

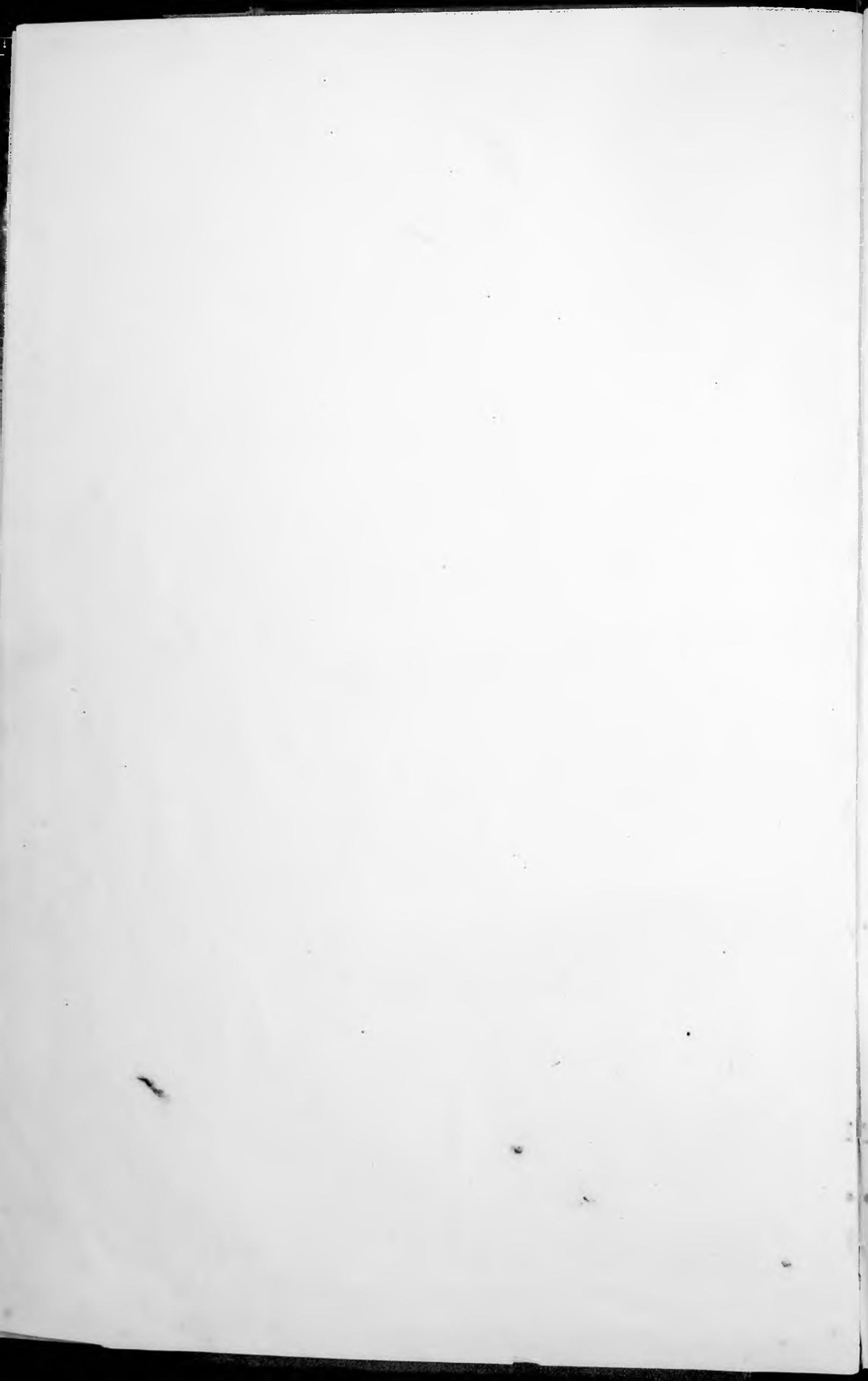
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LAWS AND ORDINANCES
OF
THE FALKLAND ISLANDS.



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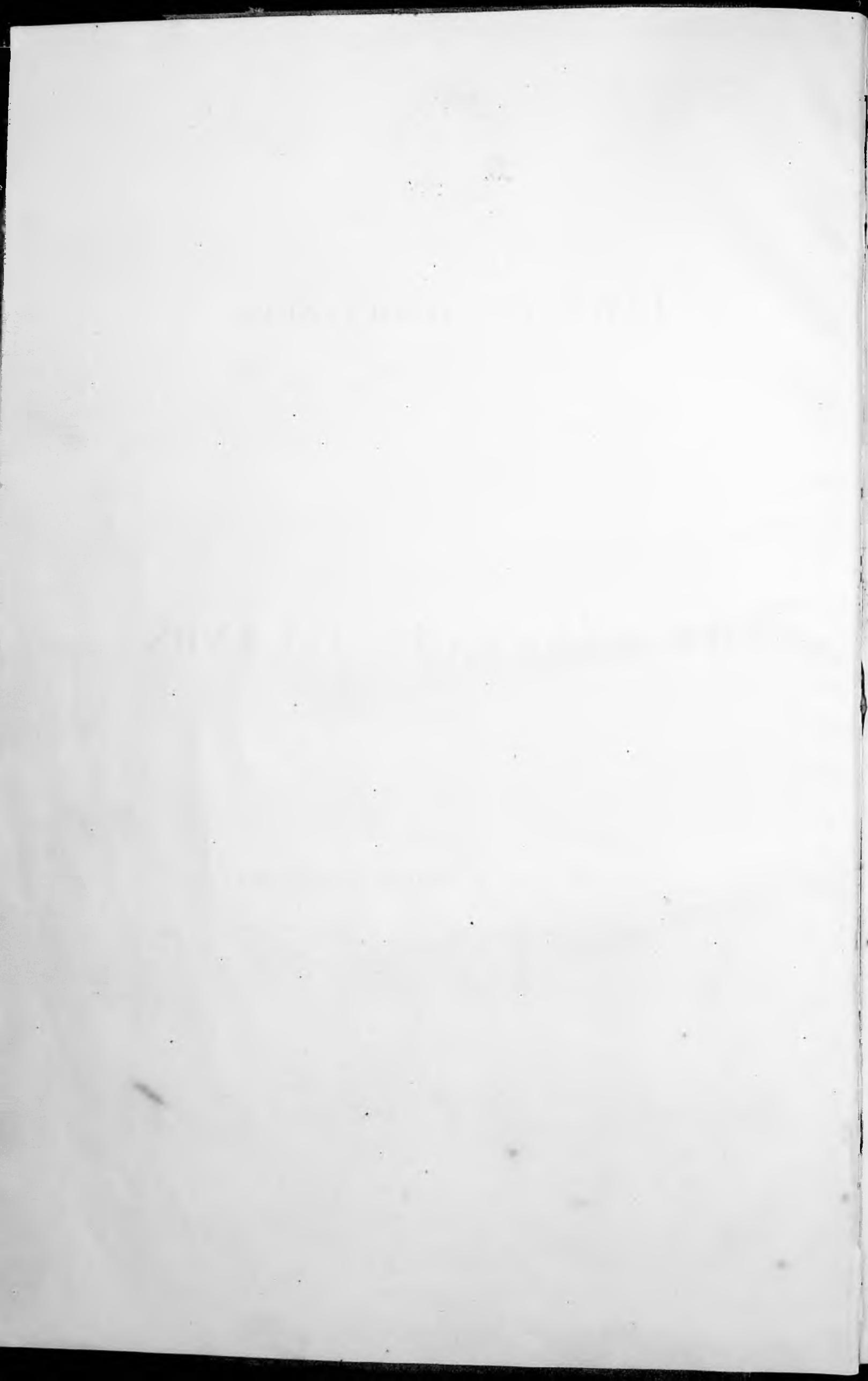


LAWS AND ORDINANCES

OF

THE FALKLAND ISLANDS.

FROM THE SETTLEMENT OF THE COLONY TO THE YEAR 1884.





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FALKLAND ISLANDS.

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LAWS AND ORDINANCES OF THE FALKLAND ISLANDS:
1843 to 1884.

1.

Charter for the Government of the Falkland Islands.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith, to all whom these presents shall come, Greeting: Letters-Patent, dated
23rd June, 1843.

Whereas by an act of Parliament made and passed in the sixth year of Our Reign, intituled "An Act to enable Her Majesty to provide for the Government of Her Settlements on the Coast of Africa, and in the Falkland Islands," after reciting that divers of Our subjects have resorted to and taken up their abode, and may hereafter resort to and take up their abode, at divers places in the Falkland Islands, and that it is necessary that We should be enabled to make further and better provision for the Civil Government of the said Settlements; it is enacted that it shall be lawful for Us, by any Order or Orders to be by Us made with the advice of Our Privy Council, to establish all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, and to make such provisions and regulations for the proceedings in such Courts and for the administration of justice as may be necessary for the peace, order and good government of Our subjects and others within the said present or future Settlements respectively, or any of them, any law, statute, or usage to the contrary, in any wise notwithstanding:

And whereas by the said recited Act of Parliament it is further enacted that it shall be lawful for Us, by any Commission or Commissions under the Great Seal of the United Kingdom, or by any Instructions under Our Signet and Sign-Manual accompanying and referred to in any such Commission or Commissions, to delegate to any three or more persons within any of the Settlements aforesaid respectively, the powers and authorities so vested in Us in Our Privy Council as aforesaid, either in whole or in part, and upon, under, and subject to all such conditions, provisoes, and limitations as by any such Commission, or Commissions, or Instructions, as aforesaid, We shall see fit to prescribe: Provided always, that notwithstanding any such delegation of authority as aforesaid, it shall still be competent to Us in Our Privy Council, in manner aforesaid, to exercise all the powers and authorities so vested as aforesaid in Us in Our Privy Council.

Now, therefore, in pursuance and exercise of the powers so vested in Us as aforesaid by the said recited Act of Parliament, We, of Our special grace, certain knowledge and mere motion, by this Commission under the Great Seal of the United Kingdom aforesaid, delegate to the persons hereinafter named within the said Falkland Islands, the powers and authorities so vested in Us in Our Privy Council as aforesaid; but upon, under, and subject to all such conditions, provisoes, and limitations as by this Our Commission, or by the Instructions under Our Signet and Sign-Manual accompanying the same, are prescribed. And We do declare Our pleasure to be, and do hereby declare and grant, that the Governor for the time being of the said Falkland Islands, and such other persons, not being less than two, as are hereinafter designated, shall constitute and be a Legislative Council for the said Islands. And We do hereby direct and appoint that the persons other than the said Governor constituting the said Legislative Council shall be such public officers within the said Islands as shall be designated, or such other persons within the same as shall from time to time be named for that purpose by Us by any Instruction or Instructions, or Warrant or Warrants, to be by Us for that purpose issued under Our Signet and Sign-Manual, and with the advice of Our Privy Council, all of which Councillors shall hold their places in the said Council at Our pleasure.

And We do hereby authorise, empower, and enjoin such Legislative Council to make and establish all such Laws, Institutions, and Ordinances as may from time to time be necessary for the peace, order, and good government of Our subjects and others within the said present or future Settlements in the said Falkland Islands and in their Dependencies: and Our pleasure is that in the making and establishing all such Laws, Institutions, and Ordinances, the said Legislative Council shall conform to and observe all such rules and regulations as shall be given and prescribed in and by such Instructions as We, with the advice of Our Privy Council, shall from time to time make for their guidance therein: Provided nevertheless, and We do hereby reserve to Ourselves, Our heirs and successors, Our and Their right and authority to disallow any such Ordinances in the whole or in part; and to make and establish from time to time, with the advice and consent of Parliament, or with the advice of Our or Their Privy Council, all such Laws as may to Us or Them appear necessary for the order, peace, and good government of Our said Settlements and their Dependencies as fully as if these Presents had not been made.

And whereas it is expedient that an Executive Council should be appointed to advise and assist the Governor of Our said Settlements in the Falkland Islands and in their Dependencies, for the time being, in the Administration of the Government thereof, We do therefore, by these Our Letters-Patent, authorise the Governor of Our said Settlements, for the time being, to summon as an Executive Council such persons as may, from time to time, be named or designated by Us in any Instructions under Our Signet and Sign-Manual addressed to him in that behalf.

And We do hereby authorise and empower the Governor of Our said Settlements in the Falkland Islands and in their Dependencies, for the time being, to keep and use the Public Seal appointed for the sealing of all things whatsoever that shall pass the Seal of Our said Settlements.

And We do hereby give and grant to the Governor of Our said Settlements in the Falkland Islands and in their Dependencies, for the time being, full power and authority, with the advice and consent of Our said Executive Council, to issue a Proclamation, or Proclamations, dividing Our said Settlements into districts, counties, hundreds, towns, townships, and parishes, and to appoint the limits thereof respectively.

And We do hereby give and grant to the Governor of Our said Settlements in the Falkland Islands and in their Dependencies, for the time being, full power and authority, in Our name and on Our behalf, but subject nevertheless to such provisions as may be in that respect contained in any Instructions which may from time to time be addressed to him by Us for that purpose, to make and execute in Our name and on Our behalf, under the Public Seal of Our said Settlements, grants of waste land to Us belonging within the same, to private persons for their own use and benefit, or to any persons, bodies politic or corporate, in trust for the public uses of Our subjects there resident or any of them.

And We do hereby authorise and empower the Governor of Our said Settlements in the Falkland Islands and in their Dependencies, for the time being, to constitute and appoint Judges, and, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Settlements, for the due and impartial administration of justice, and for putting the laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial matters.

And We do hereby give and grant unto the Governor of Our said Settlements in the Falkland Islands and their Dependencies, for the time being, full power and authority, as he shall see occasion, in Our name and on Our behalf, to remit any fines, penalties, or forfeitures which may accrue or become payable to Us, provided the same do not exceed the sum of fifty pounds sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture, exceeding the said sum of fifty pounds, until Our pleasure thereon shall be made known and signified to such Governor.

And We do hereby give and grant unto the Governor of the said Settlements in the Falkland Islands and in their Dependencies, for the time being, full power and authority, as he shall see occasion, in Our name and on Our behalf, to grant to any offender convicted of any crime, in any Court, or before any Judge, Justice or Magistrate within Our said Settlements, a free and unconditional pardon, or a pardon subject to such conditions as by any Law or Ordinance hereafter to be in force in our said Settlements may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit.

And We do hereby give and grant unto the Governor of Our said Settlements, for the time being, full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his office within Our said Settlements any person exercising any office or place under or by virtue of any Commission or Warrant granted, or which may be granted, by Us, or in Our name, or under Our authority; which suspension shall continue and have effect only until Our pleasure therein shall be made known and signified to such Governor. And We do hereby strictly require and enjoin the Governor of Our said Settlements, for the time being, in proceeding to any such suspension, to observe the directions in that behalf given to him by Our Instructions under Our Signet and Sign-Manual, accompanying his Commission of Appointment as Governor of the said Settlements.

And in the event of the death or absence out of Our said Settlements in the Falkland Islands and in their Dependencies, of such person as may be commissioned and appointed by Us to be the Governor thereof, We do hereby provide and declare Our pleasure to be, that all and every the powers and authorities herein granted to the Governor of Our said Settlements in the Falkland Islands and in their Dependencies for the time being, shall be and the same are hereby vested in such person as may be appointed by Us by warrant under Our Signet and Sign-Manual to be the Lieutenant-Governor of Our said Settlements; or in the event of there being no person within Our said Settlements commissioned and appointed by Us to be Lieutenant-Governor thereof, then Our pleasure is and We do hereby provide and declare, that in such contingency all the powers and authorities herein granted to the Governor or Lieutenant-Governor of our said Settlements, shall be and the same are hereby granted to the Justice of the Peace whose name shall be standing first in order in any general Commission of the Peace, issued by the Governor or Officer administering the Government of Our Settlements in the Falkland Islands and of their Dependencies, such Commission of the Peace being revocable and renewable from time to time by such Governor or Administrator of the Government, as he may find occasion; and such Lieutenant-Governor or such Justice of the Peace, as may be, shall execute all and every the powers and authorities herein granted until Our further pleasure shall be signified therein.

And We do hereby require and command all Our Officers and Ministers, civil and military, and all other the inhabitants of Our said Settlements in the Falkland Islands and their Dependencies, to be obedient, aiding and assisting to such person as may be commissioned and appointed by Us to be the Governor of Our said Settlements, or in the event of his death or absence to such person as may, under the provisions of these Our Letters-Patent, assume and exercise the functions of such Governor.

And We do hereby reserve to Us, Our Heirs and Successors, full power and authority, from time to time, to revoke, alter, or amend these Our Letters-Patent as to Us or Them shall seem meet.

In witness, &c.

2.

An Ordinance to extend to the Colony certain Acts of Parliament.

In the year 1853.—No. 1.

Clause.

1. Certain Acts of Parliament extended to the Colony.
2. Indictment to include information.
3. Regulating the punishments of whipping and solitary confinement.
4. Ordinance to commence on the 1st February, 1853.

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:

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:—

Acts of Parliament
extended to the
Colony.

13 Vict., cap. 21. An Act for shortening the language used in Acts of Parliament.

13 and 14 Vict., cap. 37. An Act for the further extension of summary jurisdiction in cases of larceny.

14 Vict., 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 Vict., cap. 19. An Act for the better prevention of offences.

14 and 15 Vict., cap. 99. An Act to amend the law of evidence.

14 and 15 Vict., cap. 100. An Act for further improving the administration of criminal justice.

Indictment to include information.

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.

The punishment of whipping not to be inflicted without the approval of the Governor.

3. That where 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, order, 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 endorsement on the back of the warrant commanding its infliction; 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 14 days at a time.

Ordinance to commence on the 1st day of February next.

4. 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, in the year of Our Lord one thousand eight hundred and fifty-three.

(Signed) GEORGE RENNIE, *Governor*.

Passed the Legislative Council on the 17th January, 1853.

(Signed) J. R. LONGDEN, *Colonial Secretary*.

3.

An Ordinance for the Naturalization of certain Persons in the Falkland Islands.

In the year 1853.—No. 2.

Clause.

1. Persons named in Schedule to be naturalized.
2. Ordinance to commence when Her Majesty's pleasure is known.

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 be and to have been from the first day of January, one thousand eight hundred and forty-one, 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 Falklands and their Dependencies Her Majesty's final assent and approbation hereof.

SCHEDULE.

Antonina Roxa, native of South America.
Ieergen Christian Dettleff, native of Hamburg.
Thomas Rolon, native of South America.

(Signed) GEORGE RENNIE, *Governor*.

Passed the Legislative Council on the 17th of January, 1853.

(Signed) J. R. LONGDEN, *Colonial Secretary*.

Land Conveying Ordinance.

In the Year 1853.—No. 3.

Clause.

1. Form of Grant to be acknowledged by married Women.
2. Attestation.
3. Delivery, indenting, receipt.
4. Grant to include all house, &c., and the reversion and all the estate.
5. Covenants implied.
6. Against her Husband.
7. Remedy on implied Covenants.
8. Implied Covenants may be negatived.
9. Grant failing to take effect by this Ordinance to be valid as a Deed and Indenture.
10. Schedules, &c., to form part of Ordinance.
11. Fees.
12. Not to affect the Ordinance for the Registration of Land, &c.
13. Ordinance to commence on the 1st February, 1853.

By His Excellency GEORGE RENNIE, Esq., 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:

1. THAT a grant in either of the forms in Schedule I. annexed shall be valid and effectual to grant and convey land and to bar and release 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 dispositions 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, intituled, "An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurances," or 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 Magistrate's Court, or the Chief Judge of the Superior Court in the Colony for the time being, if executed in England, Scotland, or Ireland, or any other part of Her Majesty's dominions, in the presence of any judge of any court of law or mayor of any city or corporation, or before the person having the chief command of any island or place where she may be, if executed in any foreign territory 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 chief officer 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 so to do, shall and may take such examination, and after explaining the nature of the grant, and such acknowledgment 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 handwriting 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.

Form of grant.

To be acknowledged by married women.

In this Colony.

In any part of the British dominions.

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 in the same manner as any other deed can be executed by any such company or corporation.

Attestation.

Provido where chartered company or corporation.

3. That sealing, except as aforesaid, and indenting 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.

Delivery, indenting, receipt.

4. That section 2 of an "Act to Facilitate the Conveyance of Real Property," passed in the 8 and 9 Vict., c. 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.

Grant to include all houses, &c., and the reversion and all the estate.

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 2 of the second Schedule of the said "Act to Facilitate the Conveyance of Real

Covenants implied.

Property," by each conveying party severally for himself, his heirs, executors, and administrators, to the extent of the interest departed 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 woman if unmarried, 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 covenants may be negatived.

8. That any covenant implied in any such grant may be modified by express declaration, and whenever any party shall use negatively in any such grant any of the form of words contained in column 1 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 2 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, &c., 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 Act of Parliament shall be deemed and taken to be parts of this Ordinance, save and except that in the second 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 negatively, and for the purposes of this Ordinance the said last-mentioned Schedule shall be read as so altered.

11. That the scale of fees contained in Schedule 3 may be charged and received to the use of the officers and persons therein mentioned, and no higher fees shall be recoverable in law.

Not to affect the Ordinance for the Registration of Land, &c.

12. That nothing in this Ordinance contained shall be deemed to be taken to affect or alter the Ordinance intituled "An Ordinance for the Registration of Land, Births, and Deaths."

Ordinance to commence on the 1st February, 1853.

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.

SCHEDULES.

SCHEDULE I.—Section 1.

This grant, made the _____ day of _____, one thousand eight hundred and _____, in pursuance of the "Conveying Ordinance" between A. B., of _____ (A) of the one part, and E. F. of the other part: Witnesseth, that in consideration of _____ pounds paid by the said E. F. (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 (B) unto the said E. F. (grantee or grantees) his or their heirs and assigns for ever, all that parcel of land in the Falkland Islands, situate, &c. (D).

(A) and C.D. his wife.

(B) and she the said C.D. doth release.

(D) Referring, if possible, to the number or sub-number in the Registrar's books and maps, and defining the situation, boundaries, and measurement.

[Here insert Covenants, if any.]

In witness whereof, the parties have hereunto set their hands.

A. B. (Signature.)
E. F. (Signature.)

If a chartered Company or Corporation,
Signed by the above-named A. B. and
E. F. in presence of us.

(L. S.)

E. S. of _____, Merchant.
G. H. of _____, Grocer.

The parts (A) and (B) to be inserted only where dower is to be barred.

SCHEDULE II.—Section 1.

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.

Certificate of acknowledgment to bar dower to be placed on the deed only where dower is to be barred.

(Signed) At this day of _____

A. B.

* Chairman of the Magistrates Court.

* If in this Colony.

E. F.

† Office or dignity of the person before whom the acknowledgment was made.

† If not in this Colony.

SCHEDULE III.—Section 2.

	£	s.	d.
To the Surveyor-General, or other competent surveyor or registrar for the time being	0	5	0
For a description of a subdivision of a former grant	0	5	0
For placing a diagram on the instrument	0	5	0
To solicitor or other person for engrossing a grant on parchment or paper...	1	10	0
For filling up parchment printed form of grant	0	10	0
For placing a certificate of acknowledgment to bar dower on any grant not printed	0	5	0
For attending the functionary to obtain a certificate of acknowledgment on any grant	0	5	0
To the functionary upon the examination, upon each grant whether the certificate be refused or granted	0	6	0

(Signed) GEORGE RENNIE, *Governor.*

Passed the Legislative Council on the 29th of January, 1853.

(Signed) J. R. LONGDEN, *Colonial Secretary.*

5.

Auctioneers' Ordinance.

In the Year 1853.—No. 5.

Clause.

1. Power to Grant Licenses. Partners. Licenses may be transferred.
2. Who to be deemed an Auctioneer. Penalty for selling without a License.
3. Auction Duty. Exceptions.
4. No duty if a Lot bought in and the reserved price publicly stated.
5. Catalogue and Conditions of Sale to be sent to the Governor.
6. Account of Sales.
7. Auctioneers selling on board of a vessel.
8. Duties how recovered.
9. Fines how recovered.
10. Excepted cases.
11. No Licensed Person to act as a Justice.
12. Ordinance to commence on 1st August, 1853.

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:—

1. THAT it shall be lawful for the Governor, or such person as the Governor shall from time to time appoint at discretion, to grant to any person or company a license, in the Form A annexed, to carry on the business of an auctioneer, on his or their own account, or by his or their agent, as the case may be, upon the payment to the Governor, or other person as aforesaid, of twenty pounds, which shall be in force for the period of twelve months from the day of its date: Provided, that persons in partnership, carrying on business by one agent as auctioneer, shall not be obliged to take out more than one license in one year

Power to grant licenses.

Partners.

- and it shall be lawful for the Governor, or other person as aforesaid, from time to time, at discretion, to transfer any such license, or a transfer thereof, to any other agent, to sell on account of the same person or company for the residue of the term, by an indorsement to that effect on the back of such license or transfer.
- Licenses may be transferred.**
- Who to be deemed an auctioneer.** 2. That any person who carries on the business of an auctioneer, or who acts in such capacity at any sale, and any person who sells, or offers for sale, any goods or chattels, lands, tenements, or hereditaments, or any interest therein, at any sale where any person or persons become the purchaser of the same by competition, and being the highest bidder, either by being the single bidder, or increasing upon the biddings made by others, or decreasing on sums named by the auctioneer, or person acting as auctioneer, or other person at such sale, or by any other mode of sale by competition, shall be deemed to carry on the business of an auctioneer; and if any person shall carry on the business of an auctioneer, without having a license or transfer (except as hereinafter mentioned), he shall pay for any such offence a fine of one hundred pounds.
- Penalty for selling without a license.**
- Auction duty.** 3. That there shall be levied and paid upon the proceeds of any sale by auction of fermented or spirituous liquors a duty at the rate of five pounds per cent., and of any sale of any other goods or chattels, or any lands, tenements, hereditaments, or interest therein (with the exceptions hereinafter mentioned), a duty at the rate of two pounds ten shillings per cent., which duty immediately upon the knocking down of the hammer, or other closing of the bidding, shall be a charge upon the auctioneer, and shall be paid by him, and may be retained by him out of the proceeds of any such sale, or recovered by him by action at law, from the person by whom he shall have been employed; and any agreement or condition of sale that the purchaser shall pay the duty shall be void: Provided always, that no auction duty shall be payable on the sale of implements used on grazing or agricultural farms, or in horticulture, or on biscuit, flour, wheat, maize, pulse, grain, seeds, or plants of any kind, or on cattle, sheep, horses, or any description of live animal.
- Exceptions.**
- No duty if a lot bought in, and the reserved price publicly stated.** 4. That if before any lot shall be put up for sale at any such auction the auctioneer shall publicly declare the reserved price, and the lot shall be bought in at or under such price, and the auctioneer, at the fall of the hammer, shall publicly state that the lot was bought in, the Governor, on the facts and fairness of the transaction being proved to his satisfaction, shall make an allowance to the auctioneer of the duty in such case on the passing of his accounts.
- Catalogue and conditions of sale to be sent to the Governor.** 5. That if any licensed auctioneer shall not send the Governor a catalogue, or shall not cause to be placed a true and correct copy of such catalogue on the Government Gazette boards, at the store yard and market place respectively, of any sale by auction, intended to be holden by him in Stanley, at least twenty-four hours previous to the commencement of such sale, and if elsewhere, twenty-four hours' additional notice for every twenty miles' distance, or if such catalogue shall not fully state the conditions, or place, or hour of sale, or contents of each lot, as near as can be stated, for any such offence he shall pay a fine of fifty pounds.
- Account of sales.** 6. That if any licensed auctioneer shall not, within seven days, or such further time as the Governor, at discretion, shall grant after any such sale by auction, render to the Governor or other person as aforesaid, a full and true account, in writing, of the price at which every article or lot shall have been sold by such auctioneer at such sale, together with a statement of the time and place of such sale, and shall not duly pay all sums of money which may be payable by him in respect of such auction duty as hereinbefore mentioned, he shall, for any such offence, pay a fine of one hundred pounds; and upon a second conviction of any such offence be for ever after disqualified to hold any license under the provisions of this Ordinance.
- Auctioneer selling on board of a vessel.** 7. That if any licensed auctioneer shall hold any auction on board of any vessel, without permission of the Governor in writing, unless the vessel shall be attached to a wharf, or on shore, and into and from which the public shall have free access by a jetty, or a gangway from on shore, he shall pay a fine of one hundred pounds.
- Duties how recovered.** 8. That any auction duty as aforesaid shall and may be sued for and recovered in the name of any person appointed by the Governor, by warrant in the Form B, by action, of debt, plaint, or information in any Court in this Colony having jurisdiction to the amount sought to be recovered, or by information before two or more justices.
- Fines how recovered.** 9. That none of the aforesaid fines shall be sued for, except on the information of some person appointed by the Governor by warrant under his signature, in the Form C.
- Excepted cases.** 10. That nothing herein contained shall extend to any sale by order of the Governor, or of any officer of Customs, or to any sale of any vessel, or the apparel or

stores or cargo of any vessel which may be taken and condemned as a prize, and sold for the benefit of the captors, or to any sale by the judicial order of any justice or court, or to any sale under a distress for rent, or to any sale of fresh fruit, or fish, or poultry, by the owner, or to the person selling as auctioneer in any such excepted case without a license.

11. That no justice holding a license under this Ordinance shall act as a justice under any of the provisions of this Ordinance.

No licensed person to act as a Justice.

12. 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 1st day of August, one thousand eight hundred and fifty-three.

Ordinance to commence on 1st August, 1853.

SCHEDULES.

A.—(SECTION 1.)

Person or company of (*residence*) is (*or*) are hereby licensed to carry on the business of an Auctioneer on his own account (*or by his or their agent on his or their account*), from the day of next, for the term of one year, the said having this day paid the sum of Twenty pounds.

Form of license.

Dated

(Signed)

Governor.

B.—(Section 8.)

I, , do hereby appoint you, , to sue for certain duties which it has been represented to me are due to the Crown by of , under the provisions of the Auctioneer's Ordinance.

Form of appointment to recover duties.

(Signed)

Governor.

C.—(SECTION 9.)

I, , do hereby appoint you, , to prefer an information against , for the recovery of a certain fine which it has been represented to me that he is liable to under the provisions of the Auctioneer's Ordinance.

Form of appointment to recover penalties.

(Signed)

Governor.

(Signed)

GEORGE RENNIE, Governor.

Passed the Legislative Council on the 23rd of July, 1853.

(Signed) J. R. LONGDEN, *Colonial Secretary*.

Dog License Ordinance.

In the Year 1853.—No. 6.

Clause

1. Penalty for keeping a dog without having a license.
2. Licenses to be granted by the Stipendiary Magistrate.
3. Justice may order an unlicensed dog to be killed.
4. Ordinance to commence on 1st September, 1853.

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.

WHEREAS the numbers of dogs in Stanley are a public nuisance, and it is expedient to restrain their increase, be it enacted:

[122346]

Penalty for keeping a dog without having obtained a license.

1. That if any person in Stanley shall keep any dog above the age of three months without having obtained a license for the same, he shall pay a fine of two pounds, one half of which shall be paid to the informer for his own use, and upon the hearing of any information against any person for keeping a dog without having obtained a license, the dog shall be taken to be unlicensed, and above the age of three months, unless the contrary is proved by the defendant.

Licenses to be granted by the stipendiary magistrate.

2. That the stipendiary magistrate shall, upon the payment of eight shillings for a dog and twelve shillings for a bitch, grant to the keeper thereof a license in the form in the schedule hereunto annexed, which shall be in force for twelve months from the date thereof, and shall not be transferable; and the stipendiary magistrate shall cause to be kept a register of every such license.

Justice may order an unlicensed dog to be killed.

3. That it shall be lawful for any Justice to issue a warrant to any constable directing him to kill any dog in Stanley above the age of three months for which a license shall not have been obtained, and the constable to whom such warrant shall be directed shall forthwith kill or cause to be killed any such dog: Provided nevertheless, that the owner of such dog shall not be thereby exonerated from the penalty he may have incurred for keeping an unlicensed dog.

Ordinance to commence on 1st September, 1853.

4. That this Ordinance shall come into operation on the first day of September next, and the Ordinance intituled "Dog License Ordinance" of 1850 shall, from and after that day, be repealed, except as to licenses issued under the provisions of the said Ordinance since the first day of September, one thousand eight hundred and fifty-two, each of which shall be and continue in force for one year from the day of its date, anything to the contrary in the said Ordinance or license contained notwithstanding.

SCHEDULE.

LICENSE	to	for	Dog.
Name of Dog.	Sex and Description of Dog.	Date of License.	

This license will expire on the _____ day of _____, and is not transferable.

(Signed)

Stipendiary Magistrate.

(Signed) GEORGE RENNIE, *Governor.*

Passed the Legislative Council on the 1st August, 1853.

(Signed) J. R. LONGDEN, *Colonial Secretary.*

Administration of Justice Ordinance.

In the Year 1853.—No. 10.

Clause

1. Jurisdiction of Magistrate's Court; Common Law; Equitable; Ecclesiastical; Probates; Letters of Administration; Sequester. To reserve power to grant probate to executor; to the next of kin; to such persons as Court shall see fit. In certain cases the Court to empower any person to collect effects.
2. Constitution of Magistrate's Court. Notice to other Justices.
3. Crimes to be tried upon an information, and by a Jury of six: Jury of twelve men where capital offence.
4. Verdict unanimous in criminal cases.
5. An inquisition by six Jurors to have the same effect as an inquisition by twelve.

6. Civil procedure to be summary.
7. Common Law Procedure Act applied to the Magistrate's Court. No replication or subsequent pleading. May be tried without pleadings. Setting down the cause for trial. Judgment by default for not proceeding to trial. Proceedings upon the hearing. Issue may be collected from examination of the parties. Trial may be postponed. Special finding; may be entered. Judgment upon special finding. Proviso as to costs where Plaintiff sued in wrong form.
8. Chairman, with consent of Governor, may make rules for applying the provisions of the said Act to the Magistrate's Court.
9. Appeal from Magistrate's Court to Governor in Council in Civil Cases. Security to be given for the prosecution of the appeal, and the due performance of the judgment.
10. Mode of Appeal.
11. Constitution of Police Court.
12. Civil jurisdiction under £50.
13. Appeal from Police Court under £20.
14. Criminal jurisdiction of Police Court.
15. Governor to appoint a Chairman and Deputy Chairman.
16. The authority of the Chairmen of the Magistrates' and Police Courts respectively.
17. Justice not attending, to be re-summoned.
18. Clerk of the Court. Appointment of Officers.
19. Writs.
20. Sheriff.
21. Majority of Justices to decide. Jury at the request of either party.
22. Jury in Civil Cases.
23. General rule that the Trial is to be the same as in England.
24. Rules, Regulations, Practice, Procedure, Forms and Pleadings. Officers.
25. Chairman may settle issues.
26. No objection to Pleadings or Jury after verdict.
27. Persons summoned as Witnesses to be fined in default of attendance.
28. Sentences of Transportation. Convicts to be kept to hard labour.
29. The Court to make an order of transportation where the Crown extends mercy in a capital case.
30. Power of person in charge; illegally at large. Information. Certificate.
31. Regulating Mesne Process.
32. Arrest on proof of intended departure.
33. Chairman may inquire as to grounds of belief.
34. Qualification of Jurymen.
35. Jury List.
36. Errors of Jury List to be corrected.
37. List to be kept by the Stipendiary Magistrate.
38. Jurors summoned in order.
39. Chairman to give directions as to the summoning of Jurors. Jurors to try issues, civil and criminal.
40. Jurors how summoned.
41. Juror to be fined in default of attendance.
42. Panel.
43. Compensation to Jurors.
44. Names of Jurors to be drawn from a box.
45. Challenges, Juries of six.
46. Challenges, Juries of twelve.
47. Laws in force in England on 1st January, 1850, to be in force.
48. Acts of Parliament which in England direct any fine to be paid to any local purpose.
49. Appeal from one Justice to Magistrate's Court.
50. Mode of enforcing fines on Magistrates, Jurors, and Witnesses.
51. Stipendiary Magistrate to have power of two Justices.
52. Moneys paid to the Crown.
53. Solitary confinement may be substituted for imprisonment by any Court or Justice.
54. Gaols and Houses of Correction.
55. Governor may appoint a Gaoler. Misconduct of Officers.
56. Justice may visit the Gaol, and may report abuse.
57. Carrying anything to or from a Gaol. Assaults. Escapes. Verbal or other communication.
58. The Governor may appoint a Notary Public until one arrives from England.
59. Ordinances to be enrolled in the Magistrate's Court.
60. Records of the old Court to be continued in the new.
61. Indemnity for acts done under certain Ordinances.
62. Interpretation Clause.
63. Not to affect an Ordinance to extend to the Colony certain Acts of Parliament.
64. Ordinance to commence on 1st October, 1853.

By His Excellency GEORGE RENNIE, Esq., 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:—

Magistrate's Court.

1. That there shall be a Court called the Magistrate's Court, which shall be a Court of Record, and have jurisdiction in the Falkland Islands in all cases as fully as Her Majesty's Courts of Queen's Bench, Common Pleas, and Exchequer, or either of them, or any Court of General Quarter Sessions have or hath in England, and shall be a

Jurisdiction of
Magistrate's Court.
Common Law.

Equitable.

Ecclesiastical.

Probates.

Letters of administration.

Sequester.

To reserve power to grant probate to executor.

To the next of kin.

To such persons as Court shall see fit.

In certain cases the Court to empower any person to collect effects.

Constitution of Magistrate's Court.

Notice to other justices.

Crimes to be tried upon an information and by a jury of six.

Jury of twelve men where capital offence.

Verdict unanimous in criminal cases.

Court of Oyer and Terminer and Gaol Delivery, and Assize and Nisi Prius, and shall be a Court of Equity, and shall have power and authority to do all such acts as the Lord High Chancellor lawfully may within England, and 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; 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 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 that province; and shall have power and authority to grant probates of the last wills and testaments of all persons who shall die and leave personal effects within the Falkland Islands; and to commit letters of administration of the goods, chattels and credits, and all other effects whatsoever of the persons aforesaid who shall die intestate, or who shall not have named an executor resident within the Falkland Islands, or where the executor being duly cited shall not appear and sue forth such probate, annexing the will to the letters of administration when such persons shall have left a will without naming any executor, or any person for executor who being duly cited thereunto will appeal and sue forth a probate thereof; and to sequester the goods and chattels, credits and other effects whatsoever of such persons so dying; and to demand, take and examine, and allow, and, if occasion require, to disallow and reject the accounts of them in such manner and form as the said Magistrate's Court may think fit: Provided always that the said Court in such case as last aforesaid, where letters of administration shall be committed with the will annexed, for want of any executor applying in due time to sue forth the probate, reserve in such letters of administration power to revoke the same and to grant probate of the said will to such executor whenever he shall appear and sue forth the same; and the said Court shall grant and commit such letters of administration to any one or more of the lawful next-of-kin of such person so dying as aforesaid, and being then resident within the jurisdiction of the said Court, and being of the age of twenty-one years; and in case no such person shall then be residing within the jurisdiction of the said Court, or being duly cited shall not appear and pray the same to such person (whether creditor or not) of the deceased person as the Court shall see fit: Provided that, in all cases where the executor of any will being duly cited shall refuse or neglect to take out probate, or where the next of kin shall be absent, and the effects of the deceased shall appear to the said Court to be exposed and liable to waste, 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 deposit or invest the same in such manner and place, or upon such security and subject to such orders and directions as shall be made, either as applicable in all such cases or especially in any case, in respect of the custody, control, or disposal thereof.

2. That the said Court shall be holden before a chairman, or in his absence before a deputy chairman, and three or more justices, and whenever it is necessary that the Court shall be holden, the chairman shall fix the day of sitting, and shall cause to be summoned, in the Form E annexed, the justices resident in Stanley in rotation, beginning with the first three names on the commission, and he shall summon three only to attend at each sitting; and shall also cause a notice, in the Form F, to be served on every other justice resident as aforesaid.

Criminal.

3. That all crimes, misdemeanours, or offences cognizable in the said Court shall be prosecuted by information in the name of such officer as the Governor shall from time to time appoint to prosecute (and the Governor may revoke any such appointment), or upon a coroner's inquisition; provided that the person so appointed by the Governor shall not preside upon the bench upon the trial of any information filed by him; and all issues of fact joined upon any information, or upon any coroner's inquisition or inquest of office, shall be tried by a jury of six men, as hereinafter provided; except that where any information or coroner's inquisition shall charge any person with an offence punishable with death, all issues of fact joined upon any such information or coroner's inquisition shall be tried by a jury of twelve men, as hereinafter provided.

4. That the jury in every criminal case in the Magistrate's Court, and upon every

coroner's inquest or inquest of office, must unanimously concur in their verdict, and no alien in any case shall have a jury *de medietate lingue*.

5. That if a verdict of murder or accessory before the fact shall be found by a jury upon any information or coroner's inquisition against any person, the coroner holding the inquest and the Magistrate's Court, the sheriff and his deputy, or if there be no sheriff the chief constable and his deputy duly appointed, the gaoler and all other officers, shall have and be deemed to have had the same powers respectively for the commitment, trial and execution of the person so charged and convicted as by law is possessed in England by the coroner, or the justices of oyer and terminer and gaol delivery, sheriff and his deputy, the gaoler and other officers, with regard to the commitment, trial and execution of the sentence upon any person in England convicted of either of the said offences upon any indictment or coroner's inquisition.

An inquisition by six jurors to have the same effect as an inquisition by twelve.

Civil.

6. That all civil cases in the Magistrate's Court shall be heard and determined in a summary way at law, as hereinafter provided; and all matters in equity and ecclesiastical shall be heard upon a petition, and the parties and witnesses examined *viva voce* before the Court: Provided that in any action at law either of the parties shall be entitled to a jury, as hereinafter provided.

Civil procedure to be summary.

7. And with respect to the process, practice and mode of proceeding in actions in the Magistrate's Court, be it enacted as follows:—

(A.) That all the enactments and provisions of the Common Law Procedure Act of 1852 shall extend and apply to the Magistrate's Court and actions and proceedings therein, so far as the same are consistent with this Ordinance, except the provisions with respect to the sealing of writs and such as relate to the test thereof in the name of a judge, and to replications and subsequent pleadings to the jury, to the proceedings in error, to the proceeding where the plaintiff neglects to bring on the cause to be tried, and to the *Nisi Prius* records: Provided that all the powers under the said Act exercisable by any one judge, or by one or more of the masters, shall and may be exercised by the Chairman of the Magistrate's Court.

Common Law Procedure Act applied to the Magistrate's Court.

(B.) That no replication or subsequent pleading, joinder of issue, or *Nisi Prius* record shall be necessary, but each cause shall be taken to be ready for trial when the Chairman has settled the issues, or when the defendant has filed a plea or demurrer, or when the parties have agreed to proceed without pleadings, and have filed a consent in the following form:—

No replication or subsequent pleading.

MAGISTRATE'S COURT.

A. versus B.

We, the parties in this cause, have agreed that the same shall be tried without pleadings.

May be tried without pleading.

(Signed) A. *Plaintiff's Signature.*
B. *Defendant's Signature.*

And in any such case, at the request of the plaintiff, the Clerk of the Court shall take the necessary steps to summon a jury or the Court, as the case may require, for the trial, and shall cause a notice of the day appointed for the trial to be served upon the defendant; and if the plaintiff shall neglect to bring his cause on to be tried, after the same shall have been ready for trial as aforesaid, the defendant may give four days' notice to the plaintiff to bring the case on to be tried; and if the plaintiff shall not before the expiration of four days take the necessary steps to bring the case on for trial, or having done so shall not proceed in the trial, the defendant may sign judgment for his costs: Provided that the Court or Chairman shall have power to extend the time for proceeding to trial with or without terms.

Setting down the cause for trial.

Judgment by default for not proceeding to trial.

(C.) That upon the day appointed for the trial of any cause, the clerk shall have in Court the summons, the appearance, and each and every document in the cause, upon which documents the cause shall be tried; and whether the issues shall have been settled by the Chairman or not, the Court may, at discretion, either before the jury are sworn or at any period of the trial, collect the issue or issues, whether of fact or law, from the declaration and plea or demurrer, if there be any, or from the examination of the parties upon oath, and in any such case may, at discretion, order the clerk to enter in the Record Book the issue or issues of fact or law or matter in dispute, and from time to time to alter or amend the entry, upon the decision of which

Proceeding upon the hearing.

Issue may be collected from examination of the parties.

Trial may be postponed.

Special finding ;

may be entered.

Judgment upon special finding.

Proviso as to costs where plaintiff has sued in wrong form.

Chairman, with approval of Governor, may make rules for applying the provisions of the said Act to the Magistrate's Court.

Appeal from Magistrate's Court to Governor in Council in civil cases.

Security to be given for the prosecution of the appeal and the due performance of the judgment.

Mode of appeal.

Constitution of Police Court.

Civil jurisdiction under £50.

Civil County Court Act.

the verdict or judgment, as the case may be, shall depend ; or the Court, at discretion may order the plaintiff to state his case, and then call his witnesses, and afterwards the defendant the like, and the trial proceed without any such examination or entry being made ; and the Court may in any case make such order as to the postponement of trial or method of eliciting the issue, or both, having reference to the question whether either party has been misled or prejudiced in the conduct of his case, or otherwise in the matter, as the Court shall think best calculated to promote substantial justice in the case, or the Court may find, or direct the jury to find, as the case may require, the facts according to the evidence, notwithstanding the issues settled by the chairman, the declaration and plea, or the issues entered by the clerk as aforesaid ; and such finding shall be entered by the clerk in the Record Book ; and if the Court shall think the parties have not been prejudiced in the conduct of their cause, the Court may give judgment upon the facts so specially found and entered according to the substantial merits of the case, notwithstanding that the form of action had been misconceived, or any other objection whatever in respect of the pleadings : Provided that in such case the question of costs and form of judgment shall be in the discretion of the Court, and that no plaintiff who has sued in a wrong form of action shall be entitled to any other costs than such as he would have been entitled to in case he had sued in the proper form of action.

8. That it shall be lawful for the Chairman for the time being of the Magistrate's Court, with the approval of the Governor, from time to time to make rules for applying any of the provisions of the said Act or of the rules to be made in pursuance thereof to the Magistrate's Court, with such modifications and alterations with reference to the constitution and peculiar circumstances of the Colony as they may think fit and reasonable, and for modifying any of the provisions hereby applied to the said Court, and, from time to time to rescind, amend, or alter such rules.

9. That it shall be lawful for any person feeling aggrieved by any judgment, decree, order, or sentence of the Magistrate's Court in any civil case to appeal therefrom to the Governor in Council, in case such judgment, decree, order, or sentence shall be given or pronounced for or in respect of any sum or matter above the amount or value of one hundred pounds, or in case such judgment, decree, order, or sentence shall involve, directly or indirectly, any claim, demand, or question to or respecting property, or any civil right amounting to the value of one hundred pounds, within fourteen days next after the same shall have been pronounced, made, or given : Provided that security shall be given by the party appellant to the satisfaction of the said Court for the prosecution of the appeal, and for the due performance of such judgment or order as the Governor in Council shall think fit to make thereupon.

10. That the party shall appeal by petition to the Governor in Council, and shall transmit, together with such petition, a true and exact copy of all evidence, proceedings, judgments, decrees, and orders had or made in such case appealed, so far as the same have relation to the matters of appeal ; and the Governor in Council on hearing the petition and the evidence taken in the Magistrate's Court, unless the Governor in Council shall think fit to examine further into the matter, shall make such order as justice shall seem to require ; and the Governor shall certify the same under his signature to the Chairman of the said Court, and the said Court shall conform to and execute, or cause to be conformed to and executed, such judgment and order as the Governor in Council shall think fit to make in the premises, in such manner as an original judgment, decree, order or, rule by the said Court should or might have been executed.

Police Court.

11. That there should be a Court of Record, which shall be called the Police Court, and be holden before a Chairman, or in his absence before a Deputy Chairman, alone or with one or more Justices, and whenever the Chairman shall deem it expedient, he may at discretion summon one Justice ; and in any case of appeal or criminal trial, as hereinafter provided, he shall summon two justices, in the Form E annexed, beginning with the first Justice on the Commission, and summoning the Justices resident in Stanley in rotation.

12. That the said Police Court shall have cognizance of all civil cases where the amount or damage sought to be recovered shall not exceed fifty pounds, which shall be heard and determined in a summary way, provided that either party shall be entitled to a jury as hereinafter provided ; and except as herein altered the Statutes and Rules for the more easy recovery of small debts and demands in force in any County

Court in England, the Insolvent Law and Protection Statutes in force in England, as administered in the Insolvent Court, Portugal Street, and the Bankrupt Law in England, as administered in the Court of Bankruptcy in London, shall be applied in the administration of justice in the said Police Court, so far as they respectively can be applied.

13. That either of the parties may, by petition, within ten days from any judgment or order of the Police Court, in case such judgment or order shall be given in respect of any sum or matter above the value or amount of twenty pounds, or shall involve, directly or indirectly, any claim, demand, or question to or respecting property, or any civil right amounting to the value of twenty pounds, appeal to the Magistrate's Court, which Court, on hearing the petition and the evidence taken in the Police Court (unless the Court shall think fit to examine any further into the matter), shall make such order as justice shall seem to require.

Appeal from Police Court above £20.

14. That the said Police Court, holden before the Chairman and two or more Justices, shall also have cognizance of all crimes and offences punishable in England by fine or imprisonment, or both, or imprisonment with hard labour or whipping, or both, all which crimes and offences shall be heard, determined, and punished upon information in a summary way without a jury.

Criminal jurisdiction of Police Court.

Both Courts.

15. That the Chairman and Deputy Chairman of the Magistrate's and Police Courts respectively shall, from time to time, be appointed to and removed from his office by the Governor; and it shall be lawful for the Governor, from time to time, to appoint the Deputy Chairman, either in any particular case or generally, as the Governor may deem it expedient.

Governor to appoint a Chairman and Deputy Chairman.

16. That the Chairman of the Magistrate's Court and Police Court respectively shall have such and the like jurisdiction and authority in the Falkland Islands as any Judge of any Court in England, the jurisdiction whereof is vested in the Court whereof he is the Chairman lawfully hath and may exercise in England, and as shall be necessary for carrying into effect the several jurisdictions, powers, and authorities hereby given to the Magistrate's and Police Courts respectively.

