Standing Rules and Orders for the proceedings of the Legislative Council of the Falkland Islands.

1.—— That the Council shall be composed of the Governor or Officer administering the Government, and the two Justices of the Peace whose names shall stand first in order in any General Commission of the Peace, such Commission being renewable or revocable as the Governor or Officer administering the Government may find occasion.——

2.—— That the Governor shall preside on all occasions.

3.—— The Council to meet on Summons from the Governor, or pursuant to adjournment.——

4.—— That if two Members inclusive of the Governor be not present thirty minutes after the appointed hour of meeting, the Clerk shall report the circumstance to the Governor who will then adjourn the meeting.——

5.—— That the Governor shall decide disputed points of order.——

6.—— That before proceeding to the business of the day, the Minutes of the preceding meeting be read, and if necessary amended and confirmed.——

7.—— That the Governor shall put all questions and declare the sense of the Council thereof.——

8.—— That it shall be competent for any Member to divide the Council upon any bill or question.——

9.—— That every Member shall stand while speaking and shall address the Governor.——

10.____ That an adjournment of the discussion of any question may at any time be moved and may be adopted or not by the majority.

11.____ That all bills be laid on the table by the Governor who will give at least two days notice of the first reading of each bill.

12.____ That except in cases of emergency each Member of Council be furnished with a copy of each bill at least two days prior to the bill being read a first time.

13.____ That on a motion being carried for the first reading of any bill the Clerk do read the whole bill during which reading notices of amendment may be given.

14.____ That on the second reading of a bill being moved any Member may address the Council on its general principles and that during such second reading the details shall be discussed after which the bill shall be imposed.

15.____ That at the third reading the whole bill with the titles and schedules thereto if any shall be read.

16.____ That every bill when passed be styled an "ordinance enacted by the Governor of our Settlements in the Falkland Islands and their Dependencies with the advice and consent of the Legislative Council thereof.

17.____ That upon cases of emergency and also in cases where no amendment whatever be proposed it may be moved that the Standing Rules and Orders relative to the reading of a Bill be suspended, and if adopted, it may be carried through the several stages at one sitting).

18. That the Clerk shall keep a Minute Book in which shall be entered and numbered in succession the subjects brought under discussion at each sitting, and how each Member shall have voted in any discussion.

19. In cases of Private Bills, or in cases where individual rights or interests may be peculiarly affected, any party concerned may be heard either personally, or by Counsel, such Counsel not being a Member of the Legislative Council.

20. Petitions may be presented by any Member immediately after the reading of the Minutes of the preceding meeting.

21. It shall be competent for any Member to move that such petitions be read.

22. That no new subject be introduced for the consideration of the Council after three o'clock on any day of sitting.

23. That when any Protest shall be offered against any measure the same shall be received by the Council, and entered on the Minutes unless a majority of the Council shall object to the insertion of the Protest at full length in which case the substance of the Protest shall alone be recorded on the Minutes of the Council.

24. That a Copy of every ordinance when passed be furnished to each Member of the Legislative Council, as early as convenient.

W Byng
Clerk to the Council.

25. See page 310.

Legislative Council.

Monday. May 9th 1864.

Present: H.E. Governor Mackenzie.
E.R. Griffiths Esqre
C.C. Turpin Esqre

The Oath of Office was administered to each of the Members, and to the Clerk of the Council, after which the Standing Rules and Orders were read by direction of His Excellency the Governor.

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

His Excellency then addressed the Council acquainting the Members that he had called them together to consider the Expediency of passing two Bills. Nos. 1. 1864. entitled "an Ordinance to establish the Validity of Acts per" "formed in the Falkland Islands and their Dependencies "by certain Clergymen ordained in Foreign parts, "or which may at any time hereafter be performed by "any Clergyman so ordained." — and No. 2. 1864 entitled "An Ordinance to provide for the Drainage "of the Town of Stanley."

