

AIR MAIL.

AMERICAN CONSULATE
Brisbane, Australia, July 17, 1942.

STRICTLY CONFIDENTIAL

Scudder

MERCHANT MARINE
PERSONNEL SECTION
COAST GUARD HEADQUARTERS

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RECEIVED

SUBJECT: Stabbing incident aboard S.S. DANIEL BOONE
at a Queensland port.

SUBJECT: Stabbing incident aboard "Daniel Boone"
THE HONORABLE
TO: Mr. Robinson, American Consul, Brisbane.
THE SECRETARY OF STATE

1. I wish to make the following report as per verbal
conversation on the phone, WASHINGTON, 1942.

SIR: I am enclosing unsigned statements by both Conrad and
Haskell, also a signed statement by D.W. Haskell, Master of the
"Daniel Boone"

I have the honor to enclose herewith a copy of a report and
enclosures from the Office of the Provost Marshal, Headquarters,
United States Army Forces in Australia, Townsville, Queensland,
in regard to a stabbing incident aboard the S.S. "DANIEL BOONE"
at that port on July 3, 1942, the victim being one Roy CONRAD
and the accused Floyd SANFORD, both members of the crew of the
vessel. Jurisdiction over the accused has been assumed by the
local State Authorities and he has been detained ashore.

A copy of my letter of July 17, 1942 to the United States
Provost Marshal at Townsville is also enclosed.

The S.S. "DANIEL BOONE" is registered at Los Angeles and its
official number is 241519. It is owned by the American-Hawaiian
Steamship Company and at the time of the alleged stabbing is
understood to have been under charter to the United States Army.

Respectfully yours,

JOSEPH P. RAGLAND
Joseph P. Ragland
American Consul

Enclosures:

1. Copy of communication dated July 4, 1942 from the Provost Marshal's Office, Townsville, Queensland.
2. Copy of paper purporting to be unsigned statement of victim.
3. Copy of paper purporting to be unsigned statement of accused.
4. Copy of letter from D.W. HASKILL, Master S.S. "DANIEL BOONE" to United States Provost Marshal's Office.
5. Copy of letter dated July 17, 1942 from American Consulate, Brisbane, to Provost Marshal, Townsville.

*File notes
10-21-42*

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JFR:if

To the Department in triplicate.
One copy for the Consulate General, Sydney.

A true copy
1st Lieut. J.A. ...
J.P.

Enclosure No. 1 to Strictly Confidential Airmail Despatch No. 371, dated July 17, 1942 from Joseph P. Ragland, American Consul, Brisbane, Australia, on the subject: "Stabbing incident aboard S.S. "DANIEL BOONE" at a Queensland port".

COPY.

HEADQUARTERS
UNITED STATES ARMY FORCES IN AUSTRALIA QLD. NM:
BASE SECTION NO. 2 APO. 922
OFFICE OF THE PROVOST MARSHAL

July 4, 1942.

UNDESIGNED STATEMENT given by ROY CONRAD - S.S. "Daniel Boone".

SUBJECT: Stabbing incident aboard "Daniel Boone"

TO: Mr Robinson, American Consul, Brisbane.

1. I wish to make the following report as per verbal conversation on the phone July 4, 1942.

2. I am enclosing unsigned statements by both Conrad and Senford, also a signed statement by D.W. Hassell, Master of the "Daniel Boone".

3. On July 3, 1942 I went to the Police Station, Townsville at about 7:45 PM and was informed that a stabbing had taken place aboard the "Daniel Boone" between two (2) American seamen and that one was in the General Hospital in a very bad condition. The other was confined to the ship. The city police wanted me to give them permission to arrest the man on the ship which I would not do until I had contacted higher authority. I then went to Headquarters and contacted Colonel Getzoff. We went out to the ship where we contacted the ship's master, D.W. Hassell, taking he and the chief cook Senford to the General Hospital and interviewing Conrad whose statement is attached. We then locked Senford in the Townsville stockade for safety.

