

C.S.

PORT AND MARINE

(Shipping)

1922

SHI/VES/8 # 11

No. 821/22

Mr. G. T. Dean

SUBJECT.

192 2

1st December

Previous Paper.

Asks permission for Pebble Island

Schooner to carry produce to Stanley

MINUTES.

Letter from Mr G. T. Dean of 1st December 1922 — Encl (1)

The Trans. and Registrar of Shipping,

It is desirable to facilitate the use of privately owned local vessels as far as the law allows.

2. By Ordinance 9 of 1909 Part II of the M.S.A. was specifically applied to this Colony. By inference it may result that Part I (dealing with registration) does not apply in the absence of other local legislation.

3. Will you please advise

ttttt 19/12/22

The Honourable

The Colonial Secretary,

Subsequent Paper.

On the other hand, it seems to me that under the provisions of Sec: 91, of the Merchant Shipping Act, (Imperial), that Part.I of that Act, has been applied to the whole of His Majesty's dominions, and that it was under the provisions of Sec: 4 of the Imperial Act, that the Colonial

Treasurer in

Treasurer in this Colony, as Collector of Customs, became, ex-officio, Registrar of Shipping.

2. As I read Mr. Dean's letter of the 1st Instant, (Encl:1) it seems to me that he objects to the provisions of Sec:124 of Part, II, of the Imperial Act.

3. If I remember correctly, Mr. Dean's vessel was named the "KARINA KIRSTEN", and that she was "ketch rigged" when she first arrived in this Colony with the tyles for the roof of the Town Hall. According to the Maritime Directory, this vessel was built in France in 1874. She was subsequently registered as a British ship at Cardiff in April 1911, Official number 152851, and her registered tonnage is 61 tons, please.

H. Thompson
Colonial Treasurer.
19th December 1922.

Mr. Treasurer, Registrar/Shipping,

I am satisfied that you are right in your interpretation of the Law and that Part I does apply.

1. Sec. 124 does not apply to local steamers engaged locally for the schooner. "Abroad" in line 1. of the section means in some place other than the Falkland Islands where the vessel is registered in the F.I. "engagement" is any British possession other than that in which the ship is registered"

3. Is it possible that Mr. Dean is under a misapprehension as to the necessity for signing off? The position as he explained it verbally is that the crew of the schooner are part of the ordinary labour force on his station. They work the schooner between the islands carrying sheep etc. but and then turn to on masonry or sheepherding work. He thinks though that if he comes into Stanley they must be on the articles with the attendant duty of signing on and signing off

before a superintendent (Vide 1.1.113-115).
It should I think be obvious that if
articles are necessary if the ship comes
to Stanley they are necessary wherever in
the []

4. Under sec. 113 the necessity for articles
or what is more properly called "agreements"
with the crew" applies does not apply to
ships of less than 80 tons trading between
ports of the U. K. . . Do you not think
that we might apply the same exemption
to vessels trading locally between ports

Httttt 20/12/22

Hon:Col:Sec;

I am inclined to think that had Part,
II, of the Imperial Act, been applied to this Colony
"Mutatis mutandis", by Ordinance No.9 of 1909, that
it would have been possible for a British Registered
vessel of less than eighty tons registered tonnage
to have been employed in trading between ports on
the coasts of this Colony, without agreements with
the crew. On the other hand, the "KARINA KIRSTEN"
is not Locally Registered, but instead, she is a
British vessel registered in the United Kingdom,
(at Cardiff), as explained in para: 3 of my minute
herein of the 19th instant.

H. H. Thompson
Colonial Treasurer

21st December 1922.

Y.S.

Submitted

The difficulty appears to be

to be purely technical.

~~Message~~

3 It might be possible for the registry to be transferred from Cardiff to Stanley by action under sec. 53 of P.L. I but even that maybe doubtful.

4 Under sec. 89 the Governor occupies the place of the Commissioners of Customs with regard to any thing ~~for~~ relating to the registry of a ship. From other correspondence with the Board of Trade it is known that it is the wish of the Board that the Act should be interpreted in a liberal sense in its application ^{to} Colonial conditions.

