

C.S.

MISCELLANEOUS

(Shipping)

SHI/VES/8 # 22

1922

No. 777/22

Manager,  
Falkland Islands Co.,

SUBJECT.

192 2

14th November

Previous Paper.

Three members of crew of s.s. "Ortega"  
left behind at Port Stanley

MINUTES.

*Letter from Manager of Falkland Islands Co  
of 14th Nov: 1922*

*Encl (2)*

*Mr. Treasurer, etc.*

*Will you please advise on this.*

*I read the cable to mean that these men  
will be chargeable to Govt. I suggest that  
under sec. 6 of the Aliens Ordinance the  
agents of the P.L.I.C. are liable for all costs  
in this connection. They were as far as  
my information goes wrongfully left behind by the  
vessel. No report of their absence was made by  
the master or they would have been put on  
board.*

*T. H. H. H.*

*17/6/22*

Hon:Col:Sec;

Subsequent Paper.

The Acting Shipping Master will possibly be able to explain the circumstances in connection with his letter of the 10th instant, mentioned in para 1 of Mr. Harding's letter of the 14th instant, enclosed.

2. Part II, of the Merchant Shipping Act (Imperial) was

brought

brought into force in this Colony, by Ordinance No 9 of 1909.

3. If the three men formed part of the Crew and were ~~on the~~ signed on the Articles of the s.s. "Ortega", the Acting Shipping Master will be able to proceed in accordance with the provisions of the Merchant Shipping Acts (Imperial).

4. Sec:6 of Ordinance No.5 of 1900 explains, I think, the liability imposed on ship masters to repay costs to Government.

5. Sec: 7 of the same Ordinance explains what action is necessary on behalf of the ship master, in the case of stowaways.

6. On the other hand, if the three men are not on the Articles of the s.s. "Ortega" and are not stowaways, sec: 7 of the same Ordinance explains what action should be taken by the ship master,

7. In the absence of the master of a vessel, the agent and consignee of such vessel at the time the persons were left behind, becomes liable to the Government, under sec:8, please.

*R. Thompson*  
Colonial Treasurer.  
13th November 1922.

*Yr.  
Subm. illw.*

*The agent states that these men were members of the crew and it may be presumed that they were in the articles.*

*There does not appear to be any action which it is ~~the~~ necessary for the Shipping Master to take immediately but the men may have to be shipped to the U.K. as d.b.s. by the ~~propose~~ <sup>188</sup> — at the cost of the P.S. & Co. Vide sec. (26) and 193 of M.S. Act.*

*In the meantime the agent may be informed that his company is liable*

*ttttt 20/11/22*



H.C.S.

Then see volume of instructions sent  
Melwit p. 30. Dr. Mappa Seamen regulations.  
The ship is ultimately liable but can no  
employment be found for these men  
pending their return to port of origin?

2. If relief is continued for men then  
a month a special report must be made  
to Board of Trade.

22 November 1922

The Treas. etc.

I am not aware of these men  
having made any application for  
or being in receipt of relief.

22/11/22

Hon:Col:Sec;

I gather from para:1 of enclosed  
letter from the Agents P.S.N.Co that these three men  
duly reported to the Ag:Shipping Master (Capt:Hockly)  
that they had been left behind by the "Ortega" at  
this port.

2. A copy of the Board of Trade "Instructions  
relating to Merchant Shipping and Seamen" was, if I  
mistake not, included in the "Handing Over Statement"  
sent up under cover of my minute of 9/11/22, (C.S.  
No. 699/22), from Mr. Milne to Capt: Hockly,

3. As I read the telegram from Valparaiso, mentioned in the enclosed letter, it was intended to mean that these men are in the hands of "the proper authority" (the Shipping Master) mentioned in s:1(b) of the "Distressed Seamen Regulations", page 30 of the Board of Trade Instructions.

4. It seems to me that these instructions are put very clearly and should require no explanations.

5. The first thing the Ag:Shipping Master should have done, was to establish these men's title to be relieved (s:VI, clause 97 of Instructions).

