

235

Legislative Council
18th February 1889

Present. H. S. Governor Kerr C M G.
The Honble The Colonial Secretary
" " The Colonial Surgeon
" " F. S. Cobb.

H. S. introduced Mr J. J. Felton ^{as a member of the Council} who he stated had already taken the oaths of office

The minutes of the last meeting held on the 17th September 1888 were read and confirmed.

H. S. read a despatch from the Secretary of State directing certain amendments to be made in the Stanley Cemetery Ordinance and moved that the Board go into committee on the subject, as provided by the standing Rules.

The Honble the Colonial Secretary seconded the motion.

H. S. moved that the words "Church of England" be substituted for "Established Church" in section 27. — This was seconded by the Honble the Colonial Secretary and agreed to.

The Governor then moved that the words "Church of England" be substituted for "Established Church" in section 11. — Seconded by the Honble F. S. Cobb and agreed to.

H. S. then moved that the suspending clause No 38 of the Ordinance be struck out — This was seconded by the Honble J. J. Felton and agreed to.

The Honble F. S. Cobb said — that the two unofficial members of the Council were appointed as members of the Burial Board without giving them the option of declining; it was quite possible that sometimes through pressure of work business or for some other valid reason a member might not be able or willing to attend.

H. S. said as the Board was to be composed of five members, of whom any three would be a quorum for the transaction of business the occasional absence of a member would not be material.

The Honble J. J. Felton said the Ordinance did not provide for a Roman Catholic member on the Burial Board.

H. S. read a portion of a despatch relating to this subject in which he was directed to appoint a Roman Catholic as member of the Burial Board.

The amendments were then agreed to.

H. S. then said he had been instructed by the Secretary of State to introduce "An Ordinance to consolidate and amend the Law relating to fraudulent marks on merchandise". He moved the suspension of the standing rules and orders and the first reading of the Bill.

The Honble the Colonial Secretary seconded the motion and the Bill was read a first time.

H. S.

H. E. then moved the second reading of the Bill — This was seconded by the Honble F. E. Cobb and the Ordinance was read a second time.

H. E. then moved the third reading and passing of the Bill. This was seconded by the Honble J. J. Felton and agreed to.

H. E. then introduced a bill to amend "The Customs duties consolidation ordinance 1882" and said that great difficulties had attended the working of the Customs ordinance of 1882 in the West Falklands. An amending ordinance had been passed in 1885 which was objected to by the unofficial members, and afterwards by petitions from the settlers connected with the West Falkland Island. In 1886 the ordinance was suspended and the Lt. Governor had sent a circular to the Justices in the West Falklands requesting them to perform their duties in strict accordance with the law — This course however had not produced any good effect and irregularities were of constant occurrence, which last year in the case of the Steamer "Pithodel" had led to prosecutions for breaches of the law. He had reported fully on the subject to the Secretary of State and transmitted for his consideration a draft ordinance in the place of that of 1885 in which he had endeavoured to meet the objections which had been urged against it — This with some alterations had been approved of by the Secretary of State whose despatch on the subject he then read. — He also read a despatch instructing him to procure an amendment of Customs Tariff by which a preparation of Tobacco powder for sheep wash manufactured in bond in England might be exempt from duty.

He stated also that the assistant colonial surgeon in the West Falklands had already been appointed assistant collector of Customs for that district: and that other officers might be appointed to assist him should it be found necessary — The Bill provided for the payment of these officers and a fund for that purpose would be supplied from Tonnage dues to be levied on vessels trading to the West Falklands.

H. E. then moved the suspension of the standing Rules and orders and the 1st reading of the Bill.

The Honble the Colonial surgeon seconded the motion.

The Honble F. E. Cobb said the ordinance seemed to apply exclusively to the West Falklands and made no provision for vessels arriving at the outports on the East Falkland Island, but he saw no difficulty in East Falkland importers sending their invoices in to Stanley and getting the duty paid and a permit procured to land their goods at the outports. — He asked — Who would enter and clear a vessel coming to an outport on the East Falkland if such vessel was not bound to Stanley or the West Falkland?

