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MISCELLANEOUS
LETTERS, ETC TO
GOVERNMENT
Governor Moore
June 1859 to May
1860

16

Stanley June 14th. 1859

Sir,

The Carpenters have been at work day & Even[g] on the "Victoria" but she cannot be made fit for sea before Friday & then subject to no serious repairs being found necessary on her being heaved down to—

I understand from Capt. Moore that the English Packet does not leave until the 1st July

there being only 30 days in that Month – but I do not know it if my own knowledge – probably you may have a R M S Packet Ship Bill.

I am Sir,

Your very obt Servt

James Lane

J R Logden Esq

Colonial Secretary.

Stanley June 15th 1859
12 oc.

Sir

I beg to acknowledge the receipt of your letter of this day. Her Excellency has been quite aware for a week past from my communication to him personally, that asking for the assistance of the Government Carpenter on the Repeal, that if I could ascertain his character was being fit for such by the day named for sailing - that if we depended on the hands which could be obtained - every possible exertion has been made, even to our lower deck, from the first moment the Carpenter could be put on Board. - When the contract was made you will also recollect that I particularly said it must depend on what was found necessary to be done & what could be effected. I cannot take the responsibility of saying that

A

the Vessel will be ready to sail to morrow Evening but only that every possible exertion shall be used - My only object in sending the Vessel at all now (at a great inconvenience & loss to the Company) is to meet the public convenience, but I could not do so on the terms offered in your Letter - I remain Sir

Your obt Servt

James Laird

J R Longden Esq

P.S. Referring to the intimation that my letter of yesterday was a late notice, Capt Thomson informs me that on the 13th inst he communicated to you that he could not get ready by Thursday - The moment I could ascertain the means of judging of the time of completion, I wrote you.

Stanley Lane 15th 1859
½ p. 4. pm.

Sir,

There must be some misconception of my letters of the 14th & of to day, in reference to the public notice just issued, stating that I could not say when the "Victoria" would be ready to sail – I mentioned Friday, & she will be then ready, if Her Excellency decides to send the Mails

I have the honor to remain,
Sir,
Your very Obt Servt
James Lane

J. Ridgden Esqr
Colonial Secretary.

Stanley June 16th 1839
10 A.M.

Sir,

I find it possible that the "Victoria" may be able to sail to night, but much yet remains to be done to her, & I can only undertake that she shall sail by 12 o'c. to morrow (which will give 11 days to that hour on the 1st April, when the English Packet leaves) or as much sooner as possible.

I have had to hire half a dozen extra men (besides Carpenters) to assist the Crew, but I must ask you to let me know before 12 o'c. whether the contract is to stand if she sails before 12 o'c. to morrow - If it is not to do so, I can take no further responsibility & the Schooner, it must be understood, will not sail.

I have the honor to remain Sir
Your very obt Servt
James Lane

J R Logden Esqr

Stanley 16th June 1859
12 Noon

Sir,

I regret that your letter just rec'd leaves me no alternative than to discharge the extra hour after Denman leaves, for I cannot possibly see the way to have the Vessel ready by 12 o'. to night with certainty & I cannot send her without a certain payment of £100. I consider therefore that the contract is at an end & that she will not sail. I have the honor to remain

for John Watt

James Lane

J. B. Longden Esq
Colonial Secretary

Stanley June 21. 1859

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Sir,

Allow me to call your attention to the new road remaining so long incomplete - it only requires to have shingle laid on, and the approaches from the Barrack Road made passable. - Access to the Dairy is now, at the beginning of Winter, impossible for Horse & Cart & much inconvenience is occasioned.

I would also beg to remind you of the urgent need of repair of the Government Slaughter House, Corral, & Drains; Much has lately occasioned the loss to the Company of a valuable Pig, & injury to other animals, and I should be much obliged by the necessary instructions being given to the Surveyor General on the subject.

I have the honor to remain, Sir,
Your very Obedient
James Scott

J. R. Longden Esq.
Colonial Secretary &c.

Stanley June 21. 1889

Sir

I feel it to be my duty to lay before your Excellency the accompanying correspondence and Declaration.

After Captain Sibbald had read my letter to him of the 20th inst., he told me that the Store keepers statement was "true in every sense", without any qualification. - I asked him to give me the answer in writing, which he promised to do - I subsequently received the qualified reply now laid before your Excellency.

Without making any comment on the course recently pursued towards the Company I beg again, under these renewed annoyances, respectfully to demand a public inquiry & investigation into the

My dear Sir,

In looking over the Books of the Office I find the Company's Wholesale Licence to sell Spirituous liquors will expire on the 25th inst. If you wish to renew it, perhaps you will be good enough to let me know previous to the day above mentioned, that I may make the necessary arrangement

James Lane Esqr.

Yours faithfully
Alex Sibbald

NB - The above letter received on or about the 21st May 1859.
- Lane answered at the same day stating that it was not his intention to renew the licence -

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Stanley June 20. 1859

Dear Sir,

Be good enough to say whether the following statement by Daniel Mc Garell, the Company's Storekeeper, is in any and what respect incorrect:

"Mr Sibbald called at the Store on the forenoon of
"the 7th inst. and enquired for some sweet Gin &
"I informed her I could not sell on account
"of the Company having no licence - Captain
"Sibbald called on the same afternoon & I gave
"- He called next day and I gave him the same answer
"him the same answer, as the preceding day"

Dear Sir,

Your Obt Servant
James Lane

Captain Sibbald

Stanley 20th June 1859.

Dear Sir,

In reply to your Note of this day, I beg to state that the first part of Daniel Mc Garell's statement is correct - as to the second part, (the next day) I know nothing of - the question was asked by me (forgetting that the Company had given up their licence) from no other motive whatever. Dear Sir Your Obt Servt

Jas Lane Esqr.

Alex Sibbald

P.T.O

Declaration

True Copy

I, Daniel Mc Gamell of Stanley, East Falkland Island,
Storekeeper of the Falkland Islds Company, do solemnly and sincerely declare
this on the morning of the seventh day of June instant Mrs Sibbalds,
the Wife of Capt Sibbalds, of Stanley, Clerk of the Police Courts, called
at the Company's Store and asked me to sell her some Gin. — I replied
that I could not do so because the Company had then no licence to
sell. — In the afternoon of the same day Captain Sibbalds came to the
Company's Store, and he also asked me to sell him a Case of Gin —
I gave him the same answer which I had given to Mrs Sibbalds, as
above stated, and I told him that Mrs Sibbalds had asked for some
in the morning. — Captain Sibbalds did not state that he had forgotten
that the Company had no licence, nor did he make any remark on the subject.
On the forenoon of the following day, the eighth instant, Capt Sibbalds
again called at the Company's Store and applied for Gin — I told him
that we had not sold any since the licence expired — he replied, what
are we to do then?, and I referred him to Downes the Publican
— He then said, could not I show him one of the Bottles? — I said
that I could not as there was no Case open. — And I declare
that I have a clear and positive recollection of all the above circum-
stances, and particularly of what passed between Capt Sibbalds
and myself on the 8th inst: as above detailed. — And I further say
that the Company have not purchased any Spirituous or Fermented
Liquors since the expiration of their licence on the 25th day of May
last and that they have not sold any such liquors since that time
except to licenced Publicans. —

And I make this Declaration conscientiously believing the
same to be true and in pursuance of the provisions of the
Act of Parliament, passed for the abolition of Extrajudicial Oaths.

(sgnd) Dan'l Mc Gamell.

Taken and declared at
Stanley in East Falkland
Island this 21st day of
June 1859.

Before me
(sgnd) James Lane
JP.

Police Office. Stanley.
21st June 1859.

Sir,

I have to thank Your Excellency for sending to me a correspondence between yourself and Mr Lane on the subject of Informations in this office.

2. I have mentioned the two matters alluded to by Mr Lane to the Clerk of the Court and to the Constable. Each denies that he ever said a word to any one about those matters.

3. Your Excellency has plainly pointed out to Mr Lane the public mischief that would result from publishing informations. I may add, that a Magistrate by so doing, would, I think, render himself liable to actions for libel.

His Excellency.
Captain. C.C.L. Moore
Governor and Commander in Chief
&c &c &c

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4. As regards McLane's complaint that a warrant was issued not based on an oath. I would remark that the Ordinance does not require an oath — but only "reasonable suspicion" — Spirit Lic. Ord. Clause 18.

5. I return McLane's letter in obedience to Your Excellency's wish

And have the honour to be

Sir.

Your Excellency's

Very obedient humble servant.

J Warwick Bro[illegible]

Stanley June 24th 1843

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Sir;

I have the honor to acknowledge the receipt of your Excellency's letter No 117 of the 22nd inst: by which I regret to find that the proceedings I have complained of, are, in your Excellency's view, such as would not even justify an explanation being asked from Capt Liddell. —

2 Far from having any feeling or bias against Capt Liddell personally, & regarding him simply as an Officer of the Government I am unable, after what has taken place, to refuse belief to the former's present subject of complaint being connected, & that they require investigation together.

3 Your Excellency refers me for "remedy" to "the ordinary Courts of law." The redress I asked for

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Jewel, but I must hereby say, that the Courts conduct of our cause in the Supreme & the former proceedings, I could not but, at the same time, reprobate & disapprove of, as regards that Establishment, & the Mode, they do not, per se, afford grounds for legal proceedings. —

I have been always anxious with only to avoid all difference with the Colonial Government, but to cordially co-operate, as I know the Company may very materially do, in all that wd benefit the Colony, yet it is in proportion to their decided that I feel disappointed at the treatment so little merited to us. —

I have the honor to remain

Sir, Your Excellency's very Obt Hble

James Lowe

His Excellency

Governor Moore.

Police Office Stanley
21 June 1859.

Sir.

In relation to the negro James Parker whose case I mentioned to you in a letter of the 5th of May. I have to inform you that he remained ten days at McGuire's boarding-house under the Government Guarantee of 1s. 6d. a day for that time - that McGuire lately when asking for the money (15/.) stated that the man had been turned out by him at the end of the ten days that he had been unable to find work. and that in fact McGuire had out of compassion given him shelter again - at least for another ten days - McGuire only claimed the 15/. Guaranteed to him, but I have thought it fair to him to mention the facts to you.

