

Legislative Council.

Tuesday - 18th March 1849

Present
All the Members

The Council having met pursuant to summons
The Minutes of the last preceding meeting
were read and confirmed -

The Governor states "the object of my
"assembling you to-day is to obtain your
"sanction to a step which I have felt it my
"duty to take in consequence of there not being
"at present a sufficient number of qualified
"jurymen in the Colony to administer
"justice according to the provisions of
"the Supreme Courts and Jury Ordinances.
"To understand fully the nature of the measure
"which has been adopted and the reasons
"for it, it may be proper to read to you
"the minute of the last meeting of the Execu-
"tive Council at which the steps in question
"were resolved on."

The Minute was then read by the Clerk
to the Council and

His Excellency remarked that it con-
-tained an exposition of his opinions on
the subject and the events which had since
occurred did not lead him to alter any
of those opinions but on the contrary rather
confirmed them. - The Governor also alluded to the
reasons (stated at length in the minute of the
Executive Council) which had induced him
to adopt the course he had without waiting
for the assembling of the Legislative Council.

With an expectation that Emigrants would shortly arrive he was not prepared with any new ordinance, as, if such an arrival should take place shortly, he would be able to propose to them the continuance of these ordinances either in their present form or with such modifications as may be deemed most advisable —

Mr Whittington observed that he fully approved the course taken by the Governor as he had long been of opinion that efficient and properly qualified juries could not in the present state of the Colony be assembled —

After some further discussion on the subject His Excellency desired the Clerk to the Council to read the despatches from Lord Grey to Capt. Smoody and to himself and the answer of Captain Smoody to the first — which related to the question under consideration —

The Governor stated it was his anxious desire as soon as circumstances would admit either to resume the Ordinances with such modification as might be considered necessary or to submit to the Legislative Council some new Ordinances for regulating the administration of justice suited to circumstances of the Colony and further it was his earnest wish in the meanwhile to administer justice according to the Laws of England and maintain to the utmost of his power the rights and liberties of the Colonists.

The Members then expressed their approval of and acquiescence in the measures detailed to them by the Governor and after some further discussion the Council adjourned sine die

W. Whittington
Clerk to the Council —

The former Legislative Council
was dissolved by the resolution of
the General Commission of the Peace
issued on the 29th August 1848, which
was revoked on the 3rd May 1849.

A new Commission, appointing
His Excellency Governor Peacock
Bartholomew James Sullivan Esquire
John Bull Whittington Esquire
Phillip Hammond Esquire
and Arthur Bailey Esquire
to be members of the new Legis-
lative Council, was issued on
the 3rd May 1849, which is copied
herein.

Victoria, by the Grace of God, of
 the United Kingdom of Great Britain
 and Ireland Queen, Defender of the Faith,
 To Our trusty well beloved George Ben-
 nie Esquire, Our Governor and Commander
 in chief in and over our Settlements
 in the Falkland Islands and in their
 Dependencies and to Bartholomew James
 Sullivan Esquire Captain in Our Royal
 Navy, to John Bull Whittington Esquire,
 to Philip Hammond Esquire, and to
 Arthur Bailey Esquire, and to such
 person or persons as shall hereafter from
 time to time be appointed as Members
 of Our Legislative Council for the said
 Falkland Islands and their Dependen-
 cies, Greeting; Whereas by Our Letters
 Patent bearing date at Westminster
 the twenty third day of June 1843 in
 the seventh year of Our reign, - and
 by Our Instructions under Our signet
 and sign Manual, bearing date at
 Buckingham Palace the said twenty
 third day of June 1843 in the said
 seventh year of Our reign directed to
 Our Governor and Commander in chief
 in and over Our Settlements in the
 Falkland Islands, We did authorize
 the Governor or the Lieutenant Governor
 for the time being of Our said settle-
 ments in the Falkland Islands and
 their Dependencies and such other per-
 sons, not being less than three, as were
 in the said Charter designated to con-

