

Legislative Council.

Saturday 6th May 1871.

Present:

H. E. Colonel D'Aicy, Governor.
The Honble E. R. Griffiths Esq^r
" " G. M. Dean Esq^r

The Council met pursuant to summons.

The Minutes of the last Meeting were read and confirmed.

The third reading of the Bankruptcy Ordinance was proposed to be taken, when it was suggested by Mr. Griffiths to meet again on Monday the 8th further to discuss the subject - this was agreed upon -

The Governor then said.

"The Clerk will read to you a correspondence I have received from the Secretary of State who dwells on the necessity of passing a law enabling the Colonial Government legally to possess itself of Estates, which lapse to the crown in default of Heirs.

Mr. Griffiths has thereupon drawn out a draft law, which I propose

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propose we take to-day, a first reading of."

The Ordinance was read accordingly, and taken as a first reading.

The Governor then addressed the Council.

"It has been found necessary to make the Merchant Shipping Act for 1854, applicable to this settlement, by colonial legislation modified somewhat to suit the circumstances of these Islands.

In a Despatch written by the Board of Trade to the Secretary of State, and forwarded to one of my Predecessors, I read in reference to a wreck in Lafonia as follows: —

Board of Trade.
Whitehall. 18th June 1862

5." With regard to the claim of the Falkland Islands Company to wreck ashore and unclaimed by the Owners, this Board in the absence of full particulars on the subject are not in a position

position to judge whether the Company are or are not so entitled: but the question can no doubt be easily settled by a reference to the papers in the Colonial Office.

If on investigation the Secretary of State should consider that the Company are entitled, - their Agent ought not even then to be allowed to claim possession of the property until after the time allowed for the owners to claim had expired!"

My object in initiating this proposed Ordinance is more clearly to define the law enabling the Government legally to take charge of wrecks or wrecked goods, *nemine contradicente* until the Owners have time to direct as to the disposal of their property.

On the occasion when the wrecked goods of "Antonia" were

were brought into this Port by the Falkland Islands Company Schooner "Lotus," Governor Moore's Ordinance of 1857 to my mind indemnified the Government for taking charge of the cargo, but Mr. Cobb, the Manager of the Falkland Islands Company, thought otherwise when he wrote as follows to Mr. Byng, the Colonial Secretary.

Falkland Islands Co.
Stanley. 13th February 1877

"I shall be happy to hand you for the information of the Government a list of the wrecked goods ex "Lotus" as soon as possible.

I am, however, under the impression that the section of the Merchant Shipping Act to which you refer applies exclusively to wrecks, "on the shore of the sea or of any tidal water within the limits of the United Kingdom

Kingdom" and that under this section this section the Government have no jurisdiction over the cargo."

To avoid such doubts for the sake of law and order, to enable wrecking, so trying, to the character to be legally conducted, and at the same time to prevent disturbing influences in future, I now propose to the board the following Ordinance, which will be read by the clerk, it has been drawn out by my legal Adviser.

Mr. Griffiths gave it as his opinion that he considered it very important that the powers of the Government over wrecked property should be legally defined, and placed beyond a doubt.

Mr. Dean trusted that the Government only claimed in loco parentis over wrecked property recovered from the Ocean, which was unrepresented by Consuls or Agents, otherwise the action of the Government might injure the mercantile ^{interests} of the Port.

The Governor replied that the Government were averse to any interference in

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in matters of trade, solely was it desirable to place the broad arrow on wrecked property, as in the case of the "Antonio" when there was no Consular Agent to become custodian.

Mr. Dean then asked the question whether in the event of the Captain of the wrecked vessel arriving with the goods and appointing an Agent how would the Government act?

The Governor in reply said that in that case the Captain had the power to appoint an Agent, and the Government certainly would not move in the matter, only when property was found on the high seas, and brought into the Port, having no owner in Stanley, did the Government wish to step in, to prevent disputes, and to see justice done to both Salvors and Owners in fact more strongly to legislate for the wrecking trade.

A first reading ~~was~~ taken accordingly of this Ordinance.

The Council then adjourned to Monday the 8th May at 2 o'clock. P.M.

M. Fullway Hunt.
actg. Clerk to the Council.

Legislative Council.

Monday, 8th May 1871.

