Executive Council.

15th March. 1869.

Present
All the Members.

The Council met pursuant to Summons.

The minutes of the last meeting were read and confirmed.

The Governor produced a correspondence with the Colonial Manager of the Falkland Islands Company respecting the purchase of land on Stations held under the Proclamation of 1849.

Correspondence read.

Mr Griffiths concurred in the view which H.E. had taken of the question as explained in the correspondence.

Mr Bailey was rather disposed to concur with Mr Cobb that the restriction as to purchasing during continuance of Lease was against outsiders and not against Lessees.

The Governor thought one point quite clear. At the expiration of the old leases the Lessees are to have the privilege of purchasing 1000 acres of land on each Station. Whether this ~~legislation~~ legislation might not be properly modified now so as to allow of their purchasing that quantity during the continuance of the Lease instead of waiting for its expiration is a question which is worthy of consideration; but it is quite clear that no Lessee can be allowed during the continuance of the lease to go

beyond

beyond what he would be entitled to at the end of the 20 years, and this is what Mr Cobb wants to do. The old Stations contain some of the best land in the colony, and the Governor thought the arrangement under which the greater part of these lands will presently revert to the Crown too valuable a one to be voluntarily set aside now that the demand for land has ~~so~~ largely increased.

Further consideration of this point postponed, the Members entirely agreeing with H.E. & G's views in the matter.

The Governor next read to the Members a letter from the Colonial Manager of the Falkland Island Company praying for a modification of the land regulations which requires a house to be built and occupied on each section of 6,000 acres on the East Falkland.

The Members after some consideration concurred with H.E. that the Regulation is in the main a good one, and that it can not prudently or in justice to those who have already been compelled to comply with it be relaxed. The Governor thought that when two stations were contiguous and belonging to the same individual a large house of double the regulation size placed on the dividing boundary might be considered sufficient, but beyond this H.E. was not prepared to go. The Council concurred and it was decided to acquaint Mr. Cobb accordingly.

The Governor next consulted the Council as to the propriety of returning to the repealed law which formerly prohibited

prohibited the straying of cattle about the town of Stanley. Continuous complaints reach him on the subject, and His Excellency expressed his astonishment that the nuisance, should have been tolerated for so long a time. In no other town or village known with which he is acquainted are cattle and horses allowed to stray about unchecked endangering the lives of children and damaging gardens and enclosures practically with impunity. The Council strongly advised His Excellency to return to the old law upon the subject.

The question of the Water-frontage and Jetties was next brought into consideration, but postponed to a subsequent meeting.

Lastly, the Governor said he thought the time had now come when the colony should be made to contribute by direct taxation to its own support, and he asked the members individually to give the matter their best consideration so as to advise His Excellency at the next meeting as to the best means of making a commencement in this direction. Three or four modes had suggested themselves to H.E. namely:

a House tax,
an Income tax
a Horse tax.
a tax on Imported Spirits.

and he wished the Members to consider and advise him as to which of these should be adopted. The amount which it

it will be possible to raise by direct taxation will probably not be much at first, but it is time the people should be given to see that they cannot be for ever dependant on the generosity of the Imperial Government, and a local Revenue sufficient for the support of the Govern- ment must be raised by such slow degrees that any commencement however small is desirable.

The members undertook to give the question their best consideration and the Governor then adjourned the Council sine die.

H. Bygrave
Clerk of the Council

Executive Council

21st April 1869.

Present: H.E. the Governor
" E.R. Griffiths
" H. Byrne.

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

The Governor informed the Council that Mr. Bailey had tendered his resignation as a Member of the Council, that His Excellency had accepted the same and had appointed Dr. W. K. Macclinton in Mr. Bailey's stead.

Dr Macclinton took the oath and his seat.

The application from the Manager of the Falkland Islands Company to be allowed to purchase land on Stations held under Proclamation of 1849 was again considered.

The Governor said that while he was unable to put any other interpretation on the land Proclamation of 1849, than that which had been communicated to the Company at the time of granting the Leases, he was prepared should the Council concur, so far to relax the old Regulations as to allow the Company to purchase 1000 acres on any section held under the Proclamation as aforesaid instead of waiting for the expiration of the lease to do so.

