E

LEGISLATION

1846
-
1853

6

Index to the Acts of Council with Particulars

Year	Date	Number	Title	Duration
1846	20th Oct.	1	Supreme Court Ordinance	2 Years
"	" "	2	Jury Ordinance	"
"	27th "	3	Constables Ordinance	"
"	" "	4	Stipendiary Magistrates Ordinance	"
"	" "	5	Summary Proceedings Ordinance	"
1847	4th August	1	Cattle Trespass Ordinance	"
"	"	2	Stipendiary Ordinance	"
"	6 October	3	Militia Ordinance	"
"	"	4	Land Reclamation Ordinance	"
1848	22nd Sept.	1	Stipendiary Court Ordinance	3 years
"	"	2	Supreme Court Circuit Court	2 years
"	"	3	Jury Ordinance	"
"	"	4	Constables Ordinance	"
"	"	5	Stipendiary Magistrates Ordinance	"
"	"	6	Summary Proceedings Ordinance	"
"	23rd Sept.	7	Municipal Regulation Ordinance	3 years
1849	19th May	1	Administration Act Ordinance	2 years
"	15th Aug.	2	Dog License Ordinance	3 years
"	"	3	Spirits Wines &c. License Ordinance	"
"	"	4	Aliens Removal Ordinance	2 years
"	"	5	Cattle Trespass Ordinance	3 years
"	"	6	Militia Continuation Ordinance	"
1850	31st August	1	Publicans Licensing Ordinance	1 year
"	"	2	Dog License Ordinance	
1851	1st January	1	Militia Ordinance	
"	"	2	Registration of Land &c. Ordinance	
"	18th "	3	Jetty Ordinance	
"	"	4	Public Harbour Ordinance	
"	23rd "	5	Administration of Justice Ordinance	
"	" "	6	Police Ordinance	
"	" "	7	Publicans Licensing Ordinance	
"	30th August	8	Wholesale Licensing Ordinance	

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	2	Transfer of Licence
1846	3	Removal of Person holding Licence
"	4	Proviso for death of Person
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"	5	Penalty on keepers of Li-
"	"	censed Houses
1847	6	Magistrate or Constable may
"	"	search Licensed Houses
"	7	Penalty for selling Spirits
"	"	without a Licence
1848	8	Unlicensed Houses may be
"	"	searched
"	9	Penalties for Drunkenness
"	10	Do " " Persons re-
"	"	-ceiving Servants
"	11	Penalties for other Offences against
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"	4	Constables in the Execution of
"	"	their duty
"	12	Fines to be recovered in a
"	"	Summary way
"	13	All Monies to be paid to the
1850	"	Colonial Treasury
"	14	Sh. Mag. may grant Special
1851	"	Permits for Sale of Spirituous Liquors
"	15	Applicability of Ordinance
"	16	Commencement of Ordinance
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"		
"		

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	1	Penalty for keeping a Dog
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	2	Licences to be granted by
	"	the Stipendiary Magistrate
	3	Unlicensed Dogs may be des-
	"	troyed.
	4	Fines to be recovered in
	"	a Summary way
	5	All Monies to be paid into
	"	the Colonial Treasury
	6	Applicability of Ordinance
	7	Commencement of Ordinance

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2	Instruments to be registered by Copy	
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5	Wills	
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15	Memorial to describe the Land	
16	Delineation of Land on Instrument	
17	Maps	
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24 Interpretation Clause

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26 Parents Occupation &c to give Particulars

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28 Children Interment &c Sexton &c ~~to keep a~~ Book

29 Penalty for ~~keeping improper~~ Registry Books

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31 Maps &c. to be deemed ~~to form~~ Registers

32 Instruments deemed Registers under this Act

32 Punishment for Removal &c of Registry Books &c.

33 Recovery of Fines . .

34 Ordinance to commence when H. M. pleasure is known

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1 Penalty on Aliens landing

2 Do " Remaining in Aliens

3 Persons harbouring or harbouring Aliens to land

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4 Governor may require Recognizance

5 Mode of enforcing Recognizance

176 Summary Prosecution

7 The Governor to appoint a Prosecutor

8 Ordinance Repealed

9 Do to commence on the first February and to endure

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A Form of Authority to take Recognizance

B Form of Recognizance of Bail

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C Form of Appointment to receive Penalties

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" Pilots and make Regulations
2 Governor in Council to make
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3 Goods in Vessel may be required
" Declaration and Delivery Re-
" " " " " " " port
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" " " " " " " Regulations
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" " " " " discharging Cannon
6 Non-provider on board liable to
" " " " " " pay Wages
7 Vessel refusing to work in
" " " " " " Stanley Harbour
8 Penalty on Vessel having on
" board at night without Lights
9 Penalty for entering Prohibi-
" ted Vessel boarded or
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10 Offences may be heard before Resident
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11 Statement may be received
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16 Penalty for not registering
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Errors to be corrected

Section 16 — wrongly placed, it was after Section 7, but should stay as Sections 8 & 9. The word "Last Section" in Section 16 should be erased, & instead thereof the words "the two last Sections". Section 8 should be 7 and 7 should be 8 in Section 16 as applied after these 8 & 9.

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" Ecclesiastical Probate Letters
" of Administration Sequestration
" & Testamentary Powers to Court Probate
" & Execution &c except so far
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" see fit & certain Orders to be Enforced
" & Summons and Process to Collect & Costs
188 3 Courts & Magistrates
" Court Authority of Chairman
" Majority of Justices, Casting
" Commission for Summary Trials
190 5 Procedure to be Summary
6 Parties to be heard upon Information
" Information and Proof Summons
" Issue of Summons where Capital Offence
" Warrant in Default of Bail
7 8 Non Compliance with Orders to Secure
" the same Effect as an Imprisonment
" by Execution
191 9 Persons aggrieved may appeal
" from Decision to Court
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" Security to be given for the Pro-
" secution of the Appeal and Costs
" Performance of the Judgment

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192 11 Appeal by Petition
" Time of Sitting of the Court
" Magistrate to attend at Petty
12 Jurisdiction of Police Court
" Civil County Court Act not
Applied
193 13 Jurisdiction
14 Bankruptcy
15 Authority of Judge of Police
16 Appeal in all Cases above 20£.
194 17 Judge may appoint Certain
" Officers
18 Appointment of Officers
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195 22 Maj. may make the Rules
23 Persons Summoned as Wit-
" nesses to be paid in default
" of Attendance
196 24 Qualification of Jury men
25 Jury List
26 Errors of Jury List to be
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27 List to be kept by Maj.
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30 Jurors fined for default at
" Court, Jury called, Fines
" Panel
33 Jurors Fined, List to
" be delivered to Collector
34 " may be Excused

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200 37 Challenges and Procedure when
" Jurors not Sworn
38 Jurors in short Cause
" Council to be Heard and Jurors
201 39 Sheriff to summon Special
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" Crown entitled thereto in a Cri-
" minal Case
202 40 Power of Person in Charge
41 Maj. to have Power of Summoning
42 Procedure in Summary Cases
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" Summary Procedure under
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203 43 Recognizance any Act of Par-
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" land would be Forfeited
" any Local Forfeiture to be Paid
" to the Magistrate and Rec-
" ognizance
204 44 Power to arrest Person
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51 Instances by Jus Peace &c
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52 Warrants to be issued
206 " by Justices of Petty Sessions

53 Conveyance of Persons to Gaols, Penal
" Settlements & Places beyond the Seas

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54 Summary Prosecutions . . .

55 Interpretation Clause . . .

56 Ordinance to commence on
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B Form of Oath

C List of Ordinances referred to
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" . . . Justices - Search Warrants
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6 Penalties on Persons assaulting
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7 Penalty on Nuisances in the Town Streets
213 8 Turning Cattle Loose in the Town
9 Driving Cattle & Carriages Furiously
C Furiously Riding
D Obstructing Footway & Space
E Using Profane Indecent Lan-
" guage or Behaviour . . .
F Using Threatening Language &c
G Throwing Stones . . . .
214 H Discharging Firearms . .
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14 No Turf-houses to be erected in
" Stanley for Foreman Shepherd
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20 Dr " Persons keeping a Certificate
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34 Dr. for obtaining Money
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2 Transfer of Licence
3 Change of Premises
4 Penalty for death of Person
" . . . . . holding a Licence
5 Sub. Mag. may grant Special
" . . . . Permits for Sale of Liquors
6 Permit to sell upon Summary
" . . . . . Conviction
7 Limits of the Hours of Sunday
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10 Penalty on persons drunk at
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Supreme Courts Ordinance

In the tenth year of the Reign of Her Majesty Queen Victoria

No. 1

Analysis

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16 Jailor.
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18 Not to appoint a Deputy Sheriff.
19 May appoint a Bailiff.
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21 Oaths of Offices of the Court
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24 Counsel, Solicitors and Attorneys
IV Practice of Court
25 Trial by Jury
26 Indictments
27 Time of holding Court
28 Rules for Practice
29 Their force and effect
30 Fee Fund
31 Proviso in case there be only one Justice of Peace on the Commission
32 [illegible]
V. Miscellaneous
33 Commencement of Ordinance
34 Duration of Ordinance
35 Ordinance may be amended or repealed.
Schedule

An Ordinance for establishing a Supreme Court

Preamble — Whereas it is necessary that provision should be made for the due, impartial and effectual administration of Justice in the Falkland Islands and their Dependencies And whereas from the limited number of Colonists now resident in these Islands and the absence of properly qualified persons it is impossible to appoint all the ordinary officers for such Courts of Justice. Be it therefore enacted by the Governor of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows —

I Creation of Court

Creation and Style of the Court.

1 — There shall be within the Settlements of the Falkland Islands and their Dependencies a Court of Record for the administration of Justice throughout the Settlements which Court shall be called the Supreme Court of the Falkland Islands.

II. Jurisdiction of Court

Legal. 2 — The Court shall have jurisdiction in all cases as fully as Her Majesty's Courts of Queens Bench, Common Pleas and Exchequer have in England and shall be a Court of Oyer and Terminer and goal delivery and admiralty and

Equitable 4 — The Court shall also have all such equitable jurisdiction as the Lord High Chancellor of Great Britain hath in England.

Ecclesiastical 4 — The Court shall also have exclusive jurisdiction in all questions respecting the validity of wills, of personal property but no other ecclesiastical jurisdiction whatsoever

Lunacy. 5 — The Court shall also have power to appoint and control guardians of infants and their estates, and also keepers of the persons and estates of idiots, lunatics, and such as being of unsound mind are unable to govern themselves and their Estates.

Insolvent 6 — The Court shall also have the same jurisdiction in matters relating to insolvency as is now exercised by the Commissioner of the Insolvent Court in England respecting Cases where the debt Contracted may have been £20 and also respecting all cases under that amount.

Seal 7 — There shall be made a seal of the Court and all writs and other process issuing out of the Court shall be sealed therewith provided that until such seal can be procured, such writs and process shall

be sealed if signed by the Stipendiary Magistrate appointed for Her Majesty's Settlement in the Falkland Islands.

III. Constitution of Court

Persons before whom the Court shall be holden.

8 — The Court shall be holden before the Stipendiary Magistrate and one or more Justices of the Peace.

Appointment of Justices.

9 — The Governor shall appoint from among the persons named in any general Commission of the Peace the Justices of the Peace above referred to before whom the Court shall be holden.

Chairman of the Court.

10 — The Stipendiary Magistrate shall preside on the Bench as Chairman.

Oath of office

11 — The Chairman and Members of the Bench before whom the Court shall be holden shall take an oath in the form in the Schedule hereunto annexed faithfully to execute the duties thereof.

Clerk to the Magistrate

12 — The Governor shall appoint a Clerk to the Magistrates who shall act in this Court as Clerk of the Peace and shall be removable by the Governor on reasonable causes: and where there is no member of the Legal Profession now resident in the Falkland Islands who can be appointed to the office of Clerk to the Magistrates, and to act as Clerk of the Peace, any

clerk to the Magistrates shall act in all matters under the special directions and instructions of the Stipendiary Magistrate.

Registrar

13.—The Clerk to the Magistrates shall act during the session of the Court as Registrar under the directions and instructions of the Stipendiary Magistrate.

Stipendiary Magistrate to have Custody of Records.

14.—The Stipendiary Magistrate shall have the Custody of the Records of the Court.

Head Constable

15.—A Head Constable shall be appointed by the Governor and shall be removable by him on reasonable cause.

Jailor.

16.—There shall be a Jailor appointed and in no case shall the Head Constable act as such.

Sheriff.

17.—And whereas there are no fit persons at present in the Falkland Islands who can conveniently be appointed to perform all the duties of the office of Sheriff, the Governor shall from time to time appoint any person otherwise than the Jailor whom he may deem eligible to discharge the ministerial duties of a Sheriff under the directions and instructions of the Stipendiary Magistrate and this shall not be taken to exclude the Head Constable should the

Governor be unable to appoint any other eligible person.

Sheriff not to appoint a Deputy Sheriff.

18— The Sheriff shall not be allowed to appoint a Deputy Sheriff.

May appoint a Bailiff.

19— The Sheriff may appoint a Bailiff subject to the approbal of the Justices of Peace before whom the Supreme Court shall be holden in so far as relates to the duties to be performed by such Bailiff, and subject to the approval of the Governor and Justices of the Peace above referred to in so far as relates to the individual to be named for the office.

Marshal.

20— And whereas there are no fit persons at present in the Falkland Islands who can conveniently be appointed to the office of Marshal, the Sheriff shall perform the duties of such office under the directions and instructions of the Stipendiary Magistrate.

Oath of officers of the Court.

21— The Sheriff's Clerk to the Magistrates Head Constable and other officers appointed under the authority of this Ordinance shall take an oath in the form in the schedule hereunto annexed faithfully to execute the duties thereof.

Special Courts.

22— Ten days previous to the meeting

of the Court the Stipendiary Magistrate and one Justice of the Peace shall make out a list of such persons as they shall deem eligible to serve as Special Constables on duty during such Sessions, and after having heard and adjudicated on all claims for exemption from serving in that Capacity shall submit the revised list to the Governor stating the numbers they shall deem requisite to be sworn in, and in case of a difference of opinion the number they each respectively shall deem requisite.

Governor may add to or deduct from the number.

23— The Governor shall add to the list of Constables the names of any other persons whom he may think fit, he shall strike out the names of any persons therefrom.

Counsel. Solicitors and attorneys.

24— And whereas at present there are no persons in the Colony holding the situation of regularly qualified Counsel, solicitors or attorneys: be it therefore enacted that suitors of this Court may be at liberty to be heard in this Court by such persons as they appoint their Counsel, solicitors or attorneys, though such Counsel, solicitors or attorneys be not regularly admitted to practice as in England.

IV. Practice of Court.

Trial by Jury — 25— all questions of fact upon which

issue shall be taken in the course of any proceeding before the Court and all questions of idiotcy, lunacy or unsoundness of mind shall be decided by the verdict of a Jury of 12 men.

Indictments

26 — For the purpose of bringing any Criminal case under the cognizance of the Court an indictment duly signed by any two Justices of the Peace shall be as valid and effectual in all respects as if the same had been presented by a Grand Jury.

Time of holding Court.

27 — The Court shall be holden during the four terms, namely, Hilary Term commencing the 11th day of January and ending the 31st day of January. Easter Term commencing the 15th day of April and ending the 6th day of May. Trinity Term commencing the 22nd day of may and ending the 12th day of June and Michaelmas Term commencing the 2nd day of November and ending the 25th day of November in each year.

Rules for Practice.

28 — It shall be lawful for the Stipendiary Magistrate and Justices of the Peace to hold the Court from time to time to make rules for regulating the practice upon all indictments informations, suits, and other proceedings therein the proceedings of the officers of the Court, the fees and [illegible] costs of suits and [illegible]

matters relating to the business of the Court and such rules from time to time to alter and revoke, provided that the same shall not be repugnant to any of the provisions hereinbefore contained.

Their force and effect. 29—The rules to be made under the authority aforesaid shall have the same force and effect as if they had been inserted herein.

Fee Fund. 30—All fees received by the officers of the Court shall be accounted for quarterly to the Govr. or such officer as may be appointed by the Governor to receive the same and shall form a fund to be called the "fee fund" and shall be chargeable with the pay of the inferior officers of this Court and other Courts. And the said officers shall be paid for their services out of the fee fund if the same shall be found sufficient and in the event of its being insufficient out of the general revenues of the Colony according to a scale hereafter to be determined from time to time by the Justices before whom the Court shall be holden subject to the of the Governor.

Proviso in case there be only one Justice of the Peace on the Commission. 31—Provided always in case there be no other Justice of Peace on the Commission than the Stipendiary Magistrate the Stipendiary Magistrate shall have full authority to discharge all the duties hereinbefore directed to be discharged by

the Stipendiary Magistrate and one or more Justices of the Peace.

Application of Ordinance

32. All which herein relates to the Stipendiary Magistrate has reference to any such person who shall be appointed by the Queen to that office or to any other person who shall at any time be appointed by the Governor to act in that office in case of the death, absence resignation, or suspension of the officer appointed by warrant from the Queen.

V. Miscellaneous

Commencement of Ordinance

33. This Ordinance shall come into operation on the first day of November One Thousand Eight Hundred and Forty six.

Duration of Ordinance.

34. And the said Ordinance shall Continue in operation two years, that is to say until the first day of November One Thousand Eight Hundred and Forty eight.

Ordinance may be amended or repealed.

35. Provided always that at any time during the said two years this Ordinance may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and consent of the Legislative Council thereof.

(Sig.d) E. E. Moody
Gov.r

L. S.

Passed the Legislative Council this 20th day of October 1846.

(Sig.d) J. B. Longden
Acting Clk to Council

11

Schedule referred to

Form of Oath

I A. B. do swear, that I will truly and faithfully and to the best and utmost of my skill and knowledge discharge the duties of / name of office as the case may be / without fear, favour, or malice. So help me God

Jury Ordinance

In the tenth year of the Reign of Her Majesty Queen Victoria.

No 2.

Analysis.

Preamble
1 Constitution of Juries who liable
II Formation of Jury list
2 Clerk to the Magistrates to make out Jury List
3 Stipendiary Magistrate and one Justice of Peace to hear and determine objections
4 And transmit it to the Sheriff
5 And be in use for one year.
III. Mode of summoning Juries
6 Order of summoning Juries
7 Summons
8 Panel
9 Penalty for non attendance
IV. Forming of Jury
10 Jury to be balloted for
11 Number of challenges
12 Talesmen
V. Miscellaneous
13. Proviso in case there be only one Justice of Peace on the Commission.
14 Proviso in case the Head Constable act as Sheriff
15 Commencement of Ordinance
16. Duration of Ordinance
17 Ordinance may be amended or repealed
Schedule

An Ordinance to regulate the Constitution of Juries.

Preamble Be it enacted by the Governor of the Falkland Islands and Hons

their Dependencies with the advice and consent of the Legislative Council thereof as follows.

I. Constitution of Juries

Who liable

1— Every man except as hereinafter excepted between the ages of 21 years and 60 years who shall reside within the Colony shall be qualified and liable to serve as a juror therein, provided always that all Members of the Executive and Legislative Councils, all persons holding office by appointment of His Excellency the Governor, all the officers of any Court, all Clergymen, all Barristers and Solicitors actually practising, all officers and men of Her Majesty's Land and Sea forces on full pay, all Physicians Surgeons and Apothecaries in actual practice and in cases of Coroners Juries the sexton shall be exempt from serving on any jury, provided always that No man who hath been convicted of Treason felony or perjury shall (unless he shall have received a free pardon) be qualified to serve on any Jury.

II. Formation of Jury List.

The Clerk to the Magistrates to make out Jury List.

2— The Clerk to the Magistrates shall on or before the 1st. day of December in every year make out a list of all men qualified and liable to serve on Juries setting forth the Christian and Surnames of each man at full length together with his place of

shade, and transmit the list to the Stipendiary Magistrate. The Stipendiary Magistrate shall forthwith cause a Copy thereof to be affixed to the door of the Court-house, Jail and Public Storehouse and to subjoin a notice that all objections will be heard and determined by him and one Justice of the Peace in Open Court at such time as they shall appoint of which Court six days public notice shall be given. Claims of exemption may be made to the Stipendiary Magistrate or to the Court which shall sit between the hours of twelve and one P. M. for three days successively or such longer period as shall be requisite not exceeding five days.

The Stipendiary Magistrate and Justice of the Peace to hear and determine objections to it.

3— The Stipendiary Magistrate and one other Justice of the Peace as aforesaid shall have the power after hearing such objections to strike out of the said list the names of all persons who shall not be liable to serve as Jurors and also all such as are disabled by lunacy or unsoundness of mind or deafness, blindness or other infirmity and shall correct all errors therein.

And transmit it to the Sheriff

4— A Copy of the list so corrected and signed by the Stipendiary Magistrate and the other Justice of the Peace as aforesaid shall be transmitted by him to the Sheriff before fourteen days shall have elapsed from the day of posting

copy

u/s the notice above referred to.

Mod be in 5- use for one year. 5— The list so transmitted to the Sheriff shall be called the Jury List and shall be brought into use at once and shall continue in force for one year then next ensuing.

III. Mode of summoning Juries

Order of summons. 6— When it shall be requisite to summon a Jury, the Sheriff shall summon the persons whose names shall appear on the Jury List in the order in which they shall be placed and at the commencement of every year he shall begin with the names in the new list next after the names of the persons who were last summoned in the preceding year.

Summons 7— The Sheriff shall before the sitting of any Court within the district or County where a jury shall be necessary issue summonses according to the form hereunto subjoined requiring the attendance there at of 24 good and lawful men qualified and liable to serve as aforesaid.

Every summons shall be personally served upon or left at the usual place of abode of the persons summoned ten clear days before the day appointed for the sitting of the Court: Provided that when 24 good and lawful men cannot be found it shall be lawful to summon any number not less than 18

Panel. 8— The Sheriff shall also at the same time cause to be delivered to the Clerk to the Magistrates a panel containing the names, places of abode, and the additions of the persons so summoned.

Penalty for non attendance. 9— If any man having been duly served with such a summons shall fail to attend or being present shall not appear when called or after appearance shall withdraw himself without permission of the Court the Court shall (unless some reasonable excuse be proved on oath or affidavit) set upon the person so making default such fine not exceeding the sum of £10 as to the Court shall seem meet.

IV. Forming of Jury.

Jury to be balloted for. 10— At the sitting of the Court the names of all the Jurors summoned shall be written on separate pieces of card or paper of equal size and put into a box, and the Clerk to the Magistrates, shall in open Court draw therefrom until 12 men appear, who, after all just causes of challenge allowed, shall remain as fair and indifferent and the same shall be done whenever it may be necessary to form a new Jury.

Number of Challenges. 11— Every person who shall be put on his trial either for felony or misdemeanour

and also the Plaintiff and Defendant in civil actions shall each respectively be allowed six peremptory challenges and no more.

Talesmen 12. Whenever there shall be a deficiency of Jurors it shall be lawful for the Court to put upon the Jury so many good and lawful men of the bystanders (qualified and liable as aforesaid) as shall be sufficient to make up the total number thereof; and in the event of talesmen being appointed on the Jury in consequence of the non-attendance of the Jurors summoned the words "qualified and liable as aforesaid" shall be deemed and taken to apply to the qualifications in clause eleven as to the right to challenge the talesmen.

V. Miscellaneous

Proviso in case there be only one Justice of Peace on the Commission 13. Provided always in case there be no other Justice of the Peace on the Commission than the Stipendiary Magistrate, the Stipendiary Magistrate shall have full authority to discharge all the duties hereinbefore directed to be discharged by the Stipendiary Magistrate and one Justice of the Peace.

Service in case of the Head Constable acting as Sheriff 14. If any time the office of Sheriff be filled by the Head Constable all writs

herein relates to the Sheriff shall relate equally to the Head Constable.

Commencement of Ordinance

15 This Ordinance shall come into operation on the first day of November one Thousand Eight Hundred and Forty six.

Duration of Ordinance

16 And the said Ordinance shall continue in operation two years that is to say until the first day of November one Thousand Eight Hundred and Forty Eight

Ordinance may be amended or repealed

17 This Ordinance may be amended or repealed by any other Ordinance to be passed by the Governor of the Falkland Islands with the advice and Consent of the Legislative Council during the aforesaid two years.

(L S) Sgd. H. L. Moody

Passed the Legislative Council this 20th day of October 1846.

Sgd. J. C. Sprydon
Acting Clerk to the Council

Schedule referred to

Form of Summons

Mr. A. B.

You are hereby summoned to ap-
pear as a Juror at the to be holden
at in the County of
on the day of next and there to
attend from day to day until you
shall be discharged from the said

(Sig.ᵈ) C. D.
Sheriff

N. B. The penalty for disobedience
hereto is any sum not exceeding £10

Constables Ordinance

In the tenth Year of the Reign of Her Majesty Queen Victoria.

No 3

Analysis

Preamble

1 Head Constable not to be absent without Leave from Stipendiary Magistrate and two Justices of the Peace.

2 Governor may remunerate Leave of absence.

3 Duty of Head Constable

4 to be under orders of Stipendiary Magistrate.

5 Orders to be communicated through Stipendiary Magistrate

6 to receive fees and pay over

7 to Stipendiary Magistrate and two Justices of the Peace

Constables and Special Constables list.

8 Governor may add to or strike out names therefrom.

9 Stipendiary Magistrate or Justices of the Peace to make out Special Constables for Port.

10 Payment of Special Constables

11 Stipendiary Magistrate and Justices of the Peace to make returns to Governor.

12 Head Constable may call out Special Constables for

13 Special Constables to serve for

14 Head Constable to forward returns to Governor.

15 Residence of Sailors

16 Recognizance of Sailor

17 Payment of Sailor

18 Rules of Jury may be altered by Governor

19 Stipendiary and other Magistrates to draw up rules and regulations.

20 Governor may add to amend rules and regulations.

21 Their force and effect

22 Proviso in case there be only one Justice of the Peace on the Commission

23 Applicability of Ordinance

24 Ordinance not to interfere with or lessen powers of Governor.

25 Nor to interfere with or lessen powers of Justices of the Peace.

26 Commencement of Ordinance

27 Duration of Ordinance

28 Ordinance may be amended or repealed

An Ordinance to provide for the establishment and regulation of Constables.

Preamble — Be it enacted by the Governor of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows —

Head Constable not to be absent without leave from Stipendiary Magistrate or Justice of Peace

1 — The Head Constable shall confine himself always on duty and never absent himself from the limits of the Town and Environs without leave thereof previously obtained in writing from the Stipendiary Magistrate and one other Justice of the Peace according to such rules and regulations which may hereafter be ordered up from time to time under authority of Clauses Nineteen, Twenty and Twenty one —

Governor may grant leave of absence.

2 — Under any circumstances the Governor shall have the power of suspending any grant of leave to the Head Constable should he see fit to exercise it —

Duty of Head Constable

3 — The Head Constable shall carry into execution all such Ordinances, Instructions or orders as he may from time to time receive from the Governor, Stipendiary Magistrate, or any Justice of the Peace

To be under orders of the Stipendiary Magistrate

4 — He shall be considered chiefly under the orders of the Stipendiary Magistrate

5 ——— The general Instructions he may receive from the Governor or any Justice of the Peace shall be conveyed to him as far as possible through the Stipendiary Magistrate. ———

To receive fixed Salary. 6 ——— He shall receive an annual Salary as shown in the annexed Schedule ———

Stip^y Magistrate with Justices to make out Special Constables List. 7 ——— The Stipendiary Magistrate and one other Justice of the Peace at a meeting to be convened for that purpose shall at any time select such persons as they may deem fit to be sworn in as Special Constables and after having heard and determined all claims for exemption shall submit the list to the Governor for his approval ———

Governor may add to list & strike off names therefrom. 8 ——— The Governor shall be at liberty to add to this list such persons as he may think fit or strike out the names of any persons therefrom. ———

Stipendiary Mag^te or Justices of the Peace to call on Special Constables for aid. 9 ——— The Stipendiary Magistrate or any Justice of the Peace shall be authorized to call upon any Special Constables so appointed for assistance to the Head Constable when he may find occasion. But this clause shall not authorize him or them to engage any Special Constables or other persons as Constable on permanent duty without the permission of the Governor ———

Payment of Special Constables

10 — Any Special Constable or other person so engaged how soever by the Stipendiary Magistrate or any Justice of the Peace shall receive pay for service according to the annexed schedule ——————

Stipendiary Magistrate and Justices of the Peace Stipendiary return to Governor.

11 — Stipendiary Magistrate and Justices of the Peace shall on the last day of every month transmit to the Governor a return showing the number of persons engaged by him or them under the foregoing clause and the hours they were employed and the amount of pay claimed.

Head Constable to call on Special Constables in aid.

12 — When in the performance of his duties occasions arise for assistance the Head Constable shall be authorized to call on any Special Constable or Constables, or should there be no Special Constable at hand on any other person or persons to assist him

Special Constable to receive pay.

13 — For these services the said Special Constables or other persons so employed shall receive pay according to the annexed schedule) ——————

Head Constable to render account to Governor.

14 — On the last day of every month the Head Constable shall transmit to the Governor through the Stipendiary Magistrate a return in which all such occasions shall be enumerated stating fully the names of the persons employed the hours they were employed

employed Prisoners performed, by whose orders and the amount of pay claimed ——

Residence of Jailor — 15 — The Jailor shall reside continually in the building attached to the prison or cells so soon as it shall be constructed and shall not absent himself on any account while having any prisoner or prisoners in Custody under a penalty not exceeding Fifty Pounds Sterling to be recovered as a debt due to Her Majesty.

Requirements of Jailor. 16 — The Jailor shall enter into a recognizance to Her Majesty with two sureties in the sum of Fifty Pounds Sterling conditioned for the due performance of his office ——

Payment of Jailor 17 — While having a prisoner or prisoners in custody in the jail, the jailor shall receive a sum per diem according to the annexed schedule as an allowance for the charge of the Prisoner or Prisoners including the Clothes of such Prisoner or Prisoners, and exclusive the provisions to be furnished as may be hereafter arranged by the Stipendiary Magistrate and Justices of the Peace under the Provisions of clauses, nineteen, Twenty and Twenty one to such prisoner or prisoners

Rate of pay may be altered by Governor. 18 — The rates of pay shown in the annexed schedule may be altered or amended by

the Governor from time to time as he may find occasion. Provided always that the salary of the Head Constable be never less than Forty Pounds Sterling

Stipendiary and other Magistrates to draw up rules and regulations.

19 The Stipendiary Magistrate and other Magistrates at meetings to be convened for that purpose from time to time as occasion may require shall draw up rules and regulations for the management of the Jail, and for the general guidance of the Head Constable and Special Constables and Sailors which rules and regulations shall be submitted to the Governor for his approval before they be carried into effect

Governor may add or amend Rules and Regulations

20 The Governor shall be at liberty to add to or amend the rules and regulations above referred to before they be carried into effect

Their force and effect

21 The rules to be made at any time under the authority aforesaid shall when approved of by the Governor have the same force and effect as if they had been inserted herein

Proviso in case there be only one Justice of the Peace on the Commission

22 In case there be no other Justice of the Peace on the Commission than the Stipendiary Magistrate the Stipendiary Magistrate shall have full authority to discharge

of the duties hereinbefore directed to be discharged by the Stipendiary Magistrate and and Justice of the Peace.

Application of Ordinance.

23.—All that is herein stated in reference to the Stipendiary Magistrate shall apply equally to any such persons who may be appointed to fill the office temporarily or to any other Justice of the Peace whom the Governor may appoint to act in other districts than the town of Stanley—and likewise all that is herein stated in reference to the Head Constable shall apply equally to any such persons who may be appointed by the Governor to act as Head Constable for any other district than the town of Stanley.

Ordinance not to subject with certain powers reserved.

24.—Provided always that nothing hereinbefore contained shall interfere with or lessen in any way the powers of the Governor as vested in him by law, the Queen's Instructions, his Commission or any other Commissions or instructions he may receive from time to time from the Queen or from one of Her Majesty's Principal Secretaries of State.

Not to interfere with or lessen powers of Justices of the Peace.

25.—Provided also that nothing hereinbefore contained shall interfere with or lessen in any way the powers and authorities belonging to any Justice or Justices of the Peace as vested in him or them by any Commissions of the Peace which may be issued from time to time

26

Commencement of Ordinance

26 This Ordinance shall come into operation on the first day of November One Thousand Eight Hundred and Forty six

Duration of ordinance

27 And the said Ordinance shall continue in operation for two years that is to say until the first day of November One Thousand Eight Hundred and Forty Eight.

Ordinance may be amended or repealed

28 And be it enacted that this Ordinance may be amended or repealed by any other ordinance to be passed by the Governor with the advice and Consent of the Legislative Council during the said two years.

(L.S.) (Sig.d) R. C. Mody
Govr.

Passed the Legislative Council
this 27th day of October 1846.

(Sig.d) J. R. Longden
Act.g Clerk to Council

Schedule

Schedule

Table of wages to Head Constable Special Constables and Jailor.

Head Constable to receive forty Pounds per annum.

Special Constables to receive pay at the rate of four shillings per diem for day work and six shillings per night for night work.

A days work to be considered any time from ten a.m. to six P.m. and a nights work from six P.m. to six A.m.

The amount of pay claimed to be only according to the number of hours and portions of hours not less than half hours during which the Special Constables may have been engaged.

Jailor to receive per diem for custody of one prisoner four shillings - and for every additional prisoner in the jail per diem fourpence.

Head Constable and Jailor to receive rations during such time as Rations are issued to other persons in Government employment.

Stipendiary Magistrates Ordinance

In the tenth year of the Reign of Her Majesty Queen Victoria

No. 4

Analysis

Preamble

1 - Certain charges of larceny to be dealt with summarily

2 Trivial cases may be discharged

3 - Offenders to be committed or bailed to bail by Stipendiary Magistrate only.

4 - Stipendiary Magistrate to have power of two Justices.

5 - All persons committed or bailed to bail to be brought to trial.

6 Reports of cases to be drawn up by Stipendiary and other Magistrates.

7 Governor may require reports to be laid before him if necessary.

8 - Certain returns to be furnished to Governor Quarterly

9 - Power to adjudicate in certain cases.

10 - All fines &c to be paid to the use of Her Majesty

11 - Applicability of Ordinance

12 - Not to lessen jurisdiction of Justice of the Peace

13 - Commencement of Ordinance

14 - Duration of Ordinance

15 Ordinance may be amended or repealed.

Schedule

An Ordinance to extend the power of Stipendiary Magistrates.

Preamble /

Preamble — Whereas it is expedient that all minor offences should be tried and dealt with summarily and that the number of cases in which imprisonment before trial is unavoidable should be diminished as far as may be done with safety. Be it enacted by the Governor of the Falkland Islands with the advise and consent of the Legislative Council thereof as follows:

Petty thefts & larceny &c. to be dealt with summarily.

1 — All charges of larceny where the value of the property stolen shall not exceed £5 shall be brought before the Stipendiary Magistrate who shall hear the evidence for the prosecution and defence and in case of conviction sentence the offender to imprisonment with or without hard labour and for any period not exceeding twelve Calendar months according to the nature and degree of the offence.

Trivial cases may be dismissed

2 — When upon such charges as aforesaid the circumstances of the case shall appear to the Stipendiary Magistrate to be of so trivial a nature as to be unfit for prosecution he shall have power to dismiss the case although a felony may have been proved

Parties to be committed or held to bail by Stipendiary Magistrate.

3 — Before any person shall be committed for trial or held to bail to take his trial on any charge of felony or misdemeanour he shall

shall be brought before the Stipendiary Magistrate who shall enquire into the case and commit the party so charged or hold him to bail or suffer him to go at large on his own recognizance or dismiss the case as circumstances may require. Provided that in case of the unavoidable absence of the Stipendiary Magistrate or in case of great emergency or unless the Head Constable or other Constable or other person whether witness or otherwise shall represent to a Justice of the Peace that there are just grounds to fear the escape of the accused party: and in such case it may be lawful for any Justice of the Peace to commit or hold to bail such accused party.

Stipendiary Magistrate to have power of Justices

4— The Stipendiary Magistrate shall have all such powers of dealing summarily with cases of assault and of admitting to bail persons charged with felony as may by Law be exercised by any two Justices of the Peace.

all persons committed or held to bail shall be brought to trial

5— Every person so committed or held to bail shall be brought to trial upon an indictment prepared by the committing Magistrate and signed by him.

Reports of cases to be drawn up by Stipendiary

6— A report of each case adjudicated upon

and other Magistrates

and finally determined by the Stipendiary and other Magistrates shall be drawn up in writing

Gov^r may require reports to be laid before him if necessary.

7 All these reports and all depositions or any of them that the Governor may require to be read or to have copied shall be laid before him by the Stipendiary or other Magistrates at any time the Governor may find occasion to call for the same

Certain returns to be furnished to Governor by Stipendiary

8 The Stipendiary and other Magistrates shall furnish to the Governor a return filled up according to the manner shewn in the annexed schedule four times in each year that is to say on or before the first day of February, the first day of May the first day of August, and the first day of November

Power to adjudicate on certain cases

9 The Stipendiary Magistrate shall have full power and authority to adjudicate upon all such matters as may be placed under his jurisdiction by future ordinances to be passed by the Governor and Legislative Council

All fines &c to be paid to the use of Her Majesty.

10 The Stipendiary Magistrate shall receive all fines forfeitures and penalties and shall pay the same quarterly to the officer appointed by the Governor to receive the same to the use of Her Majesty her heirs and

and successors for the public uses of the Colony and the Support of the Government thereof.

Applicability of Ordinance

11 All that is herein stated in reference to the Stipendiary Magistrate shall apply equally to any such person who may be appointed to fill the office temporarily or to any other Justice of the Peace who may be appointed by the Governor for any other district than the town of Stanley.

Not to limit Jurisdiction of Justices of the Peace.

12 Provided always that nothing herein Contained shall in any way interfere with or lessen the powers and authorities belonging to any Justice of the Peace as vested in him by any Commission of the Peace which may be issued from time to time.

Commencement of Ordinance

13 This Ordinance shall come into operation in the Falkland Islands on the first day of November One Thousand Eight Hundred and Forty Six.

Duration of Ordinance

14 And the said Ordinance shall continue in force for two years that is to say until the first day of November One Thousand Eight Hundred and Forty Eight.

Ordinance may be amended or repealed

15 And be it enacted that this Ordinance may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and Consent of the Legislative Council during the two years aforesaid.

