126.

Government House
Stanley. July 11th 1859.

Sir,

I have the honour to acknowledge your letter of the 9th instant relative to a sale of a portion of the cargo of the American Ship Ellen Miller to Mr. Dean for a smaller price than you were willing to give.

2. Admitting that I cannot legally "interfere with foreign Shipmasters in the mode of selling their goods," you ask me to advertise "publicly that it is not my intention and that "I wish the Government Servants should not purchase "any of the wrecked goods except by public auction." I could not, in justice to the position I hold, issue such a notice without being prepared to compel obedience to it, or to exact the penalties of disobedience. In effect, therefore, you ask me to forbid all Government servants, on pain of loosing their Bread, from doing something which is perfectly lawful, and which cannot be prohibited without an exercise of power on my part at once arbitrary & illegal.

3. Passing over the intemperate language which you use respecting the independent action of the foreign Captain, I will only state that in every previous instance that I know of wrecked goods have been sold by public auction. The description of the colony as "little better than a nest of pirats" which somebody told you he heard from somebody else must therefore have originated in other proceedings than those against which you have protested.

4. I regret that in endeavouring to force upon me a course of action which I cannot legally

legally adopt, can force me to appear in some measure as the depender of proceedings which I regard as exceptional, and opposed to the ordinary usage. I shall certainly take care that Capt. Smyley & Capt. Sweeny are aware of the light in which I view their proceedings. If Capt. Sweeny appeals to me for aid & advice I shall give him the best in my power. If he infringes the laws of the colony I shall uphold their authority. But he has done neither & his conduct is not in my jurisdiction.

5. Finally I must repeat my refusal to interfere in any way with a foreign shipmaster in the disposal of the foreign goods in a foreign ship unhappily stranded on our shores.

I have &c. &c. &c.

(By) Thos. H. Moore
Gov.

James Hamilton
Colonial Manager
for F. I. Company
Stanley. Falkland Is.

127

Col. Sec: Office,
Stanley, July 12 1859.

Sir,

I have the honour to acknowledge your letter of yesterday's date relative to the contract for the road.

2 Having submitted it by the Governor's direction to the Lt Governor I am to state that Mr Bailey adheres to his opinion that 2/6 a yard is sufficient price for the work.

3. The Govern would of course wish the Company to be at no loss in carrying out the work – but on the other hand you cannot fairly expect to reap a profit, since it is undertaken at this season chiefly for the benefit of the Company.

I have &c.
(S.) J. Rhodes
Col Sec:

James Lane Esq.

No 128.

Col. Sec: Office
July 12th 1859

Sir,

I have the honour to enclose the licence required for D. McFarrell on behalf of the Company to sell by auction. The tax on the licence is 5£.

I have &c
(S.) J. Rhodes
Col Sec.

James Lane Esq
Col. Mag J. I. Company.

No. 129.

Govt House Stanley
July 12th 1859.

Sir,

I learn with much regret from your letter of yesterday that the Company have again suffered losses by sheep being worried by dogs.

2. Similar complaints are traceable since the first introduction of sheep. Mr Whitington, Captain Cache, & your predecessor Mr Dale have all complained from time to time of similar losses.

Dog bill 1849. Dog bill 1852. Dog bill 1853.

3. To remedy the evil various laws have been passed and the ordinances now in force might I think afford you full protection. By the Dog licence Ordinance No 6, 1853 a tax averaging 10/- a year is imposed on dogs. The Preamble to this act distinctly recites that "The numbers of dogs in Stanley "are a public nuisance & it is expedient to restrain "their increase". This Ordinance at once ascertains ownership and fixes the responsibility for any mischief on the owner of the dog.

4. Further, the ordinance No 11. 1853 imposes a fine of 40/- on any person who shall suffer any dangerous dog to be at large or shall set any dog at any animal - and authorizes the Magistrate to order the dog to be killed. Clause 17.

By a general clause, 5, compensation for damage under 10£ may be obtained by Summary process.

5. These provisions would seem to meet all the circumstances of the case, & I trust that under them the Company will obtain substantial redress.

6. As a preventive measure for the future I would draw your attention to the Summary Jurisdiction Ordinance No 2, 1857. clauses 3 & 4.

7. Clause 3 merely prohibits sheep being allowed to wander about the settlement without a sheperd, and I call your attention to it, lest it should

at

at any time involve the Company in a difficulty.

5. Clause 4 enables any Justice to prohibit any mischievous bull &c "or other animal" being loose within the Settlement - & after such prohibition, subjects the owner of the animal found loose to a fine of Five pounds.

6. The Legislature of the colony has thus had the subject of your letter perpetually under discussion & I am not aware that more stringent measures can be adopted. But if you will bring to me any specific restrictions not at present provided for, you may rely on having every support from the Government for the protection of the Company's property.

I have &c

(Sd) Thos Gore Browne
Gov.

James Kane Esq
Colony - F. I. C.

130

Colonial Secretary's Office
Stanley F.I. 16 July 1859

Sir

In accordance with Gov^r Byrne's instructions I have handed over to Mr William Payne (Mr Rennie's successor in the Office of Government Clerk) the stores of which I took temporary charge on Mr Rennie's departure.

2. The delivery was completed on the 17^th of May and I now have the honour to Enclose a Return of the Stores received and Expended up to that date, accompanied by Mr Payne's receipt for the Stores handed over to him.—

I have &c
J R Longden
Col Secretary

C. Macaulay Esq
Secretary to the Comm^rs
for Enquiry into Public Accounts.

764.51

131.

Govt. House July 16. 1859

Sir

I have given my best attention to the suggestions offered in your letter of the 13th instant for amending the municipal law as to dogs.

2. I do not think you can have appreciated the practical difficulties in the way of carrying out your suggestions. For instance what standard is to constitute a "large dog?" Who is to say whether any dog is "likely to cause injury"? It would be manifestly unjust to destroy a dog that is always kept fastened but if such a dog is not licensed is he to be destroyed although known to be harmless? Is any exception to be made for your own or Captain Parke's sheep dogs? In effect I think the amendments you propose are tantamount to a prohibition of the whole canine race in Stanley; — and desirous as I am of protecting your property by every legitimate exercise of authority I cannot undertake to propose so tyrannical and unheard of a Law.

3. The Law of 1857 empowers the Magistrate to require every mischievous dog to be chained up under a penalty of 5£. Surely this is sufficiently stringent if duly Enforced. If it is not sufficient the Law may in this direction perhaps be amended.

4. I am sorry to be forced again to decline your proposal for altering the Laws of the Colony. I cannot be justified in initiating measures

measures to favour one party at the expense of another (which I consider your suggestion would do) On the contrary I am bound to protect the rights of the Forrest and unsettled settler equally with those of the powerful Corporation you represent.

I have &c

Thos Whore
Jr

Jas Lane Esq
for
The Falkland Islands Company.

732

Government House July 16th 1859

Sir

I beg to acknowledge yr. letter of the 13th inst. enclosing an opinion obtained by you from three merchant captains as to the usual mode of disposing of wrecked goods, and closing the correspondence with a request that it may be forwarded to the Secretary of State.

2. I shall do so with much pleasure as I deem it essential to obtain the opinion of Her Majesty's Government as to the amount of interference (if any) that I may use in cases of this nature.

3. As the whole correspondence is based on the statement in your letter of the 7th inst. ("I have since found that these butter hams "have been sold to Mr Dean at prices "much below those which I would gladly have "given") I shall endeavour to ascertain the quantities and character and prices

f

of the purchases Mr Dean has made, and I certainly consider it my duty to give him an opportunity of offering an explanation of a transaction which you have branded (in language which I ventured to call intemperate) as not being different "at all Events morally" to the criminal purchase of stolen goods.

I have the

Honor to

be

Sir

James Lane Esq^r

for

The Falkland Island Company.

133.

Colonial Secretary's Office
18th July 1859.

Sir,

I have the honour to inform you that I have just received an application from Peter Stocker & George Macbeth, on behalf of the Steerage Passengers, and from Richard Warren A.B. & John Harper A.B. on behalf of the crew of the "Sea Nymph" passenger ship representing that owing to certain defective arrangements in the construction of the Steering apparatus the safety of the ship & of their lives had been twice imperilled: & that in the recent repair of the Rudder the recurrence of the accident was in no way guarded against. The remedy which they unanimously suggested was a supplementary iron tiller which might serve in the event of accident to the other apparatus.

As the Vessel with the Patent Steering apparatus on board had been approved by the emigration Agent at the Port of London, and was extensively adopted I do not feel authorised in any way to interfere with it. But the crew it appears, are unanimous in opposing to carry the Ship to Sea without some alteration. I communicate the facts fully as you may perhaps think it well to enquire how far these complaints are well founded before forcing the seamen to their duty.

I have &c

J. R. Longden
Col. Sec

Howell
Manwaring Brooke

B68

134.

Cust. House
19th July 1859.

Sir,

I have given my attention to your letter respecting the fine inflicted on you for illegally leaving William Trenhaile, Midshipman, on shore.

2 I regret that I am unable to discover in your letter ~~to discuss~~ or from the facts of the case any=thing which would justify my remitting the punishment imposed on you. I must observe that the fine inflicted is the smallest which could properly be levied & that the offence you committed is punishable under the act by a fine of ten times the amount viz. 100 £.

3. On the day moreover that you illegally discharged the boy you came to the Go=vernment Office & procured the discharge in legal form for your mate & boatswain. You must therefore have been aware that you were con=travening the Law.

4. William Trenhaile has already applied for Relief & having reference to the difficulty you have in procuring money, I will provide for the Lad & for his passage to M. Video out of the fine without putting you to any further expense. But you must understand that I do not feel justified in mitigating the pe=nalty inflicted this morning on you by the Ma=gistrate.

I am Sir

(Sd) Thos. Chamond
Col

Captain Williams
"Sea Nymph"
Stanley Harbour.

No. 135.

Government House.
July 20th 1859.

Sir,

I have been in correspondence with Mr. Lane relative to an alleged private sale of a portion of the cargo of the American Ship Ellen Miller to you.

July 7th. 2. Mr. Lane appealed to me on the ~~first~~ instant for interference on the part of the Government to prohibit the sale of wrecked goods otherwise than by public auction.

