

C.S.

WRECKS

1922.

No. 66/22

SHIVES/7 # 12

Receiver of Wrecks

SUBJECT.

192 2

14th January

Previous Paper.

Enquires regarding Law as to
Wrecks etc.,

CS 1129/21 = 800/22. 477/17

MINUTES.

Minute from Receiver of Wrecks, d/14/1/22..... Encl (1)

Receiver of Wrecks,

You appear to have read the Ordinance
correctly but what is the precise point on
which you require advice?

2. Is it not incorrect to say as you do in
para. 2 that the Government was according to the
evidence given shipwrecked on the 29th of November?
"Wreck" appears to involve the meaning of "at sea"
She was stranded and in distress and under sec.
12 it was your duty to proceed ~~at once~~ if
to the place of the casualty and take action.
I do not think that application was made to
the Government for means of transport, if you en-
deavored and failed to find such means.

3. Any person ~~who boards~~ who boards the
ship without your permission or rather, not acting
under your orders appears liable to a penalty.

[Signature] 19/1/22

Subsequent Paper.

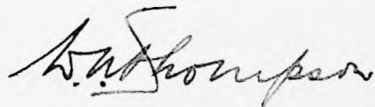
Hon:Col:Sec;

Thanks, I am glad to know that you agree with my reading of the law in question.

2. With regard to the expression "Shipwreck", used in my minute of the 14th, I am unable to find any definition of the term beyond the fact that "shipwreck or casualty" is mentioned in sec: 2(2), of the Ordinance. The expression "shipping casualty" is defined in sec: 1, of the Ordinance. The definition of "Wreck" is given also in sec: 1, of the Ordinance, but no mention is there made to "wreck" as appearing "to involve the the meaning of total loss", although I have no doubt you are correct.

3. I also agree with you that under section 12, of the Ordinance, it is the duty of the Receiver to "proceed to such place, x x x, with a view to the preservation of such ship and "the lives of the persons belonging thereto and the cargo and "apparel thereof", but to come to practical facts, I am of opinion that the presence of the Receiver would not appear to have been called for or required ^{on this occasion} ~~at that time~~, either for the preservation of the ship, the lives of persons, or the cargo & apparel thereof.

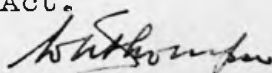
4. It was not until mid-day on Thursday the 19th January, that as Receiver of Wrecks, I was informed by the Norwegian Consul and Lloyds Agent that the ship had been abandoned to the Underwriters by the Owners, and I then took the first opportunity to proceed forthwith to the scene of the wreck in the schooner "Gwendolin", and returned to Stanley at 7.p.m., last night.



Colonial Treasurer & Receiver of Wrecks.
21st January 1922.

N.B:-

The provisions of Part IX of the M.S.A., do not appear to have been make applicable to British Possessions, under the provisions of the Imperial Act.



21/1/22.

Instructions

219 & 10.

Instruction 89.

and 90.

Instruction 108.

Yr. Submitted

2. Neither the Merchant Shipping Act of 1894 nor of 1906 applied that part relating to Wrecks to the Colonies. Part VIII of the act of 1894 dealt with wrecks and was adopted in the Wrecks Ordinance without material alteration.
3. It does not appear to have been understood clearly hitherto that the duties of Receivers of Wrecks as laid down in section 11 - 29 of the Ordinance applied to ships of any nationality. In the Merchant Shipping Act of 1906 the point has been made more clear by substituting for the words "any ship [or boat]" (s. 443 M.S.A. 1894, s. 12 Ord. 3/99) "a British or foreign vessel" (M.S.A. 1906 s. 511).
4. I suggest that it is desirable that a Receiver should take general charge of a vessel, ^{stranded in distress in the Colony,} forthwith, as laid down in the law and the Receiver be so instructed for future guidance.
5. The Receiver might now be asked what measures he has taken in respect of the cargo and stores of the Government?