His Excellency then laid before the Council the Bill No. 1, 1864. which was read a first time, a copy of which had been some days previously supplied to each Member — H.E. then directed the Clerk to read the following letters.

Revd Mr Bull: Colonial Chaplain to H.E. the Governor May 4th 1864
Governor to Colonial Chaplain No. 109 May 6th 1864.
Colonial Chaplain to Governor May 7th 1864.
Governor to Colo: Chaplain. No. 110 May 9th 1864.

His Excellency then laid upon the table Bill No. 2. 1864. remarking that he felt sure the Council would agree with him in thinking the Measure to be one of the utmost importance

By direction of H.E. Despatch No. 47. 9th Novr 1863 from His Grace the Secretary of State was read

The

The Bill was read a first time.

Wm Griffiths and Wm Turpin stated their intentions of reserving their opinions until the second reading of the Bill

H.R. then adjourned the Council until Wednesday the 18th May 1864.

H. Byng.
Clerk to the Council.

Legislative Council.

Wednesday. May. 18th. 1864.

Present: H.E. the Governor.
E.R. Griffiths Esqre.
C.C. Scorpin Esqre.

The Council met pursuant to adjournment.
The Minutes of the last preceding Meeting were read, amended and confirmed.
H.E. directed the Clerk to read an application, dated the 12th of May. 1864. he had received from the Colonial Chaplain asking to be heard at the Council Table against the passing of the Ordinance No. 1. 1864. (read accordingly.)
The Council agreed that Mr. Bull should be heard & he was therefore admitted.
The Reverend Mr. Stirling sent in a verbal message that he likewise might be present and his request was granted.
Mr. Bull made his statement to the Council and then handed in a Petition which was ordered to be read.— read accordingly.—
Mr. Bull was then told he might withdraw.
Mr. Stirling then enquired whether they had not a right to remain & asked some questions regarding the Custom of the Council in respect of visitors, which being disposed of, Mr. Griffiths moved that all strangers do withdraw; which motion was seconded by Mr. Turpin.
H.E. then moved the 2nd reading of the Bill. No I. 1864. Seconded by Mr. Griffiths
Bill read accordingly.
The Council then went into Committee, and the subject was carefully considered in all its bearings. After a lengthened discussion it was moved by Mr. Griffiths that the Bill be engrossed and brought up for a third reading on Monday the 23rd instant.

His Excellency the Governor moved that the Ordinance should be made to come into operation from the passing hereof as the subject was of such great importance to the Community.
Seconded by Mr. Griffiths.

X His Excellency then moved the second reading of the Drainage Ordinance No. 2. 1864.
Read accordingly.
A Petition from the inhabitants of Stanley was then laid upon the Council Table against the passing of the Ordinance, which was read by direction of H.E. the Governor.
After some deliberation the discussion of this subject was postponed to the next meeting of the Council in order to allow of certain information being obtained from the Surveyor General which was deemed of importance in the matter.
H.E. then adjourned the Council until the 23d of May. 1864

H. Byrne
Clerk to the Council

To His Excellency The Governor and the Legislative Council of the Falkland Islands.

The Petition of the Inhabitants of Stanley -

Sheweth,

That at a public Meeting, very numerously attended, called to consider a proposed Ordinance to authorize the levy of a "property tax", to make provision for the drainage of the Town of Stanley. -

It was unanimously resolved

That the proposed drainage is unnecessary - and, that the drains already existing are sufficient, if kept in order. -

That the Town is very healthy & ~~free~~ remarkably free from illness; and particularly from illness arising from local causes. -

That the imposition of a "property tax" would be in many respects most prejudicial to the Colony.

That the operation of the proposed Ordinance would be very unequal - and your Petitioners submit that incomes ought to be taxed as well as property if any such taxation should hereafter be found expedient

That the making and completing

the Roads in the Settlement is urgently required, and your Petitioners believe that in other Colonies the receipts from the sales of Town Lands are first applied in making the Roads, and rendering the Land & Dwellings thereon accessible.

