

17  
I Richard Clement Moody do swear that I  
will truly and faithfully to the best and utmost  
of my skill and knowledge discharge the duties  
of a member of the Legislative Council for the  
Settlements in the Falkland Islands and their  
Dependencies.

So help me God

I William Henry Moore do swear that I will truly  
and faithfully to the best and utmost of my  
skill and knowledge discharge the duties of  
a member of the Legislative Council for the  
Settlements in the Falkland Islands and their  
Dependencies.

So help me God

I James Scith Moody do swear that I will  
truly and faithfully to the best and utmost  
of my skill and knowledge discharge the duties  
of a member of the Legislative Council for the  
Settlements in the Falkland Islands and  
their Dependencies.

So help me God

I James Robert Longden do swear that I  
will truly and faithfully to the best and utmost  
of my skill and knowledge discharge the  
duties of Clerk to the Legislative Council for the  
Settlements in the Falkland Islands and  
their Dependencies.

Council Room  
August 29<sup>th</sup> 1840

So help me God



Legislative Council

Saturday 29<sup>th</sup> August 1846

Present

His Ex<sup>cy</sup> R. C. Moody Esq. Governor  
Hon<sup>ble</sup> W. H. Moore J. P.  
Rev<sup>d</sup> J. S. Moody J. P.

The Council met pursuant to summons. The Governor informed the Council that he had on that day administered the oaths to the newly appointed members and then read a copy of the Gazette announcing the formation of the Council, after which His Excellency brought under the consideration of the Council certain standing Rules and orders which he had framed and now submitted for their adoption.

1. That the Council shall be composed of the Governor or officer administering the Government and the two Justices of the Peace whose names shall stand first in order in any general Commission of the Peace such Commission being renewable or revocable as the Governor or officer administering the Government may find occasion.
  2. That the Governor shall preside on all occasions.
  3. The Council to meet on Summons from the Governor or pursuant to adjournment and that when practicable the days of meeting to be Tuesdays and Fridays at 11 o'clock A. M.
- Mr. Moore moved that the following clause be inserted after Clause 3 — which was adopted accordingly.
4. "The period of meeting of Session to be determined hereafter."



5 That if two members exclusive of the Governor be not present thirty minutes after the appointed hour of meeting the Clerk shall report the circumstance to the Governor who will then adjourn the Council.

6 That no Council can be held unless all the members be present.

7 That the Governor shall decide disputed points of order.

8 That before proceeding to the business of the day the minutes of the preceding meeting be read if necessary amended and confirmed.

9 That the Governor shall put all questions and declare the sense of the Council thereon.

10 That it shall be competent for any Member to divide the Council upon any bill or question.

11 That every member shall stand while speaking and shall address the Governor.

12 That an adjournment of the discussion of any question may at any time be moved and may be adopted or not by the majority.

13 That all bills be laid on the table by the Governor who will give at least two days notice of the first reading of each bill.

Mr Moore moved that this clause be amended by substituting "ten days" for "two days" after some discussion Mr Moore withdrew his motion and the clause remained unaltered.

14 That except in cases of emergency each member of Council be furnished with a copy of each bill at least two days prior to the Bill being read a first time.

15 That on a motion being carried for the first reading of any bill the Clerk do read the whole bill during which reading notices of amendment may be given.



16 That upon the second reading of a bill being moved any member may address the Council on its general principles and that during such second reading the details shall be discussed after which the bill shall be engrossed.

17 That at the third reading the whole bill with the titles and Schedules thereto if any shall be read.

18 That every bill when passed be styled "an ordinance enacted by the Gov<sup>rs</sup> of our Settlements in the Falkland Islands and their Dependences with the advice and consent of the Legislative Council thereof."

19 That upon cases of emergency and also in cases where no amendment whatever be proposed it may be moved that the Standing Rules and Orders relative to the reading of a bill be suspended, and if adopted, it may be carried through the several stages at one sitting.

20 That the Clerk shall keep a minute Book in which shall be entered and numbered in succession the subjects brought under discussion, at each sitting and how each member shall have voted in any division.

21 In Cases of Private Bills or in cases where individual rights or interests may be specially affected, any party concerned may be heard either personally or by Counsel (but Counsel not being a Member of the Legislative Council).



22

Petitions may be presented by any member immediately after the reading of the minutes of the preceding meeting.

23

It shall be competent for any member to move that such petitions be then read.

24

That no new subject be introduced for the consideration of the Council after three o'clock on any day of sitting.

25

That when any Protest shall be offered against any measure the same shall be received by the Council and entered on the minutes unless a majority of the Council shall object to the insertion of the Protest at full length, in which case the substance of the Protest shall alone be recorded on the minutes of the Council.

Mr. Moore moved that the following clause be added after Clause 25 which was accordingly

26

"That a copy of every ordinance when passed be furnished to each member of the Legislative Council as early as convenient."

27

That before entering upon business Prayers be read when practicable by the Chaplain to the Council.

The Reverend Mr. Moody observed it would be advisable that copies of the standing Rules and Orders should be furnished to Members of the Council.

The Governor replied that copies should be furnished as early as convenient.

The Governor then adjourned the Council sine die.

W. H. Morgan

Acting Secy of Council



Standing Rules and Orders for the proceedings  
of the Legislative Council of the Falkland  
Islands.

1. That the Council shall be composed  
of the Governor or officer administering  
the Government and the two Justices of  
the Peace whose names shall stand  
first in order in any general Commission  
of the Peace, such Commission being  
renewable or renewable as the Governor  
or officer administering the Govern-  
ment may find occasion.

2. That the Governor shall preside on all  
occasions.

3. The Council to meet on summons  
from the Governor, or pursuant to ad-  
journment, ~~and that where practicable~~  
the days of meeting to be Tuesdays and  
Fridays at 11 o'clock A. M.

4. That except in cases  
of emergency and by  
special order of the Gov  
and to be stated in the  
summons the Clerk of  
the Council shall give  
at the least four days  
notice of the day and  
the hour appointed  
for the meeting of the  
Council.

The period of meeting of session to be  
determined hereafter.

That if two members exclusive of  
the Governor be not present thirty  
minutes after the appointed hour of  
meeting the Clerk shall report the  
circumstance to the Governor who  
will then adjourn the Council.

6. That no Council can be held unless  
all the members be present.



- 7 — That the Governor shall decide disputed points of order.
- 8 — That before proceeding to the business of the day, the minutes of the preceding meeting be read, if ~~and~~ necessary amended and confirmed.
- 9 — That the Governor shall put all questions and declare the sense of the Council thereon.
- 10 — That it shall be competent for any member to divide the Council upon any bill or questions.
- 11 — That every member shall stand while speaking and shall address the Governor.
- 12 — That an adjournment of the discussion of any question may at any time be moved and may be adopted or not by the majority.
- 13 — That all bills be laid on the table by the Governor who will give at least two days notice of the first reading of each bill.
- 14 — That except in cases of emergency each member of Council be furnished with a copy of each bill at least two days prior to the bill being read a first time.



