Mr Geo Baillie Esq^r London

Bought of John Faulkner.

IRONMONGER,

62. St Martins Le Grand

near the new Post Office.

For the Falkland Islands.

No 1.	3 Cwt 6 Inch Spikes	@	17/-	2 5	0
2.	3 Cwt 5 — Do	@	13/6	2 6	6
3	3 Cwt 4 Inch Do	@	16/-	2 8	0
4	3 Cwt 3 Inch Rose	@	19/6	2 18	6
5	3 Cwt 2 Inch — Do	@	22/6	3 7	6
	3 Cwt 4 Inch Clasp	@	16/6	2 9	6
	4 Carpenters Adzes			" 10	0
6	1 Set Soldering Irons			" 14	"
	3 Carpenters Axes			" 7	6
	6 Garden Hoes			" 4	6
7	3 Cwt 3 Inch Clasp	@	20/-	3 0	0
8	3 Cwt 3 Inch — Do	@	20/-	3 0	0
9	3 Cwt 2½ Inch — Do	@	24/-	3 18	0
10	3 Cwt 2 Inch Do	@	37/-	5 11	0
11	1 Cwt 1½ Inch Do	@	45/-	2 5	0
	2 Cwt 2½ Inch Cwt floomy Brads	@	13/-	1 6	0
12	3 Cwt 2½ Inch — Do	@	13/-	1 19	0
	12 Casks —			" "	"
	12 Strong Common Fenders			6 0	0
	12 Sets of Fire Irons				
	2 Pair of Smiths Shears			3 5	0
13	6 20" Cast Steel Hand Saws			1 7	0
	24 Spike Gimblets			" 10	"
	1 Plough and Set of Irons			" 19	"
	6 Set Bradawls			" 4	6
	1 Set Bits and Brace			1 5	0
				52 0	6

Over.

		Brought Forward	£	52	0 6
	3 Sets Nail Gimblets				7 6
	3 Dz Chalk Lines				3 9
	6 Garden Rakes				6 6
13	6 Brick Trowels				15 "
	6 Stock Shaves				10 0
	3 Mortice Gauges				7 6
	6 Putty Knives				4 6
	2 Frying Pans				3 "
	2 Bow Saws				12 "
	2 Turning Saws				3 "
		Case			" "
	1 Gro 4 Inch Screws				6 3
	2 Gro 3½ Inch Do				10 9
	3 Gro 3 Inch Do				12 "
	3 Gro 2½ Inch Do				9 "
	3 Gro 2 Inch Do				6 6
	3 Gro 1¾ Inch Do				4 11
	6 Gro 1½ Inch Do				7 4
	6 Gro 1¼ Inch Do				6 "
14	3 Gro 1 Inch Do				3 9
	3 Gro ¾ Inch Do				1 10½
	6 ½" Augurs				3 6
	6 ¾" Do				5 3
	6 Pairs Callipers				15 "
	1 Set Scribing Gouges				5 6
	12 Carpenters Wood Rasps				11 6
	24 Pit Saw files				8 "
	12 Dovetail Saw files				3 "
	24 Round Files				15 "
	1 Set Warding Chisels				3 "
	2 Sets Stone Chisels				12 "
	6 Masons Hammers	6/ ea			15 "
	6 — Do	4/6 ea			10 6
			£	64	8 10½

16 17 18 15

London

Brought Over

	3 Setts Firmer Chisels	4/9	"	14 6
	3 Extra Do 2 Inch		"	4
14	3 — Do 2½ Inch		"	6 6
	48 Cold Chisels assorted		1	16 0
	288 Iron Clamp Tacks		1	1 0
	Cask			
	24 Good 8" Stock Locks & Screws complete		2	8 0
	12 Strong Iron Coal Scuttles		2	8 0
	3 Boiling Pots 2. 2 Gall.s 1. 3 Gall		"	12 "
15	2 Iron Tea Kettles 4. 8 Quart		"	10 6
	2 Tin Funnels 1 Pint and 1 Quart		"	1 "
	6. 66 Feet Best Measuring Tapes		1	16 0
	12 Horn Lanterns		1	4 0
	6 Iron Ladles		"	6 0
	Case		"	" "
	1 Smiths Hack Saw and 12 Blades		"	12 "
16	3 Watering Pots		"	10 6
	12 Good 8 In Stock Locks & Screws complete		1	4 "
	Case.			
17	2 Gro Boxes Lucifer Matches		"	9 "
	Tin & Wood Case		"	" " 5
18	6 Digging Forks		1	4 " 4
	Canvas			9
	13 Casks, 4 Cases, 1 Canvas Bundle Cartage etc		5	" " 2
				7
			£	80. 16. 1½

Per the "Nautilus"
from the West Indian Docks

G. Baillie Esqr. London

Bought of Bayfs, Brothers & Compy.

