136

(14)

No. 987 M.

General Post Office,
7th November, 1861.

Sir,

It has been brought to the notice of the Postmaster General that a practice prevails to some extent, in the Colonies, of forwarding to England in Book Packets, and prepaid at the Book Rate of Postage, Photographs in cases containing glass.

As the regulations, however, of the Book Post do not allow of glass being enclosed in Book Packets, I am directed by the Postmaster General to call your attention to this irregularity, in order that you may take steps for preventing its recurrence.

I am, at the same time, to point out that Photographs in glass cases can only be sent through the Post, even as Letters, and at Letter Rates of Postage, when packed so securely that no damage can be done to the correspondence in the Mails, or to the Officers of the Department.

I am,

Sir,

Your obedient Servant,

Rowland Hill,

Secretary.

Postmaster

Falkland Islands.

G 100 11/61

Colonial.

Registered No. 937. M.

137

(142)

In any further correspondence on this subject, the above Number should be quoted.

General Post Office, London
8th November 1861

Sir,

The Postmaster General has received through Her Majesty's Secretary of State for the Colonies, the copy of a despatch dated the 17th July last from the Governor of the Falkland Islands, in which it is stated that the Colony had agreed to the arrangement proposed by this Department that, as a rule, the Postage of all letters between the United Kingdom and the Falkland Islands shall be paid in advance, but that unpaid and insufficiently paid letters shall be forwarded charged with a fine of a single rate of postage (sixpence) in

Thomas Longden Esq.

Falkland Islands

in addition to the ordinary postage, and that such fine shall be equally divided between the Imperial and Colonial Post Offices.-

I have accordingly to inform you that the new arrangement will be brought into operation, so far as this Department is concerned, commencing with the Mail about to be despatched to the Falkland Islands tomorrow.- It is understood that it has already been adopted in the Colony.

This change of system has rendered necessary new forms of Letter Bill and acknowledgment for the Mails between this Country and the Falkland Islands, for the purpose of bringing to account the postage upon the letters, as well as the fines upon

upon such as may be unpaid or insufficiently paid. I forward, for your use, a supply of the new forms by the present Mail, to be substituted for the forms sent to you on the 8th September 1860.

The unpaid letters will be forwarded to the Colony in a Separate bundle marked "Unpaid letters", and the letters upon which an insufficient amount of postage has been paid will also be made up in a separate bundle marked "Insufficiently paid".

The unpaid letters will be marked in black ink with the postage and fine claimed by this Office - thus.

Postage 5d.
Fine 3
8.

The

The insufficiently paid letters will be marked with the whole of the deficient postage, as well as half the fine - thus.

Deficient postage 6d
Fine 3
9

The whole of the deficient postage being thus claimed from the Colony this Department will be enabled to place to the credit of the Colony its share of the postage under Article 1. Table 2 of the Letter Bill, as if the letters had been fully prepaid. Thus upon a letter above half an ounce in weight but prepaid only one rate instead of two, two pence will be placed to the credit of the Falkland Islands Post Office.

I request that a like system

System may be pursued at your Office in despatching Mails to this Country —

I am,

Sir,

Your obedient Servant,

Hill

Colonial

Registered No. 937/61

In any further correspondence on this subject, the above Number should be quoted.

140

(147)

General Post Office,

8th November 1861

Sir,

With reference to my letter of this day's date, on the subject of the arrangement for sending forward Letters posted unpaid, or prepaid with an insufficient amount of postage, charged with an additional rate of postage as a fine, I am directed by the Postmaster General to inform you that it is desirable that no postage should be collected in the Falkland Islands upon Letters addressed to those Public Functionaries or Departments in London which have a postage Account with this Department.-

Letters addressed to any of the Functionaries or Departments enumerated in the following list, posted in the Falkland Islands, should, therefore, be sent forward, the postage due to the Colony

Thomas Longden Esq

Colonial Secretary

Falkland Islands.

(148)

Colony being claimed in Table 1
Article 1. of the Letter Bill. —

Adjutant Generals Office
Admiralty,
Audit Office
Board of Trade.
Census Office
Chancellor, Lord
Charity Commissioners
Chelsea Hospital
Civil Service Commissioners
Coast Guard Office
Colonial Office
Colonial Land & Emigration Commissioners
Commander in Chiefs Office
Commissioners of Police.
Council Office
Court of Probate
Custom House
Duchy of Cornwall
East India House
Foreign Office
Home Office

Inland Revenue Office (Stamps & Taxes)
International Exhibition
Irish Office
Merchant Seamen's Office. —
Ordnance Office,
Paymaster General's Office, —
Poor Law Commissioners. —
Post Office
Quarter Master General's Office
The Queen
Registrar General's Office
Science and Art (Office of)
Stationery Office
Tithe Commissioners
Treasury.
War Office
Woods & Forests (Office of)
Works, Buildings &c. (Office of)

Sam.

Sir.

Your most obedient Servant,

Circular.

915 M.

142 (150)

General Post Office,
12th November, 1861.

Sir,

I am directed by the Postmaster General to acquaint you that, on the 1st January next, the British Postage of Letters forwarded by Packet between the United Kingdom and the Republic of Venezuela will be reduced to the uniform rate of Sixpence the Half-ounce Letter.

Upon Letters, therefore, sent from The Falkland Islands to Venezuela through the United Kingdom, you will be good enough to collect, in future, the reduced rate of 11d. for a Letter not exceeding Half-an-Ounce in weight, and so on.

This postage includes the Colonial Inland rate of One Penny, which must, of course, be retained by your Office, the remainder of the postage being accounted for to this Office.

The above-mentioned postage must, in all cases, be paid in advance.

I am,
Sir,
Your most obedient Servant,
Rowland Hill.

Postmaster
Falkland Islands.

G 100 11/61

is requested that in any further com-
tion on this subject, the Number and
this Letter may be quoted; and that
munication may be addressed to—
e Under Secretary of State,
War Office,
Pall Mall,
(S.W.)

143 (151)

WAR OFFICE, PALL MALL, S.W.

No. 30 Falkland Islands 120

14th November 1861

Rec.d 27th Jan.y 62

Sir

With reference to the letter from this Office dated 14 Feby 1858 078/1/25 authorising an Expenditure of £100.0.0 towards providing Barrack accommodation for the Falkland Islands Company.

I am directed to request that you will forward a Statement & Vouchers showing how this amount was disbursed, as at present it stands to your debit in the books of this Department.

I have the honor to be

Sir

Your obedient Servant

[illegible]

The Governor
The Falkland Islands

Mc

Colonial

Registered No. 84,070

In any further correspondence on this subject, the above Number should be quoted.

147

(152)

General Post Office, London
27th November 1861
Rec'd 27 Jan'y 62

Sir,

I beg to transmit, for your information and guidance in conducting the business of the Post Office, the enclosed Table shewing the rates of postage to be collected in the Falkland Islands on Letters Newspapers and Books forwarded through the United Kingdom to British Colonies and Foreign Countries.

I am,
Sir,
Your obedient Servant,

C. Longden Esq
Colonial Secretary
Falkland Islands

TABLE showing the TOTAL AMOUNT of POSTAGE, *including the Colonial Inland Rate*, to be collected in the United Kingdom upon LETTERS forwarded through the Countries, and the Postage, *exclusive of the Colonial Inland Rate*, to be collected upon NEWSPAPERS and BOOK PACKETS addressed to those Colonies and Countries.

Mem. 1.—In those Cases where an * is affixed, Book Packets can only be forwarded through France, and the Postage set down in this Table covers the Conveyance only as far as the extreme Frontier of France.
2.—The British Postage upon Newspapers, where this mark † is affixed (one halfpenny each), must be collected on the delivery of the Newspapers, and cannot be prepaid in the Falkland Islands.

—	FOR A LETTER: Not exceeding ½ oz.	Above ½ oz. and not exceeding ⅓ oz.	Above ⅓ oz. and not exceeding ¾ oz.	Above ¾ oz. and not exceeding 1 oz.	Above 1 oz. and not exceeding 1½ oz.	For each Newspaper.	FOR A BOOK PACKET: Not exceeding 2 ozs.	2 ozs. to 4 ozs.	4 ozs. to 8 ozs.	8 ozs. to 1 lb.	1 lb. to 1½ lb.	1½ lb. to 2 lbs.
	s. d.	s. d.	s. d.	s. d.	s. d.		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Aden	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Africa, West Coast of	0 11	0 11	1 10	1 10	3 8	1*d.*	Letter rate.					
Algeria	0 8	1 4	2 0	2 8	3 4	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Ascension	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Australia, South	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Australia, Western	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Austria	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
~~Azores~~	~~0 9~~	~~1 1~~	~~1 10~~	~~2 2~~	~~3 1~~	~~1*d.*~~	~~0 5~~	~~0 7~~	~~1 2~~	~~2 4~~	~~3 6~~	~~4 8~~
Baden	0 9	1 6	2 3	3 0	3 9	Book rate	0 2*	0 4	0 8	1 4	2 0	2 8
Bavaria	0 9	1 6	2 3	3 0	3 9	ditto	0 2*	0 4	0 8	1 4	2 0	2 8
Belgium	0 9	0 9	1 6	1 6	3 0	ditto	0 2	0 4	0 8	1 4	2 0	2 8
Belize (Honduras)	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Bermuda	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Borneo	~~0/1 5~~	~~0/1 5~~	2 10	2 10	~~3 5~~ 8	2*d.*	Letter rate.					
Bourbon	0 11	0 11	1 10	1 10	3 8	2*d.*	ditto.					
~~Brazil~~	~~1 5~~	~~1 5~~	~~2 10~~	~~2 10~~	~~5 8~~	~~1*d.*~~	~~ditto.~~					
Bremen	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Brunswick	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
~~Buenos Ayres~~	~~1 5~~	~~1 5~~	~~2 10~~	~~2 10~~	~~5 8~~	~~1*d.*~~	~~Letter rate.~~					
Canada	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
~~Cape de Verds~~	~~0 9~~	~~1 1~~	~~1 10~~	~~2 2~~	~~3 1~~	~~1*d.*~~	~~0 5~~	~~0 7~~	~~1 2~~	~~2 4~~	~~3 6~~	~~4 8~~
Cape of Good Hope	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Canary Islands	0 11	1 5	2 4	2 10	4 2	Book rate	0 3	0 6	1 0	1 6	2 0	2 6
Ceylon	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Chili	2 5	2 5	4 10	4 10	9 8	3*d.*	Letter rate.					
China	~~2/1 5~~	~~2/1 5~~	2 10	2 10	~~3 5~~ 8	2*d.*	ditto.					
Constantinople	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Costa Rica	~~2/ 5~~	~~2/ 5~~	~~2 2/1~~	~~2 2/1~~	~~0 5 1~~	1*d.*	Letter rate.					
Cuba	1 11	1 11	3 10	3 10	7 8	1*d.*	ditto.					
Dardanelles	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Denmark	1 4½	1 4½	2 9	2 9	5 6	†	0 2*	0 4	0 8	1 4	2 0	2 8
Ecuador	2 5	2 5	4 10	4 10	9 8	3*d.*	Letter rate.					
Egypt	0 11	0 11	1 10	1 10	3 8	1*d.*	ditto.					
~~Falkland Islands~~	~~0 11~~	~~0 11~~	~~1 10~~	~~1 10~~	~~3 8~~	~~1*d.*~~	~~0 5~~	~~0 5~~	~~0 10~~	~~1 8~~	~~2 6~~	~~3 4~~
Fernando Po	0 11	0 11	1 10	1 10	3 8	1*d.*	Letter rate.					
France	0 8	1 4	2 0	2 8	3 4	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Frankfort	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Galatz	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Gallipoli	0 10	1 8	2 6	3 4	4 2	ditto	0 2	0 4	0 8	1 4	2 0	2 8
Gambia	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Gibraltar	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Gold Coast	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Greece	1 2	2 4	3 6	4 8	5 10	Book rate	0 2*	0 4	0 8	1 4	2 0	2 8
Grey Town	0 11	0 11	1 10	1 10	3 8	1*d.*	Letter rate.					
Guatemala	0 11	0 11	1 10	1 10	3 8	1*d.*	ditto.					
Hamburg	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Hanover	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Hayti	0 11	0 11	1 10	1 10	3 8	1*d.*	Letter rate.					
Hesse	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Hesse Homburg	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Holland	0 9	0 9	1 6	1 6	3 0	1*d.*	0 2*	0 4	0 8	1 4	2 0	2 8
Hong Kong	~~2/1 5~~	~~2/1 5~~	2 10	2 10	~~3 5~~ 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
India	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Ionian Islands	~~2/1 5~~	~~2/1 5~~	~~3 2/1~~	~~3 2/1~~	~~5 6 1~~	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Italy (except Papal States)	0 10	1 3	2 1	2 6	3 9	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Labuan	~~2/1 5~~	~~2/1 5~~	2 10	2 10	~~3 5~~ 8	Book Rate	0 3	0 6	1 0	2 0	3 0	4 0
Larnaca	1 7	1 7	3 2	3 2	6 4	2*d.*	0 6	0 6	1 0	1 4	2 0	2 8
Lauenburg	1 4	1 4	2 8	2 8	5 4	†	0 2*	0 4	0 8	1 4	2 0	2 8
Liberia	0 11	0 11	1 10	1 10	3 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Lippe Detmold	1 2	1 2	2 4	2 4	4 8	1*d.*	Letter rate.					
Lubeck	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Madeira	0 9	1 1	1 10	2 2	3 4	†	0 2*	0 4	0 8	1 4	2 0	2 8
Malta	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 7	1 2	2 4	3 6	4 8
Mauritius	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Mecklenburg	1 2	1 2	2 4	2 4	4 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Mexico	2 7	2 7	5 2	5 2	10 4	†	0 2*	0 4	0 8	1 4	2 0	2 8
						1*d.*	Letter rate.					

collected in the Falkland Islands upon LETTERS forwarded through the Countries, and the Postage, *exclusive of the Colonial Inland Rate*, addressed to those Colonies and Countries.

the Postage set down in this Table covers the Conveyance only as far as the extreme Frontier of France, must be collected on the delivery of the Newspapers, and cannot be prepaid in the Falkland Islands.

14.6 (153)

—	FOR A LETTER: Not exceeding ½ oz.	Above ½ oz. and not exceeding ⅓ oz.	Above ⅓ oz. and not exceeding ¾ oz.	Above ¾ oz. and not exceeding 1 oz.	Above 1 oz. and not exceeding 1½ oz.	For each Newspaper.	FOR A BOOK PACKET: Not exceeding 2 ozs.	2 ozs. to 4 ozs.	4 ozs. to 8 ozs.	8 ozs. to 1 lb.	1 lb. to 1½ lb.	1½ lb. to 2 lbs.
	s. d.	s. d.	s. d.	s. d.	s. d.		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Moldavia	1 5	1 5	2 10	2 10	5 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Mytelene	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
~~Monte Video~~	~~1 5~~	~~1 5~~	~~2 10~~	~~2 10~~	~~5 8~~	~~1*d.*~~	~~Letter rate.~~					
Nassau, Duchy of	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Natal	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
New Brunswick	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
New Granada	1 5	1 5	2 10	2 10	5 8	1*d.*	Letter rate.					
New South Wales	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
New Zealand	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Newfoundland	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Norway	1 10	1 10	3 8	3 8	7 4	†	0 2*	0 4	0 8	1 4	2 0	2 8
Nova Scotia	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 10	2 6	3 4
Oldenburg	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Papal States	1 2	2 4	3 6	4 8	5 10	Book rate	0 2*	0 4	0 8	1 4	2 0	2 8
Penang	~~2/1 5~~	~~2/1 5~~	2 10	2 10	~~3 5~~ 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Peru	2 5	2 5	4 10	4 10	9 8	3*d.*	Letter rate.					
Poland	1 5½	1 5½	2 11	2 11	5 10	†	0 2*	0 4	0 8	1 4	2 0	2 8
Porto Rico	1 9	1 9	3 6	3 6	7 0	1*d.*	Letter rate.					
~~Portugal~~	~~0 9~~	~~1 1~~	~~1 10~~	~~2 2~~	~~3 1~~	~~1*d.*~~	~~0 5~~	~~0 7~~	~~1 2~~	~~2 4~~	~~3 6~~	~~4 8~~
Prince Edward Island	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Prussia	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Reuss	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Rhodes	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Russia	1 5½	1 5½	2 11	2 11	5 10	†	0 2*	0 4	0 8	1 4	2 0	2 8
St. Helena	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Samsoun	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Salonica	0 10	1 8	2 6	3 4	4 2	ditto	0 2	0 4	0 8	1 4	2 0	2 8
~~Sardinia~~	~~0 10~~	~~1 3~~	~~2 1~~	~~2 6~~	~~3 9~~	~~ditto~~	~~0 3~~	~~0 6~~	~~1 0~~	~~2 0~~	~~3 0~~	~~4 0~~
Saxe Altenburg	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Saxe Coburg Gotha	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Saxe Meiningen	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Saxe Weimar	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Saxony	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Schaumburg Lippe	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Schwartzburg Rudolstadt	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Schwartzburg Sondershausen	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Scutari	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Seres	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
~~Sicilies, Two~~	~~1 0~~	~~1 7~~	~~2 7~~	~~3 2~~	~~4 7~~	~~Book rate~~	~~0 3~~	~~0 6~~	~~1 0~~	~~2 0~~	~~3 0~~	~~4 0~~
Singapore	~~2/1 5~~	~~2/1 5~~	2 10	2 10	~~3 5~~ 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Sierra Leone	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
Smyrna	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Spain	0 11	1 5	2 4	2 10	4 2	ditto	0 3	0 6	1 0	2 0	3 0	4 0
Surinam	0 11	0 11	1 10	1 10	3 8	1*d.*	Letter rate.					
Sweden	1 8	1 8	3 4	3 4	6 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
Switzerland	0 9	1 6	2 3	3 0	3 9	Book rate	0 2*	0 4	0 8	1 4	2 0	2 8
Syria	0 10	1 8	2 6	3 4	4 2	ditto	0 2	0 4	0 8	1 4	2 0	2 8
Tasmania	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Tchesme	1 7	1 7	3 2	3 2	6 4	†	0 2*	0 4	0 8	1 4	2 0	2 8
Tenedos	1 7	1 7	3 2	3 2	6 4	†	0 2*	0 4	0 8	1 4	2 0	2 8
Trebizond	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Tultcha	0 10	1 8	2 6	3 4	4 2	ditto	0 2	0 4	0 8	1 4	2 0	2 8
Tunis	0 9	1 6	2 3	3 0	3 9	ditto	0 2*	0 4	0 8	1 4	2 0	2 8
Turkey in Europe (except places specified)	1 2	1 2	2 4	2 4	4 8	†	0 2*	0 4	0 8	1 4	2 0	2 8
United States	1 2	1 2	2 4	2 4	4 8	1*d.*	Letter rate.					
Varna	0 10	1 8	2 6	3 4	4 2	Book rate	0 2	0 4	0 8	1 4	2 0	2 8
Venezuela	~~1 0.5~~	~~1 0.5~~	~~2/.10~~	~~2/.10~~	~~3~~ 8	1*d.*	Letter rate.					
Victoria	0 11	0 11	1 10	1 10	3 8	2*d.*	0 6	0 6	1 0	2 0	3 0	4 0
Wallachia	1 7	1 7	3 2	3 2	6 4	†	0 2*	0 4	0 8	1 4	2 0	2 8
West Indies, British	0 11	0 11	1 10	1 10	3 8	1*d.*	0 5	0 5	0 10	1 8	2 6	3 4
West Indies, Foreign (except places specified)	0 11	0 11	1 10	1 10	3 8	1*d.*	Letter rate.					

