Volume One of the Minutes of the Executive Council was lost in the wreck of the "Leinside" at the entrance of Port William

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Minutes

of the

Executive Council,

Vol 2.

(The first volume of Minutes of the Council comprised the Minutes of all meetings held since the formation of the Council, up to the 2nd of May 1849, since which time no meetings were held until the appointment of W. Montagu to a seat in the Council.)

Copy of Commission, appointing Algernon Montagu, Esquire, to be a Member of the Executive Council. 11th December 1850.

Whereas Her most Gracious Majesty Queen Victoria by Her Letters Patent under the Great Seal of Great Britain and Ireland bearing date at Westminster the 23rd day of June in the Year of Our Lord 1843, and in the seventh year of the Reign of Her said Majesty, did, by said Letters Patent, authorize His Excellency the Governor and Commander in Chief of the Falkland Islands and their Dependencies to command and appoint such persons as are therein and in Her Majesty's Instructions under Her Signet and Sign Manual described to form an Executive Council, and, by any Instrument to be made and signed in Her Majesty's name and under the Public Seal of said Settlements and their Dependencies, to constitute and appoint certain persons being within the same to be Members of the said Executive Council, Now I, the said Governor and Commander in Chief do hereby in Her Majesty's name in pursuance and by virtue of the power aforesaid constitute and appoint you Algernon Montagu Esquire to be a Member of the Executive Council of the Falkland Islands and their Dependencies. ——

Given under my hand, and sealed with the Public Seal of the said Falkland Islands at Government House Stanley this eleventh day of December One thousand Eight Hundred and fifty (signed) George Rennie Govr

L.S.

Executive Council

Thursday, 9th January 1851

Present.
His Excellency Governor Bennie
Hon.ble Algernon Montagu
Hon.ble Captain B. Julian.-

The Council met pursuant to summons.
Hon. Montagu having been sworn in a member of the Council,
The minutes of the last preceding meeting were read and confirmed.
The Governor stated "since Hon. "Montagu's arrival here he has been Engaged "in framing a variety of Ordinances suited "to the present Exigencies of this Colony, and "I have summoned the Council to-day with "the view of obtaining your sanction and "advice on two of the most important Enact-"ments. The first of these is the Adminis-"-tration of Justice Ordinance, which I "conceive to be of paramount interest to "Every inhabitant of this Colony and I "have therefore to propose that it should "now be read, and I request that the "members will favour me with their "advice and assistance in Endeavouring "to make this Enactment as applicable as "may be to meet the objects required. I "may add that the Legislative Council "has given them serious consideration "to its different sections and it is now "ready to be laid before them for the

"second reading. At the same time it is my
"duty to state that I am desirous to avail
"myself of every suggestion or any advice that
"may be offered tending to improve it."—

The Administration of Justice Ordinance was then read before the Council and the following alterations were suggested, namely that in clause 3, the smallest number of Justices of the Peace, before whom the Magistrates Court should be held, be increased to two besides the Stipendiary Magistrate - that in clause 7 the power of appeal be expressly limited to civil cases— in clause 20 to define the limits within which persons are liable to attend as jurors at Stanley to be 10 miles by land from Stanley - in clause 26 to give the Magistrates' Court power to grant a special jury on the application of one party instead of both - in clause 45 and 51 to insert a power to award a portion of any penalties to the informer.

The Governor then laid before the Council the Stanley Police Ordinance for their advice and assistance.—

Captain Sullivan considered that the power given to Constables by clause 4 to search shipping without a warrant might lead to collision - and he also suggested that clause 7 and 15 should be altered to provide a summary punishment for indecent conduct, as well as indecent language. It was also suggested to extend the power given in clause 19 to issue warrants for searching a house, to the searching of ships. The Governor stated to the Council that it was his desire to introduce into the Ordinance clauses to prevent the erection of any more wooden houses, and if possible to abate the

nuisance arising from those already built -
& compel the owners of those & erect privies -
and & prohibit the Erection of slaughter houses
within a certain distance of Stanley - and
that he had requested Mr. Montagu & draw
up clauses & that effect which he would lay
before the Legislative Council at their next meeting. -

The members acquiesced in the Expediency
of these provisions and the Council adjourned
& 11 o'clock on Friday the 15th. instant.

J. Whingates
Clerk to the Council.

Executive Council

Friday - 16th January 1857

Present
His Excellency Governor Bunnie
Honorable A. Montagu, and
Hon.ble Captain B. J. Sulivan.

