

Legislative Council

Wednesday, 10th February 1880

Present H. E. Governor Callaghan, C. M. G., President
The Honble. G. Moran and Arthur Bailey Esquires

The Council met pursuant to summons.

The Minutes of last meeting held on the 20th December last were read and confirmed.

The Governor stated that he had summoned the Council to submit to them for their consideration a short Ordinance for making further provision for the Postal Service of the Colony, a sketch of which had been enclosed in a Despatch received from the Secretary of State, No 40 of the 18th November last, extracts from which he proceeded to read.

The Governor stated that a Bill had been prepared entitled "An Ordinance for making further provision for the Postal Service of the Colony", which he called upon the Clerk to the Council to read.

His Excellency regretted that there was not time to have the Bill printed, but stated that it would be printed as soon as an opportunity offered.

After a short discussion on the subject, the Governor said he thought it would be obvious to the members, that it was desirable, that this Bill should be passed with as little delay as possible. He therefore moved that the Standing Orders be suspended and that

a Bill entitled "An Ordinance for making further provision for the Postal Service of the Colony", No 1 of 1880. do at this sitting pass through all its stages.

Mr Dran seconded the motion

The Governor gave his assent to the passing of the Ordinance.

The Ordinance was then passed accordingly.

His Excellency then adjourned the Council sine die.

J. F. Callaghan
Governor

Whitright Collins
flew to the Council

Legislative Council

Saturday, 28 February 1880

Present: H. E. Governor Ballaghan & Mr. President
The Hon. Mr. G. M. Dray and Arthur Bailey Esquires

The Council met pursuant to summons

The Minutes of last meeting held on the 10th inst. were read and confirmed.

The Governor said he had summoned the Council to pass a short Ordinance to amend the "Pilot Ordinance" No 5 of 1871, clause b. of which made no provision for the declaration to be made by the master of any vessel arriving at any of the harbours of the Falkland Islands before his departure, or the notice to be given of said departure, although the "Pilot Ordinance" No 8 of 1853 required "a notice to be given by him of the time of his intended departure", and clause b of the Ordinance No 5 of 1871 was evidently intended to contain the same words, as it concludes with the words "of giving such notice."

The Governor then called upon the Clerk to the Council to read the draft of a Bill which had been prepared entitled "Ordinance for amending 'Pilot Ordinance' No 5 of 1871."

After a short discussion on the subject the Governor said he thought it would be obvious to the members that it was desirable that this Bill should be passed through all its stages with as little delay as possible. He therefore moved that the Standing Orders be suspended and that a Bill entitled

"Ordinance for amending 'Pilot Ordinance' Nos of 1871," No 2
of 1880, do at this sitting pass through all its stages.

Mr Dzan seconded the motion

The Governor gave his assent to the
passing thereof.

The Ordinance was then passed accordingly.

His Excellency then adjourned the Council
sine die

J. F. Ballagh
Governor

John Wright Collins
Clerk to the Council

Legislative Council

Monday. 31st May 1880

Present: H. E. Governor Callaghan C. M. G. President
The Honble G. M. Dean and Arthur Bailey Esquires

The Council met pursuant to summons.

The Minutes of last meeting held on the 28th February last were read and confirmed

The Governor stated that he had summoned the Council to consider a Bill entitled "An Ordinance to make further provision for carrying out the Customs' Duties Ordinances."

He stated that he had received a Despatch from the Secretary of State No 8 of the 17th March last instructing him to have a measure of this nature passed. The Governor also stated that this measure was based on the Customs Laws Consolidation Act 39+40 Vic. cap. 36, certain provisions of which it was thought desirable to make applicable to the Colony.

After some observations from Mr. Dean and a short discussion thereon, the Governor said he thought it would be obvious to the members that it was desirable that this Bill should be passed through all its stages with as little delay

as possible. He therefore moved that the standing orders be suspended and that a Bill entitled "An Ordinance to make further provision for carrying out the Customs Duties Ordinances", No 3 of 1880, do at this sitting pass through all its stages.

Mr. Dean seconded the motion.

The Governor gave his assent to the passing thereof.

The Ordinance was then passed accordingly.

His Excellency then adjourned the Council
sine die.

~~W. A. S.~~
Administrator

W. A. S. Clerk
Clerk to the Council

Legislative Council

Saturday. 2nd October 1880

Present: H. E. R. G. Packer Esq. Administrator & President
The Honble^s Arthur Bailey Esq and W^r. S. Hamilton

The Council met pursuant to summons.

The oath of office as a Member of the Legislative Council was administered to W^r. S. Hamilton.

The Minutes of last meeting held on the 31st May last were read and confirmed.

The Administrator read a Despatch which he had received from the Secretary of State, No 13 of the 14th August last instructing him to pass an Ordinance extending the office of Chief Justice of the Colony to members of the Bar of any British Possession and to Judges of some Court in the British Dominion.

His Excellency then called upon the Clerk to the Council to read a Bill entitled "An Ordinance to amend the Administration of Justice Ordinance 1876" which had been prepared ^{as} to give effect to the Secretary of State's instructions.

He stated it would be obvious to the members that it was desirable that this Bill should be passed through all its stages with as little delay as possible. He therefore moved that the standing

Orders be suspended and that a Bill entitled "An Ordinance
to amend the Administration of Justice Ordinance 1876,"
No 4 of 1880, do at this sitting pass through all its stages.

Mr Bailey seconded the motion

The Administrator gave his assent to the
passing thereof.

The Ordinance was then passed accordingly

His Excellency then adjourned the Council
sine die

(Confirmed, 17 Decr 1880)

Wm Hugh Collins
Clerk to the Council

Thos.
Governor

Legislative Council

Friday, 17th December 1880

Present: His Excellency Governor Kerr, President.

