

Executive Council

Tuesday 24th June 1895.

Present

His Excellency Colonel Stacey Governor
The Honble W. D. Watts Esq
" A. Bailey Esq

The Council met pursuant to summons.

The Minutes of the last meeting were read and confirmed, and the Bishop's answer was then read to the Board.

His Excellency said
"I have received an application from Mr Byng for leave of absence on the grounds of nearly two years' continuous service."

Mr Byng's application was read, His Excellency continuing and
"I suppose there can be no objection to this."

The Board granted Mr Byng's application rem. con. when His Excellency adjourned the Council, and the

By Francis
Clerk to the Council

"thus antloying unoccupied
shearing houses with peat
stacks, and ordinary
comforts in so severe a
climate. The friends
of John Kendall and
William Gladstone having
attributed their deaths
to cold caught from
having slept in
unoccupied houses without
fires after having got
wet through foul exposure
in the exercise of their
callings as Shepherds or
Gauchoes!"

I felt at the time
the subject was one which
might be placed at
the door of our legislation
and you agreed with me
that it would be
preferable to meet the
want by the expression
of public opinion. I
have however, now before
me a heavier requisition
on powers, which I fear
can only be met by an
Obedience as it will
involve

"involves expenses: it
 has been forcibly brought
 to my notice by Dr.
 Fisher that it is necessary
 it could be legally to
 enforce that kitchen gardens
 are attached to the
 Shepherds' houses for the
 purpose of supplying the
 Samois with a plentiful
 supply of vegetables, to
 prevent the spread of
 land scurvy which has
 become quite an
 endemic in the camp.
 A son of Mr. Greenhills
 died of this disease
 last year, Josi Marin
 also died of the same
 complaint, and several
 others are now suffering
 without being aware of
 the cause; indeed at
 the beginning of the
 Winter Mr. Woodard
 was suffering so much
 from land scurvy that
 Mr. Dear invited him to
 live on board the
 "Orion" for three weeks
 in

"in order that he might
take advantage of his
well found table; more
recently I had occasion
to remark to the barber
that his son James Stokings
looked gaunt & cadaverous
after one year of Camp
life & his answer was
'that is always the case
the men get no
vegetables in the camp.'

These are a few of
many similar instances
I could enumerate when
the foundation of disease
(if not fatal disease
itself) is attributed
to the want of the
diet necessary to health.
Fifty years ago it would
have been thought
puerile if the Government
had insisted on all
Masters of vessels
serving out to their
crew so much lime
juice, now it is the
law of the land and
in

"in the event of a Master sailing on a long voyage without this essential he endangers his certificate!"

Is not the Colonial Government acting within its province as Landlord by making it law that all persons should grow vegetables near their own or their Shepherd's houses?

The Lease-Farmers are so wrapped up in the prospect of securing a return for the Capital invested in stock that they lose sight of the common elementary laws of health, giving a ration per day to day of beef & sheep's mutton without vegetables, or milk, or this in a Country bereft of fruit.

Under the sad circumstances brought so prominently before us do you advise me to introduce a short Ordinance to the other Council

Council to be read in
conjunction with the
Land Ordinance making
it compulsory on lessees
to raise garden produce
round each house.

I am quite alive to the
difficulties which surround
this measure, our
Tenants may complain &
with some reason that
the question is a monetary
one involving expensive
fencing, the purchase
of seeds, and labour
which might be employed
more to the direct interests
of the Employer; the
age we live in is
however one in which all
Governments watch over
the interest of the
community from the soldier
to the factory-girl, and
I am of opinion that
this consideration comes
within the scope of our
duties.

W. Bailey

Mr Bailey agreed with the Governor that it is very desirable kitchen gardens should be attached to the Camp houses, but he did not see exactly how this could be done now; it would have been easy to enforce on drawing out the lease, and the necessity might in all future leases be included, from all he had heard Mr Holmsted's case was one of land scurvy, and it is known he has no garden.

Dr Watts did not agree with Dr Fisher that Mr Greenshield's child died of scurvy, he rather thought consumption was the cause. He had never been called upon to attend any case of scurvy during his residence at the Islands in the Camp. He was against the measure as it would offend persons especially Mr Cobb whose employees' Galdrans Islands Company spent so much in the Island.

The Governor thanked the Members for their advice and would recommend Mr Bailey's suggestion to be adopted as the lease fell in; but he could not agree with Dr Watts's opinion, if private interests were to be

be always considered, no measure
of public utility would ever be carried
out. Moreover the interests of Legues
had been for years zealously regarded
and His Excellency added "surely the
'four man's labour is of some account'
'in the world, without it capital would
'be useless!'"

The Council was then adjourned
sine die. —

By Travis
Clerk to the Council

Executive Council

Friday 21st November 1873

Present

His Excellency Colonel D'Arcy
The Honble E. J. Smith, D. Webb & Davis Esqs

The Council met pursuant
to summons.

The Oath of Office was
administered to Edward Thomas Smith
Esq. as Member of the Council.

The Governor then said

'I wish to introduce to
the Council Mr Travis
Acting Colonial Secretary
as a Member pending
the sanction of the
Secretary of State.'

The Oath of Office was
administered to him accordingly.

The Minutes of the last
preceding Council were read and confirmed,
for which object together with the
swearing in of the above Members,
the

the Council was summoned.
His Excellency then said

"I may incidentally mention
to the board that I
received a few hours ago
an appeal from a decision
of the Magistrate's Court to
the Governor-in-Council from
Mr. McElroy who has recently
arrived in this colony in the
capacity of Agent for Messrs
Hargreaves & Co. of London.

It appears to me
from the cursory glance I
have given to the appeal
that the subject is one
quite within the scope of
the Chief Magistrate's power
in matters to act upon
but as he has taken his
seat at this board, I
take occasion to request
he will do me the favour
to take the appeal home
with him, and advise us
whether or not Appellant's
application is one for the
jurisdiction of this Court
above.

Mr. Smith

Mr Smith in reply said

"I am aware of Mr Melway's
appeal against the decision
of the Magistrates Court
having seen it this afternoon
but I should like to think
it over before tendering my
advice as to whether the
appeal is one which would
be more fitly entertained
by the Court of Magistrates
than by the Court above.

The Council was adjourned sine die

G Travis
Clerk to the Council

Executive Council

Friday 5th December 1873

Present

His Excellency Colonel D'Arcy Governor.
The Honble C. J. Smith. Mr. W. H. Smith. Mr. J. H. Smith.

