

## Executive Council

Thursday - 26 January 1860.

### Present

His Excellency the Governor  
Henry Hamblin Esq and  
J. Robert Dwyer Esquire.

The Council met in pursuance of summons  
The minutes of the last preceding meeting were read  
and confirmed.

The Governor laid before the Council a letter he  
had received from Mr Brooke the Stipendiary  
Magistrate dated 24<sup>th</sup> January 1860 applying  
for leave of absence to return in private affairs to  
England from which he had been absent  
Eleven years.

The letter was then read and the Governor re-  
quested the advice of the Members upon it.  
Mr Hamblin said he did not think Mr Brooke's  
request unreasonable as he <sup>had</sup> held this app-  
pointment for nearly 5 years and had been  
absent from England about 11 years.  
Mr Dwyer concurred, and the Governor said  
he would comply with Mr Brooke's request, but  
added that he had not asked for any  
definite term, and it was accordingly  
resolved by the Council that in granting Mr  
Brooke's leave they would be guided by the  
Colonial Regulations of 1856 which limited  
the period of leave from this Colony to 18 months.  
The leave was accordingly granted.

The Governor then said that he considered it  
his duty to inform the Council that in conse-  
quence of certain circumstances he had de-  
clined in a letter to Mr Brooke (which he read  
to the Council) to meet that gentleman either  
privately

privately or officially. -

Mr Hamilton observed that this appeared to relate to private matters which were not before the Council. -

It was understood by the Council that His Excellency makes this communication without inviting any opinion as shall if necessary explain his conduct to the Secretary of State.

The Council then adjourned -

J. H. M. P.  
Secretary of Council  
(there being no Clerk  
yet drawn in)

Sent home in  
despatch No. 17  
dated 28<sup>th</sup> March 1860.  
W. R. Pyne  
Clerk to Council.

Whereas Her Majesty did by Her Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the twenty third day of June in the year of Our Lord 1843, and in the seventh year of Our Reign, authorize the Governor of the Falkland Islands for the time being to summon and appoint such persons as are therein, and in Her Majesty's Instructions, described, to form an Executive Council; and by Her Instructions under Her Signet and Sign Manual did authorize the said Governor to nominate any person within the said Settlements in the Falkland Islands to fill any vacancy caused by the absence from the said Islands of any Member of the said Council;

Now I, the said Governor, do hereby in Her Majesty's Name in pursuance and exercise of the Power aforesaid constitute and appoint you The Rev Charles Bull M.A. Clerk, to be a member of the Executive Council during the absence of Thomas Warwick Burke Esquire Member of the said Council now absent on leave from the Falkland Islands.

Given under my hand and sealed with the Public Seal of the Colony at Government House Stanley this eighteenth day of July One thousand eight hundred and sixty.

J. L. L. Moore  
Gwr

I Charles Bull Clerk do swear that I will  
 in the place and office of acting Member  
 of the Executive Council of the Falkland Islands  
 well and faithfully serve and assist the Go-  
 vernor of the said Islands for the time being  
 with my best advice, and that I will keep  
 secret the secret debates of the said Council  
 So help me God

I Charles Bull Clerk do sincerely promise  
 and swear that I will be faithful and bear  
 true Allegiance to Her Majesty Queen Victoria  
 So help me God

I William Rowland Payne do swear that  
 as to the Executive Council I will keep se-  
 cret the secret debates of the said Council and  
 faithfully <sup>enter</sup> all proceedings deliberations acts  
 votes and resolutions of the said Council ac-  
 cording to such directions as I shall receive  
 from the said Council

So help me God

William Rowland Payne

234.

# Executive Council.

Monday 23<sup>rd</sup> July 1860.

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## Present

His Excellency Governor Moore  
Henry Joseph Hamblin Esquire  
James Robert Longden Esquire  
Reverend Charles Bull M. A.

Council Met in pursuance of Summons.

The Minutes of the last preceding meeting were read and confirmed.

The Revd Mr. Bull Colonial Chaplain having been appointed by the Governor to be a Member of the Executive Council during the absence of T. W. Brooke Esquire on leave in England was sworn in and took his seat accordingly.

Mr. W. R. Pyne was sworn in Clerk of the Council.

The Governor requested the opinion of the Members respecting the future disposal of the Wild Cattle — whether they should be considered the property of the Crown or open to the public.