4. After checking Navigation Laws of the United States - 1940 Edition, Page 228, RS 4079 (22 USC 256) Jurisdiction over American seamen in Foreign ports and Foreign seamen in American ports, decided that Senford would not be turned over to civilian authorities unless word from your office said we should.

Captain Hassell and myself visited the General Hospital this AM and were informed that Conrad is holding his own and unless complications set in, he has a fifty-fifty chance although he was operated on last night and one kidney was removed. There were three wounds in the left side, two about the belt line and one slightly higher, which is the one that did the damage. The knife used is in possession of the Townsville Police as well as Conrad's clothes.

From the investigation so far, it looks very much to me like Conrad provoked the Chief Cook and assaulted him before he was stabbed, although it does not justify using a weapon in this case for self-defence. Further statements will be obtained from the mess boys if your office so desires.

What disposition does your office recommend of this man Senford? He was removed from the Townsville stockade this morning to His Majesty's Prison at Stewart, Queensland.

By order of Colonel MATTHEWS: (Sgd) Meryl G. FINDLEY,
1st Lieut. F.A.,
Asst. Provost Marshal.

Enclosure No. 2 to Strictly Confidential Airmail Despatch
No. 371, dated July 17, 1942 from Joseph P. Ragland, American
Consul, Brisbane, Australia, on the subject: "Stabbing incident
aboard S.S. "DANIEL BOONE" at a Queensland port".

COPY.

TOWNSVILLE, QLD.

July 4, 1942.

TOWNSVILLE, QLD.

July 4, 1942.

UNSIGNED STATEMENT given by ROY CONRAD - 31 Years, S.S.
"Daniel Boone". Meal hour from 5 PM to 8 PM with a clause of
change to suit conditions. The rule has been on board due to
war conditions a 4:30 to 5:30 meal hour.

1. I am dying now and I don't want to talk.
 2. No use pining any blame on anybody.
 3. The Doc said he don't have much hope for me.
- Q: Was asked if he knew this man - Chief Cook.
- A: Yes, he is Chief Cook.
- Q: Under what circumstances do you know him.
- A: I had an argument with the Chief Cook and he shoved a knife
into my ribs and I smacked him one in the face. I don't know
where he stuck the knife into my ribs twice more; so I ran
away and left him to get an equalizer.
- Q: Did you give him any provocation.
- A: I have yet to know whether being with a man is enough
provocation to stick a knife into a man.
- Q: What did the argument start over.
- A: The argument started over the food. He would not find me
enough to eat.
- Q: What time was that.
- A: About a quarter past 5 in the Mess room.
- Q: Do you remember the conversation that took place.
- A: I do not remember the conversation that took place.
- Q: Did you see him with the knife.
- A: I saw a knife in his hand. It looked like a long thin knife.
The stabbing took place right outside the PO Mess Room. I
could not tell if anyone else was around the place.
- A: I do not wish to ask him any more questions.
- Q: Was told he could ask this man any questions.
- A: He was arguing with the Mess Staff about the food and he said:
"I will show you cock suckers what I can do". I told him not
to call them cock suckers. Then I got hit. He had something
in his hand and I got hit. I had a knife in my hand and I
stabbed him.
- Q: How many times did we argue tonight.
- A: Sanford said that is the only time tonight. I had an argument
with him before I went below. He was arguing with the Saloon
Mess Man. Conrad said keep on lying until your conscience is
clear. Sanford said he kept on using the words cock sucker
until he biffed me one.
- Q: Do you wish to ask any further questions.
- Sanford: A: No.
- Later to Conrad: I wished a written statement from you.
- A: I won't give you one. I am too sick. If I get better I will
give you one.

Enclosure No. 3 to Strictly Confidential Airmail Despatch No. 371, dated July 17, 1942 from Joseph P. Ragland, American Consul, Brisbane, Australia, on the subject: "Stabbing incident aboard S.S. "DANIEL BOONE" at a Queensland port". and, American Consul, Brisbane, Australia, on the subject: "Stabbing incident aboard S.S. "DANIEL BOONE" at a Queensland port".

COPY.

TOWNSVILLE, QLD.
July 4, 1942.