July 8th I replied that although Captain Lane's proceedings appeared to me exceptional and contrary to the usual practice, yet that it was out of my power to dictate to a foreigner the mode of disposing of his goods and I declined to interpose.

July 9th 3. In subsequent letters Mr. Lane expressed his opinions very strongly as to the sale of wrecked goods privately and said that it "would perpetuate the bad name "which the colony has acquired in reference "to wrecks." He also laid before me a document

July 13th signed by the Masters of 3 merchant vessels to the effect that "private sale of wrecked "goods were unknown in their experience "and that if permitted it would have a very "injurious effect on the character of the Port and "induce Shipowners and merchants to give "orders that their vessels should avoid it." Mr. Lane concluded by requesting that I would forward the correspondence home to the Secretary of State.

4.

J. M. Dean Esq. J. P.
&c &c

4. As from the correspondence it would undoubtedly appear that you were engaged in transactions which Mr Love, and the shipmasters he consulted, considered injurious to the reputation of the Colony, - I do not think I should be right in sending it home without apprizing you of it, & giving you an opportunity if you wish, of adding your own statement of the proceedings, so that the probable publication of the correspondence in England may not affect you (as a merchant here of the longest standing and Agent to Lloyd's) in the eyes of the Commercial world.

I have &c &c

(S.) Wm Holmes
Esqre

Colonial Secretary's Office
July 20. 1859

136.

Sir

It was my unpleasant duty yesterday to prosecute Captain Williams of the Sea Nymph for leaving a boy on shore contrary to the Act 17 & 18 Vic: C: 104 sec: 207. In the course of the proceedings it appeared that the lad had been taken onboard the F.I. C's schooner Victoria on her late coasting voyage and had since been sent on shore. Had the voyage of the Victoria been protracted a day or two longer the Sea Nymph would probably have left and the lad would have been thrown as a burden on the resources of the Colony. I might I request that you will give instructions to the Captain of the Victoria not to receive sailors from ships in the harbour unless they produce a written discharge from their respective Captains in the usual form. As English ships

this

this form is always signed by me. I am to request a passage for the by William Greenhalgh to Montevideo in the Victoria, and I will pay the usual passage money 3.10.0 as soon as I receive your answer. I also beg to be informed if the passage of Wm Bird late mate of the Sea Nymph has been secured according to the understanding on which he was discharged by me.

I am &c

J Whingates
Colonial Secy acting as
Shipping Master.

Jas Lane Esq
for The F.I. Company
&c &c

Govt House Stanley F.I
July 21. 1859.

137.

Sir

I have the honour to enclose herewith the account of this Government with the Board of Trade on account of the Cape Pembroke lighthouse for the quarter Ended 30th June last shewing a balance in favour of this Government of £61.16.3 which I have carried forward to the next quarters account.

I also Enclose the lightkeepers return of oil &c used at the lighthouse and a return of the Stores in reserve on the 18th May last when the charge of all Government Stores here was transferred to Mr Pyne the Government Clerk

I am &c

J H Farrer Esq
Secretary
Marine Department
Board of Trade.

372

Colonial Secretary's Office
21 July 1849

130.

Sir

I gave Greenhalgh 2/6 the first day he was at work after the trial to provide himself. Yesterday I procured a written discharge from the Ship and gave him a paper stating that Government would pay for him the highest rate allowed for distressed seamen viz ~~the Govt~~ 1s 8d a day. He endeavoured to get more from me but failed. If he cannot be accommodated as every other seaman has been for that allowance I see no alternative but to ration him from the Government Store and permit him to sleep in the only Government building available

I have no doubt that the lad can if he choose earn 5/ a day or more to Enable him to live at Macquire's

I have &c

J Montgomery
C. S.

The Honble
F.W. Bourke.

139

Government House
22 July 1859

To the Secretary of
the Hanley Benefit Club

I have received your petition enclosing a Copy of the Rules of your Society which I hope will have every prosperity. —

In regard to the Funds of the Society I am afraid that it is not in my power to assume the responsibility of their custody ~~on~~ behalf of the government but I can imagine no difficulty in your finding two competent Trustees.

I remain your obedient Servt
Thos. H. Brooke
Jr

374.

No 140.

Cancelled
with the bill
not effected.

Govt House Stanley F. I.
28th July 1859.

My Lord,

I have the honour to report that I have drawn the following bill on His Paymaster General.

No 6 dated 5th July 1859. The sum of Three hundred & sixty five pounds drawn in favour of Johnston in repayment of advances made for Army services to Captain Abbott Commanding the Falkland Islands Garrison Company during the Quarter ending June 30th 1859. The bill has been negotiated at par. My authority is contained in the Secretary of State's despatch thereof No 32 dated 21st October 1857.

I have &c

(Sd) Thos: Ethrone
Govr

The Right Honorable
Her Majesty's Paymaster General
Whitehall.

No. 141

Government House
23rd July 1859.

Sir,

I have the honour to enclose herewith the accounts of this Government for the Quarter ending 30th June 1859. The vouchers for cash payments are sent separately in a sealed envelope. I also annex the return of new appointments &c, and the supplementary Store accounts.

I have &c

(Sd) Thos Gladstone
Govr.

C. Macaulay Esqr.
Secretary to the Commissioners
for auditing the Public Accounts
&c &c &c

A return of new appointments, changes in the holders
=ances of Public Offices of the Falkland Islands made
all payments of an unusual a special description
=cifically described in the estimate for the financial

Offices	Name and salary of person who formerly held the appointment	Name and salary of person now appointed.	Date when former holder ceased to hold his appointment
			New
Nil	Nil	Nil	Nil
			Changes in the holders of
Nil	Nil	Nil	Nil
			Alterations in pay a ~~allow~~ =
Nil	Nil	Nil	Nil

Payments above One hundred pounds not other =

Nil

Government House Stanley
Falkland Islands
July 1859.

of appointments, and alterations in the pay and allow= during the quarter ending 30th June 1859, as also of= made during the same period which are not spe= year 1859-60.

Date of ap= pointment of present holder of the office	Date and des= cription of the authority & instructions from this Go= vernment in consequence of which the appointment was made.	Date of the Go= vernors despatch reporting the transaction in cases where no previous authority has been obtain=	Remarks.
Appointments			
Nil	Nil	Nil	Nil
existing appointments.			
Nil	Nil	Nil	The Chaplaincy at Ocean Island was reported last Quarter
~~Annual~~ **Salaries of public officers.**			
Nil	Nil	Nil	Nil
=ments sanctioned than by the Governor.			
Nil.			

(Signed) Thos: E. L. Moore
Govr

377.

142. See 140
Cancelled as the bill was not cashed.

Govt House Stanley F.I.
23rd July 1859.

Sir,

I have the honour to repot that I have drawn the following bill on this Pay-master general.

No 64 dated 6th July 1859. The sum of Three hundred and sixty five pounds 365-0-0
drawn in favour of in repay-ment of advances made for Army Services to Captain Abbott Commanding the Falkland Island Garrison Company during the Quarter ending June 30th 1859. The bill has been negotiated at par. My authority for drawing it is the Secretary of States despatch No 32 Dated 21st October 1858.

I have &c

(Sd) Thomas E. L. Moore
Governor.

The Right Honble
The Under Secretary of State
for the War Department
Pall Mall.

To

The Chief Registrar of Shipping
Custom House
London.

Official Number of Ship 40.496. Name of Ship Victor

Port Number —	Port of Registry Stanley Falkland Islands	British or Foreign Built — British	Whether Sailing Ship or Steam Sailing	Where Built Stanley F.I.	When Built June 1838

Number of Decks - One	Build — Carvel	Measurements: Length from the Fore part of the Stem under the Bowsprit to the aft side of the head of the Stern post 62 Feet 4 tenths.
Number of Masts - Two	Gallery — None	
Rigged — Schooner	Head — Billet	Main breadth to outside plank 24 Feet 1 tenth.
Stern — Square	Framework - Wood	Depth in hold from Tonnage Deck to Ceiling in midships 5 Feet 9 tenths

Tonnage

Tonnage under Tonnage Deck
23 14/100 Tons

Allowances None

Register Tonnage 23 14/100

Additional particulars for Steamers.

Names Residence and description of the owners and Number of sixty fourth Shares held by each owner — John Phillips of Stanley Falkland Islands Shipwright — 64 Shares

J Rhymer
Colonial Secretary
acting as Registrar

Dated at the Colonial Secretary's Office Stanley Falkland Islands the 28 June 1839

№ 143.

Government House
Falklands 27th July 1859.

Sir,

I beg to enclose herewith a copy of a contract I have made with the Falkland Islands Company for the conveyance of our mails for the next six months, I would ask your kind offices to see that there is no unnecessary delay takes place in the return of the Victoria with the English Mails.

As we shall have been five months without mails before the Victoria returns, Mr. Lane has sent her up three days before the stipulated time in order that Captain Mr. Lauchlan (who has again succeeded Captain Morrison) may do his business in Monte Video before the mail steamer comes in, so as to be able to return here the moment you give him our mails.

I have &c. &c.

(Signed,) Thos. L. L. Moore
Gov.

Edward Thornton Esq.
H.B.M.'s Consul
Monte Video.

No 114.

Govt House. Stanley F. I.
28th July 1859.

My Lords,

I have the honour to inform your Lordships that I have drawn the following bills on Her Majesty's Treasury.

£70-0-0. No One hundred & twenty nine dated 27th July 1859. The sum of seventy pounds drawn in favour of H. J. Hamblin, in exchange for cash to be expended in the general service of the colony. Exchanged at Par.

£40-0-0 No One hundred & thirty dated 27th July 1859. The sum of Forty pounds drawn in favour of J. Warwick Brooke, in exchange for cash to be expended in the general service of the colony. Exchanged at par.

These two bills are drawn on the authority of Sir E. B. Lytton's despatch No 5, dated 19th January 1859, authorizing the estimate for the current financial year.

I have &c &c

(Signed) Thos E. L. Moore
Governor.

The Right Honorable
The Lords Commissioners
Of Her Majesty's Treasury
London.

No. 145.

Government House, Stanley
F.I. 27th July 1859

Sir

I beg to acknowledge your letter of this days date enclosing an application you have made to the War department for leave of absence on urgent private affairs. I sincerely hope you may be successful in your application and shall inform the Secretary of State for the Colonies that no objection may be raised in that department but it is of course out of my province to communicate with the War Department I return you letter to the War Office which you will see is not signed

I have &c

[illegible]

Captain C. Crofton
R.E.

