

Legislative Council

Tuesday 27<sup>th</sup> April 1875.

Present

His Excellency Colonel B. Grey President

The Hon. G. J. Smith Esq.

do G. W. Deane Esq.

The Council met pursuant to summons -

The Minutes of the last meeting were read and confirmed.

The Governor then said

"The printed Ordinance of Adelaide South Australia of 1852 slightly altered to meet the requirements of these Islands you have seen -

I propose it to be included in our Statute Book, conceiving it will be beneficial to the Farmers who will be able to mortgage their growing wool separate from the sheep, which I understand they cannot do except by an Ordinance - moreover they will be able to obtain money in England at a cheaper

cheaper rate than they do at present,  
and I hope it will be a means of  
throwing more specie into the colony.

The proposed form of  
mortgage would, except in case of  
bankruptcy within sixty days, be  
indefeasible, and a most valuable  
security; any other mortgage is  
subject to every sort of risk at  
the hands of adverse execution,  
creditors, and assignees in bankruptcy.

I also have learned that in  
England personal estate, when  
mortgaged, has to pay from 10 to  
20 per cent interest, and is with  
difficulty accepted, even at that  
rate, while on real estate money  
is largely lent at 5½ per cent.

The two great wants of all  
colonies are capital and labour,  
the Ordinance provides for one  
of these needs. A borrower after  
the

the passing of this law will be able to obtain advances against next year's work which could not reach England till August 1876.

I do not wish the Board to think this Ordinance is intended for the benefit of one individual, when the working of the machinery is understood, others will greatly benefit by it, and I know of none than one Farmer who will obtain large advances directly the proposal becomes law.

All the seven Australian Colonies have adopted this law, and I believe the South African Colonies have done likewise; we cannot be wrong in following such a lead.

I am aware that the Colonial Office opposed the principle for several years

'as contrary to <sup>the</sup> Imperial  
Bankruptcy Law, but could not  
withstand beyond a time the  
universal voice of the Colonies  
demanding what they  
considered necessary to the  
peculiar wants of their Country,  
and this war will make  
itself heard wherever the  
wool industry is the paramount  
one, or it is rapidly becoming  
here. A law therefore to  
assist the Farmers in their  
monetary arrangements is  
most desirable, and what I  
am sure we all have at  
heart.

I have withdrawn the  
proposed Ordinance appointing  
Scab Inspectors for the West  
Island

91

"Island, the Farmers not being  
unanimous as to its necessity  
at the present time.

After some discussion in reference to the details  
of the measure how far and what alterations were  
necessary to make in the model Ordinance sent by  
the Secretary of State for the guidance of the board, it  
was finally agreed upon that the Ordinance had  
better be incorporated into the Statute Book, and as  
the mail was about to depart the Governor proposed  
and Mr. Smith seconded that the Standing rules  
be suspended and this sitting taken on the  
1<sup>st</sup> - 2<sup>d</sup> - & 3<sup>d</sup> readings.

The Council was adjourned sine die

By Francis  
C. M.

Legislative Council

Monday 20<sup>th</sup> September 1875

Present

His Excellency Colonel D'Arcy President

The Hon<sup>ble</sup> G. F. Smith Esq

“ H. A. Watts Esq. M.D.

The Council met pursuant to summons -

The customary Oath of Allegiance was administered to D<sup>r</sup> Watts, the provisional member appointed by the Governor during the absence in England of Mr G. W. Dean.

The Governor said

‘Before we proceed to the business of the day, I wish to ask Mr Smith’s advice how we are to meet the complaints, and I think they are reasonable, of the colonists, that some half dozen aliens; not naturalized, but who have been

resident

resident in Stanley for twenty years,  
escape serving on juries.

Mr Smith replied that speaking from memory  
he imagined none but British subjects could be  
seized, otherwise they would not be tried  
by their peers.

The Governor continued

"I have another subject to confer  
with the Stipendiary Magistrate,  
Captain Pache has brought to my  
notice that beds have been sold  
in the town with the brands cut  
out - this is a serious complaint  
affecting as it does the rights of  
property, and one unprecedented in  
our Colonial annals - Can we not  
make a short ordinance guarding  
the interests of proprietors?"

Mr Smith replied that the subject had given  
him some thought, he believed, however, that  
the

The circumstances would not occur again, that he had taken steps to prevent the purchase of hides not branded, and that for the present time it was unnecessary to legislate against that which might not occur again for years. He was glad to be able to add that the Colonial, who, for some hours, was supposed to be guilty of having sold a hide not belonging to him, had completely exonerated himself.

The business of the day then proceeded by reading the Minutes of the last Council held 27 April 1875.