That if the many Government ~~Roads~~ Cottages & other Buildings & the remaining reserved Town Lands were sold, the proceeds would allow of public works, of great importance to the Port, to be executed without taxation.

Your Petitioners therefore humbly pray That the proposed Ordinance may not pass into a Law and that if it should pass the Legislative Council that it may not become Law until Her Majesty's pleasure is known

J. M. Deanson	James Lane for the Falkland Islands Co'y
John Smith	Thomas Aldridge
Henry Felton	G. F. Kelway
J. N. Gal	Wm Biggs
John Phillips	J. McLauchlen
T. C. Dettleff	Daniel McGarrell
Thomas Jarvis	W. J. Rutter
	H. C. Pettitt

Laurence Ennis	James B. Murphy
Jos Biggs	[illegible]
David Stuck	James Hocking
George Clithero	J. H. Parry
John his X mark Peck	W. A. Wilkinson
Michael his X mark Doolan	Louis Despreaux
Wm his X mark Martin	B. Wilson
James Parry	Francis Simpson
William X Elmer	G. A. Clarke
F. King	William Carroll
Jose M Gonzales	Francis Rowland
George Smith	J. Short
E Boyer	Henry Hollan
Alexr Law	George + Willis his mark
Cosemo + Penoso his mark	Peter Reilly
John + Moore his mark	Daniel Cusack
Milo H Richards	John Carey
Patrick + M Guire his mark	James Felton
	Charles M. Dean
	Timothy Robson

Legislative Council.

Monday. May 23rd 1864.

Present:- H.E. Governor Mackenzie.
E.R. Griffiths Esqr.
C.C. Turpin Esqr.

The Council met pursuant to adjournment.
The Minutes of the last preceding Meeting were read and confirmed.
His Excellency then moved the 3rd reading of the Bill No. 1. 1864. with all its Titles and Schedules clause by clause.
Seconded by Mr. Griffiths.
Bill read accordingly & unanimously passed the Council.
H.E. then proposed the further consideration of the Drainage Ordinance No. 2. 1864. and explained to the Council at some length the necessity of passing the Law, in order to protect the Health of the Town; and directed the Clerk to read the Despatches which had passed on the subject between the Colonial Government & Her Majesty's Secretary of State for the Colonies, dated respectively.

July 3rd 1863 No. 48 Governor Mackenzie to His Grace the Duke of Newcastle.
Nov. 9th 1863. No. 47. Duke of Newcastle to Governor Mackenzie.

(read accordingly.)
Mr. Griffiths moved that the Council should go into Committee on the subject to allow of its being freely discussed on all sides.
Seconded by Mr. Turpin.
After a discussion of some hours H.E. moved the 3rd reading of the Bill.
Mr. Turpin opposed the 3rd reading of the Bill, & moved an amendment on H.E. the Governor's

motion, that the Bill be thrown out for future consideration on the ground that it was at present quite unnecessary, and moreover that the Preamble assuming its Expediency had not been proved.

The Council divided

For the amendment.
Mr Turpin
Mr Griffiths

Against it.
H.E. the Governor.

Amendment Carried.

The Council then adjourned sine die.

H. Byrne
Clerk to the Council.

Legislative Council.

Tuesday. August 23rd. 1864.

Present: H.E. Governor Mackenzie
E.R. Griffiths Esqre
C.C. Turpin Esqre

The Council met pursuant to Summons.
The Minutes of the last preceding Meeting were read and confirmed.
His Excellency moved that the Bill No 2. Preventing the destruction of Penguins on Crown lands or Lands leased from the Crown be read a first time.
Read accordingly.
H.E. then addressed the Council on the Expediency of passing this Bill; and added as he anticipated no objection to the principle of the Bill, he would move the suspension of the standing Rules relative to the passing of Bills.