22/1/22

Mr. 23 January 1922

Recin Wrecks

Account

TTT 25/1/22

Recd: in Treasury, on the evening
of Jany: 25th.

bat

Treasurer &c.
25/1/22.

Hon: Col: Sec;

Para: 4, of your minute of the 22nd
January, noted as having been approved by the
Governor.

2. In the Falkland Islands, the Receiver of
Wrecks is not appointed by the Board of Trade, under
s: 566 of the M: S: A: (Imperial). The Colonial Treasurer
in this Colony is ex-officio, Receiver of Wrecks, and
under s: 11 of the Ordinance, the Governor has the
general superintendence of all matters relating to
wrecks. In the Falkland Islands, the Receiver of
Wrecks carries out the instructions issued to him
from time to time, according to the interpretation
then placed upon the various sections of the Wrecks
Ordinance.

3. With regard to the instructions contained in
para: 4, of your minute of 22/1/22, might I be
informed as to "The District", under section 11, of
the Ordinance, to which these instructions refer?
So far as I am aware there is but one Receiver of
Wrecks for the Falkland Islands, and in consequence
I have been called upon, and ^{have} had to visit a wreck
which had occurred on the West Falklands.

4. With regard to para: 5, of your minute, and
the measures taken by me as Receiver of Wrecks, I
beg to report as follows for the information of His
Excellency, i.e:-

(a) When the Master of the s.s. "Guvernoren"

reported to me as Receiver of Wrecks that his
vessel was stranded, and I discovered that he
was in possession and then still able to keep
custody of same, and that there was no confusion

Instruction No. 4.

bat
25/1/22

Instructions:-

89 & 90 also 13 to 15.

bat
25/1/22

Inside Minute Paper.

or attempts at plunder which usually attend a ship-wreck, I explained to the Master my office and position and offered him any assistance that he might require.

Instruction 96.

Ans
3/2/22

(b). So long as the wreck was virtually still in the custody of the Master & Crew, I neither ~~encouraged~~ encouraged any persons to render salvage services nor did I make any claim to the custody of the same.

Instruction 108.

Ans
3/2/22

(c) Such cargo and other articles belonging to the "Guvernoren", that have been taken from the ship and delivered to me as Receiver of Wrecks under s:14 of the Ordinance, have been deposited in the Customs Warehouse, or some other place of safe custody, avoiding all unnecessary expense, and as far as possible, an accurate description has been kept of same. Copies of which are herewith enclosed.....Encls: (2) to (7).

Instruction 111.

Ans
3/2/22

(d) As I understand s:21 of the Ordinance, notices of wreck are posted up at the Customs House, whenever the Receiver takes possession of any articles taken from a ship, and neither the master of the ship, nor the owner of the articles, nor his agent, is present or aware of the circumstances.

Instruction 116

Ans
3/2/22

W. Thompson

Colonial Treasurer &
Receiver of Wrecks.

26th January 1922.

N:B:-

In my copy of the M:S:A:(Imperial), Part IX, and not Part VIII, deals with "Wreck & Salvage", as stated in para: 2 of H:C:S's minute of 22/1/22.

W. Thompson

Receiver.
26/1/22.

Hon. Treasurer

1. Our Ordinance was taken from the Act of 1894 and not that of 1906 to which you refer in your postscript.
2. With reference to ^{the last instance of} para. 2 of your minute the Receiver is required to carry out his duties as laid down by the Ordinance and there is no more to be said.
3. Your para 3. I suggest that it is obvious that sec. 11 is merely an empowering clause. If the Treasurer qua Receiver of Wrecks cannot conveniently visit a wreck the Governor can appoint any other person to be Receiver ad hoc. Sec. 16 clears up any difficulty that can arise if no appointment is made.
4. Sec. 21 of the Ordinance is not limited by proviso and I suggest that the duty laid down should invariably be carried out. The notice posted forms part of the legal process. Otherwise a Court may be thrown back on common knowledge for proof of a wreck. It is probable in the present instance however that the notice issued by you drawing attention to sec. 30 of the Ordinance would be of sufficient effect for the purpose of a prosecution.