(L. S.) (Sgd.) R. C. Moody
Governor

Passed the Legislative Council
this 27th day of October 1856

(Sgd.) S. R. Tompkins
Asst. Clerk to Council

No. 1

Quarterly returns of prisoners to be made up to the thirty first day of March, Thirtieth day of June, Thirtieth day of Sept.r and Thirty first day of December

Number of Prisoners in confinement on first day of the Quarter.								Total number of Prisoners in confinement on the same date.		Greatest number of Prisoners in confinement during the Quarter.		Total number of Prisoners committed in the course of the Quarter.				Number of Prisoners who have been committed before.				Number of Prisoners employed in the course of the Quarter.								Punishments for offences within the prison during the Quarter.							
Tried		Untried		Convicted								Number under 18 years of age		Number who cannot read.		Once		Twice		Three times or more		Altogether labouring in Prison		Altogether labouring out of Prison		At employment not hard labour		Not employed		Solitary confinement		Other punishment	
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.

No 2.

Quarterly return of Cases tried by Stipendiary and other Magistrates

(Place and Date)

Name of Prisoner	Crime charged with.	Date of trial	Adjudication	Whether before committed or not, and how many times	Remarks

Summary Proceedings Ordinance

In the tenth year of the Reign of Her Majesty Queen Victoria

No 5

Analysis

Title
Preamble
1 Form of information
2 Summonses
3 Service of Summons
4 Warrant
5 Attendance of witnesses
6 Form of Conviction
7 Costs
8 Penalties how levied
9 Distress not to be unlawful for want of form
10 Insufficient distress
11 All fines &c to be received in a summary way for the use of Her Majesty
12 Fees to Clerks
13 Table to be hung up
14 Fees to be prepaid
15 Fees Taxed
16 Period of limitation
17 No conviction &c to be quashed for want of form
18 Appeal
19 Notice of Appeal
20 Appeal to Supreme Court
21 Witnesses to be bound to attend
22 And paid for their attendance
23 Recognizance not to bind real property.
24 Notice of Recognizances
25 Imprisonment may be with or without hard labour.
26 Commencement of Ordinance
27 Duration of Ordinance
28 Ordinance may be amended or repealed.

Schedules —

Ans/

An Ordinance to regulate Summary Proceedings before Justices of the Peace.

Preamble — Whereas it is expedient to prescribe by Law one uniform Course of Practice for the regulation of Summary Proceedings in all Cases before Justices of the Peace: Be it enacted by the Gov.r of the Falkland Islands with the advice and Consent of the Legislative Council thereof as follows.

Form of information — 1 — Every information or Complaint laid before any Justices of the Peace of any matter which may be heard and determined in a Summary way shall be in the form in schedule (A) hereunto annexed or to the effect thereof.

Summons — 2 — Such Justice may summon the party charged to appear before him or before any Justice or Justices as the case may require; and if such party shall not appear according to the tenor of the summons the Justice shall on being satisfied of the service of such summons issue his warrant for apprehending and bringing such party before him or before such Justice or Justices in order that such

such information or complaints may be heard and determined.

Service of Summons

3. Every Summons be served by delivering a copy thereof to the party summoned or by delivering a copy thereof to the wife or servant or to some adult inmate of the family of such party at his usual place of abode and explaining the purport thereof to such wife, servant or inmate.

Warrants

4. Every Justice of the Peace may issue his warrant in the first instance without any summons whenever good grounds for so doing shall be stated on oath before him.

Attendance of Witnesses

5. Every Justice of the Peace may issue his summonses to be served in a manner aforesaid on any witness to appear and give evidence before him upon the matter of any offence cognizable in a summary way at the time and place appointed for hearing the information and complaint and may by warrant upon proof of the service of such summons require any person to be brought before him who shall neglect or refuse to appear to give evidence and may imprison any

person

person so brought before him who shall refuse to give evidence for any term not exceeding 10 days or until such person shall sooner submit himself to be examined such submission to be made between the hours of Eleven A M and four P M

Form of Conviction

6 Every Conviction upon such information or complaint as aforesaid shall be in the form set forth in schedule (B) hereunto annexed or to the effect thereof

Costs

7 It shall be lawful for any Justice of the Peace who shall hear and determine any charge or complaint to award such Costs as to him shall seem meet to be paid to or by either of the parties to the said charge or complaint

Penalties how levied

8 All penalties, informations, and sums of money which shall be ordered to be paid by any Justice or Justices of the Peace in cases of summary conviction, and all sums of money which any persons shall be bound to pay under any recognizance taken before any Justice or Justices in case of

non-payment thereof either immediately or within such period as the said Justice or Justices may appoint may be levied with the costs of all proceedings rendered necessary by such non-payment by distress and sale of the goods and chattels of the person liable to pay the same by warrant under the hand of any Justice of the Peace and the overplus (if any) of the money so raised shall be returned on demand to the party whose goods and chattels shall have been distrained

Distress not to be unlawful for want of form

6 No distress to be made under the authority of this ordinance shall be deemed unlawful nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the information, summons, warrant of apprehension conviction, warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser from the beginning by reason of any irregularity which shall be afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover satisfaction for the special damage by action at law

Insufficient distress.

7 If upon return of any warrant of

it shall appear that no sufficient distress can be had, or in case it shall appear to the satisfaction of the Justice or Justices that the party has not sufficient goods and chattels to satisfy such levy as aforesaid if a warrant were to issued: it shall be lawful for the Justice or Justices by warrant to commit such party to some common gaol or house of correction there to remain for any time not exceeding one Calendar month for every five Pounds sterling or fractional part of five Pounds sterling so to be paid: provided that the time of imprisonment shall in no case exceed four Calendar months and shall cease at any time upon payment of the penalty, forfeiture or sum ordered to be paid together with Costs.

all fines &c to be recovered in a summary way to be for the use of Her Majesty

11— All fines, forfeitures and penalties shall be recovered in a summary way in manner hereinbefore prescribed and be paid to the use of Her Majesty her heirs, and Successors for the Public uses of the Colony and the support of the Government thereof.

Fees of Clerk

12— It shall be lawful for any public Clerk appointed by the Governor to be Justices Clerk to the Stipendiary Magistrate

er to be public Clerk to any Justice of the Peace when so employed to demand and take such fees as are set forth in schedule (D) hereunto annexed.

Table to be hung up

13. A table of such fees shall be hung up in every place where the Stipendiary Magistrate and any Justice of the Peace shall usually transact the business of his office.

Fees table for paid.

14. It shall be lawful for any Justice of the Peace to refuse to do any act for which a fee shall be demandable unless such fee be first paid.

Fees paid

15. All fees received by any public clerk to the Stipendiary Magistrate and Justices of the Peace shall be accounted for Quarterly to the officer appointed by the Governor to receive the same and shall be considered as part of the salary of such Clerk.

Period of limitation

16. Every information or complaint in respect of any matter cognizable in a summary way ~~shall~~ shall be preferred within three Calendar months next after the commission of the offence.

No conviction to be quashed for want of form.

17. No information, Conviction or other proceeding before any Justice of the Peace shall for want of form be

quashed or set aside or adjudged void or insufficient or be removed on behalf of either the complainant or defendant into any Superior Court by Certiorari or otherwise.

Appeal. 18 In cases of summary conviction where the sum adjudged to be paid shall exceed five Pounds Sterling or the imprisonment adjudged shall exceed one Calendar Month but in no other case it shall be lawful for the parties convicted to appeal to the next sitting of the Supreme Court.

Notice of Appeal. 19 The appellant shall give to the complainant a notice in writing of such appeal and of the matter and grounds thereof within three days after the day of conviction and shall enter into a recognizance with two sufficient sureties conditioned personally to appear and try such appeal and abide the judgment of the Court thereon and pay the Costs as shall be awarded upon such notice being given and such recognizance being entered into, the Justice or Justices before whom the same shall be entered into shall liberate the appellant if in Custody.

at Supreme Court

20 ___ The Stipendiary Magistrate and Justice of the Peace before whom the Supreme Court shall be holden shall hear and determine the matter and shall make such order therein with or without costs to either party as shall be just.

Witness to be bound to attend.

21 ___ The Committing Justice or Justices shall bind over the witnesses who shall have been examined in sufficient recognizance to attend at the hearing of the appeal.

And paid for their attendance.

22 ___ In all cases of appeal, the Court shall order compensation to be paid by the appellant or respondent as the case may be to each witness for his time, trouble and expenses in attending the appeal. Such payment to be made before any such witness gives his testimony, should the Court see fit to order the same.

Recognizances not to bind real property

23 ___ No recognizance to be entered into before any Justice of the Peace shall bind or affect any real property of the person entering into the same.

Notice of Recognizance -

24 ___ Every Justice of the Peace before whom any recognizance shall be entered into shall give to each of the persons entering into the same a notice in

the form in schedule (C) hereunto annexed or to the effect thereof.—

Imprisonment may be with or without hard labour.

25— In cases of summary conviction where the party convicted shall be sentenced to imprisonment, such imprisonment shall in Criminal cases be with or without hard labour at the discretion of the Court.

Commencement of Ordinance

26— This Ordinance shall come into operation on the first day of November one Thousand Eight Hundred and Forty six.—

Duration of Ordinance

27— And the said Ordinance shall continue in operation for two years that is to say until the first day of November One Thousand Eight Hundred and Forty Eight.—

Ordinance may be amended or repealed.

28— And be it enacted that the said Ordinance may during the two years aforesaid be amended or repealed by any other Ordinance to be passed by the Governor of the Falkland Islands with the advice and consent of the Legislative Council thereof.—

(L.S.) (Sig^d) R. R. Moody
Gov^r

Passed the Legislative Council
this 21st day of October 1845
(Sig^d) J. C. Langley
Clerk

Schedule referred to.

Schedule A

Form of Information.

County of }

Be it remembered that A. B of in the County of came this on the day of before me C. D. Justice of the Peace and giveth me to understand that E. F. of hath been guilty of (here describe the offence)

(Signature of Justice)

Schedule B

Form of Conviction –

County of }

Be it remembered that on the day of E. F. is brought before me C. D. Justice of the Peace and is charged with having (here describe the offence) and it appearing before me on the oath of a credible witness (or upon the confession of the said E. F.) that E. F. is guilty of the said offence. I do therefore adjudge the said E. F. to (here insert the adjudication). Given under my hand the day and year first above written.

(Signature of Justice)

Schedule C

Form of notice

To A. B. / Prisoner / and C. D and E. F. / sureties / take notice that you A. B. are bound in the sum of and you C. D and E. F in the sum of each by way of recognizance for the personal appearance of the said A B. at the next Session of the Supreme Court to be holden at then and there to answer any Bill of indictment which may be preferred against him for felony.

Dated this day of

(Signature of Justice)

Schedule D

Table of fees to be taken by the Public Clerk to Stipendiary Magistrate or any Justice of the Peace.

	£	s.	d.
For every information (in cases not felonious) each	..	1	0
Do Do Joint	..	2	0
Swearing the same	..	1	0
Summons (to include only one name) each	..	..	6
Copy and service of each (where the service is within two miles)	..	2	0
Above that distance for every mile in addition	..	..	8
For every deposition in evidence and swearing the same	..	2	6
For every oath and declaration administered in cases within the Jurisdiction of a Justice of the Peace (except in cases of Naval and Military Impressions and oath and declaration administered to Public Officers in the execution of their duties) each	..	1	0
Where the proceedings exceed a folio of 90 words for each additional folio.	..	..	8
For any document required in the discharge of the duties of Justice of the Peace not enumerated in this schedule) for each and every folio of 90 words	..	..	8
Copy of those proceedings per same folio	..	..	6
Warrant to apprehend (in cases not felonious)	..	2	6
Recognizance with two sureties	..	5	0
Notice to principal and the two sureties	..	2	0
Warrant for distress under Penalty	..	2	6
Order of a Justice or Justices.	..	1	0
Convictions	..	1	0
Appeal to Supreme Court	1	1	0
Subpoenas	..	1	0

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The Bishop's Ordinance.

In the Seventh Year of the Reign of Her Majesty Queen Victoria.

No. 7.

Analysis

Title.
Preamble.
1. Damages & Costs recoverable in a Summary way.
2. Penalty on Cattle Trespassing in Public Streets.
3. Impounding of Animals.
4. Duration of Ordinance.
5. Ordinance may be amended or Repealed.

Title.

Preamble.

Ordinance to provide for the Summary recovery of Compensation for damages done by Cattle trespassing

Whereas,

sedient & find an oath and Upon demande be the same. Be it therefore by ordered by the Governor & the Assistants Elected and their Predecessors with the advice and Consent of the Assistants Convened hereby ordered & Enacted.

Damages & Costs in Summary way.

1. Whenever any Horses, Mares or Gelt Cattle, Swine, Sheep, or Goats, shall trespass upon the Land of any person within the Towns provided & Cleared & Inclosed & fenced & the Owner thereof shall complain to any Assistant or Justice of the Peace & make Oath & Lodge with him a Copy of the Order for Entry & the Cattle doing such damage and in the event of their disagreeing on the Matter the Assistant & the Peace shall upon such Complaint & Oath & Bond to prosecute such Complaint & pronounce such award as to him shall seem meet which award shall be final and Conclusive as to the Facts contained and shall be any Warrant thereon it shall be issued by the Ordinary Magistrate or by any Justice of the Peace causing restitution thereof upon the application of the Party aggrieving such damage & shall and determine the same in a summary way and

Rate

any [illegible] of
[illegible] by way of [illegible]
the said [illegible] the [illegible]
such animal or each of them
so offending as aforesaid. —

Power to distrain animals in the said Town. —

2. Every horse mule head of neat cattle sheep or goats that shall be found wandering at large in any Street or public place or on Crown lands or on private property through the same or not kept within the limits of the Town of Stanley the owner thereof shall forfeit and pay for every such animal as aforesaid so found doing any damage not exceeding five shillings & be recovered in a summary way and to be for the use of Her Majesty Her Heirs and Successors for the public uses of the Colony and the support of the Government thereof. —

Commencement of Ordinance

3. This Ordinance shall come into operation on the first day of October One Thousand Eight Hundred and Forty seven. —

Duration of Ordinance

4. And the said Ordinance shall continue in operation for Two years that is to say until the first day of October One Thousand Eight Hundred and Forty nine. —

[illegible] 5. [illegible]
[illegible]
[illegible]

ing the said two years this Ordinance may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and consent of the Legislative Council. —

(signed)

L. S.

R. L. Brody
Governor

Passed the Legislative Council this 4th day of August 1841

(signed)

J. P. Longden
Clerk of the Council

Tippling Ordinance

In the Eleventh Year of the Reign of Her Majesty Queen Victoria . .

No. 2.

Analysis.

Title.
Preamble.
1. No vendor of Spirituous liquors to be entitled to recover less than five shillings from any individual, for such liquors sold under two gallons . .

2. No Vendor to sell Clothes or working tools under order of Court of Requests for said Nine Shillings.

3. Commencement of Ordinance.

4. Duration of Ordinance.

5. Ordinance may be amended or repealed . .

Title An Ordinance to check the practice of tippling . .

Preamble Whereas from the facility of pro-
curing liquor
the

great extent has arisen in this Colony to the prejudice and detriment of the Public and of the Inspector Peace. and whereas it is expedient to put a check to the sale of such liquor on credit Law may be to a limited extent. Be it therefore enacted by the Governor of the Falkland Islands and their Dependencies by and with the advice and consent of the Legislative Council thereof as follows.-

No person to sell liquor less than 5 shillings

1- No person shall after the first day of September 1845 be entitled to recover more than five shillings from any individual, for such liquor sold on credit under two gallons. —

No person to sue for debts or warrants to distrain and not to issue warrant for such debts

2- No person selling such liquor shall be entitled to sue for debts or to issue any warrant of distress against the goods of any individual against whom he may take proceedings for payment of less than five shillings from the Defendant by any Magistrate or any Justice of the Peace. —

Commencement of ordinance

3- This Ordinance shall come into operation on the first day of September one Thousand Eight Hundred and forty seven. —

Duration of

4. And this ordinance shall continue in operation for the space of [illegible] from the passing thereof and no longer unless the same shall be continued by any Ordinance to be passed for that purpose before the expiration of the said term. —

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Ordinance may be annulled or altered

Provided always that it shall not be lawful during the said Tax Year this Ordinance may be annulled or altered by any other Ordinance to be passed by the Governor with the advice and consent of the Legislative Council.

L. S.

Signed

P. C. Hood

Governor

Passed the Legislative Council this 1st day of August 1854

Signed

A. R. Longden

Clerk to the Council

Militia Ordinance

In the Eleventh Year of the Reign of Her Majesty Queen Victoria

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No. 3.

Analysis

Title
Preamble

1. Power to Governor to call together Militia.

2. And appoint Officers

3. And to regulate the formation of the Militia

4. And to ascertain constitute Corps thereof

5. And to make Regulations for Exercising

6. And to call Militia into actual Service

7. Who shall be Serve as Militiamen

8. Magistrate to form Militia List

9. Justices to correct List

10. And to send it to Governor

11. Notice of time & place of Exercising to be given

12. Penalty for not appearing

13. Penalty for not attending

14. Notice to be given to Militiamen when called into Actual Service

15. Penalty for not joining

16. Penalty for Concealing Militiaman

17. Oath to be taken

18. Penalty for Selling or receiving Arms &c

19. Militia to be subject to Articles of War

20. Regimental Court Martial

21. Sentence to be submitted to Commandant

22 Commencement Ordinance - 23 Duration Ordinance - 24. Ordinance may be amended or repealed. —

Title

An Ordinance for raising a Militia within the Colony

Whereas it is expedient that Her Majesty's subjects in the Falkland Islands and their Dependencies should be trained to the use of Arms so as to form an effective Military Force for the defence of the Lives and Property of Her Majesty's Subjects within the Colony. Be it therefore enacted by the Governor of the Falkland Islands and

and their Dependencies by and with the advice and consent of the Legislative Council thereof as follows

Power to Governor to call together Militia

1. It shall be lawful for His Excellency the Governor to call together arm and array as a Militia such persons as are hereinafter mentioned and cause them to be trained and exercised accordingly at such times and places as shall seem to him meet for any number of days not exceeding Twenty eight days in any one Year.

And appoint Officers.

2. It shall also be lawful for His Excellency the Governor to Appoint a proper number of Officers to train Discipline and Command the persons to be so Armed and Arrayed according to the Regulations to be from time to time made in that behalf

And to Regulate the formation of the Militia

3. It shall be lawful for His Excellency the Governor to cause the Militia to be formed and Regulated in such manner as to His Excellency shall seem meet in regard to the number of Regiments Corps Battalions or other Bodies and the number of Men of which each respectively so shall consist.

And to exempt certain persons from Militia Duty

4. It shall also be lawful for His Excellency the Governor from time to time and at all times hereafter to grant by Warrant

Warrant to the Officer Commanding for the time being any body of such Militia to convene a Court Martial as occasion may require for the trial of offences committed under his Command whether the same shall have been committed before or after such Officer shall have taken upon himself such Command.

Act to make Regulations for training.

5 It shall also be lawful for His Excellency the Governor from time to time to make such Regulations respecting the Training and Exercise, Arms and Accoutrement Clothing and Equipment of such Militia and respecting all other matters connected therewith as may be required for promoting the Efficiency of such Militia as a Military Force. Provided always that the Regulations to be made shall not in any manner be repugnant to the provisions of this Ordinance.

Act in case of actual Militia in actual service.

6. In all cases of actual Invasion or upon imminent danger thereof and in all cases of actual Rebellion or Insurrection or upon any imminent danger to the safety of any ~~the~~ Settlement it shall be lawful for His Excellency the Governor to direct the Officer Commanding the Militia with all convenient speed to draw out such Militia force or such part thereof as the Governor shall judge necessary under such Circumstances and shall judge best

best adapted to the circumstances of the danger and to lead the said force into any part of the Colony.

Who liable to serve as Militia-men

J. Every man except as hereinafter excepted between the age of fourteen years and sixty years being a British Subject and not an Alien who shall reside within the Colony shall be liable to serve in such Militia, Provided that the Judges of the Supreme Court all Members of the Executive and Legislative Councils and the Clerks to the said Councils all Clergymen Priests and Ministers of Religion shall be exempt from serving in any such Militia.

Magistrate to form Militia List

K. The Stipendiary Magistrate shall as soon as conveniently may be after the passing of this Ordinance and in the Month of March in every succeeding Year call a meeting of the Justices of the Peace for the purpose of forming a Militia List. The Justices at such Meeting (any two being a Quorum) shall prepare a List in Alphabetical Order of all Men residing within the Colony who shall be liable under the Provisions of this Ordinance to serve as Militia-men setting forth the christian and surname of each at full length together with his place of Abode calling or business. The Stipendiary Magistrate shall forthwith cause copies thereof to

to be affixed on the principal door of the Police Office and in such other conspicuous places throughout the Colony as to him shall seem meet. And to such List and copies thereof shall be given a Notice that all objections there to will be heard and determined by such Justices at any time within Twenty days after the date of such Notice

Justices to Correct List

9. Such Justices shall have power after hearing such objections to strike out of the said List the names of all persons who he shall not be liable to serve as Militiamen and also of such as are afflicted by Lunacy or Unsoundness of Mind or decaying blindness lameness or by any other disorder that may render them unfit for active Service in any of the Militia and also from time to time to add such Names as may have been accidentally or improperly omitted

Copy of List to be sent to Governor

10. A Copy of the List so corrected by the said Justices shall be transmitted by them forthwith to the Governor.

Notice of time and place for hearing objections

11. Notice of the time and places to be from time to time fixed by His Excellency the Governor for hearing and determining such objections at the door of the Police Office and other conspicuous

conspicuous places within the Colony fourteen clear days at least before the time to be appointed as aforesaid which shall be deemed sufficient Notice to every Militiaman and such Militiaman shall duly attend accordingly.

12. Every Militiaman not labouring under any infirmity incapacitating him which infirmity shall be certified by the Land-surveyor or Surgeon provided there be a Surgeon residing within Ten miles of the House of such Militiaman such certificate to be supplied gratis provided that the party applying for the same report himself to the Commanding Officer and be sent by him for inspection to a Surgeon who shall not appear at the time and place appointed for his being viewed (unless having been given as by this Ordinance required) shall forfeit and pay any sum not exceeding Twenty Pounds to be recovered in a Summary way

Penalty for not appearing

13. Every Militiaman who having joined the Regiment or Corps or Body to which he belongs shall desert or absent himself during the time of any such Exercise shall forfeit and pay any sum not exceeding Forty Pounds to be recovered in a Summary way

Penalty for not attending

Notice to be given to Militia-man when called into actual Service.

11. When the whole or any part of such Militia shall be ordered out to such rendezvous as aforesaid the person to whom such order shall be directed shall forthwith cause notice in writing to be given to the several Militiamen of his Battalion usual places of abode to attend at the time and place mentioned in such order.

Penalty for not joining

15. If any Militiaman so drafted to be drawn out, not labouring under any infirmity rendering him to serve as a Militiaman, any shall not appear and perform the Military duties required of him every such Militiaman shall be liable to be apprehended and punished as a Deserter according to the provisions of any Act then in force for punishing Mutiny and desertion and for the better payment of the Army and their Quarters and of the Articles of War made in pursuance of the same.

Penalty for concealing Militiamen

16 If any person knowingly shall harbour or conceal any such Militiaman when directed so to be drawn out he shall forfeit for every such offence forfeit and pay any sum not exceeding Twenty Pounds to be recovered in a summary way

Oath to be taken

17 Every Militiaman who shall appear at the time and place appointed for exercise shall take an Oath or make an Affirmation in the form following viz

I AB. do sincerely promise and swear (or declare solemnly and sincerely before God) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria and that I will faithfully serve in the Militia in any part of this Colony until I shall be lawfully discharged and shall thereupon be enrolled. The aforesaid Oath or Affirmation shall be taken or made in the presence of the Senior Officer of Militia then present or he is hereby authorized to administer the same Provided that if any Militiaman shall refuse to take such Oath or to make such Affirmation he shall forfeit and pay any sum not exceeding Fifty Pounds to be recovered in a summary way.

16 If any Militiaman shall sell pawn or lose any of his Arms Clothes Accoutrements or Ammunition or neglect or refuse to return the same in good order to his Captain or to the person appointed to receive the same or if any person shall knowingly and unlawfully buy take in exchange conceal or otherwise receive any Militia Arms Clothes Accoutrements or Ammunition whatever delivered for the Militia every such Offender shall forfeit and pay for every such Offence any sum not exceeding Ten Pounds to be recovered in a summary way on conviction before the said Arms Accoutrements and Ammunition

Penalty for selling or receiving Arms

Militia liable to be subject to Articles of War

19 During the time that any such Militia shall be assembled for the purpose of being trained and exercised or for actual Service all things contained in any Act of Parliament which shall then be in force for punishing Mutiny and Desertion and for the better payment of the Army and their Quarters and in the Articles of War made in pursuance of such Act shall be in force and respect to such Militia and to all the Officers Non Commissioned Officers and Privates of the same in all Cases whatsoever but so that no punishment shall extend to Life or Limb

Regimental Courts Martial

21 It shall be lawful for any Officer commanding any Detachment or Division of Militia called out to Service or on actual Service not being under the rank of Captain to order whenever he shall think it necessary a Regimental Court Martial to be held for the trial of any Offence committed by any Non commissioned Officer or Private under and during his Command and if a sufficient number of Officers under his immediate command shall not be present to constitute such Court Martial it shall be lawful for the Commanding Officer of the Regiment or Corps to which such Detachment or Division shall belong upon application made to him by the Officer commanding

commanding such Detachment or Division for that purpose to order a sufficient number of Officers of proper rank to attend for the purpose of assisting at such Court Martial who shall forthwith attend the same and act as Members thereof

Sentence to be submitted to Commandant

21. The Sentence of every such Court Martial shall in every case be submitted to the Commandant of the Regiment or Corps to which such Detachment or Division shall belong (or in his absence to the Senior Officer present with the Detachment Corps or Regiment for his approval thereof who shall cause such Sentence to be put in execution mitigated or remitted as he shall in his discretion think best for the Service

Commencement of Ordinance

22. This Ordinance shall come into operation on the Eighth day of October 1847

Duration of Ordinance

23. And the said Ordinance shall continue in operation for Two Years that is to say until the Eighth day of October 1849

Ordinance may be amended or repealed

24. Provided always that at any time during the said Two Years aforesaid the Ordinance may be amended or repealed by an Ordinance to be passed by the Governor and the Advice and Consent of the Legislative Council

Passed in Legislative Council this Fifth day of October 1847

Signed E. J. Lovell
Clerk

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Land Registration Ordinance

In the Seventh Year of the Reign of Her Majesty Queen Victoria.

No. 11.

Analysis

Title
Preamble

I. Establishment of a Register Office

1. Register Office
2. Register
3. Clerks
4. Seal

II. What may be registered

5. Crown Grants
6. Judgments &c
7. Removal of Judgment

8. Judgment Debt
9. Of Inquisition
10. Of Bankruptcy
11. Of Insolvency
12. Of Private Ordinance
13. Description of Property affected.

III. Effect of Registration

14. Deeds to not registered void as against Subsequent Deeds registered
15. Leases &c.
16. Wills &c.

17. Judgments &c
18. Notice
19. Valuable consideration
20. Voluntary conveyance
21. Deed or Contract to be void

IV. Mode of Registration

22. Maps to be kept
23. And distinguished
24. And Books
25. Instrument to contain a description of the land
26. Memorandum or Instrument to be registered
27. Instrument to be signed
28. Books of Entry
29. Entry when made
30. Order of Entries
31. Mode of Entry
32. Not Entry
33. Mistakes in Entries to be struck

V. Miscellaneous

34. Receipt for Instrument
35. Instrument to be compared with Copy
36. Copies to be supplied
37. Seizure
38. False Declaration
39. Copies to be certified
40. Compulsory Registration
41. Seal
42. Seal
43. Fee Fund
44. Rules
45. Interpretation Clause
46. Clause saving Rights of Persons not parties to the Law
47. Time for Ordinance to take effect
48. Commencement of Ordinance
49. Duration of Ordinance
50. Ordinance may be amended or Repealed

A B C D

Title

An Ordinance to provide for the Registration of Deeds and Instruments affecting real Property

Preamble

For the purpose of rendering Titles to Real Property more secure and facilitating the transfer of the same. Be it enacted by His Excellency the Governor of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows.

I. Establishment of a Registry Office and Registrar thereof and his duties

Registry Office

1. There shall be an Office in which shall be kept the "Registry Office" for Registering in manner hereinafter directed the deeds, judgments in case and debt Wills and Memorials hereby authorized to be registered.

Registrar

2. It shall be lawful for His Excellency the Governor from time to time to appoint for the Registry Office a fit person to be Registrar thereof

Clerks

3. It shall be lawful for the Registrar with the approval of the Governor from time to time to appoint such Clerk or subordinate Officer as may hereafter be necessary for the performance of the business of the Office who shall be removable at the discretion of the Registrar

4. There shall be kept in the Registr Office a Seal (so soon as the same can be procured) and documents sealed therewith shall be legal secondary evidence and of the impression of such Seal Judicial notice shall be taken in all Courts without any evidence of such Seal having been impressed or any other evidence relating thereto.

II. What may be Registered

Crown Grants

5. Every Grant by the Crown of land within the Colony and every Deed or Contract (except as hereinafter mentioned) and every Will whereby such land may be affected subsequently to the date of such grant may be Registered by causing a copy thereof to be recorded and entry thereof to be made in manner hereinafter provided in the Registr Office Provided that no Lease or Agreement for a Lease for any time not exceeding one year from the date thereof nor any assignment thereof shall be registered

Judgments

6. Every Judgment of the Supreme Court in case every Inquisition by which any debt shall be found due to Her Majesty Her Heirs or Successors and every Decree and Order affecting any land within the Colony may be registered by causing a Memorial thereof

to

to be depositted and entry thereof to be made in manner hereinafter provided in the Registry Office of the Falkland Islands at Stanley.

Memorial of Judgment

7. The Memorial of any Judgment whether in case or debt whereby the title to any land shall be affected shall express the date whereof the bill of the cause and the nature of the decree or judgment as shall relate to the land affected thereby and shall be certified by the Stipendiary Magistrate presiding in the Supreme Court.

Of Judgment of debt.

8. The Memorial of every judgment for the recovery of any sum of money shall express the names of the plaintiff and defendant and the sum thereby recovered and the time of signing the same and shall be certified by the Officer who shall have signed the judgment thereof respectively.

Judgment

9. The Memorial of every such Judgment aforesaid shall express the name of the Defendant and the sum thereby found to be due and the date of the same shall be certified by the Stipendiary Magistrate presiding in the Supreme Court.

Bankruptcy

10. The Memorial of any Bankruptcy shall express the name date and certificate of the

Bankruptcy

ing of the Bankrupt and the date of the fiat and shall be certified by the Signature of the person of whose Office such fiat shall issue

Insolvency

11. And Memorial of any Insolvency shall express the name residence division and calling of the Insolvent and the date of the Order by which the Insolvent shall have been directed to the property and shall be certified by the signature of the Officer in whose Office such ~~Order~~ shall be enrolled

Private Ordinance

12. And Memorial of any Private Ordinance shall express the title date and number thereof

Description of Property affected

13. Every Memorial shall also describe the property to which the same shall relate by reference to the marks and numbers by which such property shall be designated in any map or plan deposited in the Registry Office as hereinafter provided and Judgments in Ireland case may be assigned to purchasers and the Memorials thereof Registered in this Office.

III. Effect of Registration

Deeds &c not Registered void as against subsequent Deeds &c registered

14. Every Deed Contract or other Instrument required to be Registered as aforesaid shall be void as regards any land affected thereby

be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered unless the prior deed or contract shall have been Registered in the manner directed by this Ordinance before the Registration of the subsequent deed or Contract

Lease &c Every

15. Every Lease or Agreement for a Lease hereinbefore forbidden to be registered shall be void as against any person so claiming so long as actual possession shall not go along with such Lease or Agreement

Wills

16. Every Will shall so far as regards land to be affected thereby be void against any person claiming for valuable consideration under any deed or contract duly registered made after the death of the testator by the heir at law or by any person claiming as his devisee or Executor under a former Will or as his Administrator either under a former Will annexed or otherwise or by any other person by whom such subsequent deed or contract might have been made as if such Will as first aforesaid had not been executed unless such Will as first aforesaid shall have been registered in manner directed by this Ordinance before the Registration of the subsequent deed or Contract. Provided always that any Will registered within the space of two years after the death of any testator shall be

be as valid and effectual as if the same had been registered immediately after the death of such Testator

Judgments &c

17. Every Judgment or assignment thereof Inquisition Bankruptcy Insolvency & similar Ordinance shall be so far as regards any land to be affected thereby void and of no effect as against any person claiming for valuable consideration under any subsequent deed or Contract duly registered unless a Memorial thereof shall have been registered in manner directed by this Ordinance before the registration of the subsequent deed or Contract

Notice

18. The priority given by the provisions herein before contained to any person claiming for valuable consideration shall not be taken away either by Law or in Equity in consequence of such person having been affected with Notice either actual or constructive.

Purchaser for valuable consideration

19. Every person who shall claim in that valuable consideration under any other person who shall have claimed for valuable consideration shall be entitled to the same protection as the person who shall have claimed for valuable consideration

Voluntary conveyance

20. A voluntary conveyance being duly registered shall not be defeated by any subsequent conveyance

conveyance for valuable consideration whether such latter conveyance shall be registered or not

Deed or Contract when void

21. Every Deed or Contract although duly registered whereby any title shall be devised or agreed to be derived from any person claiming under an unregistered Deed shall be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered whereby title shall be devised or agreed to be derived from any person claiming under a deed or contract duly registered.

IV. Mode of Registration

Maps to be kept.

22. There shall be deposited in the Registry Office maps of all the lands which shall from time to time be surveyed within the limits of the Falkland Islands which Maps shall be signed by the Surveyor of the Colony used by the Registrar

Lots distinguished

23. Every such map shall be distinguished by a letter in the mark and the allotments in every Map shall be numbered consecutively from No 1 upwards.

Books

24. For every such Map there shall be opened and kept at the Registry Office a book wherein shall be entered the description and number of the letter on each Map.

Instruments to contain delineation of Lands

25. Every Instrument presented for Registration shall for the purpose of more easily identifying the Land to which it shall relate contain or shall have endorsed thereon a delineation of the Land to which the same shall relate showing the extent boundaries and relative position thereof and such map shall be secondary evidence of that portion of the original Map on record in the Registry Office

Memorial of Instrument by Registrar

26. Immediately upon the presentation of any Instrument for Registration the Registrar shall in the presence of the party presenting such Instrument number the same and make a note thereon of the day and hour of the receipt thereof and shall stamp the same at the end of such note with the Seal of the Registry Office He shall also forthwith in the same presence enter or copy under the proper heads of title to be made for specifying such day and hour and the nature of the Instrument a Memorial thereof in Schedule C and a reference to the book in which a copy thereof shall be made which entry shall be according to the form of the Schedule A hereunto annexed and shall be signed by the person presenting such Instrument as aforesaid

Instruments to be copied

27 The Registrar shall thereupon cause such Instrument to be copied at full length in one

of the books to be kept for that purpose should it be required at the Memorial thereof

Book of Entry by Lots

28. Such entry as last mentioned shall be made in one of the books which shall be appropriated to the map within which the land to which such Instrument shall relate shall be comprised

Entry how made

29. Every such entry shall be made under a head which shall consist of letters and numbers indicating the allotment or allotments or part or parts thereof in which the lands which such entry shall refer shall be comprised

Order of Entries

30. All such entries shall be made in the order in which the Instrument to which such entries refer shall have been presented for registration

Heads of entries

31. So long as the land in respect of which any entry was originally made shall remain included all entries relating thereto shall be placed under the head or title originally appropriated thereto whenever any portion thereof shall be absolutely alienated a new head or title shall be appropriated to such portion

Memorials

32. Whenever any such new head or title shall be framed the Registrar thereof shall

shall contain a reference to the original head or title under which such entry is made and there shall also be made a reference to such new head

Mistakes in Entries

33. Where any mistake shall have been made in any Entry the Registrar shall rectify the same by a new Entry in such a form as may be convenient specifying the day and hour of such correction the erroneous entry shall not be erased or obliterated.

V Miscellaneous.

Receipt for Instrument

34. Every person by whom any Instrument shall be brought or sent to the Registry Office for the purpose of Registration shall make an Official Memorandum thereof as specified in Schedule **D** hereunto annexed and may require a receipt for the same which receipt shall be stamped with the seal of the Office and shall specify the nature and number of the Instrument and the day and hour of the receipt thereof.

Instruments to be compared with Copy

35. Before any Instrument which shall have been Registered shall be returned to the person who presented the same for Registration such person shall compare the same with the Copy thereof in the Book of the Office and shall sign his name in the forty first Copy as an attestation of the correctness thereof and the Registrar shall endorse on the back of every such attested Copy the Certificate set out in Schedule **C** hereunto annexed.

Copies to be supplied

36. The Registrar shall supply copies of or extracts from any index to the Roll or copies of any instruments which shall have been recorded or any Memorial which shall have been deposited under the provisions of this Ordinance to any person entitled to the same which person shall have liberty to examine such index or recorded copy or deposited Memorial for the purpose of satisfying himself by the correctness of the copy or extract so supplied.

To whom

37. Before the Registrar shall supply any such copy or extract the person applying for the same shall sign a Declaration that such copy or extract is required in respect of land in which he has or claims or has contracted for some estate or interest or that he is a barrister or Solicitor employed by some other person to be named and described and so interested as aforesaid or that he is the authorized Clerk of a barrister or Solicitor to be named and described employed as aforesaid.

False Declaration

38. If any person shall in any such declaration wilfully state anything that shall be untrue he shall forfeit and pay a penalty of not less than five pounds or more than twenty pounds to be recovered in a summary way before any Magistrate acting for the county or district within which such offence shall be committed.

Copy to be supplied

39. Every Copy or abstract so supplied as aforesaid shall have written or endorsed thereon a certificate stating that such Copy or abstract is an examined Copy of or abstract from such Index or recorded Copy as aforesaid. Memorial as aforesaid and specifying the book and page from which the same is taken which certificate shall be verified by the seal of the Office. Every Copy or abstract so verified shall be admissible as secondary evidence of the contents of the instrument of which it purports to be a copy or abstract

Registration when compulsory

40. Any person having an interest in land under any instrument hereby authorized to be registered may require any person in possession thereof to cause the same to be registered and in case the person in whose possession the same shall be shall refuse so to do it shall be lawful for any Judge of the Supreme Court upon a Summary application to make such order respecting the Registration of such instrument as shall seem meet

Fees.

41. Every Registrar shall be entitled to receive the fees specified in Schedule **B.** hereunto annexed or such fees as shall be from time to time payable in lieu thereof by virtue of any order to be made by the Judges of the Supreme Court who are hereby authorized to regulate the same. All fees shall be

paid

paid in advance

Scale

12. A table of such fees to be hung up in some conspicuous place in the Registers Office

Fee fund

13. All fees received under the authority hereof shall be accounted for quarterly to the Governor or such Officer as he may appoint to receive the same. The fees to be received shall form a Fund out of which shall be chargeable with the Salaries of the Registrar and with the current & incidental expenses of the Office

Rules

14. It shall be lawful for the Registrar from time to time to make rules for regulating the practice of his Office Provided that the rules so to be made shall be approved by the Chief Justice of the Supreme Court and shall not be repugnant to any of the provisions hereinbefore contained.

