

C.S.

TREASURY & CUSTOMS.

(Misc.)

193 6.

SHI/CUS/1#11

No. 110/36.

Manager, F.Is. Co., Ltd.

SUBJECT.

193 6.

16th May.

Previous Paper.

CUSTOMS SUPERVISION OF FOREIGN VESSELS
WHILST IN THE TERRITORIAL WATERS OF THE
COLONY.

MINUTES.

(12) Letter from the Manager, F.Is. Co., Ltd. of 16/5/36.

Y.E.,

Submitted.

Section 1 of Ordinance, No. 6 of 1903 (page 317 .
Revised Edition 1915) states that Port of Entry shall
mean the Port of Stanley or Fox Bay.

2. Cargo may be unshipped at any landing place with the
authority of the Collector. (Sec. 10 of Ord. 6).

3. The Collector may send one or more officers on Board a
vessel to remain there till all the goods are landed and
those officers may search the vessel in order to ascertain
the quantity of articles liable to duty. (Sec. 6 of Ord.
6 of 1903).

4. The Master of a vessel is required to provide the return
passage of an Officer placed on Board. (Sec. 8 of Ord.6).

5. Applications have been received from time to time to
enter and clear ships at places other than 'Port Stanley'
or 'Fox Bay'. For instance the F.I.Co., were permitted

Subsequent Paper.

to/

to enter at Hill Cove (Red. (39) of M.P. 373/29). Mr. Miller applied to enter at Fegen Inlet but was instructed to enter at Fox Bay (Reds 15 & 16 of M.P. 361/30). He was allowed to clear at Port Stephens.

6. I have not been able to trace any instance where the Stock Ordinance, in so far as it relates to the importation of Stock, has been evaded or that smuggling of Stock has ever taken place.

7. There is nothing in the law which permits of preferential treatment for ships registered in the Colony so that there is only one law for all shipping.

8. I suggest that the Company be informed that all entries and clearances of shipping will in future be carried out in accordance with Ord. No. 6 of 1903, and should it be necessary to load or unload cargo at places other than Stanley or Fox Bay the Collector of Customs will place an officer on Board for which service the fees laid down in Section 6 of the Ordinance will be collected.

9. This will necessitate the additional employment of one man and a Police Constable or reliable man from the P.W.D. could be sent.

W.F.

Acting Col. Secretary,
1st June, 1936.

Certainly. I consider that a Customs Officer should be placed on board any of these vessels and remain on board until clearance for the last part of call

[Signature] 2/6/36

(3) Letter to Manager, H. S. Co., of 2/6/36.
Mr. Swain, Customs Officer.

Please note the correspondence on this file
and ~~account for~~ call at this office on
5/6/36 at 10-30 am.

J.E.
3/6/36

P.A.
18/6/36

(4) Letter from Galv. Co. Coltr. of 27/6/36.

V.E.
Submitted.

Subject to the approval of V.E. I propose replying
as follows:-

1. In c. of l. of 27 June relative to the Customs supervision
on vessels arriving from or departing to places
outside the colony I am directed by the Governor to
inform you that ^{all} such cases will be considered as
they occur.

2. I am to add that there is no reason to
anticipate that any relaxation of the ^{customs} ~~law~~
which has been granted to your company in
past will not be granted in the future, nor
of course that the Collector of Customs considers
that a ^{good} ~~good~~ cause exists to relax such
Customs supervision.

J.E.
1/7/36

You are asking the by & when
cause why they sh^d. be sent!

1/7

(5) Letter to Manager, H. S. Co., 2/6/36.

P.H.
27/6/36

Letter from Sakh. to Col. of 8/14/36. (6-4)

Y.E.

Submitted -
will it ^{now} be sufficient to reply as in my minute
dated 1/7/36 overleaf?

Recd. 8/17/36

The Company wishes the print. will
you please reply in the lines of the draft

~~W.H.H.~~ 9/17/36

Letter to Manager, H. S. Co., of 10.7.36.

(2)

PA.
11/7/36

Excerpt from Minute addressed by Hon. C.S. to H.E.
the Governor on 3/5/37. (M.P. 289/36)

Y/E.