No. 146.

Colonial Secretary's Office
29 July 1859

Sir

It appears from the Enquiries I have made relative to the fees levied on Parker and Dumpert that they were each arrested on warrant the ordinary form which are of both the Magistrate said he would only charge 2/6 and a fine of 2/6 on the Carpenter who had behaved in an improper manner The usual fees were charged by the Clerk of the Court without further reference to the Magistrate

I enclose

I Enclose accordingly £— for the Lad Davenport and 5/6 for the Carpenter Parker which you will be Kind enough to hand over to them.

Yours

J. W. Moyden
Col. Sec'y.

Capt Waller
Barque Wm Shand

From Resp. of Stanley Govt.

147

Whereas William Ellmer now in your custody is a private Soldier of the Falkland Island Garrison Company, and it is Expedient that he should be dealt with by the Officer Commanding the said Garrison as the Articles of War may direct for Offences committed in Military Barracks I am duly authorized and required to hand over the said William Ellmer to Captain Abbott or the senior commissioned Officer who may be appointed to receive him

Given under my hand at Government House Stanley this 2nd day of August 1854

(Signed) Jno Ellmore
for

383

148

Government House 2nd Augt 1859

Sir

I have just received from Captain Abbott a letter in reference to the case of Wm Ellmer which I shall transmit for your information tomorrow.

In the meanwhile I feel it my duty to hand the man over to his military superior for which I have accordingly issued the necessary directions

I have &c

Jno H Warren

for

Sir

Warwick Brooke

Stipendiary Mn

149.

Govt House August 2nd 1859.

Sir

In reference to your letter of this afternoon I have to inform you that I have felt it my duty at once (on your representation that William Ellmer's offence was committed in Barracks) to send a warrant to the Gaoler directing him to hand over William Ellmer to your custody. You will, therefore, have the goodness to send a non Commissioned Officer to receive him forthwith

The 30 hours imprisonment which Ellmer has suffered cannot have any effect on the punishment which under the authority of the Mutiny Act you may feel it your duty to inflict on him

I have &c Jno H Warren

for

Captain Abbott

Comm'g 7 R.I. Jamaica

150.

Government House Hamby
3rd August 1859

Sir

In reference to my letter of yesterday's date I now enclose copies of Captain Abbotts letter to me and the enclosure from the War Office

August 2d 1859
October 20th 1857

2. When the subject was mooted last year you called my attention to the objections urged by Captain Abbott to your jurisdiction, and further to the injurious effect which it would have on the good order of the Force if the Soldiers were led to suppose they were Exempt from Law.

Mr Merivale to the Governor 25 Sept. 1858

3 In reply I stated my opinion that "the "quarters actually allotted to and inhabited "by soldiers must be looked upon to all "intents and purposes as Military Barracks"

The Governor to Mr Merivale 30 September 1858. No. 146.

4. In a subsequent letter No. 152 to Captain Abbott I informed him that I had expressed to you this opinion. Consequently when I received from him the enclosed application, I had no alternative but to act in conformity with the view I had publicly expressed.

I have &c

F. H. Marsh
Jr

The Honble
Fenwick Williams
&c &c

151.

Govt. House, Stanley, 3rd Augt. 1859.

Sir

I beg to acknowledge your letter of this days' date and in reply to state that I should be glad to see as many of the Crew of the Helen & Miller remain here as can obtain Employment. But as you state they will have no further claim on the United States' Government if they remain and as from the character I have heard of them from you it would not be right of me to permit them to become idle and destitute, I must beg of you to send me a list of the men who wish to stop and of the Employments which may be secured to them.

As to those deserters I would only remark that as they have forfeited by the act of desertion all wages from the ship it is highly probable that they will become destitute, and as I cannot allow them to die in the Streets, I must of course provide for them (if you do not feel authorized to do so) as I should do for any other foreign Seamen in distress. —

I have &c

(Signed)

Thos. E. Moore

for

Captain W. H. Smyley
U. S. Commercial Agent
Stanley

P.S. John Davis one of the Helen & Miller's Crew has the Governor's consent to remain

Thos

being Engaged as one of the Malvina's crew. — Mr Guinness and Moore also have the Governor's consent to ship in the Perseverance.

152.

Colonial Secretary's Office 4 Augt. 59

Sir

The Governor has forwarded to Captain Bagley notice of his Consent to the discharge of John Davis Engaged as one of the Malvina's Crew.

With respect to the Exportation of Specie by the Nancy the Government will if you and Captain Sweeney wish it exchange Government bills at par. Under the circumstances of the Colony there is no doubt that a large Exportation of Specie will cause much inconvenience but the Government will endeavour to avoid it by obtaining from the Treasury in England the whole of the next years Grant in Specie instead of drawing for it in the Colony.

I beg to thank you for having advised the Government of this matter & remain

Yr very Obt Servt

J Stanley

C. S.

J. McLean Esq
&
Stanley

Govt House, August 6th 1859.

No. 153.

Sir,

I have the honour to acknowledge your letter of the 3rd instant, detailing another case in which the Stipendiary Magistrate has granted a summons on the application of a soldiers wife, dissatisfied with the decision you had previously made in the matter

I have explained my views very fully to Mr Brooke as to the extent of his jurisdiction & of your authority, and I hope that he will see the necessity of abstaining from any interference which may impair your just authority.

The Government looks to you to keep up the discipline of the Force and to be responsible for the maintenance of good order in the Barracks and Cottages. If, therefore, any of the soldiers wives insist on ignoring your authority, and will not submit to the directions you give for the preservation of peace & cleanliness, they cannot be permitted to occupy Government buildings.

I have &c &c

P.S. Thos E. L. Moore
Govr.

Captain C. C. Abbott
Comdg 7. R. Garrison
Stanley.

Government House
6th August 1859.

No. 154

Sir,

I have the honour to acknowledge your two letters of yesterday's date. — Much of the misunderstanding as to the respective jurisdiction of yourself and Captain Abbott arises I think from your impression that by allowing room for Captain Abbott's authority the soldiers "would be exempt from the penalties of the Law" and "the authority of the Magistrate would be weakened". — I do not share such an impression. I believe that Captain Abbott's authority may exist with yours to the fullest extent, and I see with very great regret a divided and conflicting jurisdiction.

2. Captain Abbott is sent here to maintain good order & to preserve the discipline of the Garrison; to effect this he is authorized to confine soldiers in the Guardhouse. To stop their rations to check their pay, to take away good conduct stripes and in the last resort to send offenders to England.

3. Unless, therefore, this authority is to be utterly destroyed and the discipline of the Garrison (depending greatly as it does upon moral influence) irretrievably ruined, the jurisdiction of the Civil power must be reserved for the grave crimes which cannot be dealt with by martial Law.

4. This is not "to lead the soldiers

"to

The Hon.ble
F. Warwick Brooke X
Stipendiary Magistrate.

I believe they are exempt from Law "nor" to "weaken the authority of the Magistrate". - It is to deal with soldiers in the manner contemplated by the Mutiny Act. It is to uphold the authority of the Officer commissioned by the Queen to command the troops here. It is to prevent soldiers being punished twice for the same offence. It is finally to place the Civil power in its proper position as the tribunal for the punishment of serious crime.

5. When this matter was discussed last year I stated unequivocally my opinion that the Quarters occupied by the soldiers must be looked upon as "Military Barracks" & therefore subject to Captain Abbott's control; and I learn with some surprise that you have repeatedly exercised an authority which was confided to a military officer.

6. I enclose a copy of a letter I received from Captain Abbott on the 8th inst. It refers entirely to a quarrel among soldiers wives, which gave rise (I presume) to the scene in Court described in your letter. - Women & children are not under the Mutiny Act, but unless they are prepared to accept Captain Abbott's authority he must of course turn them out of the Government buildings for good order in which he is responsible.

7. I am at a loss to know what "obligation" you can be under to lay this matter before the other Justices on the Commission, at the same time I have no objection to the publication of the correspondence.

I have &c.

(Signed) Thos. L. L. Moore
Governor.

Enclosure

No. 155.

Govt House 6th August 1859

Sir,

I yesterday received a letter from Mr Brooks of which the following is the special paragraph.

"It is my painful duty to inform your "Excellency that on a case in which some soldiers "wives are concerned being called in Court on the "morning of the 3rd August, Captain Abbott came "into the Courthouse, informed me that "he had "settled the matter," and turning to the women "told them they needn't stay."

I need hardly say that such proceedings would tend quite as forcibly to undermine the respect due to the Civil authority, as Mr Brookes' interference with the Garrison does your own, and I shall be glad to learn from you such an account of the proceeding as may relieve me from the belief that you have been betrayed into showing a want of respect for the judicial authority, on a public occasion, which cannot fail, from your position, to have an unfortunate effect in the colony.

I have &c &c

Sgd. Thos E. L. Moore
Gov.

Capt C.C. Abbott
Commdg I.I.S. Company
Stanley. —

392.

156.

Govt. House 8 August 1859

Sir

In reference to your letter of the 5th instant reporting Captain Abbott's conduct in the Courthouse on the 3rd I deemed it my duty to require from Captain Abbott an explanation.

I enclose copies of my letter to him and of his reply. I do not deem it necessary to carry the matter any further as it would appear to have arisen from a misunderstanding rather than any intentional disrespect to Captain Abbott's part.

I have &c

H. L. Irwin
Jr

The Honble
Warwick Drake

No 157.

Government House
9th August 1879.

Sir,

I have authorised Mr Bailey to execute the repairs needed on the Slaughter House without delay.
Mr Bailey understood from you on Monday and again on Tuesday that the Slaughter House was ready for the Mason to commence. When he was sent there at a considerable inconvenience it was found that your men were killing and the afternoon was lost. The Government staff of workmen consists of one Carpenter & his assistant one bricklayer & his apistant and one Labourer, nor will the resources of the colony permit me to increase the number while contracting for new roads. I cannot, therefore, admit that you have any ground for complaint in the unavoidable delay which has taken place.
In future I must decline to have anything to do with cleaning out the drains &c of the Slaughter house which is I think clearly the duty of the Tenant.

I have &c

(Signed) Thos E. L. Moore
Lieut.

