

an Ordinance on the subject, with which proposal the Council concurred.

The Governor then read a letter from Captain Packe on the subject of the Moody Valley Farm asking that the leasee should be restrained from keeping more than a certain number of sheep, and that he should prevent his sheep from straying over the neighbouring lands.

The Council were of opinion that it appeared to be a question of private rights for which there is a remedy at law, but which the Government would not be authorized in interfering with.

The Governor then adjourned the Council sine die.

Conferred 4th January 1881.

(Signed) John Wright Collins

Clerk to the Council.

(Signed) S. Kerr
Governor.

Executive Council.

Tuesday 4th January 1881.

Present H. E. Governor Kerr.

" The Honble Arthur Bailey Esq.

" " " Dr S. Hamilton.

The Council met pursuant to summons.
The minutes of the last meeting held on the 29th ultimo were read and

and confirmed.

The Governor stated that he had summoned the Council to consider a difficulty which had arisen in the administration of Justice in the Colony in consequence of an assault which had been committed at Darwin by a man Michael Brunt on a woman named Louisa Brown, and read a letter which had been received from Dr. Houston J. P. enclosing depositions which had been taken before him regarding the matter.

In view of the fact that Dr. Houston is the only Resident Justice at Darwin, the Governor that under the circumstances it would be desirable to add the name of the Revd Mr. Yarrow, Presbyterian Minister at Darwin to the General Commission of the Peace so that he might be associated with Dr. Houston in hearing the case, and that a constable should be sent over to obey the orders of the Justices in the matter.

The Council agreed with the Governor in this proposal.

It was suggested by the Council that the name of Mr W. R. Cameron of San Carlos might properly be added to the Commission of the Peace, there being no resident Justice in that district, and Mr. Cameron being the most suitable person.

The Governor then adjourned the Council sine die.

Confirmed,

Signed (John Wright Collins)
Clerk to the Council.

Signed) T. Kerr,
Governor.

Executive Council.

Friday 21st January 1881.

Present H. G. Governor Kerr

The Honble Arthur Bailey Esq.

" " Dr S. Hamilton.

The Council met pursuant to summons.

The minutes of last meeting held on the 4th inst were read and confirmed.

The Governor stated that he had summoned the Council in consequence of certain reports which he had received, concerning certain cruelties to animals, which had lately taken place in the Town of Stanley. A pig belonging to Mr John Williams had been cruelly mauled on the evening of the 18th instant, and one belonging to Mr William Weston had been killed under circumstances of gross cruelty on the night of the 20th inst, or early on the morning of the 21st.

In both these cases there is no information as to the perpetrators.

The Governor read the Reports to the Council.

The Governor proposed that a reward should be offered for such information as should lead to the detection ~~and~~ of the offenders, and the Council agreed with him that a sum of £20 would be a proper amount.

The Governor then submitted for the consideration of the Council a claim which had been made by As. Constable Sparkes for

for £12 in lieu of quarters.

The Council were of opinion that Sparkes was entitled to be paid this sum under his agreement.

After some discussion regarding the boundaries of the Settlement of Stanley for Police purposes, Mr Bailey was appointed to assist the Governor in determining some point on the hill to the South of the Cemetery to which a line from the east end of the Cemetery, it being desirable that the town should be extended to that limit by Proclamation.

The Governor then adjourned the Council sine die.

Confirmed on 16th July 1881.

John Wright Collins
Clerk to the Council.

J. Kerr
Governor.

Executive Council.

Wednesday 16th February 1881.

Present H. G. Governor Kerr.

The Honble Arthur Bailey Esq.
" " G^r S. Hamilton.

The Council met pursuant to summons.

The Minutes of last meeting held on the 21st January last were read and confirmed.

The Governor said that he had summoned

the

the Council to consider a Bill which he proposed to submit to the Legislative Council, with a view to provide for taking a Census of the Colony at the same time as that which is to be taken in the United Kingdom and the other British Possessions during the present year.