The Council met pursuant to ad-
journment

The minutes of the last preceding meeting having been read and confirmed,

The Governor laid on the table the Pilot and Harbour Ordinance and requested the advice of the Council thereupon —

On the reading of clause 6, Captain Sulivan suggested the inconvenience that might arise from Constables having power to search vessels for unlawful quantities of Gunpowder without a warrant, and in clauses 8 and 9 that it would be well to insert the words "Commanding Officer" of any Ship, and to the words "marine or "soldier," so as to extend the operation of the act to them — On the reading of clause 12 it was suggested to define the limits of Stanley Harbour and Port William to be all waters to the westward and within a line drawn from York Point to Canon Point in Port William. In clause 14, Captain Sulivan suggested that the number of persons a boat is licensed to carry should be painted on the boat, — in clause 16 Mr. Montagu suggested that all vessels under 30 tons should be registered

and Captain Sullivan added that the tonnage of boats above 15 tons only be registered, and under that size only the length and breadth of the boats! In clause 17, the Governor suggested that the words "loss or" be inserted.-

The Governor stated "I now wish to "hear the opinion of the Council on the "alien ordinance which it is proposed to substitute for the former "Alien Ordinance, which has received "Her Majesty's confirmation, and has "now been in operation for two years."

The Alien Ordinance was then read and Captain Sullivan suggested that a proviso should be inserted that aliens arriving in vessels as part of their crew or as passengers should be exempt from the Ordinance which should be limited to aliens intending to settle - and that no more restrictions should be imposed on Foreign shipping, crews, or passengers, than are imposed on British ships, crews, or passengers.-

The Council then adjourned sine die-

J. Thompson
Clerk of the Councils

The minutes of Council to this date inclusive were sent home in Governor Kennie's despatch to Earl Grey No. 4, 19 February 1851

J.T.

Executive Council

Friday - 24th January 1851.

Present,
His Excellency Governor Bennie
Hon^ble A. Montagu, and
Hon^ble H. J. Hamblin

The Council met pursuant to Summons.

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

The Governor stated to the Council, "the "object for which I have assembled you to- "day is to lay before you an application "for leave of absence which I have received "from Mr Bailey the Surveyor General".-

The application of Mr Bailey was then read by the Clerk to the Council as well as the certificate of the Colonial Surgeon enclosed therein

Mr. Montagu stated that "upon reading "Dr. Hamblin's certificate it appears that in "his opinion unless Mr. Bailey can have an "entire change of scene his bodily health "may shortly become so affected as to "produce permanent disease, - Knowing "Mr Bailey and how much he has suffered "since his wife's death and the little there is "in this Colony to afford him change of "scene, having also heard read the des- "patch of the Right Honorable Earl Grey, by "which it appears that his Lordship has ap- "proved of leave of absence being granted "to the Colonial Chaplain - and I also knowing "that Mr. Bailey has an infant daughter "whose state of health, and desolation in

"this place urgently calls upon her father
"to remove to her friends in England. I
"respectfully advise your Excellency to
"grant him leave of absence" —

Mr Hamblin stated that having already given his opinion in the certificate which had been read to the Council he could only add that he entirely concurred in Mr Montagu's view —

The Governor then requested the opinion of the Council as to the duration of the leave of absence.

Mr Montagu, observing that in page 27 of the Colonial Regulations, there was no distinct reference to this place said he thought 12 months would be a reasonable period especially as the facility of procuring a passage to this Colony is much less than either to the Cape or the Mauritius where the period is fixed at 15 months.

In this opinion the members acquiesced and the Council adjourned sine die —

W Hamilton
Clerk of the Councils.

Appendix A.

Copy of Mr Bailey's letter hereinbefore referred to

Stanley 14th January 1851

Sir

I have the honor to state that in consequence of the continued depressed state of my spirits occasioned by the heavy affliction I have sustained, I find my

health becoming gradually undermined, and I fear that I shall be unable to carry out my duties during the ensuing winter, in the manner I should wish.

I have, therefore, to request that your Excellency will grant me leave of absence from this Colony in order that I may have the advantage of change of scene and climate.—

I have &c

(Signed)

Arthur Bailey

Surveyor General

His Excellency
The Governor
&c &c

Appendix B.

Copy of the Colonial Surgeon's certificate hereinbefore referred to.

I hereby certify that Mr Bailey, Surveyor General, has been labouring under severe mental depression since the death of his wife, and I am of opinion that unless he can have the benefit of an entire change of scene, his bodily health will shortly become affected to such a degree as to produce permanent disease, and render him incapable of performing his official duties.—

(Signed) R. J. Hamblin
Colonial Surgeon

Jany 15th 1851.—

Executive Council

Wednesday – 23rd April 1851

Present,
All the Members.

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

Before proceeding with the business of the day, the Governor asked the Members of Council if, in their opinion, there would be any objection to Captain Reid's being present, when matters of evidence were being tendered to the Council, – the subject upon which he intended to ask their advice, relating chiefly to a matter in which he was intimately concerned; which was unanimously agreed to. –

The Governor then laid before the Council a letter which he had received from Captain Reid dated the 19th instant, enclosing a memorial addressed to the Secretary at War from 28 of the Pensioners under his command, dated the 7th April which was then read. –

Copy of Memorial of Enrolled Pensioners, Stanley,
" Falkland Islands, 7th April 1851

"Sir

"We most respectfully beg to inform you
"your disappointment and treatment
"in this Island: neither the land or climate
"is anything like what was represented
"to us previous to leaving our homes, for
"it has been totally misrepresented, and
"we suffer now in our old days for it.