Mr. Hamblin referring to the papers which had been laid before the Council thought it would be advisable to consider first the question as to the disposal of the Crown lands by which the disposal of the cattle must be decided.

Mr. Longden concurred with Mr. Hamblin.

The Governor said that a great quantity of land was already taken up on leases by purchasers of 150 acres of land who become thereby entitled to lease thousands of acres which were comparatively useless as regards cultivation.

Mr. Hamblin said he thought the present system was very unsatisfactory & that at present the Crown should put no more land up to Public Auction but lease it to intending settlers who would occupy it.

Mr. Bull

Mr. Bull asked whether the land was surveyed or not?

Mr. Longden replied that the greater part of it was not and that plots were only surveyed when required. Mr. Bull said that it appeared from the report before the Council that nothing beyond the upset price of 8/- an acre had ever been realized from land sales until very recently - that under the present system a great quantity <sup>of land</sup> was leased and sold & very little cultivated and he proposed that upon the termination of the present leases of 10 or 5 thousand acres of grazing district upon it being shown to the satisfaction of the Governor by report of the Surveyor General or other Officer that the allotment attached to such grazing district had been bona fide occupied, the lease may be extended of such grazing district upon the lessee purchasing an additional allotment of 150 acres at the upset price. The lessee upon improving his purchased allotment to acquire a right of pre-emption of additional 150 allotments upon termination of first lease. That lessees and preholders occupying their lands be admitted to the privilege of capturing cattle. That the Governor may allow individual settlers to record a right of pre-emption to land at the upset price though unsurveyed upon the following conditions -

- 1<sup>st</sup> That they actually proceed to build, cultivate and enclose some portion of a 150 acre homestead within 18 months.
- 2<sup>nd</sup> That they domesticate 200 cattle, being allowed to catch the cattle belonging to the Crown paying at the rate of 10/- a head, or place 100 sheep thereon or 50 sheep imported to the islands within the 18 months on the grazing district which on Turney may be attached to each homestead.
- 3<sup>rd</sup> That they pay for their occupation previous to purchase at the rate of £10 a year.
- 4<sup>th</sup> That the said settler may receive his title deeds on paying the upset price of 150 acres.
- 5<sup>th</sup> That no land should be put up to Public Auction

Mr. Lynden said. The original regulation was simply that land should be sold at 87. an acre at Public Auction, but as the climate and soil were found to be suited exclusively for grazing farms on a large scale & it soon became necessary to grant grazing licences. The Proclamation of 1849 accordingly gave a right to every purchaser at auction of 160 acres to lease 10,000 acres for 20 years. The bidding for these 160 acre lots is therefore in reality a bidding for the district & the person who has the greatest command of capital will of course command the market. This is what has lately occurred. Previous to last January no lands had realized more than the upset price but since then 960 acres on this island have been sold at an average of 64 percent above the upset price. The Falkland Island Company at these last sales outbid all the other colonists. I do not see any injury likely to accrue to the colony from this if the land be occupied - these 960 acres have given the Company a right for 20 years to 60,000 acres in some of the most eligible situations in the colony. If houses be built on these lands - sheep, cattle & dairy-farms established the colonization of the island will proceed under the Company's auspices more rapidly, perhaps, than through private enterprise by reason of the great advantages the Company possess in their capital and their present means in the colony. It is notorious, however, that these acquisitions of land by the Company have been regarded with great jealousy by the colonists from a feeling that they are not made with any intention of colonization but in pursuance of a policy of exclusion. That the object is to prevent independent settlers from establishing themselves. On the 700,000 acres of Sazonia which has been held as private property now for 11 years there are only 5 or 6 houses although the

the land there is stated to be the best in the island & is fringed with a belt of small islets which offer every facility for grazing fawns of all descriptions and it is urged with some show of reason that this vast tract should be settled or turned to account before the waste lands in the rest of the island are allotted to the Company. These views may or may not be correct but I think it a defect in the Proclamation of 1849 that large tracts of land may be locked up without being turned to account in any way. That defect should in my opinion be remedied so as to allow no person to lease more land than he can stock & to allow settlers to enter upon such lands without crippling their means at the outset by a large expenditure in the purchase of land. To this end I would suggest the following heads of a Proclamation;