This being agreed to unanimously the 2nd Reading was proceeded with.
Mr. Griffiths moved that the words "or shall drive Penguins "from Crown lands or lands leased from the Crown on to any Freehold land for the aforesaid purpose" be added to Clause I.
Seconded by Mr. Turpin.
After some discussion H.E. moved that the consideration of the 3rd Clause be deferred until the next Meeting of the Council.
Seconded by Mr. Griffiths.

His Excell. then adjourned the Council until 1 o'clock on Monday the 29th Instant.

A. Byng.
Clerk to the Council

Legislative Council.

Monday. August 29th 1864.

Present:- All the Members.

The Council met pursuant to adjournment.
The Minutes of the last preceding Meeting were read and confirmed.
His Excy the Governor directed the Clerk to read the Bill No 2 - 1864, then before the Council in its amended State.

Read accordingly.

H.E. then directed the Clerk to read a Petition from Wm Lane on behalf of the Corporation of the Falkland Islands Company, addressed to the Council.

Read accordingly.

Petition Aug 24 1864

Wm Turpin moved that the Petition be recorded among the archives of the Council.

Seconded by Wm Griffiths

H.E. then addressed the Council at some length on the general principles of the Bill & proposed the further consideration of the 3rd Clause - which it was finally and unanimously decided should remain.

H.E. moved that the operation of the Law should be restricted to the East Falkland Island & islands adjacent thereto lying North of Choiseul Sound & Brenton Loch, as the West Falkland Islands and the Southern Peninsula of the East Island known as "Lafonia" were at present uninhabited & therefore there was no sufficient reason for including those lands within the scope of a Law enacted solely for the benefit of the Settlers of the Colony.

Seconded by Wm Griffiths.

Wm Turpin moved that the Second clause be struck out as he thought no power ought to be given to His Excellcy the Governor to grant licences to kill Penguins -

RE 304

To The Legislative Council of The Falkland Islands.

The Petition of the Falkland Islands Corporation —

Sheweth,

That a Notice has been affixed to the public Board, that, on the 23d inst.; a Bill would be proposed "for the protection of Penguins, by "prohibiting persons from killing "them on Crown Lands, or on Land "leased of the Crown, except by virtue "of any licence which the Governor "may grant for the purpose"

That a considerable portion of the exports from the Colony to England in the last two years, has consisted of Oil obtained from the blubber of Penguins, when congregated in "Rookeries", from August to November upon several of the small Islands or Rocks adjacent to the Southern & Western shores of West Falkland, and on the South shore of East Falkland.

That several Colonial Vessels are now on those Coasts, engaged in obtaining Penguin Oil. —

That the interference of the Government in the freedom of such

Trade is impolitic, and would tend to check the Trade of the Colony - & that the grant of Licences would give rise to much dispute faction & dispute -

That unless the Government had a Vessel cruizing off the shores referred to, no conviction could be obtained, & any prohibitive law would be nugatory -

That ~~for want of~~ not being allowed to see a Copy of the proposed Ordinance, your Petitioners are ignorant of its provisions -

That Sealing on the Coasts of these Islands (the Seals congregating on shore, in a similar manner) has been carried on for twenty years without any protecting Law -

That if Petitioners are, as Purchasers from the Crown, proposed Islands on which there are Penguin Rookeries - and they submit that if any such Law is enacted they are equally entitled to its protection -

Your Petitioners respectfully pray,

That the proposed Ordinance

may not pass —

Or, that if it should pass,
that the same prohibition
may be extended to the killing
of Penguins on Lands belonging
to your Petitioners & Others,
except with their consent.

For the Petitioners
James Lance
Local Manager

Stanley
August 24th 1864

that it would be preferable to prohibit their destruction altogether since the previous motion had been carried.

Seconded by Mr. Griffiths

Mr. Griffiths then moved that the Bills be engrossed & brought up for a third reading as soon as convenient

Agreed to unanimously.

H.E. then adjourned the Council until Wednesday the 31st Instant at 11 o'clock.

A. Byng.
Clerk to the Council

Legislative Council

Wednesday. August 31st. 1864.