The Council met pursuant to summons

The minutes of the last preceding meeting
of the 21st November were read and confirmed

His Excellency then said:-

"The Executive Council not
having been summoned in appeal, of course
the Board concluded there was no case, but
to make the minutes correct I have
summoned you this afternoon in order that
I may read you Mr. Smith's opinion

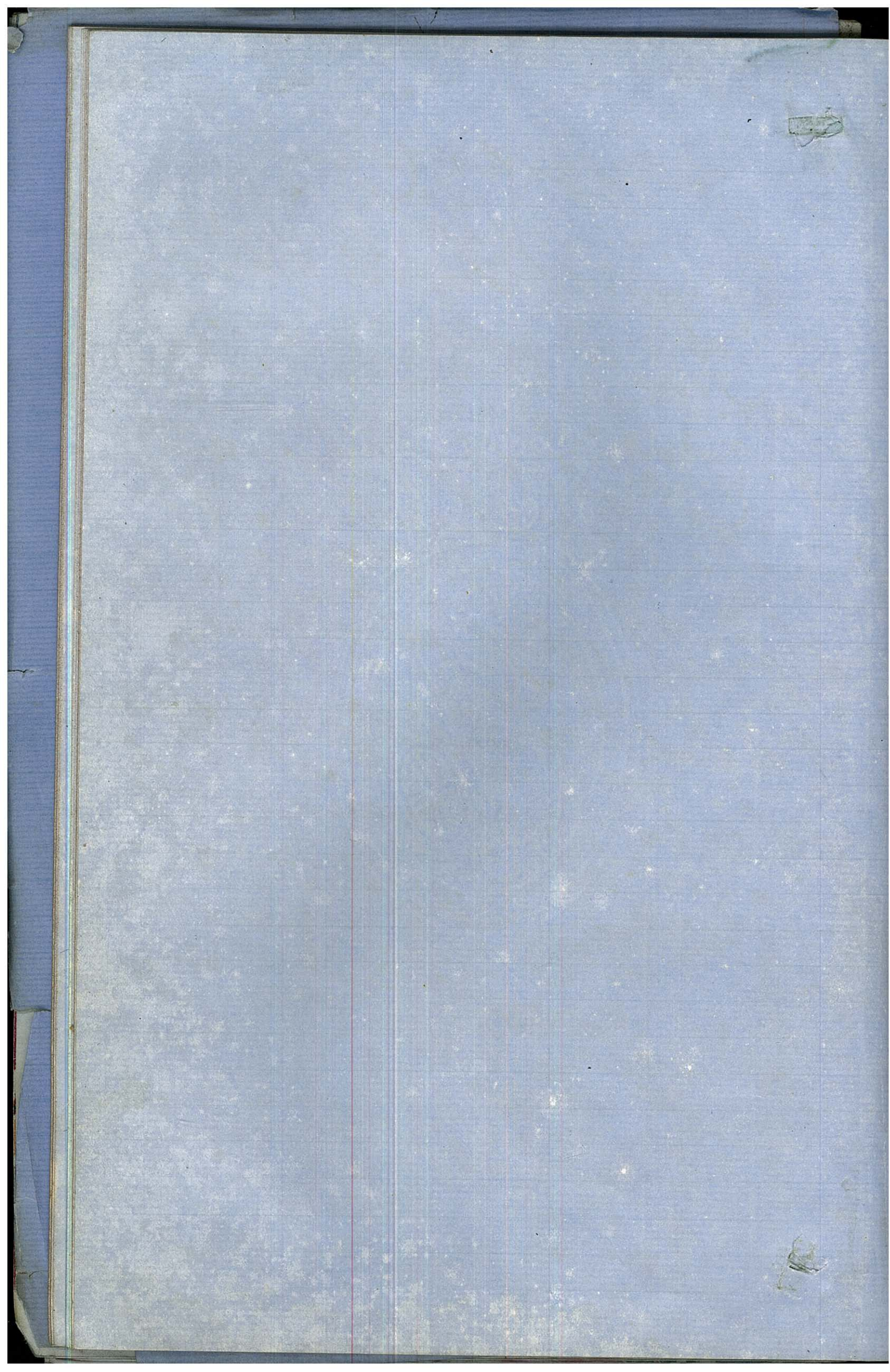
Here Mr. Smith's letter to H.E. the Governor
dated 25th November 1873 - was read -

"According to custom and
the regulations what I am about to say
I request may be considered confidential.

"This is an occasion to place on record a few words in justification of the Court of Magistrates during the last two years, as far as the Estate of Boss is concerned.

I have seen several letters written by Mr Bull to Mr Boss and other parties of this town in which he states that the Estate has been "terribly mismanaged" since his departure; this statement carries with it a perversion and misrepresentation of facts which in justice to the Court I feel bound to contradict, the more especially as the gentlemen acting for the time as Chairmen were very businesslike.

On Mr Bull's departure for England - on leave of absence in May 1872, he handed over to Mr Turpin, a schedule of accounts of the Estate making it appear that it was solvent, and if I remember correctly Mr Turpin took an affidavit to that effect at foot of the document, so thoroughly did he believe such to be the fact; but a few days after Mr Bull's departure, on the careful scrutiny



sent home for mail
of 2/1/74

39

Executive Council

Friday 5th December 1873.

Present—

H. E. Colonel D'Arcy - Governor
and all the members.

The Council met pursuant to summons.

The Minutes of the last preceding meeting
of the 21st Nov^r were read and confirmed.

His Excellency then said

— The Executive Council re

James J. G. G. G.
1873

Court House. Nov: 25th 1873.

My dear Sir.

Kings
~~Goss~~ Appeal -

I am clearly of opinion that there should be no appeal in this matter, & for the following simple reason, viz, that there is no judicial decision in existence to appeal against.

The heading "In chambers" makes it clear that this was merely a meeting of Magistrates in private, not unlike the quarterly meetings of Magistrates in England for the purpose of considering and arranging financial & other matters connected with

The County - No one ever heard of any appeal
being entertained from any decision they might
arrive at.

It was a mistake to enter the proceedings in
the Magistrate's book, but this fact can give no
right of appeal.

Messrs Bailey & Dean moreover could never
have sat as judges in a properly constituted Court,
being deeply interested in the matter itself.

Under these circumstances I should
advise that the papers which I return herewith
should be sent back to the so-called Appellants,
with the intimation that you are of opinion that

The proceedings of the 13th Jan^y 1873 were not of a
judicial nature, & consequently, that there can be
no appeal.

With reference to the late Mr. Guise, I sent out
after him last night, but he was not in the Sailing
box, & nowhere to be seen.

I think the plan you suggest to me, by
the desire of Mr. D'Arcy, is an excellent one, &
I will, after ascertaining from Mr. Turpin a
little more as to the nature of the property, at
once put the matter in motion.

Yours sincerely
E. J. Smith.

Governor's Minute 5th Decr 1875.