Did section 5 apply to Chilean vessels trading for Sheep?

Would a vessel coming from the West Falkland be liable to Pilotage if she came into Stanley?

H. E. said the masters of vessels calling on the East Falklands could very well come to Stanley to enter — That Chilian trading Schooners were of course liable to tonnage dues on arriving at the out ports — and that no Pilotage could be charged in Stanley on vessels arriving from the outports and vice-versa in the outports from Stanley —

This Ordinance of course did not apply to passing vessels calling for provisions or in distress.

Honble J. J. Felton said that vessels coming to Stanley had some return for pilotage and harbour dues as they could employ the pilot and asked in case Dr Going was absent on some Island when he was required as collector of customs how could his duty be performed without 4 or 5 days delay.

The Honble the Colonial Secretary said the difference in dues paid would probably amount to about $30\frac{5}{-}$ in the case of Chilian Schooners which would be more than made up by the savings of time which would be effected by not having to come to Stanley to enter.

H. E. said he would make arrangements for the duties of customs officer being performed in Dr Going's absence should the occasion arise, which however he thought was exceedingly unlikely.

H. E. then moved the second reading of the Bill.

The Honble F. E. Cobb seconded the motion and the Bill was read a second time.

The Governor then moved the third reading and passing of the Bill. — This was seconded by the Honble the Colonial Surgeon and the Bill was read a third time and passed.

H. E. informed the Council that he ^{had been instructed} ~~was under the necessity~~ of proposing a vote of £200 in aid of the proposed church in Stanley and ^{also} ~~also~~ votes for several services — He then read a despatch from the Secretary of State enclosing a letter from the Bishop of the Falkland Islands asking for assistance from the Colonial Government in aid of the fund which was being collected for the purpose of building a church in Stanley — and instructing him to propose to the Council that a grant of £200 — be made for that purpose out of the proceeds of the Sale of crown land in Stanley. and he moved that the sum mentioned be granted.

The Honble the Colonial Secretary seconded the motion —

The Honble F. E. Cobb said he was very sorry the Bishop had thrown the apple of discord into the Council he thought that Public money should be expended as far as possible for the benefit of all and not for a section of the community. — he did not think that a sum of money ought to be granted by the Government to the church of England — There were several other religious bodies in Stanley and it would not be fair to them. The Presbyterians at Darwin and the Roman Catholics in Stanley had built Chapels by private subscription and he felt it his duty to the inhabitants of the Colony to give his vote against such a grant

The Honble J. J. Felton said that a grant by Government to the new Church would tend to lessen the voluntary subscriptions. He was not a Churchman himself but would like to see a Church in Stanley and if the Government subscribed to the new Church the Roman Catholics, Presbyterians and Baptists would have a right to ask for help as well—he would therefore oppose the motion.

H. E. said he did not consider it unfair to other sects to grant this small sum to the Church of England, the salaries of the ministers of the different sects were paid by the Government and if they applied for assistance in building places of worship—he thought it would be quite proper to grant them such assistance in proportion to their respective members. In this case he simply carried out the instructions which he had received from the Secretary of State and he thought it the duty of the Government to encourage religion and morality in every possible way.

The Honble the Colonial Surgeon said there had been a meeting seven years ago on the subject of building a church and since then nothing had been done because the Bishop wanted a palatial edifice and he fully concurred with the Honble members who had spoken against the grant and he certainly should vote against it.

The Council then divided as follows:

For
H. E. the Governor
The Colonial Secretary

Against
The Colonial Surgeon
F. S. Cobb
J. J. Felton

The motion was therefore lost by the Colonial Surgeons vote which H. E. ^{said} it would be his duty to report to the Secretary of State.