Interpretation clause

15. In the construction of this Ordinance the word "Land" shall extend to any estate or interest whatever in real property and the word "Will" shall extend to and include any Memorial thereof authorized to be registered. Instrument" shall extend to any Grant, Deed, Contract, Will, Codicil

Where no fee is payable

And where previous to the passing of this Ordinance certain Instruments of property have taken place by parties who left the Colony before the Ordinance was framed and which

Where parties have left the Colony before this Ordinance passed

are now of record in the Duplicate Grant Book and it is desirable that said assignments which are endorsed on said Duplicate Grant should be registered in the authority aforesaid that all the assignments to endorsed in the Grants in said Duplicate Grant Book shall be registered in as full and valid a manner as if they were registered under and by virtue of this Ordinance

Registering assignments

Commencement of Ordinance

4th. This Ordinance shall come into operation ~~in the Falkland Islands and their dependencies~~ on the first day of January 1848

Duration of Ordinance

5th. And this Ordinance shall continue in operation for two years that is to say until the first day of January One thousand eight hundred and fifty

Ordinance may be amended or repealed

6th. Provided always that at any time during the said two years this Ordinance may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and consent of the Legislative Council

(Signed) R. C. Moody
Governor

Passed the Legislative Council this 6th day of October 1847.

(Signed) J. H. Langdon
Clerk of Council

Schedule A

General Index Vol. 1 A. f. 100.
. Map A. Section 5. . Number 15.

Receipt of Instruments	Nature of Instruments	Date of Instruments
11 A Sh. 1st June 1842	Conveyance	31st May 1842
Where recorded	Reference	Signatures
4 C. 71	2. A 19	James Mansell

General Index Vol. 2 A (f. 19)
. Map A Section 5. Number 15 A

Receipt of Instrument	Nature of Instrument	Date of Instrument
5 Sh. 6 June 42	Conveyance	4th June 1842
Where recorded	Reference	Signatures
4 B 100	1 A 100	Edwd Baker

Schedule B.

Scale of Fees

	£	s	d
For the Registration of any Instrument of not more than 10 folios of 72 words each	0	10	0
For every additional folio of 72 words each	0	1	0
For the recording thereof for every folio of 72 words each	0	0	6
For every Search	0	2	6
For an attested Copy of or extract from any recorded Instrument or deposited Memorial for every folio of 72 words	0	0	6
For every Copy of or extract from the General Index for every line	0	0	6
For every Search or inspection of Indices or recorded Instruments or deposited Memorials	0	2	6
For comparing if required any Instrument with the record thereof by reading over the same with the party registering for every folio of 72 words	0	0	2
For comparing if required any Copy or extract supplied by the Registry Office by reading over the same with the party requiring such Copy or extract for every folio of 72 words	0	0	2
For every Oath	0	2	1
For every Certificate of Oath by different parties	0	5	0
For every Certificate of any description	0	2	6

Schedule C.

Form of Certificate by Register

A Memorial (or copy as the case may be) of the within Deed was entered in the Register Office in the Town of Stanley the
day of One thousand eight hundred
and of the Clock in the
noon of said day in Book
P. and Number and the Execution of such Deed and Memorial were duly proved pursuant to Ordinance of Edward the
Victoria No 4

Register (seal).

Schedule D

Form of Affidavit

Affidavit of the due execution of an Instrument to be made previous to its Registration.

I A. B. of Stanley in the County of Perth Carpenter the Witness to the due execution of the Deed now presented for Registration maketh oath and saith that he the subscribing Witness to the execution of the Deed of Conveyance bearing date the 1st day of January 1847 and also to this Memorial and that he saw the said Deed and this Memorial thereof duly signed and sealed by the said C.D. and E.F. the respective executing parties thereto and saith that the name A.B. subscribed as a Witness to the said Deed and this Memorial thereof are the proper name and handwriting of this deponent and saith that he delivered said Deed and this Memorial to Esquire the Register of the Public Registry Office in the Town of Stanley County of Perth Island to be Registered on the day of 18 at or near the hour of 11 minutes past one o'clock in the afternoon of said day

A. B.

Sworn before me at the Public Registry Office in the Town of Stanley this day of 18

89

Tippling Amendment Ordinance

In the Twelfth year of the Reign of
Her Majesty Queen Victoria

No 1

Analysis

Title

Preamble

1. Amendment

2. Commencement

3. Duration

4. Ordinance may be Amended or Repealed

Title

An Ordinance to amend an Ordinance of the Eleventh of Victoria No 2. Intituled, "An Ordinance to check the practice of Tippling."

Title
Preamble

Whereas the above recited Ordinance will expire on the first day of September 1849 and it has been found expedient to continue the same until the first day of September 1851 and also to amend the above Intituled Ordinance by inserting the words in the first clause "in quar-

Titles

-Spirits less than two gallons" for the words "under two gallons"; Be it therefore enacted by His Excellency the Governor of the Falkland Islands by and with the advice and consent of the Legislative Council thereof — as follows. ——

Amendment.

1. That the said Ordinance be continued until the first day of October One Thousand eight hundred and fifty one and be amended by inserting the words "in quantities less than two gallons" for the words "under two gallons". ——

Commencement.

2. This Ordinance shall come into operation on the first day of October One Thousand eight hundred and forty eight. ——

Duration.

3. And this Ordinance shall continue in operation until the first day of October One Thousand eight hundred and fifty one. ——

Ordinance may be amended or repealed.

4. Provided always that at any time during the said Period, this Ordinance may be amended or repealed by any other Ordinance to be passed by the Governor by and with the advice and consent of the Legislative Council. ——

(Seal) (Signed) Geo. Rennie
Governor

Passed the Legislative Council this 22nd day of September 1848

J. Rowlett
Clerk to the Council

91 + +

Supreme Courts Ordinance Continuation Ordinance

In the Twelfth year of the Reign of Her Majesty Queen Victoria

No. 2.

Analysis

Title	Commencement
Preamble	Duration
Continuance	Ordinance may be amended or Repealed

Title — An Ordinance to continue an Ordinance of the Tenth of Victoria No. 1, Intituled "An Ordinance for establishing a Supreme Court until the first day of November One thousand eight hundred and fifty."

Preamble — Whereas the above recited Ordinance of the Tenth of Victoria. No. 1. will expire on the first day of November next and it has been found expedient to continue it until the first day of November

Number 1850. Be it therefore enacted by the Governor of the Falkland Islands by and with the advice and consent of the Legislative Council thereof, as follows. ——

Continuance — That the said recited Ordinance of the Tenth of Victoria No 1. Intituled "An Ordinance for establishing a Supreme Court" be, and the same is hereby extended and continued to the first day of November One Thousand eight hundred and fifty. ——

Commencement — This Ordinance shall come into operation on the first day of November One Thousand eight hundred and forty eight. ——

Duration — This Ordinance shall continue in operation for two years, that is to say, until the first day of November One Thousand eight hundred and fifty.

Ordinance may be amended or repealed — Provided always that at any time during the said two years this Ordinance may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and consent of the Legislative Council. ——

Signed

[illegible]
Governor

(Seal)

Passed the Legislative Council this 22nd day of September 1848

[illegible]
Clerk

+

Jury Ordinance Continuation Ordinance

In the Twelfth year of the Reign of Her Majesty Queen Victoria

No 3.

Analysis

Title

Preamble

Continuance

Commencement

Duration

Ordinance may be amended or repealed

Title

An Ordinance to continue an Ordinance of the Tenth of Victoria No 2. Intituled "An Ordinance to regulate the constitution of Juries until the first day of November One thousand eight hundred and fifty.

Preamble

Whereas the above recited Ordinance of the Tenth of Victoria No 2. will expire on the first day of November next and it has been found expedient to continue the same until

the

the first day of November 1850 Be it there-
fore enacted by the Governor of the Falkland
Islands by and with the advice and consent of
the Legislative Council thereof as follows.

Continu-
-ance

That the said recited Ordinance of the
Tenth of Victoria No 2. Intituled "An Ordi-
nance to regulate the Constitution of Juries be,
and the same is hereby extended and continued
to the first day of November One Thousand
eight hundred and fifty.

Commence-
-ment

This Ordinance shall come into opera-
tion on the first day of November One Thousand
eight hundred and forty eight. ——

Dura-
tion

And the said Ordinance shall continue
in operation for two years, that is to say, until
the first day of November One Thousand eight
hundred and fifty. ——

Ordinance
may be a-
-mended or
repealed

Provided always that at any time dur-
ing the said two years this Ordinance may be a-
mended or repealed by any other Ordinance to
be passed by the Governor by and with the ad-
vice and Consent of the Legislative Council. ——

Signed

(Seal)

George Rennie
Gov.r

Passed the Legislative Council this 22nd day
of September 1848

H. Moody
Clerk to the Council

95

Constables Ordinance, Continuation Ordinance

In the Twelfth year of the Reign of Her Majesty Queen Victoria

No. 4.

Analysis

Title

Preamble

1. Continuance

2. Commencement

3. Duration

4. Ordinance may be amended or repealed

Title

An Ordinance to continue an Ordinance of the Tenth of Victoria No. 3. Intituled "An Ordinance to provide for the establishment and regulation of Constables," until the first day of November 1850.

Preamble

Whereas the above recited Ordinance of the tenth of Victoria No. 3 will expire on the first day of November next and it has been considered expedient to continue it in force until the first

day

day of November 1850.— Be it therefore enacted by the Governor of the Falkland Islands by and with the advice and consent of the Legislative Council thereof as follows; ——

Continuance — 1. That the said recited Ordinance of the Tenth of Victoria, No 3, Intituled "An "Ordinance to provide for the establishment and Regulation of Constables" be, and the same is hereby extended and continued to the first day of November One Thousand eight hundred and fifty. ——

Commencement — 2. This Ordinance shall come into operation on the first day of November One Thousand eight hundred and forty eight. ——

Duration — 3. And the said Ordinance shall continue in operation for two years, that is to say, until the first day of November One Thousand eight hundred and fifty. ——

Ordinance may be amended or repealed — 4. Provided always that at any time during the said two years this ordinance may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and consent of the Legislative Council. ——

(Signed)

(Seal) George Rennie
Governor

Passed the Legislative Council this 22nd day of September 1848

J. Rowsell
Clerk to the Council

97 X

Stipendiary Magistrate's Ordinance Continuation Ordinance

In the Twelfth year of the Reign of Her Majesty Queen Victoria

No. 5

Analysis

Title

Preamble

1. Continuance

2. Commencement

3. Duration

4. Ordinance may be amended or repealed

Title. An Ordinance to continue an Ordinance of the Tenth of Victoria No. 4 Intituled "An Ordinance to extend the power of Stipendiary Magistrates until the first day of November 1850."

Preamble. Whereas the above recited Ordinance of the Tenth of Victoria No. 4. will expire on the first day of November next and it has been found expedient to continue the same until the first day of November 1850. Be it therefore enacted by

by the Governor of the Falkland Islands by and with the advice and consent of the Legislative Council thereof as follows; ———

Continuance — 1. That the said recited Ordinance of the Parish of Victoria, No. 1. intituled. "An Ordinance to extend the power of Stipendiary Magistrates" be, and the same is hereby, extended and continued to the first day of November One Thousand eight hundred and fifty.

Commencement. 2. This Ordinance shall come into operation on the first day of November One thousand eight hundred and forty eight. ———

Duration. 3. And it is said Ordinance shall continue in operation for two years, that is to say, until the first day of November One thousand eight hundred and fifty. ———

Ordinance may be amended or repealed. 4. Provided always that at any time during the said two years this Ordinance may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and Consent of the Legislative Council. ———

Signed)
George Rennie
Governor

(Seal)

Passed the Legislative Council this 22nd day of September 1848

J. Whingates
Clerk to the Council

99

Summary Proceedings Ordinance Continuation Ordinance

In the Twelfth year of the Reign of Her Majesty Queen Victoria

No. 6.

Analysis

Title

Preamble

1. Continuance

2. Commencement

3. Duration

4. Ordinance may be amended or repealed.

Title

An Ordinance to continue an Ordinance of the Tenth of Victoria No. 5, Intituled. "An Ordinance to regulate Summary Proceedings before Justices of the Peace" until the first day of November 1850.

Preamble

Whereas the above recited Ordinance of the Tenth of Victoria, will expire on the first day of November next, and it has been

been found expedient to continue the same on
& from the first day of November 1856;— Be it
therefore enacted by the Governor of the Falkland
Islands by and with the advice and consent of
the Legislative Council thereof, as follows; —

Continuance — 1. That the said recited Ordinance of the
Tenth of Victoria, No 5 Intituled "An Ordinance
to regulate Summary Proceedings before Justices of
the Peace," be and the same is hereby extended
and continued to the first day of November
One Thousand eight hundred and fifty. —

Commencement — 2. This Ordinance shall come into operation
on the first day of November One Thousand
eight hundred and fifty eight. —

Duration — 3. And this Ordinance shall continue in
operation for two years, that is to say, until the
first day of November One Thousand eight
hundred and fifty. —

Ordinance may be amended or repealed. 4. Provided always, that at any time dur-
ing the said two years, this Ordinance may
be amended or repealed by any other Ordinance
to be passed by the Governor with the advice
and consent of the Legislative Council. —

Signed

George Clement
Governor

Passed the Legislative Council this 22nd day of
September 1856

Thos. Moody
Clerk to the Council

Aliens' Settlement Regulation Ordinance

In the Twelfth year of the Reign of Her Majesty Queen Victoria.

No 7.

Analysis

Title —

Preamble —

1. Aliens settling in the Falkland Islands without permission liable to a penalty of Ten Pounds. —

2. Persons importing Aliens without per-mission subject to a penalty of Ten Pounds.- for every Alien. —

3. Commencement of Ordinance —

4. Duration of Ordinance —

5. Ordinance may be amended or repealed.-

Title — An Ordinance to restrain the importation of Aliens into the Falkland Islands. —

Preamble — Whereas it is expedient that no persons other

they Shall Subjects of Her Majesty Queen of Great Britain and Ireland should be allowed to land or permitted to settle in the Falkland Islands, either Coming of their own accord or brought by persons professing that it is their intention to employ them, without its being shown to the Satisfaction of the Governor for the time being that such persons not being British Subjects are in possession of sufficient means to prevent their becoming destitute and

Whereas it is also expedient that the person or persons so bringing or importing into the said Falkland Islands such Foreigners, shall undertake and give security to the Satisfaction of the Governor, that he, or they will provide the means of Conveyance to the Port from whence they came, and that security be likewise given, that, in the event of Sickness, destitution, or other Cause requiring relief, that he or they will sufficiently provide for their Maintenance) until a proper Conveyance from the Colony is procured,

Be it therefore enacted by the Governor of the Falkland Islands with the advice and consent of the Legislative Council thereof, as follows; ——

I. That every Foreigner who shall land or settle in the Falkland Islands without permission of the Governor for the time being to be signified under his hand shall forfeit and pay to Her Majesty a penalty not exceeding £ and shall be removed in a Summary way. ——

Nothing in this Ordinance to affect the Falkland Islands without permission liable to penalties of Foreigners.

Persons landing Aliens without permission subject a Penalty of Ten Pounds for each Alien.

2. And be it further enacted, That any person or persons, conducting or introducing into the Falkland Islands, persons who are not British Subjects, without the permission of the Governor for the time being, shall forfeit and pay to Her Majesty a Sum of Ten Pounds for every Alien so landed and imported, to be recovered in a Summary way.

Commencement.

3. This Ordinance shall come into operation on the first day of September One Thousand eight hundred and forty eight.

Duration

4. And the said Ordinance shall continue in operation for three years, that is to say, until the first day of November One Thousand eight hundred and fifty one.

Ordinance may be amended or repealed.

5. Provided always, That at any time during the said three years, this ordinance may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and consent of the Legislative Council.

Seal.

Signed

George Rennie
Governor

Passed the Legislative Council this 23rd day of September 1848

H. Caughey
Clerk to the Council

Administration of Justice Ordinance

In the thirteenth year of the Reign of Her Majesty Queen Victoria.

No. 1.

Analysis.

Title
Preamble
1. Repeal of certain Ordinances
2. Police Court
3. Court of Civil and Criminal Justice
4. Jurisdiction of Police Court
5. Constitution of Superior Court
6. Appeal to Court of Civil and Criminal Justice
7. Time of Appeal
8. Security to be given on appeal
9. Power to Police Court to grant Writs of Habeas Corpus
10. All process to be issued in Her Majesty's name
11. Appeal to the Governor in Council
12. Power of the Governor to pardon &c.
13. Head Constable to act as Sheriff
14. Governor may regulate rights of evidence to be taken before them
15. Power to Courts not herein before provided for
16. Commencement and duration of Ordinance

Title

Title — An Ordinance to provide for the Administration of Civil and Criminal Justice in the Falkland Islands, and their Dependencies.

Preamble — Whereas it is expedient that, in the present unfortunate condition of the Colony and its limited population, the Law for the Administration of Justice should be divested of all unnecessary formalities and expensive Ways; Be it therefore by His Excellency the Governor of the Falkland Islands, by and with the advice and consent of the Legislative Council thereof as follows:

Repeal of certain Ordinances — 1. The following Ordinances are hereby repealed namely, An Ordinance for establishing a Supreme Court, An Ordinance for regulating the constitution of Juries, An Ordinance to extend the powers of Stipendiary Magistrates, and An Ordinance to regulate summary proceedings before Justices of the Peace; which said Ordinances were originally enacted for two years on the twenty fifth of October 1845, and numbered respectively One, Two Four and Five and were subsequently re-enacted for two years more on the first of September 1847, numbered Two Three and Six

Extent — 2. This shall be construed to [illegible]

Court for the hearing and trying of minor offences.

Court of Civil and Criminal jurisdiction to be entitled "The Court for the Administration of Civil and Criminal Justice."

3. There shall also be a Court of expended Civil and Criminal jurisdiction to be entitled "The Court for the Administration of Civil and Criminal Justice."

Jurisdiction of Sole Court

4. And be it enacted that for the summary disposal of minor offences a Magistrate shall sit daily at ten o'clock in the Sole Court to hear, remand, or decide on the complaints or charges which may be brought before him, with power to commit offenders for trial in the Court of Civil and Criminal Justice: provided that should the question in dispute in any case amount to more than Five Pounds, or any Criminal case be a fine exceeding Five Pounds or sentence of imprisonment of more than thirty days with or without hard labour, it shall be competent for either Plaintiff or Defendant to appeal to the Court of Civil and Criminal Justice.

Constitution of Supreme Court.

5. The Court of Civil and Criminal Justice shall be composed of not less than two Magistrates who shall sit [illegible] once a month [illegible]

Appeal to Court of Civil and Criminal justice

6. If the Plaintiff or Defendant shall desire to appeal from the decision of the Police Court he shall give notice within five days to the Clerk of the Court who is hereby authorized to demand a fee of One Pound Seven Shillings the notice: Provided also that the appellant shall give notice in writing to the Respondent on the same day that it be his intention to appeal.

Time of appeal

7. The Court of Civil and Criminal Justice shall then be at home, not exceeding one month from the day on which notice has been given for the hearing of the cause: provided that if it shall be shown to the Court that the circumstances of the case require a longer postponement of the appeal, the Court shall be empowered to grant such postponement as may appear necessary to do justice between the parties.

Security to prosecute appeal

8. It shall be lawful for the Magistrate in the Police Court to demand such bail or security as he may judge necessary to secure the appearance of such party or parties to prosecute or defend the case at the Court of Civil and Criminal Justice to which he or they are committed: and to name such sum or sums not exceeding those named in the Schedule hereunto annexed,

and

and such compensation to suitors as he may think the case requires, which costs and compensation as well as the aforesaid fee of One Pound must be paid before the appeal is filed.

Proviso for cases beyond the jurisdiction of the Police Court.

9. Nevertheless if on the first hearing before the Police Magistrate it shall appear to him that the case is beyond the jurisdiction of the Court, he is hereby empowered to commit without proceeding further and without the aforesaid fee of One Pound, to the Court of Civil and Criminal justice for adjudication.

All fines to be received to Her Majesty.

10. All fines, fees, forfeitures, and penalties shall be received in a summary way by distress warrant of either of the Courts aforementioned, for the use of Her Majesty her heirs and successors, and no Sheriffs Poundage shall be allowed as an allowance for levying the same.

Appeal to the Governor in Council

11. In civil cases only where the amount in dispute exceeds Fifty Pounds sterling, either party may be dissatisfied with the decision of the Court of Civil and Criminal Justice, may appeal to the Governor in Council, the decision of which Court shall be final and conclusive where the amount exceeds Five Hundred Pounds, and the party wishing to appeal shall give security for the sum of Five Hundred Pounds to prosecute such appeal before the Court of King's Bench in England.

Power of the Governor to pardon &c.

12. And be enacted that the Governor may in every case (as the case may require) all the powers entrusted to him by His Majesty to grant respite, or pardon, or remission of punishment, or of fines; as are more particularly described in Her Majesty's instructions to the Governor.

Head Constable to act as Sheriff

13. And be it enacted that, for the enforcement and levying of all such pardons granted by any of the said Courts, the Head Constable shall act as Sheriff.

Governor may require notes of evidence to be laid before him

14. Notes of the evidence and proceedings of the Courts will be taken by the Clerk, & shall be produced to the Governor whenever he may think fit to require them.

Power in cases where no provision is made for

15. If any case shall arise not specially provided for under the provisions of this Ordinance, it shall be competent for the Court [illegible] to apply to the Governor in Council for instructions, & such instructions shall be the rule and mode of proceeding shall

Commencement and duration of Ordinance

No. And be it enacted that this Ordinance shall commence on the twenty sixth day of May One thousand eight hundred and forty nine and expire on the 25th day of May One thousand eight hundred and fifty one; And that this Ordinance may be altered or amended or repealed by and with the advice and consent of the Legislative Council at any time within the two years above mentioned.

(Signed) George Stanley
Governor

Passed the Legislative Council this 19th day of May 1849.

(Signed) J. K. Leigh
Clerk to the Council

Schedule of Fees payable to Her Majesty, referred to in the eighth Clause of the foregoing Ordinance—

	£	s	d
For every information or contract planed each	"	1	6
For every deposition or evidence and swearing the same	"	2	6
For every summons	"	"	6
Serving of same within two miles	"	2	0
And two miles for every mile or additional	"	"	8
Copy subpoena	"	1	0
Warrant to apprehend or arrest of negro	"	2	6
Recognizance with two sureties	"	5	0
For every oath and declaration made before a Justice of the Peace (except in case of Naval and Military Pensioners, and Police Officers in the execution of their duties)	"	1	0
On an appeal to the Court of Civil and Criminal Justice	1	0	0

Dog License Ordinance

In the thirteenth year of the Reign of Her Majesty Queen Victoria.

No 2.

Analyses.

Title
Preamble
1. All dogs belonging to persons living in and round Stanley to be licensed.
2. Dogs not licensed to be destroyed
3. Dogs under three months old not liable
4. Proviso for registering dogs arriving in the Colony or attaining the age of three months between the first September in any two years.
5. Proviso in case of dogs committing injuries
6. Owners of unlicensed dogs bringing them to Stanley liable to Ordinance.
7. Proviso for dogs changing their Owners
8. Penalties to be recovered in a summary way on prosecution by the Crown.
9. Imprisonment in default of payment of fines.
10. Interpretation Clause.

11.

11. Commencement and duration of Ordinance

12. Ordinance may be amended or repealed.

Title. An Ordinance to provide for the Registration and Licensing of Dogs belonging to persons living in the Town and Suburbs of Stanley.

Preamble. Whereas the number of dogs of various descriptions wandering in and around the Town of Stanley has become a serious nuisance, and a great danger to the inhabitants, and it is expedient to provide a summary mode of abating the same, Be it therefore enacted by His Excellency the Governor of the Falkland Islands and their Dependencies by and with the advice and consent of the Legislative Council thereof as follows:

All dogs belonging to persons 1. On the first day of September next one thousand eight hundred and forty nine and on the first day of September in every year during the continuance of this Ordinance every person owning any dog in Stanley or its suburbs shall, either by himself or by some person

son

son authorized by him, appear before the Magistrate on duty at the Police Court between the hours of twelve and two o'clock, bringing with them such dog or dogs in order that they may be registered, licensed and described in a book which shall be kept by the Head Constable for that purpose and for the annual license of every dog a fee of five shillings in advance shall be paid to the use of Her Majesty Her Heirs and Successors, and an additional fee of one shilling to the Constable for the registration.

2. After the hour of two o'clock P.M. on the first day of September next every unlicensed dog found in the town and suburbs of Stanley may be destroyed by the Head Constable or other person or persons appointed by the Governor, and all persons who shall conceal or harbour in their houses such unlicensed dogs, shall be considered to be their owners and shall be held to be guilty of not less than twenty shillings nor more than five pounds, and the detection of the dog

or

or dogs, at the discretion of the Magistrate before whom the case may be tried.

Dogs under three months old not liable

3.— Provided always that no owner of any dog or dogs under the age of three months shall be bound to obtain a license for them, but when such dog or dogs shall have attained the age of three months he or they owner or owners shall be bound to obtain a license for them or be held liable to all the penalties of this Ordinance. The owner or owners of any dog or dogs under the age of three months shall never the less be bound to produce and register them on the said 1st September and be bound to show sufficient cause for their exemption from the duty.—

Provision for registering dogs arriving in the Colony or attaining the age of three months between the first of September in any two years

4. The Register book will be kept open for the registry and license of any dog or dogs which shall at any the age of three months or shall arrive in the Colony between the first day of September in any one year and the first day of September in

the

the year next ensuing and the owner or owners of any such dog or dogs may obtain a license for them on the payments mentioned in clause 1. Provided that all such licenses shall hold only until the first day of September next ensuing when it shall be renewed in manner hereinbefore provided for.—

Proviso in 5. — The owner of any dog or dogs case of dogs which shall be proved to have killed committing any person, or injured or destroyed injuries. any animals or other property shall on conviction be bound to pay such compensation to the party injured as the Magistrate shall think sufficient to meet the justice of the case, which compensation shall be levied if necessary by distress, or other summary process, and the dog or dogs shall be liable to destruction at the discretion of the Magistrate.—

6. The owner or owners of any dog or dogs not resident in Stanley who shall bring them into the Town or suburbs thereof and not forthwith

register

register and obtain a license for them in manner hereinbefore prescribed, shall be held liable to all the penalties of this Ordinance, and the dog or dogs shall be treated as unlicensed dogs in manner before provided for.

Penalties for dogs changing hands.

7. If the owner of any dog or dogs which shall have been licensed dispose of the same he will be bound to register the dog or dogs in the name of the person who shall become thy owner in default of which he will be held liable to all the penalties of this Ordinance. No fee will be charged by the Constable for entering the name of the new owner until the expiry of the license held by the seller or disposer of the dog or dogs.

Penalties to be recovered in a summary way except those mentioned in preceding clause.

8. All penalties, fines, and forfeitures incurred under this Ordinance may (except those mentioned in preceding clause 5) shall be levied only on the complaint or prosecution by some person appointed for that purpose by His

Worship

Excellency the Governor, and shall be recovered, if necessary, by distress or other summary process, and paid to the use of Her Majesty her heirs and successors.—

Imprisonment in default of payment of fines &c

9. And be it enacted that in default of the payment of any compensation, fines, forfeitures or penalties incurred by any person or persons under this Ordinance such person or persons shall be liable to be imprisoned with hard labour for any period not exceeding six months at the discretion of the Magistrate.—

Interpretation clause

10.— And for the purpose of this Ordinance be it understood that the town and suburbs of Stanley shall be deemed and taken to extend to a circle of five miles from the junction of Ritchie's Bay with the Sea Road and that the word dog or dogs herein used shall include all dogs whether male or female.

Commencement and duration of Ordinance

11. This Ordinance shall come into operation on the first day of September

ber one thousand eight hundred and forty nine and shall expire on the thirty first day of August one thousand eight hundred and fifty two.

19. Provided always that this Ordinance at any time during the three years aforesaid may be amended or repealed by any other Ordinance to be passed by the Governor with the advice and consent of the Legislative Council.

(signed)

George Kennie

Seal of the Colony

Passed the Legislative Council this fifteenth of August 1849

Thos Ryder

Clerk to the Council

Spirits, Wines, Beer, and Tobacco Licens Ordinance.

In the thirteenth year of the Reign of Her Majesty Queen Victoria.

No. 3.

Analyses.

Title
Preamble
1. Repeal of the Tippling Ordinance
2. Persons intending to sell Spirits, Wines, Beer or Tobacco, must obtain a licence.
3. Magistrate at the Police Court may grant or refuse licence.
4. Penalty for selling Spirits &c without a licence.
5. Separate licences must be obtained for every house.
6. Keepers of unlicensed houses, conniving at the sale of liquors by their lodgers, liable for the acts of such lodgers.
7. Licensed houses to be open only during certain hours.
8. Keepers of licensed houses to report the names of any persons obstructing them in their duty.

9. Penalty for obstructing the keepers of licensed houses.

10. Constables to have admittance into licensed houses.

11. Penalty for gaming in licensed houses.

12. Penalty on keepers of licensed Retail houses for taking in pawn, or buying, the property of any Scholars.

13. Keepers of licensed houses not entitled to sue at law for any debt due for liquor sold in retail on credit

14. Penalties not to be sued except on prosecution by the Crown.

15. Penalties to be recovered in a summary way

16. Commencement and duration of Ordinance.

Schedule.

Title. An Ordinance for regulating the sale, and imposing a license on the sellers of Wines, Spirits, and all fermented drinks, Cordials, Beer and Tobacco.

Preamble. Whereas the vice of intemperance prevails to a most serious and deplorable extent in the Township of Stanley, causing loss of life, and daily

exemplified in several instances, and deprivation of reason, and is most injurious to the health and morals of many others: It is therefore expedient that measures should be taken to abate this lamentable practice and to make rules to be observed by all persons selling any kinds of Wines, Spirits, Beer, fermented Liquors, Cordials or Tobacco; Be it enacted by His Excellency the Governor of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:-

Repeal of Ordinance No. 2 of 1847 relating to Tippling

1. The following Ordinance is hereby repealed namely "An Ordinance to check the practice of Tippling", number Two, originally enacted for two years on the fourth of August One thousand eight hundred and forty seven, and subsequently re-enacted for three years more on the twenty second of September one thousand eight hundred and forty eight, and numbered one.

Persons intending to sell Spirituous Liquors, Wines, Beer, Cordials, Tobacco must obtain a license

2. On and after the first day of January next no person, unless duly authorized as hereinafter provided, shall by himself or herself or by any other person or persons on his or her behalf, directly or indirectly, sell or barter any Spirituous Liquors, Wines, Beer, or Cordials of whatever denomination, Tobacco, or other fermented liquors, or

Tobacco

Tobacco whether manufactured or plain, either wholesale or retail, shall proceed to keep selling any such articles make application in writing to the Magistrate on duty at the Police Court, stating his or her desire to procure a license to sell and dispose of the liquors above named, and shall accurately describe and define the premises in which the business is to be carried on.

Magistrate on 3. — It shall be lawful for the Magis-
the Police Court trate in the Police Court (who shall so
may grant or- take such reasonable time, not
refuse licence. (exceeding ten days) to consider
whether he will grant or refuse
the application as he may think
the case required or to grant forth-
with the license in the form here-
in before annexed, for which Twenty
Pounds Sterling per annum shall
be charged, payable by half yearly
payments in advance.

Penalty for sell- 4. — And be it enacted that if any
ing liquor, &c. person or persons be convicted by
without a licence. selling Spirituous or fermented li-
quors or Tobacco, as above-mentioned,

after

after the said first day of September next, without having obtained a license for the same, he or they shall be subject for the first offence to a fine of Forty Pounds, or imprisonment with hard labour for any period not exceeding three months at the discretion of the Magistrate and if convicted of a subsequent offence or offences to be subject to a fine of Twenty Pounds or imprisonment with hard labour for any period not exceeding six months at the discretion of the Magistrate, and shall moreover be held incapable of obtaining a license for the future.

Separate Licenses. 5. And be it enacted that all persons keeping houses or rooms where Spirituous Liquors are to be obtained, other Liquors or Wines as above-named, for every house must obtain a separate license for each and every house they may intend to keep for those purposes.

Keepers of unlicensed houses. 6. And be it enacted that if the keeper, landlord or owner of any houses commonly called Billiard rooms, or any other house, not licensed under this Ordinance, shall knowingly suffer any person or persons knowingly purchasing or bringing thither any Liquors to be drunk or consumed in such house or any part thereof, or shall knowingly suffer any such Liquors to be drunk or consumed in such house or any part thereof,

Liquors or Tobacco as are hereinnamed, such owner, Landlord or keeper of such unlicensed house shall, in the event of the incapacity or inability of his lodger or lodgers to pay the Penalties incurred by him or them under this Ordinance be held liable for such penalties.—

Licensed houses to be open only during certain hours.

7. No person or persons licensed to sell Spirituous or Fermented Liquors or Tobacco shall open their houses before eight of the clock in the morning nor keep them open after ten of the clock at night nor shall open them before one of the clock in the afternoon of Sundays, Good Friday, or Christmas Day, on pain of incurring a fine of Five Pounds for the first offence, and a like sum for the second with the forfeiture of his license or licenses.

Keepers of licensed houses to report the names of any persons obstructing them in their duties.

8. If any person or persons obstruct the keeper of any licensed house in the execution of his duties under this Ordinance such keeper shall be bound to report the same with the names and

and descriptions of the offender or of fenders to the Constable on duty, or to the Magistrate on duty in the Police Court not later than the next morning after the offence has been committed; and in default of making such report he will be held liable to all the penalties of this Ordinance as much as if the breach of it arose from his own act or neglect.

Penalty for obstructing the keepers of licensed houses.

9. And be it enacted that it shall be lawful for the Magistrate in the Police Court to sentence any person or persons so obstructing the keeper of a licensed house to pay a fine not exceeding Two Pounds, or to be imprisoned with hard labour for any period not exceeding two months.

Constables to have admittance into licensed houses.

10. And be it enacted that any Constable or Constables on duty shall have the right to demand admittance into any licensed house during the hours when such house is open to the Public.

Penalty for gaming in licensed houses.

11. And be it enacted that no gaming whatever shall be permitted to be carried on within any licensed houses

or

or premises, under a penalty not exceeding Five Pounds on the owner or keeper of such house, and a fine not exceeding Two Pounds on every person so gaming, or in default of payment of the same an imprisonment not exceeding Two months at the discretion of the Magistrate.

Penalty on keep. 12. It shall not be lawful for any of the keepers of any licensed house to licensed retail receive any payment or to hold on houses for taking pledge for payment, for any articles customers. on pawn, or which he may furnish to any person buying, the sum or price of any property either property of any in Land, Houses or Goods of any other description whatsoever; and no purchase made by a licensed retailer of Spirits, Wines, Beer, or Tobacco from a customer shall be held valid unless the seller to such Publican shall come before the Police Court. Wages have in a sober state with two respectable witnesses and depose to the transaction being of a real and bona fide nature previously to the completion of such sale; and in the event of evasion or breach of any one of the provisions of this clause the Publican shall be

liable

liable for the first offence to the restitution of the property, and to a Fine of Five Pounds, and for the second offence to a like fine and restitution and likewise the forfeiture of his Licence or Licences.—

Keepers of Ale Houses not entitled to sue at law for any debt due to them in retail once or credit with any such liquors as aforesaid.

Sec. 13. And be it enacted that no person keeping a licensed house of any Spirituous or Fermented Liquors or Tobacco shall be entitled to sue at Law for the recovery of any debt due to him or them in retail once or credit with any such liquors as aforesaid.—

Provided always that this Act shall not extend to any person who shall sell any quantities less than two gallons.—

Nor shall it be lawful to levy or take possession of any Goods or other property of any person or persons for any debt due for any Spirituous or Fermented Liquors supplied to him or them in retail on credit.—

Goods not to be levied on, except on persons subject to the Crown.

Sec. 14. And be it enacted that no goods to be levied on, incurred by the keeper of any licensed house or by any other person or persons subject to the Crown.

Ordinance, shall be levied, except on the prosecution, and conviction of the offending party or parties by some

person

person to be appointed by His Excellency the Governor to prosecute on behalf of the Crown.—

Penalties to be recovered in a summary way.

15.— All penalties, fines, or forfeitures incurred under this Ordinance shall be recovered, if necessary, by distress or other summary process, and shall be paid to the use of Her Majesty, her heirs, and successors.

Commencement and duration of Ordinance.

16.— This Ordinance shall commence and be into operation on the first day of September next, One thousand eight hundred and forty nine, and shall expire on the thirty first day of August one thousand eight hundred and fifty two. Provided that at any time during the said three years this Ordinance may be amended or repealed by His Excellency the Governor with the advice and consent of the Legislative Council.

Signed George Rennie

Passed the Legislative Council at this 15th August 1849

Clerk of the Council

Appendix

Spirits Licence.

I, the undersigned one of Her Majesty's Justices of the Peace for the Falkland Islands, now sitting as Magistrate in the Police Court do hereby authorize and empower
now dwelling at Stanley to sell in his house known as
by wholesale or retail, Wines, Beer, Spirituous or Fermented liquors, Cordials, or Tobacco whether manufactured or plain.
This licence shall continue in force for six months from the date hereof, to wit, until the
day of
one thousand eight hundred
and
when it must be renewed. Provided that the said
shall in every respect conform to the Ordinance, No 3, 1849, entitled an Ordinance for regulating the sale, and imposing a license on the sellers of Wines, Spirits, and all Fermented drinks, Cordials, Beer, and Tobacco.

Given under my hand and sealed with the seal of the Police Office at Stanley, Falkland Islands this
day of
March
one thousand eight hundred and fifty

T A

Aliens Amendment Ordinance

In the Eighteenth year of the Reign of Her Majesty Queen Victoria

No. 1.

Analysis

Title
Preamble
1. Ordinance amended by inserting a clause restricting the power of prosecution to the Governor
2. Duration of Ordinance.

Title — An Ordinance to amend an Ordinance entitled "An Ordinance to restrain the importation of Aliens into the Falkland Islands"

Preamble — Be it enacted by His Excellency the Governor of the Falkland Islands by and with the advice and consent of the Legislative Council thereof as follows:

1.

1.- That the above recited Ordinance entitled an Ordinance to restrain the importation of aliens into the Falkland Islands, passed in the sixth year of the Reign of Her present Majesty numbered seven be amended by inserting the following clause:

By inserting a clause limiting the power of prosecution to the Governor

"And be it enacted that none of the penalties incurred by any person or persons under this Ordinance shall be levied except on the prosecution, and conviction, of the offending party or parties by any person appointed by His Excellency the Governor to prosecute on behalf of the Crown."