125 & 126, Lower Thames Street, near London Bridge.

#1	Case						
	Magnes Sulph	½ Cwt	jars 3/6	8/6		7	9
	Nested pill Boxes	10 gr		4/6	2	5	
	Emp Saponis (or linen)	30 yds	tins 4	1/	1	14	
	" Sodinii	2 lb		2/4		4	8
	" Hydrarg	4 lb		"		9	4
	Dec Sarsa. Co Conc	21 lb	1/	5/	5	6	
	Ol Amygd Dulc	2 lb	5	1/2		2	9
	Lin Saponis Comp	2 lb	5	2/6		5	9
	Tinct Tolut	2 lb	5	3/4		7	1
	Sp Terebinth	2 lb	5	6		1	5
#2	Case						
	Acid Oxalic	1 lb	6	11		1	5
	Potas Iodid	2 lb	8	13/4	1	7	4
	Pulv Stannc	1 lb	6	2/3		2	9
	Ol Carui	¼ lb	4	10/6		3	
	Cupri Sulph	1/2	1	1			2
	Argent Nitr	2 oz	1	4/3		8	7
	Lime Juice	12 Gals	72 lbs	1/	2/9	2	11
		Cont.				15	18

Bro. forward		15	18
2 Cases	21.	2	2
Cartage		10	6
	£	18	10

B B & C were uncertain as to what was required by "Pyle Stamps", they have therefore enclosed 1 Stamp Cyde as well as 1 Stamp Grain.

Delivered at the West India Docks, for the Nautilus

Addressed "The officer administering the goverment, Falkland Islands"

George Baillie Esq^r.

To Duppa & Collins

3/4 Oxford Street

1852					
Feb^y 17	12 p^r Stout Vellum Paper	2	1	4	—
	12 p^r Crimson flock double Pap^r	10/	6	—	—
	60 Yds inch Gold mouldings	1/6	4	10	—
	Needle points for piping		—	2	—
	Packing Cases lined with Tin for do^s		—	2	5
			£	14	1

For the Government House

Falkland Islands

Detailed Account of the Contents of one case [illegible]
Government of the Falkland Islands
addressed The Officer Administering the Government
Falkland Islands.

Pursuant to Mr Baillie's Letter of the 23rd January 1852

Contents

qr	ch.			
12	14	foolscap 12lb	pr 600	forms A
12	14	"	" 600	" B
2		Writing slopes		
3		pewter stands No 3		
3		parallel rulers medium length		
2		Imperial Calendars No 1		for 1852
2		Stationers Almanacs sheets		
1		Bottle marking ink		

No. 5, Cannon Row,

Westminster, 10 April 1852.

Sir,

I have the honor to enclose, for the information of His Excellency the Governor, a Copy of my Account with the Government of Falkland Islands for the Quarter ended the 31 ultimo.

I have the honor to be,

Sir,

Your most obedient

humble Servant,

The Colonial Secretary,

&c. &c. &c.

Falkland Islands.

The Government of Falkland Islands in Account

Agent General for Crown Colonies, for the Quarter

1852	Receipts.	£	s.	d.
Jan.y 1	Balance in hand 31 Dec.r 1851.	180	7	11
March 9	Received of Treasury as an advance for the service of the Colony	400	—	—
24 "	Admiralty being the amount recovered from the Sureties of Mr. Tomlinson on account of a deficiency in the remittance to Governor Moody in April 1845	3	13	8
		£584	17	

1852	
Jan.y 1	Pay
	8 "
	10 "
March 8	"
	11 "
	"
	"
	"
	"
	"
12	"
	"
	"
	"
	"

Funds in Account with George Baillie, Esquire,

for the Quarter ending the 31st March 1852.