I have the honour to be
Sir.
Your obedient Servant
T. Murrick Burke

E. R. Longden Esq.
Colonial Secretary.

Police Office
Stanley 28 June 1859

Sir,

I beg to call your attention to the Lamentable condition of the Constables Clothing - the material out of which it was made was utterly bad at first and at present is almost in rags.

2. I would ask you to obtain from His Excellency the Governor

The Hon. Longden Esq
Colonial Secy.

per.

permission for the Constable to
have a new suit furnished him.

I have the honour to be

Sir.

Your obedient Servant.

T Warwick Brooke.

Stanley Dec 30. 1859

Sir,

In reply to your note of yesterday, it is the intention of the Company to retain the occupation of the 7 districts of land referred to. By the last Mail I wrote to the Directors on the subject of land purchases, & by the return, I shall be able to decide whether the Company will purchase & lease all or any of those districts, under the right of preemption granted by the Government. If the Company do not avail themselves of that privilege, then I should continue the "temporary occupation" of them. Should it be necessary, in order to secure priority in that respect, to pay the £7 annual Rent in advance, I must

of course do so. —

I send the Rent of the Lenlement farm for the half year to the 1st inst £16. 10. 0.

2 Referring to the contract tenders asked for slaying & shingling the new Road, I am unable to make an estimate without knowing from what part of the Beach shingle will be allowed to be taken. — East of the Government Yard there will be none available — Some might be obtained betn the Yard & Govern.t House, & I shd be glad to know whether it might be taken from that part, so far as the quantity will be required. — The Lenlement Rent must be obtained at some distance

I find that the Mules (three are not) Cart cannot carry the shingle along the Road from the Barracks to the new Road until

it is made good - I will, if desired, include them in the contract, or make a separate tender.

3. I should be glad to know whether the Government will allow Pigs on Skenden Island to be killed - I believe they are so numerous as to be devouring each other when dead -

I have the honor to remain

Sir,

Your very Obt Servant

James Dare

J R Leigden Esq re

Stanley July 4th 1859

Sir,

I beg to acknowledge your letter of the 2d inst & to thank His Excellency for the ~~Governor~~ permission to slaughter Pigs for Commercial purposes on the outlying islets for three months or the terms and understanding mentioned in your letter & which I think are fair & liberal

I enclose a tender for clearing & shingling the new Road & making good that from the Barrack entrance upto it — I send also the Rent [£7.] for the temporary occupation of the 7 districts of Land from Swan inlet Westwards. I have the honor to remain,

Sir, Your very Obt Servt

James Lane

Colonial Secy

New Road

To clay & shingle the new Road its whole length, obtaining & carrying the Tools & materials. — To level & make good the Road, in front of the upper Row of Cottages, (about 50 yards) rounding off the East Corner, & to make good the Road in places in front of the Barracks, from the Road facing the entrance, as far as the turning Southward for the sum of £69. 17. 9.

Stanley July 7th 1849

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Sir,

I beg to call your Excellency's attention to the sale of the general cargo of the U.S. Barque "Helen Miller", wrecked on Port San Carlos, comprising upwards of 500 tons of provisions, & goods of various descriptions. — About a week since part of her Cargo was brought here by Capt. Smyley in his Schooner — I applied to him, as the U.S. Commercial Agent, & to the ~~Capt.~~ Master of the Barque (Capt. Sweeney) for a list of goods for sale, particularly provisions, & stating my intention to be a purchaser at public auction, but both objected to sale publicly. — I yesterday received a list of prices required for certain articles, which the Company did not require, & not mentioning any provisions, & I have since learned that those, (Butter Hams &c.) have been sold by W. Dean, at prices, much below those which I should have gladly given, & which the Colonists at this place would have purchased at. Their sale to the Colonists at less than the present low prices in the Islands.

Your

Excellency is aware that Mr Dean is now discharging a large cargo, understanding such provisions, & that the Company are for the moment, short of them, & although they are well known to Capts Smyley & Capt Sweeney, no application was made to me to give a higher price —

I need not say that a private sale of a wrecked Cargo, is a proceeding contrary to the universal practice elsewhere, & to the interest of Owners & underwriters; & the two respectable Masters of Sloops, now in the Port, express their astonishment that it shd be allowed. —

The Company are doing their utmost to bring before Ships Owners, the advantages which this Port affords to Vessels, & to assure them that they may rely on fair & honest treatment in every case. Their efforts will however not only be useless, but, the [illegible]

representations will be considered deceptive, if it is known that it is allowable to make private arrangements with Captains to buy wrecked goods, not only without public competition, but at lower prices than can be readily obtained. In any other Colony public opinion would render it impossible for any person to make purchases, under such circumstances, even if the Law did not make it penal to do so, which I am inclined to think to be the case in England; but, unfortunately, there is no such wholesome influence here, & in its absence, the action of Government only can be looked to. I shall have done my duty in, respectfully, urging upon Your Excellency, that it is necessary for the interest, & reputation, of the Colony, that a Law should be forthwith passed to prevent any person purchasing wrecked goods otherwise than by public Auction.

I have the honor to remain Sir
Your Excellency's very Obedt Servt
James Lane

His Excellency
Governor Moore
&c &c &c

Stanley July 9th 1859

Sir,

I am favored with your Excellency's Letter of the 8th inst. - I was well aware that the maxims of international law do not permit interference with foreign Shipmasters in the mode of selling their Goods, - & I therefore submitted to your Excellency the advisability of taking measures in the interest of the Colony, to prevent the Inhabitants making purchases in a manner to perpetuate the bad name which the Colony has acquired in reference to wrecks, & I greatly regret to find that your Excellency hesitates to institute any legislative measures to that end. -

2 I take leave to respectfully lay before your Excellency the way in which the matter occurs to me & the preponderating & permanent interest of the Company I represent in the progress of the Colony will I hope be a sufficient excuse for further urging the subject upon your Excellency's attention.

It is well known that by the Law of England the purchasers of Goods improperly come by, with a knowledge of that fact, are not only criminally liable but are more reprehensible than the sellers.

The Master of a Ship is, publickly, known to be the Agent for the Owners & Underwriters, & as such bound to obtain the highest price for the Goods entrusted to him. - I am unable to see any important difference, at all events morally, between the two cases, as regards purchasers, who equally know that the goods are improperly ~~come by~~ sold, & that the real owner is, by their aid, unjustly dealt by. - It does not require a word, I am sure, to convince your Excellency of the arrangements which may be made, here, between those concerned in a private sale; & it is this knowledge which causes it to be said, in all Ports, that wrecked Goods "must" be sold by Auction - Probably the Law of a Country does not generally prohibit this mode of sale. - It is rendered unnecessary by Ship Owners & others, on the spot, & by public opinion, making it impossible to be resisted. - Here, neither of these checks exist, & it is only necessary for 2 or 3 persons to combine, to succeed in carrying out a doubtful transaction, to the injury of those who wish to prevent it, the Colony being thereby

as a Captain of a Merchant Vessel has told me that he had heard it was "little better than a sort of Pirates", however exaggerated the description may have been.—

3 Your Excellency refers to "publicity" here as a remedy — I am sure I need not remind your Excellency that the only publicity existing (that of one person telling another) is quite powerless to put down acts such as not be attempted in a larger & less peculiar community.

4 I am unwilling to relinquish the hope that your Excellency will see the subject in a more favourable light as calling for the action of Government — In the mean time, there is a simple course which will check, if not entirely put an end to, the present proceeding, viz:, If your Excy will make it known, in the usual manner, publicly, that it is not your Excellency's intention to, & that you will not, allow persons, particularly those connected with & employed by Government, shall not, directly or indirectly, purchase any of the wrecked goods except by public auction — As regards the Company & those within its influence, I shd be prepared to do the same. I have the honor to be, Sir,

Your very obedt Servant

James Lane

His Excellency
Governor Moore
&c &c &c

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Stanley 11 July 1859

Sir,

In reference to the notice for Tenders on the Government Gazette Board I am willing to undertake the construction of the twenty yards of Road therein named, under the orders of the Surveyor General, for the price of four shillings and three pence per yard. and to have the work commenced at once if the terms shd meet the approval of Government. I have the honor to be

Sir,

your most obed.t Serv.t

W. Wells

Jas R Longden Esq
Colonial Secretary
Government House

Stanley Jan 11. 1859

Sir,

I shall be obliged by an Auctioneer's licence being granted to Daniel Mc. Farrell on behalf of the Falkland Islands Company - I have the honor to remain

Sir Your Excellency's very Humble

James Lane

His Excellency

Governor Moore

Stanley, July 11. 1859

Sir

I have to acknowledge your Letter, No 124 of the 8th inst - I now send a detailed Statement of the Leader, & other over that before sent in, arising from the length of road having been since more correctly ascertained - I have carefully gone thro' the items with competent persons, & feel assured that they are very low, & will allow only of outlay & wear & tear - I apprehend that the hire of the Mules & a Cart, & also of a Cutter, to obtain the Shingle, cannot have fully entered into the Surveyor Generals calculations, as necessary - The Mules must be kept in, & fed on corn & bispa, during their work, & be returned, with in pairs - The retaining Wall for a considerable depth

for nearly 50 feet, is, of itself, an expensive work, & stone must be procured, & brought to it from a considerable distance - The want of the Road makes communication with the Quarry impossible: I want now to cart Manure to it, urgently, & I cannot suppose that Her Excellency would allow the Company to be at a loss in carrying out the work - I am afraid that, with the present short days, & bad weather, it may be the case, if undertaken below the sum named - I am willing, however, rather than incur loss & inconvenience in other ways for want of the Road, to undertake it for £65.