I have ascertained that the s.s. "Pilar" entered at
Fox Bay on the 22nd April and is due here about the 5th May.
It would be of no avail to put a Customs Officer on board
this time. I think Mr. Miller might be informed that in
future he must enter at Stanley (where the ship can be
rummaged) or else he will be required to carry a Customs Officer
while in territorial waters.

.....

(Itld.) M. C. H.
C.S.

3/5/37.

I agree that Mr. Miller's chartered vessels Pilar or
otherwise should enter at Stanley or take a Customs Officer
on board before entry is granted at any other port. The
differential treatment between a local and a foreign vessel can
be well justified.

.....

(Itld.) H. H. H.

4/5/37.

Collector of Customs.

To note.

met
C.

6.5.37.

Hon Col Secretary.

Noted.

Ack
for Col of Customs
4/5/37

P.A.
7/10/37

Hon Col Sec

Please see Red (9)

Ack
for Col of Customs
10.5.37

✓ met
11.5.37

P.A.
11/5/37

Hon Col Sec

with ref. to Red 9

whereby Mr Muller was informed that he must carry a Customs Officer unless entering at Stanley, I beg to report that the "hovast" entered at Foxbar on July 11th and did not carry a Customs Officer on board. After entering at Foxbar the Lovast called

at Port Howard & San Carlos.
where, I understand, Mr Miller disposed
of a large quantities of cargo.

Call
for Coll of Customs

20/7/37.

Y.E.

(360)
(123/35)

The recent correspondence on this file was not
before me when Mr Miller applied here yesterday
afternoon to clear from Fagan Inlet and as the
Pillar was cleared from Port Howard as recently as
18 May I see no reason why permission should
not be granted.

Is it Y.E.'s intention that this practice should be
discontinued?

2. With regard to the entering of vessels I
understood that it was Sir Henrick Heaton's decision
that it would be difficult to grant preferential
treatment to the vessels owned by the F.I.C. &
again I was not aware of Sir Henrick Heaton's
minute of 4/5/37 on the back of sheet 2. As it so
happened, Mr. Miller did land at Fox Bay to
land a Gov's Cargo.

3. I must express a feeling that I shall find it
difficult to refuse Mr. Miller - a Fackland
Islander - facilities which are granted to the
F. I. C. vessels.

Res

20/7/37

Hon. C.S.

I see no reason why the
vessel should not clear outwards
from Fagan Inlet or any other W. I.
Port. The action taken (red 9)
was to prevent smuggling of goods
brought from Magallanes. So far
as I am aware there has been
no evidence of any smuggling but
apart from this Mr. Miller
should have complied with (9).

It is a pity this was not taken up with Mr. Miles while he was here.

2. In my opinion these trading trips benefit the Colony. Port Howard Sta. was able to sell over 2000 sheep at the same time the public can purchase goods cheaper than at the local stores. Unless there is evidence of contravention of the Customs laws unnecessary restrictions to not appear justified, merely to line the F.S. Co. who are naturally opposed to any competition.

3. Ince Bay is a Port of Entry and I think it well with the Govt. to provide Customs facilities at that Port. I think, and I might be modified, Mr. Miles should be told that if he proposes to enter at Ince Bay he must notify the Collector of Customs, Stanley, by telegram in sufficient time to allow of Customs arrangements. It might be possible to appoint the W/T. Operator, Ince

Bay to be a Custom Officer. He would then have power to search the vessel.

MCH

21.7.37

Minute to Hon. Col. Treasurer, a Col. of Customs of 24.7.37.

Minute from Collector of Customs of 20/7/37.

10

11

PA
24/7/37

v.l.e.

— submitted for information

The letter may go to Mr. Miller?

Pres
29/7/37

Hon. Col.

Seen. Letter may go.

MCH

29.7.37

Minute to Collector of Customs of 4.8.37.

12

PA
5/8/37

Collector of Customs.

The Manager Estate Williams complained verbally that during the last inward voyage of the "Lafonia" from Montevideo the vessel was allowed to discharge cargo at San Carlos without Customs supervision. Presumably after the Master had made report inwards (at Pebble Is) the vessel could discharge cargo at other places but this would seem open to objection if no Customs officer is present.