Duration of Ordinance

2. This Ordinance shall continue in operation until the first day of November one thousand eight hundred and fifty one, unless sooner amended or repealed by His Excellency the Governor with the advice and consent of the Legislative Council.

(Signed) George Rennie
Governor

{ Seal of the Colony }

Passed the Legislative Council this 15th August 1849

J. Rees Clerk

++ 2.

Cattle Trespass Continuation Ordinance

In the thirteenth year of the Reign of Her Majesty Queen Victoria.

No. 5.

Analysis.

Title
Preamble
1. Amendment of Ordinance
2. Continuation of Ordinance

Title — An Ordinance to continue an Ordinance entitled "An Ordinance to provide for the summary recovery of compensation for damage done by Cattle trespassing."

Preamble — Whereas the above recited Ordinance will expire on the first day of September next ensuing and it is expedient to continue and amend the same; Be it enacted by the Gover-

nor

nor of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:

Amendment of Ordinance No. 1. That the said recited Ordinance passed in the Seventh year of the Reign of Her present Majesty Number one, entitled "An Ordinance to provide for the summary recovery of compensation for damage done by Cattle trespassing" be amended by striking out the first clause thereof and substituting the following:- Whenever any horned or neat Cattle, Sheep, Pigs or Goats shall trespass upon the land of any person within the town, provided that the same shall be properly fenced (such fence shall be determined by the Police Magistrate, and shall do any damage thereon, it shall be lawful for the Magistrate in the Police Court to hear and determine the case, and on being satisfied by the evidence produced before him as to the amount of such damage, to award to the party suffering the same any sum not exceeding Twenty Pounds Sterling by way of

compensation

"compensation with the costs incur-
"red shall be levied, if necessary, in
"like summary process."

Continuation of Ordinance recited Ordinance with that amend-
ment be and the same is hereby ex-
tended and continued until the
first day of November One thousand
eight hundred and fifty two, unless
it be sooner amended or repealed by
His Excellency the Governor with
the advice and consent of the
Legislative Council.—

Signed

George Lonnie
Governor

{ Seal of the Colony }

Passed the Legislative Council
this fifteenth August 1852 —

[illegible]
Chief Clerk

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Militia Continuation Ordinance

In the Nineteenth year of the Reign of Her Majesty Queen Victoria

No 6.

Analysed.

Title — 1. Continuation of Ordinance
Preamble — of Ordinance

Title — An Ordinance to continue an Ordinance entitled "An Ordinance to raise a Militia within the Colony."

Preamble — Whereas the above recited Ordinance will expire on the eighth day of October next ensuing, and it is expedient to continue the same; Be it enacted by His Excellency the Governor of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:

Continuation of Ordinance — 1. That the said recited Ordinance

passed

13/

passed in the Seventh year of the Reign of Her present Majesty, number three, entitled "An Ordinance for raising a Militia within the Colony" be, and the same is hereby extended and continued until the first day of November one thousand eight hundred and fifty two, unless it be sooner amended or repealed by His Excellency the Governor with the advice and consent of the Legislative Council.

Signed

George Lennie

{Seal of the Colony}

Passed the Legislative Council this fifteenth August 1849

C. Montgomery

Clerk of the Council

Publicans Licensing Ordinance

In the year One Thousand eight hundred and Fifty

No. One

By His Excellency George Rennie Esquire, Governor and Commander-in-Chief of the Falkland Islands and its Dependencies thereof, with the Advice and Consent of the Legislative Council thereof; —

— Be it enacted: —

Licenses to be granted by the Superintendent Magistrate

1. — That every Person resident within the Town of Stanley or the Jurisdictions thereof, who may be desirous of obtaining a License under this Ordinance, shall cause to be delivered to the Superintendent Magistrate a Notice in writing in the Form in the Schedule A annexed to this Ordinance annexed; and the Superintendent Magistrate may if he shall think proper

upon the Payment to him of Twenty Pounds, and such Person a License, and be Men in Schedule **B** hereunto annexed, which shall be in force from the day of its Date, to the first day of October then next following. —

Transfer of Licenses

2. — That the Stipendiary Magistrate may, if he shall think proper, transfer any such License as aforesaid to the Appointee of the holder of such license, by an Indorsement on the license in the Form in Schedule **C** hereunto annexed. —

Removal of Person holding a License

3. — That, in case any Person holding a License, shall be desirous of removing his business from the House named in such License to any other House, the Stipendiary Magistrate may, if he shall think proper, authorise such Removal by an Indorsement on the Original License, in the Form in Schedule **D** hereunto annexed. —

Provision for Death of Person holding a License.

4. — That, in case of the Death of any Person holding a License the Stipendiary Magistrate may if he shall think proper authorise

by

by an Indorsement on the said Licence, the Executors or Administrators to carry on the Business of such Person, under the Authority of his Licence during the residue thereof. —

Penalty on Keepers of Licensed Houses

5. ——— That, if any Licensed Person shall open his House, sell or supply any Liquor, or suffer the same to be sold or supplied, except between the Hours of Eight in the Morning and Ten at night, on any working day, or except between the Hours of One in the Afternoon and Seven in the Evening of any Sunday, Christmas Day or Good Friday, or during the usual hours of afternoon Service in the Church on either of such Days; or shall sell any Liquor on Credit, or shall take any thing whatsoever in Pledge for any Liquor sold, or shall take Payment for the same in any thing except Money, or give or take into his possession any Goods as Security for any such Liquor, or shall harbour Drunkenness, Tippling, Disorderly Conduct, Fighting, Disturbance, or Gaming, or shall not maintain good Order in or upon his House or Premises, he shall pay a Sum not exceeding Fifty Pounds, and upon Conviction for a third Offence against the Provisions of this Ordinance,

his

his Licence shall be forfeited and void. ——

Magistrate or Constable may enter and search any licensed House or Premises, & any Part thereof, at any Hour, and if any Person shall obstruct, or cause any unnecessary delay in granting admittance to such Magistrate or Constable he shall forfeit and Pay a Penalty not exceeding Ten Pounds, or be imprisoned and kept to hard labour for any period not exceeding Forty Days. ——

6. —— That any Magistrate or Constable may enter and search any licensed House or Premises, & any Part thereof, at any Hour, and if any Person shall obstruct, or cause any unnecessary delay in granting admittance to such Magistrate or Constable he shall forfeit and Pay a Penalty not exceeding Ten Pounds, or be imprisoned and kept to hard labour for any period not exceeding Forty Days. ——

Penalty for selling Spirits without a License

7. —— That if any Person resident in Stanley or the Suburbs thereof (not being duly licensed) shall sell or knowingly purchase any quantity of any Spirituous Liquors, Wine, Ale or Beer, or permit the same to be sold in or upon his house or premises, he shall Forfeit and Pay for every such Offence any Sum not exceeding Fifty Pounds, or be imprisoned and kept to hard Labour for any period not exceeding Six Months. ——

Unlicensed Houses may be searched

8. —— That upon reasonable cause of Suspicion that any Spiri-

-tuous

Power of Search for Liquors

— Known Liquors, Wine, Ale or Beer, are or upon any House or Premises which Liquors have been illegally sold, are stored for the purpose of illegal Sale, or that any Persons are in any House or Premises illegally purchasing such Liquors, it shall be lawful for any Magistrate to grant a Warrant to search such House or Premises, to seize such Liquors and to arrest such Persons, and the Justice before whom the Case shall be heard, may in addition to any Penalties which may by this Ordinance be imposed declare such Liquors to be Forfeited to the use of Her Majesty, her Heirs and Successors. —

Penalties for Drunkenness

9. — That if any Person shall be found drunk in the Town of Stanley, or in the Suburbs thereof, he shall forfeit and pay for the first Conviction a Sum not exceeding Five Shillings, for the second Conviction a Sum not exceeding Twenty Shillings and for every subsequent Conviction a Sum not exceeding Ten Pounds, at the discretion of the Magistrate before whom such Party shall be found Guilty, for the first Conviction for any period not exceeding Six days, the second

Conviction

conviction for any Period not exceeding Eighteen days, and for every subsequent Conviction for any Period not exceeding Three months, and the Convicting Magistrate may at his discretion, order any Portion of the Fines mentioned in this Clause to be paid at such Times and Places as he may think proper, and in default of any such Payment it shall be lawful to issue his Warrant, to arrest and commit to the Common Gaol, such Defendant, who shall be there imprisoned and Kept to hard Labour until the same Fine be paid. ———

Penalties for notorious misdemeanour behaviour

10. ——— That, if any Person in the Town of Stanley the Inhabitants thereof, who shall thereby be guilty of any notorious Misdemeanour, any Profane Swearing, any abusive or indecent Language, he shall Forfeit and Pay a Sum not exceeding Five Pounds, or be imprisoned and kept to hard Labour for any Period not exceeding Fourteen days. ———

Penalties for other Offences against this Ordinance, and

11. ——— That, any Person found committing any Offence against the Provisions of this Ordinance, may be arrested by any Constable

and

for resisting Constable, in the Execution of their Duty. —

and shall be taken (as soon as conveniently may be) before some Justice of the Peace, to be dealt with according to Law, and every Person to be so apprehended or arrested, or who shall rescue any Person to be so apprehended or arrested, or who shall refuse to aid or assist any Constable, when required by him so to do, in the Execution of his duty, under the Provisions of this Ordinance, shall for every such Offence Pay a Fine not exceeding Five Pounds, or be imprisoned and kept to hard Labour for any Term not exceeding Fourteen Days. —

Fines to be recovered in a summary way

12. — That all Fines, Forfeitures or Penalties imposed by this Ordinance shall be recovered in a Summary way before any Justice of the Peace. —

All Monies to be Paid into the Colonial Treasury

13. — That all Monies received by the Stipendiary Magistrate or by any Justices of the Peace, under any of the Provisions of this Ordinance shall be accounted for and paid over Monthly, to the Officer appointed by the Governor to receive the same and shall be for the use of Her Majesty, Her Heirs and Successors, for the public

uses

uses of the Settlement and the Support of the Government thereof.

Stipendiary Magistrate may grant Special Permits for the sale of Spirituous Liquors

14. ——— That it shall be lawful for the Stipendiary Magistrate at his discretion, to grant a Permit in the Form in Schedule **E** hereunto annexed, to the Master, Passenger, or Supercargo of any Vessel (not being a Coasting Vessel) arriving in Stanley Harbour, to sell any quantity of any Spirituous Liquors, Ale, Wine or Beer, or to any Person arriving at or departing from the Colony, who shall be desirous of selling any surplus quantity of such Liquors (bonâ fide purchased for the Consumption of himself or his Family) to sell the same, and the Liquors specified in such Permit may be legally sold at any time within Twenty Four hours from the date thereof. ———

Applicability of Ordinance

15. ——— And for the purposes of this Ordinance, Be it enacted, That the Town of Stanley and the Suburbs thereof, shall be deemed and taken to extend to a Circle of Two Miles, from the Junction of Fitzroy Street with the Post Road. ———

Commencement of Ordinance.

16. ——— That this Ordinance shall Come into operation on the Second day of September next. ———

Passed the Legislative Council this 31st day of August 1850

Signed J. R. Longden
Clerk to Council

——— Schedules Referred to. ———

A. Form of Application for a License

To the Stipendiary Magistrate for the Falkland Islands

I, A. B. (state the Trade or Occupation) residing at in the Town (or Suburbs) of Stanley, do hereby give Notice that it is my Intention to apply for a License for the Sale of Spirituous Liquors, Wine, Ale or Beer, in the House situate at, (here describe the House intended to be licensed, specifying the situation of it, the Person from whom rented, and the present Occupier.) ———

Given under My hand this ——— day of ——— 1850.

(signed) A. B.

B. Form of License

Falkland Islands } Thomas. N.B. of ——
——
To wit } hath Paid to Me, the Sum of Twenty Pounds, and it appears to Me, that N.B. is a Person of good Fame and Reputation and no reason appearing why the said N.B. should not have a License to sell Spirituous Liquors, Wine, Ale and Beer. Now I, the Stipendiary Magistrate for the Falkland Islands, in Pursuance of the Powers vested in Me by an Ordinance of the Governor and Council, Passed in the year One Thousand, eight-hundred and Fifty, No. One, do hereby License the said N.B. to sell any Spirituous Liquors, Wine, Ale or Beer, in any quantity in the House known as ——
situate —— but not
Quarters, and this License shall Commence from the day of the date hereof, and Continue in Force until the thirty first day of August then next ensuing.

Given under my hand at ——
this —— day of ——
One Thousand eight hundred & Fifty

C. S.

Stipendiary Magistrate

C. Form of Endorsement on License to Authorise a Transfer thereof

Be it remembered, That I, the Undersigned, do hereby upon Application of the within named A.B., transfer the Rights and Privileges of the within License to C.D. for the Unexpired Term for which the same hath been granted to the said C.D. appearing to me to be a Person of good Fame and Reputation.

Given under my hand this
day of 1836.

C. D.

Just. Mag.

D. *Form of Endorsement on License to authorise a change of House and Premises.*

Memorandum. I do declare that the within License shall henceforth cease to apply to the House and Premises therein described, and shall instead thereof, apply to the House and Premises situate (describing it) (original License)

E. F.

Just. Mag.

E. Form of Permit for the Sale of Spirituous Liquors, Ale, Wine and Beer

Whereas, A.B. (Captain or Passenger or Supercargo of the Ship or) A.B. now resident in Stanley (having lately arrived or being about to depart) has applied to Me for a Permit under the Provisions of the "Publicans Licensing Ordinance" to sell the following Liquors; —

(here describe them)

Now I, the Undersigned do hereby permit the said A.B. to sell all or any of the Liquors herein described, within Twenty Four hours from the Date hereof. —

Dated at Stanley at — Oclock
This — day of — 1850.

C. F.

— " —

Sec. Mag.

— " —

Dog License Ordinance

In the Year One Thousand eight hundred and Fifty

No. Two

Precedent Book 59 Confirmed.

By His Excellency George Rennie Esquire Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and Consent of the Legislative Council thereof. — Be it enacted; —

Penalty for Keeping a Dog without having obtained a License.

1. — That, if any Person in the Town of Stanley or the Suburbs thereof, shall after the first day of September next, keep any Dog above the Age of three Months, without having obtained an Annual License for the same, he shall pay a Fine of not less than five Shillings, nor more than Five Pounds.

Licenses to be granted by the Stipendiary Magistrate.

2. That the Stipendiary Magistrate shall, upon the Payment of Five Shillings, and One Shilling to the Chief-Constable, grant to the Keeper of any Dog, a License, in the Form in the Schedule hereunto annexed, which shall be in force from the date thereof, to the first day of September then next ensuing, and the Chief Constable shall keep a book in which he shall enter a Copy of every License.

Unlicensed Dogs found at Large may be destroyed.

3. That all unlicensed Dogs found at large without their Keepers in the Town of Stanley or the Suburbs thereof, may be destroyed by any Constable.

Fines to be recovered in a summary way.

4. That all Fines imposed by this Ordinance shall be levied in a Summary way before any Justice of the Peace.

All Monies to be paid into the Colonial Treasury

5. That all Monies received under this Ordinance by the Stipendiary Magistrate, shall be accounted for and paid over Monthly to the Officer appointed by the Governor to receive the same, to the Use of Her Majesty her Heirs and Successors for the public Uses of the Settlement and the support of the Government thereof. 2

Responsibility of Dog owners

6. That the Town and Suburbs of Stanley shall be deemed and taken to extend to a Circle of Ten miles from the Junction of Pebble Island with the Main Island and the word "Dog" shall include all Dogs whether Male or Female.

Commencement of Ordinance

7. That this Ordinance shall Come into Operation on the 2nd day of September next.

Signed) George Rennie
Govr.

Passed the Legislative Council the Thirty first day of August 1850.

(Signed) J. K. Longden
Clerk to the Council.

Licence for 1 Dog for 1 Dog 2

Name of Owner	Name of Dog	Sex of Dog	Age of Dog	Description of Dog	Residence of Owner	Date and Number of Licence

This Licence shall be in force for one year from the date hereof

Militia Ordinance

In the Year One thousand eight hundred and Fifty One

No 1

By His Excellency George Rennie Esquire, Governor and Commander in Chief of the Falkland Islands and their Dependencies with the Advice and Consent of the Legislative Council thereof. Be it enacted;-

Power to Governor to call together Militia

1. — That, it shall be lawful for the Governor to Call together Men and Boys, as a Militia such persons as are hereinafter Mentioned and Cause them to be trained and exercised at such times and places as shall to him seem meet for any number of days not exceeding Twenty eight days in any one year

And appoint Officers

2. — That, it shall be lawful for the Governor to appoint a sufficient number of Officers to train, Discipline and Command the Militia. —

Power to cause Militia to be formed into Regiments &c.

3 — That, it shall be lawful for the Governor to cause the Militia to be formed into so many Regiments Corps Battalions or other Bodies and to determine the Number of Men, of which each respectively shall be composed.

Courts Martial

4. — That it shall be lawful for the Governor and he is hereby authorized and empowered as well as to Grant his Commission or Warrant to the Officer commanding for the time being any Body of such Militia to convene Courts Martial as occasion may require for the Trial of Officers commanding Men under his Command, which Courts shall have Cognizance of and power to hear and determine before or after

such Officer shall have taken upon himself such Command.

Training

5. That it shall be lawful for the Governor from time to time to make regulations respecting the Training and Exercise, Arms and Accoutrements, Clothing and Equipment of such Militia.

Actual Service

6. That it shall be lawful for the Governor to direct the Officer commanding the Militia with all convenient speed to draw out such Militia or such part thereof as the Governor shall judge necessary and in such manner as he shall judge best adapted to the Circumstances of any danger or emergency and to lead the said Forces into any part of the Colony

Who liable to serve

7. That every Man between the Ages of Seventeen years and Sixty years, who shall reside within the Colony shall be liable to serve in such Militia except all Members of the Executive Council and the Clerk to the said Council and all Ministers of Religion

Magistrates to form Militia Lists

8. That the Stipendiary Magistrate shall as soon as conveniently may be after this Ordinance shall come into operation and in the Month of February in every succeeding year call a Meeting of the Justices of the Peace for the purpose of forming a Militia List. The Justices at such Meeting shall prepare a List in Alphabetical order of all Men liable to serve as Militiamen. The Magistrate shall cause Copies thereof to be affixed to the door of the Police Office and Gazette board, and to such List shall subjoin Notice that all Objections thereto will be heard and determined by such Justices at any time within 21 days after the date of such Notice.

Justices to hear and Dete

9. That such Justices shall have power after hearing such Objections to strike out of the said List the Name

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all persons who shall not be liable to serve, and also all persons who shall not be liable to serve, and also of such as by reason of any disorder may be unfit for Service and also from time to time to strike out and add such Names as may be just.

Copy of List to be sent to the Governor

10. ——— And Copy of the said Corrected List by the said Justices shall be transmitted by them forthwith to the Governor.

Time and place of Training

11. ——— That notice of the time and places fixed by the Governor for Training and Exercise shall be posted at the door of the Police Office and in the Gazette Board three days at least (unless in cases in which the Governor may deem it expedient for the safety of the Colony to expedite the Equipment) before the time to be so appointed which shall be deemed a sufficient Notice to every Officer and Militia Man.

Penalty for not appearing

12 ——— That every Officer and Militia Man who shall not appear at the time and place appointed shall Forfeit and Pay any Sum not exceeding Twenty Pounds.

Penalty for Non Attendance

13. ——— That every Officer and Militia Man who having joined the Regiment or Corps or Body to which he belongs, shall desert or absent himself during the time of any such Training or Exercise shall forfeit and Pay any Sum not exceeding Twenty Pounds.

Notice to be given to Militia Man when called out for Service

14 ——— That when any part of such Militia shall be ordered out for Service, the person to whom such Order shall be directed, shall forthwith cause Notice in writing to be given to the several Militia Men to [illegible] their usual places of Abode, to attend at the time and place mentioned in such Order.

Penalty for not joining after being served with Notice

15 — That if any Officer or Militiaman duly served with Notice shall not appear and perform the Military duties required of him he shall be liable to be apprehended and punished as a Deserter, according to the Provisions of any Act then in force for punishing Mutiny and Desertion in the Army and for the better payment of the Army and their quarters, and of the Articles of War made in pursuance of the same.

Penalty for Concealing Militiamen

16 — That if any person Knowingly shall harbour or Conceal any Officer or Militia man who has deserted he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Penalty for Selling or receiving Arms

17 — That if any Officer or Militia man shall sell, pawn or lose any of his Arms, Clothes, Accoutrements or Ammunition or neglect or refuse to return the same in good Order to his Captain or to the person appointed to receive the same, or if any person shall Knowingly or wilfully buy take in exchange, Conceal or otherwise any Militia Arms, Clothes, Accoutrements or Ammunition whatsoever delivered for the Militia every such Offender shall forfeit and Pay for every such Offence any Sum not exceeding Ten Pounds in addition to the value of said Arms, accoutrements and Ammunition if the same are damaged or not returned.

Militia to be subject to Articles of War.

18 — That during the time that any such Militia shall be assembled for the purpose of being trained and exercised, or for actual Service, all things Contained in any Act of Parliament which shall then be in force for punishing Mutiny and Desertion, and for the better Payment of the Army and their quarters and in the Articles of War made in pursuance of such Act shall be in force with respect to such Militia, and to all Officers non-commissioned Officers, and Privates of the same in all Cases whatsoever, but so far forth as

shall extend to Life or Death.

Regimental Court Martial.

19. That it shall be lawful for any Officer commanding any Detachment or Division of Militia called out to exercise or actual Service, not being under the Rank of Captain, to order when he shall think it necessary a Regimental Court Martial to be held for the Trial of any Offence committed by any Non Commissioned Officer or Private under and during his Command, and if a sufficient number of Officers under his immediate Command, shall not be present to constitute such Court Martial, it shall be lawful for the Commanding Officer of the Regiment or Corps to which any such Detachment or Division shall belong upon application made to him by the Officer Commanding such Detachment or Division for that purpose to order a sufficient number of Officers of proper Rank to attend for the purpose of Sitting at such Court Martial, who shall forthwith at the time and place appointed attend thereat.

Sentences to be submitted to the Commandant.

20. — That the Sentence of every such Court Martial shall in every Case be submitted to the Commandant of the Regiment or Corps to which such detachment or division shall belong, or in his absence to the Senior Officer present with the Detachment Corps or Regiment for his approval thereof who shall confirm such Sentence to be put in execution mitigated or remitted, as he shall in his discretion think best for the Service.

Summary Proceedings

21. — That all Fines imposed by this Ordinance shall be recovered in a Summary way before any Justice of the Peace.

Act to Commence when H.M's pleasure is known

22 — That this Ordinance shall take effect and come into operation upon the day of the Date and Publication of any Proclamation to be made and published by the Governor for the time being, which shall make known and signify to the Inhabitants of the Falkland Islands and its Dependencies Her Majesty's final Assent and Approbation hereof

Signed George Rennie
Gov.r

Passed the Legislative Council the Sixth of January 1851
Signed J. K. Longden
Clerk to the Council

An Ordinance for the Registration of Land Births and Deaths

See Proclamation Page 57 Precedent Book by which this Ord. came into Operation on the 11th March 1852

In the year One thousand eight hundred and fifty One

No 2

By His Excellency George Rennie Esquire Governor and Commander in Chief of the Falkland Islands and its Dependencies thereof, with the Advice and Consent of the Legislative Council thereof; Be it enacted, —

Register Office

1 — That there shall be an Office at Stanley which shall be called the Register Office, and the Governor shall from time to time appoint a person to be Registrar of the said Office on behalf of Her Majesty.

Instruments to be registered by Copy

2. — That every Grant by the Crown of Land within the Islands and every Deed, Contract, or will whereby such Land may be affected, may be registered by causing a Copy thereof to be recorded. Provided that no Lease of Land for any term not exceeding [illegible]

Register

years from the date thereof, nor any assignment thereof shall be registered.

Instrument to be registered by Memorial

3. — That every Judgement, Private Conveyance, Obligation, Declaration of Bankruptcy or Insolvency, affecting any Land within the Colony may be registered by Causing a Memorial thereof to be recorded. —

Unregistered Deeds void as against subsequent registered Deeds.

4. — That every such Grant by the Crown, Lease Contract which is hereby authorised to be registered as aforesaid, shall so far as regards any Land to be affected thereby, be void as against any Person claiming for valuable Consideration under any subsequent Grant Deed or Contract duly registered before the Registration of the subsequent Grant Deed or Contract

Will

5. — That every Will, shall, so far as regards any Land to be affected thereby, be void against any Person claiming for valuable Consideration under any Deed or Contract duly registered, made after the Death of the Testator by any Person by whom such subsequent Deed or Contract might have been made, if such Will as first aforesaid, shall not have been duly registered before the registration of the subsequent Deed Contract. Provided always, That every Will, of any Person dying in the Falkland Islands or its Dependencies must be registered within the space of One year next after the death of any Testator, and within the Colony elsewhere, within the space of Two years after the death of any Testator, or else the same shall be void as against any subsequent registered Deed or Contract made by the Heir at Law or Devisee of such Testator. —

Judgment

6. — That every Judgement or Assignment thereof [illegible]

Bankruptcy Insolvency Purchaser for value

Conveyance shall so far as regards any Land to be affected thereby be void and of no effect as against any person claiming for valuable consideration under any subsequent deed or Contract duly registered, unless registered before the registration of the subsequent deed or Contract.

Persons claiming without valuable consideration

7 — That every person who shall claim without valuable Consideration under any other person who shall have claimed for valuable Consideration, shall be entitled to the same protection as the person who shall have claimed for valuable Consideration.

Voluntary Conveyance

8 — That a voluntary Conveyance being duly registered shall not be defeated by any subsequent Conveyance for valuable consideration, unless such last Conveyance shall be registered first.

Registered Deed or Contract shall have priority over unregistered one.

9 — That every deed or Contract although duly registered whereby any Title shall be denied or agreed to be created or any person claiming under any unregistered Deed shall be void as against any person claiming for valuable Consideration under any subsequent Deed or Contract duly registered, whereby Title shall be created for any person claiming under any Deed or Contract duly registered.

Memorial of Judgement

10 — That the Memorial of every Judgement shall express the Date and Title of the Cause and so much of the Decree or Judgement as shall relate to the Land affected thereby.

Memorial of Inquisition

11 — That the Memorial of every Inquisition shall express the Name of the Defendant and the Date of the same.

Allen Pl. of Justice and Co. Pub.

Memorial of Bankruptcy

12 — That the Memorial of every Bankruptcy shall express the Name of the Bankrupt and the date of the declaration of Bankruptcy

Memorial of Insolvency

13 — That the Memorial of every Insolvency shall express the Name of the Insolvent and the Date of the Declaration of Insolvency.

Memorial of Power of Attorney

14 — That the Memorial of every Power of Attorney shall express the title date and number thereof

Memorial to delineate the Land.

15 — That, every Memorial shall describe the Land, to which the same shall relate, by reference to the Number of such Land in any Map in the Register Office as hereinafter provided.

Delineation of Land on Instrument

16 — That, every Instrument, presented for Registration, shall contain or have endorsed thereon, a correct delineation of the Land to which the same shall relate.

Maps

17 — That there shall be kept in the Register Office, a Map or Maps of all the Land surveyed within the Falkland Islands or the Dependencies thereof, and every Allotment in such Map or Maps shall when granted by the Crown be numbered Consecutively from No 1 upwards.

Books

18 That, for every such Map, there shall be kept a Book or Books, to be called the Index Book, with the Letter or Mark of such Map; and every Entry in such Book, shall consist of the number indicating the Allotment of Land to which such Instrument shall relate and all such Entries shall be made in the Order in which the Instrument to which such Entries respectively shall have been presented for registration.

Entry how made

Mode of Entry

19 — That so long as the Land in respect of which any Entry was originally made, shall remain undivided, such Entries relating thereto, shall be placed under the Number originally appropriated thereto, and whenever any portion thereof shall be absolutely alienated a new Head or Sub-number shall be appropriated to such Portion.

24 June /52

References in Books

20 — That whenever any new Head or Sub-number shall be formed, the first Entry shall contain a reference to the original ~~number~~ Head, ~~& that the land & sub-number~~ and there shall also be made a reference in the original number to such new head or sub-number.

24 June /52

Mode of Registration

21 — That immediately upon the presentation of any Instrument for Registration the Registrar shall, in presence of the party presenting such Instrument, number the same and make a Note thereon, of the day and hour of the Receipt thereof, and shall also cause ~~forthwith~~ an Entry in such book under the number or head & sub-number of the Allotment to which such Instrument relates, specifying such day and hour and the nature of the Instrument a Memorial thereof and referring to the Book, in which a Copy thereof shall be made according to the Form in Schedule **A** hereunto annexed and shall be signed by the person presenting such Instrument as aforesaid

24 June /52

Instrument to be Copied

22 — That the Registrar shall thereupon cause such Instrument to be copied at full length in One of the Books kept for that purpose.

Fees

23 — That any Registrar may demand and receive the Fees specified in Schedule **B** hereunto annexed which Fees shall be for his own use.

Interpretation Clause

24 — That in the Construction of this Act and, the word "Land" shall extend to any Estate or

Allen Pr. of Justice

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Instrument whatsoever in real property, and the word "Will" shall extend to a Codicil; and the word "Instrument" shall extend to any Power, Deed, Contract, will, Codicil, or any Memorial hereby authorised to be registered.

Registrar to register Births and Deaths. 24 June / 42

25 — That the Registrar shall inform himself of every Birth and Death which shall happen within the Falkland Islands and the Dependencies thereof, and register ~~the same~~ as soon after the Event as conveniently may be done in one of the Books the particulars according to the Forms in Schedules **C** and **D** respectively, touching every such Birth or every such Death, as the case may be, every such Entry being made in order, from the beginning to the end of the Book.

Parent or Occupier of House to give Particulars

26 — That the Father or Mother of every Child born in the Falkland Islands or in the Dependencies thereof, or in case of the Death, Illness, Absence or Inability of the Father or Mother, the Occupier of the House or Tenement in which such Child shall have been born, shall within 42 days next after the day of every such Birth, give Information upon being required so to do, to the said Registrar, according to the best of his or her Knowledge and belief, of the several particulars hereby required to be registered, touching the Birth of such Child, or shall pay a Fine not exceeding 5£.

Persons to give Particulars of Death

27 — That some Person present at the Death or Illness during the last Illness of every Person dying in the Falkland Islands or the Dependencies thereof, or in case of the death, illness, inability or absence of all such persons the Occupier of the House or Tenement, or if the Occupier be the Person who shall have died, some Inmate of the

House or Tenement, in which such Death shall have happened, shall, within 20 days, if within the Township of Stanley, if elsewhere, within a reasonable time next after the day of such Death give Information, upon being required so to do, to the said Registrar, according to the best of his or her Knowledge and belief, of the several particulars hereby required to be registered, touching the Death of such Person or shall pay a Fine not exceeding 5 £. —

Abstract to be sent to the Gov. on 10th Jan.y every year

28 — That, the Registrar shall send on or before the 10th day of January in every year to the Governor a General Abstract of the number of Births and Deaths registered during the foregoing year, and every Registrar who shall refuse or without reasonable cause, shall omit to register any Birth or Death of which he shall have due notice, or to send any such General Abstract, he shall, for every such Offence, Forfeit and Pay a Sum not exceeding 10 £. —

Penalty for losing or injuring Register Books

24 June /52

29 — That every person having the Custody of any Map or Book belonging to the said Office, or any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured while in his keeping, ~~shall~~ for every such Offence shall Forfeit a Sum not exceeding 50 £. —

Penalty for destroying or falsifying Register Books

30 — That every person who shall wilfully destroy or injure, or cause to be destroyed or injured any Map or Book belonging to the said Office or shall falsely alter or cause to be falsely made or counterfeited any part of any such Map or Book, or certified Copy thereof, or shall wilfully insert or cause to be inserted in any such Map or Book or certified Copy thereof, any false Entry of any Instrument, Land, Birth or Death or shall wilfully omit

24 June /52

Archives Plan Service Archivistique

being to be a Copy or extract of any such Map or Book knowing the same Map, Book, Copy or Extract thereof to be false in any Particular, shall be guilty of Felony and shall be liable to be transported for any period not exceeding 7 years, or be imprisoned with or without hard Labour for any period not exceeding 2 years. —

31 — That Whereas, in pursuance of an Ordinance passed in the Eleventh year of the Reign of Her Majesty "Queen Victoria" Intituled "An Ordinance to provide for the Registration of Deeds and Instruments affecting Real Property" which said Ordinance expired on the first of January 1856, a Register Office was established and a Registrar appointed, and various Maps, Books, Papers, Instruments and other things belonging to the said Office, are now in the possession of the late Registrar, Be it enacted,

That all Maps, Books, Papers, Boxes, Keys, Documents, and other things in the possession of the late Registrar, shall be given (as soon as Conveniently may be) to the first Registrar appointed under this Ordinance, and shall from and after the Receipt of the same, remain and continue in the Custody of the last mentioned Registrar, and every Instrument registered under the Authority of said Ordinance, shall be deemed and taken to have been registered under this Ordinance and shall have the same force and effect to all intents and purposes as if such Instrument had been registered under the Authority of this Ordinance, and the said books, Papers and Maps under this Ordinance, so far as he can do so, and comply with the provisions thereof. —

Maps &c. to be delivered to new Registrar —

Instruments to be deemed registered under this Ord.

Punishment for refusal to give up Books &c &c &c

32 That in every case in which any Registrar shall cease to hold the said Office, all Registers, Boxes, Keys, books, documents and papers in his possession as such Registrar, shall be given as soon as conveniently may be, to his successor in Office, and if any person shall refuse to give up any box, Key, book, documents or papers in such cases aforesaid; it shall be lawful for any Justice of the Peace, upon application made for that purpose, to issue a Warrant for bringing such person before any Two Justices of the Peace, and upon such person appearing or not being found, it shall be lawful for such Justices to hear and determine the Matter in a Summary way; and if it shall appear to the Justices, that any such box, Keys, books, documents or papers are in the Custody or power of any such person, and that he has without reasonable cause refused, or wilfully neglected to deliver up the same, he shall pay a Fine not exceeding 10£. and the Justices are hereby required to Commit such Offender to the common Gaol, there to remain without bail, until he shall have delivered up the same; and the said Justices may grant a Warrant to search for such Box, Key, book, Documents papers, as in the case of Stolen Goods in any Dwelling-house or other premises, in which any Credible person shall make Oath before them, that there is reasonable Cause to suspect the same to be, and the same when found shall be delivered to the person in whose Custody they ought to be.

20 June /50 2

Recovery of Fines

33 That all Fines and Forfeitures imposed by this Ordinance shall be recovered in a Summary way before the Stipendiary Magistrate, or any Two Justices of the Peace.

Allen Prof. Justice

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Ordinance to commence within H.M. Dominions

24 June/52

Com Mod 24 June/52

1st of Jan.

34 — That, this Ordinance shall come into operation upon the day of the date and publication of any Proclamation to be made and published by the Governor for the time being, which shall make known and signify to the Inhabitants of the Falkland Islands and their Dependencies Her Majesty's final assent and approbation hereof.

Passed the Legislative Council
this 6 Jan^{y} 1851 —
(Signed) J. R. Longden
Clerk to the Council

Schedule A

General Index Vol 1. A. (Page 100)
Map A Section 5. Number 15.

Register of Instrument	Nature of Instrument	Date of Instrument	Parishioners	Reference	Signatures
11 A.M. 1st June 1802	Conveyance	31st May 1802	1 D. 71		James Brown [illegible]
2 P.M. 3rd July 1802	Mortgage	9th June 1802	1 D. 100		Edward Hill
10 A.M. 1st Jan 1805	Memorial	29th Dec. 1804	2 Pt. 30	2 A. 19	Thomas Jones
10 A.M. 25th Sept. 1806	Will	1st Sept. 1806	1 Pt. 350		Esther Brown

Index to "D"

General Index. Vol 2. A. (Page 19)
Map A. Section 5. Number 15. A.

Register of Instrument	Nature of Instrument	Date of Instrument	Parishioners	Reference	Signatures
3 P.M. 10th June 1802	Conveyance	9th June 1802	1 D. 100	1 A. 100	Edward Hillman

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Schedule B

Scale of Fees

	£	s	d
For the Registration of any Instrument, not exceeding 10 Folios of 72 words each		10	
For every additional Folio of 72 words		1	
For the second & third Folio of 72 words each			6
For every Search		2	6
For an Abstract, Copy of, or Extract from any recorded Instrument, or deposited Memorial, for every Folio of 72 words			6
For every Copy of or Extract from the Journal [illegible] for every Folio			6
For every Search, or Inspection of Entries, or Recorded Instruments or deposited Memorials		2	6
For comparing if required, any Instrument with the Record thereof, by reading over the same, with the party opposing, for every Folio of 72 words			2
For Comparing if required, any Copy or Extract supplied by the Registry Office, by reading over the same with the Party requiring such Copy or Extract, for every Folio of 72 words			2
For every Certificate of Acts by [illegible] Parties		5	
For every Certificate of any description		2	6

Madame Comittee

Schedule C

18 Births

No.	When Born	Name	Sex	Name and Surname of Father	Name and Surname of Mother	Rank or Profession of Father	Signature, residence and Residence of Informant	When Registered	Signature of Registrar	Baptismal name if altered after Registration of Birth
June Sep. 1	31st	James	Boy	William Green	Rebecca Green formerly Summers	Carpenter	William Green Father Carpenter 1 Mark St. Marylebone	6th Sept.	Alfred Registrar	

EXAMPLE

Schedule D

18 Deaths

No.	When Died	Name and Surname	Sex	Age	Rank or Profession	Cause of Death	Signature description and Residence of Informant	When Registered	Signature of Registrar
17	4th Feb	William Green	Male	63	Carpenter		Rebecca Green Widow 17 Mortimer Mary Le Bone	5th Feb	John Cox Registrar

Alien Ordinance

In the Year One Thousand eight hundred & fifty One

No. Three

Not Proclaimed Book 5th Confirmed

By His Excellency Jas Ramsden Esquire Governor and Commander-in-Chief of the Falkland Islands and their Dependencies, with the Advice and Consent of the Legislative Council thereof;

Be it enacted;

Penalty on Aliens landing

1 — That, if any Alien shall land or reside in the Falkland Islands or any of the Dependencies thereof without such permission of the Governor for the time being, he or she shall forfeit and pay a Sum not exceeding Fifty Pounds, or be imprisoned and kept to hard labour for any period not exceeding Six Months.