The Members unanimously concurred with His Excellency as to the propriety of this course, and His Excellency said he would communicate in that sense with the Manager of the Company accordingly.

H.W.

Mr. Griffiths having retired an application for leave of absence from that gentleman on the ground of ill health was considered. A Medical Certificate having been pro= =duced, 8 months leave on ½ pay was granted

His Excellency then adjourned the Council.

J. Byng

Clerk to the Council

Executive Council.

26th August 1869.

Present H.E. the Governor
H. Byng.
W. F. Maclinton. R.N.

The Council met pursuant to Summons.
The Minutes of the last preceding meeting were read and confirmed.

His Excellency informed the Council that he had appointed The Revd Charles Bude to be a Member of the Council provisionally during Mr. Griffiths' absence on leave.

The Revd Mr. Bude took the Oath and his Seat.

The Governor had summoned the Council respecting the visit of the Peruvian vessel of War "Union" and asked the Members whether they had any knowledge individually of the treaty between Spain and Peru to which Senor Ferreyros her Commander had referred as a reason why he should be allowed to remain in Port for a longer period than is generally accorded to belligerents. His Excellency had none.

The members said that on the contrary they believed hostilities between Spain and Peru to be still existing, and advised His Excellency to treat the "Union" as a Belligerent Vessel showing every courtesy of course to Señor Ferreyros, but acquainting him clearly at the same time with the terms of Her Majesty's Proclamation of Neutrality.

His Excellency read to the Council

a

a draft letter to Señor Ferreyros, of which the Council entirely approved, and which was accordingly copied and sent.

Gov.t to Señor Ferreyros
No 307 of 26 augst 1869

The Council adjourned sine die

N. Byrne
Clk to the Council

Executive Council.

Wednesday 13th April 1870.

Present:—
His Excellency Governor D'Arcy.
Henry Byng.
W. F. Mac Clinton
C. Bull.

The Council met pursuant to summons.

The Minutes of the last Meeting were read and confirmed.

His Excellency the Governor stated that he had called the Council together to ask their opinions on a subject of some importance and interest to the Colony. While in England he had at Downing Street drawn attention to the want of a monthly Mail at the Falkland Islands, and had the subject brought to his notice by the Secretary and two of the Directors of the Falkland Islands Company, that he had consulted his Predecessor on the subject, and while the subject was on his mind he had received from Messrs. A. E. Goss & Co. a proposal which he would lay before the Council and ask their advice on the subject

The benefit to be derived from a monthly communication were too obvious to need comment.

Messrs. A. E. Goss and Company's letter was then read.

The

The Council were of opinion that it would be advisable to invite the other Merchants and Shipowners to tender for the monthly conveyance of the Mails – and the Governor expressed his intention to call the Council together again when the tenders were received.

The Governor then laid before the Council a letter addressed to his Predecessor by the Manager of the Falkland Islands Company respecting an extension of the leases under the Proclamation of 1861 –

His Excellency said that he thought upon the whole if long leases could be granted they would be generally advantageous, and that as the Falkland Islands Company had expended large capital in the Colony they were deserving of support by the Government.

Mr. Cobb's letter of the 26th January 1870 was then read.

The Reverend Mr. Bull contended that Mr. Cobb had drawn unwarrantable conclusions from the fact that greater indulgence had been shown to the Settlers in the West Falkland, that the West Falkland Settlers had not the advantage possessed by the East Falkland in the right of wild cattle. That the Regulations of 1861, so far from being a failure had succeeded admirably, and they were only modified in the West Falkland to encourage immediate settlement of the waste Lands.

Dr. Mac Clinton said that so far from the Regulations of 1861 being a failure many persons had been able to take up

unwarrantable conclusions from the fact that greater indulgence had been shown to the Settlers in the West Falkland, that the West Falkland Settlers had not the advantage possessed by the East Falkland in the right of wild cattle. That the Regulations of 1861, so far from being a failure had succeeded admirably, and they were only modified in the West Falkland to encourage immediate settlement of the waste Lands.