15— That on a motion being carried for the first reading of any bill the Clerk do read the whole Bill during which reading notices of amendment may be given

16— That upon the second reading of a bill being moved any Member may address the Council on its general principles, and that during ~~and if the second reading~~ ~~the second reading~~ the details shall be carried, the Ordinance shall be discussed after which the shall then be discussed bill shall be engrossed

Clause by clause and amended if necessary— That at the third reading the whole of the Ordinance bill with the titles and schedules with the amendments thereto if any shall be read shall then be read, and

if approved with consent of the Clerk shall be styled an Ordinance enacted by and in the name of the Governor of our Settlements in the same to be engrossed the Statute and Islands and then and brought up for Dependence with the advice and consent of the Legislative Assembly when Council thereof

19— That upon Cases of emergency and also in Cases where no Amendment whatever be proposed it may be moved that the standing Rules and Orders relative to the reading of a Bill be suspended, and if adopted, it may be carried through the several stages at one sitting



20 — That the Clerk shall keep a minute Book in which shall be entered and numbered in succession the subjects brought under discussion at each sitting and how each member shall have voted in any division

21 — In Cases of Private Bills or in Cases where individual rights or interests may be peculiarly affected, any party concerned may be heard either personally or by Counsel. Such Counsel not being a member of the Legislative Council

22 — Petitions may be presented by any member immediately after the reading of the minutes of the preceding meeting

23 — It shall be competent for any member to move that such petitions be then read

24 — That no new subject be introduced for the consideration of the Council after three o'clock on any day of sitting.

25 — That when any Protest shall be offered against any measure the same shall be received by the Council and entered on the minutes unless a majority of the Council shall object to the insertion of the Protest at full length in which case the substance



26  
substance of the Protest shall alone  
be recorded on the minutes of the  
Council.

26 That a copy of every ordinance  
when passed be furnished to each  
member of the Legislative Council  
as early as possible ~~convenient~~

27 That before entering upon business  
prayers be read when practicable  
by the Chaplain to the Council.



Legislative Council

Friday 2<sup>nd</sup> October 1846

Present  
All the Members

The Council met pursuant to summons  
The minutes of the last preceding meeting  
were read and confirmed

In consequence of a suggestion <sup>of observation</sup> from the  
Rev<sup>d</sup> Mr. Moody. The Governor  
moved that a clause be appended to  
the standing Rules and orders to the  
following effect

"27 That before entering upon business  
prayers be read when practicable by the  
"Chaplain to the Council"

Motion carried accordingly. *unanimously.*

The Governor then stated to the  
Council that, before proceeding to move the  
orders of the day for the first reading of  
the Supreme Courts Bill and Duty Bill  
he wished to explain the reasons which  
induced him to lay these Bills in  
their present form before the Council,  
and addressed them to the following effect.

To give a clear idea of my reasons for  
each of these two Bills that should be taken  
in connection with the 3 others, numbered  
3, 4 & 5, with copies of which you have been  
furnished.

You will also perceive that these Ordinances  
are all temporary measures to meet what

I



I hope will prove a temporary state of affairs and for this reason they are only calculated for 2 years and may be amended or repealed at any time.

With a more extended and better organized state of society a more complete and on the whole more satisfactory organization of the judicial branch of this Government may be made. When this takes place it is my intention to submit to the Council bills of a permanent nature to supersede the present temporary measures.

The chief feature which will present itself to your observation will be the fact of there being but one Court for the administration of Justice in all its branches, with the exception of trivial cases to be adjudicated upon by the Stipendiary Magistrate or Justices of Peace. My reasons for making this temporary arrangement is chiefly because all cases would have to be tried before the same individuals whatever might be their official designation. The practice of the Supreme Court would of course be different according to the branch under which the Jurisdiction of any case might lie whether Ecclesiastical, Common Law, or Equity and will in each case be assimilated as far as practicable to the practice in England.

I may here observe that a similar arrangement is followed in most new Colonies.

With respect to the equitable jurisdiction of the Court you are of course aware that the



29

the Governor is in a Colony *ex officio* "Chancellor" but it has been found expedient in most of the Colonies, and is the wish of Governors generally, that the exercise of this office should be transferred to a member of the legal profession for which reason I have introduced the 3 and 5 Clauses in the Supreme Courts Bill.

When the community increases in number and remote districts are occupied it will most probably become necessary to establish subordinate Courts as Courts of Quarter Sessions &c.

You will observe no provision is made for executing much of the miscellaneous business of the minor Courts in England as licensing Alehouses &c. In these matters I propose to follow the course usually adopted and treat them as purely local for the regulation of which I shall on some future day lay separate bills before the Council.

My object at present is merely to establish a Court of Justice for the trial of offences and other matters of immediate concern to the well being of the community and to do so in as simple and convenient a manner as possible. A more elaborate arrangement will necessarily follow a more advanced state of society.

On the motion of the Governor the Supreme Courts Bill was then read a first time.

Mr Moore remarked that the clause relating to the fee-fund does not provide

for



for the payment of subordinate officers in  
 care of the fees being insufficient for the  
 purpose.

The Governor stated that the fee  
 fund was not said to constitute the  
 pay of such officers but only to be ap-  
 propriated in aid of that object.

Supreme Court Bill  
 Clause 30 - W. Moore

Mr. Moore then gave notice that  
 on the second reading of the bill he  
 should move an amendment to  
 Clause 30 that the following words  
 be appended to it.

"And that the said officers shall  
 be paid for their services according to  
 the rates shown in Schedule B hereto  
 annexed out of the fee fund if the same  
 shall be found sufficient and in the  
 event of its being insufficient in that  
 case out of the general revenues of the  
 Colony"

Supreme Court Bill  
 Clause 4 - W. Moody

The Rev. Mr. Moody gave notice  
 that he should move an amendment  
 that Clause 4 be deferred and instances  
 in support of his amendment the  
 case of New South Wales, where many  
 abuses had arisen from a lay Court  
 being entrusted with Ecclesiastical  
 jurisdiction. He also gave notice of  
 his intention to move an amendment  
 to Clause 18 to the effect that the offices  
 of Sheriff and Constable should be  
 exercised by two distinct individuals  
 as he considered it very advisable to  
 separate them if possible.

Supreme Court Bill  
 Clause 18 - W. Moody

The Rev. Mr. Moody then gave further  
 notice



Supreme Court Bill  
 Clause 21 - W. Woody gave notice of his intention to move an amendment to clause 21 having reference to the mode of naming and appointing Constables and also that he should move an amendment to clause 27, that the time of holding the Court should be on the 2<sup>nd</sup> Tuesday after the 1<sup>st</sup> January, 1<sup>st</sup> April, 1<sup>st</sup> July and 1<sup>st</sup> October.

