alkathene tube in 500 feet coils."

The telegram reached us as follows:-

"Order by telegram from I.C.I. 1000 feet $1\frac{1}{4}$ " 1000 feet one inch 500 feet $\frac{3}{4}$ " heaviest gauge white industrial Alkathene tube in 500 feet coils."

As a result of this typographical error in the Telegraph Office, Mr.Luxton has received from the United Kingdom 1000 feet $1\frac{1}{4}$ " Alkathene Tube which is no use to him whatsoever, and he will now require to know what the Posts and Telegraphs Department intend to do in the matter. The cost of the Tube, United Kingdom to Chartres, and Chartres to Stanley is £48. 19. 4d.

We would be grateful for your early reply to this letter in order that we can communicate with Mr.Luxton.

Yours faithfully,

[Signature]

Chief Storekeeper.

Memorandum.

29th May, 1952.

4

From Superintendent P & T Dept,
Stanley.



To Honourable Colonial Secretary
Stanley.

Subject. Complaints by F.I.C. on telegrams.

3

I beg to submit a letter from The Chief Storekeeper, The Falkland Is Co Ltd, in which a complaint is made about a mistake in a telegram handled by the Post Office. I have made enquiries about the mistake and find it ~~was~~ typed by a clerk who retired from this office last March.

Normally telegraph agencies do not accept responsibility for discrepancies, loss or nontransmission but I doubt whether such a statement is the answer, and I would be pleased to receive your direction in this matter.

AM.

S.P.T.

29.5.52

B

ACD
Pse ask
S/P to desmin + at
the same time talk
about my telephone system
B
29/5

5
D. P. I.

4 B pl.

W.H. for B.S.

2/6/52

~~W.H.~~ RSC (3) 4/1/52

Please advise whether you consider Govt is liable in any way.

9/6

Hon. Col. Sec.,

Government is not liable at law.

2. Halsbury Vol. XXXII says "the Postmaster-general in his official capacity, cannot be made responsible for the act or omission of any of the servants of the Post Office, for they like himself, are officers of the Crown; but the Postmaster-general's subordinates

may be personally liable for their own wrongful acts;" (Telegraph Companies are liable for the acts of their servants).

3. I assume from p. 3 that the G. S. Co. intends to hold and dispose of the tubing in question - this of course would reduce any claim. They are not entitled to claim for loss of commission, but only nominal damages.

4. The Postmaster or his subordinates are liable to the sender and not the person to whom the telegram is sent, however, an argument on these lines may increase the damages, for the sender would be in a position to claim higher damages than the G. S. Co. could ask for if they are in a position to dispose of the tubing.

J. B.
Registrar
10. vi. 52.

CT
③ - ⑥

It would be plain if you wish. Though Govt is not liable it would appear equitable to make some contribution, provided we do not start involve myself in a spate of similar applications. The sum would be fairly negotiated with Ac. if they can dispose of the ~~costs~~ costs received.

12/6

A.C.S.

In the case of private Telegraph Companies it is always an expressed condition for acceptance that the Company accepts no liability whatsoever; in the case of the P.O. it is an implied condition

It is common knowledge that the Crown is above the law, but modern usage is for the Crown to make ex-gratia payments for the wrongful acts of its servants when it is considered right and proper to do so. e.g. compensation to injured parties arising out of road accidents involving Govt. vehicles.

?
S. K. P.

In this particular case I do not consider it would be right and proper, the sender of a telegram is aware that there is always a risk that it may be garbled, delayed or even not delivered, and he accepts that risk. If we were to make an ex-gratia payment in this case we create a precedent which could give rise to claims for late or non-delivery of letters which would be absurd.

S.P. Please discuss. 16/6

J.B. 14/6

SPT The answer is deny liability plus
deep apologies.

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HUCS FIC advised accordingly, thank you

AM SPT
18/6/52

Pa.
18/6/52