The authority of the Chairman of the Magistrate's and Police Courts respectively.

17. That when a summons cannot be served on a Justice in his turn to attend the Magistrate's or Police Court respectively, by reason of his being absent, or other cause, the Justice next in rotation shall be summoned in his stead; and also in any case where any Justice having been duly summoned shall not have attended in pursuance of such summons, in either case the Justice who has not served in his turn shall be summoned to the next Court or any succeeding Court, or oftener, if necessary, until he shall have served in his turn; and if any Justice being duly summoned shall neglect or fail to attend in pursuance of such summons, or shall withdraw himself without the permission of the Court, the Court, if there be a full Court, or Chairman alone, or with such Justice or Justices as attend, as the case may be, shall in a summary way, unless some reasonable excuse be proved, set upon the Justice so making default any fine not exceeding the sum of ten pounds.

Justices not attending to be re-summoned.

18. That there shall belong to the Magistrate's and Police Courts respectively an officer, who shall be called the Clerk of the Court, who, in all cases whatsoever, as fully and amply, to all intents and purposes, shall have and exercise in their respective Courts such and the like power and authority, and discharge such and the like duties as are incident to and correspond with the duties performed by each and every officer of and belonging to each and every Court in England, the jurisdiction of which is by this Ordinance extended to the Court of which he is the officer; and there shall also belong to the said Courts respectively such other as shall from time to time appear necessary to the Governor; and the clerks of the said Courts and officers respectively shall, from time to time, be appointed and removed by the Governor, subject to the approval of Her Majesty.

Clerk of the Court.

Appointment of officers.

19. That all writs and process in either of such Courts shall be tested in the name of the Chairman or Deputy Chairman of the Court from which the same shall issue, and shall in no case require to be sealed with any seal.

Writs.

20. That it shall be lawful for the Governor, if he shall think proper, from time to time, to appoint a sheriff, either to act in any particular case or for any period His Excellency may deem expedient, and to revoke any such appointment, and the person who shall be so appointed sheriff shall by himself, or his sufficient deputies to be by him appointed and duly authorised under his hand and seal, or if there be no sheriff appointed, the chief constable for the time being shall by himself or his

Sheriff.

sufficient deputies, to be by him appointed and duly authorized under his hand and seal, and approved by the Governor, execute, and such sheriff or chief constable and their deputies are hereby respectively authorized to execute all writs, summonses, rules, warrants, orders, commands, and processes of either of the said Courts, and to make return of the same, together with the manner of the execution thereof, to the said Courts respectively, and to receive and detain in prison all such persons as shall be committed to the custody of such sheriff or chief constable, as the case may be, by either of the said Courts, or the respective Chairmen thereof, or any Justice, and shall in all respects be subject and liable to such and the same laws as in England apply to any sheriff or his deputies respectively in the discharge of the duties of his office, which laws shall be applied to the sheriff appointed under this Ordinance and his deputies respectively, or chief constable and his deputies respectively so far as the same can be applied.

Majority of justices to decide.

21. That in the said Magistrate's and Police Courts respectively 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; and any Justice, except the Chairman or Deputy Chairman, as the case may be, shall be liable to be challenged upon such and the same grounds as may be lawfully alleged as a cause of challenge against any person empannelled as a juror, and such challenge shall be made in open Court and decided by the Court, if there be a full Court, or Chairman alone, or with such Justice or Justices as attend, as the case may be: Provided always, that in any action at law any issue of fact may be tried, or damages assessed by a jury, as hereinafter provided, at the request of either of the parties: Provided also that in the said Police Court no person shall be entitled to a jury unless the sum or matter in dispute shall amount to twenty pounds or upwards, or shall involve, directly or indirectly, any claim, demand, or question to or respecting property, or any civil right amounting to the value of twenty pounds.

Jury at the request of either party.

Jury in civil cases.

22. That in any civil case in either of the said Courts the jury shall consist of six persons, and if, after having remained six hours or upwards in deliberation, all of them shall not agree as to the verdict to be given or amount of damages to be assessed, the decision of five-sixths in number of them shall be entered as a verdict or assessment for all; and if, after having remained twelve hours or upwards in deliberation, five-sixths of them shall not concur in any such verdict or assessment, such jury shall be discharged, and the cause shall or may be set down for trial or assessment either at the same or any subsequent sittings, as the Court may think fit to order.

General rule that the trial is to be the same as in England.

23. That in every case of trial by a jury, 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 assessment or trial by them, 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 action at law in the Court of Queen's Bench, or, if a criminal case, upon the trial of an indictment before justices of gaol delivery.

Rules, regulations, practice, procedure, forms and pleadings.

Officers.

24. That it shall be lawful for the Chairman of the said Courts respectively from time to time to make rules for regulating the time and place of holding the said Courts, and the practice, procedure, forms, and pleadings upon all informations, suits and other proceedings therein, in criminal as well as civil cases, the proceedings of the Sheriff, Chief Constable, and other officers, the admission of barristers and solicitors, the fees and poundage to be paid to any officer, costs of suits and the taxing thereof, and all matters relating to the business of either of such courts, and such rules from time to time to alter or revoke; provided that the same shall not be repugnant to any of the provisions herein contained; and provided, also, that no such rules shall be in force until the same shall have been approved by the Governor.

Chairman may settle issues.

25. That it shall be lawful in either of such courts for the plaintiff and defendant at law or in equity at any time if they both agree so to do, to submit themselves to be examined, without oath by the Chairman, who may, at his discretion, do so, and elicit the issue, whether of fact or law, or matter in dispute between them, which issue or matter in dispute shall be settled and signed by the Chairman; and upon the trial of which issue or matter in dispute, so settled and signed, the judgment in the action or suit shall depend.

No objection to pleadings or jury after verdict.

26. That no objection shall be allowed to prevail in a civil case, either in arrest of judgment or after verdict, in respect of the pleadings or the jury, in any case in the Magistrate's or Police Courts, if, upon the whole, justice shall appear to the Court to have been done.

Persons summoned as witnesses to be

27. That if any person, having been duly summoned as a witness before any

Court or justice, shall fail to attend when his name is called, such Court or justice, as the case may be, shall, in a summary way, unless some reasonable excuse be proved, set upon the person so making default any fine not exceeding ten pounds. fined in default of attendance.

Transportation.

28. That when any person shall be convicted 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, or order of transportation as hereinafter mentioned, shall subject the 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 transported; and in the meantime it shall be lawful for the Governor, whenever he shall think fit, to order any such offender or any offender under any sentence of imprisonment and hard labour, either with or without whipping, or order of transportation, as hereinafter mentioned, to be kept to hard labour, either in the gaol or out of the gaol, as he may think fit, in any part of the Falkland Islands, and under the custody or management of any person he may think proper, and to give all necessary and proper orders for the removal or due working and safe custody of such offender for all or any part of the time for which such offender shall be under sentence; and the time during which every such offender shall continue in or at any gaol or place of confinement, or be kept to hard labour as aforesaid, shall be taken and reckoned in part discharge of the term of his sentence. Sentences of transportation.
Convicts to be kept to hard labour.

29. That whenever Her Majesty or the Governor having lawful authority shall be pleased to extend mercy to any offender convicted of any crime punishable with death on 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. The Court to make an order of transportation where the Crown extends mercy in a capital case.

30. That the constable or other person in charge of or employing, or having the management of any offender working under any sentence or order as aforesaid, shall have the same powers and authority over him as are incident to the office of Sheriff or gaoler; and if any such offender whilst under any such sentence or order shall be convicted before any justice of disobedience, idleness, profane swearing, indecent or abusive language or conduct, insolence, or absence without leave, insubordination, or other misconduct, he shall be liable, at the discretion of any such justice, for any such offence to be punished in a summary way, either by imprisonment and hard labour, for any term not exceeding thirty days, or by extending the original sentence for any term not exceeding thirty days, or by sentencing such offender, if a male, to be worked in irons for any period of his original sentence or any extension thereof, or to be flogged with any number of lashes not exceeding fifty; provided that no such punishment of whipping shall be inflicted unless the Governor shall certify under his signature his approval thereof on the back of the warrant commanding its infliction, either alone or in addition to any such punishment; and every such offender under any such extended sentence shall be subject to 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; and if any such offender shall be illegally at large within the the Falkland Islands before the expiration of the term of his sentence, he shall be guilty of felony, and shall be liable to be transported beyond the sea for the term of seven years, or imprisonment, with or without hard labour, for any less term the Court may think fit; and in any information or indictment against any offender for any such offence, it shall be sufficient to allege that the offender was illegally at large before the expiration of the term of his sentence, without alleging any information, indictment, trial, or other matter, and the clerk of the Court, or officer having the custody of the records of the Court where the sentence shall have been recorded, shall give a certificate in writing signed by him, containing the effect and substance only (omitting the formal part) of the conviction and sentence of such offender, which certificate shall be sufficient evidence of the conviction and sentence. Power of person in charge.
Illegally at large.
Information.
Certificate.

Arrest for Debt.

31. That no mesne process shall be issued for the arrest of any person in any civil action except in the cases and upon such orders to be made as hereinafter provided. Regulating mesne process.

Arrest on proof of intended departure.

32. 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 Chairman of either of the said Courts, as the case may be, that such plaintiff hath a cause of action against the defendant to the amount of twenty pounds or upwards, or hath sustained damage to that amount, and such person shall also make oath that he believes, and that in his opinion there is sufficient reason to believe that the defendant, or any one or more of the defendants, is or are shortly about to depart from this Colony, it shall be lawful for such Chairman, by an order in writing, to direct that such defendant as last aforesaid be held to bail for such sum as such Chairman shall think fit, not exceeding twice the amount of the debt or damages, such order may be made and such defendant arrested at any time before final judgment, and thereupon it shall be lawful for such plaintiff, within such time as shall be expressed in such order, but not afterwards, to sue out a writ of *capias* against any such defendant.

Chairman may inquire as to grounds or belief.

33. That it shall be lawful for the Chairman of either of the said Courts, as the case may be, to examine *viva voce* upon oath the person making such affidavit as to the grounds of such belief, and to refuse to make such order, if, in the opinion of such Chairman, such belief is unfounded.

Jury.

(Section 34 repealed. For qualification of jurymen, see page 65.)

Jury list.

(Section 35 repealed. For qualification of jurymen, see page 65.)

Errors of jury list to be corrected.

36. 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.

37. 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, or be transmitted before the tenth day of April, and from time to time as corrected, to the sheriff (if there be a sheriff), and kept by him, and such copy shall be called the "Jury List," and shall be brought into use on the said tenth day of April, and shall be used for one year then next ensuing.

Jurors summoned in order.

38. That the sheriff or clerk of the Court, or chief constable, as the case may be, shall summon the persons whose names shall appear on the jury-list in the order in which they shall be placed; provided that when a summons cannot be served on a juror in his turn by reason of his being absent or other cause, the juror next on the list shall be summoned in his stead, and also in case any other person having been duly summoned shall not attend in pursuance of such summons, in either case the juror who has not served in his turn shall be summoned upon the next jury or any succeeding jury, and oftener, if necessary, until he shall have served in his turn; and provided that at the commencement of every year the names shall be taken from the new list, beginning with the name of the person who stands next to the person last summoned in the preceding list.

Chairman to give directions as to the summoning of jurors.

39. That it shall be lawful for the chairman of the magistrate's and police courts respectively verbally to direct the proper officer to summon the jurors for disposing of the business pending in either of such Courts, as the case may be, and to give directions as to the time and place for which such jurors shall be summoned, and as to all such other matters as to such chairman shall seem requisite, and to direct that the jurors be summoned for the trial of all issues, whether civil or criminal, or both, which may come on for trial at the same sittings, and the jurors shall be summoned accordingly.

Jurors to try issues civil and criminal.

Jurors, how summoned.

40. That the sheriff or clerk of the Court when a jury is required shall issue summonses in the Form A; or chief constable, when a coroner's inquest is required, shall issue summonses in the appropriate form in Schedule B, hereunto subjoined, requiring the attendance of twelve men for juries of six, and twenty-four for juries of twelve, 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: Provided that upon the coroner's inquest the summons may be made returnable immediately or at such time and place as the coroner shall specially order in each case.

Jurors to be fined in default of attendance.

41. That if any person, having been duly summoned, shall fail to attend as a juror when his name is called, or after appearance shall withdraw himself without the permission of the Court, the Court shall, in a summary way, either on the same or at

any future day, to be appointed by the Court, as to the Court shall seem most expedient, notice being in such last-mentioned case given to the party, if the Court shall see fit, of the time and place so appointed, unless some reasonable excuse be proved, set upon the person so making default such fine, not exceeding the sum of ten pounds, as to the Court shall seem meet: Provided that, in any case in which it shall be made to appear, by affidavit or otherwise, that any juror summoned or selected as herein-after provided is or was unable to attend, or ought for any reasonable cause to be excused from attendance, it shall be lawful for the Court to excuse such juror from attendance upon any particular trial, or on any day, as to such Court shall seem meet.

42. That the sheriff or clerk, or chief constable, on a coroner's inquest, as the case may be, shall cause to be delivered to the Court, at the sitting of the Court, a panel containing the names of the persons so summoned. Panel.

43. That each juror summoned to attend upon any jury in any civil case under this Ordinance shall receive from the clerk of the Court the sum of three shillings for every day during which he shall be in attendance upon the Court in obedience to such summons, whether he shall have actually served upon a jury or not; and the plaintiff (or party applying for a jury as herein directed) shall pay to the clerk of the Court the sum of one pound sixteen shillings for the jury at the time of the application for a jury, which shall be allowed as costs in the cause to the prevailing party, unless the Court shall otherwise order. Compensation to jurors.

44. That at the opening of the Court in any case of trial by jury, as well in civil cases as in criminal, or on a coroner's inquest, the name of each juror who shall attend, written upon a separate piece of card, shall, by the officer of the Court, be put into a box in open Court, and the officer shall, in open Court, draw out the said cards, until a sufficient number of jurors shall appear; and in case of a sufficient number of jurors not being in attendance, the Court or coroner may, at discretion, order the sheriff or chief constable, as the case may be, to complete the number from amongst the bystanders, and the officer of the Court shall place the name of each person chosen (unless excused as hereinbefore provided) upon a card, which he shall put into the box, and such person shall attend as a juror, or in default the Court may set upon him any fine, not exceeding ten pounds, as to the Court shall seem meet to be levied, as in any other case of default by a juror, or the Court may commit him for contempt for any term not exceeding thirty days. Names of jurors to be drawn from a box.

45. That in any case of a jury of six, each party shall be allowed three peremptory challenges, and no more. Challenges, juries of six.

46. That in any case of a jury of twelve, each party shall be allowed six peremptory challenges, and no more. Challenges, juries of twelve.

Laws.

47. That all laws and statutes which were in force within the realm of England on the first day of January, 1850, shall be applied in the administration of justice in the Falkland Islands so far as the same can be applied: Provided that, if in any matter there appears to be a conflict of laws betwixt any provision of an Act of Parliament and any provision of this or any Ordinance, the case shall be governed by the provision of the Ordinance. Laws in force in England on 1st January, 1850, to be in force.

48. That where any Act of Parliament provides that any fine, penalty, forfeiture, or sum of money, or any portion of either, shall be paid to the overseers of the poor, to the treasurer of a county, or to any other local purpose, or to any body corporate, or to Her Majesty, or to any person or persons whomsoever, other than to any party aggrieved, or to any informer, in each and every such case such Act notwithstanding shall be in force within the Falkland Islands, and the whole fine, penalty, or forfeiture, or sum of money shall be paid over monthly to the officer appointed by the Governor to receive the same, for the use of Her Majesty for the public uses of the Settlement. Acts of Parliament which in England direct any fine to be paid to any local purpose.

49. That in any case of a summary conviction by and before any justice under the provision of any Act of Parliament (where in England there is an appeal to any Court of Quarter Sessions), it shall be lawful in a like case in this Colony for the party to appeal to the magistrate's court, which Court shall hear and determine the matter in a summary way, upon the evidence adduced before the convicting justice, unless the Court shall think proper to examine further into the matter, and shall make such order thereon, with or without costs to either party, as shall be just. Appeal from one justice to Magistrate's Court.

Mode of enforcing
fines on magistrates,
jurors, or witnesses.

50. That in any case where a fine shall be imposed on any person for non-attendance as a magistrate, juror, or witness, the clerk of the Court or of the justice, as the case may be, shall, within twenty-four hours from the imposition of such fine, unless previously paid, send a notice to such person, informing him of the imposition of such fine, and that if not paid within five days from the date of such notice, a warrant of distress will be issued to levy the same; and if the fine be not paid within five days the clerk (unless the same shall have been remitted by the Governor) shall issue a warrant of distress to levy the amount; and it shall be lawful for the officer by whom such warrant shall be issued to use the like form of warrant of distress as any justice, and also to direct by such warrant that in default of distress for the sum therein directed to be levied, the person against whose goods such warrant shall be issued shall be committed to gaol for the like period for which any person might be imprisoned in any like case in default of distress by a justice.

Stipendiary magi-
strate to have the
power of two justices.
Moneys paid to the
Crown.

51. That the stipendiary magistrate shall have all such powers as may by law be exercised by any two justices in England.

52. That all moneys, duties, fines, fees, forfeitures, or penalties, or portions of either, received under this or any Ordinance, containing no special provision to the contrary, 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 for the public uses of the settlement and the support of the Government thereof: provided that so much of any such fine or penalty as the Court or convicting justice shall determine, not exceeding in any case one-fourth, shall be paid to the informer or person upon whose discovery or information the same shall be recovered.

Solitary confinement
may be substituted
for imprisonment by
any Court or justice.

53. That where any court or justice may sentence, order, or direct any person to be imprisoned, or to be imprisoned and kept to hard labour, such court or justice, as the case may be, may also direct that such person be kept in solitary confinement for any portion of the time 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, when any single justice shall direct that the imprisonment, or any portion of it, shall be solitary, the total period of solitary imprisonment shall not be more than fourteen days.

Gaols.

Gaols and houses of
correction.

54. That the building now used as a public gaol in Stanley shall be a house of correction as well as a public gaol, and it shall be lawful for the Governor from time to time, by proclamation, to establish any other building as and to be a public gaol and house of correction; and it shall be lawful for the Governor from time to time to make rules for the government of any such gaol, and for the classification, discipline, and treatment of offenders imprisoned therein, and for the duties to be performed by the officers of the same.

Governor may
appoint a gaoler.

55. That it shall be lawful for the Governor from time to time to appoint for any such gaol a gaoler, and such other officers as may be necessary, and at pleasure to remove all or any of them: and if any such gaoler or officer shall convey, or attempt to convey, or cause to be conveyed into or out of, or knowingly allow to be conveyed into or out of any such gaol, or to or from any prisoner, anything whatsoever not allowed by the rules of the gaol, or shall be guilty of any other misconduct contrary to the said rules, he shall pay a fine not exceeding fifty pounds.

Justice may visit the
gaol.

56. That it shall be lawful for any justice at such time or times, and so often as he may think fit, to enter into and examine any such gaol, or any part thereof, and to visit and inspect the apartment or place in which any prisoner shall be confined, and there to see such person, and to hear and receive any representation from him as to his treatment in such gaol, and to inquire and examine into the same; and if he shall discover any abuse, such justice is hereby required to report the same in writing to the Governor, and so often as a report of any abuse shall be made by any justice, the abuse so reported shall be taken into consideration by the Governor, with a view, if necessary, of rectifying such abuse so soon as the nature of the case will allow.

and may report
abuse.

Carrying anything
to or from gaol.

57. That if any person shall convey or attempt to convey or cause to be conveyed in or out of any such gaol anything whatsoever, without the sanction of the gaoler, or to or from any prisoner working as hereinbefore provided, without

the sanction of the person in charge, or if any person shall assault or resist any officer of any such gaol, or person in charge of prisoners, in the execution of his duty, or shall aid or incite any person to assault or resist any such officer or person so in the discharge of his duty, or shall by any means whatsoever aid or assist any prisoner to escape or in attempting to escape from any such gaol or from the custody of any such person, whether an escape be actually made or not, he shall pay a fine not exceeding fifty pounds; or if any person, without the consent of the gaoler or person in charge of any prisoner, as aforesaid, or constable in whose custody any prisoner shall be, as the case may be, shall hold or attempt to hold any communication with any prisoner in such custody or charge, he shall pay a fine not exceeding five pounds.

Assaults.

Escapes.

Verbal or other communication.

General.

58. That it shall be lawful for the Governor from time to time, at his discretion, to appoint any person whom His Excellency may think fit, by warrant in the form in Schedule D hereunto annexed, and to revoke any such appointment, to be a notary public, who shall have the same authority and receive such and the like fees for his own use in every respect as a notary public duly appointed by the law of England; provided that if any duly appointed notary public shall reside in Stanley, any appointment of a notary public under this Ordinance shall thereupon determine, and it shall not be lawful to appoint any other notary public under this Ordinance so long as a notary public duly appointed by the law of England shall reside in Stanley, and shall be able and willing to discharge the duties of his office.

The Governor may appoint a notary public until one arrives from England.

59. That this and every Ordinance shall be transmitted by the clerk of the Legislative Council to the Magistrate's Court, to be there enrolled and recorded, and when enrolled and recorded shall be returned to the said clerk.

Ordinance to be enrolled in the Magistrate's Court.

60. That the records, papers, books and documents of and belonging to or received under the authority of the Magistrate's and Police Courts respectively established under the Ordinance intituled Administration of Justice Ordinance, No. 5, 1851, shall, from and after the passing of this Ordinance remain and continue in the custody of the Magistrate's and Police Courts respectively to be established under this Ordinance, and the said records shall be taken to be equally the records of the Magistrate's and Police Courts respectively to be established under this Ordinance.

Records of the old Court to be continued to the new.

61. 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 proceedings, 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 in 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 in all respects of full legal force and effect.

Indemnity for acts done under certain Ordinances.

62. That in this or any Ordinance, unless there is anything in the subject or context repugnant to such construction, words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, and the word "month" to mean calendar month, and words "oath, swear and affidavit," shall include "affirmation, declaration, swearing and declaring," in the case of persons allowed by law to declare and affirm instead of swearing, and the word "land" shall include messuages, tenements, hereditaments, houses and buildings of any tenure, and the words "person or party," shall include a company as well as a corporation, whether aggregate or sole, and where the matter shall be authorized or required to be done by one or by two, or by any specific number of justices, the language used shall be understood to mean "one, two or more justices met and acting together," and the words "Falkland Islands" shall be understood to mean "the Falkland Islands and the Dependencies thereof," and the words "Chairman, or Chairman of the Magistrate's Court, or Chairman of the Police Court, shall be understood to include the deputy chairman of the said Courts respectively, and the words "Stipendiary Magistrate" shall, in case of the illness, absence, or incapacity of that officer, be construed to include "the person appointed by the Governor to discharge the duties of the office for the time being," and the word "Governor" shall be construed to mean "the Governor or Lieutenant-Governor for the time being, or other person administering the Government for the time being," as well as the Governor, and the words "any

Interpretation clause.
Masculine.
Singular.
Plural.
Month, oath, &c.

Land.

Person or party.

Justices.
Falkland Islands.
Chairman.

Stipendiary magistrate.

Governor.

Any Ordinance. Ordinance" shall be understood to mean "any Ordinance that has been or may hereafter be made by the Governor, with the advice and consent of the Legislative Council," and the words "Her Majesty" shall be understood to mean "Her Majesty, her heirs and successors," and the words "in Stanley" shall be understood to mean and extend to a circle of ten miles from the junction of Villiers Street, "and the Ross Road in Stanley," and the word "Justice" shall mean "Justice of the Peace."

Not to affect an Ordinance to extend to the Colony certain Acts of Parliament. 63. That nothing in this Ordinance contained shall be taken to affect or alter the Ordinance intituled "An Ordinance to Extend to the Colony certain Acts of Parliament," No. 1, 1853.

Ordinance to commence on 1st October, 1853. 64. Whereas the delay incident to a previous communication with Her Majesty, to know Her Royal pleasure hereupon, would be productive of serious inconvenience; be it enacted, that this Ordinance shall take effect and come into operation on the first day of October, 1853, and the Ordinance intituled Administration of Justice Ordinance, No. 5, 1851, shall from and after that date be repealed.

SCHEDULES.

A.—(SECTION 40.)

Mr.

Form of summons to a jurymen.

You are hereby summoned to appear before the (Magistrate's or Police Court, as the case may be,) to be holden at _____ on the _____ day of _____ next, at the hour of _____ o'clock, in the _____ noon, and there to attend from day to day until you shall be discharged from the said Court.

(Signed)

Clerk or Sheriff.

N.B.—The penalty for disobedience hereto is any sum not exceeding ten pounds.

B.—(SECTION 40.)

Summons of a jurymen on a coroner's inquest.

You are hereby summoned to appear as a juror before _____ Coroner, at _____ on the _____ day of _____ next, at the hour of _____ o'clock, in the _____ noon, 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 _____ Coroner.
(Signed)

Chief Constable.

N.B.—The penalty for disobedience hereto is any sum not exceeding ten pounds.

C.—(SECTION 61.)

List of Ordinances referred to.

- 13 Vict. No. 1. Administration of Justice Ordinance.
- 13 Vict. No. 2. Dog Licence Ordinance.
- 13 Vict. No. 3. Spirits, Wine, Beer and Tobacco Licence Ordinance.
- 13 Vict. No. 4. Aliens Amendment Ordinance.
- 13 Vict. No. 5. Cattle Trespass continuation Ordinance.
- 13 Vict. No. 6. Militia continuation Ordinance.

D.—(SECTION 58.)

Appointment of a notary public.

Falkland Islands. } Whereas there is not as yet any Notary Public resident in the town
To wit. { of Stanley: Now therefore I, the Governor and Commander-in-Chief of the Falkland Islands, do hereby appoint you _____ being a fit and proper person to be a Notary Public, to practise within the Falkland Islands.

In testimony whereof I have caused the seal of the Colony to be hereunto affixed, at Government House, Stanley, in the said Islands, this _____ day of _____

18 .
(L.S.)

E.—(SECTION 11.)

Esquire,

You are hereby summoned to appear as a Magistrate at the (Magistrate's or Form of summons of a magistrate. Police Court, *as the case may be*), to be holden at _____ o'clock, in the _____ at _____ on the _____ day of _____ next, and there to attend from day to day until you shall be discharged from the said Court.

(Signed)

Clerk.

N.B.—The penalty for disobedience hereto is any sum not exceeding ten pounds.

F.—(SECTION 2.)

To Esquire,

Notice is hereby given to you that the Magistrate's Court will be holden at _____ o'clock, in the _____ noon of the _____ day of _____ next at _____

(Signed) Clerk of the said Court.

(Signed) GEORGE RENNIE, Governor.

Passed the Legislative Council on the 29th of August, 1853.

(Signed) J. R. LONGDEN, Colonial Secretary.

8.

Summary Jurisdiction Ordinance.

In the year 1853.—No. 11.

Clause.

1. Fines to be recovered before a Justice. The Procedure in Summary Cases in England to be applied to Summary Procedure under this or any Ordinance.
2. Mode of enforcing fines on summary conviction. Instead of a fine, imprisonment and hard labour. Term of imprisonment in default.
3. Power to award costs on hearing charges.
4. Appeal from conviction by a single Justice.
5. Compensation for damage not exceeding £10.
6. Aiders and abettors in the commission of offences to be punishable on summary conviction as principals.
7. Justice may upon first conviction permit arrangement.
8. Governor may pardon where a portion of the fine does not belong to the Crown.
9. Governor may appoint constable. Oath.
10. Constables to have the privileges of parish constables.
11. Summonses and warrants to be executed by constables.
12. Penalty for neglect of duty.
13. Powers of constables. Search boats, &c.
14. Constable to search vessel on suspicion of felony.
15. Persons apprehended to be taken to the watch-house.
16. Penalty for assaulting constables or others.
17. Offences in town of Stanley. Fine not exceeding 40s. Turning cattle loose. Driving cattle through the town. Driving cattle and causing mischief. Cattle straying. Furiously riding. Using profane or indecent language or behaviour. False alarms. Using threatening language or behaviour. Throwing stones. Discharging fire-arms. Putting out lamps or ringing bells. Rubbish in public places. Filth or carcass of dead animal. Foot-paths, drains or water-courses. Penalty of dangerous dog unmuzzled. Bitches at heat at large. Setting chimneys on fire. Chimneys accidentally on fire.
18. Offences within the town of Stanley. Fine not exceeding £5. Slaughtering cattle. Turf-houses. Every house to have a privy. Keepers of coffee-houses, &c., permitting drunkenness. Power of Justice or constable to enter.
19. Penalties for drunkenness.
20. Injuries to public roads. Deepening ditches; breaking up surface of public road. Obstructing public road or jetty. Throwing rubbish on public road or jetty. Removing night-soil. Games or slides. Fine for every twelve hours' materials left on roads or jetty after notice to remove the same. Justice may order removal of nuisances. Road under repair.
21. Penalty for keeping unlawful quantities of gunpowder.
22. Smoking in a boat loaded with gunpowder.
23. Seamen belonging to foreign vessels to be punished for offences committed in the Falkland Islands the same as British seamen. Instead of imprisonment a fine may be imposed. Misconduct of seamen. *Ex parte* affidavit may be used after departure of vessel.
24. Taking boat without leave of owner.
25. Obstructing Surveyor-General. Removing surveyor's marks.
26. Tearing or defacing notice on Gazette Board.

27. Offences not exceeding £5. Penalty on persons suspected of having stolen property. Party from whom stolen goods received to be examined. Riding or catching horses. For obtaining money by threatening information. Assault.
28. Justice may punish servant for not observing contract, and also hear and determine complaints against master.
29. A master may bring an action against any person employing his servant.
30. Possession of tenements may be recovered by order of a Justice. On proof of right Justice may issue warrant to deliver possession.
31. Possession of shipwrecked goods.
32. Offering shipwrecked goods for sale.
33. Warrant to search for goods unlawfully obtained.
34. Power to order delivery of goods stolen or unlawfully obtained, and in possession of others.
35. Weights and measures.
36. Punishment for false weights and measures.
37. Penalty on killing wild cattle. Power to arrest.
38. Setting fire to the camp.
39. Damaging property value under £5.
40. Penalty for cutting peat on Crown land.
41. Limits of Stanley.
42. Ordinance to commence on 1st October, 1853.

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 :

Fines to be recovered before a justice.

1. THAT any fine, penalty, forfeiture, sum of money, duty or costs imposed under the provisions of this or any Ordinance containing no provision to the contrary, or any sum of money upon any recognizance taken before any Court of Justice, and afterwards forfeited in case of nonpayment thereof, shall be sued for and recovered upon information in a summary way before any Justice, and it shall be lawful for any Justice to hear and determine (either on the oath of one or more credible witnesses, or on the confession of the person against whom the information shall be laid) any information relating to any offence, claim or other matter, under any of the provisions of the said Ordinances, and to order such fine, penalty, forfeiture, imprisonment, compensation, expenses and sums, or to make such other order relating to each offence or other matter as such person shall be liable to under the said provisions, and all proceedings as to compelling the appearance of any such person or of any witness, and as to the hearing and determination of such information, and as to the making and executing such orders, shall, so far as is consistent with the provisions of this Ordinance, be carried on in the manner directed by an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, cap. 43, and be subject in all respects to the provisions of the Statutes which regulated summary prosecutions before Justices of the Peace in England, on the 1st day of January, 1850, so far as the said provisions can be applied.

The procedure in summary cases in England to be applied to summary procedure under this or any Ordinance.

Mode of enforcing fines on summary conviction.

Instead of fine, imprisonment and hard labour.

2. That in any case of summary jurisdiction before any Justice under the provisions of this or any Ordinance, it shall be lawful for the Justice to exercise the following powers :—

1st. In any case where the Ordinance shall authorize the Justice to impose a fine, he may, instead of so doing, order that the person shall be imprisoned, with or without hard labour, for any term not exceeding the period specified in the following scale :—

For any sum—						Imprisonment
						not to exceed—
Not exceeding 10s.	...	...	...	...	...	One week.
Exceeding 10s., but not exceeding £1.	...	...	...	...	...	Two weeks.
" £1.	"	"	£2.	"	"	Twenty-one days.
" £2.	"	"	£5.	"	"	One month.
" £5.	"	"	£10.	"	"	Two months.
" £10.	"	"	£20.	"	"	Three "
" £20.	"	"	£30.	"	"	Four "
" £30.	"	"	£40.	"	"	Five "
" £40.	"	"	£50.	"	"	Six "
" £50.	"	"	"	"	"	One year.

Term of imprisonment in default.

2nd. That in any case where a Justice may order any person to be imprisoned in default of the payment of any fine, forfeiture, duty or sum, he may order that, in default of payment as directed, the person shall be imprisoned for any term not exceeding the period specified in the aforesaid scale, the imprisonment to be determinable on payment of the amount and costs.

so to do by the Governor, or unless he shall have given to the Governor one month's notice of his intention so to do, he shall pay a fine not exceeding twenty pounds.

Powers of constable.

13. That it shall be lawful for any constable to apprehend any loose, idle, or disorderly person, whom he shall find disturbing the public peace, or any person whom he shall have reasonable cause to suspect of having committed or being about to commit any offence, and any person whom he shall find between sunset and the hour of eight in the morning lying or loitering in any street, yard, or other place, and not giving a satisfactory account of himself, and any person found by any constable committing any offence punishable by this or any Ordinance, and any constable may also stop, search, or detain any boat, cart, or carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained.

Search boats, &c.

Constable to search vessel on suspicion felony.

14. That it shall be lawful for any constable having reasonable cause to suspect that any felony or misdemeanor has been or is about to be committed in or on board of any boat or other vessel lying in any harbour or port in the Falkland Islands, to enter at all times, as well by night as by day, into and upon such boat or other vessel, and therein to take all necessary measures for the effectual detection or prevention of all such felonies or misdemeanors, and to take into custody all persons suspected of being concerned in such felonies or misdemeanors, and also to take charge of all property so suspected to be stolen.

Persons apprehended to be taken to the watch-house.

15. That any person taken into custody without a warrant by any constable, except a person detained for the mere purpose of ascertaining his name and residence, shall be forthwith delivered into the custody of the constable in charge of the nearest watch-house or gaol, in order that such person may be secured until he can be brought before a justice, to be dealt with according to law.

Penalty for assaulting a constable or others.

16. That any person who shall assault, resist, or obstruct, or shall use any abusive, threatening, obscene, or profane language towards any constable in the execution of his duty, or towards any person in the execution of any act under the provisions of this Ordinance, shall for such offence pay a fine not exceeding ten pounds.

Nuisances

Offences in town of Stanley. Fine not exceeding 40s.

17. That any person shall be liable to a fine not exceeding forty shillings who within the town of Stanley shall commit any of the following offences, that is to say:—

[Sections A, B, C and D of Clause 17 repealed, see page 44.]

Furiously riding or driving.

(E.) Any person who shall ride or drive furiously, so as to endanger the life or limb of any person, or to the common danger or annoyance of the passengers.

Using profane or indecent language or behaviour.

(F.) Any person who shall use any profane, indecent, or abusive language, or be guilty of any riotous, indecent, or disorderly behaviour, or make any disturbance, or sing any obscene song or ballad, to the annoyance of the inhabitants, or make causeless cry of murder, or other false alarm in any way.

False alarms.

Using threatening words or behaviour.

(G.) Any 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.

(H.) Any person who shall throw or discharge any stone or other missile to the damage or danger of any person or property, or make any bonfire, or throw or set fire to any firework.

Discharging fire-arms.

(I.) Any person who shall discharge any fire-arms loaded with shot, slugs, or ball 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.

Putting out lamps or ringing bells.

(J.) Any person who shall wantonly disturb any inhabitant by ringing or pulling any door bell, or knocking at any door without lawful excuse, or who shall wilfully and unlawfully extinguish the light of any lamp.

Rubbish on public places.

(K.) Any person who in any public place other than such as may be authorised for that purpose by the Governor, shall throw or lay, or caused to be thrown or laid, any dirt, ashes, litter, or any carrion, fish, birds, offal, or rubbish, broken glass, delf, or bottles, or any other sharp substances.

Filth or carcass of dead animal.

(L.) Any person who shall place any filth or rubbish, or shall leave the

carcass of any animal belonging to him unburied, so as to become a nuisance.

- (M.) Any owner or occupier of a house, tenement, or land, who shall not keep sufficiently swept and cleansed all public footpaths, drains, and watercourses adjoining his premises; and if any house or tenement shall be empty or unoccupied, the owner thereof shall be deemed the occupier with reference to this enactment. Foot-paths, drains, or water-courses.
- (N.) Any person who shall suffer to be at large any dangerous dog not effectually muzzled, or set on or urge any dog to attack, worry, or put in fear any person or animal; and it shall be lawful for any justice to issue a warrant to any constable directing him to seize or kill any such dangerous dog which shall have been so at large contrary to the provisions of this Ordinance; and any constable may accordingly seize or kill any such dog. Penalty on dangerous dog unmuzzled.
- (O.) The owner or keeper of any bitch who shall suffer her when at heat to be off the chain or not shut up in some secure place. Bitches at heat at large.
- (P.) Any person who wilfully sets or causes to be set on fire any chimney: Provided always that nothing herein contained shall exempt the person from liability to be indicted for felony. Setting chimneys on fire.
- (Q.) If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimney is situated: Provided always, that such penalty shall not be incurred if such person shall prove to the satisfaction of the Justice before whom the case is heard that such fire was in no wise owing to omission, neglect, or carelessness of himself or servant. Chimneys accidentally on fire.

18. That any person shall be liable to a fine not exceeding five pounds who, within the town of Stanley, shall commit any of the following offences; that is to say— Offences within the town of Stanley. Penalty not exceeding £5.

- (A.) Any person who shall slaughter any cattle. Slaughtering cattle.
- (B.) Any person who shall erect or cause to be erected any building for human habitation constructed wholly or in part of turf. Turf-houses.
- (C.) Any person who shall build any dwelling-house, and permit the same to be occupied without a sufficient watercloset or privy. Every house to have a privy.
- (D.) Any person who shall keep any house, shop, room, or place of public resort wherein provisions, liquor, coffee, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), who shall wilfully or knowingly permit drunkenness or other disorderly conduct therein, or permit any unlawful games, or permit any gaming whatsoever therein; and it shall be lawful for any justice or constable to enter and search any part of such premises at any hour, and any person who shall obstruct or use any abusive language or conduct to any such justice or constable. Keepers of coffee-houses permitting drunkenness. Power of justice or constable to enter.

19. That if any person shall be drunk in Stanley, he shall pay upon conviction, for the first offence, five shillings; upon the second conviction, a sum not exceeding twenty shillings; and upon any subsequent conviction, a sum not exceeding two pounds. Penalties for drunkenness.

20. And with respect to the public roads and jetties in the town of Stanley, be it enacted as follows:— Public Roads. Injuries to public roads.

- (A.) That any person who, without the authority of the Surveyor-General, shall deepen, widen, or fill up any public ditch or drain more than may be necessary for the cleaning thereof, or who shall build any wall, or make any ditch, drain, or water-course, or dig any pit or hollow on or otherwise break up the surface of, or draw any timber, vessel, or stones, without being supported by wheels, from touching upon any public road, shall pay a fine not exceeding forty shillings. Deepening ditches, breaking up surface of public road.
- (B.) That any person who in any manner shall cause any unnecessary obstruction to any public road or jetty shall pay a fine not exceeding five pounds. Obstructing public road or jetty.
- (C.) That any person who shall throw any dirt, ashes, litter, broken glass, delf, bottles, or other sharp substances, carrion, fish, birds, offal, filth, or rubbish, or permit any offensive matter to run from his premises on any public road or jetty or into any public drain, well, water-course, or reservoir, shall pay a fine not exceeding five pounds. Throwing rubbish on public road or jetty.
- (D.) That any person who shall move along any public road any night-soil between the hours of six in the morning and ten at night, or who shall not carefully sweep or clean any public road or place in which any night-soil or other Removing night soil.

offensive matter shall have been slopped or spilled by him, shall pay a fine not exceeding forty shillings.

Games or slides.

(E.) That any person who shall play at any game, or make or use any slide upon ice or snow, to the damage or annoyance of passengers, shall pay a fine not exceeding twenty shillings.

Fine for every twelve hours materials left on road or jetty after notice to remove the same.

(F.) That any person that shall have been required by any Justice or the Surveyor-General to remove any obstruction caused by him to or material placed by him contrary to the provisions of this or any Ordinance upon any public road, jetty, or other place, or in any public well, water-course, or reservoir, in addition to any fine he may be liable to, shall also pay a further fine not exceeding forty-shillings for every twelve hours the same shall be allowed to remain there after being required to remove the same.

Justice may order removal of nuisances.

(G.) That it shall be lawful for the Surveyor-General for the time being, or for any person duly authorised by him, or any constable duly authorised in writing by any justice, to remove any of the hereinbefore-mentioned objects which may be left contrary to the provisions of this or any Ordinance on any public road, jetty, or other place, or in any public well, water-course, or reservoir, at the expense of the offender; and it shall be lawful for any Justice, upon complaint of the Surveyor-General, or any constable, as the case may be, and, upon proof of the expense incurred, to issue a warrant for the levy of such expenses by distress and sale of the goods and chattels of the offender.

Road under repair.

(H.) That it shall be lawful for the Surveyor-General, with the approval of the Governor in writing, to forbid any person from passing on, riding, or driving any kind of beast or carriage on any new road or any road whilst under repair, for such space of time as to him shall appear necessary, not exceeding six months; and any person who shall wilfully disobey such order (the same being duly notified by a notice affixed to a board erected upon such road), shall pay a fine not exceeding forty shillings.

Gunpowder.

Penalty for keeping unlawful quantities of gunpowder.

21. That if any person, being a dealer in gunpowder, shall keep in Stanley, at any one time more than twenty-five pounds of gunpowder, and not being a dealer, more than five pounds in or upon his premises or elsewhere (except in any building approved of by the Governor for keeping unlimited quantities of gunpowder), he shall pay a fine of one hundred pounds; and all beyond the quantity hereby allowed to be kept, and the barrels in which the same shall be, shall be forfeited; and any Justice (upon reasonable cause assigned upon oath) may issue his warrant for searching in the daytime any place in which gunpowder, so suspected to be kept contrary to this section, and all such gunpowder together with the barrels, shall be seized by the searcher, who shall with all convenient speed remove the same to such authorised place as aforesaid, and may detain there such gunpowder and barrels till it shall be adjudged, on the hearing of the case, whether the same shall be forfeited: Provided that this section shall not extend to any gunpowder belonging to Her Majesty.

Smoking in a boat loaded with gunpowder.

22. That if any person, whilst removing or in any boat loaded with gunpowder, shall bring, have, or use any fire or lucifer match, or shall smoke, he shall pay a fine of five pounds.

[Clause 23, relating to seamen, repealed. See page 46.]

General Sections.

Taking boat without leave of owner.

24. That any person who shall take and use or cause to be taken and used any boat in Stanley Harbour without the consent of the owner shall be liable to pay a fine not exceeding ten pounds, and such sum as the Justice shall award as a compensation for the loss, use of, or damage done to his boat.

Obstructing Surveyor-General.

25. That any person who shall unlawfully and wilfully prevent or assault or threaten to prevent or assault or unlawfully obstruct the Surveyor-General in the execution of his duty, or any person employed by his authority in surveying or measuring for the Crown, or who shall wilfully destroy, pull up, deface, or injure any such Surveyor's instruments or implements used in any such survey, or who shall

wilfully break, deface, pull down, or take away any such Surveyor's marks or posts or stones out of any battlement, wall, mound, fence, or out of any bridge, pipe, arch, or gullet, or from any land belonging to the Crown, shall for any such offence pay a fine not exceeding ten pounds.

Removing Surveyor's marks.

26. That if any unauthorised person shall tear or deface any notice placed on the gazette board, he shall, upon conviction, be imprisoned and kept to hard labour for ten days, or if a boy under fourteen years of age, he shall be liable to be once privately whipped instead of such imprisonment, and the convicting Justice shall order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison.

Tearing or defacing notice on gazette board.

27. That any person shall be liable to a fine not exceeding five pounds who shall commit any of the following offences: that is to say,

Offences not exceeding £5.

(A.) Any person who shall have had possession of anything, and shall have had reasonable cause to suspect the same to have been stolen or unlawfully obtained, and any person who is charged with having in his possession or conveying in any manner anything which may reasonably be suspected of being stolen or unlawfully obtained, and who shall not give account to the satisfaction of the Justice before whom he is brought how he came by the same.

Penalty on persons suspected of having stolen property.

(B.) Any person who shall be brought before any Justice charged with having or conveying anything stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice is hereby authorised and required to cause every such person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed to be brought before him and examined, and to examine witnesses upon oath touching the same.

Party from whom stolen goods received to be examined.

(C.) Any person who without the authority of the owner shall catch, ride, or use any horse.

Riding or catching horses.

(D.) 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 as an inducement for forbearing to lay such information or to make such complaint.

For obtaining money by threatening information.

(E.) Any person who shall unlawfully assault or beat any other person.

Assault.

28. That whenever any domestic servant, artificer, labourer, guacho, capataz, or other person, shall have contracted verbally or in writing to serve any person at any time and in any capacity, and he shall not enter into or commence his service according to such contract, or whenever having entered into such service he shall absent himself before the expiration of his contract, or shall neglect to fulfil the same, or shall be guilty of any misconduct in the execution of the same, or in any way respecting the same, it shall be lawful for any Justice to hear and determine any such complaint made against him by his employer, or by the steward, manager, or agent, of his employer, and upon conviction to punish him by fine not exceeding £5 and to abate the whole or part of his wages; and also to hear and determine all complaints concerning breach of contract or ill-usage which shall happen and arise between any such domestic servant, artificer, labourer, guacho, capataz, or other person and his employer, or the steward, manager, or agent of his employer, and to impose any fine not exceeding £5, and to make such order for payment of wages as shall seem just, and every such order to enforce by execution against the goods, effects, or other property of the party against whom such order shall be made.

Justice may punish servant for not observing contract.

And also to hear and determine complaints against master.

29. That it shall be lawful for any person with whom such domestic servant, artificer, labourer, guacho, capataz, or other person shall have so contracted to maintain an action on the case against any person who shall employ, retain, harbour, or conceal any such domestic servant, artificer, labourer, guacho, capataz, or other person during the existence of such contract, knowing that he was under any such contract.

A master may bring an action against any person employing his servant.

30. The decision of claims to small tenements in Stanley to be subject to the following provisions:—

Landlord and tenant.

Whenever the term or interest of the tenant of any house or of any part of a house situate in Stanley, which shall be held by him for any term not exceeding one month, at a rent not exceeding the rate of £2 sterling by

Possession of tenements may be recovered by order of a Justice.

the month, shall have ended or shall have been duly determined by a legal notice to quit, if such tenant (or where such tenant shall not himself occupy the premises, or only a part thereof if the person by whom the same or any part thereof, shall be occupied) shall neglect or refuse to deliver up possession of the same, it shall be lawful for the landlord or his known agent to cause such tenant or occupier to be served with a summons in writing, signed by any Justice to show cause why possession of the premises should not be delivered up; and—

If any such tenant or occupier shall not appear at the time and place so appointed, or shall appear but shall not show to the satisfaction of the Justice reasonable cause why possession should not be given, and shall still refuse or neglect to deliver up the possession of the said premises to the said landlord or agent, it shall be lawful for any justice, upon proof of the holding and of the end or determination of the tenancy, with the time and manner thereof (and where the title of the landlord shall have accrued since the letting of the premises, upon proof of the right by which he claims), to issue a warrant to any constable requiring and authorising him, within a period to be therein named to give possession of the premises to such landlord or agent, and such warrant shall be a sufficient warrant to the said constable to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly at any time between the hours of nine in the morning and four in the afternoon.

On proof of right, Justice may issue warrant to deliver possession.

Possession of shipwrecked goods.

31. That any person in whose possession or on whose premises any goods, merchandise, or other articles belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore shall be found, and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same, or that the same was on his premises without his knowledge or assent, shall be liable to a fine not exceeding £50.

Offering shipwrecked goods for sale.

32. That any person who shall offer or expose for sale any goods, merchandise, or articles which shall have been unlawfully taken or reasonably suspected to have been taken from any ship or vessel in distress or wrecked, stranded, or cast on shore as aforesaid (whether found by virtue of a search warrant or not), and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same, shall be liable to a fine not exceeding £30.

Warrant to search for goods unlawfully obtained.

33. That if any information shall be given upon oath to any Justice that there is reasonable cause to suspect that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, ship, or any other place, it shall be lawful for such Justice by warrant under his hand directed to any constable to cause any such dwelling-house, ship, 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 Justice, if it shall appear to him necessary, may empower such constable, with such assistance as may be found necessary (such constable having previously made known such his authority), to use force for effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a justice, or otherwise dispose thereof in some place of safety, and to take into custody and carry before a justice any person found in such house, ship, or place, who shall appear to have been privy to the deposit of any such thing knowing or having reasonable cause to suspect the same to be stolen or otherwise unlawfully obtained.

Power to order delivery of goods stolen or unlawfully obtained and in possession of others.

34. That if any goods shall be stolen or unlawfully obtained, or being lawfully obtained shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint thereof shall be made to a Justice, 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 Justice to issue a summons or warrant for the appearance of such person and for the production of such goods, and to order such goods to be delivered to the owner thereof, either without payment or upon payment of such sum, and at such time as the Justice shall think fit, and any person so 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 unlawfully obtained, shall forfeit to the owner of the goods twice the value thereof, to be determined by the Justice.

Weights and measures.

35. That so much of the Act passed in the fifth and sixth years of the reign of King William the Fourth, chap. 63, as is applicable to and in force in England, shall be applied and be in force in the Falkland Islands, so far as the same can be applied, from and after the appointment of an Inspector of weights and measures, and when

the Governor shall have provided one complete set of the imperial standard weights and measures, verified and stamped at the Exchequer, together with the proper beams, scales, and stamps, the Justices resident in Stanley assembled at a meeting, or at any adjournment thereof, to be called from time to time by the stipendiary magistrate, are hereby empowered from time to time to appoint an inspector of weights and measures, and to dismiss any Inspector so appointed as occasion may require; and the Inspector so appointed shall possess and exercise all the powers and authorities within the Falkland Islands, and be subject to the like penalties for any neglect or offences in the discharge of his duty, which any inspector may possess or exercise, or be liable to by virtue of the said Act; and the weights, measures, scales, and stamps so provided shall be kept by the inspector for the time being, unless the Justices shall otherwise order, and shall be considered to all intents the same for all purposes as if they had been provided under the authority of the said Act, and the fees in the schedule contained in the said Act shall be paid to and received by the inspector for his own use.

