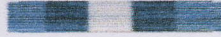




IRISH SEAMEN'S RELATIVES ASSOCIATION [1939-1946]



Seirbis onorac sa Muir-tractala na hÉireann 1939-46
[Service with honour in the Irish Mercantile Marine 1939-46]

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19 August 2010

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Mutiny on the Portland – Revisited.

Dear Sirs,

In the course of extensive research into a series of incidents on board the German registered vessel MV Portland during the months of February/March 1941, I came across the award of a BEM to Able Seaman Fry, Able Seaman Lynch and Able Seaman Merrett for their involvement in a mutiny and arson while they were prisoners on this vessel. I draw your attention to the citation of the BEM for Fry, Lynch and Merrett, dated 11 December 1945, copy attached. Please note this citation is in error on several issues:

1. The citation wrongly states that the SS Portland was captured by the Germans. Portland was a German registered merchant ship crewed by German merchant seamen when she took on the British and allied POWs in February 1941, and not a captured vessel.
2. The MV Portland was not crewed by a prize crew as stated in the citation. Portland had her own designated pre-war German crew + extra naval guards put aboard later on to assist in guarding the several hundred prisoners taken on from the motor supply ship Nordmark located in the South Atlantic.
3. The citation also wrongly states that Fry and his group determined to regain control of the ship, suggesting that he had previous control of Portland or that Portland had been a British or allied vessel. Quite the contrary, the MV Portland was a German ship and Fry and his ad hoc group attempted to **take control** in defiance of the instructions of British senior RN and MN officers who were also POWs on Portland and not regain control as stated.
4. The citation records that considerable damage was done to the Portland. As her crew put the fire out quickly, no damage was done as a result.....see attached copy photo of Portland arriving in Bordeaux 15th March 1941.

In August 1941 Fry pleaded guilty to mutiny and arson at his Hamburg naval trial, significantly the British government also expressed its satisfaction in the way the Germans had conducted the

proceedings, although the UK was unhappy with the severity of sentence, however Fry's sentence of death was not carried out.

I also draw your attention to the following report by Lt A.R Cheyne RN who unfortunately lost his life in a car accident while a Naval Attache in Portugal in 1950.

ADM1/18939 - Behaviour of British captured naval personnel on board German Ship Portland – Assault by Germans on British POW's. A Report by Lt Cdr A. R. Cheyne RN, 15th July 1945, submitted to Admiral Submarines, Northways, London N.W.3.

Extract Quote:

"Communication with the men forward was generally impossible. I did however send a message to the Naval Ratings to be prepared to take the ship if they received further instructions from me, but not to act without them. About a week after arrival on board, some of the men in the forward hold formed a plan to overpower the German Officer in Charge of the Prisoners when he went round at 21.00. This plan was stopped by Mr Rogers (Afric Star) who had been put in charge of the hold by the Germans before it was put into operation. The Germans became very suspicious and I have reason to believe knew of the existence of this plan, which is not really surprising as there were 14 nationalities represented in the holds. Some eight days before arrival in Bordeaux I received a message via a Chinaman from one of my ratings. A.B. Swain, that they had a plan and should they proceed. I replied that nothing was to be done. I came to this conclusion on the following grounds. I had no Petty Officer to take charge. The draft were all young inexperienced men, or Maltese. Secrecy was essential and [of] such an operation was impossible in the crowded conditions forward. I had reason to believe the Germans were well served with informers. Communication with the men forward was generally impossible and when an opportunity did occur it was by unreliable channels. The Germans were becoming increasingly vigilant. Captains Cooper and Athill both advised strongly against it". Lt Cdr Cheyne also states: "that a Merchant Seaman Fry attempted to set the ship on fire. This occurred at night and the fire was put out without trouble by the Germans, before any damage was done". Lt Cdr Cheyne concluded in his report that those "who carried out the brutal beating up all came under the category of War Criminal"s. End of Quote

Although there was loose talk among different groups about taking over the German supply ship Nordmark and again when the prisoners were transferred to the MV Portland for the voyage from the South Atlantic to Bordeaux, nothing was ever done and remained loose talk among the POWs for a period. Research indicates that the Germans on the Portland were very nervous for their own safety, being outnumbered by the several hundred British and allied POWs on board. It was Lt Cheyne RN the senior British naval officer *Submarines* and a POW himself, who issued the first official order through an intermediary Pang Kam Kee a Chinese saloon steward to be prepared to take over the Portland, however Lt Cheyne according to his report post war had stipulated **only when he gave the order. He subsequently communicated to the POWs located in the holds, that nothing was to be done and gave his reasons.** Captain Cooper *Afric Star* Able Seaman Fry's skipper and other captains concurred. This effectively took the wind out of any plan and for several days nothing happened. On the evening of the 13th March 1941, Able Seaman Fry took it upon himself to proceed into the next hold where he fired two admiralty red flares into some sacking and bags in the hope that this would attract the assistance of a RN vessel. Following the discovery of large amounts of smoke coming from one hold, the Germans quickly moved all the prisoners for'ard into the other hold and detailed some of the prisoners to assist to put the fire out. The Germans subsequently initiated a process of interrogations in their attempt to extract information from the prisoners as to whom was involved by beating up the men on the open deck. In conjunction with this the light cable which was used to provide light to

the hold suddenly went out leaving the other prisoners and several guards who were also in the alleyway adjacent in total darkness. In the panic several shots were fired and when the lights were put back on two prisoners had been killed and others wounded.