On the motion of the Governor the "Supreme Courts" Bill was ordered to be read a second time on Friday the 9<sup>th</sup> Inst.

The Governor then moved the order of the day for the first-reading of the Jury Bill and explained the reasons which induced him to frame it in a manner different to the Custom in England.

Supreme Court Bill  
 Clause 1 - W. Woody  
 Clause 1 - W. Woody The Jury Bill was then read a first time after which, The Rev<sup>d</sup> Mr. Woody gave notice of his intention to move amendments to Clause 1 by exempting the seator from serving on Juris and that in the case of special juries no exemptions should be allowed.

Jury Bill  
 Clause 2 - W. Woody Also in Clause 2 that the word "Church" be inserted after the words "door of the" and that the words "and that 3 days notice of the hearing of such objections be given to every objector" be appended to the Clause.

Clause 3 - W. Woody And that Clause 3 be omitted  
 Clause 9 - W. Woody Also in Clause 9 that the word "five" be



be substituted for the word "ten".

Jury Bill

Clause 11 - Mr. Moody

The Rev. J. S. Moody also gave notice of his intention to move an amendment to Clause 11 by inserting the words "or Plaintiff and Defendant" concerned "in any civil action" after the words "felony or misdemeanour".

Clause 12 - Mr. Moore

Mr. Moore gave notice of his intention to move an amendment to Clause 12 that "in the event of a talenew being appointed on the Jury in consequence of the non attendance of the Jurors" summoned the words "qualified and liable as aforesaid" shall be deemed and taken to apply to the qualifications in Clause 11 as to the right to challenge the talenew.

On the motion of the Governor it was ordered that the Jury Bill be read a second time on Friday the 9<sup>th</sup> October 1846.

Council adjourned to Tuesday 6<sup>th</sup> October at 11 o'clock.

Orders of the Day.

J. H. M. G. M.  
Act. Secy. Council

Friday 2<sup>nd</sup> October 1846. Supreme Courts Bill first reading  
Jury Bill first reading



Legislative Council

Tuesday 6<sup>th</sup> October 1846.

Present

All the members

The Council met pursuant to adjournment  
Prayers having been read by the Chaplain  
to the Council.

The Minutes of the last preceding  
meeting were read, and after being amend-  
ed were confirmed.

Before moving the order of the day  
for the first reading of the Constables Bill  
the Governor stated to the Council he had  
a few observations to make which were  
to the following effect.

This Bill is like the others essentially a  
temporary measure and adapted to the  
present wants of the Islands. From the  
limited funds of the Colony and the want  
of proper officers it was absolutely necessary  
that the Governor should be well informed  
of every expense incurred on behalf of  
Government he being personally responsible  
for the same. For this reason and to enable  
him to make up certain returns and  
Reports required by the Home Gov<sup>t</sup> he  
had introduced the 13<sup>th</sup>, 16<sup>th</sup>, & 20<sup>th</sup> Clauses  
rendering it obligatory on certain officers  
to forward returns and Reports to him  
and requiring his sanction before ap-  
pointments of Constables were confirmed  
and /



expenses <sup>in consequence</sup> incurred.

When the funds of the Colony are larger and a certain sum annually set apart for the expenses of the Judicial Department and proper officers are appointed the control of many of these details would probably be transferred to the head of that Department.

After some further observations by the Governor the Constables bill was read a first time after which,

Constables Bill  
Clause 3 Moore gave notice of his intention to move an amendment to clause 13 that the words "provided the head Constable shall have previously sent in his return to the Stipendiary Magistrate to enable him to do so" be added to the clause.

After a few remarks and explanations from the Governor relative to the clause.

Mr. Moore begged leave to withdraw his original notice and substitute the following, that the words "otherwise than through the head Constable" be inserted after the word "orders."

With reference to clause 14 Mr. Moore enquired how the head Constable was to obtain provisions from Government for Prisoners in the Jail.

The Governor stated that by clause 21 the Stipendiary Magistrate was authorized to draw up Rules and Regulations for the guidance of the head Constable which should include this case as the method of supplying such provisions might be altered from time to time.

Mr. Moore then gave notice of his intention.



Constable Bill - *to move an amendment to clause 17 - W. Moore* that the following words be added to the clause after the word "Prisoners" as may be hereafter arranged by the Stipendiary Magistrate under the provisions of clause 19, 20, & 21.

*Clause 20 W. Moore* A discussion then arose relative to clause 20 at the conclusion of which Mr. Moore gave notice that he should move an amendment to the clause by inserting the words "and other Magistrates at meetings to be held for that purpose from time to time as occasion may require" after the words "the Stipendiary Magistrate".

*Clause 5 W. Moody* He should move, that clause 5 be amended by inserting the words "general" before the words "Instructions" he may receive.

*Clause 2 W. Moody* Also that clause 2 be amended by adding the words "provided always that" "he give notice in writing or personally to the Magistrate of such his intention" "setting forth where and how he will be employed."

*Clause 6 W. Moody* Also that in clause 6 the words "after execution" be inserted after the words "provided" ~~providing~~

*Clause 9 W. Moody* And in clause 9 that the words "and one other Justice of Peace at a meeting to be convened for the purpose" be inserted after the words "Stipendiary Magistrate".

*Clause 19 W. Moody* Also in clause 19 that the words "by and with the advice and consent of the Legislative Council" be inserted after the words "The Governor."

After /



After some discussion as to the payment of the Head and Sub Constables Mr. Moody begged leave to withdraw his original notice and substitute the following that the <sup>following</sup> words be added to the clause.

"Such alteration and amendment in the rate of pay being regulated by the general rate of judges in the Colony.

Constable Bill  
Schedule - Mr. Moody

Mr. Moody gave notice of his intention to move that the schedule be amended by inserting the words "The Head Constable also to receive rations during such time as rations are issued to other persons in Government employment" after the words "Head Constable to receive per annum \$20. 0. 0"

Schedule Mr. Moore

Mr. Moore stated his intention to move that the schedule be amended by substituting the words "Head Constable to receive pay when employed on special services" for the words "Head Constable to receive pay when employed on extra services"

Schedule Mr. Moody

Mr. Moody gave notice that he should move the following amendments to clause in the schedule relating to the pay of special Constables.

That they should receive pay for day work at the rate per day of £ 1. 0. 0 " 4. 0. 0

And that they should receive pay for night work at the rate per <sup>night</sup> day of £ 8. 0. 0

and that the duration of each day and each night throughout the year should be deemed and taken to be 12 hours.

Clause 17 Mr. Moody

Also that in clause 17 the words "washing the clothes of such Prisoner or Prisoners" be inserted after words "charge of the Prisoner or Prisoners."