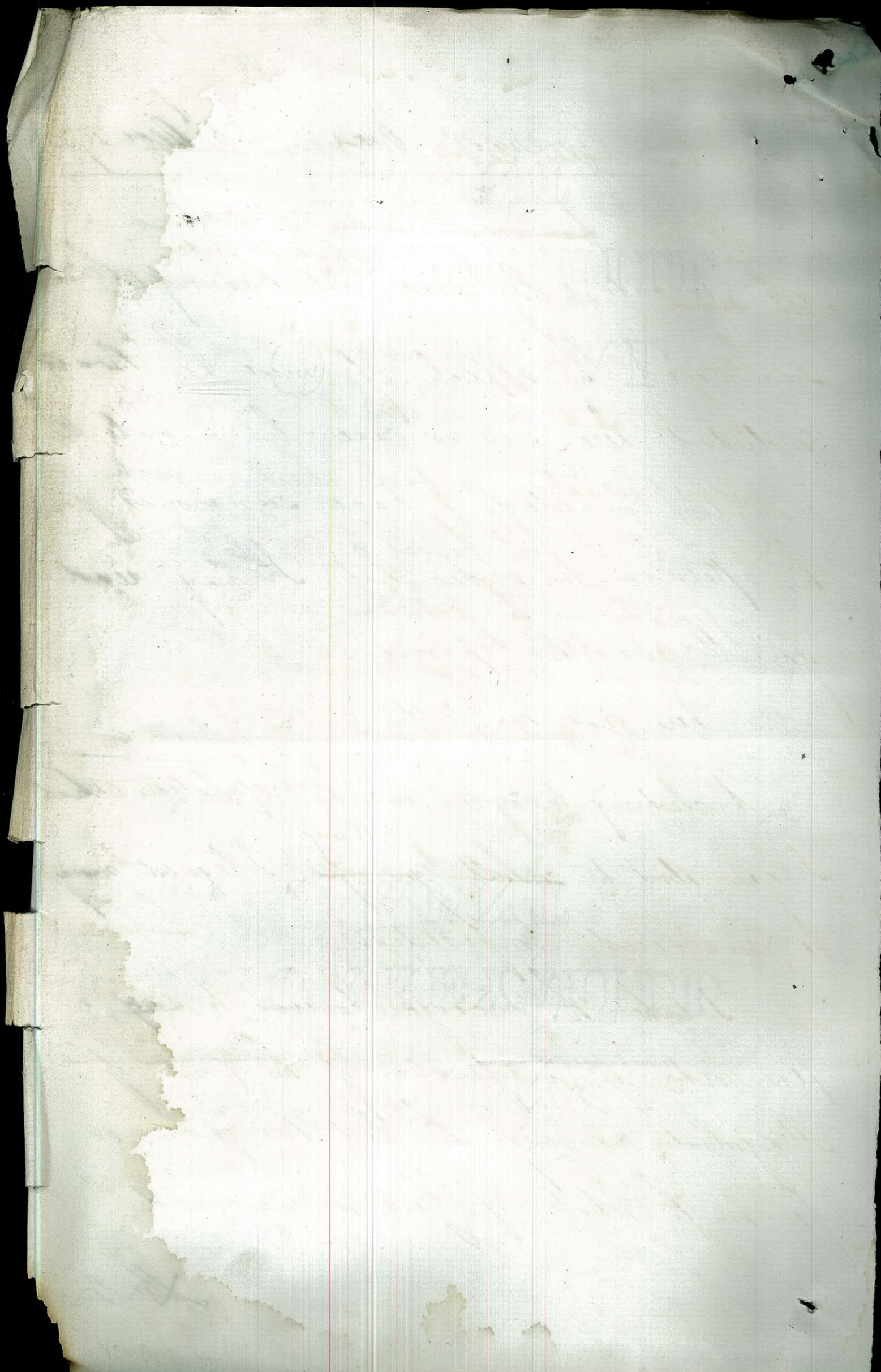
The Executive Council not having been summoned in appeal, of course the Board concluded there was no case, but to make the minutes correct I have summoned you this afternoon in order that I may read you Mr Smith's opinion.

(here read his letter) (25/11/75)

According to custom and the regulations that I am about to ~~consult you upon~~ ^{say}, I request may be considered confidential.

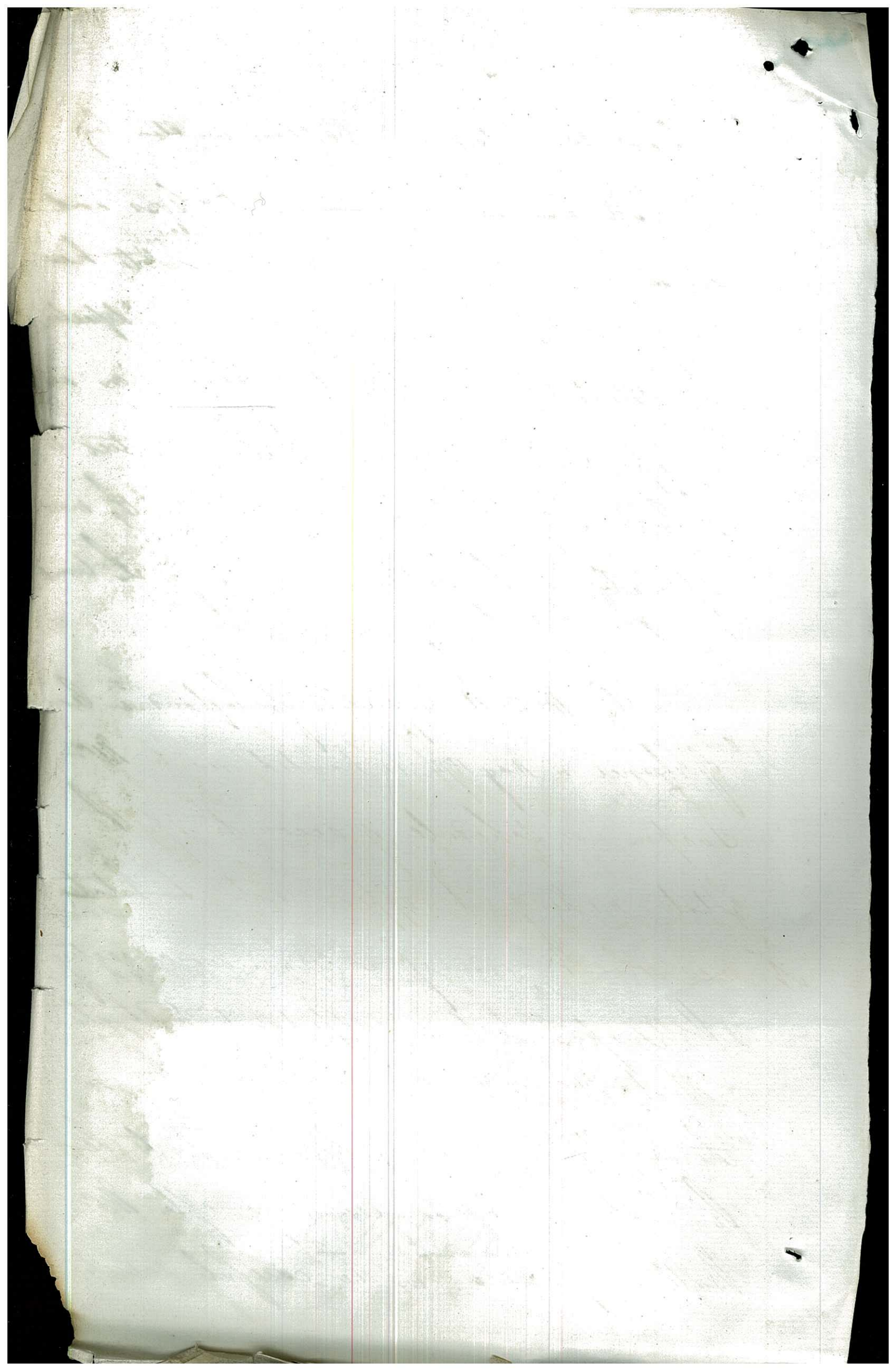
I take this ^{is an} occasion however to ~~say~~ ^{place on record} a few words in justification of the Court of Magistrates during the last two years, as far as the estate of Gros is concerned.