2.

It seems preferable that

in future any foreign vessels
entering should carry a customs
officer. For your views please.

M.H.
15.5.39

Hon. C.S.
Submitted.

This question has previously
received attention in this mp, & also
Treasury file 17/38 attached hereto
Further correspondence may be found
in C.S. mp. 143/35.

It seems to me that Ord: 6/1903
gives the Collector discretionary
power in this connection, which
evidently has been exercised in
the past not only in the case
of vessels chartered by Mr. Miller
but also those engaged from time
to time in sheep-carrying.

I submit that in view of the rare
visits of foreign vessels to Colonial
waters, ~~that~~ each case should be
considered on its merits. In the
case of Mr. Miller's vessels, I would
suggest that the proposal made &
approved in Treas. File 17/38, provides
for efficient customs & control with
a minimum of inconvenience.

E.D. P. S. T.
16/5/39

Collector of Customs

I agree. Mr. Miller
is expected here shortly. He
will then be informed that
in future he will be required

to conform to the proposal in
Treas file 17/38.

MCH
CJ
16.5.39

Hon. CS

Noted. Thank you.

Collector of Customs.

~~W.D.P.~~ for CJ
17/5/39

This is really a matter
for your Dept. You should
explain future requirements to
Mr. Miles.

MCH
CJ
17.5.39

Hon CS

Submitted. That is precisely
what I intended doing, please.

~~W.D.P.~~ for CJ
18/5/39

Seen.

P.A.
MCH
CJ
22.5.39

(2)

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851)

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" RADIO.

Stanley

16th May, 1936.

Sir,

CUSTOMS SUPERVISION OF FOREIGN VESSELS
WHILST IN THE TERRITORIAL WATERS OF THE
COLONY.

I beg to address you on the question of the supervision exercised by the Customs Department on Foreign vessels trading within the territorial waters of the Colony.

To the best of my knowledge such vessels enter at Port Stanley or Fox Bay and once that has been done, are permitted to call at any Station free of all Customs supervision - they are also permitted to visit any Station after they have cleared.

If this is correct then smuggling is simplified and the Stock Ordinance insofar as it relates to the importation of stock can easily be evaded. Once a vessel has cleared from the Colony there is no means of enforcing a penalty should it be found that the law has been evaded or broken in any way, as such vessels do not usually employ local agents in the accepted meaning of the word.

This is very different to the practice at Foreign ports visited by "Lafonia". For instance, when she proceeds to Otway or Skyring Waters to load timber or coal she has to maintain and pay for a Customs Officer from leaving Magallanes until her return there.

The Honourable,
The Colonial Secretary,
STANLEY.

/If

If she loads sheep at any of the Straits Stations she has to carry a Customs Officer. When loading is completed, provided that Magallanes can be reached by car, the ship is granted port clearance and pays for the car to return the Officer to Magallanes; if he cannot return by road then the vessel has to take him back to Magallanes.

I beg to request that you will kindly give this matter your consideration and trust that you will see fit to treat Foreign vessels trading within the territorial waters of the Colony on the same footing as s.s. "Lafonia" is placed when trading to South American States.

I am,

Sir,

Your obedient servant,



Manager.

LY/AF.

110/36₂

2nd June,

36.

Sir,

Red 2

I am directed by the Governor to acknowledge the receipt of your letter of the 16th of May, 1936, and to inform you that all entries and clearances of shipping will, in future, be carried out in accordance with the provisions of Ordinance, No. 6 of 1903.

2. Should it be necessary to load or unload cargo at places other than Stanley or Fox Bay the Collector of Customs will place an officer on board such vessels for which service the fee laid down in Section 6 of the Ordinance will be collected,

I am,

Sir,

Your obedient servant,

Acting Colonial Secretary.

The Manager,
The Falkland Islands Co., Ltd.,
STANLEY.

(4)

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851)

REGISTERED 1902.

Stanley

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING" PORTSTANLEY. RADIO.

27th June, 1936.

Sir,

Customs Supervision of Foreign vessels.

