

C.S.

TREASURY AND CUSTOMS.

(Shipping)

1926.

No. 10/26.

SHI/CUS/1 # 6

Hon. Treasurer.

SUBJECT.

1926

5th January.

Complaint regarding delay in entering
and clearing s.s. "Falkland."

Previous Paper.

MINUTES.

15576 1.-5. Minute from Hon. Treasurer, dated 5th January, 1926.

6.-15 Minute from Hon. Treasurer dated 7th January, 1926.

1. Submitted.

2. A certain amount of the enclosed correspondence is hardly germane to the point at issue which I gather is mainly confined to the complaint of the Falkland Island Coy. that certain "facilities" have been stopped without any warning. These "facilities" appear to be a practice which has been in vogue for some years whereby when the services of a Customs Officer were required application was made to the Officer himself direct, and not to the Collector of Customs. (In this practice I can see nothing inconsistent with that laid down in Sect. 9 of the Customs Ordinance in respect of the report of a vessel) *no further instructions*

Subsequent Paper.

3. The P.I. Coy. is under the impression that on the receipt of an application, the Customs Officers acted on their own initiative, and are not aware that prior reference to the Collector of Customs for instructions was invariably made.

4 In (9) (114) the Hon. Collector of Customs explains that owing to certain complaints made by Mr. Rees, he notified the P.I. Coy. by telephone to the effect that there would be in future a change in the usual procedure and that applications for the service of a Customs Officer should be made to him direct. The Company contends that no message of this purport was received by any of its office staff., vide (10).

5. The Hon. Collector of Customs does not indicate in what way he would like action, if any, taken in this matter, and submits no recommendation of any kind. The authority under which he proposes to act in future is that contained in Sir D. Young's minute - vide (8) - and he is accordingly quite within his province in continuing to the Company that these instructions will be strictly adhered to.

x

J.C.

23/1/26

H.C.S. I spoke to the Collector of Customs regarding this correspondence & understood him to say that no action was required thereon.

2. The diary may be returned.

J.C.

8 Feb 1926.

Diary returned. 10th Feb 1926

M.P. 123/26. 16-20 Minute from Col Treasurer of 30 Jan'y. 1926.

I regret the delay in the submission of Encl 20. The insertion of this minute was overlooked when the paper was returned by Your Excellency.

M.P.
for C.S.
17 Feb'y 1926.

H.C.S.

Filed in
M.P. 123/26.

{ See Minute on Encl 20: this
Encl to go with 16.17.18.19
since it requires separately + approval
to Treasurer + Collector.

M.
20 Feb'y 1926.

No.

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

MINUTE.

5

5th January 1925 19



From Colonial Treasurer
Stanley. F.I.

THE COLONIAL SECRETARY,
STANLEY, FALKLAND ISLANDS.

With reference to Customs Officer's report entered in his Diary for the month of December last, which was submitted for the information of the Governor, I beg to submit herewith a further report from that officer, in connection with a complaint received yesterday from the Manager, the Falkland Islands Company (Copy attached) also a copy of the reply which I sent to the Manager, the Falkland Islands Company, this morning.

W. Thompson
Colonial Treasurer.

Stanley,

January 5th, 1925.

Sir,

With reference to the manager's complaint of being deprived of certain facilities, in the entering and clearing of the S/S "Falkland", I do not know what he refers to:- for some years past it has been usual for the Master or, failing him, the manager, to apply to you just before, or on arrival of the vessel, for an officer to be sent down, in the case of entering, and in that event the service has been performed onboard, this procedure has of late become more common irrespective of the time of day, much to the detriment to the officer's ordinary duties when he is working single-handed, and when the Master can quite conveniently call at the proper place to transact his business - I have already set forth in my Diary for December, this inconvenience to the officer when having an accumulation of work indoors to be dealt with.

In para. 2 of the manager's letter, he refers to a message he sent to me on Monday morning last, to go down and enter the "Falkland" : the vessel came in on the previous day and thenceforth I did not leave my house, expecting as I did a call from you to go down to her, on the usual application from the manager, or master: finding this did not come, I came to the conclusion the following morning, when the messenger came up with his verbal message, that you was being ignored by the Company.

At 10.0 am on the Monday morning, when the Customs Office was open, no appearance was made by the Master, nor anyone on his behalf, but the usual application in writing addressed to you, for the services of an officer, and this at a time when the Office was open for the transaction of such business, upon which I was immediately taken away from

taken away from my ordinary indoor duties and sent down.

I am,

Sir, 27 January, 1923.