I have the honor to

Sir

Your obt Servt

James Lane

J R Longden Esq

301	Yards clearing at 6d per Yard	£. 0. 0
5	Men £1. per day - 24 work days	7. 10. 6
	Hire of 4 Mules, Cart, & Gallows	24. 0. 0
	24 days at £1. per day	24. 0. 0
	Making Sewer upon each Road as stated in Mr Longden's letter of	15. 0. 0
	retaining Wall	
		£ 70. 10. 6

Stanley July 11. 1859

Sir

I am under the necessity of again bringing before your Excellency the circumstance of the destruction of the Company's live Stock by the large Dogs allowed to be kept in this Settlement - yesterday Thom's 2 Dogs, belonging to Mr Dean & Capt Langley were found chasing Sheep - one was drown by them into the Harbour & drowned, & the other was killed & mangled - the carcases of 2 other Sheep were afterwards found killed upwards of 50 of the Company's Sheep, which grazed betn the Settlement & the Pond cannot be found upto this hour, altho' the Shepherd was yesterday & this morn's engaged in search &c. Settlement Farm

– by the dogs being disturbed, when after the sheep check they had driven on to the Water, they both made off into the Camp. The Settlement is infested with large Dogs, many of which have been trained to seize Wild Cattle; & after dark, at the Eastern end of the Settlement, they are to be seen about in numbers –

Jno Pyecroft is aware of the Company having, a short time ago, lost a valuable Calf, evidently killed by dogs, & it is well known that when once these animals have succeeded in killing, they cannot be prevented repeating it – I have applied for a Summons for the Owners of the Dogs named, to shew cause why they should not be destroyed under the Summary Jurisdiction Ordinance

in these cases and if so it is probable that the Dogs could not be identified in a camp extending over so many Miles & I submit to your Excellency that measures shd be taken to prevent such Dogs being kept - House robbery here is almost unknown, & they are of no real value to their owners, for other than destructive purposes - and may very probably escape & join the wild Dogs in the camp, from which, also, the Company's property, & the Cattle in, have recently suffered - and sheep had been killed & many others bitten & worried.

I have the honor to remain Sir
Your Excellency's
very Obt Servant
James Lane

His Excellency
Governor Bourke

Stanley July 13 1859

Sir,

I have the honor to acknowledge your Excellency's Letter of the 11th instant. I have submitted to your Excellency the advisability in the interest of the Port, of prohibiting the purchase of wrecked goods, there were many public reasons, but have not noticed any direct interference with the foreign Shipmaster. I have also suggested the expediency, respectfully, of your Excellency making it publicly known that you did not, & that it was your Excellency's "wish" that others should not purchase such goods by private sale. The latter course would not fully meet the evil & I only meant it, because Capt. Sweeney told me, on Friday last, that application had been made by Government to purchase goods from the wreck of him.

The following statement is in my possession signed by the Captains of all the American vessels

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lum in this port, viz^t Capt^n Blair of the "Marlton"
372 Tons - Captain Adler of the "William Shaw"
500 Tons & Capt^n Williams of the "Sea Nymph"
256 Tons.

Stanley July 12 1849

We the undersigned Masters of British Merchant Vessels now lying in this Port state that private sales of wrecked goods are unknown in our experience, & that if permitted it will have a very injurious effect upon the character of the Port, & will induce Ships Owners & Merchants to give orders that their Vessels shall avoid it.

Robert Blair - Ship master
Leonard Adler Ship master &
W Williams Master of the Barque
Sea Nymph.

3 I much regret that if Proceedings should consider that in plainly, but most respectfully submitting my views, in the discharge of an imperative duty, of the transaction in question, I had used "intemperate Language" & I hope that my letter is not open to that charge.

I am informed that a respectable Shipmaster told me, as the general character he had heard of the Port – Whether it was an urgent one, or not, or that may have given here to it, in times past, is, for the present purpose, immaterial to ascertain; but, that it is not in good repute, at London, Liverpool, Hamburgh & other Ports, is beyond question; & if I am is urgently begging for legislative interference it is to prevent further scandal and detriment to the Colony; but, check must be done & care, & be widely disseminated, if the present proceedings are allowed.

4 The Company have expended a large Capital in the Island, & with one exception, they may be said be alone in really having a permanent interest in the Island. All other Settlers, the attention of some of the working Settlers, is to look forward to the time when they may leave the Colony; & the investment of Capital, in the Island, except by the Company & one individual, is extremely small that the Colony trifling – Under these circumstances,

A1

have reason to feel aggrieved at the exact Government action; & of the terms in which their respectful representation of an unmerited wrongful proceeding are replied to.

5 I beg to ask the favor of your Excellency causing this correspondence to be transmitted to H.M. Secretary of State for the Colonies, & I have the honor to remain &c

Your Excellency's very Obt Servant

James Lee

His Excellency

Governor Moore

&c &c

Stanley July 13th 1809

Sir

I beg to thank your Excellency for your letter of the 12th instant in reply to my information of the destruction of the Company's Sheep by the Dogs to go at large in the Settlement.-

2 The Laws at present in force are inadequate to prevent such injuries - since March last, the Company have had taken & Sheep, for the supply of the Settlement, on the Government farms, & they have lost by Dogs one large Calf, & 5 Sheep, in that time. I have an information of the Owners of two Dogs seeking for their destruction, under the Ordinance & Mr Lawes has ordered, but this as I believe the only case in which a conviction has been obtained out of the numerous losses, & it only succeeded

to the accidental circumstance of two persons walking in the Camp, on a Sunday, and seeing the 2 Dogs in the act - The Owners did not resist making compensation for those 2 Sheep, but for the other three, it was not attainable for want of a regular proof; - a proof which is most suitably to be afforded in a open farm of 8 or 10 miles in length & around the Settlement, & generally with nightly depredations. - Besides this, the Company, are the only, have Sheep on the farm; & I submit to your Excellency that it is not reasonable that they should be placed in hostility to the great proportion of the Colonists, who keep such Dogs, tamed as many of them have been to seizing Cattle, & in fact to become the public Prosecutor.

3 In pursuance of your Excellency's instruction to point out any destructive measures, I

to be left to the preamble of the Ordinance
referred to in Your Excellency's letter - that
preamble purposes to restrain the increase
of Dogs, & says a tax of a few shillings a year
upon them, for which payment an annual licence
is granted to keep them. - I would suggest
that care sh^d be taken that all Dogs are licenced,
& that the licence sh^d not be granted, nor
renewed, for large Dogs, or Dogs likely to
cause injury to Sheep or cattle - if this
measure is carried out, by some Officer
of the Government, impartially, I think it
w^d go far to remedy the evil, tho' an
increased Licence duty in addition w^d be
a further safeguard - At present all
Dogs are licenced, & the Ordinance, tho' purports
to be for the public security, is really operative
only for the purposes of taxation.

I have the honor to remain, Sir,

Your Excellency's very Obed^t Servant

James Lane

H.E.
Governor Moore
&c &c &c

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P.S. I would submit, for Y. Excellency's consideration, that some steps sh.d be organised for the destruction of the Wild Dogs in the Government Paniqe - one has bitten 11 of the Company's Sheep at the Cartera recently, & there are many known to be abroad - by a reward for each dog & an organised party being employed in the coming Summer they might doubtless be destroyed.

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Stanley Isl, 13th 1855

Sir,

In reply to your letter of the 12th instant, as it appears there is no other tender & the Government are unable to complete the Road, I tho' it was understood to be made, in November last, forthwith, I have no alternative than to accept the Government offer at whatever loss its construction, at this season of the year, may entail, as the loss to the Company in their wages will be great; and yet must be so, tho' it is made with all expedition.

I have the honor to remain Sir

Your very obt Servt

James Lowe

Wm Longden Esq.

Stanley Jan 19 1859

Sir

I have the honor to acknowledge the receipt of your Excellency's Letter of the 18th inst. No. 152. – The 3d Paragr. of your Excellency's Letter runs "As the whole correspondence "is based on the statement in your Letter of the 7th "(I have since found that Silver Bullion Hammers "have been sold to Mr Dean at prices much below "those which I shd gladly have given &c) it "is calculated to give an erroneous impression "of my object in bringing the private sale of "wrecked goods before your Excellency. That I am compelled to respectfully point out that the ground of my complaint, in that letter, was, that wrecked goods shd be so sold in this Port, – That in the first & all other communications I had with Captns Sweeney & Smyley, I urged a sale by auction, – and that my objection to the prices at which the sales were made, was only as it illustrated

injustice of the proceedings to those interested in the cargo. - It was, however, one check for from sufficient to indicate the ~~general~~ the extent of the evil, or the grave consequences to the Port -

2 With reference to the suggested communication to Mr Dear, I must respectfully ask your Excellency to allow me to decline giving up the question of prices, or any intention with that gentleman - it would be altogether beside the real question at issue, & would not be satisfactorily inquired into, short of a judicial investigation.

I have the honor to remain,
Sir, Your Excellency's very Obt Servt
James Lane

His Excellency
Governor Moore

Stanley July 11th 1859

Sir

I have the honor to acknowledge your Excellency's letter No 131. of the 16th ult.

In reply I would beg the favor of your Excellency's consideration of the provisions of the existing Ordinance, the preamble of which recites that the numbers of Dogs in Stanley are a public nuisance, that experience has shewn that all Dogs should be licenced; & tho' it is beyond dispute that there are many Dogs in the Settlement known to be dangerous to strangers, I know of no case in which the owner has been refused a licence. If on the other hand they are not kept fastened up that is impossible to say that a dog is known to be vicious, when of the dogs so powerful nature as those which I have referred to Lieut Lean the Surgeon, before the nuisance had been taken upon which many dogs were ordered to be destroyed, declared their dogs to be perfectly harmless &

to g[overnmen]t to have it properly & ascertaining that particular Dog has killed an animal in the open camp at night - Capt Sachs & the B[lack]s only keep Sheep & have need of "Sheep Dogs" & they must I sd submit be certainly accepted, their training rendering them harmless.

2 I must now leave the matter wholly in y[our] Excellency's hands & trust I need not feel that I sh[ou]ld have occasion again to report further losses if a remedy is not devised. Twelve Months ago, urgent requests & even complaints were made to the Company not supplying the Settlement with Mutton Milk & Fresh Butter. - This has been complied with by the only practicable, viz[t]. having a supply of Sheep & Calves with Milch Cows, kept on the Government farm (surround[d] the Settlement) under the Chief - Upon three occasions depredations by dogs have

been already committed to a serious extent, & I confidently submit to Y Excellency that in asking that discrimination sh? be used as to days hitherto to be kept, I cannot be justly accused of asking your Excellency to look only at the private interest of the Company, or to "favor one party at the expense of another". — If Lopez embargo is to be sustained, it must manifestly be decided whether persons are to keep watch, but dangerous, dogs, or whether the office of Watchman to the settlement is to be made a mere nominal one by Lopez, & obliged to be discontinued. —

I have the honor to remain,

Sir, Your Excellency's ob? Servant

Thomas Lane

His Excellency

Governor Moore

&c &c

James Langdon Esq^r

Cramer July 18-59.

Sir,

I send a few letters up by Parsons which when you will have the goodness forward per next mail to the Master and oblige me by sending any letters there may be for me Station Her Capt^n Kamloops —

I am Sir

Your Ob^t Serv^t

G. Dupres —

Supt Mis^y — Ops.