"We believe Her Majesty's Government has also been
"deceived or they would not have sent us here with
"seeds and agricultural implements, which
"are of no use, for the Land consists of bog and rocks,
"and the climate wet, with high cold winds
"the year through, often intermixed with storms
"of snow, sleet, and hail in summer. It is true
"that some vegetables can be raised in a
"sheltered place with great labour, but we are
"not allowed any land in a sheltered place
"anywhere convenient, although we gave up
"our claims to ten acres in the country
"last year, for two acres near home, and
"where we accepted of those 2 acres is little bet-
"-ter than the barren Island, only it lies at the
"back of our houses. —

"Sir, after the arrival of Earl Grey's despatch
"to His Excellency, Governor Rennie has pleased
"to communicate his Lordship's kind wishes
"to us in a letter to Captain Reid, allowing
"us 10 acres of suburban land, instead of
"rural land. N.B. The Governor was also
"pleased to mention in the same letter that
"we might choose the 10 acres of land where
"we had chosen our 2 acres, and that he,
"the Governor, would extend it for us in the
"same place, and His Excellency was pleased
"to come where most of us were at work,
"and pledge his word that we should
"have this place which was then pointed
"out to His Excellency; and since that a
"new map has been drawn out and this
"land has been reserved, which leaves us
"no choice but where the wild geese resort,
"and which is fit for nothing else. —

"Sir, as we have received nothing of all
"we were promised not even a comfortable

"house to live in, although the outside shells
"of them are erected which only consists
"one single board without lining, and
"which is not proof against wind or weather
"for the daylight shines in between the
"Boards; this also has been represented to
"His Excellency with this purpose.—
"Sir as we have no prospect whatever
"but to work on the Government works
"while we are able which in the course
"Nature must soon cease as most of us
"are above 45 years age, and every
"thing is very dear that our working pay
"which is 3/- per day, together with our pension
"is scarcely sufficient to support us, and
"particularly as we are sometimes short
"of provisions, which is the case at present,
"as the colony is short of flour, tea, and
"coffee, and this is the second time it has
"been so since we came here, as we have
"had to pay from 4d to 6½ per lb for biscuit,
"until relieved by provisions sold from a
"wrecked ship—
"Sir, as our pensions would be of very
"little use to support us here when
"past labour, we most respectfully beg
"to state that we resign all claims to
"houses, land, and stock if Her Majesty's
"government will be pleased to change us
"from this to some genial climate where
"we might do some thing for our families
"while we are able to work—
"And we will ever pray—

Names	Witness	Remarks
John Brown		The nine men whose names are on the this
William × Brown his mark	John Brown	
Edward × Peach his mark	John Brown	

Names	Witness	Remarks
Nathl Humphreys		are employed as
Mark his × mark King	Thos Simpson	Fellows
Patrick Byrne		1 Gaoler
Darby his × mark Drennan	John Brown	1 Constable
John Morris		1 Servant to the Governor
William his × mark Craig	Thos Simpson	
Thos Simpson		1 Schoolmaster & Servant to the Parson
Timothy his × mark Spell	John Brown	
Thos his × mark Dwyer	Thos Simpson	
Thos W Donnell		1 Shoemaker
Patrick his × mark French	John Brown	3 Carpenters and
W. Lawers		1 Overseer of the Works
William his × mark Byrn	John Brown	
W. Stokes		
Patrick his × mark Fleming	John Brown	
Thos his × mark Kellaher	Thos Simpson	
Nathl his × mark Addaley	John Brown.	

After the memorial had been read, His Excellency stated the first question upon which he wished the opinion of the Council was as to the propriety of granting the Pensioners the Peat bog in part of the settlement, and what would be the effect of so doing upon the interests of the Colony. The letter of Mr. Darley, Surveyor General to the Governor of the 13th February containing the Pensioners appeal to chose any other land than the peat bog was then read —

"Stanley, February 18th 1851

"Sir,

"In accordance with the verbal instruc-
"-tions Your Excellency gave me last week
"I proceeded out to the Pensioners under com-
"-mand of Captain Reid the nearest unoccu-
"pied land upon the Their selection which is
"situated on the Murray heights, 250 yards

"distant from the present flagstaff including
"a portion of the peat-bank on the heights
"set apart for the use of the settlers of
"Stanley

"With the exception of 3 men who wish'd to
"have their land at the upper end of Stanley
"Harbour, the Pensioners declined selecting
"any, asserting it was of no use to them
"excepting they got the entire bank which
"they did not intend to cultivate as the
"sale of peat either in the bank uncut or
"cut and prepared for fuel would be they
"thought much more profitable

"I informed the Pensioners that the
"North boundary of the Mountain land could
"not be brought nearer to Stanley as the
"settlers would be precluded from obtaining
"fuel, there being only that one bank
"available.—

"I have &c &c

(Signed)

"Arthur Bailey
"Surveyor General"

"His Excellency
The Governor"

Mr. Hamilton stated that he considered
it would be very unjust to the Falkland settlers
and others in Stanley if this Peat Bank
was allotted exclusively to the Pensioners.

