

Commercial Agency of the United  
States by America

port Sandy Aug the 18 1833

Sir The Schooner is  
now ready to proceed to Sea  
I beg to Request of your Excellency  
to grant me assistance to arrest  
a deserter by the Name of Oniel  
Verser John Mc Donald now  
stopping in a house kept by  
a Man by the Name of Daniel  
Mc Gannell

I beg to state to your Excellency  
My Reason for so doing is beca  
use I have applied to the Stipen  
diary Magistrate & he has Refused  
to grant me a warrant of  
Arrest withought the Man being  
brought before him for a hearing

I have the Honor to be your  
Very Obedient Servant  
Wm. H. Smith  
U.S. Commercial Agent

His Excellency  
James Moore



Police Office Stanley  
 3.30 p.m. 18<sup>th</sup> July 1859

Sir. Melville the Pilot has just informed me that the Captain of the Sea Nymph intends to proceed to sea tomorrow morning early. I have issued the summons to Captain Williams for which you applied, and have been informed that Captain Williams is on board his own vessel.

I have to request  
 G. R. Longden Esq.  
 Colonial Secretary that



that His Excellency the Governor  
will furnish the Constable with  
a boat to enable him to serve  
the summons this evening, and  
also to request that His Excellency  
will instruct the Pilot not to take  
the vessel to sea until Captain  
Williams has appeared to the  
summons.

I have the honour to be  
Sir.

Your very obedient Servant  
Wm. Bonte



238

Stanby August 18/54

Sir I have the honor to  
acknowledge the receipt  
of your Excellency's letter of  
this days date enquiring  
to know if the man O'Neil's  
health would be injured  
by a voyage from here to  
Monte Video

I have no hesitation in  
stating that the voyage

His Excellency  
Governor Moore



instead of being injurious  
would be very beneficial

I have the honor to be

Sir  
Your Excellency

Most obedt servant

W. J. Hamilton  
Colonial Surgeon



150

Police-Office - Stanley  
18<sup>th</sup> August 1859.

Sir

I have received Your Excellency's  
letter of this date.

I beg to reply Your Excellency  
to my letter of the 16<sup>th</sup> instant and  
to say that I must decline to  
give assistance to Captain Anusley  
to find the man O'Keefe and to  
put him on board the Nancy, until  
I have been satisfied in the usual  
and legal way that the man is  
a deserter.

To His Excellency

Captain Thomas Ed. Moore R.S.

Governor & Commander in Chief

\_\_\_\_\_

3. I have the honour to be

Sir

Your Excellency's

very obedient

humble servant.

J Warwick Proctor



Stanley August 10 1859

Sir,

I have the honor to acknowledge  
 your Excellency's Letter of this day - No. 174.  
 I am willing to give any security which  
 the law requires that the Man O'Neil shall  
 not become chargeable in any way to the Colony  
 & that he shall be conveyed from it when  
 he leaves without charge to Government.  
 The Man's health is still bad & it would  
 not be commonly deemed to oblige him to go  
 on board a Vessel in this inclement season - It  
 would also I would submit to your Excellency  
 be unjust to him to force him away whilst  
 he has a legal proceeding, to recover a claim  
 & to clear his character, pending, & particularly  
 when the principal evidence for those



Handwritten text at the top of the page, possibly a header or address, which is mostly illegible due to fading and bleed-through.

objects can only be obtained in these Islands  
& it is wanting to him in the United  
States - It is very probable also that on  
his recovery I sh<sup>d</sup>. be glad to employ  
him in the Company's service.

I have the honor to remain

Sir, your Excellency's very Obedt<sup>l</sup> Servant

James Lane

Respectfully

Governor Moore



Stanley August 19<sup>th</sup> 1859

I have the honor to acknowledge of  
 Excellency's Letter of the 10<sup>th</sup> inst., in which  
 of Excellency informs me that a summons had  
 been issued agt O'Neil, on the charge of  
 absence without leave - In reply I beg to  
 state, as I have already informed of Ex<sup>cy</sup>  
 that that charge has been already made  
 by way of defence before the Magistrate  
 & declared to be without  
 foundation. -

Capt Sweeney was in Stanley from the 1<sup>st</sup>  
 to the 17<sup>th</sup> August, & did not lay any such  
 imputations of the Man - He left on the  
 17<sup>th</sup>, & on the 18<sup>th</sup> the Government applied  
 for the summons in question - The Ordinance  
 only applies the English Merchant Shipping  
 Act of England to foreigners, on the complaint  
 of the foreign Captain only, & consequently any  
 such proceedings, on the part of the Government  
 is, I apprehend, unwarranted by the laws of the  
 Colony.



3 I feel myself, & I may say, that it is the general feeling, that the man has been indignantly treated, by his Captain, & the Commercial Agent; & I trust ~~of God~~ will leave the man free to assert his rights, & defend himself, according to the Law of the Island —

4 With great submission to your Excellency, I apprehend that there is no Law which obliges a free Citizen of the U.S., unconvicted of any offence, to put his person at the absolute disposal of the Commercial Agent of that Country, in any English Colony — I am entirely ignorant of any Law, here or in England, which can require me, "to send him back to his Commercial Agent!" — I had the power; but the man is free to act as he pleases, & on his behalf, I ask that the ordinary course of Law not be interfered with on the part of the Government —

6 The man has stated that his wife has



threatened by both Capt. Swaine, & Capt. Langley,  
 & that he does not consider he is to be in safety,  
 on board Capt. Langley's Schooner. I can readily  
 believe it to be true, as regards Capt. Swaine;  
 that individual having twice threatened  
 me with personal violence after the American  
 mode. - I wd. do, respectfully, remind y<sup>e</sup>  
 Gov<sup>t</sup> that the Government has permitted  
 2 American Sailing for the same ship,  
 named Moore & Mc Guinness, to remain on  
 the Island, & to go on a sailing cruise in  
 the "Perseverance", (the former had been  
 convicted & imprisoned here as a Quaker)  
 & also permitted two others, of the same crew,  
 named Duff, & Davis, to remain here in  
 a similar <sup>way</sup> to go on a sailing cruise in  
 Dean's Vessel, the "Malvina" - That in neither  
 of these cases (besides their ship I could  
 name) has the Government enforced the  
 Alien Law ag<sup>t</sup> these men, or taken security  
 ag<sup>t</sup> their being chargeable to the Colony; I  
 have offered security in the present case,  
 & I trust y<sup>e</sup> Excellency will not further



Express the influence of Government to ...  
him quit the Island, at her Will, & prevent  
him from bringing to ... the action which  
he has commenced. -

7 With regard to the man not being to be ...  
David M. Gurnell informs me that he left  
his House on the 17<sup>th</sup> inst., & I have not  
myself seen him since early on Monday  
Morning.

I have the honor to remain Sir  
Your most Obedt<sup>l</sup> Servant  
James Lane

Her Excellency  
Governor Moore



W Lane to the Governor  
Enclosed in despatch No. 47  
Dated 28 September 1859.



Stanley Aug<sup>t</sup> 20 1859

149.

Sir,  
I had the honor, yesterday afternoon, to receive of Excellency's letter of the 10<sup>th</sup> Inst. N<sup>o</sup> 179 & am obliged for the accompanying statement of Petaluga. I your Excellency will find that I, in no way, object to the prosecution being supported by that man's testimony as *particeps criminis* - I took leave to protest against its being instantly directed upon his sworn statement, without further enquiry; & when time was asked, to obtain particulars from the Camp Manager to lay before of Excellency, it was refused - I never asked of Excellency, nor gave any ground for supposing, that I wished to make the matter "the subject of a private arrangement"; I only begged that, for the very short interval required, the prosecution might be "deferred". - The statement was taken by the Colonial Secretary on Saturday - On Monday, he applied, at 11 a.m. to the Court for process - it was, in Court, agreed that notice ought to be given to me - On the same day I had the honor of asking of Gov<sup>ty</sup> for time for enquiry - On Tuesday Morn<sup>g</sup> the applic<sup>n</sup> to the Court was renewed, & on Wed<sup>g</sup> the <sup>part</sup> Summons was served, in the settlement, upon a Detach<sup>mt</sup> to attend the hearing on the 30<sup>th</sup>. - I apprehend that this was a very hasty course of proceeding on the part of the Government, & shows a strong feeling ag<sup>t</sup> the Company.



3 With regard to the offence itself, if guilty in any way, the Company has a right to kill seals on their leased lands, which extends to a short distance of the beach at Port San Carlos. The men accused, had to traverse these lands, both Baggage for the wreck, & were directed to take 2 Cables on their way. - The Camp was covered with snow, & the ground heavy; & they had no time to seek for Cattle (which from the snow, had left the interior & had gone, as is their habit, to the shore, seeking for food) & pushed on to the wreck, which they reached after dark. - The next Morning, they killed the two animals (I admit culpably, & to save themselves trouble) outside the Company's boundary. - The Company's servants never have occasion to go off their own land, except to & from this place, & knowing numerous Cattle, close to the Camp establishment, it is not to be supposed that they ever wd., voluntarily, & contrary to orders, go several miles to kill, sell & send the probability of being at once discharged. - No person, with any knowledge of the localities, can suppose that a prosecution was necessary to deter them from such an act in future. - it wd., probably, be years, before they wd. have to go outside the Company's lands, except as I have



4 I shall certainly not pass over the offence lightly, but I cannot undertake a prosecution, as suggested by Mr. Wellington, because, whether instituted at the instance of the Crown, or the Company, it appears to me that it must inevitably result in defeat, with however much bona fides I undertook the prosecution. Had I had the least time afforded me to refer to, & consider the Ordinance, & to communicate with the Government, before the prosecution was made public, & the case exaggerated, I wd. gladly have done so; & wd. still (if the prosecution had been found untenable) have submitted the case to such punishment, after hearing them, as Mr. Wellington might have thought right - This course was, however, rendered impossible by Mr. Egoy's persistence in requesting a "judicial investigation", & having already taken public measures to that end - In fact on the 17<sup>th</sup>, when the Camp Manager came to Stanley & before he had got off his horse, he was told, by more than one person, that it was said that the Company had been in the habit of killing government cattle - an exaggeration, which, I believe was, if not caused, was at least to be expected from the course pursued by Government.

