

Legislative Council.

Monday 6th of January 1851

Present,
All the Members.

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

On the motion of the Governor the adjourned reading for the second time of the Administration of Justice Ordinance was proceeded with.

Mr. Montagu moved that the following clause be inserted after clause 6.

"That if a verdict of Murder or accessory before the fact shall be found by the jury upon any such inquest against any person or persons, the Coroner holding the said inquest and the justices of Oyer and Terminer and Gaol delivery, and all Courts and other Persons shall have the same powers respectively for the trial, commitment and execution, of the person or persons so charged as they by law possess in England with regard to the trial and execution of the sentence upon any person or persons in England upon an Inquisition duly found by twelve jurors." Agreed to.

Also that the following clause be inserted after clause 19.

"That if any person having been duly summoned as a witness before any Court, Justice, or Justices shall fail to attend when his name is called such Court Justice or Justices as the case maybe shall in a summary way unless some

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"some reasonable excuse be proved set upon
"the person so making default any fine not
"exceeding the sum of 5£ and the amount may
"forthwith be levied by distress or in default thereof
"by imprisonment for any term not exceeding
"one month" agreed to.

Also a clause to be inserted after clause
49 empowering any Court or Justice of the Peace
to order that any offender, sentenced to im-
prisonment with or without hard labour, should
be kept in solitary confinement for any portions
of his sentence not exceeding 14 days at a
time with intervals of not less than such periods
of solitary confinement, and providing that
no single justice of the Peace can order more
than 14 days solitary imprisonment. Agreed to.

Mr. Montagu also moved the insertion
of a clause to fix the first of February as the
day when the Ordinance should take effect.
Agreed to.

The Governor stated to the Council that
it was his desire to give the fullest deliberation
to this Ordinance and that he proposed to
lay it before the Executive Council for their advice
and moved that the second reading should
therefore be adjourned to Monday next, and
that the Stanley Police Ordinance be now
proceeded with.

The Governor requested Mr. Montagu to
prepare some new clauses to prevent the erection
of any more turf houses in Stanley, and to abate
the nuisance of those already built, to prohibit
the erection of Harry Peter houses within the town
and to compel the owners of houses in Stanley
to construct privies attached to them; and for this
purpose moved that the further consideration of
the

The Ordinance be postponed to Monday the 13th instant.

On the motion of the Governor the Militia Ordinance was then read a third time and passed.

The Governor then moved the third reading of the Ordinance for the Registration of Land, Births, and Deaths, which was read a third time and passed.

The Governor then moved that the Pilot and Harbour Ordinance should be proceeded with.

Mr. Montagu laid before the Council the alterations that he had made in clause 11 to give effect to the wish of the Council, and moved that the following words be added to clause 9.

"Provided that nothing herein contained shall apply to any person who shall carry in any boat unlicensed any person for hire or from any vessel, within the said limits, in any case where there shall be no boat licensed or no licensed boat to be hired." Agreed to.

Mr. Montagu also laid before the Council the clause which he had prepared in lieu of the former clause 15 which was read and agreed to.

The third reading of the Pilot and Harbour Ordinance was then ordered to take place on Monday the 13th instant.

The second reading of the Alien Ordinance was on the Governor's motion postponed to Monday the 13th instant.

On the motion of the Governor the further consideration of the Publicans Licensing Ordinance was resumed.

Mr. Montagu moved the insertion of the following clause after clause 5.

"That it shall be lawful for the Highways Magistrate

"Magistrate to grant a permit in the form F herein.
 "to annexed to any person holding a license
 "under this Ordinance authorizing such person to
 "sell upon any temporary occasion any spirit-
 "uous and fermented liquors at any time
 "and place he may deem reasonable". Agreed to.

Mr. Montagu also moved that the amend-
 -ments made at the last meeting of the Council
 in clause 8 should be struck out and that
 it should stand as originally proposed with
 the substitution of the word "eight" for the word
 "seven"; - before the words "in the evening". Agreed
 to. -

The third reading of the Publicans Licensing
 Ordinance was fixed for Sunday the 13th
 Instant, to which day the Council adjourned.

W. Montagu
 Clerk to the Council

Legislative Council.

Monday — 13th January 1851.

Present,
All the Members.

The Council met pursuant to adjournment.

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

The Governor stated that since the last meeting of the Legislative Council he had laid the Administration of Justice Ordinance before the Executive Council for their advice, and he would now propose that the suggestion made by the members should be considered. —

The suggestions of the Executive Council were then read by Mr. Montagu and the following alterations were made by the Council in the Ordinance. In clause three — by substituting the words "two or more" for the words "one or more" before the words "justices of the Peace" in clause 7, by inserting the words "in any civil case" after the words "Magistrates Court." — In clause 20 by inserting the words "by land" after the words "Stanley." —

Mr. Montagu was also requested to alter clause 26 so as to give the Magistrates Court power to award a special jury on the application of either party instead of both. —

In clause 14 the word "order" was on Mr. Montagu's motion inserted after the word "judgment." —

The second reading of the Administration of Justice ^{Ordinance} was then passed and it was ordered to be engrossed for the third reading. —

The Governor then moved that the suggestions of the Executive Council in regard to the Stanley Place Ordinance

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Ordinance be taken into consideration, and the following alterations were made in the Ordinance - In the title of the Ordinance to omit the word "Stanley". In clause 7 to insert a penalty on persons guilty of indecent conduct; and in clause 24 to extend the punishment for wilfully setting fire to the Camps to persons doing so negligently.