stitute

while, and be a Legislative Council
 for the said Falkland Islands and their
 Dependencies, - And We did by the said
 Charter further declare that in addition
 to the said Governor or Lieutenant Go-
 vernor the said Council should be com-
 posed of such Public Officers or of such
 other persons within the said settle-
 ments and their Dependencies as should
 from time to time be named or desig-
 nated for that purpose by Us by Our In-
 struction or Instructions, Warrant or War-
 rants, to be by Us for that purpose issued
 under Our Signet and Sign Manual
 and with the advice of Our Privy Council,
 and that all such Councillors should
 hold their place in said Council at Our
 pleasure with full power and authority
 to make and establish all such Laws,
 Institutions, and Ordinances, as might
 be required for the peace order and
 good government of the said settle-
 ments and their Dependencies, and that
 in the making of all such Laws, Insti-
 tutions and Ordinances the said Legis-
 lative Council should conform to and
 observe all such Rules and Regulations
 as should be given and prescribed in
 and by such Instructions, as We with the
 advice of Our Privy Council should from
 time to time make for their guidance
 therein; - And Whereas We by Our
 said Instructions under Our Signet and
 Sign Manual with the advice of Our

Privy

Their Council, did nominate and ap-
 point the public Officers thereafter
 designated to be members of the said
 Legislative Council who should hold
 their places in the said Council at
 Our pleasure, that is to say, the Two
 Justices of the Peace whose names should be
 standing first in order in any general
 commission of the Peace issued by the Go-
 vernor or Officer administering the Govern-
 ment of Our Settlements in the Falkland
 Islands and of their Dependencies, such
 commission of the Peace being revocable
 or renewable from time to time by such
 Governor or Administrator of the Govern-
 ment as he may find occasion. And
 Whereas the said George Henric Esquire
 is now Our Governor and Commander
 in chief and over Our said Settle-
 ments in the Falkland Islands and
 their Dependencies, and the said Bartho-
 mew James Sullivan Esquire Captain in
 Our Royal Navy, the said John Bull
 Whittington Esquire the said Phillip Hammond
 Esquire and the said Arthur W. Bailey
 Esquire are now the Justices of the Peace
 whose names are standing first in order,
 in the General Commission of the Peace if
 issued by the Governor for that purpose bear-
 ing date the second day of May One thou-
 sand eight hundred and forty nine.

Now

Now We, by these Our Letters Patent do nominate, constitute and appoint you the said George Rennie Esquire, Our Governor and Commander in Chief in and over the Falkland Islands and their Dependencies and so long as you shall remain as such the said Bartholomew James Sullivan Esquire Captain in Our Royal Navy the said John Bull Whittington Esquire the said Phillip Hammond Esquire and the said Arthur Bailey Esquire being as aforesaid the Justices of the Peace whose names stand first in order in the present general commission of the Peace bearing date the second day of May One thousand eight hundred and forty nine as aforesaid and so long as you shall continue as such (And such persons as shall hereafter be appointed) to be members of and form and constitute Our Legislative Council for the said Falkland Islands and their Dependencies together with all the rights, privileges, appendances and appointments thereto belonging or in anywise appertaining but upon understanding that according to the following Regulations for the guidance of Our said Legislative Council in the making the Laws and Ordinances thereof, that is to say, And We do declare Our pleasure to be that the said Legislative Council shall not be competent to

act in any case unless two members at the least of such Council in addition to the Governor for the time being or to the member who may preside therein in his absence shall be present at, and throughout the meetings of such Council.

And We do authorize and require You the said George Kenneth Esquire Governor, or the Governor of Our said Settlements in the Falkland Islands and their Dependencies for the time being to preside in the said Council. And We do further declare Our pleasure to be that all questions proposed for debate in the said Council shall be decided by the majority of votes, It being Our pleasure that the Governor for the time being or the Member presiding in his absence shall have an original vote in common with the other members of the said Council, as also a casting vote if upon any question the vote shall be equally divided.

And for ensuring punctuality of attendance of the members of the said Council and for the prevention of meetings of the said Council being holden without convenient notice to the several members thereof, It is Our pleasure, and We do hereby direct, that you the said George Kenneth

Remme

I Remme Governor or the Governor of Our
 Settlements in the Falkland Islands
 and their Dependencies for the time
 being do frame, and propose to the said
 Council for their adoption such Stand-
 ing Rules and Orders as may be necessary
 for those purposes with such other Standing
 Rules and Orders as may be best adapted
 for maintaining Order and Method in
 the despatch of business, and in the con-
 duct of all debates in the said Council,
 which Rules and Orders (not being repug-
 nant to the said recited Act of Parliament
 and Charter, or to these Instructions, or to
 any other Instructions which You the said
 George Rennie Governor or the Governor
 for the time being may receive from Us
 shall at all times be followed or observed,
 and shall be binding on the said Council,
 unless the same or any of them shall be
 disallowed by Us.