s.	d.	1852	Payments.	Income Tax.	£	s.	d.
7	11	Jan.y 1	Paid London Assurance premium on £260 insured on 25 Cases of Tools Stores &c ex H.M. Brig Charlie			6	2
—	—	8	" Mr Wembley freight &c on D.o ex D.o			6	8 2 6
		10	" Mr Bailey 3 Mos Half Salary to 31 Dec.r	1 1 10		36	8 2
		March 8	" D.o 2 Mos " 29 Feb.y	14 7		24	5 6
		11	" Mess.rs Bain for Medicines required for the service of the Colony			18	10 6
13	8		" Mess.rs Edgington for Flag Rope &c per D.o			18	14 6
			" Mr Manning for Tools for Lathe per D.o			7	19 —
			" Mess.rs Mosp & Co.s for Patent Metal per D.o			12	19 4
			" Mr Creuer for Brushes &c per D.o			31	5 —
			" Mr Beech for Bricks &c per D.o			36	6 —
			" Mr Turner for Canvas Bags &c per D.o			5	9 6
		12	" Mr Tillyer for Paint Oil &c per D.o			77	18 2
			" Mess.rs Easton & Co.s for Iron &c per D.o			19	5 —
			" Mr Faulkner for Ironmongery &c per D.o			86	16 —
			" Mr Leggett for Horse Shoes &c per D.o			6	14 2
			" Mr Jupp for Coin per D.o			32	— —
			" Mess.rs Dupp[illegible] & Co.s for Paper Hangings &c per D.o			14	1 —
				1 16 5	502	14	5
					1	16	5
					504	10	10
			Balance in hand 31 March		79	10	9
£	17				£ 584	1	7

G Baillie
10 April 1852.

Stanley 21st June 185

Sir,

I have the honour to acknowledge receipt of your Excellencies two Letters bearing dates 16th & 18 Instant

I beg to request you will forward the Enclosed Letter with Correspondence annexed thereto, to the Right Honorable the Secretary of State for the Colonies for earliest Conveyance

I have the honour to be

Sir

Your Obedient Servant

H M Stanley

His Excellency

Governor Rennie

&c &c &c

Stanley

Stanley 30th June 185

Sir — I have the honour to acknowledge receipt of your Excellency's letter dated 24th Instant. In reply to the last sentence of the 5th Clause of your letter (viz" But it is "not the Governors intention to report "specially on the deficiency to Her Ma- "jesties Government unless you "desire it") I beg to state that it is not for me to offer any opinion either one way or the other: and sincerely regret that I deem it to be my duty to request your Excellency will forward my Correspondence as desired to the Right Honourable the Secretary of State for the Colonies —

I have the honour to be
Sir
Your Excellency's
Most Obedient Servant
J. Rorke

His Excellency
Governor Pine
&c. &c. &c.
Auckland

His Excellency
Governor Rennie
Stanley

Stanley 1st July 185

Sir,

I have the honor to report that on the evening of the 17th. ult.o I read over to Mr. Williams Your Excellency's minute of conference of the same date, relative to the Pigs to be delivered to the Pensioners, and I have now to state that Mr. Williams having expressed a preference (as the Pigs were already in the Corral) to allow Compensation with two Young Sows and two Sow Pigs, to those Men to whose lot they might fall, - instead of exchanging them for full grown Sows, - I directed the Pensioners to assemble the next day (the 18th.) at the Corral appointed, - and having read to them Your Excellency's Letter to me of the 17th. and explained

His Excellency
Governor Fleming
&c. &c.

to

Thus Mr Williams's offer of
compensation, as before stated,
the Pensioners unanimously ac-
ceded thereto, - and having agreed
to ballot for choice, they proceeded
to draw their lots & choose their
Lots, - those who drew the smaller
Lots relining with them the
Money Compensation* which * agreed upon
was paid on the Spot. -

I beg to add that one Lot
escaped out of the Corral whilst
the Selection was being made,
and that the Pensioner whose lot
this fell to relined on the 21st
the Sum of £2. being a full Money
Compensation instead. -

The Pensioners therefore have
now relined all the Lots they
were entitled to in virtue of their
conditions of Service. -

I have the honor to be
Sir
Your Obedient Servant
J. Reid
Capt. & Staff Officer
of Pensioners

Stanley 5th July 1852

Sir.

In reply to your communication of the 3rd inst. I beg to state, that the letter I addressed to Mr. Williams on the 18th ultimo - respecting the delivery of Pigs to the Colonial Government, was written with the sole object of proving that I had honorably fulfilled my obligations to him in that matter. which the Governor's letter of the 16th ultimo - had caused Mr Williams to doubt.