[Signature] 2/2/22

Hon:Col:Sec;

Read and noted in conjunction with

C.S.1129/21.

2. Without doubt, there is in the C.S.O, for reference purposes, a copy of the book, "Instructions in respect of Wreck & Salvage, 1912." sent out by Government for the guidance of Receivers of Wreck in this Colony. (C.S.157/11).

3. Sec:72 of M.S.Act 1906, would seem to be the only part of that Act dealing the "Wreck". Part IX of the principal Act, to which reference was made, is contained in secs:510 to 571, of the M.S.Act, 1894.

4. Sec:566 of the Imperial Act, and Sec:11 of the Ordinance:- In this Colony, the Governor would

seen, more or less, to possess the powers of the Board of Trade in the United Kingdom, under the Imperial Act.

R. Thompson

Treasurer & Receiver of Wrecks.

3rd February 1922.

note It does not appear that further action is necessary in this, but I note that this is the second occasion in which the Treasurer has proceeded on an official printed note without quoting his authority, when I suppose writing his minutes on the subject. File

T. J. J. 14/2/22

The Honourable
The Colonial Secretary,



As I read the Wrecks Ordinance, 1899., in conjunction with the Merchant Shipping Acts (Imperial) Part IX, and the Board of Trade's "Instructions to Receivers of Wrecks and other Officers" it seems to me that when any vessel (British or Foreign), is shipwrecked on or near the coasts of this Colony, that:-

- (a) The Master of the ship, should at once do everything in his power, with the assistance of the Crew, to save the vessel or cargo, or both.
- (b) That the Receiver should take command of all persons present and assign such duties and issue such directions as he may think fit with a view to the preservation of such ship, and the cargo and apparel thereof, but it is not lawful for the Receiver to interfere between the Master of such ship and his Crew in matters relating to the management thereof, unless he is requested so to do by such Master. (s:12 of the Ordinance: s, 511 of Imperial Act.)
- (c) That the principal object of the Receiver's Office and powers are the protection and preservation of wrecked property, the restoration thereof to the owners, and the procuring of information respecting wrecks.
- (d) That all Cargo and other articles belonging to such ship, that may be washed on shore or otherwise taken from such ship shall be delivered to the Receiver, whether the person finding or taking possession of them is or is not the owner. (s:14 of the Ordinance: s, 519 of the Imperial Act.)

2. From the evidence given at the Examination on Oath, (C.S. 1129/21), the Norwegian steamship "GUVERNOREN" was shipwrecked near Cow Bay on the evening of November the 29th, and the Master then stated that the Odd Whaling Company's whale catching steamers were keeping watch and doing everything possible to render salvage services to the ship in question.

3. On the 1st December, seventy (70) men of the crew of the "Guvernoren" were re-patriated, by the s.s. "Orcoma", and on the 22nd December, the three (3) whale catching steamers belonging to the Odd

Whaling Co,

Whaling Company's, left Port Stanley for the South Shetlands. These whale catching steamers were named the "Odd", the "Odd I", and the "Odd III".

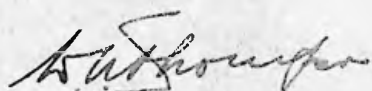
4. After the time of the wreck, and up to the time of the departure of the above named three whale catching steamers, with the exception of periodical visits to the scene of the wreck, the Master of the "Guvernoren" with his crew then remaining, remained in Port Stanley.

5. With regard to (d) of para: 1, above, the only cargo and articles delivered to the Receiver and declared to as having been salvaged by the Master, were the following:-

- 6 lengths flexible hose.
- 12 coils rope.
- 4 bolts of canvas.
- 14 valves
- 3 boxes candles.
- 1 drum gasoline.
- 1 open row boat.
- 1 chronometer.
- 1 motor boat
- 2 arm chairs.