And Our pleasure and We do hereby
 direct, that no Law or Ordinance shall be
 made or enacted by the said Council, un-
 less the same shall have been previously
 proposed by Yourself, and that no question
 shall be debated at the said Council un-
 less the same shall first have been pro-
 posed for that purpose by You, provided
 nevertheless, and it is Our pleasure that

if

if any member of the said Council shall deem any Law fit to be enacted by the said Council, or any question proper to be there debated, and shall of such his opinion transmit a written statement to You, it shall be lawful for any such member of the said Council to enter upon the Minutes thereof, a copy of any such statements together with the reasons upon which such his opinion may be founded.

And We do further direct that Minutes be regularly kept of the proceedings of the said Council by the Clerk of the said Council, and that the said Council shall not ever proceed to the despatch of business until the minutes of the last preceding meeting have first been read over and confirmed or corrected as may be necessary.

And We do further require and enjoin you the said George. Renne Governor of the Governor for the time being, three or each year to transmit to Us, through one of Our principal Secretaries of State, a full and exact copy of the Minutes of the said Council for the last preceding half year.

And it is Our further pleasure
that

That You the said George Penne Governor or the Governor for the time being do not propose or assent to any Ordinance whatever respecting the Constitution, proceedings, number or mode of appointing or electing any of the Members of the said ^{Legislative} Council or otherwise in relation to any of the matters mentioned or referred to in the said Charter, and these Our Instructions which shall be in anywise repugnant to, or inconsistent with such Charter or Instructions, or repugnant to the said recited Act, or to any other act of Parliament, but that any such Ordinance or pretended Ordinance shall be absolutely null and void to all intents and purposes.

And You the said George Penne Governor or the Governor for the time being are expressly enjoined not to propose or assent to any Ordinance whereby any person may be impeded or hindered from celebrating or attending the Worship of Almighty God in a peaceable and orderly manner, although such worship may not be conducted according to the Rites and ceremonies of the Church of England.

And We do further enjoin you the said George Penne Governor or the Governor

Governor for the time being not to propose, or assent to any Ordinance whatsoever whereby Our revenue might be lessened or impaired, or whereby Our prerogative might be diminished or in any respect infringed or whereby any Increase or diminution might be made in the number, salary, or allowances of any public Officers which have or shall have received Our sanction, without Our special leave and command therein first received.

And We do further direct that You the said George Rennie Governor of the Governor for the time being do not propose, or assent to any Ordinance whatsoever whereby Bills of Credit or other negotiable securities of whatever nature may be issued in lieu of money on the credit of the said Settlements in the Falkland Islands and their Dependancies or whereby any Government paper Currency may be established therein, or whereby any such Bills or any other paper currency or Coin, save only the legal coin of the realm may be made or declared to be a legal tender, without special permission from Us in that behalf first obtained.

And

And it is Our further pleasure that
You the said George Rennie Governor
for the Governor for the time being do
not propose or assent to any Ordinance
whatever for raising money by the Institution
of any public or private Colleges.

And it is Our Will and pleasure that
You the said George Rennie Governor or the
Governor for the time being do not propose
or assent to any Ordinance for the naturali-
zation of Aliens without Our special leave
or command therein first received, unless
there be a clause inserted therein, suspend-
ing and deferring the operation of the
same until Our pleasure shall be sig-
nified thereupon.

And it is Our further Will and
pleasure that You the said George Rennie
Governor or the Governor for the time
being do not propose or assent to any
Ordinance whatever for the divorce of
persons joined together in Holy Matrimony.

And We do further direct that You
the said George Rennie Governor or the Go-
vernor for the time being do not pro-
pose or assent to any Ordinance whatever
by which any Tax or duty might be im-
posed

posed upon transient Traders, the Trade or Shipping of the United Kingdom, or whereby any Tax might be imposed upon transient Traders, or upon persons residing and carrying on Business for a short time within Our said Settlements in the Falkland Island and their Dependencies from which other Traders, or Persons carrying on the like Business would be exempt.