The Governor's letter to Mr. Williams of the 24th ultimo, confirms all that I wished to convince Mr. Williams of, and is therefore quite satisfactory to me

I have the honor to be Sir
Your most obedient Servant

J. Wm. R. Whittington

[illegible]gden Esquire
[illegible]

Stanley 8th July 1852

Sir,

I have the honor to acquaint your Excellency that in consequence of the arrival at Stanley of Mr. John Powell Dale in the Capacity of Colonial Manager to the Corporation of the Falkland Island Company in London, bearing full powers to represent their interests in this Colony = the said Company as your Excellency is doubtless aware, having assumed all the responsabilities of the due fulfilment of the Contract entered into between Her Majesties Government and Mr. Samuel Lafone of Montevideo - all those powers delegated to myself and exercised by me up to the present moment are now at an end. -

I take the liberty to make to your Excellency this formal declaration as a mark of respect and that no misapprehension shall arise as to the position which I now occupy in the Colony. -

I have the honor to be
Sir your Excellencys
most Obedient Servant

J. D. Williams

His Excellency
Governor Fenwick
&c &c &c
Stanley

His Excellency

Gov. Rennie

p c & c c

Stanley

Police Office – Stanley

5th May 1852

Sir

I have the honor to ac-
knowledge the Receipt of your
Reply to your Excellency's letter of
the 20th February last enclosing
two Despatches from Earl Grey
Nos 90 and 95, and command-
me to request to your Excellency to
lest no delay be proceeding towards
the Amendments of the various

Ordinances

His Excellency
Governor Bowen
&c. &c. &c.

dances suggested by the Sec-

tary of State. Dispatch N° 90

Paragraph J

The Constables know ——— 2

eh dog in the Settlement and

ter. Jas no mistakes, or grands can

ass the Constable has a shilling

r every dog license, no dog will be

ot except when the Owner refuses

take out a license.

Paragraph 8 ——— 3

The words often used

e "sued for, recovered and levied"

e question is what could the Le-

gislature mean by the words levied

on a Sum.

See Schedule

"in a Summary way"? answer
the only way of bringing a Jury
to sit for it by the ordinary
summary procedure. The Legislature
meant this & the Section is inope-
rative.

4 ——— Paragraph 9. ———

The fourth clause is an exact
copy of the fourteenth clause of the
old Ordinance Number Four
Eleventh of Victoria, which was
approved of by the Secretary of
State, that Section was an exact
copy of the seventeenth Section,
number nine, fifth of Victoria. New
Zealand Ordinance likewise confirmed.

3

See Schedule A

No time

Subscribers desirous of having
their names registered as subscribers
in the following among other places

- New Zealand
- Falkland Islands. Ola. Ordinance
- Peru
- Grenada
- Montserrat
- Bahamas
- Upper Canada
- Nova Scotia
- New Brunswick
- Prince Edward Island
- New York. U.S.A.
- Maine "
- Vermont "
- New Hampshire
- Connecticut
- Rhode Island
- Massachusetts

Subscribers should have the Ma-

tute

Ordinance

Yates, Sam and one) in the
East and West Ridings of York
Kingston upon Hull, Middle
sex under the Seventh of Anne
Chapter twenty, and in Ireland
by the Sixth of Anne Chapter two
as one of the Legislatures Council
adverted for the Ordinance, and
Sam of opinion, that the enactment
is in this Colony better as it stands
It is important to secure the
Registration as soon after the execu
tion of an instrument as practi
cable. There is more reason here, why
immediately after execution, the
party should not go and register
the deed

deed.

As to deeds executed out of the Colony, I must observe, that there is no regular Post or communication, Letters sometimes reach me eleven months after leaving England, the fixing a time therefore would be productive of inconvenience.

Paragraph 10 5

This Section is amended by Act of the Old Ordinance Number Four, Eleventh of Victoria, Section Twenty, approved of by the Secretary of State, which Section is Copied from the New Zealand Ordinance

dinance, Number nine, of
of Victoria, Section twenty two
likewise confirmed.