36. That any person who shall use any weight or measure other than those authorised by the said recited Act for the sale of any article shall on conviction thereof be liable to a fine not exceeding five pounds; and any contract, bargain, or sale by any fraudulent weights or measures so used shall be void, and every such light or unjust weight or measure so used shall, on being discovered by any constable, be seized by him; and upon the conviction of the person so using or possessing the same shall be forfeited and forthwith destroyed.

Punishment for false weights and measures.

[Clause 37, relating to wild cattle, repealed. See page 71.]

38. 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 any other party without his authority, he shall pay a fine not exceeding twenty pounds.

Setting fire to the camp.

[Clause 39, relating to injury to Property, repealed. See page 54.]

40. 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, he shall pay for every day the peat shall be so unlawfully cut a fine not exceeding forty shillings.

Penalty for cutting peat on Crown land.

41. That the town of Stanley, for the purposes of this Ordinance, shall extend to such place as the Governor shall from time to time define by any proclamation for that purpose issued.

Limits of Stanley.

42. 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 1st day of October, 1853, and the Ordinance intituled "Police Ordinance," No 6, of 1851, shall from and after that day be repealed, save and except as to all offences contrary to the said Ordinance committed before that day, which shall be dealt with and punished as if this Ordinance had not passed.

Ordinance to commence on 1st October 1853.

(Signed) GEORGE RENNIE, *Governor.*

Passed the Legislative Council on the 1st of September, 1853.

(Signed) J. R. LONGDEN, *Colonial Secretary.*

9.

Registration Ordinance.

In the year 1853.—No. 12.

Clause.

1. Registry Office. Governor may appoint a Deputy Registrar.
2. Deed, contract, voluntary conveyance affecting land to be registered.
3. Judgment, private Ordinance, &c., affecting land to be registered.
4. Wills affecting land to be registered.
5. Memorial of Judgment.
6. Memorial of Inquisition.
7. Memorial of bankruptcy.
8. Memorial of insolvency.
9. Memorial of private Ordinance.
10. Memorial to describe the land.

11. General Index Book.
12. Record Books.
13. Proceedings on presenting instrument for registration certificate. Receipt.
14. Recital. Notice sent to Registrar. Inspection. Copy. Evidence.
15. Notice of Crown grant to be sent to Registrar to complete general index. Notices preserved.
16. Fees.
17. Interpretation Clause.
18. Register Books
19. Registrar to register births and deaths.
20. Parent or occupier of house to give particulars.
21. Name of baptism may be added to register within six months.
22. Persons to give particulars of death. Recital that Colonial Chaplain has kept registers.
23. Registers of baptisms, marriages, and burials made legal.
24. Clergyman to keep registers of baptisms and burials.
25. Clergyman to keep marriage registers.
26. Clergyman to send register. Annual certificates.
27. Abstract to be sent to Governor on 15th January in every year.
28. Registrar to make indexes of all certified copies of the Register's right to search.
29. Register to be signed by informant.
30. Searching books.
31. Penalty for wilful false information.
32. Wilfully inserting in a copy or general abstract false entries. Verifying false entries.
33. Penalty for not duly registering births, deaths, and marriages, or for losing or injuring the registers.
34. Penalty for destroying or falsifying Register Books.
35. Accidental errors may be corrected.
36. Maps, &c., to be delivered to new Registrar.
37. Punishment for refusal to give up books, &c.
38. Ordinance to commence on 1st January, 1854. Repeal of former Ordinance. Exceptions.

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:—

Registry Office.

1. THAT there shall be an office at Stanley for the registration of all deeds affecting land, and for the registration of births, deaths, and marriages, which shall be called the Registry Office, and the Governor shall from time to time appoint a person to be Registrar, and may revoke any such appointment, and the Governor from time to time may appoint a Deputy Registrar to act in case of the illness, absence, or incapacity of any Registrar, and from time to time may revoke any such appointment; and the Deputy Registrar while so acting shall have all the powers, and discharge the like duties, and be subject to all the provisions and penalties relating to Registrars.

Governor may appoint a Deputy Registrar.

Deed contract, voluntary conveyance affecting land to be registered.

2. That every deed, contract, or voluntary conveyance shall, so far as regards any land to be affected thereby, be void, unless registered as follows (that is to say):—

1st. If executed in Stanley within ten days from its date;

2nd. If executed elsewhere in the Falkland Islands within thirty days from its date:

3rd. If executed elsewhere than in the Falkland Islands within one year from its date:

Provided that no lease or agreement for a lease at any time not exceeding seven years from the date thereof, nor any assignment thereof, nor any lease or agreement for a lease by the Crown, shall be registered.

Judgment, private Ordinance, &c., affecting land to be registered.

3. That every judgment, private Ordinance, inquisition, declaration of bankruptcy or insolvency, shall be void so far as regards any land to be affected thereby, unless registered by memorial within ten days from the date thereof.

Wills affecting land to be registered.

4. That every will, so far as regards any land to be affected thereby, shall be void, unless registered as follows, that is to say:—

1st. Of any person dying in the Falkland Islands within two months after the death of the testator:

2nd. Of any person dying elsewhere than in the Falkland Islands within eighteen months after the death of the testator.

Memorial of judgment.

5. That the memorial of a judgment shall express the date and title of the cause, and so much of the decree or judgment as shall relate to the land affected thereby.

Memorial of inquisition.

6. That the memorial of an inquisition shall express the name of the defendant and the date of the inquisition.

Memorial of bankruptcy.

7. That the memorial of a bankruptcy shall express the name of the bankrupt and the date of the declaration of bankruptcy.

8. That the memorial of an insolvency shall express the name of the insolvent and the date of the declaration of insolvency. Memorial of insolvency.
9. That the memorial of a private Ordinance shall express the title, date and number thereof. Memorial of private Ordinance.
10. That each memorial shall describe the land to which the same shall relate by a reference to the number of the Crown grant, and shall refer to the allotment of the land as numbered and described therein; and every memorial shall be kept by the Registrar in his office in such order and manner as he shall think fit, so that the same may be most readily seen and inspected, and shall be as near as may be in the words or to the effect of such one of the forms in Schedule A as shall be applicable. Memorial to describe the land.
11. That the Registrar shall keep a set of books to be numbered consecutively, which shall be called the General Index Books, and the titles in such books shall consist of the numbers consecutively of the grants of land as numbered by the Crown, and each title shall refer to the allotment of the land as numbered and described in the notice of the Crown grant as hereinafter provided; and all instruments relating to the same allotment shall be entered and numbered consecutively under the same title in the order presented for registration in the Form B hereunto annexed, and every entry shall be divided from the following entry by a line, and, when recorded, reference shall be made in the blank space of the form allotted for that purpose to the volume of the Record Book, and to the page of the volume where the instrument is recorded, and each General Index Book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument entered in the volume. General index books.
12. That the Registrar shall keep a set of books to be numbered consecutively, which shall be called Record Book, and shall, as soon as practicable, cause each instrument, in the order presented for registration, together with the certificate of registry placed thereon, as hereinafter provided, to be copied at full length in one of the Record Books, and shall cause every instrument as entered in each book to be numbered consecutively from one upwards; and each Record Book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument recorded in the volume, with a reference to the page of the volume where the instrument is recorded to which the individual is a party. Record Books.
13. That immediately upon the presentation of any instrument the Registrar shall, in the presence of the party presenting such instrument, forthwith enter the same as hereinbefore directed in the General Index Book, which entry shall be there signed by the party in the space of the form allotted for that purpose, and the Registrar shall in the presence of the party, place upon the instrument a certificate of registry under his signature, in the words as near as may be or to the effect in the Form C; and any such certificate, purporting to be signed by the Registrar, shall be received as evidence of the registration of the instrument to which the same relates, unless it shall be proved that the same certificate is a forgery, and that the date of any such certificate shall be taken to be the date the instrument was registered; and the Registrar shall give to the party a receipt in the words or to the effect of the form in Schedule D. Proceedings on presenting instruments for registration.
Certificate.
Receipt.
14. Whereas of each grant of land that has been issued by the Crown a duplicate on parchment signed by the Governor has been preserved in the Governor's office, and all such duplicates are now there of record bound in one volume, and numbered consecutively from one upwards; and at the time each grant of land issued a notice was sent by the Governor to the Registrar, containing the particulars hereinafter required to be stated in the notice of a Crown grant: Be it therefore enacted, that any person may inspect and peruse the said duplicate grant book of grants which have been or shall hereafter be issued upon payment of the sum of ten shillings for each search, and shall be at liberty to have a copy of any duplicate grant therein upon the payment of two pounds, and any such copy certified to be a true copy by the Governor, on proof of his signature, or the duplicate grant itself, shall, in the event of the loss of the original grant, be conclusive evidence of the contents of the original. Recital.
Notice sent to Registrar.
Inspection.
Evidence.
15. That within five days after the issue of any Crown grant the officer from time to time appointed by the Governor for that purpose shall transmit to the Registrar a notice, which shall express the number of the grant, its date, the quantity and description of the land granted, by reference to the number and description of the allotment in the Crown grant, and the name of the grantee; and the Registrar shall continue the titles in the General Index Book, as hereinbefore

- directed, according to the particulars stated in such notice; and all notices that have been and shall be sent to the Registrar shall be kept in his office, in such order and manner as he shall think fit, so that the same may be most readily seen and inspected.
- Notices preserved.
- Fees. 16. That any clergyman or Registrar may demand and receive to his own use the fees allowed to him in Schedule E hereunto annexed; and it shall be lawful for the Governor from time to time, with the advice and consent of the Executive Council, to make any alteration in the said Schedule.
- Interpretation clause. 17. That in the construction of this Ordinance, the word "Registrar" shall be understood to include the Deputy Registrar, and the word "land" shall extend to any estate or interest whatever in real property, and the word "will" shall extend to a codicil, and the word "instrument" shall extend to any deed, contract, will, codicil, or any memorial hereby authorised to be registered.
- Register books. 18. That the Registrar shall keep three sets of books, each set to be numbered consecutively; one set shall be called registers of births, another registers of deaths, and a third registers of marriages; and in them shall be written upon each side of every leaf the heads of information herein required to be known and registered of births, deaths and marriages respectively, and every page of such book shall be numbered progressively from beginning to the end, beginning with No. 1, and every place of entry shall also be numbered progressively from beginning to the end of the book, beginning with No. 1, and every entry shall be divided from the following entry by a line, and each book shall have an index, in which shall be stated, in alphabetical order, the name of every party whose birth, death or marriage respectively shall be registered in that book.
- Registrar to register births and deaths. 19. That the Registrar shall inform himself of every birth and death which shall happen within the Falkland Islands, and register as soon after the event as conveniently may be done in the appropriate book, the particulars, according to the forms in Schedules G and H 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. 20. That the father or mother of every child born in the Falkland Islands, or in case of the death, illness, or absence, or inability of the father or mother, the occupier of the house or tenement in which such child shall have been born, shall, if in Stanley within ten days, if elsewhere within a reasonable time next after the day of every such birth, give information, upon being requested so to do, to the Registrar, according to the best of his knowledge and belief, of the several particulars hereby required to be registered, touching the birth of every such child, or shall pay a fine not exceeding five pounds.
- Name of baptism may be added to register within six months. 21. That if any child whose birth shall have been registered, shall within six months have any name given to it in baptism, the person procuring such name to be given, may within seven days after such baptism procure and deliver to the Registrar a certificate, according to the form in Schedule I annexed, which certificate the minister who performed the rite of baptism is hereby required to give, whenever the same shall be demanded, on payment of the fee of one shilling to his use, and the Registrar, on receipt of such certificate, and on payment of the fee of one shilling to his use, shall without any erasure of the original entry forthwith register therein that the child was baptised with such name.
- Persons to give particulars of death. 22. That some person present at the death, or in attendance during the last illness of any person dying in the Falkland Islands, or in case of the death, illness, or inability, or default 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 eight days, if in Stanley, if elsewhere, within a reasonable time next after the day of such death, give information, upon being requested so to do, to the Registrar, according to the best of his 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 five pounds: Provided always, that in every case in which an inquest shall be held on any dead body, the jury shall inquire of the particulars herein required to be registered concerning the death, and the coroner shall inform the Registrar of the finding of the jury, and the Registrar shall make the entry accordingly.
- Recital that the Colonial Chaplain has kept registers. Whereas the Government has provided the Rev. James Leith Moody, Colonial Chaplain, with register-books of baptisms, marriages and burials in the forms respectively required by the 52 Geo. 3, cap. 146, and the said Colonial Chaplain has registered in such books respectively the baptisms, marriages, and burials solemnised by him since

the 27th day of October, 1845; and whereas the said recited Act is not in force in this colony, by reason, amongst other things, that the said Colonial Chaplain is not a parochial minister within the meaning of the said Act; be it therefore enacted:—

23. That each of the said register-books shall be deemed to have been made under the provisions of the said recited Act, and each entry in either of the said books relating to any baptism, marriage or burial, as the case may be, shall be evidence of the facts stated therein.

Registers of baptisms, marriages and burials made legal.

24. That the Colonial Chaplain, or other minister, who shall baptise or bury any person, shall, as soon as possible after the solemnisation of such baptism or burial respectively, record and enter the same in the proper register-book provided as aforesaid, or to be hereafter provided, the several particulars described in the Schedules A to C respectively, to the said Act annexed, and sign the same; and in no case, unless prevented by sickness or other unavoidable impediment, later than within seven days after the ceremony of any such baptism or burial shall have taken place.

Clergymen to keep registers of baptisms and burials.

25. That the clergyman, immediately after every office of matrimony solemnised by him, shall register in duplicate in two books, to be called marriage register-books, the several particulars relating to that marriage according to the form of the Schedule F, and every such entry shall be signed by the clergyman, the parties married, and by two witnesses; and every page of such book shall be numbered progressively from beginning to the end, beginning with No. 1, and every place of entry shall also be numbered progressively from beginning to the end of the book, beginning with No. 1, and every entry shall be divided from the following entry by a line, and one of such books shall be kept by him with the registers of baptisms and burials, and the other of such books when filled shall be transmitted by him to the Registrar, and shall be kept by him with the other registers in his office; and any clergyman who shall solemnise such marriage may ask of the parties to be married the several particulars herein required to be registered touching such marriage, and each book shall have an index, in which shall be stated in alphabetical order the name of every party whose marriage shall be registered in that book.

Clergymen to keep marriage registers.

26. That each clergyman shall, on or before the 10th day of January in each year, make and deliver to the Registrar a true copy of all the entries of marriages in the register-book kept by him during the preceding year, verified and signed by him in the form following:—

Clergyman to send Registrar annual certificates.

“I, _____ do hereby solemnly declare that the writings hereto annexed, purporting to be copies of the several entries contained in the register-book of marriages, from the 31st day of December, 18____, to the 31st day of December, 18____, are true copies of the several entries in the said register-book from the said 31st day of December, 18____, to the said 31st day of December, 18____, and that no other entry during such period is contained in such book, and that such entries are truly made according to the best of my knowledge and belief.

(Signed)

The first certificate to be given on the 10th day of January, 1854, and to contain all the entries made during the preceding year, and the certified copies so sent to the Registrar shall be thereafter kept in his office in such order and manner as the Registrar shall think fit, so that the same may be most readily seen and examined.

27. That on or before the 15th day of January in each year the Registrar shall send to the Governor a general abstract of the number of births, deaths, and marriages registered during the foregoing year, and each minister shall send to the Governor a general abstract of the number of baptisms and burials registered during the foregoing year, in such form as the Governor shall from time to time request; and if any Registrar or minister shall refuse, or without reasonable cause shall omit to send any such general abstract, he shall for such offence pay a fine not exceeding ten pounds.

Abstract to be sent to Governor on 15th January in every year.

28. That the Registrar shall cause indexes of all certified copies of the registers to be made and kept in the registry office, and any person shall be entitled, on payment of the fees hereinafter mentioned, to search the said indexes at reasonable hours, and to have a certified copy of any entry in the said certified copies of the registers.

Registrar to make indexes of all certified copies of the registers. Right to search.

29. That the person by whom the information contained in any register of birth or death under this Ordinance shall have been given, shall sign his name, description, and place of abode in the register, and no register of birth or death shall be given in evidence which shall not be signed by some person professing to be the informant, and to be such party as is herein required to give such information to the Registrar.

Register to be signed by informant.

30. That the clergyman or Registrar who shall have the keeping of any such register book shall at all reasonable hours allow searches to be made in any such register book, and shall upon demand give a copy, certified under his hand, of any

Searching books.

entry in the same; and any such certificate purporting to be signed by the clergyman or Registrar shall be received as evidence of the contents thereof, without any proof of his handwriting, unless it shall be proved that the same certificate is a forgery.

Penalty for wilful false information.

31. That if any person shall wilfully make or cause to be made (for the purpose of being inserted in any register) any false statement, touching any of the particulars herein required to be known and registered, he shall be guilty of a misdemeanour, and upon conviction of any such offence he shall be liable, at the discretion of the Court, to pay a fine not exceeding one hundred pounds, or be imprisoned, with or without hard labour, for any term not exceeding two years, as the Court shall deem fit.

Wilfully inserting in a copy or general abstract false entries.

Verifying false entries.

32. That if any person shall knowingly or wilfully insert, or cause or permit to be inserted, in any copy of any register book or general abstract, so directed to be transmitted as aforesaid, any false entry, or shall knowingly or wilfully sign or verify any such copy or general abstract, knowing the same to be false, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the sea, or to be imprisoned, with or without hard labour, for any term not exceeding two years.

Penalty for not duly registering births, deaths and marriages or for losing or injuring registers.

33. That any person who shall refuse or without reasonable cause omit to register any marriage solemnized by him, or any baptism or burial which he ought to register, and any Registrar who shall refuse or without reasonable cause omit to register any birth or death of which he shall have had due notice as aforesaid, and any person having the custody of any map, register-book, or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding fifty pounds for any such offence.

Penalty for destroying or falsifying register-books.

34. That any person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such map or register-book, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such map or register-book or certified copy thereof, or shall wilfully insert or cause to be inserted in any such map or register-book, or certified copy thereof, any false entry of any instrument, land, birth, death, marriage, baptism, or burial, or shall wilfully give or utter any false certificate, or shall certify any writing to be a copy or extract of any such map or register book, or utter any such certificate, knowing the same register to be false in any part thereof, shall be guilty of felony, and shall be liable to be transported for any period not exceeding seven years, or to be imprisoned, with or without hard labour, for any period not exceeding two years.

Accidental errors may be corrected.

35. That no person charged with the duty of registering any birth, death or marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties aforesaid, if within one month next after the discovery of such error, in the presence of the parent of the child whose birth may have been so registered, or of the parties married, or of two persons attending any person in his last illness whose death may have been so registered, or in case of the death or absence of the respective parties aforesaid, of two credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made: Provided that, in the case of a marriage register he shall make the like marginal entry, attested in like manner, in the duplicate marriage register-book to be made by him as aforesaid, and in every such case shall make the like alteration in the certified copy of the register-book to be made by him as aforesaid; or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therewith made.

Maps, &c., to be delivered to new Registrar.

36. 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 1st January, 1850, 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, appointed under the Ordinance intituled "An Ordinance to provide for the Registration of Land, Births and Deaths;" be it enacted: That all maps, books, papers, boxes, keys, documents, and other things in the possession of the said last-mentioned 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 Registrar for the time being under this Ordinance, and the said books, maps and

papers may be continued and used by the Registrar for the time being under this Ordinance, so far as he can do so and comply with the provisions hereof.

37. That in every case in which any Registrar shall cease to hold the said office, all registers, boxes, keys, books, maps, documents and papers in his possession relating to his office as Registrar shall be given as soon as conveniently may be to his successor in office, and if any Registrar shall refuse to give up any box, key, book, document, map or paper, in such case as aforesaid, it shall be lawful for any justice, upon application made for that purpose, to issue a warrant for bringing such Registrar before any two justices, and upon such Registrar 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, key, book, document, map or paper, is in the custody or power of any such Registrar, and that he has without reasonable cause refused or wilfully neglected to deliver up the same, he shall pay a fine not exceeding ten pounds, 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, document, map or paper, as in the case of stolen goods, in any dwelling-house or other premises in which any credible witness shall prove upon 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 it ought to be.

Punishment for refusal to give up books, &c.

38. 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 January, 1854, and the Ordinance intituled "An Ordinance for the Registration of Land, Births and Deaths," No. 2, of 1851, shall from and after that day be repealed, except as to each and every deed, contract, voluntary conveyance, judgment, bankruptcy, will, birth or death, registered or that might have been registered under the provisions of the said Ordinance, or of the Ordinance intituled "An Ordinance to provide for the Registration of Deeds and Instruments affecting Real Property," No. 4, of 1847, and continued by the said first-recited Ordinance, with respect to which the said first-mentioned Ordinance shall continue and have the same force and effect, to all intents and purposes, the same as if this Ordinance had not passed.

Ordinance to commence on 1st January, 1854.

Repeal of former Ordinance.

Exceptions.

SCHEDULES.

A.—(SECTION 10.)

	Date.	Name of Defendant.	Name of Party registering.	Time of Receipt.
Memorial of—				
Judgment				
Inquisition				
Bankruptcy				
Insolvency				
Private Ordinances				

Land Affected.

Number and Date of Grant.	Number of Allotment.	Description.	Name of Grantee.	Quantity.	Price.	Person in Possession when Memorial was signed.
6. 1st January, 1846	20	Town lot.	A. B.	Two acres.		C. D.

B.—(SECTION 11.)

General Index.

Grant No. 1.—Town of Stanley. Allotment No. 20.

No.	Time of Receipt.	Nature of Instrument.	Date of Instrument.	Name of Grantor or Vendor.	Name of Grantee or Vendee.	Quantity of Allotment.	Signature of Party registering.	Volume and Page of Volume where recorded.
1	1st June, 1842.	Conveyance	31st March, 1842	A. B.	C. D.	The whole		

(Signed) E. F., Registrar.

C.—(SECTION 13.)

Registrar's Certificate on Instrument.

Registry Office, Stanley, Falkland Islands.

Year and Date of Receipt.	Volume of General Index Book, and Page of Volume.	Signature of Party by whom registered.

(Signed) E. F., Registrar.

D.—(SECTION 13.)

Receipt.

No.	Time of Receipt.	Nature of Instrument.	Date of Instrument.	Name of Grantor or Vendor.	Name of Grantee or Vendee.	Quantity of Allotment.	Name of Person registering.
1	1st June, 1842.	Conveyance.	31st March, 1842.	A. B.	E. F.	Two acres.	C. D.

(Signed) G. H., Registrar.

E.—(SECTION 16.)

*Registrar's Fees.**Land.*

For the registration and recording of every instrument of not more than five folios of seventy-two words each, including receipt and certificate of registry	...	...	10	0
For every additional folio of seventy-two words...	...	...	1	0
For every search	...	...	2	6
For an attested copy of or extract from any recorded instrument or deposited memorial or notice, for every folio of seventy-two words	...	...	1	0
For an attested copy of or extract from the general index, for every line	...	...	0	6
For every search or inspection of indexes, recorded instruments, or deposited memorials or notices	...	...	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 seventy-two words	...	...	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 seventy-two words	...	...	0	2
For every other certificate of any description	...	...	2	6

						s.	d.
<i>Births.</i>							
For registering every birth ...	...	...	...	...	...	2	6
For searching the registry books of births—							
For each name within ten years ...	...	...	...	...	...	1	0
For every year beyond in addition ...	...	...	...	...	...	0	6

<i>Deaths.</i>							
For searching the registry books of deaths—							
For each name within ten years ...	...	...	...	...	...	1	0
For every year beyond in addition ...	...	...	...	...	...	0	6
For a copy and certificate of each entry in register books of births and death	...	...	...	...	...	2	6

Clergymen's Fees

						s.	d.
<i>Baptisms.</i>							
For searching the registry books of baptisms—							
For each name within ten years ...	...	...	...	...	...	1	0
For every year beyond ...	...	...	...	...	...	0	6

						s.	d.
<i>Burials.</i>							
For searching the registry books of burials—							
For each name within ten years ...	...	...	...	...	...	1	0
For every year beyond ...	...	...	...	...	...	0	6
For a copy and certificate of each entry in registry books of baptisms or burials	...	...	...	...	...	2	6

F.—(SECTION 25.)

1836.

MARRIAGES solemnized at [*here state the name of the place*], Falkland Islands.

No.	When Married.	Name and Surname.	Age.	Condition.	Rank or Profession and Country.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17th March, 1836	William Hastings.. Sophia Ann Mitchell	Of full age.. Minor ..	Bachelor Spinster	Carpenter .. English ..	3, South Street 17, High Street	Poter Hastings.. Geoffry Mitchell	Upholsterer. Butcher.

Married at _____, according to the rites and ceremonies of the Church of England,

by { Registrar's Licence,
Registrar's Certificate,
Governor's Licence,
Governor's Special Licence, } or after Banns by me,

This marriage was solemnized { William Hastings,
Sophia Ann Mitchell, } in presence of us, { Signature of Minister.
John Hastings,
Geoffrey Mitchell.

(To be filled up as the case may require.)

G.—(SECTION 19.)

18 . BIRTHS.

No.	When Born.	Name, if any.	Sex.	Name and Surname of Father.	Name and Maiden Name of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When Registered.	Signature of Registrar.	Baptismal Name if added after Registration of Birth.
1	7th January	James	Boy	William Green	Rebecca Green, formerly Jennings.	Carpenter	William Green, Father, Carpenter, 17, North Street, Marylebone.	9th January	John Cox, Registrar.	

H.—(SECTION 19.)

18 . DEATHS.

No.	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession and Country.	Cause of Death.	Signature, Description and Residence of Informant.	When Registered.	Signature of Registrar.
7	4th February	William Green..	Male.	43	Carpenter ..		Rebecca Green, Widow, 17, North Street, Marylebone.	5th February.	John Cox, Registrar.

I.—(SECTION 21.)

I, _____, do hereby certify that I have baptized by the name of _____ as the child, produced by _____ and _____ and declared by the said _____ of _____ and _____ to have been born at _____ on the _____ day of _____ Witness my hand this _____ day of _____ (Signed) GEORGE RENNIE, *Governor*.

Passed the Legislative Council the 13th September, 1853.
(Signed) J. R. LONGDEN, *Colonial Secretary*.

10.

Summary Jurisdiction Amendment Ordinance.

In the Year 1857.—No. 2.

By His Excellency THOMAS EDWARD LAWS MOORE, Esquire, Captain in the Royal Navy, 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:

Ordinance to be part of Summary Jurisdiction Ordinance.

1. THAT this Ordinance be deemed and taken to be a part of the Summary Jurisdiction Ordinance of 1853, No. 11, as fully and effectually as if incorporated therein, except as to such clauses of the said Ordinance as are hereinafter amended or repealed, and that all the modes of procedure, provisions and penalties contained in the Summary Jurisdiction Ordinance shall in all cases be applied in this Ordinance as far as they can be applied.

Repeal of portion of Summary Jurisdiction Ordinance.

2. That so much of the said Summary Jurisdiction Ordinance as relates to offences in the Town of Stanley as are contained in Clause 17, Sections A, B, C and D, be and the same are hereby repealed.

Sheep, &c., at large.

3. That any persons shall be liable to a fine not exceeding forty shillings who within the Town of Stanley shall turn loose or leave at large, without any person being in charge thereof, any sheep, pigs or goats, or who by negligence or illusage in driving cattle or horses shall cause any mischief, or who shall wantonly pelt, hunt or drive them.

Mischievous animals.

4. That it shall be lawful for any justice, on proof made to his satisfaction that any bull, cow, horse or other animal is mischievous, or causes reasonable alarm or apprehension, to order that such animal as aforesaid shall not be permitted to be loose within the Town of Stanley, and the owner of any such animal found loose after such order shall have been made shall be liable to a penalty not exceeding five pounds.

Mutual fences.

5. That if a fence be common to the lands of two or more owners, and one of them make complaint that the fence is insufficient against the breach of cattle, mules or horses, by reason of the neglect or refusal of the said owners or any of them to keep the fence in due repair, it shall be lawful for a justice of the peace to examine into the said complaint, and to issue his summons requiring the owner or owners through whose neglect the fence is so insufficient to show cause why he or they should not bear his or their part in repairing the same; and if the owner or owners do not appear, or appearing fail to show to the justice sufficient cause, then it shall be lawful for the said justice to order the said owner or owners to do such portion of the repair of the fence as to such justice shall seem fit; and if any owner or owners on whom such order has been made neglect to obey the same, then it shall be lawful for any justice of the peace to issue his warrant to such persons as he may approve of authorizing them to repair the said fence, and the warrant shall be sufficient to authorise the persons named in the warrant to enter any land that it may be necessary to enter for the purpose of repairing the fence, and for the expenses of such repair the justice may issue his warrant of distress and sale of goods and chattels of the party or parties against whom the order has been made.

Appeal where cost of fence exceeds £5.

6. That whenever the execution of an order to repair a fence would cause an expense of five pounds or upwards, it shall be lawful for the party against whom the

order has been made to appeal to the Magistrate's Court, and the Magistrate's Court shall hear and determine the matter in a summary way upon the evidence adduced before the justice who made the order (unless the Court think fit to examine further into the matter), and shall make such order, with or without costs to either party, as to them shall seem fit.

7. That for the purposes of this Ordinance by "owner of the land" shall be meant the occupier thereof, or if there be no occupier, then by "owner of the land" shall be meant the person who shall be recorded in the registry office as owner of the land. Definition of owner.

8. That the owner of any vessel or boat, not being a registered vessel, sailing out of the Port of Stanley shall, either before or within forty-eight hours after the sailing of such vessel or boat, deliver to the harbour master a list showing the name and description of the vessel or boat, the names of the person in charge, of the crew, and the destination and business on which the vessel is engaged, and shall subscribe thereto his name. Owners of coasting vessels to deliver lists to harbour master.

9. That the owner of any such vessel or boat sailing out of the Port of Stanley who shall not by himself or his agent deliver such account as aforesaid, or shall wilfully or knowingly deliver any account not true in any of the particulars hereinbefore required, shall pay a fine not exceeding twenty pounds. Penalty for neglect.

10. That the harbour master shall deliver all such lists to the Colonial Secretary until there be an officer of customs resident at Stanley. Lists to be delivered to Colonial Secretary.

11. Whereas the delay incident to a previous communication with Her Majesty, to know her royal pleasure hereupon would be productive of serious inconvenience; be it enacted, That this Ordinance shall take effect and come into operation on and after the first day of January, one thousand eight hundred and fifty-eight. Ordinance to commence on 1st January, 1858.

(L.S.) (Signed) THOS. E. L. MOORE, *Governor.*

Passed the Legislative Council this 7th December, 1857.

(Signed) J. R. LONGDEN, *Colonial Secretary.*

11.

An Ordinance to provide for the application of the Merchant Shipping Act of 1854 within the Colony.

In the Year 1857.—No. 3.

By His Excellency THOMAS EDWARD LAWS MOORE, Esquire, Captain in the Royal Navy, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof:—

WHEREAS it is expedient to make provision for the application of the Merchant Shipping Act of 1854, within the colony, and to enable certain courts and officers to perform the duties committed by the said Act to officers of customs, shipping masters and others: BE IT ENACTED, Preamble.

1. That the Police Court holden before the chairman and one or more justices, shall have power to make inquiry into charges of incompetency or misconduct of the part of any master or mate of a ship; and as to shipwrecks, or other casualties affecting ships; and to make a report to the Governor for the information of the Board of Trade, as prescribed in the two hundred and forty-second section of the said Act. Police Court to have power to inquire.

2. That all the powers, authorities and duties, committed by the said Act to any officer of customs, or any shipping master, shall (until there be an officer of customs in the colony) be vested in, and exercised by, the Colonial Secretary; and all provisions, offences and penalties relating to the performance or neglect of any Act required by the Merchant Shipping Act to be done before any such officer of customs, or shipping master, shall extend and be applied to any such Act performed, or neglected to be performed, before the Colonial Secretary. Colonial Secretary to perform duties of officers of customs, &c.

3. That the provisions of the said Merchant Shipping Act, prescribing the punishment for any offence committed by any seaman or apprentice belonging to a British vessel, shall extend and be applied to any seaman or apprentice on board any Provision for foreign seamen.

foreign vessel, prosecuted by the master for any such offence committed within the Falkland Islands, except that it shall not be necessary to prove an entry in any log of any offence upon any such prosecution.

Proof of desertion.

4. That on the prosecution of any seaman or apprentice for desertion, after the departure of the vessel from which he shall have deserted, it shall be sufficient to prove that the fact of the desertion was endorsed on the agreement.

Punishments.

5. That any offence punishable under this Ordinance, or the Merchant Shipping Act of 1854, by fine or imprisonment, or both, shall, in this colony, be punished in the same way that other offences committed in the colony are punishable by law.

Repeal of inconsistent Ordinances.

6. That the "Ordinance to appoint a shipping master to perform the duties committed to officers of customs by the Merchant Seaman's Act of 1844, and the Mercantile Marine Act of 1850,—Number Four, 1853," and so much of the "Summary Jurisdiction Ordinance,—Number Eleven, 1853," as is contained in Clause 23, and relates to offences committed by seamen, be, and the same are hereby, repealed.

Commencement of Ordinance.

7. Whereas the delay incident to a previous communication with Her Majesty to know Her Royal pleasure hereupon would be productive of serious inconvenience; Be it therefore enacted, that this Ordinance shall take effect and come into operation from the day of the passing hereof.

(Signed) THOS. E. L. MOORE, *Governor*.

(L.S.)

Passed the Legislative Council this Tenth Day of December, One Thousand Eight Hundred and Fifty-seven.

(Signed) J. R. LONGDEN, *Colonial Secretary*.

12.

Marriage Ordinance.

In the Year 1858.—No. 1.

Clause.

1. Repeal of Marriage Ordinance of 1857.
 2. Registrar of Land, &c., to be Registrar of Marriages.
 3. Notice of marriage to be given to Registrar.
 4. Notice to be entered in book.
 5. Notice to be published in Registry Office.
 6. Certificate may be issued after twenty-one days, unless forbidden.
 7. Mode of forbidding Certificate.
 8. Who may forbid Certificate to be issued.
 9. Appeal when Certificate is refused.
 10. Caveat against Certificate.
 11. Notice and Certificate for marriage void after three months.
 12. Marriage may be contracted in Registry Office.
 13. Marriage to be registered.
 14. Evidence of consent not necessary.
 15. Registrar may ask particulars.
 16. Registrar unduly issuing Certificate to be guilty of felony.
 17. Marriages void if unduly contracted with the knowledge of the parties.
 18. Governor may grant licences.
 19. Marriages may be solemnized according to the rites of the Church of England, by Governor's Licence or Registrar's Certificate.
 20. Vexatious Caveats.
 21. False Declaration.
 22. In case of fraudulent marriages, the guilty party to forfeit all property accruing from the marriage, as in 4th Geo. IV. c. 76.
 23. Marriages after banns excepted.
 24. Fees.
 25. This Ordinance to be taken as part of Registration Ordinance.
 26. Punishment for felony or misdemeanor.
 27. Ordinance to commence on the 1st of January, 1858.
- Schedules.

By his Excellency THOMAS EDWARD LAWS MOORE, 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:

Repeal of Marriage Ordinance of 1857.

1. THAT the Marriage Ordinance, Number One, of the Year One thousand eight hundred and fifty-seven be, and the same is, hereby repealed.

2. That the Registrar appointed under the Registration Ordinance shall be, in right of his office, registrar of marriages.

Registrar of land, &c., to be Registrar of marriages.
Notice of marriage to be given to Registrar.

3. That in every case of marriage intended to be solemnized in this colony, otherwise than by virtue of such licence as hereinafter is provided, or after publication of banns, one of the parties shall give notice under his or her hand to the registrar of all the particulars in Schedule A. hereunto annexed.

4. That the Registrar shall keep all such notices with the records of his office, and shall, upon the receipt of any such notice, enter a copy thereof in a book to be called the "Marriage Notice Book," which book shall be open, without fee, at all reasonable hours, to any person desirous of inspecting it.

Notice to be entered in book.

5. That an exact copy of every such notice of marriage shall be suspended in some conspicuous place in the office of the Registrar during twenty-one successive days before the marriage be solemnised in pursuance of such notice.

Notice to be published in Registrar's office.

6. That upon the expiration of the said period of twenty-one days from the entry of such notice, the Registrar, upon being requested so to do, by or on behalf of the party by whom the notice was given, and upon one of the parties intending marriage making oath or affirmation of the particulars set forth in Schedule B hereunto annexed, shall issue under his hand, a certificate of such notice having been given, and such oath or affirmation having been made in the form in Schedule C to this Ordinance annexed; provided that no lawful impediment be shown to the satisfaction of the Registrar why such certificate should not issue, and the issue of such certificate shall not have been forbidden in manner hereinafter mentioned.

Certificate may be issued upon twenty-one days, unless forbidden.

7. That any person authorised as hereinafter mentioned may forbid the issue of the Registrar's certificate by writing at any time the word "*forbidden*" opposite to the entry of the notice of such intended marriage in the marriage notice book, and by subscribing thereto his or her name and his or her character, in respect of either of the parties by reason of which he or she is authorised; and in case the issue of any such certificate shall have been so forbidden, the notice and all the proceedings thereon shall be utterly void: Provided always, that if either of the parties intending marriage allege that the person forbidding the issue of such certificate is not authorised so to do, the Registrar shall examine into such allegation, and if he is satisfied that such person is not authorised, he shall act in like manner, and the like proceedings may be had in relation to such marriage, as if the issue of such certificate had not been forbidden.

Mode of forbidding certificate.

8. That the father, if living, of any party under twenty-one years of age, (such party not being a widower or widow), or if the father be dead, the guardian of such party, or in case there shall be no such guardian, the person who shall be authorised by the Magistrate's Court in that behalf, shall have authority to give consent to the marriage of such party, and to forbid the issue of the Registrar's certificate, and such consent as aforesaid is hereby required for the marriage of such party.

Who may forbid certificate to be issued.

9. That in every case where the Registrar has refused a certificate as aforesaid, it shall be lawful for either of the parties intending marriage to apply by petition to the Magistrate's Court, which court shall examine into the allegations of the petition in a summary way, and shall decide thereon, and the decision of such court shall be final, and the Registrar shall proceed in accordance therewith, anything hereinbefore contained notwithstanding.

Appeal, when certificate is refused.

10. That any person may enter a caveat with the Registrar against the grant of a certificate, and if any caveat be entered stating the grounds of objection upon which the same is founded, such caveat being duly signed by or on behalf of the party who enters the same, no certificate shall issue until the Registrar shall have examined into the matter, and be satisfied that it ought not to obstruct the grant of the certificate, or until the caveat be withdrawn by the party who entered the same.

Caveat against certificate.

11. That whenever a marriage shall not be had within three calendar months after the day of the entry of the notice thereof by the Registrar, the notice and certificate which may have been granted thereon shall be utterly void, and no person shall proceed to solemnise the marriage, nor shall the Registrar register the same until new notice shall have been given, and entry made, and certificate thereof issued, at the time and in the manner aforesaid.

Notice and certificate for marriage void after three months.

12. That after the expiration of the said period of twenty-one days the parties described in the notice and certificate may contract and solemnise marriage at the office and in the presence of the Registrar and two witnesses, with open doors, and between the hours of eight and twelve in the forenoon; each of the parties before the said Registrar and witnesses making the following declaration: "I do solemnly declare, that I know not of any lawful impediment why I, A.B., may not be joined in

Marriage may be contracted in Registry Office.

matrimony to *C.D.*," and saying to the other, "I call upon these persons here present to witness, that, I, *A.B.*, do take thee, *C.D.*, to be my lawful wedded wife (or husband):" Provided also, that there be no lawful impediment to the marriage of such parties.

Marriages to be registered.

13. That the Registrar shall forthwith register each marriage solemnised in his presence in a marriage register book, according to the form in Schedule D, and each entry of such marriage shall be signed by the Registrar and each of the parties and witnesses, and every such entry shall be made in order from the beginning to the end of the book, and the Registrar shall upon demand give to any person a copy and certificate thereof in the Form E annexed.

Evidence of consent not necessary.

14. That it shall not be necessary, in support of any marriage so solemnised, to give proof of the consent of any person whose consent thereto is hereby required, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Registrar may ask particulars.

15. That it shall be lawful for the Registrar before whom any marriage is solemnised to ask of the parties to be married the several particulars hereby required to be registered.

Registrar unduly issuing certificate to be guilty of felony.

16. That if the Registrar shall knowingly and wilfully issue any certificate for marriage, after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or before the expiration of twenty-one days after the entry of such notice, or any certificate, the issue of which shall have been forbidden by any person authorised as aforesaid, and which forbidding has not been annulled, or shall knowingly and wilfully register any marriage herein declared to be null and void, or shall knowingly and wilfully allow to be solemnised in his office or presence any marriage herein declared to be null and void, he shall be guilty of felony.

Marriages void if unduly contracted with the knowledge of the parties.

17. That if any person shall knowingly and wilfully intermarry otherwise than according to the rites of the Church of England in any place other than the office of the Registrar, or without due notice to him, or without his certificate duly issued, or in his absence, or if any persons shall knowingly and wilfully intermarry according to the rites of the Church of England without publication of banns, and without such licence or certificate as herein are mentioned, the marriage of such persons shall be null and void.

Governor may grant licences.

18. That it shall be lawful for the Governor to grant a licence in the Form F, hereunto annexed, to any person in holy orders of the Church of England, authorising him to solemnise a marriage without the publication of banns between the hours of eight in the forenoon and four in the afternoon, in any place the parties intending marriage may request and the Governor may deem fit, and the licence shall be sealed with the seal of the Colony: provided that the oath or declaration set forth in Schedule B annexed be made previous to the issue of any such licence: provided also, that before receiving the licence the party requiring it shall pay to the Governor the sum of three pounds for his own use: provided also, that if any caveat be presented to the Governor against the grant of any such licence, stating the ground of objection on which the caveat is founded, and signed by or on behalf of the party who presents the same, no such licence shall issue until the Governor shall have examined into the matter of the caveat, which he is hereby empowered to do, by oath of the parties or witnesses or otherwise, as he may think fit, and is satisfied that it ought not to obstruct the grant of the licence, or until the caveat be withdrawn by the party who presented the same.

Marriages may be solemnised according to the rites of the Church of England, by Governor's licence or Registrar's Certificate.

19. That where any marriage may by law be solemnised according to the rites of the Church of England, after the publication of banns, such marriage may be solemnised in like manner, on production of the Governor's licence or Registrar's certificate, as herein provided; and if either of the parties to any intended marriage to whom the Registrar shall have issued any such certificate as aforesaid shall require of the Registrar to be present and officiate at the solemnisation of such marriage in manner aforesaid, and the said Registrar shall without reason refuse, or for forty-eight hours wilfully neglect to be present and officiate at such marriage, such Registrar shall be guilty of a misdemeanor, and shall also be liable for damages, to be recovered in a special action on the case, by each of the parties whose marriage shall have been so delayed.

Vexatious Caveats.

20. That any person who shall present a caveat to the Governor against the issue of a licence, or enter a caveat with the Registrar against the issue of a certificate, on grounds which the Governor or Registrar shall declare to be frivolous; shall be liable for the costs of the proceeding, and for damages, to be recovered in a special action

on the case, by the party against whose marriage such caveat shall have been presented or entered.

21. That any person who shall knowingly and wilfully make any false declaration, or sign any false notice or certificate required by this Ordinance, for the purpose of procuring any marriage, and any person who shall forbid the issue of any certificate by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of a misdemeanour. False Declarations.

22. That if any valid marriage shall be had under the provisions of this Ordinance by means of any wilfully false notice, certificate or declaration made by either party to such marriage, as to any matter to which a notice, certificate or declaration is herein required, it shall be lawful for any person duly appointed for that purpose by the Governor to sue for a forfeiture of all estate or interest in any property accruing to the offending party by such marriage, and the proceedings thereon and consequences thereof shall be the same as are provided in the like case with regard to marriages solemnised in England by licence before the passing of this Ordinance, according to the rites of the Church of England. In cases of fraudulent marriage the guilty party to forfeit all property accruing from the marriage, as in 4 Geo. IV, c. 76.

23. That nothing in this Ordinance contained shall extend to any marriage solemnised after due publication of banns according to the rites of the Church of England, except in so far as relates to the fees on such marriage set forth in Schedule G. annexed. Marriage after banns excepted.

24. That any minister solemnising a marriage under the provisions of this Ordinance, the clerk to such minister and the Registrar may demand and receive to their own use respectively the fees specified in Schedule G; provided that a copy of the said schedule be hung up and exposed to view in the registry office and vestry room of the church or chapel wherein the marriage is solemnised. Fees.

25. That this Ordinance shall be deemed and taken to be a part of the Registration Ordinance No. 12, 1853, as fully and effectually as if incorporated therewith, and all the provisions and penalties of the said Ordinance relating to any Registrar, or register of marriage, or certified copies thereof, shall be taken to extend to the Registrar and register of marriages solemnised under this Ordinance, and to the certified copies thereof, so far as the same are applicable thereto. This Ordinance to be taken as part of the Registration Ordinance.

26. That any person convicted of any offence made felony by this Ordinance shall be liable, at the discretion of the Court, to be transported beyond the sea for the term of seven years, or to be imprisoned and kept to hard labour for any term not exceeding two years; and any person convicted of any offence made a misdemeanour by this Ordinance shall be liable, at the discretion of the Court, to any fine not exceeding one hundred pounds, or to be imprisoned, with or without hard labour, for any period not exceeding six months. Punishment for felony or misdemeanour.

27. Whereas the delay incident to a previous communication with Her Majesty, to know Her Royal pleasure hereupon, may be productive of serious inconvenience: Be it therefore enacted, That this Ordinance shall take effect and come into operation from the day of the passing hereof. Ordinance to commence forthwith.

SCHEDULES.

A.—(SECTION 3.)

Notice of Marriage.

To the Registrar at Stanley.

I hereby give you notice that a marriage is intended to be had within three calendar months from the date hereof between me and the other party herein named, that is to say :—

Name.	Condition.	If of age.	Residence.	Where Marriage is to be solemnised.	Name of Person giving Consent to Marriage of a Minor.
James Smith ... Martha Green ..	Bachelor ... Spinster	Of age ... Minor ...	Stanley Hope Place..	} The Church at Stanley	John Green, father.

Witness my hand this Sixth day of May, 1858.

(Signed)

James Smith.

(To be filled up as the case may be.)

B.—(SECTIONS 6 AND 18.)

Oath or Affirmation.

I hereby make oath [*or* solemn affirmation, as the case may be], that there is no impediment of kindred or alliance to a marriage between Martha Green and me, James Smith, and that the consent of John Green, her father, has been obtained thereto.

Sworn [*or* declared] this 27th day of May, 1858.

(Signed) *James Smith*
[*or* one of the parties intending marriage].

C.—(SECTION 6.)

Registrar's Certificate.

I, *A. B.*, Registrar, do hereby certify that on the 6th day of May, 1858, notice was duly entered in the Marriage Notice Book of the marriage intended between the parties herein named, and described in the notice delivered to me by James Smith, and that the issue of this certificate has not been forbidden by any authorised person, and that the necessary oath [*or* declaration] was made and subscribed by one of the parties in my presence on the 27th day of May, 1858.

Name.	Condition.	If of age.	Residence.	Where Marriage is to be solemnised.	Name of the Person giving Consent.
James Smith ... Martha Green..	Bachelor ... Spinster.....	Of age ... Minor ...	Hope Place... Stanley	} The Church at Stanley	John Green, father.

This certificate will be void unless the marriage be solemnised before the 6th day of August, 1858.

Witness my hand this 27th day of May, 1858

(Signed) *A. B., Registrar.*

D.—(SECTION 13.)

Form of Registry of Marriage.

1858. Marriages solemnised at Stanley, Falkland Islands.

No.	When Married.	Names.	If of Age.	Condition.	Residence.	Father's Name.	Where Married.
1	17th March, 1858.	William Hastings Sophia Mitchell...	Of age... Minor ...	Bachelor... Spinster ...	2, John St. 17, High St.	Peter Hastings Geoffry Mitchell	Registry Office, Stanley.

This marriage was solemnised between us,
William Hastings, } in the presence of us { Peter Hastings,
Sophia Mitchell, } { Geoffry Mitchell.

Married on certificate granted by me,

(Signed) *A. B., Registrar.*

E.—(SECTION 13.)

Marriage Certificate.

[*Insert an exact copy of the Register.*]

I, *A. B.*, Registrar, do hereby certify that this is a true copy of the entry of the marriage of _____ and _____, numbered _____ in the Marriage Register Book.

Witness my hand this _____ day of _____, 1858.

(Signed) *A. B., Registrar.*

[*To be filled up as the case may require.*]

Preamble.

WHEREAS it is expedient to reduce the duty required by the Auctioneers' Ordinance No. 5 of 1853, for taking out a licence under that Ordinance.

Be it enacted :—

Licence fee reduced to £5.

1. That so much of the first clause of the said Ordinance as requires the payment of twenty pounds for a licence to act as auctioneer be repealed, and in lieu thereof, be it enacted, that it shall be lawful for the Governor, or such person as the Governor shall from time to time appoint, to grant to any person or Company a licence to carry on the business of an auctioneer for twelve months on the payment of five pounds; and the persons so licensed by the Governor under this Ordinance shall be subject to all the provisions, penalties, and regulations of the Auctioneers' Ordinance No. 5 of 1853, the same as if they had been licensed under that Ordinance.

Ordinance to be part of the Auctioneers' Ordinance.

2. That this Ordinance shall be deemed and taken to be a part of the Auctioneers' Ordinance No. 5 of 1853, as fully and as effectually as if incorporated therein.

Ordinance to commence forthwith.

3. That this Ordinance shall come into operation from the day of the passing thereof.

(Signed) THOS. E. L. MOORE, *Governor.*

Passed the Legislative Council this Twenty-seventh day of December, One thousand eight hundred and fifty-eight.

(Signed) WILLIAM R. PYNE, *Clerk to the Councils.*

14.