UNSIGNED STATEMENT given by FLOYD SANFORD, Seaman, S.S. "Daniel Boone":

OPERATING DEPARTMENT

Union Rule Meal hour from 5 PM to 6 PM with a clause of change to suit conditions. The rule has been on board due to War conditions a 4:30 to 5:30 meal.

Conrod came aboard at 5:30. Mess boys had cleaned up and were wanting to leave. When Sanford came up from below Conrod was arguing with Saloon Mess boy. Sanford passed on, not paying any attention to the argument. When from the lavatory he could still hear the argument going on although could not hear exact words.

To Lieut. Finlay, - U.S. Provost Marshall's office.,

On coming back Sanford walked into the Saloon Mess asking Mess boy if Conrod had shoved off. Answer was Yes. He then asked what the trouble was. Answer: Was mad because he couldn't have a hot meal. Sanford finished work below which took about 20 minutes to finish. In meantime Conrod was out in passageway opposite Crew Mess arguing again with Acting Crew Mess Man by name of Wilson.

Sanford talked to Wilson asking what Conrod was raving about. Answer: Because he could not have a hot meal.

Conrod stepped into his room and as Sanford walked by Conrod came out to the door and started arguing with Sanford who asked him what the trouble was. Conrod started calling him a cock sucker and kept on hollering about Union rules and still using profane language. Conrod then went into his room and came back with a book of Union rules stating: "I will show you Cock suckers." He was told by Sanford to stop using foul language. He, Conrod, again entered his room and came out with either a nut or bolt head, hitting Sanford above the left eye, knocking him to his knees. Sanford states as he straightened up he had the knife in his hand the stabbing just happened. He does not recall how many times or just what all did happen.

Conrod then brock away and ran down the passageway, running out on deck yelling. A sailor came along and asked what the trouble was. Sanford stated he thought he had hurt Conrod.

The Captain then came on the scene and ordered Sanford to his room and called an ambulance for Conrod. Sanford was then held by men pending further investigation.

(Sgd) D. V. HARBELL, Master.

A true copy of the _____

Enclosure No. 5 to Strictly Confidential Airmail Despatch No. 371, dated July 17, 1942 from Joseph P. Ragland, American Consul, Brisbane, Australia, on the subject: "Stabbing incident aboard S.S. "DANIEL BOONE" at a Queensland port".

Enclosure No. 4 to Strictly Confidential Airmail Despatch No. 371, dated July 17, 1942 from Joseph P. Ragland, American Consul, Brisbane, Australia, on the subject: "Stabbing incident aboard S.S. "DANIEL BOONE" at a Queensland port".

COPY
UNITED STATES OF AMERICA

AMERICAN-HAWAIIAN STEAMSHIP COMPANY CONSULATE
Brisbane, Australia, July 17, 1942.
OPERATING DEPARTMENT

AIR MAIL. S.S. Daniel Boone. VOY. 1
Written at Townsville
Date July 4th, 1942.

To Lieut. Findlay, - U.S. Provost Marshalls office,
From Capt. D.W. Hassell

Master S.S. Daniel Boone.
Subject - Stabbing on board ship.

This case has been discussed with the American Consulate General in Sydney and in a letter dated July 10, 1942 the Consulate General informs me that I am correct in assuming that United States jurisdiction in a matter of this offense should not be insisted upon and that the exercise of such jurisdiction in an individual case seems not to be in accordance with pertinent Foreign Service Regulations.

Dear Sir:
In reply to your letter of this date, the following is from personal knowledge of the case.
At or about 5.30 PM yesterday, Roy Conrad came up to the top of the wheel-house where the Chief Engineer, Mr Southard, Capt. Bruce, the Pilot and myself were and asked to speak to the Chief Engineer. He spoke with the Chief for a few minutes and apologized for not being on board and performing his duties during the day. He then left and went below. About ten minutes later I heard Conrad crying about being stabbed and I saw him being assisted to the boat deck by L.A. Youngs, A.B. When I inquired in the matter I was told that the Chief Cook, Sanford had stabbed Conrad.