1. To revoke the Proclamation of July 1847 provided only that any person who may have built on the land occupied by him under that Proclamation shall have a right to purchase the said land or any part thereof not less than 100 acres at the upset price without auction & to obtain a lease of a grazing district on the terms hereunder mentioned.
2. To revoke the Proclamation of 1849 save as to the existing right of lessees under that Proclamation or under the leases made in pursuance thereof.
3. That any person may on application to the Governor (in writing) obtain a licence to occupy a "grazing district"
4. That each grazing district shall contain as near as possible 6,000 acres.
5. That every licence shall be made <sup>in writing</sup> for 12 months only.
6. That on the expiration of the licence the licensee shall be entitled to a lease for 10 years of his grazing district at the rate of £10 a year; provided he shall prove to the satisfaction of the Governor that he has built on the land a house not less than 24 ft by 12 ft of stone or wood 6 ft high & has stocked the land with at least 50 horned cattle or horses or 100 sheep.
7. That it be a condition of the lease that the district shall



- shall be actually occupied during its continuance on pain of forfeiture -
8. That at any time during the lease or the renewal of the lease the lessee shall have the right of purchasing at the upset price for the time being a block of land not less than 160 acres within his grazing district -
9. That every lessee who shall have purchased 160 acres of land or more as last provided shall be entitled to a renewal of his lease for 10 years -
10. That every lessee under the Proclamation of July 1849 shall be entitled to a renewal for 10 years of such part of the lease as he may select in one block not exceeding 5,000 acres at £10 a year subject to the condition of occupation & herein contained -
11. That at any time during the continuance of any lease under this Proclamation the Governor for the time being with the advice of the Executive Council may order that on the expiration thereof (or of the renewal thereof (if the lessee be entitled to a renewal) the lands so leased shall be sold or reserved for any public use but if not so sold or reserved the former lessee <sup>may after</sup> shall be entitled to a renewal <sup>renew</sup> of his lease for 10 years -
12. That a lease under these regulations may be transferred by the original lessee subject only to the condition of giving notice of such transfer to the Colonial Secretary -
13. That the rents shall be paid by the lessee to the Colonial Secretary in Stanley, yearly, in advance from the day of the grant of the lease, provided that if any delay be made in the payment thereof the Colonial Secretary shall within 2 months after the rents become due give notice in writing to the lessee or his Agent in Stanley of such delay and if the rent be not paid within 3 months after such notice the lease shall be null & void and the Governor may cause the land to be sold or leased to any other person without making to  
the

the former lessee any compensation.

14. That no licence shall be granted to occupy any lands within six miles by land of Stanley.
15. That every grazing district leased and every block of land sold under these regulations shall be as nearly as possible of a square figure of which not more than one side shall have available water portage.
16. That all leases shall be granted for the purpose only of depasturing sheep & cattle and shall convey to the lessee no right to any mines or minerals thereon & that the Crown shall have power at any time to proclaim a public road through the leased lands and the leases shall contain all the reservations made in the Crown grants.
17. That no person shall be licensed under clause 3 to occupy more than one grazing district at the same time.
18. That no lessee of any grazing districts under the Proclamation of July 1849 shall be entitled to a licence under clause 3 unless the said districts be stocked & built upon in manner hereinbefore required.
19. That nothing herein contained shall be construed to extend to interfere with a shridge the right of the Crown to sell any waste lands by Public Auction but the Purchaser at such sales shall not have any right to a grazing district.

As these regulations differ from the Royal Instructions in opening lands for sale without auction I think it would be advisable if the Council approve of them to submit them to His Government before allowing any interests to be created under them.

Mr. Hamblin expressed his approval of these regulations which he thought would be sufficient for the object in view. The Governor then referred to the Cattle & requested the Clerk of the Council to read the Duke of Newcastle's despatch & the enclosed reports of the Emigration Commissioners on this question which papers had been previously furnished to the Members for their consideration. Mr. Bull thought it was extremely undesirable that it

it should be understood that people might come here and kill cattle - that in this case the wild cattle would be soon exterminated - that trespasses would be committed to a much greater extent than now - that instead of making a law you would have to repeal the law if the cattle are considered *ferae naturae* - he would the Governor to allow every lessee to purchase a certain number of animals in proportion to the quantity of land he occupied.