Have duly rec^d the documents relating to Dr Ellis' accounts forwarded per Capt^n Felton R.N. for Jam^s Yale

To his Excellency the Governor of
the Falkland Islands

Received 3 P.M. 19 July 1859.

Sir

I have ~~been~~ this day been convicted in the fine of £10 for improperly discharging a youth without the sanction of the Shipping master, that I have done so I will not attempt to deny, but hope the following Statement will in some measure mitigate the offence. The youth Williams Greenhalgh who is in the articles as Midshipman feeling unwilling to proceed any further on the voyage made application of his own free will to Capt Morrison of the Schooner Victoria to be allowed to work his passage to Monte Video to which Capt Morrison agreed & also promised to use his interest to provide the said Wm Greenhalgh with a Ship to work his passage to England. Capt Morrison takes him one short trip

& on his return turns him adrift
I make this short statement to shew
that he was not in the first instance
cast ashore perfectly destitute as has
been alleged, but as I find he is so
now I am perfectly willing for him
to come on board & continue the
voyage. The prayer of my petition
is that you will order the penalty
to be remitted as I am totally unable
to raise that sum, having disposed
of all my available cash to clear the
ship & Mr Dean having closed his
account refuses to advance any
more & I have no means of procuring
a Seamen here. The ship is now
ready for sea & I plan myself in
your hands & Humbly beg that you
will grant the prayer of my petition
I remain

Sir

Your most obedient & humble Servant

Wm Mans Master

55

Police Office 19 July 1859

Sir

The lad Greenhalgh has just applied to me stating that he cannot get a berth on board the Barque nor can he get his clothes from the Victoria and that he is destitute of money.

2. I have to request that you will represent the case to His Excellency the Governor with a view to making provision for the lad's immediate wants.

I have the honour to be
Sir
Your very obt. Servant
Warwick Borrie

E.R. Longden Esqr
Colonial Secretary

Police Office
21 July 1859.

Sir

The lad Greenhalgh has applied to me stating that the Boarding Houses refuse to board him.

2. I have had inquiries made at Rochdale, where the lad has been, and am informed that he has paid nothing, and has stated that Government would pay

I am &c &c &c
Colonial Secretary

for him; and that Macqueen
refuses to receive him under
2/6. a day.

I have the honour to be
Sir
Your obd.t Servant
Warwick Bowles

Stanley July. 21. 1859

Sir,

In reply to your letter of the 19th. I beg to express my regret that Capt. Morrison should have acted in the way described in reference to the Boy from the Sea Nymph - I had not the least idea of his being taken on board the 'Victoria' until the morning of the prosecution, when it was sent to me by one of the Passengers of the Sea Nymph - I have ascertained that Capt Morrison did take on board the "Victoria" a seaman of the wrecked Ship, Helen a Potter; at Darwin Harbour, & has brought the man to Stanley - I have written to Capt Sweeny to ascertain under what circumstances the man left his Ship

59

and apprising him of his being here – In
consequence of these & other acts I have
determined not to continue Captain
Morrison in command of the Schooner

M Budd's passage money has been paid
to Montevideo & the Boy can also have
passage as desired

I have the honor to be
Sir,
Your very Obt Servt
Stanley Lewis

J R Longden Esq

To His Excellency the Governor
& Commander in chief of the Falkland
Islands and its Dependencies

Recvd 22nd July 1857

May it please Your Excellency

We the Undersigned Members
of the Stanley Benefit Society do most earnestly
entreat of Your Excellency to allow the funds
of this Society to be deposited in the Government
Office and not to be withdrawn according to
the Second Rule which is annexed pending
Your Excellency's Sanction by so doing we
the Undersigned do wish You all prosperity in
this World and a Happy ending in the Next

Signitures of Committee and Members

Committee

John Casey
James Mudhill
James Hope
John Rogers
H C Pitt
J. J. Halloway

May it Please Your Excellency the
Following is the List of Members Nominated

Daniel McFarrell Chairman
John Rogers
John Forte Secretary
James Harper
George Scott
William Rifford
Martin Dwyer
James Biggs
Richard Turner
Walter Perry
Edward Biggs
J. N. Foss
John Echandra
Roman Smith
John Casey
James Mullholland
Hugh Carrell
Richard Penny
Harry Pettitt
Charles Holden
Harry McCormick
Charles Glendale
Samuel Johnston
George Halway
Charles Louis
Lewis Desperecamra
Harry Semple
John Smith
Harry White
George Clotharoe
Michael Pratt Junr
John Driscoll
William Clayton
James Percy
Edward Glendall
C Glendall

Paid 20 months in advance before his embarkation

Rules & Regulation of the Stanley Benefit Club

1st The Members of this Society will pay one Shilling Monthly which will be paid on the first Monday of every Month

2nd That the Subscriptions will be deposited in the Government office on the first Tuesday after Every Quarterly Meeting and not to be drawn therefrom on any account but through Sickness or death

3rd A fine will be laid on any Member of Six pence For the 1st offence one Shilling for the Second offence And to be Expelled for the third offence of Drunkness the evidence of two Members of the Society been considered proof

4th No Religious or political arguments is allowed in the Club Room during any Meetings

5th There will be no Liquor allowed to be used in the Club room during any Meetings

6th The Quarterly Meetings will be held on the Third Monday of Sept. Dec. March & June at 7 P. M.

7th Any Member Joining this Society from the 1st Feb 1859 Shall pay his arrears from the Formation of this Club

8th That all persons Joining this Club shall Have a Certificate Signed by the Chairman & Secretary = No Smoking allow in the Club Room

9th Any Member who Shall be expelled for Violating these Rules Shall be allowed to Re-enter on the payment of 2-6 which Will be added to the Funds of the Society

10th That the Chairman of the Club or Secretary Shall Cause these Rules to be hung up in the Club Room So as to be seen by the Members & the Secretary Shall Cause or Read and Make Known plainly these Rules to any Person wishing to Join the Club

11th That No Females be permitted to Join this Society or attend any Meetings

12th That every Member in the Settlement Shall Strictly attend every Quarterly Meeting of this Club or if Not to Send an Apology to the Secretary or in default to pay a fine not exceeding 6 pence

13th Every Member Shall pay up his arrears of Subscribtion at the Quarterly Meeting under a penalty of a fine not to exceed one Shilling & on Refusal to be expelled and Forfeit all claims

14th That every Seafareing brother Member who Shall be absent on Business for 3 or 4 Months Shall Receive Notice from the Secriatary to attend the Next Monthly Meeting after his arrival and pay up his arrears Shall in Compliance Receive

All benefits from the funds but upon refusal shall be expelled and forfeit all claims

15th Every Member Must pay in 12 Months Subscriptions Before he can receive any benefit from the funds of this Society Except through Voluntary Contributions

16th That no Members Shall receive any benefit out of the funds untile 1st day of July 1860

17 That the Secretary Shall Keep a correct account of the days of the Month on which each Member Joins this Club

Jno Lord Secretary

Stanley Falkland Islands

July 25th 1859

65

Your Excellency

Sir

I beg to acknowledge the receipt of your letter of the 19th inst informing me that Mr Lane the Manager of the Falkland Islands Company had been corresponding with you respecting a portion of Cargo sold me by Captain Sweney of the American Ship Helen A. Miller it appears that my name has unnecessarily been brought forward by my opponent in business Mr Lane which would tend materially to injure me in the commercial capacity I hold if I let his correspondence pass without some comment, particularly as he has requested his Statement to be forwarded to the Secretary of State, and I should have remained in the ignorance of such proceedings were it not for your Excellencys letter, which gives me the opportunity of replying to Mr Lanes Statement, which I think I can prove was solely brought forward by the Captain of the "Helen A. Miller" refusing to sell him Butter and Sugar for his Store, to substantiate which I must enter into the facts of the matter.

On Capt Sweney's arrival at this Port I neither called upon him nor made application for the purchase of any portion of his cargo; he called at my office on the following day with Capt Mon Smyley the United States Commercial Agent for the Falkland Islands and stated that under his cargo he should dispose of goods sufficient to pay his disbursements and crew that he should not sell by Public Auction that there were

only

only be buyers in quantities Mr. Lane and myself and that the Americans have great objection to paying the Colonial Auction duty; that he should only bring from Port San Carlos to Stanley such goods as were ordered, his chief Officer having gone to Monte Video for a vessel to remove the goods on or take them back to the United States according to the Condition they came in on the arrival of the vessel on this occasion he also stated that Mr. Lane had then made application to him for the purchase of Butter and Sugar and other Stores, and he told him he would make out a list of such goods as he thought would sell at Stanley and let him and me have it on the following day on which day Mr. Lane endeavoured to get the list first by sending to the Consulate for it. — The list was laid before me at my Office by Capt. Smeaton and the U. S. Consul I accepted the offer of a few of the articles at a very high rate viz. 40 Kegs Butter at 1/6 per lbs. Sugar 50 lbs at 3 per lbs. Composite Candles at 3/. and American Hams at 8. Fruit (Peaches) at 5 and 6 dollars per doz — those at present delivered are nearly worthless — dust from saltwater having got through the bins of the greater part, such high prices could not be obtained were it not for the staunch opposition between Mr. Lane and myself — he when made acquainted that the Sugar and Butter was sold to me, wrote a letter to Capt. Smeaton at the U. S. Consulate to the effect that he did not consider he had been treated well in not having the offer of the Sugar and Butter as Capt. Smeaton was aware that I had a full supply from the Ship "Moultan" (which vessel is delivering to me 500 tons of cargo direct from England) whilst his store was empty of these articles; such was as near as I can recollect the

the substance of his letter, Capt Swaney being away I cannot obtain a copy until he returns which he the Consul did not answer as he and Capt Swaney considered it an impertinence of Mr Lane to dictate to them — On the following day, I think it was the 5th or 6th of July Mr Lane again saw Capt Swaney opposite my Store, he again made overtures to him for the purchase of Sugar and Butter, and on Capt Swaney once more telling him that he could not sell them to him as he had sold them to me, Mr Lane then said he would not take the other things he was about taking from the I had from Capt Swaney immediately. H.S. left.

