

C.S.

LEGAL (Miscellaneous.)
No. 45/40.

19 40.

Mr. W. D. A. Jones.

SUBJECT.

19 40.

11th March.

Previous Paper.

Applies for permission to institute proceedings against the Falkland Islands Company, Limited, regarding a Motor collision.

MINUTES.

1-2.

Minute from Financial Secretary of 12. 3. 40.

Y/L

Submitted.

MCH
es.

12. 3. 40

Certainly have printed.

~~13/3/40~~

F.S.

Please inform Mr Jones

MCH

es.
14. 3. 40

Subsequent Paper.

Mr Jones
14/3/40

F.S. note, Transygon.
14/3/40

14/3/40

H. C. S.

Noted and the forms has been
revised accordingly.

M. C. H.

15. 3. 40

4/4

With regard to this motor collision
it appears to me that the Police
should take action against the
driver of the vehicle which emerged
from the minor road - (3) of
Regulation 9 of the Motor Cars
Regulations 1936.

M. C. H.

15. 3. 40

~~15/3~~ 15/3

Magistrate

Ch. Anstake.

To note.

M. C. H.

15. 3. 40 Hon. Col. Secy

Noted thanking you

Hon. Col. Secy.

S. W. S.

21. 3. 40

Noted.

2. A charge was made by the
police under Number 9 (3) of the Motor
Car Regulations 1936 against the driver
of the vehicle. The case was heard
yesterday and judgment was given this
morning. I attach a copy of the
judgment.

(3)

Seen
M. C. H.
15. 3. 40

A. P. R.

Magistrate

21 Mar. 40

④ Letter from Secretary, Stanley Motor Clubs of 25/3/40.

Yr. Submitted. Defendant could have appealed against the judgment. ~~WCH~~ et.

26. 3. 40

I will be glad to receive the Committee at 11 o'clock on the 28th inst.

~~WCH~~ 26/3/40

⑤ Letter to Rev. G. H. Howe of 27/3/40.

There was no ground for appeal the Regulation and the judgment are quite clear.

I have heard all the Committee had to represent as to the undoubtedly difficult position in which the driver of a trolley or car going N. + S. is placed at this and other crossings.

There are certainly a number of works which could be carried out by the P.W.D. which will greatly decrease hazards and I have told the

Filed in M.P. No. 214/32.

~~WCH~~ 27/3/40.

Extracted to M.P.s. 214/32 & 35/37.

Committee that they had better
make out a list of them and go
round the town with the Executive
Engineers and make their representations
to him. I took the Committee in
my car to look at the worst corners
— some could be ^{got acquiring the land} pruned off, at others
wire fences could be replaced by ballers
at other corners white lines could be
painted etcetera.

The E.E. will associate himself
with the Committee and carry out
such works as are in his opinion
desirable or necessary in the
interests of public safety.

~~Atttt~~ 20/3/40

Ex. Engineer.

To note please.

MCH
CS

28.3.40

Honourable Colonial Secretary.

Minute of note enclosed.

(Filed in M.P.
No. 35/37)

⑥
W. 2. IV. 40.

FE

Letter from Mr. K. J. Elphinstone of 1/4/40.

⑦

Relocated to M.P.s 214/32 x 35/37

Reas (4) & (5) filed as
(76) & (76) in mt.
214/32. Rea (6)
filed as (26) in mt.
35/37. H.E.'s minute
of 28/3/40 excerpted to
mt. 214/32 & 35/37

C.J.P.
4/4/40

Am. C. S.

Letter extract on copy No 4, 5, 6 kept
to a file dealing with other Road Traffic
Control or Safety on Roads or similar subject.
Also H.E.'s minute 28/3/40

AB

3.11.40

Magistrate

Before submitting Mr. McPherson's petition
to H.E., have you any remarks?

AB

3.11.40

Hon. Col. Sec.

The petitioner has been found
guilty of an offence which might
have caused serious bodily injury
or even death, and for which the
maximum fine is £50. He is not
contesting the judgment. In the
circumstances I do not consider
the fine of £5 unduly severe.

AM

Magistrate

4 April 40

H.E.

Referred for your decision.