He read a draft of the proposed Ordinance No: 1 of 1881, and submitted a copy of a Householders Schedule which it would be necessary to issue under the provisions of the Ordinance.

The Council approved of the proposed Ordinance and Schedule and agreed with the Governor that he should prepare any further instructions which it might be necessary to issue to the enumerators.

The Governor then stated that as Captain Packer had expressed a wish to resign his seat as a Member of the Legislative Council, he intended to issue a new general Commission of the Peace to enable Mr. George M. Dran, who had returned to the Colony, to resume his seat at the Council.

It was also considered desirable to add the names of Messrs E. A. Holmsted, Henry Waldron, and Jas. McClymont to the new Commission of the Peace, while the names of Messrs L. A. Baillon and H. Mansel who had left the Colony should be left out.

The new Commission would be issued in

in the following order, viz Arthur Bailey,
George M. Dian. Samuel Hamilton, Robert C.
Packer, Benj. J. Houston. Frederick E. Cobb, Charles
M. Dian, John W. Collins, James L. Waldron,
Rev. Anthony Yermain, Ernest A. Holmsted,
Henry Waldron, and Jas. McClymont.

The Governor informed the Council that he considered it necessary to appoint a Public Prosecutor, to prosecute on behalf of the Crown at the approaching trial for murder to be held before the Supreme Court.

He proposed Commander Henderson, H.M.S. 'Garnet' as a suitable person to discharge this duty.

The Council concurred in this proposition of the Governor.

The Council also concurred with the Governor in thinking it desirable that Chief Constable Mc Neice should be appointed to fill the office of Sheriff.

The Governor then read a letter which had been received from Dr. Houston reporting the death by drowning of a man named Robert Gregor, at North Arm, on the 14th inst.

His Excellency stated that not having time to consult the Council on the subject, he had issued a Commission appointing Dr. Houston to be acting Coroner for that district of the colony for which he acts as Medical Officer.

The Council approved of the action which the Governor had taken in the matter.

The Governor then adjourned the Council sine die.

Confirmed 23 Feb 1881
(signed) John Wright Collins
Clerk to the Council.

J. Ken
Governor.

Executive Council.

Wednesday 23^d February 1881.

Present H. L. Governor Kerr,

The Honble Arthur Bailey Esq.

" " Dr. S. Hamilton.

The Council met pursuant to summons,

The Minutes of last meeting held on the 16th inst. were read and confirmed.

The Governor brought before the Council the desirability of making the English Law on the subject of Capital punishment the law of the colony in view of the possible termination of the approaching trial for murder, and as bearing on the subject, read a Circular Despatch from Lord Kimberley dated the 27th June 1880, enclosing a Memorandum (not intended for publication) upon the Execution of Prisoners.

The Council agreed with the Governor that this was a proper subject to submit to the Legislative Council.

The Governor then laid on the table a copy of the bill he intended to introduce on the subject viz No: 2 of 1881.

The Governor then read to the Council a draft of the "Instructions to Enumerators" proposed to be issued under the provisions of the Census Ordinance.

The Council then took into consideration the question of the remuneration to enumerators.

After

After a short discussion it was agreed that
the Enumerators should receive one shilling (^{5/-})
for every inhabited house of which account is
taken, together with the actual expenses for
travelling.

The Governor then adjourned the Council
sua die.

Confirmed 8th March 1881. (signed) J. Kerr
(signed) John Wright Collins Governor
Clerk to the Council.

Executive Council.
Tuesday 8th March 1881.
Present H. G. Governor Kerr,
The Honble Arthur Bailey Esq.
" " Dr S. Hamilton.

The Council met pursuant to summons
The minutes of last meeting held on the
23rd February last were read and confirmed.

The Governor stated he had summoned the
Council in consequence of having received
certain memorials recommending to the
mercy of the Crown, the prisoner Luke Johnson
now lying under the sentence of death for
wilful murder - which he read to the Council.