Irrespective of the British Governments attitude at the time, the legal status of Fry and the other merchant seamen imprisoned on board the Portland was non-combatants i.e. they were not subject to martial law and neither were they obliged to attempt to escape. POWs were subject to the provisions of various international conventions in relation to their behaviour while they were captives on the Portland and the Germans were also obliged to follow the same rules of behaviour. As captives on a German naval ship the POWs, RN + MN, were also obliged to follow the instructions of senior British naval officers. While merchant seaman's contracts of employment had been severed through the sinking of their vessels there was still a duty on MN POWs to respect the authority of their merchant navy captains, even though they were prisoners, and that obligation was not abrogated by the sinking of their own ships.

In March 1940 an instruction was issued advising the status of German merchant ships would be changed to that of ships of the Kriegsmarine, when they had taken on board POW's. According to the Decree of the O.K.M (Oberkommando der Kriegsmarine) of March 9th 1940, enemy or neutral civil persons on board a German-Warship are subject to Prisoner of War regulations. The Portland now operated pursuant to German military command/ instructions. Consequently, the Kapitän of the Portland became a Oberleutenant Zur See in the German Navy and his subordinates took on the relevant German naval ranks. Meaning the German motor vessel Portland became a German naval ship run on military lines from the time she took on prisoners from the German supply ship Nordmark. This also meant that Oberleutenant Zur See Plünnecke, the Kapitän of the Portland, had the power to appoint a Man of Confidence in accordance with the relevant Hague and Geneva conventions as applicable to Prisoners of War. Bosun William Rogers of the SS Afric Star was duly appointed and his instructions had to be followed by others in the hold.

In defiance of his senior officers *Royal Navy and Merchant Navy, who were also POWs on the Portland*, Able Seaman Fry and his ad hoc group went ahead and recklessly and without any consideration for the consequences, attempted to set fire to the Portland and through his action set in motion a chain of events which ultimately led to the deaths of Frank Evans, Arthur Freeman, the wounding and torture of other prisoners and the inevitable painful legacy of bereavement inherited by their relatives. Fry later pleaded guilty and was convicted of mutiny by a naval courts-martial in Hamburg in August 1941. Although Fry made complaints of ill-treatment to the War Crimes Commission post war, in contrast, the red cross reports during the war show that Able Seaman Fry was happy with his treatment and wished to remain in Hamburg Prison under his then conditions for as long as possible. There is a very large gap between the allegations of Fry post war and the actual red cross report. Prior and during the Hamburg Trial the descriptions of Fry by some British witnesses and his own British appointed lawyer point to someone completely out of control.

Christy - SS Duquesa: Christy describes Fry " *as being punch drunk or slightly mad as he had boxed before* "

Fry in his evidence testified " *that Lynch, Kitson, Merritt did not help me to set fire only to stuff mattresses - Kitson and Lynch did not do anything at all; They turned yellow at the last minute* "

Lt Cheyne RN: " *Two or three hotheads got together, They were fools to have done it* " " *He did seem somewhat a wild type* " a reference to Fry.

Dr Scherzberg defence lawyer: In his advice to the British Government " *Dr Scherzberg made the suggestion pre-trial that perhaps "Fry was eccentric or mentally unbalanced"* ". The briefing

note goes on to say that "*without the services of a physician no clear indication in this connection could be obtained*" The Foreign Office for their own reasons did not follow this suggestion by Dr Scherzberg. The above comments extracted from the files show that Able Seaman Fry *SS Afric Star*, was totally unpredictable, an irrational fool whose actions had serious consequences for all concerned on board Portland.

Incredibly on the 11th December 1945, the following were awarded the British Empire Medal (Civil Division), for their actions on the MV Portland in March 1941.

Alfred Ernest Fry, Able Seaman SS Afric Star. Born 23rd August 1913 at Bristol. Residence at 20 Woodbine Road, Whitehall, Bristol; also awarded the Lloyds Medal for bravery at sea on the Portland;

Thomas Daisly Lynch, Able Seaman SS Stanpark, Born 28th May 1918 at Hamilton Scotland. Residence at 112 Hazelmere Road, Upton Lea Estate, Slough, Bucks;

Roderick James Merrett, Able Seaman SS Barneveld. Born 2nd July 1915 at Couldson. Residence at 49 Alma Road, Windsor, Berks;

Lt Cheyne RN the senior RN officer and POW on the MV Portland was an experienced submariner and prior to his capture along with his officers and crew was being deployed to HMS Medway, a submarine depot in the eastern med. Having scrutinised all the documentation the one thing that comes up time and time again, is that Lt Cheyne's instructions to cancel any plan to take over the Portland was perfectly understood by all concerned in particular Able Seaman Fry and his ad hoc group. Lt Cheyne RN, Bosun William Rogers, other senior officers and older seaman would also have been acutely aware that fire even smoke resulting from a conflagration was and still is the ultimate seafarers nightmare, particularly in the case of Portland which was then overloaded with several hundred prisoners (327 prisoners + approx 54 german crew = 381 in total) aboard and had no extra lifeboats or safety equipment to accommodate survivors if she had to be evacuated quickly. Any fire started by Fry and his co-conspirators within a hold full of sacking could have got out of control and easily consumed the ship in minutes with the subsequent loss of many British and allied lives.