Penalty on Persons harbouring Aliens

2 — That, if the Master or person in Command of any Vessel, or any person or persons shall bring or land or introduce into the Falkland Islands or any of the Dependencies thereof, or permit to land in the Falkland Islands or any of the Dependencies thereof, any Alien, without such permission as aforesaid, he or they shall forfeit and pay a Sum not exceeding Fifty Pounds.

Persons harbouring persons ordered to leave

3 — That any person who shall by word or by any means whatsoever knowingly harbour or conceal any Alien who shall have received a notice from the Governor for the time being requiring him to leave the Falkland Islands or the Falkland Islands Dependencies thereof) to land or reside contrary to such permission, and every person who shall aid or assist any such Alien in landing or residing or shall

Archives Office

harbour or port such Alien, shall forfeit and pay a Penalty not exceeding 10£. or be imprisoned with or without hard labour for any term not exceeding Two Months.

Governor may require Recognizances 2 Jac. 1. c. 2 24 June 1662

4— That it shall be lawful for the Governor for the time being before giving any Alien his Consent to land or reside in the Falkland Islands or any of the Dependencies thereof, to require such Alien, or any person entertaining or introducing such Alien, to enter into a Recognizance in the Form **B** hereunto annexed, which any Justice of the Peace is hereby authorized and empowered to take at the request of any person who shall produce to him an Order signed by the Governor for the time being in the Form **A** hereunto annexed, with or without Two Sureties as his Excellency may direct, and in such Amount as his Excellency may deem necessary, by which Recognizance such Alien or person shall bind himself to fulfil such Conditions and Agreements as the Governor for the time being may deem necessary. Provided such Conditions shall be endorsed upon the Recognizance and Signed by such Alien or Person as well as by the Governor for the time being.

Mode of enforcing Recognizances

5— That whenever the Governor for the time being shall deem it expedient, that any Recognizance should be put in force for any breach thereof, the Amount sought to be recovered shall be sued for and recovered in a Summary manner upon Information upon Oath before any Justice of the Peace in such and the like manner as any Penalty or Forfeiture may be sued for and levied by any Justice of the Peace in a Summary way: Provided that no such Amount shall be sued for or levied, except upon Information of some Person authorized by the Governor for the time being, to prosecute in behalf of

Her Majesty's Assent for the same, under his Signature at the Town Chamberlain aforesaid.

Summary Proceedings

6— That all Fines ~~and Penalties~~ and otherwise provided for, imposed by this Ordinance, shall be recovered in a Summary way before any Justice of the Peace.

The Governor to direct Prosecutions

7— That none of the aforesaid Fines, shall be sued for except on the Information of some person authorized by the Governor by Warrant under his Signature to prosecute on behalf of the Crown.

Ordinance repealed

8— That the Ordinance passed in the Twelfth year of the Reign of Her Majesty Queen Victoria Intituled, An Ordinance to shut the entrance of Ships into the "Falkland Islands" shall from and after the first day of February next be repealed, except as to all Fines and Penalties incurred for Offences against the said Ordinance which may be sued for and levied as if this Ordinance had not passed.

Ordinance to commence 1st February

9— Whereas the delay incident to the previous Communication with Her Majesty to know Her Royal Pleasure thereupon, would be productive of inconvenience, Be it therefore enacted;

That this Ordinance shall take effect and become in operation on the first day of February one Thousand eight hundred and fifty one.

Signed Joseph Pomeroy

Gov.

Passed the Legislative Council
this 18th day of January 1851

Signed J. K. Langdon
Clerk to the Council.

1755

Form of Authority to Justices of Peace to take Recognizances

A

S. Governor and Commander in Chief of the Falkland Islands and its Dependencies thereof in Virtue and Pursuance of an Ordinance, Entitled "An Ordinance" &c &c &c by Authority (A.B. Esquire J.P.) to take and allow (C.D.) at his request to enter into a Recognizance to Her Majesty, before You the said Justice of the Peace, in the Sum of £ upon the following Condition,

B

Falkland Islands

Form of Recognizance of Bail

2 Anne, st 2 C. 2 Pre.

Be it remembered, That, on the day of in the year of Our Lord (Labourer) L.M. of N.O. (Grocer) and (Butcher) personally came before Me, the undersigned, One of Her Majesty's Justices of the Peace for the said Islands, and severally acknowledged themselves to owe to Our Sovereign Lady The Queen, the several Sums following (viz.) The said A.B. the Sum of and the said L.M. and N.O. the Sum of of lawful good and current Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of Our said Lady The Queen, Her Heirs and Successors if He the said A.B. fail in the Conditions endorsed. Taken and acknowledged before me this day and year first above mentioned at Stanley

J. S.

J. N.

The Conditions of the said Recognizance are such, that if the said

do observe and keep the Agreements and Promises ~~mentioned~~ endorsed on the back of this Recognizance and entered into by him, them, the said Recognizance to be void, or else to stand in full force and effect.

24th June 1842

Usual Commissioners and Summons to issue against Recognizers.

First I agree and promise that I will provide the Means of Conveyance for the Petitioner hence came, at any time within years from the date hereof.

Secondly, I agree and promise, that if in the event of Sickness, destitution or other Cause, the said shall require Relief, I will sufficiently provide Relief, and also all Expenses that may be necessary for Support and Maintenance.

Thirdly, I agree and promise, that if the said shall die before the day of 18 and shall not have sufficient Means to Pay all Costs and expenses attending his Funeral, I will pay the same.

J. B.

at Stanley, this day of 18

Signature of Surety — C. D.

Signature of Person entering into Recognizance — E. F.

Form of Appointment to recover Penalties

C

I ——— Governor and Commander-in-Chief of the Falkland Islands and its Dependencies in Virtue and pursuance of the Ordinance, Intituled "Alien Ordinance" Do hereby authorise and appoint ——— A.B. Esquire to sue for and recover on behalf of Her Majesty, certain Penalty and Forfeiture, which it has been represented to me, that C.D. of ——— has incurred and is liable to for having ——— (here state the offence) ——— contrary to the Form of the said Ordinance.

Given under my hand at Stanley
This ——— day of ——— 18

Signed) E. H.

Governor &c. &c. &c.

D

Form of Appointment to recover Penalty under Ordinance

I ——— Governor and Commander-in-Chief of the Falkland Islands and their Dependencies, in Virtue and Pursuance of the Ordinance, Intituled, "Alien Ordinance" Do hereby authorise and appoint, ——— E.H. of ——— to sue for and recover the Sum of ——— pounds ——— shillings ——— pence, Sterling due to Her Majesty, over and above the Sum of ——— pounds Sterling, which was Seized by the Collector of Customs at ——— in pursuance of the said Ordinance.

Given under my hand at Stanley
this ——— day of ——— 18—

(Signed) E. H.

Gov.r &c. &c.

Pilot and Harbour Ordinance

In the year One Thousand eight hundred & fifty One.

No. Four

See Precedents Book for Proclamation Part 5th allowance -

By His Excellency George Rennie Esq^r Governor and Commander in Chief of the Falkland Islands and the Dependencies thereof with the Advice and Consent of the Legislative Council thereof, Be it enacted,

Power to Governor to license Pilots and make Regulations -

1 That it shall be lawful for the Governor, if His Excellency shall think fit, from time to time, to License in the Form A hereunto annexed, such and so many persons to act as Pilots for Harbour Masters for any Harbour within the Falkland Islands and the Dependencies thereof, and to make such Regulations respecting the Amount and Payment of Pilotage, the Class of Vessels which shall be bound to take Pilots, and respecting all other Matters connected therewith; And it shall be lawful for the Governor for the time being, if His Excellency shall think fit, to revoke any such License.

For Governor in Council to make Harbour Regulations -

2 That it shall be lawful for the Governor in Council, if his Excellency shall think fit, from time to time to make Regulations respecting the Mooring and Warping of Vessels the Anchorage, Landing, Deposit and removal of Gunpowder, Sail and Cargo on board any Vessel in Port, the safe keeping thereof and the Vessels to be charged for the use of the Mooring, the Fastening or Unfastening of the Boat of any Vessel in Port and all other Matters relating to the Safe and Commodious Navigation of such Harbours, and the Order and Management of Vessels entering thereto.

Pilot

Gov. in Council may appoint Declaration and Oaths of Masters

3 That it shall be lawful for the Governor in Council, as His Excellency shall think fit, to make such Regulations regarding Declarations to be made by the Masters of Vessels arriving at any of the said Ports, and Notices to be given by them of their intended departure from any such Port, and prescribing the Form and time of making such Declarations, or giving Notice, as may seem meet.

Penalty for Omission to Regulations

4 — That the Master of any Vessel, every Seaman, Passenger, Pilot, or other Person who shall offend against the true intent and meaning of this Ordinance or of any of the Regulations thereby made in pursuance thereof, shall forfeit and pay for every such Offence any Sum not exceeding Fifty Pounds.

Penalty for having on board or discharging Cannon

5 That every Master, Commander or Officer commanding any Ship, Boat, or other Vessel, except Her Majesty's Ships or other Ships of War, who while such Ship, Boat, or Vessel shall lie or be in Harbour, Harbour, shall keep any Cannon on board such Ship, Boat or Vessel shotted or loaded with Ball, or cause or permit to be fired any Cannon on board such Ship, Boat or Vessel without the Consent of the Governor for the time being, shall be liable, for every Cannon so kept shotted or loaded or fired, to a Penalty not exceeding Five Pounds and for every Cannon so fired shall be liable to a Penalty not exceeding Ten Pounds.

Constables on board Vessels may be sent

6 That it shall be lawful for any Constable, at any time between Sun-rising and Sun-setting to enter any Ship, Boat or Vessel (except Her Majesty's Ships or other Ships of War) in the said Harbours or Roadstead, and to remain on board thereof for the purpose of seeing, knowing and searching whether the Masters of such Vessels have duly complied with all the lawful requisitions of the Governor, Commander or Officer commanding on board

any such Ship Boat or Vessel, and the barrels or other Packages in which such Gunpowder shall be

Seamen refusing to work in Stanley Harbour

7. That if any Apprentice or Seaman belonging to any Vessel in Stanley Harbour or Port William shall wilfully and without leave absent himself from his Vessel or otherwise from his Duty in all cases in which Assistance and work shall be required by the Master or Mate or Person in Command of such Vessel, or shall without sufficient Cause neglect or refuse to perform such Duty as shall be reasonably required of him by the Master or Mate or Person in Command, it shall be lawful for any Justice upon due proof of such Offence on the Complaint of the Master or Mate or Person in Command of such Vessel to commit such Apprentice or Seaman to Prison, there to be kept in Solitary Confinement, or to be employed with or without hard Labour for a period not exceeding Forty days; and if a British Vessel in addition to any Forfeiture he may by Law incur; Provided Always, that no such Punishment shall be inflicted upon any Foreign Seaman belonging to any Foreign Vessel, except upon the Complaint of the Master or of the Person in Command of such Foreign Vessel.

Penalty on Seaman being in Arrear not obeying

8. That if any Apprentice, Marine Seaman, or Soldier belonging to any Vessel in Stanley Harbour shall be found in any Public House or place in the Town of Stanley after Sunset or before Sunrise, without having a written Pass from the Master of the Vessel to which he belongs or Discharge from the Vessel to which he last belonged, or from the Officer in Command of such Soldier or Marine, he shall pay a sum not exceeding Five Pounds, and may be taken into Custody by any Constable

Penalty for apprentices

9. That any person who shall, by any means whatsoever, directly or indirectly procure or

Mitchell Library

Penalty for abetting desertion.

seaman to absent himself or desert from any British Vessel, whether British - Army or Navy) lying in Hamilton Harbour and any person who knowingly shall harbour or conceal any Apprentice or Seaman who shall absent himself or desert from his Vessel, shall and may upon such Absence or Desertion, be summoned before any Justice of the Peace, and upon Proof thereof, shall forfeit and pay a Penalty not exceeding Twenty Pounds, to be imposed with or without hard labour for any period not exceeding Two Months: —

Affidavit made before to be used after the Vessel has left the Colony.

II. — That, upon any prosecution for any Offence against the last section, after the Vessel has left the Colony, from which such Apprentice or Seaman is alleged to have absented or deserted — Provided that absent or desert, it shall be lawful to use upon any such prosecution, any Affidavit made upon Oath, by the Captain or other person, who has left the Colony, although the Defendant shall not have been present and examined such Witness; Provided that the absence of such Defendant shall be owing to wilful Concealment or illegal absence or desertion. —

Watermen may be licensed.

III. That, the Stipendiary Magistrate may grant to any person whom he shall think fit, a License in the Form B hereunto annexed to ply for hire any boat for carrying persons to or from any Vessel within the limits of Hamilton Harbour, and which License shall specify the number of persons such Boat shall carry, and if any person shall carry in any boat licensed any person for hire to or from any Vessel within the said limits, he shall forfeit and pay for every such offence any sum not exceeding twenty Shillings; and for any person exceeding the number expressed in the License shall forfeit and pay any sum not ex-

Penalty for hiring unlicensed Boats

-ceeding Twenty Pounds.. Provided that, nothing herein contained, shall extend to any person who shall carry in any boat unlicensed, any person for hire to or from any Vessel within the said limits, in any case where there shall be no Boat licensed or no licensed Boat to be hired.

Limits of Stanley Harbour

12 — And be it enacted, That Stanley Harbour for the purposes of this Ordinance shall be, and shall be deemed and taken to extend to all waters lying to the Westward of and within a Line drawn from the Point known as Point Williams and

Justices to make regulations

it shall be lawful for the Justices at any Meeting to be holden from time to time for that purpose to make Regulations respecting the Fares that such licensed person shall be entitled to, and any person who shall take and demand for his fare more than the Fare fixed as aforesaid, or shall offend against any of the regulations to be made as aforesaid, shall Forfeit and Pay for every such Offence any Sum not exceeding Forty Shillings —

Penalty on Watermen

13. That if any licensed Waterman shall, within the limits aforesaid, wilfully or wantonly refuse any Fare or Passenger coming to hire to his Boat, or shall refuse to take any Fare or Passenger desirous of having such Boat, or shall say that his Boat is engaged when he is not hired or engaged, or shall unnecessarily delay any Passenger or shall permit any drunken person to enter his Boat, or shall be himself drunk when in his Boat, or shall, for hire, wantonly [illegible] any person or passengers applying to him for hire, or shall use any abusive language towards any person or passengers applying to him for hire, he shall for every such Offence forfeit and Pay a Sum not exceeding Forty Shillings

1863

Justices to Cause Payment of Boat Hire —

14. That if any Person shall refuse to Pay a Licensed Waterman any Money justly due to him for Boat hire it shall be lawful for any Justice of the Peace (on Complaint made to him) to summon such Person by Summons to appear before him at such Time and Place as such Justice shall appoint, and if any Person being duly summoned shall refuse or neglect to appear accordingly at such Time and Place, it shall be lawful for such Justice to issue his Warrant for apprehending such Person and to cause the Party offending to be brought before him; and the Party accused being brought before him, either by means of such Summons or Warrant, he is hereby authorized and required, upon due Proof made of such refusal of Payment, upon Oath or upon Confession of the Party of such Sum of Money as such Waterman shall appear to be entitled to, and also to award reasonable Satisfaction to be made to him for his loss of time and Costs in the Discretion of said Justice; and if the said Person so offending shall not pay such Sum and make such reasonable Satisfaction (if awarded) as aforesaid it shall be lawful for the said Justice to commit the Party so offending to the Gaol to remain for any Space of time not exceeding One Month unless the Sum of Money ordered and awarded as aforesaid shall be sooner paid. —

Plate to be affixed

15. That every licensed Waterman, shall have his Name and Place of Abode, and Number of Persons such Boat may Carry painted in Letters one inch long, on the inside of the Gunnel of the stern Part of such Boat, and shall forfeit any Sum for every day he uses his Boat without having so painted, any Sum not exceeding One Pound.

Penalty for not registering Boats

16. That the Owner of every Boat under Thirty Tons Burthen, shall register at the Police Office such Boat, its Name and Place of Abode, the true length and Width of

such Boat, and if above 15 Tons the Tonnage of such Boat, he shall pay a Fine for every day such Boat shall be used without being registered a Sum not exceeding One Pound.

Penalty for taking Boats without Leave of Owners.

17. That any Person who shall take and use himself, or cause to be taken and used any Boat within Stanley Harbour without the Consent of the Owner thereof, shall be liable to pay a Penalty not exceeding Ten Pounds, and such Sum, as the Justice before whom the Case is heard shall award as a Compensation for the Loss or Damage done to such Boat or for the use of such Boat, and the Costs and Expences incidental to the Prosecution.

18. That every Justice before whom any Person shall be convicted of any Offence against this Ordinance may cause the Conviction to be drawn up in the following Form or Words or in any other Words to the same Effect; that is to say;

Falkland Islands } Be it remembered, that on the ___ day of ___ in the year of Our Lord _____ A.D. ___ is convicted before Me ___ of His Majesty's Justices of the Peace for the ___ (insert name of Place) for that he the said (insert name of Offender) on ___ contrary to an Ordinance, entitled _____ And do adjudge him the said ___ to forfeit and pay for the same the Sum of ___ being the Penalty by him forfeited, and also the Sum of ___ for the Costs of him and Others (if any as the case may be) of the Conviction to ___ for the Space of ___ and if the said Penalty be not

Given under my hand and Seal this ___ day and year aforesaid.

Justice Ordinance

185 Summary Prosecution

19. That all Fines imposed by this Ordinance recovered shall be levied on a Summary way before any Justice of the Peace.

Ordinance to Commence on 1st of Feb 1851

20. Thereas the Delay incident to a reference to Home in connection with Her Majesty's Royal Pleasure touching, would be hindrance of Inconvenience; Be it therefore Enacted, That this Ordinance shall take Effect and Come into Operation on the First day of February next One Thousand eight hundred and Fifty One.

Signed George Rennie
Gov.

Passed the Legislative Council this
Eighteenth day of January 1851.

Signed J. K. Longden
Clk to the Council.

Schedules

A

Pilot's License

Falkland Islands

To Wit

I _____ Governor and Commander-in-chief of the Falkland Islands and its Dependencies thereof, Do hereby, In pursuance of the Powers in me vested by an Ordinance intitled "Pilot and Harbour Ordinance" license and appoint, J. B. of _____ to be a Pilot for the Port of Stanley to have and to hold the said Office with all the Rights Profits and Emoluments thereto belonging thereunto.

In Witness whereof I have hereunto set my hand and affixed the Seal of the Colony at Government House Stanley this

_____ day of _____

One thousand eight hundred and

Stanley Police Office

I _____ do hereby in pursuance of the "Pilot and Harbour Ordinance" grant to C. C. a License to work for hire the Boat called the _____ Length ___ Feet, width ___ Feet, the said Boat being under 15 Tons, for carrying persons for any distance within the Limits of Stanley Harbour, and do license such Boat to carry ___ persons at one and the same time and no more.

Given under my hand
this ___ day of ___ 18__

_____
Harbourmaster

Administration of Justice Ordinance.

In the year One thousand eight hundred and fifty One

No. Five

By His Excellency George Rennie Esquire Governor and Commander in Chief of the Falkland Islands and its Dependencies there with the Advice and Consent of the Legislative Council thereof.

1st That all Laws and Statutes which were in force in the Realm of England on the first day of January One thousand eight hundred and fifty

Laws in force on 1st January 1850 in England

Justice Police Law

shall be applied in the Administration of Justice in the Falkland Islands and the Dependencies thereof so far as the same can be applied.

Jurisdiction of Supreme Court

2. That there shall be a Court for the Administration of Justice which shall be called the Magistrate's Court and shall be a Court of Record, and shall have Jurisdiction in the Falkland Islands and the Dependencies thereof, in all cases as fully as Her Majesty's Courts of Queen's Bench, Common Pleas and Exchequer or any Court of Equal Jurisdiction, have in England, and shall be a Court of Oyer and Terminer and Gaol Delivery, and of Assize and Nisi Prius, and shall be a Court of Equity, and shall have Power and Authority to administer Justice and to do execute and perform all such Acts Matters and Things as the Lord High Chancellor lawfully may within the Realm of England, and shall also have power to appoint and control Guardians of Infants and their Estates, and in respect of the Persons and Estates of Idiots, Lunatics and such as being of unsound Mind are unable to govern themselves and their Estates, and shall have such Power Authority and Jurisdiction, as to the administration of the Effects of all persons dying possessed of personal property within the Falkland Islands or the Dependencies thereof, in all such Cases as fully as the Prerogative Court of the Province of Canterbury has within that Province as to the administration of the Effects of persons dying possessed of personal property within the said Province; and shall have power and Authority to grant Probate of the last Will and Testament of all persons who shall die and have personal Effects within the said Colony and the Dependencies thereof and to commit Letters of Administration of the Goods Chattels Credits and Effects of persons dying Intestate and who shall die in

Common Law

Equitable

Ecclesiastical

Probate

Letters of Administration

Testate, or who shall not have named an Executor resident within the Falkland Islands at the Dependencies thereof, or where the Executor being duly cited, shall not appear and sue for such Probate annexing the Will to the Letters of Administration, wherein such persons shall have left a Will without naming any Executor or any person for Executor, who being duly cited thereto, will appear and sue for the Probate thereof, and to enquire of the Goods and Chattels, Credits and other Effects whatsoever of such persons so dying, and to demand require, take view and examine and allow and if necessary require to be rendered and upon accounts of them in such manner and form as may be used in the Province of Canterbury; Provided always, That the said Court in such Case as last aforesaid, where Letters of Administration shall be committed with the Will annexed, shall grant to an Executor applying in due time for the Probate, power in such Letters of Administration, full power and Authority to execute the Trust and the real Estate of the said Will to such Executor, whenever he shall duly prove the same, and the said Court shall grant and commit such Letters of Administration to any Executor of the lawful Will of such person so dying as aforesaid, and being therein resident within the Jurisdiction of the said Court and being of the age of Twenty One years, and in case any such person shall not be residing within the Jurisdiction of the said Court or being duly cited shall not appear and pray the same, that such person (with the Certificate and Letters patent of the Governor as the Court shall see fit. Provided that in all cases where the Executor or Executors of any Will being duly cited shall refuse or neglect to take out Probate or refuse the said Trust in the

Separate

To some Person to grant Probate to Executor

To Kinsmen of Kin

Such persons as shall die

In certain cases the Trust may be committed to any person

Police Office

absent and the Effects of the deceased shall not be ca.
to the said Court to be applied and taken to such
it shall be lawful for the said Court to authorise
and empower any person the Court shall think
fit to collect such Effects and to hold or dispose
or recover the same in such manner and place, or
upon such Security and subject to such Rules and
directions as shall be made, either generally in
in all such Cases, or specially in any Case, in re-
spect of the Custody Control or disposal thereof. —

Constitution of Magistrates Court

5 — That the said Court shall be holden before
the Stipendiary Magistrate who shall preside as Chair-
man and Two or More Justices of the Peace, and
such Stipendiary Magistrate as Chairman of the
said Court shall in all cases whatsoever, as fully
and amply to all intents and purposes in the said
Island and Island and the Dependencies thereof, exercise
such and the like Jurisdiction and Authority as any
Judge of the Court of Queens Bench, Common Pleas
or Exchequer in England, or any Chairman of any
Court of General Quarter Sessions in England, or
as the Judge of the Prerogative Court of the Province
of Canterbury, or any of them lawfully have and
exercise and shall be necessary for carrying into
effect the General Jurisdictions, Powers and Authori-
ties hereby given to the said Court. —

Authority of Chairman

Majority of Justices to decide — Chairman for casting vote

6 — That all questions shall be decided by the
Majority of the Court, and in any Case where the votes
shall be equal, the Chairman shall have a Second
or Casting Vote: Provided always that if either
of the Parties shall be desirous of having any Issue
of fact in any Action at Law tried by a Jury, and shall
apply by Motion to the said Court for that purpose,
then it shall be lawful for the Court to cause or award
such Issue or Issues to be tried at such Sessions or

may seem to the Court requisite.

Proceedings to be summary

5 — And whereas, There are yet no Barristers or Attorneys in the Falkland Islands; Be it enacted that all civil cases shall be tried and determined in a summary way both at Law and in Equity and all matters in Equity shall be heard upon a Petition and the parties and witnesses examined viva voce before the Court.

Limit to the Juries upon an Information and Inquiry by Jury

6 — That all Crimes Misdemeanors or Offences cognizable in the said Court shall be prosecuted by Information in the Name of the Attorney General, or upon Inquisition as hereinafter mentioned; And all Issues of Fact joined in such Information or upon any Inquisition or Inquest of Office shall be tried by a Jury of Twelve Men as hereinafter mentioned. Except that upon any Information or Coroners Inquest shall charge any person with or Offence punishable with death, all Issues of Fact joined upon any such Information or Inquisition shall be tried by a Jury of Twelve Men as hereinafter directed.

Jury of Twelve in Capital Offences —

Coroners Inquests in Criminal Cases —

7 — That the Jury in every criminal Case and upon every Coroners Inquest must unanimously concur in their verdict, and no Verdict in any case shall have a Jury de Medietate Linguæ.

On inquisition by Coroners to have the same effect as Inquisitions Taken

8 — That if a Verdict of Murder or Accessary before the Fact shall be found by the Jury upon any such Inquest against any Person or Persons, the Coroner shall by the said Inquest and the Justices of Oyer and Terminer and Gaol Delivery and all Courts and other persons who shall have the same powers authority for the Coroner of Great Britain and members of the House of Peers in England as the same are respectively by Law enjoyed or may be by Law enjoyed or used by the Coroner in the Courts of Great Britain

Police Office

upon any person or persons in England upon any Inquisition duly found by twelve Jurors.

Parties against whom any Appeal from Mayor's Court Local & Marine in Council in Civil Cases.

9. That it shall be lawful for any person or persons suing against any Judgement Decree Order or Sentence of the said Magistrate's Court in any Civil Case to appeal therefrom to the Governor in Council in Case such Judgement Decree Order or Sentence shall be given pronounced for or in respect of any Sum or matter above the Amount or Value of Two hundred and Fifty Pounds Sterling, or in case such Judgement Decree Order or Sentence shall directly or indirectly any claim, demand or question to or respecting property or any civil right amounting to the value of Two Hundred and Fifty Pounds Sterling, within Fourteen days next after the same shall have been pronounced, made or given; Provided, That Security shall be given by the Party or Parties appellant to the Satisfaction of the said Court for the prosecution of the Appeal and for the due performance of such Judgement or Order as the Governor in Council shall think fit to make thereupon.

25 June for Security to be given for the prosecution of the appeal and the due performance of the Judgement.

Appeal by Petition

10. That the party or parties shall appeal by petition to the Governor in Council, and shall transmit together with such petition to the Governor in Council a true and exact Copy of all evidence, pleadings, Judgments, Decrees and Orders, had or made in such Case as aforesaid, so far as the same shall relate to the matter of Appeal; and the Governor in Council on having the Petition and the Evidence taken in the Magistrate's Court aforesaid, shall make such Order as Justice shall appear to require; and the Governor shall certify the same under his Signature to the Chairman of the said Courts and the said Court shall conform to and execute or cause to be executed such Sentence and Judgement and Order as the Governor

in Council shall think fit to make in the premises, in such manner as an original Judgement, here given, might by the said Court should or might have been executed.

Time of sitting of the Court

11 That, whenever the Stipendiary Magistrate shall deem it necessary that the Court shall be holden the Clerk shall summon in the form hereunto annexed marked E all the Magistrates resident within the County of Stanley, within which this Court is to be holden to attend the Court; and if any Magistrate so summoned shall neglect or fail to attend or shall withdraw himself without the permission of the Court the Court shall in a summary way, unless some reasonable excuse be shewn, adjudge the Magistrate so making default such fine not exceeding the sum of Ten Pounds as the Court shall deem meet, and the same may forthwith be levied by distress.

Magistrates to attend when

&c.

Jurisdiction of Police Court

12 That there shall be a Court which shall be a Court of Record, having Civil and Criminal jurisdiction within the Falkland Islands and the Dependencies thereof, ~~and shall be called the~~ Police Court, which shall be called the Police Court, and shall be holden before the Stipendiary Magistrate; and shall have cognizance of all civil cases where the Debt or Damages ~~sought to be recovered~~ shall not exceed Fifty Pounds; And except as herein altered the Statutes and Rules in force in England regulating the practice of County Courts shall be followed in the administration of Justice in the said Court so far as they can be applied (and except that it shall not be lawful for any suitor to remove any plaint entered in the said Court by any writ of Pone or Accedas ad Curiam) and the said Police Court shall also have cognizance of all Crimes and Offences punishable in England by Fine or Imprisonment or both, or Imprisonment with hard labour, or with or without

Civil & County Court Acts applied.

Criminal

Police Pw. Files

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all such Civil Causes and Offences shall be dealt with and punished in a Summary way without a Jury.

Insolvency

13 — That the said last mentioned Court shall have Jurisdiction in Matters of Insolvency, and shall apply (so far as can be applied) the Insolvent Law in force in England, as administered in the Insolvent Court in London.

Bankruptcy

14. That the said last mentioned Court, shall have Jurisdiction in Bankruptcy and shall apply (so far as can be applied) the Bankrupt Law in force in England, as administered in the Bankrupt Court in London.

2. Omitted

Authority of Judge of Police Court

15 — That the Stipendiary Magistrate, as Judge of the said Court shall in all Cases wherein, as Judge, and empty shall and may exercise in the Falkland Islands the Jurisdiction and Authority of the Chief Justice or any Judge of the Court of Bankruptcy in the City of London, or any of them, or of the Chief or any Commissioner of the Insolvent Court, holden in Portugal Street Lincoln's Inn Fields London or any of them, or of any Judge of any County Court in England respectively have and exercise, and as shall be necessary for carrying into effect the several Jurisdictions Powers and Authorities hereby given to the said last mentioned Court.

Appeal in all cases above Twenty Pounds

16 — That in any Civil Case where the Amount in dispute shall exceed Twenty Pounds either of the parties may by petition within twenty days from any Judgment or Order in the Police Court, appeal to the Magistrates Court, which Court on hearing the Petition, and the evidence taken in the Police Court shall make such Order as Justice shall seem to require—

Judges may appoint certain Officers

17. And Whereas different Officers such as Special and Provisional Attorneys, Messengers, Registrars, Accountants, Bailiffs and others, are appointed in England to execute the several Jurisdictions hereby vested in the said Courts;- Be it enacted, That it shall be lawful for the Stipendiary Magistrate or Judge of either of the said Courts, as the case may require, to appoint any fit person, either Barrister at Law or not, to act in any particular case in the place and stead of such Officer, and such person, when so appointed, shall in that case, be in every respect, and shall have all powers and jurisdictions whatsoever, such and the like Estate, Power and Authority in England would be vested in the Officer in whose place and stead he shall be so appointed.

Appointment of Officers.

18. That there shall belong to the said Courts, such Officers as shall from time to time appear necessary to His Excellency the Governor, which Officers shall from time to time be appointed and removed by His Excellency the Governor subject to the approval of Her Majesty.

Writs

19. That all Writs and Precepts, in either of such Courts shall be signed by the Clerk of the Court.

Sheriff

20. That, it shall be lawful for the Governor, if he shall think proper so to do, from time to time to appoint a fit person to be Sheriff, either for that or any particular case, or for any period His Excellency may deem to be expedient, subject to the approval of Her Majesty, who shall be removable by the Governor on reasonable cause.

Rules, Regulations Fees, Forms

21. That it shall be lawful for the Stipendiary Magistrate as Judge of the said Police Court and Chairman of the said Municipal Council, or the majority of the

Rules, Forms and Pleadings

Sheriff & Bailiffs

from time to time to make Rules for regulating the time and mode of holding the said Courts and the practice, proceedings, forms and pleadings, process, informations, and other proceedings therein, in criminal as well as civil cases, the powers of the Sheriff and other officers, the admission of Barristers and Pleaders, the fees and remuneration to be paid to any officer, costs of suits and the taxing thereof, and all matters relating to the business of the said Courts, and such rules from time to time to alter or revoke: Provided, that the same shall not be inconsistent in any of the matters herein contained.

Appeal to Supreme Court

22 — That it shall be lawful for either of such Courts, for the Plaintiff and Defendant at Law or in Equity, if they both agree to submit to their respective cases to be examined, without Oath, by the Stipendiary Magistrate, who may at his discretion order, and abide the issue or issues in dispute between them, which issue or issues when in dispute shall be settled by him, and shall be signed by the Magistrate and the parties, and upon the trial of which issue or issues when in dispute so settled and signed the Judgement in the Action or Suit shall be final.

Persons summoned to be bound in default of attendance.

23 — That if any person, having been duly summoned as witness before any Court of Justice or Justices shall fail to attend when his name is called, such Court ~~Justice~~ Justice or Justices, as the case may be, shall on a Summary way (without hearing the case) be bound to fine the person so making default in any sum not exceeding Five Pounds and the Court may together with the fine award costs against the party in default by distress or in default thereof by Imprisonment for any time not exceeding

Qualification of Jurymen

24 — That every Man, not being an Alien between the Ages of Twenty One years and Sixty years, who shall reside within Ten Miles of the Town of Hamilton by Land shall be qualified and liable to serve as a Juror therein, except all Members of the Executive Council the Clerk of the said Council and all Ministers of Religion —

Jury List

25 That on or before the first day of March in every year the Stipendiary Magistrate shall prepare a List in alphabetical order, of Men who shall be liable to serve on Juries, and shall cause a Copy thereof to be posted upon the door of the Police Office, and upon the Court House, and to such Copy shall subjoin a Notice, that all objections thereto will be heard and determined by him at any time before the first of April thereafter —

Errors in Jury List to be corrected

26 That the Stipendiary Magistrate shall have the power from time to time to strike out of the said List, the Names of all Persons who shall not be liable to serve as Jurors, and also of such as are disabled by Lunacy or unsoundness of Mind, Deafness, Blindness and other Cause or Infirmity, and shall correct all errors therein —

List to be kept by the Stipendiary Magistrate

27 That a Copy of the List as corrected from time to time and signed by the Stipendiary Magistrate shall be kept by the Stipendiary Magistrate, and be transmitted before the tenth day of April, and from time to time as corrected & altered by him be a Book (which Book shall be called the Jury List) and kept by him, and such Copy shall be called the Jury List and shall be brought into Court on the said tenth day of April, and shall continue to be used for one year then next ensuing —

Swearing

28 That the Clerk or Clerk of the Court or Chief

POLICE OFFICE

Manner in which

Constable (as the case may be) shall summon the Jury, whose names shall appear on the Jury List, in the order in which they shall be placed, and at the commencement of every year he shall begin with the Names in the new List next after the Names of those who were last Summoned in the preceding year.

Jury, how Summoned

25 June 6 Vict. c. 2 Sub. 4

29. That the Sheriff or Clerk, when a Jury is required, or Chief Constable when a Coroner's Jury is required, shall issue Summonses in the Form A hereunto annexed, requiring the attendance of Twelve Men for Trials of Issue, and Twenty Four Men for Trials of Issue liable to Serve as aforesaid, and every Summons (except in the case of a Coroner's Inquest) shall be personally served upon or left at the usual place of abode of the Person Summoned three clear days before the day appointed for the Sitting of the Court.

Jurors to be Fined in default of Attendance

30. That if any Man, having been duly served with such Summons shall fail to attend when his name is called, or after appearance shall withdraw himself without the permission of the Court, the Court shall in a Summary way (unless some reasonable excuse be framed) set a Fine on the Person so making default, such Fine not exceeding the Sum of Ten Pounds, as to the Court shall seem meet, and the same may forthwith be levied by distress, or in default thereof by Imprisonment for any term not exceeding Ten Days.

Special Jury upon the Application of Either Party

31. That in all or any of the said Courts, if the Plaintiff or Defendant shall apply to the Court for a Special Jury, it shall be lawful for such Court at Chambers after hearing the other party by himself or his Counsel, if he shall appear, or if he shall not appear,

such persons as may be selected by the parties in the cause, who shall a reasonable time before the Trial in the presence of each other and the Stipendiary Magistrate and One of the Justices of the Peace, alternately select a Juror from the entire List of Jurors, the Plaintiff having the first choice, the Defendant the next, until four Jurors are agreed upon and approved of by the Justices. Provided that if both Justices shall disapprove of any Juror selected, the party who selected such Juror may from time to time select another, until he shall find a Juror approved of by such Justices.

Panel

32 — That, the Sheriff or Clerk in the case may shall cause to be delivered to the Court at the Setting of the Court, a Panel containing the Names and places of abode of the persons so summoned.

Jurors Law 2. That the Trial is to be by Jury in Civil Cases.

33 — That, in every case of Trial by Jury, ~~25 June~~ whether in a Civil or Criminal Case, under the provisions of this Ordinance, where no other mode of proceeding is by this Ordinance specially provided, the Jurors and Jury, and every Impannel or Juror thereof, shall, (as far as may be practicable) be subject to the same rules of procedure, as in England would be observed (if a Civil Case) in an Original Case in the Court of Queen's Bench, or (if a Criminal Case) upon the Trial of an Indictment before the Justices of Gaol Delivery.

25 June

Jury in Civil Cases.

34 — That, in any Civil case, in either the said Courts, the Jury shall consist of Four persons and if after having remained six hours in deliberation, all of them shall not agree in the verdict to be given, a number of Damages to be assessed the decision of three fourths in number of them shall be taken as a verdict or Judgment of

all, and if, after hearing summed up, the whole Twelve have a reasonable doubt in their minds of them shall not concur in any such verdict or judgment, such Jury shall be discharged, and the Cause shall or may be set down for trial at a subsequent time at the same or any subsequent Sitting as the Court may think fit to order.

Names of Jurors to be drawn from a Box

35. — And be it enacted, that upon the Sitting for the Trial of any Issue or Issues, as well in Civil cases as in Criminal, and as often as Occasion shall require, the Name of every Juror returned, written upon a separate piece of Card shall be put together in a Box and the Box shall be openly shaken, that the Cards may be well mixed, and the Clerk or Officer of the Court shall then openly draw out the said Cards until a sufficient number of Jurors shall appear, and in case a sufficient number of Jurors not being in attendance, the Sheriff or Clerk or Coroner (as the case may be) shall complete the number from among the Bystanders

Challenges Peremptory and otherwise of Jurors

36. — And be it enacted, that in every case of a Jury of Twelve upon the number of Jurors appearing, and after all causes of Challenge shall remain undisposed of, the Crown, the Prosecutor, and Defendant or Defendants (as the case may be) being each allowed Twenty Challenges peremptory, a list of the names shall be delivered by the Sheriff or the Clerk of the Court to the Clerk of the Crown, who shall hand the same to the Crown Prosecutor for the Crown, and when One-fourth shall or may be struck from the list so delivered, the list so delivered to the Prisoner, by whom a number of names shall or may be struck from the list, and the names shall be returned in such list to the Sheriff or Clerk of the Court who shall be sworn accordingly: Provided, that when the Prisoner shall be more than one, the list of Jurors to be returned shall not be reduced to a shall exceed

as [illegible] to reduce such List, and upon every
Challenge made, the same may be reduced by the
Court to the Number of Twenty-one, which shall be
25 June 1702 called from such List by the Clerk of the Court
in the order in which the Names shall be drawn.