I regret to say, I cannot
understand this Paragraph.
Section eight says, "that a written
" Any conveyance duly registered
" shall not be defeated by a subse-
" -quent conveyance for valu-
" -able consideration whether re-
" -gistered or not." I cannot under-
-stand how the effect of the pres-
-ent clause would be wholly to
exempt a voluntary conveyance
from the operation of the Ordi-
-nance, when the Section goes to

the regis-

registration of such voluntary

conveyance an effect as against a

subsequent contract duly registered

leaving the prior contract valid

as against a registered voluntary

conveyance

Paragraph 11. 6

Section 18 cannot be placed

in Sections 21 or 22 the most

appropriate place, unless Sections

~~1~~ and 18 were moved together.

The word "such" must not be

replaced by reference to the words

"any Instrument" in the 21st Section.

The question however is, has the

word "such instrument" a defined

meaning

meaning? a court would con-
-sider in connection with the
previous section.

The last instrument men-
-tioned is the grant of the crown
in the seventeenth section, the
last entry on the heads or tables
of the book. The book is to have
the same mark as the map; each
heading in the book to consist of
the number of the allotment, and
every head a number is to be en-
-tered in the order in which the
grant is registered, that is, Allot-
-ment Number Six may be men-

-tioned

One in the register. There is no
mistake that I can discover

Paragraph 12 — See Schedule A.

The first amendment, viz.
the words "if any Registrar" should
be substituted for the words "every
registrar". The enactment is, "every
registrar who shall refuse or with-
out reasonable cause shall omit
to register any birth or death of which
he shall have due notice &c. A re-
gistrar does refuse or omit &c. &c., a
word seems to construction in a
capital case would confine the words
to apply to such an offender

See Schedule A.

12

The latter part of the para-
graph, viz, that the words
"or to send any such general ab-
stract" should come not after the
word "death," but after the words
"of which he shall have had due
notice." In my copy, and I suspect
in the original, the words do come
after the word "notice" and not
after the word "death" as in one copy
of the Ordinances transmitted to
his Lordship. I beg to refer your
Excellency to the next paragraph.
The original Ordinance has been
sent to the Secretary of State, and
will likewise be forwarded.

Paragraph 13.

Schedule A.

Schedule A.

Paragraph 13.

In my Copy and in the original
Despatch, the words are "before any
Justice of the Peace". Within a day or
two of the Ordinance passing the
Council. I had the original copied at
my Office. I perused the Copy while
my Clerk read the original, I then
read the original while my Clerk
perused the Copy, and the original
has been returned to your Excellency's
Office. Subsequently I received from
the Acting Colonial Secretary a copy
of the Ordinance in his own hand
writing to be posted up in the
Police Office. Mr Longden informs

See
Schedule A.

me

See Schedule A.

me, that after an Ordinance has
the Council, there are two similar
Copies made, each signed by your
Excellency, and each having the
Public Seal of the Colony affixed
thereto. Two Copies ought to be sent
to the Secretary of State and the origi-
-nal preserved in your Excellency's
Office. In the Copy made in my Office
and in the one sent to me by Mr.
Longden the word is "begun" in the
Copy in your Excellency's Office it
is "by". Mr. Longden sent her in
forms me, that the Copy he made
and which was posted in the Po-

See

ei Office was from the original,

nd that it is possible that he

may have sent the Original to

England instead of a Copy.

Paragraph 16, 9

I admit it is desirable

that some other Function may than

the Stipendiary Magistrate should

file the Informations in the Magis-

trates Court. Your Excellency may

recollect this was adverted to in

the Legislative Council, but the

enactment was the only course we

could adopt, because there was no

other

9

Justice may in the Colony as he could fill the Informations. There is no Lawyer, no Sheriff, no Attorney-general, no Public Prosecutor, the Public Officers are a Doctor, a Clergyman, a Surveyor-general and the acting Colonial Secretary. The Stipendiary Magistrate in each and every legal proceeding acts from necessity as adviser to Plaintiff and defendant, prosecutor and prisoner and ultimately as Judge. The filing an information does not require merely the name of a Justice but that Justice should understand the Criminal Law, and

the

community should be able
to place confidence in his caution
intelligence and responsibility. In
England the Indictments are pre-
pared by the Clerk of Arraigns
who can apply for information
to the Judges. Reflecting upon this
and the other numerous conflicting
duties cast upon the Stipendiary Ma-
gistrate, this matter of filing the
information is not the most ob-
jectionable of those duties which
are by and the want of funds
compelled the Legislative Council
to heap upon him. If you name
another Officer as Prosecutor, you
must

must pay him for discharging
that duty, but there is no other
Officer in the Colony upon whom
such a duty can be imposed.