James Hare Esq.
Col. Secy:
F. I. Company.
Stanley

Colonial Secretary's Office
Stanley. 9th August 1859.

No. 158.

Sir,

In reference to your letter of yesterday's date I am directed by H.E. the Governor to say that he has had no official correspondence with Captains Sweeney or Smyley respecting the sale of a part of the cargo of the Ellen & Miller; and the only communication with Mr. Dean consisted of the letter which the Gov. informed you it was his intention to address to Mr. Dean, and of Mr. Dean's reply. (132)

The Governor did not think it necessary to send copies of your letters to Mr. Dean nor does he think it expedient to send you a copy of Mr. Dean's letter.

I have &c &c

Signed, F.R. Longden
Col. Sec.

James Lane Esqr.
Col. Mag
F.I. Camp

N° 159

Govt House Stanley
9 August 1859.

Sir,

In accordance with the instructions issued by Her Majesty's Government last year, it is my duty to acquaint you that I intend to lay before the Secretary of State for the Colonies the correspondence which has passed between Mr Burke & myself & between you & me as to the jurisdiction of the Civil power over the troops under your command, and the mode of its exercise under the Magistrate.

You will doubtless think it necessary to communicate on the subject with the Secretary of State for War, & it will be expedient that both the Departments should be advised by the earliest Mail & at the same time in order that no delay may take place in the decision of the question.

I have &c &c

Thos E L Moore
Gov.

Capt C. C. Abbott R.A.
Comd. F. & S. Corps

160

Govt. House. 9th August 1859.

Sir,

I beg to acknowledge your letter of the 8th instant, alleging that I have taken up a new position, which, as you describe it, I certainly have never entertained.

2. The opinion I have held throughout is that when a soldier of the Garrison commits an offence punishable by the Queen's Regulations for the Army he must be punished by the Commanding Officer only. When a soldier commits a crime a offence, not punishable by the articles of War, he must be handed over, on ~~the~~ application, to the Civil Power, by his commanding officer, to be dealt with according to Law.

3. On this opinion I acted in Ellemore's case. I never averred that it was a trivial one. I simply held that it was a case punishable by Capt. Abbott under the powers granted to him by his Commission.

4. I shall lay this correspondence before the Right Honorable the Sec: of State for the Colonies, because, utterly disregarding my opinion, you state your intention of persevering in a course of action which cannot, in my opinion, fail to undermine Capt. Abbott's authority, & which will oblige me to take every means in my power to uphold the discipline of the Garrison; & I shall request the instructions of this Government as to what amendments if any, are necessary in the Colonial Ordinances, in order to avoid for the future any contest of authority.

I have &c &c

Sir Hamilton Browne
Kt.

The Hon.ble
T. W. Brothe.
Sup: Mag.
(Lagos)

161

Govt House 10 August 1859

Sir

I have communicated to Mr Brooke your reply to my letter No 155 and I annex for your information a copy of a letter I have received from him.

The main question is the Extent of your authority and Mr Brooke's jurisdiction will, as you are aware be referred to H.M.'s Govt in England and it is therefore quite unnecessary for me to pursue this correspondence.

I have &c
W Thomas
Gr

Capt C C Abbott
&c &c

162.

Col: Sec. Office
August 10th 1859.

Sir,

The Governor's letter to Mr Dean and Mr Dean's reply giving an account of his proceedings in the matter of the Cargo of the "Helen Miller" were sent to England in the Mail by the Victoria. The Governor adheres to the opinion (on which he acted with Mr Dean) that it is not expedient to furnish to you a copy of Mr Dean's letter. This correspondence will be sent home

I have &c
J R Logden
col Sec.

James Love Esqr
&c &c
Stanley

163

Govt. house, 11th. August 1859.

Sir

I regret to learn from your letter of yesterday's date that you are dissatisfied at the manner in which Mr Burke has acknowledged that he cannot substantiate the disrespectful language he accused you of having used publicly in the Council House and you call for a public investigation. But I must be permitted to point out that Mr Burke's letters are addressed to me and that as I called for the explanations given in your letter of the 8th instant it was for me to be satisfied with them or not. I was satisfied and I informed both Mr Burke and yourself that I was convinced you had no intention of offering any disrespect to the judicial authority and I am sure you will see on consideration that I cannot institute an investigation to prove a question that I have already decided on sufficient evidence. I shall attach this correspondence to the other letters I am sending home respecting Mr Burke's assumption of magisterial authority over your soldiers. -

I have &c

H Barkly

Capt. C. C. Abbott
&c &c

164.

Govt House August 11th 1859

Sir,

In reply to your letter of this day's date I hereby grant permission to Captain Sweeney to kill for himself and crew such bullocks as he may require, on condition that he will, on his return to Stanley, declare the number of animals he has killed, and pay a royalty of 20/- per head

With reference to the second part of your letter I have to state that the right of the Falkland Islands Company over the wild cattle not on Lafonia ceased on the 30th of August last year according to a public notice by me on that day issued, and consequently they have no right to kill wild Cattle northward of Choiseul Sound.

I have &c &c

(Signed) Thos E. L. Moore
Governor

Captain Lott Stanley
H. I. Commercial Agency
Stanley -

165

Govt. House 12 August 1859

Sir

I have much pleasure in complying with your request to include your letter of the 25 September last in the correspondence to be sent home. In fact I had already caused a copy to be made for that purpose as I deem it essential to lay all the information in my possession before the Secretary of State when asking his judgement.

I have &c
W. Moore
Gr

The Hon.ble Warwick Bertie

Government House
13th August 1859.

166

Sir,

In reference to your letters of the 11th and 13th instant stating that the F. I. Company's servants had caught & killed wild Cattle for Captain Sweeney's use at Port San Carlos & that Mr. Lowe had charged Capt.n Sweeney 4d per lb for the same the usual price here being 3d & enquiring whether Capt.n Sweeney sh.d pay the bill inasmuch as the Cattle were the property of the Crown. I have to inform you that the killing of wild Cattle without my permission is an offence against the Colonial Ordinance & that it will be my duty to prosecute the perpetrators of it.

If Capt.n Sweeney postpones for a short time the settlement of this bill with Mr. Lowe the result of the prosecution will show him to whom the money sh.d be paid.

I have &c

Capt.n Tousley
H. M. S. Clio &c &c

W. Moore
Governor

167.

Govt House August 13. 1857
Saturday Afternoon

Sir

I received a letter today from the U.S. Commercial Agent inquiring on behalf of Captain Sweeny whether it would be right to pay a certain bill due to the Falkland Islands Company for meat alleged to have been brought from Darwin's Harbour but which was really caught and killed from the Wild Herds in the Camp.

2. The charge being of a serious character I have made enquiries which have convinced me that it is my duty to have the matter investigated

3. I have therefore authorized the Colonial Secretary to prosecute two of the Company's servants named George Clothers & Juan Acci for unlawfully killing wild Cattle

I have &c

(Signed) W Moore
Gov

James Lane Esq
for The Falkland Isl^ds Comp^y

402

168

Govt House, 13th August 1859.

My Lord,

I have the honour to report that I have drawn the following bill on your Lordship. No 6, dated 5th July 1859. The sum of £365 Three hundred & sixty five pounds drawn in favour of Mr Sweeney in repayment of advances made for Army services to Capt Abbott, commanding the F. I. S. Company during the Quarter ending June 30th 1859. The bill has been this day negotiated ab par. My authority is contained in the Sec: of State's despatch to me No 32, dated 21st October 1859.

I have &c &c

Jd, Thos: E. L. Moore
Govr

The Right Honble
Her Majesty's Paymaster General
Whitehall.

169

Govt House Mauritius.
13th August 1859.

Sir,

I have the honour to report that I have drawn the following bill on Her Majesty's Paymaster General. No 6. dated 5th July 1859. The sum of Three hundred & sixty five pounds drawn in favour of Mr Sweeney in repayment of advances made for Army services to Capt Abbott commanding the F. I. S. Company during the Qr ending June 30th 1859. The bill has been this day negotiated at par & is drawn on the authority of the Secretary of State's despatch to me No 32. dated 21st of October 1859. £365

I have &c &c

Jd, Thos E. L. Moore
Govr

The Right Honble
The Sec: of State for
War Department

170

Colonial Sec: Office
16th August 1859.

Sir,

Having received instructions from H.E. the Governor to prosecute two of the Company's ~~servants~~ employés J. Mc and G. Clethero I went to the Courthouse this morning to obtain Summonses.

Believing that you would wish to undertake the defence of the men I do I must apply for subpoena's for other of the Comp.y's Servants at Darwin Harbour I have with the consent of the Magistrate postponed my application until 11 O.C. tomorrow morning.

I have &c.

Sd. J.B. Lynden
Colonial Secty

James Lane Esq
&c. &c.
&c.
A. A. Company

Govt. House 16 Aug 1859

171

Sir

In answer to your letter of this day's date you will have learnt that Mr Lynden is about to apply for Summonses at the Police Court tomorrow morning

I do not think that the question can be satisfactorily enquired into until a judicial investigation and of course proceedings will be deferred until the return of the Summonses.

I have &c.

[illegible]

James Lane Esq
Stanley

172

Govt House
16th August 1859.

Sir,

In reference to your letter of this day's date, I may express my regret that Captain Greeney should have been inconvenienced by the proceedings described in your letter; but I have no power to suspend judicial proceedings before the Courts of the Colony, in cases where the Crown is not a party.

I must however observe that I have given no permission for this man to be discharged here and I must therefore require you to take him to Monte Video ~~with you~~ in the Nancy on Thursday when you go.

I have &c &c

(Sd) Thos E. L. Hope
Governor

Copy to W H Stanley
Esq. Com. Agent
Stanley.

173.

Govt. House Stanley F. I.
17th August 1859.

My Lord,

I have the honour to inform your Lordships that I have drawn the following bill on His Treasury on the credit of the Parliamentary Vote for the support of this Government for the current financial year.

No 136, dated 15th August 1859, The sum of £135 drawn in favour of Mr. Sweeney, in exchange for cash to be expended in the general service of the colony.

I have &c
(Signed) Thos E. L. Moore
Gov.

The Right Honble
The Lords Commissioners
Of His Treasury
London.

Govt. house 18 Augt 1859

174

Sir

In reference to your letter regarding the steward of the Ellen Miller I have to inform you (as I informed Captain Bunyon in reply to an application on the same subject) that I have no power to interfere in matters subjudice.