Schedule Mr. Moody

Also that in the schedule the clause "Head Constable







and no other Ecclesiastical Jurisdiction whatever;

The Governor then moved that the Stipendiary Magistrates Bill be read a first time. The Governor stated he had no particular observations to make with regard to this bill, that, like the rest, it was a temporary measure and drawn up on the same principle as the others.

The Bill was then read a first time *Stipendiary Magistrate Chapter* which Mr. Moore gave notice of his *Clause 3* intention to move an amendment to Clause 3 that the following words be appended to the Clause.

"<sup>Provided that in case of</sup> unless ~~and~~ the unavoidable absence  
" of the Stipendiary Magistrate or in a  
" case of great emergency or unless the Head  
" or other Constable or other persons whether  
" witness or otherwise shall represent to a  
" Justice of the Peace that there are just  
" grounds to fear the escape of the accused  
" party - and in such case it may be  
" lawful for any Justice of the Peace to  
" commit or hold to Bail such accused party"

Mr. Moore also gave notice of his intention *Clause 11 - Mr Moore* to move that clause 11 be omitted.

Mr. Moody gave notice of his intention *Clause 5 - Mr Moody* to move that so much of Clause 5 as follows the words "signed by him" be omitted.

On the motion of the Governor it was ordered that the Stipendiary Magistrates Bill be read a second time on Tuesday the 1<sup>st</sup>



the 13<sup>th</sup> October 1846 after which the  
 Council adjourned to Friday 9<sup>th</sup> October  
 at 11 o'clock A.M.

J. Mangden  
 Secy. Clerk of Council.

Orders of the Day for Friday 9<sup>th</sup> October 1846.

1. Summary Proceedings Bill - First reading
2. Supreme Court Bill - Second reading
3. Jury Bill - Second reading.



Legislative Council

Friday 9<sup>th</sup> October 1846

Present  
all the Members

The Council met pursuant to ~~summons~~ <sup>a Government</sup> Prayers having been read by the Chaplain to the Council.

The Minutes of the last preceding meeting were read and confirmed.

The Governor laid on the table a return showing the names, ages, and occupation of the Inhabitants of the Colony.

The Governor then moved the order of the day for the first reading of the Summary Proceedings Bill and stated that the observations he had made on the preceding bills would apply equally to the present one. He wished however to remark that he considered the present bill would require a very slight modification to be rendered eligible to be passed into a permanent law.

The Summary Proceedings Bill was then read a first time, after which Mr. Moore stated with respect to the Bill generally he considered that though repugnant in some respects to the English Statutes it was justified by the peculiar situation of the Colony and the very temporary nature of the measure. He proceeded to state that the 8<sup>th</sup> Clause was particularly repugnant to the English Law as in England a non-attending witness



41

witness could appear before the Court of Eschequer and give reasons for his non-attendance, but the deviation from this course he thought was justified by the before mentioned circumstance.

The Governor observed it was on that ground he had introduced this bill, and he believed the same measure had been adopted in other new Colonies.

Mr. Moore then gave notice he should move an amendment to clause 12 that the words "Public" be inserted before the words "Clerk to the Stipendiary Magistrate" and also the word "Public" before the words "Clerk to any Justice of Peace."

Also in clause 18 that the words "should the conviction be heard during term, or within 12 days preceding term, the appeal to be determined in the succeeding term" be substituted for the words "not less than 12 days after the date of such conviction."

A long discussion then ensued respecting the recognizances to be entered into in Cases of appeal at the conclusion of which the Gov<sup>r</sup> referred the members to clause 19 and the discussion dropped.

~~Mr. Hoar then begged leave to withdraw his protest of amendment to clause 18.~~

Mr. Moore then remarked that clause 18 inferred that the jurisdiction of Justices of Peace exceeded £5.

The/



The Governor stated that he considered it would be well to let the clause stand as by future Ordinances cases exceeding that amount might be brought under the jurisdiction of Justices of Peace.

Mr. Moore gave notice that he should move that clause 25 be amended by striking out the word "all" and inserting the words "in Criminal Cases after the words "imprisonment shall"

He also gave notice that he should move amendments to schedule D to make it more comprehensive.

Mr. Moody gave notice he should move that clause 5 be amended by adding the words "such submission to be made during office hours."

On the motion of the Governor it was ordered that the Summary Proceedings Bill be read a second time on Friday 15<sup>th</sup> October 1846.

Mr. Moore then gave notice that in the second reading of the Supreme Courts bill he should move the insertion of a clause after clause 23.

" And whereas at present there are no persons in the Colony holding the situation of regularly qualified Counsel, Solicitors, or Attorneys be it therefore enacted that Solicitors of the Court may be at liberty to be heard in Court by such persons as they may appoint their Counsel, Solicitors,

or /



" or Attorneys, though such Counsel,  
" Solicitors, or Attorneys be not regularly  
" admitted to practice as in England"

The Governor then moved the order of the day for the second reading of the Supreme Courts Bill.

The Bill was then read accordingly.

Mr. Moody then rose and addressed the Council on its constitution he remarked that though the members were empowered to pass Ordinances yet when such ordinances were passed the Governor alone could move their repeal. He had given many notices of amendments because he considered the bill in many respects repugnant to the English Constitution. He had been to most parts of the world and had seen many kinds of Constitutions, Autocratic, Republican, Monarchical, and in the Islands in the Pacific the most extraordinary mixture of Monarchical and Republican principles. He stated that although the present Members of the Legislative Council held their places ex-officio he did not consider them exactly as officio members because the Governor might place in the Legislative Council Gentlemen who had no Govt appointments except being Justices of the Peace.

For this reason he had moved amendments to Govt bill which it was not usual for ex officio members of /



of Council in other Colonies to do.

Mr. Moody then moved that clause 4 be amended by adding the words "but no other ecclesiastical jurisdiction whatsoever" agreed to.

Mr. Moore moved that a clause be inserted after clause 5 -

"6. Insolvent - The Court shall also have the same jurisdiction in all matters relating to insolvency as is now exercised by the Commissioners of the Insolvent Court in England respecting cases where the debt contracted may have been £20 and also respecting all cases under that amount." Agreed to.

Mr. Moody then moved that clause 18 be amended by substituting the following words "Sheriff 18"

"And whereas there are no fit persons at present in the Falkland Islands who can be appointed to perform all the duties of the office of Sheriff, be it enacted that the Governor shall from time to time appoint any person other than the Sailor he may deem eligible to discharge the ministerial duties of Sheriff under the directions and Instructions of the Sberidary Magistrate and such persons acts shall be solely ministerial."

Mr. Moody stated that the <sup>original</sup> clause providing that the Head Constable and Sailor should also act as Sheriff appeared to him so very repugnant, not  
only



only to the spirit of the English Constitution but also to the Statutes that he could not allow it to pass without expressing his sentiments upon it.

The Governor replied that he was aware how repugnant to the English Constitution & Law, the clause he had originally introduced was, but, that he had done so after mature deliberation on the subject which had led him to believe that this was the only course left open as there was no individual in the Colony who would accept the office.