With regard to the 3rd paragraph of your Excellency's letter Mr Lane is in error in his statement that the Falkland Islands have acquired a bad name in reference to wrecks which may be excusable as he has only been here a few months; we fortunately have not had a wreck on the Falklands since the beginning of the year 1836. except a Belgian vessel on the Isaac 200 miles from this Port and the Helen a smaller one stranded at Port Louis Berkeley Sound here — and there has not been a vessel condemned at this Port since August 1834. except the William Shand for which vessel Mr Lane is doing the business and this vessel is condemned under no ordinary circumstances —

Your Excellency was perfectly correct in the view you took as I cannot see how you could in any way have interfered — the articles were sold publicly and with the advice of the Consul. I should much prefered if the goods had been sold at auction as they have been hitherto but the American Consul and Capt Swaney certainly are the best judges of

of their business and the former has repeatedly
assertes, that he should not advise sale of American
goods by Auction so long as the Colonial Auction
duty was charged:— the last Sugar sold at
Public Sale in quantities was from the Brig
"Iphan" realised not about 3½ — Capt. Swaney
is the owner and a large shipper in the "Yellow
A. Miller" so I was informed by the Consul.

In conclusion I think after your
Excellency has looked into this matter, you will
perceive that after the refusal to sell to Mr. Jones
on the 5th or 6th of July — he then immediately
commenced his correspondence, the first of which
is dated the 7th and a disinterested person, I
think, will say with me that in owning to being
worsted in fair trade, he attacked my re-
putation for buying that which he used his
best abilities to effect without avail.

I have the honor to be Sir,

Your obedient Servant

J. M. Dunn

To.

His Excellency Governor Moore.

&c &c &c

Stanley Falkland Islands
July 27th 1859

Sir,

I am anxious to proceed to England for 6 months on urgent private affairs, and I should esteem it a favor if your Excellency would be pleased to consider my application & express an opinion in favor of my obtaining leave, I beg to enclose my letter on the subject.

I have the honor to be
Sir
Your most obedient
humble Servant
Robt Hamilton Capt
Comdg Detachment
Falkland Islands

His Excellency
J. S. L. Brooke Esq R.N. C.B.
Lieut Governor & Commander in Chief
Falkland Islands

No 61

Stanley Falkland Islands
August 2nd 1859

Sir,

I beg to inform your Excellency that I have this day received a summons against Private William Ellis of the Falkland Island Company for assaulting his wife; this occurred in Barracks; I have caused the attendance of this man to the summons; but I have neither investigated the case or handed it over to the Civil Power; I would wish to know whether your Excellency considers that Mr Brooke the Stipendiary Magistrate has the right to interfere (as he informs me he has) in any difference between any one of my men and their wives, and also in cases of Drunkenness.

Your Excellency decided in the 5th Paragraph of your letter No 152 of the

His Excellency
Capt. T. S. L. Moore R.N. F.R.S.
Governor & Commander in Chief
Falkland Islands

20th October last that the Quarters allotted to the Soldiers must be considered as Barracks and therefore subject to my control only; I have received instructions from the Commander in Chief in reference to dealing with the crimes committed by my men; (a copy of which I now enclose) I therefore look upon my authority at an end if Mr Brooke can interfere and is permitted to entertain all the petty differences and complaints that may be brought before him Your Excellency must be well aware that since the Falkland Island Company have been here they have just little cause for the interference of the Civil Power; Awaiting your Excellency's reply to this

I remain
Sir
Your most obedient
humble servant
C. C. Abbott Capt.
Comm Detachts
Falkland Islands.

Copy

72

Immediate

30/1

War Office
20th October 1854

Sir,

In reply to your letter of the 24th Instant, I have to acquaint, that having laid before Lord Panmure the Letter from the Adjutant General, to which your's refers I have received His Lordship's directions to request that you will acquaint His Royal Highness the General Commanding in Chief that he considers it will be sufficient to Inform Lieutenant Abbott the officer Commanding the Falkland Islands Garrison Company that he must enforce discipline by applying the Powers vested in him by the Mutiny Acts and Articles of War and the Queens Regulations, and that any further or more precise instructions which may be considered necessary will be sent out to him hereafter

It may however be added that any non Commissioned officer or Soldier who misconduct himself or commit a Crime which cannot be met by a minor punishment

Should be Shipped on Board the first
Ships of war which touches at the Sulu
Islands for Conveyance to the nearest
Military Station or home if the Ship
is homeward Bound.

I have &c
Sig'd
H B Stanton

Commercial Agency of the
United States Of America
Sir

The Ship Helen A Smith which
arrived last in Port Louis and as the
Crew of the said Vessel is now here
in Prison. Some of them having
expressed a wish to Remain in this
Colony to go a Sealing in Colon
ial Vessels. I wish to know if they
will be allowed to Remain here
as Colonists. In case of Sickness
or distress of there not becoming
a Charge on the United States
I have now an opportunity of for
warding them to Mauritius if your
Excellency gives Consent for them to
Remain in this Colony I Shall Con
sider they have no further Claim
on on this Consulate.

There is also three Deserters here
who have forfeited all Claims on
most the Ship. I Consulate I Should
like to know what Steps your
Excellency will take towards them
so as

So as to prevent any Ships
Misunderstanding or Unpleasantness
hereafter

I have the honour to be your
very Obedient Servant

W. H. Hewett

His Excellency
Governor Bird.

Hewett Wades Commander
& Agent

Port Stanley August the 3rd 1859

Stanley 3 Comm[t] 1842

Sir

I have Sent Samuel Mark off this Evening from this Place & Billen, wishes to remain on the Falklands until is expired as one of the Crew of the Sealing Schooner Madonna, proceeding this Evening to Gorree with Gun his Conduct

I am Sir
Your Obed[t] Servant

J R Layton Esq[r] J Moore

No 62

Stanley Falkland Islands
August 3rd 1859

Sir,

I yesterday had the honor to bring to your Excellency's notice the interference on the part of Mr Brooke the Stipendiary Magistrate, in the case of a private Soldier of the Falkland Island Company; I am today called upon to bring forward another case; Yesterday Mrs Poole, and Mrs Bull the wives of Corporal Poole, and Private Bull were brought before me for abusing each other, I decided that Mrs Poole was in the wrong; Mrs Poole not satisfied with my decision, immediately goes to the Police Court

His Excellency
Captain J. E. L. Moore R.N. F.R.S.
Governor & Commander in Chief
Falkland Islands

and takes out a Summons against Mrs Bull, the case came on this morning, and has been adjourned by order of Mr Brooke; I can have no authority, if the Civil Court can be made an appeal against my decision; I must therefore claim your Excellency's protection against Mr Brooke's interference, which I look upon as most unjustifiable

I have the honor to be
Sir
Your most obedient
humble Servant

C. Abbott Capt
Comms. Detachments
Falkland Islands

Stanley August 4th 1859

Sir,

I take leave to refer your Excellency to Mr Longden's Letter of the 23d June last in reply to mine of the 21st pointing out the then urgent necessity of repairs to the Slaughter House, Canal, &c. vested by the Company of Government –

It was subsequently intimated to me that the drain from the Slaughter House might have become choked by the Offal allowed to get into it, & in order to avoid any difficulty on this point I employed men to unload the drain for 2 days & they found that the cause of the Stoppage was not occasioned by Offal, but by the falling in of the drain in two places – I communicated that had been done to the Surveyor General

1.

on Monday the 1st inst. & he gave the matter his prompt attention by sending workmen in the afternoon of the following day with Bricks - The Butcher having then one Animal to kill, arranged with the Mason that he sh.d begin work on the follow.g Morning & that no animals sh.d be killed for a week - Nothing has however since been done -

I have spoken to the Surveyor Genl & d.o but finding that the new procedure on the work does not rest with him, I am under the necessity of asking your Excellency that that has been so long & urgently req.d may be done without delay - Since the drain has been opened the Stench is so great that it so quickly renders meat unsaleable, I have no alternative than to discontinue

killing Rio must deduct[ed] as occasioning not only loss to the Company, but inconvenience to the Settlement & Shipping —

I have the honor to remain

Sir, Your Excellency's ob[edient] Ser[vant]

James Lane

His Excellency

Governor Moore

&c

United States Commercial Agency
Port Hawke 5th August 1859

Sir

your Kind favour Dated the 3rd Instant
was been Received

your Excellency wishes me to give
you the names of the men who
wish to Remain the names of the
men is Moore Mc Guness
& John Davis the same men
who you have given your Con
sent to already Two of the above
named persons was Deserters Viz
Moore & Mc Guness

As for the Others if they Remain
here & became Destitute its there
own fault I will provide for all
destitute Seamen Under the Laws
of the U S If they are Entitled to
it but Consent Desertion &
acts of piracy like in this
Case I am much gratified
to hear your Excellency Express
Such Sympathies for Distressed
Seamen

I Shane not the least doubt but you would assist any one in Distress as far as it lies in your power

I have the Honour to be your Most Obedient

W H Smyth
U S Consular Agent

His Excellency
Governor
Thos L Shane

Police Office Stanley
5th August 1859

Sir.

I have the honour to acknowledge the receipt of a letter from Your Excellency of the second of August and a second letter of the third, inclosing Copies of two letters one from Captain Abbott, another from the War Office.

2 From Your Excellency's letters I regret to learn that a Soldier named Elsmore sentenced by me on the second of August to three weeks imprisonment with hard labour for assaulting his wife was on the same day "handed over to "his military superior" by Your Excellency's orders, and that Your Excellency had no alternative but to act thus because

To.
His Excellency
Captain Thomas L. Moore R.N.
Governor and Commander in Chief
&c &c &c

Captain

Captain Abbott had informed you that the offence had been committed in "Barracks."

3. The act of Your Excellency taken in connection with the letter of Captain Abbott; which Your Excellency has sent me, compels me to believe that Your Excellency shares with Captain Abbott an opinion that Soldiers committing offences are not subject to the civil Power provided the offence be committed in Barracks.-

4. I have already informed Your Excellency that no land or buildings have been exempted by the Island Ordinances from any Jurisdiction of the Courts. I have now the honour to inform Your Excellency that no land or buildings in these Islands have been exempted from the Jurisdiction of the Courts by the present Mutiny Act,

Letter by me to Captain Abbott of 22 Sept. 1858 sent to Your Excellency on the 25th Sept 1858.

nor

no is any soldier exempted by any provision of that Act here or elsewhere from the ordinary course of Law save only in the matter of small debts.