I think it right to add that I have given no permission for this man to be discharged here, and I have therefore required Capt Bunyon to convey him to Montevideo with the rest of the crew by whose discharge he has my written sanction

I have &c
Thomas Holloway

Lands Esqr

406.

175

Govt. House Hamilton
August 18th 1859.

Sir,

I have just received a letter from the N. S. Commercial Agent, Captain Smyley, now ready to sail from this Port, with the mails on board, requesting "my assistance to arrest a "deserter by the name of O'Neil alias John Mc. "Donald now stopping in a house kept by a "man by the name of Daniel Mc Garrell."

I have been informed that the man has instituted a suit for wages & I have declined to interfere in a matter sub judice.

But the Commercial Agent has not discharged him nor have I given my sanction to his being left here. It is therefore clear that the man has no right to remain without the sanction of the Com: Agent & without my permission & I therefore call upon you to give Captain Smyley every assistance to find the man & place him on board the "Nancy"

I have &c &c

Thos: H. Haliburton
Governor

J. Warwick Brooke
Stipendiary Magistrate
&c &c &c

176

Govt. House Aug. 18. 1859

Sir

Captain Bayley having required from me assistance to put a man named Neill belonging to the Aden Trader onboard the "Nancy" it has been represented to me that it will be injurious to his health to oblige him to go on board a vessel at this inclement season.

I request to know if you are of opinion that the man's health would be injured by a voyage to Monte Video in the Nancy.

I have &c
W. H. Rennie
for

W. Rumbelow Esq
&c &c
Stanley

177.

Govt. House Aug 18. 1859

Sir

In reference to the man Neill I have to inform you that a summons was this day issued against him to appear in the Police Court on the charge of absence without leave and that the man was not found at his usual place of abode on the Company's premises inhabited by Daniel Macgaull or elsewhere in the Settlement.

I must request to inform you again that I have not given my sanction to the discharge of the man and that his remaining on this Island without my permission is directly contrary

James Lane Esq
Stanley

contrary to the Colonial Ordinance and subjects him to a fine of 50£; and any person aiding him to reside is also acting contrary to the Ordinance and is liable to a fine of 20£.

I will reply to your application for the man Dick allowed to remain here when I learn that he has been sent back to his Commercial agent.

I have &c
H L Hunt
for

To

~~Captain W H Rowley~~
~~H.M. Commercial agent~~
Tahiti

178.

To John Mac Donald now ashore without leave from the Barque "Helen Miller"

The Commercial Agent of your Country is ready to receive you on board the Barque with the rest of the Crew and I hereby order you to go on board.

Given under my hand
this 18 August 1859

H L Hunt
for

179.

Govt. House Stanley Aug: 18: 1859.

Sir

In reply to your letter of the 17th instant, I beg to enclose a copy of the statement of Andres Petalunga taken down in writing by the Colonial Secretary. Gil's statement was not taken down in writing as it was limited to one or two questions put by Mr Dougden and answered by Gil in Spanish without the aid of an interpreter.

2. In regard to A Petalunga's participation in the affair, I must observe that it was impossible to procure direct evidence except through the aid of men present, and that generally in these prosecutions the evidence is the same, as no one is present but those actually Engaged. In the case of Dale v. Clift for killing wild pigs the prosecution was instituted and carried through by your predecessor on the Evidence of Captain Clift's Seamen Engaged in the transactions. Similar Evidence was tendered in other prosecutions.

3. As to the prosecution being directed "virtually against the Company," I must express my surprise at the charge because you yourself assured me, in August 1858, that you had given positive orders to your servants not to interfere with the wild Cattle, and in your letter of the 15th instant you say the orders "have been repeated many times subsequently." I should rather have thought you would have

James Lane Esq
for
The Falkland Islands Company

have proposed to aid the Government in the investigation of an alleged act as contrary to your own repeated orders as it is to the laws of the Colony.

4. The prosecution was forced on the Government by the application Captain Bingley (mentioned in my letter of the 13th No. 167). No Eagerness was shown; but I certainly did not feel justified, in receipt of such intelligence in sitting down and permitting Government property to be openly destroyed without taking measures to prevent it.

5. The public Ends of the prosecution will be equally served whether it be carried on by you or the Crown. I do not think it right that so public an invasion of the rights of the Crown should be made the subject of a private arrangement. Nothing, indeed, would more effectually stop such proceedings, than your undertaking for the Company a prosecution which would show the Guachos they could hope for no Encouragement from you in such acts.

6. I must advert now to the painful conclusion of your letter in which "you protest against the general unconditions treatment which the Company have Experienced" if you mean from this Government I indignantly deny having called forth such a protest. Since your arrival here it was my earnest desire to have cooperated with you for the general benefit of the Colony, and I hoped that as the relations questions connected with the Agreement of 1850 were finally disposed of I should have found no difficulty in such Cooperation. I framed my Ruling by all the Means in my Power. I agreed to an alteration

A.

in

in the lease of the Farm by which the Company's rent was reduced from £730 to 33 £ a year. I substituted a seven years lease for a tenancy at will I endeavored to meet your views in the alteration and adjustment of the Grazing districts in the South. I undertook at your request the Construction of a Road to the Dairy and I should have continued to further your views as far as it was in my power if you had not advanced demands to which in my opinion I could not accede without betraying the general interests committed to my charge. In the correspondence which ensued relative to your proposed alterations in the Spirit Licence Ordinance, to the Ordinance relating to Dogs, and to your demand for an interference in the affairs of Captain Berkeley, I was compelled to oppose you and I should have been unworthy to occupy the situation I have the honor to hold if I had permitted my wish to save the Company to lead me into a course of policy which I believed to be contrary to the interests of the Public.

7. Whatever may be the ultimate conclusion of the Secretary of State & the opinions of the Directors of the Company on the points on which I have been forced to take issue with you I do not believe that Either will think it just to characterize as "discourtesy" a course of public action founded on opinion and subject to responsibility. —

I have &c
J. E. L. Montagu
for

In Valley To Wm Langdon Andrey Pelaluga
stated
"Was at Tunales 4 weeks Ending July-
"John Bonner was there once or twice —
"Arguello, Francisco Gil. George Clotheroe,
"and Juan Arci - killed 2 animals in
"the Campito for the Yolenda Miller —
"having nothing to do I went with them
"they were not Cattle from the Boca —
"they were wild Cattle — Never saw any
"Cattle from the Boca — I killed one ani
"mal - Arci helped me - George Clotheroe
"killed the other - Clotheroe was in charge
"Clotheroe took the hides to the Ship — I
"don't know what became of the hides
"Bonner was not there then. -

180

Govt House - Stanley
19th August 1859.

Sir,

I beg to acknowledge your letter of the 17th instant requesting to see any correspondence which took place in my predecessors time relative to the Magisterial Power over the Pensioners

2 The correspondence to which you allude consists of three letters the first from Capt.n Reid complaining of Mr Montagues Magisterial conduct transmitted to your predecessor for explanation - Mr Montagu's reply extending over 66 pages amply annotated - and Captain Reids rejoinder contained in 40 pages, also with notes.

10. Feby 1851.
11. " "
15. " "
25. " "

3. This rather voluminous correspondence arose from a charge made by Capt.n Reid against Patrick Byrne before the Civil Power & dismissed. The question particularly discussed was the extent of Capt.n Reids authority, over the Pensioners when not under Arms. - I need hardly point out that the Status of Captain Reid and the civilian Pensioners was so totally different to that of Captain Abbott & his Military force duly embodied under the Mutiny Act that no parallel exists & no precedent can be drawn.

4. On the reference of the question to England it was resolved to remove "Captain "Reid from the Colony seeing that he is likely "to be of little service where his authority has "been brought into such contempt among his "men." No legal opinion was given on any question. -

5. The only general principle laid down

The Hon.ble
T. Warnicke Brooke Esq.

dress is in Earl Grey's despatch to my prede-
-cessor, which, I must observe, applied to the
Governor's power rather than to that of the Mag-
-istrate. "I consider it one of the greatest a-
"buses which could be made of Civil authority
"to take any proceedings or hold any language
"before men in a state of military organization,
"having the slightest tendency to shake their con-
"fidence in their commanding Officer & their
"respect for his authority."

6. Shall transmitted to the Secy. of State the legal opinion enclosed in your letter of the 17th inst: & during the interval which must elapse before a definitive answer can be received from home I hope I shall not be compelled to interpose in order to preserve Capt. Abbott's authority from contempt.

I &c, Shaw V. V.

Hon: E. L. Stone
Govr.

181.
Confidential.

Govt House Augt 22nd 1859.

Sir

In the course my Correspondence with Mr Lane respecting the recent Slaughter of Government Cattle on Crown lands Mr Lane has put forward the following claim:-

"With regard to the offence itself your Excellency is
"aware that the Company has a right to kill wild
"Cattle on their leased lands which extend to within
"a short distance of the Wreck at Sandalos"

I must beg to be furnished with your opinion as/

The Hon.ble Warwick Bosworth
&c &c

as to whether such a claim is legal or not.

I Enclose the Charter of the Company, a copy of the terms on which the Company have accepted for its amendment and a form of Crown Grant. The terms on which leases are granted are taken from the Gazette of July 31st 1879 which is, I believe, of record in your office.

The subject is important not so much for the number of wild cattle which remain on the leased lands as for its liability to raise Embarrassing and vexatious questions.

I have &c

J. L. Drew

for

P.S. I must request that the Charter and Crown Grant may be returned with your opinion.

182.

Colonial Secretary's Office Aug 22nd 1879.

Sir

I am directed by H.E. the Governor in reply to your letter of today's date to state that the man O'Neill was not imported by the Falkland Islands Company and that the Company has no shadow of authority from the Governor or any of his predecessors for adopting without his consent foreign vessels.

2. I am therefore a third time to inform you that the Governor has not given his sanction to the discharge of this man from his ship nor to his remaining here.

3. I am also to express the Governor's surprise that after repeatedly receiving a full Explanation of the position in which O'Neill stood and whilst the man himself and those who are now communicating and aiding him are acting in direct defiance of the Governor's authority Endeavouring to

to bring the Government into Contempt and openly breaking the Colonial Laws, you should aid and countenance such proceedings and array the Company in support of them. His Excellency desires me to say in Conclusion that he will endeavour to vindicate the Laws of the Colony.

