

C.S.

PORT & MARINE,

SHIVES/8 # 4

SHIPPING.

1936.

No. 10/1936.

A. Newing, Esq.

SUBJECT.

1936.

14th January.

Previous Paper.

DAMAGE CAUSED TO LOCAL CUTTER, OWNED BY MR. F. W. BARNES, BY MOTOR BOAT BELONGING TO FRENCH CRUISER "JEANNE D'ARC.

MINUTES.

1-9. Letter from A. Newing, Esq., of 15th January, 1936.

Harbour Master

In your observations, please.

*Mr CH-1
Ed.*

14.1.36

Notes.

at about 10.30 am on Saturday 28 September 1935 the owner of the cutter "Perseverance" (Mr. F. Barnes) complained to me that his cutter had been struck by a Motor Boat belonging to the French Cruiser "Jeanne D'Arc" between sunset and sunrise on the 27/28 December.

1. I immediately telephoned to the French Consular Agent Mr. Newing and suggested that we should visit the "Perseverance" together.

3. Accompanied by the Sugmaster & Mr. Barnes I proceeded to the Town Jetty where we met Mr. Newing about 11 am. (28/12/35.)

4. There was little sign of damage but as these Motor Boats had soft buffers there would be little if any, exterior sign of damage. The cutter was however flooded.

5. after inspecting the vessel I suggested to

Subsequent Paper.

Mr. Neming & Mr. Barnes that they should, in the first place, endeavour to come to some mutual arrangements regarding the damage. Provided liability was admitted and that the damage was caused by a motor boat from the French Cruiser.

6. The *Perseverance* was put on the Hook slip and when Mr. Neming came down to see it again he produced the enclosed letter to (9) i.e. red (8).

7. Mr. Neming then procured the services of Mr. Biggs in order to obtain a further opinion on the damage and no further information has been received by me from Mr. Neming until now.

8. The following comments on red (9) are submitted

1) Under para 4 of the Regulations, issued under Sec 2 of the Harbours Ord. of 1902 (page 22 of 1927 Gazette) all vessels when at anchor in the Harbours should carry a light.

Owing to the heavy cost, small craft which sometimes lie at anchor for considerable periods have not complied with this regulation. If the cost is prohibitive the owners should have applied for an amendment to the Law & Special Harbour charge would have been provided for such craft.

2) The Command of any vessel should acquaint himself with local regulations.

3) The "*Perseverance*" was I understand anchored in a prohibited area at the time i.e. about 50 yards of the area defined in para 2 of the regulations issued in 1928. page 148-1928 Gazette.

9. ^{This} seems to me a matter between Mr. Neming & Mr. Barnes as to whether payment should be made or not.

10. The amount claimed is reasonable for the service rendered. The cutter was out of action for at least nine days.

J. Harbour Master
17/1/36

Submitted. I do not think that the Gov. can interfere in this matter. The owner of the damaged Cutter requires payment and this seems to rest entirely with the French Consular Agent.

WCH
Ct.
17.1.56

Some degree of responsibility appears to attach to the Govt. through a boat being permitted to lie in a prohibited area and the attention of the Harbour Master should be drawn to his responsibility in this matter. However the French Consul does not formally raise this latter point.

2. The ^{fact} ~~question~~ of the cutter not carrying a riding light does not appear to me to absolve the motor boat from responsibility if visibility was poor at the time of the accident. The French Consul admits that it is not customary for small craft to carry lights and if it was anybody's duty to warn the owner of this it was his.

3. I am under the strong impression that the accident was due to a careless

look out on board the motor boat and that
the accident was due to carelessness on the
part of the ship's officer in charge

4. Will you please ask the H.M. to report
on the time the accident occurred and the
visibility

5. The Council is I think warranted in
asking whether the Port considers the claim
just. It is possible that we may consider
that the owner of the cutter should take less than
the full amount as the boat should never have been
anchored there even tho' the fault is not raised
by the Council. (We must impress the necessity for
observance of these
regulations in this

respect even though the vessel carries
if riding lights need not be enforced!