It is also significant that within the transcripts of Fry's naval courts-martial in Hamburg August 1941, Lt Cheyne's instruction to cancel any action to take over Portland is repeated on several occasions by different witnesses in evidence to the German court, which corroborates the fact that his orders had been communicated effectively down the line to the POWs imprisoned in the for'ard hatches. The British Governments policy at the time was to defend Fry on the basis that as a Prisoner of War he had a duty to escape. Not so. Fry as a merchant seaman was a non-combatant and was emphatically not a member of any armed force consequently no duty of escape was placed upon him. However, the Prisoner of War defence of a duty to escape being an imperative for POWs like Fry, had certain benefits for the UK at the time, as it forced the Germans hand not to execute Fry and to mitigate the punishments. The British had advised the Germans that excessive punishments if meted out to Fry and others, would have serious reciprocal consequences for German POWs held in British hands. British concerns were mainly focused on protecting their other POWs held in German camps elsewhere from excessive punishments, hence the understandable line taken by the UK in this case. Able Seaman Fry's duty was to follow the instructions of his senior officers and not to endanger the several hundred British and allied prisoners on the Portland, essentially he ignored that, ostensibly in his bid to escape and one wonders as to where he had hoped to escape too on the high seas. Indeed there is also evidence within the files etc that Fry was actively going around Portland seeking others to join him in his endeavour and may have been using aggressive methods of persuasion to get others to sign up to his so called plan of mutiny, arson and attempted piracy on the high seas.



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British Government Reply

Re Submission – Mutiny on the Portland – Revisited

I apologise on behalf of those who dealt with the matter all those years ago. I suppose things were rather chaotic at the end of the Second World War and no doubt there were mistakes made and decisions made without the full facts. In hindsight this is indeed regrettable.

—

Reply received from [REDACTED], London;
Dated, 6 September, 2010

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<https://www.irishseamensrelativesassociation.ie>

CENTRAL CHANCERY OF THE ORDERS
OF KNIGHTHOOD,*St. James's Palace, S.W.1.**2nd May, 1944.*

The KING has been graciously pleased to give orders for the publication in the London Gazette of the names of the persons specially shown below as having received an expression of Commendation for brave conduct when rendering services to the Forces in Italy.

KING'S COMMENDATIONS.

Frank GALE, British Resident in Naples.
Georgina Skinner, Mrs. GALE, British Resident in Naples.

CENTRAL CHANCERY OF THE ORDERS
OF KNIGHTHOOD,*St. James's Palace, S.W.1.**11th December, 1945.*

The KING has been graciously pleased to give orders for the undermentioned appointments to the Most Excellent Order of the British Empire, for the following awards of the British Empire Medal, in the Merchant Navy, and for the publication in the London Gazette of the names of those specially shown below as having received an expression of Commendation for their brave conduct.

To be an Additional Officer of the Civil Division of the Most Excellent Order of the British Empire:—

Captain William George Stewart HEWISON, Master, s.s. "Samsylarna" (Sir R. Ropner & Company).

The s.s. "Samsylarna," sailing in convoy from New York to India was attacked by enemy aircraft. A torpedo struck the afterpeak tank and the steering gear was put out of action. The engine-room flooded and the ship settled rapidly by the stern. Orders were given to abandon ship, the crew being picked up later by an escort vessel. The following morning the Master reboarded with a skeleton crew, and two unsuccessful attempts were made to tow the ship. Later a tug arrived and the "Samsylarna," awash from the engine-room to the stern, was towed 31 miles to Benghazi and beached. Captain Hewison handled the situation with courage and coolness throughout. By his skill and determination he succeeded in saving his badly damaged ship and a valuable cargo.

To be an Additional Member of the Civil Division of the Most Excellent Order of the British Empire:—

Henry SCURR, Esq., Second Officer, s.s. "Sambridge" (Thos. & Jno. Brocklebank, Ltd.).

The s.s. "Sambridge," sailing alone, was attacked by the enemy. Two torpedoes hit the ship and completely wrecked the engine and chart rooms. In addition, the ship was

set on fire and within two minutes the whole of the midships section was burning fiercely. Abandonment was ordered and rafts and boats were got away with most of the crew although some were badly injured. The survivors were picked up shortly afterwards.

The Second Officer showed outstanding courage and devotion to duty. After the ship had been sunk the submarine, which was Japanese, surfaced, approached one of the boats and demanded the whereabouts of the Master, Chief Officer and Chief Engineer. Answers to these questions were evasive, but Second Officer Scurr, realising the danger to his senior officers, volunteered to go on board the submarine. He was taken prisoner and so sacrificed his freedom and chances of safety.

*Awarded the British Empire Medal
(Civil Division):—*

Alfred Ernest FRY, Sailor, s.s. "Afric Star" (Blue Star Line, Ltd.).

Thomas Daisley LYNCH, Able Seaman, s.s. "Stanpark" (Stanhope Steam Ship Company Ltd.).

Roderick James MERRETT, Able Seaman, s.s. "Barneveld."

The s.s. "Portland" was captured by the Germans and, with a prize crew on board, was used to transport 327 prisoners to Bordeaux.