Mr. Moutagu stated" understanding
"the question to be as to the effect of grant-
"ing the whole of the peat bog to the Pension-
"ers, I can have no difficulty in forming
"an opinion on the subject, which opinion
"is formed without knowing the correspondence
"which has taken place between the home
"and colonial Governments. The town

"being bounded on one side by the harbour and
"on the other by a strip of land in which strip is
"the only land available for fuel within the prac-
-ticable reach of the inhabitants, especially the
"poorer classes; — the request of the Petitioners is
"in substance to have the monopoly of the fuel
"which would enable them to charge any
"price, however exorbitant, they might choose,
"and the depth of snow in winter and the na-
"ture of the fuel would compel the settlers to
"give that price or remain without fire. —,
"therefore, think their demand unjust and un-
"reasonable. The land joining the township
"seems to me fit to be reserved by Govern-
"-ment to be applied for any public pur-
"pose for which it may be required hereafter.
"I observe that the Petitioners say they were
"not allowed their choice of
"position, - that which they would select
"consists of bog only, is most exposed to all
"winds, and is utterly unfit for cultiva-
"-tion. "

Captain Sulivan stated he thought the Effect would be to deprive the settlers of all their fuel, cause great dissatisfaction and thereby induce many of the poorer people to leave the Islands: - the object of the Petitioners was obvious enough, because they had chosen the most exposed land near the settlement - land utterly unfit for any purpose & cut cutting peat, while they opposed the best and most sheltered land near the settlement, though nearer to their cottage than the Peat bank, which shews the falsehood of the statements in their Memorial.

The Governor then asked whether the Modified proposition of the Petitioners to be

allowed

allowed to have allotted them one half of the peat bog, in rear of that part of the town now settled, for their exclusive use, should be granted? and stated that he had at present put it in their power to choose the Peat Bank occupying the Entire rear of their cottages for their exclusive use, and, however, that he considered them Equally entitled with the other settlers to use the reserved peat bank with them. He, therefore, wished to have the opinion of the members as to whether this half should be ceded to the Pensioners. -

Mr Montagu observed "the first question
"Extended to all the bog from Villiers Street
"to Cavendish Street - the present question Ex-
"-tends to that part of the peat bank beyond
"Nr. 7 to Nr. 12 Special enclosure allotments;
"the town now only extending as far East as
"Nr. 1 Special allotment. The peat for fuel
"is at present cut at the back of these twelve
"allotments - and the persons occupying
"town lots 1, 2, 3, 4, &c, as well as the Pensioners
"are permitted to cut turf free of expense.
"Since I expressed my former opinion I
"have heard Governor Moodys despatch,
"in which he recommended that this land,
"as well for Military as other public purposes,
"should be reserved, and it (together with
"the land marked the "Park) has always been
"reserved accordingly. It is not land marked
"as "Suburban, - it is not cultivable land
"which the Right Honorable the Secretary of State
"alludes to - it is not land which has ever been
"saleable and in fact it is land given
"to the Public with the sanction of the Secretary
"of State for an absolutely necessary public
"purpose, in a country where there is no wood

"another native fuel, namely, by cutting peat. I
"think the giving to the Pensioners any portion of
"this land would, under all the circumstances, be
"unjust to the other inhabitants of the town."—

Captain Sullivan thought the objections to
their being allotted the whole bank applied
more particularly to that portion of it.

Mr Hamblin concurred with the other members.

Captain Reid being then introduced,—

The Governor stated that in consequence of
receiving from him (Captain Reid) a memorial
to the Secretary of War signed by 20 of the Pen-
sioners, he had thought proper to convene
this Council, in order to lay this memorial
before them, and to consider of the justice
and Expediency of granting to the Pensioners
the Peat Bank at the back of the town as a
portion of the 10 acres of Colonial Land con-
ceded to each of them by the Secretary of State;
and added that the opinion of the Council was
that it would be both inexpedient and unjust
to the other settlers, to allot this reserved peat-bank
exclusively to the Pensioners.

Captain Reid observed that he had
frequently urged the Pensioners to select other
land, and had told them that he considered
it would be unfair to the other settlers if this
Peat bank were allotted to them.

The Governor then made some remarks
on the misrepresentations of the Pensioners
in their memorial to the Secretary of War,
and alluded to the great Expence which
Her Majesty's Government had incurred
in sending them out, and added that he thought
the manner, in which the concessions of the
Government had been met, was most ungrateful.

Captain Reid then retired, and

The Governor stated "Dr Longden has now
"read in your presence the correspondence
"which has taken place between Captain Reid,
"the Surveyor General, and myself, on the
"subject of putting the Pensioners in possession
"of ten acres each of certain land according
"to the desire of Earl Grey and I request to know
"whether you can suggest any better ar-
"-rangement regarding their land than by
"the correspondence you will see I have
"already made Direct the view of the Right
"Honorable the Secretary of State."