And We do further direct that you the said George Bennie Governor or the Governor for the time being do not propose or assent to any Ordinance whatever, whereby any Grant of Money or Land, or other Donation or Gratuity may be made by the said Legislative Council to You.

And We do further direct that You the said George Bennie Governor or the Governor for the time being do not propose or assent to any private Ordinance whatever, whereby the property of any Individual may be affected, in which there is not saving of the Rights of Us, Our heirs and Successors, and of all Bodies Politic, and corporate, and of all other persons except those at whose instance, or for whose especial benefit such Ordinance may be passed, and those claiming by, from, through, and under them.

And

And it is Our will and pleasure that
You the said George Rennie Governor or
the Governor for the time being do not pro-
pose or assent to any Ordinance whatever to
which Our assent has once been refused
without express leave for that purpose
first obtained from Us.

And it is Our further will and
pleasure that all Laws and Ordinances
to be enacted by the said Legislative Council
shall henceforth be styled "Ordinances
enacted by the Governor of Our Settlements
in the Falkland Islands and their Depen-
dencies with the advice and consent of the
Legislative Council thereof" and that no
other style or form shall ever henceforth
be observed in any such Enactments
and that all such Laws and Ordinances
be drawn up in a simple and compendious
form, according as far as may be all prob-
ity and expediency.

And We do further direct that
when any Ordinance shall have been
passed by You the said George Rennie
Governor or the Governor for the time being
with the advice of the said Legislative Council
the same shall forthwith be laid before You
for Our special assent, disallowance or other
direction thereupon to be signified through
You

You for which purpose We do hereby
 require You with all convenient speed
 to transmit to Us through One of Our
 principal Secretaries of State a transcript
 in duplicate of every such Ordinance as
 aforesaid duly authenticated under the
 Public Seal of the said Settlements in
 the Falkland Islands and their Dependencies
 and by your own signature. And We di-
 rect that every such Transcript be so trans-
 mitted by the earliest occasion next after
 the enactment of the said Ordinance,
 and that no such Ordinance be made
 to take effect until Our pleasure there-
 upon be first made known and signi-
 fied to You, and by You to the Inhabi-
 tants of the said Settlements and their
 Dependencies, excepting only in the case
 of Ordinances for raising the annual sup-
 plies for the service of the said Settlements
 and their Dependencies, and in any other
 cases in which the delay incident to a
 previous communication with Us, would
 be productive of serious injury or incon-
 venience in which several cases We do
 hereby authorize You with the advice of
 the said Council, to determine the time
 at which any such Ordinance shall
 take effect, and have its operation within
 the said Settlements and their Depen-
 dencies, which proceeding with the reasons

thereof

thereof, You shall on the earliest occasion report to Us through one of Our principal Secretaries of State, And We do hereby reserve to Us Our heirs and successors full power and authority to confirm and finally to enact or disallow any Ordinance which may be passed by You with the advice of the said Council, either in whole or in part, such confirmation or disallowance being from time to time signified to You through one of Our principal Secretaries of State.

And We do further declare Our pleasure to be that in the month of January or at the earliest practicable period at the commencement of each year, You the said George Henric Governor or the Governor for the time being do cause a complete collection to be published for general information of all Ordinances enacted during the preceding year.

And We do further direct that all Ordinances made by You the said George Henric Governor or the Governor for the time being with the advice of the said Legislative Council be distinguished by Titles, and that the Ordinances of each year be distinguished also by numerical

numerical marks, commencing in each successive year with the number one, and proceeding in arithmetical progression to the number corresponding with the total number of Ordinances enacted during the year, and that every such Ordinance be divided into successive clauses or paragraphs distinguished in ^{the} ~~the~~ manner by numerical marks; and that to every such clause be annexed in the margin a short summary of its contents.

And We do further declare Our pleasure to be, that in the passing of all Laws each different matter be provided for by a different Law, without intermingling into one and the same act, such things as have no proper relation to each other, and that no clause or clauses be inserted in or be annexed to any act, which shall be foreign to what the Title of such respective Act imports, and that no perpetual clause be part of any temporary Law, and that no Act whatever be suspended, altered, continued, revived, or repealed by general words, but that the Title and Date of such Act so suspended, altered, continued, revived, or repealed be particularly mentioned and expressed in the enacting part.