Challenges and Peremptory by Prisoner

37 And be it Enacted That when any Person shall
have been duly Summoned to try any Issue of
Fact or any Information or Inquisition the
Person charged by such Information or Inquisi-
tion shall be allowed Six Challenges and no
more; and the Crown or Prosecutor shall also be al-
lowed Six Challenges and no more.

Sentence of Transportation

38 And be it Enacted That when any Person shall be convict-
ed of any Offence for which in England such
Person would be liable to be Transported, it
shall be lawful to pass the same Sentence in this
Colony, and every such Sentence of Transportation
to order of Transportation as hereinafter Mentioned
shall subject such Offender to be conveyed and
sent to such place beyond the Sea, as shall or
may be duly appointed, as the place to which
Offenders convicted in this Colony shall be Trans-
ported; and in the Mean time, it shall be Lawful
for the Governor, whenever he shall think fit,
to order such Offender or any Offender under any
Sentence of Imprisonment and Hard Labour,
either with or without whipping, or Order of Trans-
portation as hereinafter mentioned, to be kept to
Hard Labour either in the Gaol or Prison, or
be employed in any Work by the Publick or
otherwise for the Benefit of this Province, and un-
der such Guard or Inspection of any Person he
the Governor or Manager of any Prison be
may think proper and Require; and every such
Person so to be employed shall be subject to
such Offender shall also be liable to the Law for

Limits to the Application of Hard Labour

POLICE LAW PRESS

for such Offence shall be and to Sentence
and the Imprisoning such any such Offender shall
continue in or at any Gaol or place of Confinement
to be kept to hard Labour as aforesaid, shall be ha-
bendy and reckoned in part discharge of the term
of his or her term of Sentence. —

Sentence may make an Order of Transportation in the case of Offenders sentenced to Imprisonment in a capital Case —

39. — That whenever Her Majesty, her heirs and Successors, or the Governor of this Colony, having lawful authority, shall be pleased to extend Mercy to any Offender convicted of any Crime for which he shall or may be liable to Death or Condition of Transportation and such Intention of Mercy shall be signified by the Governor to the Court before whom such Offender shall have been convicted, such Court shall allow to such Offender the benefit of a Conditional Pardon and shall make an Order for the immediate Transportation of such Offender accordingly, and which Order shall have the same force and effect as any Sentence of Transportation. —

Power of Person in Charge —

40. — That the Constable or other person in charge of or employing or having the Management of any such Offender undergoing or under any such Sentence or Order, shall have the same powers and authority over him as are incident to the Office of Sheriff or Gaoler, and if any Offender whilst undergoing any such Sentence or Order, shall be convicted before any Justice or Justices of the Peace of Obstinate, Idle and Disorderly, Insolent Swearing, Indecent or Profane Language or Conduct, Drunkenness, Absence without leave, Insubordination, either in his own Gaol, he shall be liable at the discretion of any such Justice or Justices for any such Offence to be punished in a Summary way either by Imprisonment and hard Labour or Solitary Confinement for any term not exceeding Fifteen days or by any the or-

for any term

grand Sentence for any term not exceeding Thirty Days, by sentencing such Offender to be worked in Irons for any Part of his original Sentence or any Portion thereof, or to be flogged with any Number of Lashes not exceeding Fifty at One Time, or in addition to any such Punishment as aforesaid such Offender under any such extended Sentence shall be subject and liable to be dealt with and punished under this Section, for any Offence the same as if such Offender had committed such Offence under any Original Sentence.

Resident Magistrate to have Powers of the Justices.

41. That the Stipendiary Magistrate shall have all such Powers as may by Law be exercised by any two Justices of the Peace in England

Summary Proceedings before Justices of the Peace may be applied to any Summary Proceedings before any Stipendiary Magistrate

42. Be it enacted, that the Rules and Forms of Proceeding which in England regulate Summary Proceedings before any Justice or Justices of the Peace shall be applied so far as they can be applied to every Summary Proceeding by any such Justice or Justices of the Peace under this or any Ordinance which has been or shall be passed by the Governor with the advice and Consent of the Legislative Council, in all cases where no special Provision shall have been or be made.

Penalties under any Act of Parliament which are to be paid to the Treasurer of the Island to be applied to the Public Uses thereof

43. That where any Act of Parliament now in force shall enact that any Fine Penalty or Forfeiture shall be paid to the Treasurer of the Island, to the Treasurer of any County or to any other Local Person, but notwithstanding shall have been or shall within this Island be sued for recovered or enforced, any such Fine Penalty or Forfeiture shall be paid to the Treasurer for the time being of the Island for the use of Her Majesty Her Heirs and Successors, for the public Uses of the Island.

Power to award Costs on hearing charges

44 — That it shall be lawful for any Magistrate who shall hear and determine any Charge or Complaint under this or any other Ordinance that has been or may hereafter be made, whether or not a Warrant or Summons shall have been issued in consequence of such Charge or Complaint, to award such Costs as to him shall seem meet to be paid to or by either of the parties to the said Charge or Complaint.

Solitary Confinement may be substituted for Imprisonment by any Court or Justice

45 — That, where any Court, Justice or Justices of the Peace, may sentence, order or direct, any person to be imprisoned or to be imprisoned and kept to hard Labour, either alone or in addition to any such punishment, such Court, Justice or Justices as the case may be) may also direct that such person may be kept in Solitary Confinement for any time or portions of any such Imprisonment not exceeding Fourteen days at a time, with intervals between the periods of Solitary Confinement of not less duration than such periods of Solitary Confinement. Provided, that whenever any Justice of the Peace shall direct that the Imprisonment or any portion of it shall be Solitary the period of Solitary Imprisonment shall in no case exceed Fourteen days.

Monies paid to the Crown

46. That, all Monies, Fines, Fees, Forfeitures or Penalties accruing under this Ordinance, or any Ordinance that has been or may hereafter be made by the Governor, with the advice and Consent of the Legislative Council, containing no provision to the contrary, shall be accounted for and paid over Monthly, to the Officer appointed by the Crown to receive the same, to the use of Her Majesty, her Heirs and Successors, for the public uses of the Settlement and the support of the Government thereof.

Gaol and House of Correction

17. That the Building now used as the Gaol in Derby, shall be a House of Correction as well as a Public Gaol, and it shall be lawful for the Secretary of State from time to time by Proclamation to establish other Buildings to be used as Public Gaols and Houses of Correction.

Regulating Prisons Rules

18 That no new Rules shall be issued for the Government of any Prison in any Civil action except in the cases and upon such Orders to be made as the Judges shall direct.

Imprisonment for Debt

19. That if the Plaintiff in any Action or Suit in which the Defendant is now liable to arrest shall by the Affidavit of himself or some other person show to the satisfaction of the Magistrate or Judge of the said Police Court, as Chairman of the said Magistrates Court or the Judge thereof that such Plaintiff hath a cause of Action against the Defendant or Defendants to the amount of Twenty Pounds or upwards, or hath sustained Damage to that Amount and such person shall make oath that he believes in his opinion or to the best of his belief and information believes that the Defendant or one of the Defendants is or are about to depart from this Colony, it shall be lawful for such Magistrate by an Order in writing to direct that such Defendant or last mentioned Defendants be held for such Sum or such further sum as such Magistrate shall think fit not exceeding Twenty pounds for the amount of the said Damages such Order may be made and such Defendant or Defendants may be arrested by virtue of such Order and upon the giving such Bail by such Defendant or Defendants as shall be approved of by such Magistrate for the appearance of such Defendant or Defendants at such time as shall be specified in such Bail or in case no Bail shall be given then such Defendant or Defendants may be committed to the Gaol of the District there to remain for such time not exceeding Twenty days as such Magistrate shall direct unless such Defendant or Defendants shall in the meantime pay the amount of such Debt and Damages and Costs or shall be discharged by the Plaintiff or by the Order of the Court or Judge thereof and such Plaintiff shall not be liable to any Action for any such Arrest or Imprisonment unless it shall appear that such Arrest or Imprisonment was without reasonable and probable cause and that the Plaintiff was actuated by Malice in causing the same to be made and unless such Action shall be commenced within one Calendar Month after the Arrest or Imprisonment complained of and no Plaintiff shall be allowed to proceed in any Action for any such Arrest or Imprisonment unless he shall prove upon the Trial that he has given a Month's notice in writing of his intention to proceed in such Action and of the cause thereof to the Defendant or Defendants or left the same at the usual place of abode of such Defendant or Defendants

25 June

28 June

POLICE OFFICE

Magistrate may enquire as to Sureties of Bailiff.

50. That it shall be lawful for any Magistrate to examine Viva voce upon Oath, the Deponent making such Affidavit as to the Sureties of such Bailiff, and to reject or make such Order if in the opinion of such Magistrate such Bailiff is sufficiently secured.

Indemnity for Acts done under certain Ordinances.

51. Whereas Doubts have been entertained whether the Ordinances named in the Schedule hereunto subjoined marked C are not without Force and effect by reason of certain alleged defects in the Constitution of the Legislative Council Be it therefore Enacted, That all the acts, matters and things whatsoever, which may have been taken or done under and by virtue of the said Ordinances or any of them, or pursuance of any authority thereby granted, shall be and the same are hereby declared to be of the same Force and validity as if the said Ordinances had been at all times of full legal force and effect.

Chairman to be appointed in the absence of Stipendiary Magistrate

52. That in case of the absence, suspension, death, sickness, or incapacity of any Stipendiary Magistrate which shall occur during any such Stipendiary Magistrate's absence on leave or during the time being, he appoint some fit and proper person to act as Chairman in his place and stead, until such Stipendiary Magistrate shall return to the execution of his Office or until a Successor shall be appointed by Her Majesty her Heirs and Successors in the meantime the powers and authorities vested in the Stipendiary Magistrate under this or any other Ordinance which has been or may hereafter be made by the Governor with the advice and consent of the Legislative Council, shall be vested in and exercised by such Chairman and shall be

Power of Judicial Chairman to administer Oaths &c.

of Depositions as full and ample a manner as the Stipendiary Magistrate lawfully could or might do.

As to Powers and Duties of Notary Public.

53. Whereas it would be a great convenience and accommodation if there was a Notary Public at Stanley, duly appointed from the States of British Foreign Vessels could register Protests and other Documents required by Law, in the Vessels damaged by the perils of the Sea, and otherwise entered at Stanley. Notary Public aforesaid at Stanley, Port Harbour aforesaid. That it shall be lawful for the Governor for the time being at his discretion to appoint any person at such Salary as he may think fit, by Warrant in the Form in Schedule **D** hereunto annexed: having first required him to take, and he having taken the Oath in the Form Schedule **B** hereunto annexed to be a Notary Public to practise within the Falkland Islands and the Dependencies thereof, and a Notary Public duly appointed by the Law of England shall annul and discharge the duties of his Office; and such Notary Public shall sign and perform whatsoever shall be and have the same Power and Authority and receive such and the like Fees for his services in any respect as a Notary Public in England hath, and shall be lawful for him to do and perform at the Port of Stanley, or within the Falkland Islands or the Dependencies thereof, all and every Notarial Act which any Notary Public could or might be required and is by Law empowered to do within the United Kingdom of Great Britain and Ireland, and to charge for the same accordingly. Provided always that every Notary Public shall [illegible] any Court or Office within the Town of Stanley, any Affirmation by a Notary Public under this Ordinance shall therefore [illegible]

shall not be lawful to appoint any other Notary Public under this Ordinance, so long as a Notary Public duly appointed by the Laws of England shall reside in Hawaii, and shall be able and willing to discharge the duties of his office.

Summary Procedure

54. That all Fines imposed by this Ordinance shall be levied on a Summary hearing before any Justice of the Peace; and all offences and misdemeanors for which no other punishment is herein provided, shall be dealt with and heard upon Summary information before the Magistrate or any two Justices of the Peace.

Interpretation Clause

55. That in the Construction of this Ordinance, unless there be something in the Context repugnant thereunto, any word denoting the Singular number or the Male Sex, shall be taken to extend to any number of persons or things, and to both sexes.

Ordinance to commence on the 1st day of February 1851

56. Whereas the delay incident to a previous communication with Her Majesty the Queen Her Royal Pleasure hereupon, would be productive of inconvenience; Be it enacted, That this Ordinance shall take effect and commence on the first day of February next, One thousand eight hundred and fifty One.

Signed George Kinau
Genl.

Passed the Legislative Council
This 23rd day of January 1851.

Signed J. K. Kaeokulani
Clerk of Council

Schedules

Saturn 29. June 197
3. Days

A

Form of Summons to Sergeant

M^r. N.B.,

You are hereby summoned to appear as a Juror at the Magistrates or Police Court, the case made / to be taken at ——— in the —— court —— at the hour of —— o'clock in the —— noon next, and there to attend from day to day until you shall be discharged from the said Court.

/ Signed C.D.
Clerk of Court

N.B. The Penalty for disobedience hereto is any sum not exceeding Ten Pounds.

Form of Summons to Sergeant at Arms to summon Inquest.

M^r. C.D.,

You are hereby summoned to attend as a Juror before Mr. N.B. Coroner — in the —— court —— court, at the hour of ——— in the ——— then and there to inquire of and execute all such things as shall be lawfully given you in charge, touching the Death of

By virtue of a Precept from N.B. Coroner
Signed ——— C. D.
Clerk of Court

N.B. The Penalty for disobedience hereto is any sum not exceeding Ten Pounds.

Police Pub. Whole

B

Form of Oath

I _____ do Swear, That I will faithfully execute the Office of a Notary Public in the Falkland Islands and its Dependencies: and I will faithfully make (or cause to be made) or keep the Records of such Acts as is required by or during or omitting anything without the Will of such Parties that may alter the Substance of the Act, But if it be any Instrument wherein the Will of one Party alone is required, this I will also do. I will not add or diminish nothing that may alter the Substance of the Fact, against the Will of the Party himself. I will not make Instruments of any Contract, in which I shall know there is Intricacy or Fraud, I will reduce Contracts with Instruments in a Register: and after I have so reduced the same, I will not maliciously delay to make a public Instrument thereof against the Will of him or them on whose behalf such Contract is to be so drawn, desiring to myself my just and accustomed Fee. So help me God.

C

List of Ordinances referred to in the Schedule of this Ordinance.

13 Vic. No 1 – Administration of Justice Ordinance
13 Vic. No 2 – Dog Licence Ordinance
13 Vic. No 3 – Spirits, Wine, Beer and Tobacco Licence Ordinance
13 Vic. No 4 – Aliens Amendment Ordinance
13 Vic. No 5 – Cattle Trespass Continuation Ordinance
13 Vic. No 6 – Public Lotteries Ordinance

D

Appointment of Public Notary Falkland Islands Form

Whereas Thou is nominated a "Notary Public" resident in the Township of Stanley, New Island I, the Governor and Commander in Chief of the Falkland Islands and its Dependencies thereof, in pursuance of the Power and Authority in me vested by the Ordinance, Entitled "Administration of Justice &c" "Manner" Do hereby Constitute and appoint you _____ being a fit and proper person to be a "Notary Public" to practice within the Falkland Islands and its Dependencies thereof, until a "Notary Public" duly appointed by the Law of England shall arrive at Stanley and discharge the duties of his Office; the proper Oath having been by me first required of you, and by you taken. — In Testimony whereof, I have caused the Seal of the Colony to be hereunto affixed at Government House, Stanley, this _____ day of One Thousand eight hundred and

L.S.

E

192- Sect II

Form of Summons of a Magistrate

To W. Esquire,

You are hereby summoned to appear as a Magistrate at the Magistrate's Court, to be holden at _____ O'clock in the forenoon, at _____ on the _____ day of _____ next and then and there from day to day until you shall be discharged from the said Court.

Signed C.D.
Clerk or Sheriff

N.B. The Penalty for Disobedience to this Summons is Forty Shillings or Forfeiting Five Pounds.

Police Ordinance

In the year One Thousand eight hundred and fifty six.

No. Six

Precedent Book 5-9 Confirmed

By His Excellency George Rennie Esquire, Governor and Commander in Chief of the Falkland Islands and its Dependencies &c &c &c, with the advice and Consent of the Legislative Council thereof;

— Be it enacted; —

Appointment of Constables &c.

1. That a sufficient number of fit and able persons shall from time to time be appointed by the Governor as Constables for the Falkland Islands and its Dependencies aforesaid, and may be sworn in by any Justice of the Peace to act as Constables.

Penalty for neglect of duty

2. That any Constable who is guilty of any neglect or violation of his duty as Constable, and Convicted thereof before any Justice, shall be liable to a Penalty not exceeding Ten Pounds, or be imprisoned for any period not exceeding One Month, with or without hard labour.

Penalty on Constable absenting himself

3. That if any Constable shall resign, absent or withdraw himself from his duty, unless allowed so to do in writing by the Stipendiary Magistrate, or such as he shall have given to such Stipendiary Magistrate, One Month's notice of his intention so to do, he shall pay a Penalty not exceeding Ten Pounds, or be imprisoned with or without hard labour for any period not exceeding One Month.

Powers of Constable

4. That it shall be lawful for any such Constable to apprehend all loose, idle and disorderly persons, whom he shall find disturbing the public peace or whom he shall have just cause to suspect of any evil design

and all persons whom he shall find between Sunset and the hour of eight in the forenoon, lying in any Shed, yard or other place, or loitering therein and giving a satisfactory account of themselves; and any persons found committing any Offence against this Ordinance may be taken into Custody without a Warrant; and any Constable may also stop, search, and detain any Vessel, Boat, Cart or Carriage, in or with which there shall be cause to suspect that any thing stolen unlawfully obtained may be found, or in any house in which he may be reasonably satisfied of having or committing any Felony or any thing stolen or unlawfully obtained.

Persons found loitering to be taken before the Police Magistrate

5. That every person taken into Custody by any Constable without a Warrant (except persons taken for the sole purpose of ascertaining their name and address) shall be forthwith delivered into the Custody of the Constable in charge of the nearest Police Station, and that such person may be secured until he can be brought before a Magistrate, to be dealt with according to Law.

Penalties on persons refusing to assist Constables or others

6. That any person who upon the requisition of any Constable or other person in aid of such Constable or other Executive Officer, or any person in the Execution of any process under the provisions of this Ordinance, shall, for any such Offence, be liable to a Penalty not exceeding Five Pounds, or be imprisoned for any period not exceeding One Month with or without hard labour.

Penalties on persons [illegible] the Peace or Police

7. That every person shall be liable to a Penalty [illegible] Forty Shillings, who shall in the Streets [illegible] Public Peace [illegible]

Police Pub. Whole

Turning Cattle the Common Law

A Every person who shall turn loose any horse Cattle, Sheep or Swine to feed in the Streets or any enclosed premises of any other person, or suffer any dog, or dogs, or any ferocious dog, or dogs to attack, worry or hunt in fear any person, horse or animal.

Driving Cattle Coming Prohibited.

B Every person who by negligence or ill usage in driving Cattle shall cause any Mischief to be done by such Cattle, or who shall in any wise misbehave himself in the driving, or Management of such Cattle, and also every person not being hired or employed to drive such Cattle, who shall wantonly and unlawfully beat, drive or hunt any such Cattle.

Furiously riding

C Every person who shall ride furiously so as to endanger the Life or Limb of any person, or to the common danger of the Passengers.

Obstructing Streets

24th

D Every person who shall cause any Cart, Sleigh, Tucker Barrow, Wheelbarrow, Sled or any thing for Carriage to stand in any Street for longer than may be necessary for loading or unloading, or who by means of any Cart, Sleigh, Tucker Barrow, or any horse or other Animal, shall wilfully obstruct or incommode any Street.

Using profane indecent or provoking Language

E Every person who shall use any profane, indecent or provoking language, or be guilty of any rude or indecent behaviour, or sing any obscene song or ballad, to the annoyance of the Inhabitants or passengers.

Using threatening or abusive Language

F Every person who shall use any threatening, abusive or insulting words or behaviour, with intention to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned.

Throwing Stones

G Every person who shall throw or shoot any Stone or other Missile, to the Danger or Annoyance of any person, or strike any horse or other animal passing in any Street.

Discharging Guns and Boles Lots

H Every person who shall discharge any Gun or Guns in the Town of Hartley without lawful cause, or any Gun loaded with ball, from the Harbour or from the Land on the opposite side of the Harbour towards the Town, or shall discharge any Gun to the common danger of the Inhabitants or Passengers.

Negligent Driving Boles

I Every Person who shall wantonly obstruct any Inhabitant by driving his Team, Waggon, Sled or Horse through any Town without lawful cause or who shall wilfully or unlawfully extinguish the light of any Lamp.

Gunning there

J Every person who shall play at any Game to the common danger of Inhabitants or Passengers, or who shall make use of any Fire upon Town Lands or any Street or other Place to the common danger of Passengers.

Rubbish in Streets

K Every person who in any Street or Public Place shall lay any Coals, Wood, Slate, Rail, Lime Brick, Timber, Stone or other Materials, except building Materials or Rubbish thereof necessarily occasioned and to be used without delay in the Repairing of any House, which shall be placed or suffered so to remain only for such time as shall be necessary for the Repairing of such House.

Rubbish in Harbour

L Every person who in any public Place, Wharf or Harbour, may be authorized for that purpose by the Selectmen, shall throw or lay or cause to be thrown or laid any Dirt, Ballast, Stone, any Carrion, Fish, Offal or Rubbish of fish, Shells, Shells of Oysters, Clams, Lobsters, Crabs, Scallops, Clam Shells, or Shells of any kind, in any public Street, Lane or Alley, or in any public Wharf, Harbour or Creek, or in any Dock, Slip or Basin, or in any public Place or Wharf, or in any Pond or Stream of Water, or in any Slaughter House or any unoccupied House or Building, or in any Yard or Inclosure belonging to any House.

Pub. Wharf

Filth on Carcass of Dead Animal.

M — Any person who shall place any Filth or Rubbish or shall leave the Carcass of any dead Animal belonging to him, unburied, so as to become a Nuisance. —

Privies

N — Every person who shall empty or begin to empty any Privy between the hours of Six in the Morning and Twelve at night, or remove along any Foot's any offensive matter between the hours of Six in the morning and eight in the evening, unless he shall carefully Sweep or clean any place in which any such offensive matter shall have been dropped or spilled. —

Footpaths drains or watercourses.

O — Every occupier of a house or tenement, who shall not keep sufficiently Swept, and cleansed, all footpaths, drains and watercourses, adjoining the premises occupied by him, and if any house or tenement shall be empty or unoccupied, the owner thereof shall be deemed the occupier within the intent of this enactment. —

Penalty for driving cattle through the Town.

8 — That every person who shall drive or cause to be driven through the Town of Stanley any horned cattle, shall pay a Fine for every Animal so driven not exceeding Forty Shillings; — Provided, that nothing herein shall apply to any person driving in or through the Town of Stanley any Milch Cows to or from Milking. —

Penalty on Sabbath not being at large

9 — That if any Bitch at large, shall be found in the Town of Stanley on the Christian Sabbath day or any part thereof, the owner or keeper thereof shall be liable to a penalty not exceeding Five Pounds. —

Stray cattle

10 — That any person who wilfully or by culpable neglect

Any one fire.

to be set on fire any Chimney within the Town of Stanley, shall be liable to a penalty not exceeding Five Pounds: provided always that nothing herein contained shall exempt the person so willing or causing to be set on fire any Chimney from liability to be indicted for Felony. ———

Chimneys accidentally on Fire

11—— That if any Chimney accidentally catch or be on fire within the Town of Stanley, the person occupying or using the premises in which such Chimney is situated, shall be liable to a penalty not exceeding Forty Shillings: Provided always that such forfeiture shall not be incurred if such person shall prove to the satisfaction of the Justice before whom the case is heard, that such fire is owing to accident, to Carelessness by himself or Servant

Penalty on Cattle straying

12—— That if any horned cattle, pigs or goats be found at large within the Town of Stanley, without any person having the charge thereof, the owner thereof shall for every Animal so straying, pay a penalty not exceeding Forty Shillings ———

No horned cattle to be slaughtered in Stanley.

13—— That if any person shall slaughter or kill any horned cattle in the Town of Stanley, such person for every Animal so slaughtered and killed shall pay a Fine not exceeding Five Pounds. ———

No Timber houses to be erected in Stanley for human habitation

14—— That if any person shall cause to be erected in the Town of Stanley any building for human habitation, other than a stable or shed of Turf or Sod, such person shall pay a Fine not exceeding Twenty Pounds ———

Every house to have a privy

15 That if any person shall build any house in the Town of Stanley and permit the same to be

Pub: Whole

24 June

occupied without a Sufficient Water-Closet or Privy, or such a Pit not kept Five Pounds and Four Pence for every day the Owner of such House shall be liable to a Penalty not exceeding Five Pounds ——————

Privies to be erected to houses already built

16 —— That, the Owner of every House in the Town of Stanley shall before the first day of May next cause to be erected a Sufficient Water-Closet or Pit with such Pits as aforesaid, for every such House, or shall be liable to a Penalty not exceeding One Pound for each and every day such House shall be occupied without such Privy ——————

Damages for Trespasses by Cattle.

17 —— That, whenever any Cattle shall be found upon the Land of any person, and shall do any damage therein, or shall in any wise do any damage to any person, it shall be lawful for any Two Justices of the Peace upon the Application of the person suffering such damage, to hear and determine the case in a Summary way, and on being satisfied as to the Amount of such Damage and Costs, the owner of such Animal or Animals shall pay a Sum not exceeding Thirty Pounds, one half of the Amount of which shall be paid to the person suffering such damage, by way of Compensation for the same; and the Evidence of the person damaged may be admitted as proof of the Offence. ——————

Penalty on persons keeping ferocious dogs

18 —— That, if the Keeper or Owner of any Dog, which shall bite or have bitten any person, or shall have caused any hurt or damage to any person or shall injure or destroy any property, shall be found by his own dog ranging at large in the Town, it shall be lawful for any Justice of the Peace upon complaint made to him for any such damage done, which Notice the said Justice shall cause to be given to the Keeper or Owner of such dog, but

shall have been proved to have bitten any person, or from its ferocious Nature to have caused a threat any person keeping and harbouring he shall pay a Sum not exceeding twenty Shillings for every day such animal is at large unmuzzled; and every Constable is hereby Authorised and required to destroy any dog found at large and unmuzzled after the Service of such Notice upon the Keeper or Owner. ——————

Penalty on Victuallers Licensed or not

19—— That every person who within the Town of Stanley shall be guilty of any victualler or retailer of Beer or any Police Officer or Watch house shall for the first Day for every such Offence any Sum not exceeding Forty Shillings, or be imprisoned with or without hard labour for any period not exceeding Seven days. ——————

Penalty on persons keeping Cocks &c &c

20—— That every person who within the Town of Stanley, shall keep or use or act in the manage-ment of any house, room or other place for the purpose of fighting Cocks, dogs or other animals shall be liable to a penalty not exceeding Five Pounds, or be imprisoned with or without hard labour for any time not exceeding One Month: and it shall be lawful for any Justice by order in writing to authorize any Constable to enter any premises kept or used for any of the aforesaid purposes and to take into Custody all persons who shall be found therein without lawful excuse, and any person so found shall be liable to a penalty not exceeding Five Shillings: and a conviction under this Clause of this Ordinance shall not exempt the Owner, keeper or manager of any such house, room or place from any penalty to which he may be liable for the nuisance thereby created. ——————

Penalty on Per

21—— That every person who shall be brought

Pub: Whole

Persons suspected of having stolen Property.

before any Justice of the Peace, charged on Oath before him or her with having or receiving in any manner any thing which may reasonably be suspected of being stolen or unlawfully obtained, and who shall not give an account to the Satisfaction of such Justice of the Peace how he became possessed thereof, shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty not exceeding Five pounds, or may be imprisoned with or without Hard Labour for any term not exceeding Two Months. ——————

Party from whom thing stolen may recover it when found.

22 —— That, when any person shall be brought before any Magistrate charged with having or receiving any thing stolen or unlawfully obtained, and it shall be proved that he received the same from or through the person or that he was employed as a Carrier, Agent or Servant by any such person, or had in his custody or possession any such property, every such person, and also, if on the trial any person or persons shall appear to have been concerned in such stealing or unlawfully obtaining as aforesaid, whether he, she or they have been or shall be prosecuted for the same or not, or be amenable to Justice or not, every such person shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty not exceeding Five pounds, or may be imprisoned with or without Hard Labour for any term not exceeding Three Months. ——————

Warrant to search suspected house &c.

23 — That if any Information shall be given on Oath, to any Magistrate, that there is reasonable cause for suspecting that any thing stolen or unlawfully obtained, is concealed or lodged in any dwelling house or any other place, it shall be lawful for such Magistrate by special Warrant under his hand directed to any Constable, to cause any such dwelling house or other place to be entered and searched at any time of the day, or by night, if Power for that purpose be given by such Warrant; and the said Magistrate if it shall appear to him necessary, may empower such Constable in such Warrant as aforesaid (such Constable having previously made Oath of his Authority) to use force in the effecting of such Entry, whether by breaking open doors or otherwise; and if upon such search any such thing shall be found, then to convey the same before a Magistrate, or otherwise dispose thereof in some place of safety, and may cause to be taken into Custody and carry before a Magistrate every person found in such house or place who shall appear to have been privy to the unlawful doing, knowing or having reason to suspect the same to be stolen or otherwise unlawfully obtained.

Power to order delivery of Goods stolen or fraudulently obtained and in possession of Pawnbrokers.

24 — That if any Goods shall be stolen or unlawfully obtained from any person, or being lawfully obtained shall be unlawfully deposited, pawned, pledged, sold or exchanged, and complaint thereof shall be made to a Magistrate, and that such Goods are in the possession of any person who shall have advanced Money upon the credit of such Goods, it shall be lawful for the Magistrate by special Warrant for the apprehension of such person, and for the production of such Goods, to order such Goods to be delivered to the Owner thereof, (he making such payment or repayment of the

Pub.ⁿ Whole

Constable to search Ships on Suspicion of Felony &c

Penalty on taking with false Colours

Penalty on Masters

his as the Magistrate shall think fit, and every Person ordered, who shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice, that such Goods were stolen or otherwise unlawfully obtained, shall forfeit to the Owner of the Goods treble the value thereof to be determined by the Magistrate.

25— And be it enacted, That it shall be lawful for any Constable having just cause to suspect that any Felony or Misdemeanor has been or is about to be committed in or on board of any Ship, Boat or other Vessel lying in any Harbour or Port in the Falkland Islands or the Dependencies thereof, to enter at all times as well by Night as by Day into and upon any Ship, Boat or other Vessel, and power to take all necessary measures for the effectual detection or prevention of all such Felonies or Misdemeanours, and to take into custody all persons suspected of being concerned in such Felonies or Misdemeanours, and also to take charge of all property so suspected to be stolen.

26— Whereas by a Contract lately entered, Her Majesty has granted to Samuel Fisher Lafone the right to hunt and capture the wild Cattle, Pigs, Goats and Horses in the Falkland Islands for a limited time, and under certain restrictions; Be it therefore enacted, That if any Person after the determination of the said Contract without being duly authorized by the Governor for the time being, or pending the duration of the said Contract without being duly authorized by the said Samuel Fisher Lafone or his Agent, shall without lawful cause hunt, wound, capture or destroy any such Wild Cattle, Pigs, Goats or Horses in the Falkland Islands or the Dependencies thereof he shall forfeit and pay for every Animal so killed, wounded, captured or destroyed a Sum not exceeding Twenty Pounds; and every Person who shall assist any such Person, knowing

Penalty on Assisting

the same to have been so unlawfully captured and taken
forfeited, shall forfeit and pay a Fine not exceeding Five
Pounds: and any person found committing any Offence
contrary to this Section may be taken into Custody
without a Warrant by any Constable or by any other
person or by the said Samuel Lister Esquire or his Agent
or Servant or by any person authorized by him or either
of them, and may be detained until he can be brought
before a Justice of the Peace to be dealt with according to
Law; and every such Constable or other person or the said
Samuel Lister Esquire or his Agent or person duly au-
thorized by either of them may also stop search and
detain any Whaler boat, or vessel which there shall
be reason to suspect that any part of such Animal so
unlawfully obtained may be found, and if upon search
thereof any such part of such Animal shall
be found, then to convey the same before a Magistrate
and to take such Custody and carry before a Magistrate
any person in whose possession the same shall be found.

Penalty on taking fatal calves Seals

2d —— That if any person shall kill or take any
Sea or hair Seal or Fur of either in the Falkland Is-
lands or the Dependencies thereof, between the first day
of November and the Twenty eighth day of February
in any year or any Fur or Sea Seal between the Twenty
eighth day of February and the Thirty first day of June
in any year or any Fur or Hair Seal between the Twen-
ty Eighth day of February and the First day of May
in any year; or if any person shall receive, buy, sell or
knowingly have in his possession the Skin or any
portion of any Seal taken unlawfully by him or
them, every such person shall pay a Fine for every such
Offence not exceeding Fifty Pounds or be imprisoned
in the Gaol there for any period not exceeding three
Months. And any person found committing any of
the offences in this Section may be taken into Custody
without a Warrant by any Constable or by any other per-

Penalty on Receiving

Penalty on

Pub. Whole

Power to Stop and Search

son and may detain such Boat or Vessel until she can be brought before a Justice of the Peace to be dealt with according to Law: And any such Constable or other person may also stop, search and detain any Vessel or Boat in or upon which there shall be reason to suspect that any part of such Seal or Seals so unlawfully killed or taken may be found, and if upon Search thereupon made, any such Seal or Seals shall be found, then he may therein before a Magistrate, and to take with him any and every such Magistrate or any person in whose possession the same shall be found.

Penalty on selling Seal Skins

28 — That if any person without the Authority of the Owner, shall sell or use any Seal Skin, he shall forfeit and pay, for every Skin he shall sell or use any sum not exceeding Ten Pounds; one half of which Amount shall be paid to the Owner as a Compensation for damage done of the said Seal Skin with Costs and Expenses; or be imprisoned and kept to hard labour for any period not exceeding thirty days.

Penalty on killing Fur in the Camp.

29 — That if any person shall wilfully or negligently set on fire any Grass or other herbage on Land not in his own possession and if on Crown Land without the Consent of the Governor for the time being, if on Land in the possession of other parties, without his or their Authority, he shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, or be imprisoned with or without hard labour for any period not exceeding Two Months.

Aliens to be registered

30 — That every Alien resident in the Falkland Islands or its Dependencies shall cause his name and residence to be registered in the Police Office or shall pay a Fine not exceeding Five Pounds.

Penalty on

31 — That if any person shall wilfully damage any

Damaging public building &c. or Public Road

public building, Foundation, pump, water pipe or Course, or drain, he shall forfeit and pay any Sum not exceeding Twenty Pounds.

Persons throwing dead animals &c. into Stanley Harbour &c.

32 ——— That if any person shall throw or cause to be thrown any dead animal, ballast or rubbish into Stanley Harbour, or shall leave or cause to be left any dead animal, stone, peat, turf or other material on the Foreshore, he shall for every such Offence pay a Sum not exceeding Fifty Pounds, or be imprisoned with or without hard Labour for any period not exceeding Two Months. ———

Penalty for cutting peat on Crown Lands

33 ——— That if any person shall cut, or cause to be cut, any peat upon land the property of the crown, without the consent of the Governor for the time being, he shall forfeit and pay for every day that the peat shall be so unlawfully cut, any Sum not exceeding Forty Shillings.

Penalty for obtaining Money by threatening Information

34 ——— That any person who shall obtain any Sum of Money or other reward from any person by threatening directly or indirectly to lodge any Information or make any Complaint before any Justice or Justices of the Peace, for any misdemeanour, or as an inducement for forbearing to lay such Information or to make such Complaint, shall on conviction of the Offence be liable to a penalty not exceeding Ten Pounds or be imprisoned with or without hard Labour for any period not exceeding Sixty days ———

Penalty for Offences for which no penalty is specified.

35 ——— That for every Misdemeanour at the Law of Peace against this Ordinance, for which no special penalty is herein before specified, the Offender shall upon Conviction of the Magistrate before whom such Conviction shall take place, also be liable to a penalty not exceeding Five Pounds, or be imprisoned with or without hard Labour for any period not exceeding One Month;

Pub.ed Whole

Compensation for damage not exceeding 10£.

36 ___ That any person who by committing any Offence herein prohibited shall have caused any hurt or damage to any person or property, may be apprehended without Warrant by any Constable, and if he shall not upon demand, make amends for such hurt or damage to the satisfaction of the person aggrieved, he shall be detained by the Constable, and taken before a Magistrate, and upon Conviction, he shall pay such a Sum not exceeding Ten Pounds, as shall appear to the Magistrate, before whom he shall be convicted, to be reasonable amends to the person aggrieved, besides any Penalty to which he may be liable for the Offence, and the evidence of the person aggrieved may be admitted in proof of the Offence.

Interpretation clause.

37 ___ That, in the construction of this Ordinance, unless there be something in the Context repugnant thereto, any word denoting the singular number or the male Sex, shall be taken to extend to any number of persons or things and to both Sexes, and the word "Cattle" shall include Sows and Pigs, and Hour and the word Month shall mean Calendar Month.

Limits of Stanley

38 ___ That, the Town of Stanley shall be deemed and taken to extend and apply to such place as the Governor for the time being, shall from time to time declare by any Proclamation for that purpose issued.

Summary Jurisdiction

39 ___ That, all Fines and Penalties imposed by this Ordinance shall be heard in a Summary manner before any Justice of the Peace, and all Offences and Misdemeanors hereunder, shall be dealt with and punished upon Information in a Summary manner by the Stipendiary Magistrate or any two Justices of the Peace.

Costs of Summons

40 ___ The Justice or Justices before whom any person

Imprisonment for Imprisonment & Penalties.

shall be convicted and adjudged to pay any Sum of Money for any Offence against this Ordinance, may adjudge that such Person shall pay the same either immediately or within such Period as he shall think fit, and that in default of Payment within the Time so limited, he shall be imprisoned, for any Period not exceeding Two Months when the Sum to be paid shall not exceed Five Pounds, and for any Term not exceeding Four Months, when the Sum to be paid shall not exceed Ten Pounds, and for any Term not exceeding Six Months in any other Case; the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Sum due. ——

Form of Conviction

61 —— The Justice or Justices before whom any Person shall be convicted of any Offence against this Ordinance, may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect: that is to say ——

Falkland Islands To Wit ——

Be it remembered, that on the —— day of —— in the Year of Our Lord ——. at Stanley in the said Islands A.B. is convicted before —— one of Her Majesty's Justices of the Peace for the said Islands and Dependencies thereof, for that he the said A.B. —— (State the Offence and the Time and Place when the same was committed, as the Case may be) ——. And —— the said Justice adjudges the said A.B. for his said Offence to forfeit and pay the Sum of —— (Here state the Amount to be paid) —— and in default of immediate Payment of the said Sum to be levied on the Goods and Chattels of the said A.B. and in case sufficient Goods and Chattels cannot be found whereon to levy the said Sum, for the Space of —— —— [illegible] that the said Sum shall be paid to ——

Given under my Hand the Day and Year first above mentioned. ——

Pub.