Mr. Lynden said to proclaim the cattle *ferae naturae* would be in my opinion unwise as it would ~~be~~ render a revenue which the Colony can ill spare without any equivalent, & would be unfair to the Company & Captain Packer who have both expended a large Capital in getting together tame herds for the regular supply of the market and who could not compete with men who without investing a shilling would bring into the market in the summer months cattle killed at the expense of 4 or 5 days execution and the tame herds would probably be <sup>the same</sup> neglected which must seriously injure the colony as the market can only be supplied in the winter through the medium of considerable reserves of tame herds. Proclaiming the animals *ferae naturae* would also create the nuisance and possible danger of having diseased fauchas and other persons roaming through the island affording a safe asylum to deserted sailors & constantly harassing the wild cattle without advancing the interests of the colony. The <sup>wild</sup> cattle must if colonization increases, ultimately become extinct, the sooner the better, but I do not wish to see them exterminated before tame herds or flocks of sheep occupy their place. The difficulties pointed out by the Commissioners are mainly questions of ownership of individual animals and damage done by wild cattle. The whole district of Laforia may be put out of the question. In the northern half

half of the island all the cattle belonging to individuals or the Company are I believe marked or branded so as to be easily recognized among wild animals. I would make such a provision compulsory in future in the case of all wild cattle captured. It will of course be necessary if farms multiply for each owner to brand his own cattle as a security against his neighbours. 2<sup>ndly</sup> as the wild cattle soon forsake any place where houses or enclosures are used it is unlikely that property will be injured by them. In the many actions that have been brought in the Police Court for damage by cattle tame milch cows & tame horses have invariably been ~~in~~ fault. In regard to the preservation of the cattle I do not think it necessary for the government to take any steps beyond ascertaining the names & employment of the gauchos in the country & the crew lists of the sealing boats - these classes are the only likely depredators and the knowledge that they are known at head quarters would have a sufficiently deterring effect. I deliberately think that the number of wild cattle killed surreptitiously any year for many years has been under 50. As a general rule no gaucho would commit an act which could only benefit his employer and subject himself to a fine of £20 or 3 months imprisonment. No person has now any right to kill wild cattle without the sanction of the Governor. - In regard to the future disposal of the wild cattle I think every leaseholder in the Colony should have a right to capture & tame as many animals as he may desire on payment of a moderate fee the amount of which should be published annually & be appropriated solely to the improvement of the means of communication with the grazing districts of the interior & with Lapraia by opening watercourses & improving the fords, cutting drains, removing obstacles & making the shortest tracks which are works of comparatively little cost and great utility. Such an application of the fees is the

only

only real justification for levying them, for if any progress is to be made at all the works I have indicated are essential. There is no other fund available for them. The Home Government have liberally contributed to the maintenance of this Government but cannot be expected to make a grant for roads into the interior - especially when it is remembered that the Colonial revenue for the current year is estimated at only one fifth of the expenditure the remainder being granted by Parliament.

The plan I propose is as follows -

1. That the Government shall grant to any person holding a licence under the proposed land regulations or lease of a grazing district a right to capture & tame wild Cattle for his own use subject to the following conditions.
2. That the fees to be paid shall not exceed 14/- for each ox bull or cow & 1/- for each calf running with the cow.
3. That if it be made to appear to the Government that the number of wild bulls in any part of the Country is excessive the Government shall have power to grant to any licence or lease power to kill the same on payment of a fee not exceeding 5/- each.
4. That each person holding a permission to capture cattle shall cause the same to be branded with his brand.
5. That each person shall make a written declaration every six months of the number of animals killed or captured by him during the preceding six months and shall pay the fees thereon into the Colonial Treasury.
6. That any person making a false declaration shall be liable to be prosecuted at law in respect of every animal captured or killed by him not included in his declaration and his licence may be revoked.

7. That the fees be reckoned on each animal that is branded or killed before branding.
8. That any person may obtain a licence to kill wild cattle for consumption on payment of a fee of One pound for each animal.
9. That every licence granted under these Regulations - the number of animals killed or captured under each licence and the amount of the fees received thereon be published half-yearly at Stanley and that the fees be exclusively applied to improving the means of communication between Stanley & the various grazing districts.

to any person to kill cattle for consumption but to take away any right to demand it -  
 It was understood at the Council table that the omission of the 3<sup>rd</sup> clause in no way interferes with the power of the Govt to grant permission in the things fit

Mr. Hamblin objected to the 3<sup>rd</sup> clause as likely to cause much confusion & would confine the right of capturing or killing Cattle entirely to holders of grazing districts.