And

And it is Our express Will and pleasure that no Law whatsoever be made to continue for less than two years, except only in cases where it may be necessary upon some unforeseen emergency to make provision by Law for a service in the nature temporary and contingent.

Upon the said George Rennie Governor are also to take care, that in all Laws or Ordinances to be passed by Our said Legislative Council in any case for levying money, or imposing fines, for duties and penalties, express mention be made that the same are granted or reserved to Us Our heirs and Successors for the public uses of the said Settlements in the Pitland Islands and their Dependencies, and the support of the Government thereof, as by the said Law or Ordinance shall be directed.

In testimony whereof we have directed these Our Letters to be made Patent by causing the public Seal of Our said Settlements and their Dependencies to be affixed hereto this Third day of May One thousand eight hundred and forty nine.

Witness George Rennie Esquire

Our

Our Governor and Commander in
 Chief in and over Our Settlements
 in the Falkland Islands and their Depen-
 dencies at Government House Stanley
 this third day of May One thousand eight
 hundred and forty nine.

(Signed) George Kenner
 Governor.

L.G.

The following oath was administered to
 Phillip Hammond and Arthur Bailey
 Esquires, the two new sitting members.

Council Room 17th May 1849

We Phillip Hammond and Arthur Bailey
 do swear that we will truly and faith-
 fully and to the best and utmost of
 our skill and knowledge discharge
 the duties of members of the Legislative
 Council for the Falkland Islands and
 their Dependencies—

To help us God.

Legislative Council

Thursday — 17th May 1849.

Present

His Excellency Governor Rennie
Phillip Hammond Esquire
Arthur Bailey Esquire.

Council met pursuant to summons.

Captain Hammond and Mr Bailey (the new members) took the necessary oath and the minutes of the last preceding meeting were read and confirmed.

The Governor, referring to the Standing rules and orders of Council, moved that the sixth clause of them, requiring the presence of all the Members of Council to constitute a meeting, be suspended, which was agreed to.

With reference to the subject discussed at the last meeting of the Legislative Council namely the suspension of the Supreme Court's Ordinance His Excellency directed the Clerk to read the Minute of the meeting of the Executive Council on the 9th March, at which the suspension was resolved on and the Governor's reasons for proposing it stated. The Governor then addressed the Council as follows:—

"Gentlemen, you have now heard and the minutes of the meeting of the Executive Council in which are given my reasons for proposing the suspension of the Supreme Court's Ordinances, and although since that suspension there has been

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"an arrival of persons fully qualified to act
"as jurors, I cannot nevertheless consider
"our members as yet sufficient to consti-
"tute a jury with all the appendages
"suited to a population much greater than ours
"is likely to be for some years to come. I
"have therefore prepared an Ordinance for
"the Administration of Justice (with copies
"of which you have been furnished) which
"however I intend only to be of a temporary
"character. Indeed a rising Colony cannot
"have at its commencement the same laws
"which will be suited to it when its popu-
"lation is doubled or quadrupled. In the
"absence more particularly of any qualified
"lawyer to prepare a law to meet all
"the possibilities and requirements which
"might occur in a more artificial
"state of society, and although this Ordinance
"might be found very deficient for a
"more extended population, I indulge
"the hope that its provisions may be
"found sufficient for our present in-
"fant condition, and I now submit it
"for your consideration and request that
"you will give your best attention to it,
"making such proposals and modifica-
"tions as you may think will tend to its
"amelioration or efficiency." His Excellency
concluded by moving that the Adminis-
-tration of Justice Bill be now read a
first time. —

The Bill was then read a first time
accordingly. No amendments being pro-
posed by the members His Excellency

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proposed that the bill be read a second time, stating his reasons for it, as he was anxious that the bill should be passed as early as practicable consistent with a due consideration of its importance, as it was indispensable that Courts of Justice should be constituted with the least possible delay. —

The bill was then read a second time and considered clause by clause and the Council resolved that the bill be read a third time on Saturday the 19th instant to which day the Council then adjourned —

Whingher
Clerk to the Council

Orders of the Day - Saturday 19th May 1829.