Messrs R. C. Packe and F. G. Cobb who sat as
assessors with the Governor when acting as Chief
Justice on the trial of the convict attended the
meeting, and after a deliberation of the
circumstances

circumstances agreed that they would join with the Chief Justice in making a report to the Governor in Council expressing their conviction that there was evidence to show that the homicide had been committed under such circumstance as amounted to no more than an aggravated case of manslaughter, and that they would recommend a commutation of the sentence of death.

The Governor then adjourned the Council sine die.

Confirmed 10th March 1881. (Signed) T. Kerr
 (Signed) John Wright Collins Governor.
 Clerk to the Council.

Executive Council.

Thursday 10th March 1881.

Present H. G. Governor Kerr.

The Honble Arthur Bailey Esq.

" " Dr S. Hamilton

The Council met pursuant to summons.
 The minutes of last meeting held on the 8th inst. were read and confirmed.

The Governor informed the Council that he had summoned them to consider a Report which had been made by the Chief Justice and the Assessors who sat with him at the trial of Luke Johnson for the wilful murder of John Gibson alias Mark Charlton, which he read to the Council.

Having

Having considered the Report of the Court, and the memorials attached to it, the Council agreed with the Governor in thinking that a sentence of Penal Servitude should be substituted for the sentence of death passed by the court.

The Governor then submitted to the Council the term of the proposed sentence and the Council concurred with the Governor in thinking that the sentence of Penal Servitude ought to be for life, and that this decision should be signified to the Court, before which the offender has been convicted.

The Governor then adjourned the Council sine die.

Confirmed 9th May 1881.
(Signed) John Wright Collins
Clerk to the Council.

Signed T. Kerr
Governor.

Executive Council.

Monday 9th May 1881.
Present H. E. Governor Kerr.
The Honble Arthur Bailey Esq
" " Dr S. Hamilton.

The Council met pursuant to summons.
The minutes of last meeting held on the 10th March last were read and confirmed.

The Governor stated that he had summoned

summoned the Council to consider an application from the Revd Mr Foran, Roman Catholic Priest, for three months vacation leave of absence - which he read to the Council.

The Council concurred with the Governor in thinking that there was no objection to the leave applied for being granted.

The Governor submitted to the Council a letter which had been received from Dr Houston enclosing certain depositions taken at an inquiry held by him, into the circumstances attending the death of Charles March Supple on Great Island.

The Council were of opinion that it is very undesirable and inhuman to have persons on the smaller islands without means of communicating with the other islands and agreed to discuss the whole subject at some future meeting of the Council, after the Census Papers had been collected.

The Governor laid on the table a correspondence which had taken place between the Government and Mr Cobb of the Falkland Islands Company, and Messrs Dean and Sons on the subject of the mooring of hulks in the harbour, consideration of which was postponed to a further meeting of Council.

The Council then adjourned sine die.

Confirmed the 31st May 1881.

(Signed) John Wright Collins
Clerk to the Council

(Signed) J. Kerr
Governor

Executive Council.

Tuesday 31st May 1881.

Present H. G. Governor Kerr.

The Honble Arthur Bailey Esq.

" " Dr S. Hamilton

The Council met pursuant to summons.

The Minutes of the last meeting held on the 9th inst were read and confirmed.

The Governor said the first subject he had to submit to the consideration of the Council was an application dated 17th May 1881 which had been received from Mr Cobb on behalf of the Falkland Islands Company to purchase certain lands or stations 17 and 18 the leases of which had expired.

After some discussion in which it appeared that the greater portion of the land comprised in lease No: 17 had been transferred by a subsequent lease to Captain Packe rendering the validity of the lease itself doubtful and also that the notice contained in Mr Cobb's letter not having been given within the time, the Council concurred with the Governor in thinking it desirable to let the matter remain for future consideration and until he can communicate with the Secretary of State on the Subject.

The Governor laid on the table a correspondence between Messrs Dean and Sons and other parties, with the Government on the subject of the pre-emptive price of land which

which he read to the Council.