5 I have repeatedly heard and determined similar cases (viz ill conduct of Soldiers in their houses) since last September when I had reason to hope this Question of Jurisdiction had been settled and I have received no remonstrance either from Your Excellency or Captain Abbott.

6 I have called Your Excellency's attention to the evils which must occur if the Authority of the Magistrate is thus weakened, but I cannot let this occasion pass without expressing my regret that so material a part of our little community should thus a second time be led to suppose that they are exempt

exempt from the penalties of the law.

7. As I shall be obliged to lay this matter before the Magistrates I have to request Your Excellency's permission to shew them the correspondence which has taken place between Your Excellency and myself.

I have the honour to be

Sir

Your Excellency's

Very obedient humble Servant.

J Warwick Brooke

Police Office Stanley
5th August 1859

Sir.

It is my painful duty to inform Your Excellency, that on a case, in which some soldiers' wives were concerned, being called in Court on the morning of the third of August. Captain Abbott came into the Court House, informed me that 'he had settled the matter' and turning to the women told them 'they need not stay'

2. As it is impossible for me not to connect this act with the act of Your Excellency in releasing the prisoner Ellmer on the previous afternoon I have contented myself with informing Your

To
His Excellency
Captain Thomas Ed. Mone
Governor and Commander in Chief
&c &c &c

Ex

Excellency of the circumstance until I
have consulted with my brother Magistrates

I have the honour to be
Sir.
Your Excellency's
Very obedient humble Servant.
T Warwick Bootle

No 63

90

Stanley Falkland Islands
August 8th 1859

Sir,

I have the honor to acknowledge the receipt of your Excellency's letter no 155 of the 6th instant in which you mention the receipt of a letter from Mr Brooke of which the following is the opening paragraph; "It is my painful duty to inform you Excellency that on a case in which some soldiers wives were concerned being called in Court on the morning of the 3rd August, Colt Abbott came into the Court House, informed me that he had settled the matter, and turning to the women told them they need not stay"

His Excellency
Capt. R. L. Moore R.n. F.R.S.
Governor and Commander in Chief
Falkland Islands

I deny having spoken one word of any
kind to the women in the Court House
I therefore call upon Mr Brooke
through your Excellency to substantiate
my having made use of to the women
the words he states; when I went
into the Court House on the morning of
the 3rd August; I stated to Mr Brooke
(thinking he might not know it) that
the dispute between the women had
been brought before me, and immediately
on settled (the latter word I may have used)
and when Mr Brooke asked me if
I would take a seat on the Bench
I replied, I am not prepared to stay,
and left the Court; Your
Excellency will be enabled to judge
from this letter how far I have
undermined the respect due to the

Civil Authority by my conduct in
Court on the occasion brought to
Jour notice by Mr Brooke.

I have the Jour to be

Sir

Jour most obedient

humble servant

C. Abbott Capt.

Comdg. Detachments

Falkland Islands

His Excellency

Capt. T. B. L. Moore R.N. F.K.I.

Governor and Commander in Chief

Falkland Islands.

Stanley August 8th 1859

Sir,

Referring to my recent correspondence with H.E. the Governor, on the subject of the Sale of the a part of the Cargo of the Wrecked Ship "Ellen & Miller", I beg to ask that H.E. will do me the favor of directing that any communications which have passed betn the Government & Capts Sweeney & Shipley, or Mr Dean, on that subject, since the departure of the last Mail, may be communicated to me, in time to reply to them, if it is intended to send such communications to the Home Government, or to advert to them. - I have the honor to remain

H.E. Ogden Esqre &c &c &c

I Rimes Lane

Police Office Stanley
8th August 1859.

Sir

I have the honour to acknowledge your Excellency's letter of the 6th instant.

2. In it I perceive that Your Excellency has taken up a new position.

3. In your former letter Your Excellency informed me that you had handed over the prisoner Illmer to his military Superior because his Offence was committed in

To His
Excellency
Captain Thomas G. S. Moore R.N.
Governor and Commander in Chief
&c &c &c

in Barrack Rs.

4. In your present letter Your Excellency seems to consider that the offence was too trivial for the Civil Court whose actions you think must be confined to graver crimes.

5. As Your Excellency has not thought fit to ask for any official note of the Case, I take the liberty of laying the following statement of it before you:- The Soldier Ulmer came to his Cottage (assigned himself and his family) in the evening and found his wife there and a Girl (a neighbour) with her- he locked the door, and began to beat his wife. She had a Child in her arms. He knocked her down tore a handful of hair out of her head, and kicked her on the breast and loins. The neighbour rescued the Child and then ran out for help- This is not an isolated case, the woman often suffers from her

husbands violence.

6. It may perhaps be a matter of opinion whether this is a trivial Case or not, if after Examination it appeared to your Excellency that the Case was trivial, then Your Excellency's reason for the Soldiers Release would have been that the punishment was disproportionate to the Offence, whereas Your Excellency stated reason was that the Offence took place in Barracks.

7. As regards the dispute among these Soldiers Wives, I cannot be supposed to know whether it be trivial or not as I have heard it.

8. As to Captain Abbotts attempts to prevent my hearing the Case at all, I regret to find that Your Excellency in fact approves of it. I must therefore admonish Captain Abbott myself, and if the Offence be repeated punish him

him for a plain Contempt of Court

I have the honour to be

Sir

Your Excellency's

very Obedient

Humble Servant

Warwick Bowles

Police Office Stanley
9th August 1859.

Sir.

11.30 Am. I have just received Your Excellency's letter of yesterdays date with its inclosures.

2. From one of them I learn that Captain Abbott admits one part of my charge against him viz. that he had settled the case and denies the latter part viz his words to the women.

3. I have questioned Captn Sibbald and the Constable both of them in Court at the time neither of them remembers that Captain Abbott addressed the women.

4 It remains for me to bow to the majority of memories and I hasten

To
His Excellency
Captain Thomas R.L. Moore RN
Governor & Commander in Chief
&c &c &c

to.

to request that Your Excellency will convey to Captain Abbott my regret that I have attributed to him the use of words which I find myself unable to substantiate

5. The main issue is unchanged it is (I apprehend) this; whether, in regard to any case before me, I am bound to take notice of Captain Abbotts adjudication on it.

I have the honour to be
Sir.
Your Excellency's
Very obedient humble Servant
T Warwick Bunbe

Stanley August 10 1859

Sir,

I have the honor to acknowledge your Excellency's letter of the 9th inst. stating that Mr Bailey was authd to do the repairs needed "on the Slaughter House" — That gentleman informed me that he has no authority to make the canal available or to open a drain from it to the main drain as mentd in Mr Longden's letter dated the 23d June. — If it is desired I will employ men to do these works charging the actual cost & under Mr Bailey's superintendence but the necessity for it is not urgent & has long been so.

2 I cannot think that your Excellency does me justice in your letter of the 9th inst. I asked as much as public grounds as for the temporary wall the repairs needed might be done & the Slaughter House canal &c — & because one animal remained to be killed when the two men came in the afternoon, they are not permitted

to return again — Here was the ground of my representation to your Excellency —

The Butcher killed more animals on that day than usual to allow of the settlement suspected whilst the work was going on, & was consequently engaged after dinner, contrary to my expectations — He told the Butchers that he should not want to kill again for a week — The latter did not come again to the place, but was employed the next & following days at the new Government House — Found the settlers to be in want of beef — I went to the Government Officer on Tuesday, when Mr Bailey told me that he was without authority to send the men, &, on the same day (dated the 4th) I addressed to write to your Excellency on the subject — It was however, only yesterday Morning, after there had been no beef for sale, that Mr Bailey ordered me to get the drain opened at the Government Dispensary — I had it done in a few hours, & at 1. P.M. upon

W. Burdey that all to be ready for the Bricklayers this Morning — It has therefore never been a question of difficulty or expence in getting workmen, but simply, whether they shall be employed at the Slaughter House, or about the new Government House; & as the Surveyor General has always represented to me that he cannot employ the workmen, without yr Excellency's permission, on any particular work, I have been obliged to trouble yr Excellency on the subject; & in justice to myself, I could not allow it to go home to the Directors, or else where, (as intimated in yr Excellency's letter of the 9th inst.) that the settlement & shipping have been without Beef thro' any neglect on my part.

I have the honor to remain Sir

Yr Excellency's most Obt Servt

James Lane

His Excellency

Governor Moore

Stanley May 10th 1859

Sir,

I am favored with yr letter of the 9th inst. No 150 — If it is not intended to send Her Excellency's letter to the Duke nor that gentleman's reply, to H. Majesty's Secy of State for the Colonies, nor to advert to them, I shall be perfectly satisfied; but, if otherwise, I submit that the whole case will not fully, or fairly go home, without my having seen those communications — If H.E. however, adheres to her decision, I shall not trouble you to reply, but will send this supplementary correspondence to the Executive.

I have the honor to remain,

Sir, Your most humble

Servant

Mr Longden &c

Colonial Secy

&c

No 64

Stanley Falkland Islands
August 1859

Received 10th August 1859.

Sir

I have the hon to acknowledge Your Excellency's letter of this date enclosing a copy of Mr Brookes reply in answer to my letter dated the 3d inst, in reference to the language I made use of in the Court House on the morning of the 3rd August I am dissatisfied with Mr Brookes letter. he does not withdraw the charge he has made against me of addressing the women and telling them they need not stay but merely states he is unable to substantiate it and to use his own expressions bows to the majority of memories. It remains

His Excellency
Capt. T. E. L. Stone R.N. F.R.S.
Governor & Commander in Chief
Falkland Islands

for me therefore in vindication of my own character to demand from your Excellency a public investigation and an examination of all the people that were in the Court House in the morning of the 3rd August to prove whether I made use of the words attributed to me by Mr. Brooke or not

Mr. Brooke has endeavoured in his letter to your Excellency of the 5th August to damage my character not only as an Old Officer in the Army but as a Magistrate for these Islands by endeavouring to make it appear (by imputing words to me that I never uttered) that I showed a want of respect to the Civil Power by my conduct in Court on the morning of the 3rd August

As I am anxious that this matter should come to an issue I trust your Excellency will allow me to take the only steps that now remain

I have the honor to be
Sir
Your most obedient
humble servant
C. Abbott Capt
Comg Falkland
Falkland Islands

United States Commercial Agency
at
Stanley August 11 1859

By
His Excellency
Governor Moore
Sir

My Friend Captn Sweeny of the American Ship Fellow A Miller of New York now Stranded in Port San Carlos will require some fresh provision for himself & Crew whilst they Remain at the wreck. I wish to ask the favour of your Excellency to allow Captain Sweeny the Privilege of killing one or more of the bullock on the land near his Ship. My Reason for asking this Request is the meat which the Falkland Island Company have killed for Captn Sweeny they have Charged four pence pr pound whilst they are Selling meat in the Colony at three pence pr pound

the Meat

the Most at Sancarlos I think Ought to be the Cheapest as its Caught Close to the Ship as was the Case with the Animals Supplied Capt Sweeny

I beg leave also to Inquire of your Excellency Whether the Falkland Island Company have the Right of killing Bullock on the Land to the Northward of Choiseul Bay & Grantham Sound Boundery. In Capt G Bill they Change the Meat as Cameng from Darwin Harbour which was not the Case If that had been the Case I do not think Capt G would have Complained of the price Charged.