10 ——— Paragraph 15. ———

The original draft was altered
by the Council, upon Your Excellency
said, you did not wish the rule
to be subject to your approval,
and I did not depart from the
wish you were pleased to express,
because, in practice, I thought
and still think such a provision
useless at present and for years
to come in the Settlement. The
Stipendiary Magistrate would
always

...ons before passing a rule
...mit it for the Governor con-
...deration, and must adopt any
...alteration his Excellency might
...ggest. This course pursued
...fore the present rules were passed,
...othing more could have been
...one if the Ordinance had to
...quired. Possibly it may be said
...hat the Stipendiary Magistrate
...ight decline to alter the rules
...meet the Governor's suggestion,
...t practically this would be
...mpossible, because the Governor
...might alter them by an Act of
...Council. This may be said to be

a reason

a reason for the amendment,
but on practical grounds in the
present infant state of the Colony
could ensue from the amendment.

To ensure the operation of the
rules for the consideration of the
Legislative Council, a body con-
sisting of the Governor, Stipendiary
Magistrate and one more, would
I am perfectly satisfied be useless
and unpracticable and defeat
the object of and the simplicity of
the whole plan.

I am also myself of this opinion
I hereby to enclose a copy of the
present rules, which as yet, simple
as they are

they are, have been found sufficient, and I beg to request that your Excellency will be pleased to forward a copy for his Lordship's consideration.

Paragraph 16

The Jury List (Enclosed Copy) of the present year contains seventy Surnames. There are not a sufficient number of Jurors to form a list of Head Jurors. There are many who can neither read nor write, but not one that I know who has been convicted of Felony. By the words "convicted of Felony" in his Lord-

ship

ship means under an execution
sentence of felony, there is no such
person in the Colony, but if there
was, under the present enactment
he would not get on a special Jury,
because if selected by either party
he would not be approved of by the
Justices. His Lordship is not quite
correct in saying that special Juries
are chosen by each party, because
by section 31 the Jurors chosen must
be approved of by two Justices, who
would take care to object to any
unsuitable person selected by either
plaintiff or defendant, and the
granting a special Jury is discre-

tionary

...way with the Court. If his
...ship means by the words "Con-
...icted of Felony", a person now
...ee, who has been convicted, but
...ose sentence has terminated,
...can only say that such men are
...every sense of the word eligible
...Jurors. If desirable to introduce
...such an amendment, it would be
...practicable, because the Stipend-
...ary Magistrate could not ascertain
...the fact without a personal exam-
...ation of each Juror, which would
...not be desirable.

I have [illegible] can neither

read

read nor write are sometimes
the best Jurors. Now is the Stipendiary Magistrate who makes
out the list, to say whether a man
can read and write. Further, dis-
-qualify all those who can neither
read nor write, and you would
not have a sufficient number on
your Jury list. You would be
without a Jury. It would be very
inconvenient if the Jurors were se-
lected, as suggested by his Lord-
-ship, and subject to the revision
of the Court, because the Court would
have to be summoned for the special
purpose, or all the Jurors in the
Jury book

...ny book on attendance.

— Paragraph 17. —— 17

I have carefully read Section 36, and I find no part of it unintelligible. We have acted upon this Section, generally upon the first part of it, both in the Magistrates, and in the Police Court. So far in practice, it has worked well. It is in substance the same as an enactment once in force in Van Diemen's Land. When Chinamen are called some times they do not get upon the list

12

list being challenged by either
one party or the other, a list of
eight Jurors being finally com-
pleted, each party then strikes
out two. Possibly there may be
some Clerical error in the Copy,
but as his Lordship has not sta-
ted in what particular the Jurors
is unintelligible, I am unable to
report to report to you any opinion on the subject.