The Governor brought before the Council the desirability of introducing to the Legislative Council a short Bill to extend to the Colony sundry recent Acts relating to Merchant Ships so far as they can be made applicable to the Colony, a copy of which No: 3 of 1881 - was laid on the table.

The Council concurred with the Governor's proposal.

The Council also agreed with the Governor in thinking it desirable that the "Master and Servant Act 1875" should be extended to the Colony.

The Governor laid a copy of a Bill which he had prepared on the subject upon the table, No: 4 of 1881.

The Governor brought before the Council the desirability of extending to the Colony the Employers Liability Act 1880, with which proposal the Council also agreed.

He also laid a copy of a Bill extending this act to the Colony upon the table, No: 5 of 1881.

The Council resumed consideration of the question of the protection of the Seal Fisheries of the Colony and the Governor submitted the draft of a Bill on the subject entitled "An Ordinance to provide for the establishment of a close time in the Seal Fishery of the Falkland Islands and the seas adjacent thereto" No: 6 of 1881,

which

concurred

which the Council concurred with the Governor in thinking was a proper measure to be introduced into the Legislative Council.

The Governor intimated that the Householders' Schedules issued in connection with the recent Census had now been returned by the Enumerators. He laid the various returns upon the table together with an abstract which had been prepared by the Acting Colonial Secretary showing the total population of the colony on the 5th April last to have been 1554.

The Governor adjourned the Council sine die.

Confirmed 27th Augt 1881. (signed) J. Kerr
(signed) John Bright Collins Governor
Clerk to the Council.

Executive Council.

Saturday 27th August 1881.

Present H. G. Governor Kerr

The Honble Arthur Bailey Esq.

. . . Dr. S. Hamilton.

The Council met pursuant to summons.

The minutes of last meeting held on the 31st May last were read and confirmed.

The Governor stated that he had summoned the Council principally for the purpose of considering the present state of the marriage

Marriage Law of the Colony.

It had been brought to his notice that doubts had been raised as to the validity of certain marriages performed under the Marriage Amendment Ordinance 1872 by clergymen other than those of the Church of England.

That Ordinance required a certain notice to be given to the Registrar General by one of the persons proposing marriage, and a certificate, of which notice from the Registrar general was to be given to the Officiating minister before the marriage could take place. It contained no provision for notice by banns or for the issue of licence by the Governor.

This provision had not been complied with; several persons had been married under a Governor's licence addressed to the Presbyterian Minister and the Roman Catholic Priest, for which no provision was made in the Marriage Amendment Ordinance, while other marriages had been contracted after publication of banns by these ministers, in some cases the banns having been published three times on one Sunday.

These marriages not having been contracted strictly in accordance with the Marriage Ordinances their validity had been considered doubtful and the Governor therefore thought it desirable that an Ordinance should

be passed to declare the validity of these marriages and to give greater facilities for solemnizing regular marriages in the future.

He had prepared a bill on the subject entitled "An Ordinance to remove doubts concerning the validity of certain marriages, and to amend the Marriage Ordinances," which he proposed with the concurrence of the Council to submit to the Legislative Council.

A draft of the Bill was read by the Governor and after some discussion on the subject, the Council agreed that it was a proper measure to submit to the Legislative Council, and concurred with the Governor in thinking it desirable to pass the Bill with as little delay as possible, as several persons in the Colony were waiting to be married by the Presbyterian Minister.

The Governor brought before the consideration of the Council the question of the renewal of certain expired leases a list of which was laid on the table, and read Dispatch No. 26 of the 13th June 1881 with its enclosures, which he had received from the Secretary of State on the subject.

He also referred to the draft Ordinance transmitted by Sir Michael Hicks Beach entitled "An Ordinance to amend the Land Ordinance 1871 and to confirm certain leases of Crown Lands in the Falkland Islands" and said he disagreed with the second section of that Bill as he considered

considered £10 the annual rent fixed for each 6000 acres was far too low and would be thought but doubling. Mr. Cobb on behalf of the Falkland Islands Company had offered to pay a double Rent for the lands in their holding, the leases of which had expired.