W. B. Smith
I have



I have seen several letters written by Mr Bull ~~has recently written~~ to Mr Goss and other ~~several~~ parties of this town, ^{in which he states} that the Estate has been "terribly mismanaged" since his departure; this statement carries with it a perversion and misrepresentation of facts which in justice to the fact I feel bound to contradict, the more especially as the gentlemen acting for the time as Chairmen were my nominees.

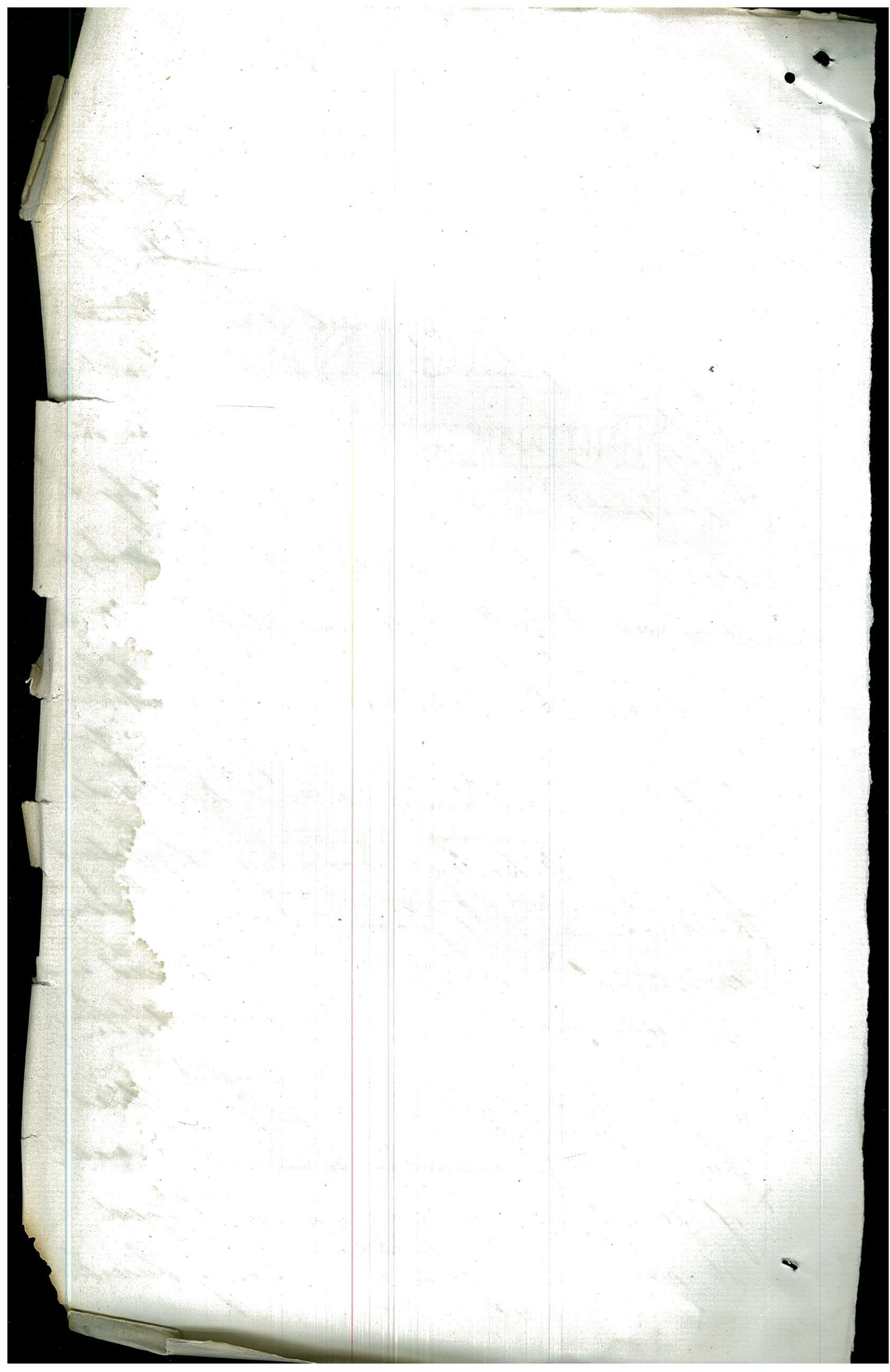
On Mr Bull's departure for England on leave of absence in May 1872, he handed over to Mr Turpin, a schedule of accounts of the Estate making it appear that ~~the Estate~~ it was solvent, and if I remember correctly Mr Turpin took an affidavit to that effect at foot of the document, so thoroughly did he believe such to be the fact; but a few days after Mr Bull's departure, on the careful scrutiny



of the books, a very different state of things was discovered, ^{that} a state of bankruptcy in fact, which has continued to the present time, and which was met in my opinion by judicious economy and management on the part of the Court; by the advice of Dr. Watts, the then Chairman (Mr. Turpin) dismissed Mr. Bull's expensive staff - let the bar and the buildings, collected debts and partly paid off several pressing liabilities in Stanley and at Montevideo.

On Mr. Bailey becoming the Acting Chairman, on the 1st January 1873, the same economical arrangements were continued and remittances were sent to Mr. Littlejohn.