Your obedient Servant

St. Fisher

Asst. Customs Officer.

Hon:- Treasurer & Collector,
Stanley.

Stanley.

1. An application was made by the Customs Officer this morning at 8 AM. in the usual manner, and was referred to the Collector of Customs for his consideration.

2. It will be noted if you will notice the above that the application has been discontinued and the same has been referred to the Collector of Customs.

I am,

Sir,

Your obedient servant,

W. H. Fisher

The Collector of Customs.

Stanley.

Customs Officer.

For your report, please.

W. H. Fisher
Asst. Collector of Customs
27 January 1923

The Falkland Islands Company, Limited.

Stanley. 4th January, 1926.

Sir,

We have for some years past enjoyed certain facilities in connection with the entering and clearing of the s.s. "Falkland".

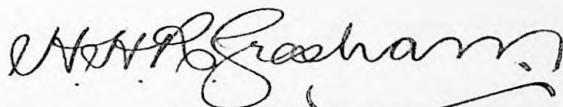
2. On application being made to the Customs Officer this morning at 6 am, in the usual manner, our messenger was informed that application for his services must be made to the Collector of Customs.

3. We shall be obliged if you will inform us why these facilities have been discontinued suddenly without any warning whatsoever.

I am,

Sir,

Your obedient servant,



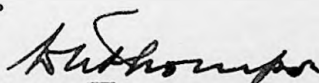
Manager.

The Collector of Customs.

Stanley.

Customs Officer,

For your report, please.


Collector of Customs
4th January 1925

CUSTOMS.

Stanley, Falkland Islands

4th January, 1926

Sir,

I have the honour to acknowledge the receipt of your letter of today's date, and in reply thereto I have to inform you that I know of no facilities which have been enjoyed by you for some years in connection with the entering and clearing of the s.s. "Falklands" under the Customs Ordinance 1903, that have been discontinued suddenly and without warning. No instructions to that effect have been issued by me.

2. I would however take this opportunity to remind you that on the morning of Saturday, the 26th of December last, an application from your office was made to me over the phone, for the services of a Customs Officer to clear the s.s. "Falklands", which as usual, was granted by me at once. I would also remind you that later in the same day I had to ring up your office and report for your information that I had received a complaint from the Customs Officer regarding the manner in which he had been treated.

3. Your letter under acknowledgement has been referred to the Customs Officer for his report.

I am,

Sir,

Your obedient Servant

Colonial Treasurer.

The Manager

The Falkland Islands Company Ltd.

Stanley. F.I.

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

7th January 1926 19

From The Colonial Treasurer &
Collector of Customs
Stanley. F.I.



THE COLONIAL SECRETARY,

STANLEY, FALKLAND ISLANDS.

With reference to my minute of 5/1/26, covering a report from Customs Officer S.H.Riches, in connection with the Entering and Clearing by the Customs of the s.s. "Falkland", regarding which attention had been drawn by Mr. Riches in his diary for the month of December last, I beg to submit herewith a further letter from the Manager the Falkland Islands Company on the same subject, dated 5th January 1926. (Encl: marked "A").

2. I put up herewith a copy of the instructions issued to the Customs Officers on the 27th January 1917, in regard to which no change has been made, and from which it will be seen that in accordance with the instructions given in the Governor's minute of 26/1/17 in M.P. 101/17, that:- "Customs Officers will understand that they will take their orders from the Treasurer and Collector of Customs and from no unauthorized person. If the services of a Customs Officer are required by anyone, application should be made to the Treasurer".

3. Under the provisions of section 9 of the Customs Ordinance 1903, in the case of any vessel returning to any port from any other port or place without having left the Colony, the master shall within twenty-four hours after her arrival and before any goods be unladen, deliver a report in the prescribed form to the Collector or officer, and under section 35, in the case of vessels sailing from any port in the Colony for any other port or place and not bound for any port out of the Colony, an account, set out in the prescribed form, shall be delivered by the master to the Collector or officer.

4. On the morning of Saturday the 26th December 1925, an application was made to me over the phone, (I believe it was Mr. Gresham himself who made it) for the services of an officer to Clear the s.s. "Falkland", and I also understood that the master of the vessel was not well and it would be inconvenient for him to attend at my office to obtain his clearance in the usual manner.