Mr. Langden suggested that the Council should consider the propriety of suspending the Proclamation of July 1849 until the opinion of His Government as to the Regulations could be obtained.

The Governor moved that the Council be adjourned for the consideration of this question and for the confirmation of the Minutes of this meeting which he intended to transmit by the Mail of Saturday, the 28<sup>th</sup>. The Council adjourned accordingly to Thursday the 25<sup>th</sup> instant.

William R. Payne  
Clerk to the Councils.

Sent home in  
despatch No 37  
dated 26<sup>th</sup> July 1860.  
W. R. Payne

# Executive Council

Thursday, July 26<sup>th</sup> 1860.

## Present

His Excellency Governor Moore  
James Robert Longden Esq  
The Reverend Charles Bull M.A.

The Council met pursuant to adjournment.  
The Minutes of the last preceding meeting were read, amended, & confirmed.

The Governor said the question now before the Council is whether it is advisable or not to suspend the Proclamation of July 1849 until the new regulations should be approved or disapproved by His Government.

Mr. Longden said that if the proclamation was suspended it would be proper to reserve to the present possessors of land the rights which they at present enjoy or are entitled to - that a Proclamation might be issued informing the Public that the Regulations for the future lease of Crown Lands have been under the consideration of the Governor in Council & that pending the decision of His Government H. E. will grant no further leases except to holders of rural lands who may now be entitled to a lease under the Proclamation of 1849 provided that the same be taken up within six months.

Mr. Longden would further submit that as the F. I. Company contracted on the 14<sup>th</sup> inst to purchase 320 acres of land which purchase will not be completed until the 14<sup>th</sup> August the Proclamation should not issue until after that day in order to save their right to the leases to which they will then be entitled.

Questions submitted by Mr. Longden whether the

Result

result of the deliberations of the Council should be made public in order to allow the colonists to express their opinions on the matter or whether it would be more proper that His Government should first be consulted about it & their approval or disapproval signified before opening the question to public opinion and it was resolved that as no existing rights were interfered with and no exclusive rights granted to or taken from any person and as the whole disposal of the land is regulated by the Crown & not by the Colonial Legislature the proceedings of the Council should not be made public until the answer of His Government be received.

Mr. Snyden concurred in this & after some discussion the Council finally resolved that the Land Regulations proposed on Monday by Mr. Snyden and the Cattle regulations with the exception of clause D be submitted to His Government for their approval. It was understood at the Council table that the omission of the D<sup>th</sup> clause in no way interferes with the Governor's power to grant permission if he thinks fit to any person to kill cattle for consumption but takes away any right to demand it.

In reference to the existing law against killing wild cattle Mr. Snyden said; I beg leave to call the attention of the Council to the fact that a Prosecution was yesterday conducted in the Police Court against some sealers for killing cattle and that at this moment seven summonses are taken out by the Company's Agent against men who have committed depredations on the wild cattle in the Company's lands - that they can only be punished summarily under this law. The repeal of the law which will be necessary in case of the cattle being held fera natura will take from the Company the only protection they now enjoy or else necessitate the passing of a new law especially in their interest which I humbly submit would be a most objectionable



able proceeding. The Ordinance does not require that the prosecution should be instituted by the Crown but leaves it open to the parties interested.

The Council then adjourned.

William R. Pype  
Clerk to the Councils

## Executive Council

Wednesday, August 8<sup>th</sup> 1860.

### Present

His Excellency Governor Moore  
 Harry Joseph Hamblin Esquire  
 James Robert Longden Esquire  
 The Rev<sup>d</sup> Charles Bull. M. A.

The Council met pursuant to Summons.

The Minutes of the last preceding Meeting were read.

Mr. Bull moved that the words "Question submitted  
 by Mr. Longden" be substituted for the words "a  
discussion arose on the question", and that the name  
 "Longden" be substituted for that of "Bull". —

Seconded by Mr. Hamblin.

The Minutes thus amended were confirmed.