Mr Moore stated that to him the case appeared surrounded with difficulties for, while he concurred with Mr Moody that it was entirely contrary to the established rule that the offices of Sheriff, Jailor, and Head Constable should be united in one individual, he must agree with the Governor that there was no likelihood of his being able to appoint a separate individual to perform the duties of Sheriff. He would wish to know if Mr Moody had considered of any plan which might obviate this difficulty.

Mr Moody replied that he was unable to point out any remedy but his sentiments were so strong that he should be compelled to oppose the original clause.

A long discussion then ensued, after which the Governor stated that it would be well if further enquiries were made whether any of the inhabitants would accept the office and he therefore moved that the further consideration of the bill



bill be adjourned to Tuesday 13<sup>th</sup> Oct<sup>r</sup>  
1846. Agreed to.

The Governor then moved that  
the second reading of the Jury Bill  
be also adjourned to Tuesday the 13<sup>th</sup>  
October 1846.

Mr. Moody then gave notice  
that on Tuesday he should move  
that the 14<sup>th</sup> Clause of the Supreme  
Courts Bill be amended by substituting  
the words -

In no case shall the Head Constable  
act as Sailor

Council adjourned to October 13<sup>th</sup>  
1846.

J. Chapman

Act<sup>y</sup> Clerk of the Council

Matters of the Day for Tuesday 13<sup>th</sup> October 1846

1. Constables Bill ——— Second reading
2. Licensing Magistrates Bill Second reading
3. Supreme Courts Bill ——— Adjourned second reading
4. Jury Bill ——— Adjourned second reading



Legislative Council

Tuesday 13<sup>th</sup> Oct. 1846.

Present  
All the Members

The Council met pursuant to adjournment.  
Prayers having been read by the Chaplain  
to the Council.

The minutes of the last preceding  
meeting were read and confirmed.

The Governor then moved that the  
orders of the day for the second reading of  
the Constables Bill and Stipendiary  
Magistrates Bill be postponed until  
the Supreme Courts Bill shall have  
been passed.

The Governor then moved  
the order of the day for the further consi-  
deration of the latter bill.

The Rev. Mr. Moody moved that  
Clause 17 be amended by substituting  
the words

"There shall be a Sailor and in no  
" Case shall the Head Constable act as  
" such." Carried

Mr. Moody moved that clause 18  
be amended by substituting the follow-  
ing clause. Carried

"And whereas there are no fit persons  
" at present in the Falkland Islands who  
" can conveniently be appointed to perform  
" all the duties of the office of Sheriff, be it  
" enacted that the Governor shall from  
" time to time appoint any persons other  
" than



" than the Sailor, he may deem eligible  
 " to discharge the ministerial duties of  
 " Sheriff, under the directions and In-  
 " structions of the Stipendiary Magistrate  
 " and such persons acts shall be  
 " solely ministerial."

The Governor moved an amendment  
 to Mr. Moody's amendment that the  
 words "office of Sheriff," to the end of  
 the Clause be omitted and the follow-  
 ing words substituted.

" The Governor shall from time to  
 " time appoint any person otherwise  
 " than the Sailor whom he may deem  
 " eligible to discharge the ministerial  
 " duties of a Sheriff, under the directions  
 " and Instructions of the Stipendiary  
 " Magistrate and that this shall not  
 " be taken to exclude the Head Constable  
 " should the Governor be unable to ap-  
 " point any other eligible person."

After some discussion it was  
 agreed that Mr. Moody's amendment  
 with the Governor's amendment to  
 it should stand part of the Bill.

The Governor then stated that  
 in consequence of the amendments  
 to clause 18 he should move the  
 insertion of 2 Clauses to be inserted  
 after that Clause.

" The Sheriff shall not be allowed  
 " to appoint a "Deputy Sheriff." Agreed to  
 " The Sheriff may appoint a bailiff  
 " subject to the approval of the Justices  
 " of the Peace before whom the Supreme  
 Court



" Court shall be holden in so far as  
 " relates to the duties to be performed by  
 " such bailiff and subject to the approval  
 " of the Governor and Justices of the  
 " Peace above referred to in so far as  
 " relates to the individual to be named  
 " for the office" agreed to

W. Moore moved that clause 19 be  
 amended by substituting the word "Sheriff"  
 for Head Constable, and that the words  
 "during the Session" be erased agreed to

The Governor then moved in con-  
 sequence of the former amendments  
 that clause 20 be amended by inserting  
 the words "Clerk to the Magistrates,  
 "Sheriff" before the words Head Constable"  
 and that the words "and other officers  
 appointed under the authority of this  
 Ordinance" be inserted after the words  
 "Head Constable" and that clauses 14 & 23  
 be erased agreed to.

W. Woody moved that clause 21  
 be amended by erasing the words "shall  
 "submit" to the end of the clause and  
 substituting the following words-

" And one Justice of the Peace shall  
 " make out a list of such persons as they  
 " shall deem eligible to serve as Special  
 " Constables on duty during such sessions  
 " and after having heard and adjudicated  
 " on all claims for exemption from  
 " serving in that capacity shall sub-  
 " mit the revised list to the Gov. stating  
 " the numbers they shall deem requisite  
 " to be sworn in and in case of a dif-  
 " ference



"ference of opinion the number they  
 "each respectively shall deem requisite".  
 Carried - Mr. Moore moved the insertion of a  
 clause in the room of clause 23  
 " And whereas at present there are  
 " no persons in the Colony holding the  
 " situation of regularly qualified Counsel  
 " Solicitors or Attorneys be it therefore  
 " enacted that Justices of this Court  
 " may be at liberty to be heard in this  
 " Court by such persons as they may  
 " appoint their Counsel, Solicitors or  
 " Attorneys though such Counsel, So-  
 " licitors or Attorneys be not regularly  
 " admitted to practice as in England."  
 Agreed to.

Mr. Moody observed with reference  
 to clause 24 that from the absence of  
 properly qualified persons he believed  
 it would be impossible to form a  
 Special Jury and on that account  
 he had moved no amendment to  
 the clause.

Mr. Moore stated with respect to  
 clause 25 that from the same reason  
 he believed it would be out of the  
 question to form a Grand Jury.

The Gov<sup>r</sup>. replied that he believed  
 in most of the new Colonies this dif-  
 ficulty had been felt and the course  
 he had proposed was the one  
 usually adopted.

Mr. Moore then moved that the  
 words "any two Justices of Peace" in  
 clause 25 be substituted for the words  
 "the /



the "Stipendiary Magistrate in the County  
or district wherein the Court shall be  
holden and any one Justice of Peace."

Agreed to.