5 I trust Mr. Wellington has not supposed that I have



referred to any want of courtesy by of Govt towards myself - I have no reason to make any such complaint, but the contrary. I must not on this account, however, shrink from discharging my duty to the Company (frequently painful, & always, most disagreeable) in respectfully making representations to of Govt when the Company's interest demands it - Your Excellency will, in this sense, permit me to say, that I have in the last 3 or 4 Months found the unfriendly feeling of the Government towards the Company very unmistakably shown - not only as appearing, in part, from my correspondence during that period, but in other & less tangible ways. - I will only now refer to two cases - One is the state of the General & Interior drains of the Slaughter House, promised to be attended to long since - nothing has been done since I wrote of Excellency. - The Butcher is daily complaining to me, & I am in expectation of his giving up his work, as the place is not fit for any man to go into. - The Company pay 10 per cent on the cost of these premises to Government, by way of Rent, & for several years I believe there has been no expenditure in repairs. - Having applied, without result, to the Surveyor General, I begged of your Excellency to give the necessary directions, or, if desired, I offered to get the repairs done for Government, but all in vain - Another instance is that of the General road of the Settlement - Some 2 Months



ago, it was shingled from the Government Buildings to the  
 Dean's Store, but from thence to the Company's Store,  
 nothing has been done, tho' the road generally in that  
 part was 4 or 5 in, at least, as bad a state as the  
 other part, before it was shingled, & the water  
 runs down at hand - In its present state, in wet  
 weather, no person could go to the Company's  
 Store who could avoid it - I would greatly prefer  
 to make these representations to the Surveyor General,  
 but he always tells me that he is prohibited, & I  
 have no alternative but to trouble yr Excellency.

6 Referring to the 7<sup>th</sup> parag. of your 20<sup>th</sup> letter I have  
 always stated that yr Excellency took a very fair & judi-  
 cious view of the value of the lot from different circum-  
 stances but Miss was in last year with regard to the grazing  
 districts in the South, I believe the arrangement was  
 carried out strictly in accordance with the contract  
 made with the Ute's Government by the Director - As to the  
 Dairy, yr Excellency was very urgent on my  
 arrival, at the end of August 1850, that the settlement  
 should be supplied by the Coy with butter, milk &c. &  
 proposed several different plans for doing so, one of which  
 I tried, but found the distance too great - I, then,  
 on the first week of Nov<sup>r</sup>, agreed to purchase from  
 yr close to the settlement, & visited the Dairy & Buckle  
 upon it by July last, at a lot of several hundred  
 pounds to the Company, & opened the Dairy - It is



preliminary to concluding the purchase. On Nov<sup>r</sup>  
 I asked if by the Government to commence the  
 in question (a road already planned, as the High  
 Road to the South) as far as the Dairy Land,  
 (about 300 yards) in order that the Dairy might  
 be accessible in Winter - your Ex<sup>ty</sup>, at once, acceded  
 & promised that it sh<sup>d</sup>. be done forthwith - A very  
 few yards were made without delay, & the work stopped.  
 In March in this year (the Winter approaching) I made  
 application for its resumption, but could only  
 succeed by taking a contract to quarry carry & lay  
 down the hard stone foundation, & this was completed  
 in April - The Claying & strengthening of the Road  
 remained to be done, but was not, & in good  
 Winter (July) finding it impossible to get food  
 to the Dairy by Horse & Cart, I was again obliged to  
 apply to your Ex<sup>ty</sup>, but it only, ultimately, got the  
 Road completed by taking another contract  
 at a losing price, the Colonial Secretary writing  
 me on the 12<sup>th</sup> July that I must remember that  
 it was "an undertaking, at that season, chiefly for the benefit  
 of the Company!"  
 I would not have again resorted to these subjects,  
 but for the misapprehension such the 7<sup>th</sup> Parag of your Ex<sup>ty</sup>'s



Letter might, unexplained, occasion it for the same reason, I must ask leave to say, that my representations to Excellence in reference to the sale of the wrecked goods from the "Ellen A. Miller", without competition, being characterized as "an interference with the affairs of Capt. Sweeney" is also liable to give an erroneous impression, & one which my Letters on the subject to Excellence & myself repudiate.

With reference to the prosecution being "forced" on Excellence by the American Agent, Capt. Sneyley, I should have hoped that the Government wd not have felt much prejudice on that account, & particularly after recent transactions. - It is notorious that that person, when on his sealing cruises, kills wild fattle for his crew; - Sealers admit they have beef sent out. - If they go North, they help themselves to Government Cattle, - if South, to those of the Company. - They do not take salt provisions - Capt. Sneyley left Stanley in the middle of March, with a sealing crew (altogether) of 13 or 14 on board - he was about 3 to 4 months - the only meat he took with him was 1000 lbs of Beef. - he put into, & remained in & about, Mars Harbour for nearly a fortnight, & it does not admit of a doubt, but that a supply of Beef was obtained for the subsequent cruise, there is elsewhere, in these Islands - This is one instance - there are 5 or 6 other sealing boats carrying betw 30 & 40 hands







Police Office, Stanley  
20 August 1859.

Sir

I have the honour to  
acknowledge the receipt of  
Your Excellency's letter of yesterday  
and to thank you for the Inform-  
-ation it contains of a correspondence  
which I have asked your permission  
to see. —

2. From Your Excellency's  
account of it, I think there can  
be no doubt, but that I should

To,

His Excellency  
Captain Thomas E L Mordaunt  
Governor & Commander in Chief

Yr  
Vr  
Vr



see the correspondence, considering  
 the responsibility which is on me;  
 I have therefore to renew my respect  
 indebtedness by Your Excellency's  
 kindly warning of the labour that  
 lie before me. -

3. In the concluding  
 paragraph of Your Excellency's  
 letter, there is a hope somewhat  
 vaguely expressed, that - Your  
 Excellency "may not be compelled  
 to interfere", pending a certain  
 reference home, "to preserve Captain  
 Abbot's Authority": as I  
 interpret that hope, I beg leave  
 to echo it heartily; for I trust  
 that neither Your Excellency (as  
 in the case of Ellmer) nor Captain  
 Abbot (as in the case, still  
 pending, of Mr Toole) may ever  
 again be induced or "compelled"  
 under any pretext whatever



159  
"to interfere" with the ordinary  
Course of Law. -

4. I have the honour to be  
Sir,

Yours Excellency's

very obed<sup>t</sup>.

humble serv<sup>t</sup>.

Thomas B. Wort.



No. 65

Stanley, Falkland Islands

August 27<sup>th</sup> 1859

Sir,

I have the honor to bring to  
your Excellency's notice that on  
Saturday last I received summonses  
for the men of the Falkland Island  
Company named in the margin to  
attend as Jurors at the Court House  
on the 26<sup>th</sup> day of August;

Michael Bourlan  
James Dow  
Thos. Charlton  
Jno. Dinsell  
Maurice Dwyer  
James Owen  
John Palmer

I know nothing of the Ordinances of these  
Islands, or whether any exemption of them  
is made in reference to Soldiers,  
when the list of Jurors was posted  
in April last, and the names of the  
men of the Falkland Island Company  
included in it, I looked upon it as a  
matter of form, and had no idea  
that Mr. Brooke, the Stewardary,

His Excellency  
Capt. F. J. Moore R.N. F.R.S.  
Governor & Commander in Chief  
Falkland Islands



Magistrate, would endeavour to enforce  
 any Ordinance of these Islands which  
 would compel Soldiers to act as  
 "Carlians, the absurdity of which  
 must be too apparent to your  
 Excellency; Soldiers are enlisted  
 from settling as Juniors in England  
 and in every part of the world  
 that I have ever been in, I must  
 therefore call upon your Excellency  
 to adopt such measures as will  
 release my men from attending the  
 Court, or I will myself inform  
 Mr. Brooke (if your Excellency  
 considers it better) that I require  
 their services on Particular Duties

I have the honor to be

Sir

Your most obedient

C. Abbott Capt

Comd. Detachd.

Falkland Islands



Guard — Interferes with  
Fatigue duty — Cannot attend  
Parades etc — Cannot attend



No 47

Stanley Parkland Islands  
August 22<sup>nd</sup> 1859.

Sir,

In the 5<sup>th</sup> Paragraph of Mr. Brooke's letter to your Excellency dated the 5<sup>th</sup> August, and enclosed in the correspondence I received from him as a Magistrate I find the following words, I have repeatedly heard and determined similar cases (viz ill conduct of soldiers in their houses) since last September when I had reason to hope this question of Jurisdiction had been settled, and I have received no remonstrance either from your Excellency or Captain Abbott

As I am not aware of any case in which soldiers only were concerned

His Excellency  
Capt. D. L. Moore R.N. D.D.S.  
Governor & Commander in Chief  
Parkland Islands



Having been heard and determined by  
Mr. Brooke since last September (with  
the exception of two cases which  
Mr. Brooke is well aware I handed over  
to him) perhaps your Excellency will  
be good enough to call upon Mr.  
Brooke to mention the cases he  
refers to in the 3<sup>rd</sup> Paragraph of the  
letter above mentioned

I have the honor to be

Sir

Your most obedient  
humble servant

C. Abbott Capt

Comd. Detachd.

Falkland Islands



Stanley August 22<sup>d</sup> 1859

Sir,

I have the honor to inform your Excellency that the Falkland Islands Company adopt Hugh O'Neill (supposing him to be an alien) Steward of the wrecked ship "Allen A Miller" as imported by them under the authority which, I am informed, has been granted to the Company to introduce Aliens -

The Man is, I believe, of good character - he was shipped at New York on the recommendation of the Shipping Master there, & had been previously Steward of several American Ships - He is said to be a Citizen of the U.S., & I presume, the Government will provide him with the means for a passage home, when he leaves the Island, as is usual in the case of destitute persons wrecked here.

I have the honor to remain, Sir,

Yours truly & respectfully

James Lee

His Excellency

Governor Moor.



Stanley, Falkland Islands

August 23<sup>rd</sup> 1859

Sir,

I have the honor to request  
your Excellency will be pleased to  
accept the resignation of my  
appointment as a Magistrate  
for these Islands.

I have the honor to be

Sir

Your most obedient  
humble servant

C. Abbott Capt

Comd Detachment

Falkland Islands

His Excellency  
Capt. J. & L. Broune R.N. J.M.S.  
Governor & Commander in Chief  
Falkland Islands



Stanley August 23<sup>d</sup> 1859

Sir,

I have the honor to acknowledge your Excellency's letter of this day 11<sup>o</sup> 1859, informing me that the prosecution for killing Cattle has been abandoned. I am glad to be spared the trouble of further proceedings but, on the part of the Company

After the publicity which has been given & the exaggerated statements abroad, I sh<sup>d</sup> have preferred that the matter had taken its course.

I last evening received the depositions of the two men accused - Clithero states "I killed one animal on the North side of Bodice Peck marked on both ears - trophy mark from some former period - the Beef & hide of same animal delivered to Darnley Harbour the same night" - The other animal, killed



by Arce & Petaluga was not so wanted & was  
 taken to the wreck - I sh<sup>d</sup> be glad to be furnished  
 with of Excellency's wishes as to whether I shall  
 obtain payment <sup>for</sup> the latter account from Capt  
 Sweeney, & hold the account to pay over  
 to Government, or whether it shall be struck  
 out of the Fox Company's claim.