Dr. Mac Clinton said that so far from the Regulations of 1861 being a failure many persons had been able to take up land, and that now there would be competition, and that the practical monopoly of the Company and Messrs. Packe as to the supply of meat would be put a stop to.

Mr. Byng thought the question was one of difficulty and involved considerations affecting the interests of the government now that the leases were falling in, and it would be desirable to consider whether leases could not be renewed on terms more advantageous to the government.

The Governor then said that Governor Robinson in leaving the question for his decision had stated that he could himself have simply refused Mr. Cobb's application.

The Council adjourned sine die

(Sd) H Byng.
Clerk to the Council.

Executive Council.

19th April. 1870.

Present.

His Excellency Governor D'Arcy
Henry Byng.
W. F. MacClinton
Charles Ball.

The Council met pursuant to Summons.
The Minutes of the last meeting were read and confirmed. His Excellency said "I wish to introduce to the Council my Private Secretary, Mr Stuart, whom I am desirous to appointing as Clerk pending the sanction of the Secretary of State. in order to relieve Mr Byng from one of his many responsible duties.

The Governor stated that since the last meeting the subject of a monthly Mail had been much discussed, - That a Deputation had waited upon him urging delay as to entering into any Contract with any vessel in the harbour, till they the Deputation were able to offer tenders with their own vessels and strongly expressing an opinion that the "Foam" should continue running the mails! The Deputation had entered into a matter which did not formally come before the Board! but His Excellency trusted that the Board would see how desirable it was to leave the matter open till the Government had an opportunity of receiving all tenders that might come in. A letter from Mr. Cobb, Manager of the Falkland Islands Company read - offering to tender with the schooner "Lotus" for the mail service) on her returns to Port. A letter from Mr. McCully read offering to proceed to England to purchase a schooner and run a monthly mail 9 months from this

date

date for 3 years at a £1000 a year. Mr. McCully's proposal was held to be untenable.

Dr. McClinton asked whether the monthly mail would be commenced at once with the "Foam"

The Governor expressed his intention of ordering the "Foam" for that service monthly.

Mr. Cutts expressed himself pleased that a monthly mail should be established and said that he would use what influence he had to offer the services of the "Irene," when the Government desired tenders to be sent in

The Governor announced that he proposed to introduce a bill in the Legislative Council to abrogate the "Alien Ordinance" and after a lucid explanation of the whole subject, the Members accepted without hesitation the main principal of the Governor's measure, and confined their criticisms to one or two of its details.

The Council adjourned Sine die.

H. Byron J.

with the Govr's proposed measure

Executive Council

Saturday, June 11th 1870.

Present:

His Excellency Governor Colonel D'Arcy.
3 Surgeon, W. F. Mac Clinton R. N.
1 Mr. E. R. Griffiths. Chief Magistrate
2 Mr. H. Byng. Colonial Secretary

The Minutes of the last Meeting were read and confirmed. The Governor then addressed the Meeting as follows:

"I have the honour to lay "on the table the Charter appointing me Governor "and Commander-in-Chief of these settlements- "it differs in no essential way from that "issued to Mr. Robinson."

"I now take occasion to "announce that it is my intention to place "an Ordinance before the Legislative Council "taxing all alcoholic drinks imported into this "Settlement and I request your advice on this "occasion- I am induced to take this step for "many reasons- you must all agree with me "that it is sad to witness the intemperance of "the of the Inhabitants of this community- only "last week a Sailor in the prime of life lost "his life when in a state of intoxication, "and a few weeks before another Sailor was "found at night in the streets in a state of "delirium tremens and would have perished "from cold if the Constable had not conveyed "him promptly to the Jail! I would have "you observe that this will be a tax of a "very indirect nature, requiring no expense "in the collection, the Merchant who imports

the

"the alcoholic drink will simply be required
"by the Law to produce his manifest here at
"the Office, paying so much (hereafter to be
"specified) on the Gallon, this amount of course
"he recovers gradually from his customers by
"placing a higher retail price on the liquor,
"which the sea-faring community of these
"Islands will have and which they are now
"consuming at a far cheaper price than
"which they would pay in England. I will
"now read to you an extract from a despatch
"written by Mr. Robinson to the Secretary of
"State on this subject bearing date 26th September
"1860.