Captain Sullivan offered that the land open for their selection comprised the best land most valuable land near the town, and therefore that no better selection could possibly be offered.

Both Mr. Montagu and Mr Hamblin concurred in this

His Excellency then observed that as regarded the climate he had made enquiries, and found that from the 1st of last month the Pensioners had only been prevented working out of doors 15¾ days during the last twelve months; and (after reading the following paragraph of his despatch to Earl Grey dated the 11th. February last, namely,
"I have great satisfaction in communicating
"to your Lordship that the apprehensions
"of the Secretary at War, that the men may
"have been reduced to distress, are entirely
"groundless. The men are not only in pos-
"-session of all the necessaries of life, but
"they are in the Enjoyment of many luxuries
"quite ~~unknown~~ inaccessible to their class
"in England or in any other country
"that I know of. Not one of them has

"ever been one day out of employment since
"their arrival, except at his own desire or
"from misconduct. A few days since I
"visited, in company with the Surveyor Gene-
"-ral, twelve of their cottages to inspect their
"construction, and the stores of beef, bacon,
"geese, rabbits, fish fresh and dried, flour,
"sugar, tea, coffee, &c, which we saw, were
"such as are unattainable except by
"people in the most comfortable circum-
"stances" —) The Governor enquired of
Mr. Hamblin if the numerous visits which
his professional avocations required him to
make among the Pensioners, both in their
Cottages and in the Barracks, led him to
concur in the description of their condition
contained in that paragraph.

Mr Hamblin replied that he had seen
all the articles mentioned by the Governor
among them, and Spirits besides. —

The Governor then Enquired of Mr
Hamblin as to the general health of the
Pensioners, and what were their habits?

Mr. Hamblin observed that, with the
exception of those men who had brought
chronic diseases with them, their health
had been generally good, and that the
habits of many of them were intemperate.

The Council then adjourned sine die

J Montgomery
Clerk to the Council

Executive Council

Saturday, 10th May 1851.

Present,
His Excellency Governor Rennie,
Honorable A. Montagu, and
Honorable Captain Sullivan.

The Council met pursuant to Summons.
The minutes of the last preceding
Meeting were read and confirmed.

The Governor then stated "the object of my
"assembling you to-day is to consider what
"Pilot regulations are necessary for this Harbour.
"Before reading the propositions which I have to
"lay before you, I wish to state that it ap-
"-pears to me that in framing regulations
"on a subject which is of the highest im-
"-portance to this Colony, we should consider
"the peculiar circumstances of the port, and
"rather endeavour to construct such simp-
"-le rules as it appears to me to admit of, rather
"than adopt the complicated Scales of charges, which
"are essential in other countries where the nature
"of the navigation is very different. I will now refer
"to the instructions by which the Pilot has hitherto
"been guided for the last year and a half. They
"are very simple being merely an authority to
"charge all vessels for pilotage inwards 2/- and
"3/- for pilotage inwards and outwards, with no
"charges for Port dues, &c. It is, therefore, with the
"view of requesting your consideration as to
"what further rules and regulations may be
"necessary for carrying on the service of Pilotage,
"that I have requested the Council to day. I

"have only further to remark that this port having
"been hitherto what may be called an entirely
"free port, I should deem it very inexpedient to
"frame any regulations, which should in any
"manner appear to give a different character
"to the Harbour."

Francis Barry, head Constable and acting as Signalman was then called in and Examined -

The Governor - How long have you been Signalman?
About 4 years

The Governor - During that time have you observed any vessels attempt to make the harbour, and afterwards go away from not having a pilot?
Yes 3 or 4, I have seen ships come as far as the Islands and then go away; - the Hamlet did.

The Governor - What are the regulations at that time?
I don't know

The Governor - Was there any pilot to go out?
Mr Phillips used to go. -

The Governor - Within the last 3 years have any Ships with the Pilot flag had to go away?
Not that I remember. -

The Governor - Is it usual for whalemen to stand in and go away again?
Yes. -

The Governor - If these vessels were boarded would they come in?
I don't think so. -

The Governor - If you were a Stranger coming here and your vessel were insured would you hoist the Pilot flag?
Yes. -

Barry was then directed to retire, and Charles Mitchell the acting pilot was called in and Examined.