Summary Jurisdiction Amendment Ordinance.

In the Year 1862.—No. 1.

By his Excellency THOMAS EDWARD LAWS MOORE, Governor and Commander-in-Chief of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.

Preamble.

WHEREAS it is expedient to make provision for the maintenance of merchant seamen lodged in Stanley Gaol: Be it enacted :—

1. That if the master of any vessel lying in Stanley Harbour shall apply to have any of his crew lodged in the Gaol, he shall, on the conviction, first pay towards the prison maintenance the sum of one shilling and sixpence per diem for each man, to be deducted from their several wages according to the provisions of the Act 17 and 18 Vict. cap. 104, known as the Merchant Shipping Act, and shall take a receipt for the same from the Clerk of the Courts according to the form set forth in Schedule A.

2. Provided always that if any master shall obtain under the statute the release of any of his crew thus imprisoned before the expiration of their confinement, he shall receive the balance of the sum paid for their support from the Clerk of the Courts according to the form provided in Schedule B, and this form shall be endorsed on the receipt given at the previous conviction.

3. That this Ordinance be deemed to be a part of the Summary Jurisdiction Ordinance of 1853, No. 11, as fully and effectually as if incorporated therein.

4. Whereas the delay incident to a previous communication with Her Majesty to know Her Royal pleasure hereupon may be productive of serious inconvenience; Be it therefore enacted that this Ordinance shall take effect and come into operation on the fifteenth day of February, One thousand eight hundred and sixty-two.

SCHEDULES.

(A.)

Stanley, Falkland Islands, day of

Received this day of from master of the
ship the sum of being the sum required by this
Ordinance to defray the prison charges of days' imprisonment. committed for

Clerk of the Courts.

(B.)

Stanley, Falkland Islands, day of

On this day of master of the ship applied under the statute for the release of now confined in the gaol, and received the sum of being the balance of the sum paid on account of for the prison charges.

Clerk of the Courts.(L.S.) (Signed) THOS. E. L. MOORE, *Governor.*

Passed the Legislative Council this tenth day of February, One thousand eight hundred and sixty-two.

(Signed) WILLIAM R. PYNE, *Clerk to the Council.*

15.

Summary Jurisdiction Amendment Ordinance.

In the Year 1862.—No. 2.

By His Excellency THOMAS EDWARD LAWS MOORE, Governor and Commander-in-Chief of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient that a further Ordinance be passed for the protection of neat cattle and to prevent disputes on the subject of cattle generally. Be it enacted:— Preamble.

1. That from and after the 1st June, 1863, all neat cattle found anywhere upon the main of the East and West Falklands outside the district known as Lafonia without a regular brand mark made with a heated iron shall be deemed to belong to the herds of wild cattle which are the property of the Crown, and that each Proprietor of the cattle shall have a distinct brand of not less than 4 inches in length, an impression of which shall be registered at the Court House, and which shall not be changed without notice being given in writing to the Chairman of the Courts, and that no animal be considered as branded if it be marked only on the horns and tail. Cattle to be branded.

2. Provided that in all districts on which neat cattle may in future be placed the branding as aforesaid shall be completed within one month from their being so placed, and this shall take effect immediately from and after the passing of this Ordinance.

3. Whereas the delay incident to a previous communication with Her Majesty to know Her royal pleasure hereupon may be productive of serious inconvenience: Be it therefore enacted, that this Ordinance shall take effect and come into operation from and after the fifteenth day of February, one thousand eight hundred and seventy-two.

(Signed) THOS. E. L. MOORE, *Governor.*

Passed the Legislative Council on this tenth day of February, One thousand eight hundred and sixty-two.

(Signed) WILLIAM R. PYNE, *Clerk to the Council.*

16.

Summary Jurisdiction Amendment Ordinance.

In the Year 1862.—No. 3.

By His Excellency THOMAS EDWARD LAWS MOORE, Governor and Commander-in-Chief of the Falkland Islands, with the advice and consent of the Legislative Council thereof.

[122346]

Preamble.

WHEREAS the sum of £5 mentioned in the 39th clause of the Summary Jurisdiction Ordinance No. 11 of 1853, does not appear sufficient for the protection of property for the injury to which no punishment is otherwise provided in that Ordinance.

Be it enacted—

1. That the 39th clause of the Summary Jurisdiction Ordinance No. 11 of 1853 be repealed, and the same is hereby repealed, and the following clause substituted in its stead.

2. That any person who shall unlawfully and wilfully commit any damage, injury or spoil, to or upon, any real or personal property whatsoever either of a public or private nature, for which offence no punishment is already otherwise provided by this Ordinance (the injury done being under the value of Fifty pounds) shall pay to the party aggrieved such reasonable amount of compensation for the injury done as the Justice shall see fit: and shall also be liable to a fine not exceeding the sum of Forty shillings.

3. That this Ordinance be deemed and taken to be for every intent and purpose as much a part of the Summary Jurisdiction Ordinance No. 11, 1853, as if it were incorporated therein.

4. Whereas the delay incident to a previous communication with Her Majesty to know Her Royal pleasure hereupon might be productive of inconvenience: Be it therefore enacted that this Ordinance shall take effect and come into operation from the passing thereof.

(Signed) THOS. E. L. MOORE, *Governor.*

Passed the Legislative Council this twenty-first day of August, One thousand eight hundred and sixty-two.

(Signed) WILLIAM R. PYNE, *Clerk to the Council.*

17.

An Ordinance to establish the validity of Acts which may be hereafter performed in the Falkland Islands and their Dependencies by Clergymen ordained in foreign parts.

In the Year 1865.—No. 1.

By His Excellency JAMES GEORGE MACKENZIE, 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 that the Ordinance No. 1 of the year one thousand eight hundred and sixty-four be, and the same is hereby repealed.

Recital.

Whereas by an Act passed in the twenty-sixth year of His late Majesty King George the Third, chapter eighty-four, intituled, "An Act to empower the Archbishop of Canterbury, or the Archbishop of York, for the time being to consecrate to the Office of Bishop persons being Subjects or Citizens of countries out of His Majesty's dominions," it was enacted that no person or persons admitted to the Order of Deacon or Priest by any Bishop or Bishops so consecrated, or by the successor or successors of any Bishops so consecrated, should be thereby enabled to exercise his or their respective office or offices within His Majesty's dominions.

And whereas by an Act of Parliament passed in the twenty-sixth and twenty-seventh year of Her Majesty Queen Victoria, chapter one hundred and twenty-one, intituled, "An Act to establish the validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in foreign parts, and to extend the powers of Colonial Legislatures with respect to such Clergymen," it was enacted that it should be lawful for the Legislature of any of Her Majesty's possessions abroad by any law or laws to be by them passed, to authorise any persons admitted to the order of Priest or Deacon by any of such Bishops as are mentioned in the said first recited Act to exercise their respective offices in such possessions.

And whereas it is expedient that the Legislature of this Colony should exercise the powers so conferred upon it as aforesaid.

Be it enacted—

1. That all Acts which may at any time hereafter be performed in the Falkland Islands or their dependencies by any person having been admitted to the office of Priest or Deacon by any of such Bishops as aforesaid shall be as valid and effectual at law for all purposes whatever, as if such person had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

All acts hereafter performed by persons ordained by Bishops consecrated under the 26th Geo. III, cap. 84, to be valid.

And 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 passing hereof.

Ordinance to commence forthwith.

(L.S.) (Signed) J. G. MACKENZIE, *Governor*.

Passed the Legislative Council this twenty-second day of August, One thousand eight hundred and sixty-five.

(Signed) H. BYNG, *Clerk to the Council*.

18.

An Ordinance for the naturalization of James Anderson, of the Falkland Islands.

In the Year 1866.—No. 2.

Clause

1. James Anderson, a Dane, to be naturalized.
2. Ordinance to commence when Her Majesty's pleasure is known.

1. THAT James Anderson, a native of Denmark, shall be to all intents and purposes whatsoever, in the Falkland Islands and their Dependencies, deemed and taken to be, and to have been, from the first day of January, one thousand eight hundred and sixty-six, a natural born subject of Her Majesty, as if the said James Anderson had been born within the realm of England.

James Anderson, a Dane, to be naturalized.

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 final assent and approbation hereof.

Ordinance to commence when Her Majesty's pleasure is known.

(L.S.) (Signed) J. G. MACKENZIE, *Governor*.

Passed the Legislative Council, this sixteenth day of April, One thousand eight hundred and sixty-six.

(Signed) H. BYNG, *Clerk to the Council*.

19.

An Ordinance to amend and consolidate the Ordinances relating to the Destruction of Penguins.

In the Year 1867.—No. 1.

By His Excellency WILLIAM CLEAVER FRANCIS ROBINSON, 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:—

1. THE following Ordinances shall be, and the same are hereby, repealed:—
No. 2 of 1864; No. 1 of 1866.

Repeals former Ordinances.

2. It shall be lawful for the Governor to grant to any person a license, in writing, under his hand, to kill Penguins on the unoccupied lands of the Crown on the East Falkland Islands and islands adjacent thereto, lying north of Choiseul Sound and

Governor may grant licenses to kill Penguins on Crown lands.

Brenton Loch, or on the West Falkland Island and the islands adjacent thereto; such license to be upon such terms and conditions and for such payment as the Governor may deem reasonable.

Duration of license
revocation.

3. Each license shall be for twelve months only. Provided, nevertheless, that it shall be lawful for the Governor at any time to revoke a license upon proof that any of the conditions contained therein have been broken.

Governor may grant
licenses to kill
Penguins on private
lands.

4. It shall be lawful for the Governor, at his discretion, to grant or revoke a license to kill penguins on any private lands situated within the districts as aforesaid, on the application, in writing, of the owner or occupier of such lands. Such license, if granted, to be for twelve months, and to be issued free of charge.

Names of licensees to
be published.

5. A statement of the names of all persons licensed under this Ordinance shall be placed on the Government Gazette Board within fourteen days after such license has been granted, and the revocation of any license shall be notified in a similar manner.

Penalty for killing
without a license.

6. Any person who shall after the passing of this Ordinance, without a license, or after the revocation of the same, kill or cause to be killed for commercial purposes, or wantonly, any penguin on the aforementioned unoccupied lands of the Crown, or upon any lands public or private not included in such license, shall be liable to a fine not exceeding thirty pounds sterling.

Forfeiture of boat.

7. If the owner of any boat or vessel shall make use of or shall permit his boat or vessel to be made use of for the purpose of destroying penguins contrary to the provisions of this Ordinance, it shall be in the power of the Stipendiary Magistrate, or in his absence, of two or more Justices of the Peace, to order, in addition to such fine as aforesaid, that the boat or vessel and its contents shall be forfeited to the Crown.

Recovery of penalties.

8. All penalties under this Ordinance shall be sued for and recovered in the same way that penalties are sued for and recovered under and by virtue of the Summary Jurisdiction Ordinance, No. 11 of 1853.

Commencement of
Ordinance.

9. This Ordinance shall come into operation from the day of the passing thereof.

(L.S.) (Signed) WILLIAM ROBINSON, *Governor*.

Passed the Legislative Council, this twenty-third day of March, One thousand eight hundred and sixty-seven.

(Signed) H. BYNG, *Clerk to the Council*.

20.

Sheep Ordinance.

In the Year 1867.—No. 3.

By His Excellency WILLIAM CLEAVER FRANCIS ROBINSON, Esq., Governor and Commander-in-Chief in and over the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, &c.
Be it enacted:

Penalty on permit-
ting sheep infected
with scab or catarrh
to be at large within
one mile of boundary
of other station.

1. THAT the owner or occupier of any land in this Colony who shall permit any sheep infected with scab or catarrh (not being at the time herded by a shepherd) to be at large thereon within one mile of the boundary of any sheep station in the occupation or possession of any other person without his consent, shall, on conviction before the Stipendiary Magistrate, or any two Justices of the Peace, be liable to a fine not exceeding fifty pounds.

£50.

Penalty for driving
or depasturing sheep
on land of other
person.

2. Any person who shall by himself, or his servant, drive, depasture, or suffer to be at large, any sheep infected with scab or catarrh across or upon any sheep station, in the occupation or possession of any other person without his consent shall, on conviction, be liable to a penalty not exceeding fifty pounds.

£50.

Penalty on import-
ing sheep infected
with scab, &c.

3. Any master or owner of any ship, boat, or vessel, who shall permit any sheep infected with scab, or catarrh, or other disorder, to be landed therefrom on any land without the consent of the owner or occupier of such land, shall be liable to a penalty not exceeding one hundred pounds.

£100.

4. If any person shall slaughter for sale or have in his possession for the purpose of slaughtering for sale, any sheep infected with scab or catarrh, or shall expose for sale the carcase of any sheep so infected, he shall be liable for every such offence to a penalty not exceeding twenty pounds. One half of such penalty to be paid to the informer, and the Justices shall order the carcase to be buried or destroyed.

Penalty on exposing for sale the carcase of diseased sheep.

£20.

5. That all penalties imposed under the authority of this Ordinance shall be recovered in the same way that penalties are now recovered under the Summary Jurisdiction Ordinance, No. 11 of 1853.

Penalties, how recoverable.

6. No person shall be liable to any penalty imposed by virtue of this Ordinance unless the complaint respecting such offence shall have been made before such Stipendiary Magistrate, or two Justices, within three months next after the commission of such offence.

Penalties to be sued for within three months after commission of offence.

7. If any person shall think himself aggrieved by any adjudication of such Stipendiary Magistrate, or two Justices, with respect to any penalty under the provisions of this Ordinance he may appeal to the Magistrate's Court of this Colony. But no such appeal shall be entertained unless it be made within one month next after the making of such adjudication, nor unless ten days' notice in writing of such appeal be given to the party against whom the appeal shall be brought, nor unless the Appellant forthwith after such notice enter into recognizances with two sufficient sureties before a Justice, conditioned duly to prosecute such appeal, and to obey the order of the Court thereto.

Parties aggrieved may appeal to the Magistrate's Court on giving security.

8. That the Magistrate's Court shall hear and determine the matter in a summary way upon the evidence adduced before the convicting Justices or Stipendiary Magistrate, unless the Court shall think proper to examine further in the matter, and shall make such order thereon with or without costs to either party as they shall think reasonable.

Court may make such order as they think reasonable.

9. That this Ordinance shall come into operation from the day of the passing thereof.

Commencement of Ordinance.

(Signed) WILLIAM ROBINSON, *Governor*.

Passed the Legislative Council this twenty-third day of August, One thousand eight hundred and sixty-seven.

(Signed) H. BYNG, *Clerk to the Council*.

21.

Naval and Victualling Stores Ordinance.

In the Year 1867.—No. 4.

Clause.

1. Marks in Schedule appropriated for Her Majesty's Naval and Victualling Stores.
2. Obliteration, with intent to conceal Her Majesty's property, Felony.
3. Knowingly receiving, &c., marked Stores, a Misdemeanour.
4. Knowledge of Stores being marked presumed against dealers.
5. Offenders may be summarily convicted in certain cases.
6. Persons, not dealers, found in possession of Naval or Victualling Stores, and not satisfactorily accounting for the same, liable to a penalty.
7. Criminal possession explained.
8. No unauthorised person to creep, sweep, &c., for Stores within 100 yards of Dockyards, &c. Penalty.
9. Punishment. Governor to appoint a Prosecutor.
10. Not to prevent persons being prosecuted under any Law or Ordinance.
11. Commencement of Ordinance.

By His Excellency WILLIAM CLEAVER FRANCIS ROBINSON, Esquire, Governor and Commander-in-Chief in and over the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof; Be it enacted—

1. THAT the marks described in Schedule to this Ordinance may be applied in or on Her Majesty's Naval and Victualling Stores, to denote Her Majesty's property in stores so marked, and it shall be lawful for the Admiralty, their contractors, officers, and workmen, or the Governor, or persons by his authority, to apply the said marks on any of them in or on any such stores, as are described in the Schedule. If any person without lawful authority (proof of which authority shall lie on the party accused) applies any of the said marks in or on any such stores, he shall be guilty of a misdemeanour and shall be liable to be imprisoned for any term not exceeding two years with or without hard labour.

Marks in Schedule appropriated to Her Majesty's Naval and Victualling Stores.

Imitation a misdemeanour.

Obliteration with intent to conceal Her Majesty's property, felony.

2. If any person, with intent to conceal Her Majesty's property in any naval or victualling stores, takes out, destroys, or obliterates wholly or in part any such marks as aforesaid, he shall be guilty of felony, and shall be liable in the discretion of the Court to be kept in penal servitude for any term not exceeding four years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Knowingly receiving marked stores a misdemeanour.

3. If any person without lawful authority (proof of which authority shall lie on the party accused) receives, possesses, keeps, sells, or delivers any naval or victualling stores bearing such mark as aforesaid, knowing them to bear such mark, he shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.

Knowledge of stores being marked presumed against dealers.

4. When the person charged with such a misdemeanour as last aforesaid was, at the time at which the offence is charged to have been committed, a dealer in marine stores, or a dealer in old metals, or in Her Majesty's Service, knowledge on his part that the stores to which the charge relates bore such mark as aforesaid shall be presumed until the contrary is shown.

Offenders may be summarily convicted in certain cases.

5. Any person charged with such a misdemeanour as last aforesaid in relation to stores, the value of which does not exceed five pounds shall be liable on summary conviction before a Justice of the Peace to a penalty not exceeding twenty pounds, or in the discretion of the Justice to be imprisoned for any term not exceeding six months, with or without hard labour.

Persons not dealers found in possession of naval or victualling stores, &c., and not satisfactorily accounting for the same, liable to a penalty.

6. In order to prevent a failure of justice in some cases by reason of the difficulty of proving knowledge of the fact that stores bore such a mark as aforesaid, if any naval or victualling stores bearing any such mark are found in the possession of any person, not being a dealer in marine stores, or a dealer in old metals, and not being in Her Majesty's Service, and such person, when taken or summoned before a Justice of the Peace, does not satisfy the Justice that he came by the stores so found lawfully, he shall be liable on conviction by the Justice to a penalty not exceeding five pounds; and if any such person satisfies the Justice that he came by the stores so found lawfully, the Justice at his discretion, and as the evidence given, and the circumstances of the case require, may summon before him every person through whose hands such stores appear to have passed, and if any such person as last aforesaid who has had possession thereof does not satisfy the Justice that he came by the same lawfully, he shall be liable on conviction by the Justice to a penalty not exceeding five pounds.

Criminal possession explained.

7. For the purposes of this Ordinance stores shall be deemed to be in possession or keeping of any person if he knowingly has them in the actual keeping or possession of any other person, or in any house, building, lodging, apartment, field or place open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

No unauthorised persons to creep, sweep, &c., for stores, within 100 yards of Dockyards.

8. It shall not be lawful for any person without permission in writing from the Admiralty or from some person authorised by the Admiralty or by the Governor in that behalf, to creep, sweep, dredge or otherwise search for stores in the sea or in any tidal water, within one hundred yards of any vessel belonging to Her Majesty, or in Her Majesty's Service, or from any mooring-place or anchoring-place appropriated to such vessels or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, victualling, or steam factory yards. If any person act in contravention of this provision, he shall be liable, on summary conviction before a Justice of the Peace, to a penalty not exceeding five pounds, or to be imprisoned for any time not exceeding three months, with or without hard labour.

Punishment.

9. All offences punishable under this Ordinance shall be prosecuted and punished in the same way that other offences committed in this Colony are punishable by law, provided that no offence under this Ordinance shall be prosecuted except on the information of some person appointed by the Governor by warrant under his signature.

Governor to appoint a prosecutor.

Not to prevent persons being prosecuted under any other law or Ordinance.

10. Nothing in this Ordinance shall prevent any person from being liable under any other Law or Ordinance in force in the Colony to any other penalty or punishment than is provided for any offence by this Ordinance, so that no person be punished twice for the same offence.

Commencement of Ordinance.

11. That this Ordinance shall come into operation from the day of the passing thereof.

SCHEDULE.

Marks appropriated for use in or on Her Majesty's Naval and Victualling Stores.

Hempen cordage and wire rope.—White, black, or coloured worsted threads laid up with the yarns and the wire respectively.

Canvas, fearnoughts, hammocks, and seamen's bags.—A blue line in a serpentine form.

Bunting.—A double tape in the warp.

Candles.—Blue or red cotton threads in each wick, or wicks of red cotton.

Timber, metal, or other stores not before mentioned.—The broad arrow.

Passed the Legislative Council this 23rd day of August, 1867.

(Signed) HENRY BYNG, *Clerk to the Council.*

22.

An Ordinance for granting Carlos Guilherme, Manoel Rodrigo, and Manoel Pereira, the Privileges of British-born Subjects within the Colony of the Falkland Islands.

In the Year 1867.—No. 6.

1. Ordinance No. 2 of 1867 shall be, and the same is hereby repealed.

WHEREAS Carlos Guilherme, Manoel Rodrigo, and Manoel Pereira, of the Western Islands, have prayed that they, the said Carlos Guilherme, Manoel Rodrigo, and Manoel Pereira, may be admitted to enjoy the privileges of British-born subjects;

Be it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

2. The said Carlos Guilherme, Manoel Rodrigo, and Manoel Pereira when and so soon after they shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorised to administer, shall be to all intents and purposes whatsoever entitled, within the limits of this Colony, to all the privileges of British-born subjects of Her Majesty.

3. The Governor shall, immediately after such oaths have been taken before him, certify the same, and cause such certificates to be recorded in the office of the Registrar-General of this Colony.

(L.S.) (Signed) WILLIAM ROBINSON, *Governor.*

Passed in Council this 24th day of December, in the year of Our Lord 1867.

(Signed) H. BYNG, *Clerk to the Council.*

23.

Vaccination Ordinance.

In the Year 1868.—No. 1.

By His Excellency WILLIAM FRANCIS CLEAVER ROBINSON, Esquire, Governor, and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

THAT whereas it is expedient to provide for the compulsory vaccination of children born in the Falkland Islands, Be it enacted—

1. That it shall be lawful for the Governor from time to time to divide the Falkland Islands into as many districts as he may deem advisable or necessary, and to appoint the Colonial Surgeon or other public medical officers of these Islands; or any duly qualified medical practitioner to be the public vaccinator or vaccinators

Preamble.

Governor to appoint public vaccinator.

of such districts, whose duty it shall be to attend at such time or times as may be appointed by the Governor at some convenient place within each such vaccination districts as the Governor may direct, and the said public vaccinator or vaccinators shall and are hereby required to vaccinate all persons resident in any such district or districts, who may come or be brought to them for that purpose, being fit subjects for vaccination, subject to such regulations as may be issued by the Governor in that behalf: Provided always, that the provisions of this Ordinance shall not apply or be in force in any district until a public vaccinator has been appointed for such district.

Proviso that Ordinance shall not be in force till public vaccinator be appointed.

Children born after the passing of this Ordinance to be vaccinated.

2. The father or mother of every child born in the Falkland Islands after the passing of this Ordinance shall within three months after the birth of such child, or when by reason of the death, illness, absence, or inability of the father or mother, or other cause any other person shall have the custody of such child, such person shall within three months after receiving the custody of such child take it or cause it to be taken to the Public Vaccinator of the district to be vaccinated, unless such child shall have been previously vaccinated by some duly qualified medical practitioner and the vaccination, or unfitness, or insusceptibility of successful vaccination duly certified, and the public vaccinator is hereby required with all reasonable despatch subject to such conditions hereinafter mentioned to vaccinate such child.

Children under the age of twelve years to be vaccinated.

3. The father or mother of every child on these Islands, who at the time of the passing of this Act shall be under the age of twelve years shall within three months after the passing of this Ordinance (or in the event of the death, illness, absence or inability of the father or mother, then the person who shall have the custody of such child) take it or cause it to be taken to the public vaccinator of the district to be vaccinated, unless it shall previously have been successfully vaccinated by a duly qualified medical practitioner and the vaccination duly certified; and the public vaccinator shall and is hereby required as soon as it may be conveniently and properly done to vaccinate such child.

Provision for inspection of vaccination.

4. Upon the same day in the following week when the operation of vaccination shall have been performed by the public vaccinator such parent or other person, as the case may be, shall again take the child, or cause it to be taken to him, that he may inspect it and ascertain the result of the operation, and if he see fit take from such child lymph for the performance of other vaccinations, and in the event of the vaccination being unsuccessful such parent or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

Certificate of successful vaccination.

5. Upon and immediately after the successful vaccination of any child the public vaccinator or other qualified medical practitioner shall deliver to the father or mother of the said child, or to the person having the custody of such child a certificate under his hand according to the form in the Schedule hereunto annexed, marked A, or to the like effect that the child has been successfully vaccinated, and such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint which shall be brought against the father or mother of the said child, or such person as aforesaid, for non-compliance with the provisions of this Ordinance.

Provision for the unfitness of child to be vaccinated.

6. If the public vaccinator or medical practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver to the parent or other person having the custody of such child a certificate under his hand according to the form in the Schedule hereto annexed marked B, or to the like effect, that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods of two months until the public vaccinator or medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall with all reasonable despatch be vaccinated, and the certificate of successful vaccination duly given if warranted by the result, and at or before the end of each successive period the parent or such person as aforesaid shall take or cause the child to be taken to the public vaccinator or medical practitioner who shall then examine the child and give the certificate according to the said form B, so long as he deems requisite under the circumstances of the case, and the production of such certificate shall be a sufficient defence against any complaint which may be brought against the father or mother or such person as aforesaid for non-compliance with the provisions of this Ordinance.

Provision for the insusceptibility of successful vaccination.

7. If the public vaccinator or medical practitioner shall find that a child whom he had three times unsuccessfully vaccinated is insusceptible of successful vaccination,

or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or other person as aforesaid a certificate under his hand according to the form in the schedule hereunto annexed marked C, or to the like effect. And the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated, and the production of such certificate shall be sufficient defence against any complaint that may be brought against father or other person for non-compliance with the provisions of this Ordinance.

8. That the father or mother or other person as aforesaid shall pay to the public vaccinator the sum of two shillings and sixpence for each child successfully vaccinated. Remuneration to public vaccinator for successful vaccination.

9. That the Registrar for the time being acting under and by virtue of the Registration Ordinance, No. 12, 1853, shall, upon the registration of the birth of any child, give notice according to the form in the Schedule hereunto annexed, marked D, or to the like effect to the father or mother or person having the custody of such child, requiring such child to be duly vaccinated according to the provisions of this Ordinance. Registrar to give notice of vaccination to parent or other person registering birth.

10. Every father or mother or other person having the custody of such child who shall neglect to take such child or cause it to be taken to be vaccinated, or after vaccination to be inspected according to the provisions of this Ordinance, and shall not render a reasonable excuse for the neglect, shall be guilty of an offence and be liable upon conviction to pay a penalty not exceeding twenty shillings. Penalty on parent or other person neglecting to procure vaccination of the child.

11. Every public vaccinator or medical practitioner who shall neglect or refuse to fill up and sign any certificate required of him by the provisions of this Ordinance or who shall refuse to deliver the same to the parent or other person on request, shall be liable to pay, upon a summary conviction, a penalty not exceeding twenty shillings; and every person who shall wilfully sign a false certificate under this Ordinance, shall be guilty of a misdemeanour and be punished accordingly. Penalty on vaccinator neglecting to give certificate, and persons signing false certificates.

12. That the public vaccinator and any medical practitioner who shall have vaccinated any child, shall every quarter send to the Governor a certified list containing the names of each person so vaccinated and the results of such vaccination, and any public vaccinator or medical practitioner who shall neglect or refuse to do so shall be liable to a penalty not exceeding ten pounds. Public vaccinator or medical practitioner to send to the Governor quarterly list of persons vaccinated.

13. Any person who shall, after the passing of this Ordinance, produce or attempt to produce in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or wilfully by any other means whatsoever produce the disease of small-pox in any person, shall be guilty of an offence and shall be liable to be proceeded against summarily, and upon conviction to be imprisoned for any term not exceeding two months. Penalty on persons inoculating with small-pox.

14. That all penalties under this Ordinance shall be sued for and recovered in the same way that penalties are sued for and recovered under and by virtue of the Summary Jurisdiction Ordinance, No. 11, 1853. Recovery of penalties.

15. That, in any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar, or any other officer, of the requirements of the law in this respect. Notice not to be proved by prosecution.

16. That this Ordinance shall come into operation from the day of the passing thereof. Commencement of Ordinance.

SCHEDULES.

(A.)

I, the undersigned, being a [*here insert nature of professional qualification*] hereby certify _____, the child of _____, aged _____, of _____ in the district of _____, has been successfully vaccinated by me.
Dated this _____ day of _____, 186 _____.

(Signed)
Public Vaccinator [or] Medical Practitioner,
[as the case may be.]

(B.)

I, the undersigned, being a [*here insert nature of professional qualification*], hereby certify my opinion that _____, the child of _____, of _____
[122346]

in the district of _____ aged _____, is not now in a fit state to be successfully vaccinated, and I do hereby postpone the vaccination until the day of _____, 186 .

Dated this _____

day of _____

186 .

(Signed)

Public Vaccinator of the District [or] Medical Practitioner,
[as the case may be].

(C.)

I, the undersigned, being a [*here insert nature of professional qualification*], hereby certify my opinion that _____, the child of _____, in the district of _____, is insusceptible of the vaccine disease.

Dated this _____

day of _____

, 186 .

(Signed)

Public Vaccinator of the District [or] Medical Practitioner,
[as the case may be].

(D.)

I, the undersigned, hereby give you notice and require you to have vaccinated within three months after the birth, pursuant to the provisions of the Vaccination Ordinance, No. 1, 1868.

As witness my hand, this _____

day of _____

186 .

(Signed)

Registrar.

Passed the Legislative Council, this twenty-eighth day of April, one thousand eight hundred and sixty-eight.

(L.S.)

(Signed)

WILLIAM ROBINSON.

(Signed)

H. BYNG, *Clerk of the Councils.*

24.

An Ordinance to render Owners of Dogs liable for injuries done to Cattle, Sheep, or other Stock.

In the Year 1868.—No. 3.

By His Excellency WILLIAM CLEAVER FRANCIS ROBINSON, 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 :—

Owner of dog to be liable in damages for any injury committed by his dog.

1. THE owner of every dog in this Colony shall be liable in damages for injury done by worrying to any cattle, sheep, or other live stock by his dog; and it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such previous propensity, or that the injury was attributable to neglect on the part of such owner, such damages to be recovered by the ordinary process of law in force in this Colony.

2. The occupier of any house or premises where any dog was kept or permitted to live or remain at the time of such injury, shall be deemed to be the owner of such dog, and shall be liable as such unless the said occupier can prove that he was not the owner of such dog at the time the injury complained of was committed, and that such dog was kept or permitted to live or remain in the said house or premises without his sanction or knowledge: Provided always, that where there are more occupiers than one in any house or premises let in separate apartments, or lodgings, or otherwise, the occupier of that particular part of the premises in which such dog shall have been kept, or permitted to live or remain at the time of such injury, shall be deemed to be the owner of such dog.

Commencement of Ordinance.

3. This Ordinance shall come into operation from the date of the passing thereof.

(L.S.)

(Signed)

WILLIAM ROBINSON, *Governor.*

Passed the Legislative Council this 7th day of October, 1868.

(Signed)

H. BYNG, *Clerk to the Council.*

An Ordinance to provide for the appropriation of the Casual Revenues of the Crown arising from Escheated Estates.

In the year 1869.—No. 1.

Clause.

1. Casual Revenue of the Crown, except Droits of the Crown and Admiralty, to be disposed of by the Governor.
2. Governor to make good to claimants all sums so appropriated, and the General Revenue of the Colony to be applicable for that purpose.
3. Person preferring claim to present his petition to the Magistrate's Court. Court to make such order as may be required, and certify the same to the Governor.
4. Commencement of Ordinance.

By His Excellency WILLIAM CLEAVER FRANCIS ROBINSON, Esquire, Governor and Commander-in-Chief of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.

WHEREAS by an Act passed by the Imperial Parliament in the fifteenth and sixteenth years of Her Majesty Queen Victoria, provision is made for the appropriation by or with the assent of the Crown of any casual revenues arising within the Colonies or foreign possessions (other than droits of the Crown and droits of the Admiralty) for or towards any public purposes within the Colonies or possessions in which the same respectively may have arisen; and it is expedient to provide for the appropriation of such casual revenue, including the revenue to arise from the sale of the estates and effects of persons who have died intestate and without heirs and next of kin.

Be it enacted :

1. That all casual revenue of the Crown (other than droits of the Crown and droits of the Admiralty) which shall hereafter be paid by order of the Crown into the Colonial chest, shall be disposed of from time to time to such public purposes as the Governor shall think proper and direct. Casual revenue of the Crown, except droits of Crown and Admiralty, to be disposed of by the Governor.
2. That the Governor shall from time to time as occasion shall require, repay or make good to any person preferring and duly proving, as is next hereinafter provided, his claim to the same, whether such claim shall be founded on legal, equitable, or moral grounds; after such appropriation and disposal as aforesaid, all such sums of money so appropriated and all moneys in the Colonial chest forming part of or arising from the general revenue of the Colony shall be applicable for so repaying or making good the same. Governor to make good to claimants all sums so appropriated, and the general revenues of the Colony to be applicable for that purpose.
3. That any person preferring a claim either legal, equitable, or moral, to any of the moneys to be hereinafter appropriated pursuant to the provisions of this Ordinance, shall present his petition to the Magistrate's Court of these islands against some person to be appointed by the Governor respondent thereto, and if he shall verify his said claim by evidence to the satisfaction of the Court, it shall be the duty of the said Court to make such order in the premises as justice shall require: and upon the application of such petitioner, or any other claimant, or person or respondent appointed by the Governor to vary such order from time to time as may be deemed expedient, and to certify the same to the Governor, to the intent that the claimant may have relief in the premises. Person preferring claim to present his petition to Magistrate's Court.
This Court to make such order as may be required, and certify the same to the Governor.
4. That this Ordinance shall come into operation from the day of the passing thereof. Commencement of Ordinance.

(L.S.)

(Signed)

WILLIAM ROBINSON, *Governor.*

Passed the Legislative Council this twenty-seventh day of February, one thousand eight hundred and sixty-nine.

(Signed)

H. BYNG, *Clerk to the Council.*

An Ordinance for the Protection of Wild Cattle.

In the Year 1869.—No. 2.

Clause.

1. Repeal of Ordinances No. 2 of 1865, and No. 5 of 1867.
2. Penalty on killing Wild Cattle on the East Falkland.
3. Penalty on killing Wild Cattle on the West Falkland.
4. Penalty on receiving animals unlawfully captured.
5. Power to arrest without a warrant.
6. Recovery of penalties.
7. Commencement of Ordinance.

By His Excellency WILLIAM CLEAVER FRANCIS ROBINSON, Esquire, Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof; Be it enacted—

Repeal of Ordinances No. 2 of 1865, and No. 5 of 1867.

1. THAT the Summary Jurisdiction Amendment Ordinance, No. 2 of 1865 and the Ordinance for the protection of wild cattle No. 5 of 1867 shall be and the same are hereby repealed.

Penalty on killing wild cattle on the East Falkland.

2. That if any person without the permission of the Governor in writing shall without lawful cause drive, hunt, wound, capture, decoy, or destroy any wild cattle, pigs, goats, or horses on the waste and unappropriated lands of the Crown, and if on lands in the possession of any other person, without his authority, in the East Falkland Island, he shall for each animal so killed, wounded, captured, decoyed, or destroyed, pay a fine not exceeding fifty pounds.

Penalty on killing wild cattle on the West Falkland.

3. That if any person without the permission of the Governor in writing shall hunt, wound, capture, decoy, or destroy any wild cattle on any land whatever on the West Falkland (or upon any unappropriated island belonging to the Crown adjacent thereto), he shall for each animal so wounded, captured, decoyed, or destroyed, pay a fine not exceeding fifty pounds.

Penalty on receiving animals unlawfully captured.

4. That any person who shall receive any animal, or any part thereof, knowing the same to be so unlawfully captured and destroyed as aforesaid, shall pay a fine not exceeding five pounds.

Power to arrest without a warrant.

5. That any person found committing any offence contrary to this Ordinance may be taken into custody by any constable without a warrant, and may be detained until he can be brought before a Justice to be dealt with according to law; and any constable may also stop, search, and detain any boat in or upon which there shall be reason to suspect that such animal or any part thereof so unlawfully obtained may be found, and if upon search thereupon made such animal or any portion thereof shall be found, then to convey the same before a Justice, and to take into custody and carry before a Justice any person reasonably suspected of having committed any offence contrary to this Ordinance.

Recovery of penalties.

6. All penalties under this Ordinance shall be sued for and recovered in the same way that penalties are sued for and recovered under and by virtue of the Summary Jurisdiction Ordinance No. 11 of 1853.

Commencement of Ordinance.

7. This Ordinance shall come into operation from the day of the passing thereof.

(L.S.) (Signed) WILLIAM ROBINSON, *Governor*.

Passed the Legislative Council this eighth day of March, one thousand eight hundred and sixty-nine.

(Signed) H. BYNG, *Clerk to the Council*.

An Ordinance to amend that portion of the Administration of Justice Ordinance which relates to Juries.

In the Year 1870.—No. 1.

Clause.

1. Repeal of Ordinance No. 1 of 1859, and 35th Clause of Administration Ordinance, No. 10 of 1853.
2. Qualification of Jurymen.
3. Jury List.
4. Stipendiary Magistrate to alter present Jury List.
5. That this Ordinance to be part of the Administration of Justice Ordinance, No. 10, 1853.
6. Commencement of Ordinance.

By His Excellency Colonel GEORGE D'ARCY, Lieutenant-Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient to extend the Jury List to all Her Majesty's subjects residing in the Falkland Islands and the Dependencies thereof: Be it enacted:—

1. That the Ordinance No. 1 of 1859, and the 35th Clause of the Administration of Justice Ordinance, No. 10, of 1853, be and the same are hereby repealed.

2. That in the place of the said Ordinance and Clause hereby repealed, be it enacted that every man not being an alien, between the ages of 21 or 60 years, who shall reside in the Falkland Islands or the Dependencies thereof, except all Members of the Executive and Legislative Councils, the Clerk of the said Councils, Justices of the Peace, all ministers of religion, all officers and men of Her Majesty's land and sea forces on full pay, practising surgeons, physicians, and apothecaries, or any person who has at any time been convicted of felony, shall be liable and qualified to serve as a juror in the Magistrate's, Police, or Coroner's Court wherever such Courts shall be held within the Colony of the Falkland Islands.

3. That on or before the 1st day of May in every year the Stipendiary Magistrate shall prepare a list in alphabetical order of all men who shall be liable to serve on juries, and shall cause a copy thereof to be affixed upon the door of the police office and upon the Gazette board, and to such copy shall subjoin a notice that all objections thereto shall be heard and determined by him at any time before the 1st day of June then next; that the list for the past year shall continue to be used until the 10th day of June, 1871, in every respect the same as if it had been prepared in pursuance of this Ordinance.

4. That on the passing of this Ordinance the Stipendiary Magistrate shall have the power to alter the jury list for the past year by placing the names thereon of all persons who shall be qualified to serve as jurors by this Ordinance.

5. That this Ordinance be deemed and taken to be for every intent and purpose as much a part of the Administration of Justice Ordinance, No. 10, of 1853, as though it were incorporated therein.

Whereas the delay incident to a previous communication with Her Majesty to know Her Royal will and pleasure hereupon would be productive of much inconvenience to the public service, be it therefore enacted that this Ordinance shall take effect and come into operation from the day of passing thereof pending the confirmation and approval of the Sovereign.

(L.S.) (Signed) G. D'ARCY, *Colonel and Lieutenant-Governor.*

Passed the Legislative Council this 22nd day of April, 1870.

(Signed) H. BYNG, *Clerk to the Councils.*

An Ordinance to repeal the Alien Ordinance No. 7 of 1853, and to regulate the admission of Aliens under certain proviso into the Colony of the Falkland Islands.

In the Year 1870.—No. 2.

By His Excellency Colonel GEORGE D'ARCY, Lieutenant-Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, &c., &c.

1. Be it enacted that the Alien Ordinance, No. 7 of 1853, be and the same is hereby repealed.

2. That any person being a subject of any Kingdom or State represented in this Colony by a Consul-General, Consul, or Commercial Agent or other Consular Officer, shall be allowed to land and reside in, and carry on his calling, trade, or profession within this Colony upon reporting himself or herself to the said Consular Officer, and giving proof to the officer administering the Government that such a report has been made.

Persons unrepresented by Consular Officer may be required to deposit money as a guarantee.

3. That any person who shall introduce into the Falkland Islands a subject of any foreign Kingdom or a State and unrepresented in this Colony as aforesaid, and any person who being a subject of such Kingdom or State and not being so introduced shall take up his residence therein, shall, if required by the officer administering the Government of the Colony, deposit in the Government chest such a sum of sterling money as such officer administering the Government shall call for as a guarantee that such foreign subject shall not become chargeable to the Colony; and such deposit shall be returnable to the depositor when such foreign subject shall leave the Colony.

Aliens to register themselves within a week after landing.

4. That each alien resident in the Falkland Islands, as aforesaid, shall within a week after his landing register his name, occupation, country, and last residence at the office of the Stipendiary Magistrate.

Commencement of Ordinance.

5. Whereas the delay incident to a previous communication with Her Majesty to know Her Royal will and pleasure hereupon would be productive of inconvenience to the public service, be it therefore enacted that this Ordinance shall take effect and come into operation from the day of the passing thereof, pending the confirmation and approval of the Sovereign.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council 25th day of April, 1870.

(Signed) M. GALLWEY HURST, *Clerk to the Council.*

29.

An Ordinance to prohibit the Importation of Sheep, or other Animals, for the purpose of Preventing the Introduction of Contagious or Infectious Disorders.

In the Year 1870.—No. 4.

Clause.

1. Power to prohibit the Importation of Foreign Animals.
2. Power to impose Quarantine.
3. Penalty on wrongful Importation.
4. Power to revoke Proclamations.
5. Publication of Proclamations.
6. Commencement of Ordinance.

By His Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

Recital.

WHEREAS it is expedient to prevent the introduction into the Falkland Islands of contagious and infectious disorders among sheep and cattle, horses, and other animals, by prohibiting or regulating the importation of foreign animals.

BE IT ENACTED :—

Power to prohibit the importation of foreign animals.

1. That it shall be lawful for the Governor in Council from time to time, by proclamation, to prohibit the importation or introduction into the Falkland Islands, or into any particular port or ports thereof, of cattle, sheep, horses or other animals, either generally or from any place or places that may be named in such proclamation for such periods as he may deem necessary for the purpose of preventing the introduction of any infectious and contagious disorder among the sheep, cattle, horses or other animals in this Colony.

Power to impose quarantine.

2. That it shall be lawful for the Governor in Council from time to time, by proclamation, to make such regulations for subjecting sheep, cattle horses or other animals to quarantine, or for causing the same to be destroyed upon their arrival in these Islands, or for destroying any hay, straw, fodder or other article whereby it appears to him that infection or contagion may be conveyed, and generally to make such regulations with respect to the importations of sheep, cattle, horses or other animals as he may consider necessary to prevent the introduction of any contagious or infectious disorder.

Penalty for wrongful importation.

3. That if any cattle, horses, sheep or other animals be imported or introduced, or attempted to be imported or introduced, contrary to the provisions of any proclamations made in pursuance of this Ordinance, the same shall be forfeited, and all

persons importing or introducing, or attempting to import or introduce, the same shall pay a fine of £10 for every animal so imported, such fine to be recovered according to the provisions of the Summary Jurisdiction Ordinance No. 11, 1853.

4. That it shall be lawful for the Governor in Council to revoke the whole or any part of any proclamation by any further proclamation issued under the authority of this Ordinance. Power to revoke proclamation.

5. That every proclamation issued under this Ordinance shall, as soon as possible, be published on the Government Gazette Board, and kept there for the space of fourteen days. Publication of proclamation.

6. That this Ordinance shall come into operation from the day of the passing thereof. Commencement of Ordinance.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this 9th day of August, 1870.

(Signed) M. GALLWEY HURST, *Clerk to the Council.*

30.

An Ordinance for granting Pedro Varela, Francis Rowlands, and George Willis the privileges of British-born Subjects within the Colony of the Falkland Islands.

In the Year 1870.—No. 5.

WHEREAS Pedro Varela, a native of Monte Video, Francis Rowlands, a native of Sweden, and George Willis, a native of the State of New York, America, have prayed that they the said Pedro Varela, Francis Rowlands, and George Willis, may be admitted to enjoy the privileges of British-born subjects. Be it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

1. The said Pedro Varela, Francis Rowlands, and George Willis, when and so soon as they shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorised to administer shall be to all intents and purposes whatsoever entitled within the limits of this Colony to all the privileges of British-born subjects of Her Majesty.

2. The Governor shall, immediately after such oath shall have been taken before him, certify the same, and cause such certificate to be recorded in the office of the Registrar-General of this Colony.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council, 24th day of August, 1870.

(Signed) M. GALLWEY HURST, *Clerk to the Council.*

31.

Bankruptcy Ordinance.

In the Year 1871.—No. 1.

Clause.

1. Part of Section 12 of Administration of Justice Ordinance referring to Bankruptcy and Insolvency repealed.
2. Acts of Parliament extended to this Colony.
3. Farmers and Graziers shall be deemed to be Traders.
4. Police Court to be the Court of Bankruptcy.
5. Commencement of Ordinance.

By His Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

Part of Section 12 of Administration of Justice Ordinance referring to bankruptcy and insolvency repealed. Acts of Parliament extended to this Colony.

Farmers and graziers shall be deemed to be traders. Police Court to be the Court of Bankruptcy. Commencement of Ordinance.

BE IT ENACTED—

1. That so much of Section 12 of the Administration of Justice Ordinance which has reference to the law of Insolvency and Bankruptcy shall be and is hereby repealed.

2. That the following Acts of Parliament shall be applied to the administration of justice so far as they respectively can be applied within the Colony, viz., 32 and 33 Vict., cap. 62, "An Act for the Abolition of Imprisonment for Debt, for the Punishment of Fraudulent Debtors; and for other purposes;" and 32 and 33 Vict., cap. 71, "An Act to Consolidate and Amend the Law of Bankruptcy."

3. That in this Colony farmers and graziers shall be deemed to be traders for the purposes of bankruptcy under the 32 and 33 Vict., cap. 71.

4. That the Police Court shall be the Court of Bankruptcy.

5. That this Ordinance shall come into operation from the day of the passing thereof.

(L.S.) (Signed) G. D'ARCY, *Governor*.

Passed the Legislative Council this eighth day of May, one thousand eight hundred and seventy-one.

(Signed) M. GALLWEY HURST, *Acting Clerk to the Council*.

An Ordinance to Declare the Law and Practices in Cases of Escheat.

In the Year 1871.—No. 2.

Clause.

1. Governor to appoint Escheator-General.
 2. Escheator-General to summon Jury in all cases of Escheat to the Crown,
 3. Escheator-General to have power to enforce the attendance of Jurors and Witnesses.
 4. Inquests to be holden at the Court House, and notice thereof shall be published.
 5. Persons claiming title to the premises to appear and support claim.
 6. Inquisition and finding of Jury to be in the form in the Schedule, and to be returned into the Colonial Secretary's Office.
 7. If the finding be against the Crown another precept may issue at the discretion of the Magistrate's Court.
 8. The claimants in case the finding is in favour of the Crown may traverse such finding within twelve months.
 9. When the finding is in favour of the Crown and no traverse filed, the property to form part of the General Revenue.
 10. Interpretation clause.
 11. Fees to be taken.
 12. Commencement of Ordinance.
- Schedules.

By His Excellency Colonel GEORGE D'ARCY, 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—

Governor to appoint Escheator-General.

1. THAT the Governor shall appoint an officer who shall be called the Escheator-General, and have jurisdiction to investigate the appropriation of the casual revenue of the Crown arising from escheated estates.

Escheator-General to summon a jury in all cases of escheat to the Crown.

2. In all cases of escheat to the Crown it shall be lawful for the Escheator-General to issue his precept in the form in Schedule A hereto annexed to the chief constable to summon a jury of twelve persons, any six of whom shall be sufficient to constitute a jury to inquire of such escheat, and the said chief-constable shall thereupon summons twelve persons now liable to serve on juries, and return such precept to the Escheator-General with the names of the persons summoned endorsed thereon certified under his hand.

Escheator-General to have power to enforce the attendance of jurors and witnesses.

3. That the Escheator-General shall have power to enforce the attendance of jurors and witnesses as the coroner of this Colony, and administer oaths to them, and adjourn the inquiry from day to day if necessary, and the same rule as to the calling of the jury shall be followed.

Inquest to be holden at the Court House, and notice thereof shall be published.

4. All inquests under this Ordinance shall be holden at the Court House, Stanley, on any day not appointed for the sitting of any Court therein, and notice of the day and hour shall be published on the Gazette Board, and, in case of real estate, shall be

affixed or left with some person at the premises respecting which inquiry is to be made three months before the holding of the inquest.

5. It shall be lawful for any person claiming title to the premises respecting which inquiry is made to appear and give evidence in support of such claim before the Escheator-General at any inquest held under this Ordinance.

Persons claiming title to the premises to appear and support claim.

6. The form of inquisition and the finding of the jury on an inquest of escheat shall be in the form set forth in the Schedule and shall be returned immediately under the signature of the Escheator-General, and of the jurors respectively into the Office of the Colonial Secretary.

Inquisition and finding of jury to be in the form in the schedule, and to be returned into the Colonial Secretary's Office.

7. If the finding in any inquest shall be against the Crown, it shall nevertheless be lawful for the Escheator-General to issue another precept for a second inquiry under the order and sanction of the Magistrate's Court on application made for that purpose, which order the said Court may give or withhold at its discretion, and such order being obtained the like proceedings shall be had as hereinbefore mentioned.

If the finding be against the Crown another precept may issue at the discretion of the Magistrate's Court.

8. If the finding of any inquest under this Ordinance shall be in favour of the Crown it shall nevertheless be lawful for any person claiming title to the premises respecting which the finding shall have been made, to traverse such finding, and the claimant shall in such case file such traverse in the office of the Clerk of the Court, and shall serve a copy thereof on the Colonial Secretary within twelve months after such finding, whereupon such proceedings shall be had for trial of the traverse before the Magistrate's Court, and any jury summoned for such causes in the said Court, and the finding of any such traverse by any jury of such Court shall be deemed final and conclusive.