"5. "I regret to say that I see no means
"of adding to this revenue at the present
"moment. It would be unwise in a
"Harbour of Refuge such as this to place any
"difficulties in the way of Vessels calling here
"for repairs or refreshments by establishing
"Port charges which would yield but
"little, and which would be a constant
"source of annoyance to the Shipping. It
"would be equally unwise to impose duties
"on the exportation of Hides or Wool - the
"chief exports of the Colony and which are
"only now growing into any importance.
"To levy duties on the Imports would be
"impossible, for the bare necessaries of life,
"those, that is to say, which have to be
"imported from England, and already retailed
"by the Merchants at price ranging from
75% to 100 per cent above english rates. In
"short until pastoral occupation shall have
"increased in proportion, it will be difficult
"to augment the local revenue without material
"injury to the prospects of this slowly
"progressing colony."

75% to 100%

I quite agree in every word
here, it would be unwise to tax the articles
His Excellency enumerates, but he has

omitted

"omitted to make mention of alcoholic drinks,
"I can see no reason why they should not
"be taxed and every reason why they should.
"In thus raising the revenue, I am leaning
"on the settlement, this is becoming absolutely
"necessary, since the Imperial Grant is
"gradually melting, even by the last
"Packet the Secretary of State announces that
"£3,800 was to be the amount of the
"Parliamentary Grant instead of £3,900,
"so estimated for, by Mr. Robinson, for
"the years 1870-71 showing an unforeseen
"loss of £100 in the small current revenue,
"even this small deficiency is most embarrassing
"to meet at the present time when I am so
"anxious for the sake of the prosperity of the
"place to establish a monthly communication
"with England and keep up a postal one
"with the resident Gentlemen in the West
"Falkland; likewise I am concerned about
"the Government School, it is evident that
"two Persons however zealous cannot do justice
"to 90 Children, this want I have pointed
"out to the Government Inspectors, and they
"recommend an Assistant School Mistress
"at a salary of 12£ a year. Moreover I
"feel it absolutely incumbent to devote to
"the Garrison (and the Colony) one of the
"Government Cottages to be fitted up as a
"Colonial Hospital — a noisy Barrack room
"is no place for a sick man'. to do this
"I require the means to pay an Attendant
"and Cook to look after the sick — I consider
"this an imperative duty on the part of
"this Colonial Government which I am so glad
"to observe is in all other respects is in loco
"parentis to the community. These are the
"several reasons why I invite your support
"and request your advice to enable me to carry
out this measure. I may mention in conclusion
that in this suggestive measure all alcoholic
drinks

"drinks are included, beer, wine, and
"cordials, in order that the Gentry may not
"be exempt from contributing to the revenue
"as well as the poor man."

Mr. Byng and Dr. Mac Clinton agreed with Mr. Griffiths that the Governor's minute gave weighty reasons why the tax should be enforced, that it was highly necessary to let the people see that they ought to contribute themselves to their own Institutions — the measure was therefore agreed nemine contradicente.

A copy of this Minute was sent home on the 30th July 1870

The Council adjourned sine die.

M. Gallwey Hurst
Acting Clerk of Council.

Executive Council

Tuesday 14th of June 1870.

Present:
H. E. Governor Colonel D'Arcy.
The Honble E. R. Griffiths.
The Honble W. F. Mac Clinton
The Honble Henry Byng.

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

The draught of an Ordinance was read by the Governor to the board and after some discussion as to details, it was agreed that it was a fit and proper measure to go before the Legislative Council.

The Council adjourned sine die.

M. Gallwey Hurst.
Clerk of the Council.

Executive Council

Saturday 2nd July 1870.

Present:

H. E. The Governor, Colonel D'Arcy
The Honble E. R. Griffiths Esqr.
" " W. T. Mac Clinton
" " H. Byng

The Council met pursuant to summons.

The Minutes of the last Meeting were read and confirmed.

H. E. The Governor read to the council a letter from Mr. Bertrand to the Revd. Charles Bull upon the subject of the rinderpest having broken out in the River Plate.