6. At the present time the wreck is deserted, and the Receiver has no means of proceeding to the place where the wreck is situated. Under the provisions of s:30 (5) of the Ordinance, no person not being a Receiver may board any shipwrecked vessel without leave of the Master, but as previously pointed out, the Master is not present at the wreck to grant such permission. As I read this section of the Ordinance, the object is to secure the property in the confusion which attends a shipwreck, to prevent plunder, to protect and the enforcement of order.

7. I shall be glad to learn whether I have correctly read the law in question.



Receiver of Wrecks.
14th January 1922.

7

Enclosure 7.

Custom House,

Stanley,

January 24th, 1922

Sir,

I have the honour to inform you that the undermentioned salved good have been received into the Customs Warehouse from the Cutter "Indiana", viz :-

- 1 Electric Lamp with filament
- 2 Iron buckets
- 1 Knee-hole table (with 3 drawers)
- 5 Bcls. Canvas Hose Pipe
- 2 Tins & 1 part tin cylinder oil. (paraffin tins)
- 4 Rols Engine Packing
- 3 Tar brushes
- 4 Small & 1 large size Compasses (boxed)
- 2 Saws (2 man)
- 1 Riding Light
- 3 Brass valves
- 1 Box fuses
- 1 Die tap (boxed)
- 1 Rudder, 1 tiller, 1 breaker, 1 sprit) Lifeboat
- 3 Oars, 1 mast, 1 boat-hook) Appurtenances
- 1 Keg fruit juice
- 1 Keg salted beans
- 3 C/s Salmon (tinned)
- 1 Part case tins meat ?
- 1 Whole case tins meat ?
- 1 C/- Soap in bars
- 1 Length steel hose pipe
- 1 Vice
- 27 C/s Milk
- 53 28 lb. tins margerine
- 134 Tins fishballs
- 21 Tins corned beef (long tins)
- 12 Tins Meat (round)
- 1 Coil grass line
- 1 Manilla hawser (loose)
- 7 Coils hemp hawser

The undermentioned boats salved from the wrecked steamer "Guvernoren" have been berthed in good condition at the Falkland Islands CO's East Jetty.

- 1 Motor Boat
- 1 Life " .

Landed at Public Jetty
on Saturday January 21st
up till 2.45 p.m.,

Overtime 2 hrs @ 2/3 ... 4/6.

(Sgd.) S. H. Riches,

Asst. Customs Officer.

6

Enclosure 6.

Port Stanley,
January 23rd, 1922.

The Receiver of Wrecks,
Port Stanley,
Falkland Islands.

RETAINED in the possession of the Falkland Islands Company Limited, Stanley for safekeeping the following articles salvaged from the s.s. "Guvernoren" :

- 1 Bridge Binnacle and Compass (Kelvin)
 - 1 Standard Binnacle and Spirit Compass (Negus)
 - 1 Spare Spirit Compass and Binnacle top with lamps.
 - 1 Chronometer (T & J. Negus, New York, No. 1992)
- (This latter delivered to us by Captain Berggreen.)

for the Falkland Islands Company, Ltd.,

(Sgd.) D. W. Roberts,
Marine Superintendent.

Stanley, F.I.

23rd January, 1922.

(Sgt.) S. H. Riches,
Asst. Customs Officer.

5

Custom House,

Stanley.

January 24th, 1922.

Enclosure 5.