Colonial

Registered No. 9276

In any further correspondence on this subject, the above Number should be quoted.

General Post Office, London
6 December 1861

Sir,

With reference to my letter of the 8th ultimo, I beg leave to inform you that any letters contained in the mails from this Country, which may be refused, or which cannot be delivered in consequence of their being addressed to deceased persons or to persons who have gone away and left no address, must be periodically returned to this Office, in a packet specially addressed to "the Postmaster General, Returned Letter Office"; and, should the packet contain any letters which have been registered, the address of it must be entered on the Letter Bill for London.

I am, Sir,
Your obedient Servant
R. Longden Esq

Falkland Islands

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Each Return of "Dead Letters" must be accompanied by a Dead Letter Account (form No 4 - a supply herewith enclosed), on which must be entered the number of the letters, the addresses of any registered letters returned, and the amount of postage (if any) to be claimed by the Colony upon them; and the reason of the non-delivery of each letter must, in all cases, be legibly written upon the face of it, in red ink.

In like manner, Dead and undelivered Letters originally from the Falkland Islands will be returned to the Colony, and a claim will be made against the Colonial Post Office, in the next Accounts, for the unpaid Colonial

postage

postage originally charged against the United Kingdom.

I am,
Sir,

Your most obedient Servant,

J Hill

Parsonage Stanley
January 2nd 1862.

Sir, In presenting the returns for the Blue Book, your Excellency will I am sure permit me to offer some remarks respecting the Ecclesiastical and Educational departments in this Colony for which I am held responsible.

2 Hitherto the Colonists have been liberally provided by the Home Government with the ministration of Religion & means of Education for their children at little or no cost to themselves.

3 Suddenly to throw such charges upon the Colonists would, your Excellency feels with myself be prejudicial both to Religion & Education, at the same time portions of the expences ought to be thrown upon those, who are now reaping large benefits, which, tho they do pay for in some proportion, they will never properly appreciate.

Church

4 I would therefore respectfully urge your Excellency to issue the Proclamation alluded to in my reply Oct. 31 to your Excellency's letter No 227. The permission to expend Funds raised voluntarily, on the ornamentation &c. of the Church would tend to deepen the interest in such matters & pave the way for maintaining the Fabric at least in part. It would be essential however to permit those who do subscribe voluntarily to exercise some control over disbursements. The Proposed

His Excellency
Governor

should be done by the recognition of Churchwardens,
that recognition which would be peculiarly acceptable
to myself, would not as laid down in the proposed
Proclamation, at all interfere with the Church
being as now under the Control of Government.

5 Your Excellency was good enough on
20 Sep, to transfer to myself & my successors Letter 199
in the Office of Colonial Chaplain, the Parsonage
& Glebe. I should be glad to have Your Excellency's Parsonage
permission to confer with Mr Goodlake as to the terms
of the transfer, & the possibility of providing
not only for dilapidations, but for improvements.
I have already laid out upon the House upwards
of £150 & should I, within a short period vacate the
Chaplaincy, unless my successor refunded
a portion of that money, I or my representatives
would be obliged either to submit to the heavy
loss or what has really been for the substantial
improvement of Church Property would be removed
for Sale to others. I would suggest that the
transfer should provide that any future
Colonial Chaplain or Incumbent of Trinity
Church Stanley who may be put in possession
of the Parsonage shall be liable to be charged
with such substantial improvements of
his Predecessor made not longer than 20
years previously, & not exceeding in amount
one years Government pay of his Office.
That a Portion of the expense of such substantial
improvement shall be deducted from the
Amount that might be so claimed, in proportion
to the period that the Incumbent has benefited
thereby: and that such improvements be
valued by 3 assessors one appointed by
the Government, one by the outgoing Incumbent
or his representatives & the other by the
incoming Incumbent. Such a clause in the

deed of transfer would encourage improvements, & enable the incumbent to add substantially to the accommodation of the House, the principle is somewhat similar to that admitted in England when improvements made by Grant from Queen Anne's Bounty are charged on the living for 20 years.

6 Should you deem that the whole matter of transfer might be provided for by a simple grant accompanied by a Private Ordinance passed by the Legislative Council.

Schools.

7 With regard to the Schools I would suggest that your Excellency should issue a Notice that in future Civilians must supply their children with all proper School material, that the Schoolmaster is permitted to sell such material, & that each child pays an additional penny per month for School Prizes &c. I would also propose that after June 30th instead of School pence the Schoolmaster be allowed to make his own arrangements with the Parents as to the amount of School fees to be paid to him for their children - and receive a payment from the Colonial Government by way of Capitation money. Probably a Shilling a month for every child who has attended School 20 times during the month would suffice: additional work would be thrown on the Inspector of Schools, but the position of the Schoolmaster would I think be improved, while the Colonists would not be recipients of benefits for which they do not pay. The Assistant would under this arrangement be paid by Mr. Clarke. The Expense to the Government could not be increased in this way.

or one & ½ pence a month

8 I have to ask your Excellency to make an allowance [illegible]

to Miss Felton for her services for the last six months and to continue the same amount to her after the new arrangements are carried out. An allowance of £3 for Books & Prizes would be peculiarly acceptable, during the examination lately conducted by your Excellency 17 children were considered deserving of reward. Last year a large part of the expence of prizes fell upon myself, & am not prepared this year to undertake the same responsibility.

In forwarding the returns for 1860 I drew (Returns) your Excellency's attention to the fact that Marriage Registers had not been kept by my immediate predecessor in the way laid down by ordinance No 12. 1853 section 25 & I expressed a doubt whether there was legal evidence by the only Register in the Church of the Marriages solemnized from Jan. 1. 1854 to Jan. 1. 1860, if difficulty might arise in the event of the Deaths of all parties present, & I trust your Excellency will pardon my again intruding the matter upon your attention.

10 There is no permanent record of the Baptisms & Burials performed at Kepapee &c. & I would suggest that such Baptisms & Burials should be recorded in the Register Books of the main Parish Church of the Colony.

11 During the past year, your Excellency will perceive from the reports of the School, that there has been satisfactory progress.

12 With regard to the Church, the congregations are steadily on the increase, 100 being the average attendance (including children) in the morning against 80 of last year.

There have been 3 marriages, 10 Burials and 25 Baptisms solemnized by myself during 1861.—

I have the honor to remain,

Sir,

Your Excellency's obedient humble servt

H. A. Bolt

152.
(161)

Government Emigration Board
8 Park Street, Westminster.
25th September, 1861.

Rec'd. 10th January 1862

Sir,

I beg to transmit, herewith, for your information, 2 Copies of the Colonization Circular for the current year. We should feel much obliged if you would be so good as to have 1 Copy corrected to the latest date as regards your Colony, in the subjoined particulars, and returned to us so as to arrive about the beginning of March next

2

I have &c

The Colonial Secretary
&c &c &c
Falkland Islands

next, and be available for the reprint of 1862.

If you will forward, at the same time, any other information, of a cognate character, in a concise form, which you may deem useful, I shall be happy to insert it.

I have the honor to be,
Sir,
Your obed^t Serv^t
S Walcott

Colonization Circular 1861.

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S.M.S. "Madagascar"

Rio de Janeiro, 4th February 1862

Sir,

The probability of hostilities being over for the present, the United States Government having given up Messrs Mason and Slidell to Lord Lyons, who consequently does not leave his post.

I have sent the Curlew with this information, and also directed Commander Forbes to take down your Mail from Monte Video.

I am in hopes of being able to pay you a visit myself before long.

His Excellency
Captain Moore R.N.
Governor of the
Pacific Islands

165

but should circumstances prevent
my so doing this year. I shall
nevertheless send some of the
Squadron your way.

I have the honor to be
Sir
Your most obedient Servant
Rich.d L. Warren
Rear Admiral and
Commander in Chief

Her Mo. Ship "Forte"
Monte Video. 14th Jany 1862.

Sir.

Having received information that affairs are in a very Critical state between the United States of America and the English Government, so much so that a declaration of War is by no means improbable at a very short notice, I have thought it right to acquaint you therewith, as in the event of its taking place the vicinity of the Falklands would probably be

His Excellency
Captain Moore R.N.
Governor of the Falkland Islands
&c &c &c

be selected as cruizing ground
by American Men of War and
Privateers on the look out for
our Merchantmen coming
round the Horn -

I have therefore directed
Captain Pillsmore to charter
a Vessel to convey your mails
to the Islands. if there is no
other means of forwarding it,
Should hostilities break out
I will send Cruizers off the
Islands immediately.

I have the honor to be
Sir
Your most obed. Servant
Rich'd. Warren
Rear Admiral and
Commander in Chief.

Hartley Dec 31 1862

I duly received your letter of
Thursday 25th Inst containing
a note for upwards of 1000 Dollars
which shall be duly honored
at maturity.

Yours truly

Jonathan Hartley

Executor

Wm H Ryno Esq

160
(169)

Stang 5 — 4 1862

Sir

I try to inform you that
Stan for Sale 40 Ton of Coal and that
I shall have 200 Ton more purchased
from the Isabella as soon as possible in a
day or two

J. W. Saunt
Master

Jr Tyler Esq

Stanley Feb 5th 1862

162
(170)

Sir,

In the Grant to the Falkland Island Company of "Lafonia" dated 20th Sept 1859 there is a Proviso that it shall be void if £2000 shd not be paid to the Crown by the 20th Sept 1861 - I am advised that payment having been duly made & of your Excellency has been informed of it, I shd be glad to have a memorandum indorsed upon the Grant to that effect signed by Yr Excellency, as agreed at the time the Grant was signed here in duplicate -

I have the honor to be Sir
Your Excellency's Most
Obedt Servt
James Rose

HE
Governor Moore
&c &c &c

Stanley Falkland Islands
5th February 1862

Sir

A Deputation from the Falkland Island Co waited last year upon the Queen the Duke of Newcastle and Lord Grove to understand from any funds in England that an Estimate the real State of the Colony was grossly misrepresented to tempt the Company and seriously to injure the Public here, it is much to be regretted that the Colonists are kept in a state of ignorance of these representations and unjust pretentions of the Company untold it is too late and the Company had obtained from the Colonial Office the immunities advantages which have been given to them to the serious drawback to the prosperity of the Colony

Your Excellency is in possession

of

His Excellency Governor Moore

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I a Copy of a letter from the Earl
Mount C. to His Grace the Duke of
Newcastle by the last Mail I thought
fit greatly obliged by your Excellency
allowing me to see it at Govern
Office and I found to contain
unjust and untrue assertions a
injurious to the People how you will
allow me to make it Public

I
Wm Jon
His Excellency Wm Lewis
Esq. Hal

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(173)

Stanley Feb 6th 1862

Sir,

I inclose a Memorial to the Secretary of State which I shall thank your Excellency to forward by the Mail advertised for the 8th instant -

I only received intimation of the decision of the Legislative Council from Mr Goodlake this afternoon -

I have the honor to remain

Sir Your Excellency's very Obt Servt

Innes Lane

AG

Governor Moore

B.

To The Right Honorable The Secretary of State for the Colonies.

The Memorial of James Lane of Stanley Falkland Islands, Colonial Manager of The Falkland Islands Corporation.

That in October last an Action was commenced in the Magistrates Court in which "The Governor of The Falkland Islands" was Plaintiff, and your Memorialist Defendant, claiming damages for an alleged breach of Contract, by the Falkland Islands Company to bring Specie from Monte Video in the Month of May last; & Judgment was given for £150

That on the 9th October your Memorialist addressed a Letter to His Excy The Governor, on the subject of such Action, of which the following is an Extract-

"In the case of Seal 'Island, H.M Government evidently felt that 'the Council could not be a satisfactory tribunal 'in a case where the Crown was a party, & Sir 'Fortescue wrote the Board, on the 1st June '1860, thus, "The appeal to the Judicial "Committee does not appear to be provided "by any positive enactment, but might be "readily arranged with such aid as H.M "Government would be prepared to give"

'As in the present case, the question is a 'legal one, & facts are not in dispute, I beg 'leave to suggest that, in order to avoid the

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great expense of an appeal to the Privy Council, & that party may, after the Trial, have a case agreed upon (to be settled, if necessary, by Mr Goodlake) and that the Opinion of any Eminent Queens Counsel or of the Crown Advisers (the Attorney or Solicitor General) shall be taken thereon and be conclusive - But, if this is declined, I trust that the Appeal to the Judicial Committee, offered by H. M. Government in the case of Seal Island, will be agreed to.

That the Governor refused to agree to any such suggestions, and referred your Memorialist to regulations of the Privy Council in the matter of Appeals -

That your Memorialist thereupon communicated with Mr Goodlake, who expressed his Opinion that there ought to be a power of Appeal to the Privy Council, & he drafted an Ordinance to that effect, which he stated he wd propose so as to include the action in question -

That relying thereon, & as a necessary step previously to an Appeal to the Privy Council, your Memorialist presented a Petition of Appeal to "The Governor in Council," & gave the necessary security, under the 9th & 10th clauses of the Administration of Justice Ordinance, & prayed to be heard in support of it -

That altho' the Ordinance only authorizes an Appeal to "The Governor in Council", it was taken before the "Legislative" Council, in a closed Court, & your Memorialist, not being allowed to be heard,

in support of the appeal, was only informed by letter from Mr Goodlake, on the 6th February instant, that the Judgment had been affirmed

That the Legislative Council, who affirmed such Judgment, was composed of the Plaintiff in the cause (the Governor) and two of the Magistrates whose Judgment in the Court below was appealed from, & of two other persons -

That your Memorialist never agreed either on his own part, or on the part of the Company, to bring Specie on the occasion in question; & that the Judgment of the Magistrates would on appeal to an English tribunal be at once reversed -

That a Case containing the Judicial Notes of Evidence, & the documents therein referred to will be immediately laid before Counsel an Eminent Counsel, & his Opinion submitted to the Secretary of State -

That the Company only desire the decision of a competent & independent tribunal whether the action is maintainable either by being allowed to appeal to the Privy Council, or in any other manner which the Secretary of State may deem proper, and are willing to bear all expenses in the event of an adverse decision -

Your Memorialist, on behalf of the Falkland Islands Company, respectfully submits

That it is repugnant to every

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principle of justice that a Court of Appeal, sitting judicially, with power to enforce "such judgment & Order" as they may see fit to make, should be composed of the Plaintiff himself & of two Magistrates whose decision was appealed from - That the Appellant should not be heard in support of the Appeal. & the Court be closed & private. and that no further Appeal from such a tribunal sh^d be allowed - And your Memorialist prays that The Secretary of State will be pleased to give the necessary directions for authorizing an Appeal to the Privy Council; or such other directions as may afford a competent & independent decision as to whether the action referred to is maintainable. -

James Lane

Stanley - February 6^th 1862

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Court-house
Feb. 8th 1862

Sir

I have the honour to enclose
the copies of a communication
I have received from Mr Lane
respecting an Order of Court made
Feb 6th, & also my reply to it,
as you may perhaps wish to lay
it before the Council on Monday
next

H.E. Governor Moore
&c &c

Next -

I have the honor to remain

Sir

Your obed.t Servant

P. Wood Rake

Court house
Stanley

(180)

Feb. 8th

Sir,

I have received your letter of yesterday acknowledging the receipt of my order to pay £162. in the Court & referring me to a memorial you have sent through the Govr to the Secretary of State for the Colonies. I shall forward a copy of your letter to H.E. the Governor, but as you must know that by refusing to comply with his order you are committing a very grave Contempt of Court, & setting a dangerous example to a community who have hitherto never resisted the established Laws, I beg to say that if the Sum ordered (viz £162.) be not paid into the Court here by 12 o'clock on Monday the 10th inst. you will oblige me to enforce the Judgment in the regular manner, to which I might have had recourse in the place of this correspondence.