Rea 3

I have the honour to thank you for your letter of 2nd inst., and to enquire whether paragraph 2 thereof will apply to local trading vessels under British or Colonial Registry, in regular service between ports and places in the Islands and Dependencies, and ports on the continent of South America, as well as to Foreign ships.

Occasions frequently arise, when, for the convenience of passenger traffic, the loading and unloading of live stock and cargo, the local mail steamer must call at places within the Colony other than Port Stanley and Fox Bay when on voyages to or from Montevideo and Magallanes.

I therefore respectfully request that consideration be given to the question of the exemption of such vessels from the provisions of Section 6 of Ordinance No. 6, of 1903 in so far as it applies to places other than Port Stanley or Fox Bay.

I am,
Sir,
Your obedient servant,

W. Roberts
for Manager.

The Honourable
The Colonial Secretary
Stanley

110/36.

2nd July

36.

Sir,

Red 4

With reference to your letter dated the 27th of June, 1936, on the subject of Customs Supervision on vessels entering or leaving the ports in the Colony, I am directed by the Governor to ask that you will be good enough to state the reasons for which the exemption sought should be granted

I am,

Sir,

Your obedient servant,

JS
Acting Colonial Secretary.

The Manager,
The Falkland Islands Co., Ltd.,
STANLEY.

(H)

The Falkland Islands Company, Limited.

(INCORPORATED BY ROYAL CHARTER 1851.)

REGISTERED 1902.

AGENTS FOR LLOYDS.

TELEGRAMS "FLEETWING PORTSTANLEY" RADIO.

Stanley.

8th July, 19 36.

Sir,

I have the honour to acknowledge receipt of your letter No. 110/36 of the 2nd inst.

With reference to my request that consideration be given to the question of exemption of local trading vessels under British or Colonial Registry, from certain provisions of Ordinance No. 6. of 1903, requiring a Customs Officer to be carried on board, when loading or unloading at places other than Stanley or Fox Bay during overseas voyages, I respectfully submit the following reasons. That grave inconvenience would be caused to the community in general if local calls on such voyages had to be discontinued. That the embarking and disembarking of the Customs Officer would result in delays affecting every interest - mails, passengers and cargo, and mean a general slowing up of the service at present maintained. The voyage of our s.s. "Lafonia" just concluded is a case in point. Coal was urgently needed at Albemarle. In addition some 30 passengers embarked at the various places called at, taking advantage of the service that offered, some for medical treatment in Stanley. A number are returning by the first opportunity to West Falkland ports next week. Had it been incumbent upon the vessel to enter inwards at Port Stanley for the purpose of embarking a Customs Officer, a re-arrangement of ports called at would have been necessary, with only one call at Fox Bay and Albemarle. In such case, passengers could not return before the vessel makes her next voyage to West Falkland ports in August, after her return from Montevideo.

During the four and a half years that s.s. "Lafonia" has been in service under the Mail Contract, twenty such voyages have been made with intermediate calls en route, at places within the

Colony. In each case the calls have been made in the general interest of the community. Frequently the ports are added to the Itinerary for the convenience of passengers both overseas and local or inter-insular. Cases have arisen where a patient anxious to return home after medical attention in Stanley has asked to be carried to and disembarked at his or her destination en route for overseas ports. Other requests are for cargo urgently required, or for the urgent dispatch of cargo, not necessarily produce, for an ensuing voyage. In no case is any commercial advantage sought by the Company and it is pleaded that the practice which has hitherto obtained, has been a benefit to the community at large and has enabled us to give a more adequate service than would otherwise have been possible.

I need hardly point out that it could never be in our interest to do other than assist the Government and its officers in every way. The Contract for the carriage of Mails affords a safeguard for the faithful adherence to all ordinances and regulations pertaining to shipping, including the relevant portion of the Stock ordinance.

I am,

Sir,

Your obedient servant,

W. A. Clerk

for Manager.

The Honourable

The Colonial Secretary

Stanley.

DR/JT.

110/36.

10th July,

36.

Sir,

Recd 7.
I am directed by the Governor to acknowledge the receipt of your letter dated the 8th of July, 1936, on the subject of Customs Supervision on vessels entering or leaving the ports in the Colony.