Present:

His Excellency Colonel D'Arcy Governor.
The Hon^{ble} E. R. Griffiths Esq^r
" " G. M. Dean Esq^r

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

The Council proceeded to take a
3rd reading of the Bankruptcy Ordinance,
which was passed after considerable discussion,
also a 2nd reading of the Escheat Ordinance.
The Council adjourned sine die.

M. Hallway Hurst.
acting clerk to the Council.

Legislative Council.

Monday 15th May 1871.

Present:

His Excellency Colonel D'Arcy, Governor.
The Hon^{ble} E. R. Griffiths Esq^r
" " G. M. Dean Esq^r

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

The Council went into Committee
on the Escheat Ordinance which was
passed accordingly in its 3rd reading.

The Governor proposed the 2nd
reading of the Wreck and Salvage Ordinance

Mr Dean suggested that the
award to Salvors should be made by the
Governor in Council instead of by the
Governor — which was agreed upon,
and the Ordinance passed as the
second reading.

The Council adjourned sine
die.

McGillivray Hurst.
Acting Clerk to the Council.

Legislative Council.

Monday 22nd of May 1871.

Present:

H. E. Colonel D'Arcy Governor.
The Hon^{ble} E. R. Griffiths Esq^r.
The Hon^{ble} G. M. Dean Esq^r.

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

The Council assembled to
take a Third reading of the Wreck and
Salvage Ordinance which was taken and
signed accordingly.

The Council adjourned
sine die.

W. Hallmeyhurst.
Acting Clerk to Council.

Legislative Council.

Saturday 24th June 1871.

Present:

His Excellency Colonel D'Arey. President.
 The Hon^{ble} E. R. Griffiths Esq^r } Members.
 The Hon^{ble} G. M. Dean Esq^r }

The Council met pursuant to summons
 The Minutes of the last Meeting
 being read, the Governor addressed the
 Board as follows.

"In consequence of the receipt of
 the Despatch on the table from the
 Secretary of State, it became
 necessary to proclaim the disallowance
 of the new Pilot Ordinance, but to
 enable the Government to continue
 the service, I have availed myself
 of the power vested in me by the
 old law N^o 8 of 1853, by the issue of
 a set of Port Regulations to meet
 His Lordship's orders in reference to
 the compulsory pilotage, and at
 the same time present an hiatus
 in

in the working of the Pilot service, which is now efficiently conducted advancing so greatly the mercantile interests of this Port, I am loath to give up the measure altogether reverting to the old system, rather should we insert a clause ordered by the Secretary of State, rendering this Colonial Government free from liability.

I am now desirous of asking your advice, how to frame a short clause in a few words which will exempt the Government from liability, and being anxious to send the law home by the Mail on Saturday next via Sandy Point perhaps the board will consent to suspend the standing rules, and take this first and only sitting as final to the passing of the measure.

The Secretary of State's Despatch was then carefully read by the board, and a discussion followed.

On Mr. Dean's representation
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the tonnage duty on the shipping hitherto levied under the disallowed Ordinance N^o. 7 of 1870 was waived as being objectionable to Masters of vessels arriving in the port, and the levy reimposed on the draught of water agreeable to the old law now in force, viz: - "the Pilot and Harbour Ordinance" N^o. 8 of the year 1853, but taking into consideration the great advantages derived from the present efficient organization of the Pilots, it was determined to double the levy on the draught, which might be legally enforced by a rule agreeable to the power invested in the Governor by the 3rd clause of the "Pilot and Harbour Ordinance" N^o. 8 of the year 1853.

The Governor then requested Mr. Griffiths to draw out a short Ordinance in addition to the "Pilot and Harbour Ordinance" N^o. 8 of the year 1853, rendering the Government exempt from liability which His Excellency conceives will meet the requirements of the Secretary of State's Despatch.

The Council adjourned sine die

M. Gallagher, Secy.
Actg. Secy.

Legislative Council.

Saturday 5th August 1871.

Present:

His Excellency Governor D'Arcy.
The Honourable Edward R. Griffiths Esq^{re}.
The Honourable George M. Deane Esq^{re}.

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

His Excellency the Governor then
addressed the Council.