Mr. Moore moved that clause  
27 be amended by erasing the original  
and substituting the following clause

"The Court shall be holden during  
the four terms namely Hilary term  
commencing 11<sup>th</sup> January and ending  
31<sup>st</sup> January. Easter term commencing  
15<sup>th</sup> April and ending on the 8<sup>th</sup> day of  
May. Trinity term commencing 22<sup>nd</sup>  
May and ending the 12<sup>th</sup> June and  
Michaelmas term commencing on  
the 2<sup>nd</sup> November and ending the 25<sup>th</sup>  
November in each year."

Agreed to.

Mr. Moore moved that clause 30  
be amended by adding the words.

"and the said officers shall be paid for  
their services out of the "Tre Fund" if the same  
shall be found sufficient and in the want  
of its being insufficient out of the general  
revenues of the Colony according to a scale  
hereafter to be determined from time to  
time by the Justices before whom the  
Court shall be holden subject to the ap-  
proval of the Governor." Carried.

Mr. Moody moved that a clause  
be inserted after clause 30 -

"Provided always in case there be no  
other Justice of Peace or the Commissioner  
than the Stipendiary Magistrate the  
Stipendiary Magistrate shall have full  
authority to discharge all the duties herein  
directed to be discharged by the Stipendiary  
Magistrate."



Magistrate and one Justice of Peace. Agreed to.

On the motion of the Governor the Supreme Courts Bill was ordered to be read a third time on Tuesday the 20<sup>th</sup> Dec<sup>r</sup> 1845.

The Governor then moved the order of the day for the second reading of the Jury Bill.

Mr. Moody moved that clause 1 be amended by inserting the words "and in case of Coroners Juries the sexton" after the words "actual practice". Agreed to.

Mr. Moore moved that clause 2 be amended by substituting the word "December" for the word "January". Agreed to.

Mr. Moody moved that clause 2 be further amended by erasing the words "at any time" to the end of the clause and substituting the following words  
 "And one other Justice of Peace in open Court  
 "at such time as they shall appoint of which  
 "Court six days public notice shall be given  
 "Claims of exemption may be made to the  
 "Spendary Magistrate or to the Court  
 "which shall sit between the hours of 12  
 "and 1 P. M. for three days successively or  
 "such longer period as shall be requisite  
 "not exceeding six days". Agreed to.

Mr. Moody moved that clause 3 be amended by inserting the words "and one other Justice of Peace as aforesaid" after the words "Spendary Magistrate". Carried.

The Gov<sup>r</sup>.



The Governor then stated it had become necessary for him in consequence of the amendment to the Supreme Courts Bill, to move that the word "Sheriff" be substituted for the word "Head Constable" throughout the bill. Agreed to.

Mr. Moody moved that clause 4 be amended by inserting the words "and one other Justice of the Peace as aforesaid" after the words "Stipendiary Magistrate." Carried.

Mr. Moore moved that clause 4 be further amended by substituting the words "four weeks" for "six weeks." Carried.

Mr. Moody moved that clause 9 be amended by substituting the word "five" for "ten."

After some discussion the Governor put the question that Mr. Moody's amendment do stand.

Ayes

Mr. Moody

Carried in the negative.

Nays

The Governor

Mr. Moore

Mr. Moody then moved that clause 11 be amended by inserting the words "and also the Plaintiff and Defendant in Civil actions shall each respectively after the word 'Misdemeanour'." Carried.

Mr. Moore moved that clause 12 be amended by appending to it the words "and in the event of talesmen being appointed on the Jury in consequence of the non-attendance of the Jurors summoned the words 'qualified and liable as aforesaid' shall be deemed

and



"and taken to apply to the qualifications  
"in clause 11 as to the right to challenge  
"the tatesmen." agreed.

The Governor then stated that in  
consequence of the amendments carried  
to the Supreme Courts Bill and Jury  
Bill he should move the insertion of 2  
Clauses after clause 12.

"Provided always in case there  
"be no other Justice of Peace on the Com-  
"mission than the Stipendiary Magistrate  
"the Stipendiary Magistrate shall have  
"full authority to discharge all the duties  
"heretofore directed to be discharged by the  
"Stipendiary Magistrate and one Justice  
"of Peace" Agreed to.

"That if at any time the office of Sheriff  
"be filled by the Head Constable all which  
"herein relates to the Sheriff shall relate equally  
"to the Head Constable." agreed to.

On the motion of the Governor the Jury  
Bill was ordered to be read a third time  
on Tuesday 20<sup>th</sup> October 1846.

The Governor then stated that in  
consequence of the amendments which had been  
carried he should withdraw the Constables Bill  
and substitute another embodying several  
amendments which he gave notice he  
should read for the first time on Friday  
16<sup>th</sup> October 1846.

On the motion of the Gov<sup>r</sup> it was ordered that  
the Stipendiary Magistrate's Bill be read a second  
time on Friday 16<sup>th</sup> Oct<sup>r</sup> 1846.

Council adjourned to Friday 16<sup>th</sup> Oct<sup>r</sup> 1846.

Orders of the Day for Friday 16<sup>th</sup> Oct<sup>r</sup> 1846.

Summary Proceedings Bill	Second Reading
Constables Bill	First Reading
Stipendiary Magistrate's Bill	Second Reading

Wm. Thompson  
Acty. Clerk of the Council



Legislative Council

Friday 16<sup>th</sup> October 1846.

Present

The Governor  
The Rev.<sup>d</sup> Mr. Moody. J. P.

The Council met pursuant to adjournment.

Prayers having been read by the Chaplain to the Council.

The Council waited for thirty minutes when a sufficient number of members to form a Council not being present the Clerk reported the circumstance to the Governor who adjourned the Council to Tuesday the 20<sup>th</sup> Oct<sup>r</sup> 1846 at 11 O'Clock.

J. Thompson  
Clerk of the Council



Legislative Council.

Tuesday 20<sup>th</sup> October 1846

Present  
All the Members

The Council met pursuant to adjournment.

Prayers having been read by the Chaplain to the Council.

The minutes of the ~~meetings of the two~~ last preceding meetings were read and confirmed.

The Governor then moved that the orders of the day for the second reading of the Summary Proceedings Bill and Supremacy Magistrates Bill and first reading of the Constables Bill be suspended and that the Supreme Courts and Jury Ordinance be forthwith ~~and~~ read a third time.

The Supreme Courts Ordinance and Jury Ordinance were then read a third time and passed.

The Governor then moved that the Constables Bill be now read a first time.

The Bill was then <sup>read</sup> a first time ~~read~~ during which.

Mr. Moore gave notice he should move the following amendment to the Bill.

That a clause be inserted after clause 15.

"The Sailor shall enter into a recognizance to/



"to Her Majesty with two sureties in  
the sum of £50 conditioned for the  
due performance of his office."

on the motion of the Governor  
the Constables Bill was ordered to be  
read a second time on Friday the  
20<sup>th</sup> Inst.

