

Legislative Council

Thursday - 31st August 1850

Present,

His Excellency Governor Benne
Algeron Montagu Esq
John B. Whittington Esquire

The Council met pursuant to
summons.

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

The Governor laid on the table
the Publican's Licensing Bill and Dog
License Bill, and observed that there
was an emergency for the passing of these
Ordinances as the licenses held under the
former Ordinances expired this day,
and with the consent of the Council the
standing orders relative to the reading
of ~~the~~ bills were suspended.

On the motion of the Governor the
Publican's Licensing Bill was then read
a first time. —

The Governor then proposed that
the Dog License Bill be read a first
time, which was accordingly done, and
no amendments having been proposed.

His Excellency moved that the
Publican's Licensing Bill be forthwith
read a second time. —

The Publican Bill was then read
and discussed clause by clause and

Some amendments were made.

The Dog license bill was then read a second time clause by clause, after which the Governor proposed that the Publicans Licensing bill be read a third time and passed, which was accordingly done.

The Dog license Ordinance was then read a third time and passed and the Council adjourned sine die.

W. H. H. H.
Clerk to the Council.

Legislative Council

Thursday - 28th November 1850

Present
All the Members

The Minutes of the last preceding meeting were read, and after being amended were confirmed.

The Governor then laid on the table the following Bills:-

No. 3. Administration of Justice Bill

No. 4. Stanley Police Bill

No. 5. Militia Bill

No. 6. Alien Bill

No. 7. Pilot and Harbour Bill

No. 8. An Ordinance for the Registration of ~~Birth~~ Land, Births, and Deaths

and No. 9. Publicans Licensing Ordinance, and gave notice that he should move that the first reading take place on Monday next at 10 o'clock the 2nd December 1850, to which day the Council adjourned.

Thompson Secy. Council
Clerk to the Councils

Legislative Council

Monday 2nd December 1850.

Present
All the Members.

The Council met pursuant to adjournment, and the minutes of the last preceding meeting were read and confirmed.

On the motion of the Governor the Administration of Justice Ordinance was read a first time, and His Excellency moved that it be read a second time on Monday the sixteenth instant.

The Stanley Police Bill was then read a first time and on the motion of the Governor the second reading was also fixed for the 16th instant.

The Militia Ordinance was then read a first time, and ordered to be read a second time on the 16th instant.

The Alien Ordinance was then read a first time and ordered to be read a second time on the 16th instant.

The Port and Harbour Ordinance was then read a first time and His Excellency after observing that he should omit the clauses relating to Quarantine moved that the Ordinance be read a second time on the 16th instant.

The Ordinance for the Registration of Births and Deaths was then read a first time, and the second

reading was fixed for the 18th instant.

The Publican's Licensing Ordinance was then read a first time and on the motion of the Governor the second reading was ~~fixed~~ ordered to take place on Sunday the 16th instant, to which day the Council then adjourned.

W. H. H. H.
Clerk to the Councils.

Legislative Council.

Monday - 18th December 1850

Present
All the Members.

The Council met pursuant to adjournment.

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

The Council proceeded with the second reading of the Administration of Justice Ordinance, which was read clause by clause. On the 6th clause being read ~~that~~ the Governor moved that a clause, permitting an appeal from the Magistrates' Court in civil cases above a certain value to the Governor in Council, be inserted, and it was resolved to insert a clause to this effect at the next sitting of the Council, and Mr. Montagu was requested to carry out the intention of the Council.

His Excellency observed that the 11th and 13th clauses relative to the appointment of officers of the Court seemed to clash, and Mr. Montagu was requested by the Council to revise them.

On the reading of the 17th clause the Governor moved that the fine on Magistrates for non-attendance be reduced from 20/- to 10/-, to which the Council assented.

After the 30th clause had been read the Governor suggested that a clause be

inserted empowering a Coroner to summon a jury and requested Mr. Montagu to give effect to that suggestion.