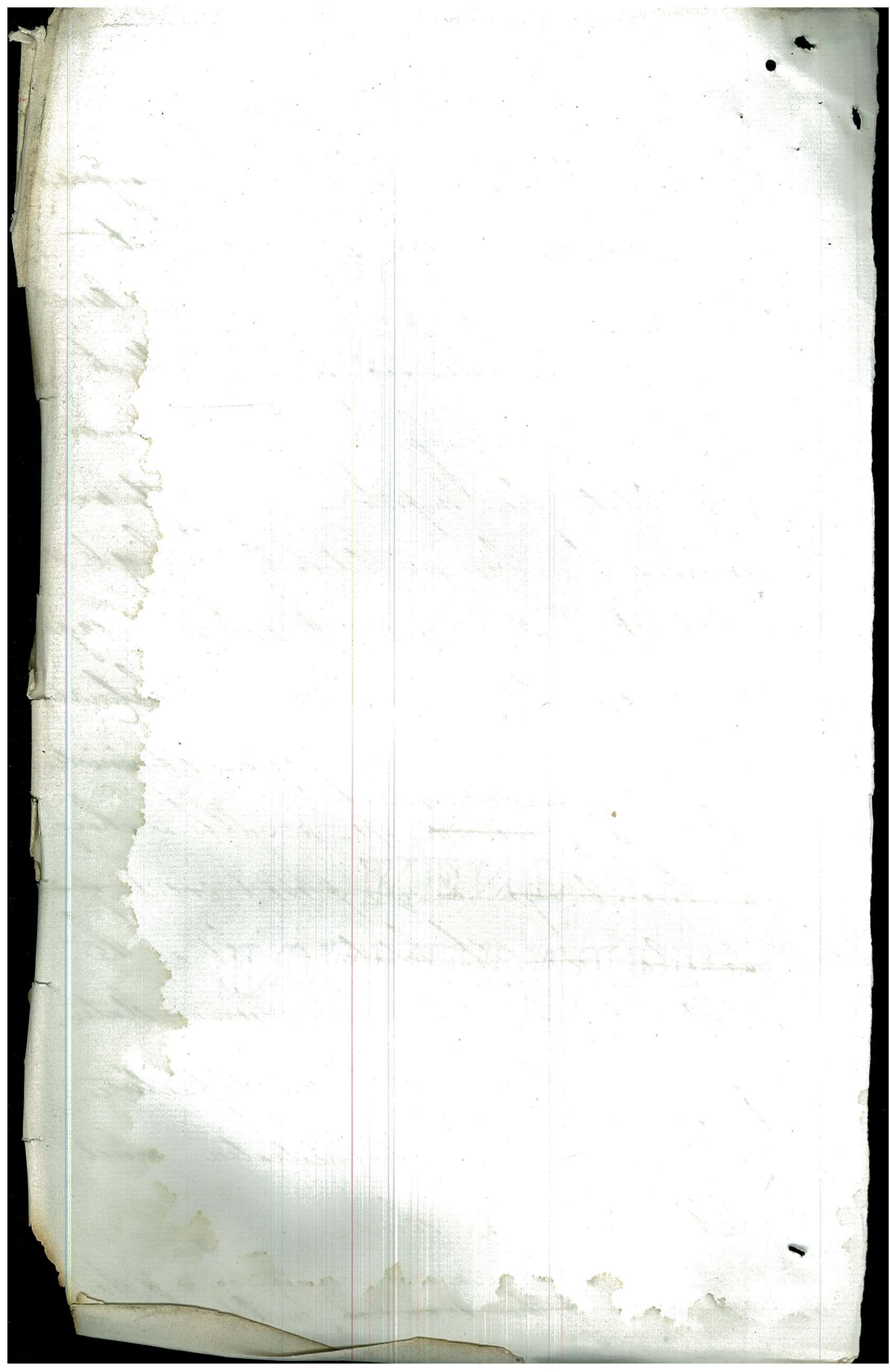
Mr. Bailey's administration of 1873 differed from Mr. Turpin's only in a small matter of detail viz: the bar was not leased, it was worked by the Court's own men of business



one Benjⁿ Wilson. Where does ^{any} mismanagement
 present itself? There was nothing to
 mismanage! no cargo arrived from Messrs
 King & Co as promised by Mr Bull to
 Mr Ross, consequently no profits accrued
 to the State from imports - no staff was
 necessary, as there was literally nothing to sell.

Had Messrs King sent out valuable cargoes
 it would have been the duty of the Court
 to have appointed some person administrator
 who might ^{at the present time be} ~~have been~~ open to such a charge
~~in November 1873 in the present event of the~~
~~insolvency of the estate;~~ but as the
 affairs of the firm have been in statu
 quo ever since Mr Bull's departure
^{now 18 months ago}
 the blame of mal administration must
 rest with him alone.

Now



Now how has all this scandal arisen
in reference to the Estate of Cross? simply
from a Clergyman, with considerable legal
acumen, misleading at the eleventh hour
a non professional acting Chief Magistrate.

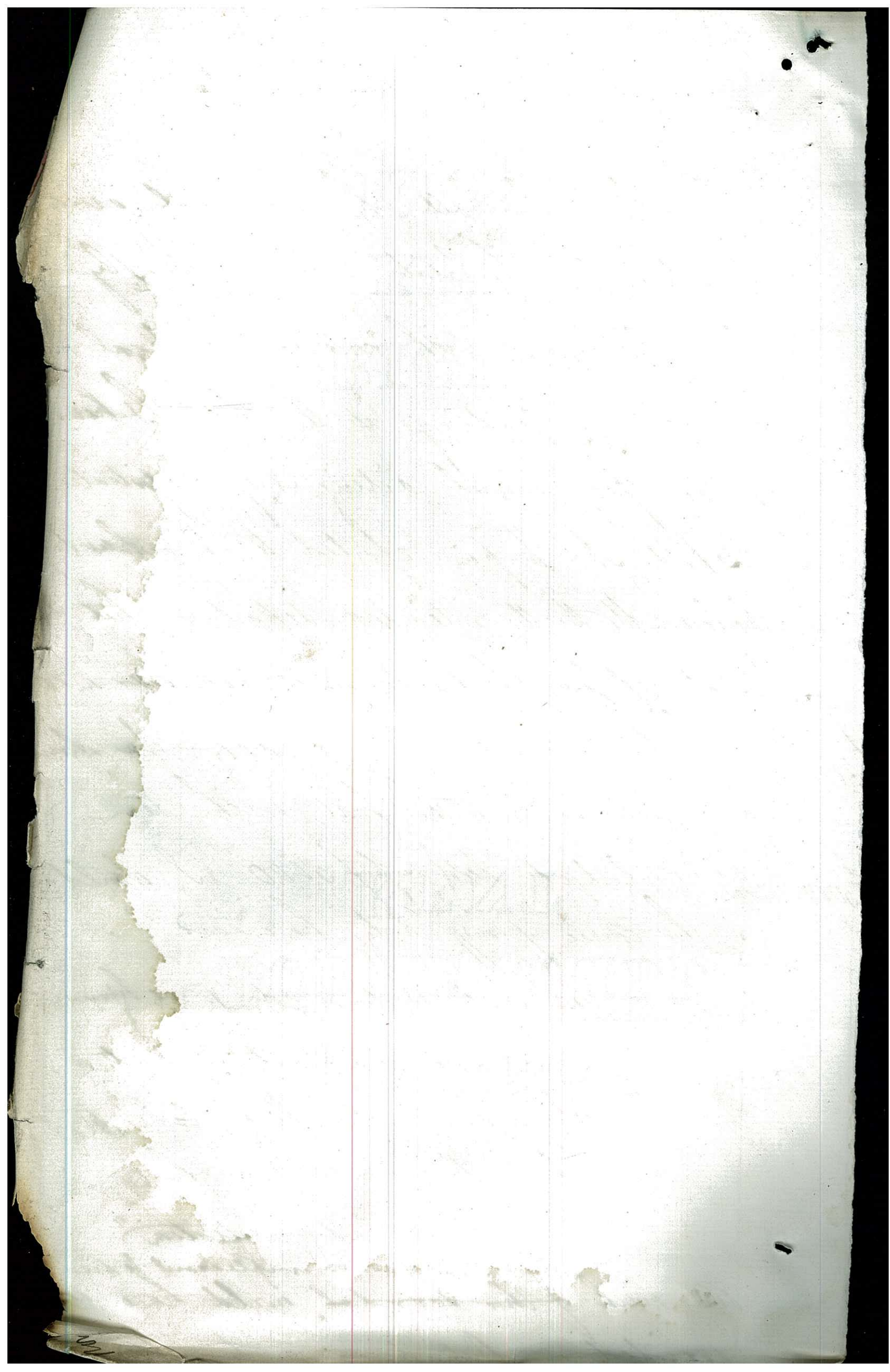
Had Mr Turpin reported to me a few days
^{which it was clearly his duty to have done}
before Mr Bull's intended departure, that the
Estate of Cross which Mr Bull took over in 1892
with a disputed debt of £2000 was about
to be given back to the Trust with an
acknowledged debt of £5000, I would
in the course of my duty have said