I beg to remain
Yours obedt
Sgd J.H. Goodlake
Chairman of the Magt

James Lane Esqr
&c &c &c

Copy.

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Stanley Feby 7th 1862.

Sir.

I beg to acknowledge your letter of yesterday (enclosing a copy of a Letter from H.E the Governor to yourself of the 5th inst) requesting me to pay into Court £162 in an Action by the Governor against me.

In reply I beg to state that I have sent a memorial to the Secretary of State for the Colonies thro' the Governor, by way of Appeal" to which I take leave to refer you

I have the honor to remain Sir

Your obedient Servant.

Jas Jamieson

E.H. Goodlake Esqr

Chairman of Magistrates' Court.

176 (182)

Stanley Feb 10 1862

Sir,

On the 6th inst. the Chairman of the Magistrates' Court sent me a copy of your Excellency's directions to him to carry out the Judgment of the Legislative Council in the proceedings against me

I have since sent, thro' your Excellency, a Memorial to the Secretary of State, praying that an Appeal to the Privy Council may be provided, or that the decision may be otherwise reviewed - I am advised had Papers providing for an Appeal to the Privy Council (as the Enclosed Copy of a Letter to the Chairman will show he judged led me to believe will be the case) I might have been called upon to give Security -

I am willing now to give the Security, either of myself, or the Company, or of both, to abide by the decision of the Secretary of State, in any Amount which may be required -

I need not again refer to the grounds for disputing the decision or the legality of the proceedings but they are serious & substantial - the decision

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of a fairly constituted & competent Court to be readily acquiesced in, & I cannot suppose that in a case in which the Crown is a party verbally, the Government will act dispassionately.

I therefore beg to ask your Excellency to give the necessary directions for Lemuel Longstaff to abide the decision of the Secretary of State & that proceedings be in the mean time stayed.

I have the honor to remain Sir

Your Excellency's very obedt Servant

James Lane

His Excellency Governor Moore
&c &c &c

Stanley, February 10th 1862.

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Sir, I beg to acknowledge your letter of the 8th inst.

It would certainly have been more regular, instead of opposing you to the Memorial as a reason for a stay of proceedings, I had made application to the Governor to give such directions, - This irregularity has now been corrected by addressing the Governor with that object & I also furnish to his Excy a copy of this letter.

There is no warrant whatever for accusing me of "Contempt of Court" as it is inapplicable to the non payment of money under the circumstances of this case.

I regret to say that I feel strongly that good faith has not been kept with me.

Previously to the Trial you agreed that there ought to be an appeal allowed to the Privy Council, and that an Ordinance should be introduced after the Trial in Nov.r I attended you bringing the bonds required by the Administration of Justice Ordinance, you worded it in my presence, and on arriving at the words of the Ordinance requiring that Security should be given to perform "such judgment or Order as the Governor in Council shall think fit to make thereupon" you agreed that they might interfere with the further appeal & to avoid it you added "or give such Security of further appeal", saying some "it is understood" there is to be an appeal. Thus it cannot be mentioned

Afterwards saw you in your Room at the Police Court, when you voluntarily drafted an Ordinance giving the right to appeal to the Privy Council, where the Crown was a party, on Security being given; & you worded it with the

assigned

Agent of including the case in question and
again left me to believe that it should be passed
in this arrangement & in consequence abstained from
any further application to the Governor to introduce
such an ordinance. - But the only and only com-
munication which I received (which had frequently been
given in the interval) was nearly three months after-
wards, that the Judgment had been affirmed requiring
payment of £162.

I then enquired of you about the
promised ordinance, to authorize an appeal to the
Privy Council, when, to my great surprise, you
stated that you had not introduced any ordinance
and did not remember you had been mentioned
it to the Governor -

I am Sir
Your obed Servant
James Lane

J. M. Goodlake Esq:
Chairman of the Magistrates Court

180
(186)

Court house
Feb 12th. 1862.

Sir

I have the honour to acknowledge
your letter of ~~yesterday~~, enclosing
a letter from Mr Lane on the right of
the Company to kill the Wild Cattle on
their leased lands, & requesting me to
consult the various Documents in the
case & give you my opinion.

I have had an opportunity of
perusing these Documents, including especially
the despatch of the Duke of Newcastle
Nov 28th 1860 on the subject of the leases by which the
Company hold their Stations, & the licenses
which they have already had to kill such
Wild Cattle as seemed proper to your

Excellency.

H.E.
Governor Bloomfield
&c &c &c

(19)

With reference to Mr Lane's extract from Burns Justice & his assertion of what "the Board have incidentally authorised" him to do, I can only say for myself that the Ordinance is very clear on the subject, & for any case of killing the Wild Cattle in this illegal manner, which is brought before me, & proved satisfactorily, it will be my duty to inflict a fine of £2, and to enforce it on the goods of the Company represented by Mr Lane, who may, ~~[illegible]~~ in the manner he thinks most likely to be advantageous to his Employers.

Should Yr Ex^cy however, have received any specific despatch recommending that the F.T. Cor should be allowed to have the right of killing the Wild Cattle, of which each hide alone is worth more than 25^s, on their six out-stations of 10,000 acres each, held at a nominal rental of £10 a year, & expressly mentioned in their Leases as for "the purpose of depasturing Stock", I would beg to move for its production & would suggest that the present Ordinance (37. Sum. Jur.) be altered accordingly.

I have the honour to be
Your Excellency's
Most obedient Servant
Ro Fosbery
Chairman of Leg. Co^n

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182 (189)

Stanley July 12 1862

Sir,

A Notice was yesterday affixed to the Gazette Board, offering a Reward of £10. for every Animal, & any person who gives information of Wild Cattle being killed without your Excellency's Sanction & that a Penalty of £20 will be enforced for such Animal so killed -

The Falkland Islands Company hold on Lease & in fee certain Lands outside Laguna, the grants of which do not reserve to the Crown the right to Wild Animals upon those Lands - Upon such Lands, at Salvador, Wild Bulls may still be found to wander - They render the whole district unsafe, incurring for any one to traverse on foot & a Man on Horseback except he is expert & has a trained Horse & the Skill of a Gaucho without danger, must trust to his Horse for safety - I mention this however

chiefly to shew that the enjoyment of the Lands purchased & leased cannot co-exist with the Crown claiming the right to kill upon it wild animals –

It will be in the recollection of your Excy, that, in my application of June 1, & Dec 12th last, for licences to kill Wild Bulls at Salvador, I reserved the right of the Company to kill Wild animals upon Lands leased to them, & asked for Licences to prevent dispute – but, altho' the Wild Bulls remained, indisputably numerous & injurious on those Lands, your Excy refused any further licence to kill more –

The Board incidentally, once since once, authorized me to kill Wild animals on those Lands leased or purchased, but Your opinion on the subject I asked for specific instruction & by the Mail arrived here last Month I rec'd a dispatch in H of which the following is an Extract "The Company have an undoubted

P.S.

I have omitted to notice the following passage, also, in a Letter from Sir W.G. Ouseley, the Chairman of the Board, to this place the Duke of Newcastle on the same subject

"When we were honored with an interview "at the Admiralty Office, it was admitted that our right to all Castle upon our own Waters was so undeniable that it was suggested to interpole that the Governor would avail himself of these proclamation to enforce both them or to sanction our Laws being thus passed upon"

right to appropriate all wild animals found upon the Land, whether Beasts or Birds - this was distinctly admitted at the Boards interview with the Colonial Minister, & is perfectly indisputable"

And in another letter by the same Hand "The Directors consider that you had a full right to prohibit any trespassers upon Land in the Company's holdings, & to hold & appropriate all Cattle found upon them without any permission beg, or payment to the Government - this will be a subject of complaint to the Secretary of State, for our rights in this respect, are unquestionable & were distinctly admitted at our interview in Downing St."

The Directors, acting under legal advice in England, having given the above instructions, I have since acted upon them

I have since referred to Lieber's work of acknowledged authority (Civil Liberty & Self Government) & in it I find the following: "An animal which (even) after acquire escapes into the wild common

of nature, & subjects it to our liberty by its
swiftness, is no more mine than any creature
in the Indies, because I have it no longer in
my power of disposal (3 Bac Abr 324)

"Hence it appears that by the common law every
man had an equal right to such creatures as
were not naturally under the power of man
that the mere capture or seizure created a property
in them - "By immediate taking & killing them
they belong to such person & cannot be taken
from him, since the first seizure & capture
was sufficient to vest the property in him

"Also by taking & claiming them they belong to
owner so long as they continue in their condition
when they forsake the houses & habitations of
they are then the property of every man (Chitty Pl

The words "without lawful cause" in the
Summary proceedings Ordinance would seem
contemplate such a case as the right of the
the Company claim

I have the honor to be Sir

Your Excellency's very obt hble

Governor Moore &c &c

James Lane

100

185

194

Court House
Feb. 12th

Sir

I have the honour to send to Yr Sr 7 the sum of £150 & £10.15 (Costs of an appeal to the Council) paid into Court this day by the Defts in the action The Govr v. Jas Lane.

The Defts have sent also a bombastic protest of which the mark

Advance - and I think I

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that can be said is that
it has spoiled a sheet
of Paper —

I have the honour to remain
Sir
Your Excy obedt servt
Wm Woodlake

2

* Excy
The Governor
&c &c &c

186
(196)

Stanley Feby 12 1862

Sir,

I beg to enclose a Copy of a precept handed to Hon. Commissioner Capt. Selwyn the Clerk of the Court, on payment by me yesterday of £162.10.0, the alleged damages & Costs in an action against me individually for an alleged breach of Contract by the Company I represent. & for which I was taken in execution on a Warrant for 40 days imprisonment.

The Petition of appeal has contained the grounds on which I contend that the Judgment of the Magistrates Court was wholly erroneous.

That appeal I consider not to have been legally deprived of by the Court of Appeal alone having Jurisdiction under the Ordinance - and I hold your Hon. individually as well as the Govt. & all parties concerned responsible for the gross illegality & outrage committed by executing me for damages, which, even

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if the Company were at fault, they only were liable to make good, & much less but arbitrary power & influence against us in person -

I shall forward to Her Majesty's Govern the full particulars of this outrage, & also t the Directors, who I doubt not will see that their Officers' liberty, & their own interest are not to be treated with despotic pow in this Island

I have the honor to be Sir

Your very Obt Servant

James Lane

His Excellency Governor Moore

&c &c &c

Stanley February 11th 1862

Sir

The Constable having come to me with an Injunction against my person by imprisonment for forty days for damages for an alleged breach of Contract by the Falkland Islands Company to pay the Amount £162.10.0, to prevent the injury which the Company would sustain by my being taken from the charge of their affairs I make the payment therefore under Compulsion, and I protest against the illegality, and illegularity of the proceedings, and shall hold the plaintiff the Government, yourself, and all parties concerned answerable.

I am Sir
Your Obd.t Servt

To W. Goodall Esq.
Chairman of the Magistrates Court

Stanley Feb 14 1862 190 (199)

Sir,

I have the honor to acknowledge receipt of your kind letter of the 12th inst 1861 Herein enclosed Cheque for £45 of the £162.10.0 for which I was awarded at your Excellency's Suit.

As I deny that there were any grounds of action, I can only receive the amount without prejudice to an appeal, or to ulterior proceedings in any way.

I shd be glad to know whether it will be paid on these terms.

I have the honor to remain

Sir Your Excellency's obt Servant

Jamesdane

His Excellency Governor

194

192

200

Stanley Feb 14th 1862

I have the honor to acknowledge your
Letter of the 13th inst. enclosing a copy
Opinion obtained by the Govmnt. on
claim by the Comps to kill wild animals
their Lands & adding that "the Laws of the
try will in this case as in every other be
nced"

The Company have never denied any
ction from these Laws, but they say they
advised that they have a legal right
ll any Wild Animals on Lands granted
them in fee, or on Lease without reservation
ese Animals - & that if they have that right
have "lawful cause" as required by the
al Ordinance

They only ask that this claim may be
by judicially decided

But the Chief Magistrate who ought to be
Court unbiassed & independent on a
tion betn the Govmnt. & the Company is
ed upon to prejudge a Case, ex parte, which

your Excellency states your intention of bringing before him judicially these matters with Summary Jurisdiction

Without commenting on the Chief Magistrates Letter, in two points, I submit to your Excellency that nothing can more tend to prevent persons purchasing land & expending Capital, or more injurious to the Colony than to find that in any question as to their rights with the Government, the Chief Magistrate will have committed himself to an Opinion Adverse previously by the Government

If an Ordinance as suggested by Lord Glenelg is passed, it will be dayed & the Company until it is confirmed or disallowed by Her Majesty & I am willing to suspend all Settling until it can be passed

If Lord Glenelg is evidently misinformed as to the 6 Districts of Land he reports — the Company pay £60 per ann. Rent, & purchased the rights of the Districts Land by a payment of the Int.

Government House

upwards of £800 — a reference to my
letter will also shew that the Board have
not "incidentally authorized" me, but that
they have done so expressly, & avowedly, on
their legal right, & with the assent of the
Government to it.

With reference to the licences to kill &
capture cattle, I take leave to refer to the
7th clause of Proclamation No 9 of 5th April last
which states "Every licence granted under these
Regulations & the Number & description of
Animals killed shall be published from
time to time, in the Sat Gazette Board"
No such publication has however been
been made, altho' licences are issued.

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

His Excellency
Governor Grey
&c &c &c

194

Cape Pembroke Lighthouse February 14th/62

(203)

His Excellency Governor Moore

&c. &c. &c

Sir

you Promised to get the Stove Pipe made Water tite where it Passes throw the roof of the Lantern before next winter I fear the Stove will be Broken with the wet When it Rains or Snows. Please to get a Supply of wick Rubbers with the Stores from England Wm Ryan said he had no more in Store then the 5 he gave me on the 8th of this Month Please to mention to the Person that Supplyd them that there was Several of the last that Was Supplyd could not be used the Steck in the Burners and will not Work up or down. Please Sir to Supply the following Stores for the Lighthouse By the 22nd or the 24th of this Month Som coal 2 grose of Cotton wicks 6 Woollen Rubbers for Copper work 1 Trimming Scissors 12 lbs of whitening

for Slate glass and glass Cylinders

1 ~~lbs~~ of Polishing Powder 16 Spirals

1 Gunart of Spirits of wine 12 sheets

Cloths for Slate glass 2 hand brushes

2 Snap handles 2 Pairs 1 Pat and g

1 Bundle of quill writing Pens

Black lead for the Lighthouse Sta

I would feel much obliged to y

Excellency if you would please to

we have 15 feet of deal board t

make Book Shelfs

I am

Sir

your obedient Se

W. Reed

Principal Ligh

Stanley Feb 15th 1862 195 (295)

Sir,

Referring to my letter of yesterday's date I am not to be accompanied duplicate copies of correspondence both The Governor myself, which will be in the possession of the Govt, but only of any other documents & statements

Requesting the favor of your reply I am Sir

Your obt Servt

R Pyne Esqr Commissariat

Stanley Feb 15th 1862

Sir,

Referring to my Letters of the 12th & 14th inst. I submit to your Excellency that the right of purchasers & lessees of Crown Lands to kill Wild Animals on those Lands, is of that nature & importance as to call for a decision by a Court of Law in England; & that it affords another ground for urging that an Appeal to the Privy Council be provided by an Ordinance.

As regards the particular case now in question the Company will agree either to its being taken before the Barrister or to its being finally decided by the joint Opinion of one or two Eminent Counsel at the English Bar on an agreed Statement of the facts

And I beg to ask whether your Excellency will assent to either of these modes, or will point out any preferable way of settling the question at last -

The Company seek no exceptional privileges to slaughter their animals, & are certainly not open to the charge of "persisting in defiance the Laws of the Colony." in this or any other case -

On the contrary, on receiving the "Public Notice" on the Gazette Board, & being distinctly advised that the Company had a Legal right, I immediately took measures to avoid even the appearance of infringing the Law, by procuring & sending a Man on the Morning of the 12th inst: into the Camp with directions that no killing should take place

I have the honor to remain
Sir
Your Excellency's most humble
& obedient
Servant

H. Gore
Lieutenant

198
208

199 (209)

Courthouse

Feb 17

Sir

I beg to apply for the remission of the remainder of the sentence on Henry Pain now in Sect for desertion. The case was identical with that of Ralph, & he has now suffered a similar penalty; he has been uniformly well-conducted during imprisonment & has

an opportunity of retrieving
his character as a brave
& honest man and Madonna.