5. I replied that

5. I replied that I would send an officer, and I at once dispatched Mr. Riches to attend to this matter. I think it was close on noon the same day that Mr. Riches reported ~~me~~ to me on his return that the ship's papers were not ready to be signed, and that he understood the vessel would not be sailing until the Tuesday following. He also complained to me about the manner in which he had been called away from his other duties of late, for the purpose of obtaining from the master of the "Falkland" his Local Report or Transire, instead of the master being required to deliver the same at the office. He then asked me if I would arrange with the Company with a view to all applications for his services being made direct to me and not as formerly through him. This I did at once over the phone in the Outer Office, and I append hereto a signed statement of the occurrence. (Encl: marked "B")

6. In his letter of the 5th, (in para; 6a, as marked in blue pencil), Mr. Gresham states that no such telephonic communication was received at his office. So far as I am able to say, the time when I rang up the Company's Office was about or shortly after noon on Saturday the 26th December, when I was told that Mr. Gresham was not in the office and that Mr. Vincent was speaking. The gist of what was said by me over the phone on that occasion is contained in Encl: "B" attached.

7. Mr. Gresham also states in his letter of the 5th, (para: 3 in blue pencil) that, the "Falkland" arrived in Stanley at 6.30, a.m. on Sunday morning the 3rd January and as my office was closed on that day they ~~made~~ made their application as usual to Mr. Riches who, as stated in his previous letter, informed them that application for the services of an Officer had to be made to the Collector.

8. With regard to the above statement I would suggest that Mr. Gresham has made a mistake as to the date on which application was made to Mr. Riches when the vessel arrived in Stanley on the 3rd instant. In his previous letter he gave the date on which application had been made to Mr. Riches as the morning of the 4th. I would therefore suggest that the statement made and to which I have drawn attention, is liable to mislead, and gives the impression that as the Government Offices were closed on Sunday the 3rd, application for the services of an officer was made through Mr. Riches on that day, and he points out in his reports that it was not until twenty-four hours after the arrival of the vessel that any such application was received by him. I also agree

with Mr. Riches that at 6.a.m. is not a reasonable hour to apply for the services of a Customs Officer to attend a vessel that has been in port for twenty-four hours and has had communication with the shore.

9. As in the case of Mr. Gresham's previous letter of the 4th, I referred it to the Customs Officer for his report, and I now beg to submit herewith Mr. Riches' report on Mr. Gresham's letter of the 5th.

10. May I be permitted to suggest that it would appear from his letter that Mr. Gresham has jumped to conclusions somewhat hastily, and that he has apparently decided the whole matter to his own satisfaction upon only hearing one side of the question at issue. It also seems to me that he has clearly shown in his letter that he is quite satisfied that it is the Collector of Customs who has without warning, withdrawn certain facilities which he claims to have been enjoyed by the Company for some years past, and is confident that this will be borne out by the Customs Officer's report.

A. Thompson

Colonial Treasurer.

"A" (12)

The Falkland Islands Company, Limited,

Stanley, F.I.

5th January, 1926.

Sir,

I beg to acknowledge the receipt of your letter of the 4th instant, and note that you have given no instructions for the discontinuance of what I described in my letter as facilities. In order to explain the grounds of my complaint I regret that I must enter into a somewhat lengthy explanation.

2. The facts as known to us are as follows:-

(2) (a) For a considerable time now, when we have had news of the expected arrival of the "Falkland" in Stanley, we have rung up your Office and asked for the services of a Customs Officer for the purpose of entering the vessel. On other occasions it has frequently happened that the "Falkland" has arrived during Sunday or at night or at other times when your Office is closed. On these occasions a messenger has been sent first thing to one of the Customs Officers requesting him to enter the vessel. In every case either Mr Bennett or Mr Riches has complied with our request without our having previously applied to you personally. This is what I term "facilities", in that by their conceding to our request and entering the vessel discharge of cargo has been commenced at the first possible moment.

3. As regards my complaint of yesterday's date I have the honour to acquaint you of the difficulties which were occasioned by our not being able to obtain the services of a Customs Officer before your Office was open. The "Falkland" arrived in Stanley at 6.30 a.m. on Sunday morning the 3rd January and as your office was closed on that day we made our application as usual to Mr Riches, who, as stated in my previous letter, informed us that application for the services of an Officer had

The Honourable

The Colonial Treasurer,

Stanley.

to be made to the Collector. This we did, both in writing and by the writer personally, and Mr Riches arrived at this Office at 11.25 a.m., five and a half hours after our application to Mr Riches had been made. Meanwhile, not expecting anything unusual the "Falkland" broke bulk, which makes us liable to penalty. We had to send off to the vessel to cease work immediately, replace hatches, and suspend all work until a Customs Officer's services were obtained. I would point out that this delay was caused at a time when we are doing our utmost to bring in a full load of clients' wool for shipment by the "Losada" arriving here in a few days' time.