3 Mr Bonner, the Camp Manager, writes me - "I  
 have made strict enquiries respecting the number  
 of animals that escaped out of Safonia on the  
 31 May last & I find on good authority that not  
 less than 50 or 60 animals perished with the stock  
 on the Crown Lands" - "Upwards of 100 animals  
 have escaped from here & the Wild Shambles  
 Wild this year, & 45 have been captured, which  
 leaves the Company owes 55 animals"  
 Animals brought in from the Wild, when the Company  
 had the right to capture, were marked by spots  
 or both years by the gauctos - these are to be seen  
 in almost every herd of wild cattle in the Shambles



I am told to the number of many hundreds - I  
 mention this matter now to your Excellency, I trust  
 that it may meet with consideration

I have the honor to remain Sir

Your Excellency's most Obedt  
James Lane

Your Excellency

James Moore



Staveley August 23<sup>d</sup> 1859

Sir,

I have to acknowledge the receipt of your Letter of yesterday No. 102. - I sh<sup>d</sup> be much obliged by a copy of the authority granted to the Company under the "Alien Ordinance," for my general guidance, as I cannot find it in this Office -

I will not be tempted by the expressions, &c. as far as I am concerned, sh<sup>d</sup>ly grounded as charges, contained in your letter to forget the respect due to Government; but I regret that they will oblige me, in my own justification, to go at some length, into the circumstances - The first is "direct defiance of the Governor's authority" - whilst I entirely deny this charge, it is here I submit, that the whole difficulty has arisen - H.E. has assumed an authority which is not warranted by the Law of the Island, as I conceive, and because that Law does not give H.E. any power over the liberty, or person, even of an Alien. The



"Alien Ordinance" is carefully confined to the  
 infliction of pecuniary penalties, & expressly  
 directs that they shall be sued for, only, by some  
 person authorized, in writing, by the Governor.  
 of pursuing, however, after recovery, the legal  
 course of proceeding, & E. peremptorily requires  
 this unfortunate Man to be delivered up  
 to the U.S. Commercial Agent, to be put on  
 board his Schooner, to be conveyed away, agt  
 his Will, & protestations as to his state of health,  
 & by public proclamation, denounced  
 as being unlawfully upon the Island as an  
 Alien, that he was supposed to be in contumacious  
 & warning all persons agt. penalties. If the  
 Government had directed a prosecution for the  
 penalty, the Man wd. have had the opportunity  
 proving that he was not an Alien, & as I fully  
 believe, that he was not unlawfully here.  
 With regard to the powers & privileges of a "Commander  
 in Chief" of the U.S. many erroneous ideas are entertained  
 in this Colony (amongst others, that he can take  
 possession of the person of a U.S. Citizen in this Island)



& that the Government have the right to deliver him. & the  
Vizent) & I hope I may be excused from appearing  
some extracts from a work of authority on the subject.

3 The second charge is, that of "endeavouring to bring  
the Government into contempt." - I desire reply, that it  
is the last thing I'd desire, or contribute to, & I wish  
I could feel that the recent acts of Government did  
not weaken the moral influence which it is so  
dearable they should have. - Nothing will, however,  
have a greater tendency to cause this, than a  
feeling that the Government act in an unfair,  
& partial manner, & certainly such is a  
prevalent feeling as regards this man. - It is very  
naturally asked why he, alone, out of five from  
the same ship, one of whom has been criminally  
punished, sh<sup>d</sup>. be selected to be forced out of  
the Island, in his state of health, & in need-  
- I am totally unable to satisfy, satisfactorily, any  
such enquiry. - Capt<sup>n</sup> Breeney's anxiety to get rid  
of the man, it is not difficult to understand, & I  
will in due time make it more fully known to the  
Government. - It cannot, also, tend to increase  
the respect due to Government, that H. I. should direct  
a prosecution ag<sup>t</sup> the man, "for having deserted from  
the American ship *Ellen a Miller*", in the face of the



plain statement of the Island Ordinance, that the Captain must be the prosecutor. - Notwithstanding this, H. E. directed the prosecution after the Captain had left the Settlement, & after H. E. had been informed that the Capt<sup>n</sup> had previously made that charge (by way of defence) before the Magistrate, & that it had been declared to be without foundation. -

The result was that it was obliged to be abandoned - I have no hesitation in saying that it was a most cruel & groundless charge, which could be as the following facts (established in Evidence) will show - After the Ship had been seen ashore in Port San Carlos, the Captain sent a Boat in charge of the first Mate, with two Sailors, round to Stanley & with them the Man, O'Neill. - The Capt<sup>n</sup> had told the Boat appearing in this Harbour, quarry persons went to the Jetty to ascertain the cause of its arrival. - The Mate & a young Sailor, having been reported all night, were almost benumbed, & the Man, O'Neill was observed to be very ill - The Company's Surgeon readily took him at once to her House & his Wife attended to him - Whilst still suffering, & his health but little improved, Capt<sup>n</sup> Sweeney stated that he



required him to return to the Ship - The man denied  
 understanding that he was formally required to do  
 so & states that, if he had been, he must have  
 refused, as it would have been at the risk of his  
 life - This indeed was apparent. - It was on the  
 ground of the man's not returning that  
 that Capt. Sweeney avowed, in Court, that he  
 accused him of being "a deserter" - and upon  
 this representations, without investigation, the Govt.  
 have acted -

The further charges are that I have "aided  
 in breaking the Colonial Laws", & "arrayed"  
 the Company in "support" of such aid. - I shall  
 content myself with saying that this is a most  
 unjust & unfair charge - both as representing  
 the Company, & as a private individual, I am  
 most desirous of upholding the Laws of the Colony  
 & seeing the Government respected - I offered to  
 consider the man (supposing, then, that he was  
 an Alien, & not having spoken to him for nearly  
 week) as imported under the Company's Bond  
 even as Security of Aliens being chargeable upon  
 the Colony, with the intention of regaining him as



Steward of one of the Company's Vessels on her return  
 the present ~~Steward~~ Steward having wished to leave  
 - this is characterized as "arraying the Company  
 in support" &c - I apprehend that my proposition  
 was within the spirit, if not the terms, of the  
 Company's authority

I have already stated to H. D. that I did not  
 assist the Man in the steps he took to recover his  
 wages until urgently begged by him to do so & I  
 felt that in common humanity I could  
 refuse, particularly as to the establishment  
 of the Island where persons are free & self  
 incompetent themselves.

I have now the honor to inform you that  
 the Man is not an Alien, but a natural  
 British Subject - a native of Ireland  
 Parents - If required the Man will make  
 Declaration to this effect - I have  
 his U.S. Certificate of Citizenship dated 9  
 in my possession, which describes him as "born  
 naturalized in the Third District Court of New  
 York Dec 11 1850" - I have the honor to remain  
 Sir, your very H. Serv. James Lane



Alien - "An Alien is one who is born out  
 "of the Ligeance (allegiance) of the King"  
 - Littleton 190. -

### Consuls

"Consuls ~~has~~ are not public Ministers, & have  
 no exemption from the civil or criminal jurisdiction  
 of the state, wherein they perform their functions.  
 - They have authority to decide any differences,  
 that may arise bet<sup>n</sup> their own country men, but  
 the jurisdiction they exercise is by permission  
 of the Sovereign in whose territories they reside.  
 & his approval is need<sup>y</sup> to perfect their appointment.  
 - The extent of their jurisdiction is determined  
 by treaty - [Without a treaty, they cannot enforce  
 their decisions - In the treaty bet<sup>n</sup> France & Turkey  
 it is stipulated that their decisions "shall be  
 enforced by Officers of the Sultan" ]

### Commercial Agents

Appointed under a commission from the King  
 of Persia - or a French Lord Talbot said "There  
 "are circumstances that put him below a Consul  
 "for he wants the power of jurisdiction"

Waldman on International Law Vol. 1. p. 134



Police Office, Stanley

23<sup>rd</sup> August 1859.

Sir.

I have had the honour to receive Your Excellency's orders to advise Mr. Longden how to proceed against the man O'Neill summoned on a charge of being an Alien resident here without legal permission.

2. In reply I have to say that as the case is one that can be heard summarily, there is no occasion for a written information.

3. It will be only necessary for Mr. Longden to prove in Court that the man is an Alien, and that he landed or is resident without Your Excellency's permission, or without having been imported by

To  
His Excellency  
Captain Thomas Ed. Moore R.R.  
Governor and Commander in Chief

G. G. G.

Some



some person holding authority from you.

4. I avail myself of this opportunity to remark to Your Excellency that the Ordinance is highly penal. that it is a limitation of that right of asylum for foreigners of which the English have always been jealous, and never more jealous than within the last few years.

5. Consequently, I am of opinion that it would be in the highest degree inexpedient to continue this prosecution unless Your Excellency is in possession of the most conclusive evidence that the man is (as Your Excellency has stated) an Alien - that is to say, a man born out of the Queen's Allegiance.

I have the honour to be

si.

Your Excellency's

Very obedient humble servant.

J Warinck B wrote



Police Office Stanley  
25<sup>th</sup> August 1854.

Sir,

In obedience to Your Excellency's  
request in your letter of yesterday's date,  
I beg to inclose the Return required

I have the honor to be

Sir

Your Excellency's

Very obedient humble servant

J Warwick Brooke.

Sir Excellency

Captain Thomas E. L. Moore R.N.

Governor Commander in Chief

✓ ✓ ✓



# Return

180

of cases heard & determined before the Shipwrecking Magistrate between the 30 September 1858 and 5th August 1859. in which Soldiers belonging to the Falkland Island Garrison are principals.

Date	Name of Soldier	Offence Charged	Sentence or Result of Charge.
<u>1858.</u>			
30 Oct:	<sup>soldier</sup> Doolan. Def <sup>t</sup>	Threatening & assault of wife & child	Referred to Cap. Abbott
17 Nov:	<sup>soldier</sup> Toole. Plff.	Disorderly conduct in a soldier's home	Def <sup>t</sup> imprisoned for a week with hard labour
28 Dec: <u>1859.</u>	Cap. Abbott Plff.	Disorderly conduct in soldier's home	Def <sup>t</sup> dismissed with caution.
21 Jan.	Redford (soldier) Defend <sup>t</sup>	Abuse of wife.	Downed out to keep the peace for three months
21 Mar:	Cap. Abbott Plff.	Disorderly conduct in soldier's home	no summons issued
20 Apr:	Ames (soldier) Plff.	Drunkenness & assault in 'the Barracks'	- Ames' wife Def <sup>t</sup> sentenced to two weeks <sup>imprison</sup> with hard labour
2 Aug:	Ellmer (soldier) Def <sup>t</sup>	Assault of his wife.	Sentenced to the three weeks <sup>imprison</sup> with hard labour



No 70

Stanley Falkland Islands  
August 27<sup>th</sup> 1859.

Sir,

I have the honor to acknowledge the receipt of your Excellency's letter of yesterday enclosing a "Return of cases heard and determined by the stipendiary Magistrate between the 30<sup>th</sup> September 1858 and 5<sup>th</sup> August 1859, in which "Soldiers of the Falkland Island Company are principals" I now feel myself called upon to reply, fearing your Excellency may be led to form an erroneous impression from the manner in which this return is made out. Your Excellency is aware that my object in calling for this return was to show I could not remonstrate without a cause, I will now comment on the cases, the 1<sup>st</sup> Case on the list Mr.