The claimants, in case the finding is in favour of the Crown, may traverse such finding within twelve months.

9. After the finding of any inquest in favour of the Crown, if no traverse shall be filed and copy thereof served within twenty-four months thereafter as aforesaid, or in case the finding of any traverse by the jury of the Magistrate's Court shall be in favour of the Crown, the property escheated shall form part of the general revenue and be subject to the provisions of the Ordinance to provide for the Appropriation of the casual Revenues of the Crown arising from Escheated Estates No. 1, 1869.

When the finding is in favour of the Crown, and no traverse filed, the property to form part of the general revenue.

10. That the words "Colonial Secretary" and "Clerk of the Courts" shall be understood to mean the persons appointed by the Governor to discharge the duties of the said offices.

Interpretation clause.

11. There shall be payable to the several persons named in Schedule B to this Ordinance annexed the fees therein set forth.

Fees to be taken.

12. That this Ordinance shall come into operation from the date of the passing thereof.

Commencement of Ordinance.

SCHEDULES.

(A.)

Form of Precept.

Falkland Islands.

To the Chief Constable.

These are to authorize and require you to summon twelve good and lawful men of this Government to appear as a jury at the Court-house in Stanley at o'clock on the day of to inquire touching certain property to which Our Sovereign Lady the Queen hath become entitled by way of escheat as is alleged, and have you then and there the names of the jurors and this writ according to the Ordinance in that case provided.

Dated the day of (Signed) A. B., *Escheator-General.*

Falkland Islands.

Form of Oath to Juror.

You, *C. D.*, do swear that you will truly inquire of the title to the lands and tenements (or other property) of which inquiry shall be made in this case, and a true verdict give according to the evidence. So help you God.

Form of Oath to Witness.

You, *C. D.*, do swear that you will true evidence give and a true answer make, to the best of your knowledge, to all questions which shall be asked of you on this inquiry. So help you God.

Form of Inquisition.

Falkland Islands } An inquisition indented taken for Our Sovereign Lady the
 to wit. } Queen at the Court-house in Stanley on the
 day of } before A. B., Gentleman, Escheator-General of Our said
 Lady the Queen for the said Islands, touching certain property to wit [*here set forth
 the description of the property, if real estate by name, boundaries or other description*] late
 the property of C. D., of _____, who died without heirs or next kin,
 as is alleged, to which Our said Lady the Queen had become entitled by escheat, as is
 alleged by the oaths of [*here set forth the names of the six jurors empanelled*] good and
 lawful men of the said Government, who, being duly sworn and charged to make
 inquiry in premises upon their oaths, say that the said C. D. was, at the time of his
 death, seized in fee simple [*if the property is personal estate say possessed in his own
 right*] of the said [*here set forth the particulars of the real estate, if any*] and that the
 same hath therefore become the property of Our Sovereign Lady the Queen by way
 of escheat.

In witness whereof as well the said Escheator-General as the jurors aforesaid have
 hereto set their hands this _____ day of

(Signed) A. B., *Escheator-General.*

[Signatures of Jurors]

(B.)

Table of Fees.

	£	s.	d.
Escheator-General	3	0	0
<i>For each Summons.</i>			
Chief Constable .	1	6	8
<i>For Summoning Jury.</i>			
Jury	0	3	0
For each Juror .			

(L.S.) (Signed) G. D'ARCY, *Governor.*

Passed the Legislative Council this 15th day of May, 1871.

(Signed) M. GALLWEY HURST, *Acting Clerk of the Council.*

33.

Wreck and Salvage Ordinance.

In the Year 1871.—No. 3.

Clause.

1. Part VIII of Merchant Shipping Act of 1854 to be applied to this Colony.
2. Powers of the Board of Trade under Part VIII to be vested in the Governor.
3. Wreck unclaimed within twelve months to be sold, and proceeds paid into Colonial Treasury.
4. Commencement of Ordinance.

By His Excellency Colonel GEORGE D'ARCY, 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 :—

1. THAT Part VIII of the Merchant Shipping Act of 1854, concerning wrecks, casualties, and salvage, shall be in force within the Colony so far as the same can be applied, subject to the provisions contained in the following clauses.

2. That all the powers, authorities, and duties committed by the said Part VIII to the Board of Trade shall in the Colony be vested in and exercised by the Governor.

3. That, in the event of no owner establishing a claim to wreck before the expiration of twelve calendar months after the same shall have come into the possession of the Receiver, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and all expenses incurred by him, and paying to the salvors such

Part VIII of Merchant Shipping Act of 1854 to be applied to this Colony.

Powers of the Board of Trade under Part VIII to be vested in the Governor.

Wreck unclaimed within twelve months to be sold, and proceeds paid into the Colonial Treasury.

amount of salvage as the Governor in Council may in each case determine, shall pay the same into the Colonial Treasury for the general uses of the Colony.

4. That the Ordinance shall come into operation from the day of the passing thereof. Commencement of Ordinance.

(L.S.) (Signed) G. D'ARCY, *Governor.*

Passed the Legislative Council this 22nd day of May, 1871.

(Signed) M. GALLWEY HURST, *Acting Clerk of the Council.*

Ordinance for Regulating the Disposal of Crown Lands in the Falkland Islands.

In the Year 1871.—No. 4.

WHEREAS it is expedient to consolidate and amend the Laws and Regulations relating to the disposal of the waste lands of the Crown in the Falkland Islands and their Dependencies. Be it therefore enacted by the Governor of the said islands with the advice and consent of the Legislative Council as follows:— Preamble.

1. The Proclamations of the 31st July, 1849, of the 4th April, 1861, of the 24th June, 1867, of the 21st August, 1867, and the 37th Section of the "Summary Jurisdiction Ordinance, 1853," are hereby repealed, saving nevertheless all estates, interests, rights, and renewals created or accruing under or by virtue of such Proclamations or Ordinance respectively. Repeal of previous law.

2. This Ordinance may be cited as the "Land Ordinance, 1871." Short title.

3. In this Ordinance the word "block" shall signify 160 acres of land, the word "section" shall signify 6,000 acres of land, and the word "station" shall signify the whole extent of land comprised in one lease, and (if not inconsistent with the text or subject-matter) words of one number or one gender shall import both numbers and all genders respectively. The words "Governor," "Colonial Secretary," and "Surveyor-General," shall signify the officers who may be appointed to perform those duties. Interpretation clause.

4. Except as hereinafter mentioned the waste lands of the Crown shall be sold in fee simple and by public auction only. Crown lands to be sold by auction only.

5. It shall be lawful for the Governor, with the advice of the Executive Council, to reserve and set apart any waste lands of the Crown for harbours, defence and internal communications, or for the sites of towns, villages, places of public worship, interment, education or recreation, or for any other public purpose whatsoever. Reserves for public purposes.

6. The size of the lots and the upset price for town, suburban and country lands respectively shall be fixed by the Governor, with the advice of the Executive Council, but the upset price shall not be lower than at the rate of £100 per acre for town lots, of £2 per acre for suburban lots, and 4s. per acre for country lands. Size and upset price of lots to be fixed by Governor in Council.

7. Country lands if not sold when put up at auction shall afterwards be open for selection and purchase at the upset price: Provided that the Governor may withdraw any such lands from selection and again submit them to public auction and so on from time to time till the lands be sold. Country lands may after auction be purchased at upset price unless withdrawn from sale.

8. The upset price of town, suburban, and country lands respectively may from time to time be raised or lowered by Her Majesty and her successors by any instruction addressed to the Governor under Her or their Sign-Manuel and Signet, or through one of the Principal Secretaries of State. Upset price may be raised or lowered by Her Majesty.

9. All intended sales by auction of Crown lands shall be notified by public advertisement in the usual manner not less than one month nor more than three months before the day of sale. Lands to be advertised previous to auction.

10. It shall be lawful for the Governor in his discretion to grant to settlers licences to occupy sections of the waste lands of the Crown on the following terms and conditions:—(1.) Each section shall consist of 6,000 acres as near as may be; (2.) A sum of £5 shall, at the time of application for a licence, be paid to the Colonial Secretary for the public use in respect of each section applied for; (3.) The Licenses for pastoral purposes

licence shall endure for one year only unless it comprises not less than two sections when its duration shall be extended to two years; and (4.) No licence shall be renewable.

Leases for pastoral purposes.

11. Before the expiration of a licence, the licensee may obtain from the Governor a lease of the land comprised in his licence for twenty-one years determinable, at the option of the lessee, at the end of the seventh or fourteenth year, provided he proves to the satisfaction of the Governor that each section is at the time of applying for the lease stocked with not less than in the proportion of fifty head of tame cattle or horses, or 100 sheep, and that on each section a habitable house of reasonable dimensions has been erected. If, however, the lessee holds two or more adjacent sections, which, in the judgment of the Governor can be properly superintended together, it shall be sufficient if there be only one suitable house erected in respect of such sections. The rent to be reserved in such leases shall be at the rate of £6 a year for each section during the first ten years, and of £10 during the remainder of the term. The rent shall be paid yearly in advance to the Colonial Secretary, and if not paid within three calendar months after it has become due, or if the land for the like space of three months shall cease to be stocked to the extent hereinbefore specified, the lease shall be null and void, and the land comprised in it shall revert to the Crown.

Rent.

Forfeiture.

Governor empowered to prescribe other conditions in lease.

12. The Governor shall have power, at his discretion, to insert in every lease to be granted by him on behalf of the Crown, such reservations, conditions and restrictions as may seem expedient. Such leases shall contain a clause that every dispute as to boundaries of any station or section shall be settled by arbitration in the usual way at the expense of the parties interested.

[Clause 13 repealed by No. 1 of 1872. *Vide* p. 75.]

Occupiers entitled to kill wild cattle on their lands. But not on Crown lands without permission.

14. Every person holding land, whether in fee simple or by way of lease or licence, shall be entitled to kill and appropriate to his own use any wild cattle that may be on his land. But any person hunting or killing the wild cattle on the lands of the Crown without having first obtained the permission in writing of the Governor, shall be subject to the penalties prescribed for that offence by the Ordinance No. 2 of 1869.

Pastoral leases transferable by endorsement.

15. Every lease under this Ordinance shall be transferable by endorsement on the back of the lease, signed by the lessee or his attorney, subject to the condition that due notice of such transfer is given to the Colonial Secretary or the officer acting as Colonial Secretary.

Ordinance not to apply to lands within six miles of any town.

16. This Ordinance shall not apply to any land within six miles by land of Stanley, or of any township which may hereafter be proclaimed.

Water frontage of station.

17. Every section leased, and every block of land sold, under these regulations shall be, as far as possible, of a rectangular figure, of which not more than one side shall have available water frontage: Provided that no leaseholder under this Ordinance shall be allowed to purchase more than one-third of his leasehold land having water frontage without the special leave of the Governor.

Portion of land transferable.

18. Should any lessee at any time wish to part with or exchange a portion of his leasehold, he shall be permitted to do so on application to, and with the sanction of, the Governor; the boundaries of such portion to be defined by the Surveyor-General, or by a competent sworn surveyor, at the expense of the parties concerned; and such portion to be indicated in the chart of the Colony as a separate lot and numbered accordingly, after such transfer shall be duly concluded, in the Colonial Secretary's office, the rent of the land so parted with shall be charged to the person who thus becomes the lessee: Provided that no transfer of any land less than a section be made under this clause.

Reservation on the part of the Crown.

19. Every lease shall confer on the lessee the right to use the land for pastoral purposes only, and shall be subject to all such reservations as are contained in the printed Crown grants of land in this Colony, and the Governor shall have power at any time to proclaim a public road through any Station.

Six months' warning to be given to Governor previous to an extension of lease being granted.

20. If the lessee of any Station under this Ordinance shall be desirous of obtaining an extension of his lease, he shall give notice thereof to the Governor six months before the expiration of his lease, and the Governor in Council shall determine whether it is expedient that the land should be sold or reserved for any public purpose: Provided that the former lessee shall have priority of claim over other persons applying for the lease. If the land be sold, the value of any improvements made upon it by the lessee (such value to be determined by the Surveyor-General, but in no case exceeding their actual cost) shall be added to the upset price, and shall be paid to the

lessee by the purchaser of the land, or shall be allowed to the lessee in case he shall be the purchaser.

21. Every Section and Station of land shall be defined with reference to the nautical chart of the Colony, without requiring any further survey, but the boundaries will be subsequently made by the Surveyor-General or by a competent sworn surveyor, and submitted for approval to the Governor. Boundaries defined.

(Signed) G. D'ARCY, *Governor.*

Passed the Legislative Council this fourteenth day of September, one thousand eight hundred and seventy-one.

(Signed) M. GALLWEY HURST, *Acting Clerk to the Council.*

35.

Pilot Ordinance.

In the Year 1871.—No. 5.

Clause.

1. Repeal of Pilot and Harbour Ordinance No. 8, 1853, and Pilot and Harbour Regulations, 1857.
2. Governor to appoint pilots and make regulations.
3. Vessels anchoring to pay pilotage.
4. Government not responsible for acts of pilots.
5. Governor to make harbour regulations.
6. Governor may require declarations, deposit of papers, and notice of departure.
7. Penalty of disobedience to regulations.
8. Misconduct of pilots.
9. Penalty for keeping on board or firing a cannon loaded with ball.
10. Unlawful quantities of gunpowder.
11. Throwing ballast into the harbour.
12. Limits of Stanley Harbour.
13. Commencement of Ordinance.

By His Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient to make better provisions for the Pilotage and Harbour Regulations; Be it enacted,—

1. That the Pilot and Harbour Ordinance No. 8, 1853, be hereby repealed, and that the Pilot and Harbour Regulations published on the twenty-fourth day of September, 1857, in pursuance of the power vested in the Governor in that behalf by the aforesaid Ordinance, be hereby annulled.

Repeal of Pilot and Harbour Ordinance No. 8, 1853, and Pilot and Harbour Regulations, 1857.

2. That the Governor shall from time to time appoint, in the Form A hereunto annexed, pilots or a harbour master for any harbour within the Falkland Islands, and may revoke such appointment; and make regulations respecting the duties of and payment to pilots and other matter connected therewith.

Governor to appoint Pilots and make regulations.

3. That every vessel (except vessels of war and colonial vessels trading between Cape Horn and Montevideo) anchoring to the westward of and within a line drawn from Cape Pembroke to William Point, shall pay to the Shipping Master of the Port of Stanley the sum of sixty shillings for every vessel drawing less than 10 feet, and for every vessel drawing 10 feet or more, 6s. per foot. The rate of pilotage outwards shall be one-half the rate inwards.

Vessels anchoring to pay pilotage.

Rate of pilotage.

4. That the Government shall not be responsible for any loss or damage occasioned by the acts of any pilots in this Colony.

Governor not to be responsible for acts of pilots.

5. That the Governor may from time to time make regulations respecting the anchoring and mooring of vessels, the package, landing, deposit and removal of gunpowder (save and except on board any vessel of war), the safe keeping thereof, the watering, ballasting, or discharging of ballast of or from vessels, and all other matters relating to the safe and commodious navigation of any such harbour, and the order and management of vessels resorting thereto.

Governor to make harbour regulations.

6. That the Governor may from time to time make regulations requiring a declaration to be made by the master of any vessel arriving at any of the said harbours, the deposit of the ship's papers and the return thereof to the master a reasonable time

That the Governor may require declarations, deposit of papers and notice of departure.

before his departure, and prescribing the form, time and manner of making such declaration, deposit or return, or giving such notice.

Penalty for disobedience to regulations.

Misconduct of pilots, endangering ship, life or limb, to be a misdemeanour.

7. That any master, seaman, passenger, pilot, or other person who shall offend against the said regulations shall pay a fine not exceeding fifty pounds.

8. That any pilot in charge of any vessel who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such vessel, or tending immediately to endanger the life or limb of any person on board of such vessel, or who, by wilful breach of duty, or neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act, proper and required to be done by him for preserving such vessel from loss, destruction or serious damage, or for preserving any person belonging to or on board such vessel from danger to life or limb, shall for each such offence be guilty of a misdemeanour, and shall be liable to punishment with fine or imprisonment with or without hard labour or both, and the Court may, if it shall think fit, order payment of the costs and expenses of the prosecution.

Penalty for keeping on board or firing cannon loaded with ball or shot.

9. That the master or officer commanding any vessel (except any vessel of war) who, while such vessel shall lie in or be in Stanley Harbour, shall keep or cause or permit to be fired any cannon on board such vessel shotted or loaded with ball, shall pay a fine not exceeding fifty pounds.

Unlawful quantities of gunpowder.

10. That if any information shall be given upon oath to any Justice that there is reasonable cause to suspect that any unlawful quantity of gunpowder is on board any merchant vessel in Stanley Harbour, it shall be lawful for such Justice, by warrant under his hand, to direct any constable at any time to enter and search any such vessel, and it shall be lawful for any constable to whom such warrant shall be directed (such constable having previously made known such his authority) either alone or with the assistance as he may deem necessary to enter any such vessel, and search the same for unlawful quantities of gunpowder, and seize and remove to the proper place and detain all such unlawful quantities of gunpowder found on board any such vessel, and the barrels and other packages in which gunpowder shall be, and if necessary to use force to enable him to execute any such warrant.

Throwing ballast, &c., into the harbour.

11. That if any person shall throw or cause to be thrown into Stanley Harbour any dead animal, ballast, damaged goods, rubbish, or other material, he shall pay a fine not exceeding a hundred pounds.

Limits of Stanley Harbour.

12. That Stanley Harbour for the purposes of this Ordinance shall extend to any place lying to the westward of and within a line drawn from Cape Pembroke to William Point, and below high-water mark.

Commencement of Ordinance.

13. That this Ordinance shall take effect and come into operation this seventh day of December, one thousand eight hundred and seventy-one.

SCHEDULE.

A.—(SECTION 2.)

Falkland Islands } I, _____, Governor and Commander-in-Chief of the
to wit. } Falkland Islands,
and the Dependencies thereof do hereby in pursuance of the powers in me vested by the Pilot and Harbour Ordinance No. 7, 1871, appoint
to be a pilot and (or) harbour master for the port of _____ . In witness
thereof I have hereunto set my hand and affixed the seal of the Government, at
Government House, Stanley, this _____ day of _____ one
thousand eight hundred and _____

(Signed) G. D'ARCY, *Governor.*

Passed the Legislative Council this seventh day of December, one thousand eight hundred and seventy-one.

(Signed) M. GALLWEY HURST, *Acting Clerk to the Council.*

Ordinance for Amending the Land Ordinance, 1871.

In the Year 1872.—No. 1.

Clause.

1. Short title.
2. Repeal of Section 13 of Land Ordinance, 1871.
3. Lessee to purchase within ten years a block of 160 acres for every section contained in his lease.
4. Incorporation of Ordinance with the Land Ordinance of 1871.

By His Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient to amend the Land Ordinance of 1871, Be it therefore enacted by the Governor, with the advice and consent of the Legislative Council as follows:—

1. This Ordinance may be cited as "The Land Ordinance, 1872." Short title.
2. Section 13 of the Land Ordinance, 1871, is hereby repealed, and the next following enactment shall be substituted in its place. Repeal of section 13 of Land Ordinance, 1871.
3. Every lessee shall within ten years from the date of his lease purchase at the upset price for country lands of the Crown in force at that date, a block of one hundred and sixty acres for every section contained in his lease. Such block shall be determined by the Surveyor-General with the consent and approval of the Governor. On failure to make such purchase within the said period of ten years the lease shall be null and void. The lessee may at any time during the continuance of his lease purchase at the upset price of country lands in force at the time of such purchase any further quantity of the land comprised in his station that he may require, subject, nevertheless to the limitations and conditions contained in the sixteenth, seventeenth, and twentieth sections of the Land Ordinance, 1871, and in so much of the nineteenth section of that Ordinance as empowers the Governor at any time to proclaim a public road through any station. Lessee to purchase within ten years a block of 160 acres for every section contained in his lease.
4. This Ordinance shall be read with and form part of the Land Ordinance, 1871. Incorporation of Ordinance with the Land Ordinance, 1871.

(L.S.) (Signed) G. D'ARCY, Governor.

Passed the Legislative Council this ninth day of May, one thousand eight hundred and seventy-two.

(Signed) G. TRAVIS, Acting Clerk to the Council.

Naturalisation Ordinance.

In the Year 1872.—No. 3.

By His Excellency Colonel G. D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.

WHEREAS Joseph Alazia, a native of France, Emile Boyer, a native of France, and Gerard Degenhardt, a native of Holland, have prayed that they, the said Joseph Alazia, Emile Boyer, and Gerard Degenhardt, may be admitted to enjoy the privileges of British-born Subjects, Be it enacted:—

1. That the said Joseph Alazia, Emile Boyer, and Gerard Degenhardt, when and so soon as they shall have taken the Oath of Allegiance before the Governor, which oath the Governor is hereby authorised to administer, shall be to all intents and purposes whatsoever entitled, within the limits of this Colony, to all the privileges of British-born Subjects of Her Majesty.

2. The Governor shall, immediately after such Oath shall have been taken before him, certify the same, and cause such certificate to be recorded in the office of the Registrar-General of this Colony.

(Signed) G. D'ARCY, *Governor.*

Passed the Legislative Council the ninth day of May, one thousand eight hundred and seventy-two.

(Signed) G. TRAVIS, *Clerk to the Council.*

Marriage Amendment Ordinance.

In the Year 1872.—No. 4.

By His Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

WHEREAS by the 17th Clause of the Marriage Ordinance No. 1, 1858, doubts have arisen as to Marriages contracted in the Falkland Islands, other than Marriages according to the rights of the Church of England.

It is hereby enacted that any Marriage performed by any Minister of Religion within the Falkland Islands, whose name has been gazetted by the Governor for the time being, shall be as valid as if performed by a Clergyman of the Church of England.

All such Marriages to be registered according to the Ordinance No. 1, 1858, and to be performed only after due notice has been given, as is provided in the Marriage Ordinance No. 1, 1858.

That in Section F, No. 25, of the Registration Ordinance No. 12, 1853, in cases of marriages by Ministers of other denominations, the words "according to the Rites and Ceremonies of the Church of England," shall be left out.

That Clause 26 of Registration Ordinance shall be applicable to such Ministers aforesaid.

That this Ordinance be taken as part of the Marriage Ordinance, 1858, and Registration Ordinance, 1853, as if incorporated therein.

Whereas the delay incident to a previous communication with Her Majesty to know Her Royal Pleasure hereupon may be productive of serious inconvenience: Be it therefore enacted that this Ordinance shall take effect and come into operation on the twenty-first day of May, one thousand eight hundred and seventy-two.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this twenty-first day of May, one thousand eight hundred and seventy-two.

(Signed) G. TRAVIS, *Clerk to the Council.*

Registration Amendment Ordinance.

In the Year 1873.—No. 1.

Clause.

1. Governor to appoint a Registrar in any district.
2. Registrar to send annual certificates on or before the 15th January in each year.
3. Amendments.
4. Ordinance to be part of Registration Ordinance.
5. Commencement of Ordinance.

By His Excellency Colonel G. D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient to extend to other districts, within the Falkland Islands so much of the 1st Clause of the Registration Ordinance No. 12 of 1853, relating to births, deaths, and marriages: Be it enacted:—

1. That it shall be lawful for the Governor to appoint any qualified person who resides in any district within the jurisdiction of the Falkland Islands to be Registrar for the said purpose, and be subject to all the provisions of the Registration Ordinance No. 12 of 1853. Recital.
Governor to appoint a Registrar in any district.

2. And that every district Register shall, on or before the 15th day of January of each year forward to the Registrar-General's Office at Stanley a true copy of all entries contained in the register book of births and deaths for the preceding year, accompanied by the Certificates as required from the Clergyman in Clause 26 of the Registration Ordinance. Registrar to send annual Certificates on or before the 15th January in each year.

3. And furthermore it is enacted that the 1st Clause in the Registration Ordinance be hereafter read— Amendments.

“that there shall be a Registrar-General's office at Stanley,”

instead of
“that there shall be an office at Stanley;”
and moreover that in the 27th Clause the word “Registrar” shall be taken to mean “Registrar-General.”

4. That this Ordinance be deemed and taken to be a part of the Registration Ordinance No. 12 of 1853, as fully and effectually as if incorporated therein. This Ordinance to be part of the Registration Ordinance.

Whereas the delay incident to a previous communication with Her Majesty to know Her Royal pleasure hereupon may be productive of serious inconvenience, be it therefore enacted that this Ordinance shall take effect and come into operation from the day of the passing thereof. Commencement of Ordinance.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this 1st day of February, 1873.

(Signed) G. TRAVIS, *Clerk to the Council.*

An Ordinance to extend to the Colony a certain Act of Parliament.

In the Year 1873.—No. 2.

Clause.

1. Certain Act of Parliament extended to the Colony.
2. Commencement of Ordinance.

By His Excellency Colonel G. D'Arcy, Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

BE it enacted—

1. That the following Act 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, viz.: “30 & 31 Vict. c. 124, an Act to amend the Shipping Act of 1854.” Certain Act of Parliament extended to the Colony.

2. Whereas the delay incident to a previous communication with Her Majesty to know Her Royal pleasure hereupon may be productive of serious inconvenience, be it therefore enacted that this Ordinance shall take effect and come into operation from the day of the passing thereof. Commencement of Ordinance.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this 1st day of February, 1873.

(Signed) G. TRAVIS, *Clerk to the Council.*

Naturalization Ordinance.

In the Year 1873.—No. 3.

By His Excellency Colonel G. D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.

Recital.

WHEREAS Charles Lewis, a native of Martinique, and Casimiro Pinazo, a native of Montevideo, Banda Oriental, have prayed that they, the said Charles Lewis and Casimiro Pinazo, may be admitted to enjoy the privileges of British-born subjects: Be it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

1. That the said Charles Lewis and Casimiro Pinazo when, and so soon as they shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorized to administer, shall be to all intents and purposes whatsoever, entitled, within the limits of this Colony, to all the privileges of British-born subjects of Her Majesty.

2. The Governor shall, immediately after such oath shall have been taken before him, certify the same, and cause such certificate to be recorded in the office of the Registrar-General of this Colony.

Whereas the delay incident to a previous communication with Her Majesty to know Her Royal pleasure hereupon may be productive of serious inconvenience: Be it therefore enacted, that this Ordinance shall take effect and come into operation from the day of the passing thereof.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council the 22nd day of September, 1873.

(Signed) G. TRAVIS, *Clerk to the Council.*

An Ordinance for limiting the Right of the Queen's Majesty to sue for Lands, Tenements, and Hereditaments.

No. 1.—1874.

Preamble.

Whereas it is expedient to quiet possessions and titles against the Crown in the Falkland Islands, Be it enacted by the Governor and council of the Falkland Islands as follows:

Limitation of the right of the Crown to sue for lands, &c.

1. The Queen's Majesty, her heirs and successors shall not at any time hereafter commence any action, suit, or other legal proceeding against any person or persons, or body politic or corporate for or in anywise concerning any lands, tenements, rents, or hereditaments whatsoever (other than liberties or franchises) by reason of any right or title which hath not first accrued and grown, or shall not hereafter first accrue and grow within the space of sixty years next, before the commencement of such action, suit, or other legal proceeding. Provided that nothing herein contained shall extend to any action, suit, or other legal proceeding commenced before the passing of this Ordinance, but every such action, suit, or other legal proceeding shall be prosecuted and proceeded with as if this Ordinance had not been passed.

Preserving right to reversionary interests.

2. In the construction of this Ordinance the right or title of the Queen's Majesty, her heirs or successors, to any lands, tenements, or hereditaments which are now or shall at any time hereafter be subject to or comprised in any demise or lease for any term or terms of years, or for any life or lives granted by or on behalf of Her Majesty, or any of Her Royal predecessors or successors, shall not be deemed to have first accrued or grown until the expiration or determination of such demise or lease

as against any person or persons whose possession, holding, or enjoyment of such lands, tenements, or hereditaments, or whose receipt of the rents, issues, or profits thereof shall have commenced during the term of such demise or lease, or who shall claim from by or under any person or persons whose possession, holding, or enjoyment of such lands, tenements, or hereditaments, or whose receipt of the rents, issues, or profits thereof shall have so commenced as aforesaid.

3. Nothing in this Ordinance shall extend to any legal proceeding instituted or commenced before the passing of this Ordinance and now pending. Act not to apply to existing suits.

G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this twenty-first day of May, One thousand eight hundred and seventy-four.

G. TRAVIS, *Clerk to the Council.*

43.

An Ordinance to give a preferable lien on Wool, from season to season, make Mortgages of Sheep, Cattle and Horses valid, without delivery to the Mortgagee.

In the Year 1875.—No. 1.

Clause.

1. Any person making a *bona fide* advance to any proprietor of sheep on condition of receiving in payment, or as security of such advance, the wool of the then next ensuing clip, and duly registering the agreement relative thereto, shall be entitled to the whole of the wool mentioned in such agreement, whether such advance be made before, at, or after the granting of such preferable lien. When advance repaid property and possession of the wool to revert in the proprietor of the sheep.
2. Agreement, in form herein specified, for any *bona fide* advance on security of ensuing clip of wool, registered as herein mentioned, valid against subsequent purchaser, &c., of sheep.
3. Mortgage of live stock *bona fide* made for valuable consideration, executed and registered as herein mentioned, valid although the principal sum not presently payable, and although stock remain in possession of the mortgagor.
4. Separate and distinct registry from year to year, to be kept of agreements for purchases of, or advances on wool, and of mortgages of live stock.
5. When and how preferable liens on wool may be cancelled.
6. In every case, before or after passing of this Ordinance in which amount of mortgage shall have been paid, mortgagor may register the receipt. but without prejudice to any previous sale or subsequent mortgage.
7. Rights of the Crown as to waste lands not affected.
8. Duration of Ordinance.
9. To increase public confidence in liens on wool and mortgages of live stock, expedient to punish frauds.
10. Commencement of Ordinance.

By His Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

Whereas it is expedient to give a preferable lien on wool, from season to season, and to make mortgages of sheep, cattle and horses valid, without delivery to the mortgagee: Preamble.

Be it therefore enacted by the Governor of the Falkland Islands, with the advice and consent of the Legislative Council thereof. That in all cases where any person shall make any *bona fide* advance of money or goods, or give any valid promissory note or bill, to any proprietor of sheep, on condition of receiving in payment, or as security only for such money, goods, promissory note, or bill (as the case may be), the wool of the then next ensuing clip of such proprietor, and where the agreement relating to such purchase or security shall be made in the form, or to the effect in Schedule A, appended to this Ordinance, and shall be duly registered within ten days after the date of such agreement, the person making such purchase or advance, shall be entitled to the whole of the wool mentioned in such agreement, whether such advance of money, or goods, or of such note or bill, be before, at, or after the granting Any person making a *bona fide* advance to any proprietor of sheep on condition of receiving in payment, or as security of such advance, the wool of the then next ensuing clip, and duly registering the agreement relative thereto, shall be entitled to the whole of the wool mentioned in such agreement whether such advance be made

before, at, or after the granting of such preferable lien.

When advance repaid property and possession of the wool to revert in the proprietor of the sheep.

Agreement, in form herein specified, for any *bona fide* advance on security of ensuing clip of wool, registered as herein mentioned, valid against subsequent purchaser, &c., of sheep.

Mortgage of live stock *bona fide* made for valuable consideration executed and registered as herein mentioned, valid although the principal sum not presently payable, and although stock remain in possession of the mortgagor.

Separate and distinct registry from year to year, to be kept of agreements for purchases of, or advances on wool, and of mortgages of live stock.

When and how preferable liens on wool may be cancelled.

In every case, before or after passing of this Ordinance in which amount of mortgage shall have been paid, mortgagor may register the receipt, but without prejudice to any previous sale or subsequent mortgage.

of any such preferable lien, so long as the registered agreement relating thereto shall purport on the face of it to have been made in payment, or as security for such advance; and the possession of such wool by the said proprietor shall be, to all intents and purposes in the law, the possession of the person or persons making such purchase or advance: Provided, that when, at any time, such advance be repaid, with such interest and commission as may be specified in any such agreement, the possession and property of the said wool shall revert in such proprietor.

2. And be it enacted, That when any person shall make any such *bona fide* advance or purchase as aforesaid, the preferable lien of the lienee making the same, on the wool of the then next ensuing clip of such proprietor, shall not be in anywise extinguished, suspended, impaired, or otherwise prejudicially affected by any subsequent sale, mortgage, or other incumbrance whatsoever of the sheep mentioned and described in the registered agreement relating to any such preferable lien, nor by the subsequent bankruptcy of the lienor, but shall be as valid and affectual to all intents and purposes whatsoever, against any such subsequent purchaser, mortgagee, encumbrancer, or other claimant or possessor of the said sheep, or against the trustees or assignees of such bankrupt lienor, as against the original proprietor thereof, who granted such preferable lien: Provided that if any such lienor, subsequent mortgagor, incumbrancer, trustee, or other claimant or possessor of such sheep shall neglect or refuse to shear and deliver the wool of any sheep for which any such preferable lien shall have been granted as aforesaid, in pursuance of the agreement in that behalf contained in such preferable lien, it shall be lawful for the lienee, his executors, administrators, or assigns, to take possession of the sheep bearing such wool, for the purpose of washing and shearing the same; and all expenses attending such shearing and the conveyance of the wool to the place of abode of such lienee, shall be incorporated with and deemed in law, part of the amount secured by such lien.

3. And be it enacted, That all mortgages of sheep, cattle, and horses, which shall hereafter be made *bona fide*, and for valuable consideration, and where the names of the parties thereto, and the particulars thereof, shall be duly registered within ten days after the date thereof in the office of the Registrar-General in the form mentioned in Schedule B, appended to this Ordinance, shall be valid in the law, to all intents and purposes, whether the money secured by the said mortgage be payable presently or not, and notwithstanding the said mortgaged live stock shall not be delivered over to the mortgagee, but shall remain and continue, in every respect as theretofore, in the possession, order, and disposition of the said mortgagor; and though the said mortgagor may afterwards be adjudicated a bankrupt. Provided that no mortgage shall protect the same from the operation of any such law, unless such mortgage shall have been executed at least sixty days before the date of any fiat in bankruptcy, or where the consideration of any such mortgage shall be an advance or loan not payable presently, then the same shall only be valid to the extent of the amount actually advanced, or the bills or notes actually given by the mortgagee at the date of such fiat with such interest and commission as may be due in respect thereof.

4. And be it enacted, That the Registrar-General or Deputy-Registrar shall keep a separate and distinct registry, from year to year, of all such agreements for such purchases of wool, or advances thereon, and shall also keep a separate and distinct registry of the particulars of all such mortgages of sheep, cattle, and horses as aforesaid; and shall be entitled to demand for every such registry thereof, the fees payable under the Registration Ordinance of this Colony.

5. And be it enacted, That the Registrar-General, or his deputy, at any time after the registration of any such preferable lien as hereinbefore provided, may, at the request of both parties to any such preferable lien, enter satisfaction for the same on the records of the office.

6. And be it enacted, That in every case where, before, or after the passing of this Ordinance, the amount of principal and interest or of the balance of principal and interest due upon any mortgage of live stock, shall have been, or shall be paid to the person entitled to receive the same, or his agent in that behalf, and a receipt in writing for the amount so paid shall have been, or shall be given, signed by the party so entitled, or by his agent, acknowledging such payment to be in satisfaction of the mortgage, it shall be lawful for the mortgagor, his executors, administrators, or assigns, to cause a copy of such receipt, duly verified by affidavit, to be registered at Stanley, in the office of the Registrar-General, on production to this officer, or his deputy, of the original receipt, and of the mortgage deed to which the same shall relate; and, from and after the time of the registration of any such verified receipt, such payment shall operate as an extinction of the

mortgage, and of the right and interest thereby created, to all intents and purposes whatsoever, but without prejudice nevertheless to any previous sale or sales, or any conveyance in pursuance thereof, under such mortgage deed, the particulars whereof shall be duly endorsed thereupon, and without prejudice to any second or subsequent mortgage affecting the same live stock, or any part thereof, then duly registered, unless every party thereto shall, by writing under his or her hand, at the foot of such receipt as aforesaid have signified his or her assent to the registration of such receipt.

7. And be it enacted, That nothing in this Ordinance contained shall be construed to affect in any way the rights or prerogative of the Crown, as to any of the waste lands described in any such liens or mortgages as the lands or stations where any such sheep, horses, or cattle, may be depasturing.

Rights of the Crown as to waste lands not affected.

8. And be it enacted, That this Ordinance shall take effect from the passing thereof, and shall continue in force until the thirty-first day of December, in the year one thousand eight hundred and seventy-six, and no longer.

Duration of Ordinance.

9. And whereas it is expedient, with a view to increase the public confidence in the validity of such preferable liens on wool and mortgages of live stock, to surround them with the penal provisions necessary for the punishment of frauds: Be it enacted, That any grantor of any such preferable lien on wool, or of any mortgage of sheep, cattle, or horses, or of their increase and progeny, under this Ordinance, whether such grantor shall be principal or agent, who shall afterwards by the sale or delivery of the wool under any such lien, without the written consent of the lienee, to any purchaser, pawnee, or other person, or by selling, steaming, or boiling down, or causing to be sold, steamed, or boiled down, without such written consent as aforesaid, the sheep whereon the same shall be growing, with a view to defraud such lienee of such wool, or of the value thereof; or who shall, after the due execution and registry of any such mortgage, without the written consent of the mortgagee thereof, sell and dispose of, or steam, or boil down, or cause to be sold and disposed of, or to be steamed or boiled down, any sheep, cattle, or horses, or their increase or progeny (with intent in any such case to defraud the lienee or mortgagee), shall be severally held and deemed guilty of an indictable fraud and misdemeanor, and being thereof duly convicted, shall be severally liable, in the discretion of the judge or court before whom any such offender shall be so convicted, to fine or imprisonment, or to both fine and imprisonment, for any period not exceeding three years, with or without hard labour, at the discretion of such court or judge.

To increase public confidence in liens on wool and mortgages of live stock, expedient to punish frauds.

Penalties.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this thirtieth day of April, one thousand eight hundred and seventy-five.

(Signed) G. TRAVIS, *Clerk to the Council.*

SCHEDULES REFERRED TO.

(A.)

In consideration of [here set out in full the consideration moving from *A.B.*, of _____, the mortgagee, whether money or goods, or whatsoever else, and if it be money, state whether such money is payable presently or not, and if in fixed instalments set out the dates] I do hereby give the said *A.B.* a preferable lien to the extent of £ _____, with interest thereon at the rate of £ _____ per centum per annum, and such sums by way of commission as shall be due to him from time to time according to the ruling rates amongst merchants for the sale of such wool, and in respect of other sales and purchases made on my behalf, on the wool of the ensuing clip, to be shorn from my flocks of sheep, consisting in number of _____, or thereabouts, and now depasturing at _____, in the said Colony, under the superintendence of _____. It is further agreed that the said sheep shall be shorn by me, or at my expense, and that the wool thereof shall be delivered by me at _____, to the order of the said *A.B.*

Dated

day of

, A.D.

Witness

(Signed)

C.D.

[122346]

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N.B.—If the money or goods, promissory note or notes, bill or bills advanced, be for the absolute purchase of the wool, instead of the words “to the extent of £ _____,” insert the words, “for the absolute purchase and whole value thereof.”

(B.)

Date of Deed or Agreement.	Name of Mortgagor or Lienor.	Name of Mortgagee or Lience.	Consideration. If for a preferable lien state particular of bills or notes, if any given.	Number and description of sheep whose wool is pledged, or of mortgaged sheep, cattle or horses and the brand or other distinctive mark, and stations where the same are depasturing, as also the name of the principal superintendent or overseer.
	Name of Witness or Witnesses.			

44.

An Ordinance relating to Unseaworthy Vessels, and to provide for Surveys of Vessels in certain cases.

In the year 1875.—No. 2.

By His Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

Preamble.

WHEREAS it is desirable to provide for the survey of vessels deemed or suspected to be unseaworthy, and to enable the detention of such vessels: Be it therefore enacted by the Governor of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Power to appoint inspectors of ships in certain cases.

1. Where the Governor has received a complaint, or has reason to believe that any ship is, by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, he may, if he think fit, appoint some competent person or persons to survey such ship, and the equipments, machinery and cargo thereof, and to report thereon to him.

Powers of inspectors.

2. Any person so appointed may, for the purposes of such survey, require the unloading or removal of any cargo, ballast or tackle, and shall have all the following powers, that is to say:—

1. He may go on board any ship, and may inspect the same, or any part thereof, or any of the machinery, boats, equipments or articles on board thereof to which the provisions of this law apply, not unnecessarily detaining or delaying her from proceeding on any voyage:
2. He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:
3. He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make:

4. He may require and enforce the production of all books, papers or documents which he considers important for such purpose :

5. He may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

And every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any court of record, and in case of any dispute as to the amount of such expenses, the same shall be referred by the inspector to the clerk of the supreme court, who, on a request made to him for that purpose under the hand of the inspector, shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such inspector, after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses, if any, to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which any such inspector is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

3. Any person who (having notice of the intention to hold such survey) wilfully does, or causes to be done, any act by which the person appointed to make such survey is prevented from or obstructed in ascertaining the condition of the ship, her equipments, machinery and cargo shall be liable to a penalty not exceeding fifty pounds.

Penalty on obstructing inspector.

4. The Governor may, if he think fit, order that any ship be detained for the purpose of being surveyed under this law, and thereupon any officer of customs may detain such ship until her release be ordered by the Governor.

Power to detain ship for survey.

5. Upon the receipt of the report of the person making any such survey, the Governor may, if in his opinion the ship cannot proceed to sea without serious danger to human life, make such further order as he may think requisite as to the detention of the ship, or as to her release, either absolutely or upon the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or re-loading of cargo, as the Governor may impose. He may also from time to time vary or add to such order.

Powers to detain or release ship after report of inspector

6. A copy of any such order and of the report upon which it was founded, and also of any variation of or addition to such order, shall be delivered as soon as possible to the owner, consignee or master of the ship to which it relates.

Delivery of copy of report and order to owner, consignee, or master of ship.

7. When a ship has been detained under this law, she shall not be released by reason of her British or colonial register having been closed.

Closing of register not to effect detention.

8. If upon the survey of a ship under this law she is reported to have been at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred in respect of the survey shall be paid by the owner of the ship to the treasurer, and shall, without prejudice to any other remedy, be recoverable by suit or other proceeding at the instance of the Stipendiary Magistrate in the same manner as salvage is recoverable.

Expenses of survey of ship reported unseaworthy.

9. If upon such survey the ship is not reported to have been unfit to proceed to sea, having regard to the nature of the service for which she was intended, the treasurer, on the warrant of the Governor, shall out of the general revenues pay compensation to any person for any loss or damage which he may have sustained by reason of the detention of the ship for the purpose of survey, or otherwise in respect of such survey, and shall also pay in like manner the expenses of such survey.

Expenses of survey and damages if ship not reported unfit.

10. Where a complaint has been made to the Governor that a ship is not fit to proceed to sea, he may, if he think fit, before ordering a survey of the ship, require the complainant to give or provide such security as he may think sufficient for the payment of the costs and expenses which may be incurred in respect of the survey of the ship, and of all compensation which may be payable for loss or damage caused by detention for the purpose of such survey, or otherwise in respect of such survey.

Power to demand security for expenses and damages.

11. Where a ship has been surveyed under this law in consequence of a complaint made to the Governor, if upon such survey being made it appear that such complaint was made without reasonable cause, the expenses incurred in respect of the survey of the ship and the amount, if any, which may have become payable out of the general revenues in respect of any loss or damage caused by her detention, shall be recoverable from such complainant by action at the instance of the Stipendiary Magistrate, which may in form be for moneys paid out of the treasury of this Colony at the request of such complainant.

As to expenses and damage if complaint made without reasonable cause.

Expenses, &c.
incident to survey
how payable.

12. All moneys payable in respect or by reason of the survey or detention of a ship under this law shall, in the first instance, and subject to the right by this law provided of recovering such moneys from complainant, or owner of the ship, be paid out of the general revenues of this Colony, on warrant of the Governor.

Meaning of "ship."

13. The term "ship" in this law shall include the colonial schooners, and all decked vessels of whatsoever tonnage and howsoever propelled, having a British or British colonial register.

(Signed)

G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this twentieth day of September, one thousand eight hundred and seventy-five.

(Signed)

G. TRAVIS, *Clerk to the Council.*

45.

Quarantine Ordinance.

In the Year 1875.—No. 3.

By his Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

Preamble.

Title of Ordinance.

WHEREAS it is desirable to pass a law relating to Quarantine. Be it enacted—

Interpretation of terms.

"Infected places."

1. This Ordinance may for all purposes be cited as the Quarantine Ordinance, 1875.
2. In this Ordinance the term "infected place," means any port or place where yellow fever, the plague, cholera, or any epidemic disease of a contagious or infectious character in fact prevails, or any port or place which the Governor in Council may declare to be an infected port or place.

"Vessel."

"Master."

"Governor."

"Justice."

The word "vessel" means any ship, vessel, or boat; and the word "Master" means the master, officer, or other person for the time being in charge or command of such vessel. The word "Governor" means the officer for the time being lawfully administering the government of this Colony, and the word "Justice" means any police magistrate or justice of the peace within the Colony.

Appointment of Officers.

3. The Governor is hereby authorised to appoint such officers as may be necessary to carry out the laws, rules and regulations relating to quarantine.

Power to Governor to make rules.

4. The Governor in Council may from time to time make such rules and regulations to be enforced by such fines and penalties as to him shall seem fit, for the more effectual carrying out the provisions of this law, and to secure the due performance of quarantine, and for the government of all vessels or persons coming from any infected place. Such regulations shall be duly published in the usual manner and form, and after such publication shall have the same force and effect as if the same had been herein particularly specified.

Governor may declare "infected places."

5. Whenever it shall appear to the Governor in Council that any disease of a contagious or infectious character prevails at any port or place, or that it is probable that any such disease might be brought into the colony from any port or place, it shall be lawful for him to declare by public notification that such port or place is an infected port or place.

Vessels and persons liable to quarantine.

6. All vessels arriving at this Colony, together with all persons, goods and merchandise whatsoever thereon, coming from any infected place, or having on board any person who has come from such infected place, or who is ill of any contagious or infectious disease, or on board of which vessel any person shall have died from any such disease during the passage to this Colony, shall be liable to perform quarantine in such place, for such time and in such manner as hereinafter provided.

Vessels to be visited by Health Officer.

7. Every vessel arriving at any of the ports of this Colony from any infected place shall immediately on arrival, and before having any communication with the shore, be visited by the Health Officer of the port to which such vessel shall come, who is hereby authorised and required at a convenient distance from such vessel to put the following questions, or such of them as may be necessary, and any other questions which he may consider desirable.

1. What is the name of the vessel and of the master?
2. To what port or place does she belong?

3. From whence do you come ?
 4. To what port or place are you bound ?
 5. At what ports or places have you touched in the course of the voyage ?
 6. What vessels have you had any intercourse or communication with during your voyage, and from whence did they come.
 7. Have you any and what Bill of Health? Produce it ?
 8. Did you carry any Bill of Health with you to the port or place where you took in the cargo or passengers you now have on board? From what place? Were the said Bills of Health clean, unclean, or suspected ?
 9. Did any contagious or infectious disease prevail in any degree at the port or place from which you sailed, or at any of the ports or places at which you touched? If yes, say what disease prevailed and at which port or place?
 10. What number of officers, crew, passengers, or other persons have you on board ?
 11. Were any of these taken or board at any port or place during the voyage to this colony? If yes, who were so taken on board, and at what port or place, and on what day or days ?
 12. Are any persons on board your ship suffering under any contagious or infectious disease, or have any persons died or been ill of a disease of that nature in your passage to this colony; and if any, what number ?
 13. If any have died or been ill of any such disease, were their bedding and clothes destroyed ?
 14. In the course of your voyage have any persons on board suffered from sickness of any kind? What was the nature of the sickness, and when did it prevail? How many persons were affected by it ?
 15. How had the persons attacked been employed before they came on board? Had they been employed in loading or unloading the vessel ?
 16. Did the persons who were ill fall sick nearly about the same time or within a few days of each other, or did the disorder spread successively from one to another and increase considerably ?
 17. What is the number of persons now ill on board your vessel? Are the convalescents able to be on deck? If so parade them on the gangway.
 18. Have there been any deaths on board during the voyage? If yes, what were the causes of the deaths, and when did such deaths take place ?
 19. Have you any person on board who has left (name of infected port or place) within fourteen days ?
 20. Where did you take in the cargo now on board, and when? If at more than one place state the places ?
 21. Was any cargo, or were any letters, parcels, or articles of any kind put on board at (name of infected port or place)? If yes, state what was put on board, and when and whether any special precaution was taken with respect to such things.
8. The said Health Officer may, if he thinks it necessary, go on board any such vessel and examine the master, officers, crew, and passengers thereof respectively, as to their state of health then, and during the voyage, and demand to see the journal or log, and ship's papers of such vessel, and put any of the questions set forth in the preceding section, or any other questions which he shall think desirable.
9. Any master or other person who shall conceal from any such Health Officer the true state of the health of the crew or other persons on board of such vessel, or shall give an untrue answer to any inquiry made by such Health Officer under the authority of this law, shall be liable to a penalty not less than £5, and not exceeding £100.
10. No master or other person belonging to or on board of any such vessel, and no pilot or pilot's assistant, who shall have proceeded on board such vessel, shall quit the same for the purpose of landing or communicating with the shore before such vessel shall have been visited by the Health Officer, unless permission to do so be granted in writing by the Health Officer.
11. No person, the pilot or his assistant excepted, shall proceed on board such vessel before she shall have been visited by the Health Officer, unless permission to do so be granted to him in writing by the Health Officer.
12. Any person offending against the provisions of either of the two preceding sections, shall be liable to a penalty not less than £5, and not exceeding £50.
13. If any vessel shall have arrived from or touched at any infected place, or have on board any person who has come from such place, or on board which any person

Health Officer may go on board.

Penalty for concealment or untrue answer.

Penalty for quitting vessel before visit of Health Officer.

Proceeding on board without permission.

Vessels from infected places may be ordered to Quaran-

tine ground until further directions.

Health Officer to report to Governor.

Duration of Quarantine.

Selection of Quarantine grounds.

Removal of vessel to Quarantine ground.

A flag to be hoisted during Quarantine.

No person to land and no cargo to be taken from such vessel.