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Ordinance to commence on 1st Feb 1851

42 — Whereas the delay incident to a free communication with Her Majesty the Queen's Royal Pleasure thereon would be hinderance of Inconvenience; Be it therefore enacted, That this Ordinance shall take effect and come into operation on the First day of February next. One Thousand eight hundred and fifty One.

Signed George Rennie
Governor

Passed the Legislative Council
This Twenty third day of
January 1851.

Signed J. R. Longden
Clerk of the Councils

Publicans Licensing Ordinance

In the year One Thousand eight hundred & fifty One

No. Seven

President Book
59 — Continued

By His Excellency George Rennie
Esquire, Governor and Commander-in-
chief of the Falkland Islands and
their Dependencies, with the Advice
and Consent of the Legislative Council
thereof; — Be it enacted; —

Publicans licensing Limits

1 — That, every house resident in the Town of Stanley, the Islands thereof, or any the dependencies of Warrens & Lease under this Ordinance, shall and may be obtained by the Governor, Magistrate or Notice in writing in the Form in Schedule A hereto annexed; — And the Magistrate shall cause Notice thereof to be given to every Justice of the Peace resident in the Town of Stanley or the Set-

notice thereof, requiring them to attend at the Police Office three days after the date of such last mentioned Notice, and there shall be holden at the Police Office on such third day a meeting of the Justices for the purpose of taking into consideration the application for such License; And it shall be lawful for the Majority of the Justices assembled at such meeting or at any adjournment thereof, to grant to such person (if approved of by the majority of such Justices) upon the payment to them of Twenty Pounds, where the duration of the License would exceed Six Months, and Ten Pounds when the duration of the License would be for Six Months, or for any less period, a License in the Form in Schedule **B** hereunto annexed: Provided that if the Justices shall be equally divided, the Stipendiary Magistrate shall have a casting vote. ———

Transfer of License

2——— That the Stipendiary Magistrate may, if he shall think proper, transfer any such License as aforesaid to the Appointee of the holder of such License, by an indorsement on the License in the Form in Schedule **C** hereunto annexed. ———

Change of Premises.

3——— That in case any person holding a License, should be desirous of removing the business from the house named in such License to any other house, or of appointing some other person than the person named therein to manage such business, the Stipendiary Magistrate may, if he shall think proper, on his being satisfied of the fitness of such other house or such other person to manage such house, by an indorsement upon the original License in the Form in Schedule **D** hereunto annexed ———.

Proviso for death of

4——— That in the case of the death of any person holding a License, the Stipendiary Magistrate may, if

Pub[illegible]

of a person holding a Licence

to Shuck Oysters, authorize by any such Licence to the Shuckers or Administrators on the said Licence, the executors or Administrators or their Agents to carry on the business of such person under the authority of his Licence during the residue thereof. ——

Stipendiary Magistrate may Grant Special Permits for sale of Liquors

5—That it shall be lawful for the Stipendiary Magistrate at his discretion to grant a permit in the Form in Schedule **E** hereto annexed, to the Master, Passenger or Supercargo of any vessel (not being a Coasting vessel) arriving in Stanley Harbour to any person who he shall be desirous of selling any surplus quantity of Spirituous or fermented Liquors, to sell, either by Private Sale or Public Auction, Spirituous or fermented Liquors, and the Liquors specified in such permit, may be sold at any time within Twenty Four hours from the date thereof. ——

Permit to sell on any Temporary occasion

6—That it shall be lawful for the Stipendiary Magistrate to grant a permit in the form **F** hereunto annexed to any person holding a Licence under this Ordinance authorizing such person to sell upon any temporary occasion any Spirituous and fermented Liquors at any place and time he may deem reasonable. ——

Limits of the Town of Stanley

7—That the Town of Stanley and the Suburbs thereof, shall be deemed and taken to extend to a circle of Ten Miles from the Junction of Villiers Street with the Ross Road. ——

Malicious Retailing

8—That any Sale of Fermented and Spirituous Liquors in any Quantity less than Four Gallons, shall be deemed and taken to be a selling by Retail. ——

Penalties on Keepers of

9—That if any licensed person shall open his house sell or supply any liquor, or suffer the same to be

Licensed Hou-
ses

sold or supplied, except between the hours of eight in the morning and ten at night on any working day or except between the hours of One and Five in the afternoon, and Five and Eight in the Evening of any Sunday Christmas day or Good Friday or shall suffer any Liquor to be drunk therein, or shall permit or suffer his house or premises, drunkenness lighting disorderly conduct, fighting, disturbance, gaming, or shall not maintain good order in or upon his house or premises, or shall by retail or credit any quantity of Liquor, or shall take any thing whatsoever in pledge for any Liquor sold by retail, or shall take in payment for any Liquor sold by retail anything except Money, or levy or take in his possession any Goods as Security for any such Liquor sold by retail, he shall, for every such Offence, forfeit and pay a Fine not exceeding Fifty Pounds, and upon Conviction for a third or subsequent Offence against the provisions of this Ordinance the Justice or Justices may, in addition to any Fine imposed by this Ordinance, declare his License to be thereupon forfeited and void.

2

Penalty on persons drunk at a Licensed House or disobeying the Ordinance

10. That if any person in or upon any such licensed house or premises, shall be guilty of drunkenness, lighting, disorderly Conduct, fighting, or shall cause a disturbance, or shall assault any such Licensed Publican, or shall use towards any such Licensed Publican any abusive or indecent language, or shall resist or obstruct, or incite any person to resist or obstruct such Licensed Publican in executing in the premises this Ordinance, or shall not obey such lawful order as such Licensed Publican is hereby empowered by law to give, or shall in any other way offend against this Ordinance, he shall for every such offence, pay a fine not exceeding Five Pounds to be imposed and levied by distress and sale of his goods and chattels, and in default of sufficient distress for any sum not exceeding Thirty days

Penalty on Licensed person harbouring Constables on duty.

11 — That, every person licensed to sell Spirituous or Fermented Liquors within the Limits of this Ordinance, who knowingly harbours or entertains or suffers to remain in his house or premises wherein he carries on business, any Constable during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance or arresting order, he shall for every such offence forfeit and pay any sum not exceeding Five Pounds.

Description to be kept upon house.

12 — That, every Licensed person shall cause to be placed over the door of the house or premises in which such person shall be licensed to sell Spirituous and Fermented Liquors, Wine, Ale, Porter and Beer, a board on which shall be painted the Christian and Surname of the person mentioned in such License, at full length, in letters 3 inches at least in length, visible upon a black ground, a black upon a white ground plainly visible and legible, together with the words "Licensed to Sell by wholesale and retail, Spirituous" and Fermented Liquors, Wine, ale, porter and beer" and every such person shall preserve and keep up such name and words so painted as aforesaid, during all the time such person shall continue so licensed, and every such person shall also have a good and sufficient Lamp with at least two burners affixed over the front or principal door of his house, and shall keep the same burning from Sunset to Sunrise, and if in any respect he make default herein, he shall forfeit and pay for every such offence any Sum not exceeding Ten Pounds.

Magistrate or Constable may search Licensed Houses.

13 — That any Magistrate or constable may enter and search any licensed house or premises or any part thereof at any hour, and if any person shall cause any resistance to any such Magistrate or Constable, or any Magistrate either alone, or

with any Constable entering any unlicensed house or hereinafter mentioned, or any person duly execuing any Warrant to search an unlicensed house as hereinafter Mentioned or shall obstruct or use any threatening language or conduct towards such Magistrate or Constable in duly searching as aforesaid with this Ordinance, such person shall forfeit and pay a penalty not exceeding Ten Pounds, or be imprisoned and kept to hard labour for any period not exceeding Thirty days.

Penalty for selling Spirits without a license.

16—— That if any person not being duly licensed, or not having such permit as aforesaid, shall sell in the Town of Hanley or the suburbs thereof, any quantity of any Spirituous or fermented liquors or permit the same to be drunk in or upon his house or premises or if any person shall purchase any such Spirituous or fermented liquors, knowing such liquors to have been sold contrary to the provisions of this Ordinance, or at any unlicensed house or premises, or any person unauthorised, he shall forfeit and pay for every such offence any sum not exceeding Fifty Pounds, or be imprisoned and kept to hard labour for any period not exceeding Six Months.

Unlicensed houses may be searched in case of Suspicion.

17—— That upon reasonable cause of suspicion that any Spirituous or fermented liquors are in or upon any house or premises in which liquors have been illegally sold, or are therein for the purpose of illegal sale, or that any persons are in any house or premises illegally purchasing such liquors, it shall be lawful for any Magistrate either alone or with any Constable or Constables to enter and search any such house or premises or any part thereof at any time, and it shall be lawful for any Magistrate to grant a warrant to search such house or premises, and such Magistrate Searching such house or premises, and such Magistrate or any Constable or Constables duly authorised by any Constable

225-Issue

such person to whom such Warrant may be addressed, shall and may seize and remove to the Police Office, all such liquors as shall be found therein, and shall and may arrest all such persons found there illegally purchasing or selling such liquors and the Justice or Justices before whom the case shall be heard, shall, upon its being proved to his or their satisfaction, that such liquors were illegally sold, or were stored for the purpose of illegal sale, shall in addition to any penalties which may by this Ordinance be inflicted, declare such liquors to be, and the same shall thereupon be forfeited to the use of Her Majesty, her heirs and successors.

Penalties for Drunkenness

16— That, if any person shall be found drunk in the Town of Stanley or in the suburbs thereof, he shall forfeit and pay for the first conviction a Sum not exceeding Five Shillings or be imprisoned and kept to hard labour for a period not exceeding Six days for the second conviction a Sum not exceeding Twenty Shillings, or be imprisoned and kept to hard labour for any period not exceeding eighteen days, and for any subsequent conviction a Sum not exceeding Ten Pounds, or be imprisoned and kept to hard labour for any period not exceeding Three Months.

For using indecent Behaviour when drunk.

17— That, if any person in the Town of Stanley or the suburbs thereof, when drunk, shall be guilty of any violent behaviour or profane swearing, any obscene or indecent language or behaviour, he or she shall forfeit and pay a Sum not exceeding Five Pounds, or be imprisoned and kept to hard labour for any period not exceeding Twenty days.

For other Offences against the Ordinance

18— That, any person found committing any Offence against any of the provisions of this Ordinance may be ar-

Persons refusing to assist Constables in executing this Ordinance may be fined

- ested by any Constable and shall be taken as soon as conveniently may be, before some Justice of the Peace to be dealt with according to Law; and every person who shall assault resist, or obstruct or molests any person in assaulting or resisting or who shall refuse to assist any Constable, when required by him so to do in the execution of his duty under the provisions of this Ordinance, shall for every such offence pay a Fine not exceeding Five Pounds, or be imprisoned and kept to hard labour for any period not exceeding Six Months

Fines to be recovered summarily, and how applied

19.— That all Fines, Forfeitures or Penalties imposed by this Ordinance shall be recovered in a Summary way, and all Offences not otherwise provided for, shall be dealt with and punished in a Summary way by the Presiding Magistrate or any Two Justices of the Peace.

Limits of persons may purchase from certain persons

20.— That nothing in this Ordinance shall apply, or be deemed to extend, to any person holding a License under this Ordinance buying any Furbearing animal or Furs, skins, hides or pelts, from any person holding a License under this Ordinance, or selling or exchanging such Furs, any thing herein contained to the contrary notwithstanding.

Scale of Imprisonment for Non-payment of Penalties.

21.— That the Justice or Justices of the Peace by whom any person or persons shall be convicted, and adjudged to forfeit any sum of money for any offence against this Ordinance, may adjudge the said person shall pay the same either immediately, or within such time as he or they shall think fit, and in default of payment of such sum of money, shall commit the offender to the common Gaol for any time not exceeding Six Calendar Months, when the sum to be paid shall not exceed Five Pounds, and for any time not exceeding Three Calendar Months when the sum to be paid shall exceed Five Pounds and for any time not exceeding One Calendar Month when the sum to be paid shall not exceed Two Pounds, and for any less

Whole

Six Calendar Months in any other case; the imprisonment to cease in each of the cases aforesaid upon Payment of the Sum due.

Form of Conviction

22— The Justice or Justices before whom any person shall be convicted of any Offence against this Ordinance, may cause the Conviction to be drawn up in the following Form of words, or in any other Form of words to the same effect, as the case may be, that is to say;—

Falkland Islands, To Wit

Be it remembered, that on the —— day of —— in the year of Our Lord One Thousand eight hundred and —— at Stanley in the said Islands —— A.B. —— is convicted before —— of His Majesty's Justices of the Peace for the said Islands, for that he the said —— A.B. —— did (specify the Offence with time and place when and where the same was committed, as the case may be) And —— the said Justice adjudges the said —— A.B. —— for his said Offence, to forfeit and pay the sum of (here state the amount of the sum to be paid) —— and in default of immediate payment of the said Sum, to be imprisoned in the Gaol for the space of —— unless the said Sum shall be sooner paid. —— (or —— and —— order that the said Sum shall be paid by the said A.B. —— on or before the —— day of —— ; and in default of payment on or before that day —— adjudge the said A.B. to be imprisoned in the said Gaol for the space of —— unless the said Sum shall be sooner paid, and —— direct that the said Sum shall be paid to ——) to be applied according to Law.

Conviction under —— Law the day and year first above mentioned.

No licensed person to sell spirituous liquors

23— That no Justice of the Peace shall grant any Licence to sell Spirituous and fermented Liquors except Ale, Beer and Porter, shall act as a Justice under any of the provisions of this Ordinance.

Interpretation clause

24 ___ That the words "licensed person" shall apply to and include the owner as well as the Manager of such licensed premises as well as his assignee or the Executor Administrator of any such licensed person. And words importing the Masculine gender shall include Females, and words importing the singular number shall include the plural, unless the Context be repugnant to such Construction. ___

Repealing Clause.

25 ___ That from and after the first day of February next, the Ordinance passed in the year of Our Lord One Thousand eight hundred and fifty, known, intituled the "Publicans Licensing Ordinance" shall be repealed; and every License granted under such Ordinance and then subsisting shall be in every respect subject to all the provisions of this Ordinance and shall have the same power and effect to all intents and purposes whatsoever as if such License had been granted under this Ordinance. ___

Ordinance to commence 1st Feb 1851.

26 ___ Whereas the time required for communication with Her Majesty the Queen Her Royal Pleasure thereupon to be signified is uncertain; Be it therefore enacted, that this Ordinance shall take effect and become operative on the first day of February next One thousand eight hundred and fifty One. ___

(Signed) Sergeo Pennefather
Genl

Passed the Legislative Council
this 23rd day of January 1851

(Signed) J. R. Singleton
Clk to the Council

Whole

Schedules

A.

To the Stipendiary Magistrate —
For the Falkland Islands ——

Form of application for Licence

I A.B. (state the Christian Name & Surname) now residing at ——— in the Town (or Settlement) of Stanley Do hereby give Notice, that it is my Intention to apply for a Licence for the sale of Spirituous Liquors, Wine, Ale, or Beer, in the House situated at (here describe the House proposed to be licensed, specifying the situation of it, the Person from whom rented and the Annual rent payable, and the Person who is to manage the Business under the Licence.) ———

Signed under My hand ——
this —— day of —— 185 —

A.B.

B.

Falkland Islands To Wit

Form of Licence

Whereas A.B. of ——— hath made to Us the Sum of ——— and it appearing to us the Majority of the Justices assembled at the Police Office Stanley for the purpose of taking into Consideration the application for a Licence to sell ———, that the said A.B. is a proper person to have a Licence to sell Spirituous and Fermented Liquors, Wine, Ale, Beer and Cider, Rum Shrub, in pursuance of the Powers vested in Us by an Ordinance of the Governor and Council passed in the year 185 1, We do hereby license the said A.B. to sell Spirituous and Fermented Liquors Wine, Ale, Beer or Cider in any quantity in the House known as ——— under the Management of

situate at _____
Tent or Dwelling, ~~under the Management of any Hawker~~. And this License shall commence from the day of the date hereof, and continue in force until the _____ day of ____ then next ensuing.

Given under my hands at
this ___ day of _____ 18__

C.

Form of Endorsement on License authorizing a change of Premises

I do hereby upon the application of the within named N.B. transfer the within License to C.D. the Applicant for the premises for which the same has been granted, the said C.D. Hawking to be and to be a fit and proper person.

Given under my hand this
_____ day of _____ 18__.

E. F.
Standing Magistrate

D

Form of Endorsement on Licenses, Authorizing a change of Houses and Premises

I hereby Certify and Declare that the within License shall be of the same force to all Intents and Purposes therein described, and shall extend and Remain to the House and Premises Situate at Thereof after the

E. F.
Standing Magistrate

Whole

E

Form of Permit for the sale of Spirituous Liquors Wine, Ale or Beer.

Whereas A.B. (Captain or Passenger or Supercargo of the Ship ____ or A.B. (now resident in Stanley) has applied to me for a Permit under the provisions of the "Publicans Licensing Ordinance" to sell the following Liquors, (or Wine or Beer)

Now I the undersigned do hereby permit the said A.B. to sell (by Private Sale or Public Auction) all or any of the Liquors herein described, within Twenty Four hours from the date hereof.

Dated at Stanley at ____ o'clock
This ____ day of ____ 185..

E. F.
H.M. Stipendiary Magistrate

F

Form of Permit to sell Spirituous and Fermented Liquors

I hereby Certify and permit A.B. who holds a License to sell Spirituous and Fermented Liquors, to sell such Liquors at (state the place) on the ____ day of ____ between the hours of ____ and ____

Given under my hand
This ____ day of ____ 18..

E. F.
H.M. Stipendiary Magistrate

Ferry Regulations

Waterman's Fares

" "

		£.	d.
A	For Persons from any Vessel in Stanley Harbour within a Line from the Pickets in a Northerly direction across the Harbour		
	For One Person	1	"
	When more than One	Each	" 6
	When a Red Flag is hoisted	"	"
	For One Person	2	"
	When more than One	Each	1 "
	When a Yellow Flag is hoisted	"	"
	For One Person	3	"
	When more than One	Each	1 6
	Between Sunset & Nine o'clock at Night	"	"
	For One Person	1	"
	When more than One	Each	1 "
	For every Box whose Cubic Foot is 1 lbs.	1	"
	For every additional Box or Package under	"	"
	8 lbs. Steel or Nut. in the same Boat	"	3
	Heavy Cartage or weight, for every Cubic Foot	"	"
	or quarter of a hundred weight	"	1
B	For Persons from any Vessel at the Lower part of the Harbour to the East of the above Line and within a Line from "Navy Point" to "Engineer Point"	"	"
	For One Person	2	"
	When more than One	Each	1 "
	When a Red Flag is hoisted	"	"
	For One Person	4	"
	When more than One	Each	2 "
	When a Yellow Flag is hoisted	"	"
	For One Person	6	"
	When more than One	Each	3 "
	Between Sunset & Nine o'clock at Night	"	"
	For One Person	4	"
	When more than One	Each	2 "

Whole

	For every Box above 6 Cubic Feet not exceeding 2 Cubic Feet		2	
	For every additional Box or Package not exceeding 6 Cubic Feet			6
	For 1 Hat in the same Box			6
	Above that Size or weight, for every Cubic Foot			2
	or part of a hundred weight			2
C	For a Passage in a Boat from Port William to Port Dalhousie or Westward of a Line from Dalhousie Point to Port Dalhousie Point			
	For One Person		3	
	When more than One	Each	1	6
	When a Red Flag is hoisted			
	For One Person		6	
	When more than One	Each	3	
D.	Below that Line and to the Westward of a Line from York Point to Grass Point near Sparrow Hawk			
	For One Person		4	
	When more than One	Each	2	
	When a Red Flag is hoisted			
	For One Person		8	
	When more than One	Each	4	
E	Detention of Boat			
	For every quarter of an hour		1	
	Every Cubic foot of Baggage every quarter of an hour			
	Children under 12 Years of Age Half Price			
	No Dog can be taken in the Boat with Passengers			
	more than 6 Cubic Feet of Luggage for each Pas-			
	senger which is to be allowed (Free of Charge)			
	No Boat is to call to go to Port William			
	for Luggage			
	No Boat is to call to go to Port William			
	for Fuel			
	When a Red Flag is hoisted			
	No Boat is to go to Port William			
	When the Flag will be hoisted at the Harbour			
	Passengers, No Boat is then to go to the			
	Pier.			

Approved by the Justices in Quarter Session at the Police Office [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

Wholesale Licensing Ordinance

In the year One Thousand eight hundred & fifty One.

No 8

By His Excellency George Rennie Esquire Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof with the Advice and Consent of the Legislative Council thereof.

Be it enacted;

Publication in Proclamation Book Page 69.

Stipendiary Magistrate to grant Licence

1 That it shall be lawful for the Stipendiary Magistrate to grant to any person resident in the Town of Stanley or the Suburbs thereof, a wholesale Licence in the Form A hereto annexed to sell Spirituous and Fermented Liquors in any quantity not less than Five Gallons upon the payment to him of Twenty Pounds where the duration of the Licence shall be Twelve Months, and Ten Pounds where the duration of the Licence shall be six Months: and every Licence shall be in force for the period of Twelve or Six Months for the case may be from the day of the date.

Transfer of Licence

2 That the Stipendiary Magistrate may if he shall think proper, transfer any such Licence to the person to whom the property of such Licence, by an Indorsement thereon

B

the Form

Penalty for sale of spirituous liquors without Licence

3 That if any person shall sell any spirituous liquors [illegible] the Stipendiary Magistrate may if he think fit, on Information, by an Indorsement on the Licence, the Executors or

Wholesale

Administrator, or their respective, to carry on the business of such person under the authority of such License during the residue thereof.

Limits of the Town of Stanley

4 That the Town of Stanley and the Suburbs thereof shall be deemed and taken to extend for a Circle of Ten Miles from the Centre of Victoria Block with the Rest. Court.

Penalty for selling under 4 Gallons Quantity

5 That if any person Licensed under this Ordinance shall sell a pint, or less quantity than four Gallons, such person for every such Offence shall forfeit and pay a Fine not exceeding Fifty Pounds, and upon Conviction of a third or subsequent Offence against the provisions of this Ordinance, the Justice or Justices may in addition to any Fine imposed by this Ordinance, declare such License to be thereupon forfeited and void.

24 June 1852

Fines to be recovered in a Summary way.

6 That all Fines, Forfeitures Penalties imposed by this Ordinance, shall be recovered in a Summary way, and all Offences not otherwise provided for, shall be dealt with and punished in a Summary way by the Magistrate or any two Justices of the Peace.

Licensed person may purchase from unlicensed person

7 That it shall be lawful for any person holding a License under this Ordinance, to buy any Spirituous or Fermented Liquors from any person not holding a License under the Public Licensing Ordinance, and nothing in that Ordinance Contained shall apply to the person selling such Liquors, anything therein contained to the Contrary notwithstanding.

Restriction of the Justices granting Licenses under this Ordinance

8 That no Justice of the Peace, holding a License under this Ordinance, shall grant a License under any of the provisions of this Ordinance or of the Public Licensing Ordinance

Ordinance to commence on 1st September 1851

24 June/52

Whereas the delay incident to a previous communication with Her Majesty in Council, for the Royal Pleasure herein, would be productive of inconvenience; Be it therefore enacted, That this Ordinance shall take effect and come into operation on the first day of September One Thousand eight hundred and fifty One.

Signed George Rennie
Governor.

Passed the Legislative Council
this 18th day of August
One Thousand eight hundred
and fifty One.

Signed S. K. Congdon
Clerk to the Council

A

Falkland Islands

To Wit

Whereas I. B. hath paid to me the Sum of Pounds Sterling, in pursuance of the Powers in me vested by an Ordinance of the Governor and Council, passed the year One Thousand eight hundred and fifty One, I do hereby License the said I. B. to sell Spirituous and Fermented Liquors by wholesale only in any quantity not less than Two Gallons, and this License shall commence from the day of the date hereof, and continue in force until the day of next ensuing.

Farm of Licence

Given under my hand at Stanley this day of 1851.

245

B

Form of Endorsement on Licence authorising a transfer thereof

I do hereby upon the application of the within named A.D. transfer the within Licence to C.B. He appointee for the residue of the term for which the same has been granted.

Given under my Hand
This day of
185

C. F.
Stipendiary Magistrate

An Ordinance to extend to the Colony certain Acts of Parliament

In the year One thousand eight hundred and fifty three

Number One

By His Excellency Sir Henry Young Knight Companion of the Most Honorable Order of the Bath Governor and Commander in Chief of the Falkland Islands and the Dependencies thereof with the advice and consent of the Legislative Council thereof. It is Enacted:-

Acts of Parliament extended to the Colony

1. That the following Acts of Parliament shall be applied in the Administration of Justice in the Falkland Islands and the Dependencies thereof so far as the same can be applied: 13 Victoria Cap: 21 An Act for shortening the language used in Acts of Parliament 13 and 14 Victoria Cap: 37 An Act for the further extension of the summary Jurisdiction in cases of Larceny: 14 Victoria: Cap: 11: An Act for the better protection of persons under the Care and control of Others as Apprentices or servants, and to enable the guardians and overseers of the poor to institute and conduct prosecutions in certain cases: 14 and 15 Victoria: Cap: 19: An Act for the better prevention of offences: 16 and 17 Victoria Cap: 83: An Act to amend the Law of evidence: 16 and 17 Victoria: Cap: 102: An Act for further improving the administration of Criminal Justice.

Provision touching Statutes hereafter

2. That in the construction of each of the said Acts, the word "Indictment" shall be construed

to include "Information and Inquisition" as well as Indictment.

Imprisonment of shipping not to be inflicted without the approval of the Governor

3.— That in any Court Justice or Justices of the Peace by any of the said Acts or any Law now or hereafter in force in this Colony may sentence or direct the punishment of whipping or solitary confinement, no such first mentioned punishment shall be inflicted, unless the Governor for the time being shall certify under his signature his approval thereof by an indorsement on the back of the warrant commanding the execution and no person shall be kept in solitary confinement for any period exceeding fourteen days at a time, with intervals of not less duration, any Law to the contrary notwithstanding

Solitary confinement not to exceed fourteen days at a time

Ordinance to commence on 1st day of February next

4.— Whereas the delay incident to a previous communication with Her Majesty in Council her Royal pleasure thereupon would be productive of inconvenience, Be it therefore enacted, That this Ordinance shall take effect and come into operation on the first day of February in the year of Our Lord one thousand eight hundred and fifty three.

(Signed) George Kennedy
Governor.

Passed the Legislative Council
the 17th day of January 1853

(Signed) J. K. Longden
Clerk to the Council

An Ordinance for the Naturalization of certain persons in the Falkland Islands

In the year One thousand eight hundred and fifty three

Number Two

By His Excellency George Rennie Esquire Governor and Commander in Chief of the Falkland Islands and the Dependencies thereof with the advice and consent of the Legislative Council thereof Be it enacted,—

Persons named in Schedule to be naturalized

1— That each of the persons named in the Schedule hereunto annexed, shall be to all intents and purposes whatsoever in the Falkland Islands and their Dependencies deemed and taken to have been from the first day of January One thousand eight hundred and fifty three natural born subjects of Her Majesty as if such persons had been born within the realm of England

Ordinance to commence when Her Majesty's pleasure is known

2— That this Ordinance shall take effect and come into operation upon the day of the date and publication of any proclamation to be made and published by the Governor for the time being, which shall make known and signify to the Inhabitants of the Falkland Islands and their Dependencies Her Majesty's pleasure assent and approbation hereof.

Signed George Rennie
Governor

Schedule

Jurgen Christian Rothoff Native of Hamburgh
Antonia Roxa, Native of Buenos Ayres
Ismael Helen, Native of Monte Video

Passed the Legislative Council
the 17th day of January 1853

(Signed)
J. Ro. Longden
Clerk to the Council

Land Conveying Ordinance

For the year One thousand eight hundred and fifty three

Number Three

By His Excellency George Rennie Esquire Governor and Commander-in-Chief of the Falkland Islands and its Dependencies thereof with the advice and consent of the Legislative Council thereof: Be it enacted:—

Form of Grant

1 That a Grant in either of the forms in Schedule One annexed shall be valid and effectual to grant and convey land, and to bar and vest the dower of a married woman a party thereto; Provided that every disposition by a married woman by any such Grant shall be made conformably to the disposition relative to married women by an Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth entitled "An Act for the abolition of fines and recoveries and for the substitution of more simple modes of assurance" On that a married woman a party to any such grant shall within One Month after executing the same, if executed within this Colony, in the presence of the Chairman of the Magistrates Court or the Clerk of the Magistrates Court in the Colony for the time being, if executed in England, Scotland or Ireland or any other part of Her Majesties Dominions in the presence of any Judge of any Court of Law or Mayor of any City or Corporation before

be be acknowledged by married women

in this Colony

in any part of the British dominions

the person having the chief command of any island or place where she may be, if executed in any foreign territory, or in the presence of any accredited representative of the country of the married woman, or in the presence of the person in chief command of the country, territory, colony, place, city, or town corporate, or city or town being in the nature of a corporation, having a public seal office where she may be, upon being examined separately and apart from her husband acknowledge that she understood the nature of such grant when she executed the same, and that she executed the same freely and voluntarily without any violence threat or compulsion on the part of her husband or of any other person, and any of the officers aforesaid upon being requested to do so, shall and may take such examination, and after explaining the nature of the Grant and such acknowledgements as aforesaid being made, shall place a certificate upon the Grant in the form in the second schedule hereunto annexed, which certificate purporting to be signed by any such officer shall be conclusive evidence of the contents thereof, without proof of the hand writing, or office of the functionary or seal (if any) used by him before whom it purports to be signed, unless it shall be proved that the same is a forgery.

Allotahin

2 — That every such Grant shall be signed by the parties and attested by two Witnesses whose place of abode and business shall be stated;

Provided that where a chartered Company or Corporation is a party to any such grant, such Company or Corporation may execute the grant

Provisions where chartered Company

Or Corporation

in the same manner as any other deed can be sealed by any such Company or Corporation.

Sealing Not Necessary Receipt

3— That Sealing, except as aforesaid and inrolling and delivery shall not be necessary and a receipt in the grant shall be valid, and every such grant shall have the effect of an Indenture although not actually indented, and shall to all intents and purposes be and be deemed and taken to be a deed

Grant to include all houses &c. and the appurtenances thereto

4— That section two of "An Act to facilitate the Conveyance of real property" passed in the 8th Victoria: cap 119: shall be deemed and taken to be a part of this Ordinance, and to apply to each and every grant made in pursuance hereof, and shall be construed as if the same had been contained in this Ordinance.

Covenants implied

5— That in every such grant for valuable consideration there shall be implied, so far as the same can be implied, each and every of the covenants contained in column two of the second schedule of the said "Act to facilitate the Conveyance of real property" by each conveying party severally for himself, his heirs executors and administrators to the extent of the interest disposed with by him with and to the covenantee his heirs and assigns.

Against her husband

6— That in any case where any of the covenants aforesaid would be implied by or in any conveyance, the same shall be implied by reason of marriage, the same shall be implied by or in her husband if she shall be married.

Remedy on implied Covenant

7— That any covenant implied by virtue of this Ordinance shall have the same force and effect and be enforced in the same manner as if it had been set out at length in the Grant.

Implied Covenant may be negatived

8— That any covenant implied in any such grant may be modified by express declaration and whenever any party shall see negatively in any such grant any of the forms of words contained in column One of the Second Schedule of the said "Act to facilitate the Conveyance of real property" and distinguished by any number therein, such grant shall be taken to have the same effect and be construed as if such party had expressly negatived in such grant the form of words contained in column two of the same Schedule and distinguished by the same number as is annexed to the form of words used by such party, but it shall not be necessary in any such grant to insert any such number.

Grant failing to take effect by this Ordinance to be valid as a Deed and Indenture

9— That any grant or part of a grant which shall fail to take effect by virtue of this Ordinance shall nevertheless be taken and construed to be a deed and indenture, and be as valid and effectual and shall bind the parties thereto, so far as the rules of law and Equity will permit.

Schedules to form part of Ordinance

10— That the Schedules annexed and the directions and forms therein contained shall be deemed and taken to be parts of this Ordinance and the schedules and the directions and forms contained in the said recited Acts of Parliament

shall be deemed and taken to be part of the Ordinance, same and except that in the said Schedule, the words "hereunder written" in form 6 of the second column and the words enumerated hereunder in form 6 of the first column shall be taken to be omitted and the forms in the first column shall be altered accordingly, and for the purposes of this Ordinance the said last mentioned Schedule shall be read as so altered.

Fees

11— That the scale of fees contained in Schedule 3 may be charged and received by the use of the officers and persons therein mentioned and no higher fees shall be recoverable in law.

Not to apply the Ordinance for the Registration of Deeds

12— That nothing in this Ordinance contained shall be deemed to be taken to affect or alter the Ordinance entitled "An Ordinance for the Registration of Deeds, Wills and Deaths."

Ordinance to commence on the

13— Whereas the delay incident to a previous communication with Her Majesty to know her Royal pleasure hereupon would be productive of inconvenience, Be it therefore enacted, That this Ordinance shall take effect and come into operation on the first day of February One thousand eight hundred and fifty three.

(Signed) George Rennie
Governor

Passed the Legislative Council
This 26th day of January 1853

(Signed) J. K. Longden
Clerk to the Council

Schedules

Schedule 1
Section 1

This Grant made the day of
One thousand eight hundred and
pursuance of the Conveyancing Ordinance 1881 between
A and C.L. his wife of the one part and
C.T. of the other part Witnesseth that in
consideration of pounds paid by the
said C.T. (Grantee or Grantees) to the said
A.B., the receipt whereof is hereby acknowledged)
he or they) the said A.B. doth (or do) grant unto
the said C.T. (Grantee or Grantees) his,
(or their) heirs and assigns forever All that
parcel of land in the Falkland Islands containing
(or the usual covenants &c. &c.)
In Witness whereof the parties have hereunto
set their hands.

A.B. (Signature)
C.T. (Signature)
If a chartered company a corporation (L. S.)

Signed by the above named A.B.
and C.T. in the presence of us

C.T. of Merchant
and
C.M. of Farmer

N.B. If executed only by one of more than one person.

A and C.L. his wife

B and the said C.L. as aforesaid

D Referring if possible to the numbers and numbers in the Register Books and Maps and describing the situation, boundaries and measurement.

Schedule 2
Section 1
Certificate
of acknowledgement
to be endorsed

I hereby certify that the above named C.D.
appeared before me this day of and
was examined separately and apart from her
husband and that I explained to her the nature
of this Grant, and she acknowledged that she
understood the nature of it when she executed
the same, and that she executed the same freely
and voluntarily without any violence threat or
compulsion on the part of her husband or of
any other person

(Signed) A.B. at this day of

If in this Colony, Chairman of the Magistrates Court

If not in this Colony, C.D.
Office or Capacity of the person before
whom the acknowledgement is made.

Schedule 3
Section 11

Fees

To the Surveyor General or other Competent Surveyor
on Requisition for the time being

For a description of a subdivision of a
former grant . . . . Five Shillings

For placing a Diagram
on the Instrument . . . Five Shillings

To Solicitor or other person

For engrossing a Grant
on Parchment or Paper - One pound ten Shillings

For filling up Parchment
printed form of Grant . . . Ten Shillings

For placing a certificate of
acknowledgement to bar
dower on any Grant not printed . . Five Shillings

For attending the Functionary
to obtain a certificate of acknowledgement on any Grant . . Five Shillings

To the Functionary upon the examination upon each Grant whether
the certificate be refused or granted. . . Six Shillings

An Ordinance to appoint a Shipping Master to perform the duties committed to Officers of Customs by the Mercantile Marine Act and Merchant Seamen's Act

In the year One thousand eight hundred and fifty three

Number Four

By His Excellency George Rennie Esquire Governor and Commander-in-chief of the Falkland Islands and the Dependencies thereof with the advice and consent of the Legislative Council thereof;

Recitals

Whereas by the Mercantile Marine Act of 1850 it is enacted, that the respective legislative authorities in her Majesty's Colonies may by any acts orders or any other appropriate means appoint any persons to perform any of the duties and exercise any of the powers within their respective Jurisdictions which are by the said Act or by the General Merchant Seamen's Act committed to officers of customs, and whereas there is not as yet any officer of customs resident within this Colony; Be it therefore enacted,-

Governor may appoint a person and revoke appointment

1 That it shall be lawful for the Governor for the time being by any instrument under his hand to appoint any person he may think fit who shall be called the Shipping Master and from time to time to revoke any such appointment, and the person so appointed shall and may perform any and every of the duties and exercise any

and every of the powers within the Falkland Islands and the Dependencies thereof which by the General Merchant Seamen's Act or the Mercantile Marine Act of 1850 are committed to and might be performed by any officer of customs if resident in the Falkland Islands and each and every of the provisions in the said acts shall be applied so far as the same can be applied to the Shipping Master for the time being and to the duties or powers hereby committed to him, the same in every respect as they apply or would apply to any officer of customs if resident in the Falkland Islands or to the duties or powers committed to him.

Provision

Upon the arrival of an officer of Customs any appointment to become void

2—— That when any officer of Customs shall arrive and discharge the duties of his office at any port of the Falkland Islands, the appointment of the Shipping Master for the time being shall cease and determine and it shall not be lawful to appoint any other Shipping Master so long as an officer of Customs shall reside in the Colony and discharge the duties of his office.

Monies paid to Colonial Treasury

3—— That all money received under this Ordinance shall be accounted for and paid over monthly to the officer appointed by the Governor to receive the same, for the use of her Majesty, her heirs and successors for the public uses of the Settlement and the support of the Government thereof.