I leave the letter to the
Rt.
Hon. Sir Robert Peel
Woodville

P.S.

Yours truly

200

(211)

Stanley Feb 10 1862

Sir,

A Messenger has just arrived from Port Louis stating that the Company's Cutter "Lily" & Crew are detained there (with Arms on board) by the Constable.

These Arms were landed illegally at Port Louis & I sent the Cutter there on her way back from Salvador where she had deposited Salt Secretly to bring to Stanley the Arms of the Arms landed at Port Louis, under the Licence

As the Arms will greatly spoil on board, unsalted, I have desired the Master of the Cutter to bring them to Stanley & on arrival they will remain on board until H.E. may determine what to cause to pursue

I shall be glad to be informed whether the Constable acted under the orders or with

The sanction of your Excellency

I have the honor to remain

Sir Your Excellency's very Obt Servt

Thos Lane

His Excellency Governor Moore

&c &c &c

202

(213)

Stanley Feb 19th 1862
1 PM

Sir,

I beg to apprise your Excellency that the Cutter "Lily" is now coming into the Harbour from Port Louis with Bodies on Board & I submit your Excellency's reply before allowing them to be discharged.

I have the honor to be

Sir

your Excellency's very dutiful Servt

Lieut Lane

HE

Governor Moore
&c &c &c

204 (214)

Stanley Feb 20 1882

Sir,

I have the honor to acknowledge the receipt yesterday of your Excy's two letters of the 18th inst. Nos 69 & 71

With regard to No 71, I may state that it is the practice to shake the salt (as much water as placed there on shore) off those skins put on board a boat - they consequently if kept on board in a close hold soon heat & are seriously damaged -

In taking measures to prevent a considerable loss reckessly falling upon the Government, if acting illegally, or upon the Company, if without redress, I feel satisfied that it cannot be said that it was an endeavour "to violate the laws of the Colony" -

On the contrary, I gave every facility for the fullest investigation, & for the action of the Law, by ordering the Vessel to Stanley, acquainting your Excellency of the reason for it, & before she had cast anchor in this harbour & offered the fullest Examination of her Cargo -

I did so under thinking her detention was not only most oppressive but illegal - Instead

(20)

of going on board the Cutter & returning with her Inspector Cargo to Stanley; the Constable merely stated that his instructions were to stop the Vessel, making no enquiry as to where her Cargo had been shipped, or making any attempt to satisfy himself before detaining her, & thereupon mounted his Horse & departed a Shepherd of Capt. Packe to see the Vessel did not leave - Thus Man acted as Constable, tho' not sworn, & so liable to a Penalty under the 9th Sec of the Ordinance regulating Summary Jurisdiction Ordinance for so acting - The Constable then left without the slightest information as to when he shd return, if at all -

These proceedings were taken without Deposition or Warrant & there was no ground to believe that the Company making use of their Vessel for an illegal purpose, or that they would do so -

Referring to Letter No 69 I regret that your Excellency shd express to meet the real point at issue between the Company

as Owners in fee & Lessees of land, & the Crown, viz. Whether the former have "lawful excuse" to kill wild Cattle? If they have it is perfectly clear that to do so would not violate the Ordinance - Here is the whole question at issue - It is one involving large interests, & to require it to be set at rest by the Opinion of the Magistrate, who has already committed himself to one result extra judicially as the Honour of your Excellency, would not, I submit, be reasonable.

Referring to Par 2 Letter 69, I have never received any communication, verbally or otherwise, from your Excellency soon proclaiming the right to kill wild Cattle, altho' the claim has asserted by me in more than one Letter last year & previously - With the views of your Excellency as to that point I only a useless & irritating task to enter into I venture to make another suggestion viz:

1 That the question shall be referred to the Secretary of State & that no wild Cattle shall be killed in the mean time

2 That on this being agreed to, it shall be

it shall be ascertained (every facility being given on my part) whether any & what number of Wild Cattle have been killed

3 That the Company shall take upon themselves the consequences if the Secretary of State shall be satisfied that they had not the legal right which they claim.

I have the Honor to be your Excellency's most

I have the Honor to be
Sir
Your Excellency's very Obt Servt
James Lane

His
Governor Moore
&c &c &c

(218)
206

Stanley Feb 21 1862

Sir

The Company's Postman has reported to me that the Constable, yesterday, on seeing the Cargo of the "Lily" Cutter discharged into the Company's Bulk, consisting of about 170 Hides, seized & took away two of the Hides stating that it was by order of the Government.

I beg to make enquiries on what ground this proceeding has been adopted

I have the honor to remain

Sir, Your Obedt Servant

Jno Dickson

H E

Governor Moore

&c &c &c

Stanley Feb 22d 1862

219
C08

Sir,

I have the honor to acknowledge your Letter of the 21st inst No 75, approving of the course pursued by the Constable, Penny, & Dismissing the Shepherd Gleadall, Capt Packe's Servant, acting as Constable although not sworn for the occasion, as required by the Summ: Jur: Ordinance, under a Penalty

I do not dispute that there was, some time before entering Capt Packe's service, temporarily acted as Constable -

2 With respect to the 4th Par, so far from wishing your Excellency to "interfere with the regular course "of justice", my whole endeavours have been to obtain only a fair trial of the right claimed - Your Excellency refuses this, & peremptorily rejecting all proposals to that end, requires the Company to finally abide by an Extra judicial opinion obtained from the Chief Magistrate on ex parte Statements and Argument.

3 I have, neither in intention, nor in fact, made use of any expression in my Letter of the 20th inst: in the remotest degree implying a "Threat" - I made a proposal by which the

question might be set at rest, free from the [illegible] which so unhappily prevails here; and I to refer it to the Secretary of State - that no wild cattle be killed in the mean time, & that, if required, no offer any facility for satisfying the Govt. whether any & what number had been already killed & lastly, that the Company shd remain liable (if not prejudiced of the legal right they claim) equally on hearing the Secretary of State's decision as they are now -

I get hint that this must be a reasonable proposition with most your Excellency's approval & shall be glad to be informed on the subject.

4 I am not aware of wild Cattle having been "killed illegally", & with regard to your Excellency having "Warned the requisite "information", I would remark that the Jurors have already been misled by information & the a prosecution agt 2 of the Company's men, some time since, for killing wild Cattle which failed -

5 - Referring to the enquiry of the Colonial Govt. by letter of the 21st inst. how many wild Cattle Hides have been brought to Stanley since Port Louis left the Company only having a licence to kill 200 Bullocks - I may be

will be mention that when the Company's Boatman ~~[illegible]~~ acknowledged to have brought 171 Hides he, at the same time stated, that he could not be sure of the number - & when they were afterwards counted, the Constable made them 167 only - There were then, with 37 previously be, 204 -

Your Excellency is, however, aware that the Company have several hundred Cattle (Bulls Oxen Cows & Calves), their own property, at Port Louis - Nearly 100 of these have been killed since the Licence was used to Kill 200 Bullsthere - Several barren Cows have been killed there & some Cows have used from being bogged &c - their Hides of course are taken off -

Having voluntarily given this explanation I beg respectfully to ask either that the 167 Hides seized by the Constable may be restored, or that the regular course of Justice may be pursued by the Government charging the Boy before a Magistrate with illegally possessing them under the 37 Sec of the Ordinance referred to by your Excellency

I have the honor to remain Sir
Your Excellency's most Obed't Servant
James Lance

His Excellency Governor Musgrave &c.

217

240

Cape Pembroke Lighthouse Febry 20th 18[illegible]

222

W.m Cyne

Sir

I have sent the Clock up with the Boy it has stoped several times since I have had it I get it to & goin but the last time it I could not get it to go therefore it is no use at the Lighthouse W.m Goss Knight Asst it in or Supply a Brother in Sled if so Please to Send it with the Supply

I am Sir

Your humble Servant W.m Percival Lightkeeper

Assistant Keepers

W. R. Cyne Esqr.

Charge of Government Stores

174
37
211

Court-house
Feb 26th

Sir

Constable Parry has just returned from the search directed on board the Cutter Lily & has brought with him two Cow hides, I should be obliged to you Sir if you would direct me what course to pursue with them - They are now at the Police

I have the honor to be
Sir
Your most Obedt Servt

Police Office —

I have the honor to be

Sir

Your Excy's obedient Servt

L Woodcock

Ch. Mag.

213
(215)

Stanley Feb 24th 1862

Sir,

I have only this morning been able to ascertain from the head man employed by the Company at Salvadore, what number of her Animals have been killed on the Company's Lands & the following are the particulars

	Bulls
On 8th Feby inst - three were killed	21
10th "	20
11th "	3
	52
And for subsistence - Cows	2
	54

I have also rec'd notice from Al Sandlake y Shamamises had been speared at the same grazier - Fontova, Varela & y South for such killing, & that such notice was given due upon that they are the Company's Servts & acting for the Company -

I now beg to state that the Company's consent having authorized the above named

(226)

Men to have acted as above stated

2 The question being thus reduced to one of simple legal right to kill wild Animals on the Company's Lands, I take leave to again endeavour to draw your Lordship's attention to the Matter & the Colonial Minister (who "distinctly reminded" me of right "at the Board interview") in order that a claim, involving in value several thousand pounds & applicable to all future Purchasers & occupiers of Land under the Crown in these Islands, may be set at rest.—

In the meantime, I undertake on the part of the Company, to abstain from killing wild cattle, & to be liable to all penalties & consequences after the result of the result, as at present & to give Security, if required, for their Payment. Meanwhile, any Expenses incurred by the Government have removed from the Company

I trust that

found at Salvador & encouraged to Standby the
above 5th Rides. The legality of this last ode
be determined by the reference if agreed to
by your Excellency

I have the honor to be Sir
Your Excellency my Most Servant
Innerdale

H.B.M.
Envoy Minr
&c &c &c

Rec'd at 2 P.M. Feby 26th 1862

228

Stanley Falkland Island

Sir

I am about leaving some families upon Pebble Island and should feel obliged by your Excellency granting me a license to kill wild Cattle upon the West Falkland upon the same terms as granted to owners of Rural Land upon the East Falkland, also my boat for Malvina will be employed for the next four Months in transporting Cattle to present me also permission for to kill for their subsistence,

I am Sir
Your Obedt Servant

J. M. Dean

His Excellency
Governor Moore

217

(229)

Court-house
Feb 29th

Sir

With regard to the 54 hides declared by the Court yesterday to be the property of the Crown, & the two Cow Hides now at the Court, (with which the manager of the T.T.C.T says that he has nothing to do), I beg to call your Ex^cy's attention to the 20th Sect. Ord. Jur. Act. by which you will see that the Chief Constable has authority to act as Sheriff when appointed to act in that capacity or not —

I am Sir
Your obed^t Serv^t
E.W. Goodlake
Ch. J. Mag. Cts.

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

Duplicate

218

To the Right Honorable Her Majesty's
Secretary of State for the Colonies (239)

The Memorial of the Falkland Islands
Company?

That in the months of February March 1867
the Crown granted to the Company in fee & on
lease for 20 years, certain lands on the N.
side of Falkland, in consideration of £400
then paid, and at the yearly rents of £40 p
annum for 20 years.

Such grants and leases contain various
reservations to the Crown, but wild Cattle are
not reserved.

The Company claim to be lawfully
entitled, at Common Law, in the absence of
such reservation, to kill and appropriate wild
Cattle, or other wild animals, upon their lands
so held: the Local Ordinance (Summary Jurisdiction
Ordinance Sec 37) only prohibiting such
killing "without lawful Cause".

That the Company applied such right
in letters to the Governor of the 1st June, 18 July
& 12th August 1861 on applications to kill wild
Bulls. That in the letter of the 1st June the
Company's Manager, after making application
for a license to kill 200 Bulls stated that
he "must reserve the Company's right to kill"
"wild animals trespassing on their leased &
"purchased lands" and added "I believe your
"Excellency does not admit the latter right &

I do not propose to exercise it, until it is 219 (232) 231
decided by H.M. Government & the Directors
and in the letters of 10th July & 12th December
following. the Managers (not having then received
specific instructions from the Directors in reply
to this request) again applied for license stating
that he did so "to avoid any question" and without
"prejudicing any rights which may exist" —

That in the correspondence resulting from such
letters, the Governor did not refer to the rights claimed.

That the Governor granted licenses to kill
wild Bulls on the Company's lands at Salvador
but refused to extend it. —

That the wild Bulls & Cattle, frequenting
those lands, render it impossible for the Company's
stock bred, imported at a great expence, to be
depastured there, as the wild Cattle would not only
mix with & destroy, the breed, but entice the
cattle to the adjacent mountains, where they wd
be irrecoverable &, independently of the great expence
it would be impossible in the long & dark winter
nights, or indeed in any season, for any men
now to keep watch and ward it.

The wild Bulls
cattle also render the land unsafe to any one, on
foot or else on horseback unless an equipped sailor
& it would not be safe for Shepherds to tend sheep
& the purchasing & leasing such lands (the very
"object of the Company's contracts") "for depasturing
stock" as stated in the leases will be rendered
nugatory, if the wild cattle are allowed to increase
&

That as the Crown cannot lawfully kill
wild

8

Wild Cattle on such Lands they would remain for 220
10 years, exempt to any body, & during that age,
if the Company do not like them.—

That there are only two other persons besides the Company, who have Leases of Lands in this Island: viz. Augt. Roche & Pelagia:— that there is a very small number of Cattle on Augt. Roche's Holdings & one district only, it is believed has been leased to Pelagia, on the west side of the Island of Port Salvador.

That the whole of the remainder of the Island is unleased, open to the wild herds of which there are many thousand & consequently the Company's leased Districts bear a very small proportion to those on the waste lands of the Crown.

That the mails of August September October & November ~~& December~~ 1861 did not arrive in the Colony until the 9th of January 1862 & by those mails the Manager received specific instructions from the Directors that the right to kill Cattle on their lands was admitted by H.M. Government; & on the 1st of February he sent four men from Stanley to Salvador to kill Bullocks on the Company's Lands there & it was publicly known in Stanley by whom & for what purpose the men were sent & also their destination. But, although any communication in the shape of a "Public Notice" was issued on the 11th February signed by the acting Colonial Secretary by order of H.E. the Governor stating that it has been represented that men had been sent out to kill wild Cattle & that a penalty of £2 for each animal (being the maximum amount) would be enforced

which

which he would be given to understand; —
thus entering a defence on record, by the proof
of such facts & circumstances, as "carried Crime,
if he could; and marking it warm for the
Court to act Consistently with Justice.

That the Manager immediately on
having duel Notice, is also to avail him the
appearance of nothing little in opposition to
the Statements of the Law, the Libelling in
the right of the Company, thus a Messenger to
Salvador, & at once stopped all further
Pleading. — # on the 21st February he addressed
a letter to the Governor giving full particulars
of the authority under which he acted & of the
Communications which had taken place
between the Government & the Directors

That the Governor on reply sent him a
Copy of an extra judicial Opinion dated 18 Feb
obtained from the Chief Magistrate (who would
stand in the question between the Crown &
the Company) on an ex parte Statement of Facts
in such Opinion, the Magistrate (by assuming
the Case, declared his intention to institute
the final Steps (in accordance with the
Public Notice) as follows "It will be my
"duty to institute a prosecution before the
"Court of the Company appointed by
"Mr Stone, who may act in the manner he
"thinks most likely to make Compensation to his
"employers."

Pleads

That no animals were killed after the
6 date of the Public Notice of the 11th July. & that
not Cows which the Natives killed on the Company's
Land, without Authority from the managers
4 & 6 had for their subsistence.

That finding that the lawful right to
Kill, claimed by the Company, was disputed
by the Governor, & by the Chief Magistrate, as
above stated. He respectfully urged upon the
Governor, that a Hearing for Damages under
such Circumstances, with Summary Powers
could not be so satisfactory to them, as that
at Law so important a question, & begged leave
to submit, respectfully the three following
proposals

1st To provide an Appeal to the Town
in No 6 Council by Ordinance.

2nd To refer the Question, in the first instance,
No 6 by the Opinion of Eminent Counsel in England.
on an agreed Statement of Facts. —

3rd To refer the Question to H.M. Secretary
No 11 of State for the Colonies & in the mean time, to
Cease all Killing —

That the Manager should
if requested facilitate an Enquiry by the Commissioners
into the number of wild Animals Killed.

That the Company's responsibility (if
any) in respect to the Killing which had taken
place, should attach equally after such
Ordinance, as at present. —

Ibid

That all such proposals were readily assented
& it was insisted that no claim rights
could be listened to.

That in order to prevent all difficulty
& to lead the best legal question, only, to
dispute, the manager gave a written admission
of the number of Wild Cattle killed & that
the men acted under his authority - thereon
were thereupon discharged & a summons issued
against the managers for killing the Wild
Cattle, admitted by him, on the Company's
lands at Salvador.