His Excellency the Governor then said

"The Board will remember how the heretofore community took exception to the stringent measures of quarantine the Colonial Government took last August in reference to the 'Excelsior', when at anchor in Port William



"Port William - Without using Lord  
 Carnarvon's words so well expressed in  
 the debate in the House of Lords on the  
 occasion of the pestilence in the  
 Fiji Islands, Dr. Watts and myself  
 took a prior but similar view of the  
 whole subject, viz: Except as we are  
 in these Islands from the usual  
 infantile diseases, so rare in the  
 Mother Country, this is "virgin soil"  
 to the demon of small pox, it  
 behoves the Government to establish  
 a cordon on the arrival of vessels  
 with sickness on board, and not to  
 be daunted by the taunts and jeers  
 of interested factors, who would  
 not care if the head winners of  
 families were carried off,  
 provided they secured the business  
 of the vessel.

St

"It may be thought by some members  
that this Ordinance is overreaching  
the Statute Book when the Government  
has all the power by the Port  
Regulations to enforce a system  
of quarantine. I am inclined  
to think that an Ordinance gives  
the Governor greater power, so  
necessary in the Port where the  
quarantine laws are so varied  
at, we are enjoined by the  
Secretary of State in the last  
paragraph of his Circular of  
30th March 1869 to enforce by  
legislation uniformity in quarantine  
matters.

The Clerk of the Council will read  
the Circular together with the  
Model

"model Ordinance, it is slightly altered in red ink to suit local requirements"

After some discussion Mr Smith said "I propose we take this as a first reading, meanwhile before the next meeting I will peruse the Ordinance now on the table"

D<sup>r</sup> Watts seconded this resolution -

His Excellency then laid before the Members a draft Ordinance respecting Unseaworthy ships and said:-

The Ordinance No 2 of 1874 entitled the "Unseaworthy ships Act" has been disallowed on the ground that there is no Board of Trade in the Colony. In the event of an unseaworthy vessel being detained by

By the Governor all expenses  
attendant are to be met out of  
the general revenue of the Colony  
and not by the Imperial Board  
of Trade as we provided for  
in the second sentence of the  
2<sup>nd</sup> Clause of our disallowed  
Ordinance.

The Secretary of State has  
forwarded a model Ordinance  
which the Clerk of the Council  
will read for our guide and  
which I think we can adopt  
with scarcely any alteration.

The draft Ordinance was then read -

Proposed by the Governor and seconded by Mr. Smith  
but this be taken as the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> readings of the  
Unnecessary Ships Ordinance so as to enable the Printer  
to complete the Ordinance before the departure of the Mail

His Excellency then adjourned the Council until  
Monday 27<sup>th</sup> September 1875

By Francis  
C. M.

Legislative Council  
Monday 27<sup>th</sup> September 1875.

Present

His Excellency Colonel G. Grey - President.  
The Honble C. J. Smith and M. W. Watts Esqrs.

The Council met pursuant to adjournment.

The Minutes of the last Council held on the 20<sup>th</sup> instant were read and confirmed.

The Quarantine Ordinance was read for the second time without any amendments. Proposed by H. E. the Governor and seconded by Mr. Smith that this be taken as the second and third readings of the Quarantine Ordinance.

The Governor then laid before the Members a draft Ordinance entitled "Spirit Duties Amendment Ordinance" and said

"In proposing this short amendment to the Spirit Licence Ordinance my only object is that the applications for licences should be taken into consideration

consideration by a full bench so  
many interests depending on the  
grant or the refusal of a licence;  
it is only right that the bench  
should be placed by legislation  
beyond the power of any persons  
to say that licences have been  
withheld or granted by a thinly  
attended bench. As the Decca  
now stands the Stipendiary Magistrate  
may request but cannot compel  
the attendance of his brother Magistrates.

I am desirous he should have  
the power and I am sure the  
board will agree with me in this  
necessity.

The second clause of the  
proposed Amendment is framed to  
meet the orders of the Secretary of State  
and the requirements of the Admiralty.  
The Clerk of the Council will send to  
you

for the correspondence. The last line of the second clause is necessary owing to the additional number of settlers on the West Island whose business necessitates a visit to Stanley after the wool harvest

The Secretary of State's Despatch No 9 of the 3<sup>rd</sup> March 1875 relating to the flogging of the refractory sailors on Staffa-shire was read to the Board.

The draft Ordinance was then read.

The members entirely concurred with the proposed measure and agreed that this reading be taken on the first second and third readings

His Excellency then adjourned the Council sine die -

By Francis  
Arch to the Council