Ordinance

4—— Whereas the delay incident to a previous communication with her Majesty to know her

to commence on 10th February 1853

Royal Assent thereupon would be productive of inconvenience, Be it therefore enacted, that this Ordinance shall take effect and come into operation on the tenth day of February in the year of Our Lord One thousand eight hundred and fifty three

(Signed) George Kennie
Governor

Passed the Legislative Council
This third of February 1853

(Signed)

J. R. Longden
Clerk to the Council

96

VOLUME E6

Pages 261 to 358 are blank

359 4

Police Office — Stanley

Scale — 1 — Inch

— " —

Summons to Defendant or Witness	2	6
Warrant of Distress	5	"
When One Person defendant	1	6
Where two "	10	"
Where Three "	1	6
Every Information, Oath & Recognizance	"	"
Where Information Affidavit to ground Warrant	"	"
Where Information Affidavit to ground Warrant	"	"
Depositions, Copies thereof & Recognizance for Same	2	6
Oaths and Bail	"	"
Summons to Prosecutor & Witnesses for Defendant	5	"
Subpoena to Witness (not within 3 Miles of Stanley)	"	6
If beyond that distance, for every additional Mile	"	"
Summons for Witnesses to be examined, including Copy of Service (not within 3 Miles of Stanley)	2	"
If beyond that distance, for every additional Mile	"	5
For each Witness examined, when Examination over	"	"
not exceeding Two Folios and Oath	1	"
For every additional Folio beyond Two Folios	"	6
Warrant of Detention, for One Defendant only	3	"
For each additional Defendant	"	1
Taking down Plea of Defendant to Charge	1	"
Warrant of Commitment	1	"
Warrant of Distress	5	"
Warrant of Arrest, Search or Commitment (not within 5 Miles of Stanley)	1	"
For every Mile above 5 Miles	"	6
Warrant of Arrest, Search or Commitment to be executed (C)	10	"
Warrant of Arrest, Search or Commitment (not within 5 Miles of Stanley)	20	"
For every Mile above 5 Miles	"	6
Recording Conviction or Order	2	6
Engrossing Conviction or Order on Parchment, if Required	6	"
Recognizance to Prosecute Appeal or Enter into	2	6
Certificate of Appeal, when Required	"	"
Witness's Attendance, each Witness	2	6
For each Order of Adjournment & Recognizance or Recognizance	1	"
for Costs		

		s.	d.
	Recognizance to keep the Peace		
	Sureties	2	"
	Clerk's Fee	3	"
	Constable's Fee	6	8
	For every Subpoena, or other Process issued by Justices	1	"
	For every Warrant	1	"
	For every Bail Piece or Recognizance	"	6
	For every additional Person named therein	"	"
	For every additional Offence	1	6
	For Attendance of every Person, Master or Seaman, Mariner or Apprentice under the 5. Vict. c. 19. (Stanley)	10	"
	For every additional Mile beyond 5. Miles	"	6
A	The like on Inward any Vessel into Port William		
	The actual charge for Men and Boat or in addition for each Man – the largest amount	4	"
B	The same alone	4	"
C	In addition for each Man or the amount paid for Boat and Men whichever the largest amount –	4	"
	For the Arrest of One person in Stanley		
	If One Constable only employed	5	"
	Do On the Water	10	"
	For each additional Constable	5	"
	In addition to the above any Sum expended in boat hire or Otherwise.		
	If more than one person arrested at same time, such additional charge as the Justice shall think reasonable in each case		
	Upon the detention of any person in the Gaol or Watch-house		
	For each 24 hours after the		

PO Rec Term Pilot Ins PO Mac

Ferry Regulations
Rates of Fare

A

	s.	d.
For a Footman by Stanley Harbour within a Line from the Pier Head to Hallowday Harbour exclusive of Harbour		
When One Person	1	
When More than One		6
When a Led Hog is landed		
For One Person	2	
When More than One	1	
When a Bullock Hog is landed		
For One Person	3	
When more than One	1	6
For every Bullock Cow Calf Heifer		
For One Person	2	
When more than One	1	
For every Horse Mule Ass Pony or Colt	1	
For every additional Horse Pony Mule Ass or Colt		
For a Cart in the same Boat		3
For Wool Sheepskins Hides Tallow Calfskins or Goatskins		6
a package not exceeding one hundred weight		1

B

For Fishermen's Boats at the lower part of the Harbour below the East side of the Pier and within a Line from "Navy Point" to "Engineer Point"

For One Person	1	
When More than One	1	
When a Led Hog is landed		
For One Person	1	
When more than One	1	
When a Bullock Hog is landed		
For One Person	1	
When more than One	1	
For every Bullock Cow Calf Heifer		
For One Person	1	
When more than One	1	
For every Horse Mule Ass Pony or Colt	1	

C

D

E

Penal

Ferry Pilot Act P.C. 1860

Pilot Regulations now in force

3

1— For every Vessel ——
If boarded by Consent of the Captain, to the East of the Line running Northerly and Southerly through the Harbour mouth in a Line from "Navy Point" to "Engineer Point" ——
For every Foot of Draught Vessel draws . . . 2 .

2— If boarded between "Engineer Point" and to the Westward of the Line from York Point to "Town Point" . . . . . .
For every Foot of Draught Vessel draws . . . 3 .

3— If boarded on Board of "Town Point" . . .
For every Foot of Draught Vessel draws . . 3 6

4— For every Vessel boarded (if Pilot taken) . .
For every Foot of Draught Vessel draws . . . 1 6
or half Pilotage, according to Consent . . . .

5— Vessels boarded to be Pilots (if Pilot taken)
within Range Tonnac Island . . . .

6— For mooring or unmooring Vessel within the Harbour — Per Register Ton . . . . . " 1

7— For each removal of the Ship from Berth to Berth — Per Register Ton . . . . . " 1

8— Colonial Vessels under 50 Tons Register, to be exempt from Pilotage, unless the Services of the Harbour Master be specially required.

9— Vessels above 25 Tons but under 50 Tons bound to or coming from Sea, but through Negative Pilotage, are chargeable with half

Pilotage, and by the Masters employed in Coast
any Voyages, either for which Case they are exempt.

16th — Every Vessel that actually takes a Pilot, must
pay full Pilotage. . . . . .

11th — Where Pilot is refused, he be paid Pilotage from
place where he first proceed to board. . . . .

12th — Vessels belonging to the Port will be pay Harbour Dues.

13th — Pilotage not earned, unless the ship is conducted
above the Town Jetty, except vessels of ships draw
any more than 16 feet, which must be conducted
above the Spit and South Line, unless the Master
requires otherwise. . . . . .

14th — Men of War to be exempt. . . . . .

15th — Licensed Pilots may supersede unlicensed Pilots,
but unlicensed Pilots may act as Boys to licensed
Pilots & so take Charge of the Ship. . . . . .

16th — Pilot on getting out to a Vessel, to hoist a Flag on
Pilot Boat. . . . . .

17th — None except from Pilotage if Red
Flag is hoisted the Foremast. . . . .

The above Rules and Orders of the Town and
Harbour Board of Wellington have been referred
to the Pilots, & they are not to be
in Force by Pilot Regulations, they are to be strictly
Governed, and I do hereby require
the Pilots of the Port to be aiding, and assisting
directions of the Pilot. ——

Pilot Regs. P.C.s. Mac.

Rules of Police Court

See 21 — Whereas, by an Ordinance, Intituled "An Ordinance for the Regulation of Justice Ordinance" It is enacted, That it shall be lawful for the Lieutenant Governor as Judge of the Police Court, from time to time to make rules for regulating the time and place of holding the said Court, and the practice Procedure, Forms and Pleadings therein (in Criminal as well as Civil Cases) the Proceedings, Costs of Suits and the Taxing thereof, and all Matters relating to the Business of such Court; Provided the same be not repugnant to any of the Provisions of the said Ordinance; Now, In pursuance of such power It is hereby ordered, That the following be the Rules and Practice, Forms and Costs of Suits for the Police Court.

County Court

1 That the Rules and Practice, Fees, Forms Costs and Procedure in force in England on the first day of January 1856 in the Sheriff's Court in the City of London, shall (so far as the same can be applied) in the Administration of the County Court Jurisdiction in the Territory of Saskatchewan.

Above Twenty Pounds

2 That in all cases above £20. the Clerk shall take down the evidence in writing, a Copy of which evidence shall be furnished to either Plaintiff or Defendant (if required) at the usual Costs.

Above £20 Payment

3 That in every case where the Amount recovered shall exceed £20. no payment shall be made out of Court until the expiration of Seventy two hours from the Judgment thereof, unless otherwise ordered by the Court.

Jury

4 That any Party applying for a Jury, where the debt or damage claimed shall exceed Twenty Pounds, must apply in writing to the Clerk of the Court 6 days before the return of the Summons.

P.C. Mac.

Criminal Charge

5 That upon the prosecution for any Crime before the said Court, the Court shall first take an Information upon Oath as to the nature of the Charge, and thereupon cause the charge in the Form C (as near as may be) to be entered in the Record Book, the Plea of the prisoner to such Charge shall thereupon be taken, and so far as practicable) the same Rules and Procedure shall be observed, as upon the trial of an Indictment before the Justices of Gaol Delivery.

Insolvency

6 That the Rules and Practice, Fees, Forms Costs and Procedure, in force in the Insolvent Court of London on the first day of January 1850 shall be applied (or so far as can be applied)

Bankruptcy

7 That the Rules and Practice, Fees, Forms, Costs and Procedure, in force in the Bankrupt Court in London on the first day of January 1850, shall be applied (or so far as can be applied).

Costs

8 That the Costs of Suits shall be charged according to Schedule A annexed.

Forms

9 That the Forms in Schedule B shall be used when applicable.

10 That in any case under £5 where the Plaintiff resides in the County of Middlesex or within the Bills of Mortality, the Summons may be returnable on the fourth day from date, and upon such case to be served two clear days before day of the return.

11 That where the Plaintiff requires a Summons to be returnable at a Short Period he must make a special application to the Presiding Magistrate

A

Entering Plaint, issuing Summons and Service thereof
Above 1 Mile for every other Mile . . . .
Affidavit of Service of Summons . . . .
Every Hearing, Trial or Nonsuit without a Jury . .
Every Hearing, Trial or Nonsuit with a Jury .
Every Order, Judgement or Application for an Order.
Every Subpoena and Service thereof, within 1 Mile . .
Above 1 Mile for every other Mile . . . .
Adjournment of Cause . . . . .
Entering and issuing Notice of Special Defence . . .
Swearing every Witness for Plaintiff or Defendant . .
Payment of Money into Court &c. . . .
Payment of Money out of Court &c. .
Every Search in the Books . . . . .
Issuing every Warrant, Attachment or Execution .
Executing same within 1 Mile of Court House
For every Mile above 1 Mile . . . . .
Supersedeas of Execution, Order of Payment &c. .
Warrant of Commitment for Insult or Misbehaviour in
Taxing Costs .
Keeping possession of Goods till Sale, per day, not exceed-
Conveying every Delinquent to Prison, including all
Especial Appointment of Broker or Appraiser

	Not Exceeding 20s		20s but not exceeding 40s		40s but not exceeding £5		£5 but not exceeding £10		Counsel Exceeding		Total £10	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
within One Mile of Court House	"	9	1	4	2	5	4	10	7	-	8	-
	"	2	"	2	"	3	"	6	"	4	"	4
	"	2	"	3	"	6	1	"	1	6	2	"
	1	6	2	3	"	10	9	5	13	"	20	"
	4	8	6	11	10	2	17	6	24	6	35	6
of Court House	"	6	1	"	2	"	3	6	5	6	6	-
	"	6	"	10	1	3	1	10	2	6	3	"
	"	2	"	2	"	3	"	4	"	4	"	4
	"	3	"	4	"	6	1	"	2	"	3	6
	"	"	"	6	1	"	1	6	2	"	2	"
	"	2	"	2	"	3	"	4	"	6	1	"
	"	2	"	4	"	6	"	6	"	8	1	"
	"	2	"	2	"	6	-	9	1	"	1	6
	"	2	"	2	"	4	"	6	1	"	1	"
	"	6	"	6	1	"	1	6	2	6	3	6
	1	6	2	6	3	6	4	"	5	"	7	"
	"	3	"	3	"	4	"	6	"	6	"	6
	"	3	"	6	"	6	1	"	1	6	2	"
in Court	5	-	5	"	5	"	5	"	5	"	5	"
	"	"	"	"	"	"	1	"	2	-	3	"
	1	"	1	6	2	"	2	"	2	6	3	"
ing 5 days	1	"	1	"	1	"	1	"	1	"	1	"
Expenses and Assistants	2	6	2	6	5	"	5	"	7	6	1	6

Mac.

B

Writ of Arrest

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen,

To

We command you, that you take of if he shall be found, and him safely keep, until he shall give Bail or make a Deposit with you according to Law, in a Suit wherein aforesaid, seeks to recover the Sum of (in words) (Briefly stating Plff's Claim) or until the said shall by other lawful means be discharged from your Custody, And We hereby require the said to take Notice, that within Eight days after the Execution hereof on him, inclusive of the day of such Execution, he shall cause Special Bail to be put in for him in our Said Court to the said Suit, and that in default of such his proceeding may be had and taken as are mentioned in the Warrant endorsed hereon, And We do further command you, that on the Execution thereof you do deliver a Copy hereof to the said And We do further Command you, that immediately after the Execution hereof, you do return the same to our said Court, together with the manner in which you shall have executed the same, and the day of Execution hereof; or that if the said shall pay to you the sum of One Calendar Month after the Execution hereof, or sooner if you shall be required by order of the said Court.

This Writ

This Writ is to be executed within One Calendar Month from the date hereof, exclusive of the day of such Date and not afterwards.

Indorsement on the Writ

Bailiff.
By Order of
Dated this

(as Mas
(Presiding Judge who made order)
day of

Of Execution against Goods

2 Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen

To Greeting:-

We command you That of the Goods and Chattels
in the Falkland Islands, You cause to be made the Sum of
as Mas) which
in the recovered against him in the Police Court
by virtue of a Judgment bearing date the
day of 185, and cause the Money in-
mediately after the Execution hereof, to be ren-
dered to the said
and in what manner you shall have executed
this our Writ, make appear to Our said Court
immediately after the Execution hereof, and have
you then and there this Writ

Of Execution against the person

3 Victoria by the Grace of God of the Uni-
ted Kingdom of Great Britain and Ireland
Queen, To Greeting:-
We command you That you take
of the Island
and him safely keep so that you have the
Sum of (as Mas) which
in the Police Court by a Judgment bearing

Mac

Date the day of 185 . and in what manner you shall have Executed this Our Writ, make appear to Our Court immediately after the Execution thereof, and have you then and there this Writ.

Form of Fine

L Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, To Greeting! We Command you that of the Goods and Chattels of you cause to be made the Sum of (in Words) being a Fine set by Our Police Court upon the said for (state the Offence) and that immediately after the Execution hereof, you render that Money to Us, and in what manner you shall have executed this Our Writ, make appear to our said Court, immediately after the Execution hereof, and have you then and there this Writ.

C

Form of Charge

A. B. You stand charged, For that you on the day of In the year of Our Lord One Thousand eight hundred and fifty at (Insert the Nature of the Chase

Insert Value

the Goods and Chattels of C. D.) feloniously did Steal Take and Carry away

Rules of Magistrates Court.

Whereas by an Ordinance, Intituled "Administration of Justice Ordinance". It is enacted, That it shall be lawful for the Presiding Magistrate as Chairman of the Magistrates Court from time to time to make Rules for regulating the time and place of holding the said Court and the practice procedure forms and pleadings therein, upon all Informations, Suits and other Proceedings Civil and Criminal as well as Court Cases) the Proceedings, Costs of Suits, and the Taxing thereof, and all Matters relating to the business of such Court; Provided the same be not repugnant to any of the provisions of the said Ordinance; Now in pursuance of such power it is hereby enacted and Rules following be the Practice, Forms and Costs of Suits for the Magistrates Court.

That the Proceedings, Forms and Pleadings in all Suits, Actions and all other Proceedings Civil and Criminal shall be as follows;-

Writ

1. That a Plaint must be entered at the Office of the Clerk pursuant to the Form in the Plaint Book and that at the time of entry, the Plaintiff shall deliver to the Clerk a Statement in writing, in plain and ordinary precise language of his Complaint;

Plaintiffs Statement

2. That on entering the Plaint, the Plaintiff shall at the same time, deliver at the Office of the Clerk as many Copies of the Particulars of his demand as there may be Defendants with an additional Copy to file; Provided always that in addition, the Court shall have power and may at any time order the Statement of the particulars of demand to be furnished

Particulars of Demand

Hearing of such Particulars by the Plaintiff shall

3. That the Summons to appear for the Plaint shall

Summons

Nac.

be issued according to the Form in the Schedule A, and shall be dated as of the day on which the Plaint was filed.

4. That the Clerk shall issue to each Summons to be served one of the Copies of the Statement and of the Particulars if any of the Plaintiff's Demand.

Service of Summons

5. That any such Summons must be served Seven clear days before the holding of the Court, at which it shall be returnable.

Mode of Service

6. That the Service of any Summons issued upon a Plaint, must be either personal, or by delivering the same to some person at the place of abode, or the Place of business of the Defendant,

Or at keeping away

7. Where the Defendant shall, by keeping his house or place of abode closed, or by refusing to open the door, or by keeping out of the way, prevent any Bailiff or other person from serving the Summons as hereinbefore directed, and such Summons shall have been affixed on the door of such house or place of abode, or otherwise served as nearly as may be, according to the mode hereinbefore directed, such Service shall be deemed good Service.

Affidavit

8. That the person who serves a Summons issued upon a Plaint, shall make affidavit of the time and manner of the service thereof, and shall produce such Affidavit, at the Court at which such Summons shall be returnable, and such Affidavit shall be filed by the Clerk of the Court.

Service

9. That the Rules as to the mode of the service of Summonses issued upon a Plaint, shall apply to the service of all Summonses, Judgements, Orders, Notices and Proceedings whatsoever issuing under the authority of the said Court.

Payment of Money into Court

10. That when the Defendant pays Money into Court, the same must be paid into Court Seven clear days before the return of the Summons.

Accepting the Money in Satisfaction

11. That if the Plaintiff shall be accepted in full Satisfaction of the Debt or Damages claimed by the Declaration, as shall have been indorsed on the Writ by the Defendant, and shall have given a notice to that effect to the Clerk of the Court, and a like notice to the Defendant, by serving the same on such Defendant personally, or leaving it at his place of abode or business three clear days before the return of the Summons, the Action shall be discontinued and the Plaintiff shall not be liable to any further Costs - but in default of giving such notice, the Suit will proceed, and if the Plaintiff do not appear at the hearing, he shall be liable to pay to the Defendant such Costs as he may incur in appearing to try the cause, or such other sum as the Court may order.

Jury 6 days

12. That when either party is desirous of a Jury he must give six days notice thereof in writing to the Clerk of the Court and must take out Rule to show Cause.

Answer 5 days

13. That if the Defendant intends to defend the Plaint, he must within five days after the service of the Summons, file an Answer in writing in plain & ordinary and concise language, denying those parts of the Plaintiffs Statement he means to dispute, and stating any new Matter he may mean to rely on, and either party may take out a Summons calling upon the other to appear before the Chairman and set the Issues to be tried. That at any such Issues when settled the Plaintiff and Defendant shall be entitled to set off any Debt or Demand they have to claim by the Plaintiff, he must at the time of filing his Answer, deliver to the Clerk two Copies of the particulars of such set off. Provided always that when such Answer Particulars shall not have

See 22

Set-off

been filed, the Court at its discretion may on any terms, may adjourn the hearing of the same for the delivery of an answer of the particulars of set off, or further Particulars.

New trial

16 That no application for a new Trial, or to set aside any proceedings shall be made, unless the party making such application shall move the Court for rule to shew Cause within four days of the Trial or Proceedings sought to be set aside.

No fee

Notice to solicitor Money in Court

15 That whenever Money is paid into Court under any Execution or Order of the Court, if the Clerk receive Notice from any party of his intention to apply to the Court to set aside the Execution or Order under which such Money is paid into Court the Clerk shall retain the same, until after such application has been determined or until the Court shall otherwise order.

Location see 22

16 That all Cases shall be taxed by the Chairman of the Court, and shall be charged according to Schedule B annexed, where applicable.

Money to be paid to Chairman

17 That any Bailiff or other person having or receiving any Money, by virtue of any process issuing out of the Court, shall within three days after the receipt thereof, pay over the same to the Chairman of the Court.

Forms

18 That in case of Proceedings not provided for, by the Forms in Schedule A, the Chairman of the Court shall prepare and issue the necessary process, in such forms as he may deem expedient, and when practicable, the Forms prescribed in the Schedule, shall be used in any case to which such forms shall apply.

Interpretation clause

19 That wherever the singular number is used in these Rules, in reference to persons or things it shall be understood when necessary to give full effect to the Rule, to mean several persons or things,

and every word importing the masculine gender, shall, in like manner, when necessary, be understood to include the feminine gender.

20 ——— That where the Plaintiff requires a summons returnable at a short period, he must make a special application to the Stipendiary Magistrate.

B

Entering Plaint, Issuing Summons and Serving Oath 2/3

Drawing Swearing & Filing Declaration & Affidavit if drawn by the Party

Filing Copy of Particulars 1/

Filing Particulars of Set-Off 1/

Appearance before Judge . Plaintiff or Defendant 1/

Adjournment by Plaintiff or Defendant 1/

Subpœna 1/

Copy of Issue 1/

Entering Cause on Part of Law for Argument 1/

Office Copy of Proceedings 1/

Drawing Writs 1/

Oyer and Back 1/ 1/

Appointment for Trial 1/

Taxing Costs 1/

Final Judgement 1/

Execution 1/

Writ of Arrest 1/

Entering up Judgement upon Cognovit 1/

Filing Warrant of Attorney, and Entering up Order of Court 1/

Motion 1/

Rule of Motion 1/

For every Warrant or Arrest for Contempt of Court 1/

Attendance on Clerk 1/

For Common Jury 1/

For Special Jury 1/

Discharge of Persons released from Prison 1/

Writ of Capias ad Satisfaciendum 1/

Every Seal 1/

Issuing Process for Lands 1/

For Property seized, when Action, the Property upon the Sale for Costs sustained, recovered, if not paid, before Rule to Defendant upon filing his Answer

	Under £100.			Under £200.			Above £200		
	£	s.	d.	£.	s.	d.	£.	s.	d.
nice thereof	"	10	"	1	"	"	1	10	"
	"	1	"	"	1	"	"	1	"
	"	2	"	"	4	"	"	6	"
	"	2	"	"	4	"	"	6	"
	"	2	"	"	4	"	"	6	"
	"	10	"	"	10	"	"	10	"
	1	"	"	2	"	"	3	"	"
	"	5	"	"	5	"	"	5	"
	"	5	"	"	10	"	"	15	"
	"	5	"	"	10	"	"	15	"
Per Febi	"	"	1	"	"	1	"	"	1
	"	2	"	"	2	"	"	2	"
	"	2	"	"	4	"	"	6	"
	"	2	"	"	4	"	"	6	"
	"	10	6	"	10	6	"	10	6
	"	5	"	"	10	"	"	15	"
	"	4	"	"	8	"	"	12	"
	1	"	"	1	"	"	1	"	"
	"	10	"	"	15	"	"	15	"
Indorsement	"	5	"	"	10	"	"	15	"
	"	4	"	"	8	"	"	12	"
	"	5	"	"	10	"	"	15	"
	"	2	"	"	4	"	"	6	"
	"	10	"	1	"	"	1	10	"
Each Party	"	10	"	"	10	"	"	10	"
	1	1	6	1	1	6	1	1	6
	2	3	"	3	5	"	3	5	"
	"	1	6	"	1	6	"	1	6
Per Pound	"	1	"	"	1	"	"	1	"
	1	"	"	1	"	"	1	"	"
	2	10	"	2	10	"	2	10	"
Property of Defendant to be	"	10	"	1	"	"	1	10	"
claimed and proceeding One year	"	10	"	1	"	"	1	10	"
	"	5	"	"	10	"	"	15	"

(23)

B

	£	s.	d.
For every search in books or examn.ns of Pleadings		1	0

A.A.

Form of Plaint

A.B. of ——— comes into the Magistrates Court at Stanley this ——— day of ——— 185 , and Complains that C.D. of (Here state the Nature of Complaint in plain ordinary and concise Language,) and he prays a Summons against the said C.D. to answer the premises.

Dated this ——— day of ———
185 . ——— , Signed E. F.
Plaintiff

A

Writ of Summons to appear.

Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, To ——— of ——— Yeoman, We command you that without delay, you render to ——— of ——— Yeoman, (or as the Case may be, following Entry in Plaint Book) or in default of your so doing, that you appear before the Magistrates Court at Stanley on the ——— day of ——— Instant at the hour of ——— O'clock in the ——— noon, and take Notice, that if you shall fail or happen, the said ——— may proceed in his Suit in your absence.

2

Of Summons in Ejectment for Mesne Profits.

Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, To ——— of ——— Yeoman, We command you that without delay, you render up to ——— of ——— (the Premises to which the Suit might have reference)

and that you also render to him ( ) in bonds for Mesne Profits, or in default of your so doing that you appear before the Magistrates Court at Stanley on the day of Instant, at the hour of Oclock in the ✠ noon, and take Notice, that if you shall fail or be absent, the said may proceed in his Suit in your absence.

3

In the Magistrates Court at Stanley

Between W.B. . . Plaintiff

And C.D. . . Defendant

Affidavit of Search for Defendant he keeps out of the way.

I E. F. maketh Oath and saith; That having been instructed to serve the above named Defendant with a Copy of the Writ of Summons hereunto annexed, This Deponent did on the day of 185 , call at the Residence of said Defendant at in for the purpose of serving the said Writ, and was answered by a person who described himself or herself to be, and whom this Deponent believes to be made to his enquiries on his so calling as aforesaid, and from the Information which this Deponent has received from persons living in the same Neighbourhood, Deponent verily believes, that the Defendant is not within the Jurisdiction of this Honorable Court, but that he keeps out of the way, so that he cannot be personally served with a Copy of the said Writ.

Sworn at this day of 185

Writ of Arrest

Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, To _____ of _____ Greeting: We Command you, that you take _____ of _____ if he shall be found, and him safely keep until he shall give Bail or make Deposit with you according to Law, in a Suit wherein _____ of _____ a person sued by _____ to recover the sum of _____ pounds ( ) lawful money of Canada and Costs of Suit, and we command the said _____ shall by the Sheriff aforesaid be discharged from your Custody. And We hereby require the said _____ to take Notice, That within Eight days after the Execution hereof on him, exclusive of the day of such Execution, he shall cause special Bail to be put in for him in Our Magistrates Court in the said Suit, or that in default thereof, such proceedings may be had and taken as are mentioned in the Memorandum underwritten. And We do further Command you, that on the Execution hereof, you do bring a Copy hereof to the said _____ And We do further Command you that immediately after the Execution hereof, you do return this Writ to Our said Magistrates Court, together with the Manner in which you shall have Executed the same, and the day of Execution hereof, Or that if the same shall remain unexecuted then that you do return the same at the expiration of One Calendar Month after the date hereof, unless in the meantime you shall be informed by the said Court that the said _____ has satisfied the said Debt, Damages, Costs and Charges aforesaid to the said _____ or that he has given Bail in the said Suit, or has made Deposit with you according to Law.

This Writ is to be executed within One Calendar Month from the date hereof, including the day of such date, and not afterwards.

Indorsement on Writ

Bail for (as bail
By Order of (Judge making Order)
Dated this ___ day of ___

5

To Commence Suit by Executor or Administrator Plaintiff.

Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
To _____ of _____ Greeting;
Whereas _____ A.B. _____ of _____ lately commenced a Suit in Our Magistrate's Court against you: And Whereas We have been informed that before final Judgment in the said Suit the said _____ died, having first duly made his last Will and Testament in writing, and thereby appointed _____ Executor thereof, and that the said _____ hath duly proved the said last Will and Testament, and taken upon himself the Execution of the same (or case of Intestacy and the Intestate) and that Administration of the Estate of the said _____ Intestate, hath been granted to _____ : Now We hereby command you to be before Our Magistrate's Court at _____ on the _____ day of _____ 185 at ___ o'Clock in the ___ Noon, to shew Cause why the said _____ ought not to continue the aforesaid Suit against you.

6

To Continue Suit by or against Executor or Administrator of Defendant

Similar to the above, changing only the Names and Parties of the Writs.

7

Of Commission against Debtors

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen. To _____ Greeting; We command you, that of the Goods and Chattels of _____ of _____ in the Falkland Islands, you cause to be made the Sum of (in words) in which _____ of _____ hath recovered against him in the Magistrates Court, by virtue of a Judgement bearing date the ____ day of ____ 185 , and cause the Money immediately after the Execution hereof, to be rendered to the said _____ , and in what manner you shall have executed this Our Writ, make appear to Our said Court, immediately after the Execution hereof, and have you then and there this Writ.

8

Against Husband and Wife

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen. To _____ of ____ Grazier, Whereas _____ of ____ lately commenced a Suit in Our Magistrates Court of the Falkland Islands against _____ ; And whereas We have been informed, that before final Judgement in the said Suit, the said _____ became the Wife of you the said _____ ; Now We hereby command you, that you be before Our said Magistrates Court at Stanley on the ____ day of _____ 185__, at__ Oclock in the __ Noon, to shew Cause why the said _____ of ____ ought not to continue the proceedings in said Suit against you. ____

D

By Husband and Wife

Similar to the above, changing only the Person and Pleading of the Parties

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10

Of Execution against the Person

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, To _____ Greeting: We command you that you take _____ if to be found in your _____, and him safely keep in your custody, to answer _____ A. _____ in a plea of trespass on the case, whereupon he hath complained against him in the Magistrates Court, by a Judgment thereof bearing date the ___ day of _____ 18__, and in whatsoever manner you shall have executed this our writ make appear to Our Court immediately after the Execution hereof, and have you there and then this writ.

11

To recover a Judgment entered in Magistrates Court.

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, To _____ of _____ Greeting: Whereas _____ of _____ lately commenced a suit against you: And Whereas, We have been informed, that although Judgement was given on the ___ day of _____ 18__, in favour of the said _____ yet Execution thereon still remains to be made: Now We hereby command you &c. &c. _____

12

To enjoin

Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, To _____ Greeting: We command you that of the Goods and Chattels of _____ of _____

upon cause to be made the Summons in writing being a Precept by Her Majesty's Court in the said _____ for (stating the Offence) and that immediately after the Execution hereof you certify that. You are therefore required in Her Majesty's name to take with you sufficient Assistance and repair to the said Court immediately after the execution hereof, and there you then and there do your duty.

Ecclesiastical

Probate

1 Every person who shall apply for Probate shall file an Affidavit in the Form No. 1 and 2 Probate shall thereupon be granted in the Form No. 3 unless a Caveat shall have been previously entered.

Residuary Legatee

2 If none of the Executors shall apply for Probate within One Calendar Month after the death of the Testator, and if the residuary Legatee, Widow or next of kin of such Testator or Intestate, shall apply for Administration within Six Calendar Months from the death of the said Testator, and shall file Affidavits in the Form No. 1 and 6, the Party shall have letters of Administration with the Will annexed in the Form No. 6, unless a Caveat shall have been previously entered.

No Will. or Exr.

3 If there be no Will, or if there be a Will but no Executor be named therein, and if the residuary Legatee Widow, Widower or next of kin of such Testator or Intestate, shall apply for Administration within Six Calendar Months from the death of the said Testator or Intestate and shall file Affidavits in the Form No. 1 and 4 or 5, the Party so applying shall have letters of Administration with the Will an-

Administration in the Form No 7, (as hereunto annexed) shall have been previously entered

Court

4 All Courts against whose Decrees Letters of Administration shall be granted, shall be open for the hearing of such Letters of Administration at the Office; the Party applying for Probate shall cause a Summons upon the Party or Parties behalf the Interest is sued, calling upon him to appear before _____ on a certain day and then show cause why the application for Probate or Administration (as the case may be) should not be granted.

Security

5 Every person to whom Letters of Administration shall be committed, as Ordinary Legatee, Widow, Next of Kin, or next of Kin before obtaining the same, give Security by Bond in the Form No 9, with two sureties to the satisfaction of the Chairman; the penalty in the Bond shall be twice the amount of the Property to be administered, as sworn to by the Party applying for Administration.

Official Administration.

6 If no person shall apply for Administration of the Estate and Effects of any person deceased, within Two Calendar Months after such decease, or if such application shall have been opposed, and the opposition shall have been overruled, or found groundless, no Official Letters in the Forms No 4 and No 5, Letters of Administration may be granted to any person the Court shall appoint.

Perishable Property

7 If any person deceased shall have left Estate, Property, of a perishable Nature, the Registrar may authorize the Sale of such Property by some person to him named, and may direct the proceeds to be paid to such Court, or to such Public Officer as required.

Inventory

8 Every Executor or Administrator shall, within Six Months from the time of obtaining of the Will

or from the Grant of Letters of Administration, shall file an Inventory of the Estate and Effects of the Deceased, which shall be verified by Affidavit.

Accounts of Administration

And every Executor or Administrator shall within Twelve Calendar Months after the decease of the Testator or Intestate, file a full and distinct account in writing of his Administration of the Estate, which shall set forth the Charge and Particulars of all Receipts and Disbursements, which account shall be verified by Affidavit.

Table of Fees

On Probate or Administration including Bond as follows;—

	£.	s.	d.
Where the Estate shall be under £20.	"	5	"
Where over £20. but under £100.	"	10	"
Where the Estate shall be above £100 but not above £500.	3	"	"
Where above £500.	2 per Cent		

No. 1

In the Magistrate's Court at Stanley, Falkland Islands.

Oath of Death

~~Form of Certificate for Public Use~~

I (A.B.) swear that I knew C.D. late of ——— in the ——— and that the said C.D. was residing at ——— within ——— and that the said C.D. died at ——— on or about the ——— day of ———

Sworn at ——— this ——— day of ———

Signed A. B.

No 2

Sworn before Magistrates Court at Stanley &c.

Oath of Will

I A.B. of ____ swear, that I believe the writing now produced and bearing date the ____ day of ____ 18__, and marked ____, to be the last Will and Testament of ____ deceased; and that I am the Executor or One of the Executors therein named; I swear that I will faithfully execute the said Will by paying the Debts and Legacies of the Deceased, so far as the property will extend, and the Law binds; and that I will exhibit into this Court a full and perfect Inventory of all the Real and Personal Estate, Effects and Credits of the Deceased and when thereto ____ of ____ and that I will file a true account of my Executorship on or before the ____ day of ____

Sworn to ____

No 3

In the Magistrates Court at Stanley &c.

Petition for One Execution

BE it known to all Men, That on this ____ day of ____ 18__, the last Will and Testament of ____ deceased, a Copy of which is hereunto annexed, hath been exhibited, read and proved before ____, and Administration of the personal Estate, Effects and Credits of the deceased hath been and is hereby granted to ____ the Executor in the said Will and Testament named, being first sworn faithfully to execute the said Will by paying the Debts and Legacies of the Deceased, so far as the property will extend and the Law binds, and to exhibit into this Court a true full and perfect Inventory of the said Property

can be before the ____ day of ____ , reserving
power to this Court, full power and au-
thority to grant like Probate and Adminis-
tration to _____ the other Executor
named in the Will, whenever they shall ap-
pear before this Court and pay for the same.
Given under the Seal of the said Court of ____
this ____ day of _____ 18__ _____

No 4

In the Magistrates Court at Manley &c. &c. . . .

Affidavit before Administration with the Will annexed.

I (A.B.) of ____ swear that I believe
the writing now produced to Me, bearing date
the ____ day of ____ 18__, and marked
A to be the last Will and Testament of
deceased, I swear, that to the best of my know-
ledge, information and belief, the Estate, Effects
and Credits of the deceased, to be administered
by Me, are under the value of ____ ; That I will
faithfully execute the said Will, by paying the debts
and Legacies of the Deceased, as far as the property
will extend and the Law binds; And that I
will exhibit into this Court, a true and perfect
Inventory of all the Estate, Effects and Credits
of the Deceased, on or before the ____ day of ____
and that I will file a true account of my Ad-
ministratorship on or before the ____ day of ____
Sworn &c. . _____

No 5

In the Magistrates Court at Manley &c. .

Oath before Administrator with the Will annexed.

I (A.B.) of ____ swear, that to the
best of my knowledge, Information and Belief,
the Estate Effects and Credits of the Deceased to be
administered by Me, are under the value of ____
That I will exhibit into this Court a true, full

and perfect Inventory of all the Estate Effects and Credits of Deceased are under the value of
That I will exhibit into this Court a true, full and perfect Inventory of all the Estate, Effects and Credits of the Deceased on or before the day of and that I will file a true account of my Administration on or before the — day of — Swear &c. &c.

No 6

In the Magistrates Court &c. ——

To, N.B., Widow, Widower or next of Kin of deceased ——

Letters of Administration with Will annexed when no Ex[ecutor] Named

Whereas the said —— lately departed this life leaving a Will, which has been duly proved in this Court, and Whereas no Executor is named in the Will: You are therefore fully empowered and authorized by these presents, to administer the Estate and Effects of the said deceased, and to demand and recover whatever debts may belong to his Estate, and pay whatever debts the said deceased did owe and also the Legacies contained in the said Will, so far as such Estate and Effects shall extend, and are to exhibit a true and perfect Inventory of all the Estate and Effects into this Court on or before the —— day of —— ; And You are hereby Constituted Administrator with the Will annexed, of all the Estate and Effects of the said Deceased Given under the Seal &c. &c.

No 7

In the Magistrates Court &c.

Of Admr with out a Will

To —— Widow &c.

Whereas the said —— lately departed this life Intestate; You are hereby fully empowered and

authorized &c. &c. - and to pay whatever debts
the said Deceased did owe, so far as such Estate
and Effects shall extend, you having been &c. &c.
as aforesaid before the ___ day of ___ ; - and you are
therefore by these presents constituted Administra-
tor of all the Estate and Effects of the said Deceased.
Given under the Seal of &c. &c. ___

No 8

In the Magistrates Court &c. &c. .

Caveat

In the Will or Goods of ___ late of
deceased; - Let nothing be done in the Will or
Goods of ___ late of ___ deceased, without
a Notice to (same person intended) ___

Dated this ___ day of ___

No 9

In the Magistrates Court &c. &c. ___

Administration.

Know all Men by these presents, That I
We ___ of ___ &c. &c., are held and
firmly bound unto ___ of ___
in the Sum of ___ Pounds, for which Payment
well and truly to be made to the said ___
or to such for the time being; We do, and each
of Us, doth bind ourselves, and the Heirs, Execu-
tors and Administrators of Us and of Each of Us
jointly and severally by these presents. Whereas
by Order of this Court of the ___ day of ___
It is Ordered, That Letters of Administration
of the personal Estate & Effects and Credits of
___ deceased, be granted to the
___ of ___ on his giving Security for the due
___ ___

Administration thereof; And Whereas
_____ hath sworn, that to the best of his
Knowledge, Information and Belief, the said
personal Estate, Effects and Credits are under the
value of _____ Pounds; Now the Condition
of the within Bond is, that if the above bounden
_____ shall exhibit into this Court, a true
and perfect Inventory of all the personal Estate
Effects and Credits of the Deceased, which shall
come into the Possession of the said ____
or of any other person by his Order, or for his own
use, on before the ____ day of ____, then
this Bond shall be void and of none effect, but
otherwise shall remain in full force ____
Signed the ____ day of ____
In the Presence of ____