That on the same day he received
another summons for killing Cattle on Com
lands adjacent. but which on his appearing
to answer, was stated to be abandoned.

That the summons for killing on
the Company's lands was heard on the 25 Inst
before Mr Goodlake & Capt. Parke; all the
former had full powers to sit alone & notwithstanding
that it was well known that Capt. Parke was owner
& killer of Cattle for sale, was greatly assisted
in prosecuting the Company killing Cattle on
Lands near Port Stanley, their Lands for killing
being much more distant than his than the
Lands at Salvador.

That following the Public Notice
& Mr Goodlake's determination as opposed to his
opinion obtained by the Governor, the full
Penalty of £20 for each animal amounting
to £1080 & £N.S.2 Costs was not to be paid
within a week, or to be levied by distress & sale of
the goods & chattels of the Falkland Islands Company

That

That by requiring unnecessarily a second Magistrate to sit, the appeal from a single justice to the "Police Courts" given by the 4th sec. of the Summ: Trial: Ordinance was taken away: & also any appeal from the "Police Courts" to the "Magistrates Courts" under Sections 11. 13 & 14 of the "Admin: of Justice Ordinance" - and in reply to inquiries on the subject, the Chief Magistrate wrote to Managers "There is no appeal provided from the conviction of the Falkland Islands Company on the 26th ult."

That in England a decision of the justices under the Game Laws is subject to appeal to the quarter Sessions & any question of a right to the enjoyment of property can be tried in the Superior Courts at Westminster &, in other Colonies by an appeal to the Privy Council

That on the prosecution of 6 men (the master & crew of the Schooner "Victor") for killing wild Cattle on Crown Lands tried before Mr Longden then Deputy Chairman on the 28 July 1880. they were convicted of killing one animal & the master was fined £2 & the others £1 each Costs.

That on a subsequent prosecution, against the same men, for killing cattle on the Company's Lands, called "Lafonia" also tried before Mr Longden, they were convicted of killing 4 animals & jointly fined £1 for each & £8 Compensation for the Beef, Consumed the Magistrate addressing (as appears by the official Copy of his Notes) "they knew the cattle to be "Lands and private property."

That there was no publishing

Conclusion

Circumstances whatsoever in either case nor any
legal right in question, & in both the Skins were
retained by the men prosecuted.

But, not only
were the Skins & Hides of the animals, killed on
the Company's Lands deposited by the Informers
as if it is believed illegally, but the said Penalty of
£20 for each Animal so killed inflicted.

That these facts were laid before the
Governor praying that the Penalties may be
legally adjusted, if not remitted or suspended,
as against the Company. but H.E. refused
upon the application. to the Chief Magistrate
who called by letter privately, then other Magistrates
(who had not sat on the Bench on either of
the hearings) & sent to the Governor their opinion
& upon it, all which was refused without any re-
investigation of the cases by this Legislature.

Mem N° 20

That the Manager then applied the
Chief Magistrate for six months time to pay the
Penalties. stating that he only was in the Habit
of attending, & had. by the sufficient Cash for the
Company's immediate engagements & current
expenses, or if that was refused, offering Bills upon
the Directors & the deposit of the Horns Hides
& Skins (upon Account for £20.000, value
with Interest, being ample Security to the Crown
for the Penalties, to remain as Security for the
payments. but, in vain. the Governor

Letter N° 32

Letter N° 33

stated that he had again Committed the Chief
Magistrate to £200 if the Cash was not deposited before
4 P.M. the following day. in Cash, or Bank Notes
were tendered. That the above application

Next

and apply. & one taken into the Governors & every
other security offered, but he would not accept
that the Manager then made further
application to the Chief Magistrate & asking for
time to pay the £250 & Costs until the first week
in May. That, without any view from before
the time named in the previous letter, an Execution
was levied, & the Manager to prevent the sacrifice
of property, by a forced sale, deposited a large pay-
ment due by the Company this month, & paid
the Amount of the Execution under compulsion
& protest.

2 That a cargo of Hides having been shipped on
board the Company's Cutter "Lily" at their Establi-
shment at Port Louis and being ready to sail to
Stanley (a coasting trip of 4 or 5 hours only) the
Constable of Stanley was sent there with instructions
to detain the vessel. - Without proceeding in
fact to Stanley, or saying when or whether he
should return, he left on Sunday & delivered
the Governor's appointment to a servant of
Capt. Poole at Port Louis & ordered the Constable
& directed him to detain the Cutter, altho' he had
not been sworn in & consequently was liable to a
Penalty for doing so - the masters then were
detained & the Hides liable to heat & damage
from the close hold of the vessel.

That a messenger having been sent by
the Manager, he was sent back with instructions
to the master, to bring the vessel to Stanley, at
the same time informing the Governor of the reason
& before the vessel had cast anchor, the Constable

Governor

Harbour approved the Governor's conduct.

That the Constable was sent on board
4(a) Vault of 167 tons which he was discharged
he seized two Cow hides & carried them thro the
settlement, the Manager gave him information
against the Governor & begged the Hides might
be returned, or some charge made against the
Company. but he was refused by the Police
No 12 Office & after a detention of 14 days, an order
was sent to him signed by the Chief Magistrate
& the Acting Colonial Secretary, to release
Store keeper, to deliver them.

The Company respectfully submit
that the above proceedings have been not only
illegal, but most vindictive & oppressive upon
I That the penalties & costs may be remitted
& compensation made for the seizure & sale
of Hides by the Government & for other
losses & expences sustained by the Company

2 That an appeal may be provided by
Ordinance to the Supreme Council in cases
where property or civil rights to adequate
Amount or value are in question:—

For the Falkland Islands
Company
James Lance
Colonial Manager
Stanley March 6th 1862

Stanley 2d February 12th 1862

Sir

I Notice was yesterday affixed to the Gazette Board offering a reward of £10 for taking animals to any person who gives information of Wild Cattle being killed without your Excellency's sanction, and that a Penalty of £20 would be inforced for each animal so killed.

The Falkland Islands Company hold on Lease and in fee certain lands whereon Cattle are reared, the Grants of which do not reserve to the Crown the right to Wild Animals on those lands.—

Upon such lands at Salvador Wild Cattle may still be said to remain, they under the whole district wholly unfit for any one to traverse on foot, & a man on Horseback except he is equipped & has a trained Horse & the skill of a Gaucho with a Lasso, must trust to his Horse for safety.— I mention this however chiefly to shew that the enjoyments of the Land proprietors & Lessees cannot Co-exist with the Crown claiming to keep upon it wild Animals.

It will be in the recollection of your Excellency, that in my application of the 1st & December 12th last for licences to kill wild Cattle at Salvador I waived the right of the Company to the wild animals upon lands Leased to them & applied for licences to prevent dispute, but although the wild Cattle remained indisputably numerous and

and injurious on their lands, you by all means
advised any further Claims to be made.

The Board in addition to some time since
authorized me to kill wild Animals on their
lands Leased or Surveyed, but to be assured
on the subject I wrote for specific instructions
& by the Mails arriving here last month I
received a dispatch of which the following is
an Extract "The Company has an undoubted
"right to appropriate all Wild Animals found
"upon its Lands, whether Bears or Deer, this
"was distinctly admitted at the Board attended
"with the Colonial Ministers is perfectly
"understood". And in another Letter by the
same mail. —

"The Directors consider that you
"had a full right to prohibit any Trespasses
"upon Lands the Company is holding & to
"and appropriate all Cattle found upon it without
"any previous notice, or payment to the Owners
"this will be a subject of Representation to the Secretary
"of State, for our rights in this respect are unquestionable,
and were distinctly admitted at our audience
"on Evening Board".

The Directors acting under
legal advice in England having given the above
instructions, I have openly acted upon them.

I have since received the letter
book of acknowledged authority (Burns Justice)
and in it I find the following. —

"The Animals which
(who) after being used (except in the wild Animals
of Nature) he defends it and likely by its weight
& size, is an more noxious than any Animal wild
Indian, he used & kind of an Animal in any part
of

of the peace (3 Rue abr 34)". How it appears by the Roman law every man had an equal right to such Creatures as were not actually under the power of Man and that the new Captures and Slaves acquired a property in them.

By immediate taking and killing them they belong to such persons, and cannot be taken from them since the first Occupant or Captor was sufficient to vest the property in him. Also by shutting & Pinning them they belong to the Owner, as long as they continue in this Condition, but if ever they forsake the House & habitations of Owner, they are then the property of Every one. (Bulk. lib. 6. 7)

The words "without lawful cause" in the 40:37 Summary Instruction Ordinance, made him to contemplate such a case, as the right which the Company claim.

I have &c

James Lane

H. E. Governor Moore

&c &c &c

P.S. I have omitted to notice the following message also, in a Letter from Sir W. A. Fairlie the Chairman of the Board to His Grace the Duke of Newcastle on the same subject.

"When we
"honored with an interview at the Colonial Office,
"it was admitted that our rights to all Territories
"over wh[ich] Savages were to be considered that it was
"unjust to anticipate that the Governor would divest
"himself of this Proclamation to interfere with
"them, or to sanction our claims being disputed
"upon". ——

Gov.

231 (244)

No 63.

Govt House Stanley
Feby 13th 1862

Sir

I beg to acknowledge the receipt of your letter of yesterday stating that the Falkland Islands Company have a right to kill the wild Cattle on their land and that the Directors had authorized you to do so.

I have forwarded your letter to Mr Goodlake & have sought his advice as to whether the Company have any such right & shall give you a copy of his reply. I have only further to add that the Laws of the Colony must in this case as in all other, be strictly enforced.

I have &c.

Hon. C. L. Moore
Govt

James Lee Esq.
Agent

No 3

(Copy)

Govt House Feby 13th 1862

Sir/ I have the honor to acknowledge your letter of yesterday inclosing a letter from Mr Lee on the right of the Company to kill wild Cattle on their leased lands & requesting me to consult the various documents in the case and give you my "opinion" - I have had an opportunity of perusing these documents including especially the Dispatch of the Duke of Newcastle Nov 28 1860, on the subject. the terms by which the Co hold their stations & the Licenses which they have already had to kill such wild Cattle as seemed proper to you & Colony.

With reference to Mr Lees statement from Mr Fiske & his assertions of what the Govt had incidentally authorized him to do, I can only say for myself that the Ordinance is very

very clear on the subject after being aware of killing the wild cattle in this illegal manner which is brought before me I should be fully justified in inflicting a fine of £20 but to impose it on the score of the above poverty would be by no means to act in the manner most likely to the advantageous to this Settlement. I would your Excellency therefore earnestly request a precise instruction recommending that the Falkland Islands Company should be allowed to have the right of killing wild Cattle of which they state above is worth more than 25/- on their sixty thousand acres each subject to nominal Rental of two acres already mentioned in their lease as for the purpose of their having cattle to kill. I would beg to record for its production and would suggest that the present Ordinance (37) Summary Jurisdiction) be altered accordingly

I have &c

C. H. Goodall

Chairman of Magistrates Courts

Stanley Feby 4th 1862

No. 4

Sir / I have the honor to acknowledge your Excellency's letter of the 15th ult. inclosing the Copy of an opinion obtained by the Commissioner on the claim by the Company to kill wild animals on their lands & adding that the Laws of the Colony rule in this case as in any other dependency.

The Company have never disputed your Excellency's view of the Laws, but they only maintain that they are advised that they have a legal right to

to kill any wild animals on lands granted to them in fee or in lease, without reservation of those animals – and if they have that right they have "lawful cause" to expect by the Land Ordinance.

They only ask that this claim may be fairly judicially decided.

But the Chief Magistrate who ought to go into Court indifferent & independant on a question between the Government & the Company, is called upon to prejudge a case, & state, which your Excellency & not your intention of bringing before him judicially when sitting with Summary jurisdiction

Without ~~commenting~~ entering on the Chief Magistrates letter, in his position, I submit to your Excellency that nothing can more tend to prevent persons purchasing lands and expending Capital, or more injurious to the Colony, that to find that in any question as to their rights with the Government, the Chief Magistrate will have committed himself to an opinion obtained previously by the Government.

If an Ordinance as suggested by Mr. Fordlake is passed, it will be objected by the Company until it is confirmed & allowed by Her Majesty, and I am entirely prepared with Nothing until it can be stopped.

Mr. Fordlake is totally misinformed as to the 6 Districts of land he refers to – the Company pay to the Govt. only 1/- per Acre the rights to all Minerals ceased by a payment to the Government of £600 – a Royalty to

to my letter will also show that the Board have not "incidentally authorized" me, but that they have done so expressly and advised upon their legal rights & not the opinions of H.M. Government to it.

With reference to the Licences to kill and capture Cattle I take leave to refer to the 7th Clause of the Proclamation No. 9 of 5th April last, which states,

"Every Licence granted under these regulations & the Numbers and descriptions of Animals killed shall be published from time to time in the Government Gazette Paper."

No such publication has however been made of this further licence as required.

I have &c &c

Sam Cleeve

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

No. 5

Government House
Feby 15th 1862

No. 66

Sir/ I beg to acknowledge the receipt of your letter of yesterday. Mr. Goodall has made such a suggestion time as to pass an Ordinance permitting the Falkland Islands Company to kill the wild cattle but has simply recommended that the Company procure such Licences, & would be well to alter the existing Ordinance accordingly. - I am advised by H.M. Government that the Company upon application have received any exceptional privilege

privilege to slaughter the wild Cattle of Cattle belonging to the Crown, I would again think it right to point out that if any Difficulty in settling at Reference the Claims of this Colony you will do so on your own responsibility.

I have &c

Thos. E. L. Moore
Gov.

Sam. Cane Esq.

Stanley Falkland Is. 15th. 1862

No. 6

Sir, Referring to my Letters of the 12th. inst. No. 5 & 6 under Cover I beg to say that the right of pre-emption and lease of Crown Lands to be sold with Animals on them Lands, is of that nature and importance as to call for a decision by a Court of Law in England that it affords another ground for urging that an Appeal to the King Council be provided by an Ordinance as against the particular case now in question, the Company will agree to the same being tried before the Supreme Council, or to the same being finally decided by the opinion of one or two Independent Counsel at the English Bar on an agreed statement of the facts. And I beg to ask whether you by telegraph will signify to me by which of these modes, or with your own suggestion any preferable mode of settling the question at issue.

The Company seek an exclusive privilege to slaughter wild animals and we certainly do not object to the Company's pre-emption in settling at Reference the "Lands of the Colony" on the same terms as

In the Morning we found the Indians before
on the Hay and Board of the Vessel. Early
the Commodore had a Signal hoisted that
Boats or Canoes to attack him. Immediately
after hoisting this Signal he fired
a Gun to the Morning of the 15th and the
Camp with Musketry. Then the Killing should
take place.

Thanks

Commodore

To C. Gibbons Esqr
Va La La

Fort Vancouver
Feby 17th 1852

No. 69

No. 7

Sir I received yesterday your letter of
15th Feby 1852 to say that I have offered to
pay the Compensation claimed from you
for Goods made before you Commenced with
the Right of Fishery and declining absolutely
to Evade the Ordinance respecting the Wild
Cattle with which I now depend Communication
on your part you must have been well
acquainted.

I shall defer referring your letter to the
Hudsons Bay Company in this Island
and the Rights which they have with them
belonging to the Crown and Country and
any Infringement of the Laws Ordinances or
the Queen and to perfectly well shall
here. I do not suppose that Citizens of any
Independent Country can be allowed
Liberties of the Coast of England, or
make Attack on the Subjects of any
Foreign Regulation in this Country

I have &c
Chas E. Mason Esq
Comm. Pacific Ship

137
2496

Stanley Feby 11th 1862

Sir/

A Messenger has just arrived from Port Louis, stating that the Company's Cutter "Lily" & Crew are detained there with Hides on board, by the Constable.

These Hides were Killed wholly at Stanley & Shot the Cutter there on her Way back from Salvador where she had deposited Sally Empty, to bring to Stanley the remainder of the Hides Killed there under the Licence.

As the Hides will quickly spoil on board, unsalted, I have desired the master of the Cutter to bring them to Stanley & on arrival they will remain on board, until your Excellency has determined what course to pursue. I shall be glad to be informed whether the Constable acted under the order or with the sanction of your Excellency

I have &c
Lennox Lane

His Excellency
Governor Moore
&c &c &c

Government House
Feby 11th 1862

No. 10

No. 70

Sir/

I have received your letter this afternoon in which you state that you have detained the master of the Cutter "Lily" which was detained at Port Louis on suspicion of having Hides unlawfully obtained on board, bound to Stanley, and you allege as a reason that the Hides which must have been shot some time would spoil if detained &c. This

this would have been an excellent reason for writing to you on the subject, but hardly for desiring your servant to set at defiance the officer in the discharge of his duty.

I had already sent to the Constable who very properly stopped the Cattle to allow her to come down here, but should your Messenger have allied first, & the Master of the Cattle have obeyed your order, you must abide the Consequences. I can only look upon this as a fresh instance of your endeavours to set the laws of the Colony at defiance.

I have &c

Thos. E. L. Hare
Govr.