Administration of Justice Bill - Third Reading.

The Minutes of Council to this date were forwarded home in despatch N^o 31 dated 19th July 1829.
W.H.

Legislative Council

Saturday - 19th May 1889 -

Present -

His Excellency Governor Hannier
Phillip Hammond Esquire
Arthur Bailey Esquire.

Council met pursuant to adjournment -

The Minutes of the last preceding meeting were read amended and confirmed -

On the motion of the Governor the Administration of Justice Bill was then read a third time. -

A discussion arose on the eighth clause which was amended - and a schedule of fees attached to the Bill. -

The Administration of Justice Ordinance was then passed and the Council adjourned sine die

J. Hongden
Clerk to the Council.

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Legislative Council

Monday 13th August 1849.

Present

His Excellency Governor Denham
John Bull Whittington Esquire
Arthur Bailey Esquire

The Council having met pursuant
to summons,

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

The Governor then addressed the Council as follows:
"Gentlemen, The object of my assembling you
"to-day is to lay before you an Ordinance
"which I have prepared & endeavor to check
"as far as it can be done by legislative
"measures the deplorable practice of intemperance
"and the extent to which it prevails in this
"Colony. The melancholy events which have
"lately occurred make it an imperative
"duty on me to take every step in my power
"to avoid the recurrence of similar calamities.
"I am not however sanguine enough to expect
"that so inveterate evil can be cured or sup-
"pressed by any legislative acts. Many other
"means must be adopted in conjunction
"with Legislation to bring about a reformation
"of a practice which has long prevailed and
"seems so deeply rooted among many of the
"settlers in this Colony. In addition to what I
"hope this Ordinance may effect I shall at all
"times be most willing to promote any rational
"amusement or instruction for the people which

"can be devised for diverting their attention from the fatal and degrading vices which now prevail." His Excellency concluded by moving that the Spirits Licensing Ordinance be now read a first time, which was accordingly done —

The Governor then stated "I have also an Ordinance to propose entitled A Dog Licensing Ordinance. The nuisance arising from the number of dogs in the settlement without owners is so intolerable that, in order to restrain the number of dogs & persons who acknowledge their ownership, I have prepared this Bill which I hope will effectually abate the nuisance."

The Dog Nuisance Bill was then read a first time, as were also the Aliens' Amendment Bill, Cattle Trespass Continuation Bill and the Militia Continuation Bill —

The Governor then moved that the bills, which had been read a first time to day, should be read a second time on Tuesday the 14th instant to which day the Council adjourned.

Phongker
Clerk to the Councils

Orders of the Day — Tuesday. 14th August 1829 —

- N^o 2. Dog License Bill — Second reading
- N^o 3. Spirits License Bill — Second reading
- N^o 4. Aliens Amendment Bill — Second reading
- N^o 5. Cattle Trespass Continuation Bill — Second reading
- N^o 6. Militia Continuation Bill — Second reading.

Legislative Council.

Tuesday - 14th August 1859

There not being a sufficient number of members present to constitute a meeting, in consequence of the inability of John B. Whittington Esquire to attend, the Governor adjourned the Council to Wednesday the 15th instant at 10 o'clock a.m.

Whittington
Clerk of the Council.

Notes of the Day - Wednesday 15th August 1859

(Those arranged for Tuesday the 14th instant q.v.)

The Minutes of Council up to this date were forwarded home in despatch No 29, dated 14th June 1850.

Legislative Council

Wednesday 15th August 1849

Present

His Excellency Governor Kinnic
John B. Whittington Esquire
Arthur Bailey Esquire.

Council met pursuant to ad-
-journalment.

The Minutes of the meeting on the
13th instant were read and confirmed.

The Governor moved that the second
reading of the Dog Licensing Bill be pro-
ceeded with, and the bill was accord-
ingly discussed clause by clause.

The Spirit Licensing Bill was then
read a second time and similarly dis-
cussed, as were also the Bills for amending and
continuing the Aliens Importation, Cattle
Trespass, and Militia Ordinances.

The above named five Bills were
then, after the amendments had been
made, read a third time and passed.

The Council then adjourned sine
die.

J. H. Longden
Clerk to the Council