I have other Reasons for writing for this information which I will Explain some future Opportunity

I have the honour to be your Excy Obedient

W H C Snyder

Police Office Stanley
11th August 1859.

Sir

I have the honour to acknowledge Your Excellency's letter of the 9th of August informing me of your intention of laying this correspondence before the Secretary of State.

2. I have to request that my letter to Your Excellency of the 25th of September 1858 with its inclosures may be included in the correspondence.

I have the honour to be
Sir
Your Excellency's
Very obedient humble Servant

T Warwick Brooke.

His Excellency
Captain Thomas L. Moore R.N.
Governor and Commander in Chief
&c &c &c

Commercial Agency of the
United States of America
Port Stanley Aug: 13 1859

Sir

Capt^n Sweeny being about to settle his bills with Mr Lane. asked me whether I thought it would be Right for him to pay Mr Lane for the beef killed at Sandwich as I told him I was of the opinion that he should not pay for it until we heard from your Excellency on the Subject for it was my Opinion if the beef belonged to the Crown the Money should be paid to the Government Capt^n Sweeny is Ready and willing to pay the Bill assoon as he knows to who the money should be paid

I have the Honour to be your Very Obed Serv^t

His Excellency
Governor
Head &c &c

W W Smyth
Commercial Agent

Commercial Agency of the
United States of America
at
August 13 1859

Yours favour of this Days date
has been Received & I have Requ
ested Capt Sweeney to postpone
the payment of Mr Lanes bill
until he finds to whome the
money Should be paid

The first Beef I
find was killed on the 18th
of June The Same day I arrived
In San Carlos the Spot where
the animals was killed Capt
Sweeney Can tell you as it was
pointed out to him

The Second Beef
was killed the Day before I arrived
in Sancarlos from Stanley it was
on the 21st of July. as for Refer
ence to whome that was killed
I Refer you to Andres Peter Lugo.
and as to the number killed
I can only Say I See two
tongues Two hearts & two
Livers & as there is but

two

Two Animals Charged in
Capt. Sweeneys Bill there may
be Some Mistake

I have the Honour
to be your Obed Servt

His Excellency
Governor Mann

W. W. Snyder
U.S. Commercial Ag

Stanley August 15th 1859

Sir,

I have the honor to acknowledge the receipt this morning of your Excellency's letter of the 13th inst. No. 166.—

2. I cannot believe that the Company's Camp Manager, at their establishment in the South, can have been in any way privy to Cattle having been killed off the Lands belonging to or rented by the Company, contrary to the express directions, in writing, given to him by me on the 31st August 1858 & many times repeated subsequently.

3 I shall immediately inform the Camp Manager of your Excellency's communication, & require his statement in reply, which I will submit to your Excellency.— In the mean time I beg to be favored with a Copy

of the written Statements of the two Men
Andres Peterlaz & Manuel Jolle which
I understand have been taken by the
Colonial Secretary, & both of them, it
is said, were engaged in the killing -

In the mean time I beg to ask that
the prosecution may be deferred.

I have the honor to remain,

Sir,

Your Excellency's very

obedient Servant

Lewis Lane

H.E.

Governor Moore

&c &c

Commercial Agency of the U S
Port Stanley August 16 1857
Sir

Captain Sweeney of the American Ship Stellen A Miller now Stranded in port Sancarlos was to leave here for that place tomorrow morning at daylight Mr Lane one of the Magistrates and acting as plaintiffs attorney in a Case between Capt Sweeney and the Steward of the St A Miller the Case was called up some days ago and was decided By Mr Brook that the Court had no jurisdiction in it: and now that Capt S is going back to his Ship a Summons is Granted by Mr Brook to Mr Lane to Compell Capt S to appear before the Police Court on the 26th of August well knowing the Impossibility of him doing So

If the Court has no jurisdiction in the Case why is a Summons allowed to be granted

granted I have looked into the Case from beginning to End and am well Satisfied the Court has no jurisdiction over it what ever the Case is one which Should be left with me as the Commercial agent to Selle all disputes between the Masters and Crews of American Vessels I feel well Satisfied that Mr Lane is doing this to annoy Capt Sweeney for not Selling him Some articles that he wish to purchase the Man who Mr Lane takes So much intrest in was provided with by the U S Government Agent both a boarding house which he did not See fit to Except and went to Board in one of the Companys houses with a Man By the Name of Mc Gassell as Mr Gassell is not paid this I Suppose is an other Reason for Lanes Interferance

I Must also Inform your Excellency that the Schooner Nancy will Sail for Mantevideo in two or three days and a passage is provided for the Man Alluded to and also for a Man By the Name of Fitz Gerrald, Now At Remains for your Excellency To Say whether they Remain or not

I Beg your Excellency to Inform me whether the Courts here have jurisdiction over Such Cases if So three power is taken from me which the United States has given to me in Settling the disputes between the Masters & Crews of American Vessels If the Courts here Interpenes and takes the power out of my hands I may as well Resign my Situation and Office at once

I have the Honour to

His Excellency Your Very Obedient Servt
Governor Moore

W Rhind
U S Commercial
Agent

Police Office. Stanley
16th August 1859.
1.30 pm

Sir

I have the honour to inform Your Excellency that the U S Commercial Agent has just applied to me to have the man O'Neill claimed by him as a Deserter from the American Ship Helen A Miller ashore at Port San Carlos arrested and put onboard the Commercial Agent's Vessel the Nancy to be sent back to his Ship. -

2. I have informed

To
His Excellency
Capt Thos. Ed Moore R.N.
Governor & Commander in Chief
&c &c &c

the Agent that I would Grant a warrant to bring the man before me on the charge of desertion, but that I must decline to grant the warrant demanded without giving the man a hearing.

I. I have the honour to be

Sir

Your Excellency's

very obed.t

humble serv.t

J. Warwick Bond.

Stanley August 17th 1859

Sir,

I have the honor to acknowledge the receipt of your Excellency's letter No 171 of the 15th inst. — Your Excellency does not in any way notice my application for a copy of the statements of the two men as taken down in writing by the Colonial Secretary & upon which your Excellency directed an immediate prosecution —

2 The fact, well known to the Government, that they were both participators in the act complained of & that one of them, actually volunteered to & did upset the two men accused, in killing whom, I ought have supposed, have induced your Excellency to have allowed time for investigation

3 I cannot, however, with due respect, be more urgent & must therefore accept the proceedings which your Excellency has directed

according to the best of my judgment, leaving the Board of Directors free to act as they may see fit, but in the mean time, must respectfully, protesting against the vagueness with which this prosecution has been directed & made public, virtually, ag^st the Company, — against the rejection of my application for the prosecution being deferred until I could obtain & lay before your Excellency the Company's Counsel & Managers statement of the case; & against the generally uncourteous treatment which the Company have experienced.

I have the honor to remain Sir

Your Excellency's my ob^t Serv^t

James Lowe

His Excellency

Governor Moore

&c &c

Stanley August 6th 1859.

Sir,

I take leave to send Your Excellency the
[illegible] Correspondence in reference to the Steward of
[illegible] Ship "Ellen Miller" and will shortly state
[illegible] circumstances which led to it. The man obtained
[illegible] Summons against Captain Sweeny for his wages as
Steward. The Case was heard and adjourned. After
hearing the man informed me of his friendless
position and of what had taken place and stated
that his deplorable condition arose out of the state of his clothes
[illegible] evidently want of knowledge made him
quite incapable of contending against Captain Sweeny
and the mate, who had appeared against him
and at his urgent request I agreed to attend the
adjourned hearing. The Magistrate then stated, in
the presence of all parties in Court, that the defences
set forth by the Captain were, first, to his jurisdiction
that the man was a deserter and 3rd in point of
fact his duties by his own [illegible], the two first defences
the Magistrate overruled and particularly stated
that there was not a shadow of foundation for the
charge of desertion under the American or English law; and
that as to the 3rd defence it had not been sufficiently
proved to enable him to judge, but that he had
found that the man had misbehaved his duty

[illegible]

of proceeding in bringing it before him as a Police Magistrate and that the proceedings must be commenced afresh in the proper Court — The Magistrate then stated that he hoped the matter might be arranged and settled from Court — I made a proposal to Captains Smyley and Sweeney to accept a reduced sum but they refused, and it was, alternately, proposed by them, that Captain Smyley and myself should go into the matter before a third person, who should decide it if we did not agree, and Captain Smyley ultimately suggested Mr Brooke — Mr Brooke kindly said he would acquiesce, as a private individual, with the view of ending disputes, and all parties distinctly submitted to abide by his decision Captain Smyley handed Mr Brooke some Books of American Law, which he perused, and it was agreed that the matter should be considered by him as experienced in that Law — Captain Sweeney and his Mate the Steward were fully heard, and Captain Smyley and myself not agreeing — Mr Brooke stated his opinion that the man should be paid £4 out of his full Claim of £18 for wages — Captain Smyley expressly requested that the additional Claim for Board which I had, here, should be left out of consideration as that could be settled between himself and the Colonial Government, I had not, however, proceeded far from the Court when Captain Smyley told me that Captain Sweeney would not abide by

Mr Barrow's award — Referring to the Correspondence Your
Excellency will see that Capt. Sweeney after refused to
join the Ell until he had seen your Excellency and that
the following day he wrote me a letter asking what
I had to interfere, finding I could get no redress
whatever for the man from Capt. Sweeney or Capt. Smyley
told him that his only course was to bring the matter
before the proper Court and he accordingly had process
served upon Capt. Sweeney returnable on the 26th instant — Your Excellency
will see that in addicting a helpless man to a full
hearing in Court, I have only followed the example
of Capt. Smyley himself in many cases (on behalf
of Englishmen) of the late Colonial Chaplain and that
it is the Custom of the Colony in the absence
of professional advocates — As regards the jurisdiction
of the Courts, it can be hardly necessary to state to
Your Excellency that the right of an American Seamen
to sue the Capt. of an American Ship for wages in an
English Court, — both parties to the Contract being
before the Court, is indisputable; & that the same
right exists and is exercised by American Courts in
the case of Contracts between masters & Crews of English
Ships — finding that considerable misapprehension exists
in the Settlements, I am desirous of making Your
Excellency acquainted with the real facts of the Case
and particularly because it is currently asserted that
Capt. Smyley & Sweeney have had several interviews
with Your Excellency in the last week, that they have
Government support in the Course they have adopted

and

and will take no notice of the ~~proceedings~~ process of the Court
I am sure that it cannot be Your Excellency's wish to
interfere with the ordinary Courts of Justice in the
Island or that the man should be prejudiced in having
a full and fair hearing before a jury, to clear his character
and obtain what may be his due, and it would be
very Satisfactory if Your Excellency would authorize
me to say so and thus prevent the injury which such
a report would occasion to the man's case before it
has been investigated. —

I have the honor to be
Sir
Your Excellency's
very obedient humble Servant

H. E.
Governor Mine

James Lane

August 12th 1859.