The 33rd clause was amended by inserting the words "if they both agree to it" after the words "in Equity," and omitting the words "at their request." -

The 35th clause was amended on the motion of the Governor by substituting "50 lashes" for "100 lashes"

The 42nd clause was amended on the motion of Mr. Montagu by inserting the words - "as Judge of the said Police Court" or as Chairman of the said Magistrates' Court as the case may be" after the words "Stipendiary Magistrate" -

The 45th clause was amended, on the motion of Mr. Montagu by substituting the words "person whom His Excellency may think fit" for the words "Barrister Attorney or Solicitor enrolled in any of the Courts at Westminster" - and further amended on the motion of the Governor by inserting the words "and to receive such and the like fees for his own use" after the words "same power and authority." -

The last clause was left open for consideration of the Council at the next sitting. -

Schedule D was amended in conformity with the amendments made in the 42nd clause, to which it relates, and the Governor moved that the second reading be proceeded with on Wednesday the 18th instant. -

The Stanley Police Ordinance was then read a second time and discussed clause by clause -

On the reading of the 7th clause Mr. Montagu proposed the omission of the words "in any thoroughfare or public place." Agreed to. Mr. Whittington moved that the clause be further amended by striking out the word "Cattle" in the first section, and inserting the words "Horned Cattle, Pigs, or Goats." Agreed to.

The Governor proposed that a clause should be inserted prohibiting the driving of cattle through the streets which Mr. Montagu was requested to prepare.

The 7th section was amended on Mr. Montagu's motion by inserting the words "or cause to be thrown or laid" after the words "throw or lay," and on the motion of the Governor by inserting the word "birds" after the word "Fish." - Agreed to.

The 10th clause was amended on Mr. Whittington's motion by inserting the words "Horned Cattle Pigs or Goats" in place of the word "Cattle." -

Mr. Whittington moved that the 12th clause be amended by striking the words "her Majesty's subjects" and inserting the words "any person." - Agreed to.

Mr. Whittington moved that the 19th clause be amended by substituting the words "any harbour or Port in the Falkland Islands or its Dependencies thereof" in lieu of the words "Stanley Harbour or Port William." -

On the motion of the Governor the clauses numbered 20, 21, 22, 23, 24, and 25

were omitted in this Ordinance for the purpose of being inserted in the Pilot and Harbour Ordinance

The next clause was amended on the Governor's motion by omitting the words "catch any Horse in the Camp and" -

The 31st clause was completed by adding the words "and apply to such place" as the Governor for the time being shall "from time to time define by any Proclamation for that purpose issued." -

The last clause was left to be amended by inserting a preamble which Mr. Montagu was requested to prepare. -

The further consideration of the Ordinance was on the second reading was fixed for Wednesday the 18th instant.

The second reading of the Alien and Militia Ordinances, the Ordinance for the Registration of Land, Births, and Deaths, and of the Publicans Licensing Ordinance were postponed to Wednesday the 18th instant, to which day the Council adjourned.

J. Rhoades
Clerk to the Councils.

Legislative Council

Wednesday - 18th December 1850

Present All
All the Members

The Council having met pursuant to adjournment, the minutes of the last preceding meeting were read.

Mr. Montagu observed that the minutes were inaccurate, and did not particularize all the subjects discussed, and moved that they be corrected, which having been done they were confirmed.

The Governor then proposed that the re-consideration of the Administration of Justice Ordinance be proceeded with.

Mr. Montagu observed that he had prepared two clauses relating to appeals to the Governor in Council which had been proposed by the Governor at the last sitting of the Council, which he laid on the table.

The clauses were then read and Mr. Whittington moved that the Banks be filled up with the sum of 250 £. Agreed to.

Mr. Montagu then laid before the Council a new clause which he had prepared at the Governor's request in lieu of the former clause, No. 11, relating to appointments of officers of the courts. The clause was read and, being agreed to by the Council, was, on the motion of the Governor substituted for the former clause No. 11.

The alterations, made by Mr. Montagu

in clauses 6, 22, 23, 29, 30, and 31, and in Schedule A, & give effect to the Governor's motion as to the power of a Governor to summon a jury were then read and agreed to.

Mr. Montagu moved that the following interpretation clause be inserted before the last clause —

"That in the construction of this Ordinance, unless there be something in the context repugnant thereto, any word denoting the singular number or the male sex shall be taken to extend to any number of persons or things and to both sexes." — Agreed to.

The Governor stated to the Council that he considered the importance of this Ordinance required ample time for deliberation and proposed that the second reading be postponed to Monday the 6th of January in the ensuing year.