His Excellency  
Captain P. L. Moore R.N. R.S. }  
Governor & Commander in Chief }  
Falkland Islands }



Brooke leaves me to settle, the 4<sup>th</sup> and 6<sup>th</sup> Cases on the list I sent to Mr. Brooke, & the 7<sup>th</sup> the whole of the correspondence has gone home about there therefore remains 3 Cases, one in which Corporal Foole is plaintiff and the other two myself (I must here call your Excellency's attention to the evasion in the wording of the offence in these cases, Mr. Brooke's statement (in the 5<sup>th</sup> paragraph of his letter to your Excellency of the 5<sup>th</sup> August) was "requent cases of disorderly conduct of soldiers in their houses" the offence in each of these cases is "disorderly conduct in a soldiers house" (if a drunken man came into my house it would be disorderly conduct in my house) but who was the offender in each of these cases? A Civilian; in the first case, he got a weeks Imprisonment



(No 40)

Return

Of cases heard and determined before the Deputy Magistrate between the 30<sup>th</sup> September 1858 and 5<sup>th</sup> August 1859 in which soldiers belonging to the Pakeha Island Garrison are principals

Date	Name of Soldier	Offence charged	Sentence or result of charge
1858			
30 <sup>th</sup> Nov.	Sold. Nolan Defendant	Threatening and assault of wife and child	Referred to Capt Abbott.
17 <sup>th</sup> Nov.	Soldier Foote Plaintiff	Disorderly conduct in a soldiers house	Defendant imprisoned for a week with hard labour.
28 <sup>th</sup> Dec.	Captain Abbott Plaintiff	Disorderly conduct in a soldiers house	Defendant dismissed with caution
1859			
26 <sup>th</sup> Jan	Retired Soldier Defendant	Abuse of wife	Bound over to keep the peace for three months.
21 <sup>st</sup> March	Captain Abbott Plaintiff	Disorderly conduct in a soldiers house	} Pro summons issued
20 <sup>th</sup> April	Amos Soldier Plaintiff	Drunkenness and assault in the Banacks.	Defendant (Amos's wife sentenced to 2 weeks imprisonment with hard labour.
2 <sup>nd</sup> August	Vlmer Soldier Defendant	Assault of his wife	sentenced to 3 weeks imprisonment with hard labour.



in the second dismissed with caution  
 and in the third no summons issued  
 Your Excellency will perceive that I  
 have never had a call to demonstrate  
 against,

I have the honor to be

Your Excellency's  
 most obedient

servant

C. Abbott Capt

Comp. Detachment

Packland Islands



1905

Monday August 26<sup>th</sup>

My dear Sir,

The Tire Engine  
is out of Repair, I  
mention this so as not  
to be a responsible party  
in case of Tire.

Yours very truly

C. Abbott

J. N. Longden Esq



Police-Office. Stanley

27 August 1859.

Sir,

In reference to the proposed Ordinance to alter the Jury-Law, I have to request information from Your Excellency, as to the time at which Your Excellency desires that the Ordinance shall come into operation. whether,

- from the passing of the Bill, or - till Her Majesty's pleasure be known,

or - till the present diet expires. i.e. say the 10 April 1861;

Your Excellency

Captain Thomas E L Mone Rct

Governor and Commander in Chief

\_\_\_\_\_



As the Form of the proposed Advance  
will have to be moulded accordingly.

I have the honor to be

Sir,

Your Excellency's

very obedient

humble servant

J Warrick Porter



Police Office Stanley  
27<sup>th</sup> August 1859.

Sir

I have the honour to enclose  
the papers sent to me yesterday for  
my perusal. and <sup>to</sup> remain

Sir,

Your Excellency's  
Very obedient humble servant.

Thos Wauick Brooke

His Excellency  
Captain Thomas Ed. Mores R.A.  
Governor Commander in Chief  
H. H. H.

1859  
Feb 1857. Capt. M.  
Governor Rennie  
1857. Mrs. Montagu  
1857. Rennie.  
1857. Captain



Police Office. Stanley  
29<sup>th</sup> Aug: 1859.

Sir

In obedience to Your  
Excellency's orders I have  
the honour to enclose a draft  
Amendment of the Ordinance  
relating to Injuries.

I have the honour to be

Sir

Your Excellency's

His Excellency

Captain Thomas Ed. Moore

ਕੈਪਟਨ  
ਮੁਖਿਯਕਾਰ

Governor & Commander T. Wainwright Esq  
in Chief.

— — — — —



Stanley August 29<sup>th</sup> 1859

Sir,

I have the honor to acknowledge  
your Excellency's letter of the 27<sup>th</sup> instants  
No 193 -

In reply I beg to state that I employed  
2 Men, for nearly 3 days, in cleaning out  
the Slaughter House Corral, upwards of 3  
weeks ago - that it was thoroughly done,  
& that I subsequently urged the repairs being  
proceeded with - With regard to the resources  
of the Colony I wd. take leave to remark  
of Excellency that a rent of 10 per cent on  
the Cost of the Building Corral & Drains wd.  
only be reasonable on condition of their  
being kept in repair -



3 Referring to the correspondence sheet  
 I have had the honor to hold with  
 Excellency on the subject of Dogs, I have  
 to day received information from Genl  
 Kelway, Carpenter, that yesterday he  
 saw 3 Dogs worrying one of the Company  
 Melch cows, a short distance from the settlement  
 on the government farm, without any person  
 being present; & this morning <sup>a calf</sup>  
<sup>was found dead</sup> within the settlement, a few yards  
 to the south of the Powder Magazine, with its  
 leg sliced up, evidently with a knife.  
 The calf was, a day or two ago, with  
 others in the Camp, & must have been  
 driven to where it was found, or killed  
 & brought there.

I have the honor to remain,  
 Sir, Your Excellency's very  
 Obedt Servant  
 James Lane

H. I  
 Governor Moore



Stanley August 29<sup>th</sup> 1859

Sir,

Altho' legal proof was given, on the hearing of the prosecution by Gen<sup>l</sup>. Capt Hugh O'Neill, that he was a Boston-born subject, & not an alien, I have thought it well, for my own satisfaction, & for the information of Government, to obtain further particulars & now transmit them in the shape of a Statutory Declaration -

I could adduce, if it were at all necessary, other conclusive proofs of his not being an alien -

I have also made inquiry since the hearing & the result has strengthened my belief in the man's character being good.

I have the honor to remain, Sir,

Yours very obt. Serv<sup>t</sup>. James Lane

W. Longdon Esq<sup>r</sup>.

Endorsement of James Lane's letter 198.



Stanley August 16/29/1859

Your Excellency

I do beg to inform you that  
 on my leaving Stanley on the day that your Excellency's  
 proclamation was posted against persons harbouring  
 Mr Donald the Steuart who had deserted from my  
 Ship and who had been harboured in one of Mr  
 James or the Balland Island to houses kept by them  
 the keeper since his first arrival in Stanley and  
 who set both by self and the United States Commercial  
 agent at defiance after which proclamation  
 by self and capt Smyth presumed he would have  
 been put on board of the Nancy and I paid out  
 his account although by the laws of the United States  
 he had forfeited his wages.

Not wishing to see him left destitute I paid  
 into the Consulate the sum of Thirty Nine dollars  
 to give him which would be paying him up to  
 the time he left the ship and provided him  
 with a passage to Mont Bevis in the Nancy  
 the Consul sent to him but he refused to come  
 near him

The Police Court. apparently having taken the  
 duties out of the hands of our Consul although  
 Mr Brooks had previously declared that he  
 had no jurisdiction as the money was earned  
 on board



194

on the high seas under the American Flag and  
our Consulate is the proper place to decide  
any disputes between myself and crew  
The Case would have been settled without  
any difficulty had it not been for Mr Jones  
interference - and who is now acting Justice  
of the Peace and my Stewarts Consul and I  
believe Mr Brooks has acted in this case under  
his advice - the summons I received to appear  
before Mr Brooks for wages was I presumed  
quashed upon your Excellency's proclamation  
No further steps was taken in the matter and  
and the U. S Commercial Agent waited with  
the Hancy two days to endeavour to get the  
Discharge Mr Donald I am given to understand  
that the Hancy had not left the harbour two hours  
before the summons were served to try the  
Case in the Police Court if such I cannot conceive  
it in any other light than a piece of injustice  
as it debared our Consul the opportunity of  
laying the case before the U. S Minister at  
the River Plate as I naturally supposed when  
he left the matter was ended and the money  
paid into the Consulate

The case is to be brought  
forward at the Police Court on Thursday



They and I most distinctly deny any jurisdiction  
of the Police Court over wages earned on the  
high seas under the American Flag the same  
having been settled for at the U.S. Consulate

As my Consul is absent I should feel  
obliged if you would give me your official  
advice how I am to proceed with the matter

Your Obedient Servant  
John Sweeney  
11



Akeley 30<sup>th</sup> August 1859

Sir

I have the honor to report that in accordance with your Excellency's instructions, I have inspected the Mangate House lease this morning and find, about 20 feet of boarding required to repair the inside fence. Outside pick wall to be removed so as to allow proper drainage from Canal. Main drain to be opened four or five yards further down hill and a large stone ~~to~~ inside corral to be removed to prevent cattle escaping by jumping on it and over the wall

Excellency

Bellevue

Wm. Brown.

d - 4



When this is done I think the  
Corral will be in good working  
order - I estimate the work as  
follows -

20 feet of 1 1/2" boarding.	0. 7. 6	}
one Carpenter & day & Nails	1. 10. 0	
3 men removing stone.	0. 12. 0	}
Removing 8 yards of heel wall.	8. 0	
One man drain to be opened cleaned and recovered.	p. 6. 0	}

Total £ 2. 3. 6

I was not aware until yesterday  
that the corral had been cleaned  
and I must observe that the stuff  
has only been put just outside the  
wall & stops the drainage from  
the corral -

I have the honor to be  
Your Excellency's obedient servant  
Arthur A. Wiley  
Summer General



Stanley August 30 1859

Sir, I have received of Capt<sup>l</sup> Sweeney the amount of the Company's Bill ag<sup>t</sup> him, in which was included £5. 6. 0 for Beef supplied on July, killed outside the Company's leased Land, & I now beg to enclose that sum as rec<sup>d</sup> for the Government -

I have the honor to remain,

Sir, Yours ag<sup>t</sup> Law and  
James Sme

A. Longden Esq



Recd. of the F. I. C. #5. 6. 8  
for bus. paid to the  
Helen Miller from the  
Waldport funds in the  
Crown lands J. M. W.