H. E. then proposed a vote for the purchase of a new Pilot Boat — the vote taken last year for that purpose having lapsed — and he asked Mr Cobb to give what information he could on the subject.

Honble F. S. Cobb said boats could be procured at prices varying from £150 to £300 he had made enquiries about one last year but before the final arrangements were made by the Crown Agents the boat had been sold, however there were plenty of second hand boats to be got and he recommended one of these instead of going to a builder to have one built.

H. E. proposed a vote of £500 (to be provided for in a subsequent Appropriations Ordinance)

Honble F. S. Cobb seconded the motion which was carried.

H. S. then said he had to inform them of an application from the President of the Board of Health asking that a clerk be appointed to take the minutes of the Board at their meetings.

He had no power under the Ordinance to appoint a clerk but he moved that the sum of £10 be voted under the head of allowances from which the sum of 10/- might be paid for every meeting of the Board to a suitable person selected and employed by them.

This was seconded by the Honble the Colonial Surgeon and carried.

H. S. then gave notice that as the fence round the cemetery at Port Louis (a cemetery recognised by law) was reported to be broken down, he would bring the matter again before them when the cost of a new wire fence could be ascertained.

— He also gave notice that he would introduce the following ordinances as soon as the printer could get them ready.

- 1- An ordinance for the protection of women and girls
- 2- An ordinance relating to the property of married women
- 3- An ordinance to amend the Administration of Justice Ordinance with regard to Jurors and coroner's inquests.
- 4- A compulsory Education Act

H. S. then said that as he thought it probable that the question of the Public Health and operation of the Quarantine ordinance of 1875 would soon come under the consideration of the Council he would lay on the table the Sanitary report of the medical officer for the West Falklands which he would have printed as soon as possible and circulated among the members.

The Council was then adjourned sine die

Read and Confirmed

This 9th day of March 1889

Henry B. L. Jamison
Clerk to the Council

Miss
Governor

Legislative Council

9th March 1889

Present. H. E. Governor Kerr C. M. S.
Honble. The Colonial Secretary
 The Colonial Surgeon
 F. S. Cobb
 J. J. Felton

The Minutes of the last meeting held on the 18th February 1889 were then read and H. E. said before he signed the Minutes as confirmed he wished to — express his deep regret that the vote of £200 which he had been instructed by the Secretary of State to propose as a contribution to the fund for building a church in Stanley, from the proceeds of the Sale of Crown lands had not been carried. The unofficial members of the Board had voted against it, and they had a perfect right to vote according to their convictions. although in this case and he hoped they would not be offended by his saying so — they could not be considered as representing the feeling of the community, two thirds of whom professed to be members of the Church of England whereas neither of the honourable members professed to be members of a Christian that communion — But in any case the Government in a Crown Colony such as this should be able through the official members of the Board to carry any measure proposed by the crown leaving the objections of un-official members for the consideration of the Secretary of State.

“In this case however the motion had been thrown out by the vote of an official member of the Board who, although he might have abstained from voting at all on any matter to which he was opposed was not justified in voting against it — a course which made Government by the Crown impossible — He was therefore as much surprised as grieved at the action taken by the Colonial Surgeon in this matter

Seeing

"Seeing that he was a member of the Church Building
 "Committee, and had subscribed £25 to the Building
 "fund which he understood however, that he had
 "not ^{yet} paid and that when the instruction from the
 "Secretary of State with regard to this vote was laid before
 "the Executive Council, at the last two meetings of
 "that Board he had not raised any objection
 "or indicated any intention of opposing it"

A. S. then signed the confirmation of the minutes of the last meeting

A. S. then introduced Ordinance No 3 of 1889

"An Ordinance to make further provision for the
 "protection of married women and girls the
 "prevention of outrages on decency and other purposes
 and said that copies of this ordinance had been sent
 round to the members, since then A. S. had erased part
 two relating to the suppression of Brothels as he had
 heard objections raised as to its being out of place in
 this colony - should occasion arise an ordinance
 could be passed on the subject.