~~18/1/36~~ 18/1/36

Harbours Master

Accordingly, please.

I put up for you to refer
to Ct. 5-65/29 in which you
will see the report of a Committee
on the subject of Small Craft etc.
Please see also my minute of
3rd Sep = 1929.

2. Was there a light on the
Public Jetty at the time? If a
proper light was placed on that
jetty it would show any approaching
boat if any small craft was in
the way.

MCH
CS
18.1.36

Hon. C.S.

When the Inquestmaster reported that he considered the "Perseverance" was in a prohibited area at the time of the accident, I informed him that he must ^{warn} all owners of crops of the necessity of complying with the regulations. This he did and he has since reported that there is not a single vessel anchored in the prohibited area.

2. The exact time of the accident is not known.

The "Perseverance" was in good condition when anchored on 27th Decr and was found in a sinking condition about 8 am. on the morning of 28 Decr.. a motor boat was plying between the shore & the Cruiser — probably between 1 + 2 am. on the 28th Decr.

3. Visibility was not very good on the night of the 27/28 Decr.

4. There was no light on the Public Jetty.

The Inquestmaster reports that the light, which was maintained by the P. W. D. was removed about three years ago but he does not know why it was removed. No doubt the D. P. W. can explain.

5. an Electric light run from the Power House would not be of much value as the current is cut off at midnight. a light could be run from an accumulator but the cost of the cable & Battery would be high.

6. I would suggest that the D. P. W. & / or the Ch. Electrician be asked to state the cost of replacing the lights on the Public Jetty & the Dockyard Jetty.

J.H.M.
26/1/36

Ch. Can you say why the lamp
was removed from the public jetty.
I have some recollection that the
lamp was either broken or damaged,
and was removed.

See
179/33
mch

2. As power is not usually
available after midnight it would be
necessary to have a lamp of the
"Wilson" type but perhaps you
will state your recommendations.

mch
Ch.

28.1.36

See 179/33 The lamp post was
broken in 1934 but has not been
upland. See my minute to Mr.
Master of I.C.S. regarding the
replacement of lamp post.
mch

Hon'ble Sec

Sir. It would appear that this matter
was not attended to as indicated in your
minute 1-6-34.

Would it not help a great deal if
electricity was put on the jetty which
would be in operation all the time
the Power House was supply light to consumers
& in the case of a visit of warships the
light is kept on until 2 or 2.30 am.

To run a separate cable from the power house to
the jetty to light a small 25 volt lamp from
our accumulators would cost over £100.

But I think the other system of light from
the main supply should be given a trial
GWB.E.E.
31-1-36

H.
Report of Harbour Master
Submitted.

2. Formerly a light was placed on the public jetty for the assistance of small craft using the jetty. In this connection I would refer H. to vols 8 and 9 and my minute on sheet 4 of 566/27 put up.

3. The light was broken by a cutter in 1934. Electric light was suggested but the cost of installation was considered somewhat high (C.S. 179/33). Instructions were given for the erection of a lamp post but this seems to have been overlooked.

4. I consider that a light should be placed on the public jetty and that the changes in Harbour lighting (vol 25 of 566/27) should be carried out.

next
et.

Meanwhile what reply is to be to the Council. Does H.M. consider that full amount shd. be repaid by A. Govt. vide para 8 of my minute

H.M. 12/36

Harbour Master.

In reply to Lt's minute please.

2. It seems that the cutter was in the prohibited area and this being so it is questionable whether the owner should be paid his claim in full or whether the claim should be reduced.

McH
1.2.36

Hon^{ble}

I warned the owner to keep the charges as low as possible.

The accident happened between the 27/28 Dec and taking the dates on red (4) the "Perseverance" was knowingly out of Commission for not less than nine days. The crew consists of three men. The cost of "assistance repairing & delay red (6) is only £5.10.0. This works out at approx. 17/3 per day for three men. The local rate of pay for labour is 1/2 per hour. I consider the charges reasonable.

I feel sure that the Commandant of the French vessel - who admits having caused the damage - would not desire to rely on the possibility of the cutter being in a prohibited area to exonerate the members of his own crew: in my opinion the French Govt. should be asked to pay.