Stanley August 31. 1859

Sir,

I have the honor to acknowledge  
 of Excellency's letter of this day, with the  
 surveyor's report as to the Slaughter House  
 Corral - The report omits to notice the following

1. The palings betw the Rocks & Slaughter House  
 temporarily nailed up by the Butcher,
2. The floor of the Corral, the slope of which  
 to the drain is destroyed, & unless partially  
 repaired &c. in a very short period becomes  
 a mud-pond as before,
3. The Drain from the Corral, without an  
 outlet into which the present inconvenience  
 cannot be remedied.
4. A substitute for the 8 yards of turf wall  
 proposed to be removed - without which  
 the enclosure wd be imperfect & great



difficultly to be experienced in driving  
in cattle: -

Mr Bailey may probably, be able to  
get the pastoral work specified, done  
at the prices mentioned, but it is quite  
out of my power to do so.

With a view to avoid any further trouble  
I beg to propose to do that expense  
are most urgently wanted to the extent  
see expenditure (to be verified) of at  
least £10.00 on being allowed that sum  
out of the current half year Rent,  
using any materials on the spot -

The Rent of 10 per cent on the last having been  
paid for several years, I believe, without deduction  
(£23.6.0 per acre) will I trust induce  
Your Excellency to sanction my proposal.

I have the honor to remain  
Sir Your Excellency's  
Governeur Moore  
James Lane



202

Received 1<sup>st</sup> September 1859

Corlea  
Keragh  
Longford  
Ireland

22 Feb 1859

Excellency I am the Father of Mary wife of Christopher  
Murray who has been I believe a trader at Stanley  
Falkland Islands for several years past -  
a rumour has reached this country that my  
daughter is dead - and that her husband has  
been transported - and as the remittances  
(great portion of my means of support) from thence  
have ceased for some time past. I begin to fear  
the report may be well founded - Not knowing any  
one else to apply to. I beg leave very respectfully  
to solicit information from your Excellency on the  
subject - and as to what has become of the children  
and whether in consequence of the misconduct of their  
Father they have been left destitute - praying  
your Excellency will pardon the liberty I take -

His Excellency  
The Governor  
Falkland Islands

I am your Excellency's very humble Serv<sup>t</sup>

John Belton



Government Emigration Board,

8, Park Street, Westminster,

L. W.

No. \_\_\_\_\_

(The above No. should be quoted in any Reply to this Letter.)

23<sup>rd</sup> February, 1859.

Received 1<sup>st</sup> September 1859

Sir,

I am directed by the Emigration Commissioners to acquaint you, for the information of the Governor, that there were no transactions in the quarter ended 31 December 1858 on their Account with the Falkland Islands, and that the balance in hand at the close of the year remained therefore £22: 16: 6.

I am at the same time to acquaint you that the Exchequer Bills deposited in the Commissioners name at the Bank of England on behalf of the Colony were on the 31 December 1858 as under:

date of Bills	amount
1858 June 15.	1200
	£ 1200

The Colonial Secretary  
 to the  
 Falklands

I have the honor to be,  
 Sir,  
 Your obedient servant,

Malcolm  
 Secretary



205

Received 1<sup>st</sup> September 1859.

any further communication on this subject, it is requested that the Letter following the date may be quoted.

ADMIRALTY,

March 2<sup>nd</sup> 1859 L

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith for your use and information, Part *second* of Report of Cases decided in the High Court of Admiralty of England.

I AM,

Sir,

Your most obedient Servant,

*W. G. Romaine*

To the Judge

of the Court of Vice Admiralty

at *Falkland Islands*



Received 1<sup>st</sup> September 1859. 205

No. 5, Cannon Row, Westminster,

15 March 1859.

Sir,

I have the honor to acquaint you, for the information of His Excellency The Governor, that the Articles mentioned in the following List have been shipped on board the "Moulton" and I beg to enclose the requisite Receipts.

12<sup>th</sup> Instant  
in original.

No. of Packages	Contents.
1	Almanacks for 1859 included in Requisition for Stationery

I have the honor to be,

Sir,

Your most obedient Servant,

Edw. Munnich

The Colonial Secretary,

&c. &c. &c.

Falkland Islands.



London 12<sup>th</sup> ~~April~~ <sup>March</sup>  
1853

Received on board the "Mountain"  
Capt. R Blair for the Falkland Islands  
One Paper Parcel addressed  
The Office administering  
the Government  
Falkland Islands

Robert Blair Master



Received 1<sup>st</sup> September 1859

207

(No. 4.)

Department of  
The Comptroller for  
Transport Services.

Admiralty,

Somerset House, W.C.

25<sup>th</sup> March 1859

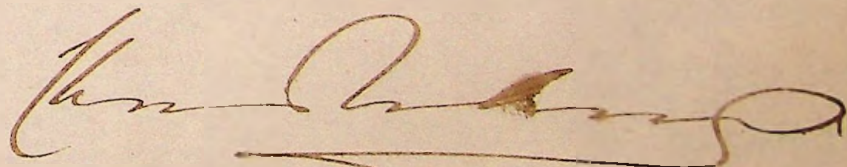
Sir,

I beg to acquaint you that the Freight  
Ship "Moultaw",  
left Deptford \_\_\_\_\_ on the 12<sup>th</sup> Instant,  
for the Falkland Islands,  
having on board the ~~Traps~~ or Stores for which conveyance was  
engaged in her,—as specified on the other side hereof.

I have the honor to be,

Sir,

Your most obedient Servant,



Comptroller of Transport Services.

[Over

The Governor,  
of the Falkland Islands



Appropriated for the Conveyance of

Officers	Troops	Other Passengers	Provisions or Stores	
			Tons	Description
			1 <sup>7</sup> / <sub>40</sub> Caudles.	} Military.
			25 Coals.	
			<p><i>Memo</i> The coals are part of the private cargo, but are to be eswepd and delivered as <u>Government Stores</u> -</p>	

Number of Lay Days {

- Allowed for Loading and Discharging Cargo .....
- Occupied in Loading .....
- Remaining for Discharge, &c. ....



Audit Office, Somerset House,

London, 5 April 1859.  
W.C.

Received 5 September 1859

---

Sir,

I am directed by the Commissioners for Auditing  
the Public Accounts to acknowledge the receipt of the Account and  
Vouchers transmitted to this Office on the 4<sup>th</sup> February  
1859.

I am,

Sir,

Your most obedient Servant,

C. Macaulay  
Secretary.

To His Excellency

The Governor

of the Falkland Islands.



Received 1<sup>u</sup> September 1859

210

Oberon at Buenos Ayres  
8 April 1859

Sir

I beg to acknowledge  
the receipt of your letter  
acquainting me that  
arrangements had been  
made for the conveyance  
of the mails now at Monte  
Video for the Falkland Islands  
and that a Contract had  
also been entered into for  
the transmission of those  
respected

His Excellency  
Captain Thomas Moore, Royal Navy  
Se ——— Se ——— Se



expected between August  
and December of this year.

2. Affairs in the River  
Plate are at this moment in  
a very doubtful state which  
makes it necessary for me to  
assemble all my disposable  
force here, which, added to  
the reasons given to you when  
I was at Stanley, will prevent  
me from complying with your  
request that a vessel should  
be sent to the Falklands  
in May or June next,  
but Her Excellency may  
not be assured that I will  
take every means which  
the



the force under my orders  
will permit to prevent the  
letters for the Colony being  
detained longer than is  
possible.

I have the honor to be

Sir

Your Obedient Servant

Stephen Lushington.

Rear Admiral and  
Commander in Chief



Received 1<sup>st</sup> September 1859 <sup>213</sup>

Office of the Agents General for Crown Colonies,

Cannon Row, Westminster,

13<sup>th</sup> April 1859

Sir,

I have the honor to enclose, for  
the information of His Excellency the Governor,  
a Copy of the Account of the Agents General for  
Crown Colonies with the Government of the  
Falkland Islands for the Quarter ended  
the 31<sup>st</sup> ultimo.

I have the honor to be,

Sir,

Your obedient Servant,

Edw. Samuel,

The Colonial Secretary,

gc. gc. gc.

14/5  
Falkland Islands







Received 3<sup>d</sup> September 1859 215

War Office,

— 24<sup>th</sup> April 1859.

Sir

In pursuance of the directions contained in the 1<sup>st</sup> Clause of the Act of the 22<sup>nd</sup> Victoria the 1<sup>st</sup>, Cap. 4, commonly called the "Mutiny Act," I have the honor to transmit herewith, for your Information and Guidance, a Copy (printed by The Queen's Printer, and signed by myself) of the Articles of War, which have been made and established by Her Majesty, under the authority of the said Act.

I have the honor to be,

Sir

Your most obedient Servant,

Rice

The Governor  
or Lieut Governor

Falkland Islands



Government Emigration Board,

8, Park Street, Westminster,

G. W.

28<sup>th</sup> April 1859

Revised 1<sup>st</sup> September 1859

(The above No. should be noted in any Reply to this Letter.)

Sir,

I am directed by the Emigration Commissioners to acquaint you for the information of the Governor that there were no transactions in the quarter ended 31. March 1859 on their account with the Falkland Islands, and that the balance on the 31<sup>st</sup> March was therefore as under -

Cash in hand £22:16:6  
Exchequer Bills } £1200  
dated 15. June 1858 }

I have the honor to be,  
Sir,

Your obed<sup>t</sup>. Servant

Malcott  
Secretary

Colonial Secretary  
Falkland Islands }



Audit Office, Somerset House,

London,  
W.C.

6 May 1859.

Received 1<sup>st</sup> September 1859.

Sir,

I am directed by the Commissioners for Auditing the Public Accounts to acknowledge the receipt of the Account and Vouchers transmitted to this Office on the 11<sup>th</sup> March 1859.

I am,

Sir,

Your most obedient Servant,

C. Macaulay,  
Secretary.

To J. R. Longden Esq.  
Colonial Secretary.  
Falkland Islands.



Received 1<sup>st</sup>. September 1859 <sup>218</sup>

Registered No. 19911.

By further correspondence  
this subject, the above  
number should be quoted.

General Post Office,  
12<sup>th</sup> May, 1859.

Sir,

I beg leave to transmit to you  
the accompanying memorandum which  
was received at this Office on the 5<sup>th</sup>  
instant in a mail from the Falkland  
Islands, and I have to point out to you  
that, although this memorandum certifies  
that eighty letters were forwarded on  
the occasion, only forty eight letters  
were contained in the mail when it reached  
this office.

I request that you will be  
good enough to cause inquiry to be  
made on this subject, and acquaint  
me with the result.

I am,  
Sir,

Your obedient servant,

Master,

Falkland Islands

J. Hill



Received 1<sup>st</sup> September 1859

Monte Video  
August 17. 1859.

Sir,

I have the honour to acknowledge  
the receipt of your Excellency's despatch of the  
27<sup>th</sup> ultimo enclosing copy of a contract made  
by your Excellency with the Falkland Islands  
Company for the conveyance of the mail  
between Stanley and this Port. I will use  
my endeavours that its provisions may be  
punctually fulfilled, but on the present  
occasion the "Victoria" has been delayed by  
two holidays which took place immediately  
after the arrival of the English Packet.