The Governor also read a Proclamation to the Board requesting that Cattle or Sheep may not be imported into this settlement during the continuance of the Rinderpest in the River Plate.

Mr. Griffiths suggested that it was a subject of sufficient importance to be sent to the Legislative Council in order that a short Ordinance might be passed making it prohibiton to import Cattle into the Settlement during the prevalence of the Rinderpest.

The Governor adjourned the Council sine die.

M. Gallwey Hurst.

Acting Clerk to the Council.

Executive Council

Monday, August 22nd " 1870

Present:

H. E. Governor Colonel D'Arcy
The Hon^bles E. R. Griffiths.
" " H. Byng
" " W. F. Mac Clinton.

The Council met pursuant to summons.
The minutes of the last meeting were read and confirmed.
His Excellency the Governor then addressed the Meeting as follows:

"The draft Ordinance which the Clerk of Councils will presently read to you is the result of numerous requisitions I have received during the last four months from the Government Tenants in the West Falkland, the subject has consequently become to me a matter of deep consideration and study for the last four months.

You will observe that in clause 2, I have retained the price of the occupation licenses at the old rate of five pounds, but lessened the rental in four pounds the year, for the first ten years of ~~his~~ lease; I have copied the stringent regulation from a New Zealand land Ordinance, giving the Governor the power in case of the insolvency of a Tenant of extending time to the Lessee to recover his liabilities, making in fact the Government his first creditor.

In N^o 3 clause I have made a great change, inasmuch as I lower the upset price of land from 8 shillings to 2 shillings the acre, and the time is doubled,

before

before it becomes compulsory on the Lessee to purchase the land, my reason for this liberality is, that I consider 8 shillings an acre far too high a price to put on our poor land, it is not superior in any respect to the land in Canada, which is sold at only 10 pence the acre, the reason Governor Moody placed the Falkland Island land at the high figure of 8 shillings the acre on the first establishment of the settlement, was to convey Emigrants to the Colony and for the survey= expenses no longer required.

My reason for extending the time so considerably before it becomes compulsory to purchase, is to foster and encourage the new Settlers on the West Falkland who cannot possibly in five years recover in any way the outlay of their capital.

In clause 4 I waive on the part of the Government all claim on the wild cattle; there has been so much written on this point for and against, that I feel the subject is exhausted, therefore it would only be tortology to go into this vexed question, I will only remark that I cannot help considering the law as it now stands, to be a very heavy tax of a direct nature to our early pastoral settlers.

My reason for introducing such liberal measures is, to conciliate the Gentlemen Farmers in the West Falkland placing the Government in loco parentis, the expenses they are put to, in getting building materials round in Schooners against the wind from the East Falkland, and conveying the produce back to Stanley in return are considerable and deserves our

consideration

consideration, and completely swamps all the little money they make by the sale of their wool, moreover the land is of so poor a nature that it compels the Farmer to take up a more extensive acreage than he perhaps can afford; it cannot be gainsayed that in New Zealand it only takes 3 acres to support one Sheep, whereas in these Islands it takes six acres."

I would feel obliged by your following the Clerk, as he reads the proposed Ordinance in the copies I have furnished you, as there may be some few errors scribendi, and trifling alterations, I now solicit the benefit by your advice before taking the measure to the Legislative Council."

The Amalgamation Ordinance was laid on the table, and read by the Clerk.

A discussion here arose after the reading of the Ordinance as to whether it would be advisable that the Wild Cattle should be considered fera natura in the West Falkland.

Mr. Griffiths was inclined to think with regard to the clause making Cattle fera natura in the West Falkland, that although it would be very desirable that that matter should be settled owing to the many difficulties in carrying out the law, it would be as well that the Government if it could make any money by selling the Cattle altogether should do so.