The Governor then proposed that the Council should  
 at once proceed to frame the new Proclamation,  
 and it was drawn up in the following manner.

"H. E. the Governor, with the advice and consent  
 of the Executive Council, hereby makes known that  
 no more lands will be granted until further notice  
 under the Proclamation of 2<sup>nd</sup> July 1849. H. E. also  
 makes known that, with the advice and consent of  
 the said Council no more grazing districts will be  
 granted under the Proclamation of 31<sup>st</sup> July 1849;  
 except to those who have a right to lease such  
 districts in virtue of lands purchased or held by  
 them previous to the publication of this proclamation,  
 and shall apply for their leases before the first day  
 of May next."

The Governor then moved that the preceding procla-  
 -mation be approved by the Council.

Mr. Hamblin seconded the Motion.

The Council then adjourned.

William D. Pyne  
 Clerk to the Council

## Executive Council

Thursday, September 21<sup>st</sup> 1860.

Present

His Excellency the Governor  
Henry Joseph Hamblin Esq.  
James Robert Longden Esq.  
The Rev. Charles Bull.

The Council met pursuant to Summons. The Minutes of the last preceding Meeting were read and confirmed.

His Excellency addressed the Council saying  
"Many circumstances have rendered it necessary  
"for me to call my Executive Council together.  
"The position assumed by the Managers of the  
"F. I. Company is such as to leave me no other  
"course. From time to time I have received  
"communications from Mr. Lane complaining  
"of the Administration of Justice & of incorrect  
"statements having been sent home from  
"this Office in public despatches respecting  
"Captain Packer's occupation of the 2<sup>nd</sup> Corral.  
"I have therefore determined to take advice  
"from the Council on all these matters and  
"not to act without consulting you first on  
"all the various points I shall lay before you.

The Governor then directed the Clerk to read Mr. Dean's letter of 4<sup>th</sup> August 1860, at the conclusion of which,

Mr. Bull said that he thought there would be some difficulty in investigating this matter as he and J. Hamblin had shortly to sit in the Court on a case of cattle killing. J. Hamblin agreed that it had better be postponed.

The Governor acquiesced in this opinion and directed the Clerk to read the correspondence

in reference to the Salvador Land.

Read accordingly.

Mr. Longden said, in reply to Mr. Bull, that on the 1<sup>st</sup> May 1859 Captain Packe came up to the Office and made an application for the temporary occupation of the 2<sup>nd</sup> Corral district. That the Governor communicated this application to Mr. Lane on the 3<sup>rd</sup> and asked him if he had any buildings on that land. Mr. Lane, in reply, said, that there were some but he did not exactly know what they were. The Governor thereupon, granted to Captain Packe the occupation of the land specially excepting the buildings and the ground on which they stood.

9<sup>th</sup> May 1859

The Clerk then read the whole correspondence on the subject.

Despatch M.

Mr. Bull said that he had no hesitation whatever in saying that, in his opinion, there was no ground for such a statement "as that the facts had been imperfectly reported to the Duke of Newcastle as asserted by Mr. Lane."

Mr. Hamblin agreed with Mr. Bull in this opinion and added that he thought no further time should be given to Mr. Lane for selecting these lands as they only exercise their right of selection when the land has been surveyed & put up for sale at the request of other parties.

The Governor said he would wish to make the decision of the Council known to Mr. Lane. Mr. L. now wished to bring before the Council the matter of wrecks - & stated that he would lay certain papers on the table for the guidance of the Council, which papers were read.

Circular from  
and Hamblin  
dated

Mr. Bull enquired what had hitherto been the law or custom here in respect of foreign wrecks

wrecks where there is no survivor, no agent, or Consul?

Mr. Longden observed that no question had yet arisen as to the right of unclaimed wreck but a claim had been put forward though not enforced.

Mr. Bull asked if Mr. Longden would state the position of the Hamburg League.

Mr. Longden answered that on information given that some wrecked property was on board the "Malvina" the Constable had by his direction taken account of the same and caused the persons in possession to be brought before the Magistrate to explain how they came by it; - from which it appeared they had found it on the beach. It was believed to be the wreck of the "Horatio" then, but not positively identified, - subsequently salvage was awarded to the finders, and the bulk of the property remains now to be claimed by the owners, in the hands of the Court.