I have the honour to be

Sir  
Your obedient servant

Excellency

Wm. Moore R. G.

J. P. Thornton

— 4 — 4 —



Cape Pembroke Lighthouse Sept 1<sup>st</sup> 1859

Sir

I take the liberty of asking the following favor if your Excellency would please to add one room to the <sup>end</sup> of the dwelling house for the Assistant Light Keeper it would do a way with the uncomfortable and undesirable way in which we are living when our day's work is done which is generally between 1 and 2 o'clock we are obliged to be in the kitchen which cause us to be very uncomfortable the sand moves in such a way that we cannot get out the children cannot always go to the water closet therefore their calls of nature are obliged to be attended to in the house which makes it unpleasant for a strange person to be in the house and likewise at night he must sit to the fire which is very close to my bedroom he must



Hear every thing that takes place which is very wonderful  
 I don't think this bad will remain without such a  
 Change as this may entice him he has said some time  
 Back that he would go home as soon as he could  
 Pay his Passay if what I now suppose was done 3 years  
 Back I am sure Wats would how he at the light  
 the man could not get any sleep evening or morning  
 the hours of the Children I have now endeavord Sir to  
 By you how we are accommodated if your Excellency  
 Can not cause the room to be hit at present I  
 Would give my own which I can hardly spare  
 And sleep in the Kitchen or till such time  
 It can be done if your Excellency would cause  
 to be parted off from the other part of the house  
 then each person will have some place to call his  
 own whilst he is here I have done every



thing in by Law to make things comfortable <sup>and</sup>  
Will continue to do so as long as I remain here  
Sir with regard to the attempt to open the righting  
dash I am very sorry it should have a  
burst and I Pray for your Excellency it shall  
not be a loss a gain

I am Sir your humble servant  
W. Green

Principal Light Keeper

His Excellency  
Governor Moore



Sturley September 2<sup>d</sup> 1759

Sir,

In having the Honour to acknowledge the receipt of your Letter of the 30<sup>th</sup> ult. N<sup>o</sup> 190. I must be allowed to correct the statement that O'Neill "was confessedly absent without leave from the Ship to which he belonged" - Such a statement is difficult to account for after my Letters of the 17<sup>th</sup>, 19<sup>th</sup> & 23<sup>rd</sup> ult<sup>o</sup>. had informed H. E. that such Charge had been investigated & judicially declared to be without foundation - On the Man's claim for wages owing on upon job, before a Jury the same defence was set up & again failed, the claim being established.

2 The whole difficulty has arisen, I venture to submit, from the circumstance of H. E. having acted upon separate statements, instead of referring the parties asking the sea charges to the ordinary legal tribunals.

3 To "presumptively require O'Neill to be handed over to the U.S. Commercial Agent," if the steps taken to



that had, was, I instruct, to "decide to act  
 altogether above the Law, & tending to make  
 one feel that they cannot rely on its protection  
 - I have before taken leave to point out that  
 provisions of the "Alien Ordinance" of the Colonies  
 are very carefully confined to the infliction  
 pecuniary penalties & even that, only, in a  
 special prosecution authorized by A. D. C.  
 that no power whatever is given over the person  
 or liberty of an Alien -

4. I cannot refrain from respectfully expressing  
 an opinion, in the interest of the Company  
 represent, that scarcely anything could  
 tend to lessen the respect due to the Law  
 the Government, than the various prosecutions  
 & acts recently adopted, & that it cannot  
 be injurious to the Colony of peace & order  
 by Government, unauthorized by Law, should  
 take place.

On the Morning of the 12<sup>th</sup> all a  
 notice was advertised that O'Neill was in  
 that he was supposed to be concealed & warning  
 persons ag<sup>t</sup> aiding him &c. - On the same day



A Summons was issued agt. him, on the application of  
 Government, to recover a Penalty under the  
 "Acta Ordinance" for "landing or receiving" here  
 without leave - On the same day agt. Government  
 Summons was issued charging him with having  
 "deserted from the American Ship Dilca a Miller" - The  
 latter Summons was delivered after 1. of. to appear  
 in Court at 3 on the same day, & it was applied  
 for with the knowledge, as plainly stated in  
 the Ordinance, that a prosecution of Sailors  
 in a foreign Ship must be at the instance  
 of the foreign Captain. At 3 of. the Jut applied  
 for a Warrant to arrest O'Neill for non-  
 attendance on the Summons, to have been  
 over to the U.S. Consul Agent, contrary to law  
 even had he been an Alien. - The Shipowner,  
 Magistrate however refused a Warrant it being  
 unauthorized by the Ordinance, & the prosecution  
 itself was abandoned thereupon - All these  
 proceedings were after I had informed her  
 Excellency that the charge of being absent without  
 leave had judicially declared unfounded.  
 On the hearing of the Summons for the penalty,  
 it was proved by legal evidence, that the



Maan was a Honolulu born subject, but notwithstanding  
 the Government notice of his being an alien, the  
 concealment was kept in the Gov. Board for 2<sup>1/2</sup>  
 afterwards & the man had been spent, waiting  
 about the settlement for several days, personally  
 actually, reading the notice on the Official  
 Gazette Board of his being in concealment.

On the <sup>first day appointed for the</sup> hearing of the claim by O'Neill of Capt  
 Sweeney for his wages, it was stated by Mr Deane,  
 who appeared for the latter, in open Court before  
 the Judge & others that Capt Sweeney had have  
 been in Stanley in time but that he left  
 on the 17<sup>th</sup> on an understanding with the Gov  
 that "a proclamation" sh<sup>d</sup>. be issued aft<sup>r</sup> the  
 man under which he w<sup>d</sup>. be delivered up to  
 the US Commercial Agent - These facts & that  
 H.E. should select this ill-used man, alone, out  
 of 5 of the Crew of the same ship, to be denounced  
 & prosecuted (2 of the 5 being engaged to make  
 up the crew of Mr Deane's Steamer Schooner) has  
 created a very undesirable feeling in the  
 Colony - I have the honor to remain, Sir,  
 your very obt<sup>d</sup> Serv<sup>t</sup>.

J. M. Langdon Esq

James Luce



Stanley Sept: 5 1859

Sir,

In reply to your letter of the 3<sup>d</sup> inst. No 202, I beg to state that Josi Alamos with his wife & children, Josi Maria Morano & R. Sacco, Spaniards, are not imported for the service of the Company - The following is an extract from the instructions given to Capt<sup>n</sup> M<sup>o</sup> Leuchlan on his up Voyage,

"3 Not to bring any foreigners to Stanley  
"contrary to Government regulations"

2 Verela has been to Monte Video on leave returns to the Company's employment.

I have the honor to remain

Sir  
Yours very truly

Juanes Lane

London Esq<sup>r</sup>:



Stanley Sept. 3, 1859

Sir,

I have received from the directors of the Holland Land Company an agreement dated the 25<sup>th</sup> March last, bet<sup>h</sup> H<sup>is</sup> M<sup>ajesty</sup> the Queen & the Company, for the grant of Lafonia &c. —

I will prepare & send for His Excellency's perusal a draft of the Grant without delay

I have the honor to remain

S<sup>r</sup> your most obed<sup>t</sup> servant  
James Lane

W<sup>m</sup> Longden Esq<sup>r</sup>  
 Colonial Secretary



Office of Committee of Privy Council for Trade,  
Marine Department,

Whitehall, 7<sup>th</sup> April 1859. —

3762.

Sir,

I am directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 6<sup>th</sup> February last transmitting the Account Current together with other Returns in respect of the Cape Pembroke Lighthouse for the Quarter ending 31<sup>st</sup> December, 1858, and requesting to be furnished with a supply of Lighthouse Forms. —

In reply I am to forward to you the enclosed Forms —

Thirty six S. H. 1. Forms.

Thirty six L. H. 3 ditto.

Twelve S. H. 2 ditto —

The Governor of the Falkland Islands

Stanley.

Falkland Islands.

As.



230

As regards the Blank Forms for drawing Bills on the Accountant of the Board of Trade for Lighthouse Services alluded to in your letter I am to acquaint you that the Colonial Office was requested in a letter from this Department of the 5<sup>th</sup> November last to inform you that it is not necessary that such Bills should be drawn upon printed Forms.

I have the honor to be

Sir,

Your obedient Servant. (B.S.)

J H Farrer



Cape Pembroke Lighthouse September 6<sup>th</sup>

Sir

I am sorry to inform your Excellency  
 that I had made a mistake in the account of  
 quantity of oil remaining in Store at the  
 Lighthouse in carrying forward from the 31<sup>st</sup> of May  
 To the 1<sup>st</sup> of June I entered 138 gallons 2 qts and 1 pt  
 Instead of 183 gallons 2 qts and 1 Pint I am obliged  
 To take the Can which contains 6 $\frac{1}{2}$  gallons of oil out of  
 Basket and put it by the fire to melt it has lost  
 4 $\frac{1}{4}$  to 4 $\frac{1}{2}$  gallons some times more or less to fill the  
 What remand in the Cans got frozen a year I had  
 many Cans of this sort through the winter so I could  
 not tell how much I had till the fine weather set  
 in and melted it then I found on Tuesday  
 taking Stock I had more than I should have  
 According to my accounts I examined the Store book  
 And discovered the mistake it is the first time  
 it has occurred I shall be more careful for the future



I am Sir your comd.

Servant

W. H. Cross

Principal Light-keeper

H. S. Excellency

Governor Mass



Police-Office. Stanley  
6<sup>th</sup> September 1859.

Sir,

I have the honour to acknowledge the Receipt of Your Excellency's letter of the 5<sup>th</sup> Instant with its Enclosure viz a letter to Your Excellency from Captain Sweeney.

2. His statements so far as I can judge, are incorrect; I will refer to those which concern myself.

3. So far from declaring that I had no Jurisdiction I expressly declared that I had; but not as a Stipendiary Magistrate in which Capacity the case at first was brought before me.

Excellency  
Thos. Ed. Moore Rct  
Governor & Commander in Chief

—————



4. As to my taking the duties of the American Consul out of his hands, I need hardly say that having satisfied myself of my Jurisdiction<sup>x</sup> I could not refuse to hear the case.

5. Captain Sweeney asserts that he was given to understand that the Nancy had not left the harbour two hours before the summons was served to try the case.

The summons was served on the 15<sup>th</sup> of August and the Nancy did not leave Stanley till the 19<sup>th</sup> that is to say the Nancy left the harbour four days after the summons was served.

6. As regards Captain Sweeney's statement towards the end of his letter that he supposed the matter was ended and the

x

As regards my Jurisdiction, I take the liberty of referring Your Excellency to the Confidential Circular of 14 Oct 1858 with the inclosed legal opinion transmitted to me by Your Excellency on the 31<sup>st</sup> Dec 1858



money paid into the Court, it would appear from the former part of the letter that this money, (if it were paid into the Court) was only \$ 39. or about £ 8 sterling whereas Your Excellency will understand that the Plaintiff claimed and the Jury awarded him £ 18-5-0.