'Now as Mr Bull is not going home
on medical certificate I must
detain him until he explains to
the Court the cause of such
apparent maladministration'

that is now ^{so} unpleasant to dwell
and much of this scandal would have been
avoided.

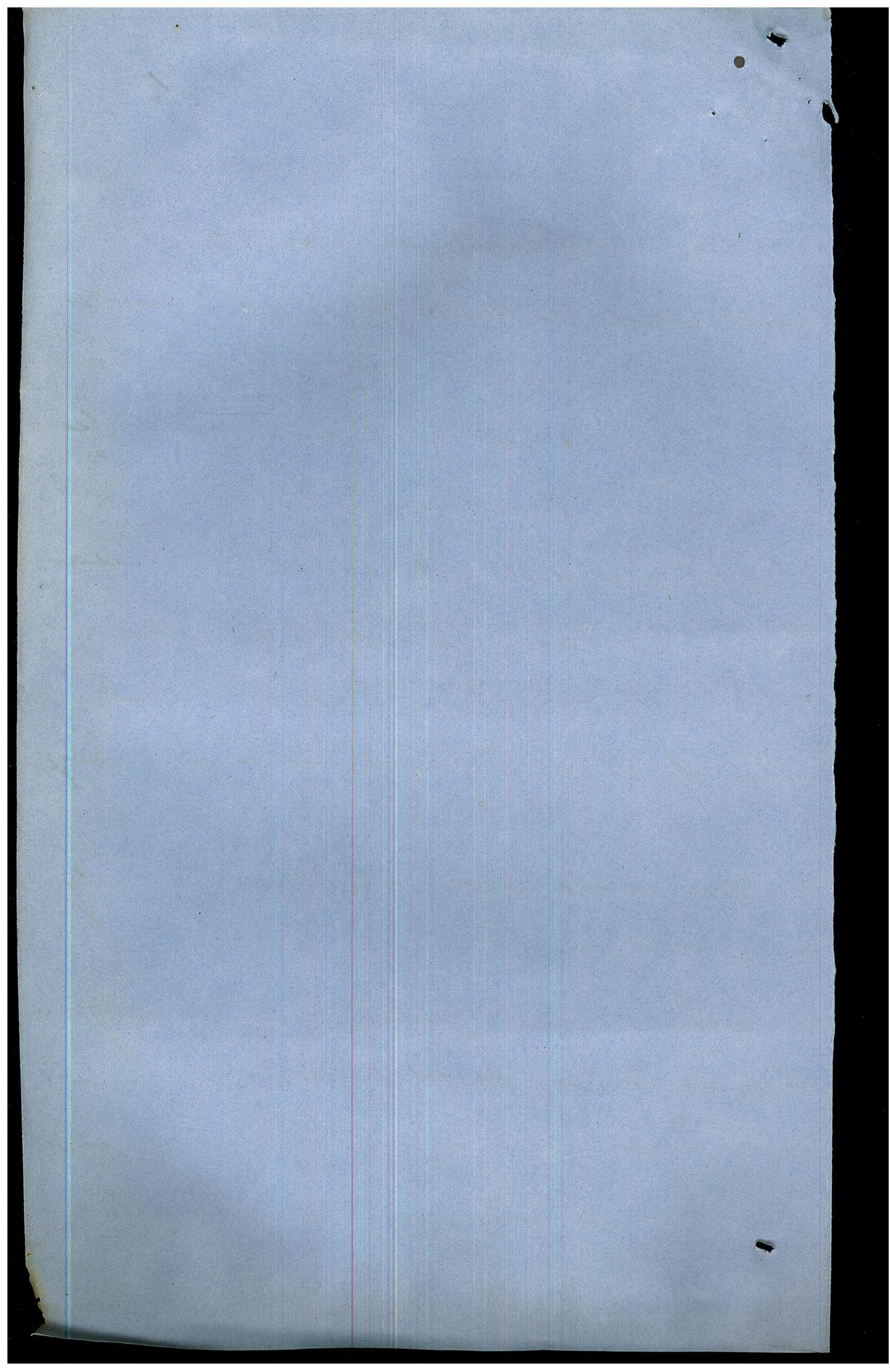
£2000.

£3000.