No person or thing to go or be taken on board without permission.

Penalty on any person for infringement of the Act.

Penalty on Master for infringement of Act.

Unlicensed person may be compelled to return on board.

may have died during the passage to this Colony, or may be ill of any contagious or infectious disease, or if the Health Officer shall have good grounds to suspect that such vessel or some person on board thereon, has arrived from or touched at any such place, the said Health Officer is required to cause the said vessel to hoist the Quarantine Flag, and to anchor at the Quarantine ground until further directions from the Governor.

14. The Health Officer shall forthwith, after making such inquiry and examination as aforesaid, report thereon to the Governor, who shall upon such report, or upon further inquiry, if thought necessary, decide whether the said vessel is to remain in Quarantine, and for how long.

15. Subject to any special rules and regulations of the Governor in Council, the following rules as to the duration of Quarantine shall be observed :—

1. All vessels on board of which any person shall be sick, or shall have been sick of any contagious or infectious disease, or shall have died of such disease within fourteen days before her arrival at this colony, shall remain in Quarantine until the expiration of fourteen days from the day when such sickness shall cease, or shall have ceased, or from the day when such death shall have occurred.
2. All vessels that shall have sailed from or touched at any infected place, or shall have any person on board who shall have come from any such place, shall remain in Quarantine for such time, not being less than two days nor exceeding fourteen, as shall be directed by the Governor in consultation with the Health Officer on a due investigation of all the circumstances of the case.
3. If, during the continuance of a vessel in Quarantine, any person on board such vessel falls sick of any contagious or infectious disease, such vessel shall be liable to remain in Quarantine for a further period of fourteen days from the day when such sickness shall cease.

16. The Governor shall appoint suitable places for Quarantine grounds, and shall have power from time to time to change such places.

17. Any master of a vessel liable to the performance of Quarantine who shall not, after notice, cause such vessel to proceed to the Quarantine ground, shall be liable to a penalty of not less than £10 and not exceeding £50; and it shall be lawful for the Health Officer, or any person called to his assistance, to enforce the removal of any such vessel to the Quarantine ground, and to use all necessary means for that purpose.

18. The master of every vessel subject to Quarantine shall, during the day, hoist and keep flying a yellow flag, which shall be provided by the Government, and shall, during the night, hoist and keep alight a signal lantern, which, when necessary, shall be provided by the vessel, and every master offending herein shall be liable to a penalty not less than £5 and not exceeding £50.

19. Until any vessel, as aforesaid, shall have performed and been duly discharged from Quarantine, no person on board of or belonging to such vessel, nor any part of the cargo, stores, or lading of the same, nor any articles or things belonging to the passengers, master, officers, or crew thereof, shall be permitted to leave or be removed or taken from such vessel, either to go or be put on shore, or on board of any other vessel in any port of this Colony, unless by the direction of the Governor, in consultation with the Health Officer, and every such vessel, and all persons, goods, and merchandize thereon, and all vessels and persons having communication with the same, shall be subject to such rules and regulations as may be made by the Governor.

20. Until any vessel as aforesaid shall have performed and been duly discharged from Quarantine, no person, except the health officer, or such other person as may be authorized by the Governor, shall go on board such vessel; and no article or thing shall be taken or received on board such vessel except by the direction of the Governor.

21. Any person offending against the provisions of sections 19 and 20 shall be liable to a penalty not less than £5 and not exceeding £50.

22. If, during the time that any vessel is in Quarantine, the master thereof shall, without the permission of the Governor or of the Health Officer, quit or knowingly suffer any passenger, seaman, or other person on board to quit such vessel, or any goods, articles, or things whatsoever, to be taken from such vessel he shall be liable to a penalty not less than £10 and not exceeding £100

23. Any person who, during the continuance of Quarantine, leaves the vessel without proper permission in that behalf, may, in addition to the penalty, hereinbefore mentioned, be apprehended by any constable or other person and compelled to return to the said vessel or be taken before a justice who may order that such person be

returned to the said vessel, or be confined in some lazaretto or other suitable place of confinement, for such period not less than two days nor exceeding fourteen, as he may think fit.

24. Any person who goes on board a vessel in the performance of Quarantine without permission as aforesaid may be compelled to remain on board the said vessel, and be subject to the rules and regulations thereof during the continuance of the Quarantine or until such time as to the Governor shall seem fit.

Unlicensed person may be compelled to remain on board.

25. The Governor in Council is hereby authorized, whenever it shall be thought necessary, to provide at the public expense, one or more vessel or vessels or buildings, and to cause the same to be fitted up as lazarettos for such use and purposes as the Governor shall, with the approval of the Health Officer, from time to time order and direct.

Governor in Council empowered to provide lazarettos.

26. The Governor in Council is authorized to frame such rules and regulations as may be deemed expedient for the Government and direction of the lazaretto or lazarettos, and of such persons as may belong thereto or be placed therein.

Governor to frame rules for lazarettos.

27. Any person, except the Health Officer, who enters or leaves any lazaretto, without permission from the Governor and Health Officer, may be dealt with in the manner hereinbefore provided in the case of a person, without permission, going on board or leaving a vessel in the performance of Quarantine and shall be liable to like penalties.

Penalties for entering or leaving lazarettos without permission.

28. Any officer or person appointed to enforce the performance of Quarantine, who shall desert from duty or shall infringe or knowingly suffer or permit any person to infringe the provisions of this Ordinance, and of any rules and regulations in force concerning Quarantine shall be liable to a penalty not less than £5 and not exceeding £50, and shall be subject to immediate dismissal.

Misconduct of Quarantine Officers.

29. Any person who shall knowingly conceal or clandestinely convey any letters, goods, wares, or merchandize from any vessel liable to, or in the performance of the Quarantine, or from any vessel, house, or other place where any persons or goods shall be subjected to Quarantine, shall be liable to a penalty of not less than £10, and not exceeding £50.

Concealment or conveyance of property from vessel or place in Quarantine.

30. As soon as any Quarantine shall have been fully performed by any vessel or person, the Health Officer, or other person appointed by the Governor in that behalf, shall grant a certificate to that effect; whereupon every such vessel or person, and all cargo and goods on board such vessel, shall be liberated from all detention on the ground of Quarantine.

Release from Quarantine.

31. All penalties incurred under this Ordinance may be recovered before the Stipendiary Magistrate or his deputy, who, in default of payment, is hereby authorized to commit the offender to the common goal for any period not exceeding six months. Provided always that upon payment by the offender of the penalties and costs after commitment his imprisonment shall cease.

Recovery of penalties.

32. All penalties which shall be recovered and paid under this Ordinance shall be paid to Her Majesty, her heirs and successors, for the public use of this colony.

Appropriation of penalties.

33. For the protection of persons acting in the execution of this Ordinance, all actions and prosecutions against any person for anything done in pursuance of this Ordinance shall be commenced within six calendar months after the act committed, and not otherwise, and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit or discontinue any such action after issue joined, or if, upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the like remedy for the same as any defendant hath by law in other cases; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

Protection of persons acting under this Ordinance.

34. It shall be lawful for the Governor to draw upon the treasurer for any expenses incidental to the execution of this Ordinance.

Expenses of Ordinance provided for.

35. Nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the delivery by the officers in charge of Her Majesty's mails, or officers

Proviso with regard to Royal Mail Steam Packet Company or

other vessels carrying mails.

of the Royal Mail, or any other steam packet company, of any mails that may from time to time be on board of any such steam packet under such rules and regulations for the prevention of the introduction of any of the before-mentioned diseases as may from time to time be made by the Governor who is hereby empowered to make such rules and regulations in regard to the landing and receipt of the said mails, and in regard to the coaling of the said steamers in any port within this Government.

Suspension and revival of Ordinance.

36. It shall be lawful for the Governor in Council from time to time to suspend the operation of this Ordinance, or any part thereof, and for such period of time as may be thought expedient, and again to revive the same, or any part thereof.

The Ordinance to be applicable to Her Majesty's Ships.

37. That Her Majesty's vessels, and vessels-of-war belonging to other nations are subject to this Ordinance in the same manner as merchant ships.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this 27th day of September, 1875.

(Signed) G. TRAVIS, *Clerk to the Council.*

46.

Naturalization Ordinance.

In the Year 1876.—No. 1.

By His Excellency Colonel G. D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.

Recital.

WHEREAS Edward Nilsson, a native of Sweden, and Charles Bender, a native of Germany, have prayed that they, the said Edward Nilsson and Charles Bender, may be admitted to enjoy the privileges of British-born subjects, Be it enacted :

1. That the said Edward Nilsson and Charles Bender, when and so soon as they shall have taken the Oath of Allegiance before the Governor, which oath the Governor, if hereby authorised to administer, shall be to all intents and purposes whatsoever entitled, within the limits of this Colony, to all the privileges of British-born subjects of Her Majesty.

2. The Governor shall immediately after such oath shall have been taken before him certify the same and cause such certificate to be recorded in the office of the Registrar-General of this Colony.

(Signed) G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council the 11th day of May, 1876.

(Signed) G. TRAVIS, *Clerk to the Council.*

47.

An Ordinance to make further provision for the Administration of Justice in the Falkland Islands.

In the year 1876.—No. 2.

ANALYSIS.

Introduction.

Sections.

- Preamble.
- 1. Short Title.
- 2. Interpretation of Terms.
- 3. Commencement of Ordinance.

The Supreme Court.

4. The Magistrate's Court to be styled the Supreme Court and to be held before a Chief Justice.
5. Appointment of Chief Justice and Salary.
6. Governor may be Chief Justice if qualified.
7. Provision in case of illness or absence of Chief Justice or vacancy of office.
8. General Powers of Chief Justice.
9. Power to summon Assessors.
10. Mode of summoning Assessors and penalty for neglect or refusal to serve
11. Assessors to have no voice in decision but may record protest.
12. Appeal to Governor in Council abolished.

The Police Magistrate's Court.

13. The Police Court to be styled Police Magistrate's Court and to be held before a Stipendiary Magistrate.
14. His appointment and Salary.
15. Criminal Jurisdiction.
16. Civil Jurisdiction.
17. Power to remove suits from one Court to another.
18. General powers of Police Magistrate.
19. Power to summon Assessors.
20. Appeal to Supreme Court.

Miscellaneous Provisions.

21. Power to make General Rules.
22. Power to appoint officers.
23. Pending Suits.
24. Notarial powers of Chief Justice.
25. The two Ordinances to be read together.

SCHEDULE.

Form of Summons to Assessors.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Lieutenant Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

Whereas it is expedient to reconstitute the Magistrate's Court and the Police Court, established under Ordinance No. 10, of 1853, and to make further provision for the administration of Justice in the Falkland Islands:—

Be it enacted by the Governor with the advice and consent of the Legislative Council as follows:

1. This Ordinance may be cited for all purposes as "The Administration of Justice Ordinance 1876."

2. The following terms and expressions shall be understood as hereafter defined or explained, unless there be something in the subject or context repugnant to such definition or explanation; that is to say:—

The expression "principal Ordinance" shall mean Ordinance No. 10, of 1853, entitled "An Ordinance for the Administration of Justice."

"The Court" shall mean the Court or the presiding Judge.

"The Colony" shall mean the Colony of the Falkland Islands.

"Gazette" shall include any publication in which Government notifications are usually inserted in the Colony.

"Secretary of State" shall mean one of Her Majesty's principal Secretaries of State.

"The Chief Justice" shall include the person for the time being discharging the functions of that office.

3. This Ordinance shall come into force and operation on such day after the passing thereof as shall be fixed by the Governor and shall be notified in a proclamation under the hand of the Governor to be published in the Gazette or in such other manner as the Governor shall direct.

4. From and after the commencement of this Ordinance the Magistrate's Court established by the principal Ordinance shall be styled "The Supreme Court of the Falkland Islands" and shall be held before one judge who shall be styled the Chief Justice.

5. The Chief Justice shall be a member of the Bar of England, Scotland, or Ireland of not less than seven years' standing, and except in cases provided by the next following section, shall be appointed by letters patent under the seal of the Colony by

the Governor, in accordance with such instructions as he may receive from the Secretary of State, and he shall hold the said office of Chief Justice during the pleasure of Her Majesty, and receive such salary as the Secretary of State may from time to time direct.

Governor may be Chief Justice if qualified.

6. It shall be lawful for the Governor to fill the office of Chief Justice concurrently with that of Governor of the Colony, if he shall possess the professional qualification specified in the last preceding section, and shall have been appointed to the said office by Her Majesty; and the assumption of the said office and the exercise of the duties thereof by the Governor shall be conclusive evidence of his qualification for and of his appointment to the said office.

Provision in case of illness or absence of Chief Justice or vacancy of office.

7. In case the office of Chief Justice shall become vacant by death or otherwise it shall be lawful for the Governor *ex-officio* to fill the said office or to appoint some other person to fill the said office until Her Majesty's pleasure be known; and in case of the temporary illness or absence of the Chief Justice it shall also be lawful for the Governor *ex-officio* to fill the said office or to appoint some person to fill the said office until the Chief Justice shall resume the duties thereof. Provided always that in case the Governor so acting *ex-officio* or the person so appointed by him to act as Chief Justice temporarily shall not be a member of the Bar of England, Scotland, or Ireland, the Court shall be held before the Governor or other acting Chief Justice as Chairman in conjunction with three or more justices, in accordance with the provisions in that behalf contained in the principal Ordinance which said provisions shall for such purpose only be deemed to remain in force; but such Acting Chief Justice may exercise alone all the powers vested by this Ordinance in the Chief Justice other than the trial of causes civil and criminal.

General Powers of Chief Justice.

8. All the powers and authorities vested by the principal Ordinance in the Chairman of the Magistrate's Court, and three or more Justices, or in such chairman alone, or in such chairman with the approval of the Governor are hereby transferred to and may be exercised by the Chief Justice.

Power to summon Assessors.

9. It shall be lawful for the Chief Justice if he shall in his discretion think fit, to summon any Justices of the Peace to sit with him as Assessors on the trial of any cause, or the hearing of any proceeding, civil or criminal.

Mode of summoning Assessors, and penalty for neglect or refusal to serve.

10. The Assessors shall be summoned by notice in the form in the schedule hereto, or any other form which the Court shall approve, and any Assessor who without reasonable cause shall fail to attend the Court in pursuance of such notice, or refuse to act as such Assessor, unless excused or discharged by the Court, shall be liable to a fine not exceeding £10, which fine may be imposed by the Court summarily.

Assessors to have no voice in decision but may record Protest.

11. The Assessors shall have no voice in the decision of any case, but the name of every Assessor who shall dissent from the judgment of the Court, together with a note of the grounds of such dissent, shall be recorded on the proceedings and signed by the Assessor so dissenting.

Appeal to Governor in Council abolished.

12. There shall be no appeal from the Supreme Court to the Governor in Council, except when the Court shall be held before an acting Chief Justice as chairman, together with three or more Justices as provided by Section 7.

The Police Magistrate's Court.

Police Court to be styled Police Magistrate's Court and to be held before Stipendiary Magistrate.

13. From and after the commencement of this Ordinance, the Police Court established by the principal Ordinance shall be styled The Police Magistrate's Court and shall be held before a Stipendiary Magistrate, sitting alone, who shall be styled "The Police Magistrate" and shall have all the usual powers and authorities of a Justice of the Peace.

His appointment and Salary.

14. The Police Magistrate shall be appointed by the Governor and shall receive such salary as the Secretary of State shall direct.

Criminal Jurisdiction.

15. The Police Magistrate shall have Jurisdiction to try summarily all crimes and offences mentioned or referred to in Section 14 of the principal Ordinance, but he shall not have power to impose a longer term of imprisonment than six months, with or without hard labour, or a larger fine than £20, and in case he shall be of opinion that the crime or offence with which a person is charged before him deserves a greater punishment by way of imprisonment or fine, or both, than is heretofore limited, or that such crime or offence ought to be tried before the Chief Justice, he shall commit the accused for trial at the Supreme Court.

Civil Jurisdiction.

16. The Police Magistrate shall have and exercise a summary jurisdiction without the intervention of a jury, in all suits where the claim, debt or damages or balance sought to be recovered shall not exceed the sum of £20, and in all suits for the recovery of the possession of tenements where the annual rent or value thereof shall not exceed

the said amount, and every such suit shall be originally instituted in the Police Magistrate's Court, unless the Chief Justice shall on application of the Police Magistrate or of either party to the suit, permit the same to be instituted in the Supreme Court.

17. It shall be lawful for the Chief Justice on such application as aforesaid, by Summary Orders to remove into the Supreme Court, any suit instituted in the Police Magistrate's Court, and also of his own motion to remove from the Supreme Court into the Police Magistrate's Court any suit which shall involve directly or indirectly any claim, demand or question to or respecting property or any civil right amounting to or of the value of not more than £50, and which can, in his opinion, be properly tried in the Police Magistrate's Court; and thereupon such last mentioned suit shall be tried summarily by the Police Magistrate in manner aforesaid.

Power to remove
Suits from one
Court to another.

18. All the powers and authorities vested in the chairman of the Police Court, established under the principal Ordinance, or in the said chairman and two or more Justices, are hereby transferred to the Police Magistrate so far, and to such extent as may be necessary for the exercise of the jurisdiction conferred on him by this Ordinance, and subject to all the provisions thereof, and all other jurisdiction vested in the Police Court by the principal Ordinance is hereby transferred to the Supreme Court.

General powers of
Police Magistrate.

19. It shall be lawful for the Police Magistrate, if he shall in his discretion think fit, to summon two Justices of the Peace to sit with him as assessors on the trial of any civil or criminal cause or proceeding, and the provisions of Sections 10 and 11 of this Ordinance relating to assessors summoned by the Chief Justice, shall apply to assessors summoned by the Police Magistrate under this section.

Power to summon
Assessors.

20. Either of the parties may by petition within ten days from any judgment or order of the Police Magistrate, or within such further time as the Chief Justice shall allow either before or after the expiration of such period of ten days, appeal to the supreme Court, which Court on hearing the petition and the evidence taken in the Police Magistrate's Court (unless the Court shall think fit to examine further in the matter) shall make such order as justice shall seem to require. And where the case involves any questions of fact the same may be tried *de novo* by the Supreme Court either with or without a jury, as the Court shall determine.

Appeal to Supreme
Court.

Miscellaneous Provisions.

21. It shall be lawful for the Chief Justice to make general rules for regulating the practice and procedure of the Supreme Court, and of the Police Magistrate's Court, the forms to be used, and the fees to be payable therein, the fees of council and the costs of attorney, and also to define the duties of the officers of the said courts, and such rules from time to time to alter, amend or revoke, as occasion may require: Provided always that no such rules or any alteration, amendment or revocation thereof, shall be deemed binding until the same shall have been approved of by the Legislative Council, and shall have been published in the Gazette, but all such rules and all such alterations, amendments, and revocations thereof, when so approved and published as aforesaid, shall have the same force and effect for all purposes as if the same had been made by Ordinance, and shall in like manner come into immediate operation, subject to disallowance by Her Majesty.

Power to make
General Rules.

22. The Governor may from time to time appoint such officers as shall appear to be necessary for the administration of justice, and the due execution of the powers and authorities which are granted and committed to the said courts by this Ordinance, and such officers shall receive such salaries as shall be fixed by the Governor in Council, with the approval of the Secretary of State.

Power to appoint
Officers.

23. All causes, matters, or proceedings whatsoever, whether civil or criminal, pending at the date of the commencement of this Ordinance, shall be continued and concluded in the Supreme Court or in the Police Magistrate's Court according as the Chief Justice shall direct, and under the provisions of this Ordinance.

Pending suits.

24. Section 58 of the principal Ordinance is hereby repealed, and in lieu thereof the person for the time being discharging the functions of Chief Justice under this Ordinance shall have and may exercise within the colony all the powers and authorities, and shall be entitled to receive for his own use such and the like fees as a notary public appointed by the law of England; and for the purpose aforesaid a separate seal shall be provided for the court, with the inscription, "Supreme Court of the Falkland Islands, Notarial Seal."

Notarial Powers
of Chief Justice.

The two Ordinances
to be read together.

25. All provisions contained in the principal Ordinance, which may be repugnant to or inconsistent with this Ordinance shall be deemed to be hereby repealed or suspended, but subject thereto the principal Ordinance, and this Ordinance shall be read and construed together as one Ordinance, with such verbal modifications in the principal Ordinance not affecting the substance as may be necessary for the purpose aforesaid.

SCHEDULE.

Form of Summons to Assessors under Section No. 9.

In the Supreme Court of the Falkland Islands.

To

You are hereby summoned to appear and serve as an assessor to the Chief Justice at the Supreme Court on the trial of a certain cause or proceeding therein depending on the _____ day of _____ at the hour of _____ in the forenoon, and there to attend from day to day until you shall be discharged by the Court.

(Signed)

By order of the Court.

N.B.—The penalty for disobedience hereto is a fine not exceeding £10.

(Signed) T. FITZGERALD CALLAGHAN, *Lieutenant Governor.*

Passed the Legislative Council this twenty-ninth day of June, one thousand eight hundred and seventy-six.

(Signed) G. TRAVIS, *Clerk to the Council.*

48.

An Ordinance for making certain verbal alterations in the Summary Jurisdiction Amendment Ordinances and other Ordinances.

In the year 1876.—No. 3.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Lieutenant Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof as follows :

Recital.

WHEREAS in consequence of the passing of Ordinance No. 2, 1876, it becomes necessary to amend the Ordinances in the schedule hereunto annexed by making certain verbal alterations therein. Be it therefore enacted that the said Ordinances are hereby amended as follows.

1. That wherever the words "Magistrate's Court" occur in any of the provisions of the said Ordinances the words "Supreme Court of the Falkland Islands," shall be substituted and used therefor.

2. That in Section 1 of Ordinance No. 2, of 1862, the words "Police Magistrate" shall be substituted and used for the words "Chairman of the Courts."

3. That save and except as to the alterations hereby made the said Ordinances shall remain and be in force as hitherto.

4. That this Ordinance shall take effect and come into operation on the third day of July, 1876.

(Signed) T. FITZGERALD CALLAGHAN, *Lieutenant Governor.*

Passed the Legislative Council this twenty-ninth day of June, one thousand eight hundred and seventy-six.

(Signed) G. TRAVIS, *Clerk to the Council.*

"Supreme Court of the Falkland Islands" to be substituted for "Magistrate's Court."
"Police Magistrate" to be substituted for "Chairman of the Courts."
Ordinances to remain in force as before save as herein altered.
Commencement of Ordinance.

SCHEDULE.

No. 2 of 1857.

Entitled Summary Jurisdiction Amendment Ordinance.

No 1 of 1868.

Entitled Marriage Ordinance.

No. 2 of 1862.

Entitled Summary Jurisdiction Amendment Ordinance.

No. 3 of 1867.

Entitled Sheep Ordinance.

No. 1 of 1869.

Entitled An Ordinance to provide for the appropriation of the casual revenues of the Crown arising from escheated estates.

No. 2 of 1871.

Entitled An Ordinance to declare the law and practice in cases of escheat.

49.

Penal Servitude Ordinance.

In the year 1876.—No. 4.

By His Excellency THOMAS FITZGERALD CALLAGHAN, 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 :—

1. That Sections 28 and 29 of The Administration of Justice Ordinance No. 10 of 1853, shall be and are hereby repealed, and the two following sections substituted in lieu thereof. Repeals Sections 28 and 29 of No. 10 of 1853.

2. That when any person shall be convicted of any offence for which in England such person would now be liable to be sentenced to penal servitude for any term it shall be lawful to pass the same sentence in these Settlements for the same term, and every such sentence of penal servitude or order of penal servitude as hereinafter mentioned shall subject the convict during the term of such sentence to be imprisoned with hard labour, and to be otherwise dealt with under such sentence in the same manner as if sentenced to imprisonment with hard labour for the same term ; and every convict under any sentence or order of penal servitude or under any sentence of imprisonment with hard labour, either with or without whipping, may by order of the Governor be worked in any part of the Settlements or any of the Dependencies thereof without the precincts of any gaol or in any hulk or on the sea within the limits of the Settlements, or in any gaol or house of correction now established, or in any penitentiary or other building or buildings in these Settlements which shall hereafter be appointed for that purpose by the Governor by proclamation, and in any employment within the same, and be under the custody and management of any person the Governor shall direct. Sentence of Penal Servitude declared legal. Convicts to be kept to hard labour. Convicts may be worked in any part of the Settlements the Governor may order.

3. That whenever Her Majesty or the Governor having lawful authority shall be pleased to extend mercy to any offender convicted of any crime punishable with death on condition of penal servitude, and such intention of mercy shall be signified by the Governor to the Court before which such offender shall have been convicted such Court shall allow to such offender the benefit of a conditional pardon, and shall accordingly make an immediate order of penal servitude regarding such offender, and which order shall have the same force and effect as any sentence of penal servitude. The Court to make an order of Penal Servitude when the Crown intends mercy in a capital case.

Amends Section 30 of Ordinance No. 10 of 1853.

4. That Section 30 of the aforesaid Ordinance No. 10 of 1853 shall be and is hereby amended by expunging the words "and shall be liable to be transported beyond the sea for the term of seven years," and substituting therefore the words "and shall be liable to penal servitude for the term of seven years," and the said section as hereby amended together with the other sections of this Ordinance shall be deemed and taken to be a part of the said Administration of Justice Ordinance as fully and effectually as if incorporated therein.

Commencement of Ordinance.

5. That this Ordinance shall come into operation from the day of the passing thereof.

(Signed) T. FITZGERALD CALLAGHAN, *Governor*.

Passed the Legislative Council this fourteenth day of December, One thousand eight hundred and seventy-six.

(Signed) G. TRAVIS, *Clerk to the Council*.

50.

An Ordinance to extend to these Settlements certain Acts of Parliament in force in England relating to the Criminal Law.

In the year 1876.—No. 5.

By His Excellency THOMAS FITZGERALD CALLAGHAN, 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:—

Certain Acts of Parliament extended to the Colony.

1. That the Acts of Parliament specified in the Schedule hereunto annexed shall be in force in these Settlements, and shall be applied to the administration of justice as far as they can be applied, and as local circumstances will permit.

Commencement of Ordinance.

2. That this Ordinance shall take effect and come into operation from the day of the passing thereof.

(Signed) T. FITZGERALD CALLAGHAN, *Governor*.

Passed the Legislative Council this fourteenth day of December, One thousand eight hundred and seventy-six.

(Signed) G. TRAVIS, *Clerk to the Council*.

SCHEDULE.

16 & 17 Vict. cap. 83, 20th August, 1853	An Act to amend An Act of the 14 & 15 Vict. cap. 99.
18 & 19 Vict. cap. 91, 14th August, 1855	An Act to facilitate the erection and maintenance of Colonial Lighthouses and otherwise to amend the Merchant Shipping Act of 1854.
24 & 25 Vict. cap. 66, 1st August, 1861	An Act to give relief to persons who may refuse or be unwilling from alleged conscientious motives to be sworn in criminal proceedings.
24 & 25 Vict. cap. 94, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to accessories to and abettors of indictable offences.
24 & 25 Vict. cap. 96, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to larceny and other similar offences.
24 & 25 Vict. cap. 97, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to malicious injuries to property.
24 & 25 Vict. cap. 98, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable offences by forgery.
24 & 25 Vict. cap. 99, 6th August, 1861	An Act to consolidate and amend the Statute Law of the United Kingdom against offences relating to the coin.
24 & 25 Vict. cap. 100, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to offences against the person.
25 Vict. cap. 18, 16th May, 1862	An Act to amend the Law as to the whipping of juvenile and other offenders.
30 & 31 Vict. cap. 35, 20th June, 1867	An Act to remove some defects in the administration of the criminal law.
32 & 33 Vict. cap. 68, 9th August, 1869	An Act for the further amendment of the law of evidence.

51.

An Ordinance to provide for the continuance of Ordinance No. 1, of 1875, entitled "An Ordinance to give a preferable Lien on Wool from season to season and to make Mortgages of Sheep, Cattle and Horses valid without delivery to the Mortgagee.

In the year 1876.—No. 6.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Esquire, Governor and Commander-in-Chief of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient to make provision for the continuance of Ordinance No. 1 of 1875. Be it therefore enacted accordingly. Recital.

1. That all the provisions of the said Ordinance except Section 8, which limits the duration thereof, and which section is hereby repealed, shall continue in force from the day on which this Ordinance shall come into operation. Provides for continuance of Ordinance No. 1 of 1875.

2. That this Ordinance shall take effect and come into operation on the first day of January, 1877. Commencement of Ordinance.

(Signed) T. FITZGERALD CALLAGHAN, *Governor.*

Passed the Legislative Council this fourteenth day of December, One thousand eight hundred and seventy-six.

(Signed) G. TRAVIS, *Clerk to the Council.*

52.

An Ordinance to make further provision regarding the Harbour Regulations of the Port of Stanley.

In the year 1878.—No. 1.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Esquire, Companion of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

WHEREAS it is expedient to make further provision regarding the Harbour Regulations of the port of Stanley. Be it therefore enacted accordingly. Recital.

1. That every vessel anchoring in Stanley Harbour—as it is defined by Ordinance No. 5 of 1871—whether she employs a pilot or not (except vessels of war and Colonial vessels trading between Cape Horn and Montevideo) shall pay to the shipping master of the port of Stanley the same dues specified to be paid for pilotage inwards and outwards in Ordinance No. 5 of 1871, and in Rules 13 and 14 of the Port Regulations now in force in this Colony. Every vessel anchoring in Stanley Harbour to pay dues whether she employs a Pilot or not.

2. That this Ordinance shall take effect and come into operation from the day of the passing thereof. Commencement of Ordinance.

(Signed) T. F. CALLAGHAN, *Governor.*

Passed the Legislative Council this thirty-first day of January, One thousand eight hundred and seventy-eight.

(Signed) G. TRAVIS, *Clerk to the Council.*

Tobacco Licence Ordinance.

In the year 1878.—No. 5.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

Recital.

WHEREAS it is expedient to make further provision for regulating the sale of tobacco, spirits, and wine, in the Colony. Be it therefore enacted:—

After the 1st March, 1878, no persons except those holding spirit licenses to sell tobacco in Stanley or within 15 miles thereof.

1. That on and after the first day of March, 1878, it shall not be lawful for any person except anyone holding a licence wholesale or retail under the Spirit Licence Ordinances now in force in this Colony to sell tobacco—including that imported for sheep washing—cigars or cigarettes, in the settlement or port of Stanley or anywhere in the Colony within a distance of fifteen miles from the said settlement, either by sea or land, unless such person shall have received a licence from the Police Magistrate authorising him to do so.

Police Magistrate to grant licences.

2. That it shall be lawful for the Police Magistrate, any time after the passing of this Ordinance to grant such a licence for the sale of tobacco, cigars and cigarettes, as aforesaid, on the payment to him of £10, the duration of which licence shall be twelve months from the date thereof.

Penalty for selling without licence.

3. If any person not being licensed as aforesaid shall directly or indirectly sell within the settlement or port of Stanley, or within the distance therefrom defined in Section 1 of this Ordinance, tobacco, cigars or cigarettes, he shall pay for every such offence a penalty not exceeding £50.

Descriptive Board on Licensed Houses.

4. That each person holding a licence as aforesaid shall cause to be placed over the front door of his licensed house, a board, on which shall be distinctly and legibly painted his christian and surname at full length, together with the words "licensed to sell tobacco," and if he make default herein he shall pay a fine not exceeding £5.

Governor may grant permission to sell tobacco, &c., outside limits.

5. That it shall be lawful for the Governor for the time being to grant to any person he shall think fit permission to sell tobacco, cigars and cigarettes, outside the limits defined in section 1, which permission may be granted subject to such conditions as the Governor may impose.

Penalty for selling tobacco, &c., outside limits without permission.

6. That any person who after the first day of June, 1878, shall sell tobacco, cigars or cigarettes outside the limit defined in Section 1, without having such permission from the Governor, as aforesaid, shall pay for every such offence a penalty not exceeding £20.

The Governor may grant permission to sell spirits, wine, &c., in West Falklands.

7. That it shall be lawful for the Governor to grant to any person he shall think fit, permission to sell spirits, wine and beer in the West Falklands, which permissions shall be subject to such conditions as the Governor may impose.

Penalty for selling spirits, &c., in West Falklands without permission.

8. Any person who within the limits of the West Falklands or the ports thereof shall after the first day of June, 1878, sell spirits, wines, or beer, without having such permission from the Governor, as aforesaid, shall pay for every such offence a penalty not exceeding £50.

Recovery of Fines.

9. That any fine imposed by virtue of this Ordinance shall be sued for and recovered in the same way as fines are sued for and recovered under the Summary Jurisdiction Ordinance No. 11, 1853.

(Signed)

T. F. CALLAGHAN, *Governor.*

Passed the Legislative Council this twenty-third day of February, One thousand eight hundred and seventy-eight.

(Signed)

G. TRAVIS, *Clerk to the Council.*

An Ordinance for declaring the validity and effect of certain Leases of Crown Lands in the Falkland Islands.

In the year 1879.—No. 1.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

WHEREAS in the year 1870 an Ordinance was passed entitled, "An Amalgamation Ordinance of the Leases of Crown Lands in the Falkland Islands," and herein referred to as Ordinance No. 6 of 1870. Preamble.

And Whereas the said Ordinance was disallowed by Her Majesty, and Whereas after the passing of the said Ordinance and before the proclamation of the disallowance thereof, certain persons, including the persons named in the Schedule of this Ordinance, applied to the Governor to grant to them leases of Crown Lands in the Falkland Islands, under the provisions of the said Ordinance, and in pursuance of said applications leases have been granted by the Governor of such Crown Lands, which leases purport and are expressed to be made in accordance with the said Ordinance, and of which leases some were granted before and the others after the proclamation of the disallowance of the said Ordinance.

And Whereas leases were promised to be granted by the Governor under the provisions of the said Ordinance to the persons named in the said Schedule, of the respective lands, the description whereof is set opposite to their respective names in the said Schedule for terms of twenty-one years from the respective dates specified in the said Schedule, and the said persons have accordingly held and paid rent for the said lands in the same manner as if such leases had been granted to them, but no leases have yet been granted to them of the said lands.

And Whereas doubts have arisen as to the validity and effect of the leases which have been so granted as aforesaid and also as to the rights of the said persons named in the said Schedule in respect of the lands described in the same Schedule.

And Whereas it is expedient that such doubts should be removed.

Be it therefore enacted by the Governor of the said Islands with the advice and consent of the Legislative Council as follows:—

1. The Governor shall forthwith grant to the several persons named in the Schedule to this Ordinance, leases of the lands the description and quantity whereof are contained and specified in the second and third columns of the said Schedule opposite to their respective names for terms of twenty-one years commencing from the respective days specified in the fourth column of the said Schedule. The Governor shall forthwith grant Leases to the persons named in Schedule.

2. The leases so to be granted as aforesaid, and also all leases of Crown Lands heretofore granted by the Governor for the time being which purport or are expressed to have been granted in accordance with the Ordinance No. 6 of 1870, shall, subject to the proviso hereinafter contained, have the same force and effect in all respects as if such leases had been granted under and in accordance with the Land Ordinance 1871, and the Land Ordinance 1872, Provided always that the price to be paid by the Lessees under the said leases for the purchase of the blocks of land which they will be required to purchase under the provisions of the Land Ordinance 1872, shall be at the rate of 2s. per acre, and that as to each of the leases so to be granted as aforesaid the said compulsory purchases shall be made within ten years from the date of the commencement of the term of twenty-one years for which the leases shall be granted. The leases aforesaid and all those purporting to have been granted in accordance with Ordinance No. 6 of 1870 to have same effect as if granted under Land Ordinances, 1871 and 1872, subject to a proviso.

3. This Ordinance shall come into operation from the day of the passing thereof. Commencement of Ordinance.

(Signed) T. F. CALLAGHAN, *Governor.*

Passed the Legislative Council this fifteenth day of April, One thousand eight hundred and seventy-nine.

(Signed) JOHN WRIGHT COLLINS, *Clerk to the Council.*

SCHEDULE.

Name of Lessee.	Description of Land.	Acreage.	Date on which the present Lease is supposed to have been granted.
Andrez Pitaluga .	No. 19, Shailer's Creek .	10,000	7th November, 1871.
J. Llamasa .	No. 36, Middle Point .	6,000	13th October, 1870.
Do. .	No. 42, Elephant Creek .	6,000	
John Bonner .	No. 39, South San Carlos .	6,000		do.
Andrez Pitaluga .	No. 40, Cape Dolphin .	6,000	16th January, 1871.
J. Pitaluga .	No. 41, Limpet Creek .	6,000	do.
Andrez Pitaluga .	No. 53, Salt Lagoon .	6,000	22nd October, 1870.

An Ordinance for granting Joseph Lellman and John Von Harten the Privileges of British-born Subjects within the Colony of the Falkland Islands.

In the year 1879.—No. 2.

By His Excellency Thomas Fitzgerald Callaghan, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof:—

WHEREAS Joseph Lellman, a native of Creuznach Rhenish Prussia, and John Von Harten, a native of Blumanthal, Germany, have prayed, that they, the said Joseph Lellman and John Von Harten, may be admitted to enjoy the privileges of British-born Subjects.

Be it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

1. The said Joseph Lellman and John Von Harten, when and so soon after they shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorised to administer, shall be to all intents and purposes whatsoever, entitled within the limits of this Colony to all the privileges of British-born Subjects of Her Majesty.

2. The Governor shall immediately after such oaths have been taken before him, certify the same, and cause such certificates to be recorded in the office of the Registrar General of this Colony.

(Signed) T. F. CALLAGHAN, *Governor.*

Passed the Legislative Council this fifteenth day of April, One thousand eight hundred and seventy-nine.

(Signed) JOHN WRIGHT COLLINS, *Clerk to the Council.*

An Ordinance for granting Charles Hansen the Privileges of a British-born Subject within the Colony of the Falkland Islands.

In the year 1879.—No. 3.

By His Excellency Thomas Fitzgerald Callaghan, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof:—

WHEREAS Charles Hansen, a native of Denmark, has prayed that he the said Charles Hansen may be admitted to enjoy the privileges of a British-born Subject:

Be it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

1. The said Charles Hansen, when and so soon after he shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorized to administer, shall be to all intents and purposes whatsoever, entitled within the limits of this Colony to all the privileges of a British-born Subject of Her Majesty.

2. The Governor shall immediately after such oath has been taken before him, certify the same, and cause such certificate to be recorded in the office of the Registrar General of this Colony.

(Signed) T. F. CALLAGHAN, *Governor.*

Passed the Legislative Council this twentieth day of December, One thousand eight hundred and seventy-nine.

(Signed) JOHN WRIGHT COLLINS, *Clerk to the Council.*

An Ordinance to make further provision for the Postal Service of the Colony.

In the year 1880.—No. 1.

By His Excellency Thomas Fitzgerald Callaghan, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

WHEREAS it is desirable to make better provision for the Postal Service of the Colony. Be it enacted:— Preamble.

1. Every master of any vessel calling at Port Stanley, and about to sail from there or from any port in the Falkland Islands for any port out of the Colony, shall before leaving attend before the Collector of Customs in Stanley and shall truly answer all such questions as shall be demanded of him concerning the ship, her cargo and intended voyage, and every master of any vessel about to sail from any port in the Colony for any port out of the Colony shall receive on board and if required shall give a written receipt in duplicate for any mail which shall be tendered to him by any Officer of the Post Office or other person duly authorised by the Government in that behalf, and shall keep the same so long as it shall be under his charge in some dry and secure place, and the same shall be entered upon the Custom House Manifest whenever practicable. Masters of vessels about to sail from the Colony calling Stanley to attend before Collector of Customs, &c., before leaving Stanley.
Masters of vessels about to sail from the Colony to receive on board any mails tendered to them.

2. Every master of any vessel sailing from any port of the Colony who shall receive on board any mail to be conveyed to any port out of the Colony, shall be entitled to demand and receive from the Postmaster one penny for every letter, and one farthing for every newspaper, book, packet, or other article contained in such mail. Masters of vessels taking Mails from the Colony entitled to Postage.

3. Every mail or loose letter which shall be on board of any vessel arriving at any port within the Colony from any port out of the Colony, shall be delivered by the master thereof to the Postmaster or any person authorised by him to receive the same, who is hereby required to give a receipt for the same, and the master shall not be allowed to enter at the Custom House until he has produced such receipt for the Mail. Mails, &c., on board vessels arriving in the Colony to be delivered to Postmaster or other authorised person.

4. Every master of any vessel arriving from any port out of the Colony shall after the expiration of 24 hours from the delivery of any mail to the Postmaster or to any person authorised by him, be entitled to receive one penny for every letter and one farthing for every newspaper, book, packet, or other article contained in such mail. Masters of vessels bringing Mails to the Colony entitled to Postage.

5. With every mail tendered to the master of any vessel about to sail from any port of the Colony to any port out of the Colony, there shall be delivered a statement subscribed by the Postmaster or any person duly authorised to act for him of the number of letters, newspapers, books, packets and other articles contained in such mail, which statement shall so far as concerns the master of such vessel be deemed and taken as conclusive evidence of the number of letters, newspapers, books, packets and other articles contained in such mail. Statement delivered by Postmaster or other authorised person as to number of letters, &c., to be conclusive evidence of the same.

6. Every master of any vessel who shall not attend before the Collector of Customs at Stanley as herein provided and shall not truly answer the questions put to him, when required, or who shall refuse or delay to receive any mail or to deliver any mail or loose letter according to the provisions of this Ordinance, shall for every such offence forfeit and pay a penalty not exceeding £100. Penalty for non-compliance with provisions of Ordinance.

7. Any penalty imposed by virtue of this Ordinance shall be sued for and recovered in the same way as penalties are sued for and recovered under the Summary Jurisdiction Ordinance No. 11 of 1853. Recovery of penalties.

8. This Ordinance shall take effect and come into operation from the day of the passing thereof. Commencement of Ordinance.

(Signed) T. F. CALLAGHAN; *Governor.*

Passed the Legislative Council this eleventh day of February, One thousand eight hundred and eighty.

(Signed) JOHN WRIGHT COLLINS, *Clerk to the Council.*

Ordinance for Amending "Pilot Ordinance" No. 5 of 1871.

In the year 1880.—No. 2.

By His Excellency Thomas Fitzgerald Callaghan, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof:—

Preamble.

WHEREAS it is expedient to amend the "Pilot Ordinance" No. 5 of 1871. Be it therefore enacted as follows:—

Repeal of Section 6 of Ordinance No. 5 of 1871.

That the Governor may require declarations, deposit of papers and notice of departure.

Incorporation of Ordinance with the "Pilot Ordinance" No. 5 of 1871. Commencement of Ordinance.

1. Section 6 of the "Pilot Ordinance" No. 5 of 1871 is hereby repealed, and the next following enactment shall be substituted in its place.

2. That the Governor may from time to time make regulations requiring a declaration to be made by the master of any vessel arriving at any of the said harbours before the removal of any goods from said vessel (save those goods especially excepted in such regulations) and also requiring the deposit of the ship's papers, and the return thereof to the master a reasonable time before his departure, a notice to be given by him of the time of his intended departure, and a declaration to be made by him before his departure, and prescribing the form, time and manner of making such declarations, deposit or return, or giving such notice.

3. That this Ordinance shall be read with and form part of the "Pilot Ordinance" No. 5 of 1871.

4. That this Ordinance shall take effect and come into operation from the day of the passing thereof.

(Signed)

T. F. CALLAGHAN, *Governor.*

Passed the Legislative Council this twenty-eighth day of February, One thousand eight hundred and eighty.

(Signed)

JOHN WRIGHT COLLINS, *Clerk to the Council.*

An Ordinance to amend "The Administration of Justice Ordinance" 1876.

In the year 1880.—No. 4.

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

Repeals Sections 5 and 6 of Ordinance No. 2 of 1876.

Appointment and qualification of Chief Justice.

Governor may also be Chief Justice if qualified.

1. Sections 5 and 6 of the "Administration of Justice Ordinance" No. 2 of 1876 are hereby repealed, but such repeal shall not affect anything heretofore lawfully done under the said Sections.

2. The Chief Justice shall be a member of the Bar of England, Scotland or Ireland, or of some British possession, and of not less than seven years' standing, or shall have filled the office of Judge of some Court in the British dominions, and except in the case hereinafter provided shall be appointed by the Governor by an Instrument under the Public Seal of the Colony. The Chief Justice shall hold his office during Her Majesty's pleasure, and shall receive such salary as Her Majesty, through the Secretary of State, shall from time to time direct.

3. The Governor, if he possess the professional qualification above mentioned, shall also be Chief Justice without further appointment, if directed by Her Majesty, through the Secretary of State, to assume the said Office; and the discharge by the Governor of any of the functions of Chief Justice shall be conclusive evidence of his qualification and of his having been so directed as aforesaid.

4. This Ordinance shall be construed as one with the Administration of Justice Ordinance 1876. Construction of Ordinance.

(Signed) T. KERR, *Governor.*
Passed the Legislative Council this seventeenth day of December, one thousand eight hundred and eighty.

(Signed) JOHN WRIGHT COLLINS, *Clerk to the Council.*

60.

An Ordinance for taking the Census of the Falkland Islands.

In the Year 1881.—No. 1.

Whereas it is expedient to take the Census of the Falkland Islands in the year one thousand eight hundred and eighty-one.

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

1. The Governor in Council shall have the care of superintending the taking of the census, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary, and the Colonial Secretary shall issue all such forms and instructions to the persons for whose use they shall be intended; and all expenses which shall be incurred by authority of this Ordinance shall be paid by the Colonial Treasurer on the warrants of the Governor in Council.

Governor in Council to superintend the taking of the census.

2. The Colony shall be formed into enumerators' divisions according to instructions prepared under the direction of the Governor in Council, and the Governor shall appoint enumerators for taking the Census, and shall assign a division to each enumerator and shall cause to be distributed to the several enumerators the forms and instructions which shall have been issued for that purpose.

Enumerators' divisions to be formed and Enumerators to be appointed.

3. Schedules shall be prepared for the purpose of being filled up by or on behalf of the several occupiers of dwelling-houses as hereinafter provided, with particulars of the name, sex, age, rank, profession or occupation, condition as to marriage, relation to head of family, and birthplace of every living person who abode in every house on the night of Sunday the third day of April one thousand eight hundred and eighty-one, and also whether any were blind, or deaf and dumb or imbecile or lunatic; and the enumerators shall in the course of the week ending on Saturday the second day of April in the said year one thousand eight hundred and eighty-one leave or cause to be left at every dwelling house within their respective divisions one or more of the said Schedules for the occupier or occupiers thereof, or of any part thereof, and upon every such Schedule it shall be plainly expressed that it is to be filled up by the occupier of such dwelling-house (or where such dwelling-house is let or sub-let in different stories or apartments, and occupied distinctly by different persons or families, by the occupier of each distinct story or apartment) and that the enumerator will collect all such schedules within his division on the Monday next then following.

Householders' schedules to be left at dwelling houses.

Every occupier of any dwelling-house, or of any distinct story or apartment in any dwelling-house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, story, or apartment occupied by him or her, and shall sign his or her name thereunto, and shall deliver the schedule so filled up, or cause the same to be delivered, to the enumerator when required so to do.

Occupiers to fill up the schedules and sign and deliver them to the Enumerator.

Every such occupier who shall wilfully refuse, or without lawful excuse neglect to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false return of all or any of the matters specified in the said schedule, shall forfeit a sum not more than five pounds nor less than twenty shillings.

Penalty for neglect.

4. The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division from house to house, so far as may be possible, on Monday the fourth day of April in the said year one thousand eight hundred and eighty one, and shall complete such of the schedules as upon delivery

Schedules to be collected from house to house, and corrected if found to be erroneous.

thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall add thereunto an account according to the best information which they shall be able to obtain of all the other persons living within their division who shall not be included in the schedules so collected by them.

Enumerators to take an account of houses, &c.

5. Every enumerator shall also take an account of the occupied houses, and of the houses then building and therefore uninhabited, and also of all other uninhabited houses within his division, and shall also take an account of all such particulars hereinbefore mentioned, and none others, according to the forms and instructions which may be issued under this Ordinance, and shall make a correct return of all such information, and shall sign a form or declaration to the effect that to the best of his information, the same is correct, which form of declaration shall be prepared by or under the direction of the Governor in Council, and shall deliver or transmit all such reports together with the householders' schedules collected by him to the Colonial Secretary.

Enumerators to deliver their returns with householders' schedules to the Colonial Secretary.

An abstract of returns to be prepared by Registrar General and transmitted to the Secretary of State for the Colonies.

6. The Colonial Secretary shall, so soon as the reports and schedules are received by him, place the same in the hands of the Registrar General of Births, Deaths and Marriages, and it shall be the duty of the said Registrar General to revise all such returns and prepare a detailed abstract of the same, to be laid before the Governor in Council, and the Governor shall as soon as possible transmit copies of such abstract to Her Majesty's Principal Secretary of State for the Colonies.

Returns of persons travelling or on shipboard, or not in houses.

7. The Governor in Council shall obtain by such ways and means as shall appear best adapted for the purpose, returns of the particulars required by this Ordinance with respect to all persons who during the said night of Sunday the third day of April were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators and other persons aforesaid, and shall include such returns in the abstract to be made as aforesaid.

Table of allowances to Enumerators and others, and payment of the same.

8. The Governor in Council shall cause to be prepared a table of allowances to be paid to the enumerators and other persons employed in the execution of this Ordinance, and the Colonial Treasurer shall pay the amount of such allowances to the persons entitled thereto, on the warrant of the Governor in Council.

Penalty on persons for wilful default.

9. Every enumerator or other person employed under this Ordinance who shall make wilful default in any of the matters required of them respectively by this Ordinance, or wilfully making any false declaration shall for every such wilful default or false declaration forfeit a sum not exceeding five pounds and not less than two pounds.

Penalty for refusing information or giving false answers.

10. The enumerators and other persons employed in the execution of this Ordinance shall be authorised to ask all such questions as shall be directed in any instructions to be prepared by or under the direction of the Governor in Council, which shall be necessary for obtaining the returns required by this Ordinance, and every person wilfully refusing to answer or giving a false answer to such questions or any of them, shall for every such refusal or wilfully false answer forfeit a sum not exceeding five pounds nor less than twenty shillings.

Recovery of penalties.

11. All penalties imposed under this Ordinance, shall be recovered in a summary manner before the Police Magistrate or any two Justices of the Peace.