I have the honour to be

Sir,

Your Excellency's

very obedient

humble servant

J. Wainwright



Police - Office Stanley  
7<sup>th</sup> Sept: 1859.

236

Sir,

I have the honour to acknowledge the receipt of a letter of this date referring to a previous letter sent to me by your Excellency and dated the 29<sup>th</sup> ultimo; that former letter contained

- (I.) A copy of the Falkland Islands Company's Charter.
- (II.) A copy of the Terms which (as your Excellency informs me) the Company has accepted for the Amendment of the Charter (undated)
- (III) A Blank Form of a Crown Grant.

Your Excellency  
Captain Thos E L Moore R.N.  
Governor & Commander in Chief.

— — —



I have also received on application to Colonial Secretary (Tr.) a copy of the Gazette of 31 July 1849 containing the Terms on which grazing licences can be procured.

(Tr.) and a copy of a grazing Licence over lands extending from Brenton Loch (undated).

2. From these Papers I conclude that,

The Company holds a Licence to depasture stock on lands extending from Brenton Loch towards Port San Carlos in virtue of a Purchase of land made by the Company on Brenton Loch.

3. That, they obtained this Licence under the Government Regulations, set forth in Governor Rennie's Proclamation of the 31 July 1849, and recited in the Preamble to the Certificate of Licence. —

4. That it was agreed between the Government and



238

the Company that this purchase  
of land on Brenton Loch was  
"to convey to the Company the  
"privileges usually attaching to  
"such purchases and no other.

5. That the Regulations  
confer no privilege on the holders  
of grazing Licences to kill wild  
cattle on the lands over which their  
licences extend,

6. Consequently I am of  
opinion (derived from the papers  
furnished to me by your Excellency)  
that the Falkland Island Company  
has no right to kill wild cattle  
on their leased lands.

7. I have the honour to be

Sir

Your Excellency's

very obedient

humble servant

P.S.

Warwick Brooke.

As desired by your Excellency I  
have the honour to return the  
Copy of the Charter & the Crown Grant



29  
Stanley Sept 7<sup>th</sup> 1859

Sir,

I should be glad to be favoured with a  
reply to my letter of the 31<sup>st</sup> August to H. E.  
The Governor on the subject of the Canal &  
Drains -

I have the honour to remain

Sir, your obed<sup>t</sup> servant  
James Lane

J. R. Longden Esq<sup>r</sup>



240

Your Excellency  
Sir

I beg to inform you that I  
was yesterday served with a summons from the  
Police Court to appear there on Monday next the  
12<sup>th</sup> inst to pay to John McDonnell one of my crew  
the amount awarded by the said court  
I have before informed your Excellency that  
I do not acknowledge the jurisdiction  
of the Police Court the matter in dispute  
having been settled to the satisfaction of  
the United States Commercial agent for this Port  
Mr Brooks the Stipendiary Magistrate has  
decided that he has jurisdiction such  
decision is most unsatisfactory and I am  
convinced is at variance with international  
Law. I beg your Excellency to inform  
me if there is no appeal

Stanby Sep<sup>r</sup> 7/59

Yours ob<sup>t</sup> Servant  
John Sweeney



241  
Police-Office Stanley  
7<sup>th</sup> Sep - 1859.

Sir,

I have had the honour to receive your Excellency's letter of this date relative to an appeal which has been made to you against a Judgment in the case of O'Neill vs Sweeney in the Police Court (civil)

2. I should have desired a longer time to ~~answer~~ some of the points raised in your Excellency's letter, but as your Excellency desires an early reply,

His Excellency

Captain Thomas E. L. Moore RQ

Governor's Command in Chief



242  
I confine myself to remarking  
that, the Right of Appeal exists  
simply by virtue of the Act  
which created and defined the  
powers of the Court itself, and  
consequently I am of opinion that  
the Defendant in this suit has  
no right of Appeal either to the  
Magistrates' Court or to Your Excellency  
in Council, or to "the Judicial  
Committee of the Privy Council".

3. But the Judgment,  
I apprehend, may be removed  
into the Magistrates' Court by  
Order of the Chairman; if the  
Defendant can obtain <sup>his</sup> leave  
& only on such terms as the  
Chairman shall think fit.

4. I have the honor to be  
Sir

Your Excellency's  
very obedient  
humble servant.

Wm. B. B. B.

vide 94/10  
vic: 95  
see 90.3



Truly Y<sup>r</sup> Serv<sup>t</sup> 1859  
 Wm E. Kelly

Sir

At my appearance  
 at Court this morning in  
 accordance with a summons  
 from the Pleas Court in the  
 matter of one of my Sermons  
 John M' Donald, and in my  
 defence stated again that  
 the Court had no jurisdic-  
 tion and consequently refused  
 to pay the amount thus  
 the Magistrate  
 has committed me to the



Common Seal of State  
 for forty days. cannot  
 pay the Amount under  
 protest to Tom Gallen  
 until such time as I  
 hear from my friend

Dear Sir

Yours & Gallens Obedt

John Sweeney  
 11



Stanley Prison House.  
 21st Dec 1859

An Oath for Man-

Judgment was this day issued  
 against me by Mr Brooke the Supending Magistrate  
 of forty days imprisonment or payment  
 of £22 supposed claim of one of my creditors.  
 I beg to pay the same over to your Galling  
 under protest and shall lay the case  
 before you for the decision of our  
 Government, so soon as I am at  
 liberty;

John Sweeney



Stanley Sept 21 1859

Sir,

On the receipt of your letter of this date, No<sup>o</sup> 211, I visited the Slaughter House - It ~~was~~ might be inferred, from your letter, that the work had been done, or was in progress, when I wrote on the 7<sup>th</sup> inst. - It was, however, not so; - A Man had been employed to open 2 or 3 yards of the main drain, (below the part upto which I had had it opened) & to remove a few barrowfulls of earth, for which I knew that he was paid £1. - Some days having passed, & nothing else being done, nor any ans<sup>r</sup> given to my proposal to do the repairs, I wrote you<sup>l</sup> (page 12 of 1), & it was only in the afternoon, that the Surveyor General, with several Men were at the



Slaughter House, & by far the greater part  
 of the 3 or 4 hours they were there, was  
 occupied in turning a large stone on its side  
 - the Main ~~bar~~ <sup>put up</sup> will no doubt be  
 knocked down by the first violent wind.

2 In your letter of the 23<sup>d</sup> June is the following  
 reference to the Surveyor Genl's then Survey  
 "The drain from it (the Slaughter House) <sup>needs</sup>  
 "repair - Probably also a drain from the  
 "Corral is required, joining the main  
 "drain, which sh<sup>d</sup> be opened as far as the  
 "slope of the hill - These works cannot be  
 "properly executed, however, until the  
 "frost breaks."

3 Notwithstanding this, no drain, from the  
 Corral, joining the main drain, has been  
 attempted, & the liquid stuff of the Corral  
 consequently accumulates in it & cannot run off



The main drain has been left uncovered & the stench is intolerable - I had this drain, as I have before mentioned, opened for some distance, nearly to the slope of the Hill, because it was only suggested that it might have become choked by the neglect of the Slaughterman. - it turned out, however, that the drain had fallen in, in many places, & wanted repair.

4 I recd P. the above matters yesterday to the Surveyor Genl., on the spot, & also called his attention to the decayed post Wall (referred to in my letter of the 31<sup>st</sup> ult<sup>o</sup>) forming part of the enclosed approach; & asked that some of the upright posts & rails might be placed before it, for 8 or 10 yards, to make it secure. - He replied that he was only authorized to expend a certain sum, which I presume was the £2.3.6 ment<sup>d</sup> in his letter of the 30<sup>th</sup> ult<sup>o</sup>!



b I must again state that this is an  
 unfair treatment on the part of the  
 Government - The Canal & Drains are  
 now in a state which no private  
 would allow; & besides the great claim  
 the Rent paid by the Company gives  
 might be reasonably hoped that the  
 sum required for the fair repair of the  
 Canal & Slaughter House, from which the  
 Settlement are almost wholly supplied  
 with meat, would have been promptly  
 to by the Government, or a seasonably  
 allowed for its being done.

I have the honor to remain Sir

Your obed<sup>t</sup> Serv<sup>t</sup>

James Lane

W. Longden Esq<sup>r</sup>



Manley Apr. 9<sup>th</sup> 1839.

In  
with reference to Mr Lanes  
letter which your Excellency has  
put in my hands for perusal

I have the honour to report that  
in my opinion the Slaughter  
house corral is complete that  
the animals cannot get out, and  
the drain which at one time I  
thought necessary is not required  
now the earth in front of the  
Corral is removed

to your Excellency.

Samuel Woods.

He



The "few barrowfuls of earth" referred to in Mr James' letter took a good workman 2 days to wheel away, and the thin battens (which are 11 inch boards 1 inch thick) are sufficient for the use they are put up for.

I am the honor to  
 be  
 Your Obedient servant  
 Mr and

Arthur Bailey  
 Surveyor General



Stanley Sept 9<sup>th</sup> 1859

252

Sir,

I have the honor to acknowledge of Excellency's letter of the 2<sup>d</sup> inst. No 209. - The right to kill Cattle on leased lands, does not rest upon the construction of "the leases & of the proclamation of 1846" only, but upon the arrangement made last year bet<sup>n</sup> Her Majesty's Government & the Company. - A dispatch from Mr. Board, dated the 6<sup>th</sup> Sept last, (1858) states, that, by that Mail, your Excellency wd be instructed that the contract of the 9<sup>th</sup> Jan<sup>y</sup> 1850 had ceased, upon certain conditions; one of them being, that the Company were to be allowed the exclusive right of pasturage, & of killing Cattle, on their leased lands -

2. The inactivity of Government, alluded to in the 2<sup>d</sup> Parag. of G. Esq's letter, had reference to the refusal to take any measures, either such as I had suggested (to prohibit Dogs being taken on board the Sealers Boats, & offering a Reward & Pardon on conviction) or other wise, to prevent Cattle stealing. - To obtain "sufficient evidence" of



such depredations, 100 Miles from the Settlement  
 in a wild, & unhabited, Country, is, & always  
 has been, impossible, & hopeless; & consequently  
 an Ordinance which enacts that, if the depredations  
 are committed, they shall be punished, is  
 simply ridiculed, & the men, who so act, do  
 not hesitate to say, openly, that they "always  
 have Beef" when out. - The determination  
 of Government to take no steps in this  
 matter, makes it impossible not to connect  
 it with the fact, that Mr. Dean & Capt. Sanger  
 own sealing vessels, & that the former is one  
 of the two members constituting the Legislative  
 Council, with your Excellency.