Swanedam Esq

Stanley Falkland 20th May 1862

No 11

Sir/ I have the honor to acknowledge the receipt yesterday of your Excys letter of the 18th inst. Nº 69/71. With regard to Nº 71 I may state that it is the practice to shackle the calf (on which boats are placed when on shore) & then when put on board a Boat, they consequently if kept on board in a close hold soon heat & are seriously damaged. In taking measures to prevent a loss accidently falling upon the Govt. of acting illegally, or upon the Company, if without reason, I feel satisfied that it cannot be said that it [illegible] "endeavours to violate the laws" of the Colony in the contrary I gave every facility for the fullest investigation, & the detention of the boats by

by ordering the Repeal to Stanley may cause (251)
your Excellency with the reason for it. I hope
she had cast Anchor in this Harbour before
the full examination of the her cargo.

I did so notwithstanding her detention was
only made on pretence that illegal
on board the Cutter & returning with her
suspected cargo to Stanley. The Constable
merely stated that his instructions were
to stop the vessel making as long as
her cargo had been shipped, or making any
attempt to satisfy himself before detaining
her & therefore mounted his Horse, & desired
a shepherd of Capt. Packe to see the vessel did
not leave - this man acted as Constable, he
not sworn, and is liable to a Penalty under
9th Geo: of the Summary Jurisdiction Ordinance
for so acting - The Constable then left without
the slightest intimation when he should return,
if at all. These proceedings were taken without
deposition or warrant & there was no ground to
believe that the Company were making use
of their vessel for an illegal purpose, or that
they meant do so.

Referring to Letter of Augt
that your Excellency did express to me the
the real point at issue, between the Company
as owners in fee Reserve of Land & the Crown
viz Whether the former have Exclusive Claim
to Wild Cattle? If they have it is per-
fectly clear that to do so would not violate the
Ordinance - This is the whole question as to
it is not involving large intricate & tedious
it to be set at rest by the opinion of the
Magistrate

Majesty, who has already committed himself to one (352)
Israelite judicially, as the adviser of your
Policy, would not, I submit, be reasonable.

Referring to Par. 2 Letter 69. I have never
received any communication verbally or
otherwise from your Policy touching
the right to Rifle Wild Castle, altho' the claim
was asserted by me more than once last
year, officially.

With a view of putting to an end what
must be only a useless & irritating contention
here, I venture to make another suggestion
viz 1 That the question shall be referred to the
Secretary of State & that no Wild Castle
shall be Rifled in the mean time.

2 That on this being agreed to it shall be
ascertained (when facility being given on
any part) whether any rabbits more
of Wild Castle have been Killed.

3 That the Company shall take
upon themselves the consequences if the
Secretary of State shall be satisfied
that they had not the legal rights which
they claim. Begging the favor of your
Excellency's reply, I have the
honor to be

Sir Gordon Moore
&c &c

Sir, Your

(253) 241

No. 744 Entrance Hall July 21st 1862

Sir,

I am directed by H.E. the Governor to ask information as to the apparent discrepancy of the Returns rendered by you of the number of Wild Animals Killed by the Company's servants at Portlands under a licence dated 19 April last

In your letter to H.E. of the 6th of Nov. of last year you state "37 Buffalo Hides have been received
37 at different times under the St. Louis Licence

The master of the Company's Buffalo Lily only two days past acknowledged to having
174 brought with him this last trip 174 Buffalo
211 Hides. - The Licence granted to the Company on the 19th April last only permitted the slaughter of 200 Wild Bulls & it would appear from the returns sent in that 211 have been recorded whereas but 200 have been declared to have been Killed in your declaration of the 26th ult. & only 200 have been paid for.

With regard to the 2 Cow Hides detained by the Chief Constable from the Company's Buffalo Lily I am directed to refer you to the Police Office, which is the proper place to make any information on this subject.

I have &c
W.R. Pope
Actg Col. Secretary

Mr. Macaulay &c

No. 13

Gov. House July 21st 1862

No. 745

Sir, I have to acknowledge the receipt of your letter of yesterday & the Returns enclosed

I imagine that your copy of the Returns

would be found by me the best answer to the greater portion, I will reply to it seriatim.

2 With regard to the charge against one of Mr. Packe's Shepherd (as you term him) which should however have been made in the proper quarter) Constable Davy conveyed to Elizabeth, who has frequently acted before, my appointment as Constable under the 9th Sec: Summary Jurisdiction Ordinance - he acted properly in stopping a vessel most reasonably suspected of having on board Hides unlawfully obtained (Sec Sec: 37 Sum: Jur: Ord) & I cannot suppose that the master of the vessel did not demand to see his authority for so doing had there been fresh hides inside on board, instead of at the 2nd Canal, he must also have detained her, but this would have been at once reported to me here.

3 The subject of the right of the Colony to Wild Cattle on their leased Lands, has been already the subject of correspondence with you yourself as long back as Sep 1855 and I shall be ready at the proper time before me any papers you may wish to transmit this one to His Grace the Secretary of State for the Colonies

4 With respect to the implied threat at the end of your letter in which you are pleased to suppose your giving me every facility in ascertaining the number of Wild Cattle, you have killed as a Condition of my undertaking to interfere with the Regular Course of Justice, (37 Sec. Sum: Jur: Ord:) presuming that in this instance you are only referring to the Wild Cattle killed at the P.t of Salvador Grazing Station, & not to the great —

great number of which you must know to have been killed illegally by the Company's servants on the Crown Lands or other parts of the Island. You may act exactly as you think proper in the subject.

I have already obtained the requisite information.

I have &c
Tho.s E. L. Nurse
Gov.r

Sent as above by

Stanley Feby 21.st 1862

No. 14

Sir/

The Companys Boatman has reported to me that the Constable, yesterday on seizing the cargo of the "Lily" Cattle, Exchanged into the Company's Hulk, consisting of about 170 Hides, seized & took away Ten of the Hides, stating that it was by the order of the Government. They beg to ask on what grounds this proceeding has been adopted?

I have &c
Thomas Lane

Stanley Feby 22.nd 1862

No. 14 (a)

Sir/

I have the honor to acknowledge the receipt of your letter of the 21.st inst. No. 75 approving of the Cattle seized by Constable Davis of the Shepherd, Gleadell, Esq.r Packer having as Constable acted not wrong for the reasons required by the Ordinance & Proclamation. I do not dispute that this man, some time before entering Esq.r Packers service temporarily acted as Constable -

2

2 With reference to the 4th par: so far from asking your Excy to "interfere with the regular Courses of Justice" my whole endeavours have been only to obtain a fair trial of the rights claimed - Your Excy views this proceeding strictly rejecting all proposals to that end, agrees the Company officially abide by an unfavourable opinion obtained from the Chief Magistrate on ex parte statements, out of Court.

3. I have neither in intention, nor in fact, made use of any expressions in my Letter of the 20th inst. in the smallest degree implying a "threat"

I made a proposal by which the question might be at once, for ever, set at rest, & from the feeling which so unhappily prevails there viz to refer it to the Secretary of State - that no wild Cattle should be killed in the interim - & that if agreed, I made offer to bring parties for satisfying the Government whether any and what numbers had been already killed, & lastly that the Company should remain liable (if not proved of the legal rights they claim) equally as leaving the Secretary of States decision as they are now

I yet trust that this most reasonable proposition will meet your Excys approval & shall be glad to be informed as to the result.

4 I am not aware of wild Cattle having been "killed illegally" & with regard to your Excy having "obtained the requisite information" I would remark that the Government have already been misled by information & that

that a prosecution against two of the Company
(35?)
were some time since for killing Cattle, wholly
failed.

5. Refering to the inquiry by the late
Colonial Secretary by letter of the 25th ult. No. 74
why 28 Cattle Hides had been brought to
Stanley from Port Louis the Company only
having a license to kill 20 Bulls. It might
be as well to mention that when the Company's
Boatman "acknowledged to have brought off 4
Hides," he at the same time stated that he was
not the owner of the number - and when they were
afterwards Counted the Constable made them 37
only - there would thus, each 37 previously be 20 4

Your Excellency is however aware that the
Company have several Hundred tame Cattle
(Bulls, Oxen, Cows & Calves) their own property
at Port Louis - Nearly 100 of these have been
Killed since the license was issued to kill 20 Bulls
there - several passed Cows have been Killed
there, and some Cows have died from being
boggled &c &c - their Hides of course not taken off

Having voluntarily given this explanation
I beg respectfully to ask whether the two
Hides seized by the Constable may be restored
or that the regular Course of Justice may be
pursued by the Government, charging the Co.
before a Magistrate with illegally possessing
them most of all the Colonial
Secretary to by your Excellency -

I have &c
Thomas Lort

H.E. Governor Moore

No. 16

Government House
Feby 24th. 1862

Sir/

I beg to acknowledge the receipt of your letter of the 22nd. inst.

2 That the representations you may wish to make to His Excellency the Secretary of State for the Colonies, cannot be accepted by me as an official mode of transmission.

3 As it appears to me that I have sufficiently disposed of the question at issue, in former letters to you, I beg that this correspondence may drop until the case of the Company's servants killing wild cattle illegally has been dealt with in the Court of Justice in the usual way.

I have &c
Thos. E. L. Moore
for

Stanley Feby 24th. 1862

No. 16

Sir/

I have only this morning been able to ascertain from the Head Man employed by the Company at Salvador, what number of animals have been killed upon the Company's lands, & the following are the particulars.

	Bulls
On 2nd. Feby last there were killed	21
" " "	28
" " " "	3
	52
After deducting Cows	2
	54

I have also rec'd. notice from Mr Fookes of summonses having been issued against the men Gonzales, Ribeiro, Paula & Lightowler for such killing & that such notice was given me upon learning that they were the Company's

Servants

servants and acting for the Company. I now beg to state that the Company admit having authorized the above named to have acted as stated &c.

2 The question being thus reduced to one of simple legal right to the wild animals on the Company's lands, I take leave to again endeavour to induce your Excellency to refer the matter to the Colonial Ministers (who "distinctly admitted" such right "at the Bar in witness" in order that a decision involving the value of broad thousand pounds, and applicable to all Capes, parchaers, & occupiers of Land under the Crown in these Islands may be duly arrived.

In the mean time I must take on the part of the Company to abstain from killing wild cattle & to be liable to all forfeitures, penalties, & consequences, equally with the owners of the cattle, as at present & before Security & against, for penalties, if any incurred by the killing the wild animals above mentioned.

I find the Government have removed from the Company's land at Tabrador & conveyed to Stanley the above 6 or 7 bullocks. The legality of this act will be determined by the reference agreed to by your Excellency.

I have &c
Samuel Lane

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

Stanley Feby 24th 1863

No. 17

Sir/ In reply to your letter of the 22nd inst.

I beg to state that the four men named in (No 2) the
note the servants of the Company, in killing
wild Cattle (52 Bulls & 2 Cows for subsistence)
on the Company's Lands at Sabrador, and
were authorized to do so by the Company, who
claim a legal right to kill the said animals on
those Lands. I had to day written to this effect
to H.E. the Governor & made proposals for
the rights to the land. I Remain &c
James Lane

Wm. Fortescue Esq
Chief Magistrate

No 18

Government House Feby 25 1862

No 77

Sir/ I beg to acknowledge the receipt of
your letter of yesterday containing a statement
of the number of animals which had been
killed by the Company's Servants on the
Island known as Port Sabrador. I was already
in possession of the information in the hand
writing of Louis Maria Corvales one of the men
engaged and has given notice to the slaughter
of these animals. I have &c
Thos. E. E. Moore Lieut
Governor Esq

Stanley March 1st 1862

No 19

Sir/ I beg to inform your Excellency that the
Act has been fixed at 2s for each of the 52 animals
killed on their freehold Islands at Sabrador
amounting with Costs to 5 Stg. 5. 2 & ordered
to be levied by distress under of the Goods & Chattels
of the Falkland Islands Company & sold
on the 5th inst. The Skins Hides & tails of the
Animals

Commissioners are also advertised for sale on Monday next as the property of the Crown

I beg to call your Excellency's attention to the only two previous convictions for many years for killing Cattle, one in the 28th July & one day before Mr Longden the then Deputy Chairman of Quarter Sessions.

The 1st was for killing one animal on Crown Lands, and the penalty awarded was £2 against the principle offender & £1 each against each of the other three prosecuted.

The 2nd prosecution was against the same men for killing 4 Cattle on the Company's Land called "Lofoned". They were fined £1 jointly for each Animal & £2 Compensation having consumed the Beef.

The Hides were not in either case obtained by the prosecutors, & the Magistrate (quoting from the official Report of the Notes now in my possession) stating that the Offenders "knew that the cattle in the South were private property" In neither of these cases do the notes show the slightest palliating circumstance - and there was no legal right in question, much less one admitted to exist by the Colonial Ministry. - But nevertheless against the Company a fine of £20 is inflicted for each animal & their Hides have been seized and appropriated.

I feel it to be my duty to urge respectfully, this new & grave subject upon your kindly attention & to solicit that the penalty may be at least equally advised, if not amended or cancelled, until the Colonial Ministry has been referred to?

I have the
Honor to
be
Sir
Your most obedient
humble Servant
Edmund Moore

(262) 260

Government House
3rd March 1862

No 20

Sir I beg to acknowledge the receipt of your letter of the 1st inst

2 Not having received any communication on the subject of the Trial mentioned in your letter from the Chairman of the Islands, I felt it my duty to call upon you for a report before answering your letter

3. I now inclose a copy of the unanimous opinion of the Justices on the Case forwarded to me by the Chief Magistrate & I regret that no extenuating circumstances are mentioned which would warrant my interference on behalf of the Falkland Islands Company

I have &c
Thos. L. L. Moore
Gov.

James Lowe Esq

(Copy)

No 21

Town House March 3rd 1862

We the undersigned Magistrates of the Falklands Islands having read Mr Lowe's letter to H.E. the Governor dated March 1st requesting a remission or suspension of the Judgments pronounced against the Falkland Islands Company for killing wild cattle the property of the Crown & having considered the subject, are unanimously of opinion that such remission or suspension under the existing circumstances would be in every way most dangerous to the welfare of the Colony, and would unfairly to the other Land Owners

We are also of opinion that Mr Lowe has treated the Court of Justices with disrespect in not having made an application to

(signed)

Wm. Goodlake Chairman
J. M. Dean J.P.
Arthur Bailey J.P.
R. D. Hacke J.P.
John Sebald J.P.

Stanley Feby 26th. 1862

No. 26 Sir/ I lose no time after the decision of the police Court to day on the subject of Felling wild Cattle on the Company's Leasehold & Freehold Lands at Salvador to state that on the part of the Company it is my intention within the time limited by the 18th Sec of the Administration of Justice Ordinance to Appeal to the Majesty's Privy Council against such decision.

I am &c
James Lane

Wm. Goodlake Esq
Chief Magistrate.

Court House Stanley

Feby 27th.

No. 27 Sir/ I have received your letter of Feby 26th. relg to appeal you to the 4th Sec: Imm: Ord: Ord:

I am &c
James Lane Esq

Wm Goodlake
Ch: Mag

Stanley Feby 25th. 1862

No. 28 Sir/. I am favored with your letter of the 27th inst referring me to the 4th Clause Imm: Ord: Ord: in reference to an appeal from the Judgment awarding Penalties for Felling

Wm

Mold Castle. I find that section gives (264) 262
appeal to the Police Courts, from a single justice
the case in question was heard before two
I should be obliged by being informed whether
there is an appeal either to the "Police Courts"
or to the "Magistrates Courts" on the case
referred to.

I am &c
Samuel Lane

E.M. Goodlake Esq

Court House Feby 25th

No 29

Sir, This is a case of a summary conviction before more than a "single justice" by the Ordinance it is not lawful for the party convicted to appeal from the judgment

I am &c
G.M. Goodlake

Samuel Lane Esq

Stanley March 1st 1862

No. 30

Sir, I regret to trouble you again but I should be glad to be certain whether there is any appeal from the conviction of the Company on the 26th ult: I understand by your letter that there is none to the "Police Courts."

I am &c
Samuel Lane

E.M. Goodlake
Ch: Mag:

Court House March 1st.

No. 31

Sir, There is no appeal provided from the conviction of the F.I.Co. on the 26th ult —

I am &c
E.M. Goodlake
Stanley

Samuel Lane Esq.

Stanley March 26. 1872

(25) 263

Sir,

I have received an order of Court for payments on the 5th inst. by the Falkland Islands Company of £1180 penalties & £11.8.2 Costs in the prosecution for killing Cattle on the Company's Lands.

I regret to state that I am wholly unprovided with the means of making this payment in Cash — I retain & have now in hand only barely sufficient money of the Company to meet immediate engagements, & current expenses, my instructions & custom being to draw upon the Directors for any unusual demand or outlay. Had it been otherwise I should not have hesitated to pay the Amount at once — Under these circumstances I trust that Execution may be stayed for 6 months to enable me to provide the Amount & to prevent the sacrifice & injury to the property & credit of the Company which must ensue if Execution issues. —

The Penalties and I need not say a first charge upon all the property of the Co but if specific security is required, I will give Bills upon the Directors for the whole Amount and also deposit the grant of Laforma, from choice of the Crown for £21.000. as a security for their due payment. I enclose Bond & also undertake to be bound in default. I am &c

Samuel Lane

E. H. Goodlake
Ch: Mag.

Governor

Court House Stanley 26th

(266)

March 5th
1862

Sir I have received your letter of the 4th inst. this day in the case of the murder of Kellie by the F.I. Co.