The Governor then moved that  
the 2<sup>nd</sup> reading of the Stipendiary Magis-  
trates Bill and Summary Proceedings  
Bill be deferred to Friday the 23<sup>rd</sup>  
Inst.

Council adjourned to Friday the  
23<sup>rd</sup> Inst.

*Wm. ...*  
*Secy. of the Council*

Orders of the day for Friday the 23<sup>rd</sup> Oct. 1846

1. Constables Bill — second reading
2. Stipendiary Magistrates' Bill — second reading
3. Summary Proceedings Bill — Second reading



# Legislative Council

Friday 23<sup>rd</sup> October 1846

Present

All the Members

The Council met pursuant to adjournment.

Prayers having been read by the Chaplain to the Council.

The minutes of the last preceding meeting were read and confirmed.

The Governor then moved the order of the day for the second reading of the Constables Bill.

Mr. Moody then moved that in clause 6 the words "fixed salary per annum" be erased and the words "annual salary" be substituted. Carried.

A discussion then arose relative to clause 7 after which

Mr. Moody moved that after the words "Special Constables" the words "after having heard and determined all claims for exemption" be inserted. Carried.

With reference to clause 15 a discussion arose as to the nature and arrangement of the Jail

Mr. Moore then moved that a clause be inserted after clause 15,

"The Jailor shall enter into recognizances to Her Majesty with two sureties in the sum of \$50 conditioned for the due performance of his office." Agreed to.



With respect to the rate of pay of Constables or others. Mr. Moore remarked that the population of the colony was very limited.

Mr. Moody replied that he was glad Mr. Moore had made that observation as it enabled him to call the attention of the Council to the fact that in appointing a permanent Constable with an available Staff of Special Constables the Council were legislating not merely for the few Settlers Resident, but for the Coast Crews of vessels, more especially whalers putting in for refreshment from whom he anticipated more trouble than from the Resident Settlers. Mr. Moody then read the clause he amended by adding the words "provided always that the salary of the Head Constable be never less than £40" Carried.

On the Motion of the Governor the Constables Bill was ordered to be read a 3<sup>rd</sup> time on Tuesday the 27<sup>th</sup> Inst.

The Stipendiary Magistrates Bill was then read a second time.

Mr. Moore moved that the following words be appended to the clause 3

" Provided that in case of the unavoidable absence of the Stipendiary Magistrate or in a case of great emergency or unless the Head Constable or other Constables or other persons whether witnesses or otherwise shall represent to a Justice <sup>Peace</sup> that there are just grounds to fear the escape of the accused party. And in such case it may be lawful for any Justice <sup>Peace</sup> to commit or hold to bail such accused party."

A discussion arose as to clause 5 at the close



close of which.

Mr. Moore moved <sup>that</sup> the words "Spendiary Magistrate" to the end of the clause be omitted and the words "committing Magistrate" and signed by him "substituted." Carried.

Mr. Moody then withdrew his motion to the same clause.

Mr. Moore moved that the words "and other" be inserted before the words "Magistrates" in clauses 6, 7, 8, the schedule. Agreed to.

Mr. Moore moved that clause 12 be omitted.

After some discussion Mr. Moore withdrew his motion to the clause it being in aid of clause 13 to make it more extensive.

On the motion of the Governor it was ordered that the Spendiary Magistrates Bill be read a 3<sup>rd</sup> time on Tuesday the 27<sup>th</sup> Inst.

The Summary Proceedings Bill was then read a second time.

Mr. Moody moved that the following words be appended to clause 5 "Such Publication to be made between the hours of 11 A. M. and 4 P. M." Carried.

In clauses 12 and 15 and schedule D.

Mr. Moore moved that the word "Public" be inserted before the words "Clerk to the Spendiary Magistrate" or "Clerk to any Justice of the Peace" and the words "when so employed" be inserted after the words "~~and~~". Agreed to.

"Justice of the Peace"



In clause 18

Mr. Moody moved that the words "not less" to the end of the clause be omitted. Carried.

Mr. Moore withdrew his motion to the same clause.

Mr. Moore moved an amendment to clause 25 that the word "all" be erased and the words "in Criminal cases" be inserted after the words "imprisonment shall." Agreed to.

Mr. Moody moved an amendment to schedule D "and oaths and declarations administered to Public officers in the execution of their duties" be inserted after the words "Naval or Military Pensions." Agreed to.

Mr. Moore moved that the following items be added to schedule D.

"Appeal to Supreme Court & 1.1.0 Appointments - 1.1

"Conviction - 1.6 <sup>and</sup> 2<sup>o</sup> Judges - 2.6

On the motion of the Governor it was ordered that the Summary Proceedings Bill be read a third time on Tuesday the 27<sup>th</sup> Inst.

Council adjourned to Tuesday the 27<sup>th</sup> October, 1846 at 11 o'clock. A. M.

~~Minutes~~ Act. Clerk of the Council.

Orders of the day for Tuesday 27<sup>th</sup> Oct<sup>r</sup> 1846.

1. Constables Bill - Third Reading
2. Stipendiary Magistrates Bill - Third Reading
3. Summary Proceedings Bill - Third Reading



Legislative Council

Tuesday 27<sup>th</sup> Nov. 1846

Present

All the Members

The Council met pursuant to adjournment  
Prayers having been read by the Chaplain  
to the Council.

The Minutes of the last preceding  
meeting were read and confirmed.

On the motion of the Governor it was  
~~ordered that~~ the Constables Bill was  
read a third time and passed.

The Sundry Magistrates Bill  
was also read a third time and passed.

The third reading of the Summary  
Proceedings Ordinance was then proceeded <sup>with</sup>.

Mr. Moore moved the substitution  
of a new clause in the place of clause  
22.

"In all cases of appeal the Court shall order  
" compensation to be paid by <sup>the</sup> appellant ~~as~~ or  
" respondent as the case may be to each witness  
" for his time trouble and expenses in attending  
" the appeal, such payment to be made before any  
" such witness gives his testimony should the Court so order."

Agreed to.

The third reading of the Summary  
Proceedings Bill was then concluded and  
passed.

Council adjourned to Tuesday 3<sup>rd</sup> Nov. 1846 at 11 o'clock A.M.

J. Hongken  
Secy. Clerk to the Council



Legislature Council

Tuesday 3<sup>rd</sup> November 1846.

Present  
All the members

The Council met pursuant to adjournment.  
Prayers were read by the Chaplain of the Council.

The Minutes of the last preceding meeting having been read and confirmed.

The Governor laid on the table the Estimates for the year ending March 31<sup>st</sup> 1846 which were read at once.

A general discussion followed the reading in which the subject of the agreement with Mr. Lorne and the supply of Beef to the Settlement was introduced & in which Mr. Gurdy asked what arrangements could be entered into regarding the supply.

The Governor stated that Mr. Lorne had agreed to offer for sale in the market at any time such quantities of cattle as the officers administering the Government might deem necessary for public consumption & the supply of Beef at the post had and the price was previously agreed upon in order that the price per lb should never exceed 2<sup>d</sup>.