How is this to be prevented? the
 Acting Chairman by the Summary
 Jurisdiction Ordinance has by
 implication the same power in Chambers
 which is exercised by the Chief Magistrate
 a Barrister at Law, and as in this instance
^{the Mr. Tupper} carried out ^a measure which his Brother
 Magistrates did not approve of. I am sure
 limit that power by a short amendment
Once let it be plainly laid down that
 when the Mag. Chief Magistrate is not a Lawyer
 he must sit in banc with his Brother
 Justices on all suits, other than the daily
 police business -

There ^{was} ~~is~~ an opinion ^{current} ~~affixed~~, emanating from
 those of the best social position in this town
 which I cannot help considering unreasonable
 censuring the Home government for the

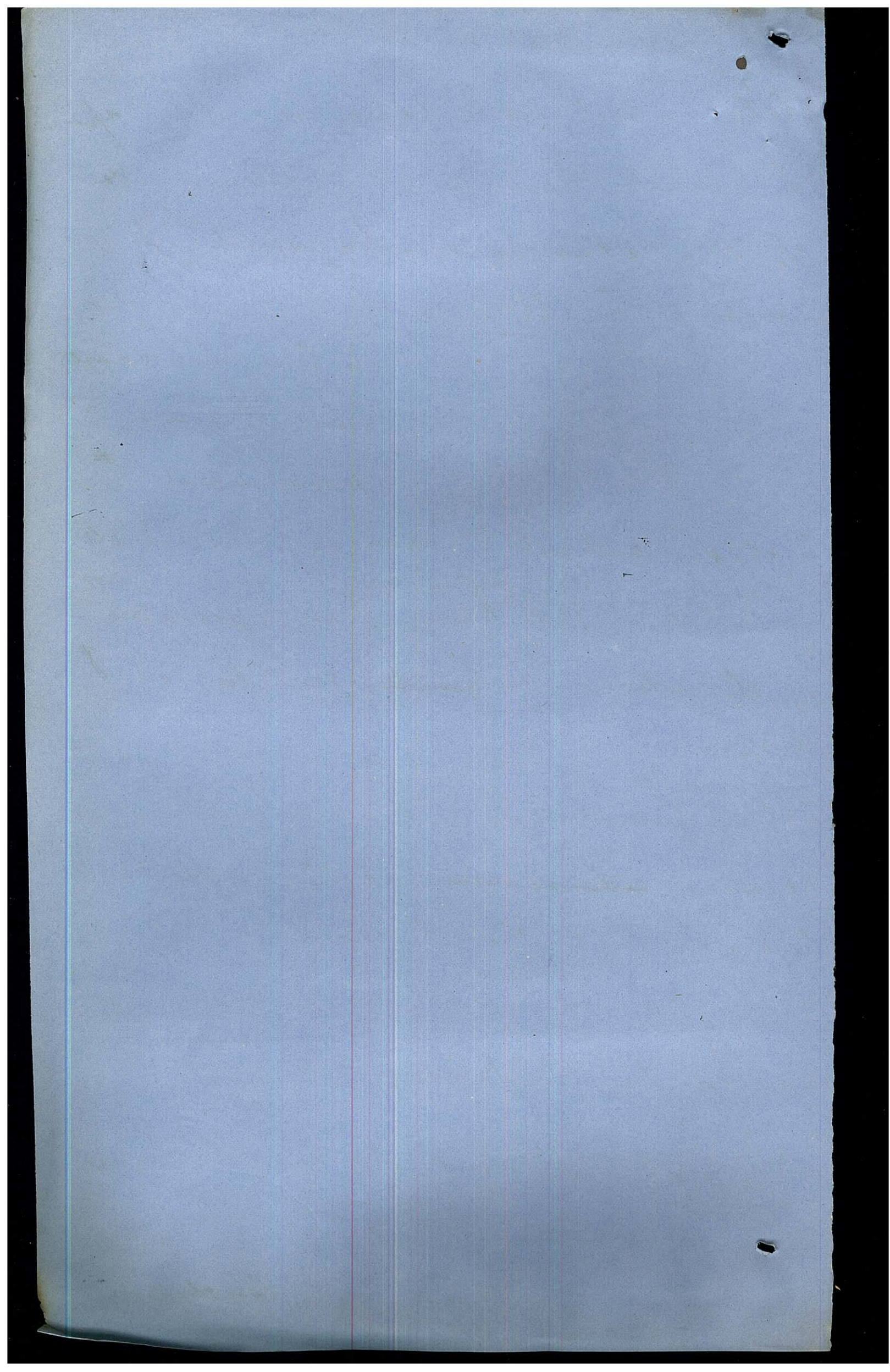


delay which took place in filling up
 the vacant Chair in the Judiciary, &
 the step taken by a Magistrate ^{that} of
 resigning his seat on the bench "in order
 to bring a pressure
 upon the Home
 Government."

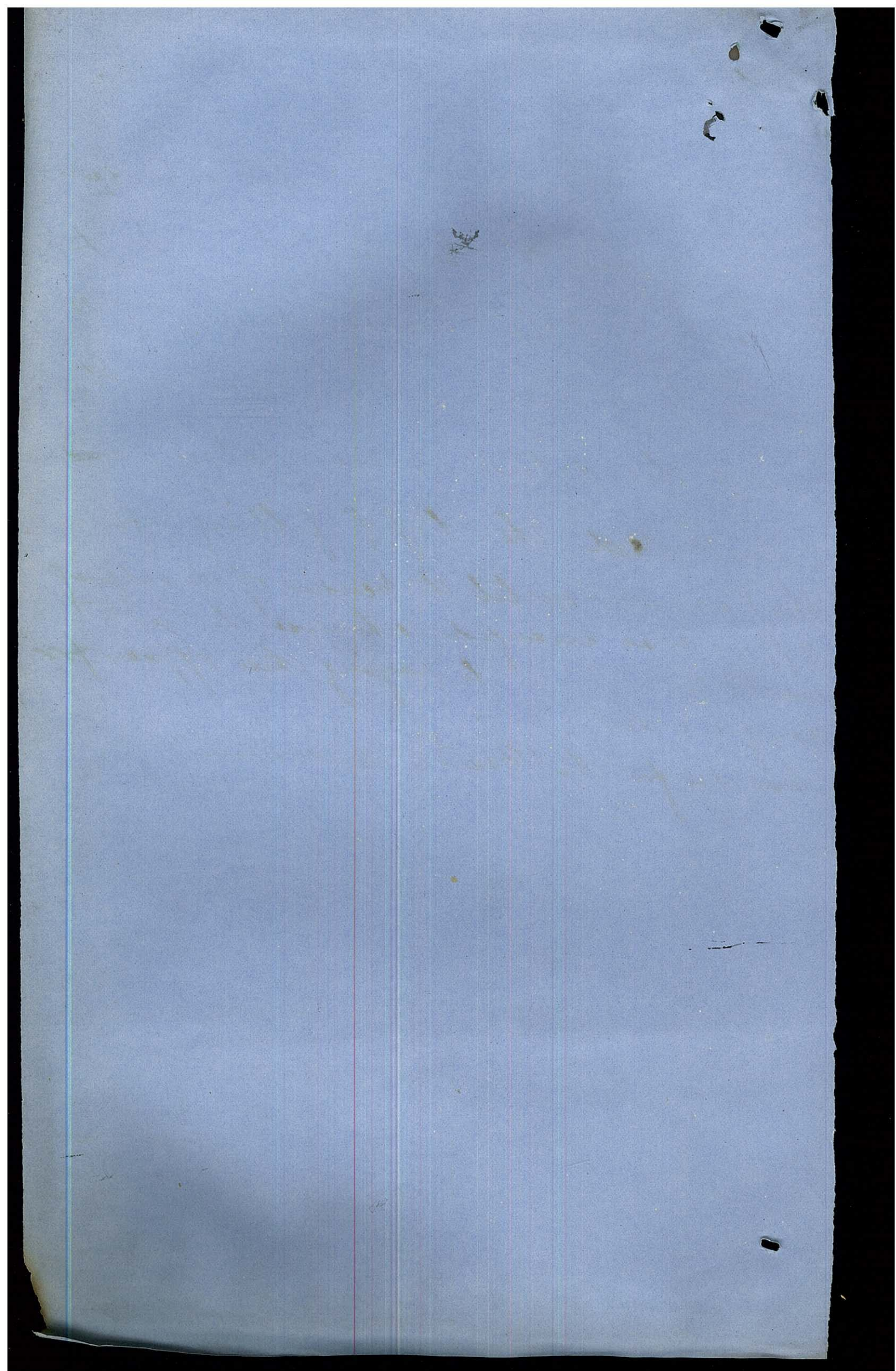
to appoint a legal stipendiary Magistrate
 I cannot help regarding
 as factious, displaying an ignorance
 of the rules which ~~govern~~ regulate all
 services —