In proceeding to consider the Stanley Blue Ordinance according to adjournment Mr. Montagu, in conformity with the request of the Council laid on the table as new section which he had prepared to follow clause

"That every person who shall drive or cause to be driven through the town of Stanley any Horned cattle shall pay a fine for every animal so driven not exceeding 40^s. Provided that nothing herein shall apply to any person driving in or through the town of Stanley any milch cows to or from milking." —

The clause being agreed to Mr. Montagu laid before the Council as new clause

To follow the preceding one, which he had prepared To give effect to the wish of the Council —

"That if any Litch or heath shall be found in the town of Stanley off the chain or not shut up in some secure place the owner or Keeper thereof shall be liable to a penalty not exceeding forty shillings." —

The clauses being read and agreed to the Governor stated he considered it most desirable to give full time for the consideration of this Ordinance also and therefore proposed that the second reading be adjourned to the 6th January next.

The Governor then moved that the second reading of the Militia Ordinance be proceeded with.

Mr. Montagu moved the substitution of the words "shall come into operation" in lieu of the words "after the passing of," in clause 8. Agreed to.

The Governor moved that a clause be inserted deferring the time at which the Ordinance is to take effect until Her Majesty's confirmation shall have been received, and Mr. Montagu was requested to draw a clause to that effect.

The Governor ^{moved} that the second reading of the Bill be deferred to Monday the 23rd instant; and that the Militia Ordinance be now read a second time.

Mr. Montagu moved that the following words be inserted after the word "that" in clause 2 "if the Master or person in Command of any vessel or" and after the word "shall" the word "bring" and

after the word "thereof" the words "or permit to land
"in the Falkland Islands or any of the Depend-
"encies thereof". — Agreed to.

Mr. Montagu moved that the following words
be added to clause 5: "except as to all fines
"and penalties incurred for offences against
"the said Ordinance which may be sued for,
"and levied, ~~as if this~~ and recovered as if this
"Ordinance had not passed." — Agreed to.

Mr. Montagu requested ~~time~~ to prepare a
Form of Recognizance to be entered into by
any party importing an alien upon
such conditions as the Governor for the
time being may deem expedient, and to
secure a simple process whereby the
penalty may be recovered, and also a
section to prohibit harbouring aliens.

The Governor then proposed that
the second reading of the Alien Ordinance
be postponed to Monday the 23rd instant.

The second reading of the Ordinance
for the Registration of Land, Births, and Deaths
and of the Publicans Licensing and Pilot
and Harbour Ordinances were also pos-
tponed to Monday 23rd December 1882, at
which day the Council adjourned.

W. Montagu
Clerk to the Council.

Legislative Council

Monday - 23rd December 1850

Present,

All the Members.

The Council having met pursuant to adjournment, the minutes of the last preceding meeting were read, amended, and confirmed.

On the consideration of the Militia Ordinance being proceeded with according to adjournment, Mr. Montagu laid on the table the clause which he had prepared to give effect to the motion made by the Governor at the last meeting of the Council -

"That this Ordinance shall take effect and
"come into operation upon the day of the date
"and publication of any Proclamation to be
"made and published by the Governor for
"the time being which shall make known
"and signify to the inhabitants of the
"Falkland Islands and its dependencies
"Her Majesty's final assent and appro-
"bation hereof."

The Governor moved that this clause be substituted for the former clause No 22; agreed to.

On the motion of the Governor the third reading of the Bill was fixed for Sunday the 5th of January next.

The Governor then moved that the adjourned consideration of the when he now resumed.

Mr. Montagu moved that the following clause be inserted after clause 2. -

"That any person, who shall by words or by any means
"directly or indirectly procure or persuade or attempt
"to procure or persuade any alien, - whom the Governor
"for the time being has refused permission to land
"or settle in the Falkland Islands or the Dependencies
"thereof, - to land or settle contrary to such permission,
"and every person, who shall aid or assist any such
"alien in landing or settling or shall harbour or
"protect such alien shall forfeit and pay a
"penalty not exceeding 10*l*, or be imprisoned with or
"without hard labour for any period not exceeding
"2 months."