The Honble: Arthur Bailey and R. G. Packer Esquires

The Council met pursuant to summons.

Mr. R. G. Packer took the oath of office as a
Member of the Legislative Council.

The Minutes of last meeting held on the 2nd
October last were read and confirmed.

The Governor stated that he had summonsed
the Council in consequence of it having been brought to
his notice on his arrival in the Colony, that Ordinance No 4
of 1880, passed at the last meeting of the Council had not
been enacted in the precise form which had been sent out
to the Colony by the Secretary of State.

In order that the Ordinance might be
amended, so that it might be transmitted to the Secretary
of State in accordance with the draft enclosed in his
Despatch No 13 of the 14th August last, he proposed the
following addition to the present Standing Orders of the
Legislative Council, viz:—

26. A Bill which shall have been introduced and
passed but which shall not as yet have received Her
Majesty's assent may by leave of the President and
majority of the Council be amended, and in such case

The Council shall go into Committee and determine whether such amendments shall or shall not be adopted, and any amendment which shall be adopted shall be inserted by the Clerk of the Council in the original Bill, and when so inserted such amendment shall form part of the Bill to all intents and purposes as if such amendment had been originally inserted therein.

Mr Bailey seconded the adoption of the Standing Order, which was unanimously agreed to by the Council.

The Council then proceeded to revise the Standing Orders of the Council serialim, which were continued as they stood with the exception of Rule 16 which was altered from:—

16. That every bill when passed be styled an "Ordinance" enacted by the Governor of our Settlements in the Falkland Islands and their Dependencies with the advice and consent of the "Legislative Council thereof."

to —

16. That every Bill when passed be styled an Ordinance "enacted by the Governor of the Falkland Islands, and their Dependencies, with the advice and consent of the Legislative Council thereof."

The Council ordered the Standing Rules and Orders of the Council as amended ~~to~~ be printed.

The Governor then moved that "An Ordinance to amend 'The Administration of Justice Ordinance 1876', No 4 of 1880, be now re-committed for amendment, which was unanimously agreed to by the Council.

The

The Council then went into Committee, and the Governor moved, that for the words in the Ordinance, —

"An Ordinance to amend 'The Administration of Justice Ordinance 1876'." "In the year 1880. — N^o 4."

The following words be substituted, viz: —

"Falkland Islands." "His Excellency Thomas Kerr Governor." "N^o 4, 1880." "An Ordinance to amend 'The Administration of Justice Ordinance 1876.'" " [] "

The alteration was unanimously agreed to.

The Governor then moved that for the words, —

"By His Excellency Robert Christopher Packer Esquire, ^{Administrator} of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof. Be it enacted: —"

The following words be substituted, viz: —

"Be it enacted by the Governor of the Falkland Islands, and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows: —"

This amendment was also unanimously agreed to.

The Governor then moved the passing of Ordinance N^o 4 of 1880, entitled "An Ordinance to amend 'The Administration of Justice Ordinance 1876,'" as amended in Committee.

Mr. Bailey seconded the motion.

The Governour gave his assent to the passing thereof.

The Ordinance was then passed accordingly.

His Excellency then adjourned the Council.

eine die

(Confirmed, 26 Feb 1881)

Merr.
Governor

Whitright Collins
Clerk to the Council

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

Agreed to in Council on the 17th. of December 1880.

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.
4. 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 meeting.
5. That the Governor shall decide disputed points of order.
6. That before proceeding to the business of the day, the minutes of the preceding meeting be read and if necessary amended and confirmed.
7. That the Governor shall put all questions and declare the sense of the Council thereof.
8. That it shall be competent for any Member to divide the Council upon any bill or question.
9. That every member shall stand while speaking and shall address the Governor.
10. That an adjournment of the discussion of any question may at any time be moved, and may be adopted or not by the majority.
11. 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.
12. That except in cases of emergency each member of Council shall be furnished with a copy of each bill at least two days prior to the bill being read a first time.
13. 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.
14. That on 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.
15. That at the third reading the whole bill with the titles and schedules thereto if any shall be read.
16. That every bill when passed be styled an Ordinance "enacted by the Governor of the Falkland Islands, and their Dependencies, with the advice and consent of the Legislative Council thereof."

17. 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.

18. 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 discussion.

19. 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.

20. Petitions may be presented by any Member immediately after the reading of the Minutes of the preceding meeting.

21. It shall be competent for any Member to move that each petition be read

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

23. 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 in the Minutes of the Council.

24. That a Copy of every Ordinance when passed be furnished to each Member of the Legislative Council, as early as convenient.

25. That an Official Gazette be advertised in the usual manner of every bill about to be proposed to the Legislature of the Colony ten days prior to the assembly of such Legislature, except in cases of emergency and such Gazette shall contain a concise but sufficient Statement of the nature of such Bill, and any person may be allowed to inspect a draft of the Bill by application to the Clerk of the Council and if desired obtain a Copy thereof by paying a fee at the rate of 6d. per folio of 72 words.

26. A Bill which shall have been introduced and passed but which shall not as yet have received Her Majesty's assent may by leave of the President and majority of the Council be amended, and in such case the Council shall go into Committee and determine whether such amendments shall or shall not be adopted, and any amendment which shall be adopted shall be inserted by the Clerk of the Council in the original Bill, and when so inserted such amendment shall form part of the Bill to all intents and purposes as if such amendment had been originally inserted therein.

NOTE,

Rules Nos 1 and 2. are declared to be unnecessary by the Secretary of State for the Colonies, provision being already made in the Royal instructions for the Constitution of the Legislative Council (vide despatch from Lord Kimberley No 9. of the 7th. of March 1881.)

(Signed.)

T. KERR,

Governor.