6. From enquiries which I have made, the names of these men are:- Frank Smallman., Robert Williams., C. Glazebrook; that they are all British., and according to the "Ortega's" Crew List, that they hold the following positions on that ship, respectively:-

Frank Smallman.....Captain's boy.

Robert Williams.....Engineer's boy.

C. Glazebrook.....Asst: Baker.

7. I am also informed that these men obtained for themselves, lodging with a Mr. Martin, and have obtained from the Falkland Islands Co's Store a certain quantity of clothing, and that on their own initiative they have been able to obtain employment over at the Naval Works, with Mr. Neave.

8. In as much as the s.s. "Oropessa", which is due to arrive on or about the 27th of December next, belongs to the same Company as the "Ortega", I would suggest that the Ag:Shipping Master should endeavour to get these men signed on the Articles of the former ship, in preference to their being sent away D.B.S. At the same time the Ag:Shipping Master should I think see that these men do not leave Stanley before settling their accounts with the their Landlord and the local stores.

*W. H. Thompson*

Colonial Treasurer  
24th November 1922.

Y.R.

Submitted.

2. It does not appear to me that these men are in distress or have so been at any time. They applied in the first place to the Agents and on being referred back they did not establish their title to be relieved. The Shipping Master has quite properly not incurred expenses for them.

3. I suggest that Captain Hockley should now see the Agents and should point out to them:—

(1) That under sec. 188 of the last Act the master who is in default in leaving the men behind and rendered himself liable to a penalty:

(2) That if any expenditure is incurred it will ~~be~~ under sec. 193 of the Act be a charge on the ship:

(3) That under our Alien Ordinances the agent is liable for any costs and charges incurred including the cost of a passage home:

and might suggest that under the circumstances it might be as well for the Agents to make arrangements for getting the men signed on the "Orpesa" and for seeing that they do not leave the Colony without settling their accounts.

16/12/22

1198 see 6



Shipping Master

accordingly

Htlt 22/12/22

The Hon. Col. Secretary

I have proceeded as instructed in para 3 of His Excellency's Minute of the 19th, inst and para 3 of your Minute of the 16th, inst.

2 Further I have handed to the Agent of the P.S.N. Coy a letter, copy attached herein.

3 The Agent of the P.S.N. Coy has intimated that he will lay the matter before the Master of the "Oropesa" and every effort will be made to sign these men on the Articles of that ship.

4 Should the Master of the "Oropesa" refuse to sign these men on the Articles of his vessel they will be sent home as D.B.S.'s on a Conveyance Order.

Encl. (2)

Colin E. Stockley

Harbour Master

22/12/22

Yr. Subm. for information

Htlt 22/12/22  
23 Dec 22

Minute from Ag. Shipping Master of 29.12.22.

— Encl. (3)

Y.S.  
Subs illu for information

11/1/22

H.

2 January 1922

Minute from Harbour Master.

19th Sept 1923

Let from Agents PSN Co 14 May 1923.

Let from PSN. Co 3 April 1923

I think perhaps that you should  
reply to this letter <sup>to the H.M.</sup> stating that  
the men left behind by the S.S. Ortega  
were not ~~accused~~ <sup>charged with</sup> being deserters or  
so treated. The responsibility for dealing  
with members of the crew of a vessel  
who are landed sick lies with the  
Shipping Master of the Port in the  
first instance but it is only on the  
failure of the master or <sup>local</sup> ship's agents  
to repay expenses that recovery is made  
through the Board of Trade, in accordance  
with the Board of Trade instructions to  
Colonial officers. The Government reserves  
its right to deal with any particular  
case under the Aliens' Ordinance if  
deemed necessary.

Copy Para 3 of nc. 83  
to be quoted

Para. 3 of nc 83 runs as follows: -

"If any expense incurred by the officer  
in such cases is not repaid by the master  
or ship's agents, it should be entered in his  
quarterly account with the Board of Trade"

Copy of letter to the Shipping Master

H.

24 Sept. '23



C.S.O. No. 777/22

Inside Minute Paper.

Sheet No. 5

Letter to Agents, P. S. h. C. 25/9/23. Enc. (5)  
Copy sent to Shipping Master.  
25<sup>th</sup> September, 1923.