In the 3rd inst. I received a communication from His Excy the Governor enclosing a letter he had received from you on the subject. in consequence of which I called a general Meeting of the Magistrates & I have this day thought it desirable to them to summon another Meeting that I might place your letter before them & obtain their opinions. The Court has not much to do with the appearance of Partiality in this case, but it is hardly too much to say that the cause pursued by F.I. Co.y would have been attended with consequences absolutely ruinous to the Colony had it been followed by the other Land holders it is necessary that that portion of the penalty (as in all other cases) be liquidated at once. Execution must therefore take place unless the costs of the case Amounting to £11. 7. 2 £250 (which certainly can be obtained without difficulty) is paid into the Court before 4 pm on Saturday the 6th inst. as a first instalment and the remainder must be paid by bi-monthly instalments of not less than £250 viz on the 6 May the 7th July, & the 6th Sept. when the whole will be cleared off.

I have &c

Hon Colonial Secy

W. Lee Clarke
Ch. Justice
Falkland Islands

Stanley March 5th. 1872

(262)

Sir/.

I have the honor to acknowledge your Excy's letter of the 3rd inst bo 80 with the inclosure I only applies to your Excy to consider the unjust treatment of the Company compared with previous prosecutions, after having in vain, called the attention of the Chief Mag: in Court to the fines inflicted in those prosecutions, and also, after having fruitlessly applied to him, & having been informed that there was no appeal to the Police or Magistrates Courts - I consequently had no alternative how to represent the case to your Excy as representing the Crown - I now beg to inclose a copy of the application, which I have since made to the Chief Magistrate offering the most ample security for the penalties and of this application - As a last resort it is my duty to the Company to address your Excy, not with the object of appealing for any interference with the Courts of Law, but as representing the Crown & consequently during the interval of decision, whether the Company's property should, as in the circumstances it often is, be detained in the possession of the Sacrificed & injured after the offence of necessity made, or whether the Equity of the proceedings is, at least doubtful as shown in the previous correspondence.

The Bankers of the Company is prepared to declare that the Amt. of the bail in this case, is heavily enough to meet the immediate engagements & contingencies of

of the Company, & that he has not otherwise the means of making the payments required of £250. I must therefore that your Excellency will accept the security offered in my letter to Y. Excellency of the 4th inst. or any other which may be agreed.

I have &c
James Lane

His Excellency Governor Moore
&c &c &c

Governmental House
Nov. 6th 1862

No. 82

No. 35

Sir/ I have received your letter of yesterday date requesting me to accept security for the payment of the penalty inflicted on the F.I. Co. for the 26th ult.

2 I agree with the unanimous opinion of the Magistrates that it would be most prejudicial to the interests of the Colony, if the order of the Court should not be carried out & I think that in making the costs payable in the Bermuda instalments required, sufficient indulgence has been granted to the Company

3 I do not consider myself justified in making any distinction whatever in favor of the Falkland Islands Company in this case & I trust that this will act as an example against the wholesale & deliberate violation of the established laws.

I have &c
Thos. B. Moore for
James Lane Esq
&c &c

No. 36

Stanley 6th March 1863

Sir I am in receipt of your letter of yesterday

yesterday - requiring payment of £261. 0. 2
pass of £1091. 0. 2 Penalties and Costs by 4/1. to-
-day. I have gone into the Cash Accounts
of the Company with the Cashier & he will write
this letter and to-day a Statutory Declaration
of the Assets. I am very sorry to the Company's
interest inasmuch as I must therefore resolve which
of two painful inquiries must be submitted to,
I asked them how it was the Company and the Company's
financial position, both here & in England
I have no alternative (having made every
endeavour to avoid it) than to submit
under Compulsion to this process by being
Mandated mulct and Execution, if such an
oppressive step is resorted to on the part of
the Crown with ample security in the hands
of the Government. I do not ask for any
extension of time for the ultimate payment
but think that the amount required to-day may be
payable the first week in May if not in June
the 2nd in August & the remainder in Sept
as required by your letter.

I am &c
James Lane

The Colonial Secretary
Chief Magistrate.

(Copy)

Statutory Declaration

No. 37

I William Stanley Chester of Stanley in the Falkland Islands Accountant to the Falkland Islands Company do solemnly & sincerely declare that the Cash Balance of the Company in the Falkland Islands this day is under £1000. but the liabilities of the Company actually payable on the present month

month at £30 & that in addition (275)
& to arrears of pleadings and ordinary demands
the Company may also called upon to pay
upwards of £150. That having regard
to the payments & protested receipts in
the following month of April, it would
not be safe for the Company to make
further cash payments here.
And I make
this solemn Declaration &c.

Taken & signed at Stanley East
Falkland Islands the 6th day
of March 1862 before me
E M Goodall

H. Stanley

Stanley March 6th 1862

Sir/ I have &c to the Officer bringing a writ of Capias
against the Company's property £261.0.2 I have the
honor to be to be by getting a payment to fall due
temporarily postponed.
On the part of the Company
I hereby protest against the legality & use of the writ
& the Conviction, Order, & Execution for Penalties &
Costs, as illegal, irregular & oppressive & claim
damages & compensation in respect thereof.
I may add that the Election was held
at 8 in place of 6 o'clock p.m. altho no application
shall be given thereof application by letter will be
at 12 o'clock to day, (as promised to Mr Stanley
& am sure before the time of payment fixed
by your letter of yesterday) I am &
H Stanley

E M Goodall Esq
Chief Magistrate

We José Maria Gonzales of the East Falkland Island Camp Gaucho & Pedro Varela of the same Island Camp Gaucho do solemnly and sincerely declare that we are well acquainted with the four freehold and four leasehold Lots or districts of land of the Falkland Islands lying on the South side of Port Salvador and with the wild cattle frequenting those Lands having hunted over them from July to December last.

That at least 300 to 400 wild Bulls which are injurious to the wild Herd may & ought to be still killed on those Lands, in addition to those already killed and with advantage to the Cows. That there would still remain many more than enough young grown Bulls for such Cows. - That it is impossible for any person to judge of the number of wild Bulls or wild Cattle upon the said lands without having hunted over them in all kinds of weather & in different seasons for a considerable time. That we have been employed in Camp work and amongst wild Cattle the greater part of our lives and we say that it will be utterly impossible for any fence to prevent the Herds of wild Cattle from mixing with and destroying the breed

of the Company's tame Cattle Herds bred from their imported English & Scotch Bulls & placed upon those Lands (which are all Wild & unenclosed, or to prevent such tame herds from escaping with the Wild & the adjacent Mountains in the long & severe Winter Nights during which no men could or would watch them - And that even if men could be found to keep watch by night in the severe seasons the expense would never be repaid and the Cattle could not be prevented from mixing & escaping to a great extent - That the said Lands as a whole are the best for feeding Cattle on these Islands & that the Company cannot have the full or proper use and enjoyment of them for the purpose of depasturing Cattle whilst the Wild Cattle are upon them - And we declare that no persons life would be safe if on foot upon those Lands by reason of the Wild Bulls & Cattle thereon And we severally make this solemn Declaration conscientiously believing the same to be true and in pursuance of the provisions of the Act of Parliament in that behalf

Taken and declared at Stanley East Falkland Island the 27 day of February 1862 before me

José Marcia Gonzales
his
Pedro X Varela
mark.

E W Gardiner J.P.

270
(275)

I Daniel McGarrell of Stanley, East Falkland Island Storekeeper do solemnly & sincerely declare that I carefully & truly translated and read over in the Spanish language to José Maria Gonzales and Pedro Varela the aforegoing Declaration previously to its being made by them - that they fully understood the same and declared to me that it was true and that they were willing to make oath.

Sworn and declared at Stanley East Falkland Island the 27th day of February 1862 before me

E W Goodlake J.P.

Daniel McGarrell

(Duplicate)

Memorial of
the Falkland
Islands Company

For the Colonial
Government

282
272 (275)

Cape Pembroke Lighthouse February 25th 1862

His Excellency Governor Moore
&c &c &c

Sir

I wish to let you know that Lawrence Perry's notice to leave the Lighthouse is expired on the 28th of February 1862 if you would please to allow me I would sooner do the work myself then board or body any one for the future. by going to bed for three hours after I Exctingwish the Light and 3 hours in the evening Before Lighting I will be able to attend all night to the light and my eldest Daughter can assist me a good deal In the day time after a Month or two. if I find that I cannot continue to do so I will write to let you know

I am

Sir

your obedient Servant

W. Lecell

Principal Lightkeeper

Stanley March 1. 1862

Sir. - I beg to inform your Excellency that the Company have been fined £20 for each of the 5th Animals killed on their freehold & leasehold Lands at Salvador, Amounting with Costs, to £1091. 0. 2 & ordered to be levied "by distress & sale of the goods & chattels of the "Falkland Islands Company" if not paid on the 5th inst. - The 5th Hides & Tails of the Animals are also advertized for sale on Monday next as "the "property of the Crown" - I beg to call yr Excy's attention to the only two previous convictions, for many years, for killing Cattle viz on the 20th & 21st August 1860 before Mr Langdon, the then Deputy Chairman of the Court - The 1st was, for killing one Wild Animal on Crown Land & the penalty awarded was £2 agt the principal Offender, & 15/ agt each of the other three prosecuted

The 2d prosecution was agt the same Men for killing 4 Cattle on the Company's Land called "Lafonia" - They were fined £5 jointly for each Animal, & £3 compensation, having consumed the Beef - The Hides were not, in either case, obtained by the Prosecutor, & the Magistrate (quoting

from the official copy of this letter, now in my possession) stating, that the Offenders "knew that the Cattle & the South were private property."

In neither of these cases do the Notes shew the slightest palliating circumstance. And there was no legal Right in question, much less one admitted to exist by the Colonial Minister. - but, nevertheless, the Company, a fine of £20 is inflicted for each Animal & the Hides have been seized & appropriated -

I feel it to be my duty to urge respectfully, their unequal treatment upon your Excellency's attention, & to solicit that the Penalty may be at least equally reduced ~~for the Carnivorous~~ for the Herbivorous race, if not remitted, or suspended, until the Colonial Minister has been referred to -

I have the honor to remain

Sir

Your Excellency's Most Obedt Servt

Thos Shaw

His Excellency Governor Moore
&c &c &c

Court-House
March 8th

Sir

I beg to acknowledge the receipt of a ~~despatch~~ communication from yr Ex^y enclosing a letter from Mr Lane requesting a reduction, remission, or suspension of the Judgment lately against the T.I. Co on Feb 28th for killing 54 Wild Cattle the property of the Crown - I at once convened a general meeting of the Magistrates & I have the honour of

H. Ex. Sir Thos. Moore
&c &c &c

forwarding to Lt Col Hall the unanimous
opinion of the Bench. [illegible]

~~I propose shortly to lay before~~

I have the honour to be
Sir
Your Lo & most obedt Ser
Woodlake

Chn of the Cts.

Court-house 277

March. 3rd (280)

We the undersigned Magistrates of the Falkland Islands, having read Mr Lane's letter to H.E. the Gov^r dated March 1st regarding a remission or suspension of the judgement pronounced against the F.I. Co for killing Wild Cattle the property of the Crown, & having considered the subject are unanimously of opinion that such remission or suspension under the existing

circumstances would be in every way most dangerous to the welfare of the Colony & most unfair to the other land-holders —

We are also of opinion that Mr Lane has treated the Court of Justice here with disrespect in not having made an application to it in the first instance

E Woodlake (Chairman)

J. P. Olson J. P.

Wm. P. Carey J. P.

R. C. Archer J. P.

John Gilbert J. P.

Communication from Mr Co. & the Corporation
Inclosing a letter from you on the subject
Queen & Dofn Rick I called a General meeting
Magistrates & have this day thought it due
Common another Meeting that I might
your letter before them & obtain their opinion

The Court has no wish to
on the appearance of Harshness, in this case
it is hardly too much to say that the course
pursued by the F. L. Co. would have been attended
the Consequences absolutely ruinous to the
& it been followed by the other Landholders
necessary that some portion of this Amount
all other Cases) be liquidated at once.

Execution must therefore take place
for the Costs of the case amounting to £11.
250 £ (which can certainly be obtained with
trivial) is paid into the Court before 4 pm
action. The 6 pc. as against metalmen.
remainder must be paid by bi-monthly
instalments of not less than £250. viz on the
May. the 7th of July & the 6th of Sept
then the whole will be cleared off.

I beg. &

S.W. Lovelace
Ch. J. C.C.

James Lansley

283

Copy

Stanley March 4th 1862.

Sir

I have received an order of Court for payment of this date by the Falkland Islands Company of £1080 Costs & £11.0.2 costs in the prosecution for Killing Cattle on the Company's Lands.

I regret to state that I am totally unprovided with the means of meeting this payment & must retain & have now in hand duly to pay off Crew & Crews of the Company to meet immediate engagements & unforeseen expenses, my instructions & cautions being to draw on the Directors for any unusual demands & should I have otherwise I should not have hesitated to pay the demand at once.

Under these circumstances I trust that a caution may be used for six months to enable me to provide the amount & prevent the sacrifice and injury to the credit of the Company which must ensue if execution issues.

The penalties are laid not only as a first charge upon the properties of the Company & if specific security is required, I will give Bills on the Directors for the whole Amount & also assign the Grant of Laffonia Purchase of the Firm & £1000 as security for their due payment of the orders of Court & also remaining to be enforced in default.

I am Sir &c

Samuel Lane

W. Goodall Esq
Chief Magistrate

Court House Stanley March 5th 1862

Sir

I have received your letter of the 4th inst. and have this day in the question by the Falkland Islands Co. On the 3rd inst received

Stanley March 5 1862

Sir,

I have the honor to acknowledge your Excellency's letter of the 3d inst. & to inclose the Declaration

I only applied to you to consider the unequal treatment of the Courts, compared with previous prosecutions, after I had, in vain, called the attention of the Chief Magistrate, in Court, to the fines inflicted in those prosecutions - & also, after I had, peculiarly, applied to him & had been informed that there was "no appeal" to the Bench of Magistrates Court - I consequently had no alternative than to represent the case to Your Excellency as representing the Crown

I now beg to inclose a copy of an application which I have since made to the Chief Magistrate offering the most ample Security for the Penalties, & of his reply -

As a last resort, it was my duty to the Company, to address your Excellency - not with the object of seeking for any interference with the courts of Law, but as representing the Crown, & consequently having, the sole & full decision whether the Company's property & credit is, under the circumstances so often detailed in the correspondence, to be sacrificed &

~~After~~ enjoined, after the offer of security made, & where the legality of the proceedings is, at least, so doubtful as shewn in the previous correspondence -

The Cashier of the Company is prepared to declare that the account of Cash in his hands, is barely enough to meet the immediate engagements & current expenses of the Company & that he has not wherewithal the means of making the payment required of £250.

I trust therefore that you will accept the security offered in my letter to Mr Goodlake of the 4th inst.[2], or any other which may be required.

I have the honor to remain Sir

Your obedient humble Servant

James Lane

Mr

Governor Sumner

&c &c &c

(286)

To the Right Honorable Her Majesty's Secretary of State for the Colonies

The Memorial of James Lowe Colonial Manager of the Falkland Islands Company

That after the departure of the Mail on the 6 February 1852 Memorialist addressed the Inhabitants of the Settlement of the Governor of the "Falkland Islands against Shoreclane" for the breach of an alleged Contract to carry Specie, the undersigned stayed 16.6. the Governor hallows the proceedings but and Memorialist answered Memorial being received, - Opening Council & against - referring to the undersigned stating how desirable it to be that an Appeal should be stayed to allow of an Appeal to the King Council in the Case in question.

Letters 1, 2 & 3

That the Governor upon the application on the 11th of February the undersigned was taken in Execution for £62.10.0 and was committed to imprisonment for 20 days.

That to prevent the expiry to the Company's affairs which would arise from his absence & the personal indignity & annoyance. He was compelled to pay the Amount under protest

Letters Nos. 5 & 6

That subsequently the Governor wrote the undersigned that he would repay the sums of £20 & £25 as "allowances" agreed to be made on the Hearing of the Appeal. That one of the grounds of appeal as set forth in the Petition of Appeal was as follows & that although it appeared in Evidence

No. 7.

evidence that £150 was agreed to be paid for
receipt was given & pleaded to the Statement
for bringing Mails & Specie, the Court Amended
& paid was awarded for damages for not
bringing Specie & without deducting £25
which would have been payable if the Specie
had been brought, under the Contract for
the alleged breach whereof the action was
brought.

That the deduction so claimed & paid
to be made by the Court of Appeal was not
made until after the £ damages
given by the Courts below had been obtained
by execution

That when transmitting the previous
memorial, the undersigned did not anticipate
that so illegal an act would be actually com-
mitted as to arrest him for the alleged default
of the Company, & therefore confined his
Statement of defence to the substantial cause
of the action viz that there was no agreement
to carry Specie, & abstained from stating
the various other grounds on which the action
was not maintainable

Amongst others that an Agent can
become for the breach of a Contract entered into
on behalf of a named Principal, unless the Agent
so acts & intentionally binds himself personally
by the Contract

That he urged this plain principle
of law upon the Chief Magistrate at the time
subsequently by writing before the hearing of the
Appeal & also in the Petition of Appeal
both of the Time & duly sent by registered
post & a Letter Book of Copies of

into possession (Chitty on Contracts) in which the law is plainly declared. And the undersigned also brought before the Court of Appeal by the Petition the fact that it was decided by the Company's Charter that should sue the said as the "Falkland Islands Company" a copy thereof Charter being in the possession of the Local Government.