The Governor.- How long have you been acting as chief pilot here?
Since August 1849.
The Governor.- During that time have you seen any ships show a disposition to enter in and afterwards go away?
I have seen ships stand in and then go away.-
The Governor.- Is it usual for whalemen to stand in and out?
Formerly it was, not now.
The Governor- How often have you been refused as a pilot?
By 4 or 5 vessels.-
The Governor. Do vessels generally hoist a pilot flag?
Sometimes.-
The Governor.- Would a master who wishes for a pilot hoist the flag?
He would hoist a flag somewhere; every ship that hoisted an Ensign took me as a pilot.
The Governor.- Would you think it necessary as a stranger coming here to hoist a pilot flag?
Yes.-
The Governor.- Do you think that Shipmasters who do not hoist a flag want a pilot?
Yes, I do not.-
Captain Sullivan.- How many vessels have taken you as a pilot while 4 have refused you?
About 30,- all the whalers have been lately, they all took me before.-
Captain Sullivan For every one that refuses how many take you?
Six, about.-
The Governor.- How many of the 30 hoisted Ensigns?
Nearly all- some have agreed to take me when they knew the pilotage.-
The Governor.- Did every one of these have the pilot flag?
More than two-thirds had something at the fore.
The Governor.- If the pilotage were a little higher would it answer your purpose to go out to all vessels?
If you charge too heavy a pilotage no ships

would take a pilot.—

Captain Sullivan—Do you think if you had 50 Shillings instead of £2, you could go out to all vessels?
You can't always go out.

Captain Sullivan—Would you go out when you could?
If there was something to cover my expenses, I would go out as it is.

The Governor. Do you know if any vessel has run any risk from not being able to procure a pilot?
No I don't, a vessel can always bring up.

Captain Sullivan If you had a good decked boat to go out in, would not 2 men be sufficient to bring her back?
Yes.—

Captain Sullivan—And endure your boarding when you could not go out in the dinghy?
Yes.—

The Governor—Have you not always had the "Lobby" when you liked?
Yes, but I would not take her because there was no man to bring her back. In all weather that a ship can turn to windward a dinghy can go out, that is as far as the big Island.

The Governor— Do ships in passing come near the heads?
Pretty close to the South rocks, about 2 or 3 miles off.

The Governor Do you think it would be advisable to send a pilot to a vessel in passing before she tacks?
No, unless she has a Pilot flag.—

Captain Sullivan—What Expense are you generally put to when you are refused as a pilot?
Ten Shillings would cover my expenses.—

Captain Sullivan—Where do you generally board vessels?
At east of the islands; the last vessel, the "William Frederick," I boarded a mile outside Point William, he afterwards paid me half pilotage.

W. Montague—If every vessel was bound to pay you so much a foot, would you be able to find

your own boat and pay your own men?
Yes I think I would, but I could do just the same as it is now.

The Governor. Do you think any vessels have been within the heads and gone away from want of a pilot?
Not that I know of. I am always ready to board a ship off the Islands.—

The Governor.— Have you heard any complaints from Masters that small vessels should not pay as much as large?
No, only the master of the "Clara" has complained of the pilotage.

Captain Sullivan.— Is there not more trouble in working up vessels drawing 18 or 19 feet, than in working small brigs and barques?
Yes a great deal, particularly in this harbour.

The Governor.— If vessels above 300 tons were charged 50/- and under 300 tons 35/-, would that be more satisfactory?—
I think so.—

Captain Sullivan.— Would it be more or less simple than by the foot?
less simple. I think the present scale would be satisfactory if there was no top. If there was something just to pay my expenses, I would board every ship

Captain Sullivan.— How many vessels that have had no flag have taken you?
I don't know, I think about one third of those I boarded had no flags.—

Jno. Montague.— How many have taken you though they had no flag?
About ten I think.—
Melville then retired, and the Governor said
"You have now heard the Evidence of the
"Signalman and Pilot, both of whom
"are in Government employment, and
"I should be very happy if the Council

See also 32 & 3

"could adduce any other Evidence which would
"show that any better means are practically
"attainable under present circumstances."

Mr. Montagu observed "That sat at this
"Council since ten o'clock, and my opinion
"has never been asked; nor have I volun-
"-teered it, because I have always felt it my
"duty for many years that I have been
"before an Executive Council never to volunteer
"an opinion in that Council unsolicited. If
"I am to understand the minute dictated
"by H.E. the Governor, as commanding me to
"consider whether I would advise His Ex-
"-cellency to lay before the Council further
"Evidence, I am prepared to give that advice;
"but if I am to understand His Excellency's minute
"as merely asking whether I wish any further
"Evidence to be laid before the Council, I
"must say that I have no wish either sub-
"-ject one way or another; conceiving that
"my duty is only to give my opinion respect-
"-fully on such Evidence as His Excellency
"may lay before us. I ought, perhaps, fur-
"-ther to Explain that any questions I asked
"were merely to elicit answers to questions
"put by other members."—

The Governor then asked the Members
of Council if, in their opinion, the present
Regulations which he had read to them
were satisfactory.

Mr. Montagu stated "I think the present
"regulations are injurious to the interests
"of the Colony. I have heard, since I have been
"here, much dissatisfaction expressed with
"the pilotage. It is difficult to refer to individu-
"-als or individual cases in regard to a
"general impression, but if the principal

See Appendix
32 & 33 pages.