Mr. Byng said that he did not wish to appear in any way as opposing the progress of a measure the principle of which he warmly approved, but

but he thought it very desirable and would in many ways prove convenient, to amalgamate the laws and proclamations relating to the tenure of land in the East and West Falkland if it could be carried out satisfactorily, but there being an absence of those details which are necessary to furnish a clear and definite idea of what those conditions would be after the Bill was passed, it was difficult to come to any satisfactory conclusion, but the following points which had fallen under his immediate notice, should be further considered, namely, ~~that~~ the expediency of reducing the rental of Stations to six pounds for every 6,000 acres for the first 10 years was in his opinion unwise, as it would surrender a revenue of considerable amount, which the Colony at the present time can ill spare without any equivalent, and would probably lead to some difficulty and confusion arising from Persons claiming drawbacks; and he saw no reason to doubt, that these lands could be let at the existing rent, also that the lands on the Falklands were becoming better known and appreciated, and consequently more valuable, with regard to the section making the wild cattle ferae naturae he does not think it necessary to make any remarks upon the question so far as it regards the East Falkland, but thinks that the settlers on the West Falkland have already had privileges

granted

granted to them which the Settlers on the East Island do not enjoy, and that they thoroughly understood the terms upon which they took up the land, and their conduct in this matter was not such as to induce him to think it desirable to grant them any further concession".

After much discussion pro and con, the Council was equally divided in their opinions respecting this Ordinance and the Governor determined to take the measure to the Legislative Council.

The Governor then adjourned the Council sine die.

M: Gallwey Hurst.
Acting Clerk to the Council.

Executive Council.

Monday 6th September 1870.

Present
H. E. Governor Colonel D'Arcy.
The Hon'ble E. R. Griffiths
" H. Byng
" W. F. Mac Clinton R.N. M.D.

The Council met in pursuance to summons.
The Minutes of the last Meeting were read and confirmed, and the Governor redd the following Minute to the Court.

"Under the 9th and 10th clauses of the Administration of Justice Ordinance I have convened this Meeting to-day in consequence of an appeal from Anne Elizabeth Goss against a decision of the Chief Magistrate's Court alleging that an agreement made in Error between the Revd Charles Bull, Colonial Chaplain, Administrator of the Will of Jacob Napoleon Goss and the Respondents Messrs Dean and Bailey the Administrators of the Smyley Estate should not be set aside.

With the exception of myself all the Members of this board have sat as Judges in the Court below which conducted for some days, as it appears to me a most patient investigation.

Knowing very little of Law I open the proceedings with great diffidence, after reading attentively all the documents with which I have been furnished, I gather, we have three courses open to us which we may consider in order to avoid if possible the excitement which is always engendered in

a

a small community when a Court of Appeal is sitting, and at the same time, if our advice is taken litigation will be avoided and the interests of the Smyley and the Goss's children will be equally secured, instead of their inheritance being wasted in expensive appeals to the higher Courts of the Mother Country

1st. It is for us to say whether we may not temporarily avail ourselves of the fact that the Commercial Agent of the United States has given his receipt under his official seal in full of all demands to the Administrator of the Goss estate.

2ndly Whether we may not avail ourselves of the 25th Chapter of the Colonial Rules and Regulations, Page 176, by deferring the question to the Attorney General in England whether or not the Administrator Mr. Bull is bound by agreement he signed in alleged error on the 30th January 1869, a copy of which is now before the Court.

3rdly Whether we may order the matter in dispute to be referred to arbitration as appears in the agreement as follows:

"And it is further mutually agreed by the Administrators of each estate that in the event of any documents, evidence, or papers, being hereafter found relating to the business transactions aforesaid such documents, evidence, or papers, shall by arbitration appointed in the usual way be taken to increase or diminish the amount payable by the estate of the late I. N. Goss, provided always that no documents,

evidence

evidence or papers relating to
transactions over seven years
date shall be taken into
consideration."

Of the three courses I lean to the first, as the most preferable, inasmuch as the Consul is surely accountable to his own government for his acts, and Mrs Smyley being resident in the United States can easily appeal to that government if dissatisfied with the Consuls action in the matter, as far as the Gofs estate is concerned, all expense will thus be spared, and many local asperities avoided.

I am not so favourably inclined to the second course, viz: the appeal to the Attorney General, it would involve a serious expense and a great loss of time

The third course, that of arbitration might be safely undertaken, but for our limited community, as there is scarcely an Individual in the society of this town, who has not in a manner been mixed up in this unfortunate difference, involving many trade jealousies.