13 — Paragraph 18. —

I have read this paragraph
and do not understand its mean-
ing. The 38th Section authorizes
the Courts to pass sentence of Impri-

convict in the Colony in use-
ful labour, and to make the
award of his enlargement de-
pendent on his conduct and
industry. The Governor can give
him a conditional pardon
ticket of leave, from which up
to the expiration of his sentence
the convict is liable upon breach
of the conditions, to be remanded
into Custody. A ticket of leave
is a pardon upon any condition
the Governor thinks proper. The
enactment has effected precisely
that which the paragraph states
to be

to be desirable and not incon-
-duced. In this Colony where there
are not more than One or two
Convicts in a year, it would be
futile and unnecessary to encum-
-ber the Ordinances with all
the enactments in force in England
and the Penal Colonies, to control
thousands. The Ordinance is
sufficient at present and au-
-thorizes the Governor to punish
a convict, and in a case such as
murder or Sodomy, reserves a pow-
-er to remove (under an Order of
the Privy Council) a convict to a

Penal

Penal Settlement.

I have read the circular
despatch of 28th September 1850
and I do not see that anything
of it requires further legislation.

Paragraph 19

The 60th Section applies
alone to Convicts under Sentence
of Whipping on the Road or upon the
Public works. The suggested Amend-
ments are, First,
That the power of a Justice to
award Solitary confinement or
fifty lashes, should be subject
to the Approval of the Governor
or the Magistrates Court, Secondly
That

See Mem Ordinance

See Mem Ordinance

See Mem Ordinance.

that the solitary confinement should not exceed fourteen days at one time.

It would be quite impracticable to submit such a sentence for the approval of the Magistrates Court, because of the delay and inconvenience necessarily incident in convening such a Court. The sentences might be subject to the Governor's approval, and in a large community such a restriction would be necessary, but the smallness of this community, the infrequency of such punishment, and the consequent personal supervision and

contd

14

See Mem Ordinance

shol that the Governor for
years to come will hold over every
step in the administration of
Justice, dispenses in my opinion
with the necessity of such an
amendment. The Governor in fact
knows within an hour of every
man's arrest, imprisonment, pun-
ishment, discharge and death.
He has power to mitigate, remit,
suspend or pardon, and no sentence
could be put in execution without
his knowledge. Such an amend-
ment would be doing no more
that what from the smallness
of the community must practically
result

result from the enactment as
it stands. The second suggestion
I for my part, should not consider
an Amendment. I think it de-
sirable that convicts should be
under the fear of a new sentence
no less than a free man. ~~I think~~
A case might occur, where the
extreme sentence of thirty days
solitary confinement upon a hard
and spirit for the repetition of
offence, might beneficially be
imposed by the Justice, subject
always to the Governors power of
mitigation as before explained.
The clause was intentionally by
the

Council made a different
clause 45, and I still think
the latter enactment. The
period is discretionary in the
Justice. The 45th Section would
be a guide in ordinary cases, and
the extreme sentence would be re-
served for aggravated cases.

Paragraph 20

15

The word "by" is sufficient.

16

All summary procedure is by and
before the Justice as follows,

See Schedule A.

Information is made before and taken "by"
Oath . . . . by and before
Warrant to arrest . . by
Summons . . . . by
Witness exam^d . . . by and before

Oath

Oath administered . by and taken by
Commission . . by and before
Warrant of Commt. by . . .
Warrant of Execut. by . . .

In common parlance the Statute intended to be extended to this territory by this Section are well understood, and the word "by" is as proper a rather I should say as improper as the word "before" and must be interpreted to extend them.

15

See Schedule A.

16 ——— Paragraph 21 ———

This Section was inserted in obedience to the Secretary of State's Commands. The despatch stated that the several Ordinances enacted

by Royal

legal, having been passed by
a Legislative Council formed of
more members than was legal. The
fact was so, doubtless the conse-
quence was, that the Ordinances
were of no validity, and thereupon
arose the necessity for legalising
the acts done under them. In this
the despatch pointed out the
necessity of re-enacting the Ordi-
nances if it was intended to
continue their operation. It was
not intended to continue the ope-
ration of any one of them, or any
part of them. They were in force
since when the Administration
of Austen

of Justice Ordinance came into
operation. The Ordinances are and
declared to have been legal, but
only the acts done under them, prior
to the time when the Administra-
tion of Justice Ordinance came
into operation. That Ordinance
of course made known to the pub-
lic that the recited Ordinances
were in force, they have not since
been acted upon. The despatch
enclosed a section ready drawn
by some person in England, and
this section is a literal copy of that,
except that it took the liberty of
striking out a few words that were
inapplicable

applicable when the section
forms part of a Colonial Or-
dinance.