"inhabitants were examined before this Council,
"instances would, I think, be disclosed
"where considerable inconvenience may have
"been Experienced by vessels – such as Ships
"which have gone away because no pilot has
"been seen – again Ships which have been
"forced by want of a pilot to anchor in the
"outer harbour – either being injurious to the
"Colony and a loss of money and trade.
"At Lloyds' in the city of London there was a
"public notice that a pilot would board
"every vessel entering the harbour. I believe
"also that many Ships coming to a colony do
"not hoist pilot flags. I saw, in company
"with Mr. Bailey the Surveyor General and
"Mr Langdon a vessel in the Entrance of
"the harbour with a pilot flag hoisted,
"for upwards of an hour and a half she
"was beating about, and no pilot went
"out – next morning she was gone. The
"loss of that vessel was a loss of money and
"trade, an injury to the Colony, and
"probably an inconvenience to the vessel.
"I have heard Mr Dean, Lloyds' Agent, com-
"-plain that there were no fixed pilot regu-
"-lations. I have, for many months past, asked
"the master of each merchant vessel that has
"come here whether it would be advisable
"in framing pilot regulations to have
"Pilotage compulsory, and they all without
"one exception agreed in opinion that it
"would be advisable. When a vessel has
"been in the offing, I have repeatedly asked
"Melville whether he was going out. He
"has said on such occasions that he had
"not yet had his Excellency's authority.
"Now I think there should be no such doubt

"or delay. Indeed and Barry both have Government
"salaries, whether they are employed in going out to
"vessels on their duty or not they are paid equally -
"they are, therefore, only interested in receiving their portion
"of the Pilotage. Under all these circumstances I am of
"opinion that the present arrangement is unsatisfac-
"-tory. I am ready to hear any other Evidence or in-
"-formation that may be laid before the Council, or
"to give my advice in framing new regulations
"without further Evidence. The Admiralty instruc-
"-tions state that no pilot is required if a Captain
"has the chart and attends to the Kelp: when this
"I would only remark that the charts have only a
"limited circulation and are difficult to be
"procured even in England: Captains of vessels
"have told me they have had difficulty in procu-
"-ring them; and very few Captains have them.
"In the vessel I came in Captain Bennett me
"had a chart, but he anxiously looked for a
"pilot when he entered Port William. When
"no pilot came on board, he in his Extremity
"used the chart, but expressed his vexation that
"he had no pilot. No pilot came on board
"till we were in the inner harbour and his
"services were useless. If it were known gene-
"-rally that the services of a pilot were always
"offered, many more vessels might enter
"the Harbour."

Captain Sullivan stated "since I have
"been here I have considered the pilotage
"regulations very unsatisfactory, as it has been
"quite impossible to say whether a vessel
"entering the harbour would have the offer
"of pilotage or not; and that uncertainty I
"considered the principal objection to the present
"regulations. I believe the opinion of every person
"in the place interested in the question is the same;

and

"and I am convinced that many vessels have
"been inconvenienced by a pilot not going on
"board soon enough. Not one vessel in ten
"that has come here has had a chart of the
"harbour or any previous knowledge of the
"place, and it is the want of this which
"makes a pilot necessary. I cannot con-
"-sider any regulations satisfactory that do
"not ensure the offer of Pilotage to every
"vessel that comes within the heads of Port
"William. I do not consider Mobile's evi-
"-dence conclusive as to the value of the
"present regulations, as it is his often not
"going out to vessels that causes the present
"discontent. I would add that I have seen
"in a Van Diemans Land publication this
"place announced as a port of call for
"their homeward bound ships, with a
"notice that a pilot would board every
"vessel entering the harbour. I have spoken
"to one or more masters of vessels who have
"expected a pilot to meet them, from
"having seen a similar notice in Eng.
"-land; and it is, therefore, still more
"desirable that Masters of vessels coming
"here, who may expect a pilot to meet them,
"should not be disappointed. My own wish
"is that pilotage should not be compulsory,
"but I have spoken to nearly every ship-
"-master that has called here during the
"last year and a half on the subject, and
"without exception they have expressed an
"opinion that a small pilotage would
"not be objected to, if there was a certainty
"of a pilot coming off to them, as it would
"relieve them from the responsibility and
"thereby not risk their insurance in case

"of accident. At the same time as pay vessels have
"refused the Pilot when offered that I think it
"might be left optional, and yet the Pilot be
"obliged to go off and offer his services to
"every vessel entering the harbour; — if that
"cannot be done, it is better to make the pi-
"-lotage compulsory and thus ensure to
"such vessels, as may require it, the assistance
"of a pilot."

Charles Imbrille was then recalled by order of the Governor and Examined. —

The Governor. Do you consider it necessary to come after me to ask for leave to go off to a vessel as a pilot?
Not when a pilot flag is hoisted. —

The Governor. Have you told Mr Montagu that you could not go till you had my authority?
When there was no flag up, I might have told Mr Montagu that I could not go without the Governor's permission; — when there was no flag up, I didn't like to go without orders. —

The Governor. Did you board the William Frederick without seeing me?
Yes. —

F. Pavy was recalled by the Governor & examined —

The Governor. Do you recollect a ship that was off the Port beating about which run away for want of a pilot?
I recollect two ships that were off, — one came in the other, I think, the next day. I think it was the Storm King.