Sir,

I have the honour to inform you that I have received into the Customs Warehouse the undermentioned goods ex "Gyvernoren" landed on the 23rd instant from the Schooner "Gwendolin" viz :

- 2 Spring plush settees
- 1 Chair (saloon pattern)
- 1 Deck wall lantern
- 4 Broom handles
- 1 Sheepskin Coat
- 3 Log-line propellers
- 2 Log Clocks
- 1 Wheel for same
- 3 Folding Chairs
- 1 Chair (kitchen pattern)
- 2 Rolls asbestos packing
- 4 Plush Cushions
- 2 Mahogany battens
- 3 Tables
- 2 Brass wall lamps
- 4 Small Cushions
- 1 Cabin toilet stand fitted with hand basin
& mirror
- 2 Parcels lamp glasses
- 1 Coil wire (for deep sea sounding machine)
- 1 Depth recorder (boxed)
- 2 Cooper's reamers
- 1 Cooper's bung borer
- 2 Black canvas balls (folding)
- 4 Window blinds (blue)
- 1 Coil grass line
- 3 Coils hemp hawser (cov'd)
- 2 Manilla hawsers (loose)
- 1 Hemp - do - "
- 1 Canvas Wind-sail

The undermentioned articles have been left in charge of the Marine Superintendent F.I.Co., for safe keeping.

- 1 Bridge Binnacle & Compass
- 1 Standard Binnacle & Compass
- 1 Spare Spirit Compass & Binnacle top with lamps
- 1 Chronometer (handed to F.I.C. by Capt. Berggreen)

(Sgd.) S. H. Riches,
Asst. Customs Officer.

Stanley,
January 17th, 1922.

Enclosure 4.

Sir,

I have the honour to inform you that I have received into the Customs Warehouse the following goods salvaged from the wrecked "Guvernoren", vdz :-

- 31 Harpoons (without heads)
- 31 " heads
- 68 Bass broom heads
- 3 Bdls. Handles for same
- 4 " axe (2 in bdle)
- 1 Pr. Oars
- 2 C/s Rubber discs.
- 4 Coils of Hemp Rope (1 covered)
- 1 Bdle of 6 iron buckets
- 3 Wood - do -
- 2 Lamps (Binnacle)
- 15 drums paint
- 17 Tins "
- 15 Kegs "

1 Empty Barrel (Sgd.) S. H. Riches,
 1 Rustler
 1 Spade
 1 Iron fall

Asst. Customs Officer.

(3)

Custom House,

Stanley,

January 14th, 1922.

Enclosure 3.

Sir,

I have the honour to report that the following goods, salvaged from the wrecked "Guvernoren" have been received into the Customs Warehouse this day from Mr. John Davis.

Wireless Plant.

- 26 Pieces of Apparatus evidently in good condition
 - 1 Electric Lamp & filament.
-

Miscellaneous

- 2 Coils grass line
 - 12 Harpoons (without heads)
 - 12 Heads for harpoons
 - 1 Chair (with iron legs)
 - 1 Whale line (manilla, loose)
 - 5 Boats paddles (new)
 - 1 Coil hemp rope (new)
 - 1 " Whale line (new)
 - 14 Drums of anti-fouling paint
 - 100 Tins fishballs
 - 100, 28 lb. Tins Margarine.
-

- 1 Lifeboat, in good condition
- 1 Empty barrel
- 1 Rudder
- 1 Boats mast and sail
- 1 Iron pail.

(Sgd.) S. H. Riches,

Asst. Customs Officer.

2

Custom House,
Stanley,

11th January, 1922.

Enclosure 2.

Sir,

I have the honour to report that the undermentioned goods salvaged from the wreck "Guvernoren" have been received from Captain Berggreen and stored in the Customs Warehouse, viz :-

- 6 Lengths Flexible Hose
- 12 Coils Rope (various sizes)
- 4 Bolts Canvas
- 14 Valves
- 2 Chairs (each with 2 cushions)
- 3 Boxes Candles
- 1 Motor Boat (open) with Engine) F.I.Co's
- 1 Boat (open) propelled by oars) West Yard
- 1 Chronometer (East Store)
- 1 Drum Gasolene (Naval Depot).

(Sgd.) S. H. Riches,
Asst. Customs Officer.