That both at the Trial and on the Appeal this and all other answers to the action were overruled each for reasons assigned.

That if the agents or Authorities of the Company carrying on large transactions is held liable in proportion for the happening of this principal, no one would be found to act in that capacity and a large part of the commercial transactions of the Company at home and abroad could not be carried on.

Letters 10, No 13.

That the undersigned has made application to the Chief Magistrate for official copies of the documents referred to in his notes as having been admitted in evidence, or the hearing in order to verify the case to be laid, with Counsel's opinion, before the Secretary of State but he has refused them alleging "that the Colonial Regulations" as happens to be Government (Chap 16. par 2) prohibits it.

That it is submitted that such regulations only apply to the transcripts sent to the Privy Council on appeal - and that as no such appeal can be had from this Colony the regulations referred to are wholly inapplicable.

It is respectfully submitted that there was no justification whatever for the

Chief Magistrate praying a warrant for the
imprisonment of the undersigned - And that
where the Law is defective therein, it
may be an Act which shall only extend
from a indictment pending against the under-
signed, or the Company & Proceedings
thereon

And he prays

that the sum of
£17. 10. 0 (the amount paid after deducting
the charges of Exhibit) may be applied to the
undersigned & security offered for the due
administration of the Law

James Lucie

Stanley March 5th 1863

286
(287)

Stanley Feby 10th 1884 287 (20)

Sir

On the 6th inst the Chairman of the Magistrates Court sent a copy of your Petition, handing it to him to carry out the judgment of the Legislative Council in the proceedings against me.

I have since sent this your Petition a Memorial to the Secretary of State, praying that an appeal to the King Council may be provided or that the decision may be otherwise reviewed.

I am informed that steps providing for an appeal to the King Council (as the Chairman of the Court informed me) will not be taken until the end of the year.

I might have been called upon to give security.

I am willing now to give the security either of myself, or the Company or of both to abide by the decision of the Secretary of State in any Amounts which may be given.

I need not again refer to the grounds for impeaching the decision, or the legality of the proceedings but they are serious & substantial, - the decision of a fairly Constituted & competent Court must be readily acquiesced in & I cannot suppose that in a case in which the Crown is a party, naturally the Government would act oppressively. -

I therefore beg to ask your Excellency to give the necessary directions for security being taken to abide by the decision of the Secretary of State & that proceedings be in the mean time stayed. I have &c

His Excellency Governor Mossa

&c &c

Copy

Copy Inclosure

288 (29)

Stanley Feby 10th 1862

Sir

I beg to acknowledge your letter of the 8th inst. It would certainly have been more agreeable if, instead of referring you to the Memorial, I had given reason for a stay of proceedings. I had made application to the Governor to give such directions. This misunderstanding has now been cleared up by applying the Governor with that object & I shall furnish to his Excellency a copy of this letter.

There is no warrant that I am aware of for awarding an "Contempt of Court" as it is inapplicable to the non-Payment of money under the circumstances of the case.

I beg to say that I feel strongly that good faith has not been kept with me.

Previously to the time you agreed that there ought to be an appeal allowed to the Privy Council & that an Ordinance should be introduced after the Trial (in Nov.r) I attended you to sign the Security required by the Administration of Justice Ordinance, you wrote it in my presence, & on entering on the words of the Ordinance requiring that Security should be given to perform "such Judgment or order as the Governor in "Council shall think fit to make thereupon", you agreed that they might interfere with the further appeal, & to avoid it, you added, "give "such Security as may be required in case of "further appeal" - saying at the same time "it is intended "there is to be an appeal, altho it cannot be mentioned

mentioned.

I after-wards saw you in your Room at the Police Courts, when you voluntarily stated an Ordinance giving the right to appeal to the Privy Council, where the Crown was a party in Equity being given, & you verbally read the Superscription of including the Case in question and again & and to believe it should be paid

I thought that I could only implicitly on this arrangement & in consequence abstained from any further application to the Governor to introduce such an Ordinance, But, the last, and only Communication which I received (this I had frequently seen you in the interval) was nearly 8 months afterwards, stating, that the Judgment had been affirmed requiring payment of £162

I then inquired of you about the promised Ordinance to authorize an appeal to the Privy Council. when to my great surprise, you stated that you had not introduced any Ordinance & did not remember you had been mentioned it to the Governor. I am &c

James Lane

G W Goodlake Esq

Chairman of Mag: Courts

Court House Feby 10th 60

No 3 Sir/ I have received your letter dated the 8th & regret that you should feel aggrieved but I cannot say that it is not for me to introduce "Ordinances" in this Colony but to carry them out to the best of my ability I remain &c

G W Goodlake

Chairman Mag Courts

James Lane Esq

Government House 7th Feb 1862

No. 59 Sir/ I have the honor to acknowledge the receipt of your letter of this days date, inclosing a copy of a letter which you had addressed to the Chairman of the Council and I can only say in reply that I see nothing in your case to warrant any special interference with the administration of the Laws: or to make any difference between yourself & another Colonist

I have &c
Wm Lee Moore Esq

Samuel Lee

Stanley Feby 8th 1862

No. 5 Sir/ The Constable having come into Court with an Election against my Client by imprisoning for 40 days, for Damages for an alleged breach of Contract by the Falkland Islands Company & pay the Amount £162. 10. 0 to prevent the injury which the Company would sustain by my being taken from the charge of their affairs & make the payment therefore under Compulsion & protest against the illegality & irregularity of the proceedings & hold the Plaintiff & the Government yourself & said parties Counsel answerable.

I have &c
Samuel Lee

W Moore Esq

Stanley Feby 12th 1862

No. 6 Sir/ I beg to inclose herewith a Cheque for one hundred & Sixty two pounds ten shillings & 0 pence £162. 10. 0 the amount paid by me yesterday for the

damages & costs in an action against him 291 (20)
individually for an alleged breach of contract by
the Company, & represents & for which I was
taken in execution on a warrant of Attachment
imprisonment. The Petition of Appeal contains
the grounds on which I contend that the judgment
of the Magistrates Court was wholly erroneous
That Appeal I consider not to have been legally
disposed of by the Court of Appeal above
Jurisdiction with the Ordinance.

And I hold you fully individually as
well as the Government, and also Mr Lacey Counsel
responsible for the gross illegality and outrage
committed for detaining me for damages
which, both of the Company were at fault, they
only have liable to make good, & which nothing
but arbitrary power could impose upon me
in Prison.

I shall forward to the Secretary of
the said particulars of this outrage & also
to the Directors, who, I doubt, will see that their
Officers liberty & their own interests are not to
be treated with disrespect in these Islands

I have &c
Samuel Lade

His Excellency Moore
&c

Government House Falkland Islands
Nov 1st 1862

Sir, I having been this day notified
by me that the Judgment given in the Magistrates
Court, on the 28th last in the case of the
"Governor of Falkland Islands against Lade
Lade" for a breach of the Peace Ordinance, has
been complied with, I beg to inform you that
on application at the Office of the Colonial

Secretary being made by you, I shall be prepared to make to you the following allowances as agreed upon in Council on the 4th. inst. viz.

being for St. Joseph £200 as per Cash brought down in the Ship Hope chartered in consequence of your head quarters & £20 for the carriage of mails from Moose Fidler, Either, that being the usual subsidy paid for this service

£45

Shorey £45

James Lane Esq

Thos. Lamson

Stanley February 14th. 1862

Sir/ I have the honor to ack. the receipt of your Excellency's letter of the 12th. inst. No 68 desiring to repay £45 of the £162..10..0 for which I was directed as your Excellency's Cheque. — As I deny that there were any grounds of action, I can only receive the Amount without prejudice to my appeal, or to ulterior proceedings in any way I shall be glad to know whether it will be agreeable on these terms. I have &c.

James Lane

His Excellency Moore

&c &c

Government House Feby 15th 1862

Sir/ I am directed by His Excellency to inform you in reply to your letter of the 14th inst. that on application being made by you at my office the sum of £45 will be paid to you as stated in His Excellency's letter No 68 of the 12th inst. which payment shall in no way affect any subsequent proceedings you may think it well to take thereon

I have &c

Thos. Lamson

Secretary

James Lane Esq.

Shorey

Nothing out here

Stanley Feb 14th 1866 293

Sir/ I beg to make application for Office Copies of the several documents & letters referred to in your Clerk's Notes of the Trial" The Lord & Master and of the pleadings - Of the notes themselves already here an Office Copy. I shall feel obliged if you will be prepared to pay the usual charge of 6/8 pr. folio to the Clerk of the Courts. I am &c

James Lowe

G. W. Goodlake Esq

Stanley. Chief Justice's Feb 14th

11 Sir I should have been happy to grant you the Office Copy you request, but after the Memorandum you have sent, this & the Letter to which you refer me in yours of Feb 7th I cannot venture to do any act I am authorized from home as I should be strictly by dispensing the Colonial Regulations (Ch. VII) & par 2 which which you may see by applying to the Clerk of the Courts any day between the hours of 10 am & 12

I am &c

James Cowley

G. W. Goodlake
Ch. Just

Stanley Feb 15th 1866

2. 12 Sir/ I have referred to the Colonial Regulations & find they only state, that no Copy of the proceedings of the Court to be sent to the King in Council on Appeal shall be furnished, - stating what is necessary in the Copies which are then given out from the Office. & that there is no Appeal

Appeal. to the Privy Council & the original documentary evidence is ready to be transmitted to the Secretary of State & until the necessary papers have been transmitted. - Those Parties who have appealed, either by Mr Burke, Mr Longden or Mr Ball, & as the Privy Council regulations have really no application whatever, & the time they limit, if they had, would be in a difficult form against the Landholders present with the petitioners

Those the
Commissioners
Gippsland

Port Phillip Esq

Sir / I have received your letter of 8th inst & must refer you to mine of the 4th inst. The Colonial Regulations are very explicit with respect to Appeals, & there has been no precedent in the Colony while either Mr Burke, Mr Longden, or Mr Ball filled my office. I think it will be desirable to transmit for the answer to your Memorial to the Secretary of State for the Colonies, after which I will grant an Appeal at once.

I have &c
G Gipps

Commissioners Esq

Duplicate

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2 A 5

Contract between Captain Phill-
-imore of Her Majesty's Ship "Curaçoa"
senior Officer in the River Plate on
behalf of Her Britannic Majesty's
Government on the one part and
Mr William Douglas, Master
of the British Merchant Ship Edward
Herbert belonging to Mr Edward
Wood of Liverpool on the other
part.

That the British Ship Edward
Herbert shall leave Monte Video
for Stanley Harbour in the Falkland
Islands this sixteenth day of January
1862, and convey there such Despatches,
Mails, Parcels &c, &c, as may be addressed
to that Colony, and that on his deliv-
-ering the above named Mails &c, at
Stanley, he shall receive from his Excell-
-ency the Governor of the Falkland
Islands, the sum of one hundred
and ninety (£190) pounds sterling

for the Owners, and Twenty Pounds (£20) sterling for himself.

Given under my hand on board the "Curaçoa" at Monte Video, this sixteenth day of January one thousand eight hundred and sixty two.

Augustus Phillimore

Captain H.M.S. Curaçoa

William Douglas. Master of the British Ship E

Witness

Edward Herbert.

Witnesses J. Saunderson

Edw. H. Saunders

300
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Parsonage, Stanley
March 8th 1862.

Sir, May I be allowed to draw
Your Excellency's attention to
the following Messingham
in the Church and School.
My knowledge of your
Excellency's desire that
every thing in the Church
should be in keeping with
its character, "decent and
in order" and that every
thing should be done for the
Schools to add to their

H. E.
Sir Wm Moore

(30)

efficiency, emboldens me to make the following requisitions.

1. Floor cloth or matting for the middle of the Church, as the carpetting which has been down for some years, is worn, shabby, and totally unfit for the house of Prayer.

2. The season is fast approaching when fires are required, I am afraid that the present stove will hardly stand another winter, a stove for the Church requires to be refixed and one for the Vestry Room which will at the same time heat the upper part of the Church.

3. Some mode of Ventilation is requisite, as when the Church is closely filled the bad air is very prejudicial, Your Excellency has good example to make some suggestions on this point, which however have not been carried out.

Schools. 4. Some of the Window blinds are also recommended, and besides the inconvenience of them, a very unsightly and untidy appearance is presented from the road.

5. The locks of School and Vestry are also defective.

6 A gallery is very urgently required for the number of Infant Children now under

(33)

Instruction, in fact the whole system is at a stand still for the necessary appliances, even with the difficulty of obtaining Labour, and the exorbitant price of timber, a gallery 5 tiers high for 50 children ought not to cost more than £15-

7. I have to request your Excellency will good enough to direct the resumption of the issue of fuel for both schools.

Apologizing for intruding upon your Excellency

I have the honor, to be, Sir,
Your Excellency's Most humble Servt
Charles Bale. R. E.
Colonial Chaplain & Inspector of Schools

Stanley March 8th 1862

Sir,

I beg to enclose two Memorials (in duplicate) with Correspondence which I have to request the favor of your transmitting by the first opportunity to the Secretary of State for the Colonies

I have the honor to remain

Sir Your Excellency's very Obt Servt

James Lane

H.E.

Governor Moore

&c &c &c

(305)
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Hanley March 11th 1862

In accordance with Your Excellency's instructions dated 1st Feby 1862 I proceeded to examine the different grazing stations throughout the District.

On arriving at the Station on 12 m the South side of Salvacion and South west of the Arroyo Macao I examined the whole District which I found unoccupied without a house or construction of any kind. neither has it been hunted for the purpose of killing wild Bulls. as near as I can judge there may be

His Excellency
The Governor

be from two to three hundred
lowland Bulls, not on the base of Station
& but, on the Crown Lands
more on the valley to the South
westward in the direction of Mt. Osborne
and the mountains adjacent to
the Arroyo Malo. The next Station
No 11 is not occupied, has been
partially hunted & that may be from
on that & the neighbouring mountains
80 to 120 old bulls. No 9 & 10.
as the back of the second Corral has
been thoroughly hunted & both old
and young bulls have been killed
in this comparatively much to the detriment
of the Herds. Inside the Rincons
when I was on former occasions I
counted hundreds of wild cattle
then is not a head to be seen; on
my way out & return by another
direction home, I only saw on the
Cow Camps Head Stations No 10, 12 Animals

This is the district where

Mr. Williams, Mr Laforce against him, & afterwards Mrs Dale & Stevens the N.Z. Company's Manager left town hands for the purpose of surveying the Settlement with Hall. There is still the remains of the old walls & corrals but the Station is not fenced in any way. In their time There heard that there was any great difficulty in keeping the cattle together. At this time of year the cattle generally leave the flats & take to the mountains but on the first appearance of snow "drift" (as it is appropriately named here) on the plains. As for the country being unsafe for anyone on foot it is most preposterous, I have now been here upwards of 13 years & have visited & gone over this district frequently & that even before any bulls were killed. We have pushed the Shepherds

And shot over the county alone
and when discovering it was
customary for any party to wander
about the county without the
slightest interruption from the
wild cattle which were numerous
at that time. Now as I said before
you may travel over Nos 92 10
without seeing a single solitary bull

No 9 has 2 houses on it which
have been temporarily
~~were~~ occupied by Gonzales & Varela +
two men employed to superintend the
killing wild bulls, and the only
stock on this station are the horses they
use for that purpose (24 in number)

Gonzales house which is on the
Company's freehold is only a temporary
building partly of wood with a
thatching appearance of Tussock
covered with cow hides (of which I
counted 7)

The House Varela is

living in it some 3 miles off on the same station a wooden building with a rude corral but as I did not go inside I cannot speak accurately as to its size but I should say it was [illegible] 16ft × 10ft.

I beg further to remark that I am not at any time been asked to point out the boundaries of the Company's Freehold & Leasehold property on or near Salvador & I do not believe that any one but myself could point out these boundaries and with accuracy.

I am [illegible] the [illegible] of the two Bulls alluded to by Mr Lane on the Station outside "Caponia" (Marked 28 on the chart.) are sufficient proof that the wild cattle do not mix or destroy the breed. and I am also informed that one of these bulls is more than a month for any of the wild cattle.

(310)

I must also say that it is notorious that the wild cattle will not feed after which but immediately desert the district on which these animals are placed

I should say that in advising the killing of bulls I have always meant as expressed in my former report the old and ailing bulls who are driven by the young ones from the herds, are useless for breeding purposes, and may be killed to advantage -

Of the bulls lately killed at Salvador the larger proportion were 2 years old animals killed indiscriminately from the herds. I beg to enclose my deposition of the 20th Feb 1862

I have the honor to be

Sir

Your Excellency's Obedient Servant

William Stanley

Surveyor General