Title of the Ordinance.

12. This Ordinance may be cited as the Census Ordinance, 1881.

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this twenty-sixth day of February, one thousand eight hundred and eighty-one.

(Signed) JOHN WRIGHT COLLINS, *Clerk to the Council*.

An Ordinance to remove doubts concerning the validity of certain Marriages, and to amend the Marriage Ordinances.

In the Year 1881.—No. 3.

Preamble.

Whereas by the Marriage Amendment Ordinance No. 4, of 1872, any minister of religion within the Falkland Islands, whose name has been gazetted by the Governor, is authorised to perform marriages, after due notice has been given, as is provided in

the Marriage Ordinance No. 1, 1858. And whereas divers persons have been married under the authority of the above recited Marriage Amendment Ordinance, and doubts have arisen as to the true and legal nature of the notices given, and of the validity of the marriages so performed, and it is desirable that such doubts should be removed, and that the nature and effect of such notices should be clearly defined.

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

1. All marriages which have been solemnised by any duly authorised minister of religion within these islands between the twenty-first day of May, in the year one thousand eight hundred and seventy two, and the day of the passing of this Ordinance, are hereby declared to be good and valid marriages to all intents and purposes, any doubts as to the due form of notice notwithstanding.

Marriages already solemnized by authorised ministers declared valid, notwithstanding irregular notice.

2. From and after the passing of this Ordinance, banns may not be published or marriages solemnised after publication of banns, or on the certificate of the Registrar-General, except in such places of worship as shall from time to time be appointed for that purpose by the Governor in Council and registered in the Government office, and after public notice of the same shall have been given in the official gazette of this Colony.

Places of worship for solemnization of marriages to be appointed and registered.

3. Marriages may be solemnised by a duly authorised minister of any denomination within three calendar months after the publication of banns on three successive Sundays, such marriages to be solemnised in the place of worship in which the banns shall have been published.

Marriages after banns to be solemnized where banns are published.

4. A certificate from the Registrar-General that due notice has been given to him in the manner and form provided by the Marriage Ordinance No. 1, 1858, shall be a sufficient authority to any authorised minister of religion to marry the parties named in the notice, at any registered place of worship.

Marriages may be solemnized in any registered place of worship on certificate of notice from Registrar General.

5. The Governor's license authorised by Section 18 of the Marriage Ordinance No. 1, 1858, in the form set forth in Schedule F to that Ordinance annexed may be directed to any authorised minister of religion, and such license must set forth the place where the ceremony is to be performed.

Governor's license may be directed to any authorised minister.

6. Except where the provisions of the Marriage Ordinance No. 1, of 1858, and the Marriage Amendment Ordinance No. 4, of 1872, are expressly altered by or at variance with the provisions of this Ordinance, nothing herein contained shall alter, repeal, or affect or be construed so as in any manner to alter, repeal, or affect any of the several provisions and clauses contained in the said Ordinances or either of them, but except as aforesaid the same provisions and clauses respectively shall be and remain in full force and effect as if this Ordinance had not been passed, and this Ordinance shall, except as aforesaid, be considered as incorporated with the same provisions and clauses, and be construed in connection therewith.

Nothing to alter, &c., provisions of existing Ordinances except where at variance with this Ordinance.

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this thirty-first day of August, One thousand eight hundred and eighty-one.

(Signed) JOHN WRIGHT COLLINS, *Clerk to the Council*.

An Ordinance to provide for the Establishment of a Close time in the Seal Fishery of the Falkland Islands and their Dependencies, and the Seas adjacent thereto.

In the Year 1881.—No. 4.

Whereas the seal fishery of these Islands, which was at one time a source of profit and advantage to the Colonists, has been exhausted by indiscriminate and wasteful fishing, and it is desirable to revive and protect this industry by the establishment of a close time, during which it shall be unlawful to kill or capture seals within the limits of this Colony and its Dependencies.

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

Close time for Seal Fishery, and penalties for breach.

1. No person shall kill or capture, or attempt to kill or capture, any seal within the limits of this Colony and its dependencies, between the days hereinafter mentioned (which interval is hereinafter referred to as the close season), that is to say, between the first day of October and the first day of April following, both inclusive, and any person acting in contravention of this section shall forfeit any seals killed or captured by him, and shall in addition thereto incur a penalty not exceeding one hundred pounds, and a further penalty of five pounds in respect of every seal so killed or captured.

Liability of owner and master of ship.

2. Any owner or master, or other person in charge of any ship or vessel, who shall permit such ship or vessel to be employed in killing or capturing seals, or who shall permit any person belonging to such ship or vessel to be employed in killing or capturing as aforesaid during the close season, shall forfeit any seals so killed or captured, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Prosecution of offences.

3. Every offence under this Ordinance may be prosecuted, and every penalty under this Ordinance may be recovered before the Police Magistrate or any two Justices of the Peace in a summary manner, or by action in the Supreme Court of this Colony, together with full costs of suit. Provided that the penalty imposed by the Police Magistrate or two Justices shall not exceed one hundred pounds exclusive of costs.

One half of every penalty recovered under this Ordinance shall be paid to the person who prosecuted the offence or sued for such penalty.

All fines, forfeitures, and penalties recovered under this Ordinance, where not otherwise hereinbefore provided, shall be to Her Majesty, her heirs and successors, and shall be paid to the treasurer for the use of the Government of this Colony.

For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed, or in any place in which the offender may, for the time being be found.

Liability of ship to penalty.

4. Where the owner or master of a ship or vessel is adjudged to pay a penalty for an offence under this Ordinance, the Court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or vessel and her tackle.

Definition of "Seal."

5. In this Ordinance the expression "seal" means the "fur seal," the "sea otter," the "hair seal," the "sea elephant," the "sea leopard," and the "sea dog," and includes any animal of the seal kind which may be found within the limits of this Colony and its dependencies.

Short title.

6. This Ordinance may be cited as the Seal Fishery Ordinance, 1881.

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this twenty-seventh day of December, one thousand eight hundred and eighty-one.

(Signed) JOHN WRIGHT COLLINS, *Clerk to the Council.*

An Ordinance to Provide for the Payment of Compensation in respect of the loss of Registered Letters in certain cases.

In the Year 1882.—No. 2.

Preamble.

Whereas by a Treaty, signed at Paris on the 1st June, 1878, and subsequently duly ratified, it was agreed that various countries of which this Colony was one, should form under the title of "Universal Postal Union," a single postal territory for the reciprocal exchange of correspondence between their Post Offices; and it was also agreed that in the case of the loss of a registered article, and except in the case of

force majeure, there should be paid an indemnity of 50 francs to the sender, or at his request, to the addressee, and provision was also made determining the incidence of the liability in respect of any such loss: And whereas it is expedient to make provision by legislation for carrying into effect in this Colony the aforesaid provisions of the said treaty.

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follow:—

1. Where, according to the Rules of the said Universal Postal Union, an indemnity in respect of loss is payable in this Colony to any sender or addressee of a registered article, the Governor shall cause the amount thereof to be paid to such sender or addressee, out of the Public Revenues of this Colony, on account nevertheless of the country liable to pay such amount, or any part thereof, in all cases where, under the Rules of the said Postal Union, any other country is liable.

Indemnity for loss of certain Registered Articles.

2. This Ordinance may be cited for all purposes as "The Postal Union Registration Ordinance, 1882."

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this twelfth day of January one thousand eight hundred and eighty-two.

(Signed) ALAN KERR, *Acting Clerk to the Council*.

64.

An Ordinance to extend to this Colony certain Acts of Parliament in force in England relating to Merchant Shipping.

In the year 1882.—No. 3.

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

1. The Acts of Parliament specified in the Schedule hereunto annexed shall be in force in this Colony as far as they can be applied and as local circumstances will permit.

2. The provisions of Ordinance No. 3, of 1857, entitled "An Ordinance to provide for the application of the Merchant Shipping Act of 1854 within the Colony," of No. 3, of 1871, entitled the "Wreck and Salvage Ordinance," of No. 2, of 1873, entitled "An Ordinance to extend to the Colony a certain Act of Parliament," and of No. 2, of 1875, entitled "An Ordinance relating to unseaworthy vessels, and to provide for surveys of vessels in certain cases"—shall continue in force in so far as they are not repugnant to the provisions of the Acts of Parliament specified in the Schedule of this Ordinance.

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this twelfth day of January, one thousand eight hundred and eighty-two.

(Signed) ALAN KERR, *Acting Clerk to the Council*.

SCHEDULE.

17 & 18 Vict. cap. 120, 11th August, 1854	An Act to repeal certain Acts and parts of Acts relating to Merchant Shipping, and to continue certain provisions in the said Acts.
18 & 19 Vict. cap. 119, 14th August, 1855	An Act to amend the Law relating to the Carriage of Passengers by Sea.
25 & 26 Vict. cap. 63, 29th June, 1862	An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853."
26 & 27 Vict. cap. 51, 13th July, 1863 [122346]	An Act to amend the Passengers Act, 1855.

31 & 32 Vict. cap. 129, 31st July, 1868	An Act to amend the Law relating to the Registration of Ships in British Possessions.
32 Vict. cap. 11, 13th May, 1869	An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions.
34 & 35 Vict. cap. 110, 21st August, 1871	An Act to amend the Merchant Shipping Acts.
35 & 36 Vict. cap. 73, 10th August, 1872	An Act to amend the Merchant Shipping Acts and the Passenger Acts.
36. & 37 Vict. cap. 85, 5th August, 1873	An Act to amend the Merchant Shipping Acts.
37 & 38 Vict. cap. 51, 30th July, 1874	An Act to amend the Law respecting the proving and Sale of Chain Cables and Anchors.
39 & 40 Vict. cap. 80, 15th August, 1876	An Act to amend the Merchant Shipping Acts.
40 & 41 Vict. cap. 16, 28th June, 1877	An Act to facilitate the removal of Wrecks obstructing Navigation.
42 & 43 Vict. cap. 72, 15th August, 1879	An Act to provide for the rehearing of Investigations into Shipping Casualties, to amend the rules as to the mode of holding and procedure at such Investigations.
43 & 44 Vict. cap. 16, 2nd August, 1880	An Act to amend the Law relating to the payment of Wages and rating of Merchant Seamen.
43 & 44 Vict. cap. 18, 2nd August, 1880	An Act to amend the Merchant Shipping Act, 1854.
43 & 44 Vict. cap. 22, 12th August, 1880	An Act to amend the Merchant Shipping Act, 1854, so far as regards certain fees and expenses and sums receivable and payable by the Board of Trade.
43 & 44 Vict. cap. 43, 7th September, 1880	An Act to provide for the safe Carriage of Grain Cargoes by Merchant Shipping.

65.

An Ordinance to extend to this Colony a certain Act of Parliament cited as the "Employers and Workmen Act, 1875."

In the year 1882.—No. 4.

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

1. The Act of Parliament 38 and 39 Vict. c. 90, entitled "An Act to enlarge the power of County Courts in respect of disputes between Employers and Workmen and to give other Courts a limited civil jurisdiction in respect of such disputes" shall be in force in this Colony in so far as its provisions can be applied and as local circumstances will permit.

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this twelfth day of January, One thousand eight hundred and eighty-two.

(Signed) ALAN KERR, *Acting Clerk to the Council*.

66.

An Ordinance to extend to this Colony a certain Act of Parliament cited as the "Employers Liability Act, 1880."

In the year 1882.—No. 5.

BE it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Act of Parliament 43 and 44 Vict. c. 42, entitled "An Act to extend and regulate the Liability of Employers to make Compensation for personal Injuries

suffered by Workmen in their service," shall be in force in this Colony in so far as its provisions can be applied and as local circumstances will permit.

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this twelfth day of January, one thousand eight hundred and eighty two.

(Signed) ALAN KERR, *Acting Clerk to the Council*.

67.

An Ordinance to provide for carrying out Capital Punishment in Prisons.

In the year 1882.—No. 6.

WHEREAS it is expedient that capital punishment should be carried into effect within prisons: Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Ordinance No. 2, of 1881, entitled an Ordinance to extend to these settlements the Capital Punishment Amendment Act, 1868, is hereby repealed.

Repeals Ordinance No. 2 of 1881.

2. Judgment of death to be executed on any prisoner sentenced after the passing of this Ordinance on any indictment or inquisition for murder shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution.

Judgment of death to be executed within walls of prison.

3. The sheriff charged with the execution, and the gaoler, chaplain and surgeon of the prison, and such other officers of the prison as the sheriff requires, shall be present at the execution.

Sheriff, &c., to be present.

Any justice of the peace for the colony, and such relatives of the prisoner or other persons as it seems to the sheriff or the visiting justices of the prison proper to admit within the prison for the purpose, may also be present at the execution.

4. As soon as may be after judgment of death has been executed on the offender, the surgeon of the prison shall examine the body of the offender and shall ascertain the fact of death, and shall sign a certificate thereof, and deliver the same to the sheriff.

Surgeon to certify death; and declaration to be signed by sheriff, &c.

The sheriff and the gaoler and chaplain of the prison, and other persons present (if any) as the sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

5. The coroner shall within twenty-four hours after the execution hold an inquest on the body of the offender, and the jury at the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; and the inquisition shall be in duplicate, and one of the originals shall be delivered to the sheriff.

Coroner's Inquest on Body.

No officer of the prison or prisoner confined therein shall in any case be a juror on the inquest.

6. The body of every offender executed shall be buried within the walls of the prison within which judgment of death is executed on him; provided that if the Governor is satisfied on the representation of the sheriff or visiting justices of the prison that there is not convenient space within the walls there for the burial of offenders executed therein, he may, by writing under his hand appoint some other fit place for that purpose, and the same shall be used accordingly.

Burial of the body.

7. The Governor in Council shall from time to time make such rules and regulations to be observed on the execution of judgment of death in prison as he may from time to time deem expedient for the purpose, as well of guarding against any abuse in such execution, as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

Power to Governor to make rules, &c., to be observed on execution of judgment of death.

8. All such rules and regulations shall be laid before the Legislative Council, and be published in the official gazette.

Such Rules to be laid before Legislative Council.

9. If any person knowingly and wilfully signs any false certificate or declaration required by this Ordinance he shall be guilty of a misdemeanor, and on conviction thereof shall be liable at the discretion of the Court to imprisonment for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Penalty for signing false certificates, &c.

Certificate, &c., to be sent to Governor and exhibited on or near entrance to prison.

Provisions as to duties and powers of Sheriff, &c., extended.

Form in Schedule.

Saving Clause as to legality of execution.

General saving.

Short title.

10. Every certificate and declaration and the duplicate of the inquisition required by this Ordinance shall in each case be sent with all convenient speed to the Governor, and written or printed copies of the same several instruments shall as soon as possible be exhibited on or near the principal entrance of the prison within which judgment of death is executed.

11. The duties and powers by this Ordinance imposed on or vested in the sheriff, may be performed by and shall be vested in his under sheriff or other lawful deputy acting in his absence, and with his authority, and any other officer appointed by the Governor and charged in any case with the execution of judgment of Death.

The duties and powers by this Ordinance imposed on or vested in the gaoler of the prison may be performed by and shall be vested in the deputy gaoler or other officer duly appointed by the Governor to act in that behalf.

The duties and powers by this Ordinance imposed on or vested in the surgeon may be performed by and shall be vested in the medical officer holding the office or performing the duties of colonial surgeon.

The duties by this Ordinance imposed on the chaplain may, in the absence of the chaplain, be performed by any other minister of religion duly appointed by the Governor to act in that behalf.

12. The forms given in the schedule to this Ordinance with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated, and according to the directions therein contained.

13. The omission to comply with any provision of this Ordinance shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

14. Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Ordinance had not passed.

15. This Ordinance may be cited for all purposes as "The Capital Punishment Amendment Ordinance, 1882."

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this twenty-third day of February, one thousand eight hundred and eighty-two.

(Signed) ALAN KERR, *Acting Clerk to the Council.*

THE SCHEDULE.

Certificate of Surgeon.

I, *A. B.*, the surgeon (*or as the case may be*) of the (*describe prison*), hereby certify that I this day examined the body of *C. D.*, on whom judgment of death was this day executed in the (*describe same prison*); and that on that examination I found that the said *C. D.* was dead.

Dated this day of

(Signed) *A. B.*

Declaration of Sheriff and others.

We, the undersigned, hereby declare that judgment of death was this day executed on *C. D.* in the (*describe prison*) in our presence.

Dated this day of

(Signed)

E. F., Sheriff of
L. M., Justice of the Peace for
G. H., Gaoler of
I. K., Chaplain of
&c., &c.

68.

An Ordinance to amend the Ordinance No. 3, of 1881, entitled "An Ordinance to remove doubts concerning the validity of certain marriages, and to amend the Marriage Ordinances."

In the Year 1882.—No. 7.

Preamble.

Whereas it is expedient to amend the Ordinance No. 3, of 1881, entitled "An Ordinance to remove doubts concerning the validity of certain marriages, and to amend the Marriage Ordinances."

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

1. Nothing contained in the said recited Ordinance shall be held to affect the contracting and solemnizing of marriages at the Registrar's Office, as provided by the 12th Section of the Marriage Ordinance No. 1, of 1858.

Not to affect marriage before the Registrar.

2. The 3rd Section of the said recited Ordinance is hereby amended by the addition of the following words:

And the provision of the Marriage Amendment Ordinance No. 4, of 1872, that "all such marriages are to be performed only after due notice has been given as is provided in the Marriage Ordinance No. 1, of 1858," is hereby repealed.

Repeal of provision in Ordinance 4 of 1872, respecting notice.

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this twenty-second day of May, One thousand eight hundred and eighty-two.

(Signed) ALAN KERR, *Acting Clerk to the Council*.

Naturalization Ordinance.

In the Year 1882.—No. 8.

Whereas Joa Silva de Alvera, a native of the Azores or Western Islands, and Mariano Mattolich, a native of Austria, both of whom are at present domiciled in this colony, have prayed that they, the said Joa Silva de Alvera and Mariano Mattolich, may be admitted to enjoy the privileges of British-born subjects.

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

Preamble.

1. The said Joa de Alvera and Mariano Mattolich, when and so soon as they shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorised to administer, shall be to all intents and purposes whatsoever, entitled, within the limits of this colony, to all the privileges of British-born subjects of Her Majesty.

Oath of allegiance to be administered.

2. The Governor shall, immediately after such oath shall have been taken before him, certify the same, and cause such certificate to be recorded in the office of the Registrar General of this colony.

Certificate to be recorded.

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this twenty-second day of May, One thousand eight hundred and eighty-two.

(Signed) ALAN KERR, *Acting Clerk to the Council*.

An Ordinance to amend the "Land Ordinance," 1871, and to confirm certain Leases of the Crown Lands in the Falkland Islands.

In the Year 1882.—No. 9.

Whereas it is expedient to amend the "Land Ordinance," 1871. And whereas upon the expiration of certain leases of Crown lands granted before the passing of the Land Ordinance, 1871, new leases of the same lands were granted by the Governor, which new leases purport and are expressed to be granted in accordance with the Land Ordinance, 1871, and the Land Ordinance, 1872, and of which new leases the particulars are set forth in the schedule to this Ordinance. And whereas doubts have arisen as to the validity of the said new leases, and it is expedient that such doubts should be removed. Be it therefore enacted by the Governor of the Falkland Islands and their Dependencies with the advice and consent of the Legislative Council as follows:—

Preamble.

1. The 16th and 20th Sections of the Land Ordinance, 1871, are hereby repealed.

Repeal of Sections 16 and 20 of Land Ordinance, 1871.

Regulates proceedings upon the expiration of a Lease.

2. Upon the expiration or determination of any lease of Crown lands the Governor in Council shall determine whether it is expedient that the land comprised in such lease or any part thereof should be sold or reserved for any public purpose, and the Governor may grant a lease of any land comprised in such lease which the Governor in Council shall not deem it expedient to sell or to reserve for any public purpose for the same term, and with, upon, and subject to the same reservations and conditions as are prescribed by the Land Ordinance, 1871, and the Land Ordinance, 1872, with respect to leases to be granted pursuant to the 11th Section of the Land Ordinance, 1871, except that the rent to be reserved in every lease to be granted under this Ordinance, shall be at the rate of £20 for each section comprised therein for the whole of the term thereof. Provided always that in the case of a lease expiring by effluxion of time, the new lease (if any) to be granted under this Ordinance of all or any of the lands comprised therein shall be granted to the former lessee if he shall have given notice in writing to the Governor of his desire to obtain such new lease not less than six months before the expiration of the expired lease.

Value of improvements to be added to upset price in case of sale of land, &c.

3. If at the expiration or determination of any lease of Crown lands the land comprised therein, or any part thereof, shall be sold, the value of any improvements made by the lessee upon the land so sold (such value to be determined by the Surveyor-General or by a competent sworn Surveyor appointed by the Governor, but in no case to exceed the actual cost of the improvement), shall be added to the upset price, and shall be paid to the lessee by the purchaser, or shall be allowed to the lessee in case he shall be the purchaser.

Ordinance not to apply to any land within six miles of Stanley or any township, &c.

4. The 10th, 11th, 12th, 15th, 17th, 18th, 19th and 21st Sections of the Land Ordinance, 1871, the 3rd Section of the Land Ordinance, 1872, and this Ordinance shall not apply to any land within six miles by land of Stanley, or of any township which may hereafter be proclaimed.

Confirms certain leases set forth in the Schedule.

5. The several leases of Crown lands purporting to have been granted by the Governor in accordance with the Land Ordinance, 1871, and the Land Ordinance, 1872, the particulars whereof are set forth in the schedule to this Ordinance are hereby confirmed and declared to be valid and effectual leases of the lands comprised therein respectively according to the tenor and purport thereof.

Title of Ordinance.

6. This Ordinance may be cited as the Land Ordinance, 1882, and shall be read with and form part of the Land Ordinance, 1871.

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this nineteenth day of June, One thousand eight hundred and eighty-two.

(Signed) ALAN KERR, *Acting Clerk to the Council.*

SCHEDULE.

Name of Lessee.	Description of Land.	Acreage.	Date on which the Leases were granted.
R. C. Packe	No. 3, Long Island	6,000	31st March, 1871.
do.	No. 3, Port Louis	7,840	19th July, 1872.
Falkland Islands Company	No. 26, Archer Cove	6,000	15th August, 1873.
do.	No. 27, Bluff Creek	do.	25th September, 1873
R. C. Packe	No. 15, Port Fitzroy	10,000	16th April, 1874.
do.	No. 16, Swan Inlet	do.	do.
do.	No. 17, Island Harbour	6,000	17th April, 1874.
Falkland Islands Company	No. 31, Choiseul Sound	do.	11th October, 1874.
do.	No. 32, Choiseul Sound	do.	13th March, 1875.
A. Pitaluga	No. 33, Rincon Grande	do.	22nd do.
Falkland Islands Company	No. 34, Choiseul Sound	do.	25th do.
do.	No. 36, Bluff Cove	do.	25th April, 1875.
John Bonner	Port Sussex	do.	21st May, 1875.
Falkland Islands Company	No. 30, McKinnon Creek	do.	28th do.
Timothy Robson	No. 14, N. of Port Louis	do.	1st March, 1876.
A. Pitaluga	No. 37, N. of San Carlos	do.	27th May, 1877.
Falkland Islands Company	No. 38, W. of Bluff Cove	do.	20th July, 1877.

An Ordinance to consolidate and amend the Laws relating to Customs Duties and Trade.

In the Year 1882.—No. 10.

WHEREAS it is expedient to consolidate and amend the several Ordinances now in force for the purpose of fixing the duties of customs and levying and collecting the same :—

Preamble.

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

1. From and after the commencement of this Ordinance there shall be raised, levied, collected and paid unto Her Majesty her heirs and successors for the use of this Colony the several duties of customs respectively inserted described and set forth in figures in the table to this Ordinance annexed entitled "Table of duties of Customs inwards."

Duties to be levied under Table of Duties inwards.

2. The master of every vessel whether laden or in ballast, shall, within twenty-four hours after arrival at Port Stanley from any port out of the Colony, make due report of such vessel to the Collector of Customs or other proper officer acting in his behalf in the Form No. 1. in the Schedule to this Ordinance, and containing the several particulars indicated in or required thereby, or in such other form or manner as the Governor may direct, and such report shall be made before bulk be broken or any goods whatever, except personal luggage passed by an officer of customs, shall be removed, landed, or waterborne, from any such vessel.

Master to report within 24 hours after arrival according to Form No. 1 in schedule.

3. The master of every such vessel shall at the time of making report answer all such questions relating to the vessel cargo crew and voyage as shall be put to him by the Collector of Customs : and if such master shall fail to make due report, or if the particulars or any of them contained in such report be false, or if he does not answer the questions demanded of him or does not answer truly, or if after the arrival within four leagues of the Port of Stanley bulk shall be broken or any alteration made in the stowage of the cargo of such vessel so as to facilitate the unloading of any part of such cargo, or if any part be staved, destroyed, or thrown overboard, or any package opened, unless cause be shown to the satisfaction of the Collector of Customs, in every such case the master shall forfeit a sum not exceeding one hundred pounds, and in case the said master shall fail to pay the amount of the penalties incurred under this section and all costs of recovering the same, the Collector or other proper officer as aforesaid shall have full power and authority to detain such vessel and not allow the same to leave the said port until such amount has been duly paid and all expenses attendant thereon ; and in case any goods be not reported, such goods shall be forfeited unless it appear that there was no fraudulent intention, in which case the master shall be allowed to amend his report, and the goods may in the meantime be removed to the Government warehouse.

Master to answer questions.

Bulk not to be broken or stowage altered.

Penalty.

Power to detain vessel if Penalty not paid.

Goods not reported to be forfeited unless no fraudulent intention appear.

4. If the contents of any package in such vessel shall be reported by the master as being unknown to him, any duly authorised officer of customs may open and examine such package on board such ship or vessel, or bring the same to the Government Warehouse for that purpose.

Packages reported "Contents unknown" may be opened and examined.

5. The importer of any goods not subject to duties of customs, or his agent, shall deliver to the Collector of Customs an entry of such goods in the form No. 2 in the Schedule to this Ordinance, and containing the several particulars indicated in or required thereby or in such other form and manner as the Governor may direct ; and if such entry shall be incorrect in any particular the importer or his agent shall within fourteen days after the landing of the goods deliver to the Collector of Customs a full and accurate account thereof.

Particulars of entry according to Form No. 2 in schedule.

Account of free goods.

6. Upon the entry of any goods the importer or his agent shall produce to the Collector of Customs if required by him, the invoice, bills of lading, and other documents relating to the goods.

Invoices, &c., to be produced to Collector if required.

7. If any goods or other things shall be found concealed in any way or packed in any package or parcel to deceive the officer of customs such package or parcel and all the contents thereof shall be forfeited ; and if any goods be taken or delivered out of any ship, not having been duly entered the same shall be forfeited : Provided always, that no entry shall be required in respect of the baggage of passengers, which may be

Goods concealed in packages or delivered without entry forfeited.

Passengers' baggage.

examined, landed, and delivered under such regulations as the Governor may direct, but if any goods liable to customs duties shall be found concealed therein, either before or after landing, the same shall be forfeited, together with everything packed therewith.

Penalty on fraudulent import entries and concealments.

8. If any person shall import, or cause to be imported, goods of one denomination concealed in packages of goods of any other denomination, or any package containing goods not corresponding with the entry thereof, or shall directly or indirectly import or cause to be imported or entered any package of goods as one denomination which shall afterwards be discovered, either before or after delivery thereof, to contain other goods or goods subject to a higher rate or other amount of duty than those of the denomination by which such package or the goods in such package were entered, such package and the goods therein, shall be forfeited, and such person shall forfeit for every such offence a penalty of one hundred pounds, or treble the value of the goods contained in such package, at the election of the Governor.

Officer of Customs may take samples.

9. Any duly authorised officer of customs may on the entry of any goods, or at any time afterwards, take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purpose as the Collector of Customs may deem necessary, and such samples shall be disposed of and accounted for in such manner as the Governor may direct.

Unshipping, carrying, landing, weighing, &c., and depositing of goods, to be done at the expense of the importer.

10. The unshipping, carrying, and landing of all goods, and bringing them to the proper place for examination and weighing, putting them into the scales, opening, unpacking, repacking, bulking, sorting, lotting, marking, and numbering where such operations respectively are considered necessary or permitted by the Collector of Customs and removing to and placing them in the proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

Officer of Customs may board Ships to search.

11. It shall be lawful for the Collector or other proper officer of customs to go on board any ship, or vessel in the Port of Stanley at any time and to rummage and search all parts of such ship in order to ascertain the quantity of articles liable to customs duty, which such ship or vessel may contain.

Samples may be taken by Officer of Customs while goods are being landed.

12. It shall be lawful for the Collector or other proper Officer of Customs immediately on the landing of any casks or packages said to contain any articles subject or liable to duty, while the same are on the beach or jetty or in any hulk to which they may have been transhipped—or within twenty-four hours afterwards to take a sample out of such casks or other packages as aforesaid without paying for the same, such sample to be returned after due examination.

Officer of Customs permitted to search weigh or measure.

13. It shall be lawful for the Collector of Customs, or other proper Officer of Customs to search, weigh, gauge, or measure all and any spirits, wine, tobacco, beer and other articles subject to Customs duty in order to arrive at the exact amount of duty payable on such articles, even if a permit for landing them has been duly given, upon the same being landed on the beach or jetty, or placed in any hulk, or within twenty-four hours thereof.

Suspected persons and goods to be searched by Officer of Customs on landing, &c., and articles liable to duty to be seized.

14. It shall be lawful for the Collector or other proper Officer of Customs to search any person on landing, and to examine, and open all and any goods, wares or packages which he may suspect to contain tobacco, spirits or other articles liable to duty, of which no proper entry has been made, upon the same being landed on the beach or jetty or within twenty-four hours after such landing, and it shall be lawful for such officer to seize any articles liable to duty which he may find upon any person or amongst such goods or packages.

Warrants to search for and seize goods liable to forfeiture.

15. Under the authority of warrant granted by the police magistrate on information sworn before him it shall be lawful for any Officer of Customs, taking with him a peace officer, to enter any building or other place at any time, and search for and seize and secure any spirits, wine, beer, tobacco, cigars, cigarettes or other articles liable to forfeiture under this Ordinance.

Onus probandi to lie on the party claiming goods seized.

16. If any goods shall be seized for any cause of forfeiture under this Ordinance and any dispute shall arise whether the same have been lawfully imported and landed, the proof thereof shall be on the owner or claimant of such goods, and not on the officer who shall seize the same.

Goods seized to be delivered to Collector of Customs.

17. All things which shall be seized as being liable to forfeiture under this or any other Ordinance relating to the Customs duties shall be taken forthwith and delivered into the custody of the Collector of Customs at the Port of Stanley to be disposed of and applied in such manner as the Governor may direct.

Goods liable to duty to be landed in the day time.

18. No goods liable to duty shall be waterborne or landed except in the daytime, and within the usual working hours according to the season of the year, unless special permission to do so is given in writing by the Governor and any goods liable to duty waterborne or landed contrary to this section shall be liable to forfeiture.

19. No goods liable to duty shall be unladen from any vessel until due entry shall be made of such goods, and warrant granted for unloading of the same, and no such goods shall be so unladen except at some place for which a sufferance shall be granted by the Collector or other principal officer for the unloading of such goods, and no goods shall be so unladen except in the presence or with the permission in writing of the proper officer.

Rules as to unloading of goods liable to duty.

20. The person entering any goods shall deliver to the Collector or other proper officer a bill of the entry thereof containing the name of the importer and of the vessel and of the place from whence arrived, and of the place within the Port where the goods are to be unladen, and the particulars of the quantity or description of the goods, the packages containing the same, the marks and numbers on the packages and the contents thereof and such bills shall be in duplicate and shall be in the Form No. 2 in the Schedule, or to the same effect.

Bill of entry to be made out with full particulars.

21. If the importer of any goods shall make and subscribe a declaration in writing before the Collector or other proper officer that he cannot for want of full information make perfect entry thereof the Collector or other proper officer shall receive an entry by bill of sight for the packages or parcels of such goods by the best description which can be given, and grant a warrant thereupon in order that the same may be landed and secured to the satisfaction of the Collector or other proper officer of Customs, at the expense of the importer, and such goods may be seen and inspected by the importer, in the presence of the proper officer, and within three days after the goods shall have been so landed the importer shall make a perfect entry thereof, and pay down all duties due thereon, and in default of such entry or payment of duty such goods shall be taken to the Government warehouse, and if the importer shall not within one month after such landing make perfect entry of such goods or pay the duties thereon, or warehouse the same if liable to be warehoused, together with charges of removal and warehouse rent, the Collector shall cause the same to be publicly sold to the best bidder, giving four or more days' notice in the Official Gazette or notice board of the time and place appointed for the sale, and the money arising from the sale thereof shall be applied in the first place in payment of said duties, charges and warehouse rent, together with the charges that shall have been occasioned by the sale thereof, and the overplus (if any) shall be paid to the proprietor of the goods or other person authorised to receive the same.

Bill of sight for packages the contents whereof are unknown to the importer.

In default of perfect entry goods may be sold.

22. Every importer of goods shall within three days after the arrival of the importing vessel, make due entry of such goods, and in default of such entry it shall be lawful for the officers of Customs to convey such goods to the warehouse, and if the duties due upon the same be not paid within three months after such three days shall have expired, together with all charges of removal and warehouse rent, or if the same shall not be bonded, the same shall be sold in the manner hereinbefore described, and the produce thereof applied first to the payment of charges, next of duties, and the overplus (if any) paid to the proprietor of the goods or other person authorised to receive the same.

Importers to make entry within three days after arrival of goods.

In default of payment of duties or of bonding may be sold.

Disposal of proceeds.

23. Any package of which the importer or his agent shall declare the contents to be unknown to him may be opened and examined by the collector or other proper officer, in the presence of such importer or agent, who shall also bear the expense of repacking.

When the contents of packages are unknown they may be opened.

24. When any vessel has been entered, on board of which there shall be any goods on which any duty has been paid, or which are liable to duty, and the said goods shall have been injured during the voyage, or shall thereafter be lost or destroyed before the same shall be landed from such vessel or from any vessel, craft, or boat employed to land the same, then on proof being made to the satisfaction of the collector that such goods, or any part thereof, have been so lost or destroyed before the landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed shall be abated, or if the same shall have been paid be returned to the owner by the treasurer on a certificate for that purpose by the collector or other proper officer.

Goods duty paid or liable to duty, lost, or destroyed before landing.

25. Goods exempt from duty under this Ordinance as being imported for the use of Her Majesty's Army or Navy, or for any purpose for which such goods may be imported free of duty, and any other goods the property of the Crown, shall in case of the sale thereof after importation become liable to and be charged with the same duties payable on the like goods on their importation for other purposes; and if such duties be not paid, such goods shall be forfeited and may be seized and dealt with accordingly.

Goods imported duty free for the use of the Government shall if sold after importation be liable to duty.

26. The Government store shall be the proper warehouse for the warehousing

Bonded warehouses.

Scale of charges to be published.

of goods imported without the payment of duty, and should the Government store at any time prove insufficient for that purpose, the Collector of Customs shall procure such other warehouses as may be necessary, and he shall cause a scale of charges for such purpose to be prepared and laid before the Governor in Council for approval, and when approved the same shall be published in the Official Gazette or notice board, and such charges may from time to time be altered with the consent of the Governor in Council, and such alterations shall in like manner be published in the Official Gazette or notice board.

Importer may bond goods without payment of duty.

27. It shall be lawful for the importer of goods liable to duty to warehouse the same in the warehouse appointed for that purpose without payment of duty on the first entry thereof, subject, nevertheless, to the rules, regulations, and restrictions hereinbefore and hereinafter contained, and to such arrangements as the Governor in Council may consider it advisable to make for the convenience of the mercantile community and the trade of the port: Provided that, immediately thereafter any such arrangement shall be published in the Official Gazette or notice board.

Subject to published regulations of Governor in Council.

Conditions of bond to be given by importer.

28. Upon the entry of any goods to be warehoused, the importer, instead of paying down the duties thereon, shall give a general bond with two good and sufficient sureties, to be approved by the Collector, in a sum to be approved by the Governor in Council, with the condition for the safe depositing of such goods in the warehouse mentioned in such entry; and for the payment of all duties due on such goods, or for the exportation thereof to any place out of this Colony according to the first account taken of such goods upon the landing of the same, and with the further condition that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty or upon due entry for exportation, and with further condition that the whole of such goods shall be so cleared from such warehouse, and the duties upon any deficiency of the quantity according to such first account paid within two years from the date of the first entry thereof, and such general bond shall cover all imports and exports for twelve months, and shall not be discharged until the goods shall have been accounted for to the satisfaction of the Collector of Customs nor until the full duties due upon any deficiency of such goods not so accounted for, shall have been paid: Provided always, and it is hereby declared that no greater sum shall be recovered than double the amount of the duties payable on the goods in respect of which a breach of the said bond shall be made.

How bond to be discharged.

More than double duties not to be recovered.

Goods to be forfeited under certain circumstances.

29. If any goods entered to be warehoused shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer of Customs, such shall be forfeited.

Proceedings on landing goods to be warehoused.

No goods to be cleared except upon due entry.

30. Upon the entry and landing of any goods to be warehoused, the proper officer of the Customs shall take a particular account of the same, and shall mark each package or lot with distinguishing marks or numbers, and shall enter the same in a book to be kept for that purpose, and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry, and under the care of the proper officer for exportation, or upon due entry and clearance for home use; and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which the duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the packages of goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any), which may have been abandoned for duties; and if upon such account there shall in either case appear to be a deficiency of the original quantity, the duty payable upon the amount of such deficiency shall then be paid.

Restriction on goods warehoused or to be taken out of bond.

Samples may be taken.

Goods may be sorted or separated for their preservation or for sale.

31. No goods shall be warehoused unless the duties thereon amount to twenty shillings, nor shall any goods be taken out of bond unless the duties thereon amount to ten shillings, nor for exportation unless the duties thereon would, if entered for home consumption, have amounted to ten shillings. Provided always, that the foregoing restrictions shall not apply to remainders of warehoused goods; and it shall be lawful for the collector, under such regulations as he shall see fit, to permit moderate samples to be taken of any goods so warehoused, without entry and without payment of duty, except as the same shall eventually become payable as on a deficiency of the original quantity.

32. It shall be lawful for the collector under such regulations as he shall see fit, to permit the proprietor or other person having control over the goods so ware-

housed, to sort, separate, pack and repack, any such goods, and to make such lawful alterations thereto or arrangements, or assortments thereof as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed, but without prejudice to claim for duty upon the original quantity of such goods. It shall be lawful, however, for any person to abandon any whole packages to the officers of the Customs for the duties, without being liable to any duty upon the same.

Goods may be abandoned.

33. All goods so warehoused shall be duly cleared either for exportation or for home consumption within two years from the day of first entry for the warehousing thereof; and if any goods be not so cleared, it shall be lawful for the collector to cause the same to be sold in the manner hereinbefore provided, and the produce shall be applied first to the payment of the duties, next of warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor or other person authorised to receive the same. But it shall be lawful for the collector to grant further time for any such goods to remain warehoused if he shall see fit to do so.

No goods to remain in bond longer than two years.

Goods may be sold to pay expenses.

34. In all cases in which it may happen that a vessel is wrecked on any part of this Colony, and goods are in any wise saved therefrom, and articles subject to specific duties form part of the salvage and are brought or washed on shore intact or free from damage, and in cases of wrecks occurring elsewhere and the wrecked goods are brought into this Colony, the Collector of Customs shall require the full duties leviable thereon as if regularly imported, to be paid by the consignee or master of the said vessel or by the auctioneer charged with the sale thereof, and any such wrecked goods may be placed in the Government warehouse in charge of the proper officers at the expense of the parties interested, in order to the separation of damaged from sound articles, and goods liable to duty landed from vessels in distress and partially or considerably damaged may also be removed to the Government warehouse for the purpose of being rendered merchantable, either for home consumption or exportation, under such regulations as shall be made by the collector and approved by the Governor in Council.

Wrecked goods liable to duty as if regularly imported.

May be sorted in the Government warehouse.

35. In all cases where it may be necessary or expedient to tranship dutiable goods from the importing vessel to a hulk, such hulk shall be fitted with a secure store room, of sufficient capacity to contain all such dutiable goods, and the key of such store room shall be in the custody of an officer of Customs, who shall keep a correct account of all goods removed from the importing vessel and placed therein, but no goods shall be kept on board any such hulk for a longer period than seven days, unless by special permission in writing by the collector, and any such goods received on board any hulk without being placed in such secure store room as aforesaid, shall be liable to forfeiture, and the owner of such hulk shall be liable to a penalty not exceeding £50 for each offence.

Goods may be transhipped to hulks under certain conditions.

36. The master of every vessel arriving at any part of the Colony other than Port Stanley, shall make a like report to the nearest Justice of the Peace, as is required, to be made to the Collector of Customs under the 2nd Section of this Ordinance and shall comply with all the requirements of the said 2nd Section, and also of the 3rd Section of this Ordinance, substituting only a Justice of the Peace for the Collector of Customs, and the name of the port or harbour at which such vessel shall arrive for the Port of Stanley, and such master shall be liable to the like penalties as are provided in the aforesaid sections, for any breaches of the provisions thereof, and such justices are hereby authorised to exercise all the powers given to the collector by this Ordinance, as to detaining vessels for nonpayment of penalties incurred by the masters thereof.

Masters of vessels arriving at parts of the Colony other than Stanley to make report to a Justice of the Peace.

37. No dutiable goods shall be landed in any part of this colony other than at Port Stanley, until a solemn declaration shall have been made by the importer or person receiving the same, of the nature and quantities of such goods before a Justice of the Peace, in the manner provided by the form in the schedule, and before payment to such Justice of the full amount of duties to which such goods are liable, and such justice shall with all convenient speed transmit to the Treasurer at Stanley the amount of duties so received, and the declaration relating thereto, and all dutiable goods which shall be landed otherwise than is herein provided shall be forfeited, and the person or persons receiving the same shall incur a penalty in each case not exceeding £100.

Declaration to be made and duties paid before landing of dutiable goods.

In default goods to be forfeited.

Penalty on persons receiving such goods.

38. Justices of the Peace performing the duties required of them by the two preceding sections shall be entitled to demand and receive from the masters or consignees of such vessels, and from the importer or receivers of dutiable goods the fees set forth in the schedule.

Justices entitled to fees.

- Specifications for goods exported six days after clearance. Form No. 3 or No. 4 in Schedule. Before clearance, content to be delivered to Collector of Customs in Form No. 5 in Schedule. Penalty on departing without being cleared. Account previous to departure of Coasting vessels to be delivered to Collector of Customs in Form No. 6 in the Schedule. Report to be delivered within 24 hours after arrival in Form No. 7 in the Schedule. Penalty for illegal unloading. Illegally harbouring. Carrying. Evading Duties of Customs. Penalty treble value or £100. Rescuing goods. Rescuing person. Assaulting, resisting or obstructing Officers.
39. The exporter of any goods shall within six days after the final clearance, outwards of the exporting ship, or within such other period as the Governor may direct either by himself or his agent, deliver to the Collector of Customs a specification in the Form No. 3 or No. 4 in the schedule to this Ordinance, according to the nature of the goods, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Governor may direct, and shall subscribe the declaration at the foot thereof, and on the demand of the Collector of Customs shall produce the bills of lading and other documents relating to the goods to test the accuracy of such specification; and on failure to comply with any of the foregoing requirements the exporter or agent shall for every such offence forfeit £5.
40. Before any ship or vessel, whether laden or in ballast, calling at Port Stanley, and about to sail from there or from any other port in the colony, for any port out of the colony, shall be cleared outwards from Port Stanley, the master shall attend before the Collector of Customs, and shall answer all such questions as shall be demanded of him by such collector concerning the ship or vessel, the cargo and the voyage, and shall deliver to the said collector a content of such ship or vessel in the Form No. 5 in the schedule to this Ordinance, or to the same effect, and containing the several particulars therein required as far as the same can be known by him, and shall make and subscribe the declaration at the foot thereof in the presence of the Collector of Customs, unless such content shall be in any case dispensed with by the Governor under such regulations as he may see fit.
41. If any such ship or vessel, whether in ballast or having on board any goods shipped as cargo, or any goods reported inwards for exportation in such ship or vessel, shall depart from Port Stanley without being duly cleared, the master shall forfeit the sum of £100.
42. In the case of ships or vessels sailing from Port Stanley for any other port in the Falkland Islands, and not bound for any port out of the colony, an account, with a duplicate thereof in the Form No. 6 in the Schedule to this Ordinance, and containing the several particulars indicated in or required thereby, and signed by the master, shall be delivered by him to the Collector of Customs, who shall retain the duplicate and return the original, dated and signed by him: and such account shall be the clearance of the ship or vessel for the voyage, and the transire or pass for the goods expressed therein; and if the master fail to deliver a correct account he shall forfeit a sum of £20.
43. In the case of ships or vessels returning to Port Stanley from any port in the colony without having left the Falkland Islands within twenty-four hours after their arrival, and before any goods be unladen a report in Form No. 7 in the Schedule with the name of the place, wharf or hulk where the lading is to be discharged noted thereon, shall be delivered by the master to the Collector of Customs, who shall note thereon the date of delivery; and if any of the goods on board such ship or vessel be subject to any Customs Duty, the same shall not be unladen without the authority and permission of the Collector of Customs; and if any goods shall be unladen contrary hereto, the master shall forfeit the sum of £50.
44. Every person who shall knowingly harbour, keep, or conceal, or knowingly permit or suffer, or cause or procure to be harboured, kept or concealed, any goods liable to Customs Duties, which shall have been illegally imported contrary to this Ordinance, or shall knowingly acquire possession of any such goods; or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud Her Majesty of any duties due thereon; or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duties of Customs, or of the laws and restrictions of the Customs relating to the importation, unshipping, landing and delivery of goods, or otherwise contrary to this Ordinance, shall for each such offence forfeit either treble the value of the goods, including the duty payable thereon, or £100 at the election of the Governor.
45. Every person who shall rescue, or endeavour to rescue, any goods seized by any officer of Customs or other person authorised to seize the same, or before or after seizure shall stave, break, or destroy, or endeavour to stave, break or destroy any goods, to prevent the seizure or the securing thereof by such officer or other person; or shall rescue any person apprehended for any offence punishable by fine or imprisonment under this Ordinance, or prevent or attempt to prevent his apprehension; or shall assault or obstruct any officer of Customs, or other person duly employed for the prevention of smuggling, in the execution of his duty, or in seizing of any

goods liable to forfeiture under the Customs Ordinances, or shall aid, abet, or assist in committing any of the foregoing offences, shall for each such offence forfeit a penalty of one hundred pounds, or such person may at the discretion of the Court of Magistrate, be imprisoned and kept to hard labour for any term not exceeding twelve months without the option of a penalty.

46. Any person who shall neglect to comply with—or who shall offend against—any of the provisions of this Ordinance, for the breach of which no penalty is herebefore provided; may on the complaint of the Collector of Customs be summoned before the Police Magistrate or any two Justices of the Peace, and on conviction shall be liable to a penalty not exceeding five pounds. Penalties on offences not otherwise provided for.

47. Any penalty imposed by virtue of this Ordinance shall be sued for and recovered under the "Summary Jurisdiction Ordinance," No. 11 of 1853. Recovery of penalties.

48. All penalties and forfeitures incurred under this Ordinance shall be paid to the Treasurer, and shall be apportioned by him as follows, that is to say—after deducting the charges of prosecution from the produce thereof, one-third to the person who shall seize, inform, and prosecute for the same, and the other two-thirds to Her Majesty for the use of the Colony. Disposal of Penalties.

49. The following Ordinances are hereby repealed, viz., "The Spirit Duties Ordinance, No. 3 of 1870," "The Tobacco Duties Ordinance, No. 2 of 1878," "The Spirit Duties Amendment Ordinance, No. 3 of 1878," "An Ordinance to make further provision for carrying out the Customs Duties Ordinances, No. 4 of 1878," and "An Ordinance to make further provision for carrying out the Customs Duties Ordinances, No. 4 of 1880." Repeal of certain Ordinances.

50. This Ordinance may be shortly cited as "The Customs Duties Consolidation Ordinance, 1882." Short Title.

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this twenty-ninth day of July, one thousand eight hundred and eighty-two.

(Signed) ALAN. KERR, *Acting Clerk to the Council.*

TABLE OF DUTIES OF CUSTOMS, INWARDS.

	s.	d.
Spirits and strong waters, per gallon	10	0
Liqueurs, Cordials and sweetened spirits, "	10	0
Articles containing any quantity of alcohol or spirit which by the Imperial Customs laws are liable to duty as spirits	10	0
Perfumed spirits and Cologne water	15	0
Wine in casks	2	0
Wine in quart bottles, per dozen	4	6
Wine in pint bottles "	2	3
British wines, ginger ale, orange wine, orange champagne, peppermint, and all other unenumerated beverages not liable to duty as spirits), except soda, potash, and mineral waters, to pay duty as wine.		
Malt liquor, mum, spruce, cider and perry, in casks, per gallon	0	3
Malt liquor, mum and spruce in bottles, per dozen quarts	0	6
do. do. do. pints	0	3
Cigars, per lb.	5	0
Cigarettes, cut tobacco and snuff "	3	0
Unmanufactured tobacco, for the preparation of sheepwash only	0	3
All other tobacco	2	0

EXEMPTIONS.

All articles imported or taken out of bond for the use of the Governor of the colony, and for the use of Her Majesty's Army and Navy.

The Governor, military and naval departments and messes purchasing any article whatsoever, duty paid, shall be entitled, when the duty thereon shall in the whole amount to not less than ten shillings, to have the same refunded out of the public treasury on the warrant of the Governor in Council, on the certificate of the Governor or the officer in command of any military or naval department, or of any of Her Majesty's Ships of War.

Form No. 1.

Official Number
 Number of Register.
 Date of Registry
 If Sailing Vessel or Steamer.

Port of
 Falkland Islands.

Report.

Ship's Name.	Tonnage.	British or Foreign? if British, Port of Registry; if Foreign, Country to which she belongs.	Number of Crew.		Name of Master, and whether a British or Foreign Subject.	Port or Place from whence arrived.
			British Seamen.	Foreign Seamen.		
<i>Here state the particulars according to the above headings.</i>						
Total . . .						

Cargo.

Name or Names of Places where laden in order of time.	Marks.	Nos.	Packages and Description of Goods, particulars of Goods stowed loose, and General Denomination of Contents of each Package of Tobacco, Cigars, Cigarettes, or Snuff, Wine, Spirits, or Beer intended to be imported at this Port.	Particulars of Packages and Goods (if any) for any other Port in the Falkland Islands.	Goods (if any) to be tran- shipped or to remain on board for Exportation.	Name of Consignee.
<i>Here state the particulars according to the above headings, or if in Ballast, state in "Ballast only."</i>						

If any wreck fallen in with or picked up, to be stated.						
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Stores.

Surplus stores remaining on board, viz.:—

Number of British Passengers (if any)

Number of alien Passengers (if any)

Pilot's name

Draught of water

At what station ship lying

Agent's name and address

I declare that the above is a just report of my ship and of her lading, and that the particulars therein inserted are true to the best of my knowledge, and that I have not broken bulk or delivered any goods out of my said ship since her departure from the last foreign place

of loading (except, *if so*, at

stating where).

Signed and declared this
 In presence of

(Signed)

day of
 Collector

Master.

188

Form No. 2.
Port of
Importer's Name.

Entry for free Goods.
Falkland Islands.

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.

Marks.	Nos.	Number of Packages, and quantity, description and value of goods, in accordance with the requirements of the official import list.

I enter the above Goods as free of duty, and declare the above particulars to be true
Dated this _____ day of _____ 188
Importer or Agent.

Form No. 3.
Specification for Falkland Islands Goods only.

Port of Ship's Name.		Master Port or Place of Destination.		
Marks.	Numbers.	Description of Packages.	Quantity and Description of Falkland Islands goods, in accordance with the requirements of the Official Export List.	Value.

I declare that the particulars set forth above are correctly stated.

Signed _____
Address _____

Dated _____ 188

Form No. 4.
Specification for Foreign Goods free of duty or on which all duties have been paid.

Port of Ship's Name			Master Port or Place of Destination	
Marks.	Numbers.	Description of Packages.	Quantity and Description of Foreign goods, in accordance with the requirements of the Official Export List.	Value.

I declare that the particulars set forth above are correctly stated.

Signed _____
Address _____

Dated _____ 188

Content.

Form No. 5.
Port of

Ship's Name and Destination.	Number of Tons.	Number of Boats.	If British, Port of Registry. If Foreign, the Country.	Number of Crew.	Name of Master.	With or without passengers or troops.

Marks and Numbers of Packages.	Shippers.	Quantity and Description of Goods.	Consignees.

I do declare that the above content is a true account of all Goods above described, shipped and intended to be shipped on board the above-named ship, and correct in all particulars.

Master.

Signed and declared this _____ day of _____ 188 _____ before me
Collector.

Form No. 6.

Transire.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Whither bound.
Foreign Goods.	Colonial Goods.	Goods liable to Customs Duty.	Here state "Sundry other Goods" or "No other Goods" as the case may be.	

Master.

Cleared the _____ day of _____ 188 _____ before me
Collector.

Form No. 7.

Report.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Where from.

Form No. 7.—Continued.

Port of

Foreign Goods.	Colonial Goods.	Goods liable to Customs Duty.	Here state "Sundry other Goods" or "No other Goods," as the case may be.

Master.

Entered the day of 188 before me

Collector.

Form No. 8.

DUTIABLE GOODS.

ENTRY FOR HOME USE.

Whether Prime or Post, and if Post date of Prime entry
 Port of Importation
 Merchant in whose name the Goods are entered
 Importer's name

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
<i>Here state the particulars according to the above headings.</i>			

Marks.	Numbers.	Number of Packages, quantity and description, and, if a Prime Entry, value of Goods, in accordance with the requirements of the Official Import List.
<i>Here state the particulars of the goods according to the above headings.</i>		

Total amount of duty payable on this entry, £

Dated this day of 188

(Signed)

Importer or his Agent.

Form No. 9.

DUTIABLE GOODS.

ENTRY FOR WAREHOUSING.

Port
Importer's Name.

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
<i>Here state the particulars according to the above headings.</i>			

Marks.	Numbers.	Number of Packages, quantity and description, and, if a Prime Entry, value of Goods, in accordance with the requirements of the Official Import List.
<i>Here state the particulars of the goods according to the above headings.</i>		

I enter the above goods to be warehoused at
Dated this day of

188

(Signed)

Importer or his Agent.

Form No. 10.

ENTRY BY BILL OF SIGHT.

Port
Importer's name

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
<i>State the particulars according to the respective headings given above.</i>			

Marks.	Numbers.	Number of Packages, with the best description the Importer is able to give.
<i>State the particulars according to the respective headings given above.</i>		

I, _____ the Importer (or agent to the importer) of the goods above mentioned, do hereby declare (if importer) that I have not, or (if agent) that, to the best of my knowledge, he has not received sufficient invoice, bill of lading or other advice from whence the quality, quantity, or value of the goods above-mentioned can be ascertained.

Dated this

day of

188

(Signed)

(Signed)

*Importer or his Agent.**Collector or proper Officer of Customs.*

Form No. 11.

Declaration before Justice of Peace.

Falkland Islands.

Port of
Importer's name

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
<i>Here state the particulars according to the above headings.</i>			

Marks.	Numbers.	Number of Packages. Quantity, description and value of Goods.

I, _____ the Importer, do hereby solemnly declare that the above is a true account of all the dutiable goods imported by me in the above vessel.

Dated this _____ day of _____ 188____
(Signed)

Importer.

Declared before me _____ this _____ day of _____ 188____
(Signed)

Justice of the Peace.

FEEES TO JUSTICES OF THE PEACE.

For receiving Report from Master (Form 1)	£	s.	d.
For taking Declaration (Form 11)	0	5	0
Any Warrant issued or Order made under the provisions of this Ordinance	0	10	0
Travelling expenses (if necessary) the actual cost incurred.			

72.

An Ordinance to Consolidate and amend the Spirit License Ordinances and to provide for Licensing Billiard and Bagatelle Tables, and for other purposes.

In the year 1882.—No. 11.

Whereas it is expedient to consolidate and amend the Laws relating to the Licensing of Public Houses and the sale of Intoxicating Liquors in this Colony, and to provide for licensing Billiard and Bagatelle Tables, and for other purposes: Be it enacted by the Governor of the Falkland Islands, and their dependencies, with the advice and consent of the Legislative Council thereof, as follows:—

1. All licenses held at the commencement of this Ordinance and all licensed persons and licensed premises holding or in respect of which a license shall be held at the commencement of this Ordinance shall except where otherwise specially provided be under and subject to the provisions of this Ordinance.

Preamble.

Licenses already held subject to provisions of this Ordinance.

Except where otherwise specially provided.

- Ordinance not to apply in certain cases.
2. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume bona fide as perfumery; nor to the prescription or administration of any liquor simply as medicine, or for medical purposes by or under the direction of any known or practising physician, surgeon, or medical practitioner, nor to any person who holds a licence as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time, nor shall any license be required by the master or commander of any vessel for the supply of any allowance of liquor to the crew of such vessel.
- The various kinds of licenses.
3. Licenses may be granted under this Ordinance of the several descriptions following (that is to say)
- (A.) Publican's retail licenses.
 - (B.) Billiard table licenses.
 - (C.) Packet licenses.
 - (D.) Wholesale licenses.
- Schedule.
- Such licenses respectively shall be in such one of the forms in the Schedule as shall be applicable, and shall be in force for six months, with the exception of wholesale licenses, which shall be in force for twelve months.
- Effects of publicans license.
4. A publican's retail license shall authorise the licensee to sell and dispose of any liquor in any quantity less than two gallons on the premises specified, on any lawful day between the hours of eight in the morning and ten at night.
- Effects of a billiard table license.
5. A billiard table license shall authorise the licensee to keep and maintain billiard or bagatelle tables on the premises thereon specified and to allow such tables to be used between ten in the morning and ten at night.
- Effect of packet license.
6. A packet license shall authorise the master of the vessel therein mentioned being a vessel by which passengers are conveyed from any place within the Colony or its dependencies to any other place within or without the Colony and exercising such license to sell and dispose of liquor during her passage between such places to any passenger on board such vessel: Provided that no license shall be necessary to authorise the granting of allowances of liquor to the crew of such packet or vessel.
- Wholesale license.
7. A wholesale license shall authorise the licensee to sell any liquor in quantities not less than two gallons.
8. The fees which shall be paid for licenses shall be as follows:—
- (A.) For a publican's retail license for six months, ten pounds.
 - (B.) For a billiard table license for six months—to licensed publicans two pounds ten shillings—to other persons five pounds.
 - (C.) For a packet license five pounds.
 - (D.) For a wholesale license, twenty pounds.
- How certain licenses may be obtained.
9. Any person may by application to the Colonial Treasurer, obtain a "publican's," "billiard table," or "packet" license, on production of a certificate of good character and fitness signed by two justices of the peace not holding licenses under this Ordinance, and approved by the Governor, and on payment of the fee hereinbefore set forth: Provided always that every such application shall first have been published by the Treasurer for fourteen days in the Official Gazette and that the objections (if any) to such license being granted shall have been heard and determined in manner hereinafter provided.
- Objections to be heard by Governor in Council.
- Objections to licenses.
10. All objections to the granting or renewal of licenses shall be heard and determined by the Governor in Council.
11. The objections that may be taken to the granting of an application for a license may be one or more of the following: That the applicant is of bad fame and character or of drunken habits, or has within twelve months previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of three years, or that the premises in question have not reasonable accommodation, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license be granted. The objections which may be taken to the renewal of a license may be one or any of the following: That the applicant is of bad fame and character or of drunken habits, or that the premises in question are not maintained at the required standard, and also in case of any other objection, (whether or not of the same kind as any of the preceding objections) which appears to the Governor in Council to be sufficient; Provided that at least three days' notice of such objections shall be given to the applicant before the day of hearing the same.
- Renewal of licenses.
12. All licenses held at the commencement of this Ordinance or granted during its operation may be renewed by the Colonial Treasurer on the terms and according to

the provisions of this Ordinance without certificate, provided no objections be taken to such renewal. In any case where objections are taken the license will not be renewed until such objections are heard and determined by the Governor in Council in favour of the license.

13. It shall be lawful for the Colonial Treasurer to grant to any person, company, or mercantile firm, or to the agent of such company or mercantile firm a wholesale licence for twelve months on payment of the fee of twenty pounds. Grant of wholesale licenses.

14. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the front of the premises in respect of which his license is granted, in a conspicuous place, and in letters at least three inches in length his name with the addition after the name of the word "licensed" and of words sufficient to express the business for which his license has been granted, and no person shall have any words or letters on his premises importing that he is licensed in any way other than that in which he is in fact duly licensed. Every licensed person who acts in contravention of or who fails to comply with the provisions of this section shall be liable to a penalty not exceeding for the first offence five pounds and not exceeding for the second and any subsequent offence ten pounds. Name of licensed person to be affixed on premises.

15. Any person who shall (except as the agent or servant of a licensed person, and then only in accordance with such person's license) sell any liquor without a license authorising such sale, shall forfeit and pay for a first offence any sum not less than twenty-five pounds and not more than fifty pounds, or shall be liable to imprisonment for any term not less than one month nor exceeding three months, and for a second and any subsequent offence shall be liable to imprisonment with or without hard labour for any term not less than three months nor exceeding six months and shall also for a first as well as any subsequent offence forfeit all liquor in his possession with the vessels containing the same. Penalties on sale by unlicensed persons.

16. Every licensed publican shall keep a lamp with white light affixed over the door of his premises or within twenty feet thereof, lighted during the whole of every night from sunset to sunrise and every person who acts in contravention or fails to comply with the provisions of this section shall forfeit and pay for each offence a penalty not exceeding forty shillings. Out-door lamp to be kept burning all night.

17. Every holder of a publican's license shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, walls, ceilings, closets, cesspools, and drains of the licensed premises, to the satisfaction of and as often as shall be required by or in accordance with the directions of any inspector appointed by the Governor. Sanitary precautions.

18. If any licensed person shall permit any room or portion of his licensed premises, or the appurtenances thereof to be used or occupied as a dancing, concert, or theatrical saloon or as a place of common resort to which persons may be admitted by ticket or otherwise he shall be liable to forfeit his license. But nothing herein contained shall extend to prevent private societies or assemblies of persons from hiring and using such room or place, and keeping the exclusive control over admission to such room or place, independent of or unconnected with the proprietor or keeper of such house; and, on every occasion of the hiring of such room or place, special leave shall be applied for in writing by one or more of the persons desiring such leave, and such leave shall be obtained in writing from and under the hand of the Police Magistrate countersigned by the Colonial Secretary; and the occasion on which, and the name or names of one or more of the persons by or on behalf of whom such room or place is required shall be stated on the face of such written application and leave respectively: Provided that the Police Magistrate and the Colonial Secretary may, if they think fit, altogether refuse to grant such application. Penalty for permitting room to be used as dancing saloon.

19. If any master employing journeymen, workmen, servants or labourers, shall pay, or cause any payment to be made to any such journeymen, workmen, servants or labourers in or at any licensed premises or in any house in which liquor shall be sold, he shall for every such offence forfeit and pay a sum not exceeding ten pounds: Provided always that nothing herein contained shall extend to any licensed person paying his own journeyman, workmen, servants, or labourers employed solely in his business as licensed person in his licensed house. Penalty for paying wages in licensed premises.

20. No licensed person shall recover any debt or demand on account of any liquor supplied by him to any person for consumption on the premises; but such licensed person may sue for and recover the value of any liquor supplied in moderate quantity with meals to any person bona fide lodging in the house. No debts for liquor recoverable.

21. If any licensed person shall receive in payment or as a pledge for any liquor or entertainment supplied in or from his licensed premises anything except current money, he shall for each such offence pay a penalty not exceeding ten pounds. The Liquor to be sold for money only.

person to whom belongs anything given as a pledge as aforesaid shall have the same remedy for recovering such pledge, or the value thereof, as if it had never been pledged.

No licensed person shall receive payment in advance for any liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment.

Penalty for supplying children with liquor.

22. Any licensed person who allows to be supplied in his licensed premises by purchase or otherwise to be consumed on the premises—Any description whatever of spirits or of wine, ale, beer, or porter to any person apparently under the age of sixteen years of either sex, not being resident on the premises as a bona fide guest, lodger or traveller—shall, as well as the person who actually gives or supplies the spirits, wine, ale, beer or porter, be liable to a penalty not exceeding ten pounds for every such offence. Upon a conviction for a first offence against this section, the convicted person, if licensed, shall be liable to have his license suspended for six months; and in case of a second or any subsequent offence, he shall be liable to forfeit his license, and the premises in respect of which such license is granted shall be liable to be declared disqualified for a period of not less than two years, nor exceeding five years.

Selling or delivering liquor to children.

23. Any person who sells or delivers any liquor to any child apparently under twelve years of age, to be taken away from the premises, shall be liable to a penalty not exceeding five pounds.

Penalty for harbouring constable.

24. If any licensed person knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty, or supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty, unless by the authority of some superior officer of such constable, or bribe or attempt to bribe any constable, he shall be liable to a penalty not exceeding for the first offence ten pounds and not exceeding for the second or any subsequent offence twenty pounds.

Supply of liquor to drunkards prohibited.

25. Where it shall be made to appear in open Court that any person by excessive drinking of liquor mis-spends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the police magistrate or any two justices presiding in such Court shall by writing under their hands forbid any licensed person to sell to him or her any liquor for the space of one year, and such police magistrate or justices, or any other two justices may, at the same or any other time, in like manner prohibit the selling of any such liquor to the said drunkard by any such licensed persons of any other district to which such drunkard shall or may be likely to resort for the same.

Prohibition renewable.

26. The said police magistrate or justices or any two of them shall in like manner from year to year renew any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the year; and if any licensed person shall, during any such prohibition, after service of a copy thereof upon him or her, or with a knowledge thereof in other manner acquired, sell to any such prohibited person any liquor, he or she shall forfeit upon conviction for every such offence a sum not exceeding ten pounds.

Penalty for providing liquor for prohibited persons.

27. Whenever the police magistrate or justices shall, in execution of the foregoing provisions, have prohibited the sale of liquor to any such drunkard, if any other person shall, with a knowledge of such prohibition, give, sell, purchase, or procure for or on behalf of such prohibited person, or for his or her use, any such liquor, he or she shall forfeit upon conviction for every such offence a sum not exceeding five pounds.

Sales by auction forbidden on licensed premises.

28. No licensed person shall permit any sale by auction to be made on his premises under a penalty not exceeding five pounds for each offence.

Penalty for permitting gaming.

29. If any licensed person suffers any unlawful game or any raffle, lottery or betting to be carried on in his premises, or opens, keeps or uses, or suffers his premises to be opened, kept or used for the purpose of fighting or baiting any dog, cock, or other kind of animal—whether of domestic or wild nature—he shall be liable for the first offence to a penalty not exceeding ten pounds, and not exceeding for the second or any subsequent offence twenty pounds. The penalties in this section mentioned shall be irrespective of and in addition to any other penalties to which any person may be liable under any law relating to gaming or cruelty to animals respectively.

Forfeiture of license for permitting house to be a brothel.

30. If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds, and shall forfeit his license, and he shall be disqualified for ever from holding any licence for the sale of liquors.

31. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken, or who is violent, quarrelsome or disorderly, whether drunken or not, and any person whose presence on his premises would subject him to a penalty under this Ordinance, and may refuse to serve any such person with liquor if demanded only as a pretext for remaining on the premises.

Power to exclude persons from premises and to refuse liquor.

32. Any such person who, upon being requested by such licensed person, or his agent or servant, or any constable, to quit such premises, refuses or fails to do so, shall be liable to a penalty not exceeding five pounds; and all constables are required on the demand of such licensed person, agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

Penalty for refusing to quit premises on demand.

33. Subject as hereinafter mentioned, all licensed premises shall be closed as follows, that is to say:—

Closing hours for licensed premises.

(A.) On Saturday night, from ten o'clock until eight o'clock on the following Monday morning.

(B.) On the nights of all other days from ten o'clock until eight the following morning.

All such premises shall be closed on Christmas Day and Good Friday respectively as if Christmas Day and Good Friday were respectively Sunday:—Provided always that it shall be lawful to sell liquors to be taken away from the premises between the hours of one and three o'clock on the afternoon on Sunday, Christmas Day and Good Friday respectively, but no liquor shall be drunk on the premises upon the aforesaid days.

34. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale on such premises any liquor, or opens or keeps open such premises for the sale of liquors, or allows any liquors, although purchased before the hours of closing, to be consumed on such premises, or during such aforesaid time allows anyone whomsoever to play at billiards or bagatelle or any other game on such premises, shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Penalty for sale of liquor at unauthorised times.

35. Nothing in this Ordinance shall preclude a person who is licensed to sell liquor to be consumed on the premises from selling such liquor at any time to *bond fide* travellers, or to persons lodging in his house.

Saving as to *bond fide* travellers and lodgers.

36. If, in the course of any proceedings which may be taken against any licensed person for infringing the provisions of this Ordinance relating to closing, such person (in this section referred to as "the defendant") fails to prove that the person to whom the liquor was sold (in this section referred to as "the purchaser") is a *bond fide* traveller, but the magistrate or justices are satisfied that the defendant truly believed that the purchaser was a *bond fide* traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the magistrate or justices shall dismiss the case against the defendant; and if they think that the purchaser falsely represented himself to be a *bond fide* traveller, it shall be lawful for the justices to direct proceedings to be instituted against such purchaser under the next following section of this Ordinance.

Onus of proof in such cases.

A person, for the purpose of this Ordinance, shall not be deemed to be a *bond fide* traveller unless he shall reside at least five miles from the licensed premises where he shall be supplied with liquor or refreshment, or shall have travelled at least that distance on the day where he shall be so supplied.

37. Every person who, by falsely representing himself to be a traveller or lodger, buys or obtains, or attempts to buy or obtain, at any premises, any liquor during the period during which such premises are closed in pursuance of this Ordinance, shall be liable to a penalty not exceeding five pounds.

Penalty for false representation as a traveller.

38. The occupier of any unlicensed premises on which any liquor is sold, or, if such premises are occupied by more than one person, every occupier thereof, shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of liquors contrary to license.

Occupier of unlicensed premises liable for the sale of liquor.

39. If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it shall appear that the drinking was with his privity or consent, be subject to the following penalties, that is to say:—

Seller liable for drinking on premises contrary to license.

For the first offence he shall be liable to a penalty not exceeding ten pounds.

For the second or any subsequent offence he shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section the expression "premises where the same is sold" shall include the premises adjoining or near the premises where the liquor is sold, if belonging to the seller or under his control or used by his permission.

A record of every conviction for an offence against this section shall be endorsed on the license of the person convicted.

Evasion of law as to drinking on premises contrary to license.

40. If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person with his privity and consent, and such licensed person shall be punished accordingly in manner provided by this Ordinance.

A record of every conviction for an offence against this section shall be endorsed on the license of the person convicted.

In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

Penalty on internal communication with unlicensed premises.

41. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of a license, forfeit such license.

Penalty on using bars beyond the number licensed.

42. After the grant of a publican's license no bar, beyond the number stated on the license, shall be opened or used in or upon the licensed premises except with the consent of the Police Magistrate and the Colonial Secretary, which consent shall be endorsed on the license.

Fees for additional bars.

If any person shall open or use any such bar for the sale of liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent as aforesaid and the payment of a license fee at the rate of five pounds per annum for every additional bar, and the endorsement of the same upon the license, he shall be deemed to have been guilty of selling without a license.

Evidence of sale or consumption of liquor.

43. In proving the sale or consumption of liquor for the purpose of any proceeding relative to any offence under this Ordinance, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the court hearing the case be satisfied that a transaction in the nature of a sale actually took place; or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor, on premises to which a license under this Ordinance is attached, by some person other than the occupier of or a servant in such premises, shall be evidence that the liquor was sold to the person consuming, or being about to consume, or carrying away the same, by or on behalf of the holder of the license.

Unlawful sale of liquor provable by purchaser thereof.

44. The evidence of any person shall be admitted in proof of unlawful sale of liquor, although he may have himself purchased the same, and such evidence, if otherwise good, shall be sufficient to support a conviction for such offence.

Persons deemed unlicensed if not producing license.

45. In all proceedings against any person for selling or allowing to be sold any liquor without a license, such person shall be deemed to be unlicensed unless he shall at the hearing of the case produce his license.

Prima facie evidence of unlicensed premises.

The fact of any person, not being a licensed person, keeping up any sign, writing, painting, or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that any is sold or served therein, or of there being on such premises more liquor than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person.

Forging, counterfeiting license, &c., felony.

46. Every person shall be guilty of felony who shall forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, any license, or any seal or signature to any license, or shall use or tender in evidence any such forged, counterfeited, or

altered license or seal or signature, knowing the same to be forged, counterfeited or altered.

47. If any licensed person permits drunkenness or any violent, quarrelsome, riotous conduct take place on his premises, or sells any liquor to any person already in a state of intoxication, or by any means encourages and incites any person to drink, he shall be liable to a penalty not exceeding for the first offence, twenty pounds, and not exceeding for the second or any subsequent offence, fifty pounds.

Penalty for permitting drunkenness.

48. Every house for which a publican's licence shall be granted, shall be considered as a common inn, and no goods or chattels whatsoever bona fide the property of any lodger or stranger, and being in such licensed house or the appurtenances thereof, or any place used and occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances or in respect of any other claim whatsoever against the said house or appurtenances, or the owner thereof.

Protection of property of guests.

49. If any such goods or chattels shall be distrained or seized for rent or in any other manner contrary to the provisions of this Ordinance it shall be lawful for the police magistrate or any two justices to inquire into any complaint made in such respect in a summary manner and to order such goods or chattels to be restored to the owner or proprietor thereof, and to order the payment of such reasonable costs as shall be incurred by such summary proceedings.

Remedy in case of distress.

50. No publican shall be liable to make good to any lodger or guest any loss of or injury to goods or property brought to his licensed premises to a greater amount than the sum of thirty pounds, except in the following cases, that is say :

Limit of liability of landlord for property.

(1.) Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such licensee, or any servant in his employ.

(2.) Where such goods or property shall have been deposited expressly for safe custody with such licensee :

Provided always, that in the case of such deposit it shall be lawful for such licensee, if he think fit to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

51. No claim for money lent or goods sold to any lodger or customer shall be recoverable by any publican before any magistrate or court.

Money lent to lodgers or customers, not recoverable by law.

52. Every licensed publican is required to provide suitable accommodation with bed and board for at least one traveller, under a penalty of five pounds for every default.

To provide accommodation for at least one traveller.

53. All licensed publicans shall be liable upon the order of the Governor or of the police magistrate confirmed by the Governor to act as special constables and warders of the gaol and to perform all duties necessary for the preservation of order and in the aid of the administration of justice as shall be required of them, under a penalty of five pounds for each neglect, omission or default.

Licensed publicans to act as special constables and warders of the Gaol.

54. No publican's retail license shall be issued to any person, until an accurate description of the premises in writing with a diagram or plan of the same attached thereto, shall have been furnished by the applicant, and approved by the police magistrate and the Colonial Secretary, and should the description so furnished by such applicant be found to be false or inaccurate, the party making such false or inaccurate statement shall be liable to a penalty of ten pounds, and shall also forfeit any license which have been granted to him by reason of such false or inaccurate description.

Accurate description of premises to be given.

The description given by the applicant shall in all cases be endorsed on or embodied in the license.

55. If any person holding any retail license as aforesaid shall be desirous of removing from the premises described in the license, to any other premises or of altering the bar, or external doors or premises, it shall be lawful for the police magistrate and the Colonial Secretary to authorise such removal or alteration should they see fit : provided that all the conditions of the last preceding section be first complied with :— Provided also that objections to the removal of any license, may be made in manner provided herein in respect to objections to the granting of licenses.

Change or alteration of premises.

56. No publican's retail license shall be transferred to any person except with the consent in writing of the police magistrate and the Colonial Secretary, and on the production by the person to whom the license is proposed to be transferred, of a certificate of good character and fitness as provided in Section 9 of this Ordinance.

Transfer of retail licenses.

57. Where any person holding a publican's retail license, employs any other person as his manager or agent, such manager or agent must first be approved by the

Managers or agents to be approved.

police magistrate and the Colonial Secretary, which approval must be in writing, signed by them, and the name of such manager or agent must be endorsed upon the license.

Any person acting in contravention of this section shall be liable to a penalty of ten pounds for every breach thereof.

Provision in case of the death of licensee.

58. In case of the death of any person holding a publican's retail license, his widow or any executor or administrator, or person appointed by them may, if approved by the police magistrate and the Colonial Secretary, carry on the business of the deceased on the licensed premises until the expiration of the license. Provided always that such approval must be endorsed upon the license and be signed by the police magistrate and the Colonial Secretary.

Governor or Justices may order licensed houses to be closed.

59. It shall be lawful for the Governor, the police magistrate, or any two justices of the peace, when any riot, tumult, breach of the peace or disorderly conduct shall happen, or be expected to take place, to order any person holding a publican's retail license or transfer thereof to close his house at any time which the Governor, the police magistrate, or the justices shall direct: and if any such licensed person shall keep his house open during such time he shall pay a fine not exceeding one hundred pounds.

Magistrate or constable may enter and search.

60. It shall be lawful for any justice or constable from time to time, and at all times by day or night to enter and search any house or premises licensed as aforesaid; and if any person shall cause any unnecessary delay in giving admission to such justice or constable, or to any justice either alone or with any constable, entering any unlicensed house as hereinafter mentioned, or any person duly executing a warrant to search any unlicensed house, as hereinafter mentioned, or shall obstruct or use any abusive language or conduct towards such justice or constable duly searching in compliance with this Ordinance such person shall pay a fine not exceeding twenty pounds.

Persons obstructing.

Searching unlicensed houses.

61. Upon reasonable cause of suspicion that any liquor is in or upon any house, premises, vessel or boat, which has been illegally sold, or is there for the purpose of illegal sale, or that any person is there illegally purchasing liquor, it shall be lawful for any justice, alone or with any constable or constables, to enter and search any such house, premises, vessel, or boat, or any part thereof, at any hour; and it shall be lawful for any justice to grant a warrant to search any such house, premises, vessel or boat, and such justice either alone or with any constable or constables, or such person to whom such warrant may be addressed shall and may seize and remove to the police office all such liquor, together with the casks or bottles and packages containing the same as shall be found there, and shall and may arrest any person found there illegally purchasing or selling liquor; and the justice before whom the case shall be heard shall in addition to any fine which he may impose, declare such liquor, together with the casks or bottles and packages containing the same, to be, and the same shall thereupon be forfeited to the use of Her Majesty, unless the defendant shall prove that such liquor was not illegally sold, or there for the purpose of illegal sale.

Constable may stop any person removing liquor.

62. If any person shall knowingly remove or convey any liquor for the purpose of being, or that shall have been illegally sold, he shall pay a fine not exceeding fifty pounds; and it shall be lawful for any constable to stop any person conveying in any manner any liquor, and if such person shall not upon request satisfy the constable that such liquor has not been illegally removed or sold as aforesaid, to detain and convey such person and liquor, together with the packages, before any justice, and to seize and take into his possession the horse, cart, boat, vessel, or other conveyance used in removing the same; and if such person shall not upon the hearing of the information, prove to the satisfaction of the justice that such liquor had not been illegally removed or sold as aforesaid, the justice shall declare the same to be, and the same shall be forfeited to Her Majesty, as well as the horse, cart, boat, vessel or other conveyance, if any, used in removing the same.

Forfeiture of license for felony, &c.

63. If any licensed person shall be convicted of felony, perjury, infamous offence, or misdemeanour followed by sentence of imprisonment, he shall forfeit his license.

No licensed person to act as a justice.

64. No justice holding a license under this Ordinance shall act as a justice under any of the provisions of this Ordinance, under a penalty not exceeding fifty pounds.

Adulterating liquor.

65. If any licensed person shall mix or suffer to be mixed with any liquor any unwholesome ingredient, or shall receive or have in his possession an unwholesome ingredient with intent to mix the same with any liquor, he shall for such offence be liable to a penalty not exceeding one hundred pounds and also to forfeiture of his license, and all such unwholesome liquor and ingredients shall be destroyed.

Continuance of forfeited license to owners of premises in certain cases.

66. Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified or has his license forfeited, the police magistrate and the Colonial Secretary on the application by, or on behalf of, the owner of the

premises in respect of which the license was granted (where the owner is not the occupier) and upon being satisfied that such owner was not privy to, nor a consenting party to, the act of his tenant, and that he has legal power to eject the tenant of such premises, may by order authorise an agent to carry on the business of such premises until the end of the period for which such license was granted in the same manner as if such license had been formally transferred to such agent.

67. If any person holding a wholesale license, or transfer thereof, shall sell or suffer to be sold on his premises any liquor by retail, or if any person holding a retail license or transfer thereof, shall directly or indirectly, sell or suffer to be sold in or upon his house or premises at one time to one person any quantity of liquor amounting to or exceeding two gallons, he shall for such offence pay a fine not exceeding fifty pounds; and upon a second conviction the justice shall, in addition to a fine, declare his license or the transfer thereof to be, and the same shall thereupon be forfeited and void. Provided always that it shall be lawful for persons holding both wholesale and retail licenses to sell liquor either by wholesale or retail on the same premises.

Penalty on persons holding a wholesale license selling by retail, or retailer selling by wholesale.

Proviso.

68. Nothing in this Ordinance contained shall extend or be construed to prevent any employer from supplying liquor, without license to shepherds and other persons employed on stations or places at a distance of not less than six miles from Stanley, or from any other township which may hereafter be proclaimed. Provided always that such liquor shall be procured from some person duly licensed to sell liquor within this Colony.

Supply of liquor without license by employers to persons employed by them in certain districts.

69. The Governor may appoint any proper persons to be inspectors of licensed premises (herein called "Inspectors") and may remove any such person and supply any vacancy thereby or otherwise occurring. The Chief Constable shall by virtue of his office be an inspector of licensed premises under this Ordinance.

Governor to appoint inspectors.

Chief Constable to be ex officio Inspector.

70. Every inspector of licensed premises shall have all the powers, duties, and authorities of an inspector of nuisances.

Inspectors to have the powers, &c., of Inspectors of Nuisances.

71. It shall be the duty of the inspectors to enforce and superintend the carrying out of this Ordinance in every respect.

Duties of Inspectors.

72. Any inspector may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under this Ordinance and may examine every room and part of such premises, and take an account of all liquor therein, and may demand, select, and obtain any samples of liquor which may be in such house or premises, and on paying or tendering payment for such samples of liquor may remove the same for the purpose of analysis or otherwise. If any licensed or other person in charge of any premises refuses or fails to admit any inspector demanding to enter in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such inspector or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensed or other person shall be liable to a fine not exceeding twenty pounds.

Inspectors may enter premises and search for adulterated drink.

73. All prosecutions under this Ordinance for penalties, fines, or forfeitures shall be commenced within six calendar months after the same shall have been incurred, and shall and may be recovered in a summary manner before the Police Magistrate or any two justices of the peace.

Penalty for obstructing Inspector.

Summary jurisdiction for recovery of penalties.

74. All forfeitures shall be sold or otherwise disposed of in such manner as the magistrate or justices making the order may direct, and the proceeds of such sale or disposal (if any), and all fees, fines, and penalties imposed by this Ordinance shall be paid to the Colonial Treasurer for the use of the Government.

Application of fines, penalties, &c.

75. The court committing any person to prison for non-payment of a penalty under this Ordinance may order him to be imprisoned with hard labour.

On committal, hard labour may be added.

76. The description of any offence under this Ordinance in the words of such Ordinance, or in similar words, shall be sufficient in law. Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Ordinance, may be proved by the defendant, but need not be specified or negatived, in the information: and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Description of offence in words of Ordinance sufficient.

Excuse, exception, &c.

77. No conviction or order made in pursuance of this Ordinance relative to any offence, penalty, forfeiture, or summary order shall be quashed for want of form, or be

Conviction not to be quashed for want of form.

No certiorari.

removed by certiorari or otherwise, either at the instance of the Crown or of any private party, into any superior court. Moreover no warrant of commitment in any such matter shall be held void by reason of any defect therein. Provided that there is a valid conviction to sustain such warrant, and it is alleged in the warrant that the party has been convicted.

Repeal of certain Ordinances.

78. The following Ordinances are hereby repealed, viz.: The Spirit License Ordinance, 1853, No. 9. The Spirit License Amendment Ordinance, 1868, No. 2. The Supplementary Spirit License Ordinance, 1869, No. 3; and the Spirit License Amendment Ordinance, 1876, No. 4, are hereby repealed.

Short title.

79. This Ordinance may be shortly cited as "The Licensing Ordinance, 1882."

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this First day of December, one thousand eight hundred and eighty two.

H. F. BLISSETT, *Acting Clerk to the Council*.

No. 1.—*Publican's Retail License*.

WHEREAS A B of _____ hath deposited in this office a certificate as required by the 9th section of the Licensing Ordinance, 1882, and hath applied for (or the renewal of) a Publican's retail license for the premises known as _____ situate in (here describe the locality), and whereas the said A B has paid the sum of _____ sterling as the fee on such license. Now I by virtue of the powers vested in me by the said Ordinance do hereby license the said A B to sell liquors according to law on the aforesaid premises but not elsewhere. This license commences on the _____ day of _____ next (or instant), and shall continue in force until the _____ day of _____ now next ensuing, both days included, provided it be not forfeited in the meantime.

Given under my hand and seal at Stanley this _____ day of _____ 18

C. D., *Colonial Treasurer*.

No. 2.—*Billiard Table License*.

WHEREAS A B of _____ hath deposited in this office a certificate as required by the 9th section of the Licensing Ordinance, 1882, and hath applied for (or the renewal of) a billiard table license for the premises known as _____ situate in (here describe the locality). And whereas the said A B hath paid the sum of _____ sterling as the fee on such license. Now I by virtue of the powers vested in me do hereby license the said A B to keep, set up, and maintain billiard (or bagatelle) tables not exceeding _____ in number in the said house or rooms but not elsewhere, and to allow such tables to be used during the hours sanctioned by law. This license commences on the _____ day of _____ next (or instant) and shall continue in force until the _____ day of _____ next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at Stanley this _____ day of _____ 18

C. D., *Colonial Treasurer*.

No. 3.—*Packet License*.

WHEREAS A B of _____ being the master or commander of the passenger steamer (if any other kind of vessel describe it) _____ conveying passengers in the Colony of the Falkland Islands (or between _____ in the Colony of the Falkland Islands and _____) hath deposited in this office the certificate required by the 9th section of the Licensing Ordinance, 1882. And whereas, the said A B hath paid the sum of _____ sterling as the fee on such license. Now I by virtue of the powers vested in me, do hereby license the said A B to sell liquors to any passenger on board such vessel during her actual passage between the said places. This license commences on the _____ day of _____ next (or instant) and shall continue in force until the _____ day of _____ now next ensuing, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Stanley this _____ day of _____ 18

C. D., *Colonial Treasurer*.

No. 4.—*Wholesale License*.

WHEREAS A B hath paid the sum of _____ sterling, being the fee for a wholesale liquor license. Now I by virtue of the powers vested in me by the 13th section

of the Licensing Ordinance 1882, do hereby license the said A B to sell liquor in any quantity not less than two gallons. This license commences on the day of next (or instant) and shall continue in force until the day of now next ensuing, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Stanley this day of 18
C. D., *Colonial Treasurer.*

73.

Naturalisation Ordinance.

In the year 1882.—No. 12.

WHEREAS Berndt Herder Hendricksen, a native of Sweden, and Andrew Julius Winther, a native of Denmark, both of whom are at present domiciled in this Colony, have prayed that they the said Berndt Herder Hendricksen, and Andrew Julius Winther, may be admitted to enjoy the privileges of British-born subjects.

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council, as follows:— Preamble.

1. The said Berndt Herder Hendricksen, and Andrew Julius Winther, when and so soon as they shall have taken the Oath of Allegiance before the Governor, which Oath the Governor is hereby authorized to administer, shall, be to all intents and purposes whatsoever entitled within the limits of this Colony to all the privileges of British-born subjects of Her Majesty. Oath of Allegiance to be administered.

2. The Governor shall immediately after such Oath shall have been taken before him, certify the same and cause such certificate to be recorded in the office of the Registrar General of this Colony. Certificate to be recorded.

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this first day of December, One thousand eight hundred and eighty-two.

H. F. BLISSETT, *Acting Clerk to the Council.*

74.

An Ordinance to amend the Pilot Ordinances.

In the year 1882.—No. 13.

WHEREAS the Governor is empowered by the Pilot Ordinances, No. 5, of 1871, and No. 1, of 1878, to make Harbour Regulations, and whereas no provision is made in the said Ordinances for the punishment of persons acting in contravention of the said Harbour Regulations. Preamble.

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

1. Any person acting in contravention of any of the provisions of the above recited Pilot Ordinances, or of any of the regulations made by the Governor under the authority of the same, for which no penalty is provided in the said recited Ordinances, shall be liable for a first offence to a penalty not exceeding Ten pounds, and for a second or any subsequent offence to a penalty not exceeding Fifty pounds. Penalty.

2. All penalties incurred under the provisions of the said recited Ordinances or of this Ordinance may be recovered before any two Justices of the Peace, or before a Police Magistrate on the complaint of the Harbour Master or his lawful Deputy. Penalties, how to be recovered.

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this first day of December, One thousand eight hundred and eighty-two.

H. F. BLISSETT, *Acting Clerk to the Council.*

An Ordinance to raise a sum of money in aid of Revenue, by a Tax on Lands and Tenements, for a limited period.

In the year 1882.—No. 14.

Preamble.

WHEREAS by the "Land Ordinance, 1882," it is provided that the rent reserved in every lease granted thereunder shall be at the rate of Twenty pounds per annum for each section, which, with the other revenues of the Colony, will yield a sum sufficient to defray the public expenses; but whereas few of the present leases will expire for the next ten years and upwards, and it is necessary to make provision for the deficiency of the revenue during the intervening period:—

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

Tax of one-sixth of a penny per acre to be raised on land.

1. During the time hereinafter limited, there shall be charged, raised, levied, collected, and paid unto Her Majesty, her heirs and successors for the use of this Colony, a tax of one-sixth of a penny upon every acre of land, both freehold and leasehold, except such land as is hereinafter exempted from such rate.

Crown lands paying more than £10 rent to be exempt.

2. No land leased from the Government shall be liable to the aforesaid tax, the rent of which shall exceed the rate of ten pounds per section per annum.

Tenements in Stanley to pay yearly sixpence in every pound of annual value.

3. For all tenements in the town of Stanley there shall be charged yearly in respect of the property thereof, for every twenty shillings of the annual value thereof, the sum of sixpence, such value to be assessed sometime in the first week of January in every year by the Justices of the Peace residing in Stanley. Provided always that such tenements shall be exempt from the acreage tax on lands, and provided also that sums raised by such tax on tenements shall be applicable exclusively to expenditure in, or in the immediate vicinity of the town of Stanley.

To be assessed by Justices.

Proviso.

Taxes to be paid to Treasurer in January each year.

4. All taxes to be raised under this Ordinance shall be paid to the Colonial Treasurer on or before the thirty-first day of January in each year of its operation.

To come into operation on 1st January, 1883, and continue in force for 10 years.

5. This Ordinance shall come into operation on the first day of January, in the year One thousand eight hundred and eighty-three, and shall continue in force for ten years.

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this first day of December, One thousand eight hundred and eighty-two.

H. F. BLISSERT, *Acting Clerk to the Council*.

An Ordinance to amend the "Customs Duties Consolidation Ordinance, 1882."

In the year 1883.—No. 1.

Preamble.

WHEREAS by the Ordinance No. 10 of 1882, entitled "An Ordinance to Consolidate and amend the Laws relating to Customs Duties and Trade," it is provided that there shall be raised, levied, collected and paid unto Her Majesty, her heirs and successors, for the use of this Colony the several duties of Customs respectively inserted, described, and set forth in figures in the "Table of Duties of Customs inwards" annexed to the said recited Ordinance, and whereas it is expedient to amend the same:—

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

Substitution of words "Cut and Manufactured Tobacco," for the words "Cut Tobacco," in Table of Duties of Customs inwards.

1. From and after the commencement of this Ordinance the words—
Cigarettes, cut and manufactured tobacco and snuff, £0. 3s. 0d.

shall be substituted for the words
Cigarettes, cut tobacco and snuff, £0. 3s. 0d.

in the seventeenth line of the Table of Duties of Customs inwards, annexed to the said recited Ordinance.

2. This Ordinance shall be read with and form part of the Customs Duties Consolidation Ordinance, 1882.

(Signed) T. KERR, *Governor*.

Incorporation of
Ordinance with
Customs Consolida-
tion Ordinance No.
10 of 1882.

Passed the Legislative Council this twenty-fifth day of January, One thousand eight hundred and eighty-three.

(Signed) H. F. BLISSETT, *Acting Clerk to the Council*.

77.

An Ordinance to provide for the Service of the Colony of the Falkland Islands for the year 1884.

In the year 1884.—No. 1.

WHEREAS it is expedient to make provision for the service of the Colony of the Falkland Islands for the year 1884. Preamble.

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

1. There shall be, and there is hereby granted to Her Majesty the Queen, her heirs and successors, for and during the year 1884, the sum of Seven thousand seven hundred and eighteen pounds, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz.:— Provision for the
Service of the year
1884.

	£	s.	d.
For establishments, fixed, provisional and temporary	4,022	0	0
Pensions, retired allowances and gratuities	370	0	0
Revenue services (exclusive of establishment)	110	0	0
Administration of justice do.	16	0	0
Medical do.	25	0	0
Police and gaols do.	150	0	0
Works and buildings	800	0	0
Conveyance of mails	1,800	0	0
Miscellaneous services	400	0	0
Interest	25	0	0
	£7,718	0	0

2. The said sum of £7,718 shall be and is hereby declared to be charged upon and made payable from and out of the revenues of the said Colony, and shall be taken to begin and commence on and immediately after the 1st day of January, 1884, and the Colonial Secretary and Treasurer of the said Colony is hereby authorised and required from time to time, upon the warrant or order of the Governor for the time being, to pay such services as specified out of such moneys as have arisen or may arise from and out of the Colonial revenues, without any further order or formality: Provided always, that the amount so from time to time paid as aforesaid for and in respect of such expenditure shall not, between the 1st day of January, 1884, and the 1st day of January, 1885, exceed in the gross the sum of £7,718. Authorisation of
Expenditure.

(Signed) T. KERR, *Governor*.

Passed in the Legislative Council this eleventh day of March, in the year of our Lord One thousand eight hundred and eighty-four.

(Signed) HENRY B. L. JAMESON, *Clerk of the Legislative Council*.

An Ordinance to regulate the amount of Rent to be paid by Lessees of Crown Lands in certain cases.

In the year 1884.—No. 2.

Preamble.

WHEREAS no provision has been made in the Land Ordinances for the reduction of rents in cases where lessees of the Crown lands exercise the right of purchasing, during the continuance of their leases, any further quantity of land comprised in their stations, over and beyond the blocks of one hundred and sixty acres in each section which they are compelled to purchase in the terms of their leases; and whereas it is expedient to regulate the amount of rent to be paid for the leasehold land remaining after such purchases of further quantities of land: Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council as follows:—

Rent of unsold land remaining after purchases during continuance of leases, to be in proportion to rent of the whole.

1. In every case where any person holding a lease of Crown lands for pastoral purposes, shall exercise the right of purchasing, during the continuance of his lease, any further quantity of land comprised in his station, over and beyond the block of one hundred and sixty acres in each section, which he is compelled to purchase in the terms of his lease; the rent of the remainder of the station after any such purchase, shall bear such proportion to the original rent, as the unsold lands bear to the original station; the whole of the land comprised in a lease being treated for this purpose as of equal value: Provided always that there shall be no reduction of rent on account of the blocks of land which the lessees are compelled to purchase in the terms of their leases.

Proviso.

(Signed) T. KERR, *Governor*.

Passed in the Legislative Council this eleventh day of March, in the year of our Lord One thousand eight hundred and eighty-four.

(Signed) HENRY B. L. JAMESON, *Clerk of the Legislative Council*.

An Ordinance to regulate the compulsory purchase of blocks of land under the provisions of the "Land Ordinance, 1872."

In the year 1884.—No. 4.

Preamble

WHEREAS it is provided by Section 3 of the Land Ordinance, 1872, that every lessee of Crown lands shall within ten years from the date of his lease purchase a block of one hundred and sixty acres for every section contained in his lease, and whereas it is expedient to exempt the holders of renewed leases from such obligation: Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows:—

Lessees not compelled to purchase land on renewed leases.

1. No holder of a renewed lease of Crown lands shall be, or be deemed to have been, liable to the obligation of purchasing any land comprised in such lease, if the holder of the original lease shall have purchased not less than 160 acres for every 6,000 acres of the land comprised in such original lease.

Repeal of Ordinance No. 3, 1884.

2. Ordinance No. 3 of 1884, entitled an Ordinance to regulate the compulsory purchase of blocks of land under the provisions of the Land Ordinance, 1872—is hereby repealed.

(Signed) T. KERR, *Governor*.

Passed in the Legislative Council this tenth day of July, in the year of our Lord One thousand eight hundred and eighty-four.

(Signed) HENRY B. L. JAMESON, *Clerk of the Legislative Council*.

Naturalisation Ordinance.

In the Year 1884.—No. 5.

WHEREAS Giuseppe Pistori, a native of Catania, Sicily, Henry Rummell, a native of the Argentine Republic, Lauritz Levcesen Christiansen, a native of Beevick, Norway, and William Jurgens, a native of Oldenburg, Germany, all of whom are at present domiciled in this Colony, have prayed that they, the said Giuseppe Pistori, Henry Rummell, Lauritz Levcesen Christiansen, and William Jurgens, may be admitted to enjoy the privileges of British-born subjects.

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

1. The said Giuseppe Pistori, Henry Rummell, Lauritz Levcesen Christiansen, and William Jurgens, when and so soon as they shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorised to administer, shall be to all intents and purposes whatsoever, entitled, within the limits of this Colony, to all the privileges of British-born subjects of Her Majesty.

2. The Governor shall, immediately after such oath shall have been taken before him, certify the same, and cause such certificate to be recorded in the office of the Registrar General of this Colony.

(Signed) T. KERR, *Governor.*

Passed in the Legislative Council this tenth day of July, in the year of our Lord One thousand eight hundred and eighty-four.

(Signed) HENRY B. L. JAMESON, *Clerk of the Legislative Council.*

An Ordinance to provide for the Service of the Colony of the Falkland Islands for the year 1885.

In the Year 1884.—No. 6.

WHEREAS it is expedient to make provision for the service of the Colony of the Falkland Islands for the year 1885.

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

1. There shall be, and there is hereby granted to Her Majesty the Queen, her heirs and successors, for and during the year 1885, the sum of £7,623 to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz.:—

For establishments, fixed, provisional and temporary	£4,169	0	0	} £7,623 0 0
„ pensions, retired allowances and gratuities	235	0	0	
„ administration of justice, exclusive of establishments	16	0	0	
„ medical, do.	20	0	0	
„ police and gaols, do.	130	0	0	
„ charitable allowances	50	0	0	
„ revenue services	100	0	0	
„ transport	88	0	0	
„ conveyance of mails	1,800	0	0	
„ works and buildings	680	0	0	
„ drawbacks and refunds	30	0	0	
„ miscellaneous services	300	0	0	
„ interest	5	0	0	

Authorisation of
Expenditure.

2. The said sum of £7,623 shall be and is hereby declared to be charged upon and made payable from and out of the revenues of the said Colony, and shall be taken to begin and commence on and immediately after the first day of January, 1885, and the Colonial Secretary and Treasurer of the said Colony is hereby authorised and required from time to time, upon the warrant or order of the Governor for the time being, to pay such services as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality: Provided always, that the amount so from time to time paid as aforesaid for and in respect of such expenditure shall not, between the first day of January, 1885, and the first day of January, 1886, exceed in the gross the sum of £7,623.

(Signed) T. KERR, *Governor.*

Passed in the Legislative Council this tenth day of October, in the year of our Lord One thousand eight hundred and eighty-four.

(Signed) HENRY B. L. JAMESON, *Clerk of the Legislative Council.*

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