I have not enquired as to the petitioner's
means; but at $\frac{3}{4}$ p.p.w. he would earn
for a 5 1/2 day week £2.12.6., so that the
fine of £5 does not appear more than usually
excessive.

AB

5/11/40

H. C. S.

I have visited the corner and tried the effect of stopping at it - it is no simple matter for a large van or lorry to stop and start on such a hill. If the only way in which a driver at this and similar corners on the road running north and south can avoid the clutches of the law ^{is by} ~~stopping~~ ^{the Regulations should be order and} STOP notices should be put up. The law in fact is satisfied by putting the whole onus for any collision on the driver going N. + S.

The magistrate says that Puckree has a long record as a good and careful driver and was driving slowly at the time of the accident. No driver could ask for more creditable testimony and the word "unfortunate" used by the magistrate seems very appropriate.

Under the circumstances a fine of £1 would surely have been adequate and I remit £4

~~W. H. H.~~ 5/4/40

⑧ letter to Mr. K. J. McPhee of 8/4/40.
Magistrate,

no note.

l.d.
a. Ford.
9/14/40

Hon. Col. Sec.

noted

am.

Magistrate

a April 40

P.A.
10/14/40

Stanley,
Falkland Islands,
11th March, 1940.

Sir,

I have the honour to report, for the information of His Excellency the Governor, that on Saturday, the 9th inst, my car was involved in a collision with a Delivery Van owned by the Falkland Islands Co. Ltd.

I sought, and obtained, an interview with the Manager of the Company, but my offer to discuss the matter was declined.

As an officer of the Court I am reluctant to engage in litigation, but, in the circumstances, I feel there is no alternative. I have, therefore, to seek permission so to do.

I have the honour to be,

Sr,

Yours obedient servant,

Stanley

The Honourable
The Colonial Secretary,
(Thro' The Hon. Financial Secretary)

Stanley

No.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted).

MINUTE.

12th March, 1940.

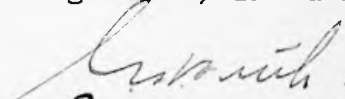
From The Financial Secretary,

To The Honourable
The Colonial Secretary,

Stanley, Falkland Islands.

STANLEY.

I have the honour to submit a letter, received from Mr. W. D. A. Jones, Chief Clerk, Treasury & Customs Department, I recommend that the permission sought be granted, if such permission is necessary.


Financial Secretary.

Police v. Kenneth John McPhee

Judgment

The evidence shows that the Defendant while in the course of his duties as the driver of a motor delivery van belonging to the Falkland Islands Company emerged from Villiers Street, a minor road, into John Street, a major road, at such a speed that a collision took place between the van and a private car which was proceeding at a moderate speed along the major road. The speed at which the van was being driven was slow, but the corner is blind and in order to make certain, as the law requires, that a collision is impossible, the only safe course is for the driver in the minor road to stop. The Defendant has a long record as a good and careful driver and it is unfortunate that he should have laid himself open to the charge. A fine of £5 is imposed. A claim for damages lies with the injured party against the Defendant's employers.

am.
magistrate
 21 March 1940

Stanley,

April 1st, 1940

The Honourable,
The Colonial Secretary,
Stanley.

Honourable Sir:

Would you kindly place the following
before His Excellency the Governor.

I wish to petition His Excellency to use his
powers of revision in respect of the fine imposed upon me by
the Court of Summary Jurisdiction on March 21st.

In view of my past record as a careful driver,
and the high proportion the fine bears to my earnings, I feel
that the penalty imposed ~~was~~ rather severe

Trusting His Excellency will exercise his
favour in my behalf,

I am,

Honourable Sir,

Your Obedient Servant

K. J. McPhee

K. J. McPhee.

8

45/40.

8th April,

40.

Sir,

Med 7.

I am directed by the Governor to acknowledge the receipt of your letter of the 1st of April, 1940, and to inform you that your petition for a revision in respect of the fine imposed upon you by the Court on the 21st of March, 1940, has been laid before His Excellency.

2. I am to say that after consideration of all the circumstances His Excellency has been pleased to remit the sum of \$4.

3. You should make application at the Treasury for payment of the amount in question.

I am,

Sir,

Your obedient servant,

Colonial Secretary.

Mr. K. J. McPhee,
STANLEY.