5. Under the circumstances I beg to recommend that G.S. be pleased to authorize the owners of the schooner to dispense with the necessity for "articles" in the same manner as though ^{the exemption in} sec. 113 applied — pending reference to the Board of Trade

T. W. T.

22 Dec. 22

~~P.S. - On passing through the
clerk relating to registry and to
articles of agreement in I cannot
help thinking that the issue has~~

P.S. I should add that the Registrar of Shipping is clearly of the opinion that the Act has not been applied 'mutatis mutandis'. An early reference should therefore be made to the Board of Trade but this ~~reference~~ should not be lost to Mr. Dean by the delay?

Hutt

H.C.S.

Para 5 approved. JH

23 Dec 1922

Letter to Mr. G. J. Dean of 3rd Jan'y 1923 - Encl (2)

Hon. Treas. &c.

Letter for Mr. Dean to you
and any observations
for information before is sent

Hutt 4/1/23

Hon:Col:Sec;

Thanks. Noted.

2. In this connection you might see the Bill published on page 109 of May 1914 Gazette please.

K. J. Thompson
Colonial Treasurer.
5th January 1923.

Mr. Treas.

Thank you.

All the vessels in your list here in are whale catchers except the "Kelp". Is not a catcher but the F. I. by has she a crew & articles?

Yours truly
11/1/23

Hon:Col:Sec;

I regret I am not able to say whether the "Kelp" has Articles of agreement with the crew, as it is the Shipping Master and not the Registrar of Shipping who has to attend to this. Captain Hockly is at present Actg:Shipping Master (C.S.699/22)

2. All the whale-catching steamers under eighty tons that are on the Shipping Registry in this Colony belong wither to Messrs Salvesen & Co, or to the Southern Whaling & Sealing Company, operating at South Georgia.

3. In any case, owing to the size of the steam launch "Kelp", I should not imagine that she would have articles of agreement with the crew, as it would not be possible for her to undertake a voyage beyond the limits of Stanley Harbour with safty, please.

A. H. Simpson

Colonial Treasurer &
Registrar of Shipping.

11th January 1923.



1810

Pebble Island

December 1st 1922

(1)

The Colonial Secretary
Port Stanley.

Sir.

I have the honour to bring to your notice that at present the schooner belonging to this station is not allowed to go into Stanley without having her crew on Articles.

I find it impracticable to have a crew on Articles owing to the difficulties attendant on signing-on and off and also in engaging men to work ashore or afloat. I request that permission may be granted for the schooner to carry produce to Port Stanley and return with stores, manned by the crew who sail her in the course of our island work here.

I have the honour to be
Sir

Your Obedient Servant
George. T. Dean

3rd January,

23.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 1st of December, applying for permission to trade with Stanley in your Schooner "Marina Kirsten" without the necessity of the crew of the vessel being on the articles.

2. The Schooner appears from the Mercantile Navy List to be 61 tons, Ketch rigged, registered in Cardiff, No. 132851.

3. It does not appear from the Merchant Shipping Act that power exists to release the owner of a vessel, registered in the United Kingdom and employed in this Colony, from the obligations of entering into agreements with his crew in the manner provided in the Act, irrespective of the part of the Colony in which the vessel is working.

4. Subject however to the understanding that the vessel is to be registered in Stanley the Governor is prepared to grant provisional and temporary permission to you now to dispense with agreements with the crew. It will however be necessary to obtain the sanction of the Board of Trade for this action.

5. It is suggested that it is desirable that

tho/

G. T. Dean, Esq.,

Pebble Island.

the Schooner should be registered anew at Stanley,
the procedure laid down in sections 48 to 53 (copies
of which are enclosed for reference) of the Merchant
Shipping Act being followed.

I am,

Sir,

Your obedient servant,

Colonial Secretary.

LIST OF VESSELS of less than 80 Tons Registered
Tonnage, REGISTERED in the FALKLAND ISLANDS.

Official Number.	129387.	"Busta"	35 Net Tonnage.
	129404.	"Hanka"	38
	129388.	"Foula"	41
	129389	"Herma"	41
	142021	"Sacra"	58
	125490.	"Semla"	62
	142024.	"Solva"	58.
	142022.	"Spuma"	58
	142023.	"Swona"	58.
	139442.	"Sthn. Breeze"	56.
	146231.	"Kelp"	17.6
	119331.	"Plym"	3.

W.A.
11.1.22

(Sgd) W. A. Thompson.

Registrar of Shipping.

Stanley Falkland Islands.

31st December 1922.