*Wm. H. H. H. H.*  
*Wm. H. H. H. H.*



The Falkland Islands Company Limited,  
AGENTS, Pacific Steam Navigation Company,  
Stanley,  
14th November, 1922.

Sir,

We received your letter of the 10th instant reporting that three members of the crew of the "Ortega" had been left behind in this port.

It will be remembered that upon their presenting themselves at this office we sent them to report to you, but they were referred back to us, and as they could not be left without some lodgings in the town we procured the cheapest possible.

On the 11th instant we reported the fact by telegram to Valparaiso for the information of the Master of the "Ortega" and have this morning received a telegram from the Company at Valparaiso as follows:-

"Your cable thirteenth men now under  
"Government account who must maintain them  
"and provide passages home. Pacific. "

The men are at present boarded at Mr A. Martin's house.

I am,

Sir,

Your obedient servant,

A handwritten signature in ink, appearing to read "W. H. M. ...", written over the typed name of the Manager.

Manager, F.I. Co., Ltd.

Agents, P. S. N. Coy.

The Shipping Master,  
Stanley.

Shipping Office.

Stanley,

21st. December, 1922.

The Agents,

Pacific Steam Navigation Coy.

Stanley.

Sir,

With regard to the three members of the crew of the P.S.N. Coys "Ortega", left behind at this port on the night of the 9th of November last, I would bring to your notice that His Excellency the Governor has given instructions that it is not desirable that these men should remain in the Colony.

I would therefore point out that under sec:188 of the Merchant Shipping Act the Master was in default in leaving these men behind and rendered himself guilty of a misdemeanor in as much as the Master of the "Ortega" did not obtain the Certificate required under this section of the Merchant Shipping Act, unless the Master of that vessel should so prove that the certificate could not be obtained without unreasonable delay to the ship or was unreasonably withheld.

2 Under sec:193 of the Merchant Shipping Act where any expenses on account of any seaman who has been left behind abroad without full compliance on the part of the Master with the provisions in that behalf in this act contained; either for his maintenance, necessary clothing, conveyance home etc, are incurred these expenses are a charge upon the ship and are a debt to the Crown from the Master of the ship or from the owner of the ship for the time being.

3. Further under The Aliens Ordinance No 5 of 1900 of the Falkland Islands the Agent is liable for any Costs and charge incurred including the cost of passages home of a seaman left behind.

4 I would, therefore, suggest, under the circumstances.

that arrangements might be made for these men to be signed on on  
the Articles of the Pacific Steam Navigation coys "Oropesa"  
shortly expected to arrive at this port.

I am, Sir,

Your obedient servant,

*Colin E. Locally*

Actg. Shipping Master



FALKLAND ISLANDS.

1833

C.S. No.....



Departmental Number.....

From..... The Harbour Master.....

Date..... 29th, December 1922

To..... The Hon.Col.Secretary.....

SUBJECT.

Re- Members of crew of S/S"Ortega", Left behind.

Reference  
Numbers.

Sir,

I beg to report that the three members of the ~~xxx~~  
crew of the P.S.N.Coys "Ortega"

Charles Glazebrook

Asst Baker

Albert B.Williams

Pantry Boy

Frank Smallwood

Captain's Steward

left behind at this port on the night of the 9th November  
1922, have been received on board the P.S.N.Coys "Oropesa"  
for conveyance to Liverpool on a Conveyance Order as  
Distressed Beitish Seamen.

I am, Sir,

Your obedient Servant

*Colin E. Lockley*

Acting Shipping Master

2nd April, 1932.

Gd/A

C.A.

Messrs. The Falkland Island Co.,

PORT STANLEY.

Dear Sirs,

CREWS LANDED ABROAD AGEN.

We are in receipt of your favour of 3rd Jan., acknowledging receipt of ours of 7th November on the above subject.

Your references to Section 5 and 6 of the Aliens Ordinance of your Colony, are noted, but we would like again to mention that members of a ship's crew who may be found ashore subsequent to the ship's departure may be treated as Deserters, as in no instance do we give members of crews leave to go ashore. The responsibility in connection with the Deserters is one for the British Consul, or Shipping Master who under the Merchant Shipping Act is, in the first place, responsible for their maintenance and their return home. The ultimate responsibility for such charges is a matter to be dealt with, where necessary, by the Home Officials of the Board of Trade with the Owners of the ship.