3 I certainly mentioned the discontinuance of opening  
 the Settlement Road, as one of the many instances  
 of unfriendly feeling towards the Company, but  
 I attributed no "unworthy motives" - The facts  
 however must remain. - It is, I believe, & Mr. Dean  
 since the struggle was laid on that part of the  
 Road from the Gov<sup>t</sup> Buildings, to Mr. Dean's premises;  
 & up to the present time, & during winter months, it has



been continued to the Company's premises - Since  
 the discontinuance the Cart has been used for various  
 purposes, not then in hand, nor contemplated - &  
 shingles <sup>has been</sup> also raised, & laid elsewhere, & at a  
 distance. - I take leave to add, also, that a cart  
 was unnecessary - The road runs close along the  
 Beach, & 2 Men, with Wheelbarrows, could, in a  
 few days, have obtained & laid the shingle. - It  
 is true that I have not made any direct complaint  
 to your Excellency, but the state of the Road was  
 a common subject of remark, & your Excellency  
 knew it almost daily. -

4 I am not aware of the existence of the "bitter &  
 irritated feelings" to which your Ex<sup>ty</sup> alludes, &  
 sh<sup>d</sup> be very sorry to entertain them under any  
 provocation; but I cannot shrink from  
 saying, advisedly, that in the last few Months  
 I have had many proofs of a jealousy & unkindness  
 spirit by Government towards the Company, &  
 have no fear for its prosperity, & ask no favour  
 for its exclusivity. - The more it prospers, the more  
 it will expend Capital, & so promote the interests of  
 the Colony, & the encouragement of Shipping to the Port in all  
 its great interest & list - This source of prosperity, your  
 Ex<sup>ty</sup> as to



Excellency is aware cannot be looked for, to any  
 extent, in any other quarter, at present; & would  
 justify the expectation of that encouragement  
 & cooperation, which the Directors inform me, that  
 the expressed desire of His Government should  
 be afforded, instead of the harassing course  
 which has been pursued. - To get even the  
 Government Slaughter House &erral partially  
 repaired, at the expense of only a few pounds,  
 has required the utmost importunity, & it is  
 now left in a state in which any private person  
 wd be ashamed of allowing his property to remain.  
 - The want of resources for the purpose cannot be  
 alleged, as the expense is an equitable charge  
 upon the Rent.

5 I would gladly avoid all contention, & act  
 in cordial cooperation with Government, but  
 cannot neglect the great interests, committed to  
 my charge, for the sake of personal considerations;  
 & particularly when I see how little "the resources  
 of the colony" are applied to the public good, & to  
 promote its prosperity.

I have the honor to remain  
 Sir  
 Your Excellency's very Obedt Servant  
 James Lane

H E  
 Governor Moore &c



Stautey Sept<sup>r</sup> 9<sup>th</sup> 1859

Sir,

I now beg to send for perusal the Draft of the Grant of the Southern Peninsula & Islands from the Crown to the Company, & have made an Extract from the Directors advice to me, in reference to Bull Head reserved land, in the margin of the Draft:

I had, previously to the receipt of the Agreement of the 25<sup>th</sup> March last, (letter to H.E. of the 23<sup>rd</sup> ult<sup>o</sup>) referred to the subject of the last proviso in that Agreement, viz<sup>t</sup>, as to Cattle not upon the lands conveyed to the Company, but claimed by them.

I have the honor to remain

Sir your very obed<sup>t</sup> serv<sup>t</sup>

JR Longden Esq<sup>r</sup>  
Colonial Secretary

JAMES LAURENCE



Received September 10<sup>th</sup> 1859.

A. 1 257

Stanley Hall Lane London Sept 15<sup>th</sup>  
His Excellency Governor Moore

Sir

Upon the payment of the sum  
of Twenty Two Pounds into your Excellency  
hands under protest of compulsion and  
imprisonment by judgment of Mr. Brooke  
Magistrate upon the 7<sup>th</sup> inst, I  
have stated so soon as my liberty was obtained  
I would state the facts to be appended to  
such protest

The Steward of the Ship "Helen" of  
New York under my command shipped at  
that Port before the Shipping Master at wages of  
\$22.50 per month under the name of John St. Daniel  
and as such received two months advance wages  
upon the voyage. He becoming totally incapable  
of performing his duties having contracted the  
venereal disease for the cure of which  
I have Dr. Haswell's the Colonial Surgeon's cer-  
tificate

Upon the stranding of the Ship the said  
Steward proceeded to this Port for medical ad-  
vice at his request and my sanction. Upon his  
arrival here in charge of Mr. McCarhouse my  
Chief Officer he with the advice of the acting  
United



United States Commercial Agent Mr. Dorr  
providing board and quarters for the boat's crew  
and him at Mr. McQuire's which he refused  
to accept, Mr. Moorhouse then stated to him  
and also Mr. McGarrett the Falkland Islands  
Company's storekeeper that neither myself nor  
the U.S. commercial Agent nor the ship would  
pay such board

That upon my arrival at Stanley on  
the 1<sup>st</sup> day of July I there made arrangements  
with Capt Smyley for the Schooner "Vancey"  
to return to my ship, that on the 7<sup>th</sup> the Steward  
came to me and demanded his discharge, which  
I refused and ordered him to return he said  
he would not Capt Smyley the U.S. commer-  
cial agent also ordered him to join his ship  
which is on record on oath at the Stanley Police  
Court he refused to do so

That on the 9<sup>th</sup> day of July he was de-  
clared a deserter and the same noted at the U.S.  
Consulate and I proceeded to the ship without  
him Upon the 3<sup>rd</sup> day of August I paid off  
a portion of the crew when he presented himself  
again and the Commercial Agent told him that  
he had deserted from his ship and was therefore  
not entitled to his wages but he would see  
about



about it. His wages amounting Due him  
 to the Sum of \$39. (Thirty nine Dollars) if he had  
 not deserted which was paid into the US Consulate  
 Mr. Lane the F.S. Company's Manager whom  
 I believe is also a lawyer about this time  
 he was anxious to purchase from me some  
 portion of my cargo but I informed him  
 I could not sell him as it was already sold  
 he then took up the deserters case and from  
 first to last the man has been harboured in  
 the house of his storekeeper there is no doubt  
 in my mind if Mr. Lane had got from me the  
 sugar and butter he wanted at his prices I  
 should not have had this unjust prosecution  
 He has acted throughout as counsel to the deserters  
 and commenced his suit against me in the Police  
 Court under the name of Hugh O'Neil. I  
 have before stated that he shipped and signed  
 his name, John McDonnell

The first summons was served upon the 4<sup>th</sup>  
 day of August to appear at the Police Court  
 on the sixth (6) claiming the amount of  
 \$18.00 Due to Hugh O'Neil a man I never  
 before heard of, it was Mr. Donnell's suit brought  
 in another name to make out he was an  
 Englishman that the Court might have  
 jurisdiction



Jurisdiction I attended the summons and pleaded that the Police Court <sup>Mr. Brooke</sup> the Stipendary Magistrate had no jurisdiction over wages earned upon the high seas under the American Flag, that the Consulate was the proper place to settle such disputes.

Mr. Brooke decided that he had no jurisdiction over the case and it was dismissed. The money was paid into the Consulate and it would have been paid to him although by the Laws of the United States his wages were forfeited first by his having contracted a disease not in the service of the ship, by which he was rendered incapable of performing duty. Second by his desertion and not going back to the ship when ordered both by the U.S. Commercial agent and myself to go.

On or about the 16<sup>th</sup> day of August I was about to proceed to the ship as my business had suffered from the annoyance of the Police Court. The horses tied up and quinine engaged when a second summons was served upon me (the Plaintiff's Counsel Mr. Lane who had during the while been much with Mr. Brooke the Judge from all appearances had persuaded him he had jurisdiction) to appear



appeared upon the 26<sup>th</sup> Capt. Smyly  
 the U.S. Commercial agent was then about  
 to sail in the schooner "Nancy" for Monte Video  
 on matters respecting my cargo  
 Before sailing Capt. Smyly informed that a pro-  
 clamnation would be issued by your Excellency  
 for the arrest of the deserter Mc'Donnell to be  
 put on board of the schooner "Nancy" and forbidding  
 persons harbouring him under the penalty  
 of the law every exertion was made by Capt  
 Smyly but his exertions were of no avail  
 that the said Mc'Donnell was so secretly hidden  
 after waiting till the 19<sup>th</sup> he had to sail with-  
 out him. When I left Stanley I considered as  
 your Excellency had taken the matter in hand  
 that the case was at an end as regards the rep-  
 resentations Stanley Police Court however I was de-  
 ceived to be disappointed on my return to Stanley  
 on the 27<sup>th</sup> same month the day after the case  
 was to come on; to my surprise I found the  
 concealed man had come to light and his coun-  
 sel Mr. Lane proceeded to trial; Not anticipating  
 such an event after the Proclamations consequently  
 there was no defence Mr. Dean urged Mr.  
 Brooke to put the trial off for a week that I  
 might have time to arrive which was agreed  
 to



So and the jury told to attend on the Thursday following and which day I appeared and found Mr Brooke alone on the bench with out any of the other Magistrates present had there been I and confidant they never would have allowed the trial to proceed with a jury composed of five soldiers and the Sixth Cornis the Blacksmith and Mark Sir that four out of the six are in the Plainiffs counsels employ their bread probably would depend upon their verdict and it is a question if any one among the six can calculate what four months wages comes to at 22.50 per month My Plea was the same as at the former trial want of jurisdiction when the case was dismissed

The jury found a verdict for the amount. I appealed to Your Excellency and found your letter of the 30<sup>th</sup> August I had reason to think that you would have barred execution, and this unjust case

Mr Brooke has never informed me either in court or by official letter that he had jurisdiction

His summing up was most partial to Mr Donell's favour the evidence given at



No 7

at the former trial was suffered to and  
 the evidence where Mr Brooke sat as ar-  
 bitrator but only such part of the evidence  
 as was favourable to the Plaintiff who when  
 examined admitted that he had received a  
 letter from the Consul to call at the con-  
 sulate but he refused

On the 5th Sept I was again summoned  
 to appear before the Court on which occasion  
 I again stated that I declined to pay the  
 amount the said wages being already paid  
 into the consulate

When the court which has throughout this  
 unjust case been only composed of Mr Brooke  
 no other magistrate being present had there  
 been justice would have been done  
 Mr Brooke adjudged me forty day imprisonment  
 in the Stanley jail or payment of the amount  
 I was incarcerated there untill released by pay-  
 ing the amount under Protest to your Excellency

Therefore be it known that I  
 do Protest against the unjust <sup>act</sup> of Mr  
 Brooke the Slipendary Magistrate by impris-  
 oning me in the common jail for that  
 which was not due and in which case he  
 had no jurisdiction



I do demand reparations for the insults and unjust imprisonment by the Stipendiary Magistrate and the loss that may occur to the property under my charge

I also Protest against the act of Mr Brooke in refusing me copies of the records of the Court in the case

I was denied them by the Clerk of the court and yesterday I wrote twice for them to Mr Brooke himself which letters are unanswered

Upon the arrival of my Counsel I shall proceed to advise with him and take such steps as may be necessary for the redress of the grievances and insults I have received

Yours Obedient  
John Lawrence