A small group of prisoners led by Fry, determined to regain control of the ship and bring her into a British port. Their plans were, however, frustrated. Subsequently an attempt was made to set the cargo on fire in the hope that the smoke would be seen by British naval craft. The enemy, however, succeeded in putting out the fire, but not before considerable damage had been done to the ship and cargo. Subsequently, at Hamburg the Germans sentenced Fry to death and his assistants to long terms of imprisonment on charges of mutiny and arson. The three men were subsequently repatriated and are now in this country.

Fry was the chief ringleader and displayed courage and determination in pursuing the project of liberation by forceful measures.

Lynch played a prominent part in planning and preparing for the attempted mutiny and fire.

Merrett willingly participated in the execution of the plans and assisted Fry in the final preparations for starting the fire.

KING'S COMMENDATIONS.

Those named below have been Commended for brave conduct when their ships encountered enemy ships, aircraft, submarines or mines:—

Captain John BLEWETT, Master, s.s. "Samarina" (Westcott & Laurence Line Ltd.).

Samuel Rascoe GUDGEON, Esq., Chief Officer, s.s. "Samsylarna" (Sir R. Ropner & Company).

LONDON

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3. The impracticability of preventing vessels anchoring in fog is realised, but all possible steps should be taken locally to minimise this risk, and particular attention should be paid to the movements of tugs, towing targets and refuse lighters and the dumping of refuse.

4. The operations of minesweepers should be so arranged that sweeps are neither streamed nor hauled in when in the vicinity of the cables and instruments of fixed A/S defences, and turning manoeuvres, or change of speed should similarly be avoided as far as is possible.

Sweeping over the position of the H.D.A. instruments should be avoided where possible, but when such sweeping is necessary the sweep should be kept not less than 80 feet from the bottom of the sea.

5. The distance within which sweeps may approach controlled minefields depends on local conditions, and is left to the discretion of the Flag Officers or Naval Officers-in-Charge concerned.

6. Commanders-in-Chief are requested to issue local Orders or to call attention to those already issued to ensure that this matter is brought to the notice of all concerned.

C.A.F.O. 260.—Censorship—Disciplinary Action in connection with

(N.L. 788/40.—22.2.1940.)

Censorship of private correspondence is instituted solely for security purposes.

2. Their Lordships desire to impress upon officers that it is most undesirable that information obtained from censorship should be used as the foundation of a disciplinary charge against any person, except for a breach of security rules. For example, the contents of a complaining letter should not be charged under Section 49 of the Naval Discipline Act.

3. Notwithstanding the above, evasion of censorship is to be regarded as a serious disciplinary offence, *vide* C.A.F.O. 40/40.

(C.A.F.O. 40/40, Not in Annual Volume.)

C.A.F.O. 293.—1937 Programme of New Construction—Names

(S.F. 07205/40.—29.2.1940.)

It has been decided that the two battleships of the 1937 programme, building by Messrs. Swan, Hunter & Wigham, Richardson, Ltd., and The Fairfield Shipbuilding & Engineering Co., Ltd., shall be named "Anson" and "Howe" respectively instead of "Jellicoe" and "Beatty" as formerly notified.

C.A.F.O. 296.—Procedure on Sighting a Torpedo Track from a presumed Enemy Submarine—Ships carrying Depth Charges

(A/S.W./P.D. 08313/40.—29.2.1940.)

When a torpedo track is sighted and avoided, ONE depth charge should be dropped immediately if circumstances permit.

2. The objects of this are as follows:—

(a) It may mislead the enemy submarine into thinking that a hit has been obtained. She may then come to periscope depth to observe the result, or alternatively remain in the vicinity in the hope of delivering a further attack on the "damaged" vessel.

(b) It will mark the position of the ship when the torpedo track was seen and thereby assist any A/S craft in company.

3. The following note is to be added, to the signification of flag "T" hoisted singly:—

"The ship attacked may drop one depth charge to mislead an enemy submarine into assuming a successful attack. A good look-out should be kept for the periscope."

C.A.F.O. 336.—Naval Control Service Officer

(M. 03297/40.—7.3.1940.)

With reference to C.B. 01764(39), Article 66, the Naval Control Service Officer at any port in the United Kingdom will, so far as disciplinary and administrative duties are affected, work under the Flag Officer-in-Charge, or the Naval Officer-in-Charge, of the port at which he is stationed.

2. In operational matters, the Naval Control Service Officer should communicate direct with his Commander-in-Chief in order that any delays may be eliminated, but such communications—whether by signal or message—should be repeated to the Flag Officer-in-Charge or Naval Officer-in-Charge.

3. In cases of emergency, the Naval Control Service Officer may communicate direct with the Admiralty, but he must keep the Commander-in-Chief of his area informed of any action taken. In the same way the Admiralty may have to communicate direct with the Naval Control Service Officers, but will keep the Commanders-in-Chief informed.

4. It is sometimes difficult to define exactly whether any particular question is operational or administrative. As immediate action in such matters may be of vital importance, the shorter channel of communication should be used in all cases of doubt.

5. The normal channel of communication from Commanders-in-Chief to Naval Control Service Officers, is through the Flag Officers-in-Charge of their sub-Commands. In cases of urgency when it is necessary for the Commander-in-Chief to communicate direct with a Naval Control Service Officer, the Flag Officer-in-Charge of the sub-Command should be informed that such a communication has taken place, in order that duplication of signals and messages may be avoided.