I have &c
J. Bd Saunders
Colonel

183.

Govt. House Augt 23d 1859

Sir

Captain Abbott has informed me that several of the men under his Command have been served with Summonses to appear as Jurymen in the Court House on the 26th instant.

2. The inconveniences which attach to such a proceeding have determined me to lay before the Legislative Council a modification of the law which at present does not prohibit soldiers serving on Juries.

3. I, therefore, beg that you will at your Earliest Convenience prepare a draft of a bill to amend the 34th clause of the Admr. of Justice Ordinance by Enacting that "all officers and men of H.M.'s Land "and Sea Forces on full pay shall be exempt from "serving on any Jury."

4. This was for many years the Law here (as you will see by the Enclosed Ordinance) when a detachment of Engineers was stationed here. It was probably considered unnecessary to insert such an Exception in the law of 1853 as there were no officers or Soldiers on full pay in the Island at that time.

5. I must request that the Enclosure being an original document may be returned. I have &c

The Honble
The Secretary

Capt. Abbott Royal Engineers Commanding Detachment
Transmit to the Colonial Secretary a Summons served upon him to attend the Court House on the 26th instant as a Juryman
Aug. 23. 1859

184

Govt. house Aug 23. 1859.

Sir

I beg to acknowledge your letter of yesterday's date. I agree with you that it is contrary to public policy to mix soldiers, actually serving under arms, with civilians as jurymen on civil trials, and I shall propose to the Legislature Council to alter the law on this point.

2. As you did not object in April last to the insertion of the soldiers' names in the Jury list I do not see how I can interfere in any other way than by legislation. As this cannot take place in time for the trial of the 26th instant I am of opinion that the soldiers must attend on that occasion.—

I have &c
W Thom
for

Capt Lambert
Comm 97th Garrison

185.

Govt House, Stanley
August 22nd 1859.

Sir,

In your letter of the 5th instant you mentioned that you "had repeatedly heard & determined similar cases (viz ill conduct of the soldiers "in their houses since last September.

2. I have to request that you will favour me with a Return of all such cases, in which soldiers have been Principals, between the 30th of Sept. 1858 & the 8th August 1859, which will be added to the other papers sent home in this case

I have &c
Thos. E. L. Moore
Govr.

The Hon.ble
J. W. Brooke
Dep: Mag.

186.

Govt House Stanley May 23. 1859

Sir

I have the honor to acknowledge yr letter of the 20 instant in which after explaining the circumstances under which the accused Gauchos killed the two wild cattle on the Crown Lands near San Carlos you state that you "shall certainly not pass over the offence lightly."

2. The circumstances detailed in yr letter render it unnecessary for me to continue a prosecution which would subject the men to double punishment and I have, therefore, directed the Colonial Secretary to request the Magistrate to discharge the Accused, leaving the matter in your hands

3. I shall advert to the other questions in your letter on a future occasion.—

I have &c
T E L Stone
Jr

James Lane Esq
&c &c
Stanley

1859

Govt House. Stanley
28th August 1859.

Sir,

An alien named O'Neil alias Mc Donald is now residing here without my consent. The man has been concealed in open defiance of the Govt & of the Law since Thursday last, & I must conclude that he is encouraged in so doing by parties in the Colony.

2. I am therefore resolved to endeavour to vindicate the Laws of the Colony, & I have the honour to request that you will inform me if it be necessary to lay an information in this

case

case (the man being already summoned) & if so that you will give Mr. Longden the necessary apistance to lay it in form.

2. From letters Rowe received from Mr. Lane I am aware that this man has an action pending on the 26th instant, but Rowe uniformly refused to interpose in that matter, and I cannot admit that it is any excuse for a violation of the Law in the interval for whatever be the effect of the prosecution it cannot interpose with the action which Mr. Lane has undertaken on the mans behalf.

Rowe & Co

Yr. Obt. Servt.
Thos. Ch. Moore
Insr.

Mr Howell
Mr Brooke
Rip: Mag:.

No. 188.

Govt. House
August 25th 1859.

Sir,

I think it is right that I should formally hand over to your charge the two light field pieces now in position near the Guardhouse.
In their present neglected state the screws and other appurtenances of the Guns are liable to rust &c. I enclose a schedule, A, of the Guns & Stores with them, a schedule B, of the appurtenances for them in Mr Lynch's charge in the Govt. Store, and a list, C, of all the ammunition for them. Any articles now in Store which may be necessary to complete the equipment of the guns are at your service.

I have &c &c

(Sd) Thos. L. L. Moore
Govr

Captain C.C. Abbott
Comdg. T. I. L. Company.
Stanley.

189.

Government House
August 26th 1859.

Sir,

I have the honour to acknowledge your letter of the 23rd requesting me to accept your resignation of your appointment as a Magistrate for these Islands.

I regret that you should think it necessary to take a step which in the absence of any specified reasons I cannot but connect with the correspondence that has recently taken place in reference to the Magistrates exercise of civil jurisdiction over the soldiers under your command.

According to your desire I will omit your name from the Commission of the Peace for these Islands.

I have &c &c

&c &c Thos. E. L. Moore
Governor.

Captain Abbott
Commds F. I. G. Company
Stanley.

190.

Govt. House Augt. 26. 1859.

Sir,

In reference to your letter of the 22nd instant, I beg to enclose for your information a copy of a "Return of Cases heard & determined "before the Stip: Mag: between the 30th Sept: 1858 & "5th August 1859. in which Soldiers of the F. I. G. "are principals," furnished to me by Mr. Moore at my request.

I have &c &c &c

Thos: E. L. Moore
Governor.

Capt. C. C. Abbott
Comdg. F. I. G. C.
Stanley.

/Copy of a/

Return

Of cases heard & determined before the Stip: Mag:

191

Govt House Augt 26. 1859.

Sir,

In daily anticipation of being called on to reply to 6 months English mails, I find it is impossible to promise within any reasonable time a copy of the documents asked for in your letters of the 17th and 20th inst:. I therefore enclose the originals & request that they may be returned.

I have &c &c

To The Hon.ble
W. Brooke
Ship: Magistrate.

&c, Thos. L. Moore
Governor

192

Govt House Aug 26, 1859.

Sir,

I have the honour to inform you that Capt.n Abbott has in a letter dated 23rd August 1859, requested me to "accept "the resignation of his appointment" as a Justice of the Peace.

I have accordingly, pending the issue of a new general Commission struck out his name from the Commission now in force.

I have &c &c

The Honble
Jas Brooke
Ship: Magistrate
Stanley

&c, Thos. L. Moore
Governor

193

Gov.t House Aug.: 27.th 1859.

Sir,

In your letter of the 20.th instant you mention as an instance of the general "unfriendly feeling of the Government to the Company" the state of the Corral & exterior drains of the Slaughter House, the necessity of repairing which you long since represented but which repairs have never been executed.

2. Mr. Bailey was instructed to ascertain & report to me, as soon as the Corral is cleared out, the extent & estimate of the required repair. He has already on more than one occasion visited the Corral, but has returned with the information that the Corral is not cleared.

3. This cause, and no other, has prevented the work being undertaken, as far at least as the resources at my disposal will permit.

I have &c.

James Lane Esq
Colo: Manager.

S. Thos E. L. Moore
Governor

194

Govl. House Aug.: 27.th 1859.

Sir,

In reply to your letter of this morning, I beg to say that I should wish the bill to come into operation from the time of its passing. I may also add that I should wish to lay it before the Legislature of the Colony in time to receive their final decision upon it before the departure of the Mail Packet on the 1.st of Oct.r next.

I have &c

The Hon.ble
J. W. Browne
Pro Magistrate

S. Thos E. L. Moore

195

Colonial Secretary's Office
Aug: 27th 1859.

Sir,

Mr. Shailer has submitted to the Governor a "subscription list for Mrs Mulholland and son" in blank, for which he requested His Excellency's encouragement.

The Governor will be at all times ready to aid any case of distress which may be brought before him as far as it lies in his power, but there is no allegation of such distress in the present instance, & Mrs Mulholland is moreover in receipt of rations from the Government for herself and boy and is provided with a house.

The Governor will ascertain through Captain Abbott whether the poor woman is in want of any further assistance. His Excellency thinks it right to mention this as Mr. Shailer informed him you had kindly interested yourself in the case.

I remain &c

J. R. Longden
Colonial Secretary.

James Lane Esq.
Colo: Mani
F. I. Company
Stanley.

4.26.

196.

Colonial Secretary's Office
29 August 1859.

Sir

The Govr has just received from Mr Lane a letter containing the following paragraph.
"In reply I beg to state that I employed two
"men for nearly 3 days in cleaning out the
"Slaughterhouse Corral upwards of 3 weeks ago.
"That it was thoroughly done and that I urged
"subsequently the repairs being proceeded with
"With regard to the revenues of the Colony I do
"take leave to remind His Excy that a rent of
"10 p.c. on the cost of the Building Corral and
"Drain would only be reasonable in condition
"of their being kept in repair."

The Govr requests that you will immediately ascertain if possible the Extent and Estimated cost of the work required to place the Corral in proper repair. The Govr would be glad at the same time to know if you were before aware that the Corral had been cleared

I am &c
J Thomydew
Colt Sect.

Arthur Gadsby Esq
Surveyor General

197

Govt House. Stanley
August 30th 1859

Sir,

I beg to acknowledge your letter of yesterday's date detailing the circumstances in which you are placed & requesting my advice how to proceed in the matter.

2. I much regret that you should have cause to consider yourself unjustly treated by the Judicial authority in these Islands; but you must be aware, by the analogy of American Law, that I have as Head of the Government no power to stay any judicial proceedings between private parties or to interfere with the Judge.

3. As you "distinctly deny the "jurisdiction of the Police Court" you will I presume plead the want of Jurisdiction in bar of the action: on that question judgement will be given in Court. When the matter permits, I will afford you assistance that may be legally in my power.

4 I shall deem it my duty to give the Magistrate an opportunity of replying to the very serious allegations which you have made in your letter regarding his conduct, pending which I can offer no remark on the subject.

I remain &c

Captain Sweeny
Stanley-

Pro Govr. E. L. Moore
Govr.

198

Col. Sec. Office
30th August 1859.