The Court having previously refused to recognize a claim to the property advanced by Mr. Lane, claiming to act as Consul for Hamburg, because he had no evidence to prove that he was recognized as such Consul.

Mr. Bull thought that if Mr. Lane was not Consul for Hamburg he had no right to sell the wreck of the "Horatio" nor hold the proceeds of the sale which ought to have been handed over to the constituted authorities of the Colony & said that if a vessel was found wrecked on the shore it became the property of the Crown if not claimed within 12 months & therefore, care should have been taken that no sale by a person whose title to the wreck was not acknowledged

should have been allowed to have taken place nor should the Auction dues have been received. I submit to Mr. D<sup>y</sup>: that by the course pursued in this matter of the "Horatio" Mr. Lane's title to sell has been admitted by the Government.

Mr. Dougden stated that it was not the duty of the Governor to ascertain the right of any person to sell property by Public Auction before receiving the auction duties, into the Treasury.

The Governor remarked that he thought it would be advisable to read the correspondence on the subject, which was accordingly read.

Mr. Bull then said that it seemed to him quite clear that until Mr. Lane had his <sup>equator</sup> he was not Hamburg Consul & he thought that Mr. Lane might be justified in the course he had taken in selling the vessel as he had to look after the Hamburg interests, & that if Mr. D<sup>y</sup>: acknowledged Mr. Lane as Com: Agent the monies in Court should be handed over to him.

Mr. Dougden said "to the best of my belief Com: Agents are not recognized <sup>by the laws of</sup> England. They have liberty to act for the Countries which appoint them between their countrymen but are not placed in Consular communication with the Government where they reside, & in the present case the full recognition of Mr. Lane's agency either as Com: Agent or as Consul would not entitle him to claim or hold the proceeds of the wreck of the "Horatio" without a distinct authorization from the owners to that effect because Hamburg is not one of the States with which there is a treaty giving such powers to Consular Agents, and I think it a great want in this Colony that there is no Officer in the Colony legally entitled to claim & take possession of unclaimed

Mr. Hawes to Govt dated 5 Sept. 1850.  
Mr. Hawes to Govt dated 5 Sept. 1850.  
Phillips to Govt dated 1 Sept. 1850.  
Mr. Lane to Govt dated 1 Sept. 1850.

wreck, the only law in force in the Colony on the subject being the Salvage Act of 9 & 10 Ric: Cap: 99, which has been repealed in England by the Merchant Shipping Act but which is in force in this Colony under the Administration of Justice Ordinance. The Officer appointed by the Salvage Act is a Receiver of the Troits of Admiralty appointed by the Receiver General in England. The Receiver General appointed Mr. Dale his Deputy here; but since Mr. Dale's departure the office has never been filled, & I submit to Yr. Excellency that it is a matter which should be brought under the notice of His Government. —

H. E. said he intended to refer the whole matter of wrecks to His Government. —

It is the unanimous advice of the Council that Yr. Excellency should refer Phillip's letter to Mr. Lane as Mr. Lane has been appointed "to receive into his custody the seals and papers & afford assistance & counsel to the subjects of the State of Hamburg & to Hamburg ships coming to the Falkland Islands".

The Council then adjourned to Tuesday the 25<sup>th</sup> instant at 11. a.m.

Id.  
William R. Payne  
Clerk to the Council.

## Executive Council

Tuesday, September 25<sup>th</sup> 1860.

Present. All the Members

The Council met pursuant to adjournment  
The Minutes of the last preceding meeting was  
read and confirmed.

Mr. Doughton moved that a description of  
all the documents read at the Council be  
inserted in the margin of the Minutes for  
facility of reference. Agreed to.

His Excellency the Governor would now lay  
before the Council the matter of Mr. Deane's  
a J. P. conduct in Court represented to him  
by Mr. Lane & directed the Clerk to read the  
correspondence on the subject. Read accordingly.

Mr. I. then asked the Council whether Mr.  
Deane's conduct as represented in the corres-  
pondence read would justify him in re-  
moving that gentleman from the Bench.

Mr. Hamblin said he thought it would  
be a pity to remove Mr. Deane from the  
Bench as this was the first charge that  
had ever been brought against him and  
that in this matter there seemed to be mixed  
a great deal of feeling.

Mr. Bull moved the following resolution.