This clause being read and agreed to, Mr. Montagu laid before the Council two clauses which he had prepared to enable the Governor to require recognizances from aliens or persons introducing them, and regulating the mode of enforcing them also four schedules referred to in such clauses. The clauses were then read and being agreed to, the Governor moved that the second reading be adjourned to Monday the 8th January next.

On the motion of the Governor the Ordinance for the Registration of land, births, and deaths was then read a second time.

The Governor moved that the words "without fee" be expunged from clause 25. Agreed to.

Mr. Montagu moved that the following words be added to clause 30 after the word "felony," "and shall be liable to be transported for any period not exceeding seven years or to be imprisoned with or without hard labour for any period not exceeding two years." Agreed to.

The Governor moved the insertion of a clause postponing the operation of the act until Her Majesty's Pleasure thereon was known. Agreed to.

The second reading of the Ordinance for the Registration

-tion of Land Births and Deaths was then passed and on the motion of the Governor it was ordered to be read a third time on Monday 6th January 1857.

The Pilot and Harbour Ordinance was then read a second time.

The Governor moved that in the first clause the words "within the Falkland Islands or the Dependencies thereof" be substituted for the words "within the Colony". Agreed to. The Governor also moved that the words "the erection of magazines for" be omitted in the second clause and that the words "save and except on board any vessel of War" be inserted after the word "Gunpowder". Agreed to.

Mr. Montagu was requested by the Governor to alter clause 9 and so as to limit the act to the conveyance of passengers to and from shipping. —

The Governor moved that in clause 14 the words "and shall have the name and number of such boat painted in letters twelve long on the inside of the gunwale of the stern sheet or on the stern" be omitted. Agreed to.

Mr. Montagu was requested by the Council to alter clause 15.

Mr. Montagu moved that the following clause be substituted for the last clause —

"Whereas the delay incident to a previous communication with Her Majesty to know her Royal Pleasure hereupon would be productive of inconvenience; Be it therefore enacted that this Ordinance shall take effect and come into operation on the first day of February next." Agreed to.

Mr. Montagu then moved that a clause be inserted after clause 8 to impose penalties on persons inducing seamen or apprentices to leave their vessel. Agreed to. Also a clause to admit the use of affidavits, taken before the vessel's departure, after the departure of such vessel. Agreed to.

The Governor then moved that the second reading of the Pilot and Harbour Ordinance be adjourned to

Monday the 6th January 1851.

On the motion of the Governor the Publicans licensing Ordinance was then read a second time.

The Governor moved the omission of the words "and a half" in clause 7. Agreed to. Also that in clause 8 the words "on a Sunday Christmas Day or Good Friday or shall open his house" be inserted after the words "sold or supplied" and that the words "open his house" in the preceding part of the clause be omitted and that the word "eight" be substituted for the word "seven". The discussion on section 8 was then adjourned that it might be uttered before the next meeting according to the Governor's motion, and Mr. Montagu was requested to give effect to the wish of the Council.

On the motion of the Governor the words "the sign of the house and premises as licensed and" were struck out of clause 12.

The Governor moved that the following words be inserted in the same clause after the words "as licensed" - "and every such person shall also have a lamp with at least two burners affixed over the front or principal door of his house and shall keep the same burning from sunset to sunrise." Mr. Montagu moved that the words "good and sufficient" be inserted before the word "lamp" - Agreed to.

Mr. Montagu moved that the last clause should be omitted and the following clause substituted - "Whereas the delay incident to a previous communication with Her Majesty's Government to know her Royal Pleasure hereupon would be productive of inconvenience; Be it therefore enacted that this Ordinance shall take effect and come into operation on the 1st day of January 1851."

"first days of February next." Agreed to.

Mr. Montagu moved that in Schedule B the words "is a person of good ^{name} and reputation and "no reason appearing to us why the said A. B. "should not" be omitted and the words "is a "proper person to" be substituted. Agreed to.

The Governor moved that the words "a "person of good fame and reputation" be struck out of Schedule C, and the words "a "proper person" be substituted. Agreed to.

On the motion of the Governor the further consideration of the Publican's Licensing Ordinance was postponed to Monday the 5th of January 1857, to which day the Council adjourned.

W. H. Thompson
Clerk to the Council—