4. In conclusion I beg to ask ~~why~~ for an explanation as to why the services of an Officer were not provided until 11.25 a.m. seeing that our request was known to an official of your Department as early as 6 a.m.

5. 2. With regard to the second paragraph of your letter I beg to say that I see no reason why opportunity is taken by you to allude to an alleged occurrence which I submit has no connection with the matter under discussion, unless it is to prove that retaliation was justified.

6. As regards the occurrence referred to I beg to say that the facts as stated in your letter are quite incorrect. The following will make this clear:-

(a) We rang up on Saturday the 26th December between 10 a.m. and 10.30 a.m. for an Officer to clear the "Falkland" at 11.30 a.m. On his arrival at about that time the necessary papers were not ready owing to our having to load cargo for Port Howard on being requested to do so by Mr Evans by radio. Far from appearing annoyed Mr Riches, evidently realizing the difficulty, said in the presence of the writer and Mr Creece that if we would send him the papers he would sign them and see that Captain Roberts, who was confined to his house by illness, received them. It will be admitted that this is hardly the action of an Officer who would subsequently make a complaint to you "regarding the manner in which he had been

3.

treated". This will, we think, be borne out by his report referred to in your paragraph 3. No telephonic communication was received from you at this Office or in the East Store on the day in question. As you state that you did ring up I shall be obliged if you will inform me if possible to whom you spoke as we are all positive that no such conversation took place.

7. 3. I may add that I consider my original complaint fully justified, and that matters have not been improved by reference to an irrelevant occurrence which is entirely unsupported by facts.

99
KAT

I am,

Sir,

Your obedient servant,

W. A. Greenham

Manager.

Customs Officer,

Referred for your comments please.

W. Thompson

Collector of Customs

6th January 1926

To the First & Second Clerk
Treasury & Customs.

B (9)

Encl!

Will you please read the attached copy of a letter dated 4th instant, which was sent by me to the Manager, The Falkland Islands Co.Ltd, in the latter part of the second paragraph of which I reminded him of a telephone message given by me, when I used the instrument in your office. If I remember correctly I asked for Mr.Gresham who was out of his office at the time and that it was to Mr.Vincent to whom I spoke, when I asked him to tell Mr.Gresham that I had received a verbal complaint from Mr.Riches, and in consequence of which would the Company please apply in future direct to me for the services of an Officer and not as formerly, through the officer himself.

Will you kindly say whether the above is not the gist of what was said by me over the phone, and was it not Mr.Vincent to whom I spoke.

A. Thompson

Colonial Treasurer.

6th January 1926.

Hon.Col.Treasurer,

We beg to state that we remember your using the telephone in the outer office a few days ago and speaking to Mr.Vincent on the subject of Customs Officers' services, and that we agree that the above is the gist of what was said by you at the time.

H.C.hey

First Clerk.

V. Atkins

Second Clerk,

7th January, 1926.

101/17 (8)

TREASURY.

Stanley, Falkland Islands.

27th January 1917.

Customs Officers,
A.G. Bennett, &
S.H. Riches,

The subjoined copy of the Governor's minute
in C.S. 101/17, dated 26/1/17, for your information and guidance.

[Handwritten Signature]
Treasurer &c.

Copy of Governor's minute dated 26/1/17.

"Seen. Customs Officers will understand that they will take
"their orders from the Treasurer and Collector of Customs
"and from no unauthorized person. If the services of a
"Customs Officer are required by anyone, application should
"be made to the Treasurer."

Stanley,

January 6th, 1926

Sir,

Mr. Gresham, in the 2nd Paragraph of his letter of the 5th. inst., appears to be under the impression that when asking me (speaking for myself) to enter the "Falkland" before he has applied to you, that I have done so entirely on my own responsibility, but such is not the case: there has been times when I have been at one or other of the jetties and the vessel has been reported to him from the lighthouse, when this request has been made, but in each instance I have either got in touch with you by using his telephone, or else that at the Baggage Room, asking your permission: I remember entering the vessel once - before he became manager - when I knew you to be with the Governor, on the other hand, when the "Falkland" has been due, usually at the week end, I have asked you on numerous occasions prior to the office closing on Saturday, whether I should go down and enter her should she arrive, and in every instance this has been granted. On the other hand when called upon at my house to go down, ~~XXXXXX~~ I have first called upon you and reported to you the purport of the message I had received from the Company, and thus saved time by not sending the messenger: in the present instance the vessel came in at 6.30 on Sunday morning and nothing was done until nearly twenty-four hours later, although I have pointed out over and over again that both I and the Collector were always available, (I do not think that this can be disputed) upon application being made; in this case I remained handy all day on that Sunday when I might have taken a walk, with the result that the Master made his application at a time which I considered was an unreasonable one for me personally to deliver to you, and thus told the messenger to inform the the Master that he will have to apply to the Collector for my services, had this messenger been sent to me on the Sunday, I would have accepted it and called upon you and reported such message, in this