He had also seen Mr. Felton and Mr. Dean the holders of the other leases now expired, and they were also willing to pay an increased rent. He therefore did not intend to proceed with the bill submitted by the Secretary of State until he had communicated with him on the subject. He thought it would be expedient to grant leases for 10 years at an annual rent of £20 for each 6000 acres to the holders of the expired leases - except Sections 24 and 25 held by the Falkland Islands Company which would only be leased from year to year in accordance with the Secretary of States decision.

The Council concurred with the views expressed by the Governor

An application was read from Mr. Grantham dated 4th June last to lease about 4000 acres on station of the lease of which was held by Mr. Felton, but had now fallen in, for which he was willing to pay an annual rent of £10.

The Council after some discussion on the subject agreed with the Governor in thinking that the application should not be entertained as it would be depriving Mr. Felton of

portion of his best land, and for which he was willing to pay a greater rental than that now offered by Mr Green shield.

The Governor informed the Council that he had carefully gone over the Householders Schedules issued in connection with the recent Census, and had prepared abstracts of them, copies of which he laid on the table.

There was a mistake in the abstract which was laid on the table at the last meeting of Council, the total population of the Islands, including shipping on the 3^d April last being 1553 instead of 1554 as formerly stated.

The Governor stated that he had ordered 200 copies of these abstracts to be printed in England for distribution, as there is no means of doing so in the Colony.

The Governor read a Memorial dated 27th June 1881 which he had received from Mr James Lewis the acting Schoolmaster, applying for the appointment of Government Schoolmaster.

The Council agreed with the Governor in thinking he would not be justified in making a permanent appointment to this office until he had heard from the Secretary of State on the subject.

The Governor adjourned the Council
sua die.

(Signed) J. Kerr
Governor.

confirmed 1st Sept 1881.

(Signed) John Wright Collins

Clerk to the Council.

Executive Council.

Thursday 1st September 1881.

Present H. G. Governor Rev

The Honble Arthur Bailey Esq.

" " Dr S. Hamilton.

The Council met pursuant to summons.

The Minutes of last meeting held on the 27th August last were read, amended, and confirmed.

The Governor informed the Council that the Legislative Council had passed yesterday "An Ordinance to remove doubts concerning the validity of certain marriages and to amend the Marriage Ordinances" No 39/1881, a draft of which Bill had been discussed at the last meeting of Council.

He said he had called the present meeting for the purpose of considering what places should be appointed places of worship for the publication of banns and the solemnization of marriages under the provisions of the Second Section of the Ordinance.

After a short discussion the Governor in Council appointed the following places to be places of worship for the publication of banns and the solemnization of marriages.

Trinity Church. Stanley.

The Infant School. Stanley.

The Presbyterian Place of Worship, Darwin.

St Mary's Roman Catholic Chapel.

Stanley.

and

and ordered a public notification of the same to be given in the Official Gazette.

The Governor adjourned the Council ante cler.

(Signed) J. Kerr
Governor.

Confirmed 18th Oct 1881.

(Signed) John Wright Collins
Clerk to the Council.

Executive Council.

Tuesday. October 18th 1881.

Present H. L. Governor Kerr

The Honble Arthur Bailey Esq

" " Dr S. Hamilton.

The Council met pursuant to summons.
The minutes of last meeting held on
the 1st September last were read and
confirmed.

The Governor said he had summoned
the Council to lay before them the
financial estimates of the Colony for the
year ending 31st December 1882. There
had been some delay in submitting them,
owing to the Colonial Treasurer being late
in preparing certain returns &c connected
with them.

The estimates which were laid upon the
table - together with statements showing
the Assets and Liabilities of the Colony on the
17th Inst. and up to the 31st December next,
showed

showed the estimated Revenue to be £5068 and the Expenditure £5725 which would leave an estimated deficit of £65].