The Governor. If a ship was 4 or 5 miles off the land in the Evening, would it be advisable to go off?
I would not go.

The Governor. Have the number of ships increased of late years?
Yes, more call than had used.

The Governor. Did the Hamburg ship hoist a flag?
She showed no flag
Imbrille, asked by the Governor. Had she a flag when you boarded her? — Yes.

The Governor - Do you remember a ship that came off the
first one Evening and went away again?
I think it was the "Tuscaroora," she came in
next morning -
The Governor - Would you go outside the heads in the Evening?
Yes Sir.
F. Parry asked by Captain Sullivan.
Would you go out to a vessel 4 miles in the Evening?
Yes, Sir.
Captain Sullivan - If a vessel had a pilot-jack flying and
you had a decked boat like the "Sophy" would you?
Not in the "Sophy."
Parry was ordered to retire, and Sadville
was asked by the Governor -
In case the weather is unfit to go out
in an open boat, do you understand that
you have my permission to take the Sophy?
Not unless I have your Excellency's per-
-mission. I have always had it when I
wanted it.
The Governor. - Do you think that if you boarded ships
outside and they had to pay you a com-
-pulsory pilotage, they would come in? -
I think it might drive them to Berkeley Sound
Captain Sullivan Do you think that if a Shipmaster had
to pay one-third or a quarter pilotage
he would go away?
Yes I don't think they would object. -
Mr. Montague - Do you think that any shipmaster would
refuse to pay quarter pilotage?
There might be such a thing but very
seldom.
Sadville was then directed to retire and
the Governor stated "I confess I am at
"a loss to know what conclusion to
"come to from the difference between the
"views of the members of the Council and

"and the Evidence of the pilot and Signalman,
"both whom have had considerable experi-
"-ence of the various cases alluded to by the
"Members. It does not appear to me that
"Mr Montagu's information is borne out at all
"by these two men, on the contrary it seems
"to be denied by both. The pilot is also satis-
"-fied with the present scale of charges, and
"does not seem to be of opinion that it would
"be expedient to increase his Emoluments, nor
"to make the pilotage compulsory. I would,
"therefore, request Mr Montagu to bring for-
"-ward any other Evidence he may wish."

Mr Montagu objected to bring forward Evidence.

The Governor observed that as soon as the increased number of vessels calling would exhibit a pilot independently of Govern-ment assistance, he would be glad to withdraw that aid and promote the establishment of a pilot in the outer harbour, and asked the members if they knew of any person who would at present undertake the pilotage without aid from the Government.

Neither of the Members named any person, and

Captain Sullivan suggested that if, whenever a vessel showed an intention of coming in, the pilot were to wait in his boat in the Kelp off Charles Point, without going further to sea, and thereby insure to every vessel the offer of pilotage before she entered the narrow part off Port William, it would answer every pur-pose.

The Governor observed that it would seem necessary in the present state

of the Colony (while there are not a sufficient number of ships calling to support a pilot independently of Government aid) for the pilotage to be a matter of arrangement between the Government and the Pilot who would receive a Government salary, and as he concurred in Captain Sulivan's suggestion he would endeavour to make such arrangements as he thought would prove satisfactory without having recourse to the Pilot Ordinance to enforce compulsory Pilotage.

The Council then adjourned sine die

J. Thongler
Clerk of the Councils.

Appendix.

Copy of Regulations as to Pilotage &c. issued by H.E. the Governor - herein-before referred to. —

"Stanley Harbour Falkland Islands

"Regulations

"Mr. Charles Sulivan is commissioned
"by H.E. the Governor to be Harbour-
"master and Chief pilot.
"No charges for port dues are allowed,
"under ordinary circumstances. But

"all Captains and Masters of Ships will
"be expected to comply with Mr. Melville's
"directions. —
" Mr. Melville is authorized to charge
" for pilotage, when his services are required,
" Two pounds, - inwards and outwards three
" pounds.

" Watering. -

"For watering application must be made
"to the Harbour-master, who (provided a
"crew of not less than four seamen are
"sent to navigate the tank under his
"orders at the expense of the Ship) will
"supply alongside any quantity under
"10 tons for 5 shillings and sixpence a
"ton per every ton extra."

" By order of H.E. the Governor

" [illegible]

" Chief Clerk

"7th March 1850."

Executive Council

Tuesday – 30th December 1851.

Present.

His Excellency Governor Bonnie
Hon.ble A. J. Hamblin. –

The Council met pursuant to summons.

Mr Montagu sent a verbal message by Mr Hamblin stating that he was unwell and therefore unable to attend the Council to day.

There not being consequently a sufficient number of Members present to form a meeting,

The Council adjourned sine die.

Chas. D. Rhodes
Clerk to the Councils.