Sir,

I am directed by H. E. the Gov. to acknowledge yr letter of the 23rd inst: relative to the man O'Neill Steward of the "Helen Allen"

2. There are 1 or 2 misapprehensions in it which the Governor desires to remove, in concluding the correspondence. In the 1st place the Govt did not peremptorily require O'Neill to be handed over to the U. S. Com: Agent because he was an alien only, but because he was confessedly absent without leave from the Ship to which he belonged, secondly in so doing the Govt did not require O'Neill to do anything which could injure his health but the contrary, for the Govt on the day he ordered him to go on board the "Nancy" consulted the Col: Surgeon & received from him the enclosed reply.

3. The Magistrate has decided that the man is a British subject, & not an alien; any further evidence on the point is unnecessary, & I am therefore directed to return the Statutory declaration enclosed in yr letter of the 29th inst:, which appears to be the original document.

4. The Govt is obliged for the information as to the powers & functions of Commercial Agents; those powers & functions have been frequently discussed since Capt Hayley's appointment & Govt is not aware that more consideration has been conceded to Capt Hayley than he is entitled to.

I have &c

James Lane Esq
for
The T. I. Company

pp J. R Saylden
Colo: Secretary

199

Govt House
30th August 1859

Sir,

I beg to acknowledge your letter of the 22nd inst: commenting on the Return of cases tried in the Civil Court since 30th Sept last in which Soldiers were concerned.

2. Excluding the recent case of Ellum, it appears there were three cases of disorderly conduct of civilians in Soldiers' houses, one case of a Soldiers misconduct sent by you into the Court for punishment a similar case referred to you, & a case of misconduct of a Soldiers wife referred by you to the Court.

3. The explanations of your letter are satisfactory, as proving really the good conduct of the detachment, & the little need there is for the Magistrate to interpose his civil authority, — I am bound to add that Mr Brothes statement in his letter of the 6th instant that he had "repeatedly heard & determined "similar cases by ill conduct of Soldiers "in their houses" without remonstrance from you, conveys a very erroneous impression as to the real facts.

I have &c
(D) Wm E. L. Moore
Govr

Captain Abbott
F. I. C. Company
Stanley.

200

Government House
31st August 1859.

Sir,

Mr. Bailey the Surveyor Genl yesterday inspected the Slaughterhouse Corral. His report which I enclose shows that the labour required to put the Corral in working order is very little — much less than from yr letter I believed would be necessary.

I have requested Mr. Bailey to arrange with you as to the execution of the work & to report to me when it is satisfactorily completed. You will observe by Mr. Bailey's letter that he was not aware the corral had been cleaned out.

I have &c

P. Thos. L. L. Monk
for

James Lane Esq
Fr. J. P. Comptr.
Stanley.

201.

Col Sec Office 2 Sept 1859

Sir

I am directed by Lt. Col. Crespigny to acknowledge yr letter of this days date

I have &c

J. Whingham
C.S.

James Lane Esq
Stanley

202.

Colonial Secretary's Office
3 September 1859

Sir

Capt. M'Lauchlane has this morning reported that José Llamoso with his wife and five children José Maria Moraza, Wanda, and Lauco, all Spaniards have arrived by the Victoria and I am commanded by H.E. the Gov^r to enquire whether they are imported for the service of the Company in which they have already formerly been for a considerable time. Antonino was naturalized in the Colony in the year 1853

I am directed also to acknowledge your letter just received and to thank you for the promised draft of the Grant of Saforcia. I am further to observe that the Governor is authorized to comply with the Company's desire to have separate grants of the town and suburban lots selected by your predecessors under the Agreement of 1850 and which were referred to in my letters 205 and 206 of last December

I have &c
J. H. Knyvett
Col Sec

James Lauchlane
for P. I. Company

203.

Gov^t House Stanley 5th September
1859

Sir

I received on the 29th ult^o a letter from Assistant Coroner of the R. I. Barque Helen Miller requesting "my official advice how to proceed" in the action for wages then pending against him in the Police Court the jurisdiction of which in the matter he denied. —

I have

I of course informed Captain Greaney that I had no power to stay any judicial proceedings. But that Justice's letter contains allegations respecting yourself which I cannot in justice to you permit to be recorded in my office without making you aware of them. I therefore enclose a copy of Captain Greaney's letter.

I have the
H. L. Chase
for

The Honble
The Police
Stipendiary Magistrate.

204.

Colo: Sec: Office.
5 Sept: 1859.

Sir,

Mr Dean owner of the Schooner Malvina has made application at this Office for a certificate of Registry for that Vessel. I have accordingly to request that you will be pleased to furnish the usual certificates of Survey.

I have &c
R. M. Langdon
Col. Sec:

Comm[r] Schultz Bold R.N.
Surveyor of Tonnage
&c. &c. &c.

205.
Confidential

Govt House September 7. 1859.

Sir

I beg to call your attention to my letter of the 26th ultimo marked Confidential requesting to be furnished with your opinion as to whether the claims set up by Mr Lane therein referred to be legal or not

There are many points in the arrangements and the future disposal of the Woodgate and the position of the Company which I am anxious to report upon by the Evening Mail but which cannot be considered until I receive your answer which I therefore beg you will forward me with as much as possible

I have &c
H L Rowe
Gr

The Honble
Warwick Bourke,
Stanley.

206

C. S. Office 7 September 1859

Sir

Chas Steadall wants the Cottage now occupied by Drummond Walsh he gives a months notice. His desire to resume possession of his Cottage. I have accordingly hired a Cottage of Mrs Felton for him. The Govt occupation of Walsh's Cottage will terminate on Wednesday the 21st inst. I have therefore taken Felton's Cottage from Monday the 19th to give time for removal.

I have &c
F. Augustus
C. S.

The Colonial Secretary
Stanley

207.

Sergeant Major Fitton.

I am authorized to hire one of your Cottages at the usual rate viz for months for the Government. The Garden not to be included. Tenancy to Commence on Monday the 19th. instant. One months notice on either side to terminate tenancy. The first occupier will probably be Drummer Walsh but Captain Abbott will arrange the occupation

J Monypenny
Col Sec Office 7th Sept. 1857

208

Government House
7th Sept. 1857.

Sir,

Capt. Sweeney has appealed to me against the judgement of the Police Court, delivered in the case of Mc Donnell alias O'Neil v. Sweeney.

By the Law of 1853, appeals to the Governor in Council lie only in cases from the Magistrates Court exceeding 100£. The appeal to the Magistrate's Court would seem to be limited to cases above 20£. and I therefore beg to know if an appeal lays to the Judicial Committee of the Privy Council. I shall be glad of an early reply as Capt. Sweeney says it is most necessary he should return to his ship.

I have &c

The Honble
J. W. Burke J.P.
&c &c &c

No 209

Government House, Stanley
September 8th 1859.

Sir,

In your letter of the 20th ultimo you state that I am "aware that the "Company has a right to kill wild "Cattle on their leased lands which "extend to within a short distance of "the wreck at Port San Carlos." This claim was so new to me & so utterly opposed to the understood rule of grazing licences, that I thought it right to submit the point to the legal adviser of the Crown who on a perusal of the leases & of the Proclamation of 1849 is of opinion (in which I concur) that "the Falkland "Islands Company has no right to kill "wild cattle on their leased lands." As regards the Company it can hardly be a matter of any moment, for the wild cattle on the leased lands have almost entirely been extirpated long since, but in any future leases of grazing Stations north of the hills the principle would be ~~very~~ of importance.

2. In connection with the subject of the wild cattle you complain that the Government remains inactive while "it is notorious that Captain Smyley "kills wild cattle for his crew" and that "seales if they go north help themselves "to Government cattle if south to those "of the Company." For the latter offence the

James Lane Esq
J.P.

F. I. Company.

The prosecution rests with yourself, in the former case I shall certainly be prepared to vindicate the Law, as soon as I can procure sufficient evidence, but I cannot hope to ob=tain a prosecution on mere notoriety.

3. It would be idle for me after receipt of your letter of the 20th. to attempt to dispel the idea of hostility to the Company which you therein impute to me, but I must in justice to myself refer to one of the instances of hostility you adduce, viz. the shingling of the Ross Road. The instructions to the Surveyor General were to gravel the road down to the Church. The only cart which the Government can use was required for other purposes in the course of the work — that alone was the reason of its discontinuance. I never heard from you directly or indirectly any reference to the subject until the receipt of your letter. The imputation of such an unworthy motive as your letter implies is of itself sufficient to interrupt any cordial understanding. Judging of my public actions at a distance, uninfluenced by the bitter & irritated feelings which insensibly gath=ther round local disputes, the Directors of the Company will, I think, fail to perceive the "discouraging opposition" under which you cannot satisfactorily "protect their preponderating interest".

I am exceedingly sorry that, at the very mo=ment that arrangements have been finally concluded between the Govt. & the Company on a footing which promises prosperity to the Compy., you should think it necessary to adopt the course which you have pointed out in the con=clusion of your letter, but as the head of the Govt. I must act to the best of my ability for the interests of all, & I will not suffer any unfounded accusations of opposition or partiality to influence my conduct.

I have &c. — To Thos. E. L. Moore. Esq.

210

Stanley 7th Sept: 1859.

Sir,

In reply to your letter of yesterdays' date I beg to inform you no right of appeal legally exists from the Judgement of the Police Court. You must therefore comply with the judgement of the Court in the first instance. It is a civil case & one which as I have informed you before I have no control over, but I will forward any Representations you may wish to make on the subject to H.M's Government in England.

I have &c &c

Captain Sweeney
M. S. Barque
"Helen A Miller"
Stanley.

H. Wm: E. L. Moore
Governor

211.

Colonial Sec: Office.
September 8th 1859.

Sir,

In reference to your letters of the 31st ultimo & of the 7th instant, I am commanded by H.E. the Governor to state that, on your reporting to undertake the work specified by the Surveyor General on the terms named by him, the Govr directed Mr Bailey to proceed with the works & Mr Bailey has this morning reported to the Govr that it is completed, & that the Canal is now in "good working order."

I have &c &c

James Lane Esqr
F. I. Company.

H. J. R. Longden
Colo. Secy.

212.