J H M.
3/1/36.

Submitted.

McH
1.2.36

Reply please that the Govt. is satisfied after full examination of the account that the compensation sought is fair and reasonable. Adding that it would appear to be a ^{just} claim against the cruiser and it is not ~~conceivable~~ likely that it would be challenged because, in accordance with the custom of the port, the cutter was not carrying riding lights.

4/2/36

C.S.O. No....10/36....

Inside Minute Paper.

Sheet No...4....

10. Letter to Mr. A. Sewing of 4/2/36.

Harbour Master

To note.

Arch C.S.

5. 2. 16

Hon C.S.

Arch

up from.
6/2/36

✓

P.A. Arch

(8)

CROISEUR
JEANNE D'ARC
LE COMMANDANT

N° 1008

PORT-STANLEY, LE 29 Décembre 1935

LE CAPITAINE DE VAISSEAU LATHAM,
COMMANDANT LA JEANNE D'ARC
ET L'ÉCOLE D'APPLICATION DES ASPIRANTS

A MONSIEUR L'Agent Consulaire de France
aux Falkland.

O B J E T : Avarie causée à une embarcation
civile.

Monsieur l'Agent Consulaire,

Je viens d'être informé deux heures avant l'appareillage d'une plainte formulée par le propriétaire d'un canot qui aurait subi des avaries, une de nos vedettes l'ayant abordé la nuit dernière. Comme il est trop tard pour que le bord règle directement cette affaire, je vous demande de bien vouloir faire le nécessaire pour la régler au mieux de nos intérêts.

Notre vedette a effectivement abordé un canot au mouillage mendant la nuit en voulant accoster l'appontement qui n'était pas éclairé.

Veuillez recevoir, Monsieur l'Agent Consulaire, l'assurance de ma considération distinguée.

Latham

TRANSLATION.

I have just been informed, two hours before sailing, of a complaint formulated by the owner of a cutter which has suffered damage from one of our motor boats having run into it the previous night.

As it is too late to arrange this matter direct from on board, I would ask you to do the necessary to arrange it to our best interests.

Our motor boat did run into a cutter at anchor during the night in trying to make the jetty, which was not lighted up.

Please receive, etc.

signed (Latham)

SUMMARY OF ACCOUNT.

Cost of Survey Report	1. -1.-
Slipway Fees	2. -5.-
Labour repairing cutter	3. --.-
Assistance repairing cutter & delay, etc.	5. 10.-
Material for repairs	<u>11.10</u>
Total	<u>£ 12.- 7.10</u>

Port Stanley,

Falkland Islands

December 30th. 1935.

DUPLICATE

Survey Report.

Name of Vessel Cutter " Perseverance"

Owners. John & Fred. Barns.

I hereby certify I attended this day to survey the above named vessel, for the purpose of reporting on damage sustained to vessel while anchored at this Port, by request of A. Newing Esq. French Consul.

I found the Vessel on the Government Slip, and discovered that deck planking on Starboard side, started away from covering board, Stem of vessel slightly started, sheathing and second garboard plank started on Starboard side, about eight feet from stem, sheathing and butt of plank started on Port side, about twelve feet from stem.

I consider that if the damage above mentioned, is repaired in a proper manner the Vessel will be fit to continue her voyages.

Given under my hand this thirtieth day of December 1935.

Fee £ 1 1 0.

W. A. B. Biggs

Master Shipwright,
Retired

Harbour Department,

Stanley, Falkland Islands.

8th. January, 1936.

Mr. F. Barnes,

Stanley.

Dr. to Colonial Government,

in the sum of Two pounds five shillings,

being Slipway Fees in respect of "Perseverance",

as under:-

Use of Govt. Slipway, for 1 week, 29. 12. 35. to 4. 1. 36. @ 21....	21.	0s.	0d
Slipping craft on Sunday, 29.12.35. 2 hours @ 5/- per hour...		10s.	0d
(Craft launched on Friday 3.1.36, no charge.)			
Slipping craft on Saturday, 4.1.36. 4 p.m. to 5 p.m. 1 hour @ 5/-		5s.	0d
Use of slipway on Sunday, 5.1.36. 1 day @ 5/- per day		5s.	0d
Launching craft on Sunday, 5.1.36. 1 hour @ 5/-		5s.	0d
	<u>22.</u>	<u>5s.</u>	<u>0d</u>

I certify the above to be correct and in accordance with the
Scale of charges for use of the Government Slipway, dated
the 22nd. November, 1932.