A statement (A) showing the difference in the estimated Expenditure for 1881 and 1882 was laid on the table.

The Governor read Governor Callaghan's despatch to the Secretary of State transmitting the estimates for the present year, which stated the Revenue at £6352 and the Expenditure at £5565 showing an estimated surplus of £787.

Since then however there had been several alterations in the Expenditure, caused by the reduction of the Governor's salary to £1000, and the abolition of the offices of Assistant constables; while on the other hand there had been certain increases of necessary expenditure connected with the Public Works, Civil Store Department, Gaol, Pension list, and the Census expenses amounting to £749 - details of which were laid upon the table (B) - which would very considerably reduce the surplus estimated by Governor Callaghan. However there would still be sufficient to cover the deficit in the estimates for next year.

The Council concurred with the Governor that the Estimates submitted were proper ones and ought to be transmitted to the Secretary of State.

The

The Colonial Treasurer was authorized by the Council to pay when asked for certain expenses connected with the Census Enumeration amounting to £13. 5. 0.

The Governor brought before the Council the question of the lapsed leases of the Crown Lands and informed them that he had written to the Secretary of State suggesting that the amount of rent to be fixed should be at the rate of £20 instead of £10 as provided in the draft of the Ordinance

The Council concurred with the Governor that the Crown Lands would bear this amount of Rent.

In connection with the subject the Governor also informed the Council of a proposal made by Mr Cobb on behalf of the Falkland Islands Company, to make an annual purchase of land for the next ten years to the extent of £500 a year. The Governor said he thought there would be no objection to the proposal if the land were purchased in one block and extending to the back of their lands, ^{on} which the purchase money could be paid by instalments.

The Governor read a letter from Captain Packe calling attention to his lease of Section No. 16 and asking the Governor to define the boundary of that section, consideration of which was for the meantime postponed.

The

The Governor adjourned the Council sine die.

Approved 5th Nov 1881 (signed) T. Kerr
 (signed) J. Wright Collins. Governor
 Clerk to the Council.

Executive Council.

Saturday 5th November 1881.

Present H. R. Governor Kerr.

The Honble Arthur Bailey Esq.

" " Dr S. Hamilton.

The Council met pursuant to summons.

The Minutes of last meeting held on the 18th October last were read and confirmed.

The Governor said he had summoned the Council for the purpose of considering the Rules, Forms of Procedure and Fees of the Supreme and Police Magistrates Courts.

Clause 21 of the "Administration of Justice Ordinance Act 1876" provided that the Chief Justice should make these Rules and Forms, and it had been brought to his notice that this had not yet been done. He had therefore prepared a Table of General Rules for Regulating the Practice and Procedure of the Supreme Court, and of the Police Magistrate's Court, the Forms to be used and the Fees to be payable therein which he laid upon the table. After a short discussion

on

on the subject, the Council concurred in agreeing with the Governor that the Towns were proper and ought to be submitted to the Legislative Council as provided by the Ordinance.

After an informal discussion on the subject of the Customs Rules, the condition of the Public Drains, and the Boundaries of the Town the Governor adjourned the Council sine die.

(Signed) T. Kerr

Confirmed ^{19th Decr 1881}

Governor.

Alan Kerr.

Acting Clerk to the Council.

Executive Council.

Monday 19th December 1881.

Present H. E. Governor Kerr.

The Honble Arthur Bailey Esq.

" " Dr S. Hamilton.

The Council met pursuant to the Governor's request.

The Governor informed the Council that he had called them together with reference to the necessity which had arisen, for scrutinizing the accounts of Mr Collins the Colonial Treasurer, who is also Clerk of the Executive Council; and introduced to the Board Mr Alan Kerr whom he proposed to appoint acting Clerk of the Council.

Council pending the investigation of the Treasurer's accounts.

The Oaths of allegiance and Office were taken by Mr Alan Kerr, who assumed the Office and duties of Clerk.

The Minutes of the last meeting held on the 5th November last were then read and confirmed.