It may be argued that the Administrator went out of the usual course in paying the last instalment due to Smyley of £263 . 15 . 8 to the American Consul, when Mr Dean with Mr Bailey were administering the Smyley estate and under an order from the Magistrates Court, and when he must have known that Mr Dean was in posession of a power of Attorney from Mrs Smyley herself to receive all debts due to her Husbands estate, but again in some defence of Mr Bulls caution, we have Lord St Leonards

£	s	d
263	15	8

as

as an authority that a power of Attorney from a Party living at a distance should be cautiously acted upon inasmuch as the person who gave the power may not be alive at the time you make the payment and consequently you may be compelled to repay the amount to the next Heir at Law."

The Council then deliberated as to which of the three courses proposed by His Excellency may be most advantageously adopted, and in considering the expediency of selecting the first of these propositions His Excellency suggests that the following questions be put to the Commercial Agent Mr. Powell, in order that the Court may be at once assured of the Consuls integrity as far as he has taken the initiative in the matter, and also with a view to find out whether his Government has so far approved of his proceedings.

Mr. Powell was called into Court and asked:—

Question Whether he had informed the United States Government as to his having given a receipt in full to Rev.d Charles Bull for all payments due by Goss's estate to that of Smyley's.

Answer. I have sent to the Secretary of State the fact of having given a receipt in full and asked for instructions.

£ . s . d.
263 „ 15 . 8

Question. In what way did you remit the money paid by Mr. Bull viz £ 263 „ 15 „ 8. (when you gave the receipt in full) to America?

Answer I sent my return to the Treasury and told them to pay the money to Mrs. Smyley out of monies due to me for salary or otherwise as will appear by my letter dated July 26th 1870.

Question. Have you received any instructions in

in answer to your application?
Answer. There has been no time to receive an answer.

The Court having satisfied themselves in this essential point, felt in a better position to lean on the Governors first proposition — that of accepting the Consuls receipt in full of all demands, inasmuch that if Mrs Smyley was satisfied, through the American Government that no further indebtedness existed on the part of the estate of Goss to that of her Husbands estate, there was no cause for litigation and the deed in question signed by Mr. Bull as Administrator might be set aside, bit after much discussion the Court were rather more inclined to recognize the deed as valid, till it was proved otherwise and upon it to order arbitration whereupon Mr. Powell as Attorney for Mrs Goss was called into Court.

The Question was then put, whether he would agree on behalf of his Client, Mrs Goss to have the whole matter settled by arbitration, which he distinctly declined and stated his reasons in extenso; but made a proposition to the Court "as a concession" as he termed it, to the effect that if Mrs Goss's petition was granted and the action brought against Mr. Bull set aside, all claims on either side might be referred to arbitration as to item and value according to the rules of law and evidence, and whatever may appear to be due shall be the final settlement of the matter.

Mr. Powell, then asked the Court who they proposed to appoint as Arbitrators, and the answer was that three

Taymasters

Paymasters of the Flying Squadron then expected were to be requested to act by the consent of the Admiral.

Mr. Dean was then called in and the above proposition (Mr. Powell's) was put to him.

Mr. Dean said he could not answer the question, until he had consulted with Mr. Bailey who is his Co-Administrator but that as far as he himself was concerned he did not like the deed set aside, and he objected against the Settlement made by the Consul, inasmuch as all Parties interested in the matter were not consulted having obtained only Mr. Bull's representation of the matter.

Mr. Dean, then asked the Court, whether Mr. Powell appears in Court as Attorney for Mrs. Goss, or as commercial Agent of the United States, if in the latter capacity he objected to give any evidence.

Mr. Dean, was here asked by the Council if he expected any instructions or answers to any letters from America with regard to Mr. Powell's settlement with Mr. Bull? and the answer was that he did expect to hear from Mrs. Smyley's Attorney in Washington by the next Mail, and Mr. Dean requested the proceedings of the Court to be stayed until these instructions arrived.