6. The Flag Officer-in-Charge or the Naval Officer-in-Charge of a Port or Anchorage is responsible for the movements and safety of shipping within the limits of that Port or Anchorage. The Naval Control Service Officer is responsible for the routing of ships away from the Port or Anchorage and the reporting of their movements.

7. It is not the intention that the Flag Officer-in-Charge or Naval Officer-in-Charge should intervene in the operational duties of the Naval Control Service Officer at any port, but should he consider that these duties are being incorrectly performed he should report the fact to his Commander-in-Chief, who will take any action necessary.

8. The fullest co-operation of all engaged in the work at any port is essential to success.

Note.—Owing to special local conditions the following additional instructions are to be observed at Ramsgate. The Naval Control Service Officer is to come under the Naval Officer-in-Charge, Ramsgate, and the Vice-Admiral, Dover, for administrative and disciplinary purposes but for operational purposes he is to come under Commander-in-Chief, the Nore, except that the Vice-Admiral, Dover, is authorised to communicate direct with the Naval Control Service Officer, Ramsgate, concerning the movement of Shipping bound westward from the Downs. The Naval Officer-in-Charge, should, however, be kept informed of any operational communications made, in order that he may pass on to Vice-Admiral, Dover, any information of which he should be kept aware.

C.A.F.O. 422.—German Merchant Vessels

(N.I.D. 0585/40.—21.3.1940.)

This C.A.F.O. which cancels C.A.F.O.s 534/1939 and 2439/1939, divides the German Merchant Fleet into categories showing the potential war-time use of its units.

2. Age, speed and size are the main features governing such a classification of merchant vessels. Age does not always apply in the case of passenger liners, where speed and size are the main considerations.

On 21 March 1940 the Admiralty issued Confidential Admiralty Fleet Order 422, entitled 'German Merchant Vessels', which divided the known German merchant fleet into categories showing the potential for wartime use of the units. At page 222, the MV Portland is positively identified as a German Merchant Ship in admiralty files.

Name. Owner.	Type. L. x B. Loaf Draught.	Year.	Tonnage. Gross D.W.	Average Loaded Speed.	Screws.	Machinery.	Remarks.
545. Porjus Afrikanische Frucht Co. A.G.	Fruiter 202 x 31 12	1937	765 —	11.7	1	D	
546. Porta Norddeutscher Lloyd.	Cargo 361 x 51 23-5	1921	4,160 6,525	10-5	1	R	
547. Portland Hamburg-Amerika Linie.	Cargo and Passenger 462 x 61 26	1928	7,130 9,410	14	1	D	
548. Porto Oldenburg Portugiesische Dampfsch Rhed.	Cargo 283 x 41	1921	2,185 —	—	1	R	
549. Porto Alegre Hamburg S. American Line.	Cargo 441 x 61	1936	6,105 9,520	13	1	D	
551. Poseidon Kohlen Import und Poseidon Schiffahrts A.G.	Cargo 346 x 54 22-5	1918	3,910 6,140	10	1	R	
552. Posedel Lubeck Linie A.G.	Cargo 307 x 42	1921	2,370 3,475	—	1	R	

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553. Potsdam Norddeutscher Lloyd.	Passenger and Cargo. 605 x 74 29	1935	17,530 11,975	20	2	TE	
555. Pretoria Deutsche Ost Afrika Linie.	Passenger 541 x 72 26-5	1936	16,660 —	18	2	T	
554. Preussen Hamburg Amerika Linie.	Cargo 471 x 58 27	1922	8,230 12,150	11-5	1	R	
556. Preussen German Ministry of Transport.	Passenger 297 x 38	1926	2,530 195	17	2	D	Used as a transport in 1937. Possible minelayer.
558. Preussen German State Railways.	Passenger 356 x 51	1909	2,955 —	—	2	R	In Baltic.
559. Procida Rob. M. Sloman, Jr.	Cargo 290 x 41 18	1927	1,840 2,980	10-5	1	R	
562. Python Afrikanische Frucht Co. A.G.	Fruiter 363 x 47 17	1935	3,665 3,415	15	1	D	
563. Quito Norddeutscher Lloyd.	Cargo 246 x 34	1938	1,230 1,575	13	2	D	Reported to have very powerful W/T set.
564. R. C. Rickmers Rickmers Line.	Cargo 401 x 53 24	1921	5,200 8,950	12	1	R	

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NAA 0713 0334

MOST SECRET

FO 916/259 - C418412.

German Guards brutality to British Prisoners.

The German Merchant Ship PORTLAND sailed from Talcahuano on 30th January, 1941.

Sometime in February she met the prison tanker NORDMARK in the South Atlantic. From this ship she received 327 prisoners from vessels attacked by SCHEER and probably by Raider 10 and possibly Raider 41.