Resolved, that the counter charges of Mr. Deane  
against Mr. Lane & of Mr. Lane against Mr.  
Deane are discreditable to both parties and this  
Council do not advise His Excellency to take  
any steps in the matter - and that each  
party be furnished with a copy of this reso-  
lution of the Council.

Seconded by Mr. Hamblin.

Mr. Doughton said that in agreeing to this  
motion it will be observed that in my  
letter

Mr. Lane to Gov.  
August 14<sup>th</sup> 1860.  
Gov. to Mr. Doughton  
14<sup>th</sup> August 1860.  
Mr. Deane to Gov.  
dated 17<sup>th</sup> Aug: 1860.  
Mr. Doughton  
to Gov. August 1860.



Letter to the Governor had not thought it necessary to report upon Mr. Deane's Conduct in the Court until required so to do by H. E.

The Governor now called the attention of the Council to another matter & said that he had received a Petition in Council from the inhabitants of the Colony which he laid upon the table & stated that various complaints had been sent to him that the beef sold by the Company was very bad, unwholesome, & unfit for food. That the Company were compelled under their lease of the Govt. farm to supply the market of the Colony with beef at 3<sup>d</sup> a lb.

Mr. Hamblin said that he did not think the meat was unwholesome, but that it was decidedly poor which was to be expected considering the season of the year.

Mr. Bull requested to know what was the intended meaning of the 4<sup>th</sup> clause of Petaluga's licence.

Mr. Hamblin moved that it should be placed on record that Audrey Petaluga has permission under that clause to bring in for the market the meat of such animals as his licence allows him to kill.

Seconded by Mr. Bull.

Mr. Dungen moved that in answer to the Petition the Petitioners should be informed that H. E. the Governor has had under his consideration in Council the disposal of the wild Cattle and that H. E. in Council does not propose to give to any person or Company any exclusive privileges but to permit every leaseholder to stock his lands from the wild Herds under regulations which will be hereafter published.

Seconded by Mr. Hamblin.

Mr. Bull then moved that the Resolutions which

which are to be communicated to Mr. Laue  
Mr. Dean & others be read & confirmed with  
a view to their being immediately sent.

Read accordingly & confirmed.

H. R. then requested the Clerk to read a letter  
from himself to Mr. Longden, requesting that  
gentleman to resign the Chairmanship  
of the Courts.

Mr. Longden said that he would not only  
be ready but very glad to resign the Deputy  
Chairmanship of the Court that where Mr.  
Brooke left the Colony & Mr. R. did me  
the honour to offer me the appointment  
of Deputy Chairman I accepted it most  
reluctantly for I had filled that office before  
& knew from experience the difficulty and  
obloquy in which I should be & have been  
involved. I can only be anxious that my  
resignation should not be connected in any  
way with any supposed default in my  
conduct in the late cases, I therefore trust  
your Excellency will allow it to be recorded  
in the Council that my resignation of the  
Office is occasioned only <sup>by</sup> ~~from~~ the difficulty  
arising from my official position as Colonial  
Secretary in regard to the Executive Government.  
His Excellency said that he would so explain  
the matter to the Secretary of State.

The Council then adjourned

Ja.  
William R. Pye  
Clerk to the Councils.

Sent home in  
despatch No. 110  
September 1860.  
W. R. P.

The Dr. to Mr.  
Longden. No. 252  
dated 20<sup>th</sup> September  
1860

## Executive Council

Monday, October 1<sup>st</sup> 1860.

Present - all the Members.

The Council met pursuant to summons.  
The Minutes of the last preceding meeting  
were read & confirmed.

By direction of the Governor the Clerk read  
the correspondence with Mr Lane on the  
subject of the Second Corral Land. - also,  
Mr Lane's two letters dated 25<sup>th</sup> Sept<sup>r</sup> 1860.  
and Despatches Nos 46, 50, & 49.

The Council then adjourned

J. William R. Pyre  
Clerk to the Council.

# Executive Council.

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28<sup>th</sup> November 1860.

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Present all the Members

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The Council met pursuant to summons.  
The Minutes of the last preceding meeting  
were read & confirmed.

His Excellency brought before the Council some  
matters connected with the Charge of the Powder  
Magazine and after some discussion the  
Council adjourned sine die.

William R. Pyne  
Clerk to the Council