Mr. Powell was then called into Court, and made acquainted with Mr. Dean's refusal to the terms of his proposed arbitration, and the Attorney begged for the forbearance of the Court to listen to his reasons why the deed should be set aside; although the Court had not as yet taken up the question in

dispute

dispute seriatim, being anxious for the interests of both orphan families to avoid litigation, yet in consideration of Mr. Powells' position they allowed him to proceed in his address, in which he dwelt forcibly on the deed being an informal document, and one which would not be held in law to be binding. It was impossible to take down verbatim Mr. Powells' address as he spoke so quickly ~~on his leaving the Court~~ 2nd H.

On his leaving the Court His Excellency then put it to the Court to reconsider the first proposition of his minute, especially after the arguments Mr. Powell had just furnished the Court, at all events a safe course would be to let the Court remain in abeyance until an answer can be received from Washington as to whether the United States Government is satisfied with the legality of the action taken by the Consul and at the same time whether Mrs Smyley has appealed to the United States Government against the act of the Consul for having given a receipt in full of all demands. His Excellency proceeded to state that the result of such delay will not be prejudicial to the interests of either party, inasmuch as the firm of Goss & Coy will continue, doing, as it is said a good business, for the benefit of the Widow and Children, and at the same time be in a better position to pay any possible debt, brought home to the estate hereafter, than it is at present, for as long as this Court is in session all action of the Court below is suspended, especially the writ issued, on application of the Respondents, against the firm for the balance due on the deed. The

Council

Council hereupon agreed nemine contradicente
to this proposition and the Governor adjourned
28 the Court accordingly sine die.

M. Galluey Hurst.
Acting Clerk to the Council

Executive Council.

Tuesday. 6th " December 1870.

Present:
H. E. Governor Colonel D'Arcy.
The Hon.ble E. R. Griffiths Esq.re
" " H. Byng Esq.re
" " H. N. Watts Esq.re "

The Council met in pursuance to summons.

D.r " Watts took the oath and sat accordingly.

The minutes of the last Meeting were read, and after being slightly altered upon Mr. Griffiths's proposition were confirmed.

The Governor addressed the Meeting as follows.

" Before I proceed round the Islands on a tour of Inspection in Her Majesty's Ship "Speedwell" I am desirous of announcing to the board, my intention of proposing to the Legislative Council one or two enactments, which I hope will be beneficial to the Settlement.

A very great want has been felt by the Merchant Marine for an effective pilot service, at present the licensed Pilots do not venture beyond Fort William, indeed it would be unreasonable to expect them in open boats to proceed to the open Ocean in these tempestuous regions. In

the

the Bill I am about to initiate the Pilots will be a paid body under the Executive, serving on board a decked vessel somewhat smaller than the "Foam", and the expenses of this reform I hope to cover by a small
3d. tax of 3d. the ton on the shipping.

Many sea-faring Men have assured me that this tax will be cheerfully paid by the Merchant Marine, Captain Smithen tells me that several vessels are now anchored at Monte Video, who tried during the late equinoctial gale to get into this harbour, but after being unable to get a pilot outside, were compelled to give up making the Port, and found shelter 1000 miles off Montevideo.

I had intended also initiating a game law for Stanley, and indeed Mr. Griffiths was good enough to draw me out a draft Ordinance, making it illegal to kill birds in the breeding season, but on reflection and advice it is better to place the subject in abeyance, as the people consider such legislation as harsh and unnecessary, and perhaps with the ferae naturae decision so recently before us it may be a little inconsistent.

Beyond a notice on the board when I first arrived I have not taken any active steps against the Inhabitants of the Town for throwing their trash into the public streets, but really now as

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the Duke of Edinburgh is about to visit the Settlement, I shall be compelled to do so through the Police Constable agreeable to our local Ordinance, if the practice is continued.

In the meantime I have ordered the Prisoners, to bury all broken bottles, and other extraneous matter so that we may start fair and the Constable will be able to detect defaulters."

The draft Pilot Ordinance was laid on the table, and discussed previous to its going to the Legislative Council.

The Governor then adjourned the Council sine die.

M. Gallwey Hurst.
Acting Clerk to the Council.

Copies of the Minutes of the Executive Council from the 13th April 1870, to this date were sent home in Governor D'Arcy's despatch to Earl Kimberley No. 18. of the 21st April 1871, by the German ship "Eagle" on the 5th May 1871.

M.G.H.