The following was reported by a Swedish member of the crew of a British ship captured by SCHEER and transferred to the PORTLAND, who has since reached Stockholm and been questioned by our Naval Attache there:-

"The PORTLAND arrived in the Gironde in the middle of March. When in the river at Bordeaux some 4 Naval Ratings and 2 Mercantile Marine Ratings made an attempt to fire the ship and a fire actually broke out; smoke pouring into the hold where the prisoners were quartered. It was, however, put out by the German Guards who thereupon moved the prisoners to another hold and mounted a further guard. Later that same day German sailors working on deck evidently disturbed the leads giving light to our hold; the resulting darkness apparently made the German Guards believe that an attack on them by the prisoners was imminent, so fired their revolvers killing two men and wounding one. One man killed is thought to be a passenger ex AFRIC STAR (his wife was aboard amidships with another woman passenger) but I have no further particulars.

As a punishment for the alleged sabotage extra guards were mounted, food withheld for 24 hours and transfer made to another hold; the Germans also used whips indiscriminately on anyone within reach and I remember seeing the Chief Officer of the AFRIC STAR black and blue from lashes, another man was handcuffed and had to stand in a small box on deck for 15 hours where the German bosun beat him with a leaden pipe; the men actually concerned with the attempted sabotage suffered badly; they were told they would be shot and were meanwhile manacled. At Bordeaux, however, a German Naval Patrol came on board ordered the release of prisoners from confinement, had food issued and gave instructions for everyone to be disembarked."

A British Quartermaster from a ship captured by SCHEER though not actually in the PORTLAND at the time of the above had met prisoners from this ship in the camp at ST. MEDARD ENGALL (Stalag 221) shortly afterwards. He confirmed the information given above and had himself seen the back of the Chief Officer of the AFRIC STAR covered with weals. This Officer had not been in any way concerned with the outbreak, but had been seized and beaten up by the guards as an ~~example~~. One of the men who had been killed was a passenger from the AFRIC STAR whose wife had also been transferred to the PORTLAND, while the other was either a Naval Rating or a Merchant Seaman Gunner from the AFRIC STAR whose name was White. A number of other men were beaten up and 6 or 7 were told that they would be taken to Hamburg and Court Martialled. The German Guards gave the prisoners to

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understand that they were having their revenge for the COSSACK-ALTMARK affair, (when according to German propoganda German seamen had been fired on in the water).

Two other escaped British Seamen from a ship captured by SCHEER, who arrived at Bordeaux in another prison-ship about the same time had also seen the victims of the German brutality. They had seen six of these men whose backs were lacerated and who were scarcely able to walk owing to having been beaten on the soles of their feet. A rumour went round the camp that the German Officer responsible had had to apologise for the Masters of the British Merchant Ships and that he was about to be Court-Martialled. One of the British Seamen who recounted this had actually written down the names of the victims but unfortunately his diary, which contained the names had been taken from him in Spain. He did, however, confirm that one of the men killed had been a passenger in the AFRIC STAR who had his wife with him. This lady, who was pregnant, was wandering round the camp on the day after the outbreak trying to discover what had happened to her husband when a German Officer approached and baldly informed her that her husband was dead, having been shot the previous night. At this news the lady collapsed and had to be taken to hospital.

O.I.C.
12.9.41.

BRITISH

LEGAL NOTICE TO OIG WAR CRIMES
JULY 25

- Accused not named.
- (1) Officer i/c SS "Portland" on a voyage to Bordeaux from S. America in Feb'y and March 1941.
 - (2) The chief prison officer on the ship
 - (3) The officers and ORs i/c prisoners on the voyage
 - (4) A ship's carpenter.

- Charge:
- (i) Murder
 - (ii) Unlawful wounding and assault.
 - (iii) Ill-treatment of prisoners of war.

Place: At sea between S. America and Bordeaux in February and March 1941.

Evidence:

A number of statements have been taken from repatriated PsOW in this case, but these are not with the charge sheet, and the only material available is to be gathered from the details recorded in the Particulars on page 2 of the charge sheet. From these, however, a number of facts emerge:-

1. There was a plot amongst the PsOW on board the "Portland" to seize the ship and imprison the German crew.
2. The Germans became aware of this but agreed to take no action provided no further incidents occurred.
3. Some days later, a fire broke out in No. 2 hatch from which 150 prisoners had to be removed. It is not said whether this fire was connected with the original plot, but there is a reference to a "flare" being found amongst the cargo.
4. From this time on, the conduct of the Germans, which had previously been friendly, changed completely. Four men were flogged, and two were killed as a result of shots being fired indiscriminately into one of the holds.
5. Two of the men who were flogged - Fry and Lynch - appear to have been implicated in the plot, for Fry was sentenced to a long term of imprisonment by a German court in France.

Every news Wed. May 16 1945 29/12

**BRITISH
BETRAYED BY
AN INFORMER**

**GESTAPO TORTURED
SEVEN PLOTTERS**

SIX British sailors and a Chinese, Pan Kim-Kee, plotted in the hold of a Nazi prison ship to seize the vessel and sail it up the Bay of Biscay to England. But one of the other prisoners betrayed them to the Germans and 300 men lost their chance of freedom.

The story of the plot and betrayal was told to-day by one of the seven—Able Seaman William Swain, R.N., 29-year-old son of ex-Police Superintendent Swain, of Creekmore, Poole, who has just been flown home after four years' captivity.

This is the tale he told at the home of his wife's parents at Winton, Bournemouth, where he has started 11 weeks' leave.

In January, 1941, my ship was caught by the pocket battleship Scheer.