Govt. House Stanley
17 J. September 1859

To Henry White
Master of the Schooner Malvina.
I hereby grant you permission to Kill Wild Cattle on that part of East Falkland lying North of Brenton Loch and Choiseul Sound and on any part of West Falkland, for the Consumption of the Crew of the Malvina on condition that on your return to Stanley you declare the number of animals Killed and pay 20/- for each
Given under my hand this 8th day of 1859
(Signed)
for

N.B. The penalty for killing Wild Cattle without any permission is £2 a head.

See also p. 364

212.A.

Colonial Secretary's Office F. I.
13 September 1859

To ~~Robert Chandler~~ Henry Pettit
in charge of the Cutter Kate.

N.B. the Governor hereby grants you permission to kill on that part of East Falkland lying North of Brenton Loch and Choiseul Sound and on any part of West Falkland, such Wild Cattle as you may require for the Consumption of the Crew of the Kate during your next voyage on condition that on your return to Stanley you shall declare the number of animals so killed and pay 20 shillings for Each.

By order
J. Rhyder
Colonial Secty

N.B. The penalty for killing Cattle without the Governors permission is 20/- for Each animal.

See further on May 8th 1866.

213

Government House
9th September 1859

Sir,

I have the honour to acknowledge your letters of the 7th instant, and to thank you for the opinions therein embodied on the points I had referred to you.

2. I have communicated to Mr Lane yr opinion (in which I fully concur) respecting the so-called right of Lessees under the proclamation of 1849 to kill wild cattle.

3. In reference to Captain Sweeney's case I have pointed out to him that he has no appeal to me from the judgement of the Police Court. He has accordingly satisfied that judgement under a protest, which it will be my duty to forward to England. I therefore request that a copy of all the notes and proceedings of the Police Court on the prosecution of McDonnell alias O'Neil for desertion or absence without leave, & in the action of O'Neil v Sweeney for wages, may be furnished to me for the use of this Government.

4. I beg to be informed whether in your opinion the man McDonnell or O'Neil be still one of Captain Sweeney's crew or is discharged.

I have &c &c

(Sd) Geo E J Moore

The Hon.ble
Warwick Brooke
Stanley —

No. 214 & 215

Govt. House Septr. 9th 1859.

Sir,

I am directed by H.E. the Govr to request your attendance at a meeting of the Legislative Council to be held at Government House at 11 O'Clock on Tuesday the 13th instant, & to give notice that His Excellency will then propose the first reading of a "Bill to amend that portion of the administration of Justice Ordinance which relates to Juries" — a copy of which I am directed to enclose to you —

I have &c.

William R. Payne
Clerk to the Councils —

The Hon.ble
Warwick Bowke
&
J. M. Dean Esq.
Hanley —

No. 216.

Colonial Sec.y Office
9th Sept.r 1859.

Sir,

I have laid yr letter of yesterdays date relative to the Corral at the Houghton House before the Governor, & I am directed to repeat the conclusion of my letter No. 211, that the Surveyor General has reported the corral to be in working order & that H.E. will not undertake works which Mr. Bailey does not deem necessary.

I have &c.

James Lowe Esq.r
J. I. Company

J. R. Saunders
Col. Sec. —

No. 217

Govt. House
10 September 1859.

Sir,

I beg to enclose herewith a copy of the Agreement which has recently been concluded between Her Majesty & the F. I. Company for the purchase of "Laforcia", & a draft of the grant of "Laforcia" forwarded to me by Mr. Lane.

2. I beg that you will have the goodness, on behalf of the Crown, to inspect Mr. Lane's draft, & return it to me with any suggestions that may occur to you.

3. To secure a better definition of the lands &c to be granted, I wish you would embody a reference to a map of the district which the Surveyor General is now copying on a skin of parchment from the original Chart coloured by my predecessor Govr. Moody. This course will perhaps render unnecessary any allusion to Beauchêne which is certainly not "adjacent to the Coast". Perhaps also it might be advisable to introduce the words "known as Laforcia" in reference to the Peninsula, as that name is pointed on the new charts.

4. In pursuance of the preliminary arrangements made with the Company, I gave them formal notice through Mr. Lane (No. 87. of 7th May 1859) "that all buildings a corral a building "materials remaining on Crown Lands "after 3 months (from the 7th May) would "become the property of the Crown without "compensation"

J. Warren Wood
Sup: Magistrate.

"Compensation". Are you of opinion that the circumstance of my not having then received the formal agreement (although executed previously in England) would interfere with that notice? or that the notice should be renewed?

5. I shall feel obliged if you will draw up a form of notice to be served on the Company to collect all live stock on their lands within three months, after which all remaining on Crown Lands will become the absolute property of Her Majesty.

6. I must beg that the copy of the agreement between the Crown and the Company may be returned.

I have &c.

&c. Thos: E. L. Moore
Esq.

No. 218.

Govt. House, 10 Sept. 1859.

Sir,

In reference to yr letter of the 9th inst: I must state that I have no notice of any condition, such as you refer to, that the Company were to be allowed to kill wild Cattle on their leased Lands. I enclose a verbatim copy of the 4th condition, appended to Lord Carnarvon's letter to Mr. Cuppes of the 23rd August 1858. This condition was one of the terms accepted by Mr. Cuppes for the Company in his letter to the Colonial Under Secretary dated 6th September 1858.

I have &c.

James Lane Esqr
For
F. I. Company.

&c. Thos E. L. Moore
Esqr

219.

Colo: Sec: Office
September 10th 1857.

Sir,

I am commanded by H. E. the Governor to enclose for your use a printed volume of the Laws & Ordinances of the Falkland Islands in force, up to the year 1857.

I have &c.
J. R. Longden
Colonial Secty.

The Hon.ble
Warwick Bowker M.L.C.
Stipendiary Magistrate.
and Hon.ble Wm Dean Esq. M.L.C.

220.

Col: Sec.y Office Sept.r 12. 1859.

Sir

In the belief that a printed copy of the Laws of the Colony would be serviceable to you in your position, H.E. the Gov.r has desired me to forward the enclosed Edition of the Ordinances passed up to the year 1858 which are almost all in force with little variation.

Any omission of the Victims both in the absence of any advice that it was believed to contain them, for the Lighthouse Service not opened till Saturday.

I have &c
J. Longden

James Lamb Esq.r
Agent to the F.I. Company

444

221

Government House
12th September 1859

Sir,

Owing to an interruption of the Mail communication with Monte Video I did not receive the enclosed papers until the evening of the 1st instant. I now beg to return the queries on my accounts with the necessary explanations.

I have &c &c
Thos E. L. Moore
Governor

C. Macaulay Esq
Secretary to the Commissioners
for auditing the Public Accounts
London.

No 31. Audit Office Queries.—
Somerset House London
February 16th 1859.

Sir,

No of Queries 1 to 14. I am directed by the Commissioners for auditing the Public Accts to transmit to you the following:—
Queries & Observations on the Cash Account rendered by you as Govt & Accountant at the Falkland Islands from 1st January to 31st December 1857, to which you are requested to write separate answers hereon in the blank space left for that purpose & to sign your name with the date at the conclusion of your answers, & to return this Paper to "The Commissioners for auditing the Public Accts Somerset House, London," within one month after the date of its receipt in the Colony

I have &c &c
C. Macaulay

T. E. L. Moore Esq
Govt & Accountt Falklands.

Description of the Voucher	Query or Observation	445. No. of Query.
Cash Account.		
Discharge Colonial Store Depositary March 23rd Voucher 59 £7 . 3 . 11. Includes Paid for Sugar, Jerba, Flour & Composite Candles.	It would appear that the articles had not been delivered into the Colonial Store, but had been delivered "at the Company's Settlement at Hope Place" Explanation is requested A copy of the requisition, & of the special authority for supplying articles in any other manner than thro' the Colonial Store, should be furnished in future.	1.
Colonial Secretary July 2nd Voucher 130. Half Salary of J. R. Snyder Esq. at 175 per annum from 22nd March to 30th June £4 . 8 . 2 . 6.	Computed to £4 . 8 . 9 . 6½ apparently under computed 6/11/4½. Explanation is requested	2.
July 17th Voucher 186. Salary of Wm. Rennie Government Clerk from 1st to 17th July at £175 per annum £8 . 4 . 2	Computed to £7 . 19 . 11 Explanation as to the apparent overcharge of 4/3, is requested.	3.

446.

Answers & explanation of the Accountant

1- The provisions were supplied by the Falkland Islands Company from their Store at the Village of "Hope Place" (90 miles from here) to the Gauchos who accompanied me on a tour of inspection through the southern part of this Island;- the rations furnished from the Government Store in Stanley having been expended. It was simply impossible to pass them through the Colonial Store at Stanley; for they were all consumed before we arrived there on our return.
This and other tours have all been reported by me to the Secretary of State. The articles were supplied on my authority & on my personal requisition; for (living in a tent with the least possible baggage on account of the difficulty of carriage) it was impossible to make formal requisitions.

2- The computation was made in terms of reference to the quarter in which the broken period occurred, Mr. Longden having been paid quarterly while on leave. Art. 311. of the Treasury Instructions 1845. The pay issued was from the 22nd - 23rd. 23rd to 31st March 9 days. the quarterly half pay being £43 "15" 0 - $\frac{9}{90}$ = £4 "7" 6 - Half pay for quarter to 30th of June 43 "15" 0

Total - £48 "2" 6

3- This computation is evidently erroneous. The overcharge of 4/3 is therefore credited in the cash account.

Description of Voucher	Query or Observation	No. of Query
Provisional Salaries Govt. Department September 1st Vouch: 160 P. Mc Quine Gardener for August £5.0.0 J. O'Neil. Office Keeper for August £5.	These receipts are given by marks. It was pointed out by Query No 1 on Account 1854 that receipts by marks should be witnessed & the form for witness was given — It is requested that these instructions may not be overlooked in future.	4.

Answers or explanations of the Accountant

4. In the Duplicate of this Voucher enclosed herewith there is the signature made at the time of Mr Langdon the Colonial Secretary as witness. Care is taken to send home a record on Vouchers by marks accompanied by witnesses & the form of certificate will be carefully attended to. —

Government House
Falkland Islands
11 September 1857.

448.

222.

Col. Sec.' Office 12th Nov. 1819

Sir

I am directed by His Excellency the Governor to transmit to you two copies of the Ordinance requested. I am also to send an unbound copy for your own use. The number of bound copies is very limited & no more can be spared.

I have &c
J. Thompson
Col Sec

The Honble Warnford Marshe.