The consideration of the Ordinance was then postponed to Saturday the 18th instant for the insertion of the above amendments, and of the clauses prohibiting the erection of any more turf houses in Stanley, or of slaughter houses within the town, or of houses without privies, and compelling the owners of houses already built to build privies, which amendments and clauses Mr. Montagu was requested to prepare.

The second reading of the Ordinance was on the 17th instant and proceeded with

Mr. Montagu moved to expunge the words "to be signified under his hand" from clause 1, and to substitute the words "or vice" for the words "or settle". Agreed to.

Also to insert a clause fixing the commencement of the Ordinance on the 1st of February next. Agreed to.

The third reading of the Ordinance was fixed to take place on Saturday the 18th instant.

The suggestions of the Executive Council as to the Port and Harbour Ordinance were then read and it was resolved by the Council to extend clauses 8 and 9 to "mariners and soldiers"; in clause 12 to define the limits of Stanley Harbour to be "all waters lying to the westward of and within a line drawn from Spike Point to the new Point in Port William" and in clause 16 to cause all boats under 30 tons to be

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registered and to cause the tonnage of boats under
15 tons only to be registered.

The third reading of the Ordinance was then
proposed to Saturday next and Mr. Montagu was
requested by the Council to make the alterations proposed.

The Butchers' Licensing Ordinance was then
ordered to be engrossed and brought up for third
reading on Saturday next the 18th instant to which
day the Council adjourned.

J. W. Longden
Clerk to the Councils

Legislative Council

Saturday 18th January 1851.

Present,
All the Members.

The Council met pursuant to adjournment

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

The Governor then moved the third reading of the Administration of Justice Ordinance —

Mr. Montagu stated he had made the alterations in clause 26 which he had been requested to do, and had also re-numbered some of the clauses; and moved that the following words be added to clause 7; "and no alien in any case shall have a jury de medietate lingue." Agreed to.

The Administration of Justice Ordinance was then read a third time. —

Mr. Montagu moved that the words "subject to the approval of Her Majesty" be inserted in clause 19 after the words "deem to be expedient" and that in clause 20 the following words be inserted after ~~clause~~ the words "Stipendiary Magistrate" — "as judge of the said Police Court or as Chairman of the said Magistrates' Court, as the case may be." Agreed to. —

The Union Ordinance was then read a third time and passed —

On the motion of the Governor the Bill and Harbour Ordinance was ordered to be read a third

Third time -

Mr. Montagu moved that the following words be added to clause 1 "and it shall be lawful for the Governor if his Excellency shall think fit to issue any such license;" - also to append two schedules the first being a form for the Pilot's license - the second a form of license for watermen, which amendments were agreed to and the Ordinance was read a third time and passed. -

Mr. Montagu then laid before the Council the new clauses which he had been requested to prepare for insertion in the Police Ordinance respecting the construction of turf houses, the erection of houses without piers, and the hanging out of flags within the town which were read and agreed to.

Mr. Montagu also moved that a clause be inserted after clause 27 to prohibit the killing of hain or fur seals or their pups at certain seasons of the year. This clause being read and agreed to, the Ordinance was ordered to be read a third time on Thursday next.

The third reading of the Publicans' licensing Ordinance was also postponed to Thursday the 23rd instant, to which day the Council adjourned. -

J. Whongden
Clerk to the Councils.

The minutes of Council to this date inclusive have been forwarded home in despatch No 4 dated 19th February 1851

J. Wh.

The Administration of Justice Bill was then passed.

The Police Ordinance was then read a third time on the Governor's motion.

The Governor suggested that in clause 14, the words "for human habitation" should be inserted after the words "any building, and that the blank at the end of the clause be filled with the words "men by Pounds" agreed to.

The Police Ordinance was then passed.

The Publican's Licensing Ordinance was then on the Governor's motion read a third time and passed.

The Council adjourned sine die.

J. Whongker
Clerk of the Councils.

Legislative Council

Friday - 29 August 1851

Present
All the Members.

The Council having met pursuant to summons,

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

The Governor then laid before the Council a bill which had been prepared to authorize the granting of whole sale licenses to dealers in Wines and Spirits there being no provision in the Publican's Licensing Ordinance for other than retail licenses. He would therefore move that the wholesale licensing bill be now read a first time.

Bill read a first time accordingly.

The Governor then stated "Gentlemen, as I anticipate no objection to the principle of this bill I move that the standing orders relative to the passing of a bill be suspended"

This being agreed to unanimously, the second reading of the bill was on the Governor's motion at once proceeded with.

The first clause was reserved for re-consideration at the next meeting of the Council.

In clause 5, Mr. Montagu moved the insertion of the words "or permit or suffer to be sold on his premises" after the words "shall sell." - Agreed to.

The

The further consideration of the Bill
on the second reading was then adjourned
to Saturday the 30th instant and the
Council adjourned to that day. —

J. Thompson
Clerk to the Councils

The minutes of Council of
this date were forwarded
to England in Governor Neu-
ville's despatches N^o 16 dated
10th April 1852. — Myself
Thompson