The Governor with the concurrence of the Council appointed Mr Alan Kerr Clerk to the Treasurer, Clerk to the Postmaster, and Clerk to the Collector of Customs, and as Private Secretary to the Governor.

The Governor stated that since the last meeting of Council, it had come to his knowledge that the Treasurer's accounts were so irregularly kept and in such confusion that he had found it his duty to request the Hon'ble Mr Bailey and Dr Hamilton to go over the accounts and vouchers with the Treasurer, and report to him fully as to the receipts and disbursements; and took this opportunity of placing that direction on record, and hoped that they would soon be in a position to report to him fully on the subject.

The Council adjourned sine die

Confirmed

24th December 1881

(Signed) J. Kerr

Governor

Alan Kerr

Acting Clerk to the Council.

Executive Council.

Saturday 24th December 1881.

Present H. G. Governor Kerr.

The Honble Arthur Bailey Esq.

" " Dr S. Hamilton.

The Council met pursuant to summons.

The Minutes of the last meeting held on the 19th inst were read and confirmed.

The Governor read a letter from Captain Loftus Jones, Senior Officer on the S.E. American Station, informing him that he had received instructions from the Lords of the Admiralty to allow one of Her Majesty's Ships of War on the Station to proceed to the Falkland Islands, in order to prevent the violation of the Close Season of the Seal Fisheries.

The Governor said that he had had no permission from the Secretary of State to pass the Ordinance for establishing a Close Season, but it was evident that several Despatches had miscarried, and as the one authorizing the passing of the Ordinance might probably be amongst them, and as he thought it clear from the words of Captain Jones's letter, that his despatch on the subject to the Secretary of State had been received, and permission to pass the Ordinance granted, he thought that he would be justified in passing the Ordinance at once.

The Council after some discussion agreed to this.

The

The Governor with reference to the Convict debt, Johnson, then read a despatch from the Secretary of State enclosing articles of agreement between the Governors of Malta and the Falkland Islands, for allowing the removal of a limited number of convicts from the Falkland Islands to Malta in order that they might undergo their sentence in Malta.

The Governor then read the articles of agreement, and the Prisoner's Removal Act (Colonial) 1869, and observed that before the agreement could come into force it would be necessary to add a clause to Ordinance No. 4. 1876 - which enacts that every convict undergoing sentence of Penal Servitude must be kept at hard labour in the colony - which would not meet the circumstances of the present case.

The Council agreed to this.

The Governor said that he thought it would be advisable to apply to Commander Sir W. Wiseman for permission to obtain the services of the Paymaster of H.M.S. "Dwarf" now in harbour for the purpose of assisting in the examination of the Treasurer's accounts.

The Council agreed to this.

The Council then adjourned cine die.

(Signed) J. Kerr.

Confirmed 31 Decr 1881.

Governor.

Alan Kerr

Acting Clerk to the Council

Executive Council.

Saturday 31st December 1881

Present H. G. Governor Kerr.

The Honble Arthur Bailey Esq.

" " Dr S. Hamilton.

The Council met pursuant to summons.

The Minutes of the last meeting held on
the 24th Inst were read and confirmed.

The Governor read the following Report,
made by Mr. Howill, Assistant Paymaster
of H.M.S. Dwarf, and concurred in by the
Honble Mr. Bailey and Dr. Hamilton, concerning
the state of the Treasurer's Accounts and Books

Government House

Stanley Harbour

29th December 1881.

" Sir,

" In compliance with your request, I have
" made a short examination of the accounts
" kept by Mr. Collins in his capacity of
" Treasurer to this Colony, and have the
" honour to report as follows:

" 1. I have found it very difficult to
" arrive at any result owing to the very
" apparent irregularity in which the
" accounts have been kept, and which would
" render the matter of auditing them very
" difficult.

" 2. The following errors and omissions
" in his cash account appear to admit
" of no doubt.

" 3. - A. - In Feb 1881 an entry of £3-6-0 appears under the head of Licences received, whereas the vouchers of same date and number show the amount as £9-10-6.