A. S. then moved the 1st reading of the Bill - this
 was seconded by the Honble the Colonial Secretary
 and carried.

A. S. then moved the second reading of the Bill
 this was seconded by the Honble F. S. Cobb and agreed to

A. S. moved the 3rd reading and passing of
 the Bill - this was seconded by Honble J. J. Felton
 and carried.

A. S. then introduced Ordinance No 4 of 1889 "An Ordinance
 "relating to the property of married women" This
 Ordinance had not been sent to the members until after
 the notice of Council was issued but with their permission
 he would introduce it

A. S. moved the suspension of the Standing Rules and orders
 and the 1st reading of the Bill - this was seconded by
 the Honble the Colonial Surgeon and carried.

A. S. then moved the second reading of the Bill
 this was seconded by the Honble ~~F. S. Cobb~~ the Col. Secretary
 and agreed to

A. S. then moved the 3rd reading and passing of the Bill
 Seconded by the Honble J. J. Felton and carried

H. L. then said there was another ordinance which he wished to introduce at this meeting, viz: "An ordinance to regulate the attendance of children at school"

he read a despatch from the Secretary of State on the subject referring to the report of the School Inspector in the Blue Book sent home last year.

The Governor then moved the suspension of the Standing Rules and orders and the 1st reading of the Bill

The Honble the Colonial Secretary seconded the motion and the Bill was read a first time.

Mr J. J. Felton asked whether the remission of fees as provided by section 2 would affect the annual fees received by the Schoolmaster and mistress

H. L. said it would not, as ^{salaries and} these fees were regulated by the Secretary of State

Mr Cobb said with regard to Section 1 he thought the age ought to be fixed at 13 instead of 14. Parents should not be obliged to send girls to a mixed school over the age of 13 where there was no separation during play hours and no separate schoolmistress

H. L. said that 14 had been fixed as the age in consequence of children coming in from the camp with literally no education whatever - but if it was the opinion of the Council the change could be made. — It was decided that the words, "fourteen years" be changed to "thirteen years" in Section 1.

Mr Cobb also asked if the Revd Mr Diamond started a school how could the School Inspector find out the children attending his school

H. L. said he would have to take Mr Diamond's affidavit statement ^{MBL 9} for the names of the children attending his school

The Colonial Surgeon said that Mr Harris was also going to start a school at least so report said.

H. L. then moved the 2nd reading of the Bill this was seconded by the Honble F. L. Cobb and carried

H. L. then moved the third reading and passing of the Bill. This was seconded by the Honble J. J. Felton and agreed to

H. S. then gave notice it would be necessary at
 at future meeting to take into consideration the question
 of Tobacco Licenses — and said that the
 "Ordinance for the amendment of the Administration
 of Justice Ordinance with regard to Jurors and
 substitution for Coroners Inquests of an Inquisition
 by the Police Magistrate or 2 Justices of the Peace"
 was not yet ready

The council ^{was} then adjourned sine die.

Read and confirmed
 this 15th day of April
 1889

W. H. M.
 Governor

Henry B. L. Lamson
 Clerk to the Council

Legislative Council
15th April 1889

Present H. S. Governor Kerr C.M.G.
Honble the Colonial Secretary
" " Colonial Surgeon
" " F. S. Cobb
" " J. J. Felton

The minutes of the last meeting held on the
9th March 1889 were read and confirmed.

H. S. laid on the table the Annual Account
of the Colony and a statement of the Assets and Liabilities
for 1888 and said that Printed abstracts of the accounts were
also prepared which would be published and sent round to
the several Justices of the Peace and that the annual account
itself could be seen at the Government office.

After some discussion respecting the items of
Revenue & Expenditure the Council was adjourned
sine die.

Read and Confirmed
this 18th day of May 1889.

Henry B. Jameson
Clerk to the Councils

Kerr
Governor

Copied

to His date