Sir!

Capt Smyley has informed me that it is not your intention to abide by Mr Brooke's decision in the case of the Maid O'Neill — I shall be glad to know whether this is the case. — if not, when & where the Man shall attend to day to receive the £11. awarded to him.

Your obt. Servt.
(Sgnd) James Lane.

To Capt Sweeney.

August 12th 1859.

Sir! I cannot give you any answer to your letter until such time as I confer with the Governor upon the subject as I consider the decision unjust with regard to his board to your demand against my wish

P.S. I have not yet received any written decision from Mr. Brooke.

Yours respectfully.
(Sgnd) John Sweeney

James Lane Esq.

August 12th 1859.

Sir.

I have received your letter & beg to remind you that you are mistaken in considering that Mr Brooke gave the Board to the Maid. — He reduced his claim for Wages from £18 to £11. & it is not usual to give any written Note of his opinion — he mentioned his Award in the presence of all parties I hope to have your decision by mid day to morrow

Your obt. Servt.
(Sgnd) James Lane

To Capt Sweeney.

August 13th 1859.

Sir.

With regard to yours of yesterday in the first place you will please inform me by what rights or authority you interfere with Masters & Crews of American Ships. — You will be so that there is at this port a Consul or Commercial Agent sent by the Govt of the U.S. — Any further correspondence you may have with me you will kindly direct to Capt Smyley.

Your
(Sgnd) John Sweeney

To James Lane Esq

August 13th 1859.

Dear Sir.

Capt Sweeney has referred me to you in answer to my enquiry whether the £11 awarded by Brooke to O'Neill will be paid or not — in other words, whether Capt Sweeney shall abide by the arbitration to which he agreed to submit. Be good enough to let me have a distinct reply.

Yours obt
(Sgnd) James Lane

To Capt Smyley.

August 13th 1859.

Dear Sir.

I have just seen Capt Sweeney's letter to you and in it he refers you to me relative to differences & difficulties between the Master & Crews of American Vessels as I am the Commercial Agent here for that purpose and as regards the £11 I have nothing to say pro or con.

Yours truly
Wm Smyley

To James Lane Esq

Police-Office Stanley
17th August 1859.

Sir

I have the honour to inclose for Your Excellency's consideration an opinion sent to me by Mr Lane on the subject of the soldier Elmer.

2. As it is the opinion of a Magistrate and a Resident acquainted with the facts, I beg that Your Excellency will

To
His Excellency
Captain Thomas E.L. Moore R.N.
Governor & Commander in Chief.

forward it to the Secretary of State together with the other papers in the case.

I have the honour to be

Sir

Your Excellency's

Most obedient

humble servt.

Thomas Barclay

Stanley, August 13th 1859—

Sir,

I have received your Circular letter to the Magistrates, in which you invite an expression of Opinion on the subject of the Correspondence (enclosed) between H. E. the Gov. & yourself.

2. I have carefully perused the Correspondence & also the Mutiny Act in force (1858) Articles of War & Queens Regulations & I cannot refuse to express my Opinion that Your proceedings in the Case of the wife of the Soldier, Ellmer, have been strictly legal & ought to meet with support.

3. The use of the Expression "Conflicting jurisdiction" seems to me very likely to mislead as there can be no such conflict. The Civil power has a primary & supreme jurisdiction, in all cases of "Crime or offence" by the Military against the Law, & the latter power must not only submit to the decision & sentence, but must "assist" the Civil power. Except for the provisions of the Mutiny Act, every Soldier would as regards punishment be as a private Citizen, that is to say he could only be punished by the Civil power. The Mutiny Act allows him to be punished by Court Martial or (but to a very limited extent) by his Commanding Officer. Not however in satisfaction, or to the exclusion of punishment by a Magistrate; for the Act on the Contrary declares expressly (23 Sec) that it shall not "exempt" any Soldier or officer "from being proceeded against by the ordinary Course of Law" when accused of "any Crime or Offence" & this "without any exception or reservation as to the locality in which the Offence may be committed" - and it goes on to enact, that if any Officer shall obstruct

neglect

"neglect or refuse" to assist the Officers of Justice in
apprehending any Officer or Soldier he "shall be
cashiered &c- If therefore a case should occur
in which the Constable had to attack in Barracks
the Officer is bound "to assist" him in doing so
under pain of being "cashiered"-

4. The case which has resulted in H.E's annulling
your sentence, as Stipendiary Magistrate, is
that of an Aggravated Assault upon a Soldiers
wife, by her husband & whilst H.E. denies the
Magistrates Jurisdiction in such a case
he admits that "women & Children are not
"under the Military Act"- Even if it could be
admitted then, that a Soldier has no right
to the protection of the Civil Magistrate, surely
it cannot be said that a woman has no such
right- if the Soldier Ellmer had so assaulted the
young woman who was at the time in his Cottage
(which His Excellency considers as Barracks)
instead of his wife, can it be maintained that
the former would be debarred from the Magis-
trates protection or that the Soldier could not
be punished by the Magistrate, or that he could
be legally released from prison, because the
Crime was committed in the Cottage or Barracks?
I apprehend the two Cases are in Law every way
parallel-

5. With regard to the Offence it was one of that
brutal Character (& by no means the first by
the man) which in England is frequently
punished by 6 months hard labour, as we see in
the Public papers- Capt.n Abbotts power of
punishment being only those of a Commanding
Officer, are very limited, & the larger powers of
a Magistrate, would I should suppose, be gladly
availed of to strengthen his Command, & subject
to the Action of the Civil power, it appears to me
subject to the 35 Section of the Mutiny Act, & to

the

the established & Constitutional Laws of England
& of the Colony —

6. There are no doubt some trivial Cases, in which Magistrates frequently hand over a Soldier to his Officer but it is purely discretionary to do so & voluntarily relinquishing jurisdiction & I have never heard of such discretion, or the non exercise of it having been interfered with in England by higher authority, but summarily & without investigation to liberate a man, as in the present Case, must in my judgment certainly bring the administration of Justice into Contempt —

7. For the grave offence in question instead of 21 days imprisonment with hard labour, the man is ordered drill for 10 days, 3 hours a day, & his good Conduct pay of 1/ per day is taken away for 12 months, equal to a fine of about £30 — This might & may that Capt Abbotts extreme powers if exercised would have gone but little further & I would not be supposed to question the propriety of his sentence — he cannot call a Court Martial unless a Ship of war happens to come here, which [illegible] at intervals of nearly 12 months & already to have elapsed — The only punishment which he can lawfully inflict for offences for which a Soldier cannot demand a Court Martial are 1st Confinement in the Black Hole for 48 hours 2d to Barracks for 1 month 3d Drill for 14 days but not more than 2 hours a day (with or without Confinement to Barracks) & suspension of good Conduct pay (assuming he is authorized to do so by the good Conduct warrant) Corporals Cannot be deprived even of good Conduct pay except after Conviction by Court Martial or by a Civil Court or Magistrate & surely any of these punishments would have been totally inadequate for the Brutal Assault in question & it cannot be desirable that Capt Abbott should punish adequately by acting unlawfully

&

I. The letter of the 20th Oct 1837 from the War office simply refers Capt Abbott to the powers conferred by the Mutiny Act, Articles & Regulations & neither does nor could give him any other powers - much less limits those which the Law gives to the magistrate & which all officers are enjoined to "assist in carrying out" - The statement in the 2d paragraph of M. E's letter of the 6th instant in reference to Capt Abbott's assumed power to "stop" rations, & to check "pay" must I apprehend be read with some qualification He can only in certain cases "reduce" rations & a Court Martial only can stop regular pay -

2. With regard to the other cases / assaults & offences between Soldiers wives / Capt Abbott cannot, I presume contend that he has any other right of interference / married Soldiers only being sent here / than a private individual has, or that he can lawfully interfere to prevent their applying to the magistrate -

II. I do not clearly understand what M. E. has in view, in reference to an alteration in the Law of the Colony in order to abridge the exercise of the Civil power, but I apprehend that any such exceptional & unconstitutional Law would never be allowed for the purpose of keeping in subordination 36 veteran Soldiers all married & with families & of which number 5 are non commissioned Officers

I have the honor to remain Sir
Your very obt Servant
(Signd) James Lane

The Hon.ble
T. Barnick Bevis Esq
Stipendiary Magistrate

P. S. You are at liberty to make any use you please of this Letter

Police Office. Stanley
17th August 1859.

Sir

I have been informed that a correspondence took place in the time of Captain Reid relative to the Magistrate's power over the Pensioners.

2. I can find nothing of the kind in this office; I have therefore to request that - Your Excellency will allow me to see any such correspondence (if it be in Your Excellency's department) as.

To His Excellency
Captain Thomas E L Moore R.N.
Governor & Commander in Chief
&c — &c — &c

it

it maybe of assistance to the Magistrates in the present case of the Soldier Ellmer. —

I have the honour to be Sir.

Your Excellency's very obedient humble servant

J Warwick Bosworth.