In respect to men landed abroad sick, we  
request that your Alien authorities must look to  
us to accept the responsibility for maintenance  
while ashore. Again the point is covered by the Merchant  
Shipping Act which responsibility in the first place  
is that of the British Consul, or the British Shipping  
Master at your.

We are assuming that in either of the above  
instances the British Shipping Master at your does not  
repudiate responsibility, which should be satisfactory to  
your Alien authorities, and in that event there should  
be no necessity for them to look to the Steamship Company  
to respond for such charges.

Yours faithfully,

THE PACIFIC STEAM NAVIGATION CO. LTD.

For The General Manager

(40)

The Falkland Islands Co., Ltd.,  
Agents, Pacific Steam Navigation Coy.,  
Stanley, 14th May, 1923.

Sir,

With reference to previous correspondence in connection with three members of the crew of the R.M.S. "Ortega" who were left behind at this port in November last, I have now to forward herewith copy of letter received from The Pacific Steam Navigation Company, Liverpool.

2. In the instance under discussion the men were able to find employment and support themselves in Stanley, but you will observe that the Pacific Steam Navigation Company hold the opinion that the expenses incurred in connection with members of crew left behind or landed sick should be dealt with primarily by the Shipping Master.

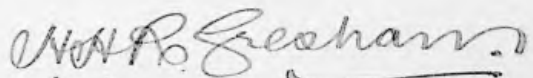
3. As the views expressed in the Pacific Steam Navigation Company's letter are so opposed to those contained in yours of the 21st December last I shall be obliged if you would inform me if anything further should be added to your letter or whether I can inform them that their views as to duties to be performed by the Shipping Master are erroneous, or, ~~or~~ do not apply to this Colony.

4. I regret having to trouble you again in the matter but as similar cases are likely to arise I shall be glad to receive at your convenience, some definite ruling.

I am,

Sir,

Your obedient servant,

  
Manager, Falkland Islands Co., Ltd.  
Agents, Pacific Steam Navigation Coy.

The Harbour Master,  
S T A N L E Y .



## MINUTE PAPER.

Departmental Number.

From..... The Harbour Master.....

Date..... 19th September 1923

To..... The Hon.Col.Secretary.....

## SUBJECT.

Re- members of the crew of the S/S"Ortega",  
left behind,

Reference  
Numbers.

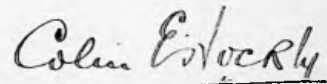
C.S. 777/22

Sir,

I beg to submit~~x~~ attached letter received  
from the Agents of the Pacific Steam Navigation Coy,  
The Falkland Is. Coy, in connection with three members  
of the crew of the S/S"Ortega" which were left behind at  
this port in November of last year.

I am, Sir,

Your obedient Servant,



Harbour Master

777/22.

25th September,

23.

Gentlemen,

With reference to your letter of the 14th of May, addressed to the Harbour Master, I am directed by the Acting Governor to inform you that the men left behind by the s.s. "Ortega" on the 9th of November, 1922, were not charged with being deserters or so treated.

2. With regard to the views expressed in the third paragraph of the letter from the Pacific Steam Navigation Company, I am to state that the responsibility for dealing with members of the crew of a vessel who are landed sick lies with the Shipping Master of the Port in the first instance, but it is only on the failure of the Master or local ship's agents to repay expenses that recovery is made through the Board of Trade, in accordance with the Board of Trade instructions to Colonial Officers. Paragraph 3 of Section 85 of the Instructions cited is as follows :

"If any expense incurred by the officer in such cases is not repaid by the Master or ship's agents, it should be entered in his quarterly account with the Board of Trade

The Agents,

Pacific Steam Navigation Company,

Stanley.

3./

5. I am to add that the Government reserves its right to deal with any particular case under the Aliens Ordinance, 1900, if deemed necessary.

I am,

Gentlemen,

Your obedient servant,

G. R. L. Brown.

for Colonial Secretary.