(sgd.) H.J. Stewart

Harbour Master.

AGENCE CONSULAIRE DE FRANCE.

Stanley, 13th. January, 1956
Falkland Islands.

COPY.

6th. January, 1956

Mr. F. Barnes

DR. to W. H. Sedgwick

Labour repairing cutter.

23--0--0

AGENCE CONSULAIRE DE FRANCE.

Stanley, 12th. January, 1936.
Falkland Islands.

COPY.

12th. January, 1936.

"Jeanne D'Arc"

DR. to E. W. Barnes.

For delay of cutter and helping with repairing.

25--0--0

Rent paid W. Coss for 10 days.

10--0

25-10--0

(1)

AGENCE CONSULAIRE DE FRANCE.

Stanley, 18th. January, 1936
Falkland Islands.

COPY.

5th. January, 1936

Mr. M. F. Barnes

bought of

The Falkland Islands Company, Limited.

5-lbs. Spun Oakum	£---3--9d
2-lbs. Copper nails	4--0
$\frac{1}{2}$ -lb. Copper Roves	1--8d
1-lb. "Rito" Cement	--11d
9' x $\frac{1}{2}$ x 9" Brazilian Pine	<u>1--6d</u>
	<u>£--11-10d</u>

(9)

Albert Newing:-

Care/of

**ESTATE LOUIS WILLIAMS,
GENERAL MERCHANTS,
STANLEY,
FALKLAND ISLANDS.**

13th. January, 1936.

Sir,

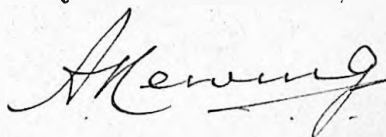
I beg to enclose original of a letter received from the Captain of the French Cruiser "Jeanne D'Arc" - also a rough translation and copies of accounts rendered to this Consular Agency by Mr. Fred Barnes, the owner of the local cutter that was damaged.

Before submitting these accounts for settlement to the French Consulate General in London, I beg to forward same to you, with the following observations:-

- 1) The damaged cutter carried no riding light - this being in accordance with local usage.
- 2) The personnel of the French Cruiser "Jeanne D'Arc" had not been warned (as far as I know) of this local custom of cutters being allowed to anchor without riding lights.
- 3) Obviously it was no fault either of the crew of the French motor boat, or of the owner of the cutter, that the accident took place, but owing entirely to the fact that local usage permits cutters to anchor without riding lights, and the anchorage is in the fairway for traffic between ships and the shore.

Therefore, before sending the accounts to Europe for settlement, I consider it my duty to give the Government of the Colony an opportunity to inspect them and consider whether it is necessary to claim payment from the French Cruiser "Jeanne D'Arc".

I have the honour to be, Sir,
your obedient servant,



Honorary French Consular Agent.

THE HONOURABLE

THE COLONIAL SECRETARY

STANLEY.

10/36.

4th February,

36.

Sir,

Red 9

With reference to your letter dated the 13th of January, 1936, transmitting the original of a letter received by you from the Captain of the French Cruiser "Jeanne D'Arc", together with copies of accounts relative to a claim by Mr. Fred Barnes for damage caused to his cutter, I am directed by the Governor to inform you that this Government is satisfied after full examination of the account that the compensation sought is fair and reasonable.

2. I am to add that it would appear to be a just claim ~~against~~ the Cruiser and it is not likely that it would be challenged because, in accordance with the custom of the port, the cutter was not carrying riding lights.

I am,

Sir,

Your obedient servant,

McA

Colonial Secretary.

Newing Esq., J.P.,
Honorary French Consular Agent,
PORT STANLEY.