Present: All the Members.

The Council met pursuant to adjournment.

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

H.E. the Governor moved the 3rd reading of Bills No. 2 - 1864. with all its Titles Schedules &c which H.E. laid on the Table engrossed.

Seconded by Mr. Griffiths

Read accordingly.

Mr. Griffiths then moved that the Bills do forthwith pass into Law.

Seconded unanimously.

H.E. then thanked the Members for the attention they had given the Subject of the Ordinance, and adjourned the Council sine die.

A. Byng
Clerk to the Council

Legislative Council.

Saturday. 5th November 1864.

Present: H.E. Governor Mackenzie.
E. K. Griffiths Esqre
C. C Turpin Esqre

The Council met pursuant to Summons.
The Minutes of the last preceding Meeting were read and confirmed.
His Excellency laid on the Table Bill No. 3. 1864.
for the purpose of Repealing the 37th section of the Summary Jurisdiction Ordinance No 11. 1853,: as well as for the protection of Wild Cattle on Crown Lands.

His Excell. then moved that the Bill be read a first time, which being agreed to, was read accordingly.

His Excell.y also moved that the proposed Ordinance be brought up for the 2nd reading on Tuesday the 8th inst: When the consideration of its Expediency should be discussed

Seconded by Mr Turpin

The Council then adjourned until that day.

W Byrne.
Clerk to the Council.

Legislative Council.

Tuesday. 8th November. 1864.

Present:- All the Members.

The Council met pursuant to Adjournment.
The Minutes of the last preceding Meeting were read and confirmed.
His Excy. then moved the 2nd reading of the Bill No. 3. 1864
Seconded by Mr. Turpin, and read accordingly
His Excy. then dwelt on the general expediency of the passing of this Ordinance
In Clause 2 Mr. Turpin stated that since the 3rd section of the Summary Jurisdiction Ordinance No 11 1853. gave an equal protection to individuals as well as to the Crown, and that the new Ordinance as it now read, was exclusively protective to Crown Cattle. He therefore moved that the words "and if on lands in the possession of any other party without his permission" be inserted in Sect: 2 after the words Crown Lands.
Seconded by Mr. Griffiths & inserted accordingly
His Excellency moved that the word "decoy" be introduced after the words 'wound, capture'.
Seconded by Mr. Griffiths
Mr. Griffiths moved that the clause "any person who "shall receive such animal, or any part thereof knowing "the same to have been unlawfully captured or destroyed, "shall pay a fine not exceeding Five pounds" be also inserted
. Carried -
Mr Griffiths said that he did not see the necessity or expediency of passing a new ordinance at all - that as in the decision of the Lords of the Privy Council they had expressed their opinion that the whole soil of the Falkland Islands and the absolute dominion of all wild cattle & wild stock upon those Islands were the sole & exclusive property of H.M. Majesty

and such property and dominion still remained vested in Her Majesty, except so far as she may have granted any portion of this right to others; that the Ordinance if passed should simply repeal the 37th Sect: No. 11-1853, and any person found killing or destroying any wild Cattle on Crown Lands would be committing an offence punishable by the common Law, but that he would not divide the Council on the question, as the general feeling was in favour of the Ordinance.

The Second reading being passed Hon. Turpin moved that the Ordinance be engrossed and brought up for the 3rd Reading on Friday the 11th.

Seconded by the Govr.

His Excy. then adjourned the Council until Friday 11th inst.

W. Byrne
Clerk to the Council

Legislative Council.

Friday. 11th November 1864

Present:— All the Members.

The Council met pursuant to adjournment.
The minutes of the last preceding Meeting were read ~~[illegible]~~ amended and confirmed.
H.E. then laid on the Table Bill No. 3. 1864. Engrossed and moved that it be read a third time.
Seconded by Mr. Turpin
After the third reading Mr. Griffiths moved that the Bill do now pass — which being agreed to
H.E. adjourned the Council sine die

W. Byrne
Clerk to the Council