Mr. Gurdy enquired what the average <sup>weight</sup> rate of the cattle was?

The Governor replied about 7<sup>th</sup> for quarters.

Mr. Gurdy stated that taking that average the butcher would never be able to sell beef under 2<sup>d</sup> per lb.

After some further discussion Mr. Gurdy moved



moved that the further consideration of the  
Estimates be postponed till Friday the 8<sup>th</sup>  
Inst.

Council adjourned to Friday the 8<sup>th</sup> Inst.  
at 11 o'clock a.m.

J. Chapman  
Actg. Clerk of the Council.

Order of the Day for Friday 8<sup>th</sup> Inst. 1846.

Estimates — Further consideration.

The Minutes of Council  
to this date were re-  
-read home in  
despatches N<sup>o</sup> 5 dated  
18<sup>th</sup> January 1847.



Legislative Council.

Friday 6<sup>th</sup> November 1846.

Present  
all the Members

The Council met pursuant to adjournment.

Prayers were read by the Chaplain to the Council.

The Minutes of the last preceding meeting having been read,

Mr. Moody moved they be amended by inserting the discussion which arose regarding the agreement with Mr. Lafont and the supply of beef for consumption in the Colony.

The Minutes were accordingly amended and confirmed.

Mr. Moody then moved that the Clerk of the Council should be censured for interfering with the debates of the Council.

The Governor stated he was not aware that the Clerk had interfered with



with the debates.

Mr. Hoody differed with the Governor. He considered the Clerk did interfere and stated the particular instance - namely that the Governor had directed the Clerk to make a calculation which he did and that Mr. Hoody replied it was inaccurate and that the Clerk had interrupted him by making a reply while he was addressing the Council.

The Governor replied that the Clerk had merely answered the questions addressed to him by the Governor and he considered he had a right to ask such questions. He thought Mr. Hoody was preparing for a censure on the Clerk.

Mr. Hoody replied that he was not preparing for any censure on the Clerk.

Not being recorded the motion dropped.

The Governor observed with respect to the statement he had made at the last meeting regarding the right of subscribers he would mention that their right



67

fair Order should be taken at 90<sup>ths</sup> per quarter instead of 70<sup>ths</sup> as he had previously stated.

The Governor then resumed the consideration of the Estimates by reading the item "General Government".

Mr. Moody suggested that an item should be included for a parish clerk at the rate of 4<sup>rs</sup> per annum.

The Governor suggested that the item should be added to the "Incident" item.

Mr. Moody then suggested that the salary of the Schoolmaster should be raised to 20<sup>rs</sup> per annum.

The Governor remarked that he did not consider the Schoolmaster's salary should be entirely defrayed by the Government but partly by the Parents of the children.

Mr. Moody thought that the allowance of 20<sup>rs</sup> per annum would deter any respectable person from accepting the office but he thought 40<sup>rs</sup> might be inserted, & he considered it objectionable to depend on contributions from parents inasmuch as it interferes most injuriously with the independence of the Schoolmaster with respect to his mode of education

and /



and Management of the Children and would induce an undue humoring of the feelings and whims of the Parents, with respect also to General Contributions he thought that in consequence of their subscribing, the Subscribers would feel themselves entitled to interfere with the Colonial Chaplain in his Management of the School he however doubted whether 20% per annum could be raised in the Colony by General Contributions and the Contributions of the Parents in aid of the Government allowance.

Mr. Moor coincided with Mr. Paddy and stated that he considered the situation of Schoolmaster or Mistress very respectable and that the Salary should be proportionate. He expressed his still greater objection to the Schoolmaster or Mistress depending so much on Contributions from Parents as he considered he or she would have to do by the small allowance in the Estimate.

The Governor stated he should expect to call upon the Home Government for greater aid than 20% under the present position and limited scale.



scale of everything in the colony he considered that an equal sum or an additional 20<sup>l</sup> might be raised in the colony partly by contributions from the Parents and partly by general voluntary subscriptions. This would make 20<sup>l</sup> per annum which he considered a sufficient income for the duties which would be required while the number of children is so limited as at present His Excellency admitted that much evil would arise from causing the Schoolmaster or Schoolmistress to be unduly dependent on the Parents but on the other hand the evil would be equally great were the Schoolmaster or Mistress rendered indifferent to the withdrawal of the children by being to a great degree rendered independent of the Parents. He considered the allowance of 20<sup>l</sup> per annum proportionate to the other salaries and allowances and considering the entire absence of all fixed Colonial Revenue he was not prepared to recommend that the salary of the Schoolmaster should be increased. He thought it might be raised hereafter when the number of scholars had increased but that it should be moderate in the beginning.

Mr. Wood considered he should have a definite salary & be increased should the number of children in his charge be increased.

after



48  
After some further discussion  
Mr. Hood observed he thought the whole  
discussion rested on which was the  
least of the two evils and that in conse-  
quence of the decided difference  
between the Governor's view and his  
own he considered it useless to press  
his motion.

The item "General Government"  
was then passed.

The items "Sunday" and "Graves"  
were then read and passed.

The item "Tools" was then read.

A discussion arose as to the location  
of the church after which Mr. Hood  
observed he would wish to see the church  
located. He considered the estimate  
for enclosing the burial ground  
should be increased.

The Governor replied that he  
considered the Colonists should con-  
tribute a portion of the expense of  
such enclosure.

Mr. Hood considered that Govern-  
ment should bear the whole of  
the expense and stated that  
as Clergyman of the Parish  
he would take no steps to  
further the subscription.

The Governor expressed his surprise  
at



at Mr. Moody's determination.

Mr. Moody then moved that the whole expense of enclosing the Eastern burial ground should be included in the estimate.

The Governor observed that as he differed with Mr. Moody, he should oppose the motion. He considered the inhabitants might fairly be called upon to aid in the work.

Not being provided the motion dropped.

Respecting the sum he voted for the Government Garden, Mr. Moody observed he thought it should not be termed indefinitely, but called either the Government Garden or the Government House Garden.

The Governor differed in opinion as to the name of the garden.

A discussion then arose as to the building of a Court House when the Governor stated he considered the present temporary Courthouse and Church would be sufficient to answer the purpose. He did not consider the arrangement good but merely the best under existing circumstances.

Mr. Moore then moved that a sum of \$5000 be added to the estimate to cover the expense of erecting a permanent Courthouse.



Courthouse for the purpose of  
holding the Supreme Court,  
Quarter Sessions, Magistrates petty  
sessions, and Public Meetings  
Suitable for the Colony.

Mr. Moody seconded the  
motion.

Carried.

The items "Incidental Services"  
and "Rations" were then read and  
passed.

Council adjourned "Vine Vie" -

J. W. W. W.

acting Clerk to the Council.