" B. On the 10th March 1881 an entry of £17-9-0 under the head of Water dues, fines &c the voucher showing £8-10-3.

" C. In May 1881 Voucher for water rate (£1-15-0) does not appear as debited in account.

" D. In Sept 1881 the same omission of the sum of £3-15-0 for Water Rates occurs.

" E. On examining the Bill Book ^{it appears} that a Bill drawn for £40 on the 29th June 1881 has not been debited.

" F. A Bill also, drawn on the 21st October 1881 for £100 has been debited as £80.

" G. Customs dues as shown by receipts from Mr Crook as having been received by Mr Collins, have been omitted from cash account. viz:-

" £20 and £18 in Sept 1880 and £16-10-0 in Sept 1881.

" 4. I fail in the short examination I have been enabled to make, to balance the Customs dues, Land Rents &c with the Receipts produced and the Cash account.

" 5. On the credit side of the Cash Account numerous entries have been omitted to the amount of about £79 as shown by vouchers produced.

" 6. In conclusion I would state that although

"although grave errors appear in the
accounts, I have not been enabled to
discover any defalcations on the part of Mr.
Collins, observing at the same time that
I have not had sufficient time to thoroughly
audit the accounts.

" I have &c

" (Signed) W^m F. Horwill

" Assistant Paymaster in charge
H. M. S. "Dewar"

The Governor said that it was now his duty to inform the Council that Customs Duties to the £ 307. 4. 3 had been admitted amount of £R by the Falkland Islands Company, to be due to the Government on imports by the Black Hawk, Lioness and Vicar of Bray in February, May, August and September 1880, of which Mr. Collins had no account and professedly no knowledge, and which was discovered on the application of the Governor to the Manager of the Falkland Islands Company to give him a statement of their imports for the purpose of comparing it with the Treasurer's account.

The Governor also informed the Council that Dr. Houston had applied to him with reference to a registered letter which had been sent to him from Dunse in September last, and which he had never received.

Search had been made and the letter could not be found, and Mr. Collins denied all knowledge of it; but on making a search in the Government Office in Mrs.

Collins'

Collins' absence, the Governor found the letter bill for the registered letters by the mail which left England in September and which arrived here on the 23rd October, and that bill contained an entry of a letter from Durse addressed to Dr Houston. Subsequently the letter had been found by Mr Alauker apparently concealed amongst some old uncalled for letters in one of the Pigeon Holes in the Post Office, which had been searched before for it.

On a subsequent day Mr Collins was requested to search in that place, and he found the letter and gave it to Dr Houston.

The Governor then read a statement made to him by Dr Houston with reference to the missing letter, and said that taking all the circumstances of the case into consideration, it would not be consistent with his duty to allow Mr Collins to continue performing the duties of his several offices any longer than the time necessary to call the attention of the Council to the circumstance in order that Mr Collins may be interdicted from his functions, until several charges against him could be prepared, and the matter brought formally before the Council for investigation.

The Governor proposed to perform the duties of Treasurer himself, as there was no one available in the Colony, but it was necessary that Mr Collins should also

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be interdicted from the functions of Acting Colonial Secretary, Collector of Customs, Postmaster, and the other offices which he held under the Government.

The Governor said he did not think it advisable that he himself should act as Colonial Secretary.

After some deliberation the Council agreed with the Governor that Mr. Alan Kerr, at present acting as Clerk to the Treasurer and Postmaster should be appointed temporarily and provisionally to act as Colonial Secretary, Clerk to the Legislative Council, Postmaster, Collector of Customs, Harbour Master and Shipping Master, and Registrar of the Supreme Court, during Mr. Collins' interdiction or suspension, or until the Secretary of State should be able to appoint a successor.

The Governor then adjourned the Council to meet again at 11 A.M. on Monday next the 2nd January 1882.

Confirmed

9th January 1882

Alan Kerr
Acting Clerk to the Council

Mr.
Governor.