We were taken aboard the Admiral Scheer, and after eight days transferred to the Nordmark, a sister ship of the ill-famed Altmark, and later to the Portland.

Decided to Mutiny

We British among the prisoners in the Portland decided to mutiny, capture the ship, and sail her to England.

We plotted to make a disturbance forward, while a party from the afterhold rushed to the bridge, wireless rooms, engine rooms, and took command.

There were seven principal plotters, six British and a Chinese, Pan Kim-Kee, a fine fellow.

As we approached the Bay of Biscay we felt we must act soon or it would be too late, and Pan Kim-Kee took a message to our officer for consent to act, but the reply came back, "Do nothing. There are special reasons for this."

We decided we must act that night when the German inspecting officer came down, but an informer had been at work, and the officer came, with extra guards, and there were extra guards at the gangways with hand-grenades.

A big investigation was opened and the Gestapo got to work on the seven principal instigators. We were lined up against the bulk-head with our wrists tied. The Germans brought empty coffins and said we would be shot on the spot.

Death Sentence

It was, however, a form of Gestapo mental torture.

At Hamburg in August, 1941, we were tried. My companion, Fry, of Bristol, was sentenced to death, and others received long sentences of imprisonment—

No 311 / 185 — 419007

Any proceedings which are taken against the accused must be examined in the light of the above facts i.e. a plan to overpower the German crew and take over the ship - an offence which was overlooked by the Germans, followed by a very suspicious fire in one of the holds of the ship.

2

If this view of the facts is correct, drastic action by the ship's officers would be justified. If the 4 men who were flogged were proved to have taken part in the plot, it is doubtful whether a court would convict the accused on a charge of ill-treating prisoners of war, though it would do so if the floggings were indiscriminate. Similarly, if the shots fired into the hold were fired because there was reasonable apprehension of an immediate rising amongst the prisoners, the action might well be deemed to be justified. If it was an uncontrolled attack after all danger of a rising had ceased, the accused should stand their trial on a charge of murder.

The names of the witnesses are set out on page 3 of the charge sheet. The proceedings before the German court in France, or the log book and/or a crew list of the "Portland" relating to this particular voyage should provide the names of the accused.

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REF WAR TRIAL *Minutes.* AB FAY + OTHERS
 R.B.I. 45712 Nov. 20 1941 HAMBURG August 41

K.W
2/14

I have read these papers including the whole account of the trial, and I think that it can be said that on the whole the prisoners received a fair trial and that the only cause of complaint is the severity of the sentences. On this the discovery of the thirty cudgels appears to have been decisive and to have had most unfortunate results for our men. I think it is also clear that the lawyers instructed to appear on behalf of the prisoners pleaded the case very well and took most, if not all, of the points which could be taken in favour of the prisoners. The case must have been a very difficult one both to defend and also to try, and the prisoners seem to have had quite as fair a trial as could be expected.

The important question now is what action the Admiral in Command of the Hamburg Naval District will take as regards reviewing the sentences (see page 10 of the U.S. memorandum). It is very much to be hoped that he will reduce them substantially and commute the single death sentence, but, subject to the views of the Admiralty, I do not see that we can do anything more except keep in the closest touch with the U.S. Embassy about the case, in case they, or the German lawyers, require any further information or assistance. The written pleas, which were put in by the German lawyers after the pronouncement of judgment against Fry, Lynch, Kitson, Merret and the remaining twenty-six defendants, put the case very well, but it seems curious that so far we have received no information as to the result, since the date of the pleas is the 10th September. Perhaps further enquiries should be made of the U.S. Embassy about this.

The spare copy of the U.S. memorandum and the proceedings and other documents used at the trial should be sent to the Admiralty as soon as possible for their observations, if this has not already been done.

M. Waddock at

P. Dlan.

26th November, 1941.