I called the ambulance and the police. Conrad was removed from the ship and taken to the Townsville General Hospital, and Sanford was questioned by the police but was not placed under arrest.

Later I contacted your office and Sanford was removed from the ship by the American authorities for questioning, and was then held by them pending further investigation.

Faithfully yours:
(Sgd) D.W. HASSELL, Master.

A true copy
of the original
original

Enclosure No. 5 to Strictly Confidential Airmail Despatch No. 371, dated July 17, 1942 from Joseph P. Ragland, American Consul, Brisbane, Australia, on the subject: "Stabbing incident aboard S.S. "DANIEL BOONE" at a Queensland port".

not assume jurisdiction in criminal cases arising in the territorial waters of a country unless the courts of the country concerned are proved, by the laws of that country or by the decision of the courts of that country to have jurisdiction.

COPY.
THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

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AMERICAN CONSULATE
Brisbane, Australia, July 17, 1942.

AIR MAIL.

The Consulate General also suggests the possibility that the United States Army authorities may assume jurisdiction in the case in accordance with the provisions of the United States Code, Title 10, Section 1473(d) defining persons subject to military law as, among others, "...all persons accompanying at Headquarters, U.S.A.F.I.A., and in time of war all persons... Base Section No. 2, without the territorial jurisdiction of the United States APO. 922, not otherwise subject to...." military law. This possibility arises in view of the understanding that the vessel concerned entered your port under charter to the United States Army.

The Consulate has read with interest your communication of July 4, 1942, and enclosures thereto in regard to the stabbing incident aboard the S.S. "DANIEL BOONE".

This case has been discussed with the American Consulate General in Sydney and in a letter dated July 10, 1942 the Consulate General informs me that I am correct in assuming that United States jurisdiction in a matter of this offense should not be insisted upon and that the exercise of jurisdiction by a competent Australian tribunal seems not inconsistent with pertinent Foreign Service Regulations.

In Hackworth's "Digest of International Law" (1941), volume two, the subject is treated fully and indicates that the jurisdiction of the United States should be exercised unless the offense is of such a nature as to disturb the peace of the local community, in which case there appears to exist a type of concurrent jurisdiction. In the case of the Viviana, when the cook killed a steward on board a Spanish ship anchored in the harbor of Pensacola, Florida, the Department of State held that the killing of one human being by another was a disorder of such a nature as to cause, or be likely to cause a breach of the peace or serious trouble in the port or on shore." (Hackworth, page 211).

On the other hand, it would, of course, seem undesirable to delay an American vessel unduly at this time because of any requirement of a local court which might insist upon detaining witnesses who are instrumental in the navigation of the ship or who cannot readily be replaced. I judge, however, from your communication that this situation has not arisen. However, it is for the local court to decide whether it may exercise jurisdiction or not, and, if not, to inform you accordingly so that the jurisdiction of United States courts could then be exercised. But it is understood that United States courts may

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not assume jurisdiction in criminal cases arising in the territorial waters of a foreign country unless the courts of the country concerned are proved, by the laws of that country or by the decision of the court concerned, to have no jurisdiction.

The Consulate General points out that in cases where the seaman should be returned to the United States for trial, it is extremely desirable to have the man returned on the vessel on which the crime was committed for it would probably be found very difficult and expensive to return him otherwise.

The Consulate General also suggests the possibility that the United States Army authorities may assume jurisdiction in the case under reference in accordance with the provisions of the United States Code, Title 10, Section 1475(d) defining persons subject to military law as, among others, "...all persons accompanying or serving with the Armies of the United States without the territorial jurisdiction of the United States, and in time of war all such..... persons.....both within and without the territorial jurisdiction of the United States, though not otherwise subject to....." military law. This possibility arises in view of the understanding that the vessel concerned entered your port under charter to the United States Army.

I should be pleased to hear further from you regarding the state of health of the wounded seaman, and the progress of the trial of the accused.

Very truly yours,

JOSEPH P. RAGLAND

Joseph P. Ragland
American Consul

A true copy
of the signed
original