2. This Government recognized fully the advantages of permitting the s.s. "Lafonia" to call at ports other than Stanley or Fox Bay on the return of the "Lafonia" from Magallanes. The purport of my enquiry of the 2nd instant has apparently been misunderstood. The only grounds for prohibiting entry of vessels without Customs Supervision are to prevent smuggling and evasion of the protection afforded by the Stock Ordinance. It may be accepted that your Company would not be a party to any evasion of the laws regarding the importation of stock, but I am to enquire what protection if any the revenue has against smuggling by individuals in the absence of Customs Supervision.

I am,

Sir,

Your obedient servant,

J.S.
Acting Colonial Secretary.

Manager
Kilgland Islands Co., Ltd.,
STANLEY.

Treasury & Customs Dept.,

Stanley, Falkland Islands.

10th May, 1987.

Sir,

I have the honour to inform you that in future, on the arrival in the Colony of a vessel chartered by you, it will be necessary for you to enter at Stanley, where the ship can be rummaged; - otherwise you will be required to carry a Customs officer while in territorial waters.

I am,

Sir,

Your obedient servant,

A. Beardmore

A Collector of Customs.

James Miller Esq.,

s.s. "Pilar",

at Stanley.

M I N U T E.

M.P. No. 110/36.

24th July, 1937.

From

To

The Colonial Secretary,
STANLEY.

The Hon. Col. Treasurer and
Collector of Customs.

STANLEY.

With reference to your Minute of 20th July, in M.P. 110/36 I am directed by the Acting Governor to inform you that His Excellency can see no reason why the vessel Lovart should not clear from Fagen Inlet or any other West Falkland Port.

2. With regard to the entering of such vessels, I am to state that His Excellency is of the opinion that these trading trips benefit the Colony and quotes as an instance that Port Howard Station was able to sell 2,000 sheep as the result of the additional facilities for disposal which ^{was} offered. Therefore unless there is evidence of contravention of the Customs Laws unnecessary restrictions do not appear to be justified and as Fox Bay is a Port of Entry it rests with the Government to provide Customs facilities at that port.

3. In all the circumstances His Excellency has decided that Mr. Miller should be informed that if he, Mr. Miller, proposes to enter at Fox Bay he must notify you by telegram in sufficient time to allow Customs Arrangements being made and that the Wireless Operator, Fox Bay, be appointed a Customs Officer.

ACTING COLONIAL SECRETARY.

MINUTE.

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

26th July, 19 37.

From

The Collector of Customs,

Stanley.

To The Honourable

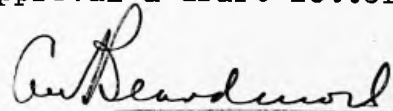
The Colonial Secretary,

Stanley.

With reference to your minute No. 110/36 of the 24th July, 1937, I have the honour to state that, in view of the fact that Mr. Miller had been informed that unless he entered at Stanley he must carry a Customs Officer on board his vessel on future visits to the Colony, I felt it my duty to report to you that the s.s. "Lovart" had entered at Foxbay and had not carried a Customs Officer, which on the face of the matter was an action contrary to instructions.

2. I agree that "unnecessary restrictions" are not justified - rather than impede we should encourage these trading trips the benefits of which only the prejudiced would refute. Competition defies monopoly and assists the consumer; and I trust the Customs Department will always afford the fullest facilities for the furtherance of public interests. Having respectfully submitted my opinion in this connection I think it hardly necessary to reiterate that my minute of the 20th July, 1937, was written for the reason that, as far as this Department was aware, Mr. Miller had acted in contravention of instructions.

3. With regard to para:3 of your minute under reply, concerning arrangements for the future, I submit for approval a draft letter to Mr. Miller.



for Collector of Customs.

(12)

No. 110/36.

MINUTE.

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

4th August, _____ 19 37.

From The Colonial Secretary,

To The Collector of Customs,

STANLEY.

STANLEY.

Stanley, Falkland Islands.

Red 11

With reference to your minute of the 26th of July, 1937, the draft letter which form an enclosure thereto may be sent to Mr. Miller.

ACTING COLONIAL SECRETARY.