— Paragraph 22 — 17

The paragraph does not quite
correctly state the power. The power
given is not to apprehend cattle
stealers or search ships to ascer-
tain that no animals are car-
ried away, but a power to ap-
prehend any unauthorised per-
son found hunting or disturbing
wild cattle, which is not stealing
but a different misdemeanour,
and the authority objected to is, an
authority given to Mr Lefroy or his

agent &c.

Agent &c. to stop and search any
boat or vessel in a region in which
there shall be reason to suspect
that any part of such animal
shall be found. The mischief to
be remedied was this. Sealers, Amer-
ican Whalers and others, instead
of coming and purchasing meat
at the Settlement, killed Cattle
in parts of the island distant from
Stanley in defiance of the law.
One American vessel entered the
port of Stanley with fresh beef so
taken hanging to her stern. Now
supposing Mr. Lafone's people had
come upon this vessel at Fanning's
Head, (the part of the island from
which the

back the beef was taken) Supposing the amendment passed, the vessel would have sailed with all the meat in defiance of Mr. Lafone & his Men.

It is said to be always at some such place as Fanning's Head which is upwards of sixty miles from Manly, that the Cattle are taken. Nobody ever goes there but Mr. Lafone's people. To come to the Settlement for a Constable from such a distance would be useless, for before the Constable could arrive the meat would be gone.

The power given to Mr. Lafone his Agent or person duly authorized

by either

by either of them. The enactment as it stands is justified by the necessity. Repeal the enactment if you think proper, but it would be necessary to require the authority to be exercised through the agency of a Constable. It is perfectly analogous to a great number of cases where in England the owner of property, a person in power has authority to arrest.

18 ——— Paragraph 23 ———

The fine is imposed on any Alien resident. Now an Alien under the Alien Ordinance can reside here without the Governor's

consent

sent, and thereafter before he takes
up his residence he should register
his name. The penalty is discretion-
ary from one penny to five pounds.
The Alien need not register him-
self until he takes up his residence,
it is at that time that the duty
is cast upon him to register.

Paragraph 20 — 19

The observations I have made upon the eighth paragraph equally apply to the amendments suggested in this paragraph. — See Schedule A

In order to secure in — 20
future (as far as possible) the pre-
vention

-ventions of laws in Ordinances
and to afford to the subject a
ready to ascertain the language
of the original record. I transmit
the draft of an Ordinance to
authorize the engrossing on parch-
ment and enrolling the Ordi-
nances now in force, and those
that may in future be passed.
It may be possible that the Coun-
cil might order the Ordinances
now in force to be engrossed with-
out this Ordinance, but doubts
might attach on a record so
prepared. This Ordinance removes
all doubt on the subject. Your
Excellency

19

See
Schedule A

20

Excellency is aware that the Acts
of Legislature Council in the
Colony are generally enabled in
the highest Court of justice in
the Colony. I presume such pro-
visions was not extended to this
Colony, because when the Legis-
lature Council was constituted
no Court existed, but now that
a Court is established, it seems
desirable to adopt the usual
system of enactment. When the
Magistrates Court is abolished,
the records of the Court will be
continued as records of the new
Court. The Ordinances may be at
the same time engrossed and
amended.

amended. Your Excellency will
observe in the Schedule A the
proposed alterations suggested.
This Ordinance should not be
passed until Parliament is dis-
solved, and the two original Ordi-
nances which have gone to En-
gland are returned.

21 ——— I also beg to enclose
the draft of another Ordinance
entitled "An Ordinance to ex-
tend to the Colony certain
Acts of Parliament."

This Ordinance also
alters Section 20 of the Adminis-
tration of Justice Ordinance as
suggested

suggested by his Lordship, which
alteration I have extended as the
principle required to all other
sentences of whipping, such as
for Larceny &c. practised in this
Colony.

This draft might be sub-
mitted to the Council at its next
meeting.

I have the honor to be,
Sir
Your most Obedient
Humble Servant
Stanley

P.S. List

P.S.

1

2

3

4

P.S. List of enclosures.

Return Despatch N.° 90.

1 — An Ordinance to authorize the enacting and enrolling of certain Colonial Ordinances.

2 — An Ordinance to extend to the Colony certain Acts of Parliament.

3 — Rules of the Magistrates and Police Court and a Table of Fees of the Police Office.

4 — Survey List Jan 1852.