Altho! Governments, like Nature abhor a
 vacuum ~~like Nature~~ get there is the fact
 before our eyes, that it takes five months
 in Stanley before an answer can be
 received from England.

Mr. Griffiths obtained six months leave
 on a medical Certificate — at the
 Conclusion



of the leave he applied for a pension
 it was granted by the S. J. S. and the
 Governor of the S. J. was ordered to fill
 up his Superannuation paper - &
 all this detail caused delay, and
 prevented the S. J. S. filling up
 the vacancy until the pension of the outgoing
 officer was arranged otherwise the Govt.
 would for a period be paying three officers for
 doing one duty. —
 Now it is for this Board to decide whether



The Governor continuing said

"Is it worth while to pass an amendment of ^{the} Summary Jurisdiction Act limiting the powers of the Acting Chairman of the Courts, not being a Barrister at law?"

Mr Smith said

"I think that at present there is no necessity to bring forward the measure, that in the event of such a contingency arising, which ~~is~~ ^{is} not likely to occur at present, it would be soon enough to frame an Ordinance when the opportunity presents itself of a non professional man ^{was} being again appointed Acting Chairman of the Courts."

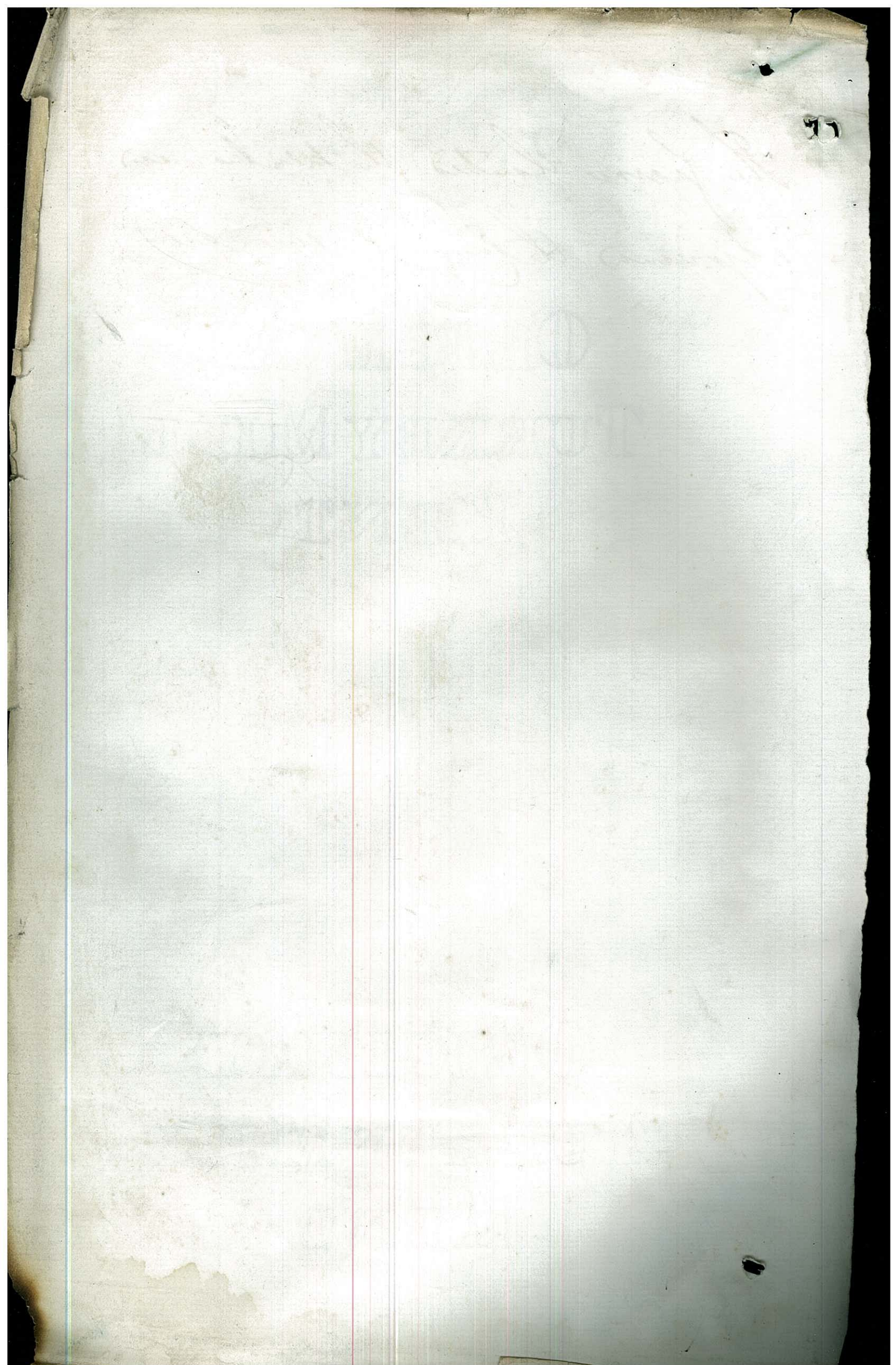
Mr Watts agreed with Mr Smith.

The

After reading the

The General thanked the members and
adjourned the Council sine die -

J. D. N.



4.

and
long
how
leg
ge
un
own
of
ty
swi
my
ty
lat
nat