(6)

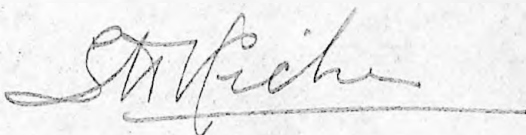
in this course I should have been following precedent, as referred to in Para. 2: but, as we know, no application was made. Referring to the morning of the 26th., Mr. Gresham laid great stress on the fact that the Customs Office would be closed for the next few days as an excuse for bringing me down when he must have known that he was not ready for my services, I then made it quite clear to him that I was available at any time, offices closed or not, and that when the papers were completed, if they were sent on to me I would see that they reached the Master: ~~Constable~~ Constable Headford was the next messenger for the Falkland Islands Company bringing me a message about 10.0am on the morning of the 29th. from Mr. Vincent, requesting me to go down to the "Falkland" and clear her at noon, I was on my way to the Sports but nevertheless arrived - not at the vessel, but at Captain Roberts' house at the time stated.

In Para. 3 Mr. Gresham refers to "having broke bulk" would this not have happened had the message and application been in order, I submit that he could not reasonably expect to send a message to me at 6.0 am and have me at the ship at 6.10 owing to the distance I live from the East jetty, in any case by his own showing, bulk would have been already broken on my arrival.

I am,

Sir,

Your obedient Servant



Asst. Customs Officer.

Hon; -Treasurer & Collector,
Stanley.

M.P.10/26

S. H. Riches,
Customs Officer,

Will you please let me have a report from you regarding the misunderstanding referred to in Mr. Ley's report (attached) which resulted in a certain amount of delay in entering the s.s. "Falkland", on the morning of the 4th January.

W. Thompson

Colonial Treasurer.
12th January 1926

To: Treasurer & Collector.

Received 11.15 am 18.1.26

On the morning in question, Mr. Ley entered the Customs Office Room between 10.30 & 11.0 am; he informed me that they wanted someone to enter the "Falkland": would I go down; I replied Yes? five minutes later - when in the act of putting away my work, he returned and said "All right; I have got ~~at~~ a letter from Mr. Gresham? - by this I thought that ~~the~~ he meant to cancel the first order, as the letter might have contained the masters Report and I then went on with my work: ten minutes later he returned and said "didn't you go down" and I replied no, "I thought you meant to ~~cancel~~ cancel the order when you said you had a letter from Mr. Gresham", I then hurried off and met the letter at the Town Jetty and apologized to him for a delay of 10 minutes, which was cheerfully accepted.

S. H. Riches

Asst. Customs Officer
18.1.26

Copies of correspondence regarding application for the services of a Customs Office on the 4th January 1925.

Copy of letter from Falkland Islands Co, to the Collector dated January 4th 1925

Sir,

We beg to apply for the services of a Customs Officer for the purpose of entering the s.s. "Falkland".

2. The Master of the vessel is temporarily incapacitated by illness and is therefore unable to attend the Customs personally.

I am &c &c.

(Sgd) H.H.R.Gresham
Manager.

Customs Office,

Will you please attend to this.

(Sgd) W.A.Thompson.
Collector of Customs
4th January 1925

Hon:Col:Treasurer,

As requested I beg to make the following statement in connection with the attached letter from the Falkland Islands Co.

The letter was received in the Treasury shortly after ten o'clock on the morning of the 4th January, but after you had left the office for Government House, and it therefore remained unopened pending your return to the office. In the meantime Mr. Gresham called personally at the Treasury and applied for the services of a Customs Officer. I informed Mr. Riches, the Customs Officer, that his services were required, and I understood him to say that he would proceed at once to the "Falkland". I then returned to the Treasury and informed Mr. Gresham to this effect. Owing to a misunderstanding between Mr. Riches and myself, he did not go at once to the "Falkland", and the Falkland Isld: Co rang up about 15 or 20 minutes later to say that the Customs Officer had not yet arrived. I apologized for the delay and then explained the matter to Mr. Riches, who immediately proceeded to "Falkland".

(Sgd) H.C.Ley

11th January 1926.