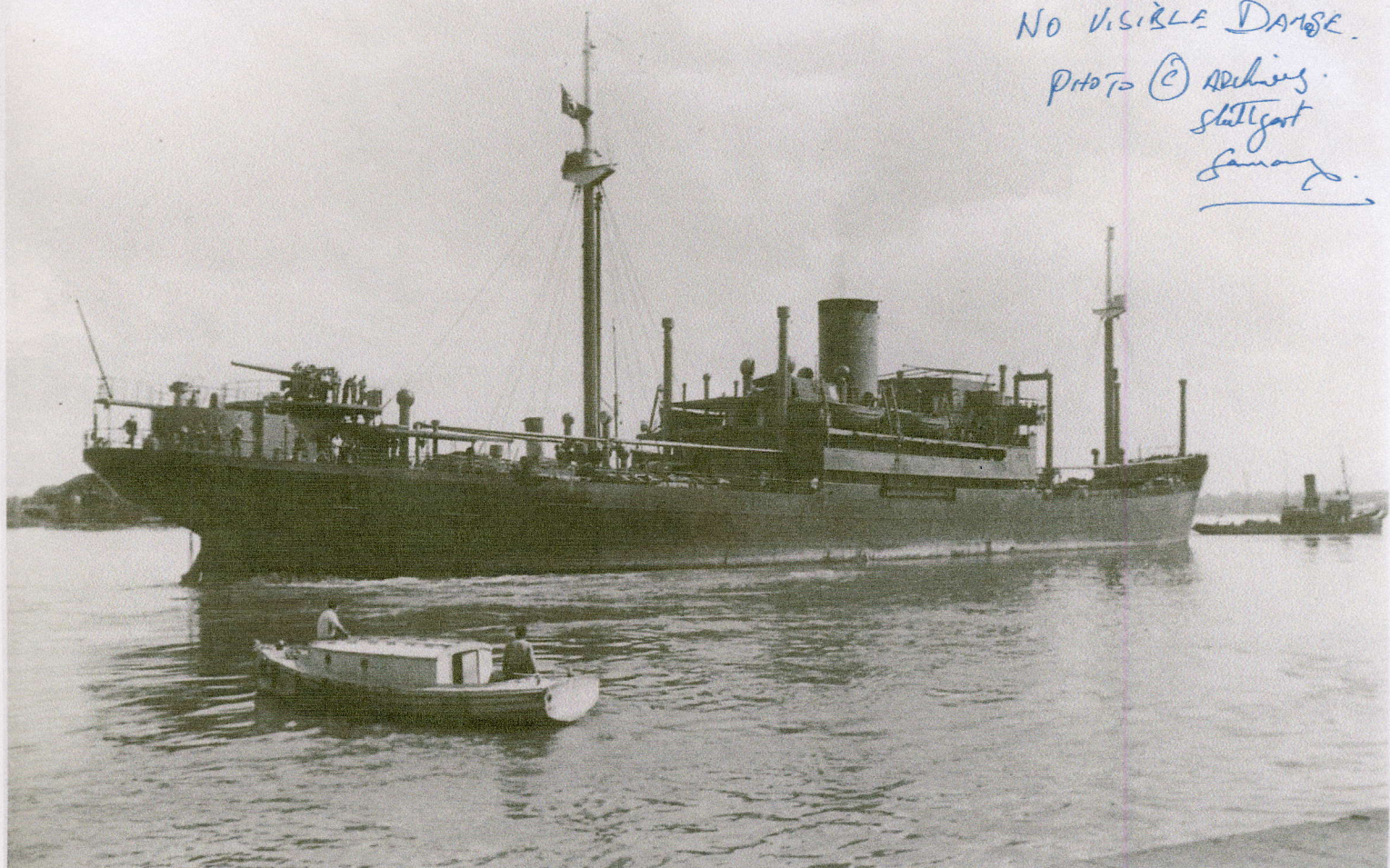
[P.S. Lieut. A. Clegg is in the whole story & seems somewhat curious at times, particularly for a R.N. officer, but this is presumably a matter for the Admiralty.] P.T.O.

Nothing to be Written in this Margin.

GERMAN BLOCKADE RUNNER MV PORTLAND ARR BORDEAUX SAT 15 MAR 1941

NO VISIBLE DAMAGE.

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Stuttgart
Germany.



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WO 32/18471 - 418025

D P W
P W
70A

With Compliments
the
Under Secretary of State
for Foreign Affairs
(K.O. 2/14).

To Rome 1972 27/10/43
to Swiss Govt.

26.6.43

Copied Admty
M.W.

Memorandum.

1. With reference to the Federal Political Department's Note B.24.G.Br. (1)S.A.Fry.50/Dd of 30th April 1943, regarding the case of Arthur Fry who is under sentence of death, His Majesty's Government note that the Swiss Legation at Berlin have considered it inadvisable to approach the German authorities direct in the matter of Mr. Fry's reprieve, but will endeavour to obtain information on the development of the case resulting from the appeal.

2. While in view of the delicacy of the situation, His Majesty's Government feel bound to leave it to the discretion of the Swiss Legation to decide what course to pursue, their anxiety as to this man's fate remains so long as he remains technically under sentence of death.

3. Although Mr. Fry himself prefers to remain in a remand prison rather than have his sentence converted to penal servitude, it is possible that he does not fully realise the danger of his position, and it is therefore requested that in any further discussion of the case with the defending lawyer or otherwise, the Swiss Legation, whose continuous interest in the case is much appreciated, will give full weight to this consideration.

FOREIGN OFFICE,
S.V.1.
24th June, 1943.

PW2
25 JUN 1943

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Red Cross Report on
 AD FRY
 HAMBURG Prison.
 1943

Original on

0103/5803 (P.W.2.)

90C

UNTERSUCHUNGSBERICHT HAMBURG

Date of visit;
 Aug. 26th 1943.

Prison Director : Oberregierungsrat Bredow.

Fry is still the only British in prison. He was longly interviewed by the Inspector, who was accompanied by Dr. Scherzberg, Fry's solicitor.

Fry is in a cell by himself; he was given the possibility of being with others, but prefers to remain alone, because thus he is allowed to smoke, while other prisoners are not.

The outings were prolonged after the last visit, but had to be snortened again in the last fortnight, as the number of guards was greatly diminished on account of the bombing of the town.

Fry receives parcels regularly, as arranged during the last visit.

Books have not yet arrived; they are probably held up in Milag Nord, and that camp will be asked to forward them to the prison.

Fry has been given note-paper and pencils, and can write poems.

The prisoner's health is quite satisfactory; his denture has been attended to, and the last bridge was to be fixed on the day of the visit.

Fry's spirit is still very good, considering the circumstances in which he lives. He is well treated in this prison, in every way.

Fred. O. Auckenthaler.