"I am desirous of placing on
the table a copy of a Despatch I wrote
to the Secretary of State, shortly after
the meeting of last Council, you will
remember that inasmuch as our law
No. 7 of the year 1870 styled a "Pilot
Ordinance" was dis-allowed in the
absence of an exemption clause, it
was necessary at once to revert by
Proclamation to Governor Moore's law
in conjunction with the rules ordered
by the Governor from time to time to
enable the Government legally to collect
a Pilot due.

However on reconsideration
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I thought it better to forward our late law to the Secretary of State with the short transcript law as drawn out by Mr. Griffiths, condensed into a clause, exempting the colonial Government from all liability, owing to the possible negligence or inefficiency of the Pilots, at the same time to meet the experienced judgment of the Mercantile Member of the Board, I have added to the rules one leaving the dues on the draught of water, instead of on the tonnage, this clause I have struck out of the new law.

On the table are the printed enclosures, and a copy of the Despatch for your perusal.

The Council afterwards perused a Despatch from the Governor to the Secretary of State.

The pilot transcript Ordinance with a new clause was then read, and the Governor explained to the board the arrangements which he has made respecting this Ordinance with the Secretary of State.

The Council adjourned sine die.

M. Gallwey Hurst.
Actg Clerk to the Council.

Legislative Council.

11th September 1871.

There not being a sufficient number of Members to constitute a Meeting, the Governor adjourned the Council sine die.

W. H. M. H. H.
Acting Clerk to the Council.

Legislative Council.

Saturday 2nd September 1871.

Present: His Excellency Colonel D'Arey.
The Honble E. R. Griffiths Esq^{re} —
The Honble G. M. Deane Esq^{re} —

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

The Governor then said —

"I request your earnest attention to this recapitulation.

The Amalgamation Ordinance, which passed this colonial on 20th September 1870, was
returned

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returned by the Secretary of State, who pointed out that to alter the price of land from 8^s/ to 2^s/ the acre was too liberal a measure, and fixed the acre at 4^s/ - the Despatch however finished with these words.

"You will send for approval in draft any Ordinance that you may hereafter frame in lieu of that which is disallowed."

accordingly I sent home a printed copy of the Amalgamation Ordinance, making all the alterations as laid down by his Lordship in red ink, and in answer I have received a transcript draft of it, drawn out by the Secretary of State, making the language more precise and the forfeiture clause is moreover more stringent, but in no other way is the principle of the Amalgamation Ordinance altered.

1. You will perceive that land will be now bought by Lessees at the end of 10 years instead of 5 at 4^s/ the acre.

(2)

2. The rental for 6,000 acres is reduced from £10 per annum to £6 per annum, for the first 10 years, and the occupation licenses will be given for 2 years instead of one, in the event of the Lessee taking up 12,000 acres or more.

$$£10 - 4 = 6.$$

£
10

after ten years.

3. Wild cattle on the leased land becomes the property of the Lessee.

4. No land can be sold without a Month's notice, and that by public auction unless to Lessees.

5. Under the 12 clause leases cannot be thrown up at the pleasure of the Lessee, inasmuch as the Governor has the power when drawing up the lease, specially to prevent such a contingency so prejudicial to the interests of the Government, which now has to depend so much on the rents.

Pro forma I now have the honour to ask you to pass this law, and to suspend the standing orders, in order to enable me to send it home by the "Lotus", for the approval of the Sovereign.

The transcript was then read by the clerk - the only addition suggested were the words "Or sworn Surveyor" after the word "Surveyor General", this Officer's service having been long and continuous his application to retire on a pension may be shortly expected.

Agreeable to the Governor's Minute, the Council agreed nemine contradicente that the standing rules be suspended, and this sitting taken as a first, second, and third reading.

The Council adjourned sine die.

M. Hallway Hurst.
Actg. Clerk to the Council.

Legislative Council.

Thursday. 14th September 1871.

Present: —

His Excellency Colonel D'Arcy.
The Honble E. R. Griffiths Esq^{re}
The Honble G. M. Dean Esq^{re}

The Council met pursuant to summons.

The Minutes of the 2nd September were read and confirmed.

The Council assembled to sign the engrossed new Land Ordinance which was signed accordingly by the Governor.

The Council adjourned